

CHAPTER 8

Draft EIS Public, Agency, and Tribal Comments



8 DRAFT EIS PUBLIC, AGENCY, AND TRIBAL COMMENTS

This chapter summarizes the results of the public comment and review period following the release of the Draft EIS on January 27, 2012. The 45-day comment period extended to March 12, 2012, and included advertised meetings and hearings in Mukilteo and Clinton. To prepare the Final EIS, WSDOT and FTA reviewed the comments received from the public, agencies, and tribes, and prepared responses to substantive comments as part of this Final EIS in *Appendix K Draft EIS Comments and Responses*. This chapter summarizes the public, agency, and tribal Draft EIS review process and describes the comments received.

8.1 Draft EIS Public Review Process

FTA and WSDOT issued the Draft EIS and released it to the public, agencies and tribes on January 27, 2012 with the publication of its Notice of Availability in the Federal Register. The publication of the Notice of Availability marked the beginning of the 45-day Draft EIS comment period. A similar notice for Washington's SEPA purposes was placed in Ecology's register. These notices explained how to review and comment on the Draft EIS during the comment period, and included the dates and locations for the public hearings. A legal notice was placed in the Seattle Times.

Prior to the Notice of Availability in the Federal Register, hard copies of the Draft EIS, or a hard copy of the Executive Summary and CD copy of the Draft EIS, were mailed to parties identified in the Draft EIS distribution list. This distribution included copies to libraries in the project area. The Draft EIS was posted on the project website.

Public opportunities to review and comment on the Draft EIS were advertised through a variety of channels that are described below.

Mail, E-mail, and Social Media

WSDOT and FTA mailed a postcard announcing the Draft EIS public comment period and public hearings to residents and businesses within the project impact area. Two e-mail notices were sent to the Mukilteo/Clinton route alert list and project listserv to encourage project stakeholders to attend a public hearing and/or provide comments on the Draft EIS. Several project announcements were included in WSDOT Assistant Secretary David Moseley's Weekly Update. Notices were also posted via WSDOT and WSDOT's Twitter accounts.

Advertising

Display advertisements were placed in the following local news publications:

- Everett Herald (*Online and Print*)
- Mukilteo Beacon (*Print*)
- Seattle Times (*Print—North Zone and Online*)
- Snohomish County Tribune (*Print*)
- South Whidbey Record (*Online*)
- Whidbey Examiner (*Online and Print*)

- Whidbey News-Times (*Online and Print*)

The advertisements started with the release of the Draft EIS on January 27 and continued through the public hearings on February 22 and 23.

Posters on vessels on the Mukilteo/Clinton ferry route and in the Mukilteo and Clinton terminals also helped increase awareness of the Draft EIS release and the invitation for the public to participate in the public hearings.

Media

A press release was distributed to local media outlets prior to the release of the Draft EIS to announce the upcoming comment period and encourage attendance at the public hearings. The press release generated media coverage in the following publications and television media:

- Everett Herald
- Mukilteo Beacon
- King 5
- KOMO TV
- Snohomish County Tribune
- South Whidbey Record
- Northwest Cable News
- Whidbey News-Times
- Whidbey Examiner

Public Hearings

WSDOT hosted two public hearings in Mukilteo and Clinton to provide information about the Draft EIS and opportunities for the formal public comment.

Approximately 175 people attended these meetings, which were held at:

Mukilteo

February 22, 2012

Rosehill Community Center

5 to 8 PM

Clinton

February 23, 2012

Clinton Community Hall

5 to 8 PM

Both public meetings included an informal open house, an overview presentation, and a formal hearing for public comment. Attendees were asked to sign in upon arrival and received a Community Guide to the Draft EIS and a comment form. Title VI forms were available upon request. Throughout the evening, project team members explained the alternatives and answered questions at stations throughout the room. Project staff gave an overview presentation, explaining the project history, alternatives under consideration, and key Draft EIS findings.

Following the presentation, a moderator initiated the formal hearing portion of the meeting. Attendees were invited to sign-up to provide verbal comments. WSDOT and FTA representatives listened to all public comments and a court reporter transcribed the comments.

Information from the public hearings was posted in the Project Library section of the project website:

www.wsdot.wa.gov/projects/ferries/mukilteoterminal/multimodal.

All comments received and WSDOT's and FTA's responses are reproduced in *Appendix K Draft EIS Comments and Responses*. In all, WSDOT and FTA received 155 submittals during the comment period: 5 letters from federal agencies, 3 letters from tribes, 2 letters from state agencies, 8 letters from local agencies and organizations, and 137 comment submittals (letters, e-mails, comment forms) from individuals.

8.2 Draft EIS Comment Summary

Most of the comments received focused on support or opposition to one or more alternatives, but some commenters also noted environmental issues, transportation and traffic impacts, parking, cost, and funding in their comments.

Table 8-1 shows the number of comments that indicated a preference for a specific alternative. Comments that indicated support for moving to the Mukilteo Tank Farm but did not differentiate between Elliot Point 1 and Elliot Point 2 were counted as supporting both alternatives. Similarly, comments that asked to keep the terminal where it is today without specifying a preference for either No-Build or Existing Site Improvements were counted as supporting both of those alternatives.

Table 8-1. Comments - Alternative Preference

Alternative	Support	Oppose
No-Build	22	27
Existing Site Improvements	8	26
Elliot Point 1	33	18
Elliot Point 2	49	16

8.2.1 Comments from Agencies, Tribes, and Local Jurisdictions

WSDOT and FTA received comments from 18 agencies, tribes, and local jurisdictions. The majority of agency comment letters supported either Elliot Point 1 or Elliot Point 2, and further endorsed the project's purpose and need. Two tribes and a third organization representing other tribes provided letters emphasizing the need to protect natural resources, to recognize tribal treaty rights, and avoid impacts on archaeological sites. Two of the tribal letters expressed no preference for specific alternatives, and the third preferred to keep the terminal at the current location and identified Elliot Point 2 as the better of the Mukilteo Tank Farm options.

Local Agencies and Jurisdictions

- The Port of Everett submitted a comment letter in favor of Elliot Point 1, but also indicated support for Elliot Point 2.
 - *Elliot Point 1 is the stronger option as it provides for better public access and the ability to move vehicles off the streets, thereby reducing congestion and enhancing public transportation – both of which accomplish the envisioned multimodal goals for the Tank Farm.*

- The Island County Commission submitted a letter in favor of Elliot Point 2 that opposed maintaining the terminal in its current location and noted the importance of protecting cultural resources.
 - *Elliot Point 2 best aligns the transportation connections for all, now and into the future...Elliot Point 2 leaves the eastern-most shoreline area undisturbed in construction and available for use by the tribes for historic commemoration and environmental restoration.*
- The City of Mukilteo submitted a detailed comment letter approved by the City Council in a 5 to 2 vote on March 5, 2012, and signed by Mayor Joe Marine. The letter expressed support for Elliot Point 1, and included a review of the relative performance of each of the alternatives against the City's objectives for the project.
 - *We support Elliot Point 1 as the preferred alternative for the final environmental impact statement (FEIS).*
- The City of Everett submitted a letter in support of a modified Elliot Point 1.
 - *Elliot Point 1 addresses the City's public access concerns providing appropriate public access to Edgewater Beach...the City also supports your efforts to daylight Japanese Creek.*
- The Skagit-Island Regional Transportation Planning Organization (RTPO) submitted comments in support of a modified Elliot Point 2. The RTPO alternative would include an overnight parking garage, reverse the proposed parking area with the vehicle holding area, and replace employee parking with amenities that benefit the community. The RTPO encouraged WSDOT and FTA to consider economic and transportation impacts in Clinton and recommended that the design should allow flexibility to add a second slip in the future.
 - *We believe an overnight parking garage is essential to enhance transit and reduce congestion and LOS impacts during the 2010-2040 planning period. As such, we propose that a supplemental EIS be issued to include a "hybrid" of the Elliot Point 2 alternative [...].*
- Community Transit submitted a letter in support of Elliot Point 2, indicating several positive aspects of Elliot Point 1 as well, noting safety, improved transit operations, and the ability to meet long-term transit demand as key benefits of both alternatives.
 - *It appears that the Elliot Point 2 alternative would create the best operating environment for transit. The Elliot Point 1 and 2 alternatives would also appear to present the least impact to transit operations during construction.*
- The Port of South Whidbey submitted a letter in support of additional parking facilities at the terminal to facilitate improved accessibility for Whidbey Island commuters. The Port also indicated opposition to the No-Build Alternative.
 - *The Commission identified both advantages and disadvantages of the other three alternatives without a clear preference, they were unified in their request that construction closures of the Mukilteo Terminal be absolutely minimized due to the*

disruptive effect on transportation, commerce and commuters when ferries are not running or are diverted to Edmonds.

State and Federal Agencies

- NOAA submitted comments noting several issues and potential concerns related to dredging for Elliot Point 1 and 2. The letter did not state a preference for a specific alternative.
 - *What process will be used to mitigate down-gradient migration of sediments? NOAA is concerned with potential impacts to its seawater intake west of the proposed new ferry terminal. Much of the sediments are known to be contaminated.*
 - *Uninterrupted access to NOAA's lab and parking for staff is important; it is not clear in the Draft EIS and must be assured.*
- NOAA Fisheries – Northwest Fisheries Science Center (NWFSC) indicated concerns related to several environmental disciplines. Specific concerns included seawater water supply, water quality, erosion caused by propeller wash pattern, contamination, churning of surface water leading to supersaturation, increased runoff, and impacts of new lighting on wildlife. NWFSC requested additional analysis on local water currents to help inform consideration of in-water impacts from construction and operations.
- The U.S. Department of Interior (DOI) submitted a letter identifying potential impacts on habitats of federally listed bull trout and marbled murrelets. These species are threatened and DOI encouraged WSDOT and FTA to select the alternative that minimizes impacts on these species. Potential impacts include shoreline modification, exposure to contaminants from past activities, operations, and dredging. The letter did not identify a preferred alternative.
- Washington State Department of Natural Resources (DNR) submitted comments indicating its interest in working on a dredge disposal management plan to ensure contaminated sediments are disposed of properly. DNR did not identify a preferred alternative.
 - *DNR supports the following mitigation measures proposed in the EIS to avoid or minimize potential impacts to aquatic habitats and species. Collecting and conveying stormwater... to avoid water quality impacts; using concrete piles where possible... incorporating grating and/or lights under the pier to minimize effects of shading on fish species.*
- Washington State Department of Archaeology and Historic Preservation submitted a comment letter thanking WSDOT for the opportunity to review the Draft EIS and indicated that they have no comments at this time, but anticipated further comments and consultation through the Section 106 review process.
- The U.S. Air Force submitted a comment letter thanking WSDOT for the opportunity to review the Draft EIS. An attachment to the letter provided several specific comments and edits to the Draft EIS language. A preferred alternative was not identified.

- The U.S. Environmental Protection Agency (EPA) provided detailed comments, and voiced general support for the project and its potential to produce environmental benefits. Key issues included potential residual contamination on the Mukilteo Tank Farm, as well as impacts on marine species, air quality, and project area historical resources. While EPA did not suggest a preferred alternative, its comment noted that Elliot Point 2 appeared to encompass the most features that could meet regional transportation needs, minimize environmental impacts, and maximize environmental benefits. EPA asked for further information to be developed for the Final EIS in a number of areas, and recommended additional features and mitigation measures.

Tribes

- The Suquamish Tribe submitted a letter expressing concern about impacts to archaeological resources, as well as ecological processes and resources, including impacts on fish, invertebrates, and marine vegetation habitat and resources. The tribe requested further studies of potential effects related to the removal of the Tank Farm Pier and associated construction and dredging.
 - *Suquamish currently does not have a preferred alternative [...] but would not support alternatives that would require ground-disturbing activities within the archaeological sites.*
 - *WSF has not provided a complete and comprehensive description of direct, indirect, temporary, long-term, and cumulative impacts associated with the Mukilteo Multimodal project... Suquamish does not have a preferred alternative and would not support alternatives that require ground disturbing activities within the archeological site(s).*
- The Tulalip Tribes submitted a comment letter stating their preference for keeping the terminal in its existing location. The letter also highlighted the importance of protecting any cultural resources in the project area and minimizing impacts on tribal fishing rights.
 - *Tulalip prefers the options for keeping the ferry terminal in its existing location. If one of the other sites is selected, a more intensive archeological survey should be conducted to identify possible burial sites before any excavation for construction takes place.*
 - *Maintaining the terminal at the existing location would cause the least new impacts to archeological and environmental resources. Both Elliot Point options could cause new negative impacts to archeological resources. Of the two proposed sites, Elliot Point 2 would provide the least environmental harm.*
 - *Tulalip is opposed to any construction activities that may disturb any of the cultural resources, archeological artifacts or human remains on the site.*
 - *The project must be evaluated to ensure no impermissible diminution or restriction of treaty fishing access occurs. The Draft EIS does mention the direct impacts to tribal fishing in the Environmental Justice section; however it does not mention or describe the indirect impacts to tribal fishing caused by the vessel traffic between the Mukilteo and Clinton terminals.*

- The Skagit River System Cooperative (SRSC), on behalf of the Swinomish Indian Tribal Community and the Sauk-Suiattle Indian Tribe, submitted comments primarily focused on the environmental impacts of the project.
 - *All four alternatives [...] recommit the project area to a hardened shoreline with substantial overwater coverage for decades to come. This recommitment precludes shoreline softening and restoration activities that may lead to a more productive nearshore environment.*
 - *The SRSC member Tribes are on record with the Air Force that removal of the Tank Farm Pier is necessary prior to Federal Transfer to local control to meet the Air Force's Trust responsibility to the Tribes. If the Tank Farm is transferred to a local entity that does not have Trust responsibility there is no assurance the impact to tribal resources will be removed.*
 - *The long-term impacts of the ferry terminal in the form of hardened shorelines and overwater coverage should be directly mitigated in kind.*

8.2.2 General Public Comments

Public comments include e-mails, letters, comment forms, and public testimony from individual members of the public, community groups, local elected officials, and the Clinton Ferry Advisory Committee (FAC). The majority of these expressed support for the Elliot Point alternatives; Elliot Point 2 received slightly more support than Elliot Point 1. A number of parties voiced support for the No-Build Alternative, primarily for cost and funding reasons. There were few comments supporting the Existing Site Improvements Alternative and a limited number of commenters voiced general opposition to the project and any of its alternatives, including No-Build.

Many comments focused on environmental impacts and noted the importance of maintaining and enhancing multimodal connections and encouraging a more walkable and accessible waterfront. Others discussed traffic impacts along SR 525 to Old Town Mukilteo; maintaining community character and waterfront businesses; providing additional commuter parking; restoring lost marine habitat; and establishing measures to help reduce wait times and long queues on SR 525.

The Clinton FAC submitted a comment letter supporting Elliot Point 2 and encouraging WSDOT and FTA to improve multimodal connections and encourage walk-on ferry riders.

The following sections summarize the public comments, with representative quotes illustrating the nature of typical comments for each topic.

Alternatives

No-Build

- Many comments expressed opposition to the No-Build Alternative, frequently citing congestion and the need to accommodate future growth as key reasons.
 - *Very bad, very short-sighted idea. Would only prolong the agony.*
 - *Don't leave as is. We need to move into the future.*

- *I believe the dock needs to be moved to enhance public transportation options. The walk to the Sounder is too far and could discourage use of such transit options.*
- Although more commenters expressed opposition for the No-Build Alternative, those in favor of the alternative identified cost as a significant factor.
 - *There is NOTHING wrong with the current Mukilteo terminal. The state is too broke to even go through the planning process, let alone build something there is absolutely no need for.*
 - *Please keep the terminals safe, accessible and all of that good stuff without wasting our precious money.*
- Some comments in support of the No-Build Alternative expressed concern for adding a four-lane roadway on the Mukilteo waterfront and indicated that the Mukilteo Tank Farm site should be redeveloped as green space for the community.

Existing Site Improvements

- Existing Site Improvements received by far the fewest comments in support. It was typically opposed because of higher costs and greater impacts on the existing waterfront area, including traffic. Several individuals expressed concern about the economic impacts, particularly the loss of Ivar's restaurant.
 - *The one plan I wholeheartedly oppose is the rebuild in its current location. Doing so would not only eliminate Ivar's which is a tremendous asset to the community, it would totally cut off access to the shoreline.*
 - *There is an irreplaceable community there that would be wrecked by "fixing" the existing terminal.*

Elliot Point Alternatives

The majority of public comments expressed support for one or both of the Elliot Point alternatives. Elliot Point 2 received more support than Elliot Point 1.

- While the majority of comments on Elliot Point 1 and Elliot Point 2 were supportive of these alternatives, several comments expressed concern that the alternatives occupy valuable waterfront space that could be better developed for public waterfront access.
 - *Both Elliot Point options turn prime NW waterfront into a parking lot, not even for people enjoying the area, but SR 525 through transit. Beachfront access is minimal and this resource is essentially wasted in favor of a parking lot with a view.*
- Public comments generally supported removing the Tank Farm Pier, a key feature of both Elliot Point alternatives.
 - *Elliot Point 2 & 1 both remove the old Tank Farm Pier, which should be considered a "must" in any of the proposals, as the rotting creosote pilling (sic) would be removed and the "Net Change in overwater cover" is significant.*

Elliot Point 1

- Proponents of Elliot Point 1 identified the following benefits: improved safety, space to accommodate growth, congestion relief, and the ability to reduce vehicle queues on SR 525.
 - *Elliot Point 1 leaves contiguous land open to the west for future transit-oriented development in the area between Lighthouse Park and the commuter rail station. This siting also leverages development of the infrastructure to support pedestrian and vehicular access to all facilities, coordination that is a cost-efficient use of public funding.*
 - *Elliot Point 1 is the most reasonable and safest option. This plan keeps the traffic at the docks where it should be instead of having the traffic line up the Speedway.*
 - *I think the Elliot Point 1 option does the best job in meeting future demand, maximizing waterfront New Urban redevelopment, and restoring the Japanese Gulch natural resource area.*

Elliot Point 2

- Elliot Point 2 received slightly more support from the public than did Elliot Point 1. Comments in support of Elliot Point 2 cited the following benefits: access to the Sounder commuter rail station, reduced congestion, improved safety, least environmental impact, lower cost, and the opportunity for future waterfront development.
 - *Elliot Point Option 2, because it will best meet the safety standards the state is looking for, provide the least intrusive environmental impact to the land and water sites and provide the most minimal total cost, that the state legislators would approve.*
 - *I like this alternative because of the proximity to transit options. I believe this is important to encourage use of public transportation especially with the size of expected growth.*
 - *Elliot Point 2 is a compact plan that creates opportunities for future waterfront development and resolves existing problems. All the Transit is close together with a short walk from one to the other.*

Comments on the Purpose and Need

The public comments related to the purpose of the overall project typically encouraged WSDOT Ferries Division to plan for future growth. Some commenters would like to see a third vessel on the Mukilteo-Clinton route and others indicated support for accommodating vehicle growth by adding a second slip or implementing a reservations system. Several comments questioned whether improvements were truly needed:

- *I cannot urge you more strongly to build an adequate terminal, add a 3rd ferry, and serve the mobility needs of the millions of vehicles that annually depend on the Clinton/Mukilteo ferries, both now and decades into the future.*
- *I believe the ridership-based need assessment for the terminal improvements is vastly overstated.*

Comments on Environmental Impacts

Key themes from comments that referenced specific elements of the Draft EIS or potential environmental impacts are summarized below.

Air Quality

- There is concern that the Elliot Point alternatives would result in negative impacts on air quality in nearby residential areas.
 - *The DEIS Air Quality studies are very general in nature and do not address how the outcome of adding either Elliot Point alternative below my residential neighborhood will affect me or other people living here...either of the Point Elliot Ferry Options could lead to cumulatively significant environmental impacts...*

Transportation

- There is widespread support for enhanced multimodal connections and many comments referenced the importance of the multimodal and safety aspects of the project.
 - *The alternatives do not provide adequate connections to the commuter rail station.*
 - *Promote walk-on ridership with strong pedestrian connections.*
 - *We cannot safely cross the street when the ferry is unloading.*
- Several comments expressed concerns about construction impacts for the No-Build and Existing Site Improvements alternatives if the Mukilteo ferry terminal were closed and ferry traffic were rerouted to Edmonds.
 - *As I understand with the No-build and Existing Site Improvements options there could be a three to nine month closure of the Mukilteo terminal. For us this would be a show stopper!*
 - *Not an option! I am responsible for the delivery of the Everett Herald, USA Today and New York Times Newspapers [to Whidbey Island]. A dock shutdown would put me out of business.*
- Some commenters were concerned about traffic conditions at nearby intersections with SR 525 including Goat Trail Road, 76th Avenue, and Washington Street.
- Several individuals suggested extensive traffic revisions to improve the flow of traffic to and from the ferry.
 - *None of these alternatives address congestion on 525 above the waterfront. Nearly all improvements help commuters but nothing here helps the local residents who actually live along 525. I believe you should incorporate the study that the City has under consideration, where they're looking at a new road down Japanese Gulch, extending north from Paine Field Boulevard just to the west of the Boeing plant and leading directly to the tank-farm area.*
 - *I would like WSDOT to consider, in addition to improving the ferry dock and holding lanes, that some modification/replacement of the existing approach bridge and roadway should be considered, including replacing the highway bridge, with one that takes the ferry bound traffic directly over the railroad and avoiding any traffic controls, also a fly-over ramp for traffic coming off of the ferry would improve traffic flow.*

WSDOT also should consider the full re-routing of SR-525 to avoid Mukilteo entirely, as it is a residential area, and the traffic is not compatible with the community. A new approach within the Japanese Creek gulch would help alleviate traffic issues, as would an approach along the waterfront, either from Everett or Harbour Pointe.

- There is strong support for additional public parking near the ferry terminal, particularly among Whidbey Island commenters.
 - *I would like to see some parking provided for people who walk on to visit Whidbey Island. [...]. Many people drive their cars because there is no overnight parking or street parking in Mukilteo.*
- A number of commenters questioned why the project did not include pedestrian improvements to the SR 525 bridge.
 - *Currently the bridge is the only access to the waterfront and the sidewalk is unsafe.*

Land Use, Economics, and Other Community Issues

- Among commenters who live or work in Mukilteo, many are in favor of enhancing public waterfront access and pedestrian connections, and encouraging redevelopment of the waterfront area.
 - *The most important issue for me as a Mukilteo resident is to improve and reclaim as much of current terminal parking and facility buildings for city use and redevelopment.*
 - *Maintain existing anchor businesses along waterfront and facilitate mixed use, pedestrian oriented New Urban redevelopment.*
- Some comments expressed concern that the Elliot Point alternatives do not allow space for development along the waterfront for community enjoyment.
- Many commenters expressed concern about impacts on businesses such as the tenants in the Mongrain Building and Ivar's restaurant.
 - *'Existing Site' would take away a neighborhood landmark restaurant, and a commercial building that holds unique arts facilities. This is unacceptable.*
- Several expressed support for preserving the charm of Old Mukilteo.
 - *The restoration of Old Town Mukilteo, the reclamation of our lost coastline, and the preservation of the serenity of the residences to the East of Old Town MUST BE YOUR NUMBER ONE CONSIDERATION.*
- Others noted air quality, noise, visual, access, and parking impacts as overall concerns.
 - *Elliot Point 1 and 2 do not account for increased pollution levels on residential neighborhoods...and would build a 4-lane road the entire length of the waterfront.*

Ecosystems

- Several members of the scuba diving community expressed concern about impacts on sand slopes, creosote piles, and the Tank Farm Pier because they are habitats for juvenile fish, crab, and crustaceans. Several commenters suggested providing artificial reefs if the pier were to be removed.

- *The area around and under the fuel dock is teeming with wildlife, while much of the surrounding floor is a desert by comparison. It would be a shame if the new construction set this part of the shore back by 20 years.*
- *The oil dock itself provides a HUGE habitat for muscles [sic], worms of various types and, at times, hundreds of Dungeness and red rock crab. We have also noted a recent increase in the number of rat fish under the dock. Please consider that some type of replacement habitat should be provided.*
- Some comments supported daylighting Japanese Creek.
 - *I like daylighting the creek – would be good even if not required.*

Cultural Resources

- Several commenters indicated support for minimizing impacts on cultural resources and incorporating design elements that reflect the cultural history of the area.
 - *I think as part of the design, there should be a meaningful public, prominent monument to commemorate the Point Elliot Treaty, perhaps on the eastern part of the site.*
 - *The tribal considerations are important! Make a historical site marker/memorial of some sort.*

8.2.3 Response to Comments

WSDOT and FTA reviewed all of the comments received from the public, agencies, and tribes. Some factual corrections and language clarifications were made in the Final EIS text as a result of the comments. *Appendix K* lists the commenters, reproduces the comments, and provides FTA's and WSDOT's responses.