COMMENTS AND RESPONSES

A

THE TULALIP TRIBES

Simpson Site

The Draft EIS discusses and depicts buffers around sensitive areas. Depending on the section of the document, proposed buffer widths vary. For example, Figure 4.5-6 depicts a 50 foot enhanced buffer along Wetland D, the third paragraph on page 4-99 states a 75 foot buffer will surround the Simpson Pad. It is the Tribes opinion that a 75 foot buffer, even though marginal at best, is preferable. Buffers along Wetlands N, D, C, V and the Snohomish River should be equal to or greater than 75 feet. A1

The sinuosity of the channel proposed as mitigation for the filling of Wetland W should be based on the proposed landscape characteristics and the type channel that would fit with those characteristics, not because a certain amount of mitigation needs to fit in that area (Appendix D). In other words the sinuosity may not be as great or regular as depicted. A2

It is unclear how the new Wetland V channel will interact hydrologically with the existing channel running through Wetland C. Will more flow be attracted to the new channel depriving the existing wetland of its current water source - Bigelow Creek? Will the new stream channel result in a different wetland, a wetland dependent on tidal fluctuation rather than constant freshwater flow? A3

Eclipse Mill Alternative

In the Eclipse Mill area of the proposed development it is preferable to have stormwater directed to the sanitary sewer as opposed to dispersion trenches?

The dispersion trench idea along the Snohomish may result in reduced bank stability. Changing pore pressures from increased sheet flow and subsurface flow within the bank itself, along with increased erosional force that will occur during significant rainfall events may destabilize the banks in this area. A4

We would strongly suggest the buffer along the northern section of the redevelopment be 75 feet rather than just 50 feet. The current proposal suggests a 50 foot buffer with a trail, effectively reducing it to a 30 to 40 foot buffer, which provides very little function. A5

The section of river where the redevelopment is proposed provides critical habitat for species of anadromous salmon. Salmon are culturally and economically important to the Tulalip Tribes. Protection and restoration of shoreline habitat in this section of river is essential and should have significant benefit - mainly because so little functional habitat currently exists. The proposed redevelopment should lead to improved ecological function to the shoreline and wetlands within the redevelopment area – if the enhancements and mitigation actions are implemented. The Tribes do not oppose redevelopment, if the City of Everett can show with certainty that the restoration, enhancement, and mitigation measures that were described are implemented. This can be accomplished by implementing them in A6

THE TULALIP TRIBES

advance of the redevelopment.

As we have stated in the past, The Tulalip Tribes remain concerned over future redevelopment of Everett's waterfront. The redevelopment that occurs now will determine the quality and quantity of critical habitat that will be present for the next 50 to 100 years. It is essential that when the opportunity occurs that restoration and enhancement benefits be maximized where ever possible. We therefore would strongly suggest that additional enhancements be added to the shoreline, and the buffers along the shoreline be increased to the widths suggested earlier. A7

Sincerely
The Tulalip Tribes of Washington

Kurt Nelson
Fish and Water Resources Scientist

Cc: Daryl Williams

RECEIVED
MAR 2 3 2008
CITY OF EVERETT
Planning Dept

THE TULALIP TRIBES

A

Cultural Resources Department
x̌alal?tx̌ʷ
6410 - 23rd Avenue N.E.
Tulalip, WA 98271-9694
(360) 651-3300
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The Tulalip Tribes are the successors in interest to the Snohomish Snoqualmie, and Skykomish tribes and other tribes and band signatory to the Treaty of Point Elliott

March 19, 2008

Mr. Allan Giffin, Director
Planning and Community Development
2930 Wetmore Ave, Suite 8-A
Everett, WA 98201

Dear Mr. Giffin:

I have reviewed the report done by NWAA. Report No. 07.006. And reviewed the December 7, 2007 or draft Environmental Impact Statement - Everett River Front, Redevelopment Report also Kurt Nelson's February 4, 2008 letter. I would recommend very strongly that the concerns outlined in his letter be seriously taken into consideration. Our cultural life ways go hand in hand with the quality of our natural resources. Our cultural life ways defines the care and use of our natural resources to maintain our cultural continuity.

Mr. Nelson's letter speaks to your plans are not clearly defined in the draft. Those concerns need to be addressed.

In going over the material there are a number of things that comes to the forefront of my mind, thoughts, and concerns about the proposed project. They are as follows:

1. The Elwha tragedy of a few short years ago, which is still being settled at cost.
2. The APE: From the mouth of the Snohomish River and up to the City of Snohomish and beyond. Is the area that holds the history of all our people.
3. Sadly the whole area has been damaged, by early development at a time when there was very little regard for the historical significance of the entire area.
4. However in regarding NWAA's report, we should not assume that there is nothing there of historical value. Number (1) previously mentioned should be taken into consideration.

A8

Particularly in reference to their report on Page 32. Recommendations, the second sentences. It implies that your plans are not all that clear for them to make a thorough evaluation. These concerns by Mr. Nelson and NWAA need to be addressed.

Sincerely,

Hank Gobin, Manager
Hibulb Cultural Center

Cc: Kurt Nelson
NWAA -- Chris Miss

TULALIP TRIBES

A1 Response:

Thank you for your comments. The quoted citation from page 4-99 was an error and the identified buffer width from DEIS Figure 4.5-6 of 50 feet is the proposed buffer width.

Appendices D and E in the Final Environmental Impact Statement (FEIS) contain a more detailed buffer function assessment. The present buffer conditions in the areas cited are non-existent to minimal and are all on average well below 50 feet in width. The proposal entails removal of invasive plants and debris, re-grading, addition of substantial volumes of engineered soils to provide a growing media and enhance water quality functions, and substantial planting of native plants which also increases available upland habitat surrounding the wetlands. The incorporation of rain gardens will help ensure sufficient hydrology for the plants to flourish and perform their nutrient removal and sediment trapping functions. The assessment provides documentation that these measures will enhance the present functions.

A2 Response:

An alternative mitigation design has been developed for the FEIS as a result of the project's redesign that reduced/avoided impacts largely in response to comments received and is outlined in FEIS Chapter 4.5 and the BA/HMP (FEIS Appendix D). The proposed fill of the west ditch (Wetland W) is no longer proposed and hence that impact is no longer in need of mitigation. Changes to the mitigation were brought about due to response to this and other comments as well as a substantial reduction in wetland impacts from 1.2 to 0.15 acres of wetland fill and 0.29 acres of wetland removal (wetland that becomes part of the river).

The revised mitigation, as outlined in this FEIS entails two components. One component is enhanced aquatic connections and associated habitat pools between these ditches and the Snohomish River and the other is removal of a hardened river edge and creation of a river pool with engineered large wood structures as riverine habitat.

Culverts will be removed in two locations of the Wetland V and W system running along the to-be-abandoned railroad corridor east of the landfill site. One set of culverts that are presently blocked will be removed at the south end of this area just north of the Simpson Pad Access road. The culvert section to the east was a principle connection to Wetland C but has been blocked by sediment and beaver activity and inhibits fish movement. The culverts will be removed and replaced by stream channel and a habitat pool. A similar replacement will occur at the present Wetland V/W outlet. The eastern track bed in this area will be covered with a suitable depth of topsoil and planted with native vegetation providing a substantial new buffer zone. The tracks in this area presently run immediately along the Wetland C edge.

One proposed habitat pool provides a 1.25 to 1 replacement ratio for the palustrine wetland impacts, while the pool proposed as mitigation for the boat access has a 1.65 to 1 ratio. The revised proposal will remove the existing hardened edge along the river presently supporting railroad track. The edge will be sculpted back to create a less severe face, will reduce erosion and allow for planting on the edge as well. The area will be protected by two anchored log jams on either side of the creek mouth which will also provide enhanced instream habitat functions. This area has been revised to avoid impacting the northern extent of the stream along the landfill edge, and two nearby wetlands.

Further wetland impacts were eliminated by pulling development on the landfill further west and away from the stream identified as wetland W. This change will provide for a 40 foot vegetated slope along most of the eastern edge of the landfill parcel which presently has virtually no buffer and offers little, if

any function. (The "40 foot slope" consists of a 2:1 grade rising 14 feet over 28 lineal feet, followed by a gentler 2% slope over 12 lineal feet.) This change results in a separation of about 65 feet from Wetland W (which includes the gravel surface over the slurry wall). The planted buffer in this area will be low growing and shallower rooting plants due to the landfill liner and need to protect the landfill from disturbance.

A3 Response:

Please see the previous response. Under the revised preferred alternative there would be no reduction of freshwater volume to Wetland C. At the very least, the new flow should eliminate the pockets of stagnant water that presently occur during low flows, hydrate more area, and provide substantially greater off-channel rearing area for salmonids. The hydrologic connection between these two wetlands and Wetland C will be greatly enhanced to provide better continuity that fits well with future plans being developed by the City to restore the wetlands and other habitat areas within the project area.

As discussed in response to the Ecology comments (see Response B8), the proponent and the City are committed to a plan to provide a greater tidal connection between the Snohomish River and Wetland C. As your question suggests, planning for this action involves careful hydrologic analysis to ensure the actions result in net benefits to the functions that can be provided by Wetland C. Those studies are contracted by the City and will not be complete for several months.

A4 Response:

An additional stormwater alternative for the Eclipse site that utilizes rain gardens has been developed for the FEIS. While the infiltration rate for this area is assumed to be comparatively low (the actual rates will depend upon the nature of the final fill placed on the area), there is sufficient area for rain gardens to fully treat and infiltrate the stormwater that is projected to be generated.

Similarly, until the condition of soils is known, the discharge overflows to the River will require analysis at the final design phase. As your letter suggests, conditions from the overflows, if not properly designed, can lead to erosion and slope failure. During design the soils affected by the outfalls will need to be analyzed along with the slopes (which at this point we understand to be 3:1) to assess if they can operate without erosion or if these areas will require additional design detail. If the soils are not sufficient alone to prevent erosion, techniques such as planting the area with slope stabilizing vegetation, use of rock pads (typically 2 feet wide and at least 6 inches deep) or other methods can be employed. A final alternative would be to use under-drain pipes and convey the overflow to a permitted discharge location.

A5 Response:

Please see response to Department of Ecology Comment #B-8 as well as the revised Wetland Report and revised BA/HMP in this FEIS.

A6 Response:

Mitigation for the impacts created by the proposal will be implemented in advance or concurrently with the redevelopment activities. Work on the buffers will necessarily need to be integrated with the grading and railroad abandonment activities. Work on the habitat pools and creek connections should be done at the same time. Work associated with the boat access will require federal approvals that will dictate the timing of those activities although it will be preferable to have that work done as early as feasible.

As discussed in response to the Ecology comments the proponent and the City are committed to a plan to provide a greater tidal connection between the Snohomish River and Wetland C. The restoration plan is proposed to include modeling, surveys, and will evaluate priorities for improvements necessary to have a buildable plan which restores tidal process and functions in a majority of Wetland C (including dendritic channels). Timing for implementation of that portion of restoration may not occur before this Project is constructed, but should be near that time.

A7 Response:

As indicated in previous responses, an alternative mitigation plan has been developed that will increase functions in this area. Regarding buffer widths, please see response to Department of Ecology Comment number B-8 as well as the revised Wetland Report and revised BA/HMP in this FEIS

A8 Response:

Thank you for expressing your concerns regarding protection of the cultural values held by the Tulalip Tribes and its members. The letter referred to concerns about the impacts to natural resources (fisheries) and potential impact to areas of potential historic or cultural significance.

Regarding potential impacts to natural resources, the FEIS includes revisions relative to these subjects. In response to similar concerns voiced by Ecology, the approach to addressing buffers and its relationship to restoration actions have been revised. The potential wetland impacts have also been reduced and the mitigation for remaining impacts has been revised. The result is a number of elements that directly and substantially improve the resources including:

- Removing fish passage blockages on streams and connections to Wetland C and providing habitat pools associated with that action;
- Assurance that tidal restoration is established in the majority of Wetland C; and
- Soil enhancement as well as re-planting and creation of buffers throughout the project area including conversion of a rail bed to native vegetation.

These actions will result in dramatic improvements to natural resources. The revised BA/HMP identifies how the present buffer conditions are providing low functions at best and the functions will all be substantially improved. The stream and wetland projects will open up substantial rearing habitat for fish that presently has minimal access and lacks connectivity. These actions are responsive to the need to protect and enhance these valued natural resources.

As to protection of potential historical resources we share your concerns of avoiding a catastrophe such as occurred in the Port Angeles excavation. The Cultural Resources Report and the DEIS set forth a clear process to ensure such an event does not occur here.

The conclusion in your letter that plans are not sufficient to determine the potential for impacts is, perhaps, a misunderstanding of the purpose of the statement. The report provides a clear basis for understanding what types of activities have a risk of encountering or disturbing a potential historic place or artifact. Essentially, any excavation or physical intrusion below fill imported and placed above the native soil layers has a potential for an encounter of significance. The uncertainty is that plans are not, and will not until final designs, be of a detail that identifies exactly where such excavations or intrusions could occur. It is certain as to what types of activities have the potential for such occurrences. These include:

- A minor potential for some utility trenches to extend to native soils below fill on the Simpson Pad (although highly unlikely due to the depth of such material after additional fill extending more than 10 feet) and on the Eclipse Mill site;
- During drilling of holes for stone columns to prevent liquefaction damage on portions of the Simpson Pad (although these are comparatively small holes) or for piling in the event Alternative 2 was implemented;
- During excavation for further wetland restoration activities (although this would undergo additional environmental review which would result in opportunities to refine the potential for impacts).

To ensure the activities do not create a problem the DEIS included as proposed mitigation (see Executive Summary Table ES-9), "Monitoring of excavation should be conducted under the auspices of a Monitoring and Discovery Plan that details procedures to be followed by the project participants in the event there is discovery of archaeological materials."

B

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

February 4, 2008

Allan Giffen
Director and SEPA Responsible Official
Planning and Community Development
City of Everett
2930 Wetmore Avenue, Suite 8A
Everett, WA 98201

RE: Draft Environmental Impact Statement (DEIS) for the Everett Riverfront Redevelopment Project

Dear Mr. Giffen,

I am coordinating comments from the Department of Ecology on the Draft Environmental Impact Statement for the proposed Everett Riverfront Redevelopment Project. Comments are arranged by subject matter.

TOXIC CLEANUP

Chapter 5 – Built Environment, Page 5-5: Ecology has recently become aware that some railroad ballast in Western Washington contains elevated levels of arsenic. Ballast on site should be tested prior to disposal. B1

Chapter 5 – Built Environment, Page 5-141: Methane gas has been found on the Eclipse Mill/Port of Everett site. This gas may be caused by the decay of buried refuse at this location, but could also be caused by the decay of wood debris from mill operation or even by decay of peat soils in the area. The Eclipse Mill/Port of Everett site is not covered by the Everett Landfill Tire Site Consent Decree. B2

FLOODPLAIN MANAGEMENT

Discrepancy in data regarding flood elevations: The project roughly encompasses the area consisting of cross sections L, M, N and O on the FEMA maps. This area can be seen as highlighted on attached composite of Panels 1030 and 1035 of the effective Flood Insurance Rate Map series for Snohomish County dated September 16, 2005; it also can be seen on the attached orthophoto of FIRM Panel 1035 that was issued in Preliminary form but is not yet effective. The most important elevation is the Base (100-year) Flood elevation (BFE). As is evident on these maps, the BFEs range from roughly 14 to 18 feet NGVD (National Geodetic Vertical Datum) through the project site on the effective FIRM. This equates to approximately 17 to 21 feet measured in NAVD (North American Vertical Datum), as can be seen on the attached Preliminary FIRM. There is a 3.7 foot difference in the datums. B3

The EIS states on page 4-32 that the BFE at cross section M is 16.02 NAVD. This is incorrect. The FIRMs contradict this, and the Floodway Data Table in the Flood Insurance Study (FIS) for the

Snohomish River shows the precise elevation of the 100-year flood to be 18.3 feet. The attached excerpts show the correct elevations from the Floodway Data Tables for the Snohomish River, both the effective and preliminary Floodway Data Tables. The text also says the 500-year elevation at cross section M is 18.58; viewing the Water Surface Profile in the FIS Text indicates that this elevation is actually about 19.8 feet NAVD.

The problem with this discrepancy is that if the incorrect elevations were used to prepare maps showing the floodplains, grading and other activities, these maps would be in error. This is because there is approximately a two-foot difference throughout the area between that which is published in the FIS by FEMA and that which is in the EIS Text and Appendix C (basically the same information is in both reports regarding flooding). Although it is unlikely that GeoEngineers re-did the floodplain modeling produced by West Engineers for FEMA, if that was the case and GeoEngineers came up with the lower elevations, they could not be used since they contradict and, indeed, are significantly lower than the FEMA elevations.

Floodway: The EIS Text and Appendix C only mention the floodway in general terms, i.e., that it is part of the FEMA flood hazard analysis and how, conceptually, it is applied. There is no mention of how the floodway specifically relates to this project. The EIS needs to have a section on where the floodway is in relation to the project and with an unequivocal statement that there will be no encroachments in the floodway per Everett's Chapter 30.050C. Questions include: B4

- What elements of the project will be affected by it? (e.g., is the trail in the floodway?)
- How these effects will be handled?

Impact of Floodplain on the development: There is no specific discussion of the extent of the floodplain and the impact it will have on development within the floodplain, other than the generalities mentioned above. Questions include: B5

- Will there be large fills to elevate buildings, or will other techniques be required, such as using flow-through construction?
- What are the precise areas in terms of acreage, square footage, etc. that are in the floodplain (assuming the correct elevations were used to delineate them, as noted above)?

Floodplain permits: If any of the actions described in Tables ES-1 through ES-8 in the Executive Summary are in the floodplain, floodplain permits will also be needed, unless the floodplain review is part of Shoreline permitting. The same is true for Table 2.2-1, Everett Riverfront Milestone Schedule, showing future dates for various permits (no floodplain permits were noted). Floodplain permits are required for any actions in the floodplain including grading, excavation, etc., not just for buildings. It is noted that floodplain permits are specified on page 3-3, but only for buildings. B6

Corrected map: A corrected Figure 5.1-4 was sent from the City on January 16, 2008 showing a slightly different floodway boundary for the Simpson Pad. This information does not conform to the effective or preliminary FEMA maps. If it based on better topography, it would be acceptable, but in view of the data discrepancies noted above, Ecology would need to see the data that was used to refine the delineation in this area. B7

SHORELINE

Alternative 1: The scale of development footprint for Alternative 1 is by far the largest of three alternatives, and would have the most significant environmental impact over the long term. There are also a number of issues concerning the size of wetland buffers. Specifically near the old B8

Simpson development pad and west of the retail development site (old landfill) by proposed town homes. More information about the specific size of these buffers is necessary to completely evaluate their adequacy to provide wetland protection. The narrow Snohomish River buffer on the extreme northern end of the site bordering proposed residential units is also a concern.

Alternative 2, Options 1 & 2: Consider Option 2 as a separate alternative, the design has significantly less impervious surface proposed for the Simpson pad than Option 1. Overall, both Options 1 and 2 have a significantly reduced development foot print than the preferred alternative and provide greater wetland and shoreline buffers. B9

Section 5.2 View Quality: The shoreline view analysis is very detailed and certainly more than adequate for the proposed retail/hotel area (old landfill site). The analysis however does not include Alternative 2, Option 2 proposed buildings on the Simpson site. The 77 ft. office building heights proposed under Option 2 are significant. These buildings should be evaluated for view impacts, if Option 2 is to be fully evaluated. If a view analysis is conducted for Alternative 2, Option 2, and it shows minimal shoreline view impacts, this option would have the least shoreline/wetland impacts. B10

Boathouse: The over water coverage of the proposed boathouse should be minimized. The cut and slope of the shoreline area should be the minimum needed to safely support the dock and associated water dependent activities. Ecology will need to review the draft design drawings for the boathouse/dock area before they are finalized. B11

Eclipse Mill Site (parcel C): The applicant should consider expansion of the 50 foot shoreline buffer in this area. The preferred alternative includes dense residential development is this area, which will significantly increase the level of activity and potential impacts on this stretch of the river shoreline. The developed area will be elevated 6 feet and the vertical shoreline will be sloped to mimic more natural conditions. Stormwater for this area should be carefully managed so that it does not drain directly into the shoreline buffer and the river. B12

WATER QUALITY CERTIFICATION

Wetland and In-Water Fill: The proposed action includes fill of 1.20 acres of wetland, fill of 927 linear feet of Wetland W, and excavation of uplands along the shoreline to construct a small dock and boathouse. The applicant will be required to obtain a Section 401 Water Quality Certification and Coastal Zone Management Consistency Determination from Ecology for this work.

Proposed mitigation includes: creation of 1.38 acres of riverine/tidal wetland, establishment of vegetated buffer zones, restoration of stream habitat, installation of large woody debris along Bigelow Creek, removal of two culverts, removal of approximately 50 creosote pilings from the Snohomish River, creation of pocket beaches, installation of log jams, and establishment of a native vegetation buffer zone along the river. B13

Once an alternative is selected, Ecology will need to review a detailed design to determine how water quality will be protected. Examples of information needed include construction techniques and best management practices (BMPs) for excavation of the shoreline, removal of culverts, and restoration of the creek.

General: Ecology suggests that the roles and proposals of Oliver McMillan and the City of Everett be more clearly defined in the final EIS. Based on Ecology's meeting with both agencies, it is now B14

clear that the DEIS covers Oliver McMillan's proposal and that the City's proposal will come later as a separate application. This was confusing in the DEIS. For example, some of the site plans (i.e., FS-1, 2.3-1, and 2.3-1B) show a second boathouse to the north, but this may be part of the City of Everett's proposal later on.

The type of vessels that will use the boathouse and dock needs to be clarified. Questions include:

- Will boats with motors use the dock?
- What size and volume of motorized boats will use the dock?
- What impacts can be expected from propellers associated with these boats?

B15

Has a hydraulics analysis been done to model the potential affects on Snohomish River flow (potential erosion of downstream property) from excavation of the boat basin?

B16

Appendix D, Biological Assessment and Habitat Management Plan, page 53: The proposed enhancement includes creation of pocket beaches. The location and construction details of these beaches should be noted in the text and on site plans. Questions include:

- What slope will the beaches have?
- How much material and what type of material will be placed to construct these beaches?

B17

Approximately 300 existing creosote-treated pilings are located along the shoreline near the project location. The estimated location of these pilings should be shown on a site plan, with the up to 50 pilings that will be removed as mitigation called out or highlighted. BMPs from the U.S. Environmental Protection Agency for Pile Removal and Disposal are attached for your reference.

B18

WETLAND COMMENTS:

Ecology supports the overall redevelopment project which has the potential for important economic revitalization on the subject properties and a benefit to the City of Everett. This project will improve the use of currently idle former industrial lands and offers the opportunity for significant environmental restoration. However, the current proposal fails to capitalize on important mitigation and restoration opportunities and poses the risk of significant degradation to high quality wetlands on the project site. For these reasons, Ecology has serious concerns with the preferred alternative as presented in the DEIS.

Preferred alternative wetland issues: Ecology's concerns center primarily on the potential impacts to the high quality wetlands adjacent to the Simpson Pad. Detailed comments on these issues are included in an attachment to this letter. We feel that an ecosystem-based approach to this project is the key to resolving the issues noted below for the adequacy of buffer widths and mitigation ratios.

B19

Wetland issues with the current proposal are related to three main topics:

- The need for an integrated wetland restoration plan.
- Wetland buffers for Wetlands C and D.
- Proposed mitigation replacement ratios.

Integrated Wetland Restoration Plan: Site redevelopment offers the opportunity for meaningful, integrated restoration of streams and wetlands on the site, and their linkage with the Snohomish River. The Simpson site has been identified as a priority for restoration in studies conducted by the City (Snohomish Estuary Wetlands Integration Plan [SEWIP] and SEWIP Salmon Overlay [Salmon

Overlay]). Both of these analyses, one for freshwater wetlands and the other for tidal wetlands, provide the justification for wetland replacement ratios identified in the EIS and document the gain in function that will be achieved by specific restoration actions identified in these watershed plans. This information is essential to the City demonstrating, with this project, that there will be "no net loss" in shoreline function as required by the Shoreline Guidelines. Section 33D.090 of the City's Shoreline Overlay District states *"area-wide and watershed-based plans adopted by city council shall be given substantial weight in determining whether impacts to wetlands and aquatic areas are adequately evaluated and compensated."*

Wetland Buffers: The DEIS proposes a 75-foot buffer on Wetland C (Category I) and a 50-foot buffer on Wetland D (Category II) stating that the proposed 75-foot buffer along the north side of the Simpson Pad (adjacent to Wetland C) is the most "efficient" buffer width for the project site (DEIS p. 4-99). Based on the current science, the buffers proposed for these high quality wetlands is a high risk approach to protecting wetland functions. The City's SMP (Section 33D.090.A.24) requires that buffers along the south side of the Category I wetland (Wetland C) be based on the results of a wetland analysis, habitat management plan (HMP), and buffer enhancement plan and that the City ask the appropriate resource agencies to review and comment on the development impacts and the provisions of the HMP (Section 33D.520). Other than inclusion as an appendix in the DEIS, Ecology has not been provided a copy of the project HMP, nor have we received a wetlands analysis or buffer enhancement plan for our review and comment. To determine the adequacy of the wetland buffers adjoining the Simpson Pad, a more rigorous assessment of the existing wetland and buffer conditions, based on current wetland/restoration science and accounting for the intensity of the proposed development, should be conducted. B20

Mitigation Replacement Ratios: Section 4.54 of the DEIS states that the minimum SEWIP replacement ratio for wetland impacts is 1:1 (replacement area: impact area) and proposes a replacement ratio of 1.15:1 (see Table 4.5-4 and p. 4-98). It appears that the incorrect formula may have been used to calculate the compensatory mitigation under the SEWIP guidelines. The Salmon Overlay (page 100), states "to replace palustrine wetland functions with palustrine wetland functions, the original SEWIP process and vegetated wetland model applies." The wetlands impacted by the current proposal are palustrine and the proposed mitigation is primarily palustrine. Therefore, the minimum replacement ratio in SEWIP is 1.25:1 to account for temporal loss. To compensate for the 1.2 acres of proposed wetland impact, 1.5 acres of wetland creation is needed to meet the 1.25:1 replacement ratio. B21

Of the development alternatives for the Simpson Pad discussed in the DEIS, Alternative 2, Option 2 (high-rise office towers) offers the greatest flexibility in site design and restoration options. Relative to the preferred alternative, Alternative 2, Option 2 is a lower intensity land use, has a smaller overall developed footprint, and presents the lowest potential for long-term wetland impacts. B22

As discussed during the meeting on January 22, 2008, all of the wetland impacts and proposed mitigation associated with the project will need to be identified before Ecology can issue a Water Quality Certification (WQC) decision. This will include clearly specifying which entity (the City or Oliver McMillan Everett, LLC) is responsible for specific impacts and mitigation. B23

Thank you for providing Ecology the opportunity to review and comment on the DEIS. We look forward to working with the City and Oliver McMillan LLC to resolve these issues.

Sincerely,

Rebekah R. Padgett
Federal Permit Manager
Shorelands and Environmental Assistance Program

Enclosures (3)

cc: Jonathan Smith, U.S. Army Corps of Engineers
Sheila Hosner, Governor's Office of Regulatory Assistance
Mary Cunningham, City of Everett Planning and Community Development
Bob Mueller, OliverMcMillan

E-cc: Geoff Tallent, Ecology
David Pater, Ecology
Paul Anderson, Ecology
Chuck Steele, Ecology
Erik Stockdale, Ecology
Stephen Stanley, Ecology
John Keeling, Ecology
Mark Adams, Ecology
Grant Yang, Ecology

ATTACHMENT

EVERETT RIVERFRONT REDEVELOPMENT
DRAFT ENVIRONMENTAL IMPACT STATEMENT

Wetland Comments

Ecology supports the overall redevelopment project which has the potential for important economic revitalization on the subject properties and a benefit to the City of Everett. This project will improve the use of currently idle former industrial lands and offers the opportunity for significant environmental restoration. However, the current proposal fails to capitalize on important mitigation and restoration opportunities and poses the risk of significant degradation to high quality wetlands on the project site. For these reasons, Ecology has serious concerns with the preferred alternative as presented in the draft EIS (DEIS). B24

Ecology recognizes that the City's Critical Areas Ordinance and Shoreline Master Program establish protective standards (e.g., buffer widths and mitigation) for critical areas. In most cases, those standards are separate and independent from the standards used by state and federal agencies for issuance of their respective permits. The Snohomish Estuary Wetlands Integration Plan (SEWIP) is one exception where, as a participatory agency, Ecology may defer to the local jurisdictions goals and standards for wetland permitting. The Corps is not a SEWIP signatory and is not bound by the restoration standards therein. There have been considerable advances in wetland and restoration science and management in the ten years since SEWIP was adopted. In reviewing applications for wetland impacts, both Ecology and the Corps Seattle District Office follow the recommended mitigation and buffer standards in *Wetland Mitigation in Washington State* (Ecology Publication Nos. 06-06-011a and 06-06-011b) (hereafter Mitigation Guidance). For the Everett Riverfront Redevelopment project, Ecology will review the proposed mitigation based on the standards in SEWIP, the City's Shoreline Master Program, and in the context of ecosystem restoration opportunities in the overall project area. Ecology's science-based mitigation guidance should be considered to determine adequacy of the wetland analysis required under Everett Municipal Code 19.33D.090 A.24. B25

Specific concerns and recommendations (below) are organized under three main comment areas: Integrated Wetland Restoration Plan; Wetland Buffers, and Mitigation Ratios. Comments regarding the DEIS alternatives and wetland permitting follow the specific concerns and recommendations.

<u>Integrated Wetland Restoration Plan</u>

Site redevelopment offers the opportunity for meaningful, integrated restoration of streams and wetlands on the site, and their linkage with the Snohomish River. The framework for the plan would center on the re-establishment of tidal flow to Bigelow

Creek and wetland C through breaching of the levee on the river, and reconnection of the creek with wetland C. It is unclear from the DEIS whether such an integrated approach was considered in determining the proposed mitigation. We feel that an ecosystem based approach to this project is the key to resolving the issues noted below for adequacy of buffer widths and mitigation ratios. B26

Section 33D.090 of the City's Shoreline Overlay District states *"area-wide and watershed-based plans adopted by city council shall be given substantial weight in determining whether impacts to wetlands and aquatic areas are adequately evaluated and compensated."*

The City has completed two watershed based analyses of the Snohomish estuary which serve as the scientific basis of the City's SMP policies for aquatic areas. Both of these analysis, one for freshwater wetlands and the other for tidal wetlands, provide the justification for wetland replacement ratios identified in the EIS and document the gain in function that will be achieved by specific restoration actions identified in these watershed plans. This information is essential to the City demonstrating, with this project, that there will be "no net loss" in shoreline function as required by the Shoreline Guidelines.

The SEWIP Plans identified the Simpson Lee Property as one of key restoration sites along the Snohomish River. Due to its size and location it will be an important factor in assisting in the protection and recovery of salmonids using the Snohomish River watershed. The restoration actions specified for the Simpson Lee property include tidal restoration of the degraded tidal wetland north of the Simpson Lee and stream, wetland and buffer enhancement the degraded freshwater wetlands and Bigelow Creek. A Habitat Enhancement Plan is identified as the appropriate mechanism for developing a comprehensive watershed or ecosystem based management plan for the site. Section 33D.090.24 of the Shoreline Overlay District recognizes the importance of using an ecosystem approach to restoring the wetlands complex on the Simpson Lee property by requiring the use of a comprehensive wetland analysis and habitat management plan. This comprehensive approach will allow the city to demonstrate whether the overall gain in functions from the restoration justifies a reduction in buffer width for the south end of the Category 1 wetland.

Presently, the mitigation plans and supporting analysis does not constitute a watershed or ecosystem approach as required by the City's SMP. There is little, if any, discussion of the importance of the wetland complex as a restored tidal and freshwater ecosystem. As a result there is no overall design for the wetlands onsite that treats the wetland complex as an integrated tidal fringe and freshwater water ecosystem. For example, the freshwater mitigation proposed on the north side of the degraded tidal wetland C in the rail corridor is not a sustainable design due to its artificial channel configuration and lack of recognition of the tidal fringe landscape setting. B27

Wetland Buffers

The DEIS proposes a 75-foot buffer on Wetland C (Category I) and a 50-foot buffer on Wetland D (Category II), citing the Settlement Agreement between the City and the

Tulalip Tribes, signed February 19, 2004 (Tulalip Settlement), as justification for these buffer widths along the Simpson Pad (see footnote 3, Table 2, of the wetland report). Section 4.5.4 of the DEIS states that the proposed 75-foot buffer along the north side of the Simpson Pad (adjacent to Wetland C) is the most "efficient" buffer width for the project site (p. 4-99). Section III.3.1 of the Tulalip Settlement states that 50 feet is the minimum buffer on the east, south, and west sides of the Simpson Pad and that 75 feet is the minimum buffer on the north side. This section also clearly states that if larger buffers are required by City ordinance or state law, the larger buffers shall apply. The Stipulated Settlement Agreement (Stipulated Settlement), signed December 3, 2004, amended the Everett Shoreline Master Program and supersedes the Tulalip Settlement. Regulation 22 of Stipulated Settlement Exhibit C (Buffers), states that Category I wetlands shall have a minimum 100-foot buffer, that Category II wetlands shall have a minimum 75-foot buffer; that wider buffers will be required to protect wetland and stream functions; and that except for specific conditions, in no case shall buffers be reduced by more than 50 percent.

Under the Mitigation Guidance that Ecology follows in reviewing wetland permit applications, the recommended buffer on Category I and II wetlands providing a moderate level of habitat function is 150 feet adjacent to a high-intensity land use. A 75-foot buffer is not consistent with the current scientific literature in protecting wetland functions in Category I and II wetlands adjacent to the intensity of development proposed for the Simpson Pad. We are not saying that a 150-foot buffer will be required for the Category I and II wetlands on the project site, but rather, based on the current science, a 75-foot buffer is high risk approach to protecting wetland functions. To determine the adequacy of the wetland buffers adjoining the Simpson Pad, and the proposed mitigation, a more rigorous assessment of the existing wetland and buffer conditions and functions should be conducted (see Integrated Restoration comments below). This assessment should be based on current wetland/restoration science and take into account the intensity of the proposed development on the Simpson Pad. B28

Mitigation Ratios

Section 4.54 of the DEIS states that the minimum SEWIP replacement ratio for wetland impacts is 1:1 (replacement area: impact area) and proposes a replacement ratio of 1.15:1 (see Table 4.5-4 and p. 4-98). It appears that the incorrect formula may have been used to calculate the compensatory mitigation under the SEWIP and SEWIP Salmon Overlay (Salmon Overlay) guidelines. Page 43 of DEIS Appendix D (Biological Assessment and Habitat Management Plan) states that the Tidal Habitat Model was used to determine the amount of compensatory mitigation. The Tidal Habitat Model, developed for the Salmon Overlay is for use with marine or estuarine wetlands. Guidance on which model to use is given in Section P.4 of the Salmon Overlay (page 100), which states *"to replace palustrine wetland functions with palustrine wetland functions, the original SEWIP process and vegetated wetland model applies"*. The wetlands impacted by the current proposal are palustrine and the proposed mitigation is primarily palustrine. B29

The minimum replacement ratio in SEWIP Policy G3A is 1.25:1 to account for temporal loss. To compensate for the 1.2 acres of proposed wetland impact, 1.5 acres of wetland B30

creation is needed to meet the 1.25:1 replacement ratio. An additional 0.12 acres of wetland creation is needed in addition to the 60,134 square feet (1.38 acres) of wetland creation proposed to achieve the 1.25:1 replacement ratio specified in SEWIP and the Stipulated Settlement. B30 cont.

By comparison, the recommended replacement ratio for Category III wetland creation in Ecology's Mitigation Guidance is 2:1, which for this project would require 2.4 acres of wetland creation. We would be happy to meet with your technical wetlands staff to review the SEWIP compensatory mitigation process and its application to the Everett Riverfront Redevelopment project. B31

More importantly, there are other mitigation opportunities available for the project that may provide greater environmental benefit. Were other areas for wetland mitigation considered before selecting the current proposal? If so, what were the criteria that led to selection of the current mitigation site and configuration? B32

The monitoring period proposed for the wetland and stream mitigation areas is not consistently specified in the DEIS. The project habitat management plan (HMP) states that monitoring will occur for at least five years or "as required by permit conditions" (P. 57); for a period of ten years, but only establishes performance standards for years 1, 3, and 5 (p. 59); or that monitoring may be extended if survival (plant) has not stabilized by the end of monitoring year 3" (p. 60). For Ecology's water quality certifications that involve planting trees and shrubs, monitoring is typically required for a minimum of ten years with measurable performance standards specified for each monitoring year. The monitoring plan should include both vegetation and hydrology performance standards. Prior to project completion, streams, wetlands, and their associated buffers on the project site should be protected through a long-term instrument such as a deed restriction or conservation easement. B33

Additional Detail on Integrated Restoration Approach

The proposed mitigation includes removal of inactive railroad tracks and rerouting a portion of lower Bigelow Creek within Wetland V to eventually reconnect the creek to the Snohomish River. Removal of the railroad tracks and creation of wetland and new stream channel will provide an environmental benefit. However, greater environmental benefit would be achieved if Bigelow Creek was restored further upstream and rerouted through Wetland C or Wetland D. It is unclear whether these options were considered in the Conceptual Enhancement Program and habitat management plan (HMP) and if so, why was the current proposal selected instead. Rerouting Bigelow Creek through Wetland C or Wetland D in conjunction with levee breaching or removal along the Snohomish River has the potential to provide significantly greater in-stream and off-channel salmonid habitat than the current proposal. The proposed mitigation site is essentially linear and considerably narrower than Wetlands C or D, which limits the restoration potential. Re-establishing tidal influence to Wetland C has been identified as a restoration priority in the Salmon Overlay (Wetland 311 in the Salmon Overlay). There is no mention of re-establishing tidal influence to Wetland C in the current DEIS mitigation proposal. B34

The DEIS wetland report (Appendix E) cites a number of studies that were reviewed in developing the mitigation plan, including the *Snohomish Riverfront Properties at Bigelow Creek: Conceptual Enhancement Program* (Conceptual Enhancement Program) prepared by The Watershed Company (2005). Section 3.4 of the Tulalip Settlement specifies that the City will conduct a habitat enhancement study for the restoration of Bigelow Creek and associated railroad ditches. There are two sections of the City's Shoreline Master Program (SMP) that address the need for environmental studies of the Simpson Pad site. SMP Section 33D.090.A.24 requires that buffers along the south side of the Category I wetland (Wetland C) be based on the results of a wetland analysis, HMP, and buffer enhancement plan. SMP Section 33D.520 also requires that where proposed development could impact fish and wildlife habitat (Bigelow Creek and the Snohomish River), a HMP shall be prepared for evaluation by local, state, and federal agencies and the City shall ask the appropriate resource agencies to review and comment on the development impacts and the provisions of the HMP. Other than inclusion as an appendix in the DEIS, Ecology has not been provided a copy of the project HMP, nor have we received a wetlands analysis or buffer enhancement plan for our review and comment. B35

The Conceptual Enhancement Program and HMP are included as appendices in the DEIS. The Conceptual Enhancement Program, prepared as a condition in the Tulalip Settlement, identifies a number of restoration scenarios (Program Elements) for Bigelow Creek and the Simpson Pad. The DEIS does not provide the rationale for selection of the current mitigation proposal (Program Element 5), or when, or if, any of the other seven restoration elements will be implemented. Before approving the WQC, Ecology will need to see a more detailed, comprehensive restoration plan that includes information on which of the Program Elements will be implemented, why those elements were selected, when they will be constructed, who is responsible for the selected elements (City or Oliver McMillan), and the project-area ecosystem affects of implementing those elements and the proposed development. B36

Alternatives Discussed in Draft EIS

Of the development alternatives for the Simpson Pad discussed in the DEIS, Alternative 2, Option 2 (high-rise office towers) offers the greatest flexibility in site design and restoration options. Relative to the preferred alternative, Alternative 2, Option 2 is a lower intensity land use, has a smaller overall developed footprint, and presents the lowest potential for long-term wetland impacts. Use of a site during business hours for commercial office towers is a much lower level of human activity than all-day high-density residential use. Additional impacts associated with residential versus office use include higher use of the buffer and critical areas by children and pets, noise, and water quality concerns (e.g., less coordinated application of fertilizers and herbicides for landscaping). B37

As discussed during the meeting on January 22, 2008, all of the wetland impacts and proposed mitigation associated with the project will need to be identified before the Water Quality Certification (WQC) can be approved. This will include clearly specifying B38

which entity (the City or Oliver McMillan Everett, LLC) is responsible for specific impacts and mitigation. B38 cont.

Thank you for providing Ecology the opportunity to express our concerns. We look forward to working with you to resolve these issues and ultimately approving the WQC. This project has the potential to be an economic boon to the City while at the same time providing meaningful ecological restoration to important natural resources.

WASHINGTON DEPARTMENT OF ECOLOGY (ECOLOGY)

B1 Response:

Arsenic naturally occurs in soils and rocks in western Washington and levels found in the ballast are likely related to the natural levels from the quarry where they were mined. The ballast is planned to be left in place at some locations or reused on site. If the ballast is determined to require offsite disposal it will be sampled and tested for arsenic levels, and the material will be disposed in accordance with appropriate environmental regulations.

B2 Response:

Quarterly monitoring of landfill gas at the Everett Landfill began in 1999. Buildings on and nearby the landfill were first monitored, with the monitoring expanded over time as the landfill gas collection system began operations. The northeast portion of the landfill and the Eclipse Mill/Port of Everett property area have been monitored since early 2002.

Near the area mentioned (Eclipse Mill and Port of Everett site), landfill gas is monitored in probes on these properties and also in and around the buildings. Methane has been detected in both the compliance probes along the north edge of the properties and near the buildings.

In 2004 the City installed a landfill gas collection system along the entire northern boundary of the landfill. A below ground trench at the very northern limit of the landfill, just south of the 36th ROW was installed and gas was being collected by year's end. After this system was installed landfill gas was still being detected at the probes within the Port's and Eclipse Mill properties. In 2005 the City installed a second trench specifically to capture any gas that could be migrating from the landfill toward these two properties.

The second trench installed is located on the eastern half of 36th Street along the north edge of the right-of-way. After the start up period for the second trench gas levels in the probes have diminished and results from the compliance probes have all been in compliance since fall of 2005. However, probes near the buildings on the Port property do indicate that methane is present in very low quantities, but can be found at concentrations above the regulatory compliance levels. Monitoring to-date has not been able to determine the source of the remnant gas.

The development on the Eclipse Mill property obtained by OM will include placing several feet of compacted soil fill that will cap this area and provide a barrier layer. Building or structures will be evaluated for the appropriate level of design and gas mitigation prior to construction.

B3 Response:

Work on analysis of flood impacts was subcontracted by GeoEngineers to West Consultants which provides modeling for FEMA. In response to this question West concluded they provided GeoEngineers incorrect data for the Stage, Total Flow and Channel Velocity that was subsequently used in the DEIS. The applicable sections of Chapter 4 have been corrected.

The correct FEMA elevations provided by West are about 0.06 feet lower than those from the 2005 FEMA Map. We believe the revised flood elevations presented in Section 4.3 of this FEIS are now correct.

As to the relationship between the flood elevations cited in the DEIS and the proposed grading elevations, these sections were prepared by different consultants using different sources. The grading plans were

drawn from the same map (FIRM) as forwarded by Ecology. Review in response to this and other questions identified some minor discrepancies in the grading plans that have been revised to assure a minimum of 2 feet of freeboard in all development areas and additional cross-sections have been provided to ensure this issue was thoroughly addressed throughout the proposed development area. Please refer to Figures 4.3-3 through 4.3-3G in the Revised Section 4.3 in this FEIS.

B 4 Response:

Please see revised Section 4.3. As indicated in that section the only activities proposed in the regulatory Floodway are portions of the public access trail and the boating area. The boating area is comprised of a float attached to piers and a ramp leading down from the boat house and plaza on the landfill parcel. The revised plans for this area detailed on Figure 12 of the Revised BA/HMP in this FEIS indicates that the boat house is now located in the slope of the landfill site and outside of the Floodway. The construction of this facility will occur fully landward of the mean high water elevation.

B5 Response:

Please see revised Section 4.3. The text now clearly explains that all buildings (other than the possible boathouse which will be on the landfill slope and on piling) will be located in areas that have a minimum of 2 feet of freeboard above the Base Flood Elevation (the 100-year flood). The boat house has been moved from an overwater structure and now will be on the landfill slope and will be more than 2 feet higher than the 100-year-flood elevation and likely also on piles.

There is approximately 73.27 acres of the proposed development that is located in an area defined as floodplain in the FEMA FIRM.

B6 Response:

The tables have been revised to include Floodplain Development Permits included in Shoreline Permits and applicable grading permits.

B7 Response:

The map referenced is based on a Letter of Map Revision that was approved by FEMA on April 24, 2007. The survey submission for this change and the City's map identifying the change and date are included in the in revised Chapter 4.3 of this FEIS.

B8 Response:

We assume the reference in the question relative to the landfill is "east" of the retail development as there are no townhomes proposed west of the proposed landfill site access road. Regarding the development on the landfill parcel the proposal has been revised to reduce impacts in that location. The development footprint on the landfill has been condensed. A "40 foot slope" consists of a 2:1 grade rising 14 feet over 28 lineal feet, followed by a gentler 2% slope over 12 lineal feet.) This change results in a separation of about 65 feet from Wetland W (which includes the gravel surface over the slurry wall). The slope will be vegetated with native herbs and shrubs.

A wetland buffer function assessment and revised wetland characterization report is included in the FEIS (Appendices D and E and Section 4.5). The proposal has been modified in response to this and other comments to entail the following:

- OliverMcMillan and the City have committed to the concept of a Memorandum of Agreement with the Department of Ecology for the development of a tidal restoration plan for Wetland C. This plan is proposed to include modeling, surveys, and will evaluate priorities for improvements necessary to have a buildable plan which restores tidal process and functions in a majority of Wetland C (including dendritic channels). Target for completion, 12-18 months; - pursue required permits to implement the plan and begin construction based on the priorities within 18 months of receipt of permits.
- Enhanced buffers of the widths outlined in the DEIS as well as inclusion of the increased width of the side slope along the landfill slope and conversion of the eastern railroad track bed adjacent to Wetland C into a buffer.
- The present buffer conditions are nonexistent to minimal and are all well below 50 feet in width. The proposal entails removal of invasive plants and debris, addition of substantial volumes of engineered soils to provide a growing media, enhancement of water quality functions and substantial planting of native plants. The proposed use of rain gardens will help ensure sufficient hydrology for the plants to flourish and perform their functions. These rain gardens will be designed to provide a stable shoreline edge / buffer and will be designed not to erode. The assessment provides documentation that these measures will enhance the present functions.
- OM will also underwrite the costs of piling pulls (up to 50) associated with the tidal plan.
- Enhance the wetland system by removing culverts in two locations running along the to-be-abandoned railroad corridor east of the landfill site. One set of culverts that are presently blocked will be removed at the south end of this area just north of the Simpson Pad Access road. The culvert section to the east was a principle connection to Wetland C but has been blocked by sediment and beaver activity and inhibits fish movement. The culverts will be removed and replaced by improved access channel and a habitat pool. A similar replacement will occur at the present Wetland V/W outlet (see Figure 12 in the Revised BA/HMP in this FEIS).

The eastern track bed in this area will be covered with a suitable depth of topsoil and planted with native vegetation providing a substantial new buffer zone.

Based on discussion with Ecology staff on this matter we believe there is an agreement that the sum of these activities sufficiently addresses Ecology's stated concerns regarding the adequacy of buffers and protection of wetland functions in the proposal.

B9 Response:

The DEIS identified few differences in impacts between the Preferred Alternative and the options under Alternative 2. The primary differences identified were an increased volume of stormwater that would need to be managed under the Preferred compared to the options in Alternative 2, especially the second option (of taller buildings); the potential for less control over use of chemicals in lawn and other maintenance; and an increased presence of pets under the Preferred Alternative. A potential for greater view, light and glare impacts were identified for Alternative 2 especially option 2. Alternative 2 would also result in a shift of the housing from this site to some other location in the region with a potential to have other impacts, and recreational amenities other than the trail would not be developed on the Simpson Pad under Alternative 2. The differences noted between the Alternatives are minimal in terms of the overall impacts and did not result in any unavoidable and unmitigated adverse impacts. As it relates to the issues in which the Preferred Alternative has the potential for a greater impact the DEIS identified measures to adequately address those impacts (as noted in the Executive Summary) including:

- Treatment methods for Simpson Pad stormwater using the methods outlined should have no adverse impacts on the water quantity or quality of the receiving wetlands and in fact are likely to improve wetland hydrology and edge function above current conditions.
- Private development regulations to govern residential uses to minimize human impacts including restrictions on chemical uses, external lighting, native plant use, pet care, etc.

B10 Response:

The DEIS did not describe the type of vegetation that would occur in the open space areas under Alternative 2. It could include grassy areas or a combination of grass and native species. While the additional vegetation would likely result in additional buffer functions, the Preferred Alternative, with the proposed buffer enhancements will not result in significant adverse impacts to the critical areas. Under all alternatives, buffers will be improved over existing conditions.

The analysis in the DEIS indicating "5 Story Office Buildings" represent buildings 77 feet above grade so the impacts have been analyzed. Also see the previous response. While these taller buildings would have a more compact footprint than other alternatives the DEIS did not identify any substantial differences in impacts among the alternatives and did not identify any significant adverse impacts that could not be mitigated under any of the alternatives.

B11 Response:

The design for this area has been revised and over water impacts have been reduced with the boat house being moved to the landfill slope and away from the water altogether. As to the cut into the shoreline that has been changed somewhat as well. Please note, however, that the area selected for this boating facility is an armored and eroding bank. Leaving this area alone would likely result in continued impacts along this shore edge. The design of the cut is intended to relieve the pressure at this point in the river by softening the edge, using log jams to buffet currents during high energy flows, and provide areas that can allow retention of shoreline vegetation (that is presently absent in the affected area).

B12 Response:

Please see the buffer function analysis which is part of the amended BA/HMP. The report provides documentation that the proposed 50 foot buffer will increase functions from what they are now.

The stormwater system for this area has been revised and included as part of this FEIS to include use of rain gardens including along the outside edge of the buffer in this area. The rain gardens will generally be wet and underlain by fairly soft soils that will inhibit human passage. The trail and buffers will be clearly marked. The trail will likely have substantial public use given its connection to other aspects of this development. The public nature of the trail will deter residents from encroaching into the buffer areas. The housing proposed in this area is attached structures. Such housing will have homeowner associations that will manage common areas including adjacent to the buffer that will protect the buffer areas.

B13 Response:

Thank you for the information regarding the submittals needed for Ecology's issuance of the Section 401 Water Quality Certification and Coastal Zone Management Consistency Determination for the project. As described earlier, the proposal has been revised and the impacts have been reduced to 0.43 acres of wetland impact (0.15 acres of fill and 0.29 acres of wetland removal by incorporation into expanded Snohomish River habitat). Mitigation has also been revised.

B14 Response:

Clarification has been made to Figures 2.3-1, 2.3-1A, and 2.3-1B to identify elements that are not part of OliverMcMillan's proposed activities.

B15 Response:

The boathouse is proposed for use by the local Everett Rowing club. It is assumed the dock will also be used by kayaks and canoes. The rowing teams are typically accompanied by a motorized "launch". It is possible other small power boats may also temporarily use the dock. Detailed plans will include consideration of impacts from motorized watercraft including propeller wash.

B16 Response:

A hydraulic analysis has not been completed. The small inlet created for the boat dock and the backwater slough channel involve reduced riverbank slope, less armoring and added vegetation which will actually slow floodwaters such that it should have no detrimental effect and should provide improved shoreline function.

B17 Response:

Plans at this stage are conceptual. The present plan does not propose creation of beaches.

B18 Response:

FEIS Figure 1 identifies the areas of pilings and where they are proposed to be removed by this project is included at the end of FEIS Section 4.5.

B19 Response:

Please see Response B8. The commitment to a concept of ensuring a plan for tidal processes is developed and implemented, as you know, was done in collaboration with Ecology to address these concerns. We thank Ecology staff for their willingness to develop a constructive solution to addressing this issue.

B20 Response:

Ecology points out that there is no one size fits all answer to appropriate buffer widths. "The science does not say that a 100-foot buffer will protect a certain kind of wetland, whereas a 95-foot buffer will not. Instead, scientific information on buffers clearly states that buffers are important, that they perform many functions that are critical to maintaining wetland functions, and that a wide range of buffer widths provides a variety of benefits depending on a number of factors."[1] "Part of the process for determining appropriate buffer widths recommended are issues including policies and plans such as landscape-based plans (such as Green Infrastructure), comprehensive plans, subarea plans" and " Non-regulatory activities such as incentives that encourage conservation, restoration, and preservation through voluntary efforts".[2]

We believe the DEIS and FEIS demonstrate that the broader issues that Ecology recommends be considered in wetland protections have been addressed. It must be remembered that this site is not a proposal to develop previously un-urbanized land. As such, discussion in Wetlands in Washington State about impacts and risks inherent in "urbanization" are not the appropriate consideration for this project.

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[1] Wetlands in Washington State, Volume 2 Guidance for managing Wetlands, April 2005 page 1-11

[2] Ibid, page 1-2

The Simpson Pad proposed for development has been a mostly unvegetated fill of a former mill for nearly three decades. Several sections of the DEIS and FEIS describe in detail how most of the area within the project site has been used by humans for over a century with intensive uses. The result is a radically altered landscape that differs from its pre-development processes. Watershed hydrology has been altered by upstream urbanization and stormwater runoff. Wetlands have been filled, and creeks now flow in different directions than they originally did. As the uses have changed the land has slowly been allowed to recover some of the processes, including allowing wetlands to re-form in areas that were once industrial sites. Rather than arrest these transitions, planning and policy decisions have been made to allow some of these areas to revert to natural areas. Human barriers to the wholesale reversion to functioning natural areas still exist including the BNSF mainline, I-5, the landfill, Lowell neighborhood, etc.

Ecology suggests that communities can and should incorporate "Smart Growth concepts" into land management.[3] Indeed the Smart Growth examples cited in Wetlands in Washington State are found in the planning processes leading to this Proposal.

> *The concept of Smart Growth and its guiding principles can be applied through a variety of mechanisms. Land-use policies using Smart Growth principles encourage mixed-use zoning, limited outward expansion, higher density development, reduced travel, revitalization of urban centers, and preservation and restoration of open space essential to maintaining critical areas and landscape processes. Examples of planning tools using Smart Growth principles include Green Infrastructure planning and Alternative Futures analysis. Both are discussed later in this chapter.*
>
> *Regulatory practices applying the Smart Growth concept focus on reduction of impervious surfaces, maintenance of tree and vegetative cover, compact building design, etc. Low impact development (LID), traditionally applied as a technical approach to reducing stormwater impacts from developed lands, conceptually falls within the parameters of Smart Growth principles as well. Non-regulatory programs adopted using Smart Growth approaches emphasize preserving and restoring core greenspace areas.*
>
> *Preserving and restoring these areas is most effective when non-regulatory and regulatory tools are both applied.*
>
> *Smart Growth planning offers the opportunity to take a proactive and resource-based approach to minimizing cumulative impacts on the landscape while maximizing environmental processes that benefit the community. At its best, Smart Growth has the potential to help direct future growth in ways that maintain or improve landscape processes and promote a healthy, functioning environment.*
>
> *Washington's GMA incorporates some Smart Growth considerations in the directives for the use of critical areas ordinances, concentrating urban development and infrastructure, and conserving resource lands for long-term use. Many of the other Smart Growth elements that are planning and implementation tools can certainly be applied within the GMA context to bring the best land management practices to Washington.*[4]

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[3] Ibid page 6-6

[4] Ibid pages 6-6, 6-7

The City and others have been planning the re-use of parts of this property for decades. Plans have considered the broader landscape as recommended by Ecology. (See for example DEIS Sections 1.2, 1.3, and 5.1) The proposed buffer widths were determined after considering a myriad of factors including input from Ecology (SMP process). The culmination of these planning processes is a decision to revitalize this area of the urban landscape for mixed uses while preserving and enhancing open spaces and critical areas. The project as proposed, utilizes Low Impact Development techniques to manage impacts (see DEIS Section 4.4). While it has not completed the specific plans, the City is proposing restoration and enhancement of additional critical areas (DEIS Section 2.2).

The Proposal contains non-regulatory measures as suggested in Wetlands in Washington State. These include:

- Residences will be placed and oriented away from the wetland areas to minimize impacts and full cut-off light fixtures will be required to prevent light impacts onto the wetland areas (DEIS Section 5.2.12.4).
- Proposed mitigation includes private development regulations to govern residential uses to minimize human impacts including restrictions on chemical uses, external lighting, native plant use, pet care, etc.
- Signage and education related to plant and wildlife protection; and clearly establish public access points to guide pedestrian traffic onto pathways and protect vegetation and wetlands.

A wetland buffer function assessment and revised wetland characterization report is included in the FEIS (Appendices D and E and Section 4.5). The proposal has been modified in response to this and other comments to entail the following:

- OliverMcMillan and the City have committed to the concept of a Memorandum of Agreement with the Department of Ecology for the development of a tidal restoration plan for Wetland C. This plan is proposed to include modeling, surveys, and will evaluate priorities for improvements necessary to have a buildable plan which restores tidal process and functions in a majority of Wetland C (including dendritic channels). Target for completion, 12-18 months; - pursue required permits to implement the plan and begin construction based on the priorities within 18 months of receipt of permits.
- Enhanced buffers of the widths outlined in the DEIS as well as inclusion of the increased width of the side slope along the landfill slope and conversion of the eastern railroad track bed adjacent to Wetland C into a buffer.
- The present buffer conditions are nonexistent to minimal and are all well below 50 feet in width. The proposal entails removal of invasive plants and debris, addition of substantial volumes of engineered soils to provide a growing media, enhancement of water quality functions and substantial planting of native plants. The proposed use of rain gardens will help ensure sufficient hydrology for the plants to flourish and perform their functions. These rain gardens will be designed to provide a stable shoreline edge / buffer and will be designed not to erode. The assessment provides documentation that these measures will enhance the present functions.
- OM will also underwrite the costs of piling pulls (up to 50) associated with the tidal plan.
- Enhance the wetland system by removing culverts in two locations running along the to-be-abandoned railroad corridor east of the landfill site. One set of culverts that are presently blocked will be removed at the south end of this area just north of the Simpson Pad Access road. The culvert section to the east was a principle connection to Wetland C but has been blocked by sediment and

beaver activity and inhibits fish movement. The culverts will be removed and replaced by improved access channel and a habitat pool. A similar replacement will occur at the present Wetland V/W outlet (see Figure 12 in the Revised BA/HMP in this FEIS).

The eastern track bed in this area will be covered with a suitable depth of topsoil and planted with native vegetation providing a substantial new buffer zone.

Based on discussion with Ecology staff on this matter we believe there is an agreement that the sum of these activities sufficiently addresses Ecology's stated concerns regarding the adequacy of buffers and protection of wetland functions in the proposal.

B21 Response:

As described earlier the amount of impact has been reduced from 1.2 to 0.43 acres. The mitigation plans have also been revised and can be found in the amended section 4.5 and the amended BA/HMP. Based on the revisions the mitigation proposed is 1.25:1 for the wetlands associated with the road to Pacific Avenue and 1.65: 1 for the boat basin impacts. These ratios are equal to or greater than the 1.25: ratios that are required by SEWIP and applicable ordinances.

B22 Response:

Please see response to B 9. There are no restoration options that have been identified in the Project Area that would be impacted by any of the Alternatives.

B23 Response:

Clarification has been made to Figures 2.3-1, 2.3-1A and 2.3-1B in the FEIS to identify the limits of OliverMcMillan's proposed activities.

B24 Response:

Please see the Response B8. Mitigation and enhancement opportunities outlined in the revised BA/HMP address the importance of an integrated restoration approach to the degraded stream (Bigelow Creek) and onsite wetlands. Wetlands V and W are partially fed by Bigelow Creek hydrology (as described in the various technical reports). The revised mitigation plan has been coordinated with the City of Everett and will be incorporated into the integrated wetland restoration plan that is being prepared for the site. At present, the City's plan is to convert these wetlands into a side channel habitat to the Snohomish River and rename the stream segment after rerouting Bigelow Creek to the south of the Simpson Pad.

B25 Response:

A review of Best Available Science (BAS) was conducted for onsite wetlands and wetland buffers potentially affected by proposed development activities and is documented in the Revised Wetland Report (Appendix E), Revised BA/HMP (Appendix D), and Revised Section 4.5 in this FEIS.

B26 Response:

See Response B24 above.

B27 Response:

The revised mitigation plan included in the Revised BA/HMP and Revised Section 4.5 in this FEIS describes mitigation and enhancement activities. Wetland impacts related to development of the site have

been substantially reduced. Please see Responses B20 and B24 which address the watershed/ecosystem considerations included in the proposed actions.

B28 Response:

See Response B25 above.

B29 Response:

The Indicator Value Assessment (IVA) Model for Everett Vegetated Wetlands, as presented in the Snohomish Estuary Wetland Integration Plan (SEWIP), was utilized in determining the amount of compensatory required for proposed wetland impacts. Please see the Revised Wetland Report, Revised BA/HMP and Revised Section 4.5 in this FEIS.

B30 Response:

Please see the Revised Wetland Report (Appendix E), Revised BA/HMP (Appendix D), and Revised Section 4.5 in this FEIS. A 1.25:1 replacement ratio for the fill of 6,250 square feet of wetland fill, and a 1.65:1 replacement ratio for the removal of 12,775 square feet of wetland have been proposed and are presented in the revised BA/HMP. Both replacement ratios provide compensation equal to or greater than 1.25:1.

B31 Response:

See Response B30.

B32 Response:

See Responses B24 and B27.

B33 Response:

The proposed monitoring plan in FEIS Revised Appendix D (BA/HMP) includes monitoring buffers for a minimum of 5 years and monitoring wetlands for a minimum of 10 years as required by Everett's SMP.

B34 Response:

See Response B24. Mitigation proposed in the revised BA/HMP focuses on reestablishing an open surface water connection between Wetland C and Bigelow Creek/Wetlands V and W.

B35 Response:

The FEIS Revised Wetland Report (Appendix E), Revised BA/HMP (Appendix D), and Revised Section 4.5 contain the requested information.

B36 Response:

Restoration activities OliverMcMillan will be responsible for implementing have been outlined and described in the revised BA/HMP. Also see response B8 which also touches on this subject. The City of Everett is presently preparing an integrated wetland restoration plan for the site and restoration activities proposed by OliverMcMillan have been coordinated with the City as inclusion of their integrated plan.

B37 Response:

The Revised Wetland Report, Revised BA/HMP and Revised Section 4.5 provide descriptions and analysis of onsite stream and wetland buffer functions, and description and analysis of the proposed enhancements to the buffer functions.

B38 Response:

See Response B36.

C

Washington State
Department of Transportation
Paula J. Hammond, P.E.
Secretary of Transportation

Northwest Region
15700 Dayton Avenue North
P.O. Box 330310
Seattle, WA 98133-9710

206-440-4000
TTY: 1-800-833-6388
www.wsdot.wa.gov

February 4, 2008

Dave Koenig
Department of Planning and Community Development
City of Everett
2930 Wetmore, Suite 8A
Everett, WA 98201

Sent via Email

Subject: SR 5 MP ± 192.72 Vic. CS 3120
Everett Riverfront Master Plan Redevelopment
Request for Comments on DEIS by 02/04/2008

Dear Mr. Koenig:

The City of Everett proposes a redevelopment of an approximately 211 acre site along the Everett Snohomish Riverfront. The proposal includes reuse, shoreline and habitat restoration, and rehabilitation of mostly former industrial sites. The proposed master plan for the project includes the construction of up to 1,200,000 sf of mixed commercial uses; 150,000 sf of hotel space; and up to 1,500 residential units. The location of this proposed development encompasses five geographic areas: Tire Fire/Landfill Site; Simpson Pad; Simpson Category 1 Wetlands and Riparian Corridor; South Simpson Site; and the Eclipse Mill Site and, in addition, lands located along the Snohomish River south of SR 2 bridge and north of 36th Street.

Traffic Comments

The subject Draft EIS proposes a large commercial and residential development east of I-5 between 41st Street and Pacific Avenue alongside the Snohomish River in the City of Everett. The largest alternative would result in an estimated 25,741 net new ADT, with 2,215 net new PM peak hour trips and 1,182 net new AM peak hour trips. The EIS uses a 2030 analysis year.

We have read the reviewed the subject document and offer the following comments.

1.) Please add trip distribution diagrams to the EIS for the AM and PM peak hour periods. This should clearly show the percentage and number of development trips traveling through the affected roadway network. C1

2.) The reported 41st Street on-ramp volumes look low compared to the WSDOT's Ramp and Roadways counts. For instance, 2030 PM peak hour volumes for the preferred alternative are shown as 1340 at the on-ramp. The most recent pre-construction count we have (March 2002) shows a peak hour on-ramp volume of 1370. Please explain or correct the discrepancies. C2

3.) The EIS should be updated and expanded to include a planning level estimate of the traffic to be added to the I-5 and SR-2 interchanges from the planned University of Washington branch campus. The combined developments have the potential to create a breakdown of traffic flow through this already congested area. C3

4.) What are the impacts to NB I-5's 41st Street on-ramp and NB I-5 weave from the development's added traffic? Specifically, is there sufficient ramp metering storage for both I-5 and the City's surface streets to function safely and efficiently with the traffic added by the development? C4

5.) The traffic study and EIS narrative should identify the location and magnitude of any queue overflows (to a 95th percentile design standard), and provide appropriate mitigation. Include ramp metering queues and upstream effects. A concern is queue spillback from local intersections affecting northbound off-ramps at 41st and Pacific as well as the southbound off-ramp at 41st. In particular, the northbound off-ramp right turn to eastbound 41st into the site may be over capacity, causing queuing and possible safety concerns if queues reach towards mainline I-5. Likewise, the westbound 41st to southbound I-5 left turn movement may spill back and affect off-ramp movements (from both northbound and southbound), creating congestion and safety problems. C5

6.) We recommend the City provide or condition this development to provide ramp metering for EB Hewitt Ave. traffic entering the EB SR-2 trestle. Currently the NB I-5 auxiliary lane from 41st Street to EB SR-2 backs-up due to the 3:2 lane reduction where I-5 and Hewitt Ave. converge to form the EB SR-2 trestle. The ability to meter traffic coming from Hewitt could help this congested junction flow better, and is a relatively low cost improvement for this development to provide. Improving this bottleneck will help the new NB I-5 auxiliary lane flow, which will help the I-5/41st Street junction flow. C6

7.) It is assumed in the report that the City will signalize the Pacific Ave. intersection with the NB I-5 off ramp. This is necessary to prevent an LOS condition in 2030 with the development. We request that the development be conditioned to fund and build this improvement if the City has not done so as assumed in the report. C7

General Water Quality Comments

In response to your request of December 26, 2007, the Northwest Region Hydraulics and Water Quality Office has reviewed the submittal for the proposed Everett Riverfront Redevelopment Draft Environmental Impact Statement (DEIS) dated December 2007. In October 2006, we forwarded comments to you regarding the Determination of Significance / Request for Comments on Scope. Most of our comments on the scope were not addressed in the DEIS. C8

We are especially concerned about the stormwater drainage from Interstate 5 that transect the proposed development. It is unclear if the proposed development will impact existing WSDOT drainage. Review and approval by WSDOT is required for any discharges of construction runoff or post-construction stormwater. We are concerned about the quality and quantity of stormwater discharged to the WSDOT drainage system.

In our scoping comments of October 2006, we expressed our concern regarding the proposed development along the Snohomish River that is down slope from WSDOT right-of-way (Interstate 5). Stormwater drainage from I-5 flows through the proposed Everett Riverfront development and discharges to the Snohomish River. The DEIS shows the WSDOT biofiltration pond on the far southern end of the proposed development in Figures 2.1-1 and 2.3-2, but otherwise, the DEIS does not address other off-site drainage that flows through the proposed development. The pond was developed as mitigation for new impervious surface generated by the I-5/ SR 526 High Occupancy Vehicle (HOV) lanes. It is unclear if the proposed development will discharge construction stormwater or post-construction runoff into facilities owned, operated and/ maintained by the State of Washington.

Page 4-17 of the DEIS contains a cursory listing of best management practices (BMPs) that could address construction–related discharges. There is a possibility that construction runoff maybe discharged to WSDOT facilities. The DEIS contains only one paragraph that addresses post-construction treatment of stormwater. The proposed developments should be designed so that they do not adversely impact WSDOT conveyance and treatment of stormwater. If the proposed developed envisions discharge to State-owned facilities, the City must submit a stormwater report to WSDOT for review and approval as well as obtain a utility franchise from WSDOT.

C8 Con't.

Any discharge of construction or post-construction stormwater to WSDOT facilities must be consistent with the *Highway Runoff Manual* (WSDOT 2006). Construction discharges must contain TESC plans consistent with Chapter 6 of the *Highway Runoff Manual* including plans, profiles, details, and calculations. Any discharge from the development after construction shall meet the requirements of the State of Washington water quality standards (WAC 173-201A) and WSDOTs NPDES permit for Island and Snohomish County (WASM 20001).

General Hydraulics Comments

Similar to the comments regarding water quality, we are concerned about the quantity and rate of stormwater discharged by the proposed project to facilities that are owned, operated and maintained by the State of Washington. If stormwater is to be discharged to WSDOT facilities, the project proponent must submit a stormwater report to WSDOT which details the hydraulic impacts to the State-owned conveyance system. The requirements for a stormwater report can be found in the 2006 WSDOT *Highway Runoff Manual*.

C9

General Utility Comments

Due to the size of the development added utilities will be needed. These increased utility facilities may need to cross Interstate 5. Interstate 5 is a limited access facility and as such, carries more stringent requirements for utility crossings, or may not be allowed at all. Typical utilities: water, power, gas, telecommunication, storm and sanitary sewer. C10

Thank you for the opportunity to comment on this large and important development's state route impacts. Should you have any questions, please feel free to contact Ms. Celine Vogler, our assistant local agency and development services manager at (206) 440-4711.

Sincerely,

Celine Vogler

for: Ramin Pazooki
Local Agency and Development Services Manager

RP:cv
cc: Project File
Day File
Mike Mansfield/WSDOT
Erik Hansen/WSDOT
Don Wills/WSDOT

City of Everett_DEIS Comments_08_02_04

WASHINGTON DEPARTMENT OF TRANSPORTATION

C1 Response:

The Final EIS (Section 5.5) includes AM and PM peak hour trip assignment graphics showing the estimated trip assignments. Projected trips were distributed using a Puget Sound Regional Council (PSRC) EMM/2 model and actual assignment can only be assumed.

C2 Response:

During the time of the 2002 counts, traffic on the 41st Street on-ramp had a high amount of regional traffic diverting from I-5 and getting back onto 41st Street due to the congestion experienced on I-5. The Everett High Occupancy Vehicle (HOV) lanes project will address the bottleneck, shifting the regional trips back to Interstate 5 rather than on local streets. The future volumes that were identified in the Draft EIS were determined based on traffic counts taken in 2006 and were post-processed to reflect future conditions based on expected 2030 conditions identified in the I-5/41st Street Access Point Decision Report (APDR), completed in 2005. The PSRC EMM/2 model used in the APDR takes the additional capacity on I-5 into account. This explains the projected traffic volume on 41st Street northbound on-ramp.

C3 Response:

It has not been determined if or where a University of Washington campus will be located, and therefore, it is not feasible to analyze traffic impacts for this speculative condition.

C4 Response:

The Draft EIS assumed the traffic analysis results identified in the I-5/41st Street Access Point Decision Report (APDR) to reflect future impacts to I-5. The APDR did account for the future development of the riverfront site in its traffic modeling. The APDR does not identify LOS for the I-5 NB on-ramp at 41st Street. However, the 2030 PM peak LOS for the I-5 mainline in the northbound direction (between the 41st Street on-ramp and 41st Street off-ramp) is LOS E (as shown in Table 6-13 of the APDR). Between the 41st Street on-ramp and the Pacific Avenue off-ramp, the mainline LOS is D during the 2030 PM peak hour.

In addition, the ramp meter was not intended to operate during the peak for the northbound on-ramp when the decision to install a ramp meter was made.

C5 Response:

A 95th percentile queue analysis for the analyzed intersections has been completed, and is summarized in the table below. Freeway and ramp analysis has already been completed as part of the I-5/41st Street APDR.

	AM Peak Hour		PM Peak Hour	
Ramp Queue Location	50th Percentile	95th Percentile	50th Percentile	95th Percentile
I-5 NB 41st Street	46'	76'	146'	**133'
I-5 NB Pacific Ave	230'	322'	98'	171'
I-5 SB 41st Street	23'	47'	215'	232'

Notes:

**Why the 50th percentile could be greater than 95th percentile—Synchro uses formulas to calculate 50th and 95th percentile queue length. Queue length is affected by arrival rate (in vehicle per hour), ie 50th percentile arrival rate is used to calculate 50th percentile queue length, as is the 95th percentile. The traffic counts or future volumes coded in the Synchro are regarded as 50th percentile arrival rate (subject to the PHF adjustment). But 95th percentile arrival rate is calculated from a formula, which could be affected by upstream intersection metering (if the upstream intersection is signalized). The consequence of the upstream metering is, when the upstream intersection is operating with v/c>1, 95th percentile arrival rate is less than volumes for this intersection. Therefore, the 95th percentile queue length could be shorter than 50th percentile. If it happens, Synchro will flag this 95th queue length with m. When an intersection is operating at or near capacity, the 50th percentile queue length represents the max queue experienced.

C6 Response:

The existing backups from the 3:2 lane reduction occurs due to the two highest volume ramps merging into a single lane. Ramp metering Hewitt Avenue, which currently carries 1,400 vehicles per hour during the evening peak, will adversely impact Hewitt Avenue and surrounding intersections. City of Everett will be coordinating with WSDOT and Snohomish County to comprehensively address the existing capacity constraint on eastbound US 2. One feasible option is to restripe the eastbound lanes on US 2 to accommodate three lanes across trestle. US 2 was built to accommodate the three eastbound lanes according to the "SR 2 Snohomish River to Cavalero Corner Eastbound Bridge Replacement Environmental Assessment Supplement."

C7 Response:

The development will be conditioned by the City to provide proportionate share of the traffic signal cost at Pacific Avenue/I-5. City will work with WSDOT to permit and construct the traffic signal when the intersection meets warrants for a traffic signal.

C8 Response:

Thank you for your comments. The Proposed Project will not discharge any stormwater to any WSDOT facilities. There is a WSDOT stormwater pipe that runs under the Eclipse Mill site, but there is no proposed use of that pipe or discharge as part of this project.

C9 Response:

Please see the prior response. The project will not discharge any stormwater to any WSDOT facilities.

C10 Response:

Analysis of utility needs for the project do not identify a need for any new utility connections not already permitted to cross Interstate 5. In the event such a need does develop the State's requirements will be followed.

Board of Directors

Karen Madsen
President

Kristie Dutton
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Superintendent

Everett Public Schools

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Planning Dept.

D

January 29, 2008

Mr. Allan Giffen
SEPA Responsible Official &
Director of Planning and Community Development
2930 Wetmore Avenue, Suite 8A
Everett, WA 98201

Re: Comments on Draft EIS
Everett Riverfront Redevelopment Plan

Dear Mr. Giffen,

Please accept the following comments on the Everett Riverfront Redevelopment Plan Draft EIS from the Everett School District.

The Everett Riverfront Redevelopment Plan Draft EIS appears to appropriately identify the range of probable impacts of the project on the Everett School District using the district's current school capacity calculations and enrollments, and school boundaries anticipated to be in effect as of fall, 2008. However, finalization of the calculations of the probable impacts and the necessary school mitigation fees will require that a specific count of each proposed type of housing unit be provided by the applicant. In addition, over time as this project is built out the factors used to calculate school impacts and school mitigation fees may change.

The Everett School District therefore requests that the applicant be required to mitigate the probable significant adverse environmental impacts of this development by entering into a voluntary mitigation agreement with the Everett School District. This agreement may be structured so that the appropriate mitigation amounts are calculated based on updated information available at the time of residential building permit applications, and paid by the applicant to the district at the time of issuance of such permits.

D1

Facilities and Planning Department
3715 Oakes Avenue, Everett, WA 98201
Telephone: (425) 385-4190 · Fax: (425) 385-4192

In determining the impacts of developments on schools, we will proceed under the State Environmental Policy Act, Ch. 43.21C RCW, The State Subdivision Act, Ch. 58.17 RCW, and other applicable law. Our calculations include the following factors:

1. The number of housing units of each type (i.e. single family, multi-family with 0-1 bedroom, and multi-family with 2+ bedrooms),
2. The number of elementary, middle and high school students generated by each type of housing unit,
3. Whether the schools serving the proposed development are over capacity, and
4. The cost of providing classroom accommodations in new portable classrooms for each student.

In addition, we will consider any other information that the applicant brings to our attention demonstrating that special characteristics of the development warrant a different conclusion concerning the development's probable impacts.

D1 Con't.

We sincerely appreciate this opportunity to provide comments on the proposed Everett Riverfront Redevelopment Plan Draft EIS.

Sincerely,

Michael T. Gunn

Michael T. Gunn
Director of Facilities and Planning

EVERETT PUBLIC SCHOOLS

D1 Response:

A mitigation agreement with Everett Schools will be developed as part of the Planned Development Overlay process.

E MC

February 4, 2008

MEMORANDUM

To: Allen Giffen
Director and SEPA Responsible Official
Everett Planning And Community Development Department

From: Alex G. Alexander A.G.A.
Farmland and Bioresource Conservationist
Getchell Ranch, Ebey Island.

Subject: Review Of DRAFT ENVIRONMENTAL IMPACT STATEMENT,
EVERETT RIVERFRONT REDEVELOPMENT PLAN

Please find enclosed for your perusal my comments on the draft EIS, *Riverfront Redevelopment Plan*, issued for public review in December, 2007. These comments expand upon those I submitted at the public hearing on January 22.

As presented verbally on January 22, I herein request that the Plan's *Alternative 3*, the *"No Action Alternative,"* be adopted at this time, ***specifically in regard to the Simpson Pad area***, in order that alternative plans can be prepared for this site that are commensurate with the needs of the Snohomish River in conveying extreme floodwater volumes, and in concert with the safety needs of future Everett residents and properties there, together with the safety of Everett and County residents and properties in the neighboring Snohomish River Valley. E1

cc:

Dave Konig
Mary Cunningham

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CITY OF EVERETT
Planning Dept.

Commentary

DESIGN AND ASSESSMENT REVIEW OF THE EVERETT RIVERFRONT REDEVELOPMENT *DEIS*

Alex G. Alexander

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COMMENTARY

DESIGN AND ASSESSMENT REVIEW OF THE EVERETT RIVERFRONT REDEVELOPMENT *DEIS*

Alex G. Alexander

ABSTRACT.

My comments are confined to the DEIS presentation of the ***Simpson Pad*** site as a future residential and commercial area, for development by the Oliver McMillan Company, but with insufficient consideration of this site's neighboring Snohomish River. These concerns are reviewed under five topics: (a), The river's need to utilize the entire Snohomish Valley as its channel in moving extreme floodwater volumes, such as occur when *"decade"* and *"century"* floodwater events are recorded on the official floodwater gauge at Snohomish; (b), Lack of planning to accommodate the river's future tasks in moving far greater quantities of water than in the past; (c), Lack of planning for the ***"Citadel"*** backlash effects on extreme floodwater flows; (d), Lack of planning in behalf of historic and archaeological resources in the floodplain beneath the Simpson Pad's landfill and its adjoining neighborhood; and (e), Lack of consideration for alternative development of the Simpson Pad area as a river-integrated, wetland biosphere park.

SPECIFIC COMMENTS.

1. Valley-Wide Channeling Of "Decade" And Higher Floodwaters.

For many years the Simpson Site planners have treated this property as an *Everett-exclusive* site wholly independent of neighboring floodplains, landowners, and the Snohomish County public. The river doesn't see it this way. As a former floodplain and farm site itself [Smith Farm (10)], the river sees it as an already-obstructed segment of its own historic pathway for high waters flow. It is a *pathway of 90 centuries* for the river. The river will always try to remove obstructions placed there. Development planners must recognize this fact or accept the consequences of picking a fight with Mother Nature.

Figure 1 illustrates the last major flood for which the Snohomish River still used the entire Snohomish Valley as its historic channel. Subsequent landfilling and diking by Everett, and by Snohomish County flood control districts, have severely restricted floodwater flows there in 1975, 1986, 1990, 1995 and 2006.

E2

Photographed in 1951, the floodwaters passed over the Simpson Site. They passed through the Pulp and Paper Mill and likewise the neighboring Walton Plywood and Lumber Mills. All facilities were shut down for about five days (1). Operations resumed later with some minimal production losses owing to down-time and floodwater debris cleanup.

The entire valley served as a floodwater pathway for about four days (Figure 1). This included Marshland, Drainage District No. 13, Ebey Island (Drainage District No. 1), Getchell Ranch, and the area now designated by the DEIS as the Simpson Pad site. The diking and landfilling constraints imposed after 1951 would be intensified by the DEIS plans to further elevate the Simpson Pad by about two feet (2).

SPECIFIC COMMENTS (Cont.).

2. Lack Of Planning For Vastly Greater Future Floodwater Flows.

The Snohomish River's extreme flood events will be progressively more severe in the future (Figure 2). "You haven't seen anything yet" is a widely-held view by valley landowners who know the river. Possibly owing somewhat to climate change, but definitely so to sealing off of watershed absorption capacity by upstream development, future floodwater volumes are projected that dwarf the historic great floods of 1951, 1975, 1990 and 1995. The DEIS has not taken this into account.

The author's personal observations of the river over the past 70 years bear witness to an increased severity and instability of the Snohomish River in flood stage (3). Where formerly some two to three days elapsed as a flooding event developed, flood stage is now attained routinely in 36 hours or sooner. The river itself is visibly more swift, producing a "barreling" effect with the channel's center current visibly higher than at the sides. The water is literally flowing sideways from the main flow at a higher center. Debris movement is also visibly more intense. Uprooted large trees tend to move at higher rates and with an "arrowing" alignment not seen in lesser floodwater flows of years past (3).

E3

The higher and more severe floodwater flows bring progressively greater danger to people, livestock, and structures in the Snohomish Valley – now momentarily the river's channel (Figures 3 and 4). Particularly more hazardous are areas around broken dikes where local currents draw in passing debris and boats with virtually irresistible force (Figure 5). In 1951, the Yesland family home on Ebey Island, situated immediately downstream from a major break-in, was picked up and floated about ½ mile (4).

The DEIS presents an almost total unawareness of such floodwater behavior and potentials for destruction of life and property. Future floods will be even more hazardous, particularly when directed to the flood-inexperienced homeowners and their families planned for occupation of the Simpson Pad area (2, 4, 5). Final plans must account for these hazards with ***highly-decisive changes in development plans design***, and special accommodation of greater floodwater events in future. Such floods are as certain to come as tomorrow's sunrise. Their coming is only a matter of time.

SPECIFIC COMMENTS (Cont.).

*3. Lack Of Planning For **Citadel** Backlash Events.*

At any given spot on a floodplain it is technically possible to prevent flooding by special measures, or at least reduce flooding likelihood to an absolute minimum. Everett planners over several decades have elevated the Simpson Pad site with landfill consisting of dredged sand and silt from the lower Snohomish River.[1] Current plans would further elevate new construction to a degree that would seem to assure safety by standards of historic high water levels there. Such engineered "spot" flood protection is common for individual structures where safety of neighboring territory is not an issue.

Given this local flood insurance, the same water forces now turned away increase the likelihood of floodwater destruction elsewhere in the same floodplain. Historic examples of the "citadel" backlash include early plans to block the Snohomish River entirely [1894 plans for a fresh-water harbor at Everett (6)], excess filling of the river bend at Lowell, contributing to the destruction of historic Ranger Island ¾ mile upstream, and the construction of Simpson Pad with dredged river sand and silt, soon followed by the *Norwegian Bay* floodwater break-in at north Marshland.

There are dozens of more recent examples; evidences of a river under stress. It is a river compelled to move progressively greater volumes of water through a valley-wide corridor having progressively greater constraints on floodwater flow (7). Both sides of the river channel from Everett's 41st Street southeast to Snohomish eroded severely in the November 2006 flood as the river probed for points to break out. The southeast corner of Ebey Island alone required 400 tons of emergency rip-rap for erosion control during the summer of 2007 (8). Emergency rip-rap was also required to seal off a near break-in over an Everett Water Dept. waterline that passes under the Snohomish River and Getchell Ranch near the Rotary Park boat launch (Figures 5 and 6). Such erosions are symptoms of a river already "angry" and behaving as if in a state of siege, i.e., as it tries to regain its former valley-wide flow, its pathway of 90 centuries.

E4

The Simpson Pad construction with river dredgings, and landfill constraints of the river bend at Lowell (7), are at minimum contributing factors and possibly direct causes of the river's present "anger." Further landfilling over the Simpson Pad (2) can only worsen the river's situation with negative consequences for Everett and County properties on the Snohomish River Floodplain.

At least three sites appear ready for ***highly-catastrophic*** flooding backlash from further elevation of the Simpson Pad. A direct break-in from the DOT *Stormwater Ponding* area (from the south side of the Simpson Pad) would occur with the first riverfront trail-overtopping event. At about 35.0 feet on the floodwater gauge (Figure 2), overtopping would occur there in concert with trail (dike) weakening and subsidence already in progress there (Figures 7 and 8).

A second backlash event is highly probable from floodwater diversions down Ebey Slough. Already-excessive flows there in 1990 and later have strained dike-holding capability

[1] These depositions in the Snohomish River's floodplain preceded passage of the *U.S. Clean Water Act*, Sections 404 and 10, and Title 12 of the *U.S. Food Security Act*. These laws render such landfills illegal in the interest of human security. DEIS plans to place up to 1400 residents on the Simpson Pad are therefore already tainted by questionable legality.

(Figures 8 and 9). The decisive event for everyone is at the point where ***US Highway 2 Trestle*** crosses Ebey Slough. DOT erroneously constructed a trestle there with three bents in mid-Ebey Slough that collect debris dams even in minor flooding events (Figure 9). A flooding event as projected for 2012 and 2047 would dam-off the channel, sending a U-shaped diversion of floodwater around the debris dam, thereby destroying three *City of Everett* waterlines that parallel *US-2 Highway* at its south-side base (Figure 10).

The DOT trestle itself would probably bear the stresses of any conceivable flood event. It is supported by huge, reinforced concrete pillars (5 ft diameter) that penetrate some 90^{+} feet beneath the Ebey Slough bottom, and rest there on pre-*Holocene* stone formations (9). Conversely, the Everett waterlines are carried nearer ground surface on wooden structures supported by driven wood pilings, the latter borne only by "skin-friction." These water lines would not survive the projected future floods. The DEIS plans for Simpson Pad elevation are therefore viewed as increased potential endangerment of water supply for Everett's citizens. Mitigation of this threat to the Everett community will require relocation of the Everett waterlines. Alternatively, replacement of the US-2 trestle over Ebey Slough with a bridge having adequate span would permit flood debris to pass unobstructed. The mitigation costs should be addressed in the final DEIS.

E4 (Cont)

A third backlash event will be the river's reclamation of its former ancient channel along the base of Lowell's hill (7). As illustrated by an 1870 photograph (Figure 11), Lowell settlers found the Snohomish River channel sweeping much farther to the west than it does there today. It extended directly to the hill base (Figure 12). More than half of the westward channel sweep has been filled by early industry and later Everett City ownership. In recent years the river has been battering against adjoining landfill in efforts to reclaim its former channel width (Figure 13).

The greater high waters projected for the future will eventually break through the post-1870 landfill, sweeping again to the west and probably threatening the *Burlington-Northern* railway line now occupying the base of Lowell's hill. At the minimum, the reclaimed channel will pass along the west side of Simpson Pad, destroying all structures in its direct pathway, and rendering insular all that survive along its new eastern shore.

Each of the three "Citadel Backlash" events projected above could occur with floodwaters attaining 35.0 feet on the Snohomish floodwater gauge. At that level, any one of the three events should relieve floodwater pressures elsewhere in the Snohomish River floodplain. Floodwater attaining the 38.0 feet level, projected for around AD 2047 (Figure 2), could conceivably provoke al three break-ins simultaneously.

SPECIFIC COMMENTS (Cont.).

4. Lack Of Historic Preservation Planning.

The Simpson Pad and its immediate neighborhood are a treasury of historic and archaeological values deserving preservation and transmission to future generations. Many of these are summarized in concert with an aerial photograph of the region by Jennifer Buchanan, *Herald* photographer (Figure 14).

The Snohomish River that dominates Buchanan's photograph is in its seasonal September lethargy; actually sending the same water back and forth with changing tides. In fully awake context, the river is in total command of its "Basin," an area of 1900 square miles, 1.2 million acres, and home to 350,000 souls in Snohomish and King Counties.

Every day of the year, and every year for century after century, the picture's blue Snohomish River saw Indian craft passing and campground sites along both shores (Figure 14). Some sites are visible in the photo; others remain to be discovered. Portions of the land-filling "pad" saw year-round Indian habitation as recently as 1870 (10). Nearby, on the river's eroded shoreline, are evidences of truly ancient occupation. These probably date from the early *Holocene*, possibly even *proglacial*, and visible only on extremely low tides.

Clearly visible in the Buchanan photo is the camping area used by Indian women and children members of the Nez Perce delegation visiting here in 1877 (Figure 14). They stayed about two weeks while the men sought to enlist local Indian support for an impending uprising under *Chief Joseph.* E5

Also visible is the site where homesteader *Charles Seybert* was murdered with an ax by his son Edward in 1873 (Figure 14). The homestead was taken over by E.D. Smith, then sold to Martin Getchell whose descendents still farm it today. *Getchell Ranch* is recorded in both County and State registries of historic sites.

The photograph's dominating blue river was historically the region's connecting sinew and frequented by stern-wheel steamboats in the late 1800's. The visible docking site at Lowell (Figure 14) sometimes received up to 10 steamers per day. Directly south of the docks was the river's earliest sawmill, owned by E.D. Smith, founder of Lowell. On the same river bend there were later located a creosote plant, a shingle mill and a furniture factory.

Further north and approximately centered in Figure 14 was the Everett Pulp and Paper Company, the Walton Plywood Mill, and the Walton Lumber Mill. These three mills employed over 800 men. Many lived within walking distance in Lowell. Some lived on Ebey Island, and others nearly two miles away at Swans Trial. The latter walked to work along the Milwaukee Railway, on through the woods on the *"Homeacres Trail,"* crossing over in small boats moored at the trailhead. Nearer to the viewer is the historic pathway of "Bigalow Creek," a major salmon resource for Lowell settlers and a small craft routing from River to North Lowell.

The straight span of river in Figure 14 was historically bridged by the *Northern Pacific* and *Milwaukee* railway lines. Both lost repeated battles with floods and abandoned their Ebey Island lines. Also prompted out by floods were the *Sumner Iron Works* and one sawmill (sites not shown). The same seemingly clear span of river channel contains spruce and cedar stumps at great depth and visible only on extreme low tides (Figure 15). They are evidence of an enormous

earthquake in January of AD 1700. It produced major subsidence of the valley floor and a tsunami that reached Japan and Australia within 24 hours (11).

The DEIS wholly ignores the historic and archaeological values of the Simpson Pad region. Correctly assessed and presented, the history dimension of this site would strengthen its attractiveness for urban development. As a walking-distance neighbor for students, educators and researchers, it would vastly increase the value of Everett's northwest branch of the University of Washington.

E5

SPECIFIC COMMENTS (Cont.).

5. Alternative Development Options.

The DEIS does not address the Simpson region's unique estuary features and attributes for development as a *river-integrated, floodwater flow-through,* ***Wetland Biosphere Park.*** This region is in fact a midway component of an evolving estuary (Figure 16). It is in this context that the Simpson property has greatest potential to enrich both Everett and national citizenry (7, 11, 12, 13, 14).

There are compelling reasons to develop the Simpson Pad area and its subtending wetlands as a "flow-through" wetland park. Foremost, at last, is the integration of human interests with river needs in conveying extreme floodwater volumes. River interests and values integration with City and County planning has been long awaited (7, 11).

The proposed wetland park would have seven subsystems (Figures 17-31).

1. A Flow-Through Wetland *Botanic Garden.*
2. A Flow-Through Wetland *Arboretum.*
3. A Flow-Through Wetland *Museum.*
4. Flow-Through Wetland *Aquatic Trails.*
5. Flow-Through Wetland *Terrestrial Trails.*
6. A Flow-Through *Center For Wetland Energy And Environment Research.*
7. A Tidal-Flow Basin With *Electrical Energy Generation* Facility.

E6

Correctly designed and managed, the wetland Biosphere Park would be a unique feature for the United States west of the Potomac River, and the envy of shoreless cities nationwide. As a temperate-climate wetland research and education site, long awaited nationally, it would be a "feather in Everett's hat." It would as well be a crown jewel for Everett's nearby branch of the University of Washington. Wetland-funded projects, focused on many dimensions of lowland energy and environment research, would provide income for Everett and training for M.S. Ph.D., and post-doctorate students of the temperate wetland biosphere.

Perhaps most important, in the view of remote posterity, is the biosphere park's elevation of Everett's status to that of a visionary young city materially beyond its *"Mill Town"* days, and as well beyond current *"Boeing Town."* The ultimate destiny of every industry is its own passing. But a biosphere focus must survive so long as living Everett citizens survive.

Addendum:

The author (A.G. Alexander) requests that each of the five areas of concern presented above be addressed by the project's planners in their final EIS.

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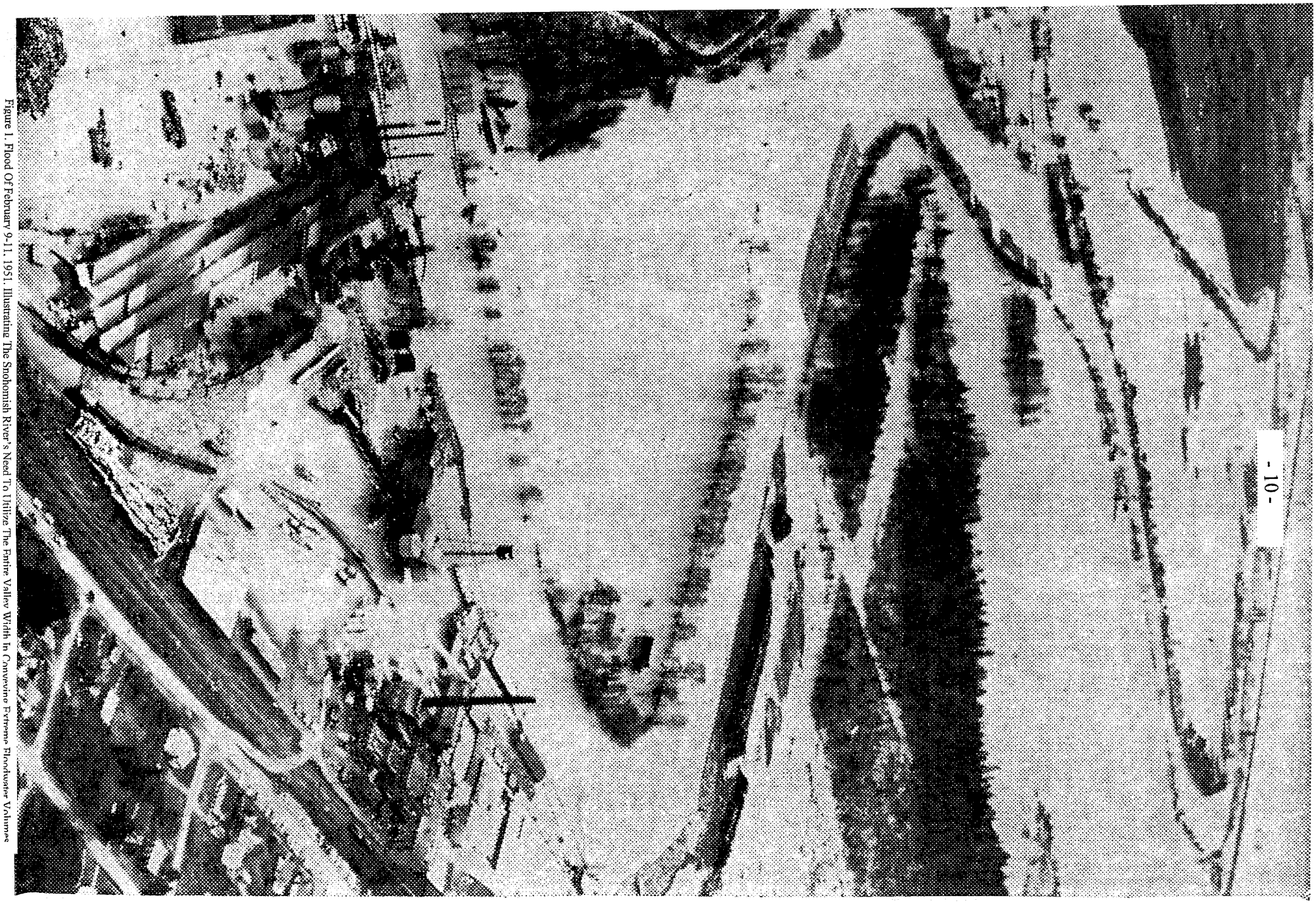

Figure 1. Flood Of February 9-11, 1951. Illustrating The Snohomish River's Need To Utilize The Entire Valley Width In Conveying Extreme Floodwater Volumes

On The Snohomish River

HISTORIC AND EXTRAPOLATED SNOHOMISH VALLEY FLOODS

(AD 1940 TO 2050)

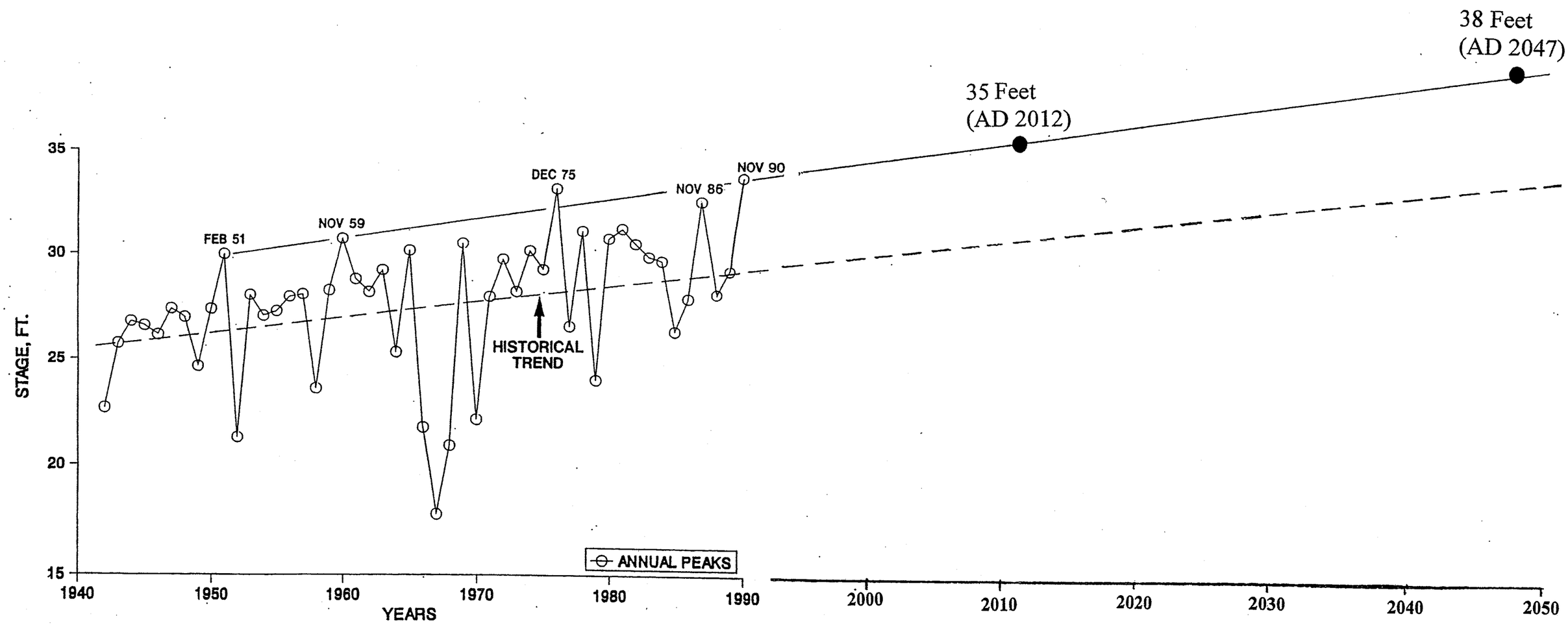

Figure 2.

Projected *Century-Plus* Floods, Attaining 35 Feet And 38 Feet At The Snohomish Floodwater Gauge, And Based On Extrapolation Of *Historical Trend* Data For Floods Measured From 1940 To 1990. A Flood Level Of 35 Feet Would Exceed The Great 1990 Flood By About 2.0 Feet, And Could Be Expected In The Neighborhood Of 2012. The Projected Flood Attaining 38 Feet Around 2047, Should Be Decisive Against All Non-Agricultural Activities And Human Developments. Historic Values From Snohomish County Public Works Department.

THE EVERETT DAILY HERALD Monday Evening

ROUND-UP TIME—Fortunately for Columbia Packing Company all the cowboy regalia worn in Snohomish doesn't belong to square dancers. There still are some old cow hands around and they crossed over to the Columbia yards on the south bank of the Snohomish River Saturday and put on the biggest cattle drive seen in these parts in decades. They herded the beef cattle out of the flooded pens, across the bridge, through town and then east along Stevens Pass Highway to the Evergreen Fairgrounds near Monroe.—(Thurman Studio Photo).

Alexander Brothers Rescued By Off-Duty Fire Fighters

Two youths of the Home Acres district were rescued by off-duty city firemen Sunday morning after their boat capsized in rushing flood waters. They are Everett Alexander, 20, student at Everett Junior College, and his younger brother, Alec Jr., 16, a junior at Everett High School.

They were rescued by Firemen Bob Cameron and Bob McCaffery.

The Alexander brothers, not knowing that the dike had broken, were out in a twelve foot rowboat "to see how things looked" around their farm across the Snohomish River from Lowell.

Their small craft overturned without warning, plunging them into swirling water. The depth was estimated at from six to eight feet. Fortunately the two youths were swept to an alder tree to which they clung for about two and a half hours before their cries for help were heard.

Firemen Cameron and McCaffrey, who were assisting farmers of that area in moving cattle to high ground, heard the cries and set out in the former's sixteen-fot boat.

The force of the water was too strong for the 3½-horsepower "kicker" to reach the tree from either above or below. The firemen reached a shallow spot at one side some 60 feet from the tree. Then the firemen took a rope and fastened it to a stove. After several casts the rope reached the tree.

Alec was the first to come. After he had tied the rope around his waist he left the tree. The force swept him down river. "He really took off—fast," Cameron said later.

Though Alec went under once or twice he suffered no ill effects.

The rescue of the older brother took longer, about half an hour. The surge carried him to another tree between the alder and his destination. However, Everett was able to push his way from that tree without tangling the rope.

Both boys were back in school Monday.

Everett Daily Herald
Published Evenings Except Sunday
— By —
THE DAILY HERALD COMPANY
2935 Colby Ave., Everett, Washington

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Figure 3. Flood Of February 9-11, 1951. Transfer Of Livestock From Flooding Snohomish Valley To Monroe Fairgrounds On Stevens Pass Highway.

Figure 4. Broken Dike, Flood Of February 9-11, 1951. Ebey Island, Drainage District No. 1. A.G. Alexander Photos.

Figure 5. Riverbank Erosion At Point Of Everett Waterline Crossing Of Snohomish River At Getchell Ranch. Flood Of Nov., 2006. A.G. Alexander Photo.

Figure 5-b. Stone Rip-Rap Of Riverbank Erosion Over Everett Waterline At Getchell Ranch. A.G. Alexander Photo, 2007.

Figure 6. Everett City Waterline No. 4 Crossing *Drainage District 6* And Ebey Slough, Then Ebey Island And Snohomish River. A.G. Alexander Photo, 2006.

Figure 6-b. Everett Waterline No. 4 Installation At Getchell Ranch, Ebey Island, 1965. At Right-Angle (East-West) To Floodwater Flow, The Waterline Would Be Rapidly Endangered By Break-Ins Of Floodwaters Projected For The River's Future (Figure 2). A.G. Alexander Photo.

Figure 7. Fissures In Riverfront Trail/Dike Indicating Early Subsidence Toward River. (A.G. Alexander Photo, 2007).

Figure 7-b. Subsidence Of Simpson Mill's Water Pump Base Toward River (River Side Of Site Shown In Figure 7. A.G. Alexander Photo, 2007).

Figure 8. Simpson Site Landfill Subsidence, View From Ebey Island Shore Of Snohomish River. A.G. Alexander Photo, 2005.

Figure 9. Floodwater Debris Hang-Up On US-2 Ebey Slough Trestle. DOT Erroneously Placed 3 Tiers In Mid-Channel. A.G. Alexander Photo.

Figure 10. Everett Water Pipelines, Paralleling The US-2 Trestle And Descending Beneath Ebey Slough. A.G. Alexander Photo.

1870

Figure 11. Mr. E.D. Smith on the *Bend Of The River* at Lowell in 1870. At right background, across the river behind Smith, is the future site of Getchell Ranch founded in 1873. This photograph illustrates a wide westward extension of the Snohomish River that was later filled over a period of years. The most recent filling was by the City Of Everett around 1975 following acquisition of the Simpson paper mill site, including collapsed and broken concrete from Simpson buildings. By comparison with a current (2004) photograph it is evident that filling of the river channel's west shore also extended to the Walton mill sites in the distant background. This filling of floodplain has obstructed water flow and increases flood danger to people and property in the Ebey Island, Marshland, and French Creek regions upstream. (Photo given to A.G. Alexander by Mrs. Phene Buckley, daughter of E.D. Smith, in 1969).

Figure 12. Bend Of The River At Lowell In 1873. Note River Channel Penetration To The Hill Base Now Occupied By Rotary Park Landfill.

Figure 13. Snohomish River Battering Of Landfill At Rotary Park; Bend Of The River At Lowell. A.G. Alexander Photo.

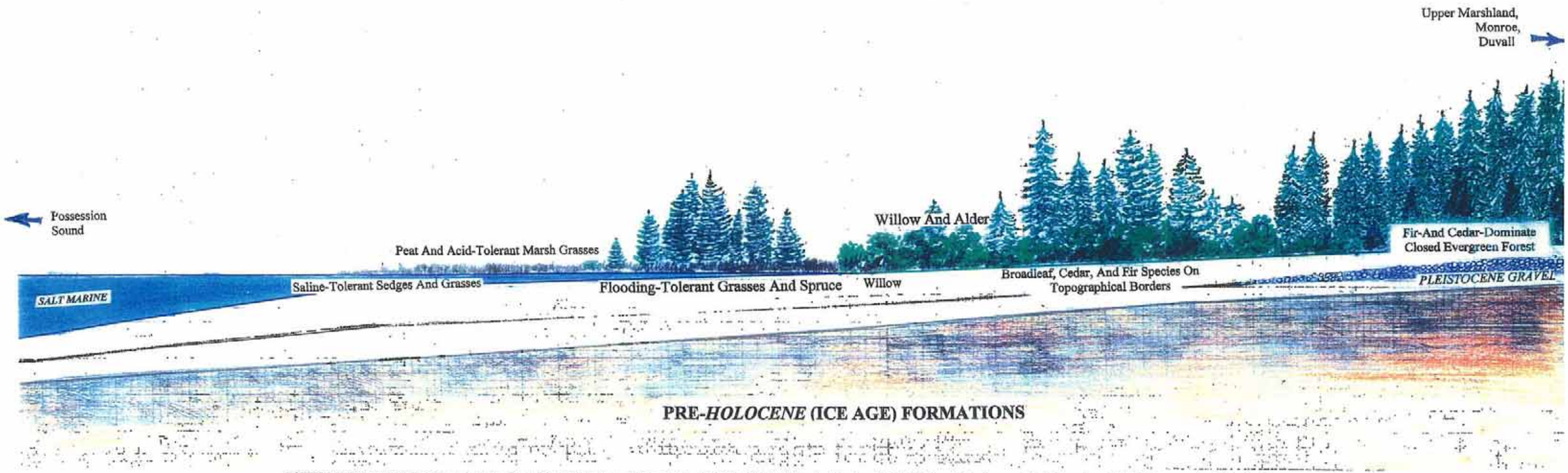
Figure 14. *Herald* Photograph Of The Simpson Pad Neighborhood, Including Snohomish River And Historic Sites. Jennifer Buchanan Photo.

Figure 14-b. Everett Pulp And Paper Company, Snohomish River, And Ebey Island, *Circa* 1930. *Swans Trail* In Upper Left; Lowell Second St. In Foreground.

Figure 15. Remains of a spruce stump visible only on extremely low tides (minus 2 to 3). It is evidence of a major earthquake, circa 1700 AD, that caused significant lowering of land surfaces in Western Washington. Snohomish River. Ebey Island shore. A.G. Alexander Photo, 2002.

BIO-GEOLOGIC SCHEMATIC OF THE SNOHOMISH RIVER ESTUARY AND FLOODPLAIN EVOLUTION SINCE EARLY *HOLOCENE*

(*Circa* B.C. 8,000 To A.D. 1850)



SCHEMATIC PROFILE Of An Evolving Post-Glacial (*Holocene*) Floodplain. Left To Right: Saltwater Marine, To Tidal Marsh, To Progressively-Developed Tidal Estuary, And Finally To Post-Tidal Peat / Alluvial Soils Of Significant Depth (*Circa* 90 – 100 Feet). Oldest *Holocene* Features Are At Right; Youngest At Left.

Figure 16. (Schematic By A.G. Alexander).

Figure 17. Excessive Recent Erosion Of Snohomish River Shore, Exposing Cedar And Spruce Roots Covered There For Centuries. Ebey Island Near Lowell. A.G. Alexander Photo, 2007. The Stump In River (Arrow) Was Covered By Land As Recently As 1945.

Figure 18. *Wetland Aquatic Trail,* Permitting Kayak Access Through Wetland Arboretum And Wetland Botanic Areas. A.G. Alexander Photo.

WETLAND PARK COMPONENTS

Figure 19. *Wetland Arboretum,* Aquatic Zone. Wetland Spruce And Hemlock Tree Species. Inundation By Periodic Extreme High Tides. Floodwater Flow-Through. A.G. Alexander Photo.

WETLAND PARK COMPONENTS

Figure 20. *Wetland Arboretum,* Aquatic Zone. Water-Loving, Woody Tree Species (Willow spp.), Botanic *"Facultative Halophytes,"* In Seasonally-Flooded Wetland. Flow-Through. A.G. Alexander Photo.

WETLAND PARK COMPONENTS

Figure 21. *Wetland Arboretum,* Terrestrial Zone. All Tree Species Represented From The Estuary Evolution Profile (Figure 16). A.G. Alexander Photo.

Figure 22. *Wetland Botanic Garden.* Aquatic Animal Trails (Beaver, Muskrat); Principally Herbaceous Plant Species. A.G. Alexander Photo.

WETLAND PARK COMPONENTS

Figure 23. *Wetland Botanic Garden.* Aquatic Zone. Herbaceous Herbs And Grasses (Cattail, Sedges, Papyrus); Floating spp. (Hyacinth, Lily). A.G. Alexander Photo.

Figure 24. *Wetland Botanic Garden.* Terrestrial Zone. *Roseaceae* Family

Figure 25. *Wetland Terrestrial Trail*. Terrestrial Zone. Tide-Free, Floodwaters Flow-Through. Largely Terrestrial Woody spp., Hardwood Trees. A.G. Alexander Photo.

Figure 26. *Wetland Arboretum*. Wetland Spruce (*Picea* spp.; *P. abies* or *P. engelmanni*), Hardy, Water-Tolerant Evergreen, Historic Occupant Of The Simpson Site A.G. Alexander Photo.

Figure 27. *Wetland Arboretum, Terrestrial Zone*. Lowland Fir (*Abies* spp.). Historic Occupant Of The Simpson Site, Better-Drained Areas (See Stumps, Figure 5-b). A.G. Alexander Photo.

Figure 28. *Wetland Botanic Garden; Aquatic Zone*. Water hyacinth (Lily Family). Floating-Bulb Plant With Water-Cleaning, Fibrous Root System. Ornamental Properties. A.G. Alexander Photo.

Figure 29. *Wetland Arboretum, Aquatic Zone*. Wood Duck Nesting Research Project. A.G. Alexander Photo.

Figure 30. *Wetland Botanic Garden. Terrestrial Zone.* Tansy Ragwort And Honey Bee spp. A.G. Alexander Photo.

Figure 31. Wetland Botanic Garden. Aquatic Zone. Great Blue Heron (*Ardea herodias*). A.G. Alexander Photo.

SUPPLEMENTAL ILLUSTRATIONS

Figures S-1 Through S-9

Figure S-1. *"Norwegian Bay"* Formation. Floodwater Break-In To North Marshland. Flood Of 1995.

Figure S 1-b. Mouth Of *Norwegian Bay*, With Stone Rip-Wrap Protecting The Edges From Erosion.

Figure S-2. DOT Stormwater Treatment Facilities Construction, South-Simpson Area At Lowell (2006). Montage Of 6 Photos By A.G. Alexander.

Red Arrows Indicate Point Of Dikes Penetration By Floodwater (Picture), And Post-Cresting Time Of Picture (Graphic Inset).

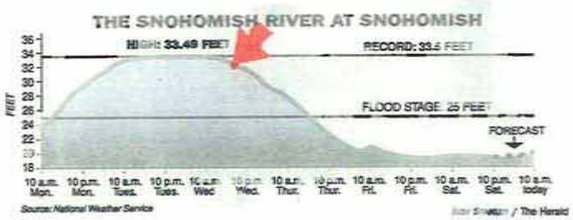
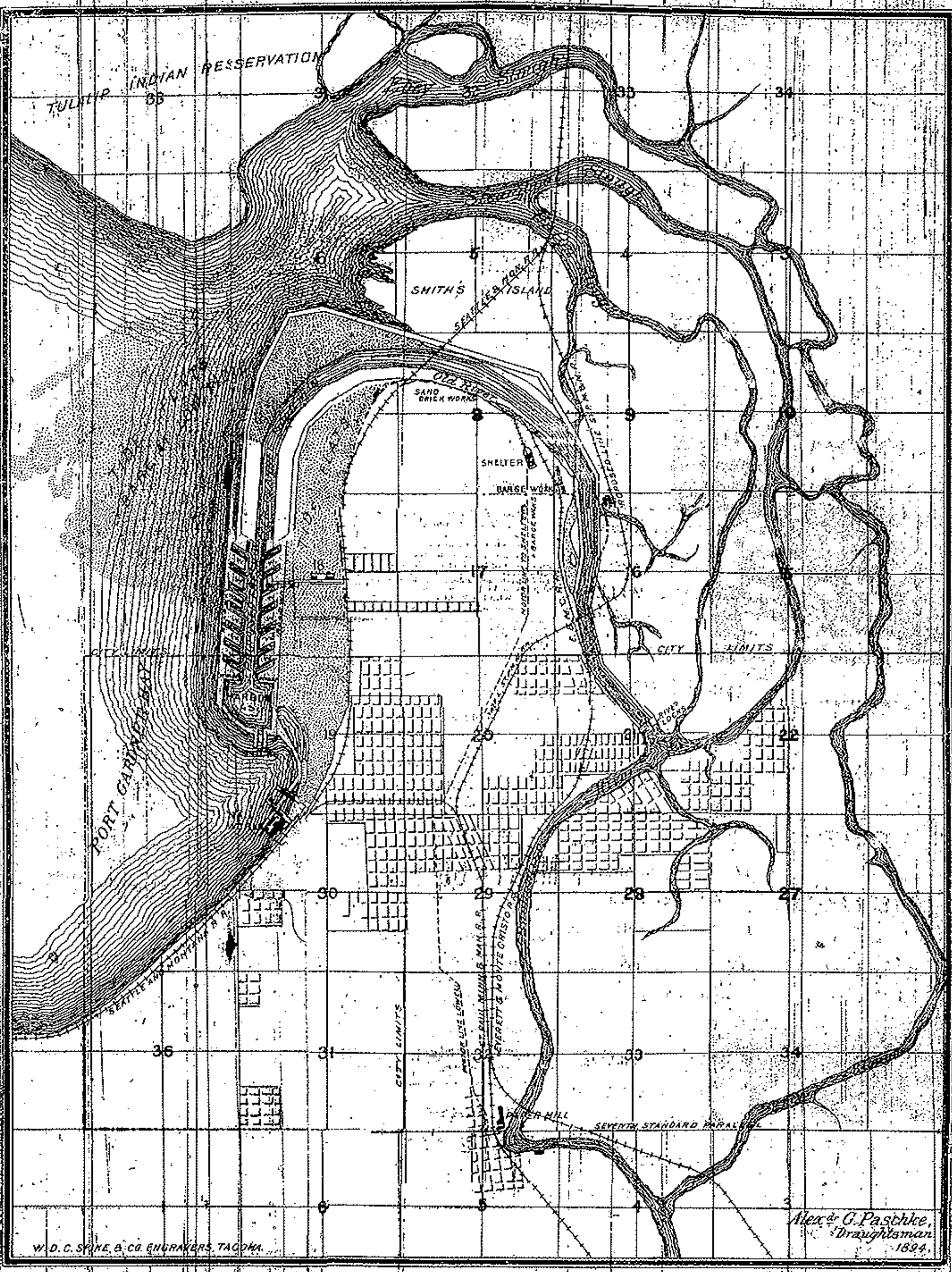


Figure S-3. Successful Integration Of Tropical Wetland With Urban Residential Habitation. *Isla Verde*, P.R. River Flooding Is Not An Issue, But Sea Water Inundation Via Global Warming Is A Concern. A.G. Alexander Photo.

VOLUME III. EVERETT, WASHINGTON, THURSDAY, JANUARY 25, 1894. NUMBER 8.

PROPOSED FRESH WATER HARBOR AT EVERETT



MILES OF HARBOR

Full Details of Gigantic Improvements by the Everett Land Company.

A Land-Locked Fresh Water Basin Without an Equal in the World.

Forty-Seven Miles of Anchorage For the Largest Vessels Afloat.

Only Natural Site For Sawmills on the Coast—A Teredo-Proof Basin.

The map on this page of the HERALD is the first presentation to the public of the plan which has been adopted by the Everett Land Company for the improvement of this harbor, or rather, we should say, the creation of a new, land-locked, fresh water basin, with ample room for all the shipping that is now accommodated at the cities of New York and Brooklyn. It is a work of the first importance to this city and to Puget Sound, and will prove to be of great value to the commercial and manufacturing interests now existing or awaiting development here.

The problem to be solved in the adoption of this plan was first to inclose the tideflats at the mouth of the river, so as to create a fresh water basin for any vessel, or all the vessels that may enter Puget Sound, secure against the action of wind and tide; second to protect it from the current, and more particularly the high water of the river, and at the same time make available to commerce the old channel of the river. The first is to be accomplished by extending a bulkhead from the lower end of Smith Island out towards deep water and around in front of the city, enclosing about fifteen hundred acres of tide-flats, and opening on the bay by means of a lock. The second object is to be accomplished by building a water-gate across the main channel at the head of the delta, thus turning the current into the Sound through Union, Steamboat and Ebey sloughs, the natural vents for the action of the tides against the flow of the river. The water has been carefully measured and it is found that these sloughs will take care of all that is not used in the inclosed harbor.

Then by dredging out the old river channel and extending it around to the harbor lock, a navigable channel six miles long and five hundred feet wide will be gained, with roadways two hundred feet wide on each side, thus providing a water frontage of fifteen miles, which by the building of slips, as shown on the map, may be increased as required to a length of forty-seven miles. These roadways are to be held, as a belt-line, open to the use of all railroads that may come to Everett. At the entrance from the bay there is to be a harbor basin fifteen hundred feet square where vessels may lie at anchor. The lock is to be long enough to admit the largest vessels that enter the Strait of Fuca, and the water inside will be fresh enough for use in the boilers of steamships. These plans have been carefully prepared under the direction of Eugene Ricksecker, civil engineer, and have been accepted and approved by the secretary of war.

The great advantages of this projected harbor are so evident that it is scarcely necessary to enumerate them. In the first place it is a protected harbor of fresh water where the teredo cannot enter to prey upon the foundations of wharves and mills, and where the bottoms of deep sea vessels can be cleaned of barnacles, and the water maintained at a uniform stage, thus facilitating the loading and discharge of cargoes. The railroad trains can run along the slips and discharge or receive their freight directly from the vessels or the elevators and warehouses that may be erected thereon. Within this harbor lumber mills, iron works and other manufacturing establishments may be constructed and operated at less expense and have better shipping facilities than any where else on the Pacific coast. Here logs may be stored without danger from floods or the teredo. Those which are cut on the Snohomish and its great tributaries, the Snoqualmie and Skykomish will float down into this harbor basin, and those which are cut on the Stillaguamish and Skagit can be towed into it in bag booms at a minimum cost, and those on Hoods Canal may also be most cheaply gathered here. The value of such safe storage for logs can be appreciated by Puget Sound lumbermen. There are no records to show the number or value of logs that have been lost on Puget Sound by the breaking of booms or destroyed by teredoes, but it is probable that enough have been thus lost to pay the entire cost of building this harbor complete—a million and a half of dollars—several times over. It is only a short time since the Puget Mill Company turned loose over a million feet of logs because by lying in the salt water of the Sound seven months the teredo had destroyed them. With such opportunities for storage logs may be cut at the convenience of the logger and deposited here like grain in warehouses and bankable paper issued against them while waiting to be sold. But the best results will be that the future mills for the manufacture of lumber on Puget Sound will be built here where the logs can be most conveniently assembled as well as safely stored. On these inclosed flats mills can be erected on piling and better protected against fire than anywhere on the shore.

This city will enjoy the distinction of having the best harbor in the United States, if not in the world. Its early construction will assure the continued growth and prosperity of Everett and at the same time stimulate the development of manufacturing and commerce on Puget Sound, and thus be of great benefit to the State and the entire country.

PRELIMINARY ENGINEERING.

Resume of the Field Work Performed on the Bay and River.

During the summer of 1893 Captain Symons, of Portland, the engineer in charge of the government work here, visited this city and was shown by the officers of the Everett Land Company the details of the proposed harbor improvement. He accompanied the officers in a steam launch on a trip about the bay, the river and sloughs affected. He was much impressed with the project, and upon the report of the engineer gave it his official approval.

An elaborate resume of the field-work performed in the survey for the proposed harbor improvement was made by Eugene Ricksecker, the engineer in charge. The report embodies several tables of statistics, but the thoroughness of the work is sufficiently shown in the full extract from the report, which follows:

RESUME OF FIELD WORK.

Attendant upon a proposition of this nature a thorough knowledge of the tides in the vicinity of the proposed improvement is required. The quantity of water to be utilized or the volume to be disposed of must be determined. The latter only is of moment in this case. A map of the locality showing the sinuosities of streams, elevation of their banks, their depths—in other words a comprehensive cadastral and hydrographic survey must be made. To determine the water slopes, range and propagation of the tides four automatic tide gauges were made and erected, one at the end of the mill works dock, a second on the barge works wharf on old river, a third on the Washington Produce Company's wharf on Snohomish river in the vicinity of the head of old river, Union and Steamboat sloughs, and a fourth on the paper mill company's wharf at Lowell. These gauges were read four times daily for a period of one month. From these observations were determined the range of the tides, the tidal prism and other data.

In order to determine the relative discharge and capacity of streams three cross sections fifty feet apart were measured on the Snohomish river a short distance above the head of Ebey slough, on Ebey slough near its head, on Union and Steamboat sloughs and on old river near their heads. For determining the velocities tin tubes two inches in diameter were used. They were weighted with sand to secure the proper emersion and yet float clear of the bottom of the stream. The time of passage between end sections and the paths traversed by them were noted. The trials were made at extreme low water, in order to eliminate as far as possible the influence of the tides. From this data the mean velocity of each stream was obtained and the discharge computed for that particular time and elevation of the water service. From these observations it is seen that "old river" can be drawn from the water system of this district without detriment to adjacent land, even in times of extreme flood, the channels of Ebey and Steamboat sloughs being ample to rapidly carry off the excess water. The expense of building a waste weir in the harbor is consequently avoided, while the increased discharge through these sloughs will tend to deepen both their channels and outlet across the tide flats.

The report describes in detail the survey of the harbor, the old river and sloughs and the Snohomish river. From these surveys a map has been compiled of the salt and fresh water frontage of the city of Everett from forty feet below low tide to twenty-five feet above on a scale of 400 feet to one inch, including also the available material from the surveys of the Everett Land Company and from the railroads.

The following table of distances along the center of the channel has been compiled from the map taking the lower gate of the outer lock as the starting point: To Fourteenth street, 4,500 feet, or .85 miles; to draw-bridge mouth of old river, 15,450 feet, or 2.93 miles; to barge works' wharf, 22,400 feet, or 4.24 miles; to inner lock at head of old river, 32,400 feet, or 6.14 miles; to Washington Produce Company's wharf, 35,600 feet, or 6.74 miles; to paper mill company's wharf at Lowell, 48,400 feet, or 9.17 miles. The distance from the upper gate of outer locks to the mill works' dock, as shown on the map is 2,800 feet.

I cannot close without a tribute to nature who has manoeuvred her forces so successfully for man's use. The location has few if any rivals where the advantages of a fresh water harbor can be so easily and cheaply obtained, where, from the inception of the work, benefits will be derived, accruing with increased expenditure until the whole project is completed, where every dollar spent for temporary improvement will be 100 cents spent for the permanent project and where the work of digging a channel-way provides solid ground for buildings and manufactories.

With free access to all parts of the harbor for railroads and tramways, and ample room for extension where required, the commerce of this country will receive new impetus.

EUGENE RICKSECKER, C. E.

HIGH APPROVAL.

Secretary of War Gives Official Permission For the Harbor Improvement.

Authority For Building the Dikes, Dam and Locks in the Old River.

Harbor to Be Subject to Rules Governing All Navigable Waters.

The formal approval of the proposed harbor improvement was given by the Secretary of War under date of Nov. 4, 1893. After reciting in a preamble the provisions of an act of congress of July 13, 1892, making appropriations for the construction and preservation of public work on rivers and harbors and alluding to the request of the Everett Land Company the document proceeds:

This is to certify that the Secretary of War hereby gives permission to the said Everett Land Company to build a dike composed of a bulkhead and material dredged from the harbor, from the lower end of Smith's Island, southerly towards deep water, at old Port Gardner—now called West Everett—this dike to be about 3,600 feet from shore; to connect the lower end of this dike with the main shore, and to build at a convenient point a lock about fifty feet by four hundred feet and deep enough for passing all commercial shipping; to shut off all sloughs along the right bank of "Old river," and at its head to put in a lock about thirty feet by one hundred and fifty feet, and a tide gate opening inward, eighty feet wide, with the sills at six feet below low water, and a dam to complete the crossing of the river; and to dredge out the harbor so inclosed to such dimensions and depths as are needed for commercial purposes—said improvements being shown on said map, marked "map of a portion of Everett, Washington, showing proposed harbor improvements, 1893, prepared under directions of "Eugene Ricksecker, C. E.," which is hereby made a part of this instrument and a part of said improvements being located on a blue print compiled from original hyd. sheet No. 1728, in the archives of the U. S. Coast and Geodetic survey office, Washington, D. C., June 27, 1893, bearing the signature "S. C. McCorkle, Acting Assistant in charge of the office and topography," which is also made a part of this instrument.

The permission herein contained, however, is given upon the following conditions:

1. That the harbor as laid out and constructed by the Everett Land Company shall be deemed navigable water of the United States and subject to the same control as other navigable waters.

2. That all regulations which said company, or the city of Everett or other local authority may make relative to the use of said harbor, as laid out and constructed, and the charges of tolls for its use shall be subject to the approval of the Secretary of War.

3. That the head works at the river, namely, the lock dams and tide-gates shall be built according to drawings submitted to and approved by the Secretary of War.

4. That the work herein permitted to be done shall be commenced within two years and the enclosure completed within ten years and it shall be subject to the supervision and approval of the engineer officer of the United States Army in charge of the locality.

Witness my hand this Fourth day of November, 1893.

L. A. GRANT,
Acting Secretary of War.

CHAT ABOUT PEOPLE.

M. Swartout was in Tacoma last week.

Wm. H. Ford visited Seattle on Monday and passed a few hours very pleasantly with his cousin Rev. Dr. Ford, who is the presiding elder of the Methodist church.

Mr. Midton, of Waterville, a member of the firm of Rickart, Miller & Co of this city, is spending a few days in Everett.

Frank J. Call, agent of the Canadian Pacific railroad, made a business trip to Seattle on Tuesday.

Chas. Levisod writes from Duluth that he expects to return to Everett in the course of a few weeks.

T. R. Ulrigan, of Fergus Falls, Minnesota, is spending a few days in Everett. He is much pleased with the mild climate of the coast and especially with the admirable location of Everett and the evidences of assured prosperity here.

New Buildings.

James E. Bell is building a cottage on the northeast corner of Rucker avenue and Twenty-third street. The plans were prepared by Berglund & McKenzie. It is a one-story cottage with porch across the front, hall 9x12, parlor at right 14x14, off which is the dining room, 18x16, pass-pantry between dining room and kitchen, the latter being 12x12, with an inclosed porch separating the kitchen from the laundry. Three bedrooms and a bathroom occupy the other side of the building. The room under the roof will be used for a drying room. It will cost about $1200.

Figure S-4. Early Planners Scheme To Block-Off The Snohomish River And Create A Fresh-Water Harbor At Everett.

Figure S-5. Equipment Assembled On Barge Above Pipeline For Inspection And Repairs Caused By Erosion Of The River Bottom On Which The Pipeline Lies.

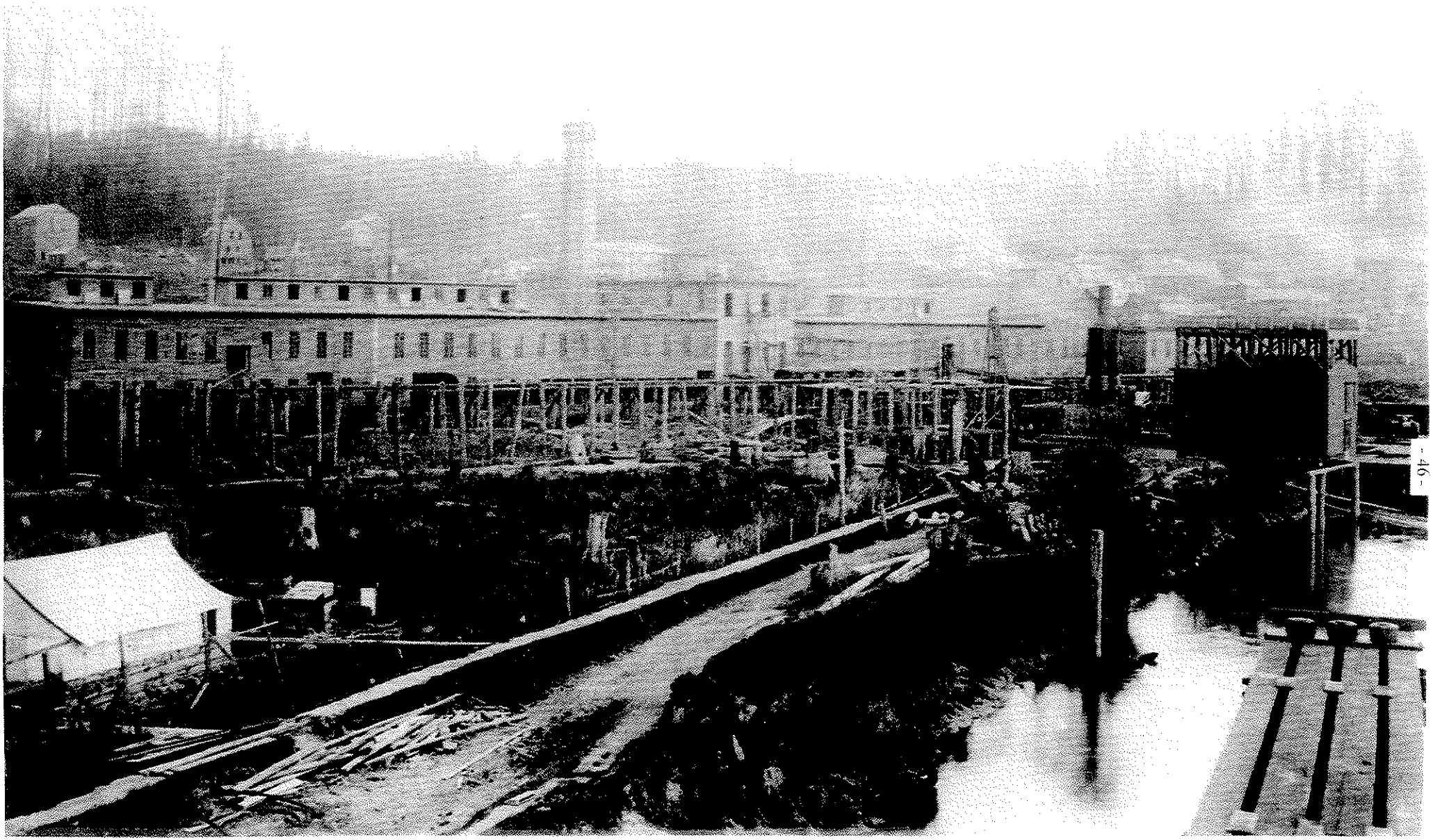


Figure S-6. Early Construction Of Paper Mill With *"Flow-Through"* Design. 1892. Elevated At 4-5 Feet In 1892. This Site Is Currently Elevated To 13-14 Feet By Everett Landfill. (Courtesy Of Everett Public Library).

Figure S-7. Collapse Of Dike Structure Upon Rapid Recession Of Flood Water; Ebey Island, 1995. A.G. Alexander Photo.

Figure S-8. Flood Debris, Consisting Of Giant Dead Cottonwood Tree. Ebey Island, 1990.

Site Of The *DOT* Stormwater Facilities At Lowell, As Seen In 2004, Consisting Of A Former Tidewater Floodplain That Was Later Land-Filled. (A.G. Alexander Photo).

Figure S-9. Site Of The *DOT* Stormwater Ponding Site At Lowell, As Viewed In 2004. (A.G. Alexander Photo).

ALEX G. ALEXANDER

E1 Response:

Thank you for your comments. There is no intention at this time of selecting the No Action Alternative. The issues underlying the concerns raised in this letter are addressed in the responses to your comments at the Public Hearing of January 22, 2008.

E2 Response:

The comment suggests that flood volumes and elevations will be intensified by the addition of 2 feet of fill to the Simpson Pad. The present FEMA FIRM map indicates that the Simpson Pad is not in the 100 year flood plain but is in the 500 year flood plain (although as Section 4.3 indicates using a more conservative "spread analysis, that up to 15% of the Pad could receive some flood waters under current conditions in a 100-year event and about 25% of the area would be impacted in a 500-year event). At present about 75% of the Pad already exceeds 500 year flood elevations (see Section 4.3 Figure 4.3-2). The proposed fill elevations would protect the entire Simpson Pad from both the 100 and 500 year flood events. To assess the impact of filling at least 2 feet above the 100-year flood elevation. West Consultants, which modeled the Snohomish River flood effects for FEMA, analyzed the effects of an additional 2 feet of fill (above the 100-year flood) placed on the Simpson Pad on flood elevations for this area of the Snohomish River.

Application of the UNET model for the Snohomish River indicates that filling the Simpson Pad would have a maximum increase of 0.06 ft (less than ¾ inch) at all cross sections within the project reach. (See the Proposed Conditions Modeling Results FEIS Revised Section 4.3Table 4.3-7; the referenced cross-sections L-O can be seen on Figures 4.3-1 and 4.3-2 in that Section). The analysis indicates that at the Simpson Pad (cross-section N) there would be a slight dip of -0.03 feet and an increase upstream near the Lowell bend (cross-section O) of 0.04 inches and downstream near Pacific Avenue (cross-section L) of 0.06 inches. (For perspective, the upstream impact at O is the equivalent of a quarter placed on top of another, while the downstream at L is equivalent to three quarters stacked together.).

E3 Response:

Many comments on the DEIS related to potential flood impacts. As a result, Section 4.3 has been updated in the FEIS to provide additional detail.

The graph shown in Figure 2 of the comment represents two basic assumptions: that annual peak flows will increase over time in the same relationship that they have in the past; and, that the relationship between river volume and river stage will also continue in a manner seen in the past. However, changes in discharge volume within a river system are most sensitive to watershed conditions, and precipitation, which are not subject to linear extrapolations.

The Snohomish River watershed has undergone drastic development and land conversion since the turn of the last century. The result was more rapid delivery of sediment (in the short-term due to erosion from clearing during the early stages of development) and a lack of sediment inputs (in the longer-term as constructed areas were paved). This means sediments were built up early in the period of urbanization and then moved through the system without being replenished at the same rate later on. The significance of this is that the elevation and shape of the river bed is influenced by watershed development and therefore cannot be assumed as a constant over time. To assume a constant rate in the increase of peak flows, as does the graph presented by the commenter, would also require assuming the rate of watershed modification is constant over time which is not the case. Under present legal and practical constraints the

rate of watershed development cannot match the rates of land use conversion seen prior to 1990. That means the river bed and channel will not change in the same way it did in the past.

The second half of the input into flows is the water from precipitation and snowmelt. For there to be a linear increase in flood elevations there would also have to be a linear increase in the amount of precipitation or a combination of rainfall and snowmelt. There is no data that suggests such a steady and ever increasing rate in either of those water sources. There very well may be changes in precipitation and snowmelt, but no published source shows an ever increasing pattern that lends itself to linear projection.

The UNET model is the accepted methodology for modeling flood potential for the Snohomish River. A UNET hydraulic model[5] was developed by West Consultants for Snohomish County as part of a 2001 Flood Insurance Study of the Snohomish River for the Federal Emergency Management Agency (FEMA)[6]. Output for all cross sections in the vicinity of the proposed development applying recent elevation data was evaluated to understand flood potential.

The modeling method assumes that the highest river flows coincide with the highest tidal elevations. This provides a clear factor of safety for planning purposes and for a flood insurance study.

E4 Response:

Fill activity on the Simpson pad has been done pursuant to permits issued under various local, state and federal regulations including the Clean Water Act. Page 2-14 of the DEIS identifies when filling activity occurred on the Simpson Pad with the first major activity occurring in 1980. The Clean Water Act was adopted in 1977. The initial filling activity in 1980 was done to accommodate dredging of the Snohomish River by the US Army Corps of Engineers and pursuant to federal, state and local permits.

There is no known evidence to link the creation of "Norwegian Bay" during floods in 1995 to fill on the Simpson Pad. From what we can derive from research, the break in the dike that led to Norwegian Bay was due to an aging dike that did not meet current standards. In writing about the securing of funding for a permanent dike in 1997, the *Seattle Times* reported:

In 1995, about 2.3 miles of the nine-mile permanent dike system was still unfunded, and the unfinished section of riverfront was protected only by an aged "peanut dike," *a vertical berm of eroding dirt and rock. The district's finished dikes are rounded and grassy, built to allow floodwaters to gently flow over them into the farmlands. The water later travels through a drainage canal to the district's big water pump, flushing out the farmland. The 1995 floods ripped through the peanut dike, creating a massive crater dubbed "Norwegian Bay" and taking out a 1,000-foot stretch of the heavily used Lowell-Snohomish River Road* "(Seattle Times, October 25, 1997, Local News, by Diane Brooks).

Appendix C of the DEIS, The Flood Hazard and Channel Migration Report, includes a channel migration analysis to determine the potential for the Snohomish River to migrate, including migrating to its ancient channel to the west of it's current location. Geoengineers evaluated historic aerial photographs and maps, and completed field reconnaissance to evaluate the potential for channel migration. Their channel migration analysis was based on both Snohomish County and Forest Practices Board Manual approaches. See DEIS Appendix C and Revised Section 4.3 in the FEIS). Figure 3 of DEIS Appendix C, which is the 1869 General Land Office Survey, shows that the bend in the river is generally as it was found prior to

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[5] UNET models were originally developed for analyzing flood impacts by the US Army Corps of Engineers

[6] UNET Version 3.2 is an open channel hydraulic model that provides time histories of stage, flow, velocity, and other hydraulic variables at specified cross section locations along the river.

non-native settlement. An overlay of the historic documents used to conduct the analysis (DEIS Appendix C Figure 2) does not indicate any measurable changes on the Lowell/Everett side of the bend. The only additional "constraint" is on the Ebey Island side where the river edge is shown as being about 200 feet +/- inland of where it is shown in the 1938 aerial (DEIS Appendix C Figure 4) and presently (whether that is from dike placement or inexactness in the 1869 map).

Bend migration also has a low probability here based on the absence of bar deposits (sand and gravel bars which are indicators of a moving or migrating channel), and the low risk of channel avulsion due to cohesive material (consolidated alluvial materials including silts and clays which are resistant to migration) in the floodplain and the presence of levees. Silts and clays are carried in suspension and deposited in the Snohomish River floodplain. Silts and clay deposits create a cohesive bank material that is more resistant to erosion than the sand bed channel. As high flows pass through the project reach, the higher stream power is more prone to erode the bed of the channel, which is composed of loosely consolidated sands, rather than erode laterally into the banks.

Based on the analysis, the potential for channel migration of the Snohomish River to its ancient channel to the west is very low. The proposed volume of fill should not result in overtopping of levees and various features immediately south of the Simpson Pad. An analysis by West Consultants using the UNET model indicates that an additional 2 feet of fill on the Simpson Pad would have a minor backwater effect of -0.04 and a downstream rise of 0.06 feet (1/2 to ¾ inches during a 500 year flood event that would have no impact on surrounding properties in either direction along the River. (See Response E3 above)

The additional filling of the Simpson Pad as proposed should not increase flooding upstream to an extent that will increase collection of debris at the US 2 trestle over Ebey Slough, and endanger the City water supply. Woody debris transported during peak flood events has its source throughout the entire watershed. As indicated above, the impact of the proposed change in elevation of the Simpson Pad has been modeled and demonstrates there is no appreciable impact.

We reviewed Figures 11 and 12 provided by the commenter (Photos from 1870 and 1873) and cannot discern that the Snohomish River channel flowed west of the Simpson Pad at that time. The 1869 GLO survey does not show a western channel. It shows the river as it is today. The same river alignment is shown in the Historical and Archaeological Report (DEIS Appendix J Figure 3) which has a map from the United States Coast and Geodetic Survey Topographic Sheet from the 1884-85 survey of the area. Indeed, the 1894 newspaper copy in the supplements from the commenter also shows a similar alignment. It is true, however, that in a 100-year flood or greater event that water would flow in the to-be-abandoned railroad ROW west of the Simpson Pad. Access to and from the Pad would be maintained by the bridge over that area that will serve as the primary access route.

E5 Response:

The commenter contends the DEIS "wholly ignores the historic and archaeological value of the Simpson Pad Region." We disagree with this assertion.

The DEIS contains a section on Historic and Archaeological resources that is principally based on a Cultural Resources Assessment (Appendix J to the DEIS). Based on potentially sensitive cultural and historical information, Appendix J is not available for public review. It was provided to the Tulalip Tribes and Washington State Office of Archaeology and Historic Preservation for review and comment. The Cultural Resources Report follows methods and protocols established to ensure compliance with federal and state laws governing the protection of such resources as they apply to environmental analyses.

The report details archaeological investigations spanning over three decades relevant to the project area. It includes site specific analyses for the potential of historic and/or archaeological artifacts. Based on that investigation which uncovered an artifact in a probe outside of the development area in alluvial deposits, recommendations were made that have been adopted to provide monitoring and oversight on activities that have the potential to be in areas where artifacts could be encountered.

Analyses of historical records have not identified any historic structures. Indeed, the project site has been devoid of structures more than 50 years old for several decades. Consequently, there are no structures of historical significance that could be preserved. The area is not part of any designated historic district.

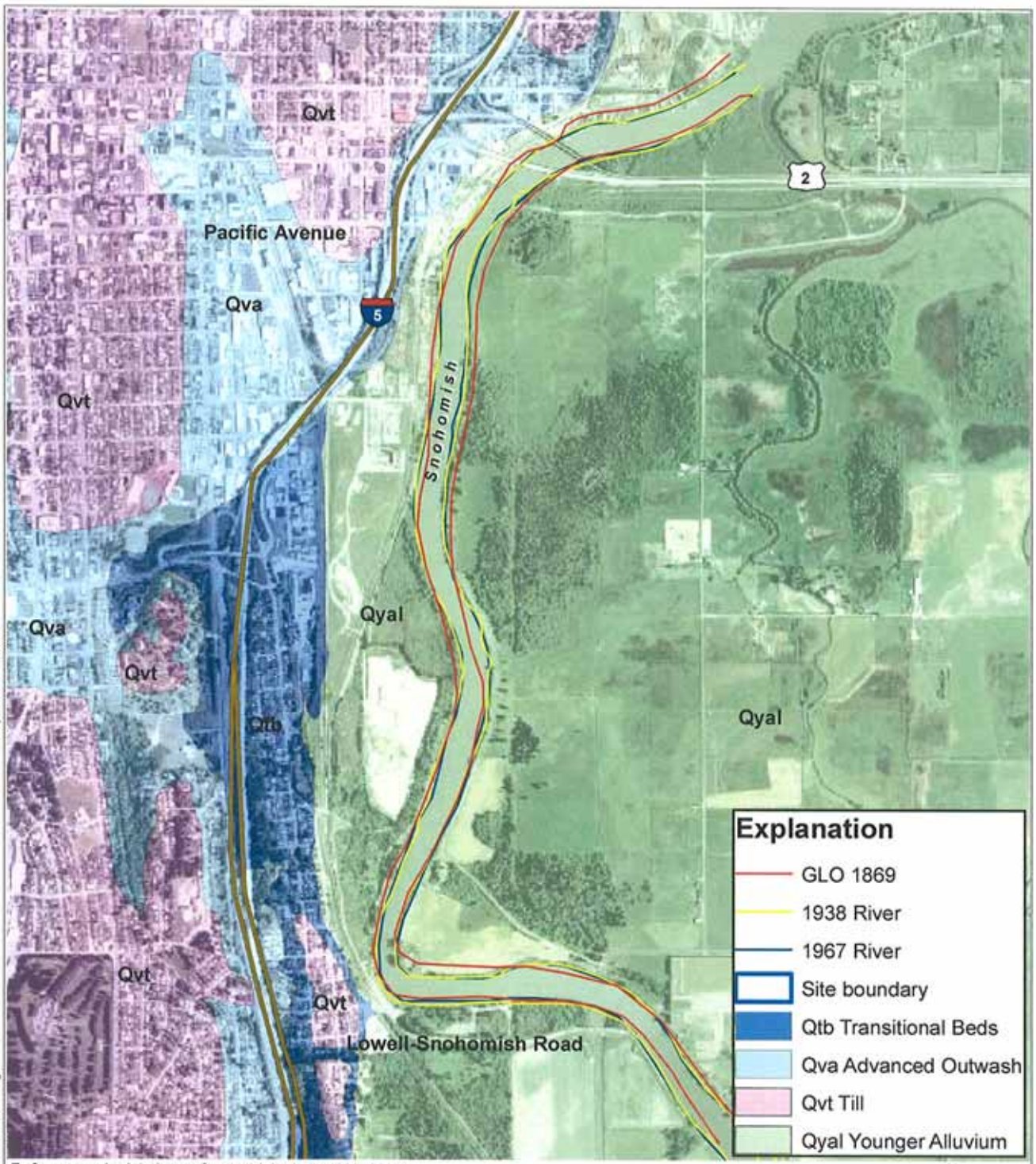
The events and subjects cited by the commenter describe part of the rich history of this area. The majority of the references are to places not on the subject property. The mill history, which is applicable to the project is well-documented and discussed in the DEIS and the Appendix. It is not clear from the comment what "preservation" actions should be made and what value that would have. The development will do nothing to change the history of the site. Opportunities abound for education regarding the historic past to be integrated into the public access elements and other aspects of the project. None of the development activities proposed changes that opportunity.

E6 Response:

The commenter states that the DEIS "does not address the Simpson region's unique estuary features and attributes for development of a river-integrated floodwater flow-through Wetland Biosphere Park."

Reservation of the property solely for a park purpose has been considered as part of the City's planning processes for this area. As indicated in DEIS Section 1.2 the City has conducted many reviews subject to SEPA including considerable public input that refined the vision and designation for these areas. Use for solely park purposes were considered and rejected. The purpose of the DEIS does not include revisiting those past policy decisions. Consequently, considering a park-only use for the Simpson Pad is not part of the EIS scope.

The DEIS does consider the environmental setting including the unique location of the site in the estuary. As detailed in the DEIS, roughly 110 acres of a 221 acre area will be retained as park, open space, wetlands and natural areas. The City continues to develop and refine actions that will result in substantial restoration and improvements to the aquatic functions throughout the project area. As detailed in the Ecology responses, the City and OM have committed to a process to ensure that tidal functions are introduced to Wetland C north of and adjacent to the Simpson Pad.



References: Aerial photos from which channel location derived provided by http://riverhistory.ess.washington.edu/ Geology digitized USGS Geological Map of Everett 7.5 Quadrangle Snohomish County, WA. James P Minard 1985. Government Land Office (GLO) 1869 map was rectified but may not be accurate because the oblique angle of the map figure. Aerial image ontained from TerraServer dated Thursday, June 13, 2002.

Notes:

1. The locations of all features shown are approximate.
2. This drawing is for infomation purposes. It is intended to assist in showing features discussed in an attached document. GeoEngineers, Inc. cannot guarantee the accuracy and content of electronic files. The master file is stored by GeoEngineers, Inc. and will serve as the official record oth this communication.

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N W E S

Historic Tracks and Geology
Channel Migration Analysis: Snohomish River

Everett Riverfront Redevelopment
Everett, Washington

GEOENGINEERS

Figure 2

Map Revised 1/20/07

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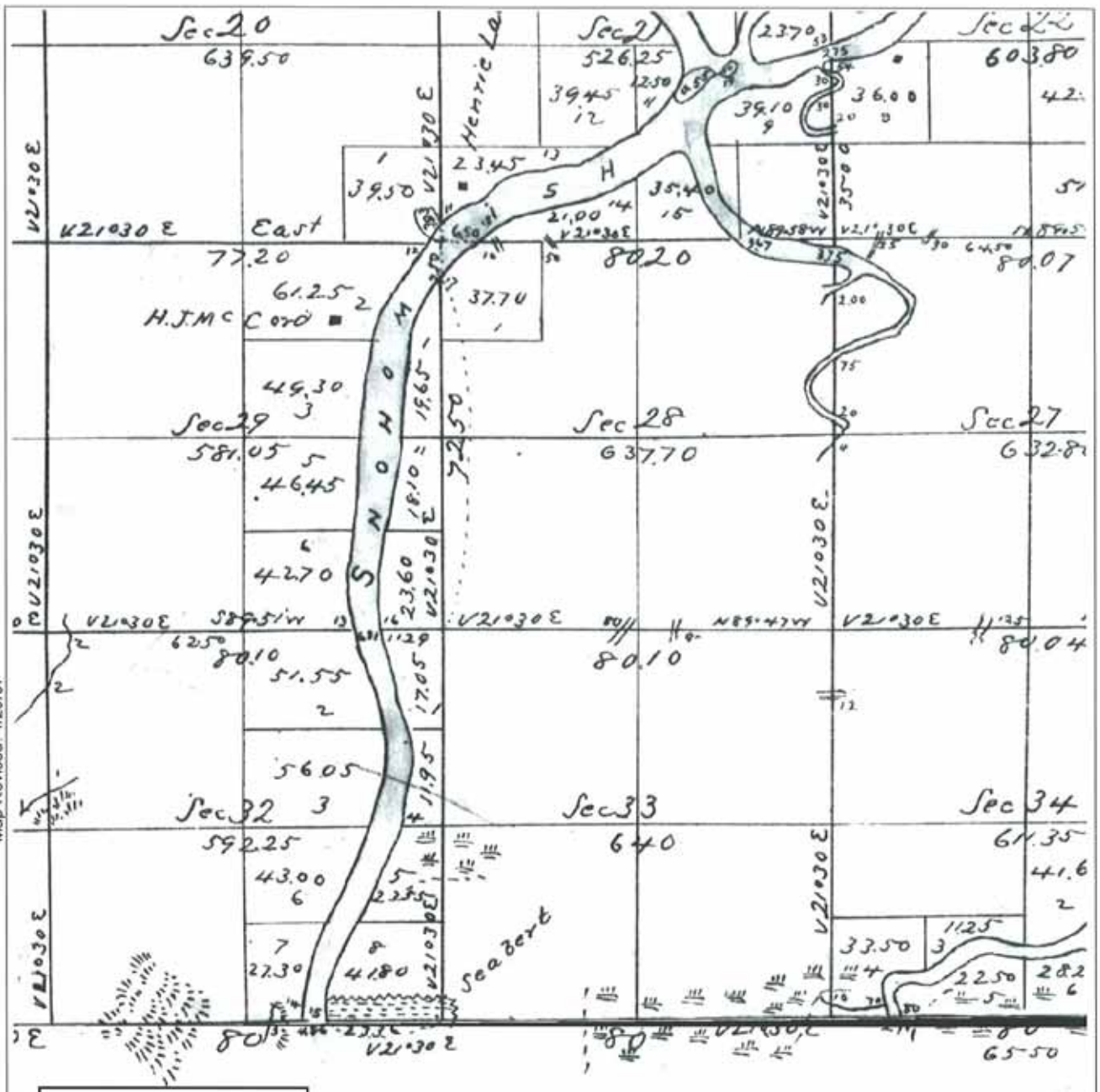

Explanation

Site Boundary

Reference: 1869 Government Land Office Survey (GLO) provided by Puget Sound River History Project.

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Notes:
1. The locations of all features shown are approximate.
2. This drawing is for infomation purposes. It is intended to assist in showing features discussed in an attached document. GeoEngineers, Inc. cannot guarantee the accuracy and content of electronic files. The master file is stored by GeoEngineers, Inc. and will serve as the official record oth this communication.

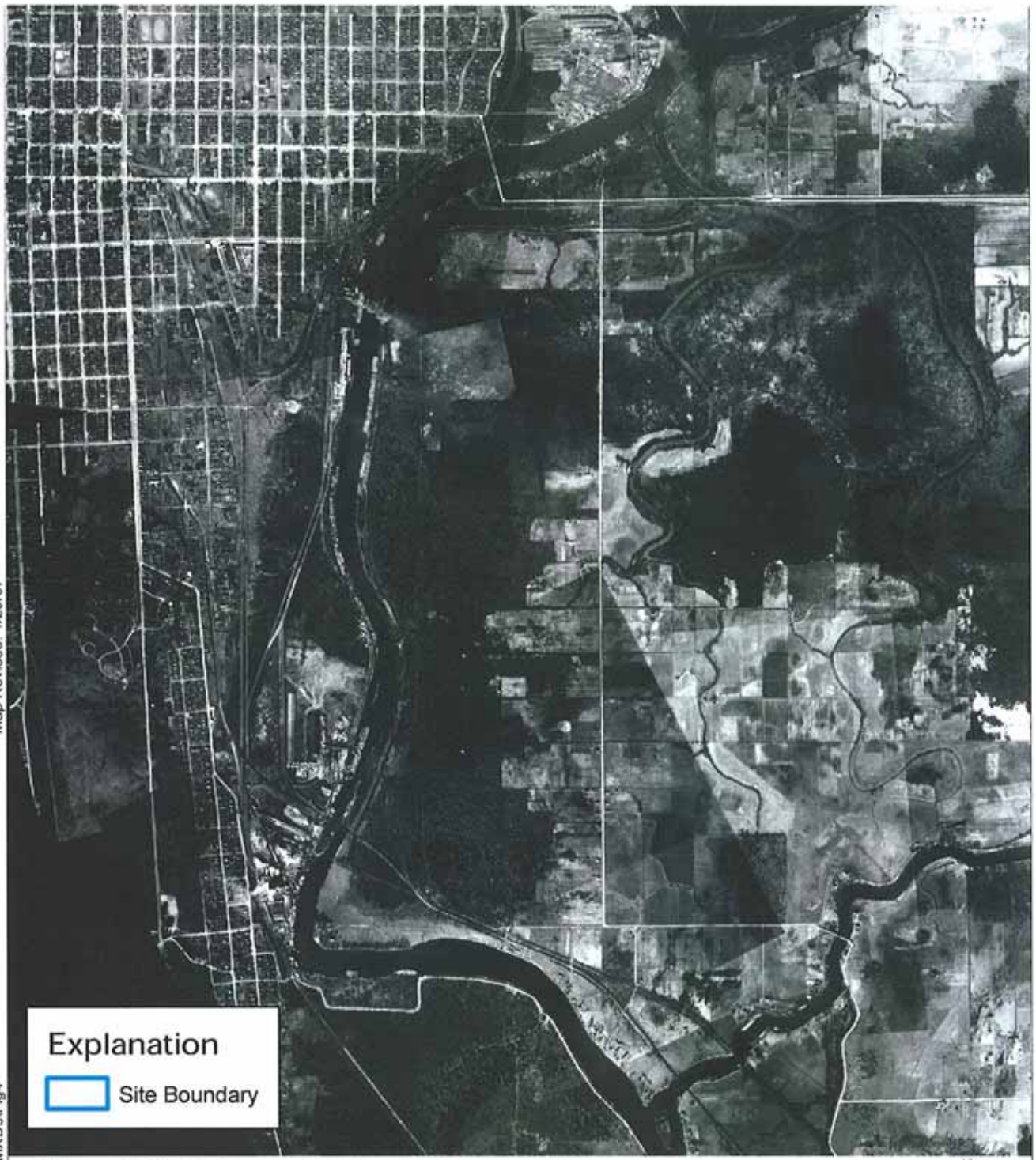
1869 GLO Map
Snohomish River

Everett Riverfront Redevelopment
Everett, Washington

GEOENGINEERS

Figure 3

Office: RED Path: P:\6\6191002\01\GIS\MXDs\Fig3 Map Revised: 1/29/07



Reference: 1938 aerial photograph obtained from Puget Sound River History Project.

2,000 1,000 0 2,000 Feet

N W E S

Notes:
1. The locations of all features shown are approximate.
2. This drawing is for infomation purposes. It is intended to assist in showing features discussed in an attached document. GeoEngineers, Inc. cannot guarantee the accuracy and content of electronic files. The master file is stored by GeoEngineers, Inc. and will serve as the official record oth this communication.

1938 Aerial Photograph
Snohomish River

Everett Riverfront Redevelopment
Everett, Washington

GEOENGINEERS

Figure 4

Map Revised: 1/29/07

Office: RED Path: P:\6\6191002\01\GIS\MXDs\Fig4

F

Mary Cunningham

From: Dave Koenig
Sent: Friday, January 25, 2008 10:55 AM
To: Mary Cunningham
Subject: FW: River Front Project

Letter of comment related to Riverfront DEIS.

Dave Koenig

From: Glen Bachman [mailto:gbachman@kemperdc.com]
Sent: Thursday, January 24, 2008 7:28 PM
To: Dave Koenig
Subject: River Front Project

Dave Koenig
Manager Long Range Planning
And Community Development

I'm sure that most studies that have been done so far demonstrate the relatively low impact when comparing the social and economic gain for an otherwise Brownifield.

When I was a student at Everett CC, I worked part time as a laborer for a home builder. Quite often I had to take loads of debris to the now past land fill. To address the question of fish restoration, it seems I am (because of these actions) more responsible for the restoration of the fish than the City of Everett or OliverMcMillan.

I know this will come off as sounding facetious, but even from my neighborhood in View Ridge, I can see that the tax base in real estate value, and retail sales will produce enough IRR to address the concern as to who is going to cover the City's investment.

This will be a swell project, and bit of a jewel for the city. Please move forward.

F1

Glen Bachman
433 Crown Drive
Everett, 98203

Glen Bachman, SCSM/RPA
VP Operations & Administration
Kemper Development
Bellevue Square
Bellevue Properties
Lincoln Square
425-460-5838

GLEN BACHMAN

F1 Response:

Thank you for your comments.

G

Mary Cunningham

From: Dave Koenig
Sent: Tuesday, January 29, 2008 2:38 PM
To: Mary Cunningham
Subject: FW: Public Comment on the Draft Environmental Impact Statement for the Everett Riverfront District Project

Comment for the record.

Dave Koenig

-----Original Message-----
From: Creamer, Robert J [mailto:Robert.J.Creamer@boeing.com]
Sent: Tuesday, January 29, 2008 1:39 PM
To: Dave Koenig
Cc: r.creamer1@verizon.net
Subject: Public Comment on the Draft Environmental Impact Statement for the Everett Riverfront District Project

Dave: Here are our comments on subject:

1) We feel that OliverMcMillian needs to address more with the fact that the landfill area that be used to build is in the flood plane. How will the landfill be protected to prevent water seepage (from river flow and standing water) into the landfill during a prolong flood period? G1

2) The Simpson Pad is shown to be in the direct line of the Snohomish River Flood Path. OliverMcMillian should be required in the EIS to show not only how they will protect their property from flooding, but when they change the lie of the land, the effects of their changes on surrounding properties. This report should include finding and data from the Army Engineering, Snohomish Emergency Planning, Wildlife Agencies, Everett city services and DOT transportation. G2

3) If all the Riverfront Property falls below the flood plane, how is OliverMcMillian going to get insurance to protect their investment during construction. How are people going to get insurance to protect their business and property in case of a flood or a multitude of flood?
Will we the residence of Everett be required to bail these people out?
Please explore this issue more carefully and make sure that the citizens of Everett will not have a mess on our hands when flooding occurs. G3

Mary Jayne Creamer
Robert J. Creamer
2616 Baker Ave
Everett, WA 98201
425-303-0739

MARY JAYNE CREAMER AND ROBERT J. CREAMER

G1 Response:

While the FEMA flood map (DEIS Figure 5.1-4) presently identifies the landfill area as being within an area with a 0.2% annual chance of flood hazard (also referred to as the "500-year Flood"), the designation is based upon outdated elevation data. Revised FEIS Section 4.3 provides additional discussion on the use of flood terms, how various maps are drawn, etc. Also additional grading cross-sections are provided and the flood elevations are included in Figures 4.3-3 through 4.3-3G in the Revised Section 4.3 in this FEIS to show the horizontal relationship between flood elevations and the development grades.

FEMA flood maps are not routinely updated to identify changes in surrounding ground elevations that do not directly affect the floodway (which is the area reserved for movement of flood waters). The landfill and other areas have been filled since the FEMA map ground elevations were identified. (An example of this can be found along the BNSF line that lies between Interstate 5 and the Eclipse Mill site. The FEMA Map identifies this area as in the floodplain yet survey data clearly shows this area is more than 5 feet above the elevation.) Revised Figure 4.3-2 shows the present site elevations with the 500-year flood elevations applied (which correlates to cross-section elevations that are identified in Table 4.3-6). This Figure demonstrates that currently only a small area of the southern part of the landfill would be affected by a 500-year flood (or in the floodplain).

Revised Figures 4.3-3 through 4.3-3G in the Revised Section 4.3 in this FEIS show the proposed elevations on the landfill parcel and the elevation of the 100- and 500-year floods in those locations. The cross sections show the landfill at its lowest elevations will be more than 5 feet above the 100 year and more than 4 feet above the 500-year flood elevations.

In addition to the elevation above the floodplain there are other features that would prevent flood waters from seeping into the landfill. The landfill areas will be covered with impervious materials to prevent the infiltration of rain water. That protection would also apply to potential flood waters. In addition, the landfill perimeter has a collection system (a slurry wall) that captures surface and ground waters that flow through the landfill. That system would also intercept flood waters.

G2 Response:

Please refer to the response above. The FEMA map (DEIS Figure 5.1-4) shows the Simpson Pad as being within an area with a 0.2% annual chance of flood hazard (also referred to as the "500-year Flood"). The actual present elevations combined with a "spread" analysis depicted on FEIS Figures 4.3-1 and 4.3-2 shows that roughly 85% of the proposed development area on the Simpson Pad is presently already above the 100-year flood elevation. The existing and proposed elevations, and the 100- and 500-year flood elevations for this area are identified on FEIS Figures 4.3-3 through 4.3-3G., These figures show that after fill and grading as proposed the lowest grade will be more than 2 feet above the 100-year flood elevation and also above the 500-year flood elevation. While areas on the perimeter of the development will be 2-3 feet above the 100-year flood elevations, the average grades on the site will be even higher. This data clearly demonstrates that the Simpson Pad will not be prone to flooding.

Please refer to Responses E2 and E4 as to how the flood protection for the Simpson Pad will affect surrounding properties,. Use of the accepted flood model for the Snohomish River indicates no significant increase in flood risk or impact resulting from the additional fill proposed for the Simpson Pad.

G3 Response:

The Everett Riverfront Property under the proposed grading plan is not below the floodplain. All of the developed areas will be elevated at least 2 feet above the 100-year floodplain as required by the FEMA flood insurance program and as discussed above, on average much higher. The first phase of development activity on all areas of the site is the filling and grading which will raise all areas of the development that are not already to elevations making it eligible for flood insurance.

Regarding Flood Insurance, please see section 4.3 in the FEIS which discusses the application of the FEMA flood insurance program. As to flood insurance for business and residences, again please reference the flood insurance discussion. Once fill is permanently placed to provide more than 2 feet of rise above the 100-year flood elevation, flood certificates can be obtained allowing owners of the property in the affected areas to obtain flood insurance. Since all areas will be elevated at least 2 feet above the 100-year flood elevations those areas are eligible for flood insurance. If OM believes it is necessary it can obtain flood certificates once fill is placed and obtain flood insurance for construction. City-owned amenities are subject to the same requirements and flood-proofed areas owned by the City would also be eligible for flood insurance.

H

Mary Cunningham

From: EXT-Heigert, Bryan [Bryan.Heigert@boeing.com]
Sent: Saturday, January 26, 2008 8:22 PM
To: Mary Cunningham
Subject: Everett Riverfront Development

I just wanted to weigh in on the environmental impact of all that asphalt you will be putting down in the current configuration. I feel it would be much better to build a couple of parking structures and add density and walk ability to the riverfront development. Check out Santana Row in San Jose CA for a fantastic blueprint! I just visited there and have high hopes that Everett riverfront could be that walk able and dense. How can you go for a LEEDS certification in a downtown and take that much land and pave it? I am really looking forward to this development and hope it will live up to all of our high expectations. Think Density! We don't need another strip mall or Lakewood crossing!!!!!

H1

Thanks,

Bryan Heigert

BRYAN HEIGERT

H1 Response:

Thank you for your comment. Revisions to the site plan continue to be made to ensure this is a quality project. The revised preferred alternative (FEIS Figures 2.3-1 and 2.3-1B) includes some optional structured parking for the primary retail tenant and some of the smaller retail buildings. In addition, pulling the development further west away from the wetlands in the to-be-abandoned railroad corridor resulted in a much more dense development (as measured by floor area ratio).

2/4/08 I

TO: Dave Koenig
RE: DEIS for Riverside Development
FROM: John Lindstrom

The plan for Riverside is good and should proceed. I will make more specific comments as specific projects are proposed.

I1 [1. A large PARK is needed!

I2 [2. Bike/Ped accesses other than 41st St. overcrossing are needed.

I3 [3. Low income housing should be provided for workers in nearby businesses (restaurants, offices) so THEY CAN WALK TO WORK (or ride a bicycle)

Sincerely,

John D. Lindstrom

JOHN LINDSTROM

I1 Response:

The project includes a 3 acre public park. It also includes park and open spaces within the residential development on the Simpson Pad and a public area within the commercial development. In addition, at least 100 acres of the development area will be open spaces (including wetlands) that include a greatly expanded trail system.

I2 Response:

Pedestrian access to the area is provided from the Lowell community. Bicycle access can occur at 52nd through the existing park and trail area. Bike and pedestrian access will also be accommodated as part of the road connection at Pacific Avenue. Additional potential crossings are discussed in DEIS Section 5.5.13.5.

I3 Response:

There is no plan to set aside or mandate any percentage of the proposed housing for specific income or other groups. The intent will be to provide a range of housing types and availability.

J

Mary Cunningham

From: sherisjl@comcast.net
Sent: Tuesday, February 05, 2008 8:30 AM
To: Mary Cunningham

February 4, 2008

To Whom It May Concern;

I am writing this letter on behalf of many Lowell residents in favor of a community center being built in Lowell.

I understand that is is the opinion of some that if a community center were build in Lowell, in conjunction with the Riverfront development, that the city should be responsible. I feel that Oliver-McMillan should build a community center for the residents of Lowell. In the big scheme of the development, it would cost them a miniscule amount to do this. The City of Everett has already absorbed so much cost in conjunction with selling the property to Oliver-McMillan and Oliver-McMillan will profit in the millions (if not billions) with this development. I know what sheet rock, lumber and wiring costs and the expense to Oliver-McMillan would virtually be nothing to add a community center to the plans. They could probably use their left-over scraps from the massive construction that will take place, to build a community center. My point being once again is that it would cost them virtually nothing.

In May 2007, a letter was sent to Oliver-McMillan (copies were also sent to Mayor Stephanson and the Everett City Council) in support of a community center. A petition was also attatched in support of a community center. A copy was also sent to Mayor Stephanson and the Everett City Council. If you did not keep these on file, I will be happy to furnish copies.

J1

Lowell does not have a fire station, police station, school or any other such place to hold community gatherings, events or meetings. There is nothing that is convenient and/or readily accessible for the residents of Lowell.

More has been done for North Everett and even downtown (Comcast arena etc...) to make the City of Everett more profitable, livable and likeable while Lowell is "FORGOTTEN".

I certainly hope that the City of Everett will go to bat for the residents of Lowell. Lowell has played an integral part in the history of Everett. We have had to deal with the hideous I-5 expansion for over two years (still not completed) and now we will have to deal with the Riverfront development project. All of these developments and expansions are for the greater good of Snohomish County and Everett, but what about the residents of Lowell?

Sincerely,

Sheri Lungstrom
4405 South 4th Ave
Everett, WA 98203
(425) 259-6323

SHERI LUNGSTROM

J1 Response:

Thank you for your comment. The analysis does not indicate that the proposed project creates an impact on the Lowell neighborhood that would require provision of a free building. The City is separately preparing a public amenities and enhancement plan for the property. A separate SEPA review and public comment opportunities will be provided for those improvements.

cc: mary E.

RECEIVED K

FEB 04 2008

CITY OF EVERETT
Planning Dept.

February 4, 2008

Dave Koenig
Manager – Long Range Planning
CITY OF EVERETT
2930 Wetmore Avenue – Suite 8A
Everett, WA, 98201

RE: Draft Environmental Impact Statement – 2007
Everett Riverfront Redevelopment

Dear Mr. Koenig:

I can see that you and your staff have put a lot of time and energy into this document. Thank you for your effort. I have three comments on the DEIS.

1.) I hope whoever oversees this project honors the intent and spirit of the agreement known as "Snohomish Riverfront Properties at Bigelow Creek: Final Enhancement Program, dated August 2005". In particular, the cumulative impacts on wetlands, Bigelow Creek, and the Snohomish River. When conflicts arise per this agreement the parties are notified for comment. K1

2.) Figure 5.6.1 alternative for fire access should be required for both developments pads built in such a way that the public can use them as walkways. K2

3.) In figures FS-1 through 5.1-4 in the notes section, note #2 states "GeoEngineers, Inc. can not guarantee the accuracy and content of electronic files". If they can't, then who does have control of the files? K3

I appreciate this opportunity to comment.

David Mascarenas
517 Laurel Drive
Everett, WA 89201
425-259-6432

DAVID MASCARENAS

K1 Response:

Thank you for your comments. As indicated in many areas of the DEIS the referenced study is providing guidance for both mitigation and restoration activities throughout the project area. The City intends to continue to work with the parties to various applicable agreements.

K2 Response:

The secondary access is provided for the Simpson Pad as it otherwise has only one road access. Other areas of the project will have access from 41st and Pacific Avenue. The secondary access road will be able to be used as a trail except for the area (about 2,000 feet) where it is on BNSF Railroad property.

K3 Response:

The Figures referenced are based on information and files provided by multiple sources. The notation is a legal disclaimer for purposes of notifying users that GeoEngineers has not verified all of the files provided by other parties. The Figures are accurate to the best knowledge of the authors.

L

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Check Mail Compose
FEB 04 2008
CITY OF EVERETT
Planning Dept.

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— conditional protest — February 4th 2008

As owners of 999 Linear feet Snohomish River Frontage Described as follows

SEC 29 TWP RGE 05 RT-22) 22 FT STRIP of R/W IN WATER ELY OF LOTS 2-3-5 BEING PARCELL# 100 DRWG VWG/514C we wish to

280416 002 00200

290529001 02200 make a record that access ways to L1

this property not be blocked in any way without written permission from John and/or Sonya Scharf 10618 SE. 25TH ST Bellevue, WA. 98004 BONEUR2@AOL.com, in any way. No protest is hereby made as long as these conditions are observed otherwise consider this a protest of record made duly within the given time line for protest to the planned development project abutting this property.

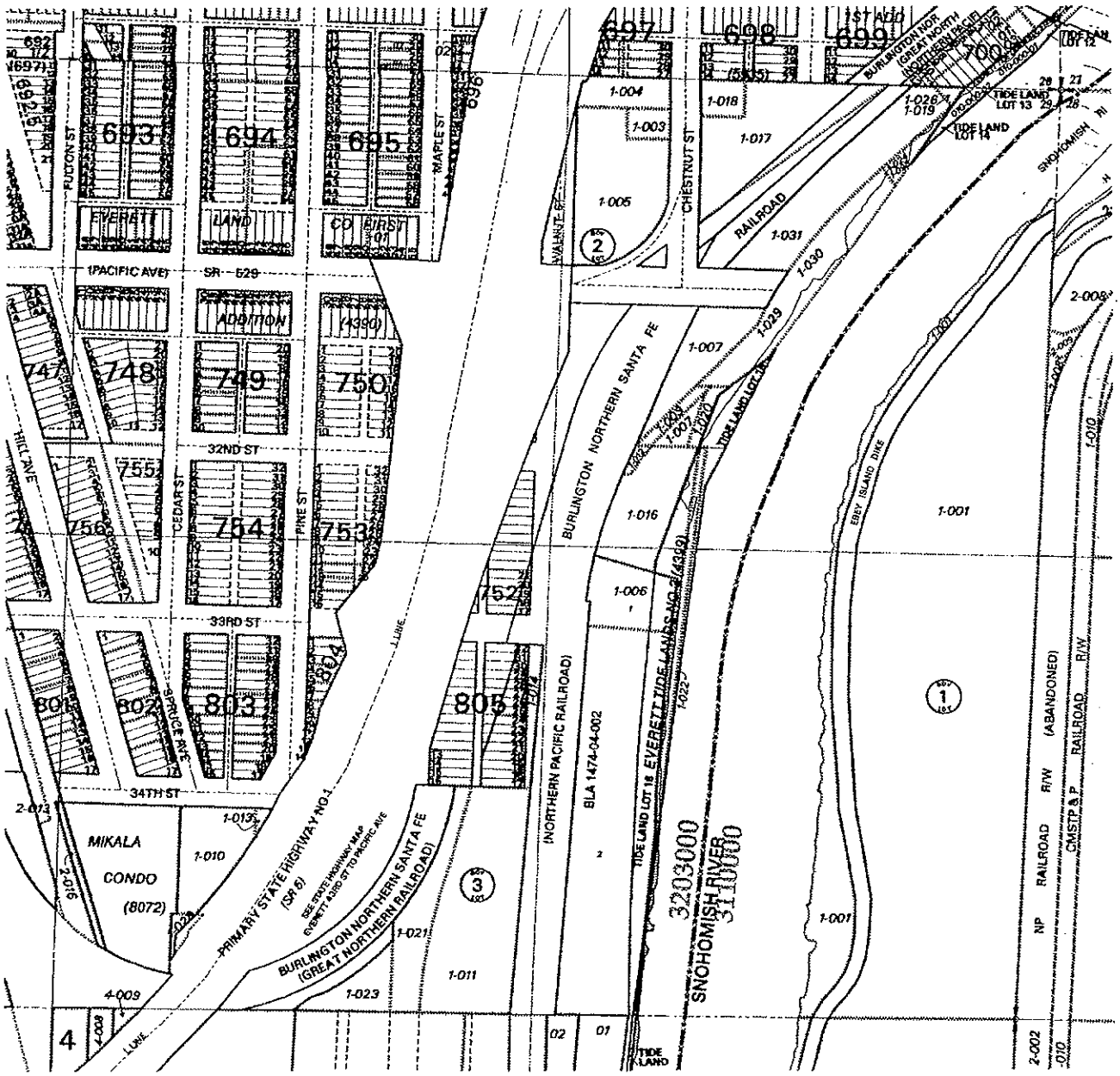
February 4TH 2008 By [signature] for Samne J. Scharf
John and/or Sonya Scharf.

Ph# For Sam Scharf
(206) 226-9827

QUARTER	SECTION	TOWNSHIP N.W.B.L.	RANGE E.W.M.
NE	29	29	5

A product of the Snohomish County Assessor's Office
Map produced on January 02, 2007

SE-20-29-5



SE-29-29-5

Snohomish County Online Government Information & Services
Washington

* R E A L * Property Information

County Home Assessor Home Treasurer Home Information on which Department to contact

Please view Disclaimer **If you have questions, comments or suggestions, please** Contact Us.
Date/Time:12/25/2007 7:23:16 PM Answers to Frequently Asked Questions about Parcel Data (opens as new window)
Return to Property Information Entry page

Parcel Number **29052900102200** Prev Parcel Reference **29290510220001**

View Map of this parcel (opens as new window)

General Information

Taxpayer Name || Address (contact the Treasurer if you have questions)

TABER DONALD & ERICA || PO BOX 165 - - - EVERETT, WA 98206

If the above mailing address is incorrect and you want to make a change, see the information on Name and Address Changes

Owner Name || Address (contact the Assessor if you have questions)

TABER DONALD & ERICA || PO BOX 165 - - - EVERETT, WA 98206

If the above name and address is incorrect due to a recent sale, please see the information on Name and Address Changes After a Sale

Street (Situs) Address (contact the Assessor if you have questions)

UNKNOWN UNKNOWN - - -

Parcel Legal Description

SEC 29 TWP 29 RGE 05 RT-22) 22 FT STRIP OF R/W IN WATER ELY OF LOTS 2-3-5 BEING PARCELL 100 DRWG VWG/S14C

Go to top of page

Treasurer's Tax Information

Taxes For answers to questions about Taxes, please contact the Treasurer's office (opens as new window)

2007 Taxes for this parcel $31.87

(Taxes may include Surface Water Management and/or State Forest Fire Patrol fees. LID charges, if any, are not included.)
To obtain a duplicate tax statement, either download our Tax Statement Request form or call 425-388-3366 to request it by phone.

Go to top of page

Assessor's Property Data

Characteristics and Value Data below are for 2007 tax year.
Please contact the Treasurer's office **for answers to questions about Taxes** (opens as new window)

For questions ONLY about property characteristics or property values (NOT taxes), please contact the Assessor's Office

Property Values Values do not reflect adjustments made due to an exemption, such as a senior or disabled persons exemption.

SAM SCHARF FOR JOHN AND SONYA SCHARF

L1 Response:

See the map showing your parcel with a hatch pattern. The parcel has no land access from within the present project boundaries and appears to lie entirely within the Snohomish River.

MEANDER LINE
S.R. 5
MAPLE ST
PACIFIC AVE
PINE ST
806
804
753

M

Mary Cunningham

From: Dylan Schmidt [dschmidt45@gmail.com]
Sent: Sunday, December 23, 2007 7:16 PM
To: Mary Cunningham
Subject: Everett Riverfront

Ms. Cunningham,

I have several thoughts about the preferred plan alternative for redevelopment of the Everett Riverfront area:

1. In the retail section, I believe there is too much surface parking. That vast area of surface parking could be used for more retail/office space or more condos, even some park space between retail storefronts. M1

2. Will the proposed trail/bike pass include boardwalk-like sections near the Snohomish River, something like Portland's Tom McCall Waterfront park? M2

3. I think the townhomes in the retail section should be replaced with multi-story condos, so more people can live near stores/services. M3

4. Will the proposed pedestrian bridge at 38th Street have a special design (for example, like a cable-stayed bridge)? M4

5. I think the small office complex near the 41st Street roundabout should include larger buildings with structured parking (whether underground or leveled above ground). M5

Thank you for your time.

Sincerely,
Dylan Schmidt

DYLAN SCHMIDT

M1 Response:

Thank you for your comment. Revisions to the actual site plan continue to be made to ensure this a quality project. A revised plan is included in the FEIS (See Figures 2.3-1 and 2.3-1B) and it does entail some structured parking as options. The optional structured parking on this alternative would be for the primary retail tenant as well as some of the other smaller retail buildings. As indicated in the project description, the actual development is a function of what can be successfully developed within the marketplace including meeting required parking areas for the retail components. Landfill requirements necessitate capping landfill areas with impermeable barriers (to prevent water from seeping in to the waste below) and parking areas help to carry out that need while providing a function useful to the remainder of the development. At the present time, projections do not indicate the substantial additional expenses required for structured parking on the landfill parcel can be adequately recouped. If and when the market changes structured parking can be added. Also, please see the response to Bryan Heigert comments as they relate to structured parking.

M2 Response:

The comparative project referenced, Tom McCall Waterfront Park in Portland, Oregon has hardscaped areas up to the edge of the Willamette River. The Proposal includes "shoreline and habitat restoration." The type of development reflected in the Portland example is not considered to be consistent with the shoreline and habitat restoration goals in this project. Habitat needs are discussed at length in the BA/HMP (Appendix D).

M3 Response:

Comment Noted. As indicated in the project description, the actual development is a function of what can be successfully developed within the marketplace. At the present time, projections do not identify a sufficient market for the type of housing suggested at this location.

M4 Response:

The pedestrian bridge referred to is to be developed by the City and the design of that feature is not a detailed consideration in this environmental review.

M5 Response:

Comment Noted. As indicated in the project description, the actual development is a function of what can be successfully developed within the marketplace. At the present time, projections do not indicate a market demand for the building types suggested. In addition, due to this area also being part of the old landfill it has subsurface environmental conditions that restrict the types of structures that can be built (Also see Response to Bryan Heigert comments).

N

February 2, 2008

M. Cunningham
City of Everett Dept. of Planning & Community Development
2930 Wetmore Ave., Ste 8A
Everett, WA 98201

Comment: Draft EIS, Riverfront Redevelopment Project

Everett Shorelines Coalition (ESC) appreciates the breadth, depth and diligence of the Draft EIS for the City's planned Riverfront Development project. The expanded geo-technical characterization of sub-surface soils and the reports on groundwater conditions and local flood patterns offer valuable information for steering site preparation and structural design toward sound approaches for attainment of healthy ecological function across the project site. We thank the City for providing a lengthened review period (45 days) for the detailed Impacts documents. The following comments reflect two general concerns about impacts and two minor comments regarding specific sections of the EIS.

Based upon the planned phasing for Simpson pad development after the Landfill phase, and ESC's particular concern for preservation and enhancement of ecological function of the Simpson site, we applaud the City's commitment to proceeding with enhancement of the riverfront wetland complex in advance of pad development. Please notify ESC (as current delegated representative of Pilchuck Audubon Society) in the event that any change(s) may be proposed affecting the areas subject to the 41st Street Agreement.

Mindful of the project's planned phasing, the major financial investment required of the City and Oliver-McMillan, the Appendix C statement relative to flood hazard analysis " ...based on current conditions. ... Additional studies may be required ... .", and worldwide observation over recent years of widening ranges of regional weather variables, ESC recommends that prior to start of construction at the Simpson pad the Flooding study be revisited. The object of that review would be to assure evaluation of any relevant, updated BAS regarding long-term Puget Sound precipitation trends. N1

EIS Section 5.5.13.7, Fire & Emergency Vehicle Access p. 5-107, Fig. 5.6-1
Comparing text descriptions of secondary Access Alternatives to the map in Fig. 5.6-1, we assume that the southern end of either Access route past the South Simpson area is intended to start at the parking lot for the Riverfront Trail Park, not "Rotary Park". N2

EIS Section 5.7.3.2, Contaminated Soils, pp. 5-138,139, 141, 146,147, Fig. 5.7-1
This section provides especially useful clarification of status regarding residual soil contamination on (or overlapping) specified site locations, and related restrictions. Will mapped locations be physically posted? Excavation activities will need to be kept alert. N3

Thank you for considering our comments.

Peggy Toepel
President
Everett Shorelines Coalition
P.O. Box 13288, Everett, WA 98206

PEGGY TOEPEL

N1 Response:

Please see the response to Sean Edwards Comment P2. The FEIS Section 4.3 includes supplemental analysis to evaluate the potential affect on sea rise due to global climate change. Potential global sea rise has minimal impact on the Project Site. Modeling indicates that under the most extreme projections of a 5 foot rise in sea level, the greatest impact on the project area would be a rise in the 100-year flood elevation at the north end of the site of 11 inches. Final grades in that portion will be above that level. At the south end of the Simpson site, the lowest project grading elevations would be about ¾ inch below the 500-year flood elevation in that scenario. Since those grading elevations do not necessarily account for topsoil in yards, pavement thickness and other measures that would actually raise the ground elevation it is quite likely nothing would need to be done to protect the development area. There would be impacts to the trail area east of the site as that area would be impacted by the raised OHW. In that extreme scenario the trail would likely need to be raised by 2-3 feet.

The sum of the potential impacts of sea rise on this site is minimal. Impacts would occur under only the most extreme of forecasts and would not materialize for a century. In comparison, many areas of the watershed, and especially areas downstream would have potentially significant impacts as dike elevations are not designed for the new OHW that would result. Areas downstream, in such circumstances, would require drastic measures. Since these potential impacts would begin to manifest well in advance of the potential for impact there is ample time to make whatever changes might be appropriate.

N2 Response:

You are correct that the secondary access alternatives would start at the parking lot for the Riverfront Trail Park.

N3 Response:

Any soil contamination that remains in the development areas outside of the landfill footprint and pursuant to a cleanup plan would be subject to "institutional controls" dictated by such a plan. These controls typically include such measures as notices on titles and other steps to ensure that anyone who might take an action that would subsequently encounter such material would be informed and able to take appropriate precautions to ensure safety. Unless there would be a possibility of a random encounter with otherwise contained contaminants, signage is not typically warranted. For example, the Asarco cleanup in north Everett has areas where there are still levels of arsenic above the cleanup level redeveloped with occupied residential units. The contaminants are at a depth (which is demarked by a geotextile below capping soils) that is determined to provide a safe barrier from a chance encounter. Restrictive covenants and property owner notifications provide the protections to ensure people are aware of what they need to do in the event some action necessitates digging to a depth that would encounter this contained material. Those types of steps would be implemented in the event any contamination in this project is left on site.

As to the contaminants in wetland areas discussed in the referenced sections, those materials are presently at a depth (below water and sediment) which is presently considered sufficient to prevent exposure to the environment. The primary risk associated with those materials is to the natural environment. Covenants requiring specific steps for any activity that might disturb those sediments and cause them to be mobilized are in place and will be followed as the City considers restoration efforts in those wetlands. Those contaminants are not readily accessible to the general public. Access would require one to pass through the wetland buffer, physically enter the wetland and get well below surface sediments. Trail signage, and

buffer plantings that will increase the barriers to humans should be more than sufficient to prevent such an exposure from occurring.

0

Mary Cunningham

From: Dave Koenig
Sent: Monday, February 04, 2008 10:53 AM
To: Mary Cunningham
Subject: FW: Riverfront DEIS

Questions form the DEIS to be answered in the final EIS.

-----Original Message-----
From: JoAnne B. Wildman [mailto:fleur4me@verizon.net]
Sent: Monday, February 04, 2008 10:01 AM
To: Dave Koenig
Cc: bareye@verizon.net
Subject: Riverfront DEIS

Following are questions regarding subject:

What is actual acreage involved? Figures in DEIS range from 210 Acres (page i Snohomish Riverfront Dev) to 221 Acres (ES-3) to 191 acres Appendix I.] 01

Has zoning on properties involved been changed?] 02

Page 2-33: Where exactly is "Main and 41st Street overcrossing"?] 03

Is it 52nd Avenue or Lowell Road?] 04

What are considered AM/PM peak hours for LOS at 52nd and S. 3rd Avenue?] 05

Page 5-84 - table does not add up to 770 stated on page 5-82.] 06

What feeds Bigelow Creek - where is the head water?] 07

Is it ground or river water that fills the marshes? How deep are the marshes?] 08

Attachment JARPA - Property Tax Parcel ID's: of the 56 listed, cannot identify 2, 12 numbers are either duplicates or triplicates which leaves 41
parcels that can be counted with actual Land Market Value. These 41
accountable parcels carry a total Land Market Value of $12,272,900.] 09

JOANNE B. WILDMAN

O1 Response:

The Project area is 221 acres. The acreage cited in Appendix A (The Snohomish River Properties at Bigelow Creek: Conceptual Enhancement Program) is a study that pre-dates the development proposal and considered a slightly different area. The area included in the re-zone application (Appendix I) is the area which is proposed to be re-zoned to WC. The remaining acreage (between 221 and 191) is zoned Aquatic and will not change.

O2 Response:

No, the Proposal entails changing the zoning to WC from C2 and M-1 (the current designations within the proposed development area).

O3 Response:

The text is referring to two existing crossings, one at Main and the other at 41st and the potential for there to be a future crossing somewhere between those two. The full applicable text reads:

> The existing agreement between the City and BNSF provides for a pedestrian/bicycle overcrossing between the WSDOT overcrossing at Main Street and the 41st Street Overcrossing. At this time, no site has been selected and no funding is currently available for this improvement.

O4 Response:

52nd Street turns to Lowell Road at Broadway, which dead-ends at S. 3rd Ave. The main route continues east on Lenora, which turns into Lowell Snohomish River Road.

O5 Response:

The AM peak hours are 7:30-8:30 AM. The PM peak hours are 4:30-5:30 PM.

O6 Response:

The commenter is correct. The trips identified in the text are local bus services that operate through Everett Station on a daily basis. The number of applicable trips in the table is 855 not 770.

O7 Response:

Bigelow Creek is presently a stream comprised of at least two historically different streams. Analysis of maps and aerial photographs indicate that Bigelow Creek originally flowed south of the Simpson Pad, roughly near the service road initially proposed as the alternative fire road. Another stream flowed roughly through the present day Lowell Park and into wetlands in and around Wetland C (the Simpson wetland).

The water that forms these creek areas comes from the hillsides above and through the Lowell neighborhood. The area is generally depicted on DEIS Figure 4.4-2 Upstream Basin as the Lowell Drainage Basin (outlined in orange) and identifies the Bigelow Creek Basin within that area. Rainfall and groundwater from these areas work their way down and seep under the railroad and/or through culverts to discharge in areas that have come to be identified as Bigelow Creek.

O8 Response:

Generally the water in the wetlands in the development area is a combination of ground and surface water from adjacent uplands. There is some tidal back water from the Snohomish River presently entering the wetland areas as depicted on Figure 5.1-2 Ordinary High Water Mark Delineation.

Depths within the wetland areas vary but are generally between moist soil and depressions up to 4-5 feet in depth.

O9 Response:

The area defined as the "project area" has undergone numerous boundary line changes over the past several years and continues to have more changes made. As a consequence it is difficult at best to determine with precision all of the affected tax parcels by Assessor number. A revised list of numbers has been provided to the City and is included in this FEIS. It must be noted, however, that it is unlikely one can trace these with precision using the Assessor's website or other tools as changes continue to occur and those tools are not immediately updated as changes are made.

P

Public Testimony on Riverfront DEIS at January 22, 2008 Planning Commission Hearing

Sean Edwards, 3503 Oakes Avenue.

I live in the Port Gardener neighborhood which has a connection to this site. Part of this area would essentially become the east side of the Port Gardener neighborhood. For sometime our community has been talking about the connectivity between our existing residential areas and this site. Does the transportation element consider connectivity in any way? We want to make sure that this area is connected with the rest of the community and does not become sort of a gated community or some kind of exclusive area for those who can afford to live here or play here. I think it should be for all of us. P1

The other concerns are more, directly related to the environmental scope of this effort. First of all, is the flooding potential -- I know a lot of people have concerns about this site because of its proximity to the Snohomish River. It's in the floodplain or close to the floodplain, and I know that Dr. Alexander has commented on that since we started these discussions about the redevelopment of this site, and I understand that there are certain minimum requirements for building above the hundred year floodplain, and I think you have to be like one foot above -- two, okay. The potential effects of global climate change may include higher more frequent flooding events because of changes in the timing and the amount of rainfall in the mountains, the amount of snow pack that we have up there. Has global climate change been considered in scoping and conducting this analysis? P2

Another thing has to do with our Puget Sound salmon recovery efforts. This site has been identified in the Snohomish River Salmon Recovery Plan as having some potential for habitat restoration for Chinook Salmon and other salmonid. These kind of fringe areas in the lower river are important for juvenile salmonids for rearing and refuge during high water events, and I know that some habitat restoration elements are part of the scoping of this overall redevelopment effort. Speaking on behalf of my coworker Tim Walls, the lead entity coordinator for salmon recovery in the Snohomish Basin I'd like to ask how the city and OliverMcMillan intend to implement and pay for some of the salmon habitat restoration elements of this effort, and how is that related to mitigation for impacts on this site?. The concern here is to make sure that we're not using various scarce public grant dollars to do mitigation work that maybe should be paid for through mitigation funding. P3

Ryan Countryman. 3312 Lombard Avenue in Everett.

I am excited to see the proposal. I'm looking forward to having a movie theatre and new restaurants that are all within walking distance to my home. These will be great amenities to me and with the trail system improvements -- real improvements for my day-to-day life, so thank you to OliverMcMillan and city staff for working on this proposal. My main concern with the DEIS is related to flooding. Those of us who work with the FEMA floodplain hundred year floodplain estimates, through our jobs, understand that the floodplain estimates are woefully out of date. The area is shown by FEMA to flood only once every hundred years. In fact, it floods a lot more often than that, and I'm hoping that the Final Environmental Impact Statement can take P4

into account some estimates of what future flooding events are likely to be. I did notice the chart that was provided *(by Mr. Alexander)* shows some of the historic flooding events and shows 1951, the big flood at 30 feet; 1990 at about 33 feet; projected at 2047 at 38 feet. So what I'm hoping could be included in the Final EIS for this project would be some cross sections that show

- the existing river level,
- the projected river level,
- the existing floor elevation for the sites as they will be filled two feet above the hundred year floodplain and
- the current FEMA depth of whatever a hundred year flood would be, plus
- the 100 year flood projected out to 2047 estimate

P5

so that we can see whether or not the two foot fill above the current hundred year floodplain will be sufficient, as these buildings are likely to be here for at least a hundred years after they're built. My concern is that the fill might need to be more than two feet above a hundred year floodplain in order to protect the site throughout its lifetime. P6

Other than that, I'm excited about the proposal and look forward to seeing it get built.

Sandee Little. 603 Broadway in Everett.
I have about 29 years in as a real estate agent and I have some concerns about the monetary side of this whole project that I'd like to get some answers to today, if possible. In the paper it says that the purchase price was $6,000. In the paperwork that I printed off the computer it says $6 million and the paperwork says $8 million, and doing the tax assessment for the property is $17 million. That's a 28 percent reduction, so do I get 28 percent off my evaluation on my property so I don't have to pay taxes on it? If you compare it to Paine field, 211 acres is worth $55 million. If you compare it to a golf course -- which we have two -- it's worth $30 million. And platted in my neighborhood, an acre is worth $798,000 so the acreage would be worth $168 million. Last -- this month the parks department purchased a lot of 12,000 square feet for $720,000. Projected that to the 211 acres that would make it worth $607 million.

The parks department bought a lot this last month of 12,000 feet for $720 million. If you calculate that out to acreage, that would make this property worth $607 million so I'm a little curious as to where this 6 or $8 million figure came from. If you take 1,500 units which is what the paper says, the slide showed 1,400 for residential use. The average home price is $300,000. I'm assuming that would be the asking price for these properties and that would be an end product result of $450 million. If you have $1.2 million in commercial space and a hotel at 200 a square foot that gives you a total of $240 million, so an end product of $670 million. That's a pretty major project profit for OliverMcMillan to be making off of my taxpayer dollars. If you take half of that amount and use if for development costs that the city is not covering and the building cost to put the project together, that's still a 41 percent return on their $8 million investment. I'd sure like to get my money invested and to get a 41 percent return on it. Now, as far as the taxes -- to the cost to the taxpayer, the Simpson Mill was purchased, I believe, in 1999, which is 37 acres for $3 million, the second cleanup and I do not know what the first is. Dave Davis told me the figure for the second cleanup was $36 million. There's an insurance policy that the city is going to provide on the landfill portion that I believe is just under one million for a ten year period. You've got parks and development, and that has been estimated at five or six

P7

million. For the freeway off ramp, I don't know the cost of that, but the Lynnwood one for the bus section costs $18 million, so I'm going to guesstimate $25 million for the 41st Street. We had a settlement paid to the indians. I don't know how much that is. I don't know how much the studies for the EIS and the state fees and all the studies have been. There was a lawsuit from Earth Justice, and there was a settlement. There's a cost to buy the railroad line and fixing it up, and there's infrastructure of sewer lines, water lines, streets, curbs, sidewalks, setting up the trails, cost of the rezone around the runoff pond. I'm going to guess it's going to be somewhere in the vicinity of $200 million that the taxpayers are paying to get this land ready to develop. I'd like to have a breakdown on exactly what the costs are. I haven't been able to find it. I've read a whole bunch of material. I've been to the library. I've pulled up the documents. I got really upset because I started getting charged $4.47 a unit for my apartments for solid waste on my sewer bill. My sewer bill has gone up two and a half times in four years. Now I know why. On my sewer the city has put us in debt of $200 million. And part of it is to cover this project and the $4.40 a unit on the bill for my apartments is covering the sewer -- the landfill cleanup, and I don't have any idea how long I'm going to have to pay that off but the water bills

P7 Cont.

In what you're proposing to build on the commercial side, you've got a list of items that you want to -- stores you want to put in -- I don't see any child care facilities. I don't see any grocery stores or anything like that for people that live there. You want people not to drive a car. You want to cut down the driving of the cars and take buses to work. People have to have a place to leave their kids and walk home or they have to come home on a bus, get back in a car, go pick up their kids, go to the grocery store, and that's why they don't want to ride a bus.

OliverMcMillan LLC, a California LLC, is the buyer of the property. On the web site for California, there's no such company. I have the proof in my notebook. On the purchase and sale agreement I cannot find an earnest money deposit. The deed that's written up shows a signature receipt of a Delaware corporation. There's an assignment clause in the purchase and sale agreement, but the assignment clause cannot be assigned from a company that doesn't exist. I think an investigation needs to be done.

Alex Alexander. Getchell Ranch on Ebey Island, right across the river from Lowell.

I've been through the $50 copy of the EIS Draft, and I think it's pretty good. I think the team that's been put together is very competent. I have just one reservation and that is the Site B, the Simpson -- the old Simpson Mill site and the Snohomish River. I think you should simply drop that part tonight, if possible, and save yourself a lot of work and ultimately a lot of people drowned and businesses destroyed. I was gratified to see that someone had already utilized my graphic I made for the flood projection.

In the press we often hear this site referred to as the former landfill. It's not a former landfill. It's a former floodplain that has been landfilled. In the eyes of the river this is part of the natural pathway. I call it the path of 90 centuries. This is the flood in 1951. I was right here all of the time, most of the time. I was up a tree part of the time. Everett Pulp and Paper Company flowed through about three to four feet of water. They shut the mill down for about five days. Walton Plywood about waist deep. My uncle, who worked here in the sanding department for plywood,

said it was about waist deep there and then Walton Lumber Mill over here, all flow through. This is the pathway the river has used for 90 centuries.
People talk about straightening the channel to reduce flood probabilities. It doesn't make any difference. The channel runs from -- in that level of water movement, the channel moves from Swan's Trail to Lowell Hill about 2.1 miles or around 11,000 feet. 1,600 feet of that has already been compromised by the landfill at Simpson to take that amounts to about 15 percent of the total corridor. It's already taken out by landfill at the Simpson Pad. Much of that was done just before federal legislation, like Section 404 and Section 10 of the Clean Water Act. If those had been on the books, the people who made that Simpson Pad would be in jail now. You can't do that. You can't dump -- that came to about 400,000 cubic yards of sediment to make the Simpson Pad. Now if you want to go two feet higher, every cubic yard you would expend is going to place more hazard on the people upstream. This river is serving an area of 1,900 square miles, all the way back into King County, actually. Right here, marshland, Ebey Island, District 13 -- and this 2 mile corridor here is the actual bottleneck, and Simpson Pad is already taking up about 16 percent of that. And to put two feet more on it, isn't going to help matters -- just drop that. Take a look at it for another five years or ten years but get it right. P8 P9 P10

This is my second point. The great flood of 1951 right here *(using graphic)* is the flood I've just been showing you that was at 29.9 feet. Now, at 35 feet this is at the Snohomish gauge. You have about another five feet. In 2047 the projection is for about another eight feet. That means that areas like, for example, the Burlington Northern tracks would be covered. These Walton buildings, if they were still here, they would be right up under the eaves. Now, the reason we're having that increase, it's not global -- maybe global warming has something to do with it, but what is happening is we're developing the upper Snohomish Basin. Every day more acreage goes under asphalt and concrete. It's losing its absorption power for water, almost daily. Ultimately, these floods, like I've shown illustrated or projected here, won't be a century flood. They would be more or less common place. The best thing to do is to get that part out of there. P11

Now, the elevated portions that have -- those are man made issues and man manageable issues. Here you're dealing with Mother Nature and you're always going to lose. If you pick a fight with the river, ultimately you're going to lose. People might say, well, it's too late to turn around now, Alexander. You should have said this 15 years ago. Well, I've been saying it for at least six years. It's not too late. No one has been drowned yet. No one has built a house yet. No one has moved a cubic yard of soil yet. It's not too late. It will be too late after we begin losing -- until we have what mother nature has already demonstrated last December in Lewis County, Chehalis, Centralia, they're still coming out from underwater and cleaning mud. I-5, 18 miles of it blocked - it wasn't supposed to happen, but it shows you what can happen when certain events come together. This is not if, it's a matter of time. It's only a matter of time. P12

I have one other point. You can build what I call a citadel. You can actually by very careful planning and construction make an area almost impregnable. You're talking about putting down pilings. In this case, in the Simpson Pad, you would have to go down almost 200 feet. It is very well documented that the Snohomish Valley floor is basically soft peat and muck down to about 40 feet, then you have a layer of coarse sand and fine gravel. That's pretty good but engineers today go down 90 feet to a prehole (phonetic) of seeing a stone formation. That's what supports the US 2 Bridge trestle across the valley. If you begin putting down pilings here, you would find P13

nothing at 90 feet and nothing at 40 feet. What, basically, what you have there at the Simpson Site is an area going back to preglacial period with the river channel. And the river, I believe and a lot of people believe who know the river, ultimately will reclaim its channel.

I have just one more graphic. This is 1870. That's my great uncle E.D. Smith who founded Lowell. In his time the water came down -- here's the corner that Lowell, took a broad sweep through what is now the Simpson area. On my side of the area we had a nice high bank, didn't worry about floods very much. In fact, my great grandparents built their first house flat on the ground. This is about 11 feet elevation. This is about 4 to 5 feet. Any given flood swung in here, ran right over the old Simpson Pad area and went on with it. If standing at this spot and looking across the river today, this is what I see. You see the river side trail, which is actually a dike, completely blocking that flow and this has been filled in. You see the subsidence of the strongest part of the old Simpson Mill, the water pump base with sheet piling and very deep sheet pilling. That was the strongest feature, and it's already subsiding into the river. P14

As part of the citadel effect, I predict three happenings; a break through right here that will go all the way through; and on the west side break through on the west side of the Simpson Pad. It would come right through here. You would immediately make an island of the Simpson Development as well as going over top of it. The restored Bigelow Creek back in here is an open invitation for that break to come through there. It's just a matter of time this volume of water, you'll get an idea of what it would be like. The break that formed Norwegian Bay in 1995 was 560 feet wide, about 700 deep inland. And to the depth of the bottom of the river. That kind of break in multiplied by a factor of two to three is what inevitably must happen right at this site. It's just a matter of time. In the meantime the citadel, which is directing water elsewhere, I predict will have a break in on Ebey slough, partly because the Department of Transportation was thoughtless enough to build a trestle with tiers in mid channels, and these accumulations of debris formed a huge dam. When that volume of water comes in 2047, it'll be almost to the surface of the highway right up in there, and there'll be a U-shaped passage of water around it. Immediately affected, would be the Everett water supply. Three water lines immediately adjacent to that bridge going underground right there; two of them potable water; one industrial water. Those wouldn't have much chance to stand up to that kind of water flow. Those are things that will happen if you fellows build on Site B structures so flood proof that they're safe, then these are the things that are going to happen elsewhere in the valley. It's non-negotiable. You can't make Mother Nature slow down her water output. You can't make rain drops turn around and go back in the clouds. They're going to come. P15 P16 P17 P18

I have to add one comment about the ecology of salmon restoration. This may not be a main point to me, but it is to some people. The only salmon that would be benefiting from the DEIS plan would be dog salmon. They spawn in mud bottoms. If you wanted to help Chinook, you've got to restore Bigelow Creek all the way up the hillside past the side of the old Lowell School. They spawn in gravel bottoms. P19

Leonard Reishland, 2916 State in Everett

I think we should heed Dr. Alexander's advice. Thank you. P 20

OJ Marsden. 5306 33rd Avenue West.

When you gave the presentation and you talked about the three alternatives. When is that decided? Who is going to ultimately design? Who decides the ultimate plan and when do we get to hear about that, or do we hear about it after it's done? P21

What is the timing of construction, for example building housing? P22

SEAN EDWARDS, 3503 OAKES AVENUE

P1 Response:

Street connections are discussed throughout Section 5.5 of the DEIS. Non-motorized connections are discussed specifically in Section 5.5.13.5.

Areas of the development are connected by public streets and trails. There is no proposal to develop exclusive or gated areas.

P2 Response:

Yes, global climate change has been considered. The analysis was in Chapter 4.3 of the DEIS. FEIS Section 4.3 includes updated information based upon a study issued after the DEIS was published. Sea Level Rise in the Coastal Waters of Washington State was published by the University of Washington Climates Impact Group and the Washington Department of Ecology (January 2008). That study made a range of estimates of sea level rise considering multiple factors, including global and local impacts, and physical factors such as vertical land movement. For Puget Sound the medium estimate of sea level rise is 6 inches by 2050 and 13 inches by 2100. See the table below, which also identifies the very low and very high estimates. Due to the wide range of projected impacts the new analysis looked at possible rises ranging from 1 to 5 feet.

Sea Level Rise Estimates for Puget Sound[7]

	2050	2100
Very Low	8 cm (3")	16 cm (6")
Medium	15 cm (6")	34 cm (13")
Very High	55 cm (22")	128 cm (50")

The impact on the project site of potential global sea rise is minimal. In the event sea level did rise dramatically, it would raise the 100-year flood elevation by inches, with the greatest rise occurring at the north end of the site near Pacific Avenue where the 100-year flood elevation would increase by just over 11 inches if sea level rose by 5 feet. The reason for these minimal changes is the influence the tides and tidal elevations have on flood elevations. The level of the Sound has a controlling effect on the flood elevations such that as the tidal elevation rises, river floods have less control on the water elevations in the tidally influenced areas. (For example at present tide elevations, the flood elevations in the lower reach of the river around Smith Island are very near the MHW, which is what would occur further upstream as sea levels rise.) At proposed final grades, the project area would still be protected from the 500-year flood, except the extreme south end of the Simpson Pad on the edges would be about ¾ inch below the 500-year elevation (not considering topsoil and other factors that would actually raise the surface level above the building grades).

The sum of the potential impacts of sea rise on this site is minimal. Impacts would occur under only the most extreme of forecasts and would not materialize for a century. In comparison, many areas of the watershed, and especially areas downstream would have potentially significant impacts as dike elevations are not designed for the new OHW that would result. Areas downstream, in such circumstances, would require drastic measures. Since these potential impacts would begin to manifest well in advance of the potential for impact there is ample time to make whatever changes might be appropriate.

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[7] Sea Level Rise in the Coastal Waters of Washington State , University of Washington Climates Impact Group and the Washington Department of Ecology (January 2008).

P3 Response:

The Snohomish River Basin Salmon Conservation Plan references what became the Conceptual Restoration Plan (Appendix A of the DEIS). This Plan has been used as guidance by OliverMcMillan and its consultants as well as the team the City is utilizing to consider restoration activities. The mitigation that OliverMcMillan is providing for its impacts (as outlined in the revised BA/HMP in this FEIS) is based on achieving elements of the Conceptual Plan including providing increased tidal hydrology in Wetland C.

Public funds are not being directly used for project related mitigation. The projects under consideration by the City are potential enhancement actions that are not required mitigation for impacts generated by OliverMcMillan's proposal. Public funding may be spent for mitigation required for construction of the public amenities, such as trails, the 3-acre Park, and restoration activities that may have short-term construction impacts.

RYAN COUNTRYMAN, 3312 LOMBARD AVENUE, EVERETT

P4 Response:

Floodway boundaries are determined based on negotiations with individual jurisdictions, in this instance the City of Everett, on how the predicted floodplain elevations will be applied to establish flood hazard zones. In negotiations, it is determined how levee failure, urban development, and other issues shall be applied to the 100-year floodplain elevation to develop the floodway boundary. For the floodway boundary determination through the City of Everett, it was assumed that areas within the urban flood fringe were developed to be above the 100-year water elevation. The flood surfaces used to develop figures in the EIS were provided from the approved FEMA hydraulic model for the Snohomish River.

The model uses hydrologic data provided from USGS gauging stations analyzed to determine the 10-, 50-100-, and 500-year recurrence interval storm events. The hydraulic model predicts the water surface elevation of each event, accounting for multiple variables such as downstream boundary controls (tidal influence), levees, storage areas, ineffective flow areas, and channel roughness.

The 100-year flood event is defined as having a .01 (1%) probability of occurring any year, and every year. While there may be other areas of the River in which frequency of flood events may appear to be different than the frequency predicted under the present model there is no evidence that the area of the project is being impacted in ways not accurately predicted in the model. There is no evidence or reason to suggest that the 100-year flood elevation predicted for the Project site has any more than a .01 (1%) annual recurrence probability.

P5 Response:

The FEIS includes revised Figures 4.3-3 through 4.3-3G in the Revised Section 4.3 identifying existing and finished grades, the 100-year and 500 year elevations. There are no scientific models that show or predict changes in River elevation in the future so that is a feature that cannot be applied. As to the present River elevation, one must keep in mind that this reach is tidally influenced so the elevation fluctuates. The cross sections show roughly the edge of land adjacent to the River. The OHW along Project boundaries is about 10 feet.

As to the graph cited, please refer to FEIS Response E3. The referenced graph assumes a linear increase in both streamflow and river stage from 1940 through 2047 which is not a valid assumption based on hydrologic principles. Many non-linear factors are involved in determining flood events and they do not

lend themselves to simple straight-line types of extrapolations. The analyses for this Proposal have been done using the accepted modeling for flood potential for the Snohomish River, the UNET Version 3.2 model.

Analysis showing increased flood elevations based on climate change impacts has been included in the text analysis, but not FEIS Figures 4.3-3 through 4.3-3G.

P6 Response:

Please see response to your Comment P4. Also, please see the Responses G1 and G2. FEIS Figures 4.3-3 through 4.3-3G show proposed elevations in relationship to flood elevations. All areas of the Project that will be developed with buildings (except the boat facility) are proposed to be filled 2 feet above the 100-year flood elevation. The cross sections in Figures 4.3-3 through 4.3-3G show the finished elevations for all of the developed area will be higher than 2 feet above the 100-year flood elevation and therefore have proportionately less flood risk. The final grades will also be above the 500-year flood elevation (except the road between the Landfill/Tire Fire Site and Pacific Avenue which in places is not above that elevation, but is above the 100-year elevation). The project area will have substantial protection from potential major flood damage.

SANDEE LITTLE, 603 BROADWAY, EVERETT

P7 Response:

The bulk of the comments relate to perceptions regarding the real estate transaction and development agreement between the City and OliverMcMillan. These issues are not subjects relevant to review under the State Environmental Policy Act (SEPA). As a matter of clarification, OliverMcMillan as "OliverMcMillan, Everett LLC" is licensed to do business in the State of Washington.

Regarding potential uses including child care and grocery stores, these are potential uses contemplated under the proposal. The mix of businesses has not been set at this time.

ALEX G. ALEXANDER, GETCHELL RANCH ON EBEY ISLAND, RIGHT ACROSS THE RIVER FROM LOWELL

P8 Response:

Page 2-14 of the DEIS identifies when filling activity occurred on the Simpson Pad with the first major activity occurring in 1980. The Clean Water Act was adopted in 1977. The initial filling activity was done to accommodate dredging of the Snohomish River by the US Army Corps of Engineers and pursuant to federal, state and local permits.

P9 Response:

See Response E2. Use of the accepted flood model for the Snohomish River indicates no significant increase in flood risk or impact resulting from the additional fill proposed for the Simpson Pad.

P10 Response:

The "bottleneck" theory ascribed to the bend upstream of the site is not consistent with the results of the hydraulic modeling or the hydrodynamics in this reach. It is true that a narrow constriction in a river may elevate water upstream and create a temporary tailwater under certain conditions. The reach upstream of

the bend, however, has access to a broad floodplain when levees are overtopped, as well as access to Ebey Slough, which serves as a "relief valve", splitting flow and reducing in-stream power.

FEMA water surface elevation data for the cross sections through the entire reach do not demonstrate any significant difference in the water surface gradient between reaches upstream or downstream of the bend. The similar water surface gradients reflects the fact that high flows in this reach tend to spread across the floodplain, particularly towards Ebey Slough, rather than "stack up" behind the bend.

P11 Response:

Please see Response E3 to your written comments. Stage data is unavailable from the USGS gage at Snohomish (12155500) prior to 1966 so, a comparison of flood heights in 1951 with flood heights today is not possible. However, gage data does show a height of 35 feet at Snohomish during the November 2006 flood event. It is not accurate to predict base flood elevation for the year 2047 on a relationship between 1951 and 2006. Channel geometry and bed elevation changes are not linear, and any affect that changes in river form may have on flood elevations cannot be predicted without hydraulic modeling. The only available model of this reach has been approved by FEMA, Snohomish County, and the City of Everett. That model predicts 100-year and 500-year flood elevations in the project reach reaching a maximum height of 15-20.5 feet (NGVD 29) from downstream to upstream. As channel conditions or changes in hydrology warrant, new models will be developed to update flood elevations in this reach; but until that occurs, the existing model is the best available tool to estimate flood hazard at the site, and there is no basis to assume an 8 ft rise between now and 2047.

P12 Response:

The December 2007 flood on the Chehalis River has been estimated to be a 500-year recurrence interval storm event for that system. The flood damage caused by that event is unique to the intensity and duration of that storm and the specific location involved. The highest intensity rainfall was in portions of the upper watershed where rapid delivery of water, wood, and sediment to the stream channel led to flood damage. The flood regime of the Snohomish River system is different from the Chehalis and a broad comparison is not possible or appropriate. Notwithstanding, if a 500-year flood occurs on the Snohomish, there will certainly be flood damage. The key point here is whether or not the proposed development will change the current potential for that flood damage or contribute to it.

The wetlands on site which store floodwaters will remain intact, and be enhanced in some cases. A plan to expand the Simpson Wetland proposed as mitigation, for example, will actually reduce the flood pressure in this reach of river. The floodway boundary approved by FEMA and the City of Everett already assumes the site will be developed as part of the urban flood fringe. As the reply to your written comment E2 indicates, the impact of the site development should have no significant effects on the flood patterns or flood risks that the Snohomish River valley is currently subject to.

P13 Response:

Preliminary geotechnical subsurface investigations for the Simpson Pad site indicate that the depth to suitable granular bearing soils is approximately 40 feet deep at the north end of the pad and up to 80 feet deep in an area on the southern end of the pad. If required, pile foundations will likely be on the order of 40 to 110 feet long across the site. Please refer to Appendix B of the DEIS for the results of the analysis.

P14 Response:

Preliminary settlement analyses have been performed for the Simpson Pad. Based on the preliminary subsurface investigations and settlement analyses, consolidation settlement across the Simpson Pad due to site grading is estimated to be on the order of 4 to 12 inches, and liquefaction induced settlement is estimated to be on the order of 3 to 6 inches (See DEIS Section 4, page 4-6).

P15 Response:

A channel migration hazards assessment of this reach predicts that migration of the stream channel through this reach is highly unlikely. This determination was made based on: the long-term stability of the channel in its current location dating back to 1869, the low probability of bend migration here due to the absence of bar deposits, the low risk of channel avulsion due to cohesive material in the floodplain, and the presence of levees. See Response E4 for more detail. All indications are that the bend upstream is stable, controlled by stable geology, and the likelihood of the channel migrating west of the Simpson Pad is very low.

P16 Response:

Flood projections indicate that in a 100-year or 500-year flood water would flow around the Simpson Pad in the wetlands surrounding it and along the to-be-abandoned railroad tracks west of the Pad. Indeed, the primary access to the Pad is a bridge that crosses the creeks in that railroad area and that would span floodwaters in such an event. Therefore it is true the Simpson Pad would be an "island" in a flood, accessed by a bridge.

The restoration plans for Bigelow Creek should have no affect on the potential for channel migration through this reach. Based on the analyses conducted we do not foresee any scenario in which the Snohomish River occupies the Bigelow Creek channel by headcutting up its outlet.

P17 Response:

Please refer to Response E4 which addresses one of your written comments. That Response points out that the stretch of levy failure leading to the creation of Norwegian Bay was due to the presence of a substandard dike and consequently was not entirely unexpected. The pre-break dike was referred to as a "peanut dike" and was the last part of a dike plan dating to 1959 to be addressed after the 1995 break. This stretch of completed dike work was reported to have performed successfully as designed and predicted in more recent flood events.

There is no means of correlating the break at Norwegian Bay and predictions for the Simpson Pad site. Besides the substandard dike at the breach, Norwegian Bay is located along the downstream end of a meander, the zone of highest force along a streambank. The Simpson Pad is located in a straight, stable reach just downstream of a stable meander that has been intact for over 100 years.

P18 Response:

The hypothetical chain of events outlined in the Comment assumes that the load currently carried by the Snohomish will somehow shift to Ebey Slough. In order to create a "break in" on Ebey Slough, it would require one of two scenarios: severe channel migration into Ebey Slough, or a substantial elevated water surface near the Ebey Slough inlet that drives flow into Ebey Slough. Neither of these scenarios is likely.

The channel migration zone study shows that the channel configuration in this reach has been stable for over 100 years. Although this reach carries a high volume of water, the low gradient and large floodplain

create a low-energy environment here that does not produce significant stream power to migrate into the well-established banks, or avulse into Ebey Slough.

The flood model for this reach shows a progressive increase in water surface elevations during flood events moving upstream through this reach. There is no "bottleneck" or hyper-elevation scenario that would create a large gradient break in the water surface near the inlet to Ebey Slough.

The flood volume estimates presented by the commenter for 2047 are based on a misunderstanding of hydrology and hydraulics and cannot be used to predict future flood conditions. The assumption that the river will respond to floods in 2047 in the same way it does today, or in some linear fashion, is also incorrect (as discussed previously).

With respect to wood loading in response to flooding, each flood recruits wood in different manners. Wood inputs in the Snohomish River watershed may come from a range of sources, such as natural recruitment of wood in floodplain areas, mobilization of wood from log rafting or storage operations, or the uprooting of dead and decaying trees in floodplain areas that is subject to subsidence from historical diking.

Regardless of the source, wood accumulations are a historical process and will continue to play a role in river dynamics of the Snohomish River. The proposed conditions model of the project area shows that filling of the Simpson Pad to the 500-year flood elevation has no appreciable (less than 0.06 ft in all locations) influence on flood elevations. This means that no additional areas beyond what is presently flooded will be subject to inundation or saturation. The lack of additional areas subject to inundation translates into no additional areas of potential wood recruitment that could be attributed to or caused by the proposed action.

P19 Response:

The Comment is correct in that spawning habitat would not likely be created from any of the restoration activities, nor is that the intent. The intent of the restoration for the benefit of salmon is primarily for upstream and downstream migration and rearing life stages. Please refer to Section 4.5 and Appendix D of the DEIS for additional discussion and references.

LEONARD REISHLAND, 2916 STATE, EVERETT

P20 Response:

Thank you for your comment. Please see responses to the Alexander Comments above.

OJ MARSDEN, 5306 33RD AVENUE WEST

P21 Response:

The preferred Alternative is selected by the Project Proponent, OliverMcMillan. In this instance, the City of Everett has required certain performance requirements in the Property Disposition Agreement that transfers the ownership and sets conditions of the sale.

Regarding design, one of the land use permit approvals, the Planned Development Overlay (PDO) will include minimum design standards. The PDO will also include required mitigation measures based on the EIS analysis. Once the PDO is adopted it is up to OliverMcMillan to design buildings that comply with the required standards.

Once permits land use approvals are made initial earthwork and associated development will occur while final design for buildings will commence. The permit process that sets the design standards is a process that provides for public input at the Planning Commission and City Council levels.

P22 Response:

The present schedule anticipated would have building construction start on the Landfill/tire fire site in 2009 with opening to occur in 2010 or 2011. Construction on the Eclipse and Simpson sites would occur after the building starts on the Landfill/tire fire parcel