



United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240



APR 9 2010

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PEP/NRM

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Ms. Jenifer Young  
Environmental Manager  
SR 520 Project Office  
600 Stewart Street, Suite 520  
Seattle, Washington 98101

Dear Ms. Young:

**F-004-001** The Department of the Interior (Department) reviewed the Supplemental Draft Environmental Impact Statement (SDEIS) and Section 4(f)/6(f) Evaluation for **SR 520, I-5 to Medina: Bridge Replacement and HOV Project, King County, Washington**. The Department offers the following comments for your consideration.

**Section 4(f) Comments**

We would like to thank the Washington State Department of Transportation (WSDOT) and those who prepared the SDEIS for doing an excellent job. The SDEIS contains numerous clear maps, good visualizations, and thoughtful overall analysis. The document is easy to read and well organized with helpful tabs for easy reference which helped the Department review.

The Department concurs that there is no prudent and feasible alternative to the use of Section 4(f) resources.

The Draft Section 4(f)/6(f) Evaluation is contained within the SDEIS as Attachment 6. The Department generally defers to the State Historic Preservation Officer (SHPO) for identifying effects to and appropriate mitigation for historic properties listed or eligible for listing on the National Register of Historic Places (NRHP). Our Section 4(f) comments primarily concern recreational resources, though certain recreational resources are also protected under Section 4(f) as a historic property or Traditional Cultural Property (TCP). No wildlife or wildfowl refuges have been identified within the project area.

**F-004-001**

Thank you for your comments on the SDEIS and concurrence with the finding of no prudent and feasible alternative to the use of Section 4(f) resources.

WSDOT has been working with the Washington State Department of Archaeology and Historic Preservation on issues specifically related to historic resources within the project's Area of Potential Effect. In the spring of 2010, WSDOT invited the the Advisory Council on Historic Preservation to participate in the Section 106 consultation process, and the Council agreed to participate. Minimization and mitigation measures for historic resources have been identified and memorialized within the Section 106 Programmatic Agreement (Attachment 9 to the Final EIS).

**F-004-002** | **Least Overall Harm Option**

We appreciate the thorough preliminary “least harm” analysis found in [Exhibit 55, Preliminary Least Harm Analysis by 23 CFR 774.3\(c\)\(1\) Factors](#). This analysis contains an excellent summary and comparison of impacts resulting from the three build options.

The Department concurs that Option A uses the least Section 4(f) protected park property and will do the least overall harm to historic properties as a whole. However, at this point we cannot concur with WSDOT’s statement that, in terms of resources not protected by Section 4(f), Option A has the fewest impacts of the design options on wetlands and in-water fill areas, as well as being an aquatic resource and endangered species. We regret that every alternative involves impact to important resources and recognize that the Montlake Historic District and the National Oceanic and Atmospheric Administration (NOAA) building are special historic places and structures within the Seattle area. Although we recognize that Option A would have an adverse effect on the Montlake Historic District and historically significant and individually eligible NOAA Northwest Fisheries Science Center.

**F-004-003** | In general, the Department does not consider recreational development within WSDOT right-of-way to be appropriate mitigation because the area is not legally assured of permanent future protection as a park area. However, with the exception of the Foster Island lid, well-designed, -landscaped, -hardscaped, and -maintained lids with site furnishings may work as recreational mitigation for this project, if developed and maintained in such a way as to be of significant recreational use, with the expectation for public access well into the future. At a minimum, the Department would like to see a letter capturing the commitment to implement specific mitigation measures and incorporating specific design drawings when this information is available.

**F-004-004** | **Bagley Viewpoint**

The Department supports WSDOT’s continuing commitment to work with Seattle Parks and Recreation, to whom we defer the determination of specific mitigation measures for Bagley Viewpoint under Section 4(f). If Seattle Parks and Recreation is willing to enter into an agreement with WSDOT formally memorializing WSDOT’s mitigation obligations, the Department recommends that such an agreement contain a provision that approval by Seattle Parks and Recreation is required on specific design drawings and plans.

**F-004-005** | **Interlaken Park**

We could not find any indication in the SDEIS that trees or bushes would be removed as part of this work. However, if construction work will result in tree or vegetation removal, native trees and vegetation that are similar in maturity to those removed should be re-established to the extent feasible and appropriate. We support WSDOT’s ongoing coordination with the City of Seattle, and defer to the City in determining proper re-vegetation plans. We recommend that any re-vegetation obligation be addressed in the Memorandum of Agreement (MOA) between WSDOT and the City.

**F-004-002**

Since the SDEIS was published, WSDOT and FHWA have identified a Preferred Alternative that is similar to Option A, but incorporates design refinements that respond to community and stakeholder input on the SDEIS options. The Preferred Alternative would improve mobility and safety while reducing the negative effects of Option A. These design refinements also would reduce the use of Section 4(f) resources affected by the project. For example, the Preferred Alternative would not require the demolition or relocation of any of buildings or activities on the NOAA NWFSC campus, although it would require acquisition of some property in the eastern portion of the campus for the new alignment of the Bill Dawson Trail and associated retaining wall.

Under the Preferred Alternative and all options evaluated in the SDEIS, the SR 520, I-5 to Medina project would directly and indirectly affect the Montlake Historic District. As a result of this use, WSDOT has coordinated closely with the Montlake Community Council, through the Section 106 consultation process, to identify avoidance, minimization and mitigation measures. WSDOT has committed to mitigation for this use, as required by 36 CFR 800 and 23 CFR 774. Mitigation measures are included in the Programmatic Agreement (Attachment 9 to the Final EIS).

In comparison to the options presented in the SDEIS, the Preferred Alternative would have similar effects to Option A on wetlands, aquatic resources, and endangered species. WSDOT will provide compensatory mitigation for all project effects to wetlands and aquatic resources. For a more detailed discussion, please see the Ecosystems Discipline Report and Water Resources Discipline Report in the SDEIS and addenda to both discipline reports in Attachment 7 of the Final EIS. An updated least harm analysis that includes the Preferred Alternative is included in the Final Section 4(f) Evaluation (Chapter 9 of the Final EIS).

**F-004-006** | **Montlake Playfield**

The Department defers to the City for determining proper mitigation for this area in consultation with WSDOT. We recommend that any re-vegetation obligation be addressed in the letter of agreement between WSDOT and the City.

**F-004-007** | **Bill Dawson Trail**

The Department believes the additional roadway cover over the trail under all options that would occur within WSDOT right-of-way will not substantially impair the attributes of the remaining trail located outside WSDOT right-of-way.

The Department is supportive of the ongoing collaboration between WSDOT and Seattle Parks and Recreation and defers to Seattle Parks and Recreation to determine appropriate mitigation for Bill Dawson Trail.

**F-004-008** | **East Montlake Park and McCurdy Park**

Under all options, all of McCurdy Park, the Museum of History and Industry (MOHAI) building, and its 150-space parking lot would be removed. There are no plans to relocate or reinstate the lost parking area, because the facility requiring them would also be removed; therefore, replacement of the lost spaces would not be necessary. We disagree with this statement. [Exhibit 5.1-15. Future Trail Connectivity](#) shows that the canoe/kayak landing and launch point within McCurdy Park will remain. To our knowledge, this is the only non-motorized boat launch with parking in the project area. The other landings appear to be accessible only by water. Removal of all spaces within the MOHAI parking lot will have a disproportionate impact on persons with disabilities or other persons with accessibility concerns. In addition, persons who may be physically capable of doing so are less likely to portage a kayak or canoe from a neighborhood on-street parking spot. Finally, relegating kayakers to neighborhood on-street parking could cause further disruption of nearby neighborhoods.

This parking area also serves East Montlake and McCurdy Parks, Ship Canal Waterside Trail, and the Arboretum Waterfront Trail. We note that the mitigation section in the Draft Section 4(f)/6(f) Evaluation lists replacement parking spaces in the immediate vicinity of the parks upon completion of construction for East Montlake and McCurdy Parks. We are not sure where the parking spaces will be relocated, if not at the MOHAI site.

**F-004-009** | Exhibit 5.1-15 also shows a gap in the pedestrian only path under Option L in the area that will be the former MOHAI site. It appears that this gap could easily be closed to provide a continuous loop along the Arboretum Waterfront Trail.

**F-004-010** | The Draft Section 4(f)/6(f) Evaluation identifies fewer mitigation measures than those contained in the main SDEIS document. We recommend that the following mitigation measures, found in the main DSEIS document, also be listed in the Draft Section 4(f)/6(f) Evaluation to reaffirm WSDOT's commitment to implement them:

- Re-vegetate areas where natural habitat, vegetation, or neighborhood tree screens would be removed. These areas are under Portage Bay Bridge in

**F-004-003**

WSDOT has not committed to recreational mitigation within the WSDOT right-of-way. However, a portion of the area of current WSDOT right of way known as the WSDOT peninsula is proposed to include wetland and wildlife habitat mitigation. The WSDOT-owned land on the peninsula would be decommissioned as state land, transferred to the City of Seattle, and incorporated into the Washington Park Arboretum. WSDOT would retain an easement for an appropriate duration to assure mitigation commitments are met according to state and federal laws. WSDOT is currently exploring property ownership in this area to determine how much land is available for mitigation purposes; if feasible, some WSDOT-owned property could also be used as recreational mitigation.

The proposed lids are major project elements and are not considered mitigation, although they will reduce some project effects. The landscaped lids are designed to reconnect communities and landscapes by creating open space, restoring or creating views, and enhancing bicycle and pedestrian uses. Passive and active recreation could be enjoyed in these spaces. As part of the transportation facility, the landscaped lids would not become Section 4(f) properties.

The FHWA Record of Decision will document the mitigation and conservation measures to be implemented as agreed upon with the officials with jurisdiction over the Section 4(f) properties. Graphic depiction of the proposed Montlake and 10th Avenue East and Delmar Drive East lids is included in the Final EIS; however design details will not be available until after WSDOT conducts community design processes. We suggest the Programmatic Agreement, included as an attachment to the Final EIS, stand as the letter you request because it demonstrates WSDOT's legal commitment to implement mitigation measures and to incorporate specific design elements.



F-004-010

Roanoke Park; through Montlake, in particular at the NOAA Northwest Fisheries Science Center and East Montlake Park and the Arboretum. Mature vegetation could generally be used to re-vegetate parks and re-establish tree screens in these areas in consultation with local jurisdictions and agencies. Re-vegetation plans should also provide for adequate irrigation and monitoring until trees and plants are well established.

- Establish landscaping that would be compatible with the character of the existing vegetation, especially along Lake Washington Boulevard, Montlake Boulevard, and through the Washington Park Arboretum, East Montlake Park, Ship Canal Waterside Trail, Arboretum Waterfront Trail, Montlake Playfield, and Interlaken Park/Delmar Drive East.
- Design lids to reconnect divided communities and provide a consistent and/or continuous visual connection across the SR 520 roadway. Landscape the lids to ensure a unified visual appearance appropriate to the surrounding landscape, including use of appropriate plant materials, hardscape, and site furnishings that contribute to visual coherence and aesthetics. For example, on the north side of the Evergreen Point Road lid, a transitional seating wall and stairs might be included that would share elements and characteristics of the lid with Fairweather Park. Section 5.4 also states that "the remaining portions of McCurdy and East Montlake Parks would be redesigned in cooperation with the Seattle Parks Department. Grass and trees in the south Shelby-Hamlin area could be replaced with trees and screening vegetation to soften the appearance of the new noise wall. Mature and/or larger size trees, shrubs, vines, and groundcovers for replacement or enhancement would be selected as appropriate in consultation with Seattle Parks and Recreation. Plantings would be irrigated and monitored until established." The Department is fully supportive of all of these mitigation measures. Minimally, disturbed areas should be restored to a condition that is as-good or better than the pre-construction condition. In general, this means re-planting with mature native species to the extent feasible, and implementing or funding a solid re-vegetation plan that allows plantings to become well-established. The Department recognizes that tall plants may not be appropriate in some places because of safety or other legitimate concerns. However, every effort should be made to restore areas to their original condition and to provide screening for new project structures. The Department defers to the park owners for specific mitigation measures to redevelop the remaining post-Project portion of East Montlake Park.

F-004-011

If the park owners are willing, we recommend that they enter into an agreement with WSDOT to formalize a working relationship among the parties. We suggest that such an agreement contain a provision that approval by the City, University of Washington, and DNR be required on specific design drawings and plans for Section 6(f) mitigation sites, as well as any remaining park area at the McCurdy and East Montlake Parks. It may be advisable to also include a provision providing funding to the park owners to hire their own design engineering firm as a consultant, if they do not have available staff, to review design drawings and plans. We also recommend that adjacent

#### F-004-004

The Parks Technical Working Group was initiated in 2008 as a forum to discuss parks and recreational facilities with project staff, agencies, and stakeholders. As an active member of the Parks Technical Working Group, the Seattle Parks and Recreation Department has been involved in the discussions related to the use of park and recreational facilities, as well as the minimization, avoidance, and mitigation for these effects. The Bagley Viewpoint was discussed during these meetings, and WSDOT worked closely with the Seattle Parks and Recreation Department to determine appropriate methods to avoid, minimize, and mitigate the associated project effects.

WSDOT will construct a new viewpoint on the 10th Avenue East/Delmar Drive East lid that will recreate the experience the Bagley Viewpoint was designed to provide. The Seattle Parks and Recreation Department will continue to play an integral role in the planning and design of this space. Please see Chapter 9 of the Final EIS for a discussion regarding the Bagley Viewpoint.

#### F-004-005

The Preferred Alternative would not use or have an effect on Interlaken Park or any vegetation in the park.

#### F-004-006

Through the Parks Technical Working Groups (TWG), WSDOT has discussed potential impacts to the Montlake Playfield with the City of Seattle. As standard WSDOT policy, the areas of vegetation removal will be replanted and restored to existing conditions after construction has finished. Landscaping plans for restoration within city parks will be coordinated with the city. Further, WSDOT will document all mitigation commitments pertaining to the Montlake Playfield, due to its protection as a Section 4(f) resource.

**F-004-011** | neighborhoods also have a chance to review and provide comments on design drawings and plans.

A maintenance plan should also be provided to stakeholders for their review and comment. While the Department recognizes that replacement property for McCurdy Park and part of East Montlake Park will be required under Section 6(f), we believe the loss of McCurdy Park and much of East Montlake Park, as well as the transformation of the remainder of East Montlake Park to a more manicured urban park setting located much closer to the 520 bridge make it appropriate for the Department to make these recommendations for Section 4(f) mitigation, in addition to any Section 6(f) mitigation requirements.

In the final version of the SDEIS, it would be helpful for the preferred alternative to have a visual simulation or graphic representing the conceptual design of the remaining portion of East Montlake Park after the project is constructed. This should include how the public would access the site, where parking resources would be located, and what park elements (e.g., canoe launch, picnic area, etc.) would remain or be added.

**F-004-012** | **Ship Canal Waterside Trail**

Under Option A, the Draft Section 4(f)/6(f) Evaluation states that existing pedestrian access to the trail from Montlake Boulevard will be relocated approximately 70 feet to the east. It is not clear whether this relocation is temporary or permanent. Unlike Option A, Option L would require acquisition of right-of-way non-contiguous to the existing bridge for the new bascule bridge. The visualization on [Exhibit 5.5-5. Looking West from Northeast Corner of East Montlake Park toward Montlake Bridge \(Visualization Location 15\)](#) makes clear that the new bridge will significantly change the view along the trail. WSDOT acknowledges that "the user experience would change," and that the bridge over East Montlake Park would cast shadows, block views, and diminish the natural openness of the shoreline. Proposed mitigation found in the Draft Section 4(f)/6(f) Evaluation is only described as "preparing a detour plan (if available) in coordination with Seattle Parks and Recreation to address the manner in which on-street bicycle traffic and the Ship Canal Waterside Trail would be rerouted during times of trail closure. More information is found in Section 5.4 on Recreation in the main SDEIS document. Here, the SDEIS states that the MOHAI site and the remaining portions of McCurdy and East Montlake Parks would be redesigned in cooperation with the Seattle Parks Department. Mature and/or larger size trees, shrubs, vines, and groundcovers for replacement or enhancement would be selected as appropriate in consultation with Seattle Parks and Recreation. Plantings would be irrigated and monitored until established. We presume that efforts to mitigate for the remaining portions of McCurdy and East Montlake Parks will carry over to the Ship Canal Waterside Trail, and that WSDOT will consult with the City and University of Washington to address mitigation for the trail. While we are aware that the trail will likely require Section 6(f) mitigation in the form of replacement property for Option A and possibly for Option L, on-site mitigation should occur to address Section 4(f) concerns.

**F-004-007**

Comment acknowledged. As an active member of the Parks Technical Working Group, the Seattle Parks and Recreation Department has helped to develop a plan for the trail. During construction, WSDOT will provide a user-friendly construction detour for cyclists and pedestrians, using on-street and sidewalk connections between Montlake Boulevard and Montlake Playfield. Following construction, WSDOT will replace the affected portion of the Bill Dawson Trail (with a slight realignment to accommodate for the new corridor and stormwater pond) in a manner that complies with the standards of the Americans with Disabilities Act and corrects current flooding and encroachment issues.

**F-004-008**

As a result of community and the Seattle and Parks and Recreation Department feedback, the Preferred Alternative design includes a parking lot in the East Montlake Park area. Onsite parking for those using local recreational facilities will be provided adjacent to the new stormwater wetland. The parking lot will include access to the hand-carried boat launch. Interim access to the hand-carried boat launch during project construction will also be provided.

**F-004-009**

Under all SDEIS design options and the Preferred Alternative, with completion of construction the Arboretum Waterfront Trail would be continuous. It is shown along the shoreline in this area. Under Option L, the MOHAI site would be converted to right-of-way. The pedestrian path shown entering the MOHAI area from the west in Option L would not connect to the Waterfront Trail. Instead, it would end at the stormwater pond in the MOHAI area that would be part of Option L. Exhibit 5.1-33 of the Final EIS updates SDEIS Exhibit 5.1-15 and shows the stormwater pond. Final EIS Exhibit 5.4-3 provides a rendering of the conceptual landscape design for the path and stormwater pond.

**F-004-013** UW Open Space

The narrative discussion for Option A and the corresponding map are somewhat unclear. The map shows one blue color for the underground easement and another similar shade of blue for the stormwater facility. It is hard to tell what the blue corridor running east-west through UW Open Space represents—i.e., whether it represents only an underground easement, an above-ground stormwater facility, or whether the colors overlap so that the blue line running east-west is an underground stormwater facility. Based on discussion for Option L found on page 103 of Attachment 6 for the same stormwater facility, it appears that at least part of the stormwater facility is underground. We are still not clear about the portion of the stormwater facility that is shown as red and listed in the legend on the exhibits for Options A and L as converted to right-of-way. Assuming this stormwater facility represented by the blue line is underground, it would be helpful to have more information about any surface use limitations above the underground easement area.

**F-004-014** In addition, assuming that the underground easement of 0.66 acre under Option A is permanent, the narrative discussion should be clarified to state that the area of permanent incorporation is both on the western end and in the middle of UW Open Space. (An actual use under Section 4(f) occurs when an area is permanently incorporated into a project, whether due to acquisition of a fee or to easement interest. Also, Table 5.4-1. Permanent Park Acquisition (acres) should be updated to reflect that 0.86 acres will be used, rather than 0.2 acres. Similarly, for Option L, 0.75 acre should be listed on Table 5.4-1, rather than 0.5 acre.

**F-004-015** The SDEIS states that visitors and workers at the University of Washington would benefit from improvements to non-motorized facilities and from enhanced access for recreational activities at all campus facilities. The full or partial lid at the NE Pacific Street and Montlake Boulevard NE Interchange under Options K and L are considered a benefit to the UW, providing grade-separated crossings for pedestrians and bicyclists at this busy intersection and improving access to the Burke-Gilman Trail. While this will be a significant general benefit to the area, we believe that site-specific mitigation measures, especially under Option L, should be implemented to help offset the site-specific impacts. The Department defers to the University of Washington in determining site-specific mitigation measures for UW Open Space.

**F-004-016** Washington Park Arboretum, Foster Island, and Arboretum Waterfront Trail

Under Option K, 1.4 acres of Foster Island would be acquired. WSDOT acknowledges that while the land bridge may create "a more park-like recreational experience, it requires a much more invasive construction approach than Options A and L. This degree of construction disturbance and extreme change to the setting of the historic island could be determined to be an adverse effect on the presumed TCP.

We disagree that a lower bridge would necessarily be better from a pedestrian trail user standpoint. As the SDEIS acknowledges, the recreational experience of the trail user would change from a wetland viewing opportunity to that of a more landscaped upland setting. Despite the landscaping, portions of the concrete structure supporting the land

**F-004-010**

The Programmatic Agreement (Attachment 9 to the Final EIS) and the Community Construction Management Plan which is in development (the outline is included in Attachment 9 to the Final EIS) include stipulations similar to the mitigation measures suggested as part of this comment including, but not limited to, the re-establishment of vegetated buffers, establishment of compatible landscaping, and re-vegetation of previously planted areas. WSDOT has been working in close partnership with the officials with jurisdiction over the affected Section 4(f) resources to develop mutually agreeable mitigation plans. Please see the Final Section 4(f) Evaluation (Chapter 9 of the Final EIS), for a summary of these mitigation measures, and the Programmatic Agreement (Attachment 9 to the Final EIS) for a more detailed list.

**F-004-011**

WSDOT engaged in direct negotiations with the project's Section 6(f) (Washington Department of Natural Resources, the City of Seattle, and the University of Washington) and Section 4(f) stakeholders. A Memorandum of Understanding describes WSDOT intent to convert and replace Section 6(f) resources, and to continue coordination through completion of Section 6(f) compliance, including relocation compensation. Similarly, through the Section 106 Consulting Parties, Parks Technical Working Group, and the ESSB 6392 Legislative workgroup processes WSDOT worked with community groups, agency stakeholders, and the officials with jurisdiction to plan for design review, construction coordination, and maintenance of selected mitigation projects for Section 4(f) properties.

The public had an opportunity to review the conceptual designs when the Section 6(f) Environmental Evaluation was distributed for public comment. Community members may have the chance to evaluate the Section 6(f) replacement site design as the University of Washington proceeds with plans for redevelopment of the Bryant Building site, in



**F-004-016** | bridge would be visible as tall vertical walls, particularly from the north. We also note that while a lower bridge could improve the visual experience of viewing the shoreline, a higher bridge improves the water trail user's experience. Regardless of height, a well-designed, aesthetically pleasing bridge could be a visual asset. Option K appears to close off any water access to underneath the bridge by kayakers or canoeists. We appreciate the visual simulation for Foster Island. Indeed, Foster Island would have a more manicured feel than the more natural feel the island currently exudes, and the bridge would be visible from the northern portion of the island, which would be a change from the current condition. It is not clear whether the bridge is visible in this simulation because it is a forecast of the near-term future after construction or because it represents the future condition in the long-term. If the latter, we wonder whether more could be done for visual screening (e.g., planting a taller species of tree), if appropriate and in consultation with the SHPO, tribes, University of Washington, and the City.

The Department does not support Option K, and the Foster Island lid from a recreational perspective because the lid significantly changes the recreational character of the Arboretum and Foster Island and an important segment of Arboretum Waterfront Trail.

**F-004-017** | The SDEIS mentions that lighting would be designed to minimize effects on aquatic habitats. If evening and nighttime recreation (e.g., star viewing) is an important activity at the Arboretum, then it would be helpful if WSDOT considered special lighting adjustments through the Arboretum to minimize night sky pollution. We are not sure whether ambient lighting from other sources makes this a moot issue, but encourage WSDOT to discuss this concern with the University of Washington and the City.

**F-004-018** | For Section 4(f) mitigation for the Arboretum and Arboretum Waterfront Trail, the Department defers to the City and University of Washington to identify appropriate mitigation measures.

**F-004-019** | **Construction**

The SDEIS mentions that pile-driving, jackhammering, and the use of concrete-breakers, saws, and other demolition equipment will be limited to daytime hours of 8:00 a.m. to 5:00 p.m. on weekdays, with more stringent restrictions on weekends. We note that weekend day use is likely the peak time for recreation. Therefore, use of heavy demolition or installation, especially pile-driving, should ideally be avoided on weekends.

**Technical Issues**

**F-004-020** | 1. On page 4-41 of the SDEIS, SHPO stands for State Historic Preservation Officer, not State Historic Properties Office.

**F-004-021** | 2. On page 158 of Attachment 6, first full regular paragraph, line 6, "Arboretum Foundation" should be replaced with Washington Department of Natural Resources. The Arboretum Foundation does not own any part of Ship Canal Waterside Trail within the Section 6(f) boundary. However, the Washington Department of Natural Resources does.

accordance with their public process. Because WSDOT involvement with the Section 6(f) replacement site ends with the property acquisition process, the LWCF grantee, the University of Washington and the Seattle Parks and Recreation Department will provide the maintenance plan for the Section 6(f) replacement site.

With the Preferred Alternative, the remaining portions of McCurdy Park and East Montlake Park would not be used as Section 4(f) mitigation, because the area would be used for a new stormwater treatment facility. Please see Chapter 10 of the Final EIS for a conceptual drawing of this area. To clarify, the Section 6(f) property does not include McCurdy Park; the Section 6(f) property is a recreational trail complex, which includes the Ship Canal Waterside Trail, the Arboretum Waterfront Trail, and portions of East Montlake Park and the Washington Park Arboretum.

**F-004-012**

Through the Parks Technical Working Group, WSDOT has worked in close partnership with the City of Seattle and the University of Washington to address project effects on parks and recreational facilities, including the effects to the Ship Canal Waterside Trail. The Ship Canal Waterside Trail is one part of the larger recreational trail complex that receives protection under Section 6(f) of the Land and Water Conservation Fund Act. As noted in the comment, it is also protected under Section 4(f). Consequently, WSDOT has worked with the City and the University to identify measures that would avoid, minimize, and mitigate for project effects on the trail complex.

With the Preferred Alternative, access to the portion of the Ship Canal Waterside Trail west of Montlake Boulevard East would still be available during and after construction; access to the eastern portion of the trail and its connection to the Arboretum Waterfront Trail would be available from East Shelby Street, East Hamlin Street, and East Montlake Park during and after construction. After construction, a connection from the

**F-004-022** | 3. On page 110 of Attachment 6, first paragraph under Foster Island, Exhibit 34 should actually be Exhibit 47.

**F-004-023** | **Section 6(f) of the Land and Water Conservation Fund Act**

As you are aware, the National Park Service (NPS) must approve any conversion of property protected by Section 6(f) of the Land Water Conservation Fund (LWCF). The NPS acknowledges that additional environmental review will be completed before a National Environmental Policy Act (NEPA) determination under Section 6(f) can be made. The NPS and WSDOT have met and agreed that a more in-depth 6(f) analysis, focusing solely on the selected alternative, will be done later. The SDEIS, including the Draft Section 4(f)/6(f) Evaluation contained therein, is a great start towards the full NEPA analysis.

**F-004-024** | We are aware that WSDOT will be running a parallel NEPA process to address impacts associated with constructing mitigation after there is agreement with the City and University of Washington on a potential replacement site. While NPS does not select the mitigation site, we are responsible for determining whether the site meets Section 6(f) mitigation requirements and reviewing the environmental impacts associated with development of the replacement property.

**F-004-025** | There is an error in the recitation of the Section 6(f) laws within the SDEIS. The text box is correct. However, the first sentence under the section "What would be done to mitigate for adverse effects that cannot be avoided or minimized?" should have the words "or developed" inserted between "purchased" and "with," so that the sentence reads as follows:

Section 6(f) of the LWCF requires that replacement property be acquired for recreational lands purchased or developed with grants from the fund.

**F-004-026** | In the final 6(f) analysis, when that ultimately occurs, it will be necessary to have conceptual plans developed for all parkland remaining in Section 6(f) protection so that the NPS can determine whether the remainders will function as viable recreation units or not.

The conversion graphics are very helpful, though we believe the conversion footprint is too conservative. However, this can be addressed further once a build option has been chosen. Similarly, although there is some information in the SDEIS and Draft Section 4(f)/6(f) Evaluation regarding the recreational utility impacts and mitigation, more analysis will be needed before NPS can make a final NEPA determination.

**F-004-027** | For questions concerning Section 4(f) comments, please contact Kelly Powell, National Park Service, Pacific West Region, 168 S. Jackson St., 2<sup>nd</sup> Floor, Seattle, WA 98104-2853; phone: (206) 220-4106 [Kelly\\_Powell@nps.gov](mailto:Kelly_Powell@nps.gov).

For questions concerning Section 6(f) comments, please contact Heather Ramsay, Project Manager, National Park Service, Community Assistance Programs, 909 First Avenue, Floor 5, Seattle, WA 98104-1060; phone: (206) 220-4123, [Heather\\_Ramsay@nps.gov](mailto:Heather_Ramsay@nps.gov).

Ship Canal Waterside Trail within East Montlake Park to the new bascule bridge would be provided, similar to the current stairs up to the existing bridge and Montlake Boulevard.

The Preferred Alternative is most similar to Option A, with the construction of a context-sensitive new bascule bridge adjacent to the historic Montlake Bridge (depicted in Exhibit 5.5-5 on page 5-71 of the SDEIS). The effect of the Preferred Alternative design on the user experience from the Ship Canal Waterside Trail and from East Montlake Park would be significantly less than that described for Option L in the SDEIS.

WSDOT will mitigate for its use of affected Section 6(f) resources, including the impact to the Ship Canal Waterside Trail. A Memorandum of Agreement between WSDOT, the City of Seattle and University of Washington stipulates that WSDOT would provide funding for purchase and/or development of a replacement site, known as the Bryant Building site. The Bryant Building site was chosen because it would replace the recreational functions lost from acquisition of a portion of the 6(f) resource, would provide 3.9 acres of recreational property, and would result in a total net gain of 1.3 acres of Section 6(f) recreational space in the Seattle area after construction is complete. For more information pertaining to mitigation for project use of the Ship Canal Waterside Trail, please see Chapter 10 of the Final EIS.

**F-004-013**

In Exhibit 32 (page 69) of the Draft Section 4(f)/6(f) Evaluation (Attachment 6 to the SDEIS), the blue line running from east to west represented the proposed underground easement in design Option A. In Option A, the stormwater treatment facility in the UW Open Space would have been an aboveground treatment facility. The stormwater treatment facility was outlined in red in Exhibits 32 and 46, because the creation of this facility would have required WSDOT to obtain additional right-of-



Thank you for the opportunity to provide these comments.

Sincerely,



Willie R. Taylor  
Director, Office of Environmental  
Policy and Compliance

David Graves, AICP  
Senior Planner  
Seattle Parks and Recreation  
800 Maynard Avenue South, 3<sup>rd</sup> Floor  
Seattle, WA 98134-1336

Theresa Doherty  
Assistant Vice President  
University of Washington, Office of Regional Relations  
PO Box 351243  
Seattle, WA 98195-1243

way.

Exhibit 9-8 of the Final Section 4(f) Evaluation (Chapter 9 of the Final EIS) shows a similar underground easement, and a similar above ground facility and right-of-way requirement, as Option A.

**F-004-014**

The Final EIS includes a revised version of Table 5.4-1. WSDOT updated the analysis of Section 4(f) use for the Preferred Alternative, and the affected Section 4(f) acreages are reported as part of the Potential Effects section of the Final Section 4(f) Evaluation.

**F-004-015**

The full or partial lid at the intersection of NE Pacific Street and Montlake Boulevard NE, referred to in the SDEIS and this comment, is not a design element of the Preferred Alternative. Nonetheless, WSDOT continues to coordinate closely with the University of Washington, Sound Transit, and the City of Seattle regarding future improvements to this area and will ensure that the SR 520, I-5 to Medina project does not preclude future area amenities.

**F-004-016**

Section 5.4 of the Final EIS contains an updated analysis on the effects on Foster Island. Option K would require permanent incorporation of 0.7 acre of land on Foster Island. If Option K were identified as the Preferred Alternative in the future, WSDOT would complete the necessary documentation as part of final design and permitting and ensure that negative effects associated with Foster Island are mitigated to the extent practicable.

The Preferred Alternative design modifies the profile of SR 520 across Foster Island and through the entire west approach structure. WSDOT

has committed to consultation with the Arboretum stakeholders to develop a plan for aesthetic treatment of the west approach structure and surrounding area. The overarching goal for aesthetic design is to create a legacy bridge that is not intrusive visually and that signifies its importance as a regional and scenic bridge. WSDOT has also engaged in extensive consultation with the affected tribes regarding the bridge design over Foster Island, which is recognized as a culturally sensitive location. This consultation resulted in the development of a context-sensitive design, which minimizes disturbance of the area and is the least invasive of all design options.

With the Preferred Alternative, the bottom of the bridge structure would be approximately 14 to 20 feet above the Foster Island Trail, which is higher than Option A. Plans for future restoration and mitigation for the pedestrian trail under the bridge were developed through close coordination among WSDOT, the Arboretum Botanical Gardens Committee, and interested tribes.

#### **F-004-017**

In early 2010, Governor Gregoire signed Engrossed Substitute Senate Bill (ESSB) 6392, which directs WSDOT to work with regional agencies to develop a mitigation plan for the Washington Park Arboretum in conjunction with a workgroup consisting of Arboretum stakeholders. Arboretum stakeholders did not identify adjusted lighting as an area of concern during these discussions.

Final recommendations from the ESSB 6392 workgroup include a discussion of design modifications to minimize facility effects on the Arboretum, traffic management discussions, and an Arboretum mitigation plan. Lighting adjustments through the Arboretum are not addressed in the mitigation plan. Please see the Final Recommendations Report in Attachment 16 to the Final EIS.

**F-004-018**

WSDOT has engaged with the University of Washington, Arboretum stakeholders, and the interested tribes to determine appropriate mitigation for the Section 4(f) use of the Arboretum and the Arboretum Waterfront Trail.

**F-004-019**

Comment noted. WSDOT plans to minimize the effects of construction on recreational activities to the extent possible. WSDOT will also monitor and comply with local noise regulations for construction and equipment operation. While it is anticipated that weekend work will be required for some construction activities and to meet the schedule established for the SR 520, I-5 to Medina project, WSDOT will employ best management practices to minimize construction effects.

**F-004-020**

The Final EIS correctly uses the definition of SHPO as the State Historic Preservation Officer.

**F-004-021**

The Washington Department of Natural Resources has replaced the Arboretum Foundation in discussions of ownership of the project's Section 6(f) resources. This update is included in the Final EIS and all applicable addenda and attachments. The affected portion of the Ship Canal Waterside Trail is owned by the City of Seattle, rather than the Washington Department of Natural Resources as suggested in this comment. Please see the Final Section 6(f) Evaluation (Chapter 10 of the Final EIS) for updated descriptions of property ownership of the Section 6(f) resources.

**F-004-022**

The exhibit number is revised in the Final Section 4(f) Evaluation.



**F-004-023**

Please see Chapter 10 of the Final EIS, Final Section 6(f) Evaluation. This Chapter analyzes the SR 520, I-5 to Medina project Preferred Alternative conversion of Section 6(f) resources and the proposed replacement property.

**F-004-024**

The analysis in the Final Section 6(f) Evaluation (Chapter 10 of the Final EIS) demonstrates that the selected Bryant Building site would be developed to replace the recreational functions and values of Section 6(f) properties converted as a result of the SR 520, I-5 to Medina project.

**F-004-025**

Chapter 5 of the Final EIS has been revised and no longer contains the sentence referenced in this comment.

**F-004-026**

A concept drawing for East Montlake Park has been developed and is included in the Section 6(f) Environmental Evaluation, as well as in Chapter 10 of the Final EIS. The drawing indicates how the parklands remaining in Section 6(f) protection at this location will function after the conversion. Chapter 10 of the Final EIS discusses how all affected Section 6(f) resources will operate after conversion, including the portion of the Washington Park Arboretum that will remain in Section 6(f) protection at the end of construction. The acreage of Section 6(f) conversion was recalculated for the Final EIS according to the Preferred Alternative. For correct conversation acreage, please see Chapter 10. Additional concept drawings to clarify remaining site functions will be developed as needed to complete the Section 6(f) conversion process.

**F-004-027**

WSDOT reviewed and responded to this comment letter from the United

States Department of the Interior and continues coordination throughout 2010 and 2011 until Section 4(f) and Section 6(f) compliance is complete.