

Appendix O.2
Comments and Responses

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Appendix O.2.1
Tribes and Tribal Organizations

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Appendix O, Draft EIS Comment Summary and Responses to Comments

Comments were received from the following Tribes and Tribal Organizations:

- Suquamish Tribe
- Duwamish Cultural Preservation Committee

The following attachments provide these submittals in the order listed above, along with responses to comments.

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THE SUQUAMISH TRIBE

PO Box 498 Suquamish, WA 98392-0498

April 28, 2022

Lauren Swift
Sound Transit
401 South Jackson Street
Seattle, Washington 98104

Via email: lauren.swift@soundtransit.org and WSBLEDEIScomments@soundtransit.org

RE: WSBLE Draft Environmental Impact Statement

The site for this proposed project is within the usual and accustomed fishing area of the Suquamish Tribe. The Tribe seeks protection of all treaty-reserved natural resources and cultural resources. The Tribe has had a chance to review information provided and has the following comments.

Appendix N.4 Environmental Impacts

- 3.1.2.1 Treaty Rights – The Muckleshoot and Suquamish Tribes are federally recognized Tribes with Usual and Accustomed treaty-protected fishing rights in Puget Sound and the project area.
- 3.1.2.2 Longfellow Creek
 - Although City code may allow some development within the outer portion of the regulated riparian area mitigation sequencing is very clear that avoidance is the preferred option.
 - It is the Tribe's understanding that even though portions of a stream may be in a pipe they are still regulated by the City and they are still considered waters of the State and are regulated.
 - Please note that even if tight lined/culverted a stream is still a stream and regulated by the Department of Fish and Wildlife and manmade barriers do not preclude an F stream typing.
 - The Suquamish Tribe does not generally support buffer reductions.
- Page 3-37 Applicable Tribal Treaty Rights – The text is incorrect. Suquamish has treaty-protected rights and Usual and Accustomed areas in the Puget Sound region, including the marine portions of Salmon Bay below the locks. The Muckleshoot Tribe uses Salmon Bay to access its Usual and Accustomed Areas.
- 4.1.2.5 Tribal Treaty Rights Impacts - There is currently no formal coordination process in place regarding vessel management and identifying how Tribal Treaty fishing

conflicts and/or impacts will be addressed. This is an outstanding issue that will need to be resolved.

- 5.1.2 Compensatory Mitigation – If T-25 is used or any other site that includes Natural Resource Damage (NRD) restoration it must be clearly defined what is NRD and what is mitigation.
- 5.4.2 Compensatory Mitigation - As previously mentioned there is currently no formal coordination process in place regarding vessel management and identifying how Tribal treaty fishing conflicts and/or impacts will be addressed. Note that environmental mitigation and resolution of potential impacts on Tribal Treaty fishery activities are separate issues.

Appendix N.4A Ecosystems Technical Analysis Methodology

- Table 3 – for stream typing determinations, on the ground verification is necessary with concurrence by both WDFW and affected Tribes.
- 3.1.1/3.2.1/3.3.1/3.4.1 Background Information
 - Check in with the WDFW local habitat biologist and affected Tribal biologists for additional information and verify current information.
- 3.5 Fish Presence, Fish Habitat Use, and Stream Typing – for stream typing determinations on the ground verification is necessary and concurrence by both WDFW and affected Tribes.
- 3.5.3 Track B Information – add lamprey to the third bullet.

3.5.4 Note that electrofishing can only verify presence but cannot determine absence. To verify presence, eDNA is a better alternative.

Thank you for the opportunity to provide comment. The Suquamish Tribe looks forward to continuing to work cooperatively with Sound Transit to develop a plan that satisfies the goals and visions for future development as well as protects Tribal treaty reserved resources. Please keep us informed of project status and project related activities and/or actions. If you have questions or concerns please don't hesitate to call 360-394-8447 or email aosullivan@suquamish.nsn.us.

Sincerely,
Alison O'Sullivan
Biologist, Ecosystem Recovery Program
Suquamish Tribe Natural Resources Department

Appendix O. Draft EIS Comment Summary and Response to Comments

Communication ID: 504336 - The Suquamish Tribe Draft EIS Comment

#	Comments	Responses
1	<p>3.1.2.1 Treaty Rights - The Muckleshoot and Suquamish Tribes are federally recognized Tribes with Usual and Accustomed treaty-protected fishing rights in Puget Sound and the project area.</p> <p>3.1.2.2 Longfellow Creek o Although City code may allow some development within the outer portion of the regulated riparian area mitigation sequencing is very clear that avoidance is the preferred option. o It is the Tribe's understanding that even though portions of a stream may be in a pipe they are still regulated by the City and they are still considered waters of the State and are regulated. o Please note that even if tight lined/culverted a stream is still a stream and regulated by the Department of Fish and Wildlife and manmade barriers do not preclude an F stream typing.</p>	<p>Please see Section 4.9, Ecosystems, of the West Seattle Link Extension Final EIS regarding impacts to Longfellow Creek and proposed mitigation. Sound Transit would determine final mitigation actions in coordination with Tribes and federal, state, and local resource agencies during final design as appropriate.</p>
2	<p>Page 3-37 Applicable Tribal Treaty Rights - The text is incorrect. Suquamish has treaty-protected rights and Usual and Accustomed areas in the Puget Sound region, including the marine portions of Salmon Bay below the locks. The Muckleshoot Tribe uses Salmon Bay to access its Usual and Accustomed Areas.</p>	<p>A response to this comment will be provided as part of the environmental review process for the Ballard Link Extension.</p>
3	<p>4.1.2.5 Tribal Treaty Rights Impacts - There is currently no formal coordination process in place regarding vessel management and identifying how Tribal Treaty fishing conflicts and/or impacts will be addressed. This is an outstanding issue that will need to be resolved.</p>	<p>As discussed in Section 3.9, Affected Environment and Impacts during Operation - Navigation, FTA, in coordination with Sound Transit, will continue government-to-government consultation with the Suquamish Tribe and the Muckleshoot Indian Tribe to avoid or minimize impacts to Tribal treaty-protected fishing rights and access to Usual and Accustomed Areas during construction.</p>
4	<p>5.1.2 Compensatory Mitigation - If T-25 is used or any other site that includes Natural Resource Damage (NRD) restoration it must be clearly defined what is NRD and what is mitigation.</p>	<p>Please see Section 4.9, Ecosystems, of the Final EIS for more information impacts to this site and proposed mitigation. Sound Transit would consult with the appropriate agencies and Natural Resource Damage parties for any mitigation related to impacts on the Terminal 25 site.</p>
5	<p>5.4.2 Compensatory Mitigation -As previously mentioned there is currently no formal coordination process in place regarding vessel management and identifying how Tribal treaty fishing conflicts and/or impacts will be addressed. Note that environmental mitigation and resolution of potential impacts on Tribal Treaty fishery activities are separate issues.</p>	<p>See response to comment 3.</p>

Appendix O. Draft EIS Comment Summary and Response to Comments

#	Comments	Responses
6	<p>Appendix N.4A Ecosystems Technical Analysis Methodology Table 3 - for stream typing determinations, on the ground verification is necessary with concurrence by both WDFW and affected Tribes. 3.1.1/3.2.1/3.3.1/3.4.1 Background Information Check in with the WDFW local habitat biologist and affected Tribal biologists for additional information and verify current information. 3.5 Fish Presence, Fish Habitat Use, and Stream Typing - for stream typing determinations on the ground verification is necessary and concurrence by both WDFW and affected Tribes.</p>	<p>A stream survey of Longfellow Creek was conducted between Southwest Andover Street and Southwest Genesee Street as part of the Final EIS, using Track A methods described in Attachment N.1, Ecosystems Technical Analysis Methodology, of Appendix N.1, Ecosystems Technical Report. The report for this survey has been shared with Tribes and permitting agencies.</p>
7	<p>3.5.3 Track B Information - add lamprey to the third bullet. 3.5.4 Note that electrofishing can only verify presence but cannot determine absence. To verify presence, eDNA is a better alternative.</p>	<p>The report acknowledges that Longfellow Creek is an anadromous fish-bearing stream and no in-water work is proposed. Because Sound Transit is not disputing fish presence, an eDNA analysis is not needed. An eDNA analysis may be appropriate if support were needed to establish that a stream is a Type N (non-fish-bearing) stream or that anadromous fish could not access it. The stream assessment guidelines document Sound Transit's internal procedure for stream assessment and are not project-specific. The two species were given as examples, and not an exhaustive list. Therefore, no revisions are needed.</p>

April 28, 2022

Sound Transit Comment - West Seattle and Ballard Link Extensions

Thank you for the opportunity to review and comment. First, based on the information provided and our understanding of the project, we would recommend an archaeological review performed for this project. This is in an area the Duwamish Tribe considers culturally significant and has medium to high probability to have unknown archaeological deposits. If any archaeological work is performed, we request notification. An IDP should not be used in lieu of archaeological investigation. Cultural and archaeological resources are non-renewable and are best discovered prior to ground disturbance.

Second, regarding the light rail extension running from SODO to West Seattle, the Duwamish Tribe strongly recommends that the route with the least environmental impact be given the most consideration. We support the North Crossing Alternative along the north direction of the West Seattle and SW Spokane St Bridges that would run across the southern portion of Harbor Island, and north of Chelan Cafe before turning south to parallel Delridge Way SW. Moving further west along the rail line, we would support the Medium Tunnel 41st and Andover St. Lower Heights alternatives. These alternatives would have no park effects and displace the least amount of residential units and a lower amount of businesses compared to the other alternatives.

Third, for the Interbay/Ballard Segment, the Duwamish Tribe supports the Preferred Tunnel 15th Avenue Station Option (IBB-2b). This option shows one of the least impacts both to residents, business and the environment.

Fourth, for the South Interbay Segment, the Duwamish Tribe supports the Prospect Street Station/15th Avenue Alternative (SIB-2). This option shows the least impact to wetlands and park and recreational resources. This option shows a higher amount of impact to residential units and businesses. We hope that Sound Transit will in good faith, fully compensate those residents and businesses for their relocation and reestablishment regardless of the options ultimately chosen in any segment.

Finally, we strongly recommend that any landscaping in the design stage include only native vegetation to promote native habitat and to mitigate seasonal urban flooding. We also ask that any construction near a creek, like Longfellow, be given consideration for daylighting and that care is given to maintain its vital presence for salmon migration and habitat.

Duwamish Cultural Preservation Committee



Appendix O. Draft EIS Comment Summary and Response to Comments

Communication ID: 504707 - Duwamish Cultural Preservation Committee Draft EIS Comment

#	Comments	Responses
1	<p>First, based on the information provided and our understanding of the project, we would recommend an archaeological review performed for this project. This is in an area the Duwamish Tribe considers culturally significant and has medium to high probability to have unknown archaeological deposits. If any archaeological work is performed, we request notification. An IDP should not be used in lieu of archaeological investigation. Cultural and archaeological resources are non-renewable and are best discovered prior to ground disturbance.</p>	<p>Sound Transit will be completing an archaeological investigation for this project. Sound Transit and FTA have consulted with Tribes and the Washington State Department of Archaeology and Historic Preservation on an archaeological treatment plan for the West Seattle Link Extension. A Memorandum of Agreement or Programmatic Agreement will be signed by consulting parties documenting archaeological testing to be completed before construction and the inadvertent discovery plan. A response to this comment related to the Ballard Link Extension will be provided as part of the environmental review process for the Ballard Link Extension.</p>
2	<p>Second, regarding the light rail extension running from SODO to West Seattle, the Duwamish Tribe strongly recommends that the route with the least environmental impact be given the most consideration. We support the North Crossing Alternative along the north direction of the West Seattle and SW Spokane St Bridges that would run across the southern portion of Harbor Island, and north of Chelan Cafe before turning south to parallel Delridge Way SW. Moving further west along the rail line, we would support the Medium Tunnel 41st and Andover St. Lower Heights alternatives. These alternatives would have no park effects and displace the least amount of residential units and a lower amount of businesses compared to the other alternatives.</p>	<p>Please see response to CCG2 in Table 7-1 in Chapter 7, Comment Summary, of the West Seattle Link Extension Final EIS. Please see Chapter 4, Affected Environment and Environmental Consequences, for a discussion of impacts and mitigation for all alternatives and Appendix I, Mitigation Plan, for mitigation specific to the preferred alternatives for the Final EIS.</p>
3	<p>Third, for the Interbay/Ballard Segment, the Duwamish Tribe supports the Preferred Tunnel 15th Avenue Station Option (IBB-2b). This option shows one of the least impacts both to residents, business, and the environment.</p>	<p>A response to this comment will be provided as part of the environmental review process for the Ballard Link Extension.</p>
4	<p>Fourth, for the South Interbay Segment, the Duwamish Tribe supports the Prospect Street Station/15th Avenue Alternative (SIB-2). This option shows the least impact to wetlands and park and recreational resources. This option shows a higher amount of impact to residential units and businesses. We hope that Sound Transit will in good faith, fully compensate those residents and businesses for their relocation and reestablishment regardless of the options ultimately chosen in any segment.</p>	<p>A response to this comment will be provided as part of the environmental review process for the Ballard Link Extension.</p>

Appendix O. Draft EIS Comment Summary and Response to Comments

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5	Finally, we strongly recommend that any landscaping in the design stage include only native vegetation to promote native habitat and to mitigate seasonal urban flooding. We also ask that any construction near a creek, like Longfellow, be given consideration for daylighting and that care is given to maintain its vital presence for salmon migration and habitat.	Please see Section 4.9, Ecosystems, of the Final EIS for more information on impacts to Longfellow Creek and proposed mitigation. Sound Transit would determine final mitigation actions in coordination with Tribes and federal, state, and local resource agencies during final design as appropriate. Sound Transit requires use of native plant species for all ecosystem restoration projects, and agency design criteria require use of native plant species or plant species adapted to the Pacific Northwest climate for new plantings.

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