

Snohomish County

I-405 Corridor Program EIS Concurrence Form

Date sent:: July 20, 2000

Concurrence Point: 1. *Draft EIS Alternatives* -

- Attached as Exhibit A, dated July 20, 2000 is a general description of the action alternatives that are proposed to be considered in the Draft Environmental Impact Statement for the I-405 Corridor Program. These four alternatives and a "No-Action" alternative will be the focus of the environmental investigation and disclosure in this document.

Agency: Snohomish County (Public Works Dept.)

Signature: 
Johannes W. Kurz

Title: Transportation Specialist

Date: August 4, 2000

Concur

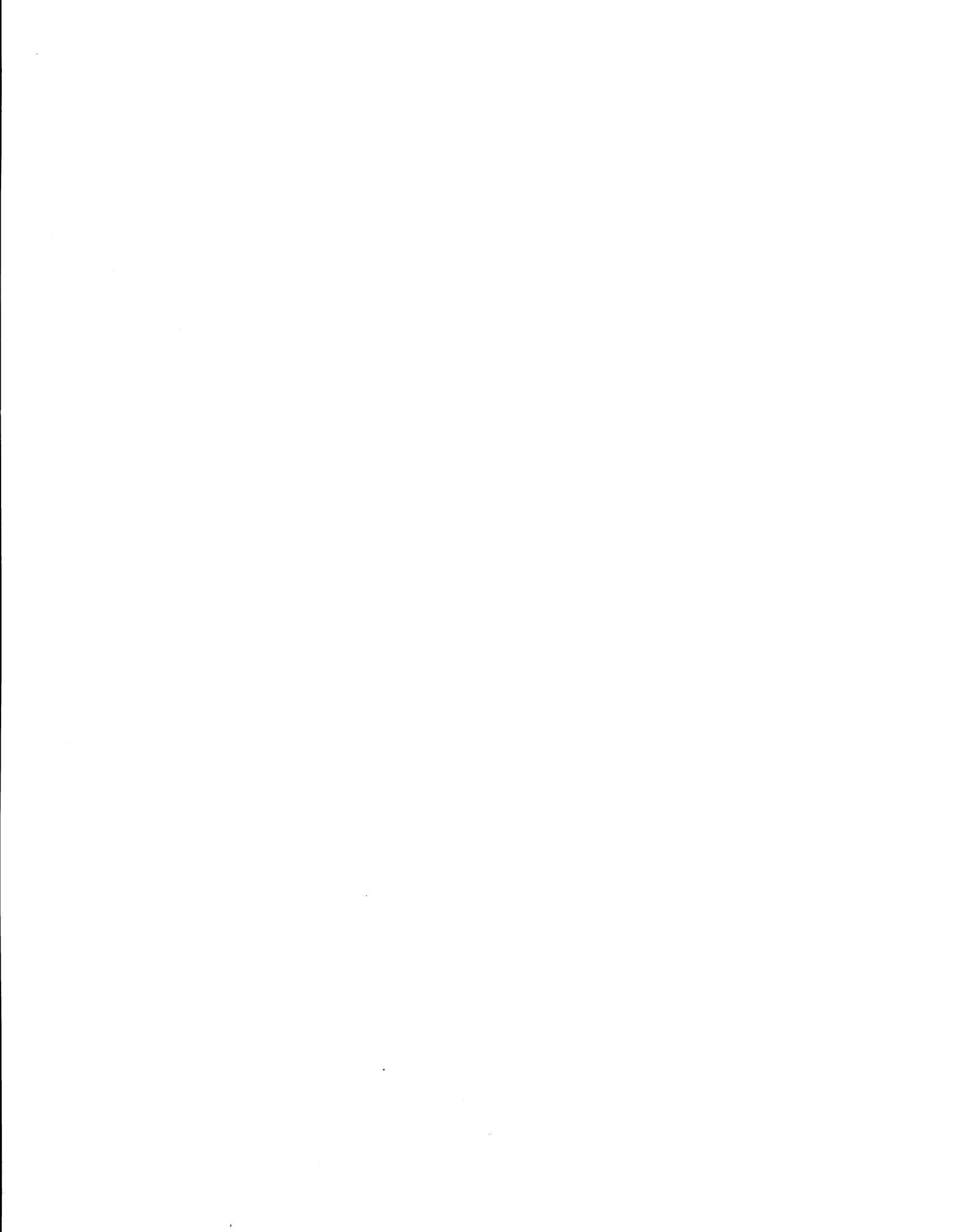
Non-concur
(Circle one)

If the agency has selected Non-concur, they must include an explanation of what must be changed so that the agency could Concur: (describe here or attach)

Return to:

Michael Cummings
WSDOT
Office of Urban Mobility
401 Second Avenue South, Suite 300
Seattle, WA 98104-2862
cumminm@wsdot.wa.gov

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Snohomish County

Public Works

Robert J. Drewel
County Executive

April 4, 2002

Mike Cummings, I-405 Corridor Program Manager
WSDOT Urban Corridors Office
401 Second Ave. S, Suite 300
Seattle, WA 98104-2887

2930 Wetmore Avenue
Everett, WA 98201
(425) 388-3488
FAX (425) 388-6494

RE: I-405 Corridor Program
Concurrence Point #3

Dear Mr. Cummings:

Enclosed is the Concurrence Point #3 Form that was signed "with comments" for Snohomish County by the County Executive. The county's comments are included in the attached Council Motion 02-143 by which the executive was authorized to sign the concurrence form. I would appreciate it if you could let me know what the project team is planning to do with these comments as well as with any of the comments that may be submitted by some of the cooperating agencies. A copy each of the signed concurrence form and the county's comments was faxed to you earlier this afternoon in order to meet the submittal deadline of April 5, 2002.

Let me at this point again express my sincere appreciation for the outstanding performance given by you as manager of this innovative approach to the planning of a very complex and challenging mega project. I am looking forward to participating in future phases of the I-405 Corridor Program.

Sincerely

Johannes W. Kurz
Transportation Specialist
Snohomish County Public Works Dept.

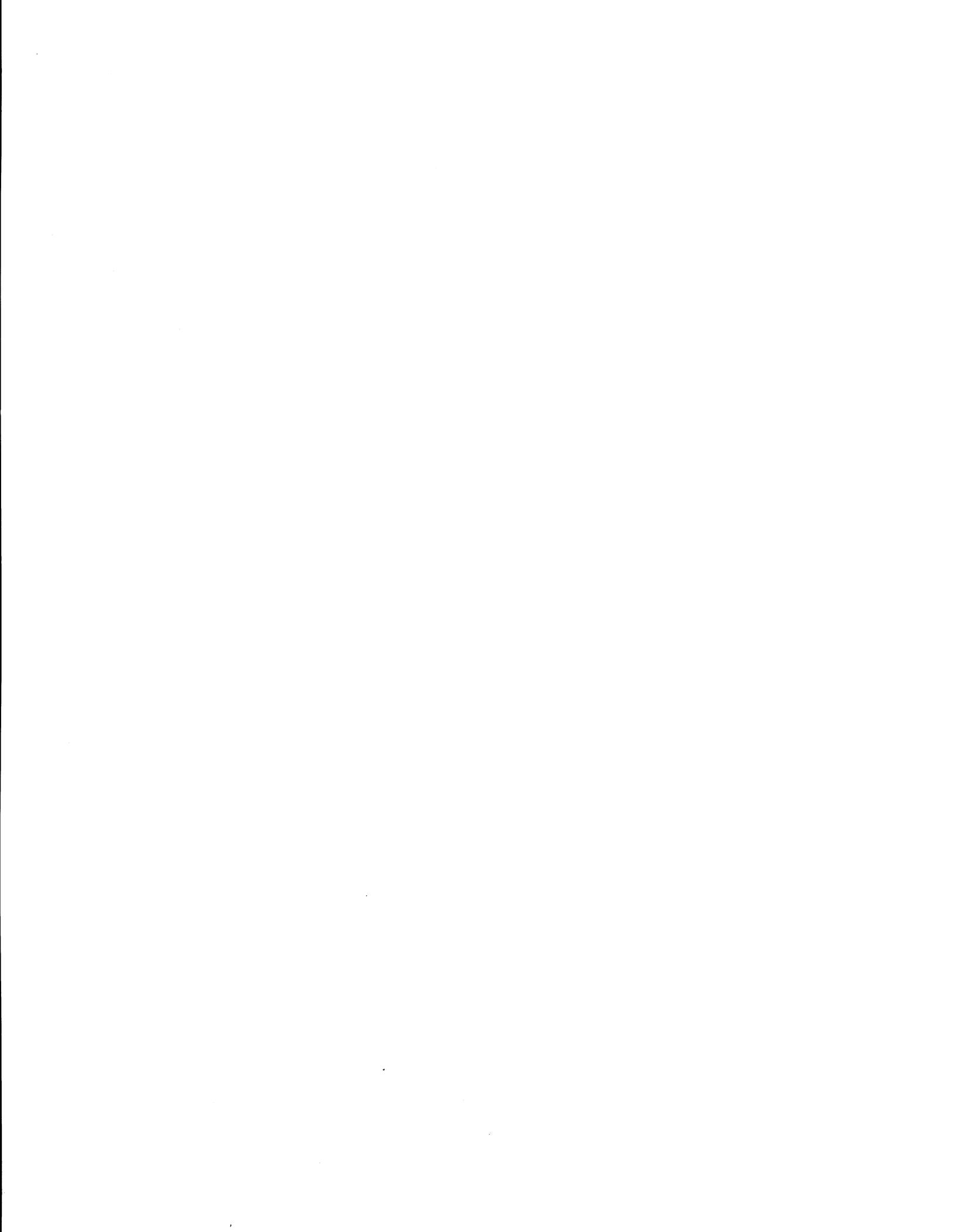
Enclosures

Cc: Steven Thomsen, P.E., County Engineer

I-405CorrPgrConc3

JWK/P: I-405/4/02





SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

MOTION NO. 02-143

AUTHORIZING THE COUNTY EXECUTIVE TO SIGN "CONCUR WITH COMMENTS"
ON BEHALF OF SNOHOMISH COUNTY THE CONCURRENCE POINT #3 FORM OF
THE I-405 CORRIDOR PROGRAM

WHEREAS, in 1999 The Washington State Department of Transportation (WSDOT) jointly with the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), Sound Transit (ST), and King County Metro (Metro) embarked on a program that is addressing multimodal transportation improvement needs in the I-405 Corridor; and

WHEREAS, as a demonstration program for streamlining the environmental review and permitting, and for the establishment of a comprehensive environmental impact mitigation effort under the "Reinventing NEPA Process," a number of local, state and federal agencies that have jurisdiction and or permitting authority, have been invited to participate in the I-405 Corridor Program; and

WHEREAS, Snohomish County, as one of the local agencies with jurisdiction, is participating in this through its membership in the program's Executive Committee, Steering Committee, and Citizen Committee; and

WHEREAS, through this collaborative effort, two previous concurrence points have been established on the purpose and needs statements (Point #1) and with respect to the alternatives that would be analyzed during the preparation of the Draft Environmental Impact Statement (Point #2); and

WHEREAS, following the environmental analysis a Preferred Alternative was selected and an Impact Mitigation Concept (Corridor Environmental Program) was developed, and it was concluded the future implementation of the many projects that make up the Preferred Alternative and the Corridor Environmental Program will only proceed successfully if the involved State and Local Governments and Agencies that provide transportation services agree, if and when this is needed, to pursue in good faith amendments to transportation plans and programs; and

WHEREAS, most, if not all, the improvements proposed in the Preferred Alternative that are located in Snohomish County are included in already adopted long-range programs of the County, the City of Bothell, Community Transit, sound transit or WSDOT;

NOW, THEREFORE ON MOTION, the Snohomish County Council authorizes the County Executive to sign "Concur with Comments" on behalf of Snohomish County the Concurrence Point #3 Form concerning the I-405 Corridor Program and requests that the following comments be attached:



**State of Washington
Department of Ecology**





STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

July 11, 2000

Mr. Mike Cummings
Washington State Department of Transportation
(WSDOT) Office of Urban Mobility
410 Second Ave. Suite 300
Seattle WA 98104-2887

RE: Comments on Revised Fourth Alternative

Dear Mr. Cummings:

Thank you for meeting with the resource agencies on Friday to outline a revised fourth alternative proposed by the consulting team for the SR 405 project. I will be unable to attend the joint Steering and Executive Committee meeting this Friday, so wanted to provide you with Ecology's comments to share with the group.

Ecology supports the consultant teams revisions to the Washington Department of Fish and Wildlife's (WDFWs) proposal as an appropriate fourth alternative to provide a complete range of alternatives for the EIS.

Although it has been argued the elements of this alternative are presented within the other alternatives, it is important that it is provided in a clear and concise manner that is easily understood by the public and agencies reviewing the document. Selecting specific pieces out of each of the original 3 plus no-action alternatives would make it very difficult to gain a detailed understanding of what the impacts are of a high capacity transit, with no new lanes alternative.

We feel the approach you have taken allows the public and agencies to get a full range of alternatives that appropriately meet the purpose and need, while still focusing on an approach that does not involve adding an additional lane throughout the corridor.

On the issue of lane switching, I support the NMFS position that they will need this fully analyzed and modeled to show it does not meet the purpose and need, and will not result in a reasonable project, in order to meet their ESA needs for future decisions on Take and Jeopardy. I do however have concerns about including a lane switching concept in combination with the revised new fourth alternative within the EIS because I think it



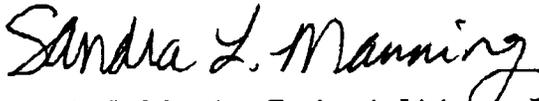
would bias this alternative from being reasonable or viable. Without the lane switching concept, the addition of an HCT focused alternative is very viable, and much less impacting than the lane addition alternatives. With lane switching, the concept would add to the congestion, therefore moving some of the traffic to the HCT, but also forcing development sprawl out of the I-405 corridor, which would further impact environmental resources outside of the existing study area. Instead, a summary of the lane switching concept should be included for information, but should not be analyzed within the revised fourth alternative.

Lastly, I am encouraged by this process of early involvement by all of the parties, and feel we have a balanced and fair committee that is looking at all of the issues, including environmental. I respect the issues of the executive committee members, and hope that early involvement and comments by the environmental resource, regulatory and permitting agencies will help to speed the process in the long run, and will result in a more thorough environmental document.

So, in summary Ecology supports the addition of this revised fourth alternative that allows for a detailed analysis in the EIS to be presented on an alternative focusing on High Capacity Transit options, but does not include a new lane or lane switching options. This will allow for complete public disclosure of this option, it is consistent with Ecology's push of focusing development to a central core, and it will not bias a viable alternative with unreasonable lane switching additions.

I apologize for not making the meeting, and I hope these comments help.

Sincerely,



Sandra L. Manning, Ecology's Liaison to DOT
Shorelands and Environmental Assistance

cc: Resource Agencies through e-mail

I-405 Corridor Program EIS Concurrence Form

Date sent: July 20, 2000

Concurrence Point: 1. Draft EIS Alternatives -

- Attached as Exhibit A, dated July 20, 2000 is a general description of the action alternatives that are proposed to be considered in the Draft Environmental Impact Statement for the I-405 Corridor Program. These four alternatives and a "No-Action" alternative will be the focus of the environmental investigation and disclosure in this document.

Agency: Washington State Department of Ecology

Signature: Sandra L. Manning —

Title: Environmental Liaison to DOT

Date: 8/4/00



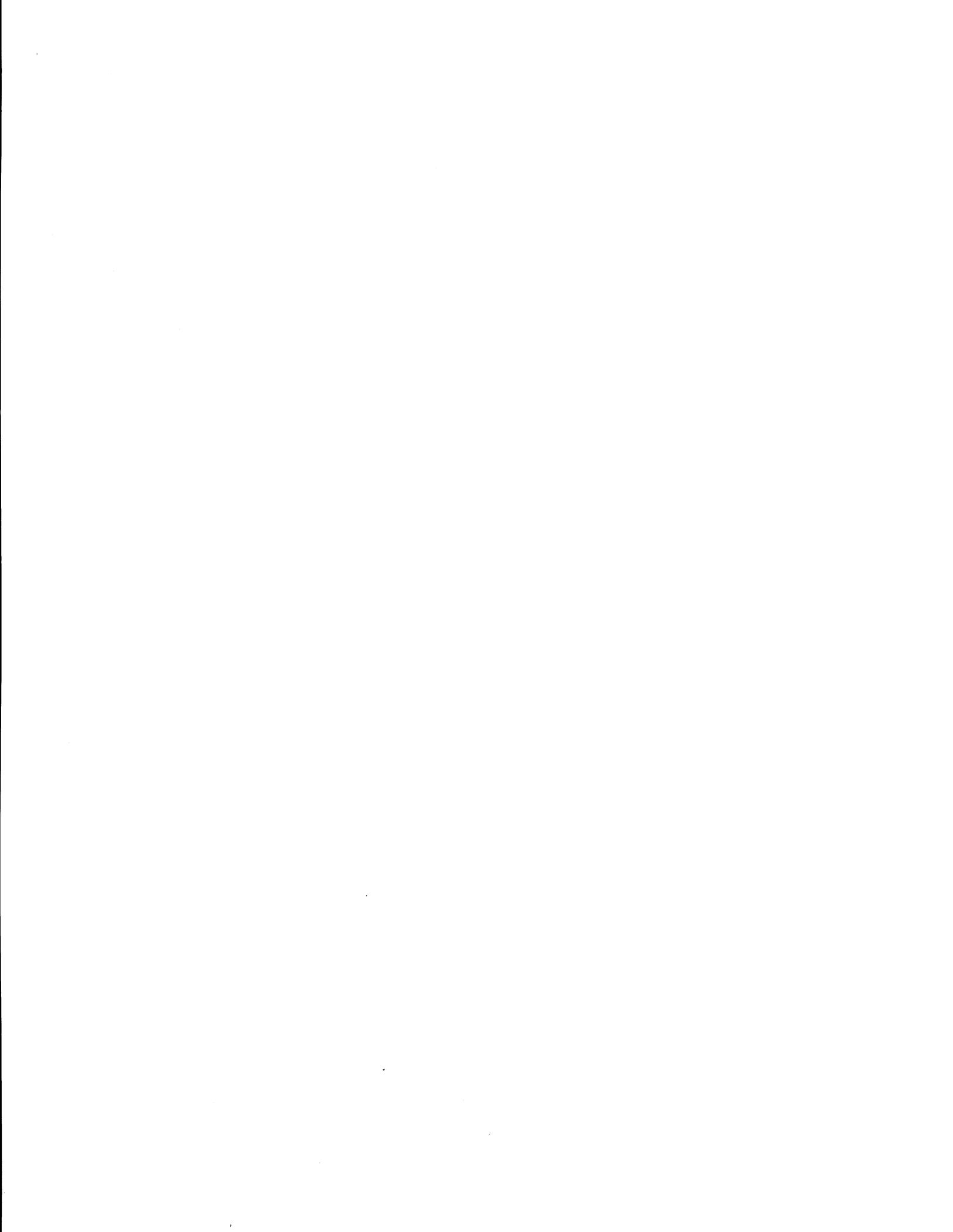
XX Concur (with comments) —see the attached letter

Non-concur
(Circle one)

If the agency has selected Non-concur, they must include an explanation of what must be changed so that the agency could Concur: (describe here or attach)

Return to:

Michael Cummings
WSDOT
Office of Urban Mobility
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cumminm@wsdot.wa.gov





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DEPARTMENT OF ECOLOGY

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May 15, 2001

Mr. Mike Cummings
Washington State Department of Transportation
(WSDOT) Office of Urban Mobility
410 Second Ave. Suite 300
Seattle WA 98104-2887

RE: Comments on Preliminary Draft Environmental Impact Statement

Dear Mr. Cummings:

Ecology has reviewed the Preliminary Draft Environmental Impact Statement, which includes the preliminary preferred alternative as presented by the WSDOT Management Team. We provided comments on the matrix form requested (attached), and attended the agency review meeting to discuss the comments and WSDOT responses to those comments. We are comfortable with the responses in most cases, but had a few major issues that will need to be addressed in the DEIS before Ecology will be able to use the DEIS as a decision making document for our permits.

As stated in Ecology's February 7, 2001 letter, our primary concern is still the continued focus on additional lanes as a means of solving transportation problems. It has been demonstrated in many cities, including Seattle, that new lanes are not a feasible solution to meeting traffic demands. The studies provided by the consulting team on this project show that with even 3 new lanes, the traffic congestion in 2020 will be similar to the gridlock we are experiencing now. An aggressive HCT solution should be included in any alternative that moves forward as a preferred alternative if we ever expect to shift ridership from a car and road dependent focus that is not working, to a reliable and efficient HCT system. If the issues below are addressed, we feel a decision on a preferred alternative will be able to surface that is based on least environmental damage, but will also serve the transportation needs through 2020 and beyond.

As discussed with your consulting team, prior to Wednesday's steering committee vote that will move the PDEIS document into a DEIS, the following remaining issues are critical to providing a useful EIS document for both the agency and public use:

- 1) The format of the information presented for each alternative makes it difficult to compare separate components that occur within each alternative. When



Ecology concurred with the range of alternatives presented, we did so with the understanding as presented by the Management Team that the differing components within each alternative would be easy to mix and match, in order for a preferred alternative to be defined. We are interested to see how much of a difference a single lane addition (per alternative #2) compares to a double lane addition (per alternative #3) for both impacts and success in meeting travel demands. As currently presented, alternative #2 has one new lane addition but is coupled with an expensive and high impacting HCT, which biases that alternative in both costs and total environmental impacts over the double new lane addition as presented in alternative #3 which has a lower impacting HCT option.

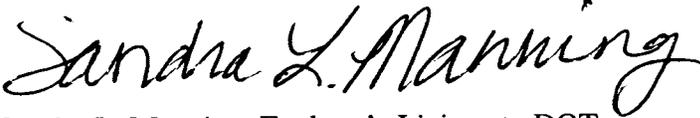
We recommend presenting the components of each alternative in a way that separates their impacts and transportation management successes clearly for each action to allow a mix and match comparison. If this can not be done, in order for the agencies to define the Least Environmentally Damage and Practicable Alternative, we feel it is necessary to add a new alternative that has a single lane addition (similar to alt. #2) and the same HCT as the preliminary preferred or alt. #3.

- 2) As presented in the document, the Preliminary Preferred Alternative is difficult to compare with the other alternatives. If the issue described above is addressed, it should also make it easier to compare the components and total package of the PPA with the other alternatives.
- 3) Please explain in more detail how a commute savings of 7-12 minutes in travel time can justify the environmental impacts and costs of these projects. This was discussed at the meeting on May 9th, and it was clear that the transportation experts in the room felt this savings was significant, while the resource agencies were not clear on how this slight improvement was justified. This section of the DEIS needs to be more detailed.
- 4) It is extremely difficult to follow the HCT discussions within the document. In some places it references BRT as a component of the HCT, and in other sections it discusses BRT as the only HCT option for an alternative. We understand from the meeting that this is an issue for many reviewers, and will be clarified prior to publishing the DEIS, but we wanted to stress its importance in this letter.
- 5) In an earlier letter from Ecology, we raised the issue that the land use studies provided by the consulting team stated "if a fixed and separated transit system was implemented, development would focus around transit stops, allowing a more controlled method of city planning in meeting the needs of future growth". If we only provide additional lanes that are to be used by buses or HOV's as our HCT option, this planning shift will not occur, and the emphasis will remain on car-dependency, removing flexibility in commuter

options. Please address this in the DEIS, or provide a response to Ecology on how this issue will be addressed through the implementation of the preliminary preferred alternative?

Thank you again for taking these issues into consideration in preparation of the DEIS.

Sincerely,

A handwritten signature in black ink that reads "Sandra L. Manning". The signature is written in a cursive style with a large, prominent "S" and "M".

Sandra L. Manning, Ecology's Liaison to DOT
Shorelands and Environmental Assistance Program

cc: Steering Committee through e-mail
Keith McGowan through e-mail
Christina Martinez and Kimberly Farley through e-mail
Ecology – Terry Swanson





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DEPARTMENT OF ECOLOGY

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June 12, 2001

Mr. Mike Cummings
Washington State Department of Transportation
(WSDOT) Office of Urban Mobility
410 Second Ave. Suite 300
Seattle, WA 98104-2887

RE: Follow-up Comments from June 4, 2001 Meeting regarding pDEIS for I-405 Project

Dear Mr. Cummings:

This letter provides a response to your request of June 4, 2001 that Ecology provide comments to the following two questions:

1. What information should be in the DEIS to meet Ecology's concerns?
2. What specific objectives need to be met by the preferred alternative (PA)

Should the following comments not meet your needs, please let us know as soon as possible as we recognize that we are operating under a tight deadline to produce the DEIS.

What Information should be in the DEIS to Meet Ecology's Concerns?

- As you know, our letter of May 15, 2001 described some of Ecology's key concerns with the pDEIS. Rather than repeat those items here, we have bulleted the main points:
- A High Capacity Transit (HCT) system that can meet traffic and mobility demands beyond 2001 should be fully analyzed and included in the PA. Such an alternative will meet the purpose and need of the proposed action by reducing congestion and limiting dependence on the Single-Occupancy Vehicle (SOV). Overall, this outcome will be the least environmentally-damaging alternative.
- Provide a separate analysis of the key components of the alternatives so comparisons can be made. Leaving the components packaged in separate alternatives makes it difficult to readily assess the impacts and benefits of each alternative.



- Present the PA in a manner that allows for easy comparison with the other alternatives.
- Provide an explanation of the projected benefit of a 7 – 12 minute reduction in individual commute time. Individual commute time saved multiplied by total cars on the road should not be used as an overall “savings” and thus viewed as a benefit and a reason to select the pPA. What factors were considered in the decision that the savings were so significant as to warrant selection as the pPA (e.g. total energy savings, reduced road rage, reduced air pollution, etc.).
- Provide a full description of the HCT options and how the Bus Rapid Transit (BRT) components fit.
- The pPA does not consider the land-use benefit described in the consultants’ studies that would enable local governments to better address future growth if a fixed and separated transit system was implemented. This should be addressed in the DEIS.

What Specific Objectives Need to be Met by the Preferred Alternative?

Ecology’s charge and goal is to reduce environmental impacts to those aspects of the environment that are under our regulatory authority. Therefore the PA should meet the following objectives by weighing various factors:

1. Wetlands – Avoid impacts, especially to Category 1
 - Acres filled; new impervious surfaces; new sources of pollution (e.g. from run-off); impacts to hi-quality buffers; hydrologic impacts
2. Shorelands - Avoid and/or minimize impact to shorelands
 - Alteration, hardening, erosion and landslides; disrupting public access
3. Air Quality – Conform to Air Quality Management Plans
 - Conform with National Ambient Air Quality Standards (NAAQS) carbon monoxide, particulates, ozone, sulfur dioxide, lead, nitrogen dioxide
4. Water Resources – Avoid and/or minimize degradation to surface and ground water
 - Consider stormwater runoff; other pollutants; new impervious surfaces; 303(d) listing issues; impacts to sole source aquifers
5. Floodplains – Avoid decreasing floodplain and floodway capacity

Mr. Mike Cummings

June 12, 2001

Page 3

- Road fill; additional pavement; loss of ecological functions (e.g. wetlands, wildlife, vegetation)

We recognize that these objectives and factors are discussed throughout the pDEIS. However, it is difficult to determine how the pPA "scored" when all the factors were weighed. The PA should include a full discussion and analysis of how it meets the objectives. Additionally, the DEIS should demonstrate how the PA "improves personal and freight mobility and reduces foreseeable traffic congestion in the corridor in a manner that is safe, reliable, and cost-effective." The PA must also establish "an efficient, integrated, and multi-modal system of transportation improvements to help meet future travel needs in the I-405 corridor over the next 20 to 30 years and to help achieve the regional transportation and land use future envisioned by the Growth Management Act and adopted land use and transportation plans of local jurisdictions." We need to know how the PA achieves those goals, and why the other alternatives do not.

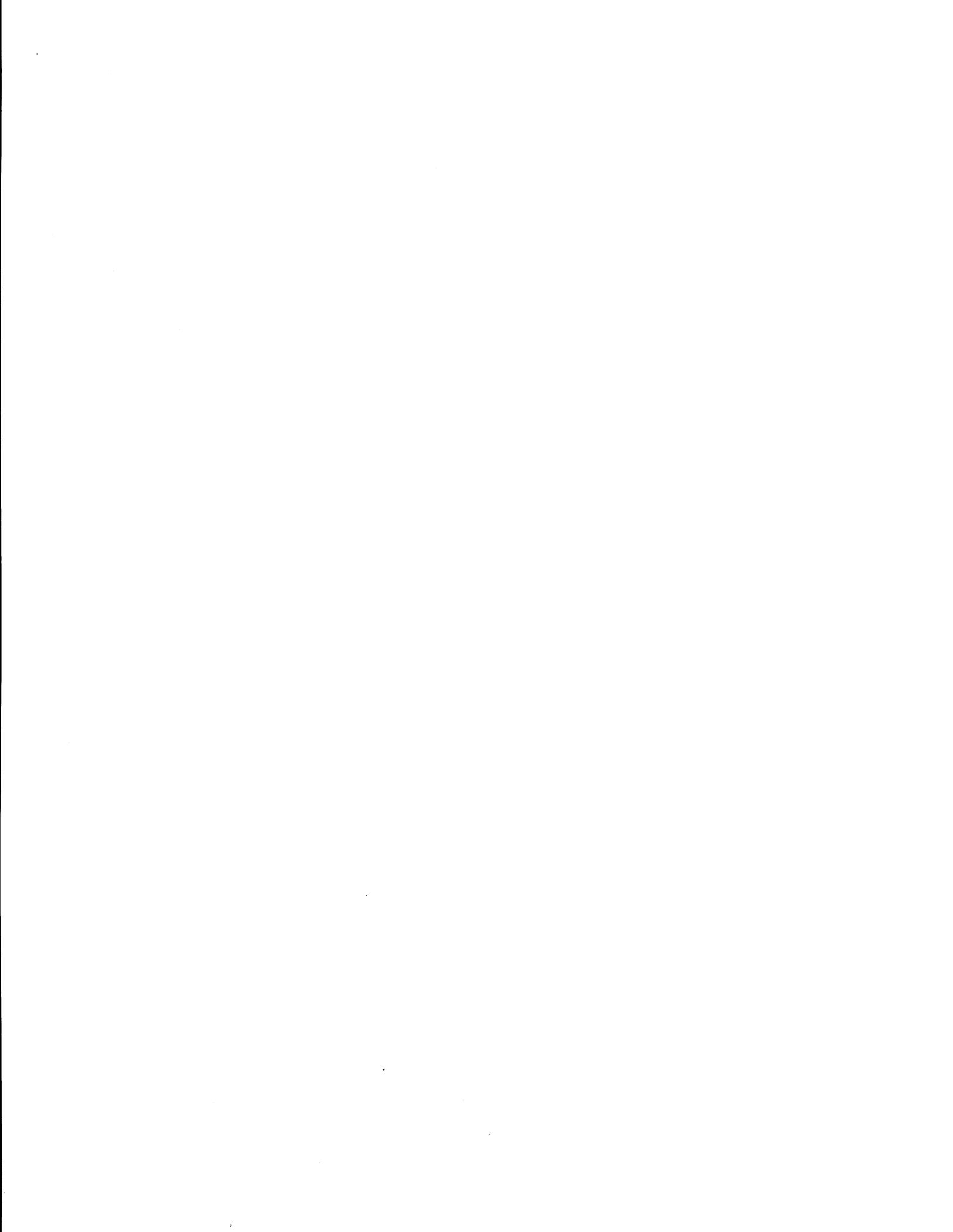
Again, we can provide additional details and information as we work through the process. The information included in this letter is intended to assist WSDOT in begin final preparation of the DEIS and should not be considered as the complete package of Ecology's concerns.

Thank you for providing us the opportunity to meet with you and Christina Martinez last week. We appreciate your efforts in making your team available to us as concerns arise.

Sincerely,



Therese Swanson, Ecology-DOT Liaison
Shorelands and Environmental Coordination Section





STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

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November 8, 2001

Mr. Michael Cummings, Project Manager
Washington State Department of Transportation
Urban Corridor Office
401 Second Avenue South, Suite 300
Seattle, WA 98104

Dear Mr. Cummings:

As the Department of Ecology's representative on the I-405 Corridor Program's Steering Committee, I have these comments to offer regarding Ecology's role in voting for a "Preferred Alternative" on November 8, 2001. Essentially, at this juncture in the process, Ecology is not in a position to vote on any of the preferred alternatives proposed in the Draft Environmental Impact Statement (DEIS) nor any combination thereof. That is, there is no environmental basis for Ecology to support or not support a preferred alternative.

Throughout this process, Ecology has participated on the Steering Committee by: attending meetings and representing Ecology's interests; supporting the Purpose and Need Statement in the DEIS; providing as timely a review of documents as possible and; finally, evaluating alternatives to be considered in the Final Environmental Impact Statement (FEIS).

As you know, Ecology is neither a "lead" agency, nor a "cooperating" agency in the I-405 Corridor Project. Rather, as a resource agency with specific permitting authorities, our appropriate role in this situation is to ensure that environmental impacts be avoided, minimized, and/or mitigated. We fulfilled that role, in part, by offering comments on the DEIS. We commented that we simply do not have enough information at this stage to choose one alternative over the other, leading us to the conclusion that there currently is no apparent environmental basis from which to select a preferred alternative. Moreover, in focussing on our role, we offered comments about environmental considerations, but find it beyond our agency's jurisdiction to offer opinions on transportation modes and issues within the purview of local governments and other state agencies.

We encourage you to carefully consider our comments on the DEIS, and we expect to see them addressed in the FEIS. As we have stated throughout the process, Alternatives 3 and 4 appear to have the most potential impacts to wetlands and other aquatic resources under Ecology's jurisdiction, primarily due to the projected amount of impervious surface. With that said, we intend to continue working with you in this process on whichever alternative is chosen to achieve

solutions that result in the fewest environmental impacts and that are consistent with the legal authorities that Ecology implements.

As a member of the Steering Committee, I appreciate the time and effort the Urban Corridor Team has devoted to the Corridor Project. Your staff has been most cooperative in providing information where possible. I look forward to our continued positive working relationship as we continue through the process. As always, do not hesitate to contact me at 360.407.6789 should you have questions, comments, or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Therese Swanson". The signature is written in black ink and is positioned above the typed name.

Therese Swanson
Ecology-WSDOT Liaison



MAR 18 2002

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

March 14, 2002

Mr. Bruce Smith
Washington Department of Transportation
Environmental Affairs Office
310 Maple Park Avenue SE
Olympia, WA 98504-7408

RE: Comments and Guidance on Early Action Mitigation Proposal for I-405

Dear Mr. Smith:

In preparing for the concurrence point review, Ecology has several comments on the draft mitigation agreement and response summary that has been prepared for the I-405 project. We are providing in this letter some clarifying points on water quality issues that have been discussed between our agencies, specifically for the I-405 project.

We understand that the Mitigation Process is designed to provide guidance on how we will come to agreement as agencies on a mitigation plan that is sufficient to address unavoidable impacts to functions during construction and as a result of the post construction operation of the I-405 project.

State and federal requirements to meet the water quality standards are a complicating factor for Early Action Mitigation. Compliance decisions regarding wetlands and habitat are based on function replacement, no net loss guidance, and protection of beneficial uses. Protection of water quality through compliance with the state water quality standards is added along with the above stated considerations to make a final compliance decision. For early action mitigation to work, the responsibility is on the applicant to provide the documentation and technical basis necessary to determine that the project will comply with state water quality standards. This may be easier to do for wetland and habitat impacts than for stormwater and water quality impacts.

Before Ecology can accept the Draft Mitigation Agreement as the framework upon which mitigation for the I-405 expansion will be based, the agreement will need to be strengthened and clarified. For watershed planning tools to be effective in this task, additional elements and more scientific rigor will need to be added, including:

1. The recognition where water quality standards are currently being met, the project cannot cause or contribute to a violation of standards. Where a receiving water body meets water quality standards and has available assimilative capacity, compliance with state water quality standards may be met one of two ways:
 - through the use of Ecology's stormwater manual or an approved equivalent, or
 - through a technical demonstration (see below) that water quality standards will be met.



Where a technical demonstration is used, compliance with numeric water quality criteria is not required at the point of discharge if the study indicates there is available assimilative capacity (dilution) within the water body at the point of discharge.

2. Where water quality standards are currently not being met, the project cannot result in additional degradation of water quality. Where a receiving water body that is on the 303(d) list, the presumptive approach to demonstrating compliance with standards may not be legally and technically defensible for a project of the magnitude of I-405. Water body segments that are listed on the 303(d) list for a pollutant of concern from highway runoff are assumed to have no assimilative capacity for dilution. In these cases the following is required:

- demonstrate assimilative capacity exists at the point and time of discharge, or
- numeric criteria must be met at the point of discharge, or
- additional assimilative capacity must be created in this water body segment. The demonstration approach will likely be necessary to meet this requirement.

3. Implementing the Demonstration Approach. The use of the demonstration approach for compliance with water quality standards must include a technical analysis and assessment of the pollutant loading from the proposed project on the receiving water quality. To do this will require an estimate of the water quality and quantity contribution from existing and new impervious surfaces within the project boundaries. This study should include information on receiving water body characteristics including flows and background concentrations for the common pollutants of concern in highway runoff.

4. Evaluating pollution sources in the watershed. If the technical analysis indicates that water quality standards will be exceeded in the receiving water, watershed based mitigation may be a viable method for reducing the pollutant background concentrations. This approach can be used to free up assimilative capacity at the point of discharge. A watershed assessment model should be used to identify potential sources of pollution and determine the degree to which the sources are contributing to the present day conditions at the project site. This is needed to show that reductions in pollutant load in one part of the watershed will have the desired affect at the project site. It is not permissible for a project to exceed water quality standards in one place in exchange for enhancing the water quality in another stream segment.

5. WSDOT obligations. Where water quality standards are currently not met in receiving waters impacted by a WSDOT project, WSDOT is not required to restore water quality throughout the watershed. WSDOT is only obligated to prevent further degradation of water quality at the project site. Once pollution sources in the watershed are described and their influence at the project site understood, this opens the door to mitigation and/or pollutant trading opportunities.

6. Mitigation/Pollution Trading. If modeling shows that pollutant reductions at an upstream site can be made that will allow for increased loading at the project site, a pollutant trading mechanism will need to be developed as part of the mitigation plan.

- If the reductions are planned to come from a third party this mechanism must be a legally enforceable to ensure future control of the source;
- If the reductions are being proposed from another WSDOT source, the trading mechanism need only document the size of the reduction and a commitment to maintain the conditions at the mitigation site.

If WSDOT chooses a pollution reduction trading alternative, work with a local watershed group may be needed in order to establish the trading rules (market value and currency of the pollutant reductions). This also gets potential partners to the table that would be willing to sell or trade pollution reduction credits.

The evaluation and mitigation process described above is very similar to a Total Maximum Daily Load – a process that defines the pollutants of concern, identifies the sources of these pollutants, describes the transport mechanisms in the watershed, and requires load reductions of various sources. The primary benefit of a TMDL is that the pollutant load reductions are identified and approved in a legally recognized document.

To clarify some confusion on past comments, we want to make it clear that Ecology will not require the development of a TMDL or water clean-up plan for any of the projects within the I-405 corridor prior to addressing permits or mitigation. But as stated earlier, we will need the technical and scientific studies to support the mitigation being proposed by WSDOT. Developing TMDLs or a similar analyses for waters within the I-405 corridor may make the permitting and mitigation decisions easier for WSDOT because the information developed as part of a TMDL is similar to information that will be needed to develop tradeoff scenarios per the alternative mitigation agreement.

Doing a TMDL prior to the project also assures WSDOT of their requirements and provides information needed to make choices when developing alternatives for a particular project rather than assuming a set of requirements for decision making that may change (either to be more or less stringent) once TMDLs are complete.

A TMDL substantially reduces the risk of a citizen suit under the provisions of the Clean Water Act. In addition, WSDOT should recognize that TMDLs completed after projects are built may require expensive retrofits to meet water quality standards.

Finally, the early Action mitigation proposal does not include timelines. Technically, this project cannot be considered “early action” since the time horizon for the project is rather short. We have provided some suggestions that should help keep this project on track, but a longer range planning approach is needed to address water quality in future large complex WSDOT projects. This same timeframe is also needed to consider options for wetlands and habitat.

Opportunities for improved coordination between Ecology and WSDOT:

The procedures and trading mechanisms for mitigation or pollution reduction trading for stormwater needs to be more fully defined. Here are some proposals to integrate WSDOT's need for the technical basis for watershed based trading with Ecology's TMDL program:

- 1) Each year WSDOT and Ecology should meet to discuss projects planned for the coming 5- to 10-year horizon. At this meeting the two agencies would determine:
 - a) if a discharge from a planned project would result in a violation of water quality standards;
 - b) if the project has the potential to impact a 303(d) listed waterbody; and
 - c) if the discharge will contain a pollutant on the 303(d) list for that water body.

- 2) If the proposed increase or new discharge is in an impaired (303(d) listed) stream segment, WSDOT and Ecology should determine the status of TMDL development in that drainage. WSDOT is strongly encouraged to participate in the development and implementation of the TMDL. Ecology will work with WSDOT and the surrounding communities to establish a TMDL development schedule that best meets everyone's needs.
- 3) WSDOT is also able to contribute resources to the development of TMDLs and other studies. Ecology is obligated to complete a large number of TMDLs before 2013. In-kind or financial contributions can help WSDOT stay on schedule.

In summary, the current draft early action mitigation approach does not specifically address water quality. Water quality needs to be dealt with in a different context than wetlands or habitat. We have provided some direction in this letter on how that may be approached. Where water quality standards are currently being met, a WSDOT project may not cause a violation of those standards. Where standards are currently not being met, there is a prohibition on new or increased pollutant loading to the waterbody for those pollutants. Lastly, a longer time frame for planning is needed to adequately address the water quality concerns prior to project design.

Thank you for giving us the opportunity to clarify our concerns regarding this approach. Again, if you have any questions, please contact Stephen at 407- 6459.

Sincerely,

Megan White, P.E., Manager
Water Quality Program

cc: Mike Cummings, DOT Urban Corridors Office



APR 08 2002

STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

April 5, 2002

Mr. Michael Cummings
Director of Environmental and Systems Integration
Washington State Department of Transportation
Urban Corridors Office
401 Second Avenue South Suite 300
Seattle, WA 98104-2862

Dear Mr. Cummings:

Enclosed you will find the I-405 Corridor Program's "Concurrence Point #3" form indicating the Department of Ecology's "concurrence" with the Major Elements of the Program's Preferred Alternative and Mitigation Concept. As you know, Ecology's concurrence is based on the following:

- The Washington State Department of Transportation's (WSDOT) commitment that the changes to the Early Action Mitigation Strategy as agreed to by Ecology and WSDOT will be reflected in the I-405 Corridor Program's Final Environmental Impact Statement (FEIS);
- WSDOT's commitment to the six points outlined in the April 5, 2002 letter from you and Jerry Alb to me. That letter forms the basis for our continued, collaborative work on the early-action mitigation process initiated by WSDOT;
- The definition of "Maximum Extent Practicable" (MEP). MEP is a "term of art", and is not defined in the Clean Water Act for water quality purposes. Ecology reiterates that the definition of "practicable" as defined in the Early Action Mitigation document (EAM) applies to wetlands and wetland fill decisions under section 404 of the CWA and is not intended to be a substitute for "practicable" within the term "maximum extent practicable" as used in stormwater permitting under the federal NPDES permitting program. While Ecology recognizes that the EAM definition of "practicable" may apply to the NPDES permitting program under the phase I and phase II municipal stormwater permitting program, it is the municipal stormwater permit itself that defines the term "maximum extent practicable."



Mr. Michael Cummings
April 5, 2002
Page 2

While we are concurring with the Major Elements of the Program's Preferred Alternative #3, we want to reiterate our ongoing concern that this alternative will have many impacts on the natural environment and that not all of those impacts can be avoided or minimized. Thus, we appreciate WSDOT's commitment to improve the Early Action Mitigation strategy in collaboration with Ecology, so as to ensure that impacts are appropriately mitigated for each project within the I-405 Corridor Program.

In closing, I would like to acknowledge the hard work of your staff throughout the Reinventing NEPA process. Ms. Christina Martinez has been instrumental in working with Ecology to resolve issues through clear and consistent communication. We look forward to working with her and other WSDOT staff as we move to the next steps in the Corridor Program.

Sincerely,



Ray Hellwig
Regional Director
Northwest Regional Office

Enclosure

cc: Doug MacDonald, Secretary, WSDOT
John Conrad, Assistant Secretary, Environmental & Engineering, WSDOT
Don Nelson, Director, Environmental & Engineering, WSDOT
Jerry Alb, Director of Environmental Services, WSDOT
Tom Fitzsimmons, Director, Department of Ecology
Megan White, Water Quality Program Manager, Department of Ecology

I-405 Corridor Program - Concurrence Point #3

Date sent: March 19, 2002

Concurrence Point:

Preferred Alternative and Mitigation Concept (CEP)

In signing this concurrence agreement, the Agencies with Jurisdiction agree to:

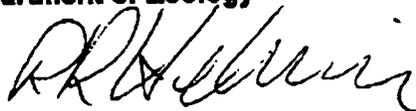
- 1.) Concur with the Major Elements of the I-405 Corridor Program Preferred Alternative (Attachment A), and
- 2.) Mitigation Concept (Corridor Environmental Program – CEP) (Attachment B)

In signing this concurrence agreement, the State and Local Governments and Agencies that provide transportation services agree to:

- 3.) Pursue in good faith amendments of transportation plans and programs in order to implement the I-405 Corridor Program's Preferred Alternative and Corridor Environmental Program.

Agency: Department of Ecology

Signature:



Title: Regional Director, Northwest Regional Office

Date: April 5, 2002

Circle one of the below:

Concur

Concur with Comment(s)

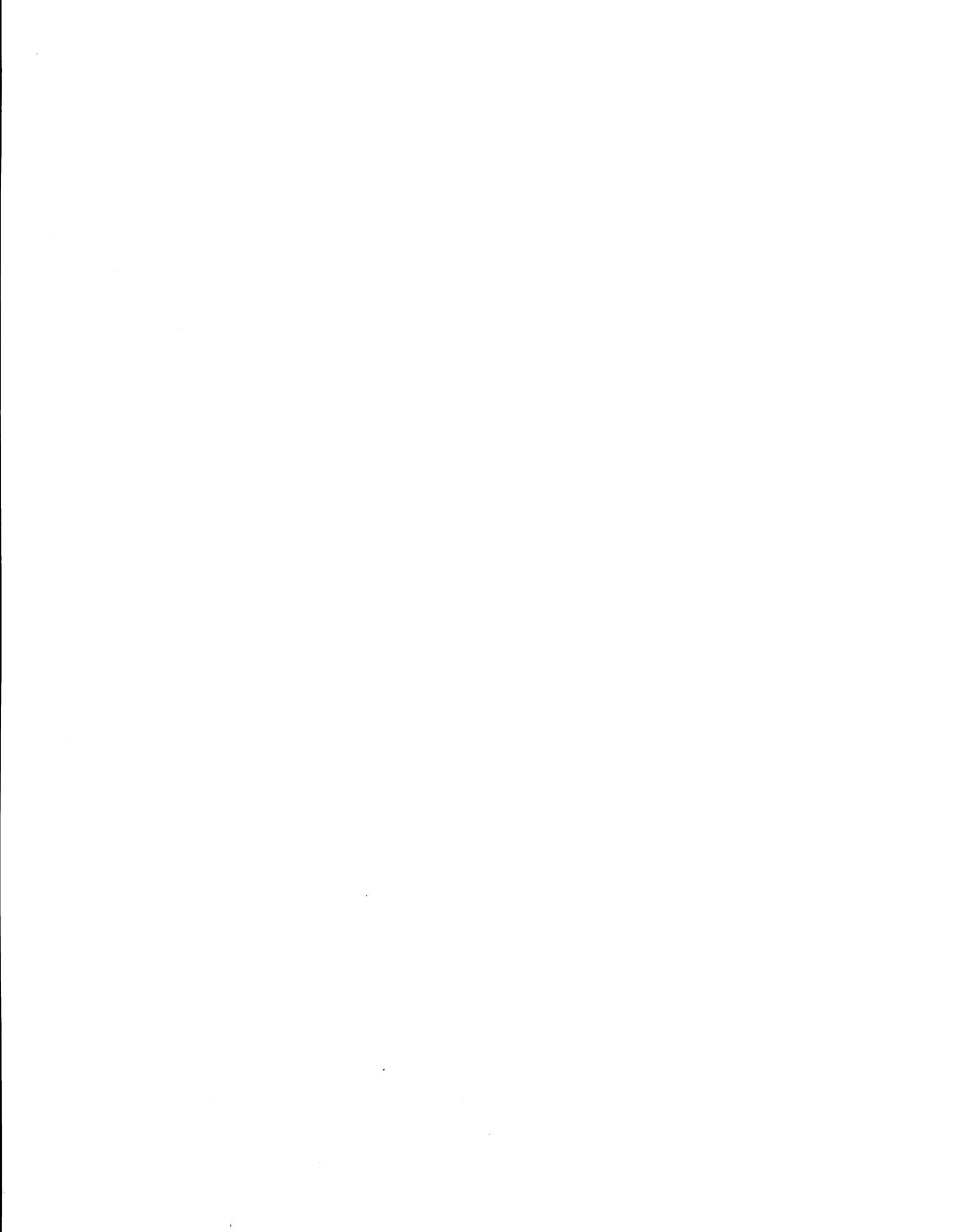
Non-concur

If the agency has selected Non-concur, they must include an explanation of what should be changed so that the agency could concur. (Describe here or attach.) Please return to: Michael Cummings, WSDOT, 401 Second Avenue South, Suite 300 Seattle, WA 98104-2882, cumminm@wsdot.wa.gov.

*Concurrence means:

- "Formal written determination by agencies with jurisdiction that the project information is adequate for the current phase of the process." At this phase, project information includes the Preferred Alternative Description, Corridor Environmental Program, PFEIS and Early Action Environmental Mitigation Decision Making Process.
- "Concurrence means that the project may proceed to the next phase without modification. Agencies agree not to revisit previous concurrence unless there is substantial new information, or substantial changes have been made to the project, the environment, laws and/or regulations."
- "Agencies will have the option to comment on elements of the project at the appropriate points in the process."
 - (a) Agencies with jurisdiction will participate in additional project level environmental review under NEPA and SEPA and all applicable laws and regulations at a greater level of detail. (b) WSDOT will continue to coordinate with agencies with jurisdiction and others implementing "Early Action" and other project level mitigation measures. (c) Concurrence on the Major Elements of the I-405 Corridor Program Preferred Alternative does not indicate individual project concurrence.
- "It is not intended that concurrence means that a permit will be issued-just that the project information for the current phase is adequate." Agencies with jurisdiction will retain full permitting authority and the ability to condition or deny future project permits and approve or disapprove associated mitigation measures.

(Language in quotations is directly from Re-Invent NEPA definition of "Concurrence.")



Michael Cummings

**I-405 Corridor Program
EIS Concurrence Form**

RECEIVED
OCT 12 1999

Date sent:: September 29, 1999

Concurrence Point: 1. Purpose and Need -

The *need* is to improve personal and freight mobility and reduce foreseeable traffic congestion in the corridor that encompasses the I-405 study area from Tukwila to Lynnwood in a manner that is safe, reliable, and cost-effective.

The *purpose* of the proposed action is to provide an efficient, integrated, and multi-modal system of transportation solutions within the corridor that meet the project need in a manner that:

- provides for maintenance or enhancement of livability for communities within the corridor;
- provides for maintenance or improvement of air quality, protection or enhancement of fish-bearing streams, and regional environmental values such as continued integrity of the natural environment;
- supports a vigorous state and regional economy by responding to existing and future travel needs; and
- accommodates planned regional growth.

Agency: Washington Department of Fish and Wildlife

Signature: Cynthia R. Pratt

Title: SEPA/NEPA Coordinator

Date: October 8, 1999

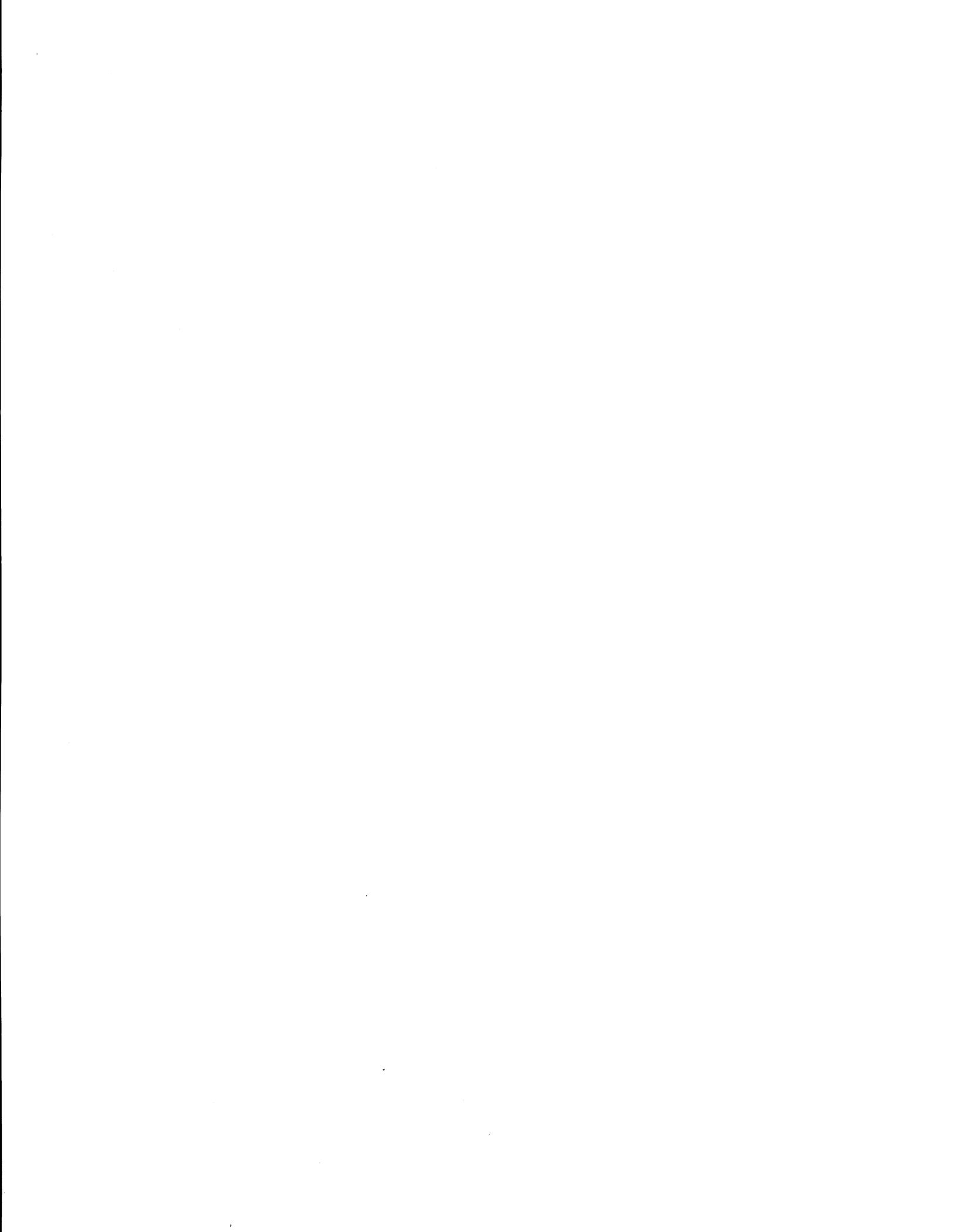
Concur with comments

Non-concur
(Circle one)

If the agency has selected Non-concur, they must include an explanation of what must be changed so that the agency could Concur: (describe here or attach)

Return to:

Michael Cummings
WSDOT
Office of Urban Mobility
401 Second Avenue
Seattle, WA 98104-2862
cumminm@wsdot.wa.gov



**State of Washington
Department of Fish and Wildlife**



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N - Olympia, Washington 98501-1091 - (360) 902-2200, TDD (360) 902-2207
Main Office location: Natural Resources Building - 1111 Washington Street SE - Olympia, WA

October 8, 1999

Michael Cummings
WADOT
Office of Urban Mobility
401 Second Avenue
Seattle, Washington 98104-2862

Dear Mr. Cummings:

RE: Concurrence with I-405 Corridor Program
Concurrence Point #1: Purpose and Need

Our agency endorses Washington Department of Transportation's (WADOT) pilot projects to better address environmental issues early in the planning stage. As a participant in the Steering Committee for the I-405 Corridor Program, the Department of Fish and Wildlife would like to add the following comments.

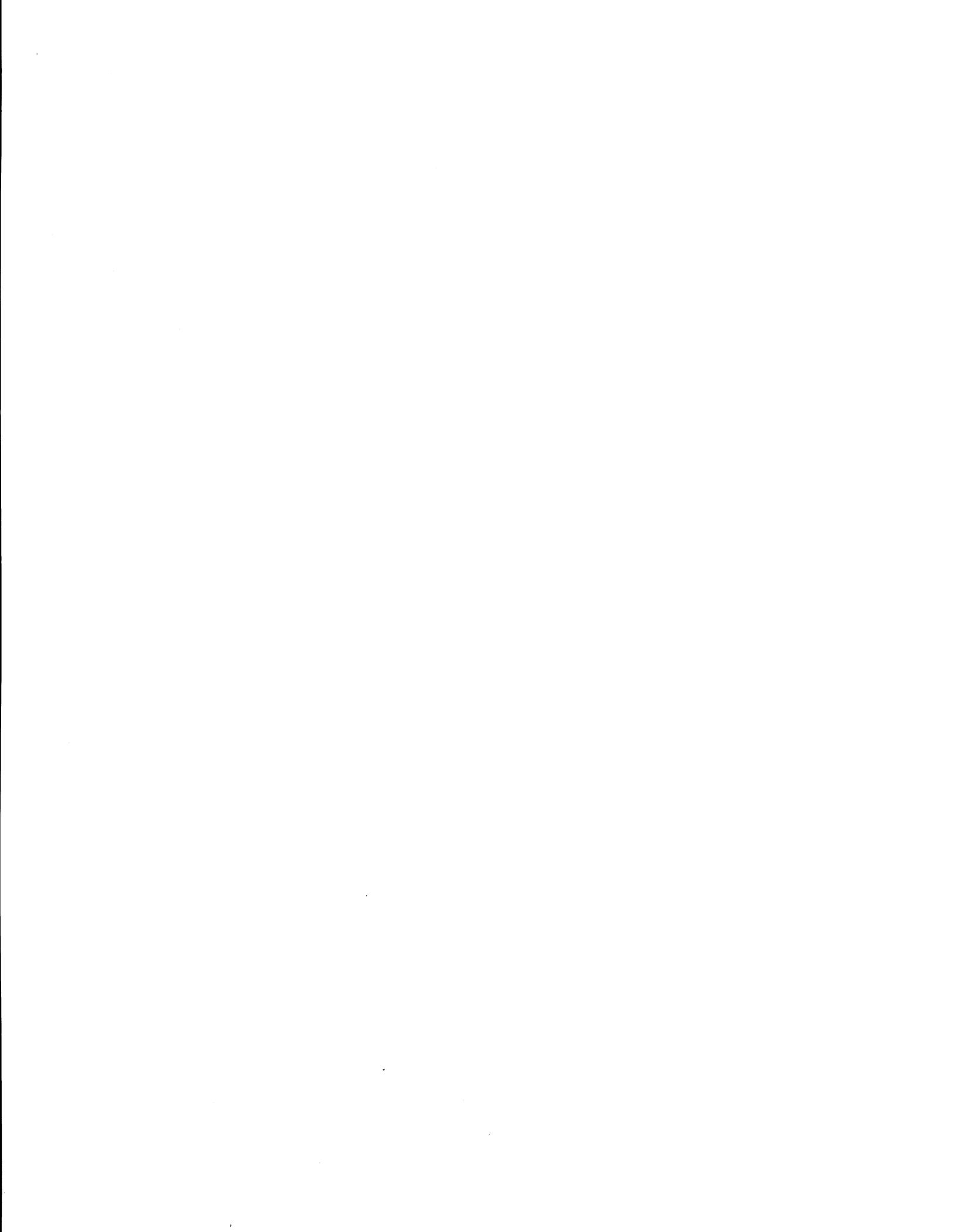
The agency concurs based on current environmental laws and regulations, including the Hydraulics Code (Chap. 75.20 RCW). We cannot, however, foresee how laws may change in future years. Therefore, this concurrence is subject to current rules and regulations in place at the time site specific permit applications may be submitted for this project.

We look forward to our continued involvement in this, and other, pilot projects. If you have additional questions concerning our comments, please call Terra Hegy at (360) 902-2597 or e-mail her at hegytph@dfw.wa.gov.

Sincerely,

Cynthia R. Pratt
SEPA/NEPA Coordinator

cc: Terra Hegy





State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N • Olympia, WA 98501-1091 • (360) 902-2200, TDD (360) 902-2207
Main Office Location: Natural Resources Building • 1111 Washington Street SE • Olympia, WA

RECEIVED
JUN 01 2000

May 26, 2000

Mr. Mike Cummings
Washington State Department of Transportation
(WSDOT) Office of Urban Mobility
410 Second Ave. Suite 300
Seattle WA 98104-2887

Dear Mr. Cummings:

As a member of the Steering Committee representing Washington Department of Fish and Wildlife (WDFW) which is evaluating the choice of alternatives for the Interstate 405 project, I want to take this opportunity to give you our agency's perspective and comments prior to finalization of alternatives in order that they may be included for discussion. WDFW would be remiss in neglecting to bring to your attention some issues that may be potentially significant when permit approval by WDFW is sought for the final preferred alternative.

First, I want to thank you for the discipline reports, data, maps, and consultation that has been provided to all the agency representatives. After conducting analysis of the data, WDFW has the following comments:

1. Every alternative involves adding at least one lane each direction. Although adding one lane each direction has moderate impacts to streams, wetlands, and wildlife, adding two or three become significant modifications to these resources (up to six new lanes total). Alternative three could potentially double the current width of I-405 from 6 lanes to 12, plus collector and distributor lanes would add more impervious surface. Alternatives which add more than one lane each direction would potentially be environmentally costly in terms of mitigation requirements and permitting difficulties, and even adding one lane each direction is likely to face scrutiny as to whether all opportunities to minimize lanes were considered.

2. There is no alternative that looks at adding minimal impervious surface. WDFW suggests that one alternative be put forth that does not add significant new pavement and therefore, no significant impacts to wetlands, fish and wildlife. The No Action alternative has been presented to the committees as having no lanes added. However, No Action or Status Quo is required under SEPA/NEPA. An additional "action" alternative could investigate elements that improve I-405 without adding new lanes.

Possible options to enhance traffic flow could include:

- Explicit proposals to elevate express lanes, HOV, or HCT
- Flyover lanes for HOV and transit priority
- Climbing lanes for freight
- Re-allocating uses of the current highway lanes within the current highway alignment

3. At least one alternative should include elements that have zero, or almost zero, impact to fish and wildlife resources. WDFW requests that the project team put forth for consideration at least one alternative that minimizes impacts to fish, wildlife, and other environmental resources. Significant monetary incentives could be offered. Technological fixes, such as ITS and freight enhancement, and operational practices, such as Incident Response that would not involve adding impervious surface could be included, as well as elements which have zero environmental impact, such as TDM and enhanced TDM.

Performance is comprised of a number of factors: transportation, environment, cost, public acceptance, among others. One clear advantage of considering a no-new-lanes alternative is that the project team might tailor it as the alternative that performs best in terms of environment, even if it may not perform as well in terms of transportation. The public would then have the option to see the pros and cons of true “bookend” alternatives. Citizens and environmental groups, as well as resource agencies and cities such as Bellevue, are also likely interested in analysis of an alternative that does not substantially widen the existing footprint of I-405.

4. Adding one lane to SR 167 could have potentially significant impacts to habitat. This element is included in all three alternatives and yet data provided to WDFW on the theme elements reveal that this element #14 appears to have a significant negative effect on wetlands. Data show that there would be 20,900 linear feet of wetlands that could be potentially impacted along this roughly 12 mile stretch of highway. Although WDFW recognizes there is a widespread support to widen SR 167, there are also many wildlife and wetland resources in the Kent valley that would appear to be potentially impacted under this element.

5. Expanding arterials would also have potentially significant impacts to fish and wildlife resources. This element, #18, is included in two of three alternatives and would impact over 30,000 linear feet of wetlands, cross 112 fish-bearing streams, and impact almost 1.2 million linear feet of critical upland habitat for threatened and endangered species.

WDFW wanted to bring these items to the attention of the project team and the Committees. Widening SR 167 and expanding arterials should not be assumed as the only alternatives to address congestion in light of the potential environmental impacts. WDFW advises the project team to consider the potential impact to these resources in the formation of alternatives and that other options be investigated. This further supports our recommendation of a fourth alternative in which these two elements would be absent or modified to reduce impacts.

In conclusion, I suggest that the committees (preferably Steering and Executive jointly) meet soon to discuss these comments prior to making a final choice of alternatives for the EIS. I do appreciate the huge amount of effort that has gone into analysis of alternatives. WDFW will continue to assist the project team in identifying important fish and wildlife issues as this Pilot Project moves forward. I have attached some of the elements that we propose be included in a fourth "zero lanes" alternative. If I can be of further assistance, please give me a call at (360) 902-2597.

Sincerely,



Terra Hegy

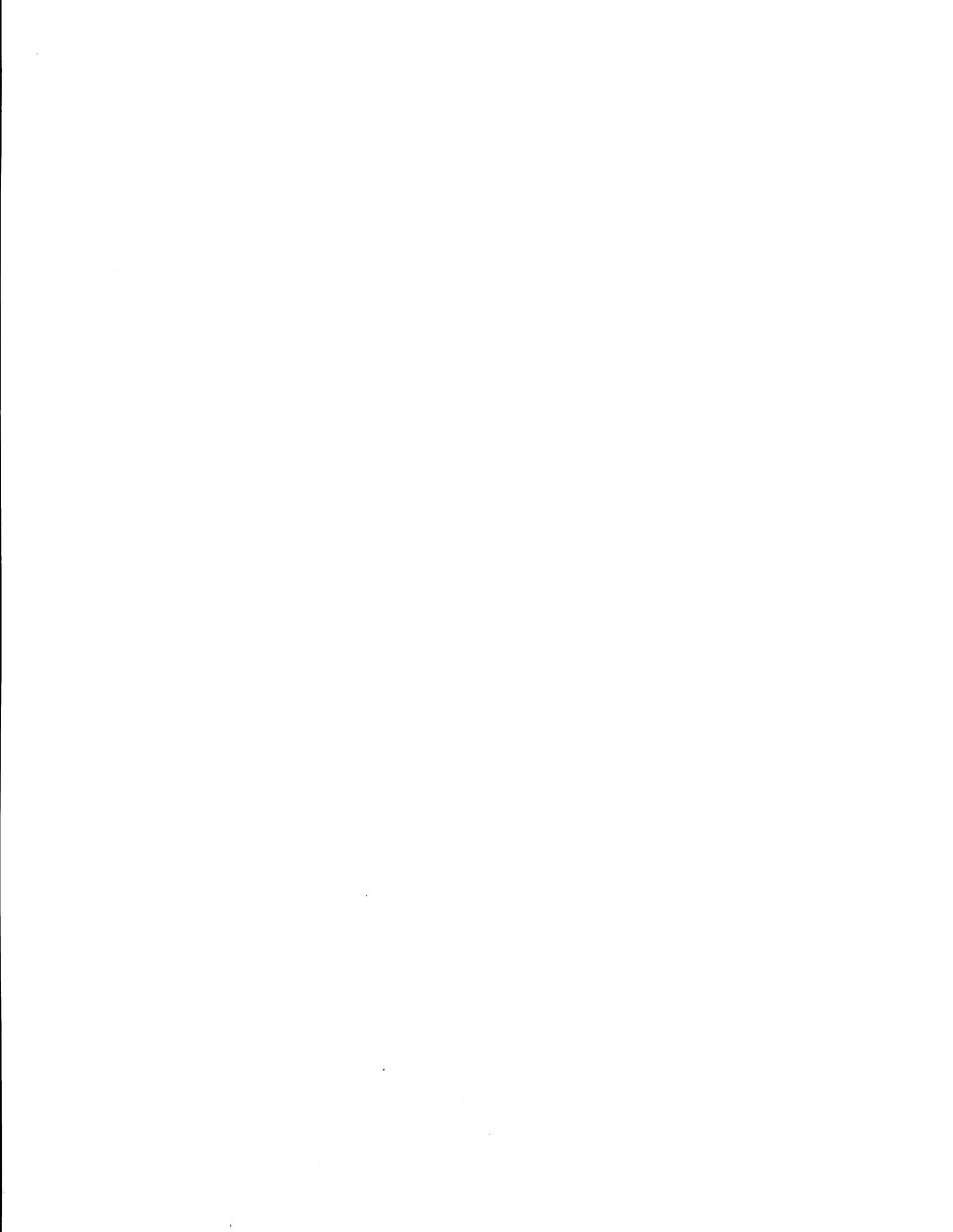
cc: Cynthia Pratt, WDFW SEPA Coordinator

***Possible mix of elements for a fourth alternative
adding no new GP/Express lanes***

Element	
1	Moderate TDM
2	Expanded TDM
new	Transit expansion by 50%
4	HCT possible if not sig. impact
7	HOV express with ramps
8	Add P & R capacity*
9	Add Transit center capacity*
14A	SR167 interchange only
16	Freeway connections*
21	Ped-bike where no sig.new pavement*
22	ITS*
23	Freight enhancements*
new element	Options for flyovers, etc. without adding a lane

New alternative would not include elements 10, 11, 13, 14 or 18. Elements 4 and 14A may be acceptable depending on level of impact.

* No review of data for those marked *. Conditional inclusion based on obtaining data on fish or wildlife impacts for these elements and finding no significant impacts.



RECEIVED
JUL 26 2000

I-405 Corridor Program EIS Concurrence Form

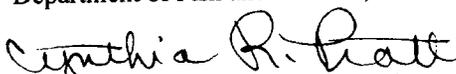
Date sent: July 20, 2000

Concurrence Point: 1. Draft EIS Alternatives -

- Attached as Exhibit A, dated July 20, 2000 is a general description of the action alternatives that are proposed to be considered in the Draft Environmental Impact Statement for the I-405 Corridor Program. These four alternatives and a "No-Action" alternative will be the focus of the environmental investigation and disclosure in this document.

Agency: Department of Fish and Wildlife, Habitat Program

Signature:



Title: Cynthia Pratt, SEPA/NEPA Coordinator

Date: July 24, 2000

Concur

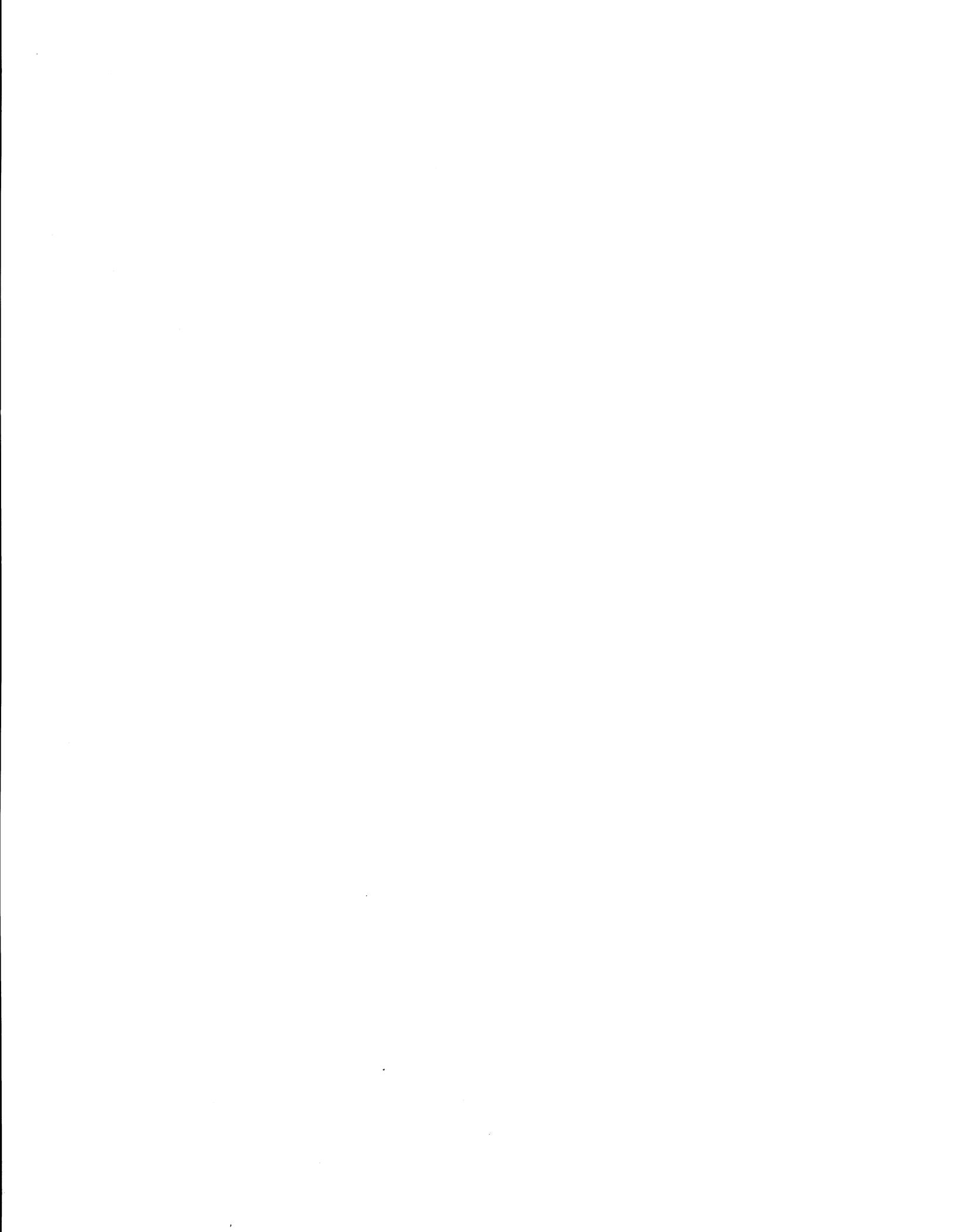
Non-concur
(Circle one)

WDFW thanks the project team and the Executive Committee for their consideration, discussion, and inclusion of a fourth alternative that emphasizes minimizing impervious surface, primarily through transit and transportation demand management. The agency concurs that the four alternatives, as presented, represent a full range of alternatives and that these should go forward to the Environmental Impact Statement stage.

[If the agency has selected Non-concur, they must include an explanation of what must be changed so that the agency could Concur: (describe here or attach)]

Return to:

Michael Cummings
WSDOT
Office of Urban Mobility
401 Second Avenue South, Suite 300
Seattle, WA 98104-2862



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JUL 27 2001



Signed
Hard copy

State of Washington
DEPARTMENT OF FISH AND WILDLIFE
600 Capitol Way N - Olympia, Washington 98501-1091 - (360) 902-2808
Headquarters Office location: Natural Resources Building - 1111 Washington Street SE - Olympia, Washington

July 24, 2001

Mr. Mike Cummings
Office Of Urban Mobility
401 Second Ave. South, Suite 300
Seattle, WA 98104-2887

Dear Mr. Cummings:

As you know, the Washington Department of Fish and Wildlife (WDFW) reviewed the preliminary DEIS and sent in comments. I would like to summarize our remaining concerns on that document.

1. WDFW believes that there is not enough detail on the preferred preliminary alternative (PPA) in the DEIS. Although similar to Alternative 2 and 3, the PPA has different costs, resource impacts, and impervious surface. WDFW feels that there is inadequate information on the PPA to use the DEIS as a decision document. Without more detailed information on the PPA specifically, it would be difficult for WDFW to make a decision on the acceptability of the PPA.
2. There needs to be more discussion in the DEIS about the decision process, the three committees, and what minority decisions were made prior to the Executive Committee's decision on a PPA. Specifically, WDFW would like it to be made clear that the decision to proceed with an additional four lanes both on I-405 and on I-167 was made by the Executive Committee and that this decision was not supported by WDFW at the meeting where the Steering Committee voted on the PPA.
3. Another concern of WDFW is that Alternative 2 appears negatively biased in terms of impervious surface, resource impacts, and cost. We believe that there are other options for locating a High Capacity Transit (HCT) system. Alternative 2 should be revised to include the concept of locating HCT within the existing right of way or HOV lane. The latter would add almost no new impervious surface. Costs appear higher for Alternative 2 and lower for Alternative 3 because of the proposed location outside the existing road right of way. WDFW very much believes that a basic HCT rail system would receive adequate ridership and also that the time is ripe for such a system. We ask that a realistic evaluation of Alternative 2 be made with these, or similar, concepts included.

4. Some of WDFW's comments on the preliminary alternative have not been addressed to date. WDFW would appreciate the chance to review these comments with the project team in order to insure that they are adequately addressed in the DEIS. One concern is the definition of High Priority Wetlands, which should include:

- Endangered or threatened plant species
- Uncommon or rare wetland types, such as bogs
- Wetlands with high quality functions. It appears that a major criterion for High Priority Wetlands is size, i.e., the larger the wetland the higher the priority. Function or uniqueness should be a criterion more so than size.

5. Finally, more attention should be paid in the DEIS to design methodologies that would reduce or eliminate impacts to fish and fish habitat. For example, the benefits of "stacking" lanes in some areas and bridging of all stream crossings should be a major discussion in the DEIS as the first step in the mitigation sequencing: to "avoid" resource impacts before any other step in mitigation is considered.

I look forward to discussing these issues with you at your earliest convenience and to continuing to work with you and your project team on this very important project.

Sincerely,



Terra Hegy
Transportation Liaison
Habitat Program

cc: Christina Martinez, WSDOT
Resource agencies
Cynthia Pratt, WDFW
Larry Fisher, WDFW
Deborah Cornett, Regional Habitat Program Manager, WDFW

I-405 Corridor Program - Concurrence Point #3

Date sent: March 19, 2002

APR 15 2002

Concurrence Point: Preferred Alternative and Mitigation Concept (CEP)

In signing this concurrence agreement, the Agencies with Jurisdiction agree to:

- 1.) Concur* with the Major Elements of the I-405 Corridor Program Preferred Alternative (Attachment A), and
- 2.) Mitigation Concept (Corridor Environmental Program – CEP) (Attachment B)

In signing this concurrence agreement, the State and Local Governments and Agencies that provide transportation services agree to:

- 3.) Pursue in good faith amendments of transportation plans and programs in order to implement the I-405 Corridor Program's Preferred Alternative and Corridor Environmental Program.

Agency: WDFW

Signature: Cynthia R. Pratt

Title: Responsible Official, SEPA/NEPA Coordinator

Date: 4/17/02

Circle one of the below:

Concur

Concur with Comment(s)

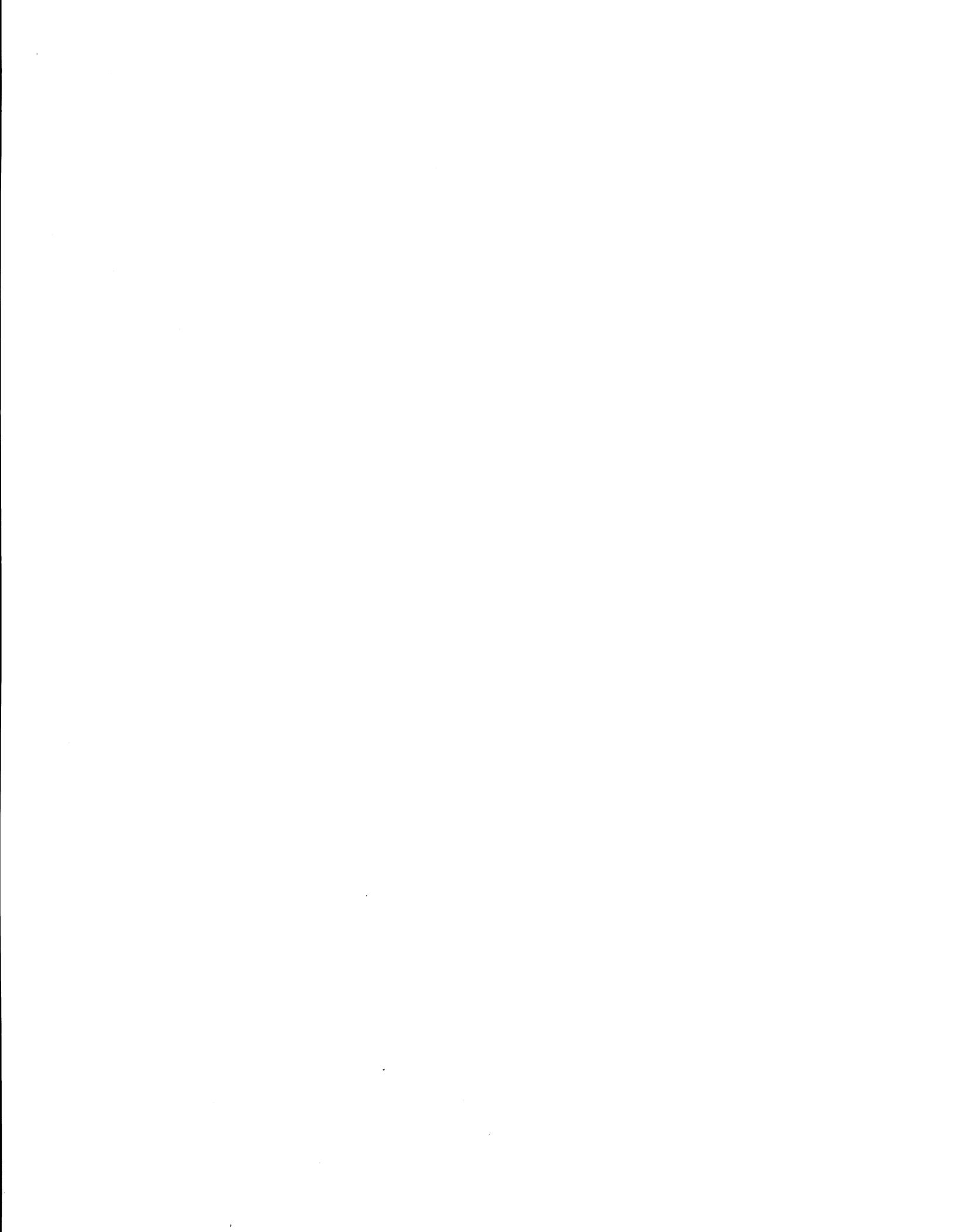
Non-concur Early Action mitigation Plan

If the agency has selected Non-concur, they must include an explanation of what should be changed so that the agency could concur. (Describe here or attach.) Please return to: Michael Cummings, WSDOT, 401 Second Avenue South, Suite 300 Seattle, WA 98104-2862, cumminm@wsdot.wa.gov.

*Concurrence means:

- "Formal written determination by agencies with jurisdiction that the project information is adequate for the current phase of the process." At this phase, project information includes the Preferred Alternative Description, Corridor Environmental Program, PFEIS and Early Action Environmental Mitigation Decision Making Process.
- "Concurrence means that the project may proceed to the next phase without modification. Agencies agree not to revisit previous concurrence unless there is substantial new information, or substantial changes have been made to the project, the environment, laws and/or regulations."
- "Agencies will have the option to comment on elements of the project at the appropriate points in the process." (a) Agencies with jurisdiction will participate in additional project level environmental review under NEPA and SEPA and all applicable laws and regulations at a greater level of detail. (b) WSDOT will continue to coordinate with agencies with jurisdiction and others implementing "Early Action" and other project level mitigation measures. (c) Concurrence on the Major Elements of the I-405 Corridor Program Preferred Alternative does not indicate individual project concurrence.
- "It is not intended that concurrence means that a permit will be issued-just that the project information for the current phase is adequate." Agencies with jurisdiction will retain full permitting authority and the ability to condition or deny future project permits and approve or disapprove associated mitigation measures.

(Language in quotations is directly from Re-Invent NEPA definition of "Concurrence.")





State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N - Olympia, Washington 98501-1091 - (360) 902-2200, TDD (360) 902-2207
Main Office location: Natural Resources Building - 1111 Washington Street SE - Olympia, WA

April 17, 2002

Mr. Michael Cummings
Director of Environmental and Systems Integration
Urban Corridors Office
401 Second Avenue South, Suite 300
Seattle, Washington 98104-2862

Dear Mr. Cummings:

I-405 Corridor Program, Concurrence Point #3:
Preferred Alternative, and Early Action Mitigation
(EAM) Plan

As I discussed with Christina Martinez on April 3, 2002, I did not receive the Concurrence Point #3 package until three days before the concurrence point was due. This may have been due to the fact that Deborah Cornett was named as the person taking over the project, however, in the past I have always received the concurrence package as the agency SEPA/NEPA coordinator and as the agency signatory representative on Transportation concurrence packages. As I stated to Ms. Martinez, the Washington Department of Fish and Wildlife (WDFW) would expedite our review period and would complete our concurrence response by today (April 17, 2002).

Two elements are required for Concurrence Point #3:

1. Preferred Alternative
2. Mitigation Concept (Early Action Mitigation)

For element #1 (Preferred Alternative) WDFW will concur although we do not support this alternative. For element #2 (Mitigation Concept) our agency cannot concur.

Preferred Alternative

The process was conducted in a very thorough manner and included nearly all affected parties. Two years long, the process was supported by data gathering efforts of WSDOT staff and consultants. Project staff have provided a good overview of environmental impacts within the study area.

However, WDFW does not believe that Alternative 3 is the least impacting alternative.

concerns about this alternative, both in its original form and as modified into the Preferred Alternative (PA). We therefore cannot endorse this as an alternative that we, as an agency, support as the least environmentally damaging alternative to fish and wildlife resources: it is not. It is our belief that choosing this alternative, because it is not the least impacting alternative, will require more mitigation. Because this is a corridor Programmatic Environmental Impact Statement (EIS), we will accept Alternative 3 as WSDOT's choice, with the knowledge that mitigation approaches must be clearly identified. In this EIS, we expect to see an approach that gives our agency some guarantee of what to expect as other project-level EIS's are being developed.

Mitigation Concept

As a concept, we support the early action mitigation plan (EAM) as a way to address future project-level mitigation needs. However, until actual impacts to streams, wetlands, and other habitats are fully analyzed and known, WDFW cannot assess the EAM as settling 100% of the mitigation needs of the project. The EAM as it is now written in Appendix J, does not give a clear picture of what potential approaches WSDOT will commit to use. For instance, the impacts have been clearly and adequately specified for a corridor-level of analysis. However, the mitigation plan does not identify where most mitigation efforts will be aimed. Obviously, some of the "potential" mitigation measures may not be practical in all sub-basins, or some areas may allow more habitat improvements than others.

While studies may help to focus on specific ways to mitigate, WDFW would like to see a clearer commitment to mitigation measures and where they would be taken. It is clear that many of the impacts already are known. This knowledge allows you to see approaches that may be taken. Since impacts per basin (and even sub-basin) have been identified, mitigation approaches could be approached for what a particular basin/ sub-basin may need. In Appendix C of Appendix J, compensatory measures are mentioned but there is no systematic approach to identify where these measures will be most directed. For instance, Lake Washington basin may require a mitigation approach that would address fish passage problems due to culverts that are barriers or partial barriers to fish; approaches may be to look at ways to bridge tributaries, or replace culverts with large, bottomless culverts. Another sub-basin may require a water quality approach because the issues may be more water quality related. Some basins/sub-basins may require several approaches, i.e., there are both fish passage and water quality issues.

We also have concerns that a conceptual commitment to avoidance measures, such as spanning streams, rivers, and wetlands has not been adequately made, to be able to feel comfortable that the mitigation sequencing as called out in our WAC 220-110-020(54), and supported by the Alternative Mitigation Guidance, has been adequately met. If more specific basin to basin approaches were outlined, this would most likely alleviate these concerns.

Lastly, The EAM does not address timelines. It would be helpful both for agency review and the public reviewing the Programmatic EIS to have a framework for expected mitigation actions.

For instance, general timelines to review potential mitigation strategies for fish and wildlife protection for each sub-basin or group of sub-basins and implementation time frames would help set the expectation as to the strategy for mitigating an individual basin/sub-basin in any future project EISs.

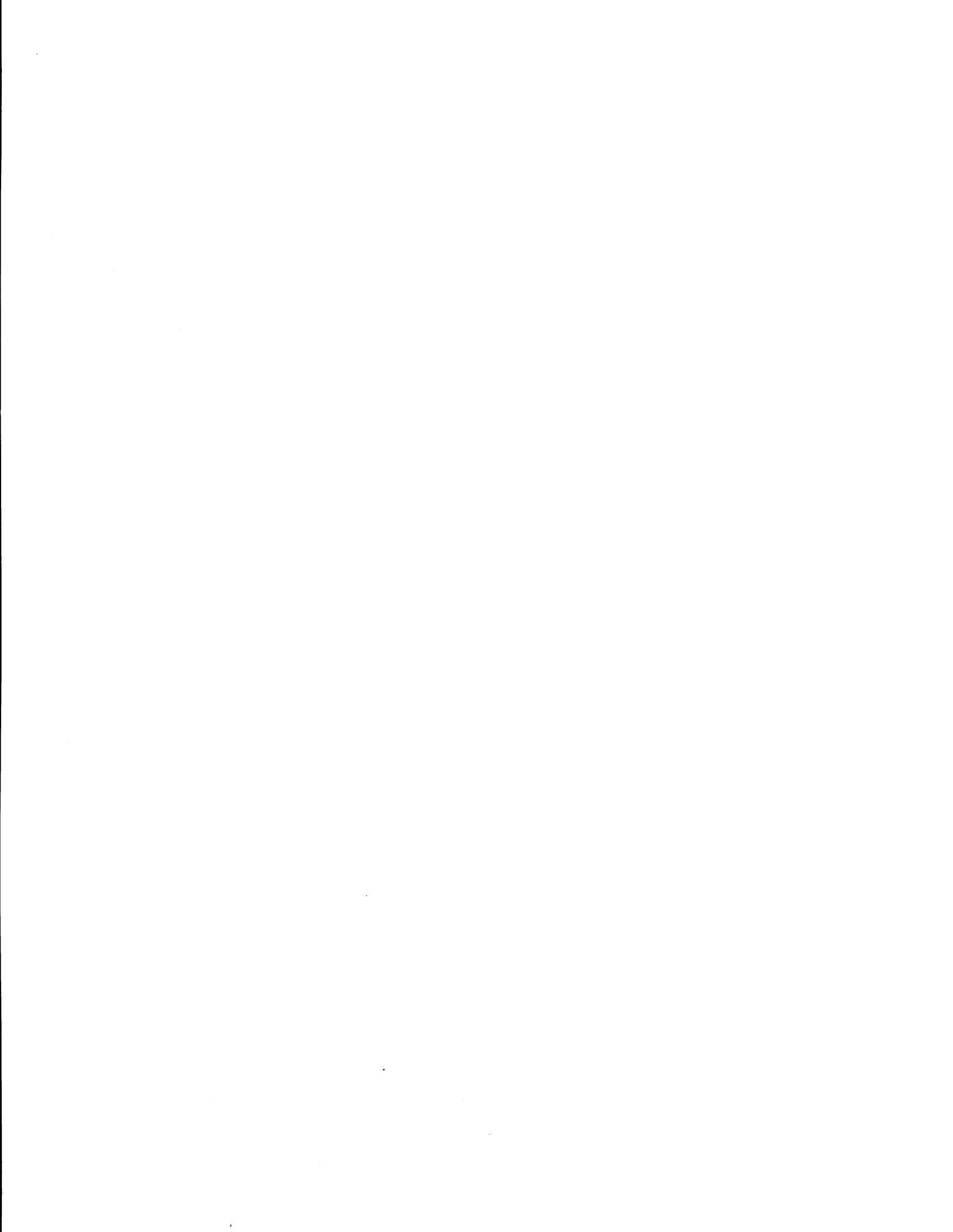
In conclusion, our agency hopes to have the opportunity to work closely with you to toward a mutually acceptable EAM plan that will help direct future project EISs for the I-405 corridor. If you have any questions concerning this letter or WDFW's position on the I-405 Corridor Program, Concurrence Point #3, please call me at (360) 902-2575.

Sincerely,



Cynthia R. Pratt
Responsible Official
SEPA/NEPA Coordinator
Regulatory Services Section
Environmental Services Division
Habitat Program

cc: Deborah Cornett, RHPM, Reg. 4
Rich Johnson, ARHPM, Reg. 4
Terra Hegy, WDFW
Gayle Kreitman, Reg. Serv. Division Mgr.





State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N - Olympia, Washington 98501-1091 - (360) 902-2200, TDD (360) 902-2207
Main Office location: Natural Resources Building - 1111 Washington Street SE - Olympia, WA

April 30, 2002

TO: Michael Cummings, WSDOT, Northwest Region
FROM: Cynthia Pratt, SAC Representative
SUBJECT: I-405 Concurrence Point 3: Early Action Mitigation Plan

While we support WSDOT's approach to an Early Action Mitigation (EAM) Plan, we cannot concur based on the following:

Specificity

- You define watersheds as WRAs. WRAs are an Ecology-based administrative designation.¹ The EAM plan does not define Sub-basins². Our agency prefers that WSDOT look at approaches first from a stream reach to sub-basin and then extending to watershed unless the mitigation will give greater benefits using a larger unit for mitigation. However, we can't tell if your discussion of early action mitigation looks at benefits and costs from early action mitigation approaches in reaches or sub-basins because there is not enough information.
- Page Appendix J-12: the EAM states that "by using early-action environmental impact mitigation, and aligning WSDOT mitigation needs with various watershed and salmonid recovery needs, WSDOT can focus its impact mitigation activities where they will provide the greatest net environmental benefits." We have looked for the early-action environmental impact mitigation, but the document does not state what these EAMs will be. All that is given is mitigation during construction which would be expected to be included as conditioning in WDFW's HPA. We suggest that the EAM plan either contain a short discussion, or a matrix into this document with the sub-basins listed, the impacts listed and potential early action approaches.

¹WDFW defines watersheds as a region or area drained by surface and groundwater flow in rivers, streams, or other surface channels. The "basin" or main drainage often drains to saltwater and is defined by American Fisheries Society (AFS) as "a topographic area of a watershed or geological land area that slopes toward a common center or depression where all surface and subsurface water drains".

²WDFW defines sub-basins as smaller watersheds or "surface area of a watershed drained by a tributary to a larger stream that is bounded by ridges or other hydrologic divides and is located within the larger watershed drained by the larger stream" (AFS).

- Since impacts are known in these sub-basins, we would expect to see some priorities established as to types of mitigation for the known impacts. This allows us to decide whether your approaches may need more mitigation during the project phase. For instance, bridging all streams as much as feasible (which you stated) in all sub-basins may be a 1:1 ratio and adequate for fish passage issues in all watersheds. However, that ratio (1:1 ratio) may not be as obvious addressing water flow impacts in X, Y, and Z sub-basins. We might require a 2:1 ratio in X, a 1:1 ratio in Y and a 3:1 ratio in Z.

Changes

- Page Appendix J-14 (Wetlands Compensation Banking Agreement). There is no discussion on Mitigation Banking in the King/Pierce Counties areas. Since there is no established bank now in existence, WDFW needs to understand how many will be created, and how they will be used.
- Page J-16 (Proposed Process). The document states that the “process is designed to focus on any impacts that may remain after project planning that are likely to be unavoidable and may not be adequately,…” The phrase, “may not be adequate(ly)” could end up being an issue between our agency and WSDOT. It should be changed to “will not”. WDFW’s HPA will address conditions that can be mitigated, and review during project-level EISs will still look at avoidance. It seems logical that the EAM should focus on those that will not be able to be adequately mitigated on-site, etc.
- There is a flow chart (Appendix D of Appendix J-41) that outlines “steps” in the process but the general timelines are not clear. There needs to be some general guidelines. How and when will you implement the EAM for impacts within each basin and sub-basin.
- Page J-17. You mention the following methods that you will use to analyze impacts in greater detail, but they address protected aquatic and upland species and habitat. My assumption is that since you use NMFS’s MPI, this does not include WDFW’s concerns for unlisted species (coho, fall chum). It is not clear if you are also going to look at methods for state upland species and habitat. The document needs to include methods that will be used for state species and habitats.
- Page J-17. (#3) The document states that “if no other compensation ratios are specified or agreed to, WSDOT will use the compensation ratios specified in Tables 1, 2, or 3 of the February 15, 1994, WSDOT Wetland Compensation Bank Program MOA”. Since there has been no discussion of specific mitigation to impacts this statement should be removed. We may recommend much higher ratios depending on impervious surface and impacts to fish depending on a high value wetland category but WSDOT approaches EAM for some areas may not require a higher ratio. We can’t specifically say what would be our recommendation. In addition, the statement is unclear if you are referring to just wetlands or all environmental impacts (i.e., streams, upland vegetation).
- Appendix B of Appendix J-25. Descriptions on the table supposedly use totals from the “no action alternative” also. If our agency is trying to identify amount of impacts from the

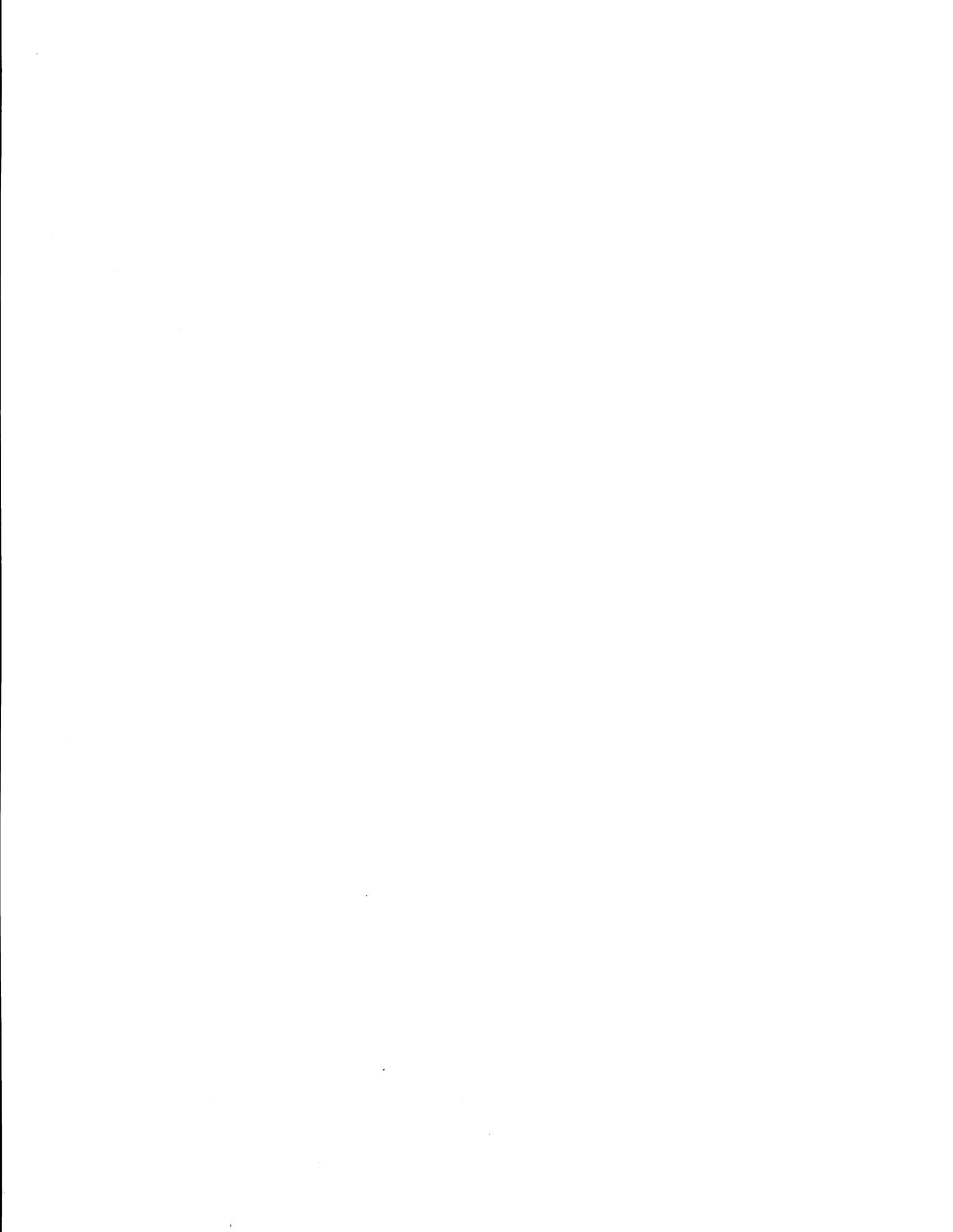
preferred alternative, but not all of these impacts will be mitigated for because they are part of some other process, it is unclear as to amounts of impacts that need to be addressed by early action mitigation (based on the Preferred Alternative).

- (Appendix B, J-25) The above chart would be a good place to summarize what sub-basins are included in the “type of Impact, and potential mitigation approaches.
- Appendix J. There is nothing mentioned on the Appendix J table that addresses possible mitigation for 60,880 lineal feet of bald eagle territory impacted. If any nesting or roosting habitat is impacted (within the 800 foot buffer), a bald eagle management plan must be completed. This would include mitigation for impacts. This needs to be included in Appendix J.
- Appendix F of Appendix J. Appendix F needs to be filled out so that a better “picture” of possible compensation needs can be seen at a glance.

Despite the concerns our agency has over specificity issues, we hope to be able to work with WSDOT to come up with approaches with which our agency and yours will be satisfied. We believe this document has established a good start, and what has been presented is creditable. I hope we can resolve the issue resolution process quickly so that we can move on to developing a working relationship with WSDOT concerning the EAM.

CP:cp

cc: Gayle Kreitman
Terra Hegy
Deborah Cornett
Larry Fisher





RECEIVED
MAY 29 2002

State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N - Olympia, Washington 98501-1091 - (360) 902-2200, TDD (360) 902-2207
Main Office location: Natural Resources Building - 1111 Washington Street SE - Olympia, WA

May 23, 2002

Washington Department of Transportation
Northwest Washington Division
Urban Corridors Office
Attention: Mr. Michael Cummings
401 Second Avenue South, Suite 300
Seattle, Washington 98104-2887

Dear Mr. Cummings:

**I-405 Concurrence Point 3, Withdrawal of Non-
concurrence on Early Action Mitigation Plan**

We have received the signed agreement from WSDOT concerning our discussions to resolve issues arising from the I-405 Early Action Mitigation (EAM) plan. We have agreed to withdraw our non-concurrence and will issue a new concurrence (see attachment) based on this agreement. You will find a copy of your signed facsimile attached to the concurrence letter for documentation of our agreement.

Our agency hopes to be able to work closely with you to refine your EAM plan, and when you start planning your implementation efforts. We look forward to providing you with information that will help you protect what our agency deems as critical species and habitat as you proceed with your projects that will be associated with this corridor.

If you have additional questions concerning this letter, please call Cynthia Pratt at (360) 902-2575 or e-mail her at prattcrp@dfw.wa.gov. For addition questions concerning specific fish and wildlife issues within the project area, please call Kurt Bucanan, our Transportation Liaison for WSDOT projects in the WDFW Region 4 geographical area, at (360) 466-4345 Ext. 256.

Sincerely,

A handwritten signature in cursive script that reads "Gayle Kreitman".

Gayle Kreitman
Regulatory Services Section Manager
Environmental Services Division
Habitat Section

Attachments

Washington Dept. of Transportation

Michael Cummings

May 23, 2002

Page 2

cc: Nancy Brennan-Dubbs, USFWS, Lacey
Jack Kennedy, Corps of Engineers, Seattle
Terry Swanson, Ecology, Lacey
David Hirsh, NMFS, Lacey
Joan Cabrasa, Jonathan Freeman, EPA, Seattle
Sharon Love, FHWA, Olympia
Phil Kauzloric, WSDOT, Olympia
Cynthia Pratt, WDFW
Terra Hegy, WDFW, Reg 6
Kurt Bucanon, WDFW, Reg 4
Deborah Cornett, WDFW, Reg 4

I-405 Corridor Program - Concurrence Point #3

Date sent: March 19, 2002

Concurrence Point: Preferred Alternative and Mitigation Concept (CEP)

In signing this concurrence agreement, the Agencies with Jurisdiction agree to:

- 1.) Concur* with the Major Elements of the I-405 Corridor Program Preferred Alternative (Attachment A), and
- 2.) Mitigation Concept (Corridor Environmental Program – CEP) (Attachment B)

In signing this concurrence agreement, the State and Local Governments and Agencies that provide transportation services agree to:

- 3.) Pursue in good faith amendments of transportation plans and programs in order to implement the I-405 Corridor Program's Preferred Alternative and Corridor Environmental Program.

Agency: W D F W

Signature: Cynthia R. Pratt

Title: Responsible Official; SEPA/NEPA coordinator

Date: 5/24/02

Circle one of the below:

Concur

Concur with Comment(s)

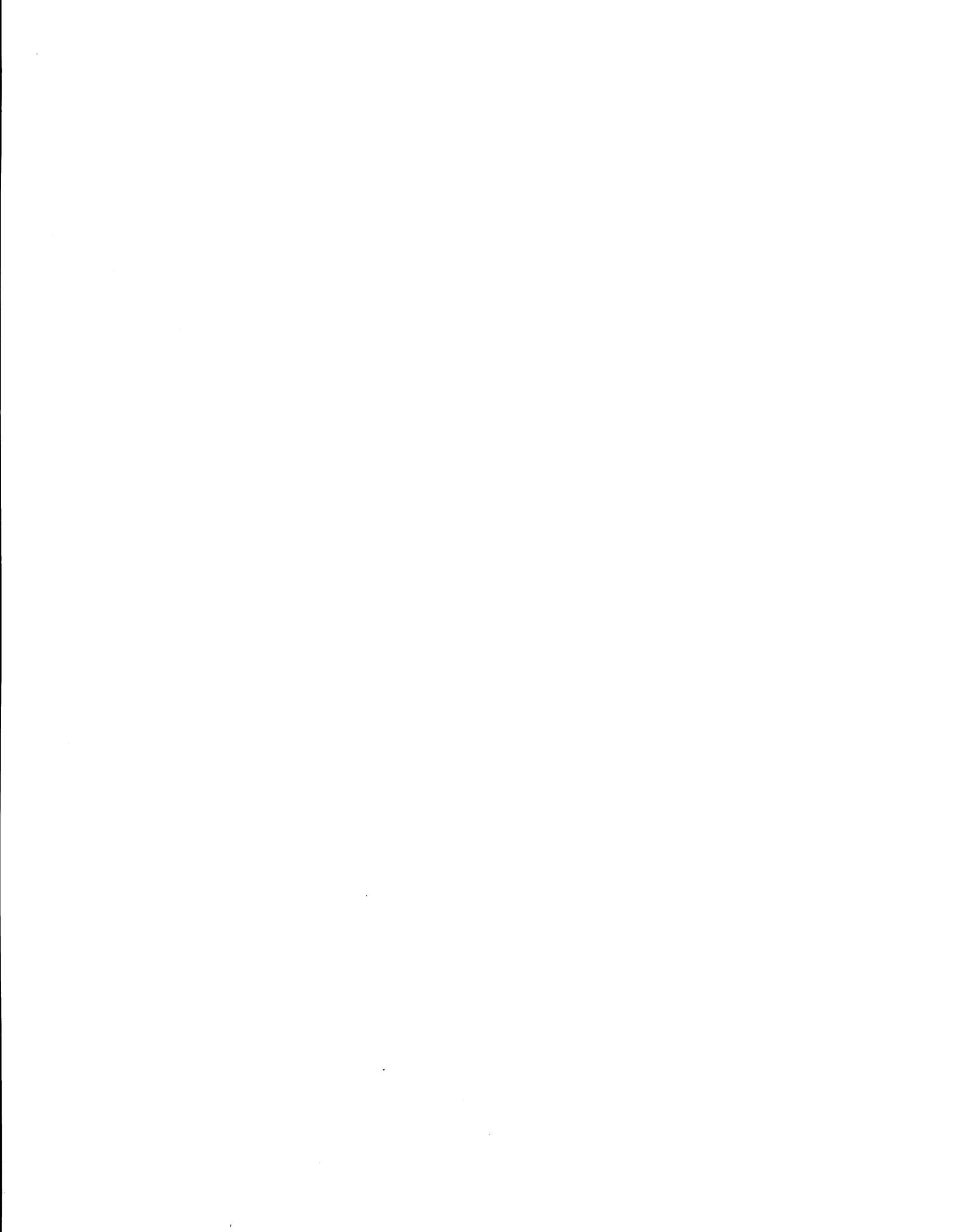
Non-concur

If the agency has selected Non-concur, they must include an explanation of what should be changed so that the agency could concur. (Describe here or attach.) Please return to: Michael Cummings, WSDOT, 401 Second Avenue South, Suite 300 Seattle, WA 98104-2862, cumminm@wsdot.wa.gov.

*Concurrence means:

- "Formal written determination by agencies with jurisdiction that the project information is adequate for the current phase of the process." At this phase, project information includes the Preferred Alternative Description, Corridor Environmental Program, PFEIS and Early Action Environmental Mitigation Decision Making Process.
- "Concurrence means that the project may proceed to the next phase without modification. Agencies agree not to revisit previous concurrence unless there is substantial new information, or substantial changes have been made to the project, the environment, laws and/or regulations."
- "Agencies will have the option to comment on elements of the project at the appropriate points in the process."
(a) Agencies with jurisdiction will participate in additional project level environmental review under NEPA and SEPA and all applicable laws and regulations at a greater level of detail. (b) WSDOT will continue to coordinate with agencies with jurisdiction and others implementing "Early Action" and other project level mitigation measures. (c) Concurrence on the Major Elements of the I-405 Corridor Program Preferred Alternative does not indicate individual project concurrence.
- "It is not intended that concurrence means that a permit will be issued-just that the project information for the current phase is adequate." Agencies with jurisdiction will retain full permitting authority and the ability to condition or deny future project permits and approve or disapprove associated mitigation measures.

(Language in quotations is directly from Re-Invent NEPA definition of "Concurrence.")



**State of Washington
Office of Archeology & Historic Preservation**



STATE OF WASHINGTON
OFFICE OF COMMUNITY DEVELOPMENT
OFFICE OF ARCHAEOLOGY & HISTORIC PRESERVATION

1063 S. Capitol Way, Suite 106 • Olympia, Washington 98501
(Mailing Address) PO BOX 48343 • Olympia, Washington 98504-8343
Phone (360) 586-3065 FAX (360) 586-3067

May 21, 2002

Michael Cummings
WSDOT Project Manager
I-405 Corridor Program Environmental Impact Statement

RE: I-405 Concurrence Package
052202-FHWA-01

Dear Mr. Cummings:

I have reviewed the I-405 Corridor Program EIS Preferred Alternative concurrence package. While I concur with the package in concept I must note that there are no references to the protection of cultural resources. Therefore, my concurrence is limited to agreeing with the direction of the project. Please remember that the Section 106 process has not been completed. We are still expecting that the historic properties inventory will be completed, there will be an evaluation of historic properties and that we will determine appropriate mitigation strategies should there be an adverse effect. Please remember that the Environmental Impact Statement is not a substitute for Section 206 reports. If you are planning to integrate NEPA and Section 106 we must be informed of that action in writing and the notification must include a proposal for how that integration will occur.

Most Sincerely,

Allyson Brooks, Ph.D.
State Historic Preservation Officer





I-405 Corridor Program - Concurrence Point #3

Date sent: March 19, 2002

Concurrence Point:

Preferred Alternative and Mitigation Concept (CEP)

In signing this concurrence agreement, the Agencies with Jurisdiction agree to:

- 1.) Concur* with the Major Elements of the I-405 Corridor Program Preferred Alternative (Attachment A), and
- 2.) Mitigation Concept (Corridor Environmental Program – CEP) (Attachment B)

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Agency: State Historic Preservation Office

Signature: *Alphonse*

Title: SHPO

Date: 5/21/02

Circle one of the below:

Concur

Concur with Comment(s)

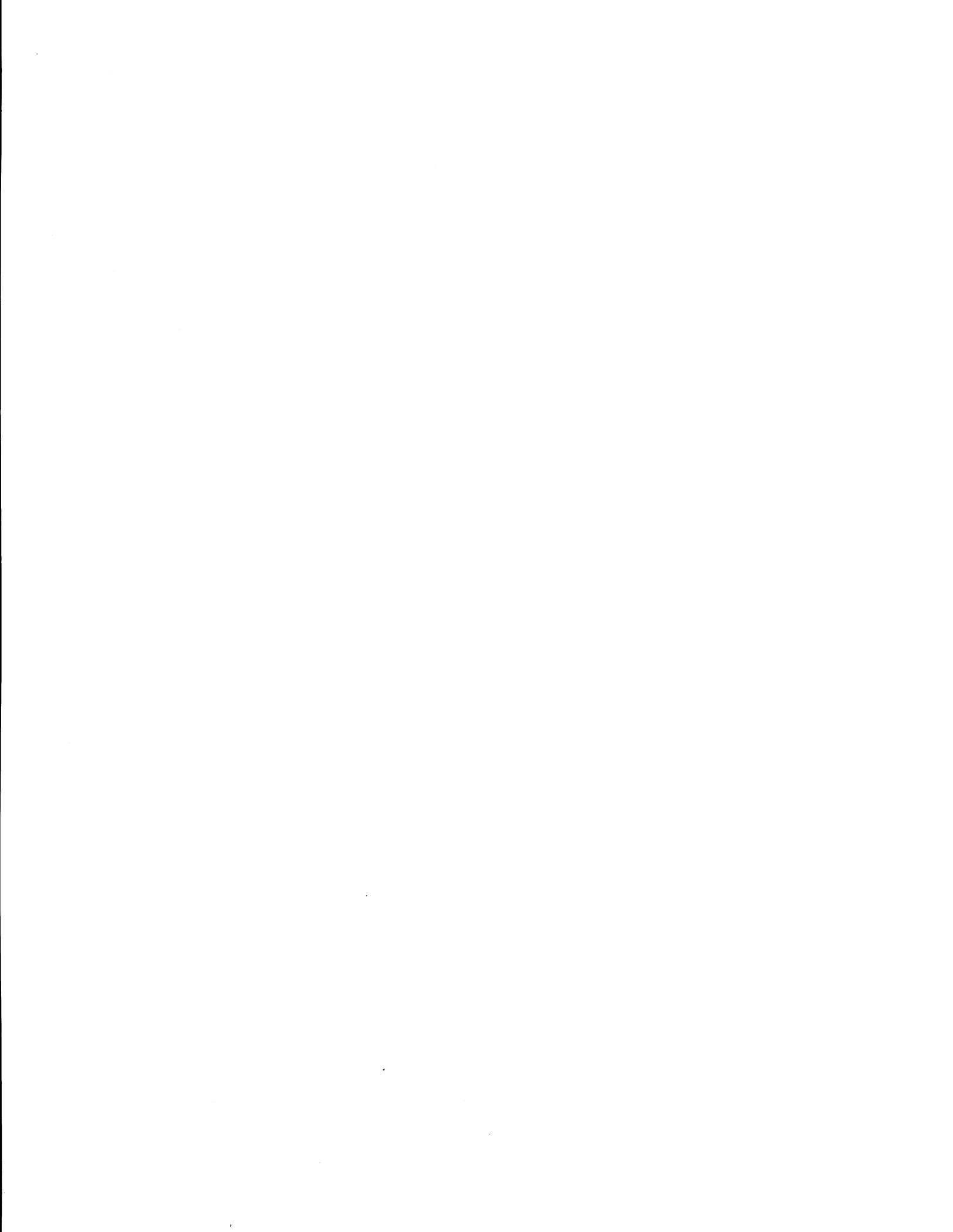
Non-concur

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(Language in quotations is directly from Re-Invent NEPA definition of "Concurrence.")



**I-405 Corridor Program
EIS Concurrence Form**

Date sent: September 29, 1999

RECEIVED
OCT 21 1999

Concurrence Point: 1. Purpose and Need -

The *need* is to improve personal and freight mobility and reduce foreseeable traffic congestion in the corridor that encompasses the I-405 study area from Tukwila to Lynnwood in a manner that is safe, reliable, and cost-effective.

The *purpose* of the proposed action is to provide an efficient, integrated, and multi-modal system of transportation solutions within the corridor that meet the project need in a manner that:

- provides for maintenance or enhancement of livability for communities within the corridor;
- provides for maintenance or improvement of air quality, protection or enhancement of fish-bearing streams, and regional environmental values such as continued integrity of the natural environment;
- supports a vigorous state and regional economy by responding to existing and future travel needs; and
- accommodates planned regional growth.

Agency: Ecology
Signature: *Michael Cummings*
Title: Env. Planner
Date: 10-18-99

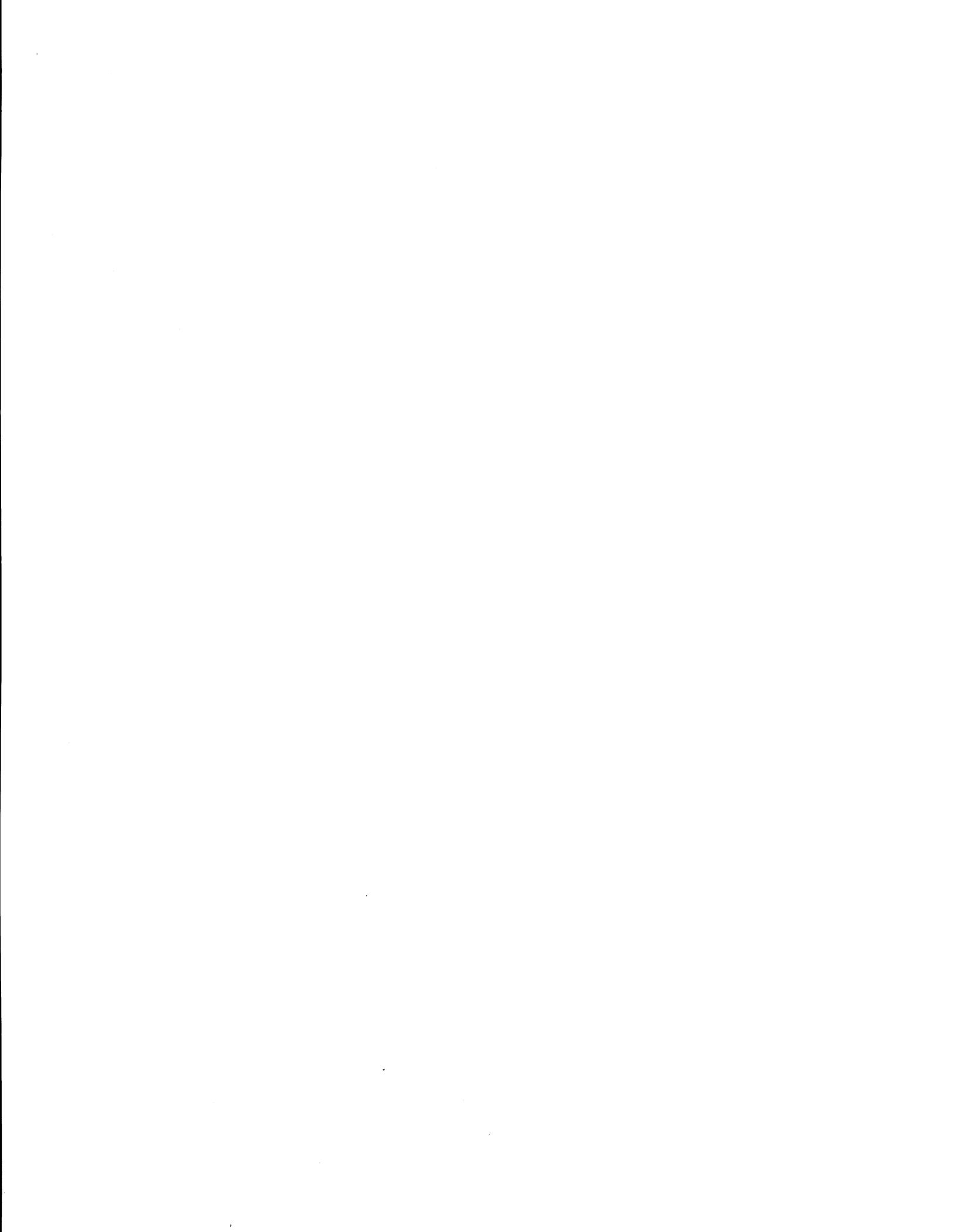
Concur

Non-concur
(Circle one)

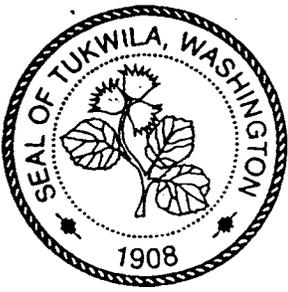
If the agency has selected Non-concur, they must include an explanation of what must be changed so that the agency could Concur: (describe here or attach)

Return to:

Michael Cummings
WSDOT
Office of Urban Mobility
401 Second Avenue South Suite 300
Seattle, WA 98104-2862
cumminm@wsdot.wa.gov



City of Tukwila



City of Tukwila

Steven M. Mullet, Mayor

Department of Public Works

James F. Morrow, P.E., Director

MEMORANDUM

DATE: August 14, 2001

FROM: Jim Morrow, Director of Public Works
City of Tukwila 

TO: Karen Schmidt, Executive Director
Freight Mobility Strategic Investment Board

RE: Project Execution – What works and does not work

Even though we spend a considerable amount of time discussing what does not work, there are a number of positive aspects to the manner in which the FAST Partners tackle freight mobility issues. Here is the positive side:

- (1) Shared vision and goal.
- (2) Up-front planning.
- (3) Prioritized list of projects – does not change from year-to-year.
- (4) Sub-area equity is not an issue.
- (5) Partnership is paramount.
- (6) Regional perspective is implemented.

Unfortunately there is a longer list of the negatives, most are the result of the “process” that is used to execute transportation projects. The negatives:

- (1) A single source of funding is not available – multiple funding sources required. A great deal of a project sponsor’s time is spent trying to cobble together adequate funding. A great deal of time is spent crafting separate agreements with each funding partner.
- (2) Funding is never considered to be “secured/guaranteed.” Funding sources are fragile; e.g. loss of MVET funding; funding partners withdrawal from prior agreements. Until all of the funding has been secured, the other funds cannot be expended – ineffective use of dollars; poor obligation rates.
- (3) Each funding partner has its own rules for providing the money – reimbursement is difficult and time consuming. For large projects, project sponsor may incur finance charges for short-term loans in order to pay the contractor.

- (4) Inflexible project execution process – steps are sequential and cannot be accomplished concurrently.
- (a) Cannot proceed with acquiring right-of-way until the environmental classification summary (ECS) has been obtained.
 - (b) Cannot advertise for construction until right-of-way certification has been obtained.
 - (c) Cannot obligate funds for next step until the previous step has been completed.
 - (d) Environmental permits must be obtained from multiple agencies – no “one-stop” shopping.
 - (e) Construction contracting is overly restrictive. WSDOT is adamant about using “unit-price” contracts. No flexibility allowed – sometimes a competitively bid, lump sum/fixed price contract is better suited for projects.
 - (f) Little or no “real” authority at the local level. All key approvals (environmental permits, ECS, right-of-way certification, type of contract to be used, funding approvals, channelization plans, etc.) are retained at WSDOT (Olympia) and/or FHWA level.
- (5) Lack of standards for getting right-of-way certification. Different standards for different agencies. WSDOT can obtain right-of-way certification much easier than a city.
- (6) Local Programs has much tougher standards, higher hurdles, and a more restrictive process than what exists for WSDOT-sponsored projects or transit-sponsored projects.
- (7) Local agencies are not suppose to contact FHWA – must go through WSDOT. WSDOT does not always have the local agencies best interest at heart. FHWA is cited as the “bad guy.” Leads to a lack of trust between local agencies, WSDOT, and FHWA.
- (8) Process is getting longer, more difficult, and convoluted.
- (9) Local Agency Guideline (LAG) Manual must be followed. No options are allowed.

I-405 Corridor Program - Concurrence Point #3

Date sent: March 19, 2002

Concurrence Point: Preferred Alternative and Mitigation Concept (CEP)

In signing this concurrence agreement, the Agencies with Jurisdiction agree to:

- 1.) Concur* with the Major Elements of the I-405 Corridor Program Preferred Alternative (Attachment A), and
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- 3.) Pursue in good faith amendments of transportation plans and programs in order to implement the I-405 Corridor Program's Preferred Alternative and Corridor Environmental Program.

Agency:

City of Tukwila

Signature:

James F. Morrow

Title: Director, Public Works

Date: April 5, 2002

Circle one of the below:

Concur

Concur with Comment(s)

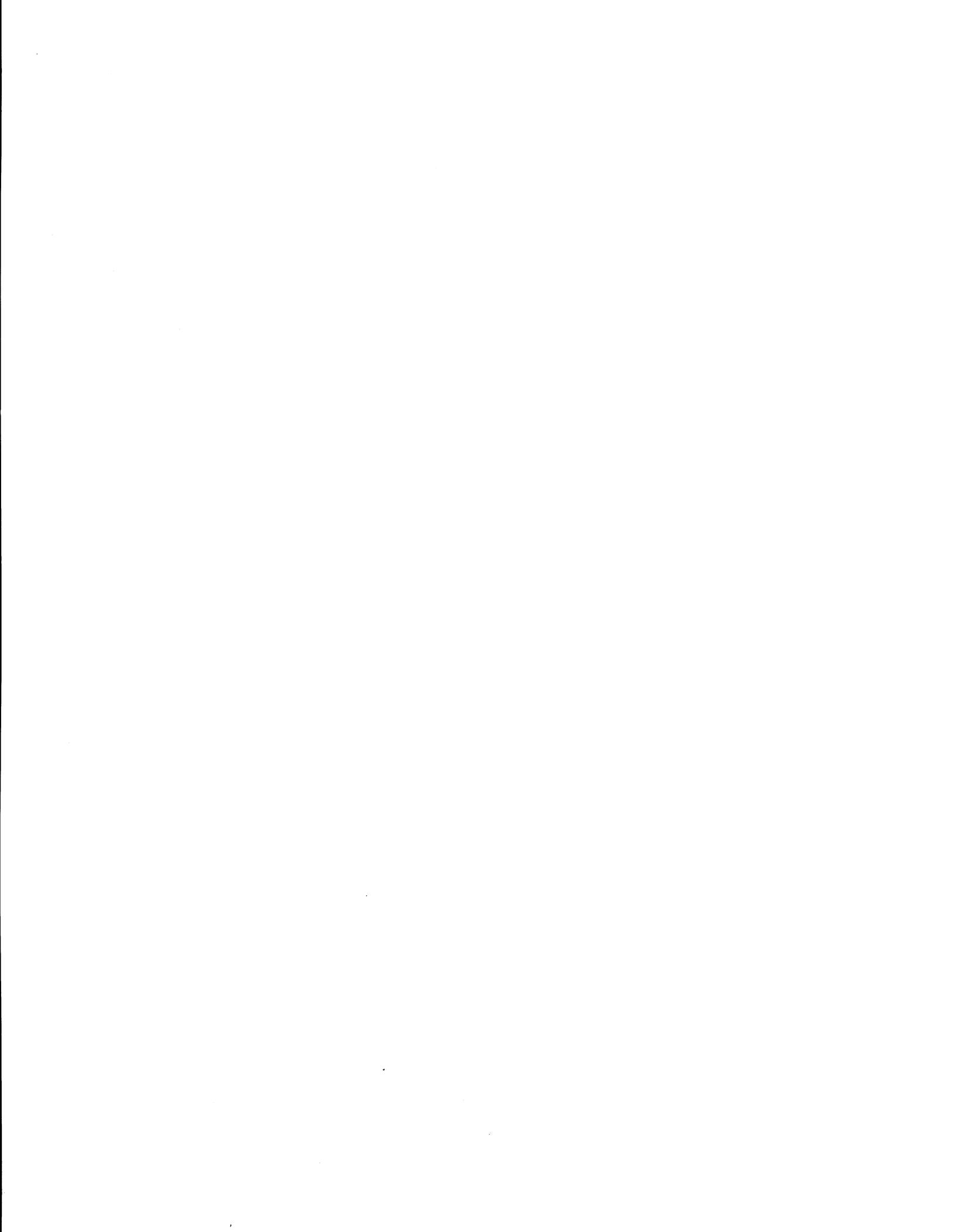
The "on-ramp" / connection
from Southcenter Pkwy
to I-405 must be
part of the preferred
alternative.
Non-concur

If the agency has selected Non-concur, they must include an explanation of what should be changed so that the agency could concur. (Describe here or attach.) Please return to: Michael Cummings, WSDOT, 401 Second Avenue South, Suite 300 Seattle, WA 98104-2862, cumminm@wsdot.wa.gov.

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- "Formal written determination by agencies with jurisdiction that the project information is adequate for the current phase of the process." At this phase, project information includes the Preferred Alternative Description, Corridor Environmental Program, PFEIS and Early Action Environmental Mitigation Decision Making Process.
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(Language in quotations is directly from Re-Invent NEPA definition of "Concurrence.")



**United States
Army Corps of Engineers**

**I-405 Corridor Program
EIS Concurrence Form**

RECEIVED
DEC 15 1999

Date sent:: September 29, 1999

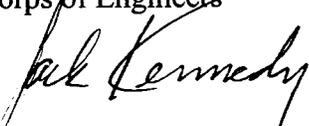
Concurrence Point: 1. Purpose and Need -

The *need* is to improve personal and freight mobility and reduce foreseeable traffic congestion in the corridor that encompasses the I-405 study area from Tukwila to Lynnwood in a manner that is safe, reliable, and cost-effective.

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- provides for maintenance or improvement of air quality, protection or enhancement of fish-bearing streams, and regional environmental values such as continued integrity of the natural environment;
- supports a vigorous state and regional economy by responding to existing and future travel needs; and
- accommodates planned regional growth.

Agency: Corps of Engineers

Signature: 

Title: Regulatory Project Manager

Date: 12 December 1999

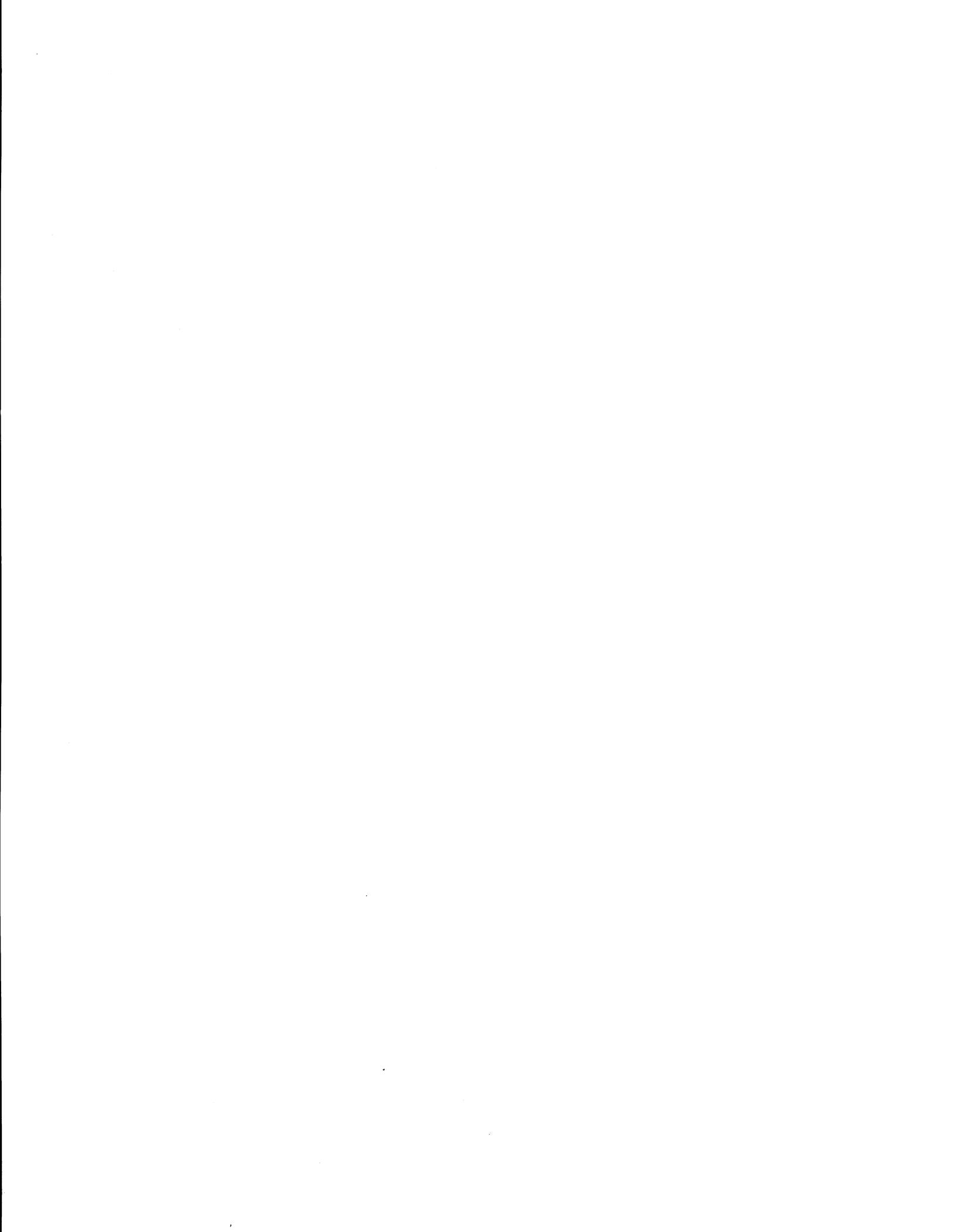
Concur

Non-concur
(Circle one)

If the agency has selected Non-concur, they must include an explanation of what must be changed so that the agency could Concur: (describe here or attach)

Return to:

Michael Cummings
WSDOT
Office of Urban Mobility
401 Second Avenue South, Suite 300
Seattle, WA 98104-2862
cumminm@wsdot.wa.gov



EIS Concurrence Form

Date sent: July 20, 2000

Concurrence Point: 1. Draft EIS Alternatives -

- Attached as Exhibit A, dated July 20, 2000 is a general description of the action alternatives that are proposed to be considered in the Draft Environmental Impact Statement for the I-405 Corridor Program. These four alternatives and a "No-Action" alternative will be the focus of the environmental investigation and disclosure in this document.

Agency: Corps of Engineers

Signature: *Jack Kennedy*

Title: Acting Chief, Enforcement Section

Date: September 5, 2000

Concur

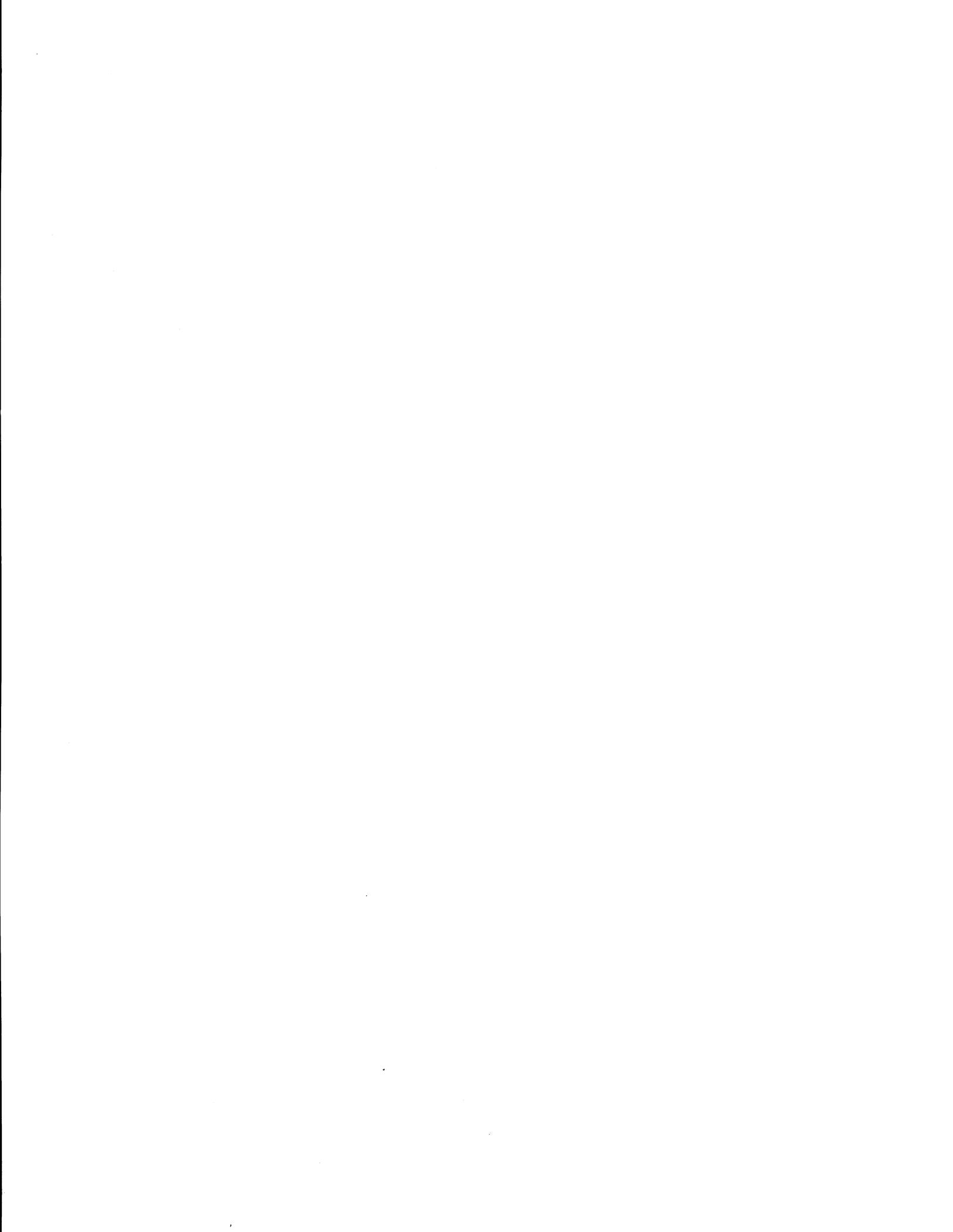
Non-concur
(Circle one)

RECEIVED
SEP 5 2000

If the agency has selected Non-concur, they must include an explanation of what must be changed so that the agency could Concur: (describe here or attach)

Return to:

Michael Cummings
WSDOT
Office of Urban Mobility
401 Second Avenue South, Suite 300
Seattle, WA 98104-2862
cumminm@wsdot.wa.gov





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3788
SEATTLE, WASHINGTON 98124-3788

Regulatory Branch

APR -5 2002

Mike Cummings
Washington State Department of Transportation
Urban Corridors Office
401 Second Avenue South
Seattle, Washington 98104

Reference: I-405 PFEIS
Concurrence Point 3

Dear Mr. Cummings:

The Seattle District, U.S. Army Corps of Engineers (Seattle District), has reviewed the Preliminary Final Environmental Impact Statement (EIS) for the Interstate 405 Corridor Program. On March 19, 2002, you provided us a copy of the document, and under the "Reinventing NEPA" Initiative, asked us to concur with your selection of a preferred alternative and mitigation concept. By concurring with these two items, the Seattle District would be acknowledging that for each, project information for the current phase is adequate, and that the project should proceed to the next phase—publication of a final EIS—without modification.

We concur with your document's selection of a preferred alternative, and its mixture of additional lanes for I-405, and transit investments and arterial improvements throughout the study area.

We do not concur with its mitigation concept. We feel the mitigation concept did not present the kind of information we would deem adequate for inclusion in a final programmatic EIS. Appendix J deals most directly with the subject of mitigation. It presents a "Corridor Environmental Program," a noncommittal overview of various existing and proposed mitigation programs and approaches. After reviewing the EIS, especially Sections 2, 3.5, and 3.6 and Appendix J, we have no idea how your agency will mitigate for unavoidable adverse impacts attributable to the preferred alternative.

The EIS makes it clear that mitigation locations and concepts will be identified during the permitting phase of specific components. Appendix J commits to various studies in the near term and more further out. This particular EIS is somewhat unique in that it identifies the major freeway elements of its program, the transit investments and locations, and the arterial improvements. It also identifies in acceptable detail the location of aquatic resources and their anticipated adverse impacts—down to the hundredth of an acre. Aquatic impacts are listed by municipality, and cross-listed by a breakdown of major stream and river basins, typically displayed in Table 3.5-1.

The kind of mitigation information we would deem adequate for inclusion in *this particular final programmatic EIS* would involve a discussion, basin by basin, of the affecting projects, their already calculated impacts, and an overall mitigation strategy to be applied to *that basin*. Work already done under the "Early Action Environmental Impact Mitigation" efforts described in Appendix J could form the basis for each basin's unique mitigation. It is quite clear from Sections 3.5 and 3.6 that the basins vary widely in existing development, water quality, and the likely impacts components of the corridor program will have on their respective areas. Inclusion of such mitigation information—far from finalized, but enough to constitute a procedural commitment—is information quite appropriate for a final EIS at the programmatic level.

On the subject of specific mitigation, the opening sentences of the EIS' Section 3.6.5.2 provide an interesting start:

Specific mitigation can not be defined at the programmatic level of analysis. This is a result of uncertainties in the actual amount and type of wetland impacts, amount and type of required mitigation, variation in existing opportunities for mitigation in each basin, and early stage of coordination with affected jurisdictions. Furthermore, impact reduction measures to be developed during the project design phase will reduce the required amount of required mitigation.

We do not disagree with all of that statement. The "amount and type of wetland impact" are known and disclosed in the EIS to an acceptable degree. And while the "amount and type of required mitigation" is indeed uncertain, a discussion about the approach you would use for mitigation in each basin would be strengthened by the high level of existing information you have about the aquatic resources and likely impacts. We know there will be changes and refinement. We feel the final EIS—the next stage to which this project is to proceed—is the appropriate place to disclose this information. It is a logical place to describe, basin by basin, the mitigation approach to be employed. The subsequent stream of post-final EIS supplements will be too limited to specific parts of the corridor program to contain general mitigation information.

Such an "envisioned mitigation" section in the final EIS would well serve WSDOT and the municipalities in the decades to come, as pieces of the corridor program slowly advance through the permit process. We would have a general standard, presumably blessed with resource agency concurrence, from which to judge mitigation consistency with the 2002 EIS. Mitigation for each basin can get more specific with time, but the Final EIS is the best place to provide a starting point for specificity about mitigation.

A section like we envision would also provide an excellent basis from which to develop a programmatic approach to permitting the impressive number of individual components to the I-405 corridor program. We envision a form of Regional General Permit that might apply to the components of the I-405 program, perhaps basin by basin, as designs, effects, and mitigation are finalized. The Pilot Projects were established to more effectively use NEPA documentation in the regulatory process. We see an excellent opportunity to do so with this I-405 Final EIS.

MAY-08-02 WED 02:44 PM
APR. -05' 02(FRI) 17:15

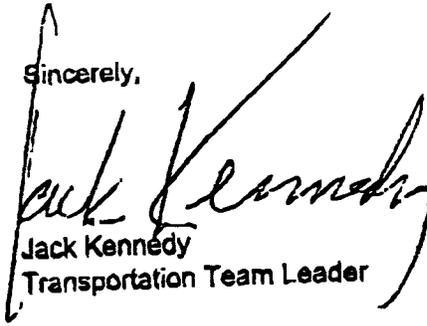
OFFICE OF URBAN MOBILITY
US-COE-REGULATORY BRANCH

FAX NO. 2064646084
TEL: 206 764 6907

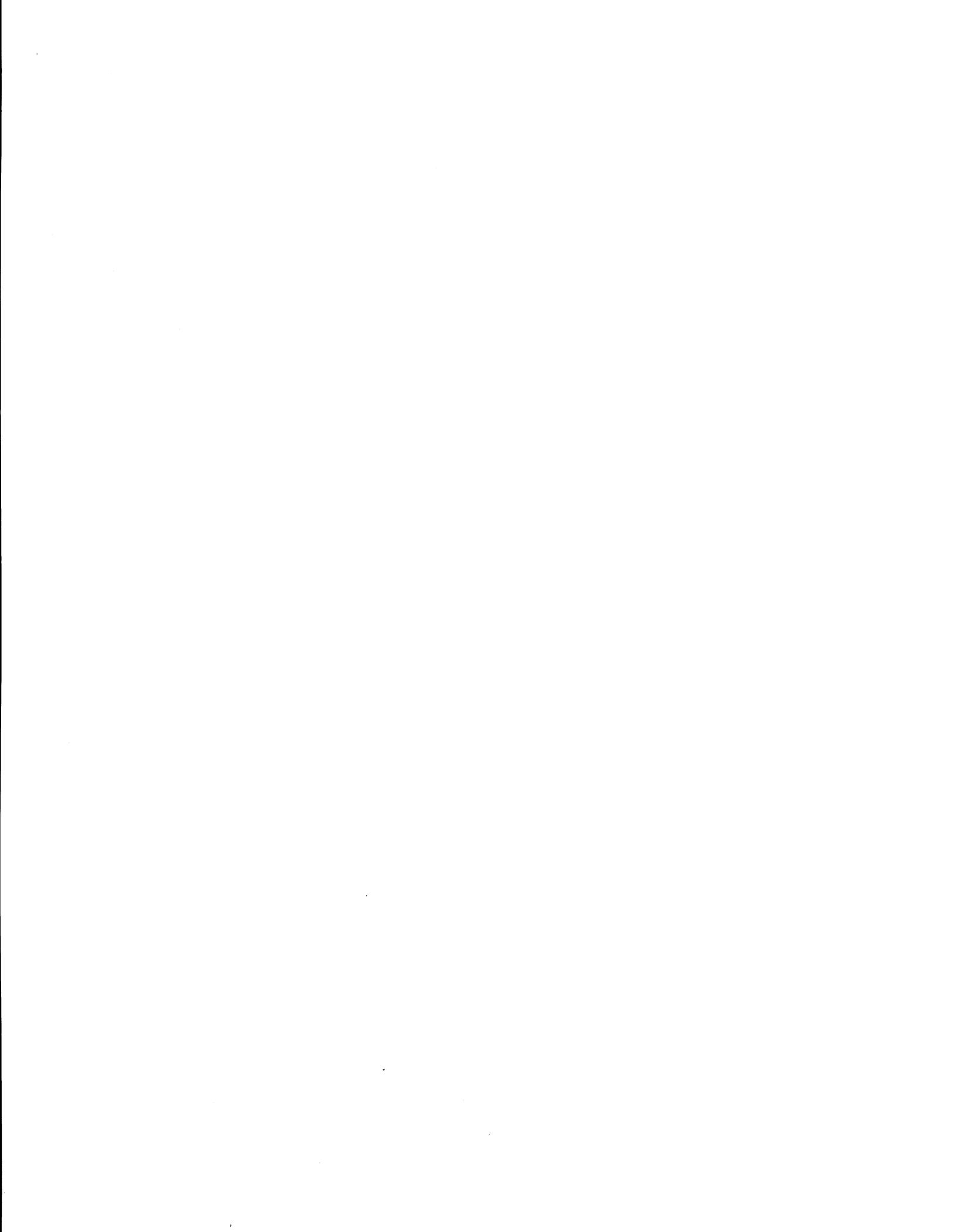
P. 04
1. 000,000

If you have any questions about this letter or the Corps' position on the I-405 Corridor Program, please call me at telephone (206) 764-6907.

Sincerely,



Jack Kennedy
Transportation Team Leader





REPLY TO
ATTENTION OF

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

RECEIVED
MAY 23 2002

MAY 22 2002

Regulatory Branch

Mike Cummings
Washington State Department of Transportation
Urban Corridors Office
401 Second Avenue South
Seattle, Washington 98104

Reference: I-405 PFEIS
Concurrence Point 3

Dear Mr. Cummings:

On April 5, 2002, the Seattle District, U.S. Army Corps of Engineers (Seattle District) responded to your request for our position on Concurrence Point 3 for the Interstate 405 Corridor Program. Concurrence Point 3 dealt with the project's Preliminary Final Environmental Impact Statement (EIS), and specifically with the EIS's selection of a preferred alternative and its presentation of the project's mitigation concept.

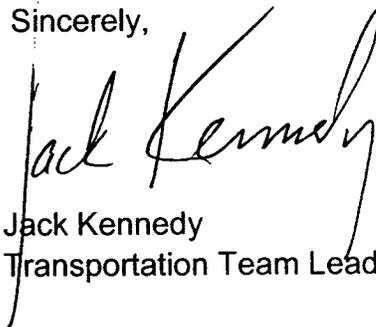
We concurred with the selection of a preferred alternative, but we did not concur with the content of the project's mitigation concept. Our letter requested greater discussion about the approach to be used for mitigation in each sub-basin, and specific major project impacts in each sub-basin. During subsequent discussions with you and your staff, it became apparent that such information was not easily or usefully available for each sub-basin in the project area. But it was available, to a useful degree, on the three sub-basins that together accounted for about three quarters of the total project's aquatic impacts.

Your staff fashioned that information into Section 3.6.5.2 and added it to the Final EIS text. We have reviewed the contents of Section 3.6.5.2 and have determined that it adequately fulfills our request. It does so quite well, in a manner that is initial, far from finalized, but sufficient to establish a procedural commitment that will be used in developing mitigation as specific elements of the overall project proceed through the design and regulatory processes.

The Seattle District now concurs with the Preliminary Final EIS's presentation of the project's mitigation concept. Our position now is that project information for the current phase is adequate, and that the project should proceed to the next phase—publication of a final EIS.

If you have any questions about this letter or the Corps' position on the I-405 Corridor Program, please call me at telephone (206) 764-6907.

Sincerely,

A handwritten signature in black ink that reads "Jack Kennedy". The signature is written in a cursive style with a large, sweeping initial "J".

Jack Kennedy
Transportation Team Leader

**United States
Fish and Wildlife Service**



United States Department of the Interior

FISH AND WILDLIFE SERVICE

North Pacific Coast Ecoregion

Western Washington Office

510 Desmond Drive SE, Suite 102

Lacey, Washington 98503

Phone: (360) 753-9440 Fax: (360) 753-9008

RECEIVED

OCT 12 1999

OCT 08 1999

Michael Cummings
Washington State Department of Transportation
Office of Urban Mobility
401 Second Avenue
Seattle, Washington 98104-2862

RE: I-405 Corridor Program Concurrence Request

Dear Mr. Cummings:

We received your request for concurrence on the "purpose and need" for the above proposed project. You requested concurrence as part of the "Reinventing National Environmental Policy Act" pilot process. Based on the information provided, we concur with the proposed "purpose and need" with one comment. We request that the second bullet be rewritten as follows:

"... protection or enhancement of fish-bearing streams, and regional environmental **functions** and values".

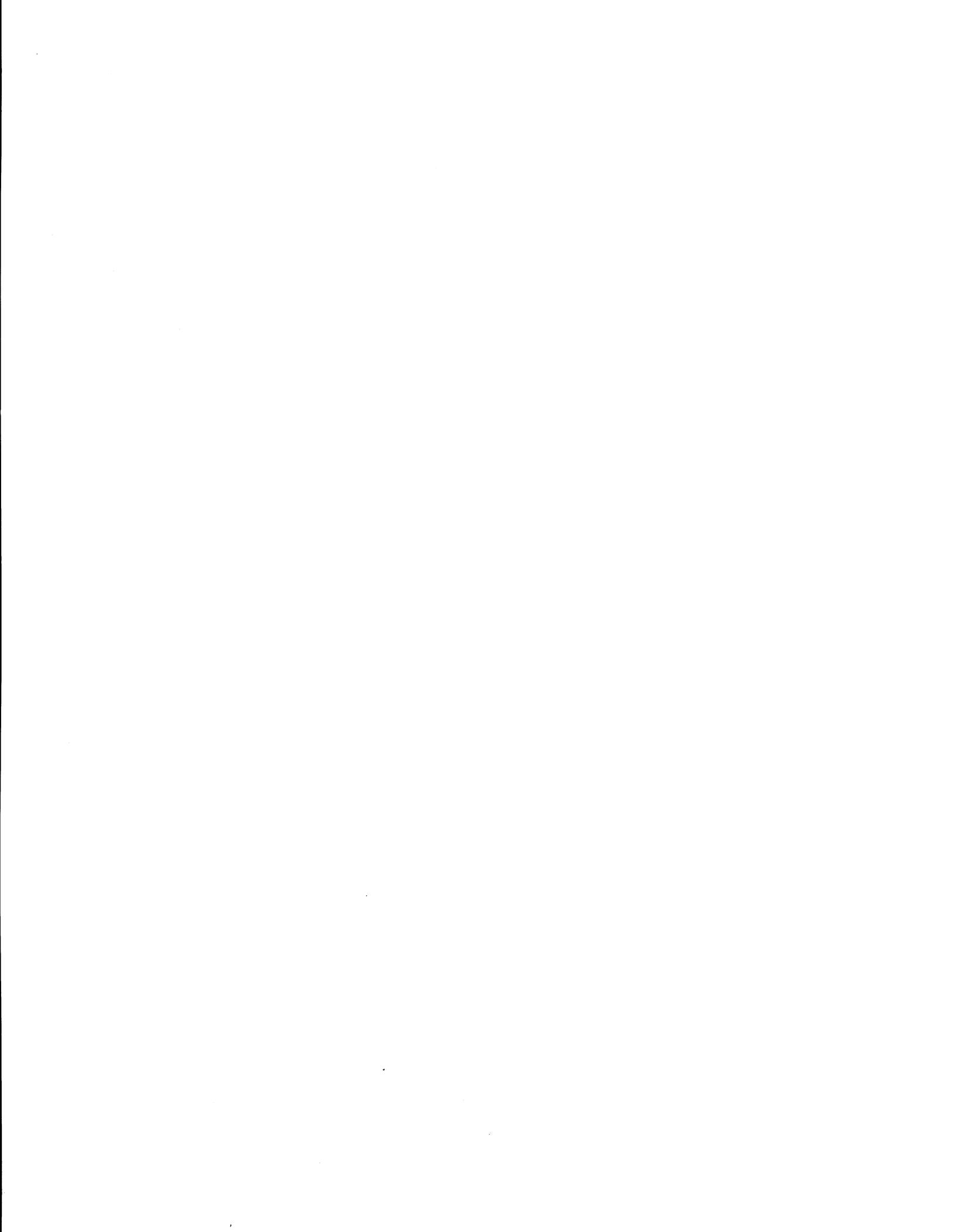
Thank you for the opportunity to comment. Should you have any questions regarding our comments, please contact Nancy Brennan-Dubbs at (360) 753-5835 or at the above letter head address.

Sincerely,

for 
Gerry A. Jackson, Manager
Western Washington Office

NBD/mp

c: WSDOT, Olympia (Stevens)
EPA, Seattle (Roy, Parkin)
DOE, Lacey (Vialle, Manning)
WDFW, Olympia (Pratt)
Corps, Seattle (Kennedy)
NMFS, Lacey (Guy)
City of Issaquah (Fox)



I-405 Corridor Program EIS Concurrence Form

Date sent.: September 29, 1999

Concurrence Point: 1. Purpose and Need -

The *need* is to improve personal and freight mobility and reduce foreseeable traffic congestion in the corridor that encompasses the I-405 study area from Tukwila to Lynnwood in a manner that is safe, reliable, and cost-effective.

The *purpose* of the proposed action is to provide an efficient, integrated, and multi-modal system of transportation solutions within the corridor that meet the project need in a manner that:

- provides for maintenance or enhancement of livability for communities within the corridor;
- provides for maintenance or improvement of air quality, protection or enhancement of fish-bearing streams, and regional environmental values such as continued integrity of the natural environment;
- supports a vigorous state and regional economy by responding to existing and future travel needs; and
- accommodates planned regional growth.

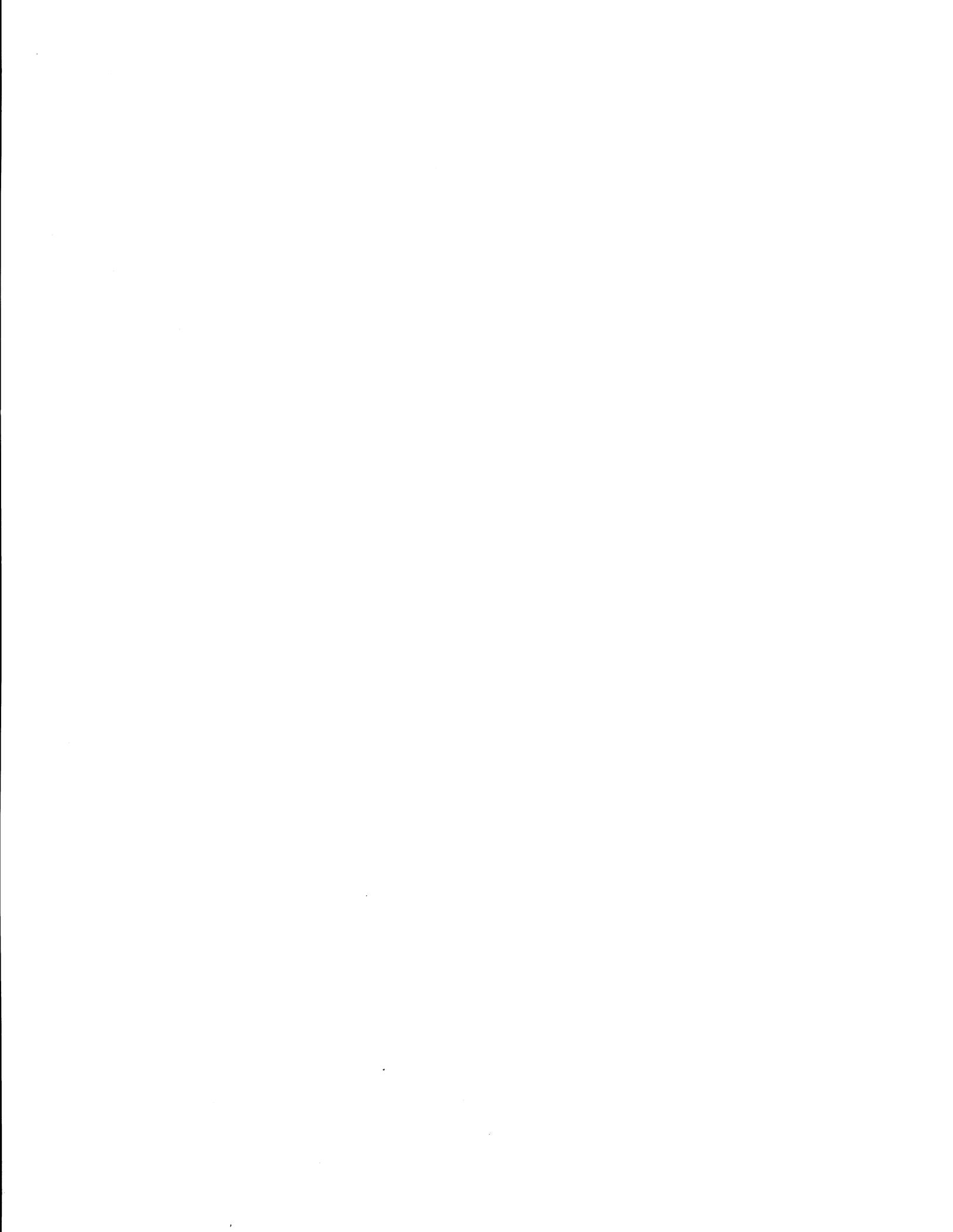
Agency: USFWS
Signature: Lynn P. Childers
Title:
Date:

Concur w/ comments

Non-concur
(Circle one)

If the agency has selected Non-concur, they must include an explanation of what must be changed so that the agency could Concur: (describe here or attach)

Return to:
Michael Cummings
WSDOT
Office of Urban Mobility
401 Second Avenue
Seattle, WA 98104-2862
cumminm@wsdot.wa.gov





United States Department of the Interior

FISH AND WILDLIFE SERVICE

Western Washington Office
510 Desmond Drive SE, Suite 102
Lacey, Washington 98503
Phone: (360) 753-9440 Fax: (360) 753-9008

AUG 10 2000

AUG 10 2000

Michael Cummings
WSDOT
Office of Urban Mobility
401 Second Avenue South, Suite 300
Seattle, Washington 98104-2862

RE: I-405 Corridor Program, Concurrence Point 2 - Draft Environmental Impact Statement Alternatives

Dear Mr. Cummings:

We are responding to your request for concurrence on the alternatives which will be included in the Draft Environmental Impact Statement for the above proposed corridor program. The proposed corridor program is one of the three pilot projects under the "Reinventing NEPA" process.

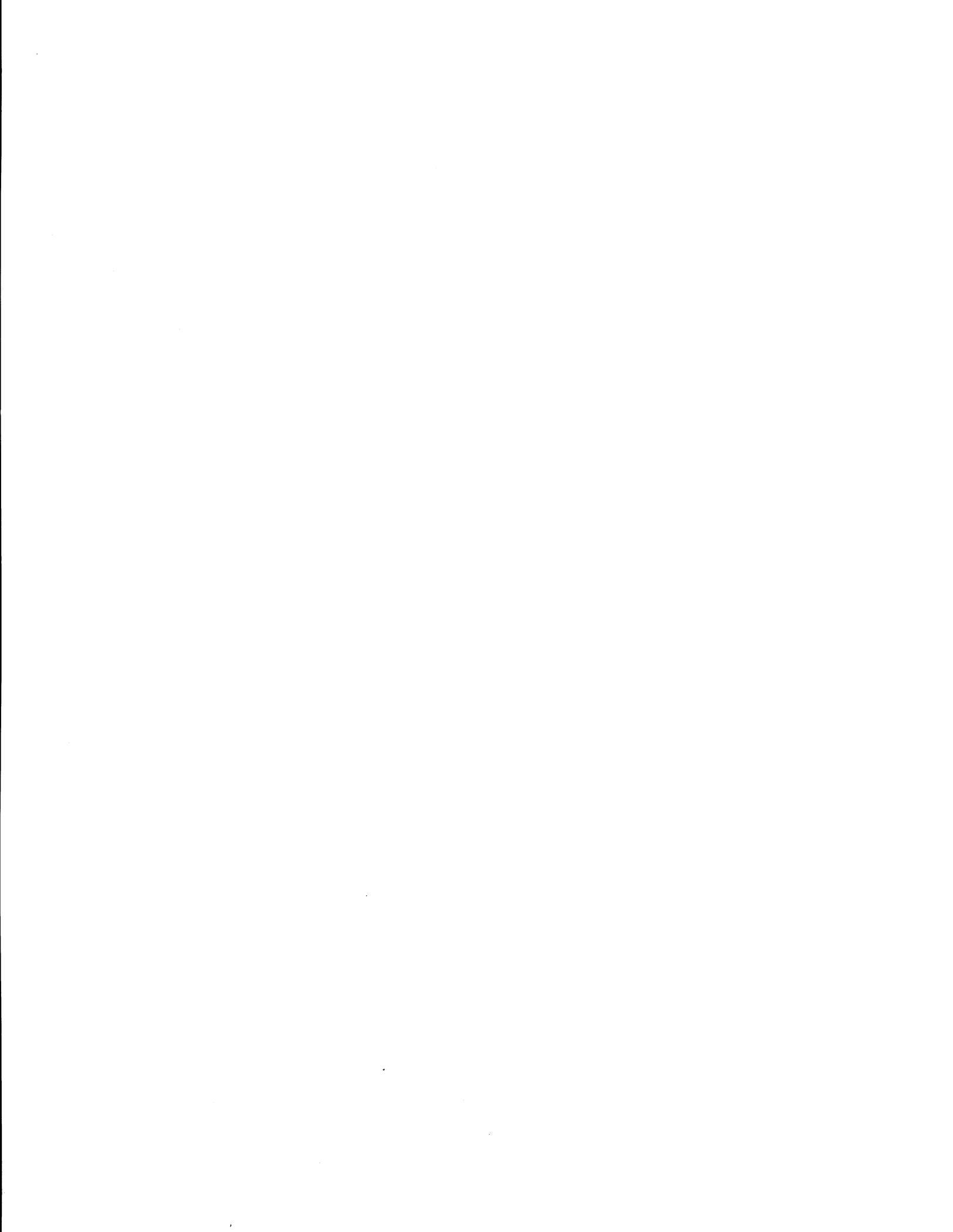
We appreciate the coordination you have had with our agency to address our request for the addition of a fourth alternative to the Draft Environmental Impact Statement. This alternative, now identified as Alternative 1, focuses on high capacity transit, transportation demand management, and minimizing impervious surfaces. Based on the inclusion of this alternative in the Draft Environmental Impact Statement, we concur with the alternatives which will be incorporated in this document for review.

If you have any questions, please contact Nancy Brennan-Dubbs, of my staff, at (360) 753-5835.

Sincerely,

GAJ
Gerry A. Jackson, Manager
Western Washington Office

cc: NMFS, Lacey (Gibbons)
EPA, Seattle (Parkin)
Corps, Seattle (Kennedy)
DOE, Lacey (Manning)
WDFW, Olympia (Hegy)





United States Department of the Interior

FISH AND WILDLIFE SERVICE

Western Washington Fish and Wildlife Office
510 Desmond Drive SE, Suite 102
Lacey, Washington 98503
Phone: (360) 753-9440 Fax: (360) 753-9008

RECEIVED
NOV 09 2001

NOV - 7 2001

Michael Cummings,
Project Manager
Washington Department of Transportation
401 Second Avenue South, Suite 300
Seattle, Washington 98104

Subject: I-405 Preferred Alternative Worksheet

Dear Mr. Cummings:

As a member of the I-405 Steering Committee, the U. S. Fish and Wildlife Service (FWS) has been asked to complete and submit a copy of the above referenced worksheet. The worksheet identifies the 21 plus elements that make up the proposed five alternatives for the I-405 corridor. We have been asked to indicate on the worksheet whether a particular element should be included in a preferred alternative, conditions for our supporting that element, and any rationale we may have for our comments.

We are notifying you that we are unable to complete the worksheet due to the difficulty in evaluating each element individually and its impacts to fish and wildlife. While we believe that this method of requesting our input has its benefits, the information presented for each element is not presented in the Draft Environmental Impact Statement or the supporting documents in a manner which enables us to easily perform this task. Instead, we are providing you general comments on the elements and a preferred alternative.

Our focus for evaluating the various elements and alternatives focuses on the potential impacts to fish and wildlife and their habitat. Information that we have used to help us in our assessment are acres of wetland impacted, new acres of impervious surface, and new stream corridor crossings and encroachments.

In general, if an element does not result in 1) the loss of wetlands and waters of the United States, 2) new impervious surfaces, and 3) new stream crossings and encroachments, we do not object to its inclusion in a preferred alternative. Very few of the elements meet this condition, however.

We are generally supportive of those elements which will result in the reduction of single occupancy vehicles as this helps to reduce the need for additional traffic lanes, and their attendant

impervious surfaces and wetland fills. The flip side of this is we are not supportive of the creation of new general purpose lanes, arterials or other features that result in increased impacts to fish and wildlife and their habitat. Additionally, the indirect effects of additional growth associated with new lanes and arterials creates further concerns for resources under our jurisdiction.

Based on the information provided in the Draft Environmental Impact Statement and supporting documents, the action alternative that impacts fish and wildlife the least is Alternative 1 (High Capacity Transit/Transportation Demand Management). This alternative is composed of 11 elements, some of which have more fish and wildlife impacts than others. We do not object to the elements contained in this alternative if they are critical to making this a practicable alternative.

We look forward to continuing to work with you to develop an alternative that is acceptable to our agencies, and which meets the needs of transportation and fish and wildlife. Should you have any questions or comments, please contact Nancy Brennan-Dubbs, of my staff, at (360) 753-5835.

Sincerely,


for Ken S. Berg, Manager
Western Washington Fish and Wildlife Service Office

c: Corps, Seattle (J. Kennedy)
EPA, Seattle (J. Freedman)
FHWA, Olympia (J. Leonard)
DOE, Lacey (T. Swanson)
WDFW, Olympia (T. Hegy)



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Western Washington Fish and Wildlife Office
510 Desmond Drive SE, Suite 102
Lacey, Washington 98503
Phone: (360) 753-9440 Fax: (360) 753-9008

RECEIVED
APR 08 2002

MAR 28 2002

Mike Cummings
Washington Department of Transportation
401 Second Avenue South
Suite 300
Seattle, Washington 98104

Subject: I-505 Concurrence Point 3, Preferred Alternative

Dear Mr. Cummings:

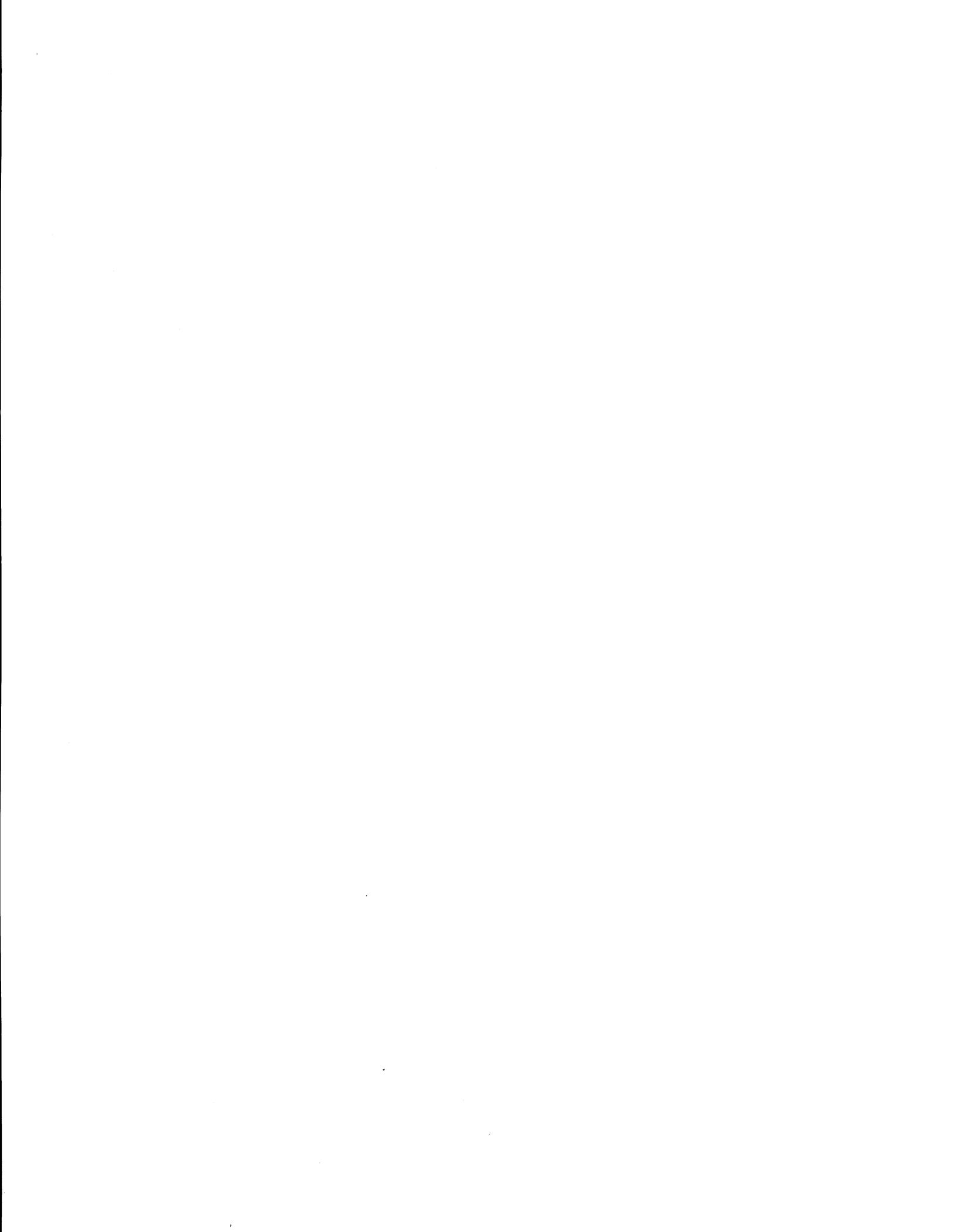
We received the preliminary final Environmental Impact Statement and request for concurrence on Concurrence Point 3, the preferred alternative, on March 19, 2002. Your memo requests that we provide our response regarding concurrence by April 5, 2002. We wish to inform you that we will be unable to meet this timeframe due to other workload responsibilities. However, my staff, Ms. Nancy Brennan-Dubbs, will provide a response as expeditiously as possible. Our goal is to provide you with a response by April 26, 2002, at the latest.

I apologize that we are unable to meet your requested timeframe. If you have any questions, please contact Mr. Lynn Childers, Ms. Brennan-Dubbs' supervisor, at (360) 753-5831.

Sincerely,

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

c: FHWA, Olympia (J. Leonard)
Corps, Seattle (J. Kennedy)
EPA, Seattle (J. Freedman)
NMFS, Lacey (D. Hirsh)
DOE, Lacey (T. Swanson)



**United States
Environmental Protection Agency**

**I-405 Corridor Program
EIS Concurrence Form**

RECEIVED
OCT 12 1999

Date sent:: September 29, 1999

Concurrence Point: 1. Purpose and Need -

The *need* is to improve personal and freight mobility and reduce foreseeable traffic congestion in the corridor that encompasses the I-405 study area from Tukwila to Lynnwood in a manner that is safe, reliable, and cost-effective.

The *purpose* of the proposed action is to provide an efficient, integrated, and multi-modal system of transportation solutions within the corridor that meet the project need in a manner that:

- provides for maintenance or enhancement of livability for communities within the corridor;
- provides for maintenance or improvement of air quality, protection or enhancement of fish-bearing streams, and regional environmental values such as continued integrity of the natural environment;
- supports a vigorous state and regional economy by responding to existing and future travel needs; and
- accommodates planned regional growth.

Agency: U.S. EPA
Signature: Richard B. Parkin
Title: Manager, Geographic Implementation Unit
Date: 9/30/99

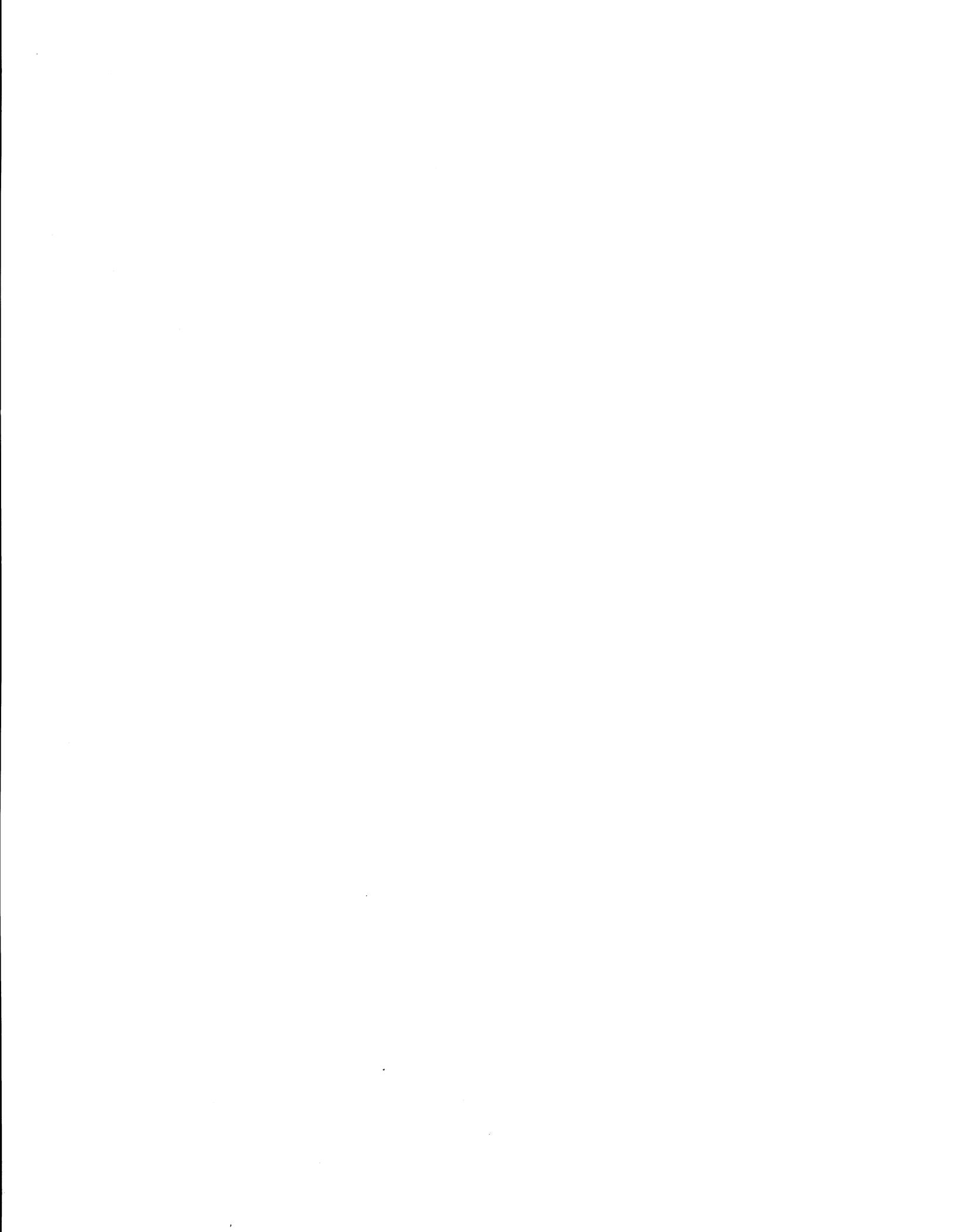
Concur

Non-concur
(Circle one)

If the agency has selected Non-concur, they must include an explanation of what must be changed so that the agency could Concur: (describe here or attach)

Return to:

Michael Cummings
WSDOT
Office of Urban Mobility
401 Second Avenue
Seattle, WA 98104-2862
cumminm@wsdot.wa.gov



RECEIVED
OCT 12 1999

I-405 Corridor Program EIS Concurrence Form

Date sent:: September 29, 1999

Concurrence Point: 1. Purpose and Need -

The *need* is to improve personal and freight mobility and reduce foreseeable traffic congestion in the corridor that encompasses the I-405 study area from Tukwila to Lynnwood in a manner that is safe, reliable, and cost-effective.

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- accommodates planned regional growth.

Agency: U.S. EPA
Signature: Richard B. Parkin
Title: Manager, Geographic Implementation Unit
Date: 10/12/99

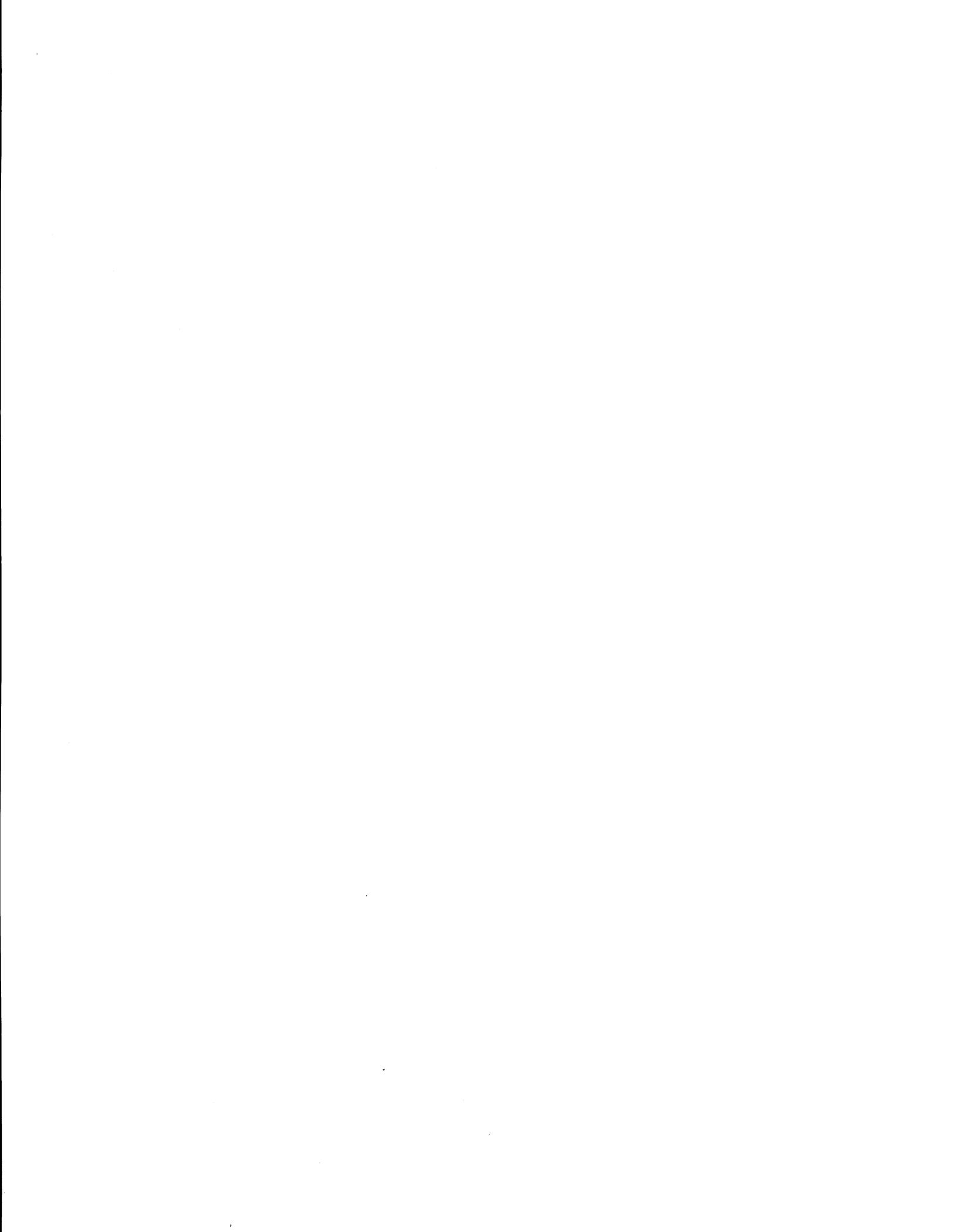
Concur

Non-concur
(Circle one)

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Return to:

Michael Cummings
WSDOT
Office of Urban Mobility
401 Second Avenue South Suite 300
Seattle, WA 98104-2862
cumminm@wsdot.wa.gov



I-405 Corridor Program EIS Concurrence Form

Date sent: July 20, 2000

Concurrence Point: 1. Draft EIS Alternatives -

- Attached as Exhibit A, dated July 20, 2000 is a general description of the action alternatives that are proposed to be considered in the Draft Environmental Impact Statement for the I-405 Corridor Program. These four alternatives and a "No-Action" alternative will be the focus of the environmental investigation and disclosure in this document.

Agency: Environmental Protection Agency
Signature: *Richard B. Parkin*
Title: Manager, Geographic Implementation Unit
Date: 8/10/00

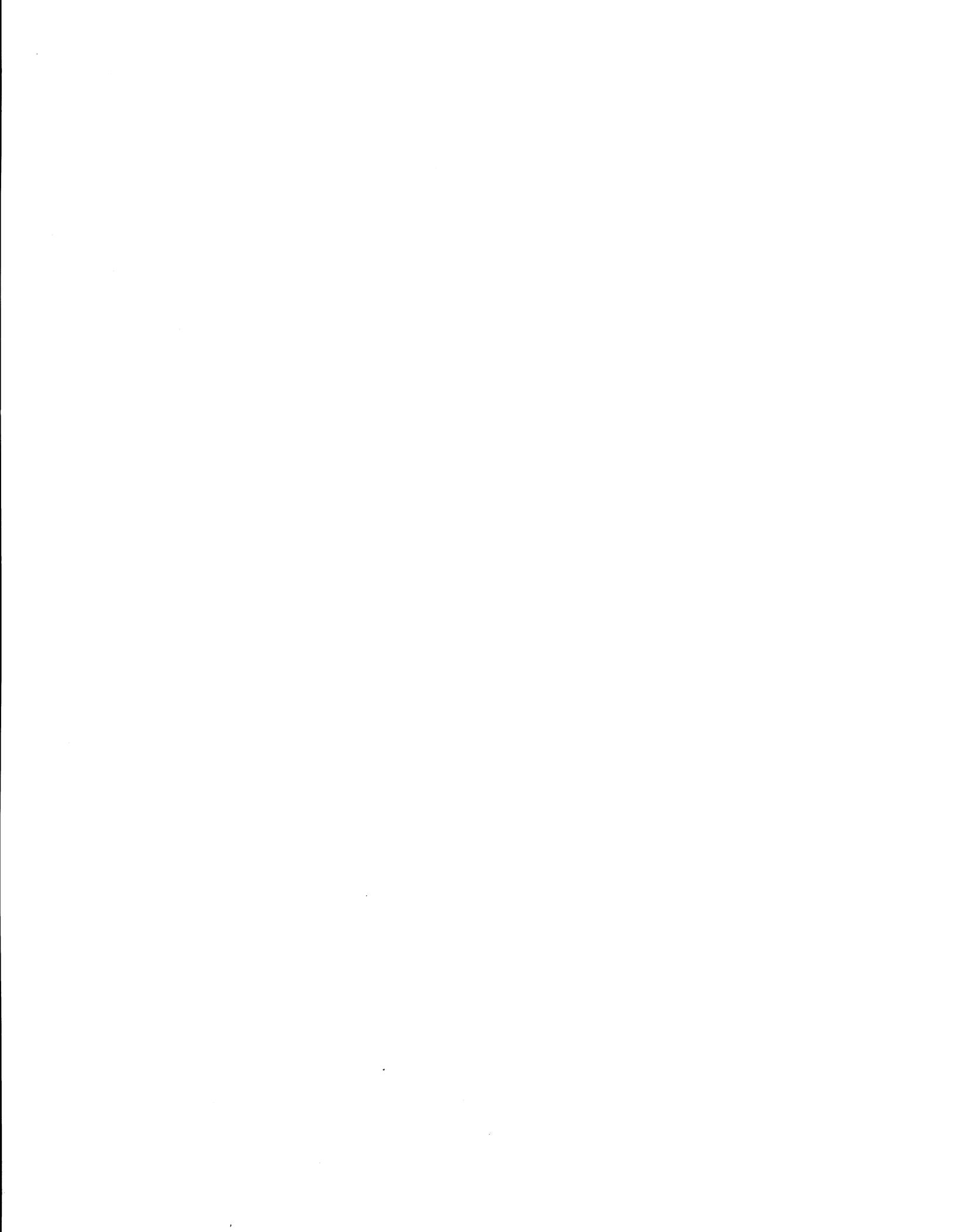
Concur

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Return to:

Michael Cummings
WSDOT
Office of Urban Mobility
401 Second Avenue South, Suite 300
Seattle, WA 98104-2862
cumminm@wsdot.wa.gov





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

Reply To

Attn Of: ECO-088

99-083-FHW

Attn. Michael Cummings
Washington Department of Transportation
I-405 Corridor Program
401 Second Avenue South, Suite 300
Seattle WA 98104

Dear Mr. Cummings:

We have reviewed the Decision Making Guide and Worksheet supplied to us electronically on October 10, 2001 by Washington Department of Transportation for the I-405 corridor program. We acknowledge the hard work involved in creating and assembling these materials. We believe it is important to supplement the input you requested in these materials and to reiterate some concerns we have previously stated regarding the I-405 corridor project in our letter of October 19, 2001.

The system-level criteria from the Guide (pages 4-5) that we supported most consistently in reviewing the worksheet were: reducing single-occupancy vehicles, providing connections to regional and local transportation, providing access to various mode choices, maximizing benefits to cost, minimizing cost (which is similar to "reasonable range of funding"), all of the environmental criteria, safety concerns, and environmental justice. To some extent, we also found travel time predictability, and serving 2020 peak demand important; the latter criteria was used as a way of keeping our concern for minimizing construction impacts in mind.

A key problem with the worksheet in our view, is that it is difficult to take the major elements out of context and comment on them in isolation, overlooking the inter-relationships with other elements and their comparative priority. The effectiveness of each element depends on its inter-relationships with other elements in a proposed alternative as construction proceeds for projects in the corridor program. For example, element number 4 in the worksheet, Arterial HOV Priority, must work in tandem with element number 5, HOV Express with Direct Access Ramps. However, its effectiveness will also be related, in large part, to how well arterials are integrated to whatever transit mode is selected. There are undoubtedly other linkages that affect how one might consider element 4. EPA might favor Item 6, Park-and-Ride lots, but this depends on what other elements the lots are intended to support, as well as their location. If they are located in areas that may encourage increased use by SOV travelers from outlying areas (induced travel), or they are linked to general purpose lanes, we may oppose this element outright.

As you recall from our letter of October 19, 2001, we proposed that the program adopt an adaptive management strategy whereby the programmatic document provides a framework for making final mode choice decisions, but avoid selecting final project elements at this time that are set in stone. We proposed that the strategy require initial elements be built and operated and then be evaluated prior to determining what the next mode choice construction projects might be. We proposed broadly prioritizing several mode choices as follows: starting with non-structural,

least-cost Transportation Demand Management (TDM) measures in a region-wide context; then addressing the obvious, current congestion and safety problems; then constructing a transit mode or modes; and finally, if conditions still warrant, adding lane capacity. We proposed leaving open the decision of making additional lanes general purpose, managed lanes, or whether they should run the length of the corridor or in strategic locations until specific project planning takes place. This proposed approach completely vanishes in the worksheet exercise.

The worksheet, for a number of elements, asks questions on specific projects. Stating our approval of their inclusion in a preferred alternative, we believe, would require our review of project-specific information. Since project-level information is not available at present, we cannot state an opinion on these projects at this time. We reiterate a comment from our letter of October 19, 2001: even if we concur on a preferred alternative, we are not concurring that all the proposed projects on the list from Appendix B, I-405 Corridor Program EIS Alternatives Project Matrix, portions of which are included on the worksheet, are also being committed to. We expect that future planning on these projects will include, if necessary, examination of the need for these projects on an individual basis, and additional NEPA documentation prior to decisions or action.

We have two additional points of clarification to our comment letter. The first regards the EIS cover sheet or signature page. The Environmental Protection Agency is listed as a cooperating agency in the DEIS. This appears to be a reference to our agency's participation in the I-405 program as a pilot project in the Reinventing NEPA process. We are a member of the pilot project Steering Committee. However, we are not officially a cooperating agency. Designation as a cooperating agency under the Council on Environmental Quality Regulations at Section 1501 normally requires a prior official request from the Federal lead agency, followed by response from the cooperating agency(s), and the signing of a written agreement. We request your agency remove our agency from this list of cooperating agencies, or clarify that cooperation is in the form of active participation on the Steering Committee. The second point of clarification regards the justification statement in our letter of October 19, 2001 about rating the no-action alternative as LO, (lack of objections). We stated that this ranking was based on the expectation that projects comprising this alternative were already approved through the NEPA process and funded. To the extent that this is not the case with projects comprising the no-action alternative, we wish to clarify that we may reconsider this rating, if necessary, in the future.

Thank you for the opportunity to review this worksheet. Again, we acknowledge all of your hard work in putting the Worksheet and Decision Guide together. If you would like to discuss the issues raised in this letter, please contact Jonathan Freedman at (206) 553-0266.

Sincerely,


Judith Leckrone Lee, Manager
Geographic Implementation Unit

Enclosures

cc: Ben Brown, WSDOT
James Leonard, FHWA

I-405 Corridor Program EIS Concurrence Form

Date sent: September 29, 1999

Concurrence Point: 1. *Purpose and Need* -

The *need* is to improve personal and freight mobility and reduce foreseeable traffic congestion in the corridor that encompasses the I-405 study area from Tukwila to Lynnwood in a manner that is safe, reliable, and cost-effective.

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- provides for maintenance or improvement of air quality, protection or enhancement of fish-bearing streams, and regional environmental values such as continued integrity of the natural environment;
- supports a vigorous state and regional economy by responding to existing and future travel needs; and
- accommodates planned regional growth.

Agency: Federal Highway Administration
Signature: Sharon R. Price
Title: Environmental Program Manager
Date: 12/14/99

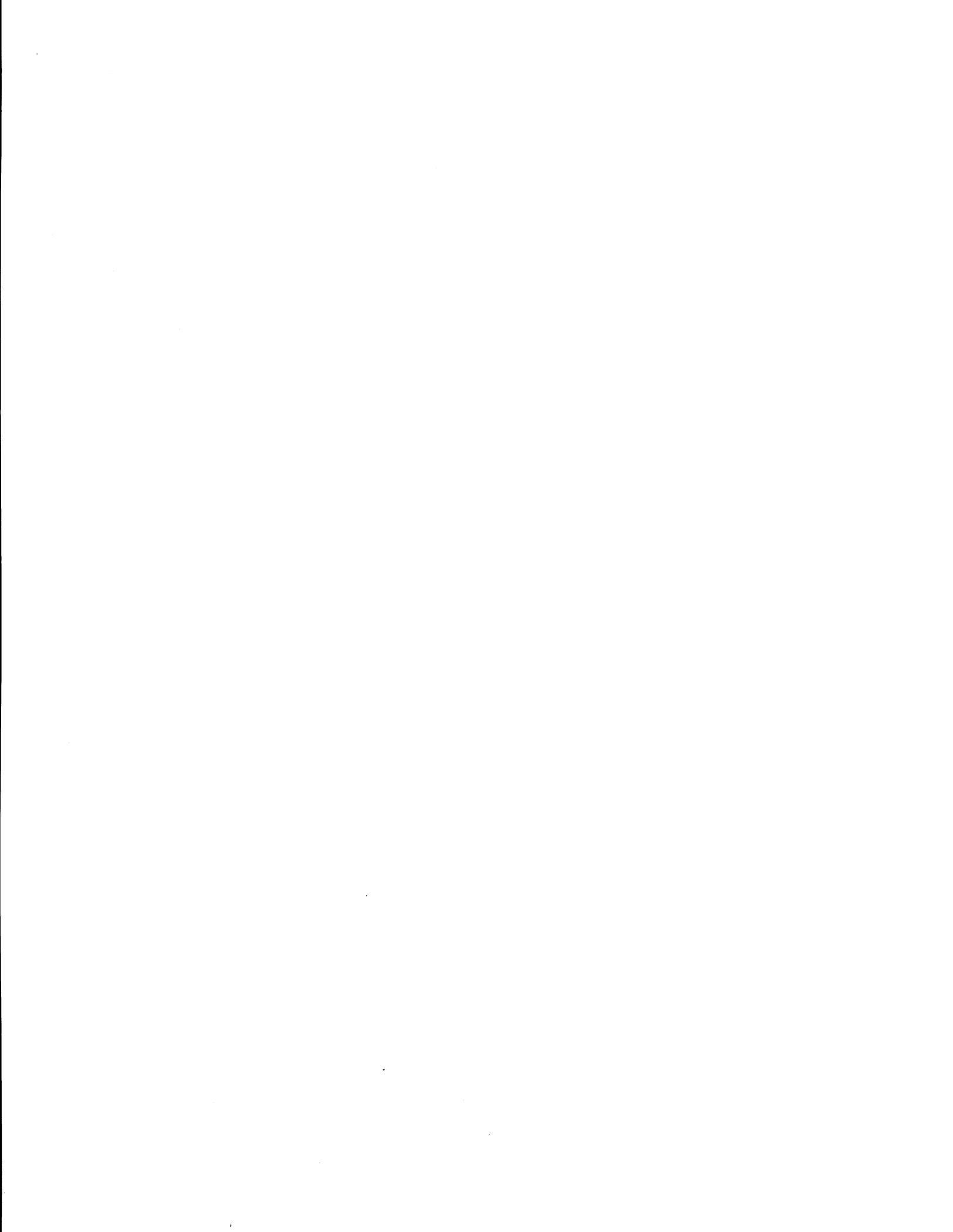
Concur

Non-concur
(Circle one)

If the agency has selected Non-concur, they must include an explanation of what must be changed so that the agency could Concur: (describe here or attach)

Return to:

Michael Cummings
WSDOT
Office of Urban Mobility
401 Second Avenue South, Suite 300
Seattle, WA 98104-2862
cumminm@wsdot.wa.gov



City of Woodinville

I-405 Corridor Program EIS Concurrence Form

Date sent: July 20, 2000

Concurrence Point: 1. Draft EIS Alternatives -

- Attached as Exhibit A, dated July 20, 2000 is a general description of the action alternatives that are proposed to be considered in the Draft Environmental Impact Statement for the I-405 Corridor Program. These four alternatives and a "No-Action" alternative will be the focus of the environmental investigation and disclosure in this document.

Agency: CITY OF WOODINVILLE

Signature: 

Title: DIRECTOR OF PUBLIC WORKS

Date: 24 July 00

Concur

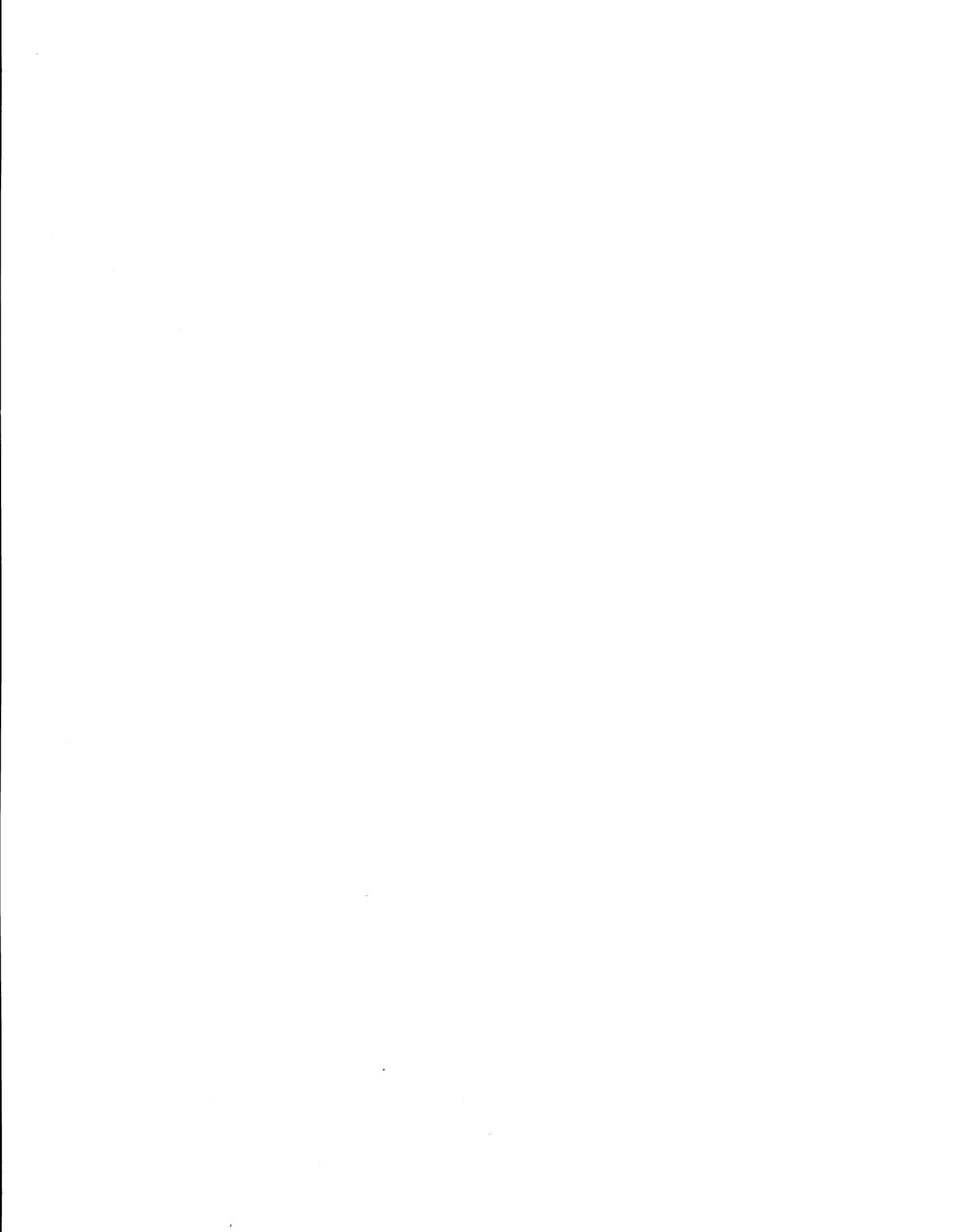
Non-concur
(Circle one)

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JUL 25 2000

If the agency has selected Non-concur, they must include an explanation of what must be changed so that the agency could Concur: (describe here or attach)

Return to:

Michael Cummings
WSDOT
Office of Urban Mobility
401 Second Avenue South, Suite 300
Seattle, WA 98104-2862
cumminm@wsdot.wa.gov



Federal Highway Administration



U.S. Department
of Transportation

**Federal Highway
Administration**

Washington Division

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

May 23, 2000

HFO-WA.1/I-405

City of Newcastle
Micheal Nicholson
Planning Director
13020 SE 72nd
Newcastle, WA 98059-3030

**Re: I-405 Corridor Program
Request for Cooperating Agency Status**

Dear Mr. Nicholson:

The Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Washington State Department of Transportation (WSDOT), King County, and Sound Transit would like to formalize our existing relationship involving the I-405 Corridor Program. **We request your participation as a cooperating agency in the preparation of an Environmental Impact Statement (EIS)** to examine the proposed action for the 30-mile-long Interstate 405 (I-405) corridor, between its southern intersection with Interstate 5 (I-5) in the City of Tukwila in King County, Washington, and its northern intersection with I-5 in Snohomish County, Washington. The proposed action would provide an efficient, integrated, and multi-modal system of transportation solutions to improve movement of people and goods, reduce foreseeable traffic congestion, and enhance mobility in the corridor study area, which extends approximately one to three miles on either side of I-405.

The FHWA and WSDOT are preparing a combined NEPA/SEPA EIS that will evaluate alternative solutions to satisfy existing and future transportation needs. The I-405 Corridor Program EIS is a "Reinventing NEPA" pilot project, intended to evaluate and improve the application of the NEPA process. The pilot process was developed cooperatively by Washington State and Federal agencies, and is jointly sponsored by WSDOT and FHWA.

Your previous and continued participation is welcomed as you have special expertise or permitting authority for this project's affected environment. We invite you to work with us to identify those environmental factors that you consider to be most critical, and to ensure that the NEPA/SEPA EIS adequately addresses your concerns.

ALTERNATIVES

The I-405 Executive Committee and Steering Committee have not yet identified specific alternatives to be included in the EIS. This is because the new NEPA process being pilot-tested as part of the I-405 EIS calls for this identification at a later stage. However, a wide range of alternative actions have been suggested during the Executive Committee, Steering Committee, Citizen's Committee, public and agency scoping meetings held to date. These include: (1) implementing a range of transportation system management (TSM) and transportation demand management (TDM) measures; (2) expanding the

capacity of the existing I-405; (3) expanding the capacity and improving the continuity of the adjacent arterial network; (4) expanding the capacity of the existing bus transit system; (5) implementing new high-capacity transit; and/or (6) a combination of elements of the preceding alternatives. Also, a variety of land use and development controls by local jurisdictions may be identified, but these are not within the jurisdiction of the WSDOT or the FHWA.

ENVIRONMENTAL RESOURCES AND ISSUES

The following is a preliminary list of the environmental and land resources that are in the corridor study area, and potential issues that the EIS will likely address. Whether they are in the potential impact zone, or would likely be affected by any alternative, is not known at this time.

Air Quality	Geology and Soils
Waterways and Hydrological Systems	Water Quality
Flood Plains	Fisheries and Wildlife
Wetlands	Displacements and Relocation
Land and Shoreline Use	Social and Economic Impacts
Cultural Resources	Visual Quality
Energy	Noise
Hazardous Waste	Surface Transportation
Public Services	Utilities

POTENTIAL FEDERAL, STATE AND LOCAL PERMITS AND APPROVALS

The following is a list of permits or approvals that may be required, depending on the alternative selected, its location, and its effects:

- ◇ Section 404, Clean Water Act, Permit – U.S. Army Corps of Engineers and U.S. Environmental Protection Agency
- ◇ Section 7, Endangered Species Act, consultation (northern bald eagle, Chinook salmon, bull trout) – U.S. Fish and Wildlife Service; National Marine Fisheries Service
- ◇ Wildlife Attraction notification and coordination (wetland/detention pond within 5,000 feet of runway) – Renton Airport and Federal Aviation Administration
- ◇ National Pollutant Discharge Elimination System Stormwater Permit (construction disturbing more than 5 acres) – Washington State Department of Ecology
- ◇ Section 401, Clean Water Act, Water Quality Certification (runoff) – Washington State Department of Ecology
- ◇ Hydraulic Project Approval (construction in waters of the State) – Washington State Department of Fish and Wildlife
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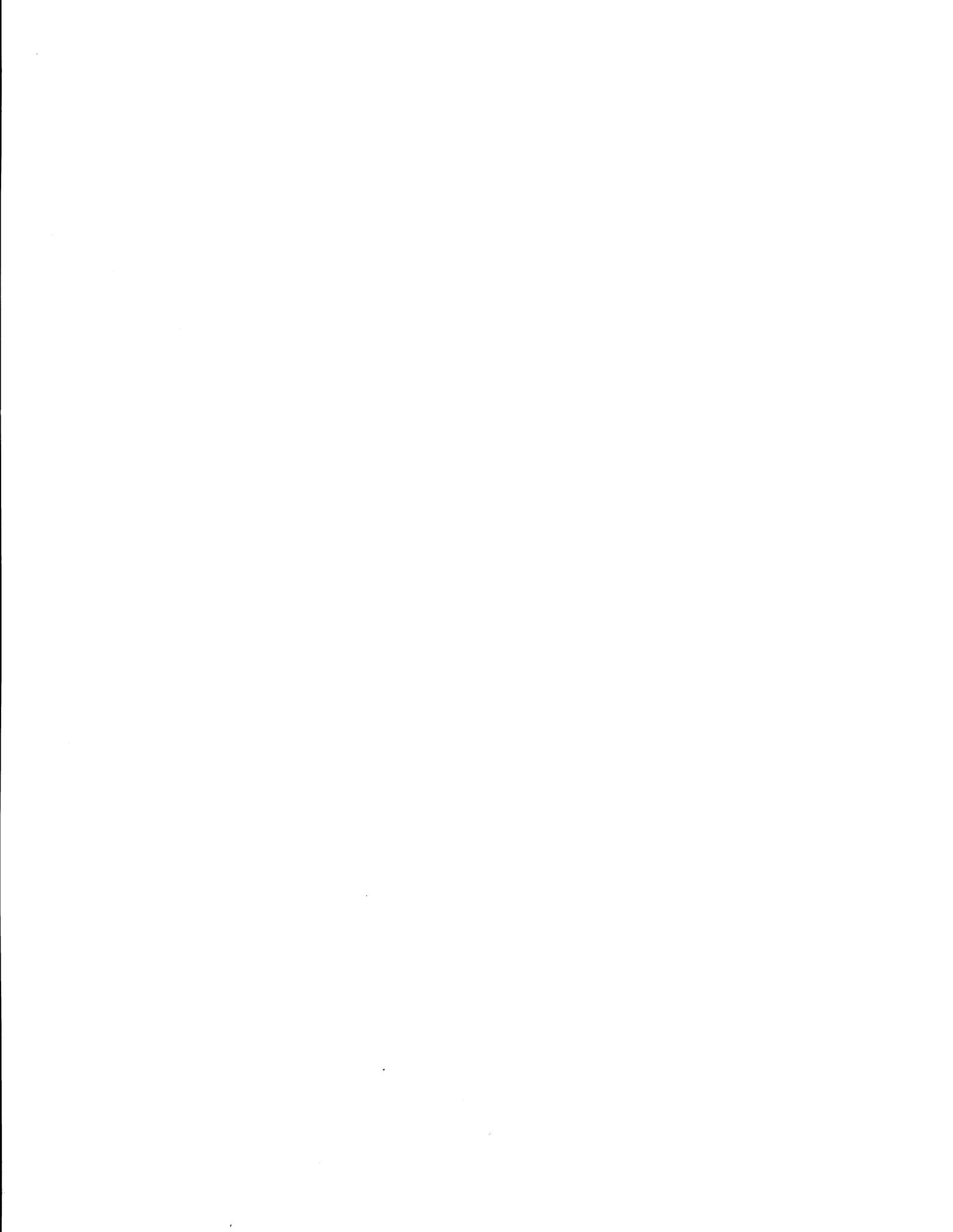
Sincerely,

GENE K. FONG
Division Administrator

Michael R. Brower
Transportation and Environmental Engineer

Enclosures

cc: Mike Brower, FHWA
Ben Brown, WSDOT
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Others (Listed on Attached)





U.S. Department
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**Federal Highway
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Washington Division

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May 23, 2000

HFO-WA.1/I-405

City of Tukwila
Steve Lancaster
Planning Director
6300 Southcenter Blvd.
Tukwila, WA 98188-2599

**Re: I-405 Corridor Program
Request for Cooperating Agency Status**

Dear Mr. Lancaster:

The Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Washington State Department of Transportation (WSDOT), King County, and Sound Transit would like to formalize our existing relationship involving the I-405 Corridor Program. **We request your participation as a cooperating agency in the preparation of an Environmental Impact Statement (EIS)** to examine the proposed action for the 30-mile-long Interstate 405 (I-405) corridor, between its southern intersection with Interstate 5 (I-5) in the City of Tukwila in King County, Washington, and its northern intersection with I-5 in Snohomish County, Washington. The proposed action would provide an efficient, integrated, and multi-modal system of transportation solutions to improve movement of people and goods, reduce foreseeable traffic congestion, and enhance mobility in the corridor study area, which extends approximately one to three miles on either side of I-405.

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Your previous and continued participation is welcomed as you have special expertise or permitting authority for this project's affected environment. We invite you to work with us to identify those environmental factors that you consider to be most critical, and to ensure that the NEPA/SEPA EIS adequately addresses your concerns.

ALTERNATIVES

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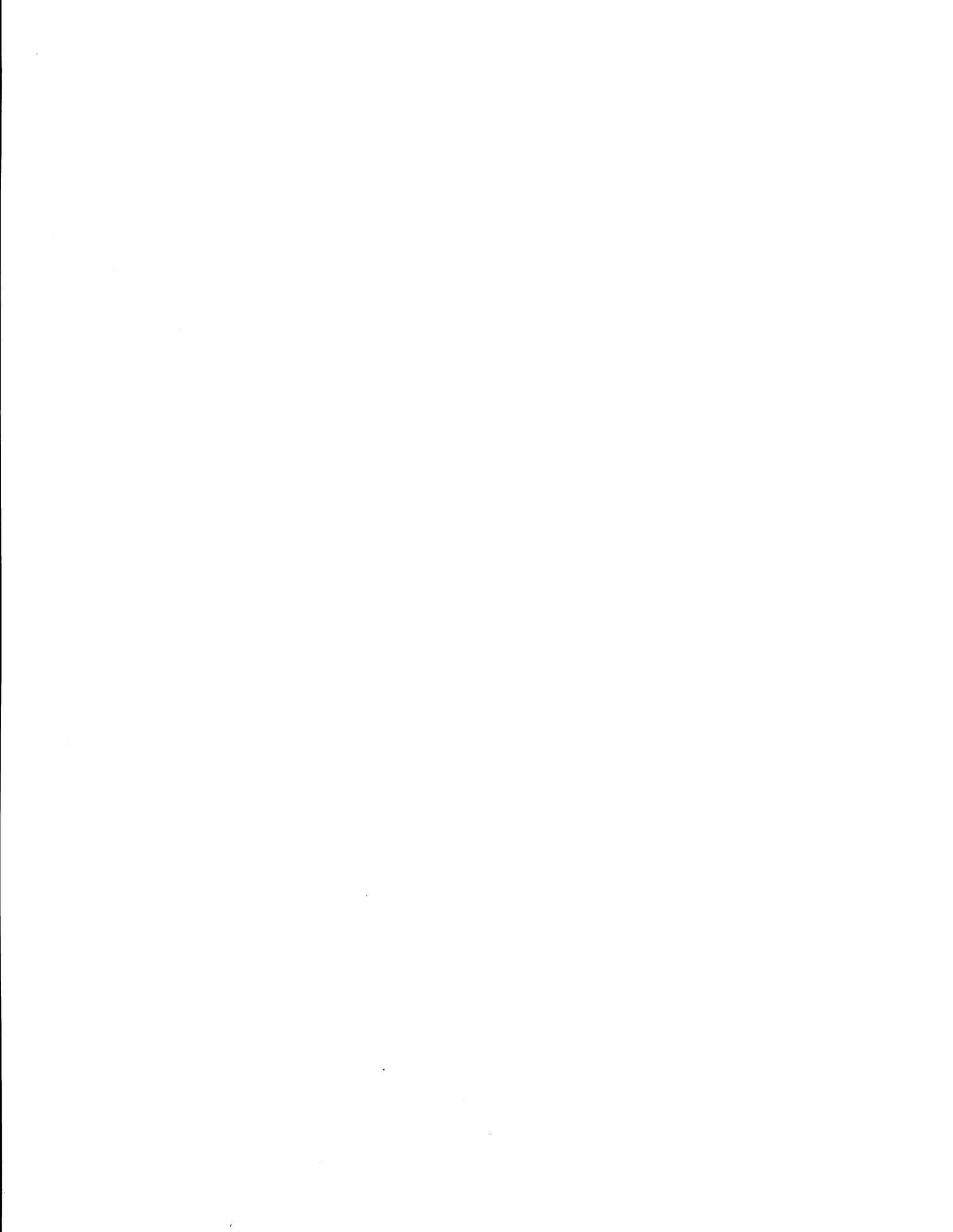
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May 23, 2000

HFO-WA.1/I-405

City of Bellevue
Kris Liljeblad
Planning Assistant Director
P.O. Box 90012
Bellevue, WA 98009-9012

**Re: I-405 Corridor Program
Request for Cooperating Agency Status**

Dear Mr. Liljeblad:

The Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Washington State Department of Transportation (WSDOT), King County, and Sound Transit would like to formalize our existing relationship involving the I-405 Corridor Program. **We request your participation as a cooperating agency in the preparation of an Environmental Impact Statement (EIS)** to examine the proposed action for the 30-mile-long Interstate 405 (I-405) corridor, between its southern intersection with Interstate 5 (I-5) in the City of Tukwila in King County, Washington, and its northern intersection with I-5 in Snohomish County, Washington. The proposed action would provide an efficient, integrated, and multi-modal system of transportation solutions to improve movement of people and goods, reduce foreseeable traffic congestion, and enhance mobility in the corridor study area, which extends approximately one to three miles on either side of I-405.

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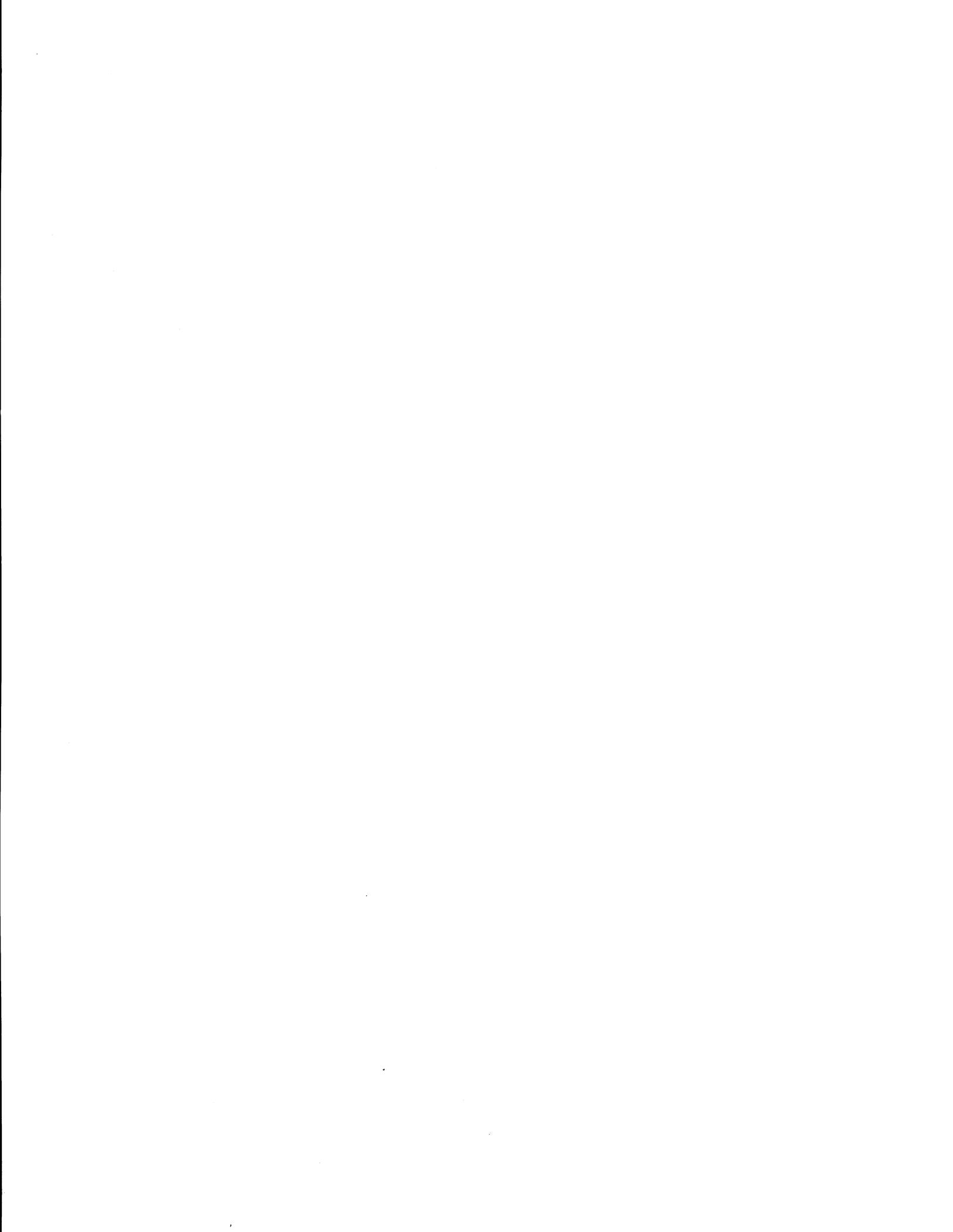
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May 23, 2000

HFO-WA.1/I-405

City of Bothell
Manny Ocampo
Assistant City Manager
9654 NE 182nd St.
Bothell, WA 98011

**Re: I-405 Corridor Program
Request for Cooperating Agency Status**

Dear Mr. Ocampo:

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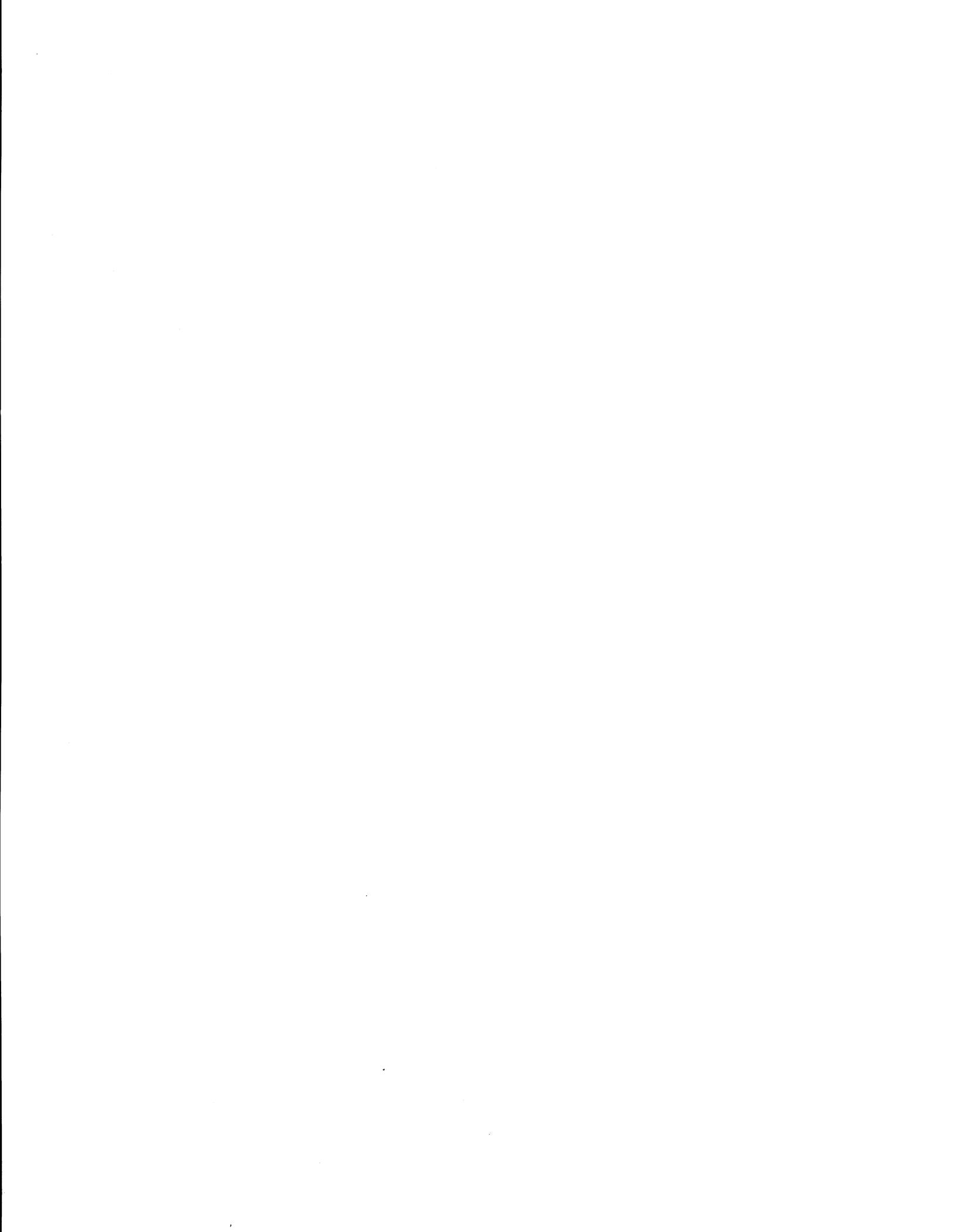
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May 23, 2000

HFO-WA.1/I-405

City of Kirkland
Eric Shields
Planning Director
123 - 5th Ave.
Kirkland, WA 98033

**Re: I-405 Corridor Program
Request for Cooperating Agency Status**

Dear Ms. Shields:

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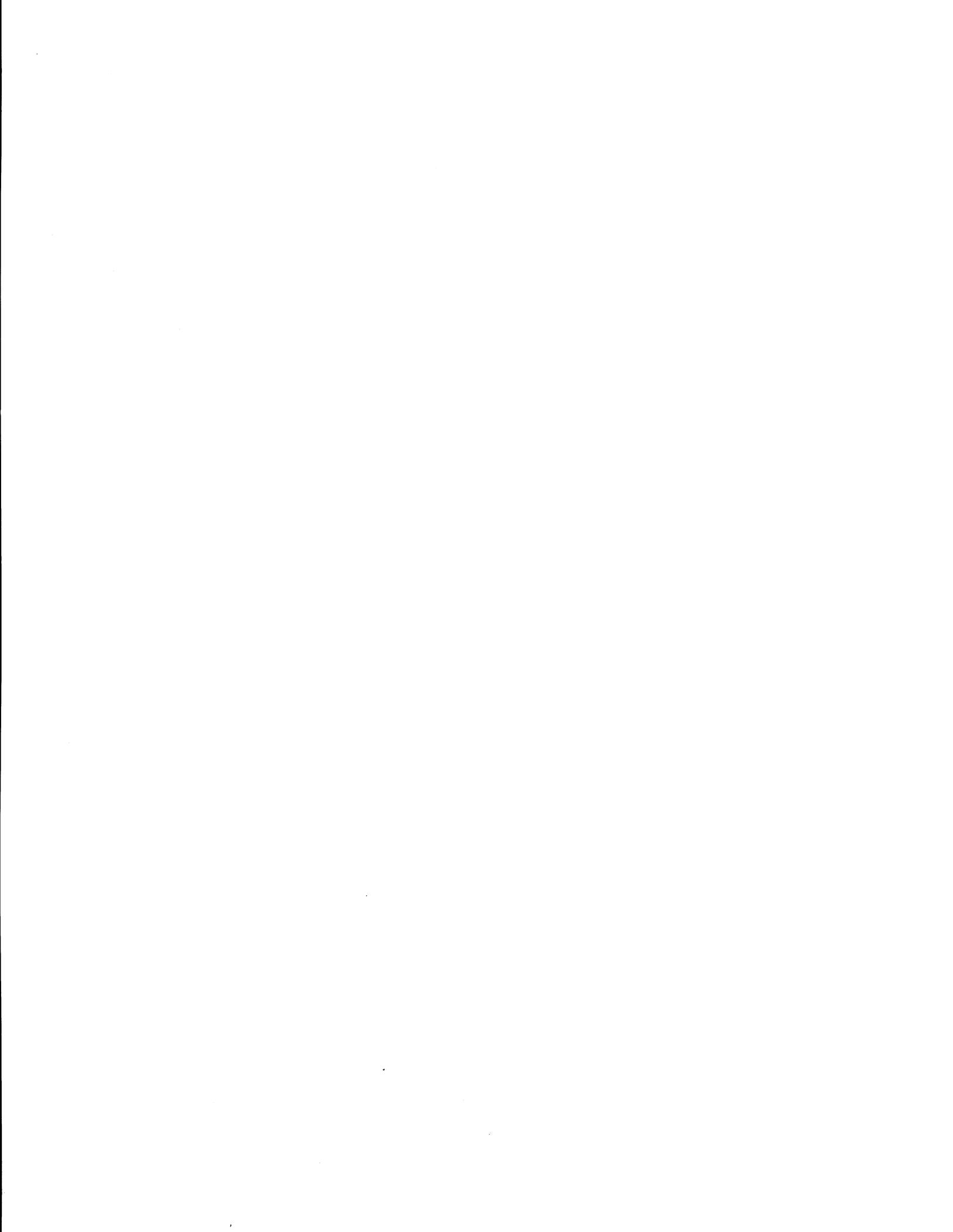
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GENE K. FONG
Division Administrator

Michael R. Brower
Transportation and Environmental Engineer

Enclosures

cc: Mike Brower, FHWA
Ben Brown, WSDOT
Michael Cummings, WSDOT
Others (Listed on Attached)





U.S. Department
of Transportation

**Federal Highway
Administration**

Washington Division

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

May 23, 2000

HFO-WA.1/I-405

City of Redmond
Roberta Lewandowski
Planning Director
P.O. Box 97010
Redmond, WA 98073-9710

**Re: I-405 Corridor Program
Request for Cooperating Agency Status**

Dear Ms. Lewandowski:

The Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Washington State Department of Transportation (WSDOT), King County, and Sound Transit would like to formalize our existing relationship involving the I-405 Corridor Program. **We request your participation as a cooperating agency in the preparation of an Environmental Impact Statement (EIS)** to examine the proposed action for the 30-mile-long Interstate 405 (I-405) corridor, between its southern intersection with Interstate 5 (I-5) in the City of Tukwila in King County, Washington, and its northern intersection with I-5 in Snohomish County, Washington. The proposed action would provide an efficient, integrated, and multi-modal system of transportation solutions to improve movement of people and goods, reduce foreseeable traffic congestion, and enhance mobility in the corridor study area, which extends approximately one to three miles on either side of I-405.

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Your previous and continued participation is welcomed as you have special expertise or permitting authority for this project's affected environment. We invite you to work with us to identify those environmental factors that you consider to be most critical, and to ensure that the NEPA/SEPA EIS adequately addresses your concerns.

ALTERNATIVES

The I-405 Executive Committee and Steering Committee have not yet identified specific alternatives to be included in the EIS. This is because the new NEPA process being pilot-tested as part of the I-405 EIS calls for this identification at a later stage. However, a wide range of alternative actions have been suggested during the Executive Committee, Steering Committee, Citizen's Committee, public and agency scoping meetings held to date. These include: (1) implementing a range of transportation system management (TSM) and transportation demand management (TDM) measures; (2) expanding the

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ENVIRONMENTAL RESOURCES AND ISSUES

The following is a preliminary list of the environmental and land resources that are in the corridor study area, and potential issues that the EIS will likely address. Whether they are in the potential impact zone, or would likely be affected by any alternative, is not known at this time.

Air Quality	Geology and Soils
Waterways and Hydrological Systems	Water Quality
Flood Plains	Fisheries and Wildlife
Wetlands	Displacements and Relocation
Land and Shoreline Use	Social and Economic Impacts
Cultural Resources	Visual Quality
Energy	Noise
Hazardous Waste	Surface Transportation
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POTENTIAL FEDERAL, STATE AND LOCAL PERMITS AND APPROVALS

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- ◇ Section 404, Clean Water Act, Permit – U.S. Army Corps of Engineers and U.S. Environmental Protection Agency
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- ◇ Wildlife Attraction notification and coordination (wetland/detention pond within 5,000 feet of runway) – Renton Airport and Federal Aviation Administration
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As a cooperating agency, your agency's involvement should entail those areas under its jurisdiction or special expertise that need to be addressed to satisfy your concerns. No direct writing or analysis will be

necessary for the document's preparation. However, you are expected to tell us if, at any point in the process, your needs are not being met.

The following are actions we will take to maximize interagency cooperation:

- ◇ Invite you to Steering Committee meetings and other coordination meetings and joint field reviews;
- ◇ Consult with you on any relevant technical studies that will be required for the project;
- ◇ Provide you with study results, Steering Committee minutes, and project information;
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We expect that at the end of the process the EIS will satisfy your NEPA/SEPA requirements including those related to alternatives, review of environmental consequences, and mitigation. We also expect that the document will address any concerns you may have resulting from your responsibilities under other federal and state laws and regulations. We intend to use the EIS as the basis for the Record of Decision (decision making document).

If you have any questions or would like to discuss our agencies' respective roles and responsibilities during the preparation of the EIS, please me at (360) 753-9550. For project information, call Michael Cummings of WSDOT at (206) 464-6223

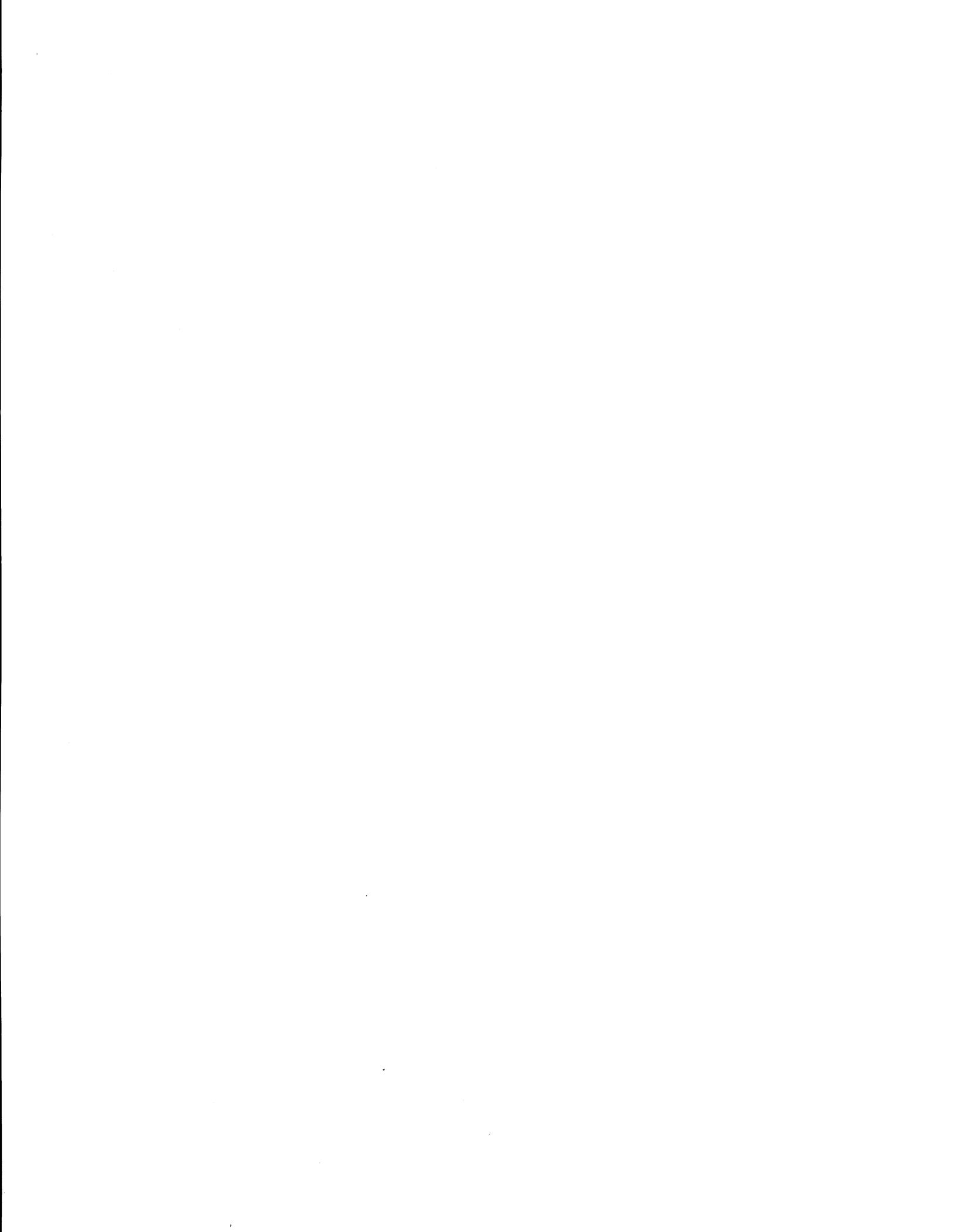
Sincerely,

GENE K. FONG
Division Administrator

Michael R. Brower
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Enclosures

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May 23, 2000

HFO-WA.1/I-405

City of Renton
Gregg Zimmerman
Planning, Building, & Public Works Administrator
1055 S. Grady Way
Renton, WA 98055

**Re: I-405 Corridor Program
Request for Cooperating Agency Status**

Dear Mr. Zimmerman:

The Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Washington State Department of Transportation (WSDOT), King County, and Sound Transit would like to formalize our existing relationship involving the I-405 Corridor Program. **We request your participation as a cooperating agency in the preparation of an Environmental Impact Statement (EIS)** to examine the proposed action for the 30-mile-long Interstate 405 (I-405) corridor, between its southern intersection with Interstate 5 (I-5) in the City of Tukwila in King County, Washington, and its northern intersection with I-5 in Snohomish County, Washington. The proposed action would provide an efficient, integrated, and multi-modal system of transportation solutions to improve movement of people and goods, reduce foreseeable traffic congestion, and enhance mobility in the corridor study area, which extends approximately one to three miles on either side of I-405.

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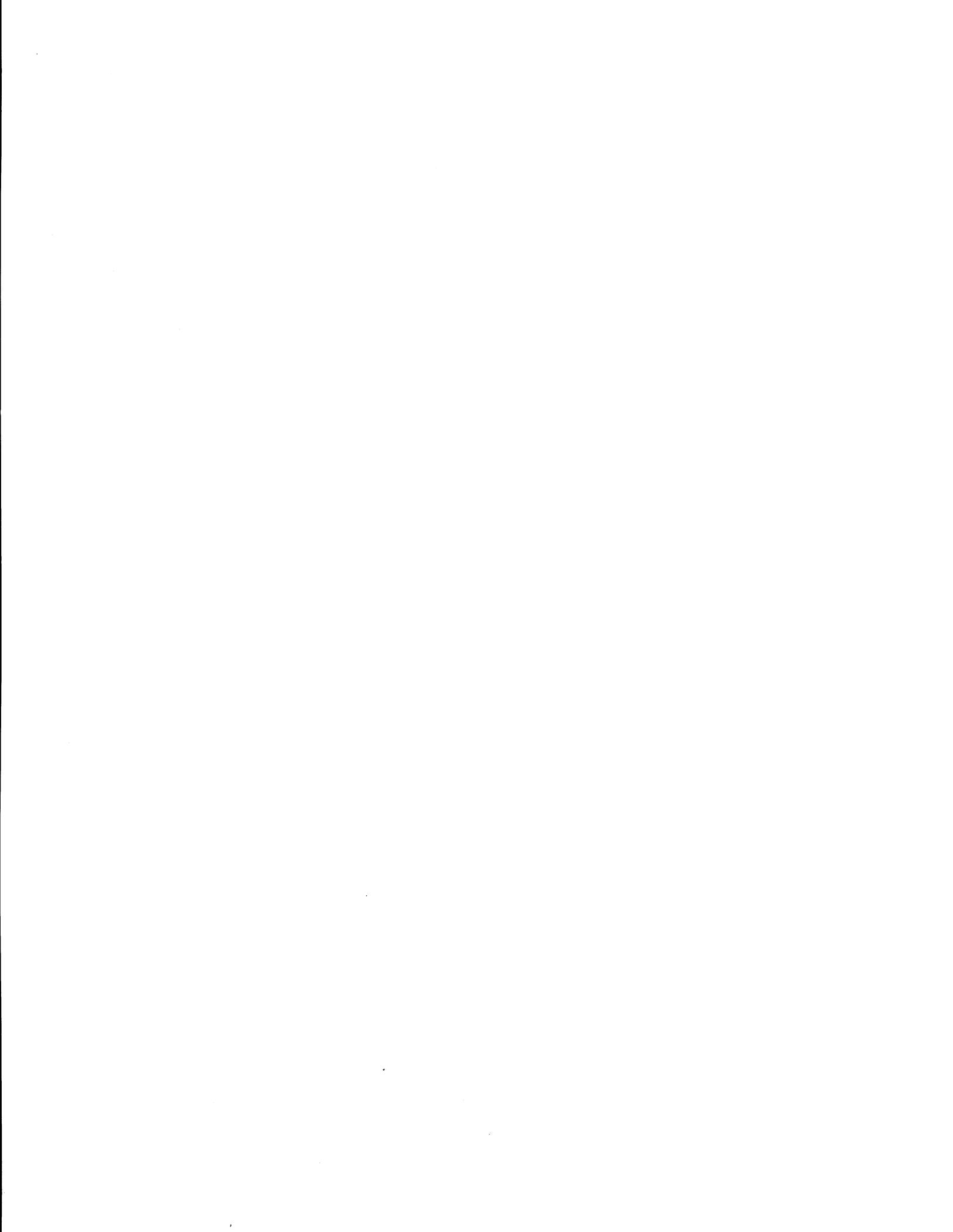
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GENE K. FONG
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Enclosures

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May 23, 2000

HFO-WA.1/I-405

Snohomish County
Steve Holt
Planning Director
3000 Rockefeller Ave., MS 604
Everett, WA 98201-4060

**Re: I-405 Corridor Program
Request for Cooperating Agency Status**

Dear Mr. Holt:

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May 23, 2000

HFO-WA.1/I-405

U.S. Fish and Wildlife Service
Nancy Brennan-Dubbs
510 Desmond Dr. SE, Suite 102
Lacey, WA 98501-1273

**Re: I-405 Corridor Program
Request for Cooperating Agency Status**

Dear Mrs. Brennan-Dubbs:

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May 23, 2000

HFO-WA.1/I-405

National Marine Fisheries Service
Rick Applegate
Assist. Reg. Admin. for Habitat Conservation
525 NE Oregon St., Suite 500
Portland, Oregon 97232

**Re: I-405 Corridor Program
Request for Cooperating Agency Status**

Dear Mr. Applegate:

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The following is a preliminary list of the environmental and land resources that are in the corridor study area, and potential issues that the EIS will likely address. Whether they are in the potential impact zone, or would likely be affected by any alternative, is not known at this time.

Air Quality	Geology and Soils
Waterways and Hydrological Systems	Water Quality
Flood Plains	Fisheries and Wildlife
Wetlands	Displacements and Relocation
Land and Shoreline Use	Social and Economic Impacts
Cultural Resources	Visual Quality
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Hazardous Waste	Surface Transportation
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The following is a list of permits or approvals that may be required, depending on the alternative selected, its location, and its effects:

- ◇ Section 404, Clean Water Act, Permit – U.S. Army Corps of Engineers and U.S. Environmental Protection Agency
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- ◇ Critical Area Ordinances (wetlands, hazard areas, critical habitat) – King County, Snohomish County, City of Bellevue, City of Bothell, City of Kenmore, City of Kent, City of Kirkland, City of Newcastle, City of Redmond, City of Renton, City of Tukwila, City of Woodinville
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As a cooperating agency, your agency's involvement should entail those areas under its jurisdiction or special expertise that need to be addressed to satisfy your concerns. No direct writing or analysis will be

necessary for the document's preparation. However, you are expected to tell us if, at any point in the process, your needs are not being met.

The following are actions we will take to maximize interagency cooperation:

- ◇ Invite you to Steering Committee meetings and other coordination meetings and joint field reviews;
- ◇ Consult with you on any relevant technical studies that will be required for the project;
- ◇ Provide you with study results, Steering Committee minutes, and project information;
- ◇ Invite you to joint public involvement activities;
- ◇ Provide a review copy of the pre-draft and pre-final EIS for any changes needed to reflect your views and concerns; and
- ◇ Provide adequate information for cooperating agencies to discharge their NEPA and SEPA responsibilities and any other requirements regarding jurisdictional approvals, permits, licenses, and/or clearances.

We expect that at the end of the process the EIS will satisfy your NEPA/SEPA requirements including those related to alternatives, review of environmental consequences, and mitigation. We also expect that the document will address any concerns you may have resulting from your responsibilities under other federal and state laws and regulations. We intend to use the EIS as the basis for the Record of Decision (decision making document).

If you have any questions or would like to discuss our agencies' respective roles and responsibilities during the preparation of the EIS, please me at (360) 753-9550. For project information, call Michael Cummings of WSDOT at (206) 464-6223

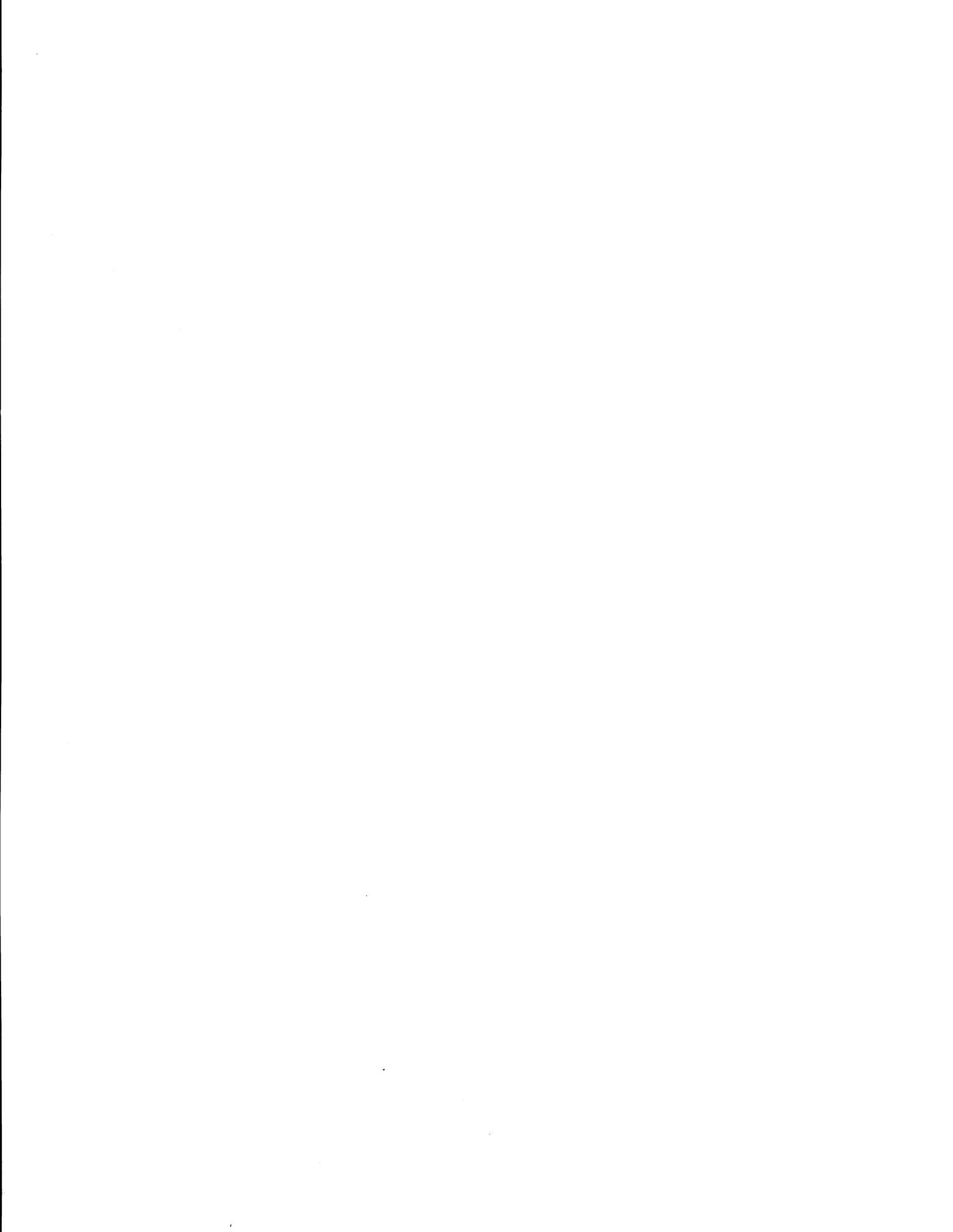
Sincerely,

GENE K. FONG
Division Administrator

Michael R. Brower
Transportation and Environmental Engineer

Enclosures

cc: Mike Brower, FHWA
Ben Brown, WSDOT
Michael Cummings, WSDOT
Others (Listed on Attached)





U.S. Department
of Transportation

**Federal Highway
Administration**

Washington Division

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

May 23, 2000

HFO-WA.1/I-405

U.S. Army Corps of Engineers
Tom Mueller
District Chief
P.O. Box C-3755
Seattle, WA 98124-2255

**Re: I-405 Corridor Program
Request for Cooperating Agency Status**

Dear Mr. Mueller:

The Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Washington State Department of Transportation (WSDOT), King County, and Sound Transit would like to formalize our existing relationship involving the I-405 Corridor Program. **We request your participation as a cooperating agency in the preparation of an Environmental Impact Statement (EIS)** to examine the proposed action for the 30-mile-long Interstate 405 (I-405) corridor, between its southern intersection with Interstate 5 (I-5) in the City of Tukwila in King County, Washington, and its northern intersection with I-5 in Snohomish County, Washington. The proposed action would provide an efficient, integrated, and multi-modal system of transportation solutions to improve movement of people and goods, reduce foreseeable traffic congestion, and enhance mobility in the corridor study area, which extends approximately one to three miles on either side of I-405.

The FHWA and WSDOT are preparing a combined NEPA/SEPA EIS that will evaluate alternative solutions to satisfy existing and future transportation needs. The I-405 Corridor Program EIS is a "Reinventing NEPA" pilot project, intended to evaluate and improve the application of the NEPA process. The pilot process was developed cooperatively by Washington State and Federal agencies, and is jointly sponsored by WSDOT and FHWA.

Your previous and continued participation is welcomed as you have special expertise or permitting authority for this project's affected environment. We invite you to work with us to identify those environmental factors that you consider to be most critical, and to ensure that the NEPA/SEPA EIS adequately addresses your concerns.

ALTERNATIVES

The I-405 Executive Committee and Steering Committee have not yet identified specific alternatives to be included in the EIS. This is because the new NEPA process being pilot-tested as part of the I-405 EIS calls for this identification at a later stage. However, a wide range of alternative actions have been suggested during the Executive Committee, Steering Committee, Citizen's Committee, public and agency scoping meetings held to date. These include: (1) implementing a range of transportation system management (TSM) and transportation demand management (TDM) measures; (2) expanding the

capacity of the existing I-405; (3) expanding the capacity and improving the continuity of the adjacent arterial network; (4) expanding the capacity of the existing bus transit system; (5) implementing new high-capacity transit; and/or (6) a combination of elements of the preceding alternatives. Also, a variety of land use and development controls by local jurisdictions may be identified, but these are not within the jurisdiction of the WSDOT or the FHWA.

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