



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue  
Seattle, Washington 98101

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AWWSP Team Office

June 2, 2004

Reply To  
Attn Of: ECO-088

Ref: 01-050-FHW

Federal Highway Administration  
Attn: Mary Gray  
711 South Capitol Way, No. 501  
Olympia, WA 98501

Washington Department of Transportation  
Attn: Allison Ray, Environmental Coordinator  
999 Third Avenue, Suite 2424  
Seattle, WA 98104

Dear Msrs. Gray and Ray:

The U. S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the proposed **SR 99 Alaskan Way Viaduct & Seawall Replacement Project** (CEQ No. 040159), dated March 2004, in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309, independent of NEPA, specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions and the document's adequacy in meeting NEPA requirements.

F-001-001

Based on our review and evaluation, we have assigned a rating of LO (Lack of Objections) to the draft EIS. This rating, and a summary of our comments, will be published in the *Federal Register*. A copy of the rating system used in conducting our review is enclosed for your reference.

First, we commend you on a very thorough, well-executed search for project alternatives. The work that your project team presented to the Resource Agency Leadership Forum (RALF), the Interagency working group for this project, from initial screening of goals and concepts to the final determinations of alternatives for analysis in the EIS, showed both the creativity and flexibility required for the complex Central Seattle waterfront site, with all of its limitations. In addition, all of your proposed alternatives incorporate multi-modal transportation features such as enhancements to existing facilities for non-motorized transportation, and expanded efforts to improve transit and reduce single-occupancy vehicle trips.

F-001-002

We have learned from information presented by the project team that a large volume of public comments have been received advocating dismantling of the existing Viaduct and no construction of a replacement tunnel, viaduct or surface street. This is distinctly different than

### F-001-001

Thank you for sharing your thoughts and comments related to our work to develop and screen a broad range of alternatives. We appreciated EPA's contribution to the Resource Agency Leadership Forum (RALF), and your continued participation as the project has moved forward. We acknowledge EPA's rating of Lack of Objections to the Draft EIS.

### F-001-002

Some public comments requested that the lead agencies study the possibility of not replacing the viaduct. The lead agencies responded to this request by initiating a study to determine whether a no replacement viaduct concept was feasible. This study, called the AWW No Replacement Concept, was made available to the public and shared with EPA and other agencies.

The study assumed the viaduct would be replaced with a four-lane surface street on Alaskan Way. It also assumed that transit would be increased, improvements would be made to the downtown street system, transportation demand management strategies would be employed, and some changes would be made to I-5. Even with the most optimistic assumptions, the study found that city streets, I-5, and surface Alaskan Way would be severely congested from early morning until late evening.

- Traffic on surface Alaskan Way would quadruple along the central waterfront; 35,000 to 56,000 vehicles per day would use this section of roadway compared to about 10,000 today. Increased traffic would not create a livable and pedestrian-friendly waterfront for residents and tourists.
- Downtown street traffic would increase by 30 to 50 percent, with the greatest increase in Pioneer Square and on the waterfront. City streets would be congested for much of the day.
- Vehicle demand on I-5 would grow by 24,000 - 33,000 vehicles per

F-001-002

the no-action alternative you have described in the EIS because it proposes dismantling the Viaduct deliberately, and planning for alterations or expansion of other streets in the downtown area to replace traffic capacity from the Viaduct. Since this is a proposal not analyzed in the draft EIS, we recommend that the Final EIS address the effectiveness of this alternative in achieving the project purpose and need so that the public and the decision makers may have a final opportunity to evaluate how it compares to other alternatives prior to selection of the preferred alternative.

#### Hazardous Waste

F-001-003

In our scoping comments, we discussed our concerns with the handling of hazardous materials as an incidental part of construction of a replacement or rebuilt Viaduct. This could include sediment, groundwater, and construction process water. The project team has since taken major steps toward identifying locations where hazardous material is likely to be located, what contaminants are likely to be present, and how such material might be treated, remediated, or controlled in place, transported and disposed, and which entity(s) would be responsible for these tasks. We appreciate your successful efforts to resolve these questions at the earliest possible time.

#### Native American Coordination

F-001-004

We advised the lead agencies in our scoping comments to consult early with potentially affected Native American Tribes for their views on the effects of this project on Tribal treaty fishing areas. The EIS does a thorough job of documenting the coordination with potentially affected Tribal groups in regard to archeological sites and important cultural places, but the EIS should also include information on whether treaty fishing areas may be potentially affected and whether Tribes have been consulted. As we noted in our scoping comments, if Tribes report issues such as precluded access to tribal fishing, the Federal government may have to resolve this through government to government consultations, consistent with the our trust responsibility to Native Americans, prior to the initiation of construction.

#### Effects on Aquatic Resources

F-001-005

In our scoping letter of February 2002, we suggested that you "consider including aquatic habitat restoration as an additional part of the purpose and need statement. Habitat restoration ....may become an integral part of the project, requiring considerable effort and planning." The draft EIS states that all alternatives would include restoration of habitat functions along the central Seattle waterfront to mitigate project effects, and that enhancements beyond those required for mitigation might be undertaken to restore habitat functions that no longer exist along the shoreline.

The project team organized a conference during scoping in which experts on marine habitat in central Puget Sound presented a wealth of information on current research and opportunities for habitat enhancement and restoration in the project vicinity. While it is not yet certain if the U.S. Army Corps of Engineers will also be a lead agency for the seawall portion of this project and at least partially responsible for determining aquatic resource mitigation requirements, plans for habitat enhancements, particularly if needed for mitigation, are more

day. This is in addition to the nearly 70,000-vehicle increase predicted due to population and commercial growth in the region by 2030. I-5 does not have room for trips from the viaduct corridor because it is already congested for much of the day and into the evening.

- Access to and from many Seattle neighborhoods would be reduced by degraded traffic conditions downtown. Ballard, Queen Anne, Magnolia, and West Seattle would be greatly affected.

Based on these findings, the lead agencies determined the no replacement concept clearly does not meet the project's purpose and need statement, "that maintains or improves mobility and accessibility for people and goods along the existing Alaskan Way Viaduct Corridor."

#### F-001-003

The project team has continued to study contamination in the project corridor to determine construction mitigation measures. Please refer to Chapter 8 of the Final EIS for information on construction mitigation measures related to hazardous waste.

#### F-001-004

The lead agencies have consulted with the Tribes on tribal fishing and other issues as the project has progressed. Information learned from these discussions is contained in the Final EIS. The design team has expended considerable effort to redesign the Cut-and-Cover Tunnel Alternative to minimize the amount of in-water work, thereby minimizing the potential effects of the project on Native American fishing rights. The lead agencies will continue to consult with the federal agencies and the Tribes to ensure coordination throughout the project.

The preferred Bored Tunnel Alternative does not include any in-water work that would necessitate impacts to tribal fishing activities or areas.

**F-001-005** likely to be successful if developed and funded early. We encourage you to continue these advance efforts to explore habitat enhancement as your agencies make decisions on what to construct and who will construct it. We suggest that the Final EIS propose a conceptual mitigation plan and funding mechanism that decision makers can commit to pursuing as this project moves toward construction.

#### EIS Format

**F-001-006** Your agencies have made a determined effort to fundamentally revise the traditional format used for EISs, to make this EIS more readable, accessible and understandable to the public. We wish to commend you for the time and resources you devoted to making your vision a reality. In large measure, we think you have succeeded. Our comments on format are meant to be helpful to you in preparing the Final DEIS.

The purpose of NEPA is not to generate excellent paperwork, but to foster excellent action. There is no question that many EISs have become overly long and difficult for readers to understand. In revising the EIS format, there is a balancing act between presenting information in an accessible format to achieve meaningful public participation and including enough detail to provide decision makers with the information they need, as well as having enough depth in topic areas so that agencies with statutory jurisdiction or special expertise can provide accurate comments.

The alternatives Section, as the CEQ regulations conceived them, would be the heart of the EIS, sharply defining the issues and providing a clear basis for choice. Chapter 2 of the EIS presents the alternatives and briefly covers some of the impacts, but there is limited basis for comparison between them. One solution that would maintain brevity is to develop a table that compares and summarizes impacts by alternative to conclude the Chapter.

The impacts to each affected resource from the physical or human environment are now described in five Chapters instead of one, complicating the comparison of alternatives. As an example, if reviewers want to compare the impacts of each alternative on water quality, they must cross-reference five different Sections on water quality, one in each Chapter. We recommend that the environmental impacts to the alternatives be presented in one Chapter, rather than broken into five separate Chapters, by alternative. The present format also separates basic information on the alternatives (Chapter 2) from the description of how each alternative performs after construction (Questions 1 - 8 in Chapters 5 - 9).

Finally, some valuable and important information is only found in the Discipline Reports, (Appendices) and not summarized in the main report. For example, the Hazardous Waste Discipline Report contains an excellent discussion of potential problems that may be encountered in the handling of hazardous materials during construction, existing technologies to remedy these problems, and possible areas for further data collection. The EIS should contain concluding statements that briefly reflect this information and describe, if appropriate, how the environmental impact of the handling of hazardous wastes might therefore differ under the proposed alternatives.

#### F-001-005

The lead agencies will continue to work closely with resource agencies through the environmental review and permitting process. We appreciate the positive contributions EPA staff have made to the project and hope they will continue to participate. As suggested by the comment, mitigation for habitat impacts is presented in more detail in the Final EIS where appropriate. However, the term conceptual mitigation is not well-defined and is often interpreted differently by various parties. The project's intent is to show project impacts can be mitigated and potential habitat enhancements provided at a level of detail commensurate with the decision at hand.

#### F-001-006

Thank you for your encouraging comments about the format of the Draft EIS. We appreciate your ideas on how we can improve on the format of the Draft EIS. These ideas will help us to refine the reader-friendly approach for future documents.

We think Chapter 2 of the Draft EIS does a good job comparing the alternatives and highlighting key issues and trade-offs. This chapter contains important information that distinguishes and compares the alternatives. We chose not to develop a table because it would have been unwieldy due to all the information it would need to convey, and it would not have been as effective as the combination of graphics, tables, and text we created to compare the alternatives. We will strive to incorporate tools into the summary chapter that will help make key issues and comparisons clear for all audiences as we continue to refine and further develop more reader-friendly EIS formats.

We appreciate your comment related to document organization and format. Federal and state environmental regulations and guidance give project proponents flexibility in how EIS documents are organized, and we recognize there are many trade-offs associated with how EISs are

Thank you for the opportunity to provide comments on this project. If you would like to discuss this letter, please contact Jonathan Freedman of my staff at (206) 553-0266.

Sincerely,



Judith Leckrone Lee, Manager  
Geographic Unit

Enclosure

cc: Tom Eaton, EPA WOO  
Army Corps of Engineers, Regulatory Branch  
Terry Swanson, WSDOE  
Bob Donnelly, NMFS  
Jennifer Bowman, DOT

organized. After thinking about the trade-offs, our team decided to "tell the story" of each alternative as a separate chapter. We did this because several alternatives and options were evaluated. By separating the alternatives discussion into five chapters, we were able to give readers a clear picture of how each alternative would affect various aspects of the environment. We developed Chapter 2, the Comparison of Alternatives chapter, to help readers easily compare the alternatives. Information that distinguishes the alternatives and highlights key issues are compared in Chapter 2. Much of the information contained in Questions 1-8 in Chapters 5-9 is summarized in some form in Chapter 2, specifically questions 3-14. We acknowledge that this EIS approach may make review more difficult for some. The index on page 161 outlines a more traditional EIS format and shows readers where they can quickly find the information they are looking for. The lead agencies considered your comments as outlines for future EIS documents were developed.

We acknowledge your comment regarding coordination between the technical reports and the main body of the EIS. We strive to strike a reasonable balance between the extensive technical information in the discipline reports and what is brought forward into the main EIS. The Final EIS refers readers to the technical reports if they are interested in additional information on a particular subject.

U.S. Environmental Protection Agency Rating System for  
Draft Environmental Impact Statements  
Definitions and Follow-Up Action\*

Environmental Impact of the Action

**LO – Lack of Objections**

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

**EC – Environmental Concerns**

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

**EO – Environmental Objections**

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

**EU – Environmentally Unsatisfactory**

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

**Category 1 – Adequate**

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

**Category 2 – Insufficient Information**

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

**Category 3 – Inadequate**

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.