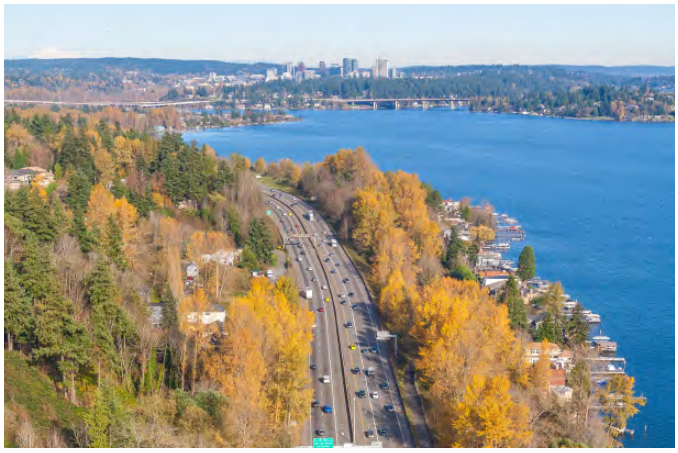
WSDOT

U. S. Department of Transportation
Federal Highway Administration

April 2019

I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (MP 0.0 to 11.9)

Finding of No Significant Impact



DEDICATION

The I-405 Project Team dedicates this document to Allison Hanson. Allison recently passed away from more than eight years of living with cancer. We are thankful for Allison's 20-year career developing and delivering successful transportation projects for the state of Washington. Her contributions to delivering some of the state's biggest transportation projects, including those on the I-405 Corridor, Puget Sound Gateway, SR 520 Program, and the Alaskan Way Viaduct Replacement, are immeasurable. We will carry forward her spirit and commitment and are grateful for Allison's leadership and years of service.

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April 2019

I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (MP 0.0 to 11.9)
King County, Washington

Finding of No Significant Impact

By the U.S. Department of Transportation
Federal Highway Administration

This Finding of No Significant Impact (FONSI) is based on the Environmental Assessment (EA) (incorporated by reference) and other documents and attachments, as itemized in this FONSI. Having carefully reviewed the analysis and conclusions in the EA and its supporting documents, the Federal Highway Administration (FHWA) finds pursuant to 23 Code of Federal Regulations (CFR) 771.121 that there are no likely significant adverse impacts on the environment associated with the construction or operation of the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project.

04/08/19
Date of Approval

Daniel M. Mathis
Daniel M. Mathis, P.E.
Division Administrator
Federal Highway Administration, Washington Division

Copies of the FONSI can be purchased upon request for $29.13 from Lisa Hodgson, WSDOT I-405 Project Office, 600 108th Avenue NE, Suite 405, Bellevue, WA 98004; telephone (425) 456-8543, and are also available for viewing or downloading at this web page: http://www.wsdot.wa.gov/projects/i405/rentontobellevue/tukwila-i-90-environmental-assessment. The EA is incorporated by reference into the FONSI. The EA and FONSI can also be viewed for free at the following locations:

WSDOT I-405 Project Office
600 108th Avenue NE, Suite 405
Bellevue, Washington 98004

Renton Library
100 Mill Avenue S
Renton, Washington 98057

Bellevue Regional Library
1111 110th Avenue NE
Bellevue, Washington 98004

Renton Technical College Library
3000 NE 4th Street Renton
Bellevue, Washington 98056

Tukwila Library
14380 Tukwila International Boulevard
Tukwila, Washington 98168

Newcastle Library
12901 Newcastle Way
Newcastle, Washington 98056

Bellevue College Library
3000 Landerholm Circle SE
Bellevue, Washington 98007

TABLE OF CONTENTS

1.0 Introduction 1-1
Where is the Project located? 1-1
Why is the Project needed? 1-1
What is the history of the Project? 1-1
What other improvements are being considered on I-405? 1-3
2.0 Description of Proposed Action 2-1
What are the Project improvements? 2-1
What are express toll lanes? 2-13
What avoidance and minimization measures are proposed? 2-13
3.0 Coordination and Opportunities to Comment 3-1
Interagency and Tribal Coordination 3-1
Comments and Responses on the EA 3-2
4.0 Environmental Findings 4-1
National Environmental Policy Act Finding 4-1
Air Quality Conformity Statement 4-1
Floodplain Finding 4-2
Surface Water and Water Quality Finding 4-2
Endangered Species Act Finding 4-4
Magnuson-Stevens Act 4-6
Farmland Finding 4-7
Wetland Finding 4-7
Section 106 Finding 4-16
Section 4(f) Finding 4-17
Section 6(f) Finding 4-23
Environmental Justice Finding 4-23
Noise Finding 4-25
5.0 Mitigation Commitments 5-1
What measures will be taken to avoid or minimize effects during construction? 5-1
What measures will be taken to avoid or minimize operational effects? 5-11

EXHIBITS

Exhibit 1. Project Area 1-1
Exhibit 2. SR 167/I-405 Proposed ETL System 1-4
Exhibit 3. Improvements Proposed with the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project 2-2
Exhibit 4. Project Improvements, Sheet 1 of 8 2-5
Exhibit 4. Project Improvements, Sheet 2 of 8 2-6
Exhibit 4. Project Improvements, Sheet 3 of 8 2-7
Exhibit 4. Project Improvements, Sheet 4 of 8 2-8
Exhibit 4. Project Improvements, Sheet 5 of 8 2-9
Exhibit 4. Project Improvements, Sheet 6 of 8 2-10
Exhibit 4. Project Improvements, Sheet 7 of 8 2-11
Exhibit 4. Project Improvements, Sheet 8 of 8 2-12
Exhibit 5. Effect Determinations for the Project 4-6
Exhibit 6. Wetlands Affected by the Project 4-7
Exhibit 7. Reassessed Fish Use Potential in Streams 4-9
Exhibit 8. Fish Passage Improvements and Discussion of Stream Impacts in the Project Area 4-11
Exhibit 9. Work within Streams and Stream Buffers 4-14
Exhibit 10. Summary of Section 4(f) Determinations 4-18
Exhibit 11. Project Effects on Environmental Justice Populations, Mitigation, and/or Offsetting Benefits 4-24

ATTACHMENTS

The following attachments are included in the USB flash drive included on the back cover of this document.

Attachment 1. Comments with Responses
Attachment 2. Errata to the Environmental Assesment
Attachment 3. Notices
Attachment 4. FONSI Distribution List
Attachment 5. Comment Attachments
Attachment 6. Section 4(f) Updates to Attachment M of the EA
Attachment 7. Section 106 Updates to Attachment M of the EA
Attachment 8. Supplemental Endangered Species Act Information to Attachment M of the EA

1.0 INTRODUCTION

This document explains the determination by the Federal Highway Administration (FHWA) that the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (MP 0.0 to 11.9) (the Project) proposed by the Washington State Department of Transportation (WSDOT) between Tukwila and Bellevue, Washington, is not likely to have a significant adverse impact on the environment.

This Finding of No Significant Impact (FONSI) is made based on the information in the Environmental Assessment (EA) and considers comments received on the EA. The FONSI has been prepared by FHWA and WSDOT to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321) (NEPA), FHWA's Procedures for Considering Environmental Impacts (64 Federal Register 28545, May 6, 1999), and other related laws.

Exhibit 1. Project Area

Where is the Project located?

The Project begins at the I-5/I-405 interchange in Tukwila and continues about a mile north of the I-90/I-405 interchange in Bellevue as shown in Exhibit 1.

Why is the Project needed?

Our region needs the Project to improve mobility and reduce traffic congestion in ways that are reliable and improve safety performance. I-405 is one of the most congested routes in the state, particularly during peak travel times.

What is the history of the Project?

In 1998, WSDOT joined with FHWA, the Federal Transit Administration, the Central Puget Sound Regional Transit Authority (Sound Transit), King County, and local governments to develop strategies to reduce traffic congestion and improve mobility in the I-405 corridor. In fall 2002, the combined efforts of these entities culminated in the *I-405 Corridor Program Final Environmental Impact Statement (EIS)* and a *Record of Decision (ROD)*.

The I-405 Corridor Program purpose as described in the EIS is to help create an efficient, integrated, and multimodal system of transportation solutions that will:

- Maintain and enhance livability for communities within the corridor

- Maintain and improve air quality, protect or enhance fish-bearing streams, and promote regional environmental values
- Support a vigorous state and regional economy by responding to existing and future travel needs
- Accommodate planned regional growth

The *ROD* identified a Selected Alternative that would widen I-405 by up to two lanes in each direction for 30 miles. The ultimate configuration of the Selected Alternative includes a buffer separating the general purpose (GP) lanes and the high-occupancy vehicle (HOV) lane to improve safety performance and provide more reliable HOV and transit operations. The Selected Alternative presented in the ROD allowed for the future consideration of managed lane operations on I-405, including managing up to two lanes in each direction, as well as providing for high-capacity transit. The *I-405 Corridor Program Final EIS* and *ROD* did not specify how the lanes would be managed.

In January 2010, WSDOT completed the *I-405/SR 167 Eastside Corridor Tolling Study*, which proposed a tolling strategy for managed lanes in the I-405/State Route (SR) 167 corridor. The I-405/SR 167 Executive Advisory Group composed of elected officials and transportation agencies from the corridor, endorsed a 40-mile toll system between Auburn and Lynnwood based on that study.

This Project is one of several projects now being advanced as part of a phased implementation of the Selected Alternative. The 2015 Connecting Washington funding package passed by the Washington State Legislature provides funding for constructing the Project.

Environmental impacts of portions of this Project were evaluated in 2006 and 2008 as part of two distinct projects that proposed larger-scale improvements than those proposed with this Project. Those two projects are the I-405, Tukwila to Renton Improvement Project (TRIP) (I-5 to SR 169) and the I-405, SR 169 to I-90 Renton to Bellevue Project (Renton to Bellevue Project). The environmental impacts of these two projects were evaluated in the following documents:

- *I-405, Tukwila to Renton Improvement Project (I-5 to SR 169 – Phase 2) Environmental Assessment and Draft Section 4(f) Evaluation*, March 2008.
- *I-405, Tukwila to Renton Improvement Project (I-5 to SR 169 – Phase 2) Finding of No Significant Impact and Final Section 4(f) Evaluation*, July 2008.
- *I-405, Tukwila to Renton Improvement Project (I-5 to SR 169 Phase 2) National Environmental Policy Act Re-Evaluation*, August 2015.
- *I-405, SR 169 to I-90 Renton to Bellevue Project Environmental Assessment*, March 2006.
- *I-405, SR 169 to I-90 Renton to Bellevue Project Finding of No Significant Impact and Programmatic Section 4(f) Evaluation*, November 2008.

Tolling was not proposed or evaluated in the EA and FONSI documents listed above. Because of this, WSDOT evaluated the current, funded improvements, which include tolling in the I-405,

Tukwila to I-90 Vicinity Express Toll Lanes Project EA, which does not supersede previous environmental documentation listed above.

Tukwila to Renton Improvement Project

The TRIP proposed several improvements along I-405 between I-5 and SR 169, and SR 167 between SW 43rd Street and I-405. Proposed improvements included adding lanes to I-405 and SR 167, modifying and expanding interchanges, and reconstructing and expanding local roadways. The following improvements associated with the TRIP evaluated in 2008 and 2015 have been constructed or construction is nearly complete:

- **TRIP Stage 1** – Added a ½-diamond interchange at SR 515 (Talbot Road). Construction was completed in 2011.
- **TRIP Stage 2** –Added HOV direct-connector ramps from southbound I-405 to southbound SR 167 and northbound SR 167 to northbound I-405.

Elements of the TRIP that were funded as part of 2015 Connecting Washington and are part of this current Project are discussed in Section 2.0, Description of the Proposed Action.

Renton to Bellevue Project

The Renton to Bellevue Project evaluated in 2006 and 2008 included constructing two new GP lanes for most of I-405 between the SR 169 interchange (milepost [MP] 3.8) in Renton to north of the I-90 interchange (MP 11.9) in Bellevue. The Renton to Bellevue Project also included improvements at eight interchanges and local roadways, as well as construction of noise walls, stormwater management facilities, and fish passage improvements.

To date, none of the Renton to Bellevue Project improvements have been constructed. The Renton to Bellevue Project did not receive funding until the 2015 Connecting Washington funding package was approved. Elements of the Renton to Bellevue Project that were funded as part of 2015 Connecting Washington and are part of this current Project are discussed in Section 2.0, Description of the Proposed Action.

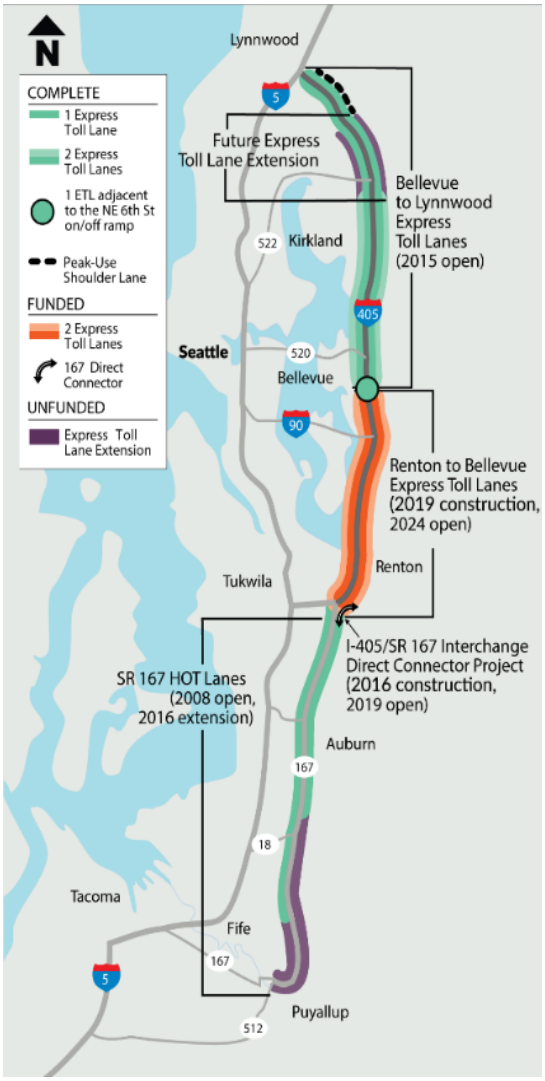
What other improvements are being considered on I-405?

The I-405 Corridor Program is a broad term for a program of more than 150 unique, coordinated projects to relieve congestion and improve mobility for motorists, transit users, and freight users along the 30-mile, I-405 corridor. Additional funded improvements between Tukwila and Bellevue include the I-405, Downtown Bellevue Vicinity Express Toll Lanes Project (MP 11.9 to 14.6), which extends north of I-90 up to the vicinity of the NE 6th Street interchange. Construction of the I-405, Downtown Bellevue Vicinity Express Toll Lanes Project and this

Project is anticipated to occur at the same time. When completed, both projects will connect to other express toll lanes (ETLs) on the north and south to create a 40-mile toll system on SR 167 and I-405 between Auburn and Lynnwood, as shown in Exhibit 2.

In addition, as part of the Sound Transit 3 funding package, Sound Transit plans to provide bus rapid transit service on the SR 518 and I-405 corridors between Burien and Lynnwood by 2024. Sound Transit will be making transit-related improvements in these corridors, as needed, to implement a bus rapid transit system. Some of these improvements will be separate projects funded by Sound Transit that will go through a separate environmental review process. Other improvements on I-405, such as the ETLs proposed with this Project and direct access ramps and inline transit stations at NE 44th Street and 112th Avenue SE, will support the implementation of bus rapid transit in the SR 518 and I-405 corridors.

Exhibit 2. SR 167/I-405 Proposed ETL System



2.0 DESCRIPTION OF PROPOSED ACTION

The Project was developed using current design practices and by engaging the public, agencies, and tribes.

WSDOT's purpose for the Project is to:

- Provide a reliable trip choice for I-405 users
- Increase vehicle capacity and person throughput
- Improve reliability for transit
- Improve access for I-405 users
- Reduce project-wide congestion
- Improve safety performance

To accomplish this, WSDOT proposed roadway, structural, trail, and transit improvements in the I-405 corridor from Tukwila (MP 0.0) to north of the I-90 interchange (MP 11.9).

What are the Project improvements?

Exhibit 3 describes the improvements proposed with the Project. Exhibit 4, Sheets 1 through 8, show the proposed improvements on a series of maps. In general, the Project proposes tolling and will add one lane to I-405 in each direction for about 9 miles beginning on I-405 near SR 167 and continuing approximately 1 mile north of I-90. The existing HOV lane on I-405 and the additional lane will be operated as a two-lane ETL system. The Project will also add a GP (auxiliary) lane to southbound I-405 between MP 6.7 (north of N 30th Street) and 7.1 (south of NE 44th Street) and MP 9.4 (north of 112th Avenue SE) to 10.5 (north of Coal Creek Parkway).

Exhibit 3. Improvements Proposed with the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project

Project Element	I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project
I-405/I-5 Interchange Exhibit 4, Sheet 1	– Extend the southbound left lane at the I-5 interchange west for approximately 500 feet to provide additional merge distance.
I-405 Lanes and Shoulders from SR 167 to north of I-90 Exhibit 4, Sheets 2 through 8	– Create a dual ETL system from MP 2.9 (northeast of the I-405/SR 167 interchange) and MP 11.9 (north of the I-405/I-90 interchange) by adding one new lane in each direction and converting the existing HOV lane to an ETL. – Convert the existing HOV lane to a single ETL from MP 2.4 (at the I-405/SR 167 interchange) to MP 2.9 on northbound I-405 and from MP 1.6 (in Renton over Springbrook Creek) to MP 2.9 on southbound I-405. – Add an additional GP (auxiliary) lane on southbound I-405 between MP 6.7 (north of 30th Street) and MP 7.1 (south of NE 44th Street) and MP 9.4 (north of 112th Avenue SE) to MP 10.5 (north of Coal Creek Parkway). – Bring I-405 up to current freeway standards where feasible.
I-405 Tolling from SR 167 to north of I-90 Exhibit 4, Sheets 2 through 8	– Construct tolling gantries to collect the tolls for the ETL system (see description in the row above).
Cedar Avenue Exhibit 4, Sheet 4	– Reconstruct the bridge over I-405 to widen southbound I-405.
Renton Avenue Exhibit 4, Sheet 4	– Reconstruct the bridge over I-405 to widen southbound I-405.
Cedar River Bridge Exhibit 4, Sheet 4	– Widen the southbound I-405 bridge over the Cedar River.
Sunset Boulevard N Interchange Area Exhibit 4, Sheet 4	– Widen the I-405 northbound and southbound bridges over Sunset Boulevard N.
NE Park Drive Interchange Area Exhibit 4, Sheet 5	– Widen the I-405 southbound bridge over NE Park Drive.
N 30th Street Interchange Area Exhibit 4, Sheet 5	– Replace the local road overpass abutment slopes with retaining walls on both sides of I-405 and lower the southbound I-405 roadway by approximately one foot.

Exhibit 3. Improvements Proposed with the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project

Project Element	I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project
NE 44th Street Interchange Area Exhibit 4, Sheet 6	– Replace the northbound and southbound I-405 bridges over May Creek with two new single-span bridges and provide habitat improvements. – Replace the NE 44th Street bridge over I-405. Construct new direct access ramps and two inline transit stations (one for each direction) in the I-405 median. Transit stations will include station platforms, signage, artwork, lighting, fare machines (ORCA), and site furnishings such as shelters, lean rails, benches, bollards, bicycle parking, and trash receptacles. – Realign and reconstruct the northbound access to I-405 from a loop ramp to a new on-ramp from Lake Washington Boulevard NE. – Build four roundabouts along local arterials. – Construct an at-grade park-and-ride lot at Lake Washington Boulevard N and N 43rd Street with a minimum of 200 parking stalls and a roundabout (improvements will be built, but may be built by Sound Transit or others). – Replace two existing culverts at Stream UNT 08.LW.7.7A and Stream UNT 08.LW.7.8.
112th Avenue SE Interchange Area Exhibit 4, Sheet 7	– Replace the 112th Avenue SE bridge over I-405. – Construct new direct access ramps, two inline transit stations (one for each direction) in the I-405 median. Transit stations will include station platforms, signage, artwork, lighting, fare machines (ORCA), and site furnishings such as shelters, lean rails, benches, bollards, bicycle parking, and trash receptacles. – Construct a roundabout on 112th Avenue SE. – Reconfigure the Newport Hills Park-and-Ride.
Coal Creek Parkway Interchange Area Exhibit 4, Sheet 7	– Construct a new southbound I-405 bridge on a new alignment. Convert the existing southbound I-405 bridge to northbound ETLs. – Convert the four local road intersections on Coal Creek Parkway SE to roundabouts.
I-405/I-90 Interchange Area Exhibit 4, Sheet 8	– Reconfigure the I-405 southbound to I-90 eastbound ramp from one to two lanes. – Realign the I-405 northbound to I-90 eastbound ramp. As part of this work, construct two new bridges over the eastbound I-90 ramp to Factoria Boulevard and over Factoria Boulevard.
Fish Passage Exhibit 4, Sheets 6 and 7	– Replace three fish barriers with fish passable crossings for UNT 08.LW.0283 (formerly Gypsy Creek). – Replace one fish barrier with a fish passable crossing under I-405 for Stream 8.15. – Replace one fish barrier with a fish passable crossing under the ERC for Stream 9.8[a]. – Replace one fish barrier with a fish passable crossing under the ERC for Stream 9.9[a]. – Replace one fish barrier with a fish passable crossing under I-405 for Stream 10.0.
Lake Washington Trail Exhibit 4, Sheets 6 and 7	– Realign and reconstruct the existing trail west of its current location to reside in the King County's ERC property between Ripley Lane in Renton (MP 7.7) and Coal Creek Parkway in Bellevue (MP 10.2). As part of this work, widen a portion of the King County's ERC Regional Trail.
Noise Walls Exhibit 4, Sheets 4, 6, 7 and 8	– Construct 4 new noise walls. – Relocate 2 existing noise walls.
Stormwater Management Exhibit 4, Sheets 1 through 8	– Add 46.92 acres of new PGIS and 5.7 acres of non-PGIS. – Provide enhanced treatment for 100 percent of new impervious surfaces. – Retrofit 51 percent (111.5 acres) of existing untreated PGIS and continue to treat stormwater from the 21.27 acres of PGIS that currently receives treatment. – Treat a total of 179.69 acres of PGIS.

Exhibit 3. Improvements Proposed with the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project

Project Element	I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project
Construction Duration	– 5 years of construction is expected from 2019 through 2024. – The direct access ramps and associated transit improvements at 112th Avenue SE, reconfiguring the Newport Hills Park-and-Ride lot, and building four roundabouts on Coal Creek Parkway SE may be constructed after 2024, depending on when allocated funds for these elements become available.

ETL = express toll lane GP = general purpose; HOV = high-occupancy vehicle; UNT = unnamed tributary; ERC = Eastside Rail Corridor, PGIS = pollution-generating impervious surfaces

[a] These culverts are owned by King County.

Exhibit 4. Project Improvements, Sheet 1 of 8

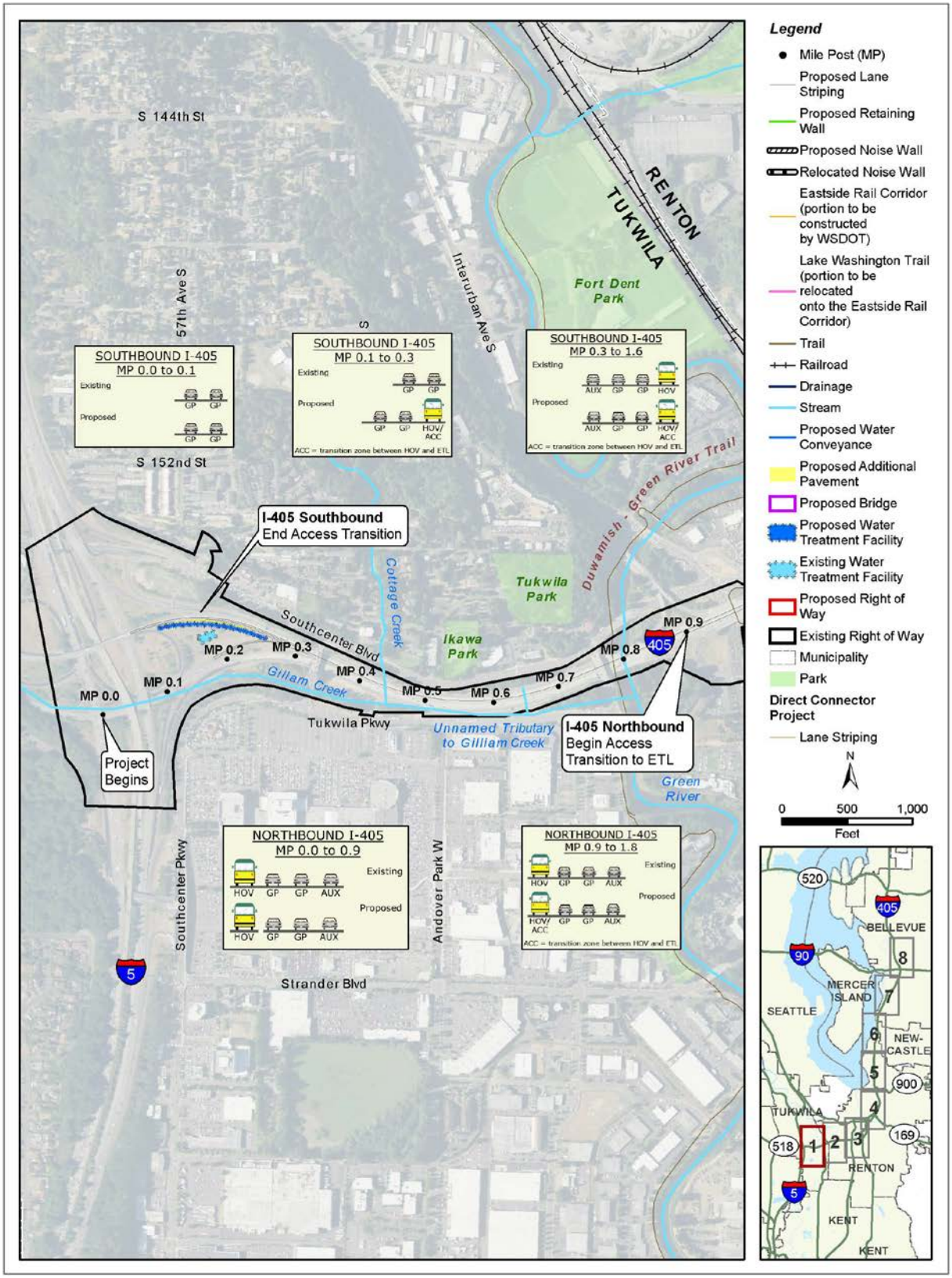


Exhibit 4. Project Improvements, Sheet 2 of 8

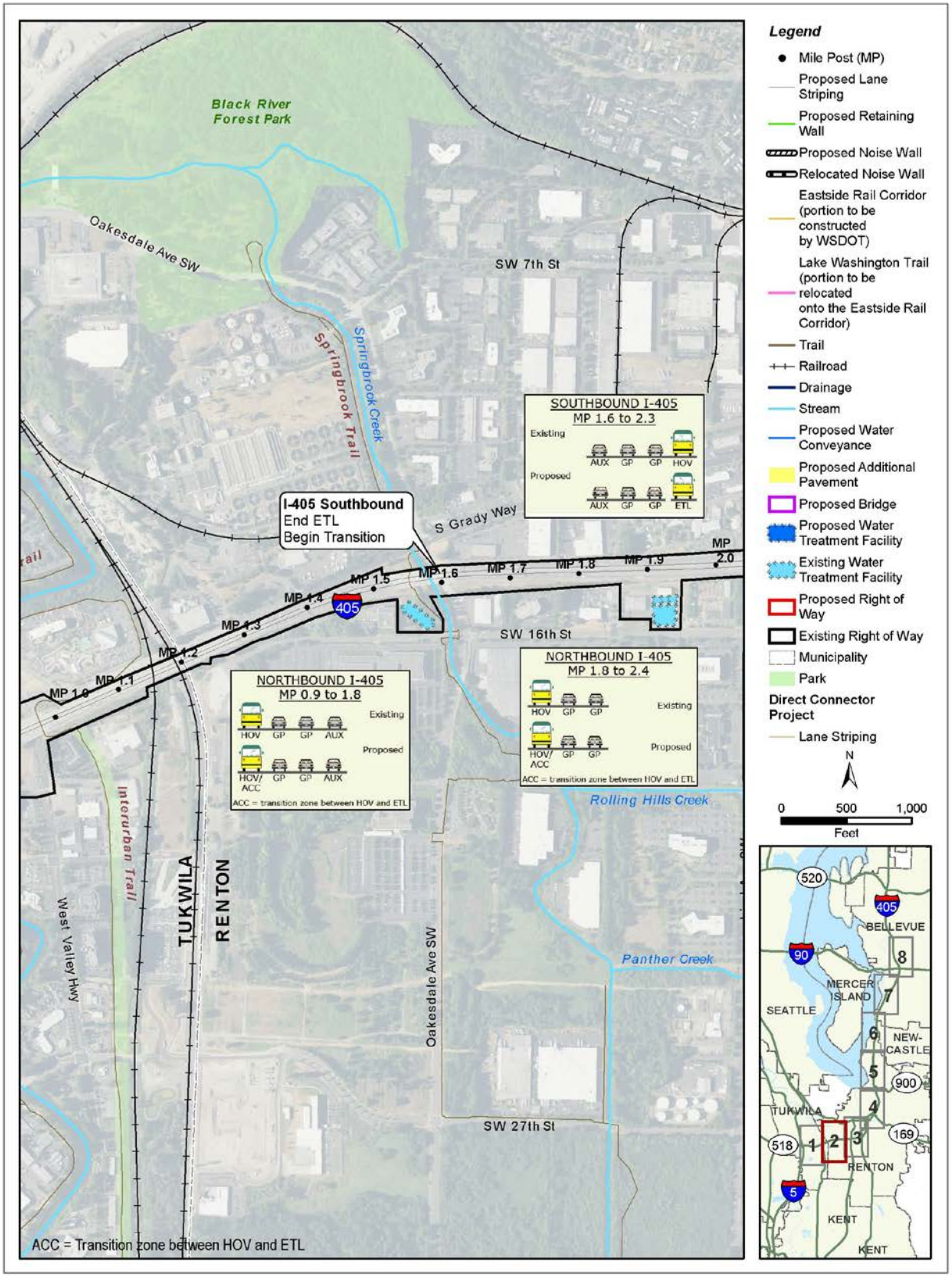


Exhibit 4. Project Improvements, Sheet 3 of 8

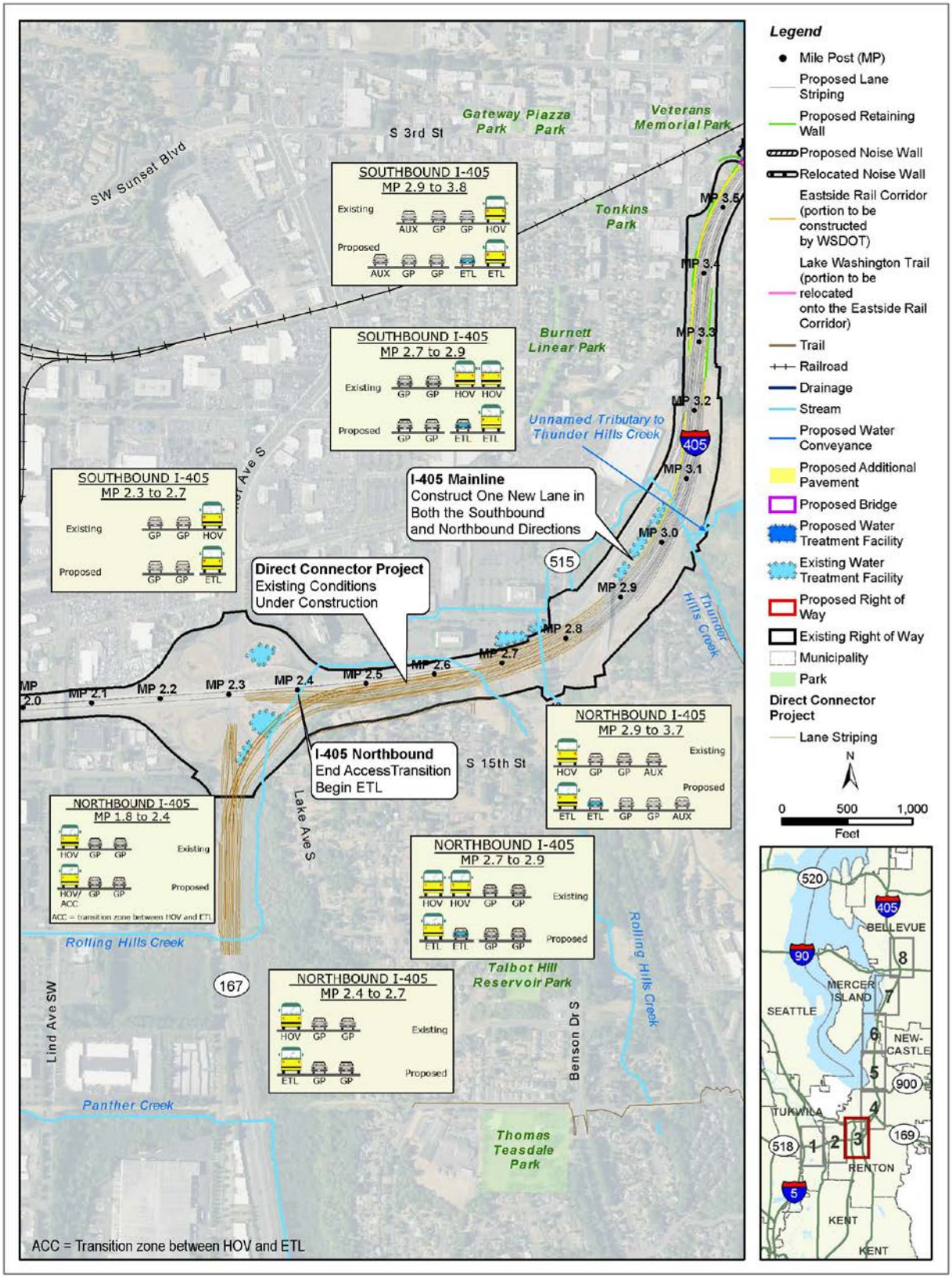


Exhibit 4. Project Improvements, Sheet 4 of 8

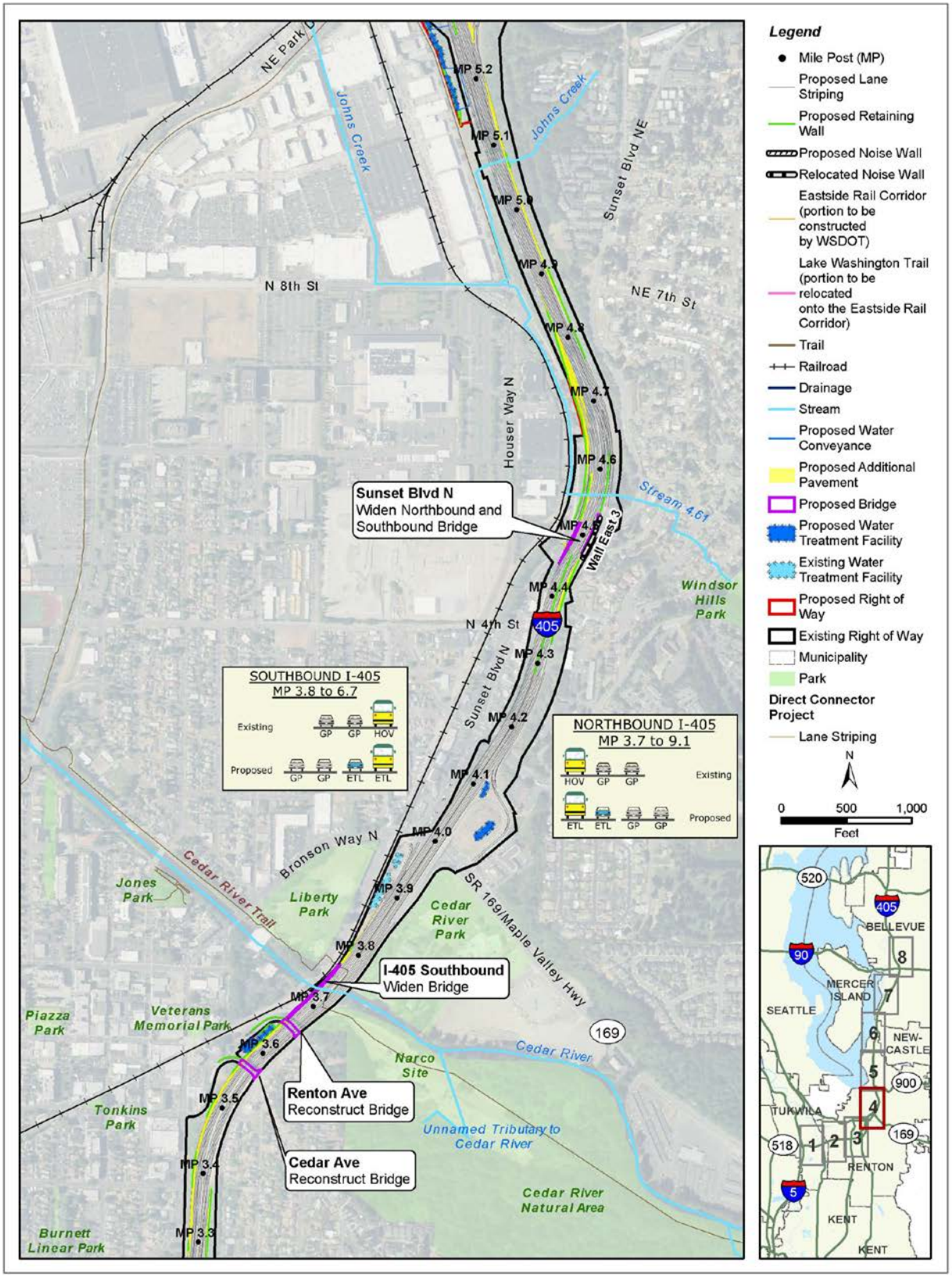


Exhibit 4. Project Improvements, Sheet 5 of 8

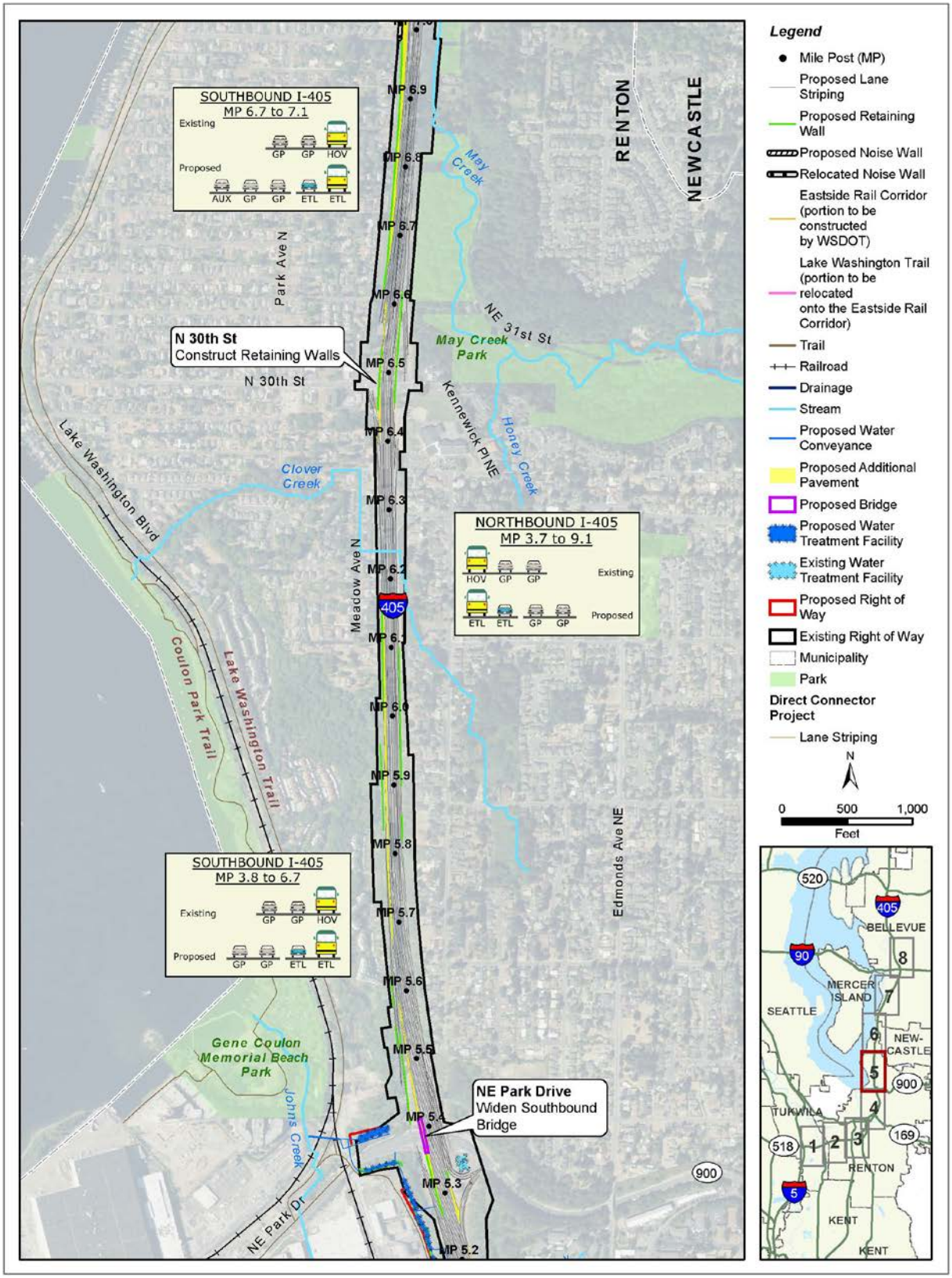


Exhibit 4. Project Improvements, Sheet 6 of 8

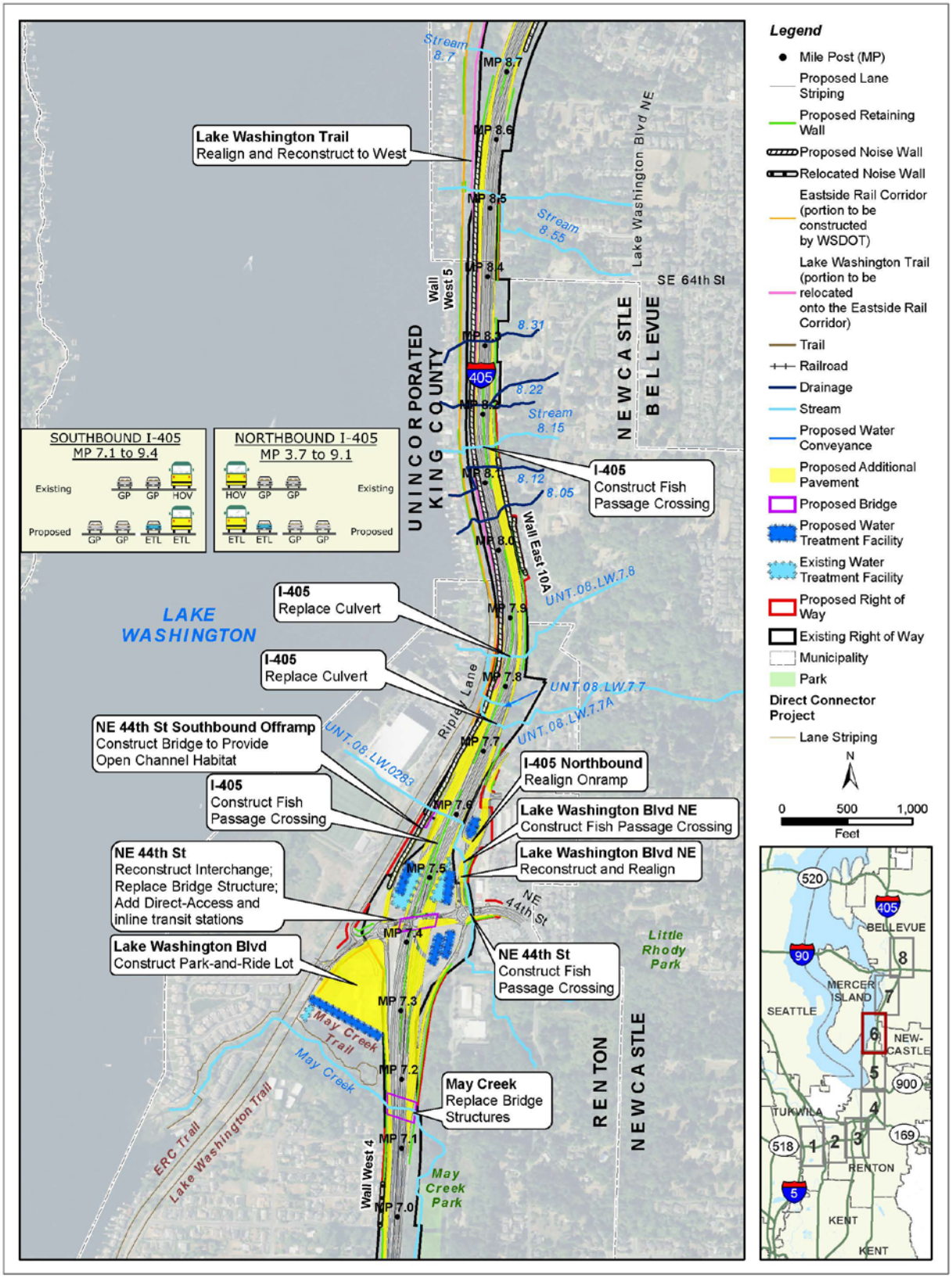


Exhibit 4. Project Improvements, Sheet 7 of 8

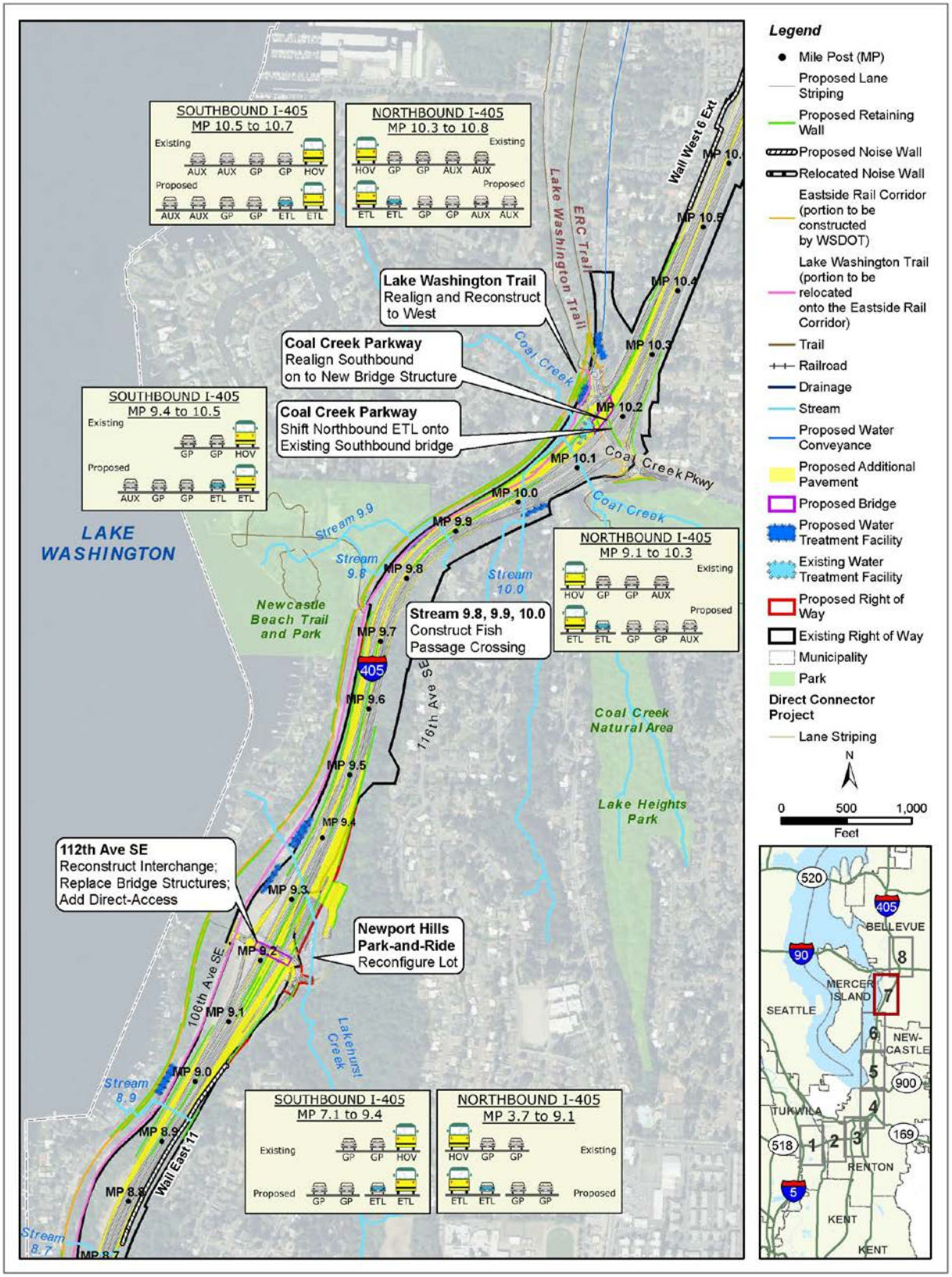
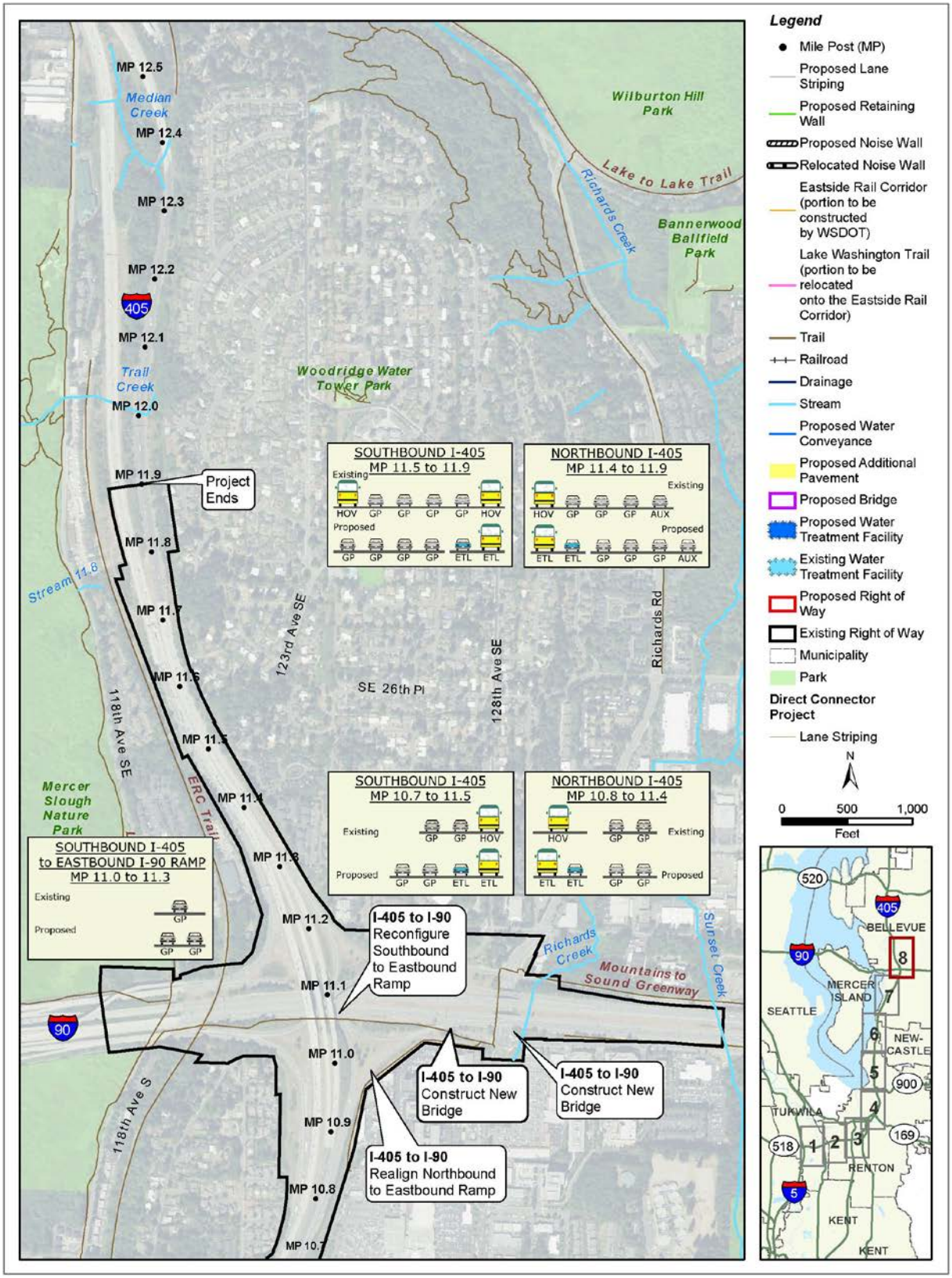


Exhibit 4. Project Improvements, Sheet 8 of 8



What are express toll lanes?

ETLs are express travel lanes that are managed through a variable user fee to regulate their use and thereby maintain reliable express travel speeds. ETLs preserve trip reliability for transit and HOV users, and provide a new option for other motorists to pay a toll to receive an express trip when lane capacity is available.

What avoidance and minimization measures are proposed?

WSDOT will use established design and construction practices that will avoid or minimize effects on the various environmental resources during both the construction and operation phases of the Project. WSDOT will use best management practices (BMPs), WSDOT Standard Specifications, and design elements to avoid or minimize potential effects on the environment from the Project, as described in Section 5.0, Mitigation Commitments.

WSDOT has been incorporating context sensitive solutions (CSS) and practical solutions into the design process on I-405. Practical solutions are a performance-based approach to transportation decision-making and the CSS planning principles considered, and support design principles that maintain character aesthetics. The goal of the practical solutions approach is to optimize each project to deliver needed improvements while minimizing impacts on the environment, traveling public, and corridor neighbors.

Wetland Mitigation Sites

The Project will permanently affect 5.83 acres of wetland and 2.10 acres of wetland buffer, and it will temporarily affect 0.24 acre of wetland and 0.87 acre of wetland buffer during construction. These effects will be minimized through measures taken during design including locating Project features away from wetland areas. WSDOT will mitigate permanent effects on wetlands from the Project at a variety of mitigation sites. These mitigation sites include the Springbrook Creek mitigation bank and Kelsey Creek for wetland mitigation; May Creek, Median Creek, Stream 8.15, and unnamed tributary (UNT) 08.LW.0283 (Gypsy Creek) for stream and buffer mitigation; and Ron Regis Park (City of Renton property), and the Mercer Slough site (on WSDOT property) for buffer mitigation. Specific mitigation strategies at each of the sites are in development and will be detailed in permit documentation.

3.0 COORDINATION AND OPPORTUNITIES TO COMMENT

Focused outreach to agencies, stakeholders, tribes, and the public was integral to planning and developing the Project. Outreach started in 1998, when WSDOT, FHWA, King County Metro Transit, and local jurisdictions came together to address congestion and improve mobility in the I-405 corridor. Outreach has continued in a variety of forms including public open houses; targeted meetings regarding noise and other issues of public interest; print and online media including the Project website; and briefings with community and neighborhood organizations, local jurisdictions, and other interested groups.

To supplement these efforts, WSDOT conducted additional outreach focused on engaging environmental justice populations and persons with limited-English proficiency. Themes that emerged from the community engagement include general concerns about equity and tolling effects, concerns about tolling costs and the *Good To Go!* system, lack of awareness regarding free GP lane options, concerns over commute times, desire to explore low-income subsidies, matching people for carpools, and concerns over system-wide impacts during construction.

Detailed information on community outreach is included in Chapter 2, Alternatives Considered, of the EA.

Interagency and Tribal Coordination

Governmental agencies played major roles in the development of the *I-405 Corridor Program EIS*. Specific to the Project, WSDOT has involved numerous local, state, and federal agencies. WSDOT coordinates regularly with local jurisdictions in the study area, such as the Cities of Bellevue, Renton, Newcastle, and Tukwila, and King County. In addition, WSDOT works with the Washington State Department of Archaeology and Historic Preservation, U.S. Army Corps of Engineers, National Marine Fisheries Service (NMFS), U. S. Fish and Wildlife Service (USFWS), Washington State Department of Ecology (Ecology), Washington Department of Fish and Wildlife (WDFW), and other local agencies to avoid and minimize impacts from the Project and obtain permits and approvals needed to construct the Project.

WSDOT participated in Government-to-Government consultation with the following four federally recognized tribes since the beginning of the I-405 Corridor Program: Muckleshoot Indian Tribe, Snoqualmie Tribe, Tulalip Tribes, and the Confederated Tribes and Bands of the Yakama Nation. WSDOT also consulted with the Duwamish Tribe (non-federally recognized) as an interested party. The Muckleshoot Indian Tribe requested Government-to-Government consultation with FHWA in June 2018 due to concerns related to the Tribe's treaty fishing rights and questions related to how the Project would comply with a 2013 United States District Court Injunction (Injunction) requiring WSDOT to remove barriers to fish. Consultation meetings with the Muckleshoot Indian Tribe were held in August, September, and November 2018, and consultation phone calls occurred in January and February 2019. FHWA received a follow-up letter on February 21, 2019.

Consultation with tribes will continue through Project permitting, as WSDOT involves tribal governments in each stage of the environmental analysis. Tribal representatives have been

given opportunities to review and comment on the Area of Potential Effects (APE) and draft survey reports for cultural resources, and participate in meetings with WSDOT to discuss concerns of tribal members, particularly natural resource elements such as fish passage.

Agency and tribal correspondence is included in Attachment M of the EA and additional correspondence is provided in Attachments 6, 7, and 8 of this FONSI.

Comments and Responses on the EA

The EA for the Project was published on July 9, 2018, and made available to the public for review and comment pursuant to Section 42 United States Code (U.S.C.) 4332 (2)(c) and 23 Code of Federal Regulations (CFR) Part 771. Public, agency and tribal comments and responses are included in Attachment 1 of this FONSI, Comments with Responses.

WSDOT held a public hearing on July 17, 2018, following publication of the EA. The public was notified of the opportunity to attend the public hearing about the EA, through a mailing of approximately 5,100 postcards in English and Spanish, sent to residents and property owners within 750 feet of I-405 near the Project limits (the I-5/I-405 interchange in Tukwila to the south and the SE 8th Street in Bellevue to the north). The EA hearing took place at the Renton High School cafeteria in Renton, Washington.

The public hearing provided a forum to describe the Project and present and receive comments on the EA. Attendees were able to provide oral comments and written comments. WSDOT requested that verbal comments be provided to a court reporter, written comments be provided on comment forms, or follow-up written comments be emailed, mailed, or received at the I-405 project office by August 9, 2018. The public hearing included informational materials (fact sheets and display boards) on the Project and findings from the EA analyses. Representatives from the I-405 Program were available to answer questions.

The Notice of Availability of the EA, which included information about the EA hearing and public comment period, was advertised in the *Seattle Times,* the *Bellevue Reporter,* and the *Renton Reporter* on July 9, 2018. Display advertisements were placed in the following print newspapers on the dates shown:

- *Bellevue Reporter* issue of July 13, 2018
- *Seattle Times* issue of July 9, 2018
- *Korea Daily* (Korean) issue of July 10, 2018
- *La Raza* (Spanish) issue of July 13, 2018
- *Renton Reporter* issue of July 13, 2018
- *Seattle Viet Times* (Vietnamese) issue of July 13, 2018
- *Seattle Chinese News* (Chinese) issue of July 11, 2018

Additionally, an advertisement was placed on *Bellevuereporter.com* from July 9 to August 9, 2018, to publicize the comment period. The EA public hearing notice and a link to the EA documents were also placed on the WSDOT website at:

http://www.wsdot.wa.gov/projects/i405/rentontobellevue/tukwila-i-90-environmental-assessment

WSDOT sent emails on July 5 and 9, 2018, containing information about the public hearing and comment period and links to download the EA and discipline reports from the WSDOT website. This email was sent to federal agencies, tribal governments, state agencies, local and regional governments, Sound Transit, Bellevue and Renton area business and transportation organizations, neighborhood leads for the Project area, and regional public service agencies and organizations.

WSDOT also notified the public of the availability of the EA and subsequent hearing in the Thursday, July 5 and Thursday, July 12, 2018, editions of the *Eastside Transportation News*, which reaches about 3,500 listserv subscribers, and the *South King County Transportation News*, which reaches about 3,100 subscribers.

The EA was made available in the following libraries:

- Tukwila Library
- Renton Library
- Renton Technical College Library
- Newcastle Library
- Bellevue College Library
- Bellevue Regional Library

Thirty-four people signed in for the July 17, 2018 public hearing; other attendees chose not to sign in. During the comment period from July 9, 2018 to August 9, 2018, we received 9 emails; 5 letters; and 1 comment form and 3 oral comments from the July 17, 2018 EA hearing. WSDOT and FHWA reviewed and considered all comments in the development of the FONSI. The comments focused primarily on issues related to traffic and safety, GP lane capacity, tolling, and water and natural resources. The comments received and responses are included in Attachment 1 of this FONSI, Comments with Responses.

4.0 ENVIRONMENTAL FINDINGS

National Environmental Policy Act Finding

FHWA served as lead agency under the National Environmental Policy Act (NEPA) for the Project. WSDOT prepared the EA in compliance with NEPA, 42 United States Code (U.S.C.) Section 4332 et seq. and with FHWA's regulations, 23 Code of Federal Regulations (CFR) Part 771 and the State Environmental Policy Act (SEPA). The EA discusses the potential impacts of the Project on the environment so that FHWA can determine whether significant adverse impacts (Council on Environmental Quality 15.08.27) are probable. If such a determination were made, an environmental impact statement (EIS) would need to be prepared.

WSDOT has incorporated environmental considerations into its study of the Project and has conducted evaluations of the Project's potential environmental impacts. Based on the information and analysis presented in the EA, FHWA found that the Project's construction and operation will not cause any significant adverse environmental impacts that will not be mitigated to levels below significance.

After considering the EA, its supporting documents, and the EA comments and responses, FHWA finds under 23 CFR 771.121 that the Project, with the mitigation to which WSDOT has committed, will have no significant adverse impact on the environment. The record provides sufficient evidence and analysis for determining that an EIS is not required. Should the effects of the proposed Project change, FHWA will conduct a NEPA Re-Evaluation to determine whether the NEPA decision document remains valid in accordance with 23 CFR 771.129 (c) and WSDOT's *Environmental Manual*.

Air Quality Conformity Statement

Air quality was evaluated for the Project and the I-405, Downtown Bellevue Vicinity Express Toll Lanes Project (MP 11.9 to 14.6) including the I-405 freeway and arterials that would be affected by the projects within the west-central Puget Sound region.

The Project complies with all National Ambient Air Quality Standards. The Project will not cause or increase any exceedance of the National Ambient Air Quality Standards, and it meets project-level conformity requirements per 40 CFR 93.123. No significant adverse unavoidable impacts related to air quality are predicted because of the Project.

In 1978, the central Puget Sound region was classified as a nonattainment area by the U.S. Environmental Protection Agency (EPA) for carbon monoxide (CO). In 1996, having met the federal standards for several years, the region was redesignated by the EPA as "in attainment" with an approved maintenance plan for CO. On October 11, 2016, the area reached the end of the 20-year maintenance period for CO. Therefore, CO hot-spot modeling and a regional conformity analysis are no longer required. Likewise, transportation conformity is no longer required in the Puget Sound area for the revoked 1-hour ozone standard.

Although transportation conformity is not required for the Project, EPA recommends using the same emissions model (MOVES 2014a, the latest version of EPA's Motor Vehicle Emissions

Simulator [MOVES]) for NEPA purposes to predict pollutant emissions for criteria, mobile source air toxins (MSATs), and greenhouse gas (GHG) pollutants. The results demonstrate no appreciable difference in emissions between the Project and the No Build Alternative. **After considering the EA, its supporting documents, and the EA comments and responses, FHWA finds that the Project meets all applicable requirements of the Clean Air Act.**

Floodplain Finding

Water resources were evaluated for the Project within the area affected by proposed improvements. The study area includes existing and proposed new WSDOT right of way. Floodplain areas have been identified by the Federal Emergency Management Agency for Cedar River, May Creek, Coal Creek, and the Mercer Slough.

The Project will be designed and constructed to meet all current federal, state, and local standards for floodplain management. No floodplains or floodways designated as Special Flood Hazard Areas will be affected.

Removal of existing bridge piers out of the floodplain and habitat improvements have been added to May Creek. Removing the bridge piers will meet the City of Renton zero-rise floodplain requirement.

After considering the EA, its supporting documents, and the EA comments and responses, FHWA finds that the Project meets all applicable floodplain requirements.

Surface Water and Water Quality Finding

The Project will add 46.92 acres of new pollution-generating impervious surface (PGIS) to the existing 218.74 acres of highway pavement. The Project will treat an additional 51 percent (111.50 acres) of the existing PGIS that is not currently being treated. Currently about 9.8 percent (21.27 acres) of stormwater runoff is treated in the study area. With the Project, this will increase to 67.4 percent (179.69 acres). Peak flow rates of stormwater discharged to streams and rivers will be reduced from present-day conditions because of this retrofit.

As a part of the Project, several new treatment facilities will be constructed to treat increased stormwater flows. These treatment facilities will discharge to streams and tributaries that are flow control exempt with the exception of discharges to the Mercer Slough wetland complex. The increased flow to the Mercer Slough wetland complex has been modeled and meets the requirements for wetland protection as set forth by Washington State Department of Ecology (Ecology).

In addition, the Project will modify some existing stormwater facilities to meet treatment requirements. The amount of treatment proposed typically exceeds the number of acres that will be required according to the *Highway Runoff Manual*. This additional treatment is consistent with the permit requirements and Endangered Species Act (ESA) consultation commitments.

Overall, the Project will reduce stormwater pollutant loading relative to existing conditions. Total suspended solids are expected to decrease from 153,734 pounds per year under existing conditions to 81,947 pounds per year with the Project, representing about a 47 percent decrease

in discharged suspended solids to area waterways. Total zinc discharges to area waterways are expected to decrease from 198 pounds per year under existing conditions to about 122 pounds per year, representing about a 38 percent decrease. Total copper discharges to area waterways are expected to decrease about 36 percent from 32.4 pounds per year under existing conditions to about 20.9 pounds per year with the Project. However, the proportion of dissolved copper discharges to area waterways is expected to increase from about 8.5 pounds per year under existing conditions to 8.8 pounds per year, representing about a 4 percent increase. Dissolved copper concentrations in waterways are associated with concerns about direct effects in fish, but the increase in flow volumes counteract the increased load so overall concentrations reduce. For all locations, the dilution assessment demonstrated that dissolved copper levels will be below effects thresholds on fish. The dilution analysis was completed using the HI-RUN model in accordance with the 2009 Memorandum of Agreement between FHWA, the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS) and WSDOT for analyzing the effects of stormwater on ESA. HI-RUN user guidelines state that dilution values less than 1 foot suggest near instantaneous dilution to below the biological effects threshold. The assessment method used assumed average removal for all best management practices (BMPs). However, the Project proposes to implement only enhanced treatment BMPs, which will increase contaminant removal compared with traditional BMPs. The use of enhanced treatment BMPs would likely address the increase of dissolved copper discharges. The use of only enhanced treatment BMPs is a deviation from WSDOT standards but is being implemented due to environmental commitments made during ESA consultation.

There is one sole source aquifer, the Cedar Valley aquifer, located in Renton in the study area. Mitigation measures have been incorporated into the Project as part of construction and operations as listed in Section 5.0, Mitigation Commitments, under Water Resources. These mitigation measures will be implemented to ensure that applicable federal, state, and local regulations are met and that the Project will be constructed in a manner that will prevent the introduction of contaminants into the aquifer and not create a significant hazard to public health.

WSDOT will comply with the following sections of the Renton Municipal Code (RMC) as appropriate: Section 4-4-030, Development Guidelines and Regulations – General; Section 4-4-060, Grading, Excavation, and Mining Regulations; Section 4-9-015, aquifer protection area (APA) Permits; and, Section 4-3-050, Critical Areas Regulations. Stormwater flow control and runoff treatment facilities located in the City of Renton's APA Zone will be designed to satisfy the requirements of the City's APA, including prevention of stormwater infiltration. Pipelines will be impervious and designed according to pipeline specifications in the RMC 4-3-050H.6. WSDOT will establish a plan in compliance with the Washington State Wellhead Protection requirements outlined in the Washington Administrative Code (WAC) 246-290-135(4) and RMC 4-3-050 C and H, and RMC 4-9-015 to ensure protection for the City of Renton's APA Zones 1 and 2.

Stormwater runoff from the impervious areas will be captured and treated prior to being allowed to infiltrate, thus reducing the chances of introducing contaminants into the aquifer

system. For these reasons, the unavoidable changes in volume of runoff are considered negligible to the water resources in the study area.

After considering the EA, its supporting documents, and the EA comments and responses, FHWA finds that the Project will have no significant adverse impacts on surface water flows or water quality.

Endangered Species Act Finding

ESA consultation for this Project has a long history, since this Project will construct elements of both the Tukwila to Renton Improvement Project (TRIP) and the Renton to Bellevue Project. For this EA, the southern portion of the Project (MP 0 to 4.0) is covered by a reinitiation of the TRIP consultation, and the northern portion of the Project (MP 3.8 to 11.9) is covered by a reinitiation of the Renton to Bellevue consultation.

Tukwila to Renton Improvement Project

In 2007, the FHWA submitted a Biological Assessment (BA) to the NMFS requesting formal consultation for the southern portion of the Project (MP 0 to 4.0) I-405, TRIP I-5 to SR 169. On March 3, 2008, the NMFS and the USFWS issued a joint Biological Opinion (BiOp) (NMFS Tracking No: 2007/04219, USFWS Ref. No. 13410-2007-F-0416) and Incidental Take Statement for adverse effects on Puget Sound Chinook salmon and their critical habitat and Puget Sound steelhead, under NMFS jurisdiction and bull trout and bull trout critical habitat under USFWS jurisdiction. Puget Sound steelhead critical habitat had not yet been designated in 2007 and, therefore, was not evaluated.

The TRIP Stage 1 Project, as described in the original consultation, was constructed between 2008 and 2011. An additional stage of the TRIP Stage 2 Project was included in the consultation but not funded until 2015. A biological assessment update and re-initiation for that construction stage of the TRIP was completed with the USFWS and a concurrence letter was issued dated August 12, 2015 (USFWS Ref. 01EWFW00-2015-I0636). WSDOT subsequently received the funding necessary to construct Stage 3 of the TRIP, which is evaluated in this EA. NMFS concurred that Stage 3 would not change the effect determinations or modify the Incidental Take Statement provided in the original BiOp. However, because Puget Sound steelhead critical habitat was designated under the ESA in 2016 and, therefore, not addressed in the original consultation, a BA update, to address informal effects on Puget Sound steelhead critical habitat, was submitted in January of 2017, and a concurrence letter (NMFS Tracking No. WCR-2017-6243) was issued on March 8, 2017. No new species have been listed and no new critical habitat has been designated since consultation was concluded in 2017.

Renton to Bellevue Project

In 2006, the FHWA submitted a BA to NMFS requesting formal consultation for the fully configured buildout of the northern portion of the Project (MP 3.8 to 11.9) I-405, Renton to Bellevue Project SR 169 to I-90 (Renton to Bellevue Project). On January 3, 2007 the NMFS issued a BiOp (NMFS Tracking No: 2006/01454) and Incidental Take Statement for adverse effects on Puget Sound Chinook salmon and informal effects on designated critical habitat for Puget Sound Chinook salmon. In 2007, the FHWA requested reinitiation of formal consultation for

Puget Sound steelhead when they were listed as threatened under the ESA. On March 12, 2008, NMFS issued a BiOp (NMFS Tracking No: 2007/04403) and Incidental Take Statement for adverse effects on Puget Sound steelhead.

Puget Sound steelhead critical habitat was designated under the ESA in 2016. A request for reinitiation, to address informal effects on Puget Sound steelhead critical habitat, was submitted to NMFS in November of 2017 and a concurrence letter (NMFS Tracking No. WCR-2017-8088) was received on December 11, 2017. No new species have been listed or critical habitat has been designated since consultation was concluded in December 2017.

The Renton to Bellevue Project (MP 3.8 to 11.9) was consulted separately by USFWS. A BA was submitted to the USFWS in April 2006. USFWS issued a Letter of Concurrence addressing bald eagle, bull trout, and designated critical habitat for bull trout on November 28, 2006 (USWFS Ref. 1-3-06-I-0253). A BA update was submitted to USFWS under the project name I-405 - Renton to Bellevue Project SR 169 to I-90 in April of 2016, and a concurrence letter confirming prior effect determinations and addressing Western yellow-billed cuckoo (USWFS Ref. 01EWFW00-2016-I-0717) was issued on May 26, 2016. No new species have been listed and no new critical habitat has been designated since consultation was concluded in May 2016. On December 3, 2018 WSDOT submitted a project update to NMFS and USFWS. The project update was provided because several streams were reassessed based on a request from the Muckleshoot Indian Tribe. As part of that reassessment, some of the streams were found to meet the physical criteria for potential fish use (they had previously been identified as non-fish bearing streams). Four additional non-fish passable culverts will now be replaced with fish passable structures as part of the Project. WSDOT re-evaluated each of the four streams for potential effects to ESA-listed species and found that there are no additional effects to consider.

In addition, on January 29, 2019, WSDOT submitted another project update to NMFS and USFWS. The project update was provided due to changes made to work proposed at May Creek based on consultation between the U.S. Army Corps of Engineers and Muckleshoot Indian Tribe as part of the 404 permit. As a result, the Project will remove additional riprap in the May Creek channel and will install large woody material. Some of this work may occur below the ordinary high water mark, but will be done during the low-flow, in-water work window to minimize impacts from turbidity to listed fish species. Once the work is completed, the removal of the riprap and addition of large woody material is expected to improve habitat.

Exhibit 5 summarizes the effect determinations for the Project.

Exhibit 5. Effect Determinations for the Project

Name	Effect Determinations - TRIP	Effect Determinations - Renton to Bellevue
Aquatic Species		
Puget Sound ESU Chinook Salmon	Likely to adversely affect	Likely to adversely affect
Puget Sound ESU Chinook Salmon Critical Habitat	Likely to adversely affect	Not likely to adversely affect
Puget Sound Steelhead Trout	Likely to adversely affect	Likely to adversely affect
Puget Sound Steelhead Trout Critical Habitat	Not likely to adversely affect	Not likely to adversely affect
Puget Sound/Coastal DPS Bull Trout	Likely to adversely affect	Not likely to adversely affect
Puget Sound/Coastal DPS Bull Trout Critical habitat	Likely to adversely affect	Not likely to adversely affect
Terrestrial Species		
Canada Lynx	No effect	No effect
Gray wolf	No effect	No effect
Marbled Murrelet	No effect	No effect
Golden Paintbrush	No effect	No effect
Streaked horned lark	No effect	No effect
Yellow-Billed Cuckoo	Not likely to adversely affect	Not likely to adversely affect

TRIP = Tukwila to Renton Improvement Project

Documentation of the ESA consultation can be found in Attachment M of the EA, Agency and Tribal Correspondence and Attachment 8 of this FONSI, Supplemental Endangered Species Act Information to Attachment M of the EA.

FHWA finds the Project is compliant with the ESA. To err on behalf of the species, FHWA assumes the most conservative effect determination listed above for each species applies to the Project as currently proposed.

Magnuson-Stevens Act

WSDOT analyzed essential fish habitat (EFH) for species regulated under a federal Fisheries Management Plan under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). As described previously under the ESA finding, ESA consultation for the TRIP and Renton to Bellevue projects were conducted as separate consultations. In a letter dated April 2, 2018, and included in Attachment M of the EA, Agency and Tribal Correspondence, it was

determined that all potential direct, indirect and cumulative effects were addressed in ESA consultation documents prepared for those projects, which included findings for effects on EFH.

On March 3, 2008, the NMFS determined that the TRIP was likely to adversely affect Pacific salmon EFH. Similarly, for the Renton to Bellevue Project, NMFS determined on January 3, 2007 that Pacific salmon EFH will be adversely affected. As part of the ESA consultations for TRIP and the Renton to Bellevue Project NMFS issued seven conservation recommendations to avoid, minimize, or otherwise offset potential adverse effects on EFH. The Project will be built in accordance with the seven conservation measures and conditions as documented in FHWA's April 16, 2008 letter found in Attachment 8 to this FONSI, Supplemental Endangered Species Act Information to Attachment M of the EA.

After considering the EA, its supporting documents, and the EA comments and responses, FHWA finds that with the conservation recommendations, the Project satisfies the requirements of the MSA.

Farmland Finding

Suitable soils and active farming do not occur within the Project area. Therefore, the Farmlands Protection Policy Act of 1981 (7 U.S.C. 4201-4209) and other applicable state and federal farmlands protection policies, orders, and guidance do not apply to the Project.

Wetland Finding

As shown in Exhibit 6, 39 of 62 wetlands in the study area will be affected. The Project will permanently affect 5.83 acres of wetlands and 2.10 acres of wetland buffer, and it will temporarily affect 0.24 acre of wetlands and 0.87 acre of wetland buffer.

Exhibit 6. Wetlands Affected by the Project

Wetland Name	Wetland Size (acres)	Permanent Impacts (acres)	Permanent Wetland Buffer Impacts (acres)	Temporary Impacts (acres)	Temporary Wetland Buffer Impacts (acres)
4.9 R	0.01	0.01	0	0	0
5.0 R	0.02	0.02	0	0	0
5.1 R	0.05	0	0	0	0
5.37 L	0.12	0	0.02	0	0.01
5.38 L	0.26	0.26	0	0	0
5.39 L	0.06	0.01	0.16	0.01	0.01
5.4 L	0.02	0.02	0	0	0
7.2 R	5.13	1.58	0.5	0.01	0
7.3 R	0.48	0.06	0.09	0.01	0.13
7.35 R	0.28	0.28	0	0	0
7.42 R	0.17	0.17	0	0	0
7.44 L	0.07	0.01	0.13	0.01	0.02

Wetland Name	Wetland Size (acres)	Permanent Impacts (acres)	Permanent Wetland Buffer Impacts (acres)	Temporary Impacts (acres)	Temporary Wetland Buffer Impacts (acres)
7.5 L	0.28	0.03	0.12	0.01	0.01
7.66 R	0.50	0.50	0	0	0
7.78 L	0.7	0.7	0	0	0
7.82 R	0.37	0.11	0.06	0.02	0.04
7.84 R	0.67	0.12	0.33	0.02	0.02
8.05 R	0.05	0.05	0	0	0
8.2 L	0.01	0.01	0	0	0
8.2 R	0.03	0.03	0	0	0
8.4 L	0.02	0.02	0	0	0
8.44 L	0.11	0.07	0.14	0.02	0.04
8.5 L	0.01	0	0.01	0	0.01
8.75 L	0.05	0.05	0	0	0
8.8 L	0.07	0.07	0	0	0
9.3 R	0.25	0.25	0	0	0
9.32 R	0.04	0.04	0	0	0
9.5 L	0.02	0.02	0	0	0
9.68 L	0.1	0.01	0.06	0.03	0.02
9.82 L	0.09	0.09	0	0	0
9.83 L	0.17	0.10	0.22	0.02	0.05
10.0 L	0.34	0.34	0	0	0
10.01 R	0.08	0.08	0	0	0
10.12R	0.68	0	0.12	0	0.4
10.16 L	0.14	0.14	0	0	0
10.25 L-A	0.02	0.02	0	0	0
10.25 L-B	0.20	0.02	0	0.02	0.02
10.8 L	41.09	0.51[a]	0.01	0.06	0.03
10.9 L	0.07	0.03	0.13	0	0.06
Total		5.83	2.10	0.24	0.87

[a] 0.41 acre of impact to 10.8L is an indirect permanent impact due to increased hydrology from a new stormwater outfall

The permanent effects on 5.83 acres of wetlands and 2.10 acres of wetland buffers and temporary effects of 0.24 acre of wetlands and 0.87 acre of wetland buffers cannot be avoided due to the current roadway design. Most wetlands in the study area provide limited functions due to the lack of stormwater control, conveyance, and management facilities. Wetlands and the water quality functions they provide would likely continue to be affected by untreated runoff

entering the wetlands, as well as by sediment transport and erosion. Filling a portion of a wetland or altering its vegetation can reduce the wetland's capacity to store stormwater, filter pollutants, protect streambanks from erosion, and provide wildlife habitat.

Wetland buffer sizes are limited by their proximity to elements of the built environment and typically consist of immature trees, shrubs, or grasses intermixed with nonnative invasive plant species. As a result, most wetland buffers in the study area provide limited habitat functions.

Streams and Culverts

As part of ongoing Government-to-Government consultation with the Muckleshoot Indian Tribe and in response to comments received by the Muckleshoot Indian Tribe on the EA, WSDOT, a representative from the Muckleshoot Indian Tribe, and the Washington Department of Fish and Wildlife (WDFW) reassessed several streams in the Project area to determine if the streams have fish use potential based on physical habitat criteria. This field work was conducted in September and October 2018. As a result of this work, five Project area streams that had originally been determined by WDFW to not have fish use potential were determined to have fish use potential. Exhibit 7 lists the streams in the Project area that were examined per the request of the Muckleshoot Indian Tribe and explains changed conditions. Information on fish use potential that was presented in the EA has been updated in Attachment 2 to this FONSI, Errata to the Environmental Assessment.

Exhibit 7. Reassessed Fish Use Potential in Streams

Name	WDFW Site ID	Assessment of Fish Presence in EA	WDFW Assessment of Fish Use Potential Post-EA	Explanation
Stream 4.61	998969	Not applicable, this stream was not listed as a stream in the EA	Y, stream added to the EA	The drainage was reassessed and was found to be wide enough (at least 0.61 meter wide) to meet WDFW criteria indicating that it could potentially support fish.
UNT 08.LW.7.7	932934	N	N	No change due to updated field work.
8.05	934702	N	N	Site was determined to be a drainage and not a stream, so it is no longer on the stream list and is shown as a drainage on maps.
8.12	934703	N	N	Site was determined to be a drainage and not a stream, so it is no longer on the stream list and is shown as a drainage on maps.
Stream 8.15	934704	N	Y	This stream was not previously assessed by WDFW. The stream was measured and was found to be wide enough (at least 0.61 meter wide) to meet WDFW criteria indicating that it could potentially support fish.
8.22	934705	N	N	Site was determined to be a drainage and not a stream, so it is no longer on the stream list and is shown as a drainage on maps.

Name	WDFW Site ID	Assessment of Fish Presence in EA	WDFW Assessment of Fish Use Potential Post-EA	Explanation
8.31	934706	N	N	Site was determined to be a drainage and not a stream, so it is no longer on the stream list and is shown as a drainage on maps.
Stream 8.55	934707	N	N	No change due to updated field work.
Stream 8.7	996031	N	N	No change due to updated field work.
Stream 8.9	934709	N	N	No change due to updated field work.
Stream 9.8 at ERC	934731	N	Y	The portion of the stream located west of the ERC was measured and was found to be wide enough (at least 0.61 meter wide) to meet WDFW criteria indicating that it could potentially support fish.
Stream 9.8 at I-405	934710	N	N	No change due to updated field work.
Stream 9.9 at ERC	934730	N	Y	The portion of the stream located west of the ERC was measured and was found to be wide enough (at least 0.61 meter wide) to meet WDFW criteria indicating that it could potentially support fish.
Stream 9.9 at I-405	934711	N	N	No change due to updated field work.
Stream 10.0	932933	N	Y	The stream was remeasured and was found to be wide enough (at least 0.61 meter wide) to meet WDFW criteria indicating that it could potentially support fish.
Stream 11.8	934708	Not applicable, stream is not in the Project footprint, but is in the Project study area	Y, downstream of ERC, N in WSDOT right of way upstream of 934708	This stream is located west of I-405 and the ERC. The portion west of ERC was remeasured and was found to be wide enough (at least 0.61 meters wide) to meet WDFW criteria indicating that it could potentially support fish. The drainage upstream of WDFW Site ID 934708 does not meet the physical criteria for fish use potential.

Y = Yes, N = No, UNT = unnamed tributary, ERC = Eastside Rail Corridor; WDFW = Washington Department of Fish and Wildlife

The Project will replace seven fish barriers with fish passable structures. Exhibit 8 identifies barriers that will be removed as part of the Project, identifies barriers on the Injunction list as of August 2018, and provides an overview of expected stream impacts.

Exhibit 8. Fish Passage Improvements and Discussion of Stream Impacts in the Project Area

#	Stream Name	WDFW Site ID[a]	Fish Use Potential[b]	Injunction List Barrier, August 2018[c]	Barrier Replaced by the Project	Stream Impact	Description of Project Work
1	Gilliam Creek	996030	Y	Y	N	N	No stream work at these locations
		995857	Y	Y	N	N	
		998967	Y	Y	N	N	
2	Cottage Creek	998965	Y	N	N	N	No stream work in this location
3	UNT to Gilliam Creek	None	N	N	N	N	No stream work in this location
4	Green River	999117	Y	Not Applicable[d]	Not Applicable[d]	N	No stream work in this location
5	Springbrook Creek	998968	Y	Not Applicable[d]	Not Applicable[d]	N	No stream work in this location
6	Panther Creek	991486	Y	N	N	N	No stream work in this location
7	Rolling Hills Creek	991202	Y	Y	N	N	No stream work at these locations
		995470	Y	Y	N	N	
		994409	Y	Y	N	N	
8	Thunder Hills Creek	994406	Y	Y	N	N	No stream work at this location
9	UNT to Thunder Hills Creek	None	N	N	N	N	No stream work at this location
10	UNT to Cedar River	None	N	N	N	N	No stream work at this location
11	Cedar River	998983	Y	Not Applicable[d]	Not Applicable[d]	Y	Widening the southbound bridge on I-405 over the Cedar River
12	Stream 4.61	998969	Y	N	N	N	No stream work at this location
13	Johns Creek	996482	Y	Y	N	Y	Culverts are to remain, an additional stormwater outfall would be constructed downstream of the WDFW Site ID, and large woody material would be placed at the new stormwater outfall.
14	Clover Creek	999410	Y	N	N	N	No stream work at this location

Exhibit 8. Fish Passage Improvements and Discussion of Stream Impacts in the Project Area

#	Stream Name	WDFW Site ID[a]	Fish Use Potential[b]	Injunction List Barrier, August 2018[c]	Barrier Replaced by the Project	Stream Impact	Description of Project Work
15	May Creek	998970	Y	Not Applicable[d]	Not Applicable[d]	Y	Construct two single span bridges, remove rip rap, and install large woody material in the stream channel and floodplain.
16	UNT 08.LW.0283 (formerly Gypsy Creek)	996032	Y	Y	Y	Y	Install four fish passable structures; 2 at I-405, 1 at NE 44th, 1 at Lake Washington Blvd, 933259 will no longer convey the creek and will only convey stormwater
		933259	Y	Y	Y	Y	
		996038	Y	N	Y	Y	
17	UNT 08.LW.7.7	932934	N	N	N	Y	Install a culvert extension or culvert replacement
18	UNT 08.LW.7.7A	998971	Y	Y	N	Y	Replace existing culvert with a new, larger culvert and restrictor to prevent downstream flooding.
19	UNT 08.LW.7.8	998972	Y	Y	N	Y	Replace existing culvert with a new, larger culvert and restrictor to prevent downstream flooding.
20	Stream 8.15	934704	Y	N	Y	Y	Install a fish passable structure
21	Stream 8.55	934707	N	N	N	Y	No stream work in WSDOT right of way, work includes building the ERC trail and replacing or repairing the existing ERC culvert.
22	Stream 8.7	996031	N	N	N	Y	Install a culvert extension
23	Stream 8.9	934709	N	N	N	Y	Encroachment into stream and associated buffers resulting from construction of retaining walls, roadway widening, and a stormwater pipe extension
24	Lakehurst Creek	998973	Y	N[e]	N	Y	No stream work at this location, stream buffer impacted by roadway widening

Exhibit 8. Fish Passage Improvements and Discussion of Stream Impacts in the Project Area

#	Stream Name	WDFW Site ID[a]	Fish Use Potential[b]	Injunction List Barrier, August 2018[c]	Barrier Replaced by the Project	Stream Impact	Description of Project Work
25	Stream 9.8 at ERC	934731	Y	N	Y	Y	Install a fish passable structure under ERC
	Stream 9.8 at I-405	934710	N	N	N	N	No stream work at this location
26	Stream 9.9 at ERC	934730	Y	N	Y	Y	Install a fish passable structure under ERC
	Stream 9.9 at I-405	934711	N	N	N	N	No stream work at this location
27	Stream 10.0	932933	Y	N	Y	Y	There is a single crossing of this stream at I-405, near MP 10.0. The existing culvert would be replaced.
28	Coal Creek	08.0268 0.80	Y	N	N	Y	Encroachment into stream buffers resulting from construction of retaining walls.
29	Richards Creek	994412	Y	Y	N	N	No stream work at this location
30	Stream 11.8	934708	N[f]	N	N	N	This stream is not in the Project footprint, no stream work at this location.

Y = Yes; N = No; ERC = Eastside Rail Corridor; UNT = unnamed tributary; WDFW = Washington Department of Fish and Wildlife

[a] The WDFW Site ID represent stream crossings within the Project.

[b] Fish use potential relies on several criteria to qualify if the upstream reach has the ability to support fish.

[c] The information presented in this column is based on fish barriers identified in the August 24, 2018 Injunction list and additional barriers identified through consultation.

[d] Crossing is identified as a non-culvert crossing.

[e] Lakehurst at I-405 is currently classified as a dam due to the vertical standpipe that serves as an outlet of the court-ordered sedimentation pond located near the 112th Avenue SE Park-and-Ride. WSDOT recognizes their responsibility to provide fish passage to comply with the Injunction.

[f] Stream 11.8 begins downstream of WDFW Site ID 934708. This downstream section has fish use potential; however, the drainage upstream of WDFW Site ID 934708 does not meet the physical criteria for fish use potential.

Exhibit 9 provides additional information describing temporary and permanent impacts to streams and their buffers.

Exhibit 9. Work within Streams and Stream Buffers

Name	Fish Use Potential[a]	Temporary Stream Impacts (square feet)	Temporary Buffer Impacts (square feet)	Permanent Stream Impact (square feet)	Permanent Buffer Impact (square feet)
Cedar River	Y	0	5,522	0	4,859
John's Creek	Y	1,207	7,019	289	6,764
May Creek	Y	0	23,287	3,058	22,581
UNT.08.LW.0283 (formerly Gypsy Creek)	Y	0	11,047	3,224	10,405
UNT 08.LW.7.7	N	34	0	214	0
UNT 08.LW.7.7A	Y	248	5,270	394	6,133
UNT 08.LW.7.8	Y	0	927	110	0
Stream 8.15	Y	61	19,124	295	12,212
Stream 8.55	N	21	377	14	150
Stream 8.7	N	0	522	62	1,475
Stream 8.9	N	15	2,543	442	10,683
Lakehurst Creek	Y	0	596	0	1,127
Stream 9.8	Y at ERC, N at I-405	11	4,919	449	3,599
Stream 9.9	Y at ERC, N at I-405	45	5,343	541	5,923
Stream 10.0	Y	0	1,345	725	0
Coal Creek	Y	0	1,796	0	4,291
TOTAL		1,642	89,637	9,817	90,202

Y = Yes; N = No; ERC = Eastside Rail Corridor; UNT = unnamed tributary

[a] Fish use potential relies on several criteria to qualify if the upstream reaches have the ability to support fish.

Most habitat impacts would be associated with buffers, related to culvert replacements and providing site access. Temporary and permanent impacts to aquatic habitat are more limited. At Cedar River, the I-405 southbound bridge widening would have impacts on the river and riparian buffer. In the case of May Creek, WSDOT would remove rocks and place large woody material in the stream channel. WSDOT will also replace seven fish barriers with fish passable structures on UNT 08.LW.0283 (three fish barriers will be replaced), Stream 8.15, Stream 9.8, Stream 9.9, and Stream 10.0. Two existing culverts that are located under I-405 carrying streams UNT 08.LW.7.7A and UNT 08.LW.7.8 have been identified as full fish passage barriers by WDFW. Juvenile and adult salmonids are not able to access habitat upstream of I-405. UNT 08.LW.7.7A and UNT 08.LW.7.8 have 605 and 303 lineal meters of potential upstream habitat, respectively. The downstream drainage from UNT 08.LW.7.7A and UNT 08.LW.7.8 combines and runs between two houses in an undersized flume and experiences some flooding today at

the outlet in high flow conditions. In addition, these two existing culverts under I-405 have known maintenance issues and need to be replaced because they are at the end of their useful life.

This Project would construct new, larger culverts in accordance with the 2013 United States District Court Injunction (Injunction[1]). In addition, because of downstream constraints on private properties, flow restrictors would be installed on the new upsized culverts so they would not flood downstream areas. Similar to existing conditions, the new culverts would not be fish passable with the flow restrictors, and, once the Project is built, juvenile and adult salmonids would not able to access habitat upstream of I-405. The Project would not change the environment for fish compared to existing conditions, but it would install culverts that could be fish passable in the future once downstream constraints are eliminated.

Removing the downstream constraints to make the two culverts fully fish passable is not a part of this Project. WSDOT commits to implementing one of two options:

1. **Primary Option:** Acquire property rights to create a pathway for the streams to outfall to Lake Washington. If WSDOT is successful in obtaining the necessary property rights, it could take up to six years to complete this process and construct this option with an opening about the same time as the completion of the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (expected at the end of 2024). This option is WSDOT's preferred solution to restore full fish passage at UNT 08.LW.7.7A and UNT 08.LW.7.8. This option could be constructed at the same time as this Project negating the need to install the flow restrictors. However, depending on the timing, WSDOT may need to install the flow restrictors as a temporary measure until the downstream pathway is complete. WSDOT recognizes that the Muckleshoot Indian Tribe would prefer these restrictors not be installed or that they be removed as soon as possible to ensure the streams are fully fish passable.
2. **Contingency Option:** WSDOT would install removable restrictors to reduce downstream waterflow on UNT 08.LW.7.7A and UNT 08.LW.7.8. This option would result in the replaced barriers being considered full fish barriers for as long as the flow restrictors are in place. Per Section 10 of the Injunction, WSDOT would develop off-site mitigation in consultation with the Muckleshoot Indian Tribe. This option could take up to five years to complete and construct the mitigation sites. Because WSDOT will need to determine the outcome of the Primary Option before pursuing this Contingency Option, this option would likely not be in place until 2025, a year after the opening of the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project.

[1] *Federal Court Injunction. 2013. United States et al. vs. Washington et al. No. C70-9213 Subproceeding No. 01-1 dated March 29, 2013*. The Culvert Injunction applies to anadromous stream crossings on state owned roads in this project area. It required the State to correct approximately 1,000 fish passage barriers. By 2030, the State is required to correct those that correspond to 90 percent of the total potential habitat blocked by significant barriers. This is approximately 415 barriers to date. The Injunction specifies that correction be either bridges or stream simulation culverts, but Section 10 allows deviation from this, accompanied with mitigation, when extraordinary site conditions exist.

Due to the uncertainty of whether the downstream conveyance option (primary option) will be successful, WSDOT will continue to pursue both options on a parallel path, in consultation with the Muckleshoot Indian Tribe. The contingency option will only be triggered if the primary option is not successful (i.e. right of way cannot be acquired). WSDOT will know in 2021 if the primary option is a viable solution.

Construction of either the primary option or the contingency option will be a future I-405 project. The culverts on UNT 08.LW.7.7A and UNT 08.LW.7.8 will remain on the Injunction list until they are made fully fish passable. WSDOT will complete any necessary environmental review as required under NEPA and the State Environmental Policy Act (SEPA), obtain required permits, and continue active consultation with the Muckleshoot Indian Tribe on the remedy for these two culverts. WSDOT will provide an annual update each year on the status of implementing these options to FHWA, Muckleshoot Indian Tribe, the U.S. Army Corps of Engineers, and Ecology.

WSDOT will mitigate permanent effects on wetlands from the Project at a variety of mitigation sites. These mitigation sites include the Springbrook Creek mitigation bank and Kelsey Creek for wetland mitigation; May Creek, Median Creek, Stream 8.15, and UNT 08.LW.0283 (Gypsy Creek) for stream and buffer mitigation; and Ron Regis Park (City of Renton property) and the Mercer Slough site (on WSDOT property) for buffer mitigation. Specific mitigation strategies at each of the sites are in development and will be detailed in permit documentation. FHWA finds that there is no practicable alternative to the proposed new construction within wetlands. The Project includes all practicable measures to reduce impacts to wetlands that may result from the Project.

After considering the EA, its supporting documents, and the EA comments and responses, FHWA finds that the Project, with the mitigation that is required herein, will have no significant adverse impact on wetlands, wetland buffers, streams, or stream buffers.

Section 106 Finding

WSDOT conducted a Cultural Resources Survey of the area of potential effects (APE) in compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA). The Cultural Resources Survey is contained in Attachment E of the EA, and Section 106 consultation documentation can be found in Attachment M of the EA, Agency and Tribal Correspondence and Attachment 7 to this FONSI, Section 106 Update to Attachment M of the EA.

No archaeological resources were identified within the APE. The study area has a very low probability for archaeological sites due to extensive previous disturbance related to the original construction of I-405 (i.e., massive cuts and fills) and limited Holocene-era sediments.

Two historic resources were identified: the Paukstis House (11620 Southeast 45th Place in Bellevue), which is eligible for the National Register of Historic Places (NRHP); and the Lake Washington Belt Line, a historic railway corridor, which was determined eligible in 2007. Project activities will not affect the Paukstis House. The planned conversion of the Lake Washington Belt Line route to a non-motorized trail (the Eastside Rail Corridor (ERC) Regional Trail) will not be an adverse effect.

On June 21, 2017, WSDOT, on behalf of FHWA, determined that this Project undertaking will have no adverse effect on historic properties. On June 26, 2017, the State Historic Preservation Officer (SHPO) concurred with WSDOT's determination of no adverse effect on historic properties. The SHPO's letter also included concurrence that the Paukstis House is eligible for listing on the NHRP.

On April 3, 2018, WSDOT, on behalf of FHWA, sent a letter to the SHPO requesting concurrence that there will be no adverse effects related to work proposed for MP 0.0 and MP 3.8 and the Lake Washington Belt Line. The SHPO concurred with the no adverse effect determination in a letter dated April 9, 2018.

On December 19, 2018, WSDOT, on behalf of FHWA, sent a letter to the SHPO requesting concurrence that there will be no adverse effects related to work proposed to replace an additional four fish culverts with fully fish passable structures at Streams 8.15, 9.8, 9.9, and 10.0. In December 2018, WSDOT, on behalf of FHWA, re-initiated consultation for this Project for the findings that replacing culverts at Streams 8.15, 9.8, 9.9, and 10.0 would have no adverse effect on historic properties. No comments or concerns were submitted by consulting parties. On January 2, 2019, the SHPO concurred with WSDOT's determination of no adverse effect on historic properties. Documentation of the SHPO's finding is contained in Attachment 7 of this FONSI, Section 106 Update to Attachment M of the EA.

After considering the EA, its supporting documents, and the EA comments and responses, FHWA finds that the Project will have no adverse effect on historic properties.

Section 4(f) Finding

The existence of potential U.S. Department of Transportation Act of 1966 Section 4(f) resources was evaluated as part of the EA. A total of 28 Section 4(f) resources were identified in the study area including 18 publicly owned parks, eight trails, and two historic resources. As shown in Exhibit 10, most of these Section 4(f) resources are located far enough from the I-405 corridor that the activities, features, or attributes of these resources would not be affected by construction activities or long-term operations of the Project. The Section 4(f) findings for the Project are summarized in Exhibit 10 and additional information is provided following the table explaining Section 4(f) determinations that qualified as exceptions, temporary occupancy, or *de minimis* findings under Section 4(f).

Exhibit 10. Summary of Section 4(f) Determinations

Recreational Resource		Distance from Project Footprint	Permanent Acquisition	Effects and Section 4(f) Determinations[a]
1	Burnett Linear Park	About 0.25 mile	None	None, no Section 4(f) use
2	Tonkins Park	About 0.25 mile	None	None, no Section 4(f) use
3	Narco Site and Cedar River Natural Area	Adjacent to WSDOT right of way	None	None, no Section 4(f) use
4	Cedar River Park	Adjacent to WSDOT right of way	None	Temporary traffic delays during construction to traffic using the secondary park entrance, no Section 4(f) constructive use
5	Ron Regis Park	2.5 mile	None	Stream buffer enhancements meet the Section 4(f) exception specified in 23 CFR 774.13 (g)
6	Gateway Park	About 0.25 mile	None	None, no Section 4(f) use
7	Piazza Park	About 0.25 mile	None	None, no Section 4(f) use
8	Veterans Memorial Park	About 0.25 mile	None	None, no Section 4(f) use
9	Jones Park	About 0.25 mile	None	None, no Section 4(f) use
10	Liberty Park	Adjacent to WSDOT right of way	None	None, no Section 4(f) use
11	Windsor Hills Park	About 0.25 mile	None	None, no Section 4(f) use
12	Gene Coulon Memorial Beach Park	500 feet	None	Temporary traffic delays during construction to traffic entering the park, no Section 4(f) constructive use
13	Kennydale Elementary School Playground	Adjacent to WSDOT right of way	None	None
14	May Creek Greenway – Fawcett property	Adjacent to WSDOT right of way	1.03 acre	1.03-acre permanent acquisition –*de minimis* finding
	May Creek Greenway - Meadow property	Adjacent to WSDOT right of way	None	Temporary construction easement, Section 4(f) temporary occupancy
15	Little Rhody Park	1,000 feet	None	None, no Section 4(f) use
16	Newcastle Beach Trail and Park	Adjacent to WSDOT right of way	None	Temporary traffic delays during construction to traffic entering the park, no Section 4(f) constructive use
17	Coal Creek Natural Area	Adjacent to WSDOT right of way	None	None, no Section 4(f) use
18	Mercer Slough Nature Park	300 to 500 feet	None	Stormwater feature proposed in WSDOT right of way near the park, no Section 4(f) constructive use

Trails		Distance from Project Footprint	Permanent Acquisition	Effects
1	Duwamish Green River Trail	Crosses under I-405, is within WSDOT right of way	None	None, no Section 4(f) use
2	Interurban Trail	Crosses under I-405, is within WSDOT right of way	None	None, no Section 4(f) use
3	Springbrook Trail	Crosses under I-405, is within WSDOT right of way	None	None, no Section 4(f) use
4	Cedar River Trail	Crosses under I-405, is within WSDOT right of way	None	Temporary detours or delays and trail realignment within WSDOT right of way, meets the Section 4(f) exception specified in 23 CFR 774.13 (f)(3)
5	ERC Regional Trail/ERC	Adjacent to WSDOT right of way	None	Project improvements would replace the existing interim trail with a permanent trail and fish passage improvements at Streams 9.8 and 9.9. During construction, pedestrians and bicyclists would be detoured to the Lake Washington Trail. Proposed improvements and the detour meet the Section 4(f) exemption in 23 CFR 774.13(d).
6	May Creek Trail	Adjacent to and within WSDOT right of way	None	Construction would occur near the trail, but would not restrict trail use, no Section 4(f) constructive use
7	Lake Washington Trail	Within WSDOT right of way	None	Trail sections relocated to the ERC Regional Trail, this is not considered a Section 4(f) resource
8	Mountain to Sound Greenway (I-90 Trail)	Within WSDOT right of way	None	None, this is not considered a Section 4(f) resource
Historic Resource		**Distance from Project Footprint**	**Permanent Acquisition**	**Effects**
1	ERC	Adjacent to WSDOT right of way	None	Section 4(f) *de minimis* finding due to NHRP eligibility and finding of "no adverse effect" under Section 106
2	Paukstis House, 11620 SE 45th Place	Adjacent to WSDOT right of way	None	None, no Section 4(f) use

ERC = Eastside Rail Corridor

[a]A constructive use occurs when the transportation project does not incorporate land from a Section 4(f) property, but the project's proximity in activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired.

Ron Regis Park and Cedar River Trail

As part of the Section 4(f) analysis, it was determined that activities at the following locations meet the criteria for a Section 4(f) exception as discussed below:

- **Ron Regis Park –** WSDOT plans to make stream buffer enhancements to a 6,000-square-foot area located in Ron Regis Park where stream buffer mitigation is proposed. These enhancements were determined to qualify as a Section 4(f) exception under 23 CFR 774.13(g). This exception applies to transportation enhancement projects and mitigation activities when they are solely for the purpose of preserving or enhancing an activity, feature, or attribute that qualifies the property for Section 4(f) protection, if the official with jurisdiction over the Section 4(f) resource agrees to the proposed enhancement activity. The City of Renton, who owns the park, has agreed to these findings as indicated in Attachment 6 of this FONSI, Section 4(f) Updates for Attachment M of the EA.
- **Cedar River Trail** – Construction would affect a portion of the Cedar River Trail within WSDOT right of way. Trail use would be provided during construction, and about 150 to 200 feet of the Cedar River Trail on the south side of the Cedar River would be permanently realigned within WSDOT's right of way to make room for a new bridge pier. The affected areas are all located within WSDOT right of way and would be fully restored following construction. These effects would meet the Section 4(f) exception found in 23 CFR 224.13 (f)(3) because construction would affect only a portion of the Cedar River trail contained within WSDOT right of way and the continuity of the trail would be maintained.

May Creek Greenway – Fawcett Property

WSDOT will permanently require 1.03 acres of land from the City of Renton's Fawcett property, which is part of the May Creek Greenway. A determination of a *de minimis* under Section 4(f) may be made when all three of the following criteria are satisfied:

- The transportation use of the Section 4(f) resource, together with any effect avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f).
- The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource.
- The official(s) with jurisdiction over the property are informed of the U.S. Department of Transportation's intent to make the *de minimis* effect determination based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f).

It was determined that with mitigation as outlined in an interlocal agreement, the acquisition will have a *de minimis* effect determination under Section 4(f) because the Project will not adversely affect the activities, features, and attributes that qualify the property for protection

under Section 4(f). The City of Renton was informed of the U.S. Department of Transportation's intent to make the *de minimis* effect determination. The City's concurrence was granted in an interlocal agreement between WSDOT and the City of Renton describing their concurrence and required mitigation. The interlocal agreement is contained in Attachment M of the EA, Agency and Tribal Correspondence. Mitigation is summarized in Section 5.0, Mitigation Commitments.

The public was provided an opportunity to review and comment on the *de minimis* finding as required by Section 4(f) as part of the public comment period for the EA that was held between July 9, 2018 and August 9, 2018. No comments were received from the public objecting to the *de minimis* determination.

May Creek Greenway – Meadow Property

The Project will also require a 2,878-square-foot temporary construction easement at the Meadow Property. This temporary construction easement will meet the Section 4(f) temporary occupancy exemption listed in 23 CFR 774.13(d) because the following conditions will be satisfied:

- The duration is temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land.
- The scope of the work is minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal.
- There are no anticipated permanent adverse physical effects, nor would there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis.
- The land being used would be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the Project.
- There is documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

WSDOT and the City of Renton have concurred that with proposed mitigation, the temporary construction easement needed on the Meadow property will meet the conditions listed above for temporary occupancy. The City's concurrence, as well as the interlocal agreement and letter of intent outlining mitigation, are contained Attachment M of the EA, Agency and Tribal Correspondence. Mitigation is summarized in Section 5.0, Mitigation Commitments.

ERC Regional Trail/ERC

The Project will construct a portion of the ERC Regional Trail within the NRHP eligible ERC alignment (also known as the Lake Washington Belt Line). The ERC is a protected Section 4(f) resource because it is both a historic resource eligible for listing on the NHRP and a recreational trail. The Project will not permanently or temporarily require land from the ERC, nor will the proximity effects result in substantial impairment to the resource's activities, features, or attributes that qualify the property for protection under Section 4(f). Therefore, a Section 4(f) *de minimis* finding was made because the SHPO concurred on April 9, 2018, that there was no

adverse effect on historic resources. The Section 4(f) *de minimis* impact determination and SHPO concurrence is contained in Attachment M of the EA, Agency and Tribal Correspondence.

In addition to the proposed trail improvements, the Project will replace two culverts that are not fish passable with culverts that are fish passable and a new stormwater drainage pipe will be built under the trail that will require a permanent easement. Since the culverts and stormwater pipe would be located under the trail, they would not cause substantial impairment to the resource's activities, features, or attributes that qualify the property for protection under Section 4(f). However, King County recently opened an interim gravel section of the ERC Regional Trail between Gene Coulon Park in Renton and Newcastle Beach Park in Bellevue. Temporary occupancy of the ERC Regional Trail bed will be required during construction of the permanent trail and the two fish passable culverts. The fish passable culverts will be constructed at the same time as the permanent paved trail. During construction, trail users of the interim ERC Regional Trail section will be routed onto the Lake Washington Trail. Construction of the permanent ERC Regional Trail segment will be completed and open for use before the segments of the Lake Washington Trail in WSDOT right of way are closed. The proposed Project activities will meet the Section 4(f) temporary occupancy exemption listed in 23 CFR 774.13(d) because the following conditions will be satisfied:

- The duration is temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land. Trail construction is expected to last about one year, whereas the overall Project construction is estimated at five years.
- The scope of the work is minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal. Work would involve culvert installation, and paving and increasing the width of the interim trail to meet King County's Master Plan standards.
- There are no anticipated permanent adverse physical effects, nor would there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis.
- The land being used will be fully restored, i.e., the property will be returned to a condition which is at least as good as that which existed prior to the Project.
- There is documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions. WSDOT and King County have concurred that the proposed improvements to the ERC Trail meet the conditions listed above for temporary occupancy. King County's concurrence is contained in Attachment 6 of this FONSI, Section 4(f) Updates for Attachment M of the EA.

After considering the EA, its supporting documents, and the EA comments and responses, FHWA finds that the Project will only have temporary occupancy and *de minimus* uses of any historical resource, park, or recreational resource protected by Section 4(f) of the DOT Act of 1966.

Section 6(f) Finding

The existence of Land and Water Conservation Funds Act of 1965 Section 6(f) properties was evaluated as part of the EA. There are five Section 6(f) resources within the study area. As documented in the EA, the Project will not result in the conversion of any Section 6(f) properties; therefore, there will be no effects on Section 6(f) resources.

After considering the EA, its supporting documents, and the EA comments and responses, FHWA finds that the proposed Project will not cause a conversion of any property protected by Section 6(f) of the Land and Water Conservation Funds Act of 1965.

Environmental Justice Finding

Environmental justice populations include persons who identify as minorities, are low-income, or have limited English proficiency. As documented in the EA, data from the U.S. Census and 2011–2015 American Community Survey indicate that approximately 44 percent of the population in the study area identify as minorities and approximately 10 percent of the population have incomes at or below the federal poverty level and are considered low-income. Study area demographics also confirmed the presence of persons with limited English proficiency.

WSDOT has engaged environmental justice populations throughout the life of the Project. Specific outreach to environmental justice communities included seven interviews with social service providers who serve environmental justice populations in the study area. Display advertisements including information on how to review and comment on the EA, and details about the EA hearing were translated into Spanish, Korean, Chinese, and Vietnamese, and the postcards included a Spanish translation. Additionally, WSDOT translated noise wall information into Spanish for the Monterey Terrace neighborhood in Renton when the Project team sought input from property owners and tenants on whether to build a noise wall in this area. Finally, Spanish, Mandarin, and Cantonese translators were provided at the public hearing on July 17, 2018, and no attendees requested translation services.

We conclude that after analyzing the totality of the impacts and associated mitigation, the Project will not have a disproportionately high and adverse effect on the study area's environmental justice populations. A summary of potential effects and mitigation and/or offsetting benefits is provided in Exhibit 11.

Exhibit 11. Project Effects on Environmental Justice Populations, Mitigation, and/or Offsetting Benefits

Project Effect	Mitigation and/or Offsetting Benefits
Effects of the ETLs	
The cost of the toll to use ETLs would disproportionately affect low-income populations.	– These effects will be offset by faster travel times for most users—including environmental justice populations—with the Project. – WSDOT will continue to conduct targeted outreach to engage environmental justice populations in the study area and the I-405 travelshed.
Use of the electronic toll collection system could disproportionately affect persons with limited English proficiency and/or low-income populations.	– WSDOT will continue to offer the option for low-income persons who are eligible for public benefits to use their Electronic Benefit Transfer cards to open and maintain their *Good To Go!* accounts. The use of Electronic Benefit Transfer cards allows users who do not have bank accounts to obtain a *Good To Go!* pass and avoid extra charges for the pay by mail option. – WSDOT is working to expand the network of retail locations where people can buy *Good To Go!* passes with cash, making it easier for people to purchase a pass without a bank account.
The cost to use the entire length of the ETL system would disproportionately affect low-income users, for whom the total cost would represent a higher proportion of annual household income.	– This effect would be minor and improved travel times for almost all users—including environmental justice populations—will offset this effect.
Effects of Property Acquisitions	
Three households who identify as minority have been displaced.[a]	– WSDOT collected information to identify specific needs of the residents, made relocation resources available, ensured at least one comparable property was available to relocate, and reimbursed displaced families for certain relocation costs.
Thirteen residential property owners—including one minority property owner—would experience loss of use of a portion of their yards, closer proximity of their dwellings to the highway, and two would experience a temporary disruption in sewer service.	– WSDOT is conducting property acquisition in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, to ensure just compensation for all properties and a minimal adverse effect on the current owners and tenants. – Areas that qualified for a noise wall, will maintain noise levels close to current conditions. – WSDOT discussed the impacts of the properties with the owners and they indicated a desire for a partial acquisition instead of a full acquisition. – WSDOT will provide temporary relocation to the two property owners who will experience short-term disruption in their sewer service.
One commercial property owner who identifies as minority must sell his property to WSDOT.	– WSDOT conducted property acquisition in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, to ensure just compensation for the adverse effect on the current owner and tenants.

Exhibit 11. Project Effects on Environmental Justice Populations, Mitigation, and/or Offsetting Benefits

Project Effect	Mitigation and/or Offsetting Benefits
One commercial business owned by an individual who identifies as minority is being displaced.	– WSDOT prepared a relocation plan, collected information to identify the specific needs of the affected business, paid for the costs of relocating or replacing all property, provided up to $2,500 to pay for time invested in finding a replacement site, and provided limited funds to pay for costs associated with relocating and reestablishing.
For the displaced, minority-owned business, 26 restaurant employees—including some employees who are environmental justice populations—will lose their jobs.	– Per the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 employees are not eligible for benefits.
Indirect Effects, Transportation	
With the Project, increased capacity on southbound I-405 would allow higher traffic volumes to access southbound SR 167, which would worsen congestion at the SR 167/S 277th Street interchange during afternoon peak periods.	– Although there are no funded projects to mitigate for this congestion, WSDOT has identified a project in the SR 167 corridor that would address this congestion.

[a]All three full residential property acquisitions and some of the partial residential and commercial property acquisitions have already taken place under the completed NEPA process for the previously approved Renton to Bellevue FONSI in 2008; however, the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project EA considered the effects of these acquisitions in making the environmental justice determination.

After considering the EA, its supporting documents, and the EA comments and responses, FHWA finds that the construction and operation of the Project will not have a disproportionately high and adverse effect on environmental justice populations. For more detailed information on the EJ analysis, see the EA and the Environmental Justice Discipline Report.

Noise Finding

WSDOT measured existing sound levels in the study area at 71 sites to understand the existing noise environment, validate the noise model, and estimate future sound levels with and without the Project. The measured sites represent approximately 407 receivers, representing 1,198 residences, 1 hospital, 1 school, 1 daycare, 7 parks, 5 hotels, 3 commercial sites, 3 churches, 9 trails, and 3 swimming pools.

Traffic noise effects occur when predicted noise levels approach or exceed WSDOT Noise Abatement Criteria (NAC). WSDOT considers a noise impact to occur if predicted noise levels approach within 1 A-weighted decibel (dBA) of the NAC (66 dBA). WSDOT also considers an increase of 10 dBA or more to be a substantial increase that constitutes a traffic noise effect. In areas where traffic noise with the Project was expected to approach or exceed the NAC, WSDOT evaluated possible noise abatement (mitigation).

Under existing conditions, 168 receivers, representing 365 residences, 5 parks, 7 trails, and 2 churches currently approach or exceed the NAC. By 2045 with the Project, the number of receivers approaching or exceeding the NAC is expected to be 193, which is less than the No Build Alternative that will affect 203 receivers. The 193 receivers affected by the Project represent 425 residences, 5 parks, 7 trails, and 3 churches. With the proposed mitigation (noise walls), 22 receivers representing 121 residences will drop below the NAC. This means that with the Project 171 receivers representing 304 residences, 5 parks, 7 trails, and 3 churches will be affected, which is less than without the Project.

WSDOT evaluated the feasibility and reasonableness of noise barriers at every location where noise impacts are expected to approach or exceed the NAC with the Project in 2045. Attachment C of the EA, *Noise Discipline Report* provides a detailed explanation of the criteria used to assess feasibility and reasonableness of noise walls, as well as the results of the analysis. WSDOT evaluated 39 possible noise walls and determined that 5 of the 39 noise walls were both feasible and reasonable. Because of this, WSDOT recommended that all 5 noise walls be constructed as part of the Project. However, property owners and tenants near one wall (proposed Wall East 3) expressed their desire not to have a new noise wall constructed as documented in Appendix D of the *Noise Discipline Report*. Therefore, WSDOT is proposing to build 4 noise walls as listed below and shown in Exhibit 4:

- Wall East 10A (Exhibit 4, Sheet 6)
- Wall West 5, ERC1 Trail Wall (Exhibit 4, Sheet 6, Wall West 5)
- Wall East 11 (Exhibit 4, Sheet 7)
- Wall West 6 Extension (Exhibit 4, Sheets 7 and 8)

In addition, WSDOT will relocate two existing walls: Wall East 3 (Exhibit 4, Sheet 4) and Wall West 4 (Exhibit 4, Sheet 6).

Construction will create temporary noise. Noise levels during construction will depend on the type, amount, and location of construction activities, and WSDOT will acquire temporary noise variances as needed.

After reviewing the EA and supporting documents, including comments and responses made to those comments, FHWA finds that with proposed mitigation, the Project will have no significant adverse effects to noise.

5.0 MITIGATION COMMITMENTS

This section describes Project mitigation commitments. The mitigation measures are organized by elements of the environment, as presented in the EA. These commitments were included in the EA as Chapter 6, Measures to Avoid or Minimize Effects.

These commitments have been adopted as part of FHWA's final decision on the proposed Project. They are listed to "assist with agency planning and decision-making" and to "aid an agency's compliance with NEPA when no Environmental Impact Statement is necessary" [40 CFR 1501.3(b) and 1508.9(a)(2)].

The following sections describe the established design and construction practices that WSDOT will include to avoid or minimize impacts to the various environmental resources during both the construction and operation phases of the Project. WSDOT will use best management practices (BMPs), WSDOT Standard Specifications, and design elements to avoid or minimize potential effects on the environment from the Project.

What measures will be taken to avoid or minimize effects during construction?

Permits

As part of the Project construction, the following state and federal permits will be required or may be required. WSDOT will obtain these permits and will adhere to their conditions.

Required Permits

- Section 404 Individual Permit, U.S. Army Corps of Engineers
- Section 401 Water Quality Certification, Washington State Department of Ecology (Ecology)
- Short-Term Eagle Incidental Take Permit, U.S. Fish and Wildlife Service (USFWS)
- Hydraulic Project Approval, Washington Department of Fish and Wildlife (WDFW)
- Section 402 NPDES Construction Stormwater General Permit, Ecology
- City of Renton, Shoreline Substantial Development Permit, Cedar River Bridge
- City of Renton, Shoreline Substantial Development Permit, May Creek Bridge, ERC Regional Trail
- King County Shoreline Substantial Development Permit
- City of Bellevue Shoreline Substantial Development Permit

Permits Likely Required Depending on Final Designs

- Notice of Intent for geotechnical borings, Ecology
- Notice of Intent for installing, modifying, or removing piezometers, Ecology
- Notice of Intent for installing, modifying, or decommissioning wells, Ecology

- Request for Chemical Treatment Form, Ecology
- Administrative Order for Chemical Treatment, Ecology

Transportation

- Existing capacity on I-405 will be maintained during construction activities to the extent possible. Lane or roadway closures will be minimized and scheduled to occur when there is the least effect on traffic within the project corridor, such as overnight and weekend time periods.
- Pedestrian and bicycle circulation will be maintained as much as possible during construction. For any road, bicycle lane, and/or sidewalk closure, clearly marked detours will be provided.
- WSDOT will prepare a Traffic Management Plan (TMP) before making any changes to the traffic flow. We will advise the public, school districts, and emergency service providers of the changes ahead of time through a public information process.
- Prior to and during construction, WSDOT will implement strategies to manage the demand on transportation infrastructure. These transportation demand management strategies, such as support for the use of carpools, vanpools, and public transportation programs, will form an important part of the construction management program and will be aimed at increasing public awareness of their travel options in the corridor.

Noise

To reduce construction noise at nearby receptors (such as nearby residences), the following measures will be incorporated, where practicable, into construction plans and specifications:

- As construction is taking place in a specific area, if possible, WSDOT will construct proposed noise walls and barriers before other construction activities.
- WSDOT will equip construction equipment engines with mufflers, intake silencers, and engine enclosures, as appropriate.
- WSDOT will turn off construction equipment during prolonged periods of non-use to reduce noise.
- WSDOT will locate stationary equipment away from receiving properties to decrease noise.
- WSDOT will maintain all equipment and train their equipment operators in good practices to reduce noise levels.
- WSDOT will use Occupational Safety and Health Act approved ambient sound-sensing backup alarms that could reduce disturbances from backup alarms during quieter periods.

Land Use and Socioeconomics

Communities and Neighborhoods

- WSDOT will prepare and implement a TMP. If local streets must be temporarily closed during construction, detour routes will be provided and clearly marked with signs.
- WSDOT will coordinate with school districts before construction. The TMP will be implemented and coordinated with all emergency services organizations prior to any construction activity.
- WSDOT will coordinate with utility providers prior to construction to identify conflicts and resolve the conflicts before or during construction.
- WSDOT will coordinate with City officials/staff regarding citywide special events. Within Renton, this would include Renton River Days, Clam Lights, and limited hydroplane racing.

Businesses

- WSDOT will maintain access to businesses throughout the construction period.
- Because it can be difficult to determine whether a business is open, or how to access the site during the construction period, WSDOT will make provisions for posting appropriate signs to communicate the necessary information to potential customers.
- WSDOT will keep daytime street closures to a minimum.

Property Acquisition/Displacements

- In those situations where it is necessary to acquire property, WSDOT will conform to the requirements set forth in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended and implemented by FHWA under 49 Code of Federal Regulations (CFR) Part 24, and according to Chapter 468-100 Washington Administrative Code (WAC) Uniform Relocation and Assistance and Real Property Acquisition. This will ensure just compensation for all properties and minimize any adverse effect on the current owners and residents. Relocation resources are available, without discrimination, to all eligible residents and businesses.
- WSDOT will prepare a relocation plan in advance of actual displacements. Additional information will be collected, possibly through property owner interviews, to identify the specific needs of any residences and business that will be relocated.

Environmental Justice

FHWA did not identify any construction effects from the Project that will have a disproportionately high and adverse effect on environmental justice populations. However, WSDOT will continue to conduct targeted outreach to minority populations, low-income populations, and persons with limited English proficiency in the study area and I-405 travelshed before and during construction.

The following measures are part of WSDOT's commitment to public involvement for the Project:

- Translate Project materials about construction effects if requested.
- Work with transit providers on Project materials about transit reroutes and temporary closures of transit stops.
- During Project design, translate the EA informational handout and other information deemed critical into Spanish.
- Distribute Project materials—especially prior to construction-related closures that would affect motorists and transit riders—through social service agencies, Crossroads Mini-City Hall, community-based organizations, libraries, community groups, and schools.

Recreational, Section 4(f), and Section 6(f) Resources

- WSDOT will coordinate construction activities as needed with the City of Renton at Cedar River Park, Ron Regis Park, Cedar River Trail, Gene Coulon Memorial Beach Park, and May Creek Greenway. At Newcastle Beach Park, WSDOT will coordinate construction activities with the City of Bellevue.
- Use of the Cedar River Trail will be provided during construction. At times, trail users may be detoured to a temporary trail that will be located near the existing trail within WSDOT right of way. Flaggers may be used as necessary to manage trail detours.

Visual Quality

- During construction, visual impacts can be reduced by locating material and equipment storage/staging in areas that are not prominent. Light and glare effects can be reduced by shielding freeway lighting and using downcast lighting so light sources (e.g., light bulbs) are not directly visible from residential areas and local streets.
- Visual effects during construction can further be reduced by restoring areas as work in each area is completed, rather than waiting until all roadway construction is done. By restoring completed areas right away, portions of the I-405 corridor will be returned to permanent landscapes sooner.
- Common signs and public notices with clear directions will be used to enhance visual interest.

Water Resources

- WSDOT will protect groundwater with the use of standard BMPs.
- WSDOT will prepare and implement a temporary erosion and sediment control (TESC) plan and a spill prevention control and countermeasures (SPCC) plan. The SPCC plan will include provision for an environmental compliance assurance inspector to be present during construction within the sole source aquifer to monitor groundwater quality, storage of hazardous substances and chemical use practices, and the containment of hazardous chemicals, as appropriate.
- WSDOT will protect Renton's sole source aquifer from Project impacts when working in aquifer protection areas (APA) Zones 1 and 2. As appropriate, when working in APA Zones 1 and 2, WSDOT will comply with the following sections of the Renton Municipal

Code (RMC), as appropriate: Section 4-4-030, Development Guidelines and Regulations – General; Section 4-4-060, Grading, Excavation, and Mining Regulations; Section 4-9-015, APA Permits; and, Section 4-3-050, Critical Areas Regulations.

- Stormwater flow control and runoff treatment facilities located in the City of Renton's APA Zone will be designed to satisfy the requirements of the City's APA, including prevention of stormwater infiltration. Pipelines will be impervious and designed according to pipeline specifications in the RMC 4-3-050H.6.
- WSDOT will identify and develop staging areas for equipment repair and maintenance away from all drainage courses, according to environmental permit requirements, and outside of the City of Renton's APA Zone 1. In APA Zones 1 and 2, washout of concrete trucks will not be allowed to infiltrate the ground, and wastewater from vehicle and equipment washing will be disposed to the sanitary sewer.
- WSDOT will ensure that fuel and chemical storage, fueling operations for construction vehicles, and equipment during construction are located within secondary containment areas. These areas will be surfaced with an impermeable material and sized to contain the volume of stored fuel and/or chemicals. The SPCC Plan will specify that storage of fuels and toxic materials can only take place away from drainage courses and outside of APA Zone 1. The SPCC Plan will also specify measures to be taken in the event of a spill.
- WSDOT will locate spill response equipment at regular and specified intervals along the Project alignment.
- WSDOT will conduct construction within the City of Renton's APA Zones 1 and 2 in compliance with the Washington State Wellhead Protection requirements outlined in WAC 246-290-135(4), RMC 4-3-050 C and H, and RMC 4-9-015.
- During construction, WSDOT will conduct groundwater monitoring and sampling to assess Project effects on the aquifer and water quality. In the event of a spill that cannot be mitigated by excavating contaminated soil, WSDOT will conduct groundwater monitoring to monitor for spills that can affect the Cedar Valley sole source aquifer. If necessary, existing City of Renton monitoring wells can be supplemented with additional monitoring wells at key locations and used for monitoring water quality during construction activities in the APA Zone 1. If monitoring indicates there are impacts on the City's water supply, mitigation measures and design elements will be identified as required by WAC 246-290-135.

Ecosystems

Wetlands and Streams

- WSDOT will protect, preserve, and enhance wetlands in the study area during the planning, construction, and operation of transportation facilities and projects, consistent with U.S. Department of Transportation Order 5660.1A, Executive Order 11990, Governor's Executive Order 89-10, and Executive Order 90-94.

- WSDOT will use fencing to clearly mark wetlands in the construction areas that are to be avoided.
- WSDOT will implement avoidance measures to reduce temporal losses of wetland functions prior to creating wetlands. Project-level design and environmental review will include avoidance, minimization, restoration, and mitigation for wetland impacts. Temporary construction impacts will be mitigated in accordance with local critical area ordinances.
- WSDOT will meet local, state, and federal permit requirements.

Aquatic Resources

- WSDOT will build the Project in accordance with the seven conservation measures and conditions as documented in FHWA's April 16, 2008 letter found in Attachment 8 to this FONSI, Supplemental Endangered Species Act Information to Attachment M of the EA.
- WSDOT will implement construction BMPs (such as silt fencing or sedimentation ponds) to avoid disturbing sensitive natural areas.
- As described previously for water resources, WSDOT will prepare and implement a TESC plan and an SPCC plan to avoid and minimize effects on water quality during construction.
- Seven fish barriers will be replaced with new fish passable structures.
- WSDOT and its contractors will control all Class A noxious weeds, and additional nuisance weeds throughout the life of the Project and beyond. All precautions, including, mechanical and chemical control will be taken to prevent the spread of invasive plant species.
- Additional precautions will limit the spread of invertebrates, particularly the New Zealand mud snail (*Potamopyrgus antipodarum*). New Zealand mud snails have been found in Kelsey Creek and May Creek in the cities of Bellevue and Renton. To prevent the spread of this invasive species in accordance with the Revised Code of Washington (RCW) 77.135 and RCW 77.15.811, work within streams in the project area shall meet the following requirements:
  - The design-builder shall ensure that all equipment is clean and decontaminated of any potential invasive species prior to and after working in streams. Equipment with mud or debris shall not be allowed to be deployed.
  - The design-builder shall follow the procedures in the *Washington Department of Fish and Wildlife Invasive Species Management Protocols*, Version 2, November 2012, (or the latest version of this document).
  - The design-builder shall quarantine equipment in an area where mud, debris, or water cannot be tracked into other streams or storm drainage catch basins.
  - The design-builder shall brush or spray equipment on-site so no invasive species can be dislodged during transport prior to full decontamination. The on-site

cleaning shall occur in a way that mud, debris, or water cannot be tracked into other streams or storm drainage catch basins. All equipment shall be decontaminated at a site that drains to wastewater (such as a commercial car wash) prior to use in other stream projects.

Terrestrial Resources

- WSDOT will prepare and implement a revegetation plan. When WSDOT permanently removes vegetation for roadway construction, it will be replaced with native vegetation within or in the vicinity of the study area, if possible.

Threatened and Endangered Species

- WSDOT will adhere to conditions identified in the Biological Opinions and agency concurrence letters.
- WSDOT will continue to work with the Muckleshoot Indian Tribe, federal, state, and local authorities to determine ways to minimize or improve conditions for fish species affected by the Project.

Air Quality, Energy, and Greenhouse Gases

The construction contractor will be contractually obligated to control fugitive dust in accordance with the Memorandum of Agreement between WSDOT and Puget Sound Clean Air Agency Regarding Control of Fugitive Dust from Construction Projects.

The following measures will be used to control dispersion of dust (PM_{10} and $PM_{2.5}$), transmission of particulate matter, and emissions of carbon monoxide (CO), oxides of nitrogen (NOx) and volatile organic compounds (VOCs) during construction:

- WSDOT will encourage contractors to use newer construction equipment and maintain all equipment in good mechanical condition to minimize exhaust emissions.
- WSDOT will assess the viability of carpooling, commute trip reduction, and other transportation demand management programs for construction workers.
- WSDOT will stage construction between other I-405 transportation projects to minimize congestion that contributes to regional emissions of pollutants during construction.
- WSDOT will encourage contractors to reduce construction truck idling.
- Where possible, WSDOT will locate construction equipment and staging areas away from sensitive receptors such as fresh air intakes to buildings, air conditioners, and sensitive populations such as the elderly and the young.
- WSDOT will spray exposed soil with water or other suppressant as needed to minimize emissions of PM_{10} and reduce deposition of particulate matter.
- WSDOT will cover all loads in trucks transporting materials, wet materials in trucks, or provide adequate freeboard (space from the top of the material to the top of the truck bed) to minimize PM_{10} and deposition of particulates during transportation.

- WSDOT will provide wheel washers to remove particulate matter that would otherwise be carried off site by vehicles to decrease deposition of particulate matter on area roadways.
- WSDOT will remove particulate matter deposited on paved public roads, sidewalks, and bicycle and pedestrian paths to reduce mud and dust.
- WSDOT will cover and stabilize construction-site dirt, gravel, and debris piles, as needed, to minimize dust and wind-blown debris. This may include using wind fencing to reduce soil disturbance.
- WSDOT will restrict the speed of construction vehicles when operating in areas of exposed earth.
- WSDOT will route and schedule construction trucks to reduce delays to traffic during peak travel times to minimize air quality effects caused by a reduction in traffic speeds.

Historic, Cultural, and Archaeological Resources

- WSDOT has prepared an Unanticipated Discovery Plan for the Project that construction contractors will be required to follow.
- The I-405 Program has a programmatic agreement regarding the Section 106 process. This programmatic agreement puts into place a process for integrating the design-build approach with Section 106 obligations.

Geology and Soils

Seismicity

- WSDOT will design Project elements to the American Association of State Highway and Transportation Officials (AASHTO) design standards.
- WSDOT will implement design methods that meet the AASHTO's design event and limit susceptibility to collapse under an unlikely larger event.

Liquefaction-Prone Areas

- WSDOT will identify Project areas where liquefaction-prone soils may be located.
- WSDOT will evaluate the potential effects on Project structures from liquefaction, if structures underlain by liquefaction-prone soils are identified.
- WSDOT will use appropriate measures to reduce long-term liquefaction and lateral spreading risks to Project elements if it is determined that liquefaction risks are unacceptable. Such mitigation might include soil densification such as stone columns, vibratory compaction, compaction grouting, and dynamic compaction. Liquefaction potential along the Project alignment is assessed as low and moderate to high.

Soft Ground Areas

- WSDOT will take appropriate measures to assess and reduce potential settlement problems associated with existing utilities or structures in Project areas underlain by soft, compressible soil. If deemed necessary, structures could be underpinned and

utilities relocated or made more flexible. In cases where settlement exceeds WSDOT-allowable tolerances and the settlement is allowed any repairs, as needed, will be made after the settlement is complete. Where soft-ground areas are identified, WSDOT will conduct preconstruction surveys and monitor construction settlements.

- WSDOT will assess the potential for settlement for structures and embankments underlain by soft, compressible soil. If the potential for settlement is unacceptable, WSDOT will design the structures and embankments to accommodate or avoid the settlement, such as deep foundations for structures or surcharge fills for embankments.
- WSDOT will develop the means and methods to avoid or minimize settlement resulting from construction vibrations in areas underlain by soft or loose soils.

Slope Stability and Landslide Areas

- WSDOT will develop appropriate construction procedures to maintain or enhance slope stability in areas underlain by landslides or with landslide-prone geology. The design through these areas will include suitable wall types such as soldier piles with tiebacks, possibly supplemented with enhanced drainage, such as improved surface drainage or horizontal drains.
- WSDOT will drain suspected or observed seepage in Project areas to reduce the risk of landslide and surface sloughing through the use of gravel drainage blankets, French drains, horizontal drains, placement of a surface rock facing, or other methods.

Dewatering

- WSDOT will use properly designed, installed, and operated dewatering systems as dewatering for utility trenches can induce ground settlement in areas of soft compressible soils. This might include sheet pile cut-off shoring, recharge wells, a settlement and groundwater level monitoring system, and other procedures. We understand that complete elimination of settlement in proximity to excavations can be difficult, particularly if loose granular soils are densified by installing sheet piles.
- WSDOT will control dewatering discharge to avoid adverse effects. If dewatering occurs in contaminated ground, discharge into storm drains or adjacent surface drainages could affect water quality. This condition is normally mitigated by disposing the discharge in a sanitary sewer or performing on-site treatment.

Erosion

- WSDOT will prepare and implement a TESC plan to minimize erosion and protect water quality.
- WSDOT will take additional action to minimize erosion, maintain water quality, and achieve the intended environmental performance, should any BMP or other operation not function as intended.

Earthworks

- WSDOT will control dust through the use of a water truck or other dust control measures (see the previous Air Quality, Energy, and Greenhouse Gases sections).

- WSDOT will also control soil tracked onto nearby surface streets from truck tires.
- WSDOT will place and maintain stockpiles properly to avoid erosion or slope stability problems. Erosion control of stockpiles will be included in the TESC plan.

Permanent Drainage Systems for Cut Slopes

- WSDOT will locate areas where permanent drainage will be required by site conditions for cut slopes. If local private groundwater users or down-gradient wetlands and spring water right holders could become affected by drawdown of the groundwater table from these drain systems, these effects shall be avoided on a site-specific basis by designing the permanent drainage system to recharge or replenish the down-gradient water table.

Hazardous Materials

Known or Suspected Contamination within the Project Right of Way

- WSDOT will prepare an SPCC Plan that will provide specific guidance for managing potentially hazardous materials brought on to and/or generated on site.
- Prior to construction, WSDOT will conduct a Good Faith asbestos and hazardous materials survey, completed by an Asbestos Hazard Emergency Response Act certified building inspector. This includes all structures and/or facilities that will be renovated or demolished within the study area.
- If WSDOT's contractor encounters a known or unanticipated underground storage tank within the study area, WSDOT will assume responsibility and provide oversight for the underground storage tank decommissioning, clean up, and disposal activities.
- WSDOT's contractor will dispose of all waste material at approved disposal facilities.
- WSDOT's contractor will prepare (when required) a comprehensive hazardous substance contingency management plan, and a worker health and safety plan to reduce potential risks to human health and the environment.
- WSDOT will prepare a stormwater pollution prevention plan (when required) to prevent the release of contamination and hazardous substances to the environment.

Unanticipated Contamination Encountered within the Project Right of Way

- Unanticipated contamination discovered within the study area will be addressed by contract language, General Special Provisions, and/or special provisions. This includes specifications directing the contractor on how to handle, dispose of, and report unanticipated contamination discovered during construction.

Public Services and Utilities

- WSDOT will prepare and implement a TMP.
- WSDOT will post signs to show detour routes if periods of closures are needed.
- WSDOT will coordinate with school districts before construction.
- WSDOT will coordinate with all emergency services prior to or during construction.

- WSDOT will coordinate with utility providers to identify and resolve conflicts prior to or during construction.

What measures will be taken to avoid or minimize operational effects?

Noise

WSDOT will construct new noise walls at four locations. We will also relocate two existing noise walls at or closer to the edge of the I-405 right of way.

Environmental Justice

Although the three full residential property acquisitions have already taken place based on the completed NEPA process for the previously approved Renton to Bellevue Project in 2008, as described in Exhibit 11 of this FONSI, this EA must consider the effects of these acquisitions and identify mitigation if there are adverse impacts. The following mitigation was applied to minimize the effects of three residential property acquisitions and displacements associated with the Project.

- WSDOT conducts property acquisition in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended and implemented by FHWA under 49 CFR, Part 24, and according to Chapter 468-100 WAC Uniform Relocation and Assistance and Real Property Acquisition. This ensures just compensation for all properties and a minimal adverse effect on the current owners and residents.
- WSDOT offers interpretation and translation services to property owners and tenants with limited English proficiency to ensure they understand the property acquisition process and are able to fully participate in negotiations. The property owner who has limited-English proficiency engaged their own representative, a bilingual realtor, for translation and interpretation.

WSDOT took the following steps to minimize adverse effects on the three displaced households:

- Collected information to identify the specific needs of any residents to be relocated and prepared a relocation plan in advance of actual displacements.
- Made relocation resources available, without discrimination, to all eligible residential relocates.
- Ensured there was at least one comparable replacement property available to relocate. All three displaced families relocated to comparable homes in the same neighborhood as the homes that were purchased by WSDOT.
- Reimbursed the displaced families for certain costs, including the difference between the cost of the current dwelling and the cost of the comparable replacement.

One of the commercial properties that WSDOT acquired is owned by a person who identifies as minority. WSDOT mitigated for the effects by conducting the property acquisition in

accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended and implemented by FHWA under 49 CFR 24, and according to WAC 468-100 (the Uniform Relocation and Assistance and Real Property Acquisition). This ensures just compensation for all properties and a minimal adverse effect on the current owners and commercial tenants.

WSDOT implemented the following mitigation measures to minimize the effects of the displacement of the restaurant owned by a person who identifies as minority.

- Prepared a relocation plan. WSDOT met with the tenant who owns the affected commercial displacement to discuss their needs specific to relocation. At the time of publication, the owner of the business, a restaurant, plans to relocate the restaurant to Tumwater, Washington, about 40 miles from the current location.
- Collected information to identify the specific needs of the affected restaurant.
- Is paying for the costs of relocating all personal property. As the affected property is a restaurant, some equipment cannot be relocated or requires major reconfiguration to fit in a new space. In that case, WSDOT will pay to replace the property that cannot be moved or reconfigured.
- Provided up to $2,500 to pay for time invested in searching for an appropriate replacement site.
- Consistent with the Uniform Relocation and Assistance and Real Property Acquisition Policies Act of 1970, pay for permitting, site feasibility studies, and other costs associated with relocating to a new site.
- Consistent with the Uniform Relocation and Assistance and Real Property Acquisition Policies Act of 1970, support reestablishment in a new location.

WSDOT is not providing mitigation for the 26 restaurant employees who may have lost their jobs because of the relocation to Tumwater, Washington.

For the residential property owners affected by partial acquisitions and permanent easements, WSDOT is taking the following measures to minimize adverse impacts:

- Conduct property acquisition in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, to ensure just compensation for all properties and a minimal adverse effect on the current owners and residents.
- WSDOT provides access to interpretation and translation for owners who need language assistance to participate in negotiations upon request. According to the agents who are working with property owners during the acquisition process, one property owner who speaks English as a second language chose to use their own representatives to assist them with communication.
- For the four residential property owners who will lose a portion of their yards and have the highway closer to their properties, WSDOT has approved a noise wall for that location, which will reduce the noise impacts compared to existing conditions.

- WSDOT offered these four residential property owners the option to sell their entire properties to WSDOT at fair market value. All four residential property owners declined this option.
- WSDOT will provide temporary relocation to the two property owners who will experience short-term disruption in their sewer service.

For the commercial property owners affected by partial acquisitions and permanent easements, WSDOT is conducting property acquisition in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, to ensure just compensation for all properties and a minimal adverse effect on the current owners and tenants. In cases where WSDOT is rebuilding driveway access to tie into the newly rebuilt street at NE 44th Street, WSDOT will maintain access to all buildings during construction.

Although there is no need for additional mitigation, WSDOT will continue to conduct targeted outreach to engage minority populations, low-income populations, and persons with limited English proficiency in the study area and I-405 travelshed. Ongoing public involvement activities when the Project is complete will include the following measures:

- Maintaining ongoing communications with community-based organizations and social service providers throughout the design of the Project, and scheduling briefings with them at Project milestones.
- Distributing Project materials through social service agencies, community-based organizations, libraries, community groups, and schools and host booths at community events in the study area.
- Planning and implementing a public information campaign in multiple languages to explain ETLs, how to obtain a *Good To Go!* pass, and how to set up an account, with the goal of increasing the proportion of passholders who identify as minority, have low incomes, or are persons with limited English proficiency.
- Including information about how to use the ETLs in Spanish and other languages, if requested, as part of the public information campaign, such as how to enter and exit the lanes, how to determine the cost, and how to obtain a free *Good To Go!* pass for carpools.
- Conducting outreach about the Project and ETLs at community fairs and festivals, including events at Bellevue's Crossroads Mini-City Hall, in one of the Eastside's most ethnically and linguistically diverse neighborhoods.
- Conducting media outreach, specifically with ethnic media outlets serving the study area.

To reduce possible barriers to obtaining and maintaining a *Good To Go!* account for persons who have low-incomes or who do not have access to credit or debit cards:

- WSDOT will continue to offer the option for low-income persons who are eligible for public benefits to use their Electronic Benefit Transfer cards to open and maintain their *Good To Go!* accounts.

- WSDOT is working to expand the network of retail locations where people can buy *Good To Go!* passes with cash, making it easier for people to purchase a pass without a bank account.

The Project would exacerbate congestion on southbound SR 167, and WSDOT has identified a project in the SR 167 corridor that would address this congestion. An auxiliary lane to southbound SR 167 between the SR 516 interchange southbound on-ramp and the S 277th Street interchange southbound off-ramp could help reduce congestion on SR 167. This project is currently unfunded.

Recreational, Section 4(f), and Section 6 (f) Resources

To mitigate for the unavoidable use of the Fawcett property and temporary occupancy of the Meadow property, WSDOT and the City of Renton have entered into an interlocal agreement. The purpose of this agreement is to set the terms by which WSDOT will pay for the design, permitting, and construction of a segment of the May Creek Trail. A letter of intent documenting the City's understanding of WSDOT's intent to mitigate effects on the two Section 4(f) properties and the respective commitments of WSDOT is summarized below. A copy of the City's concurrence, letter of intent, and the interlocal agreement is provided in Attachment M of the EA, Agency and Tribal Correspondence.

Fawcett Property

- WSDOT will reimburse King County for the grant money used by the City of Renton to purchase the portion of the property affected by the Project, contingent upon King County's approval.
- WSDOT will reimburse the City of Renton for all costs associated with designing, permitting (including environmental review), constructing, and observing the construction of an 8-foot-wide soft-surface trail and accessory components, and associated mitigation connecting from the existing soft-surface May Creek Trail on the west side of I-405 easterly underneath I-405 to Jones Avenue NE (the trail segment).
- WSDOT will secure a trail lease for the City of Renton within WSDOT right of way for the trail segment.
- WSDOT will incorporate the design of the trail segment into the Project.

Meadow Property

- WSDOT will restore the property to original or better condition prior to Project completion, including relocating and restoring any disturbed utilities. WSDOT acknowledges and agrees that mitigation for temporary effects will be evaluated through the shoreline and critical areas permit(s) and will likely address plant establishment and mitigation for tree effects. Mitigation will be at WSDOT's cost.
- With the City of Renton's assistance and cooperation, WSDOT shall design, permit, relocate, and connect existing underground utilities serving the prior property owner to maintain existing or better service, with all work incurred and costs paid for by WSDOT.

Visual Quality

- The Project is being planned, developed, and designed in accordance with context sensitive solutions (CSS) guidelines. These guidelines provide an approach that incorporates community values and improves compatibility of the transportation facility with the communities and neighborhoods through which it passes. CSS also meets local, regional, and national requirements for the safe, efficient, effective movement of people and goods. CSS consider the elements of mobility, safety, environment, and attractiveness throughout the Project (including construction and operation). Adhering to these guidelines, the Project is being developed to fit its physical surroundings and to preserve scenic, visual, historic, and environmental resources.
- The application of CSS guidelines precludes the need to further mitigate visual impacts. Because the Project is being developed with local input, community concerns relating to appearance, environment, cultural resources, and other areas are being addressed early. Mitigation measures typical for transportation projects, such as retaining existing natural vegetation and planting new vegetation to screen humanmade elements, are incorporated within the highway and related transportation features. Other areas subject to CSS include structural elements, landscape features, lighting, and signage. WSDOT will mitigate for visual quality impacts from the increase in humanmade structures by adhering to the aesthetic treatments described in the *I-405 Urban Design Criteria*, which were developed with extensive community and stakeholder input. For Project elements that WSDOT is developing jointly with Sound Transit, Sound Transit and WSDOT will work together to meet the intent of the *I-405 Urban Design Criteria*. These elements include the park-and-ride lot and inline transit station at NE 44th Street and the inline transit station at 112th Avenue SE. Lighting at the transit stations will use fixtures with hoods to minimize light pollution.

Water Resources

- WSDOT will ensure that fuel and chemical spills from vehicles within the Cedar Valley Sole Source Aquifer are captured and contained by the stormwater collection and detention system. The stormwater system will detain spills in either vaults or ponds. The detention vault or pond will have shut-off capability for containing a spill or release.
- WSDOT will establish a plan in compliance with Washington State Wellhead Protection Requirements outlined in WAC 246-290-135(4) and the City of Renton Municipal Code (RMC) 4-3-050 C and H, and RMC 4-9-015 to ensure protection for the City of Renton's APA Zones 1 and 2.
- Within APA Zones 1 and 2, WSDOT will construct either a lined or piped stormwater conveyance system.
- WSDOT will ensure that the roadway and access ramps over Renton's APA Zone 1 will have berms or curbs to collect and route major spills to the stormwater collection system. The system will be constructed in accordance with City of Renton requirements for sanitary sewage facilities in APA Zone 1 areas and will be sized to contain a liquid spill from a double tanker.

- WSDOT will control stormwater so that peak and base flows of receiving waters are not adversely affected by treated stormwater discharge from the expanded impervious surface areas created by the Project.

Ecosystems

Wetlands and Streams

- WSDOT will protect, preserve, and enhance wetlands in the study area during the planning, construction, and operation of transportation facilities and projects consistent with USDOT Order 5660.1A, Executive Order 11990, and Governor's Executive Orders 89-10 and 90-94.
- WSDOT will implement avoidance measures to reduce temporal losses of wetland functions prior to creating wetlands. Project-level design and environmental review will include avoidance, minimization, restoration, and mitigation for wetland effects. WSDOT will mitigate for wetland and stream impacts at the following sites: Springbrook Creek mitigation bank and Kelsey Creek for wetland mitigation; May Creek, Median Creek, Stream 8.15, and UNT 08.LW.0283 (Gypsy Creek) for stream and buffer mitigation; and Ron Regis Park and the Mercer Slough site (on WSDOT property) for buffer mitigation. At May Creek, WSDOT is working with NMFS, USFWS, the Muckleshoot Indian Tribe, and other resource agencies to design habitat improvements. WSDOT is designing improvements in the area to be consistent with Integrated Streambank Protection Guidelines. WSDOT plans to remove angular rock and fill within the 100-year floodplain that is within WSDOT right of way and plant appropriate native vegetation in riparian areas. Proposed work at May Creek will remove riprap from within the channel and will install large woody material. Some of this work may occur below the ordinary high water mark, but will be done during the low-flow, in-water work window to minimize impacts from turbidity to fish species. Once the work is completed, the removal of the riprap and addition of large woody material is expected to improve habitat. In addition, at Johns Creek, WSDOT has developed a preliminary design to create a backwater area and integrate large woody material as part of the stormwater design. This design is being developed as part of Project permitting and WSDOT will continue to coordinate the design with resource agencies and the Muckleshoot Indian Tribe. Wetland buffer effects will be mitigated in accordance with local critical area ordinances.

Aquatic Resources

- All temporary effects on streams will be restored. Permanent effects on streams will be mitigated on site whenever possible. The Project will replace seven existing fish barriers with fish passable structures, which would improve fish habitat.
- WSDOT will remove stormwater from some streams and discharge it through facilities that are located, designed, and approved to minimize long-term aquatic effects by mixing with large volumes of water in Lake Washington.

- WSDOT will construct headwalls at cross-culvert inlets and outlets when appropriate to minimize the amount of grading and filling and to restore and increase long-term riparian functions at each site. Any work done related to installing headwalls will be conducted in a manner to not preclude future removal of fish barriers.

Terrestrial Resources

- WSDOT will revegetate areas in which vegetation removal will occur. This does not include areas covered by new impervious materials.
- WSDOT's ongoing maintenance of stormwater treatment and detention facilities will avoid application of any chemical weed control agents (herbicides).

Threatened and Endangered Species

- WSDOT will continue to work with the Muckleshoot Indian Tribe, federal, state, and local authorities to determine ways to minimize or improve conditions for fish species that would be affected.
- WSDOT will adhere to conditions identified in the Biological Assessment and agency concurrence letters.

ATTACHMENT 1 – COMMENTS WITH RESPONSES

In this attachment, we present all comments received during the public comment period and as part of Government-to-Government consultation and our response to each comment.

Introduction

The Environmental Assessment (EA) for the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (the Project) was published on July 9, 2018 and made available to the public for review and comment for a period of 30 days, from July 9, 2018 through August 9, 2018. The Washington State Department of Transportation (WSDOT) held a public hearing on July 17, 2018, following issuance of the EA on July 9, 2018. The EA hearing took place at the Renton High School cafeteria in Renton, Washington.

We invited the public to comment on the EA via:

- Submitting a comment form at the public hearing
- Providing an oral comment via the court reporter at the public hearing
- Submitting a comment via email
- Submitting a comment via letter

During the comment period, from July 9, 2018 to August 9, 2018, we received 9 emails; 5 letters; and 1 comment form, and 3 oral comments from the July 17, 2018 EA hearing. Consultation meetings with the Muckleshoot Indian Tribe were held in August, September, and November 2018, and consultation phone calls occurred in January and February 2019. FHWA received a follow-up letter from the Muckleshoot Indian Tribe on February 21, 2019. We reviewed and considered all comments in the development of this NEPA decision document.

Index to Comments and Responses

Each individual comment form, hearing transcript, email, and letter is presented in its entirety in the order shown in the following indices. Comment numbers have been added to the margins of each comment form, hearing transcript, email and letter to delineate individual comments. Our responses to the numbered comments follow each of the comment sets.

Index to Comment Forms (CF)

Comment ID	Name	Type	Date
CF1	Denice Carnahan	Private Individual	July 17, 2018

Index to Court Reporter Comments (CR)

Comment ID	Name	Type	Date
CR1	Ali Said	Private Individual	July 17, 2018
CR2	Vincent Tan	Private Individual	July 17, 2018
CR3	Ricky Wong	Private Individual	July 17, 2018

Index to Email Comments (E)

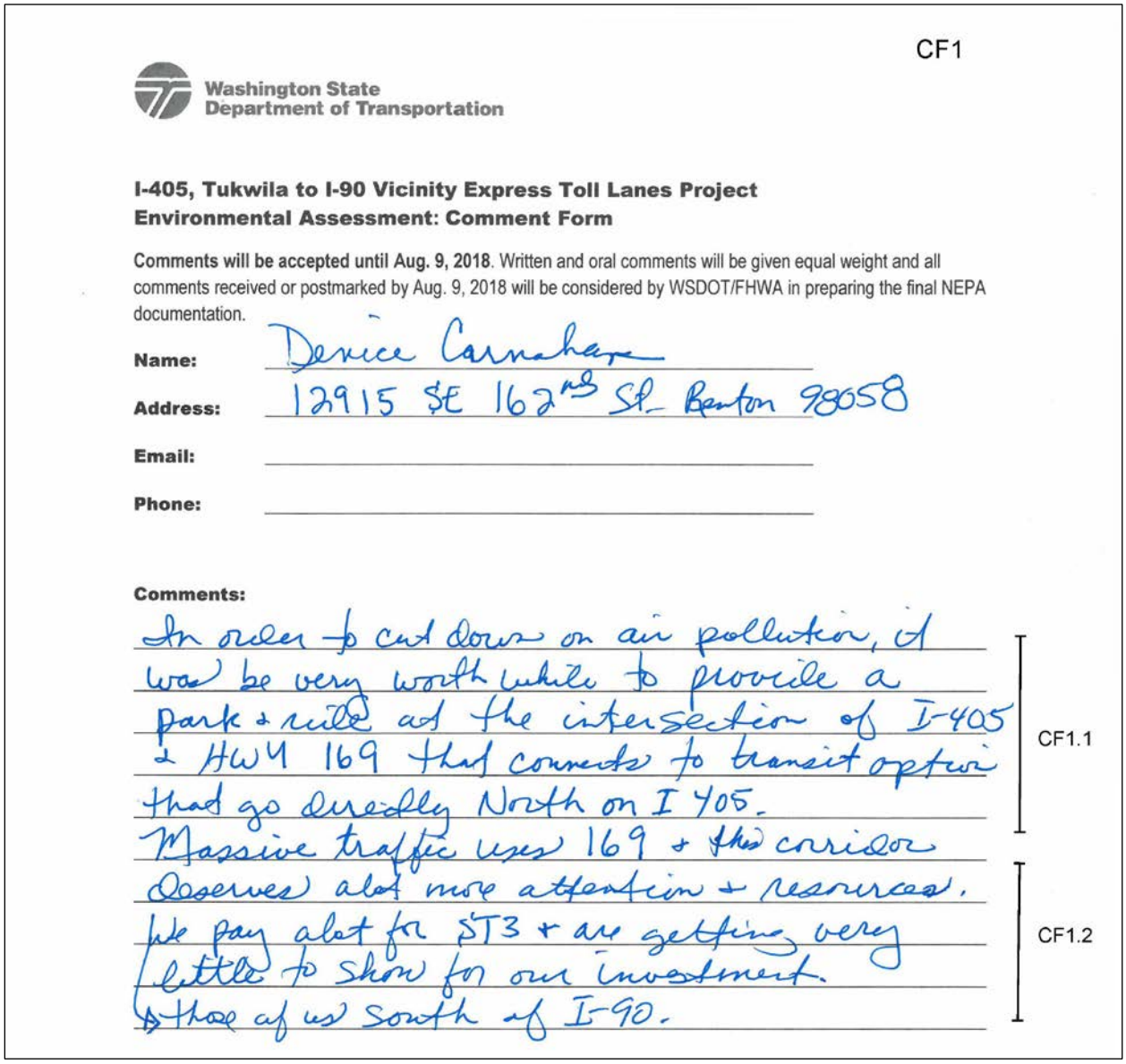
Comment ID	Name	Type	Date
E1	Patrick Sibborn	Private Individual	July 10, 2018
E2	Michael Blodgett	Private Individual	July 12, 2018
E3	Richard Herzberg	Private Individual	July 12, 2018
E4	Linda Hicks	Private Individual	July 13, 2018
E5	Larry Coupe	Private Individual	July 17, 2018
E6	J.C. Smith	Private Individual	July 17, 2018
E7	Cliff Hanks	Private Individual	July 19, 2018
E8	Jim Hanson	Private Individual	July 28, 2018
E9	Sarah Fletcher	Private Individual	August 7, 2018

Index to Comment Letters (L)

Comment ID	Name	Type	Date
L1	Washington State Department of Ecology	State Agency	April 3, 2018
L2	City of Bellevue	Local Agency	August 9, 2018
L3	Kemper Development Company	Private Business	August 9, 2018
L4	Terry Foulon	Private Individual	August 9, 2018
L5	Muckleshoot Indian Tribe	Tribe	August 9, 2018
L6	Muckleshoot Indian Tribe	Tribe	February 21, 2019

Comments Received via Comment Form (CF)

Comment CF1 – Denice Carnahan, Private Individual, July 17, 2018



CF1

Washington State Department of Transportation

I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project
Environmental Assessment: Comment Form

Comments will be accepted until Aug. 9, 2018. Written and oral comments will be given equal weight and all comments received or postmarked by Aug. 9, 2018 will be considered by WSDOT/FHWA in preparing the final NEPA documentation.

Name: Denice Carnahan

Address: 12915 SE 162nd St. Renton 98058

Email:

Phone:

Comments:

In order to cut down on air pollution, it would be very worth while to provide a park & ride at the intersection of I-405 & HWY 169 that connects to transit options that go directly North on I 405. Massive traffic uses 169 & this corridor deserves alot more attention & resources. We pay alot for ST3 & are getting very little to show for our investment. & those of us South of I-90.

CF1.1

CF1.2

Comment CF1.1

In order to cut down on air pollution, it would be very worth while to provide a park and ride at the intersection of I-405 and Hwy 169 that connects to transit options that go directly North on I-405.

Response CF1.1

The I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (Project) does not include a park-and-ride lot at the intersection of I-405 and SR 169; but it does assume that a park-and-

ride lot will be built at NE 44th Street, about 3.5 miles north of SR 169. This park-and-ride lot is part of several Sound Transit improvements included in the Sound Transit 3 Plan (ST3). ST3 includes funding for I-405 bus rapid transit and additional park-and-ride facilities along I-405 between Burien and Lynnwood. Sound Transit also plans to build a new transit center near S Grady Way and Rainier Avenue, which is to the south of SR 169. For additional information on these park-and-ride lots, please see www.soundtransit.org/projects-and-plans/bus-rapid-transit-i-405.

The Environmental Assessment (EA) describes the air quality effects of the Project on pages 4-3 to 4-5 and pages 6-1 to 6-4 of EA Attachment B, *Air Quality Discipline Report*. The air quality analysis for this Project shows that the Project would not cause or contribute to a violation of the National Ambient Air Quality Standards; therefore, no mitigation is required.

Air quality emissions are expected to substantially decrease between now and 2025 and 2045 due to implementation of vehicle and fuel regulations by the U.S. Environmental Protection Agency. These standards require new vehicles to have lower emissions than older vehicles. As drivers switch from older vehicles to newer ones, emissions from vehicles using our roadways are dropping rapidly. This approach benefits entire communities, rather than selected areas. Expected decreases in emissions are shown in Exhibits 4-2 and 4-3 of the EA and Exhibits 6-1 and 6-2 of the EA Attachment B, *Air Quality Discipline Report*.

Our analysis shows that pollutant emissions from vehicles are expected to substantially drop. For example, carbon monoxide emissions are projected to drop by 47 percent. Project modeling shows emissions of all other pollutants dropping by larger percentages as shown in Exhibits 6-1 and 6-2 of EA Attachment B, *Air Quality Discipline Report*.

Comment CF1.2

Massive traffic uses 169 and this corridor deserves a lot more attention and resources. Those of us south of I-90 pay a lot for ST3 and are getting very little to show for our investment.

Response CF1.2

Specific to improvements at SR 169, the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (Project) includes reconfiguring the interchange at SR 169 to improve traffic flow. The long-term vision for this interchange in the I-405 Master Plan proposes building a direct connector ramp from SR 169 to I-405. Implementation of the I-405 Master Plan requires funding that is not currently allocated by the Washington State Legislature. WSDOT will continue to provide high-priority projects as we work to fully build the I-405 Master Plan. For more information on the I-405 Master Plan, visit https://www.wsdot.wa.gov/Projects/I405/I405MasterPlan.htm.

WSDOT has worked with cities, counties, federal agencies, transit agencies, and community groups to develop consensus on a long-term vision for the multimodal redevelopment of I-405 known as the I-405 Master Plan. WSDOT, along with Sound Transit, King County Metro, the Federal Highway Administration, and the Federal Transit Authority were all co-leads in the development and implementation of this plan. The I-405 Master Plan selected

bus rapid transit (BRT) as the preferred high-capacity transit system for the east side of Lake Washington as documented in the Final Environmental Impact Statement available at: https://www.wsdot.wa.gov/Projects/I405/corridor/feis.htm.

While Sound Transit is responsible for the implementation of BRT on I-405, WSDOT is coordinating its work in the I-405 corridor to maximize their investments and work to implement improvements that benefit all users of I-405.

WSDOT is working with Sound Transit to implement BRT on I-405 from Burien to Lynnwood by 2024. The Project includes elements, such as the construction of new direct access ramps and inline transit stations at NE 44th Street and 112th Avenue SE to support the development of BRT on I-405. For additional information on Sound Transit 3 Plan (ST3) improvements, please see www.soundtransit.org/projects-and-plans/bus-rapid-transit-i-405.

Comments Recieved via Court Reporter (CR)

Comment CR1 - Ali Said, Private Individual, July 17, 2018

PUBLIC COMMENTS DICTATED TO COURT REPORTER:

Name: ALI SAID
Address: 6318 108th Avenue Southeast, Bellevue
Email: bgoodh@gmail.com

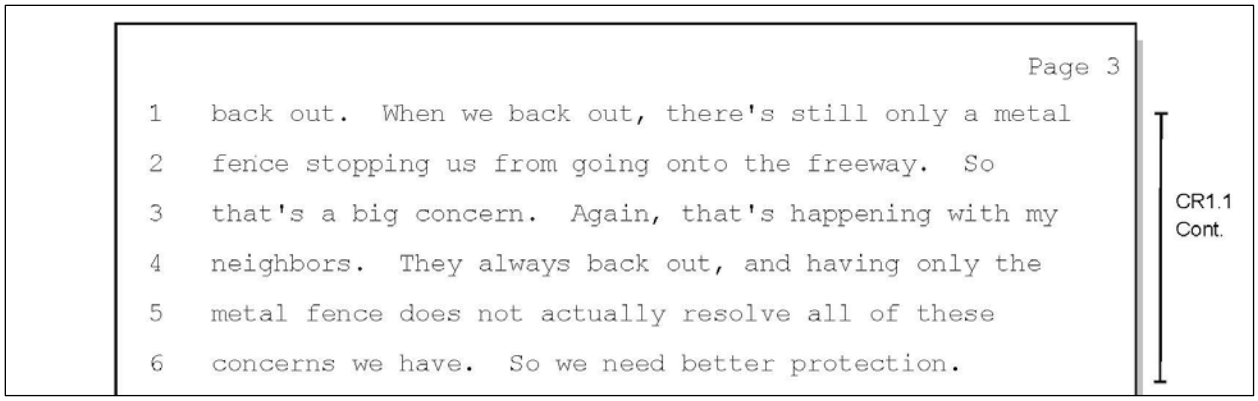
My name is Ali, and I live at 6318 108th Avenue Southeast, Bellevue, Washington. I'm here today to raise the concern about safety in our area.

Coming to go down to my house, taking 62nd, you know, it's a really steep area. So there's only the metal fence, you know, guarding from the oncoming traffic to our area. If something happens, if we cannot hold the brake, we're going to end up on the freeway. That's really kind of a safety issue, not only for the residents of that area but also for the people on the freeway.

People are driving 60 to 70 miles per hour. If something happens, then, of course, that's a lot of damage, especially now that we're adding an express lane. An out-of-control vehicle could easily come through the small wire fence right into our home. The traffic is going to be crazy in that area. That's one of the concerns.

My second concern is coming out from my house, because we don't have enough area to turn around. We

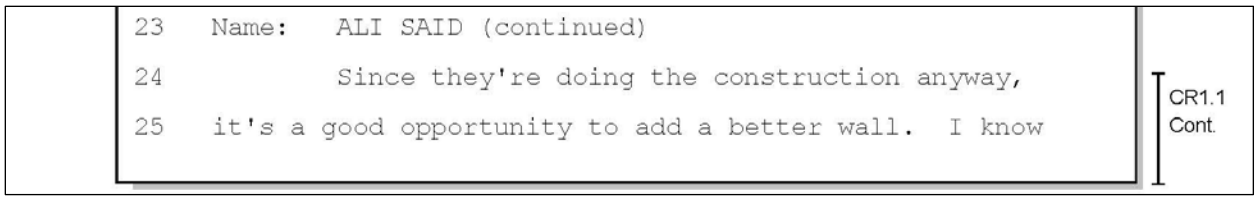
CR1.1



Page 3

back out. When we back out, there's still only a metal fence stopping us from going onto the freeway. So that's a big concern. Again, that's happening with my neighbors. They always back out, and having only the metal fence does not actually resolve all of these concerns we have. So we need better protection.

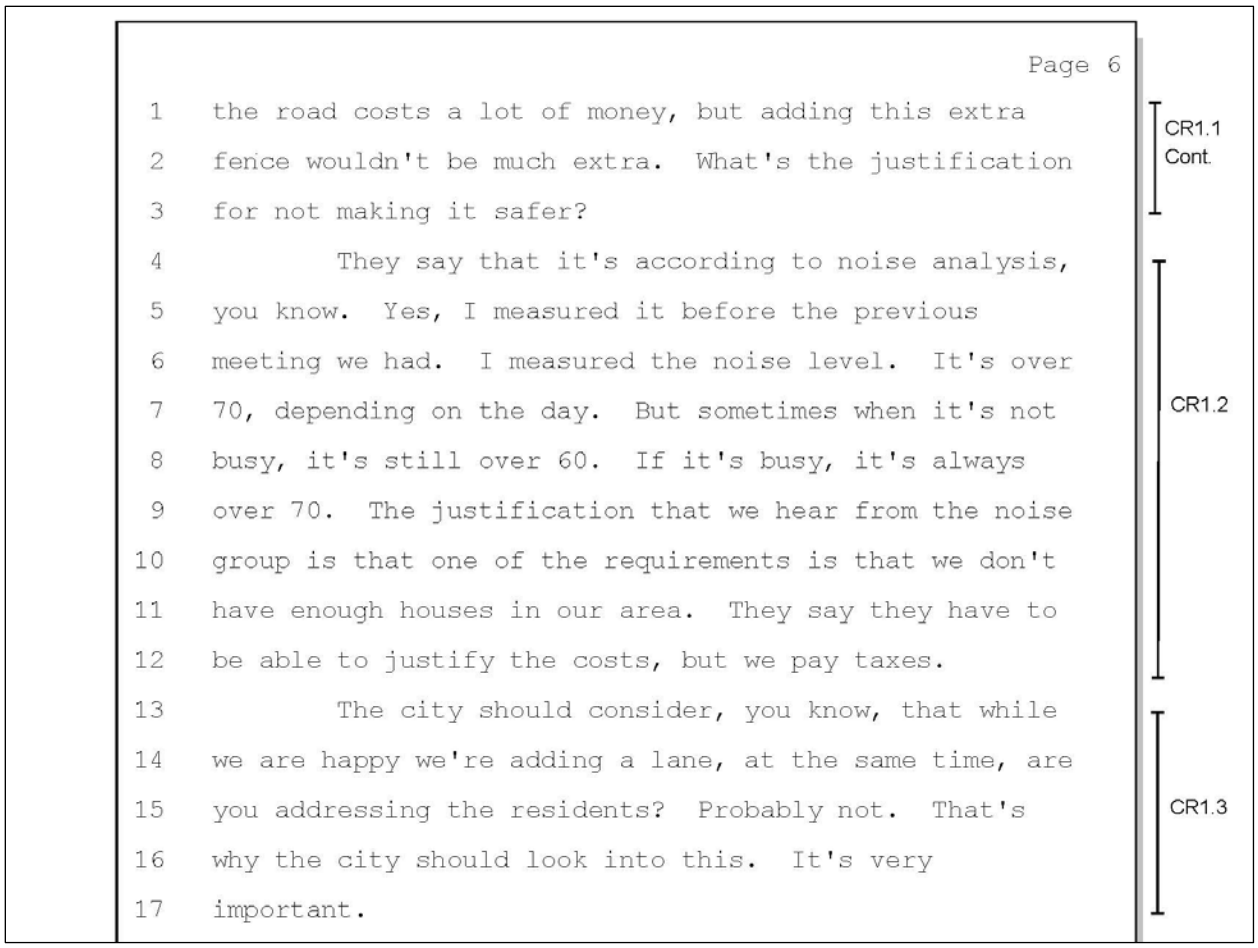
CR1.1 Cont.



Name: ALI SAID (continued)

Since they're doing the construction anyway, it's a good opportunity to add a better wall. I know

CR1.1 Cont.



Page 6

the road costs a lot of money, but adding this extra fence wouldn't be much extra. What's the justification for not making it safer?

CR1.1 Cont.

They say that it's according to noise analysis, you know. Yes, I measured it before the previous meeting we had. I measured the noise level. It's over 70, depending on the day. But sometimes when it's not busy, it's still over 60. If it's busy, it's always over 70. The justification that we hear from the noise group is that one of the requirements is that we don't have enough houses in our area. They say they have to be able to justify the costs, but we pay taxes.

CR1.2

The city should consider, you know, that while we are happy we're adding a lane, at the same time, are you addressing the residents? Probably not. That's why the city should look into this. It's very important.

CR1.3

Comment CR1.1

My name is Ali, and I live at 6318 108th Avenue Southeast, Bellevue, Washington. I'm here today to raise the concern about safety in our area.

Coming to go down to my house, taking 62nd, you know, it's a really steep area. So there's only the metal fence, you know, guarding from the oncoming traffic to our area. If something happens, if we cannot hold the brake, we're going to end up on the freeway. That's really kind of a safety issue, not only for the residents of that area but also for the people on the freeway.

People are driving 60 to 70 miles per hour. If something happens, then, of course, that's a lot of damage, especially now that we're adding an express lane. An out-of-control vehicle could easily come through the small wire fence right into our home. The traffic is going to be crazy in that area. That's one of the concerns.

My second concern is coming out from my house, because we don't have enough area to turn around. We back out. When we back out, there's still only a metal fence stopping us from going onto the freeway. So that's a big concern. Again, that's happening with my neighbors. They always back out, and having only the metal fence does not actually resolve all of these concerns we have. So we need better protection.

Since they're doing the construction anyway, it's a good opportunity to add a better wall. I know the road costs a lot of money, but adding this extra fence wouldn't be much extra. What's the justification for not making it safer?

Response CR1.1

WSDOT will repair or replace the right of way fence as part of the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (Project). WSDOT is working with the City of Bellevue to review its design standards to determine the design for the fence or barrier.

In addition, in this area of I-405, WSDOT will be building a short retaining wall or barrier along the edge of the I-405 mainline pavement to facilitate widening I-405, which will provide an additional barrier between I-405 and 108th Avenue SE compared to existing conditions.

Comment CR1.2

They say that it's according to noise analysis, you know. Yes, I measured it before the previous meeting we had. I measured the noise level. It's over 70, depending on the day. But sometimes when it's not busy, it's still over 60. If it's busy, it's always over 70. The justification that we hear from the noise group is that one of the requirements is that we don't have enough houses in our area. They say they have to be able to justify the costs, but we pay taxes.

Response CR1.2

WSDOT complies with all Federal Highway Administration (FHWA) regulations and WSDOT's Noise Policy that both govern mitigation for highway operational noise. We

follow these regulations to ensure an equitable and scientifically grounded approach to building noise barriers for properties that may experience operational noise impacts from our projects.

WSDOT follows a three-step sequential process to determine whether an area will qualify for noise abatement:

1. Whether a location has noise levels of 66 A-weighted decibels (dBA) or higher modeled for the year 2045 to warrant further consideration of a noise wall.
2. Whether it is feasible to construct the noise wall (whether the proposed noise wall would provide a substantial reduction in noise and other constructability issues).
3. Whether it is reasonable to construct the proposed noise wall (based on the cost to construct the noise wall per residence affected and the density of homes in the area).

A location that does not demonstrate all three steps listed above would not warrant a noise barrier for noise abatement. A noise impact analysis was conducted as part of the Environmental Assessment (EA) for the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (Project). Results of the analysis are summarized in Exhibits 4-1 through 4-9 of the EA, Attachment C, *Noise Discipline Report*.

A noise measurement was collected as part of the noise impact analysis near your home at 10803 SE 62nd Street in April of 2015. The measured noise level was 74 dBA as shown in Exhibit 3-4, site number V35 on page 3-12 of the *Noise Discipline Report*. The future modeled noise level in 2045 is predicted to be 77 dBA with or without the Project as shown in Exhibit 5-24 on page 5-22 of the *Noise Discipline Report*. This area met step 1 and a noise wall (Wall East 10B) was evaluated for the area near your home. Results of the analysis are summarized in pages 5-21 to 5-23 of the *Noise Discipline Report*.

A 16-to 26-foot-tall noise wall with a total area of 64,895 square feet was found to reduce the noise levels by at least 5 dBA for the majority of first row residents so it met step 2.

However, the total allowed square footage of the noise wall under step 3 is 33,744 square feet ($1,741,528), which is less than the actual wall area of 64,895 square feet ($3,349.231) needed to meet the 5 dBA required reduction, so it did not meet the requirements of step 3. WSDOT estimates that approximately 20 more homes would be needed in your neighborhood to meet step 3.

Comment CR1.3

The city should consider, you know, that while we are happy we're adding a lane, at the same time, are you addressing the residents? Probably not. That's why the city should look into this. It's very important.

Response CR1.3

Please see Responses CR1.1 and CR1.2.

Comment CR2 - Vincent Tan, Private Individual, July 17, 2018

Name: VINCENT TAN
Address: 6322 108th Avenue Southeast, Bellevue
Email: vintan@gmail.com

My name is Vincent Tan. I live at 6322 108th Avenue Southeast. I want to raise a similar issue, but also this is a good opportunity for the city to not only just repair the fence, which is badly needed right now -- it's not maintained, it's rusted -- but to address the noise issues.

And not only that, we have kids. I have three kids. My neighbor across from me has four kids. So that's seven small children, and that's not counting the others, the other three or four neighbors that we live close by that may or may not have kids as well.

So taking that into consideration, there's definitely going to be more traffic around our neighborhood. Not only that, that also raises a concern over the kids playing around the slope that we

CR2.1

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July 17, 2018

Page 4

have, because we have a very steep slope from our house right down to I-405, which is literally across the street from our house and separated only by a small wire fence.

Let's say that our kids are playing on their bikes and they're going up or down our driveway slope, and for some reason they can't stop going down the hill. What would happen is that with our current fence right now, with just a rusted metal fence which is also very short, the kids can essentially just fall over the other side of the fence which would put them on the highway. So not only would that raise a concern for our safety, that's also a hazard waiting to happen.

Because as you can imagine, we go up and down the slope every day. I have to go up and down the slope to my house every day. My neighbor has to go up and down the slope to his house every day. He has kids. I have kids. And as you can imagine, there's not a place where kids would play other than in front of the house. So imagine doing that and having to worry about your kids every day, day in and day out, you know, whether they can walk safely or also if they will be able to play safely in front of your house. That's one thing.

Another thing is that I can never talk with my

CR2.1 Cont.

CR2.2

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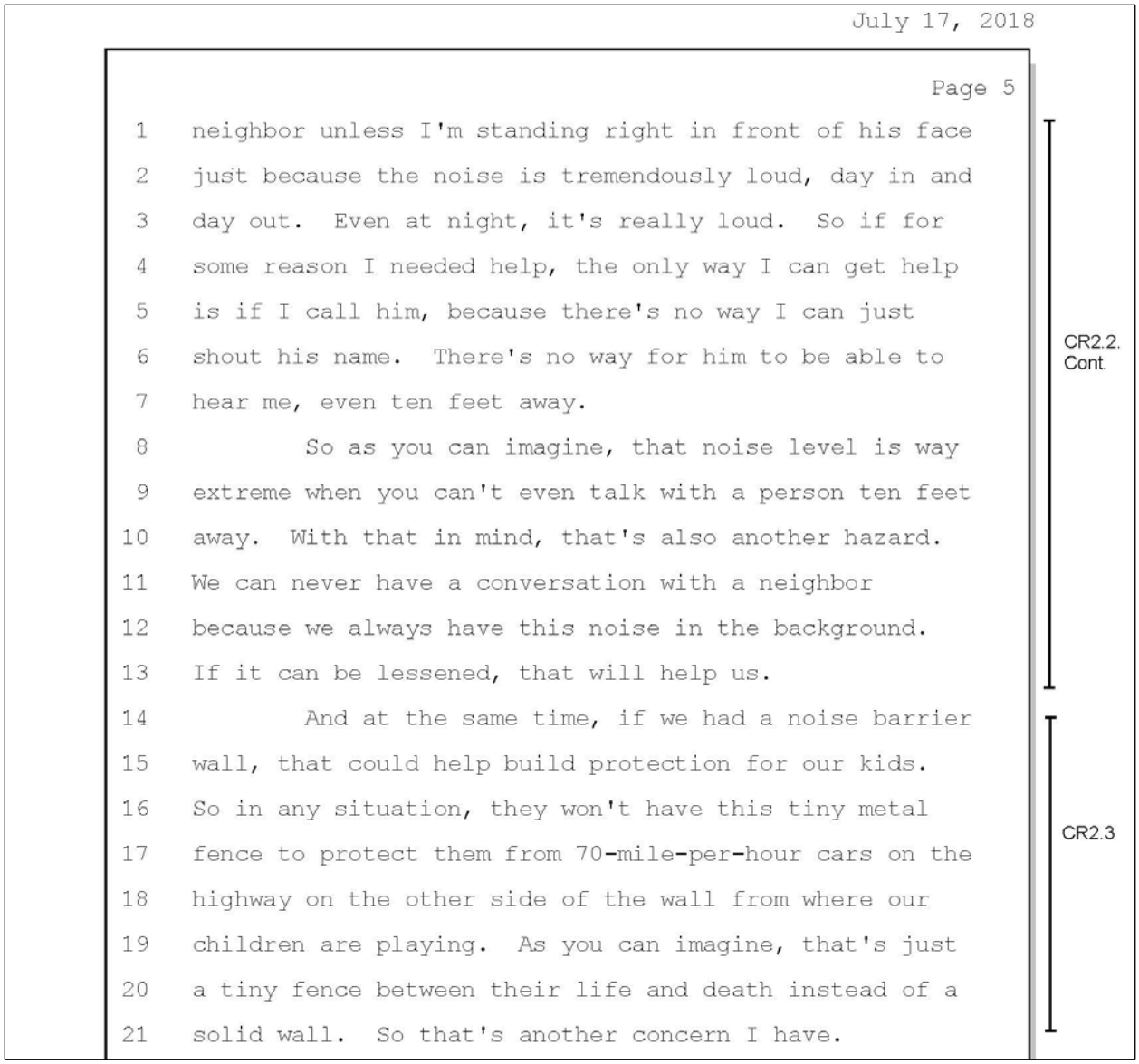


July 17, 2018

Page 5

neighbor unless I'm standing right in front of his face just because the noise is tremendously loud, day in and day out. Even at night, it's really loud. So if for some reason I needed help, the only way I can get help is if I call him, because there's no way I can just shout his name. There's no way for him to be able to hear me, even ten feet away.

So as you can imagine, that noise level is way extreme when you can't even talk with a person ten feet away. With that in mind, that's also another hazard. We can never have a conversation with a neighbor because we always have this noise in the background. If it can be lessened, that will help us.

And at the same time, if we had a noise barrier wall, that could help build protection for our kids. So in any situation, they won't have this tiny metal fence to protect them from 70-mile-per-hour cars on the highway on the other side of the wall from where our children are playing. As you can imagine, that's just a tiny fence between their life and death instead of a solid wall. So that's another concern I have.

CR2.2. Cont.

CR2.3

Comment CR2.1

My name is Vincent Tan. I live at 6322 108th Avenue Southeast. I want to raise a similar issue, but also this is a good opportunity for the city to not only just repair the fence, which is badly needed right now -- it's not maintained, it's rusted -- but to address the noise issues.

And not only that, we have kids. I have three kids. My neighbor across from me has four kids. So that's seven small children, and that's not counting the others, the other three or four neighbors that we live close by that may or may not have kids as well.

So taking that into consideration, there's definitely going to be more traffic around our neighborhood. Not only that, that also raises a concern over the kids playing around the slope that we have, because we have a very steep slope from our house right down to I-405, which is literally across the street from our house and separated only by a small wire fence.

Let's say that our kids are playing on their bikes and they're going up or down our driveway slope, and for some reason they can't stop going down the hill. What would happen is that with our current fence right now, with just a rusted metal fence which is also very short, the kids can essentially just fall over the other side of the fence which would put them on the highway. So not only would that raise a concern for our safety, that's also a hazard waiting to happen.

Because you can imagine, we go up and down the slope every day. I have to go up and down the slope to my house every day. My neighbor has to go up and down the slope to his house every day. He has kids. I have kids. And as you can imagine, there's not a place where kids would play other than in front of the house. So imagine doing that and having to worry about your kids every day, day in and day out, you know, whether they can walk safely or also if they will be able to play safely in front of your house. That's one thing.

Response CR2.1

See Responses CR1.1 and CR1.2.

Adding express toll lanes (ETLs) on I-405 will increase the number of vehicles that use I-405 located near your home. However, we do not expect traffic on your street (108th Avenue SE) to increase, since it is a dead-end and does not serve trips on I-405.

Comment CR2.2

Another thing is that I can never talk with my neighbor unless I'm standing right in front of his face just because the noise is tremendously loud, day in and day out. Even at night, it's really loud. So if for some reason I needed help, the only way I can get help is if I call him, because there's no way I can just shout his name. There's no way for him to be able to hear me, even ten feet away.

So as you can imagine, that noise level is way extreme when you can't even talk with a person ten feet away. With that in mind, that's also another hazard. We can never have a conversation with a neighbor because we always have this noise in the background. If it can be lessened, that will help us.

Response CR2.2

See Response CR1.2.

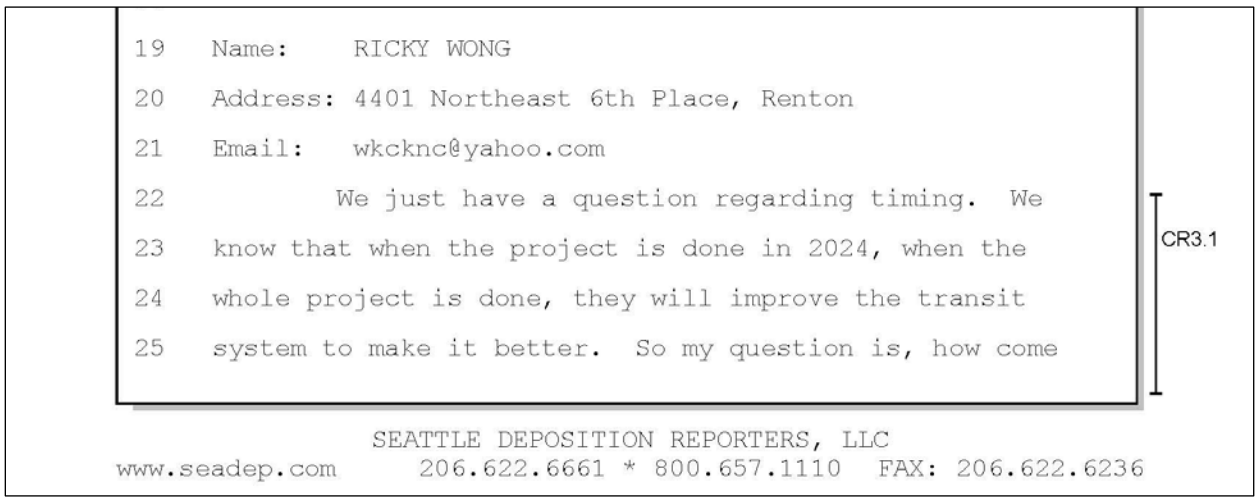
Comment CR2.3

And at the same time, if we had a noise barrier wall, that could help build protection for our kids. So in any situation, they won't have this tiny metal fence to protect them from 70-mile-per-hour cars on the highway on the other side of the wall from where our children are playing. As you can imagine, that's just a tiny fence between their life and death instead of a solid wall. So that's another concern I have.

Response CR2.3

See Response CR1.1.

Comment CR3 - Ricky Wong, Private Individual, July 17, 2018



Name: RICKY WONG
Address: 4401 Northeast 6th Place, Renton
Email: wkcknc@yahoo.com

We just have a question regarding timing. We know that when the project is done in 2024, when the whole project is done, they will improve the transit system to make it better. So my question is, how come

CR3.1

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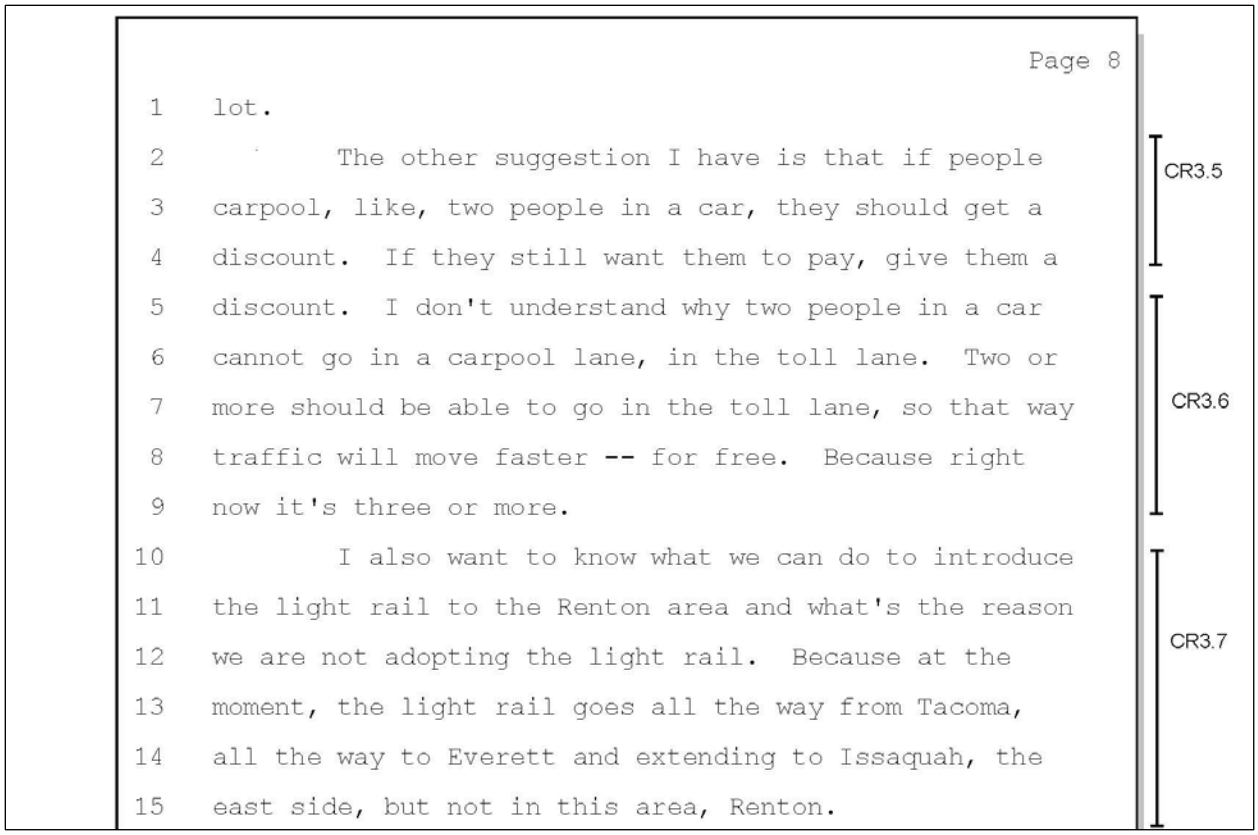
we cannot do it right now, because the traffic is very bad now? So why wait until this toll lane system is completed in 2024 and then start doing that? So why don't they just make it earlier so that people get used to the system and used to public transportation and get used to all of it so that it can solve a little of the problem at the moment? CR3.1 Cont.

And the toll lane, I think, does not solve the problem because the growing of the population in this area. When they eventually get this project done, the population will be way different from now. So the situation will still be worse. CR3.2

So what they can do later on is increase the toll to try to solve the problem, which is not fair to a lot of people, especially the people living in this area. We don't have any other option but to use the 405. You know, if we want to go to Seattle, we need to use 405. When we want to go to Bellevue, we use 405. We don't have any other option. And besides, there's no light rail along this side. CR3.3

The tolls should have a maximum, a cap where they cannot charge people more than that. Now it's $10, but we're talking about six years later. They may say $10 is not effective. They can raise it to $20. I want to make sure they maintain $10 only. $10 is a CR3.4



Page 8

lot.

The other suggestion I have is that if people carpool, like, two people in a car, they should get a discount. If they still want them to pay, give them a discount. I don't understand why two people in a car cannot go in a carpool lane, in the toll lane. Two or more should be able to go in the toll lane, so that way traffic will move faster -- for free. Because right now it's three or more.

I also want to know what we can do to introduce the light rail to the Renton area and what's the reason we are not adopting the light rail. Because at the moment, the light rail goes all the way from Tacoma, all the way to Everett and extending to Issaquah, the east side, but not in this area, Renton.

CR3.5

CR3.6

CR3.7

Comment CR3.1

We just have a question regarding timing. We know that when the project is done in 2024, when the whole project is done, they will improve the transit system to make it better. So my question is, how come we cannot do it right now, because the traffic is very bad now? So why wait until this toll lane system is completed in 2024 and then start doing that? So why don't they just make it earlier so that people get used to the system and used to public transportation and get used to all of it so that it can solve a little of the problem at the moment?

Response CR3.1

One of the primary purposes of the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (Project) is to improve reliability for transit as listed on page 1-1 of the Environmental Assessment (EA). WSDOT is working with Sound Transit to implement bus rapid transit (BRT) on I-405 from Lynnwood to Burien by 2024.

Currently, the high-occupancy vehicle (HOV) lanes on I-405 are not a reliable option for carpoolers and transit because they are frequently as congested as the general purpose (GP) lanes. Sound Transit is investing nearly $900 million to implement BRT in the I-405 corridor. This high-capacity transit system will operate in the new express toll lanes (ETLs) and is relying on the ETLs to keep the bus system moving to provide a reliable trip.

The Project also plans to build a new inline transit station and direct access ramps for I-405 BRT at NE 44th Street in Renton and 112th Avenue SE in Bellevue in partnership with Sound Transit. The direct access ramps and transit stations are needed before BRT service can begin.

More information can be found in Section 4.1, Transportation, of the EA and in Section 5 of EA Attachment A, *Transportation Discipline Report*.

For more information, visit Sound Transit's website: https://www.soundtransit.org/projects-and-plans/bus-rapid-transit-i-405.

Comment CR3.2

And the toll lane, I think, does not solve the problem because the growing of the population in this area. When they eventually get this project done, the population will be way different from now. So the situation will still be worse.

Response CR3.2

The Puget Sound region is experiencing unprecedented growth, including the communities around I-405, causing some of the worst congestion in the state. Express toll lanes (ETLs) move more vehicles and people when traffic is at its worst compared to the untolled general purpose (GP) lanes. When drivers choose to leave the untolled GP lanes to use the ETLs, they free up space for the other drivers around them. As a result, the untolled GP lanes in most places between Bellevue and Lynnwood are moving faster today than they did before the ETLs opened.

Overall, the number of people moving through the corridor between Bellevue and Lynnwood has increased between 5 and 30 percent, and vehicle volumes have increased 22 percent during peak periods, depending on the location. The ETLs have improved reliability for transit on I-405 by saving up to 11 minutes and increasing ridership by 9 percent. The ETLs are also benefitting drivers in the untolled GP lanes, as travel times are 2 to 7 minutes shorter than they were before tolling began.

Please see the I-405 ETL performance reports on the WSDOT website at https://www.wsdot.wa.gov/Tolling/405/library.htm.

The I-405 team used a detailed traffic operations model to analyze freeway operations with the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (Project). Conditions were analyzed for 2025 and 2045 with the Project (Build) and without the Project (No Build). The traffic model accounts for anticipated growth specific to the I-405 corridor. The traffic analysis contained in Section 4.1, Transportation, of the Environmental Assessment (EA) summarizes the traffic analysis conducted for the Project. As indicated in Section 4.1, with the Project the number of persons traveling on I-405 would increase and travel times would improve. For example, the traffic analysis conducted for the Project demonstrated that during the morning peak period, northbound travel times between I-5 to I-90 would decrease in 2025 in both the GP lanes (17.5 minutes) and the ETLs (5.3 minutes) with the

Project as compared to the No Build. Travel times on southbound I-405 would also decrease with the Project.

Comment CR3.3

So what they can do later on is increase the toll to try to solve the problem, which is not fair to a lot of people, especially the people living in this area. We don't have any other option but to use the 405. You know, if we want to go to Seattle, we need to use 405. When we want to go to Bellevue, we use 405. We don't have any other option. And besides, there's no light rail along this side.

Response CR3.3

The I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (Project) will not reduce the number of general purpose (GP) lanes on I-405. In addition to adding express toll lanes (ETLs), the Project will add GP lane capacity to southbound I-405 from I-90 to 112th Avenue NE and between NE 44th Street and NE 30th Street.

The ETLs offer free travel options for drivers. It is assumed the new ETLs associated with the Project would have the same occupancy requirements as the Bellevue to Lynnwood ETLs as listed below:

- All drivers could travel for free without a *Good To Go!* pass on weekdays from 7 p.m. to 5 a.m. and at all times on weekends and major holidays.
- HOV 2+ could travel for free on weekdays from 9 a.m. to 3 p.m. with a *Good To Go!* pass.
- Transit, HOV 3+, and motorcycles could travel for free on weekdays from 5 a.m. to 7 p.m. with a *Good To Go!* pass.

Please refer to the graphic on page 3-5 of the Environmental Assessment for more information on the hours of operation and ETL occupancy requirements.

Comment CR3.4

The tolls should have a maximum, a cap where they cannot charge people more than that. Now it's $10, but we're talking about six years later. They may say $10 is not effective. They can raise it to $20. I want to make sure they maintain $10 only. $10 is a lot.

Response CR3.4

The Washington State Transportation Commission (WSTC) is responsible for establishing toll rates and exemptions for state toll facilities in Washington. While tolling is used to improve traffic flows, WSTC recognizes tolling carries a financial impact for those drivers who choose travel in the tolled lanes. Whenever called upon to revise toll rates, WSTC carefully reviews traffic and revenue projections, listens to members of affected communities, and seeks to ensure customers are treated fairly. See also the WSTC website at http://www.wstc.wa.gov/HighwayTolling/default.htm.

Comment CR3.5

The other suggestion I have is that if people carpool, like, two people in a car, they should get a discount. If they still want them to pay, give them a discount.

Response CR3.5

The Washington State Transportation Commission (WSTC) is responsible for establishing exemptions for state toll facilities in Washington. In 2011, the Washington State Legislature directed WSDOT to consult with a committee of local- and state-elected officials and transit agency representatives to develop recommendations for the I-405 ETL carpool policy. Several alternatives were analyzed including a discount, but the group ultimately recommended a 3+ carpool free peak/2+ carpool free off-peak policy, which was then adopted by the WSTC. This report, the *I-405/SR 167 Corridor Funding and Phasing Report*, was released in 2013, and is available for download on the WSDOT website, along with the supporting traffic and revenue studies at https://www.wsdot.wa.gov/Tolling/EastsideCorridor/Report.htm.

The 3+ carpool free peak/2+ carpool free off-peak policy allows HOV 3+ to travel for free in the ETLs at all times and HOV 2+ to travel for free in the ETLs at specific times of the day. The ETLs are open to all on nights and weekends. For the Project, we assumed the new ETLs would have the same occupancy requirements as the Bellevue to Lynnwood ETLs as described in Response CR3.3.

Comment CR3.6

I don't understand why two people in a car cannot go in a carpool lane, in the toll lane. Two or more should be able to go in the toll lane, so that way traffic will move faster -- for free. Because right now it's three or more.

Response CR3.6

Please see Response CR3.5.

Comment CR3.7

I also want to know what we can do to introduce the light rail to the Renton area and what's the reason we are not adopting the light rail. Because at the moment, the light rail goes all the way from Tacoma, all the way to Everett and extending to Issaquah, the east side, but not in this area, Renton.

Response CR3.7

The current funded I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (Project) does not include light rail. For the I-405 corridor, the voter-approved Sound Transit 3 Plan (ST3) funding package includes funding to develop a Bus Rapid Transit (BRT) system on I-405 from Burien to Lynnwood by 2024. BRT was selected in 2002 as the preferred high-capacity transit system for the east side of Lake Washington as part of the I-405 Master Plan. WSDOT developed the I-405 Master Plan in partnership with Sound Transit, corridor residents,

businesses, elected officials, and local governments. For more information, please see https://www.wsdot.wa.gov/Projects/I405/I405MasterPlan.htm.

Specific information about Sound Transit's plans for BRT in the I-405 corridor can be found on Sound Transit's website at https://www.soundtransit.org/projects-and-plans/bus-rapid-transit-i-405.

Additionally, ST3 includes a high capacity transit study to examine light rail from West Seattle to Burien connecting to Renton via Tukwila.

Comments Received via Email (E)

Comment E1 – Patrick Sibborn, Private Individual, July 10, 2018

From: Patrick Sibborn <sibborn@msn.com>
Sent: Tuesday, July 10, 2018 1:28 PM
To: i405comments@wsdot.wa.gov
Subject: Comments Renton to Bellevue

E1

Does anyone really think that just adding one lane each direction is going to have any effect on the traffic between Renton and Bellevue? E1.1
It is a parking lot 15 hours a day. 7 days a week.
HOT lanes are not going to change that.
What is the cost in lost business for all the companies and people sitting there?

Just this one time, can you add enough lanes to make a difference, please.

Take a lesson from Phoenix. Build a ten lane road.

It might seem expensive now, but think of all the toll money you can collect, if traffic is moving, and the road is usable. E1.2

Maybe add a couple reversible lanes to ease the crush?

Add a second level, so trucks on the bottom, cars on top.

Just don't waste my tax dollars with one lane each way. That is silly.

I live in Bothell, work in Auburn

Patrick Sibborn
425 941 9308

Comment E1.1

Does anyone really think that just adding one lane each direction is going to have any effect on the traffic between Renton and Bellevue? It is a parking lot 15 hours a day. 7 days a week. HOT lanes are not going to change that.

Response E1.1

The I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (Project) is part of the I-405 Master Plan to address corridor-wide congestion. The current funded Project will add new express toll lanes (ETLs) and other improvements to I-405.

The Project will relieve some congestion and improve travel conditions on I-405. For example, the traffic analysis conducted for the Project demonstrated that during the morning peak period, northbound travel times between I-5 to I-90 would decrease in 2025 in both the general purpose lanes (17.5 minutes) and ETLs (5.3 minutes) with the Project as compared to the No Build. Travel times on southbound I-405 would also decrease with the Project. Please see Section 4.1, Transportation, of the Environmental Assessment (EA) for more details.

Please see Response CR3.2 for additional information.

Comment E1.2

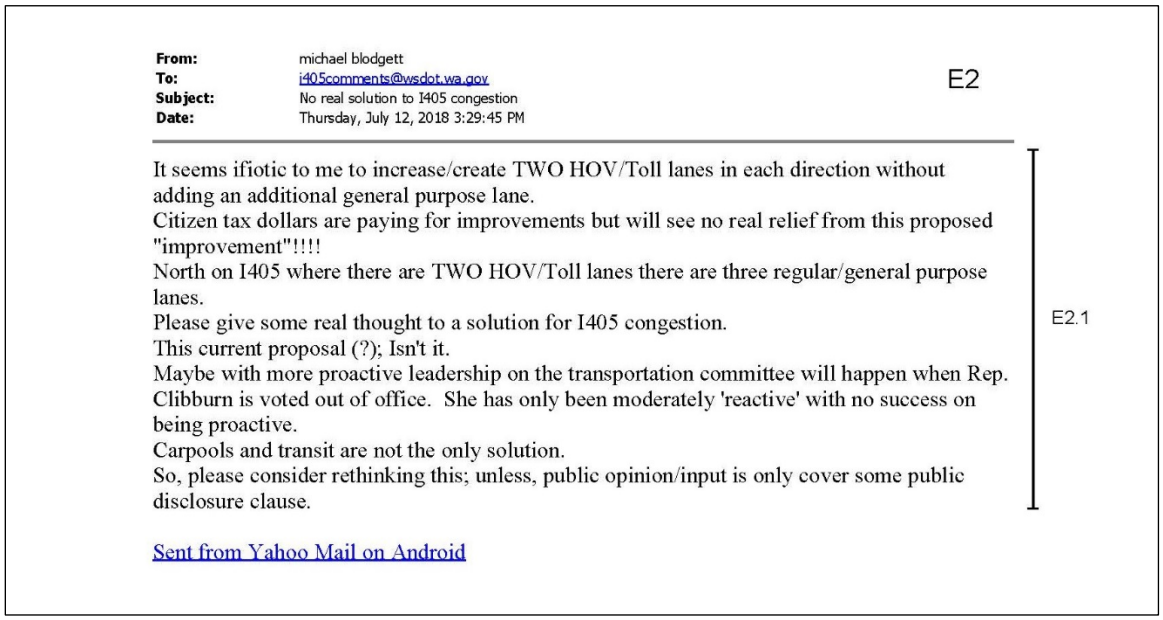
What is the cost in lost business for all the companies and people just sitting there? Just this one time, can you add enough lanes to make a difference, please. Take a lesson from Phoenix. Build a ten lane road. It might seem expensive now, but think of all the toll money you can collect, if traffic is moving, and the road is usable. Maybe add a couple reversible lanes to ease the crush? Add a second level, so trucks on the bottom, cars on top. Just don't waste my tax dollars with one lane each way. That is silly. I live in Bothell, work in Auburn

Response E1.2

Please see Response E1.1.

We recognize that congestion impacts livability, mobility, and economic productivity. One of the primary purposes of the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (Project) is to reduce congestion and increase vehicle capacity and person throughput.

Comment E2 – Michael Blodgett, Private Individual, July 12, 2018



From: michael blodgett
To: i405comments@wsdot.wa.gov
Subject: No real solution to I405 congestion
Date: Thursday, July 12, 2018 3:29:45 PM

E2

It seems ifiotic to me to increase/create TWO HOV/Toll lanes in each direction without adding an additional general purpose lane.
Citizen tax dollars are paying for improvements but will see no real relief from this proposed "improvement"!!!!
North on I405 where there are TWO HOV/Toll lanes there are three regular/general purpose lanes.
Please give some real thought to a solution for I405 congestion.
This current proposal (?); Isn't it.
Maybe with more proactive leadership on the transportation committee will happen when Rep. Clibburn is voted out of office. She has only been moderately 'reactive' with no success on being proactive.
Carpools and transit are not the only solution.
So, please consider rethinking this; unless, public opinion/input is only cover some public disclosure clause.

E2.1

Sent from Yahoo Mail on Android

Comment E2.1

It seems ifiotic to me to increase/create TWO HOV/Toll lanes in each direction without adding an additional general purpose lane.

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North on I405 where there are TWO HOV/Toll lanes there are three regular/general purpose lanes.

Please give some real thought to a solution for I405 congestion.

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Maybe with more proactive leadership on the transportation committee will happen when Rep. Clibburn is voted out of office. She has only been moderately 'reactive' with no success on being proactive.

Carpools and transit are not the only solution.

So, please consider rethinking this; unless, public opinion/input is only cover some public disclosure clause.

Response E2.1

The I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (Project) is part of the I-405 Master Plan to address corridor-wide congestion. Managing congestion is a high priority. The Project will add express toll lanes (ETLs) between Renton just north of SR 167 to just north of I-90. The Project will add general purpose (GP) lane capacity to southbound I-405 from I-90 to 112th Avenue NE and between NE 44th Street and NE 30th Street. The I-405 southbound to I-90 eastbound ramp will be widened from one lane to two lanes. Because of these capacity improvements and the addition of the ETLs, traffic congestion would greatly improve along this section of I-405. Please see Section 4.1, Transportation of the Environmental Assessment (EA) for more details.

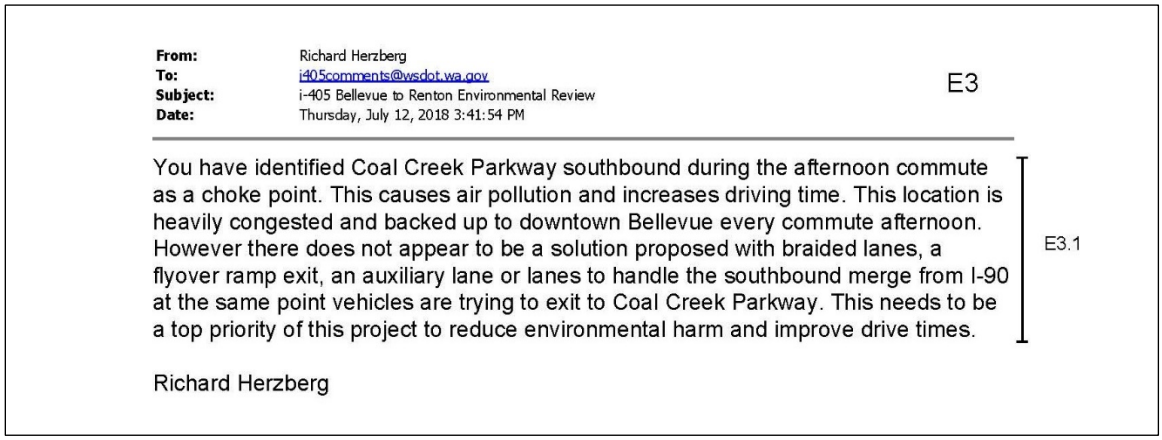
The Puget Sound region is experiencing unprecedented growth, including the communities around I-405, causing some of the worst congestion in the state. ETLs move more vehicles and people when traffic is at its worst compared to the untolled GP lanes. When drivers choose to leave the untolled GP lanes to use the ETLs, they free up space for the other drivers around them. As a result, the untolled GP lanes in most places between Bellevue and Lynnwood are moving faster today than they did before the ETLs opened.

Overall, the number of people moving through the corridor between Bellevue and Lynnwood has increased between 5 and 30 percent, and vehicle volumes have increased 22 percent during peak periods, depending on the location. The ETLs have improved reliability for transit on I-405 by saving up to 11 minutes and increasing ridership by 9 percent. The ETLs are also benefitting drivers in the untolled GP lanes, as travel times are 2 to 7 minutes shorter than they were before tolling began.

Please see the I-405 ETL performance reports on the WSDOT website at https://www.wsdot.wa.gov/Tolling/405/library.htm.

WSDOT is committed to meaningful community engagement and considers community concerns in the design and construction of its projects. WSDOT has offered the public a variety of opportunities to learn about the Project, as well as give input. Chapter 2 of the EA describes how the public has been involved for the Project.

Comment E3 – Richard Herzberg, Private Individual, July 12, 2018



From: Richard Herzberg
To: i405comments@wsdot.wa.gov
Subject: i-405 Bellevue to Renton Environmental Review
Date: Thursday, July 12, 2018 3:41:54 PM

E3

You have identified Coal Creek Parkway southbound during the afternoon commute as a choke point. This causes air pollution and increases driving time. This location is heavily congested and backed up to downtown Bellevue every commute afternoon. However there does not appear to be a solution proposed with braided lanes, a flyover ramp exit, an auxiliary lane or lanes to handle the southbound merge from I-90 at the same point vehicles are trying to exit to Coal Creek Parkway. This needs to be a top priority of this project to reduce environmental harm and improve drive times.

E3.1

Richard Herzberg

Comment E3.1

You have identified Coal Creek Parkway southbound during the afternoon commute as a choke point. This causes air pollution and increases driving time. This location is heavily congested and backed up to downtown Bellevue every commute afternoon. However there does not appear to be a solution proposed with braided lanes, a flyover ramp exit, an auxiliary lane or lanes to handle the southbound merge from I-90 at the same point vehicles are trying to exit to Coal Creek Parkway. This needs to be a top priority of this project to reduce environmental harm and improve drive times.

Response E3.1

In addition to the new express toll lanes (ETLs), the I-405, Tukwila to I-90 Express Toll Lanes Project (Project) will add general purpose (GP) lane capacity on southbound I-405 from I-90 to 112th Avenue NE and between NE 44th Street and NE 30th Street. This new capacity would reduce congestion that backs up near the Coal Creek Parkway. Please see Section 4.1, Transportation, of the Environmental Assessment (EA) for more details.

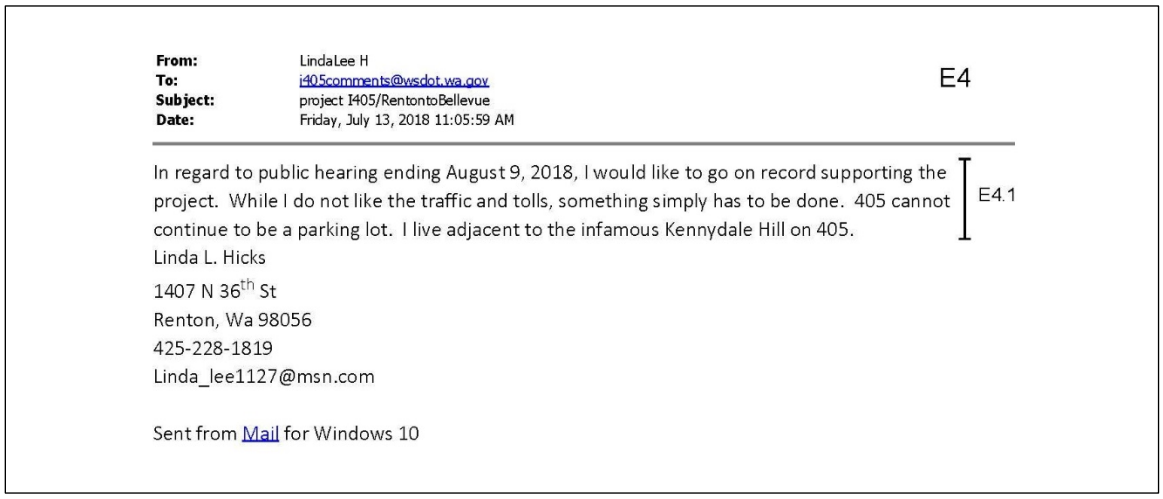
With the Project, air quality emissions are expected to substantially decrease between now and 2025 and 2045 due to implementation of vehicle and fuel regulations by the U.S. Environmental Protection Agency. These standards require new vehicles to have lower emissions than older vehicles. As drivers switch from older vehicles to newer ones, emissions from vehicles using our roadways are dropping rapidly. This approach benefits entire communities, rather than selected areas. Expected decreases in emissions are shown in Exhibits 4-2 and 4-3 of the EA and Exhibits 6-1 and 6-2 of EA Attachment B, *Air Quality Discipline Report*.

This Project and other ETL projects are part of the I-405 Master Plan, which is a multimodal plan to manage congestion in the I-405 corridor. While the Washington State Legislature has not been able to fund the complete I-405 Master Plan, which includes additional GP lanes, braided GP ramps, and direct access ramps for ETL vehicles at I-90, as well as other

improvements, it has made substantial investments in GP lanes to address key chokepoints and implement the first phase of ETLs from Bellevue to Lynnwood.

WSDOT is committed to building out the full I-405 Master Plan as funding becomes available and is working with the Legislature to fund other improvements consistent with the I-405 Master Plan.

Comment E4 – Linda Hicks, Private Individual, July 13, 2018



From: LindaLee H
To: i405comments@wsdot.wa.gov
Subject: project I405/RentontoBellevue
Date: Friday, July 13, 2018 11:05:59 AM

E4

In regard to public hearing ending August 9, 2018, I would like to go on record supporting the project. While I do not like the traffic and tolls, something simply has to be done. 405 cannot continue to be a parking lot. I live adjacent to the infamous Kennydale Hill on 405.

E4.1

Linda L. Hicks
1407 N 36th St
Renton, Wa 98056
425-228-1819
Linda_lee1127@msn.com

Sent from Mail for Windows 10

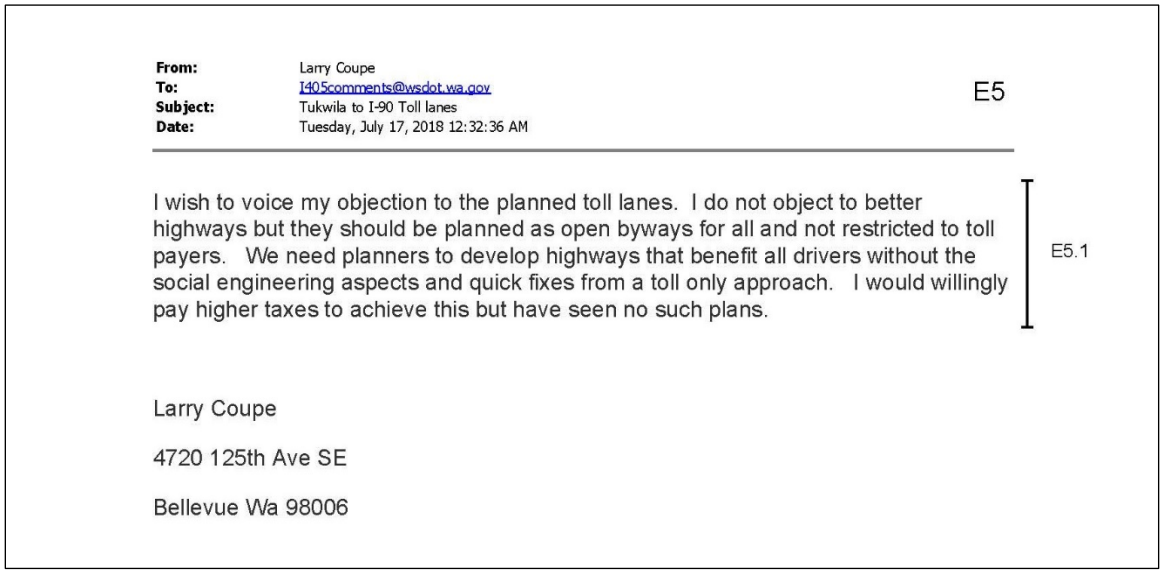
Comment E4.1

In regard to public hearing ending August 9, 2018, I would like to go on record supporting the project. While I do not like the traffic and tolls, something simply has to be done. 405 cannot continue to be a parking lot. I live adjacent to the infamous Kennydale Hill on 405.

Response E4.1

Thank you for your comment.

Comment E5 – Larry Coupe, Private Individual, July 17, 2018



From: Larry Coupe
To: I405comments@wsdot.wa.gov
Subject: Tukwila to I-90 Toll lanes
Date: Tuesday, July 17, 2018 12:32:36 AM

E5

I wish to voice my objection to the planned toll lanes. I do not object to better highways but they should be planned as open byways for all and not restricted to toll payers. We need planners to develop highways that benefit all drivers without the social engineering aspects and quick fixes from a toll only approach. I would willingly pay higher taxes to achieve this but have seen no such plans.

E5.1

Larry Coupe

4720 125th Ave SE

Bellevue Wa 98006

Comment E5.1

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Response E5.1

Thank you for your comment.

The Puget Sound region is experiencing unprecedented growth, including the communities around I-405, causing some of the worst congestion in the state. In 2002, WSDOT developed the I-405 Master Plan, a multimodal vision for the corridor to move more people and manage congestion along I-405, which was to be completed by 2020. This vision included managed lanes and Bus Rapid Transit (BRT). The implementation of BRT relies on WSDOT's ability to manage lanes to provide a reliable trip for I-405 users. While the Washington State Legislature has not been able to fund the complete I-405 Master Plan, which includes additional untolled general purpose (GP) lanes, as well as other improvements, it has made substantial investments in untolled GP lanes to address key chokepoints, and has implemented the first phase of express toll lanes (ETLs) from Bellevue to Lynnwood to provide drivers a choice when they need it, as well as to give transit a reliable trip. WSDOT is committed to building out the full I-405 Master Plan as funding becomes available and is working with the Legislature to fund other improvements consistent with the I-405 Master Plan.

Having a toll option moves more vehicles and people overall than just adding another GP lane, which would quickly become another stop-and-go lane. ETLs give drivers the choice to pay a toll for a reliable trip when they need it. They also bring back predictability and speed

for carpoolers and transit users, who use the lanes toll-free, by keeping traffic moving reliably.

The ETLs move more vehicles and people when traffic is at its worst compared to untolled GP lanes. When drivers choose to leave the untolled GP lanes to use the ETLs, they free up space for the other drivers around them. As a result, the untolled GP lanes in most places between Bellevue and Lynnwood are moving faster today than they did before the ETLs opened.

Overall, the number of people moving through the corridor between Bellevue and Lynnwood has increased between 5 and 30 percent, and vehicle volumes have increased 22 percent during peak periods, depending on the location. The ETLs have improved reliability for transit on I-405 by saving up to 11 minutes and increasing ridership by 9 percent. The ETLs are also benefitting drivers in the untolled GP lanes, as travel times are 2 to 7 minutes shorter than they were before tolling began.

Please see the I-405 ETL performance reports on the WSDOT website at https://www.wsdot.wa.gov/Tolling/405/library.htm.

Comment E6 – J.C. Smith, Private Individual, July 17, 2018

From: J. C. Smith
To: i405comments@wsdot.wa.gov
Subject: Do Not Expand I-405
Date: Tuesday, July 17, 2018 12:20:24 PM

E6

Good afternoon:

As a resident in the Puget Sound, I object to expansion of I-405. This project was proposed by WSDOT without proper consultation with the public and a vote by ballot. Puget Sound residents expect that projects of this scale receive their approval before commencement of planning and construction. The Washington State Legislature erroneously passed authorization for this while the public is asked to consider and vote on basic infrastructure projects like local road maintenance and transit. WSDOT failed to meet the public expectation in consultation, including a vote on this project. As we know from the Roads and Transit measure in 2000s, the public rejected the proposal because of projects like the proposed I-405 expansion. I expect this would occur if the public were given a chance to have a say today. E6.1

This project, if built, will have unavoidable significant adverse impacts by polluting the environment and inducing more driving. That by extension will increase demand on local roads and perpetuate a poor, low-density land use pattern. There is no justification for the extreme harm to the environment that WSDOT is proposing. The project will not live up to its false objectives of reducing congestion--it will do the exact opposite. Instead, WSDOT should seek to focus on building bicycle superhighway and providing exclusive right-of-way for transit. WSDOT should also ensure any modifications to interchanges put the safety and accessibility of people walking and riding bikes first. That means configuring lanes to be as small as possible, not constructing slip turns, including in-street protected bike lanes, crosswalks at all intersection points, and not using the absurd SPUI and roundabout designs that WSDOT seems to fetishize. E6.2

Bottomline:

- Do not expand I-405 to include any new lanes.
- Use sensible safe street designs.
- Build a bike superhighway.
- Prioritize transit with exclusive right-of-way.

J. C. Smith

Comment E6.1

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As a resident in the Puget Sound, I object to expansion of I-405. This project was proposed by WSDOT without proper consultation with the public and a vote by ballot. Puget Sound residents expect that projects of this scale receive their approval before commencement of planning and construction. The Washington State Legislature erroneously passed authorization for this while the public is asked to consider and vote on basic infrastructure projects like local road maintenance and transit. WSDOT failed to meet the public expectation in consultation, including a vote on this project. As we know from the Roads and Transit measure in 2000s, the public rejected the proposal because of projects like the proposed I-405 expansion. I expect this would occur if the public were given a chance to have a say today.

Response E6.1

In 2002, WSDOT worked with the public, local, and federal agencies to develop a vision for the I-405 corridor to move more people and manage congestion. WSDOT studied multiple alternatives in a programmatic environmental impact statement (EIS). The EIS evaluated a range of alternatives including a No Build alternative, removing capacity on I-405, transit options, and increased capacity. A balanced multimodal alternative was selected. Please see http://www.wsdot.wa.gov/Projects/I405/corridor/feis.htm for more information.

The selected alternative included managed lanes, general purpose lanes, and Bus Rapid Transit (BRT). The implementation of BRT relies on WSDOT's ability to manage lanes efficiently to provide a reliable trip for I-405 users. While the Washington State Legislature has not been able to fund the complete I-405 Master Plan, it has made substantial investments to address key chokepoints and has implemented the first phase of express toll lanes from Bellevue to Lynnwood to provide drivers a choice when they need it, as well as to give transit a reliable trip. In addition to the extensive public process that occurred as part of the development of the I-405 Programmatic EIS, WSDOT has involved the public as I-405 projects have become funded. Chapter 2 of the Environmental Assessment describes how the public has been involved for the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project.

Comment E6.2

This project, if built, will have unavoidable significant adverse impacts by polluting the environment and inducing more driving. That by extension will increase demand on local roads and perpetuate a poor, low-density land use pattern. There is no justification for the extreme harm to the environment that WSDOT is proposing. The project will not live up to its false objectives of reducing congestion--it will do the exact opposite. Instead, WSDOT should seek to focus on building bicycle superhighway and providing exclusive right-of-way for transit. WSDOT should also ensure any modifications to interchanges put the safety and accessibility of people walking and riding bikes first. That means configuring lanes to be as small as possible, not constructing slip turns, including in-street protected bike lanes,

crosswalks at all intersection points, and not using the absurd SPUI and roundabout designs that WSDOT seems to fetishize.

Bottomline:

- Do not expand I-405 to include any new lanes.
- Use sensible safe street designs.
- Build a bike superhighway.
- Prioritize transit with exclusive right-of-way.

Response E6.2

The Environmental Assessment (EA) for the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (Project) analyzes the Project's impacts and identifies measures WSDOT will take to reduce those impacts. Air quality emissions are expected to improve with the Project as described on pages 4-3 to 4-5 and on pages 6-1 to 6-4 of EA Attachment B, *Air Quality Discipline Report*. In addition, the Project would reduce pollutant discharges to stormwater due to improved stormwater treatment as described in the EA on pages 4-106 to 4-114. The transportation analysis conducted for the Project is presented in the EA in Section 4.1, Transportation. This analysis showed that the Project would reduce congestion on I-405, not increase it.

Adding Lanes to I-405

In 2002, WSDOT worked with cities, counties, federal agencies, transit agencies, and community groups to develop consensus on a long-term vision for the multimodal redevelopment of I-405 to move more people and manage congestion. WSDOT studied multiple alternatives in a programmatic environmental impact statement (EIS). The EIS evaluated a range of alternatives including a No Build alternative, removing capacity on I-405, transit options, and increased capacity. A balanced multimodal alternative was selected. Please see http://www.wsdot.wa.gov/Projects/I405/corridor/feis.htm for more information.

The selected alternative included adding managed lanes, general purpose lanes, and bus rapid transit (BRT). The implementation of BRT relies on WSDOT's ability to manage lanes efficiently to provide a reliable trip for I-405 users. While the Washington State Legislature has not been able to fund the complete I-405 Master Plan, it has made substantial investments to address key chokepoints and has implemented the first phase of express toll lanes from Bellevue to Lynnwood to provide drivers a choice when they need it, as well as to give transit a reliable trip. The I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (Project) is one piece of the multimodal vision for the I-405 corridor that was developed in the I-405 Master Plan. WSDOT is committed to building out the full I-405 Master Plan as funding becomes available.

Sensible, Safe Street Designs

This Project incorporates practical design solutions and context sensitive solutions (CSS). The goal of practical design solutions and CSS are to optimize each project to deliver needed

improvements, while minimizing impacts on the environment, traveling public, and corridor neighbors.

Proposed Bicycle and Pedestrian Improvements

Consistent with the I-405 Master Plan, the Project does not propose to build a bike superhighway. However, the Project will construct multiple pedestrian and bicycle facilities. For example, King County is planning to construct the Eastside Rail Corridor Regional Trail along the existing rail corridor tracks between Renton and Bellevue. WSDOT is partnering with King County to build portions of this trail between Renton and Bellevue. See the ERC project website at https://kingcounty.gov/services/parks-recreation/parks/trails/regional-trails/popular-trails/eastside-rail-corridor.aspx.

As part of the Project, WSDOT will construct the ERC Regional Trail before closing the Lake Washington Trail. Please see pages 4-25 and 4-26 of the EA for a description of pedestrian and bicycle improvements.

Additionally, the I-405, Downtown Bellevue Vicinity Express Toll Lanes Project, which will be constructed at the same time as this Project, will build a new bridge for nonmotorized travel over southbound I-405 to connect with the ERC.

Transit

Sound Transit and WSDOT are coordinating their work in the I-405 corridor to maximize their investments and implement improvements that benefit all users of I-405 including transit, drivers, pedestrians, bicyclists, and freight.

The Sound Transit 3 Plan (ST3) includes funding for I-405 BRT and additional park-and-ride facilities along I-405 between Burien and Lynnwood by 2024. This Project includes elements, such as the construction of new direct access ramps and inline transit stations at NE 44th Street and 112th Avenue SE, to support the development of BRT in the I-405 corridor.

For additional information on ST3 improvements, please see www.soundtransit.org/projects-and-plans/bus-rapid-transit-i-405.

Comment E7 – Cliff Hanks, Private Individual, July 19, 2018

From: Cliff Hanks
To: i405comments@wsdot.wa.gov
Subject: I405 Express Toll Lanes
Date: Thursday, July 19, 2018 12:18:57 PM

E7

I am writing to ask that you stop the project for the I405 Express Toll Lanes.

In 2003 and 2005, state lawmakers raised the gas tax and **promised the public new general purpose lanes on Interstate 405 between Bellevue and Lynnwood.** But in 2011, lawmakers approved House Bill 1382, turning the new general purpose lanes into toll lanes. In addition, state lawmakers converted existing High Occupancy Vehicle (HOV) lanes into toll lanes. State officials said the tolling scheme would benefit all users of the highway – including travelers in the regular lanes.

In September 2015, the Washington State Department of Transportation (WSDOT) began its two-year Express Toll Lanes (ETLs) experiment. **Despite the end of the trial program in September 2017, WSDOT officials have continued to charge drivers to use the lanes.**

To keep the lanes running, state transportation officials need to meet two performance metrics: revenue and speed targets. While state officials say they are meeting the revenue requirement, **they admit the lanes are failing federal and state requirements for speed reliability.**

This project demonstrates broken promises and a desire to collect revenue no matter what the consequences.

I highly doubt my comments will make any difference to the outcome. However, if someone is actually reading this and taking it into account, if the project cannot be stopped, my second request would be to set the occupancy limit for free carpooling in the toll lanes to 2 people.

E7.1

Thank you.

Cliff Hanks
33006 NE 52nd Street
Carnation, WA 98014

Comment E7.1

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In 2003 and 2005, state lawmakers raised the gas tax and promised the public new general purpose lanes on Interstate 405 between Bellevue and Lynnwood. But in 2011, lawmakers approved House Bill 1382, turning the new general purpose lanes into toll lanes. In addition, state lawmakers converted existing High Occupancy Vehicle (HOV) lanes into toll lanes. State officials said the tolling scheme would benefit all users of the highway – including travelers in the regular lanes.

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To keep the lanes running, state transportation officials need to meet two performance metrics: revenue and speed targets. While state officials say they are meeting the revenue requirement, they admit the lanes are failing federal and state requirements for speed reliability.

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Response E7.1

In the 2015 Connecting Washington funding package, the Washington State Legislature directed WSDOT to continue widening the I-405 corridor between Renton and Bellevue with the assumption that toll revenue would fund part of that improvement. Revenue from the express toll lanes (ETLs) is required to be reinvested into the I-405 corridor to fund needed improvements.

Tolling in Washington State is governed by the provisions of Revised Code of Washington (RCW) 47.56.880:

> It is the intent of the legislature to improve mobility for people and goods by maximizing the effectiveness of the freeway system. An express toll lanes network is one approach for managing the use of freeway high occupancy vehicle lanes and, at the same time, generating funds to improve the Interstate 405 and state route number 167 corridor.

WSDOT reports annually to the Federal Highway Administration (FHWA) on whether existing ETLs are meeting federal performance requirements of 45 miles per hour, 90 percent of the time during the peak hours.

The I-405, Bellevue to Lynnwood Project is not meeting the performance criteria in some areas; however, the system is moving more vehicles and people through the system and meeting the revenue generation goal. WSDOT is required to and has submitted a remediation plan to FHWA outlining how we plan to improve performance. For more information, see the I-405 ETL performance reports located on the WSDOT website at https://www.wsdot.wa.gov/Tolling/405/library.htm.

As for your request to set the occupancy limit for carpools to 2 people, please note that the Washington State Transportation Commission (WSTC) establishes the toll rates and occupancy requirements for state toll facilities in Washington. We assume that the new ETLs with the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (Project) would be the same as the Bellevue to Lynnwood ETLs as described below:

- HOV 2+ could travel for free on weekdays from 9 a.m. to 3 p.m. with a *Good To Go!* pass.
- HOV 3+, transit, and motorcycles could travel for free on weekdays from 5 a.m. to 7 p.m. with a *Good To Go!* Pass.
- All drivers could travel for free without a *Good To Go*! pass on weekdays from 7 p.m. to 5 a.m. and at all times on weekends and major holidays.

Please refer to the graphic on page 3-5 of the Environmental Assessment for more information on the hours of operation and ETL occupancy requirements.

Comment E8 – Jim Hanson, Private Individual, July 28, 2018

From: Jim Hanson
To: i405comments@wsdot.wa.gov
Subject: i90 i405 interchange
Date: Saturday, July 28, 2018 11:28:22 PM

E8

I cannot find a detailed map on the 405 project pages but as I understand it, the i90 west bound entrance to I405 north and the i405 south bound entrance to i90 east are not getting any additional lanes (although somewhere else I read that maybe you will be seeking funding for the southbound to eastbound ramp).

right now, the entrance to i405 on i90 backs up for a 1/3 to a full plus mile at almost all times during the day—creating dangerous conditions with cars whizzing by at very fast speeds right next to stopped traffic and last minute mergers crossing lanes to get into the stopped traffic.

when that slow traffic enters 405, it slows 405 down.

when a carpool or bus needs to get from Issaquah to north Bellevue—that carpool and bus is stuck in that dangerous traffic—indeed, having to merge 4 lanes over.

E8.1

carpool connectors from i405 to i90 are _*badly*_ needed. FAR more badly than adding another lane over i90 and a _*significant*_ number of those cars/busses in the 405 carpool/bus lanes are going to want to get onto the i90 carpool/bus lanes.

if you can't afford the carpool connectors—then at least add a lane from i90 to i405 so carpools/buses aren't slowed down. that can't be that expensive and the need is _*tremendous*_.

Jim Hanson :)
hansonjb@gmail.com
Director of Forensics (Speech and Debate), Seattle University hansonj@seattleu.edu
Executive Director, Climb the Mountain Speech & Debate Foundation
www.climbthemountain.us
President, West Coast Publishing www.wcdebate.com

Comment E8.1

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if you can't afford the carpool connectors—then at least add a lane from i90 to i405 so carpools/buses aren't slowed down. that can't be that expensive and the need is _*tremendous*_.

Response E8.1

Safety is WSDOT's number one priority. Improvements to the westbound I-90 to northbound I-405 ramps are not funded at this time. Improvements to the westbound I-90 to I-405 ramps are part of the I-405 Master Plan and include high occupancy vehicle direct connector ramps, as well as modifications to the existing general purpose ramps. These improvements have been identified as high priority projects by WSDOT. Legislative funding will be necessary for construction.

With the proposed I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (Project), the I-405 southbound to eastbound I-90 ramp will be widened from one lane to two lanes, which will provide better southbound I-405 to eastbound I-90 access. The construction of the express toll lanes (ETLs) and other roadway improvements proposed with the Project will reduce congestion on I-405 and the I-405/I-90 interchange ramps, which will help relieve congestion on westbound I-90 approaching the I-90/I-405 interchange.

Information about existing safety performance is provided on page 4-15 of the Environmental Assessment (EA) and expected safety performance with the Project is provided on page 4-23 and 4-24. Additional information about safety is contained in the EA, Attachment A, *Transportation Discipline Report,* on pages 4-9 to 4-11 and 5-42 to 5-43.

Comment E9 – Sarah Fletcher, Private Individual, August 7, 2018

From: Sarah Fletcher
To: I405comments
Subject: I-405 Toll Renton to Tukwila Widening Project
Date: Tuesday, August 7, 2018 4:16:53 PM
Attachments: RTB_SE8th_to_I90_Lanes_Onepager.pdf

E9

Good afternoon, I had responded to the first Environmental Impact Study that came out, but what I don't understand is how could WSDOT left off the study of the I-405 South to the I-90 West segment which is a very important interchange in that that interchange takes drivers/commuters and truck drivers from Bellevue to Seattle via the I-90? So now what happens?
I am sorry this is so long, but I was trying to get in as much as possible. E9.1

In addition, I have read through the Environmental Impact Studies and I do not understand why both Mr. Cameron Kukes and Mr. Daniel Mathis would state that the project "will not have a probable significant adverse impact on the environment" when it will without a doubt have an adverse impact on the environment from what I read in the Environmental Impact Studies.

Who do we go to who could act as an ombudsman or someone with higher authority to decide whether what they are saying or what the public are saying is correct or not?

This is what Cameron Kukes' March 27, 2018, stated in his letter:
"After reviewing our EA and other information on file with WSDOT, we have determined that this proposal, the I-405, Downtown Bellevue Vicinity Express Toll Lanes Project, **will not have a probable significant adverse impact on the environment.** A copy of the determination of nonsignificance for this proposal is attached."

https://www.wsdot.wa.gov/sites/default/files/2018/07/09/I405-Tukwila-I90-Vicinity-Express-Toll-Lanes-SEPA.pdf

How Cameron Kukes and Daniel Mathis could both come out with a statement that "the Project **will not have a probably significant adverse impact on the environment."** All I can think is that they meant to add "to them personally or to WSDOT," but to the rest of us, this project will have a serious adverse environmental impact for which there is no going back on and WSDOT even state: "**will change the landscape which would create adverse impacts on visual quality by eroding the natural character of the corridor and shifting it to a more urban condition."**

If either of them had read the comments, they would have seen that people have complained about the already loud freeway noise as one example for which WSDOT have not done anything about and whatever they have done to date, has not worked so any mitigation is unacceptable. E9.2

I looked up the meaning on environmental impact just to be sure I understood what they meant and this is what is says:
"Environmental Impact: Possible adverse effects caused by a development, industrial, or infrastructural project or by the release of a substance in the environment."

"**Adverse**" means 'unfavourable or harmful' and is normally used of conditions and effects rather than people."

With this proposal, it is both adverse and unfavourable, and will have a detrimental environmental impact.

I think Mr. Kukes and Mr. Mathis could have said that there will not be any adverse environmental impacts to some parts of the I-405, but to say, there would not be any is just a bit of a stretch of the truth and it makes me think that they did not read through the Environmental Impact Studies or their definition is different to the one above.

From what I am reading, there will be adverse impacts to the wetlands, to people who will have their houses taken for the project, for the people who live along the corridor, to sensitive groups, also aesthetically, visually, to the wetlands, and will require removal of lots of mature trees, but what Mr. Mathis and Mr. Kukes don't realize is that this project is going to change the landscape from rural to urban forever for which there will be a huge change.

Perhaps, Mr. Kukes and Mr. Mathis could go into more detail as to how they came out with the statement above. Thank you.

And I can't find where it says the **safety has being studied**. I can find everything else, but not safety, so was the safety studied and if so, where can one find that information and why was it not included in the WSDOT Study?
This is what it states:

"What environmental resources did WSDOT study? WSDOT studied the potential effects of the Project on the built and natural environment for the following environmental resources: § Transportation §Noise §Land use, socioeconomics, and environmental justice Recreational, Section 4(f), and Section 6(f) resources § Visual quality § Water resources § Ecosystems § Air quality § Energy and greenhouse gas emissions § Historic, cultural, and archaeological resources § Geology and soils § Hazardous materials § Public services and utilities E9.3

But nothing about **safety**, like weaving and projected traffic incidents and incidents at interchanges.

It is very well stating that the Project would add an additional lane in each direction by widening or restriping, and that **all drivers would benefit** from new capacity on I-405, but it actually takes away a lane (the HOV lane) between the I-405 and I-90 and it does not benefit SOV and HOV drivers going from the I-405 South to the I-90 West. How can they state that it will be a benefit for SOV and HOV drivers if they plan on taking away one ramp? There is going to be congestion at that intersection if they take away one ramp so it is not that all drivers would benefit. E9.4

And this is what it says in the EIS:
"Providing an HOV lane in each direction across the lake would improve throughput and vehicle travel times would improve throughput and vehicle travel times, but it **WOULD NOT NECESSARILY IMPROVE the freeway segment densities and corresponding LOS in the GP lanes since this project helps to reduce some bottlenecks, thereby increasing vehicle throughput and creating higher**

vehicle densities elsewhere where the I-405 intersects the I-90."

So, why would WSDOT embark on something that will just create higher vehicle densities elsewhere, does it not seem like a waste of money? And when I read "not necessarily improve," I mean that to to mean it will not improve really.

"If an EIS is needed, additional environmental analysis would be completed and an EIS would be published at a future date." The EIS is not complete in that they have not mentioned anything about the environmental impact as a result of the loss of an HOV lane/ramp between the I-405 South and I-90 West which might not be part of the Eastside Corridor, but it is an important access to Seattle from Bellevue. So, when are they planning on coming out with that Study? E9.4

Re: No Appreciable Difference with MSAT Emissions.
Although the vehicle miles traveled (VMT) estimated for the projects in both 2025 and 2045 would increase compared to existing conditions, MSATs are estimated to be lower than existing conditions because of improved vehicle technology. In addition, because the estimated VMT with the projects in 2025 and 2045 would vary by less than 2 percent compared to No Build, we expect that there would be **no appreciable difference** in MSAT emissions between No Build and Build Alternatives." E9.5

So why spend the money on something if there will be virtually no difference between Build or No Build?

Re: Study of the Interchange Areas and Ramps.
1. Where can one find the Interchange areas and ramps for 8 lanes and ramps at an interchange area? E9.6
2. Has anyone studied that and if they have not, that means, what WSDOT are planning to do is "an experiment," never have been studied before. Is that right? E9.7
3. Is there anywhere in the country that have these two ETL lanes, general purpose lanes, HOV lanes, merge lanes, ramps and if so, where can one find what it looks like and what the safety analysis of that has been? E9.8
4. And did WSDOT say how wide each lane/ramp/shoulder lanes will be? E9.9

I don't know if any of you will get to actually look at the SE 8th Ave area, but I could show you what drivers do now and ask you what you think? I just don't think it is a good idea to have any toll lane at that section of the I-405.

Re. SE 8th Ave SE Ramp to the I-405 S to the I-90 W.

I just drove from the SE 8th ramp leading to the I-405 going south. The attachment Hannah sent me I don't think is entirely accurate in that there are currently two metered ramps, plus a right-hand sided HOV ramp, then the two metered lanes merge right into one general lane, and then that general lane merges with the I-405 general purpose lane which merges right, and then you have the HOV vehicles which just sail by in that far right lane and that HOV lane leads to the I-90 W. It looks like there is a direct access HOV ramp which leads all the way from SE 8th to the I-90 W freeway, but with the proposal, it looks like that for HOV drivers using the SE 8th ramp, they will have to line up at the general metered ramp and only at the last minute, will they be able to merge into the HOV lane in order to access the HOV lane on the I-90 West. WSDOT has a whole segment on how direct access HOV ramps benefit HOV drivers and how they can save 10 minutes per trip, but then it looks like they are not providing that for the HOV drivers coming from the SE 8th Ramp. E9.10
https://www.wsdot.wa.gov/HOV/directaccessramps.htm

Perhaps, someone could go into more detail as to what the plan is as it is not clear.

On the attachment, it shows just one ramp/lane and what is not clear is what happens to the HOV vehicles and buses at the SE 8th ramp leading onto the I-405 S to the I-90 W with the new proposal?
1. Will there be a direct HOV ramp/lane leading from SE 8th going southbound to the I-90 HOV westbound which is how it is now E9.11
2. Do the HOV drivers have to merge into the general lane and then merge at the last minute to the HOV ramp/lane? E9.12

Re: Failure of the current Northbound Commute between Bothell and Lynnwood.

"The northbound commute between Bothell and Lynnwood experienced increased delay due to the bottleneck created by the reduction of I-405 from five lanes to three lanes. The delay experienced between Bothell and Lynnwood **doubled** between 2014 and 2016." E9.13

So, why would WSDOT want to invest more money on ETLs when the data from the Bothell to Lynnwood northbound commute says that the delay **doubled** did not improve? Does that not sound ludicrous?

And "Providing an HOV lane in each direction across the lake would improve throughput and vehicle travel times would improve throughput and vehicle travel times, but it **WOULD NOT NECESSARILY IMPROVE the freeway segment densities and corresponding LOS in the GP lanes since this project helps to reduce some bottlenecks, thereby increasing vehicle throughput and creating higher vehicle densities elsewhere** where the I-405 intersects the I-90." E9.14

So, does it not seem like a waste of money if it will not necessarily improve the LOS in the GP lanes?

Re: Merging/Weaving.
1. Where can I find the latest Incident Report for that area? E9.15
2. Where can I find the forecasted projections in that with the proposal? E9.16
3. Do they think there will be more or less weaving incidents at that stretch with the proposed project? E9.17
4. Did they look at having a reversible HOV lane which will go one way in the morning and one way in the afternoon like what used to happen on the I-90 center roadway? E9.18
5. Did they study creating a Rapid Bus Transit and buses only lane in each direction and if so, where can one see the results? E9.19

This is what it says in the EIS, but it says nothing about what is being proposed at the intersection of the I-405 S to I-90 W which is a main interchange not only for Mercer Islanders, but for those who are going to Seattle.

" • Southbound I-405, I-90 to NE 6th Street (MP 11.9 to 13.7) – From MP 11.9 to 12.5, reconfigure the existing outside HOV lane to the inner roadway and convert both of the existing HOV lanes to ETLs. From MP 12.5 to 13.5, develop a new lane by widening or restriping. This new lane coupled with the existing HOV lane would result in a dual ETL south of NE 4th Street. Between MP 13.5 and 13.7, convert the existing HOV lane to an ETL. The ETL would connect to the existing ETLs from downtown Bellevue to Lynnwood. Where new pavement is needed, eastward expansion is proposed."

"Although the vehicle miles traveled (VMT) estimated for the projects in both 2025 and 2045 would increase compared to existing conditions, MSATs are estimated to be lower than existing conditions because of improved vehicle technology. In addition, because the estimated VMT with the projects in 2025 and 2045 would vary by less than 2 percent compared to No Build, we expect that there would be no appreciable **difference in MSAT emissions between No Build and Build Alternatives."**

So, why would you bother rebuilding, if there would be no appreciable difference in MSAT emissions? What is the point of the proposal - to reduce emissions or what?

E9.20

"This document fulfills WSDOT's obligation under the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA) to disclose project effects and mitigation. Once all final approvals are received, the Project would go through final design and would then be constructed."

This is unacceptable. This project is a disaster in the making and a huge expense and more importantly, it would without a doubt have s not probable but **definite** significant adverse impact on the environment and for people who live along the corridor.

Who is the final person to sign off on this Project? Are they reading the comments people had sent in with the draft EIS and is there going to be a summary of what people complained about the most?

We need an ombudsman to determine if what the people are saying versus what Mr. Mathis and Mr. Kucek are saying or whoever is going to be signing off on this proposal. Who can we contact? This project should not be approved just because of two people signing off on it.

E9.21

"If an EIS is needed, additional environmental analysis would be completed and an EIS would be published at a future date."

The EIS is not complete in that they have not mentioned anything about the environmental impact as a result of the loss of an HOV lane/ramp between the I-405 and I-90 which might not be part of the Eastside Corridor, but it is an important access to Seattle from Bellevue and I don't believe they studied the safety of the proposed project

This was the response to my question with regard to what was happening with the ramp/lane leading from the I-405 South to the I-90 West:

"Response E61.04 The proposed I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project, which would be constructed along with the I-405, Downtown Bellevue Vicinity Express Toll Lanes Project (Project) would include additional mainline capacity improvements, as well as southbound I-90 ramp improvements. The right-side high-occupancy vehicle (HOV) exit to I-90 would remain in place; however, it would be accessed about one-half mile north of I-90. The current right-side HOV lane has very low use, approximately 300 vehicles per hour in the peak whereas the new express toll lane (ETL) is anticipated to serve over 1,500 vehicles per hour at this location. Together, the operational and capacity improvements of these projects would greatly improve traffic conditions in the section to which you are referring. We have limited space available due to wetlands and streams for widening in the southbound direction and want to move as many vehicles as possible through this area."

From what the response, it sounds worse, it sounds like they are going to toll the HOV lane and they are making out that currently 300 HOV vehicles an hour during peak use that HOV ramp, and that 1500 will use it once it becomes an ETL. But we have never been told that that HOV lane will be an ETL. Plus, what they did not respond to was what was happening to the general purpose ramps.

E9.22

In the I-405 Bellevue to Bothell, I was curious to see what WSDOT stated in their Environmental Impact Studies and apparently, they did not see any unavoidable adverse effects:
"Unavoidable adverse effects. We do not foresee the project causing any substantial unavoidable adverse effects to transportation."

But as we can all see, the traffic congestion was so bad that it caused over 32,000 people to petition against the toll lanes. With this proposal, there will be environmental impacts to Don't you see, they just say whatever they want, but that there were adverse effects to transportation and to just about everyone.

E9.23

Land Use Compliance:

In Bellevue's City Code, Chapter 20.20.520, it has the following:

"A. **Purpose.** Retention of significant trees as required by this section is necessary to maintain and protect property values, to enhance the visual appearance of the City, to **preserve the natural wooded character of the Pacific Northwest**, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system and water resources, and to provide a better transition between the various land uses permitted in the City."

And I believe in the EIS, it states:
"Discharges to Mercer Slough are **exempt** from flow control measures. Because enhanced stormwater treatment can only remove a percentage of the total pollutant load, any increase in pollutant-generating surfaces (impervious road areas) would result in some residual increase in pollutant load."

E9.24

Who made the decision to exempt the Mercer Slough from flow control measures? With the addition of impervious surface, that is all the more reason to not exempt the Mercer Slough from flow control measures.
Who is responsible for allowing this and what can be done to stop that?
"WSDOT must permanently remove vegetation during construction it would be replaced with native vegetation within or near the study area."

E9.24

But this is contrary to what is in Bellevue's Comprehensive Plan.

E9.25

And as part of the analysis, WSDOT considered possible effects on viewers with higher and lower sensitivity. Within the study area, viewers with higher sensitivity likely to view I-405 include:
§ Persons using parks and trails
§ Residents of single- and multi-family areas
Teachers, children, and parents at schools and their associated playfields "

If these groups are sensitive, it really doesn't sound very environmentally friendly putting a freeway right where they are going to walk, live, work, or for schoolchildren and where they play sport is the best and most environmentally friendly idea. On this basis, this build option does not sound like the most viable option if you ask me. What about the car fumes? Will those not effect these same groups as well? And if they will not, how do you come by that?

E9.26

Could you give an approximate as to how far away from the sportsfields, trails, schools, multi-family buildings, the freeway will be just so that we get some idea of proximity?

E9.27

"At several interchange areas along I-405, the Project **would create adverse impacts** on visual quality by eroding the natural character of the corridor and shifting it to a more urban condition. Vegetation would be cleared for construction. Tolling gantries, new light poles, and signs would add complexity, light, and glare to the corridor. The Project would construct retaining walls, ramps, and inline transit stations and widen pavement to accommodate the additional lanes."

Although it says that the Project would construct retaining walls, ramps, etc., it does not say that those things would actually improve the adverse impacts on visual quality? All it says is that they would do those things to accommodate the additional lanes which to me means that they will be stuck with those adverse impacts. If I am wrong, please elaborate. Right now, we have a problem with Sound Transit and their bright white LED lighting which they lit the Park and Ride up with. It is like daylight all night long now so to me, that just sounds like that would benefit WSDOT not us.

And I just don't think you understand, "**eroding the natural character of the corridor**, and shifting it to a more urban condition," is that what people want? Do people realize that this proposal is going to change the whole look of the corridor? That is huge and is permanent. It is not up to WSDOT to create this project which will have an adverse effect on us for good.

E9.28

And in Renton, there is over 44 acres of Wetland II and in Bellevue, 41 acres and this is what it says about that:
"Category II wetlands are those that:
1) provide habitat for very sensitive or important wildlife and plants;
2) are either difficult to replace; or
3) provide very high functions, particularly for wildlife habitat."

E9.29

This is what I don't understand when I have to read that Mr. Mathis and Mr. Kukek are stating that there will be no adverse environmental impact.
Category II Wetlands should remain untouched. Please do not do anything to Category II Wetlands. Once you destroy those 44 acres, it states that the habitat is either difficult to replace, provides very high functions, particularly for wildlife habitat which is what it states.
Again, I bring you back to what is in Bellevue's Land Use:

"Land use planning helps protect environmentally sensitive areas and maintain the character of established neighborhoods while allowing the city to evolve to meet the changing needs of the community."

It is to protect environmentally sensitive areas, how does the project protect the wetlands which are sensitive areas?
The city's land use plans seek to preserve and enhance the health and vitality of established neighborhoods and retain natural areas. The Environment and Shoreline Elements address the protection of natural systems, including critical areas.
At that time, the NMFS also determined that the TRIP as proposed was likely to adversely affect designated critical habitat for Puget Sound Chinook salmon; and was also likely to adversely
affect Pacific salmon essential fish habitat (EFH). Similarly, USFWS determined the TRIP would adversely affect bull trout critical habitat."
Isn't there a problem now with the Orca whale not having enough Chinook salmon to eat, not to mention the pollutants in the water?

E9.30

Re. Toll would affect the lower income drivers.

The cost of the toll to use ETLs would disproportionately affect low-income populations.
These effects would be offset by faster travel times for most users— including environmental justice populations—with the Project.
- WSDOT would continue to conduct targeted outreach to engage environmental justice populations in the study area and the I-405 travelshed.
This effect would be minor and improved travel times for almost all users—including environmental justice populations—would offset this effect.

Alright, let's say I am a poor person, but I have to use the toll in order to get to work on time, unless WSDOT or the tolling company gives me a break from having to pay the toll, how do you make out that poorer people won't be affected? We will be in that we will be forced to drive in the general purpose lanes and pay more in gas and having an older car, it might not be so environmentally friendly as an electric vehicle or the equivalent. If that is not the case, please explain how you can help the poor, and I don't mean, people who don't have bank accounts, but people who can barely afford their old car and gas, let alone paying for a toll which they can't afford.

E9.31

And who would be more likely to use the Rapid Bus Transit - poorer people or richer people? Perhaps you have some data to back up your findings which you can provide us. E9.32

"More recent surveys of Good To Go! customers who have used the ETLs also found high satisfaction with the value of the ETLs across all income levels, with no statistical correlation between income and satisfaction.
When the surveyors were asked how do you think the toll lanes affected traffic, only **16% said that they think traffic improved** (32% said they thought it stayed the same and **33% said that traffic had got worse**)."

If just 16% said that they think traffic improved, why would you continue on with toll lanes? Don't you think that had 84% said that they think traffic improved, then, you should look into extending the toll, but not for 16%. I think you have got it all wrong. E9.33

RE. Tolling.

With regard to the tolling, it seems like the proposal's purpose is to generate revenue more so than to relieve congestion and are they not wanting to spend money on something else, not on the stretch of freeway itself? It is the "however" part which concerns me.
"However, carpools with two people who choose not to pay a toll, would see increased travel times by one to five minutes in 2045 because they would be traveling in the general purpose lanes, and not in the HOV lane as they do today." You want to encourage HOV drivers, but then if they don't have the money for the toll, they are forced to drive in the general purpose lane. That is what I am trying to say. It is the richer people who can afford to pay the toll who will benefit. The poor people would lose out with the toll. E9.34

Re. Operating Costs

I don't think that they are correct when they state:

"While two-thirds of the revenue generated by the express toll lanes will be invested back into I-405 improvements, the remaining third covers operating costs."

"Here is a breakdown of the expenses:

21% Customer Service

11% Toll equipment

27% Administrative Costs; and

18% Rule Enforcement; and

23% Transaction Costs.

These add up to 100%, but where do they get that one-third would be invested back into I-405 improvements? Which part of these is for "I-405 improvements" exactly? E9.35

Re: Installing a Roundabout at Coalcreek.

After all the money that got spent on installing traffic lights at that location, it would be such a waste of money to then go and destroy all that good work and install a roundabout which I don't think will work as well. The problem might just be that it is the volume of vehicles at that intersection which are causing the bottleneck, not a problem with the traffic lights. E9.36

Re: Section of Roadway between the I-405 S ramp leading from the I-90 to the Coalcreek exit.

There is such a wide shoulder at that section, is there just not a way that you could create a lane that would take vehicles wishing to exit at Coalcreek rather than continue on to Renton could bypass the vehicles who are waiting to merge onto the I-405 S? E9.37

In summary, I would just like to ask that an ombudsman intervenes and makes a decision as to whether there will be adverse environmental impacts with this proposed project or not; E9.38

That the Environmental Impact Study has not looked at the impact of the safety, nor studied the impact of vehicles getting from the I-405 South to the I-90 West, and nor has it looked at how there could be so many lanes and how all the merging would occur in that you will have toll vehicles merging across to access the I-90W, ten you will have other vehicles entering the I-405 S, then you will have the HOV vehicles having to merge into the general lane only to merge out just as they approach the I-90 W HOV ramp. It is just going to be so much weaving that I cannot see how that could possibly be safe. I would suggest that they not commence the toll lanes at the SE 8th location, but somewhere else. E9.39

And my other concern is what this proposal is going to have on the whole corridor. And I don't know how it is in keeping with Bellevue's Land Use Codes in The Comprehensive Plan.

Thank you for your consideration. E9.40

Sarah Fletcher

Comment E9.1

Good afternoon, I had responded to the first Environmental Impact Study that came out, but what I don't understand is how could WSDOT left off the study of the I-405 South to the I-90 West segment which is a very important interchange in that that interchange takes drivers/commuters and truck drivers from Bellevue to Seattle via the I-90? So now what happens?

I am sorry this is so long, but I was trying to get in as much as possible.

Response E9.1

Thank you for your detailed comments. We have divided your comment letter into 40 sections so that we can respond to each of your concerns.

The first environmental study that was published for the I-405 corridor was the 2002, *I-405 Corridor Program Final Environmental Impact Statement*. That document studied alternatives for I-405, and it included the area of I-405 southbound between downtown Bellevue and westbound I-90. Please see the document below for more information: https://www.wsdot.wa.gov/Projects/I405/corridor/feis.htm

In 2018, two Environmental Assessments (EA) were published for the I-405, Renton to Bellevue Widening and Express Toll Lanes Project:

- I-405, Downtown Bellevue Vicinity Express Toll Lanes Project
- I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (Project)

EA Attachment A, *Transportation Discipline Report*, evaluates the effects of both projects in its analysis.

Regarding your first concern, WSDOT did study the I-405 south to I-90 westbound traffic movement as part of the transportation analysis in the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project EA, the I-405, Downtown Bellevue Vicinity Express Toll Lanes Project EA, and the supporting *Transportation Discipline Report* found in EA Attachment A. Currently, there are two ramps (one general purpose [GP] and one high-occupancy vehicle [HOV]) from I-405 southbound that connect to I-90 westbound. Once the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project is built, there will still be two ramps (one GP and one HOV) that travel from I-405 southbound to I-90 westbound. The traffic analysis indicated that two ramps for this movement would be sufficient under future conditions (please see EA Attachment A, *Transportation Discipline Report*, Chapter 5). WSDOT and the Federal Highway Administration's (FHWA's) responses to your comments for the Downtown Bellevue Project were included in the I-405, Downtown Bellevue Vicinity Express Toll Lanes Project Finding of No Significant Impact (FONSI) in July 2018. Those responses are located at
http://www.wsdot.wa.gov/projects/i405/rentontobellevue/downtown-bellevue-environmental-assessment
Responses to your comments submitted on the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project EA are provided below.

Comment E9.2

In addition, I have read through the Environmental Impact Studies and I do not understand why both Mr. Cameron Kukes and Mr. Daniel Mathis would state that the project "will not have a probable significant adverse impact on the environment" when it will without a doubt have an adverse impact on the environment from what I read in the Environmental Impact Studies.

Who do we go to who could act as an ombudsman or someone with higher authority to decide whether what they are saying or what the public are saying is correct or not?

This is what Cameron Kukes' March 27, 2018, stated in his letter:

"After reviewing our EA and other information on file with WSDOT, we have determined that this proposal, the I-405, Downtown Bellevue Vicinity Express Toll Lanes Project, will not have a probable significant adverse impact on the environment. A copy of the determination of nonsignificance for this proposal is attached."

https://www.wsdot.wa.gov/sites/default/files/2018/07/09/I405-Tukwila-I90-Vicinity-Express-Toll-Lanes-SEPA.pdf

How Cameron Kukes and Daniel Mathis could both come out with a statement that "the Project will not have a probably significant adverse impact on the environment." All I can think is that they meant to add "to them personally or to WSDOT," but to the rest of us, this project will have a serious adverse environmental impact for which there is no going back on and WSDOT even state: “will change the landscape which would create adverse impacts on visual quality by eroding the natural character of the corridor and shifting it to a more urban condition."

If either of them had read the comments, they would have seen that people have complained about the already loud freeway noise as one example for which WSDOT have not done anything about and whatever they have done to date, has not worked so any mitigation is unacceptable.

I looked up the meaning on environmental impact just to be sure I understood what they meant and this is what is says:

"Environmental Impact: Possible adverse effects caused by a development, industrial, or infrastructural project or by the release of a substance in the environment."

"Adverse" means 'unfavourable or harmful' and is normally used of conditions and effects rather than people."

With this proposal, it is both adverse and unfavourable, and will have a detrimental environmental impact.

I think Mr. Kukes and Mr. Mathis could have said that there will not be any adverse environmental impacts to some parts of the I-405, but to say, there would not be any is just a bit of a stretch of the truth and it makes me think that they did not read through the Environmental Impact Studies or their definition is different to the one above.

From what I am reading, there will be adverse impacts to the wetlands, to people who will have their houses taken for the project, for the people who live along the corridor, to sensitive groups, also aesthetically, visually, to the wetlands, and will require removal of lots of mature trees, but what Mr. Mathis and Mr. Kukes don't realize is that this project is going to change the landscape from rural to urban forever for which there will be a huge change.

Perhaps, Mr. Kukes and Mr. Mathis could go into more detail as to how they came out with the statement above. Thank you.

Response E9.2

The responsible officials, Mr. Kukes and Mr. Mathis, followed the process required under the National and State Environmental Policy Acts. The National Environmental Policy Act (NEPA) is found in 42 United States Code (U.S.C.) 4321. The State Environmental Policy Act (SEPA) is found in the Revised Code of Washington (RCW), Chapter 43.21C. These laws do not have an ombudsman. The public and agencies are invited to provide comments. Then WSDOT and FHWA consider the comments and document their response.

For questions concerning FHWA's findings, please contact Doug Hecox (Doug.Hecox@dot.gov or 202.366.0660) from the FHWA Office of Public Affairs in Washington, DC.

For questions regarding WSDOT'S SEPA Determination of Nonsignificance, please contact Megan White (whitem@wsdot.wa.gov or 360.705.7480).

As explained in the Council of Environmental Quality *Citizen's Guide to the National Environmental Policy Act* (2007) found at https://ceq.doe.gov/docs/get-involved/Citizens_Guide_Dec07.pdf:

> NEPA requires agency decisionmakers to make informed decisions. Therefore, the NEPA process must be completed before an agency makes a final decision on a proposed action. Good NEPA analyses should include a consideration of how NEPA's policy goals (Section 101) will be incorporated into the decision to the extent consistent with other considerations of national policy. NEPA does not require the decisionmaker to select the environmentally preferable alternative or prohibit adverse environmental effects. Indeed, decisionmakers in federal agencies often have other concerns and policy considerations to take into account in the decisionmaking process, such as social, economic, technical or national security interests. But NEPA does require that decisionmakers be informed of the environmental consequences of their decisions.

The purpose of the EA is to show how WSDOT and FHWA examined the impacts of the proposal in comparison to the No Build, or the future without the project. The EA process concludes with either a FONSI or a determination to proceed to prepare an EIS. A FONSI is a NEPA decision document that presents the reasons why the agency has concluded that there are no significant environmental impacts projected to occur upon implementation of the action.

As discussed in Response E9.1, there are two EAs that were completed for the I-405, Renton to Bellevue Widening and Express Toll Lanes Project. The I-405, Downtown Bellevue Vicinity Express Toll Lanes Project's environmental effects were evaluated in an EA that was published on April 2, 2018, with comments accepted through May 2, 2018, and a public hearing on April 17, 2018. The FHWA found pursuant to 23 Code of Federal Regulations (CFR) 771.121 that there are no likely significant adverse impacts on the environment associated with the construction or operation of the I-405, Downtown Bellevue Vicinity

Express Toll Lanes Project. A FONSI was published on July 2, 2018. The I-405, Downtown Bellevue Vicinity Express Toll Lanes Project EA and FONSI are located at

https://www.wsdot.wa.gov/projects/i405/rentontobellevue/downtown-bellevue-environmental-assessment.

As the state agency responsible for implementing SEPA, WSDOT issued a Determination of Nonsignificance on March 27, 2018. For the SEPA Determination of Nonsignificance WSDOT followed Washington Administrative Code (WAC) 197-11-340 guidelines located at the link below:
http://apps.leg.wa.gov/WAC/default.aspx?cite=197-11-340

Information supporting these determinations is contained in the I-405, Downtown Bellevue Vicinity Express Toll Lanes Project FONSI. Please see Section 4.0 of the FONSI for the specific environmental findings.

The I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project's environmental effects were evaluated in an EA that was published on July 9, 2018, with comments accepted through August 9, 2018, and a public hearing on July 17, 2018. FHWA and WSDOT have reviewed and responded to all public comments. FHWA's findings of that review are published in this NEPA decision document in accordance with 23 CFR 771.121. WSDOT's findings are documented in a SEPA Determination of Nonsignificance provided in Attachment 3 that was published on July 9, 2018, in accordance with WAC 197-11-340. These documents are located at
https://www.wsdot.wa.gov/projects/i405/rentontobellevue/tukwila-i-90-environmental-assessment

Comment E9.3

And I can't find where it says the safety has being studied. I can find everything else, but not safety, so was the safety studied and if so, where can one find that information and why was it not included in the WSDOT Study?

This is what it states:

"What environmental resources did WSDOT study? WSDOT studied the potential effects of the Project on the built and natural environment for the following environmental resources: § Transportation § Noise § Land use, socioeconomics, and environmental justice Recreational, Section 4(f), and Section 6(f) resources § Visual quality § Water resources § Ecosystems § Air quality § Energy and greenhouse gas emissions § Historic, cultural, and archaeological resources § Geology and soils § Hazardous materials § Public services and utilities

But nothing about safety, like weaving and projected traffic incidents and incidents at interchanges.

Response E9.3

In the EA, safety performance is discussed on pages 4-15, and 4-23 and 4-24. Safety performance is also discussed in EA Attachment A, *Transportation Discipline Report,* pages 4-9 through 4-11 and pages 5-42 and 5-43.

Comment E9.4

It is very well stating that the Project would add an additional lane in each direction by widening or restriping, and that all drivers would benefit from new capacity on I-405, but it actually takes away a lane (the HOV lane) between the I-405 and I-90 and it does not benefit SOV and HOV drivers going from the I-405 South to the I-90 West. How can they state that it will be a benefit for SOV and HOV drivers if they plan on taking away one ramp? There is going to be congestion at that intersection if they take away one ramp so it is not that all drivers would benefit.

And this is what it says in the EIS:

"Providing an HOV lane in each direction across the lake would improve throughput and vehicle travel times would improve throughput and vehicle travel times, but it WOULD NOT NECESSARILY IMPROVE the freeway segment densities and corresponding LOS in the GP lanes since this project helps to reduce some bottlenecks, thereby increasing vehicle throughput and creating higher vehicle densities elsewhere where the I-405 intersects the I-90."

So, why would WSDOT embark on something that will just create higher vehicle densities elsewhere, does it not seem like a waste of money? And when I read "not necessarily improve," I mean that to mean it will not improve really.

"If an EIS is needed, additional environmental analysis would be completed and an EIS would be published at a future date." The EIS is not complete in that they have not mentioned anything about the environmental impact as a result of the loss of an HOV lane/ramp between the I-405 South and I-90 West which might not be part of the Eastside Corridor, but it is an important access to Seattle from Bellevue. So, when are they planning on coming out with that Study?

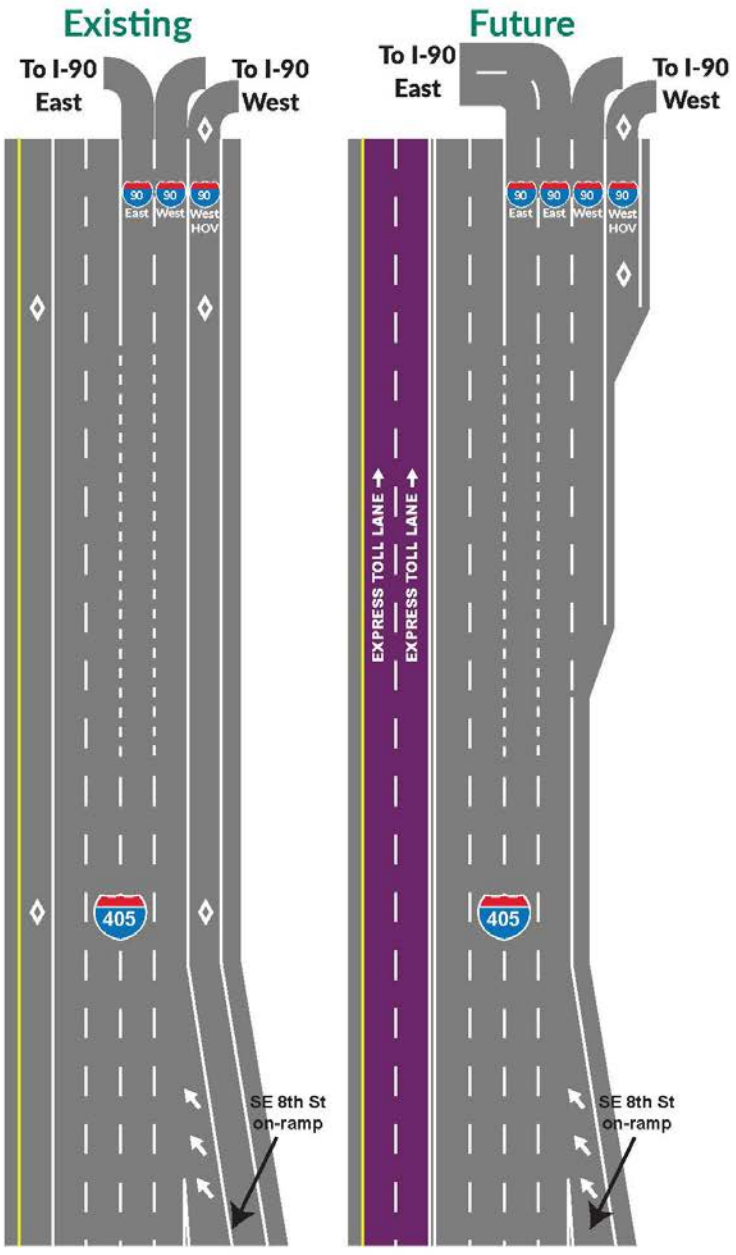
Response E9.4

The Project does not take away a lane from southbound I-405 to westbound I-90, as shown in the following graphic. The Project will maintain two ramps from southbound I-405 to westbound I-90. The Project will add a lane to the I-405 southbound to eastbound I-90 ramp to make it a two-lane ramp, which will alleviate some of the congestion on I-405 caused by southbound traffic exiting to eastbound I-90.

WSDOT

I-405 Renton to Bellevue Widening and Express Toll Lanes Project

Southbound I-405, Southeast 8th Street to I-90 lane configuration*



*Not to scale

Our studies show, the existing I-405 southbound to I-90 westbound right-side HOV lane is currently underutilized, meaning it could accommodate more vehicles than it does today. These improvements maximize the use of existing highway lanes providing the greatest benefits. Repurposing the pavement to allow two dual express toll lanes through this area will move more vehicles and people through this section of I-405.

An EA (not EIS) was completed for the proposed Project. The EA analyzed the proposed ramp configuration between I-405 southbound to I-90 westbound as part of the transportation analysis. That analysis showed that with the Project, travel times and overall operations would improve with the Project for southbound I-405 traffic in both the morning and afternoon peak periods as compared with the No Build. Please see EA Attachment A, *Transportation Discipline Report* pages 5-7 and 5-9 to see how travel times for southbound trips on I-405 are expected to stay the same or improve with the Project. To see how operations and speeds would improve, please compare the information for the No Build on pages 5-14 through 5-17 to the information with the Project as shown on pages 5-31 to 5-34. Note that congestion is expected to substantially reduce on southbound I-405 between NE 8th Street and I-90 with the proposed Project as compared to the No Build. Please also see page 5-12 for a comparison of how the total number of people traveling on I-405 is expected to increase with the Project as compared with the No Build.

The text you quote beginning with "Providing" and ending with "where the I-405 intersects with I-90" is information that came from a report developed for I-90, not I-405. It appears that you are referencing the *East Link Interchange Justification Report*, May 2011, page PP1-28, last paragraph. The East Link Project is currently under construction. The reference you are quoting from the *East Link Interchange Justification Report* is specific to another project, the I-90 Two-Way Transit and HOV Operations Project that was completed in 2017. The completed I-90 project moved the existing directional HOV lanes from the inside of I-90 to the outside lanes of I-90 and it did not add highway lane capacity. This I-405 Project does propose to add highway lane capacity. Because of this difference, the transportation analysis for the I-90 Project has different conclusions than the analysis for this Project.

Comment E9.5

Re: No Appreciable Difference with MSAT Emissions.

Although the vehicle miles traveled (VMT) estimated for the projects in both 2025 and 2045 would increase compared to existing conditions, MSATs are estimated to be lower than existing conditions because of improved vehicle technology. In addition, because the estimated VMT with the projects in 2025 and 2045 would vary by less than 2 percent compared to No Build, we expect that there would be no appreciable difference in MSAT emissions between No Build and Build Alternatives."

So why spend the money on something if there will be virtually no difference between Build or No Build?

Response E9.5

The EA studied how air quality emissions would be affected by the Project. As stated in your comment, when WSDOT compared the No Build to the Project, there was no appreciable difference in mobile source air toxics (MSAT) emissions. More importantly, the analysis showed that MSAT emissions, as well as other emissions, such as carbon monoxide, particulate matter, and other pollutants, are expected to decrease between now and 2025 and 2045. This is good news. It means that even though the volume of vehicles traveling in the area is expected to increase (with either the Project or the No Build Alternative), air quality emissions are expected to decrease, or improve, compared to existing conditions.

The Project has many benefits that are described in the EA; please see page 4. WSDOT is proposing the Project for reasons listed on page 3 of the EA, which include the following:

- Providing a reliable trip choice for I-405 users
- Increasing vehicle capacity and person throughput
- Improving reliability for transit
- Improving access for I-405 users
- Reducing project-wide congestion
- Improving safety performance

The Project would meet the purposes listed in the EA and provided above. Information on how these purposes would be met is contained in Section 4.1, Transportation, of the EA and Section 5 of EA Attachment A, *Transportation Discipline Report.*

Comment E9.6

Re: Study of the Interchange Areas and Ramps.

1. Where can one find the Interchange areas and ramps for 8 lanes and ramps at an interchange area?

Response E9.6

We included a graphic as part of Response E9.4 that shows the current and proposed configuration for I-405 in this area.

The lane configuration on southbound I-405 approaching the I-90 interchange is currently six lanes. Of the six lanes, three are through travel lanes that continue southbound on I-405 (one HOV, two GP lanes) and three lanes exit to I-90. Of the lanes exiting I-90, two exit to ramps toward I-90 west (one GP and one HOV) and one lane exits to an eastbound I-90 ramp.

The proposed southbound I-405 lane configuration approaching southbound I-90 will also have six lanes. Four of the lanes will be through travel lanes that will continue southbound on I-405 (two express toll lanes [ETLs] and two GP lanes), two lanes will exit to I-90 eastbound. Two exit ramps will provide access to I-90 westbound (one GP traffic and one for HOV traffic).

The eight lanes you are counting includes exit ramp merges, which is not uncommon for freeway-to-freeway interchanges in urban areas. See Response E9.7 for examples.

Comment E9.7

2. Has anyone studied that and if they have not, that means, what WSDOT are planning to do is "an experiment," never have been studied before. Is that right?

Response E9.7

WSDOT has done a thorough traffic analysis of the proposed lane configuration and it showed that throughput would increase compared to the current configuration. Please see Response E9.4 for specific page references in EA Attachment A, *Transportation Discipline Report* for the results of the analysis.

There are several locations in Washington where there are interchanges with four or more lanes in a given direction. Examples include the I-5 and I-405 interchange in Lynnwood and the I-5 and SR 16 interchange in Tacoma.

Comment E9.8

3. Is there anywhere in the country that have these two ETL lanes, general purpose lanes, HOV lanes, merge lanes, ramps and if so, where can one find what it looks like and what the safety analysis of that has been?

Response E9.8

There are currently almost 50 ETL systems in the Unites States and about 30 of them have two-lane sections. ETLs are used both here and nationally because they manage congestion through pricing more efficiently, which allows more people and vehicles to travel through the system. Additionally, ETLs provide drivers a choice for a more reliable trip when needed.

Please see Response E9.3 for information on safety performance for this Project.

Comment E9.9

And did WSDOT say how wide each lane/ramp/shoulder lanes will be?

Response E9.9

This is a design-level detail that is not provided in the EA. However, current design for travel lanes on I-405 will be 11 to 12 feet wide and the ramps will be 11 to 15 feet wide. There will be a 2- to 4-foot-wide buffer that will separate the GP lanes from ETLs. WSDOT has worked with FHWA to determine roadway widths. Shoulder widths will vary between 4 and 10 feet.

Comment E9.10

I don't know if any of you will get to actually look at the SE 8th Ave area, but I could show you what drivers do now and ask you what you think? I just don't think it is a good idea to have any toll lane at that section of the I-405.

Re. SE 8th Ave SE Ramp to the I-405 S to the I-90 W.

I just drove from the SE 8th ramp leading to the I-405 going south. The attachment Hannah sent me I don't think is entirely accurate in that there are currently two metered ramps, plus a right-hand sided HOV ramp, then the two metered lanes merge right into one general lane, and then that general lane merges with the I-405 general purpose lane which merges right, and then you have the HOV vehicles which just sail by in that far right lane and that HOV lane leads to the I-90 W. It looks like there is a direct access HOV ramp which leads all the way from SE 8th to the I-90 W freeway, but with the proposal, it looks like that for HOV drivers using the SE 8th ramp, they will have to line up at the general metered ramp and only at the last minute, will they be able to merge into the HOV lane in order to access the HOV lane on the I-90 West. WSDOT has a whole segment on how direct access HOV ramps benefit HOV drivers and how they can save 10 minutes per trip, but then it looks like they are not providing that for the HOV drivers coming from the SE 8th Ramp.

https://www.wsdot.wa.gov/HOV/directaccessramps.htm

Perhaps, someone could go into more detail as to what the plan is as it is not clear.

On the attachment, it shows just one ramp/lane and what is not clear is what happens to the HOV vehicles and buses at the SE 8th ramp leading onto the I-405 S to the I-90 W with the new proposal?

Response E9.10

We are happy to meet with you to better understand your concerns regarding the driver experience at SE 8th Street.

You are correct. The diagram we gave you did not provide the detail at SE 8th Street for the southbound on-ramp. Please see the graphic and response provided to Response E9.4. The current right-hand side HOV lane will remain in place on the SE 8th Street on-ramp.

The reference you are making about the benefits of direct access ramps is different than the ramp meter bypasses that you are referring to at the SE 8th Street on-ramp. The existing direct access ramp to westbound I-90 will stay as part of the Project, but as you note, it will be accessed from a GP lane. The HOV exit lane will begin approximately 1,800 feet north of the I-405 /I-90 interchange.

Comment E9.11

1. Will there be a direct HOV ramp/lane leading from SE 8th going southbound to the I-90 HOV westbound which is how it is now

Response E9.11

As shown in the graphic for Response E9.4, there are two ramps on southbound I-405 to connect drivers to westbound I-90. One of those ramps is for general purpose traffic (as it is today) and the other one is for HOV traffic (as it is today). Please see Response E9.6 for a full description of the before and after conditions shown for the ramps to westbound I-90.

Comment E9.12

2. Do the HOV drivers have to merge into the general lane and then merge at the last minute to the HOV ramp/lane?

Response E9.12

HOV drivers will need to merge from the SE 8th Avenue on-ramp into the I-405 southbound GP lanes and then if they choose to travel to westbound I-90, they will need to exit I-405 via one of the two westbound I-90 ramps (one GP ramp, one HOV ramp).

Comment E9.13

Re: Failure of the current Northbound Commute between Bothell and Lynnwood.

"The northbound commute between Bothell and Lynnwood experienced increased delay due to the bottleneck created by the reduction of I-405 from five lanes to three lanes. The delay experienced between Bothell and Lynnwood doubled between 2014 and 2016."

So, why would WSDOT want to invest more money on ETLs when the data from the Bothell to Lynnwood northbound commute says that the delay doubled did not improve? Does that not sound ludicrous?

Response E9.13

The Puget Sound region is experiencing unprecedented growth, including the communities around I-405, causing some of the worst congestion in the state. ETLs move more vehicles and people when traffic is at its worst compared to the untolled GP lanes. When drivers choose to leave the untolled GP lanes to use the ETLs instead, they free up space for the other drivers around them. As a result, the untolled GP lanes in most places between Bellevue and Lynnwood are moving faster today than they did before the ETLs opened.

Overall, the number of people moving through the Bellevue to Lynnwood corridor has increased between 5 and 30 percent, and vehicle volumes have increased 22 percent during peak periods, depending on the location. The ETLs have improved reliability for transit on I-405 by saving up to 11 minutes and increasing ridership by 9 percent. The ETLs are also benefitting drivers in the untolled GP lanes, as travel times are 2 to 7 minutes shorter than they were before tolling began.

Please see the I-405 ETL performance reports on the WSDOT website at https://www.wsdot.wa.gov/Tolling/405/library.htm.

Comment E9.14

And "Providing an HOV lane in each direction across the lake would improve throughput and vehicle travel times would improve throughput and vehicle travel times, but it WOULD NOT NECESSARILY IMPROVE the freeway segment densities and corresponding LOS in the GP lanes since this project helps to reduce some bottlenecks, thereby increasing vehicle throughput and creating higher vehicle densities elsewhere where the I-405 intersects the I-90."

So, does it not seem like a waste of money if it will not necessarily improve the LOS in the GP lanes?

Response E9.14

As discussed in Response E9.4, the text you quote beginning with "Providing" and ending with "where the I-405 intersects with I-90" is information that came from the *East Link Interchange Justification Report*, May 2011, page PP1-28, last paragraph, not the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (Project) EA. The reference you are quoting is specific to another project, the I-90 Two-Way Transit and HOV Operations Project, that was completed in 2017. The completed I-90 project moved the existing directional HOV lanes from the inside of I-90 to the outside lanes of I-90, but did not add highway lane capacity. This Project proposes to add highway lane capacity. Because of this difference, the transportation analysis for the I-90 Project has different conclusions than the analysis for this Project.

Please see the *Transportation Discipline Report* pages 5-7 and 5-9 to see how travel times for southbound trips on I-405 are expected to stay the same or improve with the Project. To see how operations and speeds would improve with the Project, please compare the information for the No Build on pages 5-14 through 5-17 to the information as shown on pages 5-31 to 5-34. Please also see page 5-12 for a comparison of how the total number of people traveling on I-405 is expected to increase with the Project as compared with the No Build.

Comment E9.15

Re: Merging/Weaving.

1. Where can I find the latest Incident Report for that area?

Response E9.15

WSDOT does not have a publication of incident reports. Crash data can be requested at the following location: http://www.wsdot.wa.gov/MapsData/crash/crashdatarequest.htm.

Comment E9.16

2. Where can I find the forecasted projections in that with the proposal?

Response E9.16

Page 3-2 of the *Transportation Discipline Report*, discusses the forecasts used, and pages 5-3 and 5-4 show the expected peak hour throughput volumes.

Comment E9.17

3. Do they think there will be more or less weaving incidents at that stretch with the proposed project?

Response E9.17

Pages 5-42 and 5-43 of the *Transportation Discipline Report* discuss safety performance. The Project is expected to improve safety performance of congested-related crashes, which includes sideswipes.

Comment E9.18

4. Did they look at having a reversible HOV lane which will go one way in the morning and one way in the afternoon like what used to happen on the I-90 center roadway?

Response E9.18

No, a reversible HOV lane was not analyzed in the EA. Reversible lanes would be challenging on I-405 due to steep terrain. Furthermore, reversible lanes are most effective when traffic demand is high in one direction during the morning peak hours and then is high in the opposite direction during afternoon peak travel hours. On I-405, traffic demand is high in both directions, most of the day.

Comment E9.19

5. Did they study creating a Rapid Bus Transit and buses only lane in each direction and if so, where can one see the results?

This is what it says in the EIS, but it says nothing about what is being proposed at the intersection of the I-405 S to I-90 W which is a main interchange not only for Mercer Islanders, but for those who are going to Seattle.

Response E9.19

No, a bus only lane in each direction was not analyzed in the EA. In 2002 as part of the development of the I-405 Master Plan, a multimodal vision for the I-405 corridor was developed. The I-405 Master Plan includes managed lanes and Bus Rapid Transit (BRT). The BRT system relies on WSDOT's ability to manage lanes to provide a reliable trip for I-405 users. Sound Transit, as part of the Sound Transit 3 Plan (ST3) funding package, has funded the implementation of BRT on I-405 between Burien and Lynnwood. The EA analyzed effects of building some of the infrastructure needed to support BRT with direct access ramps and inline transit stations at NE 44th Street and 112th Avenue SE. For additional information on ST3 improvements, please see https://www.soundtransit.org/projects-and-plans/bus-rapid-transit-i-405.

Comment E9.20

This is what it says in the EIS, but it says nothing about what is being proposed at the intersection of the I-405 S to I-90 W which is a main interchange not only for Mercer Islanders, but for those who are going to Seattle.

" • Southbound I-405, I-90 to NE 6th Street (MP 11.9 to 13.7) – From MP 11.9 to 12.5, reconfigure the existing outside HOV lane to the inner roadway and convert both of the existing HOV lanes to ETLs. From MP 12.5 to 13.5, develop a new lane by widening or restriping. This new lane coupled with the existing HOV lane would result in a dual ETL south of NE 4th Street. Between MP 13.5 and 13.7, convert the existing HOV lane to an ETL. The ETL would connect to the existing ETLs from downtown Bellevue to Lynnwood. Where new pavement is needed, eastward expansion is proposed."

"Although the vehicle miles traveled (VMT) estimated for the projects in both 2025 and 2045 would increase compared to existing conditions, MSATs are estimated to be lower than existing conditions because of improved vehicle technology. In addition, because the estimated VMT with the projects in 2025 and 2045 would vary by less than 2 percent compared to No Build, we expect that there would be no appreciable difference in MSAT emissions between No Build and Build Alternatives."

So, why would you bother rebuilding, if there would be no appreciable difference in MSAT emissions? What is the point of the proposal - to reduce emissions or what?

Response E9.20

The text you reference is from the I-405, Downtown Bellevue Vicinity Express Toll Lanes Project EA that evaluates improvements from north of I-90 through Downtown Bellevue. The improvements proposed from Tukwila to I-90, which includes the I-90 westbound ramp is analyzed in the Tukwila to I-90 Vicinity Express Toll Lanes Project (Project) EA.

Please see Response E9.6 for the proposed lane configuration for southbound I-405 approaching westbound I-90. Please see Response E9.5 regarding MSAT emissions and the purposes of the Project.

Comment E9.21

"This document fulfills WSDOT's obligation under the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA) to disclose project effects and mitigation. Once all final approvals are received, the Project would go through final design and would then be constructed."

This is unacceptable. This project is a disaster in the making and a huge expense and more importantly, it would without a doubt have s not probable but definite significant adverse impact on the environment and for people who live along the corridor.

Who is the final person to sign off on this Project? Are they reading the comments people had sent in with the draft EIS and is there going to be a summary of what people complained about the most?

We need an ombudsman to determine if what the people are saying versus what Mr. Mathis and Mr. Kucek are saying or whoever is going to be signing off on this proposal. Who can we contact? This project should not be approved just because of two people signing off on it.

Response E9.21

Please see Response E9.2

Comment E9.22

"If an EIS is needed, additional environmental analysis would be completed and an EIS would be published at a future date."

The EIS is not complete in that they have not mentioned anything about the environmental impact as a result of the loss of an HOV lane/ramp between the I-405 and I-90 which might not be part of the Eastside Corridor, but it is an important access to Seattle from Bellevue and I don't believe they studied the safety of the proposed project

This was the response to my question with regard to what was happening with the ramp/lane leading from the I-405 South to the I-90 West:

"Response E61.04 The proposed I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project, which would be constructed along with the I-405, Downtown Bellevue Vicinity Express Toll Lanes Project (Project) would include additional mainline capacity improvements, as well as southbound I-90 ramp improvements. The right-side high-occupancy vehicle (HOV) exit to I-90 would remain in place; however, it would be accessed about one-half mile north of I-90. The current right-side HOV lane has very low use, approximately 300 vehicles per hour in the peak whereas the new express toll lane (ETL) is anticipated to serve over 1,500 vehicles per hour at this location. Together, the operational and capacity improvements of these projects would greatly improve traffic conditions in the section to which you are referring. We have limited space available due to wetlands and streams for widening in the southbound direction and want to move as many vehicles as possible through this area."

From what the response, it sounds worse, it sounds like they are going to toll the HOV lane and they are making out that currently 300 HOV vehicles an hour during peak use that HOV ramp, and that 1500 will use it once it becomes an ETL. But we have never been told that that HOV lane will be an ETL. Plus, what they did not respond to was what was happening to the general purpose ramps.

Response E9.22

The EA completed for the Project did include an analysis of the proposed roadway configuration on southbound I-405 to westbound I-90. The results of that analysis are provided in Response E9.4.

The response you refer to is in the I-405 Downtown Bellevue Vicinity FONSI. As described previously in Response E9.6, the number of GP and HOV ramps on southbound I-405 approaching westbound I-90 will stay the same (one GP ramp and one HOV ramp will continue to be provided). The existing westbound I-90 HOV ramp will remain with the

Project. The Project will provide an additional ramp from southbound I-405 to eastbound I-90, which is an improvement over existing conditions.

Comment E9.23

In the I-405 Bellevue to Bothell, I was curious to see what WSDOT stated in their Environmental Impact Studies and apparently, they did not see any unavoidable adverse effects:

"Unavoidable adverse effects. We do not foresee the project causing any substantial unavoidable adverse effects to transportation."

But as we can all see, the traffic congestion was so bad that it caused over 32,000 people to petition against the toll lanes. With this proposal, there will be environmental impacts to Don't you see, they just say whatever they want, but that there were adverse effects to transportation and to just about everyone.

Response E9.23

The primary purpose of the Project is to provide a reliable trip choice for I-405 users, increase vehicle capacity and person throughput, improve reliability for transit, reduce project-wide congestion, and improve safety performance.

Washington State is proposing to integrate tolling as a strategic tool to help manage congestion, enhance mobility, and generate revenue for future improvements.

Before the I-405 Bellevue to Lynnwood ETLs opened, the previous HOV lanes on I-405 were not a reliable option for carpoolers because they were frequently as congested as the GP lanes. Carpools and transit were often stuck in the same congestion as cars in the GP lanes, receiving little to no benefit from the carpool lanes.

ETLs bring reliability to drivers and transit riders. Today, WSDOT's analysis shows that the untolled GP lanes in most places between Bellevue and Lynnwood are moving faster than they did before the ETLs opened. See Response E9.13 for a discussion of the travel benefits seen with the Bellevue to Lynnwood ETLs. Please also see the ETL performance reports on the WSDOT website at https://www.wsdot.wa.gov/Tolling/405/library.htm

WSDOT anticipates that this Project will have similar results as the Bellevue to Lynnwood ETLs regarding person throughput, vehicle volumes, transit reliability and travel times. More information can be found in Section 4.1, Transportation, of the EA and in Section 5 of the *Transportation Discipline Report*.

Comment E9.24

Land Use Compliance:

In Bellevue's City Code, Chapter 20.20.520, it has the following:

"A. Purpose. Retention of significant trees as required by this section is necessary to maintain and protect property values, to enhance the visual appearance of the City, to preserve the natural wooded character of the Pacific Northwest, to promote utilization of

natural systems, to reduce the impacts of development on the storm drainage system and water resources, and to provide a better transition between the various land uses permitted in the City."

And I believe in the EIS, it states:

"Discharges to Mercer Slough are exempt from flow control measures. Because enhanced stormwater treatment can only remove a percentage of the total pollutant load, any increase in pollutant-generating surfaces (impervious road areas) would result in some residual increase in pollutant load."

Who made the decision to exempt the Mercer Slough from flow control measures? With the addition of impervious surface, that is all the more reason to not exempt the Mercer Slough from flow control measures.

Who is responsible for allowing this and what can be done to stop that?

Response E9.24

WSDOT has been working with and continues to work with cities including the City of Bellevue to meet applicable laws and requirements. In this case, the Bellevue City Code that is cited here is not applicable to work that WSDOT does within its own right of way. For work that WSDOT does on newly acquired right of way within the City of Bellevue, WSDOT will work with the City to ensure the City's requirements for trees and other critical areas are being met.

WSDOT's policy for disturbed vegetation encourages the contractor to minimize the footprint needed for construction. WSDOT would work with a certified arborist to trim or remove trees as needed during construction of retaining walls. In accordance with the WSDOT *Roadside Policy Manual*, WSDOT would locate staging and laydown areas where there is no vegetation, undesirable vegetation (such as Himalayan blackberries), or vegetation, such as grassed road shoulders, that is easy to restore. WSDOT's *Roadside Policy Manual* also includes requirements for WSDOT to replace vegetation that is affected. These requirements are often similar to or require more planting than local policies.

Mercer Slough is listed as an exempt surface water in the Washington State Department of Ecology's 2014 *Stormwater Management Manual for Western Washington* (Volume I - Appendix I-E: Flow Control-Exempt Surface Waters, p. 135).

Comment E9.25

"WSDOT must permanently remove vegetation during construction it would be replaced with native vegetation within or near the study area."

But this is contrary to what is in Bellevue's Comprehensive Plan.

Response E9.25

Please see Response E9.24.

Comment E9.26

And as part of the analysis, WSDOT considered possible effects on viewers with higher and lower sensitivity. Within the study area, viewers with higher sensitivity likely to view I-405 include:

§ Persons using parks and trails

§ Residents of single- and multi-family areas

Teachers, children, and parents at schools and their associated playfields "

If these groups are sensitive, it really doesn't sound very environmentally friendly putting a freeway right where they are going to walk, live, work, or for schoolchildren and where they play sport is the best and most environmentally friendly idea. On this basis, this build option does not sound like the most viable option if you ask me. What about the car fumes? Will those not effect these same groups as well? And if they will not, how do you come by that?

Response E9.26

WSDOT is not proposing to build a new freeway near sensitive user groups, rather we are proposing to widen the existing highway where needed to provide ETLs between Renton and Bellevue. The EA describes the effects of the Project on the environment and people living in the surrounding areas. For the results of the analysis, please see the following sections of the EA:

- Air quality – Pages 4-3 to 4-5
- Visual quality - Section 4.5 and Response E9.28.
- Recreational facilities (including parks, trails, and playfields) –Section 4.4 and Response E9.27.
- Noise –Section 4.2.

Comment E9.27

Could you give an approximate as to how far away from the sportsfields, trails, schools, multi-family buildings, the freeway will be just so that we get some idea of proximity?

Response E9.27

The area for the Project is about 12 miles long, so the distance between the freeway and sports fields, trails, schools, and multifamily buildings varies along the corridor. Exhibit 4.4-3 on pages 4-71 to 4.72 of the EA provides approximate distances from recreational resources including parks, sports fields, and schools to the Project. Information about possible impacts on recreational resources is discussed in the EA on pages 4-64 to 4-81.

Comment E9.28

"At several interchange areas along I-405, the Project would create adverse impacts on visual quality by eroding the natural character of the corridor and shifting it to a more urban

condition. Vegetation would be cleared for construction. Tolling gantries, new light poles, and signs would add complexity, light, and glare to the corridor. The Project would construct retaining walls, ramps, and inline transit stations and widen pavement to accommodate the additional lanes."

Although it says that the Project would construct retaining walls, ramps, etc., it does not say that those things would actually improve the adverse impacts on visual quality? All it says is that they would do those things to accommodate the additional lanes which to me means that they will be stuck with those adverse impacts. If I am wrong, please elaborate. Right now, we have a problem with Sound Transit and their bright white LED lighting which they lit the Park and Ride up with. It is like daylight all night long now so to me, that just sounds like that would benefit WSDOT not us.

And I just don't think you understand, "eroding the natural character of the corridor, and shifting it to a more urban condition," is that what people want? Do people realize that this proposal is going to change the whole look of the corridor? That is huge and is permanent. It is not up to WSDOT to create this project which will have an adverse effect on us for good.

Response E9.28

Visual quality analysis is discussed in Section 4.5 of the EA and in EA Attachment F, *Visual Impact Assessment Discipline Report*. Please see pages 4-86 and 4-87 of the EA for an overview of adverse effects on and benefits to visual quality. As stated on page 4-86 of the EA, the Project is expected to have a beneficial impact on visual quality for pedestrians and cyclists who currently use the Lake Washington Loop Trail. Text on page 4-86 also states, "for neighbors adjacent to the highway the Project would have few impacts."

In accordance with the methodology that FHWA and WSDOT use to assess visual quality impacts, we assessed visual quality impacts for the Project as a whole and conducted further analysis for select viewpoints where the degree of visual change was greater. The text that you quote on page 4-86 states, "At several interchange areas along I-405, the Project would create adverse impacts on visual quality by eroding the natural character of the corridor and shifting it to a more urban condition." This is an accurate statement; however, it does not reflect the findings at specific locations and it does not represent the conclusion of our analysis. Please see pages 4-87 through 4-103 of the EA for a discussion of benefits, adverse effects, and proposed mitigation at each viewpoint. Of the ten viewpoints considered, five of them are expected to improve or remain neutral and the other five would be adversely affected by the Project.

The EA acknowledges the select locations where the Project would result in adverse impacts on visual quality and it also indicates WSDOT's commitment to mitigating for adverse impacts through the use of context sensitive solutions and implementation of the *I-405 Urban Design Criteria*. These mitigation measures are described in Chapter 6 of the EA. The Project is being planned, developed, and designed in accordance with context sensitive solutions guidelines and the *I-405 Urban Design Criteria.* These criteria include consistent aesthetic treatments, such as wall textures, railings, light poles, sign bridges, and other elements, that have been designed with the input of local stakeholders when the I-405

program first began. The criteria also call for trees, vines, and other vegetation to be planted along the corridor and in interchanges. These plantings would soften the appearance of hard structures and reflect the unique identify of each community along the I-405 corridor.

Comment E9.29

And in Renton, there is over 44 acres of Wetland II and in Bellevue, 41 acres and this is what it says about that:

"Category II wetlands are those that:

1) provide habitat for very sensitive or important wildlife and plants;

2) are either difficult to replace; or

3) provide very high functions, particularly for wildlife habitat."

This is what I don't understand when I have to read that Mr. Mathis and Mr. Kukek are stating that there will be no adverse environmental impact.

Category II Wetlands should remain untouched. Please do not do anything to Category II Wetlands. Once you destroy those 44 acres, it states that the habitat is either difficult to replace, provides very high functions, particularly for wildlife habitat which is what it states.

Response E9.29

The Project is designed with minimal impacts on Category II wetlands. The only Category II wetland within the project footprint is Wetland 10.8L. Wetland 10.8L is part of the larger Mercer Slough wetland complex. The impacts are not expected to exceed 0.10 acre, or 4,100 square feet and the impacts will be mitigated at the Kelsey Creek Mitigation Site. The remainder of the Mercer Slough Wetland complex, which is approximately 400 acres in size, will remain unaffected by the Project. Please see Chapter 6 of the EA where wetland mitigation is discussed on pages 6-6 to 6-7 and 6-20 to 6-21.

Comment E9.30

Again, I bring you back to what is in Bellevue's Land Use:

"Land use planning helps protect environmentally sensitive areas and maintain the character of established neighborhoods while allowing the city to evolve to meet the changing needs of the community."

It is to protect environmentally sensitive areas, how does the project protect the wetlands which are sensitive areas?

The city's land use plans seek to preserve and enhance the health and vitality of established neighborhoods and retain natural areas.

The Environment and Shoreline Elements address the protection of natural systems, including critical areas.

At that time, the NMFS also determined that the TRIP as proposed was likely to adversely affect designated critical habitat for Puget Sound Chinook salmon; and was also likely to adversely affect Pacific salmon essential fish habitat (EFH). Similarly, USFWS determined the TRIP would adversely affect bull trout critical habitat." Isn't there a problem now with the Orca whale not having enough Chinook salmon to eat, not to mention the pollutants in the water?

Response E9.30

WSDOT has been and continues to work with cities including the City of Bellevue to meet applicable laws and requirements. In this case, the Bellevue City Code that is cited here is not applicable to work that WSDOT does within its own right of way.

The Project is designed with the smallest possible footprint, and the least possible impacts on sensitive areas. The preliminary design for the Project avoids and minimizes wetland, stream, and buffer impacts to the greatest extent feasible. As Project design advances, there may be additional opportunities to avoid and minimize wetland, stream, and buffer impacts. The preliminary design uses several avoidance and minimization techniques including selective widening, widening to the median, reduced lane widths, and the use of steepened slopes and retaining walls. These design techniques have reduced the Project's overall impacts on sensitive areas.

The Endangered Species Act consultation determined that the Project is likely to adversely affect chinook salmon due to two primary factors: in-water work and stormwater discharges. The Project includes active construction within Johns Creek, and minor work on the edge of May Creek, where salmon may be present. The contractor will adhere to in-water work timing windows set by the Washington Department of Fish and Wildlife for each stream, which will ensure the work occurs when salmon are least likely to be present. The contractor will follow WSDOT's Fish Exclusion Protocol for all in-water work, which provides safe removal of all aquatic life from within streams where construction will occur.

The Project will add pavement and restripe existing pavement. Road pavement is a pollution-generating impervious surface (PGIS), and pollutants mobilized as runoff can drain into salmon-bearing waters. The Project includes extensive enhanced runoff treatment systems to capture pollutants and prevent them from entering salmon-bearing waters. All stormwater flowing to salmon-bearing streams is expected to dilute to background pollutant levels within one foot of outfalls, which greatly minimizes the exposure of salmon to increased pollutant concentrations. In addition, the stormwater treatment provided on I-405 will be expanded with the Project to provide treatment to about half of existing roadway that is not currently being treated prior to discharge. Please see the EA pages 4-106 through 4-114 for more information.

Comment E9.31

Re. Toll would affect the lower income drivers.

The cost of the toll to use ETLs would disproportionately affect low-income populations.

These effects would be offset by faster travel times for most users— including environmental justice populations—with the Project.

- WSDOT would continue to conduct targeted outreach to engage environmental justice populations in the study area and the I-405 travelshed.

This effect would be minor and improved travel times for almost all users—including environmental justice populations—would offset this effect.

Alright, let's say I am a poor person, but I have to use the toll in order to get to work on time, unless WSDOT or the tolling company gives me a break from having to pay the toll, how do you make out that poorer people won't be affected? We will be in that we will be forced to drive in the general purpose lanes and pay more in gas and having an older car, it might not be so environmentally friendly as an electric vehicle or the equivalent. If that is not the case, please explain how you can help the poor, and I don't mean, people who don't have bank accounts, but people who can barely afford their old car and gas, let alone paying for a toll which they can't afford.

Response E9.31

See pages 5-11 through 5-17 of EA Attachment D, *Environmental Justice Discipline Report,* for the detailed analysis of possible effects of the ETLs on low-income drivers, as well as pages 4-55 through 4-58 of the EA.

With the Project, all drivers, including persons with low-incomes, will continue to have the option to use the GP lanes for free. The Project will not reduce GP capacity on I-405, and in two locations, GP capacity will be expanded (southbound I-405 from I-90 to 112th Avenue NE and between NE 44th Street and NE 30th Street). This means that all travelers, including low-income drivers will continue to be able to travel for free on I-405 as they do today.

As described on page 4-57 of the EA, almost all users would benefit from reduced travel times in both the GP lanes and ETLs with the Project as compared to the No Build. The one exception are two-person carpools. Today, two-person carpools can travel for free in the HOV lanes. With the Project, these travelers would have to pay a toll to use the ETLs during weekday peak period or they could choose to travel in the GP lanes for free.

Comment E9.32

And who would be more likely to use the Rapid Bus Transit - poorer people or richer people? Perhaps you have some data to back up your findings which you can provide us.

Response E9.32

The EA does not include an analysis or findings regarding the income level of transit riders because the Project is not proposing to build a BRT system. The Project does propose to build direct access ramps and transit stations at NE 44th Street and 112th Avenue SE to support Sound Transit's development of BRT in the I-405 corridor.

EA Attachment D, *Environmental Justice Discipline Report*, page 4-21, provides information supporting the statement that there are minority, low-income, and limited English proficient

residents who use transit on I-405 through the study area. As indicated on page 4-21, according to the 2015 King County Metro Transit Rider/Non-Rider Survey, about 12 percent of transit riders who live in East King County have annual household incomes below $35,000.

Comment E9.33

"More recent surveys of Good To Go! customers who have used the ETLs also found high satisfaction with the value of the ETLs across all income levels, with no statistical correlation between income and satisfaction.

When the surveyors were asked how do you think the toll lanes affected traffic, only 16% said that they think traffic improved (32% said they thought it stayed the same and 33% said that traffic had got worse)."

If just 16% said that they think traffic improved, why would you continue on with toll lanes? Don't you think that had 84% said that they think traffic improved, then, you should look into extending the toll, but not for 16%. I think you have got it all wrong.

Response E9.33

Since opening ETLs, WSDOT has performed multiple surveys to gain a better understanding of both current I-405 ETL customers' thoughts, as well as those that choose to stay in the GP lanes. The data you state are from the *Good To Go!* July 2017 Public Opinion Report survey.

The data you cited also stated that 60 percent like having the option of using the ETLs if they need a faster trip.

In addition to public surveys, WSDOT also analyzes data on the toll lane performance. The latest report found that there were improved traffic conditions due to the Bellevue to Lynnwood ETLs. Bellevue to Lynnwood performance information can be found at https://www.wsdot.wa.gov/Tolling/405/library.htm.

Comment E9.34

RE. Tolling.

With regard to the tolling, it seems like the proposal's purpose is to generate revenue more so than to relieve congestion and are they not wanting to spend money on something else, not on the stretch of freeway itself? It is the "however" part which concerns me.

"However, carpools with two people who choose not to pay a toll, would see increased travel times by one to five minutes in 2045 because they would be traveling in the general purpose lanes, and not in the HOV lane as they do today." You want to encourage HOV drivers, but then if they don't have the money for the toll, they are forced to drive in the general purpose lane. That is what I am trying to say. It is the richer people who can afford to pay the toll who will benefit. The poor people would lose out with the toll.

Response E9.34

The purpose of the Project is provided on page 3 of the EA and was listed in Response E9.5.

Please see in Section 4.1, Transportation, of the EA for information about how the Project is expected to benefit traffic. Page 4-22, Exhibit 4.1-5, provides expected travel times with and without the Project for the GP lanes and the HOV or ETLs. As described on page 4-22, travel times would improve in both the GP lanes and ETLs with the Project as compared to the No Build. As indicated on page 4-23, most drivers would experience improved travel times. The exception is that carpools with two people who choose not to pay a toll would see increased travel times by 2045 because they would be traveling in the GP lanes. Note, when you look at Exhibit 4.1-5 on page 4-22 not all HOV 2+ drivers are expected to see increased travel times if they choose to travel in the GP lanes for free. For example, some trips in 2025 are expected to be about a minute shorter in the GP lanes with the Project than in the HOV lanes without the Project. For more information on possible impacts on persons with low-incomes please see Response E9.31.

Comment E9.35

Re. Operating Costs

I don't think that they are correct when they state:

"While two-thirds of the revenue generated by the express toll lanes will be invested back into I-405 improvements, the remaining third covers operating costs."

"Here is a breakdown of the expenses:

21% Customer Service

11% Toll equipment

27% Administrative Costs; and

18% Rule Enforcement; and

23% Transaction Costs.

These add up to 100%, but where do they get that one-third would be invested back into I-405 improvements? Which part of these is for "I-405 improvements" exactly?

Response E9.35

The statement is correct that two-thirds of the existing Bellevue to Lynnwood ETL revenue will be invested back into I-405 improvements and the remaining third covers operating costs. We expect that the breakdown of revenue that would be reinvested back into the I-405 improvements would be similar for the Project, but it will depend on the amount of revenue collected. The percentages you list are a breakdown of the one-third of toll revenue that goes to operating costs. To date, the existing ETLs have generated $58.9 million in total gross revenue of which $11.5 million has already been invested into the SR 527 northbound peak use shoulder lane that opened in April 2017, and $20 million has been invested in engineering for additional capacity on I-405 from SR 522 to SR 527.

Comment E9.36

Re: Installing a Roundabout at Coalcreek.

After all the money that got spent on installing traffic lights at that location, it would be such a waste of money to then go and destroy all that good work and install a roundabout which I don't think will work as well. The problem might just be that it is the volume of vehicles at that intersection which are causing the bottleneck, not a problem with the traffic lights.

Response E9.36

The roundabouts provide substantial improvements to traffic operations and nonmotorized travel through the interchange compared to the signalized intersections. EA Attachment A, *Transportation Discipline Report*, Appendix E, pages E-2, E-3, E-8, and E-9 indicate improved operations with the roundabouts over existing signals. Motorists are expected to save a minute or more of delay at some intersections during peak periods. During off-peak periods, vehicle delay would be minimal because roundabouts allow for the continuous flow of traffic. Traffic signals require one or more vehicles to stop. Roundabouts also save on maintenance and operational costs.

Comment E9.37

Re: Section of Roadway between the I-405 S ramp leading from the I-90 to the Coalcreek exit.

There is such a wide shoulder at that section, is there just not a way that you could create a lane that would take vehicles wishing to exit at Coalcreek rather than continue on to Renton could bypass the vehicles who are waiting to merge onto the I-405 S?

Response E9.37

There are currently two lanes exiting to Coal Creek Parkway because there is no space available for them to continue southbound on I-405 without widening. Repurposing the right shoulder in this area to an additional lane will result in three lanes exiting to Coal Creek Parkway and widening of the off-ramp. This would provide little relief to congestion in the area. To provide congestion relief here, the Project will add an ETL and GP lane capacity through this area. The ETL will run from Renton to Bellevue and a new right side, southbound GP lane will be added from I-90 to 112th Avenue SE along with a new bridge across Coal Creek Parkway to address congestion in this area.

Comment E9.38

In summary, I would just like to ask that an ombudsman intervenes and makes a decision as to whether there will be adverse environmental impacts with this proposed project or not;

Response E9.38

See Response E9.2.

Comment E9.39

That the Environmental Impact Study has not looked at the impact of the safety, nor studied the impact of vehicles getting from the I-405 South to the I-90 West, and nor has it looked at how there could be so many lanes and how all the merging would occur in that you will have toll vehicles merging across to access the I-90W, ten you will have other vehicles entering the I-405 S, then you will have the HOV vehicles having to merge into the general lane only to merge out just as they approach the I-90 W HOV ramp. It is just going to be so much weaving that I cannot see how that could possibly be safe. I would suggest that they not commence the toll lanes at the SE 8th location, but somewhere else.

Response E9.39

Please see Responses E9.6 regarding lane configuration and Responses E9.3 and E9.17 regarding traffic safety performance. The traffic analysis did study the impact of operations on I-405 southbound approaching I-90 and on I-90 in the area in question. Page 3-5 of the *Transportation Discipline Report* states, "The freeway analysis includes mainline and ramp facilities of the entirety of I-405 with adjacent portions of I-5, SR 167, I-90, and SR 520, as these facilities influence operations in the study area."

Traffic operations on I-405 approaching I-90 can be seen in EA Attachment A, *Transportation Discipline Report* on pages 5-31 through 5-34. The analysis showed that this area is expected to operate better with the Project than without it. Additional discussion of the analysis area is provided EA Attachment A, *Transportation Discipline Report* on pages 3-2 and 3-5.

Comment E9.40

And my other concern is what this proposal is going to have on the whole corridor. And I don't know how it is in keeping with Bellevue's Land Use Codes in The Comprehensive Plan.

Response E9.40

Please see Chapter 5, Cumulative Effects, of the EA. Please also see Response E9.24 regarding Bellevue's land use codes.

Comments Received via Letter (L)

Comment L1 – Department of Ecology, April 3, 2018

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000
711 for Washington Relay Service • Persons with a speech disability can call (877) 833-6341

July 23, 2018

Cameron Kukes
Washington State Department of Transportation
310 Maple Park Avenue SE
PO Box 47300
Olympia, WA 98504-7300

L1

Re: I-405 Tukwila to I-90 Vicinity Express Toll Lanes Project
Ecology SEPA #201803735

Dear Mr. Kukes:

Thank you for the opportunity to comment on the Determination of Nonsignificance regarding the I-405 Tukwila to I-90 Vicinity Express Toll Lanes Project. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment:

According to the Environmental Assessment, it appears there are 62 wetlands and 32 streams within the project corridor. The wetlands in this project area would be waters of the state subject to the applicable requirements of state law (see RCW 90.48 and WAC 173.201A) and Section 401 of the Clean Water Act (33 USC §1341) and 40 CRS Section 121.2. If any direct wetland impacts are proposed, the applicant shall obtain all necessary state and federal authorizations prior to beginning any ground-disturbing activities or vegetation removal. To obtain state and federal authorization, the applicant should provide:

L1.1

- A jurisdictional determination from the U.S. Army Corps of Engineers stating whether the delineated wetlands on the property are under federal jurisdiction.
- A JARPA form for impacts to jurisdictional wetlands submitted to Ecology at ecyrefedpermits@ecy.wa.gov.
- A mitigation plan for unavoidable wetland impacts following the standards in Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Ecology Publication #06-06-011a).

For more information about SEPA and Ecology, visit www.ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-laws-rules.

Thank you for considering these comments from Ecology. If you have any questions or would like to respond to these comments, please contact Doug Gresham in the Shorelands and

Cameron Kukes
July 23, 2018
Page 2

Environmental Assistance Program at (425) 649-7199 or by email at doug.gresham@ecy.wa.gov.

Sincerely,

Tracy Nishikawa

Tracy Nishikawa
SEPA Coordinator

Sent by email: i405comments@wsdot.wa.gov

e-cc: Doug Gresham, Ecology

Comment L1.1

Thank you for the opportunity to comment on the Determination of Nonsignificance regarding the I-405 Tukwila to I-90 Vicinity Express Toll Lanes Project. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment:

According to the Environmental Assessment, it appears there are 62 wetlands and 32 streams within the project corridor. The wetlands in this project area would be waters of the state subject to the applicable requirements of state law (see RCW 90.48 and WAC 173.201A) and Section 401 of the Clean Water Act (33 USC §1341) and 40 CRS Section 121.2. If any direct wetland impacts are proposed, the applicant shall obtain all necessary state and federal authorizations prior to beginning any ground-disturbing activities or vegetation removal. To obtain state and federal authorization, the applicant should provide:

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For more information about SEPA and Ecology, visit www.ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-laws-rules.

Thank you for considering these comments from Ecology. If you have any questions or would like to respond to these comments, please contact Doug Gresham in the Shorelands and

Response L1.1

The I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (Project) is compliant with all federal, state, and local regulations regarding impacts on wetlands, streams, their associated buffers, and other sensitive areas.

WSDOT began applying for federal, state, and local permits for this Project in October 2017. Construction is expected to begin in 2019, and be completed in 2024. We assumed that all wetlands and streams within the project area are under federal jurisdiction. The U.S. Army Corps of Engineers has not yet issued an individual permit, but WSDOT anticipates receiving it this calendar year. The permit authorization should include a jurisdictional determination, or at least a preliminary jurisdictional determination that agrees with WSDOT's findings.

Permit application submittals to the Washington State Department of Ecology (Ecology) for WSDOT projects go through WSDOT's Liaison Branch out of the Environmental Services Office in Olympia. WSDOT's Ecology liaisons have received and reviewed our Joint Aquatic Resources Permit Application (JARPA) form, along with our entire permit submittal package including our *Wetland and Stream Mitigation Report*.

Comment L2 – City of Bellevue, August 9, 2018

City of Bellevue
Post Office Box 90012 • Bellevue, Washington • 98009 9012

August 9, 2018

Allison Hanson
WSDOT I-405 Project Office
600 – 108th Avenue NE, Suite 405
Bellevue WA 98004

L2

RE: I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (MP 0.0 to 11.9)
Environmental Assessment

Dear Ms. Hanson:

The City of Bellevue is pleased that WSDOT is advancing planning, design, and construction of the I-405 Express Toll Lanes Project, based upon state legislative direction. Bellevue strongly supports this project. It has been a high priority for our City Council for many years, is supported in our Council's 2018 State Legislative Agenda and is referred to in Council's 2018-2020 priorities. It is Bellevue's goal to continue being a strong advocate and partner for transportation solutions of regional interest along I-405, I-90 and SR-520.

We appreciate WSDOT's efforts over the past several years to collaboratively develop design concepts for the I-405 Express Toll Lanes Project. We also appreciate the outreach WSDOT has conducted with the many Bellevue neighborhoods to address questions and concerns. L2.1

Thank you for this opportunity to comment on the scope of the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project Environmental Assessment (EA). Many of our comments should be familiar to you, as we have consistently conveyed our specific concerns and requirements for the project. The following highlights some of the concerns for the project.

I-405 / I-90 Interchange Area
The new bridges are adjacent to a known flooding problem at Factoria Boulevard. Preliminary analysis shows the Richards Creek culverts under I-90 are a bottleneck. It is not clear from the documentation where stormwater runoff from the new pavement/bridges will be routed; however, the City asks that these flows not be directed into the Richards Creek culverts. Please provide a clear description of where the new runoff will be directed. If Richards Creek is the only option, then a third culvert under I-90 may be warranted along with a downstream analysis of possible negative effects on the stream. L2.2

Coal Creek Parkway Interchange Area
Queuing at this interchange causes significant problems in the AM and PM peaks up and down the I-405 corridor. For example, the northbound queue in the AM peak can stretch all the way to Newcastle. The proposed Coal Creek Parkway roundabouts for improving performance at the interchange and on local streets is intriguing; however, the concept is a significant departure from L2.3

the traffic signal system that services the interchange and local streets today, and a failure could be catastrophic. The City requires a detailed report from WSDOT before it can take any stance on this proposal. The report should outline the benefits and tradeoffs of the Coal Creek Parkway roundabouts compared to a traffic signal solution. L2.3

Since the proposed Coal Creek Parkway roundabouts will not be included in the current design-build contract, the City requests the opportunity to comment further on the concept designs and urban design/landscaping with the future phase design-build contract.

The City is also planning to perform a condition assessment of the sewer force main at I-405 and Coal Creek Parkway in the next 1-2 years. If no serious issues are found, then the City will not perform any further work. However, should the assessment find significant condition issues, then the City may be required to develop a project to address those concerns. L2.4

112th Avenue SE Interchange Area
Since the proposed in-line station, direct access ramps, and park & ride roundabout will not be included in the current design-build contract, the City requests the opportunity to comment further on the conceptual designs and urban design/landscaping with the future phase design-build contract. L2.5

Visual Impact Assessment
Attachment F, page 5-2, indicates the Newcastle Beach Park landscape unit will be visually impacted by the project. However, these impacts are not described nor are mitigation measures proposed in Chapter 6, Measures to Avoid or Minimize Effects. The City would appreciate additional details on what WSDOT foresees as happening to this area so that comments may be provided. L2.6

Water Resources
Mercer Slough is the terminus for the greater Kelsey system, of which Richards Creek is the Southern Tributary. The description in Attachment G, page 4-14, seems to indicate that the combined system flowing into Mercer Slough is Richards Creek. The combined stream is known either as Kelsey Creek (WDFW) or Mercer Creek (USGS). L2.7

Mercer Slough has fish presence, including listed species. Wetlands draining to Mercer Slough should be considered to have potential impacts to salmon and other fish, unless WSDOT has data to support that the increased levels of copper mentioned in Attachment G, page 5-10, will be removed before entering aquatic resources. L2.8

Page 4-112 of Chapter 4, Project Effects, indicates that the Mercer Slough wetland complex is exempt from untreated discharge -- this is incorrect. Any discharge to the Mercer Slough wetland complex must be treated. Flow control is the only exemption applicable to Mercer Slough. See City of Bellevue Utilities Surface Water Engineering Standards Section D3-04. L2.9

Furthermore, the City requires written approval from the Department of Ecology for flow diversion from the Coal Creek basin to Mercer Slough. A downstream analysis and City permits are also required for flows entering the municipal system. L2.10

Aquatic invasive species are not included but should be discussed within Attachment G, Water Resources Discipline Report. The document should identify areas with known infestations of aquatic invasive species and note areas that have not been investigated, so infestation is unknown. The protocols and BMPs for preventing transfer of aquatic invasive species should be listed in Attachment G, Section 6, like erosion control, groundwater protection, and other measures. L2.11

As WSDOT is also aware, the neighborhoods along Lake Washington developed over time and contain a patchwork of stormwater conveyance systems. The City will continue to engage with WSDOT with the expectation that potential impacts will be comprehensively evaluated with an eye towards avoidance, minimization, and mitigation. L2.12

Avoidance, Minimization, and Mitigation of Impacts
Attachment A, the Transportation Discipline Report discusses impacts of ramp queuing on arterials and states that none of the ramps exceed storage capacity including Coal Creek Parkway. The City would like to see more detail on how this conclusion was reached. Our experience with daily conditions has been to the contrary. L2.13

Construction of the I-405 Express Toll Lanes Project will result in temporary vehicle, pedestrian and bicycle detours around work zones. Details of the detour routes will be confirmed through the Right-of-way Use Permit process to ensure mobility is maintained. L2.14

Agreements will also be required for any improvements within City right-of-way that will be owned and maintained by WSDOT.

WSDOT should include BMPs to avoid contamination and transport of invasive species. This should include investigations for presence of invasive species prior to work and fully developed BMP plans for assuring personal protective gear and all equipment are clean before use and that appropriate decontamination procedures for all sites are employed. Given the presence of invasive species in some but not all aquatic areas, the danger of transferring invasive species to other areas is extremely high. L2.15

I-405 passes by several sensitive areas and adjacent neighborhoods. The City will continue to engage with WSDOT with the expectation that potential impacts will be comprehensively evaluated with an eye towards avoidance, minimization, and mitigation. L2.16

The design should also address ADA deficiencies along the I-405 corridor. L2.17

In closing, I want to reiterate that the City of Bellevue is very supportive of the I-405 Express Toll Lanes Project and will continue to partner with WSDOT on this and other projects on I-405, I-90 and SR-520 that increase accessibility to and from Bellevue and the greater Eastside. L2.18

Sincerely,

David Berg, P.E.
Director, Transportation Department

cc: Bellevue City Councilmembers
Brad Miyake, City Manager
Mac Cummins, Planning and Community Development Director
Patrick Foran, Parks and Community Services Director
Navdeep Otal, Utilities Director

Comment L2.1

The City of Bellevue is pleased that WSDOT is advancing planning, design, and construction of the I-405 Express Toll Lanes Project, based upon state legislative direction. Bellevue strongly supports this project. It has been a high priority for our City Council for many years, is supported in our Council's 2018 State Legislative Agenda and is referred to in Council's 2018-2020 priorities. It is Bellevue's goal to continue being a strong advocate and partner for transportation solutions of regional interest along I-405, I-90 and SR-520.

We appreciate WSDOT's efforts over the past several years to collaboratively develop design concepts for the I-405 Express Toll Lanes Project. We also appreciate the outreach WSDOT has conducted with the many Bellevue neighborhoods to address questions and concerns.

Thank you for this opportunity to comment on the scope of the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project Environmental Assessment (EA). Many of our comments should be familiar to you, as we have consistently conveyed our specific concerns and requirements for the project. The following highlights some of the concerns for the project.

Response L2.1

Thank you. We appreciate the City of Bellevue's continued support of I-405 Master Plan and other projects. WSDOT appreciates the City's involvement and we will continue our coordination with City staff and residents and will continue to work with the City of Bellevue to obtain necessary approvals, agreements, and permits.

Comment L2.2

I-405 / 1-90 Interchange Area

The new bridges are adjacent to a known flooding problem at Factoria Boulevard. Preliminary analysis shows the Richards Creek culverts under I-90 are a bottleneck. It is not clear from the documentation where stormwater runoff from the new pavement/bridges will be routed; however, the City asks that these flows not be directed into the Richards Creek culverts. Please provide a clear description of where the new runoff will be directed. If Richards Creek is the only option, then a third culvert under I-90 may be warranted along with a downstream analysis of possible negative effects on the stream.

Response L2.2

WSDOT has submitted to the City of Bellevue a basin diversion request to allow 0.20 acre of I-90 widening in the Richards Creek basin to connect into WSDOT's existing I-90 drainage system on the west side of 118th Avenue SE. If accepted, Richards Creek would not experience any change in flows. This same diversion was assessed in the Project's Environmental Assessment (EA) and Endangered Species Act (ESA) update, and was discussed in the 2016 stormwater charrette that City of Bellevue staff attended.

If the basin diversion is not allowed, capacities will be reviewed during final design to develop a solution.

Comment L2.3

Coal Creek Parkway Interchange Area

Queuing at this interchange causes significant problems in the AM and PM peaks up and down the I-405 corridor. For example, the northbound queue in the AM peak can stretch all the way to Newcastle. The proposed Coal Creek Parkway roundabouts for improving performance at the interchange and on local streets is intriguing; however, the concept is a significant departure from the traffic signal system that services the interchange and local streets today, and a failure could be catastrophic. The City requires a detailed report from WSDOT before it can take any stance on this proposal. The report should outline the benefits and tradeoffs of the Coal Creek Parkway roundabouts compared to a traffic signal solution.

Since the proposed Coal Creek Parkway roundabouts will not be included in the current design-build contract, the City requests the opportunity to comment further on the concept designs and urban design/landscaping with the future phase design-build contract.

Response L2.3

Expected roundabout operations at this interchange are provided in the EA, Attachment A, *Transportation Discipline Report*, Appendix E. The operations analysis indicates the proposed roundabouts offer a substantial improvement over operations with the existing signal system. WSDOT will continue to coordinate with the City of Bellevue regarding the proposed roundabouts at Coal Creek Parkway as they get closer to construction.

Comment L2.4

The City is also planning to perform a condition assessment of the sewer force main at I-405 and Coal Creek Parkway in the next 1-2 years. If no serious issues are found, then the City will not perform any further work. However, should the assessment find significant condition issues, then the City may be required to develop a project to address those concerns.

Response L2.4

Thank you for informing us of your potential future project. WSDOT will ensure that our contractor understands that they may need to coordinate with the City of Bellevue at I-405 and Coal Creek Parkway, depending on the outcome of the sewer force main assessments.

Comment L2.5

112th Avenue SE Interchange Area

Since the proposed in-line station, direct access ramps, and park & ride roundabout will not be included in the current design-build contract, the City requests the opportunity to comment further on the conceptual designs and urban design/landscaping with the future phase design-build contract.

Response L2.5

The improvements noted at 112th Avenue SE interchange area may be constructed as part of the Project. The Request for Proposal will provide an opportunity to maximize the scope at this interchange if it can be incorporated within the upset price for the contract. The City of Bellevue will have the opportunity to comment on the design-builder's plans as part of the City's design-build oversight role.

Comment L2.6

Visual Impact Assessment

Attachment F, page 5-2, indicates the Newcastle Beach Park landscape unit will be visually impacted by the project. However, these impacts are not described nor are mitigation measures proposed in Chapter 6, Measures to Avoid or Minimize Effects. The City would appreciate additional details on what WSDOT foresees as happening to this area so that comments may be provided.

Response L2.6

For the Newcastle Beach Park landscape unit, visual impacts are described in the general project effects section that begins on page 5-3 of EA Attachment F, *Visual Quality Discipline Report*.

Mitigation measures are provided in Section 6 of EA Attachment F and are repeated in Chapter 6 of the EA on pages 6-4, 6-5, 6-18, and 6-19. Mitigation includes adhering to context sensitive solutions guidelines and adhering to aesthetic treatments described in the *I-405 Urban Design Criteria*.

Comment L2.7

Water Resources

Mercer Slough is the terminus for the greater Kelsey system, of which Richards Creek is the Southern Tributary. The description in Attachment G, page 4-14, seems to indicate that the combined system flowing into Mercer Slough is Richards Creek. The combined stream is known either as Kelsey Creek (WDFW) or Mercer Creek (USGS).

Response L2.7

The first two sentences of text under the Mercer Slough Section on Page 4-14 of EA Attachment G, *Water Resource Discipline Report*, state, "Mercer Slough is situated in a broad wetland receiving basin that drains south into Lake Washington. The tributaries to Mercer Slough are Kelsey Creek, West Tributary to Kelsey Creek, Goff Creek, Richards Creek, Valley Creek, and Sturtevant Creek."

To clarify, we added text in Attachment 2, Errata to the Environmental Assessment, on page 4-14 of the *Water Resources Discipline Report* that states "Mercer Slough is also known as the terminus of Kelsey Creek (per the Washington Department of Fish and Wildlife) or Mercer Creek (per the United States Geological Survey)."

Comment L2.8

Mercer Slough has fish presence, including listed species. Wetlands draining to Mercer Slough should be considered to have potential impacts to salmon and other fish, unless WSDOT has data to support that the increased levels of copper mentioned in Attachment G, page 5-10, will be removed before entering aquatic resources.

Response L2.8

Stormwater discharges into the Mercer Slough wetland complex are not going directly into surface waters or fish-bearing waters. These discharges occur about 1,000 feet from the nearest fish-bearing waters and travel first through densely vegetated areas without fish access. Where the Project has direct discharge to surface waters, stormwater pollutants would dilute to background levels within 1 foot of the discharge point, which is below the biological effects threshold.

Comment L2.9

Page 4-112 of Chapter 4, Project Effects, indicates that the Mercer Slough wetland complex is exempt from untreated discharge -- this is incorrect. Any discharge to the Mercer Slough wetland complex must be treated. Flow control is the only exemption applicable to Mercer Slough. See City of Bellevue Utilities Surface Water Engineering Standards Section D3-04.

Response L2.9

We agree that the Mercer Slough wetland complex is not exempt from runoff treatment and text on page 4-112 of the EA does not state that it is exempt from untreated discharge. Exhibit 4.6-1 on pages 4-108 and 4-109 of the EA provides information on the area that will be treated by the Project. WSDOT is providing enhanced treatment in this area following WSDOT's *Highway Runoff Manual*.

Comment L2.10

Furthermore, the City requires written approval from the Department of Ecology for flow diversion from the Coal Creek basin to Mercer Slough. A downstream analysis and City permits are also required for flows entering the municipal system.

Response L2.10

WSDOT is working with the Washington State Department of Ecology regarding flow diversion. We will continue to work with the City of Bellevue on obtaining the necessary approvals.

Comment L2.11

Aquatic invasive species are not included but should be discussed within Attachment G, Water Resources Discipline Report. The document should identify areas with known infestations of aquatic invasive species and note areas that have not been investigated, so infestation is unknown. The protocols and BMPs for preventing transfer of aquatic invasive

species should be listed in Attachment G, Section 6, like erosion control, groundwater protection, and other measures.

Response L2.11

WSDOT has added the following information to the Finding of No Significant Impact in Section 5.0, Mitigation Commitments, to measures that will be used during construction for aquatic resources:

- WSDOT and its contractors will control all Class A noxious weeds, and additional nuisance weeds throughout the life of the Project and beyond. All precautions, including mechanical and chemical control, will be taken to prevent the spread of invasive plant species.
- Additional precautions will limit the spread of invertebrates, particularly the New Zealand mud snail (*Potamopyrgus antipodarum*). New Zealand mud snails have been found in streams within Kelsey Creek and May Creek in the cities of Renton and Bellevue. To prevent the spread of this invasive species in accordance with the Revised Code of Washington (RCW) 77.135 and RCW 77.15.811, work within streams in the project area shall meet the following requirements:
  - The design-builder shall ensure that all equipment is clean and decontaminated of any potential invasive species prior and after working in streams. Equipment with mud or debris shall not be allowed to be deployed.
  - The design-builder shall follow the procedures in the Washington Department of Fish and Wildlife Invasive Species Management Protocols, Version 2, November 2012, (or the latest version of this document).
  - The design-builder shall quarantine equipment in an area where mud, debris, or water cannot be tracked into other streams or storm drainage catch basins.
  - The design-builder shall brush or spray equipment on-site so no invasive species can be dislodged during transport prior to full decontamination. The on-site cleaning shall occur in a way that mud, debris, or water cannot be tracked into other streams or storm drainage catch basins. All equipment shall be decontaminated at a site that drains to wastewater (such as a commercial car wash) prior to use in other stream projects.

Comment L2.12

As WSDOT is also aware, the neighborhoods along Lake Washington developed over time and contain a patchwork of stormwater conveyance systems. The City will continue to engage with WSDOT with the expectation that potential impacts will be comprehensively evaluated with an eye towards avoidance, minimization, and mitigation.

Response L2.12

WSDOT will continue to coordinate with the City of Bellevue on stormwater conveyance.

Comment L2.13

Avoidance, Minimization, and Mitigation of Impacts

Attachment A, the Transportation Discipline Report discusses impacts of ramp queuing on arterials and states that none of the ramps exceed storage capacity including Coal Creek Parkway. The City would like to see more detail on how this conclusion was reached. Our experience with daily conditions has been to the contrary.

Response L2.13

Page 5-42 of EA Attachment A, *Transportation Discipline Report,* discusses future operations once the Project is complete. Appendix E of the *Transportation Discipline Report* provides the results of the local intersection analysis, with both Snychro and Sidra results presented for the 2025 and 2045 Build conditions. We will continue to work with the City of Bellevue on traffic-specific issues, including ramp operations.

Comment L2.14

Construction of the I-405 Express Toll Lanes Project will result in temporary vehicle, pedestrian and bicycle detours around work zones. Details of the detour routes will be confirmed through the Right-of-way Use Permit process to ensure mobility is maintained.

Agreements will also be required for any improvements within City right-of-way that will be owned and maintained by WSDOT.

Response L2.14

WSDOT will continue to work with the City of Bellevue to obtain necessary approvals, agreements, and permits.

Comment L2.15

WSDOT should include BMPs to avoid contamination and transport of invasive species. This should include investigations for presence of invasive species prior to work and fully developed BMP plans for assuring personal protective gear and all equipment are clean before use and that appropriate decontamination procedures for all sites are employed. Given the presence of invasive species in some but not all aquatic areas, the danger of transferring invasive species to other areas is extremely high.

Response L2.15

See Response L2.11.

Comment L2.16

I-405 passes by several sensitive areas and adjacent neighborhoods. The City will continue to engage with WSDOT with the expectation that potential impacts will be comprehensively evaluated with an eye towards avoidance, minimization, and mitigation.

Response L2.16

WSDOT will continue to work with the City of Bellevue to minimize project impacts.

Comment L2.17

The design should also address ADA deficiencies along the I-405 corridor.

Response L2.17

WSDOT will continue to work with the City of Bellevue to evaluate Americans with Disabilities Act (ADA) upgrades within areas where there are impacts. Specifically, new facilities at the Coal Creek Parkway and 112th Avenue SE interchange will be designed to meet ADA requirements.

Comment L2.18

In closing, I want to reiterate that the City of Bellevue is very supportive of the I-405 Express Toll Lanes Project and will continue to partner with WSDOT on this and other projects on I-405, I-90 and SR-520 that increase accessibility to and from Bellevue and the greater Eastside.

Response L2.18

We appreciate the City of Bellevue's continued support of I-405 Master Plan projects.

Comment L3 – Kemper Development Company, August 9, 2018

Kemper Development Company

Ms. Alison Hanson
I-405 Program Environmental Manager
Washington State Department of Transportation
600 108th Ave NE, Suite 405
Bellevue, WA 98004

L3

Ref: I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project and Downtown Bellevue Vicinity Express Toll Lanes Project

Dear Ms. Hanson,

Thank you for the opportunity to comment on the Tukwila to I-90 Vicinity Express Toll Lanes Project and Downtown Bellevue Vicinity Express Toll Lanes Project Environmental Assessment. As you are likely aware, Kemper Development has been involved in helping to create and see through the I-405 Master Plan since its Record of Decision in 2002. However, we are still concerned with the following:

Alternatives Studied

There should be various alternatives studied, including an all general-purpose alternative, not just a "No Build" or "Tolls" option. In response to our previous comment, WSDOT referred to chapter 2 of the Downtown Bellevue Vicinity Express Toll Lanes Project EA, stating: "A number of alternatives have already been studied..." Yet, under the section titled, "What alternatives did WSDOT study?" Only the two alternatives listed above are mentioned. As previously requested, WSDOT should analyze various alternatives to determine the best alternative to serve the most travel and maximize travel time savings.

L3.1

In addition, since the legislature has not authorized tolling the facility, alternative widening options should be explored in an official environmental analysis or supplemental EIS.

Vehicle and Person Throughput

We remained concerned that the growth in travel served is too small. WSDOT responded stating that its throughput, not demand, that is reflected. Yet we have concerns regarding both person and vehicle throughput. For example, we calculate that the Southbound improvements would increase road capacity by approximately 29% between Mileposts 2.9 and 13.7. However, across the 14 screenlines analyzed Southbound during the PM Peak, none have a person- or vehicular-throughput that meets or exceeds the increase in the capacity. This is concerning especially given recent WSDOT comments that

L3.2

Kemper Development Company
575 Bellevue Square, Bellevue, WA 98004
P (425) 454.2431 F (425) 646.3661

toll lanes move 30% more people than general purpose lanes, which should increase person-thoughput even higher than the capacity expansion.

Can WSDOT provide both projected vehicular and person throughput by lane or by lane type in both peak periods?

L3.2

Congestion is the problem

In addition to concerns raised in the previous EA comments, there appears to be a discrepancy between the Traffic and Revenue study noted in the EA and the EA findings. For example, the Traffic and Revenue study (page 5.20) shows that general purpose speeds Northbound during the AM Peak Hour (8-9AM) between SR 167 and NE 44th do not exceed 25 miles per hour and may be as low as 12 miles per hour on certain parts. Yet WSDOT's heat map projections largely show speeds above 45mph. A similar situation exists during the PM peak Southbound. There, the Traffic and Revenue study shows speeds between SE 8th Street and Lake Washington Blvd do not exceed 18 miles per hour – yet WSDOT's heat map shows freeflow speeds during the 4-5pm hour.

It is our understanding the Traffic and Revenue study utilized PSRC's model. What is the discrepancy? Did the Traffic and Revenue assume an alternate roadway configuration? Please list any other discrepancies between the Traffic and Revenue and WSDOT findings.

Thank you for the ability to comment.

L3.3

Bob Pishue

Kemper Development Company

Comment L3.1

Thank you for the opportunity to comment on the Tukwila to I-90 Vicinity Express Toll Lanes Project and Downtown Bellevue Vicinity Express Toll Lanes Project Environmental Assessment. As you are likely aware, Kemper Development has been involved in helping to create and see through the I-405 Master Plan since its Record of Decision in 2002. However, we are still concerned with the following:

Alternatives Studied

There should be various alternatives studied, including an all general-purpose alternative, not just a "No Build" or "Tolls" option. In response to our previous comment, WSDOT referred to chapter 2 of the Downtown Bellevue Vicinity Express Toll Lanes Project EA, stating: "A number of alternatives have already been studied..." Yet, under the section titled, "What alternatives did WSDOT study?" Only the two alternatives listed above are mentioned. As previously requested, WSDOT should analyze various alternatives to determine the best alternative to serve the most travel and maximize travel time savings.

In addition, since the legislature has not authorized tolling the facility, alternative widening options should be explored in an official environmental analysis or supplemental EIS.

Response L3.1

A number of alternatives were studied leading up to a recommendation to implement the system of managed lanes identified as the Build Alternative for the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (Project). Please see Chapter 1 page 1-2 to 1-4 (Project History) of the Environmental Assessment (EA) regarding alternatives studied in the development of the I-405 Master Plan including managed lanes. Please see Chapter 2, page 2-3 of the EA, for a discussion of the alternatives analyzed.

WSDOT has worked with cities, counties, federal agencies, transit agencies, and community groups to develop consensus on a long-term vision for the multimodal redevelopment of I-405. The Project is one piece of a long-term set of improvements within the I-405 Master Plan. This Project is funded by the 2015 Connecting Washington package, which states the following:

> Continues widening of the I-405 corridor between Renton and Bellevue; including the implementation of express toll lanes (ETL) and rebuilding impacted interchanges. Also, builds the first segment of the I-405/SR 167 interchange master plan by constructing a direct connector on northbound and southbound lanes between the SR 167 HOT and I-405 express toll lanes. This project would complete a 40-mile corridor wide express toll facility.

The Direct Connector project is open to traffic. The Build Alternative discussed in Chapter 2 of this EA is consistent with the legislative direction to implement ETLs, including interchange improvements, to complete a 40-mile express toll system. Ultimately, the Washington State Legislature determines which facilities are authorized to be tolled.

For more information on the I-405 Master Plan, visit https://www.wsdot.wa.gov/Projects/I405/I405MasterPlan.htm.

Comment L3.2

Vehicle and Person Throughput

We remained concerned that the growth in travel served is too small. WSDOT responded stating that its throughput, not demand, that is reflected. Yet we have concerns regarding both person and vehicle throughput. For example, we calculate that the Southbound improvements would increase road capacity by approximately 29% between Mileposts 2.9 and 13.7. However, across the 14 screenlines analyzed Southbound during the PM Peak, none have a person- or vehicular-throughput that meets or exceeds the increase in the capacity. This is concerning especially given recent WSDOT comments that toll lanes move 30% more people than general purpose lanes, which should increase person-thoughput even higher than the capacity expansion.

Can WSDOT provide both projected vehicular and person throughput by lane or by lane type in both peak periods?

Response L3.2

WSDOT did not analyze projected vehicular and person throughput by lane as part of the EA. The screenlines summarize average peak 3-hour traffic volumes and person throughput across all lanes This information is presented in the EA Attachment A, *Transportation Discipline Report,* in Exhibits 5-1 and 5-3 and Appendix G.

Comment L3.3

Congestion is the problem

In addition to concerns raised in the previous EA comments, there appears to be a discrepancy between the Traffic and Revenue study noted in the EA and the EA findings. For example, the Traffic and Revenue study (page 5.20) shows that general purpose speeds Northbound during the AM Peak Hour (8-9AM) between SR 167 and NE 44th do not exceed 25 miles per hour and may be as low as 12 miles per hour on certain parts. Yet WSDOT's heat map projections largely show speeds above 45mph. A similar situation exists during the PM peak Southbound. There, the Traffic and Revenue study shows speeds between SE 8th Street and Lake Washington Blvd do not exceed 18 miles per hour – yet WSDOT's heat map shows freeflow speeds during the 4-5pm hour.

It is our understanding the Traffic and Revenue study utilized PSRC's model. What is the discrepancy? Did the Traffic and Revenue assume an alternate roadway configuration? Please list any other discrepancies between the Traffic and Revenue and WSDOT findings.

Response L3.3

Two models were used for two different purposes. The Traffic and Revenue Study used the regional travel demand model for developing tolling forecasts, while the traffic operational analysis used a simulation-based model. Both models assume the same project elements and the same Puget Sound Regional Council inputs. Some of the differences are as follows:

- The regional travel demand model was used to prepare long-range forecasts and gross revenue, while a more detailed operational analysis model determined traffic operations.
- The operational analysis model, which produces the speed heat maps found in EA Attachment A, *Transportation Discipline Report* (Exhibits 4-2, 4-3, 5-4 through 5-7, and 5-9 through 5-12), has more detailed network resolution and can simulate individual vehicles and driver behaviors; therefore, it provides more refined performance information.

Comment L4 – Terry Foulon, August 9, 2018

Aug. 9, 2018

Ms. Allison Hanson, I-405 Program Team

Washington Department of Transportation

I-405 Project Office

600 108th Ave. N.E., Suite 405

Bellevue, WA 98004

L4

RE: I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (MP 0.0 to 11.9)

Supplemental to Citizen review- 112th SE to I-90 segment impact findings reference document submitted in March 2016

Dear Ms. Hanson:

I have reviewed the Environmental Assessment (EA) for the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (MP 0.0 to 11.9) ("Tukwila to I-90 Vicinity Express Toll Lanes Project") and associated reports, and am offering the following comments and requests in the interest of the avoidance of adverse impacts to resources in that part of the project action area which continues significantly adversely impacted with the recent work in the same location, the 112th Ave. S.E. to S.E. 8th St. Widening Project, as documented in my report 112th S.E. to I-90 Segment of the 112th Ave. S.E. to S.E. 8th St. Widening Project Impact Findings Reference Document ("Reference Document").

L4.1

Thank you for the opportunity to comment on this proposal. For a current copy of "Reference Document", and its support material, or if I can be of assistance in the concerns identified, please contact me at 425-890-4252.

Sincerely,

Terry Foulon

64 Cascade Key

Bellevue, WA 98006

Comments to the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (MP 0.0 to 11.9)

Chapter 1 Project Purpose and Need

Page 1-5: Please note and correct or address or necessary "Renton to Bellevue Project" which states, "To date, none of the Renton to Bellevue Project improvements have been constructed", which conflicts with the statement in the Renton to Bellevue Project FONSI, "Description of Proposed Action", "Note: in June 2006, FHWA and WSDOT reduced the scope of the I-405, SR 169 to I-90 Renton to Bellevue Project. Project elements that were removed from the Renton to Bellevue Project included one of the new I-405 northbound lanes between 112th Ave. S.E. and I-90, the new I-405 bridge structure carrying the I-405 southbound lanes over I-90, the ramp meter at the 112th Ave. S.E. Interchange on-ramp to I-405, and noise wall East 16. These improvements were then cleared for construction in a documented Categorical Exclusion that was issued on June 9, 2006. Noise Wall East 16 was cleared as a part of the Bellevue Nickel Project. As a result, these elements are no longer part of the Renton to Bellevue Project Build alternative and are instead considered to be part of the exiting condition since they are currently under construction. The project description contained here has been revised to reflect these changes." Please consider describing some Renton to Bellevue Project improvements removed before a FONSI for the Renton to Bellevue Project was completed and constructed as the 112th Ave. S.E. to I-90 segment of the then Bellevue Nickel, to become the 112th Ave. S.E. to S.E. 8th St. Widening Project MPs 9.24 to 13.32. A description of the environmental clearance, that did not include a FONSI, for such elements of the Renton to Bellevue Project as the new I-405 bridge over I-90, and other undisclosed elements of the Renton to Bellevue Project, such as a redesign of the highway drainage system, see "Reference Document" issues **"Issue 12:** WSDOT noncompliant with NPDES construction storm water general permit with failing to timely request increase in 'disturbed acres' from 7.5 acres to 22 acres and failing to notify DOE of discharges to N.B. Park"; **"Issue 13:** WSDOT noncompliant with NPDES Construction Storm water General Permit Public Notice Requirement"; **"Issue 15:** WSDOT noncompliant with 112th Ave. S.E. to I—90 segment U.S. Army Corp NWP 14 for failing to obtain water quality certification or LOV and in failing to report deviations from approved plans"; **"Issue 24:** WSDOT misinformation in 'ECS' prevented required 4(f) assessment for use of N.B. Park with 112th Ave. S.E. to I-90 segment. . ."; **"Issue 43:** No HPAs, no critical use area permits for 112th Ave. S.E. to I-90 segment in undisclosed re-design of highway drainage system, possible undisclosed stream course changes"; **"Issue 50:** 112th Ave. S.E. to I-90 segment non-compliant with commitments for 'No Effects' determination"; **"Issue 58:** WSDOT: No timely notice to NPS on plan to use of N.B. Park for highway drainage, unmoved by NPS warning of 4(f), 6(f) conversion. . ."; **"Issue 59:** WSDOT non-compliant for failing to obtain certification of consistency with Coastal Zone

L4.2

mitigation to, discharges to N.B.Park wetlands". Please consider evaluation of ecosystems for more than 300 feet of the "Project footprint", preferably for a minimum of .25 mile downstream as required by the WSDOT HM "Downstream Analysis Reports", which includes "1. Review of Resources"; "2. Inspection of drainage conveyance systems in the site area"; and "3. Analysis of offsite effects." Please consider the impacts from the previous work as a result of failing to conduct a required downstream analysis in the vicinity of Newcastle Beach Park with the recent work and identify the areas to be mitigated due to adverse impacts before the start of any future work. L4.9

Page 4-119 to 4-120: Please note and address or correct as necessary "What ecosystems are located in the study area", inclusive of "I-405 Renton to Bellevue Corridor milepost 4.0-13.7 Wetland and Stream Assessment Report (WSDOT 2018), which leaves out wetlands within the 300 feet of the "Project footprint" (which distance is inadequate for reasons described in the Page 4-118 response), among them, in flows tributary to Newcastle Beach Park streams and wetlands: the Wetland 9.75L and 9.8L (incorrectly identified as 9.8L) and Wetland 9.82L (correctly located downstream, and west, of "9.8L" is shown, and within 300-feet of the "Project footprint": see I-405, 112th Ave. S.E. to I-90 JARPA package for the recent work. Please consider including Wetland 9.75L, Wetland 9.8L in its correct location and Wetland 9.82L, in its correct location, and please consider the issues raised in the comments to Page 4-118 as additional critical use areas, including another significant wetland, steep slope and sight of past land slumps and slides, and Lake Washington shoreline exist in this location and proper application of the WSDOT HRM delineation of TDAs and application of MRs and HM requirements included in a Downstream Analysis require identification of natural resources/drainage features for a minimum of one-quarter mile downstream. L4.10 L4.11

Page 4-123 to 4-125 and Page 4-128 to 4-133: Please note and address or correct as necessary "Aquatic Resources" Exhibit 4.7-2. Streams in the Study Area which identifies "Stream 9.8" ("Stream 08.LW-9.8), but does not identify "Stream 08.LW-9.75", which is a tributary of Stream 08.LW-9.8 in the "Project footprint", see Attachment P, p. 211, which shows the mapped streams, with 08.LW-9.75 to the south of Stream 08.LW-9.8, which combine inside Newcastle Beach Park and are associated with multiple streams and wetlands and other critical use areas including wetlands, steep slope and site of past land slumps and slides, and Lake Washington shoreline. Please consider including Stream 08.LW-9.75 and please use the popular name for Stream 08.LW-9.8: Newcastle Beach Park Creek. These streams were adversely impacted a result of the recent work as described in "Reference Document" issues: **"Issue 16:** Non-tributary highway drainage collected and directed to N.B.Park; highway runoff pollutants not found in park stream before 112th Ave. S.E. to Ip-90 segment found after work"; **"Issue 18:** Significant, unreported land alteration upstream of N.B.Park"; **Issue 19:** City of Bellevue: no 'apparent outflow into lake Washington' from N.B.Park stream channel when lake is at full pool L4.12

elevation; flows shown to drain in subsurface to lower elevations; highway runoff pollutants found in multiple locations, including swim beach"; **Issue 23:** WSDOT flows collected and directed to N.B. Park as a result of the 112th Ave. S.E. to I-90 segment included '16.95' acres of the 29.5' acres of total 'Initiative' flows; discharges were non-compliant with Bellevue hearing Examiner conditions for exception to Bellevue Code"; **"Issue 35:** Permitted wetland impacts exceeded"; **Issue 36:** WSDOT failed to provide 'enhanced' water quality treatment as required in TDFA W3, including to the Coal Creek Basin"; **"Issue 37:** Mistaken WSDOT report: wetlands 'not associated' with streams"; **"Issue 38:** "N.B. Park streams and wetlands used as water quality treatment, detention BMPs"; **"Issue 39:** Bellevue consultant; WSDOT did not conduct required downstream analysis for discharges to N.B. Park"; **"Issue 40:** Bellevue consultant; wrong peak flow methodology for design of BMPs for N.B. Park discharges"; **"Issue 41:** Bellevue consultant; WSDOT was required to conduct hydroperiod study of, apply mitigation to, discharges to N.B. Park wetlands; **"Issue 42:** 112th Ave. S.E. to I-90 segment flows shown in N.B. Park stream system in location of planned route for 'Initiative' flows"; **"Issue 43:** No HPAs, no critical use permits for 112th Ave. S.E. to I-90 segment in undisclosed re-design of highway drainage system, possible undisclosed stream course changes"; **"Issue 49:** Bellevue consultant: groundwater flow increases not reported"; **"Issue 50:** 112th Ave. S.E. to I-90 segment non-compliant with commitments for 'No Effects' determination"; **"Issue 52:** WSDOT, contractor inspector dailies report unexpected surface water, spring encountered upstream of N.B. Park"; **"Issue 55:** Bellevue consultant prohibited by contract from reporting changes to N.B. Park water quality as a result of the 112th Ave. S.E. to I-90 segment; 'Baseline tests' intended to be to be used for comparison ignored"; **"Issue 56:** City of Bellevue consultant reported '9' exceedances of standards in N.B. Park, which it describes as 'not applicable' and did not report 10 exceedances of total petroleum hydrocarbons, 3 of C-PAHs in test results"; **"Issue 65:** Missing Coal Creek Basin flows or the value of the same appear basin-transferred to adjacent basins". Please consider mitigation for the adverse impacts to these streams and their associated wetlands in Newcastle Beach Park as a result of the recent work and identify the areas to be mitigated for those adverse impacts before the start of any future work. see "Reference Document"

L4.12

Page 4-138 to 141: Please note and address or correct as necessary: "Threatened and Endangered Species" which states under "Renton to Bellevue Project" a biological assessment updated in 5/16 from that previously completed in support of the 2006 Renton to Bellevue Project EA concluded the same as the earlier 2006 consultation; that ". . .full build-out of the Project would have adverse effects on Pacific salmon EFH", with impact from: "Entrainment of juvenile or adult fish during work area isolation. . ."; 2. Increased turbidity or sediment due to construction that will harass juvenile or adult fish out of their preferred habitat"; 3. Elimination of habitat. . . 4. Death, injury or migratory/rearing behavior modification of juvenile or adult fish from the effects of implementing the no net increase performance standard for any storm water effluent (e.g., TSS, total copper and zinc) discharging to the Cedar River; May, Coal, Johns, Gypsy and Clover creeks; and the Mercer Slough wetlands and its tributaries; 5. Death, injury or

L4.13

migratory/rearing behavior modification. . .from the effects of implementing the performance standard in the Cedar River; May, Coal, Johns, Gypsy and Clover creeks; and the Mercer Slough wetlands and its tributaries. . .; and 6. Death, injury or migratory/rearing behavior modification of juvenile or adult fish from the indirect effects associated with future development which could include increased storm water runoff, increased vegetation removal, increased sediment input, all of which will persist at varying intensities for the life of the Project." The efforts of federal regulatory agency efforts, and the efforts of others, including Tribes and state and local agencies, to protect threatened and endangered species is jeopardized by the WSDOT practice, exhibited with the recent work, of obtaining concurrences and approvals based on stated impacts that may or may not be the actual impacts and mitigation which it then does not provide; see "Refence Document" issues **"Issue 12:** WSDOT noncompliant with NPDES construction storm water general permit with failing to timely request increase in 'disturbed acres' from 7.5 acres to 22 acres and failing to notify DOE of discharges to N.B.Park"; **"Issue 15:** WSDOT noncompliant with 112th Ave. S.E. to I-90 segment U.S. Army Corp NWP 14 for failing to obtain water quality certification or LOV and in failing to report deviations from approved plans"; **"Issue 16:** Non-tributary highway drainage collected and directed to N.B.Park; highway runoff pollutants not found in park stream before 112th Ave. S.E. to I-90 segment found after work"; **"Issue 18:** Significant, unreported land alteration upstream of N.B.Park"; **"Issue 35:** Permitted wetland impacts exceeded"; **"Issue 36:** WSDOT failed to provide 'enhanced' water quality treatment as required in TDA W3, including to the Coal Creek Basin"; **"Issue 37:** Mistaken WSDOT report: wetlands 'not associated' with streams"; **"Issue 43:** No HPAs, no critical use area permits for 112th Ave. S.E. to I-90 segment in undisclosed re-designed of highway drainage system, possible undisclosed stream course changes"; **"Issue 50:** 112th Ae. S.E. to I-90 segment non-compliant with commitments for 'No Effects' determination"; **"Issue 52:** WSDOT, contractor inspector dailies report unexpected surface water, springs encountered upstream of N.B.Park"; **"Issue 53:** Actual flows reported collected and directed in TDAs W2 through W4 of the 112th Ae. S.E. to I-90 segment show '13.43' acres of 'new' WSDOT 'Onsite Basin' PGIS when WSDOT reported 'new' of '6.05'. . ."; **"Issue 59:** WSDOT non-compliant for failing to obtain certification of consistency with Coastal Zone Management for 112th Ave. S.E. to I-90 segment"; **"Issue 60:** Increase in WSDOT 'Onsite Basin" PGIS in TDA B to mercer Slough wetlands greater than reported"; **"Issue 62:** 112th Ave. S.E. to I-90 segment, including TDAs W2, W3 and W4, environmentally cleared under less NEPA review of a 'DCE', did not meet requirements for a 'DCE', was used by WSDOT for 'placement' of adverse, unwanted elements in I-90 to S.E. 8th St. segment environmentally cleared to a higher standard"; **"Issue 63:** WSDOT added '21.84' acres of new 'Onsite Basin' PGIS in TDAs W2, W3, W4 of 112th Ave. S.E. to I-90 segment and next TDA to the north, 'TDA B', and treated only '13.647' acres of same. . ."; **"Issue 64:** WSDOT failed to go by the WSDOT 2006 HRM and WSDOT 2005 HM as required as a matter of state law for the collection and direction of increased flows in TDAs W2, W3, W4 of the 112th Ave. S.E. to I-90 segment and in TDA B, including failing to utilize the 'alternative' means of compliance provided for in the HRM"; **"Issue 65:** Missing Coal Creek Basin flows or the value of the same appear basin-transferred to adjacent basins". Please consider including steps that will

L4.13

be taken to ensure commitments to protect threatened and endangered species, which requires protection of the environment, are in fact executed, beyond those included in measures WSDOT will use to avoid construction and operational effects (which are the same obligated to in the recent work, and not followed). Please reconsider the mile-long "storm water runoff diversion pipe" from the Coal Creek Basin to a different City of Bellevue drainage basin, Mercer Slough drainage basin, in a City of Bellevue 4(f), 6(f) protected park, Mercer Slough Nature Park, described/addressed on Page 4-115, since Mercer Slough wetlands and its tributaries is identified as having risk to endangered and threatened species, or, in the alternative, ensure the basin-transferred flows are subjected to all requirements of the WSDOT HRM and HM. Please consider requiring the "long hand" for calculating increased PGIS and impervious to be included in any permitting paperwork, easily understandable to the public.

L4.13

L4.14

L4.15

Attachment G: Water Resources Discipline Report

Page 4-1 and Page 4-13: Please note and correct or address as necessary "What are existing conditions for surface water in the study area?" which does not include in the "study area" unnamed tributaries to Lake Washington between 112th Ave. S.E. to Coal Creek Parkway, including Lakehurst Creek, and Streams 08.LW.9.75, 08.LW.9.88, 08.CC.9.9, Stream 08.CC.10.0, all of which sustained undisclosed adverse downstream impacts as a result of the recent work for the 112th Ave. S.E. to I-90 segment of the 112th Ave. S.E. to S.E. 8th St. Widening, which WSDOT failed to permit or mitigate for as discussed as discussed in the following "Reference Document" issues: **"Issue 12**: WSDOT Noncompliant with NPDES Construction Storm water General Permit with failing to timely request increase in 'disturbed acres' from 7.5 acres to 22 acres and failing to notify DOE of discharges to N.B.Park"; **"Issue 15:** WSDOT Noncompliant with 112th Ave. S.E. to I-90 segment U.S. Army Corp NWP 14 for failing to obtain water quality certification or LOV and in failing to report deviations from approved plans"; **"Issue 16:** Non-tributary highway drainage collected and directed to N.B.Park; highway runoff pollutants not found in park stream before 112th Ave. S.E. to I-90 segment found after work"; **"Issue 18:** Significant, unreported land alteration upstream of N.B.Park"; **"Issue 19:** City of Bellevue: No 'apparent outflow into Lake Washington' from N.B.Park stream channel when lake is at full pool elevation; flows shown to drain in subsurface to lower elevations; highway runoff pollutants found in multiple locations, including swim beach"; **"Issue 23:** WSDOT flows collected and directed to N.B.Park as a result of the 112th Ave. S.E. to I-90 segment included '16.95' acres of the '29.5' acres of total 'Initiative' flows; discharges were non-compliant with Bellevue Hearing Examiner conditions for exception to Bellevue Code"; **"Issue 29:** More than one location shown for CD 9.95"; **"Issue 30:** CD 10.01 shown located where CD 10.10 is reported to be"; **"Issue 31:** Discrepancies in WSDOT documents concerning CD 10.00; **"Issue 32:** The FHR: 'missing' 120 acres of flows in 'DA 10.00' tributary to the Coal Creek Basin when compared to the Pre. H.R."; **"Issue 33:** The FHR: 'Missing' 120 to 168 areas of 'Offsite', 'DA' or 'Sub basin' flows in the Coal Creek Basin when compared to Renton to Bellevue Project FONSI"; **"Issue 36:** WSDOT failed to

L4.16

provide 'enhanced' water quality treatment as required in TDA W3, including to the Coal Creek Basin"; **"Issue 37:** Mistaken WSDOT Report: wetlands 'not associated' with streams"; **"Issue 38:** N.B. Park streams and wetlands used as water quality treatment, detention BMPs"; **"Issue 39:** Bellevue consultant: WSDOT did not conduct required downstream analysis for discharges to N.B. Park"; **"Issue 40:** Bellevue consultant: wrong peak flow methodology for design of BMPs for N.B. Park discharges"; **"Issue 43:** No HPAs, no critical use area permits for 112th Ave. S.E. to I-90 segment in undisclosed re-design of highway drainage system, possible undisclosed stream course changes"; **"Issue 49:** Bellevue consultant: groundwater flow increases not reported"; **"Issue 52:** WSDOT, contractor inspector dailies report unexpected surface water, spring encountered upstream of N.B. Park"; **"Issue 53:** Actual flows reported collected and directed in TDAs W2 through W4 of the 112th Ave. S.E. to I-90 segment show "13.43" acres of 'new' WSDOT "Onsite Basin" PGIS when WSDOT reported 'new' of '6.05. . ."; **"Issue 54:** City of Bellevue consultant: N.B. Park and Coal Creek should not have been combined in one WSDOT TDA; WDSOT discharges in just two of the three CDs reviewed met thresholds requiring runoff treatment and flow control"; **"Issue 55:** City of Bellevue consultant prohibited by contract from reporting changes to N.B. Park water quality as a result of the 112th Ave. S.E. to I-90 segment; 'baseline' tests intended to be for comparison ignored"; **Issue 56:** "City of Bellevue consultant reported '9' exceedances of standards in N.B. Park, which it describes as 'not applicable' and did not disclose 10 exceedances of total petroleum hydrocarbons, 3 of C-PAHs in test results"; **Issue 59:** WSDOT non-compliant for failing to obtain certification of consistency with Coastal Zone Management for 112th Ave. S.E. to I-90 segment"; **Issue 60:** Increase in WSDOT 'Onsite Basin' PGIS in TDA B to Mercer Slough wetlands greater than reported; **"Issue 60:** Increase in WSDOT 'Onsite Basin' PGIS in TDA B to Mercer Slough wetlands greater than reported"; **"Issue 62:** 112th Ave. S.E. to I-90 segment, including TDAs W2, W3 and W4, environmentally cleared under less NEPA review of a 'DCE', was used to WSDOT for 'placement' of adverse, unwanted elements in I-90 to S.E. 8th St. segment environmentally cleared to a higher standard"; **"Issue 63:** WDSOT added "21.84" acres of new 'onsite basin' PGIS in TDAs W2, W3 and W4 of 112th Ave. S.E. to I-90 segment and next TDA to the north, 'TDA B', and treated only '13.647' acres of same, leaving '8.235' of new PGIS untreated, resulting in noncompliance with WSDOT HRM 'MR 5' runoff treatment"; **Issue 64:** WSDOT failed to go by the WSDOT 2006 HRM and WSDOT 2005 HM as required as a matter of state law for the collection and direction of increased flows in TDAs W2, W3, W4 of the 112th Ave. S.E. to I-90 segment, in in TDA B. . ."; **"Issue 65:** Missing Coal Creek Basin flows or the value of the same appear basin-transferred to adjacent basins". Please consider including a map of the "study area".

L4.16

Page 5-4: Please note and correct or address as necessary "How would Project operations affect water resources", "Surface Water", which states "flow diversions" to flow control exempt waterbodies including "Lake Washington via WSDOT-owned and maintained deep water discharge conveyance systems at Bagley Lanes in Bellevue", and "Mercer Slough wetland complex associated with Mercer Slough and Lake Washington" which lacks a description

L4.17

(mapped location, including showing if on public or private property; features and history of the systems, when WSDOT acquired the system, including what it was in response to, and the cost, governance document, if any, such as an easement, etc.). Please consider describing how this system came into use, how many, and what type flows are currently collected and directed to this system and why it was not in use at the time of the 112th Ave. S.E. to S.E. 8th St. Widening Project, describing whether this system, in whole or in part, is intended to replace the WSDOT-City of Bellevue Newcastle Beach Park Storm water Initiative ("Initiative") reported in the I-405, SR 167 to I-90 Renton to Bellevue Project FONSI and the City of Bellevue "Draft Assessment of Proposed Highway-Related Storm water Impacts: Newcastle Beach Park, Bellevue, Wash.", by the Watershed Co., and discussed in the following "Reference Document" issues: **"Issue 17:** 112th Ave. S.E. to I-90 segment flows in CDs 9.69, 9.75 and 9.88 to N.B.Park were 'Initiative' flows, distinguished from other highway drainage"; **"Issue 20:** WSDOT-Bellevue 'Initiative' to divert highway drainage from Coal Creek to N.B.Park the result of litigation against the City of Bellevue"; **"Issue 21:** Some Bellevue staff pleased with 'Initiative' plan to use N.B.Park for highway drainage, others concerned for adverse impacts; city consultant found potential for public health crisis at N.B.Park swim beach; **"Issue 23:** WSDOT flows collected and directed to N.B.Park as a result of the 112th Ave. S.E. to I-90 segment included '16.95' acres of the '29.5' acres of total 'Initiative' flows. . .". Please consider reporting if these systems are in any way connected to the previously reported "Initiative", and how, including how, and if, these system alleviate any of the problems associated with same, including those that have occurred as a result of partial or full implementation of said "Initiative" with the previous work. Please consider reporting "how" these diversions are "deviations from HRM standards" and what the process is for acceptance of these systems. Please consider showing a mapped route of this system from collection and direction to outfall. L4.17

Page 5-4: Please note and address or correct the statement: "TDAs are defined as on-site areas draining to a single natural discharge location within 0.25 miles downstream of I-405", which is incorrect according the WSDLOT HRM, and which definition is described elsewhere in the EA, "Project Effects", Page 4-106, which states "A threshold discharge area (TDA) is an area that drains to a natural or constructed discharge location(s) *that combine within one-quarter mile downstream- as determined by the shortest flow path"* (emphasis added); see discussion of this issue in "Reference Document" **"Issue 54:** Bellevue consultant: N.B.Park and Coal Creek should not have been combined in one WSDOT TDA. . ." Please consider utilizing only the full and correct definition of a WSDOT TDA, both for permitting purposes and with the collection and direction of WSDOT runoff as required by the WSDOT HRM and WSDOT HM. L4.18

Page 5-6: Please note and address or correct "Exhibit 5-1, Storm water Design Updates for the Project", which incorrectly reports "W3-1 Newcastle Beach Park" as in the Coal Creek "Sub watershed" with Coal Creek as the "Receiving Waterbody", when the location is not a part of L4.19

"Greater Coal Creek Basin", and is instead a part of the "Lakehurst Area Drainage" basin, as reported by the City of Bellevue "Drainage Basins" (https:bellevuewa.gov/conservation-and-the-environment/), and discussed in "Reference Document" **Issue 54:** Bellevue Consultant: N.B.Park and Coal Creek should not have been combined in one WSDOT TDA. . .". Please describe by what process WSDOT intends to implement the following: "4. Area equal to new PGIS diverted from Pleasure Point and Lakehurst Creek TDAs (W2-1 and W2-2) into the TDA W2-3 (Bagley Lane direct discharge to Lake Washington)", "5. Area greater than new PGIS diverted from Newcastle Beach Park and Coal Creek TDAs into the TDA W4 (I-90 vicinity discharges" and "6. Area equal to new PGIS diverted from Richards Creek TDA ® into the TDA W4. No new discharge to Richards Creek.", what is the purpose and cost of these plans and whether these plans are consistent with the WSDOT HRM, the WSDOT HM, City of Bellevue code and other requirements. Please consider showing the mapped routes of these systems from the point of collection and direction to outfall.

L4.19

L4.20

Page 5-12: Please note and address or correct "Exhibit 5-6. Existing I-405 Detention/Treatment Facilities", which reports the "Detention pond with Media Filter Drain Type 6: tributary to "W3-Coal Creek" will be abandoned as a "Project Impact"; onsite observation shows the filter drain component has already been abandoned by WSDOT, thus resulting in abandonment of water quality mitigation for impacts to TDA W3 as a result of the recent work, which mitigation is described in the FHR and the Addendum to the FHR for the work.

L4.21

Attachment I: Recreational, Section 4(f) and Section 6(f) Resources Technical Memorandum

Page 5-2: Please note and address or correct "Exhibit 5-1 Effects on Recreational Resources", which reports "Newcastle Beach Trail and Park", "Adjacent to the WDOT right of way" to have no "occupancy under Section 4(f)", when adverse impacts and constructive use of this 4(f) and 6(f) protected property from the recent work in the same location, the 112th Ave. S.E. to S.E. 8th St. Widening Project, are described in the following "Reference Document" issues: **"Issue 16:** Non-tributary highway drainage collected and directed to N.B.Park; highway runoff pollutants not found in park stream before 112th Ave. S.E. to I-90 segment found after work"; **"Issue 17:** 112th Ave. S.E. to I-90 segment flows in CDs 9.69, 9.75 and 9.88 to N.B.Park were 'Initiative' flows, distinguished from other highway drainage"; **"Issue 19:** City of Bellevue: No 'apparent outflow into Lake Washington' from N.P.Park stream channel when lake is at full pool elevation; flows shown to drain in subsurface to lower elevations; highway runoff pollutants found in multip0le locations, including swim beach"; **"Issue 20:** WSDOT-Bellevue 'Initiative' to divert highway drainage from Coal Creek to N.P.Park the result of litigation against the City of Bellevue"; **"Issue 21:** Some Bellevue staff pleased with 'Initiative' plan to use N.B.Park for highway drainage, others concerned for adverse impacts; city consultant found potential for public health crisis at N.B.Park swim beach"; **"Issue 22:** WSDOT, Bellevue misrepresented

L4.22

benefits to N.B. Park to obtain exceptions/waivers to Bellevue Code"; **"Issue 23:** WSDOT flows collected and directed to N.
B. Park as a result of the 112th Ae. S.E. to I-90 segment included '16.95' acres of the '29.5' acres of total 'Initiative' flows. . ."; **"Issue 24:** WSDOT information in 'ECS' prevented required 4(f) assessment for use of N.B. Park with 112th Ave. S.E. to I-90 segment. . .: **"Issue 25:** WSDOT, Bellevue documents show 'Initiative' never met 'temporary occupancy' exception to Section 4(f) as claimed in R to B FONSI"; **"Issue 26:** WSDOT, City of Bellevue staff told 'Initiative' would result in 6(f) conversion of park"; **"Issue 38:** N.B. Park streams and wetlands used as water quality treatment and detention BMPs"; **"Issue 42:** 112th Ave. S.E. to I-90 segment flows shown in N.B. Park stream system in location of planned route for 'Initiative' flows"; **"Issue 58:** WSDOT: no timely notice to NPS on plan to use of N.B. Park for highway drainage, unmoved by NPS warning of 4(f) use, 6(f) conversion of N.B. Park". Please consider the adverse impacts to this 4(f), 6(f) protected resource as a result of the recent work in the same location and require mitigation for the adverse impacts from the recent work before the start of any future work. L4.22

Page 5-9: Please note and address or correct "Mercer Slough Nature Park", which describes the collection and direction of flows as a result of the upcoming work to a "storm water feature" that discharges to this park; please consider showing the mapped route of this conveyance, from collection and direction to outfall, and describing the proposed mechanism and features of mechanism (cost, governing document, including if an easement or other special considerations is/are required, etc.) and please describe "how" the Mercer Slough Nature Park, utilized for the purpose of dispersion of highway drainage diverted from other basins to this location, will not become a permanent part of the WSDOT highway drainage system. L4.23

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Management for 112th Ave. to I-90 segment"; **"Issue 62:** 112th Ave. S.E. to I-90 segment, including TDAs W2, W3 and W4, environmentally cleared under less NEPA review of a 'DCE', did not meet requirements for a 'DCE', was used by WSDOT for 'placement' of adverse, unwanted elements in I-90 to S.E. 8th St. segment environmentally cleared to a higher standard". L4.2

Chapter 4 Project Effects

Page 4-109: Please note and correct or address as necessary Exhibit 4.6-1 Storm water Design with the Project which incorrectly identifies TDA "W3-1 Newcastle Beach Park" as part of the Coal Creek "Sub watershed" with the "Receiving Waterbody" also identified as Coal Creek. See City of Bellevue "Drainage Basins", "Greater Coal Creek Basin", and "Lakehurst Area Drainage Details", which include detailed maps, which shows "W3-1 Newcastle Beach Park" is not a part of the Coal Creek "Sub watershed", does not have Coal Creek as a "Receiving Waterbody", and is in an unrelated drainage basin, "Lakehurst Area Drainage Details" with different basin characteristics. See also "Reference Document Issue 54: Bellevue Consultant: N.B. Park and Coal Creek should not have been combined in one WSDOT TDA. . ." L4.3

Page 4-109: Please note and correct or address as necessary Exhibit 4.6-1 Storm water Design with the Project which reports "Existing I-405 PGIS in TDA (acres)" in TDAs W2-1, W2-2, W2-3, W3-1, W3-2, W4 and W5 as "81.75" acres when as a total "81.75" acres, when the same location is identified in the post project condition as having a total post project (now "existing") WSDOT "Onsite Basin" flows of "63.54" acres, for a difference of, and possible over-reporting of existing I-405 PGIS of (81.75-63.54=18.21) "18.21" acres of existing I-405 PGIS as identified in "Reference Document Issue 53: Actual flows reported collected and directed in TDAs W2 through W4 of the 112th Ave. S.E. to I-90 segment show "13.43" acres of 'new' WSDOT 'Onsite Basin" PGIS when WSDOT reported 'new' of '6.05'. . ." and, for "TDA W5", referred to in the previous work as "TDA B", "Reference Document Issue 61: Increase in WDSOT 'Onsite Basin' PGIS in TDA B to Mercer Slough wetlands greater than reported". See also "Reference Document Issue 65: Missing Coal Creek Basin flows or the value of the same appear basin-transferred to adjacent basins." L4.4

Page 4-113: Please note and correct or address as necessary Exhibit 4.6-5. Proposed New or Modified Treatment Facilities, which shows the "Type of Facility" and "Area Treated" for TDAs W2 through TDA W5, referred to as "TDA B" in the previous work, which shows "1.61" acres of "Area Treated" in "3-1" of W3, which does not address the storm water flows added to this TDA as a result of the recent work, see the following "Reference Document" issues: "Issue 16: Non-tributary highway drainage collected and directed to N.B. Park; highway runoff pollutants not found in park stream before 112th Ave. S.E. to I-90 segment found after work"; "Issue 17: 112th L4.5

Ave. S.E. to I-90 segment flows in CDs 9.69, 9.75 and 9.88 to N.B. Park were 'Initiative' flows, distinguished from other highway drainage"; "Issue 38: N.B. Park streams and wetlands used as water quality treatment , detention BMPS", "Issue 39: Bellevue consultant: WSDOT did not conduct required downstream analysis for discharges to N.B. Park"; "Issue 40: Bellevue consultant: wrong peak flow methodology for design of BMPs for N.B. Park discharges"; "Issue 41: Bellevue consultant: WSDOT was required to conduct hydroperiod study of, apply mitigation to, discharges to N.B. Park wetlands"; Issue 53: Actual flows reported collected and directed in TDAs W2 through W4 of the 112th Ave. S.E. to I-90 segment show "13.43" acres of 'new' WSDOT 'Onsite Basin' PGIS when WSDOT reported 'new' of '6.05'"; "Issue 60: Increase in WSDOT 'Onsite Basin' PGIS in TDA B to Mercer Slough wetlands greater than reported"; "Issue 63: WSDOT added '21.84' acres of new 'Onsite Basin' PGIS in TDAs W2, W3, W4 of 112th Ave. S.E. segment and the next TDA to the north, "TDA B", and treated only "13.647" acres of same, leaving '8.235' acres of new PGIS untreated, resulting in noncompliance with WSDOT HRM 'MR 5' Runoff Treatment"; "Issue 63: WSDOT failed to go by the WSDOT 2006 HRM and WSDOT 2005 HM as required as a matter of state law for the collection and direction of increased flows in TDAs W2, W3, W4 of the 112th Ave. S.E. to I-90 segment, and in TDA , including failing to utilize the 'alternative' means of compliance provided for the in the HRM"; and "Issue 65: Missing Coal Creek Basin flows or the value of the same appear basin-transferred to adjacent basins".

L4.5

Page 4-115: Please note and correct or address as necessary "What are the expected short-term effects on water resources with the Project?", which states, "Without proper controls and/or measures to minimize effects, facility construction can have adverse effects on water quantity and quality in receiving waterways" and "Such effects would result from site clearing and subsequent earth-moving and excavation activities in which vegetation and other naturally occurring, soil-stabilizing materials are removed. . .; see "Reference Report" issues **"Issue 12:** WSDOT noncompliant with NPDES construction storm water general permit with failing to timely request increase in 'disturbed acres' from 7.5 acres to 22 acres and failing to notify DOE of discharges to N.B. Park; **Issue 13:** WSDOT noncompliant with NPDES construction storm water general permit public notice requirement"; **"Issue 15:** WSDOT noncompliant with 112th Ave. S.E. to I-90 segment U.S. Army Corp. NWP 14 for failing to obtain water quality certification or LOV and in falling to report deviations from approved plans"; **"Issue 18:** Significant, unreported land alteration upstream of N.B. Park"; **"Issue 39:** Bellevue consultant: WSDOT did not conduct required downstream analysis for discharges to N.B. Park"; **"Issue 40:** Bellevue consultant: wrong peak flow methodology for design of BMPs for N.B. Park discharges; **:Issue 43:** No HPAs, no critical use area permits for 112th Ave. S.E. to I-90 segment in undisclosed re-design of highway drainage system, possible undisclosed stream course changes"; **"Issue 49:** Bellevue consultant: groundwater flow increases not reported"; and **"Issue 52:** WSDOT, contractor inspector dailies report unexpected surface water, springs encountered upstream of N.B. Park". Please consider describing how WSDOT will avoid making

L4.6

the mistakes that occurred with land alteration and facility construction on the recent work with the upcoming work, specifically what safeguards will be in place now, compared to what was in place then, to avoid the same type problems from occurring, this apart from what is described on Page 4-116, under "Surface Water", i.e., "Peak and base flow rates to streams and rivers would not be negatively altered during construction because detention ponds will be constructed prior to the highway widening. . ." and this measure was in effect at the time of the recent work in the location where problems are documents in "Reference Document". L4.6

Page 4-115: Please note and correct or address as necessary "What are the expected short term effects on water resources with the Project", which states "As part of a proposed storm water system, a storm water runoff diversion pipe that would be about 5,000 linear feet long would be constructed under local road and easements. . .The pipe would be located between Coal Creek Parkway and mercer Slough. . .; see "Reference Document" **"Issue 20:** WDSOT-Bellevue 'Initiative' to divert highway drainage from Coal Creek to N.B.Park the result of litigation against the City of Bellevue". Please consider providing 1) cost of; 2) easements, if any, for; 3) agreement with City of Bellevue, if any; 4) background on "why" WDSOT would be constructing nearly a "mile" of storm water pipeline from Coal Creek Parkway, in the "Greater Coal Creek Basin" drainage basin of Bellevue, to a separate and independent basin, the "Mercer Slough" drainage basin (see https://bellevuewa.gov/conservation-and-the-environment/) and "to" a City of Bellevue 4(f), 6(f) protected park, "Mercer Slough Nature Park", for the purpose of moving polluted, unwanted flows in a "basin transfer" from one drainage basin to another, at to benefit one drainage basin at the expense of another. Please consider describing if this action has to do with litigation between residents of the Newport Shores neighborhood, where Coal Creek outlets to Lake Washington near homes and marina. Please consider describing if this action has to do with the abandonment of the WSDOT-City of Bellevue Storm water "Initiative", where Coal Creek Basin flows were planned to be diverted to Newcastle Beach Park streams and wetlands, also in a separate and independent City of Bellevue drainage basin, as described in the City of Bellevue "Draft Assessment of Proposed Highway-Related Storm water Impacts: Newcastle Beach Park, Bellevue, Washington by The Watershed Co., and described in the Renton to Bellevue Project FONSI. L4.7

Page 4-116: Please note and address or correct as necessary "Surface Water" which states "The existing highway (baseline) conditions have some permanent flow control and runoff treatment BMPs already in place. These BMPs include ponds, biofiltration swales, ecology embankments, filter strips and a combined storm water quality wetland and detention facility". There are "no" flow control and runoff treatment BMPs in place upstream of Newcastle Beach Park streams and wetlands commitments to provide the same with the recent work, where adverse impacts occurred at the time of construction and continue to occur as a result of the work, which was done without necessary permits and approvals. See "Reference Document: issues **"Issue 12:** L4.8

WSDOT noncompliant with NPDES construction storm water general permit with failing to timely request increase in 'disturbed acres' from 7.5 acres to 22 acres and failing to notify DOE of discharges to N.B. Park."; **"Issue 15:** WSDOT noncompliant with 112th Ave. S.E. to I-90 segment U.S. Army Corp NWP 14 for failing to obtain water quality certification or LOV and in failing to report deviations from approved plans"; **Issue 16:** Non-tributary highway drainage collected and directed to N.B. Park; highway pollutants not found in park stream before 112th Ave. S.E. to I-90 segment found after work"; **Issue 18:** Significant, unreported land alteration upstream of N.B. Park; **"Issue 19:** City of Bellevue: no 'apparent outflow into Lake Washington' from N.B. Park stream channel when lake is at full pool elevation; flows shown to drain in subsurface to lower elevations; highway runoff pollutants found in multiple locations, including swim beach"; **"Issue 20:** WDOT-Bellevue 'Initiative' to divert highway drainage from Coal Creek to N.B. Park the result of litigation against the City of Bellevue"; **Issue 21:** Some Bellevue staff with pleased with 'Initiative' plan to use N.B. Park for highway drainage, others concern for adverse impacts; city consultant found potential for public health crisis at N.B. Park swim beach"; **"Issue 22:** WSDOT, Bellevue misrepresented benefits to N.B. Park to obtain exceptions/waivers to Bellevue Code; **"Issue 23:** WSDOT flows collected and directed to N.B. Park as a result of the 112th Ave. S.E. to I-90 segment included '16.95' acres of the '29.5' acres of total 'Initiative' flows; discharges were non-complaint with Bellevue Hearing Examiner conditions for exception to Bellevue code; **Issue 36:** WSDOT failed to provide 'enhanced' water quality treatment as required in W3, including to the Coal Creek Basin; **"Issue 37:** Mistaken WSDOT report: wetlands 'not associated' with streams; **"Issue 38:** N.B. Park streams and wetlands used as water quality treatment, detention BMPs"; **"Issue 39:** Bellevue consultant: WSDOT did not conduct required downstream analysis for discharges to N.B. Park"; **"Issue 40:** Bellevue consultant: wrong peak flow methodology for design of BMPs for N.B. Park discharges"; **Issue 41:** Bellevue consultant: WSDOT was required to conduct hydroperiod study of, apply mitigation to, discharges to N.B. Park wetlands; **"Issue 43:** No HPAs, no critical use area use permits for 112th Ave. S.E. to I-90 segment in undisclosed re-design of highway drainage system, possible undisclosed stream course change"; **"Issue 50:** 112th Ave. S.E. to I-90 segment non-compliant with commitments for 'No Effects' determination"; **"Issue 53:** Actual flows reported collected and directed in TDAs W2 through W4 of the 112th Ave. S.E. to I-90 segment show "13.43" acres of 'new' WSDOT "Onsite Basin" PGIS when WSDOT reported 'new' or '6.05' acres for the same location. . ."; **"Issue 59:** WSDOT non-compliant for failing to obtain certification of consistency with Coastal Zone Management for 112th Ave. S.E. to I-90 segment; **"Issue 62:** 112th Ave. S.E. to I-90 segment, including TDAs W2, W3 and W4, environmentally cleared under less NEPA review of a 'DCE', did not meet requirements for a 'DCE', was used by WSDOT for 'placement' of adverse, unwanted elements in I-90 to S.E. 8th St. segment environmentally cleared to a higher standard"; **"Issue 63:** WSDOT added '21.84' acres of new 'Onsite Basin' PGIS in TDAs W2, W3 and W4 of the 112th Ave. S.E. to I-90 segment and next TDA to the north, 'TDA B', and treated only '13.647' acres of the same. . ." **"Issue 64:** WSDOT failed to go by the WSDOT 2006 HRM and WSDOT 2005 HM as required as a matter of state law. . ."; **"Issue 65:** Missing Coal Creek Basin flows or the value of the same appear basin-transferred to

L4.8

adjacent basins". Please consider including what has occurred to Newcastle Beach Park streams and wetlands, where adverse impacts resulted from the WSDOT actions described, and consider what is needed to address the past work before starting on the upcoming work. Please also consider including specific actions to prevent the actions and adverse impacts described here from taking place with the future work. L4.8

Page 4-118: Please note and address or correct as necessary "How Did WSDOT evaluate ecosystems?", which states "The portion of the study area examined specifically to address wetlands and aquatic resources extends 300 feet from the Project footprint, which is defined as the current WSDOT right of way. . .", which is less than the .5 mile "actions area" used for the biological assessments and inadequate for establishing TDAs given the WSDOT 2014 HRM which defines as TDA as "An On-site area draining to a single natural discharge location or multiple natural discharge locations that combine within ¼ mile downstream (as determined by the shortest flow path")", which may explain WSDOT's continued mis-identification of TDA "W3-1 Newcastle Beach Park" as being part of the Coal Creek "Sub watershed" and Coal Creek as the "Receiving Waterbody"; see comments to Pages 4-109 and "Reference Document" **"Issue 54:** Bellevue consultant: N.B. Park and Coal Creek should not have been combined in one WSDOT TDA. . ." The reliance on "300 feet" from the "Project footprint" is also inadequate considering critical use area impacted by the recent work and with the potential to be impacted by the future work, including streams, wetlands, steep slope and sight of past land slumps and slides, Lake Washington shoreline, are positioned between I-405 and .15 mile downstream to Lake Washington in the vicinity of Newcastle Beach Park. The reliance on "300 feet" from the "Project footprint" also is inadequate for application of the following WSDOT 2014 Minimum Requirements ("MRs"): "5. Runoff Treatment"; "6. Flow Control" and "7. Wetland Protection", since "7. Wetland Protection" requires application of "MR 5" and "MR 6" if discharges are to a stream that leads to a wetland or a wetland that leads to a stream, and the wetland/stream relationship (as occurs in the Newcastle Beach Park streams and wetlands and likely other areas) is not evident "300 feet" from the Project footprint. This failure to adhere to the WSDOT HRM "MRs" led to the problems with the recent work, including WSDOT's failure to be aware of downstream discharge issues in Newcastle Beach Park, including wetlands lower than the lake, which the wetlands discharge to, when the lake is at full pool elevation, leading to multiple adverse impacts as described in "Reference Document" issues **"Issue 19:** City of Bellevue: No 'apparent outflow into Lake Washington' from N.B. Park stream channel when lake is at full pool elevation; flows shown to drain in subsurface to lower elevations; highway runoff pollutants found in multiple locations, including swim beach"; **"Issue 37:** Mistaken WSDOT report: wetlands 'not associated' with streams"; **"Issue 38:** N.B. Park streams and wetlands used as water quality treatment, detention BMPs"; **"Issue 39:** Bellevue consultant: WSDOT did not conduct required downstream analysis for discharges to N.B. Park"; **"Issue 40:** Bellevue consultant: wrong peak flow methodology for design of BMPs for N.B. Park discharges"; **"Issue 41:** Bellevue consultant: WSDOT was required to conduct hydroperiod study of, apply L4.9

In addition to this letter, Ms. Foulon submitted reference materials to the I-405 team. A listing of these items is contained in Attachment 5, Comment Attachments. These items are available from the I-405 Project Office on request. The I-405 Project Office is located at 600 108th Avenue NE, Suite 405 Bellevue, WA 98004. Please contact Lisa Hodgson at (425) 456-8543.

Comment L4.1

I have reviewed the Environmental Assessment (EA) for the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (MP 0.0 to 11.9) ("Tukwila to I-90 Vicinity Express Toll Lanes Project") and associated reports, and am offering the following comments and requests in the interest of the avoidance of adverse impacts to resources in that part of the project action area which continues significantly adversely impacted with the recent work in the same location, the 112th Ave. S.E. to S.E. 8th St. Widening Project, as documented in my report 112th S.E. to I-90 Segment of the 112th Ave. S.E. to S.E. 8th St. Widening Project Impact Findings Reference Document ("Reference Document").

Thank you for the opportunity to comment on this proposal. For a current copy of "Reference Document", and its support material, or if I can be of assistance in the concerns identified, please contact me at 425-890-4252.

Response L4.1

Thank you for your continued interest in the I-405 program improvements. WSDOT and other involved agencies have worked with you for many years and have provided responses that address your comments on the I-405/112th Ave. SE to I-90 Widening Project.

The responses provided in this document will focus on your comments specifically related to the current Environmental Assessment (EA) for the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (Project). Also, please note that WSDOT will no longer be implementing the Newcastle Beach Park Initiative as part of this Project or any future project. The Newcastle Beach Park Initiative refers to the previous WSDOT-City of Bellevue concept, contained in the 2008 Renton to Bellevue FONSI document, which would have diverted Coal Creek Basin flows to Newcastle Beach Park streams and wetlands.

Comment L4.2

Chapter 1 Project Purpose and Need

Page 1-5: Please note and correct or address or necessary "Renton to Bellevue Project" which states, "To date, none of the Renton to Bellevue Project improvements have been constructed", which conflicts with the statement in the Renton to Bellevue Project FONSI, "Description of Proposed Action", "Note: in June 2006, FHWA and WSDOT reduced the scope of the I-405, SR 169 to I-90 Renton to Bellevue Project. Project elements that were removed from the Renton to Bellevue Project included one of the new I-405 northbound lanes between 112th Ave. S.E. and I-90, the new I-405 bridge structure carrying the I-405 southbound lanes over I-90, the ramp meter at the 112th Ave. S.E. Interchange on-ramp to I-405, and noise wall East 16. These improvements were then cleared for construction in a documented Categorical Exclusion that was issued on June 9, 2006. Noise Wall East 16 was

cleared as a part of the Bellevue Nickel Project. As a result, these elements are no longer part of the Renton to Bellevue Project Build alternative and are instead considered to be part of the exiting condition since they are currently under construction. The project description contained here has been revised to reflect these changes." Please consider describing some Renton to Bellevue Project improvements removed before a FONSI for the Renton to Bellevue Project was completed and constructed as the 112th Ave. S.E. to I-90 segment of the then Bellevue Nickel, to become the 112th Ave. S.E. to S.E. 8th St. Widening Project MPs 9.24 to 13.32. A description of the environmental clearance, that did not include a FONSI, for such elements of the Renton to Bellevue Project as the new I-405 bridge over I-90, and other undisclosed elements of the Renton to Bellevue Project, such as a redesign of the highway drainage system, see "Reference Document" issues "Issue 12: WSDOT noncompliant with NPDES construction storm water general permit with failing to timely request increase in 'disturbed acres' from 7.5 acres to 22 acres and failing to notify DOE of discharges to N.B.Park"; "Issue 13: WSDOT noncompliant with NPDES Construction Storm water General Permit Public Notice Requirement"; "Issue 15: WSDOT noncompliant with 112th Ave. S.E. to I—90 segment U.S. Army Corp NWP 14 for failing to obtain water quality certification or LOV and in failing to report deviations from approved plans"; "Issue 24: WSDOT misinformation in 'ECS' prevented required 4(f) assessment for use of N.B.Park with 112th Ave. S.E. to I-90 segment. . ."; "Issue 43: No HPAs, no critical use area permits for 112th Ave. S.E. to I-90 segment in undisclosed re-design of highway drainage system, possible undisclosed stream course changes"; "Issue 50: 112th Ave. S.E. to I-90 segment non-compliant with commitments for 'No Effects' determination"; "Issue 58: WSDOT: No timely notice to NPS on plan to use of N.B.Park for highway drainage, unmoved by NPS warning of 4(f), 6(f) conversion. . ."; "Issue 59: WSDOT non-compliant for failing to obtain certification of consistency with Coastal Zone Management for 112th Ave. to I-90 segment"; "Issue 62: 112th Ave. S.E. to I-90 segment, including TDAs W2, W3 and W4, environmentally cleared under less NEPA review of a 'DCE', did not meet requirements for a 'DCE', was used by WSDOT for 'placement' of adverse, unwanted elements in I-90 to S.E. 8th St. segment environmentally cleared to a higher standard".

Response L4.2

Text on page 1-5 of the EA is accurate as written. None of the Renton to Bellevue Project elements have been constructed. The Renton to Bellevue Project is defined in the project description of the Renton to Bellevue Project Finding of No Significant Impact (FONSI) issued in 2008. The 2008 FONSI documented the changes that were made in the project description between the 2006 Renton to Bellevue EA and the 2008 Renton to Bellevue FONSI. As stated in the 2008 FONSI, text that you quote from page 1-3, project elements were removed from the Renton to Bellevue Project in 2006. One of the project elements removed was the I-405/112th Ave. SE to I-90 Widening Project. This project was evaluated separately in National Environmental Policy Act (NEPA) documented Categorical Exclusion issued on June 9, 2006, and the project has been constructed.

You are correct, WSDOT wrote this Project EA based on the physical existing conditions that are in place at this time.

Please see Response L4.1 for issues relating to the I-405/112th Ave. SE to I-90 Widening Project.

Comment L4.3

Chapter 4 Project Effects

Page 4-109: Please note and correct or address as necessary Exhibit 4.6-1 Storm water Design with the Project which incorrectly identifies TDA "W3-1 Newcastle Beach Park" as part of the Coal Creek "Sub watershed" with the "Receiving Waterbody" also identified as Coal Creek. See City of Bellevue "Drainage Basins", "Greater Coal Creek Basin", and "Lakehurst Area Drainage Details", which include detailed maps, which shows "W3-1 Newcastle Beach Park" is not a part of the Coal Creek "Sub watershed", does not have Coal Creek as a "Receiving Waterbody", and is in an unrelated drainage basin, "Lakehurst Area Drainage Details" with different basin characteristics. See also "Reference Document Issue 54: Bellevue Consultant: N.B. Park and Coal Creek should not have been combined in one WSDOT TDA. . ."

Response L4.3

You are correct, W3-1 Newcastle Beach Park discharges to Lake Washington and not Coal Creek. Thank you for drawing this to our attention. Please see Attachment 2, Errata to the Environmental Assessment, for the revised text.

Comment L4.4

Page 4-109: Please note and correct or address as necessary Exhibit 4.6-1 Storm water Design with the Project which reports "Existing I-405 PGIS in TDA (acres)" in TDAs W2-1, W2-2, W2-3, W3-1, W3-2, W4 and W5 as "81.75" acres when as a total "81.75" acres, when the same location is identified in the post project condition as having a total post project (now "existing") WSDOT "Onsite Basin" flows of "63.54" acres, for a difference of, and possible over-reporting of existing I-405 PGIS of (81.75-63.54=18.21) "18.21" acres of existing I-405 PGIS as identified in "Reference Document Issue 53: Actual flows reported collected and directed in TDAs W2 through W4 of the 112th Ave. S.E. to I-90 segment show "13.43" acres of 'new' WSDOT 'Onsite Basin" PGIS when WSDOT reported 'new' of '6.05'. . ." and, for "TDA W5", referred to in the previous work as "TDA B", "Reference Document Issue 61: Increase in WDSOT 'Onsite Basin' PGIS in TDA B to Mercer Slough wetlands greater than reported". See also "Reference Document Issue 65: Missing Coal Creek Basin flows or the value of the same appear basin-transferred to adjacent basins."

Response L4.4

You are correct. The total existing contributing acreage of 81.75 is larger than the previous 63.54, the threshold discharge area (TDA) boundaries are different than what those previously considered. The primary difference is that this Project includes the I-90 contributing area to TDA W4 and reflects TDA changes due to construction of the I-405/112th Ave. SE to I-90 Widening Project. In the past, the I-90 contributing area was outside the project limits and was, therefore, not included.

Comment L4.5

Page 4-113: Please note and correct or address as necessary Exhibit 4.6-5. Proposed New or Modified Treatment Facilities, which shows the "Type of Facility" and "Area Treated" for TDAs W2 through TDA W5, referred to as "TDA B" in the previous work, which shows "1.61" acres of "Area Treated" in "3-1" of W3, which does not address the storm water flows added to this TDA as a result of the recent work, see the following "Reference Document" issues: "Issue 16: Non-tributary highway drainage collected and directed to N.B.Park; highway runoff pollutants not found in park stream before 112th Ave. S.E. to I-90 segment found after work"; "Issue 17: 112th Ave. S.E. to I-90 segment flows in CDs 9.69, 9.75 and 9.88 to N.B.Park were 'Initiative' flows, distinguished from other highway drainage"; "Issue 38: N.B.Park streams and wetlands used as water quality treatment , detention BMPS", "Issue 39: Bellevue consultant: WSDOT did not conduct required downstream analysis for discharges to N.B.Park"; "Issue 40: Bellevue consultant: wrong peak flow methodology for design of BMPs for N.B.Park discharges"; "Issue 41: Bellevue consultant: WSDOT was required to conduct hydroperiod study of, apply mitigation to, discharges to N.B.Park wetlands"; Issue 53: Actual flows reported collected and directed in TDAs W2 through W4 of the 112th Ave. S.E. to I-90 segment show "13.43" acres of 'new' WSDOT 'Onsite Basin' PGIS when WSDOT reported 'new' of '6.05'"; "Issue 60: Increase in WSDOT 'Onsite Basin' PGIS in TDA B to Mercer Slough wetlands greater than reported"; "Issue 63: WSDOT added '21.84' acres of new 'Onsite Basin' PGIS in TDAs W2, W3, W4 of 112th Ave. S.E. segment and the next TDA to the north, "TDA B", and treated only "13.647" acres of same, leaving '8.235' acres of new PGIS untreated, resulting in noncompliance with WSDOT HRM 'MR 5' Runoff Treatment"; "Issue 63: WSDOT failed to go by the WSDOT 2006 HRM and WSDOT 2005 HM as required as a matter of state law for the collection and direction of increased flows in TDAs W2, W3, W4 of the 112th Ave. S.E. to I-90 segment, and in TDA , including failing to utilize the 'alternative' means of compliance provided for the in the HRM"; and "Issue 65: Missing Coal Creek Basin flows or the value of the same appear basin-transferred to adjacent basins".

Response L4.5

The information shown in Exhibit 4.6-5 is accurate. As shown in the EA in Exhibit 4.6-1, on page 4-109, the existing basin has 2.15 acres contributing. After the Project is built, there will be 1.61 acres contributing. Stormwater from the entire 1.61 acres will be fully treated by the proposed treatment method listed in Exhibit 4.6-5.

Please see Response L4.1 for issues relating to the I-405/112th Ave. SE to I-90 Widening Project.

Comment L4.6

Page 4-115: Please note and correct or address as necessary "What are the expected short-term effects on water resources with the Project?", which states, "Without proper controls and/or measures to minimize effects, facility construction can have adverse effects on water quantity and quality in receiving waterways" and "Such effects would result from site clearing and subsequent earth-moving and excavation activities in which vegetation and

other naturally occurring, soil-stabilizing materials are removed. . .; see "Reference Report" issues "Issue 12: WSDOT noncompliant with NPDES construction storm water general permit with failing to timely request increase in 'disturbed acres' from 7.5 acres to 22 acres and failing to notify DOE of discharges to N.B.Park; Issue 13: WSDOT noncompliant with NPDES construction storm water general permit public notice requirement"; "Issue 15: WSDOT noncompliant with 112th Ave. S.E. to I-90 segment U.S. Army Corp. NWP 14 for failing to obtain water quality certification or LOV and in falling to report deviations from approved plans"; "Issue 18: Significant, unreported land alteration upstream of N.B.Park"; "Issue 39: Bellevue consultant: WSDOT did not conduct required downstream analysis for discharges to N.B.Park"; "Issue 40: Bellevue consultant: wrong peak flow methodology for design of BMPs for N.B.Park discharges; :Issue 43: No HPAs, no critical use area permits for 112th Ave. S.E. to I-90 segment in undisclosed re-design of highway drainage system, possible undisclosed stream course changes"; "Issue 49: Bellevue consultant: groundwater flow increases not reported"; and "Issue 52: WSDOT, contractor inspector dailies report unexpected surface water, springs encountered upstream of N.B.Park". Please consider describing how WSDOT will avoid making the mistakes that occurred with land alteration and facility construction on the recent work with the upcoming work, specifically what safeguards will be in place now, compared to what was in place then, to avoid the same type problems from occurring, this apart from what is described on Page 4-116, under "Surface Water", i.e., "Peak and base flow rates to streams and rivers would not be negatively altered during construction because detention ponds will be constructed prior to the highway widening. . ." and this measure was in effect at the time of the recent work in the location where problems are documents in "Reference Document".

Response L4.6

Text from page 4-116 of the EA has been deleted from the EA because it does not apply to this Project. Text deleted in Attachment 2, Errata to the Environmental Assessment, includes the following:

> Peak and base flow rates to streams and rivers would not be negatively altered during construction because detention ponds will be constructed prior to the highway widening. These ponds may be used for temporary erosion and sedimentation control.

Regarding temporary erosion and sediment control during construction, WSDOT will construct the Project in accordance with all federal and state technical guidance, permit requirements, and WSDOT project requirements that require the use of best management practices (BMPs) to control construction runoff. Specific mitigation is provided on pages 6-5 and 6-6 of the in the Water Resources section of Chapter 6 of the EA.

Contract requirements have changed over time and provide more robust measures to protect downstream natural resources and properties.

Please see Response L4.1 for issues relating to the I-405/112th Ave. SE to I-90 Widening Project.

Comment L4.7

Page 4-115: Please note and correct or address as necessary "What are the expected short term effects on water resources with the Project", which states "As part of a proposed storm water system, a storm water runoff diversion pipe that would be about 5,000 linear feet long would be constructed under local road and easements. . .The pipe would be located between Coal Creek Parkway and mercer Slough. . .; see "Reference Document" "Issue 20: WDSOT-Bellevue 'Initiative' to divert highway drainage from Coal Creek to N.B.Park the result of litigation against the City of Bellevue". Please consider providing 1) cost of; 2) easements, if any, for; 3) agreement with City of Bellevue, if any; 4) background on "why" WDSOT would be constructing nearly a "mile" of storm water pipeline from Coal Creek Parkway, in the "Greater Coal Creek Basin" drainage basin of Bellevue, to a separate and independent basin, the "Mercer Slough" drainage basin (see https://bellevuewa.gov/conservation-and-the-environment/) and "to" a City of Bellevue 4(f), 6(f) protected park, "Mercer Slough Nature Park", for the purpose of moving polluted, unwanted flows in a "basin transfer" from one drainage basin to another, at to benefit one drainage basin at the expense of another. Please consider describing if this action has to do with litigation between residents of the Newport Shores neighborhood, where Coal Creek outlets to Lake Washington near homes and marina. Please consider describing if this action has to do with the abandonment of the WSDOT-City of Bellevue Storm water "Initiative", where Coal Creek Basin flows were planned to be diverted to Newcastle Beach Park streams and wetlands, also in a separate and independent City of Bellevue drainage basin, as described in the City of Bellevue "Draft Assessment of Proposed Highway-Related Storm water Impacts: Newcastle Beach Park, Bellevue, Washington by The Watershed Co., and described in the Renton to Bellevue Project FONSI.

Response L4.7

In 2016, WSDOT hosted a stormwater charrette that assembled local agencies, technical experts, and local residents including yourself to help the team identify the best alternative for stormwater management for TDAs W2-1, W2-2, W2-3, W3-1, W3-2, and W4. The recommendation in the Renton to Bellevue 2008 FONSI document (including the "initiative") was no longer desired. Using the latest data and expertise, the charrette outcome included recommendations for building a stormwater diversion pipe.

We appreciate the time you spent with the I-405 team outlining concerns and reviewing the charrette outcome. The design evaluated in the EA was consistent with the charrette recommendations.

Flow that is diverted to Mercer Slough will receive enhanced water quality treatment. Stormwater from this discharge would disperse south under I-90 on WSDOT property. The area under the I-90 bridge that is a part of the Mercer Slough wetland complex will disperse runoff into the dense wetland grasses and underlying soils. Because stormwater would be treated prior to discharge, the nature and function of the wetland area, park area, and slough would not change, nor would there be substantial impairment to the resource's activities, features, or attributes that qualify the property for protection under Section 4(f). Please see page 4-78 in the EA for additional information.

Please also see Response L4.14.

Comment L4.8

Page 4-116: Please note and address or correct as necessary "Surface Water" which states "The existing highway (baseline) conditions have some permanent flow control and runoff treatment BMPs already in place. These BMPs include ponds, biofiltration swales, ecology embankments, filter strips and a combined storm water quality wetland and detention facility". There are "no" flow control and runoff treatment BMPs in place upstream of Newcastle Beach Park streams and wetlands commitments to provide the same with the recent work, where adverse impacts occurred at the time of construction and continue to occur as a result of the work, which was done without necessary permits and approvals. See "Reference Document: issues "Issue 12: WSDOT noncompliant with NPDES construction storm water general permit with failing to timely request increase in 'disturbed acres' from 7.5 acres to 22 acres and failing to notify DOE of discharges to N.B. Park."; "Issue 15: WSDOT noncompliant with 112th Ave. S.E. to I-90 segment U.S. Army Corp NWP 14 for failing to obtain water quality certification or LOV and in failing to report deviations from approved plans"; Issue 16: Non-tributary highway drainage collected and directed to N.B.Park; highway pollutants not found in park stream before 112th Ave. S.E. to I-90 segment found after work"; Issue 18: Significant, unreported land alteration upstream of N.B.Park; "Issue 19: City of Bellevue: no 'apparent outflow into Lake Washington' from N.B.Park stream channel when lake is at full pool elevation; flows shown to drain in subsurface to lower elevations; highway runoff pollutants found in multiple locations, including swim beach"; "Issue 20: WDOT-Bellevue 'Initiative' to divert highway drainage from Coal Creek to N.B.Park the result of litigation against the City of Bellevue"; Issue 21: Some Bellevue staff with pleased with 'Initiative' plan to use N.B.Park for highway drainage, others concern for adverse impacts; city consultant found potential for public health crisis at N.B.Park swim beach"; "Issue 22: WSDOT, Bellevue misrepresented benefits to N.B.Park to obtain exceptions/waivers to Bellevue Code; "Issue 23: WSDOT flows collected and directed to N.B.Park as a result of the 112th Ave. S.E. to I-90 segment included '16.95' acres of the '29.5' acres of total 'Initiative' flows; discharges were non-complaint with Bellevue Hearing Examiner conditions for exception to Bellevue code; Issue 36: WSDOT failed to provide 'enhanced' water quality treatment as required in W3, including to the Coal Creek Basin; "Issue 37: Mistaken WSDOT report: wetlands 'not associated' with streams; "Issue 38: N.B.Park streams and wetlands used as water quality treatment, detention BMPs"; "Issue 39: Bellevue consultant: WSDOT did not conduct required downstream analysis for discharges to N.B.Park"; "Issue 40: Bellevue consultant: wrong peak flow methodology for design of BMPs for N.B.Park discharges"; Issue 41: Bellevue consultant: WSDOT was required to conduct hydroperiod study of, apply mitigation to, discharges to N.B.Park wetlands; "Issue 43: No HPAs, no critical use area use permits for 112th Ave. S.E. to I-90 segment in undisclosed re-design of highway drainage system, possible undisclosed stream course change"; "Issue 50: 112th Ave. S.E. to I-90 segment non-compliant with commitments for 'No Effects' determination"; "Issue 53: Actual flows reported collected and directed in TDAs W2 through W4 of the 112th Ave. S.E. to I-90

segment show "13.43" acres of 'new' WSDOT "Onsite Basin" PGIS when WSDOT reported 'new' or '6.05' acres for the same location. . ."; "Issue 59: WSDOT non-compliant for failing to obtain certification of consistency with Coastal Zone Management for 112th Ave. S.E. to I-90 segment; "Issue 62: 112th Ave. S.E. to I-90 segment, including TDAs W2, W3 and W4, environmentally cleared under less NEPA review of a 'DCE', did not meet requirements for a 'DCE', was used by WSDOT for 'placement' of adverse, unwanted elements in I-90 to S.E. 8th St. segment environmentally cleared to a higher standard"; "Issue 63: WSDOT added '21.84' acres of new 'Onsite Basin' PGIS in TDAs W2, W3 and W4 of the 112th Ave. S.E. to I-90 segment and next TDA to the north, 'TDA B', and treated only '13.647' acres of the same. . ." "Issue 64: WSDOT failed to go by the WSDOT 2006 HRM and WSDOT 2005 HM as required as a matter of state law. . ."; "Issue 65: Missing Coal Creek Basin flows or the value of the same appear basin-transferred to adjacent basins". Please consider including what has occurred to Newcastle Beach Park streams and wetlands, where adverse impacts resulted from the WSDOT actions described, and consider what is needed to address the past work before starting on the upcoming work. Please also consider including specific actions to prevent the actions and adverse impacts described here from taking place with the future work.

Response L4.8

Our analysis recognizes the past and ongoing impacts due to untreated runoff. WSDOT's corridor-wide 2002 Record of Decision includes a commitment to fully retrofit I-405 runoff treatment as part of the implementation of the I-405 Master Plan. Each project that is built on I-405 moves WSDOT closer to achieving that goal. The EA states that WSDOT will fully retrofit existing and proposed pavement in Newcastle Beach Park (TDA W3-1) with this Project. See the EA, page 4-108, Exhibit 4.6-1. As noted earlier in Response L4.7, the Project is no longer planning to implement the Newcastle Beach Park concept that was described in previous environmental documents for the Renton to Bellevue Project.

Please see Response L4.1 for issues relating to the I-405/112th Ave. SE to I-90 Widening Project.

Comment L4.9

Page 4-118: Please note and address or correct as necessary "How Did WSDOT evaluate ecosystems?", which states "The portion of the study area examined specifically to address wetlands and aquatic resources extends 300 feet from the Project footprint, which is defined as the current WSDOT right of way. . .", which is less than the .5 mile "actions area" used for the biological assessments and inadequate for establishing TDAs given the WSDOT 2014 HRM which defines as TDA as "An On-site area draining to a single natural discharge location or multiple natural discharge locations that combine within ¼ mile downstream (as determined by the shortest flow path")", which may explain WSDOT's continued mis-identification of TDA "W3-1 Newcastle Beach Park" as being part of the Coal Creek "Sub watershed" and Coal Creek as the "Receiving Waterbody"; see comments to Pages 4-109 and "Reference Document" "Issue 54: Bellevue consultant: N.B.Park and Coal Creek should not have been combined in one WSDOT TDA. . ." The reliance on "300 feet" from the "Project

footprint" is also inadequate considering critical use area impacted by the recent work and with the potential to be impacted by the future work, including streams, wetlands, steep slope and sight of past land slumps and slides, Lake Washington shoreline, are positioned between I-405 and .15 mile downstream to Lake Washington in the vicinity of Newcastle Beach Park. The reliance on "300 feet" from the "Project footprint" also is inadequate for application of the following WSDOT 2014 Minimum Requirements ("MRs"): "5. Runoff Treatment"; "6. Flow Control" and "7. Wetland Protection", since "7. Wetland Protection" requires application of "MR 5" and "MR 6" if discharges are to a stream that leads to a wetland or a wetland that leads to a stream, and the wetland/stream relationship (as occurs in the Newcastle Beach Park streams and wetlands and likely other areas) is not evident "300 feet" from the Project footprint. This failure to adhere to the WSDOT HRM "MRs" led to the problems with the recent work, including WSDOT's failure to be aware of downstream discharge issues in Newcastle Beach Park, including wetlands lower than the lake, which the wetlands discharge to, when the lake is at full pool elevation, leading to multiple adverse impacts as described in "Reference Document" issues "Issue 19: City of Bellevue: No 'apparent outflow into Lake Washington' from N.B.Park stream channel when lake is at full pool elevation; flows shown to drain in subsurface to lower elevations; highway runoff pollutants found in multiple locations, including swim beach"; "Issue 37: Mistaken WSDOT report: wetlands 'not associated' with streams"; "Issue 38: N.B.Park streams and wetlands used as water quality treatment, detention BMPs"; "Issue 39: Bellevue consultant: WSDOT did not conduct required downstream analysis for discharges to N.B.Park"; "Issue 40: Bellevue consultant: wrong peak flow methodology for design of BMPs for N.B.Park discharges"; "Issue 41: Bellevue consultant: WSDOT was required to conduct hydroperiod study of, apply mitigation to, discharges to N.B.Park wetlands". Please consider evaluation of ecosystems for more than 300 feet of the "Project footprint", preferably for a minimum of .25 mile downstream as required by the WSDOT HM "Downstream Analysis Reports", which includes "1. Review of Resources"; "2. Inspection of drainage conveyance systems in the site area"; and "3. Analysis of offsite effects." Please consider the impacts from the previous work as a result of failing to conduct a required downstream analysis in the vicinity of Newcastle Beach Park with the recent work and identify the areas to be mitigated due to adverse impacts before the start of any future work.

Response L4.9

The current level of documentation for streams and wetlands is appropriate in the EA and follows direction detailed in WSDOT's *Environmental Manual*. As the design continues, WSDOT's *Highway Runoff Manual* (HRM) requirements will be met for the engineering analyses as part of the final design.

Please see Response L4.1 for issues relating to the I-405/112th Ave. SE to I-90 Widening Project.

Comment L4.10

Page 4-119 to 4-120: Please note and address or correct as necessary "What ecosystems are located in the study area", inclusive of "I-405 Renton to Bellevue Corridor milepost 4.0-13.7

Wetland and Stream Assessment Report (WSDOT 2018), which leaves out wetlands within the 300 feet of the "Project footprint" (which distance is inadequate for reasons described in the Page 4-118 response), among them, in flows tributary to Newcastle Beach Park streams and wetlands: the Wetland 9.75L and 9.8L (incorrectly identified as 9.8L) and Wetland 9.82L (correctly located downstream, and west, of "9.8L" is shown, and within 300-feet of the "Project footprint": see I-405, 112th Ave. S.E. to I-90 JARPA package for the recent work. Please consider including Wetland 9.75L, Wetland 9.8L in its correct location and Wetland 9.82L, in its correct location, and please consider the issues raised in the comments to Page 4-118 as additional critical use areas, including another significant wetland, steep slope and sight of past land slumps and slides, and Lake Washington shoreline exist in this location

Response L4.10

The current Project footprint does not extend west of the Eastside Rail Corridor in the vicinity of Newcastle Beach Park. All wetlands, streams, and other sensitive areas have been identified within the Project footprint, and all impacts will be mitigated according to local, state, and federal permit requirements.

Comment L4.11

and proper application of the WSDOT HRM delineation of TDAs and application of MRs and HM requirements included in a Downstream Analysis require identification of natural resources/drainage features for a minimum of one-quarter mile downstream.

Response L4.11

The current level of documentation for streams and wetland is appropriate in the EA. As the design continues, the HRM requirements will be met for the engineering analyses as part of the final design.

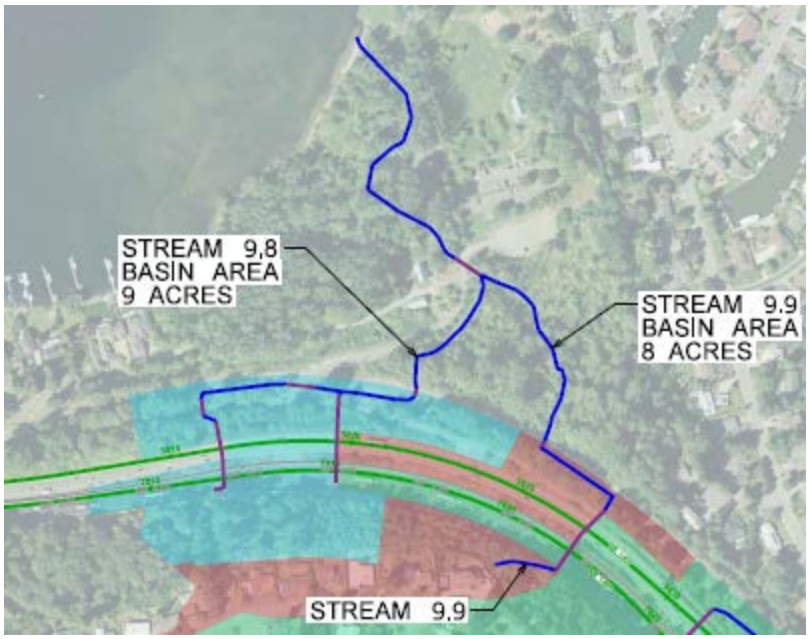
Comment L4.12

Page 4-123 to 4-125 and Page 4-128 to 4-133: Please note and address or correct as necessary "Aquatic Resources" Exhibit 4.7-2. Streams in the Study Area which identifies "Stream 9.8" ("Stream 08.LW-9.8), but does not identify "Stream 08.LW-9.75", which is a tributary of Stream 08.LW-9.8 in the "Project footprint", see Attachment P, p. 211, which shows the mapped streams, with 08.LW-9.75 to the south of Stream 08.LW-9.8, which combine inside Newcastle Beach Park and are associated with multiple streams and wetlands and other critical use areas including wetlands, steep slope and site of past land slumps and slides, and Lake Washington shoreline. Please consider including Stream 08.LW-9.75 and please use the popular name for Stream 08.LW-9.8: Newcastle Beach Park Creek. These streams were adversely impacted a result of the recent work as described in "Reference Document" issues: "Issue 16: Non-tributary highway drainage collected and directed to N.B.Park; highway runoff pollutants not found in park stream before 112th Ave. S.E. to Ip-90 segment found after work"; "Issue 18: Significant, unreported land alteration upstream of N.B.Park"; Issue 19: City of Bellevue: no 'apparent outflow into lake Washington' from N.B.Park stream channel when lake is at full pool elevation; flows shown to drain in subsurface to lower

elevations; highway runoff pollutants found in multiple locations, including swim beach"; Issue 23: WSDOT flows collected and directed to N.B.Park as a result of the 112th Ave. S.E. to I-90 segment included '16.95' acres of the 29.5' acres of total 'Initiative' flows; discharges were non-compliant with Bellevue hearing Examiner conditions for exception to Bellevue Code"; "Issue 35: Permitted wetland impacts exceeded"; Issue 36: WSDOT failed to provide 'enhanced' water quality treatment as required in TDFA W3, including to the Coal Creek Basin"; "Issue 37: Mistaken WSDOT report: wetlands 'not associated' with streams"; "Issue 38: "N.B.Park streams and wetlands used as water quality treatment, detention BMPs"; "Issue 39: Bellevue consultant; WSDOT did not conduct required downstream analysis for discharges to N.B.Park"; "Issue 40: Bellevue consultant; wrong peak flow methodology for design of BMPs for N.B.Park discharges"; "Issue 41: Bellevue consultant; WSDOT was required to conduct hydroperiod study of, apply mitigation to, discharges to N.B.Park wetlands; "Issue 42: 112th Ave. S.E. to I-90 segment flows shown in N.B. Park stream system in location of planned route for 'Initiative' flows"; "Issue 43: No HPAs, no critical use permits for 112th Ave. S.E. to I-90 segment in undisclosed re-design of highway drainage system, possible undisclosed stream course changes"; "Issue 49: Bellevue consultant: groundwater flow increases not reported"; "Issue 50: 112th Ave. S.E. to I-90 segment non-compliant with commitments for 'No Effects' determination"; "Issue 52: WSDOT, contractor inspector dailies report unexpected surface water, spring encountered upstream of N.B.Park"; "Issue 55: Bellevue consultant prohibited by contract from reporting changes to N.B.Park water quality as a result of the 112th Ave. S.E. to I-90 segment; 'Baseline tests' intended to be to be used for comparison ignored"; "Issue 56: City of Bellevue consultant reported '9' exceedances of standards in N.B.Park, which it describes as 'not applicable' and did not report 10 exceedances of total petroleum hydrocarbons, 3 of C-PAHs in test results"; "Issue 65: Missing Coal Creek Basin flows or the value of the same appear basin-transferred to adjacent basins". Please consider mitigation for the adverse impacts to these streams and their associated wetlands in Newcastle Beach Park as a result of the recent work and identify the areas to be mitigated for those adverse impacts before the start of any future work. see "Reference Document"

Response L4.12

You are correct. Some of the stream names have changed. Our current Project map has a stream that originates west of I-405 referred to as Stream 9.8 (formerly called Stream 08.LW-9.75). This stream flows in a northwest direction toward the Newcastle Beach Park parking lot, where it flows into Stream 9.9, which drains to Lake Washington (see the figure on the following page). Several stream names in the Project area may have changed due to current interpretations of milepost markers or the baseline data used to map the stream. We often refer to streams by a locally accepted name; however, we were unaware of the "Newcastle Beach Park Creek" name.



Please see Response L4.1 for issues relating to the I-405/112th Ave. SE to I-90 Widening Project.

Comment L4.13

Page 4-138 to 141: Please note and address or correct as necessary: "Threatened and Endangered Species" which states under "Renton to Bellevue Project" a biological assessment updated in 5/16 from that previously completed in support of the 2006 Renton to Bellevue Project EA concluded the same as the earlier 2006 consultation; that ". . .full build-out of the Project would have adverse effects on Pacific salmon EFH", with impact from: "Entrainment of juvenile or adult fish during work area isolation. . ."; 2. Increased turbidity or sediment due to construction that will harass juvenile or adult fish out of their preferred habitat"; 3. Elimination of habitat. . . 4. Death, injury or migratory/rearing behavior modification of juvenile or adult fish from the effects of implementing the no net increase performance standard for any storm water effluent (e.g., TSS, total copper and zinc) discharging to the Cedar River; May, Coal, Johns, Gypsy and Clover creeks; and the Mercer Slough wetlands and its tributaries; 5. Death, injury or migratory/rearing behavior modification. . .from the effects of implementing the performance standard in the Cedar River; May, Coal, Johns, Gypsy and Clover creeks; and the Mercer Slough wetlands and its tributaries. . .; and 6. Death, injury or migratory/rearing behavior modification of juvenile or adult fish from the indirect effects associated with future development which could include increased storm water runoff, increased vegetation removal, increased sediment input, all of which will persist at varying intensities for the life of the Project." The efforts of federal regulatory agency efforts, and the efforts of others, including Tribes and state and local agencies, to protect threatened and endangered species is jeopardized by the WSDOT practice, exhibited with the recent work, of obtaining concurrences and approvals based on stated impacts that may or may not be the actual impacts and mitigation which it then does

not provide; see "Refence Document" issues "Issue 12: WSDOT noncompliant with NPDES construction storm water general permit with failing to timely request increase in 'disturbed acres' from 7.5 acres to 22 acres and failing to notify DOE of discharges to N.B.Park"; "Issue 15: WSDOT noncompliant with 112th Ave. S.E. to I-90 segment U.S. Army Corp NWP 14 for failing to obtain water quality certification or LOV and in failing to report deviations from approved plans"; "Issue 16: Non-tributary highway drainage collected and directed to N.B.Park; highway runoff pollutants not found in park stream before 112th Ave. S.E. to I-90 segment found after work"; "Issue 18: Significant, unreported land alteration upstream of N.B.Park"; "Issue 35: Permitted wetland impacts exceeded"; "Issue 36: WSDOT failed to provide 'enhanced' water quality treatment as required in TDA W3, including to the Coal Creek Basin"; "Issue 37: Mistaken WSDOT report: wetlands 'not associated' with streams"; "Issue 43: No HPAs, no critical use area permits for 112th Ave. S.E. to I-90 segment in undisclosed re-designed of highway drainage system, possible undisclosed stream course changes"; "Issue 50: 112th Ae. S.E. to I-90 segment non-compliant with commitments for 'No Effects' determination"; "Issue 52: WSDOT, contractor inspector dailies report unexpected surface water, springs encountered upstream of N.B.Park"; "Issue 53: Actual flows reported collected and directed in TDAs W2 through W4 of the 112th Ae. S.E. to I-90 segment show '13.43' acres of 'new' WSDOT 'Onsite Basin' PGIS when WSDOT reported 'new' of '6.05'. . ."; "Issue 59: WSDOT non-compliant for failing to obtain certification of consistency with Coastal Zone Management for 112th Ave. S.E. to I-90 segment"; "Issue 60: Increase in WSDOT 'Onsite Basin" PGIS in TDA B to mercer Slough wetlands greater than reported"; "Issue 62: 112th Ave. S.E. to I-90 segment, including TDAs W2, W3 and W4, environmentally cleared under less NEPA review of a 'DCE', did not meet requirements for a 'DCE', was used by WSDOT for 'placement' of adverse, unwanted elements in I-90 to S.E. 8th St. segment environmentally cleared to a higher standard"; "Issue 63: WSDOT added '21.84' acres of new 'Onsite Basin' PGIS in TDAs W2, W3, W4 of 112th Ave. S.E. to I-90 segment and next TDA to the north, 'TDA B', and treated only '13.647' acres of same. . ."; "Issue 64: WSDOT failed to go by the WSDOT 2006 HRM and WSDOT 2005 HM as required as a matter of state law for the collection and direction of increased flows in TDAs W2, W3, W4 of the 112th Ave. S.E. to I-90 segment and in TDA B, including failing to utilize the 'alternative' means of compliance provided for in the HRM"; "Issue 65: Missing Coal Creek Basin flows or the value of the same appear basin-transferred to adjacent basins". Please consider including steps that will be taken to ensure commitments to protect threatened and endangered species, which requires protection of the environment, are in fact executed, beyond those included in measures WSDOT will use to avoid construction and operational effects (which are the same obligated to in the recent work, and not followed).

Response L4.13

Threatened and endangered species are managed through the Endangered Species Act (ESA). The Project completed ESA consultation with National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) in December 2017, for the Project. The consultation process included multiple Biological Assessments, project updates, two Biological Opinions, and six concurrence letters between 2006 and 2017. NMFS and USFWS do not require WSDOT to "mitigate" effects on species. Rather, they impose Reasonable and

Prudent Measures, and Terms and Conditions of the ESA consultation to minimize project effects. All Reasonable and Prudent Measures and Terms and Conditions will be incorporated into the Project commitments list and passed on to the design-builder with oversight provided by WSDOT. The commitments will also be managed through WSDOT's comprehensive Commitment Tracking System, to ensure they are met. Compliance with all Project commitments is reported and verified regularly throughout construction. Please see Chapter 6 of the EA on page 6-1 for measures to avoid or minimize effects from the Project.

Please see Response L4.1 for issues relating to the I-405/112th Ave. SE to I-90 Widening Project.

Comment L4.14

Page 4-138 to 141 continued: Please reconsider the mile-long "storm water runoff diversion pipe" from the Coal Creek Basin to a different City of Bellevue drainage basin, Mercer Slough drainage basin, in a City of Bellevue 4(f), 6(f) protected park, Mercer Slough Nature Park, described/addressed on Page 4-115, since Mercer Slough wetlands and its tributaries is identified as having risk to endangered and threatened species, or, in the alternative, ensure the basin-transferred flows are subjected to all requirements of the WSDOT HRM and HM.

Response L4.14

Please see Response L4.7. As discussed in Response L4.7, the stormwater diversion pipe was selected taking into account recommendations made as part of the 2016 stormwater charrette. The stormwater flow that will discharge to Mercer Slough meets the requirements of the Washington State Department of Ecology (Ecology) manual regarding wetland inundation and has been discussed with Ecology staff. Regarding 6(f), there are no 6(f) impacts associated with the portion of the Mercer Slough Park that will have water dispersion. In coordination with City of Bellevue (the agency with jurisdiction over the park) and the Federal Highway Administration, there are no 4(f) uses within Mercer Slough Park. Additional information is contained in the EA, Attachment I, *Recreational, Section 4(f), and Section 6(f) Resources Technical Memorandum.*

Comment L4.15

Page 4-138 to 141 continued: Please consider requiring the "long hand" for calculating increased PGIS and impervious to be included in any permitting paperwork, easily understandable to the public.

Response L4.15

EA Attachment G, *Water Resources Discipline Report,* provides information to summarize various basin and pollution-generating impervious surface (PGIS) calculations to make the information easy for the public to follow how stormwater is being treated.

Comment L4.16

Attachment G: Water Resources Discipline Report

Page 4-1 and Page 4-13: Please note and correct or address as necessary "What are existing conditions for surface water in the study area?" which does not include in the "study area" unnamed tributaries to Lake Washington between 112th Ave. S.E. to Coal Creek Parkway, including Lakehurst Creek, and Streams 08.LW.9.75, 08.LW.9.88, 08.CC.9.9, Stream 08.CC.10.0, all of which sustained undisclosed adverse downstream impacts as a result of the recent work for the 112th Ave. S.E. to I-90 segment of the 112th Ave. S.E. to S.E. 8th St. Widening, which WSDOT failed to permit or mitigate for as discussed as discussed in the following "Reference Document" issues: "Issue 12: WSDOT Noncompliant with NPDES Construction Storm water General Permit with failing to timely request increase in 'disturbed acres' from 7.5 acres to 22 acres and failing to notify DOE of discharges to N.B.Park"; "Issue 15: WSDOT Noncompliant with 112th Ave. S.E. to I-90 segment U.S. Army Corp NWP 14 for failing to obtain water quality certification or LOV and in failing to report deviations from approved plans"; "Issue 16: Non-tributary highway drainage collected and directed to N.B.Park; highway runoff pollutants not found in park stream before 112th Ave. S.E. to I-90 segment found after work"; "Issue 18: Significant, unreported land alteration upstream of N.B.Park"; "Issue 19: City of Bellevue: No 'apparent outflow into Lake Washington' from N.B.Park stream channel when lake is at full pool elevation; flows shown to drain in subsurface to lower elevations; highway runoff pollutants found in multiple locations, including swim beach"; "Issue 23: WSDOT flows collected and directed to N.B.Park as a result of the 112th Ave. S.E. to I-90 segment included '16.95' acres of the '29.5' acres of total 'Initiative' flows; discharges were non-compliant with Bellevue Hearing Examiner conditions for exception to Bellevue Code"; "Issue 29: More than one location shown for CD 9.95"; "Issue 30: CD 10.01 shown located where CD 10.10 is reported to be"; "Issue 31: Discrepancies in WSDOT documents concerning CD 10.00; "Issue 32: The FHR: 'missing' 120 acres of flows in 'DA 10.00' tributary to the Coal Creek Basin when compared to the Pre. H.R."; "Issue 33: The FHR: 'Missing' 120 to 168 areas of 'Offsite', 'DA' or 'Sub basin' flows in the Coal Creek Basin when compared to Renton to Bellevue Project FONSI"; "Issue 36: WSDOT failed to provide 'enhanced' water quality treatment as required in TDA W3, including to the Coal Creek Basin"; "Issue 37: Mistaken WSDOT Report: wetlands 'not associated' with streams"; "Issue 38: N.B.Park streams and wetlands used as water quality treatment, detention BMPs"; "Issue 39: Bellevue consultant: WSDOT did not conduct required downstream analysis for discharges to N.B.Park"; "Issue 40: Bellevue consultant: wrong peak flow methodology for design of BMPs for N.B.Park discharges"; "Issue 43: No HPAs, no critical use area permits for 112th Ave. S.E. to I-90 segment in undisclosed re-design of highway drainage system, possible undisclosed stream course changes"; "Issue 49: Bellevue consultant: groundwater flow increases not reported"; "Issue 52: WSDOT, contractor inspector dailies report unexpected surface water, spring encountered upstream of N.B.Park"; "Issue 53: Actual flows reported collected and directed in TDAs W2 through W4 of the 112th Ave. S.E. to I-90 segment show "13.43" acres of 'new' WSDOT "Onsite Basin" PGIS when WSDOT reported 'new' of '6.05. . ."; "Issue 54: City of Bellevue consultant: N.B.Park and Coal Creek should not have been combined in one WSDOT TDA; WDSOT discharges in just two of the three CDs reviewed met thresholds requiring runoff treatment and flow control"; "Issue 55: City of Bellevue consultant prohibited by contract

from reporting changes to N.B.Park water quality as a result of the 112th Ave. S.E. to I-90 segment; 'baseline' tests intended to be for comparison ignored"; Issue 56: "City of Bellevue consultant reported '9' exceedances of standards in N.B.Park, which it describes as 'not applicable' and did not disclose 10 exceedances of total petroleum hydrocarbons, 3 of C-PAHs in test results"; Issue 59: WSDOT non-compliant for failing to obtain certification of consistency with Coastal Zone Management for 112th Ave. S.E. to I-90 segment"; Issue 60: Increase in WSDOT 'Onsite Basin' PGIS in TDA B to Mercer Slough wetlands greater than reported; "Issue 60: Increase in WSDOT 'Onsite Basin' PGIS in TDA B to Mercer Slough wetlands greater than reported"; "Issue 62: 112th Ave. S.E. to I-90 segment, including TDAs W2, W3 and W4, environmentally cleared under less NEPA review of a 'DCE', was used to WSDOT for 'placement' of adverse, unwanted elements in I-90 to S.E. 8th St. segment environmentally cleared to a higher standard"; "Issue 63: WDSOT added "21.84" acres of new 'onsite basin' PGIS in TDAs W2, W3 and W4 of 112th Ave. S.E. to I-90 segment and next TDA to the north, 'TDA B', and treated only '13.647' acres of same, leaving '8.235' of new PGIS untreated, resulting in noncompliance with WSDOT HRM 'MR 5' runoff treatment"; Issue 64: WSDOT failed to go by the WSDOT 2006 HRM and WSDOT 2005 HM as required as a matter of state law for the collection and direction of increased flows in TDAs W2, W3, W4 of the 112th Ave. S.E. to I-90 segment, in in TDA B. . ."; "Issue 65: Missing Coal Creek Basin flows or the value of the same appear basin-transferred to adjacent basins". Please consider including a map of the "study area".

Response L4.16

The study area you refer to is shown in Exhibit 2.2 sheet 7 of 8 on page 2-13 of EA Attachment G, *Water Resources Discipline Report*. This information is also represented in EA Attachment P, *Wetland and Water Resources Maps*. The streams you list are included in the analysis; however, many of the stream names have changed and the streams you are referring to are older stream names and do not reflect current stream names. Current stream names are provided on the maps referenced in Response L4.12.

Please see Response L4.1 for issues relating to the I-405/112th Ave. SE to I-90 Widening Project.

Comment L4.17

Page 5-4: Please note and correct or address as necessary "How would Project operations affect water resources", "Surface Water", which states "flow diversions" to flow control exempt waterbodies including "Lake Washington via WSDOT-owned and maintained deep water discharge conveyance systems at Bagley Lanes in Bellevue", and "Mercer Slough wetland complex associated with Mercer Slough and Lake Washington" which lacks a description (mapped location, including showing if on public or private property; features and history of the systems, when WSDOT acquired the system, including what it was in response to, and the cost, governance document, if any, such as an easement, etc.). Please consider describing how this system came into use, how many, and what type flows are currently collected and directed to this system and why it was not in use at the time of the 112th Ave. S.E. to S.E. 8th St. Widening Project, describing whether this system, in whole or

in part, is intended to replace the WSDOT-City of Bellevue Newcastle Beach Park Storm water Initiative ("Initiative") reported in the I-405, SR 167 to I-90 Renton to Bellevue Project FONSI and the City of Bellevue "Draft Assessment of Proposed Highway-Related Storm water Impacts: Newcastle Beach Park, Bellevue, Wash.", by the Watershed Co., and discussed in the following "Reference Document" issues: "Issue 17: 112th Ave. S.E. to I-90 segment flows in CDs 9.69, 9.75 and 9.88 to N.B.Park were 'Initiative' flows, distinguished from other highway drainage"; "Issue 20: WSDOT-Bellevue 'Initiative' to divert highway drainage from Coal Creek to N.B.Park the result of litigation against the City of Bellevue"; "Issue 21: Some Bellevue staff pleased with 'Initiative' plan to use N.B.Park for highway drainage, others concerned for adverse impacts; city consultant found potential for public health crisis at N.B.Park swim beach; "Issue 23: WSDOT flows collected and directed to N.B.Park as a result of the 112th Ave. S.E. to I-90 segment included '16.95' acres of the '29.5' acres of total 'Initiative' flows. . .". Please consider reporting if these systems are in any way connected to the previously reported "Initiative", and how, including how, and if, these system alleviate any of the problems associated with same, including those that have occurred as a result of partial or full implementation of said "Initiative" with the previous work. Please consider reporting "how" these diversions are "deviations from HRM standards" and what the process is for acceptance of these systems. Please consider showing a mapped route of this system from collection and direction to outfall.

Response L4.17

We agree that it would be helpful to indicate these locations, so we have added the following locations to updated maps in Attachment 2, Errata to the Environmental Assessment. In the Errata, we updated Exhibit 4-1 of EA Attachment G, *Water Resources Discipline Report* to include:

- Virginia Mason Athletic Center (VMAC) in Renton is just north of UNT 08.LW.028.
- The WSDOT owned discharge at Bagley Lane is approximately at milepost 9.60.
- Mercer Slough Wetland Complex is located near I-90.
- The I-90 discharge is located under the I-90 bridge.

The "initiative" and numerous other alternatives considered are not discussed in the EA because they are not part of the current Project and WSDOT no longer plans to implement them for any future projects.

We considered showing the new conveyance between Coal Creek and I-90, but this conveyance has been conceptually developed and is subject to change in final design. Conveyances are not shown due to the small scale of the maps.

Please see Response L4.1 for issues relating to the I-405/112th Ave. SE to I-90 Widening Project.

Comment L4.18

Page 5-4: Please note and address or correct the statement: "TDAs are defined as on-site areas draining to a single natural discharge location within 0.25 miles downstream of I-405", which is incorrect according the WSDLOT HRM, and which definition is described elsewhere in the EA, "Project Effects", Page 4-106, which states "A threshold discharge area (TDA) is an area that drains to a natural or constructed discharge location(s) that combine within one-quarter mile downstream- as determined by the shortest flow path" (emphasis added); see discussion of this issue in "Reference Document" "Issue 54: Bellevue consultant: N.B.Park and Coal Creek should not have been combined in one WSDOT TDA. . ." Please consider utilizing only the full and correct definition of a WSDOT TDA, both for permitting purposes and with the collection and direction of WSDOT runoff as required by the WSDOT HRM and WSDOT HM.

Response L4.18

The HRM definition you reference is being used for this analysis and for permitting. The text here is consistent with the definition. Please see Response L4.1 for issues relating to the I-405/112th Ave. SE to I-90 Widening Project.

Comment L4.19

Page 5-6: Please note and address or correct "Exhibit 5-1, Storm water Design Updates for the Project", which incorrectly reports "W3-1 Newcastle Beach Park" as in the Coal Creek "Sub watershed" with Coal Creek as the "Receiving Waterbody", when the location is not a part of "Greater Coal Creek Basin", and is instead a part of the "Lakehurst Area Drainage" basin, as reported by the City of Bellevue "Drainage Basins" (https:bellevuewa.gov/conservation-and-the-environment/), and discussed in "Reference Document" Issue 54: Bellevue Consultant: N.B.Park and Coal Creek should not have been combined in one WSDOT TDA. . ."

Response L4.19

Please see Response L4.3.

Comment L4.20

Page 5-6 continued: Please describe by what process WSDOT intends to implement the following: "4. Area equal to new PGIS diverted from Pleasure Point and Lakehurst Creek TDAs (W2-1 and W2-2) into the TDA W2-3 (Bagley Lane direct discharge to Lake Washington)", "5. Area greater than new PGIS diverted from Newcastle Beach Park and Coal Creek TDAs into the TDA W4 (I-90 vicinity discharges" and "6. Area equal to new PGIS diverted from Richards Creek TDA ® into the TDA W4. No new discharge to Richards Creek.", what is the purpose and cost of these plans and whether these plans are consistent with the WSDOT HRM, the WSDOT HM, City of Bellevue code and other requirements. Please consider showing the mapped routes of these systems from the point of collection and direction to outfall.

Response L4.20

These flow diversions are the subject of HRM deviation as noted at the top of page 5-4 of the *Water Resources Discipline Report* and follow the guideline for submitting deviations as outlined in the HRM. We are also coordinating with the City of Bellevue regarding transferring area between their basins. These changes have occurred as a result of recommendations made in the 2016 stormwater charrette, and we appreciate the time you took to participate in the charrette. The conveyances are not shown due to the small scale of the maps.

Comment L4.21

Page 5-12: Please note and address or correct "Exhibit 5-6. Existing I-405 Detention/Treatment Facilities", which reports the "Detention pond with Media Filter Drain Type 6: tributary to "W3-Coal Creek" will be abandoned as a "Project Impact"; onsite observation shows the filter drain component has already been abandoned by WSDOT, thus resulting in abandonment of water quality mitigation for impacts to TDA W3 as a result of the recent work, which mitigation is described in the FHR and the Addendum to the FHR for the work.

Response L4.21

The existing filter drain component has not been abandoned and it is currently functioning. The treatment is provided by water dispersing over and then down through filtration media that is below the surface. Vegetation that grows on the media does not affect its performance. The facility is maintained by WSDOT.

Comment L4.22

Attachment I: Recreational, Section 4(f) and Section 6(f) Resources Technical Memorandum

Page 5-2: Please note and address or correct "Exhibit 5-1 Effects on Recreational Resources", which reports "Newcastle Beach Trail and Park", "Adjacent to the WDOT right of way" to have no "occupancy under Section 4(f)", when adverse impacts and constructive use of this 4(f) and 6(f) protected property from the recent work in the same location, the 112th Ave. S.E. to S.E. 8th St. Widening Project, are described in the following "Reference Document" issues: "Issue 16: Non-tributary highway drainage collected and directed to N.B.Park; highway runoff pollutants not found in park stream before 112th Ave. S.E. to I-90 segment found after work"; "Issue 17: 112th Ave. S.E. to I-90 segment flows in CDs 9.69, 9.75 and 9.88 to N.B.Park were 'Initiative' flows, distinguished from other highway drainage"; "Issue 19: City of Bellevue: No 'apparent outflow into Lake Washington' from N.P.Park stream channel when lake is at full pool elevation; flows shown to drain in subsurface to lower elevations; highway runoff pollutants found in multip0le locations, including swim beach"; "Issue 20: WSDOT-Bellevue 'Initiative' to divert highway drainage from Coal Creek to N.P.Park the result of litigation against the City of Bellevue"; "Issue 21: Some Bellevue staff pleased with 'Initiative' plan to use N.B.Park for highway drainage, others concerned for adverse impacts; city consultant found potential for public health crisis at N.B.Park swim

beach"; "Issue 22: WSDOT, Bellevue misrepresented benefits to N.B.Park to obtain exceptions/waivers to Bellevue Code"; "Issue 23: WSDOT flows collected and directed to N. B.Park as a result of the 112th Ae. S.E. to I-90 segment included '16.95' acres of the '29.5' acres of total 'Initiative' flows. . ."; "Issue 24: WSDOT information in 'ECS' prevented required 4(f) assessment for use of N.B.Park with 112th Ave. S.E. to I-90 segment. . .: "Issue 25: WSDOT, Bellevue documents show 'Initiative' never met 'temporary occupancy' exception to Section 4(f) as claimed in R to B FONSI"; "Issue 26: WSDOT, City of Bellevue staff told 'Initiative' would result in 6(f) conversion of park"; "Issue 38: N.B.Park streams and wetlands used as water quality treatment and detention BMPs"; "Issue 42: 112th Ave. S.E. to I-90 segment flows shown in N.B.Park stream system in location of planned route for 'Initiative' flows"; "Issue 58: WSDOT: no timely notice to NPS on plan to use of N.B.Park for highway drainage, unmoved by NPS warning of 4(f) use, 6(f) conversion of N.B.Park". Please consider the adverse impacts to this 4(f), 6(f) protected resource as a result of the recent work in the same location and require mitigation for the adverse impacts from the recent work before the start of any future work.

Response L4.22

Please see Responses L4.7, L4.14, and L4.17 regarding your 4(f) comments on Mercer Slough for this Project. Please see Response L4.1 for issues relating to the I-405/112th Ave. SE to I-90 Widening Project.

Comment L4.23

Page 5-9: Please note and address or correct "Mercer Slough Nature Park", which describes the collection and direction of flows as a result of the upcoming work to a "storm water feature" that discharges to this park; please consider showing the mapped route of this conveyance, from collection and direction to outfall, and describing the proposed mechanism and features of mechanism (cost, governing document, including if an easement or other special considerations is/are required, etc.) and please describe "how" the Mercer Slough Nature Park, utilized for the purpose of dispersion of highway drainage diverted from other basins to this location, will not become a permanent part of the WSDOT highway drainage system.

Response L4.23

The discharge location is an existing WSDOT property that is in the vicinity of Mercer Slough Nature Park. Potential park impacts were analyzed and were determined to not be a Section 4(f) use for the reasons listed below:

- The existing ground slopes to the southwest. New flows will travel further into WSDOT property under the I-90 bridge structures and toward Lake Washington.
- Water will disperse and begin to soak into the wetlands within WSDOT right of way.

- The Mercer Slough Nature Park area south of WSDOT's right of way may get a slight increase, but groundwater levels controlled by Lake Washington will still dominate the wetland hydrology.
- The City of Bellevue has confirmed that there is no impact on the park.

Comment L5 – Muckleshoot Indian Tribe, August 9, 2018

MUCKLESHOOT INDIAN TRIBE
Fisheries Division
39015 - 172nd Avenue SE • Auburn, Washington 98092-9763
Phone: (253) 939-3311 • Fax: (253) 931-0752

August 9, 2018

Ms. Lindsey Handel
Urban Area Engineer
Federal Highway Administration
711 South Capitol Way, Suite 601
Olympia, WA 98501

L5

RE: I-405 Tukwila to I-90 Vicinity Express Toll Lanes Project, Environmental Assessment under NEPA

Dear Ms. Handel:

Our Habitat Program staff have reviewed the Environmental Assessment (EA) for the proposed I-405 Tukwila to I-90 Express Toll Lanes Project and attachments. We offer the following comments in the interest of protecting and restoring the Tribe's treaty-protected fisheries resources.

We are concerned that the project as proposed violates applicable laws in two ways: (1) the project fails to comply with U.S. v Washington Culvert Case Injunction (No. C70-9213 Subproceeding No.01-1) and (2) fails to comply with NEPA. With respect to the U.S. v Washington compliance, there are two main problems. First, the culverts being replaced by the project will not meet fish passage requirements under the injunction due to the addition of flow restrictor plates at the culvert outlets and no mitigation is proposed as required if the culvert design standards cannot be met as described in paragraph 10 of the injunction (attached). Second, the project proposes to avoid replacing known fish passage barriers with this highway project and may very well preclude the future replacement of these culverts with the project's highway improvements near these culverts. There are specific requirements in paragraph 8 of the injunction regarding culvert deferrals, including a complete assessment of the amount of salmon habitat upstream of each WSDOT barrier culvert in consultation with Plaintiff tribes, and these requirements have not yet been met. We only recently received stream data to support the stream classifications shown in Exhibit 4.7-2, and, from our review, this data is inadequate.

L5.1

L5.2

The EA fails to discuss the U.S. v. Washington Culvert Case Injunction which is an important law applicable to this project. There is no mention of the culvert case, its requirements, and how the project is meeting them in the EA. This omission makes the EA incomplete at best and ignores potential cumulative impacts and FHWA's responsibilities to protect the Tribe's treaty-rights.

L5.3

As you know, this project has not followed the same review process as was done for previous WSDOT road widening projects with NEPA work occurring before any federal permits are sent for review. In this

L5.4

case, the Corps' Joint Public Notice (NWS-2017-0827-DOT) for the I-405 Renton to Bellevue Phase I project (MP 3.8 to MP 11.9) was sent Dec 27, 2017. We sent comments to the Corps with a courtesy copy to FHWA on January 29, 2018. Many of these concerns are still outstanding and have not been adequately addressed to date, including, but not limited to:

(1) impacts to the Cedar River from a widened bridge crossing and artificial lighting at this crossing;
(2) the adequacy of the stream assessments to determine potential fish bearing streams in the corridor and I-405 culverts associated with them;
(3) the overall plan to replace the currently known fish-passage barriers on the I-405 corridor;
(4) the overall plan to replace culverts associated with the Eastside Rail Corridor (portions of which are being built with this project); and
(5) impacts to stream habitat and associated mitigation, particularly for Johns Creek.

L5.4

These significant issues all have implications for salmon production and survival necessary to improve and restore fishing opportunities in WRIA 8 for Muckleshoot Tribal members currently limited by low numbers of salmon. The culvert issues alone for this project warrant a significant planning effort which has not been done to date. With this perspective, we ask that FHWA refrain from issuing any further documents under NEPA and coordinate directly with us to resolve our concerns.

Additional comments and our previous comments to the pending Corps permit are attached for your review and consideration. Given our request, we would like to meet with FHWA to discuss these concerns further. Please call me to schedule a meeting at 253-876-3116.

Sincerely,

Karen Walter
Watersheds and Land Use Team Leader

Attachments

Cc: Megan White, Director Environmental Services, WSDOT
Allison Hanson, I-405 Program Team
Sandra Manning, U.S. Army Corps of Engineers Regulatory Branch
Jennifer Quan, NMFS, Oregon and Washington Coastal Office

Specific Comments to the EA and the Water Discipline Report (Attachment H)

Culvert issues

There are numerous stream crossings in the project corridor, many of which are known to prevent adequate passage for salmon to upstream habitats. There is currently no comprehensive plan to address these barriers in any meaningful fashion. The project team focused on the few culverts that will be "touched" or modified by the project and these culvert replacements proposed will not be fully fish passable. While these existing culverts on these streams will be replaced with improved culvert designs, each of the culverts outlets will have restrictor plates/features on them (see pages 3-3 and 4-134) to maintain existing hydraulic conditions and avoid downstream flooding, thus making them at least partial fish passage barriers at best, full barriers at worst. The statements regarding improved fish passage on the affected streams in the EA and the Water Discipline Report are misleading as fish passage will not be fully restored and may never be restored due to downstream barriers.

WSDOT's responses to date regarding the preclusion of future replacements with highway widening and other work and the timing (i.e. future projects with unknown dates) of culvert replacements in the project area are all inadequate and inconsistent with the Culvert Case Injunction under U.S. *v.* Washington. The number of blocking culverts in the project area currently known may also be incorrect. A barrier culvert is identified after it has been determined that there is potential fish habitat above it. WDFW, on WSDOT's behalf, makes this determination using physical criteria for bankfull width and streambed gradient previously established in WAC 222-16-031. We repeatedly asked WSDOT for the stream assessments in the project corridor to determine if all of the potential salmon streams have been correctly identified so we could verify this information and ensure that all of the project barrier culverts were identified, too. We received the stream data on July 12, 2018. Based on our review, the data is incomplete to support the non-fish habitat determinations (shown on Page 4-124 in EA). Further physical stream data is needed to verify the stream classifications. Any errors may affect the culvert assessments and project plans to extend culverts (see Exhibit 4.7-4 for stream actions).

L5.5

The EA also lacks any discussion or analysis to demonstrate how the road widening will not preclude future culvert replacements as required by the Culvert Case injunction. For example, the project proposes to construct a new lane crossing Thunder Hills Creek, Johns' Creek, Clover Creek, and other streams without replacing their existing fish passage barrier culverts. There are no analyses or project details that demonstrate how this project is in compliance with the Culvert Case Injunction. FHWA needs to rectify this and support the Tribe in its efforts to ensure that treaty-fisheries resources are adequately protected and restored.

We would also like to note that the fish passage workshop referenced in the EA was ineffective and unsatisfactory. At no time was it acknowledged that the fish passage needed to be fully restored at the few streams where WSDOT is modifying the culverts, nor did the participants offer any plans or alternatives to do so for all of the culverts involved in the discussion. Rather, the state and local participants generally defended their existing and planned infrastructure and would only support pre-determined alternatives that

will not restore fish passage or mitigate for the lack of passage. We now ask that FHWA work directly with us to resolve the fish passage concerns to ensure that the Tribe's fisheries treaty-rights will not be impaired by any aspect of this project undergoing environmental review, including but not limited to, stormwater facilities and trails (see page 4-79). L5.5

Cedar River Bridge widening

As noted in the EA, page 4-89, the widening of I-405 at the Cedar River Bridge will increase shading impacts and continue to be a source of artificial lighting both of which adversely affect salmon. Currently there is no meaningful assessment of these impacts or mitigation proposed. L5.6

Impacts to Streams, Wetlands and their buffers

We provided our concerns with impacts to streams, wetlands, and their buffers and the mitigation proposed via the pending Corps permit. Several of these concerns are outstanding.
Please note that on page 5-27, the Water Resources Discipline Report notes that there will be no in-water work at May Creek, which contradicts the EA on page 4-90 and the pending Corps permit drawings. The project will be removing riprap and quarry spalls from below the Ordinary High Water Mark and adding wood and rounded rock. If this has changed, please let us know as that will affect our comments to the Corps permit. L5.7

Stormwater impacts

We disagree with the proposal to exempt stormwater discharges to Johns Creek from stormwater control as described in the Water Resources Discipline Report. If we had been invited to the 2016 stormwater design charrette meeting, we would have made these comments known at that time. We did make these comments in response to the pending Corps permit noting that Johns Creek is used by non-natal ESA listed juvenile Chinook, most likely from the Cedar River as fry (Tabor et al. 2006). At this life stage, they about 2-3 inches (<60 mm) are susceptible to velocities that exceed their swimming speeds, generally 2 feet per second or less. Johns Creek is a simplified stream that lacks pools, wood, and other features that reduce velocities (see photos in Tabor et al. 2006). Adding more stormwater directly to Johns Creek without detention creates an adverse condition to these juvenile Chinook that has not been adequately considered by WSDOT. If this is the only location to discharge stormwater and it is truly infeasible that this stormwater cannot be detained, then WSDOT should enhance Johns Creek such that velocities will be reduced for juvenile Chinook that use the stream which typically overlaps with stormwater discharges. A relatively simple mitigation measure would be to add substantial numbers of complex wood structures to Johns Creek below the outfall to improve juvenile Chinook habitat and reduce velocities. L5.8

We are also concerned that the project proposed to discharge undetained stormwater to another small stream in the project corridor. Please clarify what the stream is that will receive undetained stormwater described on page 5-3 as "*Lake Washington via conveyance systems at WSDOT funded improvement across Virginia Mason Athletic Center in Renton*"

Is this Stream UNT 08.LW.0283? If yes, please explain why this stream is exempt from stormwater detention requirements. The EA also needs to evaluate how adding stormwater to this stream benefits

salmon and does not preclude any future benefits that will be derived from the new stream simulation culvert on this stream, assuming the downstream barriers are replaced so that the stream is fully accessible to adult and juvenile salmon.

On page 5-10, the Water Resources Report states:

> *"An increase in dissolved copper discharges are expected at Johns Creek, a fish bearing stream and UNT 08.LW.0283. UNT 08.LW.0283 is not currently a fish-bearing stream; however, it may become a fish-bearing stream after fish passage improvements are made to this drainage as part of the proposed improvements. For both of these locations, the dilution assessment demonstrated that the mixing zone is typically less than 1 foot in areas where fish may be present."*

L5.8

This statement implies that impacts to juvenile salmon from these increases in dissolved copper are minimal solely based on a mixing zone condition that does not consider the importance of this stream as rearing area for Cedar River chinook nor the existing baseline water quality which could exceed sublethal levels for dissolved copper.

May Creek impacts

On page 5-27, the Water Resources Discipline Report notes that there will be no in-water work at May Creek which contradicts the EA on page 4-90 and the pending Corps permit drawings. The project will be removing riprap and quarry spalls from below the Ordinary High Water Mark and adding wood and rounded rock. If this has changed, please let us know as that will affect our comments to the Corps permit.

L5.9

Linked Actions and Direct and Cumulative Effects

Finally, we are concerned that the project scope of this Environmental Assessment is too narrow to comply with NEPA because this project is a smaller piece of a larger highway project. The environmental analysis of this smaller portion of the larger project in isolation obscures the true scope of the project's effects on anadromous fish.

L5.10

In addition to this letter, the Muckleshoot Indian Tribe Fisheries Division (MITFD) submitted attachments. A listing of these items is contained in Attachment 5, Comment Attachments. These items are available from the I-405 Project Office on request. The I-405 Project Office is located at 600 108th Avenue NE, Suite 405 Bellevue, WA 98004. Please contact Lisa Hodgson at (425) 456-8543.

On February 21, 2019, the MITFD submitted a follow-up comment letter as shown below. The responses provided address both letters.

Comment L6 – Muckleshoot Indian Tribe, February 21, 2019

MUCKLESHOOT INDIAN TRIBE
Fisheries Division
39015 - 172nd Avenue SE • Auburn, Washington 98092-9763
Phone: (253) 939-3311 • Fax: (253) 931-0752

February 21, 2019

L6

Ms. Lindsey Handel
Urban Area Engineer
Federal Highway Administration
711 South Capitol Way, Suite 601
Olympia, WA 98501

RE: I-405 Tukwila to I-90 Vicinity Express Toll Lanes Project Environmental Assessment, MITFD follow-up comments to WSDOT/FHWA's draft responses and EA Errata

Dear Ms. Handel:

We have reviewed FHWA/WSDOT's draft responses (dated February 9, 2019) to our August 9, 2018 comment letter to the I-405 Tukwila to I-90 Vicinity Express Toll Lanes Project Environmental Assessment (EA). We have also reviewed the proposed Errata to the Environmental Assessment for this project. We are offering follow-up comments to these documents as noted below:

A. FHWA/WSDOT draft responses to our EA comments

1. Compliance with the Federal Court Injunction regarding state-owned culverts (L5.1 and L5.3)

As discussed with FHWA staff on January 25, 2019, the Federal Injunction regarding culverts is a subproceeding under U.S. v Washington. FHWA as a federal agency of the United States (U.S.) has a duty to ensure that its actions/approvals/funding of road projects protects tribal treaty rights and are consistent with the injunction. We appreciate FHWA's providing the Tribe with responses regarding FHWA's current understanding of its roles and responsibilities under the injunction and its overal trust responsibilities. We will likely discuss these roles and responsibilities further through direct consultations.

L6.1

2. Culvert mitigation plan (L5.1)

We appreciate WSDOT's development of fully fish passable culvert options for two of the project streams where culverts will be replaced and proposed off-site culvert replacement potential projects. The plan and the proposed mitigation as described needs to be reviewed internally by MIT staff and policy before we can provide further comments. For purposes of the EA and the analysis under NEPA, this issue is outstanding as the necessary reviews and approvals have not been completed; therefore, it is premature to conclude the culvert injunction requirements and treaty right considerations under NEPA are complete.

L6.2

3. Culvert replacement long term plan (L5.2)
For the remaining culverts, we appreciate WSDOT's efforts to develop a long-range plan for these culverts. Again, this plan needs to be reviewed internally by MIT staff and policy before we provide further comments. L6.3

4. Stream classification and additional culvert replacements (L5.2)
We appreciate the opportunity to work with WSDOT and WDFW staff to re-evaluate the project area streams and concur with the data that WDFW provided on October 24, 2018.

Streams 4.61, 8.15, 9.8, 9.9 and 10.0 were found to have fish habitat present. Per the responses, the culverts associated with streams 8.15 and 10.0 will be replaced with fish passable structures as part of this Project. The culverts conveying Streams 9.8 and 9.9 underneath the Eastside Rail Corridor (ERC) trail will also be will be replaced as part of this Project. We will review the culvert information and designs for these "new" culverts as part of our review under the pending 404 permit.

Per the responses, Stream 11.8 was found to have fish habitat present downstream of the ERC trail. This stream is located outside of the Project area and is not included as part of this Project. The fish habitat information should be shared with King County and Bellevue so they can update their stream data accordingly. L6.4

5. Cedar Bridge widening and lighting (L5.6)
We disagree with the assessment that a 5% increase in overwater coverage by an expanded bridge on I-405 is insignificant. The coverage will likely increase predation opportunities of juvenile salmon that would otherwise support MIT fisheries. The applicant should be providing mitigation for these impacts. L6.5

With respect to artificial lighting on the I-405 Bridge over the Cedar River, we appreciate WSDOT's efforts to follow our recommendations regarding coordinating with Roger Tabor from USFWS to determine changes needed to artificial lighting on the I-405 Bridge crossing of the Cedar River. We request the detailed communications that occurred and the actual recommendations that Mr. Tabor provided for our review. We would also like to know if WSDOT made Mr. Tabor aware of the potential for additional lights to be added underneath the bridge near the Cedar River. We also request a copy of the illumination plan to be developed by the Design Builder Contractor that is expected to meet these recommendations. L6.6

6. Impacts to streams, wetlands, and their buffers (L5.7)
There are outstanding issues with this topic that are noted further in our comments to the Errata. L6.7

7. May Creek mitigation (L5.7)
We appreciate WSDOT's efforts to modify the work to be done on May Creek by removing some of the existing riprap and adding wood to the stream. We have technical comments on the design which we will provide in detail in our follow-up comments to the Corps' pending 404 permit. L6.8

8. Johns Creek stormwater concerns (L5.8)
We appreciate the additional information and analysis provided in WSDOT's responses. We are still reviewing the information and design changes and will provide further detailed comments to the Corps' permit process regarding the adequacy of the analysis and the design changes. L6.9

9. Stormwater flow control exemption for Stream UNT 08.LW.0283 (L5.8)
We appreciate WSDOT's responses regarding the lack of detention proposed for stormwater discharged to proposed Stream UNT 08.LW.0283 (Gypsy subbasin). We disagree that this conveyance system is entirely manmade as there are open sections of stream downstream of the I-405 culvert. Regardless, there is no acknowledgement that the 2014 SMMWW reflect minimum requirements and do no authorize the further degradation of salmon resources. Discharging stormwater to this system without detention will reduce available habitats for juvenile salmon. These impacts should not be allowed or, if completely unavoidable, then should be minimized and mitigated consistent with mitigation sequencing (i.e. avoidance). L6.10

B. Comments to the EA Errata
1. Exhibit 4.7-2 *"Streams in the Study Area"*
This Exhibit, which is a table of streams in the study area, is incorrect based on WDFW available data. For example, WDFW has given #998965 as the site ID for Cottage Creek (a Gilliam Creek tributary). Site Id #998967, unnamed tributary to Gilliam Creek is a shown as Type F waters with a fish passage barrier that blocks access for salmon to habitats upstream. Site ID 934704, Unnamed Stream 8.15 has been determined to be a fish passage barrier and the stream typed as Type F waters based on WDFW's 10/23/2018 data. As such any culvert work at this location should meet the Federal Court injunction standards, as needed.

We strongly urge FHWA to work with WDFW and WSDOT to verify the data in this table before publishing these Errata. Also, the column labeled "Fish Presence" isn't accurate as many of these are streams are determined to have potential fish habitat based on physical criteria from WAC 222-16-031 that is used wherever WDFW says a site is Type F based on "physical criteria". These streams may or may not have documented fish presence which would be affected by barrier culverts. It would be better to label this column as Stream Type as was shown originally. L6.11

2. Exhibit 4-7.4 *"Fish Passage Improvements and Discussion of Stream Impacts in the Project Area"*
This Exhibit should match the updated stream information from Exhibit 4-7.2 once it is corrected. Also, we caution FHWA on the text and additional column added to Exhibit 4-7.4 labeled "Injunction Barrier". The injunction barriers are based on what could support salmon based on what is currently known about the site but also allows for additional culverts to be added to this list once identified. Some of these L6.12

lowland streams involved with I-405 may support salmon species like coho once other downstream barriers are removed. It may be better to note these culverts as "initial injunction list barriers." L6.12

3. Page 4-130
The stream and stream buffer mitigation described on this page (i.e. May Creek, Gypsy Creek, Ron Regis Park, Median Creek and Mercer Slough) is inconsistent with the mitigation described in the November 2018 Wetland and Stream Mitigation Report. Further, it appears that WSDOT is seeking stream/buffer credit for making some culverts fish passable. A larger culvert is not self-mitigating with respect to impacts to stream habitats/processes and riparian habitats. Streams that will be impacted by this project need to be mitigated at the stream site unless it is clearly infeasible for mitigation to occur anywhere on the impacted stream. L6.13

With respect to May Creek, it appears that the project may not be fully mitigating its instream impacts or its buffer impacts. Further information is needed to demonstrate that there will be at least 3,058 square feet of instream mitigation to offset impacts. The stream buffer mitigation is inadequate as there will be 0.30 acres of buffer planted versus 0.51 acres permanently impacted and 0.16 of temporary buffer impacts. With these numbers, there is no extra crediting available to mitigate other stream impacts at this location. L6.14

4. Page A2-8, lines 10-18
The Errata fails to note that since the new culverts on UNT08.LW.7.7.A and UNT 08.LW.7.8 will need flow restrictors that match the diameter of the existing culverts, then these culverts will not be fully fish passable. The Federal Court Injunction requires that these types of culvert situations "*shall mitigate for the impacts of deviating from the standards of this injunction so that the resulting correction plus any mitigation provides at least the same net benefit to the salmon resource as would have occurred had the correction applied the required standards.*" An initial mitigation plan has been developed by WSDOT but has yet to be reviewed and approved by MIT. L6.15

5. Cedar River Bridge (Pages A2-8 and A2-9)
See our follow-up comments above regarding the impacts to the expanded I-405 bridge over the Cedar River. L6.16

6. Johns Creek (Page A2-10)
The Errata notes that the stormwater generated from the new hotel at the Southport development "will be connected to the new WSDOT outfall that would discharge into Johns Creek". This is new information for us and will need to be considered in light of our concerns regarding potential impacts to Johns Creek from stormwater. It is also not clear if there will be stormwater from the Lake Washington Boulevard expansion project that will also be added to stormwater conveyed via the new Johns Creek outfall. This needs to be clarified.

The EA also briefly describes the City of Renton's proposed Park Avenue North roadway project that will extend the roadway over the existing railroad tracks onto the Southport development. This has further L6.17

implications for potential impacts to Johns Creek. Please provide us with additional information about the Park Avenue North roadway project so that we can evaluate it accordingly as neither WSDOT nor Renton has discussed this project with us. L6.17

We appreciate the opportunity to consult directly with FHWA on this project and continued coordination. Based on these follow-up comments, it may be useful to meet to discuss them further. Please call me to set up such a meeting. L6.18

Sincerely,

Karen Walter
Watersheds and Land Use Team Leader

Cc: Sharon Love, FHWA
Sandra Manning, US ACOE
Lisa Hodgson, WSDOT
Megan Cotton, WSDOT Tribal Liasion

Comment L5.1

Our Habitat Program staff have reviewed the Environmental Assessment (EA) for the proposed I-405 Tukwila to 1-90 Express Toll Lanes Project and attachments. We offer the following comments in the interest of protecting and restoring the Tribe's treaty-protected fisheries resources.

We are concerned that the project as proposed violates applicable laws in two ways: (1) the project fails to comply with U.S. v Washington Culvert Case Injunction (No. C70-9213 Subproceeding No.01-1) and (2) fails to comply with NEPA. With respect to the U.S. v Washington compliance, there are two main problems. First, the culverts being replaced by the project will not meet fish passage requirements under the injunction due to the addition of flow restrictor plates at the culvert outlets and no mitigation is proposed as required if the culvert design standards cannot be met as described in paragraph 10 of the injunction (attached).

Comment L6.1

We have reviewed FHWA/WSDOT's draft responses (dated February 9, 2019) to our August 9, 2018 comment letter to the 1-405 Tukwila to 1-90 Vicinity Express Toll Lanes Project Environmental Assessment (EA). We have also reviewed the proposed Errata to the Environmental Assessment for this project. We are offering follow-up comments to these documents as noted below:

A. FHWA/WSDOT draft responses to MITFD EA comments

1. Compliance with the Federal Court Injunction regarding state-owned culverts (L5.1 and L5.3)

As discussed with FHWA staff on January 25, 2019, the Federal Injunction regarding culverts is a subproceeding under U.S. v Washington. FHWA as a federal agency of the United States (U.S.) has a duty to ensure that its actions/approvals/funding of road projects protects tribal treaty rights and are consistent with the injunction. We appreciate FHWA's providing the Tribe with responses regarding FHWA's current understanding of its roles and responsibilities under the injunction and its overall trust responsibilities. We will likely discuss these roles and responsibilities further through direct consultations.

Comment L6.2

2. Culvert mitigation plan (L5.1)

We appreciate WSDOT's development of fully fish passable culvert options for two of the project streams where culverts will be replaced and proposed off-site culvert replacement potential projects. The plan and the proposed mitigation as described needs to be reviewed internally by MIT staff and policy before we can provide further comments. For purposes of the EA and the analysis under NEPA, this issue is outstanding as the necessary reviews and approvals have not been completed; therefore, it is premature to conclude the culvert injunction requirements and treaty right considerations under NEPA are complete.

Response L5.1, L6.1, and L6.2

Thank you for taking the time to review the Environmental Assessment (EA) and provide your comments. In addition, thank you for meeting with the Federal Highway Administration (FHWA) on August 17, 2018 and WSDOT and FHWA on September 5, 2018 and November 1, 2018 to discuss your comments. FHWA and WSDOT provide the following responses to your comments.

Regarding the Washington State Culvert Case Injunction (Injunction[1]), the Project will comply with the Injunction.

The existing culverts on unnamed tributary (UNT) 08.LW.7.7A and UNT 08.LW.7.8 have known maintenance issues and need to be replaced because they are at the end of their useful life. These culverts have been identified as full fish passage barriers by the Washington State Department of Fish and Wildlife (WDFW). As part of this Project, WSDOT will replace these existing culverts with larger culverts that meet the WDFW's

[1] *Federal Court Injunction. 2013. United States, et al. vs. Washington et al. No. C70-9213 Subproceeding No. 01-1 dated March 29, 2013*. The Culvert Injunction applies to anadromous stream crossings on state owned roads in this project area. It requires the State to correct approximately 1,000 fish passage barriers. By 2030, the State is required to correct those that correspond to 90 percent of the total potential habitat blocked by significant barriers. This is approximately 415 barriers to date. The Injunction specifies that corrections be either bridges or stream simulation culverts, but Section 10 allows deviation from this, accompanied with mitigation, when extraordinary site conditions exist.

Water Crossing Design Guidelines (WDFW 2013) using the stream simulation. In addition, because of downstream constraints on private properties, flow restrictors would be installed on the new upsized culverts so they would not flood downstream areas. Similar to existing conditions, the new culverts would not be fish passable with the flow restrictors, and, once the Project is built, juvenile and adult salmonids would not able to access habitat upstream of I-405. The Project would not change the environment for fish compared to existing conditions, but it would install culverts that could be fish passable in the future once downstream constraints are eliminated.

Removing the downstream constraints to make the two culverts fully fish passable is not part of this Project. WSDOT commits to implementing one of two options:

1. Primary Option: Acquire property rights to create a pathway for the streams to outfall to Lake Washington. If WSDOT is successful in obtaining the necessary property rights, it could take up to six years to complete this process and construct this option with an opening about the same time as the completion of the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (expected at the end of 2024). This option is WSDOT's preferred solution to restore full fish passage at UNT 08.LW.7.7A and UNT 08.LW.7.8. This option could be constructed at the same time as this Project negating the need to install the flow restrictors. However, depending on the timing, WSDOT may need to install the flow restrictors as a temporary measure until the downstream pathway is complete. WSDOT recognizes that the Muckleshoot Indian Tribe would prefer these restrictors not be installed or that they be removed as soon as possible to ensure the streams are fully fish passable.
2. Contingency Option: WSDOT would install removable restrictors to reduce downstream waterflow on UNT 08.LW.7.7A and UNT 08.LW.7.8. This option would result in the replaced barriers being considered full fish barriers for as long as the flow restrictors are in place. Per Section 10 of the Injunction, WSDOT would develop off-site mitigation in consultation with the Muckleshoot Indian Tribe. This option could take up to five years to complete and construct the mitigation sites. Because WSDOT will need to determine the outcome of the Primary Option before pursuing this Contingency Option, this option would likely not be in place until 2025, a year after the opening of the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project.

Due to the uncertainty of whether the downstream conveyance option (primary option) will be successful, WSDOT will continue to pursue both options on a parallel path, in consultation with the Muckleshoot Indian Tribe. The contingency option will only be triggered if the primary option is not successful (i.e. right of way cannot be acquired). WSDOT will know in 2021 if the primary option is a viable solution.

Construction of either the primary option or the contingency option will be a future I-405 project. The culverts on UNT 08.LW.7.7A and UNT 08.LW.7.8 will remain on in the Injunction list until they are made fully fish passable. WSDOT will complete any necessary environmental review as required under NEPA and the State Environmental Policy Act (SEPA), obtain required permits, and continue active consultation with the

MITFD on the remedy for these two culverts. WSDOT will provide an annual update each year on the status of implementing these options to FHWA, Muckleshoot Indian Tribe, the U.S. Army Corps of Engineers (Corps), and Ecology.

WSDOT has offered three off-site options for consideration by MITFD to offset impacts of the removable restrictors. Please see the package submitted to the MITFD on June 15, 2018 for the off-site mitigation options. WSDOT welcomes the opportunity to continue consultation with the MITFD regarding off-site mitigation options. See additional discussion in Response L5.5.

Regarding compliance with the National Environmental Policy Act (NEPA), WSDOT and FHWA have jointly conducted the environmental review for the I-405 Tukwila to I-90 Vicinity Express Toll Lanes Project (Project) and have published this NEPA decision document. In addition to the responses to comments in this attachment, additional information can be found in Attachment 2, Errata to the Environmental Assessment.

Comment L5.2

Second, the project proposes to avoid replacing known fish passage barriers with this highway project and may very well preclude the future replacement of these culverts with the project's highway improvements near these culverts. There are specific requirements in paragraph 8 of the injunction regarding culvert deferrals, including a complete assessment of the amount of salmon habitat upstream of each WSDOT barrier culvert in consultation with Plaintiff tribes, and these requirements have not yet been met. We only recently received stream data to support the stream classifications shown in Exhibit 4.7-2, and, from our review, this data is inadequate.

Comment L6.3

3. Culvert replacement long term plan (L5.2)

For the remaining culverts, we appreciate WSDOT's efforts to develop a long-range plan for these culverts. Again, this plan needs to be reviewed internally by MIT staff and policy before we provide further comments.

Comment L6.4

4. Stream classification and additional culvert replacements (L5.2)

We appreciate the opportunity to work with WSDOT and WDFW staff to re-evaluate the project area streams and concur with the data that WDFW provided on October 24, 2018.

Streams 4.61, 8.15, 9.8, 9.9 and 10.0 were found to have fish habitat present. Per the responses, the culverts associated with streams 8.15 and 10.0 will be replaced with fish passable structures as part of this Project. The culverts conveying Streams 9.8 and 9.9 underneath the Eastside Rail Corridor (ERC) trail will also be will be replaced as part of this Project. We will review the culvert information and designs for these "new" culverts as part of our review under the pending 404 permit.

Per the responses, Stream 11.8 was found to have fish habitat present downstream of the ERC trail. This stream is located outside of the Project area and is not included as part of this Project. The fish habitat information should be shared with King County and Bellevue so they can update their stream data accordingly.

Response L5.2, L6.3, and L6.4

The Project is the first phase in a larger, longer-term vision to build the needed infrastructure to manage congestion on I-405. The first phase, this Project, plans to construct one of the two lanes planned in this area. Constructing the second lane requires widening and full reconstruction of several interchanges, which will require acquisition of additional right-of-way. This Project was planned for funding in 2012, prior to the culvert Injunction. The Project will correct fish passage barriers at locations where existing fish passage barriers are altered because of the Project.

Please see response L5.3 for information to address MITFD's concerns about how WSDOT will meet the terms of the Injunction and response L5.5 for a discussion about how fish barrier correction will not be precluded in future phases of the program.

WSDOT/FHWA/MITFD met on September 5, 2018 and November 1, 2018, to review all stream assessment data (including additional streams beyond those listed in Exhibits 4.7-2, 4.7-4, and 4.7-5) that WSDOT has on all streams within the project area. Based on that discussion, WSDOT/MITFD/WDFW conducted additional stream assessments in September to jointly confirm fish use potential for streams in the Project area and ensure the appropriate information is provided. WSDOT updated Exhibits 4.7-2, 4.7-4, and 4.7-5 in Attachment 2, Errata to the Environmental Assessment, to include updated stream assessment information related to fish use potential. In addition, WSDOT revised Exhibit 4.7-4 to identify known fish barriers listed in the Injunction and to clarify which of these would be replaced with the Project.

The September joint stream assessment reviewed 14 locations and provides the following updates:

Streams 4.61, 8.15, and 10.0 were found to have the potential for fish use. The culverts associated with streams 8.15 and 10.0 will be replaced with fish passable structures as part of this Project.

Streams 9.8 and 9.9 were determined to have the potential for fish use underneath the Eastside Rail Corridor (ERC) trail. Further video review of these culverts indicates that repairs are needed on the King County owned culverts under the ERC. Because these culverts are at the end of their useful life and need to be replaced, WSDOT worked with King County and these culverts will be replaced as part of this Project.

Stream 11.8 was found to have the potential for fish use downstream of the ERC trail. This stream is located outside of the Project area and is not included as part of this Project.

WSDOT has shared the information with King County and Bellevue.

Comment L5.3

The EA fails to discuss the U.S. v. Washington Culvert Case Injunction which is an important law applicable to this project. There is no mention of the culvert case, its requirements, and how the project is meeting them in the EA. This omission makes the EA incomplete at best and ignores potential cumulative impacts and FHWA's responsibilities to protect the Tribe's treaty-rights.

Response L5.3

With regard to the Injunction, WSDOT has included information in Attachment 2, Errata to the Environmental Assessment that discusses the Injunction. Exhibit 4.7-4 has been revised to show which barriers are on the Injunction list and which are being replaced by this Project

In the Errata referring to Section 5.0, Cumulative Effects, page 5-13, WSDOT added the following underlined text: "WSDOT is in the process of complying with the terms of the 2013 United States District Court Injunction. As part of this compliance, culverts in the I-405 corridor that have been identified as non-fish passable culverts will be replaced to meet the terms of the Injunction. WSDOT will consult with the MITFD on these culvert replacements. Consultation will include providing opportunities for desktop stream review and conducting field visits with the MITFD and WDFW as needed to confirm stream types and the presence of fish barriers subject to the Injunction. FHWA and WSDOT will continue to consult with the MITFD on culvert replacements as part of project development and permitting."

In addition, information has been included in the NEPA decision document that discusses the Injunction, the Tribes treaty-fishing rights, and the Government-to-Government consultation process that has occurred between FHWA, WSDOT, and the MITFD. The FHWA Washington Division has prepared the following summary of our responsibilities to protect the Tribe's treaty rights, which represents our current understanding of our role in light of the Culvert Injunction. This response was prepared to answer MITFD's question to FHWA through our consultation on this Project:

> "On July 13, 2018, the United States Supreme Court (USSC) left in place (4-4 with Justice Kennedy recused), the Ninth Circuit's opinion in the case *Washington v. United States*, 827 F.3d 836 (9th Cir. 2016), en banc denied 853 F.3d 946 (9th Cir. 2017). Washington v. United States, 584 U.S. ___ (2018) (hereinafter the culverts decision). The United States represented the Tribes under its Trust responsibilities. Twenty-one tribes also were plaintiffs in this litigation. The dispute revolved around the Stevens Treaties, a set of nineteenth century treaties between the Native American Tribes and the U.S. government, and how WSDOT highway culverts affected fish, fish habitat and fishing. The contested part of the Treaty is Article 3, which states in relevant part: 'The rights of taking fish, at all usual and accustomed grounds and stations, is further secured to all Indians in common with all citizens of the Territory [Washington].'

Pursuant to the decision, the Washington Department of Transportation (WSDOT) was ordered to replace those culverts with more than 200 linear meters of salmon habitat upstream within seventeen years and WSDOT was to replace those culverts with less than 200 linear meters of salmon habitat upstream at the end of those culverts' natural life or where there would be independent road construction work undertaken by WSDOT. The State of Washington will fix state-owned barrier culverts blocking 90% of available habitat in the injunction area by 2030.

Consistent with this decision and in general, the Federal Highway Administration also has responsibilities. FHWA must conduct Government-to-Government (G2G) consultation with tribes effected by its projects generally; ensure that the holding of the culverts decision is respected if the project is within the geographic scope of the Treaty, and apply the Treaty's elements prospectively if the project adversely affects fishing habitat (including culverts and streams) within the Treaty's scope. In short, there is both the remedies imposed by culverts decision for past action and future applications of the Treaty for new projects to not harm these fish, including habitat and ability to spawn, *in the usual and accustomed grounds and stations*.

Federal-aid highway funds administered by the Federal Highway Administration are one source of funding that the State of Washington can choose to use to correct barrier culverts. Federal-aid procedures require that state transportation agencies, such as WSDOT, determine what projects receive the state's allocation of federal aid highway program funds. FHWA does not choose where WSDOT spends Federal-aid funds or how much funding is allocated to each project, as long as the choices WSDOT makes meet Federal-aid eligibility requirements and follow Federal regulations."

Comment L5.4

As you know, this project has not followed the same review process as was done for previous WSDOT road widening projects with NEPA work occurring before any federal permits are sent for review. In this case, the Corps' Joint Public Notice (NWS-2017-0827-DOT) for the I-405 Renton to Bellevue Phase I project (MP 3.8 to MP 11.9) was sent Dec 27, 2017. We sent comments to the Corps with a courtesy copy to FHWA on January 29, 2018. Many of these concerns are still outstanding and have not been adequately addressed to date, including, but not limited to:

(1) impacts to the Cedar River from a widened bridge crossing and artificial lighting at this crossing;

(2) the adequacy of the stream assessments to determine potential fish bearing streams in the corridor and I-405 culverts associated with them;

(3) the overall plan to replace the currently known fish-passage barriers on the I-405 corridor;

(4) the overall plan to replace culverts associated with the Eastside Rail Corridor (portions of which are being built with this project); and

(5) impacts to stream habitat and associated mitigation, particularly for Johns Creek.

These significant issues all have implications for salmon production and survival necessary to improve and restore fishing opportunities in WRIA 8 for Muckleshoot Tribal members currently limited by low numbers of salmon. The culvert issues alone for this project warrant a significant planning effort which has not been done to date. With this perspective, we ask that FHW A refrain from issuing any further documents under NEPA and coordinate directly with us to resolve our concerns.

Additional comments and our previous comments to the pending Corps permit are attached for your review and consideration. Given our request, we would like to meet with FHWA to discuss these concerns further. Please call me to schedule a meeting at 253-876-3116.

Response L5.4

You are correct that many WSDOT projects typically complete the NEPA process prior to entering the permit phase; however, this is not a requirement. WSDOT projects, particularly those that are delivered using the design-build model, can follow a parallel NEPA/permitting path. Federal permits received in advance of completing the NEPA process are conditioned. NEPA, Endangered Species Act (ESA) and Section 106 must be completed before the federal permit is valid.

In regards to your comments 1 through 5, WSDOT provides additional clarification below:

1. Cedar River- Please see Response L5.6.
2. Stream assessments – Please see Response L5.2.
3. Overall approach to replace fish barriers on I-405 - Please see Responses L5.2, L5.3, and L5.5.
4. ERC – Please see Response L5.2.
5. Stream impacts to Johns Creek – Please see Response L5.8.

FHWA and MITFD met on August 17, 2018 and WSDOT/FHWA/MITFD met on September 5, 2018, and November 1, 2018, to discuss the stream assessments and other related culvert topics and will continue to consult with MITFD throughout the delivery of this Project and the planning for future projects.

Comment L5.5

Specific Comments to the EA and the Water Discipline Report (Attachment H)

<u>Culvert issues</u>

There are numerous stream crossings in the project corridor, many of which are known to prevent adequate passage for salmon to upstream habitats. There is currently no comprehensive plan to address these barriers in any meaningful fashion. The project team focused on the few culverts that will be "touched" or modified by the project and these culvert replacements proposed will not be fully fish passable. While these existing culverts on these streams will be replaced with improved culvert designs, each of the culverts outlets will have restrictor plates/features on them (see pages 3-3 and 4-134) to maintain existing hydraulic conditions and avoid downstream flooding, thus making them at least partial fish passage barriers at best, full barriers at worst. The statements regarding improved fish passage on the affected streams in the EA and the Water Discipline Report are misleading as fish passage will not be fully restored and may never be restored due to downstream barriers.

WSDOT's responses to date regarding the preclusion of future replacements with highway widening and other work and the timing (i.e. future projects with unknown dates) of culvert replacements in the project area are all inadequate and inconsistent with the Culvert Case Injunction under U.S. v. Washington. The number of blocking culverts in the project area currently known may also be incorrect. A barrier culvert is identified after it has been determined that there is potential fish habitat above it. WDFW, on WSDOT' s behalf, makes this determination using physical criteria for bankfull width and stream bed gradient previously established in WAC 222-16-031. We repeatedly asked WSDOT for the stream assessments in the project corridor to determine if all of the potential salmon streams have been correctly identified so we could verify this information and ensure that all of the project barrier culverts were identified, too. We received the stream data on July 12, 2018. Based on our review, the data is incomplete to support the non-fish habitat determinations (shown on Page 4-124 in EA). Further physical stream data is needed to verify the stream classifications. Any errors may affect the culvert assessments and project plans to extend culverts (see Exhibit 4.7-4 for stream actions).

The EA also lacks any discussion or analysis to demonstrate how the road widening will not preclude future culvert replacements as required by the Culvert Case injunction. For example, the project proposes to construct a new lane crossing Thunder Hills Creek, Johns' Creek, Clover Creek, and other streams without replacing their existing fish passage barrier culverts. There are no analyses or project details that demonstrate how this project is in compliance with the Culvert Case Injunction. FHWA needs to rectify this and support the Tribe in its efforts to ensure that treaty-fisheries resources are adequately protected and restored.

We would also like to note that the fish passage workshop referenced in the EA was ineffective and unsatisfactory. At no time was it acknowledged that the fish passage needed to be fully restored at the few streams where WSDOT is modifying the culverts, nor did the participants offer any plans or alternatives to do so for all of the culverts involved in the discussion. Rather, the state and local participants generally defended their existing and planned infrastructure and would only support pre-determined alternatives that will not restore fish passage or mitigate for the lack of passage. We now ask that FHW A work

directly with us to resolve the fish passage concerns to ensure that the Tribe's fisheries treaty-rights will not be impaired by any aspect of this project undergoing environmental review, including but not limited to, stormwater facilities and trails (see page 4-79).

Response L5.5

WSDOT is actively consulting with MITFD to provide information on our overall plan to replace known fish passage barriers in the I-405 Corridor. Within the Project area, planned improvements near the barrier culverts that will not be replaced are limited to minimal roadway widening and restriping. The portion of the Project area between I-5 and SR 167 is a good example of a section of the Project where restriping of pavement and signage are the main Project elements. These improvements will not substantially change the roadway configuration from its current condition and will not affect the streams with barriers. Additionally, the I-405 team has reviewed forward compatibility of the current Project elements with future unfunded, but anticipated I-405 improvements, and determined the current Project will not preclude implementation of future fish passable structures.

Please see Response L5.2 regarding WSDOT policy at the time the project scope was finalized in 2012, to obtain Project funding.

The barrier culverts were assessed according to the procedures in the Injunction and the associated implementation guidance. The number of barrier culverts on I-405 was based on WDFW stream assessments and potential for fish use, including field verification and rechecking that occurred from 2015 to 2017. At the September 5, 2018 meeting it was agreed that WSDOT, MITFD, and WDFW would visit the streams together to jointly determine the potential for fish use in the Project area. This field work was completed in September 2018 and resulted in changes to the project. Please see Response L5.2 regarding the results of this stream assessment and additional culvert replacements that are proposed in response. Details are in Attachment 2, Errata to the Environmental Assessment.

As for the barrier corrections on UNT 08.LW.0283 (Gypsy Creek), the existing barriers are noted as such due to velocity. The replacement stream simulation crossings will improve fish passage by eliminating the lower capacity culverts, which addresses those velocity barriers.

Additionally, the two barrier culverts that are north of the NE 44th interchange area are on UNT 08.LW.7.7A and UNT 08.LW.7.8. These culverts have known maintenance issues and need to be replaced because they are at the end of their useful life. These culverts have been identified as full fish passage barriers by WDFW. The downstream drainage from UNT 08.LW.7.7A and UNT 08.LW.7.8 combines and flows between two houses in an undersized flume that discharges to Lake Washington. This downstream system is located outside of the project area and experiences some flooding today at the outlet in high flow conditions. This downstream system has been identified by WDFW as having three distinct crossings. These three crossings have been determined to be fish barriers by WDFW. Two of these crossings, WDFW ID 934090 and 934029, are full barriers and are 0 percent passable. The third crossing, 934089, is a partial barrier that is 67 percent passable.

Please see Response L5.1 for a description of WSDOT's primary and contingency plan for addressing fish barriers at UNT 08.LW.7.7A and UNT 08.LW.7.8.

Based on discussion with FHWA on January 25, 2019, FHWA understands that MITFD is requesting mitigation for the time period that the restrictors would be in place until WSDOT is able to complete either the primary or the contingency option for culverts UNT 08.LW.7.7A and UNT 08.LW.7.8. FHWA understands that there are questions about the terms of the Injunction regarding the time to achieve a remedy. FHWA and WSDOT are in active consultation with MITFD to resolve these questions.

We are sorry that you did not find the workshop meeting format to be effective. We will work with you to develop a different approach on future projects.

Thank you for your continued consultation with FHWA.

Comment L5.6

Cedar River Bridge widening

As noted in the EA, page 4-89, the widening ofl-405 at the Cedar River Bridge will increase shading impacts and continue to be a source of artificial lighting both of which adversely affect salmon. Currently there is no meaningful assessment of these impacts or mitigation proposed.

Comment L6.5

5. Cedar Bridge widening and lighting (L5.6)

We disagree with the assessment that a 5% increase in overwater coverage by an expanded bridge on 1-405 is insignificant. The coverage will likely increase predation opportunities of juvenile salmon that would otherwise support MIT fisheries. The applicant should be providing mitigation for these impacts.

Comment L6.6

With respect to artificial lighting on the 1-405 Bridge over the Cedar River, we appreciate WSDOT's efforts to follow our recommendations regarding coordinating with Roger Tabor from USFWS to determine changes needed to artificial lighting on the 1-405 Bridge crossing of the Cedar River. We request the detailed communications that occurred and the actual recommendations that Mr. Tabor provided for our review. We would also like to know if WSDOT made Mr. Tabor aware of the potential for additional lights to be added underneath the bridge near the Cedar River. We also request a copy of the illumination plan to be developed by the Design Builder Contractor that is expected to meet these recommendations.

Response L5.6, L6.5, L6.6

Thank you for your feedback on this topic. Since the meeting on November 1, 2018, WSDOT followed-up with Roger Tabor regarding lighting under the Cedar River and he

recommends we use directional lighting under the Cedar River bridge and that we avoid using LEDs. WSDOT's design-build contract will specify these requirements for illumination and they will be included within the illumination plan. WSDOT's I-405 Program contacted Roger Tabor by phone on November 5th, 2018. They discussed the potential effects of artificial lighting on salmon within the Cedar River, specifically the lighting of the travel lanes on top of the bridge and the pedestrian walkways underneath the bridge. Roger mentioned that prey species can be attracted to artificial light at night, which increases the possibility of juvenile salmon mortality due to predation. He indicated that the lighting issues at the Cedar River were previously studied in the following articles, *The Effect of Light Intensity on Sockeye Salmon Fry Migratory Behavior and Predation by Cottids in the Cedar River, Washington (Tabor et al. 2011)* located at https://doi.org/10.1577/M02-095 and *Phototaxic Behavior of Subyearling Salmonids in the Nearshore Area of Two Urban Lakes in Western Washington State (Tabor et al. 2017)* located at https://doi.org/10.1080/00028487.2017.1305988, to describe the potential effects in more detail. Roger followed up with an email summarizing the discussion and the email is provided in Appendix A to this attachment.

With regards to your comments on shading, the following information has been added to Attachment 2, Errata to the Environmental Assessment, for page 4-135 of the EA.

"The shade footprint of the current I-405 Cedar River Bridge is approximately 21,775 square feet. The bridge would be widened by 15 feet, which would increase the shade footprint by approximately 1,150 square feet to approximately 22,925 square feet, which amounts to a 5 percent increase.

As documented in the Biological Assessment (BA) for the Tukwila to Renton Improvement Project (WSDOT 2007), shading can have both beneficial and negative effects to fish habitat. Fish and aquatic species are sensitive to incremental shifts in temperatures outside of their natural range. Often, stream systems in urban settings, including many in the Project area, have elevated stream temperatures that are a potential threat to fish life. Shading from the new bridges over water may help reduce water temperatures and provide a beneficial effect to fish habitat. Conversely, overwater cover also presents a challenge for aquatic prey species, such as juvenile salmon, because predator species may concentrate in these areas, making passage for prey species difficult (Battelle 2006).

The primary effect in the Cedar River is on migration. Some juvenile salmonids may pass under bridges without delay, while others may hold under bridges for longer periods of time. Fish holding under bridges can expose juveniles to predation more than they would otherwise be while migrating.

As shown in Appendix H of the 2007 BA, the potential effect caused by increased overwater shading was determined to be insignificant. As noted above, the increase is less than 5 percent of the existing bridge. In addition, there are 10 bridges downstream providing overwater coverage along the fish migration pathway, so the increase in overwater coverage upstream is minimal compared to the overwater coverage that is located downstream and would not be expected to affect predator/prey relationships.

The illumination system under the bridge is intended to light the bike/pedestrian trails in the area as a public safety measure. The Cedar River Trail runs along the left bank (south side) of the river underneath I-405, and includes a bridge directly underneath I-405, connecting the trail to Cedar River Park north of the river. This section of the Cedar River Trail is owned and operated by the City of Renton. The bridge widening may require placement of additional lighting to maintain public safety in the bridge vicinity. The existing luminaires near the channel have previously been fitted with sleeves to ensure light is directed onto pathways, to limit ambient lighting of the stream. The Project will ensure that this approach is continued for any additional lights needed under the bridge, and existing lights within WSDOT's right of way will be retrofitted to ensure minimum impact while maintaining public safety. WSDOT's design-build contract will specify the requirements for illumination and they will be included within the illumination plan."

Also, in addition, the Cedar River Bridge widening will permanently remove some riparian vegetation. The Project will mitigate those riparian impacts by enhancing a Cedar River buffer area at Ron Regis Park, owned by the City of Renton, with native woody species. WSDOT coordinated with the Washington Department of Fish and Wildlife (WDFW) and followed the WDFW/WSDOT Memorandum of Agreement (July 2016) Concerning Implementation of the Fish and Wildlife Hydraulic Code for transportation. Before proposing mitigation, WSDOT worked sequentially to avoid impacts, minimize impacts, and compensate for unavoidable impacts to fish life or habitat that supports fish life.

Direct in-water impacts to the Cedar River were avoided entirely. Riparian buffer impacts and shading effects from the widened bridge could not be avoided completely even though designers minimized riparian buffer disturbance to the greatest extent possible. Although impacts were minimized to the greatest extent possible, approximately 4,859 square feet of vegetation adjacent to the Cedar River will be disturbed. Widening of the bridge over the Cedar River will result in 1,150 square feet of additional shading and 5,522 square feet of stream buffer will be temporarily disturbed during the construction of the bridge widening.

Mitigation is not possible immediately adjacent to the impact area. WSDOT evaluated offsite buffer mitigation opportunities and worked with the City of Renton to identify a 30,600 square foot area within the City of Renton's Ron Regis Park, located at 1501 Orcas Avenue SE, Renton Washington. The proposed mitigation area is located approximately 2.5 miles east of the Cedar River Bridge.

The proposed mitigation area currently contains a dense understory of non-indigenous blackberry vines below a sparse canopy of coniferous and deciduous trees. The proposed enhancements include removal of non-indigenous invasive vegetation and planting native vegetation along the Cedar River. These plantings would be consistent with the natural features of the Cedar River and this area of Ron Regis Park.

WDFW guidelines recommend mitigation at a ratio of 1:1 for permanent buffer impacts. WSDOT understands that the MITFD does not agree with the Biological Assessment, which states that the potential effects caused by the increased shading were determined to be not

significant, however we would offer that the Ron Regis site provides 30,600 square feet of mitigation, which translates to a 5:1 mitigation ratio for permanent stream impacts.

Comment L5.7

Impacts to Streams, Wetlands and their buffers

We provided our concerns with impacts to streams, wetlands, and their buffers and the mitigation proposed via the pending Corps permit. Several of these concerns are outstanding.

Please note that on page 5-27, the Water Resources Discipline Report notes that there will be no in-water work at May Creek, which contradicts the EA on page 4-90 and the pending Corps permit drawings. The project will be removing riprap and quarry spalls from below the Ordinary High Water Mark and adding wood and rounded rock. If this has changed, please let us know as that will affect our comments to the Corps permit.

Comment L6.7

6. Impacts to streams, wetlands, and their buffers (L5.7)

There are outstanding issues with this topic that are noted further in our comments to the Errata.

Comment L6.8

7. May Creek mitigation (L5.7)

We appreciate WSDOT' s efforts to modify the work to be done on May Creek by removing some of the existing riprap and adding wood to the stream. We have technical comments on the design which we will provide in detail in our follow-up comments to the Corps' pending 404 permit.

Response L5.7, L6.7, and L6.8

Thank you for your comments on the Corps permit and your continued engagement in that permitting process. WSDOT will continue to provide responses to comments from the MITFD as requested by the Corps. As part of ongoing permit coordination, WSDOT has provided an updated plan for work proposed at May Creek, which includes removing about 4,000 cubic yards of rip rap and adding large woody material in stream channel. Attachment 2, Errata to the Environmental Assessment has been updated to reflect that work to remove rip rap and install large woody material would occur in the stream channel. Exhibit 4.7-4 has been revised to indicate that the Project would "Construct two single-span bridges, remove rip rap, and install large woody material in the stream channel and floodplain." This NEPA decision document includes a similar discussion of work proposed at May Creek.

If you have any questions or need additional information, WSDOT is happy to discuss these work elements further with MITFD.

In addition, in response to your comment, clarifying text has been added to the Errata, so that language in the EA on page 4-90 regarding the type of material to be added to May Creek is consistent with language in the permitting documentation.

Comment L5.8

Stormwater impacts

We disagree with the proposal to exempt stormwater discharges to Johns Creek from stormwater control as described in the Water Resources Discipline Report. If we had been invited to the 2016 stormwater design charrette meeting, we would have made these comments known at that time. We did make these comments in response to the pending Corps permit noting that Johns Creek is used by non-natal ESA listed juvenile Chinook, most likely from the Cedar River as fry (Tabor et al. 2006). At this life stage, they about 2-3 inches (<60 mm) are susceptible to velocities that exceed their swimming speeds, generally 2 feet per second or less. Johns Creek is a simplified stream that lacks pools, wood, and other features that reduce velocities (see photos in Tabor et al. 2006). Adding more stormwater directly to Johns Creek without detention creates an adverse condition to these juvenile Chinook that has not been adequately considered by WSDOT. If this is the only location to discharge stormwater and it is truly infeasible that this stormwater cannot be detained, then WSDOT should enhance Johns Creek such that velocities will be reduced for juvenile Chinook that use the stream which typically overlaps with stormwater discharges. A relatively simple mitigation measure would be to add substantial numbers of complex wood structures to Johns Creek below the outfall to improve juvenile Chinook habitat and reduce velocities.

We are also concerned that the project proposed to discharge undetained stormwater to another small stream in the project corridor. Please clarify what the stream is that will receive undetained stormwater described on page 5-3 as "*Lake Washington via conveyance systems at WSDOT funded improvement across Virginia Mason Athletic Center in Renton*"

Is this Stream UNT 08.LW.0283? If yes, please explain why this stream is exempt from stormwater detention requirements. The EA also needs to evaluate how adding stormwater to this stream benefits salmon and does not preclude any future benefits that will be derived from the new stream simulation culvert on this stream, assuming the downstream barriers are replaced so that the stream is fully accessible to adult and juvenile salmon.

On page 5-10, the Water Resources Report states:

"An increase in dissolved copper discharges are expected at Johns Creek, a fish bearing stream and UNT 08.LW0283. UNT 08.LW0283 is not currently a fish-bearing stream; however, it may become a fish-bearing stream after fish passage improvements are made to this drainage as part of the proposed improvements. For both of these locations, the dilution assessment demonstrated that the mixing zone is typically less than 1 foot in areas where fish may be present."

This statement implies that impacts to juvenile salmon from these increases in dissolved copper are minimal solely based on a mixing zone condition that does not consider the

importance of this stream as rearing area for Cedar River chinook nor the existing baseline water quality which could exceed sublethal levels for dissolved copper.

Comment L6.9

8. Johns Creek stormwater concerns (L5.8)

We appreciate the additional information and analysis provided in WSDOT's responses. We are still reviewing the information and design changes and will provide further detailed comments to the Corps' permit process regarding the adequacy of the analysis and the design changes.

Comment L6.10

9. Stormwater flow control exemption for Stream UNT 08.LW.0283 (L5.8)

We appreciate WSDOT's responses regarding the lack of detention proposed for stormwater discharged to proposed Stream UNT 08.LW.0283 (Gypsy subbasin). We disagree that this conveyance system is entirely manmade as there are open sections of stream downstream of the 1-405 culvert. Regardless, there is no acknowledgement that the 2014 SMMWW reflect minimum requirements and do no authorize the further degradation of salmon resources. Discharging stormwater to this system without detention will reduce available habitats for juvenile salmon. These impacts should not be allowed or, if completely unavoidable, then should be minimized and mitigated consistent with mitigation sequencing (i.e. avoidance).

Response L5.8, L6.9, and L6.10

Stormwater Charrette

WSDOT held a stormwater charrette in 2016 to develop specific stormwater solutions in the area between 112th Avenue SE and the I-90 interchange. The Johns Creek discharge was not discussed in the 2016 stormwater charrette. We apologize that we did not include you in this workshop and will ensure MITFD is invited for any stormwater workshops in the future, in addition to ongoing consultation efforts. Please note that there are no stormwater workshops currently planned.

Johns Creek

Attachment 2, Errata to the Environmental Assessment has been updated to indicate that large woody material would be installed at Johns Creek. Text in Exhibit 4.7-4 from the Errata was revised to state that "Culverts are to remain and an additional outfall would be constructed and large woody material would be installed."

Johns Creek is listed as a flow control exempt water body in the Ecology *Stormwater Management Manual for Western Washington* (SMMWW) and in the WSDOT *Highway Runoff Manual*.

This Project will treat 100 percent of the 31.90 acres of WSDOT I-405 mainline roadway contributing to the new outfall to Johns Creek. The new outfall will be a benefit upstream by removing the existing WSDOT contribution of 27.68 acres of untreated

runoff plus a significant portion of untreated City runoff from that upper reach. As a result, flow peaks and velocities will reduce. Just upstream of the new WSDOT outfall, the 2-year velocity of 2.10 feet per second (fps) before the Project reduces to 1.87 fps after the Project, the existing 25-year velocity of 2.41 fps reduces to 2.11 fps after the project, and the existing 100-year velocity of 2.23 fps reduces to 1.94 fps after the project (based on HEC-RAS hydraulic models).

The Project will have minor changes to peak runoff in Johns Creek downstream of the new discharge: 2 percent increase for the 2-year storm, and less than a 0.3 percent increase in the 25-year and 100-year storms. With this minor change, velocities will be the same as existing condition downstream of the new outfall. At the Southport Driveway (just downstream of the new WSDOT outfall) there is no change in velocity. The 2-year velocity = 2.35 fps before and after the project, 25-year velocity = 2.57 fps before and after the project, and 100-year velocity = 2.42 fps before and after the project (based on HEC-RAS hydraulic models).

WSDOT has updated the Johns Creek discharge to change the pipe outlet to a stilling well outlet, provide grading to create a backwater area, and integrating large woody material based on feedback from WDFW and has provided that information to MITFD for its review and input. The revision at Johns Creek incorporates a side pool that will reduce velocities relative to the open pipe option. The proposed side channel associated with the new WSDOT discharge has been shown at 20 feet wide in the conceptual plans. Velocities in that side channel will depend on final design and have not been modeled. They are likely to have similar velocities compared to the main channel downstream of the outfall as discussed in the paragraphs above. This revised outlet configuration will also increase existing habitat and effectively moves the "instantaneous mixing zone" for the slight increase in dissolved copper pollutant load out of the existing channel habitat area. It is our intent to continue to coordinate this detail with MITFD through final design. Based on feedback from MITFD, WSDOT will remove the proposed new boulder groupings that were shown in the existing channel in the conceptual plan provided on November 1, 2018.

UNT 08.LW.0283

In response to comments on page 5-3, the stream improvement across the Virginia Mason Athletic Center in Renton is in UNT 08.LW.0283 (Gypsy Creek). The Gypsy Creek subbasin is not listed as a flow control exempt water body in the 2014 Ecology *Stormwater Management Manual for Western Washington* (SMMWW). The downstream conveyance of Gypsy creek meets Washington State's criteria in the 2014 SMMWW (Volume I, Chapter 2, page 64) as bulleted below that exempts the section through WSDOT right of way and downstream to Lake Washington:

Excerpt from 2014 SMMWW, Volume 1, Chapter 2, page 64:

- The Project site must be drained by a conveyance system that is comprised entirely of manmade conveyance elements (e.g., pipes, ditches, outfall protection) and extends to the ordinary high-water line of the exempt receiving water; and

- The conveyance system between the Project site and the exempt receiving water shall have sufficient hydraulic capacity to convey discharges from future build-out conditions (under current zoning) of the site, and the existing condition from non-project areas from which runoff is or will be collected; and
- Any erodible elements of the manmade conveyance system must be adequately stabilized to prevent erosion under the conditions noted above.

The Project meets Highway Runoff Manual requirements. To address your concerns regarding the increased flows WSDOT will specify in the design-build contract performance requirements that flow velocities in the open channel reaches downstream of Lake Washington Boulevard NE shall be less than or equal to those velocities in the current condition. As part of the NEPA documentation, Page 5-23 of the Tukwila to I-90 Water Resources Discipline Report discusses open channel and floodplain areas that would improve fish passage and habitat. In particular, "Channel and floodplain enhancements would occur within the East Lake Washington – Bellevue South subbasin. Three unnamed tributaries, UNT 08.LW.0283, UNT 08.LW.7.7A, and UNT 08.LW.7.8 would have their existing culverts replaced with fish passage structures. Additionally, on UNT 08.LW.0283, two open channel and floodplain areas would be constructed between I-405 and NE 43rd Street for fish passage and improved habitat."

Dissolved Copper

Regarding dissolved copper findings, as described on page 4-112 of the EA, the dilution assessment for the Project using the HI-RUN model demonstrated that dissolved copper levels will be below effects thresholds on fish less than 1 foot from outfalls in areas where fish may be present. This is the same finding as in the pre-Project condition. HI-RUN user guidelines state that dilution values less than 1 foot suggest near instantaneous dilution to below the biological effects threshold, so the models predict that there will be no change in biological effects. The statement in the EA relates to dissolved copper loads (measured in pounds per year), which are expected to increase by about 4 percent from about 8.5 pounds per year under existing conditions to 8.8 pounds per year with the Project. This is not considered substantial because the total copper loads are expected to decrease from about 36 percent from 32.4 pounds per year under existing conditions to about 20.9 pounds per year with the Project. The increase in flow volumes counteract the increased load, so concentrations reduce. In addition, as noted above, for Johns Creek the outfall will be moved away from existing channel habitat.

Comment L5.9

May Creek impacts

On page 5-27, the Water Resources Discipline Report notes that there will be no in-water work at May Creek which contradicts the EA on page 4-90 and the pending Corps permit drawings. The project will be removing riprap and quarry spalls from below the Ordinary

High Water Mark and adding wood and rounded rock. If this has changed, please let us know as that will affect our comments to the Corps permit.

Response L5.9

Please note that the text you are referring to is on page 5-24 of EA Attachment D, *Water Resources Discipline Report*. Please see Response L5.7 for information on the work planned within May Creek and changes made to the Attachment 2, Errata to the Environmental Assessment.

Comment L5.10

Linked Actions and Direct and Cumulative Effects

Finally, we are concerned that the project scope of this Environmental Assessment is too narrow to comply with NEPA because this project is a smaller piece of a larger highway project. The environmental analysis of this smaller portion of the larger project in isolation obscures the true scope of the project's effects on anadromous fish.

Response L5.10

As noted in the I-405 Program's 2002 EIS, individual projects will be cleared on I-405 as funding becomes available. Pages 1-2 through 1-5 of the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (Project) EA explain the history of the Project and the analysis contained in prior NEPA documents which had footprints within this Project's study area (Renton to Bellevue Project and the Tukwila to Renton Improvement Project). EA Attachment O provides an explanation of the Project's independent utility.

Please see Responses L5.1, L5.2, L5.3, and L5.5 for responses associated with effects on anadromous fish and culvert replacements.

Comment L6.11

B. Comments to the EA Errata

1. Exhibit 4.7-2 *"Streams in the Study Area"*

This Exhibit, which is a table of streams in the study area, is incorrect based on WDFW available data. For example, WDFW has given #998965 as the site ID for Cottage Creek (a Gilliam Creek tributary). Site Id #998967, unnamed tributary to Gilliam Creek is a shown as Type F waters with a fish passage barrier that blocks access for salmon to habitats upstream. Site ID 934704, Unnamed Stream 8.15 has been determined to be a fish passage barrier and the stream typed as Type F waters based on WDFW's 10/23/2018 data. As such any culvert work at this location should meet the Federal Court injunction standards, as needed.

We strongly urge FHWA to work with WDFW and WSDOT to verify the data in this table before publishing these Errata. Also, the column labeled "Fish Presence" isn't accurate as many of these are streams are determined to have potential fish habitat based on physical criteria from WAC 222-16-031 that is used wherever WDFW says a site is Type F based on "physical criteria". These streams may or may not have documented fish presence which

would be affected by barrier culverts. It would be better to label this column as Stream Type as was shown originally.

Response L6.11

Thank you for the feedback on the draft Errata. That document has undergone several updates. Exhibit 4-7.2, "Streams in the Study Area," has been reviewed and updated. Attachment 2, Errata to the Environmental Assessment has been updated to reflect the changes.

Comment L6.12

2. Exhibit 4-7.4 "*Fish Passage Improvements and Discussion of Stream Impacts in the Project Area*"

This Exhibit should match the updated stream information from Exhibit 4-7.2 once it is corrected. Also, we caution FHWA on the text and additional column added to Exhibit 4-7.4 labeled "Injunction Barrier". The injunction barriers are based on what could support salmon based on what is currently known about the site but also allows for additional culverts to be added to this list once identified. Some of these lowland streams involved with 1-405 may support salmon species like coho once other downstream barriers are removed. It may be better to note these culverts as "initial injunction list barriers."

Response L6.12

Exhibit 4-7.4 "Fish Passage Improvements and Discussions of Stream Impacts on the Project Area," has been updated. Attachment 2, Errata to the Environmental Assessment has been updated to reflect the changes.

Comment L6.13

3. Page 4-130

The stream and stream buffer mitigation described on this page (i.e. May Creek, Gypsy Creek, Ron Regis Park, Median Creek and Mercer Slough) is inconsistent with the mitigation described in the November 2018 Wetland and Stream Mitigation Report. Further, it appears that WSDOT is seeking stream/buffer credit for making some culverts fish passable. A larger culvert is not self-mitigating with respect to impacts to stream habitats/processes and riparian habitats. Streams that will be impacted by this project need to be mitigated at the stream site unless it is clearly infeasible for mitigation to occur anywhere on the impacted stream.

Response L6.13

The mitigation of stream buffer impacts was consolidated at three stream sites (May Creek, UNT 08.LW.0283 (Gypsy Creek), and Median Creek) in order to maximize the riparian enhancement potential on state right-of-way and the effectiveness of the mitigation. It would not be practical to create an individual mitigation site on each of the 12 streams where buffer impacts occur, due to limited right-of-way, and the likelihood of effectively managing that quantity of sites for up to 5 years. May Creek and Gypsy Creek are two of the larger perennial streams on the corridor with documented fish use, and both have

significant project work surrounding them, which is why they were selected as stream and stream buffer mitigation sites. Median Creek is an appropriate mitigation site because it includes one of the largest contiguous riparian habitat units within state right-of-way on the corridor, and its current condition is degraded. There are three permit packages associated with the I-405, Renton to Bellevue Widening and Express Toll Lanes Project:

- I-405, I-90 to NE 6th Toll Lanes (MP 11.9 to MP 14.6);
- I-405, Renton to Bellevue Project, Stage 1 (MP 3.8 to MP 11.9); and
- I-405, Tukwila to Renton Improvement Project (TRIP), Stage 3 (MP 0.0 to MP 3.8).

The Ron Regis Park site is included within the TRIP, Stage 3 area. The Ron Regis mitigation site addresses WDFW and City of Renton permit requirements.

WSDOT is not seeking stream/buffer credits for making culverts fish passable, but we do acknowledge there are stream, fish, and riparian habitat benefits associated with enlarging the cross culverts under I-405.

The Renton to Bellevue project will permanently impact 1.96 acres of stream buffer on 12 streams. The proposed mitigation (as shown in Appendix B of the Wetland and Stream Mitigation Report) of those impacts are as follows:

Mitigation Site	Mitigation Planting Area
May Creek	0.117
UNT 08.LW.0283 (Gypsy Creek)	1.335
Median Creek	1.15
Total	**2.602**

The project is providing additional stream buffer enhancement on Stream 8.15 both upstream and downstream of I-405 in order to satisfy City of Newcastle and King County requirements.

Comment L6.14

With respect to May Creek, it appears that the project may not be fully mitigating its instream impacts or its buffer impacts. Further information is needed to demonstrate that there will be at least 3,058 square feet of instream mitigation to offset impacts. The stream buffer mitigation is inadequate as there will be 0.30 acres of buffer planted versus 0.51 acres permanently impacted and 0.16 of temporary buffer impacts. With these numbers, there is no extra crediting available to mitigate other stream impacts at this location.

Response L6.14

The project includes 3,058 square feet of permanent impacts to May Creek. This impact is a result of the work required to remove angular rock/rip rap from May Creek. The impacts do

not include fill within the channel or further degradation of instream habitat. Construction at May Creek includes removal of over 4,000 cubic yards of fill material and bridge piers underneath and adjacent to the existing bridge, providing ~8,000 square feet of restored floodplain function. It also includes the installation of large woody material habitat structures, resulting in 3,220 square feet of instream habitat improvement. These floodplain and stream improvements sufficiently compensate for the impact of removing fill material from the May Creek channel.

The buffer planting area surrounding May Creek is limited to 0.117 acres due to a lack of right-of-way. Additional buffer planting area (1.335 acre) is included at UNT 08.LW.0283 (Gypsy Creek) to balance the overall buffer mitigation needs of the project. The overall approach to stream buffer mitigation provides the maximum benefit to Median Creek, UNT 08.LW.0283 (Gypsy Creek), and May Creek within right of way.

All temporary impacts to stream buffers, including those at May Creek, are being restored with native woody vegetation.

Comment L6.15

4. Page A2-8, lines 10-18

The Errata fails to note that since the new culverts on UNT 08.LW.7.7.A and UNT 08.LW.7.8 will need flow restrictors that match the diameter of the existing culverts, then these culverts will not be fully fish passable. The Federal Court Injunction requires that these types of culvert situations *"shall mitigate for the impacts of deviating from the standards of this injunction so that the resulting correction plus any mitigation provides at least the same net benefit to the salmon resource as would have occurred had the correction applied the required standards."* An initial mitigation plan has been developed by WSDOT but has yet to be reviewed and approved by MIT.

Response L6.15

In addition to the information noted in Response L6.2, Attachment 2, Errata to the Environmental Assessment has been updated with text to indicate that the new culverts on UNT 08.LW.7.7. A and UNT 08.LW.7.8 will not be fish passable because of the restrictors.

Comment L6.16

5. Cedar River Bridge (Pages A2-8 and A2-9)

See our follow-up comments above regarding the impacts to the expanded 1-405 bridge over the Cedar River.

Response L6.16

Please see Response L5.6, L6.5, and L6.6.

Comment L6.17

6. Johns Creek (Page A2-10)

The Errata notes that the stormwater generated from the new hotel at the Southport development "will be connected to the new WSDOT outfall that would discharge into Johns Creek". This is new information for us and will need to be considered in light of our concerns regarding potential impacts to Johns Creek from stormwater. It is also not clear if there will be stormwater from the Lake Washington Boulevard expansion project that will also be added to stormwater conveyed via the new Johns Creek outfall. This needs to be clarified.

The EA also briefly describes the City of Renton's proposed Park Avenue North roadway project that will extend the roadway over the existing railroad tracks onto the Southport development. This has further implications for potential impacts to Johns Creek. Please provide us with additional information about the Park Avenue North roadway project so that we can evaluate it accordingly as neither WSDOT nor Renton has discussed this project with us.

Response L6.17

At the September 5, 2018 meeting between WSDOT, FHWA, DOE, Corps and MITFD, it was expressed by MITFD that the project take into consideration local and developer projects in the vicinity of John's Creek. The Tukwila to I-90 Environmental Assessment (EA) Exhibit 5-1 on pages 5-4 and 5-5 lists these projects that were taken into consideration in the analysis. WSDOT added further clarifying text as noted in Attachment 2, Errata to the Environmental Assessment regarding stormwater. The stormwater drainage system for the new hotel was assumed as an existing condition in the stormwater modeling completed for the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project. The Project is reconstructing the existing stormwater conveyance. Once the Project is built, stormwater from the new hotel would be relocated to connect to the new WSDOT outfall that would discharge into Johns Creek. The Park Avenue North Project, as noted in the Errata, is a new project that will begin design and construction in 2019 depending on funding. WSDOT will continue to coordinate with the City of Renton on development and local roadway construction projects in this area and does not anticipate that these projects would have a negative cumulative effect on Johns Creek or Lake Washington. WSDOT will be treating stormwater discharges that travel to Johns Creek, which will be an improvement over existing conditions.

Comment L6.18

We appreciate the opportunity to consult directly with FHWA on this project and look forward to continued coordination. Based on these follow-up comments, it may be useful to meet to discuss them further. Please call me to set up such a meeting.

Response L6.18

FHWA and WSDOT look forward to continued consultation with MITFD. In addition, WSDOT would like to set up regular meetings to continue coordination on the funded future projects on I-405. We look forward to continuing to work with you.

APPENDIX A EMAIL FROM ROGER TABOR

Subject: FW: Email from Roger Tabor
Attachments: Tabor et al-2017 Phototaxic Behavior of Subyearling Salmonids.pdf

From: Tabor, Roger <roger_tabor@fws.gov>
Sent: Monday, November 05, 2018 5:33 PM
To: Thomas, Robert A <ThomasR@wsdot.wa.gov>
Subject: Re: [EXTERNAL] RE: I-405 Renton to Bellevue Express Toll Lanes - Artificial Lighting Near Cedar River

Hello Rob,

As I mentioned over the phone, the goal should be to try and minimize the amount of artificial nighttime lighting that reaches the river. Of course, safety and engineering considerations have to be considered. The main concern with artificial nighttime lighting is that it attracts juvenile salmon where they can be vulnerable to predation. Our earlier work in the Cedar River focused on sockeye salmon fry but results can be applicable to juvenile Chinook salmon and juvenile coho salmon. I've also attached our more recent paper that describes some work we conducted in Lake Washington and Lake Sammamish. Results demonstrated that both Chinook salmon and coho salmon are also attracted to lights.

Let me know if you have any questions,

Roger Tabor
Supervisory Fish Biologist
U.S. Fish and Wildlife Service
Lacey, Washington 98503

office: 360-753-9541

On Mon, Nov 5, 2018 at 3:07 PM Thomas, Robert A <ThomasR@wsdot.wa.gov> wrote:

> Hi Roger, thanks again for the discussion on my project and the Cedar River. We'll review your paper from 2004 and see if there is anything we haven't considered related to artificial light. Please let me know if you have any more thoughts on the subject.
>
> Thanks,
>
> Rob
>
> **Rob Thomas**
> **Biologist/Environmental Coordinator**
> **Washington State Department of Transportation**
> **thomasr@wsdot.wa.gov**
>
> **(425) 456-8556 (direct)**
> **(360) 990-6903 (mobile)**

From: Tabor, Roger <roger_tabor@fws.gov>
Sent: Monday, November 05, 2018 11:46 AM
To: Thomas, Robert A <ThomasR@wsdot.wa.gov>
Subject: Re: [EXTERNAL] I-405 Cedar River Bridge Project - Lighting and Shading

Hello Rob, good talking to you; here is our old paper. Let me know if you have any questions.

Roger Tabor
USFWS
Lacey, Washington

ATTACHMENT 2 – ERRATA TO THE ENVIRONMENTAL ASSESSMENT

The following corrections apply to the Environmental Assessment (EA) and accompanying attachments for the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (Project), which was issued on July 9, 2018. Changes to the EA text are identified by their corresponding page number in the document's original published edition.

Page 5, first paragraph

The Project would treat stormwater to address the new expanded highway area plus about half of the existing roadway that is not currently being treated. The Project would reduce pollutant loading for most pollutants compared to existing conditions. The Project would replace ~~five existing culverts~~ seven fish barriers with fish passable structures, which would improve fish habitat.

Page 1-4, second paragraph

Environmental impacts of portions of this Project were evaluated in 2006 and 2008 as part of two distinct projects that proposed larger-scale improvements than those proposed with this Project. Those two projects are called the I-405, Tukwila to Renton Improvement Project (TRIP) (I-5 to SR 169) and the I-405, SR 169 to I-90 Renton to Bellevue Project (Renton to Bellevue Project). The environmental impacts of these two projects were evaluated in the following documents:

- *I-405, Tukwila to Renton Improvement Project (I-5 to SR 169 – Phase 2) Environmental Assessment and Draft Section 4(f) Evaluation* (2008 TRIP EA), March 2008 (WSDOT and FHWA 2008a).
- *I-405, Tukwila to Renton Improvement Project (I-5 to SR 169 – Phase 2) Finding of No Significant Impact and Final Section 4(f) Evaluation* (2008 TRIP FONSI), July 2008 (WSDOT and FHWA 2008b).
- *I-405, Tukwila to Renton Improvement Project (I-5 to SR 169 Phase 2) National Environmental Policy Act Re-Evaluation*, August 2015.
- *I-405, SR 169 to I-90 Renton to Bellevue Project Environmental Assessment* (2006 Renton to Bellevue EA), March 2006 (WSDOT and FHWA 2006).
- *I-405, SR 169 to I-90 Renton to Bellevue Project Finding of No Significant Impact and Programmatic Section 4(f) Evaluation* (2008 Renton to Bellevue FONSI), November 2008 (WSDOT and FHWA 2008c).

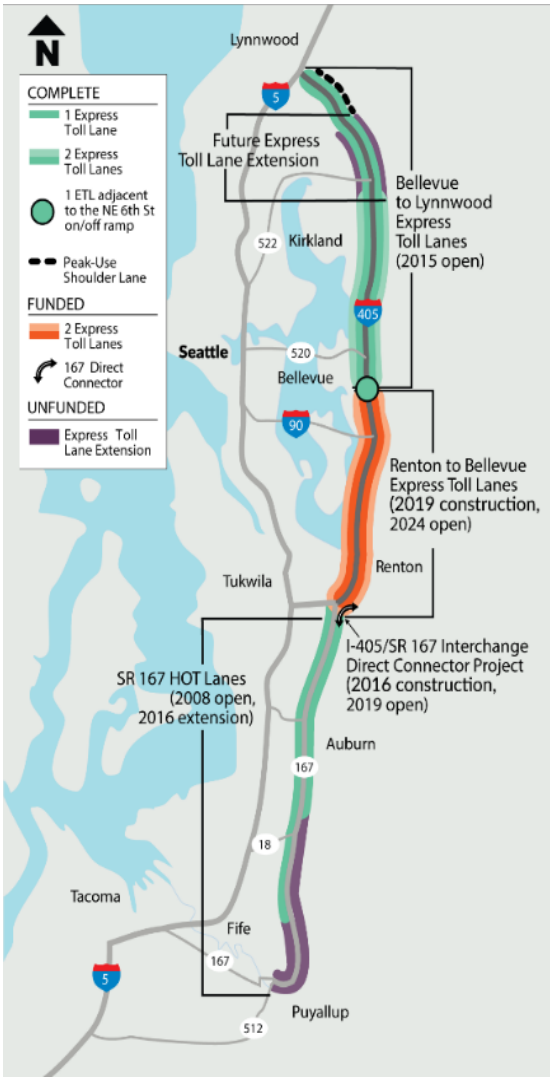
Tolling was not proposed or evaluated in the ~~environmental documents~~ EA and FONSI documents listed above. Because of this, is evaluating the current, funded improvements, which include tolling, in this Environmental Assessment (EA). This new EA does not supersede previous environmental documentation listed above.

Page 1-5, last sentence of the first paragraph

The following improvements associated with the TRIP evaluated in ~~2006 and~~ 2008 and 2015 have been constructed or construction is nearly complete:

Page 1-6, Exhibit 1-2, the graphic below was missing

Exhibit 1-2. SR 167/I-405 Proposed ETL System



Page 2-8, third paragraph, first sentence

How did WSDOT involve tribal governments?

WSDOT has participated in ~~g~~Government-to-~~g~~Government consultation with the following four federally recognized tribes since the beginning of the I-405 Corridor Program: Muckleshoot Indian Tribe, Snoqualmie Tribe, Tulalip Tribes, and the Confederated Tribes and Bands of the Yakama Nation.

Page 3-3, Exhibit 3-1

Exhibit 3-1. Improvements Proposed with the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project

Project Element	I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project
I-405/I-5 Interchange Exhibit 3-2, Sheet 1	– Extend the southbound left lane at the I-5 interchange west for approximately 500 feet to provide additional merge distance.
I-405 Lanes and Shoulders from SR 167 to north of I-90 Exhibit 3-2, Sheets 2 through 8	– Create a dual ETL system from MP 2.9 (northeast of the I-405/SR 167 interchange) and MP 11.9 (north of the I-405/I-90 interchange) by adding one new lane in each direction and converting the existing HOV lane to an ETL. – Convert the existing HOV lane to a single ETL from MP 2.4 (at the I-405/SR 167 interchange) to MP 2.9 on northbound I-405 and from MP 1.6 (in Renton over Springbrook Creek) to MP 2.9 on southbound I-405. – Add an additional GP (auxiliary) lane on southbound I-405 between MP 6.7 (north of 30th Street) and MP 7.1 (south of NE 44th Street) and MP 9.4 (north of 112th Avenue SE) to MP 10.5 (north of Coal Creek Parkway). – Bring I-405 up to current freeway standards where feasible.
I-405 Tolling from SR 167 to north of I-90 Exhibit 3-2, Sheets 2 through 8	– Construct tolling gantries to collect the tolls for the ETL system (see description in the row above).
Cedar Avenue Exhibit 3-2, Sheet 4	– Reconstruct the bridge over I-405 to widen southbound I-405.
Renton Avenue Exhibit 3-2, Sheet 4	– Reconstruct the bridge over I-405 to widen southbound I-405.
Cedar River Bridge Exhibit 3-2, Sheet 4	– Widen the southbound I-405 bridge over the Cedar River.
Sunset Boulevard N Interchange Area Exhibit 3-2, Sheet 4	– Widen the I-405 northbound and southbound bridges over Sunset Boulevard N.
NE Park Drive Interchange Area Exhibit 3-2, Sheet 5	– Widen the I-405 southbound bridge over NE Park Drive.
N 30th Street Interchange Area Exhibit 3-2, Sheet 5	– Replace the local road overpass abutment slopes with retaining walls on both sides of I-405 and lower the southbound I-405 roadway by approximately one foot.

Exhibit 3-1. Improvements Proposed with the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project

Project Element	I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project
NE 44th Street Interchange Area Exhibit 3-2, Sheet 6	– Replace the northbound and southbound I-405 bridges over May Creek with two new single-span bridges and provide habitat improvements. – Replace the NE 44th Street bridge over I-405. Construct new direct access ramps and two inline transit stations (one for each direction) in the I-405 median. Transit stations will include station platforms, signage, artwork, lighting, fare machines (ORCA), and site furnishings such as shelters, lean rails, benches, bollards, bicycle parking, and trash receptacles. – Realign and reconstruct the northbound access to I-405 from a loop ramp to a new on-ramp from Lake Washington Boulevard NE. – Build four roundabouts along local arterials. – Construct an at-grade park-and-ride lot at Lake Washington Boulevard N and N 43rd Street with a minimum of 200 parking stalls and a roundabout (improvements will be built, but may be built by Sound Transit or others). – Replace two existing culverts at Stream UNT 08.LW.7.7A and Stream UNT 08.LW.7.8.
112th Avenue SE Interchange Area Exhibit 3-2, Sheet 7	– Replace the 112th Avenue SE bridge over I-405. – Construct new direct access ramps, two inline transit stations (one for each direction) in the I-405 median. Transit stations will include station platforms, signage, artwork, lighting, fare machines (ORCA), and site furnishings such as shelters, lean rails, benches, bollards, bicycle parking, and trash receptacles. – Construct a roundabout on 112th Avenue SE. – Reconfigure the Newport Hills Park-and-Ride.
Coal Creek Parkway Interchange Area Exhibit 3-2, Sheet 7	– Construct a new southbound I-405 bridge on a new alignment. Convert the existing southbound I-405 bridge to northbound ETLs. – Convert the four local road intersections on Coal Creek Parkway SE to roundabouts.
I-405/I-90 Interchange Area Exhibit 3-2, Sheet 8	– Reconfigure the I-405 southbound to I-90 eastbound ramp from one to two lanes. – Realign the I-405 northbound to I-90 eastbound ramp. As part of this work, construct two new bridges over the eastbound I-90 ramp to Factoria Boulevard and over Factoria Boulevard.
Fish Passage Exhibit 3-2, Sheets 6 and 7	– Replace three fish barriers with ~~Construct~~ fish passablege~~e~~ crossings for unnamed tributary (UNT) 08.LW.0283 (formerly Gypsy Creek). ~~– Construct a fish passage crossing under I-405 mainline for Stream UNT 08.LW.7.7A.[a]~~ ~~– Construct a fish passage crossing under I-405 mainline for Stream UNT 08.LW.7.8.[a]~~ – Replace one fish barrier with a fish passable crossing under I-405 for Stream 8.15. – Replace one fish barrier with a fish passable crossing under the ERC for Stream 9.8[a]. – Replace one fish barrier with a fish passable crossing under the ERC for Stream 9.9[a]. – Replace one fish barrier with a fish passable crossing under I-405 for Stream 10.0.
Lake Washington Trail Exhibit 3-2, Sheets 6 and 7	– Realign and reconstruct the existing trail west of its current location to reside in the King County's ERC property between Ripley Lane in Renton (MP 7.7) and Coal Creek Parkway in Bellevue (MP 10.2). As part of this work, widen a portion of the King County's ERC Regional Trail.
Noise Walls Exhibit 3-2, Sheets 4, 6, 7 and 8	– Construct 4 new noise walls. – Relocate 2 existing noise walls.

Exhibit 3-1. Improvements Proposed with the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project

Project Element	I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project
Stormwater Management Exhibit 3-2, Sheets 1 through 8	– Add 46.92 acres of new PGIS and 5.7 acres of non-PGIS. – Provide enhanced treatment for 100 percent of new impervious surfaces. – Retrofit 51 percent (111.5 acres) of existing untreated PGIS and continue to treat stormwater from the 21.27 acres of PGIS that currently receives treatment. – Treat a total of 179.69 acres of PGIS.
Construction Duration	– 5 years of construction is expected from 2019 through 2024. – The direct access ramps and associated transit improvements at 112th Avenue SE, reconfiguring the Newport Hills Park-and-Ride lot, and building four roundabouts on Coal Creek Parkway SE may be constructed after 2024, depending on when allocated funds for these elements become available.

ETL = express toll lane GP = general purpose; HOV = high-occupancy vehicle; ERC = Eastside Rail Corridor, PGIS = pollution-generating impervious surfaces; UNT = unnamed tributary

~~[a] For these culverts, a restrictor plate will be put in place to prevent flooding until a downstream barrier is removed, at which time the restrictor plate will be removed.~~

[a] These culverts are owned by King County

Note – the same changes described above, also apply to Exhibit 2-1 in EA Attachments A through D; EA Attachments F, G, I, and J; and EA Attachment H, Hazardous Materials, Appendix C, Exhibit 2.

Page 3-8 through 3-15, Exhibit 3-2, Sheets 1 through 8

We have included all Exhibit 3-2, Sheets 1 through 8 for the purposes of having a comprehensive set of maps in this errata. However, only the following sheets were updated with the changes described below, sheets 1, 2, and 5 have not changed from what was presented in the EA:

- Sheet 3 – Updated the stream location for Rolling Hills Creek, which was realigned as part of the SR 167 Direct Connector Project.
- Sheet 4 – Added Stream 4.61 to reflect updated information obtained through field work completed by Washington Department of Fish and Wildlife (WDFW) in September and October 2018.
- Sheet 6 – Changed the mapping for 8.05, 8.12, 8.22, and 8.31 to indicate that these are drainages rather than streams and modified the stream mapping for Stream 8.7 to reflect updated field data the WDFW collected in September and October 2018. Modified the stream mapping for UNT 08.LW.7.7A and UNT 08.LW.7.7 to reflect updated information from the I-405 team. Added that we are constructing a fish passage crossing at Stream 8.15 and revised the description for work at UNT 08.LW.7.7A and UNT 08.LW.7.8 to indicate that these culverts will be replaced.
- Sheet 7 – Modified the stream mapping for Streams 8.7, 8.9, 9.8, 9.9, and 10.0 to reflect updated information obtained through field work completed by WDFW in September and October 2018. Added a label indicating that fish passage crossings will be built at Streams 9.8. 9.9, and 10.0. Modified the stream configuration of Lakehurst Creek to reflect updated information from the I-405 team.

- Sheet 8 – Added Stream 11.8 to reflect updated information obtained through field work completed by WDFW in September and October 2018.

Note – the same changes described above, also apply to Exhibit 2-2, Sheets 1 through 8 in EA Attachments A through D; EA Attachments F, G, I, and J; and EA Attachment H, Hazardous Materials, Appendix B, Exhibit 1.

Exhibit 3-2. I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project Improvements, Sheet 1 of 8

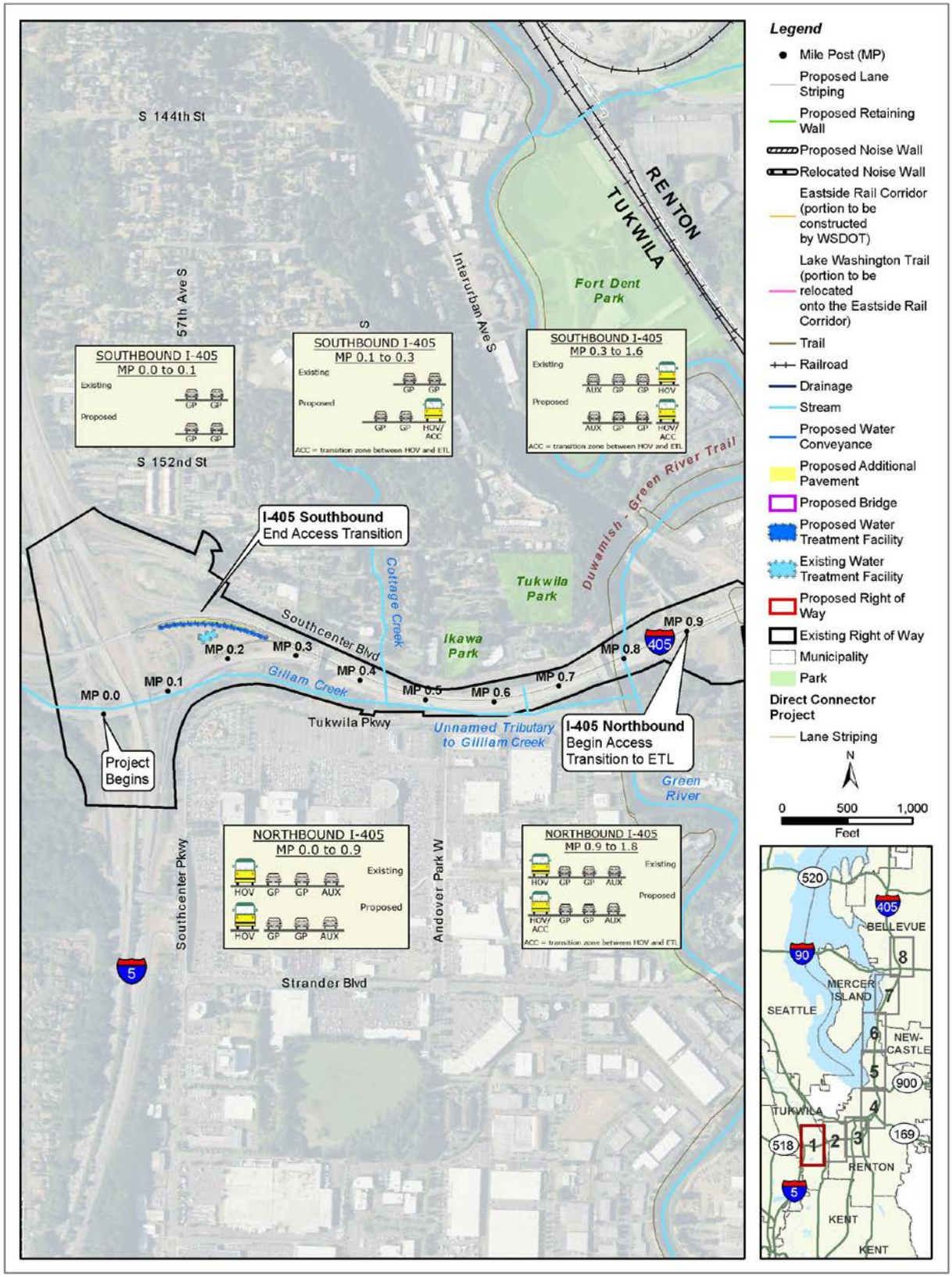


Exhibit 3-2. I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project Improvements, Sheet 2 of 8

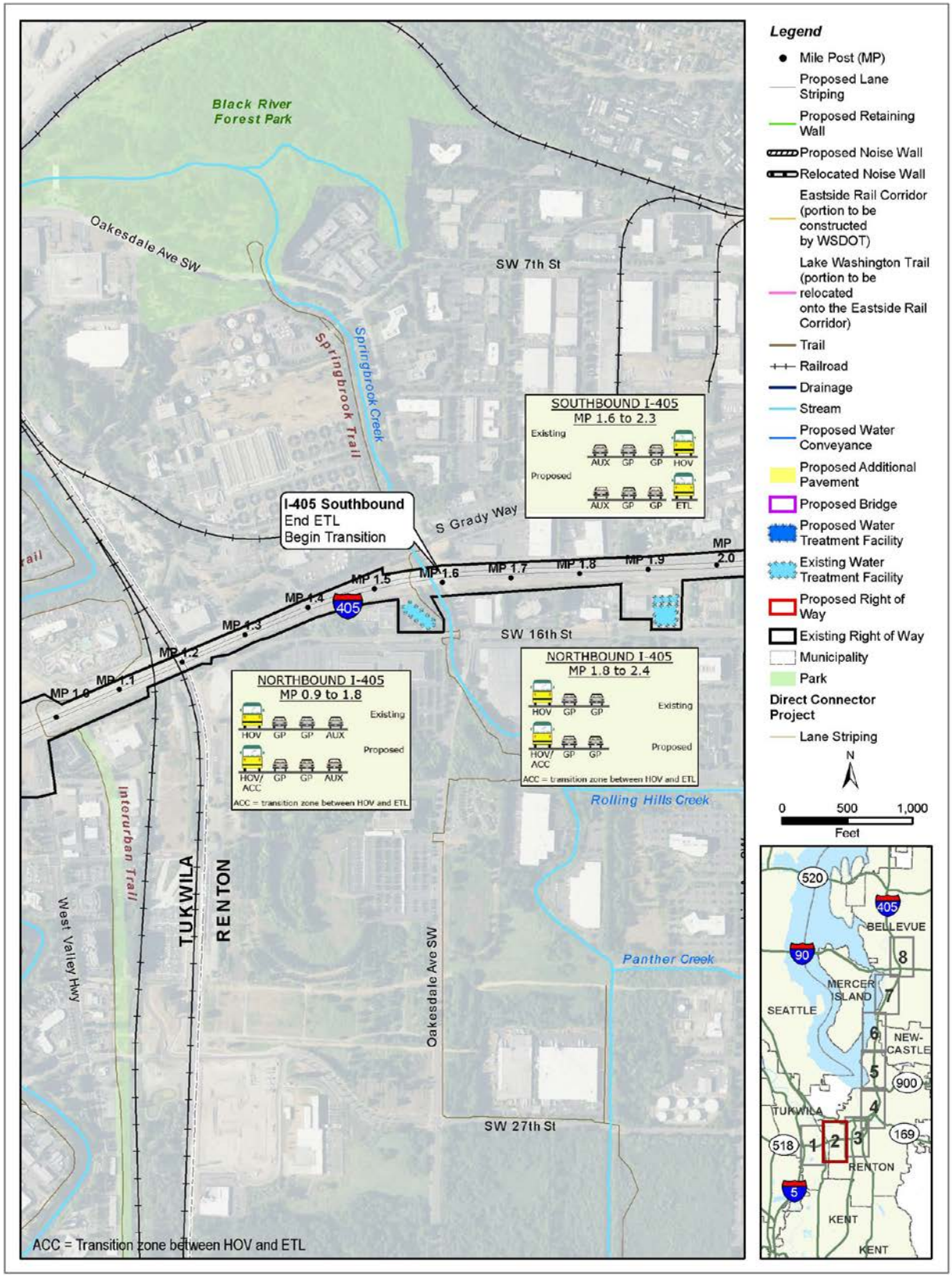


Exhibit 3-2. I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project Improvements, Sheet 3 of 8

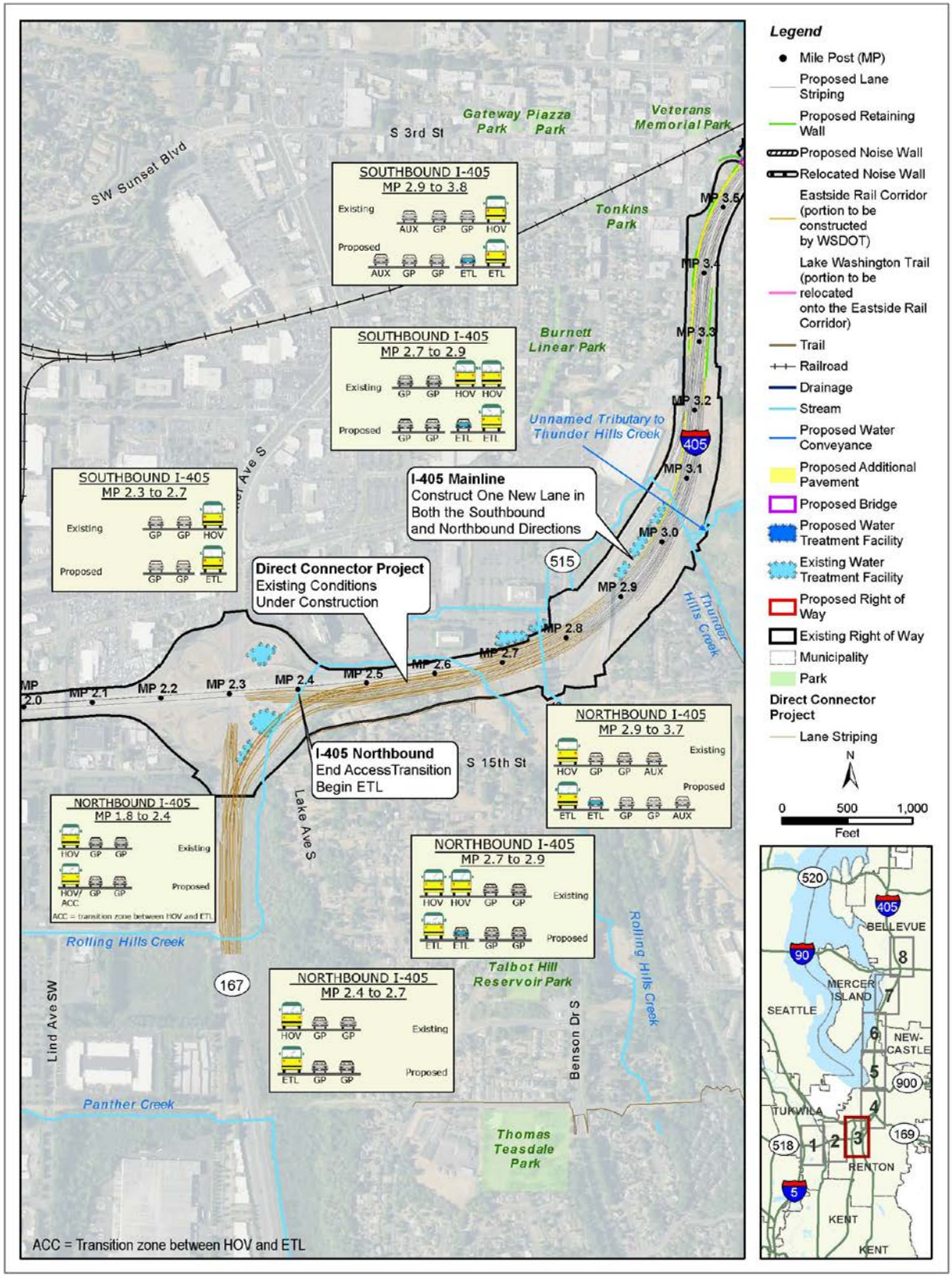


Exhibit 3-2. I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project Improvements, Sheet 4 of 8

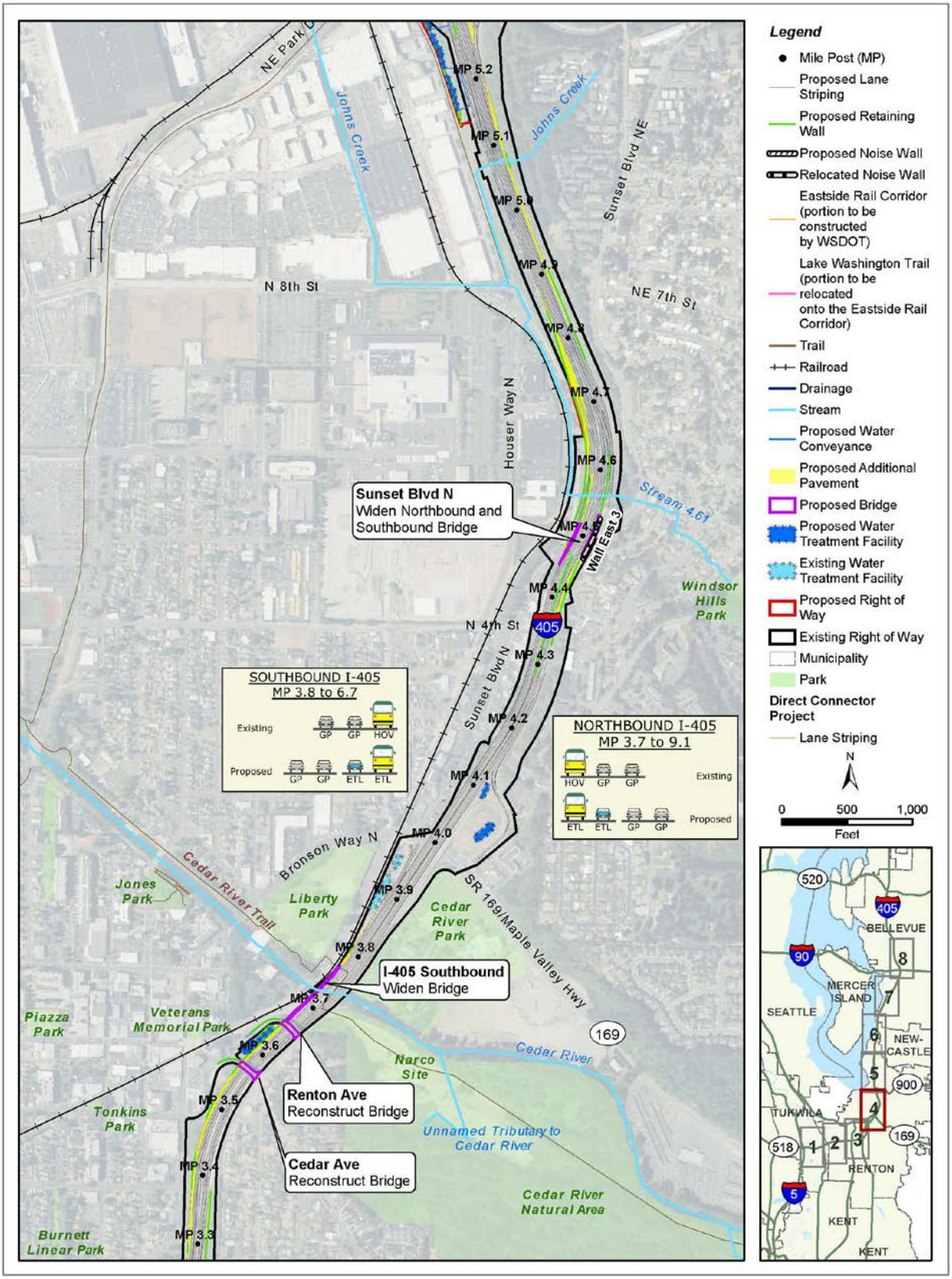


Exhibit 3-2. I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project Improvements, Sheet 5 of 8

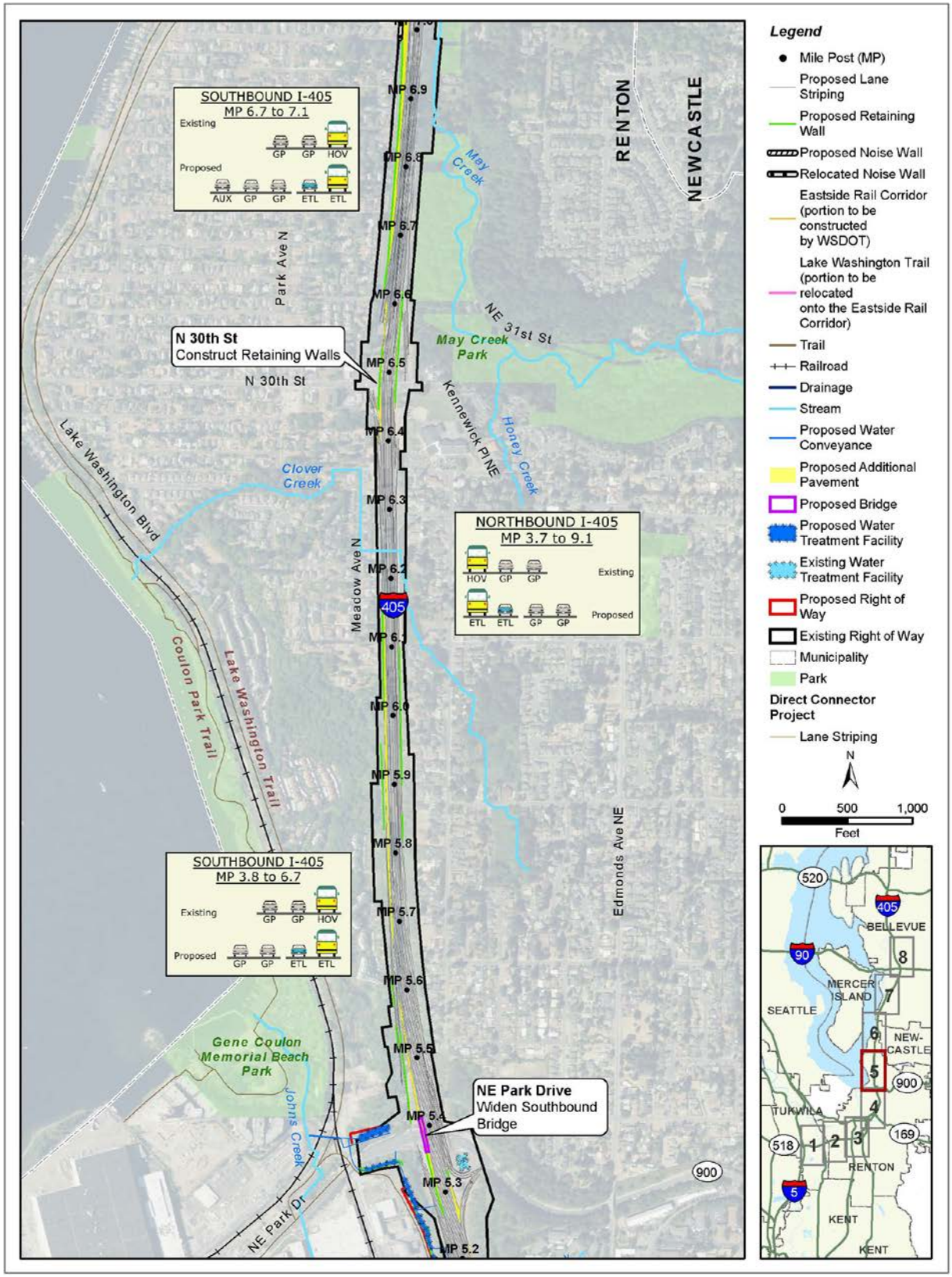


Exhibit 3-2. I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project Improvements, Sheet 6 of 8

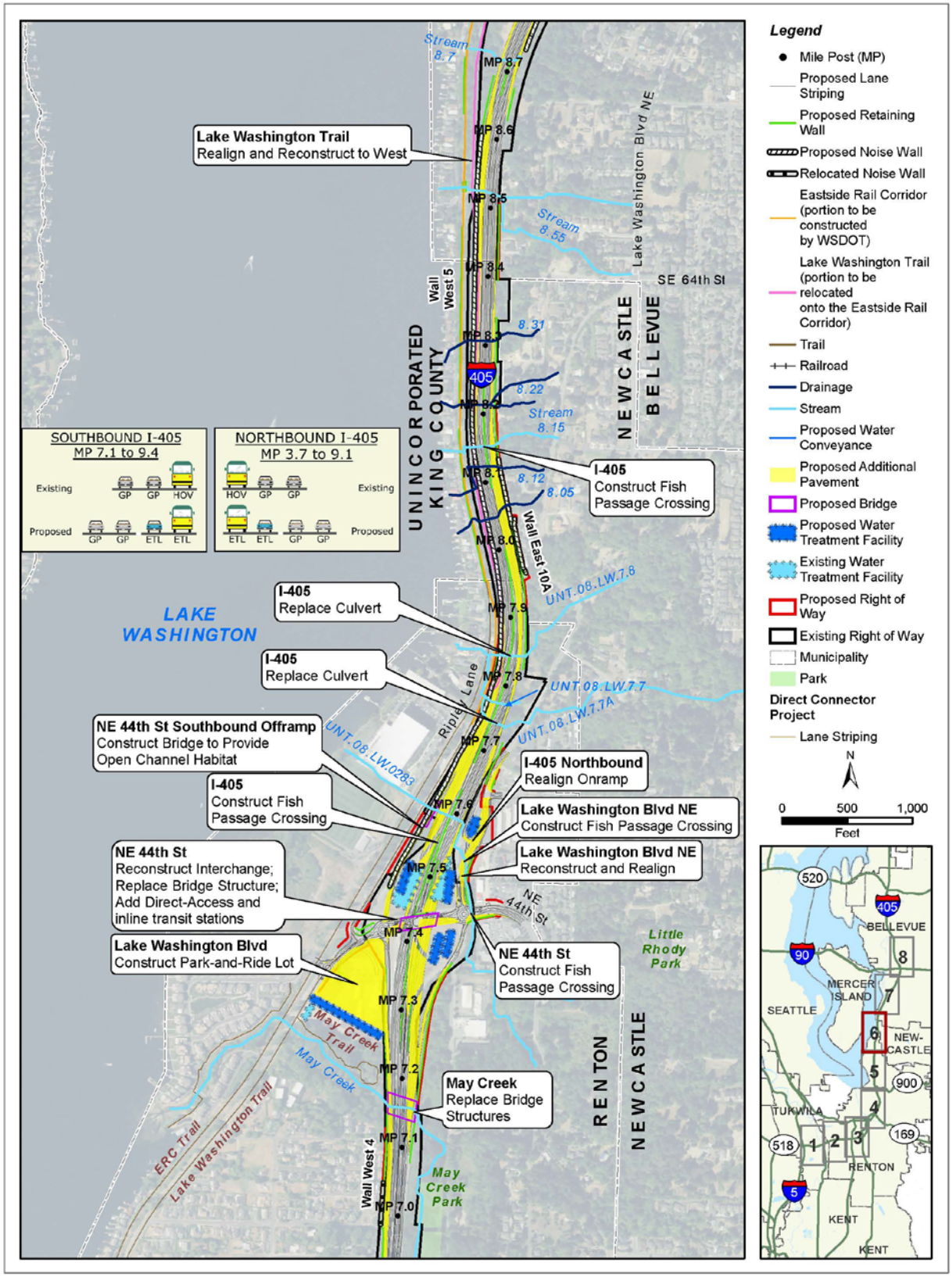


Exhibit 3-2. I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project Improvements, Sheet 7 of 8

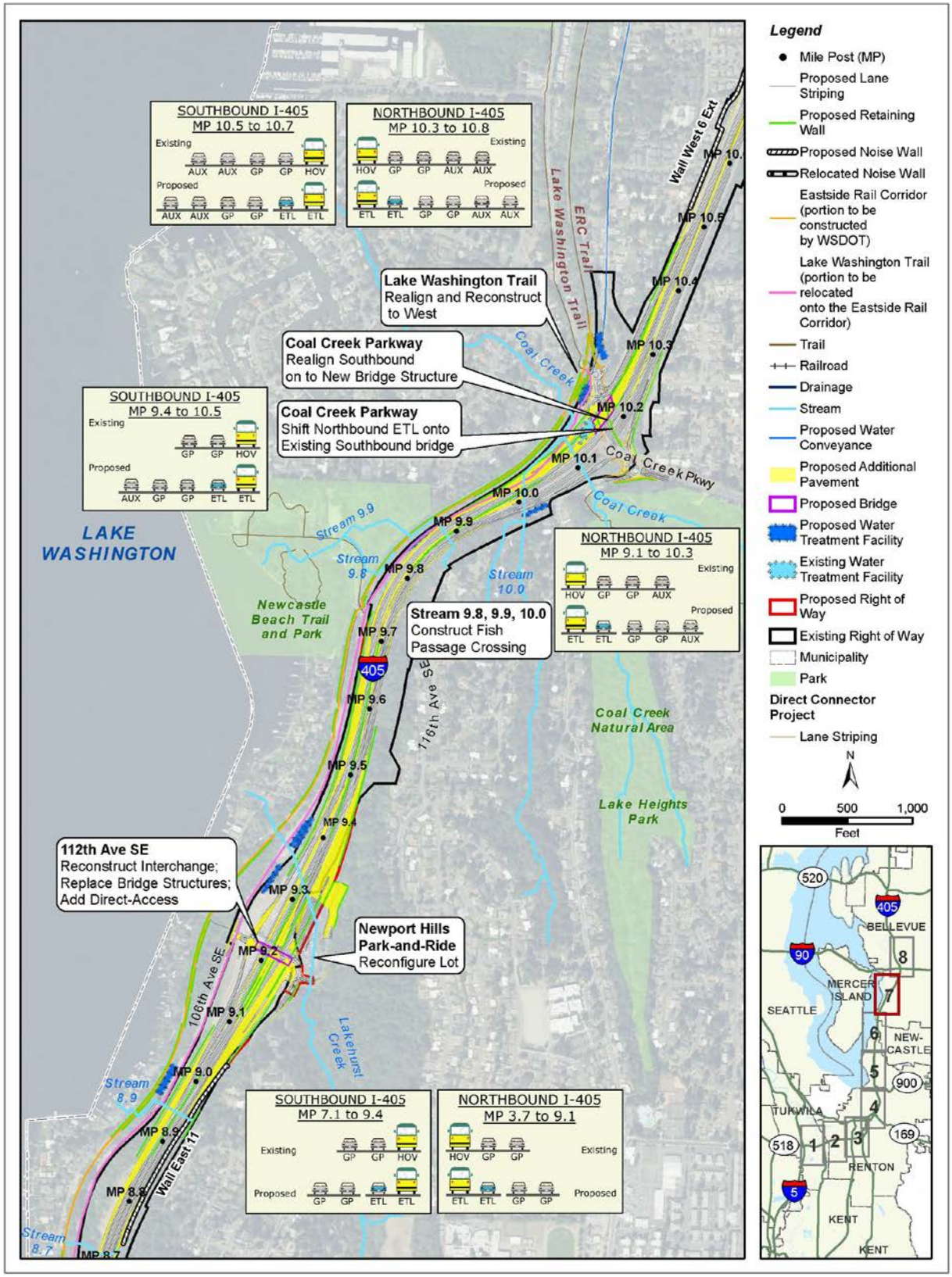
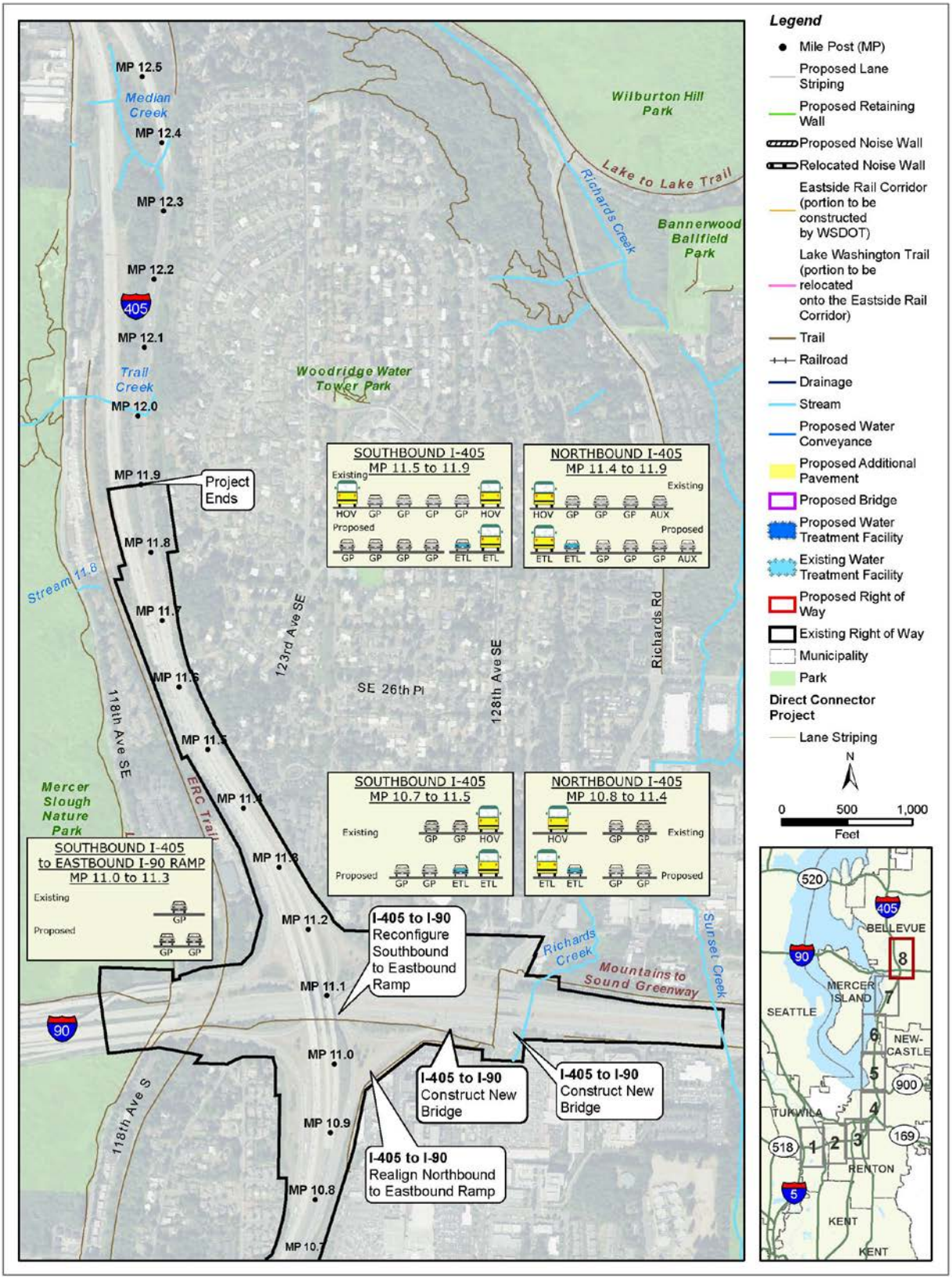


Exhibit 3-2. I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project Improvements, Sheet 8 of 8



Page 4-49, Exhibit 4.3-8, second row

Exhibit 4.3-8. Operational Project Effects on Environmental Justice Populations

Evaluation Element	Project	No Build
Historic and cultural resources of significance to tribes	The Project would have no effect on any historic, cultural, or archaeological resources.	There would be no effect on any historic, cultural, or archaeological resources.
Fishing and aquatic resources of significance to tribes	The Project would replace ~~five~~ seven fish barriers with fish passable structures. In addition, WSDOT would make habitat improvements to May Creek.	In accordance with the terms of the existing ~~i~~Injunction, existing fish barriers would be replaced ~~under a future project~~.

Page 4-63, Footnote for Exhibit 4.3-10

[2] All three full residential property acquisitions and some of the partial residential and commercial property acquisitions have already taken place under the completed NEPA process for the previously approved Renton to Bellevue FONSI in 2008; however, this EA must consider the effects of these acquisitions in making an environmental justice determination.

Page 4-71 and 4-72, Exhibit 4.4-3

Exhibit 4.4-3 from the EA has been replaced with the exhibit below.

Exhibit 4.4-3. Effects on Recreational Resources and Section 4(f) Determinations

Recreational Resource		Distance from Project Footprint	Permanent Acquisition	Effects and Section 4(f) Determinations[a]
1	Burnett Linear Park	About 0.25 mile	None	None, no Section 4(f) use
2	Tonkins Park	About 0.25 mile	None	None, no Section 4(f) use
3	Narco Site and Cedar River Natural Area	Adjacent to WSDOT right of way	None	None, no Section 4(f) use
4	Cedar River Park	Adjacent to WSDOT right of way	None	Temporary traffic delays during construction to traffic using the secondary park entrance, no Section 4(f) constructive use
5	Ron Regis Park	2.5 mile	None	Stream buffer enhancements, meets the Section 4(f) exception specified in 23 CFR 774.13 (g)
6	Gateway Park	About 0.25 mile	None	None, no Section 4(f) use
7	Piazza Park	About 0.25 mile	None	None, no Section 4(f) use
8	Veterans Memorial Park	About 0.25 mile	None	None, no Section 4(f) use
9	Jones Park	About 0.25 mile	None	None, no Section 4(f) use
10	Liberty Park	Adjacent to WSDOT right of way	None	None, no Section 4(f) use
11	Windsor Hills Park	About 0.25 mile	None	None, no Section 4(f) use
12	Gene Coulon Memorial Beach Park	500 feet	None	Temporary traffic delays during construction to traffic entering the park, no Section 4(f) constructive use
13	Kennydale Elementary School Playground	Adjacent to WSDOT right of way	None	None
14	May Creek Greenway – Fawcett property	Adjacent to WSDOT right of way	1.03 acre	1.03-acre permanent acquisition –*de minimis* finding
	May Creek Greenway - Meadow property	Adjacent to WSDOT right of way	None	Temporary construction easement, Section 4(f) temporary occupancy
15	Little Rhody Park	1,000 feet	None	None, no Section 4(f) use
16	Newcastle Beach Trail and Park	Adjacent to WSDOT right of way	None	Temporary traffic delays during construction to traffic entering the park, no Section 4(f) constructive use
17	Coal Creek Natural Area	Adjacent to WSDOT right of way	None	None, no Section 4(f) use
18	Mercer Slough Nature Park	300 to 500 feet	None	Stormwater feature proposed in WSDOT right of way near the park, no Section 4(f) constructive use

Trails		Distance from Project Footprint	Permanent Acquisition	Effects
1	Duwamish Green River Trail	Crosses under I-405, is within WSDOT right of way	None	None, no Section 4(f) use
2	Interurban Trail	Crosses under I-405, is within WSDOT right of way	None	None, no Section 4(f) use
3	Springbrook Trail	Crosses under I-405, is within WSDOT right of way	None	None, no Section 4(f) use
4	Cedar River Trail	Crosses under I-405, is within WSDOT right of way	None	Temporary detours or delays and trail realignment within WSDOT right of way, meets the Section 4(f) exception specified in 23 CFR 774.13 (f)(3)
5	Eastside Rail Corridor Regional Trail/Eastside Rail Corridor	Adjacent to WSDOT right of way	None	~~Project improvements proposed, no Section 4(f) constructive use~~ Project improvements would replace the existing interim trail with a permanent trail and fish passage improvements at Streams 9.8 and 9.9. During construction, pedestrians and bicyclists would be detoured to the Lake Washington Trail. Proposed improvements and the detour meet the Section 4(f) temporary occupancy exemption in CFR 774.13(d).
6	May Creek Trail	Adjacent to and within WSDOT right of way	None	Construction would occur near the trail, but would not restrict trail use, no Section 4(f) constructive use
7	Lake Washington Trail	Within WSDOT right of way	None	Trail sections relocated to the Eastside Rail Corridor Regional Trail, this is not considered a Section 4(f) resource
8	Mountain to Sound Greenway (I-90 Trail)	Within WSDOT right of way	None	None, this is not considered a Section 4(f) resource
Historic Resource		**Distance from Project Footprint**	**Permanent Acquisition**	**Effects**
1	Eastside Rail Corridor	Adjacent to WSDOT right of way	None	Section 4(f) *de minimis* finding due to NHRP eligibility and finding of "no adverse effect" under Section 106
2	Paukstis House, 11620 SE 45th Place	Adjacent to WSDOT right of way	None	None, no Section 4(f) use

[a] A constructive use occurs when the transportation project does not incorporate land from a Section 4(f) property, but the project's proximity i activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired.

Page 4-76, last paragraph

The Project would also require a temporary construction easement on the Meadow property located on the west side of I-405 at the May Creek Bridge. A ~~1,000~~2,878-square foot temporary construction easement would be needed to build temporary access to construct the southwest side of the new May Creek Bridge.

Page 4-79, last paragraph on page 4-79 through the end of the first paragraph on page 4-80 would be replaced with the following text

~~A new drainage easement would be required for a stormwater pipe that would cross underneath the trail. Since the stormwater pipe would be located under the trail, it would not cause substantial impairment to the resource's activities, features, or attributes that qualify the property for protection under Section 4(f).~~

The Project would replace two culverts that are not fish passable with culverts that are fish passable and a new stormwater drainage pipe would be built under the trail Eastside Rail Corridor Regional Trail that would require a permanent easement. Since the culverts and stormwater pipe would be located under the trail, they would not cause substantial impairment to the resource's activities, features, or attributes that qualify the property for protection under Section 4(f). However, King County recently opened an interim gravel section of the Eastside Rail Corridor Regional Trail between Gene Coulon Park in Renton and Newcastle Beach Park in Bellevue. Temporary occupancy of the Eastside Rail Corridor Regional Trail bed will be required during construction of the permanent trail and the two fish passable culverts. The fish passable culverts would be constructed at the same time as the permanent paved trail. During construction, trail users of the interim Eastside Rail Corridor Regional Trail section will be routed onto the Lake Washington Trail. Construction of the permanent Eastside Rail Corridor Regional Trail segment would be completed and open for use before the segments of the Lake Washington Trail in WSDOT right of way are closed. The proposed Project activities will meet the Section 4(f) temporary occupancy exemption listed in 23 CFR 774.13(d) because the following conditions will be satisfied:

- The duration is temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land. Trail construction is expected to last about one year, whereas the overall Project construction is estimated at five years.
- The scope of the work is minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal. Work would involve culvert installation and paving and increasing the width of the interim trail to meet King County's Master Plan standards.
- There are no anticipated permanent adverse physical effects, nor would there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis.
- The land being used will be fully restored, i.e., the property will be returned to a condition which is at least as good as that which existed prior to the Project.

- There is documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

~~Construction of this trail segment would be completed and open for use before the segments of the Lake Washington Trail in WSDOT right of way are closed.~~

The Project would not permanently or temporarily require…

Page 4-81, Exhibit 4.4-6

Exhibit 4.4-6 from the EA has been replaced with the exhibit below.

Exhibit 4.4-6. Effects on Section 4(f) Resources

Recreational Resource/Trails	Distance from Project Footprint	Section 4(f) Use
May Creek Greenway	Adjacent to WSDOT right of way	1.03-acre permanent acquisition at the Fawcett property - *de minimis* finding under Section 4(f) Temporary construction easement at the Meadow Property - temporary occupancy under Section 4(f)
Eastside Rail Corridor Regional Trail/Eastside Rail Corridor	Adjacent to WSDOT right of way	Project improvements would replace the existing interim trail with a permanent trail and fish passage improvements at Streams 9.8 and 9.9. During construction, pedestrians and bicyclists would be detoured to the Lake Washington Trail. Proposed improvements and the detour meet the Section 4(f) temporary occupancy exemption in CFR 774.13(d). Construct a portion of the Eastside Rail Corridor Regional Trail within the NRHP eligible Eastside Rail Corridor Alignment - *de minimis* finding

Page 4-90, first paragraph

View C – Southbound I-405 Bridge over May Creek (from May Creek Trail)

View C is shown in Exhibits 4.5-6 and 4.5-7. The Project would construct both a longer and wider bridge to make room for the two additional ETLs on I-405. The existing bridge columns would be removed, and the bridge would be replaced with a single-span structure. While the wider bridge would increase shading over the trail and creek, the increased span of the bridge and the single-span design would allow for more expansive views under the bridge of the natural vegetation on either side of I-405. The Project would restore the stream channel giving it a more natural, meandering alignment, replacing existing rip rap with appropriate substrate ~~rounded rock~~, and restoring the stream bank with native vegetation at the edges of the bridge. The informal footpath under I-405 would be replaced with a recreational trail. The bridge would include the aesthetic treatments shown in the *I-405 Urban Design Criteria.*

Page 4-107, second paragraph

As shown in Exhibit 4.6-1, the Project would add 46.92 acres to the existing 218.74 acres of ~~pollutant~~ pollution-generating impervious surfaces (PGIS) in the study area.

Page 4-109, Exhibit 4.6-1

Please note this is an excerpt of Exhibit 4.6-1 that includes the text that changed.

Exhibit 4.6-1. Stormwater Design with the Project

Subwatershed	Receiving Waterbody	TDA	Existing I-405 PGIS in TDA (acres)	Existing I-405 Treatment (acres)	Build Alternative Proposed PGIS in TDA (acres)	Build Alternative Proposed Treated PGIS (acres)
	Lake Washington	W2-1 – Pleasure Point	4.66	0.00	4.15[d]	4.15
		W2-2 – Lakehurst Creek	9.57	1.22	8.60[d]	8.60
		W2-3 – Bagley Lane	1.91	0.00	10.27	10.27
		W3-1 Newcastle Beach Park	2.15	0.00	1.61[e]	1.61
~~Coal Creek~~	~~Coal Creek~~	~~W3-1 Newcastle Beach Park~~	~~2.15~~	~~0.00~~	~~1.61~~[e]	~~1.61~~
Coal Creek	Coal Creek	W3-2 – Coal Creek Parkway	16.99	3.34	8.20[e]	4.75
Mercer Slough	Mercer Slough Wetlands	W4 – I-90 Vicinity	37.67	5.43	56.66	24.54
		W5	8.80	4.47	9.51	7.00
	Richards Creek	R1	1.08	0.00	1.08	0.00
		R2	13.72	0.00	13.72[f]	0.00
Total Acreage			218.75	21.27	265.66	179.69

PGIS = ~~pollutant discharge area~~pollution-generating impervious surfaces; TDA = threshold discharge area; UNT = unnamed tributary

[a] WSDOT highway runoff would be diverted to J2 for runoff treatment.
[b] All highway runoff flows would be diverted from Clover Creek and May Creek TDAs into TDA W1-2.
[c] WSDOT highway runoff would be diverted to W1-2 for runoff treatment.
[d] Area equal to new PGIS diverted from Pleasure Point and Lakehurst Creek TDAs (W2-1 and W2-2) into the TDA W2-3 (Bagley Lane direct discharge to Lake Washington).
[e] Area greater than new PGIS diverted from Newcastle Beach Park and Coal Creek TDAs into the TDA W4 (I-90 vicinity discharges).
[f] Area equal to new PGIS diverted from Richards Creek TDA (R) into the TDA W4. No new discharge to Richards Creek.

Page 4-112, second paragraph

Dissolved copper is associated with concerns about direct effects on fish. Increases in dissolved copper discharges are expected at four locations. Two of those locations, the Bagley ~~Lake~~ Lane deep water discharge…

Page 4-114, second and third paragraphs

~~Channel and floodplain enhancements would occur within the East Lake Washington – Bellevue South subbasin.~~ The following ~~Three~~ unnamed tributaries and streams~~; UNT 08.LW.0283, UNT 08.LW.7.7A, and UNT 08.LW.7.8,~~ would have ~~their~~ existing ~~culverts~~ fish barriers replaced with fish passable~~g~~ structures: UNT 08.LW.0283 (three culverts would be replaced), Stream 8.15, Stream 9.8, Stream 9.9, and Stream 10.0. Additionally, on UNT 08.LW.0283, two open channel and floodplain areas would be constructed between I-405 and NE 43rd Street for fish passage and improved habitat.

Removal of existing bridge piers out of the floodplain and habitat improvements have been added to improvements proposed at May Creek~~, but no in-water work would be required~~. Removing the bridge piers would meet the City of Renton zero-rise floodplain requirement.

Page 4-116, first paragraph

Surface Water

~~Peak and base flow rates to streams and rivers would not be negatively altered during construction because detention ponds will be constructed prior to the highway widening. These ponds may be used for temporary erosion and sedimentation control.~~

The Project will be constructed….

Page 4-117, third paragraph

New cross-culverts would typically be constructed in the dry, although there could be in-water work associated with some culvert replacements. Existing streams and watercourses would be conveyed under I-405 via existing culverts whenever possible while new cross-culverts are constructed ~~until the new cross-culverts and associated channel modifications are completed~~. ~~This approach would maintain existing conveyance across I-405 during construction.~~ There may be cases where a temporary stream diversion is used because the new cross-culvert is being constructed in the same location as the existing cross-culvert.

Pages 4-124 and 4-125, Exhibit 4.7-2

Exhibit 4.7-2 from the July 9, 2018 EA has been replaced with the updated exhibit below. This exhibit was updated to include WDFW Site IDs for culverts and information about fish use potential was reevaluated by the WDFW in response to the Muckleshoot Indian Tribe's comment letter provided on August 9, 2018 and as part of ~~g~~Government-to-~~g~~Government consultation.

Exhibit 4.7-2. Streams in the Study Area

Number	Stream Name	WDFW Site ID[a]	~~WDNR Stream Type~~[a] Fish Use Potential[b]	Jurisdiction
1	Gilliam Creek	996030	~~F~~Y	Tukwila
		995857	Y	
		998967	Y	
2	Cottage Creek	998965	~~F~~Y	Tukwila
3	UNT to Gilliam Creek	None	~~Np~~N	Tukwila
4	Green River	999117	~~S, F~~Y	Tukwila
5	Springbrook Creek	998968	~~F~~Y	Renton
6	Panther Creek~~/ East Fork Panther Creek (09.SC-25.7)~~	991486	~~F~~Y	Renton
7	Rolling Hills Creek ~~(09.SC-2.8)~~	991202	~~F~~Y	Renton
		995470	Y	
		994409	Y	
8	Thunder Hills Creek	994406	~~F~~Y	Renton
9	UNT to Thunder Hills Creek	None	~~Np~~N	Renton
10	UNT to Cedar River	None	~~F~~N	Renton
11	Cedar River	998983	~~S, F~~Y	Renton
12	Stream 4.61	998969	Y	Renton
~~12~~13	Johns Creek	996482	~~F~~Y	Renton
~~13~~14	Clover Creek	999410	~~F~~Y	Renton
~~14~~15	May Creek	998970	~~F~~Y	Renton
~~15~~16	UNT 08.LW.0283 (formerly Gypsy Creek)	996032	~~F~~Y	Renton
		933259	Y	
		996038	Y	
~~16~~17	UNT 08.LW.7.7	932934	~~Ns, N~~	Renton
~~17~~18	UNT 08.LW.7.7A	998971	~~F~~Y	Renton
~~18~~19	UNT 08.LW.7.8	998972	~~F~~Y	Renton
~~19~~	~~Stream 8.05~~		~~Ns~~	~~Renton~~
~~20~~	~~Stream 8.12~~		~~Ns~~	~~Renton~~
~~21~~20	Stream 8.15	934704	~~Ns~~Y	~~Renton~~ King County
~~22~~	~~Stream 8.22~~		~~Ns~~	~~King County~~
~~23~~	~~Stream 8.31~~		~~Ns~~	~~King County~~

Exhibit 4.7-2. Streams in the Study Area

Number	Stream Name	WDFW Site ID[a]	~~WDNR Stream Type~~ Fish Use Potential[b]	Jurisdiction
~~24~~21	Stream 8.55	934707	~~Ns~~N	Bellevue
~~25~~22	Stream 8.7 ~~(08.LW-8.7)~~	996031	~~Ns~~N	Bellevue
~~26~~23	Stream 8.9	934709	~~Ns~~N	Bellevue
~~27~~24	Lakehurst Creek	998973	~~F~~Y	Bellevue
~~28~~25	Stream 9.8 at ERC~~(08.LW-9.8)~~	934731	~~Ns~~Y	Bellevue
	Stream 9.8 at I-405	934710	N	Bellevue
~~29~~26	Stream 9.9 at ERC ~~(08.CC-9.9)~~	934730	~~Ns~~Y	Bellevue
	Stream 9.9 at I-405	934711	N	Bellevue
~~30~~27	Stream 10.0 ~~(08.CC-9.9)~~	932933	~~Ns~~Y	Bellevue
~~31~~28	Coal Creek	08.0268 0.80	~~S, F~~Y	Bellevue
~~32~~29	Richards Creek	994412	~~F~~Y	Bellevue
30	Stream 11.8	934708	N[c]	Bellevue

Y = Yes; ~~fish present,~~ N = No; ~~no fish present~~, ~~S = Shoreline; F = Fish; Np = Non-fish perennial; Ns = Non-Fish Seasonal;~~ ERC = Eastside Rail Corridor; UNT = unnamed tributary; WDFW – Washington Department of Fish and Wildlife

[a] The WDFW Site ID represent stream crossings within the Project.

[b] Fish use potential relies on several criteria to qualify if the upstream reach has the ability to support fish.

[c] Stream 11.8 begins downstream of WDFW Site ID 934708. This downstream section has fish use potential; however, the drainage upstream of WDFW Site ID 934708 does not meet the physical criteria for fish use potential.

Page 4-128, second paragraph

As shown in Exhibit 4.7-3, ~~38~~ 39 of 62 wetlands in the study area would be affected. The Project would permanently affect ~~5.31~~5.83 acres of wetlands and 2.10 acres of wetland buffer and would temporarily affect ~~0.33~~0.24 acre of wetlands and 0.87 acre of wetland buffer.

Page 4-128 and 4-129, Exhibit 4.7-3

Exhibit 4.7-3 from the July 9, 2018 EA has been replaced with the updated exhibit below. The updated exhibit below includes permanent and temporary impacts to wetland buffers that were not included previously and updated information on wetland impacts.

Exhibit 4.7-3 Wetlands Affected by the Project

Wetland Name	Wetland Size (acres)	Permanent Impacts (acres)	Permanent Wetland Buffer Impacts (acres)	Temporary Impacts (acres)	Temporary Wetland Buffer Impacts (acres)
4.9 R	0.01	0.01	0	0	0
5.0 R	0.02	0.02	0	0	0
5.1 R	0.05	0	0	~~<0.1~~0	0
5.37 L	0.12	0	0.02	~~<0.1~~0	0.01
5.38 L	0.26	0.26	0	0	0
5.39 L	0.06	0.01	0.16	0.01	0.01
~~7~~5.4 L	0.02	0.02	0	0	0
7.2 R	5.13	1.58	0.5	~~0~~0.01	0
7.3 R	0.48	0.06	0.09	0.01	0.13
7.35 R	0.28	0.28	0	0	0
7.42 R	0.17	0.17	0	0	0
7.44 L	0.07	~~0.02~~ 0.01	0.13	0.01	0.02
7.5 L	0.28	0.03	0.12	0.01	0.01
7.66 R	0.50	0.50	0	0	0
7.78 L	0.7	0.7	0	0	0
7.82 R	0.37	0.11	0.06	0.02	0.04
7.84 R	0.67	~~0.19~~ 0.12	0.33	0.02	0.02
8.05 R	0.05	0.05	0	0	0
8.2 L	0.01	0.01	0	0	0
8.2 R	0.03	0.03	0	0	0
8.4 L	0.02	0.02	0	0	0
8.44 L	0.11	~~0.06~~0.07	0.14	0.02	0.04
8.5 L	0.01	0	0.01	~~<0.01~~0	0.01
8.75 L	0.05	0.05	0	0	0
8.8 L	0.07	0.07	0	0	0
9.3 R	0.25	0.25	0	0	0
9.32 R	0.04	0.04	0	0	0
9.5 L	0.02	0.02	0	0	0
9.68 L	0.1	0.01	0.06	~~0.04~~0.03	0.02
9.82 L	0.09	0.09	0	0	0
9.83 L	0.17	~~0.06~~ 0.10	0.22	~~0.03~~0.02	0.05
10.0 L	0.34	~~0.2~~0.34	0	~~0.03~~0	0

Wetland Name	Wetland Size (acres)	Permanent Impacts (acres)	Permanent Wetland Buffer Impacts (acres)	Temporary Impacts (acres)	Temporary Wetland Buffer Impacts (acres)
10.01 R	0.08	0.08	0	0	0
10.12R	0.68	0	0.12	0	0.4
10.16 L	0.14	0.14	0	0	0
10.25 L-A	0.02	0.02	0	0	0
10.25 L-B	0.20	0.02	0	0.02	0.02
10.8 L	41.09	~~0.1~~ 0.51[a]	0.01	~~0.1~~0.06	0.03
10.9 L	0.07	0.03	0.13	~~0.01~~0	0.06
Total		~~5.31~~ 5.83	2.10	~~0.33~~ 0.24	~~0.71~~ 0.87

[a] 0.41 acre of impact to 10.8L is indirect permanent due to increased hydrology from a new stormwater outfall.

Page 4-130, third paragraph through Page 4-137, paragraph before Terrestrial Resources

Text and exhibits from these pages of the EA have been replaced with the following text to address comments and questions raised by the Muckleshoot Indian Tribe in response to their comment letter provided on August 9, 2018 and as part of ~~g~~Government-to-~~g~~Government consultation. Note that changes to Exhibits 4.7-4 and 4.7-5 reflect updated stream assessments that were completed by WDFW as part of ~~g~~Government-to-~~g~~Government consultation. Changes made to Exhibit 4-7.4 include adding information such as WDFW site IDs, if a culvert was considered a barrier as part of the August 2018 Injunction list, and if the barrier would be replaced by the Project.

Page 4-130, third paragraph

As described in Chapter 6, Measures to Avoid and Minimize Effects, WSDOT will mitigate permanent effects on wetlands from the Project at a variety of mitigation sites. These mitigation sites include the Springbrook Creek mitigation bank and Kelsey Creek for wetland mitigation; May Creek, Median Creek, Stream 8.15, and UNT 08.LW.0283 (Gypsy Creek) for stream and buffer mitigation; and Ron Regis Park, ~~Median Creek,~~ and the Mercer Slough site (on WSDOT property) for buffer mitigation. Specific mitigation strategies at each of the sites are in development and will be detailed in ~~the Section 404~~ permit documentation ~~prepared for each of the sites. Wetland buffer and temporary construction effects will be mitigated in accordance with local critical areas ordinances,~~ as appropriate.

Aquatic Resources

Because of the Project, new roadways and roadway structures (e.g., bridges and culverts) would be built within, over, or near river and stream habitats that support fish and other aquatic species within the study area. ~~Most~~ Many of these streams are small, seasonal, non-fish bearing streams that cross I-405 and connect to combined drainage systems taking runoff to Lake Washington. In addition, the Project would temporarily and permanently affect riparian buffers due to road widening. A summary of work proposed within or near streams is provided in Exhibit 4.7-4.

Exhibit 4.7-4. ~~Work Proposed within or near Streams in the Study Area~~ Fish Passage Improvements and Discussion of Stream Impacts in the Project Area

#	Stream Name	WDFW Site ID[a]	Fish Use Potential[b] ~~Presence~~	Injunction List Barrier, August 2018[c]	Barrier Replaced by the Project	Stream Impact	~~Stream Impact~~ Description of Project Work
1	Gilliam Creek	996030	Y	Y	N	N	No stream work ~~in this~~ at these locations
		995857	Y	Y	N	N	
		998967	Y	Y	N	N	
2	Cottage Creek	998965	Y	N	N	N	No stream work in this location
3	UNT to Gilliam Creek	None	N	N	N	N	No stream work in this location
4	Green River	999117	Y	Not Applicable[d]	Not Applicable[d]	N	No stream work in this location
5	Springbrook Creek	998968	Y	Not Applicable[d]	Not Applicable[d]	N	No stream work in this location
6	Panther Creek~~/ East Fork Panther Creek (09.SC-25.7)~~	991486	Y	N	N	N	No stream work in this location
7	Rolling Hills Creek ~~(09.SC-2.8)~~	991202	Y	Y	N	N	No stream work ~~in this~~ at these locations
		995470	Y	Y	N	N	
		994409	Y	Y	N	N	
8	Thunder Hills Creek	994406	Y	Y	N	N	No stream work at this location
9	UNT to Thunder Hills Creek	None	N	N	N	N	No stream work at this location
10	UNT to Cedar River	None	~~Y~~N	N	N	N	No stream work at this location
11	Cedar River	998983	Y	Not Applicable[d]	Not Applicable[d]	Y	Widening the southbound bridge on I-405 over the Cedar River
12	Stream 4.61	998969	Y	N	N	N	No stream work at this location
13	Johns Creek	996482	Y	Y	N	Y	Culverts are to remain, ~~and~~ an additional stormwater outfall would be constructed downstream of the WDFW Site ID, and large woody material would be placed at the new stormwater outfall.

Exhibit 4.7-4. ~~Work Proposed within or near Streams in the Study Area~~ Fish Passage Improvements and Discussion of Stream Impacts in the Project Area

#	Stream Name	WDFW Site ID[a]	Fish Use Potential[b] ~~Presence~~	Injunction List Barrier, August 2018[c]	Barrier Replaced by the Project	Stream Impact	~~Stream Impact~~ Description of Project Work
14	Clover Creek	999410	Y	N	N	N	No stream work at this location
15	May Creek	998970	Y	Not Applicable[d]	Not Applicable[d]	Y	Construct two single span bridges, ~~and grade the floodplain,~~ remove ~~ing~~ rip rap, and install large woody material in the stream channel and floodplain. ~~fill at the edge of the channel~~
16	UNT 08.LW.0283 (formerly Gypsy Creek)	996032	Y	Y	Y	Y	Install four fish passable structures; 2 at I-405, 1 at NE 44th, 1 at Lake Washington Blvd, 933259 will no longer convey the creek and will only convey stormwater
		933259	Y	Y	Y	Y	
		996038	Y	N	Y	Y	
17	UNT 08.LW.7.7	932934	N	N	N	Y	Install a culvert extension or culvert replacement
18	UNT 08.LW.7.7A	998971	Y	Y	N	Y	~~Install a fish passable structure and flow restrictor plates until downstream conveyance on private land has been improved.~~ Replace existing culvert with a new, larger culvert and restrictor to prevent downstream flooding.
19	UNT 08.LW.7.8	998972	Y	Y	N	Y	~~Install a fish passable structure and flow restrictor plates until downstream conveyance on private land has been improved.~~ Replace existing culvert with a new, larger culvert and restrictor to prevent downstream flooding.
	~~Stream 8.05~~		~~N~~				~~Encroachment into wetland and stream and associated buffers resulting from construction of retaining walls~~

Exhibit 4.7-4. ~~Work Proposed within or near Streams in the Study Area~~ Fish Passage Improvements and Discussion of Stream Impacts in the Project Area

#	Stream Name	WDFW Site ID[a]	Fish Use Potential[b] ~~Presence~~	Injunction List Barrier, August 2018[c]	Barrier Replaced by the Project	Stream Impact	~~Stream Impact~~ Description of Project Work
	~~Stream 8.12~~		~~N~~				~~Install a culvert extension~~
20	Stream 8.15	934704	~~N~~Y	N	Y	Y	Install a ~~culvert extension~~ fish passable structure.
	~~Stream 8.22~~		~~N~~				~~Encroachment into wetland and stream and associated buffers resulting from construction of retaining walls, stormwater pipe extension~~
	~~Stream 8.31~~		~~N~~				~~Install a culvert extension~~
21	Stream 8.55	934707	N	N	N	Y	~~No work at this location.~~ No stream work in WSDOT right of way, work includes building the ERC trail and replacing or repairing the existing ERC culvert.
22	Stream 8.7	996031	N	N	N	Y	Install a culvert extension
23	Stream 8.9	934709	N	N	N	Y	Encroachment into stream and associated buffers resulting from construction of retaining walls, roadway widening, and a stormwater pipe extension
24	Lakehurst Creek	998973	Y	N[e]	N	Y	No stream ~~in-water~~ work at this location, stream buffer impacted by roadway widening
25	Stream 9.8 at ERC	934731	~~N~~Y	N	Y	Y	~~No work at this location.~~ Install a fish passable structure under ERC
	Stream 9.8 at I-405	934710	N	N	N	N	No stream work at this location
26	Stream 9.9 at ERC	934730	~~N~~Y	N	Y	Y	~~No work at this location.~~ Install a fish passable structure under ERC
	Stream 9.9 at I-405	934711	N	N	N	N	No stream work at this location

Exhibit 4.7-4. ~~Work Proposed within or near Streams in the Study Area~~ Fish Passage Improvements and Discussion of Stream Impacts in the Project Area

#	Stream Name	WDFW Site ID[a]	Fish Use Potential[b] ~~Presence~~	Injunction List Barrier, August 2018[c]	Barrier Replaced by the Project	Stream Impact	~~Stream Impact~~ Description of Project Work
27	Stream 10.0	932933	~~N~~Y	N	Y	Y	There is a single crossing of this stream at I-405, near MP 10.0. The existing culvert would be replaced.
28	Coal Creek	08.0268 0.80	Y	N	N	Y	Encroachment into stream buffers resulting from construction of retaining walls.
29	Richards Creek	994412	Y	Y	N	N	No stream work at this location~~.~~
30	Stream 11.8	934708	N[f]	N	N	N	This stream is not in the Project footprint, no stream work at this location.

Y = Yes; ~~fish present~~, N = No; ~~no fish present,~~ ERC = Eastside Rail Corridor; UNT = unnamed tributary; WDFW = Washington Department of Fish and Wildlife

[a] The WDFW Site ID represent stream crossings within the Project.

[b] Fish use potential relies on several criteria to qualify if the upstream reach has the ability to support fish.

[c] The information presented in this column is based on fish barriers identified in the August 24, 2018 Injunction list and additional barriers identified through consultation.

[d] Crossing is identified as a non-culvert crossing.

[e] Lakehurst at I-405 is currently classified as a dam due to the vertical standpipe that serves as an outlet of the court-ordered sedimentation pond located near the 112th Avenue SE Park-and-Ride. WSDOT recognizes their responsibility to provide fish passage to comply with the Injunction.

[f] Stream 11.8 begins downstream of WDFW Site ID 934708. This downstream section has fish use potential; however, the drainage upstream of WDFW Site ID 934708 does not meet the physical criteria for fish use potential.

As described in Chapter 6, Measures to Avoid and Minimize Effects, WSDOT will mitigate permanent effects on streams and their buffers on site or within the corridor to the greatest extent practicable ~~at the same stream or buffer where the effects occur, in compliance with the local jurisdiction and state requirements as appropriate~~. Streams with any permanent stream and buffer habitat impacts in addition to temporary stream and buffer impacts are estimated in Exhibit 4.7-5.

Exhibit 4.7-5. Work within Streams and Stream Buffers

Name	Fish Use Potential[a] ~~Presence~~	Temporary Stream Impacts (square feet)	Temporary Buffer Impacts (square feet)	Permanent Stream Impact (square feet)	Permanent Buffer Impact (square feet)
Cedar River	Y	0	~~1,742~~5,522	0	~~4,456~~4,859
John's Creek	Y	~~0~~1,207	~~2,869~~7,019	~~450~~289	~~6,509~~6,764
May Creek	Y	0	~~17,740~~23,287	3,058	~~22,380~~22,581
UNT.08.LW.0283 (formerly Gypsy Creek)	Y	0	11,047	3,224	10,405
UNT 08.LW.7.7	N	~~11~~34	0	~~137~~214	0
UNT 08.LW.7.7A	Y	~~0~~248	~~894~~5,270	~~623~~394	~~5,175~~6,133
UNT 08.LW.7.8	Y	0	927	110	0
~~Stream 8.12~~	~~N~~	~~136~~	~~8,375~~	~~108~~	~~5,277~~
Stream 8.15	~~N~~Y	~~12~~61	~~586~~19,124	~~56~~295	~~3,619~~12,212
~~Stream 8.31~~	~~N~~	~~10~~	~~506~~	~~72~~	~~3,721~~
Stream 8.55	N	21	377	14	150
Stream 8.7	N	0	~~1,452~~522	~~214~~62	~~7,252~~1,475
Stream 8.9	N	~~0~~15	2,543	442	~~12,864~~10,683
Lakehurst Creek	Y	0	596	0	1,127
Stream 9.8	Y at ERC, N at I-405	11	4,919	449	3,599
Stream 9.9	~~N~~Y at ERC, N at I-405	~~0~~45	~~8,902~~5,343	~~50~~541	~~1,694~~5,923
Stream 10.0	Y	0	1,345	725	0
Coal Creek	Y	0	1,796	0	4,291
TOTAL		~~169~~1,642	~~59,975~~ 89,637	~~8,544~~ 9,817	~~88,770~~ 90,202

Y = Yes; ~~fish present,~~ N = No; ~~no fish present,~~ ERC = Eastside Rail Corridor; UNT = unnamed tributary;

[a] Fish use potential relies on several criteria to qualify if the upstream reaches have the ability to support fish.

Most habitat impacts would be associated with buffers, related to culvert replacements and providing site access. Temporary and permanent impacts to aquatic habitat are more limited. At Cedar River, the I-405 southbound bridge widening would have impacts upon the river and riparian buffer. In the case of May Creek, WSDOT would ~~place or~~ remove rocks and place large woody material in the stream channel ~~within the ordinary high water mark to protect utilities, bridge superstructures, and stormwater outfalls from erosion~~. ~~WSDOT will also construct on-site fish passable crossing structures UNT 08.LW.7.7A, UNT 08.LW.7.8 and address three fish passage barriers by constructing four fish passable structures on UNT 08.LW.0283, where it crosses Lake Washington Boulevard, NE 44th Street and I-405.~~

~~On UNT 08.LW.7.7A and UNT 08.LW.7.8, WSDOT will replace the existing culverts with new larger structures capable of passing the 100-year stream flow. However, the combined amount of flow is expected to exceed the capacity of the downstream private conveyance infrastructure located in a driveway and along the property line of two Lake Washington waterfront residences.~~

~~The estimated natural stream flows for UNTs 7.7A and 7.8 during the 100-year event are expected to be approximately 38 and 10 cubic feet per second (cfs), respectively. The existing capacities of the culverts under I-405 are approximately 14 and 4 cfs, respectively. The estimated capacity of the privately operated 18-inch culvert in the driveway is approximately 13 cfs.~~

~~By installing new fish passable structures that have adequate conveyance for the 100-year storm, downstream conveyance facilities would experience larger flows that exceed their capacity, potentially causing damage to property. Flow restrictor plates with orifices matching the diameter of the existing culverts would be placed on the proposed fish passable structures to maintain the existing flow rates so as not to potentially increase erosion and flooding of the downstream properties. These would not be permanent structures. WSDOT would remove the flow restrictor plates within 30 days of receiving notice that the downstream private drainage system has been improved and has the capacity to convey the anticipated stream flows.~~

The existing riparian vegetation in the impact area at Cedar River does not provide valuable habitat function when compared to the rest of the lower Cedar River. There are riparian tree stands along the banks both upstream and downstream of I-405 that provide more valuable habitat function including shade, large woody debris sources, and contributions of organic matter. Riparian vegetation surrounding the bridge where the impacts would occur is degraded by heavy foot traffic and recreational use on the river banks and consists largely of nonnative invasive plant species including Himalayan blackberry, knotweed ~~reed canary grass~~, and Scot's broom though some native deciduous and coniferous trees and shrubs are infrequently found along the banks (Kerwin 2001). Illumination near streams will be installed with light shields to direct light away from the channel.

The new bridge structure over the Cedar River would have new footings and piers just outside the ordinary high watermark. Drilled shafts would be needed to construct the super structure, but they are expected to be installed without disturbing instream sediments or otherwise raising turbidity. If a risk of turbidity is anticipated, BMPs such as silt curtains could be deployed.

The shade footprint of the current I-405 Cedar River Bridge is approximately 21,775 square feet. The bridge would be widened by 15 feet, which would increase the shade footprint by approximately 1,150 square feet to approximately 22,925 square feet, which amounts to a 5 percent increase.

As documented in the Biological Assessment (BA) for the Tukwila to Renton Improvement Project (WSDOT 2007), shading can have both beneficial and negative effects to fish habitat. Fish and aquatic species are sensitive to incremental shifts in temperatures outside of their natural range. Often, stream systems in urban settings, including many in the Project area, have elevated stream temperatures that are a potential threat to fish life. Shading from the new bridges over water may help reduce water temperatures and provide a beneficial effect to fish

habitat. Conversely, overwater cover also presents a challenge for aquatic prey species, such as juvenile salmon, because predator species may concentrate in these areas, making passage for prey species difficult (Battelle 2006).

The primary effect in the Cedar River is on migration. Some juvenile salmonids may pass under bridges without delay, while others may hold under bridges for longer periods of time. Fish holding under bridges can expose juveniles to predation more than they would otherwise be while migrating.

As shown in Appendix H of the 2007 BA, the potential effect caused by increased overwater shading was determined to be insignificant. As noted above, the increase is less than 5 percent of the existing bridge. In addition, there are 10 bridges downstream providing overwater coverage along the fish migration pathway, so the increase in overwater coverage upstream is minimal compared to the overwater coverage that is located downstream and would not be expected to affect predator/prey relationships.

The illumination system under the bridge is intended to light the bike/pedestrian trails in the area as a public safety measure. The Cedar River Trail runs along the left bank (south side) of the river underneath I-405, and includes a bridge directly underneath I-405, connecting the trail to Cedar River Park north of the river. This section of the Cedar River Trail is owned and operated by the City of Renton. The bridge widening may require placement of additional lighting to maintain public safety in the bridge vicinity. The existing luminaires near the channel have previously been fitted with sleeves to ensure light is directed onto pathways, to limit ambient lighting of the stream. The Project will ensure that this approach is continued for any additional lights needed under the bridge, and existing lights within WSDOT's right of way will be retrofitted to ensure minimum impact while maintaining public safety. WSDOT's design-build contract will specify the requirements for illumination and they will be included within the illumination plan.

Fish and aquatic resources would benefit from the installation of stormwater treatment facilities. Stormwater facilities would collect runoff from all new impervious surfaces created by the Project. In addition, the stormwater system would be retrofitted to provide treatment for an additional 51 percent of the existing PGIS, which is expected to improve the quality of stormwater runoff and discharges from I-405. The Project will provide enhanced stormwater quality treatment before water is discharged to streams as discussed in Section 4.6, Water Resources. Stormwater modeling discussed in Section 4.6, Water Resources, shows that while there may be a minor increase (4 percent) in dissolved copper discharges, total copper would decrease by 36 percent. Increases in dissolved copper discharges are expected at four locations. Two of those locations, the Bagley Lake deep water discharge and the Mercer Slough wetland complex, are locations where fish are not present. At Johns Creek, a fish bearing stream and UNT 08.LW.0283, which may become a fish-bearing stream after fish passage improvements are made as part of the Build Alternative, the dilution assessment demonstrated that the mixing zone is less than 1 foot. As part of WSDOT's ESA commitment, once all stages of the TRIP and Renton to Bellevue projects are constructed, 100 percent of existing PGIS within the study area will be treated.

The Project would replace ~~five~~ seven fish barriers with ~~six~~ fish passable structures, which would improve habitat and habitat access for fish and meet the terms of the 2013 United States District Court Injunction (Injunction). The structures that would be ~~constructed~~ upgraded or improved include:

- UNT 08.LW.0283 (Gypsy Creek subbasin drainage, NE 44th Street crossing)
- UNT 08.LW.0283 (Gypsy Creek subbasin drainage, one fish barrier at the I-405 crossing would be replaced with a bridge that would cross I-405 at 2 locations)
- UNT 08.LW.0283 (Gypsy Creek subbasin drainage, Lake Washington Blvd crossing)
- ~~UNT 08.LW.7.7A~~
- ~~UNT 08.LW.7.8~~
- Stream 8.15 under I-405
- Stream 9.8 under the ERC
- Stream 9.9 under the ERC
- Stream 10.0 under I-405

~~The five fish barrier replacements would occur on three streams, two of which flow together downstream of I-405 prior to discharging to Lake Washington. UNT 08.LW.7.7A and UNT 08.LW.7.8 run between two houses in an undersized flume, and would require installation of flow restrictor plates until downstream conveyance has been improved as described above. UNT 08.LW.0283 (formerly known as Gypsy Creek) runs through an 800-foot-long pipe under the Virginia Mason Athletic Center property. There are no listed species in the streams where fish barrier culverts would be replaced.~~

The area of lineal habitat gain for streams where fish barriers will be replaced with fish passable structures are as follows:

- UNT 08.LW.0283 - 1,211 meters
- Stream 8.15 - 97 meters
- Stream 9.8 - Approximately 30 meters
- Stream 9.9 - Approximately 30 meters
- Stream 10.0 - 400 meters

~~UNT 08.LW.0283 is 1,211 meters (0.75 mile) upstream (east) of I-405. For Streams UNT 08.LW.7.7A and UNT 08.LW.7.8, the lineal gain is 605 meters (0.37 mile) and 303 meters (0.19 mile), respectively. Flow restrictor plates would be removed when downstream barriers are replaced.~~

Two existing culverts that are located under I-405 carrying streams UNT 08.LW.7.7A and UNT 08.LW.7.8 have been identified as full fish passage barriers by WDFW. Juvenile and adult salmonids are not able to access habitat upstream of I-405. UNT 08.LW.7.7A and UNT 08.LW.7.8 have 605 and 303 lineal meters of potential upstream habitat, respectively. The downstream

drainage from UNT 08.LW.7.7A and UNT 08.LW.7.8 combines and runs between two houses in an undersized flume and experiences some flooding today at the outlet in high flow conditions. In addition, these two existing culverts under I-405 have known maintenance issues and need to be replaced because they are at the end of their useful life.

The I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (Project) would construct new, larger culverts in accordance with the 2013 United States District Court Injunction (Injunction[1]). In addition, because of downstream constraints on private properties, flow restrictors would be installed on the new upsized culverts so they would not flood downstream areas. Similar to existing conditions, the new culverts would not be fish passable with the flow restrictors, and, once the Project is built, juvenile and adult salmonids would not able to access habitat upstream of I-405. The Project would not change the environment for fish compared to existing conditions, but it would install culverts that could be fish passable in the future once downstream constraints are eliminated.

Removing the downstream constraints to make the two culverts fully fish passable is not a part of this Project. WSDOT commits to implementing one of two options:

1. **Primary Option:** Acquire property rights to create a pathway for the streams to outfall to Lake Washington. If WSDOT is successful in obtaining the necessary property rights, it could take up to six years to complete this process and construct this option with an opening about the same time as the completion of the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (expected at the end of 2024). This option is WSDOT's preferred solution to restore full fish passage at UNT 08.LW.7.7A and UNT 08.LW.7.8. This option could be constructed at the same time as this Project negating the need to install the flow restrictors. However, depending on the timing, WSDOT may need to install the flow restrictors as a temporary measure until the downstream pathway is complete. WSDOT recognizes that the Muckleshoot Indian Tribe would prefer these restrictors not be installed or that they be removed as soon as possible to ensure the streams are fully fish passable.
2. **Contingency Option:** WSDOT would install removable restrictors to reduce downstream waterflow on UNT 08.LW.7.7A and UNT 08.LW.7.8. This option would result in the replaced barriers being considered full fish barriers for as long as the flow restrictors are in place. Per Section 10 of the Injunction, WSDOT would develop off-site mitigation in consultation with the Muckleshoot Indian Tribe. This option could take up to five years to complete and construct the mitigation sites. Because WSDOT will need to determine the outcome of the Primary Option before pursuing this Contingency Option,

[1] *Federal Court Injunction. 2013. United States et al. vs. Washington et al. No. C70-9213 Subproceeding No. 01-1* dated March 29, 2013. The Culvert Injunction applies to anadromous stream crossings on state owned roads in this project area. It required the State to correct approximately 1,000 fish passage barriers. By 2030, the State is required to correct those that correspond to 90 percent of the total potential habitat blocked by significant barriers. This is approximately 415 barriers to date. The Injunction specifies that correction be either bridges or stream simulation culverts, but Section 10 allows deviation from this, accompanied with mitigation, when extraordinary site conditions exist.

this option would likely not be in place until 2025, a year after the opening of the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project.

Due to the uncertainty of whether the downstream conveyance option (primary option) will be successful, WSDOT will continue to pursue both options on a parallel path, in consultation with the Muckleshoot Indian Tribe. The contingency option will only be triggered if the primary option is not successful (i.e. right of way cannot be acquired). WSDOT will know in 2021 if the primary option is a viable solution.

Construction of either the primary option or the contingency option will be a future I-405 project. The culverts on UNT 08.LW.7.7A and UNT 08.LW.7.8 will remain on the Injunction list until they are made fully fish passable. WSDOT will complete any necessary environmental review as required under NEPA and the State Environmental Policy Act (SEPA), obtain required permits, and continue active consultation with the Muckleshoot Indian Tribe on the remedy for these two culverts. WSDOT will provide an annual update each year on the status of implementing these options to FHWA, Muckleshoot Indian Tribe, the U.S. Army Corps of Engineers, and Ecology.

In addition, as part of early coordination meetings with the National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Services (USFWS), the Muckleshoot Indian Tribe, and other resource agencies, WSDOT is proposing ~~habitat improvement work in May Creek~~ extensive work beneath the existing May Creek bridge as part of the Project. The goal ~~of these enhancements~~ of the proposed work is to maximize habitat ~~benefits~~ improvements while balancing infrastructure protection needs, including the new bridge piers that would be built at May Creek (which are above the existing ordinary high watermark), an existing sanitary sewer pipe that runs under the channel, and the existing sanitary sewer manhole. The conceptual design ~~for the improvements~~ at May Creek is under development, and will be submitted to NMFS, USFWS, other resource agencies, and the Muckleshoot Indian Tribe for review when it is finalized.

Key Project elements for the May Creek habitat enhancement include the following:

- Removal of existing angular rock and fill within the 100-year floodplain that is within WSDOT right of way. Rock would remain in place where it is necessary to protect-in-place the King County sanitary sewer May Creek Interceptor.
- The bridge abutments would provide a minimum of 5 feet between the southern abutment and the 100-year water surface elevation.
- The existing piers (currently set at approximately 65 feet apart) would be removed and replaced with two single span bridges.
- The Project would be designed in accordance with the Integrated Streambank Protection Guidelines and would evaluate the constraints of large woody debris placement under an urban freeway bridge within limited right of way.
- The design ~~incorporates increased floodplain width and~~ would increase floodplain width by reducing ~~ed~~ the abutment slopes under the bridge. The widened floodplain would reduce flow velocities during larger storm events.

- Appropriate riparian plantings will be provided upstream and downstream of the bridge crossing within the WSDOT right of way.
- A 6-foot-wide space under the bridge would provide for a future City of Renton pedestrian trail, which is planned for construction at a later time. There would be a minimum of 5 feet between the edge of the pedestrian trail and the 100-year water surface elevation.

Construction activities that could affect fish and stream habitat include the following:

- Filling and grading
- Removing stream-side vegetation
- In-water construction for culvert replacement

~~At May Creek, no in-water work would be done. Work would be conducted from the streambank, and no pile driving would occur in the creek.~~ Work at May Creek will be completed primarily from the banks with minimal disturbance in the channel. No piles will be driven within the ordinary high watermark of the creek.

Terrestrial Resources

Page 5-12, added text after the first paragraph

stormwater runoff, and groundwater. This has led to increased treatment and reduced pollutant discharges over time.

WSDOT is coordinating with the City of Renton on local development plans in Renton including the Southport development and a new Residence Inn by Marriott that is being constructed near the Southport development. In addition, the City of Renton has planned roadway improvement projects including the Park Avenue North Extension and Houser Way North projects. These projects are listed in Exhibit 5-1 and they are discussed here to describe potential cumulative effects to stormwater discharges to Johns Creek and Lake Washington.

Construction is underway for the Southport development next to Lake Washington, Johns Creek, Gene Coulon Memorial Beach Park, and Lake Washington Boulevard. The Southport development includes constructing office buildings and expanding Lake Washington Boulevard. The roadway expansion would relocate a portion of Johns Creek, located upstream of the new outfall that WSDOT would construct as part of this Project. Construction is also underway for a new Residence Inn by Marriott that is being built on the east side of Lake Washington Boulevard near the Southport development. The stormwater drainage system for the new hotel was assumed as an existing condition in the stormwater modeling completed for the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project. The Project is reconstructing the existing stormwater conveyance. Once the Project is built, stormwater from the new hotel would be relocated to connect to the new WSDOT outfall that would discharge into Johns Creek.

The Park Avenue North Extension is a project that would extend Park Avenue North over the railroad tracks onto the Southport development. Project design and construction for the Park Avenue North extension is planned for 2019, depending on funding. The Houser Way North Project would widen Houser Way North from a one-lane to two-lane road from North 8th Street

to Lake Washington Boulevard. Design and construction for the Houser Way North Project is planned for 2020 to 2022. The City of Renton is leading these projects that are part of the City's Transportation Improvement Program. Most of these areas are currently paved and drain to Lake Washington. The City would meet stormwater runoff treatment requirements.

WSDOT will continue to coordinate with the City of Renton on development and local roadway construction projects in this area, and does not anticipate that these projects would have a negative cumulative effect on Johns Creek or Lake Washington. WSDOT will be treating stormwater discharges that travel to Johns Creek, which will be an improvement over existing conditions.

When combined with other reasonably foreseeable future projects, this Project's contribution to cumulative effects on surface waters would likely be positive. Enhanced stormwater treatment will be provided for all new ~~pollutant~~ pollution-generating impervious surfaces (PGIS), and older I-405 stormwater systems will be retrofitted to provide treatment. The Project would retrofit approximately 51 percent of the existing stormwater system.

Page 5-13, third paragraph

As the human population and the extent of development in the study area have increased over time, the area of native vegetation has decreased and habitat for wildlife and aquatic organisms has been eliminated and/or degraded. Natural habitat alteration has taken the form of forest cover and stream-side vegetation removal, channel modification, bank armoring, dredging, removal of woody debris from streams, routing of streams through culverts, alteration of natural stream flow regimes, and construction of barriers to fish passage. These habitat changes have contributed to declining wildlife and fish populations, which in some cases have led to the species being protected by increasing regulatory oversight under the ESA. WSDOT is in the process of complying with the terms of the 2013 United States District Court ~~i~~Injunction. As part of this compliance, culverts in the I-405 corridor that have been identified as non-fish passable culverts will be replaced to meet the terms of the Injunction. WSDOT will consult with the Muckleshoot Indian Tribe on these culvert replacements. Consultation will include providing opportunities for desktop stream review and conducting field visits with the Muckleshoot Indian Tribe and WDFW as needed to confirm stream types and the presence of fish barriers subject to the Injunction. FHWA and WSDOT will continue to consult with the Muckleshoot Indian Tribe on culvert replacements as part of project development and permitting.

Declining populations have led to increasing regulatory protections for wildlife, aquatic species, and their habitat under federal and state laws. As described in Section 4.7, Ecosystems, several species that are listed and protected under the ESA may live in the study area.

As described in Section 4.6, Water Resources, water quality is expected to improve with the Project. With proper maintenance of the stormwater treatment facilities, this should translate to beneficial effects on fish and aquatic habitat. Similarly, the Project has the potential to contribute to beneficial cumulative effects to these resources from improved water quality and improved fish passage at ~~five~~ seven locations~~stream crossings~~.

Page 6-3, last paragraph after Environmental Justice Heading

~~We~~ FHWA did not identify any construction effects from the Project that would have a disproportionately high and adverse effect on environmental justice populations.

Page 6-7, last bullet under Aquatic Resources

- ~~Five~~ Seven ~~existing stream culverts~~ fish barriers will be replaced with new fish ~~friendly~~ passable structures.

Page 6-7, last bullet under Threatened and Endangered Species

- WSDOT will continue to work with ~~tribal~~ the Muckleshoot Indian Tribe, federal, state, and local authorities to determine ~~mitigation that best offsets impacts on the~~ ways to minimize or improve conditions for fish species affected by the Project.

Page 6-13, second paragraph after "What measures will WSDOT use to avoid or minimize operational effect?" heading

Although the three full residential property acquisitions have already taken place based on the completed NEPA process for the previously approved Renton to Bellevue Project in 2008, this EA~~, the~~ must consider the effects of these acquisitions and identify mitigation if there are adverse impacts. The following mitigation was applied to minimize the effects of three residential property acquisitions and displacements associated with the Project.

Page 6-20, second bullet under Ecosystems, Wetlands and Streams

- WSDOT will implement avoidance measures to reduce temporal losses of wetland functions prior to creating wetlands. Project-level design and environmental review will include avoidance, minimization, restoration, and mitigation for wetland effects. WSDOT will mitigate for wetland and stream impacts at the following sites: Springbrook Creek mitigation bank and Kelsey Creek for wetland mitigation; May Creek, Median Creek, Stream 8.15, and UNT08.LW.0283 (Gypsy Creek) for stream and buffer mitigation; and Ron Regis Park~~, Median Creek,~~ and the Mercer Slough (on WSDOT property) for buffer mitigation. ~~Wetland buffer effects will be mitigated in accordance with local critical area ordinances.~~ Specific mitigation strategies at each of the sites are in development and will be detailed in permit documentation.

Page 6-21, first bullet under Aquatic Resources

- All temporary effects on streams will be restored. Permanent effects on streams will be mitigated on site whenever possible. The Project would replace ~~five~~ seven existing ~~culverts,~~ fish barriers with fish-passable structures, which would improve fish habitat.

Page 6-21, second to the last bullet under Threatened and Endangered Species

- WSDOT will continue to work with ~~tribal~~ the Muckleshoot Indian Tribe, federal, state, and local authorities to determine ~~mitigation that best offsets impacts on~~ ways to minimize or improve conditions for the fish species affected by the Project.

Page 7-2, Exhibit 7-1

Exhibit 7-1. List of Preparers

Name Affiliation	Project Role	Education Certifications/Licenses Professional Organizations	Years of Experience
Pat Svoboda WSDOT	Hazardous Materials ~~Technical Memorandum~~ Analysis	BA, Political Science MPA, Public Administration 40-Hour Hazwoper Certified AHERA Building Inspector Certified UST Supervisor Certified	~~23~~26

Chapter 8, References

The following references have been added to the references section:

Battelle Memorial Institute (Battelle). 2006. *Impacts of Ferry Terminals and Ferry Operations on Juvenile Salmon Migrating along Puget Sound Shorelines.* Prepared for WSDOT.

WSDOT. 2007. *Biological Assessment for the I-405 Tukwila to Renton Improvements Project (I-5 to SR 169 – Phase 2).* June.

Attachment D: Environmental Justice Discipline Report, page 3-7, fifth paragraph

WSDOT participated in ~~g~~Government-to-~~g~~Government consultation with four federally recognized tribes during preparation of the I-405 Corridor Program EIS: Muckleshoot Indian Tribe, Snoqualmie Tribe, Tulalip Tribes, and the Confederated Tribes and Bands of the Yakama Nation.

Attachment D: Environmental Justice Discipline Report, page 5-2, Exhibit 5-1 second row

Exhibit 5-1. Summary of Operational Project Effects on Environmental Justice Populations

Evaluation Element	Project	No Build
Historic and cultural resources of significance to tribes	The Project would have no effect on any historic, cultural, or archaeological resources.	There would be no effect on any historic, cultural, or archaeological resources.
Fishing and aquatic resources of significance to tribes	The Project would replace ~~five~~ seven fish barriers with fish passable structures. In addition, WSDOT would make habitat improvements to May Creek.	In accordance with the terms of the existing ~~i~~Injunction, existing fish barriers would be replaced ~~under a future project~~.

Attachment D: Environmental Justice Discipline Report, page 7-1, Footnote for Exhibit 7-1

[6] All three full residential property acquisitions and some of the partial residential and commercial property acquisitions have already taken place under the completed NEPA process

for the previously approved Renton to Bellevue FONSI in 2008; however, this EA must consider the effects of these acquisitions in making an environmental justice determination.

Attachment E: Cultural Resources Survey, Page 1, first paragraph

In addition to widening and interchanges improvements, the Project will ~~address fish passage~~ construct fish passable structures ~~at four stream crossings~~ on the following streams: ~~Gypsy Creek (MP 7.5); Gypsy Creek (MP 7.59); Unnamed Creek (MP 7.75); and Unnamed Creek (MP 7.85)~~ UNT 08.LW.0283 (three fish barriers would be replaced), Stream 8.15, Stream 9.8, Stream 9.9, and Stream 10.0.

Attachment F: Visual Impact Assessment Discipline Report, Page 5-9, second paragraph

The Project would restore the stream channel giving it a more natural, meandering alignment, replacing rip rap with appropriate substrate ~~rounded rock~~, and restoring the streambank with native vegetation at the edges of the bridge.

Attachment G: Water Resources Discipline Report, Page 4-14, second paragraph

Mercer Slough and Richards Creek

Mercer Slough is situated in a broad wetland receiving basin that drains south into Lake Washington. The tributaries to Mercer Slough are Kelsey Creek, West Tributary to Kelsey Creek, Goff Creek, Richards Creek, Valley Creek, and Sturtevant Creek. The overall Mercer Slough drainage is 16.1 square miles, of which about 4,375 acres are currently impervious surface (City of Bellevue 2018). Mercer Slough is also known as the terminus of Kelsey Creek (per the Washington Department of Fish and Wildlife) or Mercer Creek (per the United States Geological Survey).

Attachment G: Water Resources Discipline Report, Page 5-2, third paragraph

New cross-culverts would typically be constructed in the dry, although there could be in-water work associated with some culvert replacements. Existing streams and watercourses would be conveyed under I-405 via existing culverts whenever possible while new cross-culverts are constructed ~~until the new cross-culverts and associated channel modifications are completed~~. ~~This approach would maintain existing conveyance across I-405 during construction.~~ There may be cases where a temporary stream diversion is used because the new cross-culvert is being constructed in the same location as the existing cross-culvert.

Groundwater and Aquifers…

Attachment G: Water Resources Discipline Report, Page 5-5 to 5-6, Exhibit 5-1

Please note this is an excerpt of Exhibit 5-1 that includes the text that changed.

Exhibit 5-1. Stormwater Design with the Project

Subwatershed	Receiving Waterbody	TDA	Existing I-405 PGIS in TDA (acres)	Existing I-405 Treatment (acres)	Build Alternative Proposed PGIS in TDA (acres)	Build Alternative Proposed Treated PGIS (acres)
	Lake Washington	W2-1 – Pleasure Point	4.66	0.00	4.15[4]	4.15
		W2-2 – Lakehurst Creek	9.57	1.22	8.60[4]	8.60
		W2-3 – Bagley Lane	1.91	0.00	10.27	10.27
		W3-1 Newcastle Beach Park	2.15	0.00	1.61[5]	1.61
~~Coal Creek~~	~~Coal Creek~~	~~W3-1 Newcastle Beach Park~~	~~2.15~~	~~0.00~~	~~1.61~~[5]	~~1.61~~
Coal Creek	Coal Creek	W3-2 – Coal Creek Parkway	16.99	3.34	8.20[5]	4.75
Mercer Slough	Mercer Slough Wetlands	W4 – I-90 Vicinity	37.67	5.43	56.66	24.54
		W5	8.80	4.47	9.51	7.00
	Richards Creek	R1	1.08	0.00	1.08	0.00
		R2	13.72	0.00	13.72[6]	0.00
Total Acreage			218.75	21.27	265.66	179.69

PGIS = ~~pollutant~~ pollution-generating impervious surface; TDA = ~~total~~ threshold discharge area; UNT = unnamed tributary

[1] WSDOT highway runoff would be diverted to J2 for runoff treatment.
[2] All highway runoff flows would be diverted from Clover Creek and May Creek TDAs into TDA W1-2.
[3] WSDOT highway runoff would be diverted to W1-2 for runoff treatment.
[4] Area equal to new PGIS diverted from Pleasure Point and Lakehurst Creek TDAs (W2-1 and W2-2) into the TDA W2-3 (Bagley Lane direct discharge to Lake Washington).
[5] Area greater than new PGIS diverted from Newcastle Beach Park and Coal Creek TDAs into the TDA W4 (I-90 vicinity discharges).
[6] Area equal to new PGIS diverted from Richards Creek TDA (R) into the TDA W4. No new discharge to Richards Creek.

Attachment G: Water Resources Discipline Report, Page 5-10, second paragraph

Dissolved copper is associated with concerns about direct effects on fish. Increases in dissolved copper discharges are expected at four locations. Two of those locations, the Bagley ~~Lake~~ Lane deep water discharge…

Attachment G: Water Resources Discipline Report, Page 5-12, Exhibit 5-6.

Replace table footnote with TDA = threshold discharge area

Attachment G: Water Resources Discipline Report, Page 5-14, Exhibit 5-7.

Replace table footnote with TDA = threshold discharge area

Attachment G: Water Resources Discipline Report, Page 5-23, last paragraph and first paragraph on Page 5-24

~~Channel and floodplain enhancements would occur within the East Lake Washington – Bellevue South subbasin.~~ The following ~~Three~~ unnamed tributaries and streams~~; UNT 08.LW.0283, UNT 08.LW.7.7A, and UNT 08.LW.7.8,~~ would have ~~their~~ existing ~~culverts~~ fish barriers replaced with fish passable~~ge~~ structures: UNT 08.LW.0283 (three fish barriers would be replaced), Stream 8.15, Stream 9.8, Stream 9.9, and Stream 10.0. Additionally, on UNT 08.LW.0283, two open channel and floodplain areas would be constructed between I-405 and NE 43rd Street for fish passage and improved habitat.

Removal of existing bridge piers out of the floodplain and habitat improvements have been added to improvements proposed at May Creek~~, but no in-water work would be required~~. Removing the bridge piers would meet the City of Renton zero-rise floodplain requirement.

Attachment G: Water Resources Discipline Report, Page 6-2, last bullet

What measures will WSDOT take to mitigate effects on water resources from Project operation?

- ~~WSDOT will construct the new I-405 roadway over the City of Renton APA Zone 1, with an impervious liner underneath the pavement for additional protection from spills escaping the stormwater collection system.~~

Attachment G: Water Resources Discipline Report, Exhibits 4-1 and 5-8

The exhibits at the end of this errata replace the following:

- Exhibit 4-1, Existing Floodplains and Stormwater Facilities, Sheets 1 through 5, pages 4-2 through 4-6 – WSDOT added "Conveyance System" to the legend. On Sheet 3, WSDOT updated the stream location for Rolling Hills Creek, which was realigned as part of the SR 167 Direct Connector Project. On Sheet 4, WSDOT Added Stream 4.61 to reflect updated information obtained through field work completed by WDFW in September and October 2018.
- Exhibit 4-1, Existing Floodplains and Stormwater Facilities, Sheet 6 of 8, page 4-7 – Added "Conveyance System" to the legend, added a label for the "Virginia Mason Athletic Center". Changed the mapping for 8.05, 8.12, 8.22, and 8.31 to indicate that these are drainages rather than streams and modified the stream mapping for Stream 8.7 to reflect updated field data the WDFW collected in September and October 2018. Modified the stream mapping for UNT 08.LW.7.7A and UNT 08.LW.7.7 to reflect updated information form the I-405 team.
- Exhibit 4-1, Existing Floodplains and Stormwater Facilities, Sheet 7 of 8, page 4-8 – WSDOT added "Conveyance System" to the legend, added a label for the "Pleasure Point Discharge" and added the "WSDOT Bagley Lane Discharge to Lake Washington". Modified the stream mapping for Streams 8.7, 8.9, 9.8., 9.9, and 10.0 to reflect updated information obtained through field work completed by WDFW in September and

October 2018. Modified the stream configuration of Lakehurst Creek to reflect updated information from the I-405 team.

- Exhibit 4-1, Existing Floodplains and Stormwater Facilities, Sheet 8 of 8, page 4-9 – Added "Conveyance System" to the legend, added a label for the "Mercer Slough Wetland Complex" and added the "I-90 Discharge". Removed lines that incorrectly showed a drainage at milepost 11.7. Revised mapping for Stream 11.8 to reflect updated information obtained through field work completed by WDFW in September and October 2018.
- Exhibit 5-8, Existing and Proposed Stormwater Facilities, Sheet 3 of 8, page 5-17 – WSDOT updated the stream location for Rolling Hills Creek, which was realigned as part of the SR 167 Direct Connector Project.
- Exhibit 5-8, Existing and Proposed Stormwater Facilities, Sheet 4 of 8, page 5-18 – Added Stream 4.61 to reflect updated information obtained through field work completed by WDFW in September and October 2018.
- Exhibit 5-8, Existing and Proposed Stormwater Facilities, Sheet 6 of 8, page 5-20 – Added a label for the "Virginia Mason Athletic Center". Changed the mapping for 8.05, 8.12, 8.22, and 8.31 to indicate that these are drainages rather than streams and modified the stream mapping for Stream 8.7 to reflect updated field data the WDFW collected in September and October 2018. Modified the stream mapping for UNT 08.LW.7.7A and UNT 08.LW.7.7 to reflect updated information form the I-405 team.
- Exhibit 5-8, Existing and Proposed Stormwater Facilities, Sheet 7 of 8, page 5-21 – Modified the stream mapping for Streams 8.7, 8.9, 9.8., 9.9, and 10.0 to reflect updated information obtained through field work completed by WDFW in September and October 2018. Modified the stream configuration of Lakehurst Creek to reflect updated information from the I-405 team.
- Exhibit 5-8. Existing and Proposed Stormwater Facilities, Sheet 8 of 8, page 5-22 – Removed lines that incorrectly showed a drainage at milepost 11.7. Revised mapping for Stream 11.8 to reflect updated information obtained through field work completed by WDFW in September and October 2018.

Attachment G: Water Resources Discipline Report, Appendix A, page A-2

PGIS ~~pollutant~~pollution-generating impervious surfaces

Attachment H: Hazardous Materials Analysis, page 1-1, third paragraph under Section 1.1 Purpose of this Report, last sentence

In addition, the Project would improve the quality of stormwater runoff from I-405. The Project would replace seven ~~five~~ existing ~~culverts~~ fish barriers with fish-passable structures.

Attachment I: Recreational, Section 4(f), and Section 6(f) Resources Technical Memorandum, page 5-7, last paragraph

The Project would also require a temporary construction easement on the Meadow property located on the west side of I-405 at the May Creek Bridge. A ~~1,000~~2,878-square foot temporary

construction easement would be needed to build temporary access to construct the southwest side of the new May Creek Bridge.

Attachment L: Acronyms and Abbreviations, page L-2

PGIS ~~pollutant~~pollution-generating impervious surfaces

Attachment P: Wetland and Water Resources Maps

Replace Attachment P, Wetland and Water Resources Maps with the updated maps provided at the end of this errata. We have included all Sheets 1 through 8 for the purposes of having a comprehensive set of maps in this errata. However, only the following sheets were updated with the changes described below, sheets 1, 2, and 5 have not changed from what was presented in the EA:

- Sheet 3 – Updated the stream location for Rolling Hills Creek, which was realigned as part of the SR 167 Direct Connector Project.
- Sheet 4 – Added Stream 4.61 to reflect updated information obtained through field work completed by WDFW in September and October 2018.
- Sheet 6 – Changed the mapping for 8.05, 8.12, 8.22, and 8.31 to indicate that these are drainages rather than streams and modified the stream mapping for Stream 8.7 to reflect updated field data the WDFW collected in September and October 2018. Modified the stream mapping for UNT 08.LW.7.7A and UNT 08.LW.7.7 to reflect updated information form the I-405 team.
- Sheet 7 – Modified the stream mapping for Streams 8.7, 8.9, 9.8., 9.9, and 10.0 to reflect updated information obtained through field work completed by WDFW in September and October 2018. Modified the stream configuration of Lakehurst Creek to reflect updated information from the I-405 team.
- Sheet 8 – Added Stream 11.8 to reflect updated information obtained through field work completed by WDFW in September and October 2018.

Exhibit 4-1. Existing Floodplains and Stormwater Facilities, Sheet 1 of 8

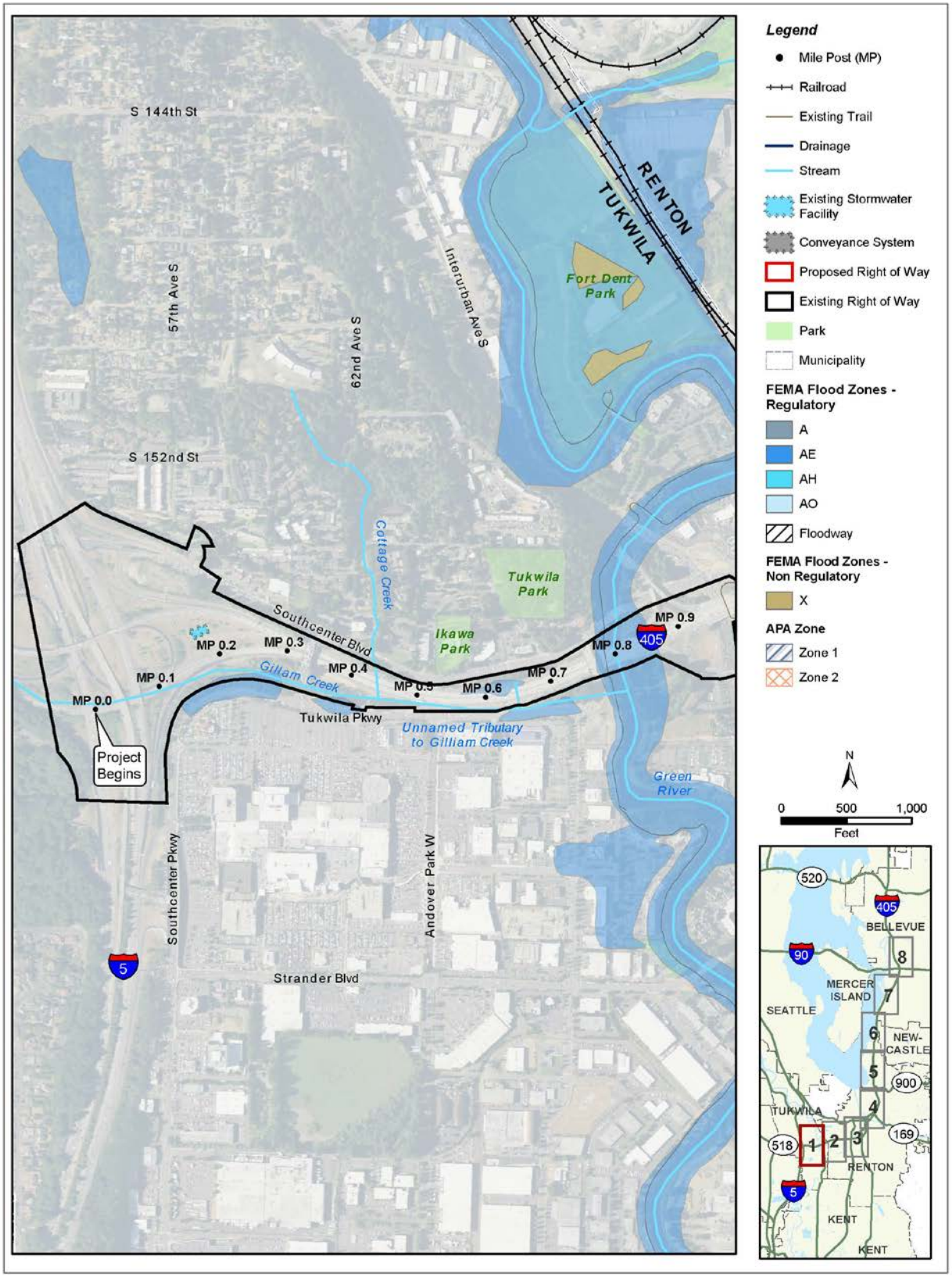


Exhibit 4-1. Existing Floodplains and Stormwater Facilities, Sheet 2 of 8

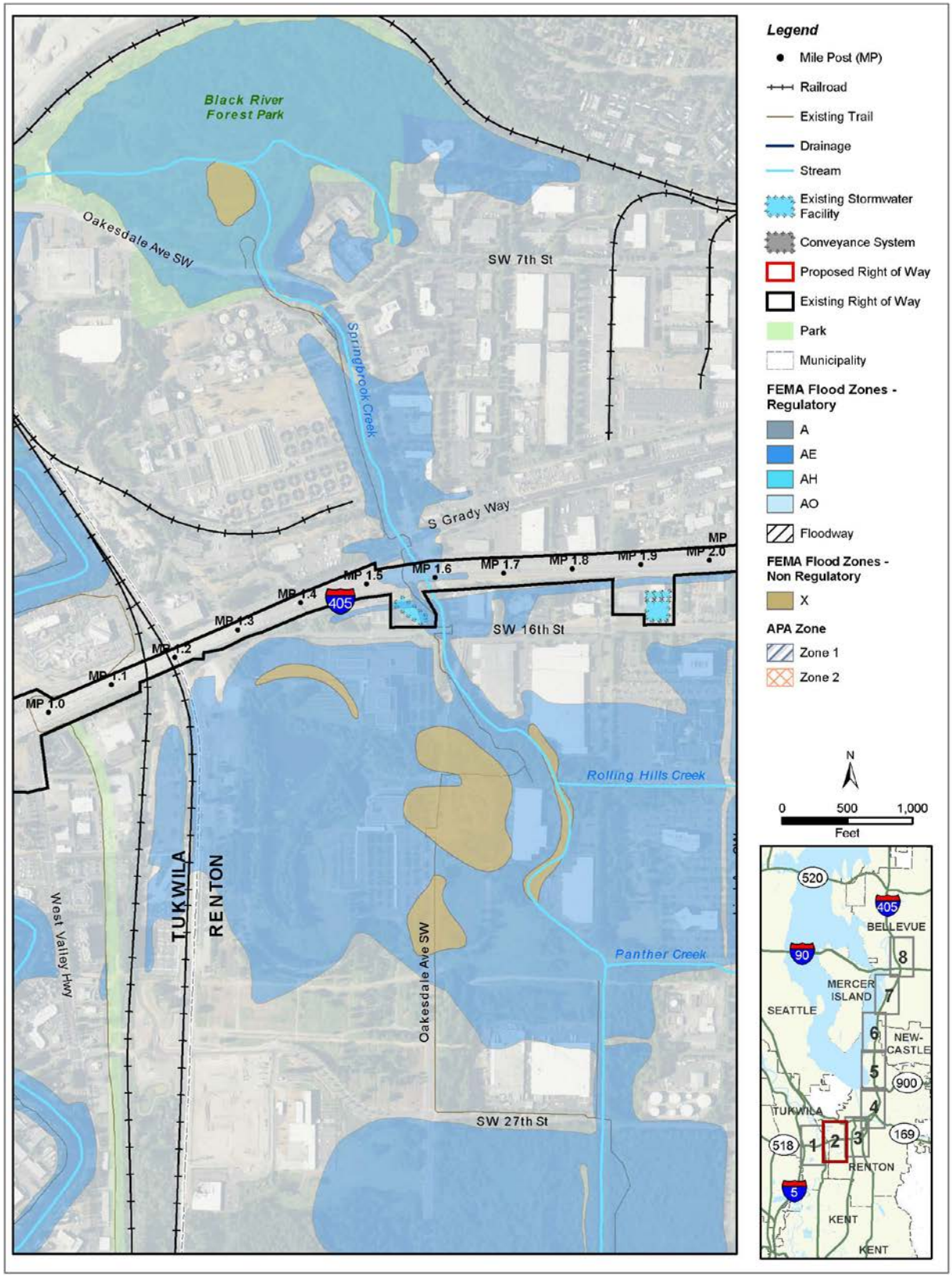


Exhibit 4-1. Existing Floodplains and Stormwater Facilities, Sheet 3 of 8

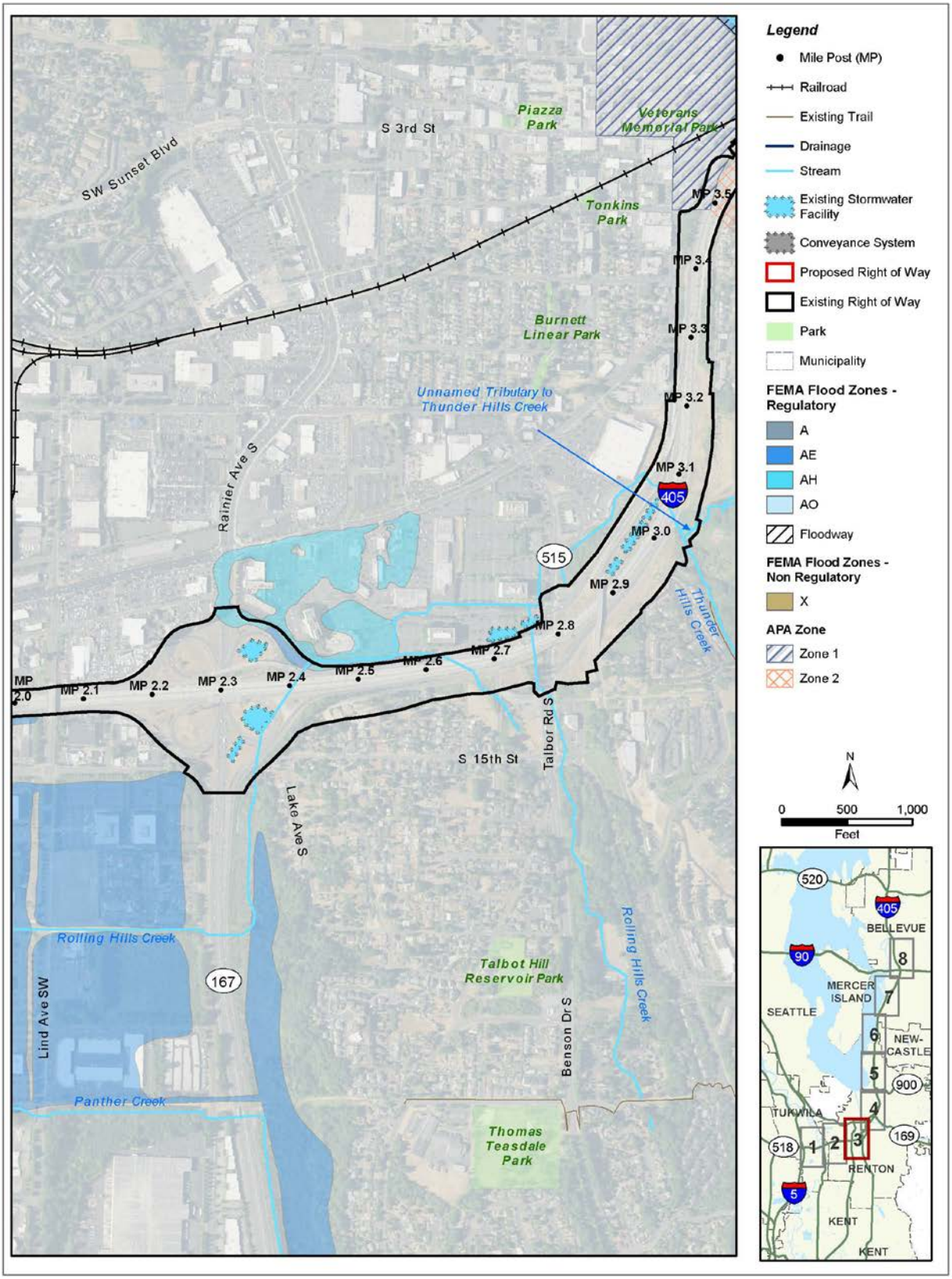


Exhibit 4-1. Existing Floodplains and Stormwater Facilities, Sheet 4 of 8

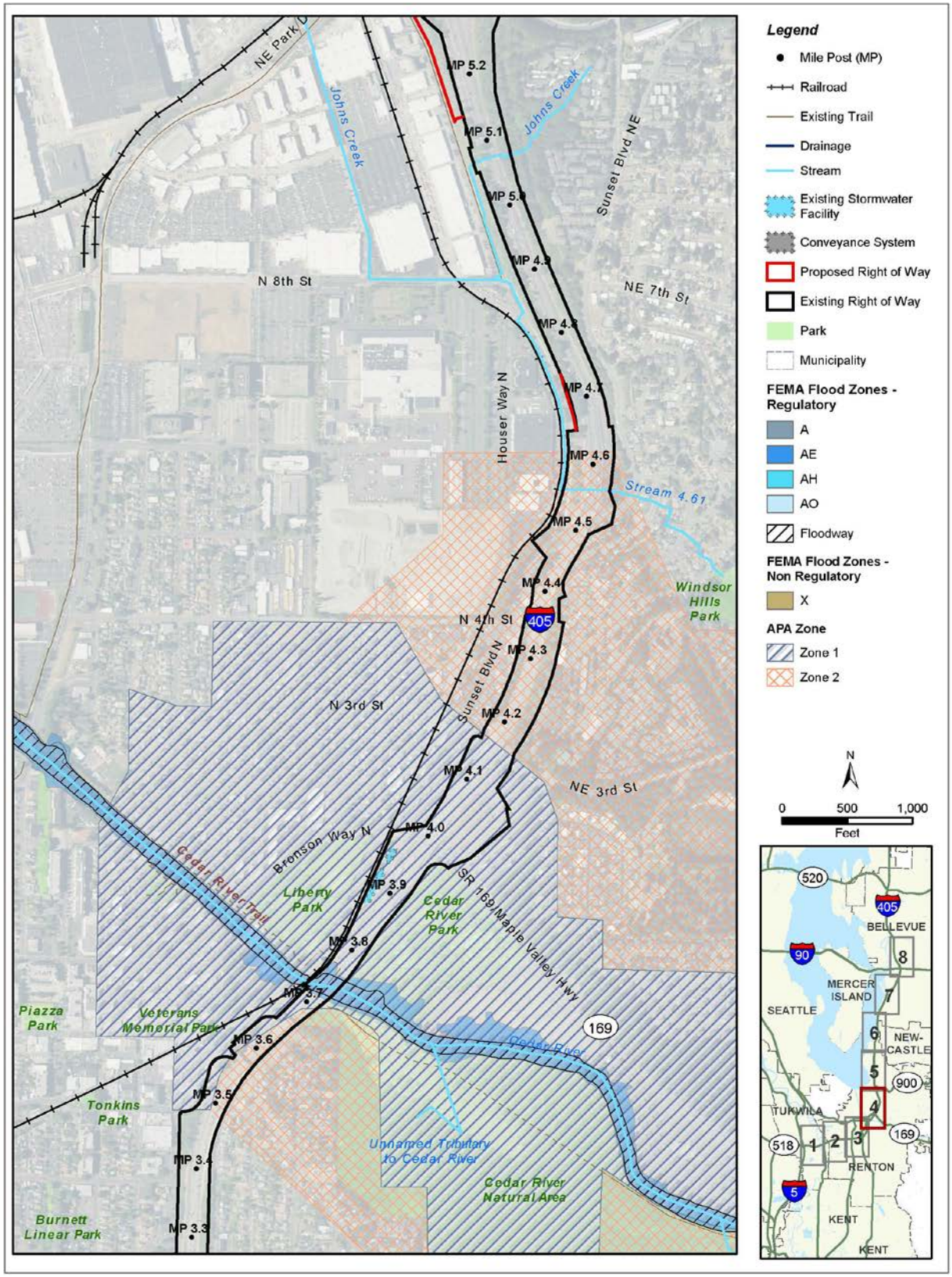


Exhibit 4-1. Existing Floodplains and Stormwater Facilities, Sheet 5 of 8

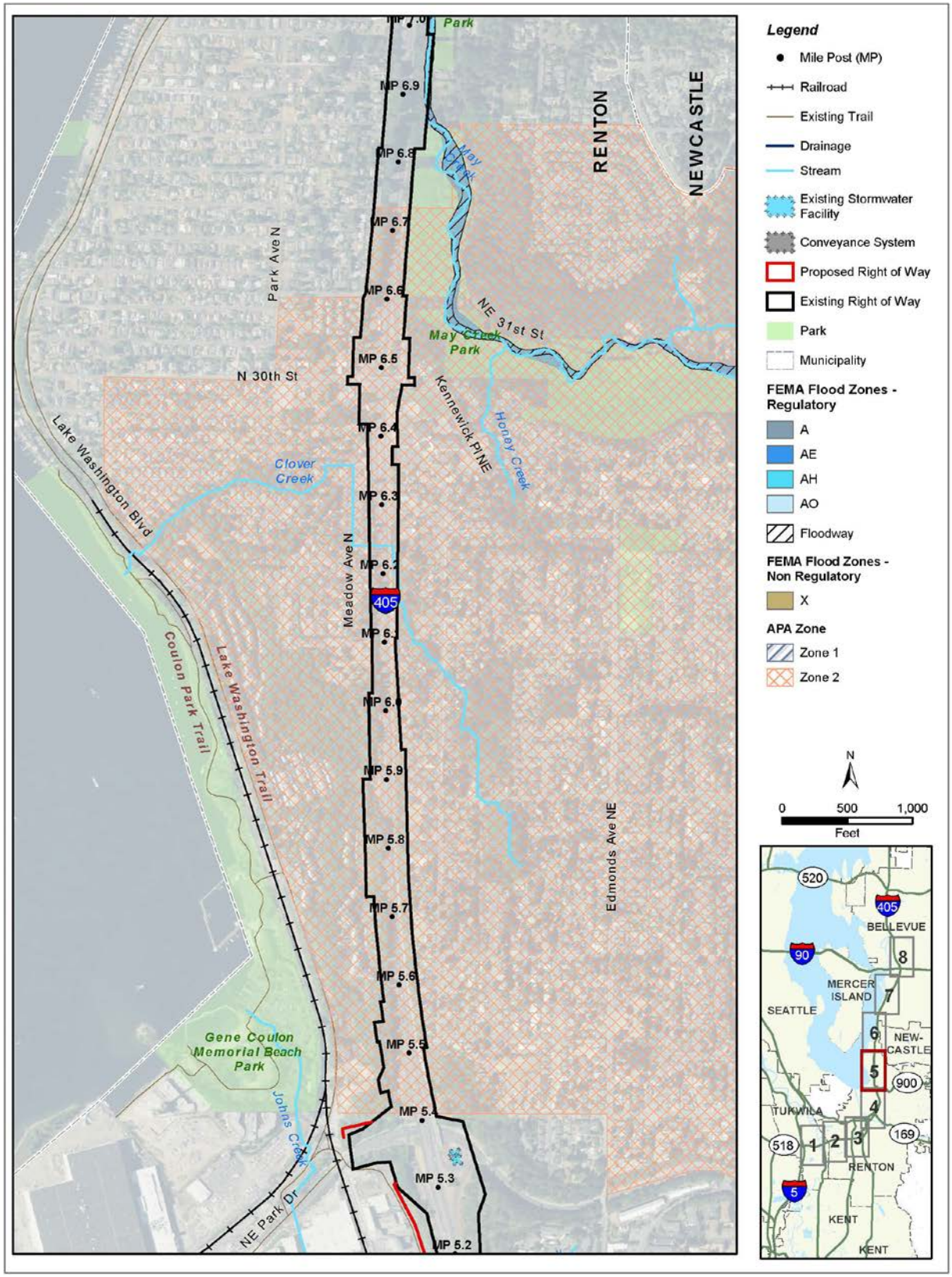


Exhibit 4-1. Existing Floodplains and Stormwater Facilities, Sheet 6 of 8

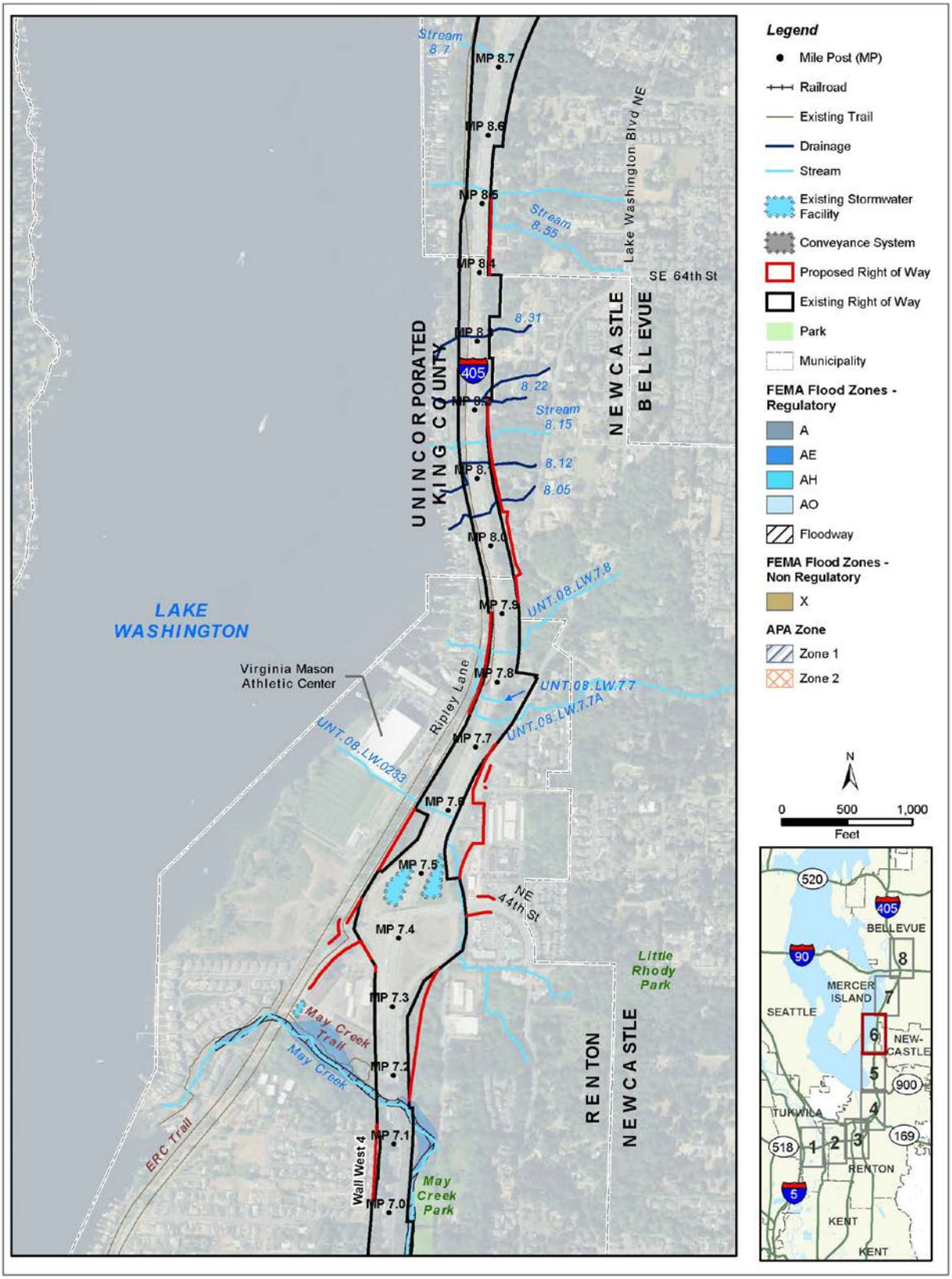


Exhibit 4-1. Existing Floodplains and Stormwater Facilities, Sheet 7 of 8

Exhibit 4-1. Existing Floodplains and Stormwater Facilities, Sheet 8 of 8

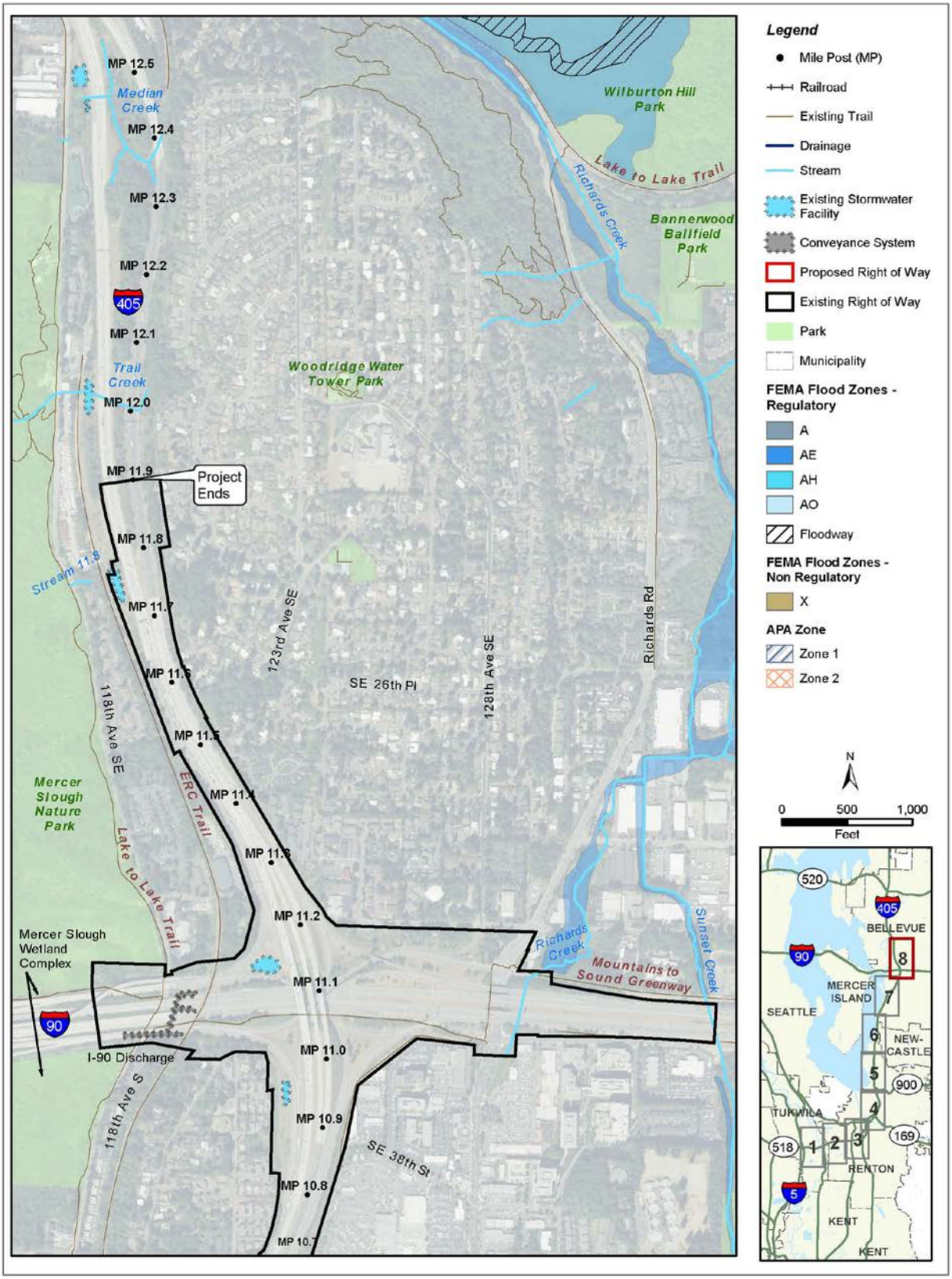


Exhibit 5-8. Existing and Proposed Stormwater Facilities, Sheet 1 of 8

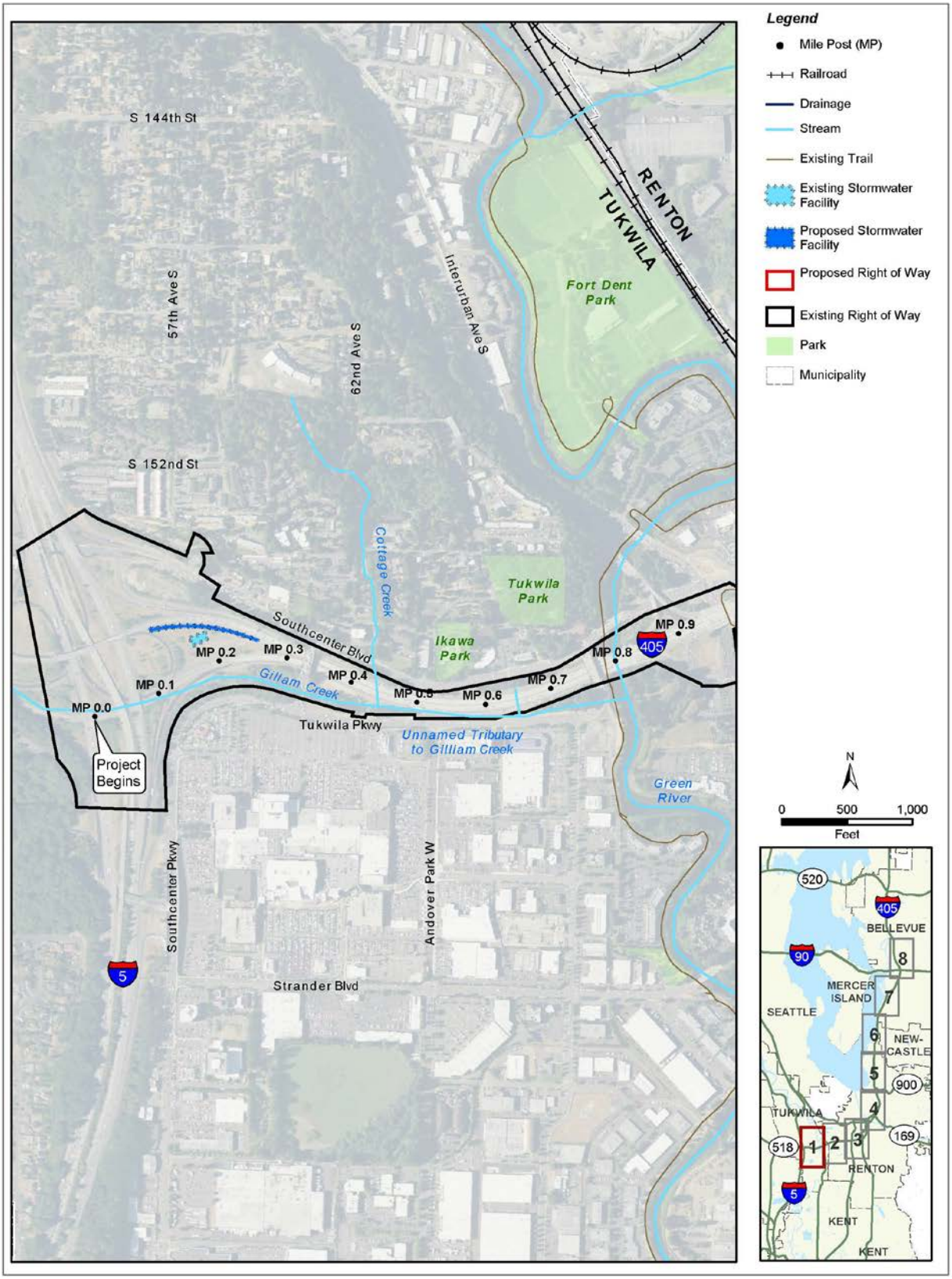


Exhibit 5-8. Existing and Proposed Stormwater Facilities, Sheet 2 of 8

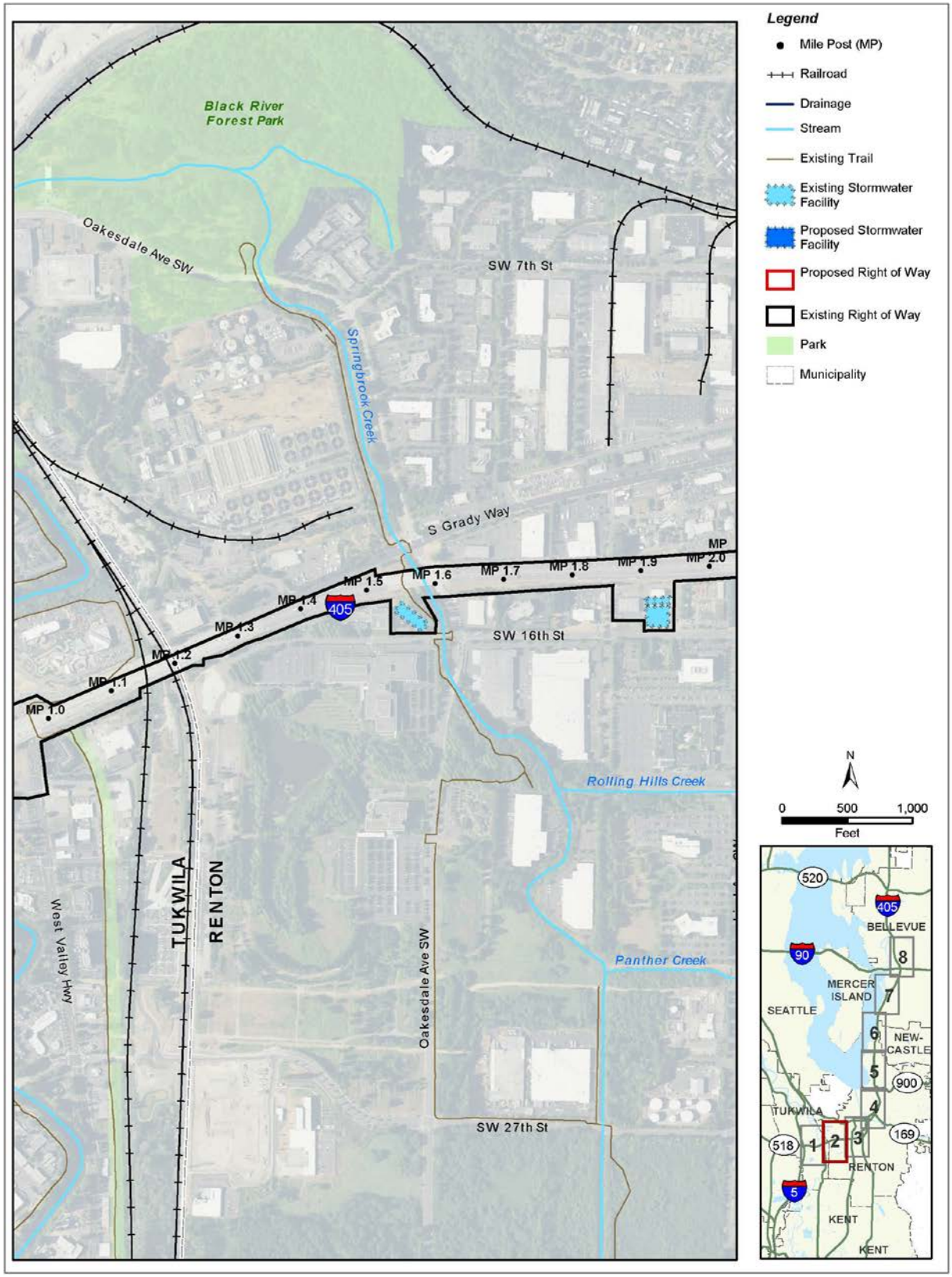


Exhibit 5-8. Existing and Proposed Stormwater Facilities, Sheet 3 of 8

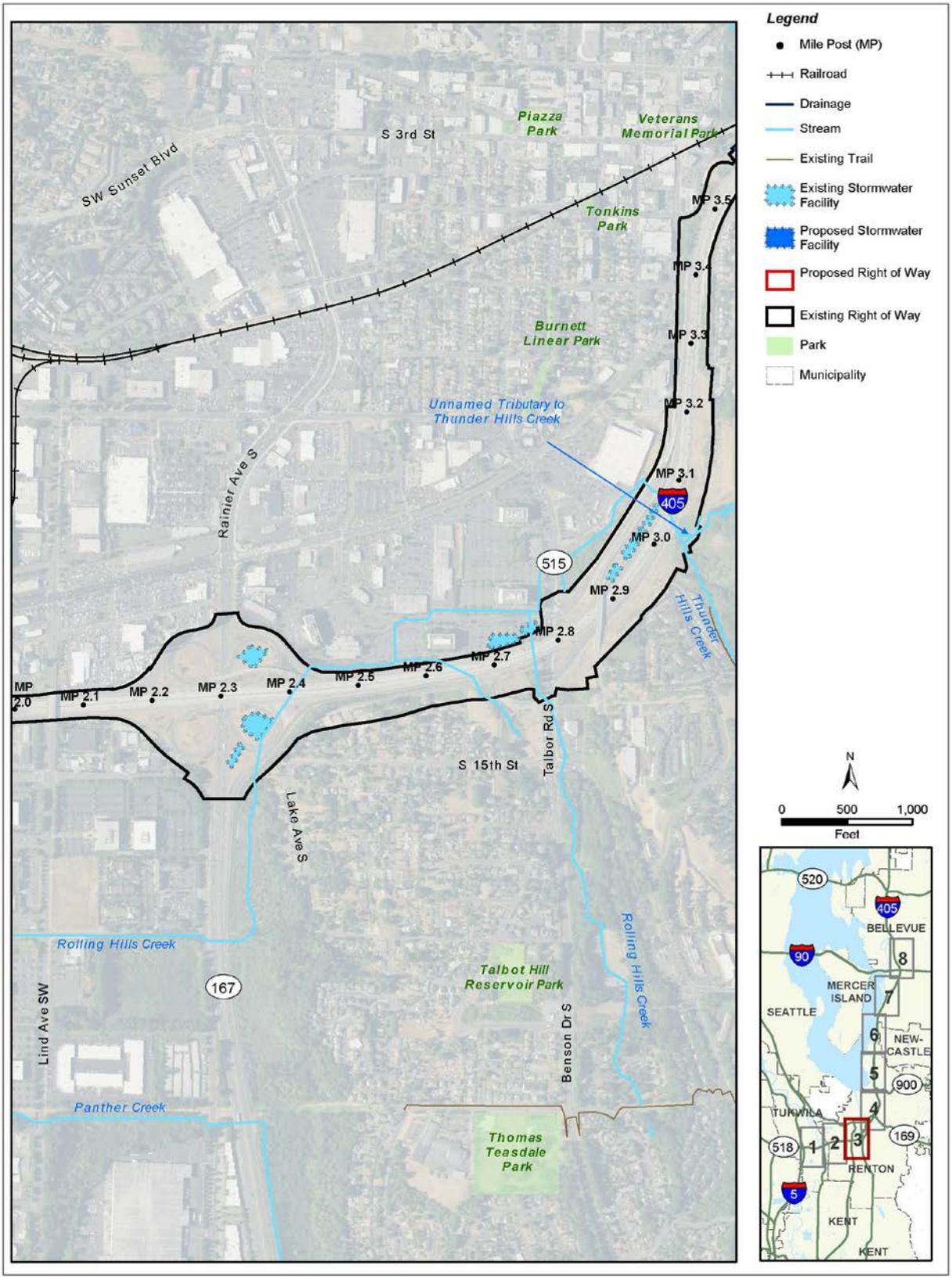


Exhibit 5-8. Existing and Proposed Stormwater Facilities, Sheet 4 of 8

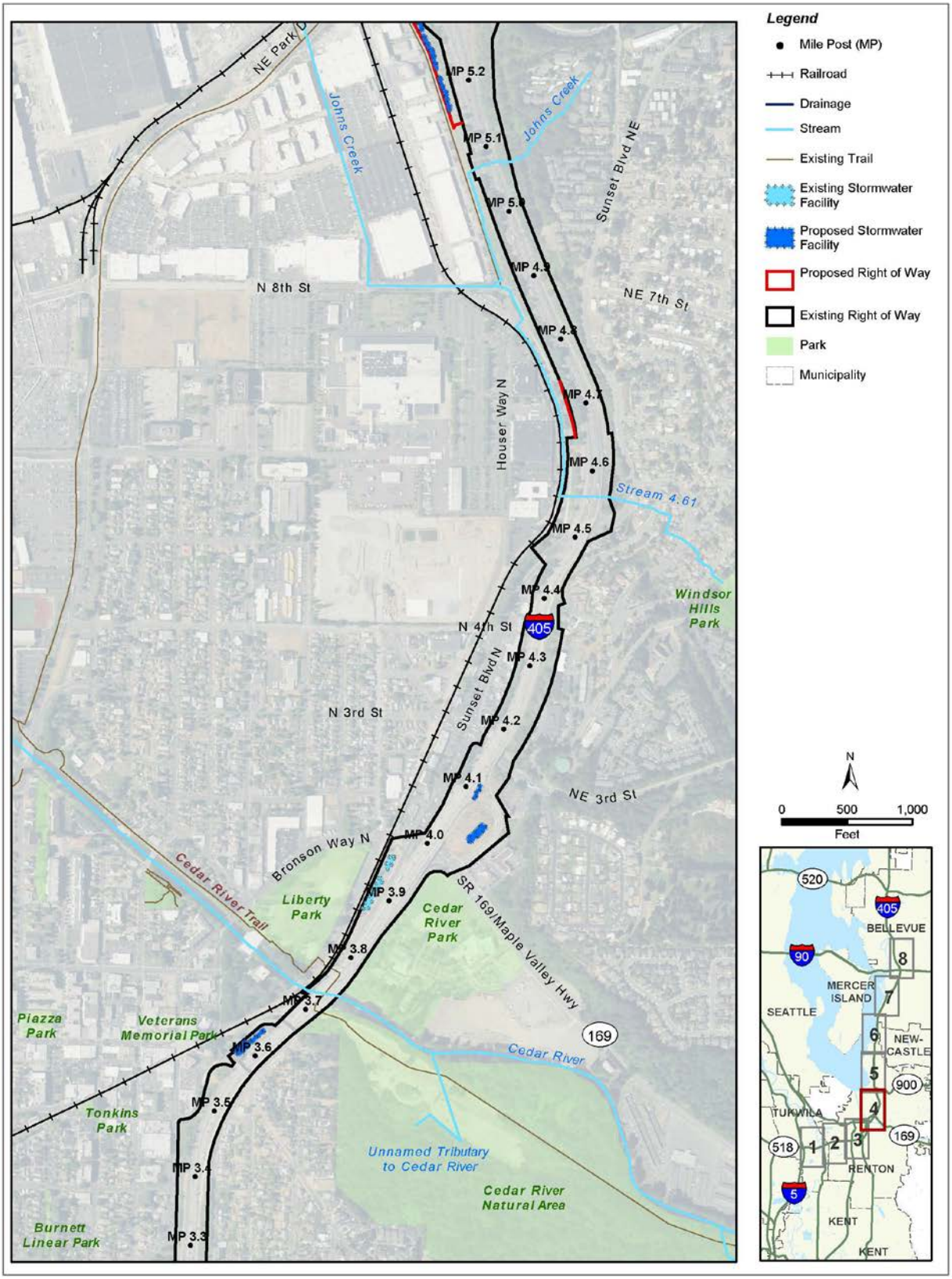


Exhibit 5-8. Existing and Proposed Stormwater Facilities, Sheet 5 of 8

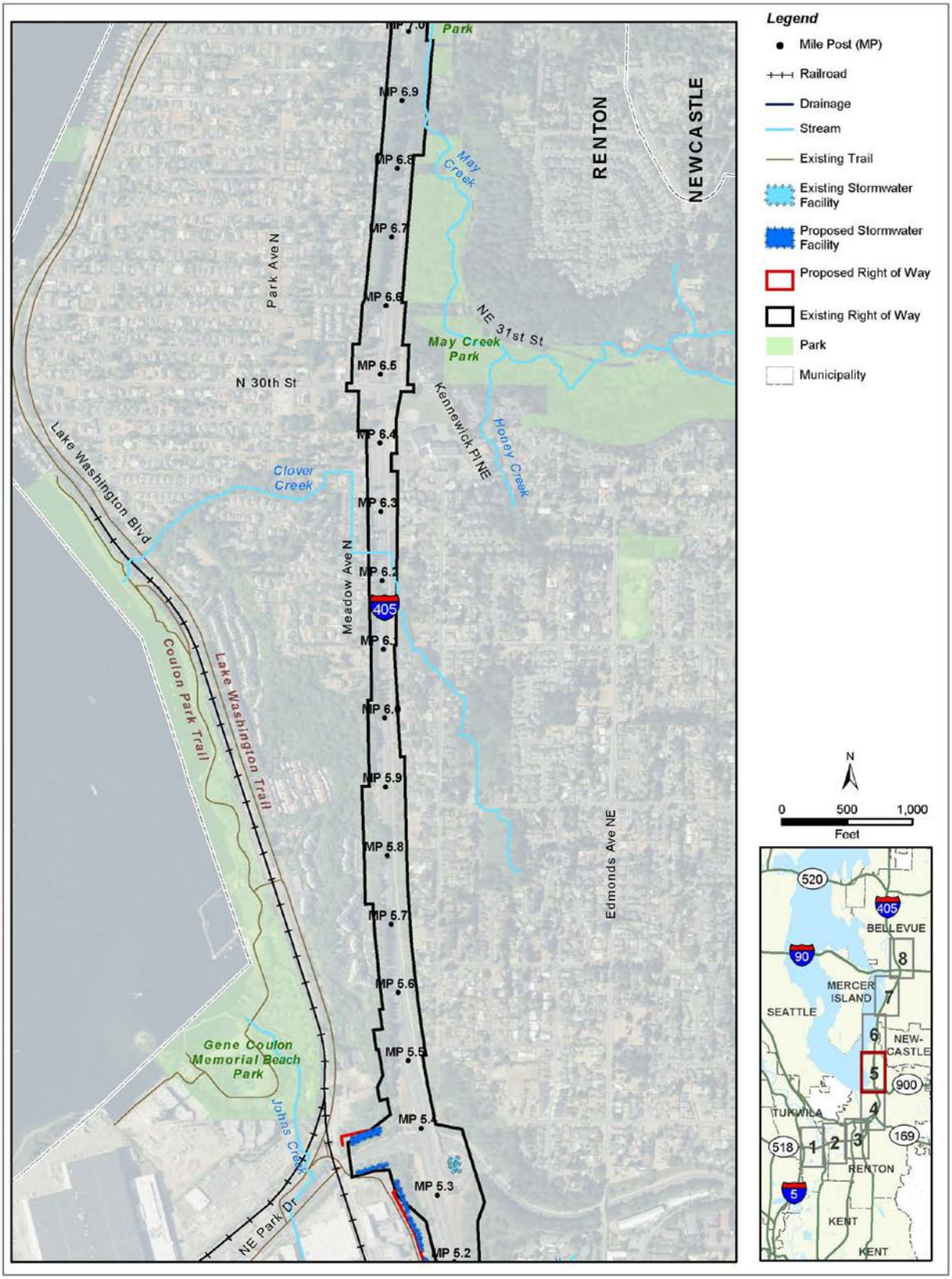


Exhibit 5-8. Existing and Proposed Stormwater Facilities, Sheet 6 of 8

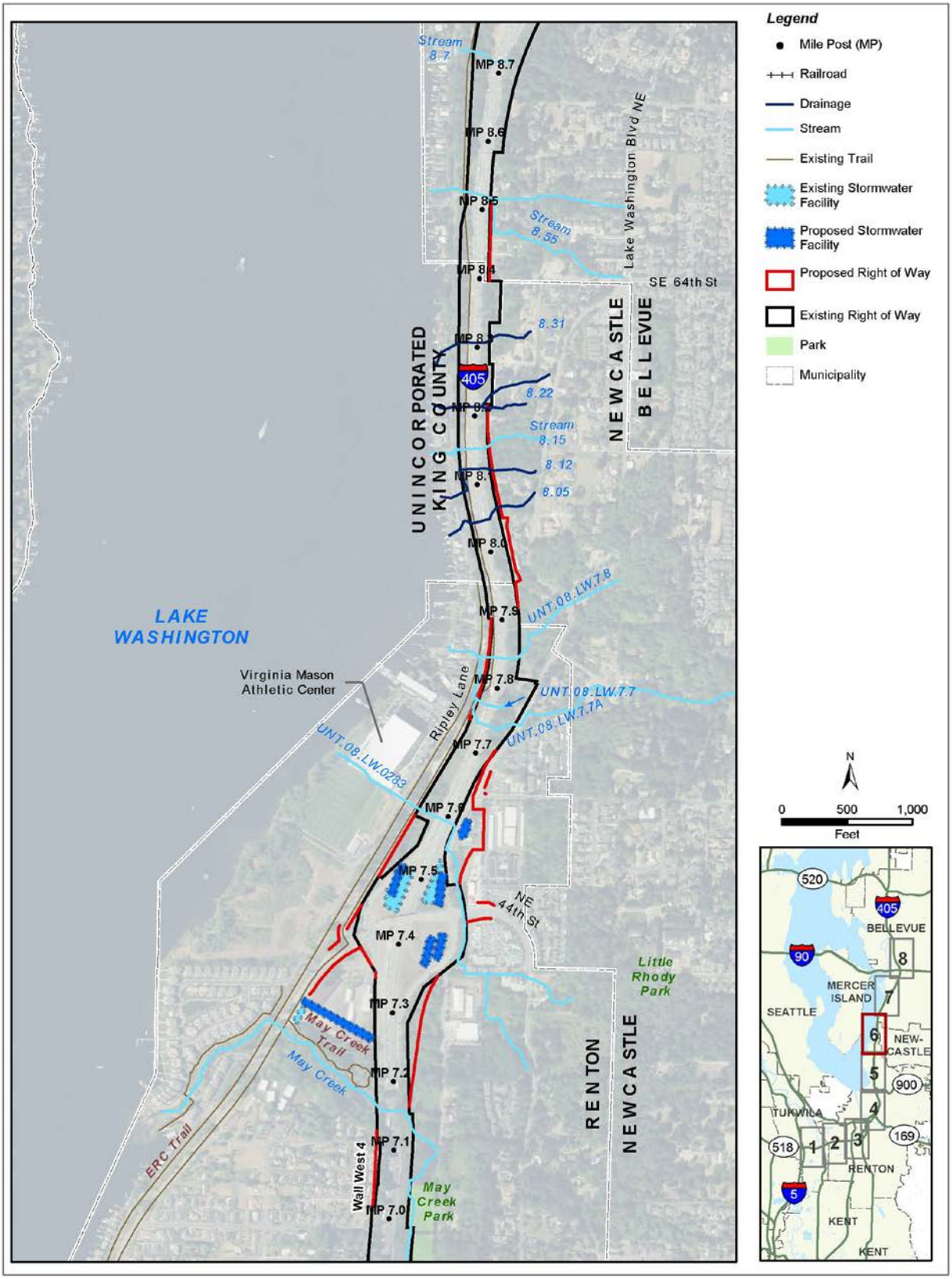


Exhibit 5-8. Existing and Proposed Stormwater Facilities, Sheet 7 of 8

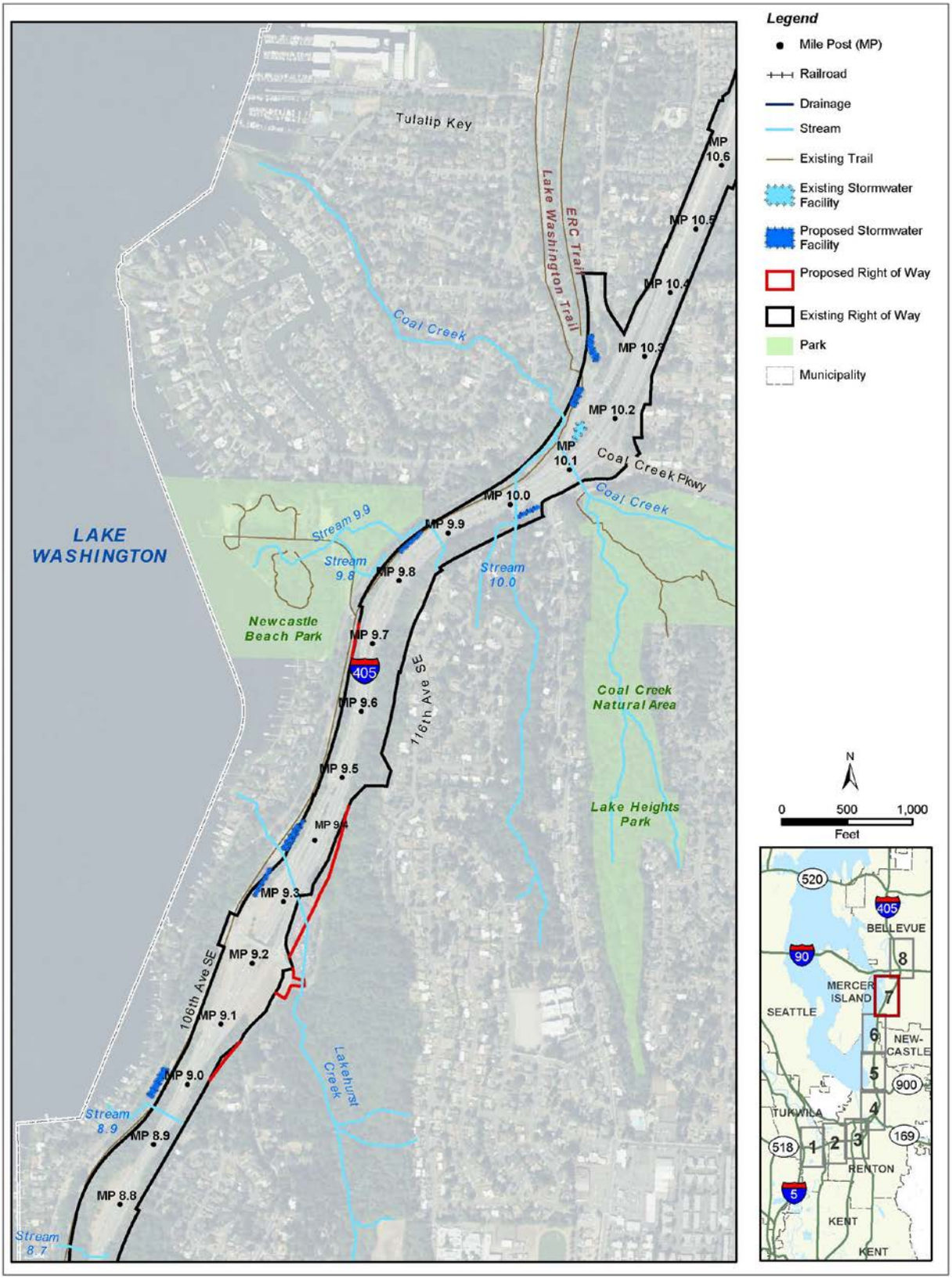
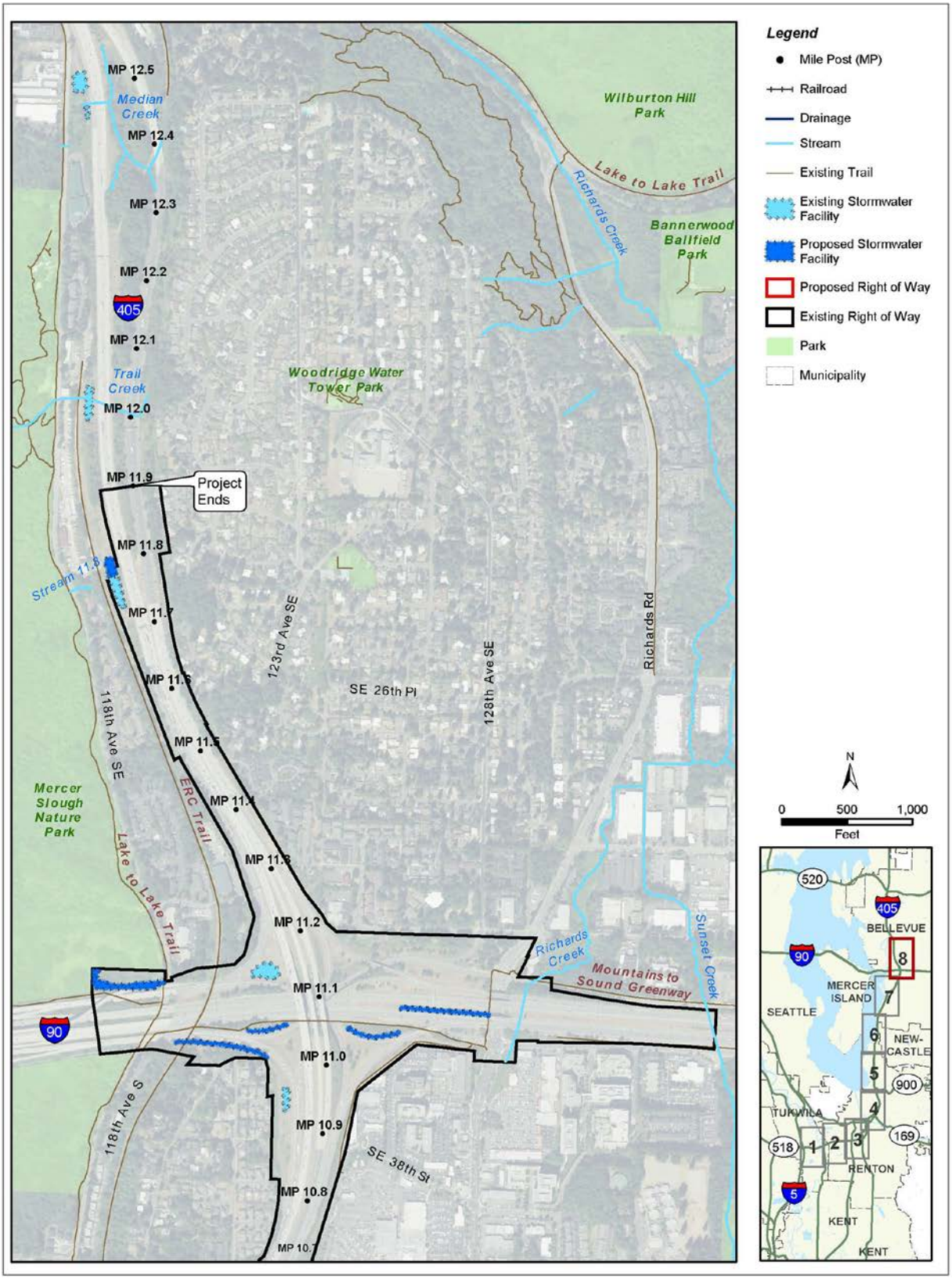
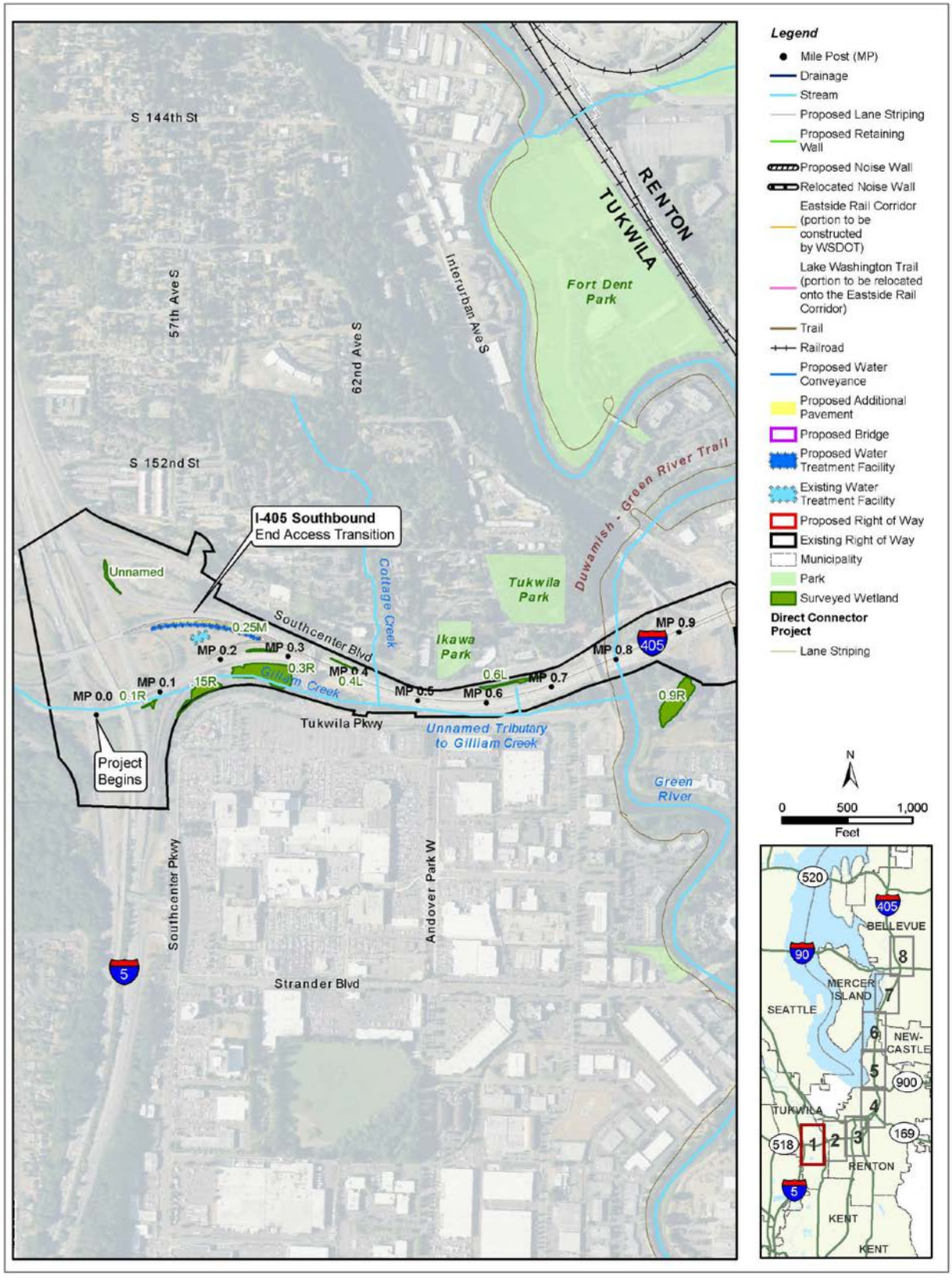


Exhibit 5-8. Existing and Proposed Stormwater Facilities, Sheet 8 of 8



ATTACHMENT P WETLAND AND WATER RESOURCES MAPS

These maps have been updated and replace Attachment P from the EA.


S 144th St
S 152nd St
57th Ave S
62nd Ave S
Interurban Ave S
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Fort Dent Park
Duwamish - Green River Trail
I-405 Southbound
End Access Transition
Unnamed
Cottage Creek
Tukwila Park
Ikawa Park
Southcenter Blvd
Gilliam Creek
Tukwila Pkwy
Unnamed Tributary to Gilliam Creek
Green River
Project Begins
Southcenter Pkwy
Andover Park W
Strander Blvd
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Lake Washington Trail (portion to be relocated onto the Eastside Rail Corridor)
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Proposed Additional Pavement
Proposed Bridge
Proposed Water Treatment Facility
Existing Water Treatment Facility
Proposed Right of Way
Existing Right of Way
Municipality
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Surveyed Wetland
Direct Connector Project
Lane Striping
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TUKWILA
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RENTON
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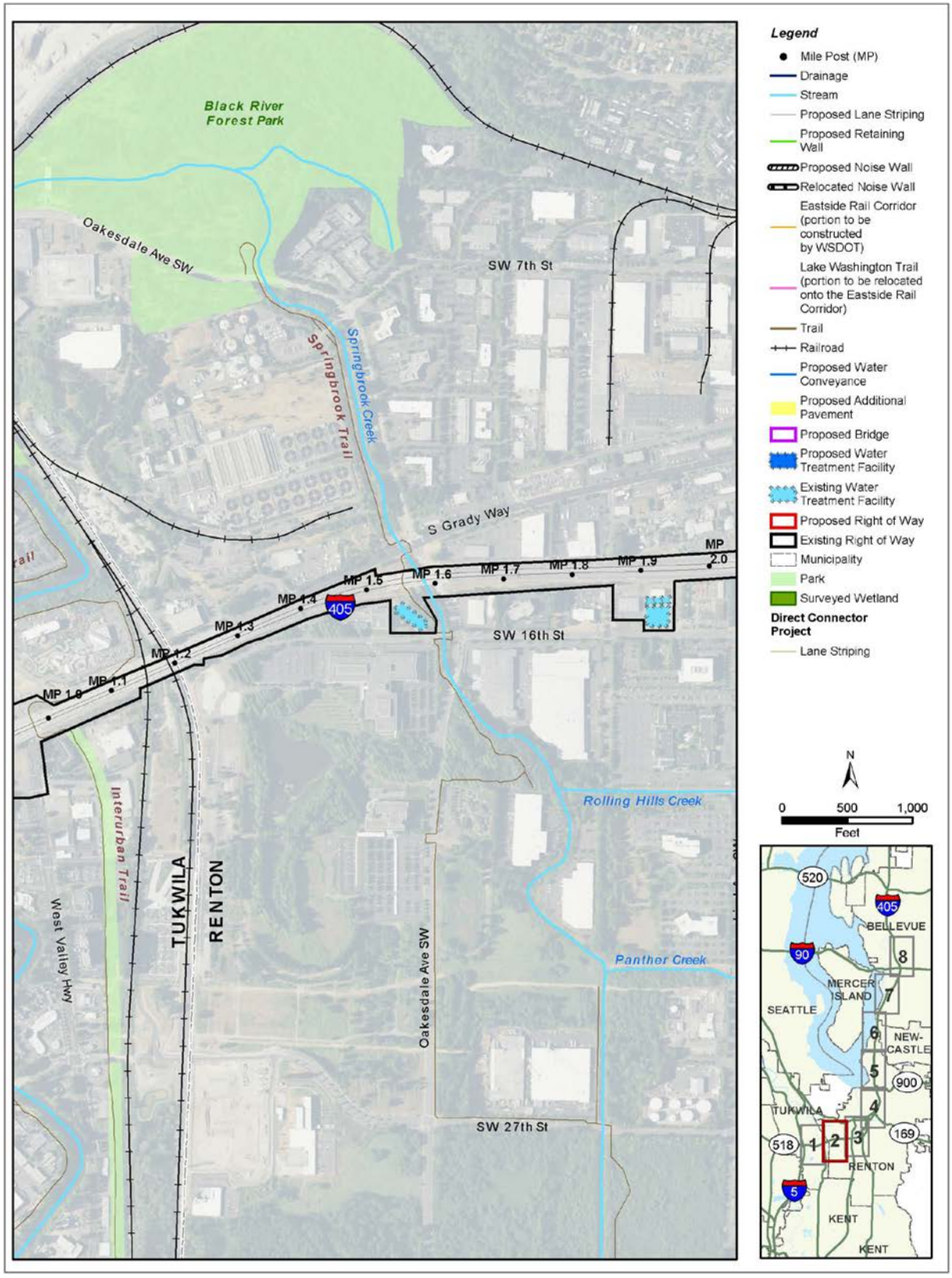
KENT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SW 7th St
Springbrook Trail
Springbrook Creek
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MP 1.9
MP 2.0
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Interurban Trail
West Valley Hwy
TUKWILA
RENTON
Rolling Hills Creek
Panther Creek
Oakesdale Ave SW
SW 27th St
Legend
Mile Post (MP)
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Proposed Right of Way
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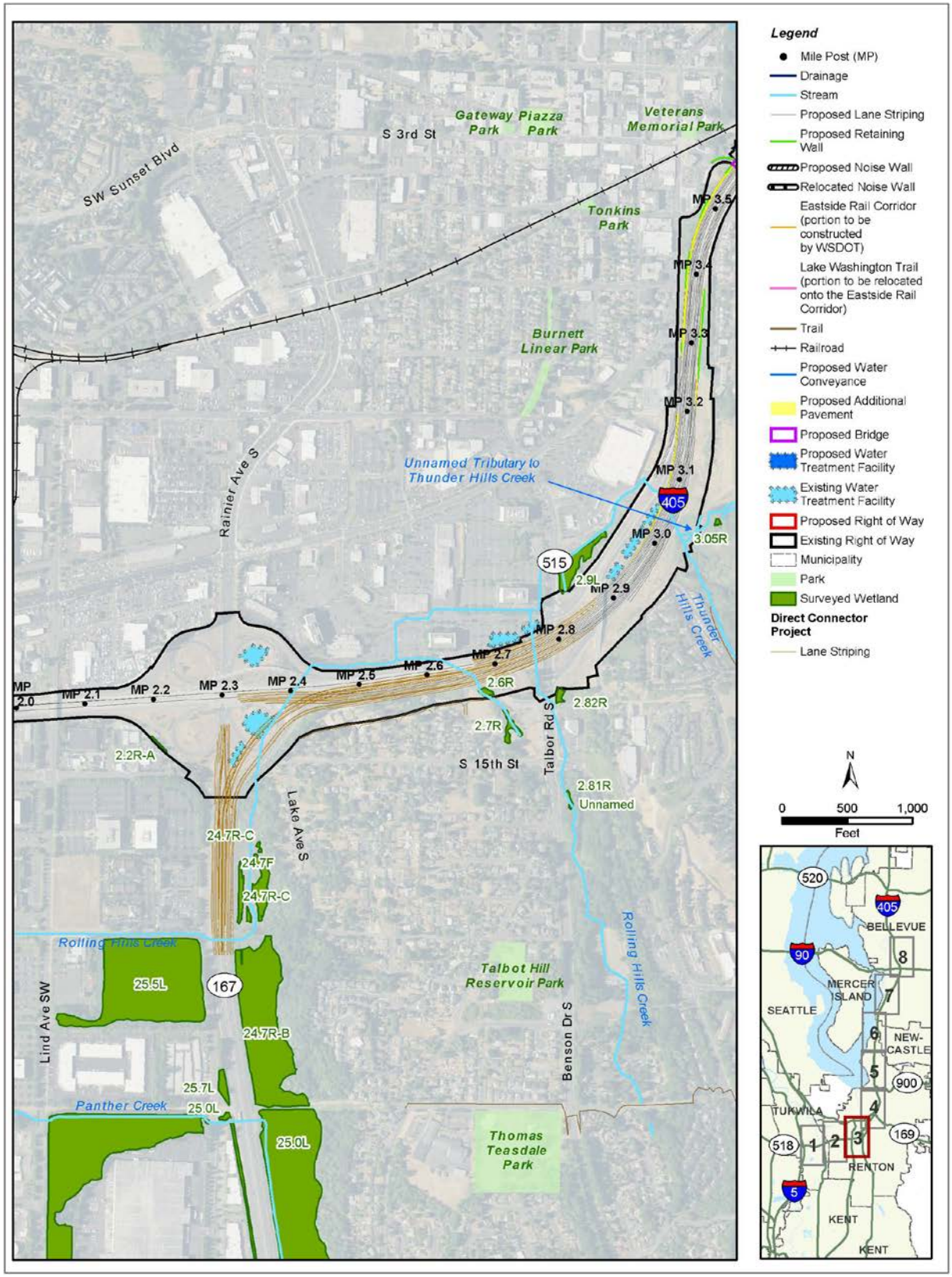
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Piazza Park
Veterans Memorial Park
SW Sunset Blvd
Tonkins Park
Burnett Linear Park
Rainier Ave S
Unnamed Tributary to Thunder Hills Creek
Thunder Hills Creek
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MP 2.1
MP 2.2
MP 2.3
MP 2.4
MP 2.5
MP 2.6
MP 2.7
MP 2.8
MP 2.9
MP 3.0
MP 3.1
MP 3.2
MP 3.3
MP 3.4
MP 3.5
3.05R
2.9L
2.6R
2.82R
2.7R
2.2R-A
S 15th St
Talbor Rd S
2.81R
Unnamed
Lake Ave S
24.7R-C
24.7F
24.7R-C
Rolling Hills Creek
25.5L
167
Talbot Hill Reservoir Park
Benson Dr S
Lind Ave SW
24.7R-B
25.7L
25.0L
Panther Creek
25.0L
Thomas Teasdale Park
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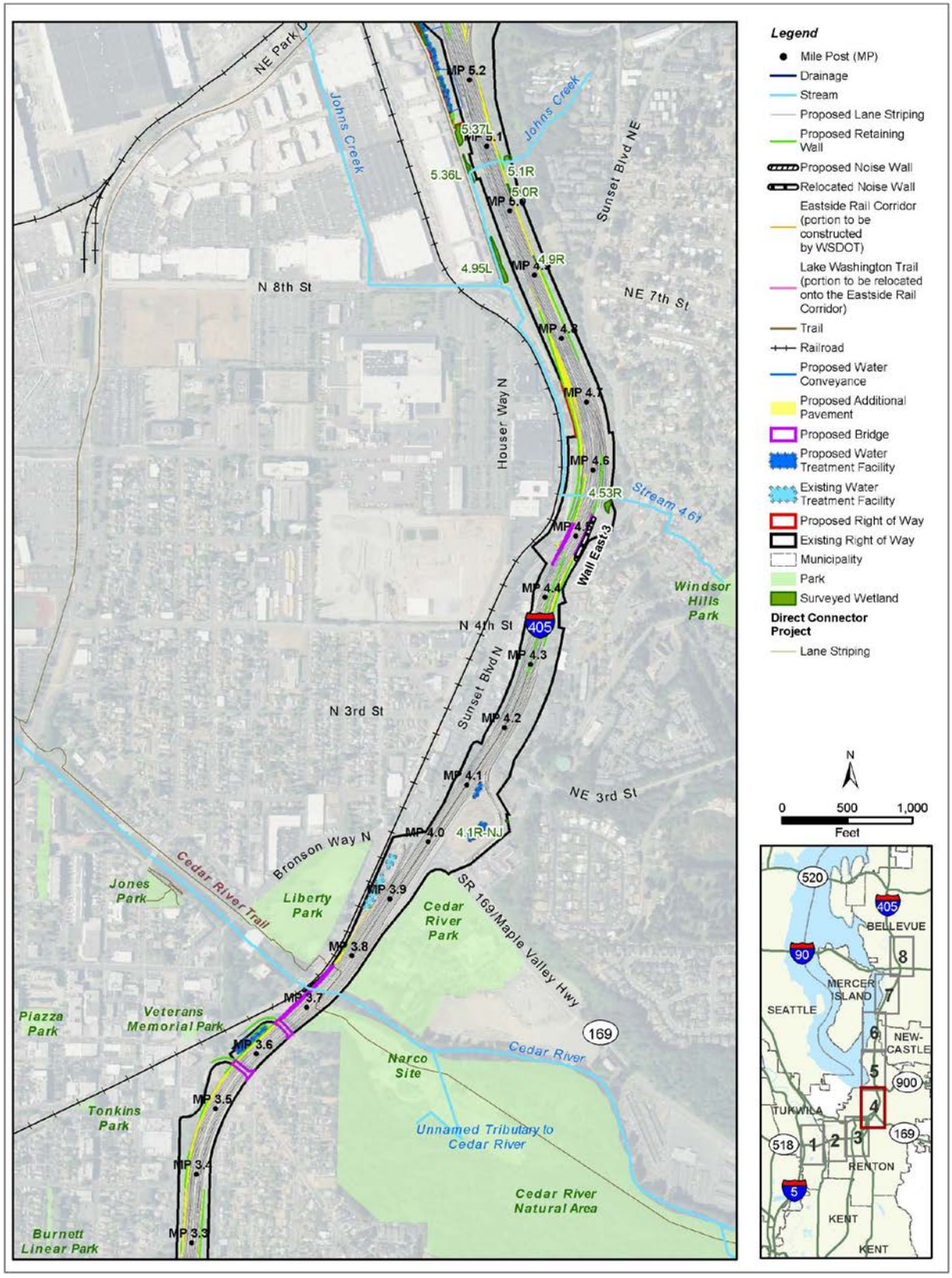
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NE 3rd St
Bronson Way N
Cedar River Trail
Jones Park
Liberty Park
Cedar River Park
SR 169/Maple Valley Hwy
Piazza Park
Veterans Memorial Park
Narco Site
Cedar River
Tonkins Park
Unnamed Tributary to Cedar River
Cedar River Natural Area
Burnett Linear Park
MP 5.2
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MP 5.1
5.36L
5.1R
5.0R
MP 5.0
4.95L
4.9R
MP 4.8
MP 4.7
MP 4.6
4.53R
MP 4.5
MP 4.4
MP 4.3
MP 4.2
MP 4.1
MP 4.0
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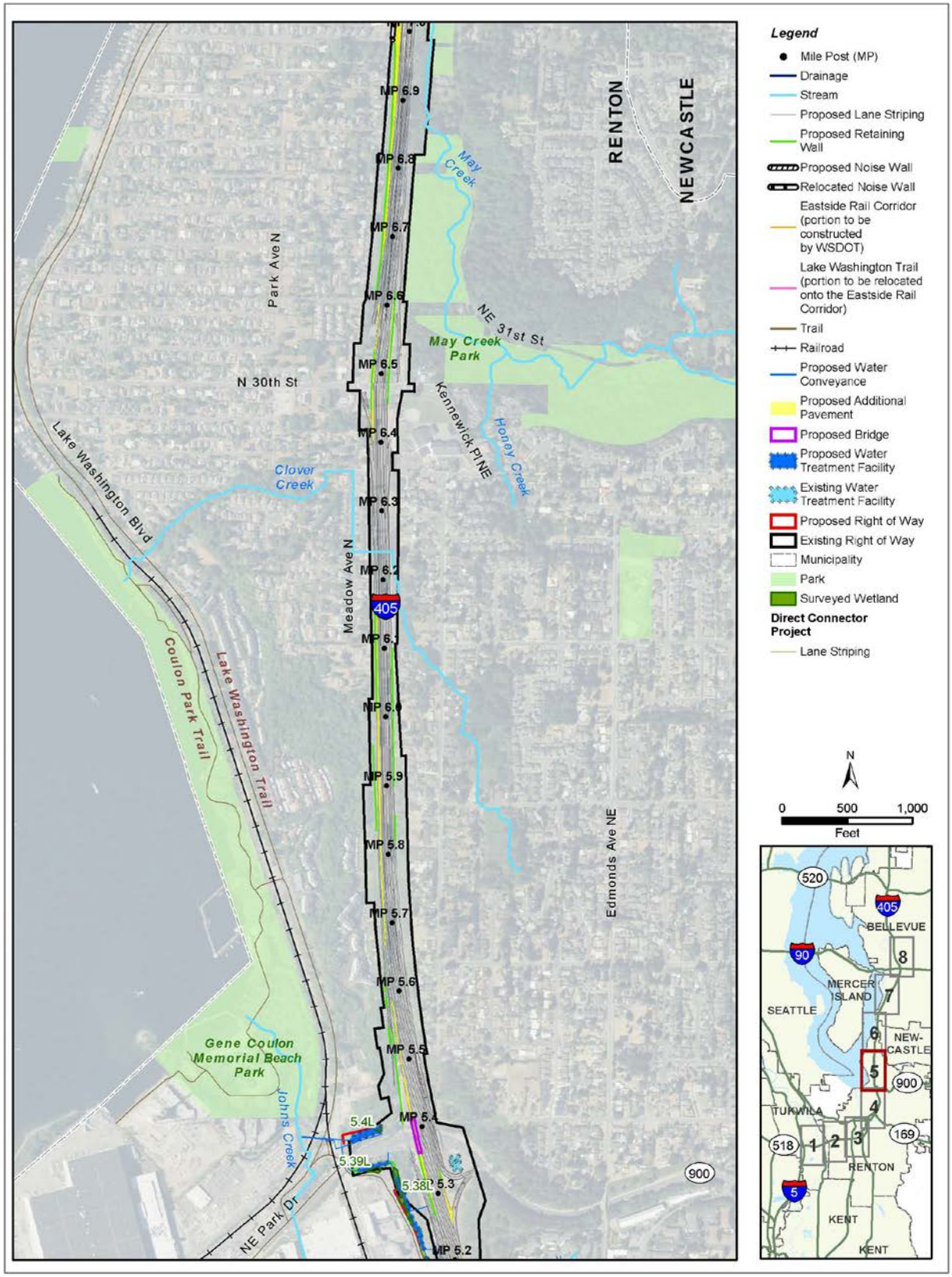
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May Creek
Park Ave N
NE 31st St
May Creek Park
N 30th St
Kennewick Pl NE
Honey Creek
Clover Creek
Lake Washington Blvd
Meadow Ave N
Coulon Park Trail
Lake Washington Trail
Edmonds Ave NE
Gene Coulon Memorial Beach Park
Johns Creek
NE Park Dr
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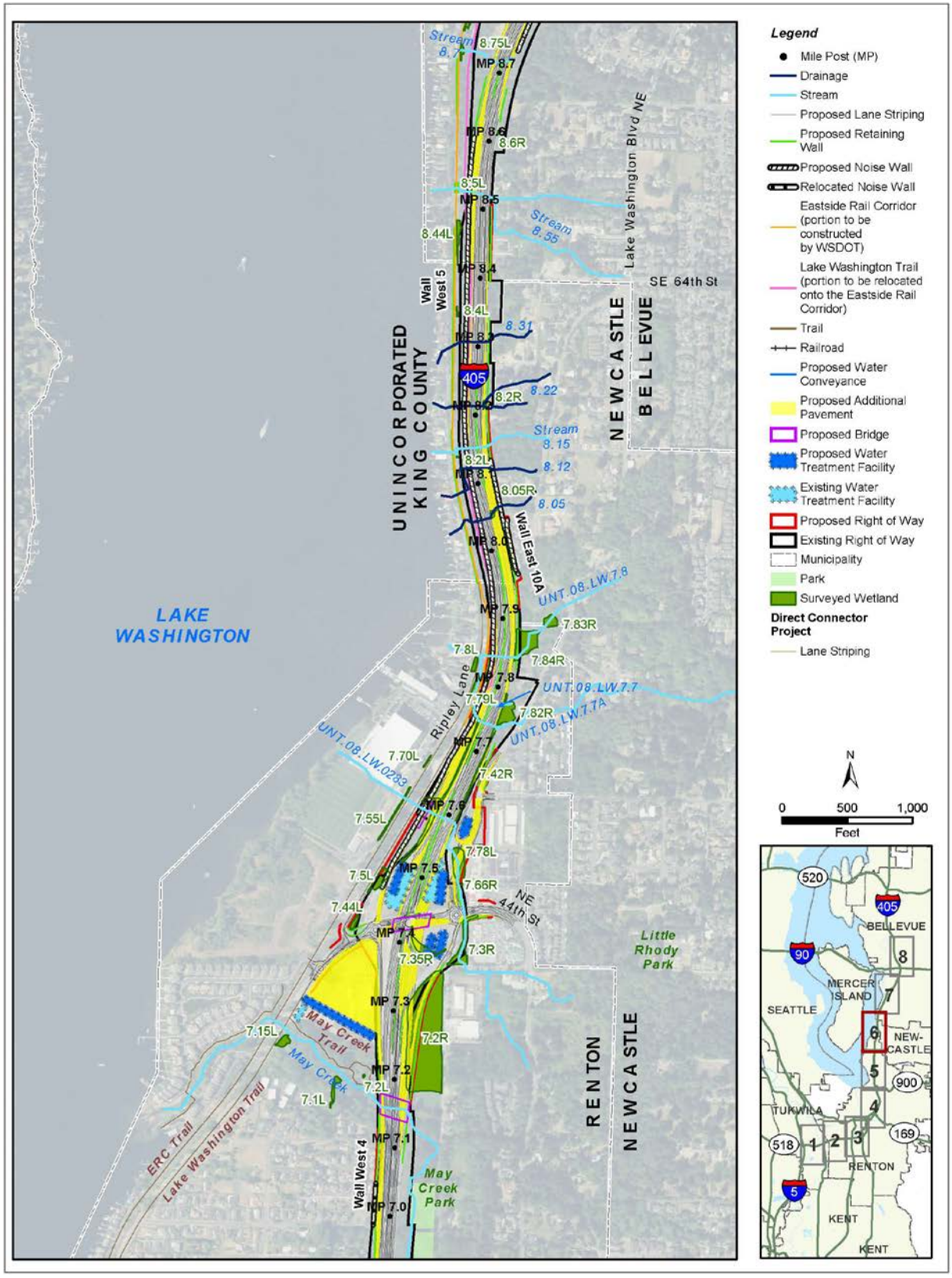
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RENTON
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SE 64th St
NE 44th St
Ripley Lane
Little Rhody Park
May Creek Park
May Creek Trail
May Creek
ERC Trail
Lake Washington Trail
Wall West 5
Wall East 10A
Wall West 4
Stream 8.7
Stream 8.55
Stream 8.31
Stream 8.22
Stream 8.15
Stream 8.12
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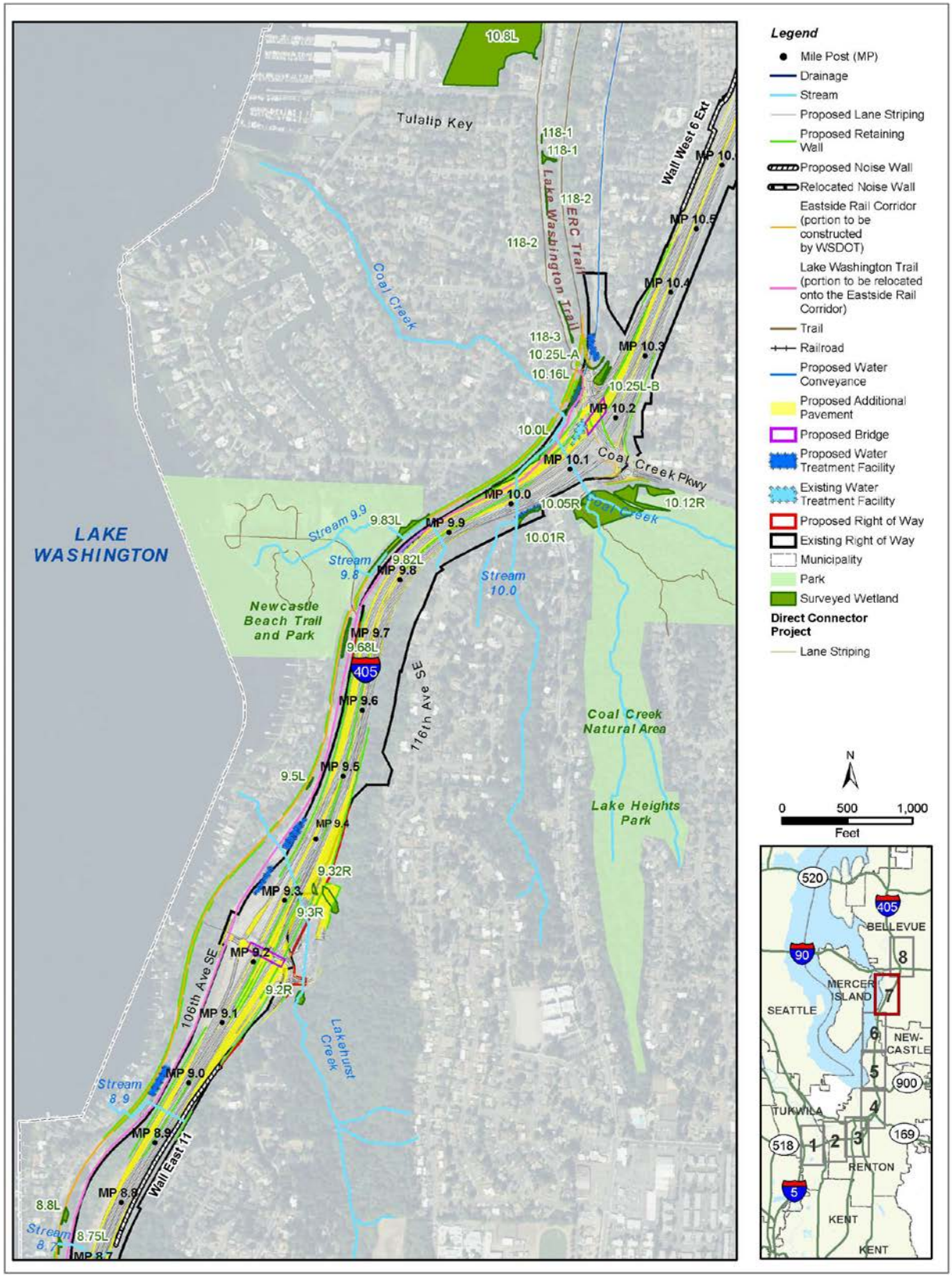
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Newcastle Beach Trail and Park
Coal Creek Natural Area
Lake Heights Park
Coal Creek Pkwy
116th Ave SE
106th Ave SE
Lakehurst Creek
Lake Washington Trail
ERC Trail
Wall West 6 Ext
Wall East 11
Stream 9.9
Stream 9.8
Stream 10.0
Stream 8.9
Stream 8.7
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10.25L-B
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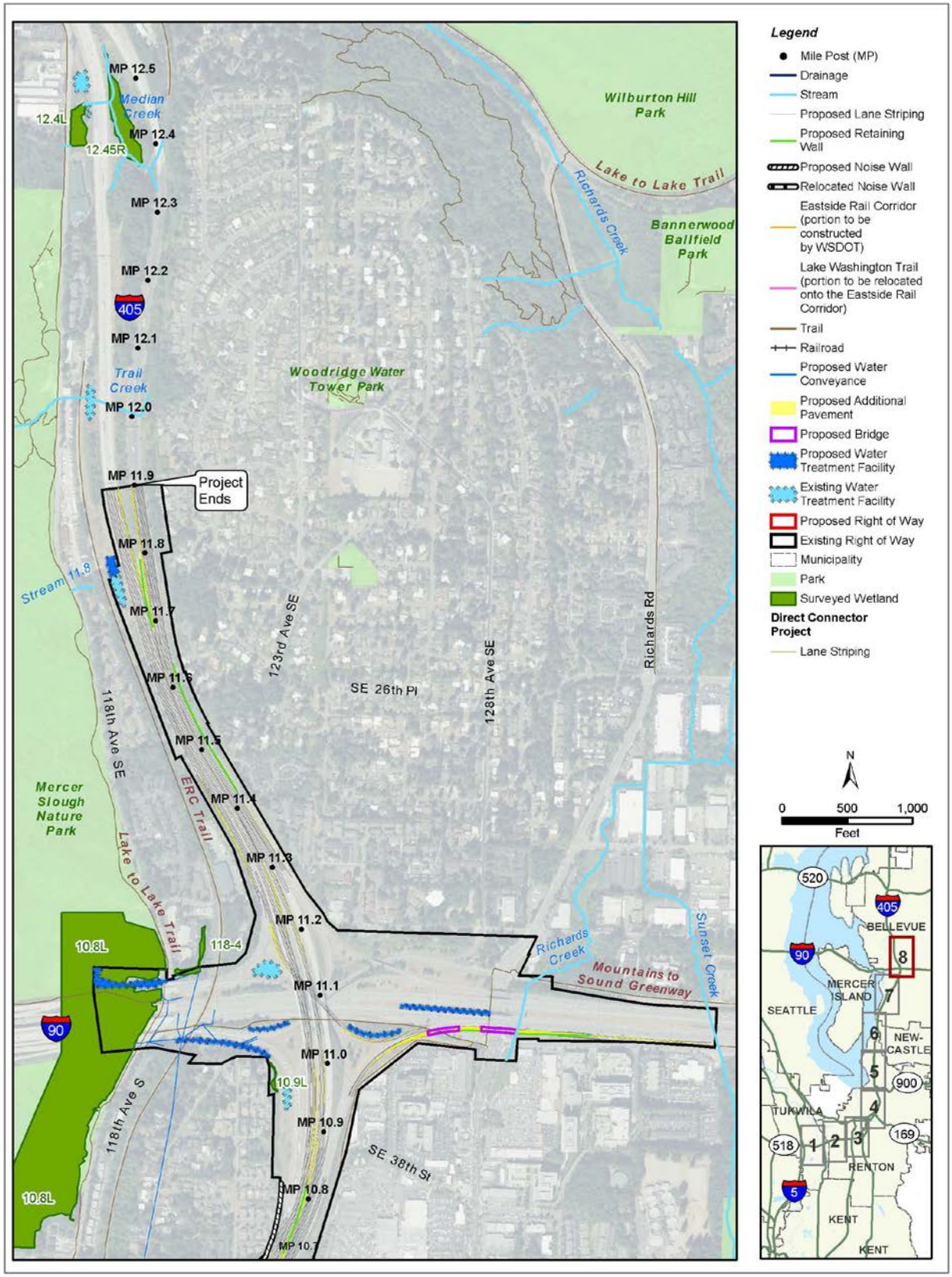
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Project Ends
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Wilburton Hill Park
Lake to Lake Trail
Richards Creek
Bannerwood Ballfield Park
Woodridge Water Tower Park
123rd Ave SE
128th Ave SE
Richards Rd
SE 26th Pl
118th Ave SE
118th Ave S
SE 38th St
Mercer Slough Nature Park
ERC Trail
Lake to Lake Trail
Mountains to Sound Greenway
Sunset Creek
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ATTACHMENT 3 – NOTICES

This attachment provides the notices prepared for the Determination of Nonsignificance (DNS) prepared under Washington State Environmental Policy Act (SEPA) Rules along with information on publication of these notices.

Washington State Department of Transportation

I-405 Program Office
600-108th Avenue NE Ste. 405
Bellevue, WA 98004
425-456-8582
TTY: 1-800-833-6388
www.wsdot.wa.gov

July 9, 2018

SUBJECT: SEPA Determination of Nonsignificance (DNS) for the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (MP 0.0 to 11.9), Adoption of Environmental Assessment

Dear Environmental Assessment Recipient:

Attached is the Washington State Department of Transportation's (WSDOT) document entitled, *I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (MP 0.0 to 11.9) Environmental Assessment (EA).* This document is adopted as WSDOT's SEPA environmental checklist for this project.

After reviewing our EA and other information on file with WSDOT, we have determined that this proposal, the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project, will not have a probable significant adverse impact on the environment. A copy of the determination of nonsignificance for this proposal is attached.

You are invited to comment on this DNS by submitting written comments no later than July 23, 2018, to Allison Hanson at the I-405 Project Office, 600 – 108th Avenue NE, Suite 405, Bellevue, WA 98004, or by email at I405comments@wsdot.wa.gov.

Sincerely,

Cameron Kukes
WSDOT Northwest Region Environmental Manager

Enclosure

DETERMINATION OF NONSIGNIFICANCE (DNS)

Description of proposal:
The Project would make roadway, structural, trail, and transit improvements in the I-405 corridor from Tukwila (Milepost 0.0) to north of I-90 (MP 11.9). The Project proposes the following improvements:

- I-405/I-5 Interchange (MP 0.0 to 2.9)—Extend the southbound left lane at the I-5 interchange west for approximately 500 feet to provide additional merge distance.
- Northbound I-405, State Route 167 to north of I-90 (MP 2.9 to 11.9)—Add one lane on I-405 in the northbound direction from MP 2.9 to 11.9. Convert the existing high-occupancy vehicle (HOV) lane to an express toll lane (ETL). The HOV lane and an additional lane would be operated as a two-lane ETL system.
- Southbound I-405, State Route 167 to north of I-90 (MP 2.9 to 11.9)—Add one lane on I-405 in the southbound direction from MP 2.9 to 11.9. Convert the existing HOV lane to an ETL. The HOV lane and an additional lane would be operated as a two-lane ETL system. Add an additional general purpose (GP) auxiliary lane on southbound I-405 between MP 6.7 and 7.1 and MP 9.4 and 10.5.
- Cedar and Renton Avenues—Reconstruct the bridges over I-405.
- Cedar River Bridge— Widen the southbound I-405 bridge over the Cedar River.
- Sunset Boulevard N Interchange Area—Widen the I-405 northbound and southbound bridges over Sunset Boulevard N.
- NE Park Drive Interchange Area— Widen the I-405 southbound bridge over NE Park Drive.
- N 30th Street Interchange Area—Replace the local road overpass abutment slopes with retaining walls on both sides of I-405 and lower the southbound I-405 roadway.
- NE 44th Street Interchange Area—Replace the northbound and southbound I-405 bridges over May Creek with two new bridges and provide habitat improvements. Replace the NE 44th Street bridge over I-405. Construct new direct access ramps in the I-405 median with inline transit stations. Realign and reconstruct the northbound access to I-405 from a loop ramp to a new on-ramp from Lake Washington Boulevard NE. Build four roundabouts along local arterials. Construct an at-grade park-and-ride lot at Lake Washington Boulevard N and N 43rd Street with a minimum of 200 parking stalls and a roundabout (improvements would be built, but may be built by Sound Transit or others).
- 112th Avenue SE Interchange Area—Replace the 112th Avenue SE bridge over I-405. Construct new direct access ramps with inline transit stations in the I-405 median and reconfigure the interchange. Construct a roundabout on 112th Avenue SE. Reconfigure the Newport Hills Park and Ride. The direct access ramps and associated transit improvements at 112th Avenue SE, including reconfiguring the Newport Hills Park and Ride, may be constructed after 2024, depending on when allocated funds for these elements become available.
- Coal Creek Parkway Interchange Area—Construct a new southbound I-405 bridge on a new alignment. Convert the existing southbound I-405 bridge to northbound ETLs. Convert the four local road intersections on Coal Creek Parkway SE to roundabouts. The

roundabouts on Coal Creek Parkway SE may be constructed after 2024, depending on when allocated funds for these elements become available.

- I-405/I-90 Interchange Area—Reconfigure the I-405 southbound to I-90 eastbound ramp from one to two lanes. Realign the I-405 northbound to I-90 eastbound ramp. Construct two new bridges over the eastbound I-90 ramp to Factoria Boulevard and over Factoria Boulevard.
- Other improvements that would be made as part of the Project include constructing new stormwater facilities, fish passage improvements, noise walls, drainage improvements, and tolling gantries.

Proponent: Washington State Department of Transportation, I-405 Program

Location of proposal, including street address, if any:
The Project begins at the I-5/I-405 interchange in Tukwila and continues about a mile north of the I-90/I-405 interchange in Bellevue.

Lead Agency: Washington State Department of Transportation, I-405 Program

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. Please note that the checklist document is titled *I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project Environmental Assessment*, and it was completed in July 2018. The document is available to be read during normal business hours at: I-405 Project Office, 600 108th Avenue NE, Suite 405, Bellevue 98004; Bellevue College Library, Bellevue Regional Library, Newcastle Library, Renton Library, Renton Technical College Library, Tukwila Library. The document and all associated documents are also available electronically at http://www.wsdot.wa.gov/Projects/I405/RentontoBellevue/.

☐ There is no comment period for this DNS.

☑ This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by July 23, 2018.

Responsible Official: Cameron Kukes

Position/Title: WSDOT Northwest Region Environmental Manager

Address: WSDOT Northwest Region Office, 15700 Dayton Ave North, Shoreline, WA 98133

Phone: 206-440-4548

Date: 7/9/2018

Signature:

NOTICE OF AVAILABILITY OF ENVIRONMENTAL ASSESSMENT AND ENVIRONMENTAL PUBLIC HEARING

I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (Milepost 0.0 to 11.9)

PURPOSE OF NOTICE

The Washington Department of Transportation (WSDOT) will issue an Environmental Assessment (EA) on July 9, 2018, for the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project. The intent of this notice and of the public hearing is to provide for the exchange of information regarding the effects of the proposed project on the community and the environment. This purpose is in accordance with and pursuant to the National Environmental Policy Act (NEPA) and the Federal Highway Act (Title 23 U.S.C., 101 et. Seq.) and amendments.

DESCRIPTION OF PROPOSAL:

The Project would make roadway, structural, trail, and transit improvements in the I-405 corridor from Tukwila (Milepost 0.0) to north of I-90 (MP 11.9). The Project proposes the following improvements:

- I-405/I-5 Interchange (MP 0.0 to 2.9)—Extend the southbound left lane at the I-5 interchange west for approximately 500 feet to provide additional merge distance.
- Northbound I-405, State Route 167 to north of I-90 (MP 2.9 to 11.9)—Add one lane on I-405 in the northbound direction from MP 2.9 to 11.9. Convert the existing high-occupancy vehicle (HOV) lane to an express toll lane (ETL). The HOV lane and an additional lane would be operated as a two-lane ETL system.
- Southbound I-405, State Route 167 to north of I-90 (MP 2.9 to 11.9)—Add one lane on I-405 in the southbound direction from MP 2.9 to 11.9. Convert the existing HOV lane to an ETL. The HOV lane and an additional lane would be operated as a two-lane ETL system. Add an additional general purpose (GP) auxiliary lane on southbound I-405 between MP 6.7 and 7.1 and MP 9.4 and 10.5.
- Cedar and Renton Avenue—Reconstruct the bridges over I-405.
- Cedar River Bridge— Widen the southbound I-405 bridge over the Cedar River.
- Sunset Boulevard N Interchange Area—Widen the I-405 northbound and southbound bridges over Sunset Boulevard N.
- NE Park Drive Interchange Area— Widen the I-405 southbound bridge over NE Park Drive.
- N 30th Street Interchange Area—Replace the local road overpass abutment slopes with retaining walls on both sides of I-405 and lower the southbound I-405 roadway.
- NE 44th Street Interchange Area—Replace the northbound and southbound I-405 bridges over May Creek with two new bridges and provide habitat improvements. Replace the NE 44th Street bridge over I-405. Construct new direct access ramps in the I-405 median with inline transit stations. Realign and reconstruct the northbound access to I-405 from a loop ramp to a new on-ramp from Lake Washington Boulevard NE. Build four roundabouts along local arterials. Construct an at-grade park-and-ride lot at Lake Washington Boulevard N and N 43rd Street with a minimum of 200 parking stalls and a roundabout (improvements would be built, but may be built by Sound Transit or others).
- 112th Avenue SE Interchange Area—Replace the 112th Avenue SE bridge over I-405. Construct new direct access ramps with inline transit stations in the I-405 median and reconfigure the interchange. Construct a roundabout on 112th Avenue SE. Reconfigure the Newport Hills Park and Ride. The direct access ramps and associated transit improvements at 112th Avenue SE, including reconfiguring the Newport Hills Park and Ride, may be constructed after 2024, depending on when allocated funds for these elements become available.

- Coal Creek Parkway Interchange Area—Construct a new southbound I-405 bridge on a new alignment. Convert the existing southbound I-405 bridge to northbound ETLs. Convert the four local road intersections on Coal Creek Parkway SE to roundabouts. The roundabouts on Coal Creek Parkway SE may be constructed after 2024, depending on when allocated funds for these elements become available.
- I-405/I-90 Interchange Area—Reconfigure the I-405 southbound to I-90 eastbound ramp from one to two lanes. Realign the I-405 northbound to I-90 eastbound ramp. Construct two new bridges over the eastbound I-90 ramp to Factoria Boulevard and over Factoria Boulevard.
- Other improvements that would be made as part of the Project include constructing new stormwater facilities, fish passage improvements, noise walls, drainage improvements, and tolling gantries.

The purpose of the Project and projected benefits include:

- Providing a reliable trip choice for I-405 users
- Increasing vehicle capacity and person throughput
- Improving reliability of transit
- Improving access for I-405 users
- Reducing project-wide congestion
- Improving safety performance

PROPONENT: Washington State Department of Transportation

PUBLIC HEARING:

An Environmental Hearing will be held on July 17, 2018. The Environmental Hearing will provide the public with an opportunity to talk with staff, submit written comments or verbal comments to a court reporter on the Environmental Assessment, and view plans, maps, environmental documents and other pertinent information on display. The Environmental Hearing will occur on:

Tuesday, July 17, 2018
5:30 to 7:30 pm
Renton High School cafeteria
400 S. Second St.
Renton, WA 98057

The public hearing is accessible to persons with disabilities. Individuals requiring reasonable accommodation may request written materials in alternative formats by emailing the Office of Equal Opportunity at wsdotada@wsdot.wa.gov or by calling toll free, 855-362-4ADA (4232). Persons who are deaf or hard of hearing may make a request by calling the Washington State Relay at 711.

WSDOT ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin or sex in the provision of benefits and services resulting from its federally assisted programs and activities. For additional information regarding WSDOT's Title VI Program, contact the Department's Title VI Coordinator at 360-705-7098.

CONTACT AGENCY:

I-405 Program
Allison Hanson, I-405 Program Environmental Manager
Washington State Department of Transportation
600 108th Avenue NE, Suite 405
Bellevue, Washington 98004
(425) 450-2703

EA ISSUED: The Environmental Assessment (EA) was prepared to meet National Environmental Policy Act (NEPA) requirements and was issued July 9, 2018, initiating a 30-day comment period. The EA describes potential environmental impacts that could result from the proposed project and suggests mitigation measures that could prevent or minimize these impacts. The EA is available to be read during normal business hours at: I-405 Project Office, 600 108th Avenue NE, Suite 405, Bellevue 98004; Tukwila Library, Renton Library, Renton Technical College Library, Newcastle Library, Bellevue Regional Library, and Bellevue College Library. The EA is also available for purchase for $73.83 by emailing ellisl@wsdot.wa.gov or calling 425-456-8582. The EA and all associated documents are also available electronically at http://www.wsdot.wa.gov/Projects/I405/RentontoBellevue/.

COMMENTING: Comments on the EA are solicited and will be accepted until August 9, 2018. Comments can be submitted by email to I405comments@wsdot.wa.gov or mailed to:

I-405 Program team
Attn: Allison Hanson, I-405 Program Environmental Manager
Washington State Department of Transportation
600 108th Avenue NE, Suite 405
Bellevue, Washington 98004

Written and oral comments will be given equal weight and all comments received or postmarked by August 9, 2018 will be considered by WSDOT/FHWA in preparing the final NEPA determination.

ATTACHMENT 4 – FONSI DISTRIBUTION LIST

To promote communication and enhance interagency coordination, we acknowledge that this Finding of No Significant Impact (FONSI) is a public document and that the Washington State Department of Transportation (WSDOT) and Federal Highway Administration (FHWA) have involved the public, agencies, and tribes in implementing the National Environmental Policy Act (NEPA) procedures. Notices of availability of the FONSI with links to the online document were sent to the following government agencies:

Federal Agencies

U.S. Environmental Protection Agency, Region 10

U.S. Army Corps of Engineers

U.S. Fish and Wildlife Service

U.S. National Marine Fisheries Service

Federal Highway Administration

Tribal Governments

Confederated Tribes and Bands of the Yakama Nation

Muckleshoot Indian Tribe

Snoqualmie Tribe

Tulalip Tribes

Duwamish Tribe

Stillaguamish Tribe

State Agencies

Washington State Department of Archaeology and Historic Preservation

Washington State Department of Ecology

Washington State Transportation Center

Regional Agencies

Sound Transit

Local Agencies

City of Bellevue

City of Renton

City of Tukwila

City of Newcastle

King County

Libraries

Bellevue College Library

Bellevue Library

Newcastle Library

Renton Library

Renton Technical College Library

Tukwila Library

ATTACHMENT 5 – COMMENT ATTACHMENTS

In addition to comment letters, Ms. Foulon and the Muckleshoot Indian Tribe Fisheries Division submitted reference materials or attachments. These items are available from the I-405 Project Office on request. The I-405 Project Office is located at 600 108th Avenue NE, Suite 405 Bellevue, WA 98004. Please contact Lisa Hodgson (425) 456-8543, hodgsol@wsdot.wa.gov.

Muckleshoot Indian Tribe Fisheries Division

The Muckleshoot Indian Tribe Fisheries Division submitted the following attachments to their comment letter dated August 9, 2018:

- Letter to the US Army Corps of Engineers Regulatory Branch and the Washington State Department of Ecology sent on January 29, 2018 regarding NWS-2017-827-DOT, WSDOT I-405 Renton to Bellevue HOV (Stage 1).
- U.S. Fish and Wildlife Service Report from March 2006, *Nearshore Habitat Use by Juvenile Chinook Salmon in Lentic Systems of the Lake Washington Basin, Annual Report, 2003 and 2004*.

Terry Foulon

Ms. Foulon submitted electronic reference materials to the I-405 team on August 9, 2018. The reference materials provided by Ms. Foulon include:

- 3-1 TDA W3 Construction photos
- 3-cc of TDA W3 Construction photos
- A photo key and findings documents-reference and draft report
- Beach flooding
- Beach seep
- Childrens play structure
- Eagles in park
- Eastside rail corridor steep slope
- I-405 shown to slope north
- I-405 seep-drainage structure
- I-405 steep slope-large tree
- Invasive clams
- Maps and schematics
- New hillside drainage structure
- Park grass seep

- Park loop trail flooding
- Park ponding
- Park shoreline at full pool elevation
- Park shoreline tree wreckage
- Park steep slope
- Piezometer testing-polluted beach puddles
- Private resident pipe outfall
- Shoreline erosion
- Stream outlet-lower reach
- Summary reports and comments
- Swale outlet
- Swale-park north boundary with neighborhood
- TDA W2 Construction photos
- TDA W4 construction photos
- Tree loss
- Upper wetland elevations
- Wetland 10.0L-mmfd

ATTACHMENT 6 SECTION 4(F) UPDATES TO ATTACHMENT M OF THE EA

The City of Renton's Concurrence for the Section 4(f) determination at Ron Regis Park and King County's concurrence for the Eastside Rail Corridor (ERC) Regional Trail are attached.

Denis Law Mayor

Community Services Kelly Beymer, Administrator

September 7, 2018

Washington State Department of Transportation (WSDOT)
I-405/SR 167 Corridor Program
600-108th Avenue NE
Suite 405
Bellevue, WA 98004

Attn: Lisa Hodgson
Deputy Program Administrator

Re: Section 4(f) Exception at Ron Regis Park

Dear Ms. Hodgson,

We have met with you and have reviewed the Section 4(f) findings at Ron Regis Park in the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project Environmental Assessment (EA). WSDOT is proposing to enhance an area of approximately 6,000 feet of stream buffer located at Ron Regis Park along the Cedar River. As part of this enhancement, WSDOT would not acquire any land from Ron Regis Park or convert the property to another use. As shown in the attached plans, the enhancement consists of plantings that WSDOT has determined would be consistent with the natural features of the Cedar River and this area of Ron Regis Park. WSDOT is proposing to install the plantings during the fall season and to provide for irrigation as well as a maintenance and replacement period of five years from the date of planting. (Collectively, the planting, irrigation, and maintenance and replacement period are the "Enhancements.") WSDOT has determined that the Enhancements qualify as a Section 4(f) exception under 23 CFR 774.13(g), which applies to transportation enhancement projects and mitigation activities.

The City of Renton concurs with WSDOT's Section 4(f) determination for the Enhancements at Ron Regis Park. The City of Renton agrees that the Enhancements would be consistent with the natural features of the Cedar River and uses in this area of Ron Regis Park and would enhance the activities and features of the riparian area along the Cedar River. We will work with WSDOT to develop an Interlocal Agreement for the Enhancements detailing the nature and scope of the work.

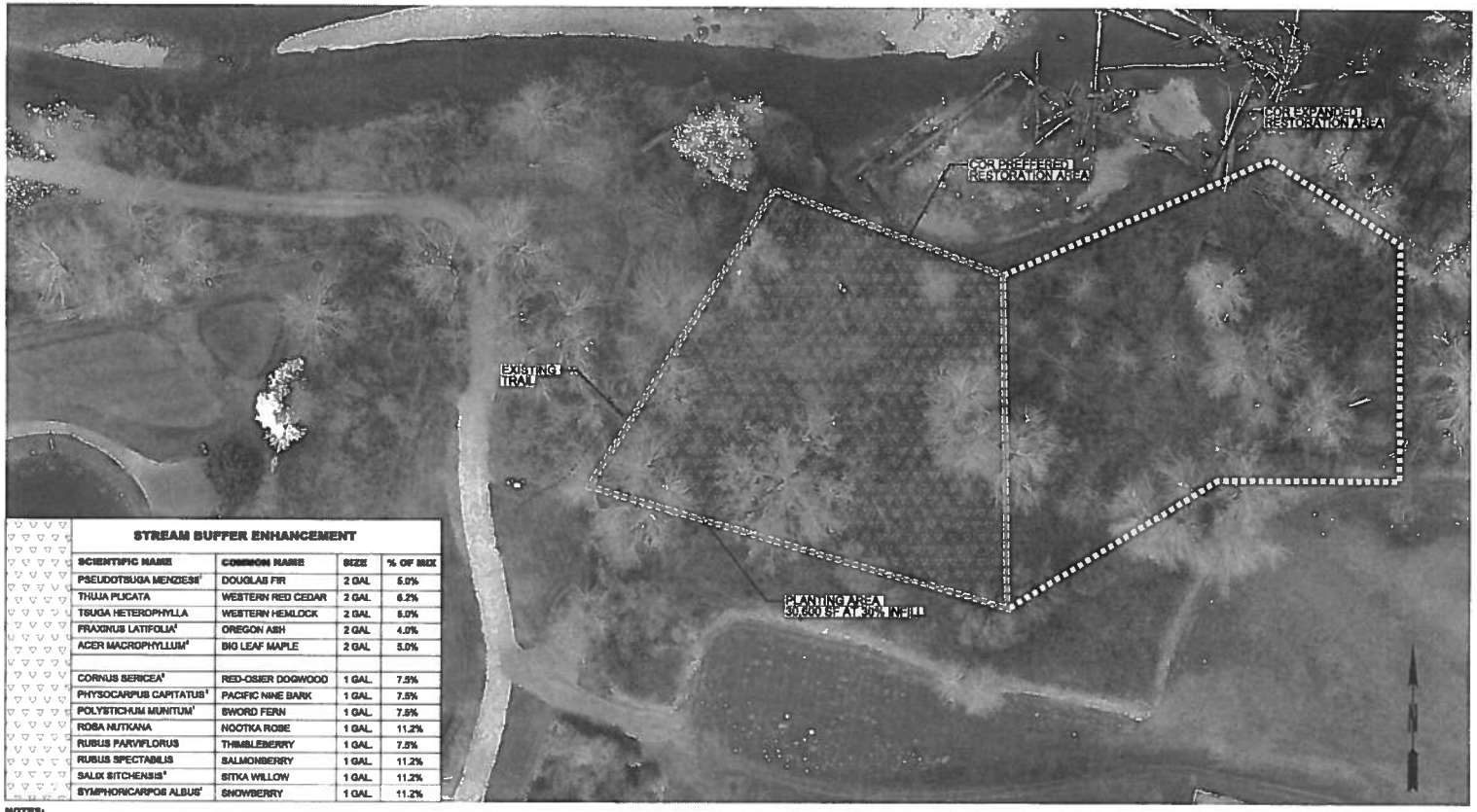
Finally, the City takes this opportunity to remind that Ron Regis Park also qualifies as a Section 6(f) property under the Land and Water Conservation Fund Act. However, the City understands that WSDOT is not proposing to convert any portion of Ron Regis Park from public outdoor recreation use; thus, mitigation under Section 6(f) is not required.

Sincerely,

Leslie Betlach, Director
Parks Planning and Natural Resources

Attachment: I-405 Renton to Bellevue Corridor Widening & Express Toll Lanes/Stream Buffer Mitigation Cedar River (Drawing), Sheet 8

cc: Gregg Zimmerman, Public Works Administrator, City of Renton
Jim Seitz, Transportation Systems Director, City of Renton
Kelly Beymer, Community Services Administrator, City of Renton
Terry Flatley, Urban Forestry and Natural Resources Manager, City of Renton
Erica Schmitz, Capital Projects Coordinator, City of Renton
Justin Johnson, Civil Engineer II, Community & Economic Development, City of Renton
Clark Close, Senior Planner, Community & Economic Development, City of Renton
Linda Cooley, Environmental Permit/Compliance Lead, WSDOT I-405 Corridor Program
Sean Quarrie, P.E., Project Engineer, I405/SR167 Program



STREAM BUFFER ENHANCEMENT

SCIENTIFIC NAME	COMMON NAME	SIZE	% OF MIX
PSEUDOTSUGA MENZIESII[1]	DOUGLAS FIR	2 GAL	5.0%
THUJA PLICATA	WESTERN RED CEDAR	2 GAL	6.2%
TSUGA HETEROPHYLLA	WESTERN HEMLOCK	2 GAL	5.0%
FRAXINUS LATIFOLIA[2]	OREGON ASH	2 GAL	4.0%
ACER MACROPHYLLUM[2]	BIG LEAF MAPLE	2 GAL	5.0%
CORNUS SERICEA[1]	RED-OSIER DOGWOOD	1 GAL	7.5%
PHYSOCARPUS CAPITATUS[1]	PACIFIC NINE BARK	1 GAL	7.5%
POLYSTICHUM MUNITUM[1]	SWORD FERN	1 GAL	7.5%
ROSA NUTKANA	NOOTKA ROSE	1 GAL	11.2%
RUBUS PARVIFLORUS	THIMBLEBERRY	1 GAL	7.5%
RUBUS SPECTABILIS	SALMONBERRY	1 GAL	11.2%
SALIX SITCHENSIS[1]	SITKA WILLOW	1 GAL	11.2%
SYMPHORICARPOS ALBUS[1]	SNOWBERRY	1 GAL	11.2%

NOTES:
[1]TO BE INSTALLED IN DRIER CONDITIONS.
[2]TO BE INSTALLED IN WETTER CONDITIONS.

0 25 50
SCALE IN FEET

FILE NAME	c:\users\taylorsa\pw_wsdot\d0129111\l0l.4653_EIS_Mitigation_Planting_05_RentonPark.dgn
TIME	3:23:34 PM
DATE	6/6/2016
PLOTTED BY	taylorsa
DESIGNED BY	L. COOLEY
ENTERED BY	S. TAYLOR
CHECKED BY	R. THOMAS
PROJ. ENGR.	C. BARNETT
REGIONAL ADM.	L. ENG

REVISION	DATE	BY

ADDEN NO. 10 | STATE WASH
JOB NUMBER
CONTRACT NO.
FED.AID PROJ.NO.
LOCATION NO. XL4653

P.E. STAMP SIGN | P.E. STAMP SIGN

I-405 Project Team
Washington State Department of Transportation

I-405
RENTON TO BELLEVUE
CORRIDOR WIDENING & EXPRESS TOLL LANES
STREAM BUFFER MITIGATION
CEDAR RIVER

SHEET 9 OF 9 SHEETS

Washington State
Department of Transportation

I-405 Program Office
600-108th Avenue NE Ste. 405
Bellevue, WA 98004
425-456-8582
TTY: 1-800-833-6388
www.wsdot.wa.gov

December 10, 2018

Mr. Curt Warber
King County Department of Natural Resources and Parks
Parks and Recreation Division
201 S Jackson Street, KSC-NR-0700,
Seattle, WA, 98104

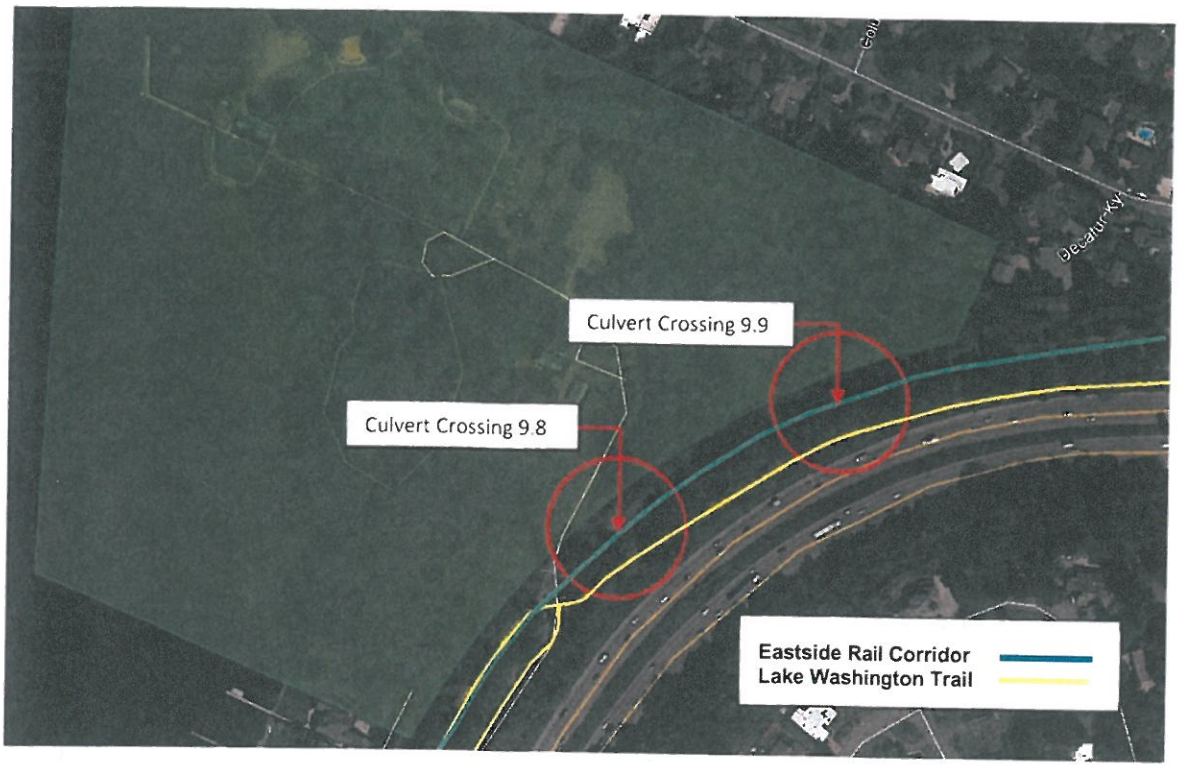
Re: I-405 Tukwila to I-90 Vicinity Express Toll Lanes Project – King County Eastside Rail Corridor Section 4(f) Concurrence Letter

Dear Mr. Warber,

The Washington State Department of Transportation (WSDOT) has evaluated the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project's (Project) effects on the planned Eastside Rail Corridor (ERC) and specifically the recently opened interim gravel section of the ERC between Gene Coulon Park in Renton and Newcastle Beach Park in Bellevue. We have determined that the ERC is considered a Section 4(f) resource because it is under public ownership, is a significant recreational resource, and is open to the public. We have also determined that construction of the permanent trail, along with other project elements, qualifies for what is defined as a "temporary occupancy exemption" under Section 4(f) found in 23 Code of Federal Regulations (CFR) 774.13(d).

Temporary occupancy of the ERC trail bed will be required during construction of the permanent trail and the replacement of two culverts (see Figure 1 for the location of the culvert crossings).

Figure 1 Location of Culvert Crossings



The culverts would be constructed at the same time as the permanent paved trail. During construction, trail users of the interim ERC section will be routed onto the Lake Washington Trail. Construction of the permanent ERC trail segment would be completed and open for use before the segments of the Lake Washington Trail in WSDOT right of way are closed.

Under 23 CFR 774.13(d), "temporary occupancy" is not a Section 4(f) use if the following conditions exist:

- The land use is of short duration (defined as less than the time needed for the construction of the project)
- There is no change in ownership of the land
- The scope of the work is minor
- There are no temporary or permanent adverse physical effects, nor would there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis
- The land being used would be fully restored to a condition at least as good as prior to the project
- There is documented agreement from the official(s) with jurisdiction over the property with the above conditions

As indicated on King County's website, the gravel trail section that was recently opened is interim and WSDOT will be constructing the permanent trail. Information on the website also acknowledges that during construction of the permanent trail, trail users of the interim section will be routed onto the Lake Washington trail. WSDOT requests that King County sign this document below, if the County agrees with WSDOT's determination that the proposed construction of the permanent trail, the replacement of two culverts, and the temporary trail detour during construction meets the definition of a temporary occupancy under Section 4(f).

If further questions or clarifications are needed please contact Allison Hanson at 425-450-2703.

Sincerely,

Lisa Hodgson

Lisa Hodgson, P.E.
I-405/SR 167 Deputy Program Administrator

Curt Warber, King County Department of Natural Resources and Parks Representative

Kathy Tey 12/27/18 (Signature/Date)

ATTACHMENT 7 SECTION 106 UPDATES TO ATTACHMENT M OF THE EA

The attached letter supplements Section 106 documentation for EA, Attachment M, Agency and Tribal Correspondence.

Allyson Brooks Ph.D., Director
State Historic Preservation Officer

January 2, 2019

Mr. Jason Cooper
Cultural Resource Specialist
WA State Dept. of Transportation
15700 Dayton Avenue North
PO Box 330310
Seattle, WA. 98133-9710

In future correspondence please refer to:
Project Tracking Code: 2016-02-01215
Property: I-405—SR 169 to I-90- Additional Fish Passable Culverts
Re: NO Adverse Effect

Dear Mr. Cooper:

Thank you for contacting the State Historic Preservation Officer (SHPO) and Department of Archaeology and Historic Preservation (DAHP) regarding the above referenced project. This action has been reviewed on behalf of the SHPO under provisions of Section 106 of the National Historic Preservation Act of 1966 (as amended) and 36 CFR Part 800. Our review is based upon documentation contained in your communication.

I concur that the current project as proposed will have "NO ADVERSE EFFECT" on historic properties within the APE that are listed in, or determined eligible for listing in, the National Register of Historic Places. As a result of our concurrence, further contact with DAHP on this project is not necessary. However, if new information about affected resources becomes available and/or the project scope of work changes significantly, please resume consultation as our assessment may be revised. Also, if any archaeological resources are uncovered during construction, please halt work immediately in the area of discovery and contact the appropriate Native American Tribes and DAHP for further consultation.

Thank you for the opportunity to review and comment. If you have any questions, please feel free to contact me.

Sincerely,

Dennis Wardlaw
Transportation Archaeologist
(360) 586-3085
dennis.wardlaw@dahp.wa.gov

Washington State
Department of Transportation

Northwest Region
15700 Dayton Avenue North
P.O. Box 330310
Seattle, WA 98133-9710

(206) 440-4000
TTY: 1-800-833-6388
www.wsdot.wa.gov

December 19, 2018

Dennis Wardlaw, Transportation Archaeologist
Department of Archaeology and Historic Preservation
P.O. Box 48343
Olympia, WA 98504-8343

DAHP Log Nos. **2016-02-1215; 2016-03-1714; 112206-10-FHWA; 080913-02-FHWA; 060804-08-FHWA**

USACE Reference No. **NWS-2017-827-DOT**

Property: **Interstate 405 (I-405) – Tukwila to Interstate 90 (I-90) Vicinity Express Toll Lanes Project – Additional Fish Passable Culverts**

Re: **Request for Comments and Concurrence, Archaeological Potential Zone Maps, and I-405 Programmatic Agreement Application**

Dear Mr. Wardlaw:

Pursuant to the *Programmatic Agreement Pursuant to Section 106 of the National Historic Preservation Act of 1966 (NHPA) among the Federal Highway Administration (FHWA), the Washington State Historic Preservation Officer (SHPO), the Washington State Department of Transportation (WSDOT), the Muckleshoot Indian Tribe, and the Snoqualmie Indian Tribe for Improvements to Interstate 405 (I-405) Corridor* (*PA*) executed on April 4, 2008, the Washington State Department of Transportation (WSDOT), on behalf of the Federal Highway Administration (FHWA), is continuing consultation with your office in regards to the I-405 – Tukwila to I-90 Vicinity Express Toll Lanes Project (Project) (formerly known separately as I-405 Renton to Bellevue Project Stage I and the I-405 Tukwila to Renton Improvement Project [TRIP] Stage 3). The newly named Project now includes I-405 from Milepost (MP) 0.0 at the Interstate 5 (I-5) junction to MP 11.9 just north of I-90 in Bellevue.

On September 19, 2017 WSDOT submitted Joint Aquatic Resources Permit Application (JARPA) submittal package for the Project. The Department of the Army Corps of Engineers (Corps) and Washington Department of Ecology (Ecology) conducted a Joint Public Notice (JPN) from December 27, 2017 to January 29, 2018. The Corps reviewed work in accordance with Section 404 of the Clean Water Act (CWA) and Ecology reviewed work pursuant to Section 401 of the CWA.

WSDOT received and responded to Public Notice comments from citizens and the Muckleshoot Indian Tribe Fisheries Division (MITFD). The MITFD's concerns focused on project effects to tribal treaty rights specifically fish barrier removal and stream types related to fish use. Initial stream typing was conducted by Washington Department of Fish and Wildlife (WDFW) in 2015, however, WSDOT requested re-assessment of Washington Department of Natural Resources (WDNR) stream for 14 streams. Field visits occurred in September 2018.

These field visits resulted in five Project area streams that are now determined to have potential fish habitat. Therefore, WSDOT proposes to provide an additional four fully fish passable culverts for this Project and provide additional information on the Stream 4.61 culvert which will be replaced at a later date.

At this time, WSDOT is requesting your review of this letter, in particular the evaluation of the additional fish passable culverts now included with the Project. Following your review of the materials, WSDOT, on behalf of FHWA, requests your concurrence with our effect determination for the updated undertaking as detailed below.

Cultural Resources Background Information

Numerous cultural resources investigations have been conducted specifically along this stretch of I-405 (Bowden and Dampf 2005; Bundy 2008; HRA 2006; Ives et al. 2016; Jones 2015a, 2015b; Juell 2001; Landau Associates 2007; Robinson 1992; Robinson and Hillis-Kraft 1984; Smith et al. 2014; ESA 2015). These 11 previous cultural resource surveys have thoroughly investigated the 12-mile corridor over a 34-year period.

Ives et al. (2016) and Jones (2015a, 2015b) at Archaeological and Historical Services (AHS) implemented the archaeological zone potential mapping strategy for the I-405 corridor, as described in the 2008 PA. Smith et al. (2014) investigated the I-405 Direct Connector Project between I-405 and SR 167, including the Cedar River crossing area. Bowden and Dampf (2005) of Historical Research Associates (HRA) systematically investigated the I-405 corridor excavating shovel test probes in high probability areas, defined in the I-405 Corridor Program NEPA/SEPA EIS as "areas adjacent to water courses or lakes." HRA archaeologists also investigated moderate probability areas, such as along smaller tributaries, and surveyed areas where ground-disturbing activities will extend beyond current disturbances associated with the construction of the I-405 roadway (HRA 2006:4-3). Landau Associates (2007) looked at the Tukwila to SR 169 segment and documented several historic period archaeological sites that were found to be not eligible for listing in the NRHP.

There are six previously documented archaeological sites located within and/or directly adjacent to this 12-mile stretch of I-405. Information regarding these previously documented archaeological sites is presented in **Table 1**.

Table 1. Previously Documented Archaeological Sites within Project Area

Site Number	Site Name	Type	Comments
45KI6	Shell midden	Precontact	Destroyed
45KI211	Renton Coal Mine, Renton Civic Dump	Mine related structures in ruin and surface feature	None

Site Number	Site Name	Type	Comments
45KI538	Columbia and Puget Sound Railroad	Railroad related structures, objects and artifacts	Related to Northern Pacific Lake Washington Belt Line
45KI768	Puget Sound Shore Railroad Company Grade	Abandoned railroad segments	None
45KI848	Renton Glass Company factory	Structural remains in ruin	None
45KI1274	Northern Pacific Railway Lake Washington Beltline	Historic Railroad Property	Abandoned segment, some rails and ties removed

Hundreds of historic property inventory forms have been recorded for structures and/or buildings adjacent to the 12-mile stretch of I-405. Of these historic properties, four are listed in the national or state historic registers. The Frederick W. Winters House is listed in the National Register of Historic Places (NRHP). The Renton Substation of the Snoqualmie Falls Power Company and the Renton fire station are all listed in the Washington State Historic Register (WHR). None of these three historic properties will be impacted by proposed Project activities.

Records on file at DAHP do not indicate that there are traditional cultural properties (TCPs) reported within or near the Project resource evaluation area. However, Native Americans are likely to have fished, hunted, and gathered plant resources in the general vicinity. At the confluence of the Green River and the (former) Black River at the north edge of present-day Fort Dent Park, three tribal house sites were once located here. Known as *skoh-AHL-koh*, ('confluence'), this area was inhabited by the riverine Duwamish or *doo-AHBSH* (Waterman n.d.)

A previously documented, precontact archaeological site (45KI6) was recorded in the early 1960s east of the modern-day 66th Avenue South overcrossing of I-405 to Tukwila Parkway and along the west bank of the Green River (Holmes and Possehl 1963). At that time, the site was documented as preserving approximately 80 centimeters of shell, charcoal, fire modified rock (FMR), and some amount of preserved wood over a 30-square meter area. Holmes and Possehl (1963) estimated that approximately 4 meters of the site had been destroyed by river erosion by the time they documented it. The Office of Public Archaeology visited the site in 1978 and reported the site had been totally destroyed.

One previously recorded cultural resource, a segment of the Northern Pacific Lake Washington Belt Line (Allen and O'Brien 2007), is partially within the Project resource evaluation area. Abandoned segments of this grade have been recorded along the Cedar River (site 45KI538, the Columbia and Puget Sound Railroad) and running alongside the interstate's right-of-way (site 45KI1274, the Northern Pacific Railway Lake Washington

Beltline). In 2007, the Lake Washington Belt Line was determined by SHPO to be eligible for listing in the NRHP. Most of the original route configuration and raised ballast bed remains intact, as well as many crossing features. Past modifications in the northern portion of the route, most notably the removal of rails and rehabilitation of the Wilburton Trestle, have not affected the eligibility of the line. Future modifications necessitated by the conversion of the Eastside Rail Corridor (ERC) to a pedestrian / bicycle trail should not be considered an adverse effect, as long as the purpose of the route remains associated with recreation with the potential to be used for transportation again in the future.

Additional Fish Passable Structures

On September 12th and 24th, 2018, WSDOT, Martin Fox (MITFD), and WDFW met onsite to reassess 14 streams to determine potential fish use.

As a result of this work, some Project area streams originally determined by WDFW to be non-fish-bearing streams were determined to have potential fish habitat. As a result of the stream typing changes, five additional streams were identified as having potential fish use within the Project's Area of Potential Effects (APE), one of which (see Stream 4.61) will not be impacted by the Project and four will be impacted by the Project, therefore those culverts will be made fish passable as summarized below.

As a result of the stream re-typing, an additional four culverts will be replaced with new fully fish passable culverts (**Table 2**). These four culverts are in addition to those identified in the previous application. Overall, the Project proposes to build 7 culverts with fully fish passable structures and 2 forward-compatible fish passable structures at UNT 08.LWW.7.7A and UNT 08.LW.7.8. Only the new additional four culverts are discussed here. Construction methods for the newly added culverts will be similar to the previous submittal. The new culverts will be sized appropriately according to WDFW Water Crossing Design Guidelines published in 2013. Prior to constructing the culverts, WSDOT will prepare and follow and Ecology-approved in-water work plan. Work will occur during the permitted in-water work window during the time of the year when fish are least likely to be present in streams.

Ditch construction will be similar to the Project's previous JARPA submittal. New and re-located ditches are included in the Project. Typical equipment used in ditch excavation includes backhoes, excavators, loaders, graders, rollers, dump trucks, and hand tools. Excavated soils will be taken to a WSDOT-approved disposal site.

For the new additional fish passable structures, land clearing will be similar to previous JARPA submittal. Erosion control BMPs will be installed to minimize erosion potential, consistent with NPDES requirements, and will be modified as field conditions change. Equipment used may include, but not limited to back hoes, excavators, loaders, graders, rollers, dump trucks, and hand tools.

Table 2. Additional Fish Passable Structures for the Project

Stream	Roadway Crossing	Existing Structure			Proposed Structure		
		Existing Structure Type	Length (ft)	Dia./Width (in)	Proposed Structure Type	Length (ft)	Structure Span (ft)
Stream 8.15	I-405	Concrete	202	18	Box Culvert	221	8
ERC Stream 9.8	Eastside Rail Corridor	Concrete	19	18	Box Culvert	31	7
ERC Stream 9.9	Eastside Rail Corridor	Concrete	24	18	Box Culvert	24	7
Stream 10.0	I-405	Concrete	366	18 and 30*	Box Culvert	416	12

*Two culverts under I-405

Stream 4.61

Stream 4.61 has been re-typed from non-fish passable to fish passable. Currently the Project does not propose to impact the existing culvert crossing of I-405 at Milepost (MP) 4.61 or the open channel and buffer area located at the upstream end of the pipe on the east side of I-405. Replacement of the culvert under I-405 conveying Stream 4.61 at this time would not be forward compatible and would require replacement during a subsequent phase. Stream 4.61 is located within the City of Renton within Section 8 of Township 23 North, Range 5 East (Willamette).

Stream 8.15

The original Project proposal included replacing the existing 18-inch culvert under I-405 with a new 18-inch culvert. The Project is now proposing an 8-foot-wide fish passable structure. Additional changes specific to Stream 8.15 include the added permanent and temporary stream impacts, as well as added permanent and temporary stream buffer impacts due to channel regrading to connect to the new fish passable structure.

Stream 8.15 is located partially within the City of Newcastle and unincorporated King County within Section 29 of Township 24 North, Range 5 East (Willamette). The stream is situated near I-405 MP 8.15. See attached stream plans for Stream 8.15.

ERC Streams 9.8 and 9.9

WSDOT is partnering with King County to replace two culverts in need of repair within the ERC right of way at I-405 MP 9.8 and MP 9.9. Streams 9.8 and 9.9 under the ERC have been retyped from non-fish passable to fish passable. Our previous JARPA submittal had no stream impacts recognized for Stream 9.8 as it is fully within identified wetlands. Stream 9.9 remains typed as non-fish passable east of I-405.

The Project is now proposing 7-foot-wide fish passable structure for each of these crossings which slightly increases impacts to the adjacent wetlands and wetland buffers.

Streams 9.8 and 9.9 are located within the City of Bellevue within Sections 16 and 17 of Township 24 North, Range 5 East (Willamette Meridian). See attached stream plans for both Streams 9.8 and 9.9.

Stream 10.0

The original Project proposal included replacing the existing 18-inch and 30-inch culverts under I-405 with a single culvert. The Project is now proposing a 12-foot-wide fish passable structure. Additional changes specific to Stream 10.0 include the added permanent and temporary stream impacts, as well as added permanent and temporary stream buffer impacts due to channel regrading to connect to the new fish passable structure.

Stream 10.0 is located within the City of Bellevue within Section16 of Township 24 North, Range 5 East (Willamette Meridian). See attached stream plan for Stream 10.0.

Consultation with Tribes and Consulting Parties

In December 2018, WSDOT, on behalf of FHWA, re-initiated consultation for this Project with King County, the cities of Tukwila, Renton, and Bellevue, the Eastside Heritage Center, and Duwamish Tribal Services as consulting parties, and with the Snoqualmie Tribe, Muckleshoot Indian Tribe, Stillaguamish Tribe of Indians, and Yakama Nation as Indian tribes who may attach religious or cultural significance to historic properties that may be affected by the undertaking. To date, WSDOT has not received any other communications from consulting parties or tribes. WSDOT also provides monthly project status updates to the Snoqualmie Tribe, the Stillaguamish Tribe of Indians, and Muckleshoot Indian Tribe.

Archaeological Potential for Proposed Project Elements

Jason B. Cooper, WSDOT Northwest Region Cultural Resources Specialist, evaluated and verified each new additional fish passable structure described in this letter per Stipulations III.B. and IV.C. in the 2008 PA. The evaluation of each new additional fish passable structure included reviewing the existing archaeological potential zone maps developed by AHS, WSDOT's GIS and DAHP's WISAARD databases, and historic maps/aerial photographs of the proposed areas. Field verification of each proposed fish passable structure's archaeological potential was conducted by Mr. Cooper in early December 2018. The field verification was geared toward confirming whether the new additional fish passable structures could be categorized in areas as either being unrestricted, fill, and/or restricted (**Table 3**). These categories are described below.

Unrestricted Zones are locations where Holocene-age native surface and post-glacial soils and sediments have been removed entirely. The design-builder may locate any ground-disturbing project element in an Unrestricted Zone without any further cultural resources review (per PA Task IV.C.3).

Fill Zones are locations identified as having deep fill, where native soils and possibly buried surfaces may be present under the fill. The design-builder may locate any ground-

disturbing project element in a Fill Zone when design indicates disturbance will not exceed three-quarters of the total depth (to account for over-excavation).

Restricted Zones are locations with little to no previous ground disturbance and native sediments and buried surfaces are likely to be present. The design-builder may not locate any ground-disturbing project element, regardless of depth of the project ground disturbance, in a Restricted Zone until it is reviewed and approved (in email or letter) by the WSDOT in consultation with interested parties and affected tribes and SHPO (per PA task IV.C.5, see WSDOT 2008a, WSDOT 2008b).

Table 3. Additional Fish Passable Structures for the Project and Associated Location Category

Fish Passable Structure	Location Category
Stream 8.15	Unrestricted Zone
ERC Stream 9.8	Unrestricted Zone and Fill Zone
ERC Stream 9.9	Unrestricted Zone and Fill Zone
Stream 10.0	Restricted Zone

Stream 8.15 is mapped within an Unrestricted Zone (Jones 2015b: Ives et al. 2016)). This area is characterized by a cut hillside. This area has little to no remaining potential for archaeological resources. Mr. Cooper conducted a site visit to Stream 8.15 in December 2018 to further inspect the existing culvert crossing. No shovel test probes were excavated at this time, but exposed sediment was inspected where feasible. No cultural resources were identified in association with Stream 8.15.

ERC Streams 9.8 and 9.9 are both mapped in areas categorized as Unrestricted and Fill Zones. The area around Streams 9.8 and 9.9 include an expansive cut hillside. This Unrestricted Zone is bound on the north by Coal Creek, on the east by the limits of the Project's APE, on the south by a human-made drainage feature, and on the west by I-405 northbound traffic lanes. This Unrestricted Zone has little to no potential for archaeological resources. Streams 9.8 and 9.9 are also within an area of road fill prism that extends from Lake Washington Boulevard Southeast on the south to Coal Creek Parkway Southeast on the north and includes all I-405 traffic lanes and medians and includes the ERC. A significant percentage of this area includes the steep, westward slope that supports the I-405 southbound traffic lanes. Mr. Cooper conducted a site visit to Streams 9.8 and 9.9 in December 2018 to further inspect both culvert crossings underneath the ERC. No shovel test probes were excavated at this time, but exposed sediment was inspected where feasible. No cultural resources were identified in association with Streams 9.8 and 9.9.

Stream 10.0 is mapped within a Restricted Zone (Jones 2015b; Ives et al. 2016). Ives et al. (2016:40) describes the area around Stream 10.0 as deeply incised stream cut formed by a perennial stream and includes the associated wetland abutting the elevated fill slope

of I-405. Native sediments, mapped as Holocene alluvial sandy loam, were encountered in all six shovel test probes excavated by AHS. AHSs survey and shovel test probing identified no evidence of precontact or historic period archaeological materials or features. AHS concluded that while evidence of intact Holocene sediments is present in the area that includes Stream 10.0, shovel test probe results demonstrated that archaeological site potential is low. Mr. Cooper conducted a site visit to Stream 10.0 in December 2018 to further inspect the existing culvert crossing. No shovel test probes were excavated at this time, but exposed sediment was inspected where feasible. No cultural resources were identified in association with Stream 10.0.

NRHP Eligibility and Project Effect Recommendations

WSDOT, on behalf of FHWA, respectfully requests your concurrence with our determination that the proposed new fish passable structures (Streams 8.15, 9.8 and 9.9), which are located in *Unrestricted* and/or *Fill* zones that have limited potential to maintain unknown and significant cultural resources, will have **No Adverse Effect on Historic Properties**.

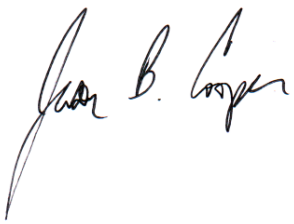
WSDOT, on behalf of FHWA, also respectfully requests your concurrence with our determination that the proposed new fish passable structure (Stream 10.0), which is located in a *Restricted* zone that has limited potential to maintain unknown and significant cultural resources, will have **No Adverse Effect on Historic Properties**.

WSDOT is sending these recommendations to King County, the cities of Tukwila, Renton, and Bellevue, the Eastside Heritage Center, and Duwamish Tribal Services, as well as the Snoqualmie Tribe, Muckleshoot Indian Tribe, Stillaguamish Tribe of Indians, and Yakama Nation for review. WSDOT will provide you with any comments that the agency receives from the consulting parties and the tribes.

Please provide your response to this request by January 21, 2019.

Should you require additional information or have any questions please contact me at 206.440.4525, or by email at Jason.Cooper@wsdot.wa.gov. Thank you for your continued consultation on this project.

Sincerely,



Jason B. Cooper, M.A., RPA
Cultural Resources Specialist, WSDOT Northwest Region

Cc: Allyson Brooks, SHPO
Steve Shipe, WSDOT
Allison Hanson, I-405 Team

Linda Cooley, I-405 Team
Lindsey Handel, FHWA
Sharon Love, FHWA
Project File

Att: 1) Project Vicinity Map
2) Stream 8.15 Location Map
3) Streams 9.8 and 9.9 Location Maps
4) Stream 10.0 Location Map

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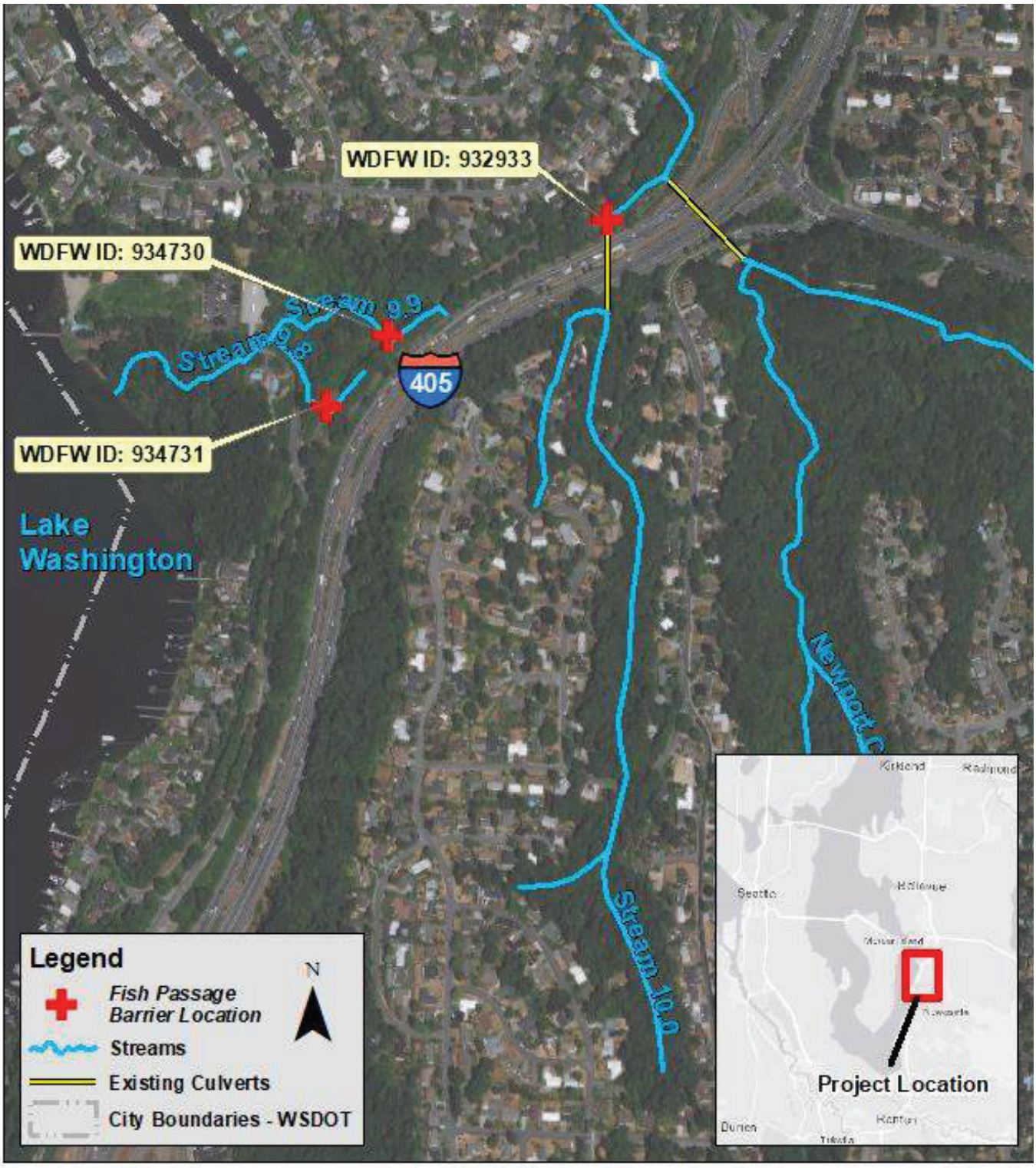
Vicinity Map of UNT 08.LW.0283, UNT 7.7A, UNT 7.8 and UNT 8.15



Vicinity Map of UNT ERC 9.8, UNT ERC 9.9 and UNT 10.0

Stream 8.15

T.24N. R.5E. W.M.

VICINITY MAP

LEGEND

- PROPOSED RIGHT OF WAY
- EXISTING RIGHT OF WAY
- CITY LIMITS
- PARCEL LINES
- STREAM

0 200 400
SCALE IN FEET

CONCEPTUAL DESIGN
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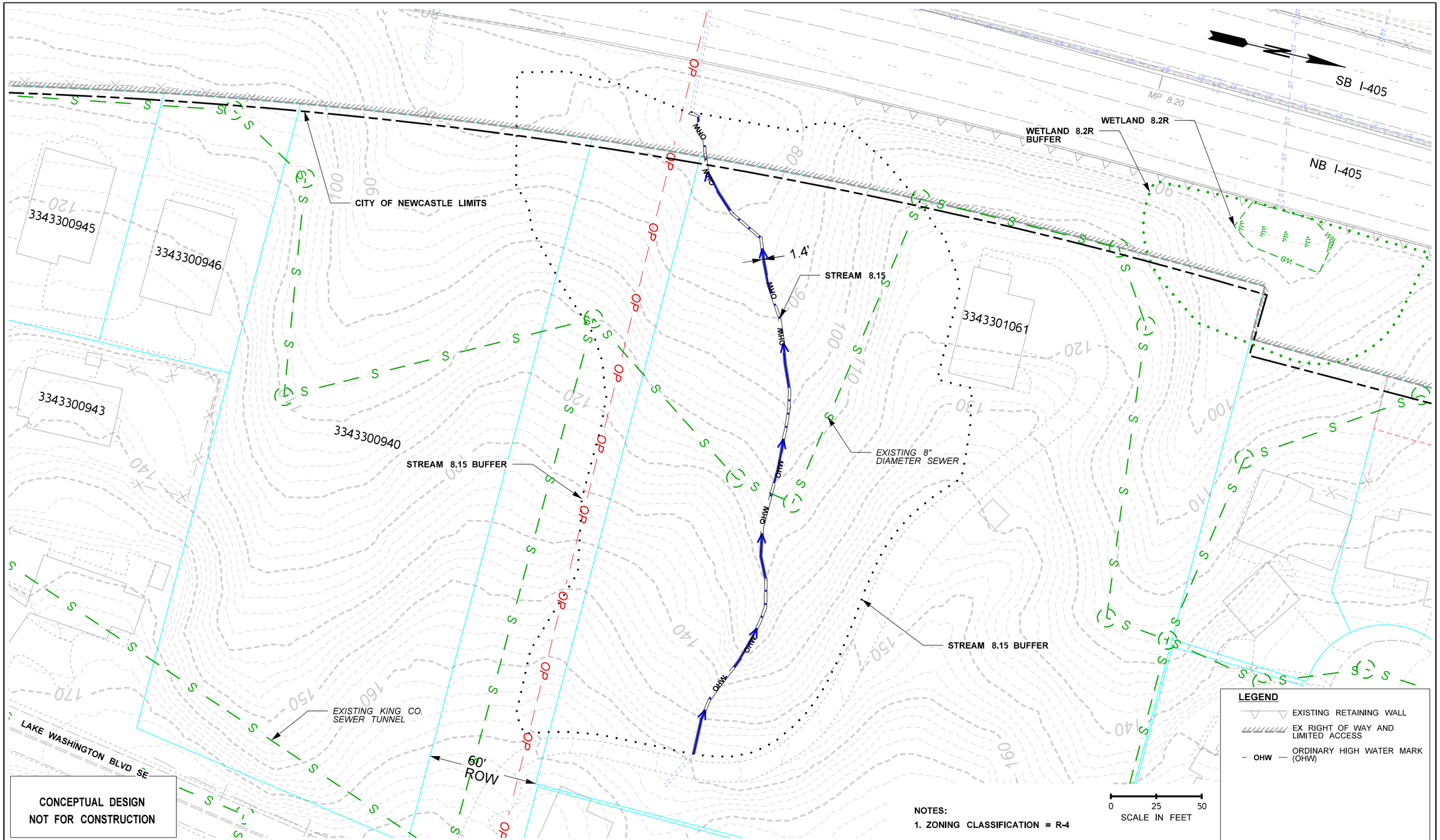
Washington State Department of Transportation

I-405
RENTON TO BELLEVUE
PROJECT STAGE 1

NEWCASTLE - CRITICAL AREA

PLAN REF NO

SHEET 1 OF 4 SHEETS



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Washington State Department of Transportation

I-405
RENTON TO BELLEVUE
PROJECT STAGE 1

NEWCASTLE - CRITICAL AREA

SHEET 2 OF 4 SHEETS

SB I-405

NB I-405

7728 7729 7730 7731 7732 7733 7734 7735

TCE FOR RECONNECTION OF SANITARY SIDE SEWER

WETLAND 8.2R

3343300945

3343300946

3343300940

3343301061

3343300943

PERM SEWER EASEMENT

TCE FOR 8" DIAMETER SEWER REMOVAL AND RELOCATION

RELOCATED 8" DIAMETER SEWER

TCE, PERMANENT BUFFER IMPACT AREA FOR RETAINING WALL CONSTRUCTION. (0.009 AC)

PERMANENT STREAM IMPACT (WITHIN CITY OF NEWCASTLE LIMITS) 200 SF (<0.01)

TCE, TEMPORARY BUFFER IMPACT AREA FOR STREAM 8.15 REGRADING, HABITAT RESTORATION, AND CITY OF NEWCASTLE STORMSEWER RECONNECTION (0.324 Ac)

STREAM 8.15

OHW MHO

CUT

LEGEND

- WETLAND/ WETLAND BOUNDARY
- WETLAND BUFFER
- TEMPORARY STREAM BUFFER IMPACT
- PERMANENT WETLAND IMPACT
- PERMANENT STREAM BUFFER IMPACT
- PERMANENT STREAM IMPACT
- STREAM CENTER LINE
- STREAM BUFFER
- FLOW DIRECTION
- PROPERTY LINES
- RETAINING WALL
- NOISE WALL
- EXISTING SAN. SEWER
- 8" DIA. SAN. SEWER TO BE REMOVED
- PROPOSED SAN. SEWER
- TEMPORARY CONSTRUCTION EASEMENT (TCE)
- PERMANENT SEWER EASEMENT

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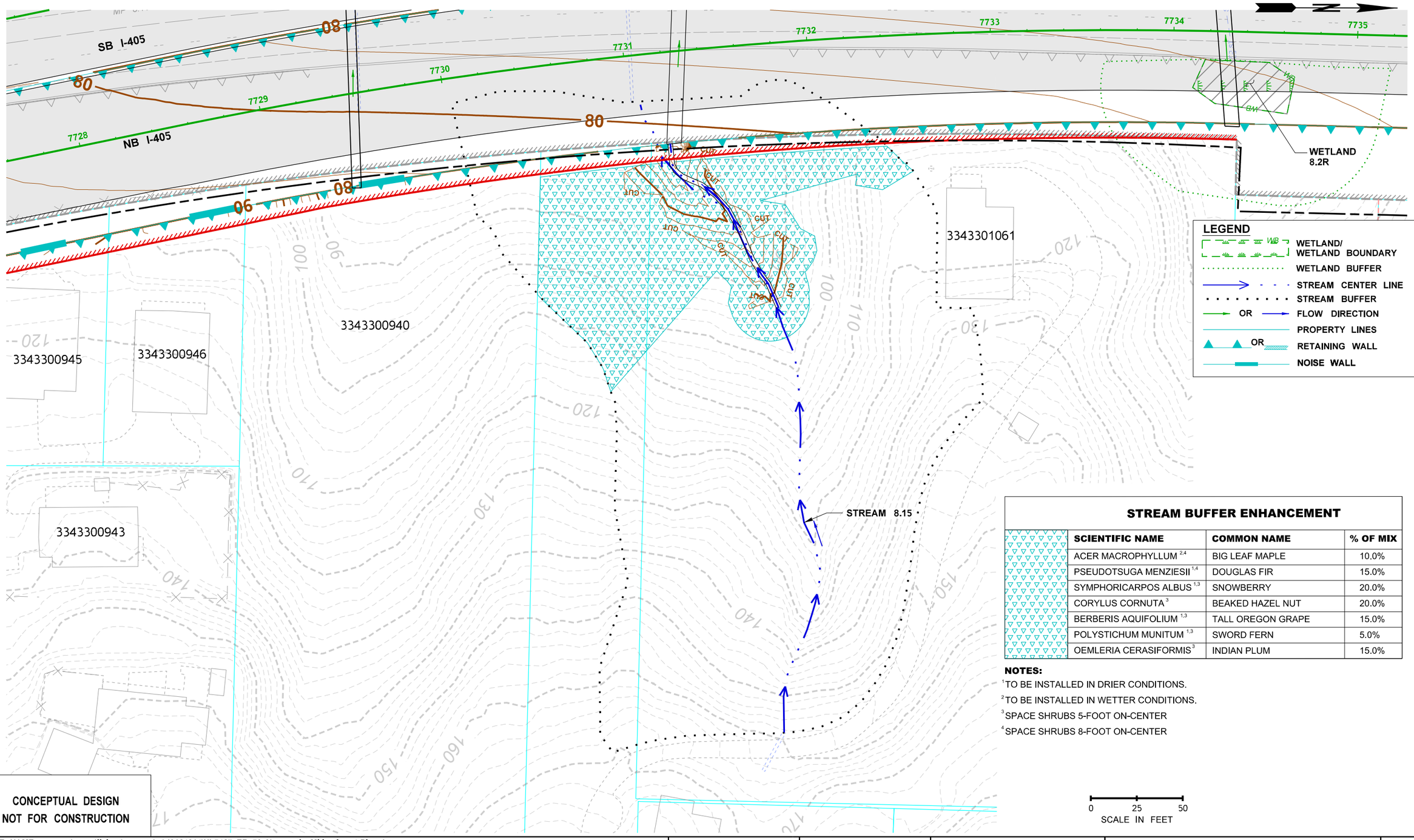
Washington State Department of Transportation

I-405
RENTON TO BELLEVUE
PROJECT STAGE 1

NEWCASTLE - CRITICAL AREA IMPACTS

SHEET 3 OF 4 SHEETS



LEGEND

- WETLAND/ WETLAND BOUNDARY
- WETLAND BUFFER
- STREAM CENTER LINE
- STREAM BUFFER
- OR FLOW DIRECTION
- PROPERTY LINES
- OR RETAINING WALL
- NOISE WALL

STREAM BUFFER ENHANCEMENT

SCIENTIFIC NAME	COMMON NAME	% OF MIX
ACER MACROPHYLLUM [2,4]	BIG LEAF MAPLE	10.0%
PSEUDOTSUGA MENZIESII [1,4]	DOUGLAS FIR	15.0%
SYMPHORICARPOS ALBUS [1,3]	SNOWBERRY	20.0%
CORYLUS CORNUTA [3]	BEAKED HAZEL NUT	20.0%
BERBERIS AQUIFOLIUM [1,3]	TALL OREGON GRAPE	15.0%
POLYSTICHUM MUNITUM [1,3]	SWORD FERN	5.0%
OEMLERIA CERASIFORMIS [3]	INDIAN PLUM	15.0%

NOTES:

[1] TO BE INSTALLED IN DRIER CONDITIONS.
[2] TO BE INSTALLED IN WETTER CONDITIONS.
[3] SPACE SHRUBS 5-FOOT ON-CENTER
[4] SPACE SHRUBS 8-FOOT ON-CENTER

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SCALE IN FEET

CONCEPTUAL DESIGN
NOT FOR CONSTRUCTION

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Washington State
Department of Transportation

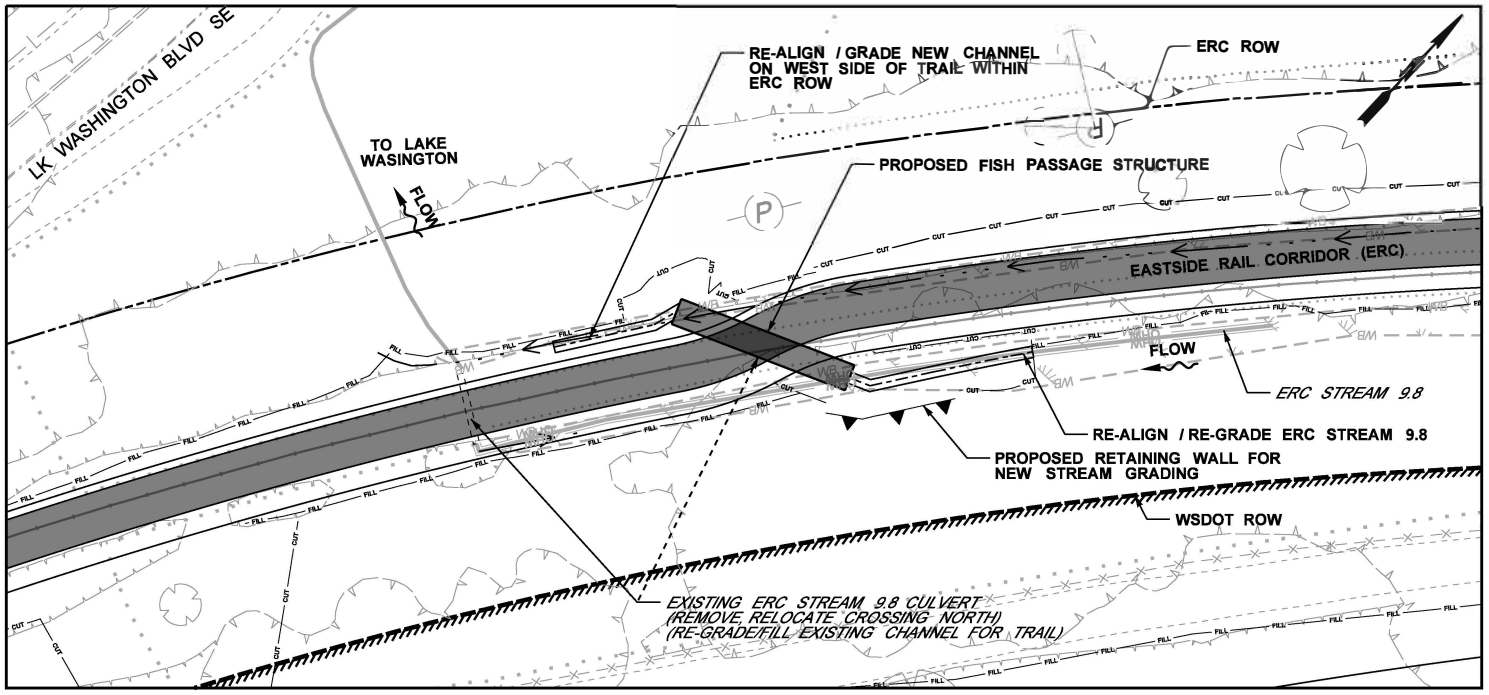
I-405
RENTON TO BELLEVUE
PROJECT STAGE 1

NEWCASTLE - MITIGATION PLAN

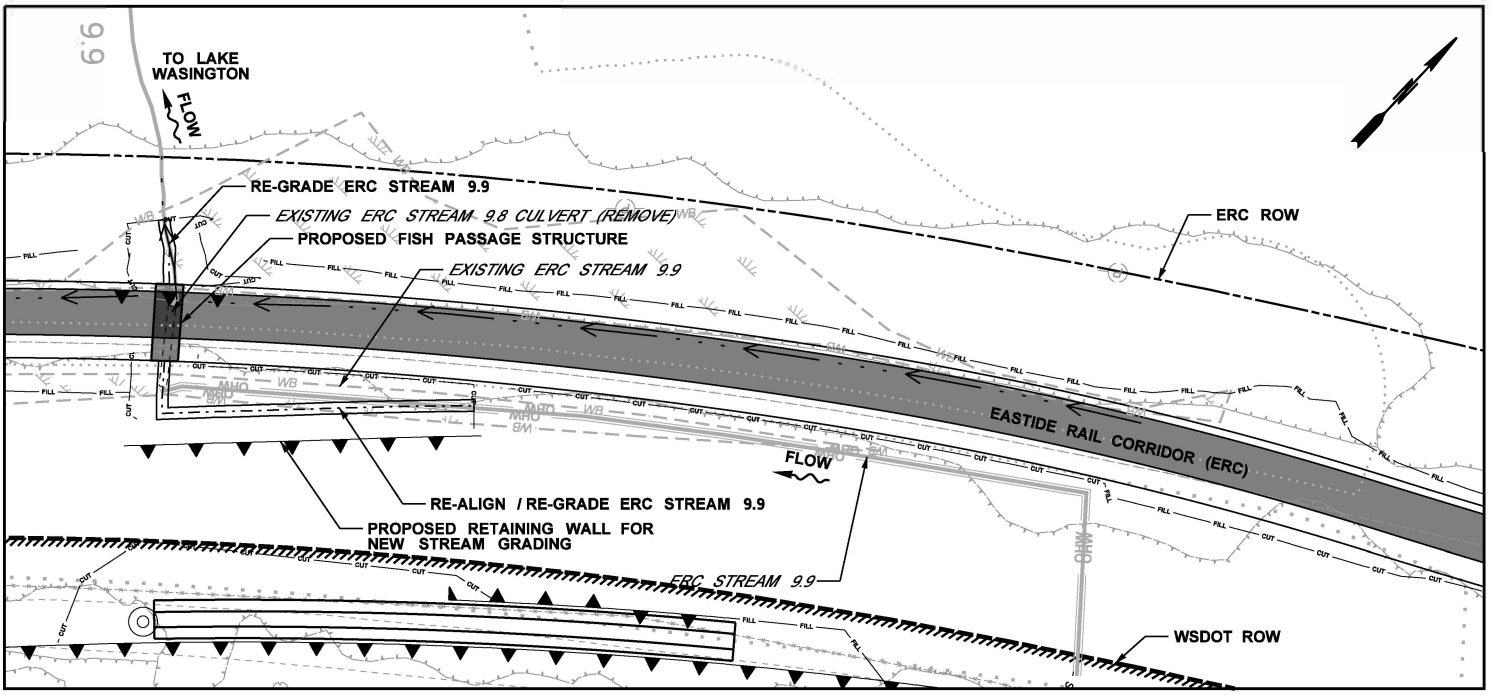
SHEET 4 OF 4 SHEETS

Streams 9.8 and 9.9

Eastside Rail Corridor Streams 9.8 and 9.9-proposed fish passable structure detail



ERC STREAM 9.8 PLAN VIEW



ERC STREAM 9.9 PLAN VIEW

0 25 50
SCALE IN FEET

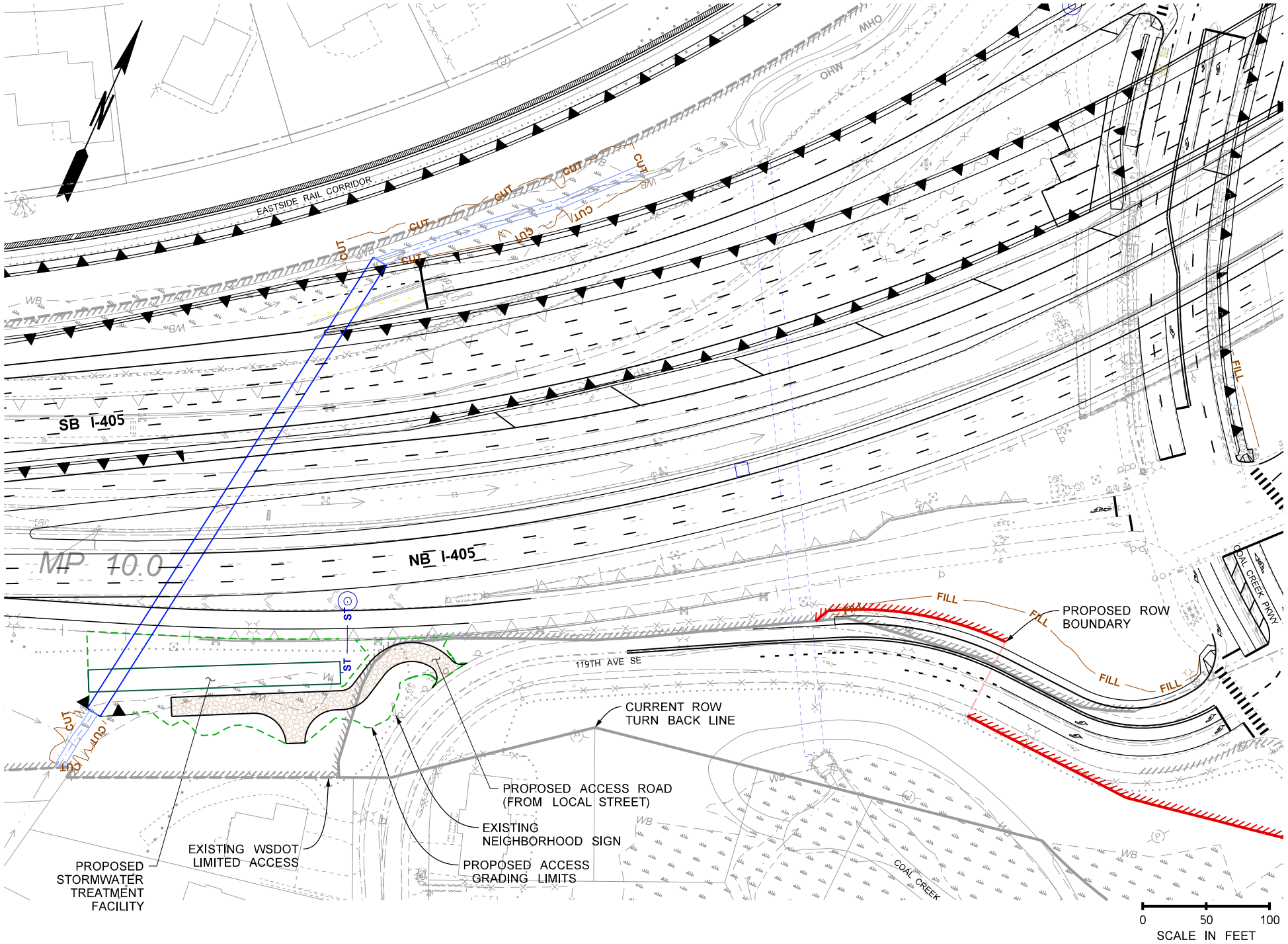
CONCEPTUAL DESIGN
NOT FOR CONSTRUCTION

Washington State Department of Transportation

SHEET: OF:

c:\users\livingt\pw_wsdot\d0205083\NARRATIVE_FIG2.dgn

Stream 10.0



c:\users\livingtpw_wsdot\d0205402\CABS_10-0_RT.dgn

Washington State Department of Transportation

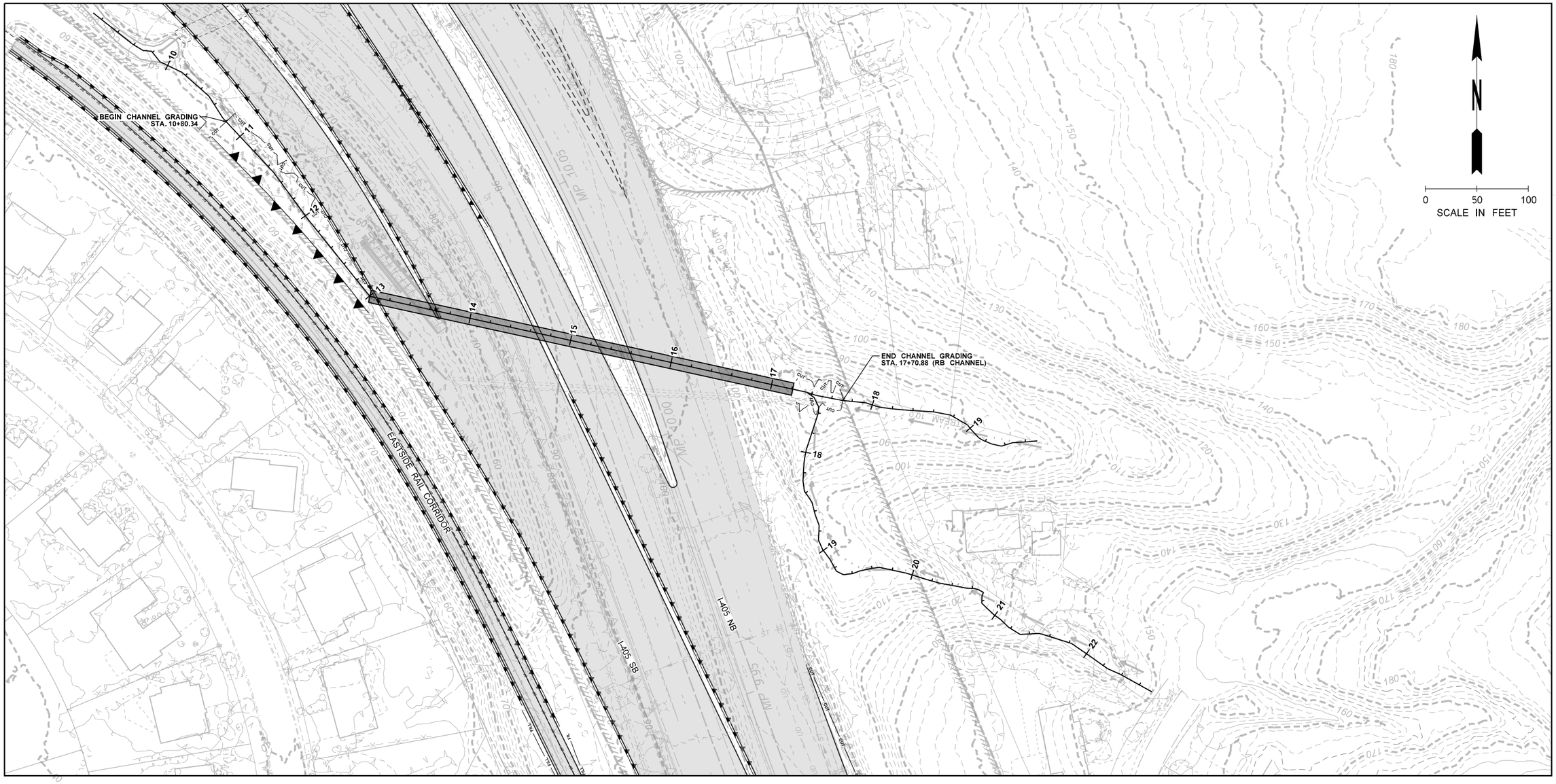
119TH AVE SE ACCESS - EXHIBIT A

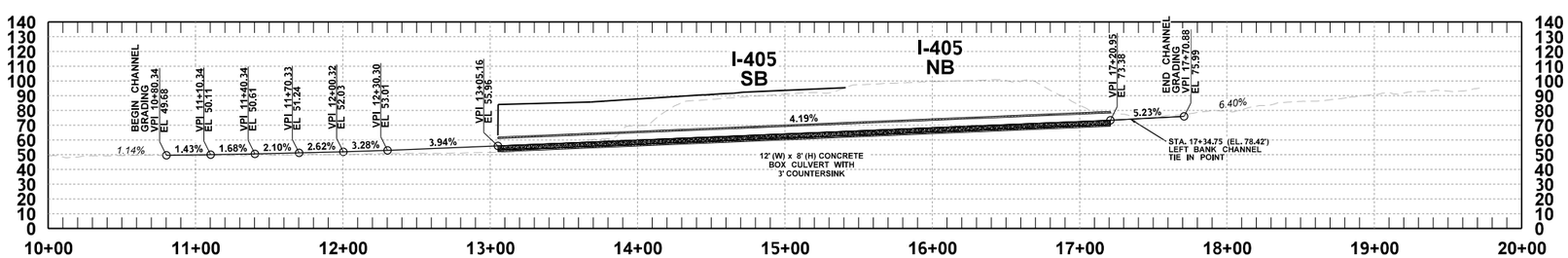
LINE 1: ACCESS FROM LOCAL STREET TO PROPOSED CABS - MP 10.0 R

LINE 2:

PLOTTED BY: LivingT

DATE: 11/19/2018 TIME: 9:30:17 AM





CONCEPTUAL DESIGN
NOT FOR CONSTRUCTION

Washington State Department of Transportation

STREAM 10.00

LINE 1: STREAM 10.00_v

LINE 2:

PLOTTED BY: LazzelB
DATE: 10/30/2018 TIME: 10:08:50 AM

c:\users\lazzelb\pw_wsdot\d0201004\XL5467_BP_Stream10-00.dgn

ATTACHMENT 8 SUPPLEMENTAL ENDANGERED SPECIES ACT INFORMATION TO ATTACHMENT M OF THE EA

The attached letter supplements the Endangered Species Act consultation documentation for the EA, Attachment M, Agency and Tribal Correspondence.

U.S. Department
of Transportation

**Federal Highway
Administration**

Washington Division

Suite 501 Evergreen Plaza
711 South Capitol Way
Olympia, Washington 98501-1284
(360) 753-9480
(360) 753-9889 (FAX)
http://www.fhwa.dot.gov/wadiv

April 16, 2008

HDA-WA/I-405

Mr. D. Robert Lohn
National Marine Fisheries Service
7600 Sand Point Way NE, Bldg 1
Seattle, WA 98115

Essential Fish Habitat Consultation and Biological Opinion
I-405 Tukwila to Renton Improvement Project
NMFS Tracking No.: 2007/04219; USFWS Log No.:
13410-2007-F-0416

Dear Mr. Lohn:

This letter is in response to the March 3rd, 2008 Biological Opinion (BO) for the I-405 Tukwila to Renton Improvement Project. The BO includes Essential Fish Habitat (EFH) conservation recommendations proposed by the National Marine Fisheries Service (NMFS) for inclusion in the project to minimize the potential impacts and conserve EFH for Pacific salmon. The Magnuson-Stevens Act and 50 CFR 600.920(k)(1) requires that the Federal Highway Administration (FHWA) prepare this written response to the recommendations. This letter also serves to clarify or correct some project details presented in the Biological Opinion.

Essential Fish Habitat

NMFS proposes seven conservation recommendations, all of which will be accepted by FHWA. The EFH Conservation Recommendations and the measures to be taken by the Washington State Department of Transportation (WSDOT) and the project contractors are as follows.

1. *The FHWA should assist local governments and conservation groups in assessing and removing or replacing culverts that inhibit or block fish passage and bedload movement within the project and action area.*

FHWA accepts this recommendation. WSDOT actively works with local governments, tribes, conservation groups, and the Washington State Department of Fish and Wildlife to assess and remove, replace, or retrofit culverts that present a fish passage barrier. FHWA and WSDOT will continue to work with other stakeholders in culvert assessment and repair.

MOVING THE
AMERICAN
ECONOMY

2. *The FHWA should assist state and local governments and conservation groups in achieving more complete retrofit of the existing PGIS for both flow control and treatments. These actions would partially ameliorate the increased discharge (and duration) of stormwater flows and water quality degradation from the proposed action.*

FHWA/WSDOT accepts this recommendation. WSDOT and FHWA are currently working with the Washington State Department of Ecology on a programmatic approach to stormwater treatment designed to maximize environmental benefits within watersheds. In addition, WSDOT's Stormwater Research Strategy (http://www.wsdot.wa.gov/NR/rdonlyres/F6EA4617-EA89-468D-8AB6-946B0ED21B16/0/StormwaterResearchStrategy.pdf) provides the framework for:

- Coordinating and building partnerships within WSDOT and at regional, state, and federal levels to leverage stormwater research resources;
- Providing a clear process for soliciting, submitting, prioritizing, and implementing stormwater-related research proposals;
- Finding solutions that improve the design, constructability; maintainability, cost effectiveness, hydraulic performance, and treatment efficiency of stormwater facilities, as well as stormwater management operations and maintenance practices; and
- Improving the compilation, tracking, and dissemination of stormwater research findings.

3. *The FHWA should ensure that, for the life of the project, adverse effects from pollutants in stormwater runoff are avoided or minimized as follows:*
   a. *Water Quality. Improve long-term water quality conditions associated with pollutant loading from the road network within the project watershed.*
   b. *Drains. Eliminate direct discharge of stormwater associated with the project to waters of the US.*
   c. *Groundwater. Protect groundwater from pollutant loading.*
      i. *Pre-treat that water quality event stormwater runoff from pollution-generating surfaces before infiltration to groundwater or discharge into waters of the U.S., as necessary to minimize any pollutant load likely to be present.*
      ii. *Pretreatment may include, but is not limited to, biofiltration (filtration, adsorption, and biological decomposition from soils that have sufficient organic content and sorption capacity to remove pollutants), filtration (engineered filtration systems), settling/sediment ponds (engineered stormwater facilities), or any combination treatment train thereof.*
   d. *Placement. Avoid or minimize damage to sensitive natural resource areas (e.g., riparian and wetland areas), unstable hill slopes, ESA-listed species habitat) during placement of stormwater treatment facilities.*
   e. *Maintenance. The WSDOT will follow the Biological Opinion issued on August 15th, 2003 (NMFS Tracking No.: 2003/00313) on WSDOT's Regional Road Maintenance Program.*

FHWA/WSDOT accepts this conservation recommendation; however, for item 3(b), WSDOT will continue to discharge treated stormwater to flow-exempt water bodies such as the Cedar River.

4. *The FHWA should ensure that adverse effects resulting from increased stormwater discharges and duration of flows are avoided or minimized through addressing:*
   a. *Peak Flows. As measured against the historic conditions (i.e. USGS Gage 12119000 flow data from 1946 to 2006) the frequency, magnitude and duration of stormwater flows from one-half of the 2-year up to the 50-year storm events will be affected as follow:*
      i. *The FHWA will match the frequency of post-project flows to historic flows in the Cedar River.*
      ii. *The FHWA will design Flow control facilities that discharge to the Green River shall capture an equivalent pavement area to mitigate the new impervious area to match the magnitude of historic flows to the Green River.*
      iii. *The FHWA will design flow control facilities that discharge to Springbrook Creek shall capture an equivalent pavement area to mitigate the new impervious area to match the magnitude of existing flows to Springbrook Creek.*
   b. *Infiltration. Provide infiltration opportunities for stormwater runoff derived from the project area wherever possible.*
      i. *Infiltration opportunities may include, but are not limited to: adequate soils, non-concentrated overland flow, vegetation management, land cover conversions, permeable bedded detention basins, and infiltration swales.*
      ii. *Minimize, disperse, and infiltrate stormwater runoff onsite using sheet flow across permeable vegetated areas to the maximum extent possible without causing flooding, erosion impacts, or long-term adverse effects to groundwater.*

FHWA accepts this conservation recommendation, with the exception of 4(a)i: WSDOT will not provide flow control to the Cedar River, which is exempt from the flow control requirements of the Washington State Department of Ecology.

5. *FHWA should ensure that the appropriate stream habitat mitigation by replacing lost functions and values associated with the impacts occurring on the Cedar and Green Rivers; Springbrook Creek and all associated tributaries within the action area.*

FHWA accepts this conservation recommendation.

6. *The FHWA should ensure that adverse effects resulting from impacts of wetland habitat are avoided or minimized by implementing mitigation projects that provide consistent or enhanced function in terms of fish access and habitat quantity and quality during similar flow events.*

FHWA accepts this conservation recommendation.

7. *FHWA should ensure that adverse effects resulting from all culvert replacement activities occurring on waterbodies within the action area that contain listed fish species will be avoided or minimized by confining work to the period of July 1st to August 31st. In addition, the following measures should be implemented:*
   a. *Substrate used to establish the final grade of the streambed, within the upstream and downstream limits of excavation, shall be representative of an adjacent unaltered stream reach.*
   b. *Material removed during excavation shall be placed in a location and manner that prevents it from eroding back into the stream channel.*
   c. *Reduce turbid water discharges by slowly "ramping up" the flow of surface waters after completion of any streambed modifications.*

FHWA accepts this conservation recommendation; however, if expanding the work window will minimize environmental impacts by reducing the number of construction seasons necessary to complete the work, FHWA/WSDOT will coordinate with WDFW and the Services to extend the work window.

Biological Opinion

FHWA/WSDOT would also like to clarify certain aspects of the Biological Opinion as follows:

1. On page 4, 3rd paragraph: Please note that pollution modeling for the project indicates that dissolved zinc will be diluted to less than 5.6µg/l within approximately 4 feet of the outfall on the Green River, not 3 feet as noted in the BO.
2. On p.4, final paragraph, and throughout the document: The project will provide detention for 1.05 acres of new impervious surface in the Green River basin and 12.25 acres of new impervious surface in the Springbrook Creek basin, not 102 acres as stated in the BO.
3. On pp. 5-6: Bridge work does not include a temporary work trestle, but does include temporary piers within the OHWM.
4. On p. 6, Culvert Replacements: In December of 2007 the culvert conveying Thunder Hills Creek failed, threatening the structural integrity of I-405. The culvert was replaced as an emergency repair. Therefore, that culvert will no longer be a component of the I-405, Tukwila to Renton Improvement Project.
5. On p.7: The project will permanently impact approximately 34 acres of upland vegetation, not 57 as stated in the BO.
6. On p. 8, 3rd bullet: Impact hammers will only be used in dewatered conditions, but may be used for more than just proofing.
7. P. 9, 1st paragraph: WSDOT will debit credits from Springbrook Wetland and Habitat Mitigation Bank, which will not match 11.25 acres. The total amount of debited credits will be dependent on finalized impact numbers submitting during the permitting process. For example, one acre of a Category II wetland impact requires a .85 credit debit; one acre of a Category III wetland impact requires a .70 credit debit. However, the mitigation bank has been designed to provide functional lift of impacted wetlands, so mitigation will offset functions of impacted wetlands at a 1:1 ratio.
8. On p.77, last paragraph: The northbound and southbound bridges over I-405 are considered two separate structures, so WSDOT will demolish and replace three existing bridges over the Green River.

If you have any questions or would like additional information on the subject project, please contact me by e-mail at Steve.boch@fhwa.dot.gov or by phone at 206-220-7536.

Sincerely,

DANIEL M. MATHIS, P.E.
Division Administrator

Stephen P. Boch

By: Stephen P. Boch PE
Major Project Oversight Manager

Cc: Ken Berg, USFWS
William Jordan, I-405
Sean Callahan, NMFS
Michelle Steinmetz, UCO Biology Program Manager
Sharon Love, FHWA, Washington Division

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