

**From:** [Dee Arntz](#)  
**To:** [SR 520 DEIS Comments:](#)  
**CC:**  
**Subject:** Comments on the SR520 Proposal for Lake Washington  
**Date:** Tuesday, October 31, 2006 9:50:48 AM  
**Attachments:** [WSDOTComments on DEIS Proposed Bridge.doc](#)

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**C-020-001**

**Comment Summary:**

Pacific Street Interchange Option

**Response:**

See Section 1.2 of the 2006 Draft EIS Comment Response Report.

Mr. Kreuger,

**C-020-001** Attached are the comments of the Washington Wetlands Network on the proposed alternatives to replace the sr520 bridge. A major point in these comments are the many fundamental errors in the DEIS treatment of wetlands. If these problems must be corrected and the alternatives reanalyzed. If not, the DEIS as it stands is a dishonest document that cannot serve to give public officials the straight facts to consider the alternatives. Unfortunately, the DEIS now reads like a public affairs piece for the Pacific Street Interchange.

All the 6 lane alternatives are destructive to the environment, however, none more so the the Pacific Street Interchange. With the flawed data and analyses now in the DEIS, it is made to appear that this alternative is environmentally friendly and no substantial damage will done to the wetlands, Marsh Island, Foster Island and the Arboretum. It is not possible to mitigate rare lake fringe wetlands in some other location in the watershed. The damage must be minimized and not maximized with false promises.

Dee Arntz  
Chair, Washington Wetlands Network  
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## Washington Wetlands Network (Wetnet)

Paul Kreuger  
Environmental Manager  
SR520 Project Office  
414 Olive Way, Suite 400  
Seattle WA 98101

From: Dee Arntz, Chair, Wetnet  
RE: **Comments on DEIS Proposed 520 Bridge Alternatives**

**C-020-001** | The purpose of the Draft Environmental Impact Statement (DEIS) is to provide a “thorough” and “objective” identification and analysis effects of the project. This DEIS does not meet either requirement. Many analyses are not included and a great deal of important detail is left out in the DEIS and especially in the Summary. A great deal of key information is buried in the many Appendices. While the inclusion of Appendices is appropriate, it is not appropriate to publish a DEIS *sanitized* of critical environmental impacts.

I believe the information presented below demonstrates that the negative environmental impacts of the project, especially the Pacific Interchange, are greatly underestimated and downplayed. In fact, it appears that one objective of this DEIS was to mislead the Seattle City Council and the public about the real destruction and degradation of wetlands.

My expertise is in wetland protection and advocacy. I started the Washington Wetlands Network in 1990 and this award-winning organization continues to be active in federal, state, and local policy discussions. Also, I graduated from the first University of Washington Wetland Science and Management Certificate Program. So while I have many concerns about the assumptions and analyses in the Draft Environmental Impact Statement, I am confining the majority of my comments to the destruction and degradation of wetlands and the lack of a credible compensation plan.

I support an option that respects rare lake fringe wetlands, and reduces impacts on Marsh Island, Foster Island and the Arboretum. This is certainly not the Pacific Street Interchange. The Pacific Interchange option is a nightmare from the grand old days of unbridled freeway construction, 1950's and 1960's. It has no place in Seattle in the 21<sup>st</sup> Century.

**C-020-002** | **Wetlands**  
Overall, the DEIS and its technical appendices consistently minimize the impacts of all options, but particularly, the Pacific Interchange option. On page 3-20 the magnitude of the wetland impact is described –Foster Island, Marsh Island, Union Bay, and the Arboretum. Almost all the wetlands around Lake Washington have been destroyed for development. Now the six lane options will sacrifice most of the rest. The wetlands to be compromised should be characterized as Category I not Category II (see below). Also, the Pacific Interchange Option does not take seriously the abjuration to avoid and minimize as required by law. The Pacific Interchange is not necessary and therefore, can be avoided with an option that supports wetlands preservation and fulfills transportation needs.

**C-020-002**

### Comment Summary:

Wetland Regulations and Ratings

### Response:

See Section 16.1 of the 2006 Draft EIS Comment Response Report.

**C-020-002** After detailing the important functions of existing wetlands Part I, we are told that these impacts will be mitigated somewhere else. Sadly, wetlands are not like furniture that you just pick and move without consequences. There are consequences that are not fully analyzed. Several of these wetlands are described in the DEIS as “rare”. Also, many wetlands such as those cited in the Fairweather Creek Basin and the Cozy Cove Basin can be upgraded and restored. So can the “impassable culvert” in the Yarrow Creek Basin.

- **The DEIS relies on old regulation and policy standards.**  
The analysis relies on 1993 City of Seattle regulations even though in 2004 the new regulations that substantially revised wetland categorization were available. City of Seattle Municipal Code (25.09.160) should be applied as City standards for Wetlands Classification and Buffer widths. This would require 200-foot buffer widths for these high value wetlands instead of the 50-foot buffer widths listed in Exhibit 12. Therefore all buffer widths must be revised to show a four-fold increase. Exhibit 13, impacts are given as Category II-IV although the Seattle segment is Category I.

**C-020-003** ▪ **Important discrepancies and inconsistencies occur between the DEIS text and the Technical Appendix E.**

- For example, in text Union Bay wetlands are described as Category II wetlands. This statement contradicts Exhibit 26 in Appendix E-Ecosystems Discipline Report, which identifies these as Category I. This is a huge discrepancy.
- In Appendix E, on pages 73-74, 1600 to 1800 pilings will impact wetlands, but this impact is downplayed. Most puzzling is that the 4-lane alternative has more impacts than the 6-lane alternative
- In Appendix E, Wetland impacts from bridge columns shown in Exhibit 10 for Portage Bay are calculated incorrectly. The impact should be 2,826 feet.
- Exhibit 13 in Exhibit E underestimates the wetland impacts from shading compared to Exhibits 7 and 11 for the original 6 lane alternative (1.3 vs. 6 acres), Pacific Interchange option (1.6 vs., 4.78 acres) and the second Montlake Bridge (1.3 vs. 6.26 acres) claiming that only 20% of shaded wetlands count as impacts. On what basis?
- Exhibit 6 Appendix E Addendum to Ecosystems Discipline Report (EDR) underestimates wetland impacts compared to Exhibit 7 and 11 and Exhibit 23 in the EDR. Also, there are serious inconsistencies between this exhibit and other exhibits for the original 6-lane alternative (6 acre vs. 6.94 acres), Pacific Interchange option (5.3 acre vs. 8.05 acres) and the second Montlake Bridge option (6 acre vs. vs. 7.05 acres).
- Page 51 Appendix E EDR. The proposed 15 storm water cells attached to the bridge columns are not considered direct wetland or lake impacts only shading impacts. In fact, 12 of the 15 cells will displace existing wetlands to create storm water facilities. Maybe 3 of these cells might be considered open water. Also, I see no documentation that this design, which is experimental, actually can effectively treat storm water. It should definitely not be considered wetland enhancement.

**C-020-004** ▪ **Temporary Construction Impacts of four to five + years on wetlands must be accounted for in any compensation plan.** They are not.

### **C-020-003**

#### **Comment Summary:**

Wetland Regulations and Ratings

#### **Response:**

See Section 16.1 of the 2006 Draft EIS Comment Response Report.

### **C-020-004**

#### **Comment Summary:**

Wetland Mitigation

#### **Response:**

See Section 16.1 of the 2006 Draft EIS Comment Response Report.

**C-020-005** | **Estimates of Indirect effects on wetlands due to additional transportation projects are mentioned as possible.** However, no information is presented in the draft EIS main text as to the potential impacts

**C-020-006** | **Statements about shading impacts are inconsistent and not substantiated by the scientific literature.**  
In discussing Union Bay wetlands, shading impacts by new bridges are considered to be less than existing bridges and structures. However, no citations from scientific literature are given to back up this conclusion. The proposed bridges may be higher, but they will also be much wider which would cause different shade impacts and patterns not necessarily less impact. Overall, the potential effects are not treated in a scientific manner and quantified for comparative analysis. There are no citations to indicate what standards were used, if any. As currently written, these statements should have no more credibility than a hunch.

Further, in Appendix E, Exhibit 10 claims that only a small portion of the shading impacts are considered as impacts for the project. No reason is given.

**C-020-007** | **Throughout the document, important negative environmental impacts are minimized or dismissed.** Page 4-32 DEIS the statement is made “the alternatives and options would not negatively affect the quality of life in the project area; in fact, they would increase long term improvements...” This sentence leaves out the negative impact on wetland services and the sheer enormity of the PSI Alternative. Further, the **Key Points, Ecosystems**, there are 4 positive changes and 2 negative. On Page 4-41, Exhibit 4-17 is in error as discussed above. The positive contribution of higher bridges is vastly overblown. The real negatives of the Pacific Street Interchange are given in the last paragraph, Page 5-7 in the DEIS-views from the Arboretum, additional ramps increase the width through Foster Island, two sets of support columns for the Union Bay would encroach on upon existing broad views etc. These impacts are devastating. How can impacts such as these be considered minimal environmental impacts?

On Pages 5-42 through 5-49, the minimizing begins.

- Effects would be fully mitigated to comply with applicable laws and with WSDOT’s policy of causing no net loss of wetland functions and values. This statement is not substantiated in the DEIS nor by historical studies.
- Further, the DEIS states that “compared to the 4 lane Alternative would be only *slightly* more negative effects because of the larger footprint. This is a value statement that I do not share and don’t believe is substantiated.
- Wetlands – The project has been *designed to avoid and minimize wetland effects wherever possible.* What does that last phrase mean? The DEIS does not document avoidance and minimization especially for the Pacific Street Interchange alternative. This is another case of believing that saying something makes it so. As documented above, all the wetland and buffer impacts have been miscalculated.
- “The Pacific Street Interchange option would have the *smallest shading effect.*” This is another assertion without adequate documentation.
- Page 5-47, DEIS, another case of using language to mislead the reader. The area under the center of the bridge would still be *relatively shaded*, but areas near the edges would *probably* support well-developed plant communities...

## C-020-005

### Comment Summary:

Indirect and Cumulative Effects Methods of Analysis

### Response:

See Section 20.1 of the 2006 Draft EIS Comment Response Report.

## C-020-006

### Comment Summary:

Wetland Shading Effects

### Response:

See Section 16.1 of the 2006 Draft EIS Comment Response Report.

## C-020-007

### Comment Summary:

Wetland Regulations and Ratings

### Response:

See Section 16.1 of the 2006 Draft EIS Comment Response Report.

C-020-007

- Page 5-48, “The project would reduce the availability and quantity of wetland habitat for invertebrates, amphibians, birds and mammals and would displace a beaver lodge near Foster Island. *However, the area affected is small, and mitigation measures (as described above) would help offset the losses.* Small compared to what. The whole lake; the remaining wetlands?
- The three mitigation measures discussed on Page 5-49 are vague. At this point, the DEIS allows destruction without demonstrating a plan to mitigate.

C-020-008

- **There is no substantive discussion of compensatory mitigation. The document provides only empty promises.** As the findings of the National Research Committee on Mitigating Wetland Losses (2001) concludes that the record of Section 404 of the Clean Water Act in contributing toward the overall objective of restoring and maintaining the quality of the nation’s waters,” is not at all well, and, typically, not at all.<sup>1</sup> Important findings are:
  - **Landscape position** of wetlands is critically important to the way in which they function whether naturally existing or restored or artificially created.
  - The best way to improve compensatory mitigation results is **to reduce the reliance on it.**
  - Chair, Dr. Joy Zedler, and several committee members found that the mitigation program has been fostering a **net loss of approximately 80 percent of wetlands.** The results were published in an article in the National Wetlands Newsletter in 2001.
  - **Even with improved compliance, loss of wetlands functions will occur.** In the studies they examined, the authors found “...that only 21 percent of the mitigation sites met various tests of ecological equivalency to the functions lost. These replacement wetlands ranged from 0-67 percent functionality. The compliance rate for these same studies ranged from 6 to 100 percent.”
  - **Mitigation banks, the most recently cited panacea for wetland destruction, also have high failure rates.** A study recently completed in Ohio rebuts the widely held assumption that simply pushing more mitigation-to-mitigation banks will improve mitigation success. The study by staff of the Ohio EPA found that “...of the 12 banks assessed in Ohio, 3 were mostly successful, 5 were successful in some areas but failed in other areas, and 4 were mostly failed.” And “[o]f the bank area assessed (nearly 400 ha), approximately 25% was not ‘wetland’ but was primarily shallow unvegetated pond; of the remaining ‘wetland’ acreage, approximately 25% was ‘poor’ quality, 58% percent was ‘fair’ quality and 18% was ‘good’ quality.....” This led the authors to conclude “Too often, mitigation banks have simply meant more acres of poor quality wetland restoration than a comparable, small individual mitigation site.”

The enforcement of permit for compensatory mitigation is seriously deficient. The Corps fails to ensure that compensatory mitigation requirements are met. The 2005 U.S. Government Accountability Office (GAO) Report on Compensatory Mitigation Oversight confirms that the Corps fails to ensure compliance with compensatory mitigation permit requirements.<sup>2</sup> The GAO Report examined 249 permit files across seven Corps districts and

<sup>1</sup> National Research Council. *Compensating for Wetland Losses Under the Clean Water Act.* 2001.

<sup>2</sup> U.S. GENERAL ACCOUNTING OFFICE, PUB. NO. GAO-05-898, *WETLANDS PROTECTION: CORPS OF ENGINEERS DOES NOT HAVE AN EFFECTIVE OVERSIGHT APPROACH TO ENSURE THAT COMPENSATORY MITIGATION IS OCCURRING* (2005) [hereinafter 2005 GAO Report].

## C-020-008

### Comment Summary:

#### Wetland Mitigation

### Response:

See Section 16.1 of the 2006 Draft EIS Comment Response Report.

C-020-008

concluded that: 1) while the Corps identifies monitoring reports and compliance inspections as its two most important tools for ensuring mitigation compliance, its guidance on the use of these tools is vague, inconsistent, and weak; and 2) the Corps fails to systematically require and review monitoring reports, conduct compliance inspections, and take enforcement action to ensure compliance with compensatory mitigation requirements.

Based on the studies cited above, no public official can in good conscience accept the glib assurances of compensation. Experience shows that these will not be met. The most reliable way to maintain the few high quality wetlands that remain is to avoid and minimize as required by law. The six lane alternatives as structured especially the Pacific Interchange do not avoid or minimize. By the way, putting vegetated lids over the highways is not mitigation for wetlands and water quality impacts.

I do not believe that the exaggerated benefits and minimized costs, both financial and environmental, of the Pacific Street Interchange justify its selection as the preferred alternative. For heavens sake, the PSI option requires a separate bridge that will directly impact Union Bay (wetland values, Page 3-29 DEIS) Marsh Island and degrade Foster Island and the Arboretum. These impacts are briefly mentioned on Page 3-24 DEIS. Also, the fact that the new interchange is on WSDOT land does not obviate environmental responsibilities. On Page 3-29 DEIS, the evaluation of the PSI Option is discussed. The statement that “equally important is WSDOT’s desire to minimize filling and shading of the wetland, aquatic and shoreline habitats in the Arboretum and Union Bay” is not credible. The only way to achieve this objective is to not do it at all.

There is a tendency in this DEIS to believe that saying something makes it so. It appears that authors think by repeating their concern for the environment on as many pages as possible that will make it so. It is clear from other sections of the DEIS that the only good reasons are economic reasons. On Pages 4-21 and 4-22, the statement is made “the six lane alternative would provide more economic benefit than the 4-lane alternative because it would be much more effective in moving people through the SR520 Corridor.” While this is true, there are seven 6 lane alternatives. Each has its own negative impacts and the PSI has the most.

C-020-009

#### **Financial Considerations**

The six lane alternatives are all more costly than the 4 lane and the Pacific Interchange is the most expensive of all. Additional cost of the PSI alternative in Seattle:

- 26.8 acres of land to be acquired vs. 14.1 for the 6-lane alternative.
- Page 8-11, Exhibit 8-8 Construction Duration (1) the Union Bay Bridge adds 24 month, but the exhibit aggregates the PSI option with the “West Approach to the Evergreen Point Bridge.” So there is no way of calculating the added time for the Pacific Street Interchange. How very convenient! And designed to obfuscate.
- Comparative costs are lumped and given in ranges in the Executive Summary on Page ES1-33. So it is impossible to distinguish the costs by option.

C-020-010

#### **Tone and Style**

I imagine much of the impetus for this option is also the very emotionally tinged language used to both discuss the present problem and hype the “preferred” alternative. For example, in the Executive Summary:

- Page ES1-2 “the Evergreen Point Bridge and the adjoining stretches of SR 520 are *choked* with traffic”;

**C-020-009**

#### **Comment Summary:**

Pacific Street Interchange Option

#### **Response:**

See Section 1.2 of the 2006 Draft EIS Comment Response Report.

**C-020-010**

#### **Comment Summary:**

Format and Content

#### **Response:**

See Section 23.1 of the 2006 Draft EIS Comment Response Report.

- C-020-010** ■ Page ESI-5, “during the peak traffic period, this trip takes an average of 13 minutes.” This statement seems to imply outrage and horror. However, that doesn’t sound too bad when it takes that long or longer to get from Evanston and 62<sup>nd</sup> Street to the Bartells on 85<sup>th</sup> Street.

Yes, there is traffic. There are also stretches of I-5 between Seattle and Everett and even on North 85<sup>th</sup> Street that are chocked with traffic just about every day. So do we decide to use the construction solution as in the era of the 1950’s and 1960’s, perhaps a double decked I-5? Of course not. Such a solution is ludicrous and so are the excesses of some of the six lane alternatives, especially the PSI Alternative.

To sort out the real consequences of each alternative, there should be a grid comparing: (1) the alternative, (2) the cost, and (3) environmental impacts as corrected. Also, in order to make a reasoned conclusion, there needs to be data incorporating transit and conservation options. What about trip management? What about the impact of a toll?

Deirdre Arntz  
Chair, Washington Wetlands Network