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October 14, 2011

Mr. Ken Berg  
U.S. Fish and Wildlife Service  
510 Desmond Drive SE, Suite 102  
Lacey, Washington 98503-1273

**Re: Project Description Update** *Coordination type*  
**SR 520, Medina to SR202: Eastside Transit and HOV Project** *Project name*  
**13410-2008-I-0601** *Consultation number*

Dear Mr. Berg:

The Washington State Department of Transportation (WSDOT), on behalf of the Federal Highway Administration (FHWA) is providing you with an updated description of the Medina to SR 202: Eastside Transit and HOV Project (Eastside Project). A Biological Assessment (BA) was prepared for the Eastside Project and received by U.S. Fish and Wildlife Service (USFWS) on June 29, 2009. WSDOT received a Letter of Concurrence from USFWS on July 30, 2009 concurring with the determination that the Project “may effect, not likely to adversely affect” bull trout and designated bull trout critical habitat, thereby completing Section 7 consultation.

#### *Consultation history*

**Previous consultation updates include** a letter dated June 25, 2010 in which WSDOT provided a description of Project updates and concluded that reinitiation of consultation was not needed. Ryan McReynolds, USFWS, concurred with the conclusions of that update letter via email on July 21, 2010. A second Project update was sent via email from Phil Bloch on May 09, 2011 and the conclusions were concurred with via email by Ryan McReynolds on May 11, 2011. A third update was just recently sent via email from George Ritchotte on October 4, 2011 dealing with changes to the Evans Creek Mitigation site. An additional email was sent on October 11, 2011 from Michelle Meade with a requested addition to the in-water work window.

WSDOT is now providing this update letter to address additional design refinements. The updates include changes to the stormwater modeling and several other minor design changes

#### **Project Stormwater**

The amount of new or replaced pollutant generating impervious surface (PGIS) created by the Project and the associated stormwater modeling has been refined. The BA used Threshold Discharge Areas (TDA) to separate the Project’s stormwater into four separate basins. Within these basins individual outfalls were identified and modeled for pollutants of concern (total suspended solids (TSS), total and dissolved copper, and total and dissolved zinc). As the design of the Project has progressed it has resulted in changes to the amount of PGIS in each TDA. The area of post-project PGIS has decreased in each of TDAs 2, 3 and 4 from what was identified in the BA. Therefore stormwater modeling was not redone for these TDAs. However, within TDA

1, Yarrow Creek, there have been increases in the amount of PGIS and changes to the outfall location.

- Within TDA 1 the BA modeled two separate stormwater outfalls; one on Yarrow Creek<sup>1</sup> mainstem and one on the West Tributary to Yarrow Creek. Upon further analysis WSDOT is no longer proposing to construct the stormwater facility identified as G4 in the BA which discharged to the West Tributary to Yarrow Creek. All water from TDA 1 will be conveyed to the stormwater facilities discharging to the Yarrow Creek mainstem. There is no longer a discharge of pollutants or required mixing zone for the West Tributary to Yarrow Creek; however there is an increase in the area of PGIS being routed to the Yarrow Creek outfall and resulting increase in the mixing zone.
- At the time of the BA, WSDOT was uncertain as to the Project’s impacts on local streets and how stormwater from those streets would be routed and treated. The areas of PGIS identified in the BA were only those areas within WSDOT right-of-way. At this time WSDOT has identified the areas of local streets that will be impacted by the Project. Within TDA 1 a total 5.61 acres of post-project PGIS is located on local streets.<sup>2</sup> The majority of this area represents unmodified existing PGIS that is within the project limits due to traffic modifications or utilities. The relatively small amount of new (0.61 acre) and replaced (0.90 acre) PGIS will receive water quality treatment consistent with local standards. Because none of these areas receive water quality treatment today the Project represents an improvement over baseline conditions.

Based on the current design, TDA 1 has a total of 37.11 acres of post-project PGIS. Of this 9.84 acres is existing, unmodified area, 14.15 acres is replaced and 13.12 acres is new PGIS. Consistent with the WSDOT Highway Runoff Manual all new and replaced PGIS in TDA 1 will receive enhanced water quality treatment. The HI-RUN water quality monitoring described in the BA has been re-run for TDA 1 to reflect the changes to the PGIS areas and points of discharge described above. A modified Exhibit 13 from the BA is presented below to reflect the changes to the relevant mixing zones. Because the outfall to the West tributary to Yarrow Creek is no longer proposed, that discharge location is no longer presented in the exhibit.

**EXHIBIT 13. SUMMARY OF HI-RUN MODEL DILUTION RESULTS FOR THE YARROW CREEK OUTFALL**

Discharge Location	Constituent	Mixing Zone Distance (ft)		
		January	May	August
Yarrow Creek	Dissolved Copper	>1	4	9
	Dissolved Zinc	3	22	520

In comparing the mixing zones to the information presented in the BA, the updated design increases each mixing zone for the Yarrow Creek discharge. However this does not represent a

<sup>1</sup> As described in the BA there are several outfalls to the Yarrow Creek mainstem however to simplify the modeling and maintain a conservative approach they were modeled as a single outfall at the most downstream location.

<sup>2</sup> A small amount of PGIS from local streets is also located in TDA 2 (0.31 acre) and TDA 3 (0.21). However due to an overall decrease in the area of post-project PGIS these TDAs are still below the areas described in the BA and therefore have not been remodeled.

significant increase in the area of effected habitat. The largest revised mixing zone, 520 ft for dissolved zinc in August, represents a location approximately the same distance from Lake Washington than the previous West Tributary to Yarrow Creek mixing zone of 340 ft due to the location of the outfalls. Both the current largest mixing zone and the largest from the BA occur near the confluence of the West Tributary with Yarrow Creek mainstem, a location approximately one-quarter of a mile upstream from Lake Washington. Therefore the revised design does not increase the likelihood of effect to Bull Trout using Yarrow Creek from what was presented in the BA.

### *Description of what has changed*

#### **Changes to the Limits of Construction and other Elements**

There have been numerous small changes to the design and layout of roadway elements, trails and walls, as well as small increases in the limits of construction due to temporary access needs. These changes due not increase the project's impacts to wetlands, streams or other sensitive areas beyond what was described in the BA and subsequent update letters. The updates include;

- Temporary construction on and off ramps were added in the vicinity of Evergreen Point Road.
- Based on input from local jurisdictions the Point Loop Trail was moved into an alignment south of the highway between 92<sup>nd</sup> Ave and Evergreen Point Road. The new alignment will primarily be located on existing sidewalks and right-of-way. A new connector trail will provide pedestrian access between the vicinity of Fairweather Bay and Evergreen Point Road on the north side of the highway.
- Additional trees were removed from within WSDOT right-of-way along NE Points Drive. Access to construct adjacent walls and other structures necessitated the additional clearing.
- Construction of a temporary signal at the intersection of the SR 520 eastbound off-ramp with N Bellevue Way. This activity was within the WSDOT right-of-way and the limit of construction.
- Replacement of the stormwater bioswale, Facility K, along the shoreline of Lake Washington with an interim water quality vault adjacent to the highway. It was determined that because Facility K was in conflict with the construction of the ultimate bridge construction project it should not be built. The interim water quality vault will achieve basic treatment and the outfall will be reconstructed as describe in the BA. The ultimate stormwater treatment facility is described in the separate bridge construction project BA.
- Changes to the alignment and heights of several corridor noise walls based on revised modeling and highway design.
- Several small changes to the limits of construction to incorporate design refinements involving retaining walls, slopes and construction access needs.
- Due to concerns about constructability the design of the new Culvert H on the South Fork to Yarrow Creek has changed to a round aluminized steel structure with an 11-foot interior diameter. This size will allow for appropriate stream width and height consistent with fish passage requirements.

### **Conclusion**

The Letter of Concurrence conclusion was based on the information contained in the BA, complete and successful implementation of the conservation measures described in the BA and the finding that;

*Given the location and timing of in-water work, exposure of bull trout to construction activities is extremely unlikely and is therefore discountable. With full implementation of the proposed conservation measures and permanent design elements, we expect that the project's potential direct and indirect effects to watershed functions, instream habitat, and the prey base will either not be measurable (and therefore insignificant), or will be beneficial.*

***Explain how reinitiation was not triggered.***

WSDOT has evaluated the latest Project design and concluded that the changes **do not affect listed species or critical habitat in a manner, or to an extent, not considered in the original consultation.** Therefore WSDOT does not believe reinitiation of consultation or other action is necessary at this time. WSDOT is providing you with this brief description of the Project updates for your records.

Please contact me at (206) 805-2890 or at [meadem@wsdot.wa.gov](mailto:meadem@wsdot.wa.gov) if you require additional information or have any questions about this project.

Sincerely,

Michelle Meade  
Biology Program Manager  
WSDOT, ESO Mega Projects

cc: Randy Everett, FHWA  
Chris Cziesla, WSDOT