UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, Washington 98115

May 12, 2010

Jenifer Young, Environmental Manager
SR 520 Project Office
600 Stewart Street, Suite 520
Seattle, WA 98101

Dear Ms. Young:

F-006-001

Thank you for the opportunity to comment on the supplemental draft environmental impact statement (SDEIS) and Preferred Alternative for the State Route (SR) 520 Bridge Replacement and HOV Project, as provided by the Federal Highway Administration (FHWA) and the Washington State Department of Transportation (WSDOT) on January 5, 2010. And thank you also for the ongoing discussions with the resource agencies involved in the pre-consultation of this important transportation project. The National Marine Fisheries Service (NMFS) reviewed the SDEIS and is providing comments, consistent with our statutory responsibilities under the Endangered Species Act (ESA) and the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Our comments focus on the potential impacts to ESA-listed Puget Sound (PS) Chinook salmon (*Oncorhynchus tshawytscha*), PS Chinook salmon critical habitat, and PS steelhead (*O. mykiss*) and the impacts to Essential Fish Habitat (EFH) for Chinook and coho salmon (*O. kisutch*).

Supplemental Draft Environmental Impact Statement Comments

- The bridge profile for the western approach for the six-lane alternative from the 2006 DEIS was higher than the profiles for options A, K, and L in the SDEIS. The higher profile would significantly reduce the impacts from shading to the migratory corridor for juvenile Chinook salmon. Please explain why WSDOT and FHWA chose to lower the approach bridge profile for all six-lane options and a compare the impacts of the higher DEIS profile with the SDEIS profiles.

F-006-002

- Separate from the SR 520 Program, WSDOT is developing an innovative stormwater treatment (IST) best management practice (BMP) for fixed bridges. If this BMP proves to be move effective at removing stormwater pollutants than existing technologies, could it be incorporated into the design for the SR 520 Bridge?

F-006-001

Since the SDEIS was published, FHWA and WSDOT have developed a Preferred Alternative that is similar to Option A, but incorporates design refinements that respond to community and stakeholder comments on the SDEIS. The Preferred Alternative would improve mobility and safety while reducing negative effects. Please see Chapter 2 of the Final EIS for a detailed description of the Preferred Alternative design and Chapters 5 and 6 for discussion of its environmental effects.

With the Preferred Alternative, the new bridge would be higher than the existing bridge over the west approach, which contains the primary salmonid migration corridor, but would be lower than the Pacific Interchange Alternative that was included in the Draft EIS. The bridge in the Preferred Alternative would maintain a constant 0.7% profile from the west transition span to Montlake. This profile was chosen to direct the flow of stormwater toward collection at the treatment facility that will be built at the previous Museum of History and Industry site, while still elevating the bridge over Foster Island and the Arboretum.

F-006-002

The innovative stormwater treatment (IST) design is awaiting final testing and field implementation. If this system should prove to be an effective approach for treating bridge generated stormwater, WSDOT will evaluate its feasibility for the replacement bridge. WSDOT remains committed to seeking solutions for treating stormwater runoff on roadways in areas with limited right-of-way, of which the IST is just one approach under evaluation.

F-006-003

- An immersed-tube tunnel as described for Option M would have significantly greater impacts to fish resources that any of the three options considered in the SDEIS. Construction of an immersed-tube tunnel requires excavating the Montlake Cut which would cause substantial impacts to Chinook salmon, steelhead, Chinook salmon critical habitat, and essential fish habitat for Chinook and coho salmon. The SDEIS options avoid in-water work within the Montlake Cut, which is the migration corridor for all anadromous fish within the Lake Washington basin.

F-006-004

- It is not clear whether the cost estimates from section 1.11 include all avoidance, minimization, and mitigation costs. Please provide additional information as it becomes available. Is there a sufficient budget for all of the anticipated environmental impacts?

F-006-005

- Exhibit 5.4-4 shows the profiles for the existing bridge and Options A, K, and L. It would be helpful to extend the profiles east to the floating section so that they show the height of each option over the entire salmon migratory corridor. Also, the fish tracking studies conducted by the US Fish and Wildlife Service referenced the existing pier numbers. WSDOT should include the existing pier numbers for the profile figures in order to correlate the profiles with the fish tracking study. This would improve the ability to assess the potential impacts to migrating ESA-listed species.

F-006-006

- On page 5-139 the SDEIS discusses the overall impacts from the project on fish resources. It concludes, "However, current analysis indicates that the project is not expected to negatively affect overall salmonid populations or ESUs in the watershed." Please provide additional detailed information and analysis to support this conclusion. The information presented in the SDEIS is very general.

F-006-007

- Finally, NMFS understands that FHWA and WSDOT have initiated government-to-government consultations with the affected tribal governments concerning the impacts of this project on their fisheries and cultural resources. We strongly support and encourage these efforts. NMFS is also required to ensure, via Secretarial order 3206 that all affected tribal governments are kept appraised of our ESA consultation on this project and encourage FHWA and WSDOT to allow their participation in the consultation process

Preferred Alternative Comment

F-006-008

- The six-foot wide, planted median strip for the portion of SR 520 adjacent to Portage Bay could be used for stormwater treatment and infiltration. NMFS would like WSDOT to explore the possibility of incorporating a media filter drain, compost ameliorated filter strip, or other stormwater BMP into the design of the median strip to enhance stormwater treatment in that area.

F-006-003

Option M, proposed during the legislative workgroup, was not considered a reasonable alternative (see Chapter 2 of the Final EIS for further information). The Preferred Alternative does not include a tunnel.

F-006-004

The estimated project costs in the Draft EIS, SDEIS, and Final EIS include the costs of mitigation for effects to both the natural and built environment. By policy, the cost of mitigation is always included in the program level estimating procedures that are used to help WSDOT develop accurate estimates and manage the costs of large projects. Updated information regarding the project budget and cost is included in Section 1.10 of the Final EIS.

F-006-005

The referenced figure was part of the recreation analysis and depicted property acquisitions in the Arboretum. The profile in the area to the east of that shown in Exhibit 5.4-4 is the same for all three design options. However, Exhibit 2-15 of the Ecosystems Discipline Report depicted profiles for the SDEIS options from I-5 to Lake Washington.

The proposed bridge is located slightly to the north of the existing span and the area studied during the fish tracking study mentioned in the comment. Since fish appear to respond to the bridge as well as environmental factors like water depth and, presence of aquatic vegetation, it is difficult to directly compare fish tracking observations to the bridge profile. Additionally, the pier numbers in the build alternatives do not correspond to the existing pier numbers which were used in the fish tracking study. Water depth contours would provide a better way to correlate specific locations in that study to locations near the proposed bridge.

A detailed discussion of the effects of the proposed bridges on fish behavior is presented in the Ecosystems Discipline Report Addendum

F-006-008

We hope these comments are helpful to WSDOT and FHWA as you work to refine the SDEIS and PA. We are confident, that with continued collaboration, the project will meet the transportation needs of the region and avoid, minimize, and mitigate any adverse effects to species and their habitats listed under the ESA and MSA. If you have questions about our review, please contact Michael Grady of the Washington State Habitat Office at (206) 526-4645, or by electronic mail at Michael.Grady@noaa.gov.

Sincerely,

for Barry A. Thom
Acting Regional Administrator

and Errata (Attachment 7 of the Final FEIS) in the section, "How would over-water and in-water structures affect fish and aquatic resources?"

F-006-006

The statement has been revised in the Final EIS. The project is not expected to adversely affect overall salmonid populations or evolutionary significant units in the watershed as reported in the Biological Assessment submitted to the National Marine Fisheries Service for Endangered Species Act Consultation. Additional information is provided in Section 5.11 of the Final EIS and in the Biological Assessment. The NOAA Fisheries biological opinion is included in Attachment 18 of the Final EIS.

F-006-007

WSDOT has and will continue to work with interested tribes in accord with all federal and state regulations throughout the environmental review and project development process. FHWA and WSDOT have included representatives of the Muckleshoot Indian Tribe in agency forums including the Natural Resources Technical Working Group (NRTWG). NMFS and USFWS also participate in ongoing discussions between WSDOT, FHWA and the Muckleshoot Indian Tribe regarding potential natural resource impacts and mitigation recommendations. Detailed information about the involvement of interested tribes and government-to-government coordination is included in Section 1.11 of the Final EIS and the Agency Coordination and Public Involvement Addendum.

F-006-008

WSDOT evaluated the potential use of the planted area adjacent to the Portage Bay Bridge for biofiltration of stormwater as part of the Preferred Alternative. However, implementation would involve several design and technical considerations that are not achievable within the physical

design parameters of the bridge, including sufficient elevation, and ability to maintain adequate stormwater treatment function. Therefore, this treatment option was not included in the Preferred Alternative.

Mitigation sites underwent detailed analysis prior to inclusion in the Conceptual Wetland Mitigation Plan (Attachment 9 to the Final EIS). The wetland mitigation plan incorporated field investigations, scientific research, and the collective knowledge from the NRTWG and the project mitigation team. WSDOT would rehabilitate, create, or restore wetland mitigation areas according to mitigation ratios agreed to at the Natural Resources TWG meetings. These ratios were derived by using standard ratios in the joint guidance (refer to the Ecosystems Discipline Report Addendum for further discussion and reference to guidance) plus modifiers agreed to by the agencies with jurisdiction over wetlands. The standard ratios typically result in greater than 1:1 impact to mitigation ratio, because they take into account such factors as temporal loss of functions and uncertainty of success. The Natural Resources TWG by approving the proposed mitigation ratios was expecting successful mitigation and that no cumulative loss of wetland resources would occur.