

DRAFT Summary
SR 520 SDEIS Technical Work Session
Museum of History and Industry
July 15, 2008, 1:00 to 5:00 p.m.

Welcome and Meeting Overview

Julie Meredith, SR 520 Program Director, opened the work session and noted that the meeting purpose was to share information on the NEPA/SEPA requirements for the Supplemental Draft EIS and provide an update on technical studies being conducted in the corridor to fulfill regulatory requirements.

In anticipation of the project impact plan, the program team was prepared to present information on Portage Bay Bridge construction approaches and consider issues that should be addressed in the project impact plan. *This agenda item was later postponed to the next Technical Work Session due to lack of time.*

Julie acknowledged people attending from partner agencies to help present information on the agenda.

- Sharon Love from FHWA – presenting on Section 4(f).
- Joe Burcar and Terry Swanson from the Department of Ecology – presenting on wetlands and shoreline regulations.
- Roger Tabor from U.S. Fish and Wildlife Service (USFWS) – presenting a fish tracking study that the services completed that will help inform decisions for the project.

What We Heard at June Open Houses

Julie Meredith provided a summary of the open houses. Concepts of Alternatives A, K and L that will be evaluated in the Supplemental Draft EIS were presented to the public at open houses in Seattle and Bellevue. These open houses had over 350 attendees.

The open houses gathered many experts from WSDOT and partner agencies to provide the latest information on the program and to listen to feedback from attendees. Partner agencies that attended included:

- Sound Transit, King County & Seattle Public Health, King County METRO, the Puget Sound Clean Air Agency, Mayor Mark Nelson (City of Kirkland) and Mayor David Cooper (Town of Yarrow Point).

Larry Sinnott, Virginia Gunby and Jonathan Dubman also presented Alternatives A and K and shared how they were developed.

The majority of questions were focused on the general design of the alternatives and how best to compare similarities and differences. There were also questions about how traffic would access SR 520 with the different alternatives.

Some of the most commonly heard questions included:

- What are the alternatives being considered?
- How are they different or similar?
- How do they affect traffic?
- How would I access SR 520 with this alternative?
- What are the elevations of the various plans?
- How will transit access and service be improved in each alternative?
- How will tolling change traffic on SR 520?

People also expressed concern and interest regarding:

- Construction impacts.
- Health Impact Assessment – people are looking forward to learning about findings from Seattle & King County Public Health and Puget Sound Clean Air.
- Alternatives A, K, and L as the Supplemental Draft EIS analysis is completed.

Jonathan Dubman, Larry Sinnott and Virginia Gunby also shared the feedback that they heard during the open houses at the west side design station.

- Larry Sinnott: Alternative A.
 - People appeared to have predisposed positions on the alternatives.
 - Many questions were received regarding the flyer stop at Montlake Blvd. Why was the flyer stop not included in the alternatives?
- Jonathan Dubman: Alternative K.
 - People are generally concerned about impacts to the Arboretum and construction impacts.

Questions and Responses, Comments and Action Items:

- **ACTION:** WSDOT to provide a document with the verbatim comments from the open houses to the mediation group.
- **COMMENT:** Outreach efforts around the different design alternatives should continue throughout the SDEIS process.
- **QUESTION:** Models of the alternatives would be a great tool in communicating the concepts of the alternatives and identifying construction impacts, when will they be available?
 - Response: Julie Meredith stated that the team anticipates the models will be available by the end of August.

Environmental Requirements

Jenifer Young, SR 520 Environmental Manager, presented an overview of the key regulations that will frame the environmental analysis for the SDEIS. WSDOT held a SDEIS kick-off meeting on July 15 with the technical leads to start analysis of the alternatives.

Jenifer provided a quick review of the federal, state, and local regulations that apply to the project. Specific regulations to be reviewed during the meeting included:

NEPA/SEPA: presented by Jenifer Young.

- An overview of NEPA/SEPA requirements was provided including discussion on process, cooperating agencies, purpose of an EIS and Supplemental EIS, process for alternatives selection, and outline of discipline reports.
- The project is moving forward with the four program elements: (1) west side and floating bridge, (2) pontoon construction, (3) Eastside transit and HOV, and (4) Urban Partnership.

Questions and Responses, Comments and Action Items:

- **QUESTION:** Which projects will have public comment periods and will they be in sync with the other projects?
 - Response: The four program elements are separate projects and will have independent comment periods.
- **QUESTION:** Concern was expressed that the Urban Partnership tolling project is a separate project, when the results of the study should be considered and incorporated into the analysis of the west side and Eastside transit and HOV projects.

- Response: The purpose of the Urban Partnership project is to study and develop a tolling program to help manage traffic in the SR 520 corridor. The study will investigate tolling choices, such as who pays, how much, and the transportation effects. Results from the study will be reported to the governor and legislature, who will use the information to set tolling policy. The environmental studies and resulting policies will be considered in the other program elements.
 - The Urban Partnership Web site is: www.wsdot.wa.gov/Congestion/UPA
- **COMMENT:** Findings from the Urban Partnership work should be applied to the project's finance plan.
- **COMMENT:** The Urban Partnership study should consider the effects of tolling on a comprehensive level, outside of just the SR 520 corridor (i.e., local streets).
- **QUESTION:** How is the Urban Partnership project to proceed successfully if there is incomplete information as to what the project will end up costing?
 - Response: Per guidance received from the mediation oversight committee, project costs will be between \$3.7 billion and \$3.9 billion.
- **COMMENT:** The environmental studies from the four program elements should be reconciled at some point.
- **COMMENT:** Concern was expressed that a four lane alternative will not be analyzed in the SDEIS.
- **COMMENT:** Concern was expressed that the project may be open to potential litigation since a formal scoping process was not held for the SDEIS.
- **ACTION:** The mediation group would appreciate quarterly reports providing:
 - Updates on project progress on the four program elements.
 - Notification of significant dates and milestones.

Section 4 (f): presented by Sharon Love, FHWA.

Sharon Love provided an overview of the requirements of Section 4 (f) regulations, which apply to parks, recreation areas, wildlife and waterfowl refuges, and historic properties with qualities that satisfy specific criteria. Criteria for Section 4 (f) properties are the same as Section 106. Section 4 (f) provides the substantive law on the avoidance of impacts while Section 106 provides procedural law.

Questions and Responses, Comments and Action Items:

- **QUESTION:** Are both direct and indirect impacts considered?
 - Response: Section 4 (f) focuses on whether 4 (f) resources are *used* (resulting in a loss of the site). Indirect impacts may be considered if headquarter approval is received for a “constructive use impact” though this is rare.
- **QUESTION:** Is Section 4 (f) included in the NEPA/SEPA process?
 - Response: Section 4 (f) evaluation is most commonly included in the EIS. A separate 45-day circulation time is required for separate agencies. Section 4 (f) will be included in EIS for the project.
- **COMMENT:** Comment was made that WSDOT should provide ample review time to the Seattle Parks Department for their review of the SDEIS.

Wetlands and Shorelines: presented by Terry Swanson and Joe Burcar, Ecology.

Terry Swanson and Joe Burcar distributed handouts on the aquatic resources regulatory framework for permitting and an informational handout about wetlands, shorelines, and water quality.

Terry Swanson and Joe Burcar provided an overview of aquatic resource law, including:

- Federal Clean Water Act:
 - National Pollution Discharge Elimination System (NPDES) – system under which Clean Water Act program is administered by the state.

- Section 401 – water quality standards for discharges into waters of the state. Projects must (1) avoid, (2) minimize, or (3) compensate for loss/impacts to wetlands.
- Shoreline Management Act: (1) protects waters of the state, (2) preserves visual and physical access to the shorelines, and (3) environmental protection.
 - Shoreline Master Plan (SMP) – local governments required to develop a SMP to regulate shoreline development. SMP establishes zoning designations for shorelines (applies to shoreline areas within 200 feet of the ordinary high watermark).

Questions and Responses, Comments and Action Items:

- **QUESTION:** How are appropriate areas of mitigation wetlands determined?
 - Response: It is difficult to replace “in kind and on-site” wetlands. New wetlands can be created and/or existing wetlands purchased for protection.
- **QUESTION:** Can milfoil management be considered as mitigation?
 - Response: Enhancement of existing wetlands is considered mitigation. A larger watershed enhancement approach is being used for the project.
- **QUESTION:** Can a proposal be denied because of an impact to a wetland?
 - Response: General policy is to avoid and minimize impacts to wetlands. If a wetland is considered unique and irreplaceable, a proposal to impact a wetland may be denied although this is not common.
- **ACTION:** A recommendation was made that the August technical workshop meeting include discussion on stormwater effects in relation to ESA since ESA thresholds and requirements will likely surpass the NPDES permit requirements.

Technical Studies Update

Julie Meredith announced that a number of technical studies that will support the upcoming environmental analysis on the alternatives were completed this year. Cooperating agencies and project team leads were in attendance to provide updates.

Fish Tracking: presented by Roger Tabor, USFWS.

Roger Tabor presented results from a fish tracking study conducted in Lake Washington. The fish tracking study provides an understanding of fish locations, behavior, and migration patterns that will be considered in the analysis of alternatives and effects on fish.

Questions and Responses, Comments and Action Items:

- **QUESTION:** What criteria and guidelines exist for the construction of fish-friendly structures?
 - Response: Shoreline management policies integrate fish friendly techniques.
- **QUESTION:** Do in-water structures provide predator habitat?
 - Response: In-water structures attract bass. Additional findings on predator habitat impacts on salmon may be available in the final report for work completed last year, which will be available in August.
- **QUESTION:** Does milfoil have negative impacts on Chinook?
 - Response: Juvenile Chinook do not swim into milfoil, instead they shift to deeper water when milfoil is present.

Natural Resources: presented by Chris Cziesla, SR 520 Program.

Chris Cziesla provided information on the various natural resources analyses for the project.

- Wetlands – the wetland delineation included in the DEIS will be used to analyze impacts of the alternatives in the SDEIS.
- Tree Survey – to be conducted. The survey will include habitat area and trees protected by size and by specimen.

- Shading Study – to be conducted. The study will evaluate shading impacts from the alternatives compared to existing impacts.
- ESA Consultation – project cannot adversely modify an endangered species. The project will consider the following endangered species:
 - Chinook, Bull Trout, Steelhead, Bald/Golden Eagle (protected under the Federal Bald/Golden Eagle Act).

Questions and Responses, Comments and Action Items:

- **ACTION:** WSDOT should provide the contact information for the Arboretum Tree Study to Theresa Doherty.

Cultural Resources: presented by Ken Juell, WSDOT.

Ken Juell provided an overview of the Section 106 process, how cultural resources are evaluated and provided updates on cultural resources studies underway.

Key points included:

- The Miller Street Landfill was discovered in the Arboretum.
- Ground Penetrating Radar (GPR) will be used to establish the original historic boundary of Foster Island. GPR method is not a land-disturbing activity. No active land-disturbing activities (i.e., boring) will be used in these studies.

Questions and Responses, Comments and Action Items:

- **QUESTION:** Is there an opportunity to restore the original vision (prior to construction of existing SR 520 bridge) of Montlake Boulevard, Lake Washington Boulevard, and Olmstead Boulevard under Section 106?
 - Response: It may be possible to consider this through mitigation.
- **COMMENT:** Concern was expressed regarding possible project costs associated with restoring the original vision of Montlake Boulevard, Lake Washington Boulevard, and Olmstead Boulevard as a mitigation effort.
- **QUESTION:** If tribal artifacts are found, which agencies are involved?
 - Response: Federal agencies, tribes, State Historic Preservation Office, and local governments.

Next Steps and August Work Session Topics

- The next technical work session will be held on August 19, 2008.
- This discussion on Portage Bay Construction approaches was postponed to the August work session due to the lack of time.
 - A request was made to include information about the general construction sequencing schedule at the next meeting.
- Potential additional topics to be included in the August technical workshop meeting include:
 - WSDOT Cost Estimating Methods
 - Update on the Health Impact Assessment
 - ESA Requirements
 - Preliminary findings from wetlands and cultural resources studies
- A correction to the June 17 meeting summary was noted under the Alternative A summary; Virginia Gunby will provide WSDOT will revisions for the summary.