

G | Record of Comments

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Record of Comments

A total of 70 agencies, tribes, and members of the public submitted comments to Washington State Department of Transportation and the Federal Highway Administration during the 45-day comment period for the draft environmental impact statement and draft Section 4(f) evaluation. This comment period was an important opportunity for agencies, tribes, and members of the public to provide input on the project and the preliminary preferred alternative. Comments received included letters, emails, and comment forms provided at the public hearing held on June 23, 2009.

In addition, Washington State Department of Transportation and the Federal Highway Administration received comment letters, emails, comment forms, and oral testimony during the comment period for the access hearing held on January 14, 2009. Twenty-four of these comments contained comments regarding non-access issues (such as median, u-turns, and speed), so they were carried over for consideration during the draft environmental impact statement and draft Section 4(f) evaluation comment period.

Section 1503 of the Council on Environmental Quality regulations requires that agencies respond to comments received on the draft environmental impact statement in the final environmental impact statement. This appendix includes a copy of all 94 of the comments received as well as responses to each of the substantive comments submitted. Substantive comments are those that raise specific issues or concerns regarding the project; a comment letter, email, or form may contain multiple substantive comments. Each substantive comment has been identified and assigned an alphabetical letter in this appendix. Comments that merely express support for or opposition to the project or a particular alternative are not substantive.

Comments are organized chronologically within the categories of agency comments (Comments A-1 through A-7), tribal comments (Comment T-1), public comments (Comments P-1 through P-63), and comments received during the access hearing process (Comments H-1 through H-24).

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Comment A-1: Washington State Department of Archaeology and Historic Preservation



STATE OF WASHINGTON

DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION

1063 S. Capitol Way, Suite 106 • Olympia, Washington 98501
 Mailing address: PO Box 48343 • Olympia, Washington 98504-8343
 (360) 586-3065 • Fax Number (360) 586-3067 • Website: www.dahp.wa.gov

June 23, 2009

Mr. Roger Kiers
 Cultural Resources Specialist
 WSDOT, Olympic Region
 P.O. Box 47332
 Olympia, WA 98512-7332

In future correspondence please refer to:

Log: 091907-08-FHWA
 Property: SR 502, Corridor Widening to Battle Ground
 Re: Receipt of Draft Environmental Impact Statement

Dear Mr. Kiers:

Thank you for contacting the Washington State Department of Archaeology and Historic Preservation (DAHP) and providing a copy of the Draft Environmental Impact Statement (DEIS). The document has been reviewed on behalf of the State Historic Preservation Officer under provisions of Section 106 of the National Historic Preservation Act of 1966 (as amended) and 36 CFR Part 800. My review is based upon documentation contained in your communication.

- a** | • DAHP has no comments on the DEIS at this time.

Thank you for the opportunity to review and comment.

Sincerely,

Matthew Sterner, M.A., RPA
 Transportation Archaeologist
 (360) 586-3082
matthew.sterner@dahp.wa.gov



DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION

Protect the Past. Shape the Future

Response to Comment A-1

- a. Comment noted. Thank you for reviewing the draft environmental impact statement.

Comment A-2: City of Battle Ground



City of Battle Ground

City Hall • Engineering Department
109 S.W. 1st Street, Suite 122 • Battle Ground, WA, 98604 • (360) 342-5070 • Fax (360) 342-5057

July 6, 2009

Chris Tams
WSDOT Columbia Gorge Project Office
P.O. Box 1709
Vancouver, WA 98668-1709

RECEIVED

JUL 10 2009

WSDOT COLUMBIA GORGE
AREA ENGINEERING OFFICE

RE: SR-502 Widening Open House & Environmental Hearing – Public Comment

Dear Mr. Tams:

This letter serves as the City of Battle Ground’s response to WSDOT’s request for public and agency comment at the June 23, 2009 SR 502 Open House and Environmental Hearing.

a As identified in the comments submitted by the City of Battle Ground on January 26, 2009 regarding WSDOT’s request for public and agency comment at the January 14, 2009 Open House and Access Hearing, the City would like to reiterate our insistence that the access designations within the City’s Urban Growth Area added in 2007 be consistent with the zoning map attached to this letter (Identified as Attachment A). Our understanding at this time, is that this has been incorporated however the City wanted to confirm that this is complete.

b With regard to access breaks along SR 502 (A.K.A. the Battle Ground Highway), the City would like to reiterate its position that, the Growth Management Act requires urban growth to be within cities and their associated urban growth boundaries. The limited access issue for a state highway inside a city and its urban growth boundary creates a conflict where business need access breaks in order to develop. Given this, the City would support a general concept of limited restricted access breaks along SR-502 (Battle Ground Highway) where property is not within a city or its associated urban growth boundary but as the City grows and its Urban Growth Boundary expands overtime along SR 502, the limited access restriction is lifted.

Please feel free to contact me at 360-342-5075 if you would like to discuss our position further.

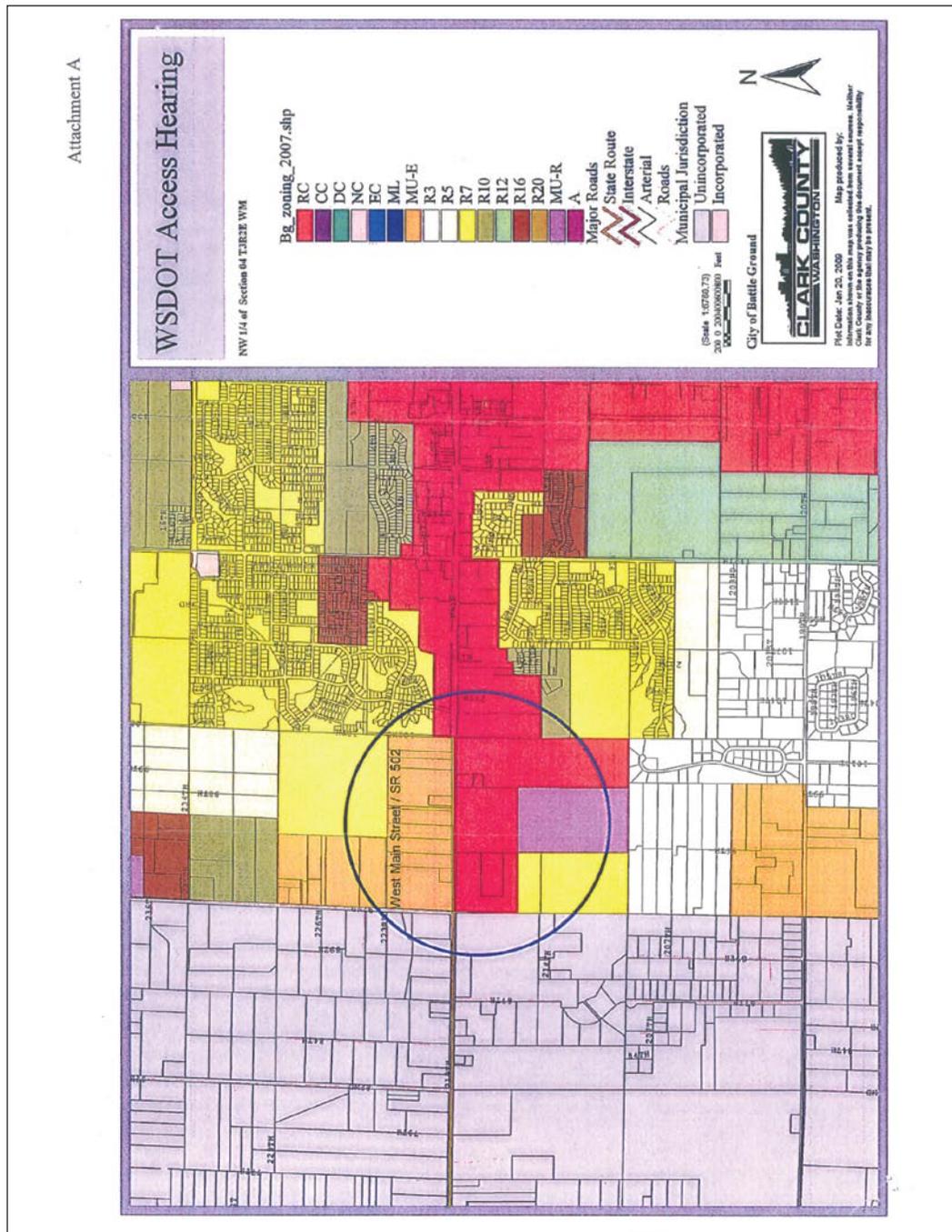
Sincerely,

Scott P. Sawyer
Scott P. Sawyer, P.E.
Public Works Director/City Engineer

Cc: Battle Ground City Council
Dennis Osborn, City Manager

Attachment: Attachment A - Battle Ground Zoning Designation

Comment A-2 (continued)



Response to Comment A-2

- a. Thank you for your comment. The Access Plans were developed with the project goal of being compatible with the Clark County Comprehensive Growth Management Plan and guidance for land uses in the project area contained in a number of different state, county, and city plans and policies. The access hearing was held to give the public and local agencies the opportunity to provide input

on the Access Plans in case they did not reflect Clark County's Growth Management Plan.

As pointed out in your letter, the approach designations as proposed on the Access Hearing Plans (primarily Types A-residential and B-agricultural) within the recent annexed section of the City (westward approximately to NE 92nd Avenue and south of SR 502) does not match the new zoning designation in the City (commercial). At the time the draft Access Plans were prepared, the City of Battleground had not yet approved this recent annexation. After the city limits were revised due to this annexation, the related change in zoning was missed when the Access Plans were finalized. This oversight has been modified on the Findings and Order Plans to reflect Type D-commercial approaches for these properties within the new city limits.

In addition, the approach designations as proposed on the Access Hearing Plans (primarily Types A-residential and D-commercial) within the City of Battle Ground urban growth boundary (westward approximately to NE 92nd Avenue and north of SR 502) reflects only the current use for mixed-use zoning designation. Type D-commercial approaches would be granted to reflect the best use for all of these properties and modified on the Findings and Order Plans.

Right of way and access plans reflect the land use changes referenced in the text above.

- b. On a limited access facility with modified access control, designations of access approach types proposed for abutting properties are determined by current zoning. Exceptions may be granted as deemed appropriate to reflect future zoning according to the current County Comprehensive Plan. Access control is purchased and specifically defined in the property deed in perpetuity. Therefore, once access control is acquired, access approach types cannot be changed as the urban growth boundary expands (WAC 468-58-090). And, changes in limited access cannot be made unless approved by the Washington State Department of Transportation State Design Engineer.

As the urban growth boundary expands, Washington State Department of Transportation would consider access breaks as the public roadway network is developed but additional mid-block median openings would not be provided. Washington State Department of Transportation is willing to work with the City, Clark County, and Southwest Washington Regional Transportation Council to develop a plan that identifies future crossroad circulation for access breaks along the SR 502 corridor.

Comment A-3 : US Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington Fish and Wildlife Office
510 Desmond Dr. SE, Suite 102
Lacey, Washington 98503



In Reply Refer to:
13410-2008-FA-0128

Chris Tams
Washington State Department of Transportation
Southwest Region
11018 Northeast 51st Circle
P.O. Box 1709
Vancouver, Washington 98668-1709

Dear Mr. Tams:

This letter is in response to your recent invitation to provide comments for the State Route 502 Corridor Widening Project Draft Environmental Impact Statement (EIS) and Section 4(f) Evaluation. Under the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU), the U.S. Fish and Wildlife Service has elected to participate in the National Environmental Policy Act process as a “participating” agency. We appreciate the opportunity to comment on the preliminary findings and conclusions included in the Draft EIS and supporting discipline reports.

Previously, in response to the Notice of Intent, this office offered comments on the project purpose and need, scope of alternatives, and impacts to be considered in the EIS (written correspondence dated June 6, 2008). We are generally satisfied that the Draft EIS reflects those earlier comments. We commend the Washington State Department of Transportation (WSDOT) and Federal Highway Administration (FHWA) for their care in analyzing and describing potential impacts to greenhouse gas emissions and climate change, and for scoping and considering the role and future need for enhanced transit service and demand management alternatives. Please consider the following comments as you select and refine the preferred Build Alternative.

TAKE PRIDE
IN AMERICA 

Comment A-3 (continued)

Chris Tams

2

- a** We understand from the data and analyses included in the Transportation Discipline Report that transit and demand management strategies do not, as “stand-alone” alternatives, meet the project purpose and need. We suggest that content appearing on pages 2-4 through 2-6 of the body of the Draft EIS (including Exhibit 2-9) be revised to more clearly state those conclusions.
- b** We understand from content appearing in the Transportation Discipline Report and Draft EIS that the Build Alternative is not incompatible with tentative plans to locate a park-and-ride facility, bus stops, or pullouts along the corridor. We support and recommend that the WSDOT and FHWA continue to make forward, future compatibility with transit options a planning and design criteria for the Build Alternative. Wider public acceptance and use of transit options will help to minimize impacts on the natural environment, including long-term impacts associated with greenhouse gas emissions.
- c** Content from the Biology Discipline Report and Draft EIS indicates that the proposed improvements will further fragment terrestrial habitat along the corridor, will increase sources of disturbance (including light, glare, and noise), and may cause an increase in traffic-related wildlife mortality. We know from our prior involvement with the project, that opportunities for enhancing wildlife habitat connectivity along the corridor are limited. Nevertheless, and especially in light of the long-term indirect and cumulative effects to terrestrial habitat and wildlife, we recommend that the WSDOT and FHWA consider the merits and feasibility of a wildlife crossing structure (or structures).
- d**
 - There are a number of important site and design criteria the WSDOT and FHWA should consider and document (e.g., target species, position in the landscape, adjoining habitat suitability, “openness ratio”, need for related barrier or fencing, need for traffic noise abatement or visual cover, etc.).
- e**
 - Small- and medium-sized terrestrial wildlife may utilize drainage structures, such as cross-culverts, to pass under the roadway. Please document for the Final EIS whether existing and proposed drainage structures are likely to serve this secondary function, and under what conditions or constraints (e.g., seasonality, suitability and connectivity of adjacent lands, etc.).
- f**
 - Collisions with larger terrestrial wildlife, such as deer, could present a safety concern for the Build Alternative. A combined fish passage structure and wildlife undercrossing (e.g., at Mill Creek or Mill Creek North) may present the best opportunity to both facilitate the movement of larger wildlife and lessen the risk of collisions. Please document for the Final EIS whether a wildlife undercrossing, or other wildlife crossing structure, could function to meaningfully address these concerns.
- g**
 - We understand that shallow depths to groundwater and other site conditions and constraints will influence the feasibility of wildlife crossing structures. Please document these conditions and constraints for the Final EIS, and explain in detail any measures that can and will be taken to enhance wildlife habitat connectivity. Where appropriate, please include information to describe site selection and design criteria.

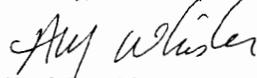
Comment A-3 (continued)

Chris Tams

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If you or your staff would like to discuss these comments, or the U.S. Fish and Wildlife Service's roles and responsibilities as a participating agency, please contact Ryan McReynolds (360-753-6047) or John Grettenberger (360-753-6044) of my staff.

Sincerely,



Ken
Ken S. Berg, Manager
Washington Fish and Wildlife Office

cc:
WSDOT, Vancouver (B. Aberle)
FHWA, Olympia (D. Moberg,)
WSDOT, Olympia, WA (C. Martinez)

Response to Comment A-3

- a. Thank you for your support of the project. Additional information regarding the two options for the Transportation System Management/Transportation Demand Management Alternative was added to Chapter 2 explaining why this alternative could not function as a “stand alone” alternative. The text on page 2-15 of the draft environmental impact statement listed the characteristics of this alternative were incorporated into the Pink (Build) Alternative.

The Transportation System Management/Transportation Demand Management Alternative was proposed early in the brainstorming process. Early analysis of this alternative revealed “fatal flaws” that prevented it from meeting the project purpose and need, so this alternative was not advanced to the initial screening process that the other alternatives (identified by names of colors) were. Therefore, the Transportation System Management/Transportation Demand Management Alternative is not included in Exhibit 2-9 (Initial Screening Matrix).

- b. The final design for the Build Alternative would include 10 foot paved shoulders along the entire length of the corridor where future bus stops or pullouts could be located. Pedestrian crossings would be provided at the four signalized intersections, which would enable transit riders to safely cross SR 502 to reach a bus stop. In addition, the final design of the Build Alternative would not preclude the location of a park-and-ride facility along the corridor.

Clark County Public Transportation Benefit District (C-TRAN) is a participating agency in the project and has been involved throughout the process. C-TRAN has no current plans for new transit facilities along SR 502. Coordination would continue with participating agencies and stakeholders through the design process.

- c. Project biologists reviewed Washington State Department of Transportation’s ungulate-motor collision, habitat connectivity, and wildlife crossing information accessed at: http://www.wsdot.wa.gov/Environment/Biology/bio_esa.htm#HabitatConn. At the time of report preparation, there were no documented wildlife crossings along the corridor. However, there is general consensus among project biologists and Washington State Department of Fish and Wildlife biologists that existing riparian corridors and culverts are used as crossings for both large and small wildlife, at least during the dry season.

Although the SR 502 corridor has a very low rate of vehicle collisions with large wildlife (such as deer and elk) and is not located in an area that is managed as priority wildlife habitat, Washington State Department of Transportation investigated ways to enhance wildlife connectivity within the project corridor.

Under the Build Alternative fish and wildlife would benefit from the replacement of four existing culverts with large “stream simulation” culverts which facilitate natural stream processes as well as fish passage and wildlife connectivity. These culverts are much wider than typical culverts, and the bottoms of the culverts are filled

with rocks and other natural streambed material. The replacement culverts would allow wildlife ranging from amphibians to birds to rodents to pass under SR 502 under most streamflow conditions. Fish would be able to migrate through the stream simulation culverts, and some species have been known to use these types of culverts as spawning areas.

Fencing to “funnel” wildlife to designated crossing areas is not practical or feasible along the SR 502 corridor because of the many landowners and driveways that intersect the roadway, which would lead to many breaks in the fencing, thereby defeating the purpose of the fencing.

Washington State Department of Transportation considered and evaluated several variations on the standard median treatments for both safety and wildlife connectivity benefits. These variations included median barrier sections with gaps in between, median barrier with scupper openings, median guardrail and posts, and vegetated median with curb. Some of the known safety challenges with these various median treatments include: gaps or openings in barrier create areas with potential “snagging hazards” that passing vehicles could get caught on; larger scupper-type openings in barriers are not currently tested and proven to be crash-worthy; guardrail deflects more than barrier under impact into the opposite direction of traffic; and curb (which cannot be safely used on roadways above 40 mph) provides the potential for vehicles to easily cross the median head-on into oncoming traffic. All of these challenges present higher risks of serious accidents than those associated with continuous standard median barrier.

Based on the potential safety hazards of these median treatments, the lack of wildlife collision data along the SR 502 corridor, and the low probability of wildlife survival with the corridor’s high volume of traffic, continuous median barrier remains the preferred alternative. However, as the project goes through the final design process, Washington State Department of Transportation will continue to explore the use of various median treatments that meet safety standards and can reasonably accommodate wildlife connectivity and improve safety to the traveling public along the SR 502 corridor.

- d. Project biologists collected and presented information on target species in the biology report (located in the appendices). Target species were identified based on Washington State Department of Fish and Wildlife’s priority habitats and species maps, local agency

biologist feedback, field meeting with Washington State Department of Fish and Wildlife habitat biologists, and field meeting with biologist from the Cowlitz Tribe.

- e. Although it is probable that wildlife cross the roadway to access habitat, existing drainage structures are likely used by wildlife to pass under the roadway, particularly during the dry season. There are numerous small cross culverts in the project area that may be used by small- to medium-sized terrestrial wildlife. The presence of high groundwater table makes passage during the wet season less likely. Information about wildlife crossing movements has been added to the final environmental impact statement.
- f. The SR 502 Corridor is not identified on the Washington State Department of Transportation website as a hotspot for wildlife collisions. During a field visit with Washington State Department of Fish and Wildlife biologists, they commented that larger wildlife likely use the existing culverts to cross the roadway. Information about wildlife collisions on SR 502 has been added to the final environmental impact statement.
- g. Washington State Department of Transportation agrees that shallow depths to groundwater and other constraints would influence the feasibility of a wildlife crossing structure(s). During a field visit with Washington State Department of Fish and Wildlife biologists, they commented that larger wildlife likely already use the existing culverts to cross the roadway.

Comment A-4: US Environmental Protection Agency



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

July 24, 2009

Mr. Dean Moberg
Federal Highway Administration
711 South Capitol Way, Suite 501
Olympia, Washington 98501

Re: **SR 502 Corridor Widening Draft Environmental Impact Statement
and Section 4(f) Evaluation (DEIS)**
EPA Project Number: 08-033-FHW

Dear Mr. Moberg:

The U.S. Environmental Protection Agency has reviewed the SR 502 Corridor Widening Draft Environmental Impact Statement and Draft Section 4(f) Evaluation (DEIS). We are submitting comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Thank you for the opportunity to provide comments at this time.

To improve safety and mobility, the proposed project, also referred to as the “SR 502/I-5 to Battle Ground – Add Lanes” project, would widen a little over 4 miles of SR 502 between NE 15th Avenue and NE 102nd Avenue from one travel lane in each direction to two lanes in each direction with a median barrier separating westbound and eastbound travel. Signals would be added at three intersections and the existing signalized intersection at NE 72nd Avenue would be improved and expanded. Paved shoulders, which could be used by pedestrians and bicyclists, would be constructed along the north and south side of SR 502, and sidewalks would be provided in the rural commercial area near Dollars Corner. Crosswalks would be installed at signalized intersections. The DEIS includes the No Action Alternative and one Build Alternative.

We are rating the DEIS as EC-2, Environmental Concerns, Insufficient information. An explanation of this rating is enclosed with this letter. Our key concerns are that:

- a • **The proposed project provides needed capacity, but should provide additional and/or expanded multi-modal solutions**, including public transit, Park and Ride facilities, non-motorized transportation infrastructure, and other Transportation Demand Management and Transportation System Management (TDM/TSM) strategies that would support State Growth Management Act and greenhouse gas reduction goals.
- b • **The proposed project contains a median barrier treatment** that would exacerbate habitat fragmentation in the project area, and result in unavoidable vehicular-wildlife collisions. We propose solutions to this safety dilemma in the enclosed detailed comments.

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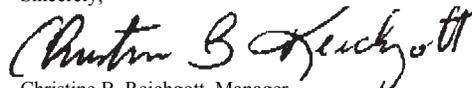
Comment A-4 (continued)

2

- C**
- **The proposed Sunset Oaks wetland mitigation site is hydrologically removed from the Mill Creek watershed.** We recommend that additional mitigation opportunities within the Mill Creek watershed be considered.

Thank you for the opportunity to offer comment on the Draft EIS and for your ongoing efforts to avoid, minimize, and mitigate project impacts. We would be pleased to collaborate with you further on this project. If you have questions or would like to discuss these comments, please contact Elaine Somers of my staff at (206) 553-2966 or at somers.elaine@epa.gov, or me at (206) 553-1601 or at reichgott.christine@epa.gov.

Sincerely,



Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Enclosures

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Comment A-4 (continued)

3

**U.S. Environmental Protection Agency
SR 502 Corridor Widening Draft EIS
Detailed Comments**

Need for multi-modal solutions, safety

We appreciate that the Build (Pink) Alternative would provide a paved road shoulder where bicyclists and pedestrians would be allowed, that there would be crosswalks at the signalized intersections, and that one intersection, Dollars Corner, would have sidewalks and a marked bike lane. The DEIS refers to these provisions as Transportation Demand Management and Transportation System Management (TDM/TSM) components, yet they appear to be the minimum necessary to accommodate existing business-generated foot and bike traffic.

d While the proposed project provides needed capacity, we believe it should provide for additional multi-modal solutions, including public transit, Park and Ride facilities, non-motorized transportation infrastructure, and other TDM/TSM strategies that would support State Growth Management Act and greenhouse gas reduction goals. We also have concerns about safety. The road shoulder allows for bike/pedestrian use, but it would also be accessible to and used by vehicles. Without separation from motorized traffic, bicyclists and pedestrians are vulnerable to potential accidents. The median barrier, which we discuss in more detail under ecological connectivity, also presents safety concerns.

e Battle Ground has been and continues to be an area of rapid growth and development. It is easier and less expensive to install facilities, such as transit features, Park and Ride lots, and dedicated bike/pedestrian paths now rather than in the future when opportunities for land and right of way acquisition may be diminished.

d *Recommendations:* Consider incorporating substantial new transit service (TDM/TSM Option 2), both local and express routes, to provide an alternative to privately owned vehicle (POV) use. Also, consider providing:

- e** • Park and Ride facilities;
- a dedicated pedestrian/bikeway that is separated from motorized traffic; and
- synchronized traffic signals.

Ecological connectivity

f We are pleased that the proposed project would maximize the use of existing infrastructure by expanding upon the current right of way. We are concerned, however, about the project design, which for safety and access control purposes, would include a median barrier treatment (jersey barrier) to separate east and westbound traffic. Except at U-turn locations and signalized intersections, the median would present a continuous barrier to wildlife or other animals attempting to cross the roadway.

With respect to safety, the median barrier would help prevent head-on vehicular collisions, but it would also pose a serious safety issue for people and animals by causing unavoidable vehicular-wildlife collisions. Substantial property damage, injuries, and fatalities

Comment A-4 (continued)

4

often result from such collisions. From an ecological point of view, a widened roadway together with a median barrier would exacerbate habitat fragmentation in the project area, such that the current potential for safely crossing the roadway would be greatly reduced or eliminated. This would negatively affect the ability to maintain species, populations, genetic diversity, and other natural ecological processes. These impacts could be avoided or minimized by modifying the project design and by providing wildlife crossing structures.

f

Recommendations: Incorporate design modifications that would increase the permeability of the roadway for wildlife movement and still meet safety needs. We recommend adopting one or more of the following:

- Install wildlife crossing structures at strategic locations and in consultation with Washington Department of Fish and Wildlife (WDFW) and US Fish & Wildlife Service (USFWS). Stream crossings, riparian areas, and wetland locations are often the most heavily used wildlife movement corridors. It would be feasible and efficient to install wildlife crossings where hydrological connectivity structures, such as large box culverts, bridges, and/or oversized culverts, are already planned. For example, the Build Alternative would replace three existing Mill Creek culverts under SR 502 and extension or replacement of Mill Creek North culvert (DEIS p. 4-12). Moderate adjustments in size (width and height) could be made to accommodate movement of terrestrial species.
- g | • Install an intermittent barrier, i.e., barrier with gaps that create, in effect, a dashed line rather than a solid line down the middle of the roadway.
- h | • Together with wildlife undercrossings, expand the right of way to include a wider vegetated median that would eliminate the median barrier and that could, now or in the future, have the potential to serve as an HOV, transit, or other special use lane.

Wetland mitigation

i

We support the proposed Mill Creek North mitigation site in that it is located within the project area and would provide benefits to the Mill Creek watershed. However, due to its location, the proposed Sunset Oaks wetland mitigation site is less suitable to compensate for project-related impacts. The DEIS does not provide a rationale for considering a mitigation site that is hydrologically removed from the Mill Creek watershed. We believe there are both need and opportunity for restoration and/or enhancement projects within the headwaters of Mill Creek.

j

Recommendations:

- Please consider additional mitigation opportunities within the Mill Creek watershed. We suggest that even a combination of small but strategically placed mitigation projects, such as, a “string of pearls” concept along Mill Creek, would provide greater ecological benefit than a large off-site proposal.
- Provide a rationale that explains the potential selection of the Sunset Oaks wetland mitigation site.

Comment A-4 (continued)

5

Stormwater

We are pleased that WSDOT would be treating up to 90% of the runoff from the current and new surfaces. The proposal to have water quality detention that is localized or adjacent to the highway could indirectly benefit wetlands, wet prairies, and other habitats because it would contribute to or maintain the local hydrology and recharge of the water table that sustains these systems. In addition to providing groundwater recharge, localized detention could provide base flow to the Mill Creek system during the drier months.

k

Recommendation: Provide localized stormwater detention rather than removing surface water runoff from the system.

We are concerned about the need for maintenance of the stormwater and water quality treatment facilities. While we expect that stormwater facilities maintenance is part of WSDOT's program, there should be an explanation of the nature and frequency of expected maintenance activities for these facilities.

l

Recommendation: Include in the Final EIS information regarding the nature and frequency of stormwater facilities maintenance.

Threatened and endangered species

The DEIS indicates (p. 5-4, 5-5) that pile driving with noise that could reach 101 decibels may occur in the location of Mill Creek North, and that there would be fish impacts with potential dewatering, channel realignment/restoration, wetland mitigation activities, disturbance of 2 to 3 acres of land below the OHWM due to fill placement for road slopes, culvert replacement/extension, increased impervious surface, increased total and dissolved metals in stormwater, potential sedimentation from clearing and grubbing, and potential for fish handling from in water work, which could result in mortality. The conclusions of the Biological Assessments are that the project would be likely to adversely affect ESA-listed steelhead, coho, and Chinook salmon and the designated critical habitat for steelhead. The Final EIS should provide more specific information about the nature and severity of these impacts and about how they would be effectively mitigated in accordance with the Biological Opinion.

m

Recommendations:

- Include in the Final EIS the results of the Biological Opinion and the reasonable and prudent measures that would avoid or minimize impacts to ESA-listed fish and critical fish habitat that would be implemented. We particularly request that this information include the measures to address pile driving impacts, as well as indirect and cumulative effects from stimulated travel and land use change.
- Visit the EPA Region 3 *Green Highways* website at www.greenhighways.org for more ways to avoid and minimize environmental impacts.

n

Air quality/air toxics

The DEIS, p. 4-44, does not discuss project related air toxics and diesel emissions that would potentially increase as a result of the proposed project, but rather refers to EPA regulations that will decrease mobile source air toxics (MSATs) in the future. There is also no identification of the sensitive receptors (such as, schools, outdoor recreation areas, hospitals,

o

p

Comment A-4 (continued)

6

p senior and day care facilities, etc.) to near roadway air pollutants in the project corridor. No construction mitigation measures other than dust control are proposed. These issues are of concern because air toxics emissions, particularly diesel exhaust, are known or suspected to cause cancer or other serious health effects, such as respiratory, neurological, reproductive, and developmental effects.

q There are now many opportunities, several of which are inexpensive and easy to implement, to reduce the effects of project construction. Please see the Clean Construction USA website at <http://www.epa.gov/otaq/diesel/construction/>. At this website are examples of construction mitigation measures not included in the DEIS. The website also includes case studies and examples of institutional arrangements for implementing this mitigation.

Recommendations:

- r** • Provide an analysis of project related air quality impacts in the Final EIS that distinguishes between project induced emission changes vs. changes caused by fleet turnover and more stringent new vehicle emission standards.
- s** • Identify sensitive receptor locations and populations for both project construction and operation.
- t** • Augment the construction mitigation measures listed in the Draft EIS to include additional mitigation measures listed on the above website, and commit to their implementation.

Indirect and cumulative effects -- stimulated travel and growth

We are concerned that the proposed project, as currently designed for POV use, could result in stimulated travel and growth, and related effects. Based on existing research on stimulated travel (Hansen et al, 1993; Goodwin, 1996; TRB, 1995) it is reasonable to expect:

- u** • an increase in vehicle miles traveled (VMT);
- v** • an increase in the number and length of trips;
- w** • an absorption of all new capacity within about five years of the change in road supply;
- x** • an increase in the rate of growth due to travel time savings from increased road capacity.

Based on the above, we may also see:

- y** • an increase in fuel consumption and GHG emissions once the new capacity is absorbed and traffic becomes congested;
- z** • an increase in the number and severity of vehicle collisions, due to increased traffic volume and speed;
- aa** • an increase in dispersed development outside the UGA; and
- bb** • increased auto dependency, auto-oriented development, and demand for more capacity.

- cc** • The DEIS makes several projections and draws conclusions concerning the growth rates of vehicle miles traveled (VMT), fuel consumption, growth and development that appear to be inconsistent (DEIS pp. 3-3, 6-2, 6-6, 6-7, Section 4(f) Evaluation, p. 47, Appendix L, Indirect and Cumulative Effects Analysis, p. 15).

dd *Recommendations:* The EIS would benefit from some consolidation and clarification of these statements where they do not coincide, and where there are gaps in information and

Comment A-4 (continued)

7

ee | analysis needed to predict outcomes. Once the County's legal appeal is decided, the analysis should be updated to reflect any potential adjustments in the UGA boundaries and potential for stimulated travel and growth.

Invasive species

Vegetation removal and soil disturbance from project construction would enable invasive weeds to become established. The EIS should identify management actions that would be taken to comply with Executive Order 13112 on Invasive Species.

ff | *Recommendation:* Provide analysis and disclosure in the Final EIS regarding the location and extent of project-related site disturbance, habitats that would be especially vulnerable to and negatively impacted by weed invasion, and measures to prevent and control outbreaks of invasives.

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Response to Comment A-4

- a. Thank you for reviewing the draft environmental impact statement.
Please see the response to comment A-4d.
- b. Please see the response to comment A-4e, f, g.
- c. Please see the response to A-4h, i.

- d. Washington State Department of Transportation has been coordinating with Clark County Public Transportation District (C-TRAN), the local transit service provider for the study area, during the course of planning and designing the project. As noted on page 3-10 of the draft environmental impact statement, the Clark County Metropolitan Transportation Plan calls for a park-and-ride facility near the I-5/ SR 502 interchange to be constructed between 2020 and 2030. This project does not extend as far west as the interchange, but it would not preclude its construction at some future date. Further, the project would provide a right of way width of 150 feet throughout the corridor. The paved roadway would only occupy 82 feet, so there would be ample room to install future bus stops and pullouts as needed in the future.

As noted on page 2-15 of the draft environmental impact statement, the Build Alternative does incorporate many features of the Transportation System Management/Transportation Demand Management Alternative. Washington State Department of Transportation does not have authority to change the service provided by C-TRAN, but would continue coordination with this agency throughout the duration of the project.

Signal timing would be designed to minimize delay along the corridor, which may include synchronization if appropriate. Minimizing stop time for vehicles would reduce idling of vehicles, allowing for more efficient traffic flow and lower production of greenhouse gases.

- e. The 10 foot paved shoulder on both sides of the proposed Build Alternative is intended for use by bicycles and pedestrians. Washington State Department of Transportation analyzed the possibility of a separated bicycle and pedestrian path, but this option was dismissed because it required acquisition of additional right of way, which would require additional filling of wetlands, creation of impervious surface, and additional residential and business displacements.

A separated path would also create additional conflict points between bicyclists and vehicles re-entering and leaving the many driveways along SR 502, so the safety benefits of a separated bicycle path are questionable.

Through the rural commercial center at Dollars Corner – from NE 67th Avenue to approximately NE 76th Avenue – dedicated sidewalks and bicycle lanes would be provided along SR 502. Sidewalks and bicycle lanes would also be provided on NE 72nd Avenue for approximately 600 feet north and south of the intersection with SR 502.

- f. Project biologists reviewed Washington State Department of Transportation's ungulate-motor collision, habitat connectivity, and wildlife crossing information accessed at: http://www.wsdot.wa.gov/Environment/Biology/bio_esa.htm#HabitatConn. At the time of report preparation, there were no documented wildlife crossings along the corridor. However, there is general consensus among project biologists and Washington State Department of Fish and Wildlife biologists that existing riparian corridors and culverts are used as crossings for both large and small wildlife, at least during the dry season.

Although the SR 502 corridor has a very low rate of vehicle collisions with large wildlife (such as deer and elk) and is not located in an area that is managed as priority wildlife habitat, Washington State Department of Transportation investigated ways to enhance wildlife connectivity within the project corridor.

Under the Build Alternative fish and wildlife would benefit from the replacement of four existing culverts with large "stream simulation" culverts which facilitate natural stream processes as well as fish passage and wildlife connectivity. These culverts are much wider than typical culverts, and the bottoms of the culverts are filled with rocks and other natural streambed material. The replacement culverts would allow wildlife ranging from amphibians to birds to rodents to pass under SR 502 under most streamflow conditions. Fish would be able to migrate through the stream simulation culverts, and some species have been known to use these types of culverts as spawning areas.

Fencing to "funnel" wildlife to designated crossing areas is not practical or feasible along the SR 502 corridor because of the many landowners and driveways that intersect the roadway, which would lead to many breaks in the fencing, thereby defeating the purpose of the fencing.

- g. Washington State Department of Transportation considered and evaluated several variations on the standard median treatments for both safety and wildlife connectivity benefits. These variations included median barrier sections with gaps in between, median barrier with scupper openings, median guardrail and posts, and vegetated median with curb. Some of the known safety challenges with these various median treatments include: gaps or openings in barrier create areas with potential "snagging hazards" that passing vehicles could get caught on; larger scupper-type openings in barriers are not currently tested and proven to be crash-worthy; guardrail deflects more than barrier under impact into the opposite

direction of traffic; and curb (which cannot be safely used on roadways above 40 mph) provides the potential for vehicles to easily cross the median head-on into oncoming traffic. All of these challenges present higher risks of serious accidents than those associated with continuous standard median barrier.

Based on the potential safety hazards of these median treatments, the lack of wildlife collision data along the SR 502 corridor, and the low probability of wildlife survival with the corridor's high volume of traffic, continuous median barrier remains the preferred alternative. However, as the project goes through the final design process, Washington State Department of Transportation will continue to explore the use of various median treatments that meet safety standards and can reasonably accommodate wildlife connectivity and improve safety to the traveling public along the SR 502 corridor.

- h. Providing a vegetated median would require widening the cross-section for the roadway as well as the right of way. Additional widening would result in effects to natural resources including wetlands, vegetation, streams, and the fish and wildlife that use these areas as habitat; it would also result in additional residential and business displacements and conversion of agricultural land. The project has been designed to minimize effects on natural resources as well as the surrounding community to the extent possible. These additional effects to community and environmental resources, in combination with the lack of wildlife collision data along SR 502 did not warrant the incorporation of a vegetated median.
- i. The Sunset Oaks mitigation site would not fulfill all of the project-related wetland mitigation needs in the Salmon Creek (Mill Creek) watershed, and additional opportunities are being researched and analyzed in the Conceptual Mitigation Plan currently under development by Washington State Department of Transportation scientists and environmental planners. Rationale for selection of the Sunset Oaks site is provided in the subsequent response. Washington State Department of Transportation would likely take a larger watershed approach, however, and avoid a series of smaller, disconnected sites in favor of one to two larger sites with direct hydrologic connections to Mill Creek. Larger watershed processes including flood desynchronization are more effective at larger scale.

Logistically it would be much more difficult to successfully compile a series of strategically placed smaller sites because of the number of landowners involved. Washington State Department of Transportation has a policy of purchasing mitigation sites from

willing sellers, and if one or more of the landowners did not want to sell their property the “string of pearls” approach could quickly become a series of disconnected, isolated sites.

- j. The Sunset Oaks wetland mitigation site was selected to provide broad scale mitigation benefits to the Salmon Creek watershed, the overall watershed where many of the project’s effects are anticipated to occur. This approach meets Clark County’s mitigation requirements of providing wetland mitigation within the same basin (Salmon Creek Watershed) and follows the current *Draft Guidance on Choosing Mitigation Sites Using a Watershed Approach* (March 2009) as published jointly by the Washington State Department of Ecology and the US Army Corps of Engineers Seattle District. Direct hydrologic connectivity of the impacted wetland systems and mitigation site are not required by these requirements/ methodologies.

The primary functions of wetlands impacted due to the proposed action fall within the hydrologic and water quality functions (following Washington State Department of Ecology’s current wetland rating system). Water quality function effects on the Gee Creek, Mill Creek North, and Mill Creek-Salmon Creek watersheds will be mitigated, in part, by the development of a comprehensive stormwater management system that includes both flow control and enhanced level treatment for water quality and other planned channel improvements (i.e. - culvert replacements). The Sunset Oaks site is an opportunity to significantly enhance broad watershed processes as well as important fish habitat functions in a sub-basin containing listed species. Watershed scale process include rehabilitating and restoring channel-floodplain connectivity, natural hydrologic process, flood water storage and flood desynchronization in an urbanizing watershed, water quality benefits, improving in-stream habitat and shading, and riparian corridor connectivity. All of these have been listed as potential limiting factors in urbanizing watersheds throughout Clark County and within the larger Salmon Creek watershed.

The Sunset Oaks mitigation site would not fulfill all of the project-related wetland mitigation needs in the Salmon Creek (Mill Creek) watershed, and additional opportunities are being researched and analyzed in the Conceptual Mitigation Plan currently under development by Washington State Department of Transportation scientists and environmental planners.

- k. The proposed stormwater facilities would provide retention as well as water quality treatment within the same threshold discharge area as where the water is collected. As shown in Exhibit 4-2 in the draft environmental impact statement, each stormwater facility would drain into a stream within the threshold discharge area, including Mill Creek.
- l. The stormwater and water quality treatment facilities would be maintained in accordance with the Washington State Department of Transportation *Highway Runoff Manual*.
- m. The results of the Biological Opinion (issued by the National Oceanic and Atmospheric Administration – National Marine Fisheries Service) are included in the Agency Correspondence appendix of the final environmental impact statement. The Biological Opinion includes mitigation measures that are prudent to fish listed under the Endangered Species Act as well as critical fish habitat.
- n. Thank you for the suggestion. Washington State Department of Transportation has reviewed the suggested website. Many of the practices noted on the website are standard practices of Washington State Department of Transportation and have been incorporated into the design of the stormwater facilities and wetland mitigation.
- o. Comment noted. Text in the air quality section of Chapter 4 was modified to include information on the increase in emissions from additional vehicle miles traveled under the Build Alternative, and the text explains that this increase in emissions is partially offset by lower emission rates due to increased speeds under the Build Alternative.
- p. Mobile source air toxics (including diesel particulate matter) have been qualitatively assessed using the Federal Highway Administration's *Interim Guidance on Air Toxics Analysis in NEPA Documents* (September 30, 2009) comparing existing conditions to the design year. This project would meet the criteria for a project with a low potential for mobile source air toxic effects (annual average daily traffic of less than 140,000 vehicles). No identification of sensitive receptors will be completed as this is not required by the Federal Highway Administration's guidance.
- q. Thank you for the suggestion. Washington State Department of Transportation will look for opportunities to encourage contractors to utilize the mitigation measures suggested.
- r. Please see the response to A-4o.

- s. Please see the response to A-4p.
- t. Please see the response to A-4q.
- u. As shown in Exhibit 4-27 in the draft environmental impact statement, vehicle miles traveled are projected to increase during peak hours for both the Build and No Build alternatives. Total daily vehicle miles traveled would also increase as the roadway is anticipated to carry nearly three times more traffic than it does today, as stated on page 3-3 of the draft environmental impact statement. These calculations are based on the travel demand volumes and traffic simulation calculations. The source traffic data was provided by the Southwest Regional Transportation Council traffic model (the local metropolitan planning organization), and the methodology used to analyze current and future transportation conditions follows standard procedures.
- v. As stated on page 3-3 of the draft environmental impact statement, traffic on SR 502 is expected to nearly triple its existing volumes under either alternative. The Build Alternative would likely attract some trips from other, less-improved roadways; however, as explained on page 6-2 of the draft environmental impact statement, these vehicles would be able to travel nearly twice as fast as they could under the No Build Alternative, and thus use fuel more efficiently.
- w. The traffic analysis performed for this project used a 20-year design horizon (2033) as explained on page 3-3 of the draft environmental impact statement; thus the Build Alternative was designed to address conditions within this horizon. With the exception of the two intersections noted in the following paragraph, the Build Alternative would accommodate the needed capacity for this 20-year timeframe.

Capacity is the amount of traffic that can be contained on a transportation facility; as capacity is absorbed, operational conditions of the roadway diminish. Level of Service (LOS) measures traffic conditions in terms of speed and travel time, both of which describe operational conditions; therefore, a poor LOS (LOS E or F) indicates a capacity problem. As shown in Exhibit 3-4 of the draft environmental impact statement and as documented in the Transportation Discipline Report (Appendix Q), the only major intersections anticipated to be severely congested (LOS E [at or near capacity] or LOS F [over capacity]) in 2033 under the Build Alternative would be NE 37th Avenue at the evening peak hour and NE 72nd Avenue at the morning peak hour. By comparison, under the No Build Alternative, all intersections are anticipated to be severely congested in both 2015 and 2033.

- x. Consistent with the Washington State Growth Management Act, highway construction projects support locally-approved land use plans. The final environmental impact statement considers the US Environmental Protection Agency's comments. However, the lead agencies do not feel a new investigation is required for the project decision at hand. Chapter 4 of the draft and final environmental impact statement includes a summary of the environmental review of the project's compatibility with local, regional, and state plans and development regulations, including zoning. The draft and final environmental impact statement have shown this proposed project in context with surrounding land use and traffic.

As explained on page 36 of the Indirect and Cumulative Effects Analysis (Appendix L to the draft environmental impact statement) and summarized on pages 4-18 and 6-6 of the draft environmental impact statement, the Build Alternative would not include any provisions for changing zoning or comprehensive plan designations; nor is it anticipated that it would cause any changes in existing land uses beyond some minor commercial redevelopment around Dollars Corner. Access management control changes along SR 502 are expected to curtail future growth as access to parcels would be restricted; further the median treatment proposed under the Build Alternative could also serve as a deterrent to future development (in addition to its intended purpose as a safety improvement), as it would make access to parcels in the study area more limited. Therefore the Build Alternative would not be anticipated to increase the rate of growth. These conclusions are based on the research and analysis performed by the Project Team – including review of existing land use data and local plans, coordination with local agencies through the project Technical Advisory Committee, and access control changes formalized through the Access Hearing (January 14, 2009) and associated Findings and Order (January 6, 2010).

- y. Fuel consumption anticipated during morning and evening peak hours in 2033 is provided in Exhibit 4-27 (page 4-45) of the draft environmental impact statement. Fuel consumption is based on the average speed and vehicle miles traveled for each alternative calculated on traffic simulations; fuel consumption is used to calculate the expected CO₂ emissions reported on pages 6-1 and 6-2 of the draft environmental impact statement. The source traffic data was provided by the Southwest Regional Transportation Council traffic model (the local metropolitan planning organization) and methodology used to run the traffic simulations and thus calculate

vehicle miles traveled, fuel consumption, and greenhouse gas emissions follows standard procedures. This information takes into account the absorption of capacity initially created by the widened roadway and the increasing congestion over time through the design year (2033).

- z. As reported on page 39 of the Transportation Discipline Report (Appendix Q of the draft environmental impact statement), Washington State Department of Transportation's 2006 State Collision Data Summary's statewide average collision rate data indicates that the improved SR 502 would have an average collision rate of 1.13 collisions per million vehicle miles traveled, a 37 percent reduction in rate compared to the current condition of SR 502. Exhibit 10 of the Transportation Discipline Report shows the collision rates on SR 502 from 2001-2005, which range from 1.5 to 3.4 collisions per million vehicle miles traveled (average 2.22 collisions per million vehicle miles traveled).

As reported on pages 39 and 40 of the Transportation Discipline Report, studies show that even though prevailing speeds under the Build Alternative would increase to near the posted speed limit (55 miles per hour) under the Build Alternative, there is no anticipated correlation between the increase in speed and the accident rate. Collisions along the corridor are primarily attributable to congestion and the high number of access points. Access control changes formalized through the Access Hearing (January 14, 2009) and associated Findings and Order (January 6, 2010) would consolidate driveway connections to SR 502 or relocate them to local streets, thus reducing the number of access points to improve safety along the corridor. In addition, the median treatment proposed as part of the Build Alternative would limit drivers to right-in/right-out turns along SR 502 preventing collisions that currently result from drivers making dangerous left-turns onto and off of SR 502.

The Transportation Discipline Report cites the studies that were performed. Project elements, including access control changes and use of a median treatment, support the conclusion that vehicle collisions will be reduced under the Build Alternative.

- aa. Consistent with the Washington State Growth Management Act, highway construction projects support locally-approved land use plans. The final environmental impact statement considers the US Environmental Protection Agency's comments. However, the lead agencies do not feel a new investigation is required for the project decision at hand. Chapter 4 of the draft and final environmental

impact statement includes a summary of the environmental review of the project's compatibility with local, regional, and state plans and development regulations, including zoning. The draft and final environmental impact statement have shown this proposed project in context with surrounding land use and traffic.

As explained on page 36 of the Indirect and Cumulative Effects Analysis (Appendix L to the draft environmental impact statement) and summarized on pages 4-18 and 6-6 of the draft environmental impact statement, the Build Alternative would not include any provisions for changing zoning or comprehensive plan designations; nor is it anticipated that it would cause any changes in existing land uses beyond some minor commercial redevelopment around Dollars Corner. Access management control changes along SR 502 are expected to curtail future growth as access to parcels would be restricted; further the median treatment proposed under the Build Alternative may also serve as a deterrent to future development (in addition to its intended purpose as a safety improvement), as it would make access to parcels in the study area more limited. Therefore the Build Alternative would not be anticipated to promote or facilitate development outside of the urban growth area. The Project Team reviewed existing land use data and local plans and coordinated with local agencies through the project Technical Advisory Committee. The access control changes were formalized through the Access Hearing (January 14, 2009) and associated Findings and Order (January 6, 2010).

bb. Development along the SR 502 corridor is already very auto-oriented. As described on page 3-10 of the draft environmental impact statement, transit along the corridor currently consists of a single morning and a single evening commute bus, which does not include any stops along SR 502 for boarding or de-boarding. Also as described on page 3-10, the design of the Build Alternative would not preclude the addition of future transit services, and coordination with C-TRAN (local transit provider) and Clark County has occurred and will continue to occur throughout the construction of the project. This project would not change the level of auto dependency, auto-oriented development, or demand for capacity; rather, it would make safety and mobility improvements to an already highly-congested auto-oriented roadway. These conclusions are based on a thorough analysis of current conditions and direct coordination with C-TRAN and Clark County.

cc. Draft environmental impact statement page 3-3 describes anticipated daily traffic volumes and peak evening volumes for the

No Build and Build alternatives in 2015 and in 2033. The evening peak hour volumes have been updated for consistency with the information presented in the April 2009 Revised Transportation Discipline Report. There is no change to the total daily traffic volume ranges. The revised evening peak data corrected in the final environmental impact statement are as follows:

2015 Peak Evening Traffic Volumes

No Build: 1,078 vehicles eastbound, 821 westbound (1,899 Total)

Build: 1,133 vehicles eastbound, 855 westbound (1,988 Total)

2033 Peak Evening Traffic Volumes

No Build: 1,959 vehicles eastbound, 1,493 westbound (3,452 Total)

Build: 2,059 eastbound, 1,528 westbound (3,587 Total)

Draft environmental impact statement page 6-2 describes that in 2033, 34 percent more vehicle miles traveled are anticipated under the Build Alternative than the No Build Alternative in the morning peak hour, and 54 percent more vehicle miles traveled are expected during evening peak hours. The data presented on this page is directly related to the information presented in Exhibit 4-27 in the draft environmental impact statement (page 4-45). Vehicle miles traveled is calculated from traffic simulations, rather than traffic demand (as used in traffic volume calculations). When SR 502 is at gridlock during peak hour (as seen under the No Build Alternative), vehicles cannot move, and therefore the vehicle miles traveled during peak hour is much lower than in scenarios with less congestion (i.e. the Build Alternative). While this comparison of vehicle miles traveled may appear to conflict with the traffic volume information presented in Chapter 3, these are actually two different measurements as explained above. A sidebar has been added to Chapter 3 explaining the difference between traffic volumes and vehicle miles traveled. The source traffic data was provided by the Southwest Regional Transportation Council traffic model (the local metropolitan planning organization) and methodology used to analyze current and future transportation conditions follows standard procedures.

Draft environmental impact statement page 6-6 describes the cumulative effect of agricultural conversion including 75-79 acres for the Build Alternative plus 7,023 acres of prime farmlands that would be included in Clark County's urban growth areas. It also describes that approximately 11,698 acres of land formerly reserved for rural uses (farming, forestry, low density rural residences) would be included in Clark County's updated urban growth areas. This

information is drawn from the Indirect and Cumulative Effects Analysis (Appendix L to the draft environmental impact statement) and is consistent with the information presented on page 15 of Appendix L.

Draft environmental impact statement page 6-7 describes the cumulative effect of the Build Alternative on noise, surface water, vegetation, and wetlands. This topic is not directly related to any of the others cited in this bullet point of the US Environmental Protection Agency's comment.

Draft Section 4(f) evaluation page 47 describes the effect of the No Build Alternative on Section 4(f) property and how effects to the Bonneville Power Administration transmission line have been minimized. This topic is not directly related to any of the others cited in this bullet point of the US Environmental Protection Agency's comment.

Appendix L page 15 describes that the urban growth area boundaries adopted by the Clark County Board of Commissioners in September 2007 were used to complete the analysis of potential farmland conversion. It notes that in addition to land that would be converted through its addition to the urban growth areas, there can also be projects outside of the urban growth areas that convert land – such as public improvements and conditional uses in rural zone, but it is noted that these other conversions cannot be quantified at this time. The cumulative farmland conversion information presented in Appendix L is based on the expansion of Clark County's urban growth areas and is consistent with information presented on page 6-6 of the draft environmental impact statement.

- dd.** The responses above provide clarification on the statements above. The final environmental impact statement will correct the evening peak hour traffic volumes, and a sidebar will be added to Chapter 3 explaining the difference between travel demand data and vehicle miles traveled data.

Washington State Department of Transportation and the Federal Highway Administration believe the additional information provided in this response demonstrates that there are no inconsistencies or data gaps.

- ee.** No decision on the appeal has been reached prior to publication of the final environmental impact statement. It should be noted that per the information on Clark County's website, the areas in question in the appeal do not include the City of Battle Ground urban

growth area, so no changes to boundary of Battle Ground's urban growth area, which would be most relevant to this project, would be anticipated.

- ff. Nonnative and invasive species occur throughout the project area. Areas subject to excavation and grading may be more susceptible to nonnative and invasive species. This may include excavation and grading associated with roadway construction/widening, culvert installation/extension, stormwater facility construction, and mitigation site creation.

Washington State Department of Transportation follows an integrated vegetation management approach to controlling and managing vegetation along its rights of way and mitigation sites, including the management of noxious weeds. Integrated vegetation management techniques include soils restoration and the establishment of dense native plant communities on disturbed soils as appropriate. Rapid establishment of these plant communities reduces non-native nuisance and noxious weed infestations, reduces erosion, and protects water quality. More intensive vegetation management and weed control associated with documented performance standards for mitigation sites will extend for 10 years following construction.

Comment A-5: Washington State Department of Fish and Wildlife



State of Washington

Department of Fish and Wildlife
2108 SE Grand Blvd. Vancouver WA 98661 (360) 696-6211

July 24, 2009

WSDOT – SR 502 Corridor Widening Project
Chris Tams, Project Manager
PO Box 1709
Vancouver, WA 98668-1709

RE: WDFW comments on the SR 502 Widening Project DEIS

Dear Mr. Tams:

The Washington Department of Fish and Wildlife (WDFW) appreciates the opportunity to review and comment on the Draft Environmental Impact Statement (DEIS) for the SR 502 widening project. WDFW has previously provided WSDOT with feedback on corridor improvement impacts to fish and wildlife resources and we will continue to provide input as the project design and implementation progress.

In general, we found the DEIS and discipline reports very thorough and clear, reflecting WSDOT's fine work evaluating the project alternatives and potential impacts to public resources. In particular, WDFW is pleased with the biological evaluations that included field surveys and proposed mitigation measures for unavoidable impacts to priority habitats and species. However, we do have concerns with the DEIS' limited scope and the lack of consideration for cumulative ecological effects on the surrounding landscape.

Stream crossings – The proposed SR 502 widening project would cross at least four fish-bearing stream reaches, each of which has special design considerations that WDFW would like to see addressed as project planning moves forward. We appreciate that WSDOT is planning for the improvement of stream crossings within the project footprint.

a

However, we wish to reiterate that all four of the fish-bearing stream crossings require replacement and upgrades – merely extending these culverts will not be sufficient to protect and fully mitigate for fish and wildlife resources within the project area. These crossings include: Mill Creek North at SR 502, the two Mill Creek crossings near NE 72nd Avenue and SR 502, and Mill Creek at SR 502 west of NE 92nd Avenue.

The Mill Creek North crossing on SR 502 occupies a low-gradient reach, which may have historically functioned more as a wetland than a stream. At this location, WDFW recommends summer low-flow stream channel surveys both up- and downstream to determine natural channel gradient and width, and assess fish passage through the culvert as flows recede. Parallel winter high-flow water surface elevation surveys on both sides of

Comment A-5 (continued)

SR 502 Widening Project DEIS
WDFW Comment Letter
July 24, 2009
Page 2 of 4

- a** SR 502 are also needed to determine if water is free-flowing or backwatering due to small culvert size. If a rise of ≥ 0.2 ft is observed on the inlet side, this suggests the culvert may be a barrier to fish at high water.
- b** The Mill Creek culvert crossing on NE 72nd Avenue should not be extended or curved as originally suggested by WSDOT, but should be replaced and re-aligned with a single-span using the WDFW stream simulation method. Please refer to WDFW's 2003 Design of Road Culverts for Fish Passage document for more information.¹ The culvert realignment and resizing will help reduce sediment deposition and downstream bank erosion. This stream crossing improvement would enable WSDOT to remove the downstream right-bank armoring and restore riparian vegetation to partially mitigate for roadway expansion.
- c** The double box culvert on Mill Creek at SR 502 just east of NE 72nd Avenue should also be replaced with a single-span culvert using the WDFW stream simulation method. During replacement, impacts to the upstream channel and riparian area should be minimized, and removed trees placed in the stream. One potential location is immediately downstream of the culvert outlet, where a constructed logjam on the left-bank outside bend could help reduce streambank erosion.
- d** The double box culvert on Mill Creek at SR 502 west of NE 92nd Ave. should also be replaced with a single-span culvert using the WDFW stream simulation method. Due to the extent of fill needed at this crossing, the culvert will need re-alignment, and measures to reduce and mitigate for the loss of riparian vegetation are needed. In addition, a small drainage flowing from east to west under NE 92nd Avenue and entering Mill Creek on its right bank downstream of SR 502 needs special consideration during project planning. This drainage originates from a forested wetland and may serve as important winter refuge for juvenile salmonids.
- e** *Restoration and mitigation opportunities* – Though no remnant prairie was identified during WSDOT's field investigations, prairie indicator plants were found in highly disturbed grasslands along the project corridor. Once widespread across Clark County, lowland prairies are among the most imperiled habitats in Oregon and Washington, hosting a broad diversity of wildlife and plants. The presence of a known historical prairie at the Mill Creek North mitigation area, creates a unique opportunity for WSDOT to aid in the recovery of this important ecosystem. WDFW requests that WSDOT give special consideration to opportunities for prairie restoration at the Mill Creek North and Sunset Oaks mitigation sites. Though site hydrology is highly altered, this historic location of the King Corner wet prairie may have potential for restoration of a mosaic of wetland, prairie, and scrub-shrub habitats.
- f** Another nearby off-site mitigation opportunity is fish passage enhancement for the earthen fill dam/private driveway crossing on Mill Creek north of SR 502 at NE 79th Court.

¹ Washington Dept. of Fish and Wildlife (WDFW). 2003. Design of road culverts for fish passage. Olympia, WA. 111p. Available online at http://wdfw.wa.gov/hab/engineer/cm/culvert_manual_final.pdf

Comment A-5 (continued)

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 Page 3 of 4

f According to 2001 WDFW survey data for this dam, the culvert outlet is in poor shape and likely impedes fish passage to upper Mill Creek.

g *Wildlife movement corridors* – Road widening and higher traffic speeds will result in increased traffic-related wildlife mortality. Suitable mitigation could include wildlife crossings enhancements to enable smaller, less mobile terrestrial wildlife to cross roadways via larger culverts at key locations such as west and east Gee Creek, Mill Creek North, and the three Mill Creek crossings. The culvert design considerations mentioned above would likely also improve passage for wildlife, since terrestrial wildlife frequently utilize heavily-vegetated riparian areas as movement corridors. However, WDFW suggests that WSDOT also consider available wildlife collision data as a tool for the identification and mitigation of impacts to migration areas.

h *Induced transportation demand and cumulative effects* – WDFW was disappointed to see that the issue of induced transportation demand and cumulative environmental effects beyond the project area are not addressed in the DEIS. The largest ecological impacts from the proposed SR 502 widening are not within the project area, but beyond it as near-term reductions in congestion and travel time create opportunities for surrounding rural landowners to convert their land to more intensive urban uses with higher human densities. The attendant loss of rural lands and open space, as well as the proliferation of impervious surfaces will have far-reaching impacts to the health of our fish and wildlife resources, water quality, and other public resources and values.

The DEIS outlines the loss of agricultural lands to urbanization in Clark County, charting the downward trend in farm acres since 1900. It is notable that this decline has not abated since 1994, when the County's first comprehensive plan was adopted. The DEIS and cumulative effects discipline report characterize this trend as inevitable, and use these trends to downplay the comparatively small project area impacts. But there is little discussion about how increased corridor travel capacity will increase speculative real estate development and induce land conversion. Most importantly, there is little mention of demand management measures that could be used to partially mitigate for these impacts, such as targeted transit development, tolling, and congestion pricing.

WDFW looks forward to continued active consultation with WSDOT as the SR 502 widening project moves forward. Please do not hesitate to contact us if you have any questions or require our assistance.

Sincerely,



Ted Labbe, Biologist
 Priority Habitats and Species/Growth Management Assistance

Comment A-5 (continued)

SR 502 Widening Project DEIS
WDFW Comment Letter
July 24, 2009
Page 4 of 4

Washington Dept. of Fish and Wildlife
Region 5 Habitat Program
2108 Grand Blvd.
Vancouver, WA 98661
labbetrl@dfw.wa.gov
PH: 360-906-6731
FAX: 360-906-6777

CC: Anne Friesz, WDFW Region 5 Assistant Habitat Program Manager
Mark Cline, WA Dept. of Ecology SW Region Wetlands Specialist
Nathan Reynolds, Cowlitz Tribe Ecologist

Response to Comment A-5

- a. Thank you for your support of the project and for reviewing the draft environmental impact statement. Project biologists met with biologists from Washington State Department of Fish and Wildlife, for a field visit to each of the fish-bearing stream crossings along the corridor. During the field visits, conceptual culvert designs and potential mitigation were discussed. Field assessments of riparian

areas within the project area and adjacent to potential impacts were conducted in late summer/fall 2007. Clark County riparian rating forms were completed and included in appendix of biology report (included in the appendices). The dilution modeling performed used flow data collected in January 2008 and predicted flow data for September-October. Washington State Department of Fish and Wildlife biologists indicated the Mill Creek North culvert is not considered a barrier to fish passage.

Washington State Department of Transportation is coordinating with Washington State Department of Fish and Wildlife to use the stream simulation method and plans to replace the culverts for fish bearing streams in the project area per Washington State Department of Fish and Wildlife guidelines.

- b.** Washington State Department of Transportation is coordinating with Washington State Department of Fish and Wildlife to use the stream simulation method and plans to replace the structure on NE 72nd Avenue to improve this reach of Mill Creek per Washington State Department of Fish and Wildlife guidelines.
- c.** Washington State Department of Transportation is coordinating with Washington State Department of Fish and Wildlife to use the stream simulation method and plans to replace the structure east of NE 72nd Avenue to improve this reach of Mill Creek per Washington State Department of Fish and Wildlife guidelines.
- d.** Washington State Department of Transportation is coordinating with Washington State Department of Fish and Wildlife to use the stream simulation method and plans to replace the structure west of NE 92nd Avenue to improve this reach of Mill Creek per Washington State Department of Fish and Wildlife guidelines.
- e.** The primary restoration area at the Mill Creek North mitigation site is and was historically wetland. Oral history from the previous owner indicated that this area was a shallow lake that was drained for agricultural purposes which is supported by the 1858 cadastral survey map for the area . The current restoration proposal for both the Mill Creek North and Sunset Oaks mitigation sites focus on hydrological rehabilitation to restore stream and floodplain function, enhance floodwater storage, flood desynchronization, water quality, and aquatic habitat improvement. The hydrology of wet prairies (herbaceous emergent wetlands) is at the drier end of the hydrologic scale, and development of that specific habitat and hydroperiod is not necessarily suitable for seasonally flooded areas, such as the Mill Creek North rehabilitation area, where flooding sometimes exceeds depths of five feet.

Some transitional areas of the Mill Creek North mitigation site may be suitable for inclusion of herbaceous wet prairies species, and Washington State Department of Transportation will address those areas appropriately. It should be noted that this site preserves a large, mature stand of Oregon White Oak and numerous isolated specimens exceeding 36 inches in diameter. Those areas and surrounding uplands would be preserved and enhanced within an oak woodland/grassland mosaic and include native herbaceous (prairie) species.

- f. Washington State Department of Transportation has already identified the mitigation sites needed in the Mill Creek basin. This project would not include the suggested off-site mitigation location.
- g. During a site visit with Washington State Department of Fish and Wildlife biologists, they commented that larger wildlife are likely already able to use the larger culvert crossings on Mill Creek. Smaller wildlife may use these culverts as well as the numerous smaller culverts that occur throughout the corridor.

Under the Build Alternative fish and wildlife would benefit from the replacement of four existing culverts with large “stream simulation” culverts which facilitate natural stream processes as well as fish passage and wildlife connectivity. These culverts are much wider than typical culverts, and the bottoms of the culverts are filled with rocks and other natural streambed material. The replacement culverts would allow wildlife ranging from amphibians to birds to rodents to pass under SR 502 under most streamflow conditions. Fish would be able to migrate through the stream simulation culverts, and some species have been known to use these types of culverts as spawning areas.

Project biologists reviewed Washington State Department of Transportation’s ungulate-motor collision, habitat connectivity, and wildlife crossing information accessed at: http://www.wsdot.wa.gov/Environment/Biology/bio_esa.htm#HabitatConn. At the time of report preparation, there were no documented wildlife crossings along the corridor. The project corridor is not considered a hotspot for wildlife collisions.

In addition to the stream simulation culverts, Washington State Department of Transportation considered and evaluated several variations on the standard median treatments for both safety and wildlife connectivity benefits. These variations included median barrier sections with gaps in between, median barrier with scupper openings, median guardrail and posts, and vegetated median with

curb. Some of the known safety challenges with these various median treatments include: gaps or openings in barrier create areas with potential “snagging hazards” that passing vehicles could get caught on; larger scupper-type openings in barriers are not currently tested and proven to be crash-worthy; guardrail deflects more than barrier under impact into the opposite direction of traffic; and curb (which cannot be safely used on roadways above 40 mph) provides the potential for vehicles to easily cross the median head-on into oncoming traffic. All of these challenges present higher risks of serious accidents than those associated with continuous standard median barrier.

Based on the potential safety hazards of these median treatments, the lack of wildlife collision data along the SR 502 corridor, and the low probability of wildlife survival with the corridor’s high volume of traffic, continuous median barrier remains the preferred alternative. However, as the project goes through the final design process, Washington State Department of Transportation will continue to explore the use of various median treatments that meet safety standards and can reasonably accommodate wildlife connectivity and improve safety to the traveling public along the SR 502 corridor.

- h.** As documented in the indirect and cumulative effects analysis included in the appendices of the draft and final environmental impact statement, the geographic boundaries of this analysis extended beyond the project area. For example, for both fish and wildlife resources, the geographic boundary is defined as three subbasins – the East Fork Lewis River subbasin, the Gee Creek subbasin, and the Salmon Creek subbasin.

The agricultural, rural lands surrounding the project area are, for the most part, zoned by Clark County for low-density rural uses. These lands are located outside of the County’s urban growth areas, except for the east end of the project, which is located within the City of Battle Ground and its urban growth area. Development of the rural lands is restricted by Clark County’s comprehensive plan. The SR 502 Corridor Widening project does not propose any changes to the allowed land uses. Further, the project will limit access from the roadway based on the current zoning. If anything, this will discourage growth as higher density/intensity uses would not be permitted to obtain additional accesses from the roadway.

The lead agencies (the Federal Highway Administration and Washington State Department of Transportation) did not intend to downplay trends in ecosystem health; the intent of the cumulative effects discussion is to place the proposed action in context with actions of others over time. The region's transportation planning entities work with the local governments to set county-wide goals. This project is consistent with the locally developed transportation elements of the comprehensive plans and the Metropolitan Transportation Plan for Clark County.

Consistent with the Washington State Growth Management Act, highway construction projects support locally-approved land use plans. Chapter 4 of the draft and final environmental impact statement includes a summary of the environmental review of the project's compatibility with local, regional, and state plans and development regulations, including zoning.

Comment A-6: Washington State Department of Ecology

August 12, 2009

Chris Tams, Project Manager
Washington State Department of Transportation
Southwest Region
P.O. Box 1709
Vancouver, WA 98668-1709

Dear Chris Tams:

Thank you for the opportunity to review the Draft Environmental Impact Statement (DEIS) for the SR-502 Project. Ecology's final comments are attached to this letter, and they include general comments and specific comments relating to water quality and wetlands.

Overall, we found the DEIS to be clearly written and well-organized and commend you and your team for its efforts. Should you or your team have questions or would like to discuss Ecology's comments, you may contact me at 360.407-6789 or via email at tswa461@ecy.wa.gov. If your questions relate specifically to wetlands, you can contact Mark Cline directly at 360.407-7273 or via email at mcli461@ecy.wa.gov and for water quality/stormwater issues; you can call Bobb Nolan at 425.649-7004 or via email at bnolan461@ecy.wa.gov. Mr. Nolan will be out of the office until September 1, but you can always reach me in the meantime and I will try to assist you.

I look forward to continuing to work with you on this important project.

Sincerely,



Therese M. Swanson
Ecology Transportation Project Manager

cc: Bobb Nolan, Ecology
Mark Cline, Ecology
Katie Mesich, WSDOT

Comment A-6 (continued)

ECOLOGY COMMENTS ON SR-502 DRAFT ENVIRONMENTAL IMPACT STATEMENT

Final Submittal

August 12, 2009

Permitting

- a** | 1. **Page 5-2 “Staging Areas”** will be covered under the 401 Water Quality Certification, and, in most cases, must be farther beyond the OHWM than “above.”
- b** | 2. **Page 5-5 “How would construction affect wetlands?”** - These activities also will be addressed in the 401 Water Quality Certification, e.g. fencing wetlands and other sensitive areas.

- c** | **Under Chapter 7: “Environmental Commitments,”** many of the commitments will be permitting requirements either under Section 401, 402, or 404 (the Corps). E.g. in-water work is regulated under the Section 401 Water Quality Certification, which is triggered, in most cases, by a Section 404 permit issued by the Army Corps of Engineers. At **page 7-6**, first bullet under “Mitigation for temporary effects” a reference may be missing: *“Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10. March 2006 - Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Version 1)”*, and temporary impacts also may be regulated under the 401 WQ Cert. (italicized language added on August 20th, 2009 per Therese Swanson, Ecology)
- d** |

Wetlands (General Comments)

- e** | 1. Ecology appreciates WSDOT’s efforts to select a route that avoids significant impacts to high functioning wetlands. This avoidance effort, which took place during the DEIS analysis stage, should be expanded in the final EIS.
- f** | 2. At this stage in the project, it would be helpful to note somewhere the status of the mitigation sites. In the DEIS, it is difficult to determine which are “potential” and which already have been selected.
- g** | 3. Please provide a brief description of the rationale behind the proposed mitigation sites. For example, what is the justification for proposing the Sunset Oaks mitigation site given that it is rather far from the proposed wetland impacts?
- h** | 4. It would be helpful to explain the resources WSDOT used to locate potential mitigation sites (e.g., Clark County Watershed Characterization or the Geomorphology and Hydrology Assessment for Mill Creek). **Page 4-11, lines 4-6, and “KEY POINT” Box.** It would be useful for the public reader to know why WSDOT must mitigate the loss of wetlands and their functions at a 3:1 ratio. An explanation would be helpful.
- i** | 5. Further, at **page 4-16**, a clarification would be useful here: i.e. does WSDOT condemn property for highway purposes? The DEIS uses the term “would be acquired,” but it is unclear if this means condemnation. Associating “condemnation” with mitigation, even if the statement is that farmland will not be condemned for mitigation, could result in confusion.
- j** |

Indirect and Cumulative Effects

- k** | 1. Are temporary impacts always “indirect?”
- l** | 2. Sedimentation and dust during construction may have direct, immediate effects on resources, including crops.

Ecology SR-502 DEIS Final comments/August 12, 2009

Page 1

Comment A-6 (continued)

- m
n
o
q
3. **Page 6-4; lines 4-5 from top of page:** Are increases in zinc and copper, indirect or direct?
 4. **Pages 6-3 to 6-4 under Fish and Surface Water bullets** – contain much of the same information and perhaps could be condensed.
 5. **Appendix: in Chart:** What is an “air emission?”
 6. A temporary increase of sedimentation could destroy some fish resources.
 7. Wildlife deaths from traffic and shading effects on wetlands are not direct effects?

Appendix S: Water Quality/Surface Water/Groundwater Discipline Report:

- r
s
1. **Page ES4 (and elsewhere):** The report states that construction would likely occur during the summer. Given the three-year construction schedule, however, it also is likely that some construction will occur during the winter. Proper sequencing of construction and proper use and maintenance of erosion/sediment control best management practices (as noted at the bottom of p. 25) should keep the project in compliance with the Section 402 NPDES construction stormwater permit and Section 401 Water Quality Certification and help to limit discharge of contaminants to the environment.
 2. **Page ES4 / ES5, and top of page 29:** Reducing the TSS discharge from 12,775 lbs to 10,880 lbs is not a “dramatic” drop or decrease of the pollutant. Rather, it is a moderate decrease and not a dramatic one.

GENERAL EDITING AND OTHER COMMENTS

- t
u
v
1. **Page 1-10: Bullet #4** – environmental “considerations” should read “impacts.”
For example, Chapter 4 Heading - For clarity, the noun “effects” should be used with adjectives denoting the ACTION causing the effects; e.g. “construction effects”; rather than with the affected resource or the resource experiencing the impact. E.g. “wetland effects.” It is wetlands impacts or construction effects on wetlands. In this context, effects and impacts are not interchangeable.
 2. This way of describing impacts has recently been incorporated in WSDOT DEIS’s – It is an Environmental IMPACT Statement. It should be very clear that the project will have impacts, or result in effects, or will affect...It is noted, however, that the SR-502 does a good job at pointing out the effects that the project will have on the environment.
 3. The definitions and explanations in the side-boxes in the main DEIS are very helpful to inform the reader.
 4. It would be helpful to include some graphics in the main document depicting wetland, farmland, natural, critical areas, etc. For the most part, the graphics in the main body depict roadways and the built environment.
 5. **Page 2-6: 2nd sentence under “Public support”** – the apostrophe should follow the “e” in one’s, as the word “one” cannot be plural unless referring to dollar bills spent at Dollars Corner!

Response to Comment A-6

- a. Thank you for your support of the project and for reviewing the draft environmental impact statement. Comment noted. Text modified to address comment.
- b. Comment noted. Text modified to address comment.

- c. As noted on page vi of the draft environmental impact statement, a Section 404 permit from the US Army Corps of Engineers and a Section 401 permit from Washington State Department of Ecology are anticipated to be required for the project. Text in Chapter 7 modified to address comment.
- d. Comment noted. Text revised to address comment.
- e. The discussion of the effort to avoid significant impacts to high functioning wetlands was expanded in Chapter 2 of the final environmental impact statement.
- f. The draft environmental impact statement identifies two mitigation sites selected thus far in the design process: the Mill Creek North mitigation site and the Sunset Oaks wetland mitigation site. Since publication of the draft environmental impact statement, the Mill Creek North site has been acquired by the Washington State Department of Transportation, so these are both “selected” sites as identified in the final environmental impact statement. Additional mitigation opportunities are being researched and analyzed in the Conceptual Mitigation Plan that is currently under development.
- g. The Sunset Oaks proposed wetland mitigation site was selected to provide broad scale mitigation benefits to the Salmon Creek watershed, the overall watershed where many of the project’s effects are anticipated to occur. This approach meets Clark County’s mitigation requirements of providing wetland mitigation within the same basin (Salmon Creek Watershed) and follows the current Draft Guidance on Choosing Mitigation Sites Using a Watershed Approach (March 2009) as published jointly by the Washington State Department of Ecology and the US Army Corps of Engineers Seattle District. Direct hydrologic connectivity of the impacted wetland systems and mitigation site are not required by these requirements/methodologies.

The primary functions of wetlands impacted due to the proposed action fall within the hydrologic and water quality functions (following Washington State Department of Ecology’s current wetland rating system). Water quality function effects on the Gee Creek, Mill Creek North, and Mill Creek-Salmon Creek watersheds will be mitigated, in part, by the development of a comprehensive stormwater management system that includes both flow control and enhanced level treatment for water quality and other planned channel improvements (i.e. - culvert replacements). The Sunset Oaks site is an opportunity to significantly enhance broad watershed processes as well as important fish habitat functions in a sub-

basin containing listed species. Watershed scale process include rehabilitating and restoring channel-floodplain connectivity, natural hydrologic process, flood water storage and flood desynchronization in an urbanizing watershed, water quality benefits, improving in-stream habitat and shading, and riparian corridor connectivity. All of these have been listed as potential limiting factors in urbanizing watersheds throughout Clark County and within the larger Salmon Creek watershed.

Washington State Department of Transportation has identified the Mill Creek North mitigation site for a number of reasons - including its position at the headwaters of the Mill Creek North basin, its ability to provide the opportunity for enhancement of fish habitat, and its large size with only a single property owner. The Section 4(f) evaluation (included in the appendices) outlines the screening process that was used for selection of this site.

The Sunset Oaks and Mill Creek North mitigation sites would not fulfill all of the project-related wetland mitigation needs. Additional opportunities are being researched and analyzed in the Conceptual Mitigation Plan currently under development by Washington State Department of Transportation scientists and environmental planners. Additional explanation of the selection process for the mitigation sites was added to the final environmental impact statement.

- h.** Washington State Department of Transportation utilizes a soils and watershed-based approach in selecting wetland mitigation sites. This method considers numerous factors including scientific study of functions and processes lost or altered at the affected wetlands and watershed, landscape/watershed position (e.g. - headwaters, riverine), hydrogeomorphic classification, soil type and potential sources of hydrology at likely mitigation sites, proximity and connectivity to the local stream network and larger watershed processes, presence of overlapping critical areas, and limiting factors in the watershed (i.e. - mitigation opportunities). The ultimate goal is to appropriately mitigate the environmental effects according to local, state, and federal policies and guidelines while maximizing site success and providing the greatest environmental benefit to the affected watershed and stream network.

This approach fits solidly within the US Army Corps of Engineers watershed approach requirements and the current *Draft Guidance on Choosing Mitigation Sites Using a Watershed Approach* (March 2009) prepared by the Washington State Department of Ecology, US Army Corps of Engineers (Seattle District), and US Environmental

Protection Agency (Region 10). No single Clark County watershed document was used specifically to select the mitigation sites; rather a comprehensive approach based on the framework described above and an understanding of the limiting factors in the local watersheds and larger Salmon Creek basin. Common limiting factors documented in the *2008 Stormwater Need Executive Summary* (Clark County, 2008), *2007 Stormwater Needs Assessment Program: Mill Creek Subwatershed* (Clark County, 2008), *Mill Creek Geomorphology and Hydrology Assessment* (Clark County, 2007), *Kalama, Washougal, and Lewis River Habitat Assessments, Chapter 5: The Salmon Creek Basin* (Lower Columbia Fish Recovery Board, 2004), *Long-Term Index Site Monitoring Project: 2002 Physical Habitat Characterization* (Clark County, 2003), include: organic contamination from livestock, etc., high water temperatures, high dissolved oxygen levels (associated with temperatures), turbidity, low biological diversity, poor habitat and riparian condition, loss of associated riparian and upland forest, channel incision and loss of floodplain connectivity, bank failures, and lack of large woody debris.

The Sunset Oaks and Mill Creek North sites would positively address many of these limiting factors, and would occur on a scale that will have local stream reach and broader watershed benefits, primarily in the areas of aquatic habitat improvements, floodplain connectivity and headwater storage, flood desynchronization, and riparian condition. Other sites to be selected within the Gee Creek and Mill Creek (Salmon Creek) watersheds would also address documented limiting factors.

Additional explanation of the mitigation site selection process, including the resources used to locate the mitigation sites, was added to the final environmental impact statement.

- i. Wetland mitigation will meet current Clark County, State of Washington, and federal mitigation requirements. Wetland mitigation ratios will be consistent with the recently revised Clark County Critical Areas Ordinance and the “Joint Guidance” prepared by Washington State Department of Ecology and the US Army Corps of Engineers for the affected wetland classifications (Class I through IV) and proposed mitigation scenario.

The three to one ratio (three acres of creation for every one acre of wetland fill) represents the “creation scenario” that would provide the most efficient use of mitigation areas. This ratio is based on Category II effects, and is taken from Clark County’s wetlands protection ordinance as well as from guidance developed by the

Washington State Department of Ecology and US Army Corps of Engineers.

The Conceptual Mitigation Plan developed by Washington State Department of Transportation scientists and environmental planners summarizes the wetland effects, functions, and final mitigation strategy.

Additional explanation of the ratio of wetland loss to wetland mitigation was added to the final environmental impact statement.

- j. Comment noted. Text modified to address comment.
- k. Page 5-1 of the draft environmental impact statement defines temporary effects as, “short-term beneficial and adverse effects that occur during the construction of a project, but which are not permanent effects of the project.”

Page 6-2 defines indirect effects as, “Indirect effects are caused by direct effects of the project but occur later in time or farther in distance than direct effects and may include changes in the pattern of land use, population density or growth rate, and related effects on air, water, and other natural systems.”

Some temporary effects are indirect effects, while others are direct effects.
- l. Chapter 5 of the draft and final environmental impact statement notes that construction disturbances, including air and dust emissions, would temporarily affect impact farmlands (including crops) and other land uses, businesses, historic and archaeological resources, residents (neighborhoods), and environmental justice populations. These are noted as temporary, direct effects of the project.
- m. The increases in stormwater pollutants, such as zinc and copper, are direct effects to water quality as noted on page 4-4 of the draft environmental impact statement. However, as noted on page 6-4, these direct effects to water quality may result in indirect effects, that is effects that occur later in time or farther in distance, to the health of fish populations.
- n. Thank you for your comment.
- o. The phrase “air and dust emissions” is intended to capture the idea of airborne pollutants that are released during the construction process and could affect resources. Text modified to address comment.

- p. Page 29 of the indirect and cumulative effects analysis (located in the appendices) notes that temporary increases in sedimentation could reduce water quality, resulting in cumulative effects to fish. Sedimentation is also identified as an indirect and cumulative effect to fish in Exhibit 5 (page 27) and Exhibit 14 (page 74).

Potential effects to fish from sediment were also described on page 43 of the biology report (included in the appendices) and page 4-7 of the draft environmental impact statement.

- q. Comment noted. Text modified to address comment.
- r. Thank you for your comment. As noted on page vi of the draft environmental impact statement, an National Pollutant Discharge Elimination System construction permit and a Section 401 permit from Washington State Department of Ecology are anticipated to be required for the project. Washington State Department of Transportation is committed to compliance with the applicable policies.
- s. Comment noted. Text modified to address comment.
- t. Thank you for your comments.
- u. The natural/non-built environment is depicted in a number of exhibits within the main body of the draft environmental impact statement. Specifically, Exhibit 4-1 shows the watersheds in which the project corridor is located; Exhibit 4-3 shows the vegetation types; Exhibit 4-4 shows the wetlands; Exhibit 4-7 shows the streams and floodplains; and Exhibit 4-8 shows the aquifer recharge protection areas. These maps include the roadway alignment as well as cross-streets for reference, orientation, and consistency among figures in the document.

Land use maps showing farmlands and other land uses were not included in the main body because this would have required including three maps: one for existing land uses, one for zoning types, one for soil types. Instead, the text references the location of these maps in the appendices.

- v. Comment noted. Text modified to address comment.

Comment A-7: US Army Corps of Engineers



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

August 20, 2009

Washington State Dept. of Transportation
Attn: Barb Aberle
Post Office Box 1709
Vancouver, Washington 98668-1709

Reference: SR 502 DEIS Comments
Washington State Dept. of Transportation

Dear Ms. Aberle:

We received the Draft Environmental Impact Statement titled "*SR 502 Corridor Widening Draft Environmental Impact Statement and Draft Section 4(f) Evaluation*" dated June 2009. We have reviewed the plan and have comments as listed below. We have the following comments on the document:

General Comments:

- a | 1. The document reads well and provides a lot of details.
- b | 2. The chapter 2 discussion will be useful information when preparing the alternatives analysis for the Corps permit. Most of the details on alternatives are included, we would just need additional information on the specific avoidance and minimization pieces when the project is closer to final design.
- c | 3. I will provide the information in section 4 to the Corps archeologist. The details on how sites are not eligible for listing will need to be agreed to by the Corps for purposes of the Corps permit, so I will start that coordination now. If it is determined that a memorandum of agreement (MOA) will be needed for compliance with Section 106, the Corps will be a signatory agency on the MOA document. Please keep us informed of the developing process.

Specific comments:

- d | 1. A review of an alternative that includes only the intersection modifications without the new lanes would be helpful in determining a less environmentally impacting option. With only a build and no-build, it is difficult to see if other improvements would result in lower congestion and improved safety.
- e | 2. I recommend the project consider incorporating stormwater flow control facilities with wetland enhancement or creation. There is mention about designing stormwater treatment facilities to maintain the natural drainage course within the wetland section of section 7, page 7-7, top line, but I could not find any discussion of incorporating either

Comment A-7 (continued)

e | flow or treatment of stormwater into wetland restoration or enhancement within the document. I may have missed it with the quick review, but the Corps does support those efforts and would recommend the project pursue that option.

f | Please note, no work has been authorized for your project in jurisdictional ditches, wetlands, or other waters of the U.S., and authorization from the Corps is required prior to commencing work. In addition, this letter does not excuse you from compliance with other Federal, state, or local requirements.

If you have any questions, please contact Sandra Manning at (206) 764-6911 or via email Sandra.L.Manning@usace.army.mil.

Sincerely,



Sandra L. Manning, Project Manager
South Application Review Section

Cc: Washington Department of Ecology – Terry Swanson

Response to Comment A-7

- a. Thank you for reviewing the document and for your support of the project.
- b. As noted on page vi of the draft environmental impact statement, a Section 404 permit from the US Army Corps of Engineers is anticipated to be required for the project. Additional information on

the avoidance and minimization measures will be provided as the project design is finalized.

- c. Washington State Department of Transportation has prepared a memorandum of agreement for compliance with Section 106 which includes the US Army Corps of Engineers as a signatory.
- d. The Transportation System Management/Transportation Demand Management Alternative, described in Chapter 2 of the draft and final environmental impact statement, was considered as an alternative that would include intersection and other roadway improvements within the existing right of way, without the addition of any new travel lanes. The Transportation System Management/Transportation Demand Management Alternative was proposed early in the brainstorming process. Early analysis of this alternative revealed “fatal flaws” that prevented it from meeting the project purpose and need, so this alternative was not advanced to the initial screening process that the other alternatives (identified by names of colors) were.

Additional information regarding the two options for the Transportation System Management/Transportation Demand Management Alternative was added to Chapter 2 explaining why this alternative cannot function as a “stand alone” alternative.

- e. As illustrated on page 17 of the draft Section 4(f) evaluation, the Mill Creek North mitigation site would incorporate wetland creation, wetland rehabilitation, buffer areas, and a stormwater facility into a single large mitigation site. An explanation of this integration of stormwater facilities with wetland mitigation has been added to the final environmental impact statement.
- f. As noted on page vi of the draft environmental impact statement, a Section 404 permit from the US. Army Corps of Engineers is anticipated to be required for the project and will be obtained prior to commencement of work.

Comment T-1: Cowlitz Indian Tribe



Cowlitz Indian Tribe

Natural Resources Department

Chris Tams, Project Manager
PO Box 1709
Vancouver WA 98668-1709

RECEIVED
JUL 23 2009
WSDOT COLUMBIA GORGE
AREA ENGINEERING OFFICE

RE: WSDOT – SR502 Corridor Widening Project

Chris,

a | Thanks you for providing the Draft EIS for the SR502 Corridor Widening Project to the Natural Resources Department (NRD) of the Cowlitz Indian Tribe for review and comment. We have reviewed the proposed project and have no additional comments to provide.

We do want to express our appreciation for the significant efforts made by WSDOT to coordinate and consult with the Cowlitz Indian Tribe during the preparation of the document. In particular, including surveys for key species and habitats within the project area that are culturally relevant to the Cowlitz Indian Tribe. The Biology discipline report (Appendix G) is one of the strongest we have reviewed in the region. Finally, thank you for the comprehensive Tribal Consultation Log (Appendix E) documenting the interactions of Cowlitz Tribal NRD staff with WSDOT staff.

Under the terms of Section 106 federal consultation, and the Washington State Centennial Accords, federally-recognized Indian Tribes are not limited to 30-day comment periods. Further, our comments on this action are not public comment, but are provided within the government-to-government relationship between the Tribe and federal and state agencies.

The comments of the Natural Resources Department of the Cowlitz Indian Tribe are exclusive of any comments provided by the Cultural Resources Department.

Warm Regards,

Nathan

Nathan Reynolds
Ecologist
Cowlitz Indian Tribe Natural Resource Department
1055 9th Ave, Suite C
Longview WA 98632

Cowlitz Indian Tribe Natural Resources Department – PO Box 2547, Longview WA, 98632 – 360.577.8140

Response to Comment T-1

- a. Comment noted. Thank you for your support of the project and for reviewing the draft environmental impact statement.

Comment P-1: David Meyer

From: David Meyer
To: WSDOT SW Columbia Gorge Area Office,
 Dean Moberg (FHWA)
Subject: SR 502 project
Date: Wednesday 6/10/2009

a | I have reviewed the proposal and disagree on some of it. I think not having turn lanes for the business' in Dollars Corner is stupid. It is a no brainer. Where has common sense gone? I remember the fair grounds debate. All us locals knew that the traffic management for the amphitheater was inadequate and it has been proved out. It takes 1-2 hours to clear the parking lot after an event. Some years ago at the intersection of 239 st. and 92 ave it was changed from 92 ave being a thru street and a stop sign on 239 to a thru street on 239 st and a stop on 92 ave. All us locals knew that this would cause accidents and we called in and complained. I was told no change would be made unless there were 3 major accidents at the intersection. We all knew it was a matter of time before this occurred. I myself accidentally ran the stop sign after the first change. It scared the hell out of me. the accidents happened and it was changed to a 4 way stop, just as we proposed. Why did peoples lives have to be put in jeopardy for such a simple fix. It was just a matter of common sense that seems to be lacking in you engineers. A college degree does not mean the person has COMMON SENSE.

a | I believe accidents will rise as people make u-turns under the proposal as is.

David E Meyer

Response to Comment P-1

- a. Thank you for your comment. The purpose of the SR 502 Corridor Widening Project is to improve safety and mobility along the SR 502 corridor. Median barrier is a proven safety technology that provides a positive separation of opposing vehicle movements and eliminates left turns. Median barriers are recommended for use on multilane

roadways with projected traffic volumes of greater than 24,000 vehicles per day and design speeds greater than 40 miles per hour. Research from many states indicates that raised medians are safer than two-way left-turn lanes.

Based on historic growth patterns and the land use plans implemented by Clark County and the City of Battle Ground, population in Battle Ground and north Clark County is expected to continue to grow. With this growth, the SR 502 roadway is expected to accommodate 42,000 vehicles per day by 2033, so median barriers are the appropriate safety technology for this roadway, especially with the addition of another travel lane in each direction, which would provide mobility on SR 502.

The need for a median barrier on SR 502, however, also necessitates the use of u-turns to travel to locations on the opposite side of the highway. Left turns into and out of driveways are less safe than u-turns and comprise the majority of driveway crashes. Studies have shown that making a u-turn at a median opening to get to the opposite side of a busy highway is about 25 percent safer than a direct left turn from an access point.

The major intersections at NE 29th Avenue, NE 50th Avenue, NE 72nd Avenue, and NE 92nd Avenue would provide full turning movement. The intersection designs include signalization and channelization for left and u-turns. The turns have been designed to accommodate the turning radii of large vehicles, such as fire trucks or a pickup with a 31-foot trailer, making a left turn or a u-turn.

The u-turns would be managed by the traffic signals in the same manner as left turns – typically a green arrow allows the left and u-turning vehicles their own movement during the signal cycle while opposing through traffic and conflicting right turn movements have red signals. This would eliminate the other conflicting movements at the same time that would require quick reaction time or judgment. Further, since driveway movements would be limited to right turns only, drivers leaving driveways along the SR 502 corridor would wait for a gap in traffic in only one direction rather than two directions in order to travel to the left.

Dollars Corner would also include right turn lanes on all sides of the intersection.

Comment P-2: Brian Rolshoven

From: Brian Rolshoven
To: WSDOT SW Columbia Gorge Area Office
Subject: SR 502 widen
Date: Tuesday 6/16/2009

Hey I was wondering if you folks have considered, Instead of widening 502 look at widen installing and straitening a road that would come through about 259th st all the way to #503

this would feed the back side of battleground /la center without all the mess and cost of removing buildings

- a or target a road that comes in north of 259th that can feed more than just battleground
 lacercenter/amboy/battleground (build a road that can be traveled at 65mph) all cross roads dump right only.

a higher speed freeway is much preferred to a #502 wide road with traffic lights. most residents would detour a few miles to use the higher speed road.

It seems a waste to build a wide slow road with lights....when you could build a trim feeder 4 lane with few traffic lights and less commercial distraction.

Brian Rolshoven
 Amboy Wa / Spokane Wa

a good example is in Spokane with the new North South freeway Instead of widening hwy 2 they are building a trim 4 lane just one mile east with no commercial and few lights north and south.

north south through put will raise by 35 mph when complete.
 current speed north south is 35mph , 70 mph when complete.

keeping speeds up and consistent on cars, lower's emissions, cars get better gas mileage at higher speeds with less stop and go. (well worth a 1 mile detour)

Response to Comment P-2

- a. Thank you for your suggestions. Two “off-corridor” alternatives, which would relocate SR 502 to a new roadway parallel to NE 219th Street, were examined as possible alignments for this project. As described in Chapter 2 of the environmental impact statement, the “Blue Alternative” would have constructed a new off-corridor road running parallel to NE 219th Street to the north; the “Aqua

Alternative” would have constructed a new off-corridor road running parallel to NE 219th Street to the south. As you have noted, the off-corridor alternatives would have avoided most of the residential and commercial displacements, and a new off-corridor road would have fewer driveway connections, so a higher speed road could have been more safely accommodated.

These two off-corridor alternatives were withdrawn from further study for two primary reasons:

1. Lack of public support. Business owners at Dollars Corner strongly opposed any off-corridor alternative because it would reduce the visibility and convenience of their businesses to people that commute on SR 502 by routing their potential customers around Dollars Corner. They made it clear that they strongly preferred the effects of an on-corridor alternative (displacement) over the indirect effects of an alternative running north or south of Dollars Corner.

2. Wetland effects. The two off-corridor alternatives examined would have required filling approximately seven times more wetlands than the selected Build Alternative. Any alignment of an off-corridor roadway would likely cause significant wetland effects because of the extent of wetlands present in this area. Further, construction of a new road would disrupt the connectivity of existing wetland complexes, while on-corridor alternatives could make use of the existing roadway and avoid bisecting wetland complexes that are currently intact.

No other off-corridor alternatives were examined because they would face the same challenges as the two that were studied.

Comment P-3: Lucille Gukeisen

RECEIVED
JUN 22 2009
WSDOT COLUMBIA GORGE
AREA ENGINEERING OFFICE

June 18-2009

This is from Lucille Gukeisen + I
live at 4608 N.E. 219th St Ridgefield Wa 98642
I have lived here for 58 years.
I have a real concern about the
road being changed.
I have a 1 acre of land + my well
is in the middle of the property +
the septic tank is about 20 feet from
the well.
The drain field is completely gone.
I have had some one look at the
septic system, the only place would
be in the front yard so be 100ft away
from the well.
The road would be real close to
my front door.

Lucille Gukeisen

Response to Comment P-3

- a. Thank you for expressing your concerns. Washington State Department of Transportation acquires all needed property and property rights in accordance with Federal and State law. Washington State Department of Transportation operates under RCW 47.12 and Washington Administrative Code 468-

100. These laws are drawn directly from the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and subsequently amended in 1987. These laws mandate that Washington State Department of Transportation pay just compensation for all property rights acquired. Just compensation is the payment required by law for purchase of property or property rights. If less than an entire parcel is acquired, just compensation also includes losses in value or damages, if any, to the remaining property. Your comment is describing damages (need for relocation of your well and/or septic system) to the remaining property. This damage and cost to cure this damage would be addressed in the appraisal.

Comment P-4: Dennis Mason

RECEIVED

JUN 22 2009

WSDOT - COLUMBIA GORGE
AREA ENGINEERING OFFICE

June 18, 2009

Chris Tams
Washington State Dept. of Transportation
Southwest Region
P.O. Box 1709
Vancouver, WA 98668-1709

Dear Chris,

I had an opportunity to speak with Don Wagner following last Monday's city council meeting in Battle Ground concerning some property I would like to make available to WSDOT. He suggested that I contact you as the project manager.

a I have just under 8 acres at 4500 NE 219th Street. There is an unnamed winter creek that begins around the 4200 block of 219th and runs in a NE direction through the back of our property. There is approximately 5 acres down there that has some class 4 wetlands on it. My question to you is would WSDOT be interested in purchasing that piece as part of your wetlands mitigation plan for the SR 502 project?

I have attached a page out of the Draft EIS showing the approximate location of the property. I highlighted the area in question in yellow. Let me know if it may be something you are be interested in. If so we can make arrangements for your folks to come out and take a look.

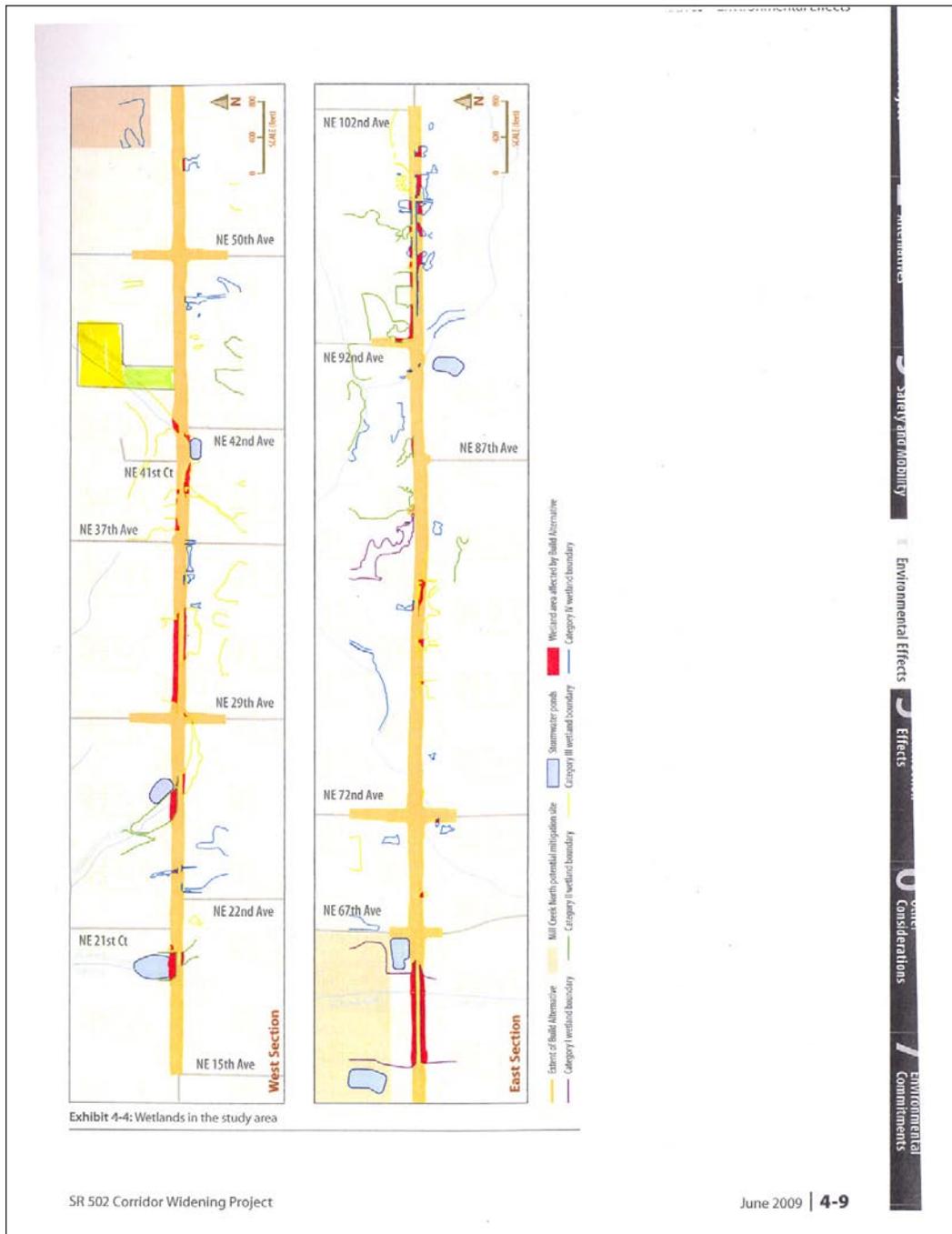
Thanks you,



Dennis Mason
4500 NE 219th Street
Ridgefield, WA 98642
360-907-9101

Attachment

Comment P-4 (continued)



Response to Comment P-4

- a. Thank you for the information about your property. The Sunset Oaks and Mill Creek North mitigation sites have already been identified for the project. Additional wetland mitigation opportunities are being researched and analyzed in the Conceptual Mitigation Plan currently under development by Washington

State Department of Transportation scientists and environmental planners. If your property is located in an area where additional mitigation acreage would be needed, Washington State Department of Transportation would examine it as a potential mitigation site.

Comment P-5: Dean Sprenger

From: Dean Sprenger
To: WSDOT SW Columbia Gorge Area Office,
WSDOT SW Web Info
Subject: SR 502 Corridor Widening Project Question/Comment
Date: Thursday 6/18/2009

Comments:

- a | Please be aware – I have had a business (broiler growing) since 1992. I receive grain, almost daily, with semi trucks 52' or longer. They must come from the freeway and leave back to freeway. I must have westbound access to SR502.

Response to Comment P-5

- a. Thank you for your concern. In the case of very large vehicles such as fuel trucks or single- or double-unit semis, these vehicles face similar obstacles in more urban areas such as in the Battle Ground and Vancouver urban areas where arterials such as Main Street (SR 502), SR 503, Mill Plain and SE 164th Avenue all have median-controlled facilities which require u-turns at signalized intersections.

In all cases, these facilities are not designed to accommodate u-turns for very large vehicles. Distribution routes for these vehicles are typically altered when access management improvements are built, so that the vehicle can enter businesses via right-turns. In the case of the SR 502 corridor, very large vehicles could still use parallel facilities, such as NE 199th Street and NE 239th Street and cross streets, such as NE 29th Avenue, NE 50th Avenue, NE 72nd Avenue, NE 92nd Avenue, and SR 503 to revise their distribution routes to continue serving businesses on SR 502.

Comment P-6: Dean Sprenger

From: Dean Sprenger
To: WSDOT SW Columbia Gorge Area Office
Subject: Re: SR 502 Corridor Widening Project Question/Comment
Date: Saturday 6/20/2009

a Thank you.. also please be aware that I receive at least (9) train semis at load out that also have to go back to the freeway. they can not leave my place on 15th south bound, nor could they make the intersection at 15th and 209th, they must leave north bound and then head west on SR502, back to the freeway. thanks again for your time
Dean Sprenger

Response to Comment P-6

- a. Thank you for your comment. In the case of very large vehicles such as fuel trucks or single- or double-unit semis, these vehicles face similar obstacles in more urban areas such as in the Battle Ground and Vancouver urban areas where arterials such as Main Street (SR 502), SR 503, Mill Plain and SE 164th Avenue all have median-controlled facilities which require u-turns at signalized intersections.

In all cases, these facilities are not designed to accommodate u-turns for very large vehicles. Distribution routes for these vehicles are typically altered when access management improvements are built, so that the vehicle can enter businesses via right-turns. In the case of the SR 502 corridor, very large vehicles could still use parallel facilities, such as NE 199th Street and NE 239th Street and cross streets, such as NE 29th Avenue, NE 50th Avenue, NE 72nd Avenue, NE 92nd Avenue, and SR 503 to revise their distribution routes to continue serving businesses on SR 502.

The intersection of SR 502 and NE 15th Avenue would be right-in, right-out only. Semi trucks would be able to access your property coming from the west, but in order to return to the freeway, they would need to go east to NE 29th Avenue and at that point either travel north to NE 239th Avenue and then to the Ridgefield Interchange or loop back to SR 502; or they could go south on NE 29th Avenue to NE 179th Avenue or NE 199th Avenue and then travel west to I-5.

Comment P-7: Lucille Gukeisen

June 21, 2009

I am Lucille Gukeisen & live at
4608 N.E 219th St Ridgely Wa. 98642
I have lived at this address for 58 yrs.
I have a real concern about the
road being changed.

I have 1 acre of land and my well
is in the middle of the property & the
septic tank is about 20 feet from the well.
The drain field is completely gone.
I have had some one look at the
septic system. The only place they could
go was down in the front lawn, to
be 100ft away from the well.

The road would be real close to
my front door.

I would really like you to buy
my property.

Lucille Gukeisen

Response to Comment P-7

- a. Thank you for expressing your concerns. Washington State Department of Transportation acquires all needed property and property rights in accordance with Federal and State law. Washington State Department of Transportation operates under RCW 47.12 and Washington Administrative Code 468-

100. These laws are drawn directly from the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and subsequently amended in 1987. These laws mandate that Washington State Department of Transportation pay just compensation for all property rights acquired. Just compensation is the payment required by law for purchase of property or property rights. If less than an entire parcel is acquired, just compensation also includes losses in value or damages, if any, to the remaining property. Your comment is describing damages (need for relocation of your well and/or septic system) to the remaining property. This damage and cost to cure this damage would be addressed in the appraisal.

Comment P-8: Van Koll



SR 502 CORRIDOR WIDENING
REDUCING CONGESTION • BUILDING FOR THE FUTURE
I-5 TO BATTLE GROUND

**June 23, 2009 Public Open House
Comment Form**

See attachment

a | we need our driveways
& we want to stay where we are!

(Continue on back if needed.)

Name: Van Koll

Address: 6508 ne 219th st Battle Ground wa 98604
Street/PO Box City/State Zip Code

Phone (optional): _____ E-mail (optional): _____

Comments regarding the DEIS can be submitted during the 45-day comment period (June 5 through July 20, 2009). During this time, interested individuals, groups, and agencies can provide comments by mail or email to:

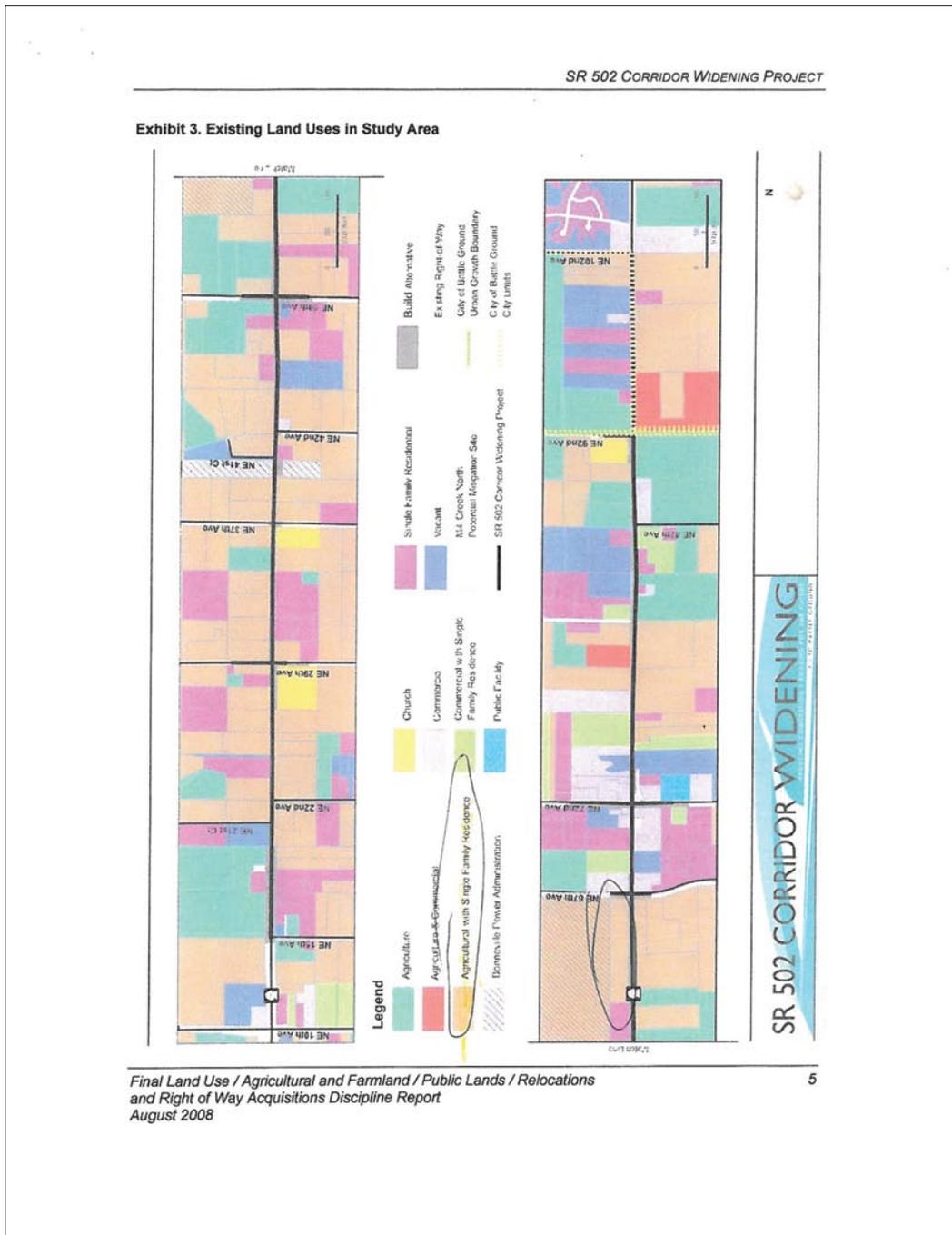
Chris Tams, WSDOT Columbia Gorge Area Engineer
 PO Box 1709
 Vancouver, Washington 98668-1709
 Phone (toll-free): 866-279-0730
 E-mail: swgorge@wsdot.wa.gov
www.wsdot.wa.gov/Projects/SR502/Widening/

Comment P-8 (continued)

VAN Fall
V.K. Stables
6508 ne 219th St
Battle Ground
Wa

- a | First of all I would like to know how much of our property you are taking so we know exactly which part we're talking about, first it was the front, then all of it, then just the high part where our house and business is and now we have heard you are taking the other high part down on the west end and 25 feet off the front, leaving us with the lowest and unbuildable part.
- b | Page ES-2- The picture on the right hand side says that Mill Creek North is adjacent to commercial and agricultural land - that's not correct, it's commercial and rural residential w/ a commercial business, not agricultural designation.
- c | ES-3 says the current use tax program provide tax relief for these properties that are currently being used for open space, agriculture or forestry activities in this area. Maybe some do but I know we have taken not tax deduction or relief on our property, we pay full tax because we have maintained a business on the property, not agriculture.
- d | Pg5 your map has the wrong designation for our property, we are rural with a ^(u) commercial business not a single family agriculture.
- e | Pg 35-36 -Exhibit 11 -12 Which category do we fall into for acquisition? (2a+3)
- f | Pg 36 Exhibit 13 Why does it say 0% under commercial R-20?

Comment P-8 (continued)



Comment P-8 (continued)

SR 502 CORRIDOR WIDENING PROJECT

Exhibit 11. Percent of Parcels Reduced in Size and Acres Acquired by Zoning Designation

Build Alternative			
County Zoning Designation	Percent of Parcels Reduced in Size	Percent of Acres Acquired for Right of Way	Percent of Acres Acquired for Wetland Mitigation**
AG-20	3%	4%	0%
CR-2	23% (2 full acquisitions)	10%	0%
MX	8%	5%	0%
R-20	7%*** (2 full acquisitions)	25%**	100%
R-10	2%	2%	0%
R-5	48%	43%	0%
R-5/CR-2*	1%	3%	0%
RC-1/CR-2*	4%	2%	0%
RC-1	1%	0%	0%
RC (City of Battle Ground)	3%	5%	0%
Total for all zones	100%	100%	100%
Total (number)	140-160 parcels	40-60 acres**	68 acres

Notes: * = Parcels within two zoning designations. The portion of each of these parcels that fronts onto SR 502, and is thus under consideration for right of way, is zoned CR-2.

**=The Washington State Department of Transportation only acquires mitigation land from property owners willing to sell; no land would be condemned for mitigation purposes.

***= This includes the 68 acre Mill Creek North potential mitigation site

As Exhibit 11 indicates, most of the parcel acquisitions are within the R-5 zone, Clark County's low density residential zoning designation, followed by the CR-2 rural commercial zone. More than half of the parcels are currently used for residential purposes – many of which are jointly used for agricultural purposes. The 68 acre Mill Creek North potential mitigation site is located within the R-20 zone and would contribute to the acquisition of agricultural property for the Build Alternative; however, WSDOT only acquires mitigation land from willing sellers and would not condemn any land for mitigation purposes. At the current level of design, the total amount of land anticipated for right of way acquisition and the Mill Creek North potential mitigation site would be 110-130 acres.

At the current level of design, 36-52 relocations of commercial businesses and residences would be estimated to occur under the Build Alternative. Exhibit 12 shows the number, type and acreage of the displacements by existing land use, and Exhibit 13 shows this information by zoning designation.

Comment P-8 (continued)

SR 502 CORRIDOR WIDENING PROJECT

Exhibit 12. Percentage of Residential and Commercial Relocations and Percentage of Acres of Relocated Properties by Existing Land Use

Build Alternative				
Existing Land Use(s)	Percent of Residential Relocations	Percent of Commercial Relocations	Percent of Acres of Relocated Properties Needed for Project	Relocated Acres as a Percent of Total Acres in Land Use***
Agriculture	0%	0%	0%	0%
Agriculture & Commercial*	0%	0%	0.0%	0.0%
Agriculture with Single Family Residence*	59%**	0%	73.7%**	8.2%**
Church	0%	0%	0.0%	0.0%
Commercial	0%	100%	12.5%	6.1%
Commercial with Single Family Residence*	4%	0%	1.3%	1.1%
Public Facility	0%	0%	0.0%	0.0%
Single Family Residential	37%	0%	12.5%	4.6%
Vacant	0%	0%	0.0%	0.0%
Total for all land uses	100%	100%	100%	--
Total (number)	20-30 relocations	16-22 relocations	15-25 acres of relocated properties plus Mill Creek North site (68 ac)	5% of land in study area (374 acres)***

Notes: * = Parcels within more than one primary land use

** = This includes the 68 acre Mill Creek North potential mitigation site as one relocation; however, since that parcel is only partially within the study area boundary, the acreage is excluded from the last 2 columns.

*** = Excludes acreage in existing right of way. Total project area is 432 acres including 58 acres of existing right of way.

Response to Comment P-8

- a. Thank you for reviewing the draft environmental impact statement. The environmental impact statement is a high-level look at right of way requirements. Final engineering design has not yet been completed and exact acquisition areas would be refined as additional engineering design progresses. The right of way and access

plans show the property that Washington State Department of Transportation would need to acquire for the project.

Washington State Department of Transportation acquires all needed property and property rights in accordance with Federal and State law. Washington State Department of Transportation operates under RCW 47.12 and Washington Administrative Code 468-100. These laws are drawn directly from the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and subsequently amended in 1987. These laws mandate that Washington State Department of Transportation pay just compensation for all property rights acquired. Just compensation is the payment required by law for purchase of property or property rights. If less than an entire parcel is acquired, just compensation also includes losses in value or damages, if any, to the remaining property. These items would be discussed in the appraisal.

- b. Page ES-2 of the land use report (included in the appendices) describes that *“The Mill Creek North potential mitigation site is currently used for agriculture with a single family residence and is approximately 250 feet north of SR 502 between NE 50th Avenue and NE 67th Avenue. Adjacent land uses are low-density residential.”* The caption on the picture on this page states *“Looking across an open field toward commercial and residential properties adjacent to SR 502.”*

Your property does contain a single family residence, so it is partially a residential use. However, the photo is not specific to Mill Creek North and notes that both commercial and residential properties are adjacent to the highway.

The text in the land use report has been updated (in the errata sheet) to note that the mitigation site is adjacent to low-density residential land uses and a commercial horse arena.

- c. Page ES-3 of the land use report (included in the appendices) states: “There are currently approximately 12 parcels in farm and agricultural use and 2 parcels in timber use in the study area that are enrolled in the County’s current use program. The current use program provides property tax relief for properties that are currently being used for open space, agricultural, or forestry activities.”

Your property is not one of these 14 properties reported as enrolled in the County’s current use program.

- d. The map you are referencing on page 5 of the land use report (included in the appendices) depicts existing land uses as inventoried by the project team. It does not show official zoning designations.

Your property was identified as “single family with agriculture” because it contains a single family dwelling as well as fields that could be potentially used for agriculture, and your arena could be considered an agricultural use. However, the errata sheet in the land use report notes that this should be corrected to an existing land use of “commercial with single family residence.” This information has been updated in the final environmental impact statement.

- e. Exhibit 11 on page 35 of the land use report (included in the appendices) reports acquisition acreage by zoning designation. Your property is zoned R-20 in Clark County as shown in Exhibit 7, so your property is reported in the R-20 zoning category.

Exhibit 12 on page 36 of the land use report reports relocations by existing land use. As noted previously, your property was identified as “agriculture with single family residence” when inventoried by the project team, so it was reported in this category. However, the errata sheet in the land use report notes the correction to an existing land use of “commercial with single family residence.” This information has been updated in the final environmental impact statement.

- f. Exhibit 13 on page 37 of the land use report (included in the appendices) reports relocations by zoning designation. Because your property contains a single family home that would be displaced, it was identified as a residential displacement, rather than a commercial displacement in this report. However, please note that Exhibit 4-14 in the draft environmental impact statement identifies your parcel as a location of a potential business displacement. The errata sheet for the land use report notes that your property would have both a residential and a business displacement.

Comment P-9: Mrs. Curtis Graue



**June 23, 2009 Public Open House
Comment Form**

a | Since this Road opened up the traffic is so heavy & the cars go fast

b | There's never any patroling
I think this needs to be checked

c | out & it takes about 10 min to get out of your driveway _____
(Continue on back if needed.)

Name: Mrs Curtis Graue
Address: 4512 N.E 219th ST Ridgefield WA 98642
Street/PO Box City/State Zip Code
Phone (optional): 487-2080 E-mail (optional): _____

Comments regarding the DEIS can be submitted during the 45-day comment period (June 5 through July 20, 2009). During this time, interested individuals, groups, and agencies can provide comments by mail or email to:

Chris Tams, WSDOT Columbia Gorge Area Engineer
PO Box 1709
Vancouver, Washington 98668-1709
Phone (toll-free): 866-279-0730
E-mail: swgorge@wsdot.wa.gov
www.wsdot.wa.gov/Projects/SR502/Widening/

Response to Comment P-9

- a. Thank you for your concern. As you have noted in your comment, SR 502 is currently very congested during certain times of day. The project would make improvements that reduce congestion so that cars could travel more easily through the corridor. Without the improvements, the commute time from I-5 to Battle Ground would

double by 2033 under the No Build Alternative as more traffic uses this corridor.

- b. As an agency responsible for constructing and maintaining state highways, Washington State Department of Transportation does not have authority to control the patrolling along the SR 502 Corridor. The Clark County Sheriff and Washington State Patrol have jurisdiction over this roadway, as well as the City of Battle Ground Police Department for the portion of the corridor located within city limits.
- c. Improvement of safety and mobility are the two primary purposes of the project. The proposed improvements to SR 502 – the addition of travel lanes, signalized intersections, turn lanes, a median to reduce the number of vehicle conflicts and improve safety along the corridor, would improve traffic flow and safety along the corridor. Under the preferred alternative you would no longer be able to make left turns in or out of your driveway but could still make a right turn into or from your driveway onto SR 502 and use the signalized intersections for u-turns. Although you may need to travel out of direction after left turns are removed, the overall improvements to the corridor should reduce travel time from your house to your trip destinations, and vice versa. Because you would only be turning right out of your driveway, it should take less time since you would not have to watch for traffic traveling in both directions or cross a lane of traffic; further the addition of a travel lane in each direction as well as signalized intersections along the corridor would make the traffic you are entering flow more smoothly, facilitating your ability to make a right turn.

Comment P-10: Lucille Gukeisen



June 23, 2009 Public Open House

Comment Form

a *This road is so busy now & I can't believe what it will be when this new road comes through.*

b *The traffic is terrible they drive so fast. I hope you will be fair about buying our property.*

(Continue on back if needed.)

Name: *Lucille Gukeisen*

Address: *1608 N.E. 219th St.* *Redmond Wa 98042*
Street/PO Box City/State Zip Code

Phone (optional): *687-2760* E-mail (optional): _____

Comments regarding the DEIS can be submitted during the 45-day comment period (June 5 through July 20, 2009). During this time, interested individuals, groups, and agencies can provide comments by mail or email to:

Chris Tams, WSDOT Columbia Gorge Area Engineer
 PO Box 1709
 Vancouver, Washington 98668-1709
 Phone (toll-free): 866-279-0730
 E-mail: swgorge@wsdot.wa.gov
www.wsdot.wa.gov/Projects/SR502/Widening/

Response to Comment P-10

- a. Thank you for expressing your concerns. The purpose of the SR 502 Corridor Widening Project is to improve mobility and safety along the SR 502 Corridor. Traffic volumes along SR 502 are anticipated to increase to 42,000 vehicles per day by 2030 according to the future growth as envisioned in the County's Comprehensive Plan. As you