

Michelle Tworoger, 1545 N. Jantzen Avenue, Portland, Oregon 97217, 503-285-8448

June 28, 2008

Columbia River Crossing (CRC)
Attn: Heather Gundersen
700 Washington Street, Ste. 300
Vancouver, WA 98660

RE: DEIS Response Letter

Dear Ms. Gundersen:

P-0811-001 I believe the CRC project is badly needed and way overdue. CRC bridge will enhance the Portland/Vancouver community while improving the trip across the river in a safe productive manner. The CRC project team and many preparers have completed a difficult job and spent countless hours towards the preparation of the Draft Environmental Impact Statement (DEIS). There is a huge amount of collected information that is documented and reflected in the DEIS but it goes without saying which such a large community task at hand, it is impossible to cover all the bases and to satisfy all impacted parties.

As a co-chair member of the Community Environmental Justice Group (CEJG), member of the Environmental Justice Work Group & Community Enhancement Advisory Board for the I-5 Delta Project, 20 year resident of Hayden Island, floating homes owner and Board Member of the Jantzen Beach Moorage, Inc. (JBMI) located on the North Portland Harbor which is adjacent to the I-5 corridor; I, Michelle Tworoger, am submitting comments/concerns regarding the DEIS within the 60 days comment period.

P-0811-002 stated at several CEJG meetings that even though my home in considered being located on ground zero, my advocacy and intent is to help reduce impacts to our vital and fully recognized Hayden Island community, as well as to fully address potential mitigation issues. This letter will list or address several comments / concerns regarding many issues contained in the DEIS.

P-0811-003 comment #1
The first tragic statement was discovered upon reading Appendix D of the DEIS. I discovered the lack of information regarding the floating home community specifically JBMI. The DEIS states "no address available" for the floating home facility located on N. Jantzen Avenue. As a floating homes owner, this clearly tells me that the CRC project team and/or preparers failed to provide public information and further indicates a low respect level for homeowners living in the largest floating home community (177 homes) in the State of Oregon which are greatly impacted by the CRC.

DEIS Comments

1 of 1



Notification
6/30/08
7/1

SCANNED
Date 6-30-08
Initial mg

RECEIVED

JUN 30 2008

Columbia River Crossing

P-0811-001

Thank you for taking the time to submit your comments on the I-5 CRC DEIS.

P-0811-002

Thank you for your comment.

P-0811-003

Appendix D in the DEIS was generated using tax lot data provided by the County Tax Assessors Office for spatial representation. Each tax lot is associated with an address and ownership information, among other pieces of property information. The floating homes impacted by the alternatives analyzed in the DEIS were not captured in individual tax lot boundaries as defined by the tax assessor and therefore were not listed in Appendix D. There are certain properties that have not been assigned addresses by the property assessor, and therefore state that there is "no address available" for that property. This does not refer to floating homes at JBMI.

Following the publication of the DEIS, CRC staff did additional outreach and research to determine the addresses and personal Tax ID numbers of the floating homes that would be displaced by the LPA. This information is included in a separate table in Appendix D.

P-0811-003 The CRC project team has conducted many site visits/tours of the JBMI community. They saw the clearly marked mailboxes plus they could have contacted Jan Hamer, JBMI moorage manager to easily obtain this important information with whom they have communicated with on several occasions.

All floating homeowners receive a property tax statement from Multnomah County and are registered with the State of Oregon, as required. To state the information is unavailable tells the readers that they chose not to take additional steps to obtain the necessary information. The CRC project team told me how and why they made this statement, which I considered to be an excuse rather than utilizing readily available resources to publish the facts. It is very disturbing to see these words in print (no address available) in such an important government publication that could leave the readers with a very cautious attitude.

P-0811-004 Comment #2
Appendix D – Comprehensive List of Potential Property Acquisitions states the “appendix includes a list of all the property acquisitions.....” The list fails to list all. The JBMI parking lot on N. Jantzen Avenue is identified but not the floating homes. It has already been determined and communicated that all the homes along Row A (1525 through 1555 N. Jantzen Avenue) at JBMI are indeed most likely going to be displaced.

P-0811-005 Comment #3
Single-family residences are clearly identified in Vancouver but no Oregon residences are listed what so ever

P-0811-006 Comment #4
Even though it is stated in the DEIS that the technical reports are more detailed, it does not address the issues mentioned above. In addition, it states “providing functional replacements could occur.....” This is a very subjective statement and potentially means a “functional replacement”, which could mean a residence with electricity and plumbing will be made available. We expect at a minimum, to have our property replaced at a comparable level, which is not stated.

P-0811-007 Comment #5
It has been discovered most recently that some floating home properties are being reduced in value by 25% by appraisers simply because of the CRC project. This financial impact is affecting the lives of people who are close to retirement and thinking about refinancing their homes. The community does not need to wait for construction to realize impacts.

P-0811-008 Comment #6
CRC needs to be aware of impacts to the floating home community which include the following as examples:

- Loss of rents to JBMI
- Loss of property value to JBMI such as the elimination of the following:
 - Docks
 - Pilings
 - Walkways

P-0811-004

Appendix D of the DEIS included all real property acquisitions that would be required to construct the DEIS Alternatives. It did not include personal property acquisitions, such as floating homes, or and displacements.

Also see the response to comment -003.

P-0811-005

As mentioned in the response to comment -004, only real property acquisitions, not personal property acquisitions or displacements, were listed in Appendix D of the DEIS. The upland parcel associated with JBMI lists "floating home facility" in the "Land Use" column.

P-0811-006

Functional replacements could occur for displaced public facilities in lieu of payment. This does not apply to displaced residents. The Uniform Act of 1970 (as amended) requires that the acquiring agency offer comparable replacement housing that is “decent, safe, and sanitary”. Comparable housing is clearly defined, and includes items such as the number of bedrooms, the number of bathrooms, square footage and general proximity to amenities, etc., but does not necessarily dictate that residents displaced from floating homes be relocated to floating homes.

P-0811-007

Indirect loss in value from proximity to the facility is not compensable if there is no physical taking of property. However, there would likely be little if any diminution in value to nearby remaining floating homes after the project is completed. The distance between the new bridges and JBMI would create a reasonable setback, compared to what exists today.

- P-0811-009**
- Railings
 - Floatation
 - Pile hoops
 - Ramps
 - Common area water space
 - Security fencing
 - Mailboxes
 - Parking
 - Private Road
- Landscaping (ie. trees which controls embankment erosion). The embankment should be restored with native vegetation as construction is concluded.
 - Utility fixtures
 - Lighting
 - Reduced moorage finger print with DSL
 - Entry Gates
 - Reduced security system
 - Signage
 - To mention some but not all.

Each of the above items has a financial significance to all 177 owners of JBMI.

Other impacts include:

- Reduced Peaceful enjoyment of living on the water by increased transit resulting from the CRC.
- Reduced sense of security by the elimination of the JBMI private road.
- Reduced access to JBMI property.
- Reduced overall value of the moorage to the owners by the loss of JBMI infrastructure.

- P-0811-010**
- Increased pollution and noise by increased transit, which may lower property values to homeowners.
 - Vibrations from increased transit especially during construction are especially of concern since water is a good conductor of sound that will impact floating homes.

P-0811-011 comment #7

The DEIS states Sound Walls will be included in the project but on June 12th, the CRC project team instead stated that this issue would be delegated and decided by the Urban Design Committee. A noise monitor was placed within JBMI and the decibel levels were clearly above ODOT standards. Additional noise testing needs to occur within JBMI but no documentation regarding the water levels and wind direction at the time of testing occurred. Increased transit is only going to increase noise impacts further. Sound walls need to be included.

P-0811-012 comment #8

The JBMI community requested a meeting with CRC that was held on June 12, 2008 to address impacts. The meeting was well attended by residents of JBMI. A list of 24 specific shared homeowner concerns (potential moorage impacts) submitted by JBMI were addressed by the project team. Unfortunately, many of the issues went unanswered because the LPA is undecided and further study of the 5 alternatives is on going. Additional concerns were documented at the meeting which should be treated as public comment regarding the DEIS as submitted by approx. 60 people.

P-0811-008

Thank you for providing this information. Just compensation for impacts to JBMI facilities, such as impacts to access, parking, utilities, loss of value from displaced residents and infrastructure, etc., will be determined through the property acquisition process which includes at least one appraisal by a qualified appraiser(s).

P-0811-009

Please see response to comment -008.

P-0811-010

Potential noise and vibration impacts that would result from the CRC project (as well as mitigations) were disclosed in the Chapter 3 (Section 3.11) of the DEIS, and have been updated in Chapter 3 (Section 3.11) of the FEIS. Regarding pollution, the CRC project is expected to improve air quality and water quality relative to the No-Build Alternative, as also discussed in Chapter 3 (Sections 3.10 and 3.14, respectively).

P-0811-011

The noise analysis in the DEIS assumed the river is at the highest elevation. As the height of the sound walls are dependent on the elevation of the receivers, and in this case, the height of the receivers change with river level, this assumption identifies sound wall heights that would provide sufficient noise attenuation at all river levels. This assumption was added to the FEIS version of the Noise Technical Report.

Additional noise monitoring is not necessary. Noise monitoring is conducted only to verify the accuracy of the noise model. The noise impact analysis is performed using modeled levels, not measured levels.

P-0811-013 Comment #9

A major concern that has been widely heard, is to not build an additional new bridge across the North Portland Harbor, which would compound all impacts to the JBMI community especially pollution! This would divide and cause further financial impacts the JBMI community. Plus building an additional bridge increases project costs tremendously and provides no significant community benefit.

P-0811-014 Comment #10

The Affected Environment in Section 4, 4.1 makes no mention of median floating home sale prices. Hayden Island is clearly not mentioned. Exhibit 5.1, Segment A is footnoted and states, "does not include impacts to floating homes on Hayden Island". Again, why, excuses, lack of disclosure but instead they chose to footnote the omission for legal purposes? Exhibit 5.2 does not identify the residential homes located on the North Portland Harbor. Exhibit 5.3.3.3 in the DEIS contains one (1) sentence stating, floating homes on Hayden Island would be relocated. This document does not provide any neighborhood maps of the floating home community. Aerial maps are available and need to be included more than one time within the DEIS. The first time this community is documented is in Chapter 3 on page 301 in the noise and vibration report.

P-0811-015 Comment #11

I was surprised to learn that no portion of Hayden Island is considered to be wetlands especially when large portions of the island are not developed. Professionals have told me that portions of Hayden Island are indeed considered to be wetlands.

P-0811-016 Comment #12

The Parks and Recreational Effects summary makes no mention of Lotus Isle Park which has historical significance dating back to the 1930's located on Hayden Island.

P-0811-017 Comment #13

There is an over whelming response especially from the floating home community for the approval of the replacement alternative with an adjacent alignment in the attempt to minimize JBMI community impacts and Hayden Island.

P-0811-018 Comment #14

Section 3.3 makes no mention of median prices for floating homes in Exhibits 3.3.1 and 3.3.2. The acquisition summaries do not mention acquisitions or displacements in 3.3.4 through 7 with respect to Hayden Island or floating homeowners. The three narrative paragraphs for Oregon do not mention any residential properties. The diagram on page 3-111 does not reflect any Oregon Acquisitions / Displacements. Floating homes are only mentioned under potential mitigation measures. Exhibits 3.5 through 8 do not mention Oregon regarding Neighborhood and Environmental Justice Effects.

Based on modeling, noise levels at some floating homes in JBMI would exceed FTA and/or FHWA criteria. Mitigation has been evaluated for all residences that would be impacted. Decisions regarding where sound walls will ultimately be constructed will be based on feasibility, cost effectiveness, community input and other considerations. For example, visual and safety impacts are also part of the consideration. Please see the FEIS, Section 3. 11 for an updated analysis of impacts and mitigation.

P-0811-012

The notes from this meeting have been addressed as DEIS comments.

P-0811-013

The CRC project would include the construction of a transit bridge, as well as collector-distributor ramps connecting the Hayden Island and Marine Drive interchanges, over North Portland Harbor. No additional bridge connecting Hayden Island to Oregon mainland is included as part of the LPA.

P-0811-014

The Regional Multiple Listing Services, which provided much of the housing data included in the DEIS and Acquisitions Technical Report, reports median sale prices by geographical area, not housing type. Gathering this information for floating homes specifically would require a different methodology, which would be inconsistent with other data. For the FEIS, project staff conducted additional research to estimate the number of available replacement housing units for residents of floating homes displaced by the project. This information, which is presented in Section 3.3, provides a more accurate measure of relocation potential than median floating home prices.

P-0811-015 Comment #15

There is no mention in the displacement section, that relocated homes would be moved to a comparable area and location (i.e. if a home is located at an end slip, it would be moved to a similar location).

P-0811-020 Comment #16

I would like the project team to commit and start accumulating information regarding relocation options taking into consideration a scenario that a possible 12 homes would request to be relocated. It will be extremely difficult to make any decision during the acquisition period if all options are not presented or made available to homeowners. There is a .5% vacancy factor of empty slips along the Columbia River.

P-0811-021 Comment #17

The project team should consider the possibility of condemning a piece of property for development of another moorage to retain ownership privileges or working with Division of State Lands (DSL) to extend moorage lease boundaries to accommodate the displaced floating homes within the North Portland Harbor.

P-0811-022 Comment #18

The DEIS does not include or mention the market value of floating home slips on the river. Slips have a tremendous market value and are in high demand due to such a low vacancy factor and low availability. Most floating homeowners are currently making monthly payments towards the purchase of their slips which have appreciated tremendously since the buyout or purchase of the moorage from Safeco Insurance Company. It has been suggested at various meetings that homeowners would not be compensated for the value of their water space. We need documented clarification on this issue.

P-0811-023 the DEIS should be amended to report the correct and all the facts especially when communicating with the general public, stakeholders, and other governmental authorities. It would be very difficult or impossible to make the best community decision with bias or missing information.

P-0811-024 forward to my continued involvement through CEJG, working with the CRC project staff and especially during the mitigation phase as a homeowner. Thank you for all your hard work!

Very Respectfully,



Michelle Tworoger
1545 N. Jantzen
Portland, OR 97217

All tables showing residential displacements in Chapter 3 of the DEIS and the Acquisitions Technical report include the displaced floating homes in JBMI. Footnote "b" in Exhibit 5-1 of the Acquisitions Technical Report is a typo. Prior to publication, all tables were updated to reflect the number of displaced floating homes.

As the impacted floating homes in JBMI are not associated with individual tax lots, project staff created new shapes, based on aerial photos to represent each floating home and the moorage facilities. As similarly done with tax lots, these boundaries are highlighted on maps in Section 3.3 of the FEIS to indicate the type and level of impact.

P-0811-015

It is unclear where the statement regarding Hayden Island originated, however, it is true that no wetlands have been identified within the project area on Hayden Island.

P-0811-016

Lotus Isle Park was not included in the Parks and Recreation section of the DEIS as it was not expected to be affected by the build alternatives. This park is discussed in Parks and Recreation Technical Reports that support the DEIS and the FEIS.

P-0811-017

Preferences for specific alternatives or options, as expressed in comments received before and after the issuance of the DEIS, were shared with local sponsor agencies to inform decision making. Following the close of the 60-day DEIS public comment period in July 2008, the CRC project's six local sponsor agencies selected a replacement I-5 bridge with light rail to Clark College as the project's Locally Preferred Alternative (LPA). These sponsor agencies, which include the Portland City Council, Vancouver City Council, TriMet Board, C-TRAN Board,

Metro Council, RTC Board, considered the DEIS analysis, public comment, and a recommendation from the CRC Task Force when voting on the LPA.

With the LPA, new bridges will replace the existing Interstate Bridges to carry I-5 traffic, light rail, pedestrians and bicyclists across the Columbia River. Light rail will extend from the Expo Center MAX Station in Portland to a station and park and ride at Clark College in Vancouver. Pedestrians and bicyclists would travel along a wider and safer path than exists today.

For a more detailed description of highway, transit, and bicycle and pedestrian improvements associated with the LPA, see Chapter 2 of the FEIS.

P-0811-018

Please see response to comment -014.

Floating home displacements are included in the "residential displacements" totals presented in Exhibits 3.3-4 through 3.3-7. Property acquisitions on Hayden Island are included in the "total area of acquisitions" totals in Exhibits 3.3-4 and 3.3-7.

The third paragraph in the "Oregon" section (page 3-105) describes the number of floating homes that would be displaced with the replacement and supplemental river crossing options.

The chart on page 3-11, Exhibit 3.3-13 includes acquisitions and displacement for the entire project area, including Oregon.

Floating homes are mentioned numerous times in Section 3.3, and throughout Chapter 3, not only in the mitigation section.

Cannot identify Exhibits 3.5 through 3.8 that you refer to in your comment.

P-0811-019

Please see response to comment -006.

P-0811-020

The CRC project team recognizes the challenges of displacing the occupants of floating homes in North Portland Harbor, including JBMI. Following the Record of Decision, and prior to the initiation of relocations for this project, the acquiring agencies would complete detailed relocation studies to identify specific problems associated with the displacement of the floating home occupants. The study would evaluate the availability of replacement housing and identify any adverse impacts of displacement; and propose solutions to minimize those impacts. The CRC project team would obtain available information from as many sources as possible, including input from JBMI and the affected occupants. At that time, the displacing agencies would determine the most feasible approach for the relocation of the displaced residential occupants.

P-0811-021

In the course of conversations with potentially affected property owners, CRC staff received inquiries about the potential for constructing a new marina to accommodate displaced floating homes. To better understand issues related to new marina permitting and construction, project staff conducted research on the development of marinas. This research found likely challenges to developing a new floating home marina, including the challenge of receiving permits through local jurisdictions and environmental resource agencies. The project is not pursuing construction of a floating home marina.

P-0811-022

The acquiring agency will pay fair market value for each floating home displaced from JBMI that cannot be relocated, including any enhancement value of the owners JBMI membership (i.e., the slip value).

P-0811-023

Extensive technical and public review and input has been included in all phases of the CRC project, from developing a purpose and need statement, screening a wide variety of alternatives, and developing a Draft and Final EIS. A supplemental draft is required if changes to alternatives after the draft are substantial and/ or if there are new significant impacts not previously discussed in the draft and/or there are changes in laws or regulations after the draft. The DEIS identified potential mitigation measures for all potentially significant as well as many non-significant impacts, and the FEIS further analyzes and develops mitigation measures and plans to a higher level of detail and refinement. CEQ NEPA regulations (40 CFR 1502.9(c)) do not require agencies to prepare a supplemental draft EIS just because an FEIS includes refined alternatives and additional information. Such changes are typical and expected in the planning process, and are consistent with CEQ and FHWA NEPA regulations. Between publication of the DEIS and FEIS, FTA and FHWA prepared three NEPA re-evaluations and a documented categorical exclusion (DCE) to complete changes in the project since the DEIS. The NEPA re-evaluations addressed the change in the project from: 1) the 17th Street transit alignment, 2) the composite deck truss bridge type, and 3) all other changes in design between the DEIS and the FEIS. The DCE addressed the impacts from the track work on the steel bridge.

Both agencies concluded from these evaluations that these changes and new information would not result in any significant environmental impacts that were not previously considered in the DEIS. For more information, see Appendix O of the FEIS.

P-0811-024

Thank you for taking the time to submit your comments on the I-5 CRC DEIS.