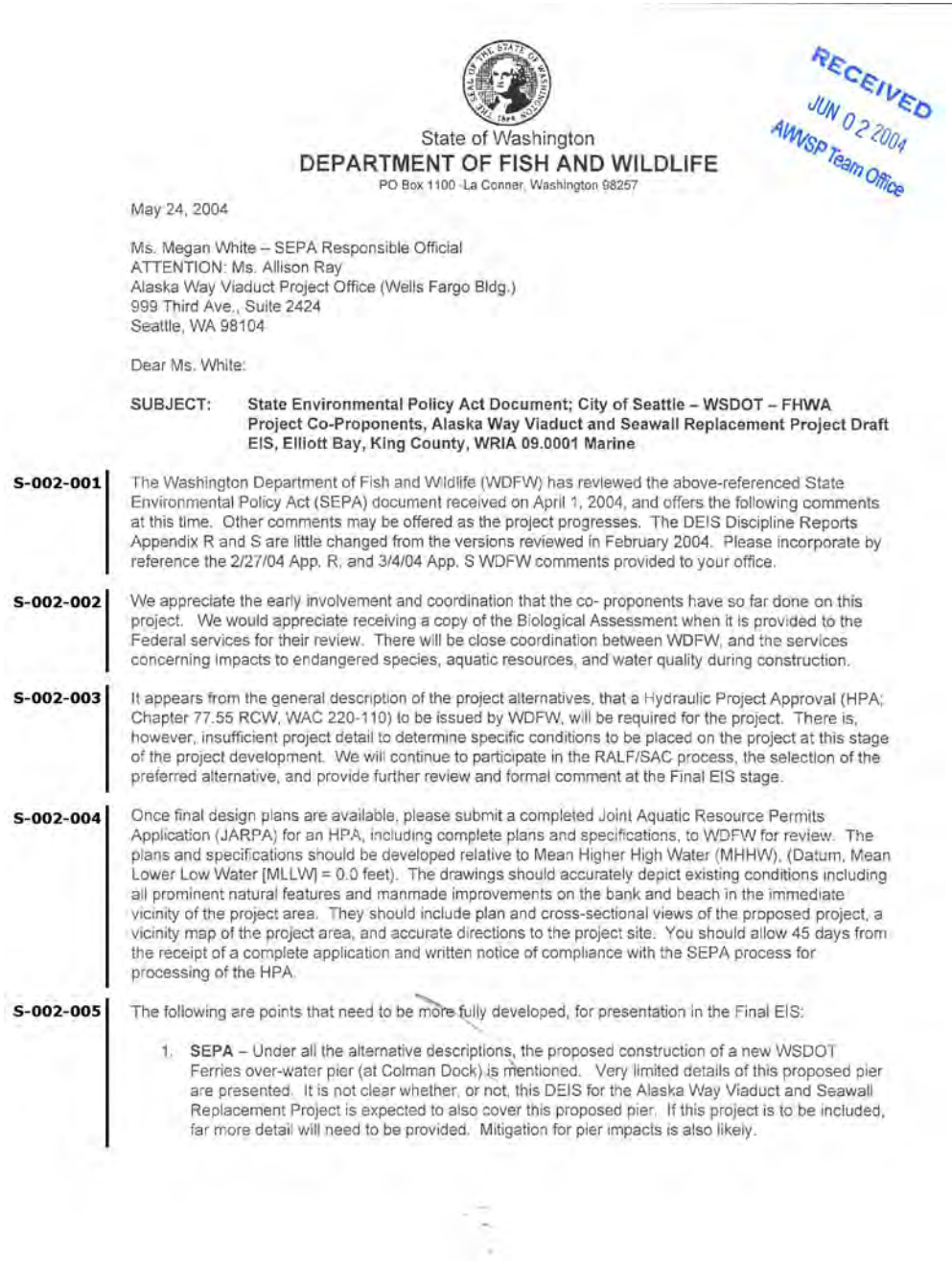

State of Washington
DEPARTMENT OF FISH AND WILDLIFE
PO Box 1100 La Conner, Washington 98257

RECEIVED
JUN 02 2004
AWVSP Team Office

May 24, 2004

Ms. Megan White – SEPA Responsible Official
ATTENTION: Ms. Allison Ray
Alaska Way Viaduct Project Office (Wells Fargo Bldg.)
999 Third Ave., Suite 2424
Seattle, WA 98104

Dear Ms. White:

SUBJECT: **State Environmental Policy Act Document; City of Seattle – WSDOT – FHWA Project Co-Proponents, Alaska Way Viaduct and Seawall Replacement Project Draft EIS, Elliott Bay, King County, WRIA 09.0001 Marine**

S-002-001 The Washington Department of Fish and Wildlife (WDFW) has reviewed the above-referenced State Environmental Policy Act (SEPA) document received on April 1, 2004, and offers the following comments at this time. Other comments may be offered as the project progresses. The DEIS Discipline Reports Appendix R and S are little changed from the versions reviewed in February 2004. Please incorporate by reference the 2/27/04 App. R, and 3/4/04 App. S WDFW comments provided to your office.

S-002-002 We appreciate the early involvement and coordination that the co- proponents have so far done on this project. We would appreciate receiving a copy of the Biological Assessment when it is provided to the Federal services for their review. There will be close coordination between WDFW, and the services concerning impacts to endangered species, aquatic resources, and water quality during construction.

S-002-003 It appears from the general description of the project alternatives, that a Hydraulic Project Approval (HPA; Chapter 77.55 RCW, WAC 220-110) to be issued by WDFW, will be required for the project. There is, however, insufficient project detail to determine specific conditions to be placed on the project at this stage of the project development. We will continue to participate in the RALF/SAC process, the selection of the preferred alternative, and provide further review and formal comment at the Final EIS stage.

S-002-004 Once final design plans are available, please submit a completed Joint Aquatic Resource Permits Application (JARPA) for an HPA, including complete plans and specifications, to WDFW for review. The plans and specifications should be developed relative to Mean Higher High Water (MHHW), (Datum, Mean Lower Low Water [MLLW] = 0.0 feet). The drawings should accurately depict existing conditions including all prominent natural features and manmade improvements on the bank and beach in the immediate vicinity of the project area. They should include plan and cross-sectional views of the proposed project, a vicinity map of the project area, and accurate directions to the project site. You should allow 45 days from the receipt of a complete application and written notice of compliance with the SEPA process for processing of the HPA.

S-002-005 The following are points that need to be more fully developed, for presentation in the Final EIS:

1. **SEPA** – Under all the alternative descriptions, the proposed construction of a new WSDOT Ferries over-water pier (at Colman Dock) is mentioned. Very limited details of this proposed pier are presented. It is not clear whether, or not, this DEIS for the Alaska Way Viaduct and Seawall Replacement Project is expected to also cover this proposed pier. If this project is to be included, far more detail will need to be provided. Mitigation for pier impacts is also likely.

S-002-001

FHWA, WSDOT, and the City of Seattle appreciate receiving your comments on preliminary drafts of several technical reports. We have coordinated with WDFW while preparing the 2006 and 2010 Supplemental Draft EISs, the Final EIS, and their associated appendices. Your comments have been incorporated as appropriate into the final discipline reports.

S-002-002

Per your request, WSDOT provided a copy of the 2010 Biological Assessment to WDFW on 12/21/2010.

S-002-003

The lead agencies appreciate your involvement during the environmental review process. The preferred Bored Tunnel Alternative would not require an HPA. However, if one of the other build alternatives is selected and it requires an HPA, adequate detail will be provided during the permitting process.

S-002-004

Thank you for providing these details related to the JARPA submittal for the project's HPA. If the selected build alternative requires an HPA, the lead agencies will submit the required information after sufficient designs are developed to provide the necessary plans and specifications requested.

S-002-005

The temporary overwater structure would be needed for either the Cut-and-Cover Tunnel or Elevated Structure Alternatives to maintain access to Colman Dock while the seawall and other nearby structures are under construction. As part of the State Highway System and a critical link the regional transportation network, ferry service must be continued

S-002-006

2. **Partial Collapse of Seawall during reconstruction** – From information presented in RALF meetings and documents, and scattered in these DEIS documents, it is certain that the condition of the seawall and the relieving platform is poor. There are an unknown number of voids behind the seawall, and the wooden connections between the relieving platform and the seawall are tenuous at best. It appears likely that during construction of the new seawall, the additional machinery weight, vibration, and power grouting will cause partial collapse of sections of the seawall, and release of polluted sediments, and high pH grout into the marine environment. The FEIS needs to provide a through discussion of this worse case partial collapse, impact of high pH cementiteous material on marine organisms, and methods to prevent pollution and damage to marine organisms.

S-002-007

3. **Reconstruction of seawall face** – In the FEIS, it is necessary to provide detailed drawings of the proposed finished face of the seawall, including any riprap. It is necessary to discuss the habitat impact of riprap in the nearshore marine environment. The existing vertical seawall face is not preferred nearshore habitat for many marine species, including juvenile salmonids. It is necessary to improve the habitat value of the Elliott Bay shallow nearshore adjacent to the re-constructed seawall.

S-002-008

4. **Hazardous Sediments in Elliott Bay** – A more complete discussion, and mapping of the polluted sediments along the seawall and other areas disturbed by construction will be needed. It may be necessary to do additional project-specific benthic sediment, and organism sampling in the areas likely to be disturbed. Good information exists in the Appendices, but it should be brought together in the body of the FEIS. The mapping to date appears to have avoided the under pier areas, and the areas nearest the seawall. There should be a thorough discussion of the fate of these pollutants in the aquatic environment, their impact to aquatic life likely to be exposed during construction, and proposals to remove the sediments, or cap them, and how to avoid their disturbance during demolition/construction.

S-002-009

5. **CSO Outfalls** – There should be a detail drawing of the CSO outfalls impacted by this project, the bathymetry of the immediate area, aquatic resources which exist there now, and detailed mapping of polluted sediments associated with them. One CSO is proposed for moving further offshore; this may be useful for more of them. As in comment 2 above, a discussion of the impacts of disturbing polluted sediments, and the possible restoration of these sites, should be included.

S-002-010

6. **Staging Areas** – It is necessary in the FEIS to provide detail on staging areas, barge access, falsework, shoring, etc., and how their use may affect the nearshore environment, disturb polluted sediments, and affect marine organisms.

S-002-011

7. **Stormwater** – Various alternatives will use Convey and Treat, or BMP's and direct discharge. Please make clear why one method was chosen for the alternative, and not another.

S-002-012

8. **Treatment of dewatering effluent** – Myriads of pollutants exist in the materials to be excavated, and in the surrounding sediments that will experience de-watering. Detailed mapping of these historically grossly polluted sites has already been presented. Excavation and de-watering will continue for many years, during all seasons. Once the preferred alternative is selected, a thorough discussion of treatment methods, locations of marine discharge, effluent monitoring and action levels of effluent pollutants, and impact to aquatic organisms are necessary. Permitting for the discharge should proceed more easily once this disclosure is made.

S-002-013

9. **Fire Suppression Chemical Discharge** – The manufacturer recommends not releasing these chemicals into the water, yet that appears to be the intent with this project. Bioassay organisms quoted in the discipline report are for the most part freshwater, not marine. The fish species used are not those from nearshore Puget Sound, nor are there local plankton species.

S-002-014

10. **Mitigation/restoration site development** – Once a preferred alternative is selected, further detailed design of mitigation site work can proceed. WDFW requests continued inclusion on the design team for such mitigation site work. Various alternatives have been briefly discussed elsewhere; site work, methods, monitoring, etc. should be presented thoroughly in the FEIS.

throughout construction. The temporary structure between Pier 48 and Colman Dock will be removed before the end of construction, please see the Final EIS for additional information. The temporary overwater structure is not required for the preferred Bored Tunnel Alternative.

S-002-006

First, please note that under the preferred Bored Tunnel Alternative the Elliott Bay Seawall will be replaced by the City of Seattle as an independent project.

Both the Cut-and-Cover Tunnel Alternative and the Elevated Structure Alternative include replacing the seawall as part of the project. For those two alternatives the engineering team is currently evaluating options to reduce the risk of potential collapse of portions of the existing seawall during construction, to limit the effects if such a collapse should occur. Construction techniques will minimize the size of equipment to reduce the pressure on the existing seawall. Soil strengthening options are also being moved away from the existing seawall to avoid additional pressure on the existing seawall. The team is also evaluating options for isolating the work area from the marine environment, to reduce or eliminate the potential for high pH cementitious material from entering Elliott Bay.

S-002-007

If the seawall is replaced as part of this project, which would occur only if either the Cut-and-Cover Tunnel Alternative or Elevated Structure Alternative is selected, detailed drawings of the seawall face will not be available until later in the design process. At this stage, various treatments are being considered, as are specific treatment options for the vertical seawall to enhance the environment in the project area. The lead agencies welcome input from WDFW to aid in the development of the seawall face.

Information provided in the Final EIS includes all current design

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S-002-014 Detail drawings and construction schedule should be included within the FEIS. Will SEPA/NEPA for the proposed Mitigation site work be covered by the FEIS for the Viaduct/Seawall, or will separate review be necessary? Stormwater - intercepted groundwater – It may be that this large volume of water, if clean enough, may be useful as part of mitigation/restoration site development along the seawall. It may be that the course sands and gravels now between the street surface and the top of the relieving platform, if clean enough, may be useful to place in the shallow nearshore.

S-002-015 We encourage the further refinement of construction methods and pollution abatement once the preferred alternative is chosen. WDFW requests being an active participant in these design discussions, rather than to just receive the JARPA application at the end of design and immediately prior to the advertised contract date.

Thank you for the opportunity to provide these comments. If you have any questions, please contact me at (360) 466-4345 x 256.

Sincerely,

Kurt D. Buchanan
Transportation Liaison

KDB:kdb

cc: SEPA Coordinator, WDFW
SEPA Coordinator, Ecology
R. Costello - WDFW Region 4
M. Grady - NOAA Fisheries

information for the seawall. See the Final EIS Appendix N, Wildlife, Fish, and Vegetation Discipline Report, for information about potential habitat enhancement measures.

S-002-008

The environmental analysis is obligated to disclose all potential impacts resulting from the project. As project design progresses, the analysis can be more specific as to what areas of contaminated sediments may be disturbed. The project is committed to meeting water quality standards and future sediment testing where appropriate. Operation of the project is not expected to adversely affect future contamination. To aid in the planning process, project-specific sediment sampling was conducted to identify areas of contamination in the project area and the concentrations of these contaminants. The results of this sampling is presented in Appendix Q, Hazardous Materials Discipline Report, of the Final EIS.

Construction of the new seawall, which would be done if either the Cut-and-Cover Tunnel Alternative or Elevated Structure Alternative is selected, would disrupt very limited amounts of existing contaminated sediment due to construction of the new seawall on the landward side of the existing seawall. Removal and replacement of riprap and installation of sheet pile will disturb small amounts of sediment at the face of the existing seawall, although construction methods are being evaluated to eliminate or substantially reduce the need for removing the riprap during the seawall replacement process, and minimize sediment disturbing activities. In any case, the amount of sediment disruption is not anticipated to be of sufficient quantity or duration to have an effect on the aquatic life that currently resides in the area of existing sediment contamination. The small amount of disturbed sediment is expected to settle primarily in the immediate vicinity of the disturbed site where surface sediment is already contaminated.

Best management practices will be employed to minimize disruption and

redistribution of contaminated sediment. Silt curtains, temporary sheet pile, minimal riprap removal and replacement are examples of measures to be considered to minimize disruption and redistribution of contaminated sediment.

S-002-009

This request is outside of the scope of work for the Final EIS and will likely be addressed during the design and permitting phase of the project. The stormwater and CSO outfalls will likely remain configured as they are currently, and will only be replaced where necessary if the selected build alternative includes seawall replacement. As previously mentioned, the preferred Bored Tunnel Alternative would not include replacement of the seawall as part of the project. Construction impacts related to in-water work in areas of potentially contaminated sediment are discussed in Appendix O, Surface Water Discipline Report, of the Final EIS.

S-002-010

The proposed locations and other details regarding the construction staging areas can be found in the Final EIS Appendix B, Alternatives Description and Construction Methods Discipline Report. Although construction barges may be used for staging and equipment handling, disturbance of nearshore habitat is unlikely. See Final EIS Appendix N, Wildlife, Fish, and Vegetation Discipline Report, for discussion of the project's effects during construction.

S-002-011

The Convey and Treat Approach has not been carried into the Final EIS. Based on detailed modeling, continued design, and coordination efforts, a single approach to stormwater management is now being proposed for all of the alternatives evaluated in the Final EIS. This alternative is described in Appendix O, Surface Water Discipline Report, of the Final

EIS and is most similar to the BMP Approach presented in the 2004 Draft EIS.

S-002-012

Water quality treatment for shallow dewatering could consist of storing the water to allow particles to settle or adding chemical flocculants (chemicals that promote flocculation by causing colloids and other suspended particles in liquids to clump together into a mass, called a floc) to reduce suspended particles before the water is discharged from the project area. Any water with contaminant concentrations that reach the contaminant thresholds would have to be treated to the acceptable standards of the King County Wastewater Discharge Permit or Authorization before being discharged to the combined sewer system, or it would need to be disposed of at an approved off-site hazardous waste facility.

S-002-013

The fire suppression system will not use aqueous film-forming foam (AFFF), as described in the Draft EIS. Water that will be used in the tunnel fire suppression system, for both emergencies and system testing will be discharged to the combined sewer system as described in Appendix O, Surface Water Discipline Report, of the Final EIS.

S-002-014

The project is no longer considering the development of a mitigation site because, after the refinement of the project alternatives, the project effects are not such to warrant that level of compensatory mitigation. Proposed mitigation measures are discussed in Chapter 8 of the Final EIS and in Appendix N, Wildlife, Fish, and Vegetation Discipline Report.

S-002-015

The lead agencies appreciate WDFW's participation and

coordination over the course of this project, which has evolved since 2004. Construction methods and mitigation measures have been refined, and the Bored Tunnel Alternative has been identified as the preferred alternative. This alternative does not require in-water work or other activities that would require approval from WDFW. Please see the Final EIS for current information.