



MUCKLESHOOT INDIAN TRIBE

Fisheries Division

39015 - 172nd Avenue SE • Auburn, Washington 98092-9763
Phone: (253) 939-3311 • Fax: (253) 931-0752



June 1, 2004

Ms. Allison Ray
WSDOT Environmental Coordinator
AWV Office
999 Third Ave, Suite 2424
Seattle, WA 98104

Re: Comments on the SR 99: Alaskan Way Viaduct & Seawall Replacement Project Draft Environmental Impact Statement (FHWA-WA-EIS-04-01-D)

Dear Ms. Ray:

The Muckleshoot Indian Tribe Fisheries Division has had an opportunity to conduct an initial review of the Alaska Way Viaduct & Seawall Replacement Project (AWV) Draft Environmental Impact Statement (DEIS). This project occurs within the Usual and Accustomed Fishing Grounds of the Tribe. Although we will continue to review the information presented in this draft document, we wanted to provide you the following general technical comments at this time.

- T-001-001** The Fisheries Division is concerned about the proposal to include an over-water structure between Colman Dock and Pier 48. An over-water structure is proposed in all of the AWV replacement alternatives. The construction of a new over-water structure or the filling of aquatic habitat presents the potential to adversely affect Tribal fisheries in the area as well as further degrade habitat for a variety of fish and other aquatic species. Of particular additional concern is the fact that there does not seem to be a justification for this over-water structure as part of the Alaska Way Viaduct & Seawall Replacement Project. In addition, the DEIS should discuss specific mitigation proposals to compensate for unavoidable impacts. The general statements about the mitigation proposals that are still in development make it impossible to compare and contrast the relative environmental impacts of the different alternatives, even if an over-water structure was justified. For example, the document states that Pier 48 may be removed, but does not state whether it would be part of a mitigation package or not.
- T-001-002**

Thank you for the opportunity to comment on this DEIS. If you have any additional questions or would like to discuss these comments further, please contact me at (253) 876-3130 or glen.stamant@muckleshoot.nsn.us.

Sincerely,

Glen R. St. Amant
Muckleshoot Fisheries Division

T-001-001

The lead agencies are aware of the Tribe's fishing rights in this area and will work with you to avoid or minimize any adverse effects. 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 throughout construction. The temporary structure between Pier 48 and Colman Dock will be removed before the end of construction. The temporary overwater structure is not required for the preferred Bored Tunnel Alternative.

T-001-002

This Final EIS describes mitigation for many project impacts and identifies those impacts which cannot be avoided. The preferred Bored Tunnel Alternative does not require any in-water work. For either the Cut-and-Cover Tunnel or Elevated Structure Alternatives, a portion of the overwater structure of Pier 48 would be removed prior to construction of the temporary structure connecting the upland portion of Pier 48 with Colman Dock. This would mitigate the temporary increase in overwater coverage.