
Fennel Creek Trail Plan

Final Environmental Impact Statement



March 2007

Publication Date: March 23, 2007

**March 20, 2007**

Cover Letter

Subject: Final Environmental Impact Statement for Fennel Creek Trail Plan

To Whom It May Concern:

The City of Bonney Lake is pleased to transmit this Final Environmental Impact Statement (Final EIS) for the proposed adoption of the Fennel Creek Trail Plan. A consultant to the City, working in conjunction with a citizens' advisory committee, submitted a draft trail plan in December 2005. That plan was the basis for the Draft EIS the City issued for public review and comment on January 16, 2007. If adopted, the trail plan will become part of the Parks Element of the City's Comprehensive Plan.

Key environmental issues identified by the City for analysis in the EIS involve potential impacts to the following elements of the natural environment:

- Vegetation
- Wetlands
- Wildlife
- Fish

The City provided a 30-day review period for receipt of comments on the Draft EIS. During that review period, on February 7, 2007, the City Planning Commission held a public hearing on the trail plan and on the Draft EIS at Bonney Lake City Hall, 19306 Bonney Lake Blvd. Several attendees at the hearing provided verbal comments on the Draft EIS and/or the draft trail plan. The City also received one comment each by voicemail and electronic mail, which were read into the record at the hearing, and another set of comments submitted by letter.

Following the close of the Draft EIS comment period, the City reviewed the comments on the Draft EIS and prepared responses to those comments. The Final EIS includes the responses to the Draft EIS review comments. Based on the comments, the City determined that the Final EIS did not need to evaluate additional alternatives, further analyze impacts, or substantially revise the environmental analysis in the Draft EIS.

Based on those circumstances and as provided in the SEPA Rules (WAC 197-11-560), the Final EIS is formulated as an addendum to the January 16, 2007 Draft EIS. The Final EIS includes an updated fact sheet, documentation of minor editorial changes to the Draft EIS

text (Chapter 1), responses to the comments on the Draft EIS (Chapter 2) and a copy of the actual comments (Appendix C). The January 16, 2007 Draft EIS, as modified per the updated fact sheet and the editorial revisions noted in Chapter 1 of the Final EIS, is incorporated into the Final EIS. Because the Final EIS identifies all changes to the Draft EIS text, however, the City is not circulating the Draft EIS content in the distribution of the Final EIS.

Questions about the proposal, or about the EIS process, may be directed to me at the mail or e-mail addresses provided below, or by phone at (253) 447-4350.

Sincerely,
CITY OF BONNEY LAKE

Stephen Ladd
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FACT SHEET

Title

Fennel Creek Trail Plan
Final Environmental Impact Statement (FEIS)

Description of Proposal and Alternatives

The City of Bonney Lake proposes to adopt a plan for the development of the Fennel Creek Trail. To implement the plan, over time the City would construct a multi-use trail within or near the riparian corridor of Fennel Creek, a perennial stream that flows through the City and adjacent unincorporated Pierce County. This trail would be 6.3 miles in length and would be constructed of porous asphalt. The completed trail would extend south from Allan Yorke Park in Bonney Lake to the Foothills Trail, a major regional trail under development by Pierce County from Sumner to Orting, South Prairie and several other communities in the eastern part of the County. The Fennel Creek Trail would also connect with Pierce County's proposed Flume Trail from Lake Tapps to Buckley, via an extension to 214th Avenue E.

The Draft Fennel Creek Trail Plan evaluated in this EIS includes four alternative configurations for the proposed trail. Under all four alternatives the City proposes to construct a 6.3-mile trail for pedestrian, bicycle, and equestrian use along the Fennel Creek Corridor. As shown in Figure 1, the four alternatives follow the same general route. The differences among the alternatives are based on the width of the trail section (14 feet or 24 feet) and the distance from the inner edge of the trail to Fennel Creek (50 feet or 100 feet), as follows:

Alternative A – 14-foot trail section width, trail 50 feet from creek

Alternative B – 24-foot trail section width, trail 50 feet from creek

Alternative C – 14-foot trail section width, trail 100 feet from creek

Alternative D – 24-foot trail section width, trail 100 feet from creek

The EIS is based on the preliminary planning and design information provided in the draft trail plan (Bruce Dees and Associates 2005). Future work to implement the trail plan would include additional detail on trail location and design.

Proponent

City of Bonney Lake
Department of Planning and Community Development

Date of Implementation

Action by the City of Bonney Lake on the proposal is expected in mid or late 2007. If adopted, construction on selected trail segments could begin some time in 2007 at the earliest.

Lead Agency/Responsible Official and Contact Person

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Licenses & Permits Potentially Required

City of Bonney Lake

- Clearing and Grading Permits
- Building Permits

Washington Department of Ecology

- National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit
- Clean Water Act Section 401 Certification

Washington Department of Fish and Wildlife

- Hydraulic Project Approval

U.S. Army Corps of Engineers

- Clean Water Act Section 404 Permit

Authors & Principal Contributors

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Date of Issuance

March 20, 2007

Cost for copy of Final EIS:

\$5

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1. CHANGES TO THE DRAFT EIS

Based on the Draft EIS comments, the City determined that the Final EIS did not need to evaluate additional alternatives or modifications to the proposal, provide additional environmental analysis, or document substantial revisions to the environmental analysis presented in the Draft EIS. As provided in the SEPA Rules (WAC 197-11-560), the Final EIS is formulated as an addendum to the January 16, 2007 Draft EIS. This section of the Final EIS includes documentation of minor editorial changes to the Draft EIS text. For the convenience of the reader, Figure 1 from the Draft EIS (a location map for the proposal) is also reproduced in the Final EIS.

The text of the Draft EIS is hereby modified as follows for the Final EIS:

Page 32, Section 3.4.1, Fish Habitat and Species Composition

The following sentence should be inserted after the first sentence in this paragraph:

“West Slope cutthroat use both lower and upper Fennel Creek and are federally listed as a species of concern (Pierce County letter dated February 7, 2007).”

Page 33, Section 3.4.3, Threatened and Endangered Species

The current paragraph in this section should be amended by the addition of the following at the end of the paragraph:

“Although no threatened or endangered fish species occur upstream of Victor Falls, West Slope cutthroat trout use both lower and upper Fennel Creek and are federally listed as a species of concern. Federally listed species are known to use Fennel Creek below Victor Falls, which is outside of the area included by the proposed trail; these species include Puget Sound Chinook (federally threatened), Puget Sound coho (federal species of concern), and possibly migratory bull trout (federally threatened) (Pierce County letter dated February 7, 2007).

Page 33, Section 3.4.5, Impacts to Threatened, Endangered or State-status Fish Species

The following sentence should replace the current sentence in this section.

“The only species that may inhabit this reach of Fennel Creek is a federal species of concern, the West Slope cutthroat trout, and no significant adverse impacts are expected to occur to this species, considering the incorporation of mitigation measures.”

2. RESPONSES TO COMMENTS ON THE DRAFT EIS

The City provided a 30-day review period for receipt of comments on the Draft EIS that was published January 16, 2007. During that review period, on February 7, 2007, the City Planning Commission held a public hearing on the trail plan and the Draft EIS at Bonney Lake City Hall, 19306 Bonney Lake Blvd. Several attendees at the hearing provided verbal comments on the Draft EIS and/or the draft trail plan. The City also received one comment each by voicemail and electronic mail, which were read into the record at the hearing, and another set of comments submitted by letter.

Following the close of the Draft EIS comment period, the City reviewed the comments on the Draft EIS. The City identified specific passages within the hearing record and written submittals that represented substantive comments on the Draft EIS, assigned comment numbers to those individual comments, and prepared specific responses to those comments.

This section of the Final EIS includes the responses to the Draft EIS review comments. Table 2-1 identifies the sources of the review comments on the Draft EIS, summarizes each comment, and provides the City's response to the comment. Appendix C contains a complete copy of the Draft EIS review comments received by the City.

TABLE 2-1 FENNEL CREEK TRAIL PLAN DRAFT EIS (January 2007) REVIEW COMMENTS AND RESPONSES	
Comment Letter: Brian J. Ziegler, P.E. Director Pierce County Public Works and Utilities Environmental Services 9850 64 th Street West University Place, WA 98467-1078 (253) 798-4050 Fax (253) 798-4637	
Comment	Response
1-1. For sections of trail constructed in unincorporated Pierce County other permits will be required as follows: Critical Areas Approvals pursuant to Pierce County Code Title 18E would be needed for work conducted in wetlands or within the floodplain and buffer of Fennel Creek.	All required permits and approvals will be acquired prior to the initiation of work. The proposed action described in the DEIS addresses only those trail segments within the City of Bonney Lake.
1-2. Construction of certain segments of trail and trailhead in unincorporated Pierce County will call for collaboration with Pierce County Public Works and Utilities, Water Programs Division. Water Programs manages several properties along the proposed trail route on behalf of Pierce County. The first is floodplain located south of Fennel Creek downstream of McCutcheon Road. Purchased with a federal flood mitigation grant, uses of this property are limited to those consistent with its primary value as floodplain. Second is the levee road along the Puyallup River, used for levee inspection and maintenance. A third area sits adjacent to Kelly Lake Road and at present consists of two parcels. Both parcels are Category I forested wetland, purchased for the Fennel Creek restoration project. Fennel Creek along most of its length between Kelly Lake Road and 214 th Avenue East flows in the roadside ditch along the Sumner-Buckley Highway.	The City of Bonney Lake recognizes that development of some segments of the proposed trail, including those mentioned in the comment, will require additional planning and negotiation. The City will collaborate and consult with the Pierce County Public Works and Utilities, Water Programs Division and other entities, as appropriate, for construction of certain segments of trail and trailhead in unincorporated Pierce County.

TABLE 2-1 FENNEL CREEK TRAIL PLAN DRAFT EIS (January 2007) REVIEW COMMENTS AND RESPONSES	
<p>1-3. Pedestrian safety and continuity with trail plans will be important design factors in several bridge replacement projects.</p>	<p>The City agrees with this observation. The City will collaborate and consult with Pierce County Public Works and Utilities, Water Programs Division and other appropriate agencies during the design of bridge replacement projects to ensure pedestrian safety and continuity with trail plans.</p>
<p>1-4. Section 3.4.3 of the Draft EIS, Threatened and Endangered Species incorrectly states that no threatened or endangered fish are known to occur in the portion of Fennel Creek adjacent to the proposed trail. Fennel Creek below Victor Falls provides habitat for Puget Sound chinook (federally listed as Threatened) and Puget Sound coho (federally listed species of concern). Bull trout are federally listed as threatened and occur in the Puyallup River Basin. Migratory bull trout may forage in lower Fennel Creek. Although no threatened or endangered fish species occur upstream of Victor Falls, West Slope cutthroat use both lower and upper Fennel Creek and are federally listed as a species of concern.</p>	<p>The City of Bonney Lake appreciates the additional species information. Sections 3.4.1, 3.4.3 and 3.4.5 of the Draft EIS have been modified to include additional information about the occurrence of listed and candidate fish species and “species of concern” in Fennel Creek. These changes are documented in Section 1 of the FEIS.</p>
<p>1-5. Page 40 of the Draft Report, Fennel Creek Trail Plan, dated December 5, 2005, partnership for Joint use, Section D, paragraph 2, states that Pierce County intends to purchase the lower sections of properties adjacent to Fennel Creek between Kelly Lake Road and 214th Avenue East for the purpose of relocating the Fennel Creek channel, raising the roadbed of Kelly Lake Road, and installing a new bridge. Note that no alternatives have been developed for restoration of the Fennel Creek channel. Alternatives will be developed and improvements designed in consultation with residents of adjacent neighborhoods and the City of Bonney Lake.</p>	<p>Thank you for the clarification on the status of restoration alternatives for the Fennel Creek channel. The City looks forward to participating in the development of restoration alternatives, in consultation with residents of adjacent neighborhoods and other entities.</p>
<p>1-6. Please keep the Water Programs Division informed of your progress and consult with us on the parts of trail design that affect Water Program projects and properties.</p>	<p>The City of Bonney Lake will continue to coordinate with the Water Programs Division as the project moves ahead.</p>

TABLE 2-1 FENNEL CREEK TRAIL PLAN DRAFT EIS (January 2007) REVIW COMMENTS AND RESPONSES	
City of Bonney Lake, WA Planning and Community Development Department Planning Commission Meeting Minutes City Hall Council Chambers February 7, 2007	<u>Commenters</u> 2-1 to 2-2. Kim Marzolf, 18515 Rhodes Lake Rd. E, Bonney Lake 2-3 to 2-4. Glenn Souza, 18715 95 th St. E, Bonney Lake 2-5 to 2-12. Brian Bernecker, 10104 184 th Ave. E, Bonney Lake 2-13. Robin, 11122 McCutcheon Rd. 2-14 to 2-15. Shawn Tetter, 18720 95 th St. E, Bonney Lake 2-16. Mark Sedman (voice mail via Steve Ladd) 2-17. Don Partington, Fennel Creek Trail Advisory Committee, 18220 26 th St. Ct. E (email via Steve Ladd)
Comment	Response
2-1. Concerned about whether or not the Planning Commission will adhere to the wishes of the property owners in regards to the trail. If so, wants the Planning Commission to provide an affidavit to sign.	Outside the scope of this EIS. However, as noted in the hearing record, the City’s Community Services Director discussed the concern of property owners and the input from the Fennel Creek Trail Advisory Committee on that topic, and stated that the City would not condemn land to permit development of the trail.
2-2. Concerns about setbacks and how the city will handle them.	Site-specific issues such as trail setbacks are beyond the scope of the EIS and the draft plan that it addresses. Setbacks and other issues will be resolved during property acquisition and detailed design for specific trail segments.
2-3. Concerned about a filtration ditch (along Angeline underneath 410, parallel with Angeline east bound) that brings the water off 410 (a massive amount of water). Concerned that if the trail is put back in there, some part of it will carry into the hwy.	The City recognizes there are unresolved site-specific location trail issues associated with certain trail segments and existing infrastructure features near them, including the instance referenced in this comment. These issues will be resolved on a case-by-case basis as more detailed planning for the trail proceeds.
2-4. Does not want the trail behind his house (private property). Concerned that the encroachment onto private property will open the doors for predators to hang out behind his house.	Please see the response to Comment 2-1 regarding property owner concerns.

TABLE 2-1 FENNEL CREEK TRAIL PLAN DRAFT EIS (January 2007) REVIEW COMMENTS AND RESPONSES	
<p>2-5. Concerned about the possible impact to property owners not currently in the city when those areas end up 5-10 years from now getting brought into the city.</p>	<p>As noted by Mr. Leaf in the hearing record, the City plans to obtain right-of-way for the trail through purchases and some negotiations with developers. The City is not proposing any actions that would have adverse impacts on properties not currently in the City, but possibly subject to annexation in the future.</p>
<p>2-6. Concerned about the city’s position on putting the trail on property where the land owner does not want it.</p>	<p>Please see the response to Comment 2-1 regarding property owner concerns.</p>
<p>2-7. Concerned about the landowners as far as liability if somebody who is on the trail jumps off and gets hurt. Concerned about house insurance costs going up and who is responsible for paying these increased costs.</p>	<p>Outside the scope of this EIS. However, the City recognizes that landowner liability is a common concern when new trails are developed on or adjacent to private property. The collective experience of recreational providers has in fact been that the recreational use statute, along with appropriate safeguards in easement agreements, has been effective in addressing this issue. As the City proceeds with implementation of the trail plan, it will provide public information specific to this and similar issues.</p>
<p>2-8. Concerned about provisions for keeping people on the trail and off private property.</p>	<p>Outside the scope of this EIS. However, the City recognizes that trespassing is a common concern when new trails are developed on or adjacent to private property. The collective experience of trail recreation providers has typically been that measures such as fencing, signing and patrolling have adequately addressed this issue, and that most trail users respect private property. The City has not yet developed specific plans for patrolling various segments of the proposed trail, and will address such concerns as detailed project plans and operating agreements are developed. As the City proceeds with implementation of the trail plan, it will provide public information specific to this and similar issues.</p>
<p>2-9. Concerned about who will pay for fencing and signage to keep people from accessing the trail through private property.</p>	<p>Outside the scope of this EIS. However, as discussed in the draft trail plan, fencing and signing are integral features of the proposed facility for which the City will have responsibility.</p>
<p>2-10. Concerned about trash.</p>	<p>The draft trail plan addresses proposed facilities and operations for trash control and removal. Anticipated needs for such services have been identified based on experience with the Foothills Trail and similar facilities in the region.</p>

TABLE 2-1 FENNEL CREEK TRAIL PLAN DRAFT EIS (January 2007) REVIEW COMMENTS AND RESPONSES	
2-11. Concerned the trail will reduce property values.	Outside the scope of this EIS. However, the City recognizes that property values are a common concern when new trails are developed on or adjacent to private property. The City believes that experience for a number of trails, not just the Burke-Gilman Trail, indicates that concerns about potential decreases in value for properties adjacent to trails have not been borne out by post-development observations.
2-12. Hopes the Planning Commission will do a little bit better job of actually providing compensation for the people that have a trail going through their property. Believes the portion that is being dedicated to the trail should actually be purchased by the 15,000 people, not the 50 property owners along the trail.	Please see the response to Comment 2-11.
2-13. Concerned that the trail will be within 50 ft of Fennel Creek, which is a salmon-bearing creek.	Please see the response to Comment 1-2 and pages 32-33 of the DEIS.
2-14. Concerned about unstable terrain south of Victor Falls.	Please see the response to Comment 1-2. The City recognizes that development of some segments of the proposed trail will require additional planning and/or negotiation to accomplish trail location in areas constrained by physical or ecological factors.
2-15. Concerned that since some part of the trail will be within 50 ft., whether it will encroach into wetland buffers.	Please see the responses to Comments 1-1 and 1-2. The City proposes to comply with applicable regulations concerning permissible development within specified distances of sensitive areas.
2-16. Concerned that the Fennel Creek Trail would run through his backyard in unincorporated Pierce County, and he is against it.	Please see the response to Comment 2-1.
2-17. In favor of adopting the Fennel Creek Trail Plan. The impact mitigation will be costly, but when considered as part of the whole package, the cost estimate of \$800,000 sounds like a small price to pay. Please approve the trail using the option which is wider and closer to Fennel Creek.	Thank you for your comment.

Appendix C Comments on the Draft EIS