

I-405, NE 8th Street to SR 520 Improvement Project

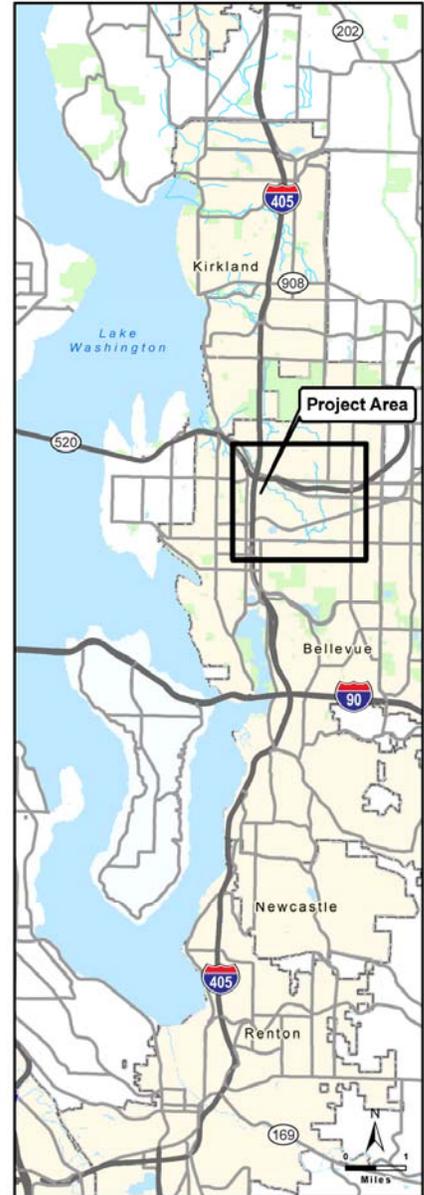


Corridor Program

Congestion Relief & Bus Rapid Transit Projects

FINDING OF NO SIGNIFICANT IMPACT

September 2008



[09/17/08]

**I-405, NE 8th Street to SR 520 Improvement Project
Bellevue, Washington**

Finding of No Significant Impact

***By the U.S. Department of Transportation
Federal Highway Administration***

The Federal Highway Administration (FHWA) has determined, in accordance with 23 CFR 771.121, that the proposed project will have no significant impact on the environment.

This Finding of No Significant Impact (FONSI) is based on the Environmental Assessment (EA) (incorporated by reference) and other documents and attachments, as itemized in this FONSI. These documents have been independently evaluated by FHWA and are determined to accurately discuss the project purpose, need, environmental issues, impacts of the proposed project, and appropriate mitigation measures. The review provided sufficient evidence and analysis for determining that an environmental impact statement (EIS) is not required.

FHWA takes full responsibility for the accuracy, scope, and content of the EA, as modified by this FONSI and the referenced documents.

9/17/2008

Date of Approval



Peter A. Jilek, P.E.
Federal Highway Administration
Urban Area Engineer



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Acronyms and Abbreviations

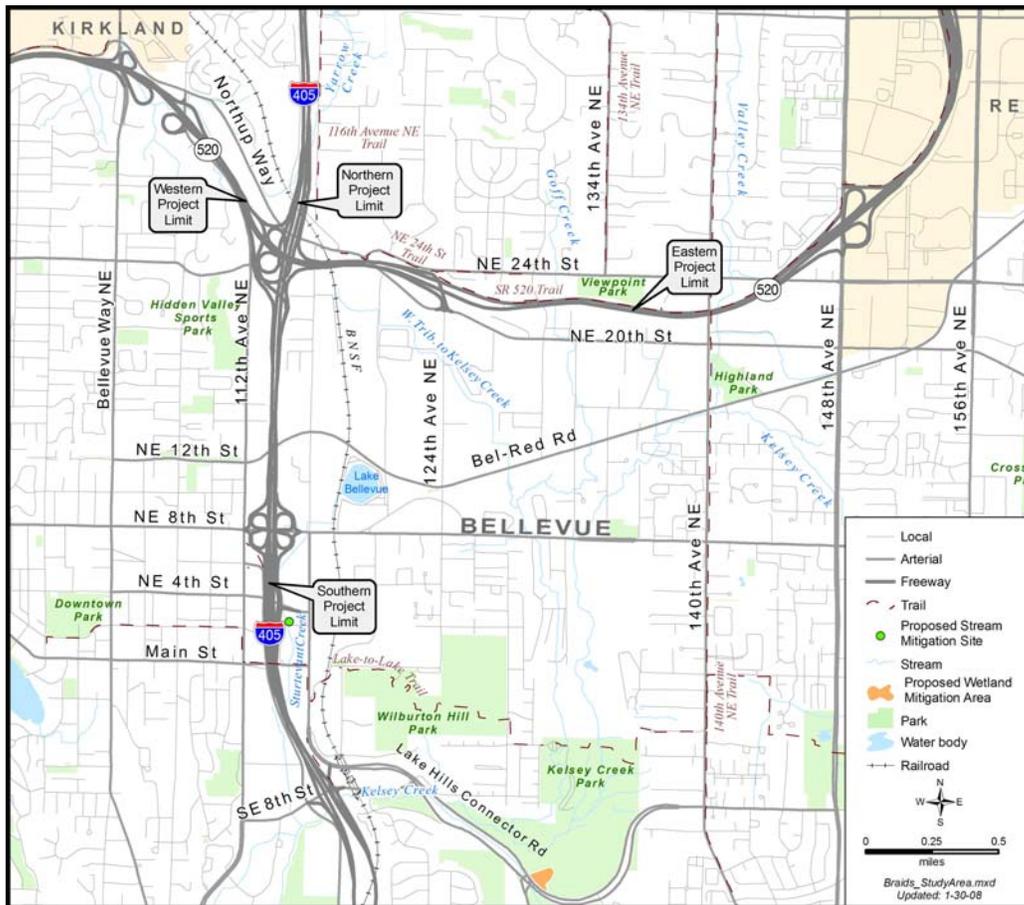
| Acronym or Abbreviation | Meaning |
|--------------------------------|--|
| APE | Area of Potential Effects |
| BA | biological assessment |
| BMPs | best management practices |
| CEQ | Council on Environmental Quality |
| CFR | Code of Federal Regulations |
| CSS | context sensitive solutions |
| DAHP | Washington State Department of Archaeology and Historic Preservation |
| dBA | decibels in the A-weighted scale to show relative loudness of sound |
| DNS | Determination of Nonsignificance |
| DOT | U.S. Department of Transportation |
| EA | environmental assessment |
| EIS | environmental impact statement |
| EO | Executive Order |
| ESA | Endangered Species Act |
| FEIS | final environmental impact statement |
| FHWA | Federal Highway Administration |
| FONSI | Finding of No Significant Impact |
| HRM | WSDOT <i>Highway Runoff Manual</i> |
| HOV | high-occupancy vehicle |
| HPA | hydraulic project approval |
| I-405 | Interstate 405 |
| lf | linear feet |
| LWD | large woody debris |
| MOA | memorandum of agreement |
| MTCA | Model Toxics Control Act |
| NAC | Noise Abatement Criteria |
| NEPA | National Environmental Policy Act |
| NMFS | National Marine Fisheries Service |
| NPDES | National Pollutant Discharge Elimination System |
| OHWM | ordinary high water mark |
| OSHA | Occupational Safety and Health Administration |
| PM | particulate matter |
| PM ₁₀ | particulate matter less than 10 microns |
| ppm | parts per million |
| RFP | Request for Proposals |
| SEPA | State Environmental Policy Act |
| SHPO | State Historic Preservation Officer |
| SPCC | spill prevention control and countermeasures |

| Acronym or Abbreviation | Meaning |
|--------------------------------|---|
| SR 520 | State Route 520 |
| TDM | transportation demand management |
| TESC | temporary erosion and sediment control |
| TSS | total suspended solids |
| UDP | Unanticipated Discovery Plan |
| USC | United States Code |
| USFWS | U.S. Fish and Wildlife Service |
| WAC | Washington Administrative Code |
| WDFW | Washington Department of Fish and Wildlife |
| WSDOT | Washington State Department of Transportation |

Description of Proposed Action

The Federal Highway Administration (FHWA) and the Washington State Department of Transportation (WSDOT) issued an Environmental Assessment (EA) on May 7, 2008, for the I-405, NE 8th Street to SR 520 Improvement Project. The project provides for improvements on the section of the I-405 corridor beginning south of NE 8th Street and continuing north through the SR 520 interchange and then east along SR 520 to east of 134th Avenue NE (Exhibit 1). These improvements are a part of the I-405 Corridor Program.

Exhibit 1: Project Location and Vicinity



The proposed project (Proposed Action) includes the following improvements (Exhibit 2):

Northbound I-405 to Eastbound SR 520 Improvements

- Reconfigure the existing northbound NE 4th Street on-ramp to become an auxiliary lane that exits to SR 520 and northbound I-405 as part of a two-lane exit ramp.

- Reconstruct portions of the NE 8th Street on- and off-ramps to northbound I-405. The on-ramp will be reconstructed at a lower grade than the I-405 mainline.
- Rebuild the NE 12th Street bridge crossing over I-405 to accommodate the new ramps.
- Construct a northbound on-ramp to SR 520 from a new NE 10th Street bridge crossing; the bridge crossing will be constructed as part of a separate project prior to constructing the on-ramp.
- Construct grade-separated ramps to divide traffic entering northbound I-405 from NE 8th Street and traffic exiting I-405 to SR 520.
- Construct grade-separated ramps to divide traffic entering eastbound SR 520 from northbound I-405 and traffic exiting eastbound SR 520 to 124th Avenue NE.
- Shift eastbound SR 520 mainline travel lanes toward the median.
- Extend the ramp from northbound I-405 to eastbound SR 520 on a collector-distributor system through the 124th Avenue NE interchange to merge with the existing eastbound SR 520 mainline just east of 134th Avenue NE.
- Reconstruct the 124th Avenue NE interchange off ramp.
- Relocate an existing noise barrier. The new barrier will be approximately 1,585 feet long and 20 feet high.
- Construct several retaining walls needed to allow for the proposed widening of I-405.

SR 520 to Southbound I-405 Improvements

- Reconfigure the ramps from SR 520 to southbound I-405 to improve traffic flow. The westbound SR 520 to southbound I-405 ramp will become a dedicated auxiliary lane, and on-ramp traffic will no longer be required to immediately merge with southbound I-405 mainline traffic. The eastbound SR 520 to southbound I-405 ramp will merge with the dedicated auxiliary lane.

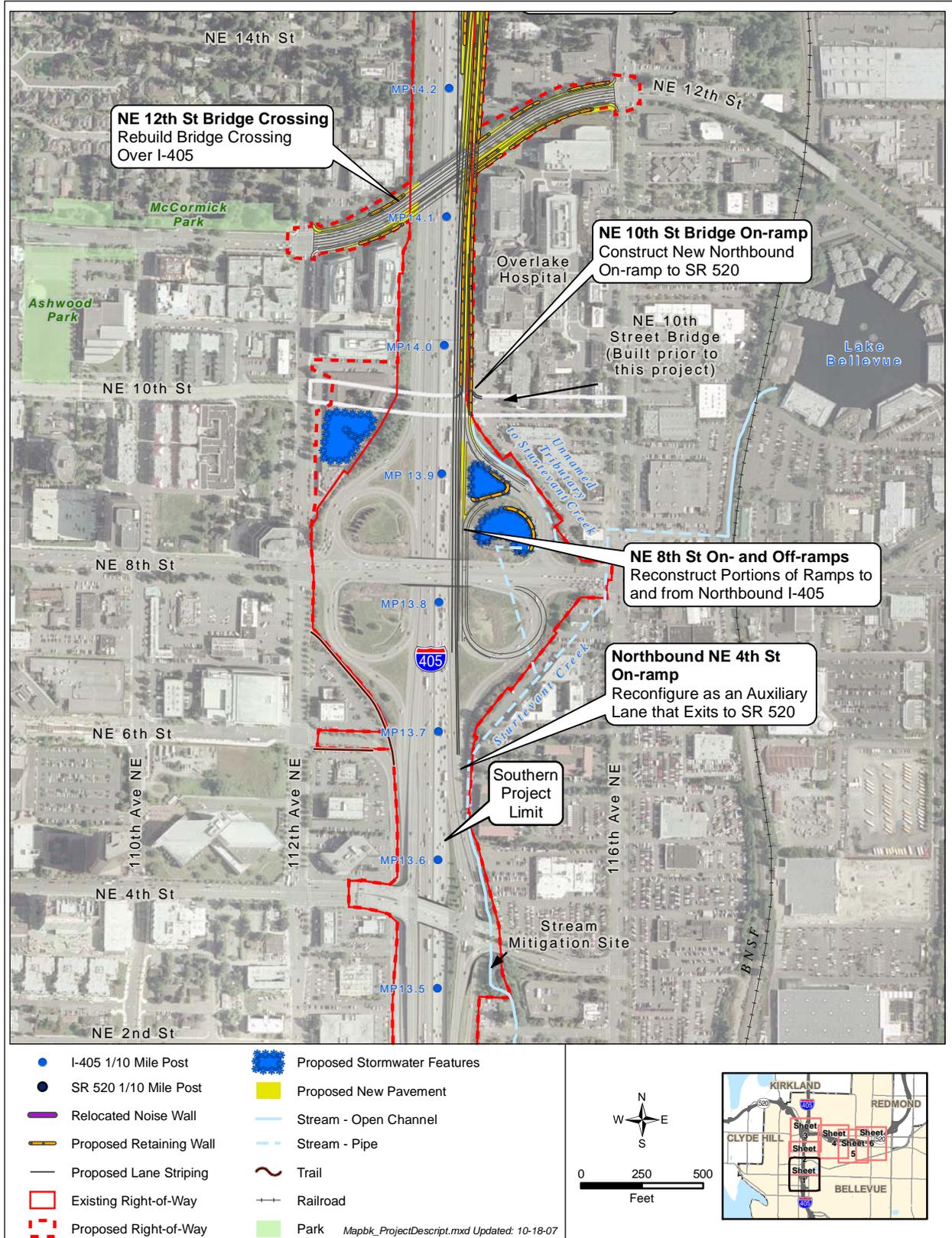
Southbound I-405 to SR 520 Improvements

- Realign the southbound I-405 to eastbound SR 520 loop ramp.
- Realign eastbound SR 520 to match the proposed improvements.

The I-405, NE 8th Street to SR 520 Improvement Project will provide many short- and long-term benefits. Some of these benefits are:

- Reducing congestion and increasing overall travel speed on I-405 and SR 520;
- Improving operations at the I-405/SR 520 interchange;
- Improving safety;
- Improving pedestrian and bicycle facilities on the reconstructed NE 12th Street bridge;
- Providing stormwater quality treatment for impervious surfaces that currently do not receive treatment; and
- Applying context-sensitive solutions to incorporate visually pleasing and community-oriented features into the project design.

Exhibit 2: Project Features - Sheet 1 of 6



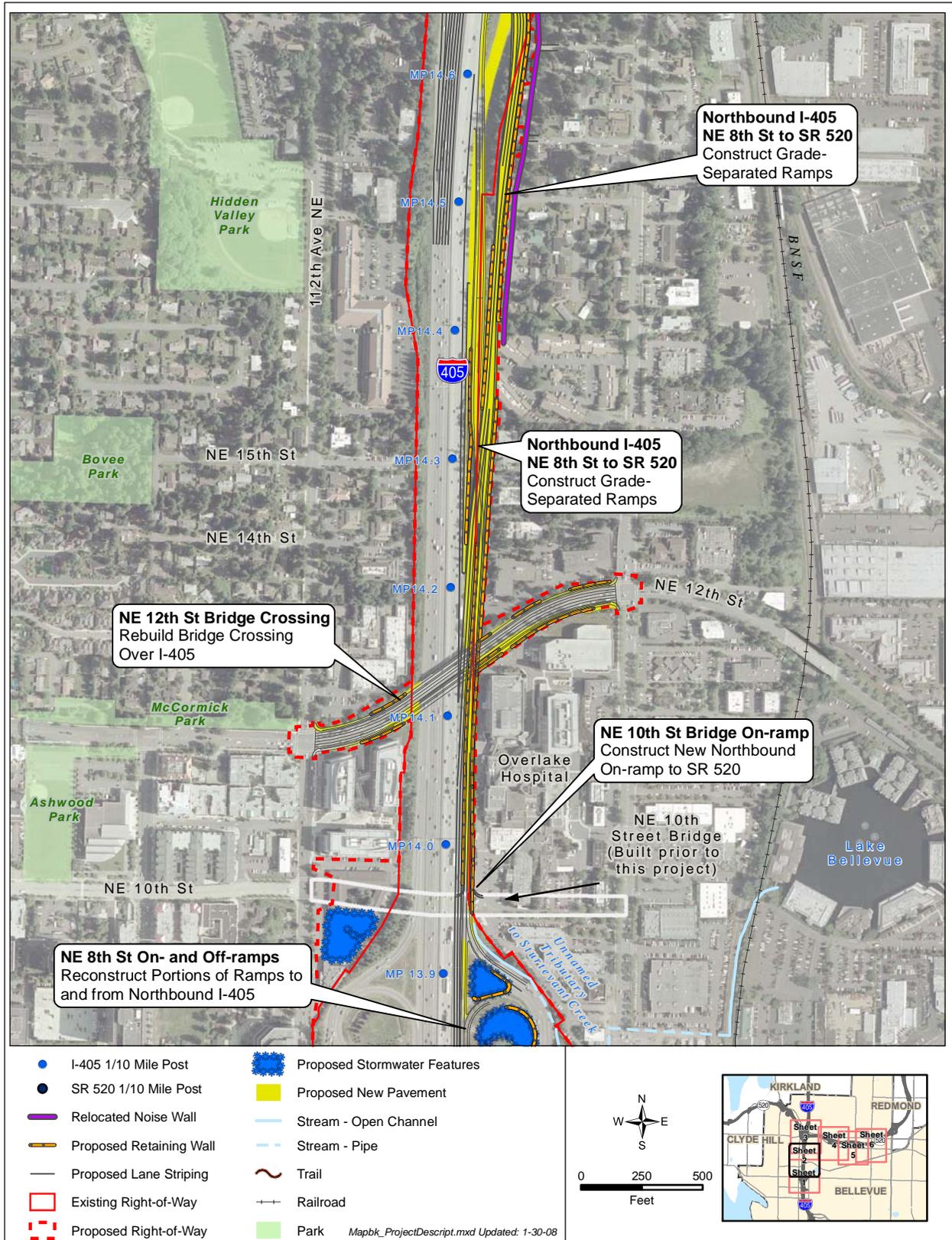
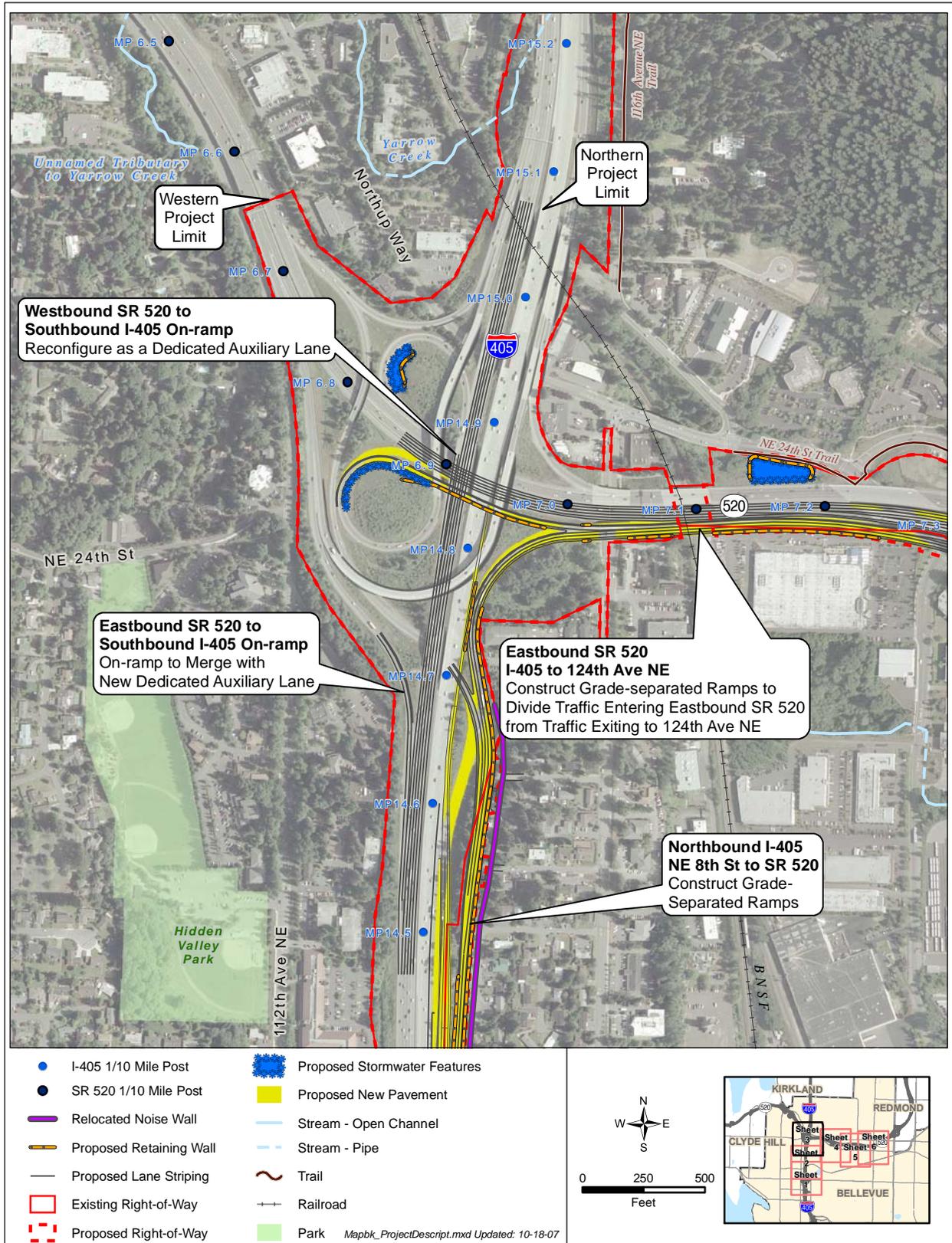


Exhibit 2: Project Features - Sheet 3 of 6



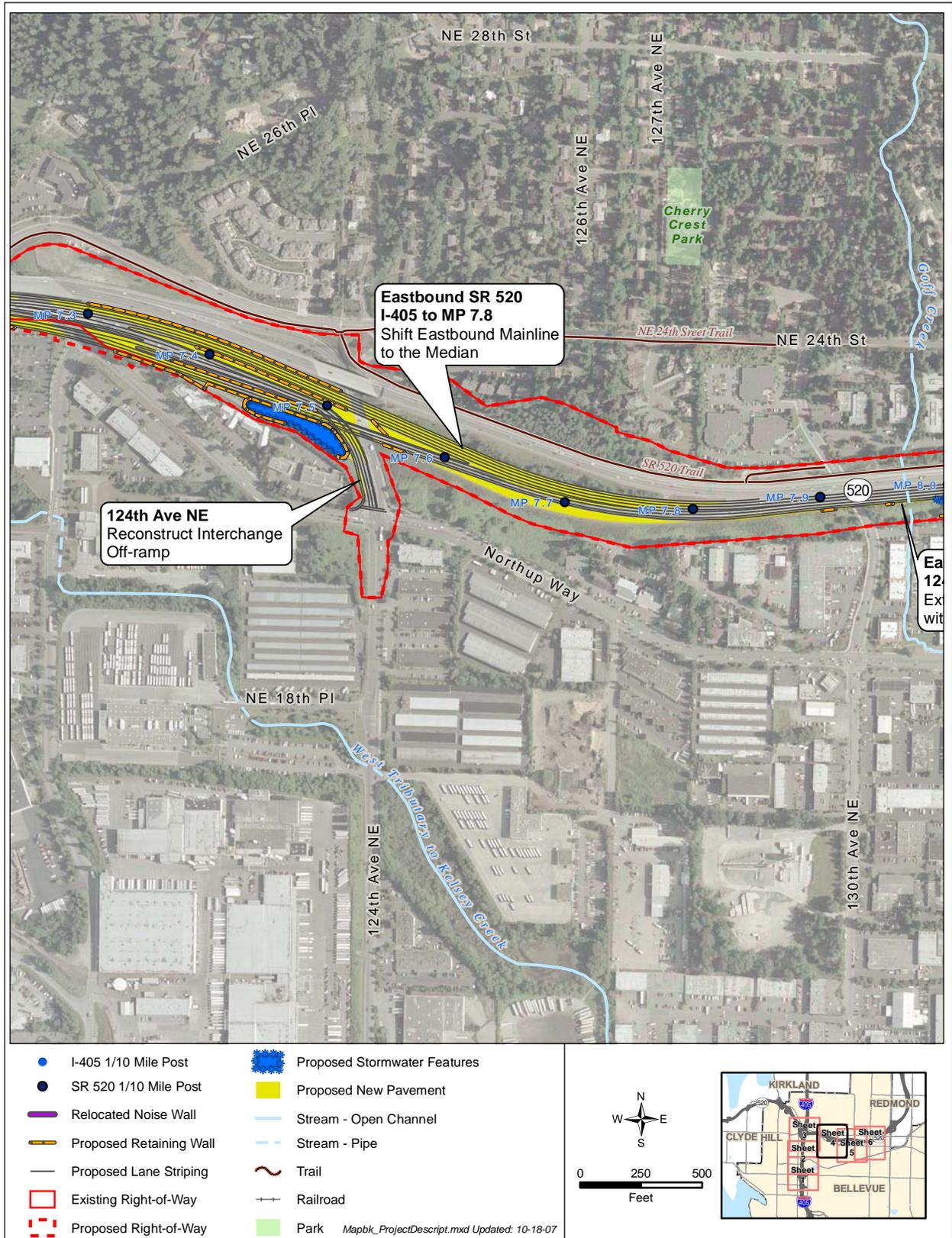


Exhibit 2: Project Features - Sheet 5 of 6

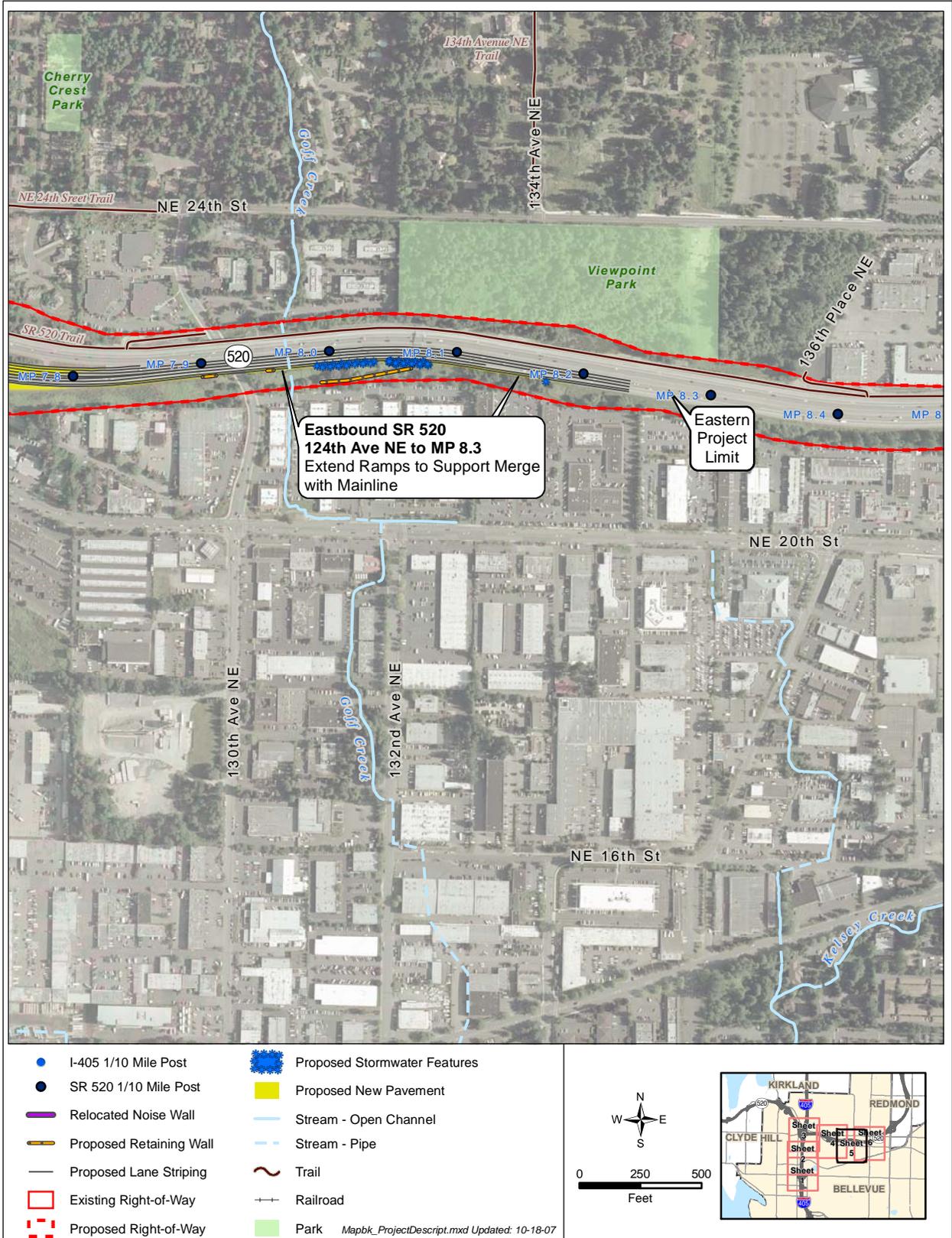
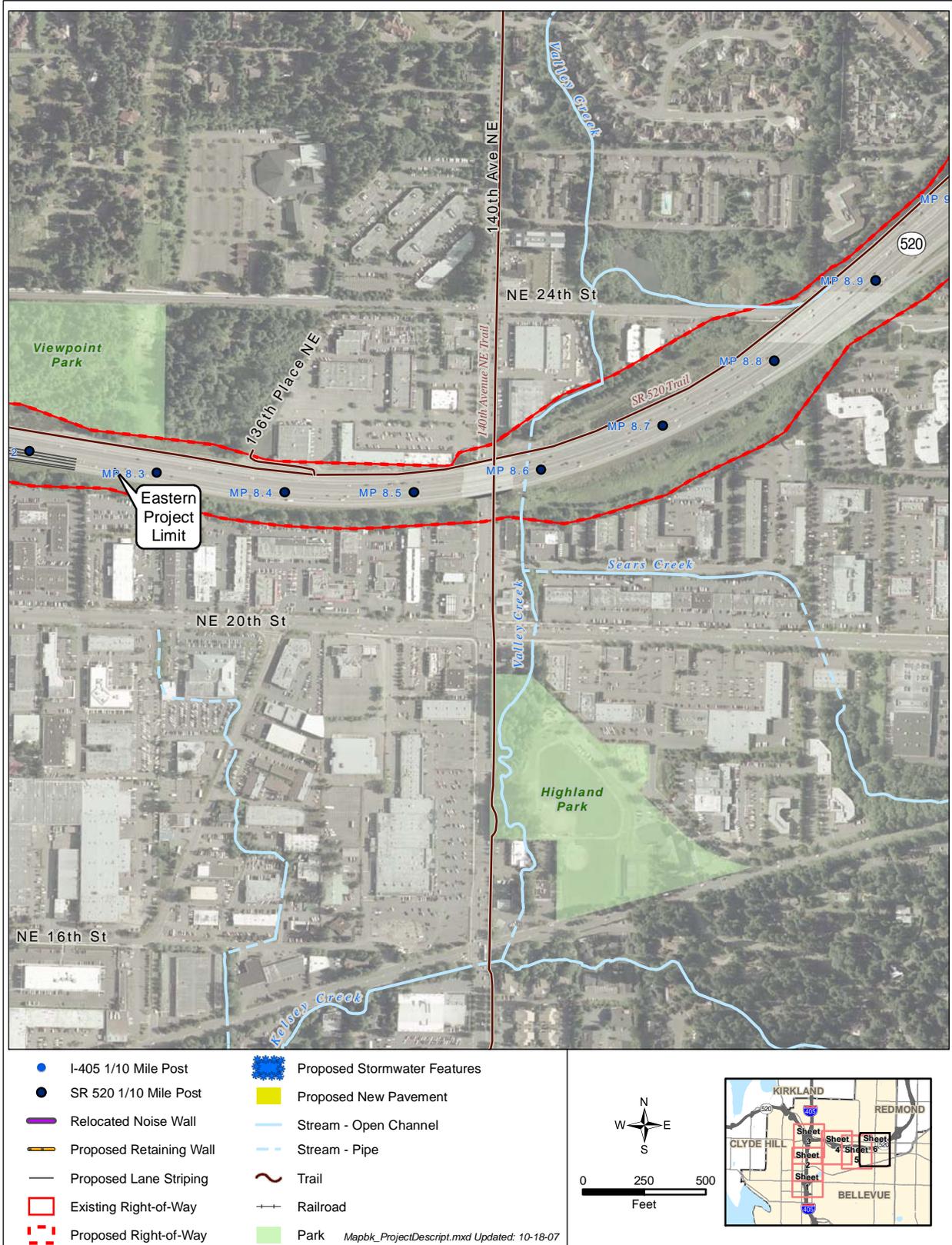


Exhibit 2: Project Features - Sheet 6 of 6



Construction funding is currently available for only some of the improvements in the Proposed Action. Consequently, the project will be constructed in stages. The funded first stage will include the northbound I-405 improvements, including the grade-separated ramps, the NE 12th Street bridge reconstruction, and the northbound NE 10th Street on-ramp. Additionally, one of the three proposed collector-distributor lanes from northbound I-405 to eastbound SR 520 will be constructed. This collector-distributor lane will cross over the existing NE 124th Street on-ramp before merging with SR 520.

The unfunded project improvements will include the remaining two lanes of the three-lane collector-distributor system and the improvements from eastbound and westbound SR 520 to southbound I-405.

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EA Coordination and Comments

WSDOT team members held a public hearing on May 22, 2008, following issuance of the EA on May 7, 2008. The EA hearing took place at the Bellevue City Hall in Bellevue, Washington. WSDOT presenters requested that verbal comments be provided to a court reporter, written comments be provided on comment forms, or follow-up written comments be postmarked or received at the I-405 project office by June 9, 2008. The Notice of Availability of the EA and Notice of EA Hearing were advertised in the *Seattle Times* on May 7, 2008.

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

- *Bellevue Reporter* on May 7, 2008
- *El Mundo* (Spanish) on May 8, 2008
- *Chinese Post* (Chinese) on May 8, 2008
- *Phuong Dong Times* (Vietnamese) on May 9, 2008
- *Russian World* (Russian) on May 12, 2008
- *The Facts* on May 7, 2008
- *The Kirkland Reporter* on May 7, 2008
- *The Redmond Reporter* on May 7, 2008

A total of 2,590 postcards announcing the availability of the EA were sent to the following recipients, inviting them to the public hearing and to comment on the EA document:

- Residents and property owners within 750 feet of the I-405 right of way within the project limits.
- Individuals who provided comments during the I-405, NE 8th Street to SR 520 Improvement Project scoping period that occurred from September 12, 2006, through October 16, 2006.
- Section 8 housing residents in the project area. (Section 8, or the Housing Choice Voucher Program, is a federal housing program that provides housing assistance to low-income renters and homeowners. This assistance comes in the form of rental subsidies, limiting the monthly rent payment of the assistance recipient.)
- Individuals and agencies that commented on the I-405 Corridor Program Final Environmental Impact Statement (FEIS).
- The Bellevue Advisory Committee.
- Executive and Steering Committee members and their alternates.
- Individuals on various mailing lists developed during the I-405 Corridor Program.

In total, approximately 2,711 individuals and agencies received the Notice of Availability. Additionally, WSDOT provided the EA document to the following agencies and individuals:

- Elected officials, tribes, and city administrators for jurisdictions within the project area
- Regulatory agencies and all other agencies that have expressed interest in the project
- Public libraries near the project

Twelve people attended the May 22, 2008, public hearing. During the comment period, from May 7, 2008, through June 9, 2008, three agencies and one tribe provided written comments regarding the EA. No other comments were provided. The comments focused primarily on issues related to transportation and fish (see Attachment 5).

Determination and Findings

National Environmental Policy Act Finding

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

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

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

Air Quality Conformity Statement

The Puget Sound Regional Council has modeled the impacts of this project on regional ozone and carbon monoxide emissions. This project, as well as all others in the Council's Transportation Improvement Program and Metropolitan Transportation Plan, conforms to the State Implementation Plan at the regional level. The Environmental Protection Agency has approved the current State Implementation Plan for this area. FHWA has approved the Council's Transportation Improvement Program conformity analysis. This project conforms to the State Implementation Plan and both federal and state Clean Air Act requirements.

Surface Water, Floodplains, and Water Quality Finding

The closest floodplain to the project is located along Valley Creek about 1,500 feet east of the limits of construction. Valley Creek has a delineated 100-year floodplain both upstream and downstream of the SR 520 crossing. No fill is proposed within the floodplain, and there are no changes to culverts that would influence the hydrology or hydraulics of the stream channel. FHWA finds that no adverse impacts to any 100-year floodplains or floodways will occur as a result of the Proposed Action.

The project will improve existing water quality by providing water quality treatment for both the new impervious surfaces and some of the existing impervious surfaces that currently discharge to streams without treatment. Stormwater will be directed through ecology embankments and stormwater treatment wetlands before it drains into existing outfalls to the streams and eventually to Lake Washington. The water quality treatment provided will result in a decrease in pollutant loading of total suspended solids, total copper, dissolved zinc, and total zinc. New stormwater detention facilities will provide stormwater flow control to maintain existing flows prior to discharging to downstream waters. The duration of stormwater discharges from the

constructed project will be designed to match durations for the predeveloped condition for storm events ranging from 50 percent of the 2-year storm up to the 50-year storm event.

Endangered Species Act Finding

WSDOT served as the lead for the Endangered Species Act (ESA) Section 7 informal consultation on behalf of FHWA pursuant to 50 CFR 402.07. The U.S. Fish and Wildlife Service (USFWS), and the National Marine Fisheries Service (NMFS), the agencies responsible for administering the ESA, were contacted early in the project environmental review process.

Federally listed threatened species that occur within the project vicinity include Coastal Puget Sound bull trout (*Salvelinus confluentus*), Puget Sound Chinook salmon (*Oncorhynchus tshawytscha*), and Puget Sound steelhead (*Oncorhynchus mykiss*). No federally-listed endangered species occur within the project vicinity. A biological assessment (BA) was submitted in September 2007 to the USFWS and NMFS. The assessment concluded that the Proposed Action “may affect, but is not likely to adversely affect” bull trout, Chinook salmon, and steelhead.

Section 7 concurrence on the BA was obtained from USFWS on December 3, 2007, and from NMFS on December 12, 2007. FHWA, USFWS, and NMFS concur that the project “may affect, but is not likely to adversely affect” Coastal Puget Sound bull trout, Puget Sound Chinook salmon, and Puget Sound steelhead.

Magnuson-Stevens Act Finding

The project vicinity includes habitat that has been designated Essential Fish Habitat for Chinook, coho (*Oncorhynchus kisutch*), and pink (*O. gorbuscha*) salmon. The conservation measures that FHWA included as part of the Proposed Action to address ESA concerns are also adequate to avoid, minimize, or otherwise offset potential adverse effects on the Essential Fish Habitat of Chinook, coho, and pink salmon. Therefore, conservation recommendations pursuant to Magnuson-Stevens Act Section 305(b)(4)(A) are not necessary.

Farmland Finding

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

Wetland Finding

The proposed project will permanently impact one wetland, totaling 0.30 acre. The affected wetland is located within the right-of-way and impacts could not be avoided or minimized due to roadway design standards. The affected wetland is of low quality, is dominated by non-native invasive species such as reed canarygrass, and is surrounded by roadway.

Several measures were taken during design to avoid or minimize impacts to wetlands, including adjustment of the project footprint. Despite WSDOT’s efforts to avoid wetlands during construction, 0.05 acres of wetlands will be temporarily disturbed. These areas will be restored after project construction.

To compensate for the permanent effect on wetlands resulting from the project, WSDOT has provided mitigation at a wetland mitigation site located in Kelsey Creek Park, north of the intersection of Richards Road and the Lake Hills Connector in Bellevue, Washington. The location of the mitigation site is shown on Exhibit 1. Mitigation at this site was approved as part

of the I-405 Bellevue Nickel Improvement Project and has been constructed. Detailed information on mitigation goals, site configuration, restoration, and monitoring are provided in a Wetland Mitigation Plan that was submitted as part of the application to the U.S. Army Corps of Engineers and the Department of Ecology for work in waters/wetlands.

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

Section 106 Finding

Archival review, tribal consultation, and field surveys identified no evidence of cultural resources within the Area of Potential Effects (APE) of the Proposed Action. As part of early coordination with the tribes in preparation for the cultural resources assessment, WSDOT engaged in government-to-government consultation with four federally recognized tribes: The Muckleshoot Tribe, Snoqualmie Tribe, Tulalip Tribe, and the Confederated Tribes and Bands of the Yakama Nation. WSDOT also coordinated with the Duwamish Tribe (non-federally recognized) as an interested party. No Section 106 resource concerns were noted.

In addition to consulting potentially affected tribes, WSDOT initiated coordination and consultation with the Washington State Department of Archaeology and Historic Preservation (DAHP) under Section 106 of the National Historic Preservation Act. In April 2008, DAHP sent a letter to WSDOT that concurred with a finding of “No Historic Properties Effectuated”.

Cultural resource investigations determined that the proposed project has a low probability for hunter-fisher-gatherer, ethnographic period, historic Indian, and historic period non-Indian archaeological resources.

Based on the cultural resources analysis and coordination with the tribes and DAHP, FHWA finds that the project will have no adverse impact on any identified or likely cultural or historic resources, and that the Section 106 coordination requirements for this project have been fulfilled.

Section 4(f) Finding

The existence of potential U.S. Department of Transportation (DOT) Act of 1966 Section 4(f) resources was evaluated as part of the EA. There are 11 publicly owned parks within one-quarter mile of the proposed improvements. No other Section 4(f) resources are present. The project will not require the acquisition of any Section 4(f) resource lands, will not impose any temporary use on resource lands, and will have no construction use effects on any of the identified Section 4(f) resources.

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

Environmental Justice Finding

Data from the 2000 U.S. Census indicate that approximately 25 percent of the population in census block groups comprising the study area are minorities and approximately 7 percent of the population are low-income.

Project construction will have minor, temporary effects such as higher noise levels, dust, decreased visual quality, and traffic diversions and delays that could affect people living in, working in, and traveling through the study area. The project will displace some residents and

businesses. One of the businesses, a human services provider that serves low-income women, will be relocated within the same neighborhood. The completed project will increase noise levels and change visual quality for some residents. The project will benefit the area population by reducing congestion and improving operations on I-405 and SR 520, and by improving local access to these freeways. Both the positive and negative effects of the project will be experienced equitably by the general public and minority and low-income populations. As such, the project will not have disproportionately high and adverse effects on minority or low-income populations.

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

Noise Finding

Noise levels were predicted at 45 modeled locations (receptors) using the FHWA Traffic Noise Model (TNM) version 2.5 for existing conditions and for the year 2030 with and without the project. With the proposed project, modeling indicates that without the recommended noise barrier, noise levels would approach or exceed the FHWA Noise Abatement Criteria (NAC) at 30 of these 45 sites, representing 130 residences. With the noise abatement measures proposed, noise levels at 21 modeled sites, representing an equivalent of 119 residences, will continue to approach or exceed the criteria. There will be no severe noise impacts.

In the absence of the proposed project, 22 locations representing 123 residences would approach or exceed the FHWA NAC.

Six new noise barriers, one replacement barrier, and one upgrade barrier were evaluated for the project. Only the replacement noise barrier was determined to be feasible. The recommended noise barrier will reduce traffic noise levels at nine modeled receptors, representing an equivalent of 18 ground-level residences. With the noise barrier, traffic noise at the ground will be reduced to a level that is below the NAC.

Attachments

The EA is incorporated by reference into the Finding of No Significant Impact (FONSI). Copies of these documents are available for purchase upon request from William Jordan, WSDOT I-405 Project Office, 600 108th Avenue NE, Suite 405, Bellevue, WA 98004; telephone (425) 456-8647.

The following attachments are incorporated into this FONSI:

- Attachment 1: Errata to EA
- Attachment 2: Notices
- Attachment 3: FONSI Distribution List
- Attachment 4: Mitigation Commitment List
- Attachment 5: Comments and Responses

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Attachment 1: Errata to EA

The following corrections apply to the EA and accompanying discipline reports for the I-405 NE 8th Street to SR 520 Improvement Project, which was issued on May 7, 2008. These corrections clarify or enhance the readability of the EA. Because these changes to the EA alter neither the analysis nor the conclusion of No Significant Impact, the issuance of a revised EA is not required.

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

Page 1-5, third paragraph

One stream, an unnamed tributary to Sturtevant Creek, will be permanently affected to allow for widening the on-ramp from NE 8th Street to northbound I-405. Sturtevant Creek flows in alternately open channel and culverted segments until it crosses under I-405 via two side-by-side culverts at SE 4th Street. These culverts are fish passage barriers precluding the upstream migration of anadromous fish. Approximately 200 linear feet of stream channel (totaling 0.04 acres in area) will be placed in a pipe and 0.15 acres of stream buffer will be permanently lost. No resident or anadromous fish are known to use this stream at this location. However, resident and anadromous fish are known to occur in reaches of other streams within the project limits. No federally-listed threatened or endangered species will be adversely affected by the project. See the concurrence letters from the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) in Appendix A.

Page 1-7, paragraph following third bullet

WSDOT will meet these goals by installing large woody debris (LWD) and other in-stream channel enhancements. The stream's buffer will be revegetated with plant species native to the area, and invasive vegetation will be removed. The mitigation site will provide potential fish rearing habitat.

Page 3-1, second paragraph

What actions did WSDOT take prior to proposing the I-405, NE 8th Street to SR 520 Improvement Project?

WSDOT analyzed several alternatives for improving the movement of people and freight along I-405. These alternatives are presented in the I-405 Corridor Program EIS along with mitigation measures proposed for the corridor. ~~together with residents, elected officials, business leaders, and federal, tribal, state, and local governments, developed the I-405 Corridor Program Draft EIS. It~~ The Draft EIS focused on broad corridor-wide issues related to mode choice, general location of improvements, and how combinations of improvements could function together as a system to solve corridor-wide transportation problems.

Page 3-5, first paragraph

Stormwater management facilities proposed for the project were designed to provide water quality treatment for stormwater from new impervious surfaces as well as some of the existing impervious surfaces that currently discharge to streams without treatment. Once construction is completed, stormwater quality is expected to ~~improve overall from what exists today~~ be the same or to improve slightly from what exists today for the target constituents (total suspended solids, total and dissolved zinc, and total copper). Page 5-6 of the Water Resources Discipline Report includes a discussion on pollutant loadings and Exhibit 5-7 provides a summary of Existing and Project Annual Pollutant Loads. Only dissolved copper loading in one basin is expected to have a minor increase (less than 2 percent). WSDOT implements a water quality modeling program per the NPDES permit requirements, which provides the basis of the pre-project versus post-project annual pollutant load and concentration figures. The project relies on the NPDES monitoring program rather than performing project-specific monitoring. The project fully complies with WSDOT stormwater design and treatment standards contained within the Highway Runoff Manual. It is expected that by following the HRM the project will meet water quality standards when in operational status. This will benefit fish and other aquatic species in streams that receive runoff from the freeway.

Page 5-9, Exhibit 5-1: Regulatory Framework

| Statutes/Regulations/Ordinances | Discipline Reports |
|---|--|
| Local | |
| Bellevue Community Code 9.12 Sanitation of Lakes and Streams – prohibits material that will cause or tend to cause a polluted condition in lakes and streams. | Water Resources; Cumulative Effects |
| <u>Bellevue City Code 9.18 Noise Control – controls the level of noise in a manner which promotes commerce; the use, value, and enjoyment of property; sleep and repose; and the quality of the environment by establishing maximum noise levels applicable within designated areas or zones of the city. Sounds created by construction and emanating from construction sites are exempt from these provisions between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and 9:00 a.m. and 6:00 p.m. on Saturdays which are not legal holidays.</u> | <u>Noise and Vibration</u> |
| Bellevue Community Code 20.25H Critical Areas Overlay District – provides requirements for development and activity within critical areas including streams, wetlands, geologic hazards, and special flood hazards. | Water Resources; Geology and Soils; Cumulative Effects |
| <u>Bellevue Code 24.02 Water Utilities and 24.06 Storm and Surface Water Utility – provides for the planning, security, design, construction, use, maintenance, repair and inspection of public and private water systems; establish programs and regulations to assure the quality of the water in such systems as well as provide for the efficient and conservative use of such water; and provide for the enforcement of the provisions of this code</u> | <u>Water Resources</u> |

Page 5-26, Exhibit 5-7

Exhibit 5-7: Numbers of Modeling Locations and Residences that Approach, Meet, or Exceed the NAC

| | Modeling Locations | Residences |
|---------------------|--------------------|------------|
| Existing Conditions | 20 | 107 |
| No Build 2030 | 21 22 | 123 |
| Build 2030 | 30 | 137 |

Note: Four of the residences that would approach the NAC under No Build conditions would be displaced by the Build Alternative.

Page 5-28, first paragraph

Only the relocated noise barrier, Noise Barrier R1 (Exhibit 5-9), was determined to be reasonable and feasible in reducing noise levels. The barrier is located along northbound I-405, from approximately NE 15th Street to the SR 520 interchange. This relocated noise barrier will maintain noise levels below the NAC at 17 residences that benefit from the existing noise barrier. Even with the relocated noise barrier, noise levels will approach, meet, or exceed the NAC at ~~99~~ 119 residences located primarily along SR 520 and on the west side of I-405 at the NE 8th Street interchange.

Page 5-28, last paragraph

If the project is not built, noise levels would approach, meet, or exceed the NAC at ~~21~~22 modeling locations (representative of 123 residences) by the year 2030. This includes the 20 locations (representing 107 residences) that currently approach, meet, or exceed the NAC.

Page 5-34, first paragraph

According to the 2000 Census data, 25 percent of residents in the study area identified themselves as a minority, and 6 percent of identified themselves as non-white Hispanic or Latino. In addition, 7 percent of residents in the study area are living in households with incomes below the federal poverty line.

Page 5-55, first complete paragraph

The existing I-405 and SR 520 stormwater collection and conveyance system will be modified to route drainage to the new stormwater management facilities. Discharges from the stormwater facilities and the modified drainage system will continue to flow to the existing outfalls to the streams and eventually to Lake Washington. The following streams or tributaries will receive

stormwater from ponds constructed as part of the proposed project: Sturtevant Creek, Yarrow Creek, and the West Tributary to Kelsey Creek.

Page 6-2, second bullet

- Equip ~~construction equipment~~ engines with adequate mufflers, intake silencers, and engine enclosures to reduce their noise;

Appendix C, Cumulative Effects Analysis Technical Memorandum

Page 24

Wetland Resource Trends

Wetland resources in the WRIA 8 have declined over time because of the construction of homes, retail centers, industrial facilities, public infrastructure, and the loss of natural landscapes associated with population increases. While environmental awareness has increased through the passage of legislation, the number, size, and function of wetlands have declined. However, the rate of decline has decreased and that trend is likely to continue. The goal of *No Net Loss* (at least as many acres of wetlands created as lost/filled) and improved avoidance, mitigation, and compensation measures are helping to restore wetland areas. The *No Net Loss* goal has been maintained by WSDOT. All permitted WSDOT projects within the study area have mitigated for wetland loss at a ratio of equal to or greater than 1:1. Advanced scientific studies, refined regulatory requirements and programs, and use of adaptive management procedures will further enhance the restoration trend.

Appendix J, Noise and Vibration Discipline Report

Page 4-1, first paragraph

The I-405 Team modeled existing noise levels at 45 locations to represent ~~307~~255 residences. Traffic noise from I-405, SR 520, and local arterials is the dominant noise source in the study area. Periodic noise from aircrafts also exists in the study area.

Appendix O, Water Resources Discipline Report

Page 5-4, third paragraph

Increases in impervious surface coverage by subbasin include 4.65 acres within Sturtevant Creek, 1.23 acres within Yarrow Creek, 5.23 acres within the West Tributary to Kelsey Creek, 0.24 acres within Goff Creek, and 0.006 acres within Valley Creek.

Attachment 2: Notices

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

NOTICE OF AVAILABILITY OF FINDING OF NO SIGNIFICANT IMPACT, I-405, NE 8th STREET TO SR 520 IMPROVEMENT PROJECT

The Federal Highway Administration issued the I-405, NE 8th Street to SR 520 Improvement Project Finding of No Significant Impact on September 17, 2008.

This finding is based on the evaluation of the Environmental Assessment as issued on May 7, 2008, and public and agency input during the public comment period from May 7 through June 9, 2008. The public comment period included a public hearing on May 22, 2008.

Description of Proposed Project

WSDOT intends to improve I-405 from NE 8th Street to SR 520. These improvements are part of the I-405 Corridor Program. The proposed action includes the following improvements to support construction and operation of the facility:

Northbound I-405 to Eastbound SR 520 Improvements

- Reconfigure the existing northbound NE 4th Street on-ramp to become an auxiliary lane that exits to SR 520 and northbound I-405 as part of a two-lane exit ramp.
- Reconstruct portions of the NE 8th Street on- and off-ramps to northbound I-405. The on-ramp will be reconstructed at a lower grade than the I-405 mainline.
- Rebuild the NE 12th Street bridge crossing over I-405 to accommodate the new braided ramps.
- Construct a northbound on-ramp to SR 520 from a new NE 10th Street bridge crossing; the bridge crossing is being constructed under a separate project. The bridge crossing will be in place prior to constructing the on-ramp.
- Construct grade-separated ramps to divide traffic entering northbound I-405 from NE 8th Street and traffic exiting I-405 to SR 520.
- Construct grade-separated ramps to divide traffic entering eastbound SR 520 from northbound I-405 and traffic exiting eastbound SR 520 to 124th Avenue NE.
- Shift eastbound SR 520 mainline travel lanes toward the median.
- Extend the ramp from northbound I-405 to eastbound SR 520 on a collector-distributor system through the 124th Avenue NE interchange to merge with the existing eastbound SR 520 mainline just east of 134th Avenue NE.
- Reconstruct the 124th Avenue NE interchange off ramp.
- Relocate an existing noise barrier. The new barrier will be approximately 1,585 feet long and 20 feet high.
- Construct several retaining walls needed to allow for the proposed widening of I-405.

SR 520 to Southbound I-405 Improvements

- Reconfigure the ramps from SR 520 to southbound I-405. The westbound SR 520 to southbound I-405 ramp will become a dedicated auxiliary lane, and on-ramp traffic will no longer be required to immediately merge with southbound I-405 mainline traffic. The eastbound SR 520 to southbound I-405 ramp will merge with the dedicated auxiliary lane.

Southbound I-405 to SR 520 Improvements

- Realign the southbound I-405 to eastbound SR 520 loop ramp.

Where Can I View the Environmental Assessment and FONSI?

Copies of the I-405, NE 8th Street to SR 520 Improvement Project Environmental Assessment and the FONSI are available for a cost of \$35 and \$18, respectively, which does not exceed the cost of printing. The EA and the FONSI may also be reviewed at the WSDOT address below.

Both documents are available online at:

<http://www.wsdot.wa.gov/Projects/i405/corridor/sr520tone8thEA.htm>; and at the WSDOT I-405 Project Office, 600 108th Avenue NE, Suite 405, Bellevue.

Who Can I Call with Questions?

Please call William Jordan, WSDOT I-405 Project Office, 600 108th Avenue NE, Suite 405, Bellevue, WA 98004; telephone (425) 456-8647 if you have any questions.

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

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

The preceding legal notice was advertised in the following newspapers on the dates noted:

The Seattle Times, October 1, 2008

NOTICE OF DETERMINATION OF NONSIGNIFICANCE
DETERMINATION OF NONSIGNIFICANCE
AND
ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENT

Washington State Department of Transportation (WSDOT) issued a determination of nonsignificance (DNS) for the I-405, NE 8th Street to SR 520 Improvement Project that extends along I-405 from about NE 8th Street to just north of SR 520 interchange (approximately 1.5 miles) and along SR 520 from just west of the I-405 interchange to just east of 134th Avenue NE (approximately 1.6 miles). The proposed action includes the following improvements to support construction and operation of the facility that will reduce traffic congestion and improve safety and reliability:

- Construct grade-separated ramps on northbound I-405 to separate the I-405 traffic exiting to SR 520 from traffic entering I-405 at NE 8th Street in downtown Bellevue;
- Construct a new eastbound collector-distributor lane on SR 520 to separate the on- and off-ramp traffic between I-405 and 124th Avenue NE; and
- Reconstruct the NE 12th Street bridge over I-405.

Northbound I-405 to Eastbound SR 520 Improvements:

- Reconfigure the existing northbound NE 4th Street on-ramp to become an auxiliary lane that exits to SR 520 as part of a two-lane exit ramp;
- Reconstruct portions of the NE 8th Street on- and off-ramps to and from northbound I-405;
- Construct a northbound on-ramp from a new NE 10th Street bridge crossing to SR 520. The new NE 10th Street bridge will be constructed as part of another project and will be in place when this on-ramp is constructed;
- Construct grade-separated ramps to divide traffic entering northbound I-405 from NE 8th Street and traffic exiting I-405 to SR 520;
- Construct grade-separated ramps to divide traffic entering eastbound SR 520 from I-405 and traffic exiting eastbound SR 520 to 124th Avenue NE;
- Shift eastbound SR 520 mainline travel lanes toward the median;
- Extend ramps from I-405 to eastbound SR 520 on a collector-distributor system through the 124th Avenue NE interchange to merge with the existing eastbound SR 520 at approximately 136th Place NE; and
- Reconstruct the 124th Avenue NE interchange off-ramp.

SR 520 to Southbound I-405 Improvements:

- Reconfigure the ramps from SR 520 to southbound I-405 to improve traffic flow. The westbound SR 520 to southbound I-405 ramp will become a dedicated auxiliary lane and will no longer require SR 520 traffic to immediately merge with I-405 mainline traffic; and
- The eastbound SR 520 to southbound I-405 ramp will merge with the dedicated auxiliary lane.

Southbound I-405 to SR 520 Improvements:

- Realign the southbound I-405 to eastbound SR 520 loop ramp to the mainline of eastbound SR 520.

Other features of the project include:

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

Proponent:

Washington State Department of Transportation

Location of current proposal:

The project extends approximately 1.5 miles north along I-405, from south of NE 8th Street to the SR 520 interchange, and approximately 1.6 miles east along SR 520, from the I-405 interchange to east of 134th Avenue NE.

Title and Description of documents being adopted:

I-405, NE 8th Street to SR 520 Improvement Project (Environmental Assessment May, 2008).

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

<http://www.wsdot.wa.gov/projects/i405/>

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

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

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

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

This Determination of Non-Significance is issued under WAC 197-11-340(2); the lead agency will not act on the proposal for 14 days from the date of issuance on May 7, 2008.

Comments must be submitted by May 22, 2008.

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

Name of agency adopting document:

Washington State Department of Transportation - Urban Corridors Office

Contact person, if other than responsible official: William H. Jordan

Title/contact: I-405 Project Environmental Manager Phone: 425-456-8647

Email: I405_NE8toSR520BraidsSEPA_DNS@i405.wsdot.wa.gov

Responsible official: Allison Hanson

Title/contact: UCO - Environmental Services Deputy Director Phone: 206-716-1136

Address: 401 Second Ave. South, Suite 400, Seattle, WA 98104

The preceding legal notice was advertised in the following newspapers on the dates noted:

Seattle Times, May 7, 2008.

NOTICE OF AVAILABILITY OF ENVIRONMENTAL ASSESSMENT AND ENVIRONMENTAL PUBLIC HEARING

I-405, NE 8th Street to SR 520 Improvement Project

Purpose of Notice

The Federal Highway Administration (FHWA) and Washington State Department of Transportation (WSDOT) will issue an Environmental Assessment (EA) on May 7, 2008, for the I-405, NE 8th Street to SR 520 Improvement Project. The project extends along I-405 from about NE 8th Street to just north of SR 520 interchange (approximately 1.5 miles) and along SR 520 from just west of the I-405 interchange to just east of 134th Avenue NE (approximately 1.6 miles). It is the purpose of this notice and of the public hearing to provide for the exchange of information regarding the effect of the proposed project on the community. This purpose is in accordance with and pursuant to the National Environmental Policy Act (NEPA) and the Federal Highway Act (Title 23 U.S.C., 101 et. seq.) and amendments.

Description of Proposal

WSDOT is proposing to construct the I-405, NE 8th Street to SR 520 Improvement Project to improve safety and reduce congestion in the vicinity of the I-405 and SR 520 interchange within the city of Bellevue. The proposed action includes the following improvements to support construction and operation of the facility that will reduce traffic congestion and improve safety and reliability:

- Construct grade-separated ramps on northbound I-405 to separate the I-405 traffic exiting to SR 520 from traffic entering I-405 at NE 8th Street in downtown Bellevue;
- Construct a new eastbound collector-distributor lane on SR 520 to separate the on- and off-ramp traffic between I-405 and 124th Avenue NE; and
- Reconstruct the NE 12th Street bridge over I-405.

Northbound I-405 to Eastbound SR 520 Improvements:

- Reconfigure the existing northbound NE 4th Street on-ramp to become an auxiliary lane that exits to SR 520 as part of a two-lane exit ramp;
- Reconstruct portions of the NE 8th Street on- and off-ramps to and from northbound I-405;
- Construct a northbound on-ramp from a new NE 10th Street bridge crossing to SR 520. The new NE 10th Street bridge will be constructed as part of another project and will be in place when this on-ramp is constructed;
- Construct grade-separated ramps to divide traffic entering northbound I-405 from NE 8th Street and traffic exiting I-405 to SR 520;
- Construct grade-separated ramps to divide traffic entering eastbound SR 520 from I-405 and traffic exiting eastbound SR 520 to 124th Avenue NE;

- Shift eastbound SR 520 mainline travel lanes toward the median;
- Extend ramps from I-405 to eastbound SR 520 on a collector-distributor system through the 124th Avenue NE interchange to merge with the existing eastbound SR 520 at approximately 136th Place NE; and
- Reconstruct the 124th Avenue NE interchange off-ramp.

SR 520 to Southbound I-405 Improvements

- Reconfigure the ramps from SR 520 to southbound I-405 to improve traffic flow. The westbound SR 520 to southbound I-405 ramp will become a dedicated auxiliary lane and will no longer require SR 520 traffic to immediately merge with I-405 mainline traffic; and
- The eastbound SR 520 to southbound I-405 ramp will merge with the dedicated auxiliary lane.

Southbound I-405 to SR 520 Improvements

- Realign the southbound I-405 to eastbound SR 520 loop ramp to the mainline of eastbound SR 520.

Other Features of the project include

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

Public Hearing

WSDOT has scheduled an environmental public hearing to answer questions and receive comments on the Environmental Assessment. The hearing will be from 4:00 p.m. to 7:00 p.m. on May 22, 2008, in Bellevue, at Bellevue City Hall, Room 1E-108, 450 - 110th Avenue NE, Bellevue, WA 98009.

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

Each participant may present testimony either orally to the court reporter or in writing. All written comments must be postmarked or received by June 9, 2008, to be considered by project administrators and included in the official public record. Project questions and comments should be

submitted in writing to the I-405 Environmental Manager, William H. Jordan, at the following address or e-mail address:

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

Email: i405_NE8toSR520BraidsNEPA_EA@i405.wsdot.wa.gov

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

<http://www.wsdot.wa.gov/Projects/i405/NE8thtoSR520>

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

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

The preceding legal notice was advertised in the following newspapers on the dates noted:

Seattle Times, May 7, 2008.

Attachment 3: FONSI Distribution List

To promote good communication and enhance interagency coordination, we acknowledge that this FONSI is a public document and that WSDOT and FHWA have involved the public, agencies, and tribes in implementing NEPA procedures. All those who received a copy of the EA have been sent postcards notifying them of the availability of the FONSI. Notices were sent to the following government agencies, tribes, organizations and elected officials. Hard copies of the FONSI were sent to the four organizations that submitted comments on the EA, indicated with an asterisk (*) below.

Federal Agencies

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

Tribal Governments

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

State Agencies

Washington State Department of Archaeological and Historic Preservation
Washington State Department of Ecology
Washington State Department of Fish and Wildlife
Washington State Department of Natural Resources
Washington State Transportation Commission

Regional Agencies

Sound Transit
Puget Sound Regional Council
Puget Sound Clean Air Agency

Local Agencies

City of Bellevue*
King County*

Public Agencies

Transportation Choices Coalition

Multi-Agency Permitting Team

Katie Chamberlin, Washington State Department of Ecology
Caroline Corcoran, Washington State Department of Ecology
Doug Dobkins, King County Department of Development and Environmental Services
Terry Drochak, Washington State Department of Transportation
Rebecca McAndrew, U.S. Army Corps of Engineers
Don Ponder, Washington State Department of Fish & Wildlife

Libraries

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

Elected Officials

U.S. Senators

Maria Cantwell
Patty Murray

U.S. House of Representatives (Congressmen)

Jay Inslee, 1st Congressional District
David G. Reichert, 8th Congressional District
Adam Smith, 9th Congressional District

Washington State Senators

Luke Esser, 48th District
Adam Kline, 37th District
Rosemary McAuliffe, 1st District
Eric Oemig, 45th District
Margarita Prentice, 11th District
Brian Weinstein, 41st District

Washington State House of Representatives

Judy Clibborn, 41st District
Mark Ericks, 1st District
Roger Goodman, 45th District
Bob Hasegawa, 11th District

Zack Hudgins, 11th District
Ross Hunter, 48th District
Fred Jarrett, 41st District
Al O'Brien, 1st District
Eric Pettigrew, 37th District
Sharon T. Santos, 37th District
Larry Springer, 45th District
Rodney Tom, 48th District

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Attachment 4: Mitigation Commitment List

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

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

List of Commitments Identified in the EA

WSDOT has well-established design and construction practices for avoiding or minimizing impacts resulting from environmental conditions anticipated along the project alignment.

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

Project Measures to Avoid or Minimize Effects during Construction

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

Measures for Traffic and Transportation

- WSDOT will coordinate with the local agencies to prepare a Traffic Management Plan prior to lane closures or making any traffic flow changes. The City of Bellevue, the public, school districts, emergency service providers, and transit agencies will be informed of changes through a public information process. WSDOT will make every effort to minimize traffic delays or disruptions during construction. Lane closures will occur in off-peak hours whenever possible, and will be coordinated with local agencies.
- Transportation demand management (TDM) strategies will form an important part of the construction management program. TDM strategies in the I-405, NE 8th Street to SR 520 Improvement Project area will be implemented prior to construction to increase public awareness and participation in HOV travel. The major focus will be on expanding vanpooling and vanship opportunities.

Measures for Noise and Vibration

To reduce construction noise and vibration at nearby residences, WSDOT will incorporate the following activities, where practicable:

- Limit the noisiest construction activities (e.g., pile driving) to between 7 a.m. and 10 p.m. to reduce construction noise levels during sensitive nighttime hours;
- Equip engines with adequate mufflers, intake silencers, and engine enclosures to reduce their noise;
- Turn off construction equipment during prolonged periods of nonuse to eliminate noise;
- Where possible, locate stationary equipment away from residences to decrease noise;
- Require the use of Occupational Safety and Health Administration (OSHA)-approved ambient sound sensing backup alarms to reduce disturbances from backup alarms during quieter periods;
- Identify vibration-sensitive facilities located adjacent to the project;
- Prepare a vibration monitoring and mitigation plan; and
- Coordinate construction activities with adjacent property owners to minimize and avoid potential vibration-related effects, when possible.

Measures for Communities, Businesses, and Public Services

To avoid and/or minimize effects on communities, businesses, and public services, WSDOT will:

- Continue active public involvement and work with neighborhood associations and community service providers to inform them of temporary changes in traffic circulation or access;
- Maintain emergency vehicle access to Overlake Hospital Medical Center during construction;
- Coordinate with any displaced resident or business owner to provide relocation assistance in compliance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended;
- Relocate Washington Women in Need, a human service agency that provides assistance to low-income women, within the same neighborhood;
- Coordinate with business owners and the City of Bellevue to mitigate or compensate for parking losses;
- Maintain access to businesses during business hours throughout the construction period;
- Post appropriate signs that communicate revised access information to potential customers;
- Coordinate with utility service providers to avoid effects on existing utilities and, where unavoidable, minimize disruption in service during utility relocation;
- Coordinate with Overlake Medical Center and Group Health Cooperative to prevent any disruptions in utility service; and
- When relocating water lines, notify and coordinate with fire departments prior to any breaks in service to establish alternate supply lines.

Measures for Visual Quality

- Mitigation measures will be implemented during project construction to help maintain and/or restore the visual character. Where the local terrain and placement of light poles allow it, light and glare effects associated with nighttime construction activities will be reduced by shielding freeway lighting and using downcast lighting so that lighting sources will not be directly visible to the corridor neighbors. Site disturbance will be minimized to protect native plants and trees. Visual effects will be reduced further by restoring (revegetating) areas as construction is completed (in stages) rather than waiting for the entire project to be completed.

Measures for Water Resources

WSDOT will use standard BMPs to avoid and reduce potential effects from this project during construction. These BMPs are designed in accordance with the WSDOT *Highway Runoff Manual* (HRM). Some of the potential BMPs and construction practices that will be used as part of the project are listed below:

- WSDOT will prepare and implement a Temporary Erosion and Sedimentation Control (TESC) plan. A TESC plan consists of structural and operational measures to control the transport of sediment. Structural measures consist of the construction of temporary structures to reduce the transport of sediment, such as silt fences or sediment traps.

- If the structural and operational BMPs listed in the HRM do not adequately control the discharge quality to meet the state requirements, then other methods may be used. Such methods may include, but not be limited to, chemical treatment of stormwater or the use of flow-through sand (or similar media) filtration systems. These advanced treatment systems could be used on an as-needed basis.
- Where construction must occur within stream channels, it will occur “in the dry” (stream flows will be temporarily diverted around the work site, where practicable, to prevent turbidity). In-stream work is expected to occur in the unnamed tributary to Sturtevant Creek. A hydraulic project approval (HPA), issued by the Washington Department of Fish and Wildlife (WDFW), will list the requirements for performing in-stream work.
- WSDOT will treat construction site runoff such as overland flow across a vegetated surface, temporary curbing to prevent clean runoff from flowing across the disturbed areas, and stormwater ponds as temporary settling/holding ponds.
- WSDOT will limit construction disturbances to the minimum area needed, the shortest duration, and an appropriate distance away from water bodies, as practical. Seasonal work windows will be identified and implemented.
- WSDOT will use structural BMPs such as silt fencing, landscaping, erosion matting, hydro mulching, soil tracking, detention/sediment trap basins, and vegetated buffers as described in the HRM, as appropriate.
- WSDOT will reduce the use, transfer, and storage of hazardous materials in sensitive areas. A Spill Prevention, Control, and Countermeasures (SPCC) plan will be established for construction activities and will also detail the procedures that will be followed in the event of a spill to prevent or minimize effects on groundwater.
- WSDOT will identify and develop staging areas for equipment repair and maintenance away from all drainage routes. WSDOT will require that washout from concrete trucks not be dumped into storm drains or onto soil or pavement that carries stormwater runoff. Thinners and solvents will not be used to wash oil, grease, or similar substances from heavy machinery or machine parts. WSDOT will designate a washdown area for equipment and concrete trucks.
- Due to the flooding problems in Valley Creek, flow control mitigation measures will have to be implemented to prevent any temporary increases in flow rates to the stream.
- WSDOT will design and implement a construction dewatering plan if needed. The dewatering plan will consist of measures for temporarily lowering the groundwater table below levels of construction excavation. WSDOT will be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit. WSDOT will require that water encountered during construction meets the standards specified in the NPDES permit prior to discharge to a surface water body. If necessary, sediment ponds will be used to allow sediment to settle out, thereby improving water quality, prior to discharge.

Measures for Ecosystems

- The construction BMPs for protecting water quality and water resources described above will also protect wetlands, aquatic resources, and wildlife habitat. WSDOT will minimize effects during construction by following construction BMPs specified in the HRM and by implementing TESC and SPCC plans to prevent sediment and spilled materials from entering

- WSDOT will adhere to project conditions identified in the project Biological Assessment to protect fish and other aquatic species.
- Streams, wetlands, and their associated buffers will be labeled on the construction plans and in the field.
- Clearing limits will be demarcated with high-visibility construction fencing wherever clearing is proposed in or near critical areas and their buffers.
- WSDOT will implement construction BMPs (such as silt fencing or sedimentation ponds) to avoid disturbing sensitive areas during the development and use of staging areas, access roads, and turnouts associated with resurfacing activities.
- WSDOT will not allow in-water work to occur except during the seasonal work windows established to protect fish.
- WSDOT will minimize the amount of vegetation clearing to retain as many trees as practicable.

Measures for Cultural Resources

- An Unanticipated Discovery Plan (UDP) has been developed by WSDOT Cultural Resources Program staff for the I-405 Corridor Program, and will be followed if necessary during construction. The UDP will outline procedures to be followed in the unlikely event that potential historic properties or human skeletal remains are discovered. Such procedures will include notification and consultation with FHWA, WSDOT, the identified concerned tribes, and DAHP/State Historic Preservation Officer (SHPO), and law enforcement as necessary or required.

Measures for Air Quality

- Temporary effects on air quality may occur during construction activities. State law requires construction site owners and/or operators to take reasonable precautions to prevent fugitive dust from becoming airborne. Fugitive dust may become airborne during demolition, material transport, grading, driving of vehicles and machinery on and off the site, and through wind events. WSDOT will comply with the procedures outlined in the Memorandum of Agreement between WSDOT and the Puget Sound Clean Air Agency for controlling fugitive dust. These measures are particularly important where construction will occur in close proximity to Overlake Hospital Medical Center and other medical facilities that have air intake filters. Controlling fugitive dust emissions may require some of the following actions:
 - Spray exposed soil with water or other suppressant to reduce emissions of particulate matter less than 10 microns (PM₁₀) and deposition of particulate matter (PM).
 - Use phased development to keep disturbed areas to a minimum.
 - Use wind fencing to reduce disturbance to soils.

- Minimize dust emissions during transport of fill material or soil by wetting down or by ensuring adequate freeboard (space from the top of the material to the top of the truck bed) on trucks.
- Promptly clean up spills of transported material on public roads.
- Schedule work tasks to minimize disruption of the existing vehicle traffic on streets.
- Restrict traffic onsite to reduce soil upheaval and the transport of material to roadways.
- Locate construction equipment and truck staging areas away from sensitive receptors as practical and in consideration of potential effects on other resources.
- Provide wheel washers to remove particulate matter that would otherwise be carried offsite by vehicles to decrease deposition of particulate matter on area roadways.
- Cover dirt, gravel, and debris piles as needed to reduce dust and wind-blown debris.
- Minimize odors onsite by covering loads of hot asphalt.
- Emissions of PM₁₀, volatile organic compounds, oxides of nitrogen, oxides of sulfur, and carbon monoxide will be minimized whenever reasonable and possible. Since these emissions primarily result from construction equipment, machinery engines and exhaust systems will be kept in good mechanical condition to minimize exhaust emissions.
- Federal regulations have been adopted that require the use of ultra-low-sulfur diesel fuel in on-road trucks and will require the ultra low-sulfur diesel for all construction equipment by 2010. Construction of the project is anticipated to begin in late 2009, and will be subject to these regulations. This will reduce the sulfur content of diesel fuel from its current level of 500 parts per million (ppm) to 15 ppm million—a 97 percent reduction, and will result in a decrease in both SO₂ and PM emissions from these engines. Contractors will be encouraged by WSDOT to reduce idling time of equipment and vehicles and to use newer construction equipment or equipment with add-on emission controls.

Measures for Geology, Soils, and Groundwater

- WSDOT will avoid or minimize the majority of potential adverse effects associated with the construction and operation of the project by strictly adhering to BMPs, follow procedures outlined in the WSDOT *I-405 Corridor Program NEPA/SEPA Final Environmental Impact Statement*, *Geotechnical Design Manual*, and *Bridge Design Manual*, and follow the *I-405 Programmatic Commitments* and the October 2002 *I-405 Corridor Program Record-of-Decision*.
- WSDOT will incorporate into the project design and implementation all commitments contained in policy guidance, interagency agreements, and its Standard Specifications M 41-10 as amended by special provisions based on the judgment of the Design Engineer. The project design and operation will also incorporate best practices and mitigation measures from the *Environmental Procedures Manual* M 31-11 as described in Sections 610 Environmental Requirements in Construction, 620 Environmental Requirements During Construction, 710 Environmental Requirements in Maintenance and Operations, and 720 Technical Guidance.
- BMPs and other measures will be incorporated into construction specifications to control or reduce construction-related erosion and sedimentation and increase infiltration, where

appropriate. Design solutions to avoid, minimize, or mitigate disturbance to geologic hazards will be implemented.

- Fill material imported from sources outside of the study area will be required. Standard WSDOT contract language requires imported materials to come from approved sources whose operations comply with all applicable laws.

Vibration Effects of Construction Equipment

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

Soils and Erosion

- WSDOT will prepare and implement a temporary erosion and sedimentation control plan. A TESC plan consists of operational and structural measures to control the transport of sediment. Operational measures consist of good housekeeping practices, such as removing mud and dirt from trucks before they leave the site, covering fill stockpiles or disturbed areas, use of temporary or permanent erosion control blankets, mulching, or soil amendment to promote plant growth, and avoiding unnecessary vegetation clearing. Structural measures may involve constructing temporary structures to reduce the transport of sediment, such as detention ponds, ditches, silt fences, or sediment traps. Should any BMP or other operation not function as intended, WSDOT will take additional action to minimize erosion.
- WSDOT will reduce degradation of moisture-sensitive soils by maintaining proper surface drainage to avoid surface water ponding; by minimizing ground disturbance through limiting the use of heavy equipment, limiting turns, and/or not tracking directly on the subgrade; and by covering the final subgrade elevation with a working mat of crushed rock and/or geotextile fabric for protection. Soil admix such as cement may also be mixed into the subgrade to add strength and stabilize the ground.

Steep Slope Hazard Areas

- Several steep slopes have been identified in the project area, and some were observed to exhibit minor sloughing and graveling during 2006/2007 wet season. WSDOT will implement construction procedures identified in the *Geotechnical Design Manual* to maintain or enhance slope stability in areas potentially underlain by landslide-prone soils. During construction, areas of observed or suspected groundwater seepage will be drained to reduce the risk of surface sloughing through the use of gravel drainage blankets, French drains, horizontal drains, and/or placement of a surface rock facing, or through similar methods.

Seismic Hazard Areas

- Seismic hazard areas will be addressed in accordance with the WSDOT *Geotechnical Design Manual*.

Soft Ground Areas

- Soft ground areas generally require different design and construction considerations than those characterized by dense to stiff glacial soils. During the construction design phase process, WSDOT will assess potential settlement problems associated with existing and proposed new utilities or structures. WSDOT will design appropriate solutions; such as underpinning structures by supporting them on deep foundations to gain support below the compressible soils, and/or relocating utilities. Other techniques that may be employed are: staging construction of embankments so the soil has time to gain strength; wicking drains to hasten consolidation and strength gain; constructing embankments of light-weight materials to minimize loading; reinforcing embankments with geosynthetics to add strength and minimize the footprint; inducing settlement of the underlying soils through the use of preloads prior to constructing the infrastructure; performing construction on pile supports; and increasing grades to keep pavement above groundwater.

Measures for Hazardous Materials

- Manage contaminated media such as soil or groundwater, control and management of hazardous wastes, and transport of hazardous substances is conducted consistent with environmental policies, guidance, and laws.
- Implement construction techniques that minimize disturbance to the subsurface and prevent the transport of contaminants to uncontaminated areas. These techniques will address installation of piling, dewatering activities, site grading and excavation, and stormwater pollution prevention.
- Prepare a worker Health and Safety Plan that minimizes the effects of identified and unanticipated hazardous substance impacts from contaminated soil and groundwater.
- Conduct additional studies to determine if asbestos-containing materials or lead-based paint are present in structures prior to demolition activities. Applicable regulations pertaining to the handling and disposal of these materials are followed if structures are found to contain these substances.
- Conduct additional studies to locate undocumented underground storage tanks (USTs) and fuel lines prior to construction. Areas of concern include current and former residential and commercial structures as well as fuel tanks associated with former industrial sites. USTs located within the project site would be permanently decommissioned and properly removed before general construction activities are started, if applicable.
- Acquire additional information regarding the nature and extent of contamination at the identified sites for specific project actions. This information can be obtained through research of publicly available data, and by conducting Phase I environmental site assessments and Phase II environmental site investigations.
- Phase construction activities in concert with any needed cleanup activities to avoid contaminated areas. Communication among the responsible parties and the regulatory agencies, and coordination of schedules, would lessen environmental impacts.
- Identify any utilities that need to be relocated or protected. Electrical transformers containing oil, considered a hazardous substance under state regulations, will be handled carefully in order to avoid a release or accidental spill during the relocation of transformers.

- Follow careful construction practices to protect against hazardous material spills from equipment operation during construction. WSDOT will complete a Spill Prevention Control and Countermeasures plan as required by WSDOT Standard Specification 1 07.15. WSDOT will require familiarity with proper hazardous material storage and handling and know emergency procedures, including proper spill notification and response requirements.

Project Measures to Avoid or Minimize Effects during Project Operation

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

Measures for Traffic and Transportation

- WSDOT will coordinate with the City of Bellevue to revise the signing that will direct drivers to the reconfigured on-ramps to northbound I-405 and SR 520. WSDOT will also perform public outreach to inform drivers of the changes to the roadway network.

Measures for Noise and Vibration

- An existing noise barrier that runs along northbound I-405 from approximately NE 15th Street to the SR 520 on-ramp must be removed to accommodate the proposed improvements. A replacement noise barrier will be constructed to reduce noise levels below the NAC at 17 residences that currently benefit from the existing noise barrier. The replacement barrier will be approximately 1,585 feet long and will be approximately at the same elevation as the existing noise wall. The new barrier will be constructed atop a planned retaining wall.
- No measures are needed to mitigate for vibration effects during project operation.

Measures for Communities, Businesses, and Public Services

- No measures are needed to mitigate effects on communities, businesses, and services during operation.

Measures for Visual Quality

- To address the type of disruption to the visual environment that will occur during operation, light and glare effects will be reduced by shielding freeway lighting and using downcast lighting.
- The NE 8th Street to SR 520 Improvement Project is being planned, developed, and designed in accordance with Context Sensitive Solutions (CSS) guidelines. These guidelines provide an approach that incorporates community values while meeting local, regional, and national requirements for the safe, efficient, and effective movement of people and goods. CSS considers the elements of mobility, safety, environment, and aesthetics throughout the project. To adhere to these guidelines, the proposed project is being developed to fit its physical surroundings and preserve these elements.
- The application of CSS guidelines reduces the need for additional mitigation of visual effects. Measures that are typical for transportation projects, such as retaining existing natural vegetation to the maximum extent practical and planting new vegetation to screen

constructed elements, have been incorporated within the CSS of I-405 and related transportation features.

Measures for Water Resources

- Stream mitigation for the effects on the unnamed tributary to Sturtevant Creek and its buffer will occur at Sturtevant Creek. The stream mitigation site is located along Sturtevant Creek near the southeast quadrant of the intersection of NE 4th Street and I-405, as shown on Exhibit 2, sheet 1 of 6. It is a 200-foot-long reach of Sturtevant Creek, directly downstream (south) of the culvert under NE 4th Street. The site is approximately 0.4 acres in size.
- The mitigation design will include placing large woody debris in the stream and other channel enhancements; revegetating a portion of the stream buffer; and removal and control of invasive plant species. This stream mitigation will help to decrease flooding, improve water quality via sediment removal, and provide improved habitat for fish and other aquatic life.
- The project will be designed and constructed to meet all current federal, state, and local standards for stormwater management. Design criteria are based on requirements as set forth in the *Highway Runoff Manual* and the *Hydraulics Manual*. Additional design guidance and project-specific design criteria will be obtained through the permitting process and prior agency coordination.
- The water quality and quantity controls described in Chapter 4 are conceptual and will be revisited as the design continues; however, the level of stormwater management will be equal to or better than that described in this EA. With proper design, implementation, and maintenance of BMPs, stream crossings, and highway runoff control facilities, there will be no need for additional measures to minimize effects on water quality and quantity.
- The project will have no adverse effects on floodplains; therefore, no floodplain mitigation is required.
- To minimize the effects from groundwater drawdown due to the installation of underdrains and permanent dewatering facilities, WSDOT will include special provisions in the design, such as discharging drain flow back into affected surface water and wetlands. WSDOT has well-established design and construction practices for managing the types of groundwater conditions anticipated for the project. With the implementation of these practices and by following standard BMPs, potential negative effects on groundwater resources will be minimized

Measures for Ecosystems

Wetlands

- To compensate for the permanent effects on wetlands resulting from the I-405, NE 8th Street to SR 520 Improvement Project, WSDOT will provide mitigation at a wetland mitigation site located in Kelsey Creek Park, north of the intersection of Richards Road and the Lake Hills Connector in Bellevue, Washington. The location of the mitigation site is shown on Exhibit 1. The site will be used as mitigation for several concurrent WSDOT projects along the I-405 corridor; therefore, only a portion of the site will be used to mitigate for effects on wetlands for the I-405, NE 8th Street to SR 520 Improvement Project. Of the 2.4-acre wetland restoration area, less than 0.5 acres will be proposed as mitigation for this project.

- The Kelsey Creek Park mitigation site is being constructed by excavating an upland area adjacent to Kelsey Creek to an elevation that will match the existing topography of the adjoining wetland. The excavated area is being replanted and enhanced to provide a high functioning wetland. The mitigation site will be transformed from a forested upland area to an emergent wetland complex (adjacent to the existing Kelsey Creek wetland complex). WSDOT is grading the mitigation site to facilitate wetland hydrology, and enhancing wetland habitat by constructing habitat structures and replanting adjacent upland areas with forest-type vegetation.

Aquatic Resources

- Stream mitigation for the unnamed tributary to Sturtevant Creek will occur at Sturtevant Creek and will be designed to meet these goals:
- Increased hydrologic connectivity with two small riparian wetlands;
- Increased fish-rearing habitat; and
- Improved stream buffer conditions.
- The project will meet these goals through installing large woody debris and other in-stream channel enhancements. The stream's buffer will be revegetated with plant species native to the area and invasive vegetation will be removed and controlled.

Wildlife Habitat

- Mitigation measures to offset negative effects will include the revegetating of all temporarily disturbed soils resulting from construction activities. Planted shrubs and tree species will be maintained for a period to ensure the revegetation of target cover types are achieved. Planting will occur in areas that provide connectivity to existing wildlife habitat but still meet safety and maintenance standards set forth by WSDOT. WSDOT will prepare and implement a revegetation plan for the project.

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Attachment 5: Comments and Responses

In this attachment, we present all comments received during the public comment period and our response to each comment. Four comment letters were submitted that contained a total of 79 comments. Each letter is presented in its entirety in the order shown in the following index. We added numbers in the margins of each letter to delineate individual comments. Our responses to the numbered comments follow each page of the letters.

Index to Comments and Responses

- Ryan McReynolds, Transportation Liaison, U.S. Fish and Wildlife Service, May 23, 2008 (no delineated comments)
- Grant S. Degginger, Mayor, City of Bellevue, June 6, 2008 (24 delineated comments)
- Harold S. Taniguchi, Director, King County Department of Transportation, June 9, 2008 (3 delineated comments)
- Karen Walter, Watershed and Land Use Team Leader, Muckleshoot Indian Tribe, June 13, 2008 (52 delineated comments)

I-405, "Bellevue Braids"; Re: Comments for the EA, DNS, & Notice of Adoption

Ryan_McReynolds@fws.gov [Ryan_McReynolds@fws.gov]

Sent: Friday, May 23, 2008 10:56 AM

To: BraidsNEPA_EA; William Jordan

Cc: Steve_Boch@fhwa.dot.gov; WagnerP@wsdot.wa.gov; HansonA@wsdot.wa.gov; Emily_Teachout@fws.gov; Rowan_Baker@fws.gov

To: William Jordan, WSDOT-UCO, I-405 Project Office

Cc: Stephen Boch, FHWA
Paul Wagner, WSDOT-ESO
Allison Hanson, WSDOT-UCO
Emily Teachout, FWS-WFWO
Rowan Baker, FWS-R1(Portland)

This office received on May 9, 2008, an electronic copy of the Environmental Assessment (EA) prepared by the WSDOT and FHWA in support of the I-405, NE 8th Street to SR 520 Improvement Project ("Bellevue Braids").

This office completed an ESA section 7 consultation for the project in December of last year (FWS Ref. No. 13410-2007-I-0652).

We have reviewed portions of the EA, Determination of Non-Significance, and supporting documentation (including the Ecosystem, Water Resources, and Cumulative Effects discipline reports). Relevant portions of the EA and supporting documentation provide details that are consistent with the information provided during consultation. While there may be some differences of interpretation with regard to indirect and cumulative effects to the baseline, we have no major concerns or comments that relate to the terms of our earlier consultation.

Furthermore, we also have no major concerns, comments, or recommendations pursuant to the Fish and Wildlife Coordination Act or Migratory Bird Treaty Act. While habitat connectivity within the study area is poor, and the highway infrastructure does present a partial barrier to fish passage at one or more locations, it appears the project will not extend or modify any deficient structure.

The Western Washington Fish and Wildlife Office (Lacey) has no comments for the EA. However, we do appreciate the opportunity to review the documentation. [Note: the deadline for comments was 5/22; I apologize for the delay; we've had intermittent office closures this week because of power outages.- R.M.-]

Please feel free to call or email if I can be of assistance.

Thank You - Ryan -

Ryan McReynolds
Transportation Liaison
U.S. Fish & Wildlife Service - WFWO (Lacey)
Consultation & Technical Assistance Division
ryan_mc_reynolds@fws.gov
360.753.6047 (Phone)
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<https://owa.hntb.com/owa/?ae=Item&t=IPM.Note&id=RgAAAADQSLkMujt8Q7ej7DLR...> 6/11/2008

Ryan McReynolds, Transportation Liaison, U.S. Fish and Wildlife Service, May 23, 2008

No response required.

Grant S. Degginger, Mayor, City of Bellevue, June 6, 2008



Post Office Box 90012 • Bellevue, Washington • 98009 9012

June 6, 2008

RECEIVED

JUN 11 2008

URBAN CORRIDORS OFFICE

Mr. William Jordan
I-405 Environmental Manager
600 108th Avenue NE, Suite 405
Bellevue, WA 98004

RE: I-405, NE 8th St to SR 520 Improvement Project
Environmental Assessment (EA) Determination of Nonsignificance (DNS)
and Notice of Adoption

The Bellevue City Council supports the Washington State Department of Transportation's (WSDOT) advancement of the projects and improvements represented in the I-405 Corridor Master Plan, in particular the I-405 NE 8th Street to SR 520 Improvement project and companion improvements on SR 520, and implementing key components of the City's Downtown Implementation Plan in constructing the northbound on-ramp to SR 520 from the NE 10th Street bridge. The improvements clearly help reduce congestion, and improve safety, mobility, access, and circulation within the transportation system.

We offer the following comments in response to the publication of the EA and DNS:

NE 10th Street Northbound On-Ramp to SR 520

The project improvements will implement the Northbound NE 10th Street on-ramp relieving congestion at the NE 8th Street/I-405 interchange, better distributing traffic, and improve access and circulation to I-405 and SR 520. The revised signing, communications plan, and interim traffic control plans remain an important element in providing clear direction to the public for both the interim and permanent changes in how access to I-405 and SR520 will be implemented as part of the project modifications.

1

2

NE 10th Street Southbound Off-Ramp from SR 520

With the proposed changes for Westbound SR 520 to the Southbound I-405 on-ramp reconfigured as a dedicated Auxiliary Lane, and rebuilding the NE 12th Street Bridge crossing over I-405, the project design should not preclude future implementation of the Southbound Off-ramp from SR 520 to NE 10th Street. Although the EA describes changes in how the project will change highway

3

4

Grant S. Degginger, Mayor, City of Bellevue, June 6, 2008

Comment #1 and Comment #2

WSDOT has provided the signing plans to the City for review. These plans address changes in access to I-405 and SR 520 once the project is completed. Any interim changes during project construction will be addressed in the mandatory Traffic Management Plan. A Traffic Management Plan is required to address components that occur within work zones. WSDOT will coordinate with the local agencies to prepare the Traffic Management Plan prior to making any changes to the traffic flow or lane closures during construction.

WSDOT will also perform public outreach to inform drivers of the changes to the roadway network. WSDOT and the City are working on a Cooperative Agreement and Project Coordinator Agreement that will address the communication process for the construction of this project.

Comment #3

The proposed design does not preclude the future implementation of the southbound off-ramp from SR 520 to NE 10th Street. WSDOT has accounted for the conceptual plans developed for the future southbound off-ramp and other limited widening addressed in the I-405 Corridor EIS.

For response to Comment #4 see page A-37.

access, it is not clear if the Auxiliary Lane modification will adversely affect southbound 520 access to the NE 8th Street Interchange. We remain concerned that forcing additional trips to NE 4th Street interchange could overwhelm the interchange and adjacent arterial street intersections contributing to severe traffic impacts. We encourage WSDOT to further evaluate and described how the proposed improvements will not preclude future implementation of the NE 10th Street Southbound off-ramp from SR 520.

4 (cont'd)

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6

Bel-Red Corridor Project and 124th Avenue NE Interchange

The City's Planning Commission conducted a Public Hearing on the Bel-Red Corridor Project on May 28, 2008. This project may lead to the Council adopting Comprehensive Plan and Land Use Code amendments and specific transportation system elements requiring continued coordination in providing multi-modal transportation system improvements that serve regional growth and transportation system needs. Improvements reflected in the EA should be designed to accommodate and not preclude existing or emerging projects identified as follows:

7

Design of the Auxiliary lanes west of the 124th Avenue NE interchange should not preclude implementation of future ramps to/from the east as identified in the recommendations of the Bel-Red Corridor project. Additionally, design of the proposed improvements should not adversely affect arterial street improvements to Northup Way between Bellevue Way and 124th Avenue NE.

8

We believe that design of the identified and funded improvements, dividing traffic entering Eastbound SR 520 and exiting to 124th Avenue NE, and associated modifications to the 124th Avenue NE off-ramp, should not preclude continuation of the auxiliary lane east on SR 520 to 148th Avenue NE, as such an extension will further reduce congestion, improve safety, and improve access and circulation in the Overlake area, which is of regional significance.

9

10

We further encourage WSDOT to advance work on design of the interchange modifications for ramps to/from the east at 124th Avenue NE and the continuation of the Auxiliary lane east, as such efforts will ensure that the City and State are better able to meet the transportation demands for the I-405 and SR 520 corridors in a manner reflecting the guiding principles of the I-405 Steering Committee and emerging Land Use densities of the Bel-Red Corridor Project.

11

NE 12th Street Bridge Overcrossing

We are pleased to see WSDOT including improved facilities for multi-modal transportation alternatives, including 12.5 foot wide sidewalks (8 foot wide walkway with 4' wide planter strip where appropriate w/ curb dimension) and 5 foot wide bicycle lanes in each direction. The improvements should be constructed in accordance with the I-405 Context Sensitive Solutions (CSS),

12

Grant S. Degginger, Mayor, City of Bellevue, June 6, 2008

Comment #4

The proposed configuration of the southbound on-ramp from SR 520 eastbound will not harm operations of the I-405 southbound off-ramp to NE 8th Street. This configuration is expected to improve the overall traffic flow on SR 520 and I-405 southbound.

Comment #5

The overall traffic volumes on NE 4th Street will not significantly increase as a result of this project. The volumes on local intersections are expected to decrease as drivers' options are improved to access I-405 Northbound and SR 520. For additional detail, please see Exhibits 5-5 and 5-6 in the Transportation Discipline Report (Appendix M). These exhibits show there are no significant operational effects on NE 4th Street as a result of the project.

Comment #6

See response to Comment #3.

Comment #7

This project has been designed to accommodate and not preclude the future ramps to/from the east and the City's arterial street improvements to Northup Way between Bellevue Way and 124th Avenue NE, and will not preclude continuation of an auxiliary lane east on SR 520 to 148th Avenue NE. WSDOT has appreciated the communication with the City and looks forward to building upon this relationship during future applicable WSDOT and City projects.

Comment #8

See response to Comment #7.

Comment #9

See response to Comment #7.

Comment #10

See response to Comment #7.

Comment #11

The design and construction of the interchange modifications for ramps to/from the east at 124th Avenue NE and the continuation of the auxiliary lane east cannot be advanced until additional funding becomes available.

For response to Comment #12 see page A-39.

including landscaping and architectural treatments that extend the CSS transitional elements to 112th Avenue NE and 116th Avenue NE, matching improvements on the NE 10th Street Bridge Overcrossing.

12 (cont'd)

We also recommend that the project be designed so as not to preclude potential Light Rail Transit options being developed by Sound Transit.

13

Noise Impacts

As noted in our letter of October 16, 2006, Noise is an on-going concern for the neighborhoods, and specific land use such as Overlake Hospital and other medical treatment facilities along the I-405 and SR 520 corridors. The City previously provided information regarding concerns and abatement objectives outlined in City of Bellevue Resolution No 7375.

14

WSDOT Standards and polices provide that residential occupied outdoor areas, such as seating areas, decks, be measured at ground level and where the receiving location is measured at 67 dBA and that WSDOT will evaluate the feasibility and reasonability of mitigation. The policies also allow a threshold adjustment of 1 dBA to 66dBA. Further, legislation signed into law on May 15, 2007 provides for further consideration of visual shielding and aesthetic screening "for the purpose of improving the noise environment of major state roadway projects in locations that do not meet the criteria for standard noise barriers" and that such consideration also be supported by the project budget.

While the EA concluded that only noise barriers were determined to be reasonable and feasible in reducing noise levels, further evaluation should consider additional measures that will lower or reduce noise impacts toward improving the noise environment, including pavement design, additional shielding or aesthetic screening.

15

Additionally, the EA describes noise mitigation measures to be taken during construction. We encourage WSDOT to further evaluate how the type of activities involved may be incorporated in the overall construction schedule such that noise impacts will be minimized following initial removal of the existing noise barrier and prior to or during constructing the new noise barrier.

16

With respect to performing construction at night and city regulations (Bellevue City Code section 9.18) regarding noise impacts emanating from construction activities, we appreciate WSDOT continuing to coordinate with City staff and affected properties regarding the construction of these essential facilities as it relates to City regulations and ordinances. Such regulations should be referenced within the Regulatory Framework Exhibit 5-1 for Local agencies.

17

Grant S. Degginger, Mayor, City of Bellevue, June 6, 2008

Comment # 12

The project is being planned, developed, and designed in accordance with CSS guidelines that were developed with local entities including the City of Bellevue.

The CSS design plans include landscaping and architectural treatments along NE 12th Street from 112th Ave NE to 116th Ave NE. These include transitional elements matching the improvements on the NE 10th Street Bridge overcrossing with plantings that are adjusted for the City thematic elements along NE 12th Street. CSS design plans for this area were submitted to the City for review in April 2008.

Comment # 13

The I-405 team will continue to coordinate with Sound Transit regarding their East Link Light Rail project and their options along NE 12th Street.

Comment # 14

We understand the City's desire, as stated in Resolution 7375, for WSDOT and other applicable agencies to aggressively pursue all noise abatement strategies, traditional and emerging, to mitigate noise generated by the use of major transportation facilities to levels well below current state and federal guidelines.

Comment # 15

The legislature did not provide specific funding as part of this project for evaluating innovative options to reduce noise from highways. Other possible noise abatement measures may be considered as funding allows. Pavement design has the potential to reduce traffic noise on some of our most heavily traveled highways. We are testing quieter pavements in Bellevue as part of the South Bellevue Widening Project to assess the potential effects of this emerging technology on safety, pavement lifespan, noise reduction, maintenance needs, and costs. This information will help policymakers, WSDOT, and others make future decisions about incorporating quieter pavement into highway projects.

Comment #16

WSDOT will consider noise effects during construction when the existing noise barrier is demolished. The activity will occur during normal working hours and early notification will be given to adjacent residents. The existing noise barrier must be removed as part of the excavation for a new retaining wall along the new right-of-way. Due to right-of-way limitations, the new noise barrier will likely need to be connected to the top of the new retaining wall and as such will not be completed until the new retaining wall is complete. The wall construction and excavation are integral with construction activities along I-405 and thus can not be restricted without adversely affecting WSDOT's ability to complete the work. We encourage the construction of noise barriers first when feasible, but it is not feasible in this instance.

Comment # 17

A summary of and reference to the Bellevue City Code 9.18 Noise Control has been added to Exhibit 5-1: Regulatory Framework.

Right of Way Impacts

As expected the EA fully discloses impacts to adjacent properties and we are encouraged that WSDOT is providing relocation assistance to businesses, residents, and one agency impacted by the project. We encourage WSDOT to provide as much advance notification as possible and continue working closely with those affected by the project to further minimize unavoidable impact. Where buildings will become vacant, it is desirable that they will be removed as soon as possible to avoid potential impact from unauthorized occupancy, use, or destruction. WSDOT should also consider recycling materials from existing buildings that will be removed and perform hazardous materials abatement in accordance with all regulatory requirements, when necessary.

18

19

Impacts of Increased Impervious Surface

The full extent of the proposed improvement will add an additional new 11.4 acres of impervious surface. While the City concurs with the general approach in addressing the increase in runoff, flow control, and proposed mitigation, we also encourage WSDOT to continue working with City staff in developing effective measures to improve water quality and ecosystems. Recognizing such measures should be mitigated as closely to the site impact as possible, the evaluation should consider a broader level evaluation to maximize environmental benefits when developing mitigation options to protect water quality, wetlands, and fish habitat to the greatest extent possible.

20

21

With respect to modifying existing development and private drainage systems that may be impacted by the proposed improvement and pursuant with section 24.03.130 (3) and (6) of the city's Utilities Code, the WSDOT should consider the replacement of private drainage facilities in kind and shall maintain existing flow control concepts within the project limits. Such regulations should be referenced within the Regulatory Framework Exhibit 5-1 for Local agencies.

22

Other Regional Improvements

As part of the SR 520 project, the City has communicated its interest in completing the extension and connection of the SR 520 regional trail. The proposed water quality mitigation features in the vicinity of NE 24th Street should not preclude completing connection of the SR 520 regional trail west to the Bellevue Way Interchange or a potential connection to a regional trail facility along the Burlington Northern Santa Fe railroad right-of-way.

23

The proposed improvements should not adversely affect nor preclude future interchange modifications supporting future HOV to HOV direct connections and interchange modifications within the I-405/SR 520 interchange.

24

Grant S. Degginger, Mayor, City of Bellevue, June 6, 2008

Comment #18

WSDOT will provide as much advance notification as possible and will continue to work closely with those affected by the project.

Comment #19

WSDOT will consider recycling materials from existing buildings that will be removed. WSDOT will perform any hazardous materials abatement and disposal in accordance with all applicable regulatory requirements.

Comment #20

WSDOT appreciates the coordination and input from the City on this and previous projects. We look forward in continuing to work with the City on potential solutions to improve water quality and enhance the local ecosystems.

Comment #21

WSDOT evaluated potential mitigation for unavoidable adverse effects; these measures could benefit water quality, wetlands, and fish habitat. The project will permanently affect 0.3 acres of a low quality wetland surrounded by urban uses. These wetland effects are being mitigated at a mitigation site located in Kelsey Creek Park. The mitigation site is a 2.4-acre wetland restoration area that was approved as part of the Bellevue Nickel Improvement Project and has been constructed. Only a portion of the site (0.5 acres) is being used to mitigate for effects to wetlands for the I-405, NE 8th Street to SR 520 Improvement Project. Mitigation at this site will achieve a larger, higher quality mitigation wetland than could be achieved by mitigating the 0.3 acres of wetland impact alone.

The project will permanently affect 200 linear feet of an unnamed tributary to Sturtevant Creek. The affected portion of the unnamed tributary provides poor habitat conditions with limited over-water vegetation cover. Mitigation will be provided along the main stem of Sturtevant Creek and will be designed to increase hydrologic connectivity to two small riparian wetlands, to improve fish rearing habitat, and to improve riparian buffer conditions. In addition, WSDOT is providing water quality treatment for impervious surfaces that currently discharge to streams without treatment, which will benefit stream water quality.

Comment #22

Comment noted. In some instances, the property owners will be compensated to repair/replace their drainage systems, and in other instances, WSDOT will replace the function of the existing drainage system in order to maintain existing flow control concepts within the project limits. The City's Utilities Code has been referenced in Exhibit 5-1.

Comment #23

The I-405 Team has been in communication with the SR 520 Team regarding the SR 520 regional trail. We recognize that the trail is important to the citizens of Bellevue as well as others who use the trail for recreational or transportation (biking) purposes. The proposed water quality facility will not preclude completing the connection of the SR 520 regional trail west to the Bellevue Way interchange or a potential connection to a regional trail facility along the BNSF Railroad right-of-way.

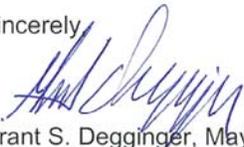
Comment #24

The I-405 Corridor Program includes HOV direct access ramps. The design of this project does not preclude future construction of these ramps.

Grant S. Degginger, Mayor, City of Bellevue, June 6, 2008

The Bellevue City Council continues supporting WSDOT in implementing measures to relieve congestion, improve safety, and mitigating impacts through improving the transportation system. The City looks forward to a continued productive relationship with WSDOT in coordinating efforts and completing the design and construction of the project as quickly as possible. We support WSDOT in moving forward in developing funding to implement the balance of improvements identified in the I-405 Corridor Plan, and making adjustments in recognition of other emerging needs.

Sincerely,



Grant S. Degginger, Mayor
City of Bellevue

cc: Bellevue City Council
Steve Sarkozy, City Manager
Goran Sparrman, Transportation Director
Matt Terry, Planning and Community Development Director

Grant S. Degginger, Mayor, City of Bellevue, June 6, 2008

No response required.

Harold S. Taniguchi, Director, King County Department of Transportation, June 9, 2008



RECEIVED
JUN 18 2008
URBAN CORRIDORS OFFICE

June 9, 2008

Mr. William H. Jordan
I-405 Project Manager
660 – 108th Avenue NE, Suite 405
Bellevue, WA 98004

Dear Mr. Jordan:

Thank you for the opportunity to review and comment on the I-405, NE 8th Street to SR 520 Improvement Project Environmental Assessment (EA), dated May 2008. We support the building of this project for the stated purpose of reducing congestion and improving safety and reliability in the vicinity of the interchange of I-405 and SR 520. Reducing conflicts between the northbound I-405 traffic exiting to SR 520 with traffic entering northbound I-405 at NE 8th Street will help implement the goals of the I-405 corridor program. The EA adequately addresses the transportation and transit impacts of the proposed project.

1

We are pleased to see that the EA includes the possibility to better manage the I-405 corridor through tolling. The EA mentions that the I-405 corridor program EIS suggested that WSDOT could achieve this through the use of high occupancy toll (HOT) lanes managed as a variable tolled system. The EA further states that the footprint of the project will not preclude the implementation of express toll lanes in the I-405 corridor in the future. As we have stated in previous correspondence, we continue to advocate for a dual HOT lane system in the I-405 corridor to address traffic congestion in the corridor's HOV and general purpose lanes. We are also pleased to see that WSDOT is conducting a study to look at the possibility of a dual HOT lane system in the I-405 corridor.

2

Thank you again for the opportunity to comment on the EA, and we look forward to future discussions concerning the potential of a dual HOT lane system in the I-405 corridor. If you have any questions regarding this letter, please contact Ron Posthuma at 206-684-1007.

Sincerely,

Harold S. Taniguchi
Director, King County Department of Transportation

Attachment

cc: Laurie Brown, Deputy Directory, King County Department of Transportation
Ron Posthuma, Assistant Director, King County Department of Transportation



MOBILITY FOR THE REGION



Harold S. Taniguchi, Director, King County Department of Transportation, June 9, 2008

Comment #1

Thank you for your comment.

Comment #2

WSDOT appreciates King County's support of a two-lane HOT lane system in the I-405 corridor to address traffic congestion in the corridor's HOV and general purpose lanes. There is an analysis underway that is evaluating a corridor HOT lane system. Preliminary results of this effort should be available later this year. WSDOT looks forward to sharing this information with King County at that time.

NOTICE OF AVAILABILITY OF ENVIRONMENTAL ASSESSMENT AND
ENVIRONMENTAL PUBLIC HEARING

I-405, NE 8th Street to SR 520 Improvement Project

COPY

Purpose of Notice

The Federal Highway Administration (FHWA) and Washington State Department of Transportation (WSDOT) issued an Environmental Assessment (EA) on May 7, 2008, for the I-405, NE 8th Street to SR 520 Improvement Project. The project extends along I-405 from about NE 8th Street to just north of SR 520 interchange (approximately 1.5 miles) and along SR 520 from just west of the I-405 interchange to just east of 134th Avenue NE (approximately 1.6 miles). It is the purpose of this notice and of the public hearing to provide for the exchange of information regarding the effect of the proposed project on the community. This purpose is in accordance with and pursuant to the National Environmental Policy Act (NEPA) and the Federal Highway Act (Title 23 U.S.C., 101 et. seq.) and amendments.

Description of Proposal

WSDOT is proposing to construct the I-405, NE 8th Street to SR 520 Improvement Project to improve safety and reduce congestion in the vicinity of the I-405 and SR 520 interchange within the city of Bellevue. The proposed action includes the following improvements to support construction and operation of the facility that will reduce traffic congestion and improve safety and reliability:

- Construct grade-separated ramps on northbound I-405 to separate the I-405 traffic exiting to SR 520 from traffic entering I-405 at NE 8th Street in downtown Bellevue;
- Construct a new eastbound collector-distributor lane on SR 520 to separate the on- and off-ramp traffic between I-405 and 124th Avenue NE; and
- Reconstruct the NE 12th Street bridge over I-405.

Northbound I-405 to Eastbound SR 520 Improvements:

- Reconfigure the existing northbound NE 4th Street on-ramp to become an auxiliary lane that exits to SR 520 as part of a two-lane exit ramp;
- Reconstruct portions of the NE 8th Street on- and off-ramps to and from northbound I-405;
- Construct a northbound on-ramp from a new NE 10th Street bridge crossing to SR 520. The new NE 10th Street bridge will be constructed as part of another project and will be in place when this on-ramp is constructed;
- Construct grade-separated ramps to divide traffic entering northbound I-405 from NE 8th Street and traffic exiting I-405 to SR 520;
- Construct grade-separated ramps to divide traffic entering eastbound SR 520 from I-405 and traffic exiting eastbound SR 520 to 124th Avenue NE;
- Shift eastbound SR 520 mainline travel lanes toward the median;
- Extend ramps from I-405 to eastbound SR 520 on a collector-distributor system through the 124th Avenue NE interchange to merge with the existing eastbound SR 520 at approximately 136th Place NE; and
- Reconstruct the 124th Avenue NE interchange off-ramp.

Harold S. Taniguchi, Director, King County Department of Transportation, June 9, 2008

No response required.

Harold S. Taniguchi, Director, King County Department of Transportation, June 9, 2008

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

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

Harold S. Taniguchi, Director, King County Department of Transportation, June 9, 2008

No additional response required. Comments have been addressed on previous pages.

**Karen Walter, Watershed and Land Use Team Leader, Muckleshoot Indian Tribe,
June 13, 2008**



**MUCKLESHOOT INDIAN TRIBE
Fisheries Division**

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



JUN 19 2008

June 13, 2008

URBAN CORRIDORS OFFICE

William Jordan
Environmental Manager
Washington State Department of Transportation
I-405 Project Office
600 108th Avenue NE, Suite 405
Bellevue, WA 98004

RE: I-405, NE 8th Street to SR 520 Improvement Project, Environmental Assessment and Determination of Non-Significance and Notice of Adoption

Dear Mr. Jordan:

The Muckleshoot Indian Tribe Fisheries Division has reviewed the Environmental Assessment and its associated Discipline Reports for the above referenced project. We offer the following comments in the interest of protecting and/or restoring the Tribe's fisheries resources.

In general, we are concerned that the impacts from the project's proposal to permanently fill 200 linear feet of an unnamed tributary to Sturtevant Creek and discharge stormwater into this stream will cause further degradation to salmonids and their habitats. The proposed mitigation is insufficient to mitigate for these impacts. In addition, the project proposes to leave approximately four existing fish barrier culverts that are within the project area in place without replacement, as well as, the existing fish barrier culvert where I-405 culvert crosses at Sturtevant Creek. The result is that this project will cause and/or continue to cause adverse impacts to the Tribe's fisheries resources without sufficient mitigation.

1

2

In addition to this concern, our specific comments are attached for your review and consideration. We appreciate the opportunity to comment on this proposal. If you have any questions about these comments or would like to meet to discuss them, please contact me at (253) 876-3116.

Sincerely,

Karen Walter
Watershed and Land Use Team Leader

Cc: Steve Boch, FHWA
Rebecca McAndrew, ACOE, Regulatory Branch
Krista Rave-Perkins, EPA, Region 10
Mike Grady, NMFS
Emily Teachout, USFWS
Jim Fraser, WDFW

**Karen Walter, Watershed and Land Use Team Leader, Muckleshoot Indian Tribe,
June 13, 2008**

Comment #1

The impact site, the unnamed tributary to Sturtevant Creek, is a headwaters stream in a heavily urbanized setting—the project area is 68 percent impervious surfaces. This reach has no documented fish use. The functions of the impact site that would support fish life are the conveyance of water, modest organic inputs, and minimal shading from roadside vegetation. The permanent impacts to the unnamed tributary of Sturtevant Creek will not impair the functions of conveyance and shading, but will reduce the organic inputs along the 200 linear feet of stream that will be placed in a pipe. Because the project is meeting HRM runoff requirements, there are no impacts expected from the flow control regime proposed by the project.

The mitigation site is downstream on Sturtevant Creek on a reach with greater surface area, depth, width, base flow, and peak flow. The mitigation plan includes enhancement of over 15,000 square feet of riparian buffer to compensate for impacts to 6,640 square feet of poor habitat conditions, including minimal over-water cover and no potential for large woody debris (LWD) contribution due to the lack of large trees associated with the impact site. Additionally, the proposed mitigation will provide improved hydrologic and habitat connectivity between Sturtevant Creek and two small riparian wetlands, improve overall aquatic habitat by increasing in-stream LWD and improving the stream substrate, reduce peak flow velocities, and increase floodplain connectivity and available floodplain storage. The proposed mitigation provides adequate in-kind mitigation.

Comment #2

All work below the ordinary high water mark (OHWM) has been completely avoided through design and minimization of impacts. The only impact is to a non-fish-bearing tributary to Sturtevant Creek, discussed in the response to comment 1 above. Since the fish passage barriers will not be extended or modified by the project, and were not included within the scope or budget of the project, the barriers are not proposed for replacement per applicable policies in the current WSDOT/WDFW Memorandum of Agreement (MOA). WSDOT has confirmed that construction activities proposed by the Bellevue Braids project will not preclude future fish passage projects at the culverts within the project study area.

**Karen Walter, Watershed and Land Use Team Leader, Muckleshoot Indian Tribe,
June 13, 2008**

Muckleshoot Indian Tribe Fisheries Division
Comments to the I-405, NE 8th Street to SR 520 EA

June 13, 2008
Page 2

Alisa Bieber, WDFW
Rebekah Padgett, WDOE, Northwest Region

**Karen Walter, Watershed and Land Use Team Leader, Muckleshoot Indian Tribe,
June 13, 2008**

No response required.

**Karen Walter, Watershed and Land Use Team Leader, Muckleshoot Indian Tribe,
June 13, 2008**

Muckleshoot Indian Tribe Fisheries Division
Comments to the I-405, NE 8th Street to SR 520 EA

June 13, 2008
Page 3

EA Comments

General comment: Since the I-405 Corridor Program Draft Environmental Impact Statement (DEIS) and Record of Decision (ROD) was adopted by WSDOT and the Federal Highway Administration, gas prices have increased substantially, making mass transit a more desirable option for many commuters. It seems reasonable that this project should also give equal consideration to additional alternatives including increasing bus transit, carpools and tolling to relieve congestion. The EA fails to consider these alternatives.

3

As the EA summarizes information found in the appendices for the various discipline reports (DR), the majority of our comments are focused on these documents. Listed below are page-specific comments on the EA.

Page 1-5 This section fails to note that two downstream culverts, including the I-405 Sturtevant Creek culvert, may be the reason that no resident or anadromous fish are known to use the unnamed tributary to Sturtevant Creek.

4

Page 1-7 The stream mitigation goal to increase fish rearing habitat may not be met for two reasons. First, the project fails to create fish passage to the mitigation site. Second, the stormwater discharges to this system may negate any increase in low velocity habitat that may be created at the mitigation site.

5

Page 3-1 As far as we know, the Muckleshoot Indian Tribe had no role in developing the I-405 Corridor Program Draft EIS. We commented on this document within the public review period. The sentence on this page is misleading as written.

6

Page 3-5 The statement regarding stormwater quality improvements is misleading and incomplete. First, the stormwater quality will only show a slight improvement over existing conditions. Second, there is no analysis to demonstrate that the receiving waters will meet State water quality standards and there is no monitoring program proposed for this project to evaluate such compliance.

7

Page 5-3, The Environmental Justice summary on this page fails to discuss that this project will have “disproportionately high or adverse effects on minority or low-income people” with respect to the Muckleshoot Indian Tribe. See our specific comments below under the Environmental Justice DR comments.

8

Section 5.5 and Section 5.6 The Water Resources Section and the Ecosystems Section both fail to fully disclose the number of existing fish passage barriers in the project area. This existing impact needs to be identified and analyzed as part of this EA. The various Discipline Reports also failed to disclose this information and analyze this ongoing and future impact from the project.

9

Also on this page, please note that based on U.S. v. Washington, case no. CV 9213RSM, Subproceeding No. 01-01, WSDOT will need to resolve all culvert issues for this project with the Muckleshoot Indian Tribe and may not be able to rely on its MOA with the Washington Department of Fish and Wildlife to address fish passage issues for this project.

10

Page 5-55 In addition to the pollutants listed on this page, there are other pollutants of concern that can be found in stormwater from motor vehicles: cadmium, chromium, oil and grease, which are also common pollutants found in stormwater from motor vehicles (WDOE, 2006). Based on the analysis in the Water Resources DR, there will be a slight improvement in water quality for the pollutants analyzed if the stormwater facilities function to their maximum potential. The EA and Water Resources DR should have analyzed a more comprehensive set of parameters relevant to highways to determine whether the proposed project will cause violations of Washington State water quality

11

**Karen Walter, Watershed and Land Use Team Leader, Muckleshoot Indian Tribe,
June 13, 2008**

Comment #3

As described in the I-405 Corridor Program Record of Decision, the Selected Alternative does include multi-modal project elements including increased transit, increased vanpools, bus rapid transit, increased capacity of park-and-rides, managed lanes, and improved bicycle routes. The project does not preclude tolling or additional multi-modal opportunities if additional funding becomes available. Page 2-5 of the I-405, NE 8th Street to SR 520 Improvement Project EA discusses further the use of express toll lanes and commits to additional operational analysis and appropriate environmental documentation if this idea is advanced.

WSDOT is proposing to construct the I-405, NE 8th Street to SR 520 Improvement Project to reduce traffic congestion and improve freeway safety and reliability on I-405 and SR 520 where the two freeways meet. Existing merging conflicts create safety problems along this stretch of I-405. Historical data show that the accident rate on I-405 between NE 4th Street and SR 520 is higher than the average for the entire I-405 corridor. The proposed project would eliminate these merging conflicts.

Comment #4

Page 4-17 of the Ecosystems Discipline Report (EA Appendix E) describes Sturtevant Creek in detail and discusses the concrete culverts under I-405 as fish passage barriers to upstream migration of anadromous species. A summary of this information has been added to the Errata to the EA on EA page 1-5.

Comment #5

The goal to increase fish rearing habitat can still be met without creating fish passage to the site as there may be resident fish species such as cutthroat trout and stickleback in Sturtevant Creek. See Exhibit 4-10 on page 4-17 of the Ecosystems Discipline Report. A note has been added to Errata to the EA (at page 1-7) indicating that the mitigation site will provide potential fish rearing habitat.

In regard to your concern that stormwater discharges to Sturtevant Creek may negate any increase in low-velocity habitat created at the mitigation site, WSDOT has taken substantial measures to design stormwater facilities that will detain all stormwater from new impervious surfaces resulting from the project (and a portion of the existing pavement). WSDOT will require the design-builder to incorporate in-stream channel enhancements including LWD structures, pools, and substrate improvements to meet stream mitigation project goals and objectives stated on page 6-3 of the Ecosystems Discipline Report. WSDOT has not determined the specific low-velocity habitat calculations at this point in the design due to remaining elements to be completed by the design-builder; however, WSDOT remains committed to a full and complete detailed design study and hydraulic analysis. This will ensure low-velocity habitat is available per the design and performance measures associated with the stream mitigation site. WSDOT will meet all permit conditions, which include implementing contingency actions if design and performance standards are not met.

The proposed mitigation will provide improved hydrologic and habitat connectivity between Sturtevant Creek and two small riparian wetlands, improve overall aquatic habitat by increasing in-stream LWD and improving the stream substrate, reduce peak flow velocities, and increase floodplain connectivity and available floodplain storage. In addition, the Braids project will treat currently untreated stormwater that enters the Sturtevant system today, including decreases in total suspended solids (TSS), copper, and zinc concentrations. Page 5-6 of the Water Resources Discipline Report includes a discussion on pollutant loadings and Exhibit 5-7 provides a summary of Existing and Project Annual Pollutant Loads. Only dissolved copper loading in one basin is expected to have a minor increase (less than 2%). The project proposes to treat all the newly created impervious surfaces and to retrofit a percentage of the existing

untreated pavement (approximately 240 percent of the new impervious surfaces). Retrofitting and controlling stormwater that was previously untreated is expected to improve existing conditions

The Sturtevant Creek detention pond at NE 10th Street will detain water equivalent to a 100 percent forested condition. This detention is expected to improve peak velocities within this system. Selection of the Build Alternative will improve the Sturtevant system over today's non-treated and non-flow-controlled stormwater system. See also response to comment #1.

Comment #6

In the Errata to the EA (at page 3-1), this sentence has been deleted and replaced with the following: "WSDOT analyzed several alternatives for improving the movement of people and freight along I-405. These alternatives are presented in the I-405 Corridor Program EIS along with mitigation measures proposed for the corridor."

Comment #7

In the Errata to the EA for page 3-5, this statement has been updated as follows: "Once construction is completed, stormwater quality is expected to be the same or to improve slightly from what exists today for the target constituents (total suspended solids, total and dissolved zinc, and total and total copper). Page 5-6 of the Water Resources Discipline Report includes a discussion on pollutant loadings and Exhibit 5-7 provides a summary of Existing and Project Annual Pollutant Loads. Only dissolved copper loading in one basin is expected to have a minor increase (less than 2 percent). WSDOT implements a water quality modeling program per the NPDES permit requirements, which provides the basis of the pre-project versus post-project annual pollutant load and concentration figures. The project relies on the NPDES monitoring program rather than performing project-specific monitoring. The project fully complies with WSDOT stormwater design and treatment standards contained within the *Highway Runoff Manual*. It is expected that by following the HRM the project will meet water quality standards when in operational status."

Comment #8

WSDOT understands that in its treaties with the United States, the Muckleshoot Indian Tribe reserved the right to fish at usual and accustomed grounds and stations. The locations of these grounds and stations have been specified in judicial decisions. The construction and operation of the project are not expected to reduce the net population of fish within the project area. WSDOT expects some improvement for fish habitat through implementation of water quality and mitigation measures if the Build Alternative is implemented. WSDOT expects to improve water quality in the affected streams by providing treatment to untreated stormwater, which will benefit fish and fish habitat. WSDOT does not believe that the project will affect the Muckleshoot Indian Tribe's right to fish at any usual and accustomed ground or station within the project area.

Comment #9

The number of existing fish passage barriers in the project area are not discussed because the project is not expected to affect any culverts conveying fish-bearing waters of the state.

Exhibits 5-4 and 5-5 of the Ecosystems Discipline Report list all proposed permanent and temporary impacts below the OHWM in the project area. Only the non-fish-bearing tributary to Sturtevant Creek is proposed for impacts.

There are 48 culverts owned by WSDOT within the project area. Forty-six convey only stormwater, and two carry a resident fish-bearing stream through a twin culvert that is a barrier to fish passage at Goff Creek. Work below the OHWM has been avoided at Goff Creek. WSDOT has confirmed that construction activities proposed with the I-405, NE 8th Street to SR 520 Improvement Project will not preclude a future fish passage project at this location.

Comment #10

This project has followed the MOA with WDFW and current WSDOT policies to address fish passage issues.

Comment #11

The project evaluated TSS, copper, and zinc pollutants. Appendix O, Water Resources Discipline Report, notes that WSDOT expects there to be a decrease overall in the amount of pollutant loadings to surface waters from the project. Page 5-6 of the Water Resources Discipline Report includes a discussion on pollutant loadings and Exhibit 5-7 provides a summary of Existing and Project Annual Pollutant Loads. Only dissolved copper loading in one basin is expected to have a minor increase (less than 2 percent).

These facilities will treat some level of other metals found in stormwater runoff. This is an improvement over existing conditions. Cadmium and chromium are included in TSS. Grease and oil are noted to become attached to small particles in the water and therefore associated with TSS. The Build Alternative reduces TSS; therefore, these pollutants are also assumed to decrease. The amounts of these pollutant decreases are noted in Exhibit 5-7 of the discipline report. Chapter 4 of the discipline report contains baseline information from the City of Bellevue and other sources. The analysis was conducted using weighted concentration models, which provide the basis for Level Two Stormwater Analysis that is presented in the BA Writers Guidance (available at <http://www.wsdot.wa.gov/Environment/Biology/BA/default.htm>). The Level Two Stormwater Analysis is performed for projects that may result in some small increase in pollutant loading and/or flow alteration, but do not result in a net increase in pollutant concentrations. Therefore, the analysis was based on the proposed project falling under the "high risk" category as described on page 30 of the WSDOT white paper, *Recent Analytical Approaches for Evaluation of Stormwater Quality Impacts* (December 2007) which is also available on the WSDOT web-site at the link provided above. The 90th percentile effluent concentrations for treated WSDOT runoff were used to represent the expected concentrations for projects in this category.

Under the No Build Alternative, stormwater treatment facilities would not be constructed. One of the beneficial effects of the project is the operation of enhanced stormwater treatment facilities to capture and treat portions of the existing impervious surfaces, which helps to reduce the overall pollutant loadings to streams with the exception of a minor increase in dissolved copper loading in one basin (less than 2 percent) as noted above.

**Karen Walter, Watershed and Land Use Team Leader, Muckleshoot Indian Tribe,
June 13, 2008**

Muckleshoot Indian Tribe Fisheries Division
Comments to the I-405, NE 8th Street to SR 520 EA

June 13, 2008
Page 4

standards and cause degradation to the existing quality of the surface water. This analysis should include the range (maximum and minimum) of concentrations and loads of each pollutant for the comparison of No-Build and Proposed Project effects, not just the medians.

Page 5-67 The anadromous fish information on this page is incomplete and incorrect. There are coho in Sturtevant Creek as found by King County staff. Also, Bellevue staff found coho in the West Tributary of Kelsey Creek. See <http://dnr.metrokc.gov/Wrias/8/fish-maps/distmap.htm> for this information. Finally, it is our understanding that chinook have been found in Sturtevant Creek by Bellevue staff (Kit Paulsen, City of Bellevue, pers. Comm., June 10 2008).

12

Page 5-71, Stormwater facilities do not fully mitigate effects on water resources. There are increases in the magnitude, frequency and duration of any given flood discharge due to impervious surfaces which are not sufficiently mitigated by stormwater ponds (Booth and Jackson 1994). There is also no analysis to demonstrate that the decreases in baseflows due to increases in stormwater runoff and the permanent groundwater lowering system discussed in the Water Resources DR are insignificant and will not cause a negative impact.

13

Page 6-9 The stream mitigation goal to increase fish rearing habitat may not be met for two reasons. First, the project fails to create fish passage to the mitigation site. Second, the stormwater discharges to this system may negate any increase in low velocity habitat that may be created at the mitigation site.

14

Page 6-6 Please note that the work windows for fish typically aim to protect juvenile fish and not adult salmon.

15

SPECIFIC Discipline Report Comments

Appendix C: Cumulative Effects Technical Memorandum

In general, this Technical Memorandum fails to fully consider the “incremental impact of the action when added to other past, present and reasonably foreseeable future actions regardless of what agency or person undertakes such actions” as required by the Council for Environmental Quality regulations. For example, the DR fails to discuss the amount of streams that are currently piped and culverted as a result of I-405 and how these actions in combination with riparian removal and channelization and unregulated and untreated stormwater discharges have adversely affected salmon habitat forming processes to the receiving streams, most likely to the detriment of salmonids.

16

There is no consideration in this document about how the potential impacts of these past actions in combination with the permanent loss of stream and riparian habitat and the increased stormwater generated by the project will adversely affect the project streams in the area as a result of this project.

17

Page 20 The 303(d) list documents impaired waters not meeting State water quality standards; it does not “prioritize water bodies for protection”. Also the monitoring data for the area’s affected streams is sparse and doesn’t evaluate the full suite of pollutants that can be found in stormwater. The determination of project impacts on an incomplete data set will likely lead to errors.

18

Page 23 The memorandum should document that wetlands are being restored more than are lost.

19

Page 27 Both the project specific and cumulative impacts from the I-405 Corridor program projects and SR 520 bridge replacement/widening project will adversely affect salmonid habitat in the affected waterbodies and likely adversely affect salmonids as a result.

20

Page 32 The document fails to consider the impacts of temporary loss of stream buffers on water temperatures and therefore on salmonids as well.

21

**Karen Walter, Watershed and Land Use Team Leader, Muckleshoot Indian Tribe,
June 13, 2008**

Comment #12

The WSDOT I-405 project team agrees that there are coho in Sturtevant Creek downstream of the I-405 crossing which is a fish barrier culvert. The documented presence of coho in Sturtevant Creek occurs outside of the I-405, NE 8th Street to SR 520 Improvement Project's aquatic resource study area as shown in Exhibit 3-1 on page 3-2 of the Ecosystems Discipline Report. The WSDOT I-405 project team agrees that there are coho in the West Tributary of Kelsey Creek, but this species is only present downstream of the Bel-Red Road crossing based on the analysis performed for the Environmental Assessment and Ecosystems Discipline Report where the tributary meets Goff Creek. The documented presence of coho in the West Tributary of Kelsey Creek occurs outside of the project's aquatic resource study area as shown in Exhibit 3-1 on page 3-2 of the Ecosystems Discipline Report.

Chinook salmon use is not documented or presumed within the project study area in Sturtevant Creek, the unnamed tributary to Sturtevant Creek, Yarrow Creek, or the unnamed tributary to Yarrow Creek. The two 48-inch concrete culverts on I-405 are complete barriers to anadromous fish passage.¹ A conversation with Kit Paulsen of the City of Bellevue on July 29, 2008, indicated there have been Chinook and sockeye observed downstream of I-405 in Sturtevant Creek. She provided documentation of one such sighting of a Chinook in Sturtevant Creek by City of Bellevue staff was on October 21, 2003, at 2:30 pm: one female Chinook was found near SE 6th Street, approximately 500 feet from the confluence of the much larger Kelsey Creek system. Ms. Paulsen explained that other Chinook and sockeye have been occasionally observed in Sturtevant Creek, but it is not regularly sampled so the level of salmonid use is not known. Ms. Paulsen has indicated the City of Bellevue web site mapping will be updated sometime in 2009.

Comment #13

WSDOT does not expect the stormwater design to adversely affect groundwater or peak flows. Please see page 5-5 of the Water Resources Discipline Report for more information. Since the date of the reference cited ("Booth and Jackson 1994"), WSDOT, through its HRM, has focused on a duration-based approach which releases less water over a longer period of time. For example, at the 2-year event, WSDOT will only release approximately 50 percent of the forested condition runoff. Modeling the forested condition has led to the creation of larger ponds that can hold more runoff for a longer period of time. This allows WSDOT to more carefully control the release of stormwater to avoid excessive high-velocity discharges.

While WSDOT did not complete a quantitative analysis to determine effects to base flows, WSDOT does not anticipate a change to stream base flows as a result of the project. It is true that there is an effect to groundwater, as described on page 5-12 of the Water Resources Discipline Report. These levels will be altered in the area of NE 12th Street where dewatering is required. However, the total amount of recharge to the shallow aquifers will not be measurably affected because most recharge occurs over a larger area away from the project footprint. Also, see page 6-4 of the Water Resources Discipline Report for a discussion of design measures to minimize the effects from groundwater drawdown.

Comment #14

See response to comment #5.

Comment #15

Comment noted.

¹ City of Bellevue Drainage Basin Maps. http://www.bellevuewa.gov/drain_basin_map.htm.

Comment #16

The cumulative effects analysis looks at effects of all projects from 1960 to 2030 with a goal of determining if this proposed project will, in combination with other projects, lead to environmental change. With available information, it is difficult to accurately assess incremental impacts from past individual projects, including past construction relating to I-405. However, by practicing avoidance, minimization, and mitigation, this I-405 project is not expected to contribute to a negative adverse cumulative effect. The cumulative effects analysis made attempts to understand the impacts associated with past projects within the study area. However, not all historical information (as-builts) is available for a complete understanding of individual projects and why certain engineering decisions were made. In addition, laws and regulations have changed since 1960 and species-level effects were less well understood then than they are today. The project has made every reasonable effort to avoid and minimize any further cumulative environmental impact.

The project proposes putting approximately 200 linear feet of an unnamed tributary to Sturtevant creek into a pipe. This proposal is necessary and unavoidable, and mitigation for these impacts will occur within the main stem of Sturtevant Creek.

Three streams or unnamed tributaries currently exist within culverts or channels within the project limits (see Exhibit 2 on page 21 of the Cumulative Effects Analysis Technical Memorandum). Approximately 250 linear feet (lf) of Goff Creek is conveyed under SR 520 via two 36-inch culverts within the project footprint as noted on page 4-12 of the Water Resources Discipline Report. Approximately 450 lf of an unnamed tributary to Sturtevant Creek has been channelized alongside the I-405 northbound lane near the NE 8th Street on-ramp structure as described on page 4-19 of the Ecosystems Discipline Report. Maps within this report also show that approximately 1,030 lf of this unnamed tributary has been piped underneath the I-405/NE 8th Street interchange to its confluence with Sturtevant Creek. The unnamed tributary to Sturtevant Creek originates from a series of storm drains and roadside ditches. The storm drains and roadside ditches collect into an underground storage vault, daylight, and become this unnamed tributary to Sturtevant Creek. Finally, page 4-5 of the Ecosystems Discipline Report shows that approximately 350 lf of Sturtevant Creek exists within a pipe within the project footprint. The only impact to these streams associated with the I-405, NE 8th Street to SR 520 Improvement Project will result from putting 200 lf of the unnamed tributary to Sturtevant Creek into a pipe.

The Sturtevant Creek Basin is approximately 68 percent impervious surface. The Water Resources Discipline Report indicates that the project would add approximately 11.4 acres of new impervious surface to the 86-acre project area. However, the discipline report goes on to note that the project will be treating 240 percent of the proposed new impervious surfaces through retrofit of existing untreated pavement. In addition, forested flow control levels are proposed for the new surfaces. With a system that is almost 70 percent impervious surface, there is an extensive network of storm drains and altered natural drainage systems. Therefore, WSDOT's proposal to add 200 linear feet of culvert to a non-fish-bearing stream within this already extensively modified system likely does not constitute a significant overall cumulative effect.

Comment #17

The Existing Conditions section of the Cumulative Effects Analysis Technical Memorandum discusses the historical trends and effects that past actions have had on surface waters, wetlands, and aquatic resources. The cumulative effects discussion considers the effect that this project and other projects included in the analysis may have on this trend. Please see the response to comment #16.

Comment #18

According to the Washington Department of Ecology, "As part of the Integrated Report and Submittal, of the 303(d)list, Ecology is required to submit a schedule and prioritization for the establishment of Total Maximum Daily Loads...". The project team contacted state and local agencies to obtain information

about existing conditions within the study area. The information collected for this project and the data sources included: ambient water and sediment quality of the natural environment from the Ecology 303(d) List and 305(b) Assessment; Chapter 173-201A WAC for stream classifications, beneficial uses, and water quality standards; and City of Bellevue stream water quality data. See also the response to comment #11.

Comment #19

Comment noted. The text has been revised in the Errata to the EA (for Appendix C, Cumulative Effects Analysis Technical Memorandum).

Comment #20

There are no direct adverse impacts on salmonid habitat that are not proposed for mitigation associated with this project. There is only a Draft Environmental Impact Statement available regarding the proposed 520 bridge replacement program at the time of this evaluation. In addition, please see the response to comment #16.

Comment #21

The channel in the area of temporary buffer impacts is a straight, rock-lined ditch through which water moves very quickly. Temporary impacts are minor (less than 0.05 acres) and are to an area dominated by fast-growing, invasive species. Any impact to water temperature is expected to be extremely minor and will likely be mitigated within two to three growing seasons. See also response to comment #12 regarding the presence of salmonids in the impact area of the unnamed tributary to Sturtevant Creek. Also please see response to comment #44 regarding tree impacts.

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| Page 33 The improvements in water quality referenced on this page are only for select pollutants and are only slight improvements compared to existing conditions. | 22 |
| Page 35 Please provide the data to support the concept that the compensatory mitigation site will provide high quality wetlands and habitats. | 23 |
| Page 37 This section fails to identify and analyze the existing impassable barrier on Sturtevant Creek at the I-405 crossing, which will not be repaired as part of this project. | 24 |
| <u>Appendix E: Ecosystems Discipline Report</u> | |
| Page ix There is an unavoidable adverse effect from this project that will result due to the permanent piping of the unnamed tributary to Sturtevant Creek. | 25 |
| Exhibit 4-9 is incorrect regarding anadromous fish species found in the project streams. See previous comments. | 26 |
| Page 4-19 Please clarify who built the existing underground vault and who owns this vault. Also please clarify who built the underground culvert described on this page. | 27 |
| Page 4-21 Please clarify which streams in the project area will be receiving additional stormwater as a result of this project and fully discuss potential impacts to these streams as a result. | 28 |
| Page 4-42 Please clarify if the project impact statement on this page is correct for the entire project or just the currently funded phase. | 29 |
| Page 5-4 The removal of trees along streams and wetlands that are 6 inches in diameter or greater is not a short term impact as it will take 20-25 years to regrow these trees to an equivalent size. | 30 |
| Page5-6 The potential impacts to salmonids discussed on this page is incomplete. | 31 |
| Page 5-7 There will likely be impacts to salmonids due to increased stormwater runoff as a result of the project even with detention ponds. Juvenile salmonids tend to use low velocity habitat areas to avoid flows that exceed their swimming abilities. The increases in water velocities as a result of stormwater discharges will likely remove or reduce the existing areas juvenile salmonids use. Most storm events occur during colder months when juvenile salmonids are most stressed energetically and least able to maintain station in the water resulting in displacement, reduced feeding, increased exposure to predators, etc. Hence, the greatest threat of salmonid displacement and mortality exists when the facilities are least capable of attenuating flows. To avoid this impact, the stormwater facilities need to be designed to match the magnitude, frequency and duration of stormwater flows to the receiving waters based on a predeveloped condition and to create low velocity habitat area so that juvenile salmonids have sufficient refugia area during storm events. It is not clear if the ponds will be designed based on the existing or the predeveloped condition and which streams will receive this stormwater. Additional information and analysis is needed. | 32 33 34 35 |
| Page 5-11 Please clarify where the stream mitigation staging area will be and if the mitigation project will result in the removal of existing vegetation or not. | 36 |
| Page 5-15 Pleases elaborate on the statement that "some wetlands and streams within the study area are currently | 37 |

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Comment #22

Comment noted. See response to comment #11.

Comment #23

The Kelsey Creek mitigation site within the project area has been permitted, constructed, and accepted as mitigation for this project's effects, provided the long-term monitoring and other performance obligations continue to be met. The project will continue its ongoing stewardship of all its environmental commitments associated with the wetland mitigation site. Completed monitoring reports will be made available as they are finalized.

Comment #24

See response to comment #2.

Comment #25

WSDOT acknowledges that 200 lf of the unnamed tributary to Sturtevant Creek will be permanently piped as a result of the project. It is WSDOT's intent that the function of the piped reach will be replaced at the stream mitigation site. The project biologists worked together with the design team to avoid and minimize adverse effects on streams where feasible. The affected reach of the unnamed tributary to Sturtevant Creek could not be avoided to widen the on-ramp from NE 8th Street to northbound I-405 while meeting the required design standards. The proposed stream mitigation site provides mitigation as described in the responses to comment #1 and comment #2.

Comment #26

See response to comment #12.

Comment #27

Exhibit 5-1 (page 5-7) of the Water Resources Discipline Report provides a summary of existing and proposed stormwater treatment facilities. Pollutant loading charts for both the existing condition and the proposed project are shown in Exhibits 5-2 through 5-6 for Sturtevant Creek, Yarrow Creek, West Tributary to Kelsey Creek, Goff Creek, and Valley Creek, respectively. Please see the response to comment #13 for a discussion regarding stormwater treatment.

Comment #28

The underground vault referred to in the text was built and is maintained by Overlake Hospital. The ownership of the culvert and its exact path are unknown as indicated on page 4-19 of the Ecosystems Discipline Report. It may have been put in originally by WSDOT, or the City of Bellevue, or Group Health. It is believed the piped system is currently within property owned by all of these parties.

Comment #29

The Ecosystems Discipline Report does not contain a page 4-42. During a meeting with Karen Walter on 08/19/2008 it was clarified that she intended to reference page 5-1 of the Ecosystems Discipline Report in regard to this comment. The project impact statement on page 5-1 is correct for the entire project and not just the currently funded phase.

Comment #30

The area of temporary stream buffer impacts is a straight, rock-lined ditch through which water moves very quickly. Temporary impacts are minor (less than 0.05 acres) and are in an area dominated by fast-growing, invasive species and four incense cedars. The four incense cedars will be salvaged by the

design-builder for use as LWD at the stream mitigation site, where additional native trees will be planted along Sturtevant Creek for mitigation.

Temporary wetland buffer effects are limited to 0.07 acres. The I-405 project team developed a Wetland Buffer Restoration Plan and the design-builder will be required to implement this plan to restore temporary impacts to wetland buffers.

WSDOT acknowledges that removal of larger trees may not in all cases be fully mitigated by replacement with smaller trees; however, as the stream runs through the rock-lined ditch and is currently lined by fast-growing invasive species, the proposed re-planting at the mitigation site is considered adequate mitigation. Please see the response to comment #44 regarding tree impacts.

Comment #31

See response to comment #11.

Comment #32

Stormwater flow control facilities will be designed in accordance with the WSDOT HRM. The stormwater facilities that will be constructed as part of the project are intended to mitigate any flow effects that the new pavement will have on peak flows within the study area. New storm drainage systems will collect runoff from an area greater than all new impervious surfaces created by the project. See response to comment #5 for water detention design levels and to comment #33 regarding effects of stormwater discharge on salmonids.

Comment #33

As described on pages 5-3 through 5-6 of the Water Resources Discipline Report, the continuous hydrologic models that have been completed for this project indicate that WSDOT expects there will be no increase in flow peaks or duration of peaks for flows in excess of half the 2-year design storm according to the flow control requirements. Since the project goes beyond matching existing conditions, flow peaks will likely decrease as a result of the project. See also response to comment #5.

Comment #34

The conceptual facilities have been evaluated for compliance with a forested pre-development runoff condition. See pages 5-3 through 5-6 of the Water Resources Discipline Report for more details.

Comment #35

The design is based on WSDOT's current *Highway Runoff Manual*. The conceptual design used the pre-development (forested) flow-control criterion as the design benchmark for the flow-control regime. The following streams or tributaries will receive stormwater from ponds constructed as part of the proposed project: Sturtevant Creek, Yarrow Creek, and the West Tributary to Kelsey Creek. This list has been added in the Errata to the EA for page 5-55.

Comment #36

WSDOT will specify in the Request for Proposals (RFP) that the design-builder will not be allowed to stage within the stream mitigation area. WSDOT will ensure that all environmentally sensitive areas are fenced with high-visibility construction fence prior to commencing construction activities. The project will include the removal of existing non-native vegetation throughout the existing mitigation site. WSDOT will specify in the RFP that the design-builder shall not impact trees that are greater than 6 inches in diameter at breast height that are located within the stream mitigation site.

WSDOT will ensure that the design-builder does not cause additional impacts due to staging areas that are not already permitted and/or that a permit modification will have to be obtained prior to locating a staging area in a place with unpermitted impacts. Staging areas are typically located away from environmentally sensitive areas and drainage features.

For response to Comment #37 see page A-67.

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affected by routine regular maintenance to meet safety and operation standards set forth by WSDOT". Also, please clarify if routine maintenance will impact wetland 7.2L so that it can't successfully reforest in 20-25 years as compared to existing conditions.

37
(cont'd)

Page 5-16 Without project area specific monitoring data, it will be unknown if the affected streams will see reductions in metals and other pollutants compared to existing conditions and State water quality standards.

38

Also, the EA/DR should discuss how it will contribute to reducing pollution from roadway runoff given the alarming occurrence of pre-spawn mortality (PSM) of adult coho salmon. PSM in adult coho has been consistently observed by NOAA researchers (led by Nathaniel Scholz, Northwest Fisheries Science Center) over the past several years in urban Puget Sound area streams. PSM rates are extreme and have ranged from 63 to 89 percent. Although the precise cause of PSM in these streams is not yet known, conventional water quality parameters (i.e., temperature and dissolved oxygen) and disease do not appear to be the cause. A spatial analysis of land cover by NOAA found that total area of heavy use roads was the most highly correlated with coho PSM rates, suggesting that pollutants specific to roadway runoff from heavy use roads may be the cause.

39

Page 6-2 Please clarify the proposed wetland mitigation site in Kelsey Creek Park by identifying the site's total acreage, the extent of the site used for mitigation in the I-405 Bellevue Nickel project, and if this site will be used by WSDOT for future projects.

40

Also, please discuss how it was determined and who decided that a site outside of the project area was appropriate for wetland mitigation.

41

Page 6-3 The mitigation goal to increase fish rearing habitat will not be met by this project without other project changes. Also, the proposed 1:1 mitigation ratio for the permanent piping of unnamed tributary of Sturtevant Creek with enhancement of the existing area in Sturtevant Creek is insufficient mitigation for this permanent loss of stream and riparian functions. Additional mitigation is required.

42

Appendix B: Stream surveys

There is no data presented for the unnamed tributary to Sturtevant Creek to document stream conditions and to compare against the physical criteria in WAC 222-16-031(3).

43

Appendix G: Tree survey

Please clarify the fate of the 4 trees that are 6"-12" in diameter that are within 100 feet of the unnamed tributary to Sturtevant Creek and if removed, the proposed mitigation.

44

Appendix J-Environmental Justice

We strongly disagree with the statement that this project "will not result in disproportionately high or adverse effects on minority or low-income populations". This project has the potential to cause adverse impacts to the salmonid populations that the Muckleshoot Indian Tribal members fish. The DR fails to explicitly consider the environmental effects on salmon that may result in a new or continued loss of fish production, which may adversely affect the Tribe by reducing their fishing opportunities. Unlike the non-tribal fishing community, the Muckleshoot Indian Tribe is not able to go fishing just anywhere within Washington State and they cannot exercise their treaty right out of state.

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Their fishing area is defined in U.S. v. Washington which limits the area that they are able to fish. As a result, they have to rely in part on the fish production capabilities of the stream habitat in the project area. Impacts from the project that reduce fish production would limit their opportunities now and in the future. These potential impacts are

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Comment #37

WSDOT is required to maintain vegetation in their right-of-way, including wetlands, to meet specific sight-line distances for safety of the interstate highway system and to remove tree hazards. No direct impacts to wetland 7.2L will occur. All impacts near this wetland are to the buffer. The buffer impacts to 7.2L will be replanted as described in the Wetland Buffer Restoration Plan. Maintenance in the area will be to the pond and not the buffer restoration area. Project engineers confirmed that the buffer to wetland 7.2L is not within a sight line for safety and therefore will not need maintenance.

Comment #38

WSDOT assumes the project will meet state water quality standards by meeting the HRM. Please view the WSDOT NPDES website that provides information regarding WSDOT's state-wide analysis: <http://www.wsdot.wa.gov/Environment/WaterQuality/default.htm>. To date, WSDOT has not conducted stormwater monitoring in this area. However, other monitoring has been conducted in western Washington.

Comment #39

This reduction in pollutant loading is provided in Appendix C of the Water Quality Discipline Report. WSDOT has coordinated closely with National Marine Fisheries Service and the U.S. Fish and Wildlife service on this specific project.

Comment #40

The Kelsey Creek mitigation site is approximately 3.3 acres in total size. Of this total, about 2.5 acres of wetland restoration area will be generated. Approximately one-quarter of the site will be used for wetland restoration and upland buffer enhancement associated with the Bellevue Nickel Project. As stated on page 6-2 of the Ecosystems Discipline Report, less than a half acre would be utilized as mitigation for the I-405, NE 8th Street to SR 520 Improvement Project. Any remaining mitigation acreage will be used as mitigation for other WSDOT projects.

Comment #41

WSDOT obtained approval from the permitting agencies to construct the mitigation site at Kelsey Creek Park. The site was approved by the U.S. Army Corps of Engineers under the Bellevue Nickel Improvement Project. WSDOT has submitted an updated plan to the agencies which address the effects and mitigation requirements for this project.

Comment #42

See responses to comments #5 and #32 through #35.

Comment #43

The stream is likely high in temperature (due to its small size and lack of forested cover), and it experiences frequent stormwater inputs. The riparian vegetation is limited due to roadside maintenance required for safety reasons. A historical stream memorandum was prepared by WSDOT regarding the unnamed tributary to Sturtevant Creek. This memorandum was provided to Karen Walter during a meeting which occurred between WSDOT and the Muckleshoot Tribe on August 19, 2008.

Comment #44

The four trees are planted incense cedars (*Calocedrus decurrens*) immediately adjacent to the segment of the unnamed stream tributary that will be piped. Impacts to these trees cannot be avoided. Therefore, WSDOT will salvage four cedar trees (that are greater than 6 inches diameter at breast height) with their

root wads intact and incorporate them as LWD at the stream mitigation site. Information regarding the four incense cedars described above can be obtained from Appendix G of the Ecosystems Discipline Report (Table 3).

For response to Comment #45 see page A-71.

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discussed in the comments above and below and were not fully considered.

45
(cont'd)

Appendix O Water Resources Discipline Report

Page 1-4 Please explain how water quality will be improved as a result of this project if the annual loadings of targeted pollutants are expected to remain the same.

46

Also on this page, please clarify if the stormwater facilities will be designed based on the existing conditions or the pre-developed conditions. If the existing conditions are used, there will likely be adverse impacts to salmonids and their habitats as noted above.

47

Page 2-12 Please identify and discuss the specific waterbodies that will receive stormwater and what the increases in impervious surface coverage will be by subbasin.

48

Page 4-10 There are different impacts associated with the infiltration of stormwater versus the detention and discharge of stormwater to surface waterbodies.

49

Page 5-1 Please clarify the last sentence on this page because it implies that flow rates will increase into the unnamed tributary of Sturtevant Creek, Yarrow Creek and its unnamed tributary and the West Tributary to Kelsey Creek.

50

Page 5-4 If stormwater is only managed to “prevent the potential increases in peak flows and durations of flows” compared to the existing conditions, then this project will result in additional adverse impacts to the receiving waters and will likely adversely affect salmonids within them. The subbasins in the project area are all above the 10-15% impervious level where measurable change and degradation is documented (Booth and Jackson 1994).

51

Page 5-4 Please discuss how the project stormwater ponds will avoid impacting stream temperatures.

52

References

D.B. Booth and C.R. Jackson. 1994. Urbanization of Aquatic Systems-Degradation Thresholds and the Limits of Mitigation. In Effects of Human-Induced Changes on Hydrologic Systems. Proceedings. Annual Summer Symposium of the American Water Resources Association. Jackson Hole, Wyoming. June 1994.

Kit Paulsen. City of Bellevue. Personal Communication with Karen Walter. June 10, 2008.

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Comment #45

See response to comment #8.

Comment #46

Once construction is completed, stormwater quality is expected to be the same or improve slightly from what exists today for the target constituents (TSS, total and dissolved zinc, and total copper). Page 5-6 of the Water Resources Discipline Report includes a discussion on pollutant loadings and Exhibit 5-7 provides a summary of Existing and Project Annual Pollutant Loads. Only dissolved copper loading in one basin is expected to have a minor increase (less than 2%). Selection of the No Build Alternative would leave some volume of untreated stormwater to continue to enter the streams within the project area. Selection of the Build Alternative will fully treat all proposed new impervious surfaces and a portion of the currently untreated existing pavement that drains to Sturtevant Creek. Also, please see the response to comment #11.

Comment #47

See responses to comments #5 and #32 through #35.

Comment #48

Exhibits 4-1 and 4-2 on pages 4-2 and 4-3 of the Water Resources Discipline Report show the drainage basins within the study area and the existing percent impervious for each basin. Page 5-4 quantifies the amount of new impervious surface resulting from the Build Alternative. Increases in impervious surface coverage by subbasin include 4.65 acres within Sturtevant Creek, 1.23 acres within Yarrow Creek, 5.23 acres within the West Tributary to Kelsey Creek, 0.24 acres within Goff Creek, and 0.006 acres within Valley Creek. This information has been added in the Errata to the EA (for Appendix O, Water Resources Discipline Report).

Comment #49

Infiltration facilities have not been proposed due to the unfavorable soil conditions in the project area. See page 5-4 of the Water Resources Discipline Report for additional details.

Comment #50

Flow increase will not occur as mandated by the flow-control design criteria of the HRM.

Comment #51

The conceptual facilities have been evaluated for compliance with a forested pre-development runoff condition. The development level in the city of Bellevue is well above 15 percent impervious and has been so for many years (e.g., the Sturtevant Creek Basin was 68 percent impervious in 2000). Please see the response to comment #13.

Comment #52

Stormwater ponds were designed per the HRM. WSDOT does not expect an increase in temperatures because the project area is such a small portion of the overall stream basins' area.