



From: [Julie Carter](#)
To: [Columbia River Crossing; beebym@wdot.wa.gov](#);
CC:
Subject: RE: Columbia River Crossing DEIS Comments
Date: Tuesday, July 01, 2008 5:10:25 PM
Attachments: [2008-Jul-1 CRTIFCcomCRCDEIS.pdf](#)

Ms. Beeby,
We have attached our brief comments on the Columbia River Crossing DEIS. Please let me know if you have any problems accessing the document.

Thank you.

Julie Carter

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July 1, 2008

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Re: Columbia River Crossing DEIS Comments

Dear Ms. Beeby:

T-003-001

The Columbia River Inter-Tribal Fish Commission (CRITFC)¹ appreciates the opportunity to provide comments on the Columbia River Crossing DEIS (herein "DEIS"). We offer the following comments and we incorporate by reference DEIS comments by our member tribe the Confederated Tribes of the Warm Springs Reservation of Oregon.

A primary concern of our member tribes is the protection and restoration of Columbia River Basin anadromous fish resources. We find little reference in the DEIS to impacts that any of the proposed alternatives could have on fish and wildlife resources. For example, there are general statements that impacts to wetlands will be mitigated, and "best management practices" will be used to mitigate other impacts, but no specifics are provided. NEPA's implementing regulations emphasize that the discussion of alternatives constitutes the "heart" of the environmental impact statement, and require federal agencies to "rigorously explore and objectively evaluate" the environmental impacts of all reasonable alternatives. 40 C.F.R § 1502.14. An analysis of all reasonable alternatives is necessary to present the decision-maker with an environmentally informed choice. *Save Lake Washington v. Frank*, 641 F.2d 1330, 1334 (9th Cir. 1981). We find that the DEIS has failed to provide an adequate, detailed description of impacts of the proposed alternatives on fish and wildlife resources.

Impacts on water quality are a significant concern with respect to the different DEIS alternatives. The size of the crossing, the construction techniques used, the post construction impacts of

¹ In 1977, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Nez Perce Tribe, and the Yakama Nation created the Columbia River Inter-Tribal Fish Commission (CRITFC or "Commission"). These four tribes have 1855 treaty rights to take fish that pass their usual and accustomed fishing places. Consequently, it is of critical importance to the tribes to protect and conserve the habitat and life cycle of the fisheries. The Commission functions to protect, promote, and enhance the Columbia River Basin's anadromous fish resources consistent with the treaty-secured interests of its member tribes by formulating a broad, general fisheries program, and providing technical and legal support.

T-003-001

The DEIS evaluation of impacts to ecosystems considered a variety of environmental factors including aquatic and terrestrial species and their habitats. This analysis was based on the level of design available during the DEIS, and it focused on providing information to allow the public and decision-makers to make informed comments and decisions about the best manner for this project to proceed (or not). Overall, the analysis of ecosystem impacts (and other analyses in the DEIS) disclosed the type and magnitude of impacts from the alternatives and highlighted where there were differences in these effects between the alternatives. Where mitigation measures discussed in the DEIS applied to all of the build alternatives, they did not provide meaningful distinction between the build alternatives or the decision about which alternative to choose. This was the case with endangered species where the impacts of primary concern, and the mitigation associated with them, were similar in type and magnitude for all of the build alternatives.

It is typical in projects like this to wait for a preferred alternative to be selected and design further developed before initiating the formal consultation with resource agencies (i.e. submitting a Biological Assessment). The evaluation in the DEIS was used to solicit public feedback about the project's future direction and to inform local decision-makers' selection of a locally preferred alternative. After the LPA was selected, the project advanced its design in order to support preparation of the BA. Much of the more nuanced evaluation for ESA compliance is also included in the FEIS, including more specificity about the type and severity of impacts to ecosystems and the efficacy of proposed mitigation measures, including discussion of water quality, induced development, in-water structures, and in-water work. Please see Chapter 3 (Sections 3.4, 3.14, 3.15, and 3.16) of the FEIS for more information. As the DEIS included the level of detailed required for informed decision-making and comment, a supplemental DEIS is not warranted.

T-003-001 | stormwater runoff, and the additional expanding potential for increasing population growth and the resulting impacts on water and wetland integrity have not been adequately described and evaluated in the DEIS.

Specific Comments

T-003-002 | Construction elements

We could not locate in the DEIS any detailed description of the various crossing/bridge structures that would be employed under the various proposed alternatives and what methods would be used to implement construction. The type of in-water structures used to support bridges can affect fish survival. Piers or bridge supports have been demonstrated to provide refugia for anadromous fish predators, such as northern pikeminnow. Pile driving can set up sound pressure waves that negatively affect fish behavior and can affect migration corridors. Turbidity plumbs from in-water work can also negatively affect fish migrations and behaviors. The timing of construction is not specified. Extant in-water work for the Columbia River is limited to winter months that are outside of the juvenile and adult salmon spawning, rearing and migration periods. We would expect that any construction work for any of the alternatives would respect this critical need.

T-003-003 | Summary of Community and Environmental Effects for Each Alternative (Exhibit 27)

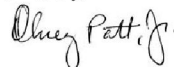
This table briefly describes the general impacts for each alternative of fish and wetlands. For alternatives 2 and 3 it is stated that water quality improvement would be greatest with fewer piers, but no other specifics are mentioned.

What are the effects of increased stormwater runoff with toxics into the river from the DEIS alternatives? Are there mitigation alternatives to limit the amount of bridge wastewater runoff directly into the river? The tribes are very concerned about increasing levels of toxics in fish that they depend upon for cultural, subsistence use. Additional work needs to be done in describing the amounts of runoff, the expected toxics contained in that runoff and possible mitigation options to reduce these impacts.

T-003-004 | **Conclusion**

CRITFC appreciates the opportunity to submit these comments. We believe the DEIS is needs to detail effects of the various proposed alternatives on fish, wetland habitat and water quality. We recommend that these issues be more fully addressed in a supplemental DEIS. We also encourage the lead agencies to consult with our member tribes on these issues to assist in preparation of the supplemental DEIS. Thank you for your consideration of these comments.

Sincerely,



Olney Patt, Jr.
Executive Director

T-003-002

As discussed above, although the DEIS allowed for a meaningful comparison of alternatives, the FEIS includes more specificity than what was available during the DEIS evaluation. Please see Chapter 2 of the FEIS for an updated discussion of bridge structures (Section 2.2) and construction methods (Section 2.3). Discussion of LPA effects on species and habitat, including issues related to fish predation, hydroacoustics, turbidity, and the in-water work window, are included in Chapter 3 (Sections 3.14, 3.15, and 3.16).

T-003-003

Chapter 3 of the DEIS included more detail on piers (Section 3.15) and water quality (Section 3.16) than was included in Exhibit 27. Water quality analysis has been updated for the FEIS, and is included in Chapter 3 (Section 3.14). As discussed in the FEIS, although the total amount of pollutant generating impervious surface would slightly increase for the LPA, the amount of untreated impervious surface would drop dramatically compared to existing conditions and the No-Build Alternative. As a result, the LPA is expected to improve water quality in the Columbia River relative to the No-Build Alternative.

T-003-004

Thank you for submitting your comments. As discussed above, the DEIS provided a meaningful comparison of species and habitat impacts for the project alternatives, and analysis of these impacts and related mitigations has been updated in the FEIS. As such, a supplemental DEIS is not warranted.

WSDOT, ODOT, FHWA, and FTA are committed to government-to-government consultation with tribes on projects that may affect tribal rights and resources. Since publication of the DEIS, CRC staff has continued to consult with tribes on a range of issues, including species

and habitat, as outlined in Appendix A of the FEIS. We look forward to continued tribal consultation as the CRC project progresses.