



Queen City Yacht Club

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April 15, 2010

Jenifer Young
SR 520, I-5 to Medina: Bridge Replacement and HOV Project
Environmental Manager
SR 520 Project Office
600 Stewart Street, Suite 520
Seattle, WA 98101

RECEIVED
APR 14 REC'D
WSDOT - SR 520
PROJECT OFFICE

Dear Ms. Young:

C-016-001

We thank the Washington State Department of Transportation for the opportunity to comment on Supplemental Draft Environmental Impact Statement (SDEIS) dated January 22, 2010 for the SR 520, Interstate 5 (I-5) to Medina: Bridge Replacement and High-Occupancy Vehicle (HOV) Project (also referred to as the SR 520, I-5 to Medina project)

Unfortunately in the absence of more construction detail the omissions and lack of specificity in the SDEIS have made it difficult to understand all the potential effects of the project.

Despite the vagueness of the present information about your project, we know enough to have significant concerns. Your project will impact each of our activities for numerous years of construction, and negatively impact our ability to attract and retain members. We will expect WSDOT to mitigate those impacts. We have grave concerns about the permanent impact of the project on our facility and business and we call on WSDOT to work with us to identify ways that such impacts may be avoided.

Queen City Yacht Club (Queen City) understands that the 520 bridge needs attention and is willing to work diligently and in good faith with WSDOT to create a safe and efficient solution to its many problems. If our concerns are considered in moving forward during the design phase we believe that many of the impacts to Queen City can be materially reduced or mitigated. If our concerns are not addressed at the design phase, on the other hand, the

C-016-001

The SDEIS provided a comprehensive analysis of potential project effects on the Queen City Yacht Club based on information available at that time when the SDEIS was published. Since then, FHWA and WSDOT have identified a Preferred Alternative which is similar to Option A, but includes a number of design refinements that respond to public and agency comments. The Final EIS presents updated information and effects analyses for the Preferred Alternative.

Since the SDEIS was published, WSDOT has continued to work with the Queen City Yacht Club through a number of public and private meetings and briefings. These meetings have given WSDOT an opportunity to provide additional project details and address specific questions and concerns raised by the Queen City Yacht Club Committee.

WSDOT will continue to work with the Queen City Yacht Club through the NEPA process to avoid, minimize, and mitigate potential adverse effects from the project. Disruption of Queen City Yacht Club activities will be minimized as much as possible.

WSDOT has also engaged the Queen City Yacht Club and other stakeholders in the design process for the Portage Bay Bridge by incorporating their suggestions for context sensitive aesthetic treatments and design refinements. The new design elements include a reduced speed limit across the bridge and a planted median that would create a boulevard feel. With the Preferred Alternative, the bridge would be narrower than with the design of Option A.

C-016-001 | impacts to Queen City could be extremely severe, and could place us in a position of having to defend our ability to survive, to both our detriment and the detriment of the project.

C-016-002 | BACKGROUND:

We are enclosing our October 25, 2006 SR 520 DEIS Comment Letter, which will provide you with background on Queen City and its concerns with this project.

C-016-003 | Queen City is a nonprofit organization founded in 1916 making it one of the oldest civic organizations in the City of Seattle. It purchased its property on Portage Bay in 1934. Our facility consists of our clubhouse building, landscaped grounds, paved parking lot and a marina consisting of three docks containing 230 moorage slips. It is located in part of the Boyer and East Roanoke neighborhoods and currently has 480 members.

Our business model requires that we derive income from membership initiation fees, annual dues and moorage rents. The moorage facility is not only a critical generator of rental income in itself, but is a significant recruiting incentive for attracting new members, which generates new initiation fees. Similarly, our clubhouse generates important revenue from facility rentals. Our parking lot is important to serve both the moorages and clubhouse activities. In short, each part of our facility works with the other parts and depends on the other parts to keep the club viable as a whole. Physical impacts that disrupt the functioning of one part of our facilities may end up having a disproportionate impact on the viability of Queen City, because what may seem like a relatively minor physical impact, in fact damages the ability of the remainder of the property to function as it should.

OUR PRESENT CONCERNS

Because each of the elements of our property must work in concert with one another, even the temporary loss of any portion of our facilities caused by your project will have a materially detrimental effect on the functioning and potentially the survival of Queen City.

C-016-004 | 1. ENCROACHMENT ON QUEEN CITY FAILITIES

The State has openly stated, in advance of the comment period for the SDEIS, that it has selected Option A+ as the option it will build. The elements of this option are not described or discussed in sufficient detail in

C-016-002

WSDOT responded to comments received on the 2006 DEIS as part of this Final EIS. Please see Attachment 13 to the Final EIS.

C-016-003

WSDOT has coordinated with the Queen City Yacht Club to inform the yacht club about all known construction details and durations, as well as potential effects from operation of the project. The Preferred Alternative has been designed to minimize physical effects on the functioning of businesses and organizations adjacent to the SR 520 corridor.

Construction easements for the northern construction work bridges would remove several boat slips on the south side of the Queen City Yacht Club. WSDOT will mitigate this impact by providing replacement moorage for the affected slips. Access to the Queen City Yacht Club will be maintained throughout construction, and no direct effects on the clubhouse or parking lot are expected.

As emphasized in the response to Comment C-016-002, WSDOT will continue to work with the Queen City Yacht Club through the NEPA process to avoid, minimize, and mitigate potential adverse effects from the project.

C-016-004

As noted in the response to Comment C-016-001, the SDEIS provided a comprehensive analysis of potential effects and design details based on information available at the time of publication.

To help fund the SR 520, I-5 to Medina project, the Washington State Legislature approved Engrossed Substitute House Bill 2211 during the 2009 legislative session. Among other measures, this bill created the SR 520 Legislative Workgroup, a collection of legislators and transportation officials that presented recommendations on financing and on design

C-016-004

the SDEIS and precise information about its elements has been difficult to ascertain. Without the information about the specifics of Option A+ we are hampered in our ability to comment on the draft SDEIS, and may not be able to determine what impacts Option A+ will have on the Queen City property until it is too late to provide meaningful comments. We believe this to be a violation of both NEPA and SEPA requirements.

Option A+ adds an additional 7th lane to the Portage Bay Bridge which places the new roadway outside of your current right of way and encroaches on our Dock 3 and possibly our parking lot. This is in contradiction of assurances given by WSDOT during the mediation process that the Portage Bay Bridge will remain within the existing right-of-way. While Queen City can accept proportionate expansion of the physical roadway beyond its current physical footprint, the bridge must remain within the WSDOT current right of way. Expansion beyond that footprint will encroach on our vital moorage property and thus result in a loss of critical scale in our moorage.

During the Mediation process and in several discussions WSDOT agreed to expand the Portage Bay Viaduct proportionately out from the center line of the current right of way in each direction. The SDEIS document is silent on this agreement. The SDEIS must either acknowledge that WSDOT continues to honor that commitment, or disclose the extent to which WSDOT now intends to violate it. Page 3-14 of the SDEIS describes the construction process for the Portage Bay Bridge as the building of a new bridge just north of the existing bridge then tearing down the existing bridge to build the remaining new portion south of the first portion. This construction method appears to be contrary to our agreements. We are further confused by the description on page 42 of the Construction Techniques and Activities Discipline Report which describes a completely different approach to the Portage Bay Bridge construction process. We request that WSDOT provide specifics on how the construction process can keep the new bridge center line on the existing center line and how it fits within the existing right-of-way. We request that this description be included in the final EIS and that WSDOT make a firm public commitment to this issue.

C-016-005

2. LOSS OF MOORAGE:

The Project Effects and Mitigation, During Construction, Land Use and Economic Activity Section (Executive Summary, Page 54) of the SDEIS acknowledges a temporary loss of boat slips at Queen City and states that

elements for the I-5 to Medina corridor. The workgroup was the voice behind Option A with suboptions (Option A+) and recommended the design to the Governor and Washington State Legislature. WSDOT and FHWA did not develop the Preferred Alternative until after publishing the SDEIS and reviewing and incorporating public and agency feedback. WSDOT has been in full compliance with all NEPA and SEPA requirements.

In response to community concern and public comment, the new Portage Bay Bridge design in the Preferred Alternative would operate as a 6-lane bridge with two general-purpose lanes and a high-occupancy-vehicle (HOV) lane in each direction, plus a westbound shoulder. This design would not encroach on the parking lot of the Queen City Yacht Club. The southern moorage at the yacht club would be temporarily affected due to a slight widening of WSDOT right-of-way that would be needed for construction and operation of the northern construction work bridges. This effect would be mitigated through temporary relocation of the affected slips. After construction is complete, support columns for the new Portage Bay Bridge would be located very close to the docks at Queen City Yacht Club. WSDOT anticipates that the Preferred Alternative would result in the loss of one full boat slip at Queen City Yacht Club.

To accommodate six lanes, the Portage Bay Bridge would be expanded proportionately north and south from the existing centerline at the western abutment of Portage Bay. WSDOT has maintained this commitment in an effort to minimize effects on the Queen City Yacht Club to the north and on the Portage Bay Condominium to the south. At the midpoint of the bridge, width would be added north of the centerline, and at the eastern end of the bridge, width would be added north and south, although the alignment would shift slightly south to avoid the NOAA Northwest Fisheries Science Center campus.

C-016-005

this loss would be mitigated through relocation or other options to be identified. In order for Queen City to survive, it is critical that specific information be provided at your earliest convenience to allow Queen City to identify just how much boat moorage will be lost, over what period, and what specific mitigation will be provided in order to identify future impacts to the functioning of the entire facility and to assist you in meeting our mitigation needs. "Other options to be identified" are of course part of what the EIS process is expected to accomplish. But to be adequate, the EIS must in fact identify the mitigation that will be provided. Identification of those "other options" cannot be put off until some later time.

As stated above, the loss of moorage has implications beyond the direct and immediate loss of moorage revenue and the displacement of existing members who currently utilize the slips to be taken. It can have a ripple effect impacting our ability to attract and retain membership and the viability of our facility as a whole. The impacts felt from this will last beyond the completion of the project and impact our viability for years to come.

C-016-006

3. QUEEN CITY ACCESS - BOYER AND EAST ROANOKE AND VICINITY

Road closures and detours are described in a general manner in your report. Your report states the conclusion that these are "not expected to have a substantial affect on SR 520 operations". (Executive Summary Page 39) This comment causes us concern. The purpose of the EIS process is to identify and deal with impacts not just to your highway, but also to the community surrounding it. Your conclusion that 520 operations will not be substantially affected by road closures and detours ignores the impacts of the project on the neighborhoods. For the SDEIS to be adequate it must disclose not only the impacts of the construction on the operation of SR 520, but also the impact on the operation of local streets that are affected by the construction and the ultimate reconfiguration of access to SR 520.

Your document does acknowledge that local street operations will be affected but provides only general statements on those affects. Access to our facilities is critical for our continued public and member operations. Your report does not provide sufficient detail to permit an intelligent analysis of these effects. For the SDEIS to be adequate, it must provide that information, and must describe the mitigation that will be provided to insure that our property remains accessible to our members throughout the construction process and after completion of the project. To the extent that

A detailed description of the new Portage Bay Bridge and its alignment is included in Chapter 2 of the Final EIS. The sequence for construction of the new Portage Bay Bridge presented in the Construction Techniques and Activities Discipline Report and Addendum (Attachment 7 to the Final EIS) is a detailed description of how the new structure would be built. The construction sequence summarized in Chapter 3 of the SDEIS was a simplified version of the more detailed description in the discipline report. Please see the Construction Techniques and Activities Discipline Report and Addendum for more information.

As noted in the responses to Comments C-016-002 and C-016-004, WSDOT will continue to work with the Queen City Yacht Club through the NEPA process to avoid, minimize, and mitigate potential adverse effects from the construction and operation of the new Portage Bay Bridge.

C-016-005

As discussed in the responses to Comments C-016-004 and C-016-005, easements for the northern construction work bridge would require relocation of all boat slips that are along the southern side of the south dock of the Queen City Yacht Club for the duration of construction. WSDOT will mitigate this impact by providing replacement moorage throughout construction. After construction is complete, support columns for the new Portage Bay Bridge would be located very close to the docks at Queen City Yacht Club. WSDOT anticipates that the Preferred Alternative would result in the loss of one full boat slip at Queen City Yacht Club.

WSDOT's continued coordination with the Queen City Yacht Club has made the timely dissemination of information to yacht club committee members possible. WSDOT will continue this coordination to ensure that the most appropriate options are identified for avoidance, minimization, and mitigation of construction impacts to the Queen City Yacht Club.

C-016-006

there will be periods when our facility is not accessible, or access is restricted, we need to know when those periods will be, and what mitigation will be provided as soon as possible so that we can make plans to protect our viability

C-016-007

4. TRANSPORTATION:

Queen City members and the public rely on reliable transit and lack of congestion to access our facilities. It is also possible that during construction Queen City members will need to rely on remote parking to access our facilities it appears that Boyer Ave. E. is a potential haul route, which may substantially change the accessibility of our facility during the construction period. The SDEIS notes that construction staging and schedules have not been determined and that WSDOT will continue to coordinate with local and regional transit authorities to determine haul routes and traffic detours. (See exhibit 6.1-3, page 6-6). To insure the continued viability of Queen City we request that WSDOT include us in those discussions and that the final decisions become a part of the construction bid documents issued by WSDOT to bidders.

C-016-008

5. NOISE:

During construction: Mitigation is required for residential areas if exterior noise levels are greater than 67dBA based on federal Noise Abatement Criteria. Pile driving and demolition of the Portage Bay Bridge will exceed 90 dBA within 200 feet of our club. (See exhibit 67.3 - page 6-70) Pounding will occur between 7AM and 7PM except Sundays and holidays from between 3 and 6 months.

After Construction: The City of Seattle maximum sound level between 7:00am and 10:00pm is 55 dBA.

The SDEIS states that because of these excessive levels noise measures must be considered. However, the SDEIS is vague on specific requirements or mitigation measures to be taken either during or after construction. We request that those options found in the "Noise Reduction Strategies Expert Review Panel Report Sept. 2008" become a part of the final EIS and included in the construction bid documents issued by WSDOT to bidders of this project.

Regarding the club's ability to attract and retain members and the inferred economic consequences, the NEPA process avoids speculative conclusions about the future actions of specific individuals or groups when supporting evidence is lacking.

C-016-006

Expected construction effects on local streets were described in Chapter 6, pages 5 through 7 of the SDEIS, and in Chapter 10 of the SDEIS Transportation Discipline Report. The anticipated effects of construction on transportation were described in the SDEIS only at the level of detail needed for comparison of the design options.

Access to the Queen City Yacht Club will be maintained during construction. Chapter 10 of the Final Transportation Discipline Report (Attachment 7 to the Final EIS) provides additional analyses of local street conditions and congestion issues during construction. The SDEIS analyzed congestion- and access-related issues for their potential to affect local businesses and local economic activity, and more information has been provided with regard to the Preferred Alternative in the Final EIS. While disruption caused by construction would have some effect on local businesses, with the proposed mitigation measures the effects would not be severe. Please see the Land Use, Economics, and Relocations Discipline Report and Addendum (Attachment 7 to the Final EIS).

C-016-007

WSDOT has been working with the transit agencies throughout the planning process and will continue to coordinate closely during construction to manage project effects on transit and maintain the best possible service for riders. Access to the Queen City Yacht Club will be maintained during construction, and parking will not be affected. The results of the analysis of effects on transportation during construction

C-016-009

6. VIBRATION:

All of the options call for the construction of temporary bridges using vibrating hammer pile driving equipment. The discussion of the affects of these operations and the mitigation procedures associated with them are incomplete. With all the pile driving and cofferdam dewatering so near to Queen City docks there is likely to be movement and settlement of our pile support structures

Insofar as we are aware, WSDOT has done nothing to ascertain whether the Queen City docks and pilings could be damaged or collapse as a result of the impact.

We request that procedures for mitigating the affects of vibration be addressed in the final EIS and become a part of the construction bid documents issued by WSDOT to bidders of this project.

C-016-010

7. PORTAGE BAY

The SDEIS is deficient in its analysis of the impact of your project on the historic and recreational use of Portage Bay, Union Bay and the Lake Washington Ship Canal by the boating public. It fails to recognize their role in maritime history and their status as premier recreational resources for swimming, boating, University crew training, sailing lessons, private canoes and kayaks as well as power boats, bird watching, nature walks, and access to the several marinas. The proposed expansion of 520 will take property from Portage Bay, and will also degrade the public’s ability to enjoy the remaining property, because of the added height and doubling of bulk, threatening shadows, and noise. We request that WSDOT include analysis of the impacts of the project and mitigate the impact of construction to insure the continued use of these recreational resources.

C-016-011

8. OPENING DAY OF BOATING SEASON

We ask that the final EIS pay particular attention to eliminate interference with Opening Day of Boating Season activities in Portage Bay, Union Bay and the Montlake Cut. Queen City welcomes the opportunity to work with WSDOT to mitigate conflicts with this International event. In addition, boating activities by Queen City members and public participants occur

that were described in the SDEIS have been refined and reported in more detail for the Preferred Alternative in the Final Transportation Discipline Report (Attachment 7 to the Final EIS). Please see Chapter 10, Construction Effects, for more information.

In addition to implementation of a construction traffic management plan, included as part of the construction contract, the project will use a number of measures to ensure continued access to the Queen City Yacht Club during construction. Construction traffic control plans, public information, and other methods will be developed to help those who live or work in or near construction zones, as well as those who travel through these areas on a regular basis. Advance planning and communication will ensure that all travelers are aware of changing conditions, can make informed travel decisions, and can choose from the available alternatives.

C-016-008

Pile driving noise would occur only for limited durations during the construction period, and the referenced exhibit presented peak levels. WSDOT will comply with the applicable City of Seattle regulations, and other state and federal permits and approvals obtained for construction to manage pile-driving activities. Complying with the City noise ordinance may involve obtaining a noise variance for activities that would not meet the noise standards. That variance, if needed, would apply specific noise limits and durations to various construction activities including pile-driving. WSDOT will employ best management practices during construction to minimize noise generated from pile-driving.

The Potential Effects section of the Noise Discipline Report Addendum (Attachment 7 to the Final EIS) clarifies information about construction noise levels that was provided on pages 56 through 59 of the Noise Discipline Report (Attachment 7 to the SDEIS).

C-016-012

parks, or recreation areas or wildlife areas, can be approved only if there is no feasible and prudent alternative to using that land and if the project is planned to minimize harm to the property. The SDEIS has acknowledged Montlake Playfield Park as having 4f status but has failed to acknowledge 4f status and review of the substantial taking of other parklands, interfering with their use for wildlife and recreational purposes both on water and on land. The SDEIS also fails to prove that all reasonable alternatives have been evaluated. The SDEIS also fails to recognize additional protection provided under Section 6f for certain areas where federal funds have been used to create an amenity (such as the Arboretum Waterfront Trail) regardless of the land on which it resides.

C-016-013

11. INADEQUATE ANALYSIS OF ALL REASONABLE ALTERNATIVES

As noted elsewhere, the elements of Option A+ are not described or discussed in sufficient detail. In addition, Option M (a submerged tunnel concept) was presented at the same time as Option A+. WSDOT declined to conduct its analysis stating their concern for safety issues that could arise during the additional six months required to do the analysis. The SDEIS is also delinquent in providing analysis for a repair/retrofit option to address these safety issues now. Retrofitting could be done immediately, without waiting years for the funding to become available for the construction of the rest of SR 520. WSDOT has a proven and admirable record for seismic retrofitting bridges along the entire I-5 corridor and there is no reason that cannot be done here. Retrofitting will substantially reduce costs and limit environmental damage to little more than what exists today. We believe the failure to study these options is contrary to the purpose of an EIS and not in the best interests of the public or the environment. The public has the right to know and understand the design and its implications at the point when the public has a right to comment. In addition, we believe that the law requires that WSDOT disclose the actual A+ design in its entirety to identify its impacts and to identify mitigation. This has not been done and we believe that the SDEIS process and report are fatally flawed.

SUMMARY

In summary, Queen City recognizes that the SR 520 bridge replacement is necessary. It will also have potentially profound impacts on the Montlake area and Portage Bay both during construction and after it is completed. Without careful planning, it threatens the continued viability of Queen City Yacht Club. NEPA and SEPA require that before beginning a project with

Post-construction noise in the SR 520 corridor associated with the project would be traffic noise. Contrary to what the comment indicated, traffic noise is exempt from the City of Seattle Noise Code. However, with the noise reduction strategies that included in the Preferred Alternative, overall traffic noise from the SR 520 corridor, and the number of residences where noise levels would exceed FHWA's noise abatement criteria in the Portage Bay area, would be reduced compared to the No Build Alternative. Several noise-reducing technologies recommended by the Expert Noise Review Panel in 2008 are included in the Preferred Alternative, such as noise-absorptive traffic barriers, noise-absorptive materials around lid portals, and a reduced speed limit. Quieter concrete pavement is included as a design feature for Option A, Option K, and the Preferred Alternative; however, because it is not an FHWA-approved mitigation measure and because future pavement surface conditions cannot be determined with certainty, it is not included in the noise model for the project.

C-016-009

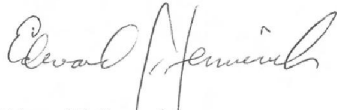
The SDEIS provided a comprehensive analysis of potential effects from vibration based on the design and construction information available up to the time of publication. Mitigation for construction vibration was discussed to the extent possible, but as was noted in the Noise Discipline Report, restricting and monitoring vibration-producing activities is essentially the only effective way to mitigate construction vibration.

Compliance conditions for construction permits would limit the magnitude of ground vibrations. The limitations would restrict vibration levels depending on the types of structures nearby and the consequences of potential damage to those structures. WSDOT will require monitoring of all activities that might produce vibration levels at or above 0.5 inches per second. By restricting, monitoring, and adjusting vibration-producing activities, vibration effects from construction can be kept to a minimum.

C-016-013

significant adverse environmental impacts, the agency in charge must disclose those impacts and describe the mitigation to be proposed. We recognize the challenge that presents for WSDOT, but the fact that the project has so many significant adverse environmental impacts is not a reason why the environmental disclosure can be less than what NEPA and SEPA require; to the contrary, it is a reason why the disclosures must be all that NEPA and SEPA require. We appreciate the opportunity to review and comment on the SDEIS and have a continuing interest in working with WSDOT to resolve the issues.

Sincerely,



Edward J. Jennerich
Commodore, Queen City Yacht Club

ENCLOSURES:

Queen City Yacht Club October 25, 2006 SR 520 DEIS Response Letter

WSDOT will continue to work with the Queen City Yacht Club to minimize project effects as feasible. WSDOT will conduct pre- and post-construction surveys of structures adjacent to the work zone to assess the potential for and effects of vibration. Vibration mitigation is discussed further in the Mitigation section of the Noise Discipline Report Addendum (Attachment 7 to the Final EIS).

C-016-010

The Recreation Discipline Report Addendum in Attachment 7 to the Final EIS incorporates more detailed information pertaining to the various recreational uses in Union Bay, Portage Bay, and the Lake Washington Ship Canal.

The context-sensitive design of the new Portage Bay Bridge would improve visual quality and provide opportunities for better recreation near the bridge. The design includes fewer but wider bridge columns than the existing structure, which would create a more open experience for recreational boaters. The noise-reducing technologies used in the Portage Bay Bridge will reduce traffic noise, thus enhancing visual quality and recreation compared to the No-Build Alternative. A number of mitigation measures will be implemented to maintain the enjoyment of and access to Union Bay, Portage Bay, and Lake Washington during project construction. Please see the Mitigation section of the Recreation Discipline Report Addendum for a list of these specific mitigation measures and commitments.

C-016-011

WSDOT has committed to suspend towing of pontoons through Portage Bay, Union Bay, or the Montlake Cut during Opening Day and the week before and the week after Opening Day. Development of a coordination plan and the proposed avoidance process are included in the Section 106 Programmatic Agreement (Attachment 9 to the Final EIS), which documents this commitment. WSDOT will continue to coordinate with



Queen City Yacht Club

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October 25, 2006

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SR 520
PROJECT OFFICE

C-016-014

Mr. Paul Krueger
Environmental Manager
Washington State Department of Transportation
SR 520 Project Office
414 Olive Way, Suite 400
Seattle, WA 98101

RE: Queen City Yacht Club Response to SR 520 DEIS

Dear Mr. Krueger:

We thank the Department of Transportation for the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the 520 Bridge Replacement Project.

We would like to comment on a number of items in this report that we perceive as impacting our property and comment further on impacts to the environment of Portage Bay. We understand that you have not yet designed this project to any great extent and we hope that you will take these comments into consideration in your design in order to minimize impacts caused by the project.

As discussed in this letter, the Project may have very serious impacts on the Queen City Yacht Club. If our concerns are considered in moving forward with the design however, we believe that many of those impacts could be materially reduced, if not eliminated, without adverse impact on either the cost or the functionality of the Project. Ignoring our concerns may have its own cost implications on the Project. We strongly encourage the Project team to work with us as the design progresses so that the Project can move forward in a manner that is maximally satisfactory to all.

1. Background. Queen City Yacht Club was founded more than 90 years ago, in 1916, making it one of the oldest civic organizations in the City of Seattle. The founding premise was that it was a club for boaters of moderate means, who wanted the sport of boating without unnecessary frills. That attitude has prevailed to date.

Queen City Yacht Club to ensure that Opening Day activities are not adversely affected by construction.

The Queen City Yacht Club letter, C-016, was submitted with a page missing, which interrupts comment C-016-012. WSDOT responded to the text provided to the extent possible.

C-016-012

Section 4(f) of the U.S. Department of Transportation Act of 1966 (23 U.S.C. 138 and 49 U.S.C. 303) specifies that FHWA may only approve a transportation project or program requiring the use of parks, recreation areas, wildlife and waterfowl refuges, or historic sites for transportation purposes if (1) there is no feasible or prudent alternative to use of the land, and (2) the project includes all possible planning to minimize harm to the property.

Since the inception of the I-5 to Medina project, WSDOT has evaluated a wide range of project modes, alternatives, and options. These have included, but were not limited to, a 4-lane alternative, a 6-lane alternative with seven design options that expanded the range of potential choices, an 8-lane alternative, and a tunnel option. The spectrum of choices reviewed by WSDOT included all feasible and prudent modes and alternatives.

Over the past decade, WSDOT has investigated a number of alternatives for the SR 520, I-5 to Medina project, ranging in design from an 8-lane alternative to a 4-lane alternative. Of the alternatives considered, only the No Build Alternative would avoid the use of Section 4(f) properties. The 4-lane alternative had less use of Section 4(f) properties than the 6-Lane Alternative options studied in the Draft EIS or the SDEIS, but it did not satisfy the project purpose of improving the movement of people and goods on SR 520. In 2010, responding to public comment regarding a transit-optimized 4-lane alternative or a 4-

Our Club is actively involved in numerous civic activities of importance to the community, as well as providing boating opportunities, social events and recreation for our members and their families. Today we have more than one thousand members.

In 1934, Queen City Yacht Club was able to purchase the property on Portage Bay at 2608 Boyer Avenue East. This unique property has been integral to the growth and development of the Club. The Club's property is irreplaceable, because in addition to owning the uplands, we own the submerged lands on which our moorage is built. These conditions would be difficult if not impossible to recreate anywhere in the Seattle area.

Our Portage Bay facility consists of our main clubhouse, landscaped grounds, paved parking lot and three docks containing 230 mooring slips. The clubhouse is a three story building containing approximately 9800 square feet of improved interior space. It was constructed by our members in the 1930's. In 1999, our members raised more than two million dollars in pledges from our membership to fully renovate the Clubhouse.

Our 230 slip moorage facility was largely built by our members. Our members perform almost all of the maintenance on the moorage. The moorage facility is one of the Club's most significant assets. It not only generates annual moorage rental revenue, but is a significant recruiting incentive for new members to join our club. The moorage at Queen City is known area-wide, as one of the best deals in boating.

Queen City Yacht Club is a non-profit organization which devotes its resources to serving the needs of its members, and providing boating education to the young people in our community. In order to meet its annual expenses, the Club depends upon the revenue obtained from dues from current members, revenue generated by moorage, and the revenue derived from attracting new members. The loss of any portion of our facilities caused by your project will have a severe and material impact on the survival of our organization. The impact from loss of use during the construction of your project could similarly hurt us. Thus we are most concerned about the amount of our property that the Project will require, and particularly its impact on Dock 3, our parking, and the clubhouse.

What we can see in your plans is that in each scenario you have moved your bridge any where from sixty to ninety feet north of its present alignment, which moves it directly onto and over our property. This portends the potential loss of our southernmost dock (Dock 3), a portion of our parking lot at least during construction, and a permanent impact on our facility by having the bridge nearer, if not over, our facility. A permanent loss of Dock 3 and significant portions of our parking lot will wreak havoc on both our immediate and long-term finances, and will permanently cripple our ability to regenerate membership which is vital to our long term survival.

lane alternative with congestion management, WSDOT performed additional traffic analyses and confirmed that these concepts also would not satisfy the project purpose and need. The results of these analyses are documented in Section 2.4 of the Final EIS.

Because both the No Build and the 4-Lane Alternative failed to satisfy the project purpose and need, WSDOT determined that there was no feasible or prudent alternative to using the land from Section 4(f) properties. Consequently, WSDOT has continued to evaluate 6-lane designs that minimize use of Section 4(f) properties. With the Preferred Alternative, WSDOT has identified a design approach that uses less Section 4(f) property than the design options evaluated in the SDEIS. This is consistent with Section the 4(f) requirement (set forth in 23 CFR 774) that if there is no feasible and prudent avoidance alternative, then FHWA may approve, from among the remaining alternatives that use Section 4(f) property, only the alternative that causes the least overall harm in light of the statute's preservation purpose.

The Preferred Alternative includes a number of design refinements that minimize harm to historic sites and to significant public parks or recreation areas. No designated wildlife or waterfowl refuges were identified in the study area.

The Final Section 4(f) Evaluation (Chapter 9 to the Final EIS) includes an analysis of the Section 4(f) uses required for the Preferred Alternative, with updated information about the use of historic sites and public parks or recreation areas.

WSDOT engaged in direct negotiations with the project's Section 6(f) grantee agencies (the City of Seattle and the University of Washington) to discuss project effects and determine an acceptable Section 6(f) replacement site. This coordination ensured the proper classification of all Section 6(f) uses and effects (including the Arboretum Waterfront

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2. Consideration of Other Alignments and Properties. It appears to us that significant vacant or less-developed property lies to the south of your proposed alignment all the way from the west shore of Portage Bay to Interstate 5. However, the DEIS does not appear to give any consideration to an alternative alignment to the south, which could use that vacant or less-developed property and spare the Club's property, particularly Dock 3. If a more southern alignment has been considered, the DEIS does not disclose what specific consideration was given and why it is not presented as an alternative in this report.

The DEIS does comment on a desire to "straighten" the portion of the roadway that crosses Portage Bay. However, the diagrams on page ES1-14, suggest that the roadway jogs north at the Queen City Yacht Club, and would be straighter if the roadway were moved to the south, instead of to the north. In any event, the absence of assessing the impacts caused by the decision to move the roadway northward seems to ignore the weighing and balancing process that should be occurring at the DEIS stage.

We ask the State to remember, that you are building the Project in an urban environment where curves and alignments are frequently impacted by the need to deal constructively with project impacts. If there are benefits to the road alignment from it being pushed further north as you propose, those benefits should be compared to the cost and impact, including the impact that by potentially taking Dock 3, the Project may imperil the continued survival of the Club. The public and decision makers should be the ones to decide which impacts are most significant and which impacts should be avoided. But without the information, they can't do so.

The report also does not discuss what alternatives may exist to narrow the bridge at Portage Bay to avoid or lessen the impacts to our Club and to the environment. Is it essential to have full ten-foot shoulders at this location? It appears from the diagram on page ES1-14 that the east and west roadways are separated by some number of feet at the point of the Queen City Yacht Club. Is that truly necessary? Why? Because moving the Project even a few feet to the south could have the effect of preserving Dock 3, it is critical to the Queen City Yacht Club that there be a full consideration of all the alternatives that could move the alignment further south.

The assumed bridge alignment described in your report does not consider whether the existing alignment and right of way of the bridge could be utilized as the permanent alignment for the new bridge by the creative use of traffic detours and construction staging during the construction of the Portage Bay portion. Again, if that would be possible it could result in the maintenance of Dock 3, with significantly lower adverse impacts on Queen City Yacht Club.

Trail, which is part of the larger trail complex that is affected by the project) and resulted in the development of a Final Section 6(f) Environmental Evaluation that evaluates these effects. WSDOT also signed a Memorandum of Agreement with the grantee agencies that memorializes the commitment to fund the purchase and/or development of the chosen replacement site. Please see Chapter 10 of the Final EIS for more information.

The Queen City Yacht Club letter, C-016, was submitted with a page missing, which interrupts comment C-016-013. WSDOT responded to the text provided to the extent possible.

C-016-013

Section 4(f) of the U.S. Department of Transportation Act of 1966 (23 U.S.C. 138 and 49 U.S.C. 303) specifies that FHWA may only approve a transportation project or program requiring the use of parks, recreation areas, wildlife and waterfowl refuges, or historic sites for transportation purposes if (1) there is no feasible or prudent alternative to use of the land, and (2) the project includes all possible planning to minimize harm to the property.

The SDEIS and the Draft Section 4(f) Evaluation (Attachment 6 to the SDEIS) identified a number of properties in addition to the Montlake Playfield as having Section 4(f) status, and provided an analysis of feasible and prudent alternatives to their use on both a project-wide and resource-by-resource level. The Section 6(f) analysis (also in SDEIS Attachment 6) identified the properties further protected by Section 6 of the Land and Water Conservation Fund Act, including the Arboretum Waterfront Trail, and presented the status of efforts underway at the time to provide replacement property as required by law.

The Preferred Alternative, developed with consideration of comments on the SDEIS, includes a number of design refinements that would minimize

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We do not understand why a decision to move the roadway to the north by 60 feet, which clearly causes such damage, is necessary or desirable and see no discussion of the relative value impacts you considered in reaching this decision. Again, because of the lack of detail in your report, we cannot tell what will occur beneath the bridge and whether you intend to pursue design considerations that will restore our facilities after completion of your project, thus mitigating the impacts of the Project on our use. We certainly urge you to do so, and will be willing to work cooperatively and creatively with you to minimize the long-term impact on Queen City Yacht Club, even if the construction impacts are necessarily more significant.

3. Actual State Land Needs. The DEIS itself seems to suggest that the Project intends to take all of our Dock 3 lands, although all that may be needed is a construction easement, particularly if the final design occupies a smaller footprint and is located further south. See, page ES2-47. Appendix K, pp. 59-66 is not much more enlightening. We urge the Project team to very carefully analyze whether it can get by with only a construction easement, and to engage Queen City Yacht Club in discussion on how we can access our property during construction and thereafter. As we explained above, a blanket taking of Dock 3 guts the Club's ability to generate revenue and threatens our existence. It is essential that the Project approach the designation of the area to be acquired carefully and with a full dialog with us. Additionally, the report fails to analyze and distinguish the state's actual land needs for construction purposes, as well as its actual needs for land acquisition in perpetuity. The report does not appear to consider or justify a partial construction taking, either, nor has it engaged us in discussions as to how we can access this northernmost portion of our property during construction and thereafter. Further, the report does not consider the impact of its taking on the Queen City Yacht Club's ability to rebuild its dock, or in the alternative, gain access to its property north of the construction zone during the Project.

4. Irreplaceable Property. The report's recommendation that the state condemn the Yacht Club's property fails to consider that this taking eliminates an irreplaceable piece of fee-owned aquatic property, one of the few parcels of lake bottom remaining around the Portage Bay, Lake Union and Lake Washington areas that is not encumbered by a DNR lease. Few, if any, options for replacing this invaluable land exist for Queen City Yacht Club. The report fails to consider less intrusive options such as taking DNR parcels of land to the south and positioning the bridge in that direction.

5. High Revenue-Generating Property versus Lesser Revenue-Generating Property. Additionally, the report fails to consider the overall economic impact of taking a high revenue-generating piece of property over lesser revenue-generating properties, and even non-revenue generating properties, to the south. In addition to the severe loss of revenue to our club, our long-term financial survival is jeopardized by the loss of existing members who will leave the Club as a result of the loss of moorage. Moreover, our ability to attract new members as existing members die or move away will be crippled by the fact that we will have less moorage available as an incentive to membership. In sum, The Queen City Yacht Club's ability to survive the taking of our property is in serious doubt if Dock 3 is taken.

harm to historic sites and to significant public parks or recreation areas, compared to the options evaluated in the SDEIS.

The Final Section 4(f) Evaluation (Chapter 9 of the Final EIS) includes an analysis of the Section 4(f) uses required for construction and operation of the Preferred Alternative, and provides updated information about the Section 4(f) status of some properties. Chapter 10 of the Final EIS includes the final Section 6(f) evaluation, which documents all Section 6(f) uses and effects, and identifies the Bryant Building site as the replacement site that best fulfills the Section 6(f) criteria.

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Please see the response to Comment C-016-003, which states that WSDOT has responded to comments received on the 2006 Draft EIS in a comment summary report, Attachment 13 to the Final EIS.

6. Concrete Piling Placement and Access to Property. The report fails to identify construction and design alternatives that would minimize the impacts of the final project on our club.

7. Existing and Future Environmental Damage. The DEIS also fails to address the environmental damage created by the existing structure on the sediment levels of Portage Bay. As a long term resident organization on the Bay, our Club has observed that the sediment levels have risen since the construction of the existing bridge. This has steadily made the bay more shallow, diminished water-quality levels in the Bay and made our property less accessible, impacting our ability to maneuver boats within our property and near the existing bridge. The report does not address how the state will remedy the existing sedimentation problem or mitigate and eliminate further silting of the surrounding properties during construction and in the final design of the new bridge.

8. Mitigation of Width of Bridge through Portage Bay. The report does not clarify the actual width of the bridge as it passes through the Portage Bay corridor. At present, the report appears to construct the bridge with shoulders that would be appropriate for wide open stretches in eastern Washington, but this design fails to consider narrowing the shoulders and width of the bridge through this area to mitigate harm to the environment and to the surrounding properties. Narrowing the shoulders and overall width would potentially avoid our property altogether.

9. Impact on Remaining Property. The bridge designs depicted in the DEIS significantly impact the value of our remaining property, for it builds the bridge nearly adjacent to our newly renovated clubhouse and diminishes the overall waterfront footprint of our property. We would encourage the Project to consider design and construction that mitigates or eliminates these impacts to our facilities.

10. Construction Sequence of Bridge. The report is silent on the impact of the construction sequence of the bridge as it relates to the Portage Bay corridor. Moreover, it fails to consider or discuss alternatives that would lessen the impact upon our property. Specifically, the DEIS appears to consider a construction process that fabricates a 30-foot wide temporary construction bridge and a new 60-foot wide bridge all to the north of the existing to allow traffic to flow during construction of the permanent bridge. This method of construction disallows a straightening of the bridge at the west end of the Portage Bay viaduct. This method displaces the greatest amount of private property, especially that of Queen City Yacht Club.

A method that would mitigate the impact to our property would be to reconsider the alignment across Portage Bay to the south, and adopting a construction sequence that uses temporary roadways and detours in conjunction with the existing structure, to minimize impacts on our property. Other construction sequencing alternatives would appear to exist, including building portions of the new structure, diverting some of the traffic onto the new structure and then building the remaining structure.

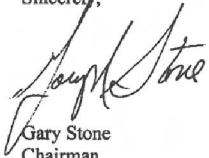
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11. Support for Pacific Street Interchange Option. Finally, Queen City Yacht Club values its neighborhood and endorses measures to enhance the quality of life in the Montlake and Portage Bay communities. In concert, we also recognize the importance of a regional transportation solution. Our review of the options as set forth by the state lead us to the conclusion that the Pacific Street Interchange Option improves traffic flow through the Montlake community better than any other option. Traffic is managed at the point of congestion instead of backing up onto the bridge. Additionally, moving more of the traffic off the bridge at a Pacific Street Interchange would enable the designers to look again at the real needs for capacity over Portage Bay.

In conclusion, the state's proposed bridge plan, as depicted in the DEIS, may cripple and materially impact Queen City Yacht Club's ability to exist. The bridge plan further fails to mitigate the impact on revenue-generating property and on the environment.

We look forward to a positive dialogue with your designers, engineers, and land use teams to resolve these issues and make this project a win-win for all parties involved.

Sincerely,



Gary Stone
Chairman
Queen City Yacht Club
520 Mitigation Committee

cc: Robert Yates, Commodore
William McGillin, Vice Commodore
Past Commodore Jeff Ewell, Chairman, Board of Trustees
Elaine Spencer, Graham & Dunn
Scott Grimm, Past Commodore