Federal Highway Administration

Record of Decision

for

State Route 167 Extension Project Puyallup to State Route 509

October 2007

Table of Contents

Section	Page Number
Decision	1
1.0 Decision Background and Project History	2
1.1 Purpose & Need for Project	3
1.1.1 Purpose	3
1.1.2 Need	3
1.1.3 Safety	3
1.1.4 Freight Mobility	3
1.1.5 Traffic Demand	4
1.1.6 Access	4
1.1.7 Route Continuity	4
1.1.8 Regional Transportation Plan	4
1.1.9 Transportation Improvement Opportunities	5
1.1.10 Air Quality	5
1.2 Community and Public Involvement	5
1.2.1 Stakeholders	5
1.2.2 Partners Committee	5
1.2.3 Citizen's Advisory Committee	6
1.2.4 Tribal Coordination	6
1.2.5 Signature Agency Committee	6
1.2.6 RRP Technical Advisory Group	7
1.2.7 Workshops, Open Houses and Public Meetings	8
1.2.8 Environmental Hearings	8
1.2.9 Ongoing Public Outreach	8
2.0 Alternatives Considered and Rationale for Decision	8
2.1 Description of the Build Alternative (Selected Alternative)	10
2.2 Selected Interchange Options	10
2.2.1 54th Avenue East	11
• Loop Ramp Option	11
2.2.2 Interstate 5 (I-5)	11
• I-5 Interchange	11
2.2.3 Valley Avenue	12
• "Valley Avenue" Interchange Option.	12
2.2.4 SR 161/ SR 167	12
• "Urban Interchange" option	13

Table of Contents (continued)

Section	Page Number
2.3 Alternatives Not Selected	13
2.3.1 No Build Alternative	13
2.3.2 Interchange Options Not Selected	14
• 54th Avenue East Half Diamond Option	14
• Valley Avenue- Freeman Road Option	15
• Valley Avenue Realignment Option	15
• SR 161/ SR 167 Low Diamond Option	16
• SR 161/ SR1 67 Medium Diamond Option	16
3.0 Section 4(f) Evaluation	17
3.1 Section 4(f) Resources in the SR 167 Project Area	17
3.1.1 Historic 4(f) Resources	17
3.1.2 Recreational 4 (f) Resources	17
3.2 Summary of 4(f) Resource Findings	17
3.2.1 Historic 4(f) Resources	17
3.2.2 Recreational 4(f) Resources	18
3.2.3 Section 4(f) Determination	19
4.0 Measures to Minimize Harm (Commitments)	20
4.1 Air Quality	20
4.1.1 Mobile Source Air Toxins (MSAT)	21
4.2 Noise	21
4.3 Cultural Resources (Section 106)	23
4.4 Environmental Justice	25
4.5 Farmland	26
4.5.1 Mitigation Commitments for the Loss of Farmland	27
4.6 Water Resources	28
4.6.1 Floodplains	28
4.6.2 Riparian Restoration Proposal (RRP)	28
4.6.3 Wetlands	31
4.7 Wildlife and Fisheries	33
4.7.1 Endangered Species Act (ESA)	33
4.7.2 Magnuson- Stevens Act (MSA)	33
4.7.3 Migratory Bird Treaty Act (MBTA)	33
4.7.4 ESA/MSA Consultation	33
4.7.5 ESA/MSA Effects Evaluation	34

Table of Contents (continued)

Section	Page Number
4.7.6 Commitments to Avoid and Minimize Effects On ESA Species and MSA Habitat	35
4.7.7 ESA/MSA Effect Determination	36
5.0 Monitoring and Enforcement	37
5.1 Archaeological Resource Monitoring	37
5.2 Nighttime Construction Noise Monitoring	37
5.3 Water Quality Monitoring	38
5.4 Wetland Monitoring	38
5.5 ESA and MSA Monitoring (Chinook salmon & Bull Trout)	38
5.6 MBTA Monitoring	38
5.7 Regulatory Permits (Enforcement)	39
6.0 Comments Received on the Final EIS and Responses	39
7.0 Summary Conclusion	40
Attachments	41
Attachment A Tier II FEIS Commitments List	42
Attachment B WDFW FEIS Comment Letter & FHWA Response	61
Attachment C Milton FEIS Comment Letter & WSDOT/FHWA Response	65
Attachment D EPA FEIS Comment Letter & FHWA Response	70
Attachment E Pierce Co. FEIS Comment Letters & Summary of Meeting Between WSDOT & Pierce Co.	83

Federal Highway Administration

Record of Decision

for

State Route 167 Extension Project
Puyallup to State Route 509

Decision

Based upon careful consideration of all the social, economic and environmental evaluations contained in the SR 167 Tier I Draft and Final Environmental Impact Statement (EIS), the Tier I Record of Decision, and the Tier II Draft and Final EIS/ Section 4(f) Evaluation; the input received from other agencies, organizations and the public; and the factors and project commitments outlined below, the Federal Highway Administration selects the Build alternative with a direct connection to SR 509 near the Port of Tacoma and four interchange options included. These interchange options proceeding from north to south along SR 167 are the 54th Avenue East (Loop Ramp) interchange, the I-5 Freeway-to-Freeway Interchange, Valley Avenue Interchange, and the Urban Interchange at SR 161 (North Meridian). The Urban Interchange will provide a direction connection to existing SR 167 in Puyallup. The Build Alternative and these interchanges were identified as the preferred alternative and interchange options in the Tier II FEIS and constitute the environmentally preferable alternative.

The selected Build Alternative best meets the project Purpose and Need as well as best protects and enhances water resources, and provides socio-economic benefit for the project. It will also improve regional mobility of the transportation system, reduce congestion and improve safety, provide improved system continuity in the SR 167 corridor, maintain or improve air quality, and serve multimodal passenger movement and Port of Tacoma freight movement. All practical means to avoid and minimize environmental harm from the selected alternative have been adopted and this decision is in the best overall public interest.

Based on considerations identified in the Tier II Draft and Final Section 4(f) Evaluation, the Federal Highway Administration also concludes that there are no feasible and prudent alternatives to the use of Section 4(f) protected lands, and that the proposed action includes all possible planning to minimize harm to the identified Section 4(f) properties resulting from such use.

This Record of Decision (ROD) incorporates comments and responses received during the 30-day review period after the Notice of Availability of the FEIS appeared in the Federal register. Additional background information for this decision is contained in the balance of this ROD document below.

10/02/07
Date of Approval

Daniel M. Mathis
Daniel M. Mathis, P. E.
Division Administrator
Washington Division
Federal Highway
Administration

1.0 Decision Background and Project History

The National Environmental Policy Act (NEPA) documentation process for the State Route (SR) 167 Extension project followed a tiered approach, as cited in Federal Highway Administration (FHWA) regulations found in 23 Code of Federal Regulations (CFR) Section 771.111 (g), and Council on Environmental Quality (CEQ) regulations found in 40 CFR Section 1502.20. The first tier (Tier I) analysis consisted of a broad corridor-level Draft Environmental Impact Statement (DEIS) issued in May 1993.

Subsequent to the completion of the Tier I DEIS, but prior to completing the Tier I Final Environmental Impact Statement (FEIS), the FHWA and Federal Transit Administration (FTA) designated this portion of the SR 167 Corridor as a project requiring a Major Investment Study (MIS). After an extensive evaluation of the effectiveness and cost-effectiveness of a wide array of alternatives, the MIS results supported the construction of a freeway to complete SR 167 and remove one of the major missing links in the freeway system in the region. The MIS was included in the Tier I FEIS (Appendix H).

The Tier I FEIS was approved March 30, 1999 and issued on April 23, 1999. The FHWA and Washington Department of Transportation (WSDOT) concurred that Alternative 2 was the "Preferred Corridor". The Record of Decision (ROD) for the Tier I FEIS was issued by FHWA on June 9, 1999 and it was recommended that the project proceed to the second-tier (Tier II), project-level analysis.

The selection of environmental issues to be reviewed in the Tier II NEPA process followed the same general procedure as that of the Tier I NEPA process. The Tier II NEPA process began on July 13, 1999, with an Agency Scoping Meeting and a public Open House Scoping Meeting. FHWA and WSDOT prepared a Study Plan and formed an Interdisciplinary Team (IDT) to guide the development of the SR 167 Tier II DEIS. The Study Plan was completed in June 2000 and identified the environmental areas to be studied in the Tier II DEIS.

The Tier II DEIS was approved on January 29, 2003. The Tier II DEIS was issued in February 2003 for public comment. Two Environmental Hearings were held on March 18 & 20, 2003. FHWA and WSDOT received comments from the public, environmental organizations, local, federal, and state governments, and the Puyallup Tribe of Indians (see Appendix G Tier II FEIS). A draft Section 4(f) Evaluation was also circulated in August 2005 for comment. Changes in the Tier II FEIS respond to comments received on the Tier II DEIS and draft Section 4(f) Evaluation. The Tier II "Preferred Alternative" became the "Selected Alternative/Build Alternative" presented in this ROD

The Tier II FEIS/ Section 4(f) Evaluation, FHWA-WA-EIS-2002-02-F, was approved on November 9, 2006, and issued on December 1, 2006. The Notice of Availability appeared in the Federal Register on December 1, 2006. The FEIS and final Section 4(f) Evaluation and all findings therein are incorporated in this ROD by reference.

1.1 Purpose & Need for Project

1.1.1 Purpose: The purpose of the proposed project is to improve regional mobility of the transportation system to serve multimodal local and port freight movement and passenger movement between (1) the Puyallup termini of SR 167, SR 410, and SR 512 and (2) the Interstate 5 (I-5) corridor, the new SR 509 freeway, and the Port of Tacoma. Furthermore, the project is intended to reduce congestion and improve safety on the arterials and intersections in the study area, provide improved system continuity between the SR 167 corridor and I-5, and maintain or improve air quality in the corridor to ensure compliance with the current State Implementation Plan (SIP) and all requirements of the Clean Air Act (CAA).

1.1.2 Need: There are a number of needs associated with the existing non-freeway segment of SR 167 between the terminus of the freeway segment in the Puyallup area to the I-5 corridor, Port of Tacoma, and Fife. The non-freeway segment, which is an incomplete part of the planned north Pierce County freeway system, is on surface streets and includes a circuitous route through the City of Puyallup via North Meridian and River Road and a major truck route through Fife via Valley Avenue and 54th Avenue East. Several intersections along these routes operate at over-capacity conditions during peak periods resulting in traffic backup and delays. Two intersections (54th Avenue East with 20th Street East and 54th Avenue East with Pacific Highway/SR 99) have been improved by better synchronization of signals and adding lane channelization but still operate at near to over-capacity conditions.

1.1.3 Safety: Accident rates on the non-freeway segments of SR 167 (River Road) have been steadily increasing since the Tier I FEIS was approved in 1999. Although they have fluctuated up and down in intervening years, the average rate per year has increased and in 2005 the accident rate was higher than statewide averages for similar highways. The accident rate in 2005 for existing SR 167 was 2.75 incidents per million vehicle miles traveled and the statewide accident rate was 2.56 incidents per million vehicle miles traveled statewide for similar highways. For more detailed accident data, see Section 3.14.2 Transportation Safety of the FEIS. The high levels of congestion at intersections and the frequency of intersecting driveways contribute to these higher ratios. Accident rates on a number of parallel local roads and major intersections that currently receive diverted north-south through-traffic are also higher than the statewide averages for accidents. The proposed project would remove all freeway or through traffic from the local streets and arterials and eliminate or reduce accidents and safety related problems.

1.1.4 Freight Mobility: The existing freight mobility situation does not meet the needs for current and future goods movement through the cities of Edgewood, Fife, Milton, Puyallup and Tacoma. Traffic congestion and access problems on existing SR 167 due to Port truck traffic are already substantial. Local streets and arterials are used to transport freight to and from the Port of Tacoma and the connections to SR 161, SR 512 in Puyallup and the freeway segment of SR 167 continuing north to Interstate 405 (I-405) in Renton. Trucks currently travel through the City of Fife via Valley Avenue East and 54th Avenue East or through the City of Puyallup via River Road. Several intersections along

these roadways operate at over-capacity conditions during peak traffic periods resulting in delays and congestion.

1.1.5 Traffic Demand: Existing and projected peak-period traffic demand along SR 167 between I-5 and I-405 are substantially greater than system capacity. Currently, during peak periods, SR 167 operates beyond acceptable vehicle-carrying capacity with consistent low levels of service on the mainline roadway and at intersections. Projected growth (residential, retail, and commercial development) and the expansion of regional attractions, such as the Port of Tacoma in the lower Puyallup River Valley through the planning year 2030 will only exacerbate the congestion problem. Additional congestion-related delays occur when freight transport and large trucks divert onto local arterials and surface streets. Since establishment of the Tier I Purpose and Need, the design year has been changed from 2020 to 2030 and traffic projections have increased, making the proposed project improvements all the more necessary.

1.1.6 Access: The Level of Service (LOS) on the existing SR 167 freeway between SR 509 and SR 161 will be substantially improved by the proposed new controlled access facility. The existing LOS is poor because there are numerous access points along the non-freeway segment of the SR 167 facility, especially on River Road and North Meridian. These access points include driveways, T-intersections, and four-way intersections. In addition, the many businesses, residences, and other facilities along the existing roadway attract local trips. Consequently, the mixing of local and regional through traffic along this facility has resulted in a situation where segments of existing SR 167 are not able to provide effective movement of vehicles. Large trucks currently divert to existing SR 167 to avoid using I-5 because of substantial congestion during peak traffic periods. Large trucks also travel from Valley Avenue East to existing SR 167 in Puyallup to avoid traveling over the existing steep grades on SR 18 from I-5 to I-90. By constructing a new freeway alignment, distribution would be improved for the Port of Tacoma and trucks bypassing I-5 and SR 18. In particular, heavy truck use on residential surface streets would be substantially reduced.

1.1.7 Route Continuity: SR 167 is not a continuous freeway route from I-405 at Renton to I-5 in Tacoma. A break in service occurs on SR 167 at SR 161. At this location, the north-south corridors of SR 161 (North Meridian) and SR 167 (River Road) co-exist on local roadways and SR 167 connects to I-5 at Bay Street Interchange. The new SR 167 corridor will improve the connectivity and continuity of the regional highway system and give motorists better access to I-5 and the Port of Tacoma on the south and west as well as to I-405 (Renton) to the north and Puyallup to the east. The National Highway System (NHS) designation identifies SR 167 as part of the network of highways that provides defense access, continuity, and emergency capabilities for the movement of personnel, materials, and equipment during times of national emergency. The duration and frequency of congestion on existing SR 167 substantially diminish the capability of SR 167 to operate consistent with the NHS functional designation.

1.1.8 Regional Transportation Plan: The Puget Sound Regional Council (PSRC) 1995 update of VISION 2020 recommends the extension of SR 167 as an improvement and

identifies SR 167 as a major regionally significant project for the Puget Sound in its Six-Year Action Strategy (1999). In PSRC's Destination 2030 Metropolitan Transportation Plan (MTP) adopted in 2001 the proposed SR 167 corridor is identified and given support as a regional project.

1.1.9 Transportation Improvement Opportunities: Some transportation improvement opportunities currently exist in the SR 167 project corridor including constructing park and ride lots and HOV lanes, and coordination with Sound Transit for the Sounder Commuter Rail and new Light Rail Transit (LRT) systems is ongoing.

1.1.10 Air Quality: Currently, all portions of the study area are in maintenance for ozone (O^3), carbon monoxide (CO) and inhalable particulate matter sub 10-micron (PM_{10}) and no exceedances of the National Ambient Air Quality Standards (NAAQS) are predicted during construction and operation of the Build Alternative. The project will reduce congestion; improve truck mobility, and smooth traffic flow levels reducing Mobile Source Air Toxics (MSAT). Within Washington, compliance with Environmental Protection Agency (EPA) nationwide control program would also help minimize MSAT in the overall Puget Sound Region.

1.2 Community and Public Involvement

The Community and Public Involvement program which was implemented at the beginning of the Tier I EIS process and is ongoing today has been instrumental in obtaining necessary public input and has been important to help ensure that the overall process results in a decision that is in the best interest of the community and the environment. Many methods were used to gather information on issues the community felt were important. There was involvement not only with community members, but also with interested businesses, community organizations and municipalities. The issues and points brought forth by comments, suggestions, and questions gathered from the variety of public involvements were utilized as a guide and incorporated in the development of the Tier II FEIS. Some of the methods used to ensure the necessary community and public involvement are briefly described below:

1.2.1 Stakeholders: In July 2000, WSDOT identified stakeholders who were interviewed for their opinions on the project. The Stakeholder interview was a one-time effort to gain a snapshot of opinions. The answers to the questions were compiled into the *SR 167 Tier II Stakeholder Interview Report*. Overall, the Stakeholders felt that the project would improve the transportation system regionally as well as locally, and improve safety on local roadways.

1.2.2 Partners Committee: A Partners Committee was formed during the Tier I NEPA process under the title of "Steering Committee." This committee was comprised of representatives from the cities of Edgewood, Fife, Milton, Puyallup and Tacoma along with the Port of Tacoma, FHWA, Pierce County, Pierce Transit, Puyallup Tribe of Indians (Puyallup Tribe), PSRC, and WSDOT. They provide direction and guidance on a variety of issues to help maintain the progress of the project. The Partners Committee

has met monthly since January 1998 and has continued to meet throughout the Tier II FEIS development.

1.2.3 Citizen's Advisory Committee: A Citizen's Advisory Committee (CAC) was also formed to ensure representation of citizens, farmers, and business owners who may be affected by the project. The CAC helped advise project staff on local issues and concerns and assisted with improving outreach and communication efforts.

1.2.4 Tribal Coordination: The ROD issued for the Tier I FEIS required specific commitments to coordinate with the Puyallup Tribe during the development of the Tier II document. These commitments were made to ensure that the Puyallup Tribe concerns were considered and incorporated where feasible. FHWA and WSDOT made the commitment to work closely with the Puyallup Tribe regarding fisheries, cultural resources, tribal-owned lands and any other issues that may concern them. Use of Tribal trust land for the Build alternative may still be necessary depending on the final roadway design. Agreements will be negotiated with the Puyallup Tribe to address the use of tribal trust land, if necessary. The negotiated Agreements may include easements, property modifications, land swaps or other mitigation mutually acceptable to both the Puyallup Tribe and FHWA and WSDOT. FHWA and WSDOT have kept in contact with the Puyallup Tribe through meetings, letters and phone conversations and are coordinating all project related activities directly with the Puyallup Tribe.

The Puyallup Tribe was also represented at the Partners Committee Meetings held monthly. After the distribution of the Tier II DEIS, the Puyallup Tribe agreed to meet quarterly with project staff to discuss the SR 167 Project. Coordination with the Puyallup Tribe will not end with the conclusion of the Tier II FEIS. FHWA and WSDOT are committed to maintaining an open line of communication with the Tribe throughout the design and construction phases of this project. FHWA and WSDOT also consulted with the Muckleshoot Indian Tribe and the Confederated Tribes and Bands of the Yakima Nation. No comments were received, from the Muckleshoot Indian Tribe or the Confederated Tribes and Bands of the Yakima Nation, before or after the Tier II FEIS was published.

1.2.5 Signature Agency Committee: The SR 167 Extension project team (FHWA and WSDOT) participated in a Signature Agency Committee (SAC), formerly known as the NEPA/404 Memorandum of Understanding (MOU) process. This process focused on water resources. Through six years of involvement in the SAC, the SR 167 project team obtained early, regular and detailed participation from the state and federal agencies with regulatory oversight of the project. The regulatory agencies that participated were typically the EPA, U.S. Army Corps of Engineers (COE), U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), Washington Department of Fish and Wildlife (WDFW) and Washington Department of Ecology (Ecology). Participation of the member agencies was assured through a series of coordination meetings and three (3) concurrence points for both the Tier I and Tier II at key milestones throughout the environmental analysis, documentation, and review process. This included concurrence on the project Purpose and Need (Concurrence Point 1), range of alternatives to be

evaluated in each DEIS (Concurrence Point 2), and selection of the Preferred Alternative for each FEIS (Concurrence Point 3).

For the Tier II EIS in April 2000 FHWA and WSDOT presented Concurrence Point 1 to the SAC member agencies. Concurrence Point 1 consisted of the Purpose and Need for the project and included defining the role of all participating agencies and screening criteria for the options selection and requested concurrence from the SAC member agencies. Concurrence Point 1 was agreed upon by all SAC member agencies in June 2000.

Concurrence Point 2 consisted of a determination of the range of project options to be evaluated in the Tier II DEIS, and methodologies for indirect and cumulative impacts. Interagency meetings were held with project staff and SAC members in August and October of 2002 to discuss options and the methodology for the indirect and cumulative effects analysis. SAC members ultimately concurred on these issues and Concurrence Point 2 culminated with the completion of the Tier II DEIS on January 29, 2003.

For Concurrence Point 3, in July 2004, FHWA and WSDOT sought SAC member concurrence on the final alignment and interchange options that were the "environmentally preferred alternative" and conceptual mitigation plans for avoiding, and minimizing impacts to water resources. WDFW concurred with Concurrence Point 3 as presented. All other SAC member agencies did not concur. After reviewing the issues raised as reasons for non-concurrence on Concurrence Point 3, FHWA and WSDOT met with the USFWS, NMFS, EPA and the COE to discuss resolution of their issues. Some final outstanding issues related to the treatment of stormwater through the Riparian Restoration Proposal (RRP) were resolved among FHWA, WSDOT, USFWS, and NMFS. The resolution focused on future coordination through the RRP Technical Advisory Group (TAG). The RRP is described in Section 4.5.2 of this ROD. Final agreement on Concurrence Point 3 (environmentally preferred alternative and conceptual aquatic resource mitigation plan) was reached in May 2005.

1.2.6 RRP Technical Advisory Group (TAG): The RRP has been presented as an alternative stormwater control specifically for stormwater management in the SR 167 corridor. The proposed RRP improvements in the corridor are expected to meet regulatory requirements and offer additional environmental benefits. Agencies such as the USFWS, NMFS, COE, WDFW, Ecology, Pierce County, Puyallup Tribe and the Friends of the Hylebos Wetlands (FOHW), a local environmental group, are included in the TAG participating in the RRP design process. This advisory process is a multi-phased approach. During the first phase, broad-based goals and objectives were developed. These broad-based goals and objectives have led to the development of performance measures as part of the Endangered Species Act (ESA) consultation process for NMFS and USFWS to develop their Biological Opinion (BO) regarding the potential effects of the SR 167 Extension project on ESA protected species. FHWA and WSDOT will continue to consult with the appropriate agencies through the RRP TAG during the permitting and construction phase of the SR 167 Extension project

1.2.7 Workshops, Open Houses and Public Meetings: WSDOT conducted a series of design workshops with outside agencies and the Puyallup Tribe to solicit their ideas about the project, specifically concerning the proposed interchange options for the Build Alternative. The Design Workshop participants helped develop several different scenarios or options for each interchange. FHWA and WSDOT also held various Open Houses and other public meetings over the course of the project. The Open House format allowed interested persons to come and obtain project information and ask questions in an informal leisurely format. Some public meetings included individual presentations to local groups.

1.2.8 Environmental Hearings: On March 18 and 20, 2003, FHWA and WSDOT held Environmental hearings for the Tier II DEIS in the cities of Fife and Puyallup. These forums gave the general public a chance to voice their ideas and concerns about the SR 167 Extension project. During the two rounds of hearings, FHWA and WSDOT received many comments. These comments and responses are included in Appendix "G" of the FEIS. Comments on the Tier II DEIS were received in various formats. Oral comment provided during the Hearings in Fife and Puyallup was manually transcribed. Written comments also were received. Email was a common format for submitting comments before and after the Hearings. Comment letters were the most frequent format submitted formally by agencies and organizations. Many letters with similar comments were also submitted by citizens advised of the opportunity by FOHW. A comment petition was received that was signed by 161 residents of Edgewood where they urged WSDOT to adopt the plan for the Valley Avenue Interchange option (Build Alternative described in Section 2.2.3 below).

1.2.9 Ongoing Public Outreach: Public outreach will be continued in the future as the SR 167 Extension project progresses through final design and construction. Information concerning the project will be made available to all individuals, agencies and organizations, including limited English population.

2.0 Alternatives Considered and Rationale for the Decision

The Community and Public Involvement program (as outlined in Section 1.2 above) provided valuable information and was instrumental in the evaluation and final selection of the Build Alternative and interchange options to be constructed. The SAC and Partners Committee were groups that provided input for these key decisions. The SAC concurred with FHWA and WSDOT through a series of three Concurrence Points on the project Purpose and Need, alternatives to be evaluated in the draft EIS, and the "final" selection of the "environmentally preferred alternative" to be included in the FEIS and ROD.

The NEPA process implemented for the SR 167 Extension project examined build and non-build alternatives. Build alternatives involved building a new highway while non-build alternatives involved operating the existing highways and arterials differently. In Tier I numerous corridor routes were compared as build alternatives while transportation systems management and transportation demand management were evaluated as non-build options. Important criteria used for evaluating alternatives included their potential

adverse affects on the environment, especially water resources protected under the Clean Water Act (CWA).

The SAC, formerly the NEPA/404 MOU process, integrated requirements of the CWA Section 404 permit process into the SR 167 Extension project NEPA environmental review. This integration will facilitate the preparation of the Section 404 permit application at the end of the NEPA process. The COE typically cannot grant a CWA Section 404 permit for a Build Alternative that is not the "least environmentally damaging practicable alternative" (LEDPA). The LEDPA is the alternative that avoids and minimizes impacts to waters of the United States (U.S.) to the greatest extent possible.

In Tier I, FHWA and WSDOT sought SAC member concurrence on the alternative corridor that contained the LEDPA. It was determined by the SAC that Corridor Alternative 2 contained the LEDPA. The Corridor 2 Alternative (Preferred Alternative) was brought forward from Tier I and underwent more thorough analysis and refinement during Tier II. The Tier II EIS specifically evaluated two alternatives, a No Build and a Build Alternative, focusing on a refined alignment and interchange designs for SR 167. In Tier II the SAC concurred with the determination that the Build Alternative and selected interchange options were the LEDPA that best met requirements under the CWA including the avoidance and protection of wetlands. The SAC also agreed on the proposed conceptual mitigation plans for avoiding, and minimizing impacts to water resources. A more detailed discussion of how the alternatives were considered and the tradeoffs between alternatives is contained in Chapter 2 of the FEIS.

In consideration of the preceding information it has been determined that the selected Build Alternative (including interchange options) best meets the project Purpose and Need and is the "environmentally preferred alternative." The Tier I Record of Decision selected the corridor that best met purpose and need with the least environmental impact. This corridor provided the alignment for the Build Alternative studied in the Tier II EIS, which refined the alignment to further avoid and minimize environmental impacts. The Build Alternative incorporates extensive mitigation, including the innovative Riparian Restoration Proposal, which provides a range of environmental benefits, as described in Section 3.3.8 of the FEIS. The Tier II EIS has also studied interchange options and their relative impacts. Each interchange option selected was either environmentally preferred compared to the non-selected options or there was really no difference in environmental impacts between the options and the option was selected based on engineering or design considerations.

The Build Alternative will improve regional mobility of the transportation system, reduce congestion and improve safety, provide improved system continuity between the SR 167 corridor and I-5, maintain or improve air quality, and serve multimodal local and port freight movement and passenger movement.

The Build Alternative also allows for future planned improvements within the proposed extension of the SR 167 corridor, and along the I-5 corridor within the project limits.

Other planned projects within the SR167 corridor include completion the I-5 HOV Program by WSDOT. All of the other projects have been or will be evaluated under separate NEPA and/or State Environmental Policy Act (SEPA) documents. A brief description of the Build Alternative is given below, followed by a discussion of each selected interchange option.

2.1 Description of the Build Alternative (Selected Alternative)

Only one build alternative was advanced for detailed consideration in the Tier II EIS because the corridor selected in the Tier I ROD is too narrow to accommodate more than one mainline alternative. Other corridors as well as non-build alternatives were evaluated in the Tier I EIS. The Tier II EIS does include different alternatives for each interchange. The interchange alternatives, referred to as "options" to avoid confusion with the mainline alternative, are discussed in Section 2.2.

The Build Alternative will have a mainline alignment that generally consists of a four-lane freeway (four general purpose lanes, two lanes in each direction) with one high occupancy vehicle (HOV) lane in each direction between I-5 and SR 161. The Build Alternative also includes:

- Direct connection with SR 509;
- Partial interchange with 54th Avenue East, preferred Loop Option;
- Freeway to freeway connection with I-5, including proposed HOV lanes;
- Realignment of 20th Street East and 70th Avenue East;
- Relocation of Hylebos Creek and Surprise Lake Drain
- Full interchange at Valley Avenue East with a Park and Ride facility and modified riparian areas in connection with Wapato Creek, preferred Valley Avenue Option;
- Washington State Patrol (WSP) weigh stations;
- Full interchange with SR 161, North Meridian, and a park and ride facility, preferred Urban Interchange Option;
- Replacement of steel bridge and widening of the existing concrete bridge over the Puyallup River;
- Direct connection with the existing freeway portion of SR 167;
- A Riparian Restoration Proposal (RRP) is also being developed for the Build Alternative and the SR167 project corridor. The RRP is a comprehensive stormwater management approach that removes existing encroachments and would restore the historic riparian ecosystem and natural course of flooding.

2.2 Selected Interchange Options

The selected four interchange design options included in the Build Alternative proceeding from north to south (SR 167 runs north/south and I-5 runs east/west in the project area) are the 54th Avenue East (Loop Ramp) interchange, the I-5 Freeway-to-Freeway Interchange, Valley Avenue Interchange, and the Urban Interchange at SR 161

(North Meridian). The reasons why these interchange options were selected and a brief description of each are provided below:

2.2.1 54th Avenue East: There were two partial interchange options that were evaluated in the Tier II EIS for the 54th Avenue East interchange. A "Loop Ramp" and "Half Diamond Ramp" configuration were given equal consideration. The two options had similar environmental impacts therefore the decision to select the "Loop Ramp" option over the "Half Diamond" option was based on access and operational considerations. The Port of Tacoma and the City of Fife provided input as to which interchange option best met their operational needs by providing easier access and turning movements for large trucks moving in and out of the Port facilities. The "Loop Ramp" option provides easier access and turning movements because its design provides for safer and smoother egress for large trucks leaving I-5 on their way to the Port of Tacoma and less conflict with automobiles in the interchange area.. Therefore, it was determined that the "Loop Ramp" option was the preferred Build Alternative. A description of its design features is given below:

- Loop Ramp Option**:** The 54th Avenue East "Loop Ramp" partial interchange option provides a southbound diamond off ramp and a northbound loop on ramp. The off- ramp descends from southbound SR 167 on fill and connects with 54th Avenue East at grade, approximately 600 feet north of 8th Street East. The loop on-ramp starts from 54th Avenue East across from 8th Street East at grade, ascending to an elevated north bound SR 167 mainline.

2.2.2 Interstate 5 (I-5): As determined through a Value Engineering (VE) workshop there is only one interchange design option that can be developed to meet the needs of the SR 167 Extension project at I-5. The reasons why there is only one design option at I-5 to locate a freeway-to-freeway interchange was because the I-5 Interchange design requires constructing complex multi-level structures to accommodate multiple connecting ramps, as well as to allow the pass through of other intersecting roadways and drainage courses. At I-5 there is also limited available right-of-way to locate a complex freeway-to-freeway connection because of the close proximity of the existing 54th Avenue East interchange on the west. Federal guidelines require a minimum of one-mile spacing between interchanges. There was also a necessity to avoid the B & L Woodwaste (hazardous materials) site to the southeast, avoid the steep slopes extending up to the neighborhood atop Fife Heights to the northwest and the Mountain View Apartment Complex immediately adjacent to the south side of I-5. Additional benefits to the selected location of the I-5 Interchange include the fact that it minimizes impacts to Hylebos Creek and Porter Way. A description of its design features is given below:

- I-5 Interchange: The new I-5 interchange will consist of three elevated levels of roadway structures extending up to 80 feet above ground. The SR 167 mainline will also be elevated on structure over 12th Street East, Pacific Highway (SR 99), Interstate 5, 20th Street East and 70th Avenue East. This interchange will provide all freeway connections except the connection from northbound SR 167 to southbound I-5 and the connection from northbound I-5 to southbound SR 167,

which are accommodated by existing interchanges and the local network. The HOV direct access ramps will be provided for all four movements. I-5 will be shifted to the west between the 54th Avenue East interchange and the Porter Way Bridge over-crossing.

A collector-distributor road will be provided for the northbound I-5 off ramp to northbound SR 167. North of the interchange, the I-5 mainline will be widened to accommodate the on and off ramps to SR 167. Hylebos Creek will be relocated as part of the I-5 interchange improvements. The existing Hylebos Creek between SR 99 and 8th Street East will be restored with a riparian buffer under the RRP. It will also provide a separated non-motorized path from 54th Avenue East to SR 99. Surprise Lake Drain will also be relocated as part of the I-5 interchange improvements. The interchange improvements will include the replacement of Porter Way Bridge over I-5, and new or improved bridges over the relocated Hylebos Creek. Realignment of 20th Street East and 70th Avenue East is required to allow 20th Street East to remain at grade through the interchange.

2.2.3 Valley Avenue: Three design options were developed for this interchange location. All three Valley Avenue interchange options were given equal consideration in the FEIS. For each option, the SR 167 mainline is elevated over Valley Avenue, Union Pacific Rail Road (UPRR), Wapato Creek, and Freeman Road. Under all three options, Valley Avenue will be widened from two lanes to five lanes from the northbound off ramp to the intersection of Freeman Road East. Also, the three options had similar access and operational characteristics therefore the decision to select the "Valley Avenue" option over the "Freeman Road" and the "Valley Avenue Realignment" options were based on environmental considerations. The "Freeman Road" option had much greater displacement impacts to nearby residences and businesses than either the "Valley Avenue" or the "Valley Avenue Realignment". The "Valley Avenue Realignment" option impacted a site of significance to the Puyallup Tribe, whereas the "Valley Avenue" and Freeman Road options did not. Based on the fact that the "Valley Avenue" option had less displacement impacts than the "Freeman Road" option and did not impact a site of significance to the Puyallup Tribe as did the "Valley Avenue Realignment" option the "Valley Avenue" option was the selected interchange to be included in the Build Alternative. A description of its design features is given below:

- "Valley Avenue" Interchange Option**:** The SR 167 mainline would be elevated over Valley Avenue, the UPRR, Wapato Creek, and Freeman Road. Valley Avenue will be widened from two lanes to five lanes from the northbound off ramp to the intersection of Freeman Road East. All ramps will be single lanes. The northbound off ramp would leave SR 167 remaining at grade until matching Valley Avenue. The north-bound on ramp would leave Valley Avenue at grade elevating over the railroad and connecting into SR 167. All ramps would be single lane. The southbound off ramp would leave SR 167 while elevated and pass over Valley Avenue descending into a right hand loop back to Valley Avenue, crossing over Wapato Creek on structure to match the existing grade.

The southbound on ramp would leave Valley Avenue, cross over Wapato Creek, remaining at grade until matching SR 167.

2.2.4 SR 161/ SR 167: There were three interchange options that were evaluated in the Tier II EIS at the confluence of existing SR 161, SR 167 and the Puyallup River. All three SR 161/ SR 167 interchange options were given equal consideration. An existing connection here provides the southern terminus for the freeway segment of SR 167 between Puyallup and Renton. With the proposed SR 167 Extension, this connection will become a full interchange. For each of the three interchange design options, the SR 167 mainline will be elevated over SR161 (North Meridian). Also, in all three options, the existing steel bridge over the Puyallup River (northbound SR 161) will be replaced and the existing concrete bridge (southbound SR 161) will be widened.

The three options had similar environmental impacts. However; it was determined that the "Urban Interchange" option provided easier access to surrounding land uses and was better operationally than either the "Low Diamond" and the "Medium Diamond" options. Therefore the "Urban Interchange" option was the selected interchange option to be included in the Build Alternative. A description of its design features is given below:

- "Urban Interchange" option: The SR 167 mainline will be elevated over SR161 (North Meridian). The existing steel bridge over the Puyallup River (northbound SR 161) will be replaced and the existing concrete bridge (southbound SR 161) will be widened. The two-lane southbound off ramp would leave elevated SR 167 and intersect SR 161 at grade and widen into two left-turn lanes southbound and one right turn lane northbound at SR 161. The northbound on ramp would leave SR 161 at grade connecting into two-lanes at SR 167. A new connection will be constructed across SR 167 facilitating traffic movements eliminated by the new interchange at the east terminus of North Levee Road and allowing access to SR 161 (North Meridian) via Valley Avenue for homes and businesses along North Levee Road. The northbound off ramp would begin as a single-lane at grade and intersect SR 161 widening into two northbound lanes and one southbound lane. The two southbound lanes would merge into one lane on the ramp and leave SR 161 at grade and elevate to match SR 167. The SR 512 off ramp would exit SR 167 east of the SR 161 crossing over the SR 167 northbound on ramp before merging with SR 512 and becoming a single lane ramp. North Levee Road will end in a cul-de-sac approximately 400 to 500 feet west of SR167. Existing connections from North Levee Road to SR 161 would be eliminated; however, access under the Puyallup River bridges would remain for the property in the southeast quadrant of the SR 161/SR 167 interchange.

2.3 Alternatives Not Selected

2.3.1 No Build Alternative: The No Build Alternative represents the baseline conditions assumed to exist in the future regardless of whether or not the proposed project is constructed. Under the No Build Alternative, the SR 167 freeway will terminate at North Meridian (SR 161), and the non-freeway SR 167 will continue to I-5 via North Meridian

and River Road where it will terminate at the Portland Avenue/Bay Street interchange in Tacoma. The corridor would remain in the present state except for minor improvements and maintenance. Hylebos Creek and Surprise Lake Drain will not be relocated. Riparian restoration will not occur on Hylebos Creek, Surprise Lake Drain, or Wapato Creek. Pierce County and the cities of Edgewood, Fife, Milton, Puyallup and Tacoma will continue with their programmed and planned improvements to the local transportation system.

Roadway projects that are planned include widening roads, signalizing intersections, adding bicycle and pedestrian facilities, developing park and ride facilities, and improving capacity. WSDOT will also continue making improvements to its facilities in the study area under the No Build Alternative. These facilities include SR 509, SR 705, SR 99, SR 161, SR 512, the existing SR 167, and I-5. The types of improvements include adding HOV lanes, adding collector/distributor lanes, improving on and off ramps, adding transportation demand management systems, and upgrading drainage systems.

Even though the "No Build Alternative" does not result in immediate right-of-way and construction impacts it was not selected because it:

- Does not meet the project Purpose and Need as described above.
- Does not enhance connectivity between other freeways, including SR 167 north of Puyallup.
- Does not reduce traffic congestion on existing local roadways.
- Does not remove large heavy trucks from local roadways
- Does not improve traffic safety nor reduce accidents caused by the congestion and heavy trucks on local roadways.
- Does not contribute to improved freight mobility for the Port of Tacoma and nearby cities and businesses.
- Does not improve air quality because it does not reduce congestion, or improve traffic flow, nor remove heavy trucks from local roadways and neighborhoods.
- Does not fulfill regional and local planning goals and objectives because it does not provide the necessary transportation improvements to accommodate the present rapid growth and/ or future planned growth in the area.
- Does not improve bus service or provide better opportunities for carpools and other transit modes.
- Does not reduce the burden of the regional pass through vehicle traffic from the local county and city service and maintenance organizations.

2.3.2 Interchange Options Not Selected: Two or three design options were developed for each interchange location with the exception of I-5 which has only one design option under consideration. All interchange options were given equal consideration in the Tier II EIS process. They had similar design features and the overall operational and environmental effects were not much different. The selection of one interchange design option over another depended on individual differences that occurred because they either moved traffic easier and were better operationally or had less effect on adjacent land uses

and sensitive environmental resources at their specific location. Specific reasons why each interchange option was not selected and a brief description of design features for each are provided below:

- 54th Avenue East- Half Diamond Option: The "Half Diamond" partial interchange option was not selected because it did not meet the access and operational needs of the Port of Tacoma and City of Fife as well as the selected "Loop Ramp" option. As described for the selected "Loop Ramp" option, the ramps for the "Half Diamond" option are single lane and provide only southbound off and northbound on access to SR 167. Connections will be provided for bicycle route continuity. The "Half Diamond" option provides for a southbound diamond off ramp at the same location as the selected loop ramp option. The northbound on ramp would be a diamond ramp which departs from 8th Street East (approximately 1,000 feet east of 54th Avenue East) at grade then begins to ascend matching into elevated northbound SR 167.

- Valley Avenue- Freeman Road Option**:** The "Freeman Road" option was not selected because it had much greater displacement impacts to nearby residences and businesses than either the "Valley Avenue" or the "Valley Avenue Realignment" options. As mentioned above for the selected interchange option at Valley Avenue, the SR 167 mainline for the Freeman Road option would be elevated over Valley Avenue, UPRR, Wapato Creek, and Freeman Road. Valley Avenue would be widened from two lanes to five lanes from the northbound SR 167 off-ramp to the intersection of Freeman Road East. For the "Freeman Road" option the configuration for the northbound off and on ramps remains the same as for the "Valley Avenue" option. Also, the southbound off-ramp would leave SR 167 while elevated and pass over the railroad and Valley Avenue. The ramp then begins to descend and enters a right hand curve into Freeman Road. It then matches the existing grade at Freeman Road. The southbound on-ramp leaves Freeman Road, matching at grade. The ramp stays at grade until it matches into SR 167. All on and off ramps would be single lane. Freeman Road would be widened from the on/off ramp connections to Valley Avenue, while maintaining the existing grade. South of Valley Avenue the road would be realigned to improve the intersection angle with Valley Avenue and the at-grade railroad crossing

- Valley Avenue- Realignment Option: The "Valley Avenue Realignment" option impacted a site of significance to the Puyallup Tribe, whereas the "Valley Avenue" option did not therefore the "Valley Avenue Realignment" option was not the selected option. For the "Valley Avenue Realignment" option the SR 167 mainline is elevated over Valley Avenue, UPRR, Wapato Creek, and Freeman Road. Valley Avenue will also be widened from two lanes to five lanes from the northbound off ramp to the intersection of Freeman Road East. As in the previously described Freeman Road option, the configuration for northbound off and on ramp remains the same for the "Valley Avenue Realignment" option where the southbound off ramp leaves SR 167 while elevated and passes over the

UPRR tracks. The ramp then begins to descend where it matches the grade on realigned Valley Avenue. The southbound on ramp rises from the realigned Valley Avenue, to the elevated mainline. All ramps would be single lane. At the west end, Valley Avenue would begin realignment to the north at the northbound on/off ramp termini. Valley Avenue would stay at grade the length of the realignment. Valley Avenue would then match into the original alignment at the existing railroad over-crossing east of the project. A short section of Freeman Road must be realigned to attain the proper intersection angle with the realigned Valley Avenue. The realigned Valley Avenue would be a five-lane roadway. Two sections of the existing Valley Avenue would be removed, including a portion that is under the footprint of SR 167, and the other portion at the crossing of Wapato Creek to the east. Cul-de-sacs would be placed at the end of the remaining section of Valley Avenue to maintain access to homes and businesses.

- SR 161/ SR 167- Low Diamond Option: The "Low Diamond" option was not selected because it provided more complex access to surrounding land uses and was determined to be not as good operationally than the selected "Urban Interchange" option. For the "Low Diamond" option the northbound off ramp leaves elevated SR 167 and stays at grade until it intersects with the North Levee Road. The single lane off ramp would widen to two eastbound lanes and one westbound lane at North Levee Road. The northbound on ramp leaves SR 161 at grade then stays on grade until intersecting SR 167. The ramp curves around the existing storage facility office building in the southeast quadrant of the SR 167/SR 161 interchange. This ramp would be a two-lane ramp. The southbound off ramp leaves SR 167 at grade and matches into SR 161. The two-lane off ramp would widen to two southbound lanes and one northbound lane at SR 161. The southbound on ramp leaves SR 161, matching at grade. The ramp stays at grade until it matches into SR 167. Two lanes on the ramp would merge to one lane. The SR 512 off ramp and Puyallup River bridges would be the same as the previous "Urban Interchange" option. North Levee Road would be widened to the east and west of the terminus of the northbound off ramp. North Levee Road would terminate at its present location at SR 161 with a one-lane connection both northbound and southbound on SR 161. The existing access road under the Puyallup River bridges would remain for access to the storage facility in the southeast quadrant of the new SR 167/SR 161 interchange. This access road would terminate in a cul-de-sac at the storage facility entrance. No access to the SR 167 on ramp would be allowed with the "Low Diamond" option.

- SR 161/ SR 167- Medium Diamond Option: The "Medium Diamond" option was not selected because it provided poorer access to surrounding land uses and was determined to be poorer operationally than the selected "Urban Interchange" option. For the "Medium Diamond" option the design would essentially be same as the "Low Diamond" with the exceptions that the northbound on ramp has a smoother curve than the "Low Diamond" option that would also impact the existing storage facility office building in the southeast quadrant of the SR 167/SR 161 interchange potentially displacing the entire facility.

3.0 Section 4(f) Evaluation

The final Section 4(f) Evaluation is included in Chapter 5 of the FEIS, and is incorporated here by reference. A summary of the Section 4(f) findings is provided below:

3.1 Section 4(f) Resources in the SR 167 Corridor

3.1.1 Historic 4(f) Resources: On June 15, 2004, the Washington Department of Archaeology and Historic Preservation (DAHP) concurred that only six (6) resources found in the SR 167 project area were eligible for listing in the National Register of Historic Places (NRHP). Of these six only three (3) as listed in the Table below are potentially impacted by the SR 167 project and subject to protection under Section 4(f) regulations. These historical 4(f) resources are also described in detail in Chapter 5- 4(f) Evaluation in the Tier II FEIS.

Historic Resources Eligible for 4(f) Protection

DAHP[1] Number	Parcel Number[2]	Address	Description
27-4154	P168	6803 20th St. E.	House
27-4125	P202	7001 20th St. E.	House
27-4114	P239	7717 Valley Ave. E.	House

[1] Department of Archaeology and Historic Preservation [2] Assigned by WSDOT

3.1.2 Recreational 4(f) Resources: Seven recreational resources were identified in the Tier II FEIS as being in the SR 167 project area. Of those seven recreational resources only two (2) are potentially impacted and subject to protection under Section 4(f) regulations. These recreational 4(f) resources are listed in the Table below and also described in detail in Chapter 5- 4(f) Evaluation in the Tier II FEIS

Recreational Resources Eligible for 4(f) Protection

Recreational Resource	Location	Section 4(f) Use	Description
Planned Pacific National Soccer Park	I-5 Interchange	Yes – land acquisition	Soccer facility
Interurban Trail	I-5 Interchange	Yes – land acquisition	Multi-use trail

3.2 Summary of 4(f) Resource Findings

3.2.1 Historic 4(f) Resources: The proposed I-5 interchange location would require removal of historic 4(f) protected resources (houses) on 20th Street East on the south/west side of the alignment (6803 20th Street East and 7001 20th Street East). Avoidance of these historic houses would require relocating the interchange at least 300 feet to the south, which would not meet adequate spacing standards for placement of an interchange to the south. In addition, relocating the proposed I-5 Interchange closer to

the existing 54th Avenue East Interchange would impact the Mountain View apartment complex with 241 units. Displacing this apartment complex would increase relocation impacts associated with the I-5 Interchange.

At Valley Avenue the proposed interchange location would require removal of a 4(f) historic resource (house) at 7717 Valley Avenue East. All three of the proposed interchange options for SR 167 at Valley Avenue would potentially affect this historic house. Avoidance of this particular historic resource would not be possible without relocating the interchange to other locations that would impact Puyallup Tribe properties and other historic resources as well as require the relocation of Freeman Road and additional impacts and crossings to Wapato Creek.

Therefore, based on the issues identified in the preceding two paragraphs it is determined that redesigning the mainline to avoid these 3 historic 4(f) protected resources (houses) is neither feasible nor prudent. As outlined in the Memorandum of Agreement (see FEIS Appendix H), the 3 historic houses will be offered for sale, based on the individual buyer's ability to move the house to a different location. If the houses do not sell within a year, photo-documentation will occur and then they would be demolished

3.2.2 Recreational 4(f) Resources: During the development of the Tier II DEIS the main line alignment of SR 167 was redesigned to meet updated federal design speed requirements after the Tier I FEIS approved on June 9, 1999. For the mainline redesign, five different centerline-only options were developed for SR 167 between SR 509 to just south of the I-5 Interchange. All these options met the new design standard and changed the I-5 crossing from a horizontal curve to a tangent section. State and Federal guidelines require a minimum distance of one-mile between interchanges. Because of the location of Hylebos Creek and the geography of the area in this vicinity, it is not possible to place the I-5/SR 167 interchange any further north than 0.8-mile from the 54th Avenue East/I-5 Interchange.

Further detailed investigation was conducted to determine if there were any alternatives that would avoid the use of Recreational 4(f) resources (Interurban Trail and the planned City of Fife Pacific National Soccer Park). The investigation determined that some impact to these two recreational resources would be unavoidable because they exist in an area where there are many man-made or natural topographical features such as existing I-5 and Hylebos Creek that limit opportunities for the SR 167 alignment to be located elsewhere and still meet the updated federal design speed and interchange spacing standards. The selected alternative also minimizes the impact to the greatest extent practicable to Interurban Trail and the planned City of Fife Pacific National Soccer Park.

The Build Alternative will accommodate a redesigned and relocated Interurban Trail and re-establish the public access connection to this trail in the vicinity of 70th Avenue East and I-5. The relocated portion of the trail will be a separated Class I or II non-motorized path linking to the City of Fife's trail system that is ADA accessible. Any additional facilities, such as parking that might be developed for the trailhead of the Interurban Trail by the City of Milton will also be addressed. Prior to beginning construction of the SR 167 Extension project a trail conversion evaluation will be prepared detailing that all

practical alternatives to avoiding the conversion have been considered. The trail conversion evaluation would provide a description of the fair market value of the land to be converted, include a determination that the replacement land is of reasonably equivalent recreational and location value and that the replacement land also meets 4(f) eligibility requirements. In addition, the November 2004 MGS Water Resources Report prepared for the SR 167 Extension project determined that flood impacts to the Interurban Trail will be limited to the 100-year storm event with the project's proposal to relocate Hylebos Creek and establish the RRP.

The City of Fife was aware of the proposed SR 167 highway design at the time they planned and acquired the property for the Pacific National Soccer Park. Presentations were made to the public by the City of Fife concerning the soccer park design in June 2003 that showed the SR 167 Extension project relative to the proposed layout of soccer fields and associated site improvements. Through meetings with the City of Fife and Pierce County, the FHWA and WSDOT prepared an alternative design of the I-5 interchange, which reduced impacts to the planned soccer park such that 12 fields are possible at the site. This met the minimum requirements for the City of Fife for funding the facility.

The SR 167 Project has incorporated elements into the design of the project that will benefit the planned Pacific National Soccer Park. A report entitled "Analysis of the SR 167 Extension and Riparian Restoration Proposal in the Hylebos Watershed" (MGS Engineering Consultants, November 2004) included an analysis of stormwater runoff from the soccer park. The project proposal to relocate Surprise Lake Drain from its current ditched location and create a riparian zone around the relocation area will directly benefit the planned soccer facility. The benefits of this relocation would also include reducing flood impacts to the planned Pacific National Soccer Park.

Funding for construction of SR 167 is not secured at this time therefore the City of Fife is presently only developing a master plan for the soccer park property. FHWA and WSDOT are committed to continue working with the City of Fife and Pierce County as the design plans for the SR 167 Extension project and the relocation of Surprise Lake Drain and Hylebos Creek and associated regulatory buffers are refined. Final measures to minimize harm to the soccer park property will be determined once construction funding for SR 167 has been secured. Mitigation, if necessary, will be provided for any required use of the soccer park property.

3.2.3 Section 4(f) Determination: Consistent with 23 CFR Section 771.135 and based upon the considerations in Sections 3.2.1 and 3.2.2 above, the FHWA has made a determination that the selected Build Alternative incorporates all possible planning to avoid or minimize harm to the affected Section 4(f) resources. Furthermore, this determination finds that there are no feasible and prudent locations or alternatives for the action to avoid the use of land from historic resources (6803 20th Street East, 7001 20th Street East, and 7717 Valley Avenue East) and recreational resources (Interurban Trail and the planned Pacific National Soccer Park), and the proposed action includes all possible planning to avoid or minimize harm resulting from such use, and no other

feasible and prudent alternative is more effective in avoiding or minimizing harm to Section 4(f) resources. Details regarding the effects to Section 4(f) resources, the proposed mitigation to offset and minimize those effects is included in Chapter 5 of the FEIS and correspondence from all relevant jurisdictions is included in Appendix H of the FEIS.

4.0 Measures to Minimize Harm (Commitments)

The Build Alternative incorporates all practicable measures to minimize environmental harm. Implementation of the Build alternative will include all mitigation measures identified in Chapter 3 and listed in Appendix "F" (Tier II Commitments List) of the FEIS. The Tier II Commitments list is included herein as Attachment "A" for easy reference.

The following is a summary of mitigation measures and commitments imposed under this ROD for the Build Alternative. These mitigation measures and commitments are summarized under paragraph headings for categories of regulations that cover protected resources such as air, noise, cultural resources, Environmental Justice, farmland, water resources and endangered species. U.S. Department of Transportation (USDOT) Orders and Presidential Executive Orders are noted where appropriate. This summary is also provided to facilitate the monitoring of the implementation of the mitigation measures and to give a sense of the nature of the mitigation actions and associated impacts. However, this summary does not supersede or negate any of the commitments for environmental mitigation established in the FEIS, where the impacts and mitigation actions are described in more detail.

4.1 Air Quality

An analysis of air quality, conformity with the Federal Clean Air Act (42 U.S.C. 7506 (c)), and regional conformity with the SIP (40 CFR Part 93 and WAC 173-420) is included in the FEIS. Initial results are presented in Chapter 3.5 of the FEIS. Based on public comment and FHWA policy that project conformity is demonstrated prior to issuance of the ROD on projects for which FHWA is lead agency, a conformity analysis update was performed in 2002 and is included in Appendix H of the FEIS. The conformity analysis was completed using the latest regional planning assumptions, including emissions factors and an analysis year consistent with those used in the PSRC MTP entitled Destination 2030, adopted in 2001.

On June 27, 2002, PSRC Executive Board approved refinement of the MTP to reflect the design of the Build Alternative for the proposed project. The revised modeling shows regional emissions below the emission budgets for all pollutants in 2020 and 2030 for the MTP, including the Build Alternative. This modeling demonstrates that air quality in the Puget Sound region, including implementation of the Build Alternative, will conform at the regional level to the regional air quality maintenance plans.

The proposed project is included in the PSRC MTP and Regional Transportation Improvement Plan (TIP). The project meets all requirements of 40 CFR Part 93 and WAC 173-420, and thus conforms to the goals and objectives of all Puget Sound Air Quality Maintenance Plans. The Build Alternative will not cause any new or contribute to any existing regional exceedances of the NAAQS.

4.1.1 Mobile Source Air Toxins (MSAT): Emissions of MSAT were calculated as part of the air quality analysis. Limitations in technical methods prevented the performance of localized "hotspot" dispersion modeling for projects at the current time. EPA recommends against dispersion modeling for particulate matter in its most recent revisions to the transportation conformity rule, and dispersion model evaluation studies have generally shown that dispersion models are accurate within about a factor of two. The FEIS indicates that the expected difference in emissions between No Build and the Build Alternative would be approximately 14%. Thus, air dispersion models are much less precise than the change in MSAT emissions expected.

Also, the SR 167 roadway has only an incremental impact on total MSAT exposure, and assessing MSAT exposure is not a simple matter of calculating the impacts of a roadway in isolation from other sources of exposure. Calculating emissions trends and emissions changes at the study area level is the most meaningful way to illustrate likely changes in overall exposure.

Emissions analyses using the air quality model MOBILE 6.2 along with projected increases in vehicle travel typically show a 50-80% decline in study area emissions between the base year and the design year; a reduction of approximately 50% is expected for this project (Section 3.2 of the FEIS). The fact that emissions are declining argues against the need for localized "hotspot" dispersion modeling.

In the FEIS, readers were informed that localized increases relative to the No Build Alternative would occur at locations where average daily traffic increases. However, since overall emissions decline relative to current conditions, it is not expected that the Build Alternative would lead to an increase in adverse health impacts attributed to MSAT over current conditions.

4.2 Noise

The Tier I EIS and Record of Decision required a comprehensive noise study be completed during the Tier II NEPA process. The Noise study concluded that construction and operation of the proposed SR 167 Extension will have potential noise impacts.

Construction noise impacts were described based on maximum noise levels for construction equipment, published by the EPA. Daytime construction noise within permitted hours of operation is not regulated by either local ordinance or federal criteria. Only nighttime construction work is regulated by local ordinances. WSDOT contract documents will require contractors to adhere to a variety of standard specifications aimed

at reducing and minimizing day and nighttime construction noise impacts and require the contractor to notify the community about construction activities that will cause noise. Nighttime construction noise monitoring would be conducted, see Section 5.2 below. To reduce construction noise impacts at nearby receptors, the following mitigation measures could be incorporated into construction plans and special provisions:

- Erecting noise berms and barriers as early as possible to provide noise shielding
- Limiting construction activities to between 7 AM and 10 PM, to reduce construction noise level during nighttime hours in residential areas
- Equipping construction equipment engines with adequate mufflers, intake silencers, and engine enclosures.
- Turning off construction equipment during prolonged periods of nonuse, to eliminate noise from construction equipment during those periods
- Requiring contractors to maintain all equipment and train their equipment operators, to minimize noise levels and increase operating efficiency
- Locating stationary equipment away from receiving properties to decrease noise from this equipment in relation to the increased distance
- Constructing temporary noise barriers or curtains around stationary equipment that must be located close to residences, to decrease noise levels at nearby sensitive receptors
- Discussing noise issues at the pre-construction stage and develop community involvement to identify haul roads and sensitive noise receptors
- Establishing the complaint mechanism during construction of the project

Traffic noises are predicted at specific noise-sensitive locations (receptors), and based on projected future traffic operations using the FHWA Traffic Noise Model (TNM). FHWA Noise Abatement Criteria (NAC) is used to identify and evaluate appropriate mitigation measures including noise walls.

In general, an increase in volume, speed, or vehicle size increases traffic noise levels. The majority of traffic noise comes from the engine, exhaust, and tires. Other conditions affecting noise include defective mufflers, steep grades, terrain, distance from the roadway, and shielding by barriers and buildings. A variety of mitigation methods can serve as effective traffic noise impact reducers. For example, noise impacts from the project's long-term operation can be minimized by the following methods: implementing traffic management measures, acquiring land as buffer zones, realigning the roadway, and constructing noise barriers or berms. The final determination of noise barrier or berm size and placement, and the implementation of other mitigation methods will take place during detailed project design, after an opportunity for public involvement and approval at the local, state, and federal levels.

Noise barriers include noise walls and berms. The effectiveness of a noise barrier is determined by its height and length and by the project site's topography. To be effective, the barrier must block the "line of sight" between the highest point of a noise source (e.g., a truck exhaust stack) and the highest part of a receiver. A barrier must be long enough to prevent sounds from passing around its ends, have no openings such as driveway

connections, and be dense enough so that noise would not be transmitted through it (USDOT 1973).

FHWA and WSDOT evaluated noise barriers for feasibility and reasonableness. The determination of engineering feasibility includes whether barriers could be built in a location to achieve a noise reduction of at least 7 decibels "A" weighted (dBA) at the closest receptors. The determination of reasonableness includes the number of sensitive receptors benefited by at least 3 dBA, the cost-effectiveness of the barriers, and concerns such as the desires of nearby residents, aesthetics, and safety. FHWA and WSDOT have established a reasonableness criterion for the maximum allowed wall surface area per household. Noise walls that exceed the maximum allowed wall surface area are deemed not reasonable.

A noise barrier is proposed for the SR 167 Extension project along the south shoulder of SR 167 west of Milwaukee Avenue East. This noise barrier, was analyzed since the DEIS and found to be feasible and reasonable. It is feasible because a 14,400-square foot wall (10 feet high and 1,400 feet long) would reduce noise levels by 6 to 9 dBA at nearby sensitive receptors. It is reasonable because 16,401 square feet is the allowed wall area based on the residences represented and future decibel levels. Because it is both feasible and reasonable, it will be included in the final design of the Urban Interchange option for this area.

The Tier I commitments made to the Puyallup Tribe in 1993 regarding noise mitigation near 48th Street East have also been carried forward into this ROD. Landscaped noise abatement structures were requested by the Puyallup Tribe for future residences potentially built on Tribal Trust land. No time-frame for their construction has been determined yet. FHWA and WSDOT will continue to collaborate with the Puyallup Tribe during the upcoming design process to precisely define structures meeting their approval. Because the project is on an elevated structure through this area, landscaping may not be possible. Technical guidance to the Puyallup Tribe on the placement of businesses in order to effectively use the noise barrier will be provided at the time of development of the Tribal parcels. WSDOT will also retrofit houses on Tribal Trust land near Valley Avenue with storm windows as mitigation to minimize noise impacts, if necessary.

4.3 Cultural Resources (Section 106)

Section 106 of the National Historic Preservation Act of 1966, as amended, and 36 CFR Part 800, requires the review of federally assisted projects for impacts to districts, sites, buildings, structures, and objects listed in, or eligible for inclusion in, the National Register of Historic Places (NRHP). FHWA and WSDOT submitted a completed Historic and Archaeological Report to the Washington State Historic Preservation Officer (SHPO) for concurrence.

In 1999 WSDOT initiated consultations with federally recognized and non-recognized tribes pursuant to 36 CFR 800.2(a)(4), and in March 2000, FHWA initiated formal consultation with the tribes in compliance with Presidential Executive Order 13175

(2000). Tribes contacted included the Puyallup Tribe, Muckleshoot Tribe and Yakima Nation, as determined from review of the Usual and Accustomed Area maps (Governor's Office of Indian Affairs, May 1987, as updated). FHWA delegated responsibility to WSDOT to coordinate the report of findings with the SHPO for concurrence pursuant to 36 CFR 800.4(d) (1). The tribes were provided a 30-day comment period, and were contacted by phone 15 days prior to the end of the comment period to seek additional information.

Based on comments received from the Puyallup Tribe, Muckleshoot Tribe, and the Yakima Nation, WSDOT initiated professional archaeological and historical monitoring of planned geotechnical investigation work that involved subsurface soils disturbance. Copies of the SR 167 Cultural Resources Monitoring Survey (WSDOT, November 2000) and letters requesting comments were sent to the above tribes in February 2001. No comments were received within the 30-day comment period or thereafter.

Cultural resource and archaeological sites are not usually adversely affected by operation of transportation projects after construction. Historic structures, or their use and enjoyment, may be affected by vibrations or noise caused by traffic. None of these factors are expected to cause major effects if this project is constructed.

The SR 167 Build Alternative is expected to lead to some limited construction impacts on cultural resources. As design progresses, further efforts will be made to avoid or minimize the effects to cultural and historic resources. Most of the cultural resource impacts associated with constructing the project would potentially occur at the I-5 Interchange. An NRHP-eligible, prehistoric cultural site near SR 99 and two NRHP-eligible historic structures are located here. The two historic resources are located at 6803 20th Street East and 7001 20th Street East. They are also covered under Section 4(f), see Section 3.0 above. Section 4(f) does not apply to the prehistoric cultural site near SR 99, as explained in Section 5.4.1 of the FEIS. Other parcels in the I-5 interchange portion of the project contain inventoried buildings, which are not NRHP-eligible historic structures.

The Valley Avenue/SR 167 interchange area could be affected by project construction. Two cultural resource sites are potentially affected. A NRHP eligible resource (historic house) is located at 7717 Valley Avenue East. This resource is also covered under Section 4(f), see Section 3.2.1 above. In addition one site in the vicinity of the Valley Avenue Realignment interchange option described in Section 2.3.2 above is of potential interest to the Puyallup Tribe. The site is the "Burial location" for a member of the Puyallup Tribe and potentially considered sacred. The site will be avoided. No further investigation has been conducted to determine whether the site is eligible for the NRHP or subject to Section 4(f). The site is not discussed extensively in the FEIS in order to maintain the confidentiality of its location. Prior to any ground disturbing activity at or adjacent to this area, the Puyallup Tribe will be consulted.

The Tier I ROD called for design efforts to save the Carson Chestnut Tree. Accordingly, all options at the SR 161/SR 167 Interchange were designed to protect this historic tree,

which has been nominated for listing on the Washington Heritage Register. No effect on the Carson Chestnut Tree is expected because FHWA and WSDOT have committed to avoiding the tree and avoiding construction activities that might damage the tree.

The SR 167 project and other planned development in the area will have cumulative effects to cultural resources, primarily structures, in the immediate project area. Likewise, cumulative effects of other actions in the Puyallup Valley that are unrelated to the proposed SR 167 Extension would mostly result from ground disturbance or building demolition associated with transportation improvements and new commercial or industrial developments. These effects are anticipated to be concentrated in the Urban Growth Boundary as planned under the Growth Management Act (GMA), rather than dispersed throughout the Puyallup Valley and Pierce County. The mitigation measures developed to avoid cultural resource effects by the proposed project would also minimize contributions to cumulative effects.

In spite of the detailed studies during Tier II, construction of SR 167 could disturb or destroy previously undiscovered archaeological sites. If sites or cultural resources are found during construction, all work in the area would stop and the requirements of the project Cultural Resources Discovery Plan would be followed. In addition an Archaeological Monitoring Plan, which may include a geological model, detailing personnel and methodologies for locating presently undiscovered buried cultural resources potentially associated with ancient ground surfaces, will be developed during final design (see Section 5.1 below).

A Section 106 Memorandum of Agreement (MOA) was developed in consultation with FHWA, SHPO, the Advisory Council on Historic Preservation (ACHP), and the Puyallup Tribe to address adverse effects of the project to the identified archaeological site and four historic structures. The MOA includes measures to minimize or avoid the effects. The City of Fife will be notified prior to the purchase of the historic properties subject to protection under Section 106. Prior to any ground disturbing activity in the Valley Avenue Interchange area, the Puyallup Tribe will be consulted. The MOA was approved by all signatory parties in fall 2006 (September to November) and is included in Appendix H of the FEIS.

4.4 Environmental Justice (Presidential Executive Order 12898)

The analysis of Environmental Justice is included in Chapter 3.11 of the FEIS. Consistent with Presidential Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (February 1994) and FHWA Order 6640.23, “FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (December 1998), the FHWA concluded that after the mitigation measures to minimize harm are implemented, no adverse human health or environmental effects are expected to fall disproportionately on minority or low-income populations as a result of implementing the Build Alternative.

4.5 Farmland

The Federal Farmland Protection Policy Act (FPPA- 7 USC 4201-4209) is intended to minimize the extent to which federal activities contribute to the conversion of farmland to non-agricultural uses. Consequently, the FPPA requires the FHWA to evaluate the impact of proposed transportation improvements before they approve any project that would convert farmland to transportation purposes.

The evaluation of impacts to farmland conducted by FHWA and WSDOT for the SR 167 Tier II EIS determined that all of the land being farmed within the project area is occurring within urbanized areas. The majority of which is within Fife city limits. As the cities of Fife, Puyallup and Tacoma continue to implement their Comprehensive Plans, eventually all land currently farmed within the study area is expected to be converted. The above mentioned cities have determined that the highest and best use of land located within their city-limits is residential, commercial or industrial and they have rezoned the land as such.

Interviews with farm families from the project area have made it clear that most of them either have left or are planning to move away due to increased urbanization and property values that are making farming unprofitable. Recently some farm families have voluntarily participated in municipal service improvements to their property which would enhance overall future non-agricultural development value. The encroachment of commercial/ industrial development, high property assessments, and the financial challenges facing family farm operations has brought into question the longevity of existing agricultural operations in the project corridor as well as the overall lower Puyallup Valley. There are no local farmland protection policies. Even under the No-Build alternative it is expected that the impacted farmland would convert to long-term residential, commercial or industrial uses. Also, it is anticipated by local governments that any economic impacts or loss of tax-base related to the loss of farming businesses/ infrastructure will be more than adequately compensated for by the economic benefits attributed to the increase of commercial business and industry.

Any mitigation commitment proposed for the direct loss of farmland will depend on the land use existing on the property at the time of its acquisition prior to construction. It is expected that by the time the SR 167 Extension project is ready for construction all of the agricultural land within the corridor will be converted to other non-agricultural land uses. However, the approval of the Tier I FEIS in June 1999 provided FHWA and WSDOT the opportunity to acquire right-of-way in advance of final design to preserve a viable corridor alignment to build the SR 167 Extension project. WSDOT has acquired several properties in recent months promulgated at least partially by the fact that some of these properties had been rezoned to commercial or industrial uses and were slated for potential immediate development. WSDOT is reacting by purchasing properties slated for new development to prevent considerably higher acquisition and relocation costs should the property be advanced to become a commercial business or industry. WSDOT has typically acquired properties from “Willing Sellers” and has avoided the acquisition of viable agricultural operations.

Furthermore, during the Tier II EIS process WSDOT submitted farmland conversion rating information concerning the SR 167 Extension project to the Natural Resources Conservation Service (NRCS) for evaluation. According to the NRCS evaluation, the amount of farmland that would be converted in the proposed project corridor accounts for 0.15 percent of the total farmland in Pierce County (Natsuhara 2004).The NRCS used this information to evaluate whether there are farmlands in the project area that are subject to protection under the FPPA. Farmlands that score 160 points or less in the NRCS evaluation and rating do not need to be given further consideration for protection by FHWA (7 CFR 658.4). The farmlands within the project study area, including those included in the RRP and potential wetland mitigation sites, scored 153.6 points in the NCRS rating and therefore do not need to be given further consideration for protection under the requirements of the FPPA. However; mitigation commitments as described below have been included to preserve agricultural uses that would remain adjacent the SR 167 Extension project.

4.5.1 Mitigation Commitments for the Loss of Farmland: Commitments to mitigate impacts for farmland were developed for construction and operation of the SR 167 Extension project are listed in Attachment A and they are summarized below:

- Construction: During construction consultation and coordination with affected farmers will be conducted to ensure that disruptions to adjacent farming operations are minimized and adequate advanced notice of potential disruptions is given. Erosion control measures will also be implemented during construction. Construction zones along the roadway will be replanted after construction in accordance with local and state guidelines. The use of water trucks and other construction best management practices will be used in the control of dust. As part of construction management, access and traffic mitigation and dust control measures will be prepared and included in the project's construction contract.

- Operation: Once design is complete, FHWA and WSDOT will work individually with existing farmland owners to identify circulation options for movement of farm equipment and to provide access to any fragmented acreage and where appropriate provide connection from local streets by way of access roads and/or easements. The RRP and other conventional water detention facilities will assist in protecting farms from project stormwater runoff. The implementation of the RRP would tend to mitigate impacts related to saturated soils from hydrological changes due to impervious surfaces and the increased stormwater run-off. The RRP would moderate the affect of the rapid growth and development that is encroaching onto farmlands in the project area by providing open space or buffers between the new roadway, agriculture and other non-agricultural uses. Agricultural activities may be able to continue within RRP areas because it would be conserved in perpetuity as open space and farming operations could coexist because they would not necessarily impede the purposes of the RRP. During project design and construction FHWA and WSDOT will work collaboratively with local farmers and governments to identify ways to preserve farmland acreage

in the project area and explore the need, desire for, and feasibility of protecting and maintaining farmland within the project corridor in the future.

4.6 Water Resources

The Federal Water Pollution Control Act of 1972 (amended in 1977), commonly known as the Clean Water Act (CWA), established the basic structure for regulating discharges of pollutants into the waters of the U.S. The CWA gave EPA the authority to implement pollution control programs such as setting wastewater standards for industry. The CWA also continued requirements to set water quality standards for all contaminants in surface waters. The CWA made it unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a permit was obtained. It also funded the construction of sewage treatment plants under the construction grants program and recognized the need for planning to address the critical problems posed by non-point source pollution such as highways.

In the SR 167 project area surface water, groundwater, floodplains and wetlands provide public water supply, aquatic habitat, and flood storage. Potential effects of the proposed project to these water resources include changes in water quality, floodwater storage and displacement, erosion, and habitat quality and availability. FHWA and WSDOT will adhere to all relevant regulations pertaining to the protection of water resources within the project area. FHWA and WSDOT have determined that the proposed project planning and design includes all measures to avoid and minimize impacts to surface water, groundwater, floodplains and wetlands. Requirements contained in regulatory permits, agreements, and plans may include additional specific mitigation measures and monitoring requirements, which further ensure that construction and operation activities are conducted in a manner that protect water resources. See Section 4.6.2 for RRP water quality benefits. Water quality monitoring is discussed in Section 5.3 of this ROD.

4.6.1 Floodplains (USDOT Order 5660.1A; Presidential Executive Order 11988): The USDOT and FHWA seek to assure the protection, preservation, and enhancement of the nation's floodplains to the fullest extent practicable during the planning, construction and operation of transportation facilities and projects (USDOT Order 5660.1A; Presidential Executive Order 11988). With the proposed RRP and other mitigation measures for the protection of water resources to be implemented for the Build Alternative, FHWA finds that the SR 167 Extension project meets all stormwater and floodplain requirements and complies with Presidential Executive Order 11988. See RRP Section 4.6.2 for benefits applicable to floodplains.

4.6.2 Riparian Restoration Proposal (RRP): Due to the potential impacts associated with stormwater, runoff generated by the highway must meet flow control requirements and water quality treatment requirements, known as stormwater Best Management Practices (BMP), that have been set to protect in-stream water quality and hydrology. These requirements are defined in the Stormwater Management Manual for Western Washington (Ecology 2001) and are reflected in the WSDOT Highway Runoff Manual (WSDOT 2004). Therefore, by design, it is expected that water quality standards will be

met and hydrology maintained to the extent defined by the regulations. Stormwater control is a critical component of this project and the initial design phases have led to development of a stormwater control strategy that is both diverse and innovative. The following description of the RRP approach to stormwater treatment and rationale is provided due to the innovative nature of the approach, and as background to the impacts.

The RRP is a comprehensive stormwater management plan (SWMP) that covers the project corridor. Additional information will be developed during final design to further define and clarify the SWMP approach. The RRP approach was selected because it does not change the amount of flooding, but controls it through natural methods. The RRP would create an environment where flooding and channel migration is not detrimental to houses, roads, private property, public infrastructure, etc.; because these obstructions to water flow are removed and new channel migration zones and riparian buffers are established.

The advantage of the RRP approach is that it removes existing encroachments and restores the riparian ecosystem and natural course of flooding. The RRP would reduce the amount of stormwater coming onto the project from off-site sources by maintaining natural flooding conditions. Stormwater coming from within the right-of-way would be handled with traditional conventional methods onsite before being released into the RRP system.

Conventional stormwater approaches tend to detain and collect stormwater both coming onto the project from outside and water collected on-site within the right-of-way. Stormwater detention ponds can regulate the amount and flow of water leaving the project and allow for treatment before it percolates into groundwater or is released into the surrounding environment. However, conventional methods often conflict with natural processes by blocking channels, altering direction or rates of flow, and require handling of large amounts of water from off-site sources that would not need to be dealt with under a RRP method.

Stormwater treatment requirements include those associated with pollutant removal (water quality) and those associated with reducing and minimizing runoff volume and speed (water quantity). Runoff generated from the corridor must receive both water quality and water quantity treatment. At this time (i.e., preliminary design) stormwater treatment is expected to occur through the RRP, supplemented with standard stormwater treatment facilities (i.e., biofiltration swales, detention ponds, constructed wetlands, and manufactured treatment vaults), possibly deep fill infiltration, and landscaped fill slopes.

There are three RRP areas proposed for the project; Hylebos Creek, Surprise Lake Drain, and Wapato Creek. Hylebos and Surprise Lake Drain RRPs also involve stream relocations. Details on each of the three RRPs and their impacts are described in detail in FEIS Section 3.2-4.

With conventional stormwater treatment, Hylebos Creek would still need to be relocated from Porter Way to 70th Avenue East and riparian area around the relocated stream

would be established. However, Surprise Lake Drain would not be relocated and the RRP area identified around the relocated Surprise Lake Drain would not be established. Also the RRP area previously identified east of the I-5 corridor would not be established. The result is that the 54 acres of upland riparian buffer (buffer not associated with Hylebos relocation) that would be protected in the Hylebos area (including Surprise Lake Drain) under the RRP, would not be protected with the conventional treatment approach. In addition, 12 large stormwater ponds covering 34 acres in the vicinity of the I-5 Interchange would be required. This would result in 8 acres of additional wetland impact at this interchange location.

With conventional treatment in the Wapato Creek portion of the project area (the Valley Avenue interchange area), the riparian upland buffer in the RRP area would be greatly reduced (from 60 acres to 7 acres) and approximately 16 stormwater ponds covering 24 acres would be required. Based on field conditions, the number and size of stormwater ponds may change during final design and construction.

A Net Environmental Benefits Analysis (NEBA) was performed to quantitatively estimate and compare the relative ecological losses and gains between the use of conventional stormwater treatment ponds and the RRP approach. Project wide, the RRP was found to have 57 percent greater environmental benefit than the conventional treatment approach. In the Hylebos Basin there was an estimated 64 percent increase, in Surprise Lake Drain an estimated 79 percent increase, and in Wapato Basin a 43 percent increase in environmental benefits. These benefits were primarily due to improvements in wetlands, riparian uplands, and stream channel. The NEBA is described in FEIS Section 3.17.2)

Use of the RRP represents a non-conventional approach to stormwater flow control and will minimize the need for conventional stormwater detention facilities for the SR 167 project. Its direct function is to address stormwater flow control, however the RRP will also provide benefits that may be even more critical to the proper functioning of stream resources. Some of these benefits include:

- Prevention of streambank erosion through both control of stormwater discharge and through direct stabilization of the streambank via riparian planting;
- Improved shading of the stream through streamside plantings and eventual development of a more diverse terrestrial and aquatic habitat structure;
- Reduction in transport of pollutants from the surrounding area and possibly improvement in the streams ability to assimilate pollutants generated upstream;
- More natural interaction of the streams and their associated floodplains that would allow the stream channels to form and change naturally;
- Wildlife corridor improvement and links to other existing habitat areas and development of more diverse terrestrial and riparian habitats;
- Reduction in the need for manmade structures (pipelines, culverts, outlets) and promoting natural dispersion and drainage patterns.

The RRP would also enhance a substantial amount of wetlands and protect them by enhancing the surrounding uplands that would serve as wetland buffers. The RRP will also provide wildlife habitat and other essential elements beneficial to this rapidly urbanizing area. The RRP would acquire the property necessary to reestablish riparian buffers along 4.4 miles of existing and relocated streams and allow for more natural floodplain processes to occur within a channel migration zone. Buildings, roads, culverts, and other infrastructure would be removed and the land use would be converted back to a riparian forest planted with native vegetation. Existing fill materials that were placed in the floodplain would be removed in some areas to improve floodplain capacity. Replanting the banks with native riparian vegetation would minimize streambank erosion more directly than conventional detention ponds. In addition to stabilizing the channels, this proposal would develop 189 acres of habitat and establish wildlife linkages between fragmented upland habitats. The RRP would also provide opportunities for passive recreation and environmental education.

The RRP would result in considerable benefits to streams, such as increasing shade to maintain cooler water temperatures, establish woody vegetation which increases bank stability, and helping form habitat for fish and wildlife. The riparian habitat created by the RRP will be a mix of riparian wetland, wetland buffer, and upland habitats.

4.6.3 Wetlands (USDOT Order 5660.1A; Presidential Executive Order 11990): The USDOT and FHWA seek to assure the protection, preservation, and enhancement of the nation's wetlands to the fullest extent practicable during the planning, construction and operation of transportation facilities and projects (USDOT Order 5660.1A; Presidential Executive Order 11990).

With the proposed wetland mitigation measures as described below for the Build Alternative, FHWA finds that the SR 167 Extension project meets the federal wetland requirements.

Through interagency coordination efforts related to the SAC process, measures have been implemented to reduce the wetland effects related to the selected Build Alternative. In addition a COE Individual Section 404 permit will be obtained for the project which will further address wetlands and impose mitigation.

As noted, wetlands are generally more strictly regulated than other wildlife habitat types. To mitigate unavoidable wetland impacts, creating wetlands is proposed on at least one of ten potential sites. There will be no net loss of wetland function or area from the proposed project. Through the project design, impacts to wetlands and streams was avoided or minimized to the greatest extent possible. During the Tier II preliminary design process the alignment was shifted away from Hylebos Creek north of I-5. The alignment necessitates the relocation of a segment (approximately one-mile) of Hylebos Creek and Surprise Lake Drain. FHWA and WSDOT are proposing to mitigate for these impacts by designing a more natural, meandering channel for the relocated streams. The proposed relocations of Hylebos Creek and Surprise Lake Drain are described as part of the RRP (see Section 4.6.2 above).

A *Conceptual Mitigation Plan* (WSDOT, May 2005) detailed the adverse effects on wetlands and their buffer areas, required mitigation ratios (both state and local agency), and planned mitigation as was more generally described in Chapter 3.3 of the FEIS. The *Conceptual Mitigation Plan* is incorporated here by reference. Through conceptual project design, impacts to wetlands have been avoided or minimized as much as possible, but future opportunities for avoidance and minimization will be pursued in final design. When the mainline was shifted away from Hylebos Creek north of I-5, this minimized impacts and allowed for a large buffer. During final design, site-specific design criteria will be applied to each interchange, mainline segment, and bridge. These can include realignment of the mainline and ramps to minimize impacts to wetlands, adjustment of bridge lengths to avoid wetlands for the stream crossing at Valley Avenue, and re-vegetating Hylebos and Wapato Creeks, and Surprise Lake Drain to improve habitat. The Hylebos Creek relocation will remove an existing bottleneck along I-5, increase capacity, and improve riparian habitat. Initially, ten sites have been identified within the project vicinity offer the potential to compensate for unavoidable project impacts on wetlands. One or more sites may be needed to meet the wetland mitigation needs of the project.

FHWA and WSDOT will select one or more preferred wetland mitigation site(s) after the ROD is issued and before permitting and a final mitigation plan are completed. A number of additional sites were also considered for mitigation but were not evaluated further due to various causes. The mitigation wetlands to be restored/created and enhanced at the potential wetland mitigation sites are expected to substantially exceed the area and function of the moderate- to low-function, disturbed wetlands to be impacted by the Build Alternative.

Wetland and riparian sites in the project area are of particular importance to wildlife because surrounding lands are typically urban or agricultural parcels with little valuable wildlife habitat. Wetland and riparian areas will be protected from disturbance during project construction and operation through implementation with BMP and compliance with buffer requirements established by the appropriate jurisdictions. Potential impacts to streams crossed by the corridor will be avoided by constructing bridges over the streams and adjacent riparian wetlands and placing bridge supports in upland areas wherever practicable. Replacement of existing undersized culverts with culverts or bridges sized to sustain ecological processes where feasible would have a positive benefit to both fish and wildlife.

Pollution to wetlands and stream courses associated with road runoff will be minimized through the use of vegetated biofiltration swales, wet ponds, constructed wetlands, and other BMP. The emergent plant species typically used in vegetated swales aid in sediment and chemical pollutant retention. The project design will include drainage features that incorporate best available technology as a part of best management practices and implement appropriate stormwater treatment for water quality and quantity as established in the WSDOT Highway Runoff Manual (WSDOT 2004) to minimize impact to wildlife and fisheries.

It is not possible to avoid all impacts and still meet the Purpose and Need of the project. Some habitats, such as wetlands, are easily quantified with regard to direct impacts and are regulated at local, state, and federal levels. Most jurisdictions have defined compensation ratios for wetlands whereas other habitats are not regulated as such. During design FHWA and WSDOT will continue to use all practicable means to minimize impacts to habitats. These efforts may include, but not be limited to, using retaining walls (to prevent fill from entering aquatic habitats), using structures to avoid impacts, and refining the alignment by making additional minor shifts to avoid or minimize impact to wetlands or other important habitats. Mitigation designed to offset wetland impacts might also benefit migratory birds. Wetland and riparian areas would also benefit from the proposed RRP (see Section 4.6.2 above).

4.7 Wildlife and Fisheries

4.7.1 Endangered Species Act (ESA): The Endangered Species Act (ESA) of 1973, as amended, intends to protect threatened and endangered species. The ESA requires a federal agency to ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any listed species or result in, destruction, or adverse modification of critical habitat of listed species. This requirement is fulfilled under Section 7 of the ESA (50 CFR 402.08) by completion of consultation on the proposed actions with USFWS and/or NMFS.

4.7.2 Magnuson-Stevens Act (MSA): The 1996 Magnuson-Stevens Fisheries Conservation and Management Act (MSA) amended federal fisheries management regulations to require identification and conservation of habitat that is "essential" to federally managed fish species. Essential Fish Habitat (EFH) is defined as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity". If an action will adversely affect EFH, NMFS is required to provide the Federal action agency with EFH conservation recommendations (MSA 305 (b) (4) (A)).

4.7.3 Migratory Bird Treaty Act (MBTA): The MBTA specifies that nesting migratory birds must not be directly impacted from project-related activities. Direct impacts could result if nesting migratory birds were present in the SR 167 project area during construction. Construction activities will be reviewed to ensure compliance with all Federal, State and local wildlife regulations, including MBTA. Monitoring is proposed as mitigation for impacts to MBTA protected species (see Section 5.5 below).

4.7.4 ESA/MSA Consultation: A Biological Assessment (BA) for the project (WSDOT October 2006) was submitted to the affected Federal resource agencies (USFWS and NMFS). The BA is incorporated here by reference. Since the initial BA submittal in October 2006, FHWA and WSDOT have worked collaboratively with the USFWS and NMFS, providing several supporting documents to assist with the development of their final Biological Opinion (BO). USFWS issued their BO concerning the Bull Trout on May 31, 2007 and NMFS issued their BO concerning Chinook salmon on September 17, 2007. The final "ESA Effect Determination" as described in Section 4.7.7 below is based

on the information contained in the BA, BO and close and consistent coordination with USFWS and NMFS.

4.7.5 ESA/MSA Effects Evaluation: The Table below shows Threatened and Endangered (T&E) Species and critical habitat that may be affected in the study area as well as an initial determination of effects. As can be seen, only Chinook salmon, Bull Trout, and their respective habitat is potentially or likely to be adversely affected. The other species of plants (Marsh Sandwort, Golden Paintbrush, and Water Howellia) and the Bald Eagle will not be adversely affected.

Determination of Effects on Threatened and Endangered Species

COMMON NAME	SCIENTIFIC NAME	FEDERAL STATUS	EFFECT DETERMINATION
Bald eagle	*Haliaeetus leucocephalus*	Threatened	NLTAA
Marsh Sandwort	*Arenaria paludicola*	Endangered	NE
Golden Paintbrush	*Castilleja levisecta*	Threatened	NE
Water Howellia	*Howellia aquatilis*	Threatened	NE
Chinook Salmon	*O. tshawytscha*	Threatened	LTAA
Chinook Salmon Critical Habitat		Proposed	LTAA
Bull Trout	*Salvelinus confluentus*	Threatened	LTAA
Bull Trout Critical Habitat		Proposed	LTAA

NE = No Effect NLTAA = Not Likely To Adversely Affect
LTAA = Likely to Adversely Affect

Juvenile Chinook salmon may be present in the action area throughout the year. Migrating anadromous Bull Trout may also occur in the action area throughout the year. These fish and their habitats are discussed below:

- Chinook salmon: The proposed project may affect, and is likely to adversely affect (LTAA) Chinook salmon. This determination is based on the following:
  - Pier placement may occur in potentially suitable spawning habitat.
  - Juvenile Chinook salmon potentially occur in the Puyallup River throughout the year and fish handling may be necessary.
  - In-water work, including pile placement and potential dewatering, proposed in the Puyallup River and Hylebos Creek, which may result in harm and harassment of the species.
- Chinook salmon Critical Habitat: The project is likely to adversely affect (LTAA) Chinook salmon critical habitat because the project could possibly affect some critical habitat Primary Constituent Elements (PCE) of existing habitat.

- Bull Trout: The proposed project may affect, and is likely to adversely affect (LTAA) Bull Trout. This determination is based on the following:
  - Migrating anadromous Bull Trout potentially occur in the Puyallup River throughout the year and fish handling may be necessary.
  - In-water work, including pile placement and potential dewatering, proposed in the Puyallup River that may result in harm and harassment of the species.

- Bull Trout Proposed Critical Habitat: The project is likely to adversely affect (LTAA) Bull Trout critical habitat because the project could possibly affect some critical habitat PCEs of existing habitat.

Since the SR 167 Extension project may affect and is likely to adversely affect (LTAA) both Chinook salmon and Bull Trout and could possibly affect some critical habitat PCEs of existing habitat for both species, mitigation measures or commitments to avoid and minimize impacts will be included in the project. These commitments are summarized in Section 4.7.6 below:

4.7.6 Commitments to Avoid and Minimize Effects on ESA Species and MSA Habitat: The development of the Tier I EIS and the selection of the current corridor was the first step in the avoidance of impacts. The selected corridor has the least impacts. As the project within the Tier I corridor was developed, individual design actions were taken to further avoid and minimize impacts to various resources including habitats and species. During the consultation process, several specific issues of concern were also resolved. These include: indirect and cumulative impacts, stormwater pollutant loading, and in-water pile placement. A collaborative process was used to: 1) develop performance standards for the treatment of stormwater that address concerns about pollutant loadings that could harm or injure fish and 2) sound pressure which, at certain threshold levels, could harm and/or injure Chinook salmon and Bull Trout.

The project also includes performance standards and multiple measures that will minimize adverse effects to Chinook salmon, Bull Trout, and their critical habitats. However, adverse effects are still anticipated. Take, in the form of harm and harassment, may occur to individual Chinook salmon and Bull Trout. Attachment A includes a List of Commitments to avoid and minimize potential impacts to Chinook salmon and Bull Trout. The Commitments are summarized below:

- During design, FHWA and WSDOT will continue to use all practicable means to minimize impacts to habitats. These efforts may include, but not be limited to:
- Using retaining walls (to prevent fill from entering aquatic habitats);
- Using structures to avoid impacts;
- Refining the alignment by making additional minor shifts to avoid or minimize impact to wetlands or other important habitats;
- Installing culverts at stream crossings that will comply with the project Hydraulic Project Approval (HPA), and will, at minimum, be designed to withstand the 100-year flood event;
- Adding low-cost wildlife crossings and using over-sized culverts or clear-spanning structures at appropriate locations where practicable;
- Timing in-water work to avoid adult salmon, Bull Trout, and steelhead migration, juvenile out-migration, and alevin emergence.
- Noise minimization measures such as the use of bubble curtains to attenuate sound pressure may be used.
- The segment of Hylebos Creek that will be abandoned and filled will be surveyed for presence of freshwater mussels prior to construction. Any freshwater mussels

present in the filled segment of Hylebos Creek will be relocated. If it is necessary to relocate mussels during channel filling and new channel creation, monitoring should ensure relocated mussels are not being stressed or smothered by sedimentation or flushed downstream during high flows.

- The project would be constructed in stages, sometimes with concurrent work on more than one stage. This work will be coordinated to minimize cumulative impacts of fisheries resources to the greatest extent possible. Coordination with USFWS and NMFS would continue as the project is prepared for bid and construction in conformance to the requirements of the ESA. FHWA and WSDOT will ensure that the BA (October 2006) conclusions are not affected by any change in ESA species designation or any change in the use of the action area by threatened or endangered species.
- FHWA and WSDOT will apply the minimization measures and performance standards from the BA and comply with the Terms and Conditions from the BOs as approved by the USFWS and NMFS.
- In order to ensure the protection of sensitive species, a biologist knowledgeable in the species of plants and wildlife protected by ESA and the Migratory Bird Treaty Act (MBTA) would survey proposed work areas prior to construction. If any protected species are found, FHWA and WSDOT would consult with USFWS and NMFS to determine the best methods to protect and/or relocate them. Monitoring will continue throughout the construction phase to maintain compliance.
- The RRP will result in corridor linkage from upper to lower reaches of Hylebos and Wapato Creeks and Surprise Lake Drain. Potential wetland mitigation sites will provide additional linkage between the RRP areas. The addition of low-cost wildlife crossings and the use of oversized culverts will be considered at appropriate locations.
- Preservation of vegetation will decrease the impacts of project construction, and existing native plants and trees will be preserved provided roadway clear zone and sight distance requirements are met. Trees and shrubs, when present adjacent to the alignment, will be preserved wherever possible for esthetic value. Vegetation buffers will also offer wildlife physical protection from human disturbance. Landscaping with native species will mitigate habitat losses in the alignment right of way as vegetation matures. Vegetated areas adjacent to streams (riparian corridors) are of relatively greater importance to wildlife than equivalent areas of vegetation not associated with water.
- FHWA and WSDOT will work with Ecology, WDFW, USFWS and NMFS to develop a plan to avoid and/or minimize any impacts to T&E species within the project area that could be attributed to arsenic contamination from the B&L Wood-waste site. This site is outside the project area.

4.7.7 ESA/MSA Effect Determination: In summary the project is expected to affect low numbers of individual Chinook salmon and Bull Trout and the commitments to avoid and minimize impacts to ESA Species and MSA habitat will eliminate and reduce potential effects, therefore the proposed SR 167 project ***will not jeopardize the continued existence of either Chinook salmon or Bull Trout.*** The project will also affect small

portions, but multiple PCEs, of designated Chinook salmon and Bull Trout critical habitat. Therefore, the project "may affect and will likely adversely affect" Puget Sound Chinook salmon and Coastal/Puget Sound Bull Trout critical habitat. However; the project will not destroy the conservation value of entire critical habitat units and with the implementation of the commitments to avoid and minimize impacts to the exiting habitat, they would be replaced or preserved. Therefore, ***the project will not destroy or adversely modify Chinook salmon and Bull Trout critical habitat.***

The overall effect determination is that the proposed SR 167 project ***will not jeopardize the continued existence of any federal or state threatened or endangered species, and will not result in the destruction or adverse modification of critical habitats.*** This determination is based on the information contained in the BA and BOs and close and consistent coordination with both USFWS and NMFS.

5.0 Monitoring and Enforcement

The Division Administrator, FHWA, and the Olympic Region Administrator, WSDOT, will be responsible for monitoring and enforcing mitigation measures outlined within this ROD. Monitoring will be implemented for archaeological resources, nighttime noise during construction, water quality (pollutant loading), wetlands, endangered species (Chinook salmon and Bull Trout) and migratory birds.

5.1 Archaeological Resources Monitoring

An Archaeological Monitoring Plan, which may include a geological model detailing personnel and methodologies for locating presently undiscovered buried cultural resources potentially associated with ancient ground surfaces, will be developed during final design.

5.2 Nighttime Construction Noise Monitoring

Typically the construction contractor will be required by WSDOT to perform noise-generating activities in the daytime, except when it is essential to carry out such activities in the night. Nighttime construction work is regulated by local ordinances. WSDOT contract documents will require contractors to adhere to a variety of standard specifications aimed at reducing and minimizing day and nighttime construction noise impacts and require the contractor to notify the community about construction activities that will cause significant noise. To reduce construction noise impacts at nearby receptors, mitigation measures would be incorporated into construction plans and special provisions. (Attachment A lists Commitments to reduce construction noise). In accordance with local city and county noise ordinances construction noise occurring between the hours of 10 PM and 7 AM typically must not exceed 45 dBA for adjacent residential receptors. WSDOT contractors will adhere to local noise ordinances. If nighttime work is necessary, WSDOT and the contractor will apply for a variance to the noise ordinance from local agencies and monitoring for noise would occur during all

nighttime construction activities to determine if appropriate noise levels and time limits are exceeded.

5.3 Water Quality Monitoring

In accordance with EPA and Ecology guidelines a water quality monitoring and reporting plan will be implemented that establishes baseline conditions and documents the performance of stormwater best management practices (BMPs). The plan may also include monitoring stormwater effluent concentrations (pollutant loading) to demonstrate attainment of any terms and conditions adopted for pollutants such as dissolved copper and zinc. Specific areas to be monitored would include the RRP, Puyallup River and the relocated Hylebos Creek

5.4 Wetland Monitoring

Monitoring of wetland mitigation locations will be conducted annually for up to 5 years, or as agreed among all appropriate agencies. The frequency and duration of monitoring will be the subject of an agreement between the cities of Edgewood, Fife, Milton, Puyallup and Tacoma, WSDOT and the wetland regulatory agencies. The agreement will specify responsible parties for monitoring activities as well as specifics of methodology, field assessments, reporting, and if needed, remedial actions. It is expected that monitoring reports will be submitted to the COE and Ecology for review and comment one, three and five years after construction, unless otherwise agreed to. Reports will cover wetland hydrology, vegetation percent survival and percent cover. Should any goals of mitigation not be achieved, consultation will occur with the wetland regulatory agencies to determine the appropriate contingency measures to ensure that the original mitigation goals and objectives are met.

5.5 ESA and MSA Monitoring (Chinook salmon & Bull Trout)

Federal permits that include provisions for the protection of ESA and MSA resources that will be necessary for the SR 167 Extension project include the CWA Section 401 Water Quality Certification, Section 402 Nationwide Pollution Discharge Elimination System (NPDES) permit and the COE Section 404 permit. Washington state permits that ensure protection of these same aquatic resources include the WDFW HPA, Washington Department of Natural Resources (DNR) Aquatic Use Easements and local agency Conditional Use/ Substantial Development Permit and/ or Critical Area Ordinance (CAO). These local agency permits are directly supported by Ecology regulation. All of these federal, state and local permits normally adopt most of the terms and conditions as stipulated in the USFWS and NMFS BOs. The BOs will specify the required monitoring and plan for Chinook salmon and Bull Trout.

5.6 MBTA Monitoring

In order to ensure the protection of Migratory Bird Treaty Act (MBTA) protected species, a biologist knowledgeable about the birds protected by MBTA would survey proposed

work areas prior to construction. If any protected MBTA species are found, WSDOT would consult with USFWS as to the best methods to protect and/or relocate them. Monitoring would continue throughout the construction phase to maintain compliance.

5.7 Regulatory Permits (Enforcement)

The following is a summary list of Regulatory Permits that will be obtained by WSDOT prior to beginning any construction activities for the SR 167 Extension project. Each of these permits will include terms and conditions for enforcing the protection of the environment, wildlife and water resources. Many of the terms and conditions listed in the permits are taken directly from the FEIS list of Commitments and/ or BO.

Permits and Approvals that will be required for the SR 167 Extension project include:

- U.S. Army Corps of Engineers (COE)
  – Section 404 of the Clean Water Act Nationwide Permit(s)
- Washington State Department of Ecology (Ecology)
  – Water Quality Certification, Section 401 of the Clean Water Act
  – National Pollutant Discharge Elimination System (NPDES- Section 402 of the Clean Water Act) Stormwater Permit
  – NPDES Stormwater Site Plan
- Puyallup Tribe of Indians
  – Water Quality Certification, Section 401 of the Clean Water Act
- Washington Department of Natural Resources (DNR)
  – Forest Practices Permit
  - Aquatic Lands Use Authorization (Easement for Puyallup River and Hylebos Creek)
- Washington State Department of Fish and Wildlife (WDFW)
  – Hydraulic Project Approval (HPA)
- Cities of Edgewood, Fife, Milton, Puyallup, Tacoma and Pierce County
  – Noise Variance
  – Grading/Clearing Permits
  - Conditional Use and Substantial Development Permits
  – Critical Area Ordinances (CAO)

6.0 Comments Received on the Final EIS and Responses

Four comment letters on the Tier II FEIS were received after it was issued in December 2006. These letters are briefly described below:

The first comment letter received was from the Washington Department of Fish and Wildlife (WDFW) on January 3, 2007 and is included as Attachment B-1. The WDFW's concern was that right-of-way for mitigation purposes is mentioned in the FEIS but none of the property had been purchased as yet. In a response (Letter Attachment B-2) FHWA

informed WDFW that any property or right-of-way intended for mitigation could not be purchased prior to the issuance of the ROD.

The second comment letter received was from the City of Milton, Mayor Katrina Asay, to FHWA Division Administrator Dan Mathis at the FHWA Division Office in Olympia, Washington, dated January 5, 2007 (Attachment C-1). WSDOT and the City of Milton have been working together since December 2006 to develop a Memorandum of Understanding (MOU) to resolve any issues regarding the SR 167 Extension project. FHWA responded in a letter dated September 6, 2007 (Attachment C-2) that supported the MOU process and addressed the City of Milton's concerns.

The third comment letter received was from, EPA, Region 10 on January 17, 2007 and it is included as Attachment D-1. The FHWA response to the EPA letter is included as Attachment D-2. This letter gives a full response to all of EPA's comments.

The fourth and final comment letter received was from Pierce County (Attachment E-1) regarding issues related to bicycle trails and access through the I-5/SR 167 interchange. WSDOT met with Pierce County on January 30, 2007 (Meeting Summary Attachment E-2) to clarify concerns and resolve any potential issues. Pierce County issued a letter dated March 13, 2007 (Attachment E-3) stating that their issues concerning bicycle trails and access through the I-5/SR 167 interchange had been resolved to their satisfaction.

7.0 Summary Conclusion

Based upon careful consideration of all the social, economic and environmental evaluations contained in the SR 167 Tier I DEIS, FEIS and ROD, Tier II DEIS, FEIS and Final Section 4(f) Evaluation; the mitigation measures as required, the input received from other agencies, organizations and the public; the FHWA has determined in accordance with U.S.C. Section 5324 (b); that adequate opportunity was offered for the presentation of views by all parties with a significant economic, social or environmental interest, and fair consideration has been given to the preservation and enhancement of the environment and to the interests of the communities in which the project is located; and all reasonable steps have been taken to minimize adverse environmental effects of the proposed project and therefore selects the Build alternative with a direct connection to SR 509 near the Port of Tacoma and four interchange options included. These interchange options proceeding from north to south along SR 167 are the 54th Avenue East (Loop Ramp) interchange, the I-5 Freeway-to-Freeway Interchange, Valley Avenue Interchange, and the Urban Interchange at SR 161 (North Meridian). The Urban Interchange will provide a direction connection to existing SR 167 in Puyallup. The Build Alternative is described in Section 2.1 above. Please See **Decision** on page 1 of this ROD.

Attachments

Attachment A Tier II FEIS Commitments List
Attachment B WDFW FEIS Comment Letter & FHWA Response
Attachment C Milton FEIS Comment Letter & FHWA Response
Attachment D EPA FEIS Comment Letter & FHWA Response
Attachment E Pierce Co. FEIS Comment Letters & Summary of Meeting Between WSDOT & Pierce Co.

Attachment A Tier II FEIS Commitments List

(The Tier II Commitments List below was taken directly from Appendix "F" of the FEIS)

Tier II Commitments List

The Washington State Department of Transportation (WSDOT) has well-established design, construction, and operation practices to minimize or avoid adverse impacts on the environment from highway projects. This appendix describes the current anticipated measures that the Federal Highway Administration (FHWA) and WSDOT will include in the project to mitigate anticipated adverse effects. Mitigation measures will be refined as the design is advanced.

General

The proposed SR 167 Extension project has been analyzed under a two-tiered environmental process, with the completion of Tier I Final EIS (FEIS) and a Tier II FEIS. The Tier I FEIS was issued in April of 1999 and a Record of Decision (ROD) was issued in June of 1999. This Tier II Commitments List addresses commitments from the Tier I ROD as well as commitments in the Tier II FEIS.

WSDOT maintains a web site for the SR 167 Tier II EIS project (http://www.wsdot.wa.gov/projects/SR167/TacomatoEdgewood), which is updated monthly. The web site contains the history of the project, what is currently being worked on, specific design options, and WSDOT contacts. The web site will remain active for the duration of the project.

Tribal Coordination

FHWA and WSDOT worked closely with the Puyallup Tribe of Indians regarding issues identified during the development of the Tier II FEIS. FHWA and WSDOT are committed to maintaining an open line of communication with the Puyallup Tribe of Indians throughout the design and construction phases of this project.

Water Resources (Waterways, Hydrology, Water Quality, Hydrogeology, and Floodplains)

FHWA and WSDOT will adhere to all relevant regulations and obtain required permits, and mitigating measures will be implemented.

Construction

A Temporary Erosion and Sediment Control Plan (TESC) and Spill Prevention Control and Countermeasures (SPCC) Plan will be prepared and implemented during the project construction, as required by the WSDOT *Highway Runoff Manual* (WSDOT, 2004). As a minimum, the plans will include the following construction best management practices:

- Erosion control measures for cut and fill slopes
- Sediment control measures, particularly for work near streams
- Temporary erosion protection measures for disturbed areas
- Reseeding and stabilization for cut and fill slopes as necessary
- Reseeding and/or replanting of temporarily impacted areas with appropriate native seed mixes/species to the greatest extent possible
- Confining fuels, oils, and other potential contaminants within a berm or barrier when staging areas cannot be located outside of frequently flooded areas
- Limiting fueling and vehicle maintenance near water bodies and sensitive areas
- Identifying proper construction equipment maintenance, cleaning, and access locations
- Requiring proper hazardous and conventional waste disposal
- Scheduling and timing appropriate for the season
- Monitoring and maintaining erosion control BMPs

In addition to the TESC and SPCC Plans, the following project-specific measures will minimize effects on water resources during construction:

- A Stormwater Pollution Prevention Plan (SWPPP) will be fully implemented before, during, and after construction.
- Alternative construction techniques that minimize or avoid dewatering (e.g., sheet piling, cased piers, driven piling, spread footings) will be evaluated.
- A temporary Hylebos Creek diversion channel will be constructed while the creek remains in its existing streambed. Measures to minimize streambank erosion in the temporary channel will be employed.
- Trees and shrubs when present adjacent to the alignment will be preserved provided that roadway clear-zone and sight distance requirements are met.

Operation

Public Water Supply Systems

- An effort to identify other area wells has been undertaken for the FEIS and additional research will be done before this project is constructed.

- Wells that lie directly beneath the project footprint will be decommissioned in accordance with state laws. Water rights transfers and/or new water rights will be obtained from Ecology prior to decommissioning the wells.

- A drinking water well for the City of Fife is on a parcel that is fenced and located on high ground within the proposed riparian restoration area. If access can be provided without jeopardizing the function of the riparian buffer in this area, then consideration will be given to exempting the well and associated buildings from the Riparian Restoration Proposal (RRP). If this is not the case, other mitigation will be negotiated with the City of Fife.

Floodplains

A number of measures (MGS et al., 2004) to reduce flood elevations at the 20th Street East Bridge and/or northbound I-5 bridges will be considered during final design. These hydraulic measures include:

- Widening the culvert at 12th Street East;

- Creating an approximately 100-foot-wide off-channel, depressed floodplain (bench cut) adjacent to the south side of Hylebos Creek from SR 99 to 12th Street East;

- Widening the channel immediately downstream of 12th Street East to smooth the transition from the new box culvert to the existing channel;

- Removing debris and maintaining invert elevation of the channel under SR 99.

Embankments and structures will be designed, to the extent practicable, to pass maximum flood flows without substantial change to that experienced today. If necessary, additional flood storage will be provided. A final mitigation plan addressing floodplain mitigation measures will be developed prior to construction.

Waterways

- An approximately 2,000-linear-foot section of Hylebos Creek adjacent to I-5 will be filled due to the construction of the SR 167 I-5

Interchange. This interchange will also require the fill of approximately 1,000 linear feet of Surprise Lake Drain. To compensate for the channel and buffer lost to embankment fill, two new stream channel sections will be constructed.

- Approximately 4,000 linear feet of new Hylebos Creek channel will be constructed and over 87 acres of riparian zone will be preserved.

- The entire section of the Surprise Lake Drain channel, from its confluence with the main stem of Hylebos Creek to the crossing at Freeman Road, will be restored to improve the quality and condition of the stream, and to provide flood control and habitat benefits. This amounts to approximately 5,340 linear feet of new channel. Additionally, 29 acres of adjacent riparian area will be protected.

- Stream relocation work will begin with constructing the new channel. The timing of stream relocations will be planned to minimize impacts to fish and other aquatic organisms and to avoid relocating streams to locations that could be disturbed by construction activities.

- The new stream banks will be re-vegetated with native trees and shrubs to provide future shading and bank stabilization.

- Large woody debris (LWD) will be placed to increase bank stability, allow for the development of pools for refugia, provide favorable substrate for invertebrate colonization, and provide in stream cover and shade.

- One of the stream crossings at the Valley Avenue Interchange (preferred) will be designed to span both Wapato Creek and adjacent wetlands to further avoid wetland impacts.

- The new stream crossing of Fife Ditch will be designed to result in no long-term impact to water quality.

- If practicable, proposed bridges or culverts over Hylebos Creek, Surprise Lake Drain, and Wapato Creek (including the wetlands associated with Wapato Creek) will completely span these water bodies, minimizing in-water work.

- An undersized bridge and bank armoring will be removed at the 8th Street East crossing. An additional undersized bridge will be removed at the 62nd Avenue East crossing, just upstream of the 8th Street East crossing.

- New stream crossings will be designed to pass the 100-year storm event at a minimum. When practicable, these structures will support natural stream processes by minimizing channel constriction and riprap placement.

- WSDOT will continue to keep the drainage districts informed of plans associated with stream relocations and invite them to participate in development of the specific plans.

Stormwater Treatment

- Stormwater generated from the highway will be treated to meet flow and water quality control requirements as described in the most current WSDOT *Highway Runoff Manual*.

- Enhanced treatment for removal of dissolved metals will be provided for those highway surfaces that exceed the traffic volume threshold established in the most current WSDOT *Highway Runoff Manual*.

- Stormwater from the project will be treated for water quality. One or more of the following methods may be used:
  - Biofiltration swales
  - Deep fill infiltration
  - Landscaped fill slopes with composted soils
  - Constructed wetlands
  - Ponds
  - RRP

- The RRP will convert approximately 189 acres of existing farmlands and residences into a riparian landscape by removing encroachments (buildings, roads, culverts and other infrastructure) from the land. The riparian area will be planted with native vegetation. The Riparian Restoration Proposal areas will be preserved as a mix of riparian wetlands, buffers and riparian uplands for the purpose of stormwater flow control.
  - The Hylebos Creek RRP includes approximately 4000 feet of new stream channel and approximately 87 acres of riparian improvements.
  - The Surprise Lake Drain RRP includes approximately 5340 feet of new channel and approximately 29 acres of riparian improvements.
  - The Wapato RRP includes an approximately 9000-linear-foot-long continuous riparian buffer along both sides of the stream, except for a section adjacent to Valley Avenue. The RRP would result in an approximately 300-foot-wide corridor through which Wapato Creek would flow, totaling approximately 73 acres.

- The project will remove six crossings on Wapato Creek and replace up to three crossings at the Valley Avenue interchange. When practicable, these structures will support natural stream processes by minimizing channel constrictions, provided that the existing profile on Freeman Road is not affected.

- A Technical Advisory Group (TAG) will identify recommendations for the ultimate design as well as maintenance and monitoring for the

RRP. The TAG will begin by reviewing the goal and objectives of the RRP previously developed and preparing a work plan and schedule that will be used to direct the team. Meetings will be held regularly to share technical information at key points in the planning and design process, to provide project updates, and to gather technical input on important project elements. The intent is to work together toward consensus on the final design, including maintenance and monitoring plans.

- The TAG will be involved throughout design and permitting of the project. The TAG will be informed of construction progress of the RRP and will be informed if any unanticipated issues arise during construction of the RRP.

- The TAG includes agencies such as FHWA, WSDOT, United States Fish and Wildlife Service, the NOAA National Marine Fisheries Service (NMFS), the U.S. Army Corps of Engineers (COE), the Washington State Department of Fish and Wildlife, the Washington State Department of Ecology (Ecology), members of the Pierce County Water Program, the Puyallup Tribe of Indians, and the Friends of the Hylebos Wetlands (a local environmental group), who will all be invited to attend the RRP design process and development of maintenance and monitoring requirements.

- The goal of the RRP, as authored by the RRP Technical Advisory Group on June 20, 2005, is to provide stormwater flow control management and compensatory mitigation for stream channel impacts through the creation, restoration, and enhancement of self-sustainable native riparian and in-stream habitat in the Hylebos Creek and Surprise Lake Tributary sub-basin and the Wapato Creek sub-basin. The following objectives meet this goal:
  - Avoid and minimize construction related impacts
  - Allow connectivity of riparian habitat
  - Provide for fluvial processes including natural sediment transport, channel migration, debris passage and LWD placement and recruitment
  - Prevent streambank erosion from damaging infrastructure
  - Prevent increases in flood related property damage
  - Allow ecological interaction with terrestrial habitat
  - Enhance native plant diversity and control invasive plant species
  - Restore natural hydrologic processes
  - Reduce surface water contamination
  - Enhance fish and wildlife habitat function
  - Enhance macro-invertebrate diversity
  - Encourage community-based stewardship of the RRP

Groundwater

Initial geotechnical investigation was done to characterize existing soil conditions to understand hydraulic conductivity. It is anticipated that monitoring wells will be installed on both sides of the completed

embankment to monitor groundwater. Additional field testing of vertical and horizontal flows under embankments is planned prior to construction.

Wetlands

Construction

FHWA and WSDOT will continue to consult with the project cooperating agencies, the COE, and the City of Fife through the permitting and construction phase of this project.

FHWA and WSDOT are examining opportunities to support watershed restoration activities as alternative mitigation. WSDOT will pursue partnerships with other agencies, the Tribe, and non-profit groups interested in the Hylebos and Wapato Creek watersheds. WSDOT is pursuing all funding opportunities for enhancing mitigation.

WSDOT will coordinate wetland mitigation site design with the TAG if wetland mitigation sites adjacent to the RRP areas are selected. WSDOT will coordinate wetland mitigation site design with Friends of Hylebos Wetlands for mitigation sites that may be selected within the Hylebos Watershed.

Avoidance and Minimization Efforts

Wetland impacts have been minimized to the greatest extent practicable based on preliminary design. FHWA and WSDOT will strive to incorporate additional minimization measures as project design is completed. Potential opportunities to incorporate additional avoidance and minimization measures may include (but are not limited to):

- Making minor changes to design alignment;
- Using steeper fill slopes;
- Using retaining walls to eliminate fill slopes;
- Using culverts to hydrologically connect wetlands bisected by the highway;
- Using a bridge design that spans the Puyallup River, avoiding the placement of a pier within the river.

Wetland Delineations

- Before initiating permitting or preparing a final wetland mitigation plan, WSDOT intends to reevaluate all wetlands affected by this project, including revisiting wetland delineation and categorizations over three years old.
- Prior to construction, the COE will review the final wetland delineation and categorization in the field.

- Guidance on ditches resulting from the recent U.S. Supreme Court decision (referred to as the Talent decision) has recently become available. Therefore, before initiating permitting, these areas will be examined to determine if they are jurisdictional under the Clean Water Act Section 104 Program.

Final Mitigation Plan

- A final wetland and stream fill mitigation plan will be developed for this project. The final mitigation plan will compensate for any unavoidable impacts on wetlands and buffers.

- WSDOT will select one or more preferred wetland mitigation site after the ROD is issued and before permitting and a final mitigation plan are completed.

- The general criteria used to identify and evaluate potential wetland mitigation sites in the Conceptual Mitigation Plan (May 2005) will continue to be used in the final mitigation plan. The criteria are:
  - Watershed focus
  - Replacement of functions and values lost
  - Habitat connectivity
  - Reliable hydrology
  - Undeveloped condition
  - Uncontaminated
  - Stakeholder support
  - Satisfies regulatory requirements

- Off-channel habitat potential will be identified at the sites. Off-channel habitat for fish is the top limiting factor in the Puyallup River watershed.

Operation

None proposed.

Wildlife, Fisheries, and Threatened and Endangered Species

Construction

- Current federal laws affecting fish and wildlife include NEPA/SEPA, the Endangered Species Act (ESA), the Federal Fish and Wildlife Coordination Act, the Magnuson-Stevens Act, and the Migratory Bird Treaty Act. Current state laws affecting fish and wildlife include the Revised Code of Washington (HPA) requiring Hydraulic Project Approval (HPA), the Salmon Recovery Planning Act, and the Salmon Recovery Funding Act. All pertinent laws will be considered and complied with during further design and construction. WSDOT will comply with the State Salmonid Recovery Plan, being finalized jointly by several state agencies. WSDOT will work closely with these agencies during mitigation planning.

During design, WSDOT will continue to use all practicable means to minimize impacts to habitats. These efforts may include, but not be limited to:

- Using retaining walls (to prevent fill from entering aquatic habitats);
- Using structures to avoid impacts;
- Refining the alignment by making additional minor shifts to avoid or minimize impact to wetlands or other important habitats;
- Adding low-cost wildlife crossings and using over-sized culverts or clear-spanning structures at appropriate locations;
- Installing culverts at stream crossings that will comply with the project HPAs and will, at minimum, be designed to withstand the 100-year flood event;
- Timing in-water work to avoid adult salmon, Bull Trout, and steelhead migration, juvenile out-migration, and alevin emergence.

The segment of Hylebos Creek that will be abandoned and filled will be surveyed for presence of freshwater mussels prior to construction. Any freshwater mussels present in the filled segment of Hylebos Creek will be relocated. If it is necessary to relocate mussels during channel filling and new channel creation, monitoring should ensure relocated mussels are not being stressed or smothered by sedimentation or flushed downstream during high flows.

The project would be constructed in stages, sometimes with concurrent work on more than one stage. This work will be coordinated to minimize cumulative impacts of fisheries resources to the greatest extent possible. Coordination with USFWS and NMFS would continue as the project is prepared for bid and construction in conformance to the requirements of the ESA. FHWA and WSDOT will ensure that the Biological Assessment (BA) (September 2005) conclusions are not affected by any change in ESA species designation or any change in the use of the action area by threatened or endangered species.

FHWA and WSDOT will apply the minimization measures and performance standards from the BA and comply with the Terms and Conditions from the Biological Opinion (BO) when it is approved by the USFWS and NMFS.

In order to ensure the protection of T&E and MBTA species, a biologist knowledgeable in the species of plants and wildlife protected by ESA and the MBTA would survey proposed work areas prior to construction. If any protected species are found, WSDOT would consult with NMFS, USFWS, and WDFW as to the best methods to protect and/or relocate them. Monitoring would continue throughout the construction phase to maintain compliance. Also, mitigation designed to offset wetland

impacts would also benefit migratory birds. Approximately 50 acres of new wetlands would be developed as a result of the proposed project.

Air Quality

Construction

A Fugitive Dust Plan will be prepared by the contractor prior to construction to comply with Puget Sound Clean Air Agency (PSCAA) regulations. This plan will include mitigation measures that will be utilized as appropriate to minimize PM_{10}, deposition of particulate matter, emissions of carbon monoxide and ozone precursors, as well as other mobile source air toxics during construction. These measures include:

- Spraying exposed soil with water or other dust palliatives;
- Covering all trucks transporting materials, wetting materials in trucks, or providing adequate freeboard (space from the top of the material to the top of the truck);
- Providing wheel washers to remove particulate matter that would otherwise be carried offsite by vehicles;
- Removing particulate matter deposited on paved, public roads;
- Minimizing delays to traffic during peak travel times;
- Placing quarry spall aprons where trucks enter public roads;
- Graveling or paving haul roads;
- Planting of vegetative cover as soon as possible after grading;
- Minimizing unnecessary idling of on-site diesel construction equipment;
- Locating diesel engines, motors, or equipment away from existing residential areas;
- Locating staging areas away from school buildings and playgrounds;
- Utilizing efficient street sweeping equipment at site access points and all adjacent streets used by haul trucks;
- Limiting hours of operation near sensitive receptor areas and rerouting the diesel truck traffic away from sensitive receptor areas;
- Coordinating construction activities with the Puyallup Recreation Center and other sensitive receptor locations.

Puget Sound Clean Air Agency is recommending a voluntary low sulfur diesel fuel program in the state of Washington. The requirement to use ultra low sulfur diesel fuel at the time of construction will be considered depending upon sufficient availability and comparable cost with other diesel.

Operation

- This project will comply with applicable Environmental Protection Agency (EPA) requirements for controlling mobile source air toxics.

Noise

Construction

- The contractor will be required by WSDOT to perform noise-generating activities in the daytime, except when it is essential to carry out such activities in the night.

- WSDOT contractors will adhere to local noise ordinances. If nighttime work is necessary, WSDOT and the contractor will apply for a variance to the noise ordinance from local agencies.

Operation

- A noise barrier will be included in the final design of the preferred Urban Interchange option, which receives most of its noise from traffic on SR 167, SR 512, and SR 161.

- FHWA and WSDOT have committed to the Puyallup Tribe of Indians to provide landscaped noise abatement structures along 48th Street East to mitigate noise impact to residences on Tribal trust land

- FHWA and WSDOT will assist the Puyallup Tribe of Indians in locating new businesses to minimize noise and visual impacts attributable to SR 167 and by sharing noise study data and advising the Tribe about quiet locations, landscaping, and mitigation measures.

- WSDOT will retrofit the houses on Tribal trust land near Valley Avenue with storm windows as mitigation to minimize noise impacts.

Energy

Construction

None proposed.

Operation

None proposed.

Hazardous Materials

Construction

There are multiple buildings that will be demolished during the construction of the preferred alternative and/or widening of existing I-5 right-of-way (ROW). It is possible that some of the structures to be acquired by WSDOT may contain Asbestos Containing Materials (ACM) and Lead Based Paint (LBP). Prior to acquisition, WSDOT will conduct an initial site assessment for each property for potential contamination.

FHWA and WSDOT anticipate that building demolitions will primarily generate non-hazardous construction debris with the exception of ACM and LBP. Such structures will be sampled and analyzed to determine the appropriate disposal facility. Mitigation of ACM includes removal and disposal prior to demolition.

Lead-contaminated paint chips and debris could be generated during demolition of the steel bridge on the SR 161 crossing of the Puyallup River. The project will ensure no loose material or debris enters the water through the use of a containment system.

Underground storage tanks (USTs) will be addressed during project planning. A magnetometer survey will be conducted prior to construction if a UST is suspected on site, and all removal and site assessment activities will follow Ecology's Underground Storage Tank Statute and Regulations (Chapter 90-76 RCW, Chapter 173-360 WAC).

FHWA and WSDOT will determine the appropriate strategy to prevent contamination of Hylebos Creek from the B&L Woodwaste site during final design, in collaboration with the EPA and Ecology.

Visual

Construction

None proposed.

Operation

Landscape related mitigation measures will be done in accordance with the Roadside Classification Plan (WSDOT 1996).

Public Services and Utilities

Construction

- WSDOT will determine the locations of utilities within the construction zone during the design phase. Before construction begins, utility impacts will be closely evaluated and a determination made on whether or not to relocate the utility facilities.

- WSDOT will coordinate with the utility owners, such as the Olympic Pipeline, McChord Pipeline Company, Puget Sound Energy, QWEST, Tacoma Public Works, and the cities of Fife and Milton, to minimize impacts to their utilities.

- Construction activities will be coordinated with the Union Pacific Railroad, the Burlington Northern Santa Fe Railroad, Tacoma Rail, and the Port of Tacoma to minimize disruption of rail operations through the project construction areas.

- Impacts to fire, emergency, and police services during construction will be limited to temporary disruptions of service routes within the construction zone. Service providers affected by construction will be notified in advance of the construction period. Police departments, fire and emergency response services, school districts, and solid waste providers will be notified of construction schedules, access restrictions, and possible detour routes prior to access modification.

- Affected businesses and residents will be notified of construction activities in advance (including any necessary closures and detours), and reasonable efforts will be made to minimize traffic disruptions and access revisions during construction.

Operation

None proposed.

Land, Use, Socioeconomics, and Environmental Justice

Construction

- As the design proceeds, opportunities to minimize the impact on existing land uses will be examined.

- Property owners, whose land will need to meet right-of-way requirements, will be compensated at the full current market value in accordance with the Uniform Relocation Act.

Operation

None proposed.

Farmland

Construction

- Consultation and coordination with affected farmers will be conducted to ensure that disruptions to farming are minimized and adequate advanced notice of potential disruptions is given. WSDOT will work individually with each farmer to develop circulation options for movement of farm equipment and to provide access to fragmented acreage.

- FHWA and WSDOT will attempt to provide access to local farmers from local streets by way of access roads and/or easements.

- East of the Puyallup Recreation Center, a developer is proposing to build a crossing over the SR 167 mainline. The crossing would connect Valley Avenue to North Levee Road. This crossing would accommodate the size and type of tractors used in the fields. Providing access to the crossroad from the fields would allow for the continued farming of acreage on either side of the roadway. If this crossing is not already in place at the time of construction, WSDOT will determine the alternative mitigation for farmland impacts during the design stage.

Operation

None proposed.

Displacement, Disruption, and Relocation

Construction

- Affected businesses and residences will be notified of construction activities in advance (including any necessary closures and detours), and reasonable efforts will be made to minimize traffic disruptions and access revisions during construction.

- Displacements, disruptions, and replacements will be considered during the selection of sites for detailed wetland mitigation design.

- Some displacements may be avoided through final design measures, including the use of retaining walls and other modifications resulting in reduced ROW requirements. These will be determined during final design.

- The contractor will be required to follow approved work zone traffic control plans and contract specifications that minimize disruption impacts from construction activities.

- Where ROW acquisition is needed, the acquisition and relocation program will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. In addition, Chapters 8.08, 8.25, and 8.26 of the Revised Code of Washington govern the process of acquiring property for ROW.

Operation

None proposed.

Transportation

Construction

Staging, detours and temporary traffic control measures are developed during the final design of the project. All plans will meet Federal standards contained in the Manual for Uniform Traffic Control Devices. The timing and extent of closures and/or detours will be determined in the design phase of the project. The detour routing plan will also analyze effects of rerouted traffic on detour routes and develop an operations plan to mitigate the effects of the increases in traffic.

To the extent possible, traffic disruptions from adjacent local improvement projects will be coordinated to minimize delay on the surface streets. I-5 freeway lane closures will be limited to nighttime periods of low traffic volumes.

WSDOT will continue to coordinate the design in this area with all of the affected local agencies as the design progresses. WSDOT currently utilizes the following specific strategies for Transportation Demand Management (TDM) and will continue to use or enhance these TDM strategies at project completion:

- Worksite commute trip reduction
- Rideshare information and assistance
- Effective land use zoning and planning
- Regional and local transit service
- Park and ride lots

Transportation System Management elements that will be incorporated as feasible and per design standard are as follows:

- Signage improvements
- Motorist information systems
- Access control
- HOV lanes
- Channelization improvements
- Signal improvements including synchronization
- Transit system improvements
- Interchange improvements

- Ramp metering
- Traffic camera surveillance
- Traffic incident management

Operation

An Intelligent Transportation System (ITS) may be implemented for this project in accordance with the WSDOT Olympic Region ITS Implementation Plan.

Pedestrian and Bike Facilities

Construction

Work zone traffic control plans will take into account non-motorized route continuity needs including public notification and provisions for safe detour routes wherever reasonable. Any detour route for non-motorized traffic indicated on the Traffic Control Plans will be physically reviewed. The existing surfaces will be repaired within the project limits to accommodate the special needs of non-motorists.

Operation

FHWA and WSDOT recognize the importance of working collaboratively with both Pierce County and the City of Fife on the Pacific National Soccer Park and with the City of Milton on the Interurban Trail. FHWA and WSDOT will also work closely with the City of Fife to address impacts to the Lower Hylebos Nature Park, potentially including access and parking.

FHWA and WSDOT intend to accommodate non-motorized transportation modes in the project area using best practice design. A separate multiuse path is planned north of SR 167 approximately from 54th Avenue Interchange to SR 99. The connection of SR 509 and SR 167 will provide for continued bike and pedestrian travel on the existing facilities of SR 509.

Roadway shoulder improvements will be made to SR 99 at the shared use path terminus north to 70th Avenue East. Shoulder width will be widened to not less than 5 feet and sidewalks and curbs will be considered to control motorized access and provide for safe pedestrian travel on this regionally recognized bike route.

In 2003, the City of Fife purchased 54 acres in the vicinity of the I-5 interchange for the purpose of developing a soccer park. The City of Milton Interurban Trail is located in the same area. FHWA and WSDOT will make every effort to minimize impacts to these properties.

The project will accommodate the Interurban Trail and re-establish the public access connection to the trail in the vicinity of 70th Avenue East

and I-5. The relocated portion of the trail will be ADA accessible—a separated Class I or II non-motorized path linking to the City of Fife trail system. Design modifications to the (Interurban Trail) trailhead connection will be provided with the realignment of 70th Avenue East. Mitigation, if necessary, will be provided for any required use of the developed soccer facility.

FHWA and WSDOT policy is to accommodate non-motorized transportation modes in the study area using best practice design. Towards this goal, FHWA and WSDOT follow a number of general project mitigation measures regarding bicycles and pedestrians:

- Local access roadways within the right-of-way of the SR 167 interchanges will be designed to the local jurisdiction's design standards and often will include paved shoulders and/or sidewalks for bicyclists and pedestrians.

- Local roadways and ramp intersections will, as traffic volumes warrant, be signalized, to include pedestrian crosswalks and activated signal systems.

- Local comprehensive plans will again be reviewed prior to completion of contract plans for construction. This effort will address non-motorized route continuity both at the local level and within the project, consistency, and local jurisdiction coordination. Any such local plans affected by the project and determined to have been completed, progressed to design or construction phase will be evaluated and appropriate measures taken to address impacts.

Geotechnical Analysis

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

Cultural Resources

Construction

As design progresses, efforts will be made to avoid or minimize the impact to cultural and historic resources including the Carson Chestnut Tree and cultural resources associated with ancient ground surfaces.

The Tier I ROD called for design efforts that attempted to save the Carson Chestnut Tree. Accordingly, all options at the SR 161 / SR 167 Interchange were designed to avoid this historic tree, which has been nominated for listing on the Washington Heritage Register. Efforts to minimize any additional detrimental impacts to the Carson Chestnut Tree will be made during design and construction.

Additional cultural resource studies will be conducted at wetland mitigation sites identified for final design. An Archaeological

Monitoring Plan, detailing personnel and methodologies for locating buried cultural resources potentially associated with ancient ground surfaces, will be developed during final design. The Puyallup Tribe of Indians will be consulted prior to any ground disturbing activity in the Valley Avenue Interchange area.

Operation

A Memorandum of Agreement (MOA) was developed in consultation with FHWA, SHPO, the Advisory Council on Historic Preservation, and the Puyallup Tribe of Indians to address adverse effects of the project to the archeological site and four historic structures. If any unanticipated archeological resources (resources above and beyond those identified in the Cultural Resource Survey) are discovered during construction, appropriate action will be taken including notifying and coordinating with the Puyallup Tribe of Indians. The MOA stipulates that FHWA will ensure that the following measures are carried out:

1. WSDOT will plant riparian vegetation on the outer edges of the proposed ramp curve nearest the 3423 Freeman Road historic property to minimize visual effects.

2. Historic Property Recordation: WSDOT will consult with the SHPO regarding appropriate large-format photo documentation to be consistent with Department of Archaeology and Historic Preservation Level 2 standards of historic properties (7001 20th Street East, 6803 20th Street East, and 7717 Valley Avenue East) in the area of potential effect.

3. NRHP-eligible buildings will be offered for sale for a minimum of one year to any buyers willing to move the structures.

4. The project will have no adverse effect upon prehistoric site 45PI488, contingent upon WSDOT:

   (a) Spanning the site with a bridge whose piers are constructed outside the known boundaries of the site;

   (b) Monitoring construction for cultural resources in the vicinity. Should cultural resources or human remains be discovered during bridge construction, procedures will be followed per below (items 5 and 6).

5. Review of Effects Determination: During final design and prior to construction of the undertaking, FHWA will review the eligibility determinations to

   (a) Determine if eligible properties retain the qualities that make them eligible for the National Register of Historic Places;

(b) Determine if non-eligible properties obtained qualities that would make them eligible for the National Register of Historic Places (i.e. greater than 50 years old).

6. Amendment of the Agreement: If any of the consulting parties to this Agreement determine that the terms of the Agreement cannot be met or believe a change is necessary, they will immediately request the signatory parties to consider an amendment or addendum which will be executed in the same manner as the original Agreement. A copy of the amended Agreement will be filed with the ACHP, pursuant to 36 CFR 800.6(c) (7).

The City of Fife will be notified prior to the purchase of the historic properties subject to protection under Section 106 of the National Historic Preservation Act.

Attachment B

Attachment B-1 Washington Department of Fish and Wildlife (WDFW) letter dated January 3, 2007.

Attachment B-2 FHWA Response to WDFW dated February 21, 2007.

State of Washington
Department of Fish and Wildlife

Puyallup Field Office, PO BOX 73249 – Puyallup WA, 98373 (253) 848-5113

January 3, 2007

Washington Department of Transportation

ATTN: Jeff Sawyer
P.O. Box 47440
Olympia, WA 98504-7440

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

Dear Mr. Sawyer:

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

It appears that the mitigation proposals for project impacts are still in conceptual status. As previously commented upon in Signatory Agency Committee (SAC) meetings, WDFW is concerned that the land associated with the conceptual mitigation has not been secured. There have been several conceptual designs developed for mitigation that are on land that may not be in Washington Department of Transportation (DOT) ownership.

These mitigation designs have been proposed and comments have been solicited for by DOT on unsecured mitigation land. If this is the case, the conceptual designs are unlikely options that should not be shared until secured.

Thank you for the opportunity to provide this information. If you have any questions, please contact me at (253) 848-5113.

Sincerely,

Travis W. Nelson
WDFW Area Habitat Biologist

TN:tn

cc: WDFW SEPA Coordinator – Teresa Eturaspe
Puyallup Tribe of Indians – Russ Ledley
FOTH – Chris Carrel

EDMS #:
945

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

RECEIVED
MAR 0 2 2007
BY:

February 21, 2007

HFO-WA.2/SR167

Mr. Travis Nelson
WDFW Area Habitat Biologist
Po Box 73249
Puyallup, WA 98373

**FHWA-WA-EIS-2002-02F SR 167,
Puyallup to SR 509 Tier II FEIS**

Dear Mr. Nelson:

We are responding to your letter dated January 3, 2007 responding to the SR 167 Extension project Final Environmental Impact Statement (FEIS). Thank you for your timely response. In your letter you were concerned that the "mitigation proposals for project impacts are still in conceptual status" and "that the land associated with the conceptual mitigation has not been secured" or purchased by WSDOT.

Property ownership (including right-of-way and mitigation) for highway projects prior to issuance of the Record of Decision (ROD) is not required by the National Environmental Policy Act (NEPA) or other federal and state environmental regulations. In fact it is discouraged. Typically, the majority of project funding for right-of-way, including parcels for required for mitigation and construction is not available until after the ROD has been issued.

After the ROD has been issued for the SR 167 Extension project, Eminent Domain would afford us the ability to secure land needed for right-of-way and any necessary mitigation parcels. With approved funding and the authority to use Eminent Domain, acquiring land proposed for our project's mitigation could be accomplished as proposed in the Conceptual Mitigation Plan and the FEIS.

Also, mitigation described in the FEIS is a commitment by the FHWA and WSDOT. Obviously, if for whatever reason the mitigation we have proposed can not be carried out, then the project will undergo further environmental review. We would revisit the proposed mitigation and develop new plans that fulfill our commitments in consultation with WDFW and other interested agencies.

MOVING THE
AMERICAN
ECONOMY

It is intended that the above response satisfy your concerns; however, should have additional questions please contact Megan Hall of my staff at (360) 753-9379.

Sincerely,

Megan P. Hall

for DANIEL M. MATHIS, P.E.
Division Administrator

MPH&EMM. 2:39 MPH022EMM.01.DOC

MOVING THE AMERICAN ECONOMY

Attachment C-1 Letter from City of Milton, Mayor Katrina Asay, to FHWA Division Administrator Dan Mathis at the FHWA Division Office in Olympia, Washington, dated January 5, 2007.

Attachment C-2 WSDOT/ FHWA Response to City of Milton.

January 5, 2007

Mr. Dan Mathis
Division Administrator
FHWA
711 South Capitol Way, Suite 501
Olympia, Washington 98501
Mathis.Daniel@fhwa.dot.gov

&

Ms. Megan White
Director of Environmental Services
WSDOT
P.O. Box 47417
Olympia, Washington 98504-7417
WhiteM@wsdot.wa.gov

Re: SR 167 Puyallup to SR 509 Tier II Final Environmental Impact Statement and Section 4(f) Evaluation November 2006

Dear Mr. Mathis and Ms. White,

This letter serves as the last written comment of the City of Milton on the SR 167 Environmental Impact Statement, in response to the letter written to Emily Terrell by Jeff Sawyer, dated November 27, 2006. Thank you also for the follow up letter from the design team dated December 18, 2006 defining the changes made to the FEIS and associated Discipline Reports based on the City's concerns as expressed in our December 1, 2006 letter.

Milton staff has thoroughly reviewed the response supplied by WSDOT submitted by Ms. White and Mr. Mathis by letter dated February 15, 2006 as well as the responses added to the FEIS.

The City of Milton would like to express our appreciation for the cooperative efforts WSDOT has made to address our concerns. We are grateful to the design team for their willingness to meet with us on a monthly basis to discuss our concerns. We are also very pleased to be working on a Memorandum of Understanding (MOU) between WSDOT and the City of Milton. We are hopeful that this MOU will address the most significant of the impacts to Milton and our Urban Growth Area from the SR 167 Extension Project and provide for appropriate mitigation. We are committed to doing our part to make this partnership effective.

Throughout the past year, the City of Milton has repeatedly expressed our concern that the FEIS does not adequately address the issues we raised in our December 1, 2006 letter. While the FEIS

Planning & Community Development
1000 Laurel St. Milton, WA 98354-8850
Ph 253.922.8738 / Fax 253.922.3466

does in fact address some of our concerns, the majority of the impacts and mitigation measures we identified are either missing or inadequately addressed in the FEIS. The City, as an interested party, is hopeful that we may yet have a Memorandum of Understanding signed by the WSDOT, the City of Milton, and the Federal Highway Administration prior to the Record of Decision.

It is our desire and expectation that by working together through an administrative process, such as an MOU, prior to the completion of the ROD, we may avoid the NEPA judicial appeal process. However, in the event we cannot reach a resolution prior to the ROD, we respectfully reserve the right to take whatever legal action is necessary to protect the interests of the City of Milton and our residents.

Again, thank you for your continued efforts to work with the City of Milton to accurately assess the impacts of the project and to ensure the implementation of appropriate mitigation measures. The SR 167 Extension Project is an important regional project. We look forward to working with you toward a successful outcome.

My staff and I are available to meet with you or to provide you with further information. Please contact our Planning and Community Development Director, Emily Terrell, at 253.517.2740 or at eterrell@cityofmilton.net . We look forward to hearing from you and your staff.

Cordially,

Katrina Asay

Katrina Asay
Mayor

Cc: Tom Whitney, WSDOT Olympic Region, WhitnTe@wsdot.wa.gov
Megan Hall, FHWA Olympic Region, Megan.Hall@fhwa.dot.gov
Steve Fuchs, WSDOT Olympic Region, FuchsS@wsdot.wa.gov
Ron Landon, WSDOT Olympic Region, LandonR@wsdot.wa.gov
Gary Demich, Demich Consulting, gary@demichconsulting.com

Russ Blount P.E., Public Works Director, City of Fife, rblount@cityoffife.org
Dave Lorenzen, P.E., Public Works Director, City of Edgewood, dave@ci.edgewood.wa.us
Cary M. Roe, P.E, Public Works Director, City of Federal Way, cary.roe@cityoffederalway.com

Jeff Sawyer
Manager, Environmental and Hydraulic Services
Washington State Department of Transportation
Olympic Region
P.O. Box 47417
Tumwater, WA 98501

Washington State
Department of Transportation

U.S. Department of Transporta
Federal Highway Adm

September 26, 2007

The Honorable Katrina Asay
City of Milton
1000 Laurel Street
Milton, Washington 98354-8850

Dear Mayor Asay:

We would like to take this opportunity to recognize and thank you for the cooperative approach taken by the City of Milton to resolve the concerns expressed in your January 5, 2007 letter to the Washington State Department of Transportation and the Federal Highway Administration concerning the SR 167 Tier II Final EIS.

We know that key individuals from WSDOT Olympic Region and the City of Milton have met many times to ensure a joint understanding of the City's issues and concerns and to develop a Memorandum of Understanding (MOU) to cooperatively address them. We are sincerely grateful for the work you and your staff have invested over the past several months to address the above issues. It has led to greater understanding of Milton's concerns and has identified opportunities for collaboration to enable the SR 167 Extension project to complement your community.

We are confident that the City's primary concerns have been addressed, including:

- The effects on the City's commercial tax base.
- Protection of the aquifer recharge area and municipal water supply.
- Measures to ensure emergency response and public services including electric and water utilities during construction.
- Measures to address indirect property impacts within the City jurisdiction.

Several of the City's current concerns stem from the conceptual level of detail at this early stage in project design. We anticipate that these concerns will be eliminated as the project design progresses.

Regarding loss of commercial tax base, WSDOT has agreed to minimize impacts to commercial properties through the use of retaining walls where practicable, delaying active pursuit to acquire commercial properties for as long as possible, and seeking project-related opportunities to assist Milton as it develops other commercial areas within the City.

Mayor Katrina Asay
City of Milton
September 6, 2007

Construction-related effects to key services will be addressed. For emergency response, WSDOT will work with Milton and the other response providers to develop a Work Zone Traffic Control Strategy that includes emergency response continuity of access. With respect to City utilities, WSDOT will require the contractors to plan and perform their work in such a manner that interruptions of service will be infrequent and brief. WSDOT acknowledges that damaged or relocated utilities will be replaced in accordance with current City standards.

WSDOT has agreed to re-evaluate the impacts to the City of Milton's wellheads at the 60% design stage to ensure compliance with the City's wellhead protection plan as well as with the WSDOT Highway Runoff Manual.

WSDOT will further assess noise impacts to adjacent properties in compliance with federal guidelines and local ordinances. WSDOT has offered to meet with property owners in conjunction with City staff to explain the noise program.

We anticipate that the City and WSDOT Olympic Region will soon finalize the MOU and lay the foundation for a successful working relationship. Wherever possible, we will strive to maximize resources and to achieve context-sensitive solutions that work for the residents of Milton.

Thank you for your continued participation and collaboration.

Sincerely,

Megan White
WSDOT Director of Environmental Services

Dan Mathis
FHWA Division Administrator

Attachment D

Attachment D-1 -U.S. Environmental Protection Agency (EPA), Region 10 Letter dated January 17, 2007

Attachment D-2 FHWA Response to EPA dated March 5, 2007

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

January 17, 2007

Reply to
Attn Of: ETPA-088 Ref: 93-025-FHW

Ms. Megan P. Hall, Area Engineer
Federal Highway Administration
Washington Division
711 South Capitol Way, Suite 501
Olympia, WA 98501

Dear Ms. Hall:

The U.S. Environmental Protection Agency has reviewed the SR 167 Puyallup to SR 509 Tier 2 Final Environmental Impact Statement (FEIS) and Section 4(f) Evaluation (CEQ # 20060491). We are submitting comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Thank you for accepting our comments.

Since the Tier 2 Draft EIS was issued in 2003, it is apparent that much work has been done to improve the NEPA document and we appreciate these improvements. Our comments regarding specific improvements and remaining issues are provided below.

Document quality: We commend FHWA and the WSDOT for the quality of the Tier 2 FEIS. It is apparent that the efforts of WSDOT to produce reader-friendly environmental documents have been fruitful. The organization, writing, presentation, and content of the FEIS are much improved. We especially appreciate having the affected environment, environmental consequences, indirect, and cumulative impacts all contained within Chapter 3 by subject. Also we appreciate the effort to provide maps that fit on normal size pages, however, legibility may have been compromised as a result. It may be necessary to return to fold-out maps to improve clarity and readability.

Riparian Restoration Proposal (RRP): We also commend FHWA and WSDOT for including the Riparian Restoration Proposal, an innovative approach to stormwater management. As stated in the FEIS, this approach yields many additional environmental benefits, which are also of social and economic importance. For example, using the RRP, models predict less severe flooding with the Build Alternative than with the No Build Alternative. Overall, the RRP provides a range of ecological services and aesthetic benefits that are difficult to quantify in economic terms, but that are, nonetheless, substantial. We hope that the RRP will set a new direction for stormwater management and environmental mitigation.

Stormwater: Analysis and disclosure of stormwater pollutants have been improved. The FEIS addresses 6 stormwater pollutants and characterizes the anticipated pollutant loadings, although since data and assumptions used in these projections are a

Printed on Recycled Paper

rough surrogate for actual conditions, field validation would strengthen the tool. This type of analysis could also be useful when conducting alternative futures scenarios that would use various degrees of Low Impact Development throughout these watersheds. As you know from our past comments, EPA strongly supports this kind of effort. Using the RRP as an example and a significant beginning, we recommend that FHWA and WSDOT collaborate with local entities (such as the City of Milton, which we understand may have an interest), to expand efforts to implement environmentally sensitive development, including low impact development, transit oriented development, smart growth, and other restoration and sensitive area protection strategies. EPA would be happy to participate in such a collaboration. We believe that such efforts would substantially offset the proposed project's direct, indirect, and cumulative effects, including build out of the project area.

Threatened and endangered species: We understand that the Biological Opinions for the Endangered Species Act (ESA) Section 7 consultations for Bull Trout and Chinook salmon are currently being prepared by US Fish and Wildlife Service and NMFS. We are concerned that the FEIS was issued prior to the release of the Biological Opinions because the direct, indirect, and cumulative effects to ESA-listed species and the recommendations for addressing these effects are important to inform the public and decision making under the NEPA. We recommend that the Biological Opinions be released to the public well in advance of the issuance of the Record of Decision (ROD), and that the recommendations of the Services be fully adopted in the ROD for implementation.

Farmland: EPA remains concerned about the loss of environmentally significant farmland. While we understand that the Farmland Protection Policy Act does not authorize the Federal Government to regulate the use of private or non-federal land, the Act does require Federal agencies to use policies and procedures to minimize the impact Federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. NRCS states that these are the most arable farmlands in the state. Unfortunately, little has been done to protect this valuable farmland and its associated ecological and social functions. The FEIS states that WSDOT will work with individual farmers regarding access to their land. However, the FEIS does not address impacts regarding saturated soils from hydrological changes due to the project and associated development, which may shorten the farmers' growing season significantly, nor does it address economic impacts, and loss of farming businesses/infrastructure. We also believe there should be a discussion of the effects to local, regional, and state-wide agriculture, economic diversity, and sustainability due to the loss of these lands.

Because the direct, indirect, and cumulative impacts of this proposed project would result in the loss and decline of prime, environmentally significant farmland, we believe that mitigation for farmland impacts and losses are within the scope of this project. Thus, we encourage that the collaborative alternative futures analysis mentioned above explore the need, desire for, and feasibility of protecting and maintaining farmland within the Puyallup Valley into the future. We recommend that the ROD include additional mitigation commitments to address the impacts to and loss of farmlands. We also recommend that FHWA, WSDOT, Port of Tacoma, and other local governments

work collaboratively to preserve farmland acreage in the Puyallup Valley and elsewhere in Western Washington, using approaches such as direct purchase for preservation, or donation to a local farmland preservation fund.

Cumulative impacts: "The FEIS includes limited additional analysis, e.g., corridor impervious surface analysis, as well as reformatting" (page G-94). We appreciate inclusion of the information on impervious surface. However, we believe that additional information is needed to strengthen the cumulative effects analysis. As recommended under "Threatened and Endangered Species" above, releasing a summary of the findings from the ESA Biological Opinions from USFWS and NMFS for affected fish species before issuance of the ROD would be helpful in the consideration of cumulative impacts. We hope that the conservation measures will also benefit additional resources highlighted in the cumulative effects analysis.

Indirect impacts: EPA, FHWA, and WSDOT are in the process of working out mutually agreeable approaches to analyzing indirect impacts appropriate to the project and the area, including induced travel and induced growth; this project will inform that process. This FEIS does not address induced travel demand. We understand that the Puget Sound Regional Council (PSRC) analysis addressed induced travel demand, but the FEIS does not include information from that discussion. We believe that this kind of information is important to include in a project level analysis so that decision makers and the public can understand the interplay of the effects of the project in the context of planned growth. EPA believes that further study is needed to determine what is and is not accounted for at the regional scale, and the extent to which reliance upon the PSRC analysis is appropriate for addressing project-specific effects. At a minimum, the EIS should disclose indirect effects, including induced travel demand, and explain the specific method by which these indirect effects were analyzed by PSRC. We also believe that the scope of an indirect effects analysis should include the entire project. This EIS looked only at the interchanges (up to ¼ mile from interchange ROW boundaries, p. 3-108), which could be appropriate if the project involved only new interchanges. This focus may have been in response to the Signatory Agency Committee (SAC) Concurrence Point 2 request for analyzing the effects of the Valley Avenue interchange, but the EIS does not indicate this purpose.

The FEIS states (p. 3-16) that the project would not induce unplanned regional growth; however, it would enable growth, and would affect the rate, timing, and location/pattern of development, and that it causes a ripple effect that is translated across the basin (p. 3-78 to 3-80). Findings are that with the Build Alternative, development is concentrated near the interchanges and the new roadway; with No Build, development is concentrated near I-5 and the Port of Tacoma, resulting in slower and less intense development in farmland areas. Also, similar to the level of growth impacts, the EIS does not show differences in impervious surface, groundwater effects, or impacts to wetlands between the Build and No Build alternatives. The response to EPA comments (F02-026) states that: "The rate of change would potentially be different; however, the ultimate impact to wetlands would not be substantively different." We agree that the project would affect rate, timing, and location of growth. If the rate of growth is increased

as a result of the project, it stands to reason that the overall growth of the area may exceed that which is accounted for.

This kind of information would be useful early in the process, both for local land planning decisions and transportation project decisions. To learn from this example, we recommend monitoring the rate, timing, and pattern of development in this area as well as the land use changes, such as additional annexations, rezones, UGA expansions, etc. that occur over specific timeframes. This assessment could also potentially be done for other comparable projects in Washington State that have completed the NEPA process.

Air Toxics: We are pleased that the FEIS includes commitments to implement several mitigation measures to lessen the impacts of air toxics during project construction. We also appreciate that the FEIS contains more information regarding Mobile Source Air Toxics (MSATs) and their human health effects. However, we remain concerned that there are no hot spot analyses for air toxics, no project-wide identification and disclosure of sensitive receptors that would potentially be affected by the proposed project, and there is no indication that MSATs were discussed with potential sensitive receptors, such as the Puyallup Tribe, the Puyallup Recreation Center, nearby schools, daycare and/or senior centers, etc. However, the construction mitigation measures indicate awareness of and intent to mitigate MSAT emissions near residential areas, school buildings and playgrounds, the Puyallup Recreation Center, and other unspecified sensitive receptor locations.

With respect to hot spot analysis, we note that the FHWA guidance threshold of 140,000 vehicles per day would exclude most transportation projects, including major port projects such as this. Analysis should include the direct, indirect, and cumulative effects of project area sources of air toxics, including marine vessels, construction equipment, heavy truck traffic, cars, and commercial/industrial emitters. At a minimum, we recommend that the sensitive receptors identified for noise also be informed regarding MSATs.

Wetlands and mitigation: We appreciate the responsiveness of FHWA and WSDOT in presenting wetlands information according to the different sub-watersheds. For historic wetland losses, the FEIS states that there has been a 90% loss in Washington urban areas as a whole (p. 3-110), although, we did not find a characterization of historic losses of wetlands and wetland functions by sub-watershed, except for some information pertaining to Hylebos watershed (p. 3-114). The direct project wetlands impacts information is presented according to interchange options. This helps to compare the options, but is less helpful for determining sub-watershed impacts and mitigation needs. To facilitate the evaluation of impacts and needed mitigation for the detailed mitigation plan, we recommend that the information regarding wetlands impacts (type, acres, functions, values, category, etc.) be summarized in one table, if possible, according to sub-watershed.

In response to our concerns regarding the UPRR wetland mitigation site, we appreciate that ten potential sites have now been identified, some of which are included

in the affected sub-watersheds. As detailed mitigation plans are developed, we recommend that FHWA and WSDOT continue coordination with resource agencies regarding the selection of mitigation sites. We also ask that the functions and values of buffers be evaluated and compensated as much as possible in mitigation plans.

Wildlife: We are pleased that, due to the RRP, there has been more recognition of the importance of habitat connectivity. However, we are concerned that while the FEIS states that wildlife crossings will be considered, it makes no commitments to provide crossings. The FEIS further limits this consideration to low-cost wildlife crossings, such as for amphibians and reptiles. Medium and large mammals inhabit the area and may increase with the establishment of the RRP and better connectivity with the broader habitat network. Thus, we recommend that there be more commitment to wildlife passage.

For example, in addition to small animal crossings, we recommend that the stream crossings span, either with enlarged culverts or bridge structures, enough upland to allow passage of medium and large mammals. Since design for each new stream crossing is to provide for 100 year storm events, these structures could also provide additional upland or an elevated ledge to accommodate terrestrial mammals. We recommend that all aquatic crossings within the connected network of habitat affected by this project (of which the RRP is a part) have wildlife crossings that are viable for the range of species using the areas.

Transportation Demand Management (TDM), pedestrian/bicycle facilities: We are pleased that two Park and Ride lots are planned at interchanges, but concerned that the construction of them is not included in the project (p. S-8). We recommend that there be a firm commitment to the implementation of this important TDM measure, as well as activation of the HOV lanes in concert with the park and ride lots, in the ROD.

It remains unclear whether there will be a pedestrian crossing near the Puyallup Recreation Center. The preferred Urban SR 161 interchange includes an overcrossing east of the Recreation Center, but it is not stated whether this locale is useful for the Recreation Center. Also, there is no firm commitment by the Developer to provide a crossing near the Recreation Center and what its location would be.

Noise: We did not see a map in the FEIS showing where the one noise barrier wall would be built near the preferred Urban Interchange option, nor where sensitive noise receptors are located. At the Puyallup Recreation Center, the City of Fife was consulted, but it is not clear whether the Recreation Center officials and citizens concurred that noise would not be a factor. We recommend that these parties be consulted regarding noise (as well as air pollution) issues.

Similarly, more information and firm commitments are needed in the ROD regarding the noise impacts and intended mitigation for the Puyallup Tribe. We note that there is improved coordination with the Tribe (p. G-96), but it is not clear whether or not

the commitments to the Tribe regarding noise have been fully met. Please clarify what is meant by "landscaped noise abatement structures", since they are not a wall.

Environmental Justice: The FEIS states there is no disproportionate impact, however, the data gathered indicate significant low income and minority populations exist in the project area. In addition, the school children data indicate that low income and minorities may exceed the County average (22%). It appears that school children data may be more informative than the census data in determining low income and/or minority populations. We recommend further examination of this issue to determine if more outreach to these populations is warranted. It is important to note that disproportionate impacts are not limited to housing displacements. All community health, social, environmental, and economic impacts are of concern and should be considered when making conclusions about disproportionate impacts.

We thank the project proponents for their ongoing coordination with the Puyallup Tribe. We urge that all of the Tribe's concerns and impacts be adequately addressed and that they be fully informed regarding potential project impacts, including air toxics and criteria pollutants.

Monitoring: Some water quality data were added to the FEIS, but no monitoring was performed to fill data gaps, e.g., for Old Oxbox Lake Ditch and Surprise Lk Drain. Since the RRP is innovative, we recommend that there be monitoring to document the results of this effort, and that adequate baseline information be provided to effectively document changes over time.

Context Sensitive Solutions, Use of Native Plants: Context sensitive solutions apply to both facility siting and design. We continue to recommend attention to this concept, as we believe that it is important to the livability and sustainability of the project area, and the broader region.

The FEIS states that the WSDOT *Roadside Classification Manual* will be used, and that native plants will be used in the RRP (p. G-95). We recommend that additional use of native plants be incorporated for roadside use wherever appropriate, and that invasive species be controlled in an effective and environmentally sensitive manner.

Thank you for the opportunity to comment and for the many improvements to the EIS. We look forward to working with FHWA and WSDOT on this and future projects. If you have questions or would like to discuss these comments, please contact Elaine Somers of my staff at 206/553-2966.

Sincerely,

/s/
Christine B. Reichgott, Manager
NEPA Review Unit

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

March 5, 2007

HEV-WA/SR 167

Christine B. Reichgott, Manager
US EPA Region 10, NEPA Review Unit
1200 Sixth Avenue
Seattle, WA 98101

**SR 167 Extension Tier II EIS
Response to FEIS Comment Letter**

Dear Ms. Reichgott:

Thank you for your comments on the SR 167 Tier II FEIS dated January 17, 2007. Both FHWA and WSDOT appreciate the time you took to review the document and your willingness to discuss the issues you felt most critical. In order to facilitate our analysis of your comments, responses to your comments appear below in the same order presented in your January 17 letter. They are not listed in order of importance.

Document Quality: Thank you for supporting our attempt to make this large document more reader-friendly. We agree that future large corridor projects should weigh carefully the use of smaller figures to save volume versus the loss in legibility. We shared your suggestions with the WSDOT headquarters team so that they may include your point in their future guidance to others.

Riparian Restoration Proposal (RRP): We also hope that the RRP will set a new direction for stormwater management and environmental mitigation.

Stormwater: Thank you for recognizing the additional analysis and disclosure of stormwater pollutants. In the future, FHWA and WSDOT will continue to collaborate with local entities to develop regionwide strategies for stormwater within the project impact area. EPA will be invited to the RRP Technical Advisory Group that will work on some of these issues as they relate to the development of the RRP.

MOVING THE
AMERICAN
ECONOMY

Threatened and endangered species: At this time the Biological Opinions for the Endangered Species Act (ESA) Section 7 consultations for bull trout and Chinook salmon are being prepared by US Fish and Wildlife Service and NOAA Fisheries. Intensive coordination with the services has greatly reduced the number of issues currently under discussion. This allowed FHWA and WSDOT to issue the FEIS, anticipating no surprises. It is FHWA's policy that the majority of projects can and should document findings from ESA consultation in the FEIS and also recommended that the Biological Opinions be released to the public well in advance of the issuance of the Record of Decision (ROD). We feel that this is not in the best public interest at this time. Property development in accordance with the Cities' Growth Management Plans are adding significant risk to the development of the RRP.

To reduce the mounting risk and protect our ability to implement the RRP we have reached the following conclusion for this project: the ESA compliance issues were adequately examined in the FEIS and the FEIS provides reasonable assurance that the requirements will be met. ESA compliance process is clearly outlined and we are continuing to coordinate with the services to include their Biological Opinion recommendations in the ROD.

Farmland: FHWA and WSDOT continue to support local property owners and farmers as well as the local planning process identified in the Growth Management Act. As stated in the FEIS, many property owners are now leasing their property to farming operations. Even the larger farming operators are finding that they cannot compete with the California market.

The City of Fife's Comprehensive Plan continues to "support the maintenance of agricultural uses along the corridor…" FHWA and WSDOT will continue to support and mitigate for individuals wishing to maintain their current farming operations.

Cumulative impacts: As noted above, FHWA policy is to issue ESA Biological Opinions from USFWS and NOAA Fisheries for affected fish species before issuance of a project Final EIS. As stated in the Threatened and Endangered Species section, intensive coordination with the services has already revealed design issues. We have discussed the minimization measures with the services and considered them in the cumulative effects analysis for the FEIS. We will evaluate whether the conclusions reached in the FEIS are still appropriate prior to issuance of the Record of Decision.

Indirect impacts: FHWA and WSDOT will continue to work with EPA, to develop agreeable approaches to analyzing indirect impacts appropriate to future projects, including induced travel and induced growth. Early in the Tier II development, the parameters for the Puget Sound Regional Council (PSRC) analysis were developed jointly with EPA, PSRC, FHWA and WSDOT. We acknowledge that the FEIS did not specifically address induced travel demand; however, induced travel demand was included in the model but not individually summarized. Also, as the indirect affects analysis was developed post DEIS, EPA participated in the decision to look at interchanges up to ¼ mile from the proposed interchanges on SR 167. We believe that the FEIS provides sufficient project level analysis so that decision makers and the public can understand the interplay of the effects of the project in the context of planned growth.

The FHWA concurs with the recommendation made by the project team that EPA, FHWA and PSRC meet in the future to develop the parameters for such an analysis for future projects, including the scope of indirect analysis.

EPA's concern regarding the interplay between the rate of growth (affected by the project) and he potential for exceeding planned growth was adequately addressed in the FEIS. Due to the xisting land features such as Puyallup River to the south, the steep hills to the east, and the I-5 orridor, it is unlikely that full build out conditions in accordance with public land use and nanagement plans would be exceeded.

This kind of information would be useful early in the process, both for local land planning lecisions and transportation project decisions. To learn from this example, we recommend nonitoring the rate, timing, and pattern of development in this area as well as the land use hanges, such as additional annexations, rezones, UGA expansions, etc. that occur over specific imeframes. This assessment could also potentially be done for other comparable projects in Vashington State that have completed the NEPA process. The FHWA concurs with the project eam's suggestion that there be an assessment over time of lessons learned so they can be raised n the policy-level discussions between the three agencies.

Air Toxics: FHWA shares your concern with mobile source air toxics. However, limitations in echnical methods prevent us from being able to perform localized "hotspot" dispersion nodeling for projects at the current time.

1) **The MOBILE6.2 model is not well-suited for microscale analysis.** MOBILE6.2 does not produce emission factors that are applicable for MSAT hotspot modeling. MOBILE6.2, like its predecessors, is a trip-based model – emission factors are projected based on a typical trip, and on average speeds for this typical trip. This means that MOBILE6.2 is not designed to predict emission factors for a specific vehicle speed at a specific location. This is described in the *Technical Guidance on the Use of MOBILE6 for Emission Inventory Preparation*, August 2004, p. 38, and in EPA's November 2003 document *Frequently Asked Questions on MOBILE6*, which states: ". . . it is important to note that even a single average speed represents a trip-length average of many cars traveling over a driving schedule, not the instantaneous speed of a single vehicle. Like MOBILE5, MOBILE6 is not really designed for micro-scale modeling." Use of MOBILE6.2 to generate microscale emission rates for diesel particulate matter is particularly problematic, because the MOBILE6.2 particulate emission rates are not sensitive to a number of variables, including speed. This is discussed at length in EPA's March 10, 2006 rulemaking on analysis of PM2.5 and PM10 hotspots in the transportation conformity process (71 FR 12498), which rules out use of MOBILE6.2 for purposes of PM2.5 and PM10 project-level hotspot dispersion modeling analyses.

2) **The uncertainty associated with available dispersion models is typically greater than the difference in emissions resulting from projects.** Model-to-monitor comparison studies have shown that predictions of concentrations that occur at a specific location are poorly correlated with actually observed concentrations; agreement between modeled and monitored values within a factor of two is generally considered success in these types of studies. However, in a NEPA analysis of an individual roadway project, the change in MSAT emissions is typically much less than that. Page 3-202 of the FEIS indicates that the expected difference in emissions between No Action and the Preferred Alternative would be approximately 14%. Thus, air dispersion models are much less precise than the change in MSAT emissions we expect. Also contributing to model

uncertainty is the general lack of background concentration data in the vicinity of highway projects.

3) **Changes in roadside concentrations are an incomplete measure of changes in health outcomes.** Even if we were able to accurately model localized changes in emissions and concentrations, we face the problem that exposure to near-roadway concentrations of MSATs is only part of a person's daily exposure to MSAT pollutants. MSAT exposure is also dependent on the time people spend at various locations to commute, work, shop, attend school, or for other activities, and the concentration at those locations. There are indoor sources of some of these pollutants; for example, formaldehyde is a well-know indoor air pollutant. Finally, cancer risk estimates are based on a 70-year lifetime exposure, and people only spend a small portion of their 70-year lifetime at a school, daycare center or nursing home. Thus, a new roadway has only an incremental impact on total MSAT exposure, and assessing MSAT exposure is not a simple matter of calculating the impacts of a roadway in isolation from other sources of exposure. In our view, calculating emissions trends and emissions changes at the study area level is the most meaningful way to illustrate likely changes in overall exposure.

It is also worth noting that all project-level MSAT analyses to date have shown large declines in emissions over time irrespective of the alternative chosen. Emissions analyses using MOBILE6.2 along with projected increases in vehicle travel typically show a 50-80% decline in study area emissions between the base year and the design year; a reduction of approximately 50% is expected for this project (page 3-202). The fact that emissions are declining argues against the need for dispersion modeling.

With respect to the 140,000 vehicles per day quantitative analysis threshold, for purposes of our interim guidance, FHWA based this threshold on the definition of a major stationary source of hazardous air pollutants (HAPs) in Section 112 of the Clean Air Act. CAA Section 112 defines a major source of HAPs as one that emits ten tons per year of any individual HAP, or 25 tons per year of all HAPs combined. FHWA conducted some analysis of roadway projects to determine how "large" a project might be before the total emissions in the project area would exceed these thresholds; a roadway widening project ten miles long, accommodating 140,000 vehicles per day, would just exceed the 25 ton threshold. These modeled emissions levels are for 2010, but FHWA's guidance applies this traffic volume threshold to the design year of the project, which is typically in the 2025 to 2030 timeframe; since per-vehicle emissions decline precipitously between 2010 and 2025/2030, use of the design year traffic volumes as the threshold is conservative.

Regarding an analysis of direct, indirect and cumulative impacts, FHWA did analyze direct emissions from the project (page 3-202). Since emissions are expected to decline over time regardless of the alternative selected, an indirect and cumulative analysis does not seem warranted, because the project is not "adding" an adverse impact to other potential indirect or cumulative adverse impacts relative to current conditions.

Finally, with respect to contacting individual sensitive receptors, it is unclear how beneficial this would be due to our inability to provide specific information on how the SR 167 project would change health risk from MSAT pollutants at their locations. On pages 3-203 and 3-205 of the FEIS, we informed readers that localized increases relative to No Action would occur at

locations where ADT increases; if we were to contact them individually, this is the only information we would be able to provide. Thus, we are not sure that contacting these organizations would serve any useful purpose. Also, we have not contacted, been contacted by, or been asked to contact occupants of similar facilities that already operate near existing roadways.

Wetlands and mitigation: FHWA and WSDOT will be providing more detailed wetland mitigation information by sub-watershed in the final Wetland Mitigation Report issued as required by the U.S. Army Corps of Engineers 404 permit.

WSDOT wetland biologists will help FHWA and WSDOT select appropriate mitigation sites. The expertise of the resource agencies will be used as needed. Also, the negotiation process for obtaining construction permits and completing the final Wetland Mitigation plan is very inclusive and will involve the participation of the Services, Corps, WDFW, Ecology as well as the EPA.

Wildlife: This project is being planned and designed with a wide range of environmental enhancements. The FEIS commitment to consider wildlife crossings was based on SAC discussions concerning the level of structure design details for the project. In several locations existing local roadways profiles limited this consideration to low-cost wildlife crossings where possible. In May 2005 all SAC participants, including EPA agreed to this limitation. Additionally, FHWA and WSDOT agreed to provide a bridge rather than the planned culvert at the Valley Avenue Interchange Loop ramp. As you are aware, it is very important that we not overstate our commitments in early design, as a result we cannot commit to all the suggestions in your letter. However, WSDOT will integrate connectivity features to the extent practicable.

Transportation Demand Management (TDM), pedestrian/bicycle facilities: The FEIS captures the agreement by WSDOT and Pierce Transit to develop the two Park and Ride lots. WSDOT will continue to coordinate with Pierce Transit to complete this important feature of the project.

The preferred Urban SR 161 interchange includes an overcrossing east of the Recreation Center, which will be useful for pedestrians and bicyclists to access the Recreation Center. The City of Puyallup is requiring the current Developer to provide a crossing west of the Recreation Center. The location is shown on figure A-8 (appendix A, page A-9).

Noise: Figure 3.8-2, page 221 in the FEIS shows where the noise barrier wall would be built near the preferred Urban Interchange option (location 12). Noise receptors are shown on figure 3.6-1. At the Puyallup Recreation Center, the City of Puyallup was consulted as explained on pages 5-43 and 5-44 of the FEIS. The 4(f) Analysis, Appendix H, contains documentation of the discussions and agreements reached by FHWA, WSDOT, the City of Puyallup, Department of Interior, and the National Park Service.

The commitments made to the Puyallup Tribe in 1993 regarding noise mitigation near 48th Street East have been carried forward in Appendix F, page F-11. "Landscaped noise abatement structures" were requested by the Tribe for future residences. The residences mentioned on Tribal Trust lands have not yet been built. We will collaborate with the Tribe during design to more clearly design structures meeting their approval.

Tribal Trust lands have not yet been built. We will collaborate with the Tribe during design to more clearly design structures meeting their approval.

Environmental Justice (EJ): The EJ analysis concluded that there is not a disproportionate impact to EJ populations, in part, because the majority of these populations appear to be located in pockets well away from the project (yet part of the larger census block groups) In making a determination of no disproportionate impact, the analysis included effects related to housing displacement, business displacement/disruption, noise, agricultural business and employment, as a result of construction and operation. It is anticipated that as the project progresses, additional public outreach will be conducted. In accordance with WSDOT policy, public outreach will be conducted in an inclusive manner taking into consideration any special needs (translators, etc.) of those who will most likely be affected. FHWA civil rights experts have reviewed the FEIS and confirmed that the outreach and analysis are adequate for the federal decisions.

As captured in the FEIS, FHWA and WSDOT will continue coordination with the Puyallup Tribe. Tribal concerns remain an agenda item at our quarterly meetings.

Monitoring: Some water quality data were added to the FEIS, but no monitoring was performed to fill data gaps, e.g., for Old Oxbox Lake Ditch and Surprise Lake Drain. Since the RRP is innovative, we recommend that there be monitoring to document the results of this effort, and that adequate baseline information be provided to effectively document changes over time.

Context Sensitive Solutions, Use of Native Plants: FHWA and WSDOT policy includes consideration of context sensitive solutions for highway design.

We acknowledge your concern regarding invasive species and your suggestions are consistent with the commitments in the FEIS. FHWA and WSDOT will develop a corridor planting plan using the WSDOT *Roadside Classification Manual.*

Thank you for submitting your comments quickly and explaining the issues over the phone last week with my staff and the WSDOT Design Office. If you have questions or would like to discuss these responses, please contact Megan Hall or Sharon Love of my staff at 360-753-9480.

Sincerely,

Daniel M. Mathis

DANIEL M. MATHIS, P.E.
Division Administrator

Cc: Jeff Sawyer
Tony Warfield
Steve Fuchs

SPLOVE:tg 11:15 SPL0302tg01.doc

Attachment E-1 Letter from Pierce County dated January 4, 2007.

Attachment E-2 Summary of Meeting January 30, 20007 between WSDOT and Pierce County to discuss issues related to bicycle trails and access through the I-5/SR 167 interchange.

Attachment E-3 Pierce County letter dated March 13, 2007 response to meeting with WSDOT.

Pierce County
Public Works and Utilities

Transportation Services
2702 South 42nd Street, Suite 201
Tacoma, Washington 98409-7322
(253) 798-7250 • FAX (253) 798-2740

Brian J. Ziegler, P.E.
Director
Brian.Ziegler@co.pierce.wa.us

EDMS #: 544

RECEIVED JAN 0 5 2007 By

JAN

January 4, 2007

Mr. Jeff Sawyer
Manager, Environmental and Hydraulic Services
Washington State Department of Transportation
P.O. Box 47417
Tumwater, WA 98501

RE: FHWA-WA-EIS-2002-02-F
SR 167 Puyallup to SR 509 Final Tier II Environmental Impact Statement

Dear Mr. Sawyer:

Thank you for the opportunity to review the SR 167 Puyallup to SR 509 Final Tier II Environmental Impact Statement, November 2006. We reviewed the responses to our comments for the Draft EIS and offer the following comments:

In general, we have many of the same questions and concerns regarding nonmotorized facilities and their connectivity that we provided in our letter on the SR-167 DEIS on April 14, 2003. It is still unclear how bicyclists will travel between the proposed separated trail and SR-167 mainline where bikes are allowed.

Figure 3.15-2 shows planned trails that may not be built for a long time. A new figure showing how one would bicycle on the proposed mainline and proposed SR-167 trail as well as existing local roads and trails would be helpful between SR-509 and SR-161. Also, we continue to question how bicyclists will be able to travel from from North Levee Road to Valley Road.

We recognize that the details of how the nonmotorized facilities will be connected may be left out due to the level of design used to develop the FEIS. By these comments, we hope the design team will continue to develop and analyze these connections and details to allow safe nonmotorized travel through this new corridor.

Also for your consideration, Figure 3.15-2 incorrectly shows an existing multipurpose trail on the south side of the Puyallup River. Only a short section of this is built. The figure also still shows the Puyallup River Trail on the north side of the river e/o 66th and it should be on the south side of the river. Please verify these existing and planned locations with the Cities of Fife and Puyallup and make the appropriate corrections.

Printed on recycled paper

If you have any questions or require clarifications, please feel free to contact Cindy Bui, P.E., Transportation Engineer, at (253) 798-3560. Thank you.

Sincerely,

Christine Smith
for

Gary N. Predoehl, P.E.
Transportation Planning & Programming Manager

GNP:cjs:ccb

Cc: Brian J. Ziegler, P.E., Public Works & Utilities Director
Toby D. Rickman, P.E., Deputy Public Works & Utilities Director
Brian D. Stacy, P.E., County Engineer
File

Attachment E-2

Meeting Summary

Date of Meeting: January 30, 2007

Location: Pierce County Transportation Services Office-Tacoma

Attendees: Pierce Co. - Christine Smith, Cindy Bui; WSDOT-Rae Bennett, T.J. Nedrow, Mike Davis

Discussion: WSDOT met with Pierce County to clarify concerns regarding issues related to bicycle trails and access through the I-5/SR 167 interchange and resolve any potential issues.

Connectivity to local bike trails and the SR 167 mainline was reviewed. It was indicated that existing bike trails and proposed improvements to be implemented by local agencies such as the City of Fife would adequately provide connection between existing bike trails and the portion of SR 167 that would carry bike traffic. Pierce County was concerned with Figure 3.15.2 from the FEIS. This Figure shows existing and planned bike trails and it was explained how the SR 167 Extension project does provide for the connectivity between SR 509 and SR 167 and how bike travel would occur on North Levee Road. The Puyallup River Trail was reviewed and the locations of existing and planned bicycle trails have been verified with the Cities of Fife and Puyallup. Future task force meetings will be held with Pierce County and the affected Cities as well as local bicycle groups to obtain design information as the project moves forward into construction

Christine Smith indicated that Pierce County would review the information discussed today and issue a letter stating that they were satisfied with the resolution of their concerns by WSDOT.

Pierce County
Public Works and Utilities
Transportation Services
2702 South 42nd Street, Suite 201
Tacoma, Washington 98409-7322
(253) 798-7250 • FAX (253) 798-2740

Brian J. Ziegler, P.E.
Director
Brian.Ziegler@co.pierce.wa.us

EDMS #: 1124

RECEIVED
MAR 16 2007
BY:

March 12, 2007

Ms. Rae Bennett, P.E.
SR 167 Extension Project's Office
Washington State Department of Transportation
P.O. Box 47375
Olympia, WA 98504-7375

RE: FHWA-WA-EIS-2002-02-F
SR 167 Puyallup to SR 509 Final Tier II Environmental Impact Statement
Follow-up / Pierce County Comments

Dear Ms. Bennett:

Thank you for meeting with my staff on January 30, 2007 and providing them with clarifying information relative to the County's comments for the Tier II FEIS on the SR 167 Extension project. We have reviewed the FEIS document with the information you provided and see the nonmotorized connections you pointed out. We note, however, that the connections and facilities beyond the multi-purpose path in the riparian area and at selected interchanges are based on nonmotorized facilities planned by others and not as part of the WSDOT project.

The SR 167 Extension project, together with the planned facilities by local agencies, will provide needed nonmotorized facilities for this area. We encourage WSDOT to continue to actively work with the local agencies, including financial participation if necessary, to ensure that these proposed nonmotorized facilities will be constructed in a timely manner to provide the connections and facilities discussed in the FEIS.

If you have any questions or require clarifications, please feel free to contact Cindy Bui, P.E., Transportation Engineer, at (253) 798-3560. Thank you.

Sincerely,

Gary N. Predoehl

Gary N. Predoehl, P.E.
Transportation Planning & Programming Manager

GNP:cjs:ccb
cc: Jeff Sawyer, WSDOT, P.O. Box 47417, Olympia, WA 98501
Brian J. Ziegler, P.E., Public Works & Utilities Director
Toby D. Rickman, P.E., Deputy Public Works & Utilities Director
Brian D. Stacy, P.E., County Engineer
File

Printed on recycled paper