



**State Route 520 Mediation
Boating Community**



April 15, 2010

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

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Dear Ms. Young:

C-017-001

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)

The absence of more construction details and 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.

BACKGROUND - As representatives of the various boating interests within the Portage Bay, Lake Washington, Montlake Cut, recreational boaters, kayakers, canoeists, and rowers, we have serious reservations about the impact of the plans contained in the SDEIS. There is considerable lack of specificity in the document which must be addressed and mitigated before the plans move forward.

C-017-002

OUR PRESENT CONCERNS

CULTURAL HERITAGE - The flow of commercial and recreational boat traffic on the navigable waterway of Portage Bay and Lake Washington Shipping Canal is critical to the preservation of our nautical heritage. Boating is an historic feature of the Puget Sound area culture and economy stretching back to tribal times and continuing through European settlement in the modern era. Recreational boating continues to inspire important cultural and economic events and activities. Portage Bay, at the nexus of the ship canal and Lake as a protected venue for use of the rowing community: for racing and practicing that is a part of the University of Washington, as well as the Junior and Senior

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The SDEIS provided a comprehensive analysis of effects based on the project design and construction information available at that time. Since the SDEIS was published, FHWA and WSDOT have identified a Preferred Alternative that is similar to Option A, but with a number of design refinements. The modifications included in the Preferred Alternative are based on direction from the Legislative Workgroup and input from the community and agencies and are intended to reduce the effects presented in the SDEIS. The Final EIS describes the effects of the Preferred Alternative, including effects based on construction information that has been developed since the SDEIS was published. The Final EIS also includes further analysis of effects to recreational boating, as described in the Recreation Discipline Report Addendum (Attachment 7 to the Final EIS).

C-017-002

Portage Bay would remain open for recreational boating and to most maritime traffic throughout a majority of the construction phase, and would not experience any permanent negative effects. The Recreation Discipline Report Addendum (Attachment 7 to the Final EIS) has been updated to include a discussion of potential effects to recreational boating from project construction and operation.

The flow of nautical traffic in Lake Washington and Portage Bay is important for many reasons. WSDOT is committed to maintaining the flow of traffic in these waterways. The Washington Ship Canal will generally remain open and unimpeded. However, throughout the entire six to seven year construction period, the Montlake Cut will be unavoidably closed a total of six days spread. The minimal closures would keep effects on nautical traffic to a minimum. In two specific locations outside the Ship Canal, boat movement would be affected at times during construction.

C-017-002

rowers of this area. The SDEIS fails to recognize their role in maritime history and their status as premier recreational resources.

Seattle Yacht Club, founded in 1892, and Queen City Yacht Club, founded in 1916, have long-standing ties to the local community and provide important community related activities and services. The current SDEIS threatens their current viability and the adverse effects on these two venerable institutions have not been sufficiently documented or addressed.

C-017-003

MARITIME VIABILITY - The SDEIS is deficient in analyzing the impact on the preservation of existing (or additional) moorage, floating homes and boating services on Portage Bay, both as a feature of the overall regional supply and as a unique feature of this area. Moorage and boating services are in limited supply in the region because of the premium on waterfront and submerged real estate in the area. Any diminishment of the current supply in Portage Bay would have ripple effects throughout the boating community and the businesses that provide for its needs. It is critical that specific information be provided at your earliest convenience to allow the Boating Community to identify future impacts to the functioning of the entire recreational resource and to assist you in meeting our mitigation needs.

C-017-004

The Boating Community is also concerned about the impact of having two bridge openings in a restricted channel. This could have serious, dangerous consequences for boaters. We are also concerned about the height of the proposed viaduct across Lake Washington, estimated at thirty feet above the water level. There has been no determination in the SDEIS of the impact of such a tall structure on vessels, particularly sailing vessels on the Lake. We also have concerns over the unsightly visual impact such a structure will have on the recreational boating as well as other recreational activities.

C-017-005

PORTAGE BAY - 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. The Boating Community has concerns for the environmental impact of such a structure on salmon habitat and the introduction or unintentional support for invasive species. We are also concerned about the impact of noise levels both during and after construction of the bridge and the negative impact this will have on the Boating Community and area residents to enjoy the Bay and its resources.

C-017-006

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. We welcome the opportunity to work with WSDOT to mitigate conflicts with this International event. In addition, boating activities by members of the public occur during the entire year and should also be considered and the impacts on boating activities be mitigated to the extent possible.

- For public safety, boat traffic under portions of the existing Portage Bay Bridge and associated construction work bridges would not be allowed during demolition of the existing bridge and during some overhead construction activities. Large boats moored at private docks in the southern end of Portage Bay might also be unable to pass under the construction work bridges for the duration of construction, and WSDOT would work with those boat owners to find alternate moorage if that occurs.
- Movement of small watercraft around Foster Island would be limited at times when overhead work is under way.

Boating access to docks at the Seattle Yacht Club and on Lake Washington would be maintained at all times during construction. Several slips at the Queen City Yacht Club adjacent to SR 520 would be affected, but access to most of the Queen City Yacht Club slips would be maintained at all times. There would be no in-water effects on boating one week before, one week after, and during Opening Day of boating season.

The Recreation Discipline Report Addendum (in Attachment 7 to the Final EIS) provides more information about project effects on recreational boating. The Navigable Waterways Discipline Report Addendum (also in Attachment 7 to the Final EIS) provides information regarding vessel navigation in the study area.

C-017-003

WSDOT is committed to the preservation of existing moorage, floating homes, and boating services in Portage Bay. Construction in Portage Bay will result in a very small temporary reduction of the current moorage supply in Portage Bay and the region. A few moorage slips at Queen City Yacht Club and the Portage Bayshore Condominiums adjacent to the construction work bridges will be removed for the duration of construction and accommodated at a different location.

C-017-007

SUMMARY

The Boating Community recognizes that the SR 520 bridge replacement is necessary. We also recognize that it will have profound impacts on Portage Bay both during construction and after it is completed. NEPA and SEPA require that before beginning a project with 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,



Gary R. Stone
SR 520 Boating Community Mediation Representative

During the 63-month construction period for the Portage Bay Bridge, access to and from private moorage at the Bayshore Condominiums along the southern end of Portage Bay would be limited. Though construction work bridge elevations would provide adequate clearance for most vessels, to ensure public safety, access under the work bridges would not be possible at certain times. Boats would also not be allowed to pass under the Portage Bay Bridge during demolition activities. WSDOT would work with private boat owners at the southern end of Portage Bay to ensure access or find alternate moorage. Moorage will be returned to its current location once the 6-year construction period is over. However, with the Preferred Alternative, 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 and the Bayshore Condominiums. WSDOT anticipates the loss of one full boat slip at Queen City Yacht Club. Access to the finger piers on the north side of the Bayshore Condominium dock would require passage between bridge support columns with approximately 17 feet of clearance. The column located near the last finger pier slip on the north side of the condominium dock would limit the size and type of boat that could be moored in that slip. Vessels moored on the outer end of the dock may need to be positioned so that they do not extend beyond the north end of the finger pier. Please see Chapters 5 and 5 of the Final EIS, and the Recreation Discipline Report Addendum and the Social Elements Discipline Report Addendum (both in Attachment 7 to the Final EIS) for more information regarding effects on moorage and neighborhoods.

C-017-004

The Preferred Alternative includes a second bascule bridge parallel to the existing Montlake bridge, similar to SDEIS Option A. Bridge height would be similar to the existing Montlake bridge, and operational effects on navigation would be minimal due to the similarity of design parameters and the ability to synchronize openings of the existing and

proposed bridges. Please see Chapter 2 of the Final EIS for a description of the Preferred Alternative and page 46 of the Navigable Waterways Discipline Report for a discussion of operational effects. The Preferred Alternative has a lower floating bridge height than the SDEIS options (see Section 2.6 in the Final EIS). See the Recreation Discipline Report Addendum (Attachment 7 to the Final EIS) for more information regarding effects of the floating bridge on navigation channels. See Section 5.5, Visual Quality, in the Final EIS for a discussion of visual effects of the Preferred Alternative with its reduced floating bridge height.

C-017-005

The modifications in the Preferred Alternative include a reduction in the width of the Portage Bay Bridge as much as possible. However, due to the addition of HOV lanes and the need to satisfy current safety standards regulated by FHWA and the American Association of State Highway and Transportation (AASHTO) Officials, it is not possible for the new Portage Bay Bridge to remain within the footprint of the existing bridge.

Regarding noise once the project is completed, as shown in Exhibit 5.7-3 of the SDEIS, noise walls along the Portage Bay Bridge with Options A, K, and L would reduce noise levels at nearby properties to below the FHWA Noise Abatement Criteria under all design options. The Preferred Alternative includes a number of noise reduction measures such that would reduce noise in this area such that noise walls would not be recommended along the Portage Bay Bridge. Noise modeling results for the Preferred Alternative, as described in the Noise Discipline Report Addendum and in Section 5.7 of the Final EIS, show reductions of several dBA in this area.

The Noise Discipline Report Addendum provides further information on construction noise effects and mitigation measures. Evaluating and managing noise related to construction is an ongoing process for

WSDOT that only ends when construction ends. WSDOT would obtain a noise variance if the work is projected to exceed allowable levels established by City of Seattle regulations, or will occur outside of allowed hours.

The area of Portage Bay beneath the SR 520 bridge right-of-way is not considered prime habitat for salmon. The area is away from the primary migration corridor for juveniles and adults, which is through the Montlake Cut, and the extensive aquatic vegetation and warm water temperatures during the summer substantially limit the use of the area by salmon. However, the increased width of the proposed bridge would increase the amount of shaded area in this portion of Portage Bay, tending to reduce both the vegetation concentrations and water temperatures. This change would likely result in a slight improvement of the habitat for salmon. Please see the Ecosystems Discipline Report Addendum in Attachment 7 to the Final EIS.

C-017-006

See response to Comment C-017-003 regarding effects on recreational boating. WSDOT will coordinate with Seattle Yacht Club to ensure that Opening Day and other special activities will not be adversely affected by construction.

The Section 106 Programmatic Agreement (Attachment 9 to the Final EIS) and the Mitigation Measures section of the Navigable Waterways Discipline Report Addendum (Attachment 7 to the Final EIS) state that WSDOT would suspend in-water barge work and pontoon towing in Portage Bay and the Montlake Cut during Opening Day, as well as one week before and one week after Opening Day.

Barges stationed in Portage Bay would be located within the limits of construction defined for the project (see Chapter 3 of the Final EIS for the limits of construction). Barges would also use Portage Bay and the

Ship Canal, via the Montlake Cut, to access Lake Washington. Pages 3-14 through 3-17 of the SDEIS described the construction of the Portage Bay Bridge. Chapter 3 of the Final EIS provides an updated description for the Preferred Alternative. See Section 6.14 of the Final EIS, and the Navigable Waterways Discipline Report Addendum, for a list of mitigation measures that specifically address navigation channels. The Recreation Discipline Report Addendum (Attachment 7 to the Final EIS) provides information on overall mitigation anticipated for recreational effects from the barges.

C-017-007

The FHWA NEPA project development process is an approach to balanced transportation decision making that considers both potential impacts on the human and natural environment and the need for safe and efficient transportation. NEPA requires, and FHWA and WSDOT are committed to, the examination and avoidance of potential impacts to the social and natural environment when considering approval of proposed transportation projects. In addition to evaluating potential environmental effects, FHWA and WSDOT must also take the transportation needs of the public into account to reach a decision that is in the best overall public interest.