



**Request for Agency Comments
City of Woodinville**

Development Services Department
 425-489-2754 • 17301 133rd Avenue NE • Woodinville, WA 98072
 Desk Hours • Monday – Thursday 7:30am – 5:00pm • Friday 7:30am – 4:00pm

EXHIBIT <u>27</u>
PAGE <u>1</u> OF <u>22</u>

DATE: January 30, 2012

CITY OF WOODINVILLE:		COUNTIES:	
<input checked="" type="checkbox"/>	City of Woodinville (Building)		King County Assessors Office
<input checked="" type="checkbox"/>	City of Woodinville (Planning)	<input checked="" type="checkbox"/>	King County DDES, Land Use Services Division
<input checked="" type="checkbox"/>	City of Woodinville (Fire Marshall - WFR)	<input checked="" type="checkbox"/>	King Co. Depart of Transp. Road Services Div.
<input checked="" type="checkbox"/>	City of Woodinville (Public Works)	<input checked="" type="checkbox"/>	King County Metro Transit
<input checked="" type="checkbox"/>	City of Woodinville (Police)	<input checked="" type="checkbox"/>	King County Natural Resources and Parks
	City of Woodinville (Administration)		King County Historic Preservation Officer
	City of Woodinville (Parks and Recreation)	<input checked="" type="checkbox"/>	King County Water and Lands Resource Division
	City of Woodinville (Executive)		Public Health – Seattle & King County
	Ogden, Murphy, Wallace (Greg Rubstello)		Snohomish County PDS
STATE/FEDERAL AGENCIES:		OTHERS:	
<input checked="" type="checkbox"/>	Army Corps of Engineers (Seattle Dist.)		Comcast of Washington
<input checked="" type="checkbox"/>	DAHP, Local Agency Archaeologist	<input checked="" type="checkbox"/>	Frontier
	Washington State Department of Commerce	<input checked="" type="checkbox"/>	Olympic Pipeline
<input checked="" type="checkbox"/>	Washington State Depart. of Ecology DOE	<input checked="" type="checkbox"/>	Puget Sound Energy
<input checked="" type="checkbox"/>	Washington Dept of Fish & Wildlife (WDFW)	<input checked="" type="checkbox"/>	Puget Sound Regional Council
<input checked="" type="checkbox"/>	Washington State DNR		
<input checked="" type="checkbox"/>	WSDOT		
	United States Postal Service		CONSULTANTS:
			Makers
			Otak/EagleEye
SPECIAL DISTRICTS:		TRIBES:	
	Alderwood Water & Wastewater District		
	Lake Washington School District		
	Northshore School District		
	Preston, Gates & Ellis (NSSD)	<input checked="" type="checkbox"/>	Muckleshoot Tribe (Tribe Preservation Program & Tribe Fisheries Division)
	Northshore Utility District	<input checked="" type="checkbox"/>	Sauk-Suiattle Tribe
<input checked="" type="checkbox"/>	Port of Seattle	<input checked="" type="checkbox"/>	Snoqualmie Tribe
<input checked="" type="checkbox"/>	Puget Sound Clean Air Agency	<input checked="" type="checkbox"/>	Snohomish Tribe
<input checked="" type="checkbox"/>	Woodinville Water District	<input checked="" type="checkbox"/>	Stillaguamish Tribe
<input checked="" type="checkbox"/>	Sound Transit Authority	<input checked="" type="checkbox"/>	Tulalip Tribes
<input checked="" type="checkbox"/>	Community Transit		
CITIES:		NOTICE OF APPLICATION ONLY:	
		<input checked="" type="checkbox"/>	Applicant/Contact Person (Notice Only)
	City of Bothell (Planning Director)		Parties of Record (Notice Only)
	City of Kirkland (Planning Director)		Adjacent Property Owners (Notice Only)
	City of Kenmore (Planning Director)	<input checked="" type="checkbox"/>	Property Owners within 500' (Notice Only)
	City of Redmond (Planning Director)	<input checked="" type="checkbox"/>	Woodinville Weekly (Notice Only)

FILE NO.: SCU12001/SEP12002

PROPONENT: City of Woodinville

EXHIBIT 21
PAGE 2 OF 22

PROJECT NAME: Sammamish River Bridge and Road Project

PROJECT ADDRESS: SR 202 (NE 175th Street) from 131st Avenue NE (Mile Post 0.31), to Woodinville-Redmond Road NE (Mile Post 0.55)

PROJECT DESCRIPTION: Shoreline Conditional Use Permit, SEPA Determination, and Critical Area Alteration to widen State Route 202 (NE 175th Street) from the intersection of 131st Avenue NE to Woodinville-Redmond Road NE; construct a new bridge across the Sammamish River adjacent to the existing bridge, and widen and reconfigure the roadway at both the east and west approach to the bridge. Construction also includes drainage improvements, erosion control, critical area alteration and mitigation. SEPA is required for all Shoreline permits.

ATTACHED IS:

<input checked="" type="checkbox"/>	Notice of Application		Plat Map (Reduced)
	DNS	<input checked="" type="checkbox"/>	Site Plan (Reduced)
<input checked="" type="checkbox"/>	Environmental Checklist		Location Map
<input checked="" type="checkbox"/>	Application		Vicinity Map
<input checked="" type="checkbox"/>	Narrative Statement(s)		Other:

NOTE: _____

Please review this project as it relates to your area of concern and return your comments with this cover sheet by February 29, 2012 to the City of Woodinville, Development Services Department, Attn: Erin Martindale, 17301 133rd Avenue NE, Woodinville, WA 98072 or erinm@ci.woodinville.wa.us. Call the assigned Planner at 425-877-2283 with any questions.

Erin Martindale
Erin Martindale
Planner

1/24/12
Date

RESPONSE SECTION:

Comments Attached

No Comments

COMMENTS: _____

Signature

Date

Agency / Company

FILE NO.: SCU12001/SEP12002

PROPONENT: City of Woodinville

EXHIBIT 21
PAGE 3 OF 22

PROJECT NAME: Sammamish River Bridge and Road Project

PROJECT ADDRESS: SR 202 (NE 175th Street) from 131st Avenue NE (Mile Post 0.31), to Woodinville-Redmond Road NE (Mile Post 0.55)

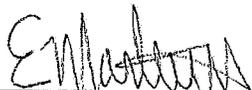
PROJECT DESCRIPTION: Shoreline Conditional Use Permit, SEPA Determination, and Critical Area Alteration to widen State Route 202 (NE 175th Street) from the intersection of 131st Avenue NE to Woodinville-Redmond Road NE; construct a new bridge across the Sammamish River adjacent to the existing bridge, and widen and reconfigure the roadway at both the east and west approach to the bridge. Construction also includes drainage improvements, erosion control, critical area alteration and mitigation. SEPA is required for all Shoreline permits.

ATTACHED IS:

X	Notice of Application		Plat Map (Reduced)
	DNS	X	Site Plan (Reduced)
X	Environmental Checklist		Location Map
X	Application		Vicinity Map
X	Narrative Statement(s)		Other:

NOTE: _____

Please review this project as it relates to your area of concern and return your comments with this cover sheet by February 29, 2012 to the City of Woodinville, Development Services Department, Attn: Erin Martindale, 17301 133rd Avenue NE, Woodinville, WA 98072 or erinm@ci.woodinville.wa.us. Call the assigned Planner at 425-877-2283 with any questions.

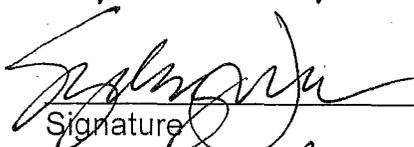

Erin Martindale
Planner

1/24/12
Date

RESPONSE SECTION:

Comments Attached No Comments

COMMENTS: Request for ample notice of street closures as police response to calls will be greatly affected


Signature
Woodinville Police Dept.
Agency / Company

1/27/2012
Date

FILE NO.: SCU12001/SEP12002

PROPONENT: City of Woodinville

EXHIBIT 27
PAGE 4 OF 12

PROJECT NAME: Sammamish River Bridge and Road Project

PROJECT ADDRESS: SR 202 (NE 175th Street) from 131st Avenue NE (Mile Post 0.31), to Woodinville-Redmond Road NE (Mile Post 0.55)

PROJECT DESCRIPTION: Shoreline Conditional Use Permit, SEPA Determination, and Critical Area Alteration to widen State Route 202 (NE 175th Street) from the intersection of 131st Avenue NE to Woodinville-Redmond Road NE; construct a new bridge across the Sammamish River adjacent to the existing bridge, and widen and reconfigure the roadway at both the east and west approach to the bridge. Construction also includes drainage improvements, erosion control, critical area alteration and mitigation. SEPA is required for all Shoreline permits.

ATTACHED IS:

X	Notice of Application		Plat Map (Reduced)
	DNS	X	Site Plan (Reduced)
X	Environmental Checklist		Location Map
X	Application		Vicinity Map
X	Narrative Statement(s)		Other:

NOTE: _____

Please review this project as it relates to your area of concern and return your comments with this cover sheet by February 29, 2012 to the City of Woodinville, Development Services Department, Attn: Erin Martindale, 17301 133rd Avenue NE, Woodinville, WA 98072 or erinm@ci.woodinville.wa.us. Call the assigned Planner at 425-877-2283 with any questions.


Erin Martindale
Planner

1/24/12
Date

RESPONSE SECTION:

____ Comments Attached

____ No Comments

COMMENTS: THE PROJECT IMPACTS THE RAIL

CORRIDOR - I DO NOT SEE NOTIFICATION
DOCS TO THE PORT.

Signature Rall R
Cow

Date 1-27-2012

Agency / Company

FILE NO.: SCU12001/SEP12002

PROPONENT: City of Woodinville

PROJECT NAME: Sammamish River Bridge and Road Project

PROJECT ADDRESS: SR 202 (NE 175th Street) from 131st Avenue NE (Mile Post 0.31), to Woodinville-Redmond Road NE (Mile Post 0.55)

PROJECT DESCRIPTION: Shoreline Conditional Use Permit, SEPA Determination, and Critical Area Alteration to widen State Route 202 (NE 175th Street) from the intersection of 131st Avenue NE to Woodinville-Redmond Road NE; construct a new bridge across the Sammamish River adjacent to the existing bridge, and widen and reconfigure the roadway at both the east and west approach to the bridge. Construction also includes drainage improvements, erosion control, critical area alteration and mitigation. SEPA is required for all Shoreline permits.

ATTACHED IS:

X	Notice of Application		Plat Map (Reduced)
	DNS	X	Site Plan (Reduced)
X	Environmental Checklist		Location Map
X	Application		Vicinity Map
X	Narrative Statement(s)		Other:

NOTE: _____

Please review this project as it relates to your area of concern and return your comments with this cover sheet by February 29, 2012 to the City of Woodinville, Development Services Department, Attn: Erin Martindale, 17301 133rd Avenue NE, Woodinville, WA 98072 or erinm@ci.woodinville.wa.us. Call the assigned Planner at 425-877-2283 with any questions.

Erin Martindale
Erin Martindale
Planner

1/24/12
Date

RESPONSE SECTION:

Comments Attached No Comments

COMMENTS: Olympic Pipe Line has two HP pipelines just west of where NE 175th St. turns into Woodinville Redmond Road.

Holly Williamson
Signature

2-2-12
Date

BP / Olympic Pipeline Company
Agency / Company

* This project should be no conflict as long as you are not within 100 feet of the Olympic pipelines.

Erin Martindale

From: Kerry Lyste [klyste@stillaguamish.com]
Sent: Friday, February 17, 2012 4:25 PM
To: Erin Martindale; Rachel Speer
Cc: John Harvey
Subject: Sammamish River Bridge and road Project; SCU12001/SEP12002

EXHIBIT <u>27</u>
PAGE <u>6</u> OF <u>22</u>

Hello Erin,

surveys in 2007 and 2008 by Northwest Archaeological Associates have shown extensive cultural resources and damage incurred by development within 500 feet of the project APE. The Stillaguamish Tribe would request a plan including archaeological survey, monitoring, and UDP protocol to protect potential cultural resources that could be disturbed with this project. We look forward to discussing this with you further,

sincerely,

Kerry Lyste

--

Kerry Lyste
Cultural Resources
GIS Analyst/ Database Administrator
Stillaguamish Tribe of Indians
360-652-7362 ext 226

Erin Martindale

From: Daniel Beck
Sent: Tuesday, February 21, 2012 12:43 PM
To: Erin Martindale
Subject: SEPA Comments - Sammish River Bridge and Road Project
Attachments: SEP12002_Sammaish River Bridge and Road Project.doc

EXHIBIT <u>27</u>
PAGE <u>8</u> OF <u>22</u>

Erin:

Attached are the SEPA comments.

Dan

Daniel Beck, P.E. | Senior Engineer | Public Works Department
Tel: 425-489-2700 ext. 2295 | Fax: 425-489-2756 Email: danb@ci.woodinville.wa.us
City of Woodinville | 17301 133rd Ave NE | Woodinville, WA 98072

**SAMMAMISH RIVER BRIDGE AND ROAD PROJECT
CITY OF WOODINVILLE
SEPA REVIEW
FILE NO.: SEP12002**

EXHIBIT 27
PAGE 9 OF 22

February 21, 2012

**Daniel Beck, P.E., Senior Engineer
Public Works Department
SEPA Review Comments**

The Public Works Department has reviewed the SEPA application and supporting documents for the Sammamish River Bridge and Road Project – SEP120002.

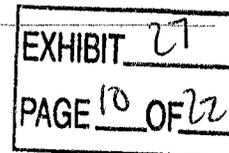
Review Comments:

SEPA Checklist

1. Item 11. – Description of Proposal, 4th paragraph: “At the intersection of 131st Avenue NE, an additional through lane will be added to the existing configuration.” Recommend adding direction of the added lane.
2. Item 7. – ENVIRONMENTAL HEALTH, Section b. NOISE, no. 2: Assuming some night work on a limited basis for certain construction work. Project is near a few residential complexes. Recommend obtaining a variance/exemption pertaining to the City’s Noise Ordinance.
3. Item 14. – TRANSPORTATION, section b.: Address the following – will bus stops be relocated during construction and/or permanently.
4. Item 16 – UTILITIES, Section b. Recommend distinguishing what agency is performing specific relocation work for each utility and the timeline. Unclear if the City is performing the relocating of the utilities or if the utilities are performing the relocation work.

Geotechnical Report

5. Geotechnical Engineering Report, Embankment Fill Effects on Existing and Proposed Foundations, Section 7.2.2, page 9 & 10: How is this being handled? Could not locate in plans on how to address fill around existing timber piles?
6. Geotechnical Engineering Report, Retaining Walls, Section 7.5, page 13 (Concrete Block Retaining Walls): Did not locate any wall designs in the plans, are retaining walls part of the project?

Erin Martindale**From:** Karen Walter [KWalter@muckleshoot.nsn.us]**Sent:** Wednesday, February 29, 2012 1:01 PM**To:** Erin Martindale**Subject:** SR 202 widening, from 131 Ave NE to Woodinville-Redmond Road, SCU12001/SEP12002, Notice of Application

Erin,

I have reviewed the Notice of Application materials for the City's proposed widening of SR 202 that includes an expanded bridge crossing of the Sammamish River referenced above. I have a couple of questions and initial comments about the project noted below:

1. The Conceptual Mitigation Plan describes a currently vegetated impact area within the 150 foot regulated buffer for the Sammamish River that will be impacted by this project. This impact area includes a portion of the left bank (facing downstream) that was planted as part of the 2003 WSDOT mitigation project for putting fill into the river to protect the existing bridge piles. Will the project affect the entire 2003 WSDOT mitigation site? What is the size of the tree and shrub species that will be impacted? The mitigation for this project should include comparable sized species to avoid creating a temporal impact to the existing vegetation.
2. The proposal to mitigate for impacts to the Sammamish River's stream buffer offsite on Little Bear Creek needs more discussion, including mitigation alternatives along the Sammamish River. Are there no areas within the City of Woodinville where invasive vegetation could be removed and native trees and shrubs planted along the Sammamish River?

The aerial photo on the cover of the Conceptual Mitigation plan shows areas where there may be opportunities both up and downstream of the bridge crossing. The 2002 Sammamish River Corridor Action Plan specifically listed the restoration of riparian areas throughout the river corridor as a primary action to take. Further, the Sammamish River exceeds State water temperature standards regularly in several places adversely affecting returning adult salmon, including near the project site; therefore, riparian restoration opportunities along the Sammamish River should be pursued first before considering offsite locations.

3. The checklist notes that WDFW will likely require that 2,400 square feet of area be eradicated of invasive species and planted with native species underneath the new bridge to mitigate for overwater coverage. A planted plan should be provided that includes these details.

We appreciate the opportunity to provide the City with our questions and initial comments prior to the issuance of SEPA. We look forward to the City's responses and may have comments subsequently.

Thank you,
Karen Walter
Watersheds and Land Use Team Leader

Muckleshoot Indian Tribe Fisheries Division
39015 172nd Ave SE
Auburn, WA 98092
253-876-3116

03/05/2012



P.O. Box 1209
Seattle, WA 98111-1209

Tel: (206) 787-3199
Fax: (206) 787-3280

www.portseattle.org

EXHIBIT 27
PAGE 11 OF 22

March 7, 2012

Erin Martindale, Project Manager
City of Woodinville
Development Services Department
17301 133rd Avenue NE
Woodinville, WA 98072

Re: Notice of Application – File Number SCU12001/SEP12002
Sammamish River Bridge and Road Project

Dear Ms. Martindale:

Thank you for the opportunity to provide comments concerning the proposed Sammamish River Bridge and Road Project ("Project") and application for a Shoreline Substantial Development Permit, State Environmental Policy Act ("SEPA") Threshold Determination and Critical Area Alteration to the City of Woodinville (the "City") for properties located at/near SR 202 (NE 175th Street) from 131st Avenue NE to Woodinville Redmond Road NE. The Port incorporates by reference as part of its comments the email from Sean Sullivan to Thomas Hansen dated March 2, 2012.

The Port appreciates your prompt assistance with our request for additional information concerning this proposal. We also appreciate the extension of the comment period for one week so we could review the material and prepare our comment letter.

As the Port has already expressed to the City, the Port has serious concerns about the probable significant adverse environmental impacts of this proposal upon the active rail line located on Port property. The burden is upon the governmental body subject to SEPA to show that it made a threshold determination which "demonstrate[s] that environmental factors were considered in a manner sufficient to be a prima facie compliance with the procedural dictates of SEPA." *Lassila v. Wenatchee*, 89 Wn. 2d 814, 576 P. 2d 54 (1978). To assist in making this determination, the responsible SEPA official is required to evaluate the responses to the SEPA checklist. WAC 197-11-330(1)(a)(i); Woodinville City Code ("WCC") section 14.04.120 (completed checklist required). If the lead agency does not provide "reasonably sufficient" information to evaluate the proposal's environmental significance, the agency must either obtain additional information or defer the threshold determination. WAC 197-11-335(1)-(3) and (4).

The current draft of the environmental checklist offered for the proposal fails to adequately identify the likely adverse environmental impacts. For the following reasons, based on the Port's comments below, the City's responsible SEPA official should either request additional information to address the Port's concerns or defer issuance of the threshold determination:

Real Property - Neither the checklist nor the application materials acknowledge that the Port, not the City, owns an important parcel of property proposed to be utilized for this project. The City cannot legally construct this project unless it first obtains the appropriate real estate rights from the Port. The portion of the property required for the proposed location of this project is also currently utilized as an active rail use. As the Port has explained in previous communications with the City, Port has made no decisions regarding the grant of an easement to the City, nor does the City have authority to condemn property utilized for an active rail use. The checklist is deficient because it fails to fully identify "government approvals or permits" that are needed for the proposal. (SEPA Checklist #10) If the City is able to address these issues, the Port would require: 1) a construction and maintenance agreement between Port of Seattle (railroad right of way owner) and City of Woodinville and 2) right of entry agreements as required by the Port to proceed with the project. Please add these approvals to the list of government approvals in SEPA Checklist #10.

Existing Easements – Puget Sound Energy (“PSE”) owns easement rights on the Port’s property located within the project area that authorize it to place structures above ground and to place subsurface installations. The checklist fails to discuss how the City proposes to construct, operate, and maintain this project without interfering with PSE’s easement rights. It is our understanding that the City has neither discussed the specific easement requirements with PSE nor received the proper approvals to use PSE’s easement rights. Section B- environmental elements – subsection 8.c.

In addition, the checklist neglects to explain how the project can be constructed, yet not interfere with the easement rights of MTS (Starcom) a fiber cable installer/operator that also has a right of way agreement through the Port’s property in the area proposed for the project. The Port has previously raised these issues with the City, yet the checklist and application materials fail to address these issues. The checklist should be amended to acknowledge these necessary approvals. (See SEPA Checklist # 10 government approvals or permits needed for the proposal) Section B – environmental elements - Subsection 8.c – land and shoreline use - Structures – discussion of utilities.

Public Safety/Rail Proximity/Transportation – The checklist fails to state that a significant portion of the property required for the project (including for the bridge, railroad signals and expanded road surface to the south), and a significant portion of property adjacent to the project, is owned by the Port and currently operated as a federally regulated railroad. The railroad right of way accommodates existing tracks, trestles, drainage systems and possible utilities. The freight operator currently operates a number of freight trains each week on the line, but could increase this volume of freight and/or operate passenger service on the rail line. The agreements between the Port and the operator were executed in 2009, run for ten years and provides for another ten year extension of the agreements. Section B – environmental elements – subsection 14 g. transportation.

The application also fails to state the new bridge improvements are very close to an existing train trestle - a trestle whose structural support configuration would apparently have to be altered to accommodate this project. (See SEPA Checklist #11) The proposed proximity of the project to the existing active rail line (owner/operator required clearances) will likely require a redesign of the project plans to provide for the necessary clearances. In order to ensure that safe working conditions are maintained for railroad workers and that the railroad equipment can safely operate, the City must comply with the clearances to be established and maintained. The closer that the project is located to the trestle, the more likely the impacts are to the trestle. (Subsection 8.a land and shoreline use – Current use of site and adjacent properties.) Given the necessary construction modifications, paragraph 11 designated “Design Deviation” of the SEPA checklist list should be updated to recognize that construction modifications may be necessary to operate and maintain a railroad consistent with railroad policies, requirements and standards necessary to deal with particular areas of concern to rail transportation within the proposed project area. The Port would require compliance with the current edition of American Railway Engineering and Maintenance-of-Way Association Manual for Railway Engineering (“ARMEA”), as well as all design/engineering and safety standards as may be set forth by the Port. Sections A10, A11; B.14.g and Section B – environmental elements – subsection 8.a. land and shoreline use.

In order to address these concerns, the proposed project cannot not limit current or future railroad operating capacity and utility accommodations within the railroad right of way. The City would need to develop design plans in compliance with ARMEA and verify with the Port that construction design meets design/engineering standards are met as well as all safety standards as defined by the Port, Federal Railroad Administration, Division of Occupational Safety and Health Administration and State Railroad Regulatory Body. In order to verify that design and construction meets the necessary guidelines for safe and efficient operation of the railroad, the applicant and/or contractor would need to agree to the terms of a railroad right of entry agreement, obtain a valid right of entry permit from the Port and comply with all Port requirements for work located within the railroad right of way limits. Any overhead structure or underpass structure impacting the railroad right of way will also require the City to execute a construction and maintenance agreement with the Port prior to any construction on railroad right of way. The Port would require copies of any updated reports about the probable significant adverse impacts to the trestle located on Port property and the portion of the support structure that the City proposes to demolish and rebuild. The Port would need to first approve the proposed construction documents before it could authorize a construction and maintenance agreement. Section B – environmental elements – Subsection 14.e transportation – Section B – environmental elements – Subsection 14.g transportation – Controlling transportation Impacts.

The checklist fails to make any note of appropriate and readily available alternatives to the proposed location for the project, including building all or a portion of the project within existing roads or right of way located to the north that is owned or controlled by the City. By failing to consider these alternatives, the City neglects to follow SEPA’s directives to consider how the probable significant adverse environmental impacts of this proposal might be avoided or mitigated.

Erosion Control Measures. It is unclear if adequate soil and slope protection can or would be established to protect Port owned rail improvements, including but not limited to, the adjacent active train trestle and related support structure. This section of the checklist is apparently based on a "draft geotechnical report" that was prepared in August 2007 before the location of the bridge was determined. This report should be updated to analyze the specific location proposed for the project. Of particular concern to the Port is the potential impacts of the embankment fill to existing and proposed bridge foundations. (Section 7.2.2.) and the estimated settlement under the proposed full-height fill embankment. Section 7.3.1. Based on the limited information available in the environmental checklist, it is unclear whether or not these likely significant adverse environmental impacts can be addressed. B.1. The checklist should be corrected to acknowledge that geotechnical design on Port property should follow AREMA standards, as well as all design/engineering standards as may be set forth by the Port, to insure compliance with the minimum standards of the Port to support safe operations. Section B – environmental elements – Subsection 1.h – earth.

Stormwater - There is insufficient information in the application to determine how stormwater might flow onto Port property from the new/existing road improvements, and how such stormwater flows would be managed according to the Port's stormwater requirements/responsibilities. Maintaining the integrity of the railroad right of way drainage system is important. B.3.2.c The Port would require that hydraulic design and stormwater management system follow AREMA standards, as well as all design/engineering standards that the Port may require. Construction best management practices also require that erosion and sediment accumulation in the ditches and culverts be properly maintained during and after construction to prevent fouling the track ballast and sub-ballast and allow free flow of runoff in the drainage systems. Section B – environmental elements - Subsection 3.a.6.c water- Surface Discharges - Water runoff – including stormwater.

Recreation - The City has been alerted by the Port of the likelihood that King County will reserve the right to build a trail through, or adjacent to, the project site. Depending on the configuration of the prospective rail uses and needs, the trail may need to be located in the project area. The checklist does not acknowledge these potential adverse impacts to an existing recreational use. Adverse impacts to recreational uses such as the trail will likely impact the City's ability to obtain the necessary section 4(f) de minimis approval from the federal government. Section B – environmental elements – Subsection 12.a/b/c recreation – Formal and Informal Recreational Uses in Vicinity – Displacement - Impacts.

Proposed Timing and Schedule - The proposed schedule for the project identified in the SEPA checklist is deficient because the checklist fails to identify the necessary permits and approvals. (SEPA Checklist #6)

A determination of significance should be issued by a lead agency "whenever more than a moderate effect on the environment is a reasonable probability." Norway Hill Preservation and Protection Association v. King County Council, 87 Wn. 2d 267, 552 P. 2d 674 (1976). Unless the checklist is updated to address the concerns raised by the Port, the appropriate SEPA threshold determination at this time should be a "determination of significance" under WAC 197-11-310.

Unless the City has done so already, please add the Port to the list of persons interested in this proposal who receive updates about its progress. WCC 17.11.020(1). In particular, the Port requests to be informed of any public hearing related to any/all matters discussed in these applications.

Thank you for consideration of our concerns. We look forward to working with the City to address these issues.

Sincerely,



Joe McWilliams
Managing Director, Real Estate Division

cc: Hal H. Hart, Development Services Director



RECEIVED

EXHIBIT 27
PAGE 14 OF 22

July 2, 2012

JUL 05 2012

Thomas Hansen
Public Works Director
City of Woodinville
17301 133rd Avenue NE
Woodinville, WA 98072-8534

City of Woodinville

CHAIR

Pat McCarthy
Pierce County Executive

VICE CHAIRS

Julia Patterson
King County Councilmember

Aaron Reardon
Snohomish County Executive

BOARD MEMBERS

Claudia Balducci
Bellevue Councilmember

Fred Butler
Issaquah Deputy Council President

Richard Conlin
Seattle Councilmember

Dow Constantine
King County Executive

Dave Earling
Edmonds Mayor

Dave Enslow
Sumner Mayor

Paula J. Hammond, P.E.
Washington State Secretary of Transportation

John Marchione
Redmond Mayor

Joe McDermott
King County Councilmember

Mike McGinn
Seattle Mayor

Mary Moss
Lakewood Councilmember

Larry Phillips
King County Councilmember

Paul Roberts
Everett Councilmember

Marilyn Strickland
Tacoma Mayor

Peter von Reichbauer
King County Councilmember

CHIEF EXECUTIVE OFFICER

Jonl Earl

Dear Mr. Hansen:

This is in regard to your June 5, 2012, letter about Woodinville's Sammamish Bridge Replacement project (No. 202/35) adjacent to the Woodinville subdivision rail line, for which Sound Transit has a high capacity transit easement.

Thank you for coming to meet with Sound Transit planning and engineering staff and management on May 29, 2012, to discuss your project. Staff has reviewed your project plans and determined that they accommodate and will not have a detrimental effect on Sound Transit's high capacity transit easement for the corridor.

In answer to the questions you raised in your letter, we have the following responses:

- 1) The City's planned project to widen the Sammamish River Bridge does not impact Sound Transit's ability to fully utilize the agency's high capacity easement along this section of the rail corridor.
- 2) The City does not need to make any revisions and/or accommodations to its planned project as identified in the 60% submittal plans attached with your June 5, 2012 letter, so as not to preclude Sound Transit's ability to utilize its easement in the future.

If you make any changes to your final plans that encroach on the Sound Transit high capacity transit easement, please contact me at 206-398-5124 to discuss. In addition, please send me a copy of your certified right of way plans and final plan documents and as-builts when your project is complete.

Sincerely,

David Beal
Director, Planning and Development

Cc Jennifer Belk, Deputy General Counsel
Eric Beckman, Project Director, Design Construction and Construction Management
Andrea Tull, Senior Transportation Planner
Nancy Bennett, Property Management Manager

Central Puget Sound Regional Transit Authority • Union Station
401 S. Jackson St., Seattle WA 98104-2826 • 206-398-5000 • 1-800-201-4900 • www.soundtransit.org

RECEIVED

SEP 07 2012

CITY OF WOODINVILLE
DEVELOPMENT SERVICES

Erin Martindale

From: Ron Braun
Sent: Tuesday, July 17, 2012 9:11 AM
To: Erin Martindale
Subject: RE:

EXHIBIT <u>27</u>
PAGE <u>15</u> OF <u>22</u>

Erin,

I have no additional comments.

From: Erin Martindale
Sent: Tuesday, July 17, 2012 9:06 AM
To: Erin Martindale
Subject:

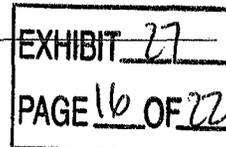
All,

Attached to this email are the comments you submitted to the City regarding the Sammamish River Bridge Project a few months ago, as well as the response from the Public Works Department.

Please review the attached response to comments, and let me know if you need additional information or have additional comments. It would be great if I could get a response by July 31, 2012. Please let me know if this date will not work.

Erin Martindale
City of Woodinville
17301 133rd Avenue NE
Woodinville, WA 98072
425-877-2283
erinm@ci.woodinville.wa.us

Erin Martindale



From: Karen Walter [KWalter@muckleshoot.nsn.us]

Sent: Friday, July 27, 2012 3:56 PM

To: Erin Martindale

Subject: SR 202 Widening - 131st Ave NE to Woodinville-Redmond Road NE, SCU12001/SEP120002,

Erin,

Thank you for sending the City's responses to the MITFD (and others) comments for the above referenced project. We have reviewed these response and have some follow-up comments as noted below:

1. Per the City's responses, the project will affect the majority of the 2003 WSDOT mitigation site. If this is the case, then the City should verify that this will be allowed under any Corps permit issued for the WSDOT project and that the propose mitigation is sufficient. Based on the City's responses, it appears that existing trees will be removed and replaced with shrubs and ground vegetation which will cause a functional loss of riparian function at this location. Again, we strongly encourage the City to look at other areas along the Sammamish River to mitigate for the riparian functional losses.
2. We would like more information regarding the potential mitigation sites along the Sammamish River. The City's response is vague on page 5. For example, how far up and down river did the City look for mitigation sites? Did the City discuss potential easements or planting opportunities with private property owners? The Sammamish River has an Action Plan from 2002 , as well as, the City's SMA required restoration plan that has river riparian restoration has one of its high priority actions. I think that the Sammamish River Corridor Action Plan pre-dates any plans for Little Bear Creek and is a higher priority in the WRIA 8 Chinook recovery plan.
3. Where is the planting plan for the mitigation work under the new bridge? The City's responses reference an Attachment 1, but I couldn't find it in the materials you sent.

Please let me know if you have any questions.

Thank you,
Karen Walter
Watersheds and Land Use Team Leader

*Muckleshoot Indian Tribe Fisheries Division
Habitat Program
39015 172nd Ave SE
Auburn, WA 98092
253-876-3116*

From: Erin Martindale [mailto:Erinm@ci.woodinville.wa.us]

Sent: Tuesday, July 17, 2012 9:06 AM

To: Erin Martindale

Subject:

All,

Attached to this email are the comments you submitted to the City regarding the Sammamish River Bridge Project a few months ago, as well as the response from the Public Works Department.

Please review the attached response to comments, and let me know if you need additional information or have additional comments. It would be great if I could get a response by July 31, 2012. Please let me know if this date will not work.

Erin Martindale
City of Woodinville
17301 133rd Avenue NE
Woodinville, WA 98072
425-877-2283
erinm@ci.woodinville.wa.us

07/30/2012



P.O. Box 1209
Seattle, WA 98111-1209

Tel: (206) 728-3000
Fax: (206) 728-3252

www.portseattle.org

July 31, 2012

EXHIBIT 27
PAGE 17 OF 22

Erin Martindale, Project Manager
City of Woodinville
Development Services Department
17301 133rd Avenue NE
Woodinville, WA 98072

Re: Additional Information Request – File Number SCU12001/SEP12002
Sammamish River Bridge and Road Project

Dear Ms. Martindale:

Thank you for the opportunity to provide follow-up comments concerning the proposed Sammamish River Bridge and Road Project (“Project”) and application for a Shoreline Substantial Development Permit, State Environmental Policy Act (“SEPA”) Threshold Determination and Critical Area Alteration to the City of Woodinville (the “City”) for properties located at/near SR 202 (NE 175th Street) from 131st Avenue NE to Woodinville Redmond Road NE.

The Port continues to have has serious concerns about the probable significant adverse environmental impacts of this proposal upon the active rail operations located on Port property for the reasons explained below:

Real Property/Existing Easements - A significant portion of the property required for the proposed location of this project is currently utilized as an active rail use. As the Port has explained in previous communications with the City, Port has made no decisions as to whether or not it will grant an easement to the City, nor does the City have authority to condemn property utilized for an active rail use. In order for the project to proceed in the currently proposed location, the City will be required to obtain from the Port any and all rights/documents, which could include, but not be limited to easements, permits, construction and maintenance agreements and rights of entry. Appropriate additional documentation/permission must be obtained from GNP, the rail operator, in the form GNP and the Port may determine in their sole discretion.

The City shall obtain from all potentially affected parties that have, or may be in the process of obtaining, rights to the rail corridor, concurrence and approval in the form the holder of the right/ potential right and the Port, may determine in their sole discretion. The holders of such rights or potential rights, may include, but not be limited to Sound Transit, Puget Sound Energy, King County, Starcom (MTS) and GNP (subject to their bankruptcy proceedings and any appropriate regulatory authority).

Public Safety/Rail Proximity/Transportation – The checklist fails to state that a significant portion of the property required for the project, and a significant portion of property adjacent to the project, is owned by the Port and currently operated as a federally regulated railroad. The freight operator currently operates a number of freight trains each week on the line, but the volume of freight and/or passenger service on the rail line could be increased/initiated at any time. The proposed proximity of the project to the existing active rail line (owner/operator required clearances) will likely require a redesign of the project plans to provide for the necessary clearances (e.g.,



25 foot horizontal clearance from the centerline of the nearest track). In order to ensure that safe working conditions are maintained for railroad workers and that the railroad equipment can safely operate near the bridge, the City must comply with the clearances to be established and maintained. (Subsection 8.a land and shoreline use – Current use of site and adjacent properties.) Given the necessary construction modifications, paragraph 11 designated “Design Deviation” of the SEPA checklist list should be updated to recognize that construction modifications may be necessary to operate and maintain a railroad consistent with railroad policies, requirements and standards necessary to deal with particular areas of concern to rail transportation within the proposed project area. The Port would require compliance with the current edition of American Railway Engineering and Maintenance-of-Way Association Manual for Railway Engineering (“AREMA”), as well as all design/engineering and safety standards as may be set forth by the Port. Sections A10, A11; B.14.g and Section B – environmental elements – subsection 8.a. land and shoreline use.

The proposed project needs to be redesigned and constructed in a way so as not to limit current or future railroad operating capacity and utility accommodations within the railroad right of way. The City has provided information that indicates that rail traffic will be impeded by the current design/plan for the project (B14g of the Checklist). The City has not provided any commentary/evidence suggesting that the project will not limit future utility installations. The City would also have to address future rail capacity increases, including the potential impact the project would have on adding a second main track within the existing right of way. The City would need to develop/finalize design plans in compliance with AREMA as well as all design/engineering/safety standards as defined by the Port, Federal Railroad Administration, Division of Occupational Safety and Health Administration and State Railroad Regulatory Body.

The updated soils letter from Shannon & Wilson, Inc. suggests there could be potential damage to railroad bridges and existing utilities from vibrations and settlements resulting from the drilled shaft installation. No estimate of potential settlements was provided. The Port would require copies of any updated reports about the probable adverse impacts to the trestle located on Port property and the portion of the support structure that the City proposes to demolish. Required monitoring programs would need to be prior approved by the Port, the rail operator(s) and any impacted utilities. The Port would need to prior approve the final construction/engineering documents before it could authorize construction. Section B – environmental elements – Subsection 14.e transportation – Section B – environmental elements – Subsection 14.g transportation – Controlling transportation Impacts.

The checklist fails to make any note of appropriate and readily available alternatives to the proposed location for the project, including building all or a portion of the project within existing roads or right of way located to the north that is owned or controlled by the City. The suggestion by the City is that they relied on a 2007 study, a study conducted long before the Port acquired the property. The City designed the new bridge and approved a right-of-way plan (May 2010-August 2011) without consultation with the Port to determine if an easement might be available, and what design considerations would be imposed by the Port if an easement could be granted. By failing to make inquiries with the Port prior to the City’s approval of the right-of-way plan in August 2011, the City could not have considered all **available** alternatives, so the City neglected to follow SEPA’s directives to consider how the probable significant adverse environmental impacts of this proposal might be avoided or mitigated.

Erosion Control Measures - It is unclear if adequate soil and slope protection can or would be established to protect Port owned rail improvements, including but not limited to, the adjacent active train trestle and related support structure. The updated soils letter from Shannon & Wilson, Inc. suggests there could be settlement induced damage to the railroad bridge and existing utilities from the proposed new east approach fill – although perhaps not “significant” (not defined) in their opinion. No estimate of possible settlement was provided. Required monitoring programs would need to be prior approved by the Port and the rail operator(s). The checklist should be amended to acknowledge that geotechnical related design/engineering plans on Port property should follow AREMA standards,

as well as all design/engineering standards as may be set forth by the Port, to insure compliance with the minimum standards of the Port to support safe operations. Section B – environmental elements – Subsection 1.h – earth.

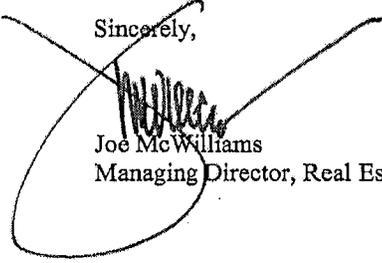
Stormwater - The Port is unable to determine exactly how stormwater might be adequately treated and flow onto or through Port property from the new road improvements, and how such stormwater flows would be managed according to the Port's stormwater requirements/responsibilities. The plans provided with the SEPA application suggested that stormwater would be treated at locations that appear to be at initial entry and mid points in the system, rather than near the end of the system, closer to the discharge points. We cannot tell from the drawing where the systems outfall – on the right of way and/or directly into the river. Section B.3.2.c The Port would require that hydraulic design and stormwater management system follow AREMA standards, as well as all design/engineering standards that the Port may require. Construction best management practices also require that erosion and sediment accumulation in the ditches and culverts be properly maintained during and after construction to prevent fouling the track ballast and sub-ballast and allow free flow of runoff in the drainage systems. Section B – environmental elements – Subsection 3.a.6.c water- Surface Discharges - Water runoff – including stormwater.

Recreation - The City must obtain any necessary section 4(f) de minimis approval from the federal government, including any required approval related to any trail that King County may reserve the right to construct through or adjacent to the project area. Depending on the configuration of the prospective rail uses and needs, the trail may need to be located in the project area. Section B – environmental elements – Subsection 12.a/b/c recreation – Formal and Informal Recreational Uses in Vicinity – Displacement - Impacts.

Proposed Timing and Schedule - The proposed schedule for the project identified in the SEPA checklist seems optimistic considering the number of documented approvals required to proceed with the project, including but not limited to, those related to the bankruptcy status of the freight operator (GNP) and those related to the status of the transfer of trail easement rights to King County. (SEPA Checklist #6)

Thank you for consideration of our continuing concerns. We look forward to working with the City to address these issues.

Sincerely,



Joe McWilliams
Managing Director, Real Estate Division

Erin Martindale

EXHIBIT 27
PAGE 20 OF 22

From: Williamson, Holly L [Holly.Williamson@bp.com]
Sent: Tuesday, August 07, 2012 4:51 PM
To: Erin Martindale
Subject: RE: Sammamish River Bridge Project

This project is no conflict for Olympic Pipeline Company.

Holly Williamson
Field Project Coordinator

From: Erin Martindale [mailto:Erinm@ci.woodinville.wa.us]
Sent: Tuesday, July 17, 2012 9:06 AM
To: Erin Martindale
Subject:

All,

Attached to this email are the comments you submitted to the City regarding the Sammamish River Bridge Project a few months ago, as well as the response from the Public Works Department.

Please review the attached response to comments, and let me know if you need additional information or have additional comments. It would be great if I could get a response by July 31, 2012. Please let me know if this date will not work.

Erin Martindale
City of Woodinville
17301 133rd Avenue NE
Woodinville, WA 98072
425-877-2283
erinm@ci.woodinville.wa.us

Erin Martindale

From: Karen Walter [KWalter@muckleshoot.nsn.us]
Sent: Friday, October 12, 2012 12:02 PM
To: Erin Martindale
Cc: Bails, Jamie L (DFW); Anderson, Suzanne NWS
Subject: SR 202 widening/ Sammamish River Bridge, Determination of Non-Significance,

EXHIBIT <u>21</u>
PAGE <u>21</u> OF <u>22</u>

Erin,

We have reviewed the threshold determination and environmental checklist (with attachments) for the City's proposed SR 202/Sammamish River Bridge Widening Project. We offer the following comments in the interest of protecting and restoring the Tribe's treaty protected fisheries resources:

1. Details regarding the proposed mitigation planting under the bridge as required by WDFW (see pages 13 and 14) of the Conceptual Mitigation Plan need to be provided. It is not clear if there will be sufficient room under the bridge to fully mitigate the 2,800 square feet of shading impact from the bridge widening with the bridge planting plan. Further, a monitoring and maintenance plan is needed for these plantings and the area should be placed in a protective easement in perpetuity so that it does not become like the 2003 WSDOT mitigation area; i.e. overgrown with non-natives and now impacted by this project.
2. The mitigation work along Little Bear Creek also needs to be placed into a protective easement in perpetuity so that it is not impacted or reduced due to the proposed trail or other activities on the City parcel.

We appreciate the opportunity to review this proposal. Please let me know if you have any questions.

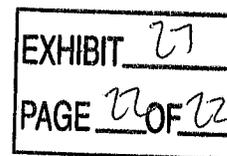
Thank you,
Karen Walter
Watersheds and Land Use Team Leader

*Muckleshoot Indian Tribe Fisheries Division
Habitat Program
39015 172nd Ave SE
Auburn, WA 98092
253-876-3116*

10/19/2012

Erin Martindale

From: Chubb, Mark [MChubb@wf-r.org]
Sent: Wednesday, October 03, 2012 2:44 PM
To: Erin Martindale
Cc: Kathi Jobe; Michael, Margene
Subject: Comments on DNS for Project No. SCU12001/SEP12002



Erin

Woodinville Fire & Rescue does not object to the City of Woodinville's Determination of Nonsignificance for the Sammamish River Bridge and Road Project (SCU12001/SEP12002).

However, we do request information from the contractor regarding the specific actions being implemented to maintain traffic flow through the area during construction, especially as it relates to through-access for fire and emergency medical service vehicles. We also request clarification regarding the anticipated starting and ending dates of this construction activity.

Please feel free to furnish this information by return email at your convenience.

Best regards,

Mark Chubb MPP, CFO, MIFireE
Deputy Fire Chief/COO
Woodinville Fire & Rescue
425-270-7365 cell
mchubb@wf-r.org

Effort - Excellence - Empathy

-
Please note: This e-mail is a public record and may be subject to disclosure.

10/03/2012