

# EDMONDS CROSSING

Connecting ferries, bus & rail



## **Environmental Impact Statement Coordination Process**

### **Advisory Committees**

Since its inception, the Edmonds Crossing project has been guided by a number of advisory committees. Routine technical issues have been addressed by the Technical Advisory Committee (TAC). The TAC has functioned in a fashion similar to the Washington State Department of Transportation (WSDOT) Interdisciplinary Team (IDT). The TAC for this project is composed of staff with appropriate technical training and skills from WSDOT, Washington State Ferries (WSF), City of Edmonds, Kitsap County, Port of Edmonds, and Community Transit.

A Community Advisory Committee was also created to review various design concepts and to provide input into the project development. This committee was composed of representatives of the following organizations or interests:

- Snohomish County
- Ferry Riders Coalition
- Town of Woodway
- Edmonds citizens (4)
- Regional Transit Authority (Sound Transit)
- Edmonds Chamber of Commerce
- Puget Sound Regional Council
- Port of Edmonds
- Kitsap County
- Snohomish County Economic Development Council

A Project Oversight Committee has met periodically at key milestones during project development and the environmental review process. This committee is primarily composed of the following elected officials or representatives:

- Mayor of Edmonds
- Edmonds City Council
- Washington State U.S. Senators
- Community Transit Board Member
- Community Transit Director
- Mayor of Poulsbo
- Port of Edmonds Commissioner
- Snohomish County Executive
- State Senator 21st District
- State Senator 38th District
- State Representative 23rd District
- State Representatives 21st District (2)

- Washington State Transportation Commission (2)
- Mayor of Woodway
- Department of Ecology
- Union Oil Company of California (UNOCAL)

These committees provided review and guidance for all major decisions as noted elsewhere in this document. In addition, the recommendations for an alternative selection was approved during formal actions by the Edmonds City Council. Additional City Council work sessions have been held periodically to keep the Council informed about the project's progress.

## **Agency Involvement**

A number of federal, state, regional, and local agencies and tribes have been involved in the development of the Edmonds Crossing project and the preparation of the environmental impact statement (EIS).

### **Pre-Environmental Impact Statement Regulatory Agency Meeting**

Agencies were initially informed about the project by means of a pre-EIS Regulatory Agency meeting in August 1994. The intent of this meeting was to review the project and solicit input on issues of concern that needed to be considered in the early design of the proposed facilities. The following agencies attended the meeting and/or provided comments on issues:

- Federal:
  - U.S. Fish and Wildlife Service (USFWS)
  - National Marine Fisheries Services (NMFS)
  - U.S. Coast Guard
  - U.S. Environmental Protection Agency (EPA)
- State:
  - Washington State Department of Ecology (Ecology)
  - Washington State Department of Fish and Wildlife (WDFW)
  - Washington State Department of Natural Resources (WDNR)
  - Washington State Department of Transportation (WSDOT) (Rail Branch, Office of Urban Mobility, Washington State Ferries, and Northwest Region)
- Regional:
  - Puget Sound Air Pollution Control Agency (PSAPCA)
  - Puget Sound Regional Council (PSRC)
  - Community Transit
- Local:
  - Snohomish County
  - Kitsap County
  - City of Edmonds
  - Town of Woodway

Issues of concern raised by agency staff during this meeting and in comment letters included the following:

- Contaminated soil at UNOCAL/clean-up schedule
- Intertidal habitat
- Willow Creek and Edmonds Marsh
- Overwater structure and shading effects on habitat
- Refueling of ferry vessels at Edmonds and fuel storage
- Stormwater runoff

### **Agency Environmental Impact Statement Scoping Meeting**

A formal Agency EIS Scoping Meeting was conducted in May 1995. The purpose of the meeting was to initiate the National Environmental Policy Act (NEPA) EIS process by soliciting comments from agencies on issues that should be addressed in the EIS. The following agencies attended this meeting:

- Federal:
  - U.S. Army Corps of Engineers (Corps)
  - NMFS
  - Federal Transit Administration (FTA)
  - Federal Highway Administration (FHWA)
- State:
  - Ecology
  - WDFW
  - WSDOT
- Regional:
  - Regional Transit Authority (Sound Transit)
  - Community Transit
- Local:
  - Kitsap County
  - City of Edmonds
  - Town of Woodway
  - Port of Edmonds

The following were issues identified during this meeting to be addressed in the EIS:

- Eelgrass
- Coverage overwater and shading impacts
- Intertidal and subtidal habitat
- Stormwater runoff from pier and surface areas/water quality
- Ferry scour
- Edmonds Marsh
- Fuel spills
- Marina Beach Park
- Interference with tribal treaty fishing rights

### **Special Agency Comment Meeting**

A special agency meeting was held in September 1996 in order to receive comments on the mitigation measures to be proposed in the EIS. Representatives from the following agencies attended the meeting:

- Federal
  - Corps
  - Coast Guard Vessel Traffic Service
  - USFWS
- Native American Tribes
  - Suquamish Tribe Fisheries Department
  - Tulalip Tribes Fisheries Department
- State
  - Ecology
  - WDFW
  - WDNR
  - WSDOT
- Local
  - City of Edmonds

The following comments were received during the meeting:

- Ecology is likely to require studies of the possible contamination of offshore sediments before the project can proceed (at this time, such studies have not been conducted)
- The Corps is concerned about the length of the pier and the workability of the people-mover system in a marine environment
- Concern about the treatment of stormwater coming off the ferry pier
- WDFW urged that effects of ferries on eelgrass and algae beds be monitored and that the current ferry pier would be a good location to fill for eelgrass mitigation and that the results should be monitored
- WDNR is not in favor of mitigation on state lands and may not allow eelgrass mitigation at the current ferry pier
- The “no net loss of fish habitat” policy may require removal of all shading structures to accommodate a new shading structure or a reduced size of the new structure

### **Interagency Working Agreement (NEPA/404 Merger Agreement)**

Discharges of dredged or fill material in waters of the United States, including wetlands, require permitting under Section 404 of the Clean Water Act (CWA). In June 1995, the Interagency Working Agreement to Integrate Special Aquatic Resources (Section 404 of the CWA) Permit Requirements into the NEPA and the State Environmental Policy Act (SEPA) in the State of Washington was signed. This agreement integrates the Section 404 permit process and other related permitting and certification procedures into the NEPA and SEPA processes early in the project programming and project development stages.

The signatory agencies to this agreement are FHWA, National Oceanic and Atmospheric Administration (NOAA) Fisheries, Corps, EPA, USFWS, Ecology, WDFW, and WSDOT.

In January 1996, the Signatory Agencies met at the annual monitoring and evaluation meeting to consider revisions and clarifications regarding the agreement. One of the clarifications considered was the term “U.S. Army Corps of Engineers individual permit.” It was agreed that the process applies to the Corps individual permit review, which includes work and structures that are located in, or affect, navigable waters of the United States (regulated by the Corps under Section 10 of the Rivers and Harbors Act of 1899).

This clarification pertaining to the inclusion of the Section 10 individual permit into the merger process meant that the Edmonds Crossing project would need to follow the requirements of the process. The process involves three Concurrence Points at which the lead agency requests formal concurrence and the signatory agencies provide concurrence, nonconcurrence, or elect not to participate at that particular stage in the process. Concurrence signifies that the information to date is adequate and that the project can proceed to the next stage. Nonconcurrence would imply that the information to date is inadequate, the potential adverse impacts would be so substantial that permits would probably be denied, or the project should be modified to reduce the impacts.

All signatories responded to the request for Concurrence Point 1. This point relates to the purpose of and the need for the project, the criteria for alternative selection, and the role of all agencies. NOAA Fisheries chose to waive the opportunity to provide comment on the first concurrence point. USFWS and EPA concurred with no additional comments at that time. Corps, Ecology, and WDFW concurred with comments. Responses to those comments are included in this appendix.

Concurrence Point 2 focused on the identification of alternatives to evaluate in the Draft EIS and the preliminary preferred alternative. NOAA Fisheries chose to waive the opportunity to provide comments. EPA, USFWS, Ecology, and WDFW concurred with comments. Responses to those comments are included in this appendix.

### **Tribal Consultations**

In addition to the meetings with interested agencies, a number of tribes were contacted directly by letter for input on issues of concern. The tribes contacted included:

- Yakama Indian Nation
- Tulalip Tribes
- Swinomish Tribe
- Lummi Nation
- Suquamish Tribe
- Muckleshoot Tribe
- Skokomish Tribe
- Jamestown S'Klallam Tribe

- Lower Elwha Klallam Tribe
- Port Gamble S'Klallam Tribe

In accordance with new requirements of Section 106 of the National Historic Preservation Act (NHPA) associated with consultation with affected tribes, FHWA has recently made a formal request that the tribes provide appropriate input on the project.

### **Discipline Reports and Preliminary Document Review and Comment**

The agencies and tribes mentioned above were given the opportunity to review and comment on the discipline reports that formed the technical basis for this EIS as well as an earlier draft of this document. The following agencies provided written input:

- U. S. Coast Guard
- USFWS
- FTA
- National Park Service
- Suquamish Tribe
- Ecology
- WDFW
- DNR
- Washington State Interagency for Outdoor Recreation

The comments provided in that input reflected the areas of concern and interest of each agency and encompasses fishing rights, marine transportation, water quality, contamination at the existing UNOCAL property, park land impacts, over-water shading, and landside access. Where appropriate, this input is reflected in the EIS.

Table A-1 lists other contacts made during the preparation of the EIS with public agencies, jurisdictions, and organizations with an interest in the proposed project.

## ***Community Involvement***

The public involvement program has been oriented around the phases of project development. As part of the pre-EIS phase, two open houses were held in Edmonds and Kingston in June 1994 to introduce the project to communities of interest in the City of Edmonds, south Snohomish County, and Kitsap County. A total of 70 individuals attended in Kingston, while 85 individuals attended in Edmonds. Display boards described the issues and diagrams illustrated alternative sites. The format of the open house allowed the public to ask questions of staff and offer their feedback. A questionnaire was distributed to participants and 60 (39 percent of the attendees) forms were returned. The results of the questionnaire indicated the following results:

- The lack of a separate facility to load and unload walk-on passengers and the volume of traffic in the area were seen as the most important transportation issues.

- More than half the respondents indicated that improved pedestrian amenities and improved pedestrian access to the ferries were needed improvements.

In addition to the questionnaire, members of the public made comments on easel pads located throughout the open houses, including the need for two ferry slips, suggestions regarding a cross-Sound tunnel, and the need for transit improvements.

The EIS phase of the project was initiated with a formal Public Scoping Meeting in April 1995. The intent of this federally mandated meeting was to solicit comments from the public on the proposal project, the specific EIS alternatives, and those issues that should be addressed in the EIS. Roughly 60 individuals attended the open house held in Edmonds. Project drawings were available for review; City of Edmonds, WSDOT, and consultant team staff members were present to answer questions, and two brief project overviews were presented. Attendees were urged to provide comments on preprinted comment forms and/or easel pads scattered throughout the open house. The following issues were identified:

- Vehicle exhaust in the ferry holding area
- Diesel smoke from trains
- Noise associated with ferry loading and unloading operations and increased train traffic
- Offshore erosion
- Increased stormwater runoff
- Protection of Edmonds Marsh and wildlife habitats
- Fuel and toxic spills
- Land use along the waterfront
- Effects on parkland and recreational activities
- Effects on property values
- Effects on local business
- View blockage
- Ferry traffic on Pine Street east of State Route (SR) 104
- Traffic to and from Woodway
- Increased accident potential

## **Draft Environmental Impact Statement Comment Period**

The Draft EIS was issued on February 25, 1998. An informal public hearing on the EIS was conducted on April 2, 1998, at the Edmonds Public Library in downtown Edmonds. The hearing was attended by approximately 80 people. Plans, maps, and other pertinent project information were on display and project staff members were

present to answer questions and provide additional information regarding design issues, environmental impacts and mitigation, and the project schedules. Nine of the attendees provided formal verbal and/or written comments to the court reporter. Pre-printed comment forms were also distributed to attendees. Thirteen such forms were completed and mailed back to WSDOT. WSDOT received another 17 letters from members of the public. Comments on the Draft EIS were also received from the following public agencies and tribes:

- Corps
- NMFS
- EPA, Region 10
- USFWS
- U.S. Department of the Interior (DOI)
- The Suquamish Tribe
- Ecology
- WDFW
- Snohomish County Public Works
- Community Transit

In all, there were over 200 comments received by WSDOT on the Draft EIS. The responses to comments are included in Chapters 7, 8, and 9 of this Final EIS.

## **Coordination Events Since Draft Environmental Impact Statement Comment Period**

### ***Additional Tribal Consultation***

Based on comments from the Suquamish Tribe and similar comments from other agencies regarding concern of potential impacts to the continued exercise of Treaty fishing rights and activities within a popular and productive tribal fishing area at the northern end of Salmon Management Area 10, the project team initiated an extensive government-to-government coordination and consultation process with all potentially affected Native American Tribes, including the Suquamish, Tulalip, Lummi, and Swinomish. As a result of numerous one-on-one and group discussions, and facilitation provided by the WSDOT Tribal Liaison Office, the Draft EIS Alternative 2 was modified by realigning the ferry pier northward to along the Marina Beach Park/Port of Edmonds Marina boundary. By doing so, ferry operations would be outside Salmon Management Area (SMA) 10, thus minimizing potential physical conflict between ferries and fishing boats and adverse impacts on the number of fish caught and the larger tribal economy. In order to identify appropriate mitigation measures for unavoidable adverse impacts, FHWA, WSDOT, the City of Edmonds, and the Tribal parties signed a Memorandum of Agreement (see the complete MOA in the Tribal Consultations section of this appendix).

## ***Technical Advisory Committee***

The project TAC, functioning as the IDT, met on December 11, 2002, and recommended that Modified Alternative 2 be selected as the project preferred alternative.

## ***Project Oversight Committee***

The Oversight Committee met on December 11, 2002, to consider the TAC recommendation regarding the identification of the preferred alternative. The Oversight Committee expressed unanimous support for Modified Alternative 2 as the preferred alternative.

## ***January 2003 Public Open House***

A public open house was conducted on January 22, 2003, at the Edmonds City Hall. The intent of the open house was to present the Modified Alternative 2 to the public and to solicit comments on the changes proposed. The open house was attended by approximately 125 people. A newsletter highlighting the modified alternative was distributed two weeks in advance to encourage attendance. Display boards were used to illustrate relevant project information; project staff members were present to answer questions and to provide additional information. Preprinted comment forms were distributed to attendees, and 22 such forms were completed and returned at the end of the meeting. Other comments were provided to a court recorder or via email. In all, 59 individual comments were received. Responses to these comments are included in Chapter 10 of this Final EIS.

## ***February 3, 2003 Town of Woodway Council Meeting***

On February 3, 2003, the Edmonds Crossing project team presented an overview of the Edmonds Crossing project to the Woodway Town Council. Project team members were present to answer questions and provide additional information regarding design issues, environmental impacts, mitigation, and project schedules. A question-and-answer session followed. The Town Council passed a resolution expressing their support for Modified Alternative 2 (Point Edwards).

## ***February 2003 Edmonds City Council Meeting***

On February 18, 2003, the Edmonds Crossing project team presented an overview of the Edmonds Crossing project to the Edmonds City Council. Public comment was solicited, and a question-and-answer session followed.

## ***Port of Edmonds Commission Meetings***

The Edmonds Crossing project team presented an overview of the Edmonds Crossing project to the Port of Edmonds Commission at three meetings: February 10 and 24 and March 10, 2003. Public comment was solicited, and a question-and-answer session followed. On March 10, 2003, Port of Edmonds Commissioners passed Resolution No. 03-01 expressing an endorsement of the Modified

Alternative 2 (Point Edwards) and supporting final agency adoption, funding, and implementation.

### ***Interagency Committee for Outdoor Recreation***

Because the acquisition and development of portions of both Marina Beach Park and Olympic Beach Park would involve the use of Section 6(f) of the Land and Water Conservation Act funds administered by the Washington State Office of the Interagency Committee for Outdoor Recreation (IAC), coordination with IAC has taken place throughout the EIS process. Since the preferred alternative (Modified Point Edwards Alternative) would require use of that portion of Marina Beach Park recently funded by IAC, the City of Edmonds made initial informal contact with IAC staff to determine further steps in the land conversion process. Based on those discussions, a formal Conversion Request Package was submitted to IAC in February 2003. The package included information on the need for conversion to a nonrecreational use, the impacts and benefits of the conversion, the evaluation of possible alternatives to conversion, and the identification of suitable (equal fair market value and recreational utility) replacement property to the south of the existing UNOCAL pier. In response to the conversion request, IAC indicated in a letter dated February 26, 2003 (included in Chapter 6 of this EIS) that the agency "will work with the City of Edmonds to finalize the conversion process prior to award of the construction contract for Phase One of the Point Edwards Alternative."

### ***NEPA/404 Merger Agreement Concurrence Point No. 3***

Concurrence Point No. 3 relates to the selection of the Preferred Alternative and the associated mitigation package. In March 2004, the project team recommended to the Signatory Agencies that Modified Alternative 2 be selected as the Preferred Alternative. USFWS, NOAA Fisheries, and Washington Department of Ecology concurred. EPA, the Corps, and the Washington Department of Fish and Wildlife concurred with comments. Responses to those comments are included in this appendix.

### ***UNOCAL Concurrence with the Preferred Alternative Design***

As part of Modified Alternative 2, the preferred alternative, Willow Creek would be realigned and redesigned to allow for a number of "daylighted" sections through the project area. This proposal is intended to address a number of concerns raised by public agencies and the general public during review of the Draft EIS. In developing the new proposal, the project team coordinated its design efforts with UNOCAL, the current property owner. UNOCAL has accepted the "daylighting" concept.

## **Permits, Licenses, and other Required Actions or Approvals**

According to resource agencies having permitting authority, it is anticipated that the following permits or other actions or approvals will be required:

- Corps
  - Section 10 of the Rivers and Harbors Act Permit (for work in navigable waters)
  - Section 404 of the CWA Permit (for discharge of dredge or fill material in waters of the United States)
- Ecology
  - Water Quality Certification, Section 401 of the CWA (for discharge into waters of the United States)
  - NPDES Stormwater Permit Associated with Construction Activities (for construction activities affecting more than 2 hectares/5 acres of land and having a stormwater discharge to surface waters or a storm sewer)
  - Temporary Modification of Water Quality Criteria (for construction activities that may temporarily violate state water quality standards)
- WDFW
  - Hydraulic Project Approval (HPA, for work that would change or use any waters of the state)
- DNR
  - Outer Harbor Line Relocation Approval (because the new ferry pier under Modified Alternative 2 (Point Edwards) or Alternative 3 (Mid-Waterfront) would extend beyond the outer line of Edmonds Harbor)
- City of Edmonds
  - Shoreline Substantial Development Permit (for construction activities within 200 feet of shorelines of the state)
  - Variance/Conditional Use Permit (because the new ferry pier under Alternative 3 [Mid-Waterfront] would extend beyond the outer line of Edmonds Harbor)
  - Architectural Design Board
  - Clearing Permit
  - Building Permit

In addition to specific permits, other likely actions or approvals that will be required include:

- Section 4(f) Approval (related to impacts to parks and recreational lands, wildlife refuges, and historic sites): FHWA, DOI, and the City of Edmonds
- Section 7 Consultation (related to impacts to threatened or endangered plant and animal species): USFWS and NOAA Fisheries
- Section 106 Process (related to impacts on historic properties and coordination with Native American tribes): Washington State Office of Archaeology and Historic Preservation (OAHP), the Advisory Council on Historic Preservation, and affected tribes
- Section 6(f) Approval (related to the Modified Alternative 2 impacts to Marina Beach Park and Alternative 3 impacts to Olympic Beach Park, both of which

were improved, in part, with Land and Water Conservation Act Funds):  
Interagency Committee for Outdoor Recreation, DOI, and the City of Edmonds

- City of Edmonds Critical Area Ordinance Determination

<b>Table A-1 Agency Contacts</b>		
<b>Element of the Environment</b>	<b>Contact</b>	<b>Agency/Jurisdiction/Organization</b>
Air Quality	Pade, Gerry	Puget Sound Air Pollution Agency
Waterways and Hydrological Systems Water Quality	Brater, R.	Washington State Ferries
	Fiene, Don	City of Edmonds Community Services Department
	Fischer, D.	City of Edmonds Wastewater Treatment Plant
	Hjort, J.	Laebugten Salmon Chapter of Trout Unlimited, Deer Creek Fish Hatchery
	Lancaster, Doug	Washington State Department of Natural Resources
	Thompson, Janet	Washington State Department of Ecology
	Williams, G.	Snohomish County Surface Water Management Division
Wetlands	Comstock, Joseph	UNOCAL Corporation
	Mueller, Thomas	U.S. Army Corps of Engineers
	Kennedy, Jack	U.S. Army Corps of Engineers
	Norwood, Sandy	Washington State Department of Natural Resources
	Ohlde, Arvilla	City of Edmonds Community Services Department
Vegetation, Fisheries, and Wildlife	Anderson, J.	Washington State Department of Fish and Wildlife
	Boettner, John	Washington State Department of Fish and Wildlife
	Bumgardner, D.	Washington State Department of Fish and Wildlife
	Bush, Jody	U.S. Fish and Wildlife Services
	Calambokidis, John	Cascadia Research
	Carman, Randy	Washington State Department of Fish and Wildlife
	Chapman, A	Lummi Tribe
	Cruise, C.	City of Edmonds
	Duncan, Margaret	Suquamish Tribe
	Fiene, Don	City of Edmonds Community Services Department
	Flotlin, K.	U.S. Fish and Wildlife Service
	Frederick, David	U.S. Fish and Wildlife Service
	Gearin, Pat	Marine Mammal Research
	Hatch, Randy	Suquamish Tribe
	Hayes, M.	Suquamish Tribe
	Hayman, B.	Swinomish Tribe
	Heist, D.	Washington State Department of Fish and Wildlife
	Malcolm, R.	Muckleshoot Tribe
	McAllister, Kelly	Washington State Department of Fish and Wildlife
Murphy, F.	Brackett's Landing Organization	
Negri, Steve	Washington State Department of Fish and Wildlife	

**Table A-1  
Agency Contacts**

<b>Element of the Environment</b>	<b>Contact</b>	<b>Agency/Jurisdiction/Organization</b>
Vegetation, Fisheries, and Wildlife (contd.)	Norberg, Bruce	National Marine Fisheries Service
	Nysewinder, David	Washington State Department of Fish and Wildlife
	Ohlde, Arvilla	City of Edmonds Community Services Department
	Opperman, Tony	Washington State Department of Fish and Wildlife
	Pavel, J.	Northwest Indian Fisheries Commission
	Reusenbichler, R.	Seattle Audubon Society
	Richie, Bill	Washington State Department of Fish and Wildlife
	Romanski, Tim	U.S. Fish and Wildlife Service
	Schirato, Greg	Washington State Department of Fish and Wildlife
	Sheldon, F.	Tulalip Tribe
	Stay, Ed	Laebugton Salmon Chapter of Trout Unlimited, Deer Creek Fish Hatchery
	Stein, Janet	Washington State Department of Fish and Wildlife
	Thompson, Patricia	Washington State Department of Fish and Wildlife
	Thompson, W.	Trout Unlimited
	Toba, Derrick	Tulalip Tribe
Zischke, Jay	Suquamish Tribe	
Land Use	Wilson, Jeffrey	City of Edmonds Community Services Department
	Vinish, Kirk	City of Edmonds Community Services Department
	Sanders, GERALYN	Port of Edmonds
	Weinman, Richard	Huckell/Weinman Associates, Inc.
	Wenman, Robert	Kitsap County Planning Department
	Johnson, Doug	Kitsap Transit
Social	Bauer, R.	Snohomish County PUD No. 1
	Brouse, W.	Transportation Department, Edmonds School District
	Gradwohl, J.	Comcast
	Hickok, R.	Edmonds Police Department
	Hyde, Gordon	City of Edmonds
	Johnson, M.	Olympic View Water & Sewer District
	Lang, T.	Puget Sound Energy
	Loveless, L.	Puget Sound Energy
	Lucas, Gary	Edmonds Fire Department
	McReynolds, M.	Snohomish County PUD No. 1
	Meehan, T.	Verizon Communications
	Passey, C.	South County Senior Center
Soholt, S.	Edmonds School District	

<b>Table A-1 Agency Contacts</b>		
<b>Element of the Environment</b>	<b>Contact</b>	<b>Agency/Jurisdiction/Organization</b>
Social (contd.)	Toskey, Bill	Port of Edmonds
	Westfall, John	Edmonds Fire Department
	Whitman, T.	Edmonds Fire Department
Economics	Beal, David	Regional Transit Authority
	Chave, Rob	City of Edmonds Community Services Department
	Farmen, Doug	City of Edmonds
	Mar, Paul	City of Edmonds Community Services Department
	Olson, Jeff	Washington State Department of Revenue
	Toskey, Bill	Port of Edmonds
Relocation	Braun, James	James R. Braun and Associates
	Sanders, Geralyn	Port of Edmonds
	Toskey, Bill	Port of Edmonds
Cultural Resources	Comstock, Joseph	UNOCAL Corporation
	Whitlam, Robert	Office of Archaeology and Historic Preservation
	Robbins, Elizabeth	WSDOT
	Sigo, Charles	Suquamish Tribe
	Forsman, Leonard	Suquamish Tribe
Hazardous Waste	Brearely, Mark	UNOCAL Corporation
	Cobourn, G.	Washington State Department of Ecology
	Comstock, Joseph	UNOCAL Corporation
	Howard, D.	Port of Edmonds
	Lin, Sunny	Washington State Department of Ecology
	McComas, G.	Edmonds Fire Department
	South, David	Washington State Department of Ecology
	Thompson, Janet	Washington State Department of Ecology
	Toskey, Bill	Port of Edmonds
	Trejo, Barbara	Washington State Department of Ecology
	Turvey, Martha	Washington State Department of Ecology
Transportation	Anderson, J.	Washington State Department of Fish and Wildlife
	Ashton, R.	U.S. Coast Guard Vessel Traffic Service
	Bishop, S.	Northwest Indian Fisheries Commission
	Carmen, Randy	Washington State Department of Fish and Wildlife
	Chave, Rob	City of Edmonds Community Services Department
	Conlan, S.	U.S. Coast Guard Vessel Traffic Service
	Fielder, F.	Amtrak
	Fort, Bill	Federal Transit Administration

**Table A-1  
Agency Contacts**

<b>Element of the Environment</b>	<b>Contact</b>	<b>Agency/Jurisdiction/Organization</b>
Transportation (contd.)	Graham, M.	Northwest Indian Fisheries Commission
	Hall, L.	Burlington Northern Santa Fe Railroad (BNSFRR)
	Harvey, B.	Regional Transit Authority (RTA)
	Haug, G.	BNSFRR
	Howard, D.	Port of Edmonds
	Hyde, Gordon	City of Edmonds Community Services Department
	Jackson, J.	RTA
	Laird, C.	Amtrak
	Linnane, R.	BNSFRR
	Malcolm, Roderick	Muckleshoot Indian Tribe
	Mar, Paul	City of Edmonds Community Services Department
	Matoff, T.	RTA
	Morris, J. B.	U.S. Coast Guard Marine Safety Division
	Normand, M.	Community Transit
	Prestrud, Charles	Community Transit
	Scott, T.	Washington State Department of Fish and Wildlife
	Shank, Charles	Kitsap County Department of Public Works
	VanGassbeek, K.	U.S. Coast Guard Vessel Traffic Service
	White, T.	BNSFRR
Wilson, Jeffrey	City of Edmonds Community Services Department	
Wilson, Robert	U.S. Coast Guard	
Zischke, Jay	Suquamish Indian Tribe	
Section 4(f)	Eychener, Jim	Washington State Interagency Committee for Outdoor Recreation
	Montfort, M.	Washington Water Trails Association
	Ohlde, Arvilla	City of Edmonds Community Services Department
	Toskey, Bill	Port of Edmonds
	Westberg, Rory	U.S. National Park Service

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**Pre-EIS Agency Meeting  
August 1994**



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REC'D CH2M SEA SEP 26 1994

WASHINGTON STATE DEPARTMENT OF  
**Natural Resources**

JENNIFER M. BELCHER  
*Commissioner of Public Lands*  
KALEEN COTTINGHAM  
*Supervisor*

September 19, 1994

Mr. Keith Macdonald Ph.D.  
CH2M Hill  
777 108th Ave NE  
Bellevue, WA 98004-5118

Subject: Edmonds Multimodal Transportation Center

Dear Mr. Macdonald:

Thank you for your letter of August 9, 1994. It was unfortunate that we could not attend the regulatory meeting on the proposed Edmonds Multimodal Transportation Center. However, until we have a specific proposal to review and comment on, I will only be able to provide you some general comments on how the Department manages state-owned aquatic lands.

As proprietors of the state-owned aquatic lands, our role in this process is quite different than those of the regulatory agencies. Special attention should be drawn to the harbor area designation for the Edmonds facility. This harbor area designation was characterized in Section 1 of Article XV of our State Constitution, which says that it "shall be forever used for landings, wharves, streets and other conveniences of navigation and commerce." Our management guidelines for these tidelands and harbor areas have been established by the State Constitution and in the Revised Code of Washington laws, 79.90.RCW and associated regulations (enclosed). As such, the Department must scrutinize any use authorizations to ensure its compliance with these regulations.

Along with the above-mentioned regulations, there are other Department restrictions which deal with environmental elements the Department feels must be mitigated or averted all together. When we speak of environmental issues, we are concerned with the following:

1. Impacts to eelgrass, kelp beds, or other aquatic habitat.
2. Any proposal which requires filling of wetlands or harbor areas.
3. Compensatory mitigation which may have an adverse impact to navigation on state-owned aquatic lands.
4. The concern for the construction of large or multiple wharves which may cause wave shading.

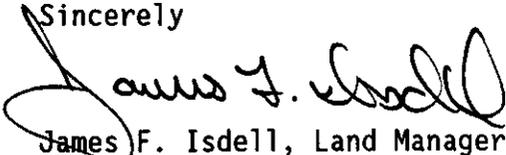
Mr. Keith Macdonald Ph.D.  
Page 2  
September 19, 1994

5. Contaminated sediments concerns should be addressed, and if necessary remediation efforts coupled with sediment monitoring.
6. That any location proposed for the new terminal not conflict with existing leases or other lessees use of the adjacent harbor area (map enclosed).

These issues are only examples of a few of the environmental concerns which have been raised recently on waterfront developments in Puget Sound. The environmental elements listed are not meant to be a conclusive list of the environmental issues which must be taken into consideration for the Edmonds proposal.

We also request that the proponent involve the Department in the scoping of any environmental impact statement to ensure that our interests and concerns are successfully addressed in that process. We look forward to subsequent discussions with the consultant and the proponent when the planning process resembles a more specific project plan.

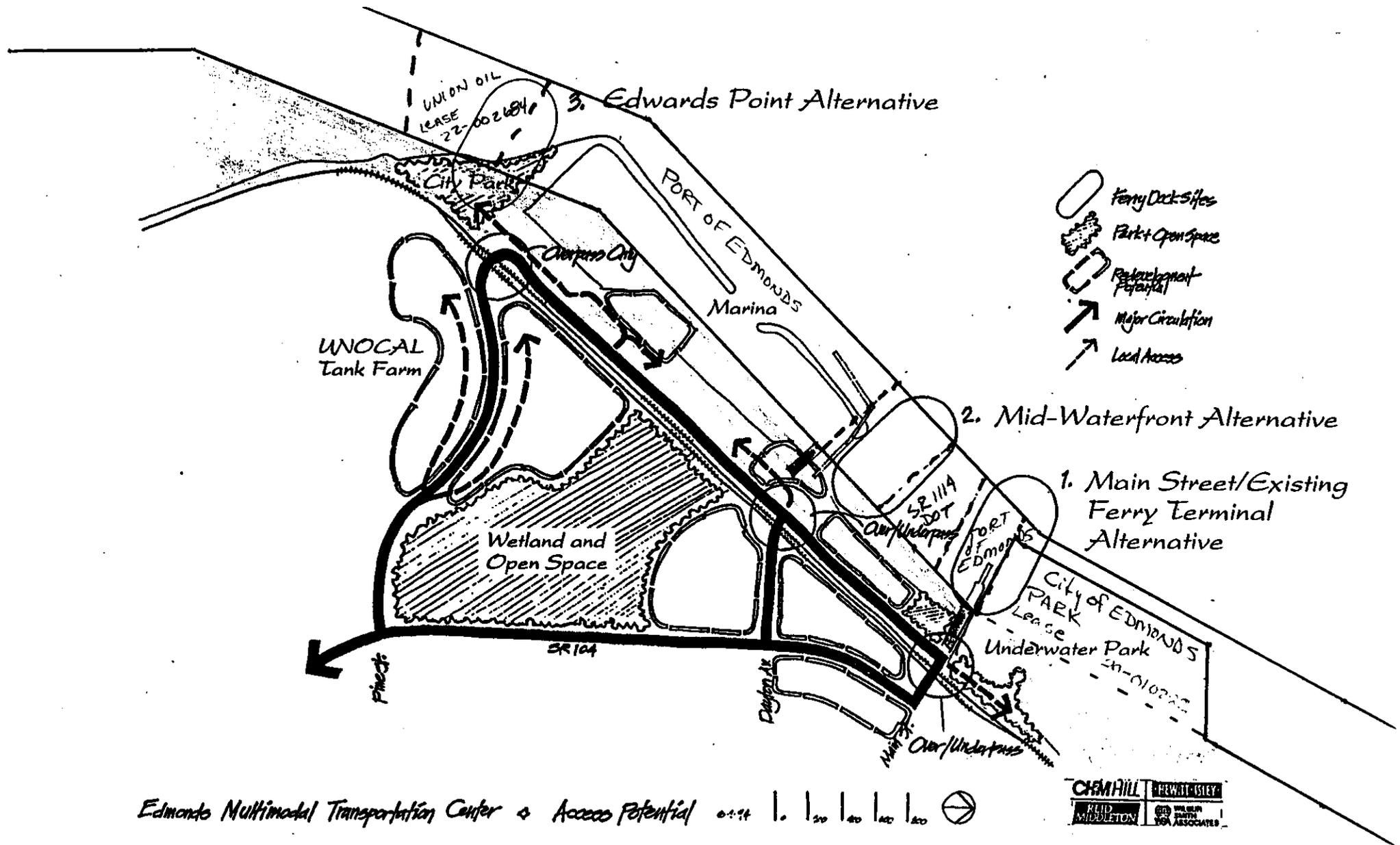
Sincerely



James F. Isdell, Land Manager  
Aquatic Resources Division  
1111 Washington St SE  
PO Box 47027  
Olympia, WA 98504-7027  
(206) 902-1069

Enclosures

Reference Code: Edmonds Trans Ctr  
cag19/edmonds.ltr



**EIS Agency Scoping Meeting  
May 1995**

REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
SEATTLE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 3755  
SEATTLE, WASHINGTON 98124-2255

MAY 25 1995

RECEIVED

MAY 30 1995

Regulatory Branch

ENVIRONMENTAL AFFAIRS

Gene Fong, Division Administrator  
Federal Highway Administration  
711 South Capitol Way, #501  
Olympia, Washington 98501

Reference: Edmonds Ferry Terminal

Dear Mr. Fong:

Thank you for your letter of April 28, 1995, concerning the Environmental Impact Statement being prepared for the Edmonds Ferry Terminal project. One of my staff has since attended a scoping meeting for the project, and it appears that your currently preferred alternative would require a standard individual Department of the Army (DA) permit pursuant to Section 10 of the 1899 Rivers and Harbors Act. Accordingly, the Seattle District, US Army Corps of Engineers (Corps), agrees to be a cooperating agency in the further preparation of the Environmental Impact Statement.

We currently see no involvement under Section 404 of the Clean Water Act. A wetland, part of the former delta of Willow Creek, does exist adjacent to an area where the terminal could be built under the preferred alternative. That wetland is the subject of ongoing restoration efforts, and has been designated a wildlife sanctuary by the City of Edmonds. The Corps highly recommends that you avoid any impacts to the wetland. The sanctuary status of the wetland will make permitting extremely difficult, and the sequencing requirements of the "Section 404/NEPA/SEPA Merger Agreement" places a "high priority" on avoidance of impacts to wetlands and other waters of the U.S.

Just south of the wetland is a former stormwater detention basin, now being cleaned up under the State of Washington's Model Toxic Control Act. The basin may continue to be used for stormwater detention by the ferry terminal, and neither the basin's current cleanup nor future uses for stormwater detention will require DA permits.

As a cooperating agency, we will be most concerned about the project's need and purpose, alternative locations and designs, and impacts on the aquatic environment. From the scoping meeting, we learned that the preferred alternative places the ferry boats some 1,500 feet (nearly a third of a mile) from the terminal building, raising the need for some kind of high-capacity people mover. Given the installation and maintenance

costs of such a system, and the difficulties its breakdown or other non-operation modes would impose on foot commuters (e.g., the elderly, parents with toddlers, people with suitcases or packages, the disabled, passengers almost late for a ferry), we question the practicability of the design.

Mr. Jack Kennedy will be the Corps staff contact person for this project. If you have any questions on these comments, please contact him at telephone (206) 764-3495.

Sincerely,

Thomas F. Mueller  
Chief, Regulatory Branch

Copy Furnished:

Sandra Stephens  
Washington State Department of Transportation  
Post Office Box 43700  
Olympia, Washington 98504

U.S. Department  
of Transportation  
United States  
Coast Guard



Commander  
Thirteenth Coast Guard District

915 Second Avenue  
Seattle, WA 98174-1067  
Staff Symbol: (can)  
Phone: (206) 220-7270

16600  
May 23, 1995

Mr. Gene K. Fong  
Division Administrator  
Federal Highway Administration  
711 S. Capitol Way, Suite 501  
Olympia, Washington 98501-1284

Dear Mr. Fong:

Your letter of April 28, 1995 requested the Coast Guard's participation as a cooperating agency in the preparation of an Environmental Impact Statement for the proposed Edmonds Multi-modal Terminal. After reviewing the information provided in the attachments to your letter we can find no direct Coast Guard involvement in the project. Therefore, we respectfully decline your request.

Your letter mistakenly identified the Coast Guard as having responsibilities under Section 404, and Section 10 of the Rivers and Harbors Act of 1899. The Corps of Engineers is the cognizant federal agency for the issuance or denial of permits for the placement of fill material pursuant to Section 404 of the Clean Water Act and for the construction of structures pursuant to Section 10 of the Rivers and Harbors Act. The Coast Guard is responsible for the issuance or denial of bridge permits pursuant to Section 9 of the Rivers and Harbors Act.

Although the Coast Guard has no overall permitting authority for this project we do have permitting authority for private aids to navigation. If, as the project develops, we determine the need for private aids in the form of lights or fog signals we will notify you of this requirement. We also have an interest in the safety of navigation. Because this project would not appreciably change existing vessel routing we have no safety concerns at this time. However, we will monitor the project as it progresses and advise you if necessary.

Please continue to provide this office with information relative to the project. My point of contact is John Mikesell at (206) 220-7272.

Sincerely,

Handwritten signature of G. F. Greene in cursive script.

G. F. GREENE  
Commander, U. S. Coast Guard  
Chief, Aids to Navigation &  
Waterways Management Branch  
By direction of the District Commander



U.S. Department  
of Transportation  
**Federal Transit  
Administration**

RECEIVED

JUN 07 1995

WSDOT  
Environmental & Special Services

Dean Torkko  
NW Region  
Environmental  
File  
JLP

# Memorandum

Subject: Edmonds Multi-Modal Terminal - Request for Date: JUN 1 1995  
Cooperating Agency Status and Comments on  
Project Purpose, Need and Range of Alternatives

From: *Terry L. Ebersole*  
Terry L. Ebersole, Regional Administrator Reply to  
Federal Transit Administration, Region 10 Attn. of:

To: Gene K. Fong, Division Administrator  
Federal Highway Administration, Olympia, WA

In response to your memorandum of April 28, 1995 the Federal Transit Administration has reviewed your proposed procedures for Cooperating Agency Status and agrees to be a Cooperating Agency subject to the following concerns about our ability to participate:

1. Due to limited staff resources FTA will be focusing on the elements of the project which are eligible under our authorizing legislation. We will review projects in the context of availability of FTA funds and earmarked project activities. At this point there are limited FTA resources which can be directed toward the project. The likelihood of significant FTA funding participation is also limited. To the extent that an element of the project is likely to be supported fully with local or private funds we may refrain from commenting. Within those constraints, however we will, of course, attempt to be vigilant to issues of environmental significance.
2. We will be interested in issues of relocation of businesses and residences, including associated social impacts and the equity of their distribution; issues of potential impact on parkland (4f) and historical preservation; issues related to transportation demand and benefits, including impacts on pedestrians, bicycle, transit, carpool and wheelchair users; issues related to financial capacity and to specific related impacts on the environment. We will, of course, be interested in issues related to accessibility for disabled persons and related service impacts.
3. We will have very limited ability to participate in joint field reviews.
4. We will attempt to review study results and provide timely comments in areas within our jurisdiction and expertise and will attempt to tell you if our needs are not being met.

We recognize that this is a very complex project with a variety of matters for consideration and look forward to participation in the process to the extent that our limited resources will permit.

Your memorandum requested us to provide preliminary comments on the project's purpose and need and the range of alternatives to be discussed in the draft EIS. In that regard we have attended the Thursday, May 11 meeting and listened to the proceedings, including making several suggestions. At the time of the meeting we were not fully familiar with the project. While certain disciplines were present at the session others were not on hand, so we comment as follows:

1. Due to the uncertainty of the funding available to the project, the magnitude of the project seems to be extremely large and the likely financial impacts significant. Local sources of funding need to be developed, as FTA resources are primarily available based upon allocation of formula apportionments based upon locally derived priorities and are very limited at this time.
2. The possibility of reducing demand for an expanded vehicle facility in Edmonds by diverting some incremental travel and travel growth to the north (Mukilteo) and to the south (Downtown Seattle) from Kingston was not discussed. There is also a possibility that diverting future travel to Whidbey Island (Clinton) from the Kitsap Peninsula (Kingston) or other appropriate sites might alleviate demand on the Edmonds dock. Consideration of pricing structures that include the full cost of transportation of vehicles through Edmonds might also be appropriate. These items should be considered before the project is sized.
3. Related passenger-only alternative services need to be considered as being potentially environmentally more sensitive than proposals one and two, as presented.
4. More frequent service with presently sized ferries would appear to accommodate growth in volume without significant impact. It would also appear to improve cross-sound transportation (less time delay, a benefit) and permit continued utilization of the existing facilities. This should be considered with alternative three.
5. Impacts on present and additional walk-on passengers with each alternative should be clarified.
6. The cost of abandonment of the existing Edmonds facility, including planned near term improvements should be considered in the evaluation of the alternatives.



**Regional Transit Authority**

821 Second Ave., M.S. 151

Seattle, WA 98104-1598

(206) 684-6778

FAX (206) 684-1234

**RECEIVED**

**MAY 31 1995**

**COMMUNITY SERVICES  
DIRECTOR**

**Chair**

**Bruce Laing**  
*King County Councilmember*

**Vice Chairs**

**Dave Farling**  
*Edmonds Councilmember*

**Paul Miller**  
*Tacoma Deputy Mayor*

**May 30, 1995**

**Mr. Paul Mar**  
**Community Services Director**  
**City of Edmonds**  
**250 Fifth Avenue**  
**Edmonds, WA 98020**

**Dear Mr. Mar:**

**Sharon Boekelman**  
*Bonney Lake Councilmember*

**Martha Choe**  
*Seattle Councilmember*

**Don Davidson**  
*Bellevue Mayor*

**Bob Drawel**  
*Snohomish County Executive*

**Mary Gates**  
*Federal Way Mayor*

**Jane Mayne**  
*King County Councilmember*

**Ed Hansen**  
*Everett Mayor*

**Gary Locke**  
*King County Executive*

**Ken Madson**  
*Pierce County Councilmember*

**Sid Morrison**  
*Washington State Department  
of Transportation Secretary*

**Greg Nickels**  
*King County Councilmember*

**Norm Rice**  
*Seattle Mayor*

**Cynthia Sullivan**  
*King County Councilmember*

**Doug Sutherland**  
*Pierce County Executive*

**Jim White**  
*Kent Mayor*

**Executive Director**

**Thomas G. Matoff**

Thank you for the opportunity to comment on the Scope of the Edmonds Multi-Modal Transportation Center NEPA/SEPA EIS. Commuter rail service to Edmonds is part of the Regional Transit Authority's (RTA's) adopted Master Plan. The RTA Board is presently considering what elements of the Master Plan will be included in a revised Phase I element to be resubmitted to the voters. The schedule for the RTA's project-level environmental review of commuter rail service to Edmonds will depend on whether such service is included in the new Phase I plan, as well as on the funding that is available and the timing of a new vote on the plan.

RTA staff encourages the City of Edmonds to include full analysis of commuter rail impacts in its EIS for the Edmonds Multi-Modal Transportation Center. If commuter rail service is retained in the Phase I plan, such an analysis will speed overall implementation of the project.

Thanks again for the opportunity to comment.

Sincerely,

**Charles A. Kirchner**  
**Planning Manager**

CAK:mwm

c: **Bob White**  
**Yosh Ii**  
**Mike Wold**

mwr,let

**Agency Consultations**



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Western Washington Fish and Wildlife Office  
510 Desmond Dr. SE, Suite 102  
Lacey, Washington 98503

In Reply Refer To:  
1-3-03-F-1499

Daniel Mathis, Division Manager  
U.S. Department of Transportation  
Federal Highway Administration, Washington Division  
711 South Capitol Way, Suite 501 Evergreen Plaza  
Olympia, Washington 98501-1284  
ATTN: James Christian

Dear Mr. Mathis:

Enclosed is the U.S. Fish and Wildlife Service's (Service) Biological Opinion (BO) regarding the proposed State Route 104 Edmonds Crossing Ferry Terminal in Snohomish County, Washington. The BO has been prepared in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). Your request for formal consultation was received in this office on June 16, 2004. We received additional information on March 1, 2004, to complete the initiation package.

The Federal Highway Administration (FHWA) has determined that the proposed project "may affect, but is not likely to adversely affect" the bald eagle (*Haliaeetus leucocephalus*) and marbled murrelet (*Brachyramphus marmoratus*). The Service concurs with your effect determination for the bald eagle, as described below.

The project "**may affect**" the bald eagle for the following reasons:

- Bald eagles are commonly seen within the action area. They have been observed flying over the action area and are known to perch on the Union Oil Company of California's (UNOCAL) pier and the larger trees located on the bluffs. There are no known nests within the action area. The action area supports an abundant food supply (fish and bird species).
- Suitable perch trees will be removed as a result of the proposed project.

TAKE PRIDE®  
IN AMERICA 

Daniel Mathis

However, the project is **“not likely to adversely affect”** the bald eagle for the following reason:

- There is an abundance of high quality suitable perch trees, both within and adjacent to the action area, that will not be removed. Because perch trees are not a limiting factor for bald eagles, the loss of a few perch trees due to the proposed action is considered an insignificant effect to bald eagles.

We do not concur with your effect determination for the marbled murrelet. Therefore, we have evaluated the adverse effects of the proposed action on marbled murrelets in the enclosed BO.

Additionally, the FHWA has determined that the proposed project “is likely to adversely affect” the bull trout (*Salvelinus confluentus*). The Service concurs with this effect determination and the enclosed BO addresses the adverse effects associated with the proposed project on the bull trout.

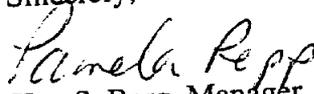
There is one Reasonable and Prudent Measure and four Terms and Conditions in the enclosed BO. These measures and conditions are intended to minimize the incidental take of bull trout and marbled murrelets that could occur as result of impact pile driving, and to monitor the effectiveness of the project’s proposed conservation measures (for minimizing incidental take).

The proposed project description incorporates measures that will minimize impacts to bull trout and marbled murrelets. Our analyses are based on the implementation of the measures (with the exception of the bubble curtain and monitoring) stated on pages 9-1 through 9-13 in the Biological Assessment. These conservation measures include in-water work timing restrictions, restoration of Willow Creek, eelgrass/macroalgae bed restoration, and the removal of the UNOCAL pier and existing ferry terminal.

Finally, we have included conservation recommendations to further minimize the potential for water-born and sediment contamination related to the removal of the 834 creosote piles. These are detailed in the “Conservation Recommendations” section of the enclosed BO.

If you have any questions regarding this BO, please contact Jennifer Quan at (360) 753-6047 or John Grettenberger at (360) 753-6044.

Sincerely,

*for*   
 Ken S. Berg, Manager  
 Western Washington Fish and Wildlife Office

Enclosure

cc:  
 USFWS, Region 1, Portland (L. Salata)  
 WSDOT, Northwest Region (G. Davis)  
 WSDOT, EAO (P. Wagner)



**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, WA 98115

NMFS Tracking No.  
2003/00756

March 25, 2004

Daniel M. Mathis  
Division Administrator  
Federal Highway Administration  
711 S. Capitol Way, Suite 501  
Olympia, Washington 98501

Re: Endangered Species Act Section 7 Formal Consultation and Magnuson-Stevens Act  
Essential Fish Habitat Consultation for the SR 104 Edmonds Ferry Terminal Project  
(HUC 17110019, Puget Sound)

Dear Mr. Mathis:

The attached document transmits the NOAA's National Marine Fisheries Service's (NOAA Fisheries) Biological Opinion (Opinion) on the proposed SR 104 Edmonds Ferry Terminal Project in accordance with section 7 of the Endangered Species Act (ESA) of 1973, as amended, and the results of our consultation on Essential Fish Habitat (EFH) under the Magnuson-Stevens Fishery Conservation and Management Act. The Federal Highway Administration (FHWA) determined that the proposed action was likely to adversely affect the Puget Sound chinook (*Oncorhynchus tshawytscha*) Evolutionarily Significant Units (ESU). It similarly concluded that EFH would be adversely affected.

This Opinion reflects formal consultation and an analysis of effects covering the Puget Sound chinook in the Puget Sound, Snohomish County, Washington. The Opinion is based on information provided in the biological assessment sent to NOAA Fisheries by the FHWA, as well as subsequent information transmitted by telephone conversations and electronic mail. A complete administrative record of this consultation is on file at the Washington Habitat State Office.

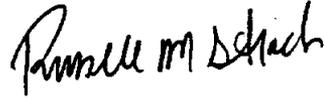
NOAA Fisheries concludes that the implementation of the proposed project is not likely to jeopardize the continued existence of Puget Sound chinook. The project will adversely affect EFH. Please note that the incidental take statement, which includes reasonable and prudent



-2-

measures and terms and conditions, was designed to minimize take. If you have any questions, please contact Barb Wood of the Washington Habitat State Office at (360) 534-9307 or barb.wood@noaa.gov.

Sincerely,

Handwritten signature of Pamela M. Schuch in black ink.

*for* D. Robert Lohn  
Regional Administrator

Attachment

cc: Peter Eun, FHWA



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Western Washington Fish and Wildlife Office  
510 Desmond Drive SE, Suite 102  
Lacey, Washington 98503  
Phone: (360) 753-9440 Fax: (360) 534-9331

RECEIVED BY AAI  
FEB 06 2003

FEB 4 2003

Dear Species List Requester:

We (U.S. Fish and Wildlife Service) are providing the information you requested to assist your determination of possible impacts of a proposed project to species of Federal concern. Attachment A includes the listed threatened and endangered species, species proposed for listing, candidate species, and/or species of concern that may be within the area of your proposed project.

Any Federal agency, currently or in the future, that provides funding, permitting, licensing, or other authorization for this project must assure that its responsibilities under section 7(a)(2) of the Endangered Species Act of 1973, as amended (Act), are met. Attachment B outlines the responsibilities of Federal agencies for consulting or conferencing with us.

If both listed and proposed species occur in the vicinity of a project that meets the requirements of a major Federal action (i.e., "major construction activity"), impacts to both listed and proposed species must be considered in a biological assessment (BA) (section 7(c); see Attachment B). Although the Federal agency is not required, under section 7(c), to address impacts to proposed species if listed species are not known to occur in the project area, it may be in the Federal agency's best interest to address impacts to proposed species. The listing process may be completed within a year, and information gathered on a proposed species could be used to address consultation needs should the species be listed. However, if the proposed action is likely to jeopardize the continued existence of a proposed species, or result in the destruction or adverse modification of proposed critical habitat, a formal conference with us is required by the Act (section 7(a)(4)). The results of the BA will determine if conferencing is required.

The Federal agency is responsible for making a determination of the effects of the project on listed species and/or critical habitat. For a Federal agency determination that a listed species or critical habitat is likely to be affected (adversely or beneficially) by the project, you should request section 7 consultation through this office. For a "not likely to adversely affect" determination, you should request our concurrence through the informal consultation process.

Candidate species and species of concern are those species whose conservation status is of concern to us, but for which additional information is needed. Candidate species are included as an advance notice to Federal agencies of species that may be proposed and listed in the future. Conservation measures for candidate species and species of concern are voluntary but recommended. Protection provided to these species now may preclude possible listing in the future.

**LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES, CRITICAL  
HABITAT, CANDIDATE SPECIES, AND SPECIES OF CONCERN THAT MAY  
OCCUR IN THE VICINITY OF THE PROPOSED  
EDMONDS CROSSING MULTIMODAL PROJECT  
IN SNOHOMISH COUNTY, WASHINGTON**

**(T27N R3E S23,26)**

**FWS REF: 1-3-03-SP-0613**

**LISTED**

There is one bald eagle (*Haliaeetus leucocephalus*) nesting territory located in the vicinity of the project at T27N R3E S35. Nesting activities occur from January 1 through August 15.

Wintering bald eagles may occur in the vicinity of the project. Wintering activities occur from October 31 through March 31.

Bull trout (*Salvelinus confluentus*) may occur in ocean waters adjacent to the project.

Foraging marbled murrelets (*Brachyramphus marmoratus*) may occur in the ocean waters adjacent to your project.

Major concerns that should be addressed in your biological assessment of the project impacts to listed species include:

1. Level of use of the project area by listed species;
2. Effect of the project on listed species' primary food stocks, prey species, and foraging areas in all areas influenced by the project; and
3. Impacts from project construction (i.e., habitat loss, increased noise levels, increased human activity) that may result in disturbance to listed species and/or their avoidance of the project area.

**PROPOSED**

None

## ATTACHMENT B

### FEDERAL AGENCIES' RESPONSIBILITIES UNDER SECTIONS 7(a) AND 7(c) OF THE ENDANGERED SPECIES ACT OF 1973, AS AMENDED

#### SECTION 7(a) - Consultation/Conference

- Requires:
1. Federal agencies to utilize their authorities to carry out programs to conserve endangered and threatened species;
  2. Consultation with the U.S. Fish and Wildlife Service (FWS) when a Federal action may affect a listed endangered or threatened species to ensure that any action authorized, funded, or carried out by a Federal agency is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The process is initiated by the Federal agency after it has determined if its action may affect (adversely or beneficially) a listed species; and
  3. Conference with the FWS when a Federal action is likely to jeopardize the continued existence of a proposed species or result in destruction or an adverse modification of proposed critical habitat.

#### SECTION 7(c) - Biological Assessment for Construction Projects \*

Requires Federal agencies or their designees to prepare a Biological Assessment (BA) for construction projects only. The purpose of the BA is to identify any proposed and/or listed species that is/are likely to be affected by a construction project. The process is initiated by a Federal agency in requesting a list of proposed and listed threatened and endangered species (list attached). The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable). If the BA is not initiated within 90 days of receipt of the species list, please verify the accuracy of the list with the Service. No irreversible commitment of resources is to be made during the BA process which would result in violation of the requirements under Section 7(a) of the Act. Planning, design, and administrative actions may be taken; however, no construction may begin.

To complete the BA, your agency or its designee should (1) conduct an onsite inspection of the area to be affected by the proposal, which may include a detailed survey of the area to determine if the species is present and whether suitable habitat exists for either expanding the existing population or potential reintroduction of the species; (2) review literature and scientific data to determine species distribution, habitat needs, and other biological requirements; (3) interview experts including those within the FWS, National Marine Fisheries Service, state conservation department, universities, and others who may have data not yet published in scientific literature; (4) review and analyze the effects of the proposal on the species in terms of individuals and populations, including consideration of cumulative effects of the proposal on the species and its habitat; (5) analyze alternative actions that may provide conservation measures; and (6) prepare a report documenting the results, including a discussion of study methods used, any problems encountered, and other relevant information. Upon completion, the report should be forwarded to our Endangered Species Division, 510 Desmond Drive SE, Suite 102, Lacey, WA 98503-1273.

---

\* "Construction project" means any major Federal action which significantly affects the quality of the human environment (requiring an EIS), designed primarily to result in the building or erection of human-made structures such as dams, buildings, roads, pipelines, channels, and the like. This includes Federal action such as permits, grants, licenses, or other forms of Federal authorization or approval which may result in construction.

## Fisheries Northwest Region

Table 2.

### Endangered and Threatened Marine Mammals and Sea Turtles

Under the Jurisdiction of the  
National Marine Fisheries Service (NMFS)  
That May Occur off Washington and Oregon

#### MARINE MAMMALS:

Humpback Whale	(E)	<i>Megaptera novaeangliae</i>
Blue Whale	(E)	<i>Balaenoptera musculus</i>
Fin Whale	(E)	<i>Balaenoptera physalus</i>
Sei Whale	(E)	<i>Balaenoptera borealis</i>
Sperm Whale	(E)	<i>Physeter macrocephalus</i>
Steller Sea Lion	(T)	<i>Eumetopias jubatus</i>

#### MARINE TURTLES:

Leatherback Sea Turtle	(E)	<i>Dermochelys coriacea</i>
Loggerhead Sea Turtle	(T)	<i>Caretta caretta</i>

### Endangered and Threatened Marine Mammals and Sea Turtles

Under the Jurisdiction of the  
National Marine Fisheries Service (NMFS)  
That May Occur in The Puget Sound

#### MARINE MAMMALS:

Humpback Whales	(E)	<i>Megaptera novaeangliae</i>
Steller Sea Lion	(T)	<i>Eumetopias jubatus</i>

#### MARINE TURTLES:

Leatherback Sea Turtle	(E)	<i>Dermochelys coriacea</i>
------------------------	-----	-----------------------------



[Fisheries NW Region Homepage](#)



## Bull Trout Population Segments

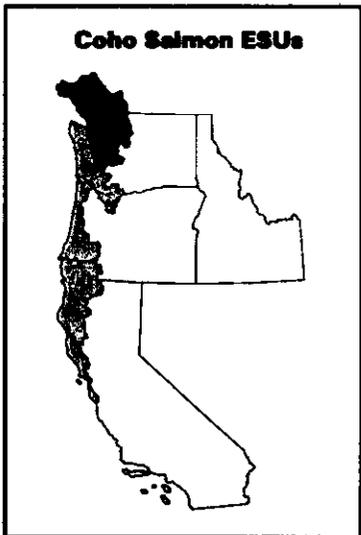
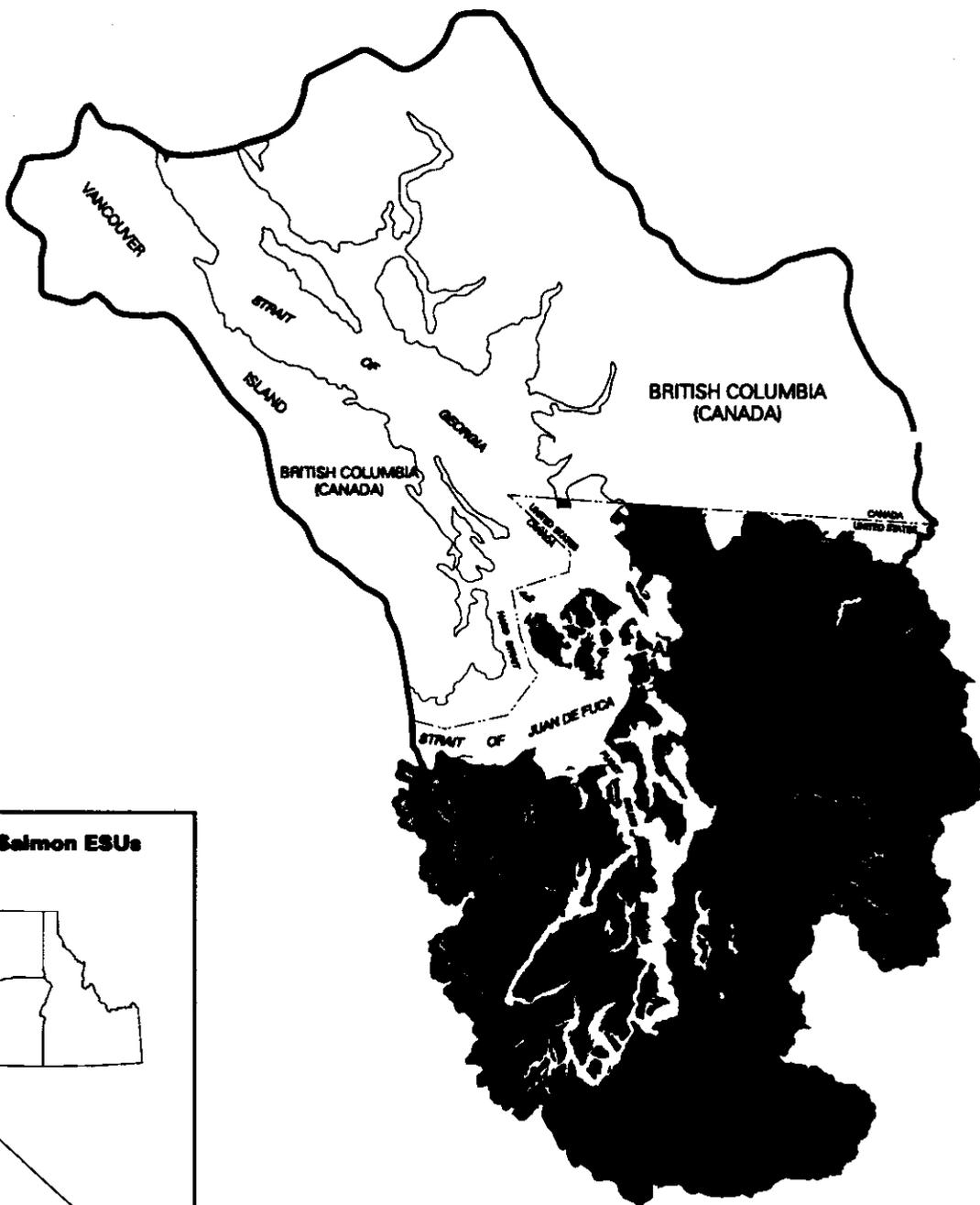


- 1 Coastal/Puget Sound**
- 2 Jarbidge River**
- 3 St. Mary/Belly River**
- 4 Klamath River**
- 5 Columbia River**





# PUGET SOUND COHO SALMON ESU



### Land Ownership

- Federal (36%)
- Private (53%)
- State/Local (10%)
- Tribal (1%)

United States Department of Commerce  
 National Oceanic & Atmospheric Administration  
**NATIONAL MARINE FISHERIES SERVICE**  
**HABITAT CONSERVATION DIVISION**  
 535 N.E. Oregon St., Suite 410  
 Portland, OR 97232  
 Tel (503) 231-3223



MAP DATE: 2/1/88  
 ORNED BY OIA

Note: Map is for general reference only.



January 22, 2003

Lori Guggemos  
WDFW Priority Habitats and Species Division  
600 Capitol Way North  
Olympia, Washington 98501-1091

*Environmental Solutions*

RE: HABITATS AND SPECIES DATA  
RARE, THREATENED, AND ENDANGERED WILDLIFE DATA

SUBJECT: EDMONDS WEST QUADRANGLE, WASHINGTON  
Section 23, Township 27 North, Range 3 East  
Section 26, Township 27 North, Range 3 East

Dear Lori:

Adolfson Associates, Inc. is preparing environmental documentation, including potential impacts to listed species, for the proposed Edmonds Crossing Multimodal Project in Edmonds, Washington (see attached map). The project includes the relocation of an existing ferry terminal. In-water work will extend approximately 700 and 900 feet from the shoreline at the proposed pier site. We are requesting an updated data search for known occurrences of Washington State priority habitats and species within project vicinity.

We are interested in any information regarding priority and nongame animal species, and fisheries data for this site. Specifically, we would like the Edmonds West, Washington 1:24,000 scale Habitats and Species quadrangle map, along with written descriptions of the data points.

Please note that we have previously submitted a completed Memorandum of Understanding (MOU). I understand that we will be billed later for this data.

Thank you for your prompt attention to this request.

Sincerely,

ADOLFSON ASSOCIATES, INC.

Andrea Gates  
Staff Ecologist



March 28, 2003

Catherine Conolly  
Adolfson Associates Inc  
5309 Shilshole Ave – Suite 200  
Seattle WA 98107

RECEIVED BY AAI  
APR U 2 2003

**SUBJECT: Proposed Edmonds Crossing Project (T27N R03E S23, 26)**

We've searched the Natural Heritage Information System for information on significant natural features in your project area. Currently, we have no records for rare plants or high quality native ecosystems in the vicinity of your project.

The information provided by the Washington Natural Heritage Program is based solely on existing information in the database. In the absence of field inventories, we cannot state whether or not a given site contains high quality ecosystems or rare plant species; there may be significant natural features in your study area of which we are not aware.

The Washington Natural Heritage Program is responsible for information on the state's rare plants as well as high quality ecosystems. For information on animal species of concern, please contact Priority Habitats and Species, Washington Department of Fish and Wildlife, 600 Capitol Way N, Olympia WA 98501-1091, or by phone (360) 902-2543.

Please visit our internet website for more information. Lists of rare plants and their status, as well as rare plant fact sheets, are available for download from the site. You will find us listed under *Programs & Topics* on the WA DNR homepage at [www.wa.gov/dnr/](http://www.wa.gov/dnr/). Please call me at (360) 902-1667 if you have any questions, or by E-Mail: [sandra.moody@wadnr.gov](mailto:sandra.moody@wadnr.gov).

Sincerely,

Sandy Swope Moody, Environmental Review Coordinator  
Washington Natural Heritage Program

Asset Management & Protection Division, PO Box 47014, Olympia WA 98504-7014  
FAX 360-902-1789



STATE OF WASHINGTON  
OFFICE OF COMMUNITY DEVELOPMENT  
OFFICE OF ARCHAEOLOGY & HISTORIC PRESERVATION

1063 S. Capitol Way, Suite 106 • Olympia, Washington 98501  
(Mailing Address) PO Box 48343 • Olympia, Washington 98504-8343  
Phone (360) 586-3065 FAX (360) 586-3067 Web Site: www.oahp.wa.gov

June 10, 2003

Mr. Craig Holstine  
Cultural Resources Specialist  
Washington State Department of Transportation  
Post Office Box 47332  
Olympia, WA 98504-7332

RECEIVED  
JUN 11 2003  
ENVIRONMENTAL AFFAIRS POINT PLAZA

In future correspondence please refer to:  
Log: 052003-22-FHWA  
Property: SR 104: Edmonds Crossing EIS, Snohomish County  
Re: Determination of Effect

Dear Mr. Holstine:

Thank you for contacting the Washington State Office of Archaeology and Historic Preservation (OAHP). The above referenced project has been reviewed on behalf of the State Historic Preservation Officer under provisions of Section 106 of the National Historic Preservation Act of 1966 (as amended) and 36 CFR Part 800. My review is based upon documentation contained in your communication.

We concur with your determination that no historic properties will be affected by the current project as proposed. If additional information on the project becomes available, or if any archaeological resources are uncovered during construction, please halt work in the area of discovery and contact the appropriate Native American Tribes and OAHP for further consultation.

Thank you for the opportunity to review and comment. Should you have any questions, please feel free to contact me.

Sincerely,

Gregory Griffith  
Deputy State Historic Preservation Officer  
(360) 586-3073  
GregG@cted.wa.gov



**Washington State  
Department of Transportation**  
Douglas B. MacDonald  
Secretary of Transportation

**Transportation Building**  
310 Maple Park Avenue S.E.  
P.O. Box 47300  
Olympia, WA 98504-7300

360-705-7000  
TTY: 1-800-833-6388  
www.wsdot.wa.gov

29 May 2003

**RECEIVED**

**JUN 11 2003**

**ENVIRONMENT**

Allyson Brooks, Ph.D.  
State Historic Preservation Officer  
Office of Archaeology and Historic Preservation  
P.O. Box 48343  
Olympia, WA 98504-8343

**Re: SR 104 Edmonds Crossing EIS Project, Snohomish County  
Log No.: 052003-22-FHWA**

Dear Dr. Brooks:

Pursuant to compliance with Section 106 of the NHPA and 36CFR800, WSDOT sponsored cultural resources surveys and an evaluation of one historic-era property within the above project's APE. Enclosed please find your letter to me, dated 20 May 2003, concurring with our APE, shown on the enclosed map. Also enclosed please find Jim Bard's letter to Marsha Tolon, dated 1 May 2003, explaining previous surveys as related to the APE.

Your office previously reviewed cultural resources studies completed for the project. Enclosed is Elizabeth Robbins' letter, dated 20 August 1996, to David Hansen, with Greg Griffith's signature concurring with our determination that the Edmonds Bulk Fuel Terminal (the only historic-period property in the APE) is not eligible for inclusion in the NRHP. Also enclosed is the report (dated 25 November 1996, alluded to in Ms. Robbins' letter) summarizing testing of site 45SN310, which is no longer within the project APE.

Given the results of previous studies and determination that the Terminal is not NRHP eligible, we have determined that the project will have no effect on historic properties. I look forward to your comment on that determination. Should you have questions, please contact me at 360-570-6639, email at [holstinec@wsdot.wa.gov](mailto:holstinec@wsdot.wa.gov), or Marsha Tolon at 206-440-4522, or Steve Shipe at 206-440-4531. Thank you for your attention to this matter.

Sincerely,

Craig Holstine  
Cultural Resources Specialist  
Enc.

Cc: Marsha Tolon and Steve Shipe, WSDOT Northwest Region



## STATE OF WASHINGTON

OFFICE OF COMMUNITY DEVELOPMENT

**Office of Archaeology and Historic Preservation**

1063 S. Capitol Way, Suite 106 • PO Box 48343 • Olympia, Washington 98504-8343 • (360) 586-3065  
Fax Number (360) 586-3067 - <http://www.oahp.wa.gov>

May 20, 2003

Mr. Craig Holstine  
Transportation Building  
310 Maple Park Avenue SE  
PO Box 47300  
Olympia, Washington 98504-7300

Log No.: 052003-22-FHWA  
Re: SR 104 Edmonds Crossing EIS

Dear Mr. Holstine:

We have reviewed the materials forwarded to our office for the proposed SR 104 Edmonds Crossing Project in Snohomish County. Thank you for your description of the area of potential effect. We concur with your definition of the area of potential effect. We look forward to the results of your consultation with the concerned tribes and receiving the survey report.

These comments are based on the information available at the time of this review and on behalf of the State Historic Preservation Officer for compliance with Section 106 of the National Historic Preservation Act and its implementing regulations 36CFR800. We would appreciate receiving any correspondence or comments from concerned tribes or other parties that you receive as you consult under the requirements of 36CFR800.4(a)(4).

Should additional information become available, our assessment may be revised. In the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity should be discontinued, the area secured, and the tribe's cultural committee and this office notified. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Whitlam", written over a horizontal line.

Robert G. Whitlam, Ph.D.  
State Archaeologist  
(360) 586-3080  
email: [robw@cted.wa.gov](mailto:robw@cted.wa.gov)



**Washington State  
Department of Transportation**  
Sid Morrison  
Secretary of Transportation

Transportation Building  
P.O. Box 47300  
Olympia, WA 98504-7300

August 20, 1996

RECEIVED

SEP 03 1996

ENVIRONMENTAL AFFAIRS

Mr. David Hansen, Deputy  
State Historic Preservation Officer  
Office of Archaeology and Historic Preservation  
111 West 21st Avenue, KL-11  
Olympia, Washington 98504

RE: Snohomish County,  
Edmonds Ferry Crossing Project  
SL - 1991

Dear Mr. Hansen:

Enclosed for your review and concurrence are (1) a determination of eligibility report on the Unocal Edmonds Bulk Fuel Terminal and (2) a proposed archaeological testing plan.

As described in the determination of eligibility, the Unocal terminal does not meet National Register criteria and is therefore not eligible for inclusion in the National Register. Please indicate your concurrence in this determination by signing and returning one copy of this letter by September 24, 1996.

In order to begin archaeological testing as soon as possible, we would like your comments to the testing plan by August 30, 1996. The purpose of the testing will be to determine whether the project area may contain archaeological deposits that are significant in prehistory. We will resume Section 106 review at the completion of testing.

Sincerely,

*Elizabeth Robbins*

ELIZABETH A. ROBBINS  
Cultural Resources Program Manager

Unocal Edmonds Bulk Fuel Terminal is not eligible for inclusion in the National Register:

CONCURRENCE:

*Gregory Duffek*  
State Historic Preservation Officer

8/29/96  
Date

EAR:bds(EN)  
Enclosures

cc: Dale Morimoto, NW Region



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (425) 649-7000

December 29, 2000

Ms. Lisa Saban  
CH2M Hill  
P.O. Box 91500  
Bellevue, WA 98004-2050

Dear Ms. Saban:

RE: City of Edmonds Sediment Investigation

I have completed my review of the above document dated December 2000 and agree with your comments that the site is in compliance with the Sediment Management Standards, (Ch.173-204 WAC). I recommend that no further investigation of the site be pursued at this time.

Please make sure that you send final SEDQUAL data to our headquarters office, to Brett Betts or Tom Gries, Toxic Cleanup Program.

As you know, I will be leaving Ecology in January and taking a position with the Water Section, U.S. EPA, Region 10. If there are any additional questions or concerns you can direct them to Gail Colburn, Aquatic Unit Manager at (425) 649-7058.

It has been a pleasure working with you.

Sincerely,

  
Martha Turvey  
Sediment Cleanup Specialist  
Toxics Cleanup Program

MT:ll

cc: Gail Colburn, TCP, Ecology



**Interagency Working  
Agreement Concurrence**

## **Interagency Working Agreement Concurrence**

The following materials are organized by concurrence point. The first item for each concurrence point is an example of the standard letter sent to the agencies participating in the Section 404 Merger Agreement process:

- NOAA Fisheries
- U.S. Fish and Wildlife Service
- Washington State Department of Fish and Wildlife
- Washington State Department of Ecology
- U.S. Army Corps of Engineers
- U.S. Environmental Protection Agency

Following the standard letter are the agencies' concurrence materials, including comments if provided. After the materials for all of the concurrence points is a matrix presenting the response to agency comments.

**Concurrence Point #1**

**Typical letter to NEPA/404 Merger Agreement Agencies-Concurrence Point #1**

March 20, 1997

David Frederick  
State Supervisor  
U.S. Fish and Wildlife Service  
3704 Griffin Lane SE., Suite 102  
Olympia, WA 98501-2192

CERTIFIED LETTER  
SR 104, Edmonds Crossing  
NEPA / 404 Merger  
Concurrence Point #1

Dear Mr. Frederick:

We are requesting your written concurrence (or completion of the attached form), within 45 days of the receipt of this letter, on the following:

- Concurrence Point #1:
  - Project Purpose And Need
  - Criteria For Alternatives Selection
  - Your Agency Role In The Project

If you find you cannot provide us with a concurrence at this time, please provide us with a written explanation within the 45 day time limit described in the NEPA/SEPA/404 merger agreement.

Attached is a project summary and a technical memorandum from CH2M Hill which is a response to the comments from the Corps of Engineers regarding the "People Mover". Selected text from this memo will be incorporated into the DEIS.

The PreDraft EIS was circulated for cooperating agency review in August of 1996.

If you have any questions, please call Susan Powell, of my staff at (206) 440-4524.

Sincerely,

Kojo Fordjour  
Environmental Services Manager

KF:SP:sp  
cc. w/Attchs Larry Ross, MS 7331-2A  
B. Swope, CH2M Hill  
Sharon Price, FHWA  
Ms. Nancy Gloman

### Merger Agreement Concurrence Form

<b>Project Title</b> Edmonds Crossing	<b>SR#</b> 104	<b>Region</b> Northwest	<b>County</b> Snohomish
<b>WRJA</b> 08	<b>Environmental Document Classification</b> Joint NEPA/SEPA EIS		<b>Date Concurrence Due</b> 5/5/97

- Project purpose & need
- Criteria for alternatives selection
- Role of all agencies
- Project alternatives to be evaluated in DEIS
- Preferred alternative/Least environmentally damaging alternative
- Detailed mitigation plan
- Preliminary preferred alternative when known

WSDOT Contact Person Susan Powell

#### Environmental Summary

Development of a multimodal transportation center in Edmonds which would integrate ferry, rail, transit, bicycle, and pedestrian facilities and services into a single complex. (See Attached)

#### Concurrence Request

Having discussed the above concurrence point(s), the agency representative, by his/her signature to this document, signifies one of the following:

- Concurrence as presented<sup>1</sup>
- Nonconcurrence<sup>2</sup>
- Concurrence with comments<sup>3</sup>
- Waived<sup>4</sup>

Comments/Reasons for Nonconcurrence

Additional Information Needed

*NMFS*

Agency:

Title:

*Ben Meyer*

Signature:

3-26-97

Date:

<sup>1</sup> Definition of Concurrence - "Written determination by the agency that information to date is adequate for this stage and the project may proceed to the next stage without modification."

<sup>2</sup> Definition of Nonconcurrence - "Written determination by the agency that information to date is not adequate for this stage, or the potential adverse impacts of the project are so substantial that permits would probably be denied, or the project should be modified to reduce the impacts."

<sup>3</sup> Definition of Concurrence with Comments - "Written determination by the agency that the project can advance to the next stage and comments will be addressed in the next iteration."

<sup>4</sup> Definition of Waiver - "Written determination by the agency that the agency voluntarily gives up their opportunity to provide comment on that particular concurrence point(s). Agencies which waive concurrence at that concurrence point."

### Merger Agreement Concurrence Form

<b>Project Title</b> Edmonds Crossing	<b>SR#</b> 104	<b>Region</b> Northwest	<b>County</b> Snohomish
<b>WRIA</b> 08	<b>Environmental Document Classification</b> Joint NEPA/SEPA EIS		<b>Date Concurrence Due</b> 5/5/97

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Project purpose & need              | <input type="checkbox"/> Preferred alternative/Least environmentally damaging alternative |
| <input checked="" type="checkbox"/> Criteria for alternatives selection | <input type="checkbox"/> Detailed mitigation plan   |
| <input checked="" type="checkbox"/> Role of all agencies                | <input type="checkbox"/> Preliminary preferred alternative when known                     |
| <input type="checkbox"/> Project alternatives to be evaluated in DEIS   |   |

WSDOT Contact Person Susan Powell

#### Environmental Summary

Development of a multimodal transportation center in Edmonds which would integrate ferry, rail, transit, bicycle, and pedestrian facilities and services into a single complex. (See Attached)

#### Concurrence Request

Having discussed the above concurrence point(s), the agency representative, by his/her signature to this document, signifies one of the following:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Concurrence as presented <sup>1</sup> | <input type="checkbox"/> Concurrence with comments <sup>3</sup> |
| <input type="checkbox"/> Nonconcurrence <sup>2</sup>                      | <input type="checkbox"/> Waived <sup>4</sup>                    |

Comments/Reasons for Nonconcurrence

Additional Information Needed

U.S. Fish & Wildlife Service for Supervisor John Engbring 5-12-97  
 Agency: Service Title: Signature: Date:

<sup>1</sup> Definition of Concurrence - "Written determination by the agency that information to date is adequate for this stage, and the project may proceed to the next stage without modification."  
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<sup>4</sup> Definition of Waiver - "Written determination by the agency that they voluntarily give up their opportunity to provide comment on that particular concurrence point(s). Agencies which waive agree not to revisit that concurrence point."

# Merger Agreement Concurrence Form

440-4805

<b>Project Title</b> Edmonds Crossing	<b>SR#</b> 104	<b>Region</b> Northwest	<b>County</b> Snohomish
<b>WRIA</b> 08	<b>Environmental Document Classification</b> Joint NEPA/SEPA EIS		<b>Date Concurrence Due</b> 5/5/97

- Project purpose & need
  - Criteria for alternatives selection
  - Role of all agencies
  - Project alternatives to be evaluated in D1
- WSDOT Contact Person Susan Powell

Post-It® Fax Note 7871	Date 5/6	Page 3
To: <u>Susan Powell</u>	From: <u>John Burtner</u>	
Co./Dept.	Co.	
Phone #	Phone #	
Fax #	Fax #	

Development of a multimodal transportation center in Edmonds which would integrate ferry, rail, transit, bicycle, and pedestrian facilities and services into a single complex. (See Attached)

### Concurrence Request

Having discussed the above concurrence point(s), the agency representative, by his/her signature to this document, signifies one of the following:

- Concurrence as presented <sup>1</sup>
- Nonconcurrence <sup>2</sup>
- Concurrence with comments <sup>3</sup>
- Waived <sup>4</sup>

Comments/Reasons for Nonconcurrence

NO MORE INFO - SEE LETTER

Additional Information Needed

PLEASE SEE COMMENTS

Agency:

WDFW

Title:

AREA HABITAT BIOLOGIST

Signature:

*John Burtner*

Date:

5/6/97

<sup>1</sup> Definition of Concurrence - "Written determination by the agency that information to date is adequate for this stage, and the project may proceed to the next stage without modification."

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## Letter Two



STATE OF WASHINGTON  
DEPARTMENT OF FISH AND WILDLIFE

18018 Mill Creek Boulevard • Mill Creek, Washington 98012 • (206) 775-1311 FAX (206) 338-1066

May 7, 1997

Washington State Dept of Transportation  
ATTENTION: Susan Powell  
Northwest Region  
15700 Dayton Avenue North  
Post Office Box 330310  
Seattle, Washington 98133-9710

**SUBJECT: Merger Agreement Concurrence Form - Washington State Dept of Transportation Proponent - Edmonds Crossing Ferry Terminal - Point Edwards, Puget Sound, Tributary to Admiralty Inlet, Snohomish County, WRIA 08.MARI**

Dear Ms. Powell:

The Washington Department of Fish and Wildlife (WDFW) has reviewed the above-referenced Merger Agreement of Concurrence received on March 24, 1997, and offers the following comments at this time. Other comments may be offered as the project progresses.

I have serious reservations about signing a statement of concurrence about a project that is not to a point that meets the criteria for Hydraulic Project Approval (HPA).

2a I have reviewed the response to my letter, and still have some concerns with regards to this project. There is not enough of a mitigation plan proposed to make approval of any of the options feasible at this time. If there is not sufficient mitigation, options should be pursued to reduce the amount of impacts of the different alternatives. Removal of overwater structures is the only available mitigation component to offset shading impacts "in-kind," anything else would be "out-of-kind," and we don't know what other options are available. In order for me to approve an alternative, I have to look at the project in total; for instance, measuring the magnitude of impacts against the available mitigation might require choosing an option that balances with the quantity of available mitigation against impact. To date, we have not been shown any components of a mitigation plan.

I fear that this project is gaining momentum to move forward without taking inventory of the essential ingredients that may be required before meeting agency approval.

2b In addition, although I am not familiar enough with this project to know the total history, I also have some concerns about the mitigation proposal to move the fish reef. The reef is integral to

Wash St Dept of Transportation  
May 6, 1997  
Page 2

the area, and is meant to play a function in recreational fishing opportunities for people using the fishing pier, it is placed at this site for a specific reason and purpose. I do not remember this issue being discussed at the meeting on this proposal, nor the potential impacts these proposals will have on recreational fishers using the fishing pier; maybe it is necessary to have another meeting on this proposal to familiarize me with the history leading up to current developments on this proposal.

---

2c

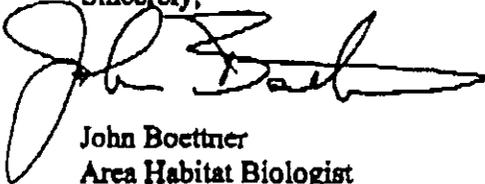
Also, we still are not comfortable with the current level of modeling impacts to the sediment migration. Ferry terminals have a major influence on sediment movement and currents, not only from wheel wash dredging, but also from the structures. Waves may be able to pass beneath pier structures, however, they have an influence on wave energy that is reflected in sediment transport, that is why I have asked that more information be assembled about the potential for impacts to sediment transport system for Point Edwards and the existing terminal. It is important to take a more holistic look in terms of sediment movement, and the impacts of these structures on the entire shoreline environment in the Edmonds vicinity, plus an examination of the shorelines without the structures in place.

---

We appreciate your cooperation in our efforts to protect, perpetuate and manage the fish resources of the state of Washington.

Thank you for the opportunity to provide these comments. If you have any questions please call me at (425) 379-2306.

Sincerely,



John Boettner  
Area Habitat Biologist  
Habitat Program

JB:jb:50:(96-7)

cc: Ted Muller, Tony Opperman, WDFW Region 4  
Jane Banyard, WDFW  
Barbara Ritchie, Sandra Manning, DOE Southwest  
Hugh Shipman, DOE Northwest

### Merger Agreement Concurrence Form

Project Title <div style="border: 1px solid black; padding: 2px; text-align: center;">Edmonds Crossing</div>	SR# <div style="border: 1px solid black; padding: 2px; text-align: center;">104</div>	Region <div style="border: 1px solid black; padding: 2px; text-align: center;">Northwest</div>	County <div style="border: 1px solid black; padding: 2px; text-align: center;">Snohomish</div>
WRIA <div style="border: 1px solid black; padding: 2px; text-align: center; height: 40px;">08</div>	Environmental Document Classification <div style="border: 1px solid black; padding: 2px; text-align: center;">Joint NEPA/SEPA EIS</div>	Date Concurrence Due <div style="border: 1px solid black; padding: 2px; text-align: center;">5/5/97</div>	

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Project purpose & need<br><input checked="" type="checkbox"/> Criteria for alternatives selection<br><input checked="" type="checkbox"/> Role of all agencies<br><input type="checkbox"/> Project alternatives to be evaluated in DEIS | <input type="checkbox"/> Preferred alternative/Least environmentally damaging alternative<br><input type="checkbox"/> Detailed mitigation plan<br><input type="checkbox"/> Preliminary preferred alternative when known |
|--|---|

WSDOT Contact Person Susan Powell

#### Environmental Summary

Development of a multimodal transportation center in Edmonds which would integrate ferry, rail, transit, bicycle, and pedestrian facilities and services into a single complex. (See Attached)

#### Concurrence Request

Having discussed the above concurrence point(s), the agency representative, by his/her signature to this document, signifies one of the following:

- |  |  |
|--|--|
| <input type="checkbox"/> Concurrence as presented <sup>1</sup><br><input type="checkbox"/> Nonconcurrence <sup>2</sup> | <input checked="" type="checkbox"/> Concurrence with comments <sup>3</sup><br><input type="checkbox"/> Waived <sup>4</sup> |
|--|--|

Comments/Reasons for Nonconcurrence

see attached

Additional Information Needed

Ecology

Agency:

Title:

Sandra L Manning

Signature:

5/6/97

Date:

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This is a large site with a significant amount of data. It is anticipated that the data analysis, review of the draft RI, and preparation of written comments will be completed by the end of July 1997. Once presented to Unocal, it may take time for Unocal to resolve any outstanding issues with Ecology's comments. Once all the issues are resolved, Unocal will complete the feasibility study. The feasibility study will require review and approval by Ecology. The goal is to have a final feasibility study done by the end of the year but it will depend on Unocal's submittal date to Ecology.

A cleanup action plan will be prepared by Ecology once the RI and FS are approved.

5. We have heard that DOT cannot continue with the EIS process until Ecology makes a decision on the Unocal site. Please explain this statement. What specific decision is DOT referring to - RI approval, FS approval, selection of the cleanup action, or another decision?

If you have any questions about this letter, please contact me at (360) 407-6912.

Sincerely,



Sandra L. Manning  
Ecology's Environmental Liaison to DOT

cc: Ecology -- Mike Rundlett, Rick Huey, Barbara Trejo, Mary Kautz, Joan Velikanje, Teresa Michelsen  
WDFW -- John Boettner  
DOT -- Sandy Stephens  
Corps -- Jack Kennedy  
NMFS -- Dennis Carlson  
USFSW -- Tim Romanski, Nancy Brinnon-Dubbs



**DEPARTMENT OF THE ARMY**  
SEATTLE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 3789  
SEATTLE, WASHINGTON 98124-2289

REPLY TO  
ATTENTION OF

Regulatory Branch

Mr. Dale Morimoto  
Northwest Region Environmental Services Engineer  
Washington State Department of Transportation  
Post Office Box 330310  
Seattle, Washington 98133-9710

Reference: Edmonds Crossing

Dear Mr. Morimoto:

The Seattle District, U.S. Army Corps of Engineers, has reviewed your October 20, 1997, letter concerning the Purpose and Need statement to be placed in the Edmonds Crossing Environmental Impact Statement (EIS). The Corps concurs with the Purpose and Need statement as it appears on you letter's enclosure, and we anticipate using a condensed version of it in our own regulatory documents.

We also note your selection of the Point Edwards site as the preferred alternative. While the Corps has no objections to your pursuit of this alternative, our concerns about this particular design -- especially its length, complexity, and remoteness -- remain as described in our letter dated May 23, 1997.

Jack Kennedy remains the Corps staff contact person for this project. If you have any questions on these comments, please contact him at telephone (206) 764-6907.

Sincerely,

  
FOR Ann R. Uhrich  
Chief, Environmental  
and Processing Section

STOPPED

## Merger Agreement Concurrence Form

<b>Project Title</b> <div style="border: 1px solid black; padding: 2px; text-align: center;">Edmonds Crossing</div>	<b>SR#</b> <div style="border: 1px solid black; padding: 2px; text-align: center;">104</div>	<b>Region</b> <div style="border: 1px solid black; padding: 2px; text-align: center;">Northwest</div>	<b>County</b> <div style="border: 1px solid black; padding: 2px; text-align: center;">Snohomish</div>
<b>WRIA</b> <div style="border: 1px solid black; padding: 2px; text-align: center;">08</div>	<b>Environmental Document Classification</b> <div style="border: 1px solid black; padding: 2px; text-align: center;">Joint NEPA/SEPA EIS</div>	<b>Date Concurrence Due</b> <div style="border: 1px solid black; padding: 2px; text-align: center;">5/5/97</div>	

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> <b>Project purpose &amp; need</b><br><input checked="" type="checkbox"/> <b>Criteria for alternatives selection</b><br><input checked="" type="checkbox"/> <b>Role of all agencies</b><br><input type="checkbox"/> <b>Project alternatives to be evaluated in DEIS</b> | <input type="checkbox"/> <b>Preferred alternative/Least environmentally damaging alternative</b><br><input type="checkbox"/> <b>Detailed mitigation plan</b><br><input type="checkbox"/> <b>Preliminary preferred alternative when known</b> |
|--|--|
- WSDOT Contact Person** Susan Powell

### Environmental Summary

Development of a multimodal transportation center in Edmonds which would integrate ferry, rail, transit, bicycle, and pedestrian facilities and services into a single complex. (See Attached)

#### Concurrence Request

Having discussed the above concurrence point(s), the agency representative, by his/her signature to this document, signifies one of the following:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> <b>Concurrence as presented</b> <sup>1</sup><br><input type="checkbox"/> <b>Nonconcurrence</b> <sup>2</sup> | <input type="checkbox"/> <b>Concurrence with comments</b> <sup>3</sup><br><input type="checkbox"/> <b>Waived</b> <sup>4</sup> |
|---|---|

**Comments/Reasons for Nonconcurrence**

**Additional Information Needed**

*EPA*  
Agency:

*ENVIRONMENTAL ENGINEER*  
Title:

*Willie A. Fyfe*  
Signature:

*5/07/97*  
Date:

<sup>1</sup> Definition of Concurrence - "Written determination by the agency that information to date is adequate for this stage, and the project may proceed to the next stage without modification."

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**Concurrence Point #2**

Typical letter to NEPA/404 Merger Agreement Agencies-Concurrence Point #2

CNCR2.DOC  
S.Powell



**Washington State  
Department of Transportation**

**Sid Morrison**  
Secretary of Transportation

**Northwest Region**  
15700 Dayton Avenue North  
PO Box 330310  
Seattle, WA 98133-9710

May 9, 1997

(206) 440-4000

Jack Kennedy  
U.S. Army Corps of Engineers  
P.O. Box C 3755  
Seattle, WA 98124-2255

Edmonds Crossing  
404 Merger Concurrence Point #2

Dear Mr. Kennedy:

We are requesting your written concurrence (or completion of the attached form), within 45 days of the receipt of this letter, on the following:

Concurrence Point #2

- The project alternatives to be evaluated in the draft EIS
- The preliminary preferred alternative

If you find you cannot provide us with a concurrence at this time, please provide us with a written explanation within the 45 day time limit described in the NEPA/SEPA 404 merger agreement.

The PreDraft EIS was circulated for cooperating agency review in August of 1996.

If you have any questions, please call Susan Powell, of my staff at (206) 440-4524.

Sincerely,

A handwritten signature in cursive that reads "Dale Morimoto for".

Dale Morimoto  
Environmental and  
Special Services Engineer

DM:SP:sp  
cc. Larry Ross, MS 7331-2A  
B. Swope, CH2M Hill

# Merger Agreement Concurrence Form

<b>Project Title</b> Edmonds Crossing	<b>SR#</b> 104	<b>Region</b> Northwest	<b>County</b> Snohomish
<b>WRIA</b> 08	<b>Environmental Document Classification</b> Joint NEPA/SEPA EIS		<b>Date Concurrence Due</b> 6/26/97

- |  |   |
|--|---|
| <input type="checkbox"/> Project purpose & need                                  | <input type="checkbox"/> Preferred alternative/Least environmentally damaging alternative |
| <input type="checkbox"/> Criteria for alternatives selection                     | <input type="checkbox"/> Detailed mitigation plan   |
| <input type="checkbox"/> Role of all agencies                                    | <input checked="" type="checkbox"/> Preliminary preferred alternative when known          |
| <input checked="" type="checkbox"/> Project alternatives to be evaluated in DEIS |   |

WSDOT Contact Person Susan Powell

### Environmental Summary

Development of a multimodal transportation center in Edmonds which would integrate ferry, rail, transit, bicycle, and pedestrian facilities and services into a single complex.

### Concurrence Request

Having discussed the above concurrence point(s), the agency representative, by his/her signature to this document, signifies one of the following:

- |  |   |
|--|---|
| <input type="checkbox"/> Concurrence as presented <sup>1</sup> | <input type="checkbox"/> Concurrence with comments <sup>3</sup> |
| <input type="checkbox"/> Nonconcurrence <sup>2</sup>           | <input checked="" type="checkbox"/> Waived <sup>4</sup>         |

**Comments/Reasons for Nonconcurrence**

**Additional Information Needed**

<i>National Marine Fisheries Service</i>	<i>Steve Jensen</i>	<i>7/1/97</i>
Agency:	Title:	Signature:      Date:

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# Merger Agreement Concurrence Form

**Project Title**

Edmonds Crossing

**SR#**

104

**Region**

Northwest

**County**

Snohomish

**WRIA**

08

**Environmental Document  
Classification**

Joint NEPA/SEPA EIS

**Date Concurrence Due**

6/26/97

- |  |  |
|--|--|
| <input type="checkbox"/> Project purpose & need<br><input type="checkbox"/> Criteria for alternatives selection<br><input type="checkbox"/> Role of all agencies<br><input checked="" type="checkbox"/> Project alternatives to be evaluated in DEIS | <input type="checkbox"/> Preferred alternative/Least environmentally damaging alternative<br><input type="checkbox"/> Detailed mitigation plan<br><input checked="" type="checkbox"/> Preliminary preferred alternative when known |
|--|--|

**WSDOT Contact Person** Susan Powell

### Environmental Summary

Development of a multimodal transportation center in Edmonds which would integrate ferry, rail, transit, bicycle, and pedestrian facilities and services into a single complex.

**Concurrence Request**

Having discussed the above concurrence point(s), the agency representative, by his/her signature to this document, signifies one of the following:

- |  |  |
|--|--|
| <input type="checkbox"/> Concurrence as presented <sup>1</sup><br><input type="checkbox"/> Nonconcurrence <sup>2</sup> | <input checked="" type="checkbox"/> Concurrence with comments <sup>3</sup><br><input type="checkbox"/> Waived <sup>4</sup> |
|--|--|

**Comments/Reasons for  
Nonconcurrence**

See attached <sup>COVER</sup> letter.

**Additional Information  
Needed**

US Fish + Wildlife  
Service

**Agency:**

*Acting Supervisor*  
**Title:**

*Olisa A. Ralph*  
**Signature:**

*6/20/97*  
**Date:**

<sup>1</sup> Definition of Concurrence - "Written determination by the agency that information to date is adequate for this stage, and the project may proceed to the next stage without modification."

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- 1b 2. A detailed description of the effects of shading on floral and faunal communities found within the zone of shading, in particular, juvenile salmonids, macroalgae, and eelgrass. Shading of the Puget Sound floor is becoming an increasing concern of the Service and other resource agencies. In addition to addressing and quantifying the effects of shading on a site by site basis, an EIS should also take into consideration the cumulative effects of this and similar Washington Department of Transportation projects in Puget Sound.
- 1c 3. A detailed discussion of ways to compensate for shading impacts by restoring eelgrass and macroalgae communities and mitigating, in kind, for shading. For example, the entire or partial removal of the existing ferry landing and/or the restoration of the prop wash area of the existing ferry landing (regardless of the alternative selected) should be discussed in the draft EIS.
- 1d 4. An estimation of the long-term cumulative effects of the proposed project, which is likely to encourage additional development of the shoreline, upland habitats, and wetland resources, including Edmonds Marsh and Willow Creek.
- 1e 5. A discussion of potential mitigation and restoration initiatives to restore, create, and enhance Edmonds Marsh and Willow Creek, to compensate for both short-term and long-term impacts of the proposed development. For example, the removal of 400 feet of existing culvert to mitigate for the installation of 400 feet of new culvert results in a net loss of function of stream habitat, as it is likely that both distances will have to be disturbed by construction activities. The draft EIS should address ways to enhance habitat for anadromous fish on Willow Creek in addition to substituting culverted lengths of stream channel.
- 1f 6. A detailed evaluation of off-shore impacts of the Mid-Waterfront Alternative to eelgrass beds, macroalgae beds, artificial reef, fishing pier use, and fisheries resources.
- 1g 7. The development of a storm water management plan for each of the alternatives to effectively collect and treat contaminated run-off from the ferry piers. This is a potential source of contamination to the deep-water, near-shore, and shoreline habitats that has not been addressed in the preliminary draft document.
- 1h 8. The development of a long-term monitoring plan to track over time the effects, if any, of the ferry development on important resources including eelgrass, macroalgae, salmonids, artificial reef, and shellfish.

The Service hopes these comments will assist you in the development of the final draft EIS for the Edmonds Ferry Crossing. Thank you for the opportunity to comment on this matter. If you require additional information or would like to discuss our comments in more detail, please contact Tim Romanski of my staff at (360) 753-5823 or at the letterhead address.

Sincerely,



*for* David C. Frederick  
Supervisor

jvr/jmc

Pre-Draft Edmonds Ferry Crossing

c: COE, Seattle (Jack Kennedy)

NMFS, Portland (Ben Meyer)

WDE, Olympia (Janet Thompson)

WDFW, Region 6 (John Boettner)

# Merger Agreement Concurrence Form

<b>Project Title</b> Edmonds Crossing	<b>SR#</b> 104	<b>Region</b> Northwest	<b>County</b> Snohomish
<b>WRIA</b> 08	<b>Environmental Document Classification</b> Joint NEPA/SEPA EIS	<b>Date Concurrence Due</b> 6/26/97	

- |  |   |
|--|---|
| <input type="checkbox"/> Project purpose & need                                  | <input type="checkbox"/> Preferred alternative/Least environmentally damaging alternative |
| <input type="checkbox"/> Criteria for alternatives selection                     | <input type="checkbox"/> Detailed mitigation plan   |
| <input type="checkbox"/> Role of all agencies                                    | <input checked="" type="checkbox"/> Preliminary preferred alternative when known          |
| <input checked="" type="checkbox"/> Project alternatives to be evaluated in DEIS |   |

WSDOT Contact Person Susan Powell

### Environmental Summary

Development of a multimodal transportation center in Edmonds which would integrate ferry, rail, transit, bicycle, and pedestrian facilities and services into a single complex.

### Concurrence Request

Having discussed the above concurrence point(s), the agency representative, by his/her signature to this document, signifies one of the following:

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|--|--|
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| <input type="checkbox"/> Nonconcurrence <sup>2</sup>           | <input type="checkbox"/> Waived <sup>4</sup>                               |

Comments/Reasons for  
Nonconcurrence

SEE ATTACHED

Additional Information

WDFW

Agency:

AREA HABITAT  
BIOLOGIST  
Title:

*John Z. Bell*  
Signature: 6/26/97  
Date:

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# Letter Three



STATE OF WASHINGTON  
DEPARTMENT OF FISH AND WILDLIFE

16018 Mill Creek Boulevard • Mill Creek, Washington 98012 • (206) 775-1311 FAX (206) 338-1066

June 27, 1997

Wash St Dept of Transportation  
ATTENTION: Susan Powell  
15700 Dayton Avenue North  
Post Office Box 330310 Seattle, Washington 98133-9710

JUL 07 '97			
DATE RECEIVED			
TO:	DISTRIBUTION	INT.	DATE
	ENV. PROG. MGR.		
	AIR & NOISE		
	HYDRAULICS		
	BIOLOGY		
	DOCUMENTATION		
	<i>DEPT</i>		
	RECYCLE		
	OTHER		
	FILE		

**SUBJECT: WSDOT Letter Responding to WDFW 404 Merger Concurrence Reply dated May 7, 1997 - Edmonds Crossing Ferry Terminal - Point Edwards, Possession Sound, Tributary to Admiralty Inlet.**

Dear Ms Powell:

The Washington Department of Fish and Wildlife (WDFW) has reviewed the above-referenced letter received on May 10, 1997.

WDFW is still concerned about the progress this project is making in light of the mitigation alternatives proposed. The benefits this project provides to the community do not have priority over the potential losses to fish habitat.

- Item 1 Reasonable alternatives should include options that do not require the use of the structure for parking. Providing access to vessels is one thing, however, parking is not a water-dependent use, and should be discouraged, especially since no mitigation proposals have been adequate to compensate for the additional overwater coverage. WDFW would prefer alternatives that achieve the goal of gaining ferry access without additional parking. None of the alternatives can be approved without the necessary ingredients for compensatory mitigation to achieve an acceptable environmental solution. Considering the lack of adequate mitigation, it is important to consider options that will minimize impacts to the environment.
- 3a
- Item 2 From the standpoint of WDFW, there are impacts from both proposals for the ferry structures. At this time, we are not comfortable stating whether one alternative is preferable to the other. In addition, no alternative designs have been proposed to reduce the level of environmental impacts from either structure, nor do we have sufficient knowledge to know what impacts will result from the final project. A multimodal ferry system at this location is going to have massive impacts to marine habitat which will be unavoidable; juvenile fish migration, sediment transport, spawning populations of surf smelt and sandlance, and marine algal communities will be affected by both proposals to different degrees. At this time, WDFW does not have a preferred alternative.
- 3b

- 3c**
- Item 3      No dialogue has been offered regarding the existing ferry terminal structure. Future discussions for this project need to include the removal of existing impacting structures, this structure provides the only valid habitat mitigation for this proposal.
- Item 3&4    The original WDFW Area Habitat Biologist, Randy Carman, is no longer handling this project. I apologize for any inconveniences that my unfamiliarity might be causing, however, Randy Carman is still available for assistance, and I will continue to contact him for help.
- Item 5      I have discussed the subject of the artificial reef with several WDFW personnel, the general consensus is that we may be able to incorporate changes to the reef design depending on the degree of impact.
- Item 6      WDFW would be willing to allow remedial action (withing the guidelines of an HPA) prior to construction (if necessary).
- 3d**
- The question as to impacts to sediment transport has still not been adequately answered. We know that the multimodal system currently in place in the City of Seattle is now one of the largest feature influences to sediment transport within the confines of Elliott Bay. If this is the case in Elliott Bay, what would be the difference at Edmonds? We still feel that a model needs to be designed for both alternatives to determine the impacts to sediment transport, especially when we have to consider the potential impacts to surf smelt and sandlance habitat.

We appreciate your cooperation in our efforts to protect, perpetuate and manage the fish resources of the state of Washington.

If you have any questions regarding the status of your application, please call me at (425) 379-2306.

Sincerely,



John Boettner  
Area Habitat Biologist  
Habitat Program

JB:jb:50:(97-1)

cc: Ted Muller, WDFW  
Sandra Manning, SWDOE  
Jane Banyard, WDFW

# Merger Agreement Concurrence Form

<b>Project Title</b> Edmonds Crossing	<b>SR#</b> 104	<b>Region</b> Northwest	<b>County</b> Snohomish
<b>WRIA</b> 08	<b>Environmental Document Classification</b> Joint NEPA/SEPA EIS		<b>Date Concurrence Due</b> 6/26/97

- |  |   |
|--|---|
| <input type="checkbox"/> Project purpose & need                                  | <input type="checkbox"/> Preferred alternative/Least environmentally damaging alternative |
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| <input type="checkbox"/> Role of all agencies                                    | <input checked="" type="checkbox"/> Preliminary preferred alternative when known          |
| <input checked="" type="checkbox"/> Project alternatives to be evaluated in DEIS |   |
- WSDOT Contact Person Susan Powell

### Environmental Summary

Development of a multimodal transportation center in Edmonds which would integrate ferry, rail, transit, bicycle, and pedestrian facilities and services into a single complex.

### Concurrence Request

Having discussed the above concurrence point(s), the agency representative, by his/her signature to this document, signifies one of the following:

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|---|---|
| <input checked="" type="checkbox"/> Concurrence as presented <sup>1</sup> | <input type="checkbox"/> Concurrence with comments <sup>3</sup> |
| <input type="checkbox"/> Nonconcurrence <sup>2</sup>                      | <input type="checkbox"/> Waived <sup>4</sup>                    |

**Comments/Reasons for Nonconcurrence**

**Additional Information Needed**

*Add suggested paragraph on sediment cleanup. Should add info. on Unocal Cleanup.*

*Ecology*  
Agency:

*DOT Liaison*  
Title:

*Sandra Manning*  
Signature:

*5/31/97*  
Date:

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If you have any questions about this letter, please contact me at (360) 407-6912.

Sincerely,

A handwritten signature in black ink that reads "Sandra L. Manning". The signature is written in a cursive, flowing style.

Sandra L. Manning  
Ecology's Environmental Liaison to DOT

cc: Ecology -- Mike Rundlett, Rick Huey, Barbara Trejo, Mary Kautz, Joan Velikanje, Teresa Michelsen  
WDFW -- John Boettner  
DOT -- Sandy Stephens, Rick Singer  
Corps -- Jack Kennedy  
NMFS -- Dennis Carlson  
USFSW -- Tim Romanski, Nancy Brinnon-Dubbs



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**SEATTLE DISTRICT, CORPS OF ENGINEERS**  
P.O. BOX 3755  
SEATTLE, WASHINGTON 98124-2255

**Regulatory Branch**

Mr. Dale Morimoto  
Northwest Region Environmental Services Engineer  
Washington State Department of Transportation  
Post Office Box 330310  
Seattle, Washington 98133-9710

Reference: Edmonds Crossing

Dear Mr. Morimoto:

The Seattle District, U.S. Army Corps of Engineers, has reviewed your October 20, 1997, letter concerning the Purpose and Need statement to be placed in the Edmonds Crossing Environmental Impact Statement (EIS). The Corps concurs with the Purpose and Need statement as it appears on you letter's enclosure, and we anticipate using a condensed version of it in our own regulatory documents.

We also note your selection of the Point Edwards site as the preferred alternative. While the Corps has no objections to your pursuit of this alternative, our concerns about this particular design -- especially its length, complexity, and remoteness -- remain as described in our letter dated May 23, 1997.

Jack Kennedy remains the Corps staff contact person for this project. If you have any questions on these comments, please contact him at telephone (206) 764-6907.

Sincerely,

*Ann R. Uhrich*  
FOR Ann R. Uhrich  
Chief, Environmental  
and Processing Section

STOPPED



The first and fourth Problem Statements could be combined into a single statement. The second, dealing with ADA requirements, will be resolved shortly. Your agency just received Department of Army permit 96-1-01970 for, among other things, an overhead pedestrian loading ramp at the current Edmonds ferry. The application material for this permit contained the following statement:

". . .The proposed project is an interim fix until the permanent fix is built. The purpose and need is to improve pedestrian safety . . . In addition, the facility will be brought into compliance with ADA standards as required by federal law."

Thus, we would not see a primary purpose for rebuilding and relocating the Edmonds ferry terminal as compliance with ADA requirements. A future ferry terminal with components of rail and bus usage must comply with ADA as a matter of Federal law. We suggest you move ADA compliance out of the "Need" section and put it with the objectives.

If the problem statement in the EIS can be reduced to two components, those two components should provide the starting point for the solution, the EIS's statement on Project Purpose. Listed instead were four Purpose statements:

Contribute to a regional solution for multimodal transportation to provide efficient movement of people and goods;

Meet predicted growth demands for transportation;

Provide relief of disruption for the Edmonds business district and waterfront; and

Encourage use of public transportation, bicycle and foot passage, rather than vehicles.

The first of the statements is too broad to be of any decision-making value for the Edmonds Crossing project, especially the kinds of decisions envisioned with the NEPA-SEPA-404 Merger Agreement. We suggest you include this statement in with the "Project Objectives." The second and third do directly address Need statements. The final Project Purpose, encouraging use of other than private vehicles, should also be made a Project Objective. The Project Purpose statements will eventually become the criteria for selecting Alternatives. If some version of "encouraging people to not take their cars" remains as a project purpose, you will have to evaluate automobile-discouraging alternatives, like a smaller terminal,

less auto capacity, more passenger-only ferries, "demand pricing," any of which would allow you to "encourage use of public transportation, bicycle and foot passage, rather than vehicles" at a much lower environmental and monetary price.

From our discussions with your staff and that of the Washington State Ferries, we would state the need for the project is as follows:

-- Minimize operational and safety conflicts that exist between ferry, rail, automotive, bus, bicycle, and commercial traffic in downtown Edmonds by relocating and enlarging the ferry terminal, and designing the terminal to be of multimodal regional use by bus and imminent commuter rail passengers. Ferry-using cross-sound vehicular traffic would have direct access to existing highway links. The terminal facility must also be able to accommodate future growth in cross-Sound traffic in a manner that does not affect residential or commercial neighborhoods. The current facilities are limited by size, are not easily expandable, and cannot address irreconcilable traffic conflicts between main-line rail service and vehicles loading or unloading at the ferry terminal.

During the development of this project, we have on several occasions recommended that the bus and rail components be designed with no impact on the exit channel of Willow Creek, which drains the Edmonds Marsh. Recommended avoidance would keep the rail and bus facilities out of Corps jurisdiction, and leave the ferry terminal itself as the sole jurisdictional item in this project. While they may remain out of our regulatory jurisdiction, the Corps does note that co-locating rail and bus facilities with a ferry terminal far removed (3/4 mile) from downtown Edmonds diminishes the convenience and utility of the bus and train use for the downtown Edmonds community and residents of Edmonds' northern neighborhoods. The unintended consequence of stressing the multimodality of a distantly relocated ferry terminal could be a diminution of convenient mass transit service to the rest of Edmonds. A result could be an increase in the use of private passenger cars by people less well served by a "multimodal transit center" located somewhat beyond a convenient walking distance from the town's major population center.

6a We would also recommend you give consideration to a shorter version of Alternative 2, even one that involves some dredging.

6c The pier and breakwater may result in conflicts with treaty-guaranteed Indian fishing rights, as have other proposals of similar length. Also, the pier's length is excessive for

6d

pedestrians-- especially the elderly, people with loads, parents with small children, and the disabled-- during the inevitable times the "people mover" would be inoperative.

As a cooperating agency, we are committed to facilitating resolution of the problems attendant to any design. The comments above are offered more as a product of the Corps' regulatory experience than as mandatory statements and considerations. We do recognize that the existing ferry terminal's operational and safety conflicts with rail, vehicular, and pedestrian traffic in downtown Edmonds is a situation that must be remedied.

Jack Kennedy remains the Corps staff contact person for this project. If you have any questions on these comments, please contact him at telephone (206) 764-6907.

Sincerely,



Thomas F. Mueller  
Chief, Regulatory Branch



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

Letter Seven

SEP 25 1997

Reply To  
 Attn Of: ECO-088

Ref: 95-105-FHA

Washington State Department of Transportation  
 Attn: Dale Morimoto, MS-138  
 15700 Dayton Avenue North  
 Seattle, WA 98133

Re: Concurrence Point #2, Edmonds Crossing Pre-Draft Environmental Impact Statement

Mr. Morimoto:

The U.S. Environmental Protection Agency (EPA) appreciates the opportunity to participate in the review of the Edmonds Crossing Pre-Draft Environmental Impact Statement (pre-DEIS) under the NEPA/SEPA/404 merger agreement. The Edmonds Crossing project considers two alternatives which develop multi-modal ferry terminals in Edmonds, Washington, and one no-build alternative.

With this letter, we concur with the inclusion of the project alternatives and preliminary preferred alternative (concurrence point #2) in the draft EIS for the Edmonds Crossing multi-modal ferry terminal. Detailed comments regarding the evaluated alternatives and the preliminary preferred alternative are enclosed. The EPA agrees to the advancement of the project to the next stage of the NEPA/SEPA/404 merger agreement, assuming that our comments will be addressed in the next version of the document.

Thank you again for the opportunity to review the pre-DEIS. If you have any questions regarding our comments, please contact Bill Ryan at (206) 553-8561.

Sincerely,

Richard B. Parkin  
 Geographic Implementation Unit

Enclosure

SEP 29 '97			
DATE RECEIVED			
10	DISTRIBUTION	BY	DATE
	GENERAL MGR		
	ASST. MGR		
	MANAGEMENT		
	PROJECT		
	ADMIN. SERVICES		
	SECRET		
	MAIL ROOM		
	RECORDS		
	TRAINING		
	OTHER		

**EDMONDS CROSSING**  
**Draft Environmental Impact Statement**  
**Detailed Comments accompanying concurrence point #2**

**Existing pier and terminal:**

**7a** The pre-DEIS does not make clear the fate of the existing Edmonds ferry facility were a new terminal to be built. The DEIS should indicate if the pier would be removed or if there would be ongoing uses of the current facility as well as the impacts which would result in either case. This information should be included in the analysis of the action alternatives.

**3-slip ferry pier:**

**7b** Both action alternatives (#s 2 and 3) include construction of a three-slip ferry pier which would provide the opportunity to expand activities to include overnight docking for fueling and maintenance. The pre-DEIS does not analyze the potential for fuel and/or chemical spills (and other waste products) into the water from these activities, nor does it consider potential hazards from stored chemicals/fuel at the facility. The document does not consider whether and to what extent these activities would contribute to noise and air pollution. The DEIS should specifically address the likelihood of fueling and maintenance activities, the level at which these activities would occur, and the potential impacts from these activities.

**Hazardous waste impacts due to construction (Alt's #2 and 3):**

**7c** *Chapter 3 Affected Environment - Hazardous Waste* does a good job of outlining existing hazardous waste threats in the area, but *Chapter 4 Environmental Consequences* does not provide much detail as to how development would proceed on/in/around these potentially dangerous sites. Tables 4-21 and 4-22 have been included in the pre-DEIS in order to summarize the potential construction impacts of the action alternatives. However, due to the general nature of the table categories (for example, "potentially impacted" and "impacted"), the document does not adequately communicate the nature and magnitude of these impacts. Especially in light of the numerous and varied hazards in the analysis area, the DEIS should provide detailed information on the potential hazardous waste impacts.

Examples of the sorts of analyses which should be included in DEIS. The pre-DEIS does not indicate with specificity the potential impacts of removing the existing UNOCAL pier under Alt. #2; the EPA believes that the DEIS should include further discussion of this potential hazard associated with the preferred alternative. Another example is that discussion of Phase I,

**7d** Scenario B of Alt. #2 should include assurances that the pilings for the temporary ramp over the UNOCAL property would not result in a piercing of aquifers which would transmit pollutants into previously uncontaminated groundwater. This analysis should also consider potential water quality impacts stemming from removal of the pilings for the temporary ramp. Similarly, in Alt. #3, assurances should be incorporated into the DEIS that ramp pilings would not pierce previously uncontaminated soils/groundwater thus transmitting pollutants into them.

**Pier length:**

7e The Corps has requested consideration of an alternative including a shorter pier with dredging. We acknowledge the WSDOT's technical memorandum addressing the shorter pier issues; nonetheless, we encourage the WSDOT to include further analysis of the viability of an alternative including a shorter pier. The DEIS should provide a discussion of the impacts of a long pier and the impacts due to dredging/shorter pier which considers pier bulk, increased turbidity due to prop scour, and increased sediment due to increased impervious surface area and more traffic.

Alternatives #2 and 3 have substantial stretches of pier over water. This area is to be used for automobile park-and-wait area. The pre-DEIS does not make clear how the negative impacts and potential hazards of this arrangement compare with the impacts and hazards of creating a more extensive park-and-wait area over land and only using the over-water area for loading and unloading (for instance, how do the impacts from increased paved areas over land compare to a potentially smaller pier, reduced shading and less opportunity for spills from waiting cars into the Sound?).

7f Other impacts associated with a long pier include extensive impacts on marine wildlife (eelgrass, macroalgae) due to shading, impacts to juvenile salmonids which would be forced to swim around the pier. Moreover, a shorter pier with dredging could impact sedimentation and accretion patterns and drain effectiveness in ways different than would a longer (proposed) pier. See *Fish and wildlife concerns*, below.

**People mover:**

7g A feature associated with the long pier of Alt. #2 is the automated people mover. While associated environmental impacts (e.g., noise, energy use) may be minimal, we believe that incorporation of this feature into the design of the facility runs counter to the prevailing philosophy behind the multimodal approach: the transportation of people while minimizing reliance on mechanical means. The length of the pier forces a technological solution of the problem of getting people from the central facility to the ferry loading area. In any event, the EPA would like additional disclosure of the potential impacts (energy use, noise) as well as alternatives to the people mover in the event that it breaks down (we note that the WSDOT indicates that it will maintain a contingency plan; we believe the basic elements of that plan should be included in the document).

7h The EPA also notes that a similar concern can be voiced about the entire Port Edwards facility site; Alt. #2 would be far enough away from downtown Edmonds (over half of a mile to the facility with nearly that again to the end of the pier) to require some technological means (busses, trams, etc.) of getting many foot passengers from the heart of downtown to the multi-modal facility, particularly in periods of inclement weather. We believe the DEIS should specifically address how the preferred alternative would serve Edmonds from this distance. This analysis might benefit from further discussion of how the facility will serve the local community, the region, and the state as a whole.

**Parking areas:**

7i The proposed parking lots (associated with Alt's #2 and 3) are said to create less pollutants in the

form of runoff because the runoff from the roof is cleaner than that from an uncovered parking lot. The DEIS should explain if the covered parking lots will get hosed out or swept out, and if sediment and other pollutants will be deposited into drains that run into storm sewers or city water drains.

If the parking facility is designed to serve people who commute from Kingston to work in Edmonds (that is, they drive onto the ferry and park their cars in Edmonds to walk to work), then the DEIS should disclose this. If this is the case, then some discussion should be made of options which promote parking prior to riding the ferry and which encourage walk-on ridership.

7j

In general, the inclusion of extensive parking areas seems to encourage automobile use, which appears to contradict the philosophy behind a centralized, multimodal, mass-transportation facility.

**Groundwater drawdown:**

The DEIS should explain the effects of groundwater drawdown (dewatering) associated with Alt. #3 on groundwater quality (e.g., Pre-DEIS p. 4-160). Is saltwater intrusion possible due to the proximity of Puget Sound? How will groundwater flow be affected; will contaminated groundwater from the UNOCAL site or from USTs be drawn into uncontaminated groundwater?

7k

The DEIS should address the potential impacts on groundwater resources, such as the water supply well used by the Deer Creek Fish Hatchery. Where surface water levels in the marsh are linked to shallow groundwater, the DEIS should discuss the potential impacts on the marsh due to saltwater or contaminated water intrusion into the area groundwater; if contaminated groundwater is discharged onto the surface from aquifers, what potential mitigating measures have been contemplated?

**Fish and wildlife concerns:**

The EPA would like to echo the concerns voiced by the U.S. Fish and Wildlife Service (FWS) in the comments accompanying their concurrence point #2. Aspects which FWS identified as needing additional evaluation and/or consideration include: a description of the degree of contamination of off-shore sediments and the UNOCAL site which includes potential fish and wildlife impacts; further analysis of the effects of shading on floral and faunal communities; discussion of mitigation of shading impacts; an estimation of long-term impacts of development on shoreline, upland habitats and wetland resources; discussion of potential mitigation/restoration initiatives in the Edmonds Marsh and Willow Creek area; a detailed evaluation of off-shore impacts of the Mid-Waterfront site; storm water management plans; and monitoring of effects of the developments on fish and wildlife resources. We encourage the DOT, the City of Edmonds, and the FHWA to address these issues in the draft EIS.

7l

**Tribal concerns:**

Federal agencies must protect tribal interests, including those associated with tribal cultural and religious values, under tribal trust obligations. On April 29, 1994, President Clinton issued a memorandum which states that "the Federal government operates within a government-to-government relationship with federally recognized Native American tribes." This includes the mandate that executive departments and agencies shall consult with tribal governments prior to

7m

taking actions that affect federally recognized tribal governments, shall assess the impacts of federal government plans and actions on tribal trust resources, and shall remove procedural elements which impede working directly with the tribal governments. We encourage the FHWA to continue to try to accommodate affected Tribes by pursuing government-to-government consultation with them. It is our position that the product of this government-to-government consultation should be incorporated into all NEPA documents for agency actions that affect tribal resources.

All NEPA documents should include detailed information disclosing the lead agency's tribal trust responsibilities to the affected Tribes and the impacts from the proposed project on tribal trust resources. Additionally, the EPA notes that development of the Point Edwards site could result in conflicts with area Tribes' treaty-guaranteed Indian fishing rights. We believe that the FHWA should address the affected tribes directly regarding fisheries issues; the DEIS should reflect these discussions.

#### **Ferry Capacity**

We believe that the DEIS would benefit from some discussion of the capacity of the Kingston ferry terminal. The pre-DEIS indicates that the Edmonds-Kingston ferry run will not be able to meet anticipated increased ridership because of the limitations of the Edmonds ferry terminal. The document does not make clear, however, if the increased ferry runs (which seem to be driving the need for the new ferry terminal) are contingent not only on development of a new Edmonds ferry terminal but also one Kingston. If the projected growth of the ferry run is linked not just to the Edmonds facility development but also the anticipated development of the Kingston terminal, then this should be disclosed in the DEIS. This should be reflected in the document's discussion of cumulative impacts.

**Responses to Agency Comments  
on Concurrence Points #1 and #2**

## Merger Project Report

### ***SR 104, Edmonds Crossing***

Type of Environmental Document: Project-Specific EIS

Target Date for Construction: Phase 1 complete 2005, full buildout complete 2015

Project Status: Received Corps concurrence with comments on points 1 and 2

Concurrence Point: 1 and 2

Concurrence Point Due Date: (1) 5/5/97 and (2) 6/25/97

Agency	Letter or Concurrence Point	Responses to Comments
NMFS	Pt. 1-W 03/26/97	
NMFS	Pt.2-W 07/01/97	
USFWS	Pt. 1-C 05/12/97	
USFWS	Pt. 2-C/C 06/20/97  Comments in 10/03/96 letter	<p>1a: Marine sediments in the vicinity of the UNOCAL pier are discussed in Section 3, "Hazardous Waste," of the EIS (page 3-109). The chemical analytical results of a sediment investigation showed compliance with the Washington State Sediment Quality Standards (SQS) [WAC 173-204-320]; the marine sediments were therefore found to be uncontaminated.</p> <p>1b: The EIS addresses potential pier/shading impacts of the Modified Alternative 2 on pages 4-52 through 4-59 and of Alternative 3 on page 4-62. Table 4-7 provides a quantification of the impacts.</p> <p>1c: See response to comment 1b. In addition, mitigation for shading is presented on page 4-64.</p> <p>1d: The "Water Quality" discussion under "Secondary and Cumulative Impacts" in Section 4 of the EIS (pages 4-199 to 4-202) discusses cumulative impacts.</p> <p>1e: In response to comments received on the Draft EIS regarding Alternative 2, the design of Willow Creek through the multimodal center has been modified. In Modified Alternative 2, Willow Creek would flow through 280 feet of enclosed culvert as opposed to 400 feet in the Draft EIS design. The alignment and design of Willow Creek are discussed on pages S-16, 2-12, and 4-58 through 4-60 of the EIS.</p> <p>1f: Table 4-7 provides a detailed quantification of impacts to eelgrass and macroalgae beds. Long-term impacts from Alternative 3 on fisheries resources are described on pages 4-61 through 4-63. Mitigation measures are presented on pages 4-65 and 4-67.</p> <p>1g: This design element, a stormwater management plan, will be developed for the preferred alternative during subsequent detailed design phases.</p> <p>1h: Developing and implementing a long-term monitoring plan has been included as one of the mitigation measures for Modified Alternative 2 and Alternative 3 (pages 4-65 and 4-66 of the EIS, respectively).</p>

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## Merger Project Report

### *SR 104, Edmonds Crossing*

Type of Environmental Document: Project-Specific EIS  
 Target Date for Construction: Phase 1 complete 2005, full buildout complete 2015  
 Project Status: Received Corps concurrence with comments on points 1 and 2  
 Concurrence Point: 1 and 2  
 Concurrence Point Due Date: (1) 5/5/97 and (2) 6/25/97

Agency	Letter or Concurrence Point	Responses to Comments
WDFW	Pt. 1–C/C 05/06/97	<p>2a: The EIS addresses potential pier/shading impacts of the modified Point Edwards alternative on pages 4-52 through 4-59. Removal of the wooden portion of the existing ferry terminal pier is presented as a mitigation measure on page 4-64.</p> <p>2b: New text has been added to the "Vegetation, Fish, and Wildlife" section of Chapter 4 in the EIS (pages 4-61, 4-62, and 4-65) regarding the relocation of the artificial reef and its effects.</p> <p>2c: The issues of sediment scour and transport are addressed in the "Waterways and Hydrological Systems" section of the EIS (pages 4-23 through 4-27 and pages 4-31 through 4-35) and in the "Geology and Soils" section (page 4-17). An analysis of the potential for scouring was completed based on a computer model for the Jumbo Mark II (JM2) class ferry that will be operating on the Edmonds-Kingston run. During the design phase, more detailed estimates of scour and transport will be made.</p> <p>At Point Edwards, the existing pile-supported UNOCAL wharf and approach pier has had little, if any, discernible effect on the littoral transport of sediment. An extensive buildup of sand has accumulated from the south breakwater of Edmonds Marina to Point Edwards. This accumulation is a result of the marina breakwater intercepting a portion of the littoral drift. Since the proposed facility would have similar pile supports, there should be little impact compared to the existing situation.</p> <p>The natural seabed slope of approximately 1V:2H is close to the natural angle of repose of unconsolidated sand grains. Any material suspended by the propeller wash over this slope would accumulate at depth offshore from the ferry slips. Resuspended sand grains inshore of the ferry slips would be redistributed by natural currents in the area south of the south breakwater.</p> <p>The Mid-Waterfront site would be subject to more scour than the Point Edwards location. The transport and deposition of the resuspended sediments in this area would require additional field study and analysis for computing meaningful results.</p>
WDFW	Pt. 2–C/C 06/26/97 and 06/27/97	<p>3a: During preliminary design, various alternative layouts were explored with WSF. WSF would prefer a facility that arranges waiting vehicles into as many parallel lanes as possible. This flexibility would be best for dealing with vessel-loading problems. Multiple parallel lanes would minimize disruption caused by vehicle breakdowns or absent drivers, enable WSF to take vehicles out of order, and maximize the number of vehicles on each ferry by managing loading order or responding to changes in the size of vessels (large or small) arriving at the terminal.</p> <p>The preliminary design evaluated with the EIS optimizes WSF's demands for as many parallel lanes as possible, given construction cost and site constraints. The Point Edwards site would require a costly structure leading to the ferry.</p>

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## Merger Project Report

### *SR 104, Edmonds Crossing*

Type of Environmental Document: Project-Specific EIS

Target Date for Construction: Phase 1 complete 2005, full buildout complete 2015

Project Status: Received Corps concurrence with comments on points 1 and 2

Concurrence Point: 1 and 2

Concurrence Point Due Date: (1) 5/5/97 and (2) 6/25/97

Agency	Letter or Concurrence Point	Responses to Comments
WDFW	Pt. 2-C/C 06/26/97 and 06/27/97  (cont'd.)	<p>Structure width has been held to the minimum acceptable for operating needs, minimizing both environmental impacts and construction cost. Further narrowing of the structure would dramatically impact ferry loading efficiency. Furthermore, the Point Edwards pier structure has been modified so that it is no longer one continuous width but is instead three piers. With three piers, daylight can penetrate below the pier structure, thus minimizing shading impacts. This new pier design is discussed in the Summary (page S-15) and Chapter 2, "Alternatives," (page 2-11) of the EIS.</p> <p>Vehicles would only park on the overwater portion of the Point Edwards pier during peak periods. At these times, only 100 vehicles would be able to wait overwater—a significant reduction from the design in the Draft EIS, which would have accommodated 210 waiting vehicles.</p> <p>3b: Comment acknowledged; no response is considered necessary.</p> <p>3c: See the response to comment 2a.</p> <p>3d: See the response to comment 2c.</p>
Department of Ecology	Pt. 1-C/C 05/06/97	<p>4a: As indicated on page 2-3 of the EIS, a full discussion of the scoring and ranking process of the alternatives is provided in the Phase 1 Report (October 1994). The report is available at WSDOT, FHWA, and the City of Edmonds Community Services Department. "Minimizing environmental impacts" and "maximizing community benefits" were two of the five criteria used to screen the alternatives. Within both the environmental impacts and community benefits categories, numerical scores for each evaluation factor (i.e., residential impacts, cultural resources) were assigned points on a scale of 1 to 5, totaled, and averaged. Scores for environmental impacts were based on impacts after mitigation. In the resulting comparison of alternatives, the Point Edwards site scored best in those two categories and ranked best overall. The Mid-Waterfront alternative ranked second, and the No Action alternative scored the worst of the four alternatives evaluated.</p> <p>The extent of environmental impacts and community benefits is described in detail throughout Chapter 4, "Environmental Consequences," of the EIS.</p> <p>4b: Rail service is discussed in the "Transportation Demand" section of Chapter 1, "Purpose of and Need for the Action," specifically page 1-6 of the EIS.</p> <p>4c: This is no longer an issue because overnight maintenance has been dropped as part of the project.</p>

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## Merger Project Report

### *SR 104, Edmonds Crossing*

Type of Environmental Document: Project-Specific EIS  
 Target Date for Construction: Phase 1 complete 2005, full buildout complete 2015  
 Project Status: Received Corps concurrence with comments on points 1 and 2  
 Concurrence Point: 1 and 2  
 Concurrence Point Due Date: (1) 5/5/97 and (2) 6/25/97

Agency	Letter or Concurrence Point	Responses to Comments
Department of Ecology	Pt. 2-C/C 05/06/97	5a: Since preparation of the Draft EIS, CH2M HILL has performed a sediment investigation at the UNOCAL pier. The chemical analytical results of that investigation showed compliance with the Washington State Sediment Quality Standards (SQS) [WAC 173-204-320]; the marine sediments were therefore found to be uncontaminated. The Department of Ecology has agreed that the sediments are not contaminated (letter from Martha Turvey dated December 29, 2000). This information is presented in the "Hazardous Waste" section of Chapter 3 of the EIS (page 3-109).
US Army Corps of Engineers	Pt. 1-C 12/05/97	
US Army Corps of Engineers	Pt. 2-C/C 12/05/97  Comments in 05/23/97 letter	<p>6a: As noted in the WSDOT response letter to the Corps, dated August 14, 1997:</p> <p>Willow Creek flows parallel and close to the railroad tracks through the project area. The possibility of relocating the creek or the tracks was analyzed during the early stages of the project. Relocating the creek to the base of the hillside south of the multimodal center would be costly, difficult, and could result in undesirable impacts to Edmonds Marsh (assuming that a relocated creek would drain from the marsh along its southern edge, it could adversely affect the hydraulics of the marsh and thus exclude salt water from reaching most of the western portion of the marsh). Changing the alignment of the railroad would be equally difficult and costly. The rail alignment is controlled by the maximum curvature and minimum spacing requirements necessary for train operations.</p> <p>The next to the last paragraph on page 2-11 in Chapter 2 of the EIS includes a discussion of moving people from downtown to the ferry terminal and vice versa. The intent is that Community Transit or a special shuttle service would operate regular routes between the terminal and downtown, along Admiral Way.</p> <p>6b: The reasons for rejecting a short pier alternative at the Point Edwards site is provided on page 2-16 in Chapter 2 of the EIS.</p> <p>6c: As mentioned in Appendix A (Tribal Consultations), the project proponent will continue to work with, and solicit input from, the tribes throughout the duration of the project. Furthermore, in accordance with new requirements of Section 106 of the National Historic Preservation Act associated with consultation with affected tribes, FHWA has recently made a formal request that the tribes provide appropriate input on the project.</p>

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## Merger Project Report

### ***SR 104, Edmonds Crossing***

Type of Environmental Document: Project-Specific EIS

Target Date for Construction: Phase 1 complete 2005, full buildout complete 2015

Project Status: Received Corps concurrence with comments on points 1 and 2

Concurrence Point: 1 and 2

Concurrence Point Due Date: (1) 5/5/97 and (2) 6/25/97

Agency	Letter or Concurrence Point	Responses to Comments
US Army Corps of Engineers	Pt. 2-C/C 12/05/97  Comments in 05/23/97 letter cont'd.	6d: The following language regarding a contingency plan has been added on page 2-12 of the EIS:  If the people mover were to become inoperative, a two-way shuttle van or bus (used during Phase 1) would be provided by ferry operations personnel to assist walk-on passengers that need help to travel between the terminal and the ferry. The shuttle bus would be equipped to serve handicapped, elderly, or other people with mobility difficulties. In addition, passengers could elect to walk along the pier walkway. This plan would be in place before operation of the multimodal people mover started.
US EPA	Pt. 1-C 05/07/97	
US EPA	Pt. 2-C/C 09/25/97	7a: As mitigation for shading impacts, the wooden portion of the existing ferry terminal pier would be removed. The concrete abutment would be used in conjunction with the adjacent Brackett's Landing facilities (see page 4-64 of "Vegetation, Fish, and Wildlife" section in Chapter 4 of the EIS).  7b: Overnight docking for fueling and maintenance purposes is no longer being considered. All references to those activities have been eliminated from the EIS.  7c: Tables 4-21 and 4-22 of the EIS have been revised to clarify the impacts. Additional detail on impacts and potential impacts is provided in the text of the "Hazardous Waste" sections of the EIS (pages 4-119 to 4-123, 4-185 to 4-194, and 4-207 to 4-208) and in the <i>Hazardous Waste Discipline Report</i> (available from WSDOT).  7d: The EIS discusses potential water quality impacts of removing the existing UNOCAL pier in Chapter 4 of the EIS, under "Water Quality," specifically page 4-154, and identifies mitigation measures on page 4-158. The impacts and mitigation are primarily related to the removal of the creosote-treated pilings.  Prior to publication of the Final EIS, CH2M HILL performed a sediment investigation at the UNOCAL pier. The chemical analytical results of that investigation showed compliance with the Washington State Sediment Quality Standards (SQS) [WAC 173-204-320]; the marine sediments were therefore found to be uncontaminated. The Department of Ecology has agreed that the sediments are not contaminated (Letter from Martha Turvey dated December 29, 2000). This information is presented in the "Hazardous Waste" section of Chapter 3 of the EIS (page 3-109).  A discussion of potential impacts of construction on the UNOCAL site on subsurface contaminant migration, including impacts that could occur in relation to temporary pilings, is presented on pages 4-188 and 4-189 of the EIS. Details on mitigation measures to prevent the spread of existing soil and groundwater contamination are presented on pages 4-193 and 4-194 of the EIS.

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## Merger Project Report

### *SR 104, Edmonds Crossing*

Type of Environmental Document: Project-Specific EIS

Target Date for Construction: Phase 1 complete 2005, full buildout complete 2015

Project Status: Received Corps concurrence with comments on points 1 and 2

Concurrence Point: 1 and 2

Concurrence Point Due Date: (1) 5/5/97 and (2) 6/25/97

Agency	Letter or Concurrence Point	Responses to Comments
US EPA	Pt. 2-C/C 09/25/97 cont'd	<p>7e: The concept of a short pier is discussed in the "Alternative Design Concepts Rejected" section presented in Chapter 2 of the EIS (page 2-16). Because the shorter pier concept was rejected, it would be inappropriate to perform further analysis (comparison of the impacts of a short versus a long pier) in the EIS.</p> <p>7f: See the response to comment 3a from the Washington State Department of Fish and Wildlife.</p> <p>7g: See the response to comment 6d from the U.S. Army Corps of Engineers. In addition, to clarify, the term "intermodal" implies a link between modes; it does not imply minimizing reliance on mechanical means. The people mover would be powered by electricity and run on rubber tires. Noise impacts are expected to be negligible and unmeasurable.</p> <p>If the people mover were to become inoperative, a two-way shuttle van or bus (used during Phase 1) would be provided by ferry operations personnel to assist walk-on passengers that need help to travel between the terminal and the ferry. The shuttle bus would be equipped to serve handicapped, elderly, or other people with mobility difficulties. In addition, passengers could elect to walk along the pier walkway. This plan would be in place before operation of the multimodal people mover started.</p> <p>7h: The next to the last paragraph on page 2-11 in Chapter 2 of the EIS includes a discussion of moving people from downtown to the ferry terminal and vice versa. The intent is that Community Transit or a special shuttle service would operate regular routes between the terminal and downtown, along Admiral Way.</p> <p>7i: The following statement has been added to page 4-38 to address this issue:</p> <p style="padding-left: 20px;">Periodic facility maintenance would require some cleaning. This would be accomplished with the use of a street sweeper and regular maintenance of catch basins; materials collected would be disposed of in a safe, permitted facility.</p> <p>7j: Parking would be provided to give users an opportunity to park vehicles safely and conveniently, then travel via ferry, bus, train, carpool, and vanpool. This would reduce the number of single-occupant vehicle trips.</p> <p>Parking is the key to making this facility an efficient intermodal terminal. The number of planned parking spaces is projected to meet the demand, based on multiple use of the same spaces. The design assumes that ferry commuters who cannot use buses or trains to get to their destination would park overnight in the same spaces where individuals who use mass transit for their trips park during the day.</p>

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## Merger Project Report

### *SR 104, Edmonds Crossing*

Type of Environmental Document: Project-Specific EIS

Target Date for Construction: Phase 1 complete 2005, full buildout complete 2015

Project Status: Received Corps concurrence with comments on points 1 and 2

Concurrence Point: 1 and 2

Concurrence Point Due Date: (1) 5/5/97 and (2) 6/25/97

Agency	Letter or Concurrence Point	Responses to Comments
US EPA	Pt. 2-C/C 09/25/97  cont'd	<p>7k: The EIS discusses groundwater quality concerns related to dewatering activities under Alternative 3 on page 4-156. The greatest concern is the potential for drawing contamination present beneath the Harbor Square development into the Dayton Street underpass construction area. Several options for engineering controls to prevent contaminated groundwater migration during dewatering are discussed on page 4-158 of the EIS. With these types of engineering controls in place, contamination from farther away on the UNOCAL site would not be drawn towards Dayton Street.</p> <p>Monitoring of dewatering discharges is discussed as a mitigation measure on page 4-158 to assure that contaminated groundwater discharges to surface water do not occur. Water quality at the Deer Creek Hatchery would not be jeopardized in any way due to the underpass dewatering operations.</p> <p>Saltwater intrusion associated with Alternative 3 dewatering operations is discussed on page 4-156 of the EIS.</p> <p>7l: Marine sediments are discussed in the "Hazardous Waste" section in Chapter 3 of the EIS, specifically page 3-109. See also the response to comment 7d.</p> <p>The EIS addresses potential pier/shading impacts of the modified Point Edwards alternative on pages 4-52 through 4-59. Table 4-7 demonstrates that there would be a net increase in habitat with implementation of the preferred alternative.</p> <p>In response to comments received on the Draft EIS regarding Alternative 2, the design of Willow Creek through the multimodal center has been modified. In Modified Alternative 2, Willow Creek would flow through 280 feet of enclosed culvert as opposed to 400 feet in the Draft EIS design. The alignment and design of Willow Creek are discussed on pages S-16, 2-12, and 4-58 through 4-60 of the EIS.</p> <p>Additional language on monitoring has been included on pages 4-65 and 4-67 of the EIS.</p> <p>7m: As mentioned in Appendix A (Tribal Consultations), the project proponent will continue to work with and solicit input from the tribes throughout the duration of the project. Furthermore, in accordance with new requirements of Section 106 of the National Historic Preservation Act associated with consultation with affected tribes, FHWA has recently made a formal request that the tribes provide appropriate input on the project.</p> <p>7n: Kingston is not considered in the Draft EIS because it is already developed with sufficient capacity to handle the increasing load of travel demand from this ferry route. Kingston already has two operating ferry slips, plus an overnight tie-up slip and has overhead passenger loading facilities. The improvements at Edmonds, as proposed in the EIS, will not cause problems at Kingston.</p>

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**Concurrence Point #3**



**Washington State**  
**Department of Transportation**  
**Douglas B. MacDonald**  
Secretary of Transportation

**Northwest Region**  
15700 Dayton Avenue North  
P.O. Box 330310  
Seattle, WA 98133-9710

206-440-4000  
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April 9, 2004

Mike Grady  
National Marine Fisheries Service  
7600 Sand Point Way  
Seattle, WA 98115-0070

**RE: SR 104, Edmonds Crossing 404 Merger Concurrence Point #3**  
**(Preferred Alternative/LEDPA) and Conceptual Mitigation Plan**

Dear Mr. Grady:

The Federal Highway Administration (FHWA) in cooperation with the Washington State Department of Transportation (WSDOT), and the city of Edmonds, are requesting your written concurrence, within 45 days of this letter, on the following:

- **Concurrence of the “Modified Point Edwards” as the “Preferred Alternative/LEDPA” and the Conceptual Mitigation Plan** for the SR 104, Edmonds Crossing project; and
- **Your consent to proceed with the Final Impact Statement** presenting the “Modified Point Edwards” alternative as the preferred selection according to the NEPA/SEPA/Section 404 Merger Agreement.

Enclosed for review are:

1. LEDPA and the Conceptual Mitigation Plan
2. NEPA 404 Merger Concurrence Point form for your signature
3. FHWA letter to the SAC Members, April 1, 2004
4. Text of the unsigned Tribal Cooperating Agency Memorandum of Agreement

Please send your responses by May 26, 2004 to: Marsha Tolon, EIS Coordinator NW Region WSDOT, MS 138, P.O. Box 330310, Seattle, Washington 98133-9710. If you cannot provide concurrence at this time, please provide a written explanation within the 45-day time limit described in the 2002 Merger Agreement.

For project information call Marsha Tolon at (206) 440-4522, or Stephen Clifton, Community Services Director for the City of Edmonds, at (425) 771-0521.



**Washington State  
Department of Transportation**  
**Douglas B. MacDonald**  
Secretary of Transportation

**Northwest Region**  
15700 Dayton Avenue North  
P.O. Box 330310  
Seattle, WA 98133-9710

206-440-4000  
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April 9, 2004

Barb Wood  
National Marine Fisheries Service  
510 Desmond Drive. SE, Suite 103  
Lacey, WA 98503

RE: **SR 104, Edmonds Crossing 404 Merger Concurrence Point #3**  
**(Preferred Alternative/LEDPA) and Conceptual Mitigation Plan**

Dear Ms. Wood:

The Federal Highway Administration (FHWA) in cooperation with the Washington State Department of Transportation (WSDOT), and the city of Edmonds, are requesting your written concurrence, within 45 days of this letter, on the following:

- **Concurrence of the “Modified Point Edwards” as the “Preferred Alternative/LEDPA” and the Conceptual Mitigation Plan** for the SR 104, Edmonds Crossing project; and
- **Your consent to proceed with the Final Impact Statement** presenting the “Modified Point Edwards” alternative as the preferred selection according to the NEPA/SEPA/Section 404 Merger Agreement.

Enclosed for review are:

1. LEDPA and the Conceptual Mitigation Plan
2. NEPA 404 Merger Concurrence Point form for your signature
3. FHWA letter to the SAC Members, April 1, 2004
4. Text of the unsigned Tribal Cooperating Agency Memorandum of Agreement

Please send your responses by May 26, 2004 to: Marsha Tolon, EIS Coordinator NW Region WSDOT, MS 138, P.O. Box 330310, Seattle, Washington 98133-9710. If you cannot provide concurrence at this time, please provide a written explanation within the 45-day time limit described in the 2002 Merger Agreement.

For project information call Marsha Tolon at (206) 440-4522, or Stephen Clifton, Community Services Director for the City of Edmonds, at (425) 771-0521.

Wood  
9 April 2004  
Page 2

Sincerely,



Ben Brown  
Documentation Program Manager

BB:mt  
Enclosures

Cc. Peter Eun, FHWA, MS 40943  
Russ East, WSF WSDOT, MS TB-83  
Rick Mitchell/Derek Case, WSDOT, MS 144  
Stephen Clifton, City of Edmonds  
Tom Ostrom, Suquamish Tribe  
Daryl Williams, Tulalip Tribe  
Bob Swope, CH2M Hill  
Project files

# SAC Agreement Concurrence Form

Edmonds Crossing MULTIMODAL

**Project  
Title:**

Edmonds Crossing Multimodal Center

**State Route  
#:**

SR 104

**County:**

Snohomish

**Date Due:**

May 26, 2004

## Concurrence Point # and Description

#1a Project Purpose and Need  
(non-concurrence limited to  
transportation issues)

#3a Conceptual Mitigation Plan

#1b Screening Criteria for  
Selection of Alternatives

#3b1 For COE, USFWS, EPA, and  
NMFS: NEPA/SEPA Preferred  
Alternative/Apparent Section 404 LEDPA

#2 Project Alternatives to be  
evaluated in the DEIS

#3b2 For Ecology and WDFW:  
NEPA/SEPA Preferred Alternative

**WSDOT Project Contact Person:**

Marsha Tolon

**Phone:**

206.440.4522

**Fax:**

206.440.4805

**E-mail:**

tolonm@wsdot.wa.gov

**Address:**

15700 Dayton Avenue N., PO Box 33130, Seattle, WA 98133-9710

**Brief Description of Project Status and Issues Relevant to Concurrence Points Checked  
Above:**

Following concurrence Point 1 and 2 completions in December 1997, the Draft EIS was issued in February 1998. Subsequent and extensive tribal consultation resulted in modifications to the Point Edwards Alternative (the preferred alternative) by realigning the ferry pier to the boundary between Marina Beach Park and the Port of Edmonds Marina. The Modified Point Edwards Alternative not only reduces treaty-fishing rights affected as a result of the project, environmental impacts overall are substantially reduced from the Point Edwards Alternative identified in the Draft EIS.

The multimodal center project itself remains the central mitigation measure to reduce SOV travel and promote transportation convenience to commuters. NEPA Class I design development completes with identification primary geometric features in order to begin detail design for construction contract preparation. Therefore the mitigation plan conceptually defines:

1. A larger, contiguous park spaced by the pier realignment with permanent public access;
2. Enhanced visual quality of the pier structure and access to views; reduced shading impacts by the shortened, parallel pier; reduced over water vehicle storage; long-term improvement of salmonid habitat conditions;

- 3. No impact to eelgrass and less impact macroalgae habitat; no residential and business displacements;
- 4. Less impact to wetlands, wetland areas, shoreline parks and; upland forest habitat;
- 5. Less pollutant loadings; and
- 6. Less new impervious surface area.

**Agency Decision:**

*(see end of form for definitions)*

Concurrence

Non-concurrence (provide reasons on next page)

Waived

**Summary of Reasons for Non-concurrence**

*Please include a detailed explanation of the reasons for non-concurrence. Also please identify the statutory or regulatory authority upon which this non-concurrence is based. (Attach detailed comments if needed)*

**Advisory Comments**

*Comments are advisory only, and will not trigger the issue resolution process. The project proponent will have 45 calendar days to respond to resource agency comments.*

Agency: NOAA Fisheries

Signer's Name: Stephen W. Landino

Signature: 

Title: State Director For Habitat Conservation

Date: 5.23.04

Technical Point of Contact: Barb Wood

**Each agency submitting a concurrence response is also responsible for mailing a final signed hard copy of the form to all SAC agency members (Corps, Ecology, EPA, FHWA, NMFS, USFWS, WDFW, WSDOT).**

**Concurrence** is a written determination that

1. The information is adequate for this stage, and
2. The project may proceed to the next stage without modification, and
3. The agency's concurrence is consistent with its statutes and regulations (given available information).
4. And, if applicable, concerns were adequately addressed by the project proponent following a non-concurrence.

**Non-concurrence** is written determination that

1. The information is inadequate for this stage, or
2. The concurrence submittal is inconsistent with the agency's statutory or regulatory authority (cite regulation or statute).
3. The issue resolution process will commence and the project will not proceed to the next concurrence point until each issue is resolved.

**Waiver**

A waiver is written determination by an agency that it voluntarily gives up its opportunity to provide concurrence or non-concurrence. Agencies that decide to waive agree not to revisit that concurrence point. An agency may elect to waive its concurrence opportunity at the beginning of the SAC process for a project or at a specific concurrence point.

At a

concurrence point, an agency may waive the opportunity to concur or non-concur on the entire concurrence point or an individual element of that point (for instance **1a** or **1b**).

**Advisory Comments**

Advisory comments provided in addition to the agency's concurrence or non-concurrence are informational only. Concurrence with conditional comments is not permitted. Advisory comments provided with a concurrence will not trigger the issue resolution process, but the project proponent must respond to these comments in writing within 45 calendar days. Or identify when the response to comments will be provided if it is not possible to respond within 45 days.

Revised September 12, 2002



**Washington State  
Department of Transportation**  
**Douglas B. MacDonald**  
Secretary of Transportation

**Northwest Region**  
15700 Dayton Avenue North  
P.O. Box 330310  
Seattle, WA 98133-9710

206-440-4000  
TTY: 1-800-833-6388  
[www.wsdot.wa.gov](http://www.wsdot.wa.gov)

April 9, 2004

Dick Clark  
Region 10  
U.S. Environmental Protection Agency  
1200 6th Avenue, MS ECO-088  
Seattle, WA 98101

**RE: SR 104, Edmonds Crossing 404 Merger Concurrence Point #3  
(Preferred Alternative/LEDPA) and Conceptual Mitigation Plan**

Dear Mr. Clark:

The Federal Highway Administration (FHWA) in cooperation with the Washington State Department of Transportation (WSDOT), and the city of Edmonds, are requesting your written concurrence, within 45 days of this letter, on the following:

- **Concurrence of the “Modified Point Edwards” as the “Preferred Alternative/LEDPA” and the Conceptual Mitigation Plan** for the SR 104, Edmonds Crossing project; and
- **Your consent to proceed with the Final Impact Statement** presenting the “Modified Point Edwards” alternative as the preferred selection according to the NEPA/SEPA/Section 404 Merger Agreement.

Enclosed for review are:

1. LEDPA and the Conceptual Mitigation Plan
2. NEPA 404 Merger Concurrence Point form for your signature
3. FHWA letter to the SAC Members, April 1, 2004
4. Text of the unsigned Tribal Cooperating Agency Memorandum of Agreement

Please send your responses by May 26, 2004 to: Marsha Tolon, EIS Coordinator NW Region WSDOT, MS 138, P.O. Box 330310, Seattle, Washington 98133-9710. If you cannot provide concurrence at this time, please provide a written explanation within the 45-day time limit described in the 2002 Merger Agreement.

For project information call Marsha Tolon at (206) 440-4522, or Stephen Clifton, Community Services Director for the City of Edmonds, at (425) 771-0521.



**Washington State**  
**Department of Transportation**  
**Douglas B. MacDonald**  
Secretary of Transportation

**Northwest Region**  
15700 Dayton Avenue North  
P.O. Box 330310  
Seattle, WA 98133-9710

206-440-4000  
TTY: 1-800-833-6388  
[www.wsdot.wa.gov](http://www.wsdot.wa.gov)

April 9, 2004

Elaine Somers  
Region 10  
U.S. Environmental Protection Agency  
1200 6th Avenue, MS ECO-088  
Seattle, WA 98101

**RE: SR 104, Edmonds Crossing 404 Merger Concurrence Point #3**  
**(Preferred Alternative/LEDPA) and Conceptual Mitigation Plan**

Dear Ms. Somers:

The Federal Highway Administration (FHWA) in cooperation with the Washington State Department of Transportation (WSDOT), and the city of Edmonds, are requesting your written concurrence, within 45 days of this letter, on the following:

- **Concurrence of the “Modified Point Edwards” as the “Preferred Alternative/LEDPA” and the Conceptual Mitigation Plan** for the SR 104, Edmonds Crossing project; and
- **Your consent to proceed with the Final Impact Statement** presenting the “Modified Point Edwards” alternative as the preferred selection according to the NEPA/SEPA/Section 404 Merger Agreement.

Enclosed for review are:

1. LEDPA and the Conceptual Mitigation Plan
2. NEPA 404 Merger Concurrence Point form for your signature
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Please send your responses by May 26, 2004 to: Marsha Tolon, EIS Coordinator NW Region WSDOT, MS 138, P.O. Box 330310, Seattle, Washington 98133-9710. If you cannot provide concurrence at this time, please provide a written explanation within the 45-day time limit described in the 2002 Merger Agreement.

For project information call Marsha Tolon at (206) 440-4522, or Stephen Clifton, Community Services Director for the City of Edmonds, at (425) 771-0521.

# SAC Agreement Concurrence Form

**Project Title:** Edmonds Crossing Multimodal Center

**State Route #:** SR 104      **County:** Snohomish      **Date Due:** May 26, 2004

### Concurrence Point # and Description

- |  |  |
|--|--|
| <input type="checkbox"/> #1a Project Purpose and Need (non-concurrence limited to transportation issues) | <input checked="" type="checkbox"/> #3a Conceptual Mitigation Plan   |
| <input type="checkbox"/> #1b Screening Criteria for Selection of Alternatives                            | <input checked="" type="checkbox"/> #3b1 For COE, USFWS, EPA, and NMFS: NEPA/SEPA Preferred Alternative/Apparent Section 404 LEDPA |
| <input type="checkbox"/> #2 Project Alternatives to be evaluated in the DEIS                             | <input checked="" type="checkbox"/> #3b2 For Ecology and WDFW: NEPA/SEPA Preferred Alternative                                     |

**WSDOT Project Contact Person:** Marsha Tolon

**Phone:** 206.440.4522      **Fax:** 206.440.4805      **E-mail:** [tolonm@wsdot.wa.gov](mailto:tolonm@wsdot.wa.gov)

**Address:** 15700 Dayton Avenue N., PO Box 33130, Seattle, WA 98133-9710

### Brief Description of Project Status and Issues Relevant to Concurrence Points Checked Above:

Following concurrence Point 1 and 2 completions in December 1997, the Draft EIS was issued in February 1998. Subsequent and extensive tribal consultation resulted in modifications to the Point Edwards Alternative (the preferred alternative) by realigning the ferry pier to the boundary between Marina Beach Park and the Port of Edmonds Marina. The Modified Point Edwards Alternative not only reduces treaty-fishing rights affected as a result of the project, environmental impacts overall are substantially reduced from the Point Edwards Alternative identified in the Draft EIS.

The multimodal center project itself remains the central mitigation measure to reduce SOV travel and promote transportation convenience to commuters. NEPA Class I design development completes with identification primary geometric features in order to begin detail design for construction contract preparation. Therefore the mitigation plan conceptually defines:

1. A larger, contiguous park spaced by the pier realignment with permanent public access;
2. Enhanced visual quality of the pier structure and access to views; reduced shading impacts by the shortened, parallel pier; reduced over water vehicle storage; long-term improvement of salmonid habitat conditions;

3. No impact to eelgrass and less impact macroalgae habitat; no residential and business displacements;
4. Less impact to wetlands, wetland areas, shoreline parks and; upland forest habitat;
5. Less pollutant loadings; and
6. Less new impervious surface area.

**Agency Decision:**

(see end of form for definitions)

Concurrence

Non-concurrence (provide reasons on next page)

Waived

**Summary of Reasons for Non-concurrence**

Please include a detailed explanation of the reasons for non-concurrence. Also please identify the statutory or regulatory authority upon which this non-concurrence is based. (Attach detailed comments if needed)

**Advisory Comments**

Comments are advisory only, and will not trigger the issue resolution process. The project proponent will have 45 calendar days to respond to resource agency comments.

SEE ENCLOSURE TO LETTER

Agency: U.S. ENVIRONMENTAL PROTECTION AGENCY

Signer's Name: JUDITH LOCKRONS LEE

Signature: Judith Lockrons Lee

Title: MANAGER, GEOGRAPHIC IMPLEMENTATION UNIT

Date: 5.26.04

Technical Point of Contact: BILL RYAN

**Each agency submitting a concurrence response is also responsible for mailing a final signed hard copy of the form to all SAC agency members (Corps, Ecology, EPA, FHWA, NMFS, USFWS, WDFW, WSDOT).**

**Concurrence** is a written determination that

1. The information is adequate for this stage, and
2. The project may proceed to the next stage without modification, and
3. The agency's concurrence is consistent with its statutes and regulations (given available information).
4. And, if applicable, concerns were adequately addressed by the project proponent following a non-concurrence.

**Non-concurrence** is written determination that

1. The information is inadequate for this stage, or
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At a

concurrence point, an agency may waive the opportunity to concur or non-concur on the entire concurrence point or an individual element of that point (for instance **1a** or **1b**).

**Advisory Comments**

Advisory comments provided in addition to the agency's concurrence or non-concurrence are informational only. Concurrence with conditional comments is not permitted. Advisory comments provided with a concurrence will not trigger the issue resolution process, but the project proponent must respond to these comments in writing within 45 calendar days. Or identify when the response to comments will be provided if it is not possible to respond within 45 days.

Revised September 12, 2002



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

May 26, 2004

ENVIRONMENTAL

Reply To  
Attn Of: ECO-088

Ref: 95-105-FHA

Marsha Tolon  
Washington State Department of Transportation  
Northwest Region  
P.O. Box 330310, MS 138  
Seattle, Washington 98133-9701

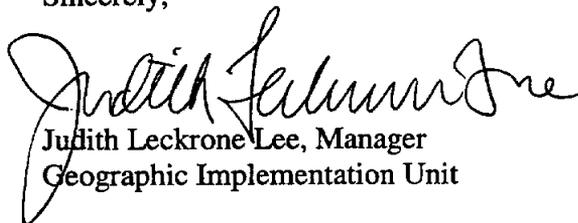
Dear Ms. Tolon:

The U.S. Environmental Protection Agency (EPA) has reviewed the April 9, 2004 request for concurrence for the proposed **SR 104 Edmonds Crossing** project pursuant to our responsibilities under the National Environmental Policy Act, Section 309 of the Clean Air Act, and as a party to the Signatory Agency Committee Agreement. We are responding to your request to: 1) concur with your conclusion that the Modified Point Edwards Alternative is the preferred alternative and the least environmentally damaging practicable alternative (LEDPA), 2) concur with the Conceptual Mitigation Plan, and 3) consent to proceed with publication of the final Environmental Impact Statement (EIS) which would identify the Point Edwards alternative as the preferred alternative.

Based on our review of the materials provided, we concur that the Modified Point Edwards alternative is the preferred alternative and LEDPA. We also concur with the Conceptual Mitigation Plan and your desire to issue the final EIS for the proposed project. We do have some questions and concerns related to project impacts to Edmonds Marsh Wildlife Refuge and proposed mitigation measures designed to minimize those effects that we request be addressed in the final EIS. These questions/concerns are discussed in detail in our enclosed comments. A copy of the completed concurrence form is also enclosed.

Should you have any questions about our comments or concerns, please contact Bill Ryan of my staff at (206) 553-8561.

Sincerely,



Judith Leckrone Lee, Manager  
Geographic Implementation Unit

Enclosures

cc: Peter Eun, FHWA  
Jennifer Quan, USFWS  
Terry Swanson, Ecology  
Mike Grady, NOAA Fisheries  
Cynthia Pratt, WDFW  
Jack Kennedy, ACOE  
Stephen Clifton, City of Edmonds  
Phil Kauzloric, WSDOT-Olympia

**EPA Comments**  
**Edmonds Crossing Project**  
**Concurrence Point 3**  
**(April 9, 2004 request)**

The main focus of the concurrence package and the draft Section 4(f) Evaluation (the only documents provided for review) is on shoreline mitigation. It is difficult to determine whether the Edmonds Marsh Wildlife Refuge has received equal consideration and mitigation. Under the preferred alternative, the marsh would to be nearly isolated and surrounded by development. The marsh is considered a class 1 wetland, and is described in the 4(f) evaluation as “unique bird and wildlife refuge and habitat” and “one of the last remnants of an original pristine wetland along the shore. Such brackish/estuarine salt water marshes have largely been filled, which increases the importance of those that remain.” The scarcity of this habitat type makes it that much more important from a landscape perspective. The marsh was reopened to tidal action in 1987, with some salt vegetation and salmonid use apparently returning.

1 The preferred alternative reflects efforts to avoid direct impacts to the marsh, but the development will further isolate the marsh from uplands and surround it with urban structures. There will also be many indirect impacts, particularly at the east end by the hatchery where the access roadway will be closest to the wetland. The 4(f) evaluation states that noise, traffic, and lighting will impact the marsh and that “species sensitive to proximity of development and activity may be less likely to feed, nest, or roost.” It continues by stating “...however, function of the marsh as a wildlife refuge should not be substantially impaired. Therefore, no constructive use would be anticipated.” This is a rather confusing conclusion because if wildlife are affected, the wetland function IS impaired. Herons use the marsh, for example, and they are certainly one species very affected by activity. The information provided for review did not allow us to determine how the conclusion that the function of the marsh as a wildlife refuge would not be “substantially impaired” was reached. The 4(f) evaluation presents little detailed information to support that conclusion or the criteria used to determine a “substantial” effect or impairment. We recommend that the final EIS include a more detailed analysis of the potential project effects on the marsh and the wildlife that use it as habitat. The assessment should explain the relationship between the FHWA noise criteria used in the 4(f) evaluation and the sensitivity of wildlife species using the marsh to noise, citing applicable technical reports or studies. Similarly, the final EIS should provide additional information related to species-specific sensitivities to light and other disturbing activities and their relationship to levels that would be generated by the project.

2 It was not clear from the documents reviewed whether a jurisdictional determination or wetland delineation of the marsh has been made. Given its closeness to the project site, the marsh should be delineated, and the marsh and its buffer flagged and otherwise protected before project construction begins to ensure they are not used as equipment staging areas or otherwise impacted. There are many ways to impact the marsh besides filling it (e.g., cutting off surface or sub-surface water sources) and all efforts should be made to avoid adversely affecting it. Measures to be used to avoid impacting the marsh and its buffer should be reported in the final EIS.

Mitigation for the marsh is expected to consist of (1) stormwater treatment and control, (2) additional interpretive trails near the fish hatchery, and (3) appropriate plantings adjacent to the road. Aside from figures indicating the location of the proposed stormwater detention pond, no

information is provided related to the location of potential interpretive trails or the locations and types of the proposed plantings. It was also stated that “public interpretive improvements help to educate facility users on the value...while preserving much of the marsh in a relatively undisturbed state.” While constructing additional trails may facilitate and/or increase public understanding of the ecological values of the marsh, this will do little to alleviate indirect impacts of noise and activity on the marsh. In fact, trail construction and use (characterized as mitigation) will likely result in additional noise and activity impacts on the marsh habitat in the very area already impacted by the project. We do not believe that this can be considered mitigation if additional impacts would result. Mitigation efforts should be aimed at reducing impacts from noise, light and human activity on the marsh and its buffer. We recommend that the final EIS include more information on the planting/noise reduction mitigation measures proposed to reduce impacts to the marsh (e.g., locations and types of plantings). The EIS should also clearly identify the location of proposed trails, expected usage levels and include a discussion of the effects the trails are expected to mitigate. This type of information will allow the public to better understand expected effects and proposed mitigation approaches in order to provide input related to the adequacy of proposed mitigation for impacts to the marsh.

3



**Washington State**  
**Department of Transportation**  
**Douglas B. MacDonald**  
Secretary of Transportation

**Northwest Region**  
15700 Dayton Avenue North  
P.O. Box 330310  
Seattle, WA 98133-9710

206-440-4000  
TTY: 1-800-833-6388  
www.wsdot.wa.gov

April 9, 2004

Kathryn Stenberg  
U.S. Army Corps of Engineers  
P.O. Box C3755  
Seattle, WA 98124-2255

**RE: SR 104, Edmonds Crossing 404 Merger Concurrence Point #3**  
**(Preferred Alternative/LEDPA) and Conceptual Mitigation Plan**

Dear Ms. Stenberg:

The Federal Highway Administration (FHWA) in cooperation with the Washington State Department of Transportation (WSDOT), and the city of Edmonds, are requesting your written concurrence, within 45 days of this letter, on the following:

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Enclosed for review are:

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2. NEPA 404 Merger Concurrence Point form for your signature
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For project information call Marsha Tolon at (206) 440-4522, or Stephen Clifton, Community Services Director for the City of Edmonds, at (425) 771-0521.

# SAC Agreement Concurrence Form

Project Title:

State Route #:  County:  Date Due:

### Concurrence Point # and Description

#1a Project Purpose and Need (non-concurrence limited to transportation issues)  #3a Detailed Mitigation Plan

#1b Screening Criteria for Selection of Alternatives  #3b1 For COE, USFWS, EPA, and NMFS: NEPA/SEPA Preferred Alternative/Apparent Section 404 LEDPA

#2 Project Alternatives to be evaluated in the DEIS  #3b2 For Ecology and WDFW: NEPA/SEPA Preferred Alternative

WSDOT Project Contact Person:

Phone:  Fax:  E-mail:

Address:

### Brief Description of Project Status and Issues Relevant to Concurrence Points Checked Above:

Following concurrence Point 1 and 2 completions in December 1997, the Draft EIS was issued in February 1998. Subsequent and extensive tribal consultation resulted in modifications to the Point Edwards Alternative (the preferred alternative) by realigning the ferry pier to the boundary between Marina Beach Park and the Port of Edmonds Marina. The Modified Point Edwards Alternative not only reduces treaty-fishing rights affected as a result of the project, environmental impacts overall are substantially reduced from the Point Edwards Alternative identified in the Draft EIS.

The multimodal center project itself remains the central mitigation measure to reduce SOV travel and promote transportation convenience to commuters. NEPA Class I design development completes with identification primary geometric features in order to begin detailed design for construction contract preparation. Therefore the mitigation plan conceptually defines:

1. A larger, contiguous park spaced by the pier realignment with permanent public access;
2. Enhanced visual quality of the pier structure and access to views ; reduced shading impacts by the shortened parallel pier; reduced over water vehicle storage; long-term improvement of the salmonid habitat conditions.

**Agency Decision:**

(see end of form for definitions)

Concurrence – on jurisdictional items only

Non-concurrence (provide reasons on next page)

Waived

**Summary of Reasons for Concurrence on jurisdictional items only**

The U.S. Army Corps of Engineers, Seattle District concurs with the selection of the Modified Point Edwards site as the preferred location for a new Washington State Ferry terminal serving the Edmonds-Kingston run. We concur with its designation as the least environmentally damaging practicable alternative capable of meeting the project's purpose, established earlier in the SAC process. We also concur with the conceptual mitigation plan.

**Advisory Comments**

Comments are advisory only, and will not trigger the issue resolution process. The project proponent will have 45 calendar days to respond to resource agency comments.

We are unable to apply the "least environmentally damaging practicable alternative" label to plans to move Edmonds' passenger train station and bus loading facilities from their current functional locations near Edmonds' downtown core. They would be moved to a more remote site near the ferry terminal, creating a collocated "multimodal transportation center." We think the collocation of the bus and rail facilities with the ferry terminal is a poor idea on environmental and practicability grounds. To the Seattle District, such collocation threatens the Edmonds Marsh, and would result in a facility that will see a decline in practicability for Edmonds-area bus and train commuters.

4 The Modified Point Edwards Site would place Edmonds' passenger train and bus facilities south of the Edmonds Marsh, a large wetland preserve which would uniquely and effectively screen the train and bus facilities from Edmonds-area users living or working near the downtown core, and to the areas immediately north and northeast. The Edmonds Marsh is large, and from a circulation point of view, hard to get people around without increased vehicular use.. A predictable result will be public calls for a pedestrian walkway across the marsh, or even a new road, from the "multimodal transportation center" to downtown Edmonds. We note the strong position taken by the City of Edmonds in the EIS against allowing further development in the marsh. But as the recent tree-cutting episode on a nearby slope demonstrates, the City's ability to arrest even "accidental development" is limited at best. It is why, in previous correspondence on the subject, the Seattle District maintained that it is not good public policy to locate a city's bus and train terminals in a manner that lets a large, unbroken wetland separate them from the downtown core.

5

The most significant advantage the "multimodal transportation center" will provide would be to the weekday morning Kingston-to-Seattle ferry commuters, who could immediately board southbound trains or other "destination buses" as they leave the ferry terminal, and perform the reverse with their evening commute. That is an advantage that would cease to apply if the often-discussed Kingston-to-Seattle is introduced.

Residents of Woodway would benefit from the practicability of relocating the bus and train facilities to their towns boundary with Edmonds. Some gain in practicability might accrue to bus and train commuters approaching the terminal from the east, on SR 104 and on Pine Street, if the quarter-mile long 2-lane access road depicted on the EIS drawings does not lead from an intersection choked by separating inbound ferry traffic from inbound and outbound bus and train traffic.

The loss in practicability would accrue to the near-in Edmonds residents who now walk to the bus or train stations, and to people using the bus or train to visit Edmonds, and stroll, or dine, or shop. These categories of people would have to use circulation buses, and be subjected to "one more link in the modal chain." We saw no evidence that their numbers would be equaled or exceeded by Edmonds-area residents freed of an extra mode.

The Seattle District does not consider this set of comments to be a non-concurrence. Project proponents have assured all concerned that train and bus facilities will be located completely on uplands. As such, they need neither concurrence nor permission from the Corps of Engineers.

If the collocated presence of bus or train facilities near the ferry terminal does eventually involve some degree of Corps-jurisdictional fill into waters of the United States, including wetlands, we will require a Department of the Army permit separate from that of the ferry terminal, and an alternatives analysis under Section 404(b)(1). The alternatives analysis in the EIS would not suffice.

**Agency:** Seattle District, U.S. Army Corps of Engineers

**Signer's Name:**  Michelle W. Walker

**Signature:** 

**Title:** Chief, South Applications Review Section

**Date:** May 26, 2004

**Technical Point of Contact:** Kate Stenberg (206) 764-6912 Jack Kennedy (206) 764-6907

Each agency submitting a concurrence response is also responsible for mailing a final signed hard-copy of the form to all SAC agency members (Corps, Ecology, EPA, FHWA, NMFS, USFWS, WDFW, WSDOT).

***Concurrence is a written determination that***

1. The information is adequate for this stage, and
2. The project may proceed to the next stage without modification, and
3. The agency's concurrence is consistent with its statutes and regulations (given available information).
4. And, if applicable, concerns were adequately addressed by the project proponent following a non-concurrence.

***Non-concurrence is written determination that***

1. The information is inadequate for this stage, or
2. The concurrence submittal is inconsistent with the agency's statutory or regulatory authority (cite regulation or statute).
3. The issue resolution process will commence and the project will not proceed to the next concurrence point until each issue is resolved.

***Waiver***

A waiver is written determination by an agency that it voluntarily gives up its opportunity to provide concurrence or non-concurrence. Agencies that decide to waive agree not to revisit that concurrence point. An agency may elect to waive its concurrence opportunity at the beginning of the SAC process for a project or at a specific concurrence point. At a concurrence point, an agency may waive the opportunity to concur or non-concur on the entire concurrence point or an individual element of that point (for instance 1a or 1b).

***Advisory Comments***

Advisory comments that are provided in addition to an agency's concurrence or non-concurrence are informational only. Concurrence with conditional comments is not permitted. Advisory comments provided with a concurrence will not trigger the issue resolution process. However, the project proponent must respond to these comments in writing within the 45 calendar days or identify when the response to comments will be provided if it is not possible to respond within the 45 day period.



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
SEATTLE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 3755  
SEATTLE, WASHINGTON 98124-3755  
MAY 27 2004

ENVIRONMENTAL

Regulatory Branch

Washington State Dept. of Transportation  
Mr. Ben Brown  
Post Office Box 330310  
Seattle, Washington 98133-9710

Reference: Concurrence Point 3  
SR 104, Edmonds Crossing

Dear Mr. Brown:

Enclosed is our signed NEPA / 404 Merger Concurrence Point Form for the SR 104, Edmonds Crossing project. This is the original of the .pdf file that was sent to you via email on May 26, 2004.

If you have any questions, please feel free to contact me at (206) 764-6912 or via email at [Kathryn.J.Stenberg@nws02.usace.army.mil](mailto:Kathryn.J.Stenberg@nws02.usace.army.mil). You may also contact Jack Kennedy at (206) 764-6907 or [Jack.Kennedy@nws02.usace.army.mil](mailto:Jack.Kennedy@nws02.usace.army.mil).

Sincerely,

Kate Stenberg, Project Manager  
South Application Review Section

Enclosure



**Washington State  
Department of Transportation**  
Douglas B. MacDonald  
Secretary of Transportation

**Northwest Region**  
15700 Dayton Avenue North  
P.O. Box 330310  
Seattle, WA 98133-9710

206-440-4000  
TTY: 1-800-833-6388  
[www.wsdot.wa.gov](http://www.wsdot.wa.gov)

April 9, 2004

Nancy Brennan-Dubbs  
U.S. Fish and Wildlife Service  
510 Desmond Dr. SE, Suite 102  
Lacey, WA 98503-1273

**RE: SR 104, Edmonds Crossing 404 Merger Concurrence Point #3  
(Preferred Alternative/LEDPA) and Conceptual Mitigation Plan**

Dear Ms. Brennan-Dubbs:

The Federal Highway Administration (FHWA) in cooperation with the Washington State Department of Transportation (WSDOT), and the city of Edmonds, are requesting your written concurrence, within 45 days of this letter, on the following:

- **Concurrence of the “Modified Point Edwards” as the “Preferred Alternative/LEDPA” and the Conceptual Mitigation Plan** for the SR 104, Edmonds Crossing project; and
- **Your consent to proceed with the Final Impact Statement** presenting the “Modified Point Edwards” alternative as the preferred selection according to the NEPA/SEPA/Section 404 Merger Agreement.

Enclosed for review are:

1. LEDPA and the Conceptual Mitigation Plan
2. NEPA 404 Merger Concurrence Point form for your signature
3. FHWA letter to the SAC Members, April 1, 2004
4. Text of the unsigned Tribal Cooperating Agency Memorandum of Agreement

Please send your responses by May 26, 2004 to: Marsha Tolon, EIS Coordinator NW Region WSDOT, MS 138, P.O. Box 330310, Seattle, Washington 98133-9710. If you cannot provide concurrence at this time, please provide a written explanation within the 45-day time limit described in the 2002 Merger Agreement.

For project information call Marsha Tolon at (206) 440-4522, or Stephen Clifton, Community Services Director for the City of Edmonds, at (425) 771-0521.



**Washington State  
Department of Transportation**  
**Douglas B. MacDonald**  
Secretary of Transportation

**Northwest Region**  
15700 Dayton Avenue North  
P.O. Box 330310  
Seattle, WA 98133-9710

206-440-4000  
TTY: 1-800-833-6388  
[www.wsdot.wa.gov](http://www.wsdot.wa.gov)

April 9, 2004

Jennifer Quan  
U.S. Fish and Wildlife Service  
510 Desmond Dr. SE, Suite 102  
Lacey, WA 98503-1273

**RE: SR 104, Edmonds Crossing 404 Merger Concurrence Point #3  
(Preferred Alternative/LEDPA) and Conceptual Mitigation Plan**

Dear Ms. Quan:

The Federal Highway Administration (FHWA) in cooperation with the Washington State Department of Transportation (WSDOT), and the city of Edmonds, are requesting your written concurrence, within 45 days of this letter, on the following:

- **Concurrence of the “Modified Point Edwards” as the “Preferred Alternative/LEDPA” and the Conceptual Mitigation Plan** for the SR 104, Edmonds Crossing project; and
- **Your consent to proceed with the Final Impact Statement** presenting the “Modified Point Edwards” alternative as the preferred selection according to the NEPA/SEPA/Section 404 Merger Agreement.

Enclosed for review are:

1. LEDPA and the Conceptual Mitigation Plan
2. NEPA 404 Merger Concurrence Point form for your signature
3. FHWA letter to the SAC Members, April 1, 2004
4. Text of the unsigned Tribal Cooperating Agency Memorandum of Agreement

Please send your responses by May 26, 2004 to: Marsha Tolon, EIS Coordinator NW Region WSDOT, MS 138, P.O. Box 330310, Seattle, Washington 98133-9710. If you cannot provide concurrence at this time, please provide a written explanation within the 45-day time limit described in the 2002 Merger Agreement.

For project information call Marsha Tolon at (206) 440-4522, or Stephen Clifton, Community Services Director for the City of Edmonds, at (425) 771-0521.

# SAC Agreement Concurrence Form

**Project Title:** Edmonds Crossing Multimodal Center

**State Route #:** SR 104      **County:** Snohomish      **Date Due:** May 26, 2004

## Concurrence Point # and Description

<input type="checkbox"/> #1a Project Purpose and Need (non-concurrence limited to transportation issues)	<input checked="" type="checkbox"/> #3a Conceptual Mitigation Plan
<input type="checkbox"/> #1b Screening Criteria for Selection of Alternatives	<input checked="" type="checkbox"/> #3b1 For COE, USFWS, EPA, and NMFS: NEPA/SEPA Preferred Alternative/Apparent Section 404 LEDPA
<input type="checkbox"/> #2 Project Alternatives to be evaluated in the DEIS	<input checked="" type="checkbox"/> #3b2 For Ecology and WDFW: NEPA/SEPA Preferred Alternative

**WSDOT Project Contact Person:** Marsha Tolon

**Phone:** 206.440.4522      **Fax:** 206.440.4805      **E-mail:** tolonm@wsdot.wa.gov

**Address:** 15700 Dayton Avenue N., PO Box 33130, Seattle, WA 98133-9710

### Brief Description of Project Status and Issues Relevant to Concurrence Points Checked Above:

Following concurrence Point 1 and 2 completions in December 1997, the Draft EIS was issued in February 1998. Subsequent and extensive tribal consultation resulted in modifications to the Point Edwards Alternative (the preferred alternative) by realigning the ferry pier to the boundary between Marina Beach Park and the Port of Edmonds Marina. The Modified Point Edwards Alternative not only reduces treaty-fishing rights affected as a result of the project, environmental impacts overall are substantially reduced from the Point Edwards Alternative identified in the Draft EIS.

The multimodal center project itself remains the central mitigation measure to reduce SOV travel and promote transportation convenience to commuters. NEPA Class I design development completes with identification primary geometric features in order to begin detail design for construction contract preparation. Therefore the mitigation plan conceptually defines:

1. A larger, contiguous park spaced by the pier realignment with permanent public access;
2. Enhanced visual quality of the pier structure and access to views; reduced shading impacts by the shortened, parallel pier; reduced over water vehicle storage; long-term improvement of salmonid habitat conditions;

- 3. No impact to eelgrass and less impact macroalgae habitat; no residential and business displacements;
- 4. Less impact to wetlands, wetland areas, shoreline parks and; upland forest habitat;
- 5. Less pollutant loadings; and
- 6. Less new impervious surface area.

**Agency Decision:**

*(see end of form for definitions)*

Concurrence

Non-concurrence (provide reasons on next page)

Waived

**Summary of Reasons for Non-concurrence**

*Please include a detailed explanation of the reasons for non-concurrence. Also please identify the statutory or regulatory authority upon which this non-concurrence is based. (Attach detailed comments if needed)*

**Advisory Comments**

*Comments are advisory only, and will not trigger the issue resolution process. The project proponent will have 45 calendar days to respond to resource agency comments.*

Agency: U.S. Fish + Wildlife Service

Signer's Name: Lynn Childers

Signature: Lynn P. Childers

Title: Division manager

Date: 4/26/04

Technical Point of Contact: Jennifer Quan

**Each agency submitting a concurrence response is also responsible for mailing a final signed hard copy of the form to all SAC agency members (Corps, Ecology, EPA, FHWA, NMFS, USFWS, WDFW, WSDOT).**

**Concurrence** is a written determination that

1. The information is adequate for this stage, and
2. The project may proceed to the next stage without modification, and
3. The agency's concurrence is consistent with its statutes and regulations (given available information).
4. And, if applicable, concerns were adequately addressed by the project proponent following a non-concurrence.

**Non-concurrence** is written determination that

1. The information is inadequate for this stage, or
2. The concurrence submittal is inconsistent with the agency's statutory or regulatory authority (cite regulation or statute).
3. The issue resolution process will commence and the project will not proceed to the next concurrence point until each issue is resolved.

**Waiver**

A waiver is written determination by an agency that it voluntarily gives up its opportunity to provide concurrence or non-concurrence. Agencies that decide to waive agree not to revisit that concurrence point. An agency may elect to waive its concurrence opportunity at the beginning of the SAC process for a project or at a specific concurrence point.

At a

concurrence point, an agency may waive the opportunity to concur or non-concur on the entire concurrence point or an individual element of that point (for instance **1a** or **1b**).

**Advisory Comments**

Advisory comments provided in addition to the agency's concurrence or non-concurrence are informational only. Concurrence with conditional comments is not permitted. Advisory comments provided with a concurrence will not trigger the issue resolution process, but the project proponent must respond to these comments in writing within 45 calendar days. Or identify when the response to comments will be provided if it is not possible to respond within 45 days.

Revised September 12, 2002



# United States Department of the Interior

FISH AND WILDLIFE SERVICE



Western Washington Fish and Wildlife Office  
510 Desmond Drive SE, Suite 102  
Lacey, Washington 98503

RECEIVED  
APR 26 2004  
ENVIRONMENTAL

Ben Brown  
Documentation Program Manager  
Washington State Department of Transportation - Northwest Region  
15700 Dayton Avenue North  
P.O. Box 330310  
Seattle, Washington 98133-9710

Dear Mr. Brown:

This letter is in response to your request on Concurrence Point 3 per the Signatory Agency Committee Agreement (SAC Agreement) on the SR 104 Edmonds Crossing project. In your letter, you have requested concurrence on the following:

- **Concurrence of the "Modified Point Edwards"** as the National Environmental Policy Act "Preferred Alternative"/ apparent section 404 least environmentally damaging alternative (LEDPA) and the Conceptual Mitigation Plan proposed for the SR 104 Edmonds Crossing project.

The U.S. Fish and Wildlife Service (Service) has determined that the information provided is adequate. We are issuing a "Concurrence" for Concurrence Point 3.

The Service would like to express our appreciation of the consideration and steps that the City of Edmonds, the Washington State Department of Transportation and the Federal Highway Administration have taken to produce the "Modified Point Edwards" alternative. This alternative greatly reduces impacts to the marine environment and addresses Tribal concerns. The Service believes that the new alternative, and the process taken to get to that alternative, marks a success in the early coordination process as intended by the SAC Agreement.

Thank you for the chance to comment on this project at this early stage. If you have any question or need clarification on items in this document, please contact Jennifer Quan, of my staff, at (360) 753-6047.

Sincerely,

  
 Ken S. Berg, Manager  
Western Washington Fish and Wildlife Office

cc:

ACOE, Seattle (J. Kennedy)  
EPA, Seattle (E. Somers)  
FHWA, Olympia (P. Eun)  
NOAA Fisheries (M. Grady, B. Wood)  
WSDOT - ESO, Olympia (P. Kauzlorik)  
WSDOT - Northwest Region, Seattle (M. Tolon)  
WDFW Region 6, Olympia (T. Eturaspe)  
WDOE Lacey, (T. Swanson)  
City of Edmonds, Edmonds (S. Clifton)



**Washington State**  
**Department of Transportation**  
**Douglas B. MacDonald**  
Secretary of Transportation

**Northwest Region**  
15700 Dayton Avenue North  
P.O. Box 330310  
Seattle, WA 98133-9710

206-440-4000  
TTY: 1-800-833-6388  
[www.wsdot.wa.gov](http://www.wsdot.wa.gov)

April 9, 2004

Terry Swanson  
Environmental Review  
Washington State Department of Ecology  
P.O. Box 47600, MS-47600  
Olympia, WA 98504-7600

**RE: SR 104, Edmonds Crossing 404 Merger Concurrence Point #3**  
**(Preferred Alternative/LEDPA) and Conceptual Mitigation Plan**

Dear Ms. Swanson:

The Federal Highway Administration (FHWA) in cooperation with the Washington State Department of Transportation (WSDOT), and the city of Edmonds, are requesting your written concurrence, within 45 days of this letter, on the following:

- **Concurrence of the “Modified Point Edwards” as the “Preferred Alternative/LEDPA” and the Conceptual Mitigation Plan** for the SR 104, Edmonds Crossing project; and
- **Your consent to proceed with the Final Impact Statement** presenting the “Modified Point Edwards” alternative as the preferred selection according to the NEPA/SEPA/Section 404 Merger Agreement.

Enclosed for review are:

1. LEDPA and the Conceptual Mitigation Plan
2. NEPA 404 Merger Concurrence Point form for your signature
3. FHWA letter to the SAC Members, April 1, 2004
4. Text of the unsigned Tribal Cooperating Agency Memorandum of Agreement

Please send your responses by May 26, 2004 to: Marsha Tolon, EIS Coordinator NW Region WSDOT, MS 138, P.O. Box 330310, Seattle, Washington 98133-9710. If you cannot provide concurrence at this time, please provide a written explanation within the 45-day time limit described in the 2002 Merger Agreement.

For project information call Marsha Tolon at (206) 440-4522, or Stephen Clifton, Community Services Director for the City of Edmonds, at (425) 771-0521.

## SAC Agreement Concurrence Form

**Project Title:**

**State Route #:**  **County:**  **Date Due:**

---

### Concurrence Point # and Description

- |   |   |
|---|---|
| <input type="checkbox"/> <b>#1a</b> Project Purpose and Need<br>(non-concurrence limited to<br>transportation issues) | <input checked="" type="checkbox"/> <b>#3a</b> Conceptual Mitigation Plan   |
| <input type="checkbox"/> <b>#1b</b> Screening Criteria for<br>Selection of Alternatives                               | <input checked="" type="checkbox"/> <b>#3b1</b> For COE, USFWS, EPA, and<br>NMFS: NEPA/SEPA Preferred<br>Alternative/Apparent Section 404 LEDPA |
| <input type="checkbox"/> <b>#2</b> Project Alternatives to be<br>evaluated in the DEIS                                | <input checked="" type="checkbox"/> <b>#3b2</b> For Ecology and WDFW:<br>NEPA/SEPA Preferred Alternative  |
- 

**WSDOT Project Contact Person:**

**Phone:**  **Fax:**  **E-mail:**

**Address:**

**Brief Description of Project Status and Issues Relevant to Concurrence Points Checked Above:**

Following concurrence Point 1 and 2 completions in December 1997, the Draft EIS was issued in February 1998. Subsequent and extensive tribal consultation resulted in modifications to the Point Edwards Alternative (the preferred alternative) by realigning the ferry pier to the boundary between Marina Beach Park and the Port of Edmonds Marina. The Modified Point Edwards Alternative not only reduces treaty-fishing rights affected as a result of the project, environmental impacts overall are substantially reduced from the Point Edwards Alternative identified in the Draft EIS.

The multimodal center project itself remains the central mitigation measure to reduce SOV travel and promote transportation convenience to commuters. NEPA Class I design development completes with identification primary geometric features in order to begin detail design for construction contract preparation. Therefore the mitigation plan conceptually defines:

1. A larger, contiguous park spaced by the pier realignment with permanent public access;
2. Enhanced visual quality of the pier structure and access to views; reduced shading impacts by the shortened, parallel pier; reduced over water vehicle storage; long-term improvement of salmonid habitat conditions;

- 3. No impact to eelgrass and less impact macroalgae habitat; no residential and business displacements;
- 4. Less impact to wetlands, wetland areas, shoreline parks and; upland forest habitat;
- 5. Less pollutant loadings; and
- 6. Less new impervious surface area.

**Agency Decision:**

*(see end of form for definitions)*

Concurrence

Non-concurrence (provide reasons on next page)

Waived

**Summary of Reasons for Non-concurrence**

*Please include a detailed explanation of the reasons for non-concurrence. Also please identify the statutory or regulatory authority upon which this non-concurrence is based. (Attach detailed comments if needed)*

**Advisory Comments**

*Comments are advisory only, and will not trigger the issue resolution process. The project proponent will have 45 calendar days to respond to resource agency comments.*

Agency: Department of Ecology

Signer's Name: Therese M. Swanson

Signature: Therese M. Swanson

Title: Ecology SAC representative / WSDOT Liaison

Date: May 24, 04

Technical Point of Contact: Same



**Washington State  
Department of Transportation**  
**Douglas B. MacDonald**  
Secretary of Transportation

**Northwest Region**  
15700 Dayton Avenue North  
P.O. Box 330310  
Seattle, WA 98133-9710

206-440-4000  
TTY: 1-800-833-6388  
www.wsdot.wa.gov

April 9, 2004

Teresa Eturaspe  
SEPA Coordinator  
Washington State Dept. of Fish & Wildlife  
600 Capitol Way N., MS 43135  
Olympia, WA 98501-1091

**RE: SR 104, Edmonds Crossing 404 Merger Concurrence Point #3  
(Preferred Alternative/LEDPA) and Conceptual Mitigation Plan**

Dear Ms. Eturaspe:

The Federal Highway Administration (FHWA) in cooperation with the Washington State Department of Transportation (WSDOT), and the city of Edmonds, are requesting your written concurrence, within 45 days of this letter, on the following:

- **Concurrence of the “Modified Point Edwards” as the “Preferred Alternative/LEDPA” and the Conceptual Mitigation Plan** for the SR 104, Edmonds Crossing project; and
- **Your consent to proceed with the Final Impact Statement** presenting the “Modified Point Edwards” alternative as the preferred selection according to the NEPA/SEPA/Section 404 Merger Agreement.

Enclosed for review are:

1. LEDPA and the Conceptual Mitigation Plan
2. NEPA 404 Merger Concurrence Point form for your signature
3. FHWA letter to the SAC Members, April 1, 2004
4. Text of the unsigned Tribal Cooperating Agency Memorandum of Agreement

Please send your responses by May 26, 2004 to: Marsha Tolon, EIS Coordinator NW Region WSDOT, MS 138, P.O. Box 330310, Seattle, Washington 98133-9710. If you cannot provide concurrence at this time, please provide a written explanation within the 45-day time limit described in the 2002 Merger Agreement.

For project information call Marsha Tolon at (206) 440-4522, or Stephen Clifton, Community Services Director for the City of Edmonds, at (425) 771-0521.

RECEIVED

MAY 18 2004

ENVIRONMENTAL

# SAC Agreement Concurrence Form

**Project Title:**

Edmonds Crossing Multimodal Center

**State Route #:**

SR 104

**County:**

Snohomish

**Date Due:**

May 26, 2004

### Concurrence Point # and Description

**#1a** Project Purpose and Need  
(non-concurrence limited to  
transportation issues)

**#3a** Detailed Mitigation Plan

**#1b** Screening Criteria for  
Selection of Alternatives

**#3b1** For COE, USFWS, EPA, and  
NMFS: NEPA/SEPA Preferred  
Alternative/Apparent Section 404 LEDPA

**#2** Project Alternatives to be  
evaluated in the DEIS

**#3b2** For Ecology and WDFW:  
NEPA/SEPA Preferred Alternative

**WSDOT Project Contact Person:**

Marsha Tolon

**Phone:**

206.440.4522

**Fax:**

206.440.4805

**E-mail:**

tolonm@wsdot.wa.gov

**Address:**

15700 Dayton Avenue N., PO Box 33130, Seattle, WA 98133-9710

**Brief Description of Project Status and Issues Relevant to Concurrence Points Checked Above:**

Following concurrence Point 1 and 2 completions in December 1997, the Draft EIS was issued in February 1998. Subsequent and extensive tribal consultation resulted in modifications to the Point Edwards Alternative (the preferred alternative) by realigning the ferry pier to the boundary between Marina Beach Park and the Port of Edmonds Marina. The Modified Point Edwards Alternative not only reduces treaty-fishing rights affected as a result of the project, environmental impacts overall are substantially reduced from the Point Edwards Alternative identified in the Draft EIS.

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1. A larger, contiguous park spaced by the pier realignment with permanent public access;
2. Enhanced visual quality of the pier structure and access to views; reduced shading

impacts by the shortened, parallel pier; reduce over water vehicle storage; long-term improvement of salmonid habitat conditions;

3. No impact to eelgrass and less impact macroalgae habitat; no residential and business displacements;
4. Less impact to wetlands, wetland areas, shoreline parks and; upland forest habitat; less pollutant loadings; and
5. Less new impervious surface area.

**Agency Decision:**

*(see end of form for definitions)*

Concurrence

Non-concurrence (provide reasons on next page)

Waived

**Summary of Reasons for Non-concurrence**

*Please include a detailed explanation of the reasons for non-concurrence. Also please identify the statutory or regulatory authority upon which this non-concurrence is based. (Attach detailed comments if needed)*

**Advisory Comments**

*Comments are advisory only, and will not trigger the issue resolution process. The project proponent will have 45 calendar days to respond to resource agency comments.*

See comment letter dated April 15, 2004, signed by Teresa A. Eturaspe

**Agency:** Washington Department of Fish and Wildlife

**Signer's Name:** Teresa A. Eturaspe

**Signature:** 

**Title:** SEPA/ NEPA Coordinator

**Date:** April 15, 2004

**Technical Point of**

**Contact:** Teresa A. Eturaspe 360/902.2575

---

**Each agency submitting a concurrence response is also responsible for mailing a final signed hard-copy of the form to all SAC agency members (Corps, Ecology, EPA, FHWA, NMFS, USFWS, WDFW, WSDOT).**

**Concurrence** is a written determination that

1. The information is adequate for this stage, and
2. The project may proceed to the next stage without modification, and
3. The agency's concurrence is consistent with its statutes and regulations (given available information).
4. And, if applicable, concerns were adequately addressed by the project proponent following a non-concurrence.

**Non-concurrence** is written determination that

1. The information is inadequate for this stage, or
2. The concurrence submittal is inconsistent with the agency's statutory or regulatory authority (cite regulation or statute).
3. The issue resolution process will commence and the project will not proceed to the next concurrence point until each issue is resolved.

**Waiver**

A waiver is written determination by an agency that it voluntarily gives up its opportunity to provide concurrence or non-concurrence. Agencies that decide to waive agree not to revisit that concurrence point. An agency may elect to waive its concurrence opportunity at the beginning of the SAC process for a project or at a specific concurrence point.

At a

concurrence point, an agency may waive the opportunity to concur or non-concur on the entire concurrence point or an individual element of that point (for instance 1a or 1b).

**Advisory Comments**

Advisory comments provided in addition to the agency's concurrence or non-concurrence are informational only.

Concurrence with conditional comments is not permitted. Advisory comments provided with a concurrence will not trigger the issue resolution process, but the project proponent must respond to these comments in writing within 45 calendar days, or identify when the response to comments will be provided if it is not possible to respond within 45 days.

Revised September 12, 2002



State of Washington  
**DEPARTMENT OF FISH AND WILDLIFE**

Mailing Address: 600 Capitol Way N - Olympia, Washington 98501-1091 - (360) 902-2200, TDD (360) 902-2207  
Main Office location: Natural Resources Building - 1111 Washington Street SE - Olympia, WA

April 15, 2004

Marsha Tolon  
EIS Coordinator  
Northwest Region, WSDOT, MS 138  
P.O. Box 330310  
Seattle, Washington 98133-9710

Dear Ms. Tolon:

**RE: SR 104, Edmonds Crossing 404 Merger Concurrence Point #3 (Preferred Alternative/LEDPA) and Conceptual Mitigation Plan With Comments.**

The Washington Department of Fish and Wildlife (WDFW) concurs with the preferred alternative and conceptual mitigation plan Concurrence Point #3. However we offer the following advisory comments:

As this project moves forward into a greater level of detail the WDFW will be looking for the following:

- 6 | 1. We will need to see your final culvert designs very soon for the new route to the Puget Sound.
- 7 | 2. Show us how you intend to control water levels in the marsh.
- 8 | 3. We will need to see the agreement showing that Sound Transit and not DOT will design and build the Pine Street culvert and that construction will occur in the first and not the last stage of the project.

Sincerely,

A handwritten signature in cursive script that reads "Teresa A. Eturaspe".

Teresa A. Eturaspe  
SEPA/NEPA Coordinator  
Regulatory Services Section  
Environmental Services Division  
Habitat Program

RECEIVED  
APR 15 2004  
ENVIRONMENTAL

cc: Gayle Kreitman, Reg. Serv. Section Mgr.  
Kurt Bucannon, AHB, Reg. 4  
Sharon Love, FHWA  
Nancy BrennanDubbs, USFWS  
Jack Kennedy, COE  
Ben Brown, WSDOT  
Richard Clark, EPA  
Mike Grady, NMFS  
Phil Kauzloric, WSDOT  
Elaine Somers, EPA  
Kate Steinberg, COE  
Terry Swanson, Ecology

## Conceptual Mitigation Plan

### Edmonds Crossing Project Preferred Alternative (Point Edwards)

The Edmonds Crossing Multimodal Center project provides a Conceptual Mitigation Plan for Concurrence Point 3 because the resulting design development of the preferred alternative for a NEPA class I project completes with identification of primary geometric features; a level of design precedent to the start of construction plans specification and estimate preparation. Construction to full-buildout would occur in two phases over a nine-year span ending approximately 2015. Phase one includes realignment of SR 104 and construction of the fish passage construction and access road, construction of the multimodal center and ferry pier, parking areas, the daylighting of Willow Creek, and the enhancement of the Edmonds Marsh. Phase two includes removal of the existing ferry terminal and pier, and restoration of macroalgae and eelgrass beds. The Conceptual Mitigation Plan describes potential short and long-term impacts to aquatic resources posed by the Preferred Alternative and shall be included in the Final EIS.

Foremost, the multimodal center project is itself, the central mitigation measure to reduce SOV travel and promote transportation convenience to commuters. Associated with the multimodal center are both the mitigation opportunities presented by potential impacts posed by the Preferred Alternative, and those, which advantage existing elements of the project environs.

Overall, the build alternatives benefit from hazardous materials clean up of the southerly adjacent former UNOCAL site, and enhancement of the estuarine Edmonds Marsh through daylighting of Willow Creek. Additional key elements of the mitigation plan are integral to the location of the Preferred Alternative at the Point Edwards Site.

- Removal of the UNOCAL pier-allowing enhancement of open areas at the Marina Beach Park.
- Revised alignment of the pier at the boundaries of the Port Marina and Marina Beach Park to create a larger, contiguous park space than was presented in the Draft EIS. City of Edmonds acquisition of the formerly leased parkland allows permanent public access. Enhanced visual quality of the pier structure and access to views. Further, the shortened pier reduces the amount of vehicles stored over water, and shading impacts than formerly posed.
- Through government-to-government coordination, an agreement is under development to both reduce potential tribal fishing and ferry vessel operations conflicts, and to steward the marine habitat.

1. **Biological Assessment, May 2003:** Submitted for formal Section 7 ESA consultation to the NOAA National Marine Fisheries Service (NMFS) and the US Fish and Wildlife Service (USFWS) on June 16, 2003. Completion of the NOAA NMFS and the USFWS Biological Opinion is pending.

#### 2. Project Description and Setting: Township 27 North, Range 3 East, Sections 23 and 26

The Edmonds Crossing Multimodal Center is a major marine development with a lesser upland and minor freshwater component. The project is located at Point Edwards, at the southern boundary of Edmonds, in Snohomish County, Washington.

The Edmonds Crossing project is intended to provide a long-term solution to current operations and safety conflicts between ferry, rail, automobile, bus, and pedestrian traffic in downtown

Edmonds. FHWA, WSDOT (including Washington State Ferries [WSF]), and the city of Edmonds, in cooperation with the US Army Corps of Engineers (CORPS), the Federal Transit Administration (FTA), and the Suquamish, Tulalip, Lummi Nation, Swinomish, and the Port Gamble S'Kallalm tribes propose to relocate the existing state ferry terminal from Main Street in downtown Edmonds to another site farther from the downtown core. In the process a multimodal center would be established that would integrate the ferry, rail, and transit services into a single complex. Realigned SR 104 from its current intersection with Pine Street Access would provide access. The new complex would provide an upgraded ferry terminal designed to meet the operational requirements for accommodating forecast ferry rider ship demand; a new rail station designed to meet intercity (Amtrak) passenger service and commuter rail loading requirements; a transit center that would meet local bus system and regional transit system loading requirements; facilities for accommodating both vehicular commuters and walk-on passengers of the available transportation modes (parking, drop-off areas, retail/ concessionaire space, and waiting areas); and a system linking these facilities to allow for the safe movement of users.

The project area encompasses portions of the City of Edmonds and the central basin Puget Sound. There are freshwater, marine, and terrestrial aspects to this project. The upland portion of the project affects Willow Creek and may indirectly affect Shellabarger Creek. (See Figure 3-7) The marine portion involves fishery resources (salmon) that are migratory and thus covers a larger but less defined geographic area. Terrestrial construction activities will encompass about 23.7 acres, generally bounded by the Edmonds city limits to the south, the existing SR 104 to the east, the Puget Sound to the west, and the Edmonds Marsh to the north.

### 3. Aquatic Resource Impacts Summary:

#### 3.1. Aquatic Resource Descriptions: (See Figure 3-11)

**Nearshore Marine Environment:** Shoreline areas in less than 80 feet of water, which roughly corresponds to the lower limit of the photic zone in Puget Sound. This includes intertidal and shallow subtidal habitats, which are some of the most productive marine areas and are particularly important for early rearing of many important species including salmonids. Juvenile salmon, particularly pink (*O. gorbuscha*), chum (*O. keta*), and fall chinook (*O. tshawytscha*) salmon, feed on planktonic and epibenthic organisms in very shallow waters during the first spring and summer. Other important plants and animals living nearshore are eelgrass, various species of macroalgae, clams, Dungeness (*Cancer magister*) and other species of crabs, juvenile rockfish (*Sebastes* spp.), flatfish (*Pleuronectidae*), perch (*Embiotocidae*), Pacific herring (*Clupea pallasii*), and sand lance (*Ammodytes hexapterus*).

**Offshore Marine Environment:** Offshore habitats include open water used by pelagic fish and deep waters (as deep as 650 feet). The bottom character in deep waters offshore is sand and finer material. Demersal fish and benthic invertebrates use this environment. Offshore habitats adjacent to the project area are host to a variety of fish and invertebrate species. By far the most important fish species commercially, recreationally, and biologically are the salmonids, including chinook, coho, pink, chum, and sockeye salmon (*O. nerka*); steelhead (*O. mykiss*), and sea-run cutthroat trout (*O. clarki*). Structure-oriented demersal fishes, such as lingcod, rockfish, cabezon, and greenling are not abundant in central Puget Sound, as rocky habitats are uncommon except in Admiralty Inlet. Demersal fishes preferring soft bottoms, such as English sole, Dover sole (*Microstomus pacificus*), sand sole (*Psettichthys melanostictus*), C-O sole, rock sole, starry flounder, ratfish (*Hydrolagus colliei*), and spiny dogfish (*Squalus acanthias*) dominate offshore fish communities in central Puget Sound (Delacy et al. 1972). Historically, Pacific cod (*Gadus*

*macrocephalus*) and walleye pollock (*Theragra chalcogramma*) were also abundant in the offshore areas of Central Puget Sound.

**Freshwater Environment:** The freshwater environment in the project area consists of two small perennial streams, Willow Creek and Shellabarger Creek, and a 23-acre wetland system, Edmonds Marsh. (See Figure 3-9) The marsh is a complex of salt marsh and freshwater wetland. Willow Creek is a perennial second-order stream with salmonids present below Pine Street, and without salmonids above Pine Street; the culvert is impassable. Base flow statistics are not available, but base flow is probably on the order of about 0.1 to 0.5 cfs at the mouth. Willow Creek provides very little usable salmonid habitat. Shellabarger Creek is a first-order stream and originates in a residential area in the vicinity of Seventh Avenue and 235th Street at an elevation of about 200 feet. The creek runs northwest then west for about 1.0 mile and merges with Willow Creek in Edmonds Marsh. The habitat quality of trout species is considered at risk. Edmonds Marsh meets the city of Edmonds Sensitive Area Ordinance Category 1 criteria. This criterion regulates a 100-foot-wide buffer and a 6:1 replacement ratio for any loss of acreage.

### 3.2. Plant Communities:

Five vegetative communities related to the above listed aquatic resources—emergent wetland, forested/shrub wetland, shoreline, upland forest, and urban—are identified within the Edmonds Crossing project area. (See Figure 3-10) A review of the DNR Natural Heritage Information System indicated no records of important natural features, rare plants, or high-quality native plant communities within the project area. Acreages of some of these vegetative communities follow.

#### SELECTED PLANT COMMUNITIES OF THE PROJECT AREA

Emergent Wetland	Approximately 2.3 acres located on the UNOCAL property, including existing detention basin 1 in the northern corner of the property. (PEM, Category III) 3.7 acres of freshwater marsh on the east side of SR 104. (PEM, PSS Category II)
Forested/Shrub Wetland	Approximately 11 acres (PFO Category II) of the Edmonds Marsh wetland complex, and 22 acres combined total of a community north of Pine Street and both east and west of SR 104. (PEM Category II)
Upland Forest	Approximately 37 acres, with 5 acres on the west-facing slope of the UNOCAL property, a 150 to 400 feet wide band west of the UNOCAL storage tanks along the bluff, and the remainder at City Park north of Pine Street and east of SR 104.

### 3.3. Aquatic Resource Impacts:

The project will arguably result in long-term improvement of salmonid habitat conditions in the action area; however, there will be some short-term, construction-related impacts. There will also be a few minor but measurable long-term impacts due to alterations to habitat related to the pier structure. Although the environmental baseline preservation and enhancement package offered will far outweigh the impacts, current criteria for determining effects dictate the following conclusions for project impacts in the action area:

- Chinook salmon: May Affect, **Likely to Adversely Affect (LTAA)**
- Bull trout: May Affect, **Likely to Adversely Affect (LTAA)**
- Bald eagle: May Affect, **Not Likely to Adversely Affect**
- Marbled murrelet: May Affect, **Likely to Adversely Affect**
- Steller (northern) sea lion: May Affect, **Not Likely to Adversely Affect**
- Humpback whale: **No Effect**
- Leatherback sea turtle: **No effect**

Aquatic resource impacts are summarized by the following function and value categories:

IMPACTS TO AQUATIC RESOURCES	
Water Quality	<p>Overall, long-term water quality in the project vicinity would improve slightly, as pollutant loadings in runoff would generally be reduced compared to the No Action Alternative. No on-site runoff would be discharged to Willow Creek or Edmonds Marsh. Both Willow Creek and Edmonds Marsh would benefit from this reduction of runoff contamination.</p> <p>Least amount of shading of nearshore marine habitat by ferry pier compared to other alternatives, with corresponding fewer impacts on photosynthesis and dissolved oxygen concentrations. Propeller scour could induce intermittent locally elevated turbidity near the Puget Sound shoreline.</p>
Wetlands	<p>Overall, there is long-term beneficial impact to fish and wetland wildlife through daylighting Willow Creek than would occur in the No Action Alternative. Net gain in area of emergent wetland (0.57 acre), associated with the daylighting of Willow Creek.</p> <p>Construction would affect 0.06 acre of wetland and 0.2 acre of wetland buffer. Reduction and/or relocation in surface water inputs would potentially change functions and volumes within wetland areas.</p> <p>Alteration of saltwater input to Edmonds Marsh could change species composition within the marsh.</p>
Vegetation Fish and Wildlife	<p>Overall, there is a loss of approximately 3.56 acres of upland forest habitat than would occur in the No Action Alternative. Wildlife could be affected by removal of vegetation and habitat; by increased isolation of habitats; and by increased human activity, glare, and noise.</p> <p>Relocation of SR 104 could further weaken the existing linkage between the upland forest and the Edmonds Marsh. Removal of UNOCAL pier would cause bald eagles to locate perching site elsewhere.</p> <p>Decreased shading of shoreline creates better fish habitat from removal of both the UNOCAL and Main Street ferry pier.</p> <p>Increased shading of the seafloor by the new pier would affect food sources in the area. Ferry scour could have some effect on plant and animal communities in the vicinity. Shading and propeller wash scour would effectively remove 34,969 square feet of macroalgae but no eelgrass. Approximately 11,365 square feet of intertidal and subtidal fine and mixed-fine grain habitat would be lost due to piling and other structural footprints.</p> <p>The pier would also extend over 0.69 acre of tidelands west of the park.</p>

#### 4. Proposed Compensatory Aquatic Resource Mitigation:

Where possible impacts to aquatic resources including wetlands and buffers would be avoided and minimized through the design process using the WSDOE sequencing procedures. Further, the WSDOE mitigation ratios for creation restoration, enhancement and preservation would be appropriately implemented to meet functional goals for the resource mitigation type, size and location. Following is a summary of mitigation to long-term impacts posed by the proposed Edmonds Multimodal Center, Preferred Alternative. (See Figure 4-11)

COMPENSATORY AQUATIC RESOURCE MITIGATION	
Water Quality	<p>Provide a stormwater treatment system commensurate with the Washington State Department of Ecology requirements to treat runoff from the multimodal center, access roadways, and from ferry loading and exiting lanes. Additional pollution source control measures will be included as part of a stormwater pollution prevention plan (SWPPP) for site operations.</p>
Wetlands	<p>Impacts to wetlands and buffers avoided where possible and minimized through design. Where unavoidable, measures to enhance wetland functions and values would include the following:</p> <p>Daylight a portion of Willow Creek and appropriately revegetate the creek banks with native wetland vegetation.</p> <p>Enhance wetland buffer vegetation along the southern forested edge of Edmonds Marsh by planting native species and replacing snags and woody debris and by planting native trees to provide future nesting habitat for great blue herons.</p> <p>Plant a wetland buffer along the west side of Edmonds Marsh.</p>
Vegetation Fish and Wildlife	<p>An over-sized bottomless culvert will be used for the Pine Street over-crossing of Willow Creek. This will restore fish passage and allow room for wildlife including amphibians, reptiles, and small- and medium-sized mammals to pass beneath the road.</p> <p>Partially restore habitat and return wildlife to site through revegetation and site restoration. Place snags along southern edge of Edmonds Marsh to replace perches lost to development. Plant mostly native trees adjacent to the ferry access road to buffer wildlife from human activity and glare. Avoid introducing nonnative invasive species and remove invasive species, where practical.</p>

## COMPENSATORY AQUATIC RESOURCE MITIGATION

Daylight all but 180 feet of lower Willow Creek and restore to an open channel.

Remove the wooden trestle portion of the Main Street ferry pier and the UNOCAL pier as a beneficial mitigation measure of all action alternatives.

Design pier to facilitate under-pier juvenile salmon passage.

Restore salt marsh function to some portion of Edmonds Marsh that is now freshwater wetland (and was salt marsh historically).

Restore subtidal ferry scour trench at existing ferry pier with fine sand and replant with approximately 2.6 acres of eelgrass. Depths below -30 feet MLLW would receive scattered cobble for macroalgae attachment over a 3.0-acre area.

## 5. Potential Mitigation Site Pre-Construction Description:

Following are descriptions of the potential mitigation sites for the Edmonds Crossing Multimodal project.

Willow Creek originates approximately 1.5 miles southeast of the marine shoreline near 6<sup>th</sup> Avenue South and Elm Street. The stream flows northwest through a moderately incised ravine that is surrounded by residential and commercial development, then through a culvert under Pine Street near SR 104 and past the Deer Creek Fish Hatchery before flowing into Edmonds Marsh. The Willow Creek riparian corridor south of Pine Street and through the hatchery is a narrow, shaded corridor with gently sloping banks. In this southern portion of the project area, Willow Creek is small, perennial, and unclassified. Below Pine Street the creek is a second-order stream with a DNR stream classification of "F" (perennial with salmonids), and drains to a Class AA water body, the Puget Sound offshore of the city. Water quality in the farthest downstream reaches of Willow Creek is strongly influenced by tidal influxes of saltwater. Vegetation along the creek includes western red cedar (*Thuja plicata*), red alder (*Alnus rubra*), bigleaf maple (*Acer marophyllum*), and Douglas-fir (*Pseudotsuga menziesii*) in the overstory; salmonberry (*Rubus spectabilis*), Indian plum (*Oemlaria cerasifomis*), salal (*Gaultheria shallon*), and Oregon grape (*Mahonia aquifolia*) in the shrub layer; and sword (*Polysticum munitum*) and lady fern (*Anthyrium filix-femina*), pig-a-back (*Tolmeia menziesii*) bentgrass (*Agrostis spp.*), reed canarygrass (*Phalaris arundinacea*), and mannagrass (*Glyceria grandis*) in the herb layer.

The portion of Willow Creek located adjacent to the UNOCAL lower yard flows through a sparsely vegetated excavated channel, then enters a 48-inch-diameter culvert for approximately 1,275 feet before discharging to Puget Sound in the intertidal zone at Marina Beach Park.

Edmonds Marsh is a 23-acre marsh located near the waterfront in downtown Edmonds. The marsh is bounded by SR 104 on the east, the Harbor Square commercial development on the north, the BNSFRR tracks and the Port of Edmonds on the west, and the existing UNOCAL property and the Deer Creek Fish Hatchery on the south. The marsh was deeded to the city of Edmonds in 1981, and is established by the City as a Wildlife Sanctuary on its Environmentally Sensitive Areas map, and is designated as a Priority Habitat in the WDFW Priority Habitat and Species database. Wetland classifications are listed in the following table.

## EDMONDS MARSH WETLAND CLASSIFICATIONS

Eastern Area	Seasonally flooded PEM (freshwater) dominated by cattails ( <i>Typha spp.</i> ), with associated purple loosestrife ( <i>Lythrum salicaria</i> ) and hard-stem bulrush ( <i>Scirpus acutus</i> ).
Western Area	Estuarine intertidal emergent (E2EM) dominated by American three-square ( <i>Scirpus americanus</i> ), fleshy juamea ( <i>Juamea carmosa</i> ), and Pacific silverweed ( <i>Potentilla anserina</i> ), with associated salt marsh bulrush ( <i>Scirpus maritimus</i> ), saltgrass ( <i>Distichlis spicata</i> ), and soft rush ( <i>Juncus effusus</i> ).
North and Southeastern Areas	Seasonally flooded palustrine forested and scrub-shrub wetland (PFO/PSS) is dominated by red alder ( <i>Alnus rubra</i> ), Scouler's willow ( <i>Salix scouleriana</i> ), black cottonwood ( <i>Populus balsamifera</i> ), salmonberry ( <i>Rubus spectabilis</i> ), and reed canarygrass ( <i>Phalaris arundinacea</i> ). Invasive Himalayan blackberry ( <i>Rubus discolor</i> ), Japanese knotweed ( <i>Polygonum cuspidatum</i> ), and Scot's broom ( <i>Cytisus scoparius</i> ) are found along the northwestern marsh border.

The PFO/PSS component of the marsh is largest in the southeastern section, adjacent to the Deer Creek Fish Hatchery and existing UNOCAL property. This area is associated with the marsh and Willow Creek, which enters the marsh north of the intersection of Pine Street and SR 104 on the southeast side of the hatchery. In the overstory, red alder (*Alnus rubra*), black cottonwood (*Populus balsamifera*), and Scouler's Willow (*Salix scouleriana*) dominate with associated western red cedar (*Tsuga plicata*), bigleaf maple (*Acer macrophyllum*), and Douglas fir (*Pseudotsuga menziesii*). Salmonberry (*Rubus spectabilis*) is dominant in the shrub layer. Lady fern (*Anthyrium felix-femina*), creeping buttercup (*Ranunculus repens*), and reed canarygrass (*Phalaris arundinacea*) dominate the herb layer with associated pig-a-back (*Tolmeia menziesii*), skunk cabbage (*Lystichitum americanum*), and fringecup (*Telima gradiflora*). Willow species dominate the forested area of the marsh northern section.

Very dark, silty muck of the Mukilteo Muck, a hydric soil, predominate the marsh. The Alderwood and Everett Gravelly Sandy Loam soil series are found in the forested area on the south side of the marsh and adjacent to the Deer Creek Fish Hatchery. Fresh water enters the marsh from Willow Creek, which flows from upland areas to the south and east, and from Shellabarger Creek, which enters via a culvert under SR 104 approximately 800 feet north of Willow Creek. Shellabarger Creek flows southwest in a natural channel to a confluence with Willow Creek in the southeastern section of the marsh, just west of the Deer Creek Fish Hatchery. From their confluence, both creeks flow west to southwesterly. This large, wetland densely vegetated with emergent species provides high flood storage and desynchronization, sediment trapping, nutrient removal, and water quality improvement functions. The emergent forested and shrub components provide a diversity of wildlife habitat.

The city of Edmonds rates the marsh as a Category I (high-quality) wetland, which is a habitat for a state monitor species, the great blue heron. Areal replacement ratio of 6:1 compensation for impacts to Category I wetlands is required, though disturbance is rarely permitted. Wetland buffer areas for Category I wetlands are typically 100 feet.

Pine Street over-crossing of Willow Creek is undersized and precludes wildlife and fish passage.

Propeller-scour patterns at nearshore (offshore) areas of the existing ferry terminal indicate that propeller-induced currents are sufficient to transport seabed material away, preventing the return of eelgrass to the area offshore from the terminal. Dredging to achieve the depths necessary to operate a ferry close to shore formed part of the channel near the pier. The areal extent of the apparent scouring is probably in equilibrium with the natural environment. Seasonal changes, if any are not known. The existing ferry terminal is bordered by a fully developed urban setting. The Underwater Park, a marine sanctuary, is located on the north side of the existing ferry terminal pier. See item 3.2 above for marine life information relevant to the existing pier location.

The project construction and actual implementation is phased because the estimated costs associated with full buildout and current funding limitations. Depending upon funding level,

proposed Phase 1 facilities would be complete and operational by roughly 2008. Phase 1 would include minimum operating facility requirements for WSF at the Point Edwards site: the ferry pier structure, a train/ferry/bus terminal and associated parking garage, a new approach roadway through upland forested hill slope, and the daylighting and realignment of Willow Creek. Along with the stream realignment the restoration of Edmonds Marsh would occur. As part of construction for a Sound Transit project occurring prior to the proposed 2006 start of the Edmonds Crossing project, the Pine Street wildlife and fish passage culvert would be installed per agreement.

Phase 2 includes the remaining development proposed, which would be operational by 2015. As part of Phase 2 the wooden over-water portion of the existing ferry pier to the waterside of the concrete abutment would be removed and macroalgae and eelgrass restoration would occur.

#### **6. Mitigation Success Criteria:**

During the permit process a final mitigation plan for impacts to wetlands including landscape drawings, plant specifications, and a monitoring and maintenance plan would be prepared.

#### **7. Monitoring Plan:**

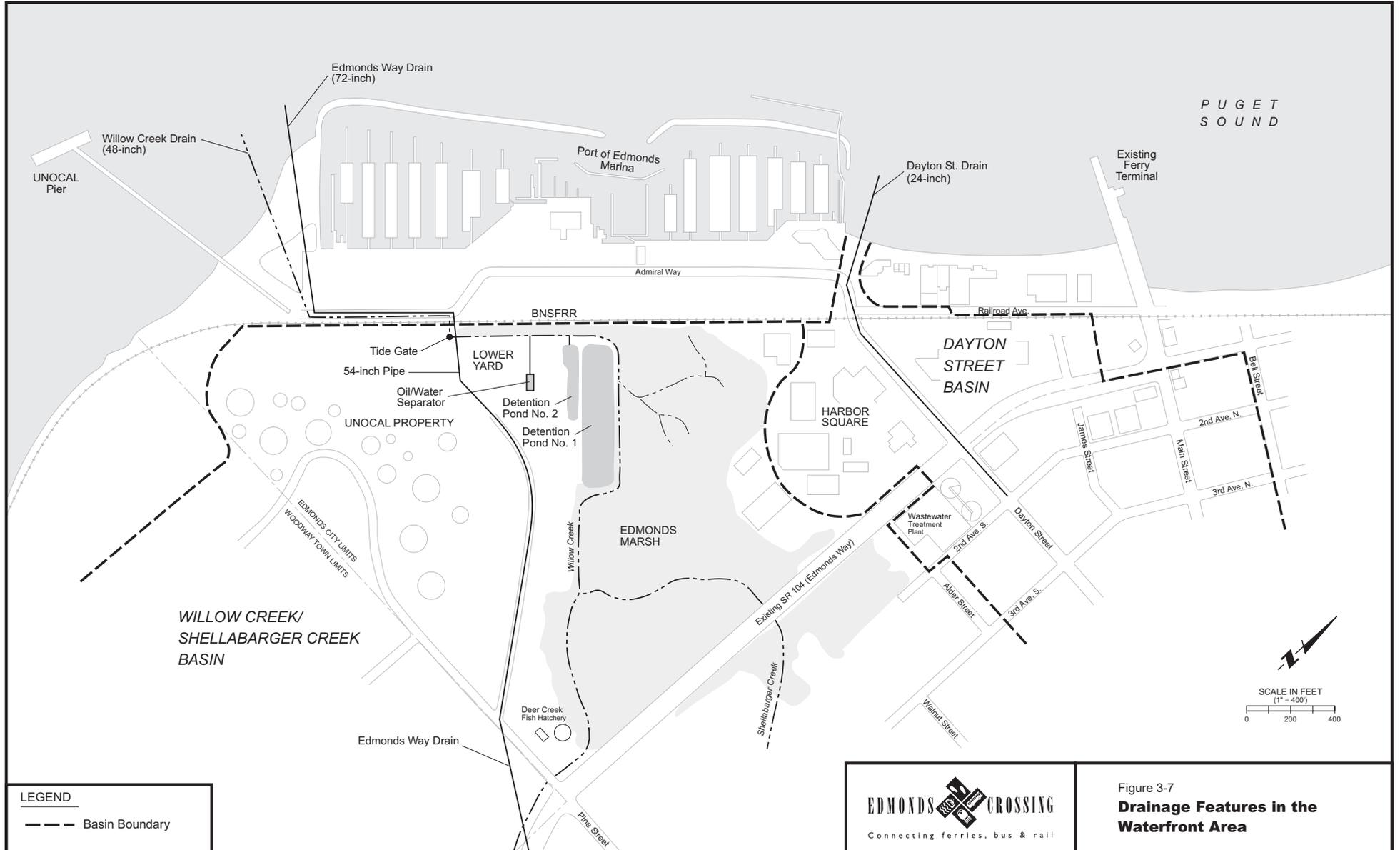
See the statement under item 6 above.

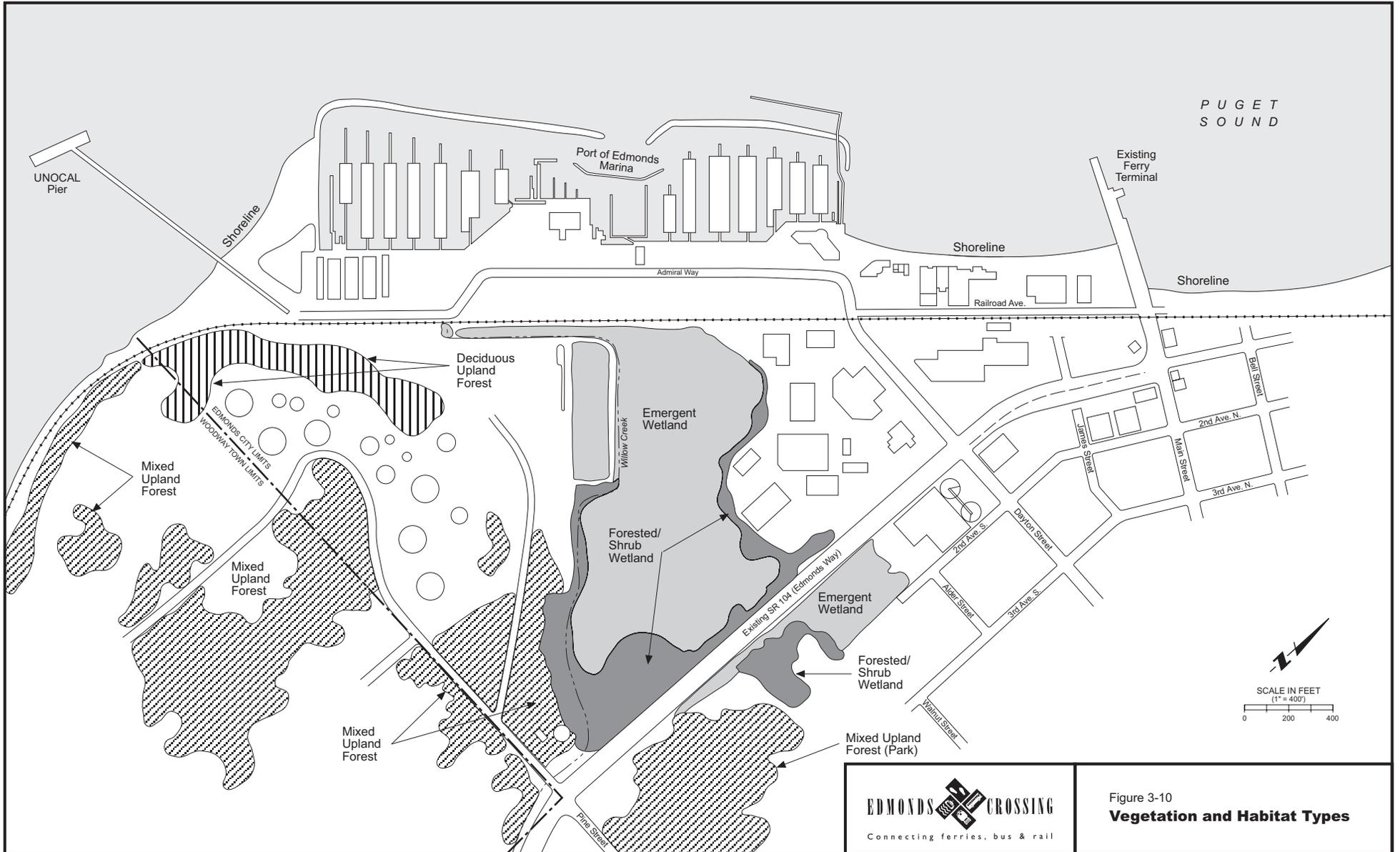
#### **8. Mitigation Performance Standards Contingency Plan:**

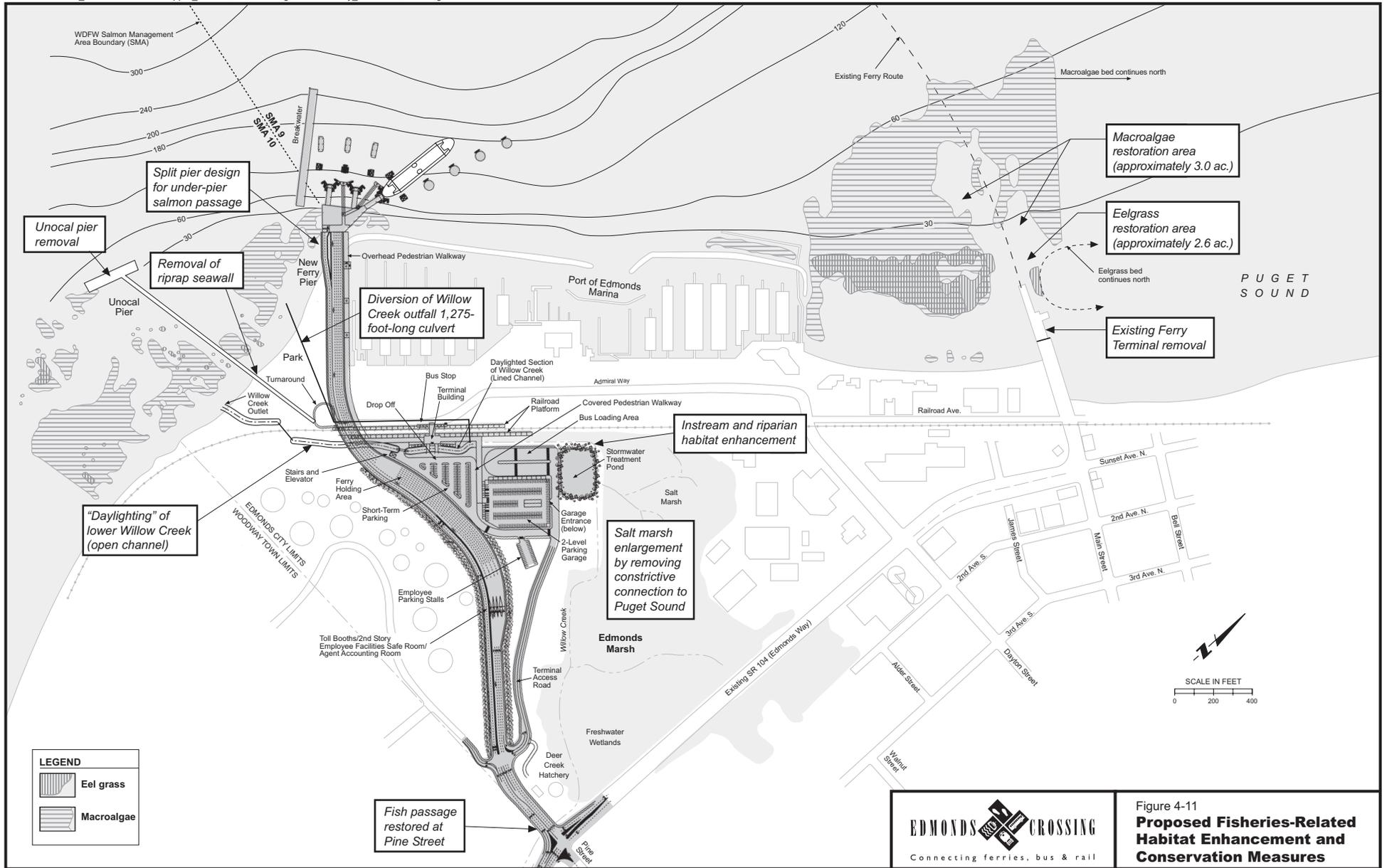
See the statement under item 6 above.

#### **9. Mitigation Site Maintenance Plan:**

See the statement under item 6 above.







**Responses to Agency Comments  
Concurrence Point #3**

**SAC Comments/Response Table**  
**Edmonds Crossing Concurrence Point #3, June 2004**

Comment Number	Comment	Response
<b>Bill Ryan, United States Environmental Protection Agency:</b> Concurrence with Comments Received May 26, 2004		
<p>1 CONNOLLY EWBANK RAMOS TOLON</p>	<p>The information provided for review did not allow us to determine how the conclusion that the function of the marsh as a wildlife refuge would not be "substantially impaired" was reached. The 4(f) evaluation presents little detailed information to support that conclusion or the criteria used to determine a "substantial" effect or impairment. We recommend that the final EIS include a more detailed analysis of the potential project effects on the marsh and the wildlife that use it as habitat. The assessment should explain the relationship between the FHWA noise criteria used in the 4(f) evaluation and the sensitivity of wildlife species using the marsh to noise, citing applicable technical reports or studies. Similarly, the final EIS should provide additional information related to species-specific sensitivities to light and other disturbing activities and their relationship to levels that would be generated by the project.</p>	<p>It should be noted that a Section 4(f) Evaluation is an analysis of how the proposed action would use (impact) a public park, recreational area, wildlife refuge, or National Register-eligible historic property within the project locale. Similar to selection of the LEDPA, the Section 4(f) processes evaluate an alternative on its ability to feasibly and prudently meet the purpose and need for the project, and the ability to minimize harm to the Section 4(f) resources.</p> <p>The Section 4(f) Evaluation summarizes and highlights the key findings and conclusions (as they may relate to Section 4(f) resources) of applicable technical discipline studies. Because of potential effects to Edmonds Marsh, the applicable studies reflected in the Section 4(f) Evaluation included the wetlands, vegetation, and wildlife reports. These reports are referenced and expanded upon in far greater detail in the EIS, providing the requested information on potential effects on the marsh and the sensitivity of wildlife to the proposed development and its associated activities.</p> <p>The Section 4(f) Evaluation is required to identify direct effects (typically property acquisition) and proximity effects that are severe enough that the activities, features, or attributes that qualify a resource for protection under Section 4(f) of the US Department of Transportation Act of 1966 are <u>substantially impaired</u>. Based on the technical analyses contained in the wetlands, vegetation, and wildlife reports, the Section 4(f) Evaluation concludes that while the marsh and wildlife habitat would be affected by the project, the effects would not substantially impair the attributes of the marsh or the surrounding habitat. In addition, the project proposes a number of measures to mitigate for identified effects and actually to improve habitat conditions (enlarged wetland and stream buffers, additional plantings within the buffers, daylighting of Willow Creek, and construction of an oversized, bottomless culvert at the realigned SR 104 over-crossing of Willow Creek). These measures are summarized in the Section 4(f) Evaluation and in the response to comment #2 below, and presented in greater detail in the EIS.</p> <p>The Section 4(f) Evaluation is also required to demonstrate that the project includes all possible planning to avoid or minimize harm to the Section 4(f) resources. A number of alternatives that avoided Section 4(f) resources were evaluated in terms of their feasibility and prudence and were found wanting for several reasons as elaborated in the document. The Section 4(f) Evaluation also highlighted numerous design refinements that were incorporated into the preferred alternative to minimize effects. For example, to minimize effects to Edmonds Marsh, the dedicated bus driveway, proposed in the Draft EIS, that extended from the multi-modal center northward between the BNSFRR tracks and the marsh was eliminated. In addition, the access road to the center was shifted as far to the south as possible to avoid use of, or proximity effects to, the marsh.</p> <p>Through this process of evaluating direct and proximity effects, avoidance alternatives, and minimization effects, the Section 4(f) Evaluation has added another test to the identification of the least environmentally damaging but practicable alternative.</p> <p>Regarding the issue of the effect of noise on wildlife, the FHWA noise criteria applied in the Section 4(f) Evaluation are based upon human perceptions to projected traffic noise levels. The science does not exist to directly relate the reaction of certain species to specific noise levels. The average response of a species to disturbance (if it were quantifiable) would likely be derived from very diverse individual responses, because both the site conditions and the previous acclimation of the individual animal or bird would affect the way that individual would respond. It should also be noted that almost all the species sensitive to noise and general disturbance stopped using the project area years ago. This is not to suggest that conditions would greatly improve in the future, but with the mitigation proposed as part of the project ( see the response to comment #2), some conditions will, in fact, improve. For example, as noted in the EIS, because of the proposed increase in the size of the buffer between the terminal access road and the marsh, and the resulting opportunity for more heron nesting sites and a visual buffer, the WDFW Urban Biologist, Patricia Thompson, was able to conclude that the habitat would improve over current conditions.</p>

**SAC Comments/Response Table**  
**Edmonds Crossing Concurrence Point #3, June 2004**

Comment Number	Comment	Response
<p>2  SWOPE</p>	<p>There are many ways to impact the marsh besides filling it (e.g., cutting off surface or sub-surface water sources) and all efforts should be made to avoid adversely affecting it. Measures to be used to avoid impacting the marsh and its buffer should be reported in the final EIS.</p>	<p>Edmonds Marsh was delineated in 1995, during the early development of the Draft EIS. The information from that delineation has been used in the preliminary design of the proposed facilities, as well as for the impact analysis reflected in the EIS. The delineation will need to be redone and verified by the US Army Corps of Engineers prior to obtaining the Section 404 permit.</p> <p>As noted in the response to comment #1 above, the Section 4(f) Evaluation summarizes the key findings and conclusions of the EIS and the supporting technical discipline reports. The EIS presents in greater details the measures that were incorporated into the design of the proposed facilities to avoid adversely impacting the marsh and, in fact, enhancing the wetland and surrounding upland habitats where feasible.</p> <p>The following is a brief description of those measures:</p> <ul style="list-style-type: none"> <li>-- Wetland and stream buffer vegetation along the southern-forested edge of the marsh would be enhanced by planting desirable native species (black cottonwood and Douglas-fir trees) and removing non-native invasive species. The buffer area would be densely planted up to a width of 20 feet to reduce noise intrusion. These measures would enhance the vegetative complexity of the habitat of the wetland buffer and create a visual screening. A detailed planting plan would be approved by WDFW prior to issuance of permits.</li> <li>-- Mostly native shrubs and trees would be planted along the margins of the realigned SR104 to buffer surrounding habitats from human activity and light associated with operation of the proposed facilities and to mitigate, in part, for the loss of forested habitat as a result of construction activities.</li> <li>-- A fence would be installed along the terminal access road, limiting access to the buffer area by humans and pets.</li> <li>-- As noted in the response to comment #1 above, the dedicated bus driveway, proposed in the Draft EIS, that was located along the west side of the marsh, was eliminated in the design of the preferred alternative. In addition, the access road to the multi-modal center was relocated as far south as possible to avoid use of, or proximity effects to, the marsh.</li> <li>-- An oversized, bottomless culvert would be constructed for the realigned SR 104/Pine Street over-crossing of Willow Creek. This would allow room for wildlife, including amphibians, reptiles, and small and medium sized mammals, to pass beneath the road and help maintain the habitat corridor that exists along Willow Creek. This would be a significant improvement over what exists at that location today.</li> <li>-- Willow Creek would be diverted from its present 1,275-foot long culverted section and realigned/redesigned to allow for a number of "daylighted" sections through the project area. Much of the stream parallel to and east of the railroad tracks would be enhanced with large woody debris, boulders, and riparian vegetation. The new stream channel would provide foraging habitat for numerous birds and small mammals such as mink and river otter.</li> <li>-- The daylighting of Willow Creek would create additional tidal wetland habitat that would likely be used by killdeers, sandpipers, great blue herons, muskrats, and other species of wildlife.</li> </ul>
<p>3  CONOLLY</p>	<p>We do not believe that this [trail construction and use] can be considered mitigation if additional impacts would result. Mitigation efforts should be aimed at reducing impacts from noise, light and human activity on the marsh and its buffer. We recommend that the final EIS include more information on the planting/noise reduction mitigation measures proposed to reduce impacts to the marsh (e.g., locations and types of plantings). The EIS should also clearly identify the location of proposed trails, expected usage levels and include a discussion of the effects the trails are expected to mitigate.</p>	<p>At the present time, trails exist along the north and west sides of Edmonds Marsh, developed and maintained by the City of Edmonds. The intent of these trails is to enhance public awareness of the value of the wetland ecology. The City of Edmonds <u>Parks, Recreation and Open Space Comprehensive Plan</u>, adopted in 2001, includes additional interpretative trails in the vicinity of the Deer Creek Hatchery. These trails are not part of the proposed Edmonds Crossing project. The reference to funding additional planned interpretative trails in the vicinity of the hatchery has been removed as mitigation from the Section 4(f) Evaluation.</p> <p>It should be emphasized that the City is committed to the protection of the marsh. The City's position is clear that it will not support the creation of a walkway that either crosses or fully encircles the marsh. It should also be noted that the</p>

**SAC Comments/Response Table**  
Edmonds Crossing Concurrence Point #3, June 2004

Comment Number	Comment	Response
		<p>Edmonds Crossing project is not proposing, either as part of the design nor as mitigation for potential effects, any trails to, around, or within the marsh.</p> <p>As noted in the response to comment #2 above, the project includes a number of measures to enhance wetlands and stream buffer vegetation along the marsh to increase habitat diversity and to provide both a visual screen and a noise reducing effect. The EIS states that a planting plan would be developed and approved by WDFW prior to the issuance of permits. Including a more detailed plan is not practical until the facility design is closer to the 60% level.</p>
<p><b>Kate Stenberg and Jack Kennedy, United States Army Corp of Engineers: Concurrence with Comments Received May 26, 2004</b></p>		
<p>4 CLIFTON SWOPE WEED</p>	<p><b>LEDPA Application – Environmentally Poor:</b> We are unable to apply the “least environmentally damaging practicable alternative” label to plans to move Edmonds’ passenger train station and bus loading facilities from their current functional locations near Edmonds’ downtown core...We think the collocation of the bus and rail facilities with the ferry terminal is a poor idea...such collocation threatens the Edmonds Marsh...</p> <p>The Modified Point Edwards Site would place Edmonds’ passenger train and bus facilities south of the Edmonds Marsh, a large wetland preserve which would uniquely and effectively screen the train and bus facilities from Edmonds-area users living or working near the downtown core, and to the areas immediately north and northeast. The Edmonds Marsh is large, and from a circulation point of view, hard to get people around without increased vehicular use. A predictable result will be public calls for a pedestrian walkway across the marsh, or even a new road, from the “multimodal transportation center” to downtown Edmonds. We note the strong position taken by the City of Edmonds in the EIS against allowing further development in the marsh...the Seattle District maintained that it is not good public policy to locate a city’s bus and train terminals in a manner that lets a large, unbroken wetland separate them from the downtown core.</p> <p><i>(Comments most specific to the environmental function of the preferred alternative are excerpted.)</i></p>	<p>As noted in the response to EPA comment #3, the City of Edmonds is committed to the protection of Edmonds Marsh. The marsh is planned and zoned as “Open Space” in the City’s <u>Comprehensive Plan and Zoning Map</u>. The City’s <u>Parks, Recreation, and Open Space Comprehensive Plan</u> designates the marsh as a wildlife refuge. According to a Quit Claim Deed between UNOCAL and the City, Parcel 4 (which contains most of Edmonds Marsh) “shall be used by the City only as a public park and recreational facility with the primary purpose as a wildlife preserve and open space”. The City intends to uphold the conditions of this agreement. Also noted in the response to EPA comment #3, the City will not support the creation of a walkway that either crosses or fully encircles the marsh.</p> <p>While it is recognized that the project would result in increased activity in the vicinity of the marsh, all measures have been taken to avoid or minimize potential effects and, with the mitigation proposed as part of the project, some conditions will actually improve. To avoid or minimize possible effects, numerous design refinements were incorporated into the project, including the elimination of a dedicated bus way, as proposed in the Draft EIS, that would have extended along the westside of the marsh between the multi-modal center and downtown Edmonds (the project now proposes frequent bus connections to downtown Edmonds via Admiral Way immediately west and across the railroad tracks from the center). In addition, the access roads to the multimodal center was shifted to the south to avoid use of, or proximity effects to, the marsh and, in the process, enlarge the buffer area between the marsh and the project.</p> <p>Other measures to protect and enhance the marsh and the surrounding upland habitat include:</p> <ul style="list-style-type: none"> <li>-- enhance wetland and buffer area by planting desirable native species</li> <li>-- install a fence along the terminal access road</li> <li>-- construct an oversized, bottomless culvert at the realigned SR 104/Pine Street over-crossing of Willow Creek</li> <li>-- daylight Willow Creek</li> </ul> <p>See the response to EPA comment #2 for more details regarding these measures.</p>
<p>5 WEED</p>	<p><b>LEDPA Application – Practicability Poor:</b> We are unable to apply the “least environmentally damaging practicable alternative” label to plans to move Edmonds’ passenger train station and bus loading facilities from their current functional locations near Edmonds’ downtown core...We think the collocation of the bus and rail facilities with the ferry terminal is a poor idea...such collocation...would result in a facility that will see a decline in practicability for Edmonds-area bus and train commuters.</p>	<p>The March 2004 Concurrence Point #3 packet clearly documents the reasons why the Point Edwards Alternative is the LEDPA and best satisfies the purpose and need for the project. There are many reasons, but among the more important are improving the current safety issues related to the at-grade rail crossing, relieving traffic congestion in the downtown Edmonds area during ferry loading and unloading operations, and strengthening the linkages between the downtown and the waterfront.</p> <p>The following discussion restates relevant responses to similar comments from the Corps in the past.</p> <ol style="list-style-type: none"> <li>1. Funding for the Kingston to Seattle passenger-only ferry project was lost with the passage of Initiative 695 in</li> </ol>

**SAC Comments/Response Table**  
**Edmonds Crossing Concurrency Point #3, June 2004**

Comment Number	Comment	Response
	<p>The most significant advantage the “multimodal transportation center” will provide would be to the weekday morning Kingston-to-Seattle ferry commuters, who could immediately board southbound trains or other “destination buses” as they leave the ferry terminal, perform the reverse with their evening commute. That is an advantage that would cease to apply if the often discussed Kingston-to-Seattle is introduced.</p> <p>Residents of Woodway would benefit from the practicability of relocating the bus and train facilities to their town boundary with Edmonds. Some gain in practicability might accrue to bus and train commuters approaching the terminal from the east, on SR 104 and on Pine Street, if the quarter-mile long 2-lane access road depicted on the EIS drawings does not lead from an intersection choked by separating inbound ferry traffic from inbound and outbound bus and train traffic.</p> <p>The loss in practicability would accrue to the near-in Edmonds residents who now walk to the bus or train stations, and to people using the bus or train to visit Edmonds, and stroll, dine, or shop. These categories of people would have to use circulation buses, and be subjected to “one more link in the modal chain.” We saw no evidence that their numbers would be equaled or exceeded by Edmonds-area residents freed of an extra mode.</p> <p><i>Comments most specific to the practicability of the preferred alternative are excerpted.</i></p>	<p>November 1999. WSF has since dropped passenger-only routes from service. There is an application before the WUTC for privately operated passenger-only service between Kingston and Seattle. The proposed boat would be slower and the fares would be much higher than what WSF was envisioning prior to 1999. It should be noted that in the previous studies, the market for a Kingston-Seattle passenger-only ferry route was driven much more by traffic diverted from the Seattle/Bainbridge route than the relatively small amount of traffic from the Kingston/Edmonds route.</p> <p>2. The access road to and from the ferry terminal and multi-modal center, as illustrated in the EIS, would be designed to accommodate the projected ferry traffic (up to four vessels) and transit-oriented (bus and train) traffic. In addition, the redesigned SR 104/Pine Street/Edmonds Way intersection would accommodate the project traffic. The traffic analysis prepared for the project indicates an efficient and fully functional intersection during p.m. peak hour in the design year of 2030.</p> <p>3. Origin-destination studies conducted for this project have clearly demonstrated that only a very small percentage of trips utilizing the Edmonds/Kingston ferry route are going to or coming from the downtown Edmonds core.</p> <p>4. The traffic flow using the ferry provides very little pass-by business within the Edmonds downtown. Because of this weak link between ferry traffic and downtown business activity, the relocation of the ferry terminal to Point Edwards should not have a noticeable economic effect.</p> <p>5. Relocation of the various modes to a single location at Point Edwards will separate the traffic destined to those multi-modal center from the traffic destined to the downtown core. The small percentage of ferry, rail and bus riders who need to travel to the downtown will be able to do so by the proposed circulator bus that will operate along Admiral Way immediately west and across the railroad tracks from the center.</p> <p>6. The proposed Point Edwards site is less than 3/4 mile from the existing ferry terminal, 1/2 mile from the downtown core (the southern edge of which is Dayton Street) and Harbor square, one of the City’s major business parks. Additionally, the city envisions further development in the area of the old Safeway store and Amtrak station, and a large residential development is under construction on the hillside above Point Edwards. For many of those ferry/rail/bus riders who have “downtown” destinations, the distance they would need to travel may actually be closer than currently exists.</p>
<p><b><i>Teresa A. Eturaspe, Washington Department of Fish and Wildlife: Concurrency with Comments Received April 15, 2004</i></b></p>		
<p style="text-align: center;">6 TOLON</p>	<p>We will need to see your final culvert designs very soon for the new route to the Puget Sound.</p>	<p>At the Final EIS and Record of Decision (ROD), the project level of design would be at approximately 30%, which comprises delineation of the major structural features and their layout. Detail design of structural features occurs during the Plans, Specification and Estimate (PS&amp;E) process in the final stages of design. In other words, final culvert design is developed at the time when project permit applications are prepared. The culvert design is an integral part of the entire project design; minor design changes could occur in response to permit requirements. Such design details would not be available for this project until late 2005 or early 2006.</p>
<p style="text-align: center;">7 WHITMAN EWBANK</p>	<p>Show us how you intend to control water levels in the marsh.</p>	<p>The proposed design for the Edmonds Crossing project does not incorporate water level control in the marsh, except under emergency conditions. During conditions of extremely high tides coupled with a strong storm surge, City staff may manually close a tide gate to prevent the marsh water level from overtopping the existing levee on the north side of the marsh. This action would be taken, if needed, to protect a business park from flooding. Such an event might occur on the order of once every 1-3 years and for several hours per event. During all other times, the Willow Creek culverts and channel between Edmonds Marsh and Puget Sound would be completely open to tidal surge and freshwater outflow. Periodic operation of the tide gate would not alter the ecological functions of the salt marsh or perimeter freshwater marsh, as the hydraulic control would be so brief and so infrequent. Since the flow capacity of the new culverts and new open channel would be much greater (less restrictive) than the current conditions, a greater amount of saltwater would enter the marsh in flood tides and ebb out of the marsh on a daily basis. As a result, the size of the salt marsh area is expected to increase. The spatial extent of salt marsh</p>

**SAC Comments/Response Table**  
**Edmonds Crossing Concurrence Point #3, June 2004**

Comment Number	Comment	Response
		<p>expansion is unknown, however, as it has not been modeled.</p> <p>The project could result in lower marsh water levels at times of low tides relative to existing conditions because the new Willow Creek culverts and open channel would drain the marsh more effectively. The existing culvert nearest the outlet of the marsh has an invert elevation that lies above the outlet channel bottom, and therefore impounds water to a shallow depth upstream of it. That impoundment causes shallow water ponding in much of the marsh. Much of the marsh lies at an elevation of +8 to +9 feet MLLW. Salt marshes throughout Puget Sound typically do not retain water at low tide in this upper intertidal elevation range. The current design plan for the Willow Creek channel and the new culverts within it downstream of the marsh does not include raised culvert invert elevations, or a weir, to impound shallow water in the marsh. If desired by WDFW or other project stakeholders, the design could easily be modified to include a low weir, or a raised culvert elevation nearest the marsh outlet, to accomplish similar water impoundment at all times in the marsh as occurs in the existing condition.</p>
8  CLIFTON SWOPE	We will need to see the agreement showing that Sound Transit and not DOT will design and build the Pine Street culvert and that construction will occur in the first and not the last stage of the project.	Sound Transit will have no role in the Pine Street culvert-- Sound Transit's role will be limited to the culvert under the railroad tracks. Sound Transit will construct a box culvert below the existing and proposed tracks to allow for the daylighting of Willow Creek. The culvert will be installed during the installation of the second track at the time the full project is constructed. When Sound Transit plans for the box culvert construction become available, they can be provided to WDFW.
BA BNSFRR DEIS DNR Resources Ecology EIS EPA ESA	biological assessment Burlington Northern Santa Fe Railroad draft environmental impact statement Washington State Department of Natural Ecology Washington State Department of Ecology environmental impact statement United States Environmental Protection Agency Endangered Species Act	FEIS FHWA LEDPA alternative NEPA PFEIS ROD SEPA SMA final environmental impact statement Federal Highway Administration least environmentally damaging practicable National Environmental Policy Act preliminary final environmental impact statement record of decision State Environmental Policy Act salmon management area
		SR UNOCAL USACOE USFWS WSDOT WSF WSWF state route Union Oil Company United States Army Corps of Engineers United States Fish and Wildlife Service Washington State Department of Transportation Washington State Ferries Washington State Fish and Wildlife

**Tribal Consultations**

# Memorandum of Agreement

Between

**Federal Highway Administration,  
Washington State Department of Transportation,  
City of Edmonds, and the Suquamish Tribe**

## **SR 104, Edmonds Crossing Multimodal Project Cooperating Agency Status**

WHEREAS, this Memorandum of Agreement (MOA) between the lead agencies: Federal Highway Administration (FHWA), Washington State Department of Transportation (WSDOT) (including Washington State Ferries), the City of Edmonds (in cooperation with existing Cooperating Agencies, the U.S. Army Corps of Engineers and the Federal Transit Administration) and the Suquamish Tribe is for the purpose of identifying and formalizing the status of the Suquamish Tribe as a Cooperating Agency pursuant to 40 CFR 1508.5 and 23 CFR 771.111 for the SR 104, Edmonds Crossing Multimodal Project; and,

WHEREAS, the Indian Tribes with federally protected rights under the Treaties of Point Elliot and Point no Point, 1855, in the vicinity of this project have unique expertise and concerns relating to their rights; and

WHEREAS, The Suquamish Tribe has participated and maintained an existing relationship with the lead agencies with regard to the Edmonds Crossing Multimodal Project; and

WHEREAS, the Suquamish Tribe agrees, under its jurisdiction and special expertise, to act as the Tribal Representative for the Port Gamble S’Klallam Tribe, Swinomish Tribe, and the Lummi Nation and desires to be formally identified as a Cooperating Agency to address and to satisfy tribal concerns for concurrence on the settlement plan regarding the SR 104, Edmonds Crossing Multimodal Project;

NOW THEREFORE, the parties agree to implement the actions outlined below to facilitate preparation of the preliminary final Environmental Impact Statement (EIS) for submittal of the Record of Decision (ROD) for FHWA approval.

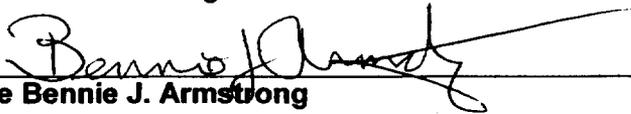
### **Actions To Maximize Interagency Cooperation**

1. Execution of this Memorandum of Agreement evidences that the Suquamish will be identified and participate as a Cooperating Agency in the SR 104, Edmonds Crossing Multimodal Project in the EIS process.
2. The Suquamish Tribe, as a Cooperating Agency and Tribal Representative, will:
  - a. attend and participate in coordination meetings and joint field reviews and coordinate with and keep the other identified Tribes informed of opportunities to do the same;
  - b. consult on technical studies that will be required for the project;
  - c. review the EIS and provide tribal views and concerns;
  - d. attend joint public involvement activities.

3. FHWA, WSDOT, and City of Edmonds, as lead agencies, will:
  - a. provide information gathered or reports commissioned in the FEIS process to other cooperating agencies and to all Tribes identified in this MOA;
  - b. provide adequate and timely information to cooperating agencies to enable them to discharge their NEPA and SEPA responsibilities and any other requirements regarding jurisdictional approvals, permits, licenses, and/or clearances;
  - c. identify and address in the EIS tribal concerns and responsibilities under other federal and state laws and regulations and applicable Treaties;
  - d. obtain concurrence from the Suquamish Tribe as Tribal Representative for any settlement plans regarding Federally Reserved Treaty rights prior to the formal adoption or implementation of any such decisions on the record.
  
4. All tribes identified in this MOA, by their signature below, concur to being represented by the Suquamish Tribe. All tribes will be signatory to the final settlement plan.

## Signatories

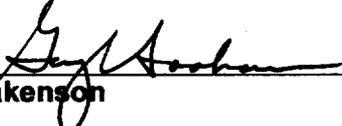
The undersigned official representatives of the Parties affirm and concur with the Agreement and enter into this Agreement on behalf of their respective Parties. Each Party represents that the person executing this agreement on its behalf is duly authorized to execute this Agreement.

  
\_\_\_\_\_  
**The Honorable Bennie J. Armstrong** 3/8/04  
Chairperson Date  
Suquamish Tribe

  
\_\_\_\_\_  
**Daniel M. Mathis, P.E.** 04/12/04  
Division Administrator, Washington Division Office Date  
Federal Highway Administration

  
\_\_\_\_\_  
for **Lorena Eng, P.E.** 4/2/04  
Regional Administrator, Northwest Region Date  
Washington State Department of Transportation

  
\_\_\_\_\_  
**Michael Thorne** 3/30/04  
CEO Date  
Washington State Ferries

  
\_\_\_\_\_  
**Gary Haakenson** 3-26-04  
Mayor Date  
City of Edmonds

**Concur for Port Gamble S'Kallam Tribe, Swinomish Tribe, and Lummi Nation**

*Ronald Charles*

**The Honorable Ronald Charles**  
Chairperson  
Port Gamble S'Klallam Tribe

Date

*Brian Cladoosby*

**The Honorable Brian Cladoosby**  
Chairperson  
Swinomish Tribe

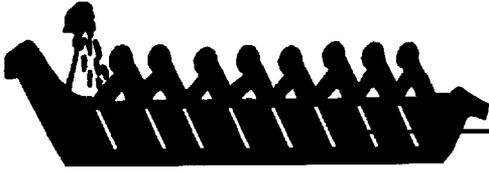
*02/13/2004*

Date

*Darrel Hillaire*

**The Honorable Darrel Hillaire**  
Chairperson  
Lummi Nation

Date



FISHERIES DEPARTMENT  
360/598-3311  
Fax 360/598-4666

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## THE SUQUAMISH TRIBE

P.O. Box 498

Suquamish, Washington 98392

14 October 2003

Marsha Tolon  
EIS Coordinator  
NW Regional Office  
WDOT

Subject: Comments on draft PFEIS

VIA EMAIL

Dear Ms. Tolon:

The Suquamish Tribe has reviewed the draft Preliminary Final Environmental Impact Statement for the Edmonds Crossing project. In our review of this document we focused on sections related to tribal fisheries. Many sections of the document related to tribal fisheries identify mitigation measures. These sections depend on successful conclusion of discussions between project proponents and the tribes and a formal settlement agreement on mitigation for impacts to tribal fishing.

The Tribe offers the following additional comments:

### Chapter 3, Affected Environment

1 Page 3-102, Tribal Fishing: States that geoduck and crab are too low in density to attract commercial fishing. Densities of crab in the area of the ferry are unknown. The Tribe currently harvests its quota in waters north of the ferry terminal and at locations on the west side of the sound. Increased tribal fishing in this catch area could result in fisheries for crab in the area of the proposed terminal. Geoduck are probably in high density (not low, as described in the draft PFEIS), however, the area is classified as "prohibited" by the Washington State Department of Health, thereby precluding commercial harvest at this time. Consequently, no surveys have been conducted. As water quality improves, it is possible that the Department of Health could upgrade the growing area classification of these waters. If this happened, Tribes would be actively harvesting geoduck and possibly other bivalves.

## Chapter 4, Environmental Consequences

- 2 | Page 4-141, Tribal Fishing: This section assumes that no salmon or other fin-fishing will occur in SMA 9. Several Tribes have expressed interest in conducting fisheries, including commercial, in SMA 9. It is incorrect to assume that no salmon fishing will be conducted in SMA 9. More importantly, the Point Edwards area is recognized by fishers (both commercial and recreational) as a particularly productive fishing site. The EIS should acknowledge the importance of the site as an extraordinary fishing location.

## Chapter 6, agency comments on DEIS and responses

- 3 | Page 6-15, Responses to EPA comments. Response item 10: This response indicates that realignment of the terminal eliminates all potential conflicts with Tribal fishers. The Suquamish Tribe has indicated that this alternative is an improvement over the preferred alternative but has not expressed “support” for the modification. The response implies that consultation with the Tribes has been successfully concluded. This is not the case.

- 4 | Page 6-27, Responses to Suquamish Tribe comments. Response item 3: This response claims that the Tribe has provided written support of Modified Alternative 2. The Tribe has provided no such support, written or otherwise.

- 5 | Page 6-27, Responses to Suquamish Tribe comments. Response item 4: The Suquamish Tribe has Usual and Accustomed Fishing areas in both SMA 9 and SMA 10, so the potential for conflict is not eliminated. Furthermore, the Suquamish Tribe conducts non-salmon finfish and shellfish fisheries in both SMA 9 and SMA 10. There is an implication in the EIS that the Tribes do not and will not be fishing for salmon species in area 9. This is not a valid assumption. The Tribes have not undertaken salmon fisheries in area 9 because, to date, stock composition information for Area 9 has been lacking. The Tribes have not determined that Area 9 will be permanently closed to salmon fisheries.

## Appendix A, Comments and Coordination

- 6 | Page A-8, Additional Tribal Consultation: This section implies conclusion to consultation with the Tribes and resolution of issues. This has not occurred.

## Appendix G, Environmental Justice Analysis

Pages G-8 and G-9, Tribal Coordination: This section contains the following statement: “Many Puget Sound area Indian Tribe members fish in the marine areas adjacent to the existing and proposed ferry terminal sites. Treaties with the Federal government authorize this activity.” The treaties do not “authorize” tribal fishing in the Edmonds area. The Suquamish Tribe possessed and exercised fishing rights prior to entering a treaty with the United States. In the Treaty of Point Elliot, the Suquamish Tribe reserved this right. As noted above, the modified alternative does not address all impacts on tribal fishers.

Page G-21, summary of mitigation for impacts on Tribal Fishing. The summary cannot be considered complete until fishing impacts are resolved with the Tribes.

Thank you for the opportunity to provide these comments. If you have any questions, please contact me directly at (360) 394-8446.

Sincerely,

Tom Ostrom  
Environmental Program  
[tostrom@suquamish.nsn.us](mailto:tostrom@suquamish.nsn.us)

## Responses to October 14, 2003, Letter from The Suquamish Tribe Regarding Comments of the Draft PFEIS

1. The text has been revised to include more information regarding the known densities of Dungeness crabs and geoduck clams.
2. The text has been revised to acknowledge that the tribes conduct fisheries for non-salmonid fin fish in SMA 9 and that commercial salmon fisheries may be conducted in SMA 9 in the future.
3. The text has been revised to simply state that the Suquamish Tribe has indicated that the design modifications are an improvement over the preferred alternative identified in the Draft EIS.
4. The text has been revised by removing the phrase "... and have provided written support of Modified Alternative 2."
5. The text has been clarified to indicate that as long as SMA 9 is closed to commercial fishing, there should not be a conflict. In response to comment 2 above, the text has been revised elsewhere in the document to acknowledge that SMA 9 could be open in the future.
6. This section has been revised to include the key points of the Memorandum of Agreement (MOA) between the Washington State Ferries; the City of Edmonds; and the Suquamish, Lummi, Swinomish, and Tulalip Tribes regarding mitigation for the anticipated unavoidable present and future effects and impacts of the Edmonds Crossing Project on the continued exercise of federally protected Treaty Fishing Rights of the Tribal partners.
7. The paragraph on page G-9 has been revised to specifically refer to the federally protected Treaty Fishing Rights and the exercise of those rights in the marine areas adjacent to the project site.
8. The Mitigation Summary has been revised to reflect the provisions of the MOA.



Area Code (360)

598-3311

Fax 598-6295

## THE SUQUAMISH TRIBE

P.O. Box 498

Suquamish, Washington 98392

10 March 2003

Daniel M. Mathis, P.E.  
Division Administrator  
Federal Highway Administration  
U.S. Department of Transportation  
Suite 501 Evergreen Plaza  
711 South Capitol Way  
Olympia, WA 98501-1284

**RECEIVED**  
**MAR 18 2003**  
COMMUNITY SERVICES  
DIRECTOR

Dear Mr. Mathis:

Thank you for your letter inviting the Suquamish Tribe to participate on the Edmonds Crossing Project as a cooperating agency. As you know, the Tribe has long been opposed to the preferred alternative at the Point Edwards location because it would affect the Tribe's treaty reserved fisheries rights and resources in the area. In recent months, the project team has made significant revisions to the preferred alternative based on the Tribe's concerns and comments and has engaged in discussions with all affected Tribes on how to fully mitigate for impacts on the Tribes' treaty reserved rights and resources. The Tribe wishes to continue with these discussions and believes that a settlement that satisfies the needs of the project team while protecting and mitigating impacts to the Tribes' is possible.

Because the proposed project has significant consequences for the surrounding area, specifically including Federally recognized treaty rights, we believe the Tribe's significant expertise and decision making authority can help achieve the best possible course of action for all residents of the area. Benefits of having the Tribe as a cooperating agency will include the sharing and disclosure of relevant information and issues early in the analytical process, the application of available technical expertise and staff support, the minimization of duplicitous or competing procedures and information gathering, the establishment of a formal mechanism for addressing intergovernmental issues, fostering intra- and intergovernmental relationships and achieving an outcome that all parties can accept.

We are interested in the specifics of how our involvement will work. If, as you propose, the Tribe will not be asked to provide any direct analysis, the effect of Tribal participation is unclear. Our significant rights in the area make it crucial that we be provided an effective mechanism of participation.

Council on Environmental Quality (CEQ) regulations define a cooperating agency as one having jurisdiction or special expertise in the matter at hand. The cooperating agency is therefore normally delegated certain portions of the project relevant to its expertise to analyze and prepare writings. As you suggested, maximizing interagency cooperation is

the ultimate goal of inviting the Tribe to participate as a cooperating agency. While we understand that becoming a cooperating agency neither confers upon the Tribe any additional authority nor prevents it from acting to protect its federally recognized rights in the area, the Tribe would like its cooperating agency status to provide it some additional benefit beyond what it already enjoys in the decision making process.

Given the aforementioned, the Tribe also understands the desire to move forward with this project and, to that end, welcomes the opportunity to participate as a cooperating agency provided that all lead and cooperating parties sign an agreement requiring Tribal concurrence with all major decisions leading up to the formal Record of Decision. We believe that such an agreement will allow the project team to promptly proceed with preparation of a final EIS while ensuring that the Tribe's substantive concerns are addressed in a timely and cooperative manner.

We invite you to prepare, and look forward to reviewing, a draft agreement that would outline the Tribe's responsibilities, mechanisms for participation, and how and when the Tribe's concurrence will be a condition of the process moving forward. I expect that this could be concluded quickly once the terms are agreed upon, and look forward to devoting my full and immediate attention to the matter upon receipt of your first draft.

Sincerely,

A handwritten signature in black ink, appearing to read "Bennie Armstrong", with a long horizontal flourish extending to the right.

Bennie Armstrong  
Chairman

CC: Colleen Jolie, Washington Department of Transportation  
Marsha Tolin, Washington Department of Transportation  
Elizabeth Healy, Federal Highway Administration  
Stephen Clifton, City of Edmonds



U.S. Department  
of Transportation

**Federal Highway  
Administration**

**RECEIVED**

**JAN 23 2003**

**COMMUNITY SERVICES  
DIRECTOR**

Washington Division

Suite 501 Evergreen Plaza  
711 South Capitol Way  
Olympia, Washington 98501-1284  
(360) 753-9480  
(360) 753-9889 (FAX)  
<http://www.fhwa.dot.gov/wadiv>

January 17, 2003

HNWR-WA.5/HP-STPF-STPUL-  
0104(019)

The Honorable Herman Williams, Jr., Chairperson  
Tulalip Tribes  
6700 Totem Beach Road  
Marysville, WA 98270-9694

**State Route 104, Edmonds Crossing EIS  
Request for Cooperating Agency Status**

Dear Chairperson Williams:

The Federal Highway Administration (FHWA), the Washington State Department of Transportation (WSDOT) (including Washington State Ferries), and the City of Edmonds (in cooperation with the U.S. Army Corps of Engineers and the Federal Transit Administration) would like to formalize our existing relationship involving this project. **We request your participation as a cooperating agency** in the preparation of a proposed action to provide a long-term solution to current operational and safety conflicts between ferry, rail, automobile, bus, and pedestrian traffic in downtown Edmonds in Snohomish County, Washington.

The WSDOT, the City of Edmonds, and the FHWA are preparing an Environmental Impact Statement (EIS) to evaluate alternative solutions. Three build and a no-action alternative will be considered in the Final EIS. The build alternatives propose relocating the existing state ferry terminal from Main Street to one of two sites; to relocate the terminal to Point Edwards, approximately 3/4 miles south of the existing terminal, or relocate to a site midway between the existing terminal and the Point Edwards site. A multimodal center would be developed at the selected site to combine the various travel modes.

The 1998 Draft EIS alternative at Point Edwards was modified to minimize impacts to the environment. In response to comments by the public, state, federal resource agencies and Native American Tribes, the modified Point Edwards alternative was revised to better balance operational needs, traffic and safety considerations, environmental, social, and economic effects.

Your previous and continued participation is welcomed, as you have a vested interest in the project. You have special expertise in the affected environment to identify those environmental factors that your tribe may consider to be most critical. We can work together to ensure that the NEPA/SEPA EIS adequately addresses your concerns.

## **ENVIRONMENTAL RESOURCES AND ISSUES**

The following is a list of the environmental and land resources within the project area to be addressed by the EIS. The project is within the city of Edmonds.

Air Quality	Geology and Soils
Waterways and Hydrological Systems	Water Quality
Flood Plains	Fisheries and Wildlife
Wetlands	Relocation
Land Use	Social and Economics
Cultural Resources	Visual Quality
Hazardous Waste	Surface and Marine Transportation
Environmental Justice	

Water resources in the project area are the:

Puget Sound	Edmonds Marsh
Point Edwards Coastal Zone	Willow Creek

## **POTENTIAL FEDERAL, STATE AND LOCAL PERMITS, APPROVALS, AND CONSULTATIONS**

The following is a list of the permit, licenses, and actions the project would require for the revised preferred alternative according to its location, and its effects:

### U.S. Army Corps of Engineers:

- Section 10 of the Rivers and Harbors Act Permit (for work in navigable waters)
- Nationwide Section 404, Clean Water Act, Permit (for discharge of dredge or fill material in waters of the United States)

### Washington State Department of Ecology:

- Water Quality Certification 401 of the Clean Water Act (for discharge into waters of the United States)
- National Pollutant Discharge Elimination System (NPDES) Stormwater Permit (for construction disturbing more than 5 acres of land and having a stormwater discharge to surface waters or a storm sewer)

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- Hydraulic Project Approval (construction in waters of the state)

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- Shoreline Substantial Development Permit (for construction activities within 200 feet of the shorelines of the state)
- Clearing Permit
- Building Permit

### Federal, State, and City Agencies:

- Section 4(f) Approval (for impacts to parks, recreational lands, wildlife refuges, and historic sites)
- Section 7, Endangered Species Act, consultation (for impacts to threatened or endangered plant and animal species)

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- City of Edmonds Critical Area Determination

As a Cooperating Agency, your agency's involvement should entail those areas under its jurisdiction or special expertise that need to be addressed to satisfy your concerns. No direct writing or analysis will be necessary for the document's preparation. However, you are expected to tell us if, at any point in the process, your needs are not being met.

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If you have any questions or would like to discuss, in more detail, the project, or respective roles and responsibilities during the preparation of the EIS, please call Elizabeth Healy at (360) 753-8655.

Sincerely,

**Daniel M. Mathis**

DANIEL M. MATHIS, P.E.  
Division Administrator

cc: Sharon Love, FHWA, MS 0943  
Ben Brown, WSDOT, MS NB82-138  
Stephen Clifton, City of Edmonds  
The Honorable Bennie J. Armstrong, Chairperson, Suquamish Tribe  
The Honorable Brian Cladoosby, Chairperson, Swinomish Tribe  
The Honorable Darrel Hillaire, Chairperson, Lummi Tribe



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COMMUNITY SERVICES  
DIRECTOR

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Olympia, Washington 98501-1284  
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(360) 753-9889 (FAX)  
<http://www.fhwa.dot.gov/wadiv>

January 17, 2003

HNWR-WA.5/HP-STPF-STPUL-  
0104(019)

Randy Kinley, Chairman Natural Resources Commission  
Lummi Tribe  
2616 Kwina Road  
Bellingham, WA 98226

**State Route 104, Edmonds Crossing EIS  
Request for Cooperating Agency Status**

Dear Mr. Kinley:

The Federal Highway Administration (FHWA), the Washington State Department of Transportation (WSDOT) (including Washington State Ferries), and the City of Edmonds (in cooperation with the U.S. Army Corps of Engineers and the Federal Transit Administration) would like to formalize our existing relationship involving this project. **We request your participation as a cooperating agency** in the preparation of a proposed action to provide a long-term solution to current operational and safety conflicts between ferry, rail, automobile, bus, and pedestrian traffic in downtown Edmonds in Snohomish County, Washington.

The WSDOT, the City of Edmonds, and the FHWA are preparing an Environmental Impact Statement (EIS) to evaluate alternative solutions. Three build and a no-action alternative will be considered in the Final EIS. The build alternatives propose relocating the existing state ferry terminal from Main Street to one of two sites; to relocate the terminal to Point Edwards, approximately 3/4 miles south of the existing terminal, or relocate to a site midway between the existing terminal and the Point Edwards site. A multimodal center would be developed at the selected site to combine the various travel modes.

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Your previous and continued participation is welcomed, as you have a vested interest in the project. You have special expertise in the affected environment to identify those environmental factors that your tribe may consider to be most critical. We can work together to ensure that the NEPA/SEPA EIS adequately addresses your concerns.

## ENVIRONMENTAL RESOURCES AND ISSUES

The following is a list of the environmental and land resources within the project area to be addressed by the EIS. The project is within the city of Edmonds.

Air Quality	Geology and Soils
Waterways and Hydrological Systems	Water Quality
Flood Plains	Fisheries and Wildlife
Wetlands	Relocation
Land Use	Social and Economics
Cultural Resources	Visual Quality
Hazardous Waste	Surface and Marine Transportation
Environmental Justice	

Water resources in the project area are the:

Puget Sound	Edmonds Marsh
Point Edwards Coastal Zone	Willow Creek

## POTENTIAL FEDERAL, STATE AND LOCAL PERMITS, APPROVALS, AND CONSULTATIONS

The following is a list of the permit, licenses, and actions the project would require for the revised preferred alternative according to its location, and its effects:

### U.S. Army Corps of Engineers:

- Section 10 of the Rivers and Harbors Act Permit (for work in navigable waters)
- Nationwide Section 404, Clean Water Act, Permit (for discharge of dredge or fill material in waters of the United States)

### Washington State Department of Ecology:

- Water Quality Certification 401 of the Clean Water Act (for discharge into waters of the United States)
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- Clearing Permit
- Building Permit

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**Daniel M. Mathis**

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Division Administrator

cc: Sharon Love, FHWA, MS 0943  
Ben Brown, WSDOT, MS NB82-138  
Stephen Clifton, City of Edmonds  
The Honorable Bennie J. Armstrong, Chairperson, Suquamish Tribe  
The Honorable Brian Cladoosby, Chairperson, Swinomish Tribe  
The Honorable Herman Williams, Jr., Chairperson, Tulalip Tribe



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January 17, 2003

HNWR-WA.5/HP-STPF-STPUL-  
0104(019)

The Honorable Bennie J. Armstrong, Chairperson  
Suquamish Tribe  
P.O. Box 498  
Suquamish, WA 98392

**State Route 104, Edmonds Crossing EIS  
Request for Cooperating Agency Status**

Dear Chairperson Armstrong:

The Federal Highway Administration (FHWA), the Washington State Department of Transportation (WSDOT) (including Washington State Ferries), and the City of Edmonds (in cooperation with the U.S. Army Corps of Engineers and the Federal Transit Administration) would like to formalize our existing relationship involving this project. **We request your participation as a cooperating agency** in the preparation of a proposed action to provide a long-term solution to current operational and safety conflicts between ferry, rail, automobile, bus, and pedestrian traffic in downtown Edmonds in Snohomish County, Washington.

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## **ENVIRONMENTAL RESOURCES AND ISSUES**

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Land Use	Social and Economics
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Water resources in the project area are the:

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## **POTENTIAL FEDERAL, STATE AND LOCAL PERMITS, APPROVALS, AND CONSULTATIONS**

The following is a list of the permit, licenses, and actions the project would require for the revised preferred alternative according to its location, and its effects:

### U.S. Army Corps of Engineers:

- Section 10 of the Rivers and Harbors Act Permit (for work in navigable waters)
- Nationwide Section 404, Clean Water Act, Permit (for discharge of dredge or fill material in waters of the United States)

### Washington State Department of Ecology:

- Water Quality Certification 401 of the Clean Water Act (for discharge into waters of the United States)
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- Clearing Permit
- Building Permit

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- Section 106 Consultation (for impacts on cultural resources)
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**Daniel M. Mathis**

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Ben Brown, WSDOT, MS NB82-138  
Stephen Clifton, City of Edmonds  
Tom Ostrem, Suquamish Tribe  
The Honorable Darrel Hillaire, Chairperson, Lummi Tribe  
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COMMUNITY SERVICES  
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January 17, 2003

HNWR-WA.5/HP-STPF-STPUL-  
0104(019)

The Honorable Brian Cladoosby, Chairperson  
Swinomish Tribe  
PO Box 817  
LaConner, WA 98257

**State Route 104, Edmonds Crossing EIS  
Request for Cooperating Agency Status**

Dear Chairperson Cladoosby:

The Federal Highway Administration (FHWA), the Washington State Department of Transportation (WSDOT) (including Washington State Ferries), and the City of Edmonds (in cooperation with the U.S. Army Corps of Engineers and the Federal Transit Administration) would like to formalize our existing relationship involving this project. **We request your participation as a cooperating agency** in the preparation of a proposed action to provide a long-term solution to current operational and safety conflicts between ferry, rail, automobile, bus, and pedestrian traffic in downtown Edmonds in Snohomish County, Washington.

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Water resources in the project area are the:

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Washington Division  
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January 17, 2003

HNWR-WA.5/HP-STPF-STPUL-  
0104(019)

Allen Rozema, Natural Resources Planner  
Swinomish Tribe  
PO Box 817  
LaConner, WA 98257

**State Route 104, Edmonds Crossing EIS  
Request for Cooperating Agency Status**

Dear Mr. Rozema:

The Federal Highway Administration (FHWA), the Washington State Department of Transportation (WSDOT) (including Washington State Ferries), and the City of Edmonds (in cooperation with the U.S. Army Corps of Engineers and the Federal Transit Administration) would like to formalize our existing relationship involving this project. **We request your participation as a cooperating agency** in the preparation of a proposed action to provide a long-term solution to current operational and safety conflicts between ferry, rail, automobile, bus, and pedestrian traffic in downtown Edmonds in Snohomish County, Washington.

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Division Administrator

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Ben Brown, WSDOT, MS NB82-138  
Stephen Clifton, City of Edmonds  
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**Federal Highway  
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**COMMUNITY SERVICES  
DIRECTOR**

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January 17, 2003

HNWR-WA.5/HP-STPF-STPUL-  
0104(019)

Daryl Williams, Environmental Liaison  
Tulalip Tribes  
6700 Totem Beach Road  
Marysville, WA 98270-9694

**State Route 104, Edmonds Crossing EIS  
Request for Cooperating Agency Status**

Dear Mr. Williams:

The Federal Highway Administration (FHWA), the Washington State Department of Transportation (WSDOT) (including Washington State Ferries), and the City of Edmonds (in cooperation with the U.S. Army Corps of Engineers and the Federal Transit Administration) would like to formalize our existing relationship involving this project. **We request your participation as a cooperating agency** in the preparation of a proposed action to provide a long-term solution to current operational and safety conflicts between ferry, rail, automobile, bus, and pedestrian traffic in downtown Edmonds in Snohomish County, Washington.

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- Nationwide Section 404, Clean Water Act, Permit (for discharge of dredge or fill material in waters of the United States)

### Washington State Department of Ecology:

- Water Quality Certification 401 of the Clean Water Act (for discharge into waters of the United States)
- National Pollutant Discharge Elimination System (NPDES) Stormwater Permit (for construction disturbing more than 5 acres of land and having a stormwater discharge to surface waters or a storm sewer)

### Washington State Department of Fish and Wildlife:

- Hydraulic Project Approval (construction in waters of the state)

### City of Edmonds:

- Shoreline Substantial Development Permit (for construction activities within 200 feet of the shorelines of the state)
- Clearing Permit
- Building Permit

### Federal, State, and City Agencies:

- Section 4(f) Approval (for impacts to parks, recreational lands, wildlife refuges, and historic sites)
- Section 7, Endangered Species Act, consultation (for impacts to threatened or endangered plant and animal species)

- Section 106 Consultation (for impacts on cultural resources)
- Section 6(f) Approval (for impacts related to Marina Beach Park)
- City of Edmonds Critical Area Determination

As a Cooperating Agency, your agency's involvement should entail those areas under its jurisdiction or special expertise that need to be addressed to satisfy your concerns. No direct writing or analysis will be necessary for the document's preparation. However, you are expected to tell us if, at any point in the process, your needs are not being met.

The following are actions we will take to maximize interagency cooperation:

- Invite you to coordination meetings and joint field reviews
- Consult with you on any relevant technical studies that will be required for the project
- Provide you with study results, Committee minutes, and project information
- Invite you to joint public involvement activities
- Provide a review copy of the preliminary final EIS for any changes needed to reflect your views and concerns.
- Provide adequate information for cooperating agencies to discharge their NEPA and SEPA responsibilities and any other requirements regarding jurisdictional approvals, permits, licenses, and/or clearances.

We look forward to your continuing participation in the EIS process and satisfaction of the NEPA/SEPA requirements including those related to project alternatives, environmental consequences and mitigation. We also anticipate the document will address any concerns you may have resulting from your responsibilities under other federal and state laws and regulations. We intend to use the EIS as the basis for the Record of Decision (decision making document) and as the basis for the future permit applications.

If you have any questions or would like to discuss, in more detail, the project, or respective roles and responsibilities during the preparation of the EIS, please call Elizabeth Healy at (360) 753-8655.

Sincerely,

**Daniel M. Mathis**

DANIEL M. MATHIS, P.E.  
Division Administrator

cc: Sharon Love, FHWA, MS 0943  
Ben Brown, WSDOT, MS NB82-138  
Stephen Clifton, City of Edmonds  
The Honorable Bennie J. Armstrong, Chairperson, Suquamish Tribe  
The Honorable Brian Cladoosby, Chairperson, Swinomish Tribe  
The Honorable Darrel Hillaire, Chairperson, Lummi Tribe



U.S. Department  
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**Federal Highway  
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JAN 23 2003

COMMUNITY SERVICES  
DIRECTOR

Washington Division

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(360) 753-9480  
(360) 753-9889 (FAX)  
<http://www.fhwa.dot.gov/wadiv>

January 17, 2003

HNWR-WA.5/HP-STPF-STPUL-  
0104(019)

Merle Hayes, Fisheries Policy Liaison  
Suquamish Tribe  
P.O. Box 498  
Suquamish, WA 98392

**State Route 104, Edmonds Crossing EIS  
Request for Cooperating Agency Status**

Dear Mr. Hayes:

The Federal Highway Administration (FHWA), the Washington State Department of Transportation (WSDOT) (including Washington State Ferries), and the City of Edmonds (in cooperation with the U.S. Army Corps of Engineers and the Federal Transit Administration) would like to formalize our existing relationship involving this project. **We request your participation as a cooperating agency** in the preparation of a proposed action to provide a long-term solution to current operational and safety conflicts between ferry, rail, automobile, bus, and pedestrian traffic in downtown Edmonds in Snohomish County, Washington.

The WSDOT, the City of Edmonds, and the FHWA are preparing an Environmental Impact Statement (EIS) to evaluate alternative solutions. Three build and a no-action alternative will be considered in the Final EIS. The build alternatives propose relocating the existing state ferry terminal from Main Street to one of two sites; to relocate the terminal to Point Edwards, approximately 3/4 miles south of the existing terminal, or relocate to a site midway between the existing terminal and the Point Edwards site. A multimodal center would be developed at the selected site to combine the various travel modes.

The 1998 Draft EIS alternative at Point Edwards was modified to minimize impacts to the environment. In response to comments by the public, state, federal resource agencies and Native American Tribes, the modified Point Edwards alternative was revised to better balance operational needs, traffic and safety considerations, environmental, social, and economic effects.

Your previous and continued participation is welcomed, as you have a vested interest in the project. You have special expertise in the affected environment to identify those environmental factors that your tribe may consider to be most critical. We can work together to ensure that the NEPA/SEPA EIS adequately addresses your concerns.

## **ENVIRONMENTAL RESOURCES AND ISSUES**

The following is a list of the environmental and land resources within the project area to be addressed by the EIS. The project is within the city of Edmonds.

Air Quality	Geology and Soils
Waterways and Hydrological Systems	Water Quality
Flood Plains	Fisheries and Wildlife
Wetlands	Relocation
Land Use	Social and Economics
Cultural Resources	Visual Quality
Hazardous Waste	Surface and Marine Transportation
Environmental Justice	

Water resources in the project area are the:

Puget Sound	Edmonds Marsh
Point Edwards Coastal Zone	Willow Creek

## **POTENTIAL FEDERAL, STATE AND LOCAL PERMITS, APPROVALS, AND CONSULTATIONS**

The following is a list of the permit, licenses, and actions the project would require for the revised preferred alternative according to its location, and its effects:

### U.S. Army Corps of Engineers:

- Section 10 of the Rivers and Harbors Act Permit (for work in navigable waters)
- Nationwide Section 404, Clean Water Act, Permit (for discharge of dredge or fill material in waters of the United States)

### Washington State Department of Ecology:

- Water Quality Certification 401 of the Clean Water Act (for discharge into waters of the United States)
- National Pollutant Discharge Elimination System (NPDES) Stormwater Permit (for construction disturbing more than 5 acres of land and having a stormwater discharge to surface waters or a storm sewer)

### Washington State Department of Fish and Wildlife:

- Hydraulic Project Approval (construction in waters of the state)

### City of Edmonds:

- Shoreline Substantial Development Permit (for construction activities within 200 feet of the shorelines of the state)
- Clearing Permit
- Building Permit

### Federal, State, and City Agencies:

- Section 4(f) Approval (for impacts to parks, recreational lands, wildlife refuges, and historic sites)
- Section 7, Endangered Species Act, consultation (for impacts to threatened or endangered plant and animal species)

- Section 106 Consultation (for impacts on cultural resources)
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- City of Edmonds Critical Area Determination

As a Cooperating Agency, your agency's involvement should entail those areas under its jurisdiction or special expertise that need to be addressed to satisfy your concerns. No direct writing or analysis will be necessary for the document's preparation. However, you are expected to tell us if, at any point in the process, your needs are not being met.

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Sincerely,

**Daniel M. Mathis**

DANIEL M. MATHIS, P.E.  
Division Administrator

cc: Sharon Love, FHWA, MS 0943  
Ben Brown, WSDOT, MS NB82-138  
Stephen Clifton, City of Edmonds  
Tom Ostrem, Suquamish Tribe  
The Honorable Herman Williams, Jr., Chairperson, Tulalip Tribe  
The Honorable Brian Cladoosby, Chairperson, Swinomish Tribe  
The Honorable Darrel Hillaire, Chairperson, Lummi Tribe



U.S. Department  
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**Federal Highway  
Administration**

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**JAN 23 2003**  
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COMMUNITY SERVICES  
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<http://www.fhwa.dot.gov/wadiv>

January 17, 2003

HNWR-WA.5/HP-STPF-STPUL-  
0104(019)

The Honorable Darrel Hillaire, Chairperson  
Lummi Tribe  
2616 Kwina Road  
Bellingham, WA 98226

**State Route 104, Edmonds Crossing EIS  
Request for Cooperating Agency Status**

Dear Chairperson Hillaire:

The Federal Highway Administration (FHWA), the Washington State Department of Transportation (WSDOT) (including Washington State Ferries), and the City of Edmonds (in cooperation with the U.S. Army Corps of Engineers and the Federal Transit Administration) would like to formalize our existing relationship involving this project. **We request your participation as a cooperating agency** in the preparation of a proposed action to provide a long-term solution to current operational and safety conflicts between ferry, rail, automobile, bus, and pedestrian traffic in downtown Edmonds in Snohomish County, Washington.

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Sincerely,

**Daniel M. Mathis**

DANIEL M. MATHIS, P.E.  
Division Administrator

cc: Sharon Love, FHWA, MS 0943  
Ben Brown, WSDOT, MS NB82-138  
Stephen Clifton, City of Edmonds  
The Honorable Bennie J. Armstrong, Chairperson, Suquamish Tribe  
The Honorable Brian Cladoosby, Chairperson, Swinomish Tribe  
The Honorable Herman Williams, Jr., Chairperson, Tulalip Tribe



U.S. Department  
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<http://www.fhwa.dot.gov/wadiv>

February 14, 2001

HFO-WA.4/597.1

The Honorable Brian Cladoosby, Chairperson  
Swinomish Tribe  
P.O. Box 817  
LaConner, Washington 98257

Attention: Larry Campbell, Cultural Resources

**SR 104, Edmonds Crossing, Snohomish  
County**

Dear Chairperson Cladoosby:

The Federal Highway Administration and the Washington State Department of Transportation are proposing to develop an undertaking to address an identified transportation need in Snohomish County. The proposed project will provide an upgraded ferry terminal designed to meet the operational requirement for forecasted ferry ridership, a new rail station designed to meet inter-city passenger service and commuter rail loading requirements, a transit center that meets local bus system and regional transit system loading requirements, and a linkage system between the facilities to allow for the safe movement of users. A description of the proposed project and a vicinity map are enclosed.

In order to ensure that we take into account the effects of this undertaking on properties listed in or eligible for listing in the National Register of Historic Places, the FHWA is initiating formal Section 106 consultation pursuant to 36 CFR 800.2(a)(4). Recognizing the government-to-government relationship which we have with the tribe, the Federal Highway Administration will continue to play a key role in this undertaking as the responsible Federal agency. You may contact us at anytime for assistance with the process and/or the undertaking. Also, since the Washington State Department of Transportation will be directly managing the cultural resources studies and will be carrying out this undertaking, we encourage you to participate in direct consultation with the WSDOT and their consultants.

Your response to this letter, acknowledging your interest in participating in this undertaking as a consulting party and identifying key tribal contacts, is greatly appreciated. Please provide a response by March 21, 2001 so that we may discuss this undertaking and the status of activities currently underway to comply with the requirements of Section 106. Should you have any questions about this project, you may contact our Transportation and Environmental Engineer Elizabeth Healy at (360) 753-8655 or by e-mail at [elizabeth.healy@fhwa.dot.gov](mailto:elizabeth.healy@fhwa.dot.gov).

If you have any general questions about the Section 106 process, you may contact our Section 106 specialist, Dave Leighow, by phone at (360) 753-9486 or by e-mail at [dave.leighow@fhwa.dot.gov](mailto:dave.leighow@fhwa.dot.gov). You may also contact Sandie Turner, WSDOT Cultural Resources Manager, by phone at (360) 570-6637 or by e-mail at [turners@wsdot.wa.gov](mailto:turners@wsdot.wa.gov).

Sincerely,



*FEL* GENE K. FONG  
Division Administrator

Enclosures

cc: Dr. Allyson Brooks, SHPO  
Sandie Turner, OSC  
Brian Hasselbach, OSC H&LP  
Terry Paananen, Local Programs Engineer, NW Region  
Dave Leighow

EAH  MS

02-14-01

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<http://www.fhwa.dot.gov/wadiv>

February 14, 2001

HFO-WA.4/597.1

The Honorable Denny Hurtado, Chairperson  
Skokomish Tribe  
N. 80 Tribal Center Road  
Shelton, Washington 98584

Attention: Genny Rogers, Cultural Resources

**SR 104, Edmonds Crossing, Snohomish  
County**

Dear Chairperson Hurtado:

The Federal Highway Administration and the Washington State Department of Transportation are proposing to develop an undertaking to address an identified transportation need in Snohomish County. The proposed project will provide an upgraded ferry terminal designed to meet the operational requirement for forecasted ferry ridership, a new rail station designed to meet inter-city passenger service and commuter rail loading requirements, a transit center that meets local bus system and regional transit system loading requirements, and a linkage system between the facilities to allow for the safe movement of users. A description of the proposed project and a vicinity map are enclosed.

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If you have any general questions about the Section 106 process, you may contact our Section 106 specialist, Dave Leighow, by phone at (360) 753-9486 or by e-mail at [dave.leighow@fhwa.dot.gov](mailto:dave.leighow@fhwa.dot.gov). You may also contact Sandie Turner, WSDOT Cultural Resources Manager, by phone at (360) 570-6637 or by e-mail at [turners@wsdot.wa.gov](mailto:turners@wsdot.wa.gov).

Sincerely,

  
for GENE K. FONG  
Division Administrator

Enclosures

cc: Dr. Allyson Brooks, SHPO  
Sandie Turner, OSC  
Brian Hasselbach, OSC H&LP  
Terry Paananen, Local Programs Engineer, NW Region  
Dave Leighow

EAH:MS

02-14-01

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February 14, 2001

HFO-WA.4/597.1

The Honorable John Daniels, Jr., Chairperson  
Muckleshoot Tribe  
39015 172<sup>nd</sup> Avenue SE  
Auburn, Washington 98092

Attention: Donna Hogerhuis, Cultural Resources

**SR 104, Edmonds Crossing, Snohomish  
County**

Dear Chairperson Daniels:

The Federal Highway Administration and the Washington State Department of Transportation are proposing to develop an undertaking to address an identified transportation need in Snohomish County. The proposed project will provide an upgraded ferry terminal designed to meet the operational requirement for forecasted ferry ridership, a new rail station designed to meet inter-city passenger service and commuter rail loading requirements, a transit center that meets local bus system and regional transit system loading requirements, and a linkage system between the facilities to allow for the safe movement of users. A description of the proposed project and a vicinity map are enclosed.

In order to ensure that we take into account the effects of this undertaking on properties listed in or eligible for listing in the National Register of Historic Places, the FHWA is initiating formal Section 106 consultation pursuant to 36 CFR 800.2(a)(4). Recognizing the government-to-government relationship which we have with the tribe, the Federal Highway Administration will continue to play a key role in this undertaking as the responsible Federal agency. You may contact us at anytime for assistance with the process and/or the undertaking. Also, since the Washington State Department of Transportation will be directly managing the cultural resources studies and will be carrying out this undertaking, we encourage you to participate in direct consultation with the WSDOT and their consultants.

Your response to this letter, acknowledging your interest in participating in this undertaking as a consulting party and identifying key tribal contacts, is greatly appreciated. Please provide a response by March 21, 2001 so that we may discuss this undertaking and the status of activities currently underway to comply with the requirements of Section 106. Should you have any questions about this project, you may contact our Transportation and Environmental Engineer Elizabeth Healy at (360) 753-8655 or by e-mail at [elizabeth.healy@fhwa.dot.gov](mailto:elizabeth.healy@fhwa.dot.gov).

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Sincerely,



GENE K. FONG  
Division Administrator

Enclosures

cc: Dr. Allyson Brooks, SHPO  
Sandie Turner, OSC  
Brian Hasselbach, OSC H&LP  
Terry Paananen, Local Programs Engineer, NW Region  
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EAH0214MS

02-14-01

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**Federal Highway  
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February 14, 2001

HFO-WA.4/597.1

The Honorable Russ Hepfer, Chairperson  
Lower Elwha Klallam Tribe  
2851 Lower Elwha Road  
Port Angeles, Washington 98363

Attention: Jamie Valadez, Cultural Resources

**SR 104, Edmonds Crossing, Snohomish  
County**

Dear Chairperson Hepfer:

The Federal Highway Administration and the Washington State Department of Transportation are proposing to develop an undertaking to address an identified transportation need in Snohomish County. The proposed project will provide an upgraded ferry terminal designed to meet the operational requirement for forecasted ferry ridership, a new rail station designed to meet inter-city passenger service and commuter rail loading requirements, a transit center that meets local bus system and regional transit system loading requirements, and a linkage system between the facilities to allow for the safe movement of users. A description of the proposed project and a vicinity map are enclosed.

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Division Administrator

Enclosures

cc: Dr. Allyson Brooks, SHPO  
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Terry Paananen, Local Programs Engineer, NW Region  
Dave Leighow

EAHealy MS 

02-14-01

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U.S. Department  
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February 14, 2001

HFO-WA.4/597.1

The Honorable W. Ron Allen, Chairperson  
Jamestown S'Klallam Indian Tribe  
1033 Old Blyn Highway  
Sequim, Washington 98382

Attention: Kathy Duncan, Cultural Resources

**SR 104, Edmonds Crossing, Snohomish  
County**

Dear Chairperson Allen:

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EAH0214MS06.DOC



U.S. Department  
of Transportation

**Federal Highway  
Administration**

Washington Division

Suite 501 Evergreen Plaza  
711 South Capitol Way  
Olympia, Washington 98501-1284  
(360) 753-9480  
(360) 753-9889 (FAX)  
<http://www.fhwa.dot.gov/wadiv>

February 14, 2001

HFO-WA.4/597.1

The Honorable Lonnie Salem, Sr., Chairperson  
Yakama Nation  
P.O. Box 151  
Toppenish, Washington 98948

Attention: Johnson Meminick, Cultural Resources

**SR 104, Edmonds Crossing, Snohomish  
County**

Dear Chairperson Salem:

The Federal Highway Administration and the Washington State Department of Transportation are proposing to develop an undertaking to address an identified transportation need in Snohomish County. The proposed project will provide an upgraded ferry terminal designed to meet the operational requirement for forecasted ferry ridership, a new rail station designed to meet inter-city passenger service and commuter rail loading requirements, a transit center that meets local bus system and regional transit system loading requirements, and a linkage system between the facilities to allow for the safe movement of users. A description of the proposed project and a vicinity map are enclosed.

In order to ensure that we take into account the effects of this undertaking on properties listed in or eligible for listing in the National Register of Historic Places, the FHWA is initiating formal Section 106 consultation pursuant to 36 CFR 800.2(a)(4). Recognizing the government-to-government relationship which we have with the tribe, the Federal Highway Administration will continue to play a key role in this undertaking as the responsible Federal agency. You may contact us at anytime for assistance with the process and/or the undertaking. Also, since the Washington State Department of Transportation will be directly managing the cultural resources studies and will be carrying out this undertaking, we encourage you to participate in direct consultation with the WSDOT and their consultants.

Your response to this letter, acknowledging your interest in participating in this undertaking as a consulting party and identifying key tribal contacts, is greatly appreciated. Please provide a response by March 21, 2001 so that we may discuss this undertaking and the status of activities currently underway to comply with the requirements of Section 106. Should you have any questions about this project, you may contact our Transportation and Environmental Engineer Elizabeth Healy at (360) 753-8655 or by e-mail at [elizabeth.healy@fhwa.dot.gov](mailto:elizabeth.healy@fhwa.dot.gov).

If you have any general questions about the Section 106 process, you may contact our Section 106 specialist, Dave Leighow, by phone at (360) 753-9486 or by e-mail at [dave.leighow@fhwa.dot.gov](mailto:dave.leighow@fhwa.dot.gov). You may also contact Sandie Turner, WSDOT Cultural Resources Manager, by phone at (360) 570-6637 or by e-mail at [turners@wsdot.wa.gov](mailto:turners@wsdot.wa.gov).

Sincerely,



*G.K.F.* GENE K. FONG  
Division Administrator

Enclosures

cc: Dr. Allyson Brooks, SHPO  
Sandie Turner, OSC  
Brian Hasselbach, OSC H&LP  
Terry Paananen, Local Programs Engineer, NW Region  
Dave Leighow

EAH  MS

02-14-01

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U.S. Department  
of Transportation

**Federal Highway  
Administration**

Washington Division

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February 14, 2001

HFO-WA.4/597.1

The Honorable Herman A. Williams, Jr., Chair  
The Tulalip Tribes  
6700 Totem Beach Road  
Marysville, Washington 98270-9694

Attention: Hank Gobin, Cultural Resources

**SR 104, Edmonds Crossing, Snohomish  
County**

Dear Chairperson Williams:

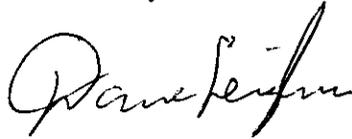
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Sincerely,



*EVN* GENE K. FONG  
Division Administrator

Enclosures

cc: Dr. Allyson Brooks, SHPO  
Sandie Turner, OSC  
Brian Hasselbach, OSC H&LP  
Terry Paananen, Local Programs Engineer, NW Region  
Dave Leighow

EAHealy MS 

02-14-01

EAH0214MS04.DOC



U.S. Department  
of Transportation

**Federal Highway  
Administration**

Washington Division

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Olympia, Washington 98501-1284  
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February 14, 2001

HFO-WA.4/597.1

The Honorable Bennie J. Armstrong, Chairperson  
Suquamish Tribe  
P.O. Box 498  
Suquamish, Washington 98948

Attention: Charlie Sigo, Cultural Resources

**SR 104, Edmonds Crossing, Snohomish  
County**

Dear Chairperson Armstrong:

The Federal Highway Administration and the Washington State Department of Transportation are proposing to develop an undertaking to address an identified transportation need in Snohomish County. The proposed project will provide an upgraded ferry terminal designed to meet the operational requirement for forecasted ferry ridership, a new rail station designed to meet inter-city passenger service and commuter rail loading requirements, a transit center that meets local bus system and regional transit system loading requirements, and a linkage system between the facilities to allow for the safe movement of users. A description of the proposed project and a vicinity map are enclosed.

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Sincerely,



*Fong* GENE K. FONG  
Division Administrator

Enclosures

cc: Dr. Allyson Brooks, SHPO  
Sandie Turner, OSC  
Brian Hasselbach, OSC H&LP  
Terry Paananen, Local Programs Engineer, NW Region  
Dave Leighow

EAH ~~MS~~ MS

02-14-01

EAH0214MS02.DOC



U.S. Department  
of Transportation

**Federal Highway  
Administration**

Washington Division

Suite 501 Evergreen Plaza  
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<http://www.fhwa.dot.gov/wadiv>

February 14, 2001

HFO-WA.4/597.1

The Honorable Willie Jones, Chairperson  
Lummi Nation  
2616 Kwina Road  
Bellingham, Washington 98226

Attention: Al Johnnie, Cultural Resources

**SR 104, Edmonds Crossing, Snohomish  
County**

Dear Chairperson Jones:

The Federal Highway Administration and the Washington State Department of Transportation are proposing to develop an undertaking to address an identified transportation need in Snohomish County. The proposed project will provide an upgraded ferry terminal designed to meet the operational requirement for forecasted ferry ridership, a new rail station designed to meet inter-city passenger service and commuter rail loading requirements, a transit center that meets local bus system and regional transit system loading requirements, and a linkage system between the facilities to allow for the safe movement of users. A description of the proposed project and a vicinity map are enclosed.

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Sincerely,

  
for GENE K. FONG  
Division Administrator

Enclosures

cc: Dr. Allyson Brooks, SHPO  
Sandie Turner, OSC  
Brian Hasselbach, OSC H&LP  
Terry Paananen, Local Programs Engineer, NW Region  
Dave Leighow

:MS

02-14-01

EAH0214MS08.DOC



U.S. Department  
of Transportation

**Federal Highway  
Administration**

Washington Division

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711 South Capitol Way  
Olympia, Washington 98501-1284  
(360) 753-9480  
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<http://www.fhwa.dot.gov/wadiv>

February 14, 2001

HFO-WA.4/597.1

The Honorable Ronald Charles, Chairperson  
Port Gamble S'Klallam Tribe  
31912 Little Boston Road NE  
Kingston, Washington 98346

Attention: Marie Hebert, Cultural Resources

**SR 104, Edmonds Crossing, Snohomish  
County**

Dear Chairperson Charles:

The Federal Highway Administration and the Washington State Department of Transportation are proposing to develop an undertaking to address an identified transportation need in Snohomish County. The proposed project will provide an upgraded ferry terminal designed to meet the operational requirement for forecasted ferry ridership, a new rail station designed to meet inter-city passenger service and commuter rail loading requirements, a transit center that meets local bus system and regional transit system loading requirements, and a linkage system between the facilities to allow for the safe movement of users. A description of the proposed project and a vicinity map are enclosed.

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Sincerely,

  
for GENE K. FONG  
Division Administrator

Enclosures

cc: Dr. Allyson Brooks, SHPO  
Sandie Turner, OSC  
Brian Hasselbach, OSC H&LP  
Terry Paananen, Local Programs Engineer, NW Region  
Dave Leighow

EAH  MS

02-14-01

EAH0214MS10.DOC



FISHERIES DEPARTMENT

Area Code (360)

394-5248

Fax 598-4666

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THE SUQUAMISH TRIBE

P.O. Box 498

Suquamish, Washington 98392

May 6, 2002

Mr. Stephen Clifton  
Director, Community Services Department  
City of Edmonds  
121 5<sup>th</sup> Ave North  
Edmonds, Wa 98020

Dear Mr. Clifton,

On April 29<sup>th</sup> the Suquamish Tribal Council reviewed the City of Edmonds request for consideration of a "modified Point Edwards site" within the Edmonds Crossing project. The context of the Council's review was to determine whether this proposal had merit to move forward through the environmental analysis process as a modified alternative in the EIS.

As you are aware, the Council has consistently supported the "no-action" alternative. However, Council is not opposed to further environmental analysis of the modified Point Edwards alternative. Both Fish and Shellfish Committees reviewed the modified site proposal and identified unresolved impacts to access of Usual and Accustomed fishing area. Tribal Council acknowledged that each of the alternative dock locations, including the no-action alternative, complicate tribal fishers' ability to exercise treaty-reserved rights. The modified site location does not appear to exacerbate problems of access and may be relatively neutral with mid-waterfront or existing site locations.

Please feel free to give me a call regarding this issue.

Sincerely,

Rob Purser jr.  
Fisheries Director  
RP:jsz

cc: Tribal Council  
Daryl Williams, Tulalip Tribes  
Randy Kinley, Lummi Nation  
Bob LaRock, Swinomish Tribe  
Randall Whitman, CH2Mhill  
Tom Ostrom, Environmental  
Michelle Hansen, Legal Services



## FISHERIES DEPARTMENT

Area Code (360)

394-5248

Fax 598-4666

## THE SUQUAMISH TRIBE

P.O. Box 498

Suquamish, Washington 98392

Stephen Clifton  
 Director, Community Services Department  
 City of Edmonds  
 121 5<sup>th</sup> Ave. North  
 Edmonds, WA 98020

RECEIVED

September 10, 2001

SEP 12 2001

COMMUNITY SERVICES  
DIRECTOR

Dear Mr. Clifton,

On behalf of the Suquamish Tribe, I would like to thank you for assembling the group which briefed us on the status of the Edmonds Crossing project on August 29, 2001. We understand this is an important transportation decision and one that the City has worked on for some time. As you are aware the areas affected within these proposals, both upland and waterward, also have cultural as well as treaty rights issues for the Tribe to consider. Below are several preliminary comments regarding the information provided at the August 29<sup>th</sup> meeting.

- **Initial Tribal Consultation Meeting** - This is the title of the agenda crafted by your team. Of concern is the point of "initial". The Tribe engaged in dialogue with the City beginning in November of 1994. Attached find a number of comment letters regarding past interacting between the Tribe and consultant/proponent. The significant issue of potential fishing impacts has been incubating now for almost 7 years.
- **BA submittal & FEIS** -- The Tribe believes that the SEPA process should be completed prior to consultation with National Marine Fisheries Service under Section 7. Until the SEPA process is completed and a final EIS is published, environmental analysis should be considered incomplete. Furthermore, the EIS is intended to analyze the environmental impacts of a host of reasonable alternatives. To submit a Biological Assessment to NMFS prior to completion of a final EIS implies that (1) the project proponents deem the environmental analysis as complete before all comments and information from the public and interested agencies have been considered, and (2) that a final decision has been made regarding site location, alternative designs, and mitigation measures.
- **Edwards Pt site** - This may be outside the scope of the existing EIS? The exposure to prevailing weather and significant winter blows at the Edwards site add risk to the possibility that further breakwater structures may be necessary to ensure safety for vessel docking. This potential impact is not discussed.

As described at our meeting closure, the Tribe will need to review this proposal with our Fish & Wildlife committee which will provide recommendations to the Tribal Council.

Edmonds Crossing  
Page - 2 -

There may be additional questions which arise during those deliberations. Thank you again for the recent information.

Sincerely,



Rob Purser  
Director  
RP:jz  
enclosures

cc: Rich Brooks  
Tom Ostrom  
Steve Shipe, WSDOT  
Randall Whitman, CH2M Hill  
Mathew Longenbaugh, NMFS

Area Code (360)

598-3311

Fax 598-6295

**THE SUQUAMISH TRIBE**

P.O. Box 498

Suquamish, Washington 98392

September 24, 1996

Susan Powell  
Washington State Department of Transportation  
POB 330310  
Seattle, WA 98133-9710

Dear Ms. Powell,

This letter includes additional comments regarding the PDEIS and associated documentation for the Edmonds ferry crossing redevelopment. Initial comments have been sent to Mr. Dale Morimoto in a letter dated September 23, 1996. As expressed to you in our telephone conversation today, the Tribe will not be able to attend the multi agency meeting scheduled for September 26th.

Potential impacts to treaty reserved rights and the present management of central and south Puget Sound salmon fisheries were discussed at a meeting between DOT and Suquamish staff back in November of 1994. While a select component of these issues are summarized within the PDEIS, none are fully analyzed regarding their potential impacts, and indeed some not considered at all. The following is a "short list" of fishing issues needing consideration:

- 1) The redevelopment of the ferry terminal south of its' present location will eliminate or prevent access to usual and accustomed fishing sites of the Suquamish Tribe (U.S. v. Washington). While usual and accustomed fishing areas of treaty tribes is mentioned within the technical appendixes, no analysis of the loss of treaty reserved fishing sites is discussed. The Tribe would encourage the initiation of "broad-based discussions" regarding reserved rights as identified within the special TAC meeting minutes (7/11/96).
- 2) Alternative 2 (Pt. Edwards site) would significantly affect present fishing patterns and salmon management agencies (WDF&W - Treaty Tribes) ability to compute in season updates of runsizes. The Pt. Edwards site is presently utilized as a weekly test fishery site as a south Puget Sound coho salmon runsize indicator. (Sept. - Oct.).
- 3) Any adjustment in the ferry traffic lane will affect distribution and potentially catch per unit effort (cpue) statistics utilized to confirm runsize predictions. Impacts and effects to cpue statistics will potentially create allocation imbalances.

-2-

Susan Powell  
WDOT  
POB 330310  
Seattle, WA.  
98133-9710

Thankyou for the opportunity to comment. The Tribe would request additional analysis of the potential impacts to fishing issues identified above. Please let me know if we can be of further assistance on this project.

Sincerely,



Jay Zischke  
Fisheries Management Biologist

cc: Randy Hatch  
Phyllis Meyers  
Merle Hayes

## FISHERIES DEPARTMENT

Area Code (360)

598-3311

Fax 598-4668



## THE SUQUAMISH TRIBE

P.O. Box 498

Suquamish, Washington 98392

September 23, 1996

Dale Morimoto  
Environmental and Special Services Manager  
Washington State Department of Transportation  
PO Box 330310  
Seattle, WA 98133-9710

Re: Edmonds Crossing

Dear Mr. Morimoto,

The Suquamish Tribe has reviewed the documents from your office regarding the redevelopment of the Edmonds ferry terminal. The site for this proposal is within the usual and accustomed fishing area of The Suquamish Tribe (see attachment). The Tribe reserved rights to fisheries resources within the usual and accustomed area as well as the right to have access to those resources.

The impacts of greatest concern to the Suquamish Tribe has not been addressed in the Preliminary Draft Environmental Impact Statement (PDEIS) for this proposal. These impacts are obstruction to navigation and fishing access, and vessel traffic conflicts. Please add them to the environmental analysis for this proposal.

Of the alternatives described in the PDEIS, the no action alternative and Alternative 3 (Mid-Waterfront Site) would impact the Tribe less than Alternative 2 (Point Edward Site). Alternative 2 would conflict most with treaty fishing activities. For this reason the Tribe opposes Alternative 2.

If you have further questions, please contact Jay Zischke or Phyllis Meyers of my staff at (360)598-3311.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Hatch". The signature is written in a cursive style and is located below the word "Sincerely,".

Randy Hatch  
Fisheries Director





**MUCKLESHOOT INDIAN TRIBE**  
**FISHERIES DEPARTMENT**



RECEIVED

JUN 19 1995

WSDOT  
 Environmental & Special Services

7 June 1995

Mr. Paul Mar, Community Services Director  
 City of Edmonds  
 250 - 5th Avenue  
 Edmonds, Washington 98020

RE: EDMONDS MULTIMODAL TRANSPORTATION CENTRE (SCOPING NOTICE)

Dear Mr. Mar:

The Environmental Division of the Muckleshoot Indian Tribe has reviewed the Scoping Notice for the Edmonds Multimodal Transportation Centre. Members of the Muckleshoot Indian Tribe intensively fish along the north boundary of Management Area 10 (see attached map). Increased ferry traffic, or changes in the routes followed by ferries, has the potential to increase interference with Treaty fishing. This potential interference with Treaty fishing should be recognized in the DEIS and mitigation measures proposed to reduce conflict between ferries and Tribal gill nets set along the Area 10 boundary.

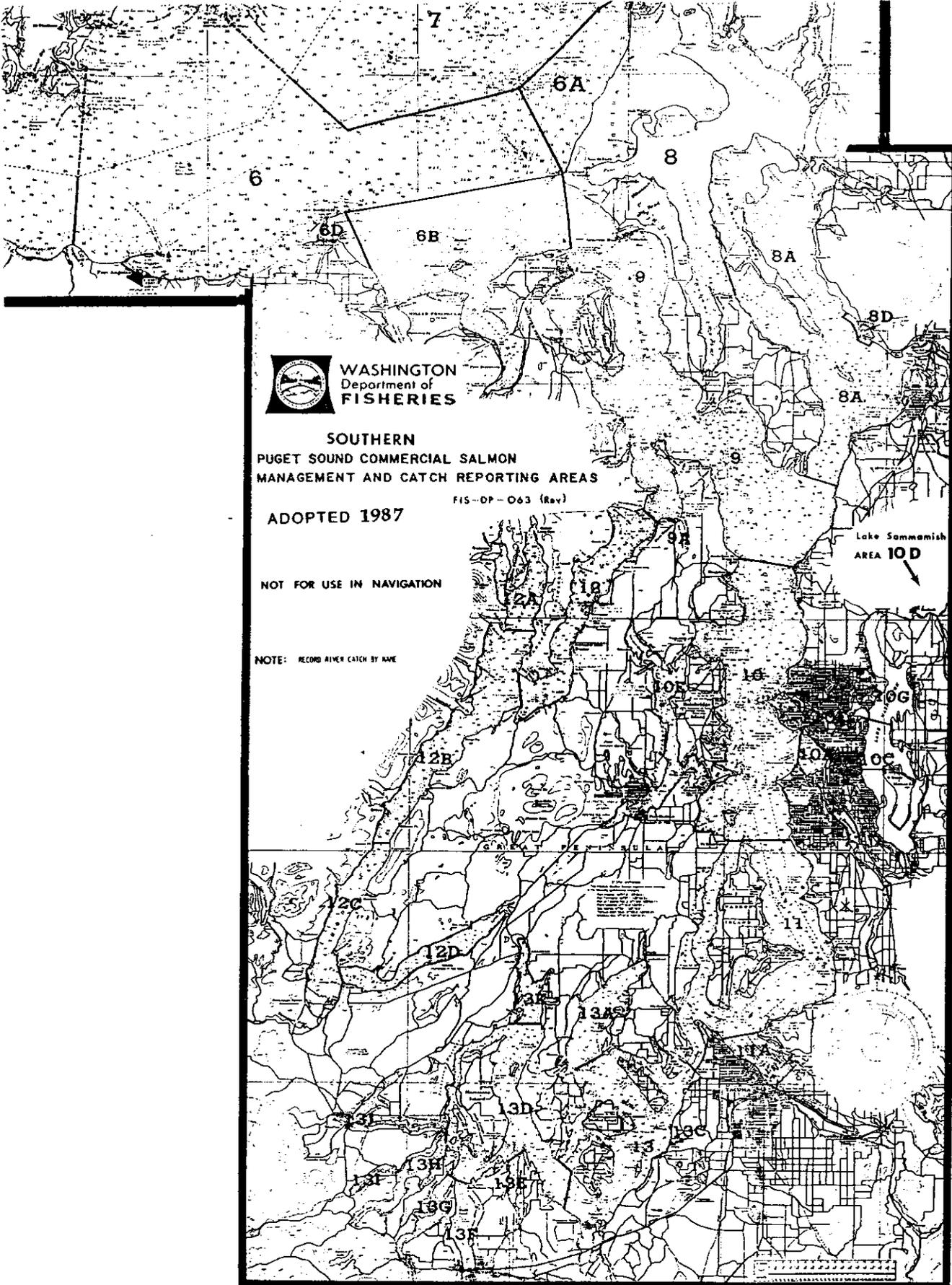
I thank you for your attention to our concerns. If you have any questions regarding this letter call me at 931-0652.

Sincerely,

Roderick Malcom  
 Habitat Biologist

cc: US Army Corps of Engineers / Regulatory Branch  
 WDFW / Randy Carman  
 WSDOT/ Susan Powell ✓

Att: 1



WASHINGTON  
Department of  
FISHERIES

SOUTHERN  
PUGET SOUND COMMERCIAL SALMON  
MANAGEMENT AND CATCH REPORTING AREAS

FIS-DP-063 (Rev)

ADOPTED 1987

NOT FOR USE IN NAVIGATION

NOTE: RECORD RIVER CATCH BY NAME

Lake Sammamish  
AREA 10 D