

Index-Galena Milepost 6.4-6.9 NEPA Scoping Comments and Responses to Comments

Index-Galena Milepost 6.4-6.9 NEPA Scoping Open House Public Meeting

Snohomish County Public Works hosted a NEPA Scoping Open House public meeting on February 1, 2012 at Park Place Middle School in Monroe. The purpose of the meeting was to accept public comment on what issues should be addressed in the NEPA Environmental Assessment (NEPA EA) and studies that would be prepared in support of the NEPA EA. Snohomish County staff assigned to the project were available to accept comments and answer questions about the proposed Index-Galena Milepost 6.4-6.9 project.

County staff in attendance included the project's engineering design team, geotechnical, communications and environmental staff members. U.S. Forest Service staff members also attended the meeting and were available to answer questions. A total of 21 citizens signed in at the meeting. Project-related hand outs were provided, along with Title VI forms in Spanish and English. The exhibits provided information related to the preliminary proposed project design, including background information related to the project location, project work completed to date, project schedule, and environmental compliance requirements.

Six attendees completed comment forms at the meeting. An additional twelve comments were submitted by e-mail or through e-mail attachment letters after the meeting. Written comments ranged from those that were very specific to the proposed project's potential environmental effects to those that were unrelated to the NEPA environmental review process.

Coordination on review of comments

The project team expresses its thanks to all who attended the public scoping meeting and to those who provided scoping comments for consideration. After the scoping comment period ended, the project team coordinated with Federal Highway Administration, U.S. Forest Service and the Washington State Department of Transportation to review public comments received during the NEPA EA scoping comment period. The comment period extended from February 1, 2012 to February 29, 2012.

All comments were evaluated in an effort to more fully identify potential environmental effects associated with the proposed action. These comments assist the project team in identifying potential effects that may not have been identified previously by the interdisciplinary team (IDT) assigned to the Index-Galena Road 6.4-6.9 project. Determinations of which issues would be addressed in the NEPA EA were based on the guidance provided in Council on Environmental Quality (CEQ) regulations at 40 CFR 1501.7 Scoping.

Responses to Scoping Comments

Responses to scoping comments are provided below. In some cases multiple comments that are similar in scope are addressed in a single response. Responses are first provided to what were determined to be significant issues. Responses are then provided for what were determined to be non-significant issues.

Significant Issues

Significant issues are used to develop the scope of analysis to be included in the NEPA EA and supporting documentation, identify environmental effects, and identify mitigation measures. Issues may be potentially significant due to their physical extent, the duration of their effects, or the intensity of public interest or resource conflict.

Some of the potentially significant issues identified for this project include:

Issue #1 – *Include an option for not opening the road at all with seasonal use from the east.*

The No-Action Alternative will be addressed in the NEPA EA.

Issue #2 – *Without doing a site tour I can't tell exactly where the proposed alignment bypasses the historic take-out at mp 6.9 but it appears that it might. Having public access to the river in this vicinity is important—the access at Trout Creek is privately owned. This could be a simple matter of retaining a short spur of the existing road but I think we need a site tour to see what is possible.*

Recreation issues, including river access, will be addressed as part of the NEPA analysis. The analysis will include an evaluation of the potential for recreation access in proximity to the roadway washout near Milepost 6.9.

Issue #3 --*At the minimum, your environmental impact study should include an alternative, recreational only narrow road replacement, comparing its cost and reduced environmental impact with the other alternatives... Limit the paved width and clearing limits of the new segment to be similar to, or even narrower than, the rest of the Index-Galena Road. Please design for a speed limit of no more than 35 miles per hour... Consider whether a single-lane segment with turnouts would be adequate for the typical traffic expected. If so, adjust the speed limit accordingly.*

Several of the comments that were received identified concerns about the proposed relocated road being different in character than the existing road and expressed a desire to have the project consider designing a narrower road. The project team will coordinate with approval authorities to determine if design standards can be modified that would result in a narrower overall roadway cross-section (travel lanes, roadway shoulders) that would match into the existing roadway and

still meet standards for a roadway designed for 40 miles per hour and posted at 35 miles per hour. The project does not propose to evaluate a recreation only narrow road replacement alternative in the NEPA EA. Such a road would not serve the project's purpose and need which is to construct a roadway that restores essential travel and serves the needs of all roadway users including emergency service providers and other vehicle types requiring roads adequately designed to accommodate them.

Issue # 4 What's the actual title of the funding source within Federal Highways?

There has been confusion about the source of federal funding for the proposed project. The project's source of federal funding, the Emergency Relief (ER) program administered by the Federal Highway Administration Federal Aid program will be explained in the NEPA EA. The ER program was authorized by Congress in Title 23, United States Code, Section 125 as a special program from the Highway Trust Fund for the repair or reconstruction of Federal-aid highways and roads on Federal lands which have suffered serious damage as a result of natural disasters or catastrophic failures from an external cause. This program helps to supplement the commitment of resources by States, their political subdivisions (i.e., *cities and counties*) or other Federal agencies to help pay for unusually heavy expenses resulting from extraordinary conditions.

Issue # 5--River access at several points is important: From upstream over Jack's Pass to mile 11.7, at mile 10.9 (rooster Tail) or 10.5 at bridge. Remove the gate from upstream until repairs are done.

Recreation issues will be addressed as part of the NEPA analysis. The analysis will include an evaluation of the potential for recreation river access in proximity to the roadway washout near Milepost 6.9 and will discuss how other access issues out of the immediate project area would be affected by the proposed project. Removal of the gate on Index-Galena Road is not planned until Index-Galena Road is re-opened for through access. However, Snohomish County will coordinate with the U.S. Forest Service to relocate the gate now that the Index-Galena Road Milepost 10.9 repair has been completed. The gate will be moved farther downstream from its Winter 2011-2012 location. The gate's relocation will enable seasonal vehicular access via Jack's Pass to the San Juan and Troublesome Creek campgrounds and there is a potential for the gate to be installed downstream from Milepost 10.5.

Issue # 6 --Move the road out of the channel migration zone. This will provide a more sustainable road and enhance river based values.

The NEPA EA will discuss the proposed roadway alignment in detail. While one of the principal design goals is to remove the road from the Channel Migration Zone (CMZ) to the degree practicable, the ultimate roadway alignment may be partially located within the CMZ to minimize the amount of clearing and ground disturbance that would be associated with

placement further upslope on the adjacent forested steep slope where geologic conditions and effects to habitat, wildlife, and watershed resources may prove to be unfavorable.

Issue #7 --Please remove road debris from the river; this can be a river hazard...Remove all abandoned sections of pavement, gravel, and riprap rock, and all structural items such as jersey barriers, guide rails, and culverts. Please attempt to remove pieces of pavement that have been washed downstream.

The project is evaluating the removal of road debris from the river that would be part of the effort to restore more natural river conditions to the area where the existing damaged roadway is located. Some road debris is located in portions of the river where high flow velocities and side channel crossing may present challenges for equipment access. The short and long term effects of removing this debris that requires in-water work will be evaluated in the NEPA EA.

Issue #8 — We cannot effectively maintain our homes and transport the necessary construction materials over the current, limited route and because of this we want to see the project complete as soon as possible. Please do what you can to avoid any further delay in the completion of the project. The value of our precious property is at risk with every season the project completion is delayed.

Part of the identified project purpose and need is to restore vehicle access to residential property. This will be included in the NEPA EA. While efforts are being made to move forward with the roadway design, design challenges associated with relocating the road onto the adjacent side slopes combined with complex regulatory requirements have and will require extensive coordination. Work to date has included feasibility analysis and identifying a preferred alignment. Moving forward with the more detailed engineering design will require time to ensure that the project can comply with all regulatory requirements.

Issue #9 – Because the repair project has the potential to impact the river's Wild and Scenic River qualities, we encourage the planning team to consider management guidelines provided by the Forest Service Handbook. Specifically the free-flowing character of the river must not be modified, the outstandingly remarkable values must be protected, and classification status must be maintained. We believe that the project's goal of moving the road corridor out of the river's channel migration zone is generally consistent with guidance for projects along a suitable wild and scenic river.

The project team has coordinated with the U.S. Forest Service, which is serving in the capacity of a NEPA cooperating agency, and has integrated several U.S. Forest Service staff into the project's NEPA Interdisciplinary Team (IDT). The proposed project will evaluate several land use and natural resource issues, including recreation and the river's recommended wild and scenic river status. These evaluations will be conducted to determine what is required to ensure consistency with U.S. Forest Service plans, policies and regulations that govern land use in the project area. Evaluations will include reviewing the project for consistency with Wild and Scenic River standards, U.S. Forest Service Land Allocation standards, Aquatic Conservation Strategy Standards, Riparian Reserves, and other requirements.

Issue #10 -- Use native plants only for revegetation! Where temporary grass cover is needed, use native seed; otherwise use non-native but sterilized seed in mixes. Our roads have become important vectors by which invasive species and noxious weeds move into our national forests. Please take defensive measures in the construction area and consider the use of weed-free soils and rock imported to the site. Inspect equipment prior to entering the site, to prevent invasive and noxious weeds being transported to the project sited if available.

The project team will identify Temporary Erosion and Sedimentation Control Best Management Practices (BMPs) that will help to address the threat of noxious weeds and invasive species. The project team has initiated coordination and will continue to coordinate with the U.S Forest Service on noxious weed and invasive species issues, and also to identify the best measures to address revegetation, which will include using native plants species. The project will also evaluate the extent to which post-construction monitoring and noxious weed control would be conducted to address this issue.

Issue # 11 – Regrade areas of the old road alignment as needed to restore original contours and hydrological gradients. Note that some of the old alignment might now be in the Wild Sky Wilderness. Nevertheless, under wilderness management regulations the Forest Service can authorize mechanized equipment to restore wilderness character.

The project proposes to remove the existing road alignment, de-compact soils and recontour modified slopes to restore natural hydrological processes. The extent of the contour restoration would be determined as part of the final mitigation design. A conceptual mitigation plan would be included as part of the NEPA EA. This area is not located within the boundaries of the Wild Sky Wilderness.

Issue #12 – In disturbed areas, scarify soils and plant with native plants and trees of local provenance; please limit seeding of non-native grasses to sterile mixes and instead focus on planting native species that will provide long term erosion control and fish habitat.

Areas with compacted soils to be replanted will include scarification to improve hydrologic processes and vegetative growth. Techniques such as seeding or placement of mulch/duff to provide long term erosion control would also be used if determined necessary for restoration success. Native plant species will be used and revegetation efforts will be coordinated with the U.S. Forest Service. Riparian restoration efforts will be integrated into the project's overall effort to improve fish habitat in the project area. These issues will be identified in the NEPA EA.

Issue #13 – Loss of Northern Spotted Owl and Marbeled Murrelet habitat under some of the alternatives is a worrisome issue, given requirements in the amended Mt. Baker Snoqualmie National forest Land Management Plan. We strongly discourage loss of habitat for these birds whose populations continue to decline in Washington State.

The project will evaluate effects on listed threatened and endangered terrestrial species and their habitat as part of its Section 7 Endangered Species Act consultation. The findings will be included as part of the NEPA EA.

Issue #14 —The Aquatic Conservation Strategy (ACS) comes into play here, It appears that FHWA does not require its consideration for this project. We do not ask that an ACS analysis be conducted. Lack of ACS analyses elsewhere has led to delays in highly desirable public projects. Public access has been denied on this road since 2006, and should not be further delayed due to this oversight.

The U.S Forest Service has been included as a Cooperating NEPA Agency from the beginning of the project. The NEPA EA being prepared for the project will also include compliance with U.S. Forest Service requirements. The need to include Aquatic Conservation Strategy analysis as part of the NEPA EA was identified early on by the Forest Service staff assigned to the project's Interdisciplinary Team (IDT).

Issue #15 -- Among the two-lane road design options, please consider adopting design standards similar to those that the Federal Highway Administration is proposing for the Middle Fork Snoqualmie Road near North Bend. That proposal has gone through a long public review process, and FHWA has been fairly responsive to local citizens concerned about keeping the road's quiet, low-speed, backcountry character.

The project team will coordinate with FHWA to determine if similar standards could be considered for Index-Galena Road.

Issue #16 – Consider measures to minimize the break in hydrological continuity caused by building the road on the hill slope east of the river.

The project team will evaluate hydrologic processes including continuity as part of its stormwater runoff and geology/soils/groundwater analysis. The project design will incorporate findings from the analysis to minimize effects to hydrologic processes.

Issue #17 -- New road construction will cause environmental impacts. These impacts can be mitigated by identifying unneeded spur roads in the vicinity and closing them. These closures will improve wildlife and fish habitat and reduce the likelihood of trash dumping, which has been a problem in this area.

The project proposes to provide onsite mitigation by providing riparian restoration in the location of the existing roadway that would be removed. Offsite mitigation will supplement what cannot be achieved onsite. The project will coordinate with the U.S Forest Service to determine the feasibility of closing unneeded spur roads that would provide similar environmental functions. To date, none have been identified in the project area.

Non-Significant Issues

Non-significant issues are identified as those:

- Outside the scope of the proposed action;
- Already decided by law, regulation, Forest Plan, or other higher level decisions;
- Irrelevant to the decision to be made in the NEPA process; or
- Conjectural and not supported by scientific or factual evidence.

Some of the non-significant issues identified in the scoping comments include those associated with the following comments:

Provide a benefit cost analysis as part of the EA

The project will not be providing a benefit cost analysis as part of the EA because it is not required by NEPA. NEPA requirements say that if a cost-benefit or other economic report was being prepared, and relative costs and benefits of alternatives were to be used in making decisions between alternatives in an EA, then relevant information should be summarized in the EA or the cost-benefit analysis should be attached as an appendix. The primary factors discussed in the NEPA EA relevant to decision-making for the Index-Galena Road project will not be project costs weighed against benefits provided by the project. The factors relevant to decision-making will include the assessment of several environmental effects associated with the project. The NEPA EA and supporting documentation will be used to evaluate the effects of the project that will provide the basis for decision making.

Provide copies of annual time extensions required by the Emergency Relief funding program that approve funding for long term ER projects

Time extensions have been submitted by Snohomish County to FHWA to ensure continual ER funding. The project has progressed from the technical feasibility analysis phase, to the subsequent 30% Design Report stage, and the present phase of the project which includes the environmental review and 60% design phase, all with FHWA approval. The copies of time extensions will not be included in the NEPA EA because they are irrelevant to the decision to be made by this document—namely whether there are significant environmental impacts or not. The FHWA administrative decision to approve extensions has already been decided by other regulations associated with the Federal Highway Administration Emergency Relief program.

Provide documentation of regular employee salaries, overtime salaries, wages, consultant costs, and other costs eligible for ER reimbursement that are associated with the Index-Galena Road project.

This information will not be included in the NEPA EA because it is irrelevant to the decision, referred to above, that will be made based on the NEPA EA analysis. In addition, costs incurred by the project are subject to other regulations and procedures that are beyond the scope of the NEPA EA.

Provide a Gantt schedule chart detailing the work accomplished from the 2006 flood and then detailed out to the anticipated completion date.

Gantt charts are used by the project for project management purposes to show the start and finish dates of various project tasks and the various elements of project development. It also helps to understand how various project elements are related and interdependent. A detailed Gantt schedule chart will not be provided in the NEPA EA because the information it conveys is irrelevant to the decision to be made, determining environmental impact significance. The NEPA EA will identify a general project timeline in its discussion.

Provide a Full Drainage Report detailing exactly how flow control and enhanced water quality treatment will be provided for this project.

The NEPA EA will not provide a Full Drainage Report as part of the NEPA EA. NEPA documentation will include a NEPA Discipline/Specialist stormwater report that conforms to FHWA/U.S. Forest Service requirements. This report will identify the potential effects of the project related to stormwater runoff. Mitigation measures to minimize effects would be identified in the report. A Full Drainage Report is not typically prepared until after the 60 % design stage and is used as part of applications for permit approval.

Provide a detailed Stormwater Pollution Prevention Plan (SWPPP) detailing the extent and location of temporary erosion and sediment controls; and a Spill Prevention, Control, and Countermeasures (SPCC) Plan.

The NEPA EA will not provide a SWPPP or SPCC Plan. These documents are prepared as the project design plans are finalized and contract specifications are developed, and are beyond the scope of NEPA review. These documents will be submitted as part of Land Disturbance Activity review and approval from Snohomish County and are required to be prepared to receive permit coverage approval from the Washington Department of Ecology for a Construction Stormwater General Permit. The NEPA EA will identify Temporary Erosion and Sediment Control Best Management Practices (TESC BMPs) in the EA's discussion of effects associated with Geology and Soils and in other applicable sections of the NEPA EA.