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THE SUQUAMISH TRIBE
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1 June 2004

Allison Ray
WSDOT
Alaskan Way Viaduct and Seawall Replacement Project Office
999 Third Avenue, Suite 2424
Seattle, WA 98104

Subject: Comments on the Draft Environmental Impact Statement for the Alaskan Way Viaduct and Seawall Replacement Project

VIA EMAIL

Dear Ms. Ray:

The natural resources of the Seattle waterfront area and Elliott Bay have supported the culture, economy, and welfare of the Suquamish Tribe for many generations. The marine resources of Elliott Bay are trust resources belonging to the Tribe since time immemorial. The Tribe's rights to these resources, and their management, were retained by the Tribe when this area was ceded to the U.S. Government in the Treaty of Point Elliott. The above referenced proposal has the potential to add additional adverse impacts to an already significantly degraded environment with consequent affects on the Tribe's trust resources. The Tribe therefore welcomes the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for this proposed project.

T-002-001

Intertidal habitat

The Tribe supports the construction of the new seawall landward of existing seawall structures as proposed in each of the build alternatives and agrees that this will, in 4 of the 5 build alternatives, produce marginal increases in the total area of intertidal habitat in Elliott Bay. However, the addition of over-water coverage resulting from such features as cantilevered sidewalks and the extension of Coleman Dock to Pier 48 offsets much of this benefit. In particular, shading from additional over-water structures will reduce primary productivity and likely will affect the behavior of juvenile salmonids making them more susceptible to predation. The DEIS correctly recognizes that unshaded intertidal habitats are scarce along the Seattle waterfront. The Suquamish Tribe believes more should be done on this project to restore this habitat type.

T-002-001

Since 2004, the project has evolved, and the preferred Bored Tunnel Alternative does not require any in-water work. The seawall would be replaced by a separate project led by the City of Seattle.

The Cut-and-Cover Tunnel and Elevated Structure Alternatives would include constructing a new seawall. The cantilevered sidewalks included with the new seawall under these alternatives currently exist along the Seattle waterfront. Due to their narrow profile, height, and the west to southwest orientation of the seawall they cast very little or no shadow on the intertidal area, depending on time of day and season. The Cut-and-Cover Tunnel and Elevated Structure Alternatives would construct the new seawall at or landward of the existing seawall. This would slightly increase the area and volume of shallow water nearshore habitat in the project area.

The overwater extension between Pier 48 and Colman Dock has been deleted from the project, although the temporary access bridge between these piers remains part of construction for the Cut-and-Cover Tunnel and Elevated Structure Alternatives. Discussion of the potential shading effects of this bridge are provided in the Final EIS and Appendix N, Wildlife, Fish, and Vegetation Discipline Report.

T-002-002

Stormwater and CSO outfalls

The proposal calls for stormwater and CSO outfalls at the edge of the new seawall. Stormwater and CSOs convey a range of pollutants including metals, organics, nutrients, and bacterial contaminants. Whereas the Tribe welcomes the expressed commitment to water quality treatment BMPs, the lack of space in the Seattle waterfront area limits treatment alternatives. The Tribe believes that water quality impacts resulting from this project can be further mitigated by extending all new and existing stormwater and CSO outfalls beyond the nearshore environment and into the deep subtidal area of Elliot Bay where better mixing and dispersion are possible.

T-002-003

Construction and impacts on fishing

The proposal calls for the use of barges and other marine vessels during construction. Vessel traffic (including ferries, recreational boats, tour boats, container ships, cruise ships, etc.) in Elliott Bay has increased in volume in recent decades. The Suquamish Tribe conducts a variety of fisheries in proximity to the project area. The current volume of vessel traffic makes fishing extremely difficult and dangerous. The proposed project would add to this traffic during a lengthy construction period. This impact on the Tribe's ability to safely and effectively conduct treaty-protected fisheries was not considered or analyzed in the DEIS. WSDOT should consult directly with affected Tribes on the potential for vessel conflict with Tribal fishing and methods for mitigating such conflicts.

T-002-004

Cultural Resources

The Tribe generally concurs with the conclusions regarding potential impacts on archeological resources. The Tribe expects continued consultation with WSDOT as the treatment and monitoring plans called for in the DEIS are developed.

Thank you for this opportunity to comment on the proposed Viaduct and Seawall Replacement Project. The Tribe will continue to comment as the project progresses. We look forward to future discussions with you on this important project and ways to avoid and minimize impacts on the Tribe's resources.

Sincerely,

Tom Ostrom
Environmental Program

T-002-002

Please note the preferred Bored Tunnel Alternative does not include replacing the Elliott Bay Seawall. That is now a separate project led by the City of Seattle. For the Cut-and-Cover Tunnel and Elevated Structure Alternatives, which include replacing the seawall, the outfalls will be replaced in-kind at the same locations and depths, to minimize in-water work activities and disturbance of potentially-contaminated sediments in the nearshore environment.

T-002-003

The project team recognizes the legitimate concern of the Tribe for potential interference with fishing conducted by the Tribe in Elliott Bay. Any vessel movements associated with construction would be mostly in the immediate vicinity of the Terminal 46, with occasional transit across the open water of Elliott Bay. FHWA, WSDOT, and the City of Seattle will continue to coordinate and consult with the Suquamish Tribe to minimize conflicts between construction vessel movements and tribal fishing activities and to develop mitigation as appropriate.

T-002-004

Regular consultation has continued through the development of the 2006 and 2010 Supplemental Draft EISs. Consultation is currently in process with regards to resolution of adverse effects of the Bored Tunnel Alternative presented in the 2010 Supplemental Draft EIS. This consultation will result in the development of a Memorandum of Agreement (MOA). The MOA will include provisions for the creation of a historic properties treatment plan for the data recovery, evaluation, and monitoring of archaeological resources. In addition, the MOA will also result in the creation of an Unanticipated Discovery Plan for the treatment of unanticipated archaeological resources or human remains that are discovered during construction. The Suquamish have been one of the tribes that have been consulted throughout this process.