

**Ravenna-Bryant Community Association
6535 Ravenna Ave. N.E.
Seattle, WA 98115**

July 7, 2011

U.S. Secretary of Transportation Ray LaHood
Federal Highway Administrator Victor Mendez
1200 New Jersey Avenue S.E.,
Washington D.C 20590

Director Daniel Mathis
Washington Division, FHWA
711 Capitol Way, # 501
Olympia, WA 98501

RE: Omissions in the Washington State Department of Transportation's SR 520 FEIS

Dear Secretary LaHood, FHWA Administrator Mendez, and FHWA Division Director Mathis:

The Washington State Department of Transportation's (WSDOT) Westside SR 520 FEIS, released in June 2011 was sent to the USDOT/FHWA for review/approval. Under current NEPA/EIS law, there is no opportunity for public comment on 3 serious omissions. Our Ravenna-Bryant Community Association (RBCA) has been advised that public comments should be made directly to the relevant federal agencies. We look forward to your response and positive solutions to our three concerns with the SR 520 FEIS, and in the SR 520 Federal Record of Decision. This letter was reviewed and authorized by the RBCA Board of Directors on July 5, 2011 at our regular Monthly Meeting.

RBCA's Board represents a community of about 23,000 residents in the north-end of Seattle, Washington. Our Board is writing to request resolution to 3 FEIS issues. Two are major omissions in the SR 520 FEIS and relate to 4(f) Washington Arboretum Park issues. The other is our request in previous SR 520 EIS and SDEIS comments to WSDOT, to include a SR 520 Corridor Management Agreement. They are discussed below. (Our RBCA Board and community have been represented for the past 5 years on the SR 520 citizen's review process by Virginia Gunby, a former WSDOT Transportation Commissioner, 1973-79.)

The RBCA is opposed to the negative impacts of a recent revised design for the SR 520 Montlake exit. It is not discussed in the Sec.9 4(f) of the SR 520 FEIS. RBCA is concerned over WSDOT's plans to use the Olmsted-designed historic Lake Washington Boulevard as a Westside SR 520 freeway area exit ramp. This proposed design would allow exiting westbound SR 520 vehicles to travel south through the length of the Washington Park Arboretum. If built, it would permit Westbound exiting SR 520 vehicles to turn left from the SR 520 Montlake exit ramp and cross a new North/South lid connector (one block long) road on the proposed new landscaped lid near Montlake Boulevard. The park-like lid also has Pedestrian/Bicycle Paths and nearby Transit Stops. We find this new feature could be a safety hazard for the users of all of these modes, and a major cause for backups on the SR 520 Westbound exit ramp (See Attachment SR 520 FEIS 5.1-45). This feature was added by WSDOT after the SDEIS, from recommendations made by a transportation consultant to the City of Seattle during their review of the project.

Lake Washington Boulevard is an Olmsted-designed, historic two-lane road through our unique Washington Park Arboretum, with a south exit at a major city arterial, at East Madison Street. This recent design change was made after the SR 520 SDEIS process, and had little analysis of future traffic, or the short and long term environmental impacts. There was no opportunity for written public comments. RBCA's concern is that this change continues to cause further environmental degradation of the Arboretum. The increase of traffic, noises,

and fumes creates hazards for park visitors trying to cross the Washington Park Arboretum Boulevard all day long. It reduces the value for the Arboretum visitor's enjoyment of what should be a unique and valuable personal experience in a unique, urban park-setting.

Another 4(f) issue -- after tolling begins and the Westside construction is completed -- is the WSDOT's operations on the new Montlake exit route that could be amended to allow changes and a new category of SR 520 HOV lane users to enter and exit SR 520 using the new lid road to reach the adjacent Montlake SR 520 HOV/Transit ramps. A new WSDOT post-FEIS HOV operation's policy could even allow single occupant vehicles, to "buy into" the HOV lanes. WSDOT has discussed how the HOV lanes could become "HOT" lanes in the future. The change in SR 520 operations would increase revenue from SR 520 tolls for WSDOT and is being considered for an easy post-construction operational change although not discussed in the FEIS. FHWA should discuss the potential of this operational revision and its long term impacts, and reserve the right to review this potential decision, in a future Environmental Review of this decision. The current plan for boulevard speed-reducing cushions will not reduce the number of vehicle trips on Lake Washington Boulevard, given the "short-cut" the Boulevard provides, to and from SR 520, to Capitol Hill, First Hill and to South Seattle.

The good 520 news for RBCA and our regional public is that WSDOT selected the preferred design option for SR 520 which includes finally removing the two 1963 built SR 520 on- and off-ramps that are currently operating over our park's freshwater wetlands, within the 230 acre historic Arboretum Park. These on- and off-ramps to and from the SR 520 limited-access freeway have, for 48+ years, caused significantly increased auto use on the two-lane Lake Washington Boulevard. The flow of vehicles to and from the two SR 520 ramps has seriously impacted the adjacent park environment and the park users on both sides of the Boulevard. The Lake Washington Boulevard was originally designed for 4000 cars per day, primarily Washington Arboretum Park users. We support the removal of the ramps which should be approved as part of the SR 520 FEIS and the Federal Record of Decision.

Lake Washington Boulevard is a 4(f) Historic and Park Resource. On March 22, 2010, the City of Seattle Parks and Recreation Department submitted a SR 520 SEIS review with 4 pages of comments on the SR 520 Supplemental EIS which stated on page 2 "*that Lake Washington Blvd is referred to in the SR 520 SDEIS as a city street throughout the Supplemental Draft Environmental Impact Statement. The SDEIS "4f" evaluation fails to identify Lake Washington Boulevard as either a historic resource or a park and recreation resource. The officially designated park boulevard is a 204-acre, 9.2 mile-long linear park wholly owned by the City and under the jurisdiction of Seattle Parks and Recreation. It is a crucial element of the 1903 Olmsted Plan for the Seattle boulevard system, sometimes referred to as the 'Emerald Necklace'.*" (NOTE: The SR 520 FEIS, repeats the same omission.)

The RBCA urges USDOT and FHWA to treat Lake Washington Boulevard as a protected 4(f) Park property. Why hasn't the Boulevard been listed in either the 520 SDEIS or the FEIS 4(f) evaluation, as a valued, historic, Olmsted-designed public park and recreational resource? WSDOT should be asked for an evaluation of the impact of this post-SDEIS lid load design change, and to evaluate the new lid road's future and potential impacts on Lake Washington Blvd. This crucial change, made late in the SR 520 design, must be evaluated in the SR 520 4(f) section, and not be overlooked again in the SR 520FEIS and the Federal Record of Decision. In addition, under US Executive Order EO 1318, the lead agency should report on its future progress in monitoring and assessing the effectiveness of project mitigation.

Weak traffic calming measures are contained for Lake Washington Boulevard in the "Mitigation Measures" found in an agreement between the city of Seattle, SDOT, WSDOT and the Arboretum Botanical Gardens Committee (ABGC). The FEIS states that the "reconstructed SR 520, with the ramps removed, will have "less traffic than "No Build," but is not quantified or considered when the new post-SDEIS landscaped lid road was added. In the future, the RBCA's SR 520's citizen oversight of SR 520 will continue to seek our major objective to support the Preferred Alternative Westside 520 Design and the long-term protection of our Olmsted-planned and designed publicly owned historic Washington Park Arboretum, with the reduction of traffic on Lake Washington Boulevard. This issue must not be overlooked as a Federal "4(f)" issue.

The 4(f) Federal law can only be applied if the project sponsor has listed the 4(f) issue in its mitigation information in the project's FEIS. The public has never had a chance to offer comments to WSDOT after 2010 SDEIS on the impacts of the new road on the lid, or on the design or the exit ramp's left turn road. We are opposed to revisions in the SR 520 HOV lane operations in the future to move more and more SR 520 vehicles entering and exiting onto Lake Washington Boulevard surpassing the vehicle traffic that currently exists from the soon to be removed existing ramps.

Our final issue is the lack of WSDOT response to our many DEIS/SDEIS requests for a new WSDOT policy to adopt an SR 520 Corridor Performance Management Agreement. Over 10 years ago, during WSDOT's "Translake Study," WSDOT received a USDOT Grant of about \$850,000 for an SR 520 Corridor Management Agreement Study, to study the benefits of such a new program. The study was completed, and is at the Puget Sound Regional Council (RTPO's) Library gathering dust. There has been no application of the final study's information by WSDOT, or the SR 520 Staff. If the findings were implemented, it would improve the overall, long-term sustainability and multimodal performance of WSDOT's rebuilt SR 520. It could transform WSDOT long-term management of the new reconstructed SR 520 corridor. Our suggestions for long-term SR 520 multimodal performance monitoring and reporting this information regularly to the public could help to meet the objective of constantly seeking ways to improve the new SR 520 corridor's overall performance. Our objective has been to achieve a new thoughtfully managed, integrated, multimodal, environmentally friendly, limited access state corridor. There would be an agreement between the relevant communities, transportation, business, and other public Interests. The overall agreement's goal would be to constantly improve the rebuilt SR 520 corridor's long-term operations and the multimodal performance in serving all of the users, and being a good neighbor to the nearby communities. WSDOT's 2011 FEIS does not include our 2008 and 2010 EIS recommendation for new Corridor Performance Monitoring. If used in the future it would result in significant reductions in the long-term impacts, improve SR 520's performance and decreased public costs while adding community support and involvement.

Thanks for your consideration of our letter's issues, and for any assistance and wisdom you and your staffs can provide to our community on these important transportation and environmental issues. There is little time left before Federal DOT Action on the WSDOT proposed June 2011 SR520 FEIS and the Record of Decision is completed. The RBCA looks forward to your responses on the Federal 520 FEIS Review and the SR 520 Record of Decision.

Sincerely,

Sarah Swanberg
President, Ravenna-Bryant Community Association
www.ravennabryant.org
rbcasarah@gmail.com

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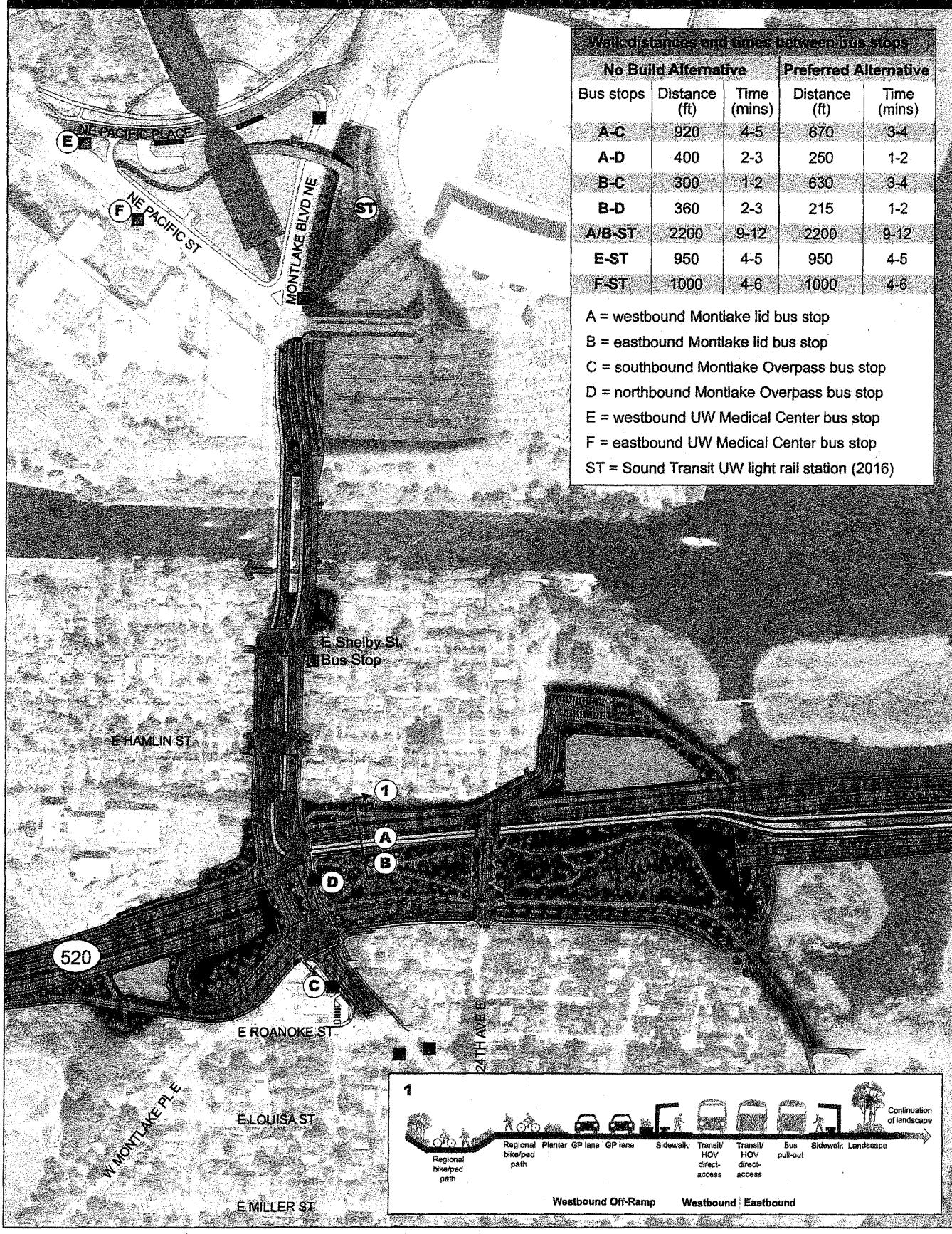
Attachment: 5.1-45 SR 520 June 2011, WSDOT - FEIS,

cc: Governor Christine Gregoire,
PO Box 40002
416 Sid Snyder Ave. SW, Ste.20
Olympia, Washington 98501

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Exhibit 5.1-28. Preferred Alternative Transit and HOV Facilities within the Montlake Area



- Bus Stop (Local Route)
- Bus Stop (Local and SR 520 Route)
- Bus Stop (SR 520 Route)

■ Layover Area

▲ HOV Lanes

■ Bicycle/Pedestrian Path

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Administrator
Federal Highway Administration
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

Director
Washington Division, FHWA
711 Capitol Way, # 501
Olympia, WA 98501

RE: 4(f) Evaluation for SR 520 Project: I-5 to Medina
Replacement land needed for park land taken

Dear Administrator and Regional Director:

We are very concerned about the damage to the Arboretum as a result of the new Evergreen-Montlake Bridge. The main off setting benefit of the project to the Arboretum is the removal of the R.H. Thomson ramps-to-nowhere and of the Arboretum ramps and restoration of the wetland. Your Record of Decision needs to take the next, critical step: requiring a commitment of the "WSDOT Peninsula" to arboretum use.

The 4(f) Evaluation, contained in the Final Environmental Impact Statement ("FEIS"), pp. 9-116 and 9-117, explains that federal regulations require "all possible planning, as defined in Part 774.17, to minimize harm to Section 4(f) property." Part 774.17 defines the quoted phrase to mean that "all reasonable measures identified in the Section 4(f) evaluation to minimize harm or mitigate for adverse impacts and effects must be included in the project" and that these measures include "... replacement of land or facilities of comparable value and function; or monetary compensation to enhance the remaining property or to mitigate the adverse impacts of the project in other ways." The Section 6(f) Evaluation replaces land taken for the Ship Canal and Arboretum trail. The Section 4(f) Evaluation identifies no other replacement land --- not even making a permanent commitment of the "WSDOT Peninsula" for

arboretum and botanical garden use. The furthest it goes is to "evaluate the possibility" and "explore the feasibility" of its transfer. FEIS, p. 9-124 and 125. Thinking is not doing. It's a first step, but not enough, for environmental mitigation. To have effect, the mitigation must take place on the ground where the damage occurs and replacing the land taken by supplying land in the vicinity that the project renders surplus. That would substitute wildlife habitat for habitat taken.

The project takes park land contiguous to the Arboretum that was long part of it., e.g. parts of Foster and Marsh Islands, McCurdy Park, East Montlake Park, and the University's Canal Reserve open space. Return of the WSDOT Peninsula would make up for park and open space lost and would prevent shrinkage. With natural areas, size matters; larger sizes allow more variety and sustain populations that smaller do not and protect the ambience of the inner areas. Returning the WSDOT Peninsula would certainly be a "reasonable measure." Cash to the City or the University is not at all equivalent here. Cash can be spent anywhere for capital projects, even for indoor museum exhibits or multiple minor projects spread throughout the city-wide park system. It may give a temporary gain, but not the permanence or natural impacts that replacement land will do. It would diminish the patrimony of parks passed on to future generations.

The 4(f) Evaluation is deficient in failing to state that the WSDOT Peninsula will be conveyed as replacement land to the City and/or the University (subject perhaps to recognition as an offsetting special benefit in state eminent domain proceedings). The Evaluation also omits 4(f) properties and understates the adverse environmental impacts of the project on the Arboretum. The reconveyance of the WSDOT Peninsula would cure those deficiencies as well.

This letter was reviewed and authorized by our Board of Directors at its meeting on July 5, 2011. Our community association is located about a mile and a ½ north of the Arboretum. Many of our residents enjoy visiting it and our bird watchers especially cherish it. It is a City treasure that needs all the protection that it can get.

Yours truly



Sarah Swanberg
President

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