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To: awv2010SDEIScomments@wsdot.wa.gov

Subject: SDEIS Comment

From: Elizabeth A. Campbell

I-023-001

Until such time as a proper (legally permissible under SEPA) environmental impact statement is prepared for the Central Waterfront Viaduct Replacement Project and project a decision rendered thereunder, until such time as the environmental review for the Central Waterfront Project is completed and a record of decision is issued in that matter, then all of the alternatives to replace the Viaduct, the surface, the elevated, the tunnel, all should be proceeding to be reviewed and considered virtually in tandem and in equality with one another.

One should not be moving forward, appreciably ahead of the other two; one should not be receiving the majority of the resources and manpower of WSDOT, one should not be having contracts let for it, etc. The environmental review process is intended to inform the decision, not to ratify a decision.

In the matter of the Central Waterfront review, it has for the better part of two years now been intended to ratify the decision by first WSDOT, then by the governor and mayor of Seattle to build a deep bored tunnel to replace the Viaduct.

WSDOT, under the tutelage and supervision of the Federal Highway Administration has failed to ensure the integrity of the environmental review process for the Central Waterfront Project, by segmenting the original "Alaskan Way Viaduct and Seawall Replacement *Project*" and turning it into the "Alaskan Way Viaduct and Seawall Replacement *Program*", and then in turn reviewing with varying degrees of thoroughness the multiple projects spun off into the Program, one of which is the Central Waterfront project, the result of which has been, the avoidance of having to consider all reasonably foreseeable cumulative and indirect impacts of each of the projects with one another. WSDOT has failed to take the requisite "hard look" at all relevant environmental concerns for all the other projects associated with the AWVSR Program and specifically associated with the Central Waterfront Project.

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Environmental documentation for the project has been prepared in compliance with the National Environmental Policy Act (NEPA)(42 U.S.C. 4322(2)(c)) and the State Environmental Policy Act (SEPA)(Ch. 43.21 C RCW).

The 2010 Supplemental Draft EIS evaluated three build alternatives (Bored Tunnel, Cut-and-Cover Tunnel, and Elevated Structure) in addition to the No Build Alternative. Chapter 8 of the 2010 Supplemental Draft EIS provides a direct comparison of the three build alternatives. As discussed in the 2010 Supplemental Draft EIS, the document focused on the Bored Tunnel Alternative, since that alternative was new. However, the document clearly stated that the other two alternatives are being evaluated. As stated in the 2010 Supplemental Draft EIS and other public documents, the Bored Tunnel Alternative is the preferred alternative for replacing the viaduct along the Seattle's Central Waterfront. The Final EIS also evaluates the same three build alternatives in addition to the No Build Alternative.

Each of the projects comprising the Alaskan Way Viaduct and Seawall Replacement Program has established that they have independent utility as required under 23 CFR 771.111(f). If a project has independent utility, then it has been demonstrated that segmentation is not an issue. To have independent utility a project must:

1. Connect logical termini and be of sufficient length to address environmental matters on a broad scope;
2. Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and
3. Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

I-023-001 The current actions by FHWA and WSDOT in the Central Waterfront Project, and the implementation of their de facto decision to proceed with the construction of a deep bored tunnel, are all proceeding without the benefit of the statutorily required environmental review and analysis required by NEPA and CEQ regulations (40 CFR Parts 1500-1508) being completed, and without that of the Washington State Environmental Protection Act (“SEPA”) (RCW 41.23C) environmental review being completed.

I-023-002 WSDOT’s final actions include proceeding with all the acts necessary to construct a deep bored tunnel, the realignment and replacement of existing railroad tracks, moving existing roadways from their present locations, destruction of the historic Alaskan Way Viaduct (“Viaduct”), redevelopment of the Central Waterfront of Seattle, the facilitation of concomitant major private real estate development in the area that will be made possible by the elimination of the Viaduct, as well as engaging in activities that threaten the environmental integrity of the historic Pioneer Square district, and the economically important South of Downtown district (“SoDo”) area of Seattle.

Each of the foregoing actions threatens to result in irreparable harm to environmental resources, to civic and cultural resources within the project’s area, and to the interests of the public and taxpayers, generally. The environmentally destructive construction activities of the deep bored tunnel have also not been properly analyzed for their environmental impacts as a “connected action” with respect to areas which are not properly part of the Supplemental Draft Environmental Impact Statement (“SDEIS”) and in violation of CEQ regulations in 40 CFR § 1508.35 mandating EIS scope.

The irreparable harm will also include, among other things, degradation of the irreplaceable historic and urban environments of Pioneer Square and SoDo, development that will be spawned as a result of the Viaduct being eliminated/tunnel being built, destruction of the historic and vital Alaskan Way Viaduct, which is statutorily a) a highway of statewide significance and b) an essential public facility, c) eligible for listing in the National Register of Historic Places. WSDOT has not addressed the substantial harm to the 100,000 plus daily users who traverse the SR 99 Alaskan Way Viaduct highway and corridor, and by extension the public in general, they will be harmed by the congestion, economic disruption, and the land development that this project represents. The harm results from the failure of WSDOT and the FHWA to take a “hard look” at each of the above listed subject areas in the SDEIS; they have been inadequately analyzed.

The lead agencies have taken a hard look at relevant concerns for projects beyond the Alaskan Way Viaduct Replacement Project and the possible cumulative effects of these and other projects is discussed in Chapter 7 of the 2010 Supplemental Draft EIS and Chapter 7 of the Final EIS, as well as the appendices.

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The lead agencies (FHWA, WSDOT, and the City of Seattle) have followed all relevant NEPA and SEPA requirements since the beginning of the project in 2001. The public has been involved throughout the process and integral to the evolution of the project. This is described in Chapter 3 of the 2010 Supplemental Draft EIS and in Chapter 2 of this Final EIS. The Bored Tunnel has been identified as the preferred alternative in accordance with all NEPA and SEPA requirements.

The 2010 Supplemental Draft EIS and this Final EIS document the possible direct, indirect, and cumulative effects of the Bored Tunnel Alternative. The cumulative effects evaluation presented in the Final EIS discusses the possible combined effects of other past, present, and future actions in the nearby area. The cumulative effects evaluation includes an evaluation of possible effects of projects like the City of Seattle’s Seawall Project or the Elliott/Western Connector. The Final EIS (and the EISs that proceed it) provide detail regarding possible effects to travelers on SR 99 during project construction. Additionally, effects to historic resources, traffic, and land use have all been evaluated and are discussed in the 2010 Supplemental Draft EIS and the Final EIS.

The environmental analysis does not indicate that irreparable harm would come to historic resources in the study area. During construction, historic buildings would be monitored for damage caused by vibration or settlement, and all damage caused by the project would be repaired. The Pioneer Square Historic District would experience traffic congestion but not the the degree that would threaten its historic character to the point

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In addition there has been a prejudicial effect on the outcome of the Central Waterfront Project environmental review; to wit, the two original alternatives, both in 2006 and in 2009, and then again brought to the fore through the Alaskan Way Viaduct Stakeholder Advisory Committee in 2008, the surface and elevated replacement options. They have effectively been eliminated from “competition” in the environmental review process by the frontrunner status WSDOT has given to the deep bored tunnel – including but not limited to the final actions WSDOT is taking by proceeding with the construction of the tunnel since December, 2008.

There have been many public statements made by representatives of WSDOT, the Governor of Washington, and there are a considerable number of internal WSDOT documents and WSDOT presentations, that clearly demonstrate that WSDOT the lead agency and its co-lead agency, the FHWA, have made a final decision to proceed with the bored tunnel project; the documents indicate that they continue to take ongoing final actions, to let contracts and engage in construction activities as part of their intent to proceed with the construction of a deep bored tunnel to replace the Alaskan Way Viaduct, despite the NEPA and SEPA bars against such actions.

In conclusion I am also registering my objection to the SDEIS based on my belief that it is a ratifying document as opposed to a guiding document, that it was wrought improperly – i.e. undertaken on the basis that it is permissible to link it with the AWVSRProject SDEIS, a document and process that had expired, and that in order for it to be resurrected it had to have a Notice of Intent filed to that effect, that it was going to be resumed, not this other thing that WSDOT has done, claiming that it was permissible for it to unilaterally “claw back” as it were to the former environmental NOI of 2001 in essence and make that the basis for the present environmental review of the Central Waterfront Project, which has zero in common with the 2001-2006 environmental review related to the then Alaskan Way Viaduct and Seawall Replacement Project, including their purpose and need, their project size, the data sets and criteria used, and the assorted legal premises upon which they were/are conceived.

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of irreparable damage or "use" under Section 4(f). See the Final EIS for more discussion of the effects of the project on historic resources in Chapters 5 and 6. Appendix I, Historic, Cultural, and Archaeological Resources Discipline Report also contains details about how the project would affect such resources. Also see the Final Section 4(f) Evaluation. Chapter 8 in the Final EIS discusses the proposed mitigation to reduce effects to historic resources as well as the measures proposed to address any unavoidable effects.

The Elevated Structure and Transit Hybrid and the I-5, Surface and Transit Hybrid concepts considered were discussed in Chapter 3 of the 2010 Supplemental Draft EIS. These and other concepts were screened out for further evaluation in the EIS per requirements set forth in NEPA and SEPA. The reasons why these concepts were eliminated are discussed on pages 53 through 58 of the 2010 Supplemental Draft EIS. The updated Surface and Transit Scenario Year 2030 Analysis Results are included in Appendix W, Screening Reports, of the Final EIS.

The final decision about which alternative with which to proceed cannot be made until a Record of Decision is signed by the lead agencies. A Record of Decision follows publication of a Final EIS. Therefore, the decision to proceed with the Bored Tunnel Alternative is not final at this time. References to the NEPA Notices of Intent for this project are provided in the 2010 Supplemental Draft EIS.