

PROJECT DESCRIPTION AND SHORELINE MASTER PROGRAM CONSISTENCY REVIEW

1. Introduction

The Washington State Department of Transportation (WSDOT) is proposing to construct the State Route (SR) 167/I-5 to SR 161 – New Expressway Project (Stage 2 Project; hereafter referred to as Project), which includes proposed improvements within the City of Puyallup's (City) shoreline jurisdiction (see Attachment 3 – Shoreline Vicinity Map and Site Plans). The Project is the third and final stage of the SR 167 Completion Project, and it will include constructing approximately 4 miles of a new four-lane highway between SR 161 (North Meridian Avenue) and I-5, along with two new interchanges. It will also include construction of a riparian restoration program (RRP) for Wapato Creek and additional mitigation areas as described in the Stage 2 Wetland and Stream Mitigation Plan (WSMP) (Attachment 7).

The Project activities are located within unincorporated Pierce County and the cities of Fife, Milton, Edgewood, Puyallup, and Sumner. WSDOT is applying for a shoreline substantial development permit (SSDP) for project elements proposed within the City's shoreline jurisdiction (see Attachment 3). This document was prepared to provide a project description and 2023 City of Puyallup Shoreline Master Program (SMP) code consistency review for WSDOT's shoreline permit application for project elements proposed within the City's shoreline jurisdiction.

Project elements are proposed within the City's Puyallup River Urban Conservancy shoreline environment designation. The Project will include work on the North Meridian Avenue bridge over the Puyallup River, the SR 512 bridge over the Puyallup River, and within 200 feet of the Puyallup River and its floodplain and floodway (see Attachment 3).

As discussed during the June 16, 2022, coordination meeting with the City and the Washington State Department of Ecology (Ecology), the Project is considered a Transportation Use under the City's SMP. Per SMP Chapter 6, Section F.5.I. and SMP Table 7-1. Permitted Uses and Development, transportation facilities are an allowed use in the Puyallup River Urban Conservancy environment designation that is permitted under the SSDP process.

The Project does not propose any direct impacts to wetlands or streams within the City's shoreline jurisdiction. A minimal amount of riparian buffer impact is proposed near North Meridian Avenue (see Attachment 4 – Joint Aquatic Resource Permit Application [JARPA] Figure Excerpts). The Puyallup River bridge crossings will not be expanded. Work will occur within special flood hazard areas, as regulated under Puyallup Municipal Code (PMC) 21.07, Flood Damage Protection. The Technical Memorandum on Floodplain Impacts and Mitigation (Attachment 8) includes proposed cut-and-fill activities within the City's regulated floodplains and floodway.

2. Existing Conditions

The Puyallup River is a shoreline of the state and flows through the project area. North Meridian Avenue crosses over the Puyallup River via a bridge at river mile 8.2. The shoreline beneath the bridge contains riprap revetment on the north bank, while the south bank is composed of fine substrates and sand. Riparian areas are dominated by black cottonwood trees, Himalayan blackberry, and herbaceous weeds.

SR 512 passes over the Puyallup River via a bridge at river mile 9.1. The shoreline beneath the bridge contains riprap, but otherwise the substrate is dominated by sand. The riparian areas south of the river are dominated by bigleaf maple and black cottonwood trees with an understory containing dense Himalayan blackberry, herbaceous weeds, and areas of mowed grasses.

Land use in the vicinity of North Meridian Avenue consists of commercial, manufacturing, and high-density residential uses. The land is nearly entirely developed, and it contains car dealerships, storage facilities, shopping centers, apartment buildings, and the paved Riverwalk Trail along the southern bank. Land use south of the SR 512 bridge consists of residential, commercial, and manufacturing uses.

A description of nearby sensitive aquatic resources is provided in Attachment 6 – Wetland and Stream Assessment Report (WSAR). Within the shoreline jurisdiction, the Project does not propose any direct impacts to wetlands or streams. Minimal riparian buffer impacts are proposed near North Meridian Avenue to allow for in-kind replacement of an existing stormwater outfall. Most of the proposed work in the shoreline environment will occur entirely within the existing roadway fill prisms and improved areas. Per the 2019 *WSDOT Guidance Delineating Wetlands, Streams, & Buffers Adjacent to or Within Road Prisms*, buffers do not extend onto or beyond the existing fill prism.

3. Project Description

Project elements proposed within the City's shoreline jurisdiction (Puyallup River Urban Conservancy environment designation) include:

- Improvements at North Meridian Avenue/SR 161 Puyallup River Bridge:
 - New Tacoma to Puyallup Shared Use Path (SUP) within the North Levee Road interchange loop and crossing Puyallup River within the footprint of the existing bridge
 - Widening of North Levee Road on the inside of the loop (to accommodate a safe truck turning radius in the vicinity of the SUP)
 - Ancillary to transportation use: signage, signals, illumination, and drainage improvements, including replacement of an existing guardrail and stormwater outfall
- Improvements south of the SR 512 Puyallup River Bridge:
 - Ancillary to transportation use: installation of conduit on existing bridge (no ground disturbing activities), which is associated with Intelligent Transportation Systems (ITS) for communications to the proposed ramp meter at SR 512/East Pioneer

The only ground disturbing activity proposed waterward of existing paved areas is associated with the in-kind replacement of the existing stormwater outfall on the north bank of the Puyallup River, which is defined as a water-dependent use per SMP Chapter 2 Definitions. The existing stormwater outfall has reached the end of its useful life; therefore, its replacement is required per WSDOT policy. The outfall will be replaced in-kind, including necessary revetment portions surrounding the outfall, as there is not a realistic way to replace the existing pipe without removing and replacing (in-kind) riprap that forms the face of the revetment. All other ground disturbing work is proposed landward of existing paved areas, such as existing roadway and trail surfaces.

4. Shoreline Master Program Consistency Review

The following sections provide a review of the Project's consistency with the following applicable sections of the City's SMP:

- Shoreline Public Access Policies and Regulations
- General Policies and Regulations for:
 - Shoreline Use
 - Historic, Cultural, Scientific, and Education Resources
 - Ecological Protection and Critical Areas
 - Flood Hazard Reduction
 - Vegetation Conservation
 - Water Quality and Quantity
- Shoreline Uses and Modification Policies and Regulations for:
 - Filling, Grading, and Excavation
 - Restoration
 - Shoreline Stabilization
 - Signs
 - Transportation
 - Utility Development
- Administrative Procedures for SSDP Review Criteria

Chapter 4.C.2: Shoreline Public Access – Policies

2.1. Public Access: Policies

- a. *Establish a public access system that capitalizes on Puyallup's unique and varied shorelines with a combination of vistas, view areas, view corridors, scenic drives, trails, hiking paths, and bike paths that connect to and along the City's shorelines to the maximum extent feasible.*

Response: The Project includes the Tacoma to Puyallup SUP as an active transportation facility that will provide a multimodal regional trail connection to the Riverwalk Trail located along the Puyallup River shoreline. This trail connection will result in enhanced connectivity to the City's shoreline public access trail and provide direct visual access to the Puyallup River from the bridge crossing. The purpose of the overall (6-mile-long corridor) SR 167 Completion Project's proposed Phase 1 Improvements is to improve regional mobility of the transportation system to serve

multimodal local and port freight movement, reduce congestion, and improve safety on arterial roads and intersections in the project area, thereby allowing for improved public access to shorelines of the state on existing roadways within the project area.

- b. *Public access improvements shall be made as prioritized in this chapter. The city shall strive to provide enhancements, connect missing access linkages (both within the community and connections to other access areas) and provide educational opportunities by seeking grants and stable funding sources to initiate a public access improvement program.*

Response: The Tacoma to Puyallup SUP portion of the Project furthers the City's goals to provide missing linkages for multimodal users.

- c. *Public access improvements should be established to provide recreational opportunities along the city's shoreline areas.*

Response: See response to "a" above.

- d. *Public access improvements should not result in adverse impacts to the natural character and quality of the shoreline and associated critical areas without restoration efforts in combination with the access improvements.*

Response: The Tacoma to Puyallup SUP will connect to the existing Riverwalk Trail along the south bank of the Puyallup River. No critical area impacts will result from activities associated with providing this trail connection.

- e. *Public access facilities shall utilize, to the maximum extent that is technically feasible, low impact development techniques and surfacing materials (e.g. pervious concrete/asphalt, pin pier diamond foundations for boardwalks).*

Response: The Tacoma to Puyallup SUP is proposed within or directly adjacent to improved areas, such as the existing road prism, to minimize development impacts.

- f. *Recognizing that much of Puyallup's existing and planned trails follow the shoreline or connect shoreline and upland areas, partner to develop and maintain trails oriented to the shorelines. Development of trails should be coordinated with habitat restoration efforts.*

Response: See response to "a" above.

- g. *Public access area and/or facility requirements should be commensurate with the scale and character of the development and should be reasonable, effective, and fair to all affected parties including but not limited to the landowner and the public.*

Response: See responses to "a," "d," and "e" above.

- h. *Design public access improvements and amenities (such as view points, trails, etc.) to provide for public safety, respect individual privacy, and avoid or minimize visual impacts from neighboring properties. There should be a physical separation (combination of fencing and vegetation) or other means of clearly delineating public and private space in order to avoid unnecessary user conflict.*

Response: See response to "e" above.

- i. *Public access facilities should provide auxiliary facilities, such as parking and sanitation facilities, when appropriate, and should be designed to be Americans with Disabilities Act (ADA) accessible, where feasible.*

Response: The Tacoma to Puyallup SUP will provide multimodal, ADA accessible access in the City's shoreline jurisdiction, and it will connect to the Riverwalk Trail.

- j. *Public views from the shoreline upland areas should be enhanced and preserved. Enhancement of views should not be construed to mean excessive removal of existing native vegetation that partially impairs views.*

Response: The Project is not anticipated to affect public views of the shoreline as improvements are limited to roadway work largely within existing improved right of way. Visual access opportunities will be enhanced from the SUP crossing on the North Meridian Avenue bridge.

- k. *Incorporate signage and informational kiosks into public access locations, where appropriate, to enhance public education and appreciation of shoreline ecology and areas of historic or cultural significance.*

Response: Not applicable. The proposed SUP is an active transportation facility. It will result in enhanced connectivity to the City's shoreline public access trail and provide direct visual access to the Puyallup River from the bridge crossing. The Project will also include wayfinding signs along the SUP.

- l. *Incorporate public access into publicly funded restoration projects where significant ecological impacts can be avoided.*

Response: Not applicable. Restoration projects are not proposed within the City's shoreline jurisdiction.

- m. *Opportunities for public access should be identified on publicly owned shorelines. Public access afforded by shoreline street-ends, public utilities and rights-of-way should be preserved, maintained, and enhanced.*

Response: See response to "a" above.

- n. *The Riverwalk Trail and, where applicable, the City's currently adopted Parks Plan Update should be implemented to provide a continuous waterfront multi-purpose trail located along the Puyallup River. Once completed, the trail will be part of a larger regional trail system that links Tacoma to Buckley.*

Response: See response to "a" above.

- o. *Variety in non-motorized methods of travel is encouraged to and from shoreline areas and access points. These include trails, pathways or corridors for walking, and bicycling. Incorporate pedestrian walkways within developments that are outside of the shoreline planning area but provide important connections to the shoreline from adjacent rights of way.*

Response: See response to "a" above.

- p. Continue to provide, and expand wherever possible, public mural art installations along the Puyallup River to enhance the public access experience and reduce long, blank walls that can attract graffiti.*

Response: WSDOT is collaborating with the City of Puyallup to develop overall trail character and may include architectural installations along the SUP that reuse pieces of the old Puyallup River steel truss bridge. Coordination on potential locations is ongoing with the City.

2.2. Recreation: Policies

The Project does not propose passive or active recreation or recreation development as defined in the City's SMP. The Project includes the Tacoma to Puyallup SUP as an active transportation facility that will provide a multimodal, ADA accessible regional trail connection to the Riverwalk Trail located along the Puyallup River shoreline. This trail connection will result in enhanced connectivity to the City's shoreline public access trail, and it will provide direct visual access to the Puyallup River from the bridge crossing.

While not a formal recreation facility, the proposed Tacoma to Puyallup SUP is generally consistent with the City's SMP recreation policies (a) through (o), as the SUP has been designed to protect shoreline ecological functions and processes, as it is located further from the stream than the existing paved roads and trails. It will provide a regional connected trail system between the City's shoreline and the Puyallup Recreation Center that will continue through towards Tacoma. Additionally, the Project will include trail features along the SUP, such as wayfinding signs.

2.3. Views and Aesthetics: Policies

See combined response to Views and Aesthetics Policies (a) through (k) following the code excerpts.

- a. Preserve and assure, to the greatest extent feasible, the public's opportunity to enjoy the physical and aesthetic qualities of the city's shorelines.*
- b. Identify and protect areas with scenic vistas and areas where the shoreline has high visual aesthetic value.*
- c. Minimize adverse impacts from new development on views from public property or views enjoyed by a substantial number of residents.*
- d. Enhance public view opportunities that improve the public access experience.*
- e. Protect and enhance, to the greatest extent feasible, solar access to shoreline public access areas through creative positioning of site improvements and structures.*
- f. The shoreline areas should be planned and designed to preserve and enhance environmental characteristics. Examples of appropriate considerations are: [i through iii]*
- g. Arrangement, modulation, scale and overall relationship of site buildings and elements should be designed to achieve a balance of open space and development while protecting solar enjoyment from permanent shadowing impacts.*
- h. Street furniture such as signs, lighting, and benches, etc, when used, and site circulation patterns should complement and reinforce the unique nature of riparian corridors and shoreline areas.*
- i. Shoreline-view vantage points such as viewing decks, terrace gardens or view points should be considered for public use when public or commercial multi-story structures are proposed.*

- j. *Exterior surface colors and materials that harmonize with shoreline area vegetation and exposed soil and/or rock, should be used. Suggested colors are shades of grey and brown of values between black and white or shades of grey-greens or brown-greens of values between black and medium.*
- k. *River crossings and entrances to river crossings should emphasize the scenic qualities of the river and its value as a resource in the community.*

Response: The Project is consistent with the SMP views and aesthetics policies. It is not anticipated to affect public views of the shoreline as improvements are limited to roadway work largely within the existing improved right of way. The proposed work in the shoreline jurisdiction will preserve shoreline area views and view corridors from within and outside the proposed work area. No new building structures are proposed within the shoreline environment as part of the Project. The SUP on the North Meridian Avenue bridge will provide visual access to shorelines from the bridge deck.

Chapter 4.C.3: Shoreline Public Access – Regulations

3.1. Public Access: Regulations

- a. *Private pedestrian footbridges across Clarks Creek and the Puyallup River are prohibited. Public footbridges that would provide connections to existing public access or provide a critical future connection to planned public access improvements are allowed in accordance with the no net loss of ecological values or functions standard of Puyallup’s SMP and state SMA.*

Response: Not applicable. No footbridges are proposed.

- b. *Public access provided by shoreline street ends, public utilities and rights-of way shall not be diminished pursuant to RCW 35.79.035, Limitations on Vacations of Streets Abutting Bodies of Water; and RCW 36.87.130, Vacation of Roads Abutting Bodies of Water Prohibited unless for Public Purposes or Industrial Use.*

Response: Public access within this public right of way will not be diminished. The Project includes the Tacoma to Puyallup SUP as an active transportation facility that will provide a multimodal regional trail connection within existing right of way to the Riverwalk Trail located along the Puyallup River shoreline. This trail connection will result in enhanced connectivity to the City’s shoreline public access trail and provide direct visual access to the Puyallup River from the bridge crossing, which will create a significant link in the regional trail system.

- c. *Except as provided in regulations c.iv and c.v . below, shoreline substantial developments or conditional uses shall provide public access where commensurate and proportional to the development impacts, when any of the following conditions are present: [i through v].*

Response: See response to “b” above.

- d. *An applicant need not provide public access where the City determines that one or more of the following conditions apply: [i through v]*

Response: Not applicable. Project activities include an SUP, which will enhance public access to the City’s shorelines. Also see response to “b” above.

- e. *In order to meet any of the conditions listed d. i through v above, the applicant must first demonstrate and the City determine in its findings that all reasonable alternatives have been exhausted, including but not limited to: [i through iii]*

Response: Not applicable. Project activities include an SUP, which will enhance public access to the City's shorelines. Also see response to "b" above.

- f. *Where on-site access is determined to be infeasible per the conditions above, off-site enhancements to public access — commensurate and proportionate to the development — shall be required. Off-site enhancements shall utilize the planned public access map and consider priority improvements.*

Response: Not applicable. See response to "b" above.

- g. *Public access shall consist of a dedication of land or a physical improvement in the form of a walkway, trail bikeway, corridor, viewpoint, park, or other area serving as a means of view and/or physical approach to the shoreline and may include informational kiosks. Public access sites shall be connected directly to the nearest public street or public right-of-way and shall include improvements that conform to the requirements of the ADA.*

Response: The proposed SUP will provide a corridor for public approach to the shoreline, and it will connect to the existing Riverwalk Trail system. The Project will also include wayfinding signs along the SUP.

- h. *Required public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity.*

Response: The SUP will be fully developed and available for public use at the time of roadway work completion. Also see response to "b" above.

- i. *At a minimum, public access easements and permit conditions shall be recorded on the deed of title and/or on the face of a plat, binding site plan or short plat as a condition running contemporaneous with the authorized land use. Said recording with the County Auditor's Office shall occur at the time of permit approval.*

Response: Not applicable. SUP elements are proposed within existing public right of way.

- j. *The standard city approved signs that indicate the public's right of access and hours of access shall be constructed, installed, and maintained by the applicant in conspicuous locations at public access site.*

Response: Not applicable. The SUP is an element of the transportation facility, and it will be located within existing public right of way. Hours of access will not be limited.

3.2. View and Aesthetics: Regulations

- a. *Design of structures and improvements shall identify key view corridors and points of visual enjoyment and make measures in the design of the site to protect and enhance those resources.*

Response: The proposed work in the shoreline jurisdiction will preserve view corridors from within and outside the proposed work area. No new building structures are proposed within the shoreline environment. The SUP on the North Meridian Avenue bridge will provide scenic visual access to shorelines from the bridge deck.

- b. *Design of structures shall meet or exceed the design intent and requirements of the Puyallup Municipal Code, where applicable.*

Response: Not applicable. No building structures are proposed within the shoreline jurisdiction. Roadway structures will be designed in accordance with WSDOT's Design Manual.

- c. *In review of proposed development in the shoreline, whether such development requires a shoreline substantial development permit or statement of exemption, the Administrator shall review the proposal for compliance with the policies of this section and may establish conditions for approval.*

Response: Noted.

- d. *As required by RCW 90.58.320, no permit shall be issued for any new or expanded building or structure more than thirty-five feet in height that will obstruct the view of a substantial number of residences on areas adjoining such shorelines. Height is measured according to Chapter 2, Definitions.*

Response: Not applicable. No building structures are proposed within the shoreline jurisdiction.

3.3. Recreational Development: Regulations

Not applicable. See response to Section 2.2 Recreation Policies above. The Project does not propose passive or active recreation or recreation development as defined in the City's SMP. The SUP provides a multimodal transportation facility within the public right of way, including portions within the City's shoreline jurisdiction.

The SUP is proposed landward of existing paved areas, including the Riverwalk Trail, and it is within areas that are currently paved, gravel, or grass. Minimal native vegetation removal outside of the riparian buffer, associated with the SUP connection to the Riverwalk Trail, may be necessary. No shoreline vegetation will be disturbed waterward of existing paved areas associated with the SUP improvements to connect to the Riverwalk Trail. Tree replacement on WSDOT property will be provided in accordance with WSDOT's *Roadside Policy Manual*.

Chapter 5: General Goals, Policies, and Regulations

See the combined response to Shoreline Use Policies (a) through (c) following the code excerpts.

A.2 Shoreline Use: Policies

- a. *Preferred uses are those that are water-oriented, single family residential (where allowed by underlying zoning and Comprehensive Plan land use designation), enhance public access to the shoreline, or include elements of shoreline restoration.*
- b. *Development in shorelines should reflect in both site configuration and structural design acknowledgement of the water's proximity and its value as an ecological and scenic resource.*
- c. *Encourage uses that allow for or incorporate restoration of shoreline areas that have been degraded as a result of past activities or events.*

Response: The Project is consistent with the SMP Shoreline Use policies and its existing use as a public transportation corridor. Additionally, the Tacoma to Puyallup SUP will result in enhanced connectivity to the City's shoreline public access trail and provide direct visual access to the Puyallup River from the bridge crossing. The Project will be designed and constructed to ensure development is compatible with adjacent uses and is sensitive to existing shoreline environments, habitat, and ecological systems.

A.3 Shoreline Use: Regulations

- a. *Shoreline use regulations for specific uses and associated shoreline modifications (e.g., agriculture, commercial, residential, recreational development, dredging, flood control, etc.) are in Chapter 7, Shoreline Use and Modification Policies and Regulations.*

Response: Per SMP Chapter 6, Section F.5.I. and SMP Table 7-1 Permitted Uses and Development, transportation facilities are an allowed use in the Puyallup River Urban Conservancy environment designation that is permitted under the SSDP process.

B.2 Historic, Cultural, Scientific, and Educational Resources: Policies

See combined response to Historic, Cultural, Scientific, and Educational Resources Policies (a) through (b) following the code excerpts.

- a. *Work with tribal, federal, state, and local governments as appropriate to maintain an inventory of all known historic, cultural, and archaeological resources. As appropriate, these resources should be protected, preserved, and/or restored for study and/or public education. The location of sensitive historic, cultural, and/or archaeological sites should not be disclosed to the general public, consistent with applicable state and federal laws.*
- b. *Development on sites having historic, cultural, or archaeological resources should be planned and carried out so as to avoid or minimize impacts to the resource.*

Response: The proposed project is consistent with the SMP Historic, Cultural, Scientific, and Educational Resources policies. The project team has worked closely with tribal, federal, state, and local governments to inventory all known historic, cultural, and archaeological resources, and it is in the process of preparing an updated Cultural Resources Survey Report. WSDOT anticipates providing the Stage 2 Project Cultural Resources Survey for previously unsurveyed areas of the area of potential effects (APE) for the tribal and State Historic Preservation Officer (SHPO) review/concurrence by spring 2023. WSDOT will provide the City with Section 106 SHPO concurrence documentation when available.

B.3 Historic, Cultural, Scientific, and Educational Resources: Regulations

- a. *Cultural, archaeological, and historic resources shall be permanently preserved in situ or recovered for scientific study, education, and public observation.*

Response: See response to "B.2" above. WSDOT also will be preparing an Archaeological Monitoring and Unanticipated Discovery Plan specific to the Project for tribal and SHPO review/concurrence prior to project construction. An existing Section 106 Memorandum of Agreement (MOA), last updated in August 2018, between the Federal Highway Administration (FHWA), United States Army Corps of Engineers

(USACE), and SHPO addresses adverse effects and mitigation for SR 167 Completion project impacts on historic properties and obligations for continued avoidance of impacts to identified archaeological resources.

- b. *Upon receipt of application for a shoreline permit or request for a statement of exemption for development on properties known to contain an historic, cultural, or archaeological resource(s), the City shall require a site inspection, evaluation, and written report by a professional archaeologist or historic preservation professional, as applicable, to determine the presence of cultural, historic, or archaeological resource(s). The professional should meet qualification standards for cultural resource management professionals promulgated by the National Park Service, published in 36 CFR Part 61. If it is determined that a site has a significant resource(s), shoreline permits or a statement of exemption shall not be issued until protection or mitigation is developed to the satisfaction of both DAHP and affected tribes. The City may require that development be postponed to allow for:*
- i. *Coordination with potentially affected tribes and/or the Department of Archaeology and Historic Preservation; and/or*
 - ii. *Investigation of potential to provide public access and educational opportunities; and/or*
 - iii. *Retrieval and preservation of significant artifacts.*

Response: See response to “B.2” and “B.3.a” above.

- c. *All shoreline permits and statements of exemption shall contain provisions which require developers to immediately stop work and notify the City, the State Department of Archaeology and Historic Preservation (DAHP), the Puyallup Tribe of Indians, and the Muckleshoot Indian Tribe if any artifacts of possible historic, cultural, or archaeological value are uncovered during excavations. In such cases, the developer shall be required to provide for a site inspection and evaluation by a professional archaeologist or historic preservation professional, as applicable, in coordination with the state and/or affected tribes. Mitigation for an application affecting a historic site may involve additional or alternative measures that are site and project specific, as required by DAHP and/or affected Tribal Governments.*

Response: WSDOT will be preparing an Archaeological Monitoring and Unanticipated Discovery Plan specific to the Stage 2 Project for tribal and SHPO review/concurrence prior to project construction, which includes cease work and notification provisions consistent with this section.

C.2 Ecological Protection and Critical Areas: Policies

See combined response to Ecological Protection and Critical Areas Polices (a) through (e) following the code excerpts.

- a. *All shoreline use and development should be carried out in a manner that avoids and minimizes adverse impacts so that the resulting ecological condition does not become worse than the current condition. This means assuring no net loss of ecological functions and processes and protecting critical areas designated in Puyallup Municipal Code (PMC) Chapter 21.06 that are located in the shoreline. Shoreline ecological functions that should be protected include hydrology, water quality, riparian habitat, and in-stream habitat functions. Shoreline processes that should be protected include surface and groundwater flow; sediment delivery; water quality; and organics delivery.*
- b. *Preserve, protect, and/or restore wetlands within and associated with the City's*

- shorelines to achieve no net loss of wetland area and wetland functions.*
- c. In assessing the potential for net loss of ecological functions and processes, project-specific and cumulative impacts should be considered.*
 - d. Allow activities in critical areas that protect and, where possible, restore the ecological functions and ecosystem-wide processes of the City's shorelines.*
 - e. Establish a public outreach and education program for property owners adjacent to the shoreline that promotes shoreline-friendly practices.*

Response: The Project is consistent with the SMP Ecological Protection and Critical Area policies. Critical areas within the project limits have been assessed and documented in the WSAR (Attachment 6). No direct impacts to wetlands or streams are proposed, and riparian buffer impacts are limited to the greatest extent possible. Compensatory mitigation is proposed for unavoidable impacts. No net loss of ecological functions and processes will occur. See the response to C.3.a below for information regarding proposed impacts and mitigation. Further detail can be found in the WSMP (Attachment 7).

C.3 Ecological Protection and Critical Areas: Regulations

- a. All shoreline development and uses shall be located, designed, constructed, and maintained in a manner that results in no net loss of shoreline ecological processes and functions to the greatest extent feasible. Unavoidable impacts to shoreline ecological functions and processes shall be mitigated according to the provisions of this section to ensure no net loss of ecological functions.*

Response: The Project has been located and designed in a manner that results in no net loss of shoreline ecological processes and functions to the greatest extent feasible. No direct impacts are proposed to wetlands or streams within the shoreline jurisdiction. A minimal amount of unavoidable buffer impact is anticipated within shoreline jurisdiction (see Attachment 4 – JARPA Figure Excerpts).

To offset the nominal buffer impacts resulting from the Project, compensatory mitigation will be provided through a combination of wetland re-establishment and enhancement and upland buffer enhancement within the perimeter buffer of the proposed Stage 2 mitigation sites. This area is not a credit-generating area for wetland mitigation, but it provides important functional lift in restoring riparian habitat adjacent to the credit-generating aquatic resources within the mitigation sites. The Project anticipates providing an excess of buffer mitigation credits to compensate for proposed buffer impacts. See Section 4.2.2.5 Buffer Mitigation in the WSMP (Attachment 7).

- b. Where required, mitigation measures shall be applied in the following sequence of steps listed in order of priority. [i through vi]*

Response: The Project has applied avoidance and minimization measures to the greatest extent practicable, as described in Section 4.1 of the WSMP (Attachment 7). Critical area impacts have been entirely avoided within the shoreline jurisdiction. Riparian buffer impacts have been limited to the greatest extent possible. WSDOT will compensate for all project impacts through upland buffer enhancement and wetland re-establishment and enhancement within the perimeter buffer of the proposed Stage 2 mitigation sites. WSDOT staff will monitor the mitigation sites for 10 years after installation, or until performance standards are met, as determined by the regulatory

agencies. If all performance standards are achieved in less than 10 years, WSDOT may terminate monitoring with approval of the regulatory agencies. A contingency plan is provided in the WSMP (Attachment 7) to account for corrective measures that may be needed.

- c. *In determining appropriate mitigation measures applicable to shoreline development, lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.*

Response: The Project has avoided direct impacts to wetlands and streams within shoreline jurisdiction, and it has minimized buffer impacts to the greatest extent feasible. The proposed buffer impacts are necessary to replace the existing stormwater outfall on the north bank of the Puyallup River. This makes total avoidance of buffer impacts infeasible. See the response to “C.3.b” above for information regarding the application of mitigation measures. See Section 4 of the WSMP for mitigation strategy details (Attachment 7).

- d. *Required mitigation shall not be in excess of that necessary to assure that development will result in no net loss of shoreline ecological functions.*

Response: Not applicable. Proposed mitigation is not located within the shoreline jurisdiction.

- e. *Mitigation actions shall not have a significant adverse impact on other shoreline ecological functions and shall cause no net loss of ecological functions overall.*

Response: Not applicable. Proposed mitigation is not located within the shoreline jurisdiction. Additionally, the Stage 2 mitigation sites are anticipated to create a functional lift to compensate for project impacts to wetlands, streams, and buffers. See Section 6.2 Functional Lift in the WSMP (Attachment 7).

- f. *When compensatory measures are appropriate pursuant to the mitigation priority sequence above, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized. Authorization of compensatory mitigation measures may require appropriate safeguards, terms, or conditions as necessary to ensure no net loss of ecological functions.*

Response: The proposed buffer impacts are associated with the in-kind replacement of an existing stormwater outfall within the riprap revetment. The area of impact is not currently providing a high level of ecological functions. Compensatory mitigation for buffer impacts is proposed within the same watershed. Within the Puyallup River drainage basin, the Project overall (within and outside of shoreline areas) anticipates an excess of buffer mitigation. See the WSMP (Attachment 7) Section 5.3.1.2 for the description on the ecological connectivity provided by the Stage 2 mitigation sites and Section 6.2 for the discussion on anticipated functional lift.

- g. *Buffer widths for wetlands shall follow the standards of PMC 21.06.930.*

Response: The Project has assigned buffer widths consistent with PMC 21.06.930. See Tables 37 and 40 in the WSMP (Attachment 7). Per the *2019 WSDOT Guidance Delineating Wetlands, Streams, & Buffers Adjacent to or Within Road Prisms*, buffers do not extend onto or beyond the existing fill prism.

- h. *Buffer widths for stream areas shall be established as follows:*

- i. *Stream buffer widths shall be regulated by PMC 21.06.1050. The buffer area shall be provided for all uses and activities adjacent to a stream to protect the integrity and function of the stream. Per PMC 21.06.210(115), riparian buffer areas include those buffer areas severely altered, degraded, or damaged due to human development activities.*

Response: The Project has assigned buffer widths consistent with PMC 21.06.1050. See Table 44 in the WSAR (Attachment 6). Per the *2019 WSDOT Guidance Delineating Wetlands, Streams, & Buffers Adjacent to or Within Road Prisms*, buffers do not extend onto or beyond existing fill prism.

- ii. *After mitigation sequencing has been applied and avoidance of disturbance is minimized to the maximum extent practicable, a stream buffer may be reduced to accommodate a water-dependent use. Mitigation proposals shall follow the standards of PMC 21.06.1080, 21.06.610 and 21.06.620.*

Response: The Project will result in minimal impacts to riparian buffer due to an outfall replacement. Per SMP Chapter 2 Definitions, outfalls are a water-dependent use. A buffer reduction is not requested for this outfall replacement. See response to “C.3.b” above for the discussion on mitigation sequencing and avoidance and minimization measures.

- iii. *Except as allowed by (d) and (e) below, water-enjoyment, water-related and non-water-oriented uses shall not reduce riparian buffer area vegetation, encroach further into a riparian buffer area or impact ecological functions/critical areas unless no other feasible alternative exists to locate outside these areas. Impacts may only be allowed through a shoreline variance permit process. See SMP Chapter 7, Section J – Residential Development, for options for single family residential use expansions in riparian buffer areas. The developed envelope shall be located outside of the prescribed buffer area to the maximum extent feasible. Mitigation shall be provided in accordance with PMC 21.06.1080, 21.06.610 and 21.06.620.*

Response: Not applicable. The only impacts proposed within riparian buffers are associated with the in-kind replacement of an existing stormwater outfall. As noted in the response to “C.3.h.i” above, outfalls are a water-dependent use. All other ground disturbing work is proposed landward of existing paved areas, such as existing roadway and trail surfaces.

- iv. *Areas within the prescribed buffer area for the adjacent stream which do not contain functioning riparian habitat and that do not include any other critical areas (e.g. previously developed sites within buffer area, upland area separated by road/levee, etc.) may be developed by water-enjoyment and water-related uses in a manner that is consistent with the control of pollution and prevention of damage to the shoreline environment.*

Response: Not applicable. See response to “C.3.h.iii” above.

- v. *Improvements for shoreline public access — as a stand alone use — should be located only in the outer 50% of the riparian buffer area. Exceptions may be made for shoreline recreational uses — such as beaches or viewing platforms — to encroach further into the buffer area. Replacement of an existing access system or locating new public access trails within the inner 50% shall only be allowed through a shoreline conditional use permit. Impacts to existing riparian functions and values shall be mitigated in accordance with PMC 21.06.1080, 21.06.610 and 21.06.620.*

Response: Not applicable. The proposed SUP, which is not a standalone use, is located on the landward side of the existing paved roads and paved trail. The proposed location is within existing paved, gravel, and grass areas.

- vi. *Non-water-oriented uses may only locate within the city’s shoreline planning area if mitigation plantings are provided in the adjacent or nearest riparian buffer area (if no riparian area is available on site).*

Response: Non-water-oriented uses proposed in the shoreline jurisdiction are only proposed landward of existing paved roads and paved trails. The Project will restore disturbed areas with native plantings. Streetscape plantings are proposed along the SUP, and improved roadways and vegetation preservation areas have also been preliminarily identified. See Attachment 11 – Draft Conceptual Landscape Plan.

- i. *Any application to develop within the regulatory floodplain of the City’s shoreline jurisdiction shall be accompanied by a biological assessment of the impact of the project on federal, state or locally protected species and habitat, water quality and aquatic/riparian habitat. The assessment shall be: [i through iii].*

Response: FHWA and WSDOT submitted the original biological assessment (BA) for the extension of SR 167 on September 27, 2005, to the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) (herein collectively referred to as “the Services”). The USFWS and NMFS Biological Opinions (Opinions) were issued on May 31, 2007, and September 17, 2007.

FHWA and WSDOT are currently finalizing an Endangered Species Act (ESA) Reinitiation to document further refinements in project design and delivery associated with the Project, as well as the newfound presence of Puget Sound Chinook in Simons Creek. The current target for FHWA’s transmittal of the ESA Reinitiation to the Services is spring 2023. WSDOT will provide the City with final ESA concurrence upon receipt.

- j. *Subject to the exceptions listed below in this section of the SMP, the Critical Areas provisions of the Puyallup Municipal Code (PMC Chapter 21.06) are herein incorporated and shall apply to any use, alteration, or development where designated critical areas are physically located within the shoreline jurisdiction, whether or not a shoreline permit or written statement of exemption is required...[i through ix]*

Response: The Project is consistent with the Critical Areas provisions of PMC Chapter 21.06. It has been located and designed in a manner that results in no net loss of shoreline ecological processes and functions to the greatest extent feasible. No direct impacts are proposed to wetlands or streams within the shoreline jurisdiction. A limited area of unavoidable buffer impact is anticipated within shoreline jurisdiction, associated with the in-kind replacement of an existing stormwater outfall. The outfall has reached the end of its useful life and its replacement is required per WSDOT policy. See the response to “C.3.b” above for information regarding the application of mitigation measures. See details provided in the WSMP, Section 4.2.2.5 Buffer Mitigation (Attachment 7).

The compensatory mitigation for buffer impacts is proposed within the same watershed as the impacts. Within the Puyallup River drainage basin, the Project overall (within and outside of shoreline areas) anticipates an excess of buffer mitigation. See the WSMP, Section 5.3.1.2 for the description on the ecological connectivity provided by the Stage 2 mitigation sites and Section 6.2 for the discussion on anticipated functional lift (Attachment 7).

- k. *Buildings, fencing, walls, hedges and similar features shall be designed, located, and constructed in a manner that does not preclude or significantly interfere with wildlife movement to/from habitat areas consistent with the applicable provisions of PMC 21.06, provided that the Administrator may exempt security fencing associated with residential, industrial and/or commercial developments from this requirement on a case-by-case basis.*

Response: Not applicable. No buildings, fencing, walls, hedges, or similar features are proposed within the City’s shoreline jurisdiction.

D.2 Flood Hazard Reduction: Policies

See the combined response to Flood Hazard Reduction Policies (a) through (b) following the code excerpts.

- a. *Ensure that new development in areas prone to periodic flooding complies with the Flood Damage Protection standards, Puyallup Municipal Code Title 21.07, in an effort to minimize health hazards and property damage due to flooding.*
- b. *Assure that flood hazard protection measures result in no net loss of ecological functions.*

Response: The Project is consistent with the SMP Flood Hazard Reduction policies, and it will be compliant with the Flood Damage Protection standards, PMC Title 21.07. As documented in the Technical Memorandum on Floodplain Impacts and Mitigation (Attachment 8), the Project is proposing an overall increase in flood storage within floodplains and floodways. No net loss of ecological functions and processes will occur.

D.3 Flood Hazard Reduction: Regulations

- a. *All shoreline development shall comply with Puyallup Municipal Code, Title 21.07 Flood Damage Protection.*

Response: See the Technical Memorandum on Floodplain Impacts and Mitigation (Attachment 8) for a description of the proposed activities and cut/fill volumes proposed within the City's regulated floodplains and floodways, demonstrating consistency with PMC Title 21.07.

The Project includes fill placement in the floodplain associated with the Puyallup River in the vicinity of the North Meridian Avenue bridge. Compensatory flood storage at a comparable elevation range will be provided and will be designed to drain to the source of flood water so that the entire flood storage volume is available for subsequent flood events. The flood storage area will satisfy PMC requirements.

The Project involves fill placement in a mapped floodway on the north and south sides of the Puyallup River near the North Meridian Avenue bridge. This proposed fill will be offset by slightly increasing flood storage and flood flow conveyance within the floodway on the north side of the river, satisfying PMC requirements for floodway protection. See No-Rise Certification, included as Attachment D of the Technical Memorandum on Floodplain Impacts and Mitigation (Attachment 8).

- b. *All shoreline development in floodplains connected to Clarks Creek or the Puyallup River shall protect hydrologic connections between water bodies, water courses, and associated wetlands to the extent feasible.*

Response: Not applicable. Apart from the Puyallup River itself, no water bodies, water courses, or associated wetlands are present in the project area in the shoreline.

- c. *Removal of gravel for flood control shall be consistent with SMP Chapter 7 Section H (Filling, Grading and Excavation) and Chapter 7 Section E (Dredging and Dredge Material Disposal).*

Response: Not applicable. No gravel removal for flood control is proposed.

E.2 Vegetation Conservation: Policies

See combined response to Vegetation Conservation Policies (a) through (g) following the code excerpts.

- a. *Where new developments and/or uses are proposed, native shoreline vegetation should be conserved consistent with the city's Vegetation Management Standards manual, PMC 21.06.930 and 21.06.1050 to maintain shoreline ecological functions and/or processes and mitigate the direct, indirect and/or cumulative impacts of shoreline development, wherever feasible. Important functions of shoreline vegetation include, but are not limited to: Regulation of microclimate in the stream-riparian and intertidal corridors.*
- b. *Limit removal of native vegetation on development sites within the city's shoreline planning areas and establish landscape regulations that reflect low impact storm water management techniques.*
- c. *Recognize that aquatic weed management requires preventative measures, such as added riparian canopy cover over stream to prevent growth through solar access, in*

addition to mechanical cutting. Where active removal or destruction is necessary, it should be the minimum to allow water dependent activities to continue, minimize negative impacts to native plant communities, and include appropriate handling or disposal of weed materials.

- d. Prohibit clearing, grading, or vegetation removal within the shoreline jurisdiction when not related to a use permitted under the provisions of this Master Program.*
- e. Limit alteration of the natural landscape within the shoreline jurisdiction to the minimum necessary to accommodate the shoreline development or to remove invasive vegetation.*
- f. Restrict clearing and grading within shoreline jurisdiction in order to maintain shoreline functions.*
- g. Permit clearing activities associated with levee maintenance as necessary to provide protection from flood hazards.*

Response: The Project is consistent with the SMP's Vegetation Conservation policies. Proposed vegetation removal is associated with the permitted use as a transportation corridor, and it will be limited to the minimum amount necessary to accommodate the proposed shoreline development. The Project will restore disturbed areas with native plantings. Streetscape plantings are proposed along the SUP and improved roadways and vegetation preservation areas have been preliminarily identified. Tree replacement on WSDOT property will be provided in accordance with WSDOT's Roadside Policy Manual. WSDOT is required to comply with local agency provisions for tree preservation, removal, and replacement within shoreline jurisdiction and outside WSDOT right of way.

E.3 Vegetation Conservation: Regulations

- a. Clearing, grading, or vegetation removal within the required shoreline environment is prohibited unless associated with a use permitted under the provisions of this master program or considered exempt under WAC 173-27-040 (SMP Appendix A).*

Response: Some clearing, grading, and non-native vegetation removal will be necessary within the shoreline environment. This work is associated with the proposed improvements to the existing transportation use. Per SMP Chapter 6, Section F.5.I. and Table 7-1 Permitted Uses and Development, transportation facilities are an allowed use in the Puyallup River Urban Conservancy environment designation and are permitted under the SSDP process.

- b. During construction, shoreline vegetation shall be protected by placement of a temporary barricade/fencing at the edge of existing vegetation to be retained and implementation of appropriate erosion and sedimentation controls. All uses and developments permitted under this master program shall observe all applicable critical area buffers/existing shoreline vegetation to the maximum extent possible and shall establish 65% native vegetation landscaping coverage between permitted uses/structures and the OHWM to the extent feasible.*

Response: Temporary fencing will be placed at the edge of existing vegetation that is to be protected. Erosion and sedimentation controls will be provided and will be consistent with the WSDOT *Temporary Sediment and Erosion Control Manual*. The Project will restore disturbed areas with appropriate native plantings. The disturbed areas of the revetment banks will be restored with native shrub species.

Streetscape plantings are proposed along the SUP and improved roadways and vegetation preservation areas have also been preliminarily identified. For detailed

information regarding proposed landscape areas, see Attachment 11 – Draft Conceptual Landscape Plan.

- c. *Invasive and/or noxious plant species within the shoreline jurisdiction may be removed using minimally invasive processes, such as hand clearing. Cleared areas should be replanted with native vegetation to prevent erosion and suppress re-growth of invasive plants.*

Response: Within the project impact area, invasive and/or noxious plant species in the shoreline jurisdiction will be removed using minimally invasive processes. Any cleared areas will be replanted with native vegetation. See Attachment 11 – Draft Conceptual Landscape Plan.

- d. *Selective pruning of tree limbs for view protection is allowed in accordance with American National Standards Institute (ANSI) A300 standards and city approval. Removal of hazard trees is allowed in accordance with PMC 21.06.410 (1)(e) and/or all standards contained in the city's Vegetation Management Standards (VMS) manual.*

Response: No pruning of tree limbs for view protection is proposed. If hazard trees are discovered in the project area, removal will be consistent with PMC 21.06.410(1)(e).

- e. *Removal of noxious weeds and/or invasive species shall be incorporated in vegetation management plans, as necessary, to facilitate establishment of a stable community of native plants.*

Response: Within the project impact area, invasive and/or noxious plant species in the shoreline jurisdiction will be removed. Cleared areas will be replanted with native vegetation. See Attachment 11 – Draft Conceptual Landscape Plan.

- f. *Aquatic weed control shall only occur when native plant communities and associated habitats are threatened or where excessive weed growth creates a flood hazard by restricting flow. All aquatic weed control activities shall conform to the requirements of applicable state rules and regulations and should generally be accompanied by native riparian plantings to help mitigate the problem long term.*

Response: Not applicable. No aquatic weed control is proposed in the shoreline environment.

- g. *In accordance with RCW 77.55, and WAC 220-660-150 natural instream features such as snags, uprooted/felled trees, or stumps shall be left in place unless it can be demonstrated that they threaten personal safety, critical infrastructure, or create flood hazard for downstream properties. In such cases where debris poses a threat, it should be dislodged and repositioned to assure safety to adjacent or downstream structures/life but shall not be removed from the river or stream unless authorized by Washington Department of Fish and Wildlife (WDFW). Restoration projects should seek to include placement of large woody debris along banks and in-stream to provide habitat complexity and structure.*

Response: Not applicable. No in-water work is proposed, and no instream features will be disturbed.

F.2 Water Quality and Quantity: Policies

- a. *The City should manage stormwater through the City's Comprehensive Plan, Storm Drainage and Basin Modeling plan and storm water management regulations.*

Response: The Project will provide stormwater treatment consistent with the WSDOT Highway Runoff Manual, which Ecology has approved as equivalent to the Ecology Stormwater Management Manual.

F.3 Water Quality and Quantity: Regulations

- a. *All shoreline development shall comply with Puyallup Municipal Code, regulations related to water quality, including but not limited to relevant sections of Title 21.*

Response: See response to "F.2" above. Stage 2 construction will include enhanced stormwater treatment for all new pollutant-generating impervious surfaces in the Stage 2 area. See Attachment 9 – Draft Conceptual Hydraulic Report for details.

Chapter 7: Shoreline Use and Modification – Policies and Regulations

H.2 Filling, Grading, and Excavation: Policies

See combined response to Filling, Grading, and Excavation Policies (a) through (c) following the code excerpts.

- a. *Fill should not be allowed where shore stabilization works would be required to maintain the materials placed.*
- b. *Shoreline fill and excavation should be designed and located so there will be no degradation of water quality and no alteration of surface water drainage or flood waters which would result in a hazard to adjacent life, property, or natural resources.*
- c. *Clearing and grading should only be allowed in concert with permitted shoreline development.*

Response: The proposed project is consistent with the SMP Fill and Excavation policies. Shoreline fill is not proposed where stabilization work will be required to maintain the materials placed. Fill and excavation is designed and located to result in no degradation of water quality and no hazardous alteration of surface water drainage or flood waters. Clearing and grading will be limited to the permitted allowances. Also see response to "F.3" above and Attachment 8 – Technical Memorandum on Floodplain Impacts and Mitigation.

H.3 Filling, Grading, and Excavation: Regulations

- a. *Filling, grading, and excavation is allowed in the Puyallup River Urban Conservancy and the Clarks Creek Urban Conservancy environments only in association with a permitted use. Filling, grading, and excavation is prohibited in the Natural environment. Fill waterward of the OHWM shall require a Shoreline Conditional Use permit. Where allowed, filling, grading and excavation shall be the minimum necessary to accommodate the development and shall cause no impacts to ecological functions, including protection of channel migration processes.*

Response: Upland filling, grading, and excavation is proposed in the Puyallup River Urban Conservancy environment, which is consistent with the existing and proposed

transportation use. Grading activities are proposed on both the north and south side of the Puyallup River in the vicinity of the North Meridian Avenue bridge. No fill is proposed waterward of the ordinary high water mark (OHWM). No ground disturbance is proposed in Puyallup's shoreline jurisdiction for the work south of the SR 512 bridge to attach the proposed conduit. Also see responses to "D.2" and "D.3" above.

- b. *Fill shall be permitted only where it is demonstrated that the proposed action will not:*
- i. *Result in significant ecological damage to water quality, fish, and/or wildlife habitat; or*
 - ii. *Adversely alter natural drainage and circulation patterns, currents, and river flows or significantly reduce flood water capacities.*

Response: Fill placement is proposed only in upland areas that are already disturbed and contain existing fill, providing little habitat for wildlife. Fill placement has been designed to not reduce flood water capacities. As indicated in the Technical Memorandum on Floodplain Impacts and Mitigation (Attachment 8), the proposed grading will result in a net increase in flood water storage within the shoreline jurisdiction. Also see responses to "D.2" and "D.3" above.

- c. *Fill in areas waterward of the ordinary high water mark shall not be allowed, except where necessary to support: [i through vi]*

Response: Not applicable. No fill is proposed waterward of the OHWM.

- d. *Grading as a part of development for an authorized use, activity or shoreline modification should be as minimal as necessary and should seek to retain natural topography and native vegetation to the extent feasible. Grading of floodplain areas shall be in accordance with FEMA biological assessment requirements and should seek to retain existing contours and hydrologic features and functions to the extent feasible.*

Response: See responses to "C.3.i," "D.2," and "D.3" above.

K.2 Restoration

Not applicable. The Project includes transportation-related uses and modifications. Mitigation sites are not proposed within the City's shoreline jurisdiction; however, all proposed mitigation sites are situated adjacent to an existing stream, associated wetland, or ditch, providing some connectivity to other mitigation sites. Many of the mitigation sites are situated adjacent to other existing or planned mitigation sites or other open spaces that provides some terrestrial connectivity within the landscape. Mitigation site selection includes a watershed approach and represents an overall improvement in stream connectivity by increasing a network of closely linked instream refugia available to aquatic species. The design also improves habitat connectivity for terrestrial and semi-aquatic species by providing linkages to riparian upland and wetland habitat patches within the sites. The Stage 2 mitigation sites are anticipated to create a functional lift to compensate for project impacts to wetlands, streams, and buffers. See Section 6.2 Functional Lift in the WSMP (Attachment 7).

L.2 Shoreline Stabilization: Policies

Not applicable. No new or expanded structural shoreline stabilization is proposed. See "L.3" below for responses related to proposed activities within an existing revetment area associated with an existing stormwater outfall replacement.

L.3 Shoreline Stabilization: Regulations

- a. *Stream bank stabilization to protect new structures from future channel migration is not allowed except when such stabilization is achieved through bioengineering or soft armoring techniques with an applicable Hydraulic Project Approval permit issued by the Washington Department of Fish and Wildlife.*

Response: Not applicable. No new stream bank stabilization is proposed.

- b. *Bulkheads or revetments, where allowed, shall be designed, constructed, and maintained in a manner that does not degrade ecological function, including fish habitat, and shall conform to the requirements of the Washington State Department of Fish and Wildlife criteria and guidelines.*

Response: No new bulkheads or revetments are proposed. See response to “L.3.b” below for description of proposed activities within an existing revetment area associated with an existing stormwater outfall replacement.

- c. *Shoreline stabilization shall be limited to the minimum size necessary and shall incorporate design and construction techniques included in Washington Department of Fish and Wildlife Integrated Streambank Protection Guidelines to the maximum extent feasible. Proponents of new or replaced hard bulkheads or revetments must submit a geotechnical report providing evidence that erosion is not being caused by upland conditions. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. The analysis must demonstrate that “soft” shoreline protection measures or bioengineering erosion control designs will not provide adequate upland protection of existing structures or would pose a threat or risk to adjacent property.*

Response: The Project proposes in-kind replacement of the existing stormwater outfall located in the face of the existing revetment on the north bank of the Puyallup River, above the OHWM. The outfall has reached the end of its useful life; therefore, its replacement is required per WSDOT policy. There is not a realistic way to replace the end of the existing pipe without removing and replacing (in-kind) riprap that forms the face of the revetment. A geotechnical analysis is not included as the existing revetment or stormwater outfall is not being replaced due to erosion or drainage issues; rather, a limited area of the face of the revetment is being replaced in-kind to allow for replacement of the stormwater outfall. See Attachment 10 – Preliminary Puyallup River Stormwater Outfall Design Detail.

WSDOT is continuing to coordinate design review of the replacement with WDFW, the Puyallup Tribe of Indians, and Pierce County. The design-build contractor will also be required to provide a final geotechnical documentation package and final design consistent with WSDOT’s *Geotechnical Design Manual*, which includes provisions for development associated with steep slopes.

- d. *Replacement of lawfully established, existing bulkheads or revetments shall be allowed. The first priority for replacement of bulkheads or revetments shall be landward of the existing structure. The second priority for replacement of existing bulkheads or revetments shall be to replace at the structure’s existing location. Where engineering, geological or safety concerns exist, the bulkhead may be located waterward of the ordinary high water mark (OHWM). Proposals to replace bulkheads or revetments shall consider:*

- i. *Existing topography;*
- ii. *Existing development;*
- iii. *Location of abutting bulkheads; and,*
- iv. *Impact to habitat.*

Response: See response to “L.3.b” above. To allow for the in-kind replacement of an existing stormwater outfall, a limited area of the riprap revetment face will be replaced in-kind at its existing location, above the OHWM. See Attachment 10 – Preliminary Puyallup River Stormwater Outfall Design Detail.

Himalayan blackberry dominates the face of the existing revetment in this area. The Project will remove invasive species and include native species plantings post-construction.

- e. *No permanent non-water dependent structures or uses shall be placed in the floodway zone. Bank protection associated with bridge construction and maintenance may be permitted and shall conform to provisions of the State Hydraulics Code (RCW 77.55).*

Response: No new permanent shoreline stabilization structures or uses are proposed within the floodway zone. The Project includes expansion of the existing transportation facility within public rights of way that will result in some work within the floodway zone. As indicated in the Technical Memorandum on Floodplain Impacts and Mitigation (Attachment 8), the proposed grading will result in a net increase in flood water storage within the shoreline jurisdiction and no physical encroachments are proposed in the floodway that reduce flood conveyance capacity.

- f. *Trees and vegetation shading streams and rivers shall be retained or replanted when shoreline stabilization is placed or replaced.*

Response: Trees and vegetation shading the Puyallup River will be retained to the greatest extent possible in the outfall replacement area. Tree replacement on WSDOT property will be provided in accordance with WSDOT’s *Roadside Policy Manual*.

M.2 Signs: Policies

See combined response to Signs Policies (a) through (c) following the code excerpts.

- a. *The shoreline master program regulations related to signs shall, to the maximum extent possible, follow the policies and rules adopted in the city’s Comprehensive Plan and zoning ordinance (PMC 20.60).*
- b. *Signs should be designed, constructed, and placed so that they are compatible with the natural aesthetics of the shoreline environment and adjacent land and water uses.*
- c. *Free-standing signs should be located to avoid blocking scenic views and be located on the landward side of public transportation routes which generally parallel the shoreline where possible.*

Response: The Project is consistent with the SMP Signs policies. The signs proposed within the shoreline environment include one sign bridge over all lanes of North Meridian Avenue, north of the Puyallup River, and regulatory street signs that are required per the FHWA *Manual on Uniform Traffic Control Devices* (MUTCD) and the *WSDOT Design Manual*. The Project will also include wayfinding signs along the SUP. This trail feature will be placed on the landward side of the paved trail.

M.3 Signs: Regulations

- a. *Signs are allowed in the Puyallup River Urban Conservancy and Clarks Creek Urban Conservancy environments as a permitted use, where the underlying zoning designation allows such use. Signs are prohibited in the Natural environment, unless publicly authorized as interpretive signage for a restoration site or informational about ecological functions of stream and riparian processes.*

Response: The proposed signs within the shoreline jurisdiction are within the Puyallup River Urban Conservancy environment, and they are proposed as ancillary to the primary transportation use. A sign bridge is proposed spanning all lanes of North Meridian Avenue, north of the Puyallup River. This sign is located within WSDOT right of way and no zoning designation is mapped in this area. Wayfinding signage is proposed along the SUP. Regulatory street signs that are required per the MUTCD and the WSDOT *Design Manual* may also be included. All proposed signs are exempt per PMC 20.60.010 Exempt Signs. Signs that are exempt include “Directional, warning, identification or information signs authorized or required by federal, state or municipal governments, including traffic or pedestrian control/warning/direction signs” and “Signs regulating the use or identification of publicly owned parks and recreation facilities, including trail signage, when authorized by the city of Puyallup parks and recreation department.”

- b. *Signs shall conform to the standards of PMC 20.60 – Signs.*

Response: See response to “M.3.a” above. The proposed signs are considered exempt.

- c. *The following signs are prohibited in the shoreline jurisdiction:*
 - i. *Off-premise signs and billboards;*
 - ii. *Electronic message signs;*
 - iii. *Signs that flash, blink, rotate, move, or otherwise change position;*
 - iv. *Roof-mounted signs;*
 - v. *Advertising or signs erected, drawn, painted, or maintained on trees, rocks, or other natural features.*

Response: Not applicable. The signs listed above are not proposed in the shoreline jurisdiction.

N.2 Transportation: Policies

See combined response to Transportation Polices (a) through (h) following the code excerpts.

- a. *Plan, locate, and design roads, rail, and non-motorized systems and parking facilities where facilities will have the least possible adverse effect on shoreline resources. Where other options are available and feasible, new roads or road expansions should not be built within shoreline jurisdiction.*
- b. *New or expanded public transportation facility route selection and development should be coordinated with related local and state government land use and circulation planning.*
- c. *Transportation system route planning, acquisition, and design in the shoreline should provide space wherever possible for compatible multiple uses such as utility lines, pedestrian shore access or view points, or recreational trails.*
- d. *Trail space easements for non-motorized traffic should be required along roads in shoreline jurisdiction, where appropriate, and should be considered when rights-of-way*

- are being vacated or abandoned.*
- e. *New transportation facilities should be designed and located to minimize the need for the following:*
 - i. *Shoreline protection measures;*
 - ii. *Modifications to natural drainage systems; and*
 - iii. *Waterway crossings.*
 - f. *Public transportation routes, particularly arterial highways and railways, should be located, designed, and maintained to permit safe enjoyment of adjacent shore areas and properties by other appropriate uses such as recreation or residences. Vegetative screening or other buffering should be considered.*
 - g. *New river crossings should be minimized to the maximum extent feasible.*
 - h. *Transportation facilities should be located and designed to avoid public recreation and public access areas and significant natural, historic, archaeological, or cultural sites.*

Response: The Project is consistent with the SMP Transportation policies. The project has been designed to have the least possible adverse effect on shoreline resources, and space has been provided for a SUP that will provide multimodal non-motorized transportation accessibility and views of the shoreline environment.

N.3 Transportation: Regulations

- a. *Transportation facilities are allowed in the Puyallup River Urban Conservancy and Clarks Creek Urban Conservancy environments. Transportation facilities are prohibited in the Natural environment.*

Response: The transportation project is proposed in the Puyallup River Urban Conservancy environment.

- b. *Applications for new (excluding replacement of existing) or expanded transportation facility development in the shoreline jurisdiction shall include the following information:*
 - i. *Demonstration of the need for the facility.*

Response: The Project is needed to create system linkages, accommodate travel demand and capacity needs, and improve intermodal relationships. The SR 167 highway currently terminates in Puyallup at SR 161 (North Meridian Avenue) and does not connect to I-5 and the regional transportation highway system, leaving a major gap in the system. As a result, local streets and major transportation routes are at or over capacity given current travel demand. This situation is expected to worsen as travel demand for the Port of Tacoma and major roadways increases. The Project's purpose is to improve regional highway connections with an extension of SR 167 to serve current and future transportation needs in northern Pierce County and to enhance regional freight mobility and access to the Port of Tacoma, including improved bicycle and pedestrian mobility and safety in the region.

- ii. *An analysis of alternative alignments or routes, modes, or demand management, including alignments or routes outside shoreline jurisdiction.*

Response: The proposed transportation alignment is located within an existing public transportation corridor and within public rights of way. Alternatives were analyzed in the *SR 167 Puyallup to SR 509 Tier II Final Environmental Impact Statement and Section 4(f) Evaluation* (2006 FEIS) and Record of Decision issued by the FHWA in 2007. The Project is consistent with the preferred alternative.

- iii. *An analysis of potential impacts complying with the State Environmental Policy Act, including an analysis of comparative impacts of feasible alternative routes. (See the definition of “feasible” in Chapter 2.)*

Response: WSDOT is the lead agency for the State Environmental Policy Act (SEPA) review of the Project, which is a part of the SR 167 Completion Project that was evaluated in the National Environmental Policy Act (NEPA)/SEPA documentation under the *SR 167 Puyallup to SR 509 Tier II Final Environmental Impact Statement and Section 4(f) Evaluation* (2006 FEIS) and Record of Decision issued by the FHWA in 2007. A NEPA/SEPA re-evaluation was prepared in 2018 for Phase 1 of the SR 167 Completion Project (which includes Stage 2 work). WSDOT and FHWA are in the process of conducting an additional Stage 2 NEPA/SEPA re-evaluation to address the latest design refinements, which is anticipated in spring 2023.

- iv. *Description of construction, including location, construction type, and materials.*

Response: Within the shoreline environment, construction is proposed in two areas: North Meridian Avenue and SR 512. Construction in the vicinity of North Meridian Avenue will entail construction of an SUP within the North Levee Road loop and within the footprint of the existing bridge, expansion of North Levee Road on the inside of the roadway loop, and various improvements ancillary to transportation use, including signage, signals, illumination, and drainage improvements. This construction will require clearing and grading. Construction in the vicinity of SR 512 will entail installation of conduit on the underside of the SR 512 bridge. Work will take place from adjacent upland locations, and no ground disturbing activity is proposed within the shoreline environment.

The design-build contractor will determine the materials to be used for construction. Generally, streets will be constructed using hot mix asphalt (HMA). Curbs, barriers, sidewalks, and the SUP will be constructed with concrete where they are adjacent to roadways. Steel-post-mounted guardrails may also be used.

- v. *If needed, description of mitigation and restoration measures.*

Response: WSDOT has avoided direct impacts to wetlands and streams, and it is providing compensatory mitigation for the minimal riparian buffer impacts. See response to Chapter 5, “C.3.a” above, as well as Attachment 7 – WSMP.

- c. *New or expanded surface transportation facilities not related to and necessary for the support of water-oriented activities shall be located outside the shoreline jurisdiction if possible or set back from the ordinary high water mark to the extent feasible.*

Response: Expansion of the existing transportation facilities have been set back from the OHWM. Areas where roadway expansion is proposed are on the landward side of these roadways from the Puyallup River.

- d. *Construction of roadways and bridges may be permitted to cross streams and rivers and be located in designated riparian habitats and their buffers, subject to the performance standards in the critical area regulations (PMC 21.06.1030(5)).*

Response: No new roadways or bridges are proposed. Proposed improvements are within the existing bridge footprint. Existing bridge structures will not be modified.

- e. *Road designs must provide appropriate pedestrian and non-motorized vehicular crossings where public access to shorelines is intended.*

Response: The Project includes construction of an SUP for multimodal non-motorized use with crossings provided and an SUP connection to the existing Riverwalk Trail. See responses to Chapter “4.C.3.1” above.

- f. *Transportation and primary utility facilities shall be required to make joint use of rights-of-way and to consolidate crossings of water bodies where adverse impact to the shoreline can be minimized by doing so.*

Response: Utilities associated with the Project are located within the existing right of way and are proposed within the footprint of the existing bridge crossings.

- g. *New and expanded transportation facility development shall not diminish public access to the shoreline.*

Response: Project activities include an SUP, which will enhance connectivity to the Riverwalk Trail and public access to the City’s shorelines. See responses to Chapter “4.C.3.1” above.

- h. *All cut and fill slopes shall be stabilized and planted with native grasses, shrubs, and trees, which shall be maintained by the applicant until established.*

Response: All cut and fill slopes will be stabilized and planted with native grasses, pollinator-friendly plants, shrubs, and trees, where feasible, which will be maintained by WSDOT until established. See Attachment 11 – Draft Conceptual Landscape Plan.

- i. *Bridge supports and abutments shall be designed and spaced so they do not act as walls baffling or blocking flood waters, interrupt stream channel processes or littoral drift.*

Response: Not applicable. No new bridge supports or abutments are proposed.

- j. *Bridge approaches in floodways shall be constructed on open piling, support piers, or other similar measures to preserve hydraulic processes.*

Response: Not applicable. No new bridge approaches are proposed.

- k. *Waterway crossing shall be designed to provide minimal disturbance to banks.*

Response: Not applicable. No new crossings are proposed.

- l. *Transportation facilities shall be constructed of materials which will not adversely affect water quality or aquatic plants and animals over the long term. Elements within or over water shall be constructed of materials approved by applicable state agencies for use in water for both submerged portions and other components to avoid discharge of pollutants from splash, rain, or runoff. Wood or pilings treated with creosote, pentachlorophenol or other similarly toxic materials is prohibited. Preferred materials are concrete and steel.*

Response: Stage 2 construction will include enhanced stormwater treatment for all new pollutant-generating impervious surfaces in the Stage 2 area. The design-build contractor will determine the materials to be used for construction. Generally, streets will be constructed using HMA. Curbs, barriers, sidewalks, and the SUP will be constructed with concrete where they are adjacent to the roadway. Steel-post-mounted guardrail

may also be used. No submerged elements are proposed. No wood or pilings treated with creosote, pentachlorophenol, or other similar toxic materials are proposed.

- m. Non-emergency construction and repair work shall be scheduled for that time of year when seasonal conditions (e.g. weather, stream flow) permit optimum feasible protection of shoreline ecological functions and processes.*

Response: Construction within the shoreline environment will be scheduled for the time of year when seasonal conditions permit optimum feasible protection of shoreline ecological functions and processes.

- n. Transportation facilities shall be designed, constructed, and maintained to contain and control all debris, overburden, runoff, erosion, and sediment generated from the affected areas.*

Response: The transportation facility will be designed, constructed, and maintained to contain and control all debris, overburden, runoff, erosion, and sediment generated from the affected areas. Over water work will include containment structures capable of collecting all debris and substances from entering jurisdictional waters.

- o. Publicly owned road ends and rights-of-way that are deemed important for public access by the Administrator shall not be vacated or otherwise allowed to pass out of public ownership unless all of the criteria outlined in RCW 35.79.035 is met.*

Response: Not applicable. The proposed work is within publicly owned right of way, which is not being vacated or being passed out of public ownership.

- p. Pedestrian shoreline transportation facilities, such as footpaths and boardwalks, where permitted shall meet all standards of this section and shall be planned and developed in a way to minimize impacts to shoreline ecological functions.*

Response: The proposed SUP meets all standards of this section and is designed to minimize impacts to shoreline ecological functions. The SUP is located on the landward side of existing paved roads and trails from the Puyallup River.

- q. Private pedestrian footbridges across Clarks Creek and the Puyallup River are prohibited.*

Response: Not applicable. No private footbridges are proposed.

O.2 Utility Development: Policies

See combined response to Utilities Policies (a) through (e) following the code excerpts.

- a. Utility production and processing facilities, such as power plants and sewage treatment plants, or parts of those facilities that are non-water dependent should not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available.*
- b. Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, should be located outside of the shoreline area where feasible.*
- c. Utilities should be located in existing improved rights-of-way and corridors, whenever possible. Joint use of rights-of-way and corridors should be encouraged.*
- d. New utility installations should be located to eliminate the need for extensive shoreline protection measures.*

- e. *Stormwater detention and treatment facilities serving allowed uses should not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available.*

Response: The Project is consistent with the SMP Utilities Use policies. No production or processing facilities are proposed within the shoreline area. Proposed utilities are located in existing improved rights of way and are considered ancillary to the primary transportation use. No new shoreline protection measures are proposed to accommodate the proposed utilities. Stormwater treatment facilities are necessary to comply with drainage requirements. As the City will be maintaining these facilities, the City's request of proprietary water quality treatment is proposed to satisfy stormwater treatment needs. Proprietary treatment vaults are proposed within the shoreline environment, which is located along North Levee Road.

O.3 Utility Development: Regulations

- a. *Accessory utility facilities, such as those typical and normal to support and serve a permitted shoreline use shall be allowed in all shoreline environments. This will typically consist of new or relocated distribution lines and individual service lines.*

Response: The proposed utility improvements within the shoreline environment are ancillary to the primary transportation use. Per SMP Chapter 6, Section F.5.I. and SMP Table 7-1 Permitted Uses and Development, transportation facilities are an allowed use in the Puyallup River Urban Conservancy environment designation permitted under the SSDP process.

- b. *The following utility facilities shall only be permitted when no other feasible alternative exists to locate in the city's shoreline areas and shall only be permitted through a shoreline conditional use permit:*
 - i. *Utility production and processing facilities;*
 - ii. *Transmission facilities for the conveyance of services; and,*
 - iii. *Stormwater detention and treatment facilities (excluding infiltration facilities, such as rain gardens and permeable surfacing materials).*

Response: As the Project is proposed in an existing public transportation corridor that spans the shoreline jurisdiction, there are no feasible alternatives to locating the proposed utilities, which are ancillary to the primary transportation use, outside of the City's shoreline jurisdiction. As determined during a coordination meeting on June 16, 2022, and in follow-up email communication dated June 24, June 27, and July 5, 2022, the City planning department and Ecology shoreline representative agreed that the proposed drainage improvements are considered an ancillary element of the transportation use; therefore, they are permitted under an SSDP.

- c. *The following information shall be required for all proposals for primary utility facilities: [i through vi]*

Response: Not applicable. The proposed utilities are ancillary to the primary transportation use.

- d. *When feasible, utility lines shall utilize existing rights-of-way, corridors, and/or bridge crossings and shall avoid duplication and construction of new or parallel corridors in all shoreline areas.*

Response: The proposed utility lines are located within the existing transportation corridor and within the footprint of the existing bridge crossings. No new parallel corridors are proposed.

- e. *Location and design performance standards.*
- i. *New utility lines and facilities may be permitted to cross streams, riparian habitats, and their associated buffers, subject to the city's critical area regulations for public agency and utility exception standards and performance criteria (PMC 21.06.420 and PMC 21.06.1030(6)) and the additional standards in this section.*
 - ii. *Utility developments shall be located and designed so as to avoid or minimize the use of any structural or artificial shoreline stabilization or flood protection works.*
 - iii. *All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, EXCEPT in situations where no other feasible alternative exists. In those limited instances when permitted, automatic shut-off valves shall be provided on both sides of the water body.*

Response: The new utilities proposed in the North Meridian Avenue area are nearly all located outside of the riparian buffer, apart from unavoidable buffer impacts associated with the in-kind replacement of an existing stormwater outfall. Compensatory mitigation is proposed as described in responses to Chapter 5.C Ecological Protection and Critical Areas, above. No structural or artificial shoreline stabilization or flood protection works are proposed as a result of the proposed utilities. No underwater pipelines are proposed.

The proposed conduit crosses the SR 512 bridge and will be affixed to the underside of the bridge structure. No ground disturbing work will be required; therefore, no critical area impacts will occur as part of this work.

- f. *Construction of underwater utilities or those within the wetland perimeter shall be timed to avoid major fish migratory runs.*

Response: Not applicable. No utilities are proposed underwater or within wetlands.

- g. *As required by RCW 90.58.320, no permit shall be issued for any new or expanded building or structure more than thirty-five feet in height that will obstruct the view of a substantial number of residences on areas adjoining such shorelines. Height is measured according to Chapter 2, Definitions.*

Response: Not applicable. No building structures are proposed within the shoreline environment.

- h. *Storm water management facilities, limited to detention/treatment ponds or vaults, media filtration facilities, lagoons or infiltration basins, shall only be permitted in the shoreline jurisdiction when the following provisions in addition to PMC 21.06 performance standards are met:*
- i. *The storm water facility is designed and vegetated to mimic and resemble natural wetlands and meets applicable County or State storm water management standards and the discharge water meets state water quality standards; and*
 - ii. *Low impact development approaches have been considered and implemented to the maximum extent feasible, in accordance with the WA State DOE storm water manual, as adopted by the City of Puyallup.*

Response: The drainage improvements in the shoreline environment include proprietary treatment vaults, as requested by the City. These subsurface vaults are designed in accordance with the WSDOT *Highway Runoff Manual* standards, which Ecology has deemed equivalent to the WA State DOE stormwater manual. The design and installation of these vaults will be compliant with performance standards outlined in PMC 21.06.

Chapter 8: Administrative Procedures

C.1.c Shoreline Substantial Development Permit: Administrator Review Criteria

- i. Goals, policies, and use regulations of the SMP;*

Response: The proposed work is consistent with the goals, policies, and use regulations of the SMP as demonstrated in the code consistency review above.

- ii. Puyallup Comprehensive Plan and Municipal Code; and*

Response: The proposed work is consistent with the Puyallup Comprehensive Plan and Municipal Code.

- iii. The policies, guidelines, and regulations of the Shoreline Management Act.*

Response: The proposed work is consistent with the policies, guidelines, and regulations of the Shoreline Management Act.