



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

October 9, 2015

Cowlitz County
Attn: Claude Sakr
1600 13th Avenue South
Kelso, WA 98626
Fax: 360-636-0845

Dear Mr. Sakr:

The U.S. Environmental Protection Agency has reviewed the September 10, 2015 Federal Register Notice for the Federal Highway Administration's Notice of Intent (NOI) to prepare an environmental impact statement on the Industrial Way/Oregon Way Intersection Project. We have also reviewed the lead agencies' September 17, 2015 Agency Scoping Packet. EPA Region 10 Project Number: 15-0050-FHA.

Our review of the NOI and Agency Scoping Packet was conducted in accordance with our responsibilities under National Environmental Policy Act and Section 309 of the Clean Air Act. Section 309 specifically directs the EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our Section 309 authority, our review of the draft EIS for the proposed project will consider the expected environmental impacts, and the adequacy of the EIS in meeting procedural and public disclosure requirements of NEPA. We also look forward to working on this project as a participating agency pursuant to 23 U.S.C. Section 139.

Project Summary

According to the NOI, the purpose of this project is to provide improvements at the intersection of State Routes 432 and 433 to reduce congestion, increase freight mobility, and improve safety. Preliminary alternatives include: no action, raising the intersection to completely separate highway traffic from train traffic, making at-grade highway improvements, and raising the highway intersection while retaining some roadway at-grade access.

Answers to Agency Scoping Packet "Scoping Comment Tool" Questions

The Agency Scoping Packet encourages agencies to consider completing questions in the packet's Scoping Comment Tool. Our answers to select questions from the Scoping Comment Tool are given below.

Based on the information given so far, does your agency have comments or concerns related to potential impacts?

Based on the EPA's review of the Agency Scoping Packet table, "Environmental Discipline Areas for Evaluation in the EIS and Anticipated Impacts" as well as our review of the 2001 archive document,

“SR432-Route Development Plan”,¹ we have the following project specific comments and concerns related to potential impacts.

Environmental Justice

We believe it is important to recognize in the EIS that there can be both adverse and beneficial impacts. With this in mind, consider describing both the adverse and beneficial effects to low income and minority populations in the affected environment that may result from a change to the environment or exposure to environmental contaminants (e.g., chemical, biological, physical, or radiological) or arising from related ecological, aesthetic, historic, cultural, economic, social, or health consequences of the proposed action to the community. See the Environmental Justice section in our attached General NEPA Scoping Comments for more information, comments, references and resources.

Surface Waters

We agree that impacts to stormwater ditch (ditch #3) to the north of the intersection should be anticipated. Any activity that involves jurisdictional wetlands including culvert extensions would likely require a Section 404 Clean Water Act permit from the Army Corps of Engineers. See the Aquatic resources, Wetlands and Riparian Areas section in our attached General NEPA Scoping Comments for our comments on effectively coordinating the NEPA process and the Clean Water Act Section 404 permitting process.

We are also concerned about impacts to surface waters from impervious surfaces. To address this concern, we recommend that the EIS include information on how the action alternatives avoid, minimize and mitigate potential increases in impervious surface impacts on surface waters.

Floodplains

To the extent that floodplain impacts are possible - including beneficial impacts - we would note our interest in restoring natural processes. We believe that federal investments with the potential to impact water resources should protect and restore the function of ecosystems and mitigate any unavoidable damage to these natural systems. We also believe that the restoration of ecosystems - even at small scales - can enhance the health and resilience of the natural environment and should be part of federal actions where feasible and appropriate.

Fish and Wildlife

We are concerned that the Agency Scoping Packet's anticipated impacts table does not mention fish or wildlife. The EIS should evaluate potential impacts to, for example: songbirds, hawks, small mammals, beaver, ducks and resident fish, as well as any listed species. Similar to our comment on floodplains above, we note our interest in restoring natural processes where feasible and appropriate. Consider, in the EIS, opportunities associated with the project which could improve habitat for fish and wildlife - even if the species is not listed.

Noise

We are concerned about noise impacts to sensitive receptors from construction, and vehicle and rail traffic. We are particularly concerned about indirect and cumulative noise impacts from potential increases in freight movements through the intersection. Consider - as a tool for addressing anticipated increased rail traffic in the cumulative impacts report - utilizing relevant methods and thresholds from

¹ Available online at: <http://industrialoregonway.org/wp-content/uploads/2015/08/SR-432-Route-Development-Plan1.pdf>

the Federal Railroad Administration's 2012 technical report "High-Speed Ground Transportation Noise and Vibration Impact Assessment".²

Indirect effects

Indirect effects are those which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include additional development or other effects related to changes in the pattern of land use, road systems and access, number and frequency of human visits/uses, and related effects on air and water and other natural systems, including ecosystems (40 CFR Part 1508.8). Such effects could result, for example, from pressures to later construct additional roads and highways. Completion of one project could facilitate the building of another, particularly if one project builds components needed by the later one. Such a scenario can also influence funding decisions, and processes that affect those decisions.

For which disciplines would your agency like to collaborate on Impact Assessment Methodologies?

We would especially like to collaborate on the assessment of indirect and cumulative effects.

Does your agency have comments or concerns related to Purpose and Need or Goals and Objectives?

We support the core principles of Context Sensitive Solutions³ and the HUD-DOT-EPA Partnership for Sustainable Communities livability principles.⁴ Consider, for the EIS, including information demonstrating how the purpose and need for this project has been designed with these principles in mind. Given the EPA's mission to protect human health and the environment, we are particularly interested in having the purpose and need reflect the CSS core principle - "Exercise flexibility and creativity to shape effective transportation solutions, while preserving and enhancing community and natural environments."

In addition to the project specific comments above, we are enclosing an attachment with General NEPA Scoping Comments for your consideration as you develop the EIS.

Thank you for this opportunity to comment and I can be contacted at (206) 553-6382 or by electronic mail at peterson.erik@epa.gov.

Sincerely,



Erik Peterson
Environmental Review and Sediment Management Unit

Enclosure: General NEPA Scoping Comments for the Industrial Way/Oregon Way Intersection Project

² <https://www.fra.dot.gov/eLib/Details/L04090>

³ http://contextsensitivesolutions.org/content/topics/what_is_css/core-principles/

⁴ <http://www.fhwa.dot.gov/livability/>

General NEPA Scoping Comments for the Industrial Way/Oregon Way Intersection Project

Purpose and Need

The EIS should include a clear and concise statement of the underlying purpose and need for the proposed project, consistent with the implementing regulations for NEPA (see 40 CFR 1502.13). The *Purpose* is the problem to be solved, the “what” of the proposal. The purpose statement should address specific goals and objectives of the proposed action and/or be expressed as expected positive outcome(s). Also, the EIS should avoid stating a solution as a purpose.

The *Need* is the “why” of the proposal. The *Need* should address the broader social need to which the agency is responding by establishing evidence that an opportunity or a problem exists, or will exist.

Aquatic resources, Wetlands and Riparian Areas

The proposed activities may require a Clean Water Act Section 404 permit from the Corps. The Clean Water Act Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material require that impacts to aquatic resources be avoided, minimized, and mitigated, in that sequence.⁵

In order to effectively coordinate the NEPA process and the Clean Water Act Section 404 permitting process, we recommend that the EIS include information that demonstrates compliance with the Guidelines.

For unavoidable impacts, compensatory mitigation should be consistent with the Compensatory Mitigation for Losses of Aquatic Resources; Final Rule.⁶ The EIS should include a discussion of all mitigation options, including on-site mitigation. For unavoidable losses to aquatic resources, compensatory mitigation should be implemented in advance of the impacts to avoid temporal habitat losses.

To the extent possible, the following information from a draft mitigation plan should be included in the EIS:

- A description of the resource type and amount that will be provided, the method of compensation, and the manner in which the resource functions of the compensatory mitigation project will address the needs of the ecoregion, physiographic province, or other geographic area of interest.⁷
- A description of the factors considered during the compensatory mitigation project site selection process.⁸
- A description of ecological performance standards that will be used to assess whether the project is achieving its objectives.⁹
- A description of parameters to be monitored in order to determine if the compensatory mitigation project is on track to meet performance standards and if adaptive management is needed.¹⁰

⁵ 40 CFR 230

⁶ 33 CFR 325 and 332, and 40 CFR 230

⁷ 40 CFR 230.94 (c)(2)

⁸ 40 CFR 230.94 (c)(3)

⁹ 40 CFR 230.95

¹⁰ 40 CFR 230.94 (c)(10)

- Descriptions of the long-term management plan, adaptive management plan, and financial assurances.¹¹

Mitigation and Monitoring

CEQ's January 14, 2011 guidance on the Appropriate Use of Mitigation and Monitoring addresses establishing, implementing, and monitoring mitigation commitments made during the NEPA process.¹²

Key concepts include:

- Ensuring that mitigation commitments are implemented;
- Monitoring the effectiveness of mitigation commitments;
- Remediating failed mitigation; and
- Involving the public in mitigation planning.

Consider giving special attention to Section II's information on "Monitoring Mitigation Implementation" and "Monitoring the Effectiveness of Mitigation." Inclusion of implementation monitoring information in the EIS, such as identification of responsible parties, mitigation requirements, and enforcement clauses will help to ensure that those commitments are carried through permits or other agreements.

Air Quality

To address potential air quality impacts, consider whether the direct, indirect, or cumulative impacts of project-related air emissions would result in:

- any adverse impact on air-quality-related values in a federal Class I area or state wilderness area, or
- annual emissions greater than the basic Prevention of Significant Deterioration emission thresholds;
- any new violation of any state or federal ambient air quality standards;
- interference with the maintenance or attainment of any state or federal ambient air quality standard in the analysis area;
- increases in the frequency or severity of any existing violations of any state or federal ambient air quality standard in the analysis area;
- exposure of nearby populations to increased levels of diesel particulate matter and other air toxics;
- delays in the timely attainment of any standard, interim emission reduction, or other air quality milestone promulgated by the EPA or state air quality agency; or,
- exposure of sensitive receptors to substantial pollutant concentrations.

Hazardous Materials/Hazardous Waste/Solid Waste

Identify projected hazardous waste types and volumes, and expected storage, disposal, and management plans. Identify any hazardous materials sites within the project's study area and evaluate whether those sites would impact the project in any way.

¹¹ 40 CFR 230.94 (c)(11-13)

¹² CEQ, *Memorandum for Heads of Federal Departments and Agencies*, Subject: Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact, January 14, 2011, http://ceq.hss.doe.gov/current_developments/docs/Mitigation_and_Monitoring_Guidance_14Jan2011.pdf

Climate Change

We believe the Council on Environmental Quality's December 2014 revised draft guidance for Federal agencies' consideration of GHG emissions and climate change impacts in NEPA outlines a reasonable approach, and we recommend that agencies use that draft guidance to help outline the framework for its analysis of these issues. Accordingly, we recommend the draft EIS include an estimate of the GHG emissions associated with the project, qualitatively describe relevant climate change impacts, and analyze reasonable alternatives and/or practicable mitigation measures to reduce project-related GHG emissions. More specifics on those elements are provided below. In addition, we recommend that the NEPA analysis address the appropriateness of considering changes to the design of the proposal to incorporate GHG reduction measures and resilience to foreseeable climate change. The draft and final EIS should make clear whether commitments have been made to ensure implementation of design or other measures to reduce GHG emissions or to adapt to climate change impacts.

More specifically, we suggest the following approach:

"Affected Environment" Section

- Include in the "Affected Environment" section of the draft EIS/EA a summary discussion of climate change and ongoing and reasonably foreseeable climate change impacts relevant to the project, based on U.S. Global Change Research Program assessments, to assist with identification of potential project impacts that may be exacerbated by climate change and to inform consideration of measures to adapt to climate change impacts. (Among other things, this will assist in identifying resilience-related changes to the proposal that should be considered).

"Environmental Consequences" Section

- Estimate the GHG emissions associated with the proposal and its alternatives. Example tools for estimating and quantifying GHG emissions can be found on CEQ's NEPA.gov website.¹³ For actions which are likely to have less than 25,000 metric tons of CO₂-e emissions/year, provide a qualitative estimate unless quantification is easily accomplished.
- The estimated GHG emissions can serve as a reasonable proxy for climate change impacts when comparing the proposal and alternatives. In disclosing the potential impacts of the proposal and reasonable alternatives, consideration should be given to whether and to what extent the impacts may be exacerbated by expected climate change in the action area, as discussed in the "affected environment" section.
- Recognizing that climate impacts are not attributable to any single action, but are exacerbated by a series of smaller decisions, we do not recommend comparing GHG emissions from a proposed action to global emissions. As noted by the CEQ revised draft guidance, "[t]his approach does

¹³ https://ceq.doe.gov/current_developments/GHG_accounting_methods_7Jan2015.html

not reveal anything beyond the nature of the climate change challenge itself: [t]he fact that diverse individual sources of emissions each make relatively small additions to global atmospheric GHG concentrations that collectively have huge impact.” We also recommend that you do not compare GHG emissions to total U.S. emissions, as this approach does not provide meaningful information for a project level analysis. Consider providing a frame of reference, such as an applicable Federal, state, tribal or local goal for GHG emission reductions, and discuss whether the emissions levels are consistent with such goals.

- Describe measures to reduce GHG emissions associated with the project, including reasonable alternatives or other practicable mitigation opportunities and disclose the estimated GHG reductions associated with such measures. The DEIS alternatives analysis should, as appropriate, consider practicable changes to the proposal to make it more resilient to anticipated climate change. EPA further recommends that the Record of Decision commits to implementation of reasonable mitigation measures that would reduce or eliminate project-related GHG emissions.

Cumulative Impacts

Cumulative impacts result when the effects of an action are added to other effects on a resource in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis. While impacts can be differentiated by direct, indirect, and cumulative, the concept of cumulative impacts takes into account all relevant disturbances since cumulative impacts result from compounding the effects of all actions over time. The cumulative impacts of an action can be viewed as the total effects on a resource, ecosystem, or human community of that action and all other activities affecting the resource.

Characterize resources, ecosystems and communities in terms of their response to change and capacity to withstand stresses. Focus on resources that are “at risk” or have the potential to be significantly impacted by the proposed project.

Delineate and explain the reasoning behind geographic boundary decisions; using natural ecological boundaries to the extent possible. For example, for cumulative wetland impacts, a natural boundary such as a watershed or sub-watershed could be identified for the spatial scope, although an analysis at multiple geographic scales may also be appropriate. Include a determination and explanation for the analyses’ temporal scope.

Trend data, where available, can be used to establish a baseline for the affected resources, project a reasonably foreseeable cumulative baseline for the affected resources, and to predict the environmental effects of the project when added to this baseline.

Environmental Justice

Executive Order 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations requires each Federal agency to identify and address disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations, low-income populations, and Native American tribes.¹⁴

¹⁴ Executive Order 12898, 3 CFR 859 (1994)

To address potential environmental justice concerns, a useful resource is CEQ's 1997 "Environmental Justice Guidance under the National Environmental Policy Act."¹⁵ We would emphasize addressing the following:

- **Demographic Analysis:** Gather geographic and demographic data about the area affected by the proposed action to determine whether minority populations, low-income populations, or Indian tribes¹⁶ are present, and if so whether there may be disproportionately high and adverse human health or environmental effects on these populations.
- **Establish baseline conditions:** Consult relevant public health data and industry data to establish the potential for multiple or cumulative exposure to human health or environmental hazards in the affected population and historical patterns of exposure to environmental hazards, to the extent such information is reasonably available.¹⁷
- **Characterize/describe the direct, indirect, and cumulative effects of the proposed action within this context:** Recognize the interrelated cultural, social, occupational, historical, or economic factors that may amplify the natural and physical environmental effects of the proposed agency action. These factors should include the physical sensitivity of the community or population to particular impacts; the effect of any disruption on the community structure associated with the proposed action; and the nature and degree of impact on the physical and social structure of the community.
- **Develop effective public participation strategies:** As appropriate, acknowledge and seek to overcome linguistic, cultural, institutional, geographic, and other barriers to meaningful participation, and incorporate active outreach to affected groups. Strategies include: using notices, mailings, fact sheets, briefings, presentations, exhibits, tours, news releases, translations, newsletters, reports, community interviews, surveys, canvassing, telephone hotlines, question and answer sessions, stakeholder meetings, and on-scene information.¹⁸
- **Meaningful community representation:** Seek to have complete representation of the community as a whole.¹⁹ Recognize that community participation should occur as early as possible if it is to be meaningful. The EIS should describe what was done to inform the communities about the project and the potential impacts it will have on their communities, what input was received from the communities, and how that input was utilized in the decisions that were made regarding the project.
- **Tribal representation:** Seek tribal representation in the process in a manner that is consistent with the government-to-government relationship between the United States and tribal governments, the federal government's trust responsibility to federally-recognized tribes, and any treaty rights.

We would also emphasize CEQ's framework for determining whether environmental effects are disproportionately high and adverse. Consider:

¹⁵ CEQ, *Environmental Justice Guidance Under the National Environmental Policy Act*, December 10, 1997, <http://ceq.hss.doe.gov/nepa/regs/ej/justice.pdf>.

¹⁶ Includes tribal subsistence and cultural resources/resource usage

¹⁷ Ensure that the resolution of the data used is appropriate for the action. For example, some health disparities may not be visualized at the county level, whereas health planning area, census tract, and/or block group level data may be necessary. Analysis should include data at the highest resolution that still provides statistically significant and valid intercomparisons.

¹⁸ Media and outreach should be conducted in a culturally-appropriate manner. Multiple media will likely be needed if diverse and/or multi-generational communities are affected

¹⁹ For example, diversity of those who participate in meetings should reflect the diversity of the community.

- whether environmental effects are or may be having an adverse impact on minority populations, low-income populations, or Indian tribes that appreciably exceeds or is likely to appreciably exceed those on the general population or other appropriate comparison group; and
- whether the disproportionate impacts occur or would occur in a minority population, low-income population, or Indian tribe affected by cumulative or multiple adverse exposures from environmental hazards.²⁰

With regard to mitigation, measures for avoidance or minimization of impacts should be considered first. Where avoidance or minimization is not possible, mitigation measures should be proposed. Mitigation measures should be developed with input from the affected population.

Consider including a summary conclusion for the environmental justice analysis, sometimes referred to as an “environmental justice determination.” This determination/summary can summarize identified environmental justice concerns and express whether and how impacts have been appropriately avoided, minimized or mitigated.

Environmental Justice References and Resources

EPA’s website Environmental Justice Considerations in the NEPA Process, which includes agency guidance, best practices, methodologies, and online tools such as EJ View and NEPAAssist.²¹

EPA models and tools

- *Risk Assessment portal*²²
- Community-Focused Exposure and Risk Screening Tool²³
- Community Cumulative Assessment Tool²⁴
- Office of Pollution Prevention and Toxics Exposure Assessment Tools and Models²⁵
- Environmental Benefits Mapping and Analysis Program²⁶

Data resources

- EPA
 - *Report on the Environment*²⁷
 - *America's Children and the Environment Report*²⁸
 - National Air Toxics Assessments²⁹

²⁰ CEQ, *Environmental Justice Guidance Under the National Environmental Policy Act*, December 10, 1997, <http://ceq.hss.doe.gov/nepa/regs/ej/justice.pdf>.

²¹ EPA, *Environmental Justice Considerations in the NEPA Process*, <http://www.epa.gov/compliance/nepa/nepaej/index.html>

²² EPA, *Risk Assessment*, <http://epa.gov/risk/>.

²³ EPA, *Community-Focused Exposure and Risk Screening Tool*, <http://www.epa.gov/head/c-ferst/>.

²⁴ EPA, *Community Cumulative Assessment Tool*, <http://www.epa.gov/research/healthscience/health-ccat.htm>.

²⁵ EPA, *Exposure Assessment Tools and Models*, <http://www.epa.gov/oppt/exposure/>.

²⁶ EPA, *Environmental Benefits Mapping and Analysis Program*, <http://www.epa.gov/air/benmap/>.

²⁷ EPA, *Report on the Environment*, <http://www.epa.gov/roe/>.

²⁸ EPA, *America's Children and the Environment*, <http://www.epa.gov/ace/>.

²⁹ EPA, *National Air Toxics Assessments*, <http://www.epa.gov/ttn/atw/natamain/>.

- Technology Transfer Network Air Quality System³⁰
- Superfund Site Information³¹
- Resource Conservation and Recovery Act Information (RCRAInfo)³²
- Centers for Disease Control and Prevention
 - State and Local Tracking Portals³³
 - environmental public health indicators and data³⁴
 - CDC Health Disparities and Inequalities Report³⁵
- Federal Geographic Data Committee - Geospatial Platform³⁶
- U.S. Census Bureau - American Fact Finder³⁷
- State or county public health and environmental databases
- State databases for state-regulated facilities
- Robert Wood Johnson Foundation and University of Wisconsin - County Health Ranking and Roadmaps³⁸

Children's Health and Safety

Executive Order 13045 on children's health and safety directs that each Federal agency shall make it a high priority to identify and assess environmental health and safety risks that may disproportionately affect children, and shall ensure that its policies, programs, activities, and standards address these risks.³⁹ Analysis and disclosure of these potential effects is appropriate because some physiological and behavioral traits of children render them more susceptible and vulnerable than adults to health and safety risks. Children may be more highly exposed to contaminants because they generally eat more food, drink more water, and have higher inhalation rates relative to their size. Also, children's normal activities, such as putting their hands in their mouths or playing on the ground, can result in higher exposures to contaminants as compared with adults. Children may be more vulnerable to the toxic effects of contaminants because their bodies and systems are not fully developed and their growing organs are more easily harmed.

Significance Criteria

According to CEQ's regulations implementing NEPA, an Environmental Impact Statement, "...shall provide full and fair discussion of significant environmental impacts and shall inform decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the environment." In addition, CEQ regulations state that "[a]gencies shall focus on significant environmental issues..."⁴⁰

³⁰ EPA, *Technology Transfer Network Air Quality System*, <http://www.epa.gov/ttn/airs/airsaqs/>.

³¹ EPA, *Superfund Site Information*, <http://www.epa.gov/superfund/sites/cursites/>.

³² EPA, *RCRAInfo*, <http://www.epa.gov/enviro/facts/rcrainfo/search.html>.

³³ CDC, *State and Local Tracking Portals*, <http://ephtracking.cdc.gov/showStateTracking.action>.

³⁴ CDC, *Indicators and Data*, <http://ephtracking.cdc.gov/showIndicatorsData.action>.

³⁵ CDC, *CDC Health Disparities and Inequalities Report*, <http://www.cdc.gov/minorityhealth/CHDIRReport.html>.

³⁶ Federal Geographic Data Committee, *Geospatial Platform*, <http://www.geoplatform.gov>.

³⁷ U.S. Census Bureau, *American Fact Finder*, <http://factfinder2.census.gov/>.

³⁸ Robert Wood Johnson Foundation and University of Wisconsin, *County Health Rankings and Roadmaps*, <http://www.countyhealthrankings.org/>.

³⁹ Protection of Children from Environmental Health Risks and Safety Risks, Executive Order 13045, Fed. Reg. 19885-19888, (April 23, 1997)

⁴⁰ 40 CFR 1502.1.

To focus analysis on potentially significant environmental impacts, it is helpful to utilize project-specific significance criteria. These criteria can then be directly and explicitly linked to the EIS's analysis of environmental consequences. This style of analysis can be an effective strategy for meeting the intent of 40 CFR Part 1502.

There are several conceptual - and generally substantive - examples.

- U.S. Army Corps of Engineers' July 2012 Draft EIS/EIR/Application Summary Report for the Eagle Rock Aggregate Terminal Project⁴¹
- U.S. Department of the Navy's August 2012 Draft EIS for the Naval Weapons Systems Boardman⁴²
- U.S. Department of Energy and Western Area Power Administration's July 2010 draft EIS on the Grapevine Canyon Wind Project⁴³
- U.S. Department of Transportation Federal Railroad Administration's April 2012 Merced to Fresno Section Project EIR/EIS⁴⁴
- Bureau of Ocean Energy, Management, Regulation and Enforcement's August 2011 Final Supplemental EIS for the Chukchi Sea Oil and Gas Lease Sale 193⁴⁵

⁴¹ See, for example, Section 3.1.3 Air Quality and Health Risk Significance Criteria at <http://www.polb.com/environment/docs.asp>

⁴² See, for example, Section 3.4.1.7 Acoustic Environment Determination of Significance at http://nwstfboardmaneis.com/Portals/NWSTFBoardmanEIS/DEIS/03_04_AcousticEnvironment.pdf

⁴³ See, for example, "Standards of Significance" for Water Resources (Section 3.6.2.1) at <http://www.wapa.gov/transmission/grapevine/DEISv1complete.pdf>

⁴⁴ See, for example, Section 3.2.3.4 Transportation Methods for Evaluating Impacts Under NEPA at <http://www.cahighspeedrail.ca.gov/assets/0/152/407/410/1f47362d-1491-446b-b7b1-7dc8e6b8bd7b.pdf>; and,

⁴⁵ See, for example, Section IV.A.1 Basic Assumptions for Effects Assessment Significance Thresholds at <http://www.bsee.gov/About-BSEE/BSEE-Regions/Alaska-Region/Chukchi-Sea-Planning-Area-Oil-and-Gas-Lease-Sale-193.aspx>



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DEPARTMENT OF ECOLOGY

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October 30, 2015

Mr. Claude Sakr
Cowlitz County
1600 13th Avenue South
Kelso, WA 98626

Dear Mr. Sakr:

Thank you for the opportunity to comment on the NEPA/Scoping for the Industrial Way/Oregon Way Project. The Department of Ecology (Ecology) reviewed the information provided and has the following comment(s):

**SHORELANDS & ENVIRONMENTAL ASSISTANCE:
Rebecca Rothwell (360) 407-7273**

The U.S. Army Corps of Engineers will need to make a jurisdictional determination under the Clean Water Act (CWA) regarding Ditch #3 in the project area. If it is determined that the ditch is subject to the CWA, the EIS should address impacts to the waterway and mitigation for the impacts.

TOXICS CLEANUP: Andrew Smith (360) 407-6316

This property is within a quarter mile of several known or suspected contaminated site(s). These sites are:

- Chevron USA Longview, FSID# 1101
- Wilcox & Flegel Longview, FSID# 91448935
- Woods Logging Supply Inc., FSID# 855142
- West Coast Oil UST 10597, FSID# 54248966
- Nelson Petroleum, FSID# 18842464
- Longview Operation Center, FSID# 54695521

To search and access information concerning these sites, visit Ecology's website at: <http://www.ecy.wa.gov/fs/> and <https://fortress.wa.gov/ecy/gsp/SiteSearchPage.aspx>. If contamination is suspected, discovered, or occurs during the proposed NEPA action, testing of the potentially contaminated media must be conducted. If contamination of soil or

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groundwater is readily apparent, or is revealed by sampling, Ecology must be notified. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office (SWRO) at (360) 407-6300. For assistance and information about subsequent cleanup and to identify the type of testing that will be required, contact Andrew Smith with the Toxics Cleanup Program at the Southwest Regional Office at (360) 407-6316.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology
Southwest Regional Office

(SM:15-5370)

cc: Rebecca Rothwell, SEA
Andrew Smith, TCP