

Based on the analyses in the DEIS, it appears that the Puyallup Recreation Center will be heavily impacted by the SR 167 project. There will be unmitigated noise impacts, air pollution, including substantial exposure to air toxics and particulate matter from cars and heavy truck traffic, and no commitment by the project proponent for non-motorized access as described above. The noise and air pollution from the proposed roadway may result in unsafe and unhealthy conditions for outdoor recreation, and the failure to provide non-motorized access to the recreation center will cause auto-dependent access to the Center to continue. This is non-compliant with PSRC multi-county planning policy RT-8.14, which directs that decision makers "Emphasize transportation investments that provide alternatives to single-occupant vehicle travel to and within urban centers and along corridors connecting centers." We recommend that FHWA and WDOT join with the local government and citizens to examine these multiple project impacts to the Center, and assess whether more substantive action is needed to address project impacts to the affected community's health and quality of life and non-motorized recreation and travel options.

#### Tribal Issues

An August 1993 letter from the Puyallup Tribe, which describes the Tribe's concerns about the SR 167 project, should be included in the EIS. According to the February, 1999 letter from the Tribe, those concerns remain and they should be disclosed and addressed in the Tier 2 EIS. While the project proponent has taken steps to make contact and involve the Tribe, FHWA is responsible for conducting matters in a government to government relationship with the Tribe, as per Executive Memo dated April 29, 1994. Based upon the documented Tribal Coordination (page 1-27), it is not clear that there has been sufficient consultation.

The DEIS asserts (page S-6) that in February, 1998 (this should be corrected to read February, 1999), the "Puyallup Tribe expressed support for the build alternative extending SR 167." We do not believe this accurately summarizes the Tribe's February, 1999 letter. The Puyallup Tribe concurred only with WDOT's proposal to conduct Tier 2 studies and analyses. Because their concerns regarding the project, expressed in 1993 still remain, they "reserve judgement on whether the project should finally go forward" until the Tier 2 analysis is completed. Also, they conditioned their agreement to allow Tier 2 studies to be conducted on WDOT's compliance with commitments made, which include noise mitigation, and several other items. Thus far, WDOT does not appear to be complying with commitments made to the Tribe concerning noise abatement, and the status of the other commitments is not disclosed.

WDOT asserts that they want "to assure that the quality of life on the [Tribal] land is as minimally impacted as possible by the proposed construction of the SR 167 Extension" (6/25/98 letter from Gary Demich). The Executive Memo of April 29, 1994, directs that FHWA "...consult ... with tribal governments prior to taking actions that affect federally recognized tribal governments. All such consultations are to be open and candid so that all interested parties may evaluate for themselves the potential impact of relevant proposals." In accord with these two documents, we ask that the Tribe be fully informed about toxic air and particulate matter emissions from the proposed project that will be adjacent to their Tribal lands, which are

#### **RESPONSE F02-048**

F02-048

The FEIS shows increased noise levels at the Puyallup Recreation Center. A noise wall was evaluated for the Recreation Center and found feasible but not reasonable at this time. WSDOT met with the Puyallup Recreation Center Officials on February 1, 2006, to discuss noise impacts. At this meeting the City expressed that the future noise from the proposed SR 167 roadway would not substantially impair their activities. Please also see sections 3.5.3 through 3.5.5 and 3.6.3 through 3.6.5 of the FEIS for Air and Noise impacts. The Puyallup Recreation Center is also discussed in the 4(f) evaluation, section 5.6.2 of the FEIS.

#### **RESPONSE F02-049**

F02-049

The discussion of Tribal Coordination in section 1.4.3 is modified in the FEIS. Consolidated Comments on the Tier II DEIS were received from the Tribe. Their concerns have been considered, and their comments and the associated responses are the part of the FEIS. Please also see the responses to F02-050 and F02-051.

#### **RESPONSE F02-050**

F02-050

The project team has met with the Puyallup Tribe to address many issues. This includes regular quarterly meetings over the past couple of years with Tribal staff and individual tribal members as well as meeting with the Tribal Council. FHWA and WSDOT are committed to maintaining an open line of communication with the Tribe throughout the design and construction phases of this project.

intended for long term tribal residential use, and the associated childhood and adult human health effects. We also reiterate our request that hot spot analyses be performed to better characterize the exposure levels for residents and other sensitive receptors near the proposed roadway.

#### Noise

The DEIS indicates that no noise wall mitigation is deemed to be reasonable at this time. We recommend that the Final EIS clarify how this decision was made and whether it may or may not change. This is because (1) the project area is zoned for commercial/industrial/residential development; consequently feasibility and reasonableness will likely need to be re-evaluated as development occurs. (2) Commitments were made to the Puyallup Tribe to mitigate noise (Tier 1 Final EIS, Appendix K, June 25, 1998 letter from Gary Demich to John Lamb). The February, 1999 letter from the Tribe that concurs with WDOT's proposal to proceed with the Tier 2 studies and analyses only, states their concurrence is conditioned upon WDOT upholding their commitments to the Tribe. The Tier 2 (page 3-159) DEIS does not make a firm commitment based on the reasonableness criterion. If 25 residences are required for noise mitigation to be reasonable, then this needs to be made clear to the Tribe so that the Tribe can factor this condition into their decision-making regarding support or non-support of the proposed roadway. We also suggest that the project proponents examine whether or not the proposed roadway alignment can be adjusted to lessen the noise impacts, as well as the exposure to air toxics for sensitive receptors.

#### Farmland

Because the proposed project affects agricultural lands, the Farmland Protection Policy Act (FPPA) requires that the farm lands be evaluated for their importance and the need to take protective action. Form NRCS-CPA-106 (DEIS Appendix E), which is used for the agricultural land evaluation and comparison of alternatives, was supposed to be completed during Tier 1. Unfortunately it was not completed until several years later, during Tier 2, after the annexation and rezoning of the farmland had taken place. This had a substantial negative effect on the scoring process, which resulted in two scores – one just below, and one just above the threshold for taking protective action (the higher score resulted from the taking of additional farm lands for implementing the riparian restoration proposal). Without explanation, the Tier 2 DEIS used the lower score. As a consequence, the project proponents will not be required to take protective action.

We would like to point out that had the scoring been completed during Tier 1, as intended under the FPPA, the points total would have greatly exceeded the threshold, thereby requiring protective efforts. Even with an evaluation during Tier 2, the correct score to use was the higher total, which triggers protective action. Please provide an explanation as to why the lower score was chosen to represent the farm land evaluation.

The Natural Resources Conservation Service (NRCS) classified the project area as prime agricultural land and has stated that these are the most arable lands in the State of Washington. The agricultural value is so significant that, even with the annexation and rezone, they still

#### **RESPONSE F02-051**

The Feasible/Reasonable test was used to determine what noise walls can effectively reduce noise by at least 5 decibels or more (feasible), and is cost effective by providing noise reduction to enough sensitive receptors to justify the cost (reasonable). Only one wall (barrier) passed both tests and would be constructed. This noise barrier will be included in the final design of the preferred Urban Interchange option, which receives most of its noise from traffic on SR 167, SR 512, and SR 161. WSDOT and FHWA have committed to the Puyallup Tribe to provide landscaped noise abatement structures along 48th street East to mitigate noise impact to tribal trust land. WSDOT and FHWA will assist the Puyallup Tribe in locating new businesses to minimize noise and visual impacts attributable to SR 167, by sharing noise study data and advising the Tribe with respect to quiet locations, landscaping and mitigation measures.

F02-051

#### **RESPONSE F02-052**

The Natural Resources Conservation Service (NRCS) evaluation was not completed during Tier 1 process, despite best efforts. Please refer to page 4-261 of the Tier 1 document, which mentioned that the Form AD 1006 was sent to NRCS on November 21, 1995 and February 19, 1997. NRCS, in its response dated March 20, 1997, explained that the Land Evaluation and Site Assessment will not be developed for the foreseeable future and returned the uncompleted form.

CPA-106 forms (per the Farmland Protection Policy act) addressing project farmland effects, both with and without riparian restoration, were included in appendix E of the DEIS. For the RRP option, the total points exceeded 160. The DEIS documented the consideration recommended by the Department of Agriculture for a site with a score of more than 160 (DEIS page 3-250). The FEIS includes a revised Form CPA-106 to include evaluations of the Wapato RRP and the Conceptual Mitigation Plan, and the total score is now less than 160.

Currently, neither NRCS nor local governments have farmland protection policy in Pierce County. Farmland protection as suggested by EPA does not fall under the scope of this project.

F02-052

exceed the points threshold for protective action, yet no action was taken to protect them from development.

We are concerned that neither the timing of evaluation nor the score selection were conducted in a manner that accurately reflects the value and importance of these lands. While the roadway corridor selection, annexation, and rezone are resulting in the conversion of the farmland, there is still opportunity, and we believe a responsibility on the part of project proponents to mitigate (avoid, minimize, and compensate) for these losses. We recommend that there be additional effort to assess, avoid, and minimize project impacts, and we suggest that FHWA, WDOT, Port of Tacoma, and other local governments work collaboratively to preserve farmland acreage in the Puyallup Valley or elsewhere in Western Washington. This could be done through direct purchase for preservation, or through donation to a local farmland preservation fund.

**Traffic Analysis and Transportation Demand Management (TDM)**

Table 3.14-1, page 3-276, provides Level of Service (LOS) projections at Study Area intersections for year 2030 for the Build and No Build alternatives. We note the following from this analysis:

- Fifteen of the 38 intersections are at LOS F for both the Build and the No Build alternatives.
- The Build Alternative LOS becomes worse than year 2000 LOS for 15 intersections.
- The Build Alternative LOS remains the same as year 2000 LOS for 10 intersections.
- The Build Alternative LOS improves over year 2000 LOS for only 5 of the 38 intersections.
- Eleven intersections would have some improvement with the Build Alternative, but for 4 of these, the improvement is a change of only one LOS level.
- Only 1 High Accident Location (HAL) will be safer in year 2030 than in year 2000 (SB Off Ramp at 54th), and all of the HALs would be addressed anyway as part of the No Build Alternative planned actions in 2003-2005 (page 3-278).

The traffic analysis does not indicate whether all possible and planned operational improvements are factored into the No Build calculations, and whether or not induced travel is factored into the calculations for the Build Alternative. If not, we recommend that they be. If induced travel has not been factored into the analysis, it is unclear whether any intersections would show improvement by year 2030 with the Build Alternative.

Based on these findings and in light of the high economic, social, and environmental costs of this proposed facility, we see the need for TDM measures to improve its viable life. Again, PSRC multi-county policies (RT-8.11, RT-8.13, RT-8.14) call for the use of TDM. Other than future possible HOV lanes, this proposed project does little to incorporate TDM measures. We recommend that much more work be done to enhance TDM components of the project.

**RESPONSE F02-053**

Section 3.14.2 of the FEIS, 2030 Network Data, summarizes the improvements that are factored into the build and no build calculations.

**RESPONSE F02-054**

TDM strategies that are in place now or will be implemented at project completion are listed in section 3.14.4 of the FEIS. As described above, the FEIS contains a more developed plan for bicycle and pedestrian facilities and the addition of two Park-and-Ride lots. The other items on the strategies list consist of educational items that WSDOT participates in statewide such as rideshare information and worksite commute trip reduction.

F02-053

F02-054

**Interchange Options**

At Valley Avenue, it appears that the Freeman Road option may be somewhat preferable with respect to stream crossings and floodplain impacts (p. 3-34 and 3-42), but the Valley Avenue Realignment option consumes far less land (33.0 acres) than the Freeman Road option (78.6 acres) and removes much less vegetated area (6.7 acres) and farmland (14.2 acres) than the Freeman Road option (25.2 acres and 25.5 acres respectively). In addition, the Valley Avenue Realignment option does not impact land that is of possible interest to the Puyallup Tribe (p. 3-10). Accordingly, it is not clear why the Valley Avenue option has lower water quality impacts than either the Freeman Road or Valley Avenue Realignment options (p. 3-42). We recommend that the Final EIS provide more explanation and comparison of these interchange options with respect to the full range of aquatic habitat, water quality, and stormwater management issues. We urge that the option selected cause the least overall impacts to all of the above land and water resources. This request applies to the 54<sup>th</sup> Avenue and the SR 161/SR167 options as well.

**Environmental Justice**

The environmental justice analysis reveals that there will not be high and disproportionate impacts to low income and people of color. The DEIS describes where and how low income and minorities would be impacted, however, "low income" and what races were included in their "minority" population were not defined. Please include these definitions in the Final EIS.

F02-055

F02-056

**RESPONSE F02-055**

The Valley Avenue option, compared to the other two options in Table 3.2-8 of the FEIS, has "fewer total near or in-water work sites." The Freeman Road and Valley Avenue Realignment options would have more impacts to near or in-water work sites than the Valley Avenue option and that is the primary reason it was selected over the other two options.

The methodology used to identify and assess wetlands affected by the SR 167 project is described in the "Wetland Discipline Report" prepared for the project and summarized in Section 3.3.1 of the FEIS. Mitigation for impacted wetlands is outlined in Section 3.3.7 of the FEIS. The wetlands affected by the project are described by sub-basin, including Hylebos Basin (which includes Surprise Lake Drain), Wapato Basin, and the lower Puyallup Basin. The Puyallup Tribe, Friends of Hylebos Creek, and the project Technical Advisory Croup (TAG) have all been consulted during the preparation of Draft and Final EIS. Work to further delineate, characterize, and categorize existing wetlands is occurring. The additional information being collected is being incorporated into the project design to avoid and minimize impacts to wetlands, as well as to prepare a Wetland Mitigation Plan.

A Section 404(b)(1) Analysis has been completed for this project and is included as chapter 4 in the FEIS. The 404(b)(1) Analysis demonstrates that "Alternative 2" from the Tier I FEIS is the least environmentally damaging practicable alternative (LEDPA). On March 23, 2005, your agency concurred that the preferred build alternative is the least environmentally damaging and practicable alternative (LEDPA). This concurrence was achieved through close collaboration with your agency on the analysis of environmental impacts, which led to the design of a bridge at the Valley Avenue interchange (preferred alternative) that will avoid the wetland adjacent to Wapato Creek.

**RESPONSE F02-056**

Environmental Justice impacts have been clarified in the FEIS, see section 3.11.3.



United States Department of the Interior

FISH AND WILDLIFE SERVICE  
911 NE 11th Avenue  
Portland Oregon 97232-4181

IN REPLY REFER TO:  
AES/HC

APR 29 2003

Memorandum

To: Director, Columbia Cascades Cluster Support Office  
National Park Service, Seattle, Washington

From: Regional Director, Fish and Wildlife Service  
Region 1, Portland, Oregon *Daniel Wesley*

Subject: Review of the Tier II Draft Environmental Impact Statement for the Proposed Extension of State Route (SR) 167, from SR 161 to SR 509, Pierce County, Washington (ER03/0278)

Attention: Nancy Stromsen

Comments on the subject document are attached for your use in collating Departmental comments, and submission to the Office of Environmental Policy and Compliance in Washington, D.C., who will then transmit comments to the Federal Highway Administration and Washington Department of Transportation. If you have questions, please contact Jon Hale at 503-231-2357. Thank you.

Attachment:

**RESPONSE F03-001**

The wildlife, fisheries, and threatened and endangered species section 3.4 of the FEIS has been expanded to include indirect and cumulative impacts. This includes a discussion on growth and development in the project area. Please see sections 3.4.7 and 3.4.8 of the FEIS.

**RESPONSE F03-002**

The project Biological Assessment addresses impacts associated with urbanization on the Lower Puyallup River subpopulation of bull trout. The Bull Trout has been thoroughly evaluated in the project Biological Assessment and is included in the current consultation with NOAA Fisheries and the USFWS to obtain a Biological Opinion (BO) on the project's potential affect.

United States Department of the Interior  
Office of the Secretary  
Washington, D.C.

In Reply Refer to:  
ER03/0278

Mr. Jeff Sawyer  
Regional Environmental Manager, Olympic Region  
Washington State Department of Transportation  
5720 Capitol Boulevard  
Turnwater, Washington 98501.

Dear Mr. Sawyer:

The Department of the Interior (Department) through the U. S. Fish and Wildlife Service (FWS) and National Park Service (NPS) has reviewed the Tier II Draft Environmental Impact Statement for the Proposed Extension of State Route (SR) 167, from SR 161 to SR 509, Pierce County, Washington. Following are our comments for your consideration.

Section 4(f) Resources: NATIONAL PARK SERVICE WILL PROVIDE COMMENTS FOR THIS SECTION.

Fish and Wildlife Effects: The FWS evaluated the proposed project alternatives for potential impacts to fish and wildlife resources and their habitat, with specific attention to species listed or proposed for listing under the Endangered Species Act (ESA). Based on that review we anticipate the most serious effects from the project will arise from the secondary effects of increased or accelerated urban development. Consequently, we recommend the geographic scale of the effects analysis in your Final Environmental Impact Statement reflect those effects.

The increased or accelerated urban growth caused by the proposed project may indirectly affect the Lower Puyallup River subpopulation of bull trout, which is listed as threatened under the ESA. The Lower Puyallup River subpopulation is the only spawning subpopulation of bull trout in south Puget Sound. This subpopulation is currently considered to be depressed as a result of urban development, elevated stream temperatures, low in-stream flows, and sedimentation from roads. Although these land use changes are planned for under the Washington State Growth Management Act, they may result in effects to fish and wildlife that have not been specifically evaluated for compliance with the ESA.

The FWS is committed to collaborating with the Washington State Department of Transportation (WSDOT) and the Federal Highway Administration (FHWA) during the ongoing planning of this project. We envision our participation would occur primarily during consultation under section 7 of the ESA and consideration of Army Corps of Engineers' permit applications (i.e., Section 404 of the Clean Water Act and or Section 10 of the Rivers and Harbors Act of 1899). Our overall

F03-001

F03-002

F03-003

goal in this collaborative effort will be to assist you in developing the proposed project in a manner that avoids, minimizes, and mitigates potential effects to fish and wildlife, including bull trout. One specific goal we would like to work with you to achieve is building in habitat connectivity elements for all of the area's wildlife, as well as bull trout.

Though we believe these types of fish and wildlife conservation elements should be built into the project, we would like to commend WSDOT and FHWA for incorporating innovative riparian restoration and stormwater solutions into the project design. We look forward to further collaboration with you on this project.

If you have questions pertaining to fish and wildlife issues, please contact Emily Teachout of our Western Washington FWS Office at (360)753-9583, or Nancy Stromsem of our Columbia Cascades Cluster Support Office of the NPS at 206-220-4118.

Sincerely,

Willie R. Taylor, Director  
Office of Environmental Policy and Compliance

cc: Steve Saxton (FHWA, Olympia, WA)

F03-003

F03-004

## RESPONSE F03-003

Section 7 consultation has been initiated with the U.S. Fish and Wildlife Service and NOAA National Marine Fisheries Service (NOAA Fisheries). The project's commitments to the necessary performance measures, and terms and conditions of the Biological Opinion issued by the Services, will be included in the federal Record of Decision regarding the project.

The proposed RRP (Stormwater Management Plan) would reestablish a more natural condition for the floodplain surrounding the project corridor by removing obstructions, such as buildings, embankments and roadways. Compensatory mitigation areas for wetlands will also be provided, including buffers. The new expanded floodplain areas and wetlands, including buffers, would provide more open space areas that would offer connectivity to exiting wildlife habitats. The Hylebos Watershed, including upland habitats, would be connected through the expanded floodplain areas included in the RRP. Due to their use for flood protection, these areas would be protected from being developed for perpetuity. Please see revised figure 3.4-12 showing wildlife connectivity.

We appreciate your participation in the Riparian Restoration Proposal (RRP) Technical Advisory Group. The Technical Advisory Group has been invited to participate in the refinement of the goals and objectives of the RRP.

Since the DEIS, the Wildlife Connectivity analysis has been moved from the Water Resources section to Section 3.4 Wildlife, Fish, and Threatened and Endangered Species. The text has been expanded to explain the potential for the RRP to provide protection and restoration of a fairly large contiguous block of land (189 acres) in the urbanized Puyallup Valley. Please see Section 3.4.3 and revised figure 3.4-12 showing where the upland habitats are located.

Additionally, WSDOT and FHWA have been working with groups such as the Friends of Hylebos Wetlands, NOAA Fisheries, Department of Fish and Wildlife, Department of Ecology, and US Fish and Wildlife in proposing areas to connect wildlife in the Hylebos watershed and Wapato watersheds.

## RESPONSE F03-004

Thank you for your support of the RRP.