Appendices

Final Environmental Impact Statement

Vancouver Rail Project

Appendix A

Conceptual Plan Sheets

Final Environmental Impact Statement

Vancouver Rail Project

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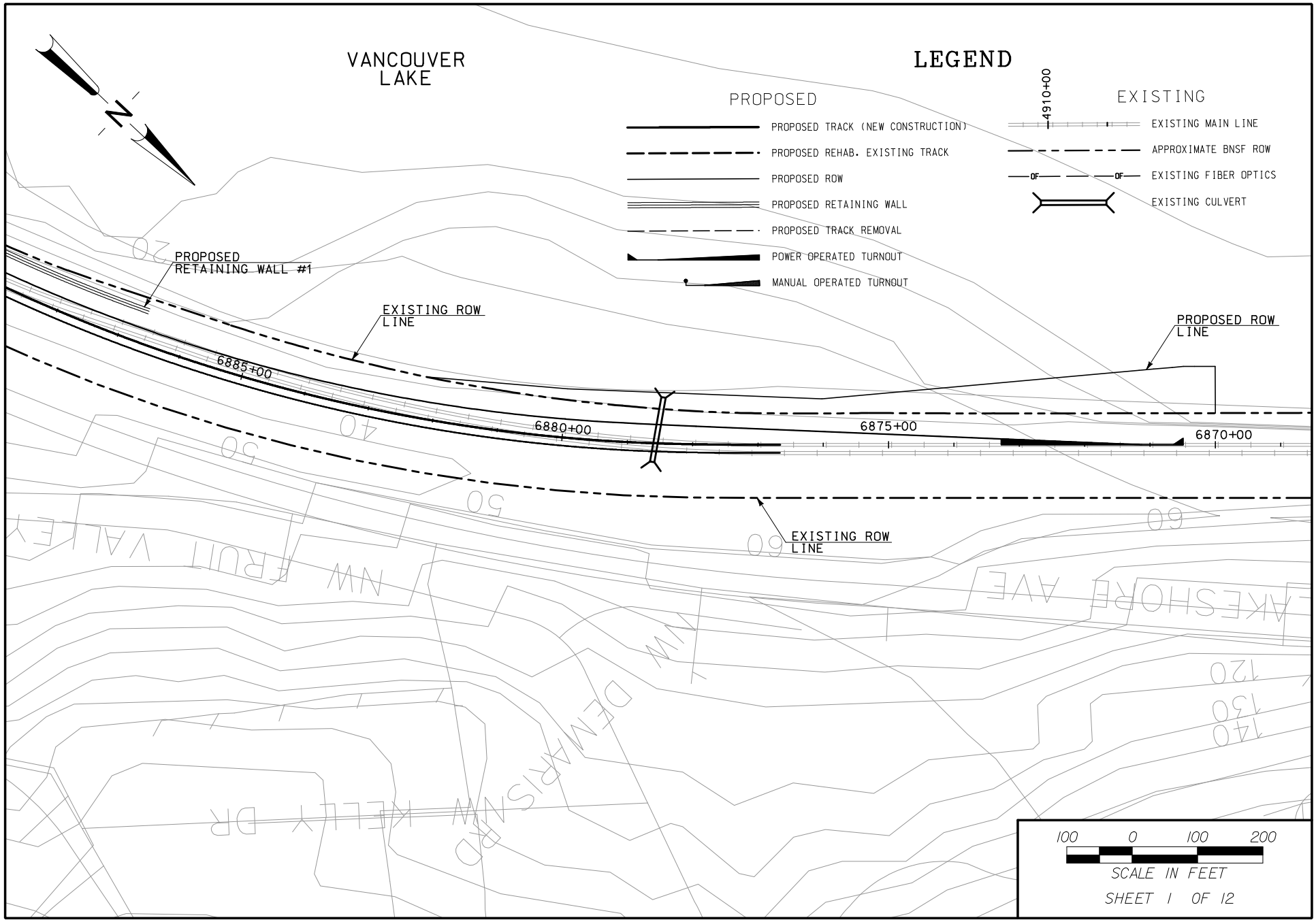

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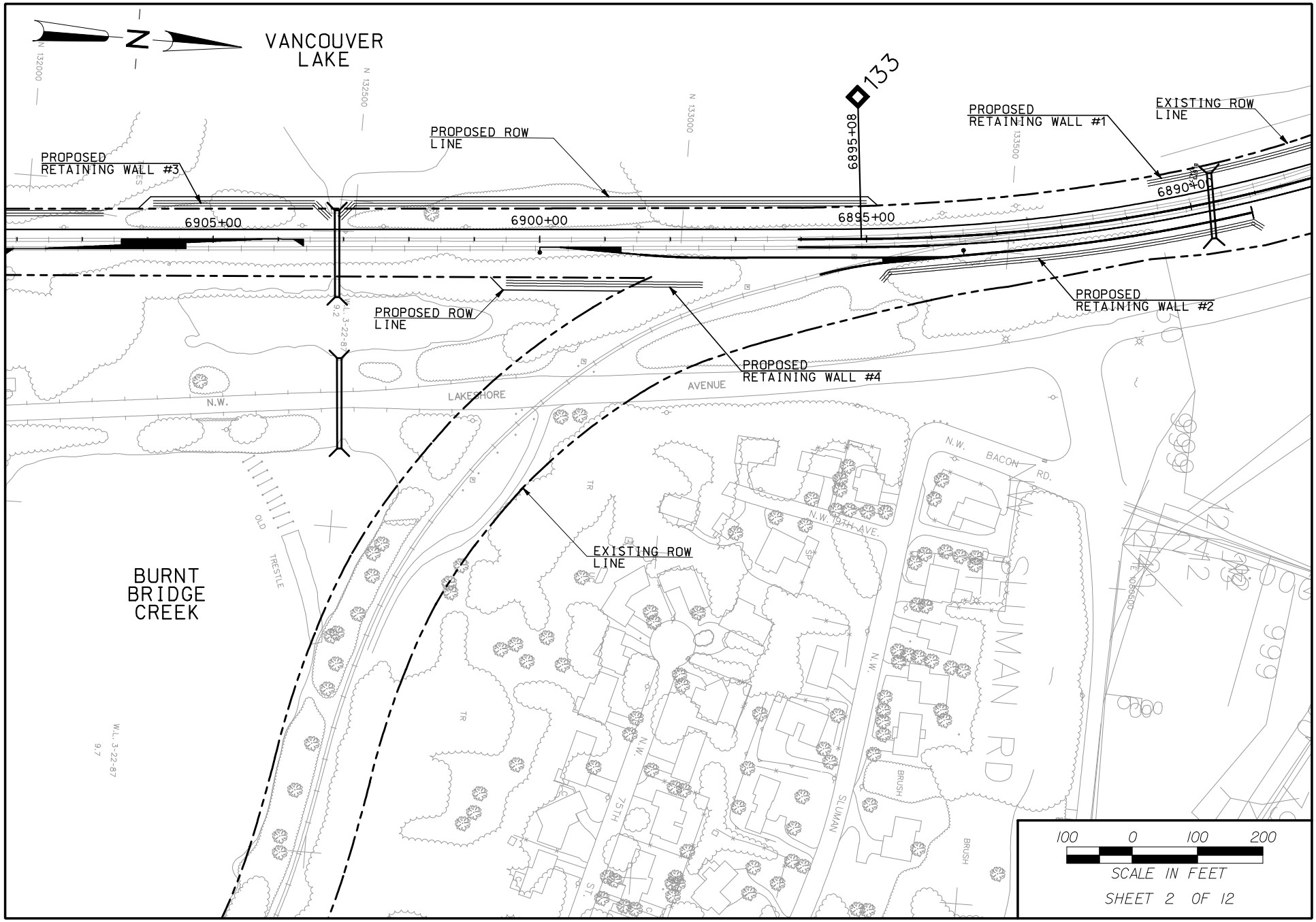

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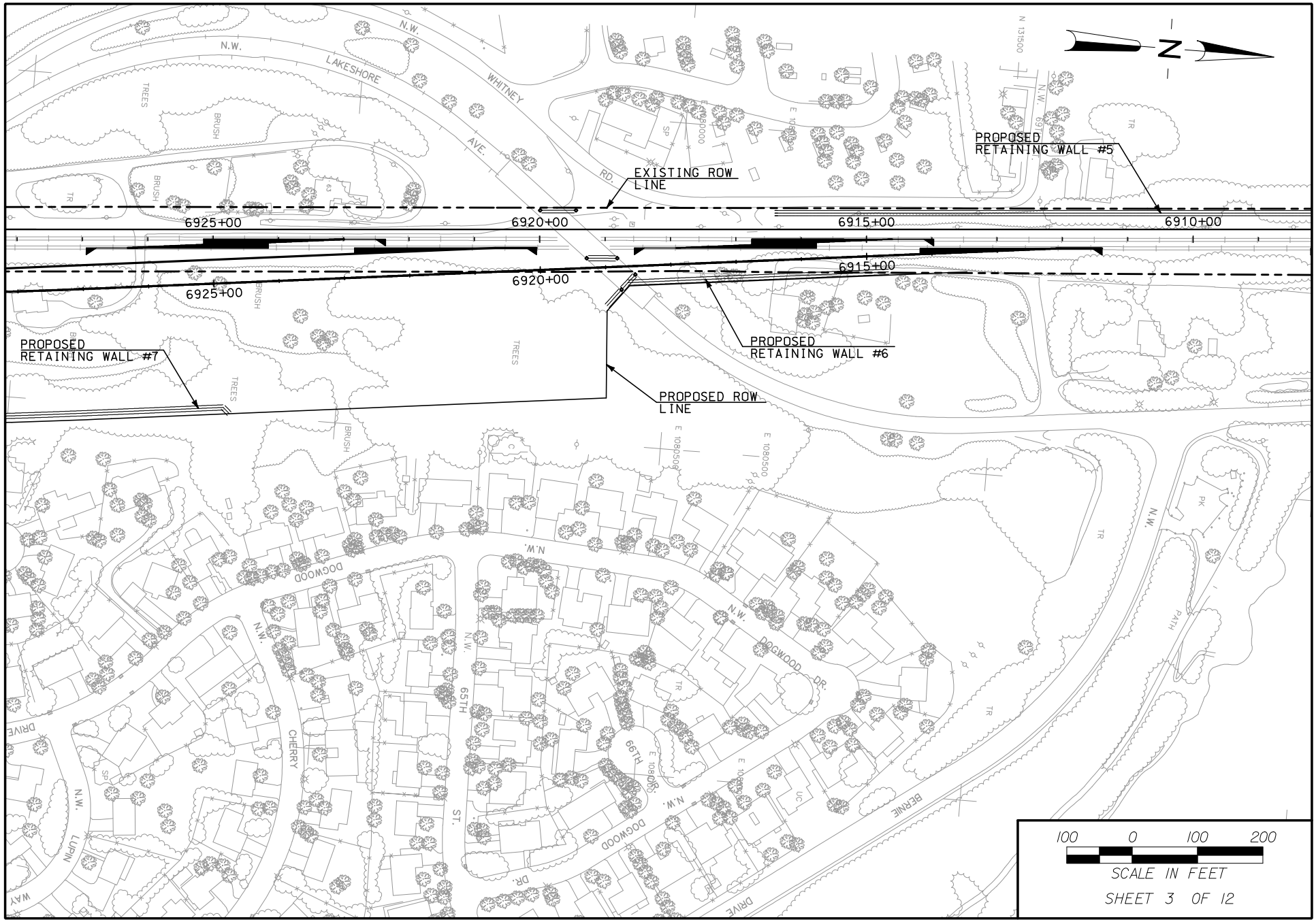

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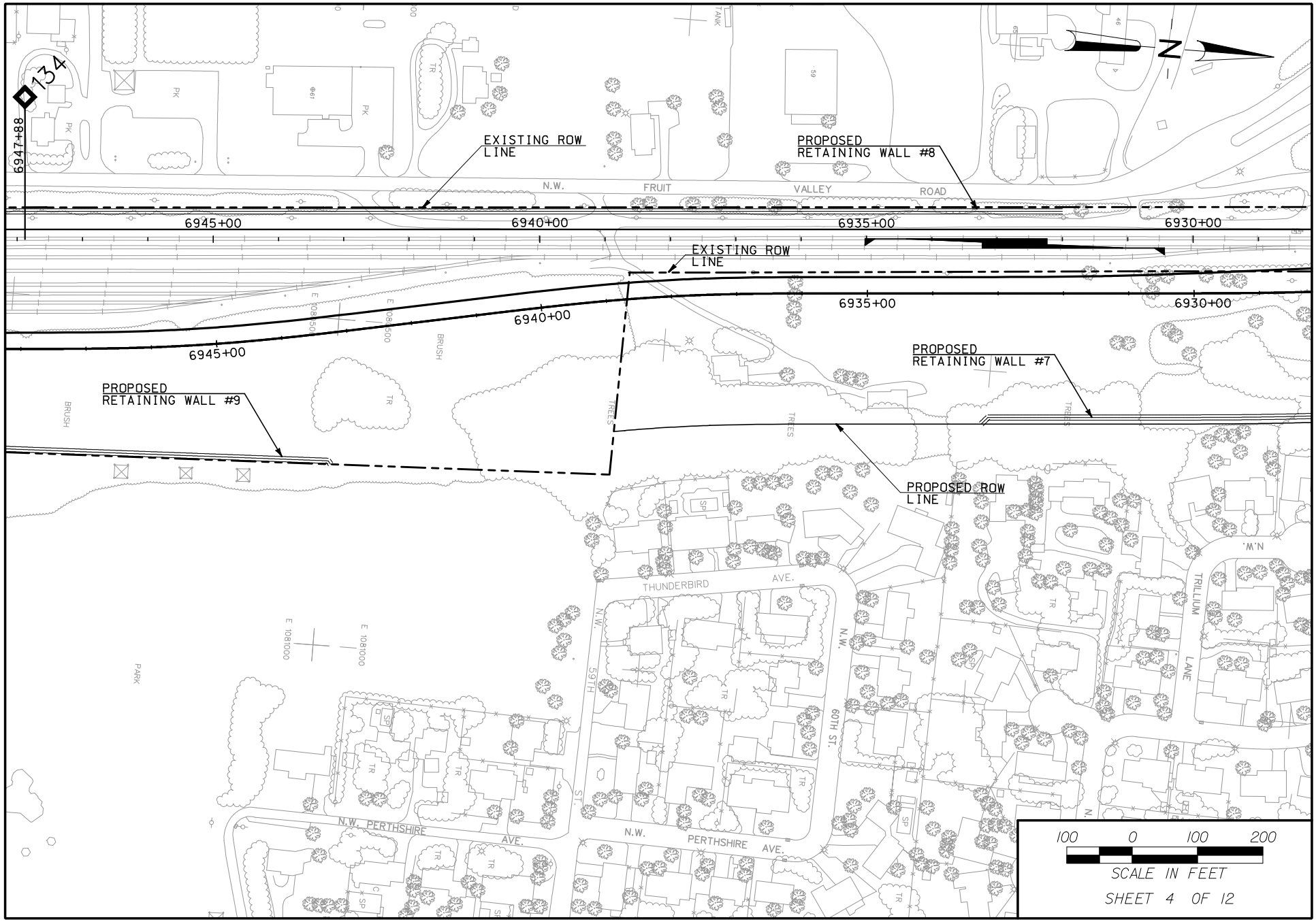

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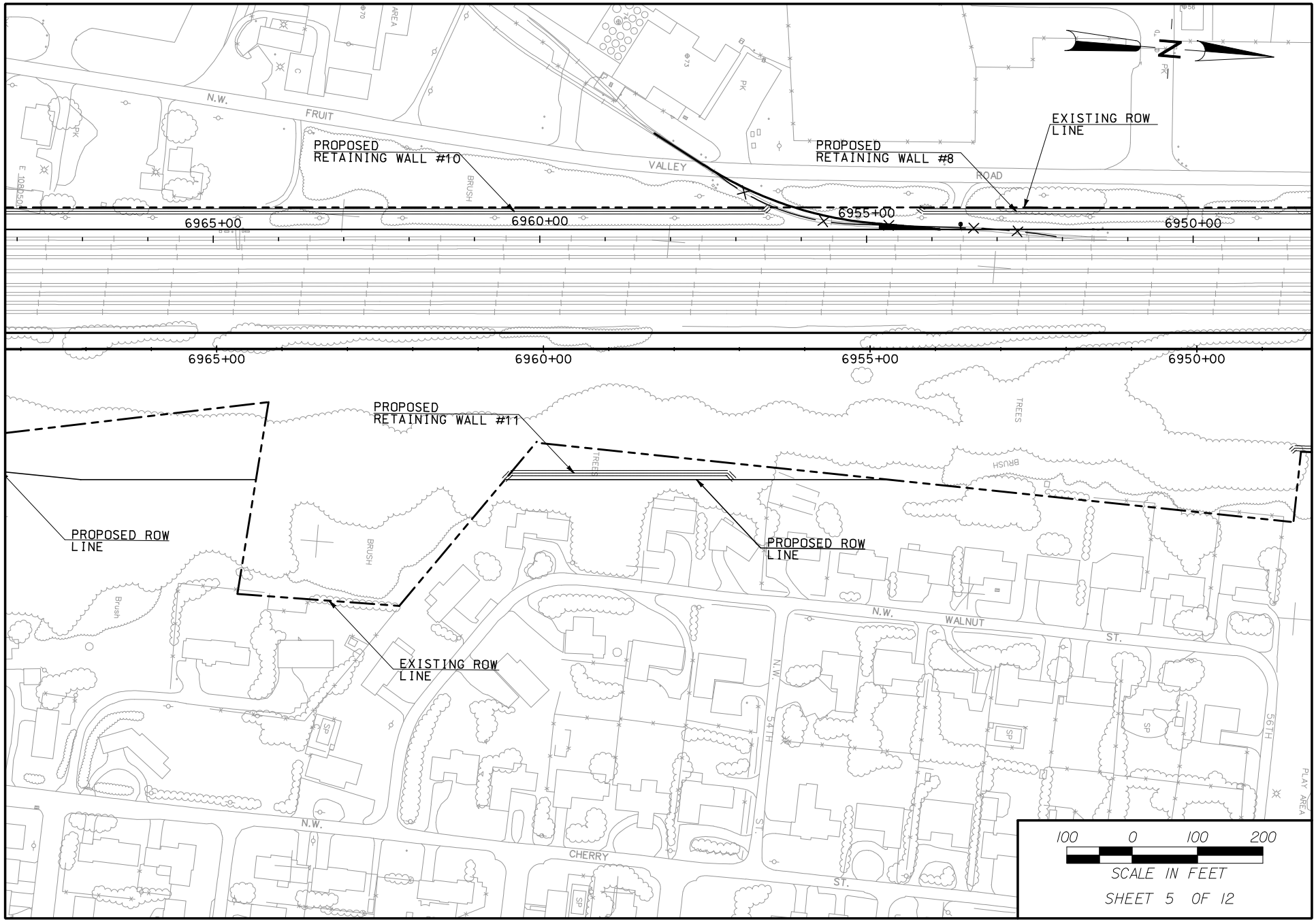

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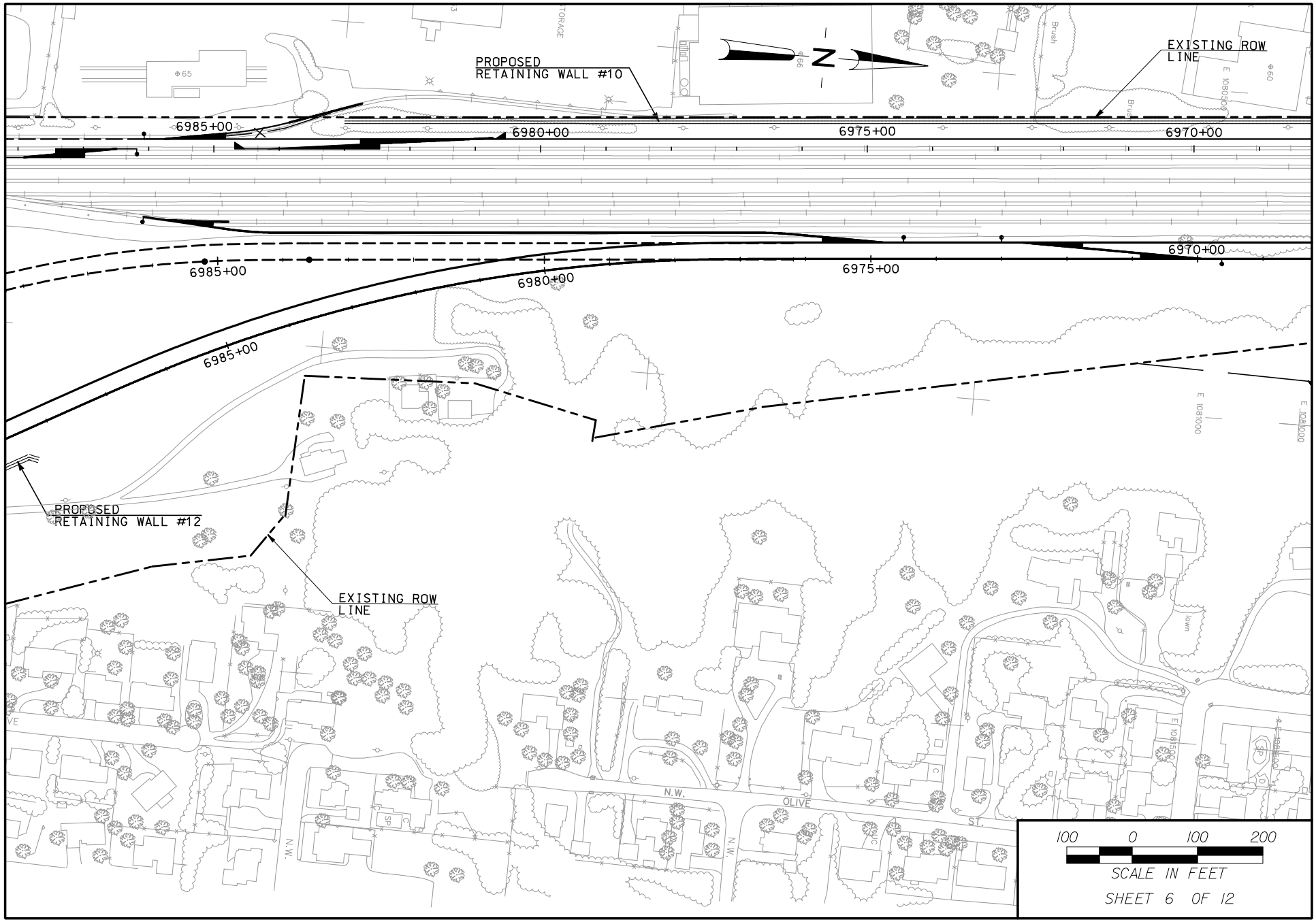

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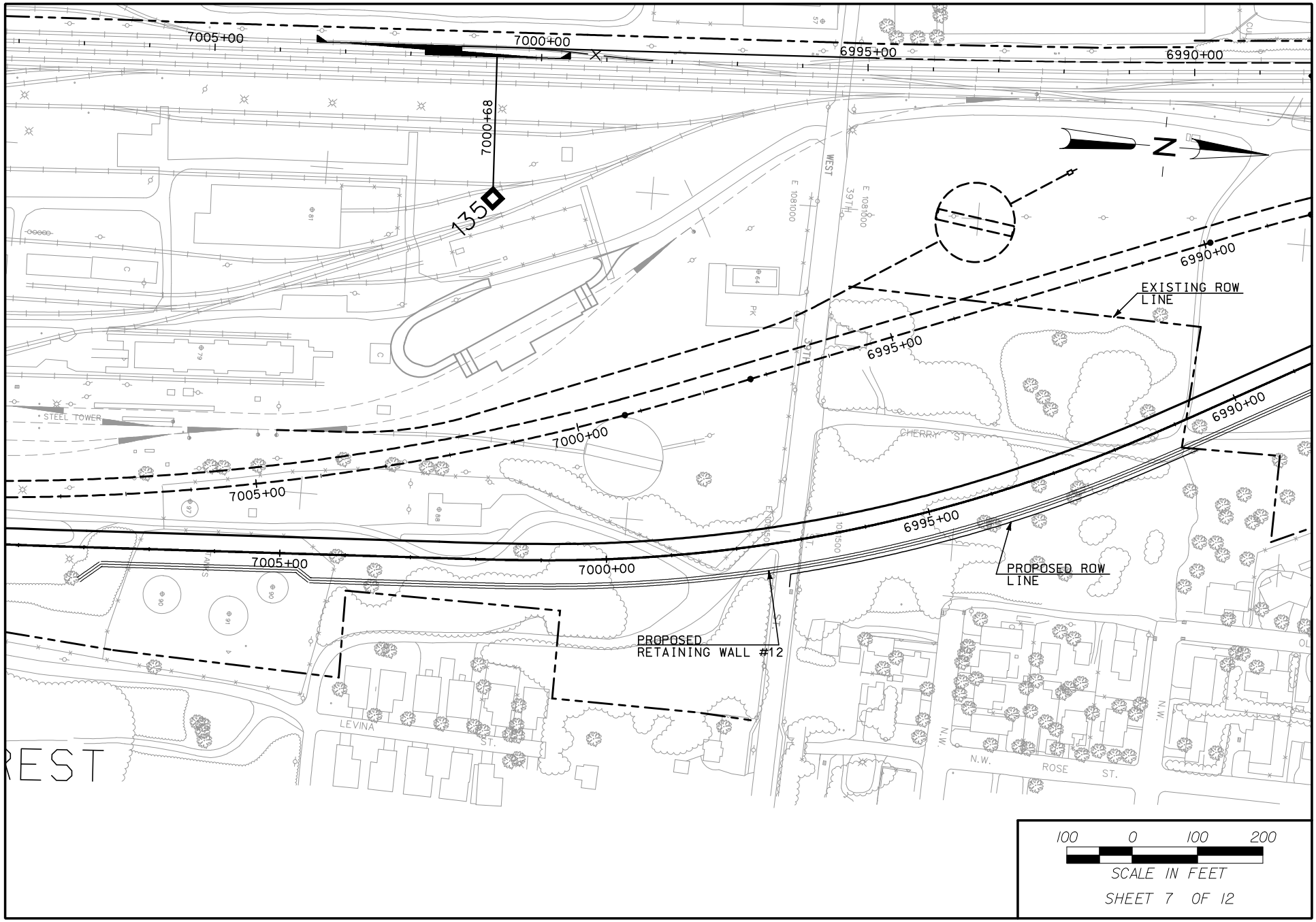

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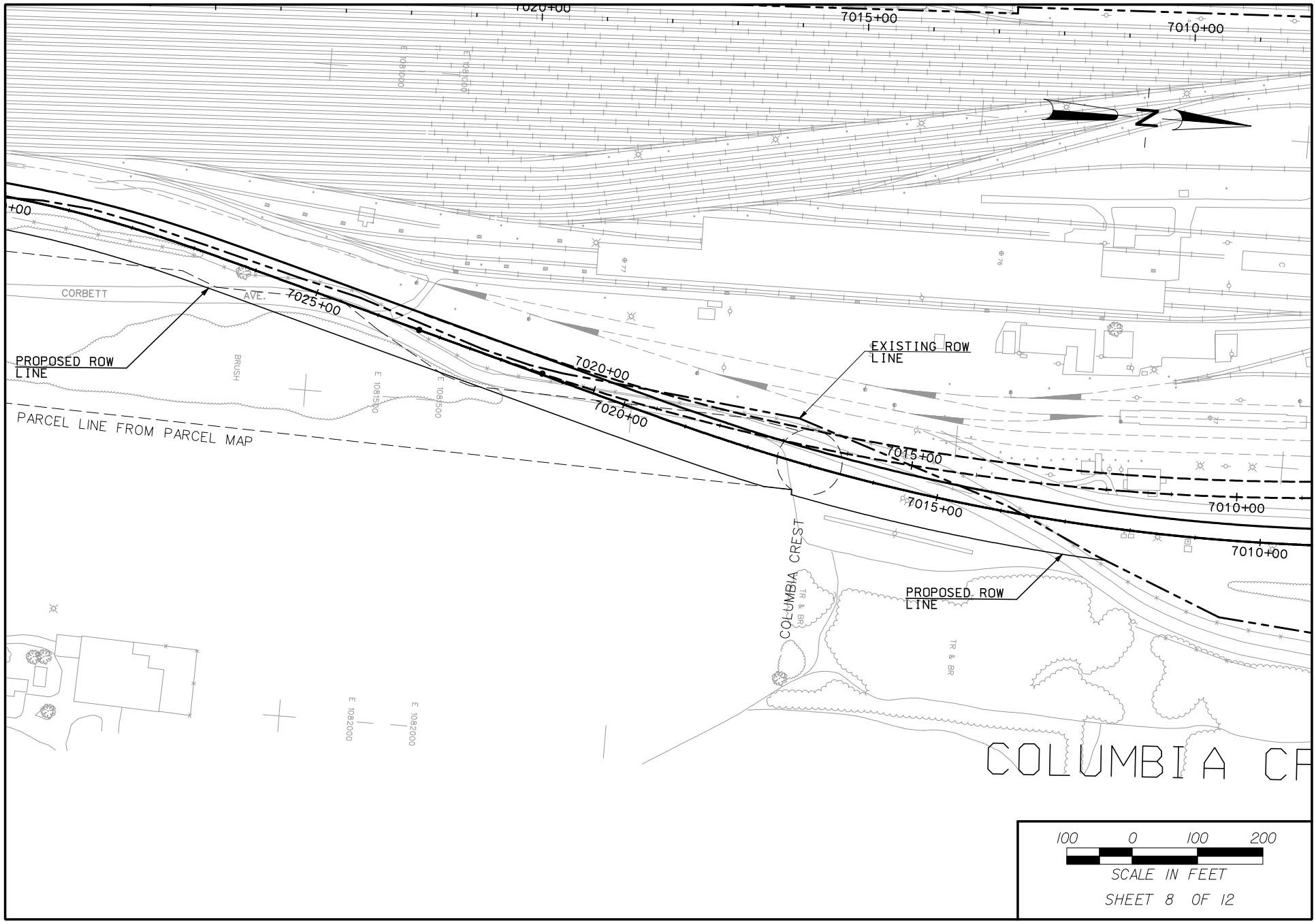

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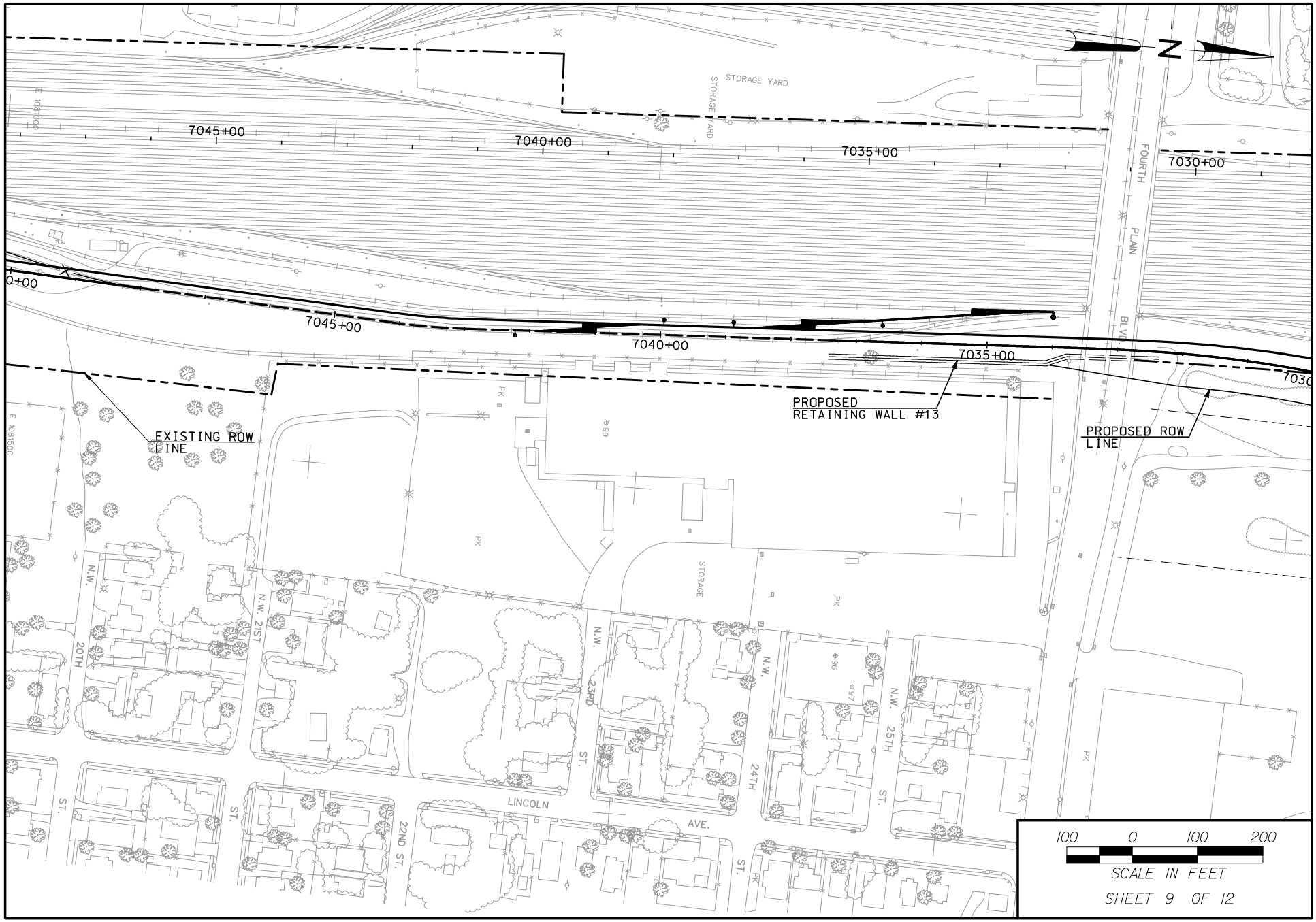

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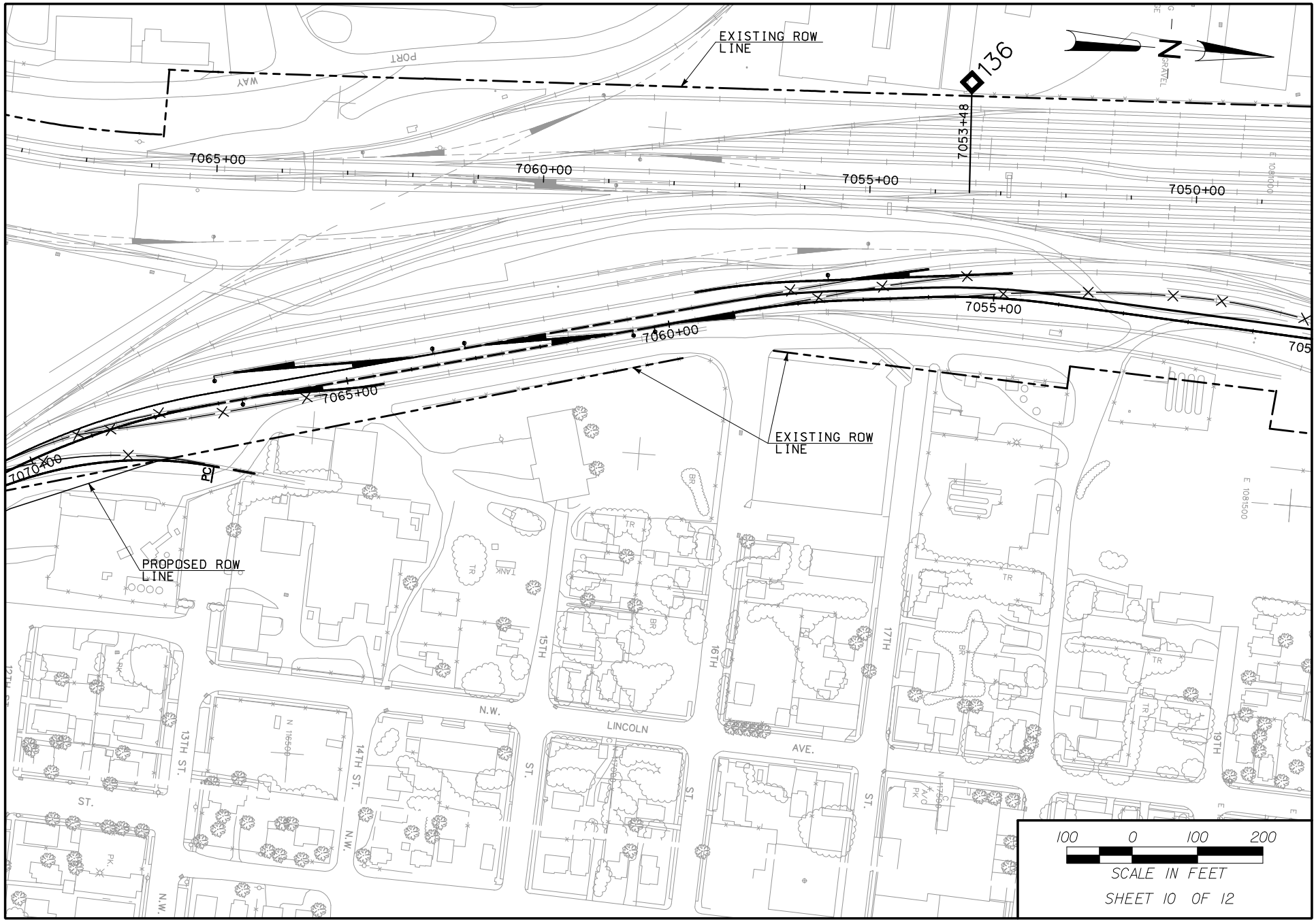

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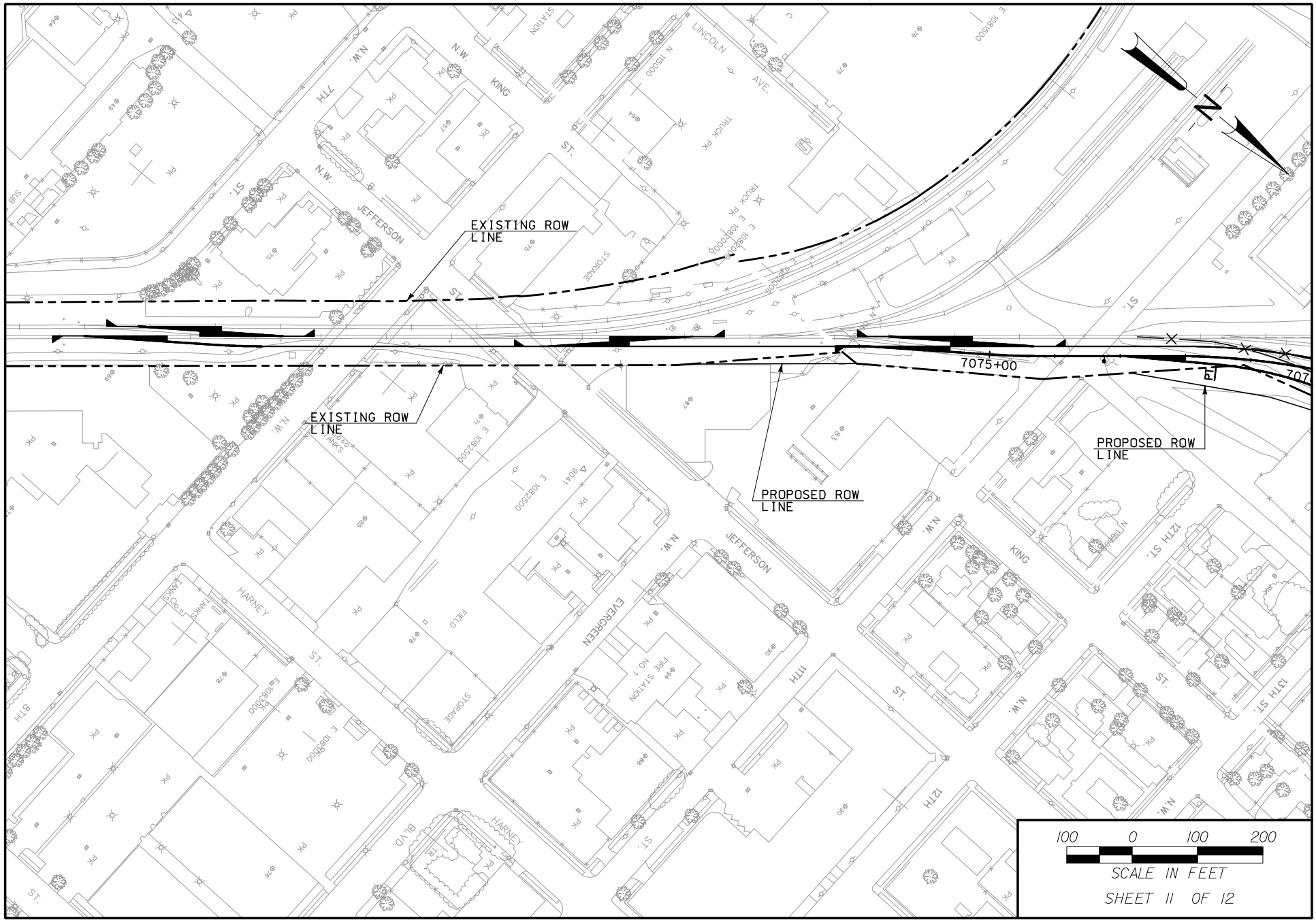

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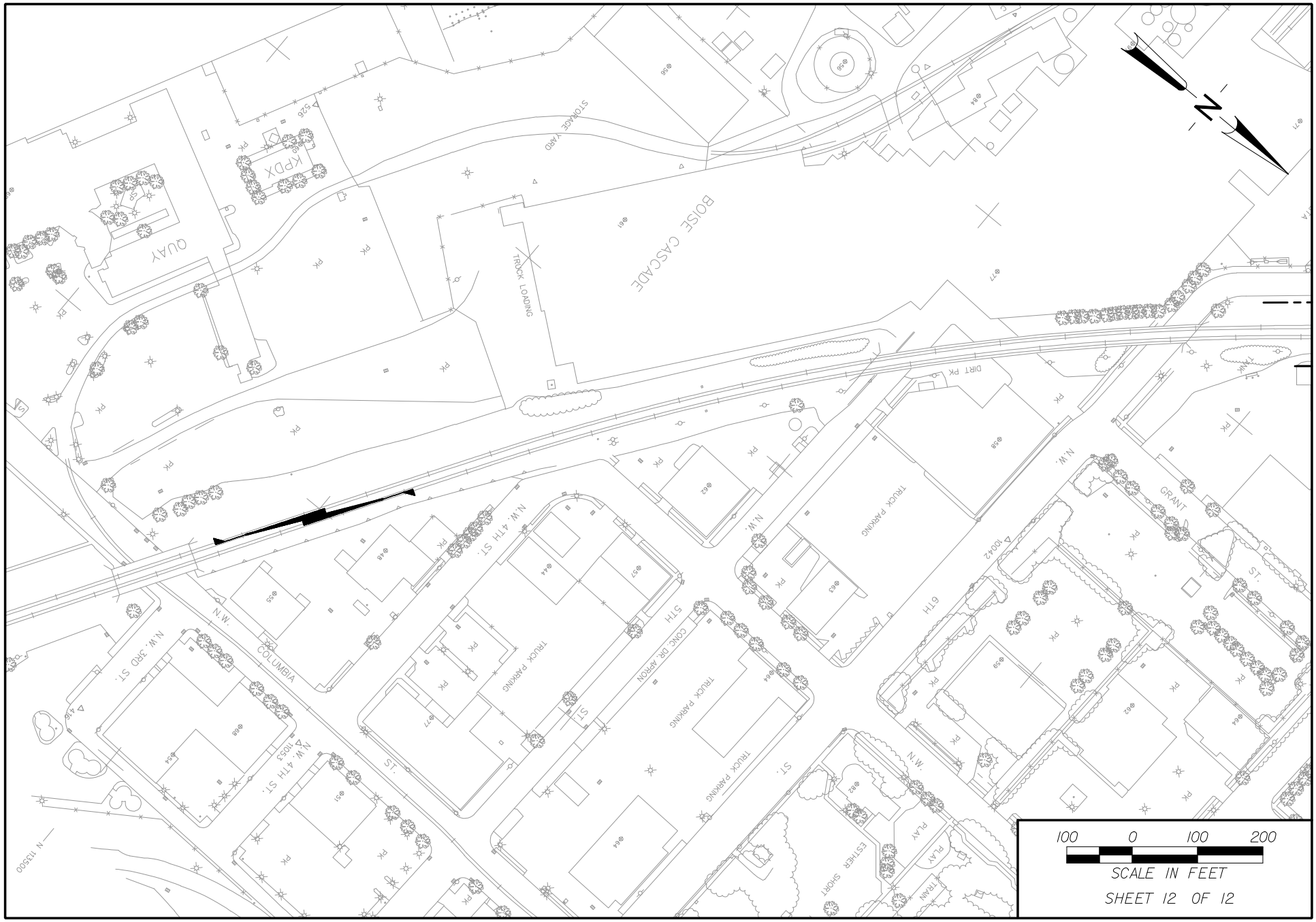

Appendix B

Vegetation and Wetlands Mapping

Final Environmental Impact Statement

Vancouver Rail Project

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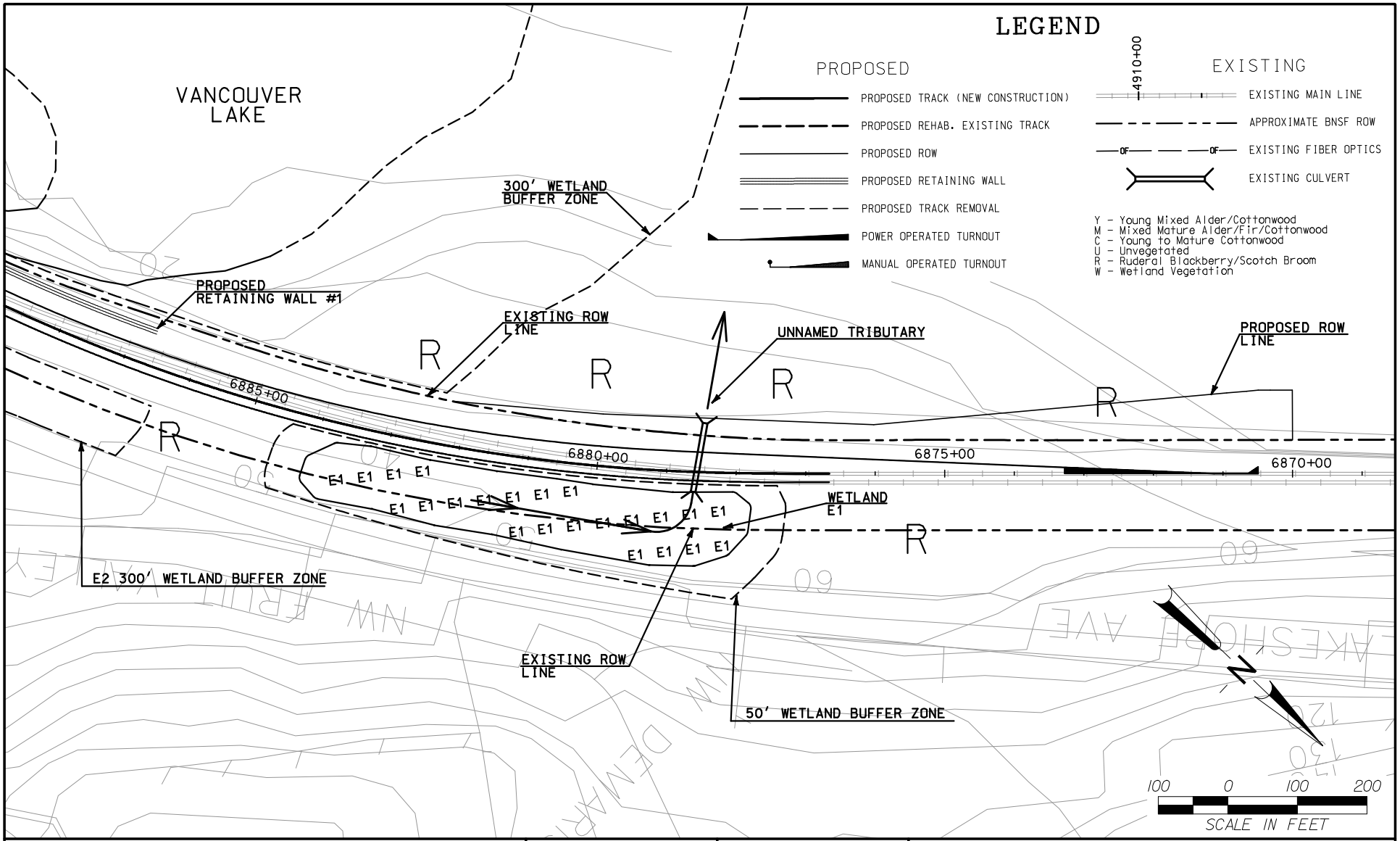

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PACIFIC NORTHWEST RAIL CORRIDOR - PHASE 1 EIS
VANCOUVER YARD DOUBLE TRACK BYPASS
AND NP SIDING EXTENSION

WETLANDS AND STREAM

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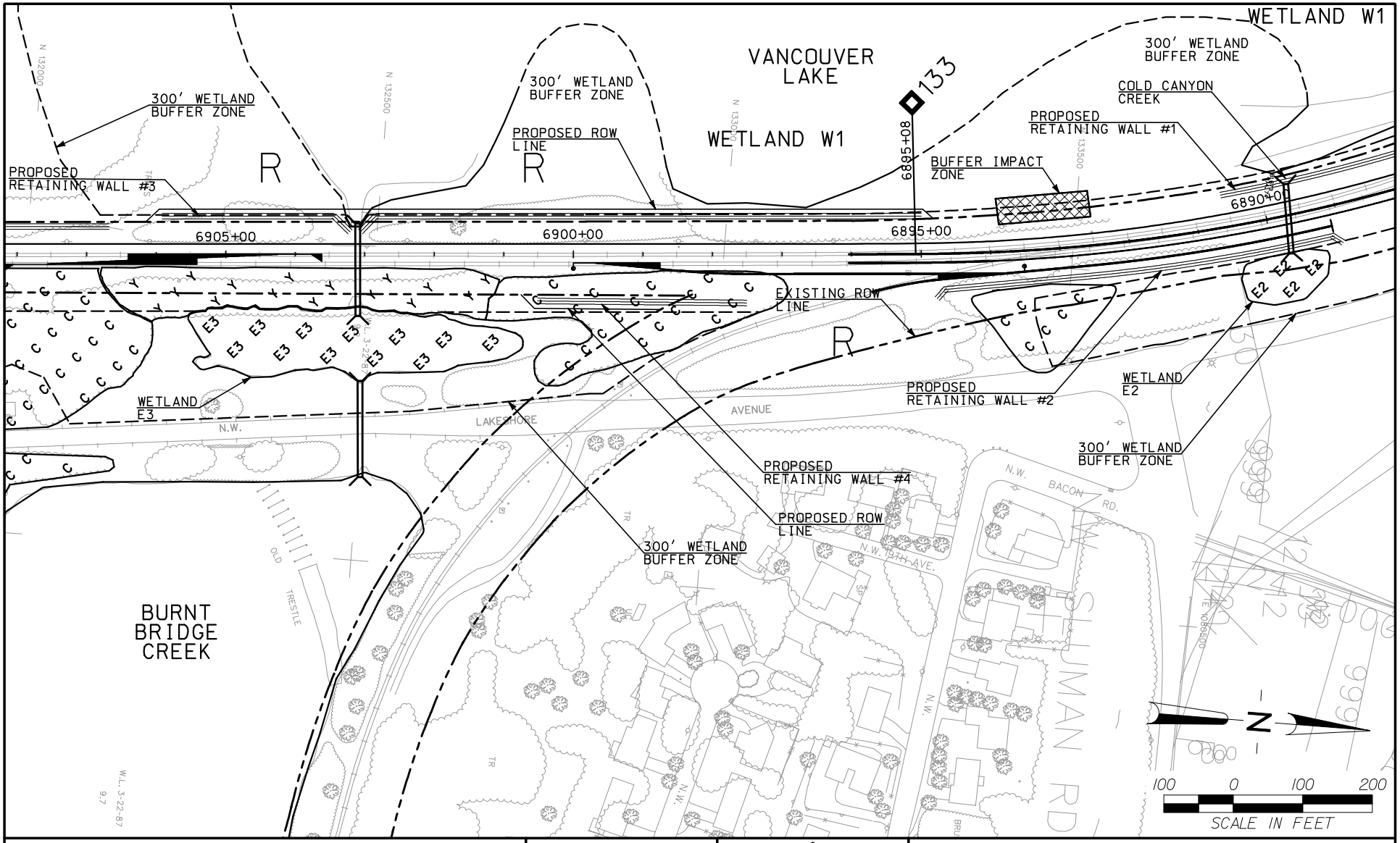

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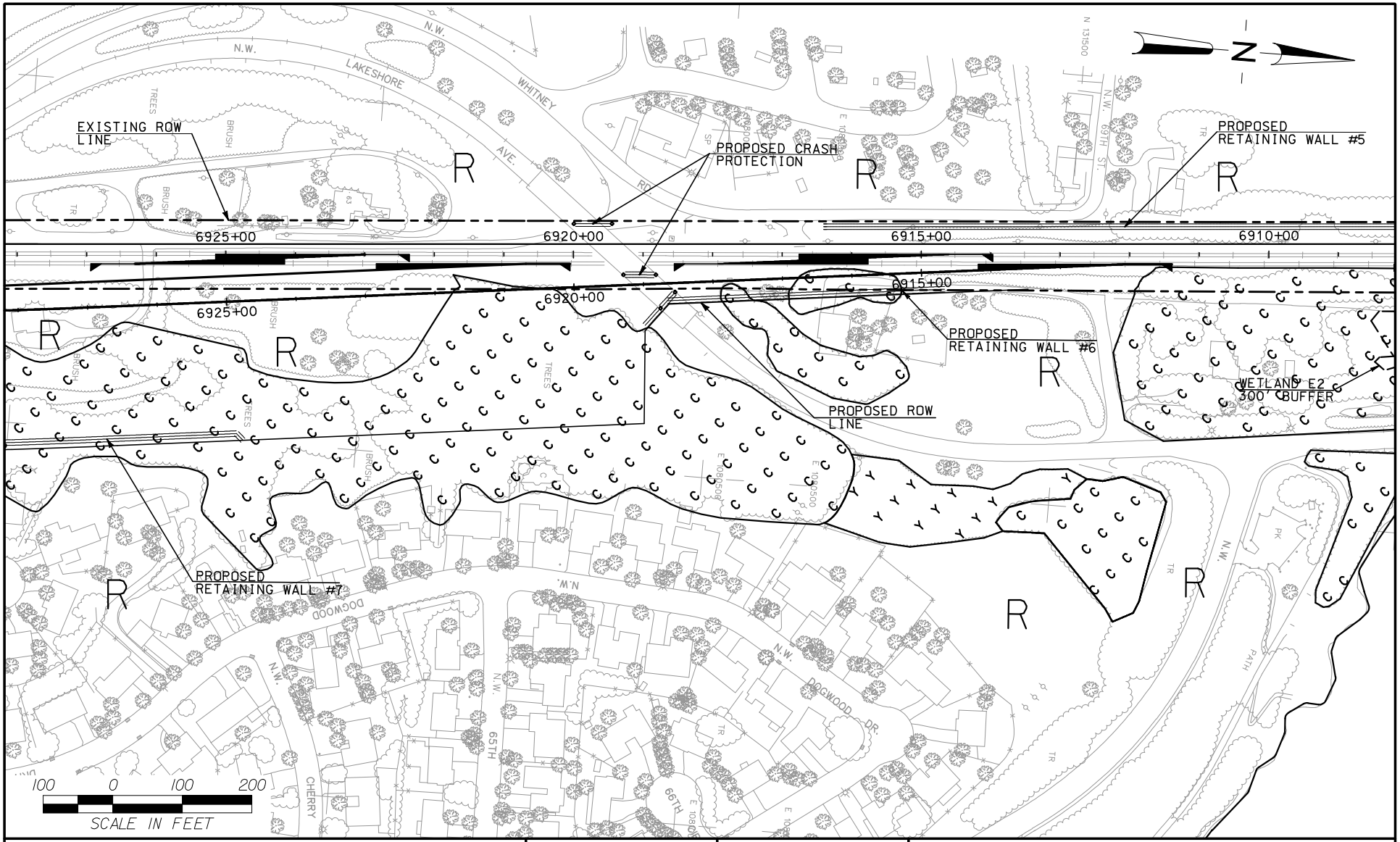

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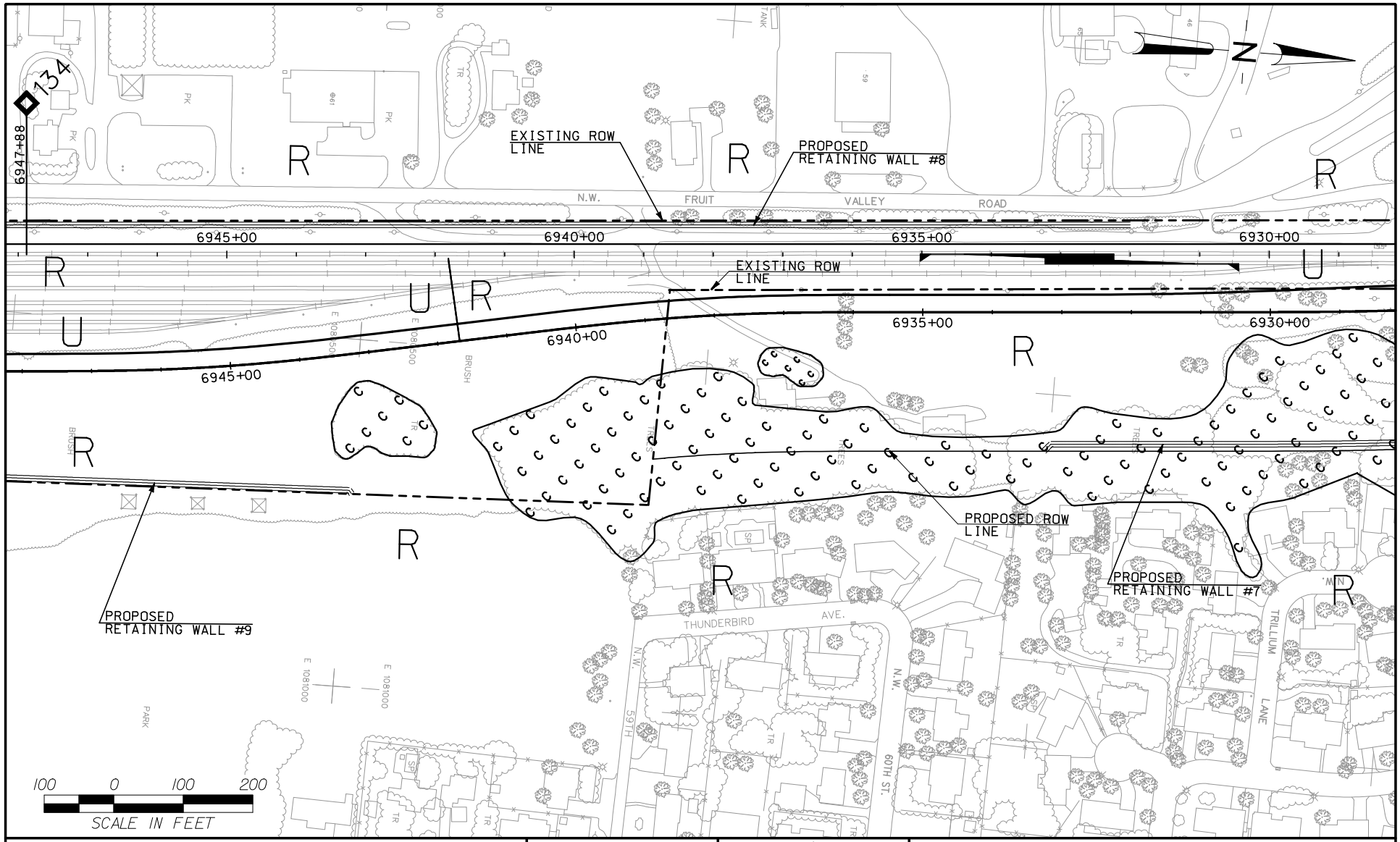

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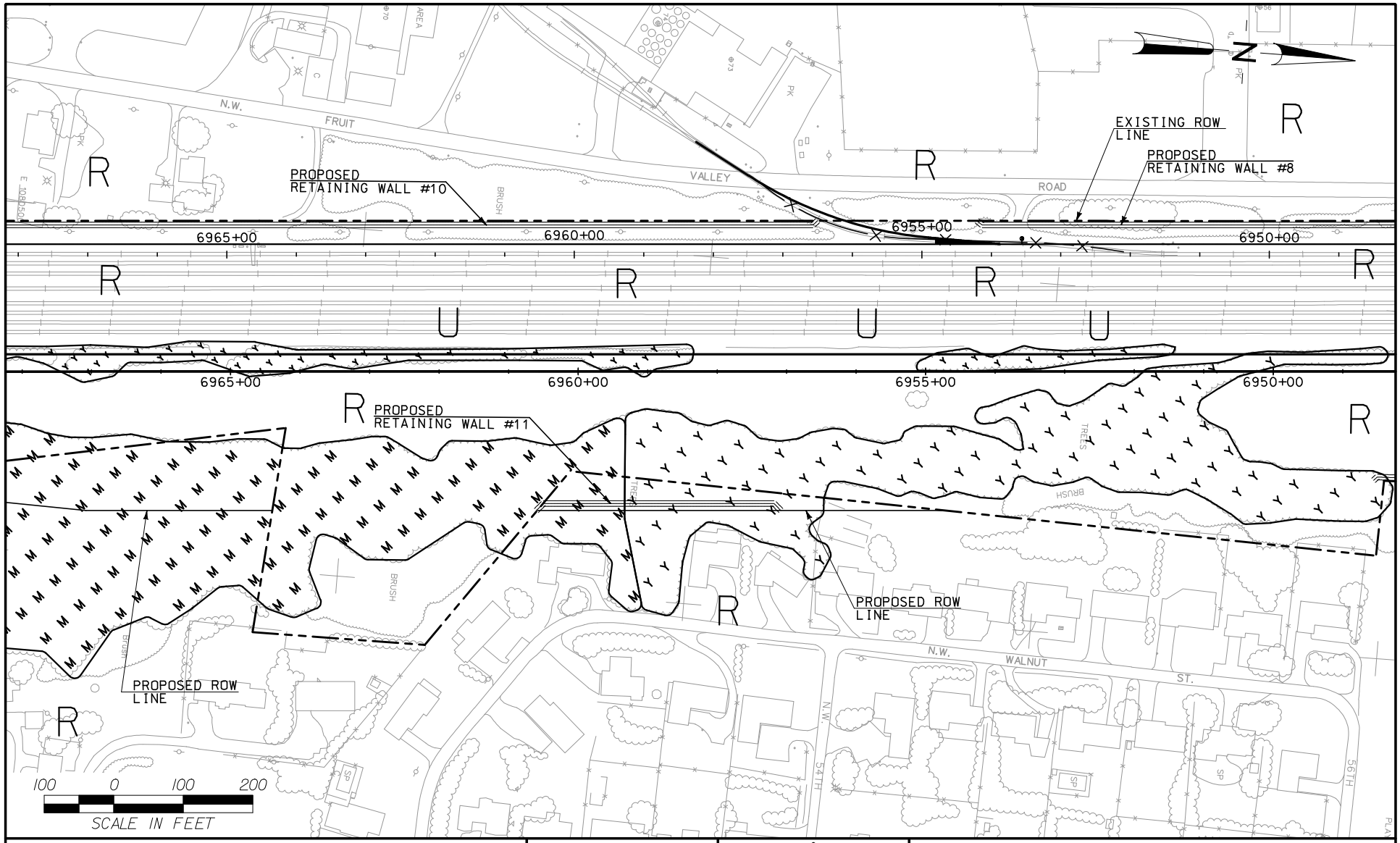

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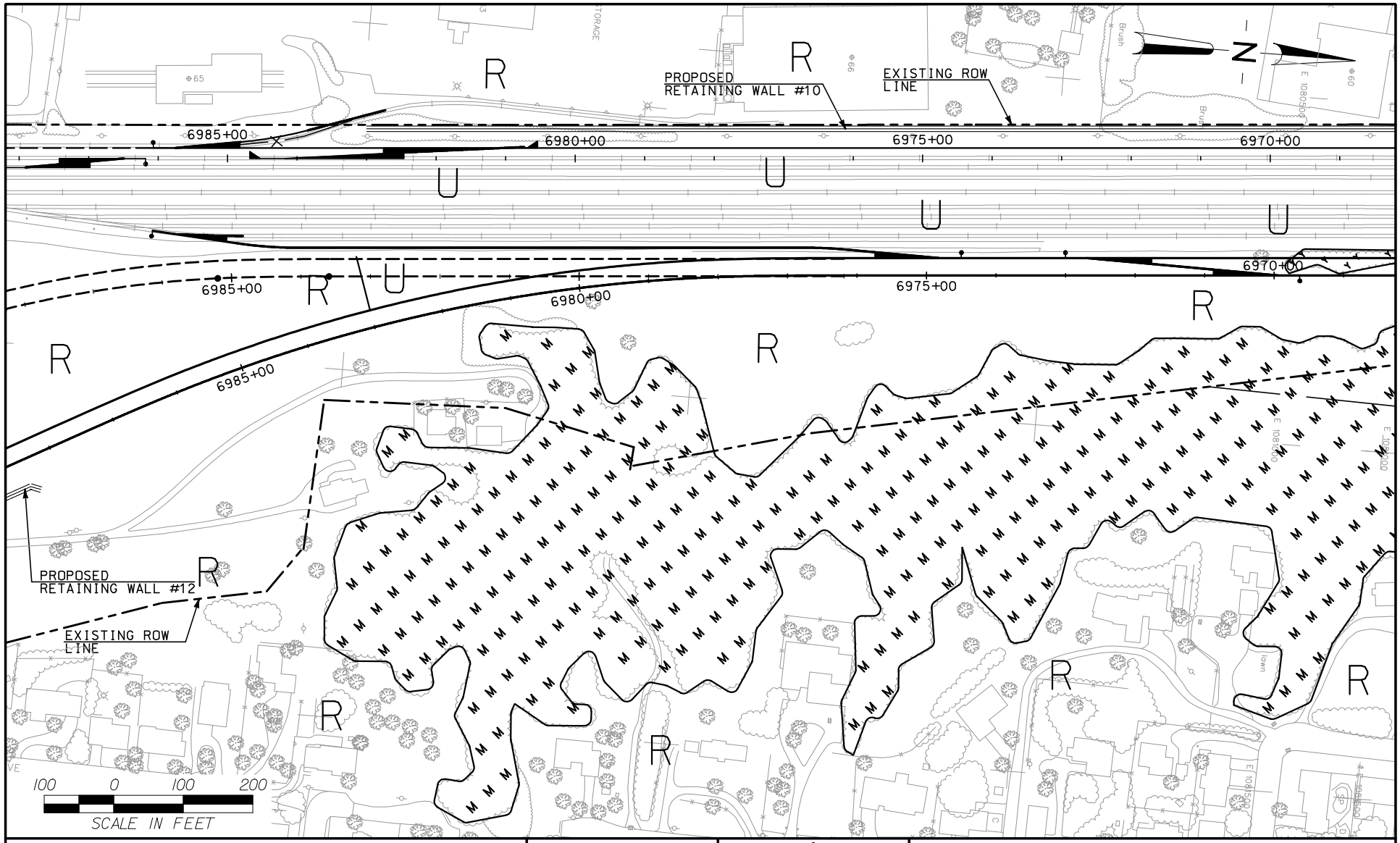

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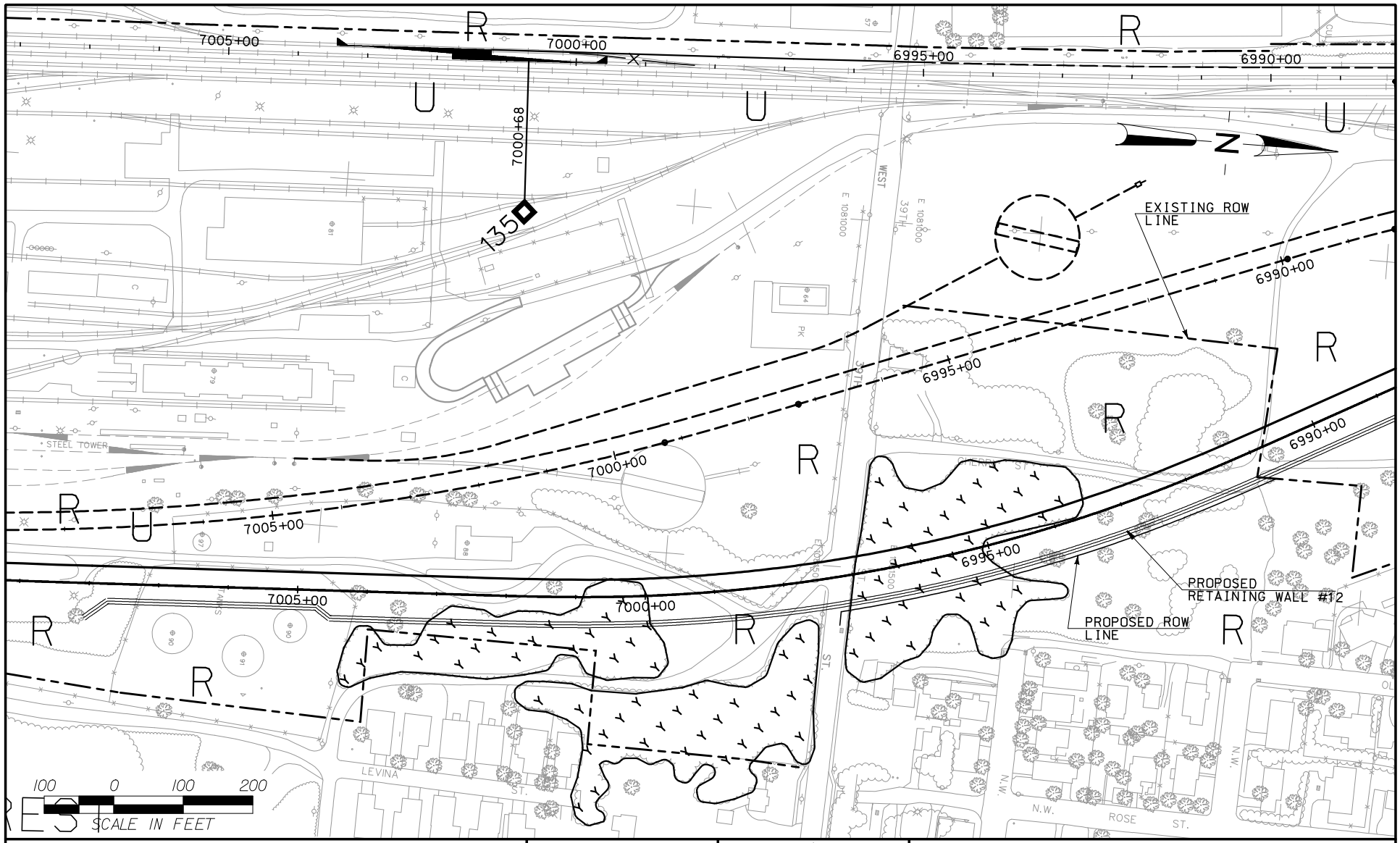

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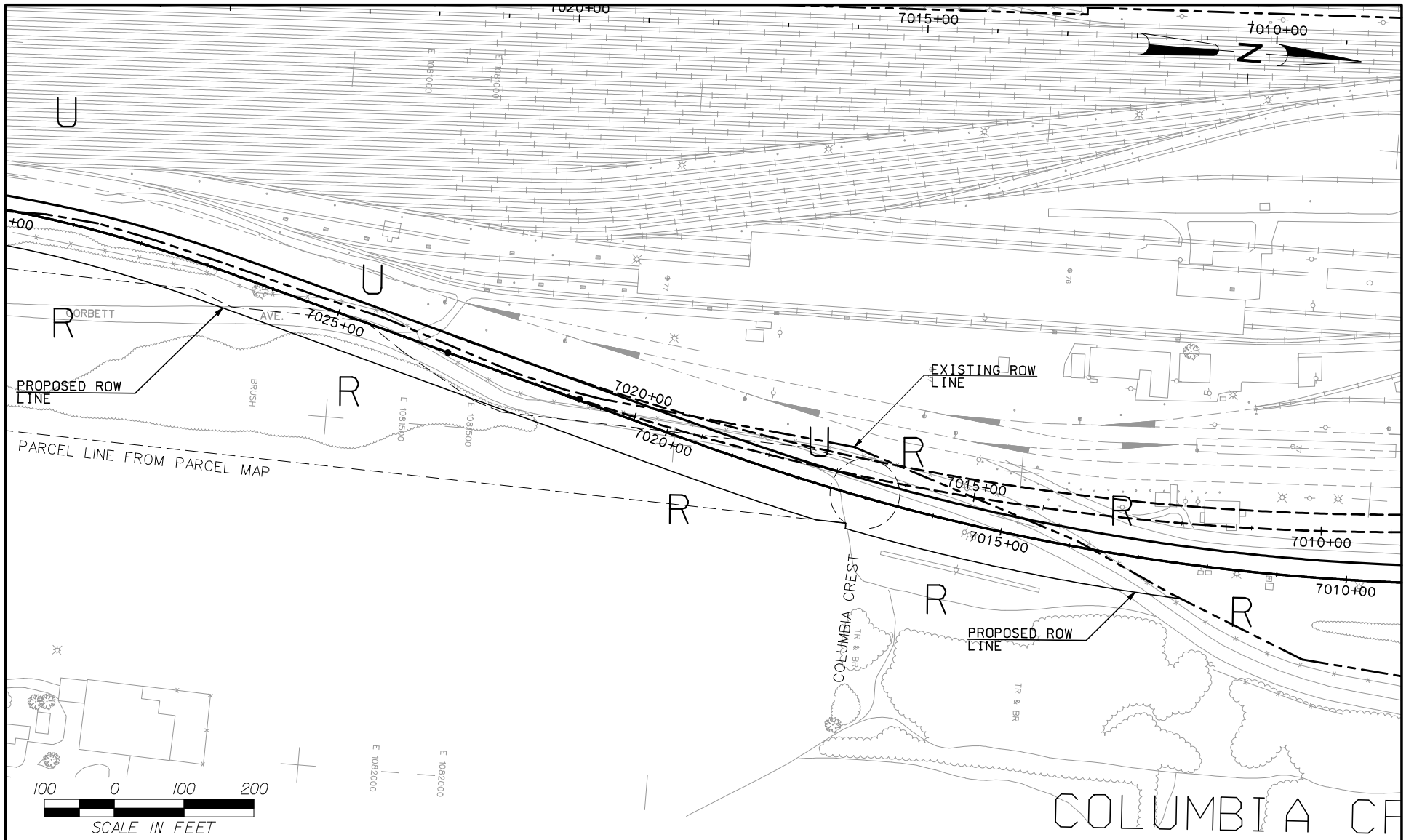

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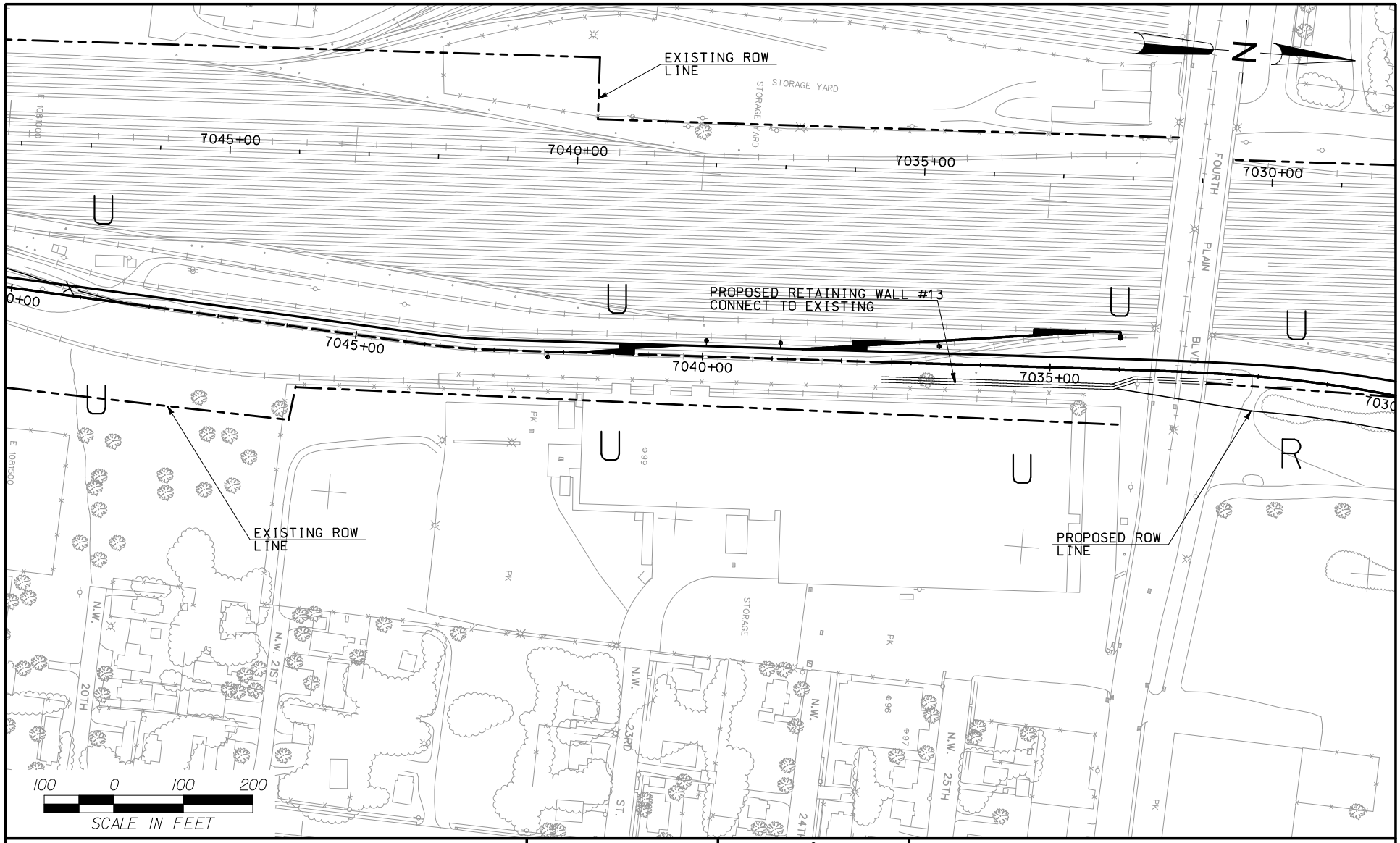

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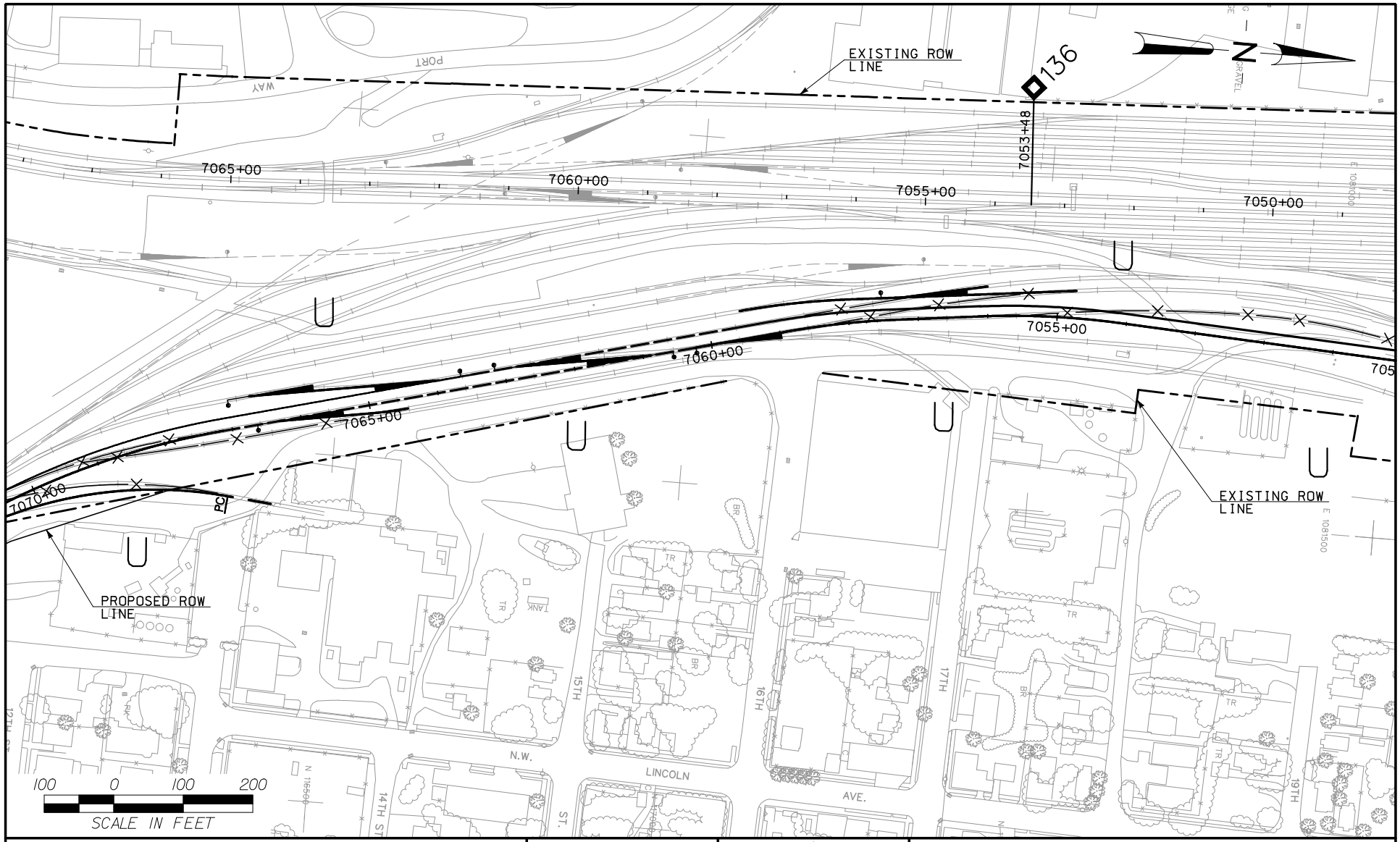

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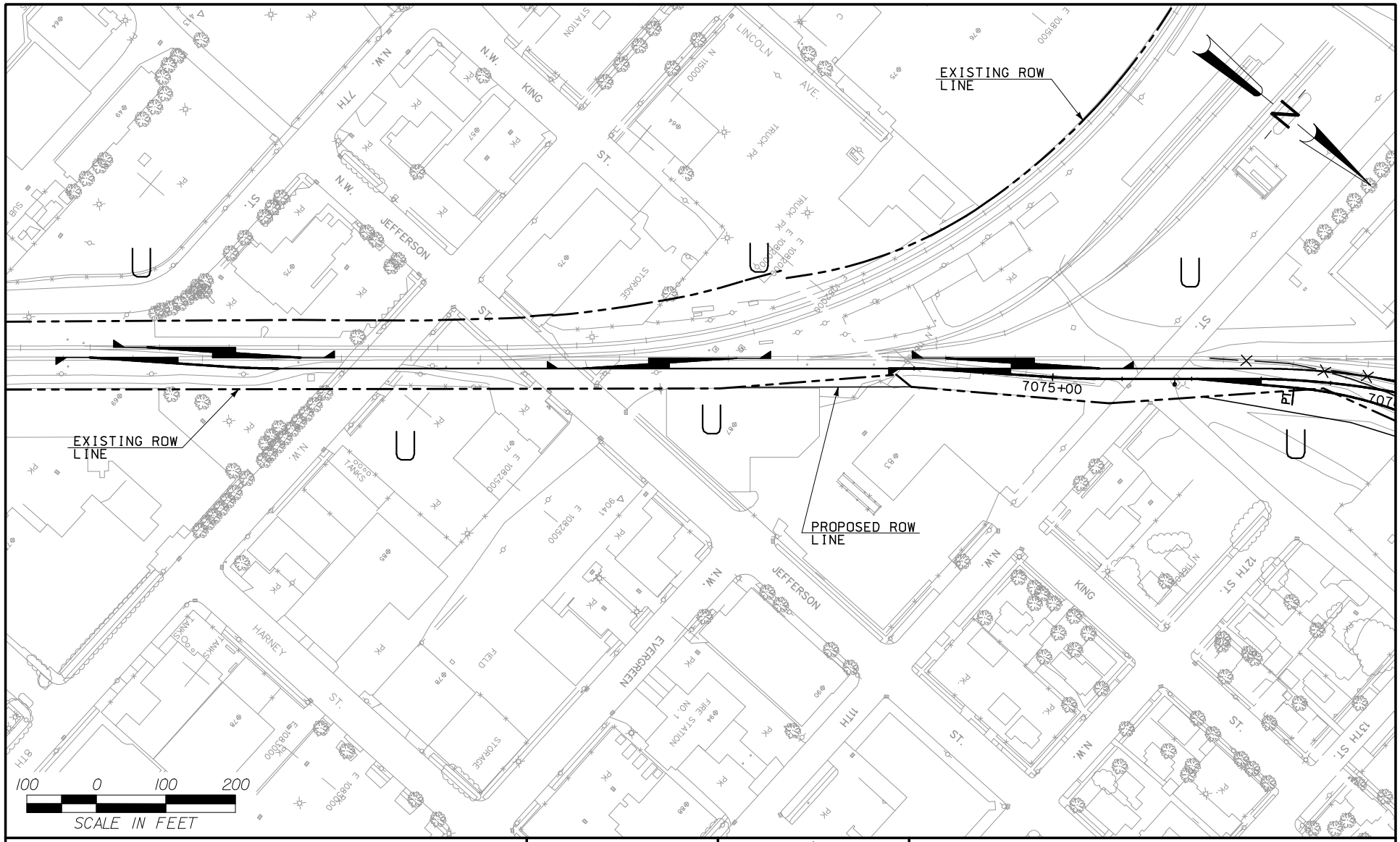

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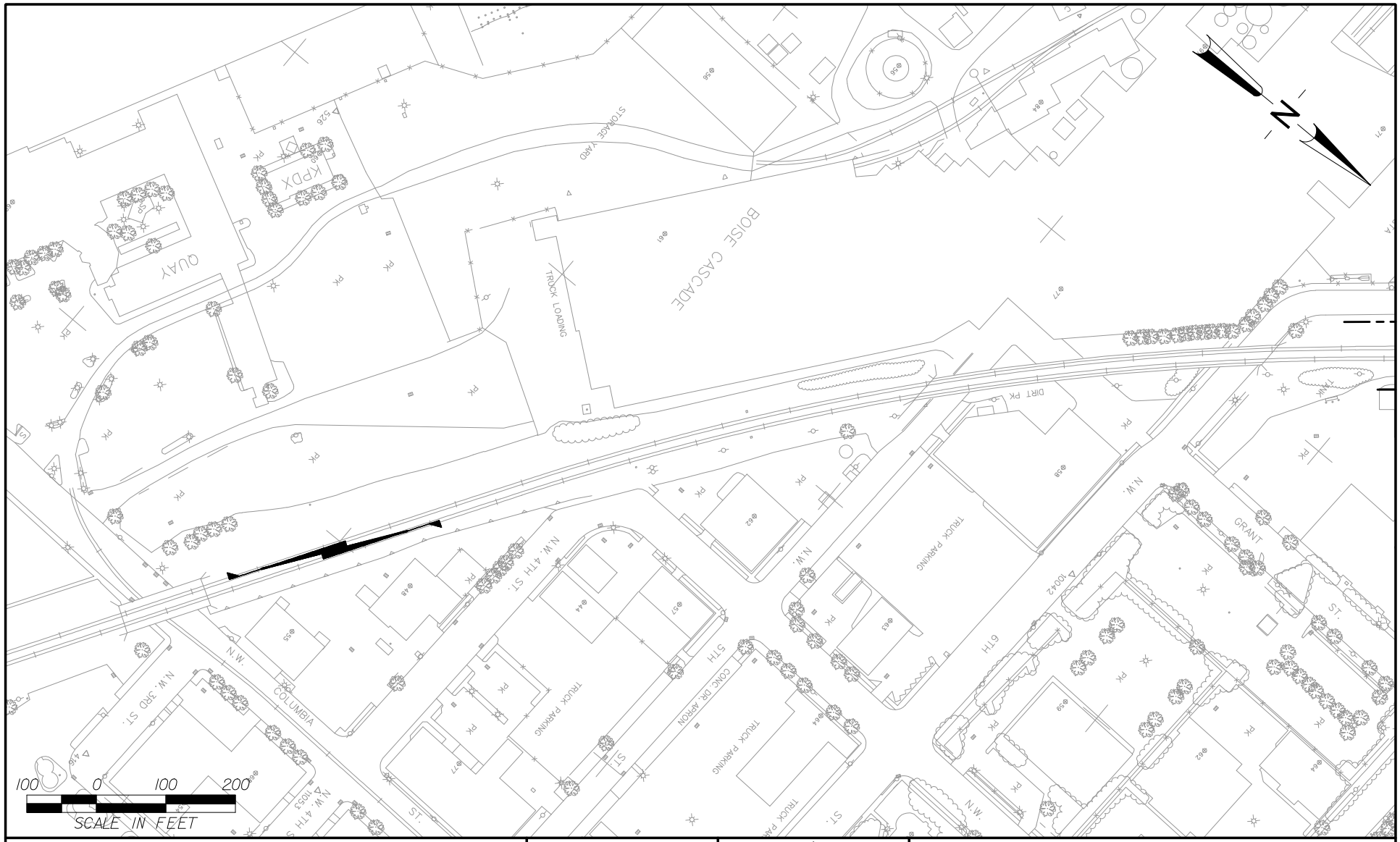

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Appendix C

Special Status Species

Final Environmental Impact Statement

Vancouver Rail Project

Bald Eagle

Bald eagles use habitats adjacent to the proposed project and associated with Vancouver Lake. The WDFW PHS database reports that bald eagles use cottonwoods around the lake, approximately 1.0 to 1.5 miles northwest of the project area, as winter roosting habitat. The closest eagle nest site noted in the PHS database is 0.25 mile west of the project site. This nest site is screened by vegetation from the project area.

Bald eagles are listed as threatened by the USFWS (32 FR 4001). The species is currently being considered for removal from the federal list of endangered and threatened wildlife (60 FR 36010).

Bald eagles are resident along large waterbodies throughout western Washington. Bald eagle breeding territories are located in primarily coniferous, uneven-aged stands with components of old growth (Rodrick and Milner 1991). They forage on dead or weakened prey, including fish, waterfowl, and small mammals.

Early declines in bald eagle populations were attributed to human persecution; destruction of riparian, wetland, and coniferous forest habitats; and the widespread use of pesticides that caused eggshell thinning and subsequent reproductive failure throughout the range of the species (Detrich 1985). Currently, habitat loss and disturbance are the primary threat to bald eagles in the Pacific recovery area (USFWS 1986).

Aleutian Canada Goose

Vancouver Lake is used by migratory waterfowl and may potentially provide stop-over habitat for Aleutian Canada geese. Habitats affected by the proposed project are not important for Aleutian Canada geese.

The Aleutian Canada goose is listed as threatened by the USFWS (55 FR 51106). The species was first listed as endangered in 1967 (32 FR 4001), downlisted to threatened in 1990, and is currently being considered for removal from the list of threatened and endangered species. Management efforts to reduce and eliminate foxes in the Alaskan breeding habitat and to prohibit hunting within principal wintering and migration habitats have been successful.

Pasture and cropland in Washington provide potential migratory stopover locations for Aleutian Canada geese. Forage habitat includes meadows, agricultural lands, upland, and marsh environments (Csuti et al. 1997).

Candidate Species

Candidate species are those under review by the USFWS for possible listing as endangered, threatened or sensitive. There are two candidate species that could potentially occur in the project area: Oregon spotted frog and western toad.

Oregon Spotted Frog

The project area is in the historic range of the Oregon spotted frog. However, there are only three known localities for this species in Washington (McAllister and Leonard 1997) and none is near the project area.

The Oregon spotted frog is listed as a candidate species by the USFWS and endangered by the WDFW. The introduction of bullfrogs and loss of habitat have contributed to spotted frog population declines (Rodrick and Milner 1991).

The Oregon spotted frog is endemic to the Pacific Northwest and closely associated with marshy edges of ponds, lakes, and other wetlands (Nussbaum et al. 1983). The frog inhabits almost entirely aquatic environments, leaving wetlands only for short durations. The Oregon spotted frog is found within forested landscapes, in riparian forests, and in areas with dense shrub cover.

Western Toad

No known locations of western toad have been documented within the project area. The western toad is not likely to be present due to the lack of breeding habitat within the project area.

The western toad is designated a candidate species by the USFWS and inhabits most of western Washington. The western toad can be found in a variety of habitats from sea level to above timberline, provided water is available (Csuti et al. 1997). The western toad is primarily terrestrial, but does require water for breeding. The western toad utilizes ponds, streams, lakes, and slow-moving rivers as breeding habitat. The species inhabits upland habitats, including riparian areas dominated by hardwoods (Dvornich et al. 1997).

Federal Species of Concern

Federal species of concern are species that are informally considered a sensitive species by the U.S. Fish and Wildlife Service.

Pacific Western (Townsend's) Big-Eared Bat

Although foraging habitat is available along Vancouver Lake, the Townsend's big-eared bat is likely to be absent within the project area due to the lack of roosting habitat.

This bat species is considered a species of concern by the USFWS and a candidate species by the WDFW.

The Townsend's big-eared bat is considered a habitat generalist although it requires caves, mine tunnels, or abandoned buildings as maternity sites. Most maternity sites are located within 300 feet of a stream or riparian area (Pierson 1988). The Townsend's big-eared bat requires a large, open space that allows extended flight within the roost. Human disturbance is considered the primary cause of decline in Townsend's big-eared bat populations.

Myotis (Fringed, Long-Legged, Long-Eared) (Bats)

Although there is some foraging habitat, these myotis species are likely to be absent in the project area based on insufficient or lack of roosting habitat, such as cliffs, rock crevices, caves, mines, old buildings, large hollow trees, snags, or loose bark (for day roosts) and caves or mines (for hibernacula).

The fringed, long-legged, and long-eared myotis are all members of the genus *Myotis*, or mouse-eared bats. All three species are considered to be species of concern by the USFWS. In Washington, the fringed myotis is restricted to the southeastern and southwestern portions of the state, while the long-legged and long-eared species occur throughout the state in suitable habitat (Johnson et al 1997). Removal of snags and decaying trees, human disturbance, destruction of caves and mines, and loss of old structures are the primary causes of concern for populations of all three species (Brown and Pierson 1996).

Olive-Sided Flycatcher

The olive-sided flycatcher is likely to be absent from the project area based on the lack of tall trees adjacent to open areas.

The olive-sided flycatcher, a USFWS species of concern, is common in most forested areas of Washington. Annual declines in flycatcher populations may be associated with habitat loss in the species' South American wintering grounds (Small 1994).

The species is an aerial insectivore that breeds in upland forests and woodlands. Preference is given to sites with large tree patches adjacent to cleared areas, burns, or water bodies (Smith et al. 1997). Nests are usually high up in large trees on a branch well away from the bole of the tree. Dead branches and the uppermost branches of large trees are used as roosting and foraging perches (Zeiner et al. 1990, Small 1994).

State Endangered Species

State endangered species are species native to the state of Washington that are seriously threatened with extermination throughout all or a significant portion of its range within the state. Endangered species are legally designated in WAC 232-12-014.

Sandhill Crane

Vancouver Lake provides migratory stopover habitat for sandhill cranes. The habitats affected by the project are considered marginal for sandhill cranes. Sandhill cranes may be present within the project area because of the marginal foraging and stopover habitat.

Sandhill cranes are listed as state endangered by the WDFW. Migrants are found throughout Washington State, with the largest concentration in the central Columbia Basin (Rodrick and Milner 1991).

Sandhill cranes use large, open areas that provide visibility from all points. Meadows, fields, marshes, and shallow ponds are preferred habitat. They nest in isolated, shallow water with dense emergent vegetation.

Western Pond Turtle

The western pond turtle is likely to be present within the project area based on the historic range of the species and the wetland complex located at the Burnt Bridge Creek area.

The western pond turtle is listed as endangered in Washington by WDFW. Populations are only confirmed in two counties (Klickitat and Skamania). Clark County is part of the historic range of the species (Nordstrom and Milner 1997).

The western pond turtle is found in marshes, sloughs, ponds, and small lakes. The species requires protected shallow waters with abundant aquatic vegetation for juveniles to rest and feed. Additionally, adults require floating vegetation, logs, or banks to bask on. Adults hibernate in the muddy or sandy bottoms of ponds during winter (Rodrick and Milner 1991). Although opportunistic, feeding on both aquatic plants and animals, the western pond turtle is easily disturbed. Habitat degradation and predation from introduced frogs and fish may be limiting factors.

State Candidate Species

State candidate species are species under review by the WDFW for possible listing as endangered, threatened, or sensitive. A species will be considered for state candidate designation if sufficient scientific evidence suggests that its status may meet criteria for listing as endangered, threatened, or sensitive. State candidate species are listed in WDFW Policy 4802.

Lewis' Woodpecker

The Lewis' woodpecker is likely to be present within the project area based on the presence of a cottonwood riparian zone.

Lewis' woodpecker, listed as a candidate species by the WDFW, is found throughout most of western Washington (Rodrick and Milner 1991). These woodpeckers are typically residents of cottonwood riparian areas of river valleys and prefer open breeding habitats with perching and nesting trees within their range (Csuti et al. 1997). Brushy undergrowth is an important component of breeding habitat. The Lewis' woodpecker breeds where insects are abundant and winters where mast crops are available. Lewis' woodpecker uses natural cavities or excavates its own nests. Scanning perches are key components for both nesting and foraging. Therefore, snags, insects, and mast-producing trees are essential.

Pileated Woodpecker

The pileated woodpecker is likely to be present in the project area because of the presence of suitable foraging and nesting habitat within the cottonwood riparian zone.

The pileated woodpecker, designated as a candidate species by the WDFW, occurs throughout Washington. Logging of mature forests and removal of snags have been associated with declines in pileated woodpecker populations.

Pileated woodpeckers inhabit a variety of forest types, but occur most often in mixed coniferous and deciduous riparian areas in the western United States. They are primary cavity nesters, excavating a new nest each year. They prefer large dead trees with little bark and broken tops for nesting and foraging (Csuti et al. 1997). Additionally, pileated woodpeckers nest in forest stands with at least two canopy layers. Pileated woodpeckers forage on or near the ground and feed primarily on insects and arthropods.

Gray Tailed Vole

The gray tailed vole is likely to be present within the project area based on the ruderal habitat conditions and historic range of the species.

The gray tailed vole is listed as a candidate species by the WDFW. It is known to occur in Clark County within 7 miles northeast of Vancouver (Csuti et al. 1997). The gray tailed vole inhabits farmland, pastures, fields, and railroad and highway ROW at elevations below 500 feet (Csuti et al. 1997). The species forages on grasses, legumes, and seeds.

Vaux's Swift

The Vaux's swift is likely to be absent from the project area based on the lack of nesting habitat (no old growth and a low snag density estimate). Although Vaux's swift may migrate through the area it is not expected to nest in the area.

Vaux's swift is a summer resident throughout forested areas of Washington. It is currently designated as a state candidate for listing by the WDFW.

Vaux's swift is a migratory, insectivorous bird that nests in mature and old-growth coniferous forest. It requires large snags with cavities, or live trees with broken tops. The lack of nesting habitat may be a limiting factor to this species (Rodrick and Milner 1991).

White Breasted Nuthatch

Although a secondary cavity nester, the white breasted nuthatch may on a rare occasion inhabit the project area during breeding seasons.

The white breasted nuthatch is listed as a candidate species by the WDFW. It is known to occur in the plains around Vancouver and at Ridgefield National Wildlife Refuge (Smith et al. 1997).

The white breasted nuthatch inhabits deciduous forest, mixed deciduous-coniferous forest, or open woodlands. It avoids dense, humid forests and high elevation coniferous forests (Csuti et al. 1997).

Purple Martin

The purple martin is likely to be present in the project area based on the proximity to Vancouver Lake and the existence of foraging habitat along the railroad.

The WDFW lists purple martin as a candidate species. The purple martin is considered a local species in the Vancouver area of Clark County (Smith et al. 1997).

The purple martin requires nesting habitat (tree cavities or nest boxes) adjacent to open foraging areas. It inhabits lake shores and rivers near meadows and often in cities and towns (Csuti et al. 1997). Few terrestrial nest sites remain; most purple martin individuals are found nesting over water (Smith et al 1997).

Northern or Brush Pocket Gopher

The Northern or brush pocket gopher is likely to be present in the project area based on habitat conditions.

The Northern or brush pocket gopher is listed as a candidate species by the WDFW. It is found throughout eastern Washington but inhabits only a few areas west of the Cascades (Smith et al. 1997).

These gophers prefer deep soils found in meadows and along streams and have been documented along roadways and in cultivated fields (Csuti et al. 1997). Northern or brush pocket gophers avoid dense forest and shallow rocky soils (Johnson et al. 1997).

Special Interest Species

Special interest species are those species of local importance that are not classified by the USFWS or by WDFW as endangered, threatened, or candidate species. These species may be considered priority species by WDFW but have no classification with the USFWS.

Red-Tailed Hawk

One or more red-tailed hawks are likely to use the site as a portion of larger home ranges. The project area contains each habitat element essential for red-tailed hawks (i.e., perching, nesting, and foraging habitat).

Raptors such as the red-tailed hawk are among the species considered to be of special interest. Red-tailed hawks are found throughout Washington. They inhabit open woodlands and meadows, feeding primarily on small mammals and occasionally birds, reptiles, and insects (Csuti et al. 1997). The species requires perching, foraging, and nesting habitats.

Band-Tailed Pigeon

The band-tailed pigeon is found throughout western Washington but is likely to be absent from the project area because of the lack of coniferous forested habitat.

During the breeding season the band-tailed pigeon occurs at elevations below 300 m, moving to higher elevations in late summer as food sources change, and migrating to wintering areas by late September. The species nests in conifers or broad-leaf trees (Rodrick and Milner 1991).

Cavity-Nesting Ducks

Five species of cavity-nesting ducks may occur in the project area: Barrow's goldeneye, common goldeneye, bufflehead, wood duck, and hooded merganser. All five of these are likely to be present within the project area at some time of the year because of the presence of wetland and lake complexes associated with adjacent

riparian areas. All of these species, except for the common goldeneye and the wood duck, may occur in the vicinity of the project area year-round. The common goldeneye breeds in the northeast corner of Washington, while the wood duck winters in eastern Washington (Rodrick and Milner 1991).

These ducks nest almost exclusively in tree cavities. Most nesting occurs in late successional forest adjacent to lakes, ponds, and slow-moving rivers. All species except adult wood duck forage primarily on animal matter within wetland areas, including insects and small fish. Adult wood ducks feed mainly on aquatic and emergent vegetation, acorns, and seeds (Rodrick and Milner 1991).

In addition to nesting and foraging habitat, these species require brood escape cover. Nest predation and competition with other cavity-nesting species can limit the population numbers of these species.

Great Blue Heron

The great blue heron is likely to be present within the project area because of the wetland complex associated with Vancouver Lake.

The great blue heron is found throughout Washington state. It occurs near all types of wetlands and is found at most elevations, although it occurs more commonly in the lowlands. The great blue heron is a colonial breeder. It generally nests in tall coniferous or deciduous trees near wetlands (Rodrick and Milner 1991).

The species forages in shallow water, seeking out aquatic and marine animals. It will also feed on mice and voles in nearby fields (Csuti et al. 1997). Feeding territories may vary each year, however, most great blue herons will typically feed within 4-5 km of the heronry (Rodrick and Milner 1991).

Osprey

The osprey is found throughout western Washington and is likely to be present along Vancouver Lake and adjacent waterways within the project area.

Osprey feed almost exclusively on live fish (Rodrick and Milner 1991), although it sometimes eats other types of vertebrate prey (Csuti et al. 1997). It will generally nest near productive bodies of water and requires large, dead trees or artificial nesting platforms.

Songbirds and Small Mammals

Songbirds and small mammals are likely to be present in the project area based on the variation and juxtaposition of habitats within and along the project area.

The distribution and availability of cover types influence the number of songbird and small mammal species that inhabit the area. In addition to site-specific aspects of habitat, the juxtaposition among habitat types influences the suitability of an area for these species.

Waterfowl

The proximity to Vancouver Lake and Burnt Bridge Creek allows for the potential of waterfowl to exist within the project area. Wintering waterfowl will concentrate on Vancouver Lake and may flyover, stopover, and wander through the project area.

Waterfowl are likely to be present in the project area based on the juxtaposition with Vancouver Lake and Burnt Bridge Creek.

Appendix D

Wetland Delineation Process

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Assessing Drainage Features

Federal and state regulatory agencies typically exclude from jurisdiction those artificial wetlands that were created from non-wetland sites (Ecology 1997, Environmental Laboratory 1987). This interpretation also applies to wetland-vegetated drainage ditches excavated in non-hydric soils. Therefore, a wetland-vegetated ditch bordered by upland soils that appears to function primarily as a storm water conveyance feature would not be delineated. However, if a ditch with wetland vegetation appears to function as a natural stream channel, or is dug in hydric soil and supports wetland hydrology, it would be delineated as wetland. No drainage features were documented within the project area (Parametrix, Inc. 1999).

Marking Wetland Boundaries

Once individual wetland areas were identified, wetland boundaries were marked in the field using delineation flags. Each flag was labeled with the wetland name (e.g., E1 for the first wetland on the east side of the tracks; W1 for the first wetland on the west side of the tracks) and numbered consecutively (e.g., E1-1, E1-2, etc.) from north to south. The flags were placed at the transition zone between wetland to upland habitats as evidenced by changes in topography, vegetation, or other features that correspond to changes in the three wetland criteria. Wetland boundaries were flagged to the edge of the project area; wetlands extending beyond the edge of the ROW, or more than 50 feet from the edge of the tracks, were visually assessed and are shown as open-ended on the wetland maps. The location of each wetland boundary flag was recorded by instrument survey and then plotted using CAD software.

Wetland Functional Assessment

Wetlands perform a variety of biological, chemical (water quality), and physical (hydrologic) functions, such as providing food and habitat for wildlife, trapping nutrients and sediments, storing stormwater runoff, and recharging/discharging groundwater. Wetlands provide a variety of functions within the broader landscape in which they are located. Recognized wetland functions included flood/stormwater control, base flow/groundwater support, erosion/shoreline protection, water quality improvement, biological support, wildlife habitat, and cultural/socioeconomic values. For this project, wetlands were assessed for their ability to perform each of these functions using the Wetland and Buffer Functions Semi-Quantitative Assessment Methodology (Cooke 1997), background information, field data, and general observations.

Impact Assessment

Construction of the proposed project would potentially impact wetlands, streams, and/or their buffers. Potential impacts of the project were assessed by examining the proposed construction footprints and calculating the extent of cut and fill in the wetland buffers using AutoCAD software. Direct and indirect impacts were estimated for specific wetland habitat types (forested, shrub, and/or emergent) and for each wetland's functions as identified in the functional assessment.

Appendix E

Threatened and Endangered Fish Species

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Appendix E Threatened and Endangered Fish Species

The following sections briefly discuss status, habitats and ecology of Threatened and Endangered Species (TES) fish species. A biological assessment has been prepared to evaluate potential effects of the project on these species and their habitat.

Chinook salmon (*Oncorhynchus tshawytscha*): Lower Columbia River ESU

Chinook salmon are not now known to occur in Burnt Bridge Creek, but were found in the creek historically[1]. These fish would have belonged to the Lower Columbia River Evolutionary Significant Unit (ESU), which was designated threatened on March 24, 1999[2]. This ESU includes all naturally spawned chinook populations from the mouth of the Columbia River to the crest of the Cascade Range, excluding populations above Willamette Falls[3]. Lower Columbia River chinook are present below the study area in the Columbia River and may occur in Vancouver Lake.

Long-term population trends for the ESU are mixed, with larger stocks being positive; short-term trends are negative. The populations in Burnt Bridge Creek were probably related to the nearby Washougal River fall chinook stock, which is currently a mixed stock due to the activities of the Washougal Hatchery[4]. There has been an overall reduction in naturally spawning fish with a complete or nearly complete replacement of native spring-run stocks with stocks from outside ESUs.

Adult fall-run migration occurs from August to October. The juvenile outmigrant peak occurs in June to July.

Designated Critical Habitat

Critical habitat designated on February 16, 2000 (65 FR 7764) for the Lower Columbia River chinook salmon ESU includes all river reaches accessible to chinook salmon in the Columbia River estuary, the Columbia River, and its tributaries between the Grays and White Salmon Rivers in Washington and the Willamette and Hood Rivers in Oregon, inclusive, and upstream on the Columbia River to the Dalles Dam.

Because the study area and areas upstream of the project are potentially accessable to chinook salmon, Vancouver Lake and the Burnt Bridge Creek watershed would

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[1] *Weinheimer, John. WDFW fisheries biologist. June 16, 1999 – telephone conversation.*

[2] *64 Federal Register 14308*

[3] *Myers, J.M., R.G. Kope, G.J. Bryant, D. Teel, L.J. Lierheimer, T.C. Wainwright, W.S. Grand, F.W. Waknitz, K. Neely, S.T. Lindley, and R.S. Waples. 1998. Status review of chinook salmon from Washington, Idaho, Oregon, and California. (NOAA Tech. Memo. NMFS-NWFSC-35.) U.S. Department of Commerce.*

[4] *Washington Department of Fish and Wildlife. 1993. 1992 Washington state salmon and steelhead stock inventory. Appendix three: Columbia River stocks.*

be considered critical habitat for this ESU. It is unlikely that chinook salmon could access the two small unnamed streams in the study area.

Habitat Requirements and Ecology

Chinook salmon are mainstem spawners and require clean, cool water and clean gravel in which to spawn. Females deposit their eggs in the gravel bottom in areas of relatively swift water. The eggs hatch six to twelve weeks later. Fry remain in the gravel another two to four weeks until the yolk is absorbed[5]. For maximum survival of eggs and fry, water temperatures must range between 41° F and 57° F, with little variability.

Optimum rearing habitat consists of pools and wetland areas with woody debris and overhanging vegetation. Estuaries also provide important rearing habitat where young fish may reside for weeks. Chinook salmon typically spend two to four years maturing in the ocean before returning to their natal streams to spawn. All adults die after spawning[6].

Potential chinook salmon habitat in and downstream of the study area is limited to migration through the culvert and holding in the lake. However, no chinook salmon are known to presently access this area. Potential habitat above the study area would not be altered by the proposed project.

Steelhead (*Oncorhynchus mykiss):* Lower Columbia River ESU

The winter and summer runs of the Lower Columbia River steelhead ESU were designated as threatened on March 19, 1998[7]. This ESU occupies the mainstem and tributaries of the Columbia River between the Cowlitz and Wind Rivers in Washington and the Willamette and Hood Rivers in Oregon, inclusive. Excluded are steelhead in the upper Willamette River watershed above Willamette Falls and steelhead from the Little and Big White Salmon Rivers, Washington. The ESU is composed of winter and summer steelhead[8].

The steelhead in Burnt Bridge Creek would most likely belong to the Salmon Creek stock, which enters the Columbia River near the outlet of the Vancouver Lake estuary. Salmon Creek is nominally a native, wild winter steelhead stock, although

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[5] *Allen, M.A. and T.J. Hassler. 1986. Species Profiles: Life Histories and Environmental Requirements of Coastal Fishes and Invertebrates (Pacific Southwest) – Chinook Salmon. (U.S. Fish Wildl. Serv. Biol. Rep. 82(11.49). U.S. Army Corps of Engineers, TR EL-82-4.) and Beauchamp, D.A., M.F. Shepard, and G.B. Pauley. 1983. Species profiles: life histories and environmental requirements of coastal fishes and invertebrates (Pacific Northwest). National Coastal Ecosystems Team, Division of Biological Services, Fish and Wildlife Service, U.S. Department of the Interior.*

[6] *Ibid.*

[7] *63 Federal Register 13347*

[8] *Busby, P.J., R.C. Wainwright, G.J. Bryant, L.J. Lierheimer, R.S. Waples, F.W. Waknitz, and I.V. Lagomarsino. 1996. Status review of West Coast steelhead from Washington, Idaho, Oregon, and California. (NOAA Tech. Memo. NMFS-NWFSC.) U.S. Department of Commerce.*

hatchery winter steelhead have also been planted in the creek from time to time. The stock is classified as "depressed," experiencing highly degraded habitat due to urbanization of the watershed. [9] The adult summer-run migration occurs from May to November and the winter-run occurs from December to April for the Washington tributaries below Bonneville Dam. The juvenile outmigrant peak occurs in May.

Designated Critical Habitat

Critical habitat for the ESU was designated on February 16, 2000[10] and includes all river reaches accessible to listed steelhead in:

1. Columbia River tributaries between the Cowlitz and Wind Rivers in Washington and the Willamette and Hood Rivers in Oregon, inclusive, and;
2. River reaches and estuarine areas in the Columbia River upstream to the Hood River in Oregon.

Because the study area and areas upstream of the project are accessible to steelhead, Vancouver Lake and the Burnt Bridge Creek watershed would be considered critical habitat for this ESU. It is unlikely that steelhead could access the two small unnamed streams in the study area.

Habitat Requirements and Ecology

Coastal steelhead populations in Washington typically mature at four years, spending two years in freshwater and two years in the ocean[11]. Anadromous forms may spend up to seven years in freshwater and three years in the ocean prior to first spawning, with the ability to spawn more than once.

Generally, summer steelhead enter freshwater from May to October in a sexually immature state; migrate upstream during the spring and summer; hold in areas of protected cover such as debris or boulder structures until they become sexually mature during the fall and winter; then spawn the following March to June.

Winter steelhead enter their natal stream in various stages of sexual maturation from November to April and spawn within a few months of entering the river between late March and early May[12]. After hatching and emergence, the fry move to deeper parts of the stream. Important rearing habitat includes streamside vegetation and submerged cover (logs, rocks, and aquatic vegetation).

Potential steelhead habitat in and downstream of the study area is limited to migration through the culvert and holding in the lake. Steelhead habitat above the study area would not be altered by the proposed project.

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[9] *Washington Department of Fish and Wildlife. 1998. Washington state salmonid stock inventory: bull trout/Dolly Varden.*

[10] *65 Federal Register 7764*

[11] *Busby et al. 1996*

[12] *Pauley, G.B., B.M. Bortz, and M.F. Shepard. 1986. Species profiles: life histories and environmental requirements of coastal fishes and invertebrates (Pacific Northwest) – steelhead trout. [Biological Report 82 (11.62).] U.S. Fish and Wildlife Service.*

Chum Salmon (*Oncorhynchus keta*): Columbia River ESU

Chum salmon are not now known to occur in Burnt Bridge Creek, but were found in the creek historically[13]. These fish would have belonged to the Columbia River chum salmon ESU, which was designated as threatened on March 25, 1999[14]. This ESU includes all naturally spawned populations of chum salmon in the Columbia River and its tributaries in Washington and Oregon. The adult upstream migration occurs from October to December with a peak in mid-November. Juvenile chum salmon outmigrate between late-January and May, with peak outmigration occurring in April. The lower Columbia River run is considered depressed. Columbia River chum salmon are present below the project site in the Columbia River and likely occur in Vancouver Lake.

Designated Critical Habitat

Critical habitat for the ESU was designated on February 16, 2000[15] and includes all river reaches accessible to listed chum salmon (including estuarine areas and tributaries) in the Columbia River downstream from Bonneville Dam, excluding Oregon tributaries upstream of Milton Creek at river km 144 near the town of St. Helens.

Because the study area and areas upstream of the project are potentially accessable to chum salmon, Vancouver Lake and the Burnt Bridge Creek watershed would be considered critical habitat for this ESU. It is unlikely that chum salmon could access the two small, unnamed streams in the study area.

Habitat Requirements and Ecology

In general, chum salmon spawn in shallower, lower gradient, lower velocity streams and side channels. Fry typically emerge from the gravel at night and immediately migrate downstream Fry migrate downstream from late January through May, utilizing estuaries to feed before starting oceanic migrations. Migration of chum salmon juveniles out of estuaries appears to be closely correlated with prey availability. Chum salmon juveniles move offshore as they reach a size that allows them to feed on the larger neritic plankton, and this movement normally occurs as inshore prey resources decline[16]. Chum salmon typically reach maturity at three years.

Potential chum salmon habitat in and downstream of the study area is limited to migration through the culvert and holding in the lake. However, no chum salmon are known to presently access this area. Potential habitat above the study area would not be altered by the proposed project.

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[13] *Weinheimer, 1999*

[14] *64 Federal Register 14508*

[15] *65 Federal Register 7764*

[16] *Salo, E.O. 1991. Life history of chum salmon,* Oncorhynchus keta*. Pages 231-309 in C. Groot and L. Margolis (eds.), Pacific salmon life histories. University of British Columbia Press. Vancouver, BC.*

Bull Trout (*Salvelinus confluentus*): Columbia River DPS

The Columbia River bull trout distinct population segment (DPS) was designated as threatened on June 10, 1998[17]. The Columbia River DPS occurs throughout the entire Columbia River watershed within the United States and its tributaries, excluding bull trout found in the Jarbidge River, Nevada. Bull trout have not been documented in Burnt Bridge Creek or Vancouver Lake, but may occur below the study area. According to the Washington Department of Fish and Wildlife (WDFW), adult migration occurs from September to October. Although the stock is considered depressed, the WDFW believes that some local populations of the DPS are slowly rebuilding[18].

Designated Critical Habitat

The biological needs, extent of habitat, number of individuals, and spawning information of bull trout in the population segment are not sufficiently well known to permit identification of areas as critical habitat[19].

Habitat Requirements and Ecology

Bull trout exhibit resident and migratory life-history strategies through much of their current range[20]. Resident bull trout complete their life cycles in the tributary streams in which they spawn and rear. Migratory bull trout spawn in tributary streams from August to November. Juvenile fish rear from one to four years before migrating to either a lake, river, or saltwater.

Habitat requirements include cool water temperature, cover, channel form and stability, valley form, spawning and rearing substrates, and migratory corridors. Spawning areas are often associated with cold-water springs, groundwater infiltration, and the coldest streams in a given watershed[21]. All life history stages are closely associated with complex forms of cover, including large woody debris, undercut banks, boulders, and pools. Preferred spawning habitat consists of low gradient streams with loose, clean gravel, and water temperatures of five to nine degrees Celsius (41 to 48 degrees Fahrenheit) in late summer to early fall[22].

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[17] *63 Federal Register 31647*

[18] *WDFW, 1998.*

[19] *63 Federal Register 31673*

[20] *Rieman, B.E., and J.D. McIntyre. 1993. Demographic and Habitat Requirements for Conservation of Bull Trout. (Gen. Tech. Rep. INT-302.) U.S. Department of Agriculture, Forest Service, Intermountain Research Station.*

[21] *Pratt, K.L. 1992. A review of bull trout life history. Pages 5-9 in P.J. Howell and D.V. Buchanan (eds.), Proceedings of the Gearhart Mountain bull trout workshop. Gearhart Mountain, OR. Corvalis, OR Chapter of the American Fisheries Society, Rieman, B.E., D.C. Lee, and R.F. Thurow. 1997. Distribution, status, and likely future trends of bull trout within the Columbia River and Klamath River basins. North American Journal of Fisheries Management 17: 1111-1125, and Rieman and McIntyre 1993.*

[22] *63 FR 31647*

Sea-run Cutthroat Trout (*Oncorhynchus clarki clarki*): Lower Columbia River/Southwestern Washington ESU

Sea-run cutthroat trout are known to inhabit Burnt Bridge Creek and Vancouver Lake. These fish are part of the Lower Columbia River/Southwestern Washington sea-run cutthroat trout ESU, which was proposed for listing as threatened on April 5, 1999[23]. The ESU comprises cutthroat trout in the Columbia River and its tributaries downstream from the Klickitat River in Washington and Fifteen mile Creek in Oregon (inclusive) and the Willamette River and its tributaries downstream from Willamette Falls. It also includes cutthroat trout in Washington coastal drainages from the Columbia River to Grays Harbor, inclusive. Population trends of this ESU are declining[24]. The run is considered depressed.

Designated Critical Habitat

As part of the proposed listing, NMFS found that critical habitat for this species cannot now be determined[25].

Habitat Requirements and Ecology

Adults migrate from saltwater to freshwater between August and March and spawn from December through June. Fry emerge from the gravel substrate by mid-July, and juveniles will rear in freshwater for an average of two years before migrating to saltwater in the spring. Many stocks are believed to migrate only as far as estuarine areas as adults so these areas can be important to their survival. Cutthroat trout have evolved to exploit habitats least preferred by other salmonid species[26]. Sea-run cutthroat trout do not over-winter in the ocean and only rarely make long extended migrations across large bodies of water. They migrate in the nearshore marine habitat and usually remain within ten kilometers of land[27]. Key habitat features include channel stability, clean spawning substrate, abundant and complex

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[23] *64 Federal Register 16397*

[24] *Johnson, O.W., M.H. Ruckelshaus, W.S. Grant, F.W. Waknitz, A.M. Garrett, G.J. Bryant, K. Neely, and J.J. Hard. 1999. Status review of coastal cutthroat trout from Washington, Oregon and California. (NOAA Tech. Memo. NMFS-NWFSC-37.) U.S. Department of Commerce.*

[25] *64 Federal Register 16397*

[26] *Johnston, J.M. 1981. Life histories of anadromous cutthroat with emphasis on migratory behavior. Pages 123-127 in E.L. Brannon, and E.O. Salo (editors), Proceedings of the salmon and trout migratory behavior symposium. School of Fisheries, University of Washington. Seattle, WA.*

[27] *Sumner, F.H. 1972. A contribution to the life history of the cutthroat trout in Oregon with emphasis on the coastal subspecies,* Salmo clarki clarki. *Oregon State Game Commission. Richardson, OR, Giger, R.D. 1972. Ecology and management of coastal cutthroat trout in Oregon. Oregon State Game Commission. Fishery Research Report Number 6, Jones, D.E. 1976. Steelhead and sea-run cutthroat trout life history in southeast Alaska. Ann. Prog. Rep., Vol 17, Project AFS-42 (AFS-42-42B); pp. 29-52. Alaska Department of Fish and Game. and Johnston 1981.*

cover, cold temperatures, and lack of barriers that inhibit movement and habitat connectivity.

Potential cutthroat trout habitat in and downstream of the study area is limited to migration through the culvert and holding in the lake. Cutthroat trout habitat above the study area would not be altered by the proposed project.

Coho Salmon (*Oncorhynchus kitsutch*): Lower Columbia River/Southwest Washington ESU

Juvenile coho salmon are known to occupy Burnt Bridge Creek[28]. These fish belong to the Lower Columbia River/Southwest Washington coho salmon ESU, which was designated as a candidate species on July 25, 1995[29]. The Lower Columbia River ESU is defined as the Columbia River and its tributaries below Bonneville Dam, exclusive of the Willamette River. Current trends show no change from historical abundance; however, the population is supported mainly by hatcheries.

Coho salmon in Burnt Bridge Creek would most likely belong to the Salmon Creek stock, which enters the Columbia River near the outlet of Vancouver Lake. Reflecting a long history of hatchery introductions amidst native stock throughout the lower Columbia tributaries, Salmon Creek is a mixed stock. The stock is classified as "depressed," experiencing highly degraded habitat due to urbanization of the watershed[30]. The adult migration occurs from August to December, peaking in October, and the juvenile outmigrant peak occurs in May.

Designated Critical Habitat

If a threatened or endangered status is determined in the future, critical habitat may be designated at that time.

Habitat Requirements and Ecology

Adults migrate into freshwater to spawn between August and December, with peak migration occurring in October. Coho spawn from November to January. Habitat requirements include cool, oxygen-rich water and clean gravel. Eggs incubate in gravel interstices until spring. Optimum rearing habitat consists of a mixture of pools and riffles, cover, low amounts of sedimentation, and cool water temperatures. Typically, juveniles rear for twelve to eighteen months in low-velocity side channels and other backwater areas with extensive cover before migrating to saltwater in spring or early summer. Coho salmon typically spend one to two years maturing in the ocean before returning to their natal streams to spawn.

Potential coho salmon habitat in and downstream of the study area is limited to migration through the culvert and holding in the lake. Coho salmon habitat above the study area would not be altered by the proposed project.

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[28] *Weinheimer, 1999.*
[29] *60 Federal Register 38011*
[30] *WDFW, 1993.*

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Appendix F

Correspondence

(related to Section 106, Section 4(f) and Biological Assessment consultation)

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Section 106 Correspondence and MOA

Final Environmental Impact Statement

Vancouver Rail Project

Washington State
Department of Transportation
Douglas B. MacDonald
Secretary of Transportation

Transportation Building
310 Maple Park Avenue S.E.
P.O. Box 47300
Olympia, WA 98504-7300

360-705-7000
TTY: 1-800-833-6388
www.wsdot.wa.gov

4 December 2001

Allyson Brooks, Ph.D.
State Historic Preservation Officer
Office of Archaeology and Historic Preservation
P.O. Box 48343
Olympia, WA 98504-8343

Re: Vancouver Rail Yard Upgrade Project, Vancouver, Clark County

Dear Dr. Brooks:

Enclosed please find a copy of two reports summarizing cultural resources studies completed for the above project. The "Supplemental" report (by Glenn D. Hartmann, Western Shore Heritage Services report 01-07, dated 30 November 2001) identifies two residences that appear eligible for inclusion in the National Register of Historic Places under Criterion C for their type, period and methods of construction. The proposed project will not affect either property, however. No other cultural resources have been identified in the project's area of potential effect.

Given the results of the studies and the scope of the proposed rail line upgrade, we have determined that the project will have no effect on historic properties. As the project schedule is becoming critical, we would greatly appreciate receiving your expedited comments. Please call me at 360-570-6639, or Kevin Jeffers at 360-705-7982, if you have questions. Thanks very much.

Sincerely,

C. Holstine

Craig Holstine
Cultural Resources Specialist

Enc.

Cc: Kevin Jeffers, WSDOT Rails Projects Engineer

STATE OF WASHINGTON

OFFICE OF COMMUNITY DEVELOPMENT
Office of Archaeology and 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

RECEIVED
DEC 28 2001
WSDOT RAIL OFFICE

December 18, 2001

Mr. Craig Holstine
Washington State Department of Transportation
P.O. Box 47300
Olympia, Washington 98504-7300

In future correspondence, please refer to:
Log: 121801-22-FHWA
Re: Vancouver Rail Yard Upgrade Project, Vancouver

Dear Mr. Holstine:

Thank you for contacting the Washington State Office of Archaeology and Historic Preservation (OAHP) regarding the above referenced action. This consultation is in compliance with Section 106 of the National Historic Preservation Act of 1966 (as amended), and its implementing regulations as found in 36 CFR 800.4. From your correspondence I understand that the Washington State Department of Transportation (WSDOT) is planning upgrade improvements to the existing Burlington Northern Santa Fe Railroad Vancouver Yard between milepost 136 and 132.8.

In response, I have reviewed the Cultural Resource Assessment for this project. As a result of this review and on behalf of the State Historic Preservation Officer (SHPO) I concur with the opinion that the two identified historic properties within the Area of Potential Effect (APE) are eligible for listing in the National Register of Historic Places. This opinion is based upon these residences representing good and intact examples of early 20th century domestic architecture. I note that this concurrence should be considered as a preliminary opinion until such time when OAHP receives completed Historic Property Inventory Forms for each residence. The completed inventory forms are needed to assist in arriving at a more informed opinion on eligibility by providing a thorough description of the property as well as a statement evaluating historical significance. Copies of the inventory form may be downloaded directly from OAHP's web site at www.oahp.wa.gov. Hard copies are also obtainable through OAHP. Once completed, the inventory forms should be forwarded to OAHP for review and eventual inclusion into the Washington State Inventory of Cultural Resources.

In regard to effects on National Register eligible properties, I concur that the action will have no adverse effect on the Packard House and preliminarily no adverse effect on the house at 6801 N.W. Whitney. However, I note that the proposed new alignment of the project encroaches upon the setting of the residence. Again, a completed Historic Property Inventory Form would be helpful in identifying whether any landscape or outlying features at 6801 N.W. Whitney are significant. As a result, the "no adverse effect" determination for the Whitney residence should be considered preliminary until further information is provided about the property and the project itself.

Again, thank you for the opportunity to review and comment on this action. Should you have any questions, please feel free to contact me at 360-586-3073 or gregg@cted.wa.gov.

Sincerely,

Gregory Griffith
Deputy State Historic Preservation Officer

GAG

RECEIVED
DEC 19 2001
ENVIRONMENTAL AFFAIRS POINT PLAZA

Washington State
Department of Transportation
Douglas B. MacDonald
Secretary of Transportation

Transportation Building
310 Maple Park Avenue S.E.
P.O. Box 47300
Olympia, WA 98504-7300

360-705-7000
TTY: 1-800-833-6388
www.wsdot.wa.gov

September 17, 2002

Mr. Gregory A. Griffith, AICP
Washington State Office of Community Development
Office of Archaeology and Historic Preservation
1063 S Capitol Way, Ste 106
Olympia, WA 98501-1295

RE: Addendum Cultural Resources Report for the Vancouver Rail Project

Dear Mr. Griffith:

Enclosed please find the *Addendum Cultural Resources Discipline Report for the Vancouver Rail Project,* which supplements the *Vancouver Rail Project Cultural Resources Discipline Report* that was submitted to the Washington State Office of Archaeology and Historic Preservation (OAHP) in August 2000 and revised in July 2001.

The enclosed report evaluates the impacts from the Vancouver Rail Project on several historic properties that were identified during a meeting with the OAHP, Washington State Department of Transportation (WSDOT), The Resource Group (TRG), and Jones & Stokes on August 14, 2002. The historic properties include five residences and the Burlington Northern and Santa Fe Railway (BNSF) and its associated facilities. The report also documents a small archaeological fieldwork component to the project.

Of the historic properties evaluated, one residence, located at 1901 NW 69th Circle in Vancouver, Washington, has been determined to be eligible for listing in the National Register under Criterion C: Design/Construction. The other historic properties were determined to be not eligible for listing in the National Register. No significant cultural resources were identified in the shovel test probes conducted as part of the archaeological survey.

The proposed alternative for the Vancouver Rail Project would have an adverse effect on the historic property located at 1901 NW 69th Circle due to the configuration of the additional rail line, which would necessitate moving the property's access road and installing a retaining wall. The access road would be moved east from its current location to approximately 25 feet closer to the house, and the retaining wall would be installed approximately 35 feet from the primary elevation. The proximity of the retaining wall and the third railroad track to the building would likely diminish the value of the property and could facilitate a "demolition by neglect" of the property.

WSDOT would like to enter into a Memorandum of Agreement (MOA) with the OAHP, which would include measures that wholly or in part mitigate the adverse effects on the historic property. WSDOT will contact the OAHP to schedule a meeting to begin discussions on the MOA. In the interim, should you have any questions about the content of the enclosed report, please feel free to contact me at 360-705-7902.

Sincerely,

Elizabeth Phinney
Rail Environmental Coordinator

EP:tro
Enclosure

cc: Linda Amato, AICP, The Resource Group
Jeannie Brush, Jones & Stokes
Jason Cooper, Jones & Stokes
Kevin Jeffers, PE, WSDOT Rail Office

RECEIVED
OCT 07 2002
WSDOT RAIL OFFICE

STATE OF WASHINGTON
OFFICE OF COMMUNITY DEVELOPMENT
Office of Archaeology and 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

October 02, 2002

Ms. Elizabeth Phinney
Department of Transportation, Rail Environmental Coordinator
310 Maple Park Avenue SE
PO Box 47300
Olympia, WA 98504-7300

In future correspondence please refer to:
Log: 100202-51-DOT
Property: VANCOUVER RAIL PROJECT
Re: Determination of Eligibility for the National Register of Historic Places

Dear Ms. Phinney:

Thank you for contacting the Washington State Office of Archaeology and Historic Preservation (OAHP). The above referenced project has been reviewed on behalf of the State Historic Preservation Officer under provisions of Section 106 of National Historic Preservation Act of 1966 (as amended) and 36 CFR Part 800. My review is based upon documentation contained in your communication.

Research indicates that no resources within the project area are currently listed in the Washington Heritage Register or National Register of Historic Places. I concur that the home at 1901 NW 69th Circle is ELIGIBLE for the National Register of Historic Places under criterion C as an intact representative example of a turn of the century dwelling. I would also concur that the other five resources identified in the project area, are not eligible for the National Register due to their low level of integrity.

As a result of this finding, further contact with OAHP will be necessary if the project involves federal funds, permits or licenses. If additional information on the property becomes available, or if any archaeological resources are uncovered during construction, please halt work in the area of discovery and contact the appropriate Native American Tribes and OAHP for further consultation.

Thank you for the opportunity to review and comment. Should you have any questions, please feel free to contact me.

Sincerely,

Michael Houser
Architectural Historian
(360) 586-3076
MichaelH@cted.wa.gov

STATE OF WASHINGTON

OFFICE OF COMMUNITY DEVELOPMENT

Office of Archaeology and 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

December 12, 2002

Ms. Elizabeth Phinney
Washington State Department of Transportation
P.O. Box 47300
Olympia, Washington 98504-73006

In future correspondence, please refer to:
Log: 121801-22-FHWA
Re: Vancouver Rail Yard Upgrade Project, Vancouver

Dear Ms. Phinney:

Thank you for contacting the Washington State Office of Archaeology and Historic Preservation (OAHP) regarding the above referenced action. This consultation is in compliance with Section 106 of the National Historic Preservation Act (as amended) and its implementing regulations as found in 36 CFR 800.4. From your correspondence I understand that the Washington State Department of Transportation (WSDOT) is planning improvements to the existing Burlington Northern Railroad Vancouver Yard between milepost 136 and 132.8.

In response and on behalf of State Historic Preservation Officer (SHPO) Allyson Brooks, I concur with your determination that this action will have an adverse effect upon the Sutherland House at 1901 N.W. 69th Circle (previously 6801 N.W. Whitney). In view of the apparent adverse effect determination, I recommend drafting a memorandum of agreement (MOA) for execution amongst the Federal Highway Administration (FHWA) and the SHPO. The MOA should identify specific measures to mitigate the adverse effect of the action on character defining features that qualify the Sutherland House for National Register listing.

Thank you for the opportunity to review and comment on this action. Should you have any questions, please feel free to contact me at 360-586-3073 or gregg@cted.wa.gov.

Sincerely,

Gregory Griffith
Deputy State Historic Preservation Office

MEMORANDUM OF AGREEMENT

BETWEEN THE FEDERAL HIGWAY ADMNINISTRATION

AND THE WASHINGTON STATE HISTORIC PRESERVATION OFFICER

REGARDING THE VANCOUVER, WA RAIL PROJECT

WHEREAS, the Federal Highway Administration (FHWA) has determined that the Vancouver Rail Project (undertaking) may have an adverse effect on the Sutherland House, which is a property eligible for inclusion in the National Register of Historic Places, and has consulted with the Washington State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f); and

WHEREAS, FHWA has consulted with Washington State Department of Transportation (WSDOT) regarding the effects of the undertaking on the Sutherland House and has invited them to sign this MOA as a concurring party; and

WHEREAS, in accordance with 36 CFR Section 800.6(a)(1), FHWA has notified the Advisory Council on Historic Preservation (Council) of its adverse effect determination with specified documentation pursuant to 36 CFR Section 800.6(a)(1)(iii);

NOW, THEREFORE, FHWA and the Washington SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

FHWA shall ensure that the following measures are carried out:

I. Documentation of Sutherland House

WSDOT shall consult with the SHPO regarding the appropriate level of documentation of the Sutherland House, including but not limited to current view and historic photographs and text. Photo-documentation of the property will occur prior to any project-related disturbance to the site; and

II. Noise barrier and landscaping design

WSDOT shall provide a noise barrier to mitigate increased noise levels resulting from this project and affecting the Sutherland House. As part of the project planning process, WSDOT shall provide the SHPO an opportunity to review and approve preliminary and final designs for the noise barrier, landscaping associated with the noise barrier, vehicle access to the Sutherland House, and other site planning issues that might arise from the undertaking and that may affect the historic character of the Sutherland House. Project plan review and approval by SHPO shall occur at the preliminary and final design stages and at other appropriate stages of the design process as determined by WSDOT.

III. **DURATION**. This agreement will be null and void if terms are not carried out within five (5) years from the date of its execution. Prior to such time, FHWA may consult with other signatories to reconsider the terms of the agreement and amend in accordance with Stipulation IV below.

IV. **DISPUTE RESOLUTION**

Should any party to this agreement object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, FHWA shall consult with the objecting party(ies) to resolve the objection. If FHWA determines, within 30 days, that such objection(s) cannot be resolved, FHWA will;

A. Forward all documentation relevant to the dispute to the council in accordance with 36 CFR Section 800.2(b)(2). Upon receipt of adequate documentation, the Council shall review and advise FHWA on the resolution of the objection within 30 days. Any comment provided by the Council, and all comments from the parties to the MOA, will be taken into account by FHWA in reaching a final decision regarding the dispute.

B. If the Council does not provide comments regarding the dispute within 30 days after receipt of adequate documentation, FHWA may render a decision regarding the dispute. In reaching its decision, FHWA will take into account all comments regarding the dispute from the parties to the MOA.

C. FHWA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged. FHWA will notify all parties of its decision in writing before implementing that portion of the Undertaking subject to dispute under this stipulation. FHWAs decision will be final.

V. **AMENDMENTS AND NONCOMPLIANCE**

If any signatory to this MOA, including any invited signatory, determines that its terms will not or cannot be carried out or that the amendment to its terms must be made, that party shall immediately consult with the other parties to develop an amendment to this MOA pursuant to 36 CFR § 800.6(c)(7) and 800.6(c)(8). The amendment will be effective on the date a copy signed by all of the original signatories is filed with the Council. If the signatories cannot agree to appropriate terms to amend the MOA, any signatory may terminate the agreement in accordance with Stipulation IX, below.

VI. **TERMINATION**

If an MOA is not amended following the consultation set out in Stipulation V, it may be terminated by any signatory or invited signatory. Within 30 days following termination, FHWA shall notify the signatories if it will initiate consultation to execute an MOA with the signatories under 36 CFR § 800.6(c)(1) or request the comments of the council under 36 CFR § 800.7(a) and proceed accordingly.

Execution of this Memorandum of Agreement by FHWA and Washington SHPO and WSDOT, the submission of documentation and filing of this Memorandum of Agreement with the Council pursuant to 36 CFR § 800.6(b)(1)(iv) prior to FHWA's approval of this undertaking, and implementation of its terms evidence that FHWA has taken into account the effects of this undertaking on historic properties and afforded the Council an opportunity to comment.

SIGNATORIES:

FEDERAL HIGHWAY ADMINISTRATION

By: Michael A. Kulbacki Date: 2/18/03

Michael Kulbacki, FHWA Area Engineer

WASHINGTON STATE HISTORIC PRESERVATION OFFICER

By: Allyson Brooks Date: 1/16/03

Allyson Brooks, Ph.D., State Historic Preservation Officer

CONCURRING PARTIES:

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

By: J Slakey Date: 1/15/03

Jim Slakey, Director of the Public Transportation and Rail Division

U.S. Department
of Transportation

**Federal Highway
Administration**

Washington Division

Suite 501 Evergreen Plaza
711 South Capitol Way
Olympia, Washington 98501-1284
(360) 753-9480
(360) 753-9889 (FAX)
http://www.fhwa.dot.gov/wadiv

December 12, 2002

HRPD-WA.4/ Clark County

Mr. Don L. Klima, Director
Western Office of Planning and Review
Advisory Council on Historic Preservation
12136 West Bayaud Avenue, Suite 330
Lakewood, Colorado 80228

Attention: Jane Crisler, Historic Preservation Specialist

**Vancouver Rail Yard Upgrade Project
Participation Request
Clark, County**

Dear Mr. Klima:

The Federal Highway Administration (FHWA), and the Washington State Department of Transportation (WSDOT) have been consulting with the Washington State Historic Preservation Officer (SHPO) over the potential effects of the proposed Vancouver Rail Yard Upgrade project in Clark County. The proposed project involves: constructing a rail bypass around the Burlington Northern Santa Fe Railway Company Vancouver Yard and eliminating the West 39th Street at-grade crossing in Clark County.

The Washington Division and SHPO have determined the proposed alternative would adversely effect the historic property located at 1901 NW 69th Circle due to configuration of the additional rail line, necessitating relocation of the property's access road and installing a noise barrier. The Section 4(f) property exemplifies 20th century domestic architecture and has been determined eligible for listing in the National Register of Historic Places by SHPO.

Enclosed for your information is background correspondence between SHPO and WSDOT for the subject project, Section 4(f) resource inventory data, and a vicinity map. A Memorandum of Agreement (MOA) is currently under development, in coordination with the Washington SHPO and WSDOT, which will identify proposed measures to ensure that the structures history and related information is recorded consistent with the documentation standards agreed upon with the SHPO; and the proposed noise barrier, landscaping, and access road relocation are acceptable.

Pursuant to 36 CFR 800.6(a)(1), please notify us within fifteen days if you wish to participate in this project and be included as a signature authority on the MOA.

If you have additional questions on this project, or on the historic issues, please feel free to contact me at (360) 753-9556 or via email at **michael.kulbacki@fhwa.dot.gov**.

Sincerely,

DANIEL M. MATHIS, P.E.
Division Administrator

Michael Kulbacki

By: Michael A. Kulbacki
Area Engineer

Enclosures

cc: Elizabeth Phinney, WSDOT OSC, Local Agency Programs
Dr. Allyson Brooks, Washington SHPO

January 15, 2003

Michael A. Kulbacki
Federal Highway Administration
Suite 501, Evergreen Plaza
711 South Capitol Way
Olympia, WA 98501-1284

RE: *Vancouver Rail Yard Upgrade, Clark County, WA. - HRPD-WA.4/Clark County.*

Dear Mr. Kulbacki:

We received your notification and supporting documentation regarding the adverse effects of the referenced project, a property eligible for inclusion in the National Register of Historic Places. Based upon the information you provided, we do not believe that our participation in consultation to resolve adverse effects is needed. However, should circumstances change, please notify us so we can re-evaluate if our participation is required. Pursuant to 36 CFR 800.6(b)(iv), you will need to file the Memorandum of Agreement, and related documentation at the conclusion of the consultation process. The filing of this Agreement with the Council is necessary to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions, please contact Jane Crisler at 303/969-5110 or via eMail at jcrisler@achp.gov.

Sincerely,

Nancy Kochan

Nancy Kochan
Office Administrator/Technician
Western Office of Federal
Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

12136 West Bayaud Avenue, Suite 330 • Lakewood, Colorado 80228
Phone: 303-969-5110 • Fax: 303-969-5115 • achp@achp.gov • www.achp.gov

Section 4(f) Correspondence

Final Environmental Impact Statement

Vancouver Rail Project

Washington State
Department of Transportation
Douglas B. MacDonald
Secretary of Transportation

Transportation Building
310 Maple Park Avenue S.E.
P.O. Box 47300
Olympia, WA 98504-7300

360-705-7000
TTY: 1-800-833-6388
www.wsdot.wa.gov

February 19, 2003

Director
Office of Environmental Policy and Compliance
Department of the Interior
Main Interior Building, MS 2340
1849 C Street NW
Washington DC 20240

RE: **Vancouver Rail Project Section 4(f) Evaluation**

Dear Sir:

Enclosed are 18 CD-ROM copies of the Section 4(f) Evaluation for the Vancouver Rail Project for your review and comment. Also enclosed is a paper copy of the Evaluation for your official file. **(Please use only the .pdf version on the CD-ROM for your review.)**

The **45-day review and comment period** begins on February 24, 2003, and **ends on April 9, 2003.**

If you have any questions, please don't hesitate to contact me at phinnee@wsdot.wa.gov or at 360-705-7902.

Sincerely,

Elizabeth Phinney
Rail Environmental Coordinator

EJP:tro

cc: Kevin Jeffers, WSDOT

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

ER-03/195

APR 4 2003

RECEIVED
APR 14 2003
WSDOT RAIL OFFICE

Ms. Elizabeth Phinney
Rail Environmental Coordinator
Washington State Department of Transportation
Transportation Building
310 Maple Park Avenue, SE
Post Office Box 47300
Olympia, Washington 98504-7300

Dear Ms. Phinney:

The Department of the Interior (Department) has reviewed the Draft Section 4(f) Evaluation for the Vancouver Rail Project, Clark County, Washington. We offer the following comments for your consideration.

Section 4(f) Comments

The proposed Vancouver Rail Project would have an adverse effect on the Sutherland House, constructed circa 1895, and determined eligible for listing in the National Register of Historic Places by the State Historic Preservation Officer (SHPO). The house is privately owned and currently occupied. It is located about 70 feet east of the railroad tracks on a 1.5 acre lot.

The two build alternatives under consideration would place new bypass tracks between the existing tracks and the house, as well as run a road next to the tracks to provide access for railroad maintenance. A retaining wall to support the railroad and roadbed would be just 35 feet away from the front of this historic house.

The driveway of the house would have to be relocated from its current placement. Construction of the retaining wall would result in removal of large trees, considered part of the historic setting. There will be noise impacts to the house as well.

Summary Comments

It appears that Alternatives B and I take advantage of the most reasonable track placement. It is not clear from the documentation why the access road and pad could not be located along the west side of the railroad right of way, and we wonder if that might be a way to minimize harm to the historic property. We would appreciate it if you would consider this possibility in your final Section 4(f) analysis.

If you have questions concerning this letter, please contact Historic Architect Laurin Huffman, in the Columbia Cascades Support Office of the National Park Service, at (206) 220-4131.

We appreciate the opportunity to provide these comments.

Sincerely,

Mary Rose Blanchard

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

VANCOUVER-CLARK
PARKS&
Recreation

28 April 2003

Mr. Kevin Jeffers, PE
Rail Projects Engineer
Washington State Department of Transportation
PO Box 47387
Olympia, WA 98504-7387

Dear Mr. Jeffers:

Thank you for giving me the opportunity to review WSDOT's proposed plans for the Vancouver Rail Project. I appreciate the opportunity to provide input regarding City of Vancouver park and recreation lands. It is my understanding that the proposed plan for the rail project will impact two public park and recreation facilities, and it is the view of the Vancouver-Clark Parks and Recreation Department that these two parks are not significant as defined under Section 4(f).

Although the proposed plan does require the taking of a portion of Heathergate Ridge and the relative impact to the quality of the site is minor, the City would require compensation for the taking. The parcel is designed as Open Space to act as a visual buffer for communities overlooking the rail line. Although it is my understanding the Vancouver Rail Project would not necessarily change the visual features of this parcel as viewed from the top of the slope, the City would require the cut slope to be revegetated and monitored for a period of five years to assess slope stability.

The other parcel in question lies between Vancouver Lake and the Burlington Northern and Santa Fe Railway Company's main line track. Although the City currently does not have legal overland access to this parcel, the property is a component of the larger Vancouver Lake Regional Park and is deemed public parkland and accessible via watercraft. Additionally, the property was partially funded with assistance from the state of Washington and includes conditions addressing the re-use of the property and the identification of replacement property. The City would be willing to negotiate for suitable replacement land.

I hope this information is helpful as you move forward with your environmental analysis. Please let me know if I can be of further assistance. I can be reached at 360-619-1115 or Stephen.Duh@ci.vancouver.wa.us.

Sincerely

Stephen Duh, Park Planner
Vancouver-Clark Park and Recreation Department

Biological Assessment Correspondence

Final Environmental Impact Statement

Vancouver Rail Project

Washington State
Department of Transportation
Douglas B. MacDonald
Secretary of Transportation

Transportation Building
310 Maple Park Avenue S.E.
P.O. Box 47300
Olympia, WA 98504-7300

360-705-7000
TTY: 1-800-833-6388
www.wsdot.wa.gov

March 17, 2003

RECEIVED
MAR 18 2003
WSDOT RAIL OFFICE

Mr. Steve Landino
NOAA Fisheries
510 Desmond Dr. SE Suite 103
Lacey, Washington 98503-1292

Re: Vancouver Rail Project

Dear Mr. Landino:

The Washington State Department of Transportation (WSDOT), on behalf of the Federal Highway Administration (FHWA), proposes to improve passenger and freight rail service by reliving congestion on the existing rail corridor in the vicinity of the Vancouver Rail Yard, at Township 2N, Range 1E, sections 4, 9, 16, 21, 28 and 29, in Clark County, Washington. The project will involve funding from the FHWA, and is therefore, it is subject to requirements under Section 7(c) of the Endangered Species Act (ESA). The enclosed Biological Assessment (BA) was prepared by our consultant.

The four mile long project includes the addition of a bypass track, fourteen crossovers (where the train can move from one track to the other), 16 turnouts, the elimination of one at grade crossing, and the installation of one new overpass. A total of 37 acres of vegetation will be cleared and altered, and the existing creosote railroad ties will be replaced with concrete ties.

Based on the type of work, the location and the lack of in water work, our consultant has concluded and we concur that the project may effect but is not likely to adversely affect Lower Columbia River Steelhead, and will have no effect on Lower Columbia River Chinook Salmon, and Columbia River Chum. In addition, the project will not significantly impact Lower Columbia River/Southwest Washington Coho salmon. It is our understanding that this satisfies our responsibilities under Section 7 (c) of the ESA at this time. Please contact me at (360-705-7404) if you require additional information or have any questions about this project.

Sincerely,

Marion Carey

MC:lg

Attachment:

cc: Michael Kulbacki, FHWA, w/attachment
Elizabeth Phinney, WSDOT

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

April 7, 2003

Marion Carey
Washington State Department of Transportation
Environmental Affairs Office
PO Box 47300
Olympia Washington 98504-7300

Re: Endangered Species Act Section 7 Informal Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the Vancouver Rail Project Biological Assessment (NOAA Fisheries No. 2003/00276) (WRIA 28).

Dear Ms. Carey:

This correspondence is in response to your request for consultation under the Endangered Species Act (ESA). Additionally, this letter serves to meet the requirements for consultation under the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

Endangered Species Act

NOAA's National Marine Fisheries Service (NOAA Fisheries) has reviewed the above-referenced Biological Assessment (BA) received March 18, 2003. According to the BA submitted by the Washington State Department of Transportation (WSDOT) on behalf of the Federal Highways Administration (FHWA), WSDOT proposes to improve passenger and freight rail service by relieving congestion on the existing rail corridor in the vicinity of the Vancouver Rail Yard in Clark County. The Four-mile long project includes the addition of a bypass track, 14 crossovers, 16 turnouts, the elimination of one at-grade crossing, and the installation of one new overpass. A total of 37 acres of vegetation will be cleared and altered. No in-water work will occur as part of the project. Lower Columbia River (LCR) steelhead (*Oncorhynchus mykiss*), which is listed as threatened under the ESA, occur in Burnt Bridge Creek within the project area.

Within the project area, creosote ties will be replaced with concrete ties. Moreover, native vegetation will be used to revegetate those portions of the project area not necessary for operations and maintenance.

Since the proposed action has incorporated avoidance and minimization measures into this project, NOAA Fisheries expects the effects of the action to be discountable or insignificant. Therefore, NOAA Fisheries concurs with your determination that the project "may affect, but is not likely to adversely affect"PS chinook.

Printed on Recycled Paper

This concludes informal consultation on these actions in accordance with 50 CFR 402.14(b)(1). The FHWA must reanalyze this ESA consultation: (1) if new information reveals effects of the action that may affect listed species in a way not previously considered; (2) if the action is modified in a manner that causes an effect to the listed species that was not previously considered; or (3) if a new species is listed or critical habitat designated that may be affected by the identified actions.

Magnuson-Stevens Fishery Conservation and Management Act

Federal agencies are required, under §305(b)(2) of the MSA and its implementing regulations (50 CFR 600 Subpart K), to consult with NOAA Fisheries regarding actions that are authorized, funded, or undertaken by that agency that may adversely affect Essential Fish Habitat (EFH). The MSA (§3) defines EFH as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." If an action would adversely affect EFH, NOAA Fisheries is required to provide the Federal action agency with EFH conservation recommendations (MSA §305(b)(4)(A)). This consultation is based, in part, on information provided by the Federal action agency and descriptions of EFH for Pacific salmon contained in Appendix A to Amendment 14 to the Pacific Coast Salmon Plan (August 1999) developed by the Pacific Fishery Management Council and approved by the Secretary of Commerce (September 27, 2000).

The action area and proposed action are described on pages 11 through 19 of the biological assessment. The project area includes habitat which has been designated as EFH for various life stages of chinook and coho (*O. kisutch*) salmon.

Because the habitat requirements (*i.e.*, EFH) for the MSA-managed species in the action area are similar to that of the ESA-listed species, and because the conservation measures that the FHWA/WSDOT included as part of the proposed action to address ESA concerns are also adequate to avoid, minimize, or otherwise offset potential adverse effects to designated EFH, conservation recommendations pursuant to MSA (§305(b)(4)(A)) are not necessary. Since NOAA Fisheries is not providing conservation recommendations at this time, no 30-day response from the FHWA/WSDOT is required (MSA §305(b)(4)(B)).

This concludes consultation under the MSA. If the proposed action is modified in a manner that may adversely affect EFH, or if new information becomes available that affects the basis for NOAA Fisheries' EFH conservation recommendations, the FHWA will need to reinitiate consultation in accordance with the implementing regulations for EFH at 50 CFR 600.920(l).

Thank you for your efforts to protect threatened LCR steelhead and EFH. If you have any questions, please contact Bill Leonard of the Washington State Habitat Branch Office at (360) 753-9887 or at bill.leonard@noaa.gov.

Sincerely,

D. Robert Lohn
Regional Administrator

Washington State
Department of Transportation
Douglas B. MacDonald
Secretary of Transportation

Transportation Building
310 Maple Park Avenue S.E.
P.O. Box 47300
Olympia, WA 98504-7300

360-705-7000
TTY: 1-800-833-6388
www.wsdot.wa.gov

April 21, 2003

RECEIVED
APR 22 2003
WSDOT RAIL OFFICE

Mr. Michael Kulbacki
Federal Highway Administration
711 South Capitol Way, Suite 501
Olympia, WA 98501-0943

Re: Vancouver Rail Project

Dear Mr. Kulbacki:

The Washington State Department of Transportation (WSDOT), proposes to improve passenger and freight rail service by relieving congestion on the existing rail corridor in the vicinity of the Vancouver Rail Yard, at Township 2N, Range 1E, sections 4, 9, 16, 21, 28 and 29, in Clark County, Washington. The project will involve funding from your agency, and is therefore, it is subject to requirements under Section 7(c) of the Endangered Species Act (ESA). The enclosed No Effect Biological Evaluation (BE) was prepared by our consultant on your behalf.

The four mile long project includes the addition of a bypass track, fourteen crossovers (where the train can move from one track to the other), 16 turnouts, the elimination of one at grade crossing, and the installation of one new overpass. A total of 37 acres of vegetation will be cleared and altered, and the existing creosote railroad ties will be replaced with concrete ties.

The consultant has concluded and our agency concurs that the project will have no effect on the Columbia River Distinct Population segment of bull trout, and no effect on wintering or nesting bald eagles. This conclusion is based on factors such as time of year the work is occurring; the type of work occurring; the lack of in-water work, and the location of the work. While wintering bald eagles are common in the Vancouver Lake area, the project has committed to completing the pile driving activities outside the wintering period.

It is our understanding that this satisfies our responsibilities under Section 7 (c) of the ESA at this time. We will continue to remain aware of any change in the project/status of these species and will be prepared to re-evaluate project impacts if necessary. Please contact me at (360-705-7404) if you require additional information or have any questions about this project.

Sincerely,

Marion Carey
Threatened and Endangered Species Team Lead

MC:mc

Attachment: NE BE
cc: Elizabeth Phinney, Rail Office

Appendix G

Public and Agency Comments and Responses

Final Environmental Impact Statement

Vancouver Rail Project

Appendix G
Public and Agency Comments and Responses

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Response 1

1.1 The Vancouver Rail Project is a small component of the State's intercity passenger rail program. This rail program is part of the State's overall transportation system. Intercity passenger rail provides an alternative mode of transportation for the residents of Washington State.

1.2 Residents living west of the rail tracks near West 39th Street would benefit by having safer and more reliable emergency access.

1.3 The traffic study performed for this project did not find that our project would have negative impacts at this location.

1.4 All of these factors were addressed as part of this environmental analysis. Please see Chapters 4 and 5 of this document.

Comment 1 — 2 pages

February 10, 2002

WSDOT RAIL OFFICE

WSDOT
PO Box 47387
Olympia, WA 98504-7387

Ref: Vancouver Rail Project

Gentlemen:

In response to your recent mailing concerning the Vancouver Rail Project, I wish to voice my opposition to any changes. The reasons for my opposition are as follows.

1.1 1. The project does not justify the expenditure of 47 to 57 million dollars. Our transportation system has serious maintenance problems that need to be addressed and should carry a higher priority than this project.

1.2 2. An overpass would increase traffic on 39th Street between the I-5 freeway and Fruit Valley Road and would benefit primarily commercial establishments in the Fruit Valley area. There is virtually no benefit to residential residents. Current access from either Fourth Plain Blvd. or 78th Street is adequate to serve this area. Between Main street and Lincoln, 39th street provides access to residential areas with a high volume of traffic at peak periods. Increased traffic could be hazardous for the area, creating safety concerns for children and increasing the risk of accidents.

1.3 3. The I-5 interchange at 39th Street and the intersection of 39th Street and Main would be impacted, creating additional traffic congestion and safety issues for children attending school nearby, one block from 39th Street.

1.4 4. There are environmental factors that need to be addressed.
A. Ground instability created by cutting and filling to existing slopes.
B. Increased stormwater volumes.
C. Increased noise to Columbia Crest residents.
D. Loss of woody vegetation and wetland buffers.

page 2

The future growth of this area will be commercial development in the Fruit Valley area which is adequately served by Fourth Plain Blvd. and 78th Street. If train traffic at the 39th Street crossing increases to the level that there becomes a safety issue, it would be better to close the street to thru traffic than to complete the project, incurring the cost at the expense of other more needed projects and taking on additional problems.

Yours truly,

Tim Peterson

Tim Peterson

1215 NW 52nd St.
Vancouver, WA 98663

Response 2

2.1 Please refer to the Draft Environmental Impact Statement to obtain specific and detailed information about this project. The newsletter was only intended to serve as a summary of the proposed project.

2.2 The only solutions for truly safe railroad/highway crossings are either to close those crossings or grade-separate them. Unfortunately, improvements such as increased warning devices, signage, and additional signals do not offer the level of increased safety provided by closing or grade-separating.

Comment 2

From: Bauhs, Gail
Sent: Monday, February 11, 2002 9:33 AM
To: rail@wsdot.wa.gov
Subject: Vancouver Rail Project Comments

2.1 The layout of the information presented in the February 2002 Rail Connection about the Vancouver Rail Project is quite difficult to follow. Although I assume there are three alternatives being considered - A, B and I - there also seem to be three additional options under alternative B and three more under alternative I. What each of these options involve, however, is unclear. Are there clear drawings of these plans, showing the geographic impacts on this area?

2.2 Since it is unclear which options involve the closure of 39th Street, I will just give you my general comment that "closing 39th Street to vehicular, pedestrian or bike traffic is NOT an acceptable option. If improvements to the at-grade railroad crossings are needed, then improve them, don't close them. Anytime you close a through street, you impede the flow of traffic and simply divert problems elsewhere. Although a change such as adding a vehicular/pedestrian/bike overpass to the crossing may negatively impact 2-4 households, it will bring substantial benefit to West Vancouver as a whole. It will also allow the free passage of emergency, fire and medical vehicles."

Thanks for the opportunity to comment.

Gail

Comment 3

From: Harley Morgan
Sent: Tuesday, February 12, 2002 4:10 PM
To: WSDOT Rail Office (E-mail)
Subject: Vancouver Rail Project

Gentlemen:

Welcome to the 30 year conflict with Burlington Northern. I am 25 year business neighbor of BN and a 12 year residential neighbor of BN. The promises made at public hearings and broken by BN could fill volumes. Among them include:

1. Expansion of A yard to include B yard. Promise - Engines will not sit and idle at night below the Lincoln neighborhood. That was 30 years ago. Talk to the neighbors today.
2. Installation on North Junction switch. Promise - Engines will not sit and idle below homes in Starcrest and Lakeshore Hills. That was 20 years ago. Talk to the Lakeshore Hills neighbors today.
3. Seattle garbage permit for passing through Vancouver. Promise - The garbage trains with containers of garbage will not stop in residential zoned areas. I have pictures upon picture of Seattle garbage sitting in front of my residence in Lakeshore Hills.

3.1 We have been through years of conflict about train noise. Federal RR legislation allows the RR to operate at their own discretion as to noise pollution. I have given up on that issue, but I now feel AIR POLLUTION is the weak spot for the RR's. When BN leaves their engines idling below Vancouver residences for extended periods of time, the residents are subjected to raw diesel exhaust.

3.2 This all occurs with the existing train traffic. There is no way there is as many as 100 trains per day or four per hour. BN and UP keep the tracks plugged with stopped trains for up to 20% on the day. To get to 275 trains per day according to your pamphlet would require at least two additional North South through tracks.

3.3 The best view property in Vancouver is all affected by this train issue. You can solve this problem once and for all by rerouting the trains to the south side of Vancouver Lake, and expanding the yards in farm land area so the 39th street bridge is not an issue. This relocation of the tracks will also serve to better connect the RR with the Port of Vancouver that ties into the dredging on the Columbia River.

Thank you for listing to my thoughts.
Harley Morgan, Vancouver, WA 98665

Response 3

3.1 One of the goals of this project is to decrease train idling in the rail yard. By building the bypass, switching activities at this location should decrease.

3.2 Data provided by BNSF indicates that approximately one hundred freight trains per day use this section of main line. Based upon a five percent annual increase, freight trains are expected to increase to as many as 279 trains per day by year 2020.

3.3 This alternative was initially considered as a solution for the Vancouver Rail Project. However, as discussed in Chapter 3 of this document, the cost and impacts of such an alternative proved to be prohibitive.

Response 4

4.1 Based on the traffic study that was performed for this project, traffic on Fruit Valley Road at Fourth Plain Boulevard is expected to increase by 6.4 percent (in year 2020) as a result of closure of West 39th Street.

4.2 Any traffic revisions that might result from a closure of West 39th Street would require approval and action from the Vancouver City Council, based upon recommendations by City of Vancouver staff and public comment.

Comment 4

From: Phil & Kim Block
Sent: Sunday, February 17, 2002 9:54 AM
To: rail@wsdot.wa.gov
Subject: Vancouver Rail Project

In am writing to you in regards to the proposed rail project on West 39th Street in Vancouver, Washington. I have a few brief items that I sincerely hope that the project team will consider when making their recommendation.

4.1 If 39th Street is closed off to vehicle traffic, this will result in increased traffic on Fruit Valley Road headed South to Fourth Plain Boulevard. This will result in additional traffic passing by an elementary school and a city park. Closing off 39th Street will result in a serious safety issue towards children.

4.2 I hope that the team will not cater to the interests of big business and rather will serve the local residents of the Fruit Valley neighborhood. If the team does recommend that 39th Street be closed, I would ask that they take measures to insure the safety of the neighborhood children. For their safety a traffic light/pedestrian crosswalk should be installed on Fruit Valley road at Fruit Valley school. More importantly, a pedestrian overpass should be constructed to allow children to safely cross Fourth Plain Boulevard at the Fruit Valley road intersection.

This is a simple alternative but it would undoubtedly be expensive. As a road closure would be made to serve the railroad, the burden of such an expense should be placed entirely upon them. Thank You for taking the time to read these comments.

Phillip A. Block

Vancouver, WA 98660

Comment 5

Febuary 18,2002

WSDOT ,P.O. Box.Box 4387 Olympia Wash. 98504-7300

A Vehicular Overpass over 39th St. should be built with sidewalk and bicyle lane.I Was a Locamotive Engineer and a Union Representative when the rail yard was built north of 39th St.At that time the railroad made the statement that they would build a bridge over 39th St. if traffic was a problem.

5.1 Fruit Valley is buildilg a new school near the 39th St. crossing. one thing you could do is install a reader board sign ar Kaufman Ave. and 39th St. to display when the crossing is occupied by a train.also this can be done at Fruit Valley Road. Then traffis could use 26th St over pass.or a watch man could be used at 39th St.

Thanks John F. Ritter,360-6930113

Response 5

5.1 An alternative to keep West 39th Street open was considered as part of this process. Through extensive community outreach this alternative was eliminated because of the safety risks it posed.

Response 6

6.1 Unfortunately some individuals do not wish to wait for a passing train, nor do they wish to drive to another location. As such, many individuals drive around the warning gates. This is an extremely dangerous situation. It is the State's responsibility to ensure that the transportation system is safe for everyone.

Comment 6

RECEIVED
FEB 21 2002
WSDOT, RAIL OFFICE

WA. State DOT.

Sirs:

Re. the "Rail Connection "Vancouver Rail Project Flyer".

I'm in favor of doing absolutely nothing. Its "the crossing" has worked fine for my 55 years.

6.1 If people can't wait for a train they already have the choice of going around to 78TH or 4TH plain. Why spend millions to achieve very little?

My second choice would be a (Vehicular bridge over the tracks), alternative 1 I guess, if I understand the alternatives correctly.

I really don't think that the crossing should be closed altogether. That makes no sense at all.

Sincerely
William Tweed
113 E. 45TH ST.
Vancouver, WA 98663

Comment 7 — 2 pages

Washington State Department of Transportation

Vancouver Rail Project Draft Environmental Impact Statement

Comment Form

The Vancouver Rail Project team wants your comments on the accuracy, adequacy and completeness of the Draft EIS. The team also wants to know which alternative you favor and why. Please return this page tonight or respond by **Wednesday, March 27, 2002:**

- Mail: WSDOT, Rail Office, P.O. Box 47387, Olympia, WA 98504-7837
- Fax: 360-705-6821
- E-mail: rail@wsdot.wa.gov

Please include your name, address, and phone number in case we need clarification on your comment. We will respond to comments in the Final EIS.

Your Comments on the Draft EIS

- **Alternative A. No action:** X

- **Alternative B. Easterly bypass**

7.1 THERE IS A LACK OF INFORMATION IN REGARD TO SOUND/NOISE TRANSFERANCE TO THE PROPERTIES ON TOP OF THE BLUFF WITH REGARD TO ~~THE~~ EITHER OF THE EASTERLY OR WESTERLY BYPASSES. WHICH OF THE TWO OPTIONS WILL CARRY THE LEAST AMOUNT OF NOISE TO AFFECT THE BLUFF PROPERTIES & BEYOND??

7.2 ALSO, REMOVAL OF VEGETATION (WHICH WILL ALSO REMOVE A NATURAL NOISE BUFFER) AND DIGGING INTO FOOT OF BLUFF IT SELF MAY HAVE HARMFUL AFFECTS TO SEISMICALLY VERY SENSITIVE AREA.

Response 7

7.1 Based on public comments, we have expanded our analysis of potential noise impacts on various locations within the study area, including the top of the bluff. Please refer to the section on Noise in Chapters 4 and 5 for more information.

7.2 The environmental analysis addresses seismic and hazardous issues of the bluff. Please refer to the Soils and Geology section in Chapters 4 and 5 of this document for more information.

7.3 Based on public comments, we have expanded our analysis of potential noise impacts on various locations within the study area, including the top of the bluff. Please refer to the section on Noise in Chapters 4 and 5 for more information.

7.4 Your concerns and comments have been forwarded to the Burlington Northern and Santa Fe Railway Company (BNSF).

7.3

- **Alternative I: Westerly bypass**
  I WOULD PREFER THE WESTERLY BYPASS AS HAVING LEAST IMPACT ON THE BLUFF ITSELF. BUT I AM ALSO CONCERNED ABOUT THE NOISE FACTOR & IT IS UNKNOWN AT THIS TIME WHICH OF THE TWO BYPASSES WOULD HAVE THE LEAST NOISE IMPACT FOR PROPERTIES ON TOP OF THE BLUFF.

Please check the alternative you favor.

____ **Alternative A. No Action**
____ **Alternative B. Easterly Bypass**
  ____ Option 1. Overpass
  ____ Option 2. Cul-de-sac
  ____ Option 3. Pedestrian/bicycle overpass
✓ **Alternative I. Westerly Bypass**
  ✓ Option 1. Overpass
  ____ Option 2. Cul-de-sac
  ____ Option 3. Pedestrian/bicycle overpass

Please tell us why you prefer the alternative you checked above: IT APPEARS TO HAVE LEAST IMPACT ON THE BLUFF ITSELF & POSSIBLY LEAST NOISE IMPACT (AS LONG AS NATURAL VEGETATION IS NOT REMOVED).

7.4

Finally, please tell us if there's anything you would like the project team to keep in mind in selecting a preferred alternative. THIS IS VERY IMPORTANT. WILL THE TOTTING OF HORNS AND WHISTLES BE LESS WITH THE BYPASS? AND IS THERE ANY ALTERNATIVE TO THE CONSTANT SOUNDS OF HORNS & WHISTLES NOTICED ESPECIALLY DURING NIGHTTIME HOURS? I UNDERSTAND THE NEED FOR THEM FOR RAILROAD CROSSINGS, BUT THE CHATTER OF HORNS COMMUNICATING BETWEEN EMPLOYEES IS WHAT I HEAR MOSTLY. ARE THOSE HIGH DECIBEL HORNS REALLY NECESSARY, OR CAN LOWER DECIBEL HORNS BE USED FOR COMMUNICATING BETWEEN EMPLOYEES??

I SPOKE WITH ELIZABETH DALNEY AND MIKE DONAHUE AT RAIL MEETING ON MARCH 6TH.

Name BYRON CANNEY
Address 1318 NW 50TH ST
City VANCOUVER State WA Zip Code 98663
Phone: 360-694-0347 E-mail BYRONCANNEY@AOL.COM

For more information, visit www.wsdot.wa.gov/pubtran/passrail/vancouver.

Comment 8

From: LEE52840@aol.com
Sent: Wednesday, March 06, 2002 10:28 PM
To: rail@wsdot.wa.gov
Subject: My views on the 39th. St crossing

8.1 As a retired Maintenance of way employee, I challenge the 100 trains per day count you have put on this crossing. Maybe we count the lazy switch crews that block the crossing or those engines coming out of the fuel facility. I have personally sit and waited while a crewman, who cannot walk 100 feet, would slowly go to throw a time lock switch. This would back up traffic for better then 20 minutes. When questioned about it he would laugh and say. " WE ARE GOING TO CLOSE THIS CROSSING ANYWAY" so go around.

We have used this crossing for as many years as there has been a railroad, it is a vital means of going into and out of my neighborhood. Should there be an earthquake or other disaster, we will need every one of our travel routes. Emergency vehicles do not use this crossing for the main reason, we do not have the cooperation of the B.N.S.F. in doing so.

To serve the public is the primary goal of all government agencies. We in Fruit Valley ARE the public also. If you are to do anything that would close the street, PUT IN AN OVERPASS.

Lee McCallister
Chairman Fruit Valley Neighborhood Association
Co Chair Vancouver Neighborhood Alliance
Vancouver, WA. 98660

Response 8

8.1 Data provided by BNSF indicates that approximately one hundred freight trains per day use this section of main line.

Response 9

9.1 Locations and sizes of noise walls will be determined during final engineering and design.

Comment 9

6 March 2002

WSDOT
PO Box 47387
Olympia, WA 98504-783

RE: Vancouver Rail Project Draft EIS Comments

To whom it may concern:

I just completed reading the PDF version of the Executive Summary of the Draft EIS. Just a few quick comments:

1) An overpass at 39th Street in Vancouver seems very compelling, as long as one is built to allow pedestrian/bike traffic as well as automobiles. I don't think, given the relatively low cost differences between the various options, it's fair to Vancouver to ask them to lose that access altogether. Whichever alternative is accepted should, in my opinion, contain an overpass.

2) Speaking as a pedestrian, involved with FeetFirst, a pedestrian advocacy organization, I applaud any efforts to get pedestrians a route that doesn't involve directly crossing train tracks. Every few months we lose another pedestrian in Ballard along the BNSF tracks. Every chance we have to improve safety along rail corridors needs to be seized.

3) Speaking as the son of a former BNSF employee, and a frequent rider of the Cascades service to and from Portland, this improvement is absolutely vital. Alternative A, "No Action", should *not* be the final outcome. For reasons stated quite well in the Draft EIS - passenger train on-time percentages, decreased vehicle emissions from cars waiting on idle for the trains to get through the intersection, decreased diesel from the trains themselves having to wait to get through the yard - doing *something* to improve things at the Vancouver yard seems essential.

9.1 4) I am a bit concerned, however, by the "Columbia Crest development may experience increased noise" item listed under Environmental Health, Alternatves B & I Option 1 [see Exhibit 8]. Is there anything budgeted for a soundproofing wall? These seem to have helped no small amount along Interstate 5 here in Seattle - they're no panacea, but they're better than nothing.

Thanks for your time and the opportunity to comment.

Sincerely,

John Stewart
941 25th Ave
Seattle, WA 98122
stewartj@seanet.com

Comment 10

From: tom paulu
Sent: Thursday, March 14, 2002 9:23 PM
To: rail@wsdot.wa.gov
Subject: Vancouver Rail Project

I moved to Vancouver about one year ago. I am surprised at how much noise we hear from the railroad tracks, which are about half a mile away. Most nights, we can hear cars crashing into each other and the squeal of train brakes, along with whistles. Closing the 39th Street crossing or building an overpass should do away with the whistles, but not the switching yard sounds. Whatever alternative is picked for the 39th Street crossing, I hope something can be done to lessen the current level of noise. Sound barrier walls are common along freeways. Can they be built along railroad switching yards, too? **10.1**

I support increased passenger rail service in general, so the bypass track sounds like a good idea. Of the two track alternatives, I would prefer whichever creates less noise and conflict with nearby residences. I assume this would be Alternative I because it puts the new track closer to existing ones.

As for 39th Street, I favor closing the crossing on the theory that it would decrease traffic on 39th near our house (at Franklin) because people heading to Fruit Valley Road would use another east-west route. It's also less costly than building an overpass, and I'd rather see the millions of dollars used for other road projects. Though I'm a bicyclist and enjoy walking, I doubt many people would use a long pedestrian-bike bridge over the tracks. Better use the money for a new walking path that isn't next to railroad tracks like the Burnt Creek path or along the waterfront somewhere.

Finally, the March 1 Columbian carried a story on Page A6 listing items funded in the Washington House transportation revenue bill. It included $4.85 million "for a 39th Street overpass at the BNSF railroad yard." This story came out five days before the meeting at Hudson's Bay High School and 26 days before the end of the public comment period. It angers me that apparently the DOT is working behind the scenes to fund an overpass before members of the public have a chance to comment on whether they want it. Does the agency really want comments such as mine or is it just asking for input because it has to under the EIS law? **10.2**

Sincerely,

Tom Paulu

Response 10

10.1 Noise walls along the railroad switching yards are being examined as a way to compensate for the noise that may be generated by increased rail traffic on the proposed new tracks. Size and locations will be determined during final engineering and design.

10.2 The Washington State Department of Transportation's (WSDOT) proposed budget given to the legislature, which included the "Vancouver Rail Project and 39th Street Overpass", was required to be a ten-year budget. If a large project, such as this one, were not included in this budget, it could be precluded from funding for as much as a decade. As a result, the selected alternative for this project could not be implemented due to lack of funding. To ensure funding for this project – regardless of the selected alternative – it is reasonable to request (as part of the budget) funding for the most expensive alternative. However, regardless of what was identified in the budget, selection of an alternative is based on public input and potential impacts/ benefits.

Response 11

11.1 Noise walls along the railroad switching yards are being examined as a way to compensate for the noise that may be generated by increased rail traffic on the proposed new tracks. Size and locations will be determined during final engineering and design.

Comment 11

March 16, 2002

600 W. 38th St.
Vancouver, WA 98660

RECEIVED
MAR 21 2002
WSDOT RAIL OFFICE

WSDOT
P.O. Box 47387
Olympia WA 98504-7837

Dear DOT planners:

I moved to Vancouver about one year ago. I am surprised at how much noise we hear from the railroad tracks, which are about half a mile away. Most nights, we can hear cars crashing into each other and the squeal of train brakes, along with whistles. Closing the 39th Street crossing or building an overpass should do away with the whistles, but not the switching yard sounds. Whatever alternative is picked for
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As for 39th Street, I favor closing the crossing because it would decrease traffic on 39th near our house (at Franklin) because people heading to Fruit Valley Road would use another east-west route. It's also less costly than building an overpass, and I'd rather see the money used for other road projects. I doubt many people would use a long pedestrian-bike bridge over the tracks. Better use the money for a new walking path.

Sincerely,

Cindy Williams

Cindy Williams

Comment 12

Kevin Cornwell, Chair
Northwest Neighborhood Association
1318 NW 53rd Street
Vancouver, WA 98663

RECE
MAR 26
WSDOT RAIL

March 17, 2002

WSDOT
P.O. Box 47387
Olympia, WA 98504-7837

RE: Vancouver Rail Project

The Northwest neighborhood of Vancouver borders the proposed rail bypass and includes the bluff just east of the existing rails. We are also significantly affected by the traffic along 39th Street, which is the main arterial to the southern entrance to our neighborhood.

So that we could speak on behalf of the neighborhood, we solicited comments from everyone participating in the neighborhood database. The results of the poll of the Northwest neighborhood resulted in unanimous support for a vehicular overpass at the 39th street crossing. The general thinking was not to cut off Fruit Valley (for safety and economic reasons) and to reduce the expected additional cut-through traffic up Lincoln and down Bernie Drive. This would appear to favor Option I (1), The Westerly Bypass with a vehicular overpass

12.1 There's quite a bit more to this than meets the eye. For instance, the Bypass issue was combined with the overpass issue. The former has a price tag of approximately $45 million and the latter has a price tag of $8 million. Although they're related projects, we question why the overpass couldn't be a discrete project, independent of the bypass. If the bypass must happen, the farther west, the better.

We believe that in the short to interim period BNSF would be the primary beneficiary of the proposed changes. Hopefully, in the long run, if Amtrak increases its frequency, dependability, and speed, we will all benefit.

Sincerely,

Kevin R. Cornwell

Kevin Cornwell, Chair
Northwest Neighborhood Association

Response 12

12.1 Originally the Washington State Department of Transportation initiated the "Vancouver Rail Yard Bypass" project. This project was designed to consider alternative bypass routes around the rail yard in order to ease congestion and ensure reliable and safer passenger rail service.
At the same time, the Burlington Northern and Santa Fe Railway Company (BNSF) was considering the closure of West 39th Street for safety and operational reasons. In November 1999, the City of Vancouver and neighborhood residents requested that the two projects be combined and that an EIS process be initiated.

Response 13

13.1 Please refer to the Noise analysis presented in Chapters 4 and 5 of this document.

13.2 Based on extensive public outreach for the past two years, as well as public comments on the DEIS, the WSDOT Rail Office selected Alternative I, Option 1 (Westerly Bypass, Vehicular Overpass) as the preferred alternative. This decision will be forwarded to the Federal Highway Administration (FHWA). FHWA will review this FEIS (including public comments) and will determine if WSDOT's "preferred alternative" should in fact be the "selected alternative". FHWA will issue their decision in the "Record of Decision" (ROD). However, any action that needs to be taken at West 39th Street will require approval from the Vancouver City Council.

13.3 In this situation, a tunnel is not a practical alternative due to diesel fumes in the yard and safety issues.

Comment 13

From: Don Houston [mailto:donhouston13@hotmail.com]
Sent: Wednesday, March 20, 2002 10:12 PM
To: rail@wsdot.wa.gov
Subject: Vancouver Rail Project Draft EIS

13.1 How does closing the 39th Street cause more train noise to the surrounding area?

Will there be a sound wall built below the residential homes above the track along the Olive and Walnut Street areas?

13.2 How is the decision to be made whether to go with East or West side track addition?

Would it not make more sense to place the addition to the West side to further distance the noise from the residential areas?

13.3 Perhaps an above ground tunnel can be made for the train through all Vancouver residential area with a 39th Street overpass for access down to Fruit Valley Road.

If this counts for any type of vote, please make the change to the west side with the track addition further away from the residential area.

Thank you for your time.

Sincerely,
Don & Lena Houston

Comment 14 — 2 pages

Terry & Cecelia McClure
1730 NW Trillium Lane
Vancouver, WA 98663

March 24, 2002

Mr. Kevin Jeffers, Program Manager
WSDOT, Rail Office
P.O. Box 47387
Olympia, WA 98504-7837

RECEIVED
MAR 27 2002
WSDOT RAIL OFFICE

Re: Vancouver Rail Project, Draft EIS Comment

Dear Kevin,

Thank you for the opportunity to comment on the draft Environmental Impact Statement for the Vancouver Rail Project. As I mentioned to you at the public hearing earlier this month, I live adjacent to the railroad tracks on the bluff above. I am approximately at NW 63rd Street. As you know, I am just one resident of a substantial neighborhood. I have two comments on the Draft EIS.

14.1 First, **I request that you assess noise impacts for the neighborhood in which I live.** I do not believe the noise assessment in the Draft EIS is adequate to determine the impact for our neighborhood. Noise was measured at only three points for a major rail transportation project covering five miles in an urban area. The nearest location to my home at which noise was assessed was for two isolated residences near NW 44th Street. At this location, it was determined that there were noise impacts. However, mitigation at this location was not considered reasonable because the track bordered the properties on two sides, necessitating a 670 foot wall which was assumed to benefit only the two residences. Therefore the cost per residence exceeded the $20,000 guideline.

These homes are more than a mile from my home and should not be used to assess noise impacts. Further, if they were used to assess impacts then one might expect impacts for our neighborhood as well. However, for our neighborhood there are 26 homes on the bluff facing the railroad tracks. These homes are generally exposed to noise from the tracks only from the west. Therefore the cost per home would be much less than the cost for two isolated residences.

When we spoke at the public hearing you mentioned that it would be difficult to block the noise (due to line of sight) because the homes in our neighborhood were well above the railroad tracks. However, the Draft EIS indicates that a retaining wall 16 feet high and 800 feet long is already planned to allow a cut into

Response 14

14.1 The EIS team has done further noise monitoring in your neighborhood. Please refer to the Noise section in Chapter 5 of this document for a discussion of potential noise impacts in your area.

Response 14

14.2 The location of retaining walls will be determined during final engineering and design, based on a more detailed analysis of soils and slope stability. While the existing rail line is, in fact, one hundred or more feet below the top of the hill, the retaining wall height described in the document included a slope below the wall, making up the difference in elevation.

Comment 14 — Continued

the soil of the hillside. This retaining wall could be extended vertically to serve as a noise wall in addition. Using the retaining wall would also reduce the cost per residence. Possibly a parabolic upper portion to the retaining wall, curving over the tracks at the top, would be cost effective.

Further the Noise and Vibration Discipline report warns that freight trains when traveling at moderate speeds, and at a distance comparable to the homes in our neighborhood, have potential to emit low frequency vibrations which were found to be annoying to local residents in previous studies. The discipline report also notes that the new tracks will enable trains to travel at higher speeds which will cause an increase in noise.

Second, **I request that the retaining wall to the west of my neighborhood be located as close to the new tracks as possible; preferably within 10 feet of the new tracks.** This will minimize the height of the cut, minimize the impact upon the stability of the existing slope, minimize the construction costs, and minimize the noise impact on the adjacent neighborhood.

14.2 The Draft EIS (Exhibit 3-12) shows that the retaining wall to the west of my home is about 16 feet high. However the conceptual drawings (sheets 3 & 4 of 12) show the retaining wall located on my property line. If the wall were on the property line it would need to be approximately 100 feet high. Such a retaining wall would be absolutely unacceptable from a safety standpoint as well as a slope stability standpoint. I assume the location of the wall shown on the conceptual plan drawings were in error and that the final retaining wall will be will be approximately 16 feet high. I also assume that the wall will be properly designed to retain the hillside upon which hundreds of homes are built. Please advise me if any of those assumptions are incorrect.

If you need clarification on either of my comments or wish to discuss them, please call me at 360-735-8845 during work hours or 360-694-5224 at home. I appreciate your attention to these comments and look forward to the final EIS.

Thanks again,

Terry McClure

Terry McClure, PE

Comment 15

From: DBsLife@aol.com
To: rail@wsdot.wa.gov
Subject: Vancouver Rail Project
Date: Sun, 24 Mar 2002 19:13:27 EST

A year or so ago at a Hough Neighborhood Association meeting, I was made aware of the Vancouver Rail Project. From what I have heard and read, the rail bypass is needed for improved rail service. Of the alternatives presented, my initial preference was for 39th Street to be closed because of the costs associated with a vehicular bridge linking Fruit Valley with Lincoln.

15.1 However, I cannot fathom that even the new Mill Plain extension will be able to accommodate the increasing number of vehicles accessing the Port of Vancouver, especially after the Columbia Gateway project is completed. An article published in the Columbian on March 6, the same day as the Rail Project meeting at Hudson's Bay, stated that Columbia Gateway will consist of 1,094 acres providing 2 million to 4 million square feet of industrial space. Has the Port projected the traffic impact that its expansion will create on the arterials west of I-5?

I will never support widening of Fourth Plain to provide additional access to the Port. Hough Neighborhood was adversely impacted by the removal of homes to widen Fourth Plain years ago, and recently the Mill Plain extension required additional removal of Hough homes. Hough Neighborhood was not built sandwiched between major arterials to the north and south; the Hough homes now lost to roadway expansion existed long before the Fourth Plain and Mill Plain road projects were even under consideration. Hough Neighborhood has sacrificed enough for the good of the Port.

Alternative I - Westerly Bypass with Option 1 is the plan that I endorse.

Yours truly,
Denetta Brown
Vancouver WA 98660

Response 15

15.1 Please contact the Port of Vancouver for traffic information pertaining to their Columbia Gateway project. The traffic analysis performed for the Vancouver Rail Project environmental study used traffic data supplied by the City of Vancouver, Clark County, and the Southwest Washington Regional Transportation Council. This data include projected and planned developments in the region.

Response 16

16.1 Thank you for your efforts in developing potential mitigation solutions. Your suggestions will be reviewed and considered as we move forward with final design. It is at that time specific mitigation measures will be developed.

16.2 Based on public comments, the EIS team has done further noise monitoring and analysis. Please refer to the Noise sections in Chapters 4 and 5 for further information and details.

Comment 16 — 12 pages

RECEIVED
MAR 27 2002
WSDOT RAIL OFFICE

March 25, 2002

Elizabeth Phinney
Environmental Coordinator
310 Maple Park Avenue SE
Olympia, WA 98504-7387

Dear Ms. Phinney;

Attached are the comments of the Lincoln Neighborhood Association (LNA) on the Vancouver Rail Project NEPA/SEPA Draft Environmental Statement (EIS). The LNA is one of five neighborhood associations affected directly by the proposal. All of these Associations are recognized by the City of Vancouver for review and comment on development proposals such as this project. The LNA area covers that part of Vancouver east of the railroad to I-5 and having 39th Street in about the middle of the LNA. 39th Street has been referred to as the "spine" of the Lincoln neighborhood.

The LNA recognized the importance of this proposal three years ago and has been an integral part of the development of Alternative I, referenced in the EIS. Upon notification that the EIS was available, the LNA organized a five member Traffic Committee to assist in the development of our comments. In the short time available to us for review, we held two general meetings of the LNA and two meetings of the Traffic Committee. Additionally, several of us attended the public hearing held by WSDOT and entered preliminary comments in the hearing record.

These enclosed comments are a unanimous recommendation for action on this project from the Traffic Committee, the General Meeting, and the Board of the LNA. They consist of two documents. One is the LNA Traffic Committee Report and Recommendation concerning Rai Bypass Alternatives and 39th Street Options (TCR&R). The other is the Technical Notes on Vancouver Rail Project EIS with Focus on Air Quality and Noise (TN).

16.1 The TCR&R details our rationale for our support of Alternative I (Westerly Bypass) and Option 1 (Overpass). It also presents our mitigation proposals for the impacts that the Bypass and Overpass would have on our community. Indeed, the mitigation proposals were key in Alternative I and Option 1 gaining unanimous support by the LNA.

16.2 The TN presents our concerns that the EIS may be deficient in how it addresses noise and air quality impacts to our community.

We greatly appreciate the time and effort that WSDOT has put into developing this EIS and bringing this information to us. We offer these comments with the faith and belief that they will improve the project and make our community a better place to live.

Please provide us with a copy of the Final Environmental Impact Statement and feel free to call on us if you have any questions about our comments.

Sincerely,

Ryan Campbell
President Lincoln Neighborhood Association
711 W 39th Street
Vancouver, Washington
98660

CC:
Mayor Royce Pollard
Vancouver City Council
Representative Val Ogden
Representative Bill Fromhold
Senator Don Carlson
Congressman Brian Baird
US Senator Patty Murray
US Senator Maria Cantwell
Federal Railroad Administration

LNA Traffic Committee Report and Recommendation Concerning
Rail Bypass Alternatives and 39th Street Options
March 21, 2002

INTRODUCTION:

The Lincoln Neighborhood is a stable, well-established community that is primarily residential. The goal of the Lincoln Neighborhood Traffic Committee is to preserve the residential feel of the neighborhood with regard to its streets.

The objective of this report is to consider the Vancouver Rail Project as it relates to our goals. Our report gives an overview of the ALTERNATIVES and OPTIONS presented in the initial Environmental Impact Statement (EIS), including how we see their impacts on the traffic, environment, and safety of the Lincoln neighborhood.

The Vancouver Rail Yard is located on the western boundary of the Lincoln Neighborhood and is a junction of the north/south routes and east/west routes of the railway. The existing tracks lie within 350 feet of Columbia Crest (south of 39th) and within 600 feet of residences north of 39th. Seven "at grade" tracks cross 39th Street at the rail yard, resulting in many delays for vehicles and presenting a safety hazard. There are also delays for trains, both passenger and freight.

As outlined in the EIS, the following ALTERNATIVES and OPTIONS are proposed:

NO ACTION ALTERNATIVE	**no change**
ALTERNATIVE B	**easterly bypass**
ALTERNATIVE I	**westerly bypass**
OPTION 1	**vehicular bypass over 39th**
OPTION 2	**close 39th street to all traffic**
OPTION 3	**pedestrian-bicycle overpass**

ALTERNATIVES B and I are rail bypass alternatives. *We note that ALTERNATIVE B and ALTERNATIVE I are nearly parallel and are within 250 feet of each other throughout the project area. Both ALTERNATIVES are east of the existing tracks.* OPTIONS 1, 2, and 3 affect traffic patterns on 39th Street. Either of the ALTERNATIVES could be combined with any of the OPTIONS. The NO ACTION ALTERNATIVE stands alone, as it means no bypass and no changes to 39th Street.

\

ALTERNATIVES:

NO ACTION ALTERNATIVE (no bypass, no overpass):

The NO ACTION ALTERNATIVE provides the least disruption to our community.

ADVANTAGES OF THE NO ACTION ALTERNATIVE:

1) No construction impacts.
2) No immediate expansion of the rail yard due to the physical restriction of the existing 39th Street crossing.

The NO ACTION ALTERNATIVE allows the Lincoln Neighborhood to address existing traffic issues without the additional concerns resulting from the other ALTERNATIVES and OPTIONS.

DISADVANTAGES OF THE NO ACTION ALTERNATIVE:

1) Does not address safety issues already existing at the "at grade" rail crossing on 39th Street.
2) With or without a bypass, BNSF is anticipating a significant increase in rail traffic.
3) Passenger cars will experience even more total hours of delays as rail traffic increases. These delays and those of freight trains would not be addressed without a bypass.

There will be more trains idling as they are shifted out of the way of other trains to wait for their turn to pass, resulting in more noise and air pollution, as the rail yard expands operations over time.

We believe the safety issue of the "at grade" crossing is too compelling to have us support the NO ACTION ALTERNATIVE.

ALTERNATIVE B (easterly bypass):

ALTERNATIVE B places a rail bypass for freight/passenger trains that will be within 200 feet of Columbia Crest and within 200 feet of houses north of 39th in the Lincoln Neighborhood. The bypass would be to the **east** of NW Cherry.

ADVANTAGES OF ALTERNATIVE B:

1) There will be fewer delays for trains and fewer idling trains waiting for passage. *Note that this is not an advantage over Alternative I, but simply an advantage over No Action.*

DISADVANTAGES OF ALTERNATIVE B:

1) This brings the tracks too close to homes and is too disruptive for residents with regard to excessive noise, vibration, and poor visual qualities.
   a) A noise analysis was done for the EIS. Noise levels at Columbia Crest are projected to exceed existing noise levels by six decibels. *(Current level: 63 decibels; projected level: 69 decibels.)*
2) A large cut will be required into the existing hillside and a 20-foot retaining wall is planned, according to the EIS.
   a) High risk of landslide in much of the hillside in Lincoln Neighborhood that abuts the tracks.
   b) Requires large removal of plant life and disruption of existing wildlife.
   c) There are many children in the neighborhood and we are concerned about safety issues of a 20-foot retaining wall below the Columbia Crest development.
3) Requires the removal of 2 homes in the Fruit Valley neighborhood and the realignment of NW Cherry Street in the Lincoln neighborhood.

MITIGATION PROPOSED BY THE LNA TRAFFIC COMMITTEE:

The Traffic Committee believes, after studying the EIS, that ALTERNATIVE B would have such a severe and negative impact on our neighborhood that there cannot be an acceptable mitigation plan. The bypass would require a deep cut into the hillside and brings the tracks so close to homes in our neighborhood that ALTERNATIVE B is completely unacceptable.

ALTERNATIVE I (westerly bypass):

ALTERNATIVE I places a rail bypass for freight/passenger trains that will be within 300 feet of Columbia Crest and within 450 feet of houses north of 39th in the Lincoln neighborhood. The bypass would be to the west of NW Cherry.

ADVANTAGES OF ALTERNATIVE I:

1) It would require a less dramatic cut into the hillside and a lower retaining wall would therefore be necessary (the specifications for these are not clear at this time.) This alternative reduces the chances for erosion and embankment failure.
2) One acre less land will be disturbed, according to the EIS, leaving more hillside available on which to plant trees for visual/sound barriers.
3) As the more WESTERLY of the alternatives, it puts the most distance between the homes in our community and the new rail line, resulting in less additional noise and vibration.
4) Fewer delays for trains, fewer idling trains.
5) It would also reduce the available space to expand the rail yard north of 39th Street. It is assumed here that the bypass rail would be the future eastern and northern boundary of the rail yard.

DISADVANTAGES OF ALTERNATIVE I:

1) Requires the removal of two homes from the Fruit Valley neighborhood and some realignment of NW Cherry.
2) This alternative would bring the rail closer to Lincoln neighborhood homes (but not as close as ALTERNATIVE B) and will result in additional noise, vibration, and poor visual qualities.
   a) A noise analysis was done for the EIS. The noise levels at Columbia Crest are projected to exceed existing noise levels by two decibels. *(Current level: 63 decibels; projected level 65 decibels.)*

MITIGATION PROPOSED BY THE LNA TRAFFIC COMMITTEE:

16.3

1) Dense noise reduction barriers to block increased noise from the rail yard. Placement of these barriers would take into consideration the wishes of the residents nearest the project. They would include a vegetative buffer with evergreen trees (Douglas Fir, Western Hood Cedar, Western Hemlock, etc.) and other native evergreen and deciduous vegetation as well as wall barriers and should be aesthetically pleasing.
2) Measures will need to be taken to assure the safety of the residents of the area. There are many children living in the houses close to the tracks, especially in Columbia Crest.

The LNA Traffic Committee feels that of the two bypass alternatives, ALTERNATIVE I is the only one that may be made acceptable WITH MITIGATION.

16.4

BURLINGTON NORTHERN/SANTA FE (BNSF): As a committee, we recognize that BNSF is a part of the Vancouver Rail Project. BNSF will be benefiting from this project with little apparent involvement. The bypass affords BNSF the opportunity to expand its operation and we feel it is important that BNSF work with the neighborhood (and especially those living closest to the tracks) to resolve issues of noise, air pollution, vibrations, and safety.

The LNA Traffic Committee would like to have a clearer understanding of how emergency access routes will be incorporated into and through the rail yard, and which kinds of access routes are presently in place. We are concerned about the transport of hazardous materials and notification of residents in the event of an accident or fire. We would like to know the procedure for reporting overpowering smells such as brake failures or diesel spills that the BNSF terminal manager is not aware of, but which residents detect. We are interested in knowing the role of the Southwest Air Pollution Authority in responding to resident complaints. Also, we would like a clarification of the Federal Railroad Administration's role in working with BNSF to fulfill federal standards for health and safety, such as OSHA.

We recommend the formation of a committee with representatives of BNSF, WSDOT, the City of Vancouver and adjoining neighborhood associations. This committee would address any environmental issues and safety problems that might compromise the health and safety of local residents, BNSF employees, and WSDOT employees on a continuous basis during the expansion of the Vancouver Rail Project and after its completion.

16.3 Thank you for your efforts in developing potential mitigation solutions. Your suggestions will be reviewed and considered as we move forward with final design. It is at that time specific mitigation measures will be developed. See Response #16.1.

16.4 Your comments and concerns have been forwarded to the Burlington Northern and Santa Fe Railway Company (BNSF) for their consideration.

16.5 Closure of West 39th Street will require action from the Vancouver City Council and the City of Vancouver. As such, there will be ample opportunity for further input regarding mitigation for West 39th Street. WSDOT will continue to work with the City to incorporate appropriate mitigation measures into the final design. However, traffic calming solutions and changes to existing traffic patterns will be the responsibility of the City of Vancouver.

OPTIONS:

OPTION 1 (vehicle overpass at 39th Street):

OPTION 1 involves building an overpass on 39th Street for vehicular traffic over the rail yard with a bicycle lane and sidewalks on each side of the roadway. The overpass would begin about 200 feet east of NW Cherry and end just over Thompson Avenue. Residential driveways on NW Cherry would need to be realigned. Two homes in Fruit Valley on 39th may need to be relocated.

ADVANTAGES OF OPTION 1:

1) A vehicle overpass would connect the Fruit Valley Neighborhood with the Lincoln Neighborhood, thereby reducing isolation and addressing emergency access concerns.

DISADVANTAGES OF OPTION 1:

1) A vehicle overpass will invite significantly more traffic to 39th Street from Fruit Valley Road to SR 500, including the possibility of increased truck traffic and speeds that are incompatible with residential living. This increased traffic will exacerbate existing traffic problems on 39th Street and will also impact cross streets of 39th Street (most notably Lincoln, Kauffman, and Columbia).
2) Such an overpass will have a large visual impact on the immediate neighborhood.

MITIGATION PROPOSED BY THE LNA TRAFFIC COMMITTEE:

1) No truck traffic should be allowed on 39th Street from MAIN STREET to FRUIT VALLEY ROAD, with the exception of emergency vehicles. (A realistic weight maximum for trucks needs to be considered and enforced.)
2) Traffic calming measures will need to be taken on 39th Street.
   a) Treed pedestrian islands, traffic circles, and additional vegetation screening should be installed on 39th Street from MAIN to the overpass, with the intent of constricting driving views in order to reduce vehicular speeds
   b) Safe pedestrian crossings should be installed on 39th Street. Favorable sites for pedestrian crossings on 39th Street are Kauffman, Franklin, Daniels, Columbia, and Division Streets.
3) Changes to 39th Street will impact other neighborhood streets. Funding for appropriate traffic calming on Lincoln, Kauffman, and Columbia Streets must be included in this mitigation package.
4) A network of bicycle lanes should be installed on 39th Street, Columbia Street, and Lincoln Street to link Discovery Trail, Waterfront Park, and, eventually, the trail at Vancouver Lake State Park.
5) In light of the likelihood of increased traffic on 39th Street and its cross streets, special attention must be given to assure safe walking routes and crossings for children in the neighborhood walking to their schools. These schools include Lincoln Elementary, Discovery Middle School, Vancouver School of Arts and Academics, and Our Lady of Lourdes School.
6) Native vegetation should be planted abutting the overpass itself to help ease its visual and sound impacts upon the neighborhood.

16.5 While the LNA Traffic Committee is very concerned with the heavy and fast traffic currently on 39th Street and its cross streets, we feel it important to keep this east/west tie open and to allow access to and from Fruit Valley. However, the MITIGATION package we have outlined concerning the overpass is **crucial** for this option to be successful.

5

OPTION 2 (Close 39th Street at the Rail Yard):

OPTION 2 closes 39th Street at the rail yard and creates cul-de-sacs where it is closed.

ADVANTAGES OF OPTION 2:

1) Closing 39th Street would reduce overall traffic on 39th Street, thereby reducing noise and addressing pedestrian safety concerns on that street.

DISADVANTAGES OF OPTION 2:

1) Closing 39th Street would create a feeling of isolation for some residents in the Fruit Valley Neighborhood and the Lincoln Neighborhood.
2) Emergency access from 39th Street to and from Fruit Valley would be eliminated
3) Heavier traffic would result on the collector arterials off 39th Street going north and south and connecting with Fourth Plain and Fruit Valley Road.

MITIGATION PROPOSED BY THE LNA TRAFFIC COMMITTEE:

1) Traffic calming for Kauffman, Lincoln, and Columbia Streets.

The LNA Traffic Committee feels that while closing 39th Street is an attractive option to reduce the volume and speed of vehicles on 39th Street, there are drawbacks that cannot be ignored on the larger scale. The closing would eliminate an important east/west access between neighborhoods in the City of Vancouver, including for emergencies. Also, the other streets connecting Fruit Valley to the rest of Vancouver would have to absorb traffic that otherwise would have traveled on 39th Street. Because of these issues, the LNA Traffic Committee is recommending against closing 39th Street.

OPTION 3 (Pedestrian/Bicycle Overpass):

OPTION 3 closes 39th Street at the rail yard, creates cul-de-sacs where it is closed, and constructs a pedestrian/bicycle overpass.

ADVANTAGES OF OPTION 3:

3) A pedestrian bridge is an innovative approach to a difficult problem. It could be used to connect Discovery Trail with the Vancouver Lake bike trail.
4) Installing a pedestrian bridge would reduce overall traffic on 39th Street.
5) A pedestrian bridge would help to reduce the feeling of isolation of some residents.
6) A pedestrian bridge would have less of a visual impact on the immediate neighborhood.

DISADVANTAGES OF OPTION 3:

1) Emergency access from 39th Street to and from Fruit Valley would be eliminated.
2) Heavier traffic would result on the collector arterials off 39th Street going north and south and connecting with Fourth Plain and Fruit Valley.

MITIGATION PROPOSED BY THE LNA TRAFFIC COMMITTEE:

1) Traffic calming for Kauffman, Lincoln, and Columbia Streets.

Response 16

16.6 Noted.

16.7 Noted.

Comment 16 — Continued

This option has the same advantages as OPTION 2, with the additional advantage of a link with Fruit Valley. However, this option does not address lack of emergency access and would send traffic to smaller streets. For these reasons, the LNA Traffic Committee does not recommend OPTION 3.

CONCLUSION:

The LNA Traffic Committee recommends that the Lincoln Neighborhood support ALTERNATIVE I with OPTION 1, given the mitigation package proposed. We recognize that both of these choices will have some negative impact on the neighborhood, especially for those closest to the rail yard and for those living directly on 39th Street. In the spirit of working with the larger community of Vancouver, we acknowledge the need for compromise, but this must not involve sacrifices only by our neighborhood. The MITIGATION packages for ALTERNATIVE I and OPTION 1 are of key importance for the success of this project. Without these mitigation packages, the LNA Traffic Committee cannot support any of the proposed alternatives or options.

16.6

SUMMARY OF SUPPORT FOR ALTERNATIVE I: ALTERNATIVE I will help streamline rail operations and allow for better passage of high-speed passenger trains. However, this **will** bring trains and tracks closer to homes in the Lincoln Neighborhood. MITIGATION for the resulting noise, vibration, and visual impact will be essential. WSDOT and BNSF must work with Lincoln neighbors on a continuing basis to assure a comfortable and livable relationship between all and to address ongoing issues of air quality, noise/vibrations, safety, and visual impacts.

16.7

SUMMARY OF SUPPORT FOR OPTION 1: OPTION 1 will allow a continued connection between neighborhoods and provide access for emergency vehicles. Also, it will alleviate the safety issues posed by the current "at grade" crossing. The overpass will have some negative impact on the immediate neighbors during the construction and visually after its construction. Planting large trees to act as screening and sound absorption can help to MITIGATE for these negative factors. This area is our primary gateway to the west and it needs to be visually signaled as vehicles cross the overpass that they are entering a residential community. Similarly, there is the likelihood of significantly increased traffic on 39th Street and its cross streets. This will negatively impact Lincoln residents, especially those living directly on 39th Street. There is tremendous concern that 39th Street remain a primarily residential street, serving as a connection between neighborhoods, and not become a means for traffic (particularly increased truck traffic) to travel from I-5 and S.R. 500 to industrial areas in west Vancouver. The Mill Plain Extension was built for this purpose. One of the greatest assets of Lincoln, as an urban neighborhood, is that people can walk from their homes to stores, churches, buses, and schools. If traffic on arterials is not managed, pedestrians will feel their comfort and safety are compromised and will resort to driving. We need to make sure front yards and sidewalks are inviting to our residents to keep a strong community. For this reason, it is of utmost importance that physical changes are made to 39th Street, and other impacted cross streets, to maintain Lincoln's residential feel and to keep vehicular speeds appropriate for a residential neighborhood.

We know that compromise can help all parties involved in this project to reach their goals. Our support of ALTERNATIVE I and OPTION 1 includes a mitigation package that will help our community retain its identity as a stable, residential neighborhood. This alternative and option, with mitigation, may well reduce the potential for future traffic and rail problems, and may well reduce other negative impacts to our neighborhood. We believe that a farsighted approach can help all of us reach our project goals.

Respectfully submitted by the Lincoln Neighborhood Traffic Committee,

Melinda Bell Judy Caughlan Cathy Golik
Dave Howard Cynthia Thornton-Tang

Technical Notes on Vancouver Rail Project EIS
With Focus on Air Quality and Noise

These technical notes are part of the response of the Lincoln Neighborhood Association to the Vancouver Rail Project EIS.

The project as outlined in the EIS consists of development of a new rail line adjacent to the Railyard in Vancouver, referred to in these notes as the bypass. This additional rail line is to consist of two tracks 300 or 600 feet to the east of the existing railroad mainline. This new bypass is projected to carry up to 50 freight trains a day of the 279 trains per day projected by 2020 at this location. Most of the freight trains will be coming from the east or north and heading north or east. No passenger trains, i.e., Amtrak, are going to use the bypass.

The EIS deals with the question of increase in train traffic up to the year 2020. From the charts and figures in the EIS, the number of freight and passenger trains is expected to increase by 279%, or from 100 trains/day to 279/day. In addition, switchyard movements are projected to increase from 50/day to 139/day without any improvements to the existing railroad system. According to the EIS, no analysis of an increase in diesel fumes needs to occur, and no mitigation either at the Railyard or nearby is required as the result of increases in diesel particulate matter. Noise impacts due to the shifting of 50 trains per day closer to the Lincoln Neighborhood are dealt with in the EIS The EIS is deficient in the way that it deals with the issues above, particularly noise.

The following is our detailed comments on the issues we raised above.

DIESEL EXHAUST HEALTH EFFECTS

For all alternatives there is no anticipated increase in freight rail traffic resulting from the project. The proposed siding extensions included in all of the build alternatives will allow trains to pass each other concurrently, thus reducing delay of freight and passenger trains in the area. Based on this information freight rail delay within the area is not expected to harm the local or regional air quality. (From Chap 6 Page 6-1)

16.8 It is our contention that this statement is not correct and thus the EIS is deficient until this is issue is more adequately dealt with. Our main contention in this matter is that increasing rail traffic by 270% without constructing the bypass is not physically possible. The Railyard with its present configuration could not safely pass that number of trains per day and allow for the necessary switching movements that would be needed for that level of operation. When computing the capacity of the mainline through the Railyard approximately 30 minutes of each hour would be required for train movements. This leaves inadequate time for safe track repair and maintenance.

At this time neighbors in the lower Lincoln neighborhood (for these purposes, called Lower Lincoln), can smell diesel on a regular basis from the existing facility. At times these odors are overpowering. The fact that train engines will run 300 or 600 feet closer to homes in Lower

16.8 Based on public comments, the EIS team has performed air quality analyses. Please refer to the Air Quality sections in Chapters 4 and 5 for further information and details.

Response 16

16.9 Based on public comments, the EIS team has performed further noise monitoring and analyses. Please refer to the Noise sections in Chapters 4 and 5 for further information and details.

16.10 Your concerns and comments have been forwarded to the Burlington Northern and Santa Fe Railway Company (BNSF).

Comment 16 — Continued

Lincoln on a regular basis leaves no doubt that there will be additional impacts on these homeowners from diesel exhaust. In addition to these odors, burning brake smells can be detected at high levels, causing considerable discomfort.

Diesel Particulate Matter (PM) is a mixture of particles that is a component of diesel exhaust. EPA lists diesel exhaust as a mobile source air toxic due to the cancer and non cancer health effects associated with exposure to whole diesel exhaust. EPA believes that exposure to whole diesel exhaust is best described as many researchers have done over the years, by diesel particulate concentrations. (From EPA Toxics Website www.epa.gov/ttn/atw/nata/34poll/html)

Currently EPA has classified diesel particulate matter as a probable human carcinogen. Current guidelines established by the State of California Environmental Protection Agency for outdoor air have established 5 ug/m3 as an upper limit for to protect lung function.

The EPA is currently assessing in the National Air Toxics Assessment (NATA) the emissions loading for PM in each county in the United States. This information will be available on their web site noted above within two weeks according to a recent notice from EPA. Draft figures for Clark County show a fairly high number for PM in tons/year.

The LNA is concerned that impacts to Lower Lincoln from this serious air pollutant have been dismissed. At the very least we would expect that the emissions loading changes that will occur in the Lower Lincoln neighborhood from the movement of 50 trains per day closer to us should be studied and reported on before this EIS is finalized. It may well be that yard operations and engine maintenance should be examined in light of this guideline, and changes in diesel engine operations may be required.

NOISE IMPACTS

16.9 The noise study focused on three (3) sites, instead of considering the project as a whole. This led to the development of specific recommendations addressing noise impacts at those sites only. In addition, the data was collected during one 24-hour period only, and in back-up data on the WSDOT disc no information as to which date this occurred was provided. We see this as a serious flaw in the EIS, since traffic rates and sound volumes differ dramatically at various times of the week in this neighborhood. Some mitigation is proposed, such as noise walls. Most of this analysis is based on the contention that serious noise impacts such as wall vibration and disruption of sleep do not occur beyond 50 feet from the rail line. However, neighbors living in Lower Lincoln know that is not the case. We recommend the establishment of a noise-monitoring site at 39 St. (Note: Since monitoring was done approximately two years ago at this site and BNSF is in possession of that data, it may be possible to obtain that existing data rather than doing more data gathering.)

16.10 It is our contention that further analysis of noise impacts will show that there are serious factors to be mitigated as a result of this project. One example of this sort of mitigation, that would not involve construction of expensive facilities, would be the careful monitoring of yard operations, so that boxcars are not slammed together with resultant explosive noise and vibrations being generated. At times these explosions wake people up from a deep sleep. Another example

would be the shutting down of engines in the yard when air temperatures allow for easy restarting. Many freight engines idle in the rail yards for hours at a time and this constant noise and emission of diesel causes sleep problems for many residents. These and other suggestions for mitigation of noise impacts are required before this project can proceed.

Dave Howard

Submitted by Dave Howard
For the LNA Traffic Committee
3/27/02

Response 17

17.1 The EIS team has done further noise monitoring in your neighborhood. Please refer to the Noise section in Chapters 5 of this document for a discussion of potential noise impacts in your area.

17.2 The location and size of retaining walls will be finalized later with a more detailed analysis of soils and slope stability. The final design will account for the slope's stability.

Comment 17

From: Mal Karr [mailto:karm@teleport.com]
Sent: Monday, March 25, 2002 12:54 PM
To: Kevin Jeffers
Subject: Comments on Vancouver Rail Project, draft EIS

Malcolm & JoAnne Karr
1736 NW Trillium Lane
Vancouver, WA 98663
March 25, 2002

Mr. Kevin Jeffers, Program Manager
WSDOT, Rail Office
P.O. Box 47387
Olympia, WA 98504-7837

Dear Kevin:

This is to inform you that we, Malcolm and JoAnne Karr, completely agree with and support the comments on the subject project made by Terry and Cecilia McClure, dated 3/24/ 02. We live next door, to the north, of the McClures and our property is identified as Lot 18, Heathergate Subdivision. The west line of our lot is a continuation of the west line of the McClure's lot, both overlooking the railroad tracks.

17.1 We also are concerned about the potential increase in noise and would like to see the results from an assessment that properly identifies what our neighborhood can expect. The noise level already is high at times and we would expect project design features that would keep it from increasing.

17.2 We too are concerned about features that might impact the stability of the existing slope from our property lines to the track level, which already is probably as steep as nature allows. More detailed analyses of how this will be handled is warranted.

Your consideration of the concerns expressed in these comments will be appreciated.

Sincerely,

Malcolm Karr, PE retired

Comment 18

From: Tom Knappenberger
[mailto:tknappy@pacifier.com]
Sent: Monday, March 25, 2002 11:07 PM
To: rail@wsdot.wa.gov
Subject: Comments on draft Vancouver Rail Project EIS

18.1 First of all, I believe there was too much wrapped up in one EIS, which confused the public and press. If this was a state initiative, it would be thrown out for having placed too many issues on one "ballot."

There is the matter of whether we should build a by-pass around the Vancouver rail yards. Then we are asked to choose a westerly or easterly route, both of which are east of the existing tracks. Or we could do nothing.

There is the issue of what to do about the 39th Street crossing. Again, there are sub-choices: Cut it off with cul-de-sacs; build a pedestrian-bicycle overpass or build a vehicular, pedestrian-bicycle overpass. Each alternative has its impacts, its pros and cons. A 64-box matrix is needed to convey them all in the *Rail Connection* newsletter.

18.2 Underlying these many direct questions lie two unspoken ones: Are the bypass and overpass the best use of Intermodal transportation dollars? The public was not given the choice of "buying" a by-pass or a new park-and-ride; an overpass or more bus service. In these times of increasing traffic congestion, what else could have been funded with this $47 million to $57 million?

18.3 While the press has chosen to focus on improving passenger train service, the facts are that only three Amtrak trains pass a day, while 100 freight trains, each much longer, louder and invasive, rumble up and down the main line. One might reasonably ask if this project is not taking public monies set aside for mass transit and using them to subsidize Burlington Northern-Santa Fe Railroad. Given all this complexity, my views on the EIS questions at hand are these:

1. Select the westerly by-pass. It will have less impact on Vancouver's west-side neighborhoods than the easterly route.

2. Build the vehicular overpass. Cutting off the main route between Fruit Valley and Vancouver causing safety and traffic issues is unacceptable. The pedestrian-bicycle overpass makes no sense -- it's nearly as expensive and would accomplish little.

Thank you for soliciting my comments. Please add me to your Vancouver Rail Project mailing list.

Sincerely,

Tom Knappenberger

Response 18

18.1 The National Environmental Policy Act and the State Environmental Policy Act dictate the level and types of analyses required for an environmental impact statement. The amount of information presented in the Draft EIS is in conformance with these laws. With regards to the project, the Washington State Department of Transportation initiated the "Vancouver Rail Yard Bypass" project in 1999. This project was designed to consider alternative bypass routes around the rail yard in order to ease congestion and ensure reliable and safe passenger rail service. At the same time, the Burlington Northern and Santa Fe Railway Company (BNSF) was considering the closure of West 39th Street for safety and operational reasons. In November 1999, the City of Vancouver and neighborhood residents requested that the two projects be combined and that an EIS process be initiated.

18.2 The Vancouver Rail Project is a small component of the State's intercity passenger rail program. This rail program, as directed by the legislature, is being developed to offer the residents of Washington State a transportation modal choice. While park-and-rides and bus service are critical components to the overall transportation infrastructure of the State, so too is intercity passenger rail. Furthermore, none of the $47 to $57 million has been expended.

18.3 See Response #18.2. WSDOT was directed by the legislature (RCW Chapter 47.79) to develop "high quality intercity passenger rail service…through incremental upgrading of the existing [Amtrak] service" on the freight railroad main line.

Response 19

Comment 19 — 2 pages

19.1 A cul-de-sac is a term that refers to a street that basically "dead-ends" – usually with a "turn around" area for vehicles. For the purposes of this analysis, the cul-de-sac refers to the closure of West 39th Street on each side of the railroad tracks.

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Washington State Department of Transportation

Vancouver Rail Project Draft Environmental Impact Statement

Comment Form

The Vancouver Rail Project team wants your comments on the accuracy, adequacy and completeness of the Draft EIS. The team also wants to know which alternative you favor and why. Please return this page tonight or respond by **Wednesday, March 27, 2002:**

- Mail: WSDOT, Rail Office, P.O. Box 47387, Olympia, WA 98504-7837
- Fax: 360-705-6821
- E-mail: rail@wsdot.wa.gov

Please include your name, address, and phone number in case we need clarification on your comment. We will respond to comments in the Final EIS.

Your Comments on the Draft EIS

- **Alternative A. No action:**

- **Alternative B. Easterly bypass**

19.1 My confusion after studying the alternatives and options is understanding the definition of a "cul-de-sac." Is this a track, separating from the main track and running parallel to the main track before rejoining it? Is the purpose of this cul-de-sac to provide a "siding" where trains can idle while waiting to join the main line? If my understanding is correct, I believe the cul-de-sac will improve the noise and diesel fume situation in what I think of as "my space" in an area zoned as "residential."

Please check the alternative you favor.

____ **Alternative A. No Action**
_X_ **Alternative B. Easterly Bypass**
____ Option 1. Overpass
_X_ Option 2. Cul-de-sac
____ Option 3. Pedestrian/bicycle overpass
____ **Alternative I. Westerly Bypass**
____ Option 1. Overpass
____ Option 2. Cul-de-sac
____ Option 3. Pedestrian/bicycle overpass

Please tell us why you prefer the alternative you checked above:

I, therefore, select Alternative B, Easterly Bypass, over Alternative I, Westerly Bypass. I select Alternative B and the Easterly Bypass because it is $6 million less that "B". The impacts of each alternative are identical.

Finally, please tell us if there's anything you would like the project team to keep in mind in selecting a preferred alternative.

I am in favor of closing 39th Street and expanding the railroad yards to accommodate traffic on the Burlington and Santa Fe's main line tracks from Eugene to Seattle. I live at 8714 Northwest Lakeshore Avenue, only 20 yards from the tracks. I hear the sounds and smell the diesel from every engine; dishes rattle; walls vibrate; window panes shake. So do I.

More annoying than passing freights is the idling of engines at my door. Sometimes, trains idle for as long as an hour on the tracks below my house. I understand that this procedure is necessary to relieve congestion in the yards at 39th Street, i.e., an approaching train must wait until a train leaves the yard before proceeding. Or, a train must idle when a work shift ends and employees assemble for the beginning of a new shift. I am hoping that the expansion of the 39th Street yards will improve, even eliminate, this situation which plays out on the tracks below my house most every day and sometimes during the night. **19.2**

Name Margaret McClusky
Address 8714 NW Lakeshore Ave.
City Vancouver **State** WA **Zip Code** 98665
Phone: 360-571-5493 **E-mail** margmacr@earthlink.net

For more information, visit www.wsdot.wa.gov/pubtran/passrail/vancouver.

Thank you for your comments!

19.2 It is the intent of this project, if implemented, to provide an opportunity for trains to travel through the rail yard with little, if any, delay. Elimination of this delay would help alleviate the noise and air impacts that you are experiencing.

Response 20 **Comment 20 — 2 pages**

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Please include your name, address, and phone number in case we need clarification on your comment. We will respond to comments in the Final EIS.

Your Comments on the Draft EIS

- **Alternative A. No action:**

- **Alternative B. Easterly bypass**

~~Alternative I: Westerly bypass~~

continued ---- when this happens it is loud, the air is diesel fume laden, and the windows rattle. It is impossible to sleep or talk on the telephone. Normal conversation is halted. Turn the T.V. off. It is apparent the railroad company is using the track in front of my house as a "holding" area." This manuever is inconsiderate and should be illegal. It is due to business and lack of attention to detail on railroad management. which "preferral alternative" remedies the situation I have described?. I saw no alternative in your literature which addressed this problem specifically. I vote for the alternate which directly solves – not mostly solves – the condition I have described.

Please check the alternative you favor.

X **Alternative A. No Action**

____ **Alternative B. Easterly Bypass**

- ____ Option 1. Overpass
- ____ Option 2. Cul-de-sac
- ____ Option 3. Pedestrian/bicycle overpass

____ **Alternative I. Westerly Bypass**

- ____ Option 1. Overpass
- ____ Option 2. Cul-de-sac
- ____ Option 3. Pedestrian/bicycle overpass

Please tell us why you prefer the alternative you checked above:

① Amtrak is going broke. Soon we will no longer subsidize this operation. when this happens it is a moot point whether passenger trains are on time.

Finally, please tell us if there's anything you would like the project team to keep in mind in selecting a preferred alternative.

① Why does it cost $47 million to, in effect, block off 39th St.? The cost should be more in the range of $0 47 million.

② I live at 8714 NW Lakeshore Ave – approx. 2 miles north of the 39th St. Crossing. The rail line is approx 75' from my condominium. Frequently a locomotive will stop in front of my condominium and idle – anywhere from 5 minutes to one hour.

Name ~~John Shemwell~~ JOHN SHEMWELL

Address 8714 NW Lake Shore Ave

City Vancouver **State** Wa **Zip Code** 98665

Phone: 360-571-5493 **E-mail**

For more information, visit www.wsdot.wa.gov/pubtran/passrail/vancouver.

Thank you for your comments!

20.1 The figure that you quote -- $47 million – is for Alternative B, Option 2 (Easterly Bypass, Close West 39th Street). The costs included in this amount include the construction of the rail bypass, the rehabilitation and construction of the NP siding, construction of associated rail facilities (crossovers, turnouts, signals, etc.), purchase of right-of-way, environmental mitigation, and other costs associated with typical rail line construction projects. You are correct that an extremely small portion of this amount would be needed to close West 39th Street and create a cul-de-sac on either side of the rail tracks.

20.2 It is the intent of this project, if implemented, to provide an opportunity for trains to travel through the rail yard with little, if any, delay. Elimination of this delay would help alleviate the noise and air impacts that you are experiencing.

20.3 Your concerns and comments have been forwarded to the Burlington Northern Santa Fe Railway (BNSF) Company.

Response 21

21.1 Thank you for your efforts in developing potential mitigation solutions. Your suggestions will be reviewed and considered as we move forward with final design. It is at that time specific mitigation measures will be developed.

We believe there will be ample opportunity for your Association to provide input to the City of Vancouver and the City Council as we move forward with final design and implementation of this project.

Comment 21 — 3 pages

Judith H. Caughlan
300 West 35th Street
Vancouver, WA. 98660
(360) 693-0435
csquare@pacifier.com
March 26, 2002

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WSDOT, Rail Office
P. O. Box 47387
Olympia, WA. 98504-7837

To Whom It May Concern:

My husband and I have lived in the Lincoln neighborhood since 1976 and have seen many changes. We are aware that the changes in population and increasing commuter traffic is impacting Columbia Street, however, it was important for us to participate in the LNA meetings and the sharing of information with the Traffic Committee.

I support the LNA recommendation and comments because I believe that the selection of Alternative I, Option 1, with consideration for the mitigation proposals is the Preferred Alternative for us and our neighbors in order to sustain our high standard of livability.

'A Traffic Committee Report and Recommendation Concerning Rail Bypass Alternatives and 39th Street Options' submitted by Lincoln Neighborhood Association.

"One of the greatest assets of Lincoln, as an urban neighborhood, is that people can walk from their homes to stores, medical services, churches, buses and schools."

21.1

In addition, I reaffirm the following concerns:

- To establish a committee with representatives of BNSF, WSDOT, the City of Vancouver and adjoining neighborhood associations.
  1. Committee will address any environmental issues and safety problems
  2. Committee will function during the expansion of the Vancouver Rail Project and after its completion.
- To acknowledge and respond to environmental concerns appropriately
  1. Noise reduction barriers
  2. Create vegetative buffer.
  3. Take measures to assure the safety of area residents

Sincerely,

Judy Caughlan

Judy Caughlan

Washington State Department of Transportation

Vancouver Rail Project Draft Environmental Impact Statement

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- Fax: 360-705-6821
- E-mail: rail@wsdot.wa.gov

Please include your name, address, and phone number in case we need clarification on your comment. We will respond to comments in the Final EIS.

Your Comments on the Draft EIS

- **Alternative A. No action:** Not acceptable

- **Alternative B. Easterly bypass** Not acceptable

- **Alternative I: Westerly bypass**

My choice for Preferred Alternative

Please check the alternative you favor.

____ **Alternative A. No Action**
____ **Alternative B. Easterly Bypass**
  ____ Option 1. Overpass
  ____ Option 2. Cul-de-sac
  ____ Option 3. Pedestrian/bicycle overpass
____ **Alternative I. Westerly Bypass**
  ✓ Option 1. Overpass
  ____ Option 2. Cul-de-sac
  ____ Option 3. Pedestrian/bicycle overpass

Please tell us why you prefer the alternative you checked above:

I participated in the Traffic Committee.
I support the findings of the committee.

Finally, please tell us if there's anything you would like the project team to keep in mind in selecting a preferred alternative.

The preferred alternative should not compromise the 'high standard of livability demonstrated in the Lincoln neighborhood.

Name Judy Coughlan
Address 300 West 35th St.
City Vancouver **State** WA. **Zip Code** 98660
Phone: (360) 693-0435 **E-mail** csquare@pacifier.com

For more information, visit www.wsdot.wa.gov/pubtran/passrail/vancouver.

Thank you for your comments!

Comment 22

Sent: Tuesday, March 26, 2002 7:07 PM
To: rail@wsdot.wa.gov
Cc: JAC846@aol.com
Subject: DRAFT EIS

Following are my comments on the Vancouver Rail Project Draft EIS: I have reached the conclusion the that I would prefer Alternative "I", Option 1.

I am concerned about the fact the that this plan will bring the rails closer to existing houses in my neighborhood, but since change is inevitable, these two choices seem the least unpleasant of the alternatives presented.

22.1 My support of these options is, however, accompanied by my hope that we in the Lincoln Neighborhood will receive what I consider reasonable mitigation for this plan. Please consider providing us with improvements which will enhance the livability of Lincoln.

Specifically, I am concerned about the impact of truck traffic on 39th street and would like to see 39th designated as residential street with appropriate weight restrictions. Thoughtfully planned stop lights, traffic islands and other traffic controls would also be helpful. I would like to see street trees to change the "character" of 39th in order to encourage pedestrian traffic and enhance "front porch" development by its residents.

Sincerely,

Judy Craine
Vancouver, WA 98663

Response 22

22.1 Thank you for your efforts in developing potential mitigation solutions. Your suggestions will be reviewed and considered as we move forward with final design. It is at that time specific mitigation measures will be developed.

We believe there will be ample opportunity for your Association to provide input to the City of Vancouver and the City Council as we move forward with final design and implementation of this project.

Response 23 **Comment 23 — 2 pages**

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Washington State Department of Transportation

Vancouver Rail Project Draft Environmental Impact Statement

Comment Form

The Vancouver Rail Project team wants your comments on the accuracy, adequacy and completeness of the Draft EIS. The team also wants to know which alternative you favor and why. Please return this page tonight or respond by **Wednesday, March 27, 2002:**

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- Fax: 360-705-6821
- E-mail: rail@wsdot.wa.gov

Please include your name, address, and phone number in case we need clarification on your comment. We will respond to comments in the Final EIS.

Your Comments on the Draft EIS

- Alternative A. **No action:**

- **Alternative B. Easterly bypass**

- **Alternative I: Westerly bypass**

Please check the alternative you favor.

____ **Alternative A. No Action**
____ **Alternative B. Easterly Bypass**
  ____ Option 1. Overpass
  ____ Option 2. Cul-de-sac
  ____ Option 3. Pedestrian/bicycle overpass
X **Alternative I. Westerly Bypass**
  X Option 1. Overpass
  ____ Option 2. Cul-de-sac
  ____ Option 3. Pedestrian/bicycle overpass

Please tell us why you prefer the alternative you checked above:

The overpass will continue to give people access from Main Street to Fruit Valley Road without having to have the traffic develop alternate routes by diverting into the Lincoln neighborhood streets, which are residential streets. We fear that with the decrease in lanes on Fourth Plain, the traffic may shift north, and if it can't go down 39th Street, it will wind through Lincoln Street and neighborhood.

23.1 **Finally, please tell us if there's anything you would like the project team to keep in mind in selecting a preferred alternative.**
Please make sure that 39th is not a TRUCK ROUTE. Traffic calming, and reduced speeds on 39th Street would be helpful also. Thank you.

Name Mr. & Mrs. Guy & Joyce Davis
Address 401 NW 46th Street
City Vancouver **State** WA **Zip Code** 98663
Phone: 360-694-1050 **E-mail**

For more information, visit www.wsdot.wa.gov/pubtran/passrail/vancouver.

Thank you for your comments!

23.1 Any traffic revisions that might result from modifications to West 39th Street would require approval and action from the Vancouver City Council, based upon recommendations by City of Vancouver staff and public comment. Traffic calming strategies that you suggest would be the responsibility of the City of Vancouver.

Response 24 **Comment 24**

24.1 Our team of independent consultants performed unbiased environmental and transportation analyses. Base data (for freight train traffic) was provided by BNSF and was confirmed by our rail operations consultant. Data indicated that approximately one hundred freight trains per day use this section of main line. Based upon a five percent annual increase, freight trains are expected to increase to as many as 279 trains per day by year 2020.

24.2 The environmental analysis addresses erosion and slides. Our analysis indicates that construction of the bypass would not increase the risk of such events. Please refer to the Soils and Geology section in Chapters 4 and 5 of this document for more information.

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WSDOT, Rail Office
Box 47387
Olympia, WA 98504 7837

Vancouver Rail Project Draft EIS

24.1 How much will rail traffic really increase?
Was there an independent study?
Were the statistice manipulated?

24.2 It doesn't seem possible that train traffic would increase to 279 a day. How many hours are there in a day? Still 24 I presume. Either by-pass will increase risk of erosion and slides. Who will pay for damage?

24.3 Where is Burlington Northern in all of this? It seems they are going to build a by-pass without public involvement. We, the tax-payers then must bear the cost to what purpose?

Then we come to options.
We can close 39th St. west permanently with a concrete barrier. With the by-pass and 279 trains a day it will be closed anyway. Advantage would be the cost of the barrier.

Noise and pollution for the whole of Lincoln naighborhood would be mitigated.

An overpass (vehicle) would increase traffic particularly truck traffic. We'd then have a 26th St on 39th St.
Unless truck traffic is disallowed (and this can be done) there should not be a vehicle over-pass. (And disallowed into perpetuity.) forever

Were the questions I asked not brought up or did I miss the answers? It seems we're asked for input by Clark County commissioners, by the City, by PDX and then we're largely ignored until it comes to taxes, and when we say enough we're still ignored. What most people want is peace and quiet and we get damn little of that.
A lot of planning errors were made in the past and there doesn't seem to be much improvement in current planning.

Regards,
Jeannine DeGagne

c.c. Thayer Thornbough

Jeannine DeGagne

24.3 The purpose of this project is to provide reliable and safer passenger rail service. WSDOT, per legislative directive, is responsible for implementation and operation of passenger rail service in the State of Washington. As such, extensive public involvement activities have been conducted. Activities have included distribution of newsletters, open houses, a public hearing, and the formation of a Community Resource Team. Please refer to the section of this document entitled “Agency and Public Coordination” for detailed information about our outreach activities.

Comment 25

From: javajenkins@attbi.com
[mailto:javajenkins@attbi.com]
Sent: Tuesday, March 26, 2002 6:41 AM
To: rail@wsdot.wa.gov
Subject:

Frankly I am a little disappointed. I do not feel anyone on the rail committee is taking increased traffic on Bernie Drive seriously as a result of the proposed 39th street closure. In all the drafts you people keep forgetting that folks will take the first path through. On your maps you show 78th and 4th plain. Nothing in between. Bernie Drive gets an incredible amount of cut through traffic. Anyone wanting to get to 39th street Safeway, Lincoln school, Ben Franklin go thru Bernie. For those on the way home who live in Lakeshore. Do you think they will go all the way to 78th or better yet cut way back to 4th plain. I don't think so. They go down 39th, Lincoln, Bernie Drive and onto Fruit Valley.

25.1 Do some more studies before putting more traffic on my road.

Can't wait until our neighborhood meeting on the 4th of April.

-- John E. Jenkins
Vancouver, WA 98663

Response 25

25.1 Prior to any modification to West 39th Street, more detailed studies will be performed as part of the City of Vancouver's street vacation process. At that time the public will have the opportunity to express their concerns and comments. Any modifications to West 39th Street will require an action and approval by the City Council.

Response 26

26.1 Federal Railroad Administration records indicate that six reported accidents occurred at this at-grade crossing between 1982 and 1994. In addition, as part of their analyses, EIS team members monitored crossing activity at West 39th Street. Team members witnessed vehicles, pedestrians, and bicyclists going around warning gates to "beat the train". Fortunately, all of these individuals did cross over the tracks prior to the train's arrival at the intersection. However, this type of activity is extremely dangerous. As train traffic increases, so too the possibility of fatal accidents.

Comment 26

From: javajenkins@attbi.com
[mailto:javajenkins@attbi.com]
Sent: Tuesday, March 26, 2002 6:47 AM
To: rail@wsdot.wa.gov
Subject:

26.1 Had another thought that I didn't express. Spokane. Your studies say that the 39th street crossing is one of the most dangerous. Hogwash. I have lived here 16 years and never, never have seen an accident, heard of an accident or even one that came close.

Spokane has at least 10 tracks parallel to Sprague. Freya street crosses the tracks. Mission crosses the tracks. As well as a ton of other streets. Now I would think that crossing that many tracks in that busy of a town with the tracks running parallel to the main east west city street would have a little more priority.

These are the facts. 39th street is not dangerous. Not even close.

-- John E. Jenkins
Vancouver, Wa. 98663

Comment 27 — 2 pages

Sent: Tuesday, March 26, 2002 9:31 PM
To: rail@wsdot.wa.gov
Subject: Vancouver Rail Project

As a resident of the "study area," my comments on the "Vancouver Rail Project NEPA/SEPA Draft Environmental Impact Statement February 2002" are as follows:

The Draft EIS is deficient in assessing and addressing noise and vibration.

27.1 Chapter Four states that noise impacts were monitored and projected at three "Receptor" sites. This analysis is inadequate inasmuch as the project study area extends much farther to the north. Significant noise impacts currently exist north of "Receptor 1" and project alternatives include construction north of that location. Therefore, noise impacts and mitigation should be assessed at least as far north as the Rye Junction.

27.2 Similarly, Chapter Four states that vibration-sensitive land uses were reviewed within 50 feet of the rail line. Again, the study parameters were inadequate. As a resident of the study area, I can attest that some trains create vibration impacts to residences much farther than 50 feet from the tracks. Vibration impacts should be monitored and projected on a more realistic basis for any project alternative that receives serious consideration.

Chapter Five states that a "new siding" would allow freight trains to travel faster and thus offset the discontinued use of locomotive horns. This statement requires a more complete explanation as to how much noise would be created or increased due to this factor.

Despite the inadequate analysis, the Draft EIS does state that both of the bypass alternatives would have "severe" noise impacts. Nearby residents tolerate significant noise impacts already. It is not acceptable to create additional "severe" impacts without effective mitigation.

Response 27

27.1 Based on public comments, the EIS team has done further noise monitoring and analyses. Please refer to the Noise sections in Chapters 4 and 5 for further information and details.

27.2 Vibration analyses were based on standard federal guidelines and practices. Current federal guidelines identify fifty feet as being the appropriate distance for vibration measurement for train traffic.

Response 27 **Comment 27 — Continued**

Again, Chapter Five states that vibration was considered with 50 feet of the proposed bypass track and that such methodology was "conservative." As previously noted, vibration can be an issue much farther away and I therefore dispute the notion that this methodology is "conservative" when considering impacts on people, pets and habitat.

Discussion of noise mitigation in Chapter Five is replete with statements such as "not considered reasonable," "not considered feasible," and "exceeds the feasibility and reasonableness requirements." I ask that you not create noise impacts that cannot be mitigated.

27.3 In general, I am concerned about the slant that has been placed on the Vancouver Rail Project as a means to facilitate movement of a few passenger trains. In fact, preparing for additional freight trains appears to be a more genuine issue. Increased freight traffic is what seems destined to choke off access to 39th Street. Increased freight traffic is what seems destined to delay passenger travel. Increased freight traffic is what is likely to increase noise and vibration in the project study area.

27.4 Therefore, it seems that WSDOT is contemplating expenditures ranging from $47 to $57 million to accommodate the impacts of increased freight traffic. Please explain where these funds will come from, to what extent the railroads will participate in these costs and what alternative investments have been considered for the public share of these costs.

Finally, I would like to point out that passenger trains have minimal impact on neighborhoods at present, compared with freight trains. If we are to spend these sums to prepare for the proliferation of freight trains, please conduct a more thorough analysis and design a project that has minimal impact on the people living nearby. To do otherwise would be the equivalent of building a new freeway without taking the neighbors into account. If it is necessary to "vote" on alternatives at this time, please note that I favor an overpass for vehicles, bicycles and pedestrians at 39th Street. This appears to be warranted regardless of what is decided regarding the bypass options.

-- Sincerely, Mary Keltz, Vancouver, WA 98665

27.3 The Vancouver Rail Project is a small component of the State's intercity passenger rail program. Although there are currently only six trains per day, the Amtrak *Cascades* Intercity Passenger Rail Twenty Year Plan calls for as many as 13 round trips per day. This Plan (and the Vancouver Rail Project) was developed pursuant to WSDOT's directive by the legislature (RCW Chapter 47.79) to develop "high quality intercity passenger rail service…through incremental upgrading of the existing [Amtrak] service."

27.4 WSDOT has been partnering with many agencies and organizations for the past decade in an effort to increase intercity passenger rail service in the state of Washington. Partners include, but are not limited to, BNSF, Sound Transit, Amtrak, the state of Oregon, and the Province of British Columbia. To date, WSDOT and our partners have invested over $325 million towards the Amtrak *Cascades* program. Funding sources have (and will) come from State and federal monies and partner investments. For this particular project, it is anticipated that funding will be provided by the State, the federal government, BNSF, and the City of Vancouver. Specific cost shares have not yet been decided, but will be negotiated once an alternative is selected and State funding for the rail program becomes available. For more information about cost sharing please refer to the Rail Office's document entitled Economic Analysis for Intercity Passenger Rail Program for Washington State 1998-2020.

Comment 28 — 2 pages

March 27, 2002

Mr. Kevin Jeffers, Program Manager
WSDOT Rail Office — rail@wsdot.wa.gov
PO.O. Box 47387
Olympia, WA 98504-7837

RE: Vancouver Rail Project, Draft EIS

Dear Mr. Jeffers,

We would like to comment on the draft Environmental Impact Statement for the Vancouver Rail Project (EIS). We live on the bluff above the railroad tracks at the north end of the affected area. This is an area that receives significant impact from rail traffic, yet there was little examination of the increased impacts in this area in the EIS. Our concerns focus on three issues:

SLOPE STABILITY

Questions about the effect of rail traffic on slopes in the Felida area indicate that a thorough evaluation of potential for project to increase slope instability. I see that a retaining wall is planned to the west of our property. However the location of the retaining wall doesn't seem to fit with the description of the wall or with the dictates of logic.

Request:

28.1 Conduct a full geotechnical evaluation of the effects of this project on slope stability.

28.2 Clarify the location and height of the retaining wall.

We request that the wall be located as close to the tracks as possible. If this is done there should be no visual impact, however if the wall is located where it is currently sited on the plans, this could be an issue.

NOISE

The three noise assessment measurements were taken at the southern and central sections of the affected area. It was determined that there were noise impacts at the nearest location (near NW 44th St.), but the cost of a 670-foot wall to benefit only 2 houses was deemed excessive. If noise impacts are determined in our area, which includes approximately 20 homes, the economics of remediation may justify action.

Response 28

28.1 This type of detailed analysis will be performed as part of final engineering and design.

28.2 This information is presented in detail in Chapter 3 of this document, (Exhibits 3-13 and 3-13).

Response 28

28.3 Based on public comments, we have expanded our analysis of potential noise impacts on various locations within the study area, including the top of the bluff. Please refer to the section on Noise in Chapters 4 and 5 for more information.

28.4 Noted. Mitigation will be considered and developed as part of final engineering and design.

28.5 Based on public comments, we have expanded our analysis of potential vibration impacts on various locations within the study area. Please refer to the section on Vibration in Chapters 4 and 5 for more information.

28.6 See Response #28.4.

Comment 28 — Continued

Request:

28.3 Monitor noise for the 20+ houses on the bluff at the north end of the affected area.

28.4 Evaluate the economics of remediation based on the large number of houses that would be impacted.

If there is a noise impact, consider remediating it by increasing the height of the retaining wall discussed in the previous section to act as a sound barrier.

VIBRATION

We concur with the Noise and Vibration Discipline report that trains traveling at the current, moderate speeds create annoying vibrations. At the present time our glasses and dishes rattle in the cupboards and windows rattle at night keeping our children awake. The planned addition of tracks will allow trains to travel at higher speeds, causing an increase in both noise and vibration and potential detrimental effects on slope stabiliy.

Request:

28.5 Evaluate the extent of increased vibration and the potential detrimental effects.

28.6 Research construction techniques and remedial measures to reduce vibration in adjacent neighborhoods.

Thank you for the opportunity to comment on the Vancouver Rail Project EIS. If you have any questions or require clarification please feel free to call me.

Susan and Jim Ojala
Vancouver, WA 98663

Comment 29

From: Schuele, Barb
Sent: Wednesday, March 27, 2002 4:01 PM
To: 'rail@wsdot.wa.gov'
Subject: Vancouver Rail Project at 39th Comments

29.1 Are you certain that vibration will have zero effect? The hillside is considered an earthquake sensitive area isn't it? Regular vibration must have some long term effect to the surrounding geology.

29.2 My preference as a homeowner on 39th would be to choose cul-de-sacs and ped/bike bridge. This may offset some of the increased noise that we will have due to the increased train traffic. Would sound walls or trees and tall shrubs be part of a mitigation requirement for sound buffer? We currently have a high level of semi trailer trucks and large box commercial/industrial type trucks running up and down 39th street especially at the beginning and end of a work day as well as throughout the day. They seem to originate from Fruit Valley Rd Businesses. I don't believe they are supposed to be using 39th.

I can't open my doors or windows as it is now for all the traffic noise. The cul-de-sacs would effectively re-route these big vehicles to Mill Plain or 4th Plain which I believe are intended for heavier traffic use.

Barbara Schuele
Vancouver. WA 98660

Response 29

29.1 We are confident that our technical experts performed appropriate examinations of potential vibrational impacts within sensitive areas. Please refer to the Soils and Geology section in Chapters 4 and 5 for specifics regarding geological hazards resulting from vibration.

29.2 Noise walls and vegetation could be potential noise mitigation solutions. Such mitigation will be decided as part of final engineering and design.

Response 30 **Comment 30 — 2 pages**

Thank you for including the public in this!

Washington State Department of Transportation

RECEIVED
MAR 27 2002
WSDOT RAIL OFFICE

Vancouver Rail Project Draft Environmental Impact Statement

Comment Form

The Vancouver Rail Project team wants your comments on the accuracy, adequacy and completeness of the Draft EIS. The team also wants to know which alternative you favor and why. Please return this page tonight or respond by **Wednesday, March 27, 2002:**

- Mail: WSDOT, Rail Office, P.O. Box 47387, Olympia, WA 98504-7837
- Fax: 360-705-6821
- E-mail: rail@wsdot.wa.gov

Please include your name, address, and phone number in case we need clarification on your comment. We will respond to comments in the Final EIS.

Your Comments on the Draft EIS

- **Alternative A. No action:**

  I am concerned about the safety of the rail crossing. Doing nothing will not address the safety issue.

- **Alternative B. Easterly bypass**

  This is too extreme of a plan for people ~~an~~ who live close to the tracks. The tracks are already noisy, this will make for a terrible degradation of the living conditions for people whose homes are close to the rail yard.

- **Alternative I: Westerly bypass**

30.1 This is a compromise that would work for people living nearby if there is effective mitigation for noise, visual, and vibrations. The EIS doesn't show enough of the specifics for Alternative I - we need to know how the sound barrier would be placed, whether there would be any cut made into the hillside, how would people be kept away from the tracks (fencing), is this an expansion of BNSF if there is a land purchase involved?

Please check the alternative you favor.

____ **Alternative A. No Action**
____ **Alternative B. Easterly Bypass**
  ____ Option 1. Overpass
  ____ Option 2. Cul-de-sac
  ____ Option 3. Pedestrian/bicycle overpass
_X_ **Alternative I. Westerly Bypass**
  _X_ Option 1. Overpass
  ____ Option 2. Cul-de-sac
  ____ Option 3. Pedestrian/bicycle overpass

Please tell us why you prefer the alternative you checked above:

Alt. I - Because it is the less dramatic of B & I, places the tracks farther away from Lincoln neighborhood. Allows for Amtrak.
Option 1 - Because I think it is important to keep the connection with Fruit Valley open. Would allow for emergency access.

Finally, please tell us if there's anything you would like the project team to keep in mind in selecting a preferred alternative.

30.2 There must be funding allowed for the impact an overpass would have on 39th Street. The overpass will be convenient w/o the rail delays and 39th Street is a residential street. There will need to be traffic calming to keep vehicular speeds appropriate for residential neighborhood.
Also, there needs to be more attention to BNSF, currently and in the future.

Name Cynthia Thornton-Tang
Address 218 W. 41st St.
City Vancouver **State** WA **Zip Code** 98660
Phone: 360 695 0786 **E-mail** datangs@qwest.net

For more information, visit www.wsdot.wa.gov/pubtran/passrail/vancouver.

30.1 Type and location of potential noise, visual and vibration mitigation will be finalized as part of final engineering and design.

30.2 Any traffic revisions to the local street network would require approval and action from the Vancouver City Council, based upon recommendations by City of Vancouver staff and public comment. It would be up to the City to implement traffic calming strategies.

Response 31 **Comment 31 — 34 pages**

RECEIVED
MAR 27 2002
WSDOT RAIL OFFICE

Washington State Department of Transportation

Vancouver Rail Project Draft Environmental Impact Statement

Comment Form

The Vancouver Rail Project team wants your comments on the accuracy, adequacy and completeness of the Draft EIS. The team also wants to know which alternative you favor and why. Please return this page tonight or respond by **Wednesday, March 27, 2002:**

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- Fax: 360-705-6821
- E-mail: rail@wsdot.wa.gov

Please include your name, address, and phone number in case we need clarification on your comment. We will respond to comments in the Final EIS.

Your Comments on the Draft EIS

- **Alternative A. No action:**

- **Alternative B. Easterly bypass**

Please see reverse side and attached comments.

- **Alternative I: Westerly bypass**

Please check the alternative you favor.

____ **Alternative A. No Action**
✓ **Alternative B. Easterly Bypass**
____ Option 1. Overpass
____ Option 2. Cul-de-sac
✓ Option 3. Pedestrian/bicycle overpass
____ **Alternative I. Westerly Bypass**
____ Option 1. Overpass
____ Option 2. Cul-de-sac
____ Option 3. Pedestrian/bicycle overpass

Please tell us why you prefer the alternative you checked above:

Finally, please tell us if there's anything you would like the project team to keep in mind in selecting a preferred alternative.

Please see additional - attached Comments.

Name Arthur and Elvira Sutherland
Address P.O. Box 70005
City Vancouver **State** Wa **Zip Code** 98665
Phone: 360-694-5505 **E-mail** Art-Vi@web tv.net

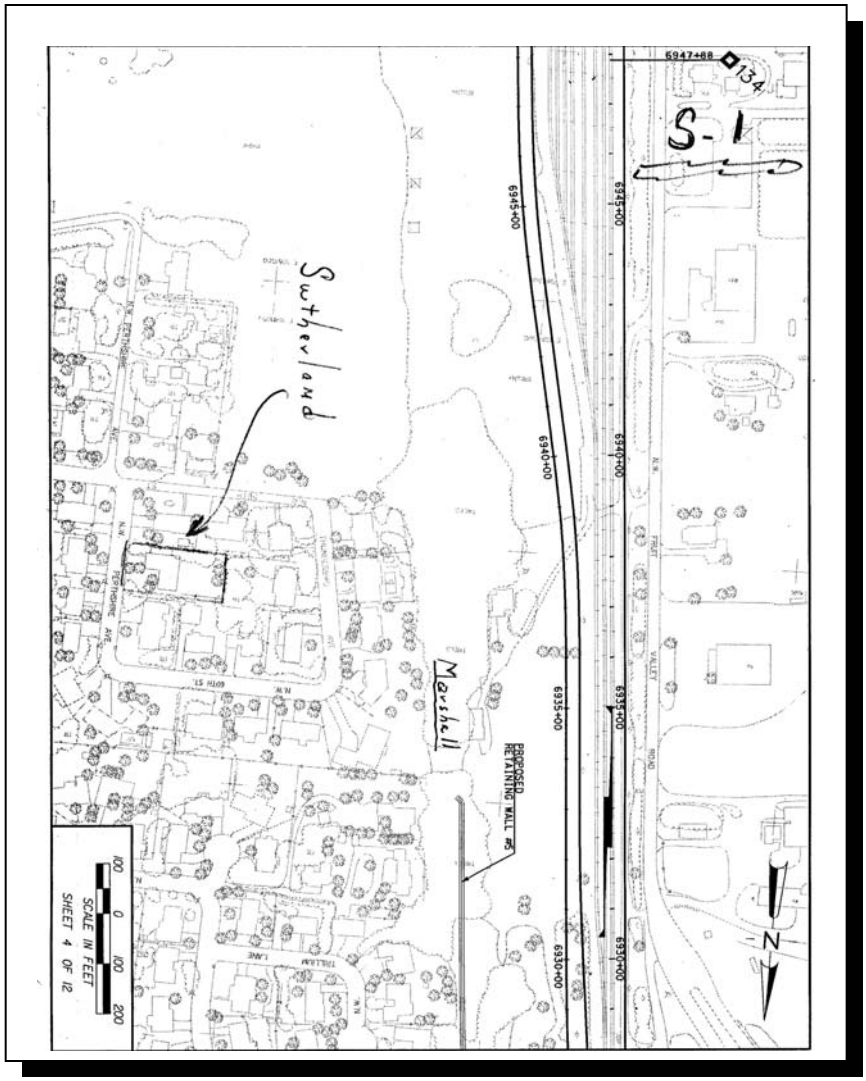
For more information, visit www.wsdot.wa.gov/pubtran/passrail/vancouver.

1/24

March 22, 2002

As residents at 6004 N.W. Perthshire Ave in N.W. Vancouver since 1969, my wife, Elvira Sutherland, and I, Art Sutherland, offer these comments regarding the proposed Vancouver Rail Project.

We live about 3 blocks east of the proposed project -(see Exhibit 5-1) and we have been experiencing significant noises created by the Burlington Northern rail yard operations such as banging due to "switching", stopping, coupling, and changing directions and signal whistling for 33 years. The deep-throated rumble of diesel locomotives, and the rumble of "through freight" are most disturbing during the night hours when ground-borne vibrations cause our dishes to rattle and fire irons to take on a life of their own and create an ambiance unique to an active rail yard!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Sutherland
Marshall
PROPOSED RETAINING WALL #5
N
SCALE IN FEET
100 0 100 200
SHEET 4 OF 12

Response 31

31.1 You are correct. We have made clarifications to the description of the NP siding discussion in Chapter 3 of this document.

31.2 Our team was fully aware that the NP siding consisted of rehabilitated tracks as well as new construction. Our EIS team assessed potential impacts for the entire project pursuant to the National Environmental Policy Act and the State Environmental Policy Act.

Comment 31 — Continued

B/24

We would draw your attention to the fact that the Executive Summary which was widely circulated for public review is of necessity, a very abbreviated document.

As such it only casually mentions the two mile plus long New freight line construction bordering the Northern half of the Fruit Valley Neighborhood and the entire western border of the Northwest Neighborhood. This is obviously New construction and is not merely "rehabilitation" of existing rail line. 31.1

It is very obvious that this will introduce New and additional railyard activity into these neighborhoods along with their associated intrusion of annoying, bothersome noise, signal whistling, ground-borne vibrations and decreased visual quality and livability in these adjacent Living areas. 31.2

We question whether all direct and indirect impacts due to this New construction and resulting New railyard activity introduced into this area were adequately indentified and addressed in the Draft EIS.

3/24

In the Community Resource team discussion of the Western Rail Yard Bypass it was determined that construction of a new frieght rail line on the West side of the existing tracks "could have increased impacts on the Fruit Valley Nieghborhood" - - - Page 3-16 of Noise and Vibration Discipline Report.

Please notice also the picture on Page 3-16 showing the "Old Northern Pacific (NP) siding right of way" showing non-existing rail - only right-of-way - at about station 6940+00 with the Lakeshore overpass in the background.

Comment on Page 4-2 of above report indicates - "The frieght traffic will shift from the main line to the proposed by pass track" - moving it closer into the Fruit Valley Nieghborhood and farther North where close adjacent residences north of Lakeshore overpass will experience new annoyances.

Response 31

31.3 The point of an Executive Summary is to provide an easy-to-read overview of a document; it is not intended to provide detailed information. Most people are aware that the term "Executive Summary" implies that it is a summary of a larger, more detailed document. Public announcements and advertisements provided information for interested individuals on how to obtain or view the entire DEIS.

Comment 31 — Continued

31.3 A casual reading of the Executive Summary would not alert interested parties to the fact that this Draft EIS may well be addressing — or not addressing, vital concerns that they would otherwise be very responsive to.

It could appear to an informed person that this presentation did not adequately discribe this proposed action and its impending impacts on their communities and thus will not render an adequate sampling of the public's concerns!

We question the statement "the alignment would begin at aproximately milepost 132.5 near Burnt Bridge Creek. The current NP siding, located west of the double track main-line would be rehabilitated in this area.

31.4 Does a rail line currently exist in this area? Does it exist anywhere within two miles south of its proposed northern beginning at station 68 70 +00?

Does a rail line currently exist anywhere west of the Double-track main line north of station 6985+00?

If so, why is it clearly shown as new construction in conceptual drawings in Appendices A + B?

Our exhibit S-2 clearly shows by pictures taken 3-05-02 looking North and South of Rye Junction at station 6995+00 that NO line of any kind west of the two-track main line exists in this area. In fact NO rail bed exists!

Our exhibit S-3 shows by pictures taken 3-05-02 from the Lakeshore overpass that NO rail line or rail bed exists west of the double-track main line North or south of the over pass

31.4 You are correct. We have made clarifications to the description of the NP siding discussion in Chapter 3 of this document.

Response 31 **Comment 31 — Continued**

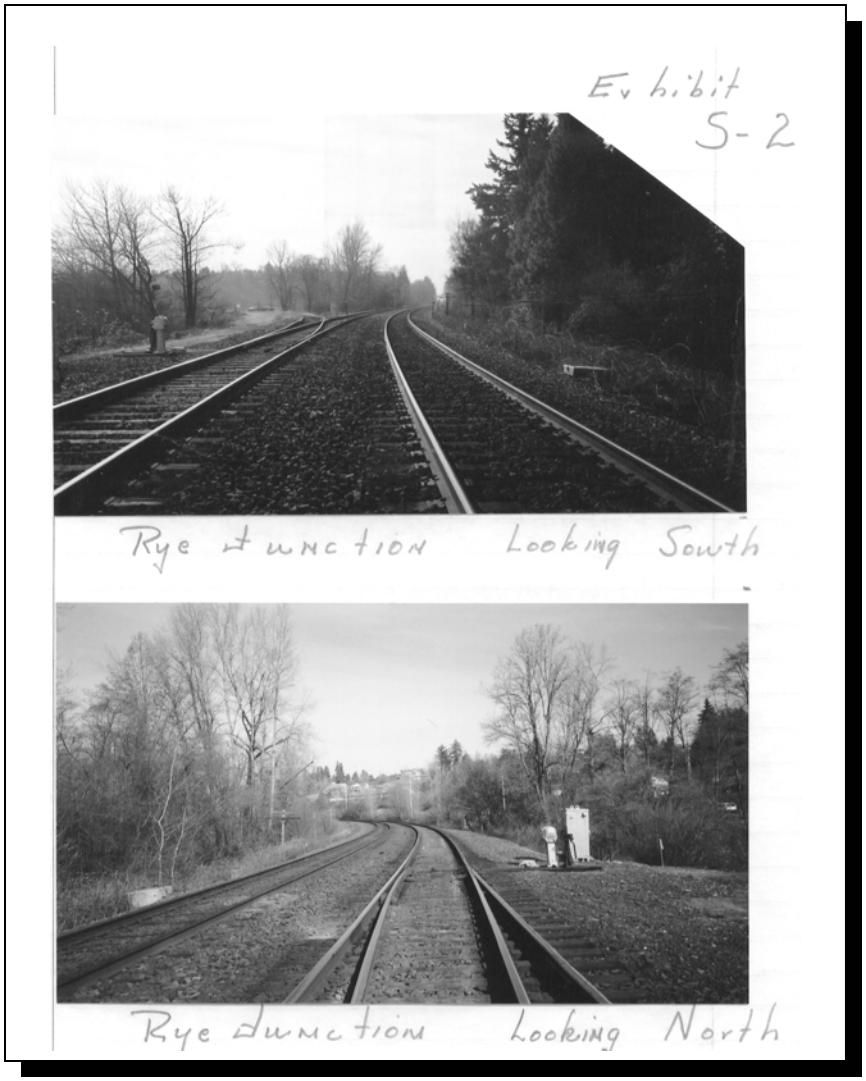

Exhibit 3

Lakeshore Ave over pass looking south.

Lakeshore Ave Overpass view Looking north.

31.5 Our team was fully aware that the NP siding consisted of rehabilitated tracks as well as new construction. Our EIS team assessed potential impacts for the entire project pursuant to the National Environmental Policy Act and the State Environmental Policy Act.

31.6 Please refer to the Social Elements section in Chapters 4 and 5 for a discussion regarding public transportation, pedestrian and bicycle facilities, and school bus routes.

6/24

Your conceptual drawings, Sheets 1, 2, 3, 4, 5, and 6 in Appendices A and B shows this proposed New N.P. Extension to be newly constructed line and only the rail line south of station 698+00 will be "rehabilitated."

We suggest that this currently non-existing rail line/rail bed will be a newly constructed frieght line which will introduce New and much more significant noise, vibration, visual, and loss-of-liveability intrusions into this area.

31.5 We would further suggest that all direct and indirect impacts resulting from this New rail and frieght rail operation be identified and addressed.

Specifically we would suggest that visual, loss of liveability, noise, and vibration studies be conducted to identify likely impacts to both the Fruit Valley and Northwest Neighborhoods.

31.6 We would also suggest an evaluation of how the New frieght by-pass Line will affect the proposed Fruit Valley Road Improvement North of 39th Street and especially potential impacts adjacent to pedestrian-bicycle pathways and school bus and C-tran bus stops at the revised Whitney Road/intersection

31.7 We also have concerns and comments specific to the Historic Places eligibly residence known as 6801 N.W. Whitney which we own. Your exhibit 3, A-5 of Appendix A to Cultural Resources Report indicates that this residence has been determined to be Historic Places eligible-see Exhibit 4-23, 4-24 of Draft EIS.

Your conceptual drawings (Sheets 1, 2, and 3 of Appendices A and B show significant new construction ad jacent to our property just north of the Lakeshore overpass. We can only ask:

31.8 1. Are these drawings correct?

31.9 2. Do they accurately show proposed construction as it is envisioned in the project today?

31.10 3. Will a new freight rail line be built southerly from Station 6870+00 to station 6985+00 west of the main lines?

31.11 4. Will a proposed retaining wall #2 be built on the easterly portion of Whitney Road south of 69th?

31.12 5. Will the proposed new retaining wall #3 - 17 feet high and 450 feet long (Exhibit 3-12) be built as shown on the eastern line of your proposed new right-

31.7 The Cultural Resources section of this report has been revised. Please refer to Chapters 4 and 5 for specific information regarding the eligibility of 6901 NW 69th Circle (formerly 6801 NW Whitney).

31.8 Yes, the drawings are correct.

31.9 Yes, these plan sheets are accurate and drawn to scale.

31.10 Yes, a new line will be built.

31.11 Yes, a retaining wall will be built in this location. However, specific details regarding height and exact location will be determined during final engineering and design.

31.12 Yes, a bypass rail line will be constructed in this location. However, specific details regarding its exact location will be determined during final engineering and design.

31.13 Yes, a bypass rail line will be constructed in this location. However, specific details regarding its exact location will be determined during final engineering and design.

31.14 The proposed project does not include expansion of the rail yard, but construction of a siding and bypass tracks. The EIS analyzed noise and vibration impacts related to each alternative. Please refer to the Noise and Vibration section in Chapters 4 and 5 for detailed information.

31.15 Our studies do not indicate that the retaining walls will contribute to noise impacts.

8/24

of-way, encroaching aproximately 15 feet easterly onto the front yard within 20 feet of our front steps at 6801 N.W. Whitney?

31.13 6. Will a new frieght-line be constructed within 40 feet of our front entry?

31.14 7. Will this northerly expansion of the rail yard provided for by this new construction introduce ground-borne vibration noise, signal whistling and visual impacts at a significantly higher level of magnitude than currently exists north of the overpass directly impacting our residence?

31.15 8. Will proposed retaining walls #2 and 3 exacerbate the noise impacts by echoing, reflection, or deflection of these noises onto our residence, The Fruit Valley Nieghborhood, and the Northwest Community?

We note with interest that noise and vibration impact studies were conducted south of 45th Street.

31.16 1. Were any noise or ground-borne impact studies with on-site monitoring equipment conducted for the area North of 45th.?

2. Were any conducted for the area north of the over pass?

We note with interest your comments (on page 4-36) and specifically that - "it is not uncommon for freight trains to be the source of intrusive ground borne vibrations at distances of approximately fifty feet from the tracks." We concur that freight trains often have "wheel flats" and very stiff suspension and do create ground-borne vibration that do travel much farther than fifty feet and do result in "annoyance" and are a "concern of neighbors" in this area, and will impact 6801 N.W. Whitney!

31.17 We would strongly suggest that noise and vibration studies be conducted for this area North of the over pass - adjacent to 6801 N.W. Whitney.

31.16 Based on public comments, we have expanded our analysis of potential noise and vibration impacts on various locations within the study area. Please refer to the section on Noise and Vibration in Chapters 4 and 5 for more information.

31.17 See Response #31.16

Response 31 **Comment 31 — Continued**

Exhibit :

to the house or its yard will result from the proposed Vancouver Yard improvements. The proposed improvement should not affect this property.

The Packard House (view to the northeast).
Exhibit 2

Also inventoried after the 1999 Vancouver Yard analysis was a single–family bungalow at 6801 N.W. Whitney (**Exhibit 3**). This structure is ca. 75 feet east of the present rail line. As with the Packard House, the recent analysis for N.W. Fruit Valley Road improvements indicates that this residence is NRHP eligible. The new BNSF railroad right-of-way will extend ca. 15 feet eastward onto the road in front of the house; however, the structure will not be affected and it is not likely that buried historic era archaeological materials are present in this area. The proposed improvement should not adversely affect this property as the structure will not be impacted and the slight realignment of the rail line here should not affect the setting or historic archaeological potentials.

-? -Verify

Not Accurate

This is likely that historic artifacts will not Likely be found.

Approximate New Proposed Right-of-way

Existing Right-of-Way

6801 NW Whitney
Exhibit 3

Exhibit
S-5

Aproximate new alignment
infront of the west entry to 6801 N.W Whitney
Looking east from current
Right-of-way.

Exhibit
S-6

A southerly view of the approximate New easterly line of the proposed New right-of-way in front of the western entry way of 6801 N.W. Whitney.

Exhibit
S-7

Southerly View

our private well in the 36" ø tile in the foreground and a very old apple tree - possibly of early pioneer original south of the well with the Lakeshore overpass in the background.

Exhibit
S-8
Looking South East
Row of 9 mature fir trees
Looking West
The most northerly fir is 36" in diameter

31.18 The observations in schedule 4-22 related to our 6801 Whitney residence must be considered suspect, if not inaccurate. Your exhibit 4-24 shows it on the wrong (West) side of the tracks - south of Lakeshore overpass.

Your exhibit #3 page A-5 of Appendix A of your Cultural Resources Report, which is a picture of this property, shows the "proposed New right-of-way alignment" where the current right-of-way exists. The proposed New easterly border of the proposed new right-of-way would be "approximately 10 feet closer to the residence at that point" - per Kevem Steffers. The statement - "the New BNSF rail road right-of-way will extend ca 15 feet eastward onto the road" - (currently within the existing right-of-way) - "in front of the house" does not accurately describe the 15' foot encroachment shown by conceptual drawing in Sheet 3 of Appendix A and B. A more accurate description of this New alignment is shown by our exhibit 5-5 showing the approximate New alignment due to the proposed 15 foot encroachment easterly upon our property - (approximately 10' at that point just west of our front

31.18 This was a graphical error. |It has been corrected.

31.19 Discussions regarding the potential impacts to historic properties have been revised and are presented in Chapter 5.

31.20 You are correct. We have revised our discussion and have concluded that our project would have an adverse effect on this historic property.

door)-and only 28 feet from the foundation of this historic house. You will also note our exhibit 5-5 is a picture taken 2-27-02 with a plastic ribbon showing approximately where this new easterly line of the proposed new right-of-way will be. Our exhibit 5-6 also shows a southerly view showing the approximate new easterly line of the proposed new right-of-way.

We suggest that the statement "The proposed "improvement" should not adversely affect this property (A-5 of the Cultural Report) is erroneous at best and does not accurately described the effect of this proposed new right-of-way. As you can see by our exhibits 7 and 8 this encroachment would remove an ancient apple tree of likely pre 1880 vintage, obliterate our private well, remove 9 mature fir trees (the largest being 36 inches in diameter) which provide both an improved westerly view and significant shading for the house and yard from the hot western summer after noon sun. This improvement would also eliminate our driveway, our access road, and impact our existing drain field and future surface water retention

31.20

area.

It would appear that switching and other rail yard operations activity will be occurring within 40' feet of our front steps. There will be significant new freight rail activity due to the new North Pacific Extension within about 100 feet of our front porch.

Not surprisingly, we disagree with the "No adverse impact" statemen We also disagree with the conclusi drawn in the letter by Craig Helstine to Allyson Brooks dated December 4, 2001 in Appendix E of the Draft Impact Statement.

We assert that any informed person would conclude that encroaching onto one's property 15 feet, and removing an ancient apple tree, private well, shrubberg, fence, nine mature fir trees, private well, access road, driveway, a portion of our drain field and building a significant retaining wall within 20 feet of our entry steps and running high-speed Amtrack Trains with in 70 feet and a new through freight Line with in 100 feet, with their associated visual intrusion, noise, ground-borne vibration and the associated

degradation of liveability both to the existing historic residence as well as future residences on this R-18 multi-family zoned property -- -- That this proposed new construction and rail operation will have a very significant, serious, adverse impact on 6801 Whitney!

We further concur with Deputy State Historic Preservation Officer, Gregory Griffith in his December 18, 2001 reply to WSDOT that - "The proposed new alignment encroaches upon the setting of the residence and the no adverse effect determination for the Whitney residence should be considered preliminary until further information is provided about the property and the project itself."

We would further suggest that the "No adverse affect" conclusion is flawed — that it was based on inaccurate information! Please observe the statement on Page A-1 of Appendix A of the Cultural Resources Report that "All new construction -- would take place within the existing BNSF right-of-way," and that a new determination, based on an accurate understanding of the proposed project as it is currently

Comment 31 — Continued **Response 31**

envisioned, complete with ground-borne vibration, noise, visual intrusion, encroachment, loss of livability, and historic places issues fully considered, and a more informed conclusion be rendered!

Response 31 **Comment 31 — Continued**

We would recommend that the 39th Street NON separated crossing be closed; that suitable vehicular, pedestrian, and bicycle traffic over pass be provided and by pass lines be constructed. We further would recommend that all construction be accurately identified and all direct and indirect impacts be fully examined and addressed.

In conclusion - - -
Those of us who live in West Vancouver within the impact zone of the rail operations bear an unfairly large burden of the rail line.
Not only do we contribute to the costs of construction and mitigation of impacts but we continuously (24, 7, 80, 365 etc) endure the unmitigatable noisome irritating, annoying, disturbances, and loss of liveability that is disproportionate to that which is experienced by other benefactors.
We would challenge your proponents and current owner/operators to seize this opportunity to prevent and eliminate all unmitagatable impacts that current expertize and construction and maintenance and operating capabilities will allow?
Please?

Response 31

31.21 Expanded operations are not being introduced to the area north of 45th Street. The analysis followed federal environmental guidelines and took into account all project components.

31.22 Mitigation measures will be determined as part of final engineering and design. Mitigation measures will be based on level of impact, funding, and community input.

Comment 31 — Continued

those of us who live with this phenomena would also very strongly recommend that an objective, accurately commissioned, loss of livability - due to new rail construction and operation - Study be conducted to fully assess the new impacts that are being introduced north of 45th by expanded operations into that area due to improvements of Vancouver Rail Project. (31.21)

This project will alter the livea bility in our adjacent communities for the forseeable future.

Our Society has determined that these type of considerations must be addressed accurately, honestly, and fairly!

What design measures are available to address these direct and Indirect impacts?

Which of these measures will be incorporated into this Project? (31.22)

Which of these measures will not be incorporated into this Project?

Why?

31.22 How will these impacts due to the newly introduced rail operations specifically affect 6801 N.W. Whitney

31.23 What design measures will be utilized to prevent impacts?

What design measures will be utilized to reduce impacts

What impacts will then be that are unpreventable, NON reducable, and unmitagatable?

31.23 New rail operations will not be introduced as part of this project. Physical impacts – that is construction of the bypass tracks – will affect 6801 NW Whitney as discussed in the Relocations and Cultural Resource sections of Chapter 5.

31.24 Mitigation measures will be determined as part of final engineering and design. Mitigation measures will be based on level of impact, funding, and community input.

Response 31

31.25 Your comment has been forwarded on to the Burlington Northern and Santa Fe Railway Company (BNSF), the owner of the tracks and the rail yard.

Comment 31 — Continued

Our understanding is that rail crossing whistle signaling would no longer be necessary if 39th St and two northern private non separated crossings were eliminated.

31.25 Could state-of-the-art communications for yard operations be developed and replace the need for and eliminate audible switching rail yard operations related whistling?

We believe an informed person would conclude that our current hi-tech communications abilities could satisfy the need for effective communications among yard operators/personnel.

We also believe that informed policy makers would accept this concept and eliminate mandated signaling!

Comment 31 — Continued

31.26

Incorporate into the final EIS preferred alternative - the installation of permanent noise vibration sensors, provide for their continued operation to enable effective monitoring of Vancouver Rail Yard train operations generated noises and vibrations -

Provide gathered information to responsible interested Vancouver and Clark County entities on a "reasonable request" basis complete with professional everyday language interpretation of these findings.

Response 31

31.26 Rail yard operations are not within WSDOT's jurisdiction. Your comment has been forwarded to the BNSF.

31.27 We agree that such behavior is extremely dangerous – it is also illegal. BNSF Security staff continually patrol the tracks. We have found that the best deterrent for railroad trespassing is education. Constructing barriers is often ineffective and sometimes not feasible because the railroad needs access to its tracks. However, we have forwarded your comments to BNSF for their consideration.

We also note that there are no effective barriers to prevent predestrians from walking across or along the tracks as short-cuts to Ctran or School Bus stops, or to access the Vancouver Lake area for fishing etc., or to do whatever adventuresome children or others do on the railway right of way.

Recently a man told me that he observed several young boys "touching the sides of passing rail cars and challenging his buddies to do the same."

Well worn foot paths at the Rye Junction and Whitney Road areas indicate that people walk across the tracks very regularly – perhaps a dozen or more each day.

31.27 We would suggest that effective deterrents or barriers be installed to prevent casual pedestrian injuries or more diabolical persons from accessing hazardous freight.

31.28 We would also suggest a updated rail yard orientation and operation program / manual to assist and encourage rail yard operators develop interest and expertise in switching operations with the view to dampen any "Mario Andretti types" switch engine operations so that we dont hear so many things "going bump" in the night.

31.28 Your comment has been forwarded to the Burlington Northern and Santa Fe Railway Company (BNSF), the owner of the tracks and the rail yard.

31.29 Rail yard operations are not within WSDOT's jurisdiction. Your comment has been forwarded to the BNSF.

Incorporate in the Final EIS preferred Alternative a Neighborhoods/City Liason interactive program structured to assure continuing consultation between BNSF, WSDOT, COV, Clark County and West Vancouver Neighborhoods affected by the Vancouver Rail Project and future BNSF, Amtrack, rail operations

We would suggest one representative designated by each organized West Vancouver Neighborhood affected, one designated City of Vancouver and Clark County representative, one each rep from BNSF and Amtrack and WDOT, the elected Congress person from District 3 and ?

31.29 To meet twice ammually on a preset schedule to share information and concerns related to Vancouver Rail Yard Operations and recommend actions.

Thank you for this opportunity to comment!

these comments are not meant to be obstructionist but are offered to encourage a project that will facilitate high speed passenger transit and efficient freight transport - in the best interest of our country -- in a manner that we can live with!

Sutherland Family Trust
Art - Vi - Terry - Dean - Bryan et al
6004 N.W. Perthshire Ave
P.O. Box 70005, 98665
Vancouver Washington.

Public Comments – No Response Required

The public comments contained in this section were received via e-mail or letter. Although the project team believes that these comments do not require a response, they are included in this document as an acknowledgment to the communities' participation in this EIS process. The project team appreciates the time and thought that were put into these comments. Comments are presented by date written.

Comment 32

February 14, 2002

WSDOT

Re. Vancouver Rail Project at West 39th Street at-grade crossing

My name is Steven W. Henzi and I'm in strong support of Alternatives B.1 or I.1 that provide for a vehicular bridge over the railroad tracks. I work in the Fruit Valley area and live just north of 39th Street. 39th Street is a critically important arterial, not just for my convenience, but for the improved safety, improved efficiencies in emergency services accessibility and traffic and pedestrian flows.

As you know there is limited east-west access to the industrial/Port area of Fruit Valley, the next east/west road north of 39th Street is about 3-1/2 miles away (Glenn Burnie Road winds east from Fruit Valley Road through a residential area). The next road, north of 39th Street, that can handle commercial traffic is about 6 miles away at 78th Street.

We truly need vehicular and pedestrian access across the railroad tracks on 39th Street.

Sincerely,

Steven W. Henzi

Steven W. Henzi
5801 NW Cherry St.
Vancouver, WA 98663

Comments 33 - 35

February 15, 2002 4:04 PM
To: rail@wsdot.wa.gov
Subject: Vancouver Rail Project

I prefer Alternative B - Easterly Bypass, Option 1.

Thank you — Jim Moeller

****

February 16, 2002
Concerns/Comments on Vancouver alternatives B.1&I.1

1. Access to Lincoln and Northwest neighborhoods would be cut off dramatically;
2. The only access to this area would be Bernie Dr. or Fourth Plain(Miles between these two)
  A. These roads would be severely tested as drivers lose time and patience
  B. Lincoln and Bernie are all 25MPH posted
  C. The area is abundant with schools and pedestrian walk paths
  D. Local delivery and transport trucks would be increased in presence (even if prohibited-who is kidding who-this business is on tight time lines) 4. In summary-Forced increased traffic(for the sole benefit of one industry at the peoples expense)+ neighborhoods = a dangerous situation. BUILD THE BRIDGE!

Jay Cervetto

****

February 19, 2002 6:52 PM
To: rail@wsdot.wa.gov
Subject: 39th St Crossing
I support any plan to increase passenger rail service in terms of speed and trips. If 39th is to be closed to vehicles, I think the impact on surrounding streets should be considered. Lincoln north of 39th will likely see increased traffic, so the cost of improving it with sidewalks should be considered. Given the small difference in the cost of a mixed mode overpass compared to a foot powered overpass this may be the best option.

Fred Bateman, Vancouver WA

Comment 36

RECEIVED
MAR 0 5 2002
WSDOT RAIL OFFICE

February 24, 2001

WSDOT
P.O. Box 47387
Olympia, WA 98504-7836

Re: Vancouver Rail Project

I was a resident for 47 years on Thompson Avenue just off 39th Street(3808 Thompson Ave.) I moved into a condo in 1999 but still feel strongly about my old neighborhood.

As you know, Fruit Valley is a rather isolated community with limited access because of the Railroad. Access to the neighborhood is Fourth Plain, 39th Street or 78th Street. Closing 39th Street would certainly limit access between the city and Fruit Valley. I used 39th Street most of the time. Yes, the trains often blocked access but still allowed us closer access to the city.

The Fruit Valley neighborhood has strong family ties and have a new school and social services now under construction to enhance the family living.

I strongly recommend either No Action on closing 39th Street crossing or build an overpass over the railroad. Please keep access to the Fruit Valley neighborhood via 39th Street.

Sincerely,

Nadine M. Swartz

Nadine M. Swartz
15917 NE Union Rd. #33
Ridgefield, WA 98642
Telephone: (360) 573-6270

Comments 37 - 39

February 25, 2002 8:23 AM
To: 'rail@wsdot.wa.gov'
Subject: 39th St

In my opinion, the neighborhood would be best served by building a vehicular-pedestrian-bicycle overpass over the new tracks. Closing 39th to vehicular traffic would divert too many vehicles through residential areas. 39th Street @ the railroad crossing is primarily commercial and industrial, thus more able to handle the capacity. There is also the possibility of a new freeway with a start point somewhere near 39th, it would be a shame to waste money on a project that would have to be revamped at a later date. As well, I believe that installing an overpass will increase usage of the 39th Street connection to Fruit Valley Road as the obstacle of train crossing has been removed. This can only be beneficial to the economical development of Vancouver's west end. Thank you for taking the time to read my opinion.

Sincerely,
J. L. Vail — Vancouver, WA

****

February 28, 2002 8:52 PM
To: rail@wsdot.wa.gov
Subject: BN railroad bypass at 39th street

Of the draft EIS options listed in your e-mail to us, we prefer Option 2--Building a vehicular-pedestrian-bicycle overpass over the new tracks.

Malcolm and JoAnne Karr

****

February 28, 2002 6:45 PM
To: rail@wsdot.wa.gov
Subject: Overpass

It seems the most likable solution would be to accommodate both the train and "people" traffic. A car/pedestrian/bicycle overpass, while probably the most labor intensive, to us would be the best solution, pending a thorough EIS.

Thank you,
Michele & Joe Kinney

Comments 40 - 41

March 01, 2002 3:47 PM
To: rail@wsdot.wa.gov
Subject: Briefly 02/28/02

Thanks for the info! I think it is imperative to have access for vehicles via 39th Street, proposal 2. From 78th Street (or Bernie Drive through 25 mph neighborhoods) all the way down Fruit Valley Road to Fourth Plain without a cross street would be a disaster! There needs to be access to properties, businesses, schools and public facilities to sustain our neighborhoods and for our neighborhoods to receive emergency services in a very timely manner! Without a vehicle overpass, it would be like having the Great Wall of China or the Berlin Wall surrounding and isolating the area and creating another offensive "the other side of the tracks" situation!

Liz Hogan — Vancouver, WA

****

March 01, 2002 3:40 PM
To: rail@wsdot.wa.gov; councilmbr@hotmail.com
Subject: Vancouver Rail Project

I submit my comments regarding the Vancouver Rail Project. My opinions are those as a citizen in general, and a home owner in the Carter Park neighborhood of Vancouver, Wash. I fully support keeping West 39th Street open for maximum and vital use by rail, motorists, bicyclists and pedestrians. Alternative A is no option. Alternative A does nothing and will only compound the problems that already exists.

While not having all the information and resources myself at this time to dissect between the various options described under alternatives B and I, I would like to make these points: 1) Given the road layout and projected development of Vancouver's west side, I believe continued connection of 39th Street across the tracks is vital for both residential, public safety, and commercial uses. 39th is the only east-west connector between 4th Plain Blvd. (25th Street) and 78th Street. Easy flow of vehicles and foot traffic, as well as public safety, should be maintained, and with an overpass, enhanced. 2) I support measures to increase Amtrak's punctuality and usefulness by making improvements that ensure its ability to flow through the Vancouver junction in a timely manner.

In my opinion, optimum movement through this area can bring many numerous benefits -- better movement of both freight and passenger rail traffic, continued public safety with prudent accessibility routes, safe recreational opportunities that allow area residents and others to enjoy Vancouver Lake, Frenchman's Bar, and other wonderful places north and south of Fruit Valley Road.

Julie K. Pirruccello — Vancouver, WA

Comment 42 — 2 pages

Washington State Department of Transportation

Vancouver Rail Project Draft Environmental Impact Statement

Comment Form

The Vancouver Rail Project team wants your comments on the accuracy, adequacy and completeness of the Draft EIS. The team also wants to know which alternative you favor and why. Please return this page tonight or respond by **Wednesday, March 27, 2002:**

- Mail: WSDOT, Rail Office, P.O. Box 47387, Olympia, WA 98504-7837
- Fax: 360-705-6821
- E-mail: rail@wsdot.wa.gov

Please include your name, address, and phone number in case we need clarification on your comment. We will respond to comments in the Final EIS.

Your Comments on the Draft EIS

- **Alternative A. No action:**

- **Alternative B. Easterly bypass**

over pass for car traffic - Emergency services use this route

Comment 42 — Continued

- **Alternative I: Westerly bypass**

or

Please check the alternative you favor.

____ **Alternative A. No Action**

____ **Alternative B. Easterly Bypass**

- X Option 1. Overpass
- ____ Option 2. Cul-de-sac
- ____ Option 3. Pedestrian/bicycle overpass

____ **Alternative I. Westerly Bypass**

- X Option 1. Overpass
- ____ Option 2. Cul-de-sac
- ____ Option 3. Pedestrian/bicycle overpass

Please tell us why you prefer the alternative you checked above:

Emergency Services (ambulance etc.)

– we need convenient and reasonably priced rail service in the Northwest as well as in the entire country. Salt Lake City, Chicago, LA & Dallas should all be accessible by train

Finally, please tell us if there's anything you would like the project team to keep in mind in selecting a preferred alternative.

Name George Gadbury

Address 3819 NE 39th Ct.

City Vancouver **State** WA **Zip Code** 98661

Phone: 360-694-4726 **E-mail** bgeg3@hotmail.com

For more information, visit www.wsdot.wa.gov/pubtran/passrail/vancouver.

Comment 43 — 2 pages

Washington State Department of Transportation

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- Mail: WSDOT, Rail Office, P.O. Box 47387, Olympia, WA 98504-7837
- Fax: 360-705-6821
- E-mail: rail@wsdot.wa.gov

Please include your name, address, and phone number in case we need clarification on your comment. We will respond to comments in the Final EIS.

Your Comments on the Draft EIS

- **Alternative A. No action:**

  No acceptable - 39th Street access is important

- **Alternative B. Easterly bypass**

  Too close to housing

Comment 43 — Continued

- **Alternative I: Westerly bypass**

Please check the alternative you favor.

____ **Alternative A. No Action**
____ **Alternative B. Easterly Bypass**
  ____ Option 1. Overpass
  ____ Option 2. Cul-de-sac
  ____ Option 3. Pedestrian/bicycle overpass
_X_ **Alternative I. Westerly Bypass**
  _X_ Option 1. Overpass
  ____ Option 2. Cul-de-sac
  ____ Option 3. Pedestrian/bicycle overpass

Please tell us why you prefer the alternative you checked above:

Least impact – greatest distance from existing housing.

Finally, please tell us if there's anything you would like the project team to keep in mind in selecting a preferred alternative.

Vehicle access to Fruit Valley is important.
Eliminating that access route (30th Street) is short-sighted

Name Eric Gilman
Address 210 W. 41st Street
City Vancouver **State** WA **Zip Code** 98660
Phone: (360) 694-7013 **E-mail**

For more information, visit www.wsdot.wa.gov/pubtran/passrail/vancouver.

Comment 44 — 2 pages

Washington State Department of Transportation

Vancouver Rail Project Draft Environmental Impact Statement

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- Mail: WSDOT, Rail Office, P.O. Box 47387, Olympia, WA 98504-7837
- Fax: 360-705-6821
- E-mail: rail@wsdot.wa.gov

Please include your name, address, and phone number in case we need clarification on your comment. We will respond to comments in the Final EIS.

Your Comments on the Draft EIS

- **Alternative A. No action:**

This would be unacceptable for safety factors. closing 34th st. is essential if there are 9 tracks.

- **Alternative B. Easterly bypass**

— Too close to the residential area.

Comment 44 — Continued

- **Alternative I: Westerly bypass**

Better than the easterly — less impact on neighbors.

Please check the alternative you favor.

____ **Alternative A. No Action**
____ **Alternative B. Easterly Bypass**
  ____ Option 1. Overpass
  ____ Option 2. Cul-de-sac
  ____ Option 3. Pedestrian/bicycle overpass
X **Alternative I. Westerly Bypass**
  X Option 1. Overpass
  ____ Option 2. Cul-de-sac
  ____ Option 3. Pedestrian/bicycle overpass

Please tell us why you prefer the alternative you checked above:

If the road is closed, which seems imperative for time and safety factors, then an overpass allowing for residents of Fruit Valley to get out, especially in an emergency, is essential. The westerly bypass would be better for residents of Columbia Crest.

Finally, please tell us if there's anything you would like the project team to keep in mind in selecting a preferred alternative.

Name Suzanne Gilman
Address 210 W. 41st St.
City Vancouver **State** WA **Zip Code** 98660
Phone: (360) 694-7013 **E-mail**

For more information, visit www.wsdot.wa.gov/pubtran/passrail/vancouver.

Comment 45 — 2 pages

Washington State Department of Transportation

Vancouver Rail Project Draft Environmental Impact Statement

Comment Form

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- Mail: WSDOT, Rail Office, P.O. Box 47337, Olympia, WA 98504-7837
- Fax: 360-705-6821
- E-mail: rail@wsdot.wa.gov

Please include your name, address, and phone number in case we need clarification on your comment. We will respond to comments in the Final EIS.

Your Comments on the Draft EIS

- **Alternative A. No action:**

- **Alternative B. Easterly bypass**

Comment 45 — Continued

- **Alternative I: Westerly bypass**

Please check the alternative you favor.

X **Alternative A. No Action**

X **Alternative B. Easterly Bypass**

____ Option 1. Overpass

____ Option 2. Cul-de-sac

____ Option 3. Pedestrian/bicycle overpass

____ **Alternative I. Westerly Bypass**

____ Option 1. Overpass

____ Option 2. Cul-de-sac

____ Option 3. Pedestrian/bicycle overpass

Please tell us why you prefer the alternative you checked above:
Noise levels, especially during the evening & early morning hours

Finally, please tell us if there's anything you would like the project team to keep in mind in selecting a preferred alternative. I & others feel that there are no alternatives other than an overpass.

Name Robert E. Murphy

Address 3117 Xavier Ave.

City Vancouver **State** Wa. **Zip Code** 98660

Phone: 750-4680 (unlisted) **E-mail**

For more information, visit www.wsdot.wa.gov/pubtran/passrail/vancouver.

Comment 46 — 2 pages

Washington State Department of Transportation

Vancouver Rail Project Draft Environmental Impact Statement

Comment Form

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- Mail: WSDOT, Rail Office, P.O. Box 47387, Olympia, WA 98504-7837
- Fax: 360-705-6821
- E-mail: rail@wsdot.wa.gov

Please include your name, address, and phone number in case we need clarification on your comment. We will respond to comments in the Final EIS.

Your Comments on the Draft EIS

- **Alternative A. No action:**

- **Alternative B. Easterly bypass**

we Definitely Need an overpass to maintain a Direct Route out of the valley. to head south out would Be Like heading into a storm! to head North, would Be too Long and out of the way.

Comment 46 — Continued

- **Alternative I: Westerly bypass**

Please check the alternative you favor.

____ **Alternative A. No Action**
_X_ **Alternative B. Easterly Bypass**
  _X_ Option 1. Overpass
  ____ Option 2. Cul-de-sac
  ____ Option 3. Pedestrian/bicycle overpass
____ **Alternative I. Westerly Bypass**
  ____ Option 1. Overpass
  ____ Option 2. Cul-de-sac
  ____ Option 3. Pedestrian/bicycle overpass

Please tell us why you prefer the alternative you checked above:
Noise Level.

Finally, please tell us if there's anything you would like the project team to keep in mind in selecting a preferred alternative. what hasn't been considered, is the latest terrorist threat on the dams. if they took out Coulee Dam, we in the valley would need an immediate high alternative to get out of the valley.

Name DARRELL NORTHROP
Address 3203 Xavier ave.
City VANCOUVER **State** WN. **Zip Code** 98660
Phone: 695-9883 **E-mail**

For more information, visit www.wsdot.wa.gov/pubtran/passrail/vancouver.

Comments 47

March 10, 2002 11:03 PM
To: rail@wsdot.wa.gov
Subject: Vancouver Rail Project

I am in favor of building a vehicular overpass for 39th Street in Vancouver, Washington. I live on the corner of Bernie Drive in the Northwest neighborhood. In the past, any construction on (or temporary closing of) the main east -west arterials such as 39th Street and 78th Street has increased the amount of cars taking an alternative route through my neighborhood. The closing of the 39th Street crossing would permanently increase traffic through the northwest neighborhood. Please do NOT close the 39th Street vehicular crossing. Thank you.

Cynthia Patton

Comments 48

March 11, 2002 9:10 PM
To: rail@wsdot.wa.gov
Subject: Vancouver Rail Project- public comment

I am opposed to closing the 39th street crossing; I am in favor of building an overpass over the crossing at 39th street.

I live on Bernie Drive, about 1.5 miles from the 39th street crossing. Closing the crossing and not building an overpass is unacceptable for me and the residents of my street. I am certain this will only result in more traffic on my residential street, which is already out of control because of unbridled speeding by automobiles and trucks cutting through the area to go from Lakeshore Road to Interstate 5 or other areas in Vancouver.

An overpass on 39th street will provide an excellent opportunity to direct traffic along Lakeshore Road to the new overpass, thus allowing cars to travel at 40 MPH in a 40 MPH zone in an industrial area rather than the current situation of 40 MPH in a 25 MPH zone along a residential street with short setbacks (such as those on Bernie Dr.).

An overpass on 39th street will also provide better access for emergency vehicles to the Lakeshore Dr and Hazel Dell areas. Presently, the emergency vehicles drive at dangerous speeds along my street.

In my opinion this is also a quality of life issue. Not building an overpass simply degrades the neighborhood by forcing more traffic in an area that is not suitable for more traffic volume. Further, the City of Vancouver police, the City of Vancouver administration, and the Northwest Neighborhood Association have shown little leadership and inclination to find creative ways to resolve the speeding traffic problems in this neighborhood. If 39th street is closed and no overpass is built, I am afraid an already unacceptable situation will get worse.

PLEASE, do the right thing and strongly recommend the option of building the overpass on 39th street. Do it for the residents (and the children who live here) who need a street with fewer encroaching, high speed traffic, not more. I would be willing to pay higher taxes to fund such a project.

Roger Carpenter
Vancouver, WA

Comment 49

RECEIVED
MAR 25 2002
WSDOT RAIL OFFICE

1201 West 39th Street
Vancouver, WA. 98660
March 20, 2002

WSDOT, P.O. Box 47387
Olympia, WA
98504-7837

Subject: our comments on the Vancouver Rail Project on West 39th Street.

Based on our observation of sparse traffic on West 39th street and the constraints on the budget of Washington State, we recommend that this project be shelved or at least deferred.

We have lived a few blocks east of the rail tracks for nearly 40 years. There was a time when we felt that an overpass would be desirable on the basis of heavy traffic on 39th Street and because of the accidents occurring at the crossing. There used to be trucks lumbering up the street and having problems on the incline. We used to recommend this overpass at the meetings we attended.

In the last 10 years the traffic on the west stretch of 39th Street has decreased considerably. After the Mill Plain overpass was completed the traffic on this section of 39th Street has dwindled even further. However, there is more speeding down the incline of 39th Street. It is just as convenient for us to use 26th street or Bernie drive to go to Fruit Valley road as 39th Street would be with overpass. Hence increased rail traffic or addition of tracks does not justify additional state expense on 39th Street at the rail crossing. We suggest that the state take the lowest cost alternative and close the street.

A new overpass would be help to create jobs. However, we are convinced that there are more important uses for the limited state resources than spending any significant amount on West 39th street. There is traffic congestion in East Vancouver and that area can use better roads. If the state has excess money it can use it more effectively for improving C-TRAN bus system. There are lots of older citizens who are having a hard time and can profitably use state resources if they are available.

Very Truly Yours

Fred W. Miranda

Fred W. Miranda

Elizabeth Ann Miranda

Elizabeth Ann Miranda

Comment 50 — 2 pages

Washington State Department of Transportation

Vancouver Rail Project Draft Environmental Impact Statement

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- Mail: WSDOT, Rail Office, P.O. Box 47387, Olympia, WA 98504-7837
- Fax: 360-705-6821
- E-mail: rail@wsdot.wa.gov

Please include your name, address, and phone number in case we need clarification on your comment. We will respond to comments in the Final EIS.

Your Comments on the Draft EIS

- **Alternative A. No action:**
  WITH THE CURRENT VOLUME OF PASSENGER TRAFFIC, THE CURRENT TRACK SET UP, THOUGH NOT PERFECT, IS ACCEPTABLE. TO INCREASE SPEED AND FREQUENCIES, ADDITIONAL CAPACITY WOULD BE REQUIRED.

- **Alternative B. Easterly bypass** THIS MAY BE MORE DISRUPTIVE TO SURROUNDING NEIGHBORHOODS. AN EASTSIDE BYPASS MAY ALSO CAUSE SEA-PDX AND COLUMBIA GORGE-SEATTLE/PORT OF VANCOUVER TRAFFIC TO CLASH. THERE IS A GREAT DEAL OF TRAFFIC ON THE NORTHBOUND WYE COMING OFF THE COLUMBIA GORGE LINE. MUCH OF THE TRAFFIC OFF THE COLUMBIA GORGE LINE EITHER IS DESTINED FOR VANCOUVER OR MUST STOP IN VANCOUVER. TRYING TO FORCE PDX-SEA TRAINS ONTO AN EASTSIDE BYPASS WOULD CAUSE MORE TRAIN CONFLICTS AS THEY WOULD HAVE TO CROSS PATHS WITH TRAFFIC OFF THE COLUMBIA GORGE LINE.

Comment 50 — Continued

• **Alternative I: Westerly bypass** THIS IS THE MOST ATTRACTIVE OPTION FOR PASSENGER TRAINS. WHEN PASSENGER TRAINS ARRIVE FROM OREGON, THEY ARE ALREADY ON THE WEST SIDE OF THE YARD. HAVING AN EASTSIDE BYPASS WOULD MEAN PASSENGER TRAINS WOULD HAVE TO CROSS THE NORTH LEG OF THE FORMER SP AND S WYE. THE NORTH LEG OF THE WYE IS VERY BUSY. A WESTSIDE BYPASS WOULD LIKELY BE LESS DISRUPTIVE TO THE NEIGHBORHOOD AROUND 39th ST. RATHER THAN BUILD AN OVERPASS FOR 39th ST, WOULD IT BE EASIER TO BUILD AN UNDERPASS FOR THE RAILROAD BYPASS AT 39th ST? IN ADDITION, A WESTSIDE BYPASS WOULD ALLOW FOR MORE ROOM FOR COLUMBIA GORGE LINE TO SEATTLE TRAFFIC TO BE SMOOTHLY INTEGRATED INTO THE PORTLAND-SEATTLE LINE.

Please check the alternative you favor.

____ **Alternative A. No Action**
____ **Alternative B. Easterly Bypass**
  ____ Option 1. Overpass
  ____ Option 2. Cul-de-sac
  ____ Option 3. Pedestrian/bicycle overpass
✓ **Alternative I. Westerly Bypass**
  ✓ Option 1. Overpass OR UNDERPASS FOR RAILROAD BYPASS
  ____ Option 2. Cul-de-sac
  ____ Option 3. Pedestrian/bicycle overpass

Please tell us why you prefer the alternative you checked above:
THE WESTSIDE BYPASS APPEARS TO BE MORE BENEFICIAL TO PASSENGER TRAINS WHILE AT THE SAME TIME WOULD LIKELY HAVE LESS IMPACT ON THE SURROUNDING AREA.

Finally, please tell us if there's anything you would like the project team to keep in mind in selecting a preferred alternative. SINCE MOST TRAFFIC SEEMS TO BE POX-SEA, IT MAKES SENSE TO KEEP THE BYPASS ON THE WEST SIDE OF THE YARD SINCE THAT IS THE CURRENT LOCATION OF THE POX-SEA MAIN LINE. AN EASTSIDE BYPASS WOULD INVOLVE A MORE CIRCUITOUS ROUTING. A WESTSIDE BYPASS WOULD ALLOW TRAFFIC COMING OFF THE COLUMBIA GORGE LINE TO BE INTEGRATED LIKE A FREEWAY ON RAMP. AN EASTSIDE BYPASS WOULD BE MORE LIKE AN INTERSECTION WITH A STOP LIGHT.

Name JEFF BRODERICK
Address 760 SW VISTA #35
City PORTLAND State OR Zip Code 97205
Phone: 503-226-4365 E-mail NWJEFFBRODERICK@HOTMAIL.COM

Comment 51 — 2 pages

Washington State
Department of Transportation

RECEIVI
MAR 2 7 200
WSDOT RAIL OFF

Vancouver Rail Project Draft Environmental Impact Statement

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- E-mail: rail@wsdot.wa.gov

Please include your name, address, and phone number in case we need clarification on your comment. We will respond to comments in the Final EIS.

Your Comments on the Draft EIS

- **Alternative A. No action:**

- **Alternative B. Easterly bypass**

Comment 51 — Continued

- **Alternative I: Westerly bypass**

Please check the alternative you favor.

____ **Alternative A. No Action**

____ **Alternative B. Easterly Bypass**

____ Option 1. Overpass

____ Option 2. Cul-de-sac

____ Option 3. Pedestrian/bicycle overpass

____ **Alternative I. Westerly Bypass**

✓ Option 1. Overpass

____ Option 2. Cul-de-sac

____ Option 3. Pedestrian/bicycle overpass

Please tell us why you prefer the alternative you checked above:

Finally, please tell us if there's anything you would like the project team to keep in mind in selecting a preferred alternative.

Name CINDY STREUR

Address 3903 COLUMBIA ST

City VANCOUVER **State** WA **Zip Code** 98660

Phone: 694-4565 **E-mail**

For more information, visit www.wsdot.wa.gov/pubtran/passrail/vancouver.

Comment 52

April 05, 2002 6:50 PM
To: rail@wsdot.wa.gov
Subject: Bridge over troubled rail yard

About the 39th street road closing. Better build a bridge. We of Hough Neighborhood do not want to be sandwiched between two major port access roads, and if people can't get through on 39th, someone might want to widen Fourth Plain. Not acceptable.
Lila Schumacher

This page intentionally left blank.

The following comments were provided by local, state and resource agencies that have jurisdiction or an interest in this project.

Comment 53

53.1 Noted.

WSDOT RAIL OFFICE

P.O. Box 1995
Vancouver, WA 98668-1995

City of VANCOUVER WASHINGTON

www.ci.vancouver.wa.us

March 26, 2002

Elizabeth Phinney
Environmental Coordinator
Washington State Department of Transportation
Transportation Building
310 Maple Park Avenue SE
P.O. Box 47300
Olympia, Washington 98504-7300

Regarding – Vancouver Rail Project

Thank you for the opportunity to review the environmental documents on the proposed Vancouver Rail Project. I have included copies of emails and letters that I received from various members of the City of Vancouver staff. Specifically, comments were received from our Environmental Program Coordinator, Solid Waste Analyst, and Transportation Planning Manager.

Vicky Ridge-Cooney, Program Coordinator, indicated that the water quality issues were well covered. Elsie Deatherage, Solid Waste Analyst, indicted that the 39th Street crossing is seldom used by the city's solid waste contractor.

Matt Ransom, Transportation Planning Manager, included a letter that I am enclosing. It addresses the city's perspective on the need for keeping 39th Street available for east-west circulation.

53.1 In one of our conversations, you asked what processes and permits would the state be required to obtain to construct any of the proposed alternatives. In general, the answer is a street use permit. However, there are several questions that would need to be answered prior to approving such a permit. My suggestion is that the state request a preapplication conference with City Staff once the project is narrowed to the selected alternative.

Should you have any questions please call me at (360) 735-8873, extension 8314.

JON WAGNER, SENIOR PLANNER
Planning Review Team
Development Review Services.

enclosures

Comment 54

Transportation Services
601 W Evergreen Blvd
P.O. Box 1995
Vancouver, WA 98668-1995

CITY OF VANCOUVER WASHINGTON

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March 27, 2002

Elizabeth Phinney
Environmental Coordinator
310 Maple Park Avenue Se
Olympia, WA 98504-7387

RE: Vancouver Rail Project – DEIS

Dear Ms Phinney

Thank you for the opportunity to comment on the DEIS that was issued for the Vancouver Rail Project in February 2002. I would like to express my appreciation for the diligence your office has put forth in this effort. Upon review of the DEIS, it is clear that you have made every attempt to identify and assess the myriad of issues that are likely to arise from such a complicated project. You have attempted to articulate your findings with fairness and your assessment is thoughtful and responsive to the many local concerns that were presented by the project working committee through your community team process.

Position Statement
I would like to express unequivocally that preservation of vehicular access through the 39th Street corridor where is intersects the BNSF railyard is of up most importance to the community. I gather that you have documented similar support from direct and indirect stakeholders in this process, including the City Council and the Planning Commission. For purposes of brief qualification, I find that vehicular across the railyard is of critical import for the following reasons (of which this list is not wholly inclusive):

54.1

1) the roadway is classified as a minor arterial roadway and elimination of through access would constitute a degradation of transportation system network integrity and would constitute a change in the Transportation element of the Comprehensive Plan;
2) 39th Street is a direct access point to an NHS facility, and as such, degradation of the through access function of 39th St would constitute a net decrease in the functional volumes entering and exiting the freeway system and jeopardizes the freeway access point in relation to its intended role. The resulting subordination of the role of the access point could compromise that access point if placed under review as part of a separate action. This would constitute a potentially adverse and indirect effect of the proposed action if the access point were ultimately jeopardized as a result of a closure of the through access of 39th St.;
3) reliable through access on 39th Street would measurably enhance emergency vehicle access and response times, and any direct benefits related to lives saved as function of response times savings needs to be incorporated into the benefit/cost analysis; and,
4) most importantly, the City's GMA Comprehensive Plan is predicated upon through access to the Fruit Valley neighborhood and its industrial/Port environs via 39th Street, and elimination of that accessway in some part jeopardizes build-out of the adopted Comprehensive Land Use Plan.

Additional Comments
In addition to the previous position statement, I would like to submit the following comments for

I:\Transportation Planning\Projects\Vancouver RAil Project DEIS comments.dot

Response 54

54.1 Noted.

Response 54

54.2 As you mentioned in your letter dated March 27, 2002, its true that induced travel demand, or latent demand, is a complicated and difficult-to-quantify concept.

Latent demand is the belief that there is **new** demand, above and beyond predicted changed demand, for a facility because the new users of the facility choose not use the existing facility for some reason. In the case of a road, drivers may choose to use a different mode of travel, or choose to make the vehicle trip at another time of day or not at all, rather than traveling at their desired time, until there is a change on the roadway that would make them change their existing driving habits. In most cases this choice is made because the option to travel by car during the desired time is somehow undesirable – e.g. congestion, construction, or the two scenarios mentioned in the comment, unpredictable travel time and indirect path. *Continued on next page.*

Comment 54 — Continued

Letter to: Elizabeth Phinney
From: Matt H. Ransom
Date: March 27, 2002
RE: Vancouver Rail Project DEIS
Page: - 2 -

your consideration as part of the DEIS review and your final evaluation phase.

In general, I concur with the findings of your transportation evaluation and traffic impact study. The findings were generally verified by myself and other technical staff within my supervision. We found that they generally reflect the existing and forecast future transportation system and traffic conditions resulting from the scenarios analyzed. However, they reflect these results accurately only within the limited ability of the tools which are available and commonly used for this type of analysis. In particular, the tools are effective for evaluation signalized and un-signalized intersection LOS as well as corridor LOS, and to a lesser extent the travel demand model, which I support, is able to accurately predict future travel patterns based on system networks. In light of my concurrence with the general transportation analysis, I submit that the evaluations submitted do not sufficiently address the potential issues of induced travel demand onto 39th Street.

To that issue, I direct the following comments:

5) Induced travel demand is an issue of increasing interest within the discipline of transportation analysis. Within the context of the 39th St DEIS, this is a critically important issue to fully understand and assess. While few, if any tools, are readily available to quantify this potential impact, the literature and field research would suggest that the 39th St conditions and proposed actions contains key characteristics which are found to contribute to induced travel demand. The characteristics found in the 39th St situation include: travel time uncertainty and shortest path travel.

In both cases, elimination of the railyard barrier (building a 39th St overcrossing) would contribute to an enhancement in travel time certainty and establish a more direct travel path. Both outcomes would contribute to a net increase in traffic volumes traveling both east and west on 39th St. The resulting net decrease in travel times, would result in positive net benefits to society in regards to energy and noise, in addition to being functionally supportive of buildout of the Comprehensive Plan.

54.2 The DEIS needs to investigate the issue of induced travel demand and where possible quantify the impacts of the induced travel which is likely to result from the Vehicular Overpass option.

6) Induced travel demand on 39th St would result in the need for additional mitigations for traffic conditions on 39th St, and positive effects may occur on parallel facilities if significant volumes of traffic were to shift their travel patterns due to the travel characteristics described above. In contemplation of the issues that would need to be investigated and potentially mitigated, I offer the following listing of issues that have been developed by the City's transportation department:

a) Lincoln is planned to extend northward from Fourth Plain Blvd to 39th St. Traffic control at this intersection would need to be evaluated in relation to both contemplated outcomes;
b) 39th St has a history of speeding and fixed object accidents (primarily related to parked cars). Safety conditions in relation to these factors would need to be mitigated where appropriate;
c) Cross street approaches at numerous intersections are deficient in terms of sight distance. Improvements are needed at several intersections under base conditions, and additional intersections may need further review and mitigation;

Comment 54 — Continued

54.2 - Continued Travel forecasting models are used to predict a change in traffic patterns given a change in the roadway network. However, in most cases, travel models hold the number of vehicles in the system over a given time period constant. As a result, latent demand is not quantified by the travel model, assuming that latent demand exists.

There are some indicators that latent demand exists. Increasing traffic volumes outside the peak hours, and increasing demand for transit are indicators that if there were a change in the roadway system, additional traffic could be generated.

In the case of W 39th Street, the 2020 traffic forecasts provided in the David Evans and Associates study, in the vicinity of the rail crossing are well below capacity. Even if W 39th Street were grade-separated at the railroad, traffic volumes only increase from 335 vehicles per hour (vph) to 480 vph, assuming no latent demand exists. With volumes this low, it is unlikely that a significant amount of latent demand exists. In addition, whether W 39th Street remains at-grade or is grade-separated, there is no change in the distance traveled on W 39th Street, so the shortest path characteristic would not support the existence of latent demand.

The W 39th Street corridor does become more congested in the vicinity of Main Street and I-5. These volumes indicate that latent demand could exist in this area; however, the demand would not likely be related to the grade-separation at the railroad because of the low increase in traffic demand generated in that area. The latent demand would be generated by the land uses in the vicinity of the Main Street and I-5, which would not be impacted by the W 39th Street crossing at the railroad.

Response 54 **Comment 54— Continued**

Letter to: Elizabeth Phinney
From: Matt H. Ransom
Date: March 27, 2002
RE: Vancouver Rail Project DEIS
Page: - 3 -

d) The intersection of Main St at 39th St is failing in the AM and PM peak hour. Improvements are planned for that intersection, and additional improvements may be necessary and needs further review;
e) The existing cross section on 39th St allows for two travel lanes (one in each direction) with on-street parking allowed on both sides except at intersection approaches. Additional assessment of the needed transportation capacity may be warranted and a review of access management provisions may also be a consideration as volumes increase. Additionally, traffic control improvements may be warranted at key cross streets; Lincoln, Kauffman, and Columbia.
f) An urban arterial upgrade is funded on Fruit Valley Road between 39th St and Whitney Rd. However, the primary constraint, the existing bridge over crossing of the BNSF tracks on Fruit Valley, will remain in all proposed scenarios. This existing and future constraint will limit the future capability of that facility to handle maximum planned traffic volumes; and,
g) The City is considering options to experiment with a reconfiguration of Fourth Plain Boulevard lane configurations, which may include a reduction of travel lanes. The implication of that decision could result in additional travel demand being placed on 39th St. which would require additional review.

In summary, I feel that the analysis completed for the Vancouver Rail Project DEIS has gone a long way towards providing the necessary background analysis and documentation that is needed to make such an important transportation, economic and community based decision. I urge you to consider the comments listed above in your final analysis.

Please contact me directly if you have questions related to my comments 360-696-8290 x8412.

Sincerely

Matt H. Ransom, AICP
Transportation Planning Manager

Comment 55

Wagner, Jon

From: Deatherage, Elsie
Sent: Wednesday, March 27, 2002 11:13 AM
To: Wagner, Jon
Subject: 39th Street Closure

55.1 I've spoken with the operations managers of Waste Connections and Waste Management, and neither had objections to the closing of the West 39th Street at-grade rail crossing. Both stated that their drivers rarely use this crossing because of the likelihood of delays due to passing trains.
Elise Deatherage
Solid Waste Services

Response 55

55.1 Noted.

Response 56

56.1 Noted.

Comment 56

Wagner, Jon

From: McConaghy, Rich
Sent: Friday, February 15, 2002 4:42 PM
To: Wagner, Jon
Subject: FW: WCI & WMV comments on 39th St. at-Grade Crossing

Jon –

56.1 It sounds like you're the contact on this project. Elsie let the garbage, recycling, and yard debris service providers (Waste Management and Waste Connections) know about the potential closure of the 39th street crossing and they weren't concerned. It sounds like they don't use the crossing much because they could potentially get stopped having to wait for a train.

Thanks for the opportunity to comment.

Rich McConaghy
Solid Waste Manager
735-8827

-----Original Message-----
From: Deatherage, Elsie
Sent: Friday, February 15, 2002 1:19 PM
To: McConaghy, Rich
Subject: WCI & WMV comments on 39th St. at-Grade Crossing

Both Jonathan Sologar and Pete Pettit said they rarely use the 39th Street rail crossing because it is so often blocked by trains, so it would not affect them if the crossing were closed.
Elsie

Comment 57

Wagner, Jon

From: Ridge-Cooney, Vicky
Sent: Wednesday, March 20, 2002 10:51 AM
To: Wagner, Jon
Cc: Babar, Azam
Subject: Vancouver Rail Project EIS

57.1 I reviewed the draft EIS including the technical and the technical reports re to water quality, environment and fish. I think the EIS does a good job and I have no comments.

Vicky Ridge-Cooney
(360) 696-8981
P.O. Box 1995
Vancouver WA 98668
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Response 57

57.1 Noted.

Response 58

58.1 County reviews, as presented in the DEIS, were updated to reflect your input.

58.2 Noted.

Comment 58

CLARK COUNTY
WASHINGTON

DEPARTMENT OF
COMMUNITY DEVELOPMENT

March 8, 2002

Elizabeth Phinney
Environmental Coordinator
WSDOT Rail Office
PO Box 47387
Olympia, WA 98504-7387

RE: Comments on the DEIS for the Vancouver Rail Project.

Ms. Phinney,

Upon review of the DEIS dated February 2002, the Development Services Division of the Clark County Community Development Department has the following comments.

The DEIS provides an excellent description and appears to provide some detailed environmental information, however, it fails to recognize County regulations and permits that will be required for any work done in unincorporated Clark County.

55.1 Specifically, all improvements may (or may not), be subject to County reviews including, but not limited to, Shoreline, Habitat, Wetland, Grading, Forest Practice, Floodplain Determination, and Stormwater.

55.2 Clark County strongly encourages the DOT to utilize the Pre-Application Conference process during the early planning phases for the project. If you have any questions please feel free to call me at (360) 397-2375 x4180.

Respectfully

Travis Goddard
Rural Team Leader
Clark County Department of Community Development

Comment 59 — 2 pages

State of Washington
DEPARTMENT OF FISH AND WILDLIFE
Region 5 Office: 2108 Southeast Grand Boulevard - Vancouver, Washington 98661 - (360) 696-6211

March 7, 2002

RECEIVED
MAR 1 1 2002
WSDOT RAIL OFFI

Elizabeth Phinney
Environmental Coordinator
Washington State Department of Transportation
310 Maple Park Avenue SE
Olympia, Washington 98504-7387

SUBJECT: SEPA/NEPA Draft Environmental Impact Statement (DEIS) for the Vancouver Rail Project, WRIA 28, T02N, R01E, WMM, Clark County

Dear Ms. Phinney:

We have reviewed this proposal, and offer the following comments for your consideration:

Wetland Impacts

59.1 If this additional rail line is extended to the area north of Burnt Bridge Creek, it will require widening of the existing fill at that stream crossing, and will result in loss of wetland habitat. As noted in the DEIS, there are other wetland areas along the potential route of the new rail line. Several small stream drainages will also be affected, depending on the amount that the existing railroad grade needs to be widened. Work in these areas, and in any other waters of the state, will require a Hydraulic Project Approval (HPA) from the Department of Fish and Wildlife (WDFW).

We will require replacement of the functions and values of any affected wetlands that fall under our jurisdiction. This may require replacing the wetlands at ratio that would exceed their original size by a multiplier factor greater than 2:1. The replacement ratio may be governed in part by the Vancouver Critical Areas Ordinance in effect at the time, and by federal regulations.

Unstable Slopes and Siltation

Routing the new rail line east of the existing rail line may require cutting and filling of existing slopes and areas along the tracks. The DEIS suggests that at least one of these sections may be unstable, or may become unstable if cutting or grading occurs. These slopes may also be subject

Response 59

59.1 Noted.

Response 59 **Comment 59 — Continued**

Elizabeth Phinney
March 7, 2002
Page 2

to erosion if vegetation is removed or altered. Erosion and siltation may result if these cut and fill areas are not carefully managed and monitored, and this could adversely affect fish and amphibian populations in nearby streams. We recommend a detailed drainage and erosion control plan that addresses these issues. Affected areas should be replanted with suitable native vegetation wherever possible.

Thank you for the opportunity to review this proposal. Please call me at (360) 906-6729 if you have any questions.

Sincerely,

Carl Dugger
Assistant Regional Habitat Program Manager

cc: Steve Manlow
Cynthia Pratt

Comment 60

STATE OF WASHINGTON
OFFICE OF COMMUNITY DEVELOPMENT
OFFICE OF ARCHAEOLOGY & HISTORIC PRESERVATION
1063 S. Capitol Way, Suite 106 • Olympia, Washington 98501
(Mailing Address) PO BOX 48343 • Olympia, Washington 98504-8343
Phone (360) 586-3065 • FAX (360) 586-3067

March 26, 2002

Ms. Elizabeth Phinney
Washington State Department of Transportation
310 Maple Park Avenue, S.E.
Olympia, Washington 98504-7387

In future correspondence please refer to:
Log: 121801-22-FHWA
Re: Vancouver Rail Yard Upgrade Project

Dear Ms. Phinney:

Thank you for providing the Washington State Office of Archaeology and Historic Preservation (OAHP) a copy of the NEPA/SEPA Draft Environmental Impact Statement (DEIS) regarding the above referenced action. As you may be aware, OAHP has determined that the house at 6801 Whitney Road and the residence known as the Packard House, are eligible for listing in the National Register of Historic Places. Also, this ongoing consultation is in compliance with Section 106 of the National Historic Preservation Act (as amended), and its implementing regulations as found in 36 CFR 800.4.

60.1 On behalf of the State Historic Preservation Officer (SHPO) I have reviewed the DEIS to assess impacts to cultural resources (historic, archaeological, and traditional cultural places) in the Area of Potential Effect (APE). In general, I concur with the recommendations contained in the report. However, still unresolved at this point is the effect of the proposed action on 6801 Whitney Road. From the DEIS I understand that an access road will be improved close to this house. The impact of this road improvement on the setting, landscaping, and other historic elements of the property are unclear as are questions about increased vibration and noise. Additional information about the project as it relates to this property would be useful to answer these questions and arrive at a determination of effect on the National Register eligibility status of the residence.

Thank you for this opportunity to review the DEIS and respond with the above comments. Should you have any questions, please feel free to contact me at 360-586-3073 or gregg@cted.wa.gov.

Sincerely,

Gregory Griffith
Deputy State Historic Preservation Officer

GAG

Response 60

60.1 A Cultural Resource Addendum was prepared and submitted to your office. Based upon the "adverse effect" finding for the house at 6901 NW 69th Circle (formerly 6801 NW Whitney Road), WSDOT, the SHPO, and FHWA have entered into an MOA.

Response 61

61.1 Noted.

Comment 61

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MAR 27 2002
WSDOT RAIL OFFICE

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

March 26, 2002

Ms. Elizabeth Phinney
Environmental Coordinator
WSDOT Rail Office
PO Box 47387
Olympia WA 98504-7387

Dear Ms. Phinney:

Thank you for the opportunity to comment on the draft environmental impact statement (EIS) for the Vancouver Rail Project. We have reviewed the draft EIS and have the following comments.

61.1 If contamination is currently known or observed during construction, sampling of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily visible, or is revealed by sampling, the Department of Ecology must be notified within 24 hours by the owner and within 72 hours by the service providing supervisor. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300.

For questions regarding these comments or for assistance and information about subsequent cleanup and to identify the type of testing that will be required, please contact Mr. Bob Warren with Ecology's Toxic Cleanup Program at the Southwest Regional Office at (360) 407-6361.

Sincerely,

Rebecca J. Inman
Environmental Coordination Section

EIS #020511

cc: Opal Smitherman, SWRO
Bob Warren, SWRO

Comment 62 — 6 pages **Response 62**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

RECEIVED
APR 19 2002
WSDOT RAIL OFFICE

April 16, 2002

Reply To
Attn Of: ECO-088

Ref: 00-034-DOT

Gary Hughes
Program Delivery Team Leader
Federal Highway Administration
711 S. Capitol Way
Suite 501
Olympia, WA 98501

Dear Ms. Phinney:

We have completed our review of the Draft Environmental Impact Statement (DEIS) for the proposed **Vancouver Rail Project** (CEQ No. 020048) in accordance with our responsibilities under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act (NEPA) as amended. Persuant to Section 309, EPA is required to review and comment in writing on the environmental impacts associated with all major federal actions. Our review of the DEIS prepared for the proposed Vancouver Rail Project has considered not only the expected environmental impacts of the project, but also the adequacy of the DEIS in meeting the public disclosure requirements of NEPA. The objective of the environmental review process is to foster the goals of the NEPA process and promote full disclosure considerations.

WSDOT is proposing to construct a rail bypass around the Burlington Northern and Santa Fe Railway Company's Vancouver Rail Yard in Vancouver, Washington. The project is located within southwestern Clark County within the City of Vancouver, just east of Vancouver Lake.

Based on our review, we have assigned the Draft EIS a rating of "Environmental Concerns–Insufficient Information (EC-2)." EPA's main concerns are that the DEIS does not provide full disclosure of the immediate environmental conditions, potential impacts to wetland buffers, and potential indirect and cumulative impacts. In addition, we do not believe that the DEIS provides sufficient discussion on project alternatives. These concerns are discussed in our enclosed detailed comments. Our rating, along with a summary of our comments, will be published in the Federal Register.

Thank you for the opportunity to comment on the Vancouver Rail Project. I encourage you to contact Tom Connor (206-553-4423) at your earliest convenience to discuss our comments, how they might best be addressed, and if we can provide any assistance.

Sincerely,

for

Judith Leckrone Lee, Unit Manager
Geographic Implementation Unit

Enclosure

cc Elizabeth Phinney (WSDOT)

Response 62

62.1 Washington State and the Burlington Northern and Santa Fe Railway Company have no direct control over how the Coast Guard coordinates the operation of these bridges. The Coast Guard adheres to the rule that ocean-going vessels have priority, and have not indicated a willingness to enter into any type of agreement.

62.2 Extensive public outreach and meetings with City of Vancouver staff indicated that a vehicular overpass at West 39th Street would not have a significant impact (positive or negative) on recreational and trail facilities in the study area. We believe that the analysis presented in this document reflects this input.

Comment 62 — Continued

VANCOUVER RAIL PROJECT
EPA'S COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

On Purpose and Need Statement

62.1 **The FEIS should discuss further how the proposed project will provide a reliable passenger rail service to points south of the project due to the frequency and timing of bridge openings within the Portland/Vancouver area.**

Exhibit 2-2 (page 2-4) illustrates that three draw bridges within the area have numerous weekly, even daily, openings and that "it is virtually impossible to know in advance if the bridge will be open" to allow timely river crossing of either the Columbia or Willamette Rivers. The FEIS should discuss the interagency coordination efforts (i.e., with the Coast Guard) and agreements that would be necessary to assure greater reliability of passenger rail service.

ON PROPOSED ALTERNATIVES:

62.2 **Regarding the two Build Alternatives (Alternatives B and I), the FEIS should describe and discuss potential impacts as a result of implementing Option 1.**

Option 1 includes the reconstruction of the current configuration of the West 39th Street within the project area. Currently, West 39th Street is an at-grade crossing of the rail tracks and yard area. EPA supports a vehicle overpass of West 39th Street as a credible means to improve safety and improve accessibility within the project area. In addition, EPA supports the reconstruction of the West 39th Street overpass with an added bicycle lane and sidewalk on both sides of the roadway since these transportation efforts strongly encourages multi-modal designs into proposed project alternatives.

A) Due to improved safety and accessibility with the reconstruction of the at-grade street, the FEIS should disclose estimated direct and indirect impacts to the community and the environment in relationship to the proposed bridge.

1) Page 4-50 states that "very few pedestrians and bicyclists use West 39th Street to access recreational facilities and trails" based on a study performed during the summer of 2000. This study is based on pedestrian and bicyclist usage of an at-grade crossing during the summer time. The FEIS should investigate and discuss further potential impacts to recreational facilities and trails if a West 39th Street overpass is constructed within the project area.

2) Exhibits 4-28 and 4-29 (derived from Census information) identify a low income and minority population (community) within the project area, located immediately to the west of the rail line. If a West 39th Street overpass is constructed, what are potential environmental justice impacts related to this community due to improved accessibility within the project area? What outreach

We believe that the positive impacts of increased safety and accessibility is addressed throughout the Social Elements section in Chapter 5 of this document. The section entitled "Agency and Public Outreach" in this document discusses in detail our public outreach efforts, including outreach to the Fruit Valley neighborhood. In addition, throughout the document, reference is made to community concerns and the Community Resource Team's input. Community preferences are also expressed throughout the public comments presented in this document. It is based on these public comments that WSDOT has selected Alternative I, Option 1 (Westerly Bypass, Vehicular Overpass) as the preferred alternative.

has been conducted to this community? What are their concerns and how have their concerns been addressed? These issues should be analyzed in the FEIS.

62.3 ON PROJECT REVIEW FOR PRESENCE OF PRIME AGRICULTURAL LANDS:
The FEIS should evaluate and discuss if any prime agricultural lands are present within the planning area, and if they are, what are the expected impacts associated with the proposed project?

A) It is EPA's policy (Policy to Protect Environmentally Significant Agricultural Lands) to consider the protection of the Nation's significant/important agricultural lands from conversion to uses that result in its loss as an environmental or essential food production resource. In addition, the federal Farmland Protection Policy Act (7 U.S.C. 4201 *et seq.*) requires federal agencies to use criteria developed by the Natural Resource Conservation Service for agricultural land evaluation and site assessment. These federal policies, in association with US Department of Agriculture's implementing procedures, require federal agencies to evaluate adverse effects (direct and indirect) of their actions on prime agricultural lands. If prime, unique, or environmentally significant agricultural lands are identified, impacts must be disclosed and alternatives should be developed to avoid and/or minimize impacts.

B) There is a discrepancy between Exhibits 4-1 and 4-20. This is confusing and should be corrected. Exhibit 4-1 (General Features: Vancouver Rail Project Study Area) illustrates that diverse land uses are present within the project area. One of the general land uses identified are "Agricultural Uses." Yet within the Land Use section of the DEIS, no agricultural uses are identified. Exhibit 4-20 illustrates almost all of the land use immediately to the west of the rail line is identified as Light Industrial use.

62.4 ON AQUATIC RESOURCES AND FISHERIES
The FEIS should disclose whether the eight foot box culvert underneath the railroad grade (1) allows Burnt Bridge Creek to function adequately for all Endangered Species Act (ESA) species that utilize and are supported by this aquatic system and (2) negatively impacts the wetlands associated with the rail line (e.g., wetland E3) and along the lower reaches of Burnt Bridge Creek just east of the rail line.

A) EPA has a variety of related concerns regarding the culvert and Burnt Bridge Creek system dynamics which provide habitat for listed and candidate ESA species. At this time, the two ESA species supported by waters within the project area are the threatened lower Columbia River steelhead Evolutionary Significant Unit (ESU) and the candidate species, the Lower Columbia/Southwestern Washington coho ESU.

1) EPA strongly recommends that the FEIS include information derived from a hydrologic assessment of the culvert. The FEIS should include any clarifying information from state (Washington Department of Fish and Wildlife) and federal

62.3 There are no prime agricultural lands present in the study area. A statement has been added to the Land Use section in Chapter 4 stating this. Corrections will be made to the corresponding exhibits.

62.4 Project biologists contacted Carl Dugger, the Washington Department of Fish and Wildlife (WDFW) Area Habitat Biologist, to discuss fish passage at the culvert and any agency concerns or perspectives on the Burnt Bridge Creek culvert. Mr. Dugger indicated that the culvert does not represent a passage barrier to fish, but that passage is temporarily interrupted during low tide.

The culvert is subject to tidal currents and may be impassable at low tide during low flow periods, but would again be passable at high tide later in the same day.The WDFW does not consider this to be a passage barrier to fish, and fish do pass through the culvert. The culvert also does not represent a passage barrier at high flows because it is tidally influenced.

High flows within Burnt Bridge Creek are mitigated by tidewater (and perhaps backwater flooding from the Columbia River) during high flow periods. The project team will clarify and expand language in the FEIS relating to the Burnt Bridge Creek culvert to illustrate these points.

The vegetation and habitat conditions present in Wetland E-3 are not expected to be significantly affected by the condition or configuration of the Burnt Bridge Creek culvert. Being tidally influenced, these areas experience fluctuating water levels. Water levels may also change because of debris jams or beaver activity within Burnt Bridge Creek, but this is not necessarily a function of the culvert's present configuration or design. The project team will add this discussion to the FEIS to address your concerns about Wetland E-3.

agencies (National Marine Fisheries Service and US Fish and Wildlife Service) regarding the functionality of the boxed culvert related to the endangered, threatened, or candidate species.

2) The FEIS should disclose if stored stormwater could be disrupting or preventing salmonid access during inundation events. In support of listed species, as expressed in Section 2 of the Endangered Species Act, "it is the purpose of the Act [and thereby the responsibility of federal agencies] to provide a means whereby ecosystems upon which endangered and threatened species depend may be conserved."

EPA is concerned that strong inundations within wetland E3 located just upstream of the boxed culvert could result in high volumes of stored stormwater. As stated in the DEIS, wetland E3 is experiencing excessive hydroperiod fluctuations that could be damaging both to this wetland habitat and to associated upstream salmonid habitat (area labeled "water" in Appendix B). Page 4-27 states this "wetland is subjected to maximum inundation of six to seven feet." These detained stormwaters that raise appreciably the surface waters could be developing a "head" against the culvert, affecting stream discharges to Vancouver Lake. As stated in the DEIS, the culvert was designed to "hold the 100-year flood" event (page 4-13). The FEIS should disclose if the culvert is properly designed so as not to negatively impact salmon access and/or migration. A culvert must do more than just convey stormwater discharges, especially for a system that supports ESA species. We recommend that the project proponents evaluate the functionality of the culvert. If it is undersized for accommodating storm events or impedes accessibility for salmonids, this is a good opportunity to retrofit the facility.

3) The FEIS should disclose if the boxed culvert beneath the railroad grade was designed for a watershed that contains a significant amount of impervious surfaces. If growth continues within the watershed, is the culvert properly designed for future land use changes and associated runoff? The DEIS states that "40% of the watershed is covered with impervious surfaces" (page 4-13). Current research (*Forest Cover, Impervious-Surface Area, and the Mitigation of Urbanization Impacts in King County, Washington*, Booth, 2000) states that watershed hydrologic impairment is exceeded above 10%. A watershed impacted by high levels of impervious surfaces will be subjected to frequently occurring and high volumetric peak flow events that could affect a poorly designed culvert, especially as the watershed continues to experience growth.

62.5 The information presented in the DEIS was incorrect. It has now been corrected.

B) Regarding wetlands:

62.6 1) **The FEIS should discuss the extent of proposed mitigation for impacts to wetland buffers.**

Exhibit 5-15 (page 5-25) illustrates that 1.44 acres of wetland buffers in the project area will be impacted. The DEIS states that "wetland buffer impacts should be minimized" and identifies the size of wetland buffer impacts in square feet. Yet, the potential linear extent of these proposed impacts are significant (pages 5-23 to 5-25). For example, 1,600 square feet (or 0.04 acres) would be filled within wetland E3 (page 5-23) and 55,000 square feet (or 1.3 acres) would be filled within wetland W1 (page 5-24). We support minimizing impacts to wetland buffers which are important for maintaining wetland function. Consequently, we recommend that the FEIS include the wetland mitigation plan that will be used to compensate for these impacts.

62.7 2) **Clarify information contained in Appendix B.**

a.) A legend is needed to explain elements on the maps. At present, the maps in the appendix are confusing to review and understand. For example, the area labeled "C", "Y", or "M" are not defined.

b.) While wetland buffers are identified by arrows, it would be more clear to illustrate (map) the spacial extent of wetland buffers. We recommend that the spacial extent of buffers be graphically presented in the FEIS.

ON INDIRECT AND CUMULATIVE EFFECTS

62.8 **The FEIS should disclose the potential impacts of other proposed rail projects near or directly associated with the proposed project site, especially the Portland/Vancouver I-5 Partnership and the Kelso Martin's Bluff Projects.**

As stated in the DEIS (page xi), "Washington State is incrementally upgrading its Amtrak *Cascades* intercity passenger rail service along the Pacific Northwest Rail Corridor in Western Washington." This rail corridor stretches from Eugene, Oregon northward across the U.S. border to Vancouver, British Columbia. At present, there are other proposed upgrading projects, such as the Portland/Vancouver I-5 Partnership and the Kelso Martin's Bluff Projects, which would benefit increased rail capacity, especially for passenger rail.

The Vancouver Rail Project is within the proposed project site of the I-5 Partnership Project which is actively engaged in a planning process. This bi-state transportation and trade partnership effort extends between the cities of Portland and Vancouver. To reduce

62.6 The DEIS calculated impacts to buffers and identified these impacts. For the FEIS, buffer calculations were removed. This action was taken because these buffers are located on railroad embankments. The railroad has informed the project team that these existing embankments are regularly maintained and that vegetation removal takes place along these embankments periodically. As such, the discussion about wetland buffers was incorrect.

62.7 A legend is provided on sheet 1 of 12. It is only provided on this page because the other sheets in this series of maps contain a large amount of information and the presence of a legend would obscure the maps. Sheets 1 and 2 have been corrected to show the wetland buffer areas.

62.8
The Kelso-Martin's Bluff Rail Project (KMB) is located approximately twenty miles north of the Vancouver Rail Project. The KMB project has been ruled by the FHWA as having independent utility and therefore not connected to the purpose and need of this project. The Vancouver Rail Project would be implemented regardless of the outcome of the KMB project.

The EIS team has been monitoring the progress of the I-5 partnership task force and have concluded that their rail recommendations have no bearing on the Vancouver Rail Project. This statement has been added to Chapter 6 "Indirect and Cumulative Effects Analysis" of this document.

problems of congestion and promote future trade, major elements of this project are freight and passenger rail improvement options. We recommend that the DEIS evaluate how the I-5 Partnership Project might affect the Vancouver Rail Project.

The proposed Kelso-Martin's Bluff Rail Project stretches for 18-miles along an existing BNSF two- track main line between the city of Kelso, Washington, located approximately three miles north of the city of Woodland, Washington. The southern portions of this upgrading project is just 23 miles north of the City of Vancouver. We recommend that the DEIS evaluate how the Kelso-Martin's Bluff Rail Project might affect the Vancouver Rail Project.

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Appendix H

Public Hearing Transcript

Final Environmental Impact Statement

Vancouver Rail Project

Appendix H Public Hearing

Section 1 Public Hearing Attendees, H-3

Section 2 Public Hearing Transcript, H-5

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Public Hearing Attendees

The following individuals attended the Vancouver Rail Project Public Hearing, which was held on March 6, 2002 at Hudson's Bay High School located in Vancouver, Washington.

Ralph W. Blasing	Vancouver, Washington
Roma Blasing	Vancouver, Washington
Stephen J. Boothby	Vancouver, Washington
Jeff Broderick	Vancouver, Washington
David Brown	Vancouver, Washington
Van Cahill	Vancouver, Washington
Ryan Campbell	Vancouver, Washington
Byron Canney	Vancouver, Washington
Tom Conner	U.S. Environmental Protection Agency
Gerry (Mike) Cooper	Vancouver, Washington
Larry Ewing	Vancouver, Washington
Ilene Ferrell	Vancouver, Washington
Eric Gilman	Vancouver, Washington
Suzanne Gilman	Vancouver, Washington
Travis Goddard	Vancouver, Washington
Cathy Golik	Vancouver, Washington
Tony Golik	Vancouver, Washington
Mary Keltz	Vancouver, Washington
Kate Ketchum	Vancouver, Washington
Tom Knappenberger	Vancouver, Washington
James Lanz	Vancouver, Washington
Margaret McCluskey	Vancouver, Washington
Terry McClure	Vancouver, Washington
Robert E. Murphy	Vancouver, Washington
Darryl Northrop	Vancouver, Washington
Ed Pickering	SW Region, Washington State Department of Transportation
Thomas Ry	The Columbian
Arthur Sutherland	Vancouver, Washington

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Public Hearing Transcript

Most of the testimony presented in this section did not require a response. However, in the few cases where responses were deemed appropriate, it was determined that these comments were also submitted by the same individuals (or others) via written comments. Therefore, these particular comments are addressed in conjunction with similar written comment presented in **Appendix G**.

1

WASHINGTON STATE

DEPARTMENT OF TRANSPORTATION

VANCOUVER RAIL PROJECT

PUBLIC COMMENTS

* * *

Meeting of March 6, 2002

Hudson's Bay High School Commons

1206 East Reserve Street

Vancouver, Washington

Marijane Simon, CSR, RDR Court Reporter

1 OFFICIAL APPEARANCES (Alphabetical Order):
2
3 Frederickson, Kirk
4 Gren, Theresa
5 Jeffers, Kevin
6 King, Vicki
7 Phinney, Elizabeth
8 Posner, Finn
9
10 INDEX of CITIZEN COMMENTS
11 (Alphabetical Order)

	Page No.
Blasing, Roma	7
Boothby, Stephen	15
Cahill, Van	6
Campbell, Ryan	14
Coppedge, Mike	4
Ewing, Larry	3
Ferrell, Ilene	18
Howard, Dave	12
Lanz, James	5
Murphy, Robert	3
Northrop, Darrell	3
Sutherland, Art	16

25

1 VANCOUVER, WASHINGTON; WEDNESDAY, MARCH 6, 2002
2 4:00 p.m.
3 * * *
4 LARRY EWING, 3211 Xavier, Vancouver
5 ROBERT MURPHY, 3117 Xavier, Vancouver
6 DARRELL NORTHROP, 3203 Xavier, Vancouver
7 BY MR. NORTHROP:
8 We're here and have been here through this
9 whole procedure from the beginning, through all the
10 meetings or a good portion of the meetings, and we
11 have read the latest article in The Columbian, and
12 reading between the lines, we feel that they're
13 leaning more towards closure than anything else.
14 We're quite concerned with this, because we do feel
15 the street does need to be open now with an
16 overpass, more important now than ever,
17 Because of the possible terrorists bombing
18 Coolee Dam and flooding this lower area, our only
19 option's going to be heading towards the flood or
20 go up 39th and hit the high ground.39th is the most
21 likely option in our minds, and we are definitely
22 opposed to any closure of that street.
23 BY MR. EWING:
24 And it's just the right thing to do.
25

1 MIKE COPPEDGE
2 7209 Northeast 83rd Avenue, Vancouver, 98662
3 BY MR. COPPEDGE:
4 I'm the owner-builder of Columbia Crest
5 Subdivision, a 96-lot project adjacent on the east
6 side of the proposed project.
7 I'm representing, probably, by the time this
8 project gets done, if it ever does, and it will
9 be -- I'll be done, get out of there, so I'm kind of
10 representing the homeowners in there and the future
11 homeowners
12 We're two-thirds built out currently. And
13 I've got the list from the current owners in there
14 now, so I'm kind of speaking for them, and I think
15 that we're going to propose that the Westerly
16 Bypass be selected which means that the rails, for
17 some part, are on the west side as much as possible
18 rather than east.
19 And I don't think I have any comment, really,
20 about the overpass. Doesn't matter.
21 That's the neighborhood association.
22
23
24
25

1 JAMES LANZ
2 123 West Thirtieth Street, Vancouver
3 BY MR. LANZ:
4 I'm a member of the Carter Park Neighborhood
5 Association, and I'm opposed to any attempt to close
6 the 39th Street railroad crossing to automobile and
7 emergency vehicle traffic. My preferred alternative
8 is a bridge for vehicle traffic as well as
9 pedestrians and bicyclists.
10 Although I know that it's the most expensive
11 proposition, I think a bridge is critical, for a
12 couple of reasons: to maintain egress from my
13 neighborhood which is Carter Park, and maintain
14 egress and entrance for the Fruit Valley
15 neighborhood.
16 Particularly serious would be a problem that
17 they might have with their new school where they
18 need emergency personnel responding; and if the
19 intersection was closed for vehicles, the only way
20 that vehicles could easily get there, emergency
21 vehicles, is Fourth Plain.
22 It's also very important to me that pedestrian
23 and bicycle traffic be able to get across that
24 crossing.
25 If it's impossible to find the funding for

a bridge for vehicles, then my second choice would at least be for a bridge for pedestrians and bicycles, but I see that as a poor second choice.

And I can see an advantage of having a new bridge, a vehicle bridge, in that it would relieve congestion on other streets and arterials that service my neighborhood. Right now, with trains blocking that intersection, frequently, I think that other streets in my neighborhood take more of the volume of the traffic than they would need to, and so a bridge might help the traffic on other streets in my neighborhood. People would be more willing to take that way to get in and out of my neighborhood if there was a bridge there.

I've been a resident of the Carter Park neighborhood for twelve years.

VAN CAHILL

3306 East McLoughlin, Vancouver 98661

BY MR. CAHILL:

I think personally -- I'm an Amtrak engineer, and I think the 39th Street crossing should be closed because of all the near hits we have down there with our passenger trains and freight trains.

I do not think that a pedestrian overpass is

viable, because I don't think too many people want to walk 200 yards across a railroad yard in the rain.

I think they should always keep an option of possibly putting an overpass for vehicles as an option in the future.

And I do think the railroad bypass that they are proposing is a valid idea for freight and passenger movement.

ROMA BLASING

1901 Northwest 69th Circle, previously Whitney Road

Vancouver

My concerns are, number one, I live in a house that was built -- It's not my house. I'm renting it, but my house was built in 1880. Where they are proposing to put the four tracks in, I'm only 76 feet, as it is, away from the first track. They are planning on putting another track in there as well as a retainer wall.

I have owls. I have -- I've had a grouse in my yard. I've got a deer that comes to my -- On one end, it's all blackberry bushes and apples, and so I have a deer that came there that has eaten there, and I really -- and I've got four -- seven pine

1 trees in front of my house that are over 800 years
2 old that will all be taken out.
3 I live right across the street from -- or right
4 across the tracks from the trailer court. There's a
5 trailer court. I don't know the name of the trailer
6 court. I have a wraparound porch that is on my
7 house that I can sit on a daily basis and watch
8 people walk across those tracks with babies in arms,
9 babies in strollers, bicycles, whatever, to get to
10 the bus, because the bus on Burney is the closest
11 bus for them to get onto. The other bus is clear
12 down at Frito-Lay.
13 I'm really -- it's really scary to me. I mean,
14 I've even seen them crawl over the trains when the
15 trains are at a hold-still, the freight trains when
16 they're stopped. I've seen them crawl over the
17 middle of it with kids to get them to the other
18 side, to get to the bus.
19 My question is: If these retainer walls come
20 in there, to me, it sounds like more of a hindrance
21 and a problem, because I can see them crawling over
22 the fence to do the same thing, over the retainer
23 wall to do the same thing.
24 I'm not happy about losing my trees or my
25 wildlife that I have. I've got crickets. I've got

1 frogs. I mean, there is nothing on either side of
2 my house but field and opened area. I've got field
3 on one side, and then I've got grass on the other
4 side. Then behind me is all bushes and trees and
5 stuff too.
6 I've been there since May of 2001, and I
7 have -- my kids can play. I'm raising my four
8 grandkids. Three of them live with me. The other
9 one lives with their dad, but I -- my grandkids can
10 play. They can be as loud as they want. They can
11 do what they want to, because they've got room to
12 play.
13 With this other track coming in, it's going to
14 take a lot of that away, and I don't know if I'd be
15 able to stay there, not only because of the noise,
16 but because of the cutting off of the area.
17 And I really think it's going to be detrimental
18 to the wildlife that I have as well as the people
19 living in the trailer court with the kids that come
20 across there to get to the bus.
21 One other thing is, I was also told that with
22 four tracks, there's going to be less noise than
23 there is with two tracks. I don't understand how
24 that can happen when there's four trains versus two
25 trains, because they can only have two trains on the

1 track because they've only got two tracks.
2 The road that I live on is 69th Circle which is
3 a road now. When I first moved in there, it wasn't
4 a road. It had no sign or anything on it.
5 I have had -- I have caught people, numerous
6 times, up on the top of my -- on the road, on 69th
7 Circle, engaging in sex.
8 There has been people going down underneath the
9 bridge, the railroad bridge, and doing drugs.
10 There's only one little sign on the top of the hill
11 that says "No Trespassing," but it's not big enough
12 for anybody to see unless you're looking for it.
13 And it's a public road.
14 But by the time I call the police or by the
15 time I call the railroad police, because it's
16 railroad property, they're gone.
17 The reason I bring this up is because, with the
18 walls being there, it's going to be even more
19 secluded than what it is now. That's my feeling,
20 that it's going to be more secluded than it is now,
21 because there's nobody can see them from the other
22 side, because it's blocked off by two retaining
23 walls, is why I brought up that -- the situation of
24 them going down underneath the bridge as well as --
25 And right now we have an access road that goes down

1 in front of us to where the police and/or the
2 railroad police can go up and down it and see what's
3 going on up underneath the bridge; but with a
4 retainer wall, there would be no access road to get
5 up and down there.
6 The safety issue is very real. I've seen it.
7 There's everything from -- I sat there one day and
8 just held my breath, because a little one fell on
9 the tracks as their mother was -- she had one in her
10 arms and one by the hand and carrying them across,
11 and that's four tracks they have to jump over. And
12 that Amtrak, when it's going from -- when it's
13 leaving the yard in Vancouver to go to Seattle, it
14 hits right around 55 to 60 miles an hour right
15 there.
16 And this doesn't even have anything to do with
17 all the vibration and the noise and the dust and
18 everything else I get from the two train tracks that
19 I've got to deal with now. And I know, with four,
20 it's going to be twice as much. I mean, it's only
21 obvious.
22 So I guess that's all I've got to say. I'm
23 really frustrated about this, because I was never --
24 The other thing is, I was never notified of this
25 meeting. My landlord notified me. And I live

there. And from what I understand, it was sent to my house and then sent to the landlord. How it could go from my house to the landlord, I have no idea, because my mailbox is clear up on Lakeshore Drive. It's not even in front of my house.

DAVE HOWARD

1301 West Fortieth Street, Vancouver

(360) 750-5908

BY MR. HOWARD:

I'm the Transportation Coordinator of the Lincoln Neighborhood Association, and I'm offering some preliminary comments on the overall EIS for the rail expansion project in Vancouver.

The first concern I have is that rail traffic is projected to increase in the corridor 270 percent for trains per day and by 100 percent for freight yard operations, switching operations, within the freight yard. This increase is due to economic factors, and it may or may not occur. I recognize that.

But the statement is made throughout the EIS that the facility that is being proposed is not affected by this increase in traffic, that it is outside the scope of the EIS to address it. I say

1 that this is not proper, and I think it leads to
2 some very, very incorrect conclusions.
3 I believe that some portion of the
4 increase is attributable to the westerly rail bypass
5 that is proposed. I do not believe those two tracks
6 are being put in solely for three Amtrak trains a
7 day. It is my understanding that freight train
8 traffic will proceed on those tracks, and I believe
9 that some additional capacity to the rail system is
10 being constructed with this bypass -- or let's
11 see -- with the proposal. Let's put it that way.
12 With the proposal.
13 If that is a given, and I'm not saying
14 that all of the increase is attributable to the rail
15 bypass, but some portion of it, then there is some
16 reasonable expectation that diesel emissions and
17 noise emissions will increase, not, as the EIS
18 states, they'll decrease, but there will be some
19 increase.
20 I think these are very serious issues for
21 those of us that live adjacent to the rail track and
22 the proposed expansion. I think they need to be
23 dealt with.
24 I expect to see in the final EIS some
25 statistical analysis that shows how all of this

1 works, and I've not seen that in the documents that
2 I've been able to review to date.
3 In regards to the issue of alternatives from
4 closing 39th Street or building an overpass or
5 building a pedestrian bicycle facility, the Lincoln
6 Neighborhood Association and other neighborhood
7 associations are considering those alternatives, and
8 we will be developing some comments on those.
9 It's my belief at this time that we will be
10 looking for additional mitigation if an overpass is
11 built -- or if an overpass is not built, be looking
12 for some additional mitigation in the road traffic
13 facilities that will need to be built if these
14 changes are made. And we'll be identifying those in
15 our comments before the final deadline for comments
16 on March 27th.
17 That's probably it for now.
18
19 RYAN CAMPBELL
20 711 West 39th Street, Vancouver, 98660
21 BY MR. CAMPBELL:
22 I'm the Lincoln Neighborhood Chair.
23 My opinion is that the bypass with the overpass
24 is the option I don't want to see happen. I live on
25 39th Street, and prospects of increased traffic,

1 increased truck traffic, and even increased
2 speeding, is a lot of my concern. And to me, that
3 would kind of result in a decreased property value.
4 Probably my second option I'd probably like to
5 see is the bypass, but with the dead end, and I
6 believe that would increase the situation in the
7 neighborhood, help out with keeping the neighborhood
8 as one. Right now, 39th Street kind of divides the
9 neighborhood.
10 The third option, which I don't really know how
11 much of an option it is, is the No Action at all.
12 I wouldn't mind seeing that. I just don't see how
13 that is going to actually work.
14 And that's it.
15
16 STEPHEN BOOTHBY
17 3903 Northwest Olive Street
18 BY MR. BOOTHBY:
19 My decision on the options is: Do nothing.
20 That's my first decision, but I know that progress
21 can't be stopped.
22 So my second decision is, to keep the
23 environmental impact down, the noise down, to go
24 with the Westerly Bypass. The Easterly Bypass is so
25 close to my house and other houses in the

1 neighborhood that I'm sure we're going to have a
2 significant change in noise, pollution, vibration,
3 even ecology -- you know, the effects of that.
4 So I would go with the Westerly Bypass and an
5 overpass for vehicles only, no trucks, the overpass
6 specifically made so no trucks could use it, and
7 signs and all that,
8 And so that's about all I have.
9
10 ART SUTHERLAND
11 6004 Northwest Perthshire Avenue, Vancouver, 98663
12 BY MR. SUTHERLAND:
13 That's my residence. I don't get mail there.
14 My mailing address is Post Office Box 70005,
15 Vancouver, 98665.
16 I'm a resident, you know, of the Northwest
17 neighborhood. I'm concerned with what I see as
18 current vibration and noise in the community.
19 To be real brief on this, I think that it
20 appears to me from reading the EIS document and
21 interpreting the drawings, that there's going to be
22 increased rail yard activity in the rail corridor
23 north of -- I don't know -- north of 45th Street due
24 to the bypass rails being proposed, the two on the
25 east side and the one on the west side.

1 We also own a historic home. It's been
2 determined to be historic-places-eligible. The
3 address of that is 6801 Northwest Whitney Road. It
4 is very near the tracks, probably within 40 feet of
5 the nearest proposed rail.
6 We think we will experience considerable
7 additional vibration and noise as a result of the
8 new operation, the new rails and the operation that
9 they provide. It would appear to me that there will
10 be increased rail, especially freight, activity in
11 that area as a result of the improvements.
12 The new right-of-way as shown in the drawings
13 will have a substantial impact on our residence and
14 our property. The noise and vibration impacts will
15 have a serious effect because of their adjacency.
16 And it would appear that this would contribute to
17 loss of livability and, thus, value.
18 It appears to us that in the drawings, you show
19 a Northern Pacific extension that is stated to be
20 rehabilitated from Milepost -- or in the area of
21 Milepost 132.5 southerly into the middle of the
22 yard.
23 My observation of the drawings is that the
24 Northern Pacific rail does not currently exist north
25 of -- I believe it says, "does not exist north of

1 Station 6939+00." I believe this could be properly
2 determined to be new rail construction as opposed to
3 rehabilitated rail construction. I'm concerned with
4 the direct and indirect impacts that may be
5 attributed to that as being a new rail.
6 There are several retaining walls, specifically
7 Retaining Wall 2 and 3, that are proposed that I'm
8 concerned will deflect noise into the neighboring
9 community that do not currently experience that
10 noise. It also occurs to me that Retaining Wall
11 No. 2 will have a significant effect on Whitney Road
12 and possibly the people who use that as their sole
13 means of access to the property in the lower
14 Vancouver Lake area.
15 I think that's all.
16
17 ILENE FERRELL
18 10716 Northwest 26th Avenue, Vancouver, 98685
19 (360) 571-5676
20 ileneferrel@attbi.com
21 BY MS. FERRELL:
22 I favor Alternative I, Westerly Bypass,
23 Option 1, Overpass. I prefer Alternative I,
24 because it keeps tracks together, farther from
25 homes. We don't need to increase traffic on other

1 roads. Add the bypass. Please make the best
2 long-term decision.
3 Please use union workers to do this work!
4
5 (The proceedings concluded at 8:00 p.m.)
6
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1

2 C E R T I F I C A T E

3

4 STATE OF WASHINGTON)
) ss.
5 COUNTY OF CLARK)

6

7 I, Marijane W. Simon, a Certified
8 Shorthand Reporter for the State of Washington,
9 certify that the above-entitled proceedings occurred
10 at the time and place set forth in the caption
11 hereof; that at said time and place I reported in
12 Stenotype all the comments offered in the foregoing
13 matter; that thereafter my notes were reduced to
14 typewriting under my direction; and the foregoing
15 transcript, pages 1 to 19, both inclusive, contains
16 a full, true and correct record of all such comments
17 offered and of the whole thereof.
18 Witness my hand and CSR stamp at Portland,
19 Oregon, this 8th day of March, 2002.

20

21 _____
MARIJANE W. SIMON, CSR
22 CSR No. SIMONMW525BK

23

24

25

Appendix I

Federal Register Notices

Final Environmental Impact Statement

Vancouver Rail Project

Elwood, A.A.E., Director of Aviation at the following address: Pueblo Memorial Airport, 31201 Bryan Circle, Pueblo, CO 81001.

Air carriers and foreign air carriers may submit copies of written comments previously provided to Pueblo Memorial Airport, under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Schaffer, (303) 286–5525; Denver Airports District Office, DEN–ADO; Federal Aviation Administration; 5440 Roslyn, Suite 300; Denver, CO 80216–6026. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application (#96–02–C–00–PUB) to impose and use PFC revenue at Pueblo Memorial Airport, under the provisions of 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On January 10, 1996, the FAA determined that the application to impose and use the revenue from a PFC submitted by Pueblo Memorial Airport, Pueblo, Colorado, was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than April 13, 1996.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00

Proposed charge effective date: September 1, 1999

Proposed charge expiration date: January 31, 2010

Total estimated PFC revenues: $250,343.00

Brief description of proposed project: Airport planning studies; Rehabilitate Taxiway ''A''; Extend Taxiway ''K'' (Phases 1 and 2).

Class or classes of air carriers which the public agency has requested not be required to collect PFC's: None.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Office located at: Federal Aviation Administration, Northwest Mountain Region, Airports Division, ANM–600, 1601 Lind Avenue S.W., Suite 540, Renton, WA 98055–4056.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Pueblo Memorial Airport.

Issued in Renton, Washington on January 10, 1996.

David A. Field,

Manager, Planning, Programming and Capacity Branch, Northwest Mountain Region.

[FR Doc. 96–597 Filed 1–18–96; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration and Federal Railroad Administration

Environmental Impact Statement: Portland, Oregon to Vancouver, British Columbia

AGENCY: Federal Highway Administration (FHWA), and Federal Railroad Administration (FRA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA and the FRA are issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed high speed rail improvement program between Portland, Oregon and Vancouver, British Columbia.

FOR FURTHER INFORMATION CONTACT: Gene K. Fong, Federal Highway Administration, Evergreen Plaza Building, 711 South Capitol Way, Suite 501, Olympia, Washington 98501, Telephone: (360) 753–2120; Mark Yachmetz, Federal Railroad Administration, 400 7th Street SW., Room 5420, Washington, DC 20590, Telephone: (202) 366–0686; Mr. James Slakey, Washington State Department of Transportation, 310 Maple Park East Olympia, Washington 98504, Telephone: (360) 705–7920.

SUPPLEMENTARY INFORMATION: On October 22, 1992, the U.S. Department of Transportation designated the existing rail corridor from Eugene, Oregon through Portland, Oregon and Seattle, Washington to Vancouver, British Columbia, Canada as a high-speed rail corridor pursuant to Section 1010 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). The Washington State Department of Transportation (WSDOT) proposes to adopt a multi-phase program plan to develop high-speed intercity passenger service on the 366-mile segment of that corridor between Portland, Oregon and Vancouver, British Columbia, and to undertake specific improvements consistent with such a plan. FHWA and FRA, in cooperation with WSDOT, will prepare an EIS on WSDOT's proposal.

The purpose of this EIS is to provide background for the decision whether or not to implement high-speed passenger rail service on the corridor. The EIS will also provide background for decisions related to possible future investment in passenger rail service related facilities in the corridor including identification of design levels of service (e.g. number, frequency, and speed of trains) and capital improvements needed to meet design levels of service.

The existing rail facilities limit the addition of high speed passenger trains within the Pacific Northwest Passenger Rail Corridor. Passenger rail speeds are limited in the existing corridor by the steep and curvy topography of western Washington and the limited capacity of the existing rail line would create conflicts between slower freight trains and higher speed passenger trains that would adversely affect passenger and freight train scheduling. High speed passenger rail in the corridor would require additional or improved rail geometrics, trackage, side or passing tracks, and signal and train control systems. The proposed improvement program would resolve the existing constraints on dependable and timely passenger rail service between Portland, Oregon and Vancouver, British Columbia.

Agency and public involvement programs will describe the proposed action and solicit comment from citizens, organizations, and federal, state, and local agencies. Comments and questions will be solicited and accepted via telephone, internet, public meetings, and the mail. In addition, targeted direct mail, advertisements, and media relations efforts will be used to reach the public and agencies. Advertisements offering interested persons the opportunity to attend and offer comments at a public hearing will be published prior to circulation of the draft environmental impact statement. Public notice of actions related to the proposal that identify the date, time, place of meetings, and the length of review periods will be published when appropriate.

To ensure that the full range of issues related to this proposed improvement program and its reasonable alternatives are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or FRA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of federal programs and activities apply to this program.)

Issued on: January 8, 1996.

Gene K. Fong,

Division Administrator, Federal Highway Administration, Washington Division.

Mark E. Yachmetz,

Chief, Passenger Programs Division, Federal Railroad Administration.

[FR Doc. 96–468 Filed 1–18–96; 8:45 am]

BILLING CODE 4910–22–M

Research and Special Programs Administration

[Docket No. PDA–14(R)]

Application by National Tank Truck Carriers, Inc., for a Preemption Determination as to Hazardous Materials Requirements Imposed by the City of El Paso, Texas

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Public notice and invitation to comment.

SUMMARY: The National Tank Truck Carriers, Inc. (NTTC) has applied for an administrative determination as to whether the Federal hazardous material transportation law preempts certain provisions of Chapter 9.56 of the City of El Paso, Texas Municipal Code requiring motor carriers or operators that transport hazardous materials to obtain a permit based on inspections which are conducted only during limited time periods, from November 1 through December 31 of each year.

DATES: Comments received on or before March 4, 1996, and rebuttal comments received on or before April 18, 1996, will be considered before an administrative ruling is issued by RSPA's Associate Administrator for Hazardous Materials Safety. Rebuttal comments may discuss only those issues raised in comments received during the initial comment period and may not discuss new issues.

ADDRESSES: The application and any comments received may be reviewed in the Dockets Unit, Research and Special Programs Administration, Room 8421, 400 Seventh Street, SW, Washington, DC 20590–0001 (Tel. No. [202] 366–4453). Comments and rebuttal comments on the application may be submitted to the Dockets Unit at the above address, and should include the Docket Number (PDA–14(R)). Three copies of each should be submitted. In addition, a copy of each comment and each rebuttal comment must be sent to: (1) Mr. Clifford J. Harvison, President, National Tank Truck Carriers, Inc., 2200 Mill Road, Alexandria, VA 22314; and (2) Mr. David Caylor, City Attorney, City of El Paso, #2 Civic Center Plaza, Ninth Floor, El Paso, TX 79901. A certification that a copy has been sent to each person must also be included with each comment. (The following format is suggested: ''I hereby certify that copies of this comment have been sent to Messrs. Harvison and Caylor at the addresses specified in the **Federal Register**.'')

FOR FURTHER INFORMATION CONTACT: Karin V. Christian, Attorney, Office of the Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street SW, Washington, DC 20590–0001 (Tel. No. [202] 366–4400).

SUPPLEMENTARY INFORMATION:

I. NTTC'S Application for a Preemption Determination

On December 10, 1995, NTTC applied for a determination that the Federal hazardous material transportation law preempts certain provisions of Chapter 9.56 of the City of El Paso, Texas Municipal Code requiring motor carriers or operators transporting hazardous materials to obtain permits based on inspections conducted only during limited periods of time, from November 1 through December 31 of each year.

Section 9.56.080 of the City of El Paso Municipal Code states:

(a) It is unlawful for any motor carrier or operator to transport hazardous materials from a point of origin within the city or to a point of destination within the city without a permit issued by the Fire Marshal, or his designee.

(b) The annual inspection period shall be from November 1 through December 31 of each year.

(c) A permit fee of Fifty Dollars ($50.00) per vehicle shall be paid upon inspection of the vehicle. Vehicles failing inspection shall be assessed an additional Twenty-Five Dollars ($25.00) fee for reinspection.

(d) No permit issued under this Chapter shall be transferable from one person to another nor from one vehicle to another. The permit shall be visibly posted in each vehicle.

The text of NTTC's application is set forth in Appendix A. The attachments to the application, consisting of a copy of the ordinance adopting a new Chapter 9.56 of the El Paso Municipal Code and an El Paso Fire Department letter confirming active enforcement of the ordinance, may be examined at RSPA's Dockets Unit. Copies of the attachments will be provided at no cost, upon request to RSPA's Dockets Unit (see the address and telephone number set forth in the **ADDRESSES** section above.)

II. Preemption Under the Federal Hazardous Material Transportation Law

The Hazardous Materials Transportation Act (HMTA) was enacted in 1975 to give the Department of Transportation greater authority ''to protect the Nation adequately against the risks to life and property which are inherent in the transportation of hazardous materials in commerce.'' Pub. L. 93–633 § 102, 88 Stat. 2156, amended by Pub. L. 103–272 and codified as revised in 49 U.S.C. 5101. A key aspect of HMTA is that it replaced a patchwork of State and local laws. On July 5, 1994, the HMTA was among the many Federal laws relating to transportation that were revised, codified and enacted ''without substantive change'' by Public Law 103–272, 108 Stat. 745. The Federal hazardous material transportation law is now found in 49 U.S.C. Chapter 51.

A statutory provision for Federal preemption was central to the HMTA. In 1974, the Senate Commerce Committee ''endorse[d] the principle of preemption in order to preclude a multiplicity of State and local regulations and the potential for varying as well as conflicting regulations in the area of hazardous materials transportation.'' S. Rep. No. 1102, 93rd Cong. 2nd Sess. 37 (1974). More recently, the U.S. Court of Appeals for the Tenth Circuit found that uniformity was the ''linchpin'' in the design of the HMTA, including the 1990 amendments which expanded the preemption provisions. *Colorado Public Utilities Comm.* v. *Harmon,* 951 F.2d 1571, 1575 (10th Cir. 1991).

Following the 1990 amendments and the subsequent 1994 codification of the Federal law governing the transportation of hazardous material, in the absence of a waiver of preemption by the Department of Transportation (DOT) under 49 U.S.C. 5125(e), ''a requirement of a State, political subdivision of a State, or Indian tribe'' is explicitly preempted (unless it is authorized by another Federal law) if—

> (1) complying with a requirement of the State, political subdivision or tribe and a requirement of this chapter or a regulation issued under this chapter is not possible; or
>
> (2) the requirement of the State, political subdivision, or Indian tribe, as applied or enforced, is an obstacle to accomplishing and carrying out this chapter or a regulation prescribed under this chapter.

49 U.S.C. 5125(a). These two paragraphs set forth the ''dual compliance'' and ''obstacle'' criteria which RSPA consistently has applied since 1978.

In the 1990 amendments to the HMTA, Congress also confirmed that there is no room for deviations from

California 95814–2724, Telephone: (916) 498–5020.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans), conducted studies of the potential environmental impacts associated with the proposed highway project to bypass Sutter Creek and Amador Cities on SR 49 in Amador County, California. During the course of conducting these studies and coordinating with regulatory and resource agencies, it was found that many of the potential environmental issues that led to issuing the Notice of Intent were not significant. In addition, changes to avoid to minimize potential impacts identified in early scoping have been made to the designs. The FHWA has determined that the proposed project is not likely to result in significant impacts to the environment; that an EA would be an appropriate environmental document for the project; and that the Notice of Intent (issued on October 22, 1998, and available on the **Federal Register** of November 2, 1998) should be withdrawn.

The EA will be available for public inspection prior to the public hearing. Comments or questions concerning this proposed action and the determination an EA is the proper environmental document should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on federal programs and activities apply to this program.)

Issued on; August 9, 2000.

Glenn Clinton,

Team Leader, Project Delivery Team—North Sacramento, California.

[FR Doc. 00–21537 Filed 8–22–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration (FHWA), and Federal Railroad Administration (FRA), DOT

Rescission of Notice of Intent

SUMMARY: This notice rescinds the previous notice of intent issued on January 19, 1996, to prepare an environmental impact statement for a proposed high speed rail improvement program between Portland, Oregon and Vancouver, British Columbia.

FOR FURTHER INFORMATION CONTACT: Gary S. Hughes, Federal Highway Administration, Evergreen Plaza Building, 711 South Capitol Way, Suite 501, Olympia, Washington 98501, Telephone: (360) 753–9025; David Valenstein, Federal Railroad Administration, 1120 Vermont Avenue NW., MS 20, Wahsington, DC 20590, Telephone: (202) 493–6368; Mr. James Slakey, Washington State Department of Transportation, 310 Maple Park East Olympia, Washington 98504, Telephone: (360) 705–7920.

SUPPLEMENTARY INFORMATION: The notice of intent to prepare an environmental impact statement for the multi-phase program plan to develop high-speed intercity passenger service on the 366-mile segment of the rail corridor between Portland, Oregon and Vancouver, British Columbia, was published January 19, 1996. The purpose of that EIS was to provide background for the decision whether or not to implement a comprehensive high-speed passenger rail program in the corridor, and to analyze the impacts of proposed improvements needed to implement Phase 1 of the program.

Since that date, the decision whether or not to implement a comprehensive high-speed rail program in the corridor has been deferred. An Intercity Passenger Rail Plan was developed for Washington State 1998–2018, which included an overview and analysis of environmental resources and impacts. That plan was deferred while several of the improvements originally proposed as Phase 1 of the rail plan have been incorporated into the improvement programs of other entities providing rail service on the corridor. Further analysis of the remaining four improvements proposed as part of Phase 1 has demonstrated that they have both logical termini and independent utility as stand-alone projects to improve existing services. Therefore, each will be developed independently with appropriate environmental processes to comply with the National Environmental Policy Act (NEPA).

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of federal programs and activities apply to this program)

Issued on: July 27, 2000.

Gary S. Hughes,

Operations Team Leader, Federal Highway Administration, Washington Division.

Mark E. Yachmetz,

Associate Administrator for Railroad Development, Federal Railroad Administration.

[FR Doc. 00–21428 Filed 8–22–00; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA–2000–7646]

Implementation Guidance for the National Historic Covered Bridge Preservation Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice; request for comments on selection criteria for fiscal year (FY) 2001 and beyond.

SUMMARY: This document describes the National Historic Covered Bridge Preservation program (NHCBP) for FY 2000, and seeks comments from all interested parties on the application and selection criteria to be used by the FHWA in future years in evaluating candidates for historic covered bridge preservation. A memorandum soliciting candidate projects for preservation work from State transportation agencies was issued to FHWA division offices on June 5, 2000, and is attached to the end of this notice.

DATES: Comments on the selection criteria for NHCBPP funding for FY 2001 and beyond must be received on or before October 10, 2000.

ADDRESSES: Your signed, written comments on the bridge project selection criteria for the NHCBP program funding for FY 2001 and beyond must refer to the docket number appearing at the top of this document and you must submit the comments to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Seventh Street, SW., Washington D.C. 20590-0001 or submit electronically at *http://dmses.dot.gov/submit*. All comments received will be available for examination at the above address between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments should include a self addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments electronically.

FOR FURTHER INFORMATION CONTACT: Ms. Sheila Rimal Duwadi, Office of Bridge

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Brett M. Jackson,

Urban Programs Engineer, Austin, Texas.

[FR Doc. 00–14651 Filed 6–8–00; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement for the Burlington Northern Santa Fe Rail Yard; Vancouver, WA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed rail improvement at the Burlington Northern Santa Fe (BNSF) rail yard in Vancouver, Washington, and for the possible elimination of the 39th Street Crossing, which falls within the limits of the yard.

FOR FURTHER INFORMATION CONTACT: Gary S. Hughes, Federal Highway Administration, Evergreen Plaza Building, 711 South Capitol Way, Suite 501, Olympia, Washington 98501, Telephone: (360) 753–9025; Mr. James Slakey, Washington State Department of Transportation, 310 Maple Park East, Olympia, Washington, 98504, Telephone: (360) 705–7920.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Washington State Department of Transportation (WSDOT) will prepare an environmental impact statement (EIS) on the Vancouver Rail Project, a proposal to construct a multi-track bypass of the existing Burlington Northern Santa Fe (BNSF) yard facility in Vancouver, Washington, including the possible elimination of the 39th Street at-grade crossing located within the limits of the BNSF yard.

Six preliminary alternatives, including the no-action, are currently under consideration. The five build alternatives all include construction of a multi-track bypass along the eastern edge of the BNSF yard, but differ on what would be done to the 39th Street at-grade crossing. The alternatives for the 39th Street crossing include leaving the crossing as is, closing the crossing, closing the crossing and providing a pedestrian/bicycle overpass of the tracks, closing the crossing and carrying 39th Street over the tracks on structure, and closing the crossing and improving other nearby streets.

Agency and public involvement programs have been on-going in the Vancouver area since the proposal to institute intercity passenger service on the corridor was introduced several years ago. These have described the proposed action and solicited comment from citizens, organizations, and federal, state, and local agencies. Numerous public and agency meetings and open houses have been held, and comments and questions solicited and accepted via telephone, internet, public meetings, and the mail. In addition, targeted direct mail, advertisements, and media relations efforts have been used to reach the public and agencies. These types of efforts will continue throughout the environmental process for this proposal.

Advertisements offering interested persons the opportunity to attend and offer comments at a public hearing will be published prior to circulation of the draft environmental impact statement. Public notice of actions related to the proposal that identify the date, time, place of meetings, and the length of review periods will be published when appropriate.

To ensure that the full range of issues related to this proposed improvement program and its reasonable alternatives are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or FRA at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of federal programs and activities apply to this program)

Issued on: May 26, 2000.

Gary S. Hughes,

Operations Team Leader, Federal Highway Administration, Washington Division.

[FR Doc. 00–14652 Filed 6–8–00; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[EE–175–86]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, EE–175–86, (TD 8357), Certain Cash or Deferred Arrangements and Employee and Matching Contributions Under Employee Plans (§§ 1.401(k)–1, 1.401(m)–1, and 54.4979–1).

DATES: Written comments should be received on or before August 8, 2000, to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Certain Cash or Deferred Arrangements and Employee and Matching Contributions Under Employee Plans.

OMB Number: 1545–1069.

Regulation Project Number: EE–175–86.

Abstract: This regulation provides the public with the guidance needed to comply with sections 401(k), 401(m), and 4979 of the Internal Revenue Code. The regulation affects sponsors of plans that contain cash or deferred arrangements or employee or matching contributions, and employees who are entitled to make elections under these plans.

Current Actions: There are no changes to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, not-for-profit

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EC02–5–000, ER02–211–000, and EL02–53–000]

Vermont Yankee Nuclear Power Corporation, Entergy Nuclear Vermont Yankee, LLC, Vermont Yankee Nuclear Power Corporation; Notice of Initiation of Proceeding and Refund Effective Date

February 4, 2002.

Take notice that on February 1, 2002, the Commission issued an order in the above-indicated dockets initiating a proceeding in Docket No. EL02–53–000 under section 206 of the Federal Power Act.

The refund effective date in Docket No. EL02–53–000 will be 60 days after publication of this notice in the **Federal Register**.

Magalie R. Salas,

Secretary.

[FR Doc. 02–3066 Filed 2–7–02; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6626–3]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or *www.epa.gov/oeca/ofa.*

Weekly receipt of Environmental Impact Statements

Filed January 28, 2002 Through February 01, 2002

Pursuant to 40 CFR 1506.9.

EIS No. 020042, DRAFT EIS, FTA, PA, Schuylkill Valley Corridor Metro Improvements, Reading to the City of Philadelphia, Funding, Philadelphia, Montgomery, Chester and Berks Counties, PA, Comment Period Ends: March 25, 2002, Contact: Keith Lynch (215) 656–7100.

EIS No. 020043, Final EIS, COE, TN, Adoption—Upper Tennessee River Navigation Improvement Project, Rehabilitation and/or Construction, Chickamauga Dam—Navigation Lock Structural Improvement Alternative, Funding, NPDES Permit, Coast Guard Bridge permit and COE Section 404 Permits, Tennessee River, Hamilton County, TN, Contact: Wayne Easterling (615) 736–7847. Corps of Engineers (COE) has adopted the Tennessee Valley Authority's #960147 filed 03–29–1996. COE was a Cooperating Agency for the above final EIS. Recirculation of the document is not necessary under Section 1506.3(c) of the Council on Environmental Quality Regulations.

EIS No. 020044, DRAFT SUPPLEMENTS, FRC, WA, Condit Hydroelectric (No. 2342) Project, Updated Information on Application to Amend the Current License to Extend the License Term to October 1, 2006, White Salmon River, Skamania and Klickitat Counties, WA, Comment Period Ends: March 25, 2002, Contact: Nicholas Jayjack (202) 219–2825. This document is available on the Internet at: *http://www.ferc.gov*

EIS No. 020045, FINAL EIS, FHW, NM, US 70 Corridor Improvement, Between Ruidoso Downs to Riverside, Implementation, Right-of-Way Acquisition, Lincoln County, NM, Wait Period Ends: March 11, 2002, Contact: Gregory D. Rawlings (505) 820–2027.

EIS No. 20046, DRAFT EIS, FHW, MN, Trunk Highway (TH) 169 Improvement Project, Propose Improvements to TH–169 from TH–27 North of the City of Onamia to the Intersection of TH–18 and TH–6 Northwest of the City of Garrison, Crow Wing and Mille Lacs Counties, MN, Comment Period Ends: March 25, 2002, Contact: Cheryl Martin (651) 291–6120.

EIS No. 020047, DRAFT SUPPLEMENT, FRC, WA, Irene Creek Hydroelectric Project, (FERC No. 10100–002) and Anderson Creek Hydroelectric Project (FERC No. 10416–003), Construction and Operation, Issuing of a Amended License Applications, Skagit and Whatcom Counties, WA, Comment Period Ends: March 25, 2002, Contact: Alan Mitchnik (202) 219–2826. This document is available on the Internet at: *http://rimsweb1.ferc.gov/rims.q~rp2 ~getImagePages~1845215 ~44~912~1~50.*

EIS No. 020048, DRAFT EIS, FHW, WA, Vancouver Rail Project, Rail Improvements at the Burlington Northern and Santa Fe Rail Yard, Possible Elimination of the West 39th Street At-Grade Crossing, Funding, NPDES Permit, Clark County, WA, Comment Period Ends: March 27, 2002, Contact: Daniel Mathis (306) 753–9413.

EIS No. 020049, DRAFT EIS, BPA,WA, Schultz-Hanford Transmission Line Project, Construct a New 500 kilovolt (kV) Transmission Line in Central Washington, north of Hanford connecting to Existing Line at the Schultz Substation, Kittitas, Yakima, Grant and Benton Counties, WA, Comment Period Ends: March 25, 2002, Contact: Nancy A. Wittpenn (503) 230–3297. This document is available on the Internet at: *www.efw.bpa.gov*

EIS No. 020050, DRAFT FINAL EIS, FHW, WY, Wyoming Forest Highway 23 Project, Louis Lake Road also known as Forest Development Road 300, Improvements from Bruce's Parking Lot to Worthen Meadow Road, Funding, NPDES Permits and COE Section 404 Permit, Shoshone National Forest, Fremont County, WY, Wait Period Ends: March 11, 2002, Contact: Rick Cushing (303) 716–2138.

EIS No. 020051, REVISED DRAFT EIS, FHW, WA, WA–509 Corridor Completion/I–5/South Access Road Project, Improvements to WA–509 Extension, Enhancement of Southern Access to and from Sea-Tac International Airport and I–5 Improvements between South 210th Street and 310th Street, Funding, US COE Section 404 Permit, NPDES Permit, King County, WA, Comment Period Ends: March 25, 2002, Contact: Jim Leonard (360) 753–9480.

EIS No. 020052, DRAFT EIS, TVA, TN, NC, Nolichucky Reservoir Flood Remediation Project, To Identify and Evaluate Ways to Address Flooding Effects of Nolichucky Dam and the Accumulated Sediment in Nolichucky Reservoir on Land and Property Not Owned by the Federal Government, NPDES Permit and US COE 404 Permit, Several Counties in TN and NC, Comment Period Ends: March 29, 2002, Contact: Susan Fuhr (423) 587–5600.

EIS No. 020053, FINAL EIS, AFS, UT, Solitude Mountain Resort Master Development Plan Update (MDP), Implementation, Special-Use-Permit, US COE 404 Permit, Wasatch-Cache National Forest, Salt Lake County, UT, Wait Period Ends: March 11, 2002, Contact: Steve Scheid (801) 733–2689.

EIS No. 020054, DRAFT EIS, BIA, CA, Agua Caliente Indian Reservation Project, Proposed Section 14 Specific Plan, Master Development Plan, Agua Caliente Band of Cahulla Indians, City of Palm Springs, Riverside County, CA, Comment Period Ends: April 12, 2002, Contact: William Allan (916) 978–6043.

EIS No. 020055, DRAFT SUPPLEMENT, COE, TN, Chickamauga Dam Lock Feasibility Study, New and Updated Information, Incorporates the 1995 FEIS by Reference, NPDES Permit, U.S. Coast Guard Bridge Permit and Funding, Tennessee River, Hamilton County, TN, Comment Period Ends: March 25, 2002, Contact: Wayne Easterling (615) 736–7847.