Appendix E

Comments Received on the Final EIS

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

OFFICE OF
ECOSYSTEMS,
TRIBAL AND PUBLIC
AFFAIRS

July 8, 2013

Mr. Daniel Drais
Federal Transit Administration, Region 10
915 Second Avenue, Suite 3142
Seattle, Washington 98174

Mr. Paul W. Krueger
Washington State Department of Transportation
Ferries Division
2901 Third Avenue, Suite 500
Seattle, Washington 98121-3014

Re: Mukilteo Multi-Modal Project Final Environmental Impact Statement.
(EPA Region 10 Project Number: 06-009-FTA).

Dear Mr. Drais and Mr. Krueger:

The U.S. Environmental Protection Agency has reviewed the Mukilteo Multi-Modal Project Final Environmental Impact Statement. We are submitting comments in accordance with our responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act. We appreciate the response to our Draft EIS comments and the opportunity to learn of more recent project refinements.

Environmental Benefits, Response to Tribes
In light of project site constraints, we appreciate all that FTA and Washington State Ferries are attempting to do to provide environmental benefits with project delivery. For example, although the FEIS states that 10.2 acres of new pollution-generating impervious surface would be created and that no PGIS would be removed (p. 4-155), we commend the willingness to incorporate use of permeable pavement at the east end of the project site if field testing indicates areas suitable for infiltration. Site and operational constraints also affect the ability to mitigate impacts to Tribes. There would be environmental benefit to offsetting hardened shoreline with mitigation, such as a shoreline softening project or reconnection of an isolated pocket estuary to the tidal prism (Skagit River System Cooperative, letter of 3/12/12).

Recommendation: To augment the environmental benefits of the project, we encourage FTA and WSF, in consultation with affected Tribes, to consider how the Tribes' request might be achieved, and/or how other mitigation could contribute to their interests. For example, explore the potential for:

- applying new Seattle sea wall design concepts that contribute to restoring ecological function;
- implementing a local watershed restoration project that would benefit the Tribes' usual and accustomed fishing areas;

- contributing to the City of Mukilteo's effort to daylight Japanese Creek;
- establishing or contributing to an ongoing program to prevent and clean up marine debris/plastics within the project area;
- as part of green building and site design, where suitable, using permeable pavement for the shoreline promenade and incorporating pocket rain gardens as landscaping features near walkways and new terminal buildings, having vegetated roofs and cisterns to avoid exceeding the capacity of the existing enclosed drainage conveyance system leading to the Sound, and incorporating passive and/or active solar design to reduce need for hydroelectric or non-renewable power generation;
- implementing another Tribal supported project off-site in partnership with the City of Mukilteo, NOAA, the Port of Everett, or other entity.

Hazardous Materials, Water Quality, and Aquatic Habitats
We have appreciated the opportunities to review and comment upon the various technical reports pertaining to hazardous materials, sediments, and water quality, and will continue involvement through the Dredged Material Management Program and permitting process as more detailed design and sediment information become available. We note the issue regarding slag material that is suspected to be present in the riprap armoring the shoreline (p. 4-120). In addition to addressing soil contamination that may be present beneath the riprap at the site, any exposed slag, which releases heavy metals, will need to be inventoried and removed or encased.

> *Recommendation:* Contact Dave South at Ecology, the clean-up site manager for the Everett Asarco smelter, regarding shoreline/site assessment and slag removal.

Climate Change Adaptation
We note (p. 4-136) that the Preferred Alternative and Elliot Point 1 Alternative could accommodate sea-level rise by using fill to modify terminal elevation, locating access roads in upland areas, and locating facilities outside the 100-year floodplain. We also agree that other adaptive measures may be needed to address sea-level rise and increased storm intensity.

> *Recommendation:* In the ROD, discuss and commit to developing additional adaptive measures, including those that would address safe ferry landing/docking needs with increased storm intensity.

Thank you for the opportunity to review the Final EIS for the Mukilteo Multimodal Project. We look forward to continued involvement and welcome any further discussion or questions you may have regarding our comments. Please contact me at (206) 553-1601 or via electronic mail at reichgott.christine@epa.gov, or you may contact Elaine Somers of my staff at (206) 553-2966 or via electronic mail at somers.elaine@epa.gov.

Sincerely,

Christine B. Reichgott

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

U.S. Department
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Lynn Peterson
Secretary of Transportation

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David H. Moseley
Assistant Secretary for
Washington State Ferries

November 6, 2013

Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

Re: Mukilteo Multimodal Project
Response to Final Environmental Impact Statement Comments

Dear Ms. Reichgott:

FTA and WSDOT thank you for comments on the Mukilteo Multimodal Project Final EIS. Below are our responses to the recommendations in your letter.

Environmental Benefits, Response to Tribes
We are working with the tribes to identify appropriate mitigation for treaty fishing impacts. As you noted the project has incorporated environmental benefits, which include reducing overwater cover by three acres and removing more than 4,000 piles, of which over 3,000 are creosote treated piles. Removing these piles also restores over 2,800 square feet of additional benthic habitat. Other environmental benefits will also be part of the project, such as light-penetrating surfaces in the replacement fishing pier.

The existing shoreline of the former tank farm property is steep (2:1 slope) and is currently armored with riprap to protect the upland area from erosion. That steep slope will require that armoring remain to prevent wind and wave erosion from undermining the proposed terminal structures. The project would not install any added riprap. The existing riprap embankment is stable and does not need to be repaired.

The project will be designed to LEED Silver, and permeable pavement for the promenade and other areas will be considered as part of the design process.

Hazardous Materials, Water Quality, and Aquatic Habitats
As you suggested, the project team will contact David South at the Department of Ecology to discuss the potential presence of slag and handling and disposal options. The team currently plans to remove and dispose suspected slag material at an appropriate upland disposal facility if it is encountered at the site during demolition or construction activities. Surface soil beneath areas of suspected slag will be sampled and analyzed for heavy metals after the rip-rap is removed. Handling and disposal of suspected slag material will be included in the construction plans and specifications, and in the site-specific Hazardous Materials Management Plan. Shoreline protection will be replaced as needed to prevent shoreline erosion on the north side of the project area.

Climate Change Adaptation
In addition to the measures described in the Final EIS, the project team is calculating design tidal ranges using historical verified tidal data, and then adding 13 inches of sea level rise to the Maximum Water Level to get new Design Water Levels for each terminal. For operations during high intensity storm events, WSDOT's current plan will remain in place – during storm events where conditions are too severe to land and off-load, the ferries will seek refuge in a protected location and wait it out. Of course, simply building a new structure to modern codes will reduce the risks of damage from future storm events.

Thank you again for your help. We have benefitted throughout the project from the involvement and the helpful input from EPA as well as the public, tribes and other agencies. We believe that the project is stronger as a result.

Please contact either of us if you have questions or further comments.

Sincerely,

Daniel Drais
FTA Environmental Protection Specialist
(206) 220-4465

Paul W. Krueger
WSDOT Project Environmental Manager
(206) 805-2892

CITY OF MUKILTEO

11930 Cyrus Way – Mukilteo, WA 98275

June 11, 2013

Mr. Richard Krochalis
Region X Administrator
Federal Transit Administration
915 Second Avenue, Suite 3142
Seattle, WA 98174-1002

RE: Comment on FEIS for Mukilteo Multimodal Project Issued June 7, 2013

Dear Mr. Krochalis:

The City of Mukilteo would like to thank both the FTA Region X staff and the WA State Ferry staff for their tireless efforts in completing the FEIS for the Mukilteo Multimodal Project. The document helped to bring to our attention that the passenger terminal location is cantilevered over the nearshore. We understand the constraints the site has regarding the upland area, but would prefer that the building design overhang the upland portion, thereby allowing the nearshore to be designed with soft-armoring and an increased nearshore transition in bathymetry, except where vehicle loading/unloading transfer span occurs. If, this is not feasible, then there are benefits to the shading of the nearshore for sand lance spawning that occurs along our shoreline. We look forward to finding a solution to this issue, if possible.

We appreciate the efforts of FTA and WSF in ensuring the design of the new Mukilteo Multimodal Terminal is the best effort to balance cultural and environmental nearshore issues and to limit impacts to both. We have always found WSF to be innovative and responsive in the design issues for Washington State Ferry terminals and operations. Addressing sustainability and current and future environmental issues has been a long-standing hallmark for the organization. We have looked to WSF to test and implement the newest technologies and environmental stewardship and this assists all of us in making the right decisions on smaller in-water projects.

We look forward to the Record of Decision on this project in August 2013.

Sincerely,

Joe Marine

Joe Marine
Mayor
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mayor@ci.mukilteo.wa.us

Pc: David Moseley
Assistant Secretary WSDOT-WSF
WA State Ferries
2901 3rd Ave, Suite 500
Seattle, WA 98121-1042
Ms. Nicole McIntosh, P.E., WSF
Mr. Paul Krueger, WSSF
Mr. Daniel Drais, FTA
Ms. Megan White, WSDOT
Mukilteo City Council
Ms. Heather McCartney, FAICP
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David H. Moseley
Assistant Secretary for
Washington State Ferries

November 12, 2013

Mayor Joe Marine
City of Mukilteo
11930 Cyrus Way
Mukilteo, WA 98275

Re: Mukilteo Multimodal Project
Response to Final Environmental Impact Statement Comments

Dear Mayor Marine:

FTA and WSDOT thank you for comments on the Mukilteo Multimodal Project Final Environmental Impact Statement.

We understand and appreciate your concern about the location of the passenger terminal building relative to the nearshore environment of Possession Sound. The proposed building location is the result of a careful effort to consider both potential effects to environmental and cultural resources and transportation requirements.

As you noted, there are upland constraints that affect the design. The location of the building is constrained by the parcel configuration and historical resources on the site that cannot be disturbed. Further, the WSDOT Terminal Design Manual mandates certain design criteria to optimize pedestrian circulation, safety, queuing, and terminal operations. In addition, the building has been designed to provide a continuous pedestrian promenade along the waterfront as called for in the City's Shoreline Master Program. These constraints and criteria are the basis of design for the passenger terminal building. As a result, the building cantilevers both towards the uplands as well as off shore.

The project team looked at eliminating the cantilever above the nearshore by shifting the upper level floor area to the south. This would expand the amount of overhang on the upland side to

maintain the same square footage. However, this would degrade site circulation and operations in both the passenger building and the ground level vehicle queuing area. The only viable option to avoid the overhang of the nearshore is to reduce the area of the upper level by eliminating the pedestrian promenade.

The affected nearshore area has no documented forage fish habitat and low habitat value. The shoreline beneath the proposed overhang consists of a steep riprap embankment (2:1 slope) extending from above MHHW to between -15 ft. to -28 ft. MLLW; the building would extend over less than 2,500 square feet of this riprap. Future habitat improvements (e.g., nearshore enhancement or creation of sand lance habitat) are limited or infeasible in this location due to the steep slope and drop off at the base of the existing riprap. Preliminary analyses show that approximately 210,000 cubic yards of sand material would be needed to improve sandy beach habitat in this area, which is well outside the scope of the proposed ferry terminal project.

Features already incorporated into the project would provide suitable mitigation for the installation of overwater structures. As you know, the project will remove nearly three acres of overwater structure, including about 4,000 timber piles, of which more than 3,500 are creosote-treated. The pier will significantly improve nearshore habitat and water quality. The project will also remove the existing terminal, improving documented sand lance spawning habitat along the shoreline, and install new stormwater facilities to improve nearshore water quality.

Based on site features, design requirements, and environmental considerations, WSDOT recommends moving forward with the current passenger terminal building configuration, retaining the cantilevered area above the nearshore and the pedestrian promenade on the upland side of the building. The project team would be pleased to meet with City staff if the City has additional input that could improve the project.

Thank you again for the help we have received from the City during this process. If you have questions or comments, please contact Dan Drais (FTA) ((206) 220-4463; Daniel.Drais@dot.gov). You may also contact Nicole McIntosh (Washington State Ferries) ((206) 515-3714; McIntosh@wsdot.wa.gov).

Sincerely,

R.F. Krochalis
Regional Administrator
Federal Transit Administration

David Moseley
Assistant Secretary for
Washington State Ferries

cc: Daniel Drais, FTA
Nicole McIntosh, WSF