

## ***Chapter 16. Responses to Comments on NEPA Documents***

The CEQ regulations require the final EIS to include responses to comments on the draft EIS and require copies of “all substantive comments on the DEIS (or summaries thereof where the response has been exceptionally voluminous)” to be attached to the final EIS (40 CFR 1503.4).

The CEQ has not prescribed any specific format for responding to comments. However, in its “40 Questions” guidance, the CEQ does acknowledge that grouping comments is an acceptable practice: “If a number of comments are identical or very similar, agencies may group the comments and prepare a single answer for each group.”<sup>1</sup> That guidance also emphasizes the need for specificity, especially when responding to specific criticisms of methodologies.

In more recent guidance, CEQ has emphasized that responses to comments on a draft EIS should be “reasonable and proportionate.”<sup>2</sup> This guidance suggests that brief responses are adequate in some cases, while the more complex and important questions should be addressed in greater detail.

In general, high-quality responses to comments will ensure that:

- Readers can readily ascertain the overall range of issues raised in the comments and understand how those issues have been addressed.
- Individual commenters can readily locate their own comments and the responses to their comments.
- Responses to similar comments are consistent with one another.
- The main body of the NEPA document is consistent with the responses.
- Specific, substantive comments receive specific, substantive responses.

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<sup>1</sup> Council on Environmental Quality, “Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations” (March 1981), Question 29a, <http://energy.gov/sites/prod/files/G-CEQ-40Questions.pdf>.

<sup>2</sup> Council on Environmental Quality, “Process for Preparing Efficient and Timely Environmental Reviews Under the National Environmental Policy Act,” 77 Fed. Reg. 14473 (March 12, 2012).

The following practices tend to promote readability and consistency in responses to comments, and are especially beneficial when comments are voluminous or raise complex issues:

- *Include an index of all commenters, showing where responses can be found.* One of the simplest and most effective aids to navigation is an index that lists all commenters individually, with a cross-reference to the locations where responses to their comments can be found.
- *Provide summary responses to common issues.* As noted above, the CEQ specifically allows similar comments to be grouped and addressed in a single response. This approach not only reduces duplication and streamlines the preparation of responses; it also makes it easier for readers to understand the range of issues presented and how those issues have been addressed. One variant on this approach is to provide summary responses to frequent comments (e.g., a “top 10”), combined with individual responses for all comments.
- *Annotate comment letters with cross-references to relevant responses.* When summary responses are provided, it can be difficult for readers to understand how their individual comments have been addressed. It is beneficial to provide a tool that correlates the individual comments to the summary responses. One effective approach is to annotate the comment letters (e.g., by bracketing each comment and assigning it a code that refers to the applicable response.)
- *Summarize key issues raised by regulatory agencies.* Many readers have an interest in understanding the concerns raised by agencies that have a role in reviewing or approving the project – for example, the U.S. Environmental Protection Agency. For these readers, it is helpful to include a synopsis of the comments received from the agencies. The synopsis can be included in the public involvement chapter of the final EIS, or in the appendix that includes responses to comments.
- *Prepare technical memoranda to support responses to comments that raise technical issues.* In some cases, a comment raises specific concerns that are difficult to address thoroughly in a few paragraphs. Where a more extended response is needed, a technical memorandum can be prepared and attached to the responses.

# Agency Comments Are Summarized in Main Body of FEIS

- IL: Elgin O'Hare FEIS

**Techniques to note:**

- summarizes the key issues raised by resource/regulatory agencies in their comments on the DEIS

### 5.3.7 Web Site

The project Web site ([www.elginohare-westbypass.org](http://www.elginohare-westbypass.org)) provides information that can be accessed at the convenience of the user. The site began service on September 7, 2007, and is updated regularly. General project information and topic-specific details are provided. Materials are available for viewing or downloading, including project documents and reports such as the project purpose and need, meeting materials and minutes, and public involvement materials, such as newsletters and press releases. The alternatives under the various stages of development and screening are posted for public review and comment, including the alternatives carried forward. A page is also provided for those who wish to submit comments. Responses to comments are provided and become part of the project record. The page has received over 700 hits since it began service.

### 5.3.8 Mailing List

A project mailing list was developed using available information including names and addresses of officials from other recent projects in the area, and Internet searches. The list is updated regularly with attendance lists from public meeting, speaker bureau events, and so on. The list is comprehensive including government and business leaders, area residents, and special interest groups. It is used as a distribution list for newsletters, meeting and workshop invitations, and project documents. The mailing list has about 2,000 entries.

## 5.4 Draft EIS Comments

The Notice of Availability for the Draft EIS was published in the Federal Register on September 11, 2009. The comment period closed on October 26, 2009. During that time, 74 comments were received from regulatory/resource agencies, municipalities, and other stakeholders. Overall, agency representatives indicated that the build alternatives' environmental and social impacts are comparable and identified actions to be taken in Tier Two. No comments required reconsideration of the range of alternatives or the technical analyses contained in the document. Nine letters or resolutions were submitted by local governmental entities in the study area, four of which were resolutions passed in favor of Alternative 203 and/or Option D; one expressed a preference for Alternative 402. Others focused on issues important to the communities in the next phase of the project such as noise abatement, stormwater management, and preserving transit as a part of the solution. Fifty-seven comments were received from the public at-large, and most (41) supported Alternative 203 and/or Option D. Other comments included requests for specific information or clarification of the proposed concept.

The following section is a summary of substantive comments from agencies and municipalities. Copies of all comments and complete responses to substantive comments are contained in Appendix D.

### 5.4.1 Resource/Regulatory Agency Comments

#### 5.4.1.1 USEPA

The USEPA noted that the project team provided an abundance of opportunities for stakeholders to be engaged in the process and was able to identify a manageable number of

reasonable alternatives in such a sizeable project area. The agency assigned a rating of “Lack of Objections” to the Draft EIS and the two build alternatives indicating that no changes to the document and alternatives are required. The USEPA identified environmental resources that will require detailed impact analysis in Tier Two along with evaluation and identification of impact mitigation measures including wetlands, air, and stormwater management. Finally, the agency requested that additional information be provided on conceptual mitigation measures for wetland impacts in the Tier One Final EIS. USEPA’s comment (C-1) can be found starting on page D\_5-1.

IDOT, in the agency’s response, acknowledged that the resources identified in the USEPA’s letter would receive detailed evaluation in Tier Two and detailed mitigation measures would be identified. The agency noted that conceptual wetland mitigation measures were described in Section 4.13.5, *Wetland Mitigation*, of the Draft EIS, but that additional information will be added, as appropriate, and a reference to this subsection would be added to the wetland impacts discussion in the Final EIS. IDOT’s response (R-1) can be found starting on page D\_5-5.

#### 5.4.1.2 USFWS

The USFWS acknowledged that detailed engineering studies and environmental impact analysis would occur during Tier Two, but requested information related to potential noise impacts to birds, lists of birds found in forest preserves, and cumulative effects of edge takes on parks and forest preserves be included in the Tier One Final EIS. USFWS’s comment (C-2) can be found starting on page D\_5-6.

IDOT’s response stated that general information relating to potential traffic noise impacts on birds would be included in the Tier One Final EIS. In subsequent discussions regarding this issue, USFWS requested additional information to determine the need for further studies in Tier Two. Data was assembled and showed that current traffic levels far exceeded the threshold of disturbance to birds at locations of concern. The USFWS determined that no further study of the issue was warranted in Tier Two. In the agency’s response, IDOT also confirmed it would include the list of birds found in forest preserves in the Tier One Final EIS. Finally, IDOT noted that it will include a general discussion on the cumulative effects of edge takes on parks and forest preserves in the Tier One Final EIS, but that detailed engineering design developed in Tier Two of the process would be required to provide a more detailed analysis of the cumulative effects of edge takes on such special lands. IDOT’s response (R-2) can be found starting on page D\_5-9.

#### 5.4.1.3 USACE

The USACE remarked that all of the agency’s comments on this project had been successfully addressed and that the agency did not have any additional comments on the Tier One Draft EIS. The USACE also identified activities the agency may require during Tier Two. As a follow-up to the USACE’s letter, IDOT held further discussions with USACE to discuss the preferred alternative and the rationale for its identification. During these discussions, USACE requested additional information to assist the agency in its determination of concurrence. USACE’s comment (C-3) can be found starting on page D\_5-12.

IDOT, in response, provided additional information to support the agency's determination of concurrence. Information included clarification of the tiering process and the purpose and intent of Tier One and Tier Two. Other information included clarification of the wetland data used for Tier One, meeting minutes addressing the agency's agreement to utilize existing and available data for Tier One analysis, and meeting minutes summarizing the outcome of the agency field visit. Information was also included that showed the relative differences of wetland impacts between Alternative 203 and 402 and roadway operational performance. IDOT's response (R-3) can be found starting on page D\_5-14.

#### 5.4.1.4 IDNR and IEPA

IDNR and IEPA noted no objection to the project and described the alternatives' impacts as comparable. Both agencies identified measures to be taken in Tier Two, including evaluating stormwater permit needs and applying the "avoidance and minimization" concept of reducing impacts to environmental resources. IDNR and IEPA's comments (C-4 and C-5) can be found starting on pages D\_5-45 and D\_5-47.

In the agency's responses, IDOT acknowledged the actions required by the resource agencies for Tier Two. IDOT's responses (R-4 and R-5) can be found starting on page D\_5-46 and D\_5-48.

### 5.4.2 Local/Other Agency Comments

#### 5.4.2.1 City of Des Plaines

The City of Des Plaines requested a list of businesses and residences that would be displaced by Alternatives 203 and 402. The City also requested clarification as to whether the Des Plaines Oasis would be removed as a result of Alternative 203 and why congestion is expected to worsen on arterials within Des Plaines under both build alternatives. Des Plaines also identified corrections on two exhibits in the Draft EIS. Finally, Des Plaines indicated a preference for Alternative 402 because it satisfies the purpose and need with fewer impacts to Des Plaines than Alternative 203. The City of Des Plaines's comment (C-6) can be found starting on page D\_5-49.

IDOT, in response, noted that a list of businesses and a map showing displacements resulting from Alternatives 203 and 402 were provided at the November 16, 2009 meeting with the city and confirmed that the Des Plaines Oasis would be removed to accommodate the Alternative 203 improvements. Regarding increased congestion on arterials proximate to the Elmhurst Road/I-90 interchange, IDOT noted that travel demand increases on secondary roadways that provide interstate access; as a result, travel performance decreases on arterials near freeway interchanges. In Des Plaines, Alternative 203 would cause slightly greater congestion on local arterials than Alternative 402.

IDOT indicated that as the process moves to Tier Two, more refined traffic studies will be conducted, and further coordination with the City will be necessary to review the new information and supporting improvement needs. IDOT confirmed that the exhibit changes would be made for the Final EIS. Regarding Des Plaines's preference for Alternative 402, IDOT communicated that the agency considered the City's input, but after also considering travel performance, environmental and social impacts and benefits, and other public comments, Alternative 203 was identified as the Preferred Alternative.

# FEIS Includes Index of All Commenters on DEIS

(with references indicating where responses can be found)

- MD: Red Line FEIS
- WA: Mukilteo FEIS

**Techniques to note:**

- includes an index of all commenters with reference to page where comment and response is located
- groups commenters by type (agencies, organizations, etc.)

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41 <sup>st</sup> Legislative District - Maryland General Assembly, Jill P. Carter, Lisa A. Gladden, Nathaniel T. Oaks, Samuel I. Rosenberg	22	A-45

### Organization Comments

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## K. DRAFT EIS COMMENTS AND RESPONSES

**Techniques to note:**

- includes an index of all commenters with reference to page where comment and response is located
- groups commenters by type (agencies, organizations, etc.)

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# Responses to Frequent Comments on DEIS Are Summarized

(e.g., in public involvement chapter in main body of FEIS)

- MD: Red Line FEIS - responses to “common themes”
- WA: I-90 Snoqualmie FEIS - responses to “top 10”

## 9. AA/DEIS Public Comments Summary

### 9.1 Introduction

The Alternatives Analysis/Draft Environmental Impact Statement Corridor Transit Study was approved on September 2, 2008. Subsequently, the document was made available to the public and appropriate federal, state, and local agencies for review and comment. (Refer to the Distribution List in the Appendix of the AA/DEIS, pages A-6 and A-7.) The formal Notice of Availability was published in the Federal Register on October 3, 2008 initiating the 90-day public review and comment period (October 3, 2008 through January 5, 2009). Comments received during this period were in the form of written correspondence (which included letters, emails, and comment forms) and verbal testimony at one of four public hearings held for the project. For additional information about the public involvement associated with the AA/DEIS, refer to **Chapter 8** of this Final Environmental Impact Statement (FEIS).

#### Techniques to note:

- summarizes common issues raised in comments and provides summary responses to those issues  
(Note: this EIS also responded to each comment individually.)

#### Changes to this Chapter since the AA/DEIS

This is a new chapter for the FEIS. This chapter summarizes the comments received during the 90-day public comment period and provides the context for **Appendix A** of this FEIS where the official response to each of the 729 comments including six petitions received is provided. Issues raised in the comments have also been addressed throughout this FEIS where appropriate.

### 9.2 Summary of Comments Received

Of the total comments received, 164 comments were from elected officials, agencies, or organizations, 559 from individuals, and six petitions. During the 90-day public review and comment period there were multiple ways comments could be submitted to the Maryland Transit Administration (MTA): email or online comment form through the project website, oral testimony at four public hearing meetings, letters addressed to the MTA or Federal Transit Administration (FTA), or hard copy comment forms available at the public hearings or locations where the document was available for public review. **A summary of the comments received by method is listed below.** Please note that some organizations and individuals commented using more than one method or submitted multiple emails, letters, comment forms, or testimonies. Each individual comment has been counted once, regardless of who submitted the comment.

### 9.3 Response to Common Themes in Comments Received

The comments received included many common themes or issues raised. **The following is a summary of the most common themes and issues raised in the AA/DEIS comments received and a response is shown in *italics*.**

#### 9.3.1 Support for Red Line Project

Comments were received which did not specify support for a specific alternative, as presented in the AA/DEIS, but supported the Red Line project in general and emphasized the need for transit improvements in the Baltimore Region.

*The Preferred Alternative presented in the FEIS improves transit in the Baltimore Region, as your comment recommends. The Preferred Alternative is a light rail transit line, with tunnels under*

downtown Baltimore and Cooks Lane, primarily surface in other portions of the corridor, and a limited amount of aerial structure. Since 2009, refinements and enhancements to the 2009 Locally Preferred Alternative have been made based upon further environmental analysis, engineering, cost estimating, geotechnical investigation, input from stakeholders, and the public involvement program. Some of these refinements include new alignment along Security Boulevard as opposed to through the Security Square Mall property, alignment along I-70 and the highway ramp from I-70 westbound to I-695 northbound, slight extension of the Cooks Lane tunnel, new alignment along Franklintown Road, tunnel under Fremont Avenue, new aerial from Norfolk Southern right-of-way over I-895 to Johns Hopkins Bayview Medical Center, and new alignment on the Bayview Campus. These refinements, along with the decrease from 20 stations to 19 stations, have resulted in the Preferred Alternative presented in the FEIS. A description of the Preferred Alternative can be found in Chapter 2 of the FEIS. An evaluation of the Alternatives which led to the Preferred Alternative can be found in Chapter 7 of the FEIS. The Preferred Alternative meets the project purpose and need and also is consistent with your comments on the need for the Red Line Build Alternative.

### **9.3.2 Requesting the No-Build Alternative**

Comments were received requesting selection of the No-Build Alternative, rather than support the Red Line project. While some comments provided no justification for this request, others suggested that the project is not needed, the resultant impacts to residences would not justify the need, or MTA should focus on improving existing services.

*The No-Build Alternative represents the future conditions of transportation facilities and services in 2035 if the Red Line is not built. The No-Build Alternative integrates forecasted transit service levels, highway networks and traffic volumes, and demographics for the year 2035 for projects identified in the 2011 Baltimore Regional Transportation Board's Constrained Long Range Plan (CLRP), Plan It 2035. The CLRP consists of the existing highway and transit network as well as planned and programmed (committed) transportation improvements. The No-Build Alternative represents a continued investment in regional and local transportation projects, but does not address the purpose and need of reducing travel times, increasing transit accessibility, providing transportation choices for east-west commuting, or supporting community revitalization and economic development opportunities.*

*Under the No-Build Alternative, existing and future populations along the study corridor would continue to be served by the local bus system, with only planned and programmed transit improvements. Congestion on the roadways and highways would continue to negatively impact the reliability of travel by automobile and bus. The No-Build Alternative end-to-end transit travel time in 2035 is projected to be 79 minutes, whereas The Preferred Alternative would operate with an end-to-end transit travel time of 45 minutes, nearly half the travel time of the No-Build Alternative.*

*The Preferred Alternative would improve the quality of east-west transit service along the project study corridor by providing frequent and reliable service. Light rail traveling in a dedicated right-of-way would not be subject to congested roadway conditions, resulting in dependable, on-time service. The Preferred Alternative would provide park-and-ride facilities and feeder bus service to enhance access to the rail transit service and expanding the ridership*

market. The Preferred Alternative will not require any acquisition of real property that would result in an involuntary residential displacement.

Chapter 7 of the FEIS compares the No-Build Alternative with the Preferred Alternative while providing detailed information on transit efficiency and accessibility, transportation choices, system wide transit connections, and community revitalization and economic development.

### **9.3.3 Support for Alternative 4C**

Several comments were received expressing support of Alternative 4C as presented in the AA/DEIS. Other comments noted support for Alternative 4C with various modifications.

*The Locally Preferred Alternative selected in 2009 by the State of Maryland, with input from local governments, most closely resembles Alternative 4C in the AA/DEIS. Alternative 4C in the AA/DEIS was light rail in mode, with tunnels under downtown Baltimore and Cooks Lane, primarily surface in other portions of the corridor, and a limited amount of aerial structure. Since 2009, refinements and enhancements to the 2009 Locally Preferred Alternative have been made based upon further environmental analysis, engineering, cost estimating, geotechnical investigation, input from stakeholders, and the public involvement program. Some of these refinements include new alignment along Security Boulevard as opposed to through the Security Square Mall property, alignment along I-70 and the highway ramp from I-70 westbound to I-695 northbound, slight extension of the Cooks Lane tunnel, new alignment along Franklintown Road, tunnel under Fremont Avenue, new aerial from Norfolk Southern right-of-way over I-895 to Johns Hopkins Bayview Medical Center, and new alignment on the Bayview Campus. These refinements along with the decrease from 20 stations to 19 stations, have resulted in the Preferred Alternative presented in the FEIS. A description of the Preferred Alternative can be found in Chapter 2 of the FEIS.*

### **9.3.4 Support for a Heavy Rail Alternative**

Comments were received stating that a heavy rail alternative should be studied in the AA/DEIS.

*Two alternatives which incorporated Heavy Rail were considered in the AA/DEIS for the Red Line. They were described in Chapter 2, page 29 of the AA/DEIS. Each of these alternatives was proposed by members of the public.*

*The first of the two alternatives was a full Heavy Rail Alternative from Social Security Administration to Greektown, 14.3 miles. This alternative was estimated to cost \$2.383 Billion in 2007 dollars. The alternative was not carried forward through full analysis in the AA/DEIS due to its high capital cost as compared to Light Rail and Bus Rapid Transit Alternatives being studied. The Preferred Alternative for the Red Line in the FEIS has a cost of \$2.575 Billion in year-of-expenditure dollars. The year-of-expenditure dollars are based on a schedule that has the Red Line opening in 2021 and escalation occurring at a rate of +3.1 percent per year. Escalating the previously studied Heavy Rail Alternative capital cost at the same rate that is being used for the Preferred Alternative, with a project opening in 2021 and a mid-point of construction in the year 2018, yields a year-of-expenditure capital cost of \$3.334 Billion. This cost estimate for Heavy Rail is \$759 Million higher than the Preferred Alternative. This 30 percent cost differential still renders the Heavy Rail Alternative as too costly when compared with the Preferred Alternative.*

**Techniques to note:**  
- summarizes common issues raised in comments and provides summary responses to those issues

*Exhibit 1-6  
Top 10 Comments on the Draft EIS*

Comment	WSDOT Response
1. I support this project.	Thank you for your comments and your support of the I-90 project.
2. WSDOT should choose Keechelus Lake Alignment Alternative 1.	FHWA and WSDOT identified Keechelus Lake Alignment Alternative 4 as the Preferred Alternative based on the IDT's recommendations. FHWA and WSDOT did not recommend any of the tunnel alternatives, including Alternative 1. Tunnels were all found to have severe operational problems and high construction and maintenance costs. The high cost of tunnel construction would have forced WSDOT to reduce its investments in ecological connectivity improvements or to seek additional funding from the Washington State Legislature. The identified Preferred Alternative makes maximum use of the existing alignment, allows funding for the maximum number of connectivity structures, and most effectively satisfies the project's purpose and need.
3. WSDOT should choose Improvement Package A at all CEAs where this choice exists.	FHWA and WSDOT identified the Preferred Alternative based on the recommendations of the project's IDT and MDT. In general, the IDT and MDT recommended the CEA options included in Improvement Package A. When Option A did not represent the best connectivity option, the IDT identified an alternate or modified an option. At Swamp Creek, WSDOT recommended Option B as modified to meet the MDT's recommended bridge height. The IDT created a new option (Option D) for the Price/Noble Creeks CEA and the Kachess River CEA. FHWA and WSDOT adopted the IDT's Preferred Alternative recommendations in June 2006.  The IDT and WSDOT also made minor design modifications at Resort Creek, Townsend Creek, Cedar Creek, and Telephone Creek, because the original designs did not fully meet their connectivity objectives. At these locations, except Resort Creek, the IDT recommended increasing the culvert sizes beyond the minimums suggested by the MDT. At Resort Creek, WSDOT would replace the culverts with two bridges.
4. The MDT recommendations should be the primary tool for choosing a preferred alternative.	FHWA and WSDOT used the MDT recommendations as the basis for identifying the Preferred Alternative. The MDT's recommendations appear throughout the Final EIS where appropriate.
5. Wildlife crossing structures can work.	The project includes wildlife crossing structures at all major wildlife crossing areas. WSDOT designed these structures using the recommendation of the MDT, a multi-agency team of biologists and hydrologists whose work is considered the best available science for ecological connectivity in the project area.  WSDOT has begun pre-construction wildlife and hydrology monitoring, which will continue during construction and after construction is complete. WSDOT will use the results of this monitoring program when designing the crossing structures for the remaining project area.
6. This project is an important investment for public safety and wildlife.	Increasing ecological connectivity and public safety are part of the project's purpose and need. WSDOT designed the build alternatives to reduce the risk to both wildlife and to the public from wildlife/vehicle collisions.

*Exhibit 1-6*

*Top 10 Comments on the Draft EIS*

Comment	WSDOT Response
7. The Draft EIS contains insufficient information regarding stormwater.	Since the Draft EIS, WSDOT conducted additional technical studies on stormwater, which appear in the Final EIS and its appendices. FHWA and WSDOT have committed to treating stormwater runoff for all new and existing impervious surfaces in the project area. In some parts of the project area, stormwater treatment is physically impossible because the highway is located between a steep rock bank and Keechelus Lake, with no additional room. WSDOT will compensate for the lack of stormwater treatment in these areas by providing additional treatment in other areas.
8. WSDOT should purchase additional mitigation area to compensate for impacts to wetlands and forests.	WSDOT designed all of the build alternatives to avoid and have benefits to forests, wetlands, and other sensitive areas. However, there would be some permanent impacts. FHWA and WSDOT will compensate for these unavoidable impacts through appropriate mitigation. Mitigation would be through restoration of wetlands, stream channels, and riparian zones at the CEAs. This approach will yield watershed- and landscape-level benefits that would not be achieved by purchasing isolated mitigation sites. WSDOT has purchased a property in the Gold Creek valley for preservation that contains wetlands and mature forest. In addition, WSDOT is working with federal and state partner agencies on several similar acquisitions.  The project generally will not purchase land immediately adjacent to crossing structures because that land is almost all federal land managed by the USFS. FHWA and WSDOT anticipate that the USFS will manage land adjacent to crossing structures in a manner that is consistent with their use for wildlife.
9. Some of the design options do not meet ecological connectivity objectives.	The Preferred Alternative meets ecological connectivity objectives. Where site conditions allowed, WSDOT developed three design options for each CEA: A, B, and C. The MDT found that in some cases Option C did not meet its ecological connectivity objectives and in response created a new option, which became Option D. In general, the IDT recommended Option A as the Preferred Alternative. At the locations where Option A did not represent the best connectivity option, the IDT modified an option or recommended Option D as the Preferred Alternative. FHWA and WSDOT adopted the IDT's recommendations in June 2006. Option C was not identified as the Preferred Alternative for any of the CEAs.
10. There is insufficient detail in the Draft EIS on the design of the project and its potential impacts.	The Draft EIS was based on the design of the project alternatives at that time. Since publication of the Draft EIS, FHWA and WSDOT focused additional studies primarily on areas suggested by commenters. The Final EIS presents more detailed information on both the project design and potential impacts of all of the build alternatives.

*CEA – connectivity emphasis area*

*EIS – environmental impact statement*

*FHWA – Federal Highway Administration*

*IDT – Interdisciplinary Team*

*MDT – Mitigation Development Team*

*USFS – US Forest Service*

*WSDOT – Washington State Department of Transportation*



# Responses Include Specific Cross-References to Relevant Sections of the FEIS and Appendices

- OR: OR 62 FEIS

Table 7-10 Comments on Draft Environmental Impact Statement and Responses

Commenter No.	Comment No.	Commenter	Affiliation	Comment	Federal Highway Administration (FHWA) Response
<b>Agency Comments</b>					
<b>A1</b>	A1-01	Jeff Bontemps	Jackson County Fire District 3	<p><b>Hwy 62 By-pass from Poplar Road to Agate Road</b></p> <ul style="list-style-type: none"> <li>Double cul-de-sac on Justice Road: As agreed in our meeting, ODOT will provide emergency vehicle access from the west-side of the Hwy 62 By-pass directly onto Justice Road. This access will allow 24/7 emergency access to the residences that populate Justice Road and Peace Lane. This access will include the following essential components: <ul style="list-style-type: none"> <li>» An improved approach road that will allow emergency vehicles to fully exit all lanes of travel and the shoulder/bike lane.</li> <li>» An automatic gate (open upon siren activation) at the termination of the approach road and the cul-de-sac at Justice Road.</li> </ul> </li> </ul>	<p>ODOT will provide emergency vehicle access from the west side and east side of the bypass directly to Justice Road, as detailed in this comment. This mitigation is described in Section 2.1.2.3 of the FEIS and illustrated in Figure 2-4, Sheet 7C FEIS.</p>
<b>A1</b>	A1-02	Jeff Bontemps	Jackson County Fire District 3	<p><b>Hwy 62 By-pass from Poplar Road to Agate Road</b></p> <ul style="list-style-type: none"> <li>Vilas Road Interchange: The current design of the Hwy 62 By-pass is such that emergency vehicle access for the entire length of the by-pass can only occur at Poplar Drive on the south-end and Agate Road on the north-end. The unfortunate consequence of this limited access is that Medford Fire and Rescue will be required to mitigate all emergency incidents that occur in the northbound lanes of the by-pass to include those occurring within the jurisdictional boundaries of District 3, and in a similar fashion District 3 will be required to mitigate all emergency incidents occurring in the southbound lanes; including those that occur in the City of Medford. The only viable solution that will remedy this situation is the construction of an interchange at Vilas Road. District 3 strongly encourages ODOT to consider the construction of this interchange as being the first priority project for future by-pass improvements.</li> </ul>	<p>The recommendation that ODOT make an interchange at Vilas Road the first priority project for future bypass improvements is acknowledged and is part of the record. The emergency access gates on both sides of the bypass at Justice Road should help alleviate this issue.</p>
<b>A1</b>	A1-03	Jeff Bontemps	Jackson County Fire District 3	<p><b>Phase 2 – Hwy 62 By-pass from Dutton Road to Agate Road</b></p> <ul style="list-style-type: none"> <li>Viaduct over Agate Road: As Greg and I expressed to you and your team, Jackson County Fire District 3 has serious concerns regarding the impacts of having a multi-lane viaduct fronting the District's administration/fire station/training campus at the 8300 block of Agate Road. Although the viaduct is conceptual in nature; with a build date possibly two to three decades into the future, the District anticipates the following impacts: <ul style="list-style-type: none"> <li>» Encroachment onto District property (easement issues/loss of property).</li> </ul> </li> </ul>	<p>The Preferred Alternative will not encroach on the property designed to remain within the existing right-of-way of Agate Road.</p>

**Techniques to note:**  
- responses to comments include specific cross-references to relevant sections of FEIS or technical reports.

Commenter No.	Comment No.	Commenter	Affiliation	Comment	Federal Highway Administration (FHWA) Response
A1	A1-04	Jeff Bontemps	Jackson County Fire District 3	» Access onto Agate Road (traveling north and south).	The Preferred Alternative will retain the current access from the station to Agate Road north, but will close Agate Road south of Avenue G. Access from the station to the south will be via either Avenue G and 11th Street, which the project will improve, or via Avenue G and existing OR 62. As a result, emergency response times to some locations, which would currently be accessed via Agate Road south of Avenue G, may increase somewhat. For example, emergency response time to a representative location at OR 62 and OR 140 could increase from 1.5 minutes under No Build to 2.8 minutes with the bypass.
A1	A1-05	Jeff Bontemps	Jackson County Fire District 3	» Increase in response times to areas that are normally accessed by responding south on Agate Road from Avenue G.	Table 3.5-4 of the FEIS identifies representative travel time comparisons between the build alternatives and the No Build Alternative in which the primary difference would be the removal of Agate Road south of Avenue G. According to these travel time comparisons, emergency response times from this station to OR 62 and OR 140 could increase from 1.5 minutes under No Build to 2.8 minutes with the bypass.
A1	A1-06	Jeff Bontemps	Jackson County Fire District 3	» Increase in traffic noise.	While the Preferred Alternative is predicted to increase noise levels at the administration/fire station/training campus, it will not cause a noise impact, as defined in the July 2011 ODOT Noise Manual.
A1	A1-07	Jeff Bontemps	Jackson County Fire District 3	» All of the challenges associated with mitigating traffic emergencies (motor vehicle collisions, vehicle fires, hazardous material incidents, etc.) that occur on the viaduct.	Accessing motor vehicle collisions, vehicle fires, and hazardous material incidents that occur on the viaduct will take longer than accessing such incidents on surface streets. The selection of the preferred alternative considered the increased difficulty of emergency response on the viaduct in balance with fewer motor vehicle crashes that are expected to occur because more traffic will be on the access-controlled bypass, where accident rates will be lower.
A1	A1-08	Jeff Bontemps	Jackson County Fire District 3	» Limited access on-to and off-of the viaduct.	The viaduct will extend approximately 1,600 feet from Avenue G to north of Avenue H in order to maintain access between the Jackson County Fire District White City Headquarters Station and Agate Road. There will be no access onto and off of the viaduct except at the bypass interchanges at Agate and Dutton Roads.
A2	A2-01	Christine Reichgott	Environmental Protection Agency	(Note: The following comments from the EPA included a cover letter that states that the EPA rating for this Draft EIS as EC-2, Environmental Concerns, Insufficient Information, and summarizes the following detailed comments in a bullet list. These summary bullet points are not included here because the substance of the summary bullet points is already covered in the following detailed comments.)	

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# Comment Letters Annotated to Identify Specific Comments

(e.g., with code numbers identifying each comment)

- OR: OR 62 FEIS - letters annotated with comment codes
- WA: Mukilteo FEIS - letters annotated with comment codes

# Jackson County Fire District 3

8383 Agate Road  
White City, OR 97503-1075  
(541) 826-7100 (Office)  
(541) 826-4566 (Fax)  
www.jcfd3.com



To: Anna Henson  
Environmental Project Manager  
ODOT – Region 3

From: Jeff Bontemps  
Deputy Chief of Operations  
Jackson County Fire District 3

Subject: Comments Regarding OR 62: I-5 to Dutton Road Project

Date: October 4, 2012

The purpose of this memo is to formally document the comments, concerns, and recommendations that Battalion Chief Greg Winfrey and I expressed to you, Dick Leever, and Brian Sheadel during our meeting on September 20, 2012.

## Hwy 62 By-pass from Poplar Road to Agate Road

### Comment A1-01

- Double cul-de-sac on Justice Road: As agreed in our meeting, ODOT will provide emergency vehicle access from the west-side of the Hwy 62 By-pass directly onto Justice Road. This access will allow 24/7 emergency access to the residences that populate Justice Road and Peace Lane. This access will include the following essential components:
  - An improved approach road that will allow emergency vehicles to fully exit all lanes of travel and the shoulder/bike lane.
  - An automatic gate (open upon siren activation) at the termination of the approach road and the cul-de-sac at Justice Road.

### Comment A1-02

- Vilas Road Interchange: The current design of the Hwy 62 By-pass is such that emergency vehicle access for the entire length of the by-pass can only occur at Poplar Drive on the south-end and Agate Road on the north-end. The unfortunate consequence of this limited access is that Medford Fire and Rescue will be required to mitigate all emergency incidents that occur in the northbound lanes of the by-pass to include those occurring within the jurisdictional boundaries of District 3, and in a similar fashion District 3 will be required to mitigate all emergency incidents occurring in the southbound lanes; including those that occur in the City of Medford. The only viable solution that will remedy this situation is the construction of an interchange at Vilas Road. District 3

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strongly encourages ODOT to consider the construction of this interchange as being the *first priority* project for future by-pass improvements.

**Phase 2 – Hwy 62 By-pass from Dutton Road to Agate Road**

- Comment A1-03** ■
- Viaduct over Agate Road: As Greg and I expressed to you and your team, Jackson County Fire District 3 has serious concerns regarding the impacts of having a multi-lane viaduct fronting the District’s administration/ fire station/training campus at the 8300 block of Agate Road. Although the viaduct is conceptual in nature; with a build date possibly two to three decades into the future, the District anticipates the following impacts:
    - Encroachment onto District property (easement issues/loss of property).
    - Access onto Agate Road (traveling north and south).
- Comment A1-04** ■
- Comment A1-05** ■
- Increase in response times to areas that are normally accessed by responding south on Agate Road from Avenue G.
- Comment A1-06** ■
- Increase in traffic noise.
- Comment A1-07** ■
- All of the challenges associated with mitigating traffic emergencies (motor vehicle collisions, vehicle fires, hazardous material incidents, etc.) that occur on the viaduct.
- Comment A1-08** ■
- Limited access on-to and off-of the viaduct.

Thank-you again for taking time out your busy schedule to meet with Greg and me on this very important topic. It was a genuine pleasure meeting each of you. Please give me a call at 541-831-2754 if you have and questions or concerns regarding this memo.



**Techniques to note:**  
- comment letters are annotated to identify each comment and provide a code identifying the corresponding response

## United States Department of the Interior



### OFFICE OF THE SECRETARY

Office of Environmental Policy and Compliance  
620 SW Main Street, Suite 201  
Portland, Oregon 97205-3026

9043.1  
IN REPLY REFER TO  
ER12/57

*Electronically Filed*

March 12, 2012

Paul W. Krueger  
Project Environmental Manager  
Washington State Dept. of Transportation  
Ferries Division  
2901 3rd Avenue, Ste. 500  
Seattle, Washington 98121

Dear Mr. Krueger:

**F-001-001**

The Department of the Interior (Department) has reviewed the Department of Transportation (DOT), Federal Transit Administration (FTA) and Washington State Department of Transportation (WSDOT), Draft Environmental Impact Statement (DEIS), Mukiteo Multimodal Project, Snohomish County, WA. The Department offers the following comments for use in the development of the Final Environmental Impact Statement (FEIS).

The proposed project is located on the shoreline of Puget Sound, where federally-listed bull trout (*Salvelinus confluentus*) and marbled murrelets (*Brachyramphus marmoratus*) occur. Both species are listed as threatened. Additionally, the project vicinity provides habitat for numerous migratory birds, interjurisdictional fish, and other marine resources.

In reviewing the DEIS, the Department's primary concern centers around protection and enhancement of habitats utilized by marbled murrelets. The project vicinity provides year-round foraging habitat for marbled murrelets and they occur with some regularity in the area. The marbled murrelet continues to experience significant declines throughout its range, and in particular, in Washington. Over the past ten years, the species' population has declined by approximately 50% in the state. As such, we are encouraged that the proposed project may present some potential benefits to murrelet foraging habitat. However, based on the information provided in the DEIS, the proposed project presents several pathways for exposure to a variety of stressors. Therefore, the Department provides these comments with the intent of informing the development and selection of alternatives such that impacts to this declining species are avoided.

**F-001-001**

Thank you for identifying your primary concern centering around the protection of habitats for marbled murrelets, and for identifying issues related to other species and habitats. The Final EIS includes the Biological Assessment prepared by WSDOT and FTA, addressing threatened and endangered species, and the resulting Biological Opinion issued by the Services.