EA COORDINATION AND COMMENTS

Preliminary results from the discipline reports and technical memos prepared for the EA were presented at a public open house on Thursday, February 17, 2011 at the Kirkland City Hall. This gave the public an opportunity to look at the project maps and discuss the findings of the environmental studies with the I-405 Team, while the EA document was in final preparation. The public was notified of the opportunity to review project maps and discuss preliminary environmental findings through a mailing of roughly 5,000 postcards sent to residents and property owners within 750 feet of I-405 along the project limits (NE 6th Street in Bellevue to the south and I-5 in Lynnwood to the north). The mailing also reached organizations serving low-income and minority populations, and scoping meeting participants in the project area. The open house had 57 attendees.

WSDOT held a public hearing on May 24, 2011, following issuance of the EA on May 10, 2011. The EA hearing took place at the Kirkland City Hall in Kirkland, Washington. WSDOT presenters requested that verbal comments be provided to a court reporter, written comments be provided on comment forms, or follow-up written comments be postmarked or received at the I-405 project office by June 10, 2011. The Notice of Availability of the EA and Notice of EA Hearing were advertised in the *Seattle Times* on May 7 and May 14, 2011.

Display advertisements were placed in the following newspapers on the dates shown:

- *Bellevue Reporter* issue of May 13, 2011
- *The Bothell/Kenmore Reporter* issue of May 13, 2011
- *El Mundo* (Spanish) issue of May 12, 2011
- *Enterprise* (Lynnwood) issue of May 11, 2011
- *The Kirkland Reporter* issue of May 13, 2011
- *Phuong Dong Times* (Vietnamese) issue of May 13, 2011
- *Russian World* (Russian) issue of May 9, 2011
- *Seattle Chinese Times* (Chinese) issue of May 12, 2011

The EA public hearing notice and a link to the EA documents were also placed in the government events calendars of the Bellevue Patch and Kirkland Patch on-line newsletters, and in the Kirkland Alliance of Neighborhoods newsletter.

An email was sent out on May 10, 2011 containing the EA Notice of Availability with public hearing details (time, place, date, etc.), the SEPA Determination of Nonsignificance (DNS) and Adoption of Existing Environmental Document, and a cover letter from the I-405 Environmental Manager. This email was sent to federal agencies, tribal governments, state agencies, and local and regional governments.

The public was notified of the availability of the EA and subsequent hearing in the Thursday, May 12, 2011, edition of the Eastside Transportation News which reaches

3,157 listserv subscribers. A message reminding the public about the comment period and hearing was posted each week during the comment period. The listserv reaches people who attended the discipline report open house, environmental justice agencies, scoping meeting participants, neighborhood groups, and citizens in the project area, among others.

The printed EA was placed in the following libraries:

- Bellevue College Library
- Bellevue Regional Library
- Bothell Regional Library
- Kingsgate Library
- Kirkland Library
- Lynnwood Library
- Renton Public Library
- University of Washington Library (Suzallo)

Twenty people attended the May 24, 2011 public hearing. During the comment period, from May 10, 2011 through June 10, 2011, one federal agency, one tribe, one city, two private individuals, one private company and one private organization provided written comments regarding the EA. One individual gave oral comment to the court reporter at the May 24, 2011 hearing. No other comments were provided. The comments focused primarily on issues related to transportation, water and fisheries resources, and vegetation restoration. The comments received and responses are in Attachment 5.

DETERMINATION AND FINDINGS

National Environmental Policy Act Finding

FHWA served as lead agency under the National Environmental Policy Act (NEPA) for the project. WSDOT prepared the EA in compliance with NEPA, 42 United States Code (USC) Section 4321 et seq. and with FHWA's regulations, 23 Code of Federal Regulations (CFR) Part 771. The EA discusses the potential impacts of the project on the environment so that FHWA can determine whether significant adverse impacts (Council on Environmental Quality [CEQ] 1508.27) are probable. If such a determination were made, an environmental impact statement (EIS) would need to be prepared.

The EA indicates that the project's construction and operation will not cause any significant adverse environmental impacts that will not be mitigated. This finding applies to both operations alternatives and to all applicable environmental elements.

After carefully considering the EA, its supporting documents, and the public comments and responses, FHWA finds under 23 CFR 771.121 that the Proposed Action, with the mitigation to which WSDOT has committed, will not have any significant adverse impacts on the environment. The record provides sufficient evidence and analysis for determining that an EIS is not required.

Air Quality Conformity Statement

The study area for the Bellevue to Lynnwood Improvement Project includes a carbon monoxide (CO) maintenance area. Projects located in maintenance areas must comply with the project-level and regional conformity criteria described in the EPA Conformity Rule (40 CFR 93) and with WAC Chapter 173-420. Because this proposed project will not cause or increase any exceedance of the NAAQS, it meets project-level conformity requirements per 40 CFR 93.123. No significant adverse unavoidable impacts related to air quality are predicted as a result of this proposed project.

The PSRC included the I-405 Corridor Program's Selected Alternative (which includes the Bellevue to Lynnwood Improvement Project, among other projects) in the Metropolitan Transportation Plan (MTP) and the Transportation Improvement Plan (TIP), as a project that conforms to the Puget Sound region's Air Quality Maintenance Plans. This demonstrates that the proposed project will not cause or contribute to exceedances of the NAAQS at the regional level.

The Bellevue to Lynnwood Improvement Project is included in the PSRC MTP and in the TIP. This project meets regional conformity technical requirements because it has been included in the MTP modeling. The project meets all requirements of 40 CFR Part 93 and WAC 173-420 and demonstrates regional conformity.

Floodplain Finding

The I-405 crossings of the Sammamish River at the SR 522 interchange and North Creek near the NE 195th Street interchange occur over 100-year floodplains. Both of these floodplains are within the levees along each waterway. Floodplains occur downstream of I-405 near the mouths

of Yarrow Creek, Forbes Creek, and Juanita Creek. I-405 is elevated above the floodplains on the Sammamish River and North Creeks. The Proposed Action will construct two stormwater outfalls to the Sammamish River within the 100-year floodplain. Outfall construction will result in zero rise in the Federal Emergency Management Agency (FEMA) 100-year flood height. Because of this, FHWA finds that no adverse effects to any 100-year floodplains or floodways will occur as a result of the proposed project

Surface Water and Water Quality Finding

The Proposed Action will increase impervious area by about 18.2 acres which is about an eight percent increase from the No Build Alternative. The project will include adequate detention (flow control) facilities to prevent increases in peak flows and velocities or downstream flooding as a result of the greater impervious areas.

Although the Proposed Action will have more impervious area than the No Build Alternative, it will have lower pollutant loads for the project corridor than the No Build Alternative because it will treat stormwater from both new and existing impervious surfaces. Total and dissolved copper and zinc pollutant loads will be about two to four percent lower with the Build Alternatives. Currently, a portion of the existing impervious surfaces discharges without treatment. Overall, the project will result in a negligible change in pollutant loads to the project area water bodies.

Project operation will result in negligible effects on groundwater. Pollutant loads and potential effects from pollutants on groundwater will generally decrease slightly as a result of improved stormwater management. The increase in impervious area as a result of the project, and the resulting loss of infiltration, is very small compared with the size of the basins. The proposed stormwater facilities (media filter drain treatment facilities and an infiltration facility) will help to mitigate the relatively small loss of groundwater recharge and reduced stream baseflows downstream of the project. There are no sole-source aquifers within the project area. This project will not degrade flow patterns or water quality from existing conditions. For these reasons, FHWA finds that this project will have no adverse affects to surface water flows or water quality.

Endangered Species Act Finding

WSDOT served as the lead for the Endangered Species Act (ESA) Section 7 consultation on behalf of FHWA pursuant to 50 CFR 402.07. WSDOT prepared a Biological Assessment (BA) for the project, in compliance with the Endangered Species Act (ESA) that addressed potential adverse effects of changes to water quality on listed aquatic species. On December 11, 2008, the National Marine Fisheries Service (NMFS) issued a Biological Opinion that determined that the proposed action would affect individual fish in the action area, but not to an extent that would bear on the viability of the affected populations of listed fish. The US Fish and Wildlife Service (USFWS) issued a Biological Opinion on December 31, 2008 that the action, as proposed, is not likely to jeopardize the continued existence of the bull trout in its coterminous range. The USFWS expects the proposed action will result in measurable, adverse effects to bull trout associated with long-term (operational) discharge of highway stormwater runoff, and has provided mandatory terms and conditions intended to minimize certain adverse effects.

After the opinions and determinations were issued in 2008, the project limits changed, the NE 195th Street to SR 529 northbound auxiliary lane was removed for the Bellevue to Lynnwood Improvement Project and constructed as a separate project, and some additional widening was proposed both northbound and southbound between NE 85th Street and SR 522. WSDOT informed FHWA of the project revisions August 2010, and asked if FHWA concurred with WSDOT's opinion that the minor project revisions would not result in a change to the affect determination and would not trigger a re-initiation of ESA consultation with NMFS or USFWS. FHWA concurred that ESA Section 7 consultation did not need to be re-initiated.

Magnuson-Stevens Act Finding

It has been determined that the Proposed Action may adversely affect Pacific salmon Essential Fish Habitat (EFH) because of a permanent loss of habitat due to riprap being placed within the ordinary high water mark (OHWM) of the Sammamish River, where Chinook and coho salmon are known to occur. Riparian enhancements adjacent to the Sammamish River will provide some benefit to these species. Pink salmon have not been documented to occur in the Sammamish River or any of the streams in the project Action Area[1].

The conservation measures that FHWA included as part of the Proposed Action to address ESA concerns are also adequate to avoid, minimize, or otherwise offset potential adverse effects on the Essential Fish Habitat of Chinook and coho salmon. Therefore, conservation recommendations pursuant to Magnuson-Stevens Act Section 305(b)(4)(A) are not necessary.

Farmland Finding

Suitable soils and active farming do not occur within the project area. Therefore, the Farmlands Protection Policy Act of 1981 (7 USC 4201-4209) and other applicable state and federal farmlands protection policies, orders, and guidance do not apply to the proposed project.

Wetland Finding

The Proposed Action will permanently impact eight wetlands totaling 0.38 acre. The affected wetlands are located within the right of way and impacts could not be avoided or minimized due to roadway design standards. The affected wetlands are of low or moderate function.

Several measures were taken during design to avoid or minimize impacts to wetlands, including adjustment of the project footprint. Despite WSDOT's efforts to avoid wetlands during construction, 0.03 acres of wetlands will be temporarily disturbed. These areas will be restored after project construction.

To compensate for the permanent effect on wetlands resulting from the project, WSDOT has provided mitigation at a wetland mitigation site located in Kelsey Creek Park, north of the intersection of Richards Road and the Lake Hills Connector in Bellevue, Washington. Mitigation at this site was approved as part of the I-405 Bellevue Nickel Improvement Project and has been constructed. Detailed information on mitigation goals, site configuration, restoration, and monitoring are provided in a Wetland Mitigation Plan that was submitted as

[1] *The project Action Area is described and mapped in the "Biological Assessment for I-405, SR 520 to I-5 Improvement Project." August 2007.*

part of the application to the U.S. Army Corps of Engineers and the Department of Ecology for work in waters/wetlands.

FHWA finds that there is no practicable alternative to the proposed new construction within wetlands. The Proposed Action includes all practicable measures to reduce impacts to wetlands that may result from the project.

Section 106 Finding

Thirteen historic structures and three potential archaeological sites were identified within the APE. Of these resources, only the Hosmer/Fries home was determined eligible for inclusion in the National Register of Historic Places (NRHP.) The residence will not be directly or indirectly affected by proposed construction under either of the build alternatives.

The State of Washington Department of Archaeology and Historic Preservation (DAHP) concurred with our historic properties findings in a letter dated March 9, 2009.

Investigative probing in November 2006 uncovered a stone tool in an area identified as archaeological site 45KI757. This site was initially thought to be eligible for National Register of Historic Places (NRHP) listing. Subsequent subsurface excavation, data recovery and thorough laboratory testing, revealed that the site contained only a single cultural artifact and was not eligible for listing. WSDOT provided copies of the data recovery report to DAHP and interested tribes. In a letter dated February 17, 2010, DAHP agreed that the area was not eligible for listing on the NRHP.

Based on the cultural resources analysis and coordination with the tribes and DAHP (EA Appendix D includes agency and tribal correspondence), FHWA finds that the project will have no adverse impact on any identified or likely cultural or historic resources, and that the Section 106 coordination requirements for this project have been fulfilled.

Section 4(f) Finding

The existence of potential U.S. Department of Transportation (DOT) Act of 1966 Section 4(f) resources was evaluated as part of the EA. There are 19 publicly owned parks and one waterfowl and wildlife refuge within one-quarter mile of the proposed improvements. No other Section 4(f) resources are present. The project will not require the acquisition of any Section 4(f) resource lands, will not impose any temporary use on resource lands, and will have no constructive use of any of the identified Section 4(f) resources.

FHWA finds that the proposed project will not use or impact any historical resource, park, or recreational resource protected by Section 4(f) of the DOT Act of 1966.

Environmental Justice Finding

Data from the 2000 U.S. Census indicate that approximately 18 percent of the population in the study area census block groups are minorities and approximately 4 percent of the population are low-income. Project outreach included 19 interviews with social service providers. Public meeting notices were published in Spanish, Chinese, Russian and Vietnamese language newspapers.

The express toll lanes pricing structure of the Proposed Action is not expected to have disproportionately high and adverse effects to low-income or minority travelers.

FHWA finds that the construction and operation of the Proposed Action will not have disproportionately high and adverse impacts on minority or low-income populations in the study area. Project design and mitigation measures will assure that adverse impacts will not occur or will be minimized. Upon completion of the proposed project, mobility improvements along I-405 for passenger vehicles and public transit will benefit local residents, including minority and low-income populations.

Noise Finding

Noise levels were predicted at 246 modeled locations (receptors) representing noise exposure at 1,770 residences, one hotel, two schools, one church and one park within the study area. The FHWA Traffic Noise Model (TNM) version 2.5 was used for existing conditions and for the year 2030 with and without the project. With the Proposed Action, modeling indicates that without the recommended noise barriers, noise levels would approach or exceed the FHWA Noise Abatement Criteria (NAC) at 102 of these 246 locations, representing 406 residences and one church. With the noise abatement measures proposed, noise levels at 77 modeled locations, representing 354 residences and one church, will continue to approach or exceed the criteria. Without noise abatement, one receptor representing one residence would experience a severe noise effect[2]. There will be no severe noise effects with the proposed noise abatement.

In the absence of the proposed project, noise levels would continue to approach, meet, or exceed the NAC at 368 residences and one church.

Fourteen new noise barriers and ten upgrade barriers were evaluated for the project. Two new noise barriers were determined to be feasible and reasonable. One is located along northbound I-405 approximately one-half mile south of NE 116th Street near Slater Avenue NE and the other is along right of way that runs between the I-405 southbound to NE 195th Street off-ramp and 112th Avenue NE. These noise barriers will provide a traffic noise reduction benefit of 3 dBA or more at 38 modeled receptors, representing an equivalent of 82 residences. With the noise barrier, traffic noise at 52 of the 82 residences will not approach or exceed the NAC.

[2] *WSDOT defines severe traffic noise effects as 80 dBA or more for Activity Category B areas, or 30 dBA or more above existing traffic noise levels for Activity Category B areas. The study area receptors represent Activity Category B residences, schools, churches, parks and hotels.*

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ATTACHMENTS

The EA is incorporated by reference into the Finding of No Significant Impact (FONSI). Copies of these documents are available for purchase upon request from William Jordan, WSDOT I-405 Project Office, 600 108th Avenue NE, Suite 405, Bellevue, WA 98004; telephone (425) 457-0642. These documents are also available for viewing or downloading at this web page: http://www.wsdot.wa.gov/Projects/I405/corridor/beltolynnEA.htm

The following attachments are incorporated into this FONSI:

Attachment 1: Errata to EA

Attachment 2: Notices

Attachment 3: FONSI Distribution List

Attachment 4: List of Commitments Identified in the EA

Attachment 5: Comments and Responses

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Attachment 1: Errata to EA

The following corrections apply to the EA and accompanying discipline reports for the I-405 Bellevue to Lynnwood Improvement Project issued on May 10, 2011. These corrections clarify or enhance the readability of the EA. Because these changes to the EA alter neither the analysis nor the conclusion of No Significant Impact, the issuance of a revised EA is not required.

Changes to the EA text are identified by the corresponding page number in the EA. These minor revisions are incorporated into the EA by reference.

Page 1-6, sixth paragraph

Noise levels were evaluated at 246 noise receptor locations, representing noise exposure at 1,770 residences, one hotel, two schools, one church and one park within the study area. Exhibit 5.2-4 shows the location evaluated for new barriers and upgrades to existing barriers.

Page 4-23, Exhibit 4-3: Alternatives – sheet 1 of 2

See the revised exhibit on page A-7. The revised elements of the exhibit are within the dashed bordered areas. This revised exhibit also replaces the following discipline report and technical memoranda exhibits:

Appendix E	Air Quality Technical Memorandum	Exhibit 3: Project alternatives – sheet 1 of 2
Appendix G	Cumulative Effects Analysis Technical Memorandum	Exhibit 3: Project alternatives – sheet 1 of 2
Appendix H	Economics Technical Memorandum	Exhibit 3: Project alternatives – sheet 1 of 2
Appendix I	Ecosystems Discipline Report	Exhibit 2-3: Project alternatives – sheet 1 of 2
Appendix J	Hazardous Materials Technical Memorandum	Exhibit 3: Project alternatives – sheet 1 of 2
Appendix K	Land Use Patterns, Plans and Policies Discipline Report	Exhibit 2-3: Project alternatives – sheet 1 of 2
Appendix L	Noise Discipline Report	Exhibit 2-3: Project alternatives – sheet 1 of 2
Appendix M	Draft Section 4(f) Technical Memorandum	Exhibit 3: Project alternatives – sheet 1 of 2
Appendix O	Soils and Geology Technical Memorandum	Exhibit 3: Project alternatives – sheet 1 of 2
Appendix Q	Utilities Technical Memorandum	Exhibit 3: Project alternatives – sheet 1 of 2
Appendix R	Visual Quality Technical Memorandum	Exhibit 3: Project alternatives – sheet 1 of 2
Appendix S	Water Resources Discipline Report	Exhibit 2-3: Project alternatives – sheet 1 of 2

Page 4-24, Exhibit 4-3: Alternatives – sheet 2 of 2

See the revised exhibit on page A-8. The revised elements of the exhibit are within the dashed bordered areas. This revised exhibit also replaces the following discipline report and technical memoranda exhibits:

Appendix E	Air Quality Technical Memorandum	Exhibit 3: Project alternatives – sheet 2 of 2
Appendix G	Cumulative Effects Analysis Technical Memorandum	Exhibit 3: Project alternatives – sheet 2 of 2
Appendix H	Economics Technical Memorandum	Exhibit 3: Project alternatives – sheet 2 of 2
Appendix I	Ecosystems Discipline Report	Exhibit 2-3: Project alternatives – sheet 2 of 2
Appendix J	Hazardous Materials Technical Memorandum	Exhibit 3: Project alternatives – sheet 2 of 2
Appendix K	Land Use Patterns, Plans and Policies Discipline Report	Exhibit 2-3: Project alternatives – sheet 2 of 2
Appendix L	Noise Discipline Report	Exhibit 2-3: Project alternatives – sheet 2 of 2
Appendix M	Draft Section 4(f) Technical Memorandum	Exhibit 3: Project alternatives – sheet 2 of 2
Appendix O	Soils and Geology Technical Memorandum	Exhibit 3: Project alternatives – sheet 2 of 2
Appendix Q	Utilities Technical Memorandum	Exhibit 3: Project alternatives – sheet 2 of 2
Appendix R	Visual Quality Technical Memorandum	Exhibit 3: Project alternatives – sheet 2 of 2
Appendix S	Water Resources Discipline Report	Exhibit 2-3: Project alternatives – sheet 2 of 2

Page 4-25, Exhibit 4-4: Express Toll Lanes access locations

See the revised exhibit on page A-9. The revised elements of the exhibit are within the dashed bordered areas. This revised exhibit also replaces the following discipline report and technical memoranda exhibits:

Appendix E	Air Quality Technical Memorandum	Exhibit 4: Express Toll Lanes access locations
Appendix G	Cumulative Effects Analysis Technical Memorandum	Exhibit 4: Express Toll Lanes access locations
Appendix H	Economics Technical Memorandum	Exhibit 4: Express Toll Lanes access locations
Appendix I	Ecosystems Discipline Report	Exhibit 2-4: Express Toll Lanes access locations
Appendix J	Hazardous Materials Technical Memorandum	Exhibit 4: Express Toll Lanes access locations
Appendix K	Land Use Patterns, Plans and Policies Discipline Report	Exhibit 2-4: Express Toll Lanes access locations
Appendix L	Noise Discipline Report	Exhibit 2-4: Express Toll Lanes access locations
Appendix M	Draft Section 4(f) Technical Memorandum	Exhibit 4: Express Toll Lanes access locations
Appendix N	Social, Public Services, and Environmental Justice Discipline Report	Exhibit 2-4: Express Toll Lanes access locations
Appendix O	Soils and Geology Technical Memorandum	Exhibit 4: Express Toll Lanes access locations
Appendix P	Transportation Discipline Report	Exhibit 2-4: Express Toll Lanes access locations
Appendix Q	Utilities Technical Memorandum	Exhibit 4: Express Toll Lanes access locations
Appendix R	Visual Quality Technical Memorandum	Exhibit 4: Express Toll Lanes access locations
Appendix S	Water Resources Discipline Report	Exhibit 2-4: Express Toll Lanes access locations

Page 5.6-4, second paragraph

The I-405 crossings of the Sammamish River at the SR 522 interchange and North Creek near the NE 195th Street interchange occur over ~~There are no~~ 100-year floodplains ~~in the Bellevue to Lynnwood Improvement project area~~ that have been designated as Areas of Special Flood Hazard by the Federal Emergency Management Agency (FEMA). Both of these floodplains are within the levees along each waterway. Floodplains occur downstream of I-405 near the mouths of Yarrow Creek, Forbes Creek, and Juanita Creek (Exhibit 5.6-1). ~~I-405 is elevated above the floodplains on the Sammamish River and North Creeks.~~

Page 5.6-6, new fourth paragraph

Both build alternatives will construct two outfalls to the Sammamish River within the 100-year floodplain. Design and construction of the outfalls will result in zero rise in the FEMA 100-year flood height.

Appendix E – Air Quality Technical Memorandum, page 44, first paragraph

If uncontrolled, fugitive dust from construction activities will be noticeable near construction sites. During construction, mitigation measures that comply with PSCAA regulations will be implemented. These regulations require the control of dust and mud deposits on paved streets during construction.[3] Measures that reduce deposits of mud and particulate emissions are identified in the *Construction Mitigation* section of the ~~*Programmatic EIS Air Quality Review* (WSDOT, 2001) prepared for the I-405 Corridor Program master plan (see Section 3.1.6.1)~~ I-405 Corridor Program Final EIS (see Section 3.1.5.1).

Appendix G – Cumulative Effects Analysis Technical Memorandum, page 4, first bulleted item

- SR 520 Bridge Replacement and High-Occupancy Vehicle (HOV) Program (WSDOT);

[3] *PSCAA Regulation 1, Article 9.*

Appendix G – Cumulative Effects Analysis Technical Memorandum, page 55, second paragraph, first sentence

We do not anticipate any adverse cumulative effects. Similarly, the I 405, NE 8th Street to SR 520 Braided Ramps Project and the SR 520 Bridge Replacement and HOV Program will maintain or possibly improve water quality as a result of retrofitting some existing impervious surface areas with new water quality treatment facilities.

Appendix G – Cumulative Effects Analysis Technical Memorandum, page 57, first paragraph

Wetlands will also be affected by the SR 520 Bridge Replacement and HOV Program and the I 405, NE 8th Street to SR 520 Braided Crossing Project. The SR 520 Bridge Replacement and HOV Program has evaluated wetland effects for the I-5 to Medina segment, the Medina to SR 202 segment, and at the Aberdeen, Washington site for the replacement floating bridge pontoon construction. NEPA environmental documentation has been completed for all sites, except the SR 520 I-5 to Medina segment which will have a FEIS and Record of Decision issued in 2011. The SR 520 Bridge Replacement and HOV Program and the I-405, NE 8th Street to SR 520 Braided Crossing Project have identified about nine acres of permanent conversion and eight acres of temporary effects to wetlands. Most of the temporary effect is wetland shading by temporary construction bridges. All of the projects will create or enhance more acres of wetlands than are filled or permanently affected.

Appendix G – Cumulative Effects Analysis Technical Memorandum, page 57, last paragraph

The compensatory mitigation sites will provide high-quality wetlands and habitats. Other projects considered in this CEA that mitigate appropriately could also positively affect wetlands. Operation of the 520 Bridge Replacement and HOV Program and the I-405, NE 8th Street to SR 520 Braided Crossing Project may result in positive cumulative effects to wetlands that presently receive stormwater runoff as a result of the projects retrofitting water quality treatment for some existing impervious surface, as well as enhanced treatment of discharges from the new impervious surfaces.

Appendix G – Cumulative Effects Analysis Technical Memorandum, page 59, second paragraph

Some losses and degradation of aquatic habitat and temporary short-term decreases in water quality could occur due to construction of the Bellevue to Lynnwood Improvement Project. The SR 520 Bridge Replacement and HOV Program and the I 405, NE 8th Street to SR 520 Braided Crossing Project will similarly directly affect aquatic resources. The SR 520 Bridge Replacement and HOV Program, in particular, will involve substantial in-water work. These construction effects (for example, loss of riparian vegetation, temporary increased sedimentation, and water course modifications) will be minimized through the use of BMPs, compliance with permit conditions and in-water work windows set by the fish and wildlife agencies, and by including avoidance measures in the project design.

Appendix G – Cumulative Effects Analysis Technical Memorandum, page 59, last paragraph, and page 60, first paragraph, first sentence

SR 520 Bridge Replacement and HOV Program (WSDOT)

The SR 520 Bridge Replacement and HOV Program proposes to replace SR 520's Portage Bay and Evergreen Point bridges and improve the existing roadway between I-5 in Seattle and SR 202 in Redmond.

Appendix G – Cumulative Effects Analysis Technical Memorandum, page A-6, last heading and last paragraph, and page 60, first paragraph, first sentence

Proper maintenance and continued operation of the Bellevue to Lynnwood Improvement Project's water treatment facilities and culverts, when combined with those associated with the SR 520 Bridge Replacement and HOV Program and the I-405, NE 8th Street to SR 520 Braided Crossing Project should result in a positive cumulative effect on aquatic resources.

Appendix I – Ecosystems Discipline Report, page 5-15, last paragraph

A Biological Assessment (BA) prepared for this project evaluated the effects of the project on aquatic species protected under the ESA, specifically Chinook salmon, steelhead trout, and bull trout (WSDOT 2007c). The BA determined that the project may affect, but is not likely to adversely affect, Puget Sound Chinook salmon, Puget Sound steelhead, and Coastal-Puget Sound bull trout. NMFS issued a Biological Opinion that determined that the proposed action would affect individual fish in the action area, but not to an extent that would bear on the viability of the affected populations of listed fish. The proposed action is not likely to appreciably reduce the likelihood of survival and recovery of Puget Sound Chinook salmon and Puget Sound steelhead (NMFS 2008). The USFWS issued a Biological Opinion that the action, as proposed, is not likely to jeopardize the continued existence of the bull trout in its coterminous range. The USFWS expects the proposed action will result in measurable, adverse effects to bull trout associated with long-term (operational) discharge of highway stormwater runoff (USFWS 2008).

Appendix J – Hazardous Materials Technical Memorandum, page 40, delete second bulleted item

- ~~WSDOT will be responsible for remediating and monitoring contamination found on properties that will be acquired for this project. WSDOT will further evaluate the identified properties before acquisition or construction occurs. Contamination in soils will be evaluated relative to MTCA cleanup levels.~~

Appendix S – Water Resources Discipline Report, page 5-7, second paragraph

Both Build Alternatives will construct two outfalls to the Sammamish River within the 100-year floodplain. ~~not encroach upon any existing floodplains and~~ The Build Alternatives will not substantially change downstream floodplains or flooding characteristics. The Build Alternatives will also include the required detention to eliminate peak flow velocities and volume increases.

Appendix S – Water Resources Discipline Report, page 6-1, insert third paragraph (first bulleted item):

- The Design-Build contractor will be required to ensure that final design of the stormwater outfalls to the Sammamish River, within the 100-year floodplain, will result in zero rise in the FEMA 100-year flood height.

Exhibit 4-3: Alternatives – sheet 1 of 2

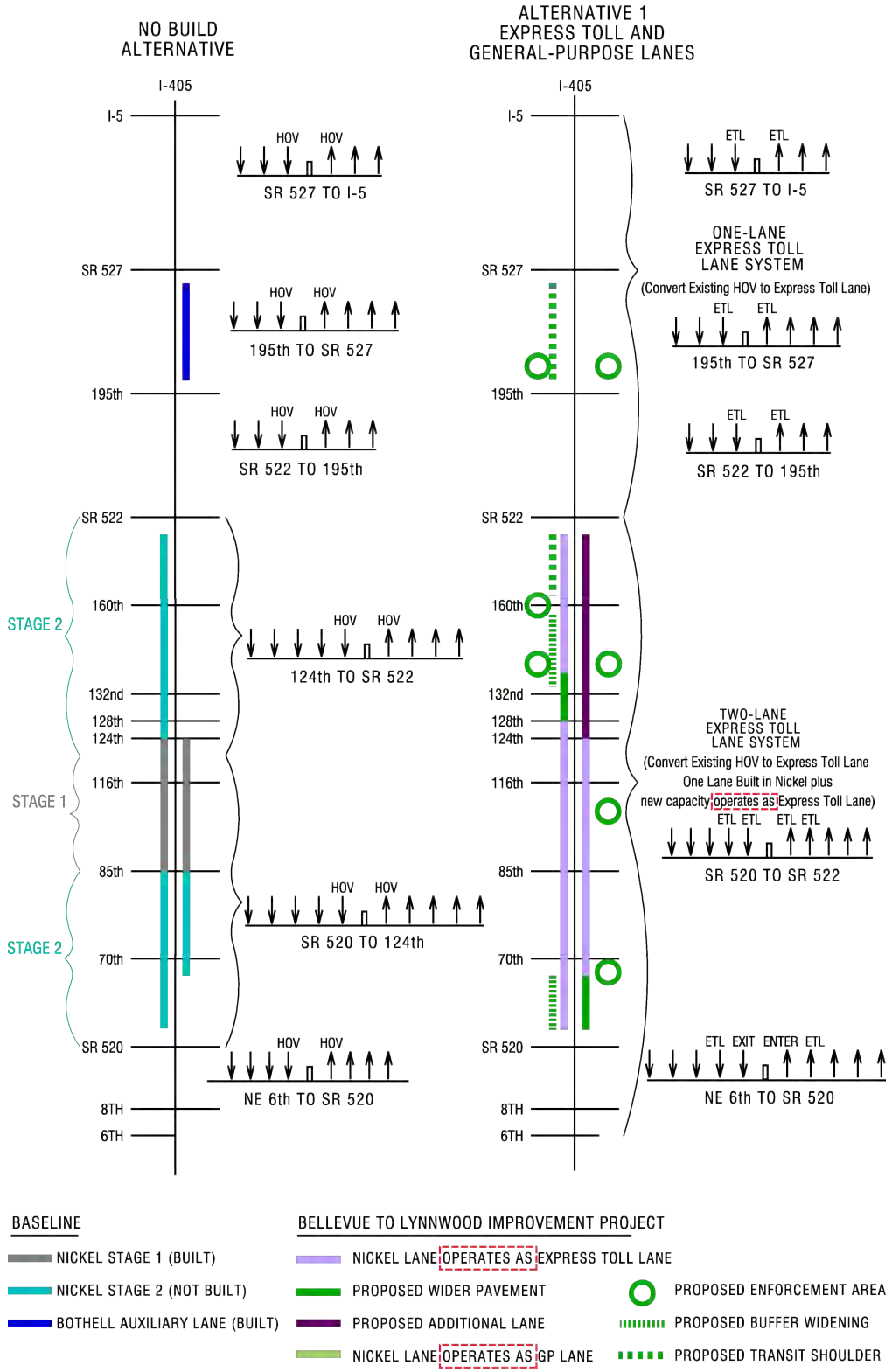


Exhibit 4-3: Alternatives – sheet 2 of 2

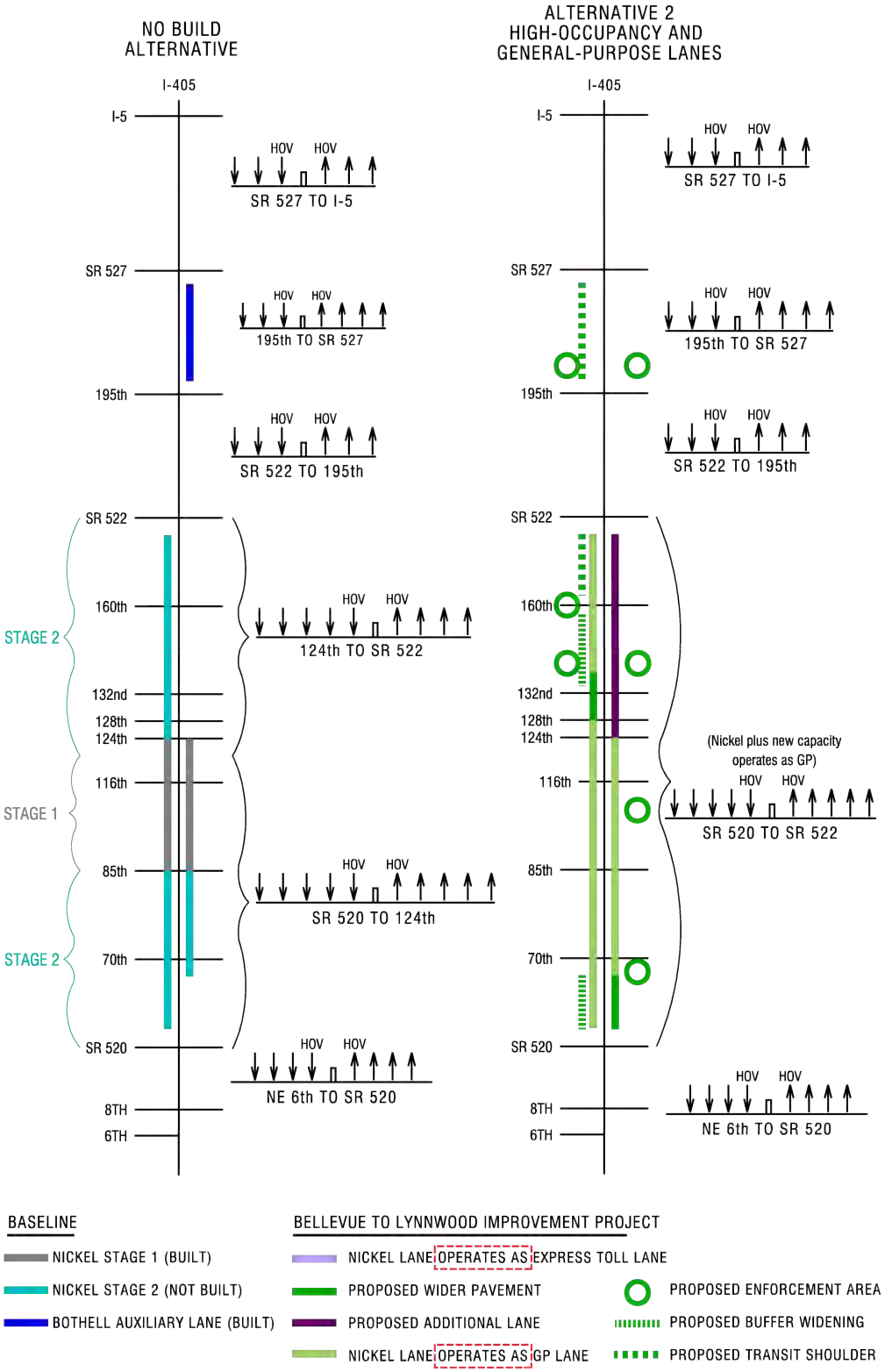
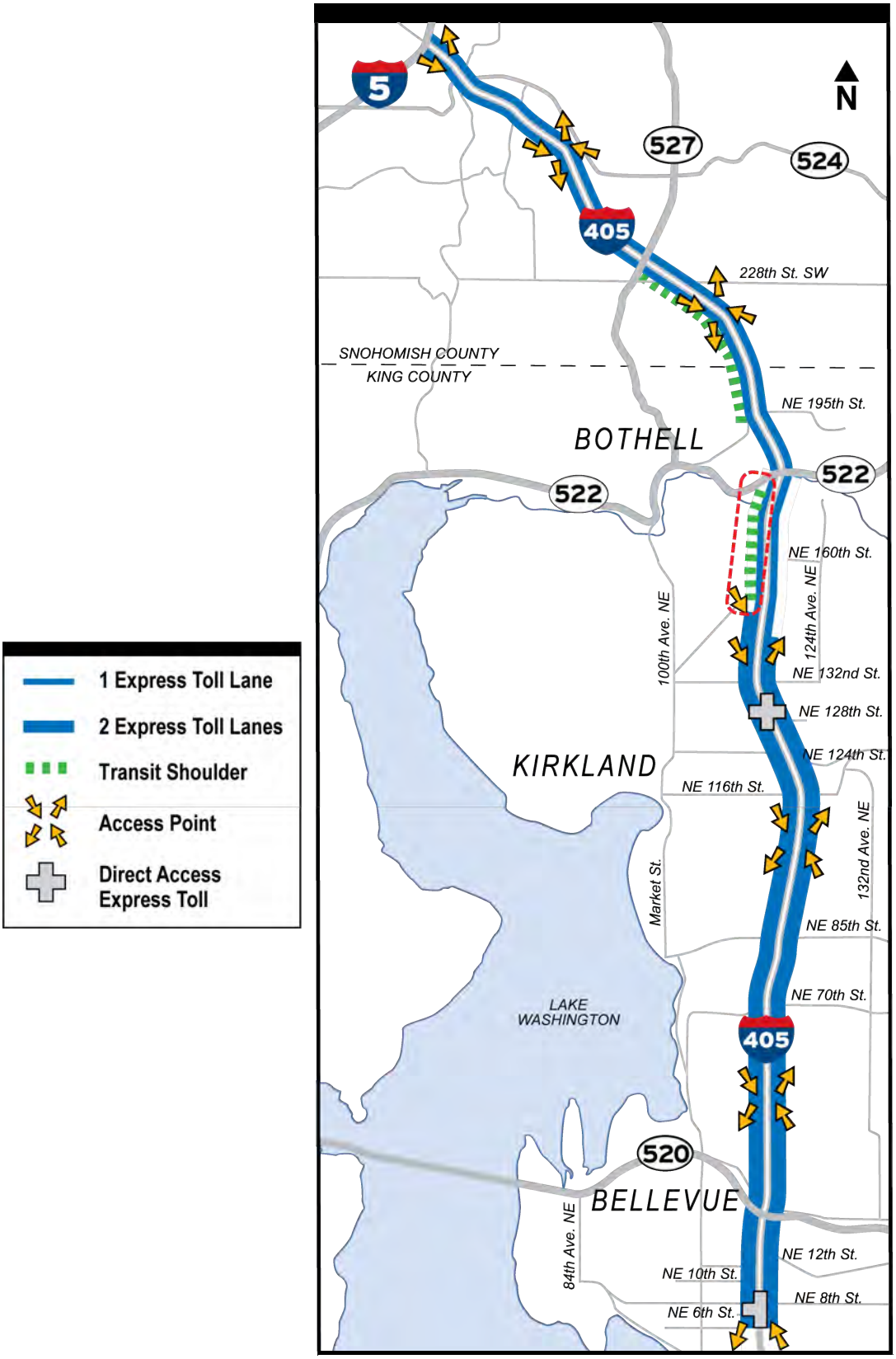


Exhibit 4-4: Express Toll Lane access locations



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Attachment 2: Notices

This attachment provides the notices prepared for the FONSI, EA, and the Determination of Nonsignificance (DNS) prepared under State Environmental Policy Act (SEPA) Rules along with information on publication of these notices.

NOTICE OF AVAILABILITY OF FINDING OF NO SIGNIFICANT IMPACT, I-405, BELLEVUE TO LYNNWOOD IMPROVEMENT PROJECT

The Federal Highway Administration issued the I-405, Bellevue to Lynnwood Improvement Project Finding of No Significant Impact on July 20, 2011.

This finding is based on the evaluation of the Environmental Assessment as issued on May 10, 2011, and public and agency input during the public comment period from May 10 through June 10, 2011. The public comment period included a public hearing on May 24, 2011.

Description of Proposal

Build Alternative 1, the selected alternative, will implement an express toll lane system. The system will provide two express toll lanes between NE 6th Street and SR 522 and one express toll lane between SR 522 and I-5.

Build Alternative 2 will operate the new lanes as general purpose lanes and will retain a single high-occupancy vehicle (HOV) lane in each direction.

The Build Alternatives complement the I-405, SR 520 to SR 522 (Kirkland Nickel Stage 1) Project; the NE 195th Street to SR 527 Auxiliary Lane Project (opened in 2010); and the NE 8th Street to SR 520 Braided Ramps Project (scheduled to open in 2012) . The Bellevue to Lynnwood Improvement Project description assumes full completion of the Kirkland Nickel Project, the first stage of which was opened to traffic in late 2007. The Bellevue to Lynnwood Improvement Project will provide:

- One additional northbound lane between NE 124th Street and SR 522;
- Braided ramps between the I-405 northbound on-ramp from NE 160th Street and the northbound I-405 off-ramp to SR 522;
- Southbound transit shoulders between SR 522 and NE 160th Street and between SR 527 and NE 195th Street;
- New northbound and southbound structures over NE 132nd Street and a new northbound structure over the railroad for the I-405 northbound off-ramp to NE 124th Street;
- Small amounts of additional widening, between four and eight feet, at several locations for buffers, wider shoulders, tolling equipment, enforcement areas and maintenance pull-outs;
- Minor upgrades to pedestrian facilities in some interchange areas;
- Stormwater management facilities to provide water quality treatment and upgraded detention and conveyance systems; and

- Noise walls and retaining walls

Where Can I View the Environmental Assessment and FONSI?

Copies of the I-405, Bellevue to Lynnwood Improvement Project Environmental Assessment and the FONSI are available for a cost of $50.47 and $21.96, respectively, which does not exceed the cost of printing. The EA and the FONSI are available online at http://www.wsdot.wa.gov/projects/i405/ne6thtoi5/. They are also available for review at the WSDOT I-405 Project Office, 600 108th Avenue NE, Suite 405, Bellevue, WA 98004.

Who Can I Call with Questions?

Please call William Jordan, WSDOT I-405 Project Office, 600 108th Avenue NE, Suite 405, Bellevue, WA 98004; telephone (425) 457-0642 if you have any questions.

Individuals requiring reasonable accommodation may request written materials in alternative formats: large print; Braille, cassette tape, or on computer disk by calling (360) 705-7097. Persons who are deaf or hard of hearing, please call the Washington State Telecommunications Relay Service, or Tele-Braille at 7-1-1, Voice (800) 833-6384, and ask to be connected to (360) 705-7097.

The FHWA and WSDOT ensure full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin, or sex in the provision of benefits and services resulting from its federally assisted programs and activities. For questions regarding WSDOT's Title VI Program, you may contact the WSDOT's Title VI Coordinator, at (360) 705-7098.

The preceding notice was placed in the following newspaper on the date noted:

The Daily Journal of Commerce, July 25, 2011

NOTICE OF AVAILABILITY OF ENVIRONMENTAL ASSESSMENT AND ENVIRONMENTAL PUBLIC HEARING

I-405, Bellevue to Lynnwood Improvement Project

Purpose of Notice

The Federal Highway Administration (FHWA) and Washington State Department of Transportation (WSDOT) will issue an Environmental Assessment (EA) on May 10, 2011, for the I-405, Bellevue to Lynnwood Improvement Project. The project begins on I-405 at NE 6th Street in Bellevue at the southern limit, and extends approximately 17 miles to I-5 in Lynnwood. The intent of this notice and of the public hearing is to provide for the exchange of information regarding the effect of the proposed project on the community. This purpose is in accordance with and pursuant to the National Environmental Policy Act (NEPA) and the Federal Highway Act (Title 23 U.S.C., 101 et. seq.) and amendments.

Description of Proposal

Build Alternative 1, the preferred alternative, will implement an express toll lane system. The system will provide two express toll lanes between NE 6th Street and SR 522 and one express toll lane between SR 522 and I-5.

Build Alternative 2 will operate the new lanes as general purpose lanes and will retain a single high-occupancy vehicle (HOV) lane in each direction.

The Build Alternatives complement the I-405, SR 520 to SR 522 (Kirkland Nickel Stage 1) Project, the NE 195th Street to SR 527 Auxiliary Lane Project (opened in 2010); and the NE 8th Street to SR 520 Braided Ramps Project (scheduled to open in 2012) . The Bellevue to Lynnwood Improvement Project description assumes full completion of the Kirkland Nickel Project, the first stage of which was opened to traffic in late 2007. The Bellevue to Lynnwood Improvement Project will provide:

- One additional northbound lane between NE 124th Street and SR 522;
- Braided ramps between the I-405 northbound on-ramp from NE 160th Street and the northbound I-405 off-ramp to SR 522;
- Southbound transit shoulders between SR 522 and NE 160th Street and between SR 527 and NE 195th Street;
- New northbound and southbound structures over NE 132nd Street and a new northbound structure over the railroad for the I-405 northbound off-ramp to NE 124th Street;
- Small amounts of additional widening, between four and eight feet, at several locations for buffers, wider shoulders, tolling equipment, enforcement areas and maintenance pull-outs;
- Minor upgrades to pedestrian facilities in some interchange areas;
- Stormwater management facilities to provide water quality treatment and upgraded detention and conveyance systems; and
- Noise walls and retaining walls

Public Hearing

WSDOT has scheduled an environmental public hearing to answer questions and receive comments on the EA. The hearing will be from 4:00 p.m. to 7:00 p.m. on May 24, 2011, in Kirkland, at Kirkland City Hall, 123 5th Avenue, Kirkland, WA in the Peter Kirk Room.

The meeting will feature an open house format, which is an informal arrangement that allows for one-on-one discussion with project staff while still providing the opportunity to offer testimony for the official public record to a court reporter.

Each participant may present testimony either orally to the court reporter or in writing. All written comments must be postmarked or received by June 10, 2011, to be considered by project administrators and included in the official public record. Project questions and comments should be submitted in writing to the I-405 Environmental Manager, William H. Jordan, at the following address or e-mail address:

Email: I405BellevuetoLynnwoodNEPA@i405.wsdot.wa.gov

Mail: 600 - 108th Avenue NE, Suite 405
Bellevue, WA 98004

Plans, maps, environmental documents, and other pertinent information about this project will be on display at the hearing. The EA is also available for public review at the I-405 Project Office, 600 – 108th Avenue NE, Suite 405, Bellevue; Bellevue Community College Library, Bellevue Regional Library, Bothell Regional Library, Kingsgate Library, Kirkland Library, Mercer Island Library, Renton Public Library, and University of Washington Library (Suzzallo). The EA document and appendices can be viewed on-line at:

http://www.wsdot.wa.gov/projects/i405/ne6thtoi5/

The public hearing at the Kirkland City Hall is accessible to persons with disabilities. Individuals requiring reasonable accommodation may request written materials in alternative formats; large print, Braille, cassette tape, or on computer disk, please call (360) 705-7097. Persons, who are deaf or hard of hearing, please call the Washington State Telecommunications Relay Service, or Tele-Braille at 7-1-1, Voice (800) 833-6384, and ask to be connected to (360) 705-7097.

The FHWA and WSDOT ensure full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin, or sex in the provision of benefits and services resulting from its federally assisted programs and activities. For questions regarding WSDOT's Title VI Program, you may contact WSDOT's Title VI Coordinator at (360) 705-7098.

The preceding legal notice was placed in the following newspaper on the dates noted:

The Seattle Times, May 10 and May 16, 2011.

DETERMINATION OF NONSIGNIFICANCE
AND ADOPTION OF EXISTING
ENVIRONMENTAL DOCUMENT

Description of current proposal: The Washington State Department of Transportation (WSDOT) is proposing to construct the I-405, Bellevue to Lynnwood Improvement Project to improve safety and reduce congestion along I-405 between NE 6th Street in Bellevue and I-5 in Lynnwood. To accomplish this, WSDOT proposes the following improvements:

- Northbound lane from NE 124th Street to SR 522;
- Braided ramps between the I-405 northbound on-ramp from NE 160th Street and the northbound I-405 off-ramp to SR 522;
- Southbound transit shoulders between SR 522 and NE 160th Street and between SR 527 and NE 195th Street;
- New northbound and southbound structures over NE 132nd Street and a new northbound off ramp structure over the railroad for the I-405 off ramp to NE 124th Street;
- Small amounts of additional widening, between four and eight feet, at several locations for buffers, wider shoulders, tolling equipment, enforcement areas and maintenance pull-outs; and
- Minor upgrades to pedestrian facilities in some areas.

The Bellevue to Lynnwood Improvement Project is designed to compliment other projects along I-405 including:

- I-405, SR 520 to SR 522 (Kirkland Nickel Stage 1 Project), which added one lane in each direction between NE 85th Street and NE 124th Street and opened to traffic in November 2007;
- NE 195th to SR 527 Auxiliary Lane Project, which added one northbound lane between NE 195th Street and SR 527 and opened to traffic in June 2010; and
- NE 8th Street to SR 520 Braided Ramps Project, which creates new multi-level "braided" ramps to separate vehicles entering and exiting northbound I-405 between NE 8th Street and SR 520 and is anticipated to be open to traffic during the summer of 2012.

The Kirkland Nickel Stage 2 Project has been environmentally cleared and permitted to build northbound and southbound lanes between NE 70th Street and NE 85th Street, and a southbound lane between SR 522 and NE 124th Street, and between NE 70th Street and SR 520. It will be constructed at the same time as the Bellevue to Lynnwood Improvement Project.

Build Alternative 1, the preferred alternative, will implement an express toll lane system. The system will provide two express toll lanes between NE 6th Street, in Bellevue, and SR 522, in Bothell and one express toll lane between SR 522 and I-5, in Lynnwood.

Build Alternative 2 will allow HOV users with three or more occupants and transit vehicles to use the single HOV lane, similar to today's operation. The new northbound lane between NE 124th Street and SR 522 will be operated as a GP lane.

Other Improvements:

- Construct stormwater management facilities to provide water quality treatment and upgrade detention and conveyance systems;
- Construct retaining walls;
- Construct two noise walls;
- Use Context Sensitive Solutions (CSS) during the project to incorporate the elements of aesthetics throughout the project; and
- Mitigate for stream and wetland effects.

Proponent: Washington State Department of Transportation

Location of current proposal: The project extends approximately 17 miles north along I-405, from south of NE 6th Street in Bellevue to the I-5 interchange in Lynnwood.

Title of document being adopted: *I-405, Bellevue to Lynnwood Improvement Project Environmental Assessment*

Date adopted document was prepared: May 10, 2011

Description of document (or portion) being adopted: The Environmental Assessment (EA) contains the results of environmental analyses to identify potential impacts of the project and the No Build Alternative, and the document is used to convey the project information to the public and project decision-makers so well informed decisions can be made. This EA was prepared in accordance with the *National Environmental Policy Act* (NEPA). The NEPA EA and supporting discipline studies can be found on the project website at: http://www.wsdot.wa.gov/projects/i405/

The documents can be read at the following location from 8:00 am to 5:00 pm:

I-405 Project office
600 – 108th Avenue NE, Suite 405
Bellevue, WA 98004

Copies are also available for review at the following locations: Bellevue College Library; Bellevue Regional Library; Bothell Regional Library; Kingsgate Library; Kirkland Library; Lynnwood Library; Mercer Island Library; Renton Public Library; and University of Washington Library (Suzzallo).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed Environmental Assessment and other information on file with the lead agency. This information is available to the public on request.

This Determination of Non-Significance is issued under WAC 197-11-340(2); the lead agency will not act on the proposal for 14 days from the date issuance on May 10, 2011.

Comments must be submitted by May 24, 2011.

We have identified and adopted this document as being appropriate for this proposal after independent review. The document meets our environmental review needs for the current proposal and will accompany the proposal to the decision maker.

Name of agency adopting document: Washington State Department of Transportation.

Responsible official: Denise Cieri, I-405 Deputy Project Director

Contact: William Jordan, I-405 Environmental Manager Phone: 425-456-8647
Email: i405_BellevuetoLynnwoodSEPA_DNS@i405.wsdot.wa.gov

The preceding legal notice was placed in the following newspaper on the date noted:

Seattle Times, May 10, 2011.

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Attachment 3: FONSI Distribution List

To promote good communication and enhance interagency coordination, we acknowledge that this FONSI is a public document and that WSDOT and FHWA have involved the public, agencies, and tribes in implementing NEPA procedures. Notices of the availability of the FONSI with links to the on-line document, were sent to the following government agencies, Tribes and organizations.

Federal Agencies

U.S. Department of the Interior
U.S. Environmental Protection Agency, Region 10
U.S. Federal Transit Administration
U.S. Fish and Wildlife Service
U.S. National Marine Fisheries Service

Tribal Governments

Confederated Tribes and Bands of the Yakama Nation
Muckleshoot Indian Tribe
Snoqualmie Tribe
Tulalip Tribes

State Agencies

Washington State Department of Archaeology and Historic Preservation
Washington State Department of Ecology
Washington State Department of Fish and Wildlife
Washington State Department of Natural Resources

Regional Agencies

Sound Transit
Puget Sound Regional Council
Puget Sound Clean Air Agency

Local Agencies

City of Bellevue
City of Bothell
City of Kirkland
City of Lynnwood
King County
Snohomish County

Public Agencies

Transportation Choices Coalition

Multi-Agency Permitting Team

Penny Kelly, Washington State Department of Ecology
Caroline Corcoran, Washington State Department of Ecology
Bobb Nolan, Washington State Department of Ecology
Kerry Carroll, Washington State Department of Ecology
Ramon Locsin, King County Department of Development and Environmental Services
Cameron Kukes, Washington State Department of Transportation
Cori Flowers, Washington State Department of Transportation
Rebecca McAndrew, U.S. Army Corps of Engineers
Jason Kunz, Washington State Department of Fish & Wildlife
Pat Klavas, Washington Department of Fish and Wildlife

Libraries

Bellevue College
Bellevue Regional Library
Bothell Regional Library
Kingsgate Library
Kirkland Library
Mercer Island Library
Renton Public Library
University of Washington Library (Suzzallo)

Attachment 4: List of Commitments Identified in the EA

This attachment describes project mitigation commitments. The mitigation measures are organized by elements of the environment, as presented in the EA. These commitments were included in the EA as Chapter 6, "Measures to Avoid, Minimize, or Mitigate Effects."

These commitments have been adopted as part of FHWA's final decision on the proposed project. They are listed to "assist with agency planning and decision-making" and to "aid an agency's compliance with NEPA when no Environmental Impact Statement is necessary" [40 CFR 1501.3(b) and 1508.9(a) (2)].

The following sections describe the established design and construction practices that WSDOT will include to avoid or minimize impacts to the various environmental resources during both the construction and operation phases of the project.

Project Measures to Avoid or Minimize Effects during Construction

Design elements, such as modifications to boundaries of areas that can be affected, have been incorporated into the project specifications, construction plans, and procedures, to help avoid or minimize most potential construction impacts. When appropriate, monitoring will be conducted to ensure that these design and construction measures are effective.

Measures for Traffic and Transportation

- WSDOT will coordinate with the local agencies and other projects to prepare a Traffic Management Plan prior to making any changes to the traffic flow or lane closures. Local agencies, the public, school districts, emergency service providers, and transit agencies will be informed of the changes in advance through the media, the website, and an email listserv. Pedestrian and bicycle circulation will be maintained as much as possible during construction.
- Traffic management strategies in the Bellevue to Lynnwood Improvement project area will be implemented prior to construction to increase public awareness and participation in HOV travel. The major focus will be on expanding vanpooling and vanshare opportunities.

Measures for Noise

WSDOT can control noise at three locations: 1) at noise sources (with mufflers and quieter engines); 2) along noise paths (with barriers); and 3) at receptors (with insulation). Noise abatement is only necessary where frequent human use occurs and where a lower noise level will provide benefits (FHWA 1982). The following mitigation measures are proposed as potential measures to control noise as a result of construction activities:

- As construction takes place in the area where the noise barrier is to be built, if possible, construct the proposed noise barrier before other construction activities begin;
- Limit the noisiest construction activities (for example, pile driving) to between 7 AM and 10 PM to reduce construction noise levels during sensitive nighttime hours;

- Use quiet equipment by equipping construction equipment engines with adequate mufflers, intake silencers, and engine enclosures to reduce their noise;
- Minimize operation time by turning off construction equipment during prolonged periods of nonuse to eliminate noise;
- Where possible, locate stationary equipment away from sensitive receptors such as residences to decrease noise;
- Construct temporary noise barriers or curtains around stationary equipment that must be located close to residences, to decrease noise levels at nearby sensitive receptors; and
- Require the use of Occupational Safety and Health Administration (OSHA)-approved ambient sound sensing backup alarms to reduce disturbances from backup alarms during quieter periods.

Measures for Recreational, Cultural and Historical Resources

Measures to avoid or minimize harm to the Section 4(f) resources

The I-405 Team did not identify minimization efforts for the Build Alternatives because no Section 4(f) resources will be affected. While the Sammamish River Trail is considered a transportation facility where it crosses the I-405 right of way and is not protected under Section 4(f), WSDOT proposes to maintain an operational trail during construction by constructing that portion of the outfall that directly impacts the trail during two night-time closures of the trail. The trail will be reopened for day-time use following each closure, and the trail will remain open during the construction of the remaining outfall project and water quality pond. As needed, the construction site will be cordoned off with high-visibility fencing and trail traffic will be controlled by a flagger. At the conclusion of the construction, the trail and all disturbed areas will be fully restored to their pre-construction condition.

Measures to avoid or minimize harm to cultural resources

Prior to construction, an Unanticipated Discovery Plan (UDP) will be developed that will guide procedures should archaeological materials or human remains be discovered during construction.

Measures for Communities, Businesses, and Public Services

Service Providers

Construction traffic effects were the most common concerns expressed during the service provider interviews. We will minimize traffic effects by limiting closures to nights and weekends when possible. WSDOT will make available a Transportation Management Plan during construction. WSDOT will not implement all of the mitigation recommendations from the service provider interviews because many do not mitigate a specific project effect. The service providers identified communication as a key way to minimize construction and express toll lane effects on the public and minority and low-income population. We will implement the following communication techniques during project construction:

- Inform local agencies, the public, school districts, emergency service providers, and transit agencies of traffic changes ahead of time, including how to use and access express toll lanes.
- Send information to service provider contacts so that they can include the information in newsletters and relay the information face to face. We will accomplish this in part by sending service providers the project's monthly electronic newsletter.
- Send flyers and handouts to service providers for posting and distributing in key locations at their facilities. We will provide flyers in Spanish, Chinese, Russian, and Vietnamese using accurate and concise translations.
- Post flyers at key locations, such as community centers and churches.
- Set up a project table and talk with people at locations such as food banks.

Business Access

- As part of construction management, WSDOT will prepare access maintenance measures that will be included in the construction contract specifications.
- Because it may be difficult to determine whether a business is open, or how to access a business during the construction period, WSDOT will make provisions for posting appropriate signs that communicate the necessary access information to potential customers.
- Through careful planning and efficient construction staging, WSDOT may be able to reduce potential access restrictions associated with delivery and storage of construction equipment and materials. For example, WSDOT may schedule these activities for off-peak travel and business hours to minimize the construction effect on surrounding properties.
- WSDOT will keep daytime street closures to a minimum to provide access for businesses during regular business hours.

Utilities

- WSDOT will notify and coordinate with fire departments if water line relocations are required that could temporarily cause a disruption in service or reduce flow. WSDOT will establish alternative sources of water supply in case of both accidental and/or unanticipated breaks in service.
- During final design and prior to construction, WSDOT will closely coordinate with utility providers to confirm the locations and depths of utilities and to determine if lines can be protected during construction or if they will require relocation. Potential utility conflicts within the WSDOT right of way will be relocated at the utility provider's expense.
- The Design-Builder will coordinate scheduling with utility providers to minimize effects of utility relocations and provide them with ample time to schedule equipment and construction crews in advance of project construction.
- The Design-Builder will provide clear signage alerting workers to the presence of overhead wires, as necessary, to help prevent accidental interference or damage.

Measures for Visual Quality

To address the type of disruption to the visual environment that will occur, light and glare effects will be reduced by shielding freeway lighting and using downcast lighting. The Bellevue to Lynnwood Improvement Project is being planned, developed, and designed in accordance with Context Sensitive Solutions (CSS) guidelines. These guidelines provide an approach that incorporates community values while meeting local, regional, and national requirements for the safe, efficient, and effective movement of people and goods. CSS considers the elements of mobility, safety, environment, and aesthetics throughout the project. To adhere to these guidelines, the proposed project is being developed to fit its physical surroundings and preserve these elements.

The application of CSS guidelines reduces the need for additional mitigation of visual effects. The Bellevue to Lynnwood Improvement Project will consider community input during development to ensure that local concerns are met early in the project planning and design phases. Measures that are typical for transportation projects, such as retaining existing natural vegetation to the maximum extent practical, and planting new vegetation to screen constructed elements, have been incorporated within the CSS of I 405 and related transportation features. Other areas subject to CSS include structural elements, landscape features, lighting, signs, and special elements such as parking structures and pedestrian bridges.

Measures for Water Resources

Both of the Build Alternatives will be designed and constructed in compliance with Washington State Department of Transportation (WSDOT) and Washington State Department of Ecology (Ecology) technical guidance and federal, state, and local regulations and permits to protect water resources. WSDOT will implement measures to avoid or minimize effects during construction, and will comply with all applicable environmental procedures, rules, and regulations.

The following measures will be followed to minimize or avoid effects to water resources during construction:

- The contractor will mark environmentally sensitive areas, no-fill areas, and mitigation areas with high visibility fencing prior to beginning work in an area. The fencing is to remain in place throughout construction in the area. The contractor will also clearly delineate sensitive areas, fencing requirements, and permit conditions on plan sheets.
- The contractor will assign an Environmental Inspector(s) trained in permitting requirements, water quality protection, wetland biology, and agency compliance procedures to project sites to ensure compliance with all permit conditions through construction completion and site stabilization.
- The contractor will be required to prepare and implement a temporary erosion and sedimentation control (TESC) plan.

- Should any best management practice (BMP) or other operation not function as intended, the contractor will take additional action to minimize erosion, maintain water quality, and achieve the intended environmental performance.
- Prior to construction, a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction Permit covering activity in the highway right of way will be obtained from the Washington State Department of Ecology (Ecology). The NPDES permit requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP) and its implementation in accordance with permit guidelines. The contractor must also employ measures to minimize or avoid effects on water quality during construction.
- WSDOT will obtain a Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife prior to construction.
- For work within waters of the United States, WSDOT will obtain a Section 404 permit from the US Army Corps of Engineers for discharging, dredging, or placing fill materials within waters of the US, including wetlands.
- The contractor will identify and develop staging areas for equipment repair and maintenance away from all drainage courses. Washout from concrete trucks will not be dumped into storm drains or onto soil or pavement that carries stormwater runoff. Thinners and solvents will not be used to wash oil, grease, or similar substances from heavy machinery or machine parts. The contractor will be required to designate a washdown area for equipment and concrete trucks.
- The contractor will be required to implement construction BMPs (such as silt fencing or sedimentation ponds) and to avoid disturbing sensitive areas during the development and use of any staging areas, access roads, and turnouts associated with resurfacing activities.
- The contractor will not allow any in-water work to occur except during seasonal work windows established to protect fish.

BMPs will minimize short-term erosion effects associated with clearing and grading activities, such as increased turbidity and sedimentation in receiving waters.

Measures for Ecosystems

Mitigation measures established in the I-405 Corridor Environmental Impact Statement (EIS) and Record of Decision (ROD) will be implemented for the Bellevue to Lynnwood Improvement Project. This section generally describes those measures established in the EIS to offset effects to wetlands, aquatic resources, and wildlife habitat from the construction of the Bellevue to Lynnwood Improvement Project.

Wetlands

WSDOT will minimize project effects by following construction BMPs specified in the Highway Runoff Manual. WSDOT will also develop and implement a TESC plan and a spill prevention, control and countermeasures (SPCC) plan to prevent sediment from entering streams. Additionally, staging and stockpiling areas will be located at a specified distance away from streams to avoid spills and prevent sediment from entering streams or stream buffers.

Other measures to minimize effects during construction include:

- Lighting for this project, in particular at night, will be limited to the amount necessary to complete the work. The lighting will be directed away from the streams and water bodies whenever possible.
- WSDOT will adhere to project conditions identified in the BA and agency concurrence letters.
- WSDOT will implement construction BMPs (such as silt fencing or sedimentation ponds) to avoid disturbing sensitive areas during the development and use of staging areas, access roads, and turnouts associated with resurfacing activities.
- WSDOT will not allow in-water work to occur except during seasonal work windows established to protect fish.

Aquatic Resources

WSDOT will minimize effects during construction by following construction BMPs specified in the Highway Runoff Manual. WSDOT will also develop and implement a TESC plan and an SPCC plan to prevent sediment, and spilled materials from entering streams. Additionally, staging and stockpiling areas will be located at a specified distance away from streams to avoid spills and sediment from entering streams or stream buffers.

Other measures to minimize effects during construction include:

- Lighting for this project, in particular at night, will be limited to the amount necessary to complete the work. The lighting will be directed away from the streams and water bodies whenever possible.
- WSDOT will adhere to project conditions identified in the Biological Assessment and agency concurrence letters.
- WSDOT will implement construction BMPs (such as silt fencing or sedimentation ponds) to avoid disturbing sensitive areas during the development and use of staging areas, access roads, and turnouts associated with resurfacing activities.
- WSDOT will not allow in-water work to occur except during seasonal work windows established to protect fish.

Wildlife Habitat

Measures to minimize effects to wildlife and upland vegetation will include:

- WSDOT will adhere to project conditions identified in the BA and agency concurrence letters.
- WSDOT will minimize the amount of vegetation clearing to retain as many trees as practicable.

Measures for Air Quality

If uncontrolled, fugitive dust from construction activities will be noticeable near construction sites. During construction, mitigation measures that comply with Puget Sound Clean Air Agency (PSCAA) regulations will be implemented. These regulations require the control of dust and mud deposits on paved streets during construction. Measures that reduce deposits of mud and particulate emissions are identified in the Construction Mitigation section of the I-405 Corridor Program Final EIS (see Section 3.1.5.1).

In addition to particulate emissions, heavy trucks and construction equipment powered by gasoline and diesel engines generate CO and mono-nitrogen oxides NO and NO_2 (NOx) in exhaust emissions. If construction traffic reduces the speed of other vehicles in the area, emissions from traffic will increase slightly while those vehicles are delayed. These emissions will be temporary and limited to the immediate area surrounding the construction site. Construction emissions will contribute a small amount to total emissions in the study area, because construction traffic will be a very small fraction of the area's total traffic.

Some construction phases will result in short-term odors, particularly if asphalt is used for paving operations. Odors might be detectable to some people near the construction site. These odors will decrease as distance from the site increases.

Construction impacts will be reduced by incorporating the mitigation measures outlined in the Associated General Contractors of Washington (AGCW) Guidelines into the project's construction specifications. Possible mitigation measures to control emissions of particulate matter, CO, and NOx during construction include the following:

- Spraying exposed soil with water to reduce particulate emissions;
- Covering and/or wetting materials transported by trucks, or providing adequate freeboard (space from the top of the material to the top of the truck) to reduce particulate emissions during transportation;
- Providing wheel washers to remove particulate matter that vehicles would otherwise carry offsite to decrease particulate matter on area roadways;
- Removing particulate matter deposited on paved roadways to reduce mud and windblown dust on area roadways;
- Using appropriate emission-control devices on all construction equipment powered by gasoline or diesel fuel, to reduce particulate, CO, and NOx emissions in vehicular exhaust;
- Covering dirt, gravel, and debris piles as needed;
- Routing and scheduling construction trucks in a manner that will reduce delays and the indirect air quality effects associated with traffic slowing to accommodate construction vehicles;
- Using well-maintained equipment to reduce CO and NOx emissions as it normally would if the equipment were operating within its first five years of operation; and

- Planting vegetative cover as soon as possible after grading, to reduce windblown particulates in the area.

Measures for Geology, Soils, and Groundwater

WSDOT will avoid or minimize the majority of potential adverse effects associated with the construction and operation of the project by strictly adhering to BMPs, following the procedures outlined in the WSDOT Geotechnical Design and Bridge Design Manuals, and following the I-405 Programmatic Commitments. Avoidance measures are discussed below.

WSDOT will incorporate into the project design and implementation all commitments contained in policy guidance, interagency agreements, and WSDOT Standard Specifications M 41-10 (as amended by special provisions based on the judgment of the Design Engineer). The project design and operation will also incorporate best practices and mitigation measures as outlined in the Environmental Procedures Manual (M 31-11) in Sections 610 Environmental Requirements in Construction, 620 Environmental Requirements During Construction, 710 Environmental Requirements in Maintenance and Operations, and 720 Technical Guidance.

BMPs and other measures will be incorporated into construction specifications to control or reduce construction-related erosion and sedimentation and increase infiltration, where appropriate. Design solutions to avoid, minimize, or mitigate disturbance to geologic hazards will be implemented.

The project will require gravel imported from sources outside of the study area. WSDOT practice requires that imported materials come from approved sources whose operations comply with all applicable laws.

Vibration effects of construction equipment

The use of heavy equipment on the project will cause ground vibrations. WSDOT will determine acceptable limits for off-site, construction-related vibration before construction begins. WSDOT will ensure that off-site ground vibrations are within the limits set for the project.

WSDOT will mitigate effects of construction vibrations by restricting the hours that construction may occur, or limiting the operation of certain types of equipment to times when they are least likely to disturb nearby residences and businesses. In some cases, WSDOT may also increase the distance between the source and the receptor. Effects at specific locations where the proposed transportation improvements are close to existing facilities will be evaluated during the design phase of the project. For example, a drilled pile could be substituted for a driven pile to reduce vibrations in some instances. Other effects associated with drilled piles (e.g., disposal of drilled spoils, potential for groundwater impacts, and cost) will be considered before specifying drilled rather than driven piles. Potential effects to structures and people will be evaluated on a site-specific basis during the design phase of the project.

Soils and erosion

WSDOT will prepare and implement a temporary erosion and sediment control (TESC) plan. A TESC plan consists of operational and structural measures to control the transport of sediment.

Operational measures consist of standard construction practices such as removing mud and dirt from trucks before they leave the site, covering fill stockpiles or disturbed areas, using temporary or permanent erosion control blankets, mulching, adding soil amendment to promote plant growth, and avoiding unnecessary vegetation clearing. Structural measures may involve constructing temporary structures to reduce the transport of sediment such as detention ponds, ditches, silt fences, or sediment traps. WSDOT will take appropriate action to ensure that BMPs and other operations function to minimize erosion.

WSDOT will reduce the potential for impacting moisture-sensitive soils by performing major earthwork in such locations during drier conditions, typically from late spring through early fall. WSDOT will maintain proper surface drainage to avoid and minimize ponding of surface water or groundwater, minimize ground disturbance by limiting the use of heavy equipment, limiting turns and tracking directly on the subgrade, and by covering the final subgrade elevation with a working mat of crushed rock and/or geotextile for protection. Mixing a soil admix such as cement into the subgrade may also add strength and stabilize the ground.

Landslide hazard areas

WSDOT will implement construction procedures identified in the Geotechnical Design Manual to reduce slope instability in areas potentially underlain by landslide-prone materials. WSDOT will require analyses of slope stability and develop mitigation measures such as retaining walls, buttresses, and groundwater control for excavations or embankments on hillsides. WSDOT will design retaining walls for undercut and potentially unstable slopes. Cleared slopes will be covered per permit requirements during periods of wet weather.

Facilities in landslide hazard areas will be designed for safe construction and operation. Cuts through landslide-prone materials will be limited in height or avoided, requiring the use of special retaining wall systems for earth retention. Walls will be designed for lateral pressures to limit soil movement. Subsurface drainage will be needed to increase slope stability. Light-weight fill, bridging structures, or realignment and relocation of improvements will be used to avoid excessive loading on slopes.

WSDOT will ensure that earthwork and wall placement sequencing adheres to BMPs, construction drainage plans, and a slope monitoring program, especially in known landslide-prone areas. During construction, areas of observed or suspected groundwater seepage will be drained to reduce the risk of landslides and surface sloughing through the use of gravel drainage blankets, French drains, horizontal drains, placement of a surface rock facing, or through other similar methods.

Any future design and construction in historic landslide areas will include an evaluation of the effectiveness of the horizontal drains and replacement of the drains, if necessary. Additionally, any changes to grade or slope configuration in this area may further destabilize the landslide and may require stabilization measures (e.g. rock buttressing, retaining walls, etc.).

Seismic hazard areas

In accordance with the WSDOT Geotechnical Design Manual, retaining walls supporting the traveled way, or retaining walls greater than 10 feet in height and within 10 feet of the roadway,

will be designed to remain stable under seismic loading conditions and anticipated displacements associated with liquefaction. Mitigation, such as constructing walls on deep foundations, or improving the underlying soils to achieve overall stability, may be necessary.

Soft ground areas

During the design phase of the project, WSDOT will assess potential settlement problems associated with existing utilities or structures and design appropriate solutions. These include underpinning structures by supporting them on deep foundations below the compressible soils, and protecting and relocating utilities. Other techniques that may be employed include staging construction of embankments so the soil has time to strengthen, using wicking drains to hasten consolidation and gain strength, constructing embankments of light-weight materials to minimize loading, reinforcing embankments with geosynthetics to add strength and minimize the footprint, inducing settlement of the underlying soils through the use of preloads prior to constructing the infrastructure, constructing on pile supports, and increasing grades to keep the pavement above groundwater.

Measures for Hazardous Materials

WSDOT will conduct the following activities to avoid or minimize effects to human health or the environment:

Known or suspected contamination within the proposed study area

- WSDOT will be responsible for remediating and monitoring contamination found on properties that will be acquired for this project. WSDOT will further evaluate the identified properties before acquisition or construction occurs. Contamination in soils will be evaluated relative to MTCA cleanup levels.
- WSDOT will assume cleanup liability for the appropriate decommissioning and removal of the UST if WSDOT encounters a UST within the study area. WSDOT will follow all applicable rules and regulations associated with UST removal activities if this occurs.
- WSDOT will meet all regulatory conditions imposed at potential contaminated properties, associated with construction. These conditions could include ensuring that the surrounding properties and population are not exposed to the contaminants on the site. For example, WSDOT will ensure that the site is properly contained after construction is completed so contaminants do not migrate off site and the health and safety of all on-site personnel are protected during work at the site.
- WSDOT will meet all appropriate discharge approvals if water affected with hazardous materials is encountered during construction.

Known or suspected contamination outside the study area

Contaminated groundwater originating from properties located at an incline higher than the study area could migrate to the study area, and WSDOT will manage the contaminated media within the project study area in accordance with all applicable rules and regulations. It will be WSDOTs responsibility to recover any costs associated with cleaning up contamination migrating from off-site properties onto acquired properties.

Unknown contamination

The potential to discover previously unidentified contamination is a risk associated with all construction projects. WSDOT will follow procedures for unknown contamination handling, reporting and disposal as outlined in EPM Chapter 620.08 (WSDOT 2010). Contaminated sites discovered during construction will be managed so that construction activities comply with state and federal environmental regulations.

Worker and Public Health and Safety

WSDOT will comply with the following regulations and agreements to minimize the effects of hazardous materials on worker and public health and safety:

- State Dangerous Waste Regulations, Chapter 173-303 WAC
- Safety Standards for Construction Work, Chapter 296-155 WAC
- National Emission Standards for Hazardous Air Pollutants (NESHAP), CFR, Title 40, Volume 5, Parts 61 to 71
- General Occupational Health Standards, Chapter 296-62 WAC
- Implementing Agreement between Ecology and WSDOT Concerning Hazardous Waste Management, April 1993

Hazardous Materials Spills during Construction

WSDOT will prepare and implement a SPCC plan per WSDOT Standard Specifications Section 1-07.15(1) to minimize or avoid effects hazardous materials will have on soil, surface water and groundwater should a spill occur.

SPCC plan elements include, but are not limited to:

- Identifying general site information useful in construction planning, recognizing potential sources of spills, and identifying personal responsible for managing and implementing the plan.
- Identifying staging, storage, maintenance and refueling areas and their relationship to drainage pathways, waterways, and other sensitive areas.
- Identifying spill prevention and containment methods.
- Outlining spill response procedures including assessment of the hazard, securing spill response and personal protective equipment, containing and eliminating the spill source, and mitigation, removal and disposal of the material.

Project Measures to Avoid or Minimize Effects during Project Operation

The following sections describe the measures that WSDOT will implement during project operation.

Measures for Traffic and Transportation

We foresee no adverse effects related to operation that will require mitigation.

Measures for Noise

Noise walls are intended to reduce operational impacts. Two new noise walls (see Exhibit) are recommended as part of the Bellevue to Lynnwood Improvement Project.

Exhibit 6: Proposed noise walls

Barrier name	Location	Approximate height (feet)	Approximate length (feet)
Noise Barrier NK1	Along northbound I-405, approximately one-half-mile south of NE 116th Street, near Slater Avenue NE.	10-20	1,610
Noise Barrier NB3	Along the right of way that runs between the I-405 southbound to NE 195th Street off-ramp and 112th Avenue NE.	12-24	2,551

Measures for Communities, Businesses, and Public Services

Service Providers

Electronic toll collection will require the use of a *Good to Go!* transponder linked to a payment account to avoid paying a surcharge. Setting up a transponder account could present a financial burden for low-income drivers and could be challenging for populations with limited English proficiency (LEP). Other toll collection methods may include: 1) Pay by Mail (video license plate match without a *Good to Go!* account and with a surcharge); and (2) Pay by Plate (video license plate match and account).

According to the telephone survey results conducted for the SR 520: I-5 to Medina Bridge Replacement and HOV Project, more than 25 percent of low-income respondents indicated that they would not be able to use a credit, debit, or checking account to prepay their account (WSDOT 2009c). To address these concerns, WSDOT has or will be employing the following measures to make transponders more accessible for environmental justice populations:

- Establish two new walk-up Customer Service Centers in Seattle and Bellevue. Both locations will be transit accessible. Drivers will be able to purchase Good To Go!™ transponders, establish prepaid accounts, and pay outstanding toll bills with cash or Electronic Benefit Transfer (EBT) (Quest) cards issued by Department of Social and Health Services (DSHS) at these centers.
- Explore the possibility of increasing the number of retail outlets at convenient locations, such as grocery stores, convenience stores, or pharmacies throughout the region where transponders can be purchased.
- Share information and train social service providers by providing them with information about tolling and how to obtain transponders. This information would be provided in

Chinese, Korean, Japanese, Russian, Spanish, and Vietnamese. These are the same languages that the Department of Licensing uses for translation of driver education materials.

The option also would exist for users to forgo transponder acquisition and instead be billed by mail. This option would include a surcharge, but would not require transponder acquisition or account prepayment.

We do not anticipate that Build Alternative 2 would cause any substantial long-term effects to social resources or public services. In addition, this alternative would not result in disproportionately high and adverse effects to minority or low-income populations. Therefore, this alternative does not require activities to avoid or minimize adverse effects.

Measures for Visual Quality

Light and glare effects will be reduced by shielding freeway lighting and using downcast lighting.

Measures for Water Resources

Both of the Build Alternatives will be designed and operated to meet all current federal, state, and local standards for stormwater management. Design criteria are based on requirements in the *Highway Runoff Manual* and the *Hydraulics Manual*. Additional design guidance and project-specific design criteria will be obtained through the permitting process and agency coordination.

The runoff treatment and flow control described in this report are conceptual and will be revisited as the design continues; however, the level of stormwater management will be equal to or better than described in this report. With proper design, implementation, and maintenance of best management practices (BMPs), stream crossings, and highway stormwater management facilities, there will be no need for additional measures to minimize effects.

Measures for Ecosystems

Wetlands

Wetlands in the study area are currently affected by the lack of modern stormwater control, conveyance, and management facilities. Wetlands and the water quality functions they provide would likely continue to be affected by untreated runoff entering the wetlands, as well as by sediment transport and erosion. However, enhanced water quality treatment will improve the quality of water entering some wetlands in the study area. Wetland buffers in the study area are also affected by routine maintenance activities. To offset effects to wetlands during project operation, WSDOT will conduct ongoing maintenance of stormwater treatment and detention facilities.

Aquatic Resources

Measures to offset effects during project operation include:

- Wherever soil tests and site conditions demonstrate the practicability, infiltration of treated stormwater will be utilized.

- Lighting will be placed away from streams and water bodies wherever possible.
- Ongoing maintenance of stormwater treatment and detention facilities by WSDOT will not include the application of any unapproved chemical weed control agents (e.g., herbicides).

Wildlife Habitat

No measures are necessary to mitigate for operational effects to wildlife habitat.

Measures for Hazardous Materials

Hazardous Materials Spills during Operation

WSDOT will notify Ecology and Washington State Patrol in the event of an accidental spill along I-405 during the operational phase. Ecology serves as the state's Incident Command for emergency spills and as such, responds to spills within highway right of way.

Attachment 5: Comments and Responses

In this attachment, we present all comments received during the public comment period and our response to each comment. Three emails and four comment letters were submitted, and one individual made oral comments at the May 24, 2011 EA hearing. Each email, letter and hearing transcript page is presented in its entirety in the order shown in the following index. We added numbers in the margins of each email, letter and hearing transcript page to delineate individual comments. Our responses to the numbered comments follow each of the eight sets of comments.

Index to Comments and Responses

Email Comments (EC)

EC1 Will Knedlik, Interstate 405 Users Coalition, June 10, 2011 (two delineated comments)
EC2 Rodger Lowe, private individual, May 15, 2011 (no delineated comments)
EC3 Ken Whelan, private individual, June 7, 2011 (two delineated comments)

Letter Comments (LC)

LC1 Environmental Protection Agency, Region 10, June 9, 2011 (five delineated comments)
LC2 Kemper Development Company, June 10, 2011 (17 delineated comments)
LC3 City of Kirkland, June 10, 2011 (40 delineated comments)
LC4 Muckleshoot Indian Tribe, June 10, 2011 (19 delineated comments)

Public Hearing Testimony (TC)

TC1 Sue Keller, private individual, May 24, 2011 (four delineated comments)

Comments and Responses

See the following pages.

Will Knedlik, Interstate 405 Users Coalition, June 10, 2011 (EC1)

Linda Cooley

From: Will Knedlik [interstate405users@gmail.com]
Sent: Friday, June 10, 2011 3:36 PM
To: I405 BellevuetoLynnwoodNEPA
Subject: Fatal inadequacies in Environmental Assessment for I-405 Bellevue to Lynnwood Improvement Project

Sir or Madam:

Fatal inadequacies in WSDOT's nominal Environmental Assessment for I-405 Bellevue to Lynnwood Improvement Project devolve from its reliance on tooth-fairy financing premises achieved only by negligent, grossly negligent or intentional misrepresentations of the financial failure of its SR 167 HOT-lanes pilot project -- as a thus-falsified success -- to state citizens, to officials elected at federal, state and local levels, and to its own staff. **EC1-1**

Simply put, despite Appendix H, HOT lanes in the I-405 corridor would generate negative cash flow rather than positive cash flow, and debt financing premised on such negative cash flow would either fail altogether or else degrade the state's fiscal-and-physical environments by requiring a pledge of state credit to allow bonds to be sold that would not otherwise be able to be marketed successfully or by providing inadequate financial capacity to allow construction of all necessary environmental components to be completed fully and/or in a timely fashion. **EC1-2**

In either case, environmental justice *desiderata* would be violated due to inability to complete I-405 improvements fully and/or in a timely fashion.

Respectfully yours,

Will Knedlik, Chairman
Interstate 405 Users Coalition

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Comment EC1-1

The SR 167 HOT Lanes Pilot Project was designed to help reduce traffic congestion and maintain free-flow conditions in the HOT lane. Revenue generation is an added benefit. The Second Annual Performance Summary and project financial statements are available in the on-line project library: http://www.wsdot.wa.gov/Tolling/SR167HotLanes/publications.htm

Comment EC1-2

Construction of the project, including all environmental components, is fully funded by existing revenue sources. Preliminary toll revenue estimates for the planning-level "Eastside Corridor Tolling Study," submitted to the legislature in January 2010, project a positive cash flow for the study option most closely evaluating express toll lanes between Bellevue and Lynnwood. Cash receipts from tolling cannot be determined until the Transportation Commission has set the toll policies for I-405.

The Transportation Commission has retained independent experts to conduct a traffic and revenue analysis for SR 167 and I-405. In 2012, WSDOT, in consultation with the Transportation Commission, will use information from the traffic and revenue analysis and a corridor-wide project management plan to develop a finance plan to fund I-405 and SR 167 corridor improvements and plan for phasing the construction of these improvements.

Rodger Lowe, May 15, 2011 (EC2)

Linda Cooley

From: Roger Lowe [rlowepe@main.net]
Sent: Sunday, May 15, 2011 12:43 PM
To: I405 BellevuetoLynnwoodNEPA
Subject: I 405 widening

I strongly favor the project. I believe the net environmental affect is beneficial, because it will reduce engine idling and emissions, and improve the quality of life for 100's of millions of commuter and other trips on I405.

There is no practical alternative to I405. The widening should provide some traffic relief on local roads.

Please design and build the project so that future alterations do not require the extensive removal of existing structures we so commonly see elsewhere on our highways.

I would prefer that there not be so many people and cars in our area, but object strongly to attempts to limit cars and people by restrictions on development.

I also object strongly to allowing any involvement by the tribes in the domestic affairs of our nation, except for the involvement of tribes people as citizens of our nation. No citizen should have power or rights greater than those of other citizens.

Roger
rlowepe@main.net
(425) 820-7454

1

Thank you for your comments.

Ken Whelan, June 7, 2011 (EC3)

Linda Cooley

From: Ken Whelan [kenwhelan3@gmail.com]
Sent: Tuesday, June 07, 2011 1:09 PM
To: I405 BellevuetoLynnwoodNEPA
Subject: "adjustments" needed

Hello

Please **eliminate the SIGNALS** at the NE116th, NE 124th, 160th and Bother-Everett Hwy interchanges.
Let's MOVE the traffic rather than stop it.
Please use the NE 85th interchange as a model. "Movement NOT stagnation should be our motto". EC3-1
A "quick", "slow" ramp is much better than waiting and waiting.
Hay, we could call it the "greening of our interchanges".

Also, let's do this RIGHT and **add TWO new lanes NOW** instead of 1 now and 1 later and 1 later and 1 later. EC3-2

--
Take care.
Ken Whelan
kenwhelan3@gmail.com
206 351 8177
"If you think you can or think you can't, you are right!"

1

Comment EC3-1
The Bellevue to Lynnwood Improvement Project will not eliminate interchange traffic signals. The NE 116th Street interchange traffic signals are being modified by the Kirkland Nickel Project as part of the single point urban interchange design to work more efficiently.

Comment EC3-2
Thank you for the comment. At this time, the legislature has provided funding for one additional lane in each direction between NE 6th Street and SR 522. Adding a second lane would require extensive reconstruction of most of the interchange and is beyond the project's scope and funding.

Environmental Protection Agency, Region 10, June 9, 2011 (LC1)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

June 9, 2011

Mr. Peter A. Jilek, P.E.
Federal Highway Administration
711 S. Capitol Way
Olympia, Washington 98501

Mr. William H. Jordan
I-405 Environmental Manager
Washington State Department of Transportation
600 - 108th Avenue NE, Suite 405
Bellevue, Washington 98004

Re: I-405, Bellevue to Lynnwood Improvement Project Environmental Assessment
(Region 10 Project Number 11-024-FHW)

Dear Mr. Jilek and Mr. Jordan:

The U.S. Environmental Protection Agency has reviewed the I-405, Bellevue to Lynnwood Improvement Project Environmental Assessment (EA). We are submitting comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. We appreciate this opportunity to review the project.

This EA, which is tiered to the Programmatic EIS for the I-405 Corridor, includes two Build Alternatives that differ only in how the new constructed lanes would be operated: Alternative 1, the preferred alternative, would implement an express toll lane system with two express toll lanes between NE 6th Street and SR 522 and one express toll lane between SR 522 and I-5. Alternative 2 would operate the new lanes as general purpose lanes and retain a single high-occupancy vehicle (HOV) lane in each direction.

We support the preferred Alternative 1, which is consistent with the direction of Transportation 2040, the Regional Long Range Transportation Plan. We also commend the project team for their efforts to avoid and minimize impacts to aquatic resources in the project corridor. We offer additional comments below.

Air Quality During Construction

The Air Quality Technical Memorandum (p. 44) states that the 1997 Associated General Contractors of Washington (AGCW) Guidelines for reducing construction impacts to air quality would be applied. These guidelines were not included in the EA or the Appendices. Because they were issued 14 years ago, the AGC guidelines may not include measures to address air toxics and diesel emissions from

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Environmental Protection Agency, Region 10, June 9, 2011 (LC1)

construction vehicles and equipment, which are known or suspected to cause cancer or other serious health effects, such as respiratory, neurological, reproductive, and developmental effects. The proposed project should include measures to substantially reduce emissions of and exposure to these air pollutants for construction workers and nearby residents and businesses.

Recommendations: Augment the standard AGC and/or WSDOT air quality construction specifications to emphasize reducing diesel and other emissions from construction vehicles and equipment by:

- Including the three possible measures listed on page 45 of the Air Quality Technical Memorandum that would pertain to reducing emissions from construction equipment and vehicles powered by gasoline or diesel fuel. LC1-1
- Including and committing to implement an additional suite of construction mitigation measures, such as those from the Clean Construction USA Web site at http://www.epa.gov/otaq/diesel/construction/ . Measures such as diesel engine retrofit technology in off-road equipment would greatly help to reduce air toxics and diesel particulate emissions. Such technology may include diesel oxidation catalyst/diesel particulate filters, engine upgrades, engine replacements, newer model year equipment, use of biodiesel, or combinations of these strategies. LC1-2

For more information about air toxics, please contact Wayne Elson of our Air Program office at (206) 553-1463.

Upland Habitat Impacts, Ecological Connectivity

The EA states (p. 5.7-14, 15) that 17 acres of vegetation would be permanently converted to impervious surface (6 acres of forested habitat; 11 acres of maintained vegetation), and that 55 acres of vegetation would be temporarily affected by construction clearing and grading (22 acres forested; 0.4 acres shrubs/grasses; 33 acres maintained vegetation). We understand the need to use the areas of managed vegetation for project right-of-way, yet we are concerned that there is no proposed mitigation for the permanent upland forest losses and limited mitigation for temporary losses. This is because:

- the "temporary" forest losses from clearing and grading could be long term and potentially permanent, essentially resulting in approximately 28 acres of forest land loss;
- Standard stormwater measures planned to address the runoff from increased impervious surface would not compensate for the full range of ecological functions of the forest lands and maintained vegetation areas;
- Forests in this urbanized and highway-dominated setting contribute substantially to livability, particularly for the many single and multi-family dwellings adjacent to the project right-of-way, by providing clean air, green space/aesthetic beauty, and wildlife habitat;
- Forest land and other vegetated area losses would exacerbate water quality in the project area streams, which are impaired by high temperatures, low dissolved oxygen, and fecal coliform; and
- Forested upland contributes to habitat connectivity for terrestrial wildlife.

The EA does state (p. 6-4) that temporarily disturbed soils would be planted in areas that provide connectivity to existing wildlife habitat but still meet safety and maintenance standards.

Recommendations: Consider additional means to compensate for upland habitat losses to maintain ecological function, habitat connectivity, and livability. Measures could include, for example:

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Environmental Protection Agency, Region 10, June 9, 2011 (LC1)

- Land acquisition, lease, easement and/or partnerships to protect and/or restore and maintain forest and shrub habitats and habitat connectivity. This could include "de-paving" impervious areas and restoring them to native vegetation; LC1-3

- Develop and implement a native tree and shrub planting plan throughout the project corridor, including sites in and near residential areas in close proximity to I-405. LC1-4

The 17-mile segment of I-405 from Bellevue to Lynnwood bisects numerous stream and wildlife habitat corridors throughout its length. Based on the aerial photos provided in the EA, it appears that the corridors that would benefit most from efforts to improve habitat connectivity under/through the I-405 corridor would include, but not be limited to, Swamp Creek, Martha Lake Creek, North Creek, Yarrow Creek, and Forbes Creek. The proposed project provides an important opportunity to retrofit stream culvert crossings to improve habitat connectivity and safe passage for both fish and wildlife.

Recommendation: Enlarge/improve/re-design stream culvert crossings to improve fish passage and to enable use as terrestrial wildlife crossings of I-405. LC1-5

Thank you for the opportunity to provide comment on the I-405 Bellevue to Lynnwood Project. If you have questions or would like to discuss these comments, please contact me at (206) 553-1601 or at reichgott.christine@epa.gov, or Elaine Somers of my staff at (206) 553-2966 or at somers.elaine@epa.gov.

Sincerely,

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

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Comment LC1-1
Emission reduction actions as described on page 45 of the Air Quality Technical Memorandum including emission control devices, covering debris piles, and consideration of re-vegetation, vehicular circulation and emissions management are requirements on all WSDOT projects.

Comment LC1-2
Diesel and other emissions from construction vehicles and equipment are very temporary and consist of only a small fraction of the operational emissions from diesel and gasoline vehicles using the facility on a daily basis. The measures listed on page 44 and 45 of the Air Quality Technical Memorandum (TM) are only recommended measures that are possible to be used by the contractor (not strict requirements) and are included as part of the EA through reference of the Air Quality TM.

WSDOT will encourage contractors to consider implementation of the following air quality BMPS:

- properly maintain their equipment;
- reduce idling;
- retrofit diesel engines with verified technologies;
- replace older equipment;
- use cleaner fuels; and
- repower equipment.

Comment LC1-3
WSDOT has developed a tree protection plan. The Design-Build contractor will be required to mark clearing boundaries and preserve existing vegetation to the extent possible.

WSDOT is not allowed to purchase land with transportation funds for ecological restoration. When transportation projects are funded, project money is specifically approved by the State Legislature to improve transportation deficiencies.

When paved areas are abandoned as part of the highway improvement program, WSDOT routinely restores the areas with native vegetation and soil amendments. We do not have such areas on this project.

When mitigation is required for unavoidable impacts to environmental resources, WSDOT often enters into partnerships with other agencies to maximize the environmental benefit that is associated with larger scale mitigation efforts, rather than using small fragmented parcels for mitigation. Springbrook Creek Wetland and Habitat Mitigation Bank, in excess of 50 acres, is an example of this approach on the I-405 Corridor. Wetland mitigation for the I-405, Bellevue to Lynnwood Improvement Project will occur at the 3.6-acre I-405 Kelsey Creek Wetland Mitigation Site which is mitigating impacts of several I-405 Corridor projects.

Comment LC1-4
WSDOT has a tree and shrub planting policy that has been in place since 1997. The Roadside Classification Plan specifies treatment levels for all state roadways. It encourages the restoration of roadside areas disturbed by construction by using native plants. In addition the I-405 corridor program developed a Context Sensitive Solutions Master Plan in close coordination

with citizens and local governments along the I-405 corridor. Along with the use of unified architectural materials, this plan recommends a primarily native planting pallet for a unified look throughout the corridor.

Comment LC1-5

WSDOT makes fish passage improvements in accordance with the 2008 "Memorandum of Agreement (MOA) Concerning Administration of Hydraulic Project Approvals for Transportation Activities and Implementation of the Fish Passage Retrofit Program and Implementation of the Chronic Environmental Deficiency Program" with the Washington State Department of Fish and Wildlife (WDFW). No work is proposed that would require fish passage improvements. Regarding wildlife corridors, the project lies in a heavily urbanized area with little to no remaining wildlife habitat that would need to be accessed by wildlife.

Kemper Development Company, June 10, 2011 (LC2)

Kemper Development Company

June 10, 2011

Eastside Corridor Program, WSDOT
600 – 108th Avenue NE, Suite 405
Bellevue, WA 98004

RE: I-405, Bellevue to Lynnwood Improvement Project Environmental Assessment

Ladies and Gentlemen:

Our comments are based on review of:

- The Declaration on Non-Significance
- Section 5.1 Traffic and Transportation of Chapter 5 – Effects of the Project
- Appendix P – Transportation Discipline Report

These documents describe a rosy picture for the 2-lane express toll lanes in each direction. However no information is provided in support of the assertions of higher throughput and traffic diverted from local streets. We are left with the same unanswered questions resulting from review of the January 2010 Eastside Corridor Study, and subsequent information, plus some new questions.

Specifically:

1. Is it correct that Alternative 2 adds one GP lane in each direction and makes no change to the HOV lanes, except the revision from 2+ to 3+? **LC2-1**
2. Does Alternative 1, or 2, remove any existing GP lanes in any portion of the corridor? **LC2-2**
3. Has the operational impact of the transit shoulders been analyzed, particularly with incidents that might have otherwise used the shoulder? **LC2-3**
4. How can the amount of pavement be the same for both Build alternatives? Alternative 1 requires a buffer with a wider section at entry/exit points. (See p. P 2-4) **LC2-4**
5. How long are the transition lanes at entry/exit points including the transition from 2 to 4 ft. to 12 ft.? **LC2-5**

Page 1 of 3

Kemper Development Company, Post Office Box 4186, Bellevue, WA 98009, (425) 646-3660

Kemper Development Company, June 10, 2011 (LC2)

6. Why are Exhibits 2-2 and 2-3 missing from the on-line version of Appendix P? LC2-6

7. From the top of page P 3-3, "If a different tolling structure were implemented, for example, on where HOV 2+ were able to use the express toll lanes for free or one where all vehicles in the express toll lanes, the results of the analysis would be similar." Please explain this. LC2-7

8. Why did you switch from year 2020 in the Eastside Corridor Study to 2105 in the EA? LC2-8

9. Why are the 2015 Baseline demands on 3%to 4% higher than 2009? (See p. P- 4-17). Please define "demand" for this case. Is it as defined in your glossary or is it projected volumes? LC2-9

10. What specifically was assumed about ramp metering? LC2-10

11. How much annual net toll revenue is expected by 2015. How does this compare to the project's capital cost? LC2-11

12. When, where, and how often are the existing HOV lanes congested under today's conditions? LC2-12

13. Please define "demand" as used at the bottom of page P 5-1. . Is it as defined in your glossary or is it projected volumes? LC2-13

14. On Exhibit 5-1 (p. P 5-6), why does the No Build HOV lane have travel times nearly the same as the Build alternatives, in spite of the report saying that the HOV lanes are congested under today's conditions? LC2-14

15. Under "NE 6th Street Interchange" on p. P 5-17, you assume that HOV 2+ and SOV would be allowed to use the direct access ramps. We assume this would only be for those willing to pay the toll. Correct? LC2-15

16. Please provide AM and PM peak hour per lane volumes for No Build, Build Alt 1, and Build Alt 2 for the GP lanes and the HOV/ETL lanes. The results on Exhibits 5-2 through 5-5 are difficult to interpret. On Exhibit 5-5, for example, northbound between SR 522 and I-5, GP volumes for Alt.2 are the same as No Build in spite of having one more lane. LC2-16

17. If GP lane congestion is bad enough to encourage paying a toll, would not some the GP traffic divert to local streets? LC2-17

Page 2 of 3

Kemper Development Company, June 10, 2011 (LC2)

Thank you for the opportunity to comment and for your previous courtesy in providing additional information for the Eastside Corridor Study.

Sincerely,

Bruce L. Nurse

Bruce L. Nurse, Vice President - Transportation
Kemper Development Company
206-799-5699

Page 3 of 3

Comment LC2-1
Build Alternative 2 would add a northbound lane from NE 124th Street to SR 522 and braided ramps between the I 405 northbound on-ramp from NE 160th Street and the northbound I-405 off-ramp to SR 522.

The Kirkland Nickel Stage 2 Project was previously environmentally cleared to build northbound and southbound lanes between NE 70th Street and NE 85th Street, and a southbound lane between SR 522 and NE 124th Street, and between NE 70th Street and SR 520. The Kirkland Nickel Stage 2 Project will be constructed at the same time as the Bellevue to Lynnwood Improvement Project. This transportation analysis does not include the Kirkland Nickel Project Stage 2 as part of the baseline conditions.

Build Alternative 2 would not change the HOV lanes. This analysis assumes the HOV lanes occupancy requirement would be increased from the existing two or more persons in a vehicle (HOV 2+) to three or more persons (HOV 3+).

Comment LC2-2
Alternative 2 would not remove any existing general-purpose lanes. Alternative 1 would convert the existing northbound truck climbing lane from SR 520 to just south of NE 70th Street to an express toll lane.

The initial phase of the project, Kirkland Nickel Stage 1, constructed a new lane in each direction between NE 85th Street and NE 124th Street. This phase was opened early and has been temporarily operating as general-purpose lanes. These lanes would operate as express toll lanes under Build Alternative 1.

Comment LC2-3
The operational affects of the transit shoulders were analyzed and showed improved transit travel speeds when southbound I-405 is congested. The transit shoulder will operate only between 6:00 and 9:00 a.m. Vehicles that are unable to drive will continue to use the shoulder. Incidents would have priority over transit use and transit would use the general-purpose lanes.

Comment LC2-4
In a constrained urban corridor, widening is often a challenge without requiring major reconstruction. The Alternative 1 widening for access locations is at spot locations. With Alternative 2, the same pavement at these locations will be used for wider lane and shoulder configurations.

Comment LC2-5
The length of the access points into the express toll lane varies based on the number of express toll lanes, roadway geometrics, access point design and traffic volumes. Through the entire corridor, the access points including all tapers, range from 2,000 to 5,200 feet in length. The conceptual design has three transition lane locations of the 10 access points. At these three locations, 2,000 feet is the length of the full transition or weave lane with an additional approximately 1,500 feet of taper at each end.

Comment LC2-6
Exhibits 2-2 and 2-3 are in the on-line versions of Appendix P: http://wsdot.wa.gov/NR/rdonlyres/EF094E12-3769-40DE-B488-788110F033E7/76047/BTL_App_P_Transportation_Part1.pdf (accessed June 13, 2011). It is possible that there was a problem in printing from your downloaded copy of this file.

Comment LC2-7
Whether the tolling structure allows HOV 2+ or HOV 3+ to use the express toll lanes for free, or charges all vehicles to use the express toll lanes, the toll amount will be set to manage the number of vehicles in the express toll lanes. Under any tolling structure, if the demand increases, including vehicles not paying to use the express toll lanes, the price for toll payers will increase, and if the demand is low the price will decrease. This will ensure a reliable travel speed and the lanes will perform in a similar manner. Allowing HOV 2+ vehicles free access would decrease the available express toll lane capacity available to toll payers compared to only allowing HOV 3+ vehicles free access.

Comment LC2-8
The year 2020 was originally selected because it was the year when all study options could be constructed and equally compared. The I-405, Bellevue to Lynnwood Improvement Project analyzed the year 2015 because it is the scheduled year of opening.

Comment LC2-9
The projected volume demand increase in 2015 baseline conditions reflects regional population and employment growth expected by 2015.

The glossary's definition of demand applies to this reference. In this case, it refers to future year demand which could also be considered projected volumes. The use of demand is preferred because under congested conditions the facility may not be able to process all the desired trips during the peak hour, so some trips may occur after the peak hour.

Comment LC2-10
All existing ramp meters were modeled as remaining as well as a new ramp meter at the I-405 northbound on-ramp from NE 160th Street.

Comment LC2-11
The annual toll revenue was not estimated as part of this environmental assessment.

Comment LC2-12
The HOV lane conditions vary from day to day. In the study area, the following I-405 sections have weekday peak hour HOV lane average speeds below 45 miles per hour:

2009 AM peak hour	Southbound from NE 85th Street to NE 70th Street
2009 PM peak hour	Northbound from south of NE 70th Street to north of NE 124th Street, Northbound from NE 132nd Street to south of SR 522

Comment LC2-13
The glossary's definition of demand applies to the reference on page 5-1. In this case, it refers to future year demand which could also be considered projected volumes. The use of demand is

preferred because under congested conditions the facility may not be able to process all the desired trips during the peak hour, so some trips may occur after the peak hour.

Comment LC2-14
The existing HOV lane is congested with the occupancy requirement of two or more persons in a vehicle (HOV 2+). Exhibit 5-1 reports the 2015 conditions where the HOV occupancy requirement is assumed to increase to three or more persons in a vehicle (HOV 3+). This lowers the number of vehicles in the HOV lane and allows the lane to operate at speeds greater than 45 miles per hour (see Exhibit 5-2). Even with the lower HOV lane volumes, the No Build HOV lane travel time is slower than both Build Alternatives due to the slower speeds in the general-purpose lanes causing friction with the HOV lane drivers.

Comment LC2-15
Yes.

Comment LC2-16
The analysis only provides peak 3-hour volumes because the duration of the peak travel period is significantly longer than one hour. For the section of I-405 between SR 522 and I-5, the project does not add any capacity improvements and the geometry of the No Build Alternative and Build Alternative 2 is the same.

Comment LC2-17
Diversion is currently occurring on local streets used to bypass the I-405. With the No Build Alternative, the amount of diversion is expected to increase as congestion worsens in the future. The addition of new lanes with the project and an optional toll will not increase diversion away from the freeway system. The express toll lane system benefits the general-purpose lanes by allowing some of the HOV 2 and SOVs in the general-purpose lanes the choice to use the express toll lanes, thereby decreasing general-purpose lane volumes and improving their operation. The improved operation of the general-purpose lanes is expected to decrease the local street diversion.

City of Kirkland, June 10, 2011 (LC3)

June 10, 2011

Mr. William Jordan
Washington State Department of Transportation
I-405 Program
600 108th Avenue NE, Suite 405
Bellevue, Washington 98004

Subject: COMMENTS ON THE ENVIRONMENTAL ASSESSMENT FOR *I-405 CORRIDOR PROGRAM – BELLEVUE TO LYNNWOOD IMPROVEMENT PROJECT*

Dear Mr. Jordan:

This letter is in response to WSDOT's call for comments on the environmental assessment (EA) for the *I-405 Corridor Program – Bellevue to Lynnwood Improvement Project (the Project)*. We appreciate the opportunity to comment and remain supportive to see continued improvements in the I-405 corridor. We look forward to ongoing collaboration between WSDOT staff and involved members of our communities to build freeway improvements that fit within our living communities for the long-term future.

Because of the multiple versions of this Project's packaging and naming, re-packaging and re-naming, the City of Kirkland has needed to edit comments that were submitted in earlier requests for comments on environmental impacts of the Project. Additionally, some comments submitted by Kirkland previously have not yet been addressed. Some of the comments made in this review are re-submittals of previous comments. Since this Project represents a new scope with new elements, adds new cumulative impacts and improvements that are not yet constructed, we would ask that all of our comments be revisited and considered.

The City of Kirkland understands the scope of the Project as outlined in the executive summary and that the alternatives being evaluated in this EA include a no-build option, and then, an express toll lane (managed lane) system; it also includes an additional build alternative that utilizes the new widened sections for general purpose lanes with one HOV lane. We also understand that a forthcoming report to the State Legislature on the forecast effectiveness of 2+ and 3+ HOV lanes will help to decide how the managed lanes are operated. Kirkland should be included in the decision-making process for the new HOV lane system after the analysis and report are complete.

The following questions, comments, and concerns are offered for all of the alternatives being pursued.

1. New City Limits: On June 1, 2011, the City of Kirkland annexed the neighborhoods of Finn Hill, Juanita and Kingsgate and the City's population went from approximately 49,000 to 81,300. All mapping and graphics should be updated to include this annexation. The base maps in the EA do not reflect the newly annexed area within the **LC3-1**

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City of Kirkland, June 10, 2011 (LC3)

City limits (detailed mapping information is available online, type "GIS" in the search window at www.kirklandwa.gov). On the west side of I-405, the City limits are now at NE 145th Street. On the east side of I-405, the City limits follow the Tolt waterline and then NE 146th Street. LC3-1

2. Wetlands:
   a. A comprehensive assessment of any impacted wetlands must be undertaken along with the review of applicable City regulations and requirements. The City requests that prior to construction, a survey of a wetland delineation that is generally no more than two (2) years old, as required in the Kirkland Zoning Code, Chapter 90, be submitted to the City showing the location of the wetlands that will be impacted within the City limits, including the newly annexed area. LC3-2
   b. The City requests a mitigation, monitoring, and maintenance plan be submitted to the City along with a memorandum that explains how the plan meets the City's critical area regulations and requirements. WSDOT shall pay the City's cost to review the plan. LC3-3
   c. After installation of the mitigation plan, WSDOT shall submit the monitoring reports along with a verification letter and/or plans showing that the wetland mitigation project was completed as approved by the City. LC3-4
   d. The I-405 Nickel project impacted a number of wetland and buffers, and those impacts were mitigated with off-site compensatory wetlands. It is the City's understanding that off-site mitigation exceeded the amount of impacted wetland and buffer for the I-405 Nickel project and would compensate for the impact of wetlands and buffer for this Project. The City requests documentation be provided that shows the exact amount of wetland and buffer impact for this Project, the amount of mitigation required for the I-405 Nickel project, and the amount of excess wetland compensatory mitigation that is available. WSDOT shall pay the City's cost to review the documentation. Any wetland impacted by the Project that is not mitigated by the Nickel project's off-site mitigation shall be mitigated within the City's drainage basin with the location and plan approved by the City. LC3-5
3. Stream: If any stream is impacted by the Project, the City requests that a comprehensive assessment of the impact be undertaken and mitigation shall comply with the applicable City regulations and requirements. A mitigation, monitoring and maintenance plan is to be submitted to the City for review and approval. WSDOT shall pay the City's cost to review the plan. LC3-6
4. Trees: The EA only evaluated trees in terms of wildlife habitat, yet trees serve other purposes beyond wildlife habitat; they help reduce erosion, improve storm water management and air quality, and provide a buffer from adjacent uses. Kirkland places a high value on maintaining, and increasing, its tree canopy with an emphasis on the retention of mature trees. Policies in the City's adopted Comprehensive Plan and Natural Resource Management Plan support this. We request that WSDOT develop a tree retention and replacement plan and submit it to the City for review and comment. LC3-7
5. Hours of Construction: The EA indicated that the hours of construction would be 7am to 10pm. The City of Kirkland has limits on construction hours from 7am to 8pm Mondays LC3-8

City of Kirkland, June 10, 2011 (LC3)

through Fridays, 9am to 6pm on Saturdays, no work on Sundays and no work on six holidays (City of Kirkland Zoning Code, Section 115.25). WSDOT or its contractors will need to request a construction hour variance from the City of Kirkland well in advance of any construction work on the project and meet any conditions of approval; approval of the construction hour variance will be on a case by case basis. LC3-8

6. Physical Infrastructure:

   a. *Context Sensitive Solutions* (CSS) design principles were developed and identified through the I-405 Kirkland Nickel project; these directives for community aesthetics should be applied consistently for all new work areas being proposed and near affected City streets or neighborhood areas, especially retaining walls, noise walls, abutment structures facing community areas, and any area visible to a community or where the public congregates. LC3-9

   b. If freeway widening affects/impacts the alignment of Totem Lake Boulevard (TLB), the State's Project shall improve TLB and surrounding streets according to the City's Comprehensive Plan and Capital Improvement Program. Improvements could include: an additional Totem Lake Boulevard left turn lane (northbound-to-westbound) that is planned at NE 132nd Street; new traffic signals with ITS features planned at NE 132nd Street at 116th Way and at 132nd Street at TLB; and a NE 130th Street roadway extension from Totem Lake Boulevard to 120th Avenue NE, beginning just south of the Aegis Assisted Living facility. Right-of-way acquisition permitting, and related design and construction shall accommodate all of the improvements to City streets. LC3-10

   c. The City Comprehensive Plan designates Totem Lake Boulevard as a pedestrian corridor (Attachment C). Half-street improvements must include 5' landscape strip (including curb) and a 5' sidewalk. Street landscape plans should continue established themes and provide for landscaped boulevards with extensive greenery and other public amenities. Coordination with recent and proposed development at the Totem Lake Malls is required. LC3-11

   d. The Project's planned improvements to the I-405 bridges over NE 132nd Street will rebuild a freeway bridge over a vital arterial. Fire Station 27 at 11210 NE 132nd Street is located west of I-405 and provides emergency services to areas east of I-405, including Evergreen Hospital. Complete, safe, and fast access during construction as well permanent seismic upgrades must be made to the new bridge. LC3-12

7. Surface Water & the Environment:

   a. MP 17.5-17.6: There is extensive erosion around the west end of the culvert that carries KL-4 under the roadway. Any modification of conveyance facilities in the area should include reconstruction of this culvert outlet. LC3-13

   b. MP 17.5-17.6: Erosion at the west end of the culvert that takes KL-3 under the roadway. LC3-14

   c. Culvert between MP 18.5 and 18.6 flows from west to east, and water is then supposed to infiltrate into a facility constructed by WSDOT at NE 95th Street east of LC3-15

City of Kirkland, June 10, 2011 (LC3)

I-405. Reports from residents are that this system is undersized and needs to be reconstructed. LC3-15

d. MP 19.6: Continue to work collaboratively with Kirkland to solve problems with a backwater condition at Culvert 22 that impacts the NE 116th Street interchange. LC3-16

e. MP 19.8-19.9: It doesn't appear that all culverts and drainage features are shown under/crossing I-405 and in the vicinity of the NE 116th Street interchange. Clarify whether drainage features shown are only those on which work is occurring, or whether there is some other reason why only these features, and not all features are shown. Kirkland is concerned that additional mitigations may be necessary which can't be evaluated at this time. LC3-17

f. MP 19.9-20.2: Please note which storm water facilities are providing mitigation for this added pavement. LC3-18

g. Please note what pavement areas are served by the storm water facilities at MP 20.3 and 20.5 – it appears that water is being moved between threshold discharge areas in order to use facilities in these locations. LC3-19

h. There are wetlands east of the roadway between MP 20.4 and 20.5 (near the culvert that takes the NE 124th Street tributary of Juanita Creek under the roadway) but these are not shown on the map. LC3-20

i. How will the storm water feature proposed at MP 20.6 impact Totem Lake and flooding issues in the wetland west of the roadway near Totem Lake? LC3-21

j. MP 20.9: The NE 132nd tributary of Juanita Creek flows under the roadway in this location, and the roadway is being widened in this location – this normally would indicate that a fish-passable culvert is necessary and would be installed. This is not shown on the diagram. Please identify that fish passage improvements will be made to this crossing. LC3-22

k. MP 21.3: There is erosion around the west end of Culvert 28. What improvements to this outfall are proposed? LC3-23

l. MP 21.2: Where is outlet of proposed storm water pond? Pond appears to be moving water between TDAs. Need to analyze the impact of any transfers on erosion issues in the smalls Juanita tributaries in this vicinity. LC3-24

m. Juanita Creek at NE 145th: Will this culvert be made fish-passable? If so, how will this interact with the control structure and pond on the east side of the roadway? LC3-25

n. Impacts of proposed improvements on Totem Lake and the wetlands west of the roadway near Totem Lake need to be analyzed further, and impacts mitigated if necessary. LC3-26

o. Exhibit 4-1 of Appendix S: the upper end of the range of flows noted for Juanita Creek, about 42 cubic feet per second (CFS) seems low. Ask King County for more recent flow information from gauge 27a. Upper end of flows is more like 300 CFS. LC3-27

p. Kirkland staff is currently pursuing a Flood Control Feasibility Analysis to reduce flooding at Totem Lake and on City streets in the area. Current information LC3-28

City of Kirkland, June 10, 2011 (LC3)

indicates sedimentation problems at culverts within WSDOT right-of-way, and may require regular maintenance or more often previous for proper function. Any outcome of the study and analysis expected Summer of 2011 may include additional necessary environmental mitigations. LC3-28

q. Exhibit 4-11 needs to show the mapped floodplain around Totem Lake. LC3-29

8. Traffic & Transportation:

a. Consistent with House Bill 1382, signed by the Governor in May, 2011, the State is required to cooperate with local agencies to manage impacts of express lanes tolling; any unexpected impacts must have mitigations fully-funded and addressed by the State. LC3-30

b. The EA asserts (p. 4-21) that traffic on local agency streets will become more congested in the future. Local agencies need tools to understand how the managed lanes program will increase diversion onto local streets. Similar to the SR 520 Project's mitigations of measuring baseline traffic levels in surrounding local agencies and providing future monitoring, the Project should participate in identifying baseline levels of local traffic on City streets, provide future monitoring on expected diversion routes, and fund the effort for monitoring and mitigation of the congestion that is created. LC3-31

c. What other impacts of managed lanes tolling are expected, and how will this project measure those impacts and then fund the necessary mitigations? LC3-32

d. Pedestrian improvements to the existing State bridge structure of NE 124th Street over I-405 are planned to be incorporated in this Project but are not identified in the scope; please include the improvements. LC3-33

e. Future projects have been planned to provide for HOV queue bypass at the southbound on-ramp to I-405 from NE 85th Street. A limited number of access points to enter and exit the managed lanes system hampers the ability of HOV drivers from getting into carpool lanes. Prior to the implementation of a managed lanes/HOT lanes system, the State should provide these on-ramp improvements to increase the efficiency in getting HOV drivers onto the freeway. LC3-34

f. Future reconstruction of the interchanges at NE 85th Street and NE 124th Street are in the master plan (although unfunded and unscheduled) and a new half diamond interchange is planned and funded at NE 132nd Street. What implications does the implementation of the current managed lanes system have on the configurations of those new interchanges? Will drivers still have direct access to the HOV system at these interchanges in future reconfigurations? Are there other implications? LC3-35

g. The NE 128th Street direct access ramp/overpass has been funded in part with Sound Transit and Kirkland funds and was approved by the FHWA. The overpass has been approved to function in a certain manner and to provide certain priorities for specific types of traffic. Do these requirements present any implications for the use of these access points for a managed lanes system? LC3-36

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Kirkland reserves the right for general purpose traffic to continue to travel over NE 128th Street and asserts this function as a higher priority than for paying-SOV traffic to use the managed lanes system. LC3-36

h. Will implementation of this program provide a seamless managed lanes system throughout the I-405 and SR 167 corridors? LC3-37

i. Baseline Conditions, Page 4-21, the listed capacity improvements include some which are planned and unfunded as well as some which are fully-funded and scheduled. If this affects the traffic modeling, please update to address; the following projects are not funded: NE 70th Street at 132nd Avenue NE, NE 85th Street at 120th Avenue NE, NE 116th Street at 124th Avenue NE, and NE 124th Street at 124th Avenue NE. LC3-38

j. Page 4-26, a call-out refers to intersection improvements at multiple locations incorrectly; capacity is being added only at NE 85th Street at 124th Avenue NE, not NE 85th Street at 120th Avenue NE. Please correct any traffic modeling which may have included some measure of capacity improvement at 120th. LC3-39

k. Appendix A, Page A-1, Kirkland's plans for NE 120th Street between 124th Avenue NE and Slater Avenue (R-21) is fully designed, but not funded. LC3-40

Thank you for the opportunity to comment on this new proposal from the State Department of Transportation.

Sincerely,

DEPARTMENT OF PUBLIC WORKS

Ray Steiger, P.E.
Director

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

For

Eric Shields
Director

DANDERSON/BTL_ENV ASSMT KIRKLAND COMMENTS_06092011.DOC:RS/ES/da

Comment LC3-1
The EA Appendix K, Land Use Patterns Plan and Policies Discipline Report (April 2011) and Appendix N, Social, Public Services, ad Environmental Justice Discipline Report (April 2011) describe the June 1, 2011 annexation. Project mapping in the EA and appendices shows conditions and jurisdiction boundaries in effect at the time of analysis and on the May 2011 date the EA was issued. Future I-405 Corridor Program project documents will show Kirkland boundaries including the June 1, 2011 annexation areas.

Comment LC3-2
WSDOT developed a comprehensive assessment of all wetlands where work is proposed as part of the project. Wetlands were rated according to the local jurisdiction at the time of the report development and in anticipation of the Joint Aquatic Resources Permit Application (JARPA) February 2011 submittal, prior to the June 2011 annexation date.

As part of the report preparation, WSDOT re-evaluated the previously delineated wetlands and older wetland ratings to verify accuracy and to confirm that none of the ratings had changed. Additionally, WSDOT has coordinated with Ecology regarding the use of the 2006 form and Ecology has found it to be acceptable. As the 2008 updates only clarify the new WDFW definitions for priority habitats, WSDOT does not believe that rating the wetland with the most current form would result in different ratings.

In addition to WSDOT delineations, WSDOT requires that the Design-Build contractor conduct independent wetland verification prior to the installation of high-visibility construction fencing to confirm that all wetlands have been identified. As part of this evaluation, the Design-Build contractor submits a wetland verification confirmation letter to WSDOT stating either its concurrence with the previously-identified wetland boundaries, or identifying the areas where discrepancies may exist. The delineations and re-verifications will be conducted for all state roadway right of way within the project limits, including the newly annexed portions of the City of Kirkland.

Comment LC3-3
WSDOT's Wetland Monitoring unit is currently monitoring the Kirkland Nickel Project's wetland mitigation site built in 2007 at Forbes Lake. Monitoring public information data is available at:

http://www.wsdot.wa.gov/NR/rdonlyres/925FC44E-2487-4C79-B0F2-2DF28828BEDE/0/2010ForbeslakeEast.pdf; and

http://www.wsdot.wa.gov/Environment/Wetlands/Monitoring/reports.htm#2010NW.

WSDOT is not applying for permits from the City of Kirkland and is therefore unable to compensate the City of Kirkland if it elects to review the information previously submitted to it. Courtesy copies of the JARPA package for the Bellevue to Lynnwood Improvement Project were provided to the City in February 2011.

Comment LC3-4
WSDOT conducts annual monitoring of mitigation site performance and submits the results to all interested jurisdictions. See the response to Comment LC-3 for links to these reports.

Comment LC3-5
Mitigation for the I-405 Kirkland Nickel Project occurred at the permitted ratio and quantity and is meeting the performance standards required by the Department of Ecology and the U.S. Army Corps of Engineers (Corps). Although the Design-Build contractors were able to minimize the extent of actual permitted impacts, in coordination with the agencies, the mitigation was commensurate with the impacts – no excess mitigation was defined. The wetland impacts associated with this project are being mitigated at a wetland mitigation site located in Kelsey Creek Park.

Please see the response to Comment LC3-3 for the links to current monitoring reports and plant establishment maintenance.

WSDOT is not applying for permits from the City of Kirkland and is therefore unable to compensate the City of Kirkland if it elects to further review additional information.

Comment LC3-6
A courtesy copy of the I-405, Bellevue to Lynnwood Improvement Project JARPA package was submitted to the City of Kirkland in February 2011. JARPA Form Attachment 6 is the "Stream Mitigation Report" containing streams and stream buffer mitigation plans. WSDOT is not applying for permits from the City of Kirkland and is therefore unable to compensate the City of Kirkland if it elects to further review additional information.

Please see the response to Comment LC3-3 for the link to current monitoring reports and plant establishment maintenance.

Comment LC3-7
In coordination with the Department of Ecology, WDFW and the Corps, WSDOT is proposing riparian plantings and jurisdictional buffer restoration and enhancement to offset impacts to jurisdictional resources, as described in the courtesy JARPA package provided to the City of Kirkland in February 2011. WSDOT has included the following requirements in the contract to make all reasonable efforts to preserve the trees in the project area:

- No trees greater than 6 inches diameter at breast height (dbh) may be removed for Intelligent Transportation Systems, illumination, signage, or utility cabinets without prior approval from WSDOT.
- WSDOT has identified clusters of significant trees to protect and preserve. The tree clusters are identified as environmentally sensitive areas. If the Design-Builder proposes changes that have the potential to impact significant trees outside of the identified impact areas, the Design-Builder shall submit the revised impact area boundaries to WSDOT for approval.

WSDOT recognizes the value of upland vegetation in the roadside and, as with all projects, will protect and preserve existing trees and shrubs to the extent possible by clearing the minimum amount of vegetation necessary to build the project. For unavoidable disturbances, WSDOT has adopted and implemented the Roadside Classification Plan and I-405 Context Sensitive Solutions. These plans guide the operational, visual and environmental functions of the roadside. The plans encourage the use of native, drought tolerant plants, to blend with the

surrounding landscape. The Design-Build contractor will be required to restore all areas disturbed by construction. The Roadside Classification Plan is available here: http://www.wsdot.wa.gov/publications/manuals/fulltext/M25-31/RCP.pdf.

Comment LC3-8
The Design-Build contractor will be responsible for obtaining any noise variances, as required by local jurisdictions. If the project Design-Build contractor determines that night work is necessary due to daytime traffic volumes, a Nighttime Construction Noise Variance will be requested from the City.

Comment LC3-9
The Design-Build contractor is required to adhere to the Context Sensitive Solution design principles that were developed for all I-405 corridor projects.

Comment LC3-10
The project will not impact Totem Lake Boulevard.

Comment LC3-11
The project will not impact Totem Lake Boulevard.

Comment LC3-12
The Traffic Management Plan prepared in coordination with local agencies will address provision of emergency services through the NE 132nd Street work zone, and requirements for advance notification of changes in traffic flow and lane closures.

All new structures will be design to current seismic standards

Comment LC3-13
This issue falls outside the project footprint area that was considered in the EA. No roadway widening is proposed in the area.

Comment LC3-14
This issue falls outside the project footprint area that was considered in the EA. No roadway widening is proposed in the area. WSDOT has visited with the landowner at this location and understands that this area is a sediment deposition area from unknown sources east of I-405. Flows from I-405 will be slightly reduced as a result of the proposed stormwater management facility.

Comment LC3-15
The reports from the residents were generally correct in 2007. As a result, WSDOT installed a temporary connection to the south along the west side of the freeway, and developed a permanent proposal to restore the historic connection across I-405 to the Slater Avenue NE roadside ditch and Forbes Lake. The permanent design has been submitted to the City for review. Any necessary cleaning and re-grading of the ditch on Slater Avenue NE will be performed by the City because it is outside of WSDOT right of way.

Comment LC3-16
Agreed. This work is outside the scope of the subject project and environmental document.

Comment LC3-17
The EA exhibits reflect only cross conveyance culverts that involve natural resources. The much more complex network of storm drainage collection and conveyance systems is beyond the scope of the EA. The project mitigation for those facilities will be addressed by stormwater management facilities following the WSDOT Highway Runoff Manual as discussed in Appendix S of the EA.

Comment LC3-18
The pond that is being constructed as part of the NE 116th Street interchange improvements includes detention and runoff treatment as required to mitigate new pavement in threshold discharge area (TDA) D-1A. Existing ponds are not shown in the EA drawings. The two new ponds between MP 20.3 and MP 20.5 address new pavement in TDA D-1. Refer to Exhibit 4-10 in the Water Resources Discipline Report (EA Appendix S) for an illustration of those TDA boundaries.

Comment LC3-19
Water is not being moved between TDAs. The conceptual design uses equivalent area treatment within the TDA following the WSDOT Highway Runoff Manual. See the Water Resources Discipline Report (EA Appendix S).

Comment LC3-20
That resource is identified as a stream.

Comment LC3-21
The stormwater management feature at MP 20.6 is a media filter drain for water quality treatment of runoff into wetland 20.4L.

The project will add one detention pond in the Juanita Creek sub-basin (TDA D1) that will reduce peak flows downstream (west) of I-405 where the wetland is located. We do not have information on when the existing wetland floods, but the proposed flow control will likely have negligible effect on the wetland. The flow decrease will reduce flows in the culvert under 116th Way NE. Upstream of 116th Way NE, wetland 20.4L will experience slight higher flows between I-405 and 116th Way NE, but the 0.14 acre of new impervious area should be very small relative to the very large contributing area from the east. If the wetland hydrology is controlled by the pipe under 116th Way NE, the decrease in flows due to the detention pond should generally be balanced by the increase flow through the wetland. This will be evaluated further during final design.

We anticipate that the project will have no backwater or flow rate impacts influencing Totem Lake (east of I-405) during flood events. This would not be allowed since the project must comply with WSDOT's design guidelines. This will be evaluated during final design.

Comment LC3-22
There are no impacts below the OHWM at this stream. Therefore, there will be no fish passage improvements will be made to this culvert per the MOA.

Comment LC3-23
The erosion around the west end of Culvert 28 will be repaired. For detailed information please see the Bellevue to Lynnwood project JARPA form Attachment 6, Stream Mitigation Report, sent to the City in February 2011. Part of the repair will satisfy a culvert repair commitment; the remaining stream buffer enhancements will mitigate for unavoidable stream and stream buffer impacts on the Bellevue to Lynnwood project.

The repair will prevent further down-cutting and erosion of the stream channel and to improve in stream and riparian conditions.

The goals of the repair include:

- An increase in existing pool habitat from installation of LWD;
- A reduction in the fine grained sediment in the Juanita Creek system that is causing a reduction in channel depth and an increase in braiding downstream in Edith Moulton Park,and cutting back over steepened banks to reduce future sedimentation;
- An increase in shade;
- Water retention during storm events;
- Creation of near-bank cover for fish; and
- Provide a direct source of detritus and LWD to the stream

A new log cribwall and gravel energy dissipater will be constructed to reduce the energy of water coming through culvert 28 and down a roadside ditch from the north. The structure will be designed to eliminate the head cutting of stream C28 that is causing very high sediment loads and high rates of sedimentation downstream in fish-bearing reaches of Juanita Creek.

The log crib wall and gravel energy dissipater will not be considered mitigation for stream impacts, because they address the fulfillment of an existing WSDOT commitment. However, this work will help to ensure the success of the mitigation project by reducing erosion, sediment loads, and stream velocity.

Approximately 29,000, square feet or 0.67 acre of riparian buffer will be enhanced and stabilized.

The existing right of way chain link fencing will be repaired or replaced as needed to protect the finished site.

Comment LC3-24
This new pond supplements the existing pond to address added pavement in that TDA (D-3). The conceptual design uses equivalent area treatment within the TDA following the WSDOT Highway Runoff Manual. The discharge connects to the existing pond discharge pipe, so there will be no physical change at the discharge to the channel. The final design will include a downstream analysis and avoid any erosion issues in the small Juanita tributaries in this vicinity.

Comment LC3-25
There are no impacts below the OHWM at this stream. Therefore, there will be no fish passage improvements will be made at this culvert.

Comment LC3-26
If this comment is referring to the area between the NE 124th Street on-ramp to northbound I-405 and Totem Lake Boulevard, there are no impacts in this area.

If this comment is referring to the resources on the west side of I-405, they have been analyzed. There are no impacts to the resources in this area. The only impact is to 0.04 acre of the wetland 20.0L buffer. This buffer has been accounted for and will be mitigated according to the "Wetland and Stream Buffer Restoration and Enhancement Plan" provided to Kirkland in February 2011 as JARPA Attachment 4.

Comment LC3-27
Point noted. This table is informational and has no bearing on the outcome of the EA. No action will be taken.

Comment LC3-28
Thank you for the information.

Comment LC3-29
The Totem Lake FEMA 100-year floodplain area is included in the exhibit, but it is obscured by the Totem Lake surface water area obtained from the GIS source. The Totem Lake FEMA 100-year area is visible in EA Exhibit 5.6-1, "Water Resources in the project area." There is no project work in this floodplain.

Comment LC3-30
No significant impacts were identified as part of this environmental assessment. The WSDOT will work with the City of Kirkland during the project consistent with the language of Engrossed House Bill 1382.

Comment LC3-31
The increase in local street traffic is due to regional population and employment growth anticipated in the future, not as a result of the project being implemented.

Unlike the SR 520 Project, the use of the I-405 express toll lanes is optional. Build Alternative 1 will add freeway capacity and improve lane utilization with the express toll lanes. Build Alternative 1 is forecasted to increase traffic volumes on I-405, and in turn, reduce traffic volumes on local streets used to bypass the freeway. For example, Exhibit 5-3 shows for the section of southbound I-405 from SR 522 to SR 520, the No Build Alternative is forecasted to carry an average of 16,390 total vehicles during the 2035 morning peak 3-hour period. For the same section of I-405, Build Alternative 1 will carry an average of 24,420 total vehicles, a 49 percent increase compared to the No Build Alternative. Exhibit 5-6 shows similar results for the 2035 afternoon peak 3-hour period. While Build Alterative 1 will decrease volumes on local streets used to bypass the freeway, it will result in more vehicles near the I-405 interchanges as an increased number of drivers will enter and exit the freeway.

The WSDOT will work with the City of Kirkland during the project consistent with the language of Engrossed House Bill 1382.

Comment LC3-32
No other impacts are expected with the project.

Comment LC3-33
Currently, the project is considering a separation between vehicle lanes and pedestrians on the north side of the NE 124th Street structure.

Comment LC3-34
Funding to add an HOV queue bypass to the NE 85th Street southbound on-ramp is not included with this project. The I-405, Bellevue to Lynnwood Project will perform well and is not dependent on the HOV queue bypass.

Comment LC3-35
The I-405 Master Plan remains unfunded. The improvements to the NE 85th Street and NE 124th Street interchanges are part of the Master Plan. The future direct access at NE 80th Street would be possible with the reconstruction of the NE 85th Street interchange. The I-405 Master Plan for the NE 124th Street interchange does not include a new direct access ramp due to the proximity of the NE 128th Street direct access. Future mainline access points into the express toll lane system have been considered in the conceptual layout of the express toll lane system.

Comment LC3-36
WSDOT will use variable tolls to manage the NE 128th Street direct access on-ramp and off-ramp volumes to ensure the interchange continues to operate satisfactorily. WSDOT is working with the FHWA, the FTA, Sound Transit and the City of Kirkland to update the existing agreement to reflect the use of the NE 128th Street direct access ramps as part of the express toll lane system. The WSDOT will work with the City of Kirkland during the project consistent with the language of Engrossed House Bill 1382

Comment LC3-37
The I-405, Bellevue to Lynnwood Project is designed to function independently or as part of larger system. When the project opens in 2015, it will not form a seamless express toll lane system throughout the I-405 and SR 167 corridors. Another project is planned but not funded that would connect the I-405, Bellevue to Lynnwood Project express toll lanes to the existing SR 167 express toll lane system.

Comment LC3-38
All of the capacity improvement projects listed on page 4-21 were included in the City of Kirkland 2009-2014 Capital Improvement Program, which was the most recent program available at the time of this analysis. While some projects may not be currently funded, at the time of the analysis, the projects were assumed to be constructed.

Comment LC3-39
The capacity improvement projects listed on page 4-26 (Exhibit 4-7) were included in the City of Kirkland 2009-2014 Capital Improvement Program, which was the most recent program available at the time of this analysis.

Comment LC3-40
The NE 120th Street Roadway Extension (Slater Avenue to 124th Avenue NE) project was included in the City of Kirkland 2009-2014 Capital Improvement Program. The project (ST 0057

000) was shown to be partially funded with existing funds of $1,609,000, and was therefore assumed likely to be constructed.

Karen Walter, Watershed and Land Use Team Leader, Muckleshoot Indian Tribe, June 10, 2011 (LC4)

MUCKLESHOOT INDIAN TRIBE
Fisheries Division
39015 - 172nd Avenue SE • Auburn, Washington 98092-9763
Phone: (253) 939-3311 • Fax: (253) 931-0752

June 10, 2011

Mr. William Jordan
I-405 Project Office
600 - 108th Ave NE
Suite 405
Bellevue WA 98004

Mr. Pete Jilek
Urban Area Engineer
Federal Highway Administration
711 S. Capitol Way
Olympia, WA 98501

RE: I-405, Bellevue to Lynnwood Improvement Project, Environmental Assessment

Dear Mr. Jordan and Mr. Jilek:

The Muckleshoot Indian Tribe Fisheries Division has reviewed the Environmental Assessment for this project and its various discipline reports addressing water quantity and quality and fisheries and aquatic habitat. The following comments are in the interest of protecting and/or restoring the Muckleshoot Indian Tribe's fisheries resources.

The project proposes to widen I-405 in certain sections, construct wider roadway shoulders, construct braided ramps northbound from NE 160th Street and the I-405 off-ramp to SR 522, build new roadway structures at NE 132nd Street, and build new roadway structures at the I-405 northbound off-ramp crossing the railroad at NE 124th Street. Overall, the project proposes to create a net increase of 18.15 acres within the Yarrow Creek, East Lake Washington, Forbes Creek, Juanita Creek, Sammamish Creek and North Creek basins of WRIA 8. As part of this project, 0.39 acres of wetlands and 1.20 acres of wetland buffers will be permanently impacted, and 0.03 acres of wetlands and 0.39 acres of wetland buffers will be temporarily impacted. Furthermore, there will be 0.03 acres of permanent impacts to two Juanita Creek streams; one unnamed stream flowing to the Sammamish River and the Sammamish River itself. The project proposes an additional 400 square feet of temporary impacts to the Sammamish River.
Finally, the project proposes to permanently impact 0.82 acres of riparian buffers on Yarrow Creek, two Juanita Creek tributaries, Juanita Creek itself, two unnamed streams flowing to the Sammamish River, and the Sammamish River itself. There will also be 0.05 acres of temporary impacts to the Sammamish River buffer.

We are concerned that the project will not sufficiently mitigate for impacts to the affected streams, wetlands, and their buffers. LC4-1 In particular, we are concerned that the project does not mitigate for the proposed extended fish barrier culverts or repair the other existing fish barrier culverts in the project area. LC4-2 According to the 2010 WSDOT/WDFW Fish Passage Report, there are 9 existing fish barriers in the

Karen Walter, Watershed and Land Use Team Leader, Muckleshoot Indian Tribe, June 10, 2011 (LC4)

project area. There may be more barriers as all of the culverts in the project area have not been assessed for fish passage. As discussed in the EA, the project proposes to extend 2 existing culverts (C28 and C29) in the Juanita Creek basin. Stream/Culvert C29 is shown as barrier 998979 in the 2010 Fish Passage report. In addition, the culvert conveying Stream 42 (an unnamed tributary to the Sammamish River) will also be extended. The project proposes to extend these three culverts without being made fish passable. Furthermore, the remaining culverts will remain fish passage barriers upon completion of the project. We recommend that WSDOT repairs all of the existing fish passage barrier culverts in the project area as part of this project, including the three proposed extended culverts. The new culverts should be capable of transporting wood, water, and sediment to downstream fish habitat areas and should at as a minimum standard use WDFW's Stream Simulation as the design method. LC4-3 LC4-4

We are also concerned about permanent and temporary impacts to streams and their buffers. Currently, the project proposes to port all of the mitigation for the permanent and temporary stream and stream buffer impacts to Stream C28, a fish bearing stream in the Juanita Creek basin per WDFW. This approach will result in site specific and cumulative impacts to the remaining impacted streams without mitigation. It is insufficient to port all of the stream mitigation to the Juanita Creek tributary (C28) site. Also, WSDOT is proposing significant mitigation actions to Yarrow Creek via the SR 520 Eastside Transit and HOV project and it makes little biological sense to allow this I-405 project to impact this stream and negate some of the SR 520 mitigation results. Each of the impacted streams should have mitigation for stream and buffer impacts associated with this I-405 project. LC4-5

Another concern is the proposed two new stormwater outfalls discharging to the Sammamish River. Elevated water temperatures are a threat to salmon in the Sammamish River, with daily maximum temperatures that frequently exceed 20 °C near the Lake Sammamish outlet and have exceeded 26.6 °C. Adult Chinook and sockeye salmon enter the Sammamish River beginning in mid to late August, when elevated temperatures are within the range of those causing adverse physiological and behavioral effects. Pre-spawn mortality of Chinook salmon was documented in 1998 and 1999 and is presumed to be the result of high temperatures (Fresh et al. 2000). In most years, water temperatures in the Sammamish River are warm enough to create severe thermal stress on migrating adult chinook and sockeye (U.S. Army Corps of Engineers et al. 2002). The Sammamish River is listed as water quality impaired for temperature and dissolved oxygen on Washington's 303(d) list. Thermal refuge for adult salmon is already limited; therefore, we are concerned that new stormwater discharges from the project may make the existing condition worse. The new stormwater ponds and outfalls should be set back from the Sammamish River, the new pond fully shaded and the conveyance trenches from the setback outfalls should also be shaded to further cool any stormwater discharges to the Sammamish River. This approach would also reduce in-water impacts to the Sammamish River. LC4-6

The EA also lacks discussion regarding the potential impacts to the Muckleshoot Indian Tribe's treaty-protected fisheries resources. We raised this concern in our October 24, 2001 comment letter to the corridor-wide DEIS for I-405. WSDOT concurred with the Tribe's comments and re-drafted the Environmental Justice section in the FEIS as a result. If treaty-resources are impacted by this project, then there is a potential for the Muckleshoot Indian Tribe to be disproportionately impacted by a loss of fishing LC4-7

Karen Walter, Watershed and Land Use Team Leader, Muckleshoot Indian Tribe, June 10, 2011 (LC4)

opportunities. Please update the EA accordingly to be consistent with the corridor-wide FEIS. LC4-7

Enclosed are additional specific comments to the EA and relevant discipline reports of concern for your review and consideration. If you have any questions or would like to set up a meeting to discuss these comments, please call me at (253) 876-3116.

Sincerely,

Karen Walter
Watershed and Land Use Team Leader

Cc: Rebecca McAndrew, U.S. Army Corps, Regulatory Branch
Mike Grady, NOAA Fisheries
Linda Cooley, WSDOT, I-405 Project
Jason Kuntz, WDFW MAP Team
Penny Kelley, WDOE, MAP Team

Karen Walter, Watershed and Land Use Team Leader, Muckleshoot Indian Tribe, June 10, 2011 (LC4)

Page Specific comments to the EA

Page 5.6-6, The EA should show that the Sammamish River is listed for temperature on 2008 303(d) list where stormwater will be discharged. See http://apps.ecy.wa.gov/wqawa2008/viewer.htm?lstid=7028&category=5 for more information. **LC4-8**

Page 5.6-7, The EA and Water Resources Discipline Reports should provide the data and analysis to demonstrate that the 18.2 additional acres of impervious surfaces and 6 acres of cleared forested vegetation as a result of the project will cause a very small impact to stream baseflows compared to the size of the basins for **each** impacted basin. Part of this analysis should discuss how much existing impervious surface exists in each basin and how much will be added as a result of the project and if the existing watershed already experiences a reduction in baseflows without the project. Potential project mitigation measures including infiltration should also be part of this discussion. From all of this information, a detailed and informed environmental assessment for each impacted basin can be determined. **LC4-9**

Page 5.6-8, The EA and Water Resources Discipline report should provide the data and analysis to support the following statement: *"The Build Alternatives will include adequate detention (flow control) facilities to prevent increases in peak flows and velocities or downstream flooding as a result of the greater impervious areas."* **LC4-10**

Page 5.6-10, While it may be correct that routing stormwater away from the unnamed tributary (KL14) to the Sammamish River could reduce erosion and landslide hazards in this stream, the additional stormwater discharged directly to the Sammamish River may cause an adverse impact by releasing warm water during the summer and early fall into the already temperature impaired portion of Sammamish River. As noted previously, the affected portion of the Sammamish River is listed as water quality impaired for temperature on Washington's 2008 303(d) list and should be evaluated for this potential impact. Please see the previous comments regarding recommendations to address this concern. **LC4-11**

Page 5.7-2, We request a copy of all of the stream and riparian habitat data collected for this project described on this page. Appendix D only has summary data for some of the project area streams. **LC4-12**

Page 5.7-8, Chinook salmon are found in other project area streams, North and Swamp Creek in addition to the Sammamish River, Yarrow Creek and Forbes Creek. The information in the WRIA 8 Fish distribution maps should be used as one source for Chinook salmon distribution. See http://www.govlink.org/watersheds/8/reports/fish-maps/chinook/default.aspx
Steelhead have been also observed in project area streams. See http://www.govlink.org/watersheds/8/reports/fish-maps/steelhead/default.aspx **LC4-13**

Page 5.8-3, The list of foreseeable projects considered in the cumulative impact assessment is small compared to the projects currently under construction (i.e. SR 522 improvements and I-5 construction at I-405), as well as, other projects approved by local governments such as Bellevue's stream project to the **LC4-14**

Karen Walter, Watershed and Land Use Team Leader, Muckleshoot Indian Tribe, June 10, 2011 (LC4)

West Tributary to Yarrow Creek within 1 mile of the I-405 project. A complete cumulative impact assessment should be completed that includes projects approved by local governments within the cumulative impact assessment area, as well as, other WSDOT projects under construction. LC4-14

Appendix I: Ecosystem Discipline Report comments

The Ecosystem Discipline Report (Appendix I) identified Wetland 22.8L with surface connections to Stream KL14. The report also fails to fully consider potential impacts to Stream KL14 from filling a portion of this wetland and removal of existing vegetation in the buffer such as changes in hydrology, loss of shade and future wood recruitment, etc. This stream has the potential to be fish-bearing if downstream barriers are repaired and project impacts should be mitigated in the stream for any unavoidable impacts. LC4-15

The project proposes to manage stormwater using detention only for peak flow impacts for drainage areas outside of the Sammamish River drainage area. This approach may result in significant adverse impacts to salmonids in and downstream of the project without mitigation. (see www.nwr.noaa.gov/1habcon/habweb/habguide/stormwater_032003.pdf for a summary of these impacts; also Moscrip and Montgomery (1997)). Furthermore, the WDOE Stormwater Management Manual acknowledges that the engineered stormwater conveyance, treatment, and detention systems can reduce the impacts of development to water quality and hydrology, but they cannot replicate the natural hydrologic functions of the natural watershed that existed before development, nor can they remove sufficient pollutants to replicate the water quality of pre-development conditions. The project's stormwater should be managed to avoid increases in flow frequencies and durations to receiving waters that contain salmon to avoid these potential impacts. The amount of infiltrated stormwater that could be infiltrated is unknown; therefore, the potential impact to salmon from discharged stormwater that increase instream water velocities is unknown. Additional information is needed. In areas where stormwater cannot be infiltrated and must be discharged to streams, then additional mitigation may be necessary to avoid adversely affecting salmon in the receiving waters. LC4-16

There is no data or basis for the assertion on this page that stormwater controls will not adversely affect baseflows in the affected streams. The available scientific literature suggests that the construction of impervious surfaces even with proposed stormwater facilities (Booth and Jackson, 1994 Booth 1991; and Moscrip and Montgomery 1997). LC4-17

The Ecosystem Discipline Report includes a large woody debris recruitment study but fails to use this information to discuss project impacts by each impacted stream and the proposed mitigation measure to address these impacts. We recommend that all trees that are 4 inches in diameter and greater and within 200 feet of any fish bearing or potential fish bearing that will be removed should be added back to the affected stream as partial mitigation for removing these trees. LC4-18

Appendix G should be modified to include information on all of the culverts within the project area. From the figures, we determined that there are at least 30 culverts in the project area, whereas, the culvert report in Appendix G only identifies 7 culverts. LC4-19

Karen Walter, Watershed and Land Use Team Leader, Muckleshoot Indian Tribe, June 10, 2011 (LC4)

References

Booth, D.B. 1991. Urbanization and the Natural Drainage System- Impacts, Solutions, and Prognoses. The Northwest Environmental Journal 7:93-118, University of Washington, Seattle.

Booth, D.B. and C.R. Jackson. 1993. Urbanization of Aquatic Systems- Degradation Thresholds and the Limits of Mitigation, *in* Effects of Human-Induced Changes on Hydrologic Systems. American Water Resources Association. 1994 Annual Summer Symposium June 26-29, 1994. pp. 425-434.

Fresh, K.L., E. Warner, R. Tabor, and D. Houck. 2000. Migratory behavior of adult Chinook salmon spawning in the Lake Washington watershed in 1998 and 1999 as determined with ultrasonic telemetry. Extended abstract and presentation for the Lake Washington Chinook Salmon Workshop, November.

King County 1998. Known Freshwater Distribution of Salmon and Trout Water Resource Inventory Area (WRIA) 8 Lake Washington/Cedar/Sammamish Watershed. http://dnr.metrokc.gov/Wrias/8/fish-maps/distmap.htm.

Moscrip, A.L. and D.R. Montgomery 1997. Urbanization, Flood Frequency, and Salmon Abundance in Puget Lowland Streams. Journal of the American Water Resources Association. 33(6): 1289-1297.

U.S. Army Corps of Engineers, King County and Tetra Tech 2002. Sammamish River Corridor Action Plan

Comment LC4-1
WSDOT has coordinated closely with Federal, State and local jurisdictions regarding appropriate mitigation for impacts to streams, wetlands, and their associated buffers. All permits have been reviewed, commented upon, and have been or will be issued based on consistent guidance and policies of the regulatory agencies. It is WSDOT's understanding that these agencies have also coordinated with the Muckleshoot Indian Tribe when appropriate.

Comment LC4-2
The project has sufficiently mitigated for all project impacts including wetlands, streams, and their buffers. The regulatory agencies which define mitigation, mitigation ratios, and mitigation sufficiency issue their permits with sufficient mitigation. Regarding fish barriers, the Washington Department of Fish and Wildlife (WDFW) has made a determination that no culverts proposed for work are required to be modified to accommodate fish movements. These determinations are based on WDFW's analysis regarding lack of upstream habitat on culverts where work is proposed.

Comment LC4-3
Comment noted. Making C28 or C29 fish passable would not improve fish inventories. There is no habitat above (east of) I-405 and fish would be dead-ended into a neighborhood stormwater system with no habitat and possibly causing more loss of fish.

Comment LC4-4
Per agreements with WDFW and WSDOT's MOA with that agency, and based on the work proposed, no culvert modifications to facilitate fish passage are proposed for this project. The project will be making stream and steam buffer improvements consistent with regulatory guidance that will enhance the streams within the project area. Making Culvert 42 passable would not allow access to any additional habitat, as the habitat above I-405 is inaccessible to fish, according to WDFW and based on numerous site visits by both WSDOT and WDFW staff over the past 10 years of the I-405 Corridor Program.

Comment LC4-5
WSDOT has worked very hard to avoid and minimize impacts to the maximum extent possible. The impacts that could not be avoided will be mitigated per the requirements of the regulatory agencies. WSDOT does recognize other projects are near the I-405 project area. Mitigation, including mitigation for cumulative effects, has been found adequate by the regulatory agencies for impacts to all resources including Yarrow Creek.

The SR 520, Medina to SR 202: Eastside Transit and HOV Project will provide a substantial net increase to lower Yarrow Creek in-stream habitat quality and quantity. The lower reaches of Yarrow Creek are where significant salmonid use is confirmed and where stream reaches have been identified as lacking in riparian vegetation, stream shading, large woody debris (LWD), or bank stability. Revegetation could cover sufficient area to improve important stream processes and functions (such as stream temperature, LWD recruitment levels, nutrient cycling, bank stabilization, and floodplain functions) in a meaningful and measurable way.

Comment LC4-6
WSDOT disagrees that the Sammamish River is a 303(d) listed water body for temperature at the location of the proposed outfalls. The Department of Ecology, the entity responsible for 303(d) recommendations for the state, agrees that this section of the Sammamish River is not a 303(d) waterbody listed for temperature. In addition, the volume of the proposed stormwater at these outfalls is very small compared to the volume of the Sammamish River and could also just as likely be lower in temperature than the river itself. WSDOT has proposed denser tree plantings near the ponds in this discharge area to encourage faster growth to support shading. Lastly, the Department of Ecology bases their temperature impact standards on a seven-day average of maximum temperatures. Therefore, the threat from summer thunderstorms is more of an acute one-hour duration impact. It is not likely that WSDOT runoff would cause an exceedance of standards according to the Department of Ecology.

Comment LC4-7
Our analysis found no disproportionate impacts identified that rise to the level of significance with this project. The project proposes minor widening, with all effects fully mitigated per standard mitigation ratios that are consistent with all other I-405 mitigation projects along the corridor.

The I-405 Corridor Program Final EIS provided additional discussion of Indian Tribe recognized treaty fishing rights and measures to reduce potential conflicts that would impact access to treaty fishing areas. These measures included coordination with the Muckleshoot Indian Tribe to document important access points in areas where construction would occur and adhering to designated fish windows to eliminate in-water interference.

The I-405, Bellevue to Lynnwood Improvement Project EA Appendix I, Ecosystems Discipline Report describes coordination with Tribes, project effects on listed species, and adherence to designated fish windows for in-water work. No fishing areas, potential fishing areas, or impacts to resources that would cause loss to fish or fishing areas are proposed.

Comment LC4-8
The section of the Sammamish River proposed for stormwater discharge is not 303(d) listed for temperature according to the Department of Ecology. The listing for temperature on the Ecology web page you have referenced has the identification number of 7028. This is in the City of Kenmore around the confluence with Swamp Creek.

Comment LC4-9
The WSDOT team has studied the corridor for more than 10 years and has been constructing successful mitigation sites for about five years. In addition, the combined efforts of WSDOT, King County, the City of Kirkland and the Department of Ecology have studied extensively the Juanita watershed system. This system is similar to most of the heavily urbanized systems within the I-405 project area in that it has been over-developed and now consists of mostly impervious cover. The imperviousness of the area has led the Juanita system to be highly impacted by flashy high flows which contribute to sedimentation, erosion, loss of spawning gravel, and lack of significant benthic organisms utilized by juvenile fish for prey. Therefore, additional flow control and stormwater treatment, as proposed by the I-405 corridor

additional flow control and stormwater treatment, as proposed by the I-405 corridor improvements, represent an environmental improvement to this and other urban systems where benefits are gained by detaining stormwater and metering it out in an attempt to mimic the forested condition that existed prior to development.

Comment LC4-10
WSDOT's design is consistent with the Highway Runoff Manual, which has been deemed equivalent to the Department of Ecology policies and regulations on detention. The intent of the statement was to recognize that WSDOT has followed the regulatory guidance of the agency responsible for providing projects with direction on how to prevent increases to peak flows and velocities. The data this was based on include the engineering calculations needed to support the design sizes of detention ponds and their corresponding outlet sizes. No additional data or analysis is available beyond that completed by Ecology to create the design parameters followed by WSDOT.

Comment LC4-11
See responses to comments LC4-6 and LC4-8. Correcting the current erosion and landslide hazards in this stream will improve a currently detrimental impact that is occurring to the Sammamish River due to sedimentation. We have evaluated the impacts and believe addressing the sedimentation issue associated with this system will lead to a better overall environmental condition.

Comment LC4-12
A copy of all the available data was included in the JARPA package that was mailed to the Muckleshoot Indian Tribe offices in May 2011. The JARPA package and the Water Resources Discipline Report (EA Appendix S) included all proposed impacts to streams, wetlands, and their buffers and fully describes all impacts below OHWM's of these resources.

Comment LC4-13
Thank you for the information. The biological opinions prepared by the NMFS and USFWS for this project recognized the presence of Chinook salmon and bull trout in North Creek and Swamp Creek. Swamp Creek is outside of the project action area.

Comment LC4-14
Major future projects were included in the Cumulative Effects Analysis (CEA) if they were planned, approved, and funded or likely to receive funding in five years or less, and all or a portion of the projects would be located within or close to the analysis geographic boundaries (one mile from I-405 for water resources). The CEA includes the SR 520 Bridge Replacement and HOV Program with the I-5 to Medina Bridge Replacement and HOV Project and the Medina to SR 202 Eastside Transit and HOV Project, and the I-405 NE 8th Street to SR 520 Braided Crossing Project.

The City of Bellevue completed an emergency culvert repair on a tributary to the West Tributary of Yarrow Creek after the culvert under 102nd Avenue NE failed in summer 2010. Bellevue has scheduled additional work in summer 2011 on this tributary with the "Stream Reconstruction Project, Tributary to West Tributary of Yarrow Creek" project. Bellevue's SEPA Checklist and supporting environmental studies describe improvements to water quality and

downstream fish habitat as a result of the project which will restore stream buffer with native plant species. This Bellevue project is within the study area of the WSDOT SR 520, Medina to SR 202: Eastside Transit and HOV Project which has culvert replacement and habitat improvement work downstream of Bellevue's project.

The determination that the I-405, Bellevue to Lynnwood Improvement Project will have a negligible contribution to cumulative effects on wetlands and streams is based on the successful implementation of stream and wetland mitigation plans. These efforts will be implemented according to permit conditions, monitored for five to 10 years, and adjusted as necessary through adaptive management to ensure their successful implementation.

Comment LC4-15
WSDOT did consider the potential impacts to stream KL14 from filling a portion of Wetland 22.8L, as did the regulatory agencies which have approved the mitigation for this project. The I-405 project has been making similar assessments of impacts for over 10 years and constructing successful mitigation sites for about five years. Based on these successful outcomes, it is WSDOT's opinion that the mitigation proposed for this project is also adequate. The data and assessments made over the past 10 years for the corridor have not yielded any data to indicate this stream has the potential to be fish-bearing above I-405.

Comment LC4-16
WSDOT has proposed to manage stormwater per the current approved regulations and policies that have been researched and are the current state of the art in stormwater management. WSDOT agrees that other management regimes are possible. However, without knowing the other possible side effects of managing water differently, and without a regulation and policy change from the resource agencies, WSDOT is unable to make changes that fit within the timeline for this project.

Comment LC4-17
WSDOT relies upon design criteria that has been approved by the Department of Ecology and other agencies and must design systems to comply with these regulations. It is WSDOT's understanding that the design criteria were established to protect stream flows including baseflows of streams.

Comment LC4-18
WSDOT has worked closely with the regulatory agencies to develop a mitigation strategy that can work in these heavily urbanized stream systems. Where possible, WSDOT will encourage the design-builder to leave large woody debris (LWD) in place if the engineer can ensure it will not become a downstream hazard.

Comment LC4-19
All work below the OHWM of all streams and their buffers has been fully described in both the Water Resources Discipline Report (EA Appendix SS) and JARPA package. If there is no proposed work in a stream or its buffer, it was not included in these reports as the documentation for the EA and permitting is intended to document where the project has potential effects. The I-405 team met with the Muckleshoot Indian Tribe on September 19, 2007

and provided an extensive culvert inventory for this section of I-405. No substantial additional information has been gathered on non-stream systems since that time.

Sue Keller, May 24, 2011 (TC1)

S U E K E L L E R

My name is Sue Keller. I am on the Park Board for the City of Kirkland but I'm coming as a private resident. I live in the Highlands neighborhood at 11337 NE 104th St.

I was previously on the 405 expansion committee as just a community member. And it was an important point of discussion at those expansion meetings, on the Nickel project, was regarding making sure we had reforestation along the expanded corridor, having to do with noise, having to do with quality of life, having to do with sort of a visual protection.

And I'm just here today to just clarify that if there's going to be additional expansion, will there be reforestation; TC1-1 and also, secondarily, had they gone back and made sure that the forestation that occurred during the nickel project is doing okay. Are the trees stable? Have we replanted trees that perhaps have died in the interim? What was the percent loss? Did the contractor honor that reforestation or TC1-2 replanting of trees that were lost?

And my understanding is that they had a three-year contract to replant trees that had not made it in that adjustment period.

So I'm grateful to know that theres only restriping in the corridor that occurs from 85th to 132nd because that area was

Sue Keller, May 24, 2011 (TC1)

already affected by extensive expansion and reforestation. The trees are adjusting.

I do hope that 405, the WSDOT had come back and did any replanting because we want to make sure the neighborhood is -- the mitigation of noise and that the roadway is robust. TC1-3

I want to make sure the planting in Kirkland is no less quality than any other community. I know Mercer Island had extensive replanting. I don't expect that that standard will be met, but I wholeheartedly want Kirkland to have the best planting and nothing less. TC1-4

Comment TC1-1
There will be roadside restoration. With every construction project the goal is to protect and preserve existing trees and shrubs to every extent possible by clearing the minimum amount of vegetation necessary to build the project. For unavoidable disturbances, WSDOT has adopted and implemented the Roadside Classification Plan. This plan requires post-construction restoration of the operational, visual and environmental functions of the roadside. The use of native, drought-tolerant plants, to blend with the surrounding landscape is encouraged.

Comment TC1-2
WSDOT required the Kirkland Nickel Project contractor to care for the plants for three years after the planting in 2007. At the end of the first year the contractor was required to replace all dead or stressed plants. At the end of the second year of plant establishment, WSDOT required the contractor to replace at least 90 percent of the plants that were dead or dying. For the third and final year of plant establishment the contractor was required to maintain or replace a minimum of 80 per cent of the dead or dying plants. In addition, WSDOT required the contractor to maintain the planting areas in a weed-free condition. WSDOT monitored the project to ensure the requirements were met.

Comment TC1-3
The Kirkland Nickel Project contract required the contractor to maintain, and replace as necessary, landscaping for a three-year period after initial planting in 2007.

Comment TC1-4
Under WSDOT's Roadside Classification Plan, the type of planting that occurred in Kirkland is the standard level of treatment for the I-405 Corridor. The I-90 landscaping on Mercer Island occurred under different funding sources and pre-dates the current roadside restoration policies.