City of Seattle
Department of Planning and Development
Diane M. Sugimura, Director

MEMORANDUM

Date: April 15, 2010
To: Carl Marquardt, Mayor's Office
From: Diane M. Sugimura, Director
Subject: DPD Comments on SR 520 SDEIS

General Comments

These comments apply to the entire document, including Chapter 5 (summary of impacts) and the various discipline reports.

L-010-001 Please state what permits will be sought from the City, including whether a Shoreline Substantial Development Permit will be sought.

L-010-002 The City assumes that it will adopt the State's environmental documents, and on the basis of those adopted documents, exercise the City's substantive SEPA authority. SMC 25.05.630 identifies the need for independent review before the City can appropriately adopt the State's environmental documents. "An agency adopting an existing environmental document must independently review the content of the document and determine that it meets the adopting agency's environmental review standards and needs for the proposal."

L-010-003 State of Washington statutes and WACs and the City's SEPA ordinance all require that the project's impacts and proposed mitigations be clearly identified. For example, RCW 43.21C.060 calls for identification of "specific adverse environmental impacts…identified in the environmental documents" (with respect to conditioning) and "significant adverse impacts identified…in an EIS" (with respect to denial.)

SMC 25.05.440 (E), Affected Environment, provides: "This section of the EIS shall describe the existing environment that will be affected by the proposal, analyze significant impacts of alternatives including the proposed action, and discuss reasonable mitigation measures that would significantly mitigate these impacts." Similarly, with respect to proposed mitigation, SMC 25.05.660 (A)(2) provides that "mitigation measures shall be related to specific, adverse environmental impacts clearly identified in an environmental document…"

WSDOT's Environmental Procedures Manual also calls for this clear identification. For example, "The environmental document must discuss impacts on both the natural…and built…environment. The EIS must also discuss unavoidable adverse impacts." (WSDOT EPM

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L-010-001

A list of permits, including City of Seattle permits that WSDOT will seek has been added to the Fact Sheet of the Final EIS.

L-010-002

As a cooperating agency, the City of Seattle had an opportunity to review and comment on the SDEIS prior to its publication. Revisions were made to the document in response to these changes. WSDOT will continue to coordinate with the City of Seattle as needed to facilitate the exercise of its substantive SEPA authority.

L-010-003

In preparing the SDEIS, WSDOT followed NEPA and SEPA regulations and guidance, as well as WSDOT's Environmental Procedures Manual. The SMC sections cited contain the same language on identification of impacts and mitigation measures as the SEPA Rules (see WAC 197-11-440(6)(a) and WAC 197-11-660(1)(b)). While WSDOT believes that the information in the SDEIS was sufficiently clear, the Final EIS provides more clarity in two ways. First, it examines the likely effects, both adverse and beneficial, of the Preferred Alternative, which was announced after the SDEIS was published and has been refined and evaluated in collaboration with staff from SDOT, Seattle Parks and Recreation, and DPD staff. Second, it provides more specificity for predictions of environmental effects, when warranted by design advances made since the SDEIS was published. The addenda to the discipline reports present an overview of key issues identified during the public comment period on the SDEIS and provide analysis of the Preferred Alternative and No Build Alternative in light of these considerations. Clarifications to the SDEIS were made in the Final EIS, and clarifications to the discipline reports are included in errata sheets attached to the discipline report addenda. The Final EIS and addenda also describe proposed mitigation measures more precisely when

L-010-003

M31-11.06, Page 411-11). Similarly, with respect to discipline reports: "A discipline report provides evidence that all potentially significant impacts have been considered, presents information to support any findings regarding the significance of any impacts, and demonstrates clearly that the report complies with the requirements of environmental law."

Based on DPD's review of the document, there is ample room to improve the clarity: (1) are all impacts identified and described as such, (2) are these impacts characterized as adverse, and (3) are these impacts characterized as either above or below the level of significance. Finally, if mitigations are being proposed, they should be clearly identified as such.

L-010-004

The following examples are based on the Visual Quality section of Chapter 5, but also apply to other aspects of the environment described in the entire document.

When Visual Quality is discussed (page 5-168), it is stated that "all options would result in **changes** to the visual character and quality in the Montlake area….Option K and L would include additional structures….These structures would **dominate views much more** than the existing ramps and main line."

It is not clear whether these changes are impacts, and if so, whether they are significant adverse impacts or not. When new structures "dominate views much more" –this suggests an impact, but again, no indication is given by the author as to whether it is significant or not.

Page 5-68 states that the effects of Option A "…**would result in high levels of change** to the visual character of the landscape from the viewpoint of commuters and adjacent residents." Page 5-69 states that some aspects of Option K , e.g., the retaining walls for the tunnel entrance will "be visible to commuters and park users, **with the highest level of visual effects** on views from the Arboretum Trail at Marsh Island and the UW WAC. From these sensitive locations, the structures **would dominate views much more** than the existing ramps and main line do."

On Page 5-70 the document provides that "Option K would also result in **very high levels of change** to visual character and quality in the southeast campus of the University of Washington." Similarly, also on Page 5-70, with respect to Option L: "The walls and elevated interchange would also **dramatically change the character and quality of views** from the Arboretum Trail at Marsh Island and the WAC. From these sensitive locations, the **structures would dominate views much more** than the existing ramps and main line do."

After these sentences, on Page 5-71, a reference is made to "visual impacts". "Adding northbound capacity on Montlake Boulevard to Option L would result in **no measurable differences in the visual impacts described above**."

From this reference, it appears that the above examples, and others, have been descriptions of "impacts." Please confirm that each example is or is not an "impact, " whether it is adverse or not, and whether it is significant or not.

Although the visual quality section is cited for this example, the same request is made for each other section of the document and the various sections summarized in Chapter 5. When an effect of the

feasible because mitigation planning has advanced since the SDEIS and discipline reports were published.

L-010-004

Please see the response to comment L-10-003. Visual quality analysis for highway projects is done in accordance with FHWA methodology, which uses the types of terminology cited to characterize effects. In the Final EIS, WSDOT has provided more detailed characterizations of expected effects in terms of their context and intensity, whether they are positive or negative, and potential mitigation measures. In accordance with the CEQ regulations implementing NEPA, the terms impact and effect are used synonymously (40 CFR 1508.8).

L-010-004 environment is described, please state whether or not the effect is or is not an "impact," whether it is adverse or not, and whether it is significant or not.

Visual Quality Comments

L-010-005 As stated in general comments, impacts and their characterization as adverse and/or significant need to be clearly identified, as do proposed mitigations.

The Discipline Report does not appear to follow WSDOT's Environmental Procedures Manual. (EPM) The EPM requires that "the Visual Impacts Discipline Report…must include a qualitative **and quantitative analysis** of all significant views from and toward the facility throughout the project length." The report does not currently include a quantitative analysis. In response to a July 2009 City comment on the consistency between the numerical rating and the text, the response was:

"The matrix included with this version of the document has been deleted because of its inherent (internal) inconsistencies. A summary table has replaced the matrix because it offers more information as well as a composite evaluation of the whole landscape unit."

As a methodological comment, it would be clearest to the reviewers if the quantitative analysis, when it is replaced, is indicated throughout the narrative text, as well as in an appendix. For example, if, in the narrative, the change in visual quality for a particular landscape unit or SEPA-protected viewpoint is discussed, the numerical tabulation should be included at that point so that the qualitative and quantitative descriptions of change can be compared and correlated.

The numerical analysis is particularly important in identifying whether an impact is adverse or not and significant or not. It would be helpful to identify what level of numerical change in visual quality equates to a impact, equates to an "adverse" impact and equates to a "significant" impact. Although the EPM identifies a change of 1.0 or greater as equating to a "significant" impact, the City's SEPA substantive authority encompasses conditioning impacts that are less than significant. (See RCW 43.21C.060 cited in general comments.) Therefore, a numerical rating that corresponds to impacts, even if they are not significant, is necessary, and would be helpful in understanding how the scale of impacts was assessed in the Report.

L-010-006 At 25.05.675 (P) and Attachment 1 to Chapter 25.05, the City's SEPA ordinance lists specific views of the mountains, water, skyline, etc. and the viewpoints from which these views are protected. Impacts on these specific views should be clearly identified as described above. Although these views are indicated on page 28 of the Visual Quality Discipline Report and are included in the landscape units chosen, the Report should show a table of the affected SEPA-protected views with a clear statement of any impacts on those specific views. This is in addition to the overall assessment of impacts to the landscape units.

L-010-007 Much of the project will take place in the City's designated shoreline environments. The City identifies protected view corridors in most of its shoreline environments (SMC 23.60 et seq). Only the Conservancy Navigation and Conservancy Protection environments do not include view corridor protections. These views are also clearly protected in the City's Comprehensive Plan

L-010-005

As described in the Visual Quality and Aesthetics Discipline Report, WSDOT conducted the visual quality assessment for the SR 520, I-5 to Medina project in accordance with the WSDOT Environmental Procedures Manual, using the checklist provided in Exhibit 459-1 of the manual. The identified methodology used to analyze visual elements was the FHWA's 1990 guidance, Visual Impact Assessment for Highway Projects, FHWA-RE-90-007. The WSDOT Evaluation Matrix was used to conduct a quantitative assessment, the results of which were summarized in text form in Exhibit 1-1 of the discipline report. See the Visual Quality and Aesthetics Discipline Report Addendum included in Attachment 7 to the Final EIS for a description of the visual quality assessment of the Preferred Alternative.

L-010-006

Exhibit 4 in the Visual Quality Discipline Report Addendum, in Attachment 7 to the Final EIS notes which viewpoints are designated SEPA viewpoints.

L-010-007

The SR 520 project in Seattle would not block or reduce the width or direction of the predominant view for shoreline view corridors (defined as "open-air space on a lot affording a clear view across the lot to the water from the abutting street"). Therefore, there would be no impacts to the City's shoreline view corridors. In the Arboretum views from view corridors will be improved because of the removal of the existing on and off ramps.

L-010-007 (Shoreline area objectives). Please identify any impacts, including whether these are adverse and/or significant, to view corridors in the City's shoreline environments.

Land Use Comments

L-010-008 (Chapter 5, page 5-38) When parking and moorage are replaced for the Seattle Yacht Club and the Queen City Yacht Club, respectively, this may require shoreline variances as the clubs are nonconforming uses and the parking and moorage could expand those nonconforming uses. Private clubs are considered institutions, and institutions are prohibited in the CM and CN shoreline environments. Expansion of a non-conforming use is a land use impact and should be specifically identified.

L-010-009 On page 5-45 is Exhibit 5.3-1. In this exhibit is one aerial photo look east/northeast, and 3 diagrams. For the three diagrams, please clarify if all of them are oriented with north at the top. This appears to be the case, but it could be clarified with north arrows.

Shoreline Comments

L-010-010 pp.4-14-15 and pp. 5-42, 3: Discussion should include the fact that City of Seattle's Environmental Critical Areas ordinance (SMC 25.09) also applies to this project area, in addition to shoreline regulations (SMC 23.60).

L-010-011 p. 5-131: This discussion of impacts of overwater structures on fish should include specific discussion about the increased risk of predation on juvenile salmon associated with overwater structures, including providing habitat for known predators for salmon in Lake Washington. This document does vaguely mention this impact on p. 5-131 (third paragraph from the bottom) and speaks about how fish may avoid shaded areas and that their migration could be delayed, but this discussion should be more explicit about the increased risk of predation associated not only with in-water structures (as mentioned on p. 5-132) but also overwater structures and shaded areas.

p. 5-135: The discussion of the fish tracking study results should mention that this study was focused on migration impacts (e.g., delay, behavior) and not predation and predation risks and that other relevant research is available regarding salmon migration in this area, including predation impacts, with a prime example being the Synthesis of Salmon Research and Monitoring: Investigations Conducted in the Western Lake Washington Basin (SPU, ACOE 2008).

L-010-012 pp-5-140-1: This section should also specifically address the potential ecological impacts and mitigation measures associated with the increase in impervious surfaces associated with each of the alternatives, particularly in areas within 200 feet of ordinary high water (subject to City's shoreline code and the general development standards in SMC 23.60.152) and within 100 feet of ordinary high water (per SMC 25.09.200). This discussion should include calculations for existing and proposed impervious surface in the project area within 100 feet of ordinary high water. Under the City's ECA code (SMC 25.09.200 B 4), any increase in impervious surface and/or vegetation removal within 100 feet of ordinary high water (the ECA shoreline habitat buffer) potentially triggers mitigation for impacts to shoreline ecological functions, which is separate from wetland impacts and stormwater management.

L-010-008

The Preferred Alternative would affect moorage at the Queen City Yacht Club, and an errata entry for the Land Use, Economics, and Relocations Discipline Report (Attachment 7 to the Final EIS) has been prepared to explain that any replacement would need to be done in accordance with the Seattle Shoreline Master Program requirements.

L-010-009

All of the views referenced are oriented with north at the top of the diagram. Corresponding graphics in the Final EIS include north arrows.

L-010-010

Information has been added to section 5.2 of the Final EIS to explain WSDOT's ongoing work with the agencies including the City of Seattle to ensure compliance with natural resource regulations including the City of Seattle's Environmental Critical Areas Ordinance (SMC 25.09) and shoreline regulations.

L-010-011

A more explicit discussion of the potential for increased predator habitat and predation on juvenile salmonids caused by in-water and overwater structures has been provided in the Ecosystems Discipline Report Addendum (Attachment 7 to the Final EIS).

L-010-012

A discussion of impervious surfaces and their effects on fish is included in the Ecosystems Discipline Report Addendum (Attachment 7 to the Final EIS). Detailed information and analyses of stormwater quality and pollutant loading based on treatment requirements for new and existing impervious surface are provided in the Water Resource Discipline Report Addendum (Attachment 7 to the Final EIS).

L-010-013

p. 5-143:
The discussion about what has been done to avoid or minimize impacts on this page should include more specific discussion about the proposed height of the bridge in the western approach over open water and over wetlands and what has been done in order to elevate the bridge alternatives as much as feasible to avoid or minimize shading impacts, per previous discussion in the document about the acknowledged ecological impacts associated with bridge height (e.g., p. 5-132) and shading.

L-010-014

pp. 7-35-36:
The conclusion stated that "On the basis of a recent fish tracking study…, these effects are expected to be minor" should include a number of caveats about the limitations of that study (cited previously in the document; and mentioned in comments above regarding p. 5-135) and the fact that there is considerable research about the negative effects of overwater and in-water structures and shading in the near shore environment on juvenile salmon, including increased risk of predation. This one tracking study is not sufficient to make this statement regarding the cumulative effects of this entire project, including construction, on fish resources. Again, there is a whole body of research that is relevant here, including the Synthesis of Salmon Research and Monitoring: Investigations Conducted in the Western Lake Washington Basin (SPU, ACOE 2008), as well as salmon recovery plans for WRIA 8 and associated research.

pp. 7-36: The argument presented here about the relatively small fraction of fish habitat area impacted by this project compared to the total habitat available for the potentially affected species is weak and does not cite any relevant research or scientific support for this analysis. Each life history stage is critical for salmonid survival and this project area does contain critical habitat for specific life stages such as juvenile rearing and out-migration functions as well as adult life stages. So destruction, removal or damage to this habitat and associated ecological functions could indeed have significant impacts on salmon using this area, particularly those stocks with relatively low numbers such as Cedar River Chinook, regardless of the relative size of this area compared to the area utilized over the entire salmonid life cycle.

When feasible, based on specific site constraints and right-of-way availability, WSDOT has chosen to develop facilities that provide enhanced water quality treatment prior to discharge. Therefore, it is not anticipated that additional impervious surfaces would have a significant negative effect on water quality or associated ecosystems. Loading of certain elements, such as copper and zinc, is expected to decrease compared to existing conditions. WSDOT will comply with requirements of the City of Seattle shoreline code, general development standards, and the Environmental Critical Areas ordinance.

L-010-013

The third bullet on page 5-135 of the SDEIS identifies the increased height of the overwater structures in many areas along the corridor. The effect of bridge height on fish and wildlife habitat was discussed in the Ecosystems Discipline Report; however, as stated on page 2-19 of that report, WSDOT did not attempt to differentiate between partial shading and total shading caused by bridge height or width. This method is conservative and overestimates the effects of shade; a similar method was used for analyzing the Preferred Alternative. The Ecosystems Discipline Report Addendum (Attachment 7 to the Final EIS) has been updated to specify height differences above water for the Preferred Alternative compared to the SDEIS options.

L-010-014

WSDOT has expanded the discussion regarding the known effects on juvenile salmonids from overwater and in-water structures and shading, including increased risk of predation (see the Ecosystems Discipline Report Addendum in Attachment 7 to the Final EIS). The assessment of the expected project contribution to a cumulative effect on salmon is based on the short time that juvenile and adult fish are present in the project area, in contrast to the cumulative effects occurring within the overall migration range of the fish.

The SPU/ACOE report mentioned in the comment provides information regarding issues that affect juvenile salmon survival throughout Lake Washington and the Ship Canal. The project contribution to the cumulative effect could be a very small, incremental reduction in survival rates throughout the migratory range of stocks using Lake Washington. Although WSDOT has provided a qualitative discussion, there is no reliable technique to quantify the project contribution to the cumulative effect of other past, present, and reasonably foreseeable future actions affecting fish throughout their migratory range. Please see the Final Indirect and Cumulative Impacts Discipline Report (Attachment 7 of the Final EIS).

Please see the response to Comment L-010-011 for more information regarding predation.