

ECS Standard Report

WIN/Title: A50907X - SR 509/Clear Creek Stream Restoration	ECS Id: A50907X-1
---	--------------------------

WSDOT Approval

Region Environmental Contact	Phone	Approval
-------------------------------------	--------------	-----------------

Signed on 6/21/24, signatures on file at project office

Federal Highway Administration	Date	Region Environmental Manager	Date
Electronically signed through a secure system.			

Part 1 Project Description

PIN(S):

Federal Aid Number:	
Description of Work:	<p>Washington Department of Transportation (WSDOT) proposes to construct the State Route (SR) 509/Clear Creek Restoration Project (Project) that will remove two fish passage barriers and other infrastructure related to an existing commercial fish hatchery and restore natural stream processes at the Project site. The two existing fish passage barriers (dams) prevent anadromous fish from migrating upstream and divert stream flow, preventing sediment transport downstream. The two barriers on Clear Creek are identified by the Washington Department of Fish and Wildlife (WDFW) as WDFW IDs 600317 and 600318.</p> <p>The Project will remove the two fish passage barriers, thereby providing access to 2.4 miles of aquatic habitat upstream of the existing barriers. The Project will also enhance habitat by restoring natural processes in the Clear Creek channel and floodplain. The Project will remove existing infrastructure, regrade the stream channel, install large woody material, create new side-channel habitat, expand the floodplain for rearing habitat, and plant riparian vegetation for improved stream shading and nutrient input. Project work includes grading and demolition above and below the ordinary high-water mark.</p>
Needs & Purpose:	<p>During the planning phases of the SR 509 Completion Project and SR 167 Completion Project, two fish passage barriers (culverts) were identified within the limits of those projects that are subject to correction under the federal injunction: WDFW ID 935070 and WDFW ID 105 R121519a. Due to the limited habitat gain and the significant engineering and constructability constraints related to these barriers, WSDOT, Puyallup Tribe of Indians, and WDFW reached agreement to leave the barriers uncorrected, and instead provide a net gain of habitat functions and values for fish and other aquatic life at the Clear Creek restoration site. Hydraulic Project Approvals issued by WDFW for the SR 509 Completion Project and SR 167 Completion Project</p>

ECS Standard Report

WIN/Title: A50907X - SR 509/Clear Creek Stream Restoration **ECS Id:** A50907X-1

	requires the removal of barriers at Clear Creek.
Statement of purpose:	<p>The purpose of the Project is to complete habitat restoration and enhancement to satisfy commitments made during tribal consultation and permitting for WSDOT's SR 509 Completion Project and SR 167 Completion Project. Restoring Clear Creek to natural stream processes will provide immediate benefits to fish and aquatic life by:</p> <ul style="list-style-type: none"> - Removing two fish passage barriers (WDFW IDs 600317 and 600318) - Opening approximately 2.6 miles of spawning habitat that is currently inaccessible to anadromous fish including Federally protected Puget Sound Chinook Salmon - Restoring stream processes including floodplain connectivity, sediment continuity, and flood conveyance - Eliminating surface water withdrawals and improving water quality and quantity - Improving spawning and rearing habitat and habitat complexity

Project Location

SR: 509 Begin MP: 0 End MP: 0.010 WSDOT Region: Gateway Projects
County/Countries: Pierce

Right of Way

Will ROW be needed for this project? Yes

Will People and/or Businesses be relocated and/or displaced? Yes

Will early acquisition be necessary? Yes

ROW Notes: Relocation is required for the Troutlodge business, and two resident employees of the Troutlodge business (i.e., on-site caretakers). Resident employees will be relocated consistent with the Uniform Relocation Act.
1-125347 (Troutlodge full acquisition)
1-125348, 1-125349, 1-125350 (permanent easements)
WSDOT Headquarters has approved an early acquisition request of these properties.

Section, Township, Range: Section 13, Township 20N, Range 03E

Statewide Transportation Improvement Program (STIP) Confirmation

Are all phases of the project included in Yes

ECS Standard Report

WIN/Title: A50907X - SR 509/Clear Creek Stream Restoration	ECS Id: A50907X-1
---	--------------------------

the STIP?

list the STIP/STIP Amendments: 2024 WDNW-2128

Part 2 Project Environmental Documentation

NEPA Classification: FHWA Categorical Exclusion (CE) 23 CFR 771.117

NEPA Subsection: C25: Environmental restoration and pollution abatement (including fish passage projects)

SEPA Classification: Categorical Exemption

SEPA Subsection: 43.21C.0382 RCW Watershed restoration and fish habitat enhancement projects

Federal Agency Concurrence is required: NEPA Start Date: 10/24/2022

Endangered Species Act

USFWS Consultation:	Programmatic	Determination: May affect likely to adversely affect	Date: 5/14/2024
---------------------	--------------	--	-----------------

NOAA Consultation:	Programmatic	Determination: May affect likely to adversely affect	Date: 5/21/2024
--------------------	--------------	--	-----------------

Essential Fish Habitat:		Determination: May Adversely Affect	Date: 5/21/2024
-------------------------	--	-------------------------------------	-----------------

National Historic Preservation Act: Section 106

Has a Cultural Resources Specialist review this project? Yes

Is the project on tribal lands? Yes List Tribe: Puyallup Tribe

Is the project on Forest Service or other Federal land? No

ECS Standard Report

WIN/Title: A50907X - SR 509/Clear Creek Stream Restoration **ECS Id:** A50907X-1

Are there any National Register-eligible historic bridges within the project limits? No

Is the project exempt from further review under the 2018 Programmatic Agreement with FTA, FHWA and SHPO? No

Will a cultural resources survey be required? Yes

Determination of effect: No Historic Properties Affected

Date of SHPO concurrence with determination: 12/5/2023

If Adverse Effect, date of execution of Memorandum of Agreement:

Notes: *NEPA: The Project was initially discussed with FHWA on 10/24/22 and again on 07/10/23 at which time FHWA confirmed that C25 was the appropriate NEPA classification and that FHWA would sign the CE due to the business displacement/relocation.
SEPA: WSDOT as the SEPA Lead Agency has determined that the Project is exempt per RCW 43.21.0382 (1) Watershed Restoration Projects.
National Historical Preservation Act (NHPA): Cultural Resources field work will not be completed until a real estate agreement is in place. The Section 106 desktop-analysis was completed for this project and sent on 1/21/23 to the Puyallup, Nisqually, Snoqualmie, Squaxin Island, Yakama, and Muckleshoot Tribes (Tribes). No comments were received from the Tribes.*

Part 3 Permits & Approvals

Federal:	
<input checked="" type="checkbox"/> US Army Corps of Engineers	
<input checked="" type="checkbox"/> Section 404 <input type="checkbox"/> Section 10	
<input checked="" type="radio"/> Nationwide Type: NWP 27	
<input type="radio"/> Individual	
<input type="checkbox"/> US Coast Guard	
<input type="checkbox"/> General Bridge Act	
Contact Date:	
<input type="checkbox"/> Private Aids to Navigation (non-bridge project)	

State:	
<input checked="" type="checkbox"/> Hydraulic Project Approval (HPA)	
<input type="checkbox"/> General Hydraulic Project	
Type:	
<input checked="" type="checkbox"/> Section 401 Water Quality Certification	
Certifying Entity:	Ecology
Certification Type:	Individual permit
<input type="checkbox"/> Aquatic Use Authorization (WDNR)	
<input checked="" type="checkbox"/> Coastal Zone Management Certification (CZM)	

ECS Standard Report

WIN/Title: A50907X - SR 509/Clear Creek
Stream Restoration

ECS Id: A50907X-
1

Local:	County: Pierce
<input checked="" type="checkbox"/> Critical Areas Ordinance Compliance (CAO) Issuing Agency: Pierce County List of CAO permits in notes section.	<input type="checkbox"/> Forest Practice Approval Agency Name:
<input type="checkbox"/> Jurisdictional Stormwater Manual Issuing Municipality:	<input checked="" type="checkbox"/> NPDES Construction Stormwater Permit <input checked="" type="radio"/> General <input type="radio"/> Individual
<input type="checkbox"/> Noise Variance (e.g. nighttime construction or maint.) Issuing Agency:	<input checked="" type="checkbox"/> Temporary Erosion Sediment Control Plan (TESC)
<input checked="" type="checkbox"/> Flood Plain Development Permit Issuing Agency: Pierce County	<input type="checkbox"/> GEO 21-02
<input checked="" type="checkbox"/> Shoreline Management Program Issuing Agency: Pierce County Permit Type: Exemption – List Type	

Other Plans/Approvals:
<input type="checkbox"/> MBTA Permit Required
<input checked="" type="checkbox"/> BE Permit Required or Bird Management Plan Required
<input type="checkbox"/> Incidental Harassment Authorization
<input type="checkbox"/> Other

Tribal:
Tribe Name: Puyallup Tribe
List of permits and approval in the Notes section below.

Notes: The Project requires FEMA Conditional Letter of Map Revision (CLOMR) and finalized Letter of Map Revision (LOMR). US Coast Guard (USCG) confirmed on 10/11/23 that Clear Creek is NOT a "navigable waterway;" therefore a USGS permit and Aquatic Use Authorization will NOT be required. Tribal Lands: The Project is located within the Puyallup Tribe Reservation; however, Washington State Department of Ecology maintains Section 401 jurisdiction at the Project site. The Project is subject to Intergovernmental Agreements between WSDOT and Puyallup Tribe of Indians: Intergovernmental Agreement for the SR 509/24th Ave S 188th St - New Expressway Project, executed 12/27/22, and Intergovernmental Agreement for the SR 167 Completion Project, executed 9/14/23. WSDOT has plenary authority but will substantively comply with Pierce County Critical Areas Ordinance. Bald Eagle and MBTA screening completed, memo to file: no BE permit, but will implement a Bird Management plan consistent with WSDOT guidance.

ECS Standard Report

WIN/Title: A50907X - SR 509/Clear Creek Stream Restoration **ECS Id:** A50907X-1

Part 4 Environmental Context

4a) Air Quality

1. Is the project located in a maintenance or nonattainment area? No
2. Is the project likely to have > 140,000 AADT? No

4b) Wetlands/Critical Areas/Resource Lands

1. Will wetlands be impacted by the project? Yes
 - Is a site review required by a wetland specialist? Yes Completion Date: 2/14/2022
 - Will a wetland delineation and discipline report be required? Yes Completion Date: 7/21/2022
 - Estimated temporary wetland impacts (acres): 0 Estimated permanent wetland buffer impacts (acres): 0
 - Estimated permanent wetland impacts (acres): 0.04 Will mitigation be required? No
2. Will the project affect fish, wildlife or habitat? Yes
3. Are there fish barriers present within the project Area? Yes
 - Is the project within the Injunction Case Area Boundary? Yes
4. Is there the potential to impact MBTA? Yes
 - Was an MBTA survey conducted? Yes 11/16/2023
5. Is the project located in a Sole Source Aquifer? Yes
 - Check only those that apply.
 - Project is exempt from EPA approval.
 - The project received EPA approval on:
6. Is the project located in a critical aquifer recharge area? Yes
 - Check only those that apply. The project is exempt requires approval from: Pierce
7. Will the project impact a geologically hazardous area? Yes
 - Explain: According to Pierce County the property includes the following hazard areas: Erosion, Landslide, and Volcanic

ECS Standard Report

WIN/Title: A50907X - SR 509/Clear Creek Stream Restoration	ECS Id: A50907X- 1
--	------------------------------

8. Will the project require work in water or below the estimated OHWM? Yes

Waterbodies: Clear Creek

Did staff observe any aquatic invasive species during their field visit?

9. Is the project located in a 100-year Floodway? Yes

Is the project located in a 100-year Floodplain? Yes

4c) Hazardous Materials

1. Does the project require excavation below the existing ground surface? Yes

a. Is the project located within 1/2 mile radius of any Ecology listed sites that have the potential of impacting the project during construction? No

2. Does the project require excavation below the existing roadway prism? No

a. Will groundwater be encountered in an area of known contamination?

3. Will any properties be acquired as part of this project? Yes

a. Are any of the properties listed on Ecology's databases? No

b. Are any of the properties not listed on Ecology's databases a high risk due to historic land use (i.e. gasoline station, auto-body shop, or dry cleaner)? No

4. Will the project disturb, renovate, or demolish any existing buildings, bridges, culverts or other structures (IMPORTANT:

If yes, follow the Asbestos Good Faith Inspection directives in M 31-11, Chapter 447)? Yes

5. Based on the information above and the project specific activities, is there a potential for the project to

acquire any known or potentially contaminated properties, or encounter contaminated soils, groundwater

or surface water? No

Therefore, based on the proposed project description and construction activities, WSDOT is unlikely to assume liability for cleanup of contaminated soil or groundwater as part of this project, and it is concluded that no significant, unavoidable adverse impacts that cannot be mitigated for are expected for the following reasons: 1) No known or suspected contaminated properties are being acquired; 2) Soil disturbance is anticipated to be less than 1 foot below ground surface with no known or suspected contamination; 3)

ECS Standard Report

WIN/Title: A50907X - SR 509/Clear Creek
Stream Restoration

ECS A50907X-
Id: 1

Contaminated groundwater will not be encountered as part of this project. No further investigation is warranted at this time.

4d) Noise

1. Is this project a Type 1 noise project? No
2. Do previous noise mitigation commitments exist within or adjacent to the project limits? No
3. Is a noise study required?

4e) Land Use

1. Are there any Section 4(f) resources (parks, recreation areas, wildlife refuges, historic properties) impacted/used within the project limits? No
5. Are there any properties within the project limits that used funds from the Land & Water Conservation Fund Act or any other RCO grant funds? No
6. Is there a Wild and Scenic River (state or federally designated, "study river", or on the National Rivers Inventory) in or near the project area? No
7. (LAO to Complete) Is the project located on a Scenic Byway? No
8. (LAO to Complete) Is the project located on a State Scenic & Recreational Highway? No
9. Will farmland be converted for the project? No
- 10 Will other resource land (i.e. forest lands, mineral resource lands) be impacted? No

4f) Title VI/Environmental Justice

1. Will the project require detailed EJ analysis? Yes

Notes: One business, the TroutLodge Hatchery, and two resident employees will be relocated according to the Uniform Relocation Act. A right-sized Environmental Justice analysis has been prepared according to WSDOT guidance and procedures. The Project is not anticipated to result in adverse impacts to minority or low-income populations.

4g) Water Quality/Stormwater

1. Will the project increase runoff? No
2. Will water quality treatment be required per the HRM or a more stringent manual local stormwater management manual? No

ECS Standard Report

WIN/Title: A50907X - SR 509/Clear Creek Stream Restoration	ECS Id: A50907X- 1
--	----------------------------------

3. Does a TMDL waterbody have the potential to receive a discharge? No
4. Does a 303d waterbody have the potential to receive a discharge? No

4h) Visual Quality/Roadside Policy Manual/Aesthetics

1. (LAO to Complete) Will the project disturb the roadside? (e.g. Cuts, fills, new lighting, clearing & grading, realignment, structures) No
2. (LAO to Complete) Will the project disturb Resource Conservation Areas? (See Roadside Policy Manual M 3110) No

4i) Long-term Environmental Commitments

1. Were previous long-term environmental commitments (environmental commitments that extend beyond the end of the construction phase such as wetland monitoring, preservation of landscape buffers, stormwater BMP, etc.) made within the project limits? No
2. Will the project create long-term environmental commitments (environmental commitments that extend beyond the end of the construction phase such as wetland monitoring, preservation of landscape buffers, stormwater BMP, etc)? Yes

4j) Summary

1. Briefly describe environmental issues likely to affect design and mitigation measures for this project:

The Project will remove dams on Clear Creek and restore aquatic and riparian habitat as compensatory mitigation. Development of the Project design indicated potential effects could occur to streams, aquatic species, floodway, hazardous materials, environmental justice populations, and cultural resources. Analysis concluded that minimal effects would occur as a result of the Project (summarized below and addressed further in the attached reports).

Streams and Aquatic Species: The Project is a stream restoration project and will require demolition of two dams and associated in-water structures. The stream channel will be realigned and re-graded, requiring permits/approval from WDFW, Washington State Department of Ecology, the US Army Corps of Engineers, National Marine Fisheries Service, and U.S. Fish and Wildlife Service. Work will occur below the ordinary high-water mark of Clear Creek and will require temporary impacts to the stream including temporary stream diversion, temporary increase in turbidity, and temporary fish exclusion. The Project would actively enhance 5.8 acres of aquatic habitat with the installation of large woody material, creation of new side-channel habitat, expansion of floodplain for rearing habitat, and addition of riparian vegetation for temperature regulation and nutrient input. The Project provides a significant increase in aquatic resources compared to the impacts of construction; Best Management Practices will be implemented during construction, but no further mitigation measures are proposed.

Floodplain/Floodway: Impacts to the floodway would occur as a result of the Project, because the Project is designed to restore engagement of the stream with its adjacent floodplain in support of

ECS Standard Report

WIN/Title: A50907X - SR 509/Clear Creek
Stream Restoration

ECS A50907X-
Id: 1

aquatic and riparian habitat. The increase in the base flood elevation will not impact any existing structures, as existing structures are slated for removal as part of the stream restoration design. WSDOT will coordinate FEMA flood-map revisions and Pierce County approvals through the design process, but no mitigation measures are proposed.

Hazardous Materials were reviewed in a desktop analysis and are not likely to affect project design. Additional minimization measures will include a good faith investigation for asbestos-containing materials, consistent with WSDOT policies.

Environmental Justice: Construction of the Project will require relocation of Troutlodge hatchery and two employees that live on site. Relocation of residential employees will follow Uniform Relocation Act requirements and no displacement will occur until a comparable dwelling is offered. No additional mitigation measures are proposed.

Cultural Resources: The desktop analysis concluded that no eligible historic structures would be affected, so no mitigation measures are proposed. Sub-surface soil investigations are not currently possible due to access limitations; however, WSDOT will perform fieldwork when site access is possible and will submit updated information to DAHP consistent with Section 106 documentation. An archaeological monitoring and discovery plan will be developed for the Project due to the possible presence of undisturbed buried surfaces. No mitigation measures are proposed at this time, and WSDOT will continue to work closely with Puyallup Tribe of Indians as design progresses and fieldwork is conducted.

Long-term environmental commitments will be established as permits and approvals are obtained and will be followed (e.g. a plant monitoring period of 3 to 5 years).

Attached Files

Attach_13_Visual-Quality-Memo.pdf
Attach_08_Cultural-Res_Sect106.pdf
Attach_09_DAHPConcurrence.pdf
Attach_10-AquaticResources-Report_reduced.pdf
Attach_11_HazMat-Report_reduced.pdf
Attach_12_EJ-Memo.pdf
Attach_04_BA-form_USFWS.pdf
Attach_05-USFWS-ProgrammaticConsultation.pdf
Attach_06-USFWS-Concurrence.pdf
Attach_07-NMFS-Concurrence.pdf
Attach_01_Vicinity-Map.pdf
Attach_02_EarlyAcquisition-Approval.pdf
Attach_03_BA-form_NOAA.pdf