

which is currently accessible to wildlife and situated between the upslope areas of the Five-Milton-North Hill vicinities, and the adjacent bottomland resources of Hylebos Creek, Wapato Creek and the lower Puyallup River system. Given all of the urbanization that the proposed freeway is expected to support/generate within the corridor - especially in the areas where new freeway exchanges/outlets are planned to be located (and unfortunately sited directly within the natural riparian areas of both Hylebos and Wapato Creeks, as well as the Puyallup River.) - adverse impacts do seem to be particularly likely.]

- **Emphasize commitments and provisions relating to consultation with affected Tribes** that will be triggered when accomplishing Biological Assessment reviews and/or Section 7 ESA consultation.

Migratory Birds (p. 3-123)

- **Detail the alterations in species composition that could result due to modification and fragmentation of local habitat**, both near and long-term.

Fisheries (p. 3-123)

- **Emphasize the importance/significance of a strategy for counteracting the adverse effects of “maintenance activities such as removing trees located directly adjacent to bridges”** (since that “reduces the value of the riparian community adjacent to the creeks”).
- **Emphasize commitments and provisions regarding consultation with affected Tribes** that will be triggered when accomplishing Biological Assessment reviews, Section 7 ESA consultation and/or EFH consultation.

Vegetation (p. 3-123)

- **Detail the overall vegetative losses and/or plant community alterations that are anticipated** to have some adverse affect (or alteration) in the usage of the project vicinity by wildlife species - both near and long-term.

3.4.5 SCREENING CRITERIA ANALYSIS (P. 3-123)

*Threatened and Endangered Species (p. 3-123)*

- **Emphasize commitments and provisions regarding consultation with affected Tribes** that will be triggered when accomplishing formal determinations of effect, biological assessment review, and federal agency (FHWA, USFWS, NOAA) ESA consultations.

*Aquatic Priority Habitat and Life (p. 3-124)*

- **Emphasize that a 50-foot riparian zone area concept alongside fish-bearing (or reaches adjacent to fish-bearing) stream systems is simply inadequate** from a regulatory or ecological perspective and that riparian zone protections of at least 150-300 feet are expected to be implemented locally throughout both the near as well as foreseeable futures. [Overall, a 50 foot riparian area analysis concept applied to a fish-bearing stream system (e.g. as used in this report/aquatic priority habitat and life) is simply insufficient, inappropriate, and unacceptable for reflecting local ESA-related species recovery needs.]

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**RESPONSE T03-024**

T03-023

Section 7 consultation was initiated with the Services and 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.

T03-024

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**RESPONSE T03-025**

T03-025

An analysis of the potential occurrence of migratory birds in the Migratory Bird Treaty Act (MBTA) study area was conducted for the project and is discussed in section 3.4 of the FEIS.

T03-026

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**RESPONSE T03-026**

Trees and shrubs when present adjacent to the alignment will be preserved wherever possible for esthetic value, providing roadway clear-zone and sight distance requirements are met.

T03-027

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**RESPONSE T03-027**

Please see response to comment T03-024, above.

T03-028

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**RESPONSE T03-028**

A description of existing vegetation and impacts to vegetation has been updated and is described by sub-basin in section 3.4 of the FEIS.

T03-029

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**RESPONSE T03-029**

Please see response to comment T03-024, above.

T03-030

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**RESPONSE T03-030**

The 50-foot buffer is based on the extent of existing riparian function in the study area. Proposed riparian restoration buffers range between 150 and 400 feet wide.

*Wildlife Habitat (p. 3-124)*

**3.4.6 REGULATIONS AND PERMIT REQUIREMENTS (P. 3-125)**

**3.4.7 MITIGATING MEASURES (P. 3-125)**

- **Emphasize anticipated involvement/consultation expected for affected Tribes in reviewing or preparing the individual design actions** to be taken to “further avoid and minimize impacts to various resources, including habitats and species”.
- **Emphasize anticipated involvement/consultation expected for affected Tribes in 1) reviewing or preparing the “Environmental Mitigation Plan prepared during the design of the project”, and/or 2) pursuing “a watershed approach...” (including “efforts...to find partners”).**
- **Detail any native plant-tree preservation and/or visual buffer-related regulations** (federal, state, county, municipal) that will apply to the areas affected by the project.
- **Detail measures/assurances that are anticipated for ensuring that a broad-based riparian management strategy** which effectively protects and restores the ecological function of the riparian areas of the Hylebos Creek, Wapato Creek and lower Puyallup River systems is to be developed and effectively implemented (in recognition of the DEIS statement that “riparian sites in the project area are of particular importance”).
- **Clarify whether all stream crossings affiliated with project implementation are going to be “clear spans” only** - or whether some might be culverted, etc.
- **Clarify whether the “approximately 50 acres of new wetlands that would be created as a result of the proposed project” is an amount that reflects the total accumulation of restoration work** that is to be targeted upon the Hylebos Creek, Wapato Creek, and Puyallup River systems, or only a single mitigation project, etc.
- **Evaluate and/or emphasize the potential use of stormwater from the project area as a source of water that could enhance-supplement the current and future flows of Wapato Creek** - e.g. intensive detainment and treatment of project-related stormwater could provide water can be routed and released back into the natural hydrologic system (consistent with rates of natural streamflow and/or fisheries management goals or needs).

8

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**RESPONSE T03-031**

FHWA and WSDOT are committed to maintaining an open line of communication with the Tribe throughout the design and construction phases of this project.

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**RESPONSE T03-032**

**T03-031** The Carson Chestnut Tree appears eligible to the Washington Heritage Register, and WSDOT has committed to protecting the Carson Chestnut Tree. The Aquatic Habitat Guidelines Project (AHG) and the Integrated Streambank Protection Guidelines (ISPG) recommend a buffer-zone width of 200 feet on each side of the stream for channels between five to 20 feet wide, i.e. Hylebos Creek and Wapato Creek; and a buffer width of 150 on each side of the stream for channels that are less than five feet wide, i.e. Surprise Lake Drain. WSDOT has also made the commitment to make every reasonable effort to protect/preserve existing native riparian trees or plants.

**T03-032**

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**RESPONSE T03-033**

**T03-033** In collaboration with stakeholders such as the Tribe, the RRP has been further described in sections 3.2, 3.3, 3.4, and 3.17 of the FEIS. Future design of the RRP will be coordinated with the Tribe through the RRP Technical Advisory Group.

**T03-034**

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**RESPONSE T03-034**

**T03-035** If possible, proposed bridges or culverts over Hylebos, Surprise Lake Drain, and Wapato Creek (including Wapato Creek’s associated wetlands) will completely span these waterbodies’ ordinary high water mark (OHWM), minimizing in-water work. Also, please see response to comment T03-018.

**T03-036**

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**RESPONSE T03-035**

Steps taken to avoid and then minimize impacts to wetlands, streams, and floodplains have been clarified in sections 3.2 and 3.3 of the FEIS. The Tribe has reviewed a Conceptual Mitigation Plan. A final mitigation plan addressing wetland, stream, and floodplain mitigation measures will be developed prior to construction.

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**RESPONSE T03-036**

This was evaluated to the extent that low flow augmentation can be attributed to increased floodplain storage and/or increased infiltration.

## CHAPTER 3.16 (P. 3-313) CULTURAL RESOURCES

- **Clarify relationship/differences existing between Section 106-NHPA and Tier I EIS-NEPA** processes, procedures, standards and expectations.
- **Substantiate statements describing Tier I cultural resource consultation with Puyallup Tribe** - e.g. tribal participation pertaining to Tier I "cultural resource overview" studies, such as cultural resource identification efforts, documentation of Puyallup winter village locations, or identity of areas to receive "special attention" ("creek crossings" - including riparian areas?; "relict and extant marshes" - include historical/pre-historical?). Was tribal consultation conducted according to Section 106-NHPA, or EIS-NEPA standards/procedures?

### 3.16.1 STUDIES PERFORMED AND COORDINATION CONDUCTED

- **Substantiate statements describing Tier II cultural resource consultation with Puyallup Tribe** - e.g. tribal participation pertaining to area of potential effect determinations, collection of background information, identification of landforms and other high potential areas for archaeological testing, archaeological testing, supplemental study of riparian restoration plan affected areas, or preparation of a discipline report. Was the oral input of the tribal historian the only form of tribal input considered in the cultural resources discipline report?
- **Clarify relationship of cultural resource discipline report and Section 106-NHPA (or EIS-NEPA)** documentation procedures, especially relation between report and tribal consultation. Was Puyallup Tribe specifically involved in generation/endorsement of cultural resource discipline report? What is the current procedural status of the cultural resource discipline report which was "provided to both OAHF and the Puyallup Tribe" (e.g. open/closed to comment, awaiting responses, appropriate actions now pending, recommendations need implementation, workplan now in progress, etc.).

### 3.16.2 AFFECTED ENVIRONMENT

- **Enrich/enhance information describing early environmental and/or Indian cultural history** of the project area.
- **Correct erroneous information** contained in the following excerpt: "...In 1857 most of the area became part of the Puyallup Indian Reservation. Soon thereafter much of it passed into non-Puyallup ownership. Dairies, chicken ranches, bulb and berry operations, and vegetable truck farms became increasingly prevalent until replaced by hop fields in the 1870s...". The statements are erroneous given that 1) the Puyallup Indian Reservation boundaries were established in the year 1856; 2) the Puyallup Reservation was off-limits to non-Indian residents (except government officials) until at least after the 1870s; 3) Puyallup Reservation tribal members were selecting their allotment parcels and undertaking their individual cultivation/land improvement activities on their personal allotments throughout the 1870s; 4) ca. 1873 US Government Land Office (GLO) survey data for the Puyallup Reservation suggests much of the eastern portion of the reservation was relatively undeveloped and still forested; 5) individual title for tribal allotments was not officially granted until 1886; and 6) possession by non-Indians of lands on the Puyallup Reservation was not legally possible until Congress authorized it in the mid-1890s.
- **Acknowledge/emphasize cultural and governmental affiliation of Puyallup Tribe to the "...one prehistoric resource that appears potentially eligible for listing in**

## RESPONSE T03-037

Compliance with Section 106 must be completed prior to issuing the Tier II FEIS. The Section 106 consultation is complete for this project. The affected tribes have been consulted on the Potential Area of Effect (APE). A Memorandum of Agreement between the Puyallup Tribe, the State Historic Preservation Office, COE, FHWA and WSDOT meeting the requirements of Section 106 is included in the FEIS.

## RESPONSE T03-038

A variety of map and literature sources were consulted for cultural resources identification and predictive modeling purposes and are reflected in the FEIS. Consultation efforts with the Tribe is clarified.

## RESPONSE T03-039

The cultural resources discipline reports present professional opinions regarding cultural resource eligibility for listing in the National Register of Historic Places and therefore the potential of the proposed undertaking to affect historic properties. In addition, affect assessments and recommendations are provided. The discipline report findings are subject to review and comment by SHPO, Indian Tribes and other interested parties.

## RESPONSE T03-040

The FEIS is revised to include additional information developed through consultation with the Puyallup Tribe.

## RESPONSE T03-041

This information has been corrected in the FEIS document.

## RESPONSE T03-042

The entire SR 167 project area is within the external boundaries of the Puyallup Indian Reservation. The archeological site has been determined eligible for listing in the National Register of Historic Places and therefore WSDOT will design the project to ensure that the site is not adversely affected.

T03-037

T03-038

T03-039

T03-040

T03-041

T03-042

**the NRHP...**" - emphasize status of Puyallup Tribe in terms of the "prehistoric resource" being situated within the exterior boundaries of the Puyallup Reservation, the WSDOT recommendation to SHPO/State Historic Preservation Officer (regarding inclusion of site on National Register of Historic Places eligibility list), decision made by SHPO regarding NRHP-eligibility, and subsequent administrative responses regarding SHPO decision.

- **Detail specific types or range of cultural resources that project area was evaluated for** - e.g. historic trails, traditional use areas, traditional cultural properties/TCP's, sacred sites, Native American graves/human remains, etc. Specify key legislation affiliated with cultural resources considered during evaluation/assessment of project area.
- **Describe significance/implications of the "single probable prehistoric artifact"** that was identified during survey and shovel testing of the riparian restoration area between Hylebos Creek and proposed SR 167 - e.g. local archaeological resource probability/predictability concerns.
- **Consider/evaluate qualifications (or potential) of project area-vicinity as a historic district** relative to federal, state and/or local governmental entity (LGE) guidelines - especially given that at least 60 (-/-5) "historic properties" were inventoried/associated with the project area overall.
- **Acknowledge/emphasize governmental affiliation-role of Puyallup Tribe in regards to the four historic properties** WSDOT recommended to the SHPO for inclusion in the National Register of Historic Places eligibility list - at least the ones located within the exterior boundaries of the Puyallup Indian Reservation.
- **Clarify basis for "Section 4(f)" reference presented within the DEIS, as well as basic significance of WSDOT Section 4(f) "use" determinations** relative to the protective responsibilities of tribal or federally-based agencies/officials that also prevail in association with any archaeological resources or structures in the project area that are eligible for the National Register of Historic Places (e.g. Federal Highways Administration, Army Corps of Engineers, National Park Service-Advisory Council on Historic Preservation, Puyallup Tribe, etc.).
- **Emphasize relationship (or distinction) between national, state or local historic register-eligible properties occurring in the project area** (including the relative legislation-protections applicable to each category pertaining to project adverse impacts upon the respective properties) - e.g. is mitigation provided/not provided for historic properties that are only Local Register (e.g. county) listed/eligible?

### 3.16.3 IMPACTS OF CONSTRUCTION

#### Build Alternative

- **Enrich/enhance descriptions regarding cultural resources that could be discovered mid-construction** - emphasize development and application of the Cultural Resources Discovery Plan that "would be followed", and likely contingencies regarding stoppages of construction work, etc. - emphasize roles and responsibilities of the Puyallup Tribe that are anticipated (regarding archaeological excavation-research-curation efforts, etc.).

#### Mainline

- **Elaborate upon spatial proximity of NRHP-eligible (and other inventoried) historic properties to corridors-centerlines-footprints of mainline, and/or I-5 Interchange portion of the project.**

2

## RESPONSE T03-043

T03-042

Per compliance with Section 106 of the National Historic Preservation Act of 1966 (as amended), the SR 167 Area of Potential Effect (APE) was investigated for all cultural resources types, including previously recorded and yet unidentified historic buildings, historic sites, and prehistoric sites.

T03-043

## RESPONSE T03-044

T03-044

The "single probable prehistoric artifact" was found in a shovel probe on a residential building lot that contained a substantial amount of fill from an unknown location. The artifact does not otherwise appear associated with the property. Shovel testing on this lot produced no other possible artifacts.

T03-045

## RESPONSE T03-045

T03-046

Nowhere in the SR 167 APE, are there enough historic properties of sufficient quantity and quality to define a NRHP historic district. In addition, the APE included many modern-contemporary intrusions that would compromise any potential historic district.

T03-047

## RESPONSE T03-046

All project cultural resources within the SR 167 project APE are within the external boundaries of the Puyallup Indian Reservation. The Puyallup Tribe has been invited to comment on the project including the content of the cultural resources discipline reports.

T03-048

## RESPONSE T03-047

Satisfying Section 106 requirements will also satisfy Section 4(f) requirements for archaeological resources eligible for the NRHP.

T03-049

## RESPONSE T03-048

No properties have been listed or determined eligible to the Pierce County Register. Project effects on cultural resources are assessed per Section 106 and as such only those resources listed or determined eligible for listing in the National Register of Historic Places are afforded protection.

T03-050

## RESPONSE T03-049

An Archaeological Monitoring Plan, including a geological model, detailing personnel and methodologies for locating deeply buried cultural resources potentially associated with ancient ground surfaces will be developed during final design.

- **Specify protective considerations-options likely available for NRHP-eligible (and/or other inventoried) historic properties** affiliated with the mainline, and/or I-5 Interchange portion of the project.
- **Describe likelihood of NRHP-prehistoric site being either fully avoided, or impacted by project** construction activities.
- **Specifically feature “I-5 Interchange Option” completely separate from “Mainline” information** - current approach makes it unnecessarily difficult to appreciate nature/extent of construction impacts anticipated for the I-5 Interchange (given that “...Most mainline impacts are associated with constructing the I-5 Interchange portion of the project...”).
- **Specifically feature/emphasize relevance or significance of “Cultural Resources” associated with the “County Inventory”** (especially given the statement “...All inventoried structures were considered to have potential Pierce County historical significance...”) - is it anticipated the project will/will not adversely affect the properties that are County Register listed, or eligible?

*54th Avenue Interchange Options*

Valley Avenue Interchange Options

- **Consider/evaluate qualifications (or potential) of the vicinity of the Valley Avenue Interchange Options as a historic district** relative to federal, state and/or local governmental entity (LGE) guidelines - especially given that at least 40 “historic properties” were inventoried/associated with this portion of the project area overall.

*SR 161/SR 167 Interchange Options*

**3.16.4 IMPACTS OF OPERATION**

- **Enrich/amend statement describing that “...Cultural resource and archaeological sites are not usually adversely affected by operation of transportation projects after construction...”** - it seems quite plausible that potential operational impacts could at least be related to 1) Effects of stormwater generated within project area upon known/unknown archaeological materials within soils located adjacent to the project; 2) placement of fill (in association with project operations) upon known/unknown archaeological materials located adjacent to the project; 3) Increased activities related to traffic or land use activities exacerbated by the freeway operations; and 4) relatively increased/uncontrolled exposure (or vulnerability) of cultural resources-archaeological sites to public or privately-based activity.

**3.16.5 MITIGATING MEASURES**

- **Detail pertinent regulatory platforms and administrative procedures affiliated with determination of NRHP-eligibility and/or adverse effects of proposed project** (as well as measures to reduce or avoid the effect) - especially emphasize specific protection-management roles and responsibilities anticipated for the Puyallup Tribe.
- **Detail pertinent regulatory platforms and administrative procedures affiliated with development of a “Cultural Resources Discovery Plan”** – emphasize 1) expected monitoring obligations-provisions-methodology, etc.; 2) specific measures and notification procedures should previously unknown sites or artifacts be discovered *before*, during, *or after* construction of the proposed project; and 3) specific participation (and/or management roles/responsibilities) anticipated for the Puyallup Tribe.
- **Detail/specify provisions and mechanisms for consulting the Puyallup Tribe** “...prior to any ground-disturbing activity in the Valley Avenue Interchange area (or other high-probability cultural resource areas?) affected by the project.

**RESPONSE T03-050**

T03-050

Please see Chapter 5 of the FEIS.

**RESPONSE T03-051**

T03-051

Impacts from the project corridor include the I-5 Interchange because there are no alternative interchange options at this location.

**RESPONSE T03-052**

T03-052

Of all the historic resources evaluated in the SR 167 APE, only five (27-4114, 27-4125, 27-4154, 27-4160 and Fife A1) were determined to be eligible to the NRHP. Prehistoric site 45PI488 was also determined to be eligible to the NRHP. The Carson Chestnut Tree appears eligible to the Washington Heritage Register. No properties have been listed or determined eligible to the Pierce County Register. Per Section 106 only those properties that are listed in or determined eligible for the NRHP are afforded protection; however, WSDOT has committed to protecting the Carson Chestnut Tree as well.

**RESPONSE T03-053**

T03-053

Nowhere within the SR 167 APE are there enough historic properties of sufficient quantity and quality to define a NRHP historic district. In addition, the APE included many modern-contemporary intrusions that would preclude any potential historic district designation.

**RESPONSE T03-054**

T03-054

Stormwater leaving WSDOT right-of-way during operations would be subject to detention, treatment or other controls that would avoid or minimize potential impacts to soil and groundwater adjacent the project. Placement of additional fill after the construction of the project would be subject to further environmental review and WSDOT’s limited access right-of-way would tend to minimize public and private activity that could harm “vulnerable” resources.

**RESPONSE T03-055**

T03-055

Please see response to comment T03-049, above.

T03-055



**Comments**

State Route 167  
Extension  
from  
Puyallup to  
State Route 509

Puyallup  
Open House

May 2, 2003

I own property on the north side, that borders Valley Avenue East. It is very close to the proposed exit from State Route 167 Extension, as a person driving east towards Puyallup from I-5.

The only effect of State Route 167 Extension would have on my property is the widening of Valley Avenue East near this exit.

Please note my property is in Trust with the Bureau of Indian Affairs and the Puyallup Tribe of Indians. I am a Puyallup Tribal member.

I have no other comments about this project.

However, I would like to be informed about any meetings on the 167 Extension, and the widening of Valley Avenue East that may effect the purchase of my property near this exit.

Please add me to your mailing list:

Charles R. Sheldon  
PO Box 8306  
Tacoma, WA 98418-0306  
(253) 396-9032

Or send comments to:

Neal Campbell  
WSDOT Design Project  
Engineer

Thank you.

T04-001

**RESPONSE T04-001**

The Valley Avenue Interchange Option is the environmentally preferred option with the least amount of impact to adjacent properties. Your name will be added to the project mailing list.