

From: Speelman, Harry [mailto:SpeelmH@wsdot.wa.gov]
Sent: Thursday, September 15, 2011 11:46 AM
To: Columbia River Crossing
Subject: FEIS email notification

P-091-001 | Why do you not drop the light rail component of the project?

HARRY SPEELMAN, CPPB
SW REGION PURCHASING MANAGER
PHONE: (360)905-2286
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P-091-001

Light rail is an integral part of the CRC project. Light rail has been endorsed by every local Sponsoring Agency (Vancouver City Council, C-TRAN, RTC, Portland City Council, TriMet, and Metro), whose boards include elected leadership from throughout the area.

Annual light rail passenger trips crossing the I-5 bridge in 2030 are projected to be 6.1 million, with daily ridership around 18,700. The travel time for the morning commute by light rail between downtown Vancouver and Pioneer Square in downtown Portland will be approximately 34 minutes. Light rail would travel on a dedicated right-of-way, with more reliable travel times than auto drivers dealing with unpredictable road conditions, traffic congestion, and parking challenges.

The CRC project planning for light rail incorporates and supports the principles of Vancouver's City Center Vision Plan. Downtown Vancouver has seen recent growth in higher density mixed use projects from three to 12 stories in height. In addition, another 4,000 downtown condominiums are proposed or pending as part of new developments. The core of Vancouver has, along with many of the larger corridors such as Fourth Plain Blvd, medium to high density residential development and an urban mix of uses. Transit demand in these areas is quite high, and ridership will increase with the introduction of light rail.

Hines, Maurice

From: stevescare@aol.com
Sent: Friday, October 21, 2011 7:10 AM
To: Columbia River Crossing
Subject: voting abolished

P-092-001

There is absolutely no way this project should move forward without voter approval.

The level of controversy and potential scandal involved make it mandatory.

Worst yet is the obvious public opposition to light rail being extended to Vancouver.
Made more obvious by the deliberate prohibition of voting by public officials who know the outcome.

With the economy in total flux and all things in a new economy of desperation we cannot afford to allow officials to act as nothing is new.

P-092-001

There will not be a public vote on construction of the various CRC project elements. However, as a public project, it must be approved and funded by the decisions of elected officials who are themselves directly elected by voters. Long-term operation and maintenance of the new light rail line will be funded through C-TRAN and TriMet. For its share of the operations and maintenance funding, C-TRAN plans on pursuing a public vote.

Hines, Maurice

From: rswaren2002@comcast.net
Sent: Monday, October 24, 2011 3:35 PM
To: Columbia River Crossing
Subject: CRC project

- P-093-001** | I don't think the CRC project is, at all, appropriate, for our region for the following reasons
1. The claim for 25-30,000 jobs is wildly inflated having worked in heavy construction for most of my career I would wager that a lot of jobs will go to out of state contractors and to their regular workforces which are looking for new jobs. Furthermore, even in the spinoff there would not be anything close to 25,000 and those would be TEMPORARY.
- P-093-002** | 2. The CRC project, by removing businesses presently in its path will TAKE AWAY several hundred PERMANENT FULL TIME JOBS.
- P-093-003** | 3. The long term financing for this project is very unclear. What impact will tolling have on the local economy? What will tolls actually cost before the project is paid off! Will local government intend to use future tolls for other projects?
- P-093-004** | 4. When all is said and done, we still only have two access routes across the Columbia. Meanwhile we are in the middle of a growing transportation corridor, the Interstate 5 system. Other cities and states rely on the I-5 for their own economy and people and goods must move through here on their way elsewhere.. Trying to limit Columbia crossings to only two is economically RISKY. The only similar analogy is in Memphis TN which has two crossings of the Mississippi River, yet a suburb only one tenth the size of Clark Co. Washington.
- OVERALL, THE CRC IS A VERY BAD PLAN.
- Ron Swaren

P-093-001

The job estimations were developed using standard methodologies, which were reviewed by staff in all sponsoring agencies.

P-093-002

The LPA will displace businesses, as addressed in FEIS Section 3.3 Property Acquisitions and Displacement, and in the Property Acquisitions and Displacement Technical Report. These displacements will affect businesses with employees, as addressed in FEIS Section 3.4 Land Use and Economics, and in the Economics Technical Report. However, the displacement of businesses and jobs will be offset to some degree by the project creating or sustaining jobs over the life of the project.

P-093-003

The issue of economic impacts was addressed as part of the economics analysis and is described in detail in the Economics Technical Report. This report, and Chapter 3 (Section 3.4) of the FEIS, note that the increased costs incurred because of tolls would generally be offset by the improved travel options and travel times. Under existing and No Build Alternative conditions, congestion delays and high crash rates have significant costs for local businesses and travelers; improving these conditions is one of the purposes of the project.

Tolls could discourage home-based shopping trips from Clark County to points in northern Oregon, such as Hayden Island and Airport Way. However, the variable-rate toll structure that was evaluated in the DEIS allows for different rates to be charged by time of day. Therefore, discretionary trips, such as those between Oregon and Washington for retail purposes, could be taken in off-peak hours when toll rates are at their lowest, reducing the effect of the tolls on these types of trips. Also, CRC would provide improved transit connections between Clark County and Oregon, offering travelers a toll-free alternative for reaching destinations across the river.

Tolling I-205 or any other facility is not part of this project, but could be implemented separately. With few exceptions, federal statutes do not permit tolling of an existing interstate highway without associated improvements. FHWA does have pilot programs that allow state departments of transportation to apply for approval to toll a facility. Local and State governments are struggling to fund needed infrastructure improvements and maintenance. Tolls, user fees, and other systems that require "users" to pay additional costs are likely to become increasingly common.

P-093-004

While a third crossing would provide some benefits, and several new crossing options were considered in the CRC alternatives analysis and screening, none of them would adequately address the fundamental needs that have been identified for this project, as discussed in Chapter 2 of the FEIS.

Hines, Maurice

From: Michael Szporluk [mszporluk@yahoo.com]
Sent: Monday, October 24, 2011 6:32 PM
To: Columbia River Crossing
Subject: CRC feedback

To whom it may concern,

P-094-001 I understand that residents have until midnight tonight to provide feedback on the CRC as part of the EIS process.

I am an Portland Oregon resident who strongly opposes the CRC construction project as outlined by the project team.

There are environmental and financial reasons for my opposition.

First, even if constructed, it would not resolve the problem it is intended to resolve. it will encourage more use of the freeway, thereby shifting congestion into the rose quarter.

P-094-002 Second, by encouraging more use of the freeway, we will raise emissions, rendering it more difficult if not impossible to meet our climate goals.

P-094-003 Third, the financing isn't in place to complete the project, and given the state of the economy, it is unlikely that the Feds will have the funds the states of Oregon and Washington are relying on.

P-094-004 Fourth, there are significantly cheaper and better alternatives that have not been explored sufficiently.

I'm a registered voter and tax payer -- and do not want to see my money to go to such a project. Its time to put the CRC project to rest. If you go forward with the project, you're only setting the residents of Oregon and Washington back.

regards,

Michael Szporluk
Portland, Oregon

P-094-001

The proposed new add/drop lanes (i.e., lanes that connect two or more interchanges) are used to alleviate safety issues associated with the closely spaced interchanges in the project area and are not designed to increase capacity generally on I-5. 68% to 75% of I-5 traffic in the project area enters and/or exits I-5 within the CRC project area, and these add/drop lanes provide space for this traffic to do so without disrupting cars and trucks traveling to destinations further north and south of the project area. The project does not propose to add lanes north or south of the project limits.

The DEIS evaluation found that the project, with a toll and light rail, would actually reduce the total daily volume of traffic using the I-5 and I-205 river crossings by approximately 3%. The FEIS analysis of the project has been updated to include an evaluation of how the CRC project would affect Vehicle Miles Traveled (VMT) (see Chapter 3, Section 3.1). Rather than inducing sprawl, the CRC project will likely reinforce the region's goals of concentrating development in regional centers, reinforcing existing corridors, and promoting transit and pedestrian friendly development and development patterns. In 2010, Metro ran the MetroScope model (an integrated land use and transportation model) to forecast growth associated with transportation improvements of a 12-lane river crossing and light rail to Clark College. The model showed only minimal changes in employment location and housing demand compared to the No-Build. For more information see FEIS Chapter 3, Section 3.4.

P-094-002

Based on modeling and analysis, the CRC LPA is expected to significantly increase transit ridership and reduce the number of vehicles crossing the river. This shift toward transit, reduction in auto crossings, reduced congestion, removal of bridge lifts, and lower accident rates are all factors that contribute to lower CO₂ emissions with the project than

without it.

These factors will also make it easier for the region to meet goals for reducing greenhouse gas (GHG) emissions. Chapter 3 (Section 3.19) of the FEIS summarizes the results of GHG emissions and climate change analysis conducted for the alternatives.

P-094-003

A project almost never has the funds for construction during the decision making process and environmental analysis. It is the Record of Decision that completes the environmental phase and positions the project to receive funding for construction. Please refer to Chapter 4 of the FEIS for a description of the current plans for funding construction and operation of the LPA. This discussion provides an updated assessment of likely funding sources for this project, though it is not common practice to receive funding commitments prior to completion of the alternative selection process. As described in the FEIS, project funding is expected to come from a variety of local, state, and federal sources, with federal funding and tolls providing substantial revenue for the construction.

P-094-004

The alternatives evaluation and screening process, described in Chapter 2 of the FEIS, considered a wide range of alternatives. Proposals that arose after the DEIS was developed were also considered. The rationale for the Selected Alternative is described in the ROD and in Chapter 2 of the FEIS.

Hines, Maurice

From: Savannah Teller-Brown [savannahteller@gmail.com]
Sent: Monday, October 24, 2011 8:23 PM
To: Columbia River Crossing
Subject: oppose

P-095-001

i am writing to express my opposition to the columbia river crossing.
it just doesn't make sense environmentally or financially.

thank you,

savannah teller brown
NE portland

P-095-001

Significant work has gone into developing the CRC project, including an ongoing public involvement effort. The public involvement program includes numerous advisory groups to ensure that the values and interests of the community are reflected in project decisions. These groups include representatives of public agencies, businesses, civic organizations, neighborhoods, and freight, commuter, and environmental groups. Feedback from the general public and advisory groups has been generally supportive of the project, including support for the transit, bicycle, pedestrian, highway, interchange, and financing elements of the project. See Chapter 2 (Section 2.7) of the FEIS for more discussion on the process used to develop project alternatives and select a Locally Preferred Alternative.

Hines, Maurice

From: Richard Thomas [rtcouv@gmail.com]
Sent: Monday, October 24, 2011 5:20 PM
To: Columbia River Crossing
Subject: CRC

To whom it may concern:

P-096-001

I have lived on both sides of the Columbia and in east and west Portland metro for about 30 years and have a front row seat to the efforts to handle mass transit. What we have devolved to today is a huge industry in this area devoted to massive projects totally isolated from the realities of public opinion and fiscal prudence.

The heart of the CRC project is the unilateral DEMAND from Portland to include light rail. Once again, the people of Vancouver and Clark County have said no. Metro Portland voters said NO-- twice.

P-096-002

But you know all of this, as well as the dismal financial performance of the existing system. You have ignored facts and statistics that refute the value of such a huge proposal. To date, the CRC syndicate has spent well over \$100 million in an attempt to force the issue. No independent analysis will ever justify the existing plans, but onward you go.

P-096-003

Of the many unintended consequences from the current plan is the loss of revenue to Portland area businesses. Put a toll on these bridges and many people will factor that in to whether to shop in Oregon. The savings on sales tax will not be enough to breach the physic barrier created by a toll.

P-096-004

WE the People, don't want it, can't afford and won't stand for it. You cannot cram this monstrosity down our throats.

Richard Thomas
Vancouver, WA

360-241-5228

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Richard Thomas

P-096-001

Light rail has been endorsed by every local Sponsoring Agency (Vancouver City Council, C-TRAN, RTC, Portland City Council, TriMet, and Metro), whose boards include elected officials from throughout the area.

Annual light rail passenger trips crossing the I-5 bridge in 2030 are projected to be 6.1 million, with daily ridership around 18,700. The travel time for the morning commute by light rail between downtown Vancouver and Pioneer Square in downtown Portland will be approximately 34 minutes. Light rail would travel on a dedicated right-of-way, with more reliable travel times than auto drivers dealing with unpredictable road conditions, traffic congestion, and parking challenges.

The CRC project planning for light rail incorporates and supports the principles of Vancouver's City Center Vision Plan. Downtown Vancouver has seen recent growth in higher density mixed use projects from three to 12 stories in height. In addition, another 4,000 downtown condominiums are proposed or pending as part of new developments. The core of Vancouver has, along with many of the larger corridors such as Fourth Plain Blvd, medium to high density residential development and an urban mix of uses. Transit demand in these areas is quite high, and ridership will increase with the introduction of light rail.

Long-term operation and maintenance of the new light rail line will be funded through C-TRAN and TriMet. For its share of the operations and maintenance funding, C-TRAN plans on having a public vote.

P-096-002

All specific comments and criticisms received have been considered. The FEIS analysis and findings show benefits from the selected alternative, as well as adverse impacts. Independent analysis was provided on many topics, as discussed in the FEIS.

P-096-003

This issue was addressed as part of the economics analysis and is described in detail in the Economics Technical Report. This report, and Chapter 3 (Section 3.4) of the DEIS, note that the increased costs incurred because of tolls would generally be offset by the improved travel options and travel times. Under existing and No-Build Alternative conditions, congestion delays and high crash rates have significant costs for local businesses and travelers; improving these conditions is one of the purposes of the project.

Tolls could discourage home-based shopping trips from Clark County to points in northern Oregon, such as Hayden Island and Airport Way. However, the variable-rate toll structure that was evaluated in the DEIS allows for different rates to be charged by time of day. Therefore, discretionary trips, such as those between Oregon and Washington for retail purposes, could be taken in off-peak hours when toll rates are at their lowest, reducing the effect of the tolls on these types of trips. Also, CRC would provide improved transit connections between Clark County and Oregon, offering travelers a toll-free alternative for reaching destinations across the river.

P-096-004

Significant work has gone into developing the CRC project, including an ongoing public involvement effort. The public involvement program includes numerous advisory groups to ensure that the values and interests of the community are reflected in project decisions. These groups include representatives of public agencies, businesses, civic organizations, neighborhoods, and freight, commuter, and environmental groups. Feedback from the general public and advisory groups has been generally supportive of the project, including support for the transit, bicycle, pedestrian, highway, interchange, and financing elements of the project. See Chapter 2 (Section 2.7) of the FEIS for more discussion on

the process used to develop project alternatives and select a Locally Preferred Alternative.

P-097-001

A response and these materials were provided on the 28th of September.

From: Robert Tice [mailto:robtice2@gmail.com]
Sent: Sunday, September 25, 2011 7:05 PM
To: Columbia River Crossing
Subject: Final Environmental Impact Statement.

P-097-001 | Please advise as the authority for a charge of \$60 for a written copy of the statement.
Please promptly forward the profered C.D. of the Columbia River Crossing Final Environmental Impact Statement AND, if allows, an Executive Summary of same to:

Robert Tice
515 West 21st Street
Vancouver, Wa. 98660

Thank you,

Robert L. Tice

Hines, Maurice

From: Stephanie Turlay [bsturlay@comcast.net]
Sent: Monday, October 24, 2011 11:56 AM
To: Columbia River Crossing
Subject: CRC

P-098-001 | With so many discrepancies in the CRC project, some critical, why has no one from the CRC owned any of them? Corrected them? Explained them?

Stephanie Turlay
bsturlay@comcast.net

P-098-001

Multiple methods have been used to engage the public so as to address the needs of a wide variety of people in the project decision-making process. Public feedback has helped guide the outreach effort. Examples include workshops with facilitated small-group discussions, open houses where participants can talk one-on-one with staff, public hearings, presentations and discussions at community and neighborhood-sponsored meetings (often at the group's request), and advisory group meetings where CRC seeks recommendations from a citizen committee. These events and meetings have taken place at a variety of locations, days of the week, and times of the day to meet the needs of the entire community. For more information on the project's public outreach, please see Appendix B (Public Involvement) of the FEIS.

Hines, Maurice

From: Tweet [tweetfamily@comcast.net]
Sent: Monday, October 24, 2011 10:54 PM
To: Columbia River Crossing
Subject: Feedback on the proposed Columbia River Crossing project, please confirm you got this message by reply

P-099-001

I am against the CRC project as currently planned. I am a Ph.D. physicist working in industrial research for over 20 years with 75 US patents and over 75 technical publications. So, I know something about math, logic, and reasoning.

1) **No Need for Light Rail.** The numbers and case made for the CRC makes no sense to me whatsoever. In particular, the demand that ¼ of the cost be spent on light rail is completely absurd. I have spent 9 years of my life living in Japan. I know what high density conditions are like, where a train system is a necessity. We have nothing like that here in the Vancouver area, and we are unlikely to have anything remotely approaching a need for light rail in the next 100 years. Indeed, at least two of the local public officials who are cheerleaders for this project have admitted in writing or public meetings that light rail is a want, not a need, and probably won't be a need for 20-30 years. We have far more important and useful ways to spend our tax money (or not spend it, since we are simply borrowing it from our great-grand children).

P-099-002

2) **False Projections.** The projections used by the CRC to justify this project have already been proven to be false. In particular, traffic projections made in 2006 have already found to be significantly overestimated. But the lie is perpetuated, since these same false projections are being used in the EIS to continue to justify the CRC plan with light rail! This is a blatantly dishonest practice! If I did this in my job, I would justifiably be fired on the spot! It seems only the government can get away with this! Bernie Madoff would be proud! If they can't predict 5 years in the future, how are we to believe their projections 30 years into the future?

P-099-003

3) **Light Rail is the Most Inflexible and Expensive "Solution" to Traffic Problems.** I find this obsession with light rail to be completely illogical. To spend ¼ of the cost on a totally inflexible and exorbitantly expensive system that serves only 2 to 3% of the commuters makes no sense at all. Why go with the most expensive solution? Buses are far cheaper and vastly more flexible than trains. HOV lanes are nearly free and can be extremely effective. There are much easier solutions.

P-099-004

4) **Trains are Old Technology.** One of the areas I work on is renewable energy, including solar and batteries. This last May I was at a research conference on electric vehicles held at Pacific Northwest National Lab in Richland Washington. Famous scientists and engineers from all over the world were there describing the amazing progress being made in new battery technology. Prof Yet-Ming Chang of MIT showed some particularly impressive work with his new "ooze" battery, and had formed a company, M24, to commercialize it. Prof. Chang has already successfully commercialized other battery technologies with his company, A123 Systems. My point is that, in 20 to 30 years we may all be driving electric vehicles. We may also be driving vehicles that practically drive themselves, so that rush hour traffic can be much denser, yet safer. Some of this technology is already coming to market. So, why lock ourselves into trains running on fixed tracks, a 19th century technology, when we live in the 21st? After all, 20 years ago, the Prius wasn't even on Toyota's drawing board yet!

P-099-001

Light rail has been endorsed by every local Sponsoring Agency (Vancouver City Council, C-TRAN, RTC, Portland City Council, TriMet, and Metro), whose boards include elected leadership from throughout the area.

Annual light rail passenger trips crossing the I-5 bridge in 2030 are projected to be 6.1 million, with daily ridership around 18,700. The travel time for the morning commute by light rail between downtown Vancouver and Pioneer Square in downtown Portland will be approximately 34 minutes. Light rail would travel on a dedicated right-of-way, with more reliable travel times than auto drivers dealing with unpredictable road conditions, traffic congestion, and parking challenges.

The CRC project planning for light rail incorporates and supports the principles of Vancouver's City Center Vision Plan. Downtown Vancouver has seen recent growth in higher density mixed use projects from three to 12 stories in height. In addition, another 4,000 downtown condominiums are proposed or pending as part of new developments. The core of Vancouver has, along with many of the larger corridors such as Fourth Plain Boulevard, medium to high density residential development and an urban mix of uses. Transit demand in these areas is quite high, and ridership will increase with the introduction of light rail.

Long-term operation and maintenance of the new light rail line will be funded through C-TRAN and TriMet. For its share of the operations and maintenance funding, C-TRAN plans on having a public vote.

P-099-002

Traffic forecasts reported in the DEIS and used to inform decisions on a locally preferred alternative were derived from adopted regional employment and population forecasts, and from state-of-the-art modeling and evaluation conducted by Metro, RTC, and the project team. These

P-099-005

5) **No Trust in Management of Project.** The gross mismanagement of this project by the CRC, along with the arrogance and obscene over-charging of taxpayers by the primary vendor, Dave Evans and Associates is enough to justify cancelling the project and starting completely over with a totally new cast of characters. This is detailed in the excellent reports by the Forensic Auditor, Tiffany Couch. Dave Evans and Associates is even suing to keep from having to explain how they have spent millions of dollars they have gotten from Washington State taxpayers. That alone should be reason enough to ban them from bidding on any more government projects.

P-099-006

6) **Demand for County-Wide Vote.** Before this project is settled, all voters in Clark County (and perhaps surrounding counties) who will be forced to pay for this farce must be allowed to vote on it, at the very least whether light rail should be included. To do otherwise is to force this down our throats and is unconscionable, and should be illegal, if it isn't already.

Sincerely,

Douglas J. Tweet, Ph.D.
2715 NW 34th Circle
Camas, WA 98607

traffic forecasts were reviewed by all project sponsor agencies as well as FTA and FHWA.

An independent panel of traffic modeling experts was convened in October 2008 to review the modeling methods and findings. These experts concluded that the project's approach to estimating future travel demand was reasonable and that it relied on accepted practices employed in metropolitan regions throughout the country. These findings are summarized in the "Columbia River Crossing Travel Demand Model Review Report" (November 25, 2008). This independent review confirmed the CRC modeling approach used to address multiple variables that can affect travel demand, including gasoline prices, tolling, travel demand measures, and induced development.

The number of trips on I-5 across the river is projected to reach 184,000 in 2030. Even if this level of traffic did not occur until 2050, the facility would still need to accommodate it. And the facility is intended to have decades of functional service.

P-099-003

As illustrated in the DEIS, and summarized in Exhibit 29 (page S-33) of the Executive Summary, light rail would better serve transit riders than bus rapid transit (BRT) within the CRC project area. Light rail would carry more passengers across the river during the PM peak, result in more people choosing to take transit, faster travel times through the project area, fewer potential noise impacts, and lower costs per incremental rider than BRT. Additionally, light rail is more likely to attract desirable development on Hayden Island and in downtown Vancouver, which is consistent with local land use plans.

High occupancy vehicle (HOV) lanes work when they are part of a network, and could potentially be a useful tool in the CRC area if employed as part of a regional plan. The five-mile CRC project by itself is

too short in length to provide the true benefits of HOV lanes, but should the region adopt and develop an HOV system, lanes within the bridge influence area could potentially be designated as part of the network.

The CRC project team has looked at HOV lanes and freight lanes, which are typically located on the inside freeway lane next to the barrier, as part of its technical analysis. Because about 70 percent of the vehicles enter and/or exit I-5 within the five mile study area, access to and from a HOV lane or freight lane could create traffic operational problems by increasing lane changes (for example, HOVs entering the freeway and needing to merge all the way to the inside lane). The results of this analysis are described in more detail in Section 3.1 of the DEIS.

P-099-004

Changing technology, peak oil, and other projections of future conditions have been considered. While automated personal vehicles could eventually dramatically increase interstate capacity, it is not likely to eliminate or significantly diminish the demand for public transit, particularly in the foreseeable future. Mode choice depends on much more than just the volume-to-capacity ratio of interstate links. For example, parking capacity and cost are also significant factors in mode choice. See the CRC Traffic Technical Report for further discussion of factors that affect mode choice.

P-099-005

Past financial performance is an important issue but is not relevant to the NEPA review process. The Record of Decision concludes the NEPA analysis. It indicates which alternative has been selected by the federal government, and allows for the continued design, eligibility for federal funding and permitting, and eventual construction of that alternative. The Locally Preferred Alternative is supported by local, regional, state, and federal agencies and has been selected following an exhaustive analysis and public involvement program.

The project takes the issues of financial management very seriously. The project is currently developing new financial reporting mechanisms and has started providing monthly reports on the internet. The project will continue to work with the public to improve transparency and an understanding of the resources required for an undertaking of this scale.

P-099-006

There will not be a public vote on construction of the various CRC project elements. However, as a public project, it must be approved and funded by the decisions of elected officials who are themselves directly elected by voters. Long-term operation and maintenance of the new light rail line will be funded through C-TRAN and TriMet. For its share of the operations and maintenance funding, C-TRAN plans on pursuing a public vote.

Hines, Maurice

From: Tweet [tweetfamily@comcast.net]
Sent: Monday, October 24, 2011 11:32 PM
To: Columbia River Crossing
Subject: CRC feedback. please confirm receipt.

CRC- feedback

P-100-001

1)The proposed replacement bridge adds no thru lanes, only merging lanes. An earlier phase of the project did include an added thru lane in each direction, and no reasonable justification is given for cutting that out. To rebuild the bridge without any added thru capacity will not help traffic flow.

P-100-002

2)"[According to the Regional Transportation Council, the bridge carries about 3,300 transit trips per day. That means only 2.4 percent of all trips that cross the bridge are on public transit. Adding light rail to the bridge would increase costs by about \\$1.17 billion. This means local officials want to spend 40 percent more in order to serve 2.4 percent of total bridge crossings.](#)" [click link](#)

3) Local officials have noted that light rail in Clark County is a want, not a need. Supposedly, it may become more practical in 20-30 years. Yet the CRC insists on building it ASAP. [Population and traffic projections used by the CRC are now considered highly inflated and cost estimates are understated based upon outside expert review.](#) When or if population and job density will be high enough to support light rail remains to be seen. Today, job losses and foreclosures dominate the outlook, and growth remains uncertain. Meanwhile, CRC racks up \$MILLIONS in charges with insufficient explanation of how public \$\$are spent. A forensic accountant has analyzed the financial documents.

"*She found that the CRC was unable to adequately account for how it spent \$108 million in public funds between July 2005 and February 2011. Oddities included invoices totaling \$15 million lacking vendor names and invoices worth \$38 million that lacked codes to identify services rendered*" The general contractor has since filed in court to keep financial records from public scrutiny. [Follow the \\$\\$\\$link](#)

4)What will transportation technology be like in 20 years? Why spend \$\$we don't have today for something we may not need in 20 years? With rapidly changing technology, closer timing to reaching true need insures the best options available are selected. What is higher priority? Roads that serve all, or light rail that serves only passengers travelling to limited destinations? Roads carry freight that stocks stores, medical centers and businesses, specialized service vehicles and trucks, and emergency vehicles. Roads provide flexible routes to more destinations for buses, vanpools, or carpools that serve public transit needs. Light rail is limited to fixed routes and still requires time consuming transfers to bus for many destinations. On the Oregon side, light rail doesn't come near enough to the businesses to make it practical. Transfer to a bus is needed, so that starting out on a bus is less time consuming in the long run.

5)What is more cost effective? Light Rail costs of \$237 million/ mile in Seattle and \$204 million/ mile in Portland far exceed the cost of building and maintaining roadways. Why light rail? Mass transit options like light rail and bus rapid transit have been eligible for federal pots of gold, creating incentives to build regardless of the cost. Those connected to the light rail business are some of the strongest proponents for it.

P-100-003

5)Locally Preferred Alternative?
The following cities have a representative on the Ctran board. Battleground, Ridgefield/Yacolt, and Camas/Washougal. The same is true for the Regional Transportation Council, RTC.
The representatives for the RTC and Ctran voted on the "locally preferred alternative" of light rail and a replacement I-5 bridge in some cases without the city council members knowing about the vote beforehand. Citizens were not informed of the upcoming vote through a local public hearing on a preferred alternative in any of these cities. Neither did any of these city councils vote to give their C-tran or RTC representative direction in how to vote on the "locally preferred alternative". Some C-tran representatives explained that they spoke with some of the council about the decision, and it's unclear how much if any of this discussion took place in an open public meeting.

1

P-100-001

Following the selection of the LPA in July of 2008, the CRC Project Sponsors Council (PSC) was developed to provide recommendations to the project on a variety of issues, including the number of add/drop lanes over the river crossing. Over the course of several months, PSC was provided with operational characteristics and potential environmental impacts of 8-, 10-, and 12-lane options. These technical evaluation criteria included, but were not limited to, traffic safety, congestion, traffic diversion onto local streets and I-205, regional vehicle miles travelled, transit ridership, regional economic impact, effects to neighborhoods, and protected species and habitats. In addition to the technical information, PSC received input from CRC advisory groups and reviewed public comment submitted to the project and obtained during two public Q&A sessions in January 2009 regarding the number of lanes decision, as well as hearings conducted by Portland City Council and by Metro Council. In August 2010, the PSC voted unanimously to recommend that the replacement bridges be constructed with 10 lanes and full shoulders, see Chapter 2 (Section 2.7) of the FEIS.

The proposed new lanes are add/drop lanes (i.e., lanes that connect two or more interchanges), which are used to alleviate safety issues associated with the closely spaced interchanges in the project area, and accommodate the 68% to 75% of traffic that enters and/or exits I-5 within two miles of the Columbia River.

P-100-002

As described in Chapter 3 (Section 3.4) of the DEIS and FEIS, and in the Indirect Effects Technical Report, highway capacity improvements and access improvements can induce development in suburban and rural areas that were not previously served, or were greatly underserved, by highway access. The DEIS outlines a comprehensive analysis of the potential induced growth effects that could be expected from the CRC project. A review of national research on induced growth indicates that

P-100-003

In contrast, other cities in Washington openly discuss transportation at meetings and adopt formal motions to give their transit representative direction on how to vote for the city. When I asked about the lack of local public hearings for the approximately \$4-8.7 Billion CRC "Locally Preferred Alternative", the response from Camas City Councilor Dietzman and Washougal Mayor Guard was that the law does not require a public hearing. Councilor Dietzman further explained at a Ward meeting that other boards, such as the mosquito board, rarely hold public hearings as a justification for not holding a local public hearing on the CRC "Locally Preferred Alternative". Nevertheless, it is good practice and open government to hold a local public hearing and take a council vote in each city on such a large regional transportation project. It will impact I-205 bridge traffic from I-5 traffic diverting to avoid the toll. (Which could lead to tolling the I-205 bridge to even out traffic, make it fair, etc). Careful scrutiny is necessary prior to such a building project to insure it best meets our local needs in the most cost effective and efficient manner possible. The best means to find out what the locals prefer is to hold the planned light rail vote, which has been delayed. The vote should be held PRIOR to a final decision to bring light rail in to Clark County.

Will the C-tran board allow Camas and Washougal citizens to vote on light rail and bus rapid transit in 2012? There is no guarantee. If the light rail vote had been held this November as planned, Camas and Washougal voters would have automatically had a vote. However, our C-Tran representative and the CTRAN board voted to delay the promised light rail vote. A law was put in place to allow for a subdistrict vote starting in July 2012, that could cut out Camas and Washougal, and north county voters at the will of the C-Tran board. I believe the C-tran light rail/high capacity transit vote should be district-wide to include all cities in the district since all are taxed for public transportation and all will be impacted if costly light rail is introduced. Regardless of where one lives in the county, all End up paying the C-tran sales tax when they shop in the larger urban areas where most of the stores are located.

P-100-004

What happened to the 3rd bridge port to port connection that would better handle more traffic?
This option was eliminated without the same serious study the light rail and I-5 bridge replacement was give.
This makes more sense because it connects 2 industrial areas and freight traffic, and alleviates traffic with a new corridor.
From the fairs I attended this summer near the 3rd bridge now booth, it seems it is the "Locally Preferred Alternative"
of many as it opens up 2-3 new lanes in each direction for traffic AND freight.

The process is broken. Only one bid from one contractor for one bridge, no local public hearings or votes in the cities supposedly "represented" on the C-Tran or RTC boards, no accounting for \$ Millions.

A new crossing should be considered before wasting our transportation \$ and consuming the potential for other transportation improvements in our area.

Thank you for your consideration.

Margaret Tweet
2715 NW 34th Circle
Camas, WA 98607

there are six factors that tend to be associated with highway projects that induce sprawl. These are discussed in the Indirect Effects Technical Report. Based on the CRC project team's comparison of those national research findings to CRC's travel demand modeling, Metro's 2001 land use / transportation modeling, and a review of Clark County, City of Vancouver, City of Portland and Metro land use planning and growth management regulations, the DEIS and the FEIS conclude that the likelihood of substantial induced sprawl from the CRC project is very low. In fact, the CRC project will likely support the region's goals of concentrating development in regional centers, reinforcing existing corridors, and promoting transit and pedestrian friendly development and development patterns. The region's goals are reinforced by the project's location in an already urbanized area, the inclusion of new tolls that manage demand, the inclusion of new light rail, and the active regulation of growth management in the region.

In October, 2008, the project convened a panel of national experts to review the travel demand model methodology and conclusions, including a land use evaluation. The panel unanimously concluded that CRC's methods and the conclusions were valid and reasonable. Specifically, the panel noted that CRC would "have a low impact to induce growth... because the project is located in a mature urban area," and that it would "contribute to a better jobs housing balance in Clark County... a positive outcome of the project". These results are summarized in the "Columbia River Crossing Travel Demand Model Review Report" (November 25, 2008). In 2010, Metro ran the MetroScope model (an integrated land use and transportation model) to forecast growth associated with transportation improvements of a 12-lane river crossing and light rail to Clark College. Even with a 12-lane river crossing, the model showed only minimal changes in employment location and housing demand compared to the No-Build Alternative. For a more detailed discussion regarding potential indirect land use changes as a result of the CRC project, including the likely land use changes associated with the

introduction of light rail, please see Chapter 3 (Section 3.4) of the FEIS.

By 2030, the region's population is expected to increase by one million people. This increase will result in more people needing to travel between home, work, school, recreation, etc. In 2005, 135,000 vehicles crossed the Columbia River on the Interstate Bridge, which led to 4-6 hours of congestion each weekday. By 2030, 184,000 are predicted to cross the river, which would lead to 15 hours of daily congestion if no action is taken. Congestion occurs when vehicle demand is greater than a transportation system's capacity. It results in slower speeds and increased travel times. CRC defines congestion as vehicles traveling less than 30 mph. The Columbia River Crossing project uses information gathered from Metro's nationally-recognized travel demand models to determine the project's effect on congestion. These models predict trip frequency, types or modes of transportation, destination, and time of day. Transportation planners use these models to analyze the effects of such factors as increased population and employment, transportation improvements, and new developments on the transportation system.

Traffic volumes fluctuate and did decrease during some years. Traffic volumes obtained from the Oregon Department of Transportation's automatic traffic recorder (ATR) monitoring sites show that traffic volumes have, in fact, been increasing in the last few years. Whether the traffic volumes forecast for year 2030 will actually be achieved in that year should not be the only consideration. In its July 27, 2010 report, the Independent Review Panel (IRP) expressed concerns about a longer horizon. The IRP commented "The desirability of living in the Portland/Vancouver region is not going to diminish, so populations will continue to grow.... [T]he IRP believes the greatest risk in the decision-making process is not over-sizing the bridges but not building enough capacity for the next 100 years." [1]

Past financial performance is an important issue but is not relevant to the

NEPA review process. The Record of Decision concludes the NEPA analysis. It indicates which alternative has been selected by the federal government, and allows for the continued design, eligibility for federal funding and permitting, and eventual construction of that alternative. The Locally Preferred Alternative is supported by local, regional, state, and federal agencies and has been selected following exhaustive analysis and public involvement program.

The project takes the issues of financial management very seriously. The project is currently developing new financial reporting mechanisms and has started providing monthly reports on the internet. The project will continue to work with the public to improve transparency and an understanding of the resources required for an undertaking of this scale.

Following the close of the 60-day DEIS public comment period in July 2008, the CRC project's six local sponsor agencies selected light rail to Clark College as the project's preferred transit mode. These sponsor agencies, which include the Vancouver City Council, Portland City Council, C-TRAN Board, TriMet Board, RTC Board and Metro Council considered the DEIS analysis, public comment, and a recommendation from the CRC Task Force (a broad group of stakeholders representative of the range of interests affected by the project - see the DEIS Public Involvement Appendix for more information regarding the CRC Task Force) before voting on the LPA.

As illustrated in the DEIS, and summarized in Exhibit 29 (page S-33) of the Executive Summary, light rail would better serve transit riders than bus rapid transit (BRT) within the CRC project area. Light rail would carry more passengers across the river during the PM peak, result in more people choosing to take transit, faster travel times through the project area, fewer potential noise impacts, and lower costs per incremental rider than BRT. Additionally, light rail is more likely to attract desirable development on Hayden Island and in downtown Vancouver, which is

consistent with local land use plans.

[1] Warne, Thomas (2010). I-5 Columbia River Crossing Project, Independent Review Panel, Final Report. Independent Review Panel, Olympia, July 27, 2010.

P-100-003

Over the course of the CRC project, a public involvement program has been used to educate and involve stakeholders and the public in order for them to become active participants in shaping the CRC project. At the time of DEIS publication, the project team had participated in over 350 public events, giving over 10,000 people a face-to-face opportunity to learn about the project and provide meaningful input. In order to encourage the highest levels of attendance as possible, most meetings scheduled by the project team were on weekday evenings or weekends during the day. Meetings have been held primarily within the project area to ensure proximity to those potentially most affected by the project. In addition to public events, the program also enabled significant involvement for those who are unable to attend meetings through the project's website and project update notifications.

Prior to publication of the DEIS, property owners potentially affected by project alternatives were notified directly via mail, and six meetings specifically focused on potential right-of-way needs were held in September of 2007. Extensive outreach has been conducted through distribution of written information in hard copy and electronic form, including comment forms, the creation of a project website, and outreach to local and regional media.

When the DEIS was published, the project's database had grown to over 3,000 e-mail addresses and over 10,000 postal mailing addresses. The database was used to encourage participation in public events and involve the broader community. Through implementation of the public

involvement program, over 3,000 public comments were received before publication of the DEIS and over 1,600 comments were received during the 60-day DEIS comment period. In addition, since the DEIS comment period there have been numerous community meetings, open houses, and public hearings by project sponsors, providing more opportunities for public input and comment.

Please see Appendix B of the FEIS for a broader discussion of the public involvement program, including a list of public involvement events that have occurred related to this project. There will not be a public vote on construction of the various CRC project elements. However, as a public project, it must be approved and funded by the decisions of elected officials who are themselves directly elected by voters. Long-term operation and maintenance of the new light rail line will be funded through C-TRAN and TriMet. For its share of the operations and maintenance funding, C-TRAN plans on pursuing a public vote.

P-100-004

The 3rd bridge port to port crossing idea was evaluated and removed from consideration, as discussed in Chapter 2 of the FEIS. No additional analysis was required to know that it did not address the identified needs for the CRC project. Other locations for a new crossing were also considered and removed from consideration because they could not adequately meet the purpose and need.

The C-TRAN board and Regional Transportation Council both voted on and approved the locally preferred alternative.

Victor F. Viets
421 N. Tomahawk Island Drive
Portland, Oregon 97217

Nancy Boyd
Director
Columbia River Crossing
700 Washington Street, Suite 300
Vancouver, WA 98660

October 22, 2011

Subject: FEIS Comments

Dear Ms. Boyd

P-101-001

I'm a supporter of the Columbia River Crossing Project but I'm a passionate supporter of protecting and improving the quality of livability for Hayden Island residents. My attached comments on the CRC FEIS identify a number of unresolved conflicts between the CRC Project and the quality of future livability on the Island.

My main concern is that there are several instances where the CRC seems to be backing away from commitments made previously to the Hayden Island Community. For example, I believe both the IPS and the Project Sponsors Council voted unanimously, after months of work with the community, to include the local multimodal bridge in the LPA Hayden Island Interchange, but now we learn it is only an option and that the earlier design is still being considered. Also, the Portland Working Group and CRC consultants worked for months to develop innovative designs for the Hayden Island LRT Station, but now those designs aren't mentioned and a minimal standard station design is shown in the FEIS.

There is also some new information that has never been discussed with the Island community. For instance, there are several newly disclosed business displacements, including the Island's only gas station, along North Jantzen Drive in an area where Island residents have worked with CRC and ODOT staff to reduce the roadway footprint enough to save those businesses.

I do not expect my concerns to be resolved before the ROD but I would appreciate written responses to my FEIS comments from the CRC and a reconfirmation that the CRC will honor its previous commitments to the community and will work openly with the community to find solutions to the remaining conflicts before final design commitments are made.

Respectively

Victor Viets

NEW Columbia River Crossing FEIS Issues for Hayden Island

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P-101-001

Option A, which includes the local multimodal bridge to the island is a firm commitment of the project. The Record of Decision will be based on Option A, including the bridge. And though the Hayden Island station design has evolved, the project remains committed to an innovative design which is based on community input. The design of the station has changed over time because the main roadway and structural designs have changed on the island.

The Portland Working Group (PWG) was formed in May 2009 to advise the project on transit related issues for the Oregon side of the project, using the LPA and Hayden Island Plan as the basis for discussion. Beginning in September 2009, the PWG held a series of three interactive design workshops with CRC project, TriMet, the City of Portland staff and the general public to develop a set of design principles. The design principles capture the community's values while remaining broad enough to apply to the future station design regardless of CRC project decisions that may affect the position of I-5, local road circulation, and land development patterns.

The resulting Hayden Island Light Rail Station Conceptual Design Report (CDR), published January 2010, provides guidance to the CRC project, TriMet, and the City of Portland regarding the Hayden Island station design. PWG members reviewed and approved the report. The CDR solidified the Hayden Island Light Rail Design Principles. CRC is committed to work with the community to advance the station design. Station design work will take place during final design. The Hayden Island LRT station cross section illustrations in the FEIS shows a conceptual design with place holders for station elements. The illustration shows the Hayden Island LRT station as an elevated station with a center platform. Again, the project will continue to work with the Hayden Island community to refine the station area design.

		--Victor Viets 10/13/11
	Topic	Comment
	FEIS Reference	Recommendation
P-101-002	LPA Option A & Option B Ch.2 Pg 2-9	How did the local multimodal bridge become an option without public discussion when it was unanimously approved by the Integrated Project Staff (IPS) and the Project Sponsors Council? Also, the East Side Multi-Use Path (MUP) is now an option in combination with the local bridge. These are the only options in the entire project. No basis for the final decision about which option to build is provided. <u>Recommendation:</u> Delete Option B
P-101-003	"New" Business Displacements and cumulative community impacts Ch. 3 Pg 3-86 – 3-88	Project will now displace 39 island businesses serving primarily local clientele at a loss of \$62.7 million in annual sales and 643 local jobs. "New" business displacements announced in the FEIS include the Chevron station (the only gas station on the Island), the car wash, Taco Bell and the Wells Fargo Bank (one of only two banks on the Island). These "new" displacements have not been discussed with the community even though the Island circulation plan and street widths have been discussed extensively in the last two years with CRC and ODOT. During that time, the Island community was assured by the ODOT Director that local concerns would be considered and that on-island interchange access streets would be down-sized where-ever possible to reduce impacts to the community. Instead, more businesses have been displaced. Also, the ODOT Interchange Area Management Plan has not been developed for the HI Interchange so the public has had no opportunity to review the on-island traffic circulation, access changes to businesses, and justification for permanent business displacements. The LPA now displaces virtually every local business on the Island but the FEIS does not recognize that as major impact on community livability. <u>Recommendation:</u> Follow Oregon DOT rules and prepare an IAMP with public input. Honor previous commitments to the community and reduce width of new streets to reduce displacements. Provide community planning and financial assistance to replace lost local retail service businesses.
P-101-004	Hayden Island LRT	The HI LRT Station is now shown as a standard TriMet design

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As with the light rail station, displacements on the island have changed as the designs have advanced. And, when project staff have found access and other impacts to properties, which have as yet unknown ramifications for the businesses, these businesses have been identified as displacements. Thereby, project staff have potentially overestimated the number of displacements, and is eager to work with individual businesses to retain their operations on the island. This is particularly the case for some of the businesses east of the Interstate, where only small portions of the property may need to be acquired.

P-101-002

The Record of Decision is based on Option A. Although Option B was carried into the FEIS, it is not the design that will be constructed. There will be a local multimodal access provided to the island.

P-101-003

Refinements and new information resulted in additional displacements. We do not expect that all the businesses assumed to be displaced will necessarily have to be displaced, but it is prudent to be conservative about impacts in the NEPA process. Also, some of the displacements would be affected only by diminished access, not by demolition. It is possible that some of these properties and buildings could be re-occupied by other businesses that would not be so affected by the changes in access.

As the design is advanced there may be ways to avoid some displacements, through modification of the proposed new streets. However, it is also important to provide new streets that satisfy the City's requirements and those of the Hayden Island Plan. There should be adequate sidewalks, travel lanes, and other elements to the islands new, "complete" streets.

<p>P-101-004</p>	<p>station design Ch. 2 Pg 2-25</p>	<p>without a station shelter. The earlier designs that were developed by the CRC PWG with a renowned consultant and with extensive community input are not included. The elevated HI LRT station is in a cold and windy location and needs a station shelter to protect riders. The station design is supposed to be an attractive focal point for the community and an iconic entry point for Oregon. There is no discussion of local handicapped parking at the LRT station and no mention of planned closure of the existing park and ride at Expo station. Many in the community will be forced to drive to Delta Park to use the LRT because there will be no station parking and no local bus service. There is no discussion of an east-west shuttle bus service to help Island residents get to a LRT station or to any regional bus stop during construction or operation.</p> <p><u>Recommendation:</u> Reinstate the attractive LRT station designs. Add a handicapped parking lot or a local permit-required parking lot to the HI LRT station for Island residents. Provide east-west shuttle bus service on the Island at least through the construction period.</p>
<p>P-101-005</p>	<p>Location of Stormwater Treatment Facilities on Hayden Island Pg 2-16 and 2-17, various other sections.</p>	<p>Stormwater Treatment Wetlands now occupy the entire site of the future local retail center shown in the HI Island Plan but this is NOT identified as an impact to the community. Also, one of the Treatment Wetlands is located on the Columbia River shoreline in a future shoreline park. Again, this is in conflict with the Island Plan and not identified as a community impact. We have repeatedly asked CRC to move these treatment facilities to comply with the Island Plan. The answer from the CRC has always been don't worry, these locations are only placeholders until we get to design. Now it's design time, the stormwater facilities still violate the Island Plan, and the FEIS says, in effect, don't worry, there are more studies to be done before a final decision. In the mean time, the treatment method has changed from small infiltration basins to treatment wetlands which take up over twice the area of the basins. Once they are memorialized in the FEIR and ROD, what are the chances of a change in treatment method or location?</p> <p><u>Recommendation:</u> Relocate the Stormwater facilities to avoid violations of the Island Plan. The open areas within the new Marine Drive Interchange appear to be a viable location. On-bridge treatment could significantly reduce the on-shore acreage.</p>

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P-101-004

Please see the response to P-101-001 regarding the Hayden Island Light Rail Station Conceptual Design Report. The Hayden Island Light Rail Design Principles are:

- Create a station environment that is safe, attractive, and inviting for transit users, visitors, and island residents
- Provide circulation paths that allow clear connections to or through the station area for users of all modes with varied abilities
- Develop a station area that embraces and engages its surroundings with transparency and activity
- Design a station that protects transit users from freeway noise and the natural elements, while providing light, views, and clear way-finding
- Design a station that includes features referencing historical or cultural values unique to Hayden Island

CRC is committed to work with the community to advance the station design. Station design work will take place during final design.

The Hayden Island LRT station cross section illustrations in the FEIS shows a conceptual design with place holders for station elements. The illustration shows the Hayden Island LRT station as an elevated station with a center platform. Again, the project will continue to work with the Hayden Island community to refine the station area design.

At the December 2010 PWG meeting, TriMet representatives discussed bus service. TriMet will work closely with the contractors during CRC construction to ensure that Line 6 continues service to Hayden Island. When developing a bus service plan along a new light rail line, TriMet re-evaluates all bus service within the vicinity of the new line with the intention of maximizing ridership and limiting service duplications. As part of this process, TriMet conducts ridership, cost, and operational

<p>P-101-006</p>	<p>Stormwater Treatment Methods and Impacts</p> <p>Ch. 3, Pg. 3- 342 to 3-350</p>	<p>Stormwater Treatment Wetlands on Hayden Island will have adverse impacts on the Island that have not been evaluated. As discussed above, the locations of the constructed wetlands are in direct conflict with the Island Plan but they also significantly increase the footprint of the CRC project. The permanent standing water in the wetlands will undoubtedly create a breeding ground for mosquitoes and the vegetated shorelines may be used by nutria and other nuisance wildlife. Since the wetlands will be trapping contaminants from the stormwater in the sediments and vegetation, I assume the facilities will be closed to the public and may be fenced. They do not seem to be appropriate facilities for a developed urban area.</p> <p>Stormwater entering the treatment wetlands does not fully infiltrate into the groundwater but rather is discharged back to the Columbia River. No information is provided to evaluate the quality of these discharges but it seems obvious that at least the discharge temperature will be elevated and dissolved oxygen will be lowered so the discharge may not meet ambient water quality standards. Other treatment methods are available that could reduce impacts on Hayden Island. Proprietary systems using filtration canisters require much less space and could be located on the bridges or in a below grade structure near the bridge landing.</p> <p><u>Recommendation:</u> Revise the stormwater treatment facilities to avoid adverse impacts on the Island community.</p>
<p>P-101-007</p>	<p>CRC Impact on HI future parks and shoreline access</p> <p>Ch. 3, Pg. 3-189, 3-207 & 3-208</p>	<p>The future waterfront park areas under the CRC landings that were identified in the Island Plan are not discussed in the FEIS. The CRC project makes no provisions for these public facilities even though the community has repeatedly asked that right-of-way lands under the landings of the existing and new bridges be made available for shoreline access and park use. This failure to provide public access is not identified as an impact on the community and is in violation of the Island Plan. We have repeatedly asked for this CRC project land to be made available for public use.</p> <p>In stark contrast, on the Vancouver side of the river, the CRC project has worked with the City of Vancouver to create park areas at the bridge landing and has indicated they will donate surplus land for park use.</p>

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analyses. TriMet seeks input from the following community groups:

- Customers and operators
- Neighborhood associations
- Business groups
- Social service agencies and organizations serving seniors and people with disabilities
- Citizen advisory committees
- Jurisdictional leaders and staff

The project will work with TriMet and the Hayden Island community to develop a bus service plan during construction and after light rail opens in 2019. A circulator service, perhaps with shuttles, will be developed during the bus service planning public process that will begin two years prior to the start of light rail.

On-street parking is shown in the current roadway designs for Tomahawk Island Drive. The project will work with the City of Portland and the Hayden Island community to refine the parking designations near the LRT station. Delta Park will serve as the nearest park and ride to the Hayden Island light rail station, a distance of 1.17 miles from the Hayden Island light rail station. The distance between the park and ride lots at Expo Center and Delta Park is 0.69 miles.

P-101-005

The stormwater facilities shown in the FEIS will continue to be refined as design work progresses. Under the terms of the biological opinion (BO), the CRC project must treat stormwater runoff using bioretention, bioslopes, infiltration ponds, porous pavement, constructed wetlands, and vegetated and soil amended swales designed for infiltration. Based on the information we have on file, stormwater runoff is currently not treated before being released to North Portland Harbor or the Columbia River.

P-101-007		<p><u>Recommendation:</u> Provide for public access and park use for the existing and new Columbia River and North Portland Harbor Bridge landing areas. Donate surplus Doubletree property for park use after project construction is completed. This donation would be as partial mitigation for community impacts.</p>
P-101-008	<p>No Mitigation for Community Livability Impacts</p> <p>Chapter 3</p>	<p><u>The FEIS makes a case that:</u></p> <ol style="list-style-type: none"> 1. final design will be consistent with the Island Plan; and 2. The Island will experience only long-term "general" impacts on community livability(What is a general impact???) <p><u>These claims have not been demonstrated given the facts:</u></p> <p>----The island will be cut in half by a very un-neighborly concrete barrier that will extend across the entire island and will be 4-6 stories high and several city blocks wide. This will be a major visual and physical divider of the community---much more-so than the current ground-level freeway.</p> <p>----The project will displace virtually all of the locally oriented retail businesses with a loss of 643 local jobs. The losses will include the only grocery store providing full service bakery, meat, and fresh produce departments; the only gas station; the car wash, one of the two banks, and virtually all the local restaurants. The FEIS offers only mitigation by buyouts of business owners who can then leave the Island. No mitigation is offered to island residents who have lost a large percentage of their local service businesses, other than a suggestion that we buy a bus ticket to take us off the island for shopping for the next 7-10 years.</p> <p>Similarly, the business owners get a fair market buy-out but their 643 employees get no mitigation other than a suggestion that they might qualify for temporary CRC construction jobs. Some unknown portion of these lost jobs is held by Island residents so they may have to move to find work.</p> <p>----The project will preclude future development of the neighborhood retail center called for in the Island Plan and appears to deny public use of the state-owned-lands for planned shoreline parks. These were key pieces of the Hayden Island Plan because they provided a basis for local business recovery and long term livability</p>

The Hayden Island Redevelopment Plan states that runoff from local streets will be treated in roadside planters and that CRC stormwater will be managed in a "green, state-of-the-art manner." Although the Hayden Island Plan map did not show the constructed wetlands, these are a "green" concept for stormwater treatment, and have been shown in project designs as early as May 2009. The stormwater treatment proposed in the FEIS does include the "green streets" approach proposed in the Hayden Island Redevelopment Plan to the extent feasible. This approach to stormwater treatment is not suitable for streets located under bridges (where it will be difficult to establish plants) or where streets are at or below the seasonal high groundwater table. We will continue to review the developing design to determine whether additional streets lend themselves to this method of runoff treatment. Regardless, the project still needs to manage runoff from almost 28 acres of impervious area consisting of I-5 pavement across Hayden island, associated ramps, the elevated transit guideway, and structures.

P-101-006

The Hayden Island Redevelopment Plan map does not show any specific locations to manage and treat stormwater runoff from the CRC project or the impact that it will have on the land available on the island for redevelopment; the Plan simply states that stormwater will be managed in a "green, state-of-the-art manner." The current proposed water quality facilities fulfill that requirement. In addition, care was taken to ensure that the facilities are located on land that is either currently owned by ODOT or would need to be acquired for CRC construction, independent of stormwater management. While wetlands are typically permanent bodies of water, they are not stagnant. Water flows through them during the frequent rainfall events producing conditions that are not conducive to mosquito larval development. As stated above, a constructed wetland is one of the BMPs listed by NMFS in its BO as providing the level of treatment necessary to protect endangered species

P-101-008

improvements. The FEIS doesn't recognize these violations of the Island Plan as impacts so there is no mitigation offered.

----The project will permanently displace numerous floating home residents. The only mitigation offered is a fair market buyout, but the floating homes are unique and moorages for them are not available anywhere else in Oregon. The CRC was asked to mitigate these impacts by assisting in the development of a replacement moorage near-by in the North Portland Harbor area. CRC's FEIS response is that permitting a replacement moorage might be too difficult for them (even though CRC has the resources to permit a \$3-4 Billion river crossing?).

Recommendation: The FEIS should accurately reflect the real and significant impacts on the Hayden Island Community. The CRC should re-open communications with the Community and work with them to reduce impacts and provide community assistance where major impacts can not be avoided.

P-101-009

Potential Impacts of Project Phasing on Hayden Island Livability.

The FEIS only considers phasing of some SR 500 features and some Marine Drive ramps. Completion of those components has been delayed indefinitely. It seems obvious that delay of full funding may delay construction of some other project components for an indefinite number of years. The community impacts of these likely(?) delays have not been identified or mitigated. What components might be delayed on Hayden Island?---The local multimodal bridge? ---The Tomahawk Island Drive extension under the new freeway?---The entire interchange?

Hayden Island will already experience the longest construction impact period of anywhere else in the project area (2+ years of property acquisitions/displacements followed by 5-1/2 years of construction). Any delays by project funding would greatly increase the impacts on livability.

Recommendation: Provide assurances that Island components will not be delayed more than any other CRC project components or work with the community to

found in the Columbia River. As such, the discharges are considered by the agency to meet its stringent requirements. We will be further evaluating the potential for infiltration.

P-101-007

The proposed transfer of 0.4 acre of surplus right of way to the City of Vancouver is mitigation for the project's direct impact on the City's Waterfront Park, an existing public park and a Section 4(f) resource. The project has no impact to public parks on Hayden Island and no land that is subject to Section 4(f) protection, and therefore no need for such mitigation. The CRC project does not currently propose to convert the existing Thunderbird site on Hayden Island into a public park, but it also does not preclude it from becoming a public park in the future. Decisions regarding the disposal of surplus property after project construction will be made at a later date. The City of Portland has also noted their interest in that parcel following construction and the project has committed to continue coordinating with them on it.

P-101-008

Project refinements and new information resulted in additional displacements since the early planning phases of the project. We do not expect that all the businesses assumed to be displaced will necessarily have to be displaced, but it is prudent to be conservative about impacts in the NEPA process. Also, some of the displacements would be affected only by diminished access, not by demolition. It is possible that some of these properties and buildings could be re-occupied by other businesses that would not be so affected by the changes in access.

The character of central Hayden Island is changing, and the project will contribute to further changes. The project is consistent with the direction embodied in the Hayden Island Plan. The multi-million dollar improvements that result from the project will help facilitate redevelopment on the island. The redeveloped commercial areas will, if

P-101-009		develop contingency plans and mitigation measures.
P-101-010	Transportation Impacts on Hayden Island during Construction Ch. 3 Transportation	The FEIS discusses impacts and mitigation for pedestrians, bicycles, handicap scooters and other non-vehicle movements in a north-south direction along the freeway corridor but not in an east-west direction across the corridor. East-west movements are particularly important on Hayden Island because there is no way around the project construction area. Also, there are no existing adequately sized or safe sidewalks, bike lanes or ADA-compliant pathways across the existing freeway so temporary facilities will have to be built before any construction can begin on the Island. <u>Recommendation:</u> Work with the Island community to plan and construct safe non-motorized crossings for east-west movements, as well as north-south movements during construct. Implement an east-west shuttle bus service on the Island to minimize risks to Island residents trying to cross the freeway construction zone.

consistent with the Hayden Island Plan, better serve local residents than the regional commercial/ big-box uses there now.

P-101-009

The project will seek funding for the construction of the LPA in its entirety. And although there are limited funding opportunities and limited available funding, this project is recognized by our federal partners as having national significance. We are optimistic that being designated one of a few Corridors of the Future will assist us in obtaining the necessary funding.

The project will be built in stages. These stages will be dictated by the variety of contracting mechanisms that will be used, the in water work window, and available funding. Chapter 2 of the FEIS shows how the work will most likely progress. In the event that portions of the project need to be phased, the decision on which portions would include public input and a formalized process. NEPA allows for a sequenced progression of construction. However, if portions of the project were to be significantly delayed, NEPA reevaluations would likely be required.

P-101-010

The project will be developing a shuttle bus system to mitigate mobility impacts on the Island during construction. There will also be plans to protect east-west mobility on the Island during construction for vehicles, bikes, and pedestrians.

P-101-011

<p>FEIS does not meet NEPA requirements for evaluation of bridge type alternatives</p>	<p>The CRC hired a panel of internationally renowned bridge architects and engineers to develop new bridge type alternatives to replace the non-viable bridge type that had been the LPA for several years. The panel developed three alternatives including two that exceeded the previously used bridge height criteria. After reviewing the height criteria, the expert panel concluded the taller structures could be permitted and constructed.</p> <p>The three alternatives were then presented in public meetings, discussed in the press, and discussed extensively among public stakeholder groups, politicians, and the CRC.</p> <p>At some point, the CRC terminated their evaluation and selected their own version of the deck truss bridge type without revealing their decision to the public. The CRC deck truss version was curved while the expert panel's version was straight. As a result, the CRC deck truss version has more bridge piers in the Columbia River than any of the panel's three alternatives and the CRC's version is the only option that impacts the environmentally sensitive shallow water habitat on both shorelines.</p> <p>This process was flawed for several reasons:</p> <ul style="list-style-type: none">--The CRC did not do an adequate NEPA-based evaluation of the alternatives and did not include their selected design in the evaluations.--The FEIS does not include documentation of the bridge-type alternatives and their environmental or economic comparisons.--The DEIS and FEIS continue to rely on a flawed height criteria decision made in 2006, before the DEIS, that eliminated tall cable-stayed, suspension, and steel bridge types that are commonly used throughout the country. It appears that a major reason for the height criteria was for the convenience of the CRC so they could avoid FAA permitting relative to Pearson Airfield. Pearson Airfield officials and the Pilot Organization that uses the Airfield have recently said that a tall bridge would not be a major issue for them because they have an agreement with Portland International Airport that prevents them from flying over the River where they could interfere with aircraft using PDX. Thus, they don't fly over or near the I-5 Bridge.--While the public discussions of the panel's alternatives were going on, the CRC asked the FTA and FHWA if the CRC's change to a curved deck truss would require a
<p>Appendix O</p>	

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P-101-011

Many basic bridge concepts (low, medium and high) as well as tunnels, were considered in the early alternatives analysis prior to the DEIS. A medium level, fixed span bridge emerged as the best choice for meeting the purpose and need and minimizing impacts and costs, and that was carried forward into the DEIS, as discussed in Chapter 2 of the FEIS. The DEIS did not define a specific bridge type; it evaluated bridge-related impacts based on a definition of vertical clearances above and below it, horizontal alignment, capacity, and a pier configuration concept. This allowed for multiple types of bridges, including the open web box that emerged through the UDAG group sessions and the composite deck truss that eventually became the preferred type following the Bridge Expert Review Panel (BERP) proceedings and the decisions by both governors.

FHWA and FTA were fully aware of the BERP activities and report. An FHWA engineer was among the members of the BERP. The straight alignments were straight across most of the water but had curves at either end to reconnect with the I-5 alignment. While the straight alignments were originally believed to have potentially lower costs and possibly fewer piers, it was clear after further analysis that this would not be the case. The straight alignment would not be expected to reduce costs or environmental impacts. The BERP report recommended that the project adopt any one of three bridge types. One of those types (composite deck truss) was selected, with a curved alignment across the river. This bridge type was selected because it met the purpose and need, would have lower environmental impacts, and would likely be lower cost and carry less risk than the other bridge types recommended by the BERP.

See the discussion of the Bridge Review Panel, evaluation of bridge types and final bridge type recommendation on pages 2-80 and 2-81 of the FEIS.

P-101-011

Supplemental EIS.
Their written submittal did not mention that there were other new bridge types being considered and that some of those alternatives might have less impact on key environmental resources. Comparing only the CRC's curved deck truss with the curved LPA, the Agencies concluded that the change in bridge type would not require a Supplemental EIS.
The CRC then justified their selection based on their statement that it was the only option that would not require a Supplemental EIS.
Of course, the Agencies did not receive information about the other alternatives so it was not appropriate for the CRC to conclude that they would all require Supplemental EIS's.
Furthermore, the CRC did not ask the Agencies a more critical question----did the CRC's decision to use their own secret curved deck truss design without a full environmental comparison or public review of the panel's three alternatives meet NEPA requirements or did that decision require Supplemental EIS review? I believe the CRC erred and did not meet NEPA requirements for consideration of alternatives that may have fewer environmental impacts.

Recommendation: Correct the FEIS or begin preparation of a Supplemental EIS to reconsider the bridge type decision after the ROD.

Hines, Maurice

From: Mike Wentzel [ml-wentzel@comcast.net]
Sent: Monday, October 24, 2011 8:48 PM
To: Columbia River Crossing
Subject: The CRC project

P-102-001

I have said over and over again that the citizens of Vancouver should have the right to vote this boondoggle down. We don't want light rail, we don't need a replacement bridge that does nothing for transportation there still is congestion in the rose quarter and north of there. It does nothing except to help a few local commuters from Vancouver to Jantzen beach and back.

It doesn't take a rocket science to figure that one out. Please do the right thing stop this project before we waste the est. 10b dollars for the project!!!!

Sent from Mike's iPhone

P-102-001

There will not be a public vote on construction of the various CRC project elements. However, as a public project, it must be approved and funded by the decisions of elected officials who are themselves directly elected by voters. Long-term operation and maintenance of the new light rail line will be funded through C-TRAN and TriMet. For its share of the operations and maintenance funding, C-TRAN plans on pursuing a public vote.

Hines, Maurice

From: Presentin, Anne
Sent: Tuesday, October 25, 2011 5:18 PM
To: Columbia River Crossing; Wills, Heather
Cc: Chisholm, Derek; Harrison, Michael
Subject: Verbal comment from James Marsh

On Monday, Oct. 24, 2011, I received the following comment from James Marsh. I also spoke with him on Oct. 5, 2011. This is a summary of his comments.

Contact information:

James Marsh
2380 NW Hummingbird Drive
Corvallis, OR 97330
Phone: 541-738-0377
(No easy access to web.)

P-103-001

Mr. Marsh said the Hayden Island interchange was designed to provide instant gratification to people who want to get anywhere at 80 mph. He said people should be told to slow down and to reduce the speed limit to 40 mph or even install a stop light at the interchange. He said the current design is luxurious. CRC is trying to cram too much in too small a space. He said planners should "get real and tone it down." It's unfortunate that there are displacements, he said. When the Port of Portland property on West Hayden Island is developed there will be boatloads of trucks. He said a Hayden Island interchange may not be necessary.

P-103-002

Mr. Marsh's previous comments on Oct. 5 centered around the cost to date and called the \$100 million expended a "double cross." He said don't build access to Hayden Island and that the Port should be responsible for providing access to West Hayden Island. He questioned the justification for a 450 wide interchange with 18 to 21 lanes that wipes out businesses. He said just put in light rail from Corvallis to Portland. It would be easier to maintain than high speed rail, he said.

Follow up:

Send project area map and fact sheets (completed on Oct. 6, 2011)
Confirm that he is on the project mailing list.

Let me know if you have questions.

Anne Presentin | Communications and Public Outreach

Columbia River Crossing Project | presentina@columbiarivercrossing.org
700 Washington St. Suite 300, Vancouver, WA 98660
office: 360.816.2161 | 503.256.2726 x2161

P-103-001

The design speed of the bridge is 60 mph transitioning to 70 mph slightly south of the bridge; the posted speed is expected to be 60 mph or less. A stop light on Interstate 5 would be inappropriate and unsafe. The proposed West Hayden Island development would not be expected to eliminate the need for a Hayden Island interchange.

P-103-002

By 2030, the region's population is expected to increase by one million people. This increase will result in more people needing to travel between home, work, school, recreation, etc. In 2005, 135,000 vehicles crossed the Columbia River on the Interstate Bridge, which led to 4-6 hours of congestion each weekday. By 2030, 184,000 vehicles are predicted to cross the river annually, which would lead to 15 hours of daily congestion if no action is taken. And while the project will encourage light rail ridership, light rail on its own will not meet the project's purpose and need.

Congestion occurs when vehicle demand is greater than a transportation system's capacity. It results in slower speeds and increased travel times. CRC defines congestion as vehicles traveling less than 30 mph. The Columbia River Crossing project uses information gathered from Metro's nationally-recognized travel demand models to determine the project's effect on congestion. These models predict trip frequency, types or modes of transportation, destination, and time of day. Transportation planners use these models to analyze the effects of such factors as increased population and employment, transportation improvements, and new developments on the transportation system.

Based on the Metro model's past ability to predict transportation effects, the CRC project is confident in the data received from Metro and uses it to determine what impact the project will have on congestion. The improvements proposed by the project to the highway and the

Hayden Island interchange will help better accommodate increased future vehicle traffic. New auxiliary lanes and longer on/off ramps will allow safer and more efficient merging and weaving when entering or exiting the freeway. Narrow lanes and shoulders will be widened to current standards. Shoulders will be added where they are currently missing. All of these changes will improve the flow of traffic in the bottleneck area of the Interstate Bridge.

P-104-001

Project staff have read and reviewed the entirety of every comment submitted on the FEIS, including the comments forwarded by Mr. Valenta. The comments forwarded by Mr. Valenta and the responses to them are included as their own individual items within this folder.

Hines, Maurice

From: Harbor Walter [walter@harbor-properties.com]
Sent: Wednesday, October 26, 2011 8:36 AM
To: Boyd, Nancy; Strickler, Kris; McCaig, Patricia; Garrett, Matt; Hammond, Paula; McFarlane, Neil; Hewitt, Henry; Horenstein, Steve; Oldfield, Meghan; Liles, Casey; Witter, Steven; Wagner, Don
Subject: CRC - Portland Impacted Neighborhoods FEIS Comments
Attachments: CRC-Portland Impacted Neighborhoods FEIS Comments.pdf; ATT14091882.htm

Message from the Portland Neighborhoods to the Leader of our Region about the CRC

To: Ginny Burdick <sen.ginnyburdick@state.or.us>, Tobias Read <rep.tobiasread@state.or.us>, Matt Wand <rep.mattwand@state.or.us>, Chuck Thomsen <sen.chuckthomsen@state.or.us>, Nancy Nathanson <rep.nancynathanson@state.or.us>, Lew Fredrick <rep.lewfredrick@state.or.us>, Lee Beyer <sen.leebey@state.or.us>, Cliff Bentz <rep.cliffbentz@state.or.us>, Margaret Doherty <rep.margaretdoherty@state.or.us>, Katie Brewer <rep.katieeyrebrewer@state.or.us>, Frank Morse <sen.frankmorse@state.or.us>

Subject: CRC - Portland Impacted Neighborhoods FEIS Comments

To the Legislative Oversight Committee for the Columbia River Crossing Project

P-104-001

This is the set of FEIS comments from the Portland Neighborhoods *directly impacted* by the Columbia River Crossing.

If you only have a little time - please read the first page of this document. It provides the overview of our comments.

For those who want to get into specific details - please read of the letters from each of the neighborhood associations and each of the citizens who have taken time and care to review and comment on the FEIS for the CRC.

Respectfully,

Submitted for the Citizens of Hayden Island, Bridgeton and East Columbia Neighborhoods by Walter Valenta 503-880-0181

*** eSafe scanned this email for malicious content ***
*** IMPORTANT: Do not open attachments from unrecognized senders ***

Jay McCaulley
1555 N Jantzen Avenue
Portland, OR 97217
(503) 735-9526
fax (503) 735-9844

October 24, 2010

Nancy Boyd
Director
Columbia River Crossing
700 Washington Street, Suite 300
Vancouver, WA 98660

RECEIVED
OCT 24 2011
Columbia River Crossing

**RE: COMMENTS FOR THE PUBLIC RECORD REGARDING THE FEIS AND MARINA
STUDY DOCUMENT**

HAND DELIVERED

P-105-001

Preface: I submit these comments as a member of the Jantzen Beach Moorage, Inc. I live on "A" Row, directly in the alignment of the CRC project. Professionally I am a marine consultant specializing exclusively in local, state and federal policy regarding marine development. Additionally, my work has allowed me to serve in this capacity in jurisdictions throughout the states of Oregon and Washington.

Dear Director Boyd:

The marina study compiled by CRC staff does not really address many substantive issues in regard to the displacement of the floating homes in the vicinity nor the project sponsors responsibilities under the Uniform Real Estate Acquisition and Relocation Act of 1971; rather it is more of a "primer" on the permit process "by private developers." The study, specifically does not even attempt to address the legal issues required under the act, or Final Environmental Impact Statement requirements, let alone provide any sort of financial analysis needed for project budgetary planning as required by the Federal Highway Act. Additionally, the study does not address those subject "to temporary displacement," such as D and possibly C rows, as described in the EIS.

Rather than address acquisition and relocation under the act, this study appears to consider relocation only as it pertains to floating homes. In fact the author erroneously refers to the "Uniform Relocation Act" throughout the document. In the case of the Jantzen Beach Moorage, the floating home owners are also members of the homeowners association and as such are entitled to compensation for impact to

P-105-001

Mr. McCaulley has provided an assessment of the project's Marina Study, conducted to assess the likelihood of a new marina being developed in time to aid in the relocation of displaced floating homes. The main purpose of the Marina Study was to compile information and study issues related to the establishment of new marinas or additional slips by private developers. The project maintains that it is unlikely there would be significant development of additional marinas or floating home slips in the foreseeable future and especially in the 12 to 18 month window when the project is likely to displace the floating homes.

Although Mr. McCaulley has suggested that permitting for a new marina could take place within a single year, the project's estimation also included time for the preparation of the plans and studies required for permit applications, and have estimated that potentially four years would be needed for permitting, feasibility studies, financing, bidding and construction. Mr. McCaulley's critique points out several items he believes are factual errors or errors of interpretation. The project acknowledges Mr. McCaulley's authority on these matters and will make the factual corrections he suggests. However, the basic conclusion remains the same - it is unlikely that a developer would be able to design, develop, permit and construct a marina, even with the support of coordinated agencies, in time to provide slips for displaced floating homes.

The marina study was not intended to address compensation and relocation benefits provided for by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 et seq.) (Uniform Act).

As stated in the Final Environmental Impact Statement (FEIS), all property owners will be offered Just Compensation for any ownership interests in parcels acquired for the project; and displaced occupants of

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their portion of the DSL leasehold interest and moorage infrastructure, including docks, pilings, common areas and upland.

Interestingly, this report was referred to in the FEIS at Chapter 3.81-82, but not included in FEIS list of study documents as an appendix to the FEIS, nor was the author listed in appendix H, list of preparers. Additionally, the study is not published on the CRC web-site

The stated purpose of the study was:

This memorandum compiles information regarding requirements and issues related to the establishment of new floating home marinas in the Portland area by private developers.

"Marina development is totally a private entrepreneurial effort by individuals or corporations interested in developing a property for profit."

Given this limited assumption, it is not surprising that they conclude in the FEIS Acquisition Section (Chapter 3) that:

"(T)he project is not pursuing(sic) the construction of a new floating home marina."

However, with this said, the report admits that it may not meet legal scrutiny as a result.

This memo does not address the legal issues related to the relocation of floating homes by the Columbia River Crossing project under the Uniform Relocation Act.

This fundamental issue is troublesome in that the purpose of the FEIS and Environmental Justice process, as well as the Uniform Act are clearly required to vet such issues. In short, their role is not to look at this from the standpoint of a "private entrepreneurial effort... for profit;" their role is to fulfill their legal responsibilities and adhere to the regulations in favor of those impacted by this government project, under eminent domain, for valid public purposes.

It is also interesting to note that the alternative site analysis did not include any government owned property or actual study of integration of the displacements into existing moorages. In North Portland Harbor roughly half of the upland property is owned by the Port Of Portland or Metro (considering West Hayden Island and the area along Marine Drive). While I am not suggesting that looking at relocation to these sites is something that the displaced homes or Janzen Beach Moorage would be interested in or would even consider to be desirable; I do believe that the study is incomplete because they were not considered and therefore does not fulfill the requirements for moving forward under the Congressional Acts mention above.

said parcels will be offered all relocation benefits for which they are entitled under the Uniform Act.

Floating homes will be treated as real property unless it is determined there are sufficient replacement sites to which the floating homes can be economically relocated. If a Relocation Study determines that sufficient replacement sites are not available, the floating homes will be purchased at fair market value and the occupants will be provided relocation assistance which may include payments, if necessary, to acquire decent, safe and sanitary replacement housing.

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For example, during the late 1990's, the open space opposite JBMI on the mainland side (across Marine Drive from EXPO) was successfully leased by Metro (a project sponsor) to a private developer for development of a marina indicating that it could be, and certainly should be considered as a potential site. Additionally, the Port of Portland faced similar circumstances when they undertook their runway realignment project; specifically relocation or demolition of floating homes under eminent domain based on federal transportation regulations. This effort resulted in agreeing to build the Islands Moorage rather than opt for demolition. Based on the zoning of Port property on North Portland Harbor, there are no justifiable reasons for not considering relocation of the displaced floating homes to portions of their vacant land, especially as they are just now considering development options for significant areas on West Hayden Island.

For the purposes of this analysis I have followed the author's format. The italicized sections are taken directly from the study.

I. THE MARINA DEVELOPMENT PROCESS:

The study author stresses the difficulties of marine development. JBMI can attest to some of the difficulties obtaining permits based on our own construction projects over the recent past.

Marina development is totally a private entrepreneurial effort by individuals or corporations interested in developing a property for profit. There are no known incentives or subsidies for developing a floating home marina. Developer's primary interest is making a profit for their efforts; a profit from the sale or rental of developed slips significant enough to reward the principals in the development for the work and capital investment over a number of years before profits can be realized.

The development process is complicated and subject to protracted delay as the many agencies consider the submitted development plans and environmental material. It is estimated it would take a minimum of four years to advance a project through permitting to completion when it is ready for occupancy.

Having specialized in marine development permitting throughout my professional career, I believe I am in a position to say that the author has not considered many reasons for engaging in such a difficult task in both the public and private sectors; "...totally a private entrepreneurial effort by individuals or corporations interested in developing a property for profit." Several moorages in the Portland area, including Jantzen Beach Moorage Inc. are owned by not-for-profit home owner associations, and further, many marinas in Oregon and Washington are publicly owned.

As described above, the Port of Portland found with their runway realignment project that building a new moorage suited their purposes based on feasibility and they constructed the Islands Moorage. While we do not disagree with the finding that marine development can be difficult and time consuming; as a consultant exclusively permitting

P-105-001

such projects in many jurisdictions; public marine projects, although subject to the same regulations as a private developer would face have several advantages when undertaking such.

While I can cite cases where private sector projects have taken as long as four years to permit and develop, in my experience this would be rather unusual depending on the jurisdiction. Most projects can be permitted in about one year. It would be highly unusual for a public project to take nearly that long, especially considering the significance and magnitude of the CRC project as the driving force. The author does not provide documentation as to the "estimated" minimum four years to advance a project of this nature. I will detail some of the expected time-lines for permitting in the next section.

In this case, the cause for displacement is based solely on a substantial "public need" of regional, interstate, and national significance that the permitting agencies certainly consider when evaluating an application, especially from a sister agency. Also in this case, the project has garnered the full political and professional support from the local project partners (local jurisdictions), Oregon and Washington States, the respective Departments of Transportation, including in-house professional staff from both agencies, as well as consulting teams from several disciplines, significant funding, and strong, well publicized support from both Governors.

If the scope of the study even considered the public nature of the project and the fact that the CRC project must adhere to the legal issues of eminent domain as a result, the study findings would properly be found to be significantly different than described. Certainly, building a freeway bridge over the Columbia River between Oregon and Washington, through several jurisdictions and layers of agency review, can not be less daunting of an undertaking, as this study implies, than permitting and construction of a moorage for those that will be displaced, or even considering, as required, by state and federal policy, alternative sites and proper analysis.

II. THE PERMITTING PROCESS:

One of the first steps in commencement of the permitting process would be a consultation with DSL and the Corps. DSL and the Corps have a joint permit application process. A pre-application meeting will be arranged with the applicant's consultants and agency technical staff, biologists and others to assist the applicant in determining the plans and reports that will be needed in considering the effects of the project and any limitations and requirements that may be needed for approval. The following are the primary players in the permitting process:

At statehood in 1859, the federal government gave Oregon the ownership of submerged and submersible land underlying navigable waterways... The State Land Board is charged with managing this land on behalf of all Oregonians. The Department of State Lands (DSL), the Land

Board's administrative arm, is responsible for the day-to-day management of these publicly owned resources.

Application for DSL leases: Any new use of submerged lands under DSL jurisdiction requires a lease. The DSL's application requires an application form accompanied by detailed maps and plans for the proposed facility. DSL staff distributes the application and the plans to a mailing list which includes nearby owners, municipal jurisdictions, and resource agencies. DSL staff receives comments on the proposed project and refers any objections it deems substantive to the applicant for resolution. It is up to the applicant to resolve issues raised in the comment period. If the applicant is unable to resolve issues deemed substantive by DSL, it may not be approved.

In addition to the recipients listed above several private individuals and organizations are included on DSL's mailing list, specifically tribes and environmental groups who routinely weigh-in on project proposals. DSL weighs the nature of the comments, as well as who is making the comments prior to moving forward with their decision to issue a lease or not. For example, comments from the Oregon Department of Fish and Wildlife tend to carry more weight than comments from certain organizations that appear to oppose every project as a matter of routine. DSL exercises significant discretion when considering each comment. While they indeed may not issue a lease based on a comment, they are typically not obligated to resolve or condition approval in every case, nor is the applicant.

The proceeds from the Waterway Leasing Program inure to the Common School Trust Fund for distribution to school districts throughout the state. With this in mind, DSL weighs the principles of "sound management" of the natural resources of the State, as well as their contribution to schools when making their decision as to issuance or not. Given these circumstance, leases are generally issued unless the project plan is found to be significantly flawed or detrimental to our environmental policies. Most planning consultants in the public and private sectors are well versed in what will work and what will not work when designing a project for DSL scrutiny. In short is relatively rare for DSL to simply deny a lease authorization as implied.

Once an application is deemed complete, usually within 30 days, the DSL puts the application out for the 30 day comment period. DSL at that time can issue a lease or provide conditions for approval or deny the application. Typically a lease is issued in 4 to 6 months.

Leasing Procedures: All moorages, marinas and docks in this area are subject to DSL administrative rules and must be leased from DSL. DSL will not approve a lease until it is satisfied that all applicable rules and permits have been issued. A commercial marina may select one of three ways of determining their annual rent:

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Interestingly, not all moorage projects require a DSL lease as stated and quite specifically in the North Portland Harbor area. At the time of statehood, the "Oregon Slough" as it was known then did not go all the way through in many water conditions. An act of Congress in 1912 authorized the Corps of Engineers to dredge a commercial channel so the entire length of Hayden Island could be utilized for marine transportation. Therefore, much of the east end of the Hayden Island channel bed is fee title property, not subject to DSL lease; rather it is owned by the riparian owners along the shoreline and along Bridgeton Road.

Area "D" described later in the CRC study as "*the most likely site on the river for development of a new marina*" is one of these properties not subject to DSL lease.

There are also categorical exemptions pursuant to DSL Waterway Leasing Administrative Rules such as private wharves and certain government facilities.

As mentioned above, the reviewing agencies including DSL, naturally tend to consider projects presented to them by another government agency with some degree of deference; in addition ODOT has full time professional staff assigned to liaise exclusively with DSL on ODOT projects (I applied for the position at the time it was first offered). Based on my experience, I could not anticipate a situation where DSL would deny authorization to ODOT for construction of a floating home moorage to replace those displaced by the CRC project. Further DSL reports directly to the Land Board, made up by the Governor, Secretary of State and State Treasurer; all of whom have announced publicly, strong support for the CRC project. I can not imagine a scenario where DSL staff would consider "bucking" the Land Board by denying a lease to the CRC should the project determine that a replacement moorage was an alternative to displacement.... It would probably be approved in record time.

B. Corps of Engineers: *The DSL application is a joint application with the Corps, which is responsible for permitting construction and dredging in public waterways, such as the Columbia River. It is the Corps' responsibility to:*

evaluate permit applications for proposed activities in waters of the United States (including wetlands) throughout Oregon, under the authorities of the Marine Protection, Research and Sanctuaries Act, Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act.

In evaluating an application, the Corps requests a biological opinion (BO) from the National Marine Fisheries Service (NMFS). The BO contains an assessment of the potential impact of the construction and operation of an in-water facility to fish species and to critical fish habitat. If it is determined that the project impacts are acceptable, the BO will contain terms and conditions that are deemed necessary to minimize the potential harm to protected species. These conditions can include restrictions on in-water work, specific construction techniques and construction materials. NMFS requires that the

Corps include these restrictions in their permits and that the project be monitored to assure the permittee complies.

A review of NMFS biological opinions (BO) over the last nine years for the Columbia and Willamette River systems, for Oregon and Washington shows there have not been any opinions issued on floating home marinas. So it is difficult to judge current agency opinion. However, BO's for other in-water installations, such as boat docks, highlight agency concern regarding over-water shading. Below are excerpts from a relatively recent BO.

Light plays an important role in defense from predation. Prey species are better able to see predators under high light intensity, thus providing the prey species with an advantage...

An effect of over-water structures is the creation of a light/dark interface that allows ambush predators to remain in a darkened area (barely visible to prey) and watch for prey to swim by against a bright background (high visibility). Prey species moving around the structure are unable to see predators in the dark area under the structure and are more susceptible to predation. The incorporation of grating into all of the docks allows for more light penetration and diffuses the light/dark interface. This will minimize the susceptibility of juvenile salmonids to piscivorous predation resulting from this project.

Shading is a permanent effect that could not be readily mitigated for a floating home marina. A minimum size floating home marina of about 40 homes would create about an acre of shade. Unlike other overwater features, it would not be possible to add transparent or translucent features to a house that would alleviate shading. Floating docks can utilize metal grating and boat houses can have translucent roof panels and doors to transmit light, but floating homes do not have the same opportunities. There is no certainty how NMFS would consider the issue, and whether there could be acceptable mitigation. Conversations with marina developers indicate the shading issue is known to developers and creates investment uncertainty, a significant issue.

Over the past few years the Corps of Engineers review process has probably become the most time consuming aspect of permitting, to a large degree because of the required consultation with Nation Marine Fisheries.

Contrary to the author's assertion however, and contradicted by his own foot notes and comments, several biological opinions have been conducted for floating home moorages in the past 9 years; some very recently and some in the immediate area of North Portland Harbor. For example, his foot note on page 3 of the report.

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5 NMFS Biological Opinion for Hayden Island Marina. 2004.
https://pcts.nmfs.noaa.gov/pls/pctspub/sxn7.pcts_upload.download?p_file=F31284/200300787_Hayden_Island_final_1-23-2004.pdf. Page 10-11. Retrieved 1/31/2011.

The Rocky Point Marina expansion approved earlier this year and mentioned on page 5 of the report, required consultation and a biological opinion, as did the reconstruction of the Jantzen Beach Moorage, to name a few. Even modest modifications to existing structures can cause a need for such consultations; as such, these considerations are a routine component of every marine project.

With this said however, NMFS has several avenues to pursue regarding mitigation and minimizing impacts, typically included in the conditions of approval. Light penetration is only one consideration of many that we integrate into every project proposal. Mitigation also comes in many appropriate forms depending on the nature of the impact.

Acceptable forms of mitigation used in circumstances such as described when an impact can not be avoided is on-sit or off-sit habitat creation and enhancement, payment in-lieu of mitigation, as well as other conditions of approval NMFS deems appropriate.

Shading is a permanent effect that could not be readily mitigated for a floating home marina... There is no certainty how NMFS would consider the issue, and whether there could be acceptable mitigation.

While every project consultation is analyzed on its own merits, NMFS is quite knowledgeable in minimizing impacts and has made no secret of what they expect and methods to limit impacts to acceptable levels. They have published dozens of BO's, as well as study and guidance documents providing industry professionals with appropriate methods for project design and engineering to minimize, mitigate or avoid adverse impacts. The author is simply wrong when he says "(t)here is no certainty how NMFS would consider the issue, and whether there could be acceptable mitigation."

Further, in my experience NMFS also considers existing structures differently than new construction and reconstruction, again depending on the nature of the impact. For example, a recent client wanted to install a new dock in a location that did not have a dock; he purchased an existing concrete dock section that could not effectively be retro-fitted with light penetrating panels for installation at the new site (specifically in an area deemed to be essential habitat, an even higher hurdle, unlike this portion of the Columbia River and North Portland Harbor). NMFS found that because it was an existing structure, and that there would be no net increase in surface area or shading, the impact was "de minimis" and no further mitigations was required.

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In this particular case (CRC), the displaced floating homes and moorage infrastructure already exist. Whether relocated, rebuilt or reconfigured, the net surface area impacted would not change appreciably, if at all. While consultation and BI-OP would still be required; a new, relocated or reconfigured moorage is without a doubt more feasible than indicated by the study.

These considerations are at the very heart of the FEIS and NEPA process. CRC project staff are certainly well aware of these issues and nuances in that the bridge project faces exactly the same considerations, however on a much larger scale and significantly greater impact. As such, I believe the FEIS fails to meet the minimum threshold for moving forward toward acceptance based on the Uniform Real Estate Acquisition and Relocation Act.

III. ZONING

Zoning is an important factor in determining the feasibility of a potential floating home marina development. There are four jurisdictions on the Columbia which determine allowable land use: the City of Portland, Multnomah County, the City of Gresham, and the City of Fairview. The City of Portland has jurisdiction upstream from the mouth of the Willamette River, past Hayden Island to about 185th Drive.

Upstream from that point there is approx. one mile of Columbia River frontage in the City limits of Gresham. The next 1.5 miles is in the City of Fairview, and the final stretch, to a point near the Sandy River, lies within Multnomah County. The Columbia River downstream from the mouth of the Willamette, as well as the Multnomah Channel, are in Multnomah County jurisdiction.

A. City of Portland:

All of the North Portland Harbor and most of the existing marinas are within the City limits. Except for a few small areas, Portland's zoning along the Columbia River frontage is industrial and commercial. The commercial zone is along Hayden Island, on the north side of North Portland Harbor. The industrial zone extends along the south bank of the Columbia from the mouth of the Willamette upstream to the city limits, approximately at 185th Drive. In addition, there are three overlay zones that restrict uses along the Columbia River, a conservation overlay and two airport related overlays. Those portions of the riverfront that are in public ownership are zoned for open space.

Several of these statements are in error. The northwestern half of North Portland Harbor is not within the City of Portland city limits, the entire western half of Hayden Island is within the jurisdiction of Multnomah County and zoned MUA-20, not industrial or commercial or open space as stated. MUA-20 zoning specifically lists floating home moorages as a conditional use. On Portland maps the Port of Portland property is listed as residential-farming.

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Significantly, none of the North Portland Harbor riverfront property “in public ownership” is zoned for open space except one very small park west of I-5 on Hayden Island (Lotus Isle), adjacent to a house boat moorage. In fact, the park is the riparian upland lot. Further, the park’s shoreline walkway bisects the entrance to the moorage from the upland parking area for the moorage.

***Floating Structures in the Zoning Code:** The City of Portland Zoning Code, Chapter 33.236, Floating Structures, addresses the requirements for floating homes and marinas. “This chapter adapts the existing upland regulations for use with floating structures.” This chapter specifies that “All uses in floating structures must be an allowed use on the upland lot they are attached to and must comply with all use regulations applying to the upland lot.” Also, a houseboat moorage is considered a multi-dwelling use, so a houseboat moorage would only be allowed where multi-family is permitted.*

Summary of Applicable Zoning Codes:

CGhcx. This general commercial code allows houseboat moorages as a permitted use.

IG. This industrial general zone also allows multi-dwelling uses, which includes houseboat moorages.

The study is a bit misleading in that the zoning regulations in the area in question are not limited to multi-dwelling use zones only. Plainly put; floating home moorages are allowed in all of the zones in question. While “house boat moorages” are indeed considered a multi-dwelling use, they are also designated as a commercial uses and allowed in the IG2 zone as well.

*c = **Environmental Conservation zone.** For proposed developments that do not meet all standards for this zone, an environmental review is required and a mitigation plan must be submitted which shows that “all significant detrimental impacts on resources and functional values will be compensated for.” The mitigation plan must also demonstrate there is a public need for the proposed use or development.*

Almost by definition; the cause for displacement of the floating homes is based solely on a substantial “public need” of regional, interstate, and national significance. As one of the local partner jurisdictions, the City of Portland understands the significance of this project and that public need.

With this said the “c” zone review is not an impediment to development of a floating home moorage, rather it is a guideline used throughout the design and engineering process to assure compliance and responsible development. All considerations of the code section can be met and/or “all significant detrimental impacts on resources and functional values will be compensated for.”

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h = Aircraft Landing zone. This zone limits construction height to avoid conflicts with the nearby Portland Airport. However, floating homes are well below the effects of any height restriction and would not be affected by this zone.

This is not an issue.

x = PDX Noise zone. The x overlay designates the PDX Noise zone. It designates areas where new residential construction is prohibited due to high noise levels and other areas that permit residential construction but require additional noise insulation in new and reconstructed residences. The Ldn 65 dBA noise contour (decibels), as shown in the 1990 Portland International Airport Noise Abatement Plan Update is the boundary for the PDX Noise zone. All land within that noise contour, including lands within a higher contour, is in the PDX Noise zone. All new structures must be constructed with sound insulation or other means to achieve a day/night average interior noise level of 45 dBA. New residential uses are prohibited within the Ldn 68 or higher noise contour.

The noise zone overlay is not an issue that would preclude floating home development in the immediate area of North Portland Harbor or alternative sites being considered. The Ldn 68 contour prohibition areas do not overlap any of the potential site alternatives. All of the alternative sites being considered can be mitigated for noise by utilizing proper construction methods and materials.

This is a non-issue in regard to permitting.

B. Multnomah County Zoning:

Along the Multnomah Channel there are areas of undeveloped waterfront with abundant upland area. However, it may be difficult to create additional marinas in these areas based on zoning. The north bank of the Multnomah Channel, Sauvie Island, is zoned exclusive farm use (EFU) which does not allow non-agricultural development. New or expanded marinas would not be allowed. The south bank is zoned for multiple use agriculture (MUA-20). This zoning is intended to allow agricultural lands not suited for commercial farming to be put to compatible uses such as low density residential, forestry, and other uses compatible with the natural resource base. Houseboats and houseboat moorages are a conditional use in this zone.

During the mid and late 1990's, representing the Waterfront Owners and Operators Organization, I actively participated in the Sauvie Island/Multnomah Channel Rural Area Plan rule promulgation, the ordinance was adopted in 1997.

The Multnomah County Comprehensive Plan Framework (Policy 26- Sauvie Island/Multnomah Channel Rural Area Plan) actually designates the MUA 20 zone as

the appropriate zoning area for floating homes and moorages within this plan and specifically includes the following areas as the appropriate sites for such.

Following is the actual verbiage of Multnomah Policy 26:

The following areas are designated as suitable for houseboats:

1. Multnomah Channel (west side).
 - a. From Rocky Point Moorage, or from an area 1650 feet north of the southern boundary of Section 36, T3N, R2W, known as Rocky Point, north to the Columbia County boundary.
 - b. From the City of Portland corporate limits north to 1/2 mile north of the Sauvie Island Bridge.
 - c. Area occupied by Happy Rock Moorage, Sauvie Island Moorage, Parker Moorage, and Mayfair Moorage.
(Added by Policy 10, No. 2, "Sauvie Island/Multnomah Channel Rural Area Plan," Adopted October 30, 1997, Ordinance No. 887).
2. Oregon Slough.
 - a. the south shore of Tomahawk Island.
 - b. any other areas identified as suitable for houseboats by the Hayden Island Plan.
3. Columbia River (near 185th Avenue).
 - a. From the northwest corner, George B. Pullen D.L.C., To the northeast corner, Pullen D.L.C.

Houseboats and moorages existing outside these areas shall be limited to existing sites and levels of development.

No houseboats shall be located on the Columbia River east of the Sandy River, or in violation of Federal Aviation Administration Clear Zone Standards, or in violation of any other applicable federal, state or local standards.

Please note: The Official name of the North Portland Harbor is "the Oregon Slough." Although the City of Portland had already annexed the eastern half of Hayden Island, the western half is still in the jurisdiction Multnomah County planning and zoned MUA 20; appropriate for house boat development. The south shore of Tomahawk Island is the location of one of the sites mentioned in this study; the property in question is in fee title (not subject to DSL lease) and properly zoned for a floating home moorage. Similarly, the Hayden Island plan allows moorages in all other zones bordering the North Portland Harbor.

All of the Multnomah Channel is subject to the Willamette River Greenway (WRG) overlay. This overlay is designed to protect the natural qualities of the waterway. It does not directly prohibit developments such as marinas. However, the WRG overlay emphasizes preservation of vegetation, wetlands, and flood plains in their natural state which could make development of upland improvements, e.g. parking or septic, to support a new marina difficult.

The author's concerns regarding the WRG overlay are overstated in-that flood plain improvements, including parking and septic are routine design and engineering features that are necessary considerations for every marine development project.

Additionally, all of the Multnomah Channel is rurally zoned and outside the urban growth boundary (see Multnomah County Base Zoning Designations - West Hills and Sauvie Island Rural Plan Areas). Construction of a new marina outside the UGB would require an exception to its urban growth boundary and is subject to review by the State Department of Land Conservation and Development.

Simply put; marina development is not precluded by the Urban Growth Boundary as this study states. The Multnomah County Comp plan and Chapter 34 ordinance have already been scrutinized and accepted by DSCL; they remain in force. Goal exceptions are not required under these circumstances.

In order to deal with the many floating home marinas along the Multnomah Channel, the County inventoried the marinas to determine the number of floating homes, boat houses, boat slips and other uses for each marina. The inventory was conducted in mid-1995 and was subsequently adopted by the County to establish the number of grandfathered units allowed for each existing marina. A recent Multnomah County staff report on a request to add 23 floating home slips to the existing Rocky Pointe Marina recommended to deny additional floating home moorages beyond those previously grandfathered.

The underlined portion of the study document is simply not true.

During the period the regulations were being promulgated, my testimony lead directly to the inventory described above as well as inventories by DSL on a statewide basis. The inventory was actually conducted in 1997 and 1998.

The author simply misinterprets the purpose and significance of the inventory. While the inventory was used to "grandfather" certain moorages as non-conforming uses; these were developments and structures, many of which had bee built with incomplete permitting or constructed before moorages were regulated the way they are now; the underlying purpose was simply to get a baseline for future development limitations and moorage expansions. As an example; the City of Portland was the first

jurisdiction in the state to create a "Floating Structure Code" (Title 28-implemented November 1991), prior to this, normal building codes did not apply.

Also part of the County rule changes was creation of a "Special Plan Area" to allowing existing moorages and new moorages with appropriate zoning a method to increase density beyond the standard density of 1 floating home for every 50 feet of water frontage; not to preclude expansion. Interestingly, although the "SPA" enabling legislation passed into law, the Multnomah County Planning Department, has not established rules for implementation. This is simply a density issue, not a preclusion for expansion.

In regard to the Rocky Point Marina expansion; while staff recommended denial of the SPA, they did recommend houseboat expansion to the standard density:

Staff recommends the Planning Commission **deny** the request to establish a Special Plan Area because, as outlined in this report, the applicant has failed to establish that the project conforms to the approval criteria outlined in Policy 15 of the County's Sauvie Island/Multnomah Channel Rural Area Plan, nor have they shown that there is a public need, which is required in order for a zone change to be approved (MCC 37.0705(B)(2)). If the Planning Commission accepts the staff recommendation, the applicant would potentially be able to expand the houseboat moorage at a density of not more than 1 unit for every 50 feet of frontage provided they obtain the required land use permits. This would allow up to 23 new floating homes.

This expansion was approved by the Planning Commission as well as the County Board of Commissioners in 2010.

This section of the study document is particularly troublesome in that the study not only draws an erroneous conclusion, based on misinterpretation of the regulations and purpose of the inventory; it is blatantly untrue.

IV. AVAILABILITY OF FLOATING HOME SLIPS

An important consideration in the need for additional floating home marinas is the availability of vacant slips. The following numbers are based on a count from Google Earth aerial photos. The photos are recent, one to three years old, and represent a good estimate of the availability of vacant slips.

- *There are approximately 12 potentially available vacant slips in the North Portland Harbor out of approximately 610 floating homes, which is a vacancy of only 2%. These slips may not all available on the real estate market. Some may be held for future development.*
- *There are approximately 25 vacant slips in Gresham area marinas, McGuire Pt. to Big Eddy.*
- *There are approximately 12 vacant slips in Multnomah channel marinas up to Scappoose.*

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This section of the study does not adequately address the availability of slips by any standard. Supposed vacant areas do not equate to "available slips" and applying a ratio of vacancies base on non-empirical data carries no weight or value. Using Google Earth does not adequately depict the actual use or availability of a site and certainly can not consider issues such as proximity to the federally established ship channel, zoning densities, zoning restrictions, etc. It must be rejected in its entirety.

Based on my experience and knowledge, I do not believe there are currently 12 available slips in the North Portland Harbor. If there are, I would certainly like to know where they are.

V. SITE AVAILABILITY FOR NEW FLOATING HOME MARINAS

The initial focus for this memo was in the vicinity of the North Portland Harbor, however, because of the shortage of sites in this area, the search was extended upstream to Troutdale, and downstream to the Multnomah Channel at Sauvie Island.

North Portland Harbor West of I-5

West of I-5, there is little opportunity for additional marina development. The area between the railroad bridge and Brown's Marina has very little upland area and is mostly owned by the Port of Portland. On the Hayden Island side, between the railroad bridge and West Hayden Marina there is a potential site, area A. The upland area is already developed with a commercial use, however, it might be feasible to redevelop a portion of the parcel to provide upland facilities for floating home marina use.

I do not believe the Port of Portland property can or should be excluded by a study of potential sites; either on a willing seller basis or by eminent domain. As one of the proponents and most significant benefactors of the CRC project in regard to increased transportation capabilities it could be in their best interest. With this said however, the study is remiss in that the question was not asked nor were the possibilities explored or even considered.

The site mentioned is a small but potential site on a willing seller basis or by eminent domain. West Hayden Island Moorage was previously purchased, permitted and constructed on a portion of this site.

Another potential site is the area between the RR bridge and Class Harbor Marina, which is privately owned, area B. It is zoned industrial and marinas are an allowed use. It appears to have adequate upland area. One problem is that it is directly downstream from the swing span of the railroad bridge, so river traffic would be very close to the marina. There is no information showing a restriction on development at this site, but such use might be restricted for safety purposes. There is also a small parcel between Class Harbor and Suttle Road marina that might be filled in with eight to ten homes.

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These may be potential sites, however the upland sites would require additional study to ascertain if indeed the areas can provide adequate ingress and egress (Marine Drive is a commercial route of significance to the state with limitations on driveway inclusions) and parking. The portion adjacent to the railroad bridge is probably too close to the federally established commercial ship channel (that includes a 75 foot buffer) to be considered.

The rest of the river frontage west of the RR bridge on Hayden Island, and downstream from Suttle Road Marina is owned by the Port of Portland and is unavailable for marina development.

Addressed above.

North Portland Harbor East of I-5

Area C is approximately 1,400 feet of shoreline, along the south bank of the North Portland Harbor between Pier 99 Marina and Blue Frog Landing. Zoned general commercial, this area allows floating home marinas and is within the urban growth boundary. It could be a prime location for future marina expansion. However, the upland areas are being developed for interchange commercial uses. Two of the upland properties have been recently developed with motels. The center parcel may be developed in a similar fashion. If this parcel is developed there will be no upland area to support a new marina.

It is my understanding that the owner of this parcel is considering a moorage in anticipation of the CRC project. However, there are significant difficulties developing this site for a floating home moorage. The vacant upland between Pier 99 and Blue Frog Landing, although in fee title, is the flood control dike with specific limits on development and use. Further, the upland areas on both ends of the undeveloped dike may not support the necessary parking and would probably be precluded by the City of Portland regulations that require floating homes to be within 500 feet of the parking area for fire safety and other considerations.

Another open area that might accommodate additional floating homes would be across the channel from Blue Frog Marina. However, all the adjacent upland has already been developed with homes and a public park. There is no room for parking or other facilities necessary for a new marina. As with area C, a floating home marina is not feasible without adequate upland area.

This area is not a potential site. In addition to the reasons cited; it is the location of the original trolley bridge to Hayden Island, it is extremely shallow (above water level in most conditions due to additional silting), its proximity to the park and no available riparian property rights.

East End of North Portland Harbor

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Area D is on Hayden Island east of existing moorages. It has appropriate zoning, readily available utility connections and is within the UGB. This is the most likely site on the river for development of a new marina. It is owned by Columbia Crossings, and has been planned for marina expansion for a long time.

This site is a very likely alternative site. During the early and mid-1990's I was involved in the early planning and permitting of this site. While the permitting was successful, for business reasons un-related to feasibility the project was abandoned. The bed of the channel is in fee title, no DSL lease would be required. And because it was previously permitted it can be presumed that it could be permitable again.

This site can and should be considered on a willing seller or eminent domain basis.

Area E, the south side of channel, east of Portland Yacht Club, is a row of single family residences that could be redeveloped to marina use. The zoning is single family residential, so a marina would be a conditional use. However, homes would need to be demolished. Adequate upland and utilities would be available. Perhaps a ¼ mile of river front could be developed. Beyond that, development would be prohibited by the airport noise overlay.

This would be one of the least developable potential moorage sites mentioned in the study for the reasons given as well as practical considerations because of its exposure to wind and wave conditions.

VI. REDEVELOPMENT AND IN-FILL OF EXISTING MARINAS:

Of all the area reviewed, only these six sites were identified as having a likelihood of development. If there is a demand for additional spaces, new sites could also be created through either the expansion of an existing marina or the conversion of an existing boat marina to floating homes. However, both of these options likely present almost as many challenges as establishing a new marina.

The conversion of a boat marina to floating homes has a number of hurdles. Boat marinas have different designs, dolphin spacing, and utilities than what is needed for boat moorages. Such a retrofit would be expensive and require most of the regulatory permits necessary for a new marina: DSL review for change in use; Corps of Engineers for in-water construction; NMFS for in-water construction and use change; and, zoning and building permits. Investigation and permitting for conversion could take nearly as long as a new marina and eventual approval may not be any more certain.

For myriad reasons mentioned above and throughout my response these conclusion are not supported by the evidence. Expanding or reconfiguring an existing moorage is significantly easier and less time consuming than new construction in every jurisdiction.

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In fairness to the author, he simply lacks the specific expertise in this extremely narrow field and complex technical arena; marine development, to make such statements, especially when considering the public nature and significant public need represented by the CRC project.

Remarkably, the statement *If there is a demand for additional spaces*” is particularly revealing. Foremost, while there has clearly been a pent-up demand for slips throughout the area, the bridge project itself is creating additional demand.

A good example is the Rocky Pointe marina on the Multnomah Channel. It is in the process of review for an in-fill of twenty three floating home slips as well as additional boat slips. The County Staff recommendation is to approve the expansion of boat slips but to deny additional floating home moorages beyond those previously grandfathered. This demonstrates it may be unlikely to obtain additional floating home slips in the Multnomah Channel beyond the number grandfathered in the mid-1995 survey.

Not only is this not true as demonstrated above; they did obtain the permits for expansion, and as a matter of public record was approve prior to the completion of this study.

The greatest problem with conversion is that economics may not support converting pleasure boat slips to floating homes slips. Marina operators indicate that boat slip rentals are possibly more profitable than floating home moorages, especially in the current market. There is still a reasonably good demand for large boat slips.

This statement is not supported on any factual basis, nor is it supported by any sort of marketing study. While there has been a relatively steady flow of floating home sales, even during the downturn in the economy; absent as much discretionary income, the boat business has been rather decimated in many areas geographically and by boat class; typical of the historic economic trends. Larger boats have always seemed to fare better in hard economic times.

One exception to the “flow” of sales for floating homes in the immediate vicinity; the CRC project seems to have cast a dark cloud over purchasing floating homes within the impact area, many of which have been on the market for quite some time.

With this said however, this has no relevance to the FEIS or the CRC project.

VII. INVESTOR EXPECTATION

Discussions with real estate professionals indicate that there is a general feeling in the development community that it is virtually impossible to develop a new marina through the process of environmental and building code requirements. An effort of four years or more, plus an investment of hundreds

of thousands of dollars for development plans and environmental studies may be necessary before knowing whether a project is viable. This uncertainty makes it difficult to obtain financial backing for such a speculative venture.

Again the relevance of “investor expectation” in this very public project and process is suspect at best, and does not fulfill the basic process questions of NEPA, the FEIS, Environmental Justice Act, Federal Highway Act nor the Uniform Real Estate Acquisition and Relocation Act of 1971.

As demonstrated throughout my analysis of this study it is simply not “virtually impossible” to develop a new marina in the private sector and certainly not true for the public sector either, especially given the significance of the CRC project.

I must submit that the study may have interviewed the wrong professionals; real estate professionals are typically not as well versed in the intricacies of marine development as those involved directly in permitting such complex projects.

The ultimate proof of the difficulty of developing a floating home marina is recent market activity. There have been no new marinas constructed in the past decade, on either the Willamette or Columbia rivers in Oregon. The last new marina was McGuire Point, which was completed approximately twelve years ago.

The Columbia Ridge marina still has unsold slips after seven years. Most floating home developments are recreational properties and many are owned as second or weekend homes. Since no new marinas were started in the overheated real estate market prior to 2009, it seems unlikely that there would be activity by private investors in the current market for the foreseeable future. Recreational properties have been the hardest hit in the current real estate market.

Columbia Ridge indeed has unsold slips; rather than for the conclusions and assumptions offered by this study, an underlying reason for this is that the developer appears to have over-priced the slips and has some rather difficult criteria for occupancy.

While I do not disagree with the author that marine development is not difficult; the “ultimate proof ... There have been no new marinas constructed in the past decade, on either the Willamette or Columbia rivers in Oregon.” remains unsubstantiated and is simply not true.

In addition to the recent and current projects mentioned above, Pier 99 and Rocky Pointe, and Reflection Bay (the previously permitted project on Hayden Island owned by Columbia Crossing (Area D); Mr. Casselman (who previously permitted and built 3 moorages on Multnomah Channel) has expressed interest in constructing a new moorage on his last remaining vacant property on the channel, specifically in response

P-105-001 to the CRC project; Mr. Hamer (developer of Riversbend Moorage on Multnomah Channel) has express interest in expanding his existing moorage.

And finally, a project I am working on has recently submitted applications for development and expansion of a moorage on Multnomah Channel.

VIII. CONCLUSION:

It is very unlikely there will be a new private floating home marina development in the foreseeable future. Zoning and permitting requirements restrict prospective available sites and make it difficult to determine if a new marina would be allowed on any potentially developable sites. Proof of this conclusion is that no new marinas were constructed during the peak of the real estate market a few years ago, so it is very unlikely one would be started in the current market. In-fills and marina conversions could provide additional slips in the North Portland Harbor area, but such development could be time consuming and expensive and may not be permitted by regulatory agencies.

This conclusion is mistaken, remains unsubstantiated and is simply not true, and in fact there are other areas within the City of Portland that could feasibly be developed for floating home moorages.
Pursuant to the FEIS at 3.81-82:

North Portland Harbor, Portland, Oregon

The LPA would require the displacement of floating homes in the North Portland Harbor. Information regarding floating home availability in the North Portland Harbor is not provided in the reports that informed the above discussion, although some information can be gleaned from the Regional Multiple Listing Service (RMLS) searchable database. A search of the active listings in April 2011 showed approximately 109 housing units listed for sale in Hayden Island, North Portland Harbor, and North Portland. Of that number, 40 were floating homes, 38 were condos, and 31 were conventional homes. The above numbers do not include private listings.

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 new marina permitting and construction, the project conducted research on the development of marinas. This research found that there are some likely challenges to developing a new floating home marina, including: permitting through local jurisdictions and environmental resource agencies, acquisition of property, and eventual sale or lease of marina slips (CRC 2011). The project is not pursuing the construction of a new floating home marina.

Although floating homes and floating home moorages are a rather unique form of housing choices creating a significant difficulty comparing them to normal terrestrial based housing choices (or those who choose live on dirt as I like to say), as well as

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limits to the Uniform Real Estate Acquisition and Relocation Act requiring geographic, economic and socially equivalent housing. Simply dismissing this uniqueness is not adequate under the act, nor is simply finding "that the replacement units are decent, safe, and sanitary, and in areas that are at least as desirable as the individual's current neighborhood."

Neither is simply checking the *Multiple Listing Service (RMLS) searchable database*. A search of the active listings in April 2011 showed approximately 109 housing units listed for sale in Hayden Island, North Portland Harbor, and North Portland. Of that number, 40 were floating homes, 38 were condos, and 31 were conventional homes

North Portland is not an adequate comparison geographically, socially or economically when considering the housing diversity on Hayden Island and North Portland Harbor.

In discussion with CRC staff, they seem to focus on relocation and yet dismiss the notion of any responsibility for seeking some rather obvious alternatives, including a replacement or expanded moorage. They have not addressed those that would be "temporarily" displaced at all. Relying on the Oregon tax code that considers floating homes "personal" rather than "real property" is simply not enough. In Oregon, floating homes and manufactured homes are considered the same a conventional homes.

310.622 Manufactured structures eligible as homesteads under tax laws of state.

A manufactured structure assessed under the ad valorem tax laws of this state shall be eligible to be a homestead for the purposes of all tax laws of this state giving a right or privilege to a homestead. For those manufactured structures assessed as real property, the manufactured structure homestead includes land and improvements to the same extent that a homestead would be recognized if the manufactured structure were a conventional home. [1971 c.529 §11; 1977 c.884 §16]

(Floating Homes)

310.623 Floating home eligible as homestead. A floating home, as defined in ORS 830.700, assessed under the property tax laws of this state shall be eligible to be a homestead for the purposes of all tax laws of this state giving a right or privilege to a homestead. [1977 c.615 §6]

The marina the study referred to above in the FEIS; beyond the inadequacies of the study itself; the FEIS does not adequately address the legal questions raised nor does it not fulfill the basic process questions of NEPA, the FEIS, Environmental Justice Act, Federal Highway Act nor the Uniform Real Estate Acquisition and Relocation Act of 1971.

As demonstrated throughout my analysis of this study it is simply not "virtually impossible" to develop a new marina in the private sector and certainly not true for the public sector either, especially given the significance of the CRC project.

Also as state in Chapter 5 of the FEIS:

In preparation for the FEIS analysis, project staff conducted a survey of owners and tenants of residential properties potentially displaced by the LPA. This survey determined the characteristics of the households displaced and how each residence is used. The development and distribution of this survey required coordination with property owners, as well as floating home moorage management and boards. The process by which surveys were developed and distributed, as well as the follow-up activities that were undertaken to encourage a high rate of return, are described in detail in the Environmental Justice Technical Report.

Although CRC staff has indeed worked with those of us who will be displaced by this vital interstate link; the questionnaire failed to ask probably the most important question to those of us in the way.

How many of you would like to remain on the water?

If the scope of the marina study even considered the public nature of the project and the fact that the CRC project must adhere to the legal issues of eminent domain as a result, the study findings would properly be found to be significantly different than described. Certainly, building a freeway bridge over the Columbia River between Oregon and Washington, through several jurisdictions and layers of agency review, can not be less daunting of an undertaking, as this study implies, than permitting and construction of a moorage for those that will be displaced, or even considering, as required, by state and federal policy, alternative sites and proper analysis.

Out of deference to the author of the marina study, marine development is highly specialized and quite complex; a right of way coordinator can not be expected to know the myriad intricacies of my field of expertise. In the same token, I would probably be just as lost if I were to attempt to challenge him in his field of expertise.

This however, given the clear limitations based on the assumptions and limitations of the study (for example *"Marina development is totally a private entrepreneurial effort by individuals or corporations interested in developing a property for profit."*) must call into question if the scope of work and contract for the study pre-ordained the conclusion.

And;

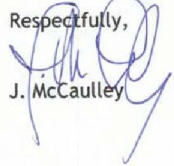
As stated in the report:

This memo does not address the legal issues related to the relocation of floating homes by the Columbia River Crossing project under the Uniform Relocation Act.

P-105-001 | If the study didn't, the FEIS must.

As such the FEIS fails to meet the minimum standards required for moving ahead with approval or acceptance until these issues are resolved and adequate study and standards are followed.

Respectfully,


J. McCaulley