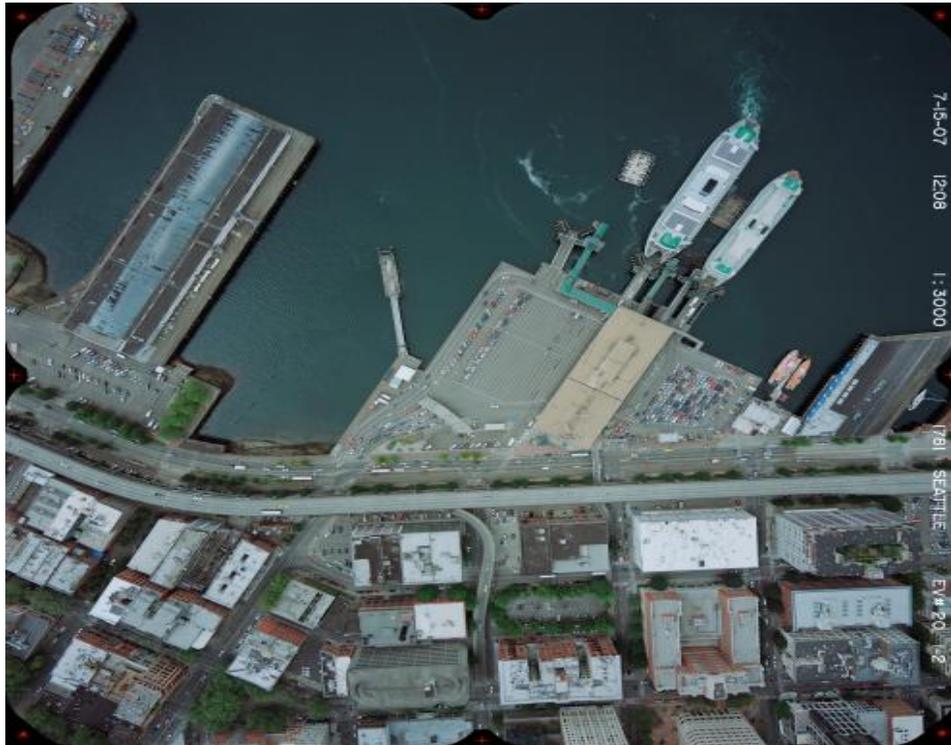




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## Seattle Multimodal Terminal at Colman Dock Project

### Agency Coordination Plan



Updated: Spring 2012

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# 1. Introduction

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The following plan will guide agency coordination for the Seattle Multimodal Project at Colman Dock (Seattle Multimodal Project) from scoping through a National Environmental Policy Act (NEPA) and State Environmental Protection Act (SEPA) decision. This plan will be updated to reflect specific agency coordination activities during permitting and construction of the project. Washington State Department of Transportation (WSDOT) Ferries Division, known as Washington State Ferries (WSF) is the project proponent. The Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) are the federal co-leads for the Seattle Multimodal Project.

The project team hopes to encourage active, cooperative and collaborative partnerships among regulatory and jurisdictional agencies with decision making authority during the environmental review of the Seattle Multimodal Project. To that end, this plan outlines early and continuous communication involvement strategies. It is one component of the project's overall plan to coordinate with external audiences, including agencies, and tribes. A brief overview of other coordination efforts is provided below. All external coordination and communications will be coordinated within the project team and federal leads.

## 2. Project Background and History

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Please refer to the project's Public Involvement Plan (Spring 2012), pages 3 and 4, for a discussion of the Seattle Multimodal Project background and history. You may find it and other useful information, at <http://www.wsdot.wa.gov/projects/ferries/colmanmultimodalterminal/>.

## 3. Legal Guidance

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### 3.1 National Environmental Policy Act (NEPA)

NEPA requires Federal agencies to incorporate environmental considerations in their planning and decision-making through a systematic interdisciplinary approach. Specifically, all federal agencies are to prepare environmental impact statements (EISs) assessing the environmental impact of and alternatives to major federal actions significantly affecting the environment. An agency may prepare an Environmental Assessment if it is uncertain whether the action will cause significant impacts. FTA and FHWA plan to prepare an EA for this project.

As the Federal co-lead agencies responsible for the environmental and decision documents, FTA and FHWA are responsible for the project's NEPA compliance, including appropriate consultation with agencies that have expertise, permitting authority, or an interest in the project. FTA and FHWA have certain additional responsibilities under Department of Transportation

laws and regulations, 23 CFR 49. Among other things, Federal transportation funding may go only to projects that meet certain engineering, environmental, and safety requirements.

### **3.2 State Environmental Policy Act (SEPA)**

The State Environmental Policy Act (SEPA) similarly requires all Washington agencies to consider the environmental impacts of a proposal before making decisions. WSF, the SEPA lead agency for this proposal, anticipates that it would not have a probable significant adverse impact on the environment.

While the project EA will be prepared pursuant to NEPA, WSF anticipates that it will subsequently be adopted under SEPA and will support a SEPA Determination of Nonsignificance. The environmental process will comply with both federal and state regulations and statutes.

### **3.3 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)**

The SAFETEA-LU transportation funding law includes provisions that require certain public involvement measures for projects that require EIS's. While the provisions do not necessarily apply to the scaled-back Seattle Multimodal Project, FTA, FHWA and WSF will recognize the intent of the law by providing participating agencies and the public early opportunities to comment on the project's preliminary statement of purpose and need, and on the range of alternatives to be considered in the environmental assessment.

## **4. Project Structure**

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### **4.1 U.S. Department of Transportation Leadership**

As lead Federal agencies in the NEPA process, FTA and FHWA, in coordination with WSF, are responsible for scoping; inviting appropriate agencies to participate; developing consensus among stakeholders with diverse interests; resolving conflict; and ensuring that the EA properly explains potential impacts and mitigation. They are also responsible for preparing an environmental document that will support the resulting environmental finding.

WSF is the project proponent. FTA and FHWA retain responsibility for federal compliances and approvals, and are responsible for coordinating on a Government-to-Government basis with interested tribes. While some federal compliance is engaged through state and local government coordination, the anticipated federal agency coordination includes the following:

U.S. Army Corps of Engineers

- Rivers and Harbors Act, Section 10
- Clean Water Act, Individual Section 404

#### U.S. Coast Guard

- Rivers and Harbors Act, Section 10

#### U.S. Fish and Wildlife Service

- Endangered Species Act (ESA)

#### National Marine Fisheries Service

- Endangered Species Act (ESA)
- Marine Mammal Protection Act (MMPA)
- Magnuson-Stevens Fishery Conservation and Management Act

## 4.2 WSF Project Management

The WSF Seattle Multimodal Project Manager and the project team, including environmental and design staff, will help FTA and FHWA assure compliance with NEPA and SEPA. WSF will retain responsibility for coordinating with state and local government agents to obtain necessary environmental permits and approvals. Building and construction related permits will be obtained at substantial design development from state and local agencies. Permits and approvals relevant to the environmental review process include:

### State

#### Washington Department of Archaeology and Historic Preservation

- Section 106 of the National Historic Preservation Act

#### Washington Department of Ecology

- Section 401 Water Quality Certification
- Coastal Zone Management Consistency Determination (CZM)
- National Pollution Discharge Elimination System (NPDES) Stormwater General Construction Permit
- National Pollution Discharge Elimination System (NPDES) Municipal Permit

#### Washington Department of Fish and Wildlife

- Hydraulic Project Approval (HPA)

#### Washington Department of Natural Resources

- Aquatic Land Lease

### Local Government

#### City of Seattle

- Master Use Permit for Shoreline Substantial Development Permit (SSDP) Conditional Use Permit
- Noise Variance

WSF will assist FTA and FHWA with documenting agency interactions in the project's administrative record.

## 5. Goals and Objectives

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Goals for the agency coordination process and objectives for meeting them are listed below.

- Goal A: Ensure the open exchange of information, ideas and concerns between FTA, WSDOT, and participating agencies about the project, its potential impacts, design development, and appropriate mitigation.
  - Objective – Engage affected agencies regarding the project purpose and need, effects to be evaluated, alternatives to be considered, design development, and potential mitigation measures.
  - Objective – Objective: Utilize existing forums, such as the WSDOT Pre-Biological Assessment meeting and WSDOT Liaison Program to receive and respond to agency input. Where no existing forum exists, establish a one-time or routine process for FTA, FHWA, and the project team to receive and respond to agency input as appropriate.
  - Objective – Ensure all communication between the project team and agencies is coordinated with the FTA, FHWA, and WSF as appropriate.
- Goal B: Avoid substantial design changes during permit review.
  - Objective – Address resource agency feedback and concerns during project development, design, and mitigation through early and continuous communication.
- Goal C: Maintain constructive interagency relationships that promote coordinated transportation partnerships.
  - Objective – Understand resource agency permit responsibilities to promote effective interagency communication.
  - Objective – Ensure the Seattle Multimodal Project environmental review and design development adequately address adjacent projects that are or will be conducted by others within Seattle's central waterfront areas.
  - Objective – Design and develop the Seattle Multimodal Project, including appropriate mitigation, as applicable, in a manner that protects cultural and natural resources protected by jurisdiction and/or regulation.
  - Objective – Use the Project to build on relationships between WSDOT and resource agencies with whom WSDOT is or will be engaged in consultation for future projects.

## 6. Coordination Approach

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The general agency coordination approach for the Seattle Multimodal Project is as follows:

1. *Identify potential regulatory and jurisdictional compliances, permits, and approvals required for the proposed project.* The Seattle Multimodal Project team, in consultation

with FTA, FHWA, and WSDOT headquarters staff, will identify preliminary environmental effects of the proposed project to determine agency coordination.

2. *Identify adjacent projects and activities near the proposed project that may require coordination.* WSF will contact proponents of adjacent projects, activities, and property owners to determine interest or need for further contact with the project team.
3. *Engage in both technical and decision-making coordination with appropriate regulatory and jurisdictional staff.* WSF and/or the federal co-leads, as appropriate, will meet with agency staff and decision makers for project briefings and for technical working group meetings concerning applicable issues.
  - FTA, FHWA, and the project team will coordinate with NOAA-NMFS and USFWS, for the Endangered Species Act compliance. WSF will assist FTA and FHWA with these consultations and also with Marine Mammal Protection Act consultation.
  - WSF will help FTA and FHWA fulfill Endangered Species Act responsibilities regarding Government-to-Government coordination with interested tribes.
  - WSF will coordinate with the U.S. Army Corps of Engineers regarding the adjacent Elliott Bay Seawall Project and permits listed under section 4.1 above.
  - WSF will help FTA and FHWA fulfill the requirements of Section 106 of the National Historic Preservation Act, including outreach to potential consulting parties.
  - WSF will coordinate with Washington State Fish and Wildlife Department regarding the Hydraulic Project Approval.
  - WSF will coordinate with Washington State Department of Ecology regarding required permits and approvals under its jurisdiction.
  - WSF will coordinate with Washington State Department of Natural Resources regarding required permits and approvals under its jurisdiction.
  - WSF will coordinate with King County Metro and King County Ferry District, Kitsap Transit, Port of Kingston, the Port of Port Townsend, and other agencies regarding transit routes, the Pier 50 passenger-only ferry, and other transit facilities and routes in the project area.
  - WSF will coordinate with the appropriate City of Seattle and Port of Seattle staff regarding the Elliot Bay Seawall and Central Waterfront Projects, SR 99 Alaskan Way Viaduct Replacement, and other area projects being planned.

### Technical and Decision-making Coordination

Regulation/Compliance/Approval	FTA	FHWA	NOAA/NMFS	USFWS	USACE	USCG	WSF	WDFW	WSDOE	WSDNR	KCFD	SDPD	DAHP
ESA Consultation	<input type="checkbox"/>	<input type="checkbox"/>	●	●			<input type="checkbox"/>						
MMPA Consultation	<input type="checkbox"/>	<input type="checkbox"/>	●				<input type="checkbox"/>						
Rivers and Harbors Act	<input type="checkbox"/>	<input type="checkbox"/>			●	●	<input type="checkbox"/>						
Clean Water Act (Sec 404)	<input type="checkbox"/>	<input type="checkbox"/>			●		<input type="checkbox"/>						
Magnuson Stevens Act	<input type="checkbox"/>	<input type="checkbox"/>	●				<input type="checkbox"/>						
Historic Preservation Act	■	<input type="checkbox"/>					<input type="checkbox"/>						<input type="checkbox"/>
Water Quality, Section 401							■		■				
Coastal Zone Management							■		■				
National Pollution Discharge Elimination System							■		■				
Hydraulic Project Approval							■	●					
Aquatic Lands							■			●			
Shoreline Management Act							■					●	
Noise Variance							■					●	
Pier 50 License Agreement							●				<input type="checkbox"/>		

**LEGEND**

Participant      ■ Lead      ● Decision maker

4. Seek to resolve any issues in parallel with project planning and permitting activities that may arise. FTA, FHWA, and the Seattle Multimodal Project staff will respond to comments and questions as appropriate via meetings or correspondence.

The following table identifies key points in the environmental review process where the Project team will seek agency coordination. It shows a proposed flow of the coordination process from December 2011 through completion of a Finding of No Significant Impact in fall 2013.

Event	Approximate Timeframe	Coordination Activity	Desired Outcome
Project Briefings	Spring 2011 – Spring 2014	Meet individually with agency staff as requested or needed to provide project updates.	Respond to comments and questions; coordinate compliances, approvals, and permits; and negotiate agreements.
WSDOT Pre-BA Meetings	Jan. – Aug. 2012	Relay information and discuss the Endangered Species Act and MMPA consultations	Agreement on project impacts and conservation measures.
Project Scoping	February 2012	Share detailed information regarding the project scope, purpose and need, draft alternatives, anticipated environmental effects, and schedule	Feedback identifying issues associated with the project scope and future coordination required.
Build alternative review	Feb. – Sept. 2012	Discuss the build alternative, potential effects, and mitigation (meetings)	Understanding of the potential build alternative impacts and agreement on potential mitigation
Preparation of discipline studies	Sept. 2012 - Feb. 2013	Solicit review and comment on selected discipline studies (meetings and document review).	Early identification of issues associated with environmental analysis
Preparation of EA	Feb. 2013 – Nov. 2013	Preview selected EA text per interest prior to circulation (meetings and document review).	Resolve issues as possible (some may require more information or negotiation).
Permits and Approvals	Jan. 2014 – June 2015	Permit and approval applications are complete.	Permit and approval applications are accepted without issue.
Construction	July 2015 – Dec. 2020	BMPs, conservation and mitigation measures adequately respond to avoid and minimize construction effects.	Construction activities are adequately covered by approvals and accepted by agencies.

### 2012 -2013 AGENCY COORDINATION PROPOSAL

#### Pre-scoping period



#### Post-scoping period



## **7. Other Coordination Plans for the Seattle Multimodal Project**

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### **7.1 Tribal Coordination**

FTA, FHWA and WSF are committed to engage in early and continuous consultation with all tribes with an interest in the project. FTA and FHWA are the federal co-lead agencies for this project and retain responsibility for compliance with consultation requirements. FTA and FHWA are the lead agencies for meetings and negotiations for the tribal consultation process under NEPA and Section 106 of the National Historic Preservation Act, as well as for any agreements concerning Usual and Accustomed Areas. The Seattle Multimodal Project has a designated tribal liaison for this project. More specifics on coordination with tribes are included in the project's Government-to-Government Tribal Coordination Plan (Spring 2012).

### **7.2 Public Coordination**

The Public Involvement Plan (PIP) provides the strategic framework for public involvement activities during the planning, environmental review, and design stages for the Seattle Multimodal Project. It outlines public involvement goals and key audiences, and also identifies activities and tools and tactics to engage the public and solicit feedback at appropriate project milestones, including those specifically required by NEPA, SEPA, FTA and FHWA.

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