

Appendix B

Comment Letters and Responses on the Draft FONSI



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

August 11, 2010

Ms. Elizabeth Phinney
Washington State Department of Transportation
State Rail and Marine Office
P.O. Box 47407
Olympia, Washington 98504-7407

Re: Pacific Northwest Rail Corridor Program Environmental Assessment (EA) Tier 1
EPA Project Number: 09-063-FRA

Dear Ms. Phinney:

The U.S. Environmental Protection Agency has reviewed the Pacific Northwest Rail Corridor (PNRC) Program Environmental Assessment (EA). We are submitting comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

This EA is the Tier 1 level analysis for the broader PNRC project. Subsequent NEPA analyses will be prepared as project specific proposals are developed. We commend Federal Railroad Administration (FRA) and Washington State Department of Transportation (WSDOT) for their efforts on this document; we note that it is well organized which facilitates review. EPA's comments on the previous (2009) PNRC program EA expressed concerns related to wildlife crossings and the need to mitigate those potential impacts. We appreciate your response to our letter on the previous EA (in Appendix A), the recent staff time given to talk with us about the project, and the opportunity to review this revised EA.

We support the purpose and need for the project, which is to increase ridership between the Columbia River and Canadian Border in Washington State and reduce congestion on the I-5 corridor through infrastructure improvements in the PNRC. We acknowledge that increasing rail times and infrastructure can ultimately strengthen a rail transportation system that can reduce pressures from projected population increases and reduce emissions and fuel consumption as discussed in the EA. Below are our comments regarding wetlands/water quality, wildlife, planning and development, and modeling.

Water Resources

The EA states that there could be temporary impacts to water quality during construction in portions of the corridor and that improvements may require placement of fill in floodplains and wetlands. Additional improvements include new rail crossings over streams (e.g., Coweeman River and Schoolhouse Creek) and construction activities directly adjacent to streams (e.g., Columbia River, Cowlitz River, and Kalama River). We support the additional

improvements needed to enhance service and the utilization of the existing corridor to reduce upland impacts.

The EA does not discuss specific water quality conditions or potential site specific impacts. Therefore, we recommend that the final decision and future project proposals consider current water quality, including any impaired streams listed under Clean Water Act (CWA) Section 303 (d), any Total Maximum Daily Load (TMDL) analyses completed, underway, or planned where applicable, and how antidegradation requirements would be met for those streams that are meeting state water quality standards or are considered high quality waters. The EA appropriately discusses coordination with Washington Department of Ecology (Ecology) for storm water management and the Corps of Engineers for CWA Section 404 permits. Projects will need to comply with CWA Section 404(b)(1) Guidelines (i.e. the project must avoid wetlands, minimize impacts to wetlands and/or compensate for loss of wetlands through replacement of wetlands with equal function and value). Please note that if any of the project areas are sited on Tribal land, EPA is the authorizing agency for discharges to waters of the U.S. from storm water under the National Pollutant Discharge Elimination System (NPDES) permit and CWA Section 401 water quality certification. In such cases, please coordinate with the EPA for CWA-related permits and approvals.

Biological Resources

The EA states that there could be loss of habitat including impacts to critical habitat for aquatic species. The EA did not include species level information or analyses. While we appreciate the inclusion of mitigation listed under Section VI, "Environmental Commitments" (EC), many of these measures are general and do not include specific requirements. We recommend that the final EA and future proposals include commitments to reduce impacts to habitat and aquatic species. These could include things such as:

- Requiring that bridge crossings over streams fully span the width of their respective floodplains to reduce impacts.
- Limiting construction activities to times of year that will avoid impacts to salmon populations.
- Developing a flood plan and utilizing BMPs to reduce additional loss of stream bank from construction activities.
- Identifying and implementing ways to maintain or improve water quality for streams in the project area.

We also recommend that project level proposals include coordination with Washington Department of Fish and Wildlife, NOAA and NMFS and incorporate any terms and conditions that may result from consultation.

Our comment letter on the previous EA included recommendations regarding wildlife. At that time we had concerns with the lack of mitigation presented for train/wildlife collisions. We appreciate the response to our letter and statement assuring us that coordination with federal and state wildlife agencies will occur at the project level and the inclusion of EC 21, which identifies activities to minimize impacts to railway/wildlife impacts. We recommend that our previous comments and recommendations be considered and incorporated into that process.

Hazardous Materials

A survey completed during the analysis found seven superfund sites, 401 state clean up sites, and 781 leaking underground storage tank sites within 2000 feet of the rail corridor (pg 10). The EA acknowledges the importance of handling soil properly to avoid impacts to groundwater and surface water and lists specific mitigation measures to avoid or minimize impacts. We recommend that WSDOT and FRA coordinate with the appropriate lead agency early in the planning process regarding contaminated sites and clean up actions. Future proposals should include a delineation of the extent of contamination, the agency managing the site, and the status of remedial action or site assessment. Under CERCLA, EPA may be the lead agency for sites along the corridor. We recommend coordinating with the lead agency to ensure that project activities do not adversely affect clean up activities.

Sustainable Communities

The EA discusses projected population increases and states that there will be almost a 50 percent increase in the major intercity transportation corridors in Washington State by 2013. We believe the analysis should also consider how increased rail service may induce further growth and affect regional planning efforts. We recognize that efficient and reliable rail service is likely to help reduce potential greenhouse gas emissions related to growth. We also believe it would be beneficial to consider and integrate multi-modal access to rail stations in order to potentially further reduce emissions (e.g. multi-modal transport to Seattle's King Street Station).

The final EA and future proposals should also be consistent with the U.S. Department of Housing and Urban Development (HUD), U. S. Department of Transportation (DOT), and EPA's Interagency Partnership for Sustainable Communities (Partnership)¹. On June 16, 2009, EPA joined with HUD and DOT to help improve access to affordable housing, more transportation options, and lower transportation costs while protecting the environment in communities nationwide. Through a set of guiding livability principles and a partnership agreement that will guide the agencies' efforts, this partnership will coordinate federal housing, transportation, and other infrastructure investments to protect the environment, promote equitable development, and help to address the challenges of climate change. The agencies together developed the following six (6) Livability Principles:

- 1. Provide more transportation choices.**
Develop safe, reliable, and economical transportation choices to decrease household transportation costs, reduce our nation's dependence on foreign oil, improve air quality, reduce greenhouse gas emissions, and promote public health.
- 2. Promote equitable, affordable housing.**
Expand location- and energy-efficient housing choices for people of all ages, incomes, races, and ethnicities to increase mobility and lower the combined cost of housing and transportation.
- 3. Enhance economic competitiveness.**
Improve economic competitiveness through reliable and timely access to employment centers, educational opportunities, services and other basic needs by workers, as well as expanded business access to markets

¹ <http://www.epa.gov/smartgrowth/partnership/>

4. Support existing communities.

Target federal funding toward existing communities—through strategies like transit oriented, mixed-use development, and land recycling—to increase community revitalization and the efficiency of public works investments and safeguard rural landscapes.

5. Coordinate and leverage federal policies and investment.

Align federal policies and funding to remove barriers to collaboration, leverage funding, and increase the accountability and effectiveness of all levels of government to plan for future growth, including making smart energy choices such as locally generated renewable energy

6. Value communities and neighborhoods.

Enhance the unique characteristics of all communities by investing in healthy, safe, and walkable neighborhoods—rural, urban, or suburban.


We recommend that the final EA and future proposals discuss the Partnership and how this project would align with this effort. We also recommend that DOT coordinate with local municipalities surrounding rail stations to collaborate and explore how this project can be combined with their current and future transportation and development planning.

Modeling

The EA discusses projected population increases, which substantiates the need for the project, and air quality modeling with mention of Mobile 6 and previous studies. The EA does not provide a reference for the population increase figures stated in the EA. Because the benefits rely on the premise that there will be reduced auto trips, a net reduction in energy, and reduced emissions, we believe that the EA should provide the appropriate references that support the document. Also, it would be helpful to include percent reduction in addition to number of reduced auto trips and gallons of fuel so that the predicted reduction could be better understood when comparing to baseline. For example, the table on page 13 could include: % reduction of auto trips in years 2018, 2022, and 2027. We recommend that the final EA and future proposals include references to modeling results and literature used for the effects determination.

Thank you for the opportunity to review and comment on the PNR Program. We look forward to reviewing the project specific proposals as they become available. If you have questions or would like to discuss these comments, please contact Lynne McWhorter of my staff at (206) 553-0205 or at mcwhorter.lynne@epa.gov.

Sincerely,



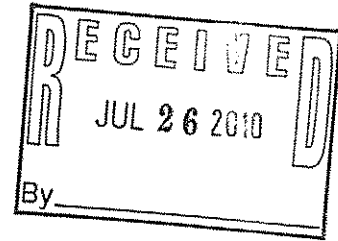
Christine Reichgott, Manager
Environmental Review and Sediment Management Unit



Southwest Clean Air Agency

11815 NE 99th Street, Suite 1294 • Vancouver, WA 98682-2322
(360) 574-3058 • Fax: (360) 576-0925
www.swcleanair.org

July 22, 2010



Elizabeth Phinney
WSDOT
State Rail and Marine Office
PO Box 47407
Olympia, WA 98504

RE: Pacific Northwest Rail Corridor

Dear Ms. Phinney,

The Southwest Clean Air Agency (SWCAA) was recently notified that your agency has issued/will issue a SEPA Determination for the above project. Please be advised that SWCAA administers/enforces a number of regulations that may apply to the proposed project. The applicability of these regulations depends on the exact nature of the project in question. The following paragraphs provide a brief summary of the requirements for the general types of activity that may be affected for this project.

Asbestos (SWCAA Regulation 476):

- Prior to **demolition or renovation** of a structure, a thorough asbestos inspection must be conducted by an AHERA certified inspector in order to ascertain the presence of asbestos containing material (ACM) in all affected structure(s) or area(s). A copy of the AHERA asbestos inspection report must be posted for viewing at the project site.
- **If the asbestos inspection reveals ACM to be present in the affected structure(s) or area(s):**

ACM **must be** removed, or if appropriate, encapsulated by certified personnel in full accordance with the Southwest Clean Air Agency's (SWCAA) Regulations SWCAA 476 (Standards for Asbestos Control) and with 40 CFR Part 61 Subpart M (National Emission Standards for Asbestos). A **Notification of Demolition and Renovation**, a **Notice of Intent to Remove or Encapsulate Asbestos** and a copy of the AHERA asbestos inspection report for each structure **are required and must be** submitted to SWCAA for approval. There is a **10 business day waiting period** from the time the notices are submitted before asbestos removal, structure demolition or structure renovation can begin. All asbestos **must be** completely removed from the affected structure(s) or area(s) prior to structure demolition or structure renovation taking place.



- **If the asbestos inspection does not reveal ACM to be present in the affected structure(s) or area(s), and the structure is to be demolished:**

*A Notice of Intent to Remove or Encapsulate Asbestos would not be required. A Notification of Demolition and Renovation and a copy of the AHERA asbestos inspection report are required and must be submitted to SWCAA. There would be a **10 business day waiting period** from the time the notification is submitted before the demolition can start.*

- **If the asbestos inspection does not reveal ACM to be present in the affected structure(s) or area(s), and the project involves only renovation and that renovation does not involve the removal of load bearing walls:**

A Notice of Intent to Remove or Encapsulate Asbestos would not be required. A Notification of Demolition and Renovation would not be required.

Construction Dust (SWCAA Regulations 400-040):

- Construction activities have the potential to generate dust nuisances related to the movement of equipment and material handling operations. Creating such nuisances is prohibited by SWCAA's General Regulations. Section 400-040(2) of the general regulations states that "No person shall cause or permit the emission of particulate from any source to be deposited beyond the property under direct control of the owner or operator of the source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited." Section 400-040(8)(a) further states that "The owner or operator of a source of fugitive dust shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the source to minimize emissions." All parties involved with the project are required to minimize particulate fall-out and/or fugitive dust through the use of common preventive measures such as water trucks, water sprays, reduced equipment speeds, etc. Violations of the above regulations can result in penalties being assessed against the property owner or project operator.

New Source Review of Air Pollution Sources (SWCAA 400-109,110)

- SWCAA's General Regulations regulate the installation and/or modification of any building, structure, or facility that emits or may emit an air contaminant. An air contaminant is defined as "...dust, fume, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof." Section 400-109 of the General Regulations requires the project proponent to submit an Air Discharge Permit Application for any proposed installation or modification that creates a new or increased source of air contaminants. In addition, Section 400-110 requires the issuance of an Air Discharge Permit prior to commencing construction of any project that constitutes a new or increased source of air contaminants. If the proposed project includes any new or modified air

pollutant sources, the proponent should consult with SWCAA to determine if an Air Discharge Permit application is required.

The proponent of this project may contact SWCAA at 360-574-3058 for more information on the agency's requirements. Notification forms, regulations and other information are available on the internet at www.swcleanair.org.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tina Hallock".

Tina Hallock
Secretary



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

August 9, 2010

Elizabeth Phinney
State Rail and Marine Office
WA Department of Transportation
PO Box 47404
Olympia, WA 98504-7407

Dear Ms. Phinney:

Thank you for the opportunity to comment on the NEPA Draft FONSI for the Pacific Northwest Rail Corridor project, located from the Columbia River to the Canadian Border as proposed by WSDOT. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

SHORELANDS/WETLANDS: Alex Callender (360) 407-6167

Wetland impacts are anticipated in the project area which includes different watersheds and jurisdictions. Now would be the time to plan for advanced mitigation. Mitigation site selection should be done at a watershed scale.

Some of the wetland fill and other activities may occur within shoreline jurisdiction. The project's activities and uses in shoreline jurisdiction must be consistent with the shoreline management act and the local shoreline master programs.

TOXICS CLEANUP: Marv Coleman (360) 407-6259/Craig Rankine (360) 690-4795

Individual segments of the project should be subject to SEPA process. Please provide township, range and section (T.R.S.) information with those submittals.

WASTE 2 RESOURCES: Mike Drumright (360) 407-6397

This is in a planning stage and therefore individual projects mentioned in the plan that may have an environmental impact will be dealt with in its own SEPA process as it relates to that specific project action.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology
Southwest Regional Office

(AW: 10-3644)

cc: Alex Callender, SEA
Marv Coleman, TCP
Mike Drumright, W2R
Craig Rankine, TCP/VFO

August 6, 2010

Elizabeth Phinney
Rail and Marine Office
Washington State Department of Transportation (WSDOT)
P.O. 47407
Olympia, WA 98504-7407

Dear Ms. Phinney:

This letter transmits the City of Auburn's comments regarding the July 2010 Draft Finding of No Significant Impact (FONSI) for the **Pacific Northwest Rail Corridor, Washington State Segment - Columbia River to the Canadian Border (PNWRC)** project.

While the City of Auburn appreciated the opportunity to meet with WSDOT officials last fall to address our concerns and discuss the PNWRC, we are deeply disappointed that WSDOT has seemingly forgotten those discussions.

At that time, the City of Auburn, along with the Cities of Covington, Maple Valley, and Black Diamond told WSDOT that project environmental documents should discuss how the development and evaluation of service options would occur as the project moves forward in the future. And at that time, WSDOT agreed.

Specifically, in our October 22, 2009 letter commenting on the project's Environmental Assessment (see pages A16-A19 of Draft FONSI), the City identified a number of economic, operational, and environmental reasons why future environmental analyses should consider establishing a station stop at the existing Auburn urban rail station. The station is an existing intermodal transit facility with rail platform and parking facilities, has a central location within and serving an area of high population density, has strong demonstrated rail ridership, and is located within a PSRC-designated Regional Growth Center and Core City. Further, we suggested that the establishment of station stops should be addressed during the project's environmental review as the location of station stops will directly affect a number of environmental elements, including but not limited to transportation, air quality, and energy use and conservation.

WSDOT's response to the City's letter was . . . "As noted in your letter, future project-level documentation should address how plans for expanded intercity rail service will be developed and evaluated, in particular, whether an Amtrak station stop could be established at the existing Auburn commuter rail station. A paragraph describing how future train stops will be evaluated using a business case analysis has been incorporated by reference in the EA, as shown in the errata section of the FONSI" (letter from Elizabeth Phinney to Cindy Baker, shown on page A-20 of Draft FONSI). However upon

Elizabeth Phinney
August 6, 2010
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review, we do not find any discussion in the Draft FONSI describing how future station stops will be evaluated.

Moreover, a second letter to WSDOT which was signed by the chief executives of the Cities of Auburn, Covington, Maple Valley, and Black Diamond that addressed the same issue does not appear to have been acknowledged by WSDOT at all (see pages A22-A23 of Draft FONSI). We are not aware of a written response to this letter and none appears in the Draft FONSI. This is particularly troublesome as this letter memorializes the following language jointly developed and agreed to by the four cities during discussions with WSDOT last October, which was to be included in the project's environmental documentation:

"In response to comments received on the Environmental Assessment, WSDOT wants to clarify how different station stops will be considered in the future. This EA is in support of 25 Track 2 specific projects, none of which address alternate station stops. WSDOT commits to exploring alternative station stops, including one in particular at Auburn, as plans for expanded service are developed. (This will be done through collaboration with PSRC, Amtrak and the host railroad, Sound Transit and City of Auburn and in consideration of the State-studied Diesel Multiple Unit service.) A similar approach would be used when examining station stops elsewhere. Locations will be evaluated in the future using a business case analysis." Again, we do not find this language contained in the Draft FONSI.

The City of Auburn finds the Draft FONSI as currently written to be unacceptable as it is not consistent with WSDOT's commitments to Auburn and other South King County cities last fall and during the agency's response to comments for the project EA. We request that the FONSI be revised to rectify these issues.

Respectfully,



Chris Andersen
Environmental Protection Manager

Cc: City of Auburn
Peter B. Lewis, Mayor
City of Covington
Derek Matheson, City Manager
City of Maple Valley
David Johnston, City Manager
City of Black Diamond
Brenda Martinez, Acting City Administrator

Elizabeth Phinney
August 6, 2010
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City of Auburn

Kevin Snyder, Director, Planning and Development Department
Dennis Dowdy, Director, Public Works Department
Dennis Selle, City Engineer/Transportation Division Manager
Joe Welsh, Transportation Planner

Washington State Department of Transportation

Scott Witt, Director, State Rail and Marine Office
Andrew Wood, Deputy Director, State Rail and Marine Office
Megan White, Director, Environmental Services
Carol Lee Roalkvam, Manager, Environmental Policy Branch
Jeff Schultz, Project Manager

Denis Law
Mayor

City of
Renton



Department of Community and Economic Development
Alex Pietsch, Administrator

August 6, 2010

Ms. Elizabeth Phinney
State Rail and Maine Office
Washington State Department of Transportation
P.O. Box 47407
Olympia, WA 98504-7407

VIA: phinnee@wsdot.wa.gov

SUBJECT: NEPA Draft Finding of No Significant Impact (FONSI) for the Pacific Northwest Rail Corridor

Dear Ms. Phinney,

Thank you for the opportunity to provide comments for the NEPA Draft Finding of No Significant Impact (FONSI) for the Pacific Northwest Rail Corridor. We understand that the Draft FONSI is for the proposed service improvements that were evaluated in the NEPA Program Assessment for the Pacific Northwest Rail Corridor, and are being made at the Tier 1 or Corridor level of review.

Regarding the Service Block 3/Tukwila Station – King County project, previous Sound Transit studies have indicated that a significant percentage of passengers at the Tukwila Station will originate from the east side (City of Renton). Therefore, we request that proposed improvements at the Tukwila Station should, in coordination with Sound Transit, include public access from the east for both Amtrak and Sound Transit passengers.

Please contact me if you have any question regarding this letter. I can be reached by telephone at: 425.430.7286 or via email: jhenning@rentonwa.gov

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Henning".

Jennifer Henning, AICP
Planning Manager

cc: Alex Pietsch, CED Administrator
Gregg Zimmerman, Public Works Administrator
Chip Vincent, Planning Director
Rich Perteet, Transportation Director
Neil Watts, Development Services Director
Dave Pargas, Assistant Fire Marshal

From: [Phinney, Elizabeth](#)
To: [DuMond, Melissa \(FRA\)](#)
Subject: FW: Comments on PNW Rail Corridor Draft FNSI
Date: Wednesday, August 11, 2010 6:30:17 PM

From: Peter Zahn [mailto:PZahn@ci.dupont.wa.us]
Sent: Wednesday, August 11, 2010 3:21 PM
To: Phinney, Elizabeth
Cc: Bill Kingman
Subject: Comments on PNW Rail Corridor Draft FNSI

Elizabeth:

Thank you for the opportunity to review and provide comment on the Draft Finding of No Significant Impact (FNSI). Following our conversation this afternoon, we would like to offer the following comments on the findings for your consideration:

Environmental Commitments, Noise Section

Page 24, Item 50, Section L, Noise, Section VI, Environmental Commitments, of the Draft FNSI states, "If impacts exceed FRA severe criteria for noise impacts, WSDOT will consider specific noise abatement measures..."

DuPont has residential structures within 800 feet of the rail line and within 500 feet of the commuter rail-highway crossing at Barksdale Avenue that is proposed to be improved with horns and bells. Chapter 4 of the DOT document titled, *Transit Noise and Vibration Impact Assessment*, Publication FTA-VA-90-1003-06, dated May 2006, states a noise assessment should be performed to identify locations where a project may cause noise impact. Table 4-1 of the document delineates screening distances for noise assessments. The screening distance for a commuter rail-highway crossing with horns and bells is 1,200 feet. We believe DuPont warrants a noise assessment based on these criteria to determine noise impacts and verify appropriate and effective mitigation measures are incorporated into the design of the related project through DuPont, and feel that the document could more clearly speak to this criteria.

We recommend the Environmental Commitments statement on Page 24 of the Draft FNSI be revised to state that WSDOT will conduct noise assessment if buildings are located within the screening distances indicated on Table 4-1 of Publication FTA-VA-90-1003-06 and propose appropriate and effective mitigation where warranted. Currently, the section states that "... impacts will be further investigated...for those projects that have the potential to cause adverse effects."

Again, thank you for the opportunity to comment. Should you have any questions, please feel free to contact me.

Peter L. Zahn
Public Works Director

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