

Chapter 6 Consultation and Coordination

This chapter summarizes the public involvement activities that FHWA and WSDOT carried out as part of this environmental analysis, as well as consultation and coordination with federal and state agencies and potentially affected tribes.

6.1 How has the public been involved in this project?

Throughout the I-90 project, WSDOT has been committed to including the public in the environmental impact analysis process. This section describes the range of public involvement efforts.

Public Involvement Plan

In April 2002, WSDOT prepared a *Draft Public Involvement Plan for the Snoqualmie Pass East I-90 Improvements* (WSDOT 2002). The plan outlines the project, public involvement process, target audiences, and emerging issues.

Scoping

The scoping process is intended to identify concerns of both the agencies and the affected public and to clearly define the environmental issues and alternatives to be examined in the EIS. The formal scoping period for the EIS began when FHWA published the Notice of Intent to prepare an EIS in the Federal Register on December 28, 1999. WSDOT held two pre-scoping meetings for the public in the spring of 1999 in order to collect public input to aid in the alternatives development process.

A pre-scoping partnering workshop was held in Yakima on October 12, 1999, and representatives from the Yakama Nation, USFS, Ecology, USACE, USEPA, USBR, WDFW, and the USFWS attended.

In February 2000, two additional scoping meetings were held. The first scoping meeting was for public agencies, and was held on February 1, 2000, at the USFS Cle Elum Ranger District Conference Room. Representatives from USEPA, USFWS, USFS, WDFW, and the Kittitas County Planning Department were present. The second scoping meeting was intended for the public and was held at the Cle Elum Senior Center. The majority of the attendees were residents of Hyak.

Following a WSDOT presentation at each meeting, public and agency participants were given the opportunity to ask questions about the proposal or environmental process, and were encouraged to provide comments. In addition to the comments received at the scoping meetings, WSDOT received 50 emails, 21 letters, and six phone messages from the public during the scoping period. Between March and May 2000, WSDOT received 91 emails, 17 letters, and 15 phone messages.

In addition to the scoping meetings, a public open house was held at the Snoqualmie Pass Inn on September 25, 2001 to present information about the project to the public. Approximately 50 people attended the meeting, most of them residents of Hyak.

Draft EIS Public Comment Period

FHWA and WSDOT received public comments throughout the public comment period, which began when the Notice of Availability for the Draft EIS was published in the Federal Register on June 10, 2005. The Draft EIS was distributed to agencies, libraries, and members of the public who requested to be on the mailing list. WSDOT placed official public notices and invitations to comment in local and regional newspapers of record, on the project web site, and in the project newsletter. A full record of comments and responses appears in Appendix A.

Public Hearings and Open Houses

WSDOT held three public hearings in Ellensburg, Hyak, and Seattle in June and July of 2005 to accept formal comments on the Draft

EIS. WSDOT held a public open house and web-cast in June 2006 to present the identified Preferred Alternative.

Other Public Involvement Methods

In addition to more formal public meetings, WSDOT had continuously communicated important information about the project to the public. This process began with scoping and has continued through adoption of the Preferred Alternative and subsequent changes to project design. Methods of communication included:

- The I-90 project web site:
www.wsdot.wa.gov/Projects/I90/SnoqualmiePassEast
- The I-90 email list-serve
- The 1-800 telephone number: 1-888-535-0738
- Community calendars
- Press releases
- Newsletters
- Fact sheets and displays
- Presentations at conferences
- Presentations to local service clubs

WSDOT also made many presentations at meetings of industry groups and conservation groups, as well as at public events such as state fairs. Although these meetings have not involved formal comments, WSDOT received continuous and important feedback from agencies and interested members of the public at these meetings.

6.2 How have the lead agencies consulted with other agencies and tribes?

Formal Consultation

Formal consultation includes communication that is required by regulation and includes formal agency findings and commitments. FHWA and WSDOT participated in formal consultation with other agencies and the tribes throughout the project, as described below.

Signatory Agency Committee

FHWA and WSDOT are partners in the SAC Agreement (WSDOT et al. 2002). This agreement is intended to provide a general framework for integrating the permitting and environmental review processes for transportation projects. The signatory agencies under this agreement are FHWA, NOAA Fisheries, USACE, USEPA, Ecology, WDFW, USFS, and WSDOT.

The SAC Agreement establishes three “concurrence points,” where the signatory agencies provide either concurrence or non-concurrence, or elect to waive participation at that stage. The intent of the concurrence process is to establish formal agency agreements in order to preclude revisiting decisions at a later date. The three concurrence points are:

1. Purpose and need, and the screening process for the alternatives identification process
2. Project alternatives to be evaluated in the Draft EIS
3. The Preferred Alternative, the least environmentally damaging and practicable alternative, and the conceptual mitigation plan

The SAC concurred with the project’s purpose and need in February 2001, the alternatives to be considered in July 2002, and with the identification of the preferred alternative in January 2008.

United States Forest Service

The USFS was a party to the formal consultation regarding the temporary occupancy of the Cabin Creek Sno-Park, and submitted a letter of consent for WSDOT's use of this property.

United States Fish and Wildlife Service

When a project may affect a listed species, Section 7 of the ESA requires FHWA to engage in both informal and formal consultation with the USFWS and/or NOAA Fisheries. Formal consultation begins with preparation of a Biological Assessment which assesses impacts to threatened and endangered species listed under the ESA. This report is then submitted to the agencies.

The I-90 project may affect several listed species as discussed Chapter 3, *Affected Environment and Consequences*, and consultation is required. WSDOT completed the *Biological Assessment* (Appendix M) and FHWA initiated formal consultation with USFWS in January 2008.

Washington State Department of Archaeology and Historic Preservation and Affected Tribes

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of proposed projects on historic properties. Section 106 consultation also is used to determine whether analysis of certain properties will be needed under Section 4(f) of the Transportation Act. The Section 106 process also includes consultation with the SHPO and interested Native American tribes regarding the potential effects of an action on cultural resources.

FHWA submitted a cultural resource survey to the DAHP and applicable THPO in 2003 for concurrence. The DAHP concurred with FHWA and WSDOT's determination that the snowshed, which is on the NRHP, would be adversely affected by its removal, and that its removal would require analysis under Section 4(f). Following this determination, FHWA, WSDOT, and DAHP developed a

Memorandum of Agreement, which documents mitigation measures for removal of the snowshed. (See Appendix C to Chapter 5.)

As part of the Washington State Centennial Accord Plan, which includes WSDOT's Executive Order 1025.00, WSDOT must consult with local tribes on all decisions that may affect tribal rights or interests. Consultation is a government-to-government process that should occur early in the environmental review process in which the tribes are invited to comment on the project.

Tribal consultation began in 1998 at the beginning of the project prior to the initiation of scoping, with initial discussion of cultural resources under Section 106. Consultation with the tribes will continue throughout the completion of the project. Tribes included in this consultation are the Yakama Nation, Snoqualmie Tribe, Tulalip Tribe, Muckleshoot Tribe, Confederated Tribes of the Colville Reservation, and Wanapum Tribe.

In 2003 WSDOT requested and received comments from the tribes on the draft *Archaeological and Historic Survey Report* (WSDOT 2003a) prepared for the project.

From 2005 to 2007, WSDOT continued consultation with interested tribes, requesting comments on the Preferred Alternative and the Section 106 Memorandum of Agreement to remove the snowshed. (See Appendix C to Chapter 5.)

A detailed chronology of tribal consultation is found in Appendix Z, *Archaeological, Cultural and Historic Resources*. Tribes that participated in the consultation process indicated a desire to be consulted on impacts to cultural sites or objects discovered during construction, and impacts to traditional cultural practices, including hunting and fishing.

Washington State Parks and Recreation Commission

Consultation with State Parks is required under Section 6(f) when a project has the potential to impact recreation resources funded by Land and Water Conservation Fund grants. WSDOT has consulted

with State Parks, which has confirmed there are no Land and Water Conservation Fund grant-funded lands that would be affected by the Preferred Alternative.

WSDOT also consulted with State Parks to confirm that the use of the Crystal Springs Sno-Park would be considered a temporary occupancy under Section 4(f). State Parks has agreed to develop an agreement with WSDOT for WSDOT's temporary occupancy of the Crystal Springs Sno-Park. The agreement will specify the terms regarding use, duration, operation plans, and interim and final reclamation plans.

Informal Consultation

Informal consultation consists of staff-to-staff contact between the agencies. WSDOT consulted informally with federal and state agencies, local jurisdictions, and tribal governments continuously from the beginning of the project. In recognition of the importance of the I-90 project and the complexity of its environmental setting, this consultation has gone well beyond the typical level for transportation projects. Some of the methods of informal consultation are described in this section.

United States Forest Service

The USFS is a cooperating agency and the manager of the majority of the land in the project area, and USFS land management policies are an important part of the social and environmental contexts of the project. FHWA and WSDOT have engaged in continuous consultation with USFS staff to assure that the design of the Preferred Alternative will be consistent with USFS land management documents

United States Bureau of Reclamation

The USBR has jurisdiction over Keechelus Dam and water in Keechelus Lake. USBR concurrence is required to place fill in the lake for new highway lanes for construction of the Preferred Alternative.

WSDOT worked with the USFS and USBR to create a single right-of-way plan to determine the boundaries of affected USBR lands, and has drafted a Master Crossing Agreement, which will be completed prior to construction.

Project Interdisciplinary Team

NEPA requires public involvement and an interdisciplinary approach to environmental analysis. During development of alternatives, FHWA and WSDOT formed the project IDT as an advisory body to incorporate both relevant science and the concerns of agency stakeholders. In order to ensure the broadest collaboration and the best possible technical solutions, the lead agencies went beyond normal practice and invited technical experts from other agencies to participate on the IDT.

Originally, the term of the IDT was to end following its recommendations for the Preferred Alternative. However, after identifying the Preferred Alternative, WSDOT recognized the value of an ongoing interagency advisory body to provide technical expertise and consultation. Accordingly, WSDOT extended the charter of the IDT to include permitting and mitigation, and expanded its membership.

Mitigation Development Team

FHWA and WSDOT recognized that improving fish and wildlife movement across the highway would be important to the managers of adjoining federal lands, to substantial sections of the public, and to agencies with jurisdiction over fish and wildlife. In response, WSDOT committed to consultation with agencies with expertise throughout the development of its ecological connectivity improvements, by forming the MDT. The MDT's work included defining the CEAs; developing connectivity needs, objectives, and performance standards; reviewing proposed improvements with WSDOT engineering staff; and making recommendations for each of the CEAs.

I-90 Project Team Interdisciplinary Team Member Agencies:

- Federal Highway Administration
- US Forest Service
- US Bureau of Reclamation
- National Oceanic and Atmospheric Administration Fisheries
- US Environmental Protection Agency
- US Fish and Wildlife Service
- US Army Corps of Engineers
- Washington State Parks and Recreation Commission
- Washington State Department of Ecology
- Washington Department of Fish and Wildlife
- Washington State Department of Transportation
- Kittitas County

NOAA Fisheries

The project *Biological Assessment* (Appendix M) concluded that the project is not likely to adversely affect Middle Columbia River steelhead, an ESA-listed species. On the basis of this finding, FHWA and WSDOT completed informal consultation with NOAA Fisheries and received a letter of concurrence on April 7, 2008.

Ongoing Technical Advisory Committees

WSDOT formed three additional technical committees to provide ongoing expertise and advice following the identification of the Preferred Alternative. These committees consist of technical specialists from outside agencies with expertise in wildlife monitoring, wetlands mitigation, and stormwater management. These committees will remain in operation through the permitting effort for Phase 1.

Agency Review of Discipline Reports

WSDOT has prepared numerous technical discipline reports for the Draft and Final EISs, and in support of project design. WSDOT sought technical review of most of these reports from outside agencies. Most often, review has taken the form of presentation of draft reports to the IDT, SAC, MDT, and the ongoing technical committees.