

O-005-001

Thank you for your comments, which are addressed below.

Hines, Maurice

From: Mike Connors [MikeConnors@hkclp.com]
Sent: Monday, October 24, 2011 3:39 PM
To: Columbia River Crossing
Cc: Dawn Fulps
Subject: CRC FEIS Comment letter
Attachments: Hayden Island.pdf

O-005-001

I represent Hayden Island Enterprises, the owners and operators of the Hayden Island Manufactured Home Community located on Hayden Island. I am submitting the attached FEIS comment letter on behalf of my client. Thanks, Mike

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October 24, 2011

VIA EMAIL & U.S. MAIL

Columbia River Crossing
c/o Heather Wills
700 Washington Street, Suite 300
Vancouver, WA 98660

Re: Comments on FEIS for CRC project
Hayden Island Manufactured Home Community

To whom it may concern:

O-005-001 This firm represents Hayden Island Enterprises, the owners and operators of the Hayden Island Manufactured Home Community (the "Community"). The Community consists of 440 manufactured home sites, 169 RV sites and a total of approximately 1,500 residents located on East Hayden Island. Hayden Island Enterprises is submitting the following comments on the Final Environmental Impact Statement ("FEIS") for the I-5 Columbia River Crossing ("CRC") project. We spoke with representatives of the Community Homeowners Association about the FEIS and it is apparent that the residents share many of our views and concerns. We request that you forward our comments to the Federal Highway Administration ("FHWA") and Federal Transit Administration ("FTA") as part of their consideration of the FEIS.

1. LPA Option A – local multimodal bridge.

O-005-002 Hayden Island Enterprises strongly urges the FHWA and FTA to select LPA Option A because it is the only viable option. The Integrated Project Staff and the Project Sponsors Council recommend LPA Option A after an extensive public process. Hayden Island Enterprises, the Community residents and the public in general overwhelmingly favor LPA Option A. LPA Option B has not been sufficiently vetted or evaluated, and therefore LPA Option B should be removed altogether.

The LPA Option A proposal to include a local multimodal bridge over North Portland Harbor is particularly important to the Community. It is imperative that the CRC project include a local multimodal bridge so that residents are not limited to using the I-5 freeway ramps for access on and off the island. It is also imperative that the local multimodal bridge be built as part of the initial construction phase and not deferred until the later phases of the project. The need for the local multimodal bridge will be even more important during the I-5 bridge construction.

O-005-002

The project is eager to work with emergency service and utility providers as the design for the LPA and the approach to construction is further refined. The project has already made commitments to maintaining three through lanes, and to construction-period transit enhancements. The possibility of early construction of the local multimodal bridge will continue to be a consideration by the project as project sequencing is refined. It is also discussed in Chapter 2 of the FEIS, (Section 2.3.1), but not as mitigation. Although it is not appropriate to describe the early construction as mitigation, it is discussed as something we will explore as we further refine construction staging. Specifically Section 2.3.1 of the FEIS states:

Similarly, the Marine Drive interchange construction would need to be coordinated with construction of the southbound lanes coming from Vancouver. While this interchange can be constructed independently from the work described above, the completion and utilization of the ramp system between Hayden Island and Marine Drive requires the work to occur in the same period. Early construction of the local multimodal bridge between Marine Drive and Hayden Island, so that it can be used as an alternate access route during the remaining construction period, will be analyzed during final design. The interchange reconstruction also needs to occur so that Marine Drive can be elevated, allowing the light rail extension to cross under Marine Drive. The Marine Drive interchange is expected to take a little more than 3 years to construct, including work at the Victory Boulevard interchange.

2. N. Hayden Island Drive intersection improvement.

O-005-003 Based on our review of the FEIS and conversations with CRC staff at the October 13th drop-in session, it is our understanding that the FEIS proposes to improve the intersection of N. Hayden Island Drive and B Street as a staggered signalized intersection. This intersection design is substantially the same as Concept 4.02 from ODOT's 2009 draft I-5: Hayden Island Interchange Are Management Plan (IAMP).

Hayden Island Enterprises strongly supports this intersection improvement proposal because it is the only proposal considered thus far that maintains the Community's eastern access. This option maintains the Community's existing access and improves the intersection operations and safety. Other options considered by ODOT require the removal of manufactured homes and/or relocation of the access to an area that is not acceptable to Hayden Island Enterprises. This is an extremely important issue for Hayden Island Enterprises and we strongly encourage the specific adoption of this proposed improvement as a necessary mitigation for the CRC project.

3. Use of the adjacent Thunderbird Hotel site.

O-005-004 The vacant Thunderbird Hotel site should not be used for major construction staging because it is adjacent to the Community and will cause substantial impacts to its residents. The FEIS proposes to use the Thunderbird hotel site for major construction staging, but acknowledges that it will exceed acceptable noise levels within the Community and that there is insufficient mitigation proposed. The FEIS provides:

"The western boundary of the Thunderbird Hotel Site is within 50 feet of the adjacent Hayden Island manufactured home community. Depending on the scheduling of staging activities, the particular equipment used, and the location of the activities on the staging site, the DEQ Noise Source Standards could be exceeded at locations within the adjacent neighborhood. If this site is selected for project staging activities, additional construction noise monitoring and mitigation measures, beyond those discussed in Section 3.11.5, could be required." FEIS, Chapter 3.11, p. 3-303.

The Thunderbird Hotel site cannot be used for major construction staging if it will exceed acceptable noise levels within the Community and adequate mitigation has not been proposed.

If the CRC project insists on using the Thunderbird Hotel site, additional mitigation must be provided. The use of this adjacent site will have substantial noise, vibration, visual and dust related impacts on the residents of the Community. In addition to the construction-related mitigation proposed in Section 3.11.5 of the FEIS, the CRC project should limit the type of construction activity on this site to low impact activities, provide noise and visual mitigation walls and screening, and provide large buffers between the construction activity and the Community.

O-005-003

Thank you for your comments. We will work closely with the community as the designs for the Island are refined.

O-005-004

There are five possible staging areas identified in the FEIS. These staging areas could be used by a contractor, or they may choose their own. This is typical during the planning and NEPA environmental impact assessment stage.

A contractor will determine the exact activities that will occur on any of these sites, or any other site to be used for staging or casting. The contractor, working closely with the DOTs, will need to identify potential impacts and appropriate mitigation, in accordance with applicable federal, state and local regulations.

The project has committed to the following mitigation measures as described on pages 3-283 to 3-285 of the FEIS:

- Control dust and exhaust emissions from demolition and construction activities.
- Require contractors to comply with State of Oregon's standard specifications (Section 290) for dust, diesel vehicles, and burning activities.
- Follow State of Oregon's specifications for truck staging areas for diesel-powered vehicles.
- Use ultra low sulfur diesel for diesel construction vehicles and equipment, or otherwise comply with any new, more stringent regulations in place at the time of construction.
- Pursue emerging technologies for cleaner construction emissions, like the use of diesel scrubbers for compatible equipment, and continue to encourage and require those types of technologies as bidding laws allow.

4. The FEIS is inconsistent with the Hayden Island Concept Plan.

O-005-005 The City of Portland recently adopted the Hayden Island Concept Plan to plan for the future growth and development of Hayden Island after an extensive public process. The Hayden Island Concept Plan provides for a self-sustaining community consisting of mixed-use residential and retail commercial developments with an integrated transportation network that provides better connectivity on the island for vehicles, bicycles and pedestrians.

Although the FEIS claims that the final design will be consistent with the Hayden Island Concept Plan, it is in fact inconsistent with the Hayden Island Concept Plan in several regards. The CRC project will effectively split Hayden Island in two and it fails to address the lack of adequate east-west connections. This will be particularly problematic during the construction phase which will last for several years. The FEIS does not adequately address this issue or offer mitigation to maintain the connectivity on Hayden Island.

The CRC project will eliminate numerous commercial retail businesses on the island, including the Safeway, the Chevron station, the car wash, restaurants and the Wells Fargo Bank. Safeway is the only major grocery and pharmacy option, Chevron is the only gas station on Hayden Island and the Wells Fargo Bank is one of only two banks on the island. The proposed stormwater treatment wetlands will occupy the entire site of the future local retail center shown on the Hayden Island Concept Plan. Removing these important retail businesses will force island residents to travel off Hayden Island to obtain basic retail items, which is wholly inconsistent with the Hayden Island Concept Plan's fundamental goal of creating a connected and self-sustaining community on the island. Although mitigation is offered to the business owners who will be displaced, no mitigation is offered to island residents who will lose a large percentage of their local service businesses. The FEIS fails to address this impact or propose adequate mitigation.

The Hayden Island Concept Plan provides for future waterfront park areas under the CRC landings that are not discussed in the FEIS. It is important that right-of-way lands under the landings of the existing and new bridges be made available for shoreline access and park use. The failure to provide public access is not identified as an impact on the community and is in violation of the Hayden Island Concept Plan.

5. Air, noise and vibration impacts.

O-005-006 Hayden Island Enterprises does not believe the FEIS adequately evaluated and proposed mitigation for construction related air, noise and vibration impacts. The CRC project will impact Hayden Island more than any other stretch of the project. The CRC project should be required to provide a baseline air quality test (as opposed to modeling) and air quality monitoring equipment to monitor air quality during construction. Additional noise and vibration mitigation should be provided. Hayden Island is more susceptible to noise and vibration impacts due to the soils and geography. Several residents have commented that recent construction activity on the island has had significant noise and vibration impacts even though this construction activity is much smaller in scale than the CRC project. Therefore, noise and vibration mitigation beyond those measures typically provided for such a project should be provided for Hayden Island.

O-005-007 Hayden Island Enterprises does not believe the FEIS adequately evaluated and proposed mitigation for construction related air, noise and vibration impacts. The CRC project will impact Hayden Island more than any other stretch of the project. The CRC project should be required to provide a baseline air quality test (as opposed to modeling) and air quality monitoring equipment to monitor air quality during construction. Additional noise and vibration mitigation should be provided. Hayden Island is more susceptible to noise and vibration impacts due to the soils and geography. Several residents have commented that recent construction activity on the island has had significant noise and vibration impacts even though this construction activity is much smaller in scale than the CRC project. Therefore, noise and vibration mitigation beyond those measures typically provided for such a project should be provided for Hayden Island.

- Require stationary sources, such as concrete mix and asphalt plants, to obtain an Air Contaminant Discharge Permit from either DEQ or SWCAA and to comply with regulations for controlling dust and other pollutant emissions.
- Manage construction materials and activities to minimize dust, glare and smoke.

The Noise and Vibration Technical Report, an Appendix of the FEIS, contains a section that is specific to the potential noise related to construction. See Section 5.2, Construction Activities, and Section 6.3, Proposed Mitigation for Adverse Effects during Construction. The governing criteria for noise related to construction in the City of Portland can be found in City of Portland Municipal Code Title 18, Noise Control. Chapter 18.10.060 provides the criteria for construction noise. Under the City's noise control ordinance, virtually all major construction projects require a noise variance if work is planned during nighttime hours or on Sundays. The contractor would be required to meet the City of Portland Municipal Code Title 18, Noise Control, if the contractor elects to use the site for a staging area.

O-005-005

The project's commitment to construct Tomahawk Island Drive, as identified in the Hayden Island Plan will substantially improve east-west connections on the island. Other improvements will result from reduced congestion and the significant improvement to be made to sidewalks.

Yes 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

6. Sound reducing walls along Hayden Island stretch of I-5 freeway.

O-005-007 The CRC project should include sound reducing walls along the section of I-5 that goes over Hayden Island. The FEIS proposes sound reducing walls along several sections of I-5, but not the section that goes over Hayden Island. This section of I-5 will be in close proximity to the Community and several other residences. The CRC project should provide additional noise mitigation to minimize the noise impacts to these residents.

We appreciate your consideration of our comments and request that these proposals be incorporated into the final design of the CRC project.

Very truly yours,

HATHAWAY KOBACK CONNORS LLP


E. Michael Connors

EMC/df

Cc: Hayden Island Enterprises

by the revisions in access.

The transfer of 0.4 acre of surplus land to the City of Vancouver is mitigation for the project's direct impact on the City's existing Waterfront Park, an existing public park and a Section 4(f) resource. The project has no impact to public parks on Hayden Island 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.

O-005-006

The project has committed to the construction air quality mitigation measures described in response to comment O-005-004.

O-005-007

The Noise and Vibration Technical Report, an Appendix of the FEIS, contains a section that is specific to the potential noise related to construction. See Section 5.2, Construction Activities, and Section 6.3, Proposed Mitigation for Adverse Effects during Construction. Also, the governing criteria for noise related to construction in the City of Portland can be found in City of Portland Municipal Code Title 18, Noise Control. Chapter 18.10.060 provides the criteria for construction noise.

Section 5.2.2 and Section 6.3.2 of the Noise and Vibration Technical Report provide a section on construction vibration. Although there are no state or federal regulations related to construction vibration, the contract specification will have a section that would likely limit the contractor to a maximum vibration level. The majority of major vibration-producing activities will be more than 300 feet from the nearest home on the Island. Therefore, it is unlikely that vibration levels at that distance will be of sufficient magnitude to result in any structural issues, even for the

manufactured homes.

However, the project also will work to avoid and minimize any vibration which would adversely affect the quality of life for Island residents. The project will work with contractors, especially in regards to activities at the Thunderbird Staging area, to minimize the vibration impacts for residents. Further analysis and vibration monitoring will be completed, and these analyses will take into consideration the specific soil structure of different areas.