

**Fuhrman and Boyer Neighborhood  
Improvement Association (FABNIA)**

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**7/15/11**



July 15, 2011

Ms. Julie Meredith,  
Program Director.  
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Ms. Meredith:

FABNIA has helped develop 4 letters submitted during the SR 520 EIS development process. They were on the draft EIS, the supplemental EIS, Section 6(f) final report and the purchase of the 3 Frolund properties on Boyer Avenue. Countless hours were spent by neighborhood residents reviewing the published material that was available for public comment. Though no response is required for a comment letter submitted after publishing the final EIS, we believe it is useful to have our reaction to WSDOT's responses to our comment letters be part of the project record.

Unfortunately, our members have concluded that WSDOT did not adequately consider our specific comments in three of the four letters. On the other hand, WSDOT's fourth letter does provide at least a minimally adequate level of response.

#### Draft EIS Comment Letter

We provided joint comments with the Portage Bay-Roanoke Park Community on the 2006 Draft EIS. WSDOT responses to these comments were not provided until this June's final EIS documentation. Actual responses are only included in a Comment Summary Report. This report does not provide specific responses to any of our letter's comments. Two examples of our reaction to this inadequate level of response are hereby provided. These examples cover WSDOT's response to our comments on neighborhood traffic impacts.

Our letter comment C-028-007 includes concerns on the project's permanent neighborhood traffic impacts. WSDOT response comment C-028-007 refers to section 5.3 of the Comment Summary Report. Part 5.3 notes that future project traffic impacts were only modeled for Seattle arterials with 5% percentage change. Our Fuhrman-Boyer arterial apparently was not even included in that analysis.

Letter comment C-028-001 discussed construction period noise and traffic impacts. WSDOT's response comment C-028-002 refers to part 7.1 of the Comment Summary Report that covers neighborhood issues. Information provided in part 7.1 refers to the revised Social Elements Discipline Report pages 44-71. Only page 57 of that report discusses construction period and noise impacts in the Portage Bay/Roanoke neighborhood. This page does not discuss construction traffic impacts! This is not an adequate response as Fuhrman-Boyer must be a traffic detour route as well as being a designated traffic haul route. Entry to the street from a staging area will likely require temporary lane closures by a flagger. Additionally, Fuhrman-Boyer Avenue has traffic calming circles, medians and bulb-outs not designed for the passage of large construction project haul trucks.

### Supplemental EIS Comment Letter

The FABNIA comment letter on the Supplemental EIS discussed permanent and construction impacts to our neighborhood's traffic/transit, land-use, park use and shoreline habitat. The following discussion again provides examples of how our comments were not adequately addressed.

Letter comments marked C034-003, 004, 005 and 006 discussed the traffic impacts that will affect Fuhrman –Boyer and other neighborhood arterials. Corresponding WSDOT comment responses failed to note that no neighborhood arterial traffic analysis was included in the revised Transportation Discipline Report. Letter comment C034-004 noted that there is no additional ramp to/from southbound I-5 to SR 520. This will increase cut through traffic our Fuhrman-Boyer Avenue and other neighborhood arterials. Our neighborhood streets will be used to provide a by-pass to the I-5/SR 520 junction and SR 520/Montlake Boulevard intersection congestion. The additional backed up traffic on both SR 520 and I-5 will add to noise and air pollution problems. WSDOT response comments C034-004 to C0034-07 do not cover these concerns.

Letter comment C-034-008 discusses construction detour and hauling traffic impacts and Metro Route 25 usage of Fuhrman-Boyer Avenue. WSDOT response comment C-034-008 states that construction "is not expected to affect Metro Route 25." How is this possible with 5 years of congestion on Fuhrman-Boyer Avenue from detour traffic, haul traffic and Boyer Avenue bridge structure placement?

Our letter comment C-034-011 discusses that a 4-lane alternative will intrude less into the wetland habitat of south Portage Bay. WSDOT response comment C-034-012 states "There would be no adverse long term effects on recreational boating in Portage Bay." This response comment notes that there will be less bridge support columns. "With fewer columns the boating

experience will be enhanced.” These comments make the dubious assumption that a water area to be covered by the preferred option bridge structure up 2.5 times wider (at each end of Portage Bay) will provide a desirable boating area!

The natural shoreline habitat uniquely remaining in this area is also part of the park’s attraction. Our organization working with Seattle Parks has just completed a shoreline trail and kayak boat launch. We also completed shoreline and upland native plant restoration for the western end of the park. A wider, higher and closer bridge structure will adversely impact both adjacent wetland habitat and kayak/canoe recreational use.

Our letter comment marked C-034-009 notes that construction noise levels along Boyer Avenue will exceed 90 dBA. Our letter noted that no statement was made on the need to provide residential sound proofing or vibration mitigation.

WSDOT response comment C-034-009 states that “WSDOT will develop a construction vibration monitoring plan to avoid damage to sensitive properties and structures during construction in the Montlake and Portage Bay area. Monitoring would take place if vibration from impact construction levels, such as pile driving and vibratory sheet pile installation is expected to exceed a certain threshold.” These comments makes no commitment to provide any mitigation for shoreline sensitive areas or our residential structures that must endure 5-6 years of project construction.

Related letter comment marked C-034-007 also noted that construction dust and noise will affect kayak recreation use. It will also impact beavers, herons, eagles and other species that use the south Portage Bay shoreline area. WSDOT response comment C-034-013 states ” many of the animals that occur adjacent to the SR 520 corridor are accustomed to living in urban areas and may not be disturbed by construction-related activities and habitat alteration. Wildlife that is more sensitive to disturbance would be displaced to other areas of suitable habitat.”

Impacts to adjacent historic residence or park areas for a long period of construction may require mitigation as discussed in the CFR 771.135 p 5 “constructive use” regulation. This responsibility was not even discussed in any of the WSDOT responses to our two EIS comment letters.

Our two EIS draft letters supported a 4 lane rebuild alternative. The 4(f) report on historic and park properties does recognize that the No-build 4 lane alternative will avoid use of all Section 4(f) properties (page 9-105). The no-build alternative however is dismissed as not preventing bridge structural failure. A 4 lane rebuild alternative would repair all bridge structural deficiencies. It is also noted that a 4 lane No-build alternative is not acceptable as it will not meet “mobility” project objectives of increasing highway traffic flow. We believe that the same

conclusion could be made about the Preferred Alternative. That is if the EIS project area is realistically widened to include the I-5 traffic flow north of SR 520 or Seattle arterial traffic flows.

#### Section 6(f) Final Report Letter

Members of the general public were not given an opportunity to provide input or comment on the 6(f) mitigation site selection process. A replacement mitigation site is needed for project construction impacts to both the ship canal and Marsh Island - Foster Island trails. General public comment letters could be submitted only on the final 6(f) report that was released after the mitigation site selection. We have received an acknowledgement from WSDOT on the receipt of our comment letter. Our letter did not support the selection of the Bryant site on the north site of the ship canal to mitigate for impacts to the two trails. The Bryant site likely is contaminated. It is located in a commercial and industrial area that does not provide equivalent recreation use or habitat value.

#### Frolund Property Acquisition

FABNIA developed a letter signed by 31 residents and endorsed by the Northeast District Council on Fuhrman-Boyer Avenue haul routes and the purchase of the three adjacent Frolund properties. Two of the three properties were purchased for an expanded staging area without public notice. The purchase of only one of the properties was identified in the Supplemental EIS. The letter made 4 requests. They were (1) that the Frolund properties and adjacent undeveloped WSDOT property after construction become a public park (2) that Fuhrman-Boyer Avenues and adjacent sidewalks be reconstructed as necessary after construction, (3) that WSDOT use all appropriate construction BMPs and mitigate any related property damage and (4) that the south Portage Bay water and its adjacent shorelines be restored.

We found that WSDOT's May 11 response to this letter was not as unresponsive to our specific concerns as was the case in the other letters. It stated that WSDOT will receive community input on the use of the Frolund property after construction, restore streets including traffic calming improvements damaged by construction, and develop a shoreline habitat mitigation plan that will meet permit mitigation requirements. The letter also noted that WSDOT will meet with residents and the contractor to provide necessary BMPs. These BMPs will be in a community construction management plan (CMMP). Though the letter's response provides for a minimal commitment, as we may well question the adequacy of the shoreline habitat management plan and CMMP, this letter at least specifically addressed all comments.

We hope that the May 11 letter provides a responsible level of response that can followed in future communications.

Sincerely,

*Anne Preston*

President

FABNIA