

August 21, 2023

WSDOT Correspondence No. 167-0408

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**Subject: SR 167/I-5 to SR 161 – New Expressway Project (Stage 2 Project)
Compliance with City of Puyallup Critical Areas Regulations**

Ms. Katie Baker:

The Washington State Department of Transportation (WSDOT) proposes to construct the State Route (SR) 167/I-5 to SR 161 – New Expressway Project (Stage 2 Project), which would build a portion of the improvements to SR 167 within the City of Puyallup (City). The Stage 2 Project is the third and final stage of the SR 167 Completion Project and will include construction of a four-lane highway between SR 161 (North Meridian Avenue) and I-5, along with two new interchanges, and construction of a riparian restoration program (RRP) for Wapato Creek and additional mitigation areas. Stage 2 Project activities are located within unincorporated Pierce County and the cities of Tacoma, Fife, Milton, Edgewood, Puyallup, and Sumner. The majority of the Stage 2 Project area is within the Puyallup Tribe of Indians (PTOI) reservation boundary.

WSDOT has been in coordination with the City since June 2022 regarding the preliminary design for the Stage 2 Project and discussing the approach for local permits with the City. Consistent with the outcome of several coordination meetings, WSDOT has prepared this letter to document compliance with the City's critical areas ordinance (CAO) via the federal and state permits obtained for the Stage 2 Project. This letter provides CAO documentation for your records as they relate to wetlands, streams, and buffer impacts and mitigation. WSDOT will not seek separate permits for these critical areas for the Stage 2 Project from the City.

Other environmentally critical areas identified within Puyallup city limits include frequently flooded areas and aquifer recharge areas.

- A separate floodplain impacts memorandum (Attachment 1) has been prepared and was submitted for the City's review as part of the Stage 2 Project Shoreline Substantial Development Permit.
- A separate hydrogeologic report is being prepared to address aquifer recharge areas and will be submitted to the City when complete.
- The Design-Builder for the Stage 2 Project will prepare a final geotechnical documentation package and final design consistent with WSDOT's Geotechnical Design Manual.

WSDOT is coordinating with the PTOI and appropriate agencies to obtain necessary state and federal permits and approvals, in substantive compliance with local critical areas regulations, to

meet the construction start date in 2025. This letter is only intended to document consistency with the City’s CAO and does not address any other required permits or approvals.

Project Impacts Within Environmentally Critical Areas

WSDOT has prepared a Wetland and Stream Assessment Report and addendum (Attachment 2) which describe the wetlands and streams delineated within the Stage 2 Project’s footprint. Some of the wetlands proposed to be affected in Stage 2 were delineated as part of the SR 167 Stage 1a and Stage 1b projects. Additionally, a supplemental WSAR is appended to the Stage 2 mitigation plan to describe wetlands within the proposed mitigation sites. Section 4 of that report describes wetland and streams within Puyallup city limits that were not previously delineated as part of Stage 1a or 1b. The Wetland and Stream Mitigation Plan (Mitigation Plan; Attachment 3) describes the Stage 2 Project’s anticipated impacts on wetlands, streams, and their buffers, as well as proposed mitigation for those impacts. Table 1 below summarizes the Stage 2 Project’s anticipated permanent and temporary impacts to wetlands, streams, and buffers within Puyallup.

Table 1. Anticipated Permanent and Temporary Critical Area Impacts Within City of Puyallup

Impact Type	Permanent Impacts (acres)	Temporary Impacts (acres)
Wetland	4.16	0.05
Stream	0.03	0.15
Buffer	7.52	0.41

Compensatory Mitigation

In alignment with Puyallup Municipal Code (PMC) 21.06.920, Performance standards – Alteration of wetlands, and PMC 21.06.1020, Performance standards – Alteration of fish and wildlife habitat conservation areas, design of the Stage 2 Project has avoided and minimized impacts to critical areas throughout the project alignment to the greatest extent practicable; however, total avoidance is not possible. The corridor-wide mitigation approach included in the Stage 2 Project mitigation plan is designed to restore and enhance wetlands, increase stream length and width, enhance stream complexity, remove non-native species and replant with native species, and enhance fish and wildlife habitat. The mitigation approach has been designed in coordination with the United States Army Corps of Engineers, Washington State Department of Ecology (Ecology), and PTOI.

Once construction is complete, temporary impacts on wetlands, streams, and buffers will be mitigated in place. Ground surface contours will be restored, as necessary, in areas disturbed by construction to maintain hydrologic inputs to wetlands. Affected wetlands and buffers will be revegetated with appropriate native plants and seed mixes. Because most existing wetlands and buffers in the Stage 2 Project area are low quality, restoration is expected to enhance wetland and buffer functions by removing invasive species and by improving water quality and habitat functions.

WSDOT proposes wetland mitigation ratios recommended in the 2021 *Wetland Mitigation in Washington State Part 1: Agency Policies and Guidance*, unless local code is more stringent, in

which case ratios specified in the local code will be applied. As presented in Table 40 of the Mitigation Plan (Attachment 3), the City’s required mitigation ratios align with those of Ecology for the types of mitigation proposed for the Stage 2 Project (re-establishment, rehabilitation, and enhancement).

Compensatory wetland mitigation will be achieved by using remaining credits developed from the Stage 1b Project within the Hylebos Riparian Restoration Program (RRP); expanding sites within the Hylebos RRP; and establishing new mitigation sites within the Hylebos Creek, Wapato Creek, and Puyallup River basins. WSDOT may also purchase one Universal Credit from the Port of Tacoma Upper Clear Creek Mitigation Bank, depending on mitigation needs. See Figure 2 of the Mitigation Plan (Attachment 3) for locations of the proposed mitigation sites.

The Stage 2 Project’s mitigation proposal includes the use of excess rehabilitation credit within the Hylebos RRP, as described in Attachment 3 and in the SR 167 Stage 1b Project’s mitigation plan.

Additional mitigation sites selected for the Stage 2 Project within Puyallup city limits include:

- East Wapato RRP
- Freeman Road
- Puyallup North
- Puyallup South

Preliminary mitigation site plans are included in Section 5 of the Mitigation Plan (Attachment 3). Each mitigation site will have signs placed every 100 feet around its full perimeter.

Table 2 summarizes the Stage 2 Project’s corridor-wide permanent wetland, stream, and buffer impacts and proposed mitigation, separated by local jurisdiction. Table 3 shows the Stage 2 Project’s corridor-wide impacts and proposed mitigation, separated by drainage basin. Table 4 shows the Stage 2 Project’s impacts and mitigation within Puyallup, separated by drainage basin.

Table 2. Corridor-Wide Permanent Wetland and Stream Impacts and Mitigation (per Jurisdiction)

Jurisdiction	Wetland		Stream		Buffer	
	Impact (acres)	Mitigation (acres)	Impact (acres)	Mitigation (acres)	Impact (acres)	Mitigation (acres)
Edgewood	0.00	5.54	0.00	0.62	0.00	10.69
Fife	20.85	22.92	0.26	1.43	16.64	12.91*
Pierce County	0.04	8.73	0.00	0.02	0.30	1.28
Puyallup	4.16	33.03	0.03	1.12	7.52	25.01
Milton	0.00	0.01	0.00	0.00	0.02	0.01
Total	25.05	70.23	0.29	3.19	24.51	49.9

*This acreage does not include excess buffer mitigation credits from SR 167 Stage 1b Hylebos RRP, which are applied within the Stage 2 Project mitigation plan.

Table 3. Corridor-Wide Permanent Wetland and Stream Impacts and Mitigation (per Drainage Basin)

Basin	Wetland		Stream		Buffer	
	Impact (acres)	Mitigation (acres)	Impact (acres)	Mitigation (acres)	Impact (acres)	Mitigation (acres)
Hylebos Creek	20.23	24.41	0.26	1.03	12.1	17.32
Wapato Creek	1.37	14.95	0.00	1.21	6.63	9.87
Puyallup River	3.45	30.87	0.03	0.95	5.78	22.71
Project Total	25.05	70.23	0.29	3.19	24.51	49.9

Table 4. Within Puyallup: Permanent Wetland and Stream Impacts and Mitigation (per Drainage Basin)

Basin	Wetland		Stream		Buffer	
	Impact (acres)	Mitigation (acres)	Impact (acres)	Mitigation (acres)	Impact (acres)	Mitigation (acres)
Wapato	0.75	2.16	0.00	0.17	2.07	2.3
Puyallup	3.41	30.87	0.03	0.95	5.45	22.71
Project Total	4.16	33.03	0.03	1.12	7.52	25.01

In summary:

- **There will be no net loss of wetland acreage within the City of Puyallup.** Within the City limits, the Stage 2 Project mitigation sites will provide more acreage of both wetland and stream mitigation than the proposed impacts.
- **There will be no net loss of wetland acreage within the Wapato or Puyallup drainage basins.**
 - The Stage 2 Project mitigation plan provides extensive wetland mitigation that is significantly greater in acreage than wetland impacts.
 - The Stage 2 Project anticipates overall enhanced and increased wetland and riparian corridor functions within the project area.

Compensatory mitigation for stream impacts will be provided by increasing the total length, area, and complexity of stream channels within mitigation sites. Mitigation for permanent stream impacts is proposed at a 1.25:1 mitigation ratio.

Compensatory mitigation for buffer impacts will be provided through a combination of wetland reestablishment and enhancement and upland buffer enhancement within the perimeter buffer of the RRP. As stated in PMC 21.06.970 Wetland mitigation – Replacement ratios, all impacts to wetland buffers shall be mitigated at a 1:1 ratio. As demonstrated in Tables 2 through 4, the Stage 2 Project far exceeds the required buffer mitigation acreage.

The proposed mitigation is consistent with state and federal permit/approval requirements, as described in Attachment 3.

Regulatory Compliance

As described in this letter, the Stage 2 Project is in substantive compliance with the requirements of critical areas protection managed under the Growth Management Act (Revised Code of Washington [RCW] 36.70A) through the necessary state and federal environmental reviews. WSDOT will not apply for separate local critical areas permits, as WSDOT has plenary authority to “exercise all the powers and perform all the duties necessary, convenient, or incidental to the planning, locating, designing, constructing, improving, repairing, operating, and maintaining state highways” per RCW 47.01.260. WSDOT is coordinating with the appropriate agencies to obtain the state and federal permits and approvals required for the Stage 2 Project and all local agencies to document local CAO consistency.

Wetland mitigation requirements are defined in PMC 21.06.960 through PMC 21.06.980. The Stage 2 Project has reduced impacts to the extent practicable; temporary impacts will be restored on site following construction; and compensatory mitigation for direct impacts will reestablish and enhance wetlands consistent with local, state, and federal requirements. Consistent with PMC 21.06.610, compensatory mitigation is provided in the same drainage basin as the proposed impacts (see Tables 3 and 4).

Stream development standards are outlined in PMC 21.06 Article X, Fish and Wildlife Habitat Conservation Areas. Impacts on streams within the City’s jurisdiction are unavoidable but have been minimized to the extent practicable. WSDOT has determined that there is no practicable alternative to the proposed alignment, and the Stage 2 Project will comply with other local, state, and federal laws relative to the proposed stream relocation.

Please contact Logan Dougherty at DoughLo@consultant.wsdot.wa.gov or (425) 213-3654 if you have questions related to the Stage 2 Project’s consistency with the City’s critical areas regulations.

Sincerely,



Steve Fuchs, P.E.
SR 167 Completion Project | Project Manager
WSDOT Puget Sound Gateway Program

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cc: Courtney Soderquist, Aaron Fieser, Vivian Erickson, Greta Murdoff, Logan Dougherty,
Project File

Attachments:

Attachment 1: Technical Memorandum: Floodplain Impacts and Mitigation in the City of Puyallup, State Route 167/I-5 to SR 161 – New Expressway Project (SR 167 Stage 2 Project), August 2023 (see SSDP Application Attachment 8)

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Attachment 2: Wetland and Stream Assessment Report, State Route 167/I-5 to SR 161 – New Expressway Project (SR 167 Stage 2 Project), September 2022, and Addendum, August 2023 (see SSDP Application Attachments 6 and 6a)

Attachment 3: Wetland and Stream Mitigation Plan, State Route 167/I-5 to SR 161 – New Expressway Project (SR 167 Stage 2 Project), August 2023 (see SSDP Application Attachment 7)