



Puyallup Tribe of Indians



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TUMWATER DESIGN

May 14, 2003

Washington Department of Transportation
ATTN: Neal Campbell, Project Manager
P.O. Box 47440
Olympia, WA 98504-7440

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OLYMPIC REGION

RE: Comments on SR-167 Ext. DEIS

Dear Mr. Campbell:

The Puyallup Tribe of Indians herein submits the following (attached) comments regarding the proposed SR-167 Extension within Pierce County and the Puyallup Reservation. Rather than summarize the attached comments, I have simply listed the source of the materials as follows:

1. Fisheries – Comments from Mr. Russ Ladley, Tribal Fisheries Manager.
2. Tribal Trust Owners – WSDOT/Tribe meeting minutes held April 25, 2003.
3. Comment Letter – Charles Sheldon, member, comments on the DEIS.

There will be additional comments under separate cover from the Archeological/Cultural staff and individual letters from property owners who previously attended the April 25, 2003 meeting with you and your staff:

If you have any questions, please don't hesitate to call me at 253-377-2763.

Very Truly Yours,

Raul Ramos, AICP
Director of Land Use/Government Affairs

T01-000

RESPONSE T01-000

FHWA and WSDOT are committed to maintaining an open line of communication with the Tribe throughout the design and construction phases of this project.

1. See T01-001 through T01-007 for comments and responses on fisheries.
2. Response to the Tribal Trust Owners is confidential.
3. See T04-001 for comment by Charles Sheldon and the response.

See T03-027 through T03-055 for responses to comment from staff regarding archaeological and cultural responses.

May 5, 2003

Washington Department of Transportation
ATTN: Neal Campbell, Project Manager
P.O. Box 47440
Olympia, WA 98504-7440

RE: SR 167 Draft EIS

Dear Mr. Sawyer:

The Puyallup Tribal Fisheries Division has reviewed the above referenced document and will comment on those sections relevant to fish and fisheries habitat (Chapters 1-3.4). The SR 167 Project Build Alternative represents a highly significant impact to existing environment and major alteration to the surrounding landscape. It is the Tribe's desire to not only fully mitigate these impacts but provide for improved post project conditions and habitat function.

Appropriate project mitigation is contingent upon a thorough understanding of the conditions and resources present as well as the processes which those resources are dependent upon. Although the Draft EIS reports existing conditions and expected impacts during construction operations, the descriptions are, for the most part, general in nature. Furthermore, there is an alarming absence of quantifiable references to baseline conditions.

The Tribe is concerned about future environmental changes. Such changes could include: alteration in the frequency and magnitude of peak stormwater discharges, duration of minimum base flow levels, as well as the duration, frequency and magnitude of excursions to water quality standards.

DOT needs to develop a detailed baseline of current conditions so that a comparison is available for future reference. We know that suspended solids will likely increase upon project completion. But what we don't have is data that monitor TSS and levels change according to precipitation, stream flow or time of year.

We also know that water temperature, dissolved oxygen and pH as well as many other parameters are likely to be affected. Aside from the actual metrics associated with water quality parameters, a before and after analysis is necessary to understand changes that will occur as a result of the project and then develop effective mitigation strategies to counter or offset those changes

T01-001

RESPONSE T01-001

We sincerely appreciate the Puyallup Tribal Fisheries Division commitment to collaborate closely with the project team, including the review of the revised discipline reports (water resources, wetlands, and wildlife, fisheries, and threatened and endangered species) which were updated to respond to comments. WSDOT has collected more recent data from agencies and organizations that have monitored in the area since submittal of the DEIS, including information from the Tribe's water quality program, see section 3.2.2 of the FEIS.

Based the additional guidance you provided, we revised our studies by ensuring the discipline report writers communicated with one another. In addition, the water resources, wetlands, and wildlife, fisheries, and threatened and endangered species sections of the FEIS have been reformatted to discuss the project area and impacts by sub-basin.

The cumulative impacts of the project are updated to allow a closer examination of where the timing of water quality problems intersects with salmonid use or the frequency and type of water quality excursion create a more lethal or chronic impact.

with negative repercussions. Thus, pre and post project monitoring is essential for the application of corrective actions and restorative measures.

Many considerations are necessary when developing a water quality-monitoring program that will provide meaningful metrics of reference conditions and discriminate project related data changes. The duration, frequency and type of water quality excursions are essential considerations. If, for example, Wapato Creek presently exceeds State temperature standards for two weeks per year during the summer months, how will the project affect this finding?

Struggling salmonid resources are easily pushed over the brink of existence when habitat is no longer suitable. Even modest changes in frequency and/or duration of excursions to critical water quality parameters may be lethal. Furthermore, these impacts are cumulative and additive in nature in the context of environmental stressors.

Although the Tribe has collected some water quality data as part of its ambient monitoring program, a considerable expansion of this effort is necessary to develop scientifically defensible relationships of cause and effect. We suggest the appropriate DOT staff contact Char Naylor, Manager of the Tribe's water quality program to find out what type of data has been collected. Additionally, we noticed that the Tribe was never referenced or contacted for fisheries data in the surrounding area despite the fact that we are the only organization who has conducted routine fish utilization surveys.

Hydrology throughout most, if not all, of the project corridor has been altered over time through many different actions. Road construction, agricultural practices, irrigation systems, drainage ditches and mixed development each contribute to reduced groundwater recharge and increased runoff. The large addition of impervious surfaces associated with this project will further compound flooding problems. FEMA has recently revised its 100-year floodplain demarcation along the lower Puyallup River. Appendix B does not but should acknowledge and/or reference the significant changes associated with the new boundaries. The City of Fife's floodplain areas including floodway and flood fringe have been expanded within the latest FEMA review. It is therefore likely that some portion of the SR-167 extension project will also be affected.

It is important to remember the past influence of rivers on the geology and character of the surrounding area. New road prisms will affect existing drainage patterns that will result in both flow constriction and obstruction. Currently both I-5 and Valley Avenue act as dams during periods of high run-off. New road prisms will route and direct water in new and likely unforeseen patterns that must be anticipated through dynamic flood flow modeling. Also, recognize that just because we have not had a large flood in recent memory, the possibility exists

T01-001

RESPONSE T01-002

Floodplain impacts, including indirect and cumulative impacts, have been clarified in section 3.2 of the FEIS. 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.

T01-002

RESPONSE T01-003

The project has conducted additional analyses including hydrologic modeling of the Hylebos and Wapato sub-basins. These studies used a hydrologic simulation model for analyzing flood flow routing. Analysis of the 100-year flood event was done for both existing and future conditions with and without the roadway. These comprehensive studies also analyzed the project's effects on hydrology, channel hydraulics, streambank stability and geomorphology to assure that we address the impacts of the project on the watershed. Water resources and wetlands impacts were analyzed per sub-basin, and sections 3.2 and 3.3 of the FEIS were updated to include this information.

T01-003

Flood events arising in the Puyallup and White Rivers were once attenuated by wetlands and level topography throughout the project corridor. The loss and/or displacement of flood storage capacity can have profound impacts on adjacent property and infrastructure. Aerial photography of recent floods is provided in the Draft as well as maps (Figures 3-2-1 through 6) but no analysis of constricted flow or channel routing has been provided. High flow events resulting from flood conditions can have detrimental effects on stream channels as well as transportation networks. Flood flow scour is just as likely to erode stream-beds as it is road fill and other support structure.

The flooding of I-5 that occurs during intense rainfall events at the bend in Fife is a reminder of the insufficient storm-water detention capacity we have provided as development has progressed. Clearly, this project has the potential to exacerbate this flooding condition as well as others if all necessary safeguards and storm-water engineering practices are not adhered to. Before proceeding with channel relocation activities and riparian enhancement as proposed on Surprise Lake drain, Wapato and Hylebos Creeks, flood flow routing, storage impacts and flow constriction points should be identified and analyzed under a future impervious surface build-out scenario.

Page 3-15 identifies the transformation of 55.6 acres of land to impervious surfaces following project completion. Successful mitigation of this alteration will require detention within a shallow ground water environment as well as the need to provide biofiltration, detention and recharge. Discussions as to how this task will be achieved are not convincing and leave many questions unanswered.

The discussion concerning restored channel widths for Hylebos Creek are defined yet no calculations are offered that illustrate anticipated water elevation, channel slope, depth or flow rate. Meandering the existing Hylebos Creek channel sounds like a good thing from a habitat enhancement perspective. Lets be sure the proposal makes sense from hydraulic perspective before choosing a channel configuration that will only remain until the first high flow event.

The Tribe wholeheartedly endorses the use of the Union Pacific property along the Puyallup River as wetland replacement/mitigation property. Ideally this parcel could be used as a regional wetland-banking site for any future mitigation obligations that may arise through either state or private projects. We especially like the discussion concerning levee breaching and the establishment of distributary channel features.

The enhanced riparian buffer plan proposed (page 3-32, 3-72, 3-76) could offer significant improvements to the existing stream course and corridor, particularly at the I-5 bottleneck. Puyallup Tribal Fisheries request the opportunity to play an active role in the planning and design of these channel relocation and planting plans.

Conceptually, the DEIS offers many exciting possibilities for improved fish habitat in terms of both form and function. Nonetheless, the absence of baseline investigative effort and metrics that portray current conditions, raises doubt many questions.

One of the primary goals of the Tribe for the completion of this project is the overall improvement of habitat function and quality. The DEIS has not convinced us that this will be the case nor has it provided us with the informational foundation necessary to measure environmental change.

Sincerely

Russ Ladlev

T01-003

T01-004

T01-005

T01-006

T01-007

T01-008

RESPONSE T01-004

Stormwater from the project may be treated by one or more of the following methods:

- Biofiltration swales
- Deep fill infiltration
- Landscaped fill slopes with composted soils
- Constructed wetlands
- Ponds
- Riparian Restoration Proposal (RRP)

A Technical Advisory Group will identify recommendations for the ultimate design of the RRP. The technical Advisory Group includes agencies such as United States Fish and Wildlife Service, the NOAA National Marine Fisheries Service, the United States Army Corps of Engineers, and Washington State Departments of Fish and Wildlife and Ecology were invited to participate. In addition, the Pierce County Water Program, the Puyallup Tribe of Indians, and the Friends of the Hylebos Wetlands, a local environmental group, were also invited as stakeholders in the RRP design process. When the Endangered Species Act Biological Opinion (BO) is issued, the Technical Advisory Group will be invited to participate in the refinement of the goals and objectives to include more detail for items such as future design, maintenance, and monitoring.

RESPONSE T01-005

The project has conducted additional analysis including extensive hydrologic modeling of Hylebos sub-basin including Creek (MGS et al. 2004). This analysis includes extensive modeling of water elevations, channel depth, slope, and flow rates to assess flooding impacts, streambank stability, and erosion. The results of this analysis were used for the preliminary design of the stream channel location and configuration.

RESPONSE T01-006

We have updated the Conceptual Mitigation Plan to include several possible wetland mitigation sites. The UPRR site is identified as one of several potential mitigation sites. Please see section 3.3.7 of the FEIS for more information on potential wetland mitigation for this project.

RESPONSE T01-007

Thank you for your support of the Riparian Restoration Proposal (RRP). We look forward to continued collaboration on the design of the RRP through the Technical Advisory Group.

RESPONSE T01-008

To address your concerns we have included additional information in the Water Resources, Wetlands, and Wildlife, Fish and Threatened and Endangered Species section of the FEIS.

Anderson, Burns & Hostnik

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May 15, 2003

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MAY 19 2003
TUMWATER DESIGN

Mr. Neal J. Campbell, P.E.
Washington State Department of Transportation
PO Box 47446
Olympia, WA 98504-7446

RE: SR 167, Puyallup to SR 509

Dear Mr. Campbell:

Please be advised that I represent Mr. Silas A. Cross, who owns property on Valley Avenue in the vicinity of the proposed SR 167 Extension. The purpose of this letter is to submit written comments to the Department of Transportation per your invitation in connection with your Tier II Report.

I. Identification of Property

Mr. Cross owns property on Valley Avenue near where the proposed extension of SR 167 would intersect Valley Avenue. This property is located on the South side and is a triangular piece of property identified as Pierce County Tax Parcel No. R0420172022. Title to this property is held by the United States of America in trust for Silas Cross.

There is currently a business located on this property, which is owned and operated by Mr. Cross. The property is zoned by Pierce County as commercial land.

This property has been held in trust for Mr. Cross and his family since a fee patent on the property was issued to his grandfather. The ties of Mr. Cross to this property run deep in the history of his family and the history of the Puyallup Tribe.

You should also be aware that Mr. Cross owns an eight acre parcel on the north side of Valley Avenue, across from his business. That parcel is identified as Parcel 1 on the survey recorded in Pierce County on July 1, 1985 under Pierce County Auditor's Number 8507010070. We believe

this parcel has been assigned Pierce County Tax Parcel Number R0420083701. This parcel does not border Valley Avenue directly, although access to the parcel is from Valley Avenue in the area of the proposed widening.

II. Impact of SR 167 Extension

The Cross business property is located on the south side of Valley Avenue, near where the proposed extension of SR 167 will intersect Valley Avenue. According to all three alternatives of the Valley Avenue Interchange Design Options, the Cross property is within that area of Valley Avenue which is proposed to be expanded from two lanes to five lanes to accommodate the proposed interchange.

The proposed widening of Valley Avenue will essentially render unusable the business property owned by Mr. Cross. Valley Avenue is proposed to be widened to the south approximately 35 feet. That 35 foot expansion will bring the roadway up against the windows of Mr. Cross's current business, and will eradicate a substantial portion of his parking area. It will also dramatically alter the ingress and egress to his business.

We are aware that your current plans show a proposed park and ride lot directly to the south of Mr. Cross's property. If that proposed property is acquired for this project, we may be able to resolve many of the impacts upon Mr. Cross's property. However, as a practical result, the widening of Valley Avenue will necessitate destruction and reconstruction of Mr. Cross's current business.

There are also storm water runoff and drainage issues in connection with this property. For several years Mr. Cross has been attempting to work with the City of Fife concerning storm water runoff and drainage issues which have impacted his ability to utilize his property. Although we assume that the project will include efforts to minimize and manage storm water control issues, you should be aware that those issues are particularly acute in the vicinity of the proposed Valley Avenue interchange. We would like to be involved in the plans to manage those issues, especially as it impacts the property owned by Mr. Cross.

III. Consultation with Puyallup Tribe

The historical ties of the Puyallup Tribe and Puyallup tribal members to this area is acknowledged in your Tier II Report. The Puyallup Tribe has jurisdiction over many parcels of property within the SR 167 extension corridor.

Your Tier II Report notes that several federal and state agencies have signed an agreement regarding projects that require a NEPA environmental impact statement. With respect to this project we believe you should include the Puyallup Tribe of Indians, and specifically the Puyallup Tribal Land Use Department, as an agency to be consulted concerning alternatives to be selected with

RESPONSE T02-001

There may be some disruptive impact to parking and property access for the Cross Smoke Shop. We will continue to communicate with you regarding any impacts to the property.

RESPONSE T02-002

The Wapato Creek Riparian Restoration Proposal (RRP) is part of the stormwater management proposal for this area. Although the RRP will not directly impact Mr. Cross' property, he is welcome to participate in the Technical Advisory Group which will be advising WSDOT on the future design, maintenance, and monitoring for the RRP.

T02-001

T02-002

T02-003

regard to the Project Purpose and Need, the Project Alternatives to be evaluated in the DEIS, and the Preferred Alternative and Mitigation Plan.

We therefore encourage you to work with the Puyallup Tribal Land Use Department for permitting and consultation in an effort to avoid, minimize, or mitigate the environmental impacts from this project. Although permits may need to be obtained from the Puyallup Tribal Land Use Department with respect to property under its jurisdiction, it would be in the interest of all parties to include the Puyallup Tribe as an equal partner in the planning and construction of this project.

IV. Ongoing Involvement Requested

We appreciate the opportunity to comment with respect to your Tier II Report. Please include us on your mailing list and keep us informed as this project progresses, especially as the project impacts Mr. Cross's property on Valley Avenue.

Very truly yours,

ANDERSON, BURNS & HOSTNIK



Charles R. Hostnik

CRII:vsk
File #4342

cc: Richard Mohar, WSDOT
Colleen N. Jollie, WSDOT
Raul F. Ramos, Puyallup Tribal Land Use Department
John Bell, Puyallup Tribal Law Office
Bertha Tumipsced
Silas A. Cross

T02-003

RESPONSE T02-003

FHWA and WSDOT are committed to continue working with the Puyallup Tribal Land Use Department and other Tribal departments regarding the project.