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CC:
Subject: Public Comment on Draft EIS
Date: Sunday, June 29, 2008 12:26:05 PM
Attachments:

To: Columbia River Crossing Project
 From: Dvija Michael Bertish, Rosemere Neighborhood Association, Columbia Riverkeeper
 Re: Public Comments on Draft EIS for proposed Columbia River Crossing Project

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N-001-001 At the time of production of these comments, the local C-Tran Board, Columbia River Crossing Task Force, Metro, and Vancouver City Council have all indicated that their Locally Preferred Alternative is the full replacement bridge with light rail service into Clark County. For the record, we feel it is important to note that agency choice of this Locally Preferred Alternative took place prior to the exhaustion of the public comment period. Thus, it appears that the agencies working on this project are not taking into consideration all of the public comments received, and this is not in keeping with NEPA review. Public comments should have been received, tabulated, and responses provided prior to the choice of locally preferred alternative. Furthermore, public testimony was provided asking for an extension of the public comment period due to the complexity of the Draft EIS, and the Columbia River Crossing Project denied this request without explanation. The Draft EIS does not outline required procedures to apply for extension of the public comment period, and this is also not in keeping with NEPA review. We understand the difficulties in the project timeline to make application for federal funding for this project in August 2008, however, federal grant application deadlines should not have been allowed to trump the public comment process. This was bad planning on part of the Columbia River Crossing Project.

N-001-002

N-001-001

Though not a legal requirement, official endorsement of the LPA by the project's sponsor agencies took place after the Draft EIS 60-day comment period. As the CRC Task Force is an advisory body, their input was requested during the comment period.

N-001-002

NEPA requires a comment period for a DEIS to be no less than 45 days. Prior to issuing the CRC DEIS, FTA, FHWA and the other project Co-Leads (WSDOT, ODOT, RTC, Metro, TriMet and C-TRAN) decided to extend this to 60 days in order to allow additional time for review and comment. Section 6002 (g)(2)(A) of SAFETEA-LU (Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users), the federal transportation reauthorization bill, established a comment period of "no more than 60 days" for DEISs. FTA and FHWA did not see "good cause" [(Section 6002 (g)(2)(A)(ii)] for extending the current comment period beyond the 60 days that were already being provided.

The DEIS comment period is only one opportunity during the NEPA process for the public, agencies and tribes to review information and provide input. As discussed in Appendix B of the DEIS, over the three years prior to the publication of the DEIS, the project provided opportunities for stakeholders to comment on numerous components of the draft including the Purpose and Need, Range of Alternatives, methodologies for analyzing impacts to various elements of the environment and preliminary findings. Project staff also participated in over 450 meetings with neighborhood groups, business organizations, and other potentially affected stakeholders. As an example, CEJG sponsored an Informal Q&A Session that occurred during the DEIS comment period and reached out to low-income and minority populations. Certain project materials, including information related to the DEIS and associated open houses and public hearings, are translated into Spanish, Russian, and Vietnamese, and interpreters are

N-001-003 That being said, we recognize the need to improve the I-5 Crossing. However, we do not believe that adequate planning has been achieved relative to the burden of cost for this project. It is our position that should a replacement bridge be built, the number of through lanes should remain 3 in each direction, and all auxiliary lanes should be kept to a minimum. A 12 lane bridge is far too costly and far too intrusive. I-5 shrinks to only 2 lanes in various places throughout the Portland area. Building a 12 lane bridge without widening the I-5 corridor in Portland will not alleviate congestion. A vast replacement bridge will only improve commute time from Portland to Vancouver by about 2 minutes, and congestion will continue to back traffic up over the bridge even after it is built. Spending \$4 billion plus for a super-bridge is irresponsible at this juncture.

N-001-004 It is also our position that the light rail portion of this project should not have been pursued without a public vote. Since the public will be required to fund maintenance and operations costs for light rail, and funding for this will be in the form of an increase in local sales tax, or possibly property tax, the public's permission should have been sought before many millions of dollars were spent studying this option. It is our position that C-Tran should rely on bus service rather than light rail. Bus service is more flexible. We do not agree that bus service would be more costly or less effective than light rail.

N-001-006 The installation of light rail service will have adverse impacts throughout residential and business districts in Vancouver. Construction will close access to many businesses that are already suffering financially. Bus service would not have this affect.

N-001-007 The proposed light rail system will be powered by fossil fuel and coal, both of which severely pollute the environment. Coal is derived from mining mountains, and coal powered generating plants are not yet able to sequester greenhouse gasses as required by Washington State's emissions standards as signed into law by Governor Gregoire. A new coal fired power plant has been denied a building permit in Kalama because it could not comply with sequestration. That technology may not be implemented until 2020. The existing coal plants in our region cause serious air and water pollution, and those generating plants are not in compliance with state standards. Coal is a long way from being a safe resource in our community. If light rail is to be built, it should be modeled after existing systems, such as those found in Singapore, where the trains generate their own

available at project open houses by request.

In addition, since the DEIS comment period, there have been numerous community meetings, as well as open houses, and public hearings by project sponsors, providing more opportunities for public input and comment. In total, CRC staff has participated in over 900 public events to reach over 27,000 people since October 2005.

N-001-003

The proposed new add/drop lanes (i.e., lanes that connect two or more interchanges) are used to alleviate safety issues associated with the closely spaced interchanges in the project area and are not designed to increase capacity generally on I-5. 68 to 75% of I-5 traffic enters and/or exits I-5 within the CRC project area, and these add/drop lanes provide space for this traffic to do so without disrupting cars and trucks traveling to destinations further north and south of the project area. The project does not propose to add lanes north or south of the project limits. The DEIS evaluation found that the project, with a toll and LRT, would actually reduce the total daily volume of traffic using the I-5 and I-205 river crossings by approximately 3%. Rather than inducing sprawl, the CRC project will likely reinforce the region's goals of concentrating development in regional centers, reinforcing existing corridors, and promoting transit and pedestrian friendly development and development patterns.

Regarding costs, the Columbia River Crossing project includes the replacement of the existing I-5 bridge over the Columbia River, improvements at seven interchanges over five miles of I-5, and the extension of light rail from Portland to Vancouver. The projected cost to construct this large and complex project are presented in Chapter 4 of the FEIS, and are estimated in year of expenditure dollars to account for inflation. The estimated cost to construct this project could be covered by a variety of sources. While a portion of this cost is expected to be

- N-001-007** power with movement, and solar collectors are employed. Without solar power and self-generating power, the operation of light rail could end up costing the local taxpayers far too much in the coming years. Construction and operations costs of light rail have crippled a transit system in Colorado recently, and light rail had to be discontinued in order to avoid bankrupting the bus system. There is insufficient capital budget forecasting in the Draft EIS to ensure that severe cost overruns will not affect the Columbia Crossing.
- N-001-008**
- N-001-009** Our organizations have made several attempts to get more information on budget items for this proposed project. For example, we asked for estimates of what it will cost to pay for all the property takings as indicated in Appendix D. C-Tran, City of Vancouver, and Crossing Staff have all indicated that these estimates are all "rolled into" the overall budget forecast, but they cannot be backed out. This explanation is very strange, and only indicates that the budget has not been analyzed sufficiently for the purposes of determining financial impacts on the community.
- N-001-010** Rosemere Neighborhood Association met several times with Columbia River Crossing Staff in 2007 and 2008 to make our concerns known. We clearly indicated that it would be unacceptable for the project to mimic what happened under the I-5 Trade and Transportation Committee -- local headlines "In the Way on K" were the sole notice provided to our neighbors that their homes were being considered for removal to widen I-5. None of the homeowners were aware or even included in the public process at the time. Rosemere specifically asked Crossing staff to make sure this did not happen again, and Mr. Ovington promised in writing in 2007 that Crossing Staff was going to go door-to-door to ensure there would be no repeat of the adverse impacts as experienced in prior years. Mr. Ovington's promise was broken, and the Draft EIS was released, clearly identifying homes and businesses that would be impacted. Volunteers went door-to-door once the draft was published, and many businesses and homeowners were still unaware that their properties had been marked by the Crossing Project, and there was tremendous concern. NEPA requires that individuals that will be directly impacted by such a project are to be contacted directly -- once again, this did not happen. The Crossing Project's failure to include affected property owners has caused Environmental Justice impacts, and federal funds sought for this project may now be in jeopardy under these circumstances. Federal dollars cannot be allotted to projects where Environmental Justice impacts adversely impact specific communities, as this project has now done.
- N-001-011**
- N-001-012**

covered by local and state funds, federal funds and toll revenues are expected to cover the majority of the capital costs.

N-001-004

There will not be a public vote on construction of the various CRC project elements. However, as a public project, it must be approved and funded by the decisions of elected officials who are themselves directly elected by voters. Long-term operation and maintenance of the new light rail line will be funded through C-TRAN and TriMet. For its share of the operations and maintenance funding, C-TRAN plans on pursuing a public vote.

N-001-005

Following the close of the 60-day DEIS public comment period in July 2008, the CRC project's six local sponsor agencies selected light rail to Clark College as the project's preferred transit mode. These sponsor agencies, which include the Vancouver City Council, Portland City Council, C-TRAN Board, TriMet Board, RTC Board and Metro Council considered the DEIS analysis, public comment, and a recommendation from the CRC Task Force (a broad group of stakeholders representative of the range of interests affected by the project - see the DEIS Public Involvement Appendix for more information regarding the CRC Task Force) before voting on the LPA.

As illustrated in the DEIS, and summarized in Exhibit 29 (page S-33) of the Executive Summary, light rail would better serve transit riders than bus rapid transit (BRT) within the CRC project area. Light rail would carry more passengers across the river during the PM peak, result in more people choosing to take transit, faster travel times through the project area, fewer potential noise impacts, and lower costs per incremental rider than BRT. Additionally, light rail is more likely to attract desirable development on Hayden Island and in downtown Vancouver, which is consistent with local land use plans.

- N-001-013** The proposed route for light rail and the terminus have yet to be identified. From what we can tell, Clark College is a strong possibility for location of the terminus. Rosemere (later renamed Rose Village) is immediately adjacent to Clark College to the north. The Draft EIS does not consider traffic impact to residential neighborhoods such as Rosemere where neighborhood arterials will become drag strips and traffic will increase as commuters cut through our neighborhood to reach a park and ride. Since Rosemere is bordered by I-5, Fourth Plain Blvd, SR-500 and Grand Blvd, our neighborhood will experience tremendous impacts from construction, and increases in future traffic. The Draft EIS does not mitigate this problem and does not offer solutions to ensure traffic safety in our neighborhood. We already experience rush-hour speeding as traffic cuts through our neighborhood to reach the various arterials and highways.
- N-001-014** The Draft EIS mentions several instances where construction will impede groundwater and surfacewater. However, there is no hydrogeological study provided to analyze groundwater contaminant affects, existing plumes within and around the construction zone, or ground/surface water migration. This is a huge oversight, and the draft, therefore, is technically deficient. The draft clearly states that the Columbia River will be dewatered for construction, and that fish will be killed, but it does not qualify sufficiently the mitigation measures needed to alleviate this stress. The stretch of the river that will be affected by the project is riddled with contaminants such as PCBs. The draft does not indicate how it will prevent the mobilization of contaminants that will occur with dredging or disturbing of sediment. The Vancouver Lake Flushing Channel is downstream of the project site -- mobilized contaminants will be carried downstream into the flushing channel, and will then discharge to Vancouver Lake, which is a closed system. Vancouver Lake is currently under consideration for superfund status by the EPA, and Columbia River Crossing Project needs to acknowledge this development, and also how it can prevent contaminants from worsening the condition of Vancouver Lake. The list of contaminant sources within the geographical area of the project is inaccurate and incomplete.
- N-001-015**
- N-001-016**
- N-001-017** The draft states that there is no TMDL for Burnt Bridge Creek, however, a TMDL has been initiated by Ecology in 2008. Burnt Bridge Creek feeds directly into Vancouver Lake, and sediment/contaminant load carried by the creek into the lake would have serious adverse impacts to the lake. Columbia Crossing Project needs to coordinate with Ecology to ensure that construction will not degrade the lake or

N-001-006

Construction activities associated with transit and highway improvements have the potential to negatively and positively affect nearby businesses, as described in Chapter 3 (Section 3.4) of the DEIS. For example, construction could temporarily block visibility and access to specific businesses, cause traffic delays, and reroute traffic to detours, all of which could divert customers and hamper business activities. Potential positive construction effects could include increased spending in the project area during construction, which can, for example, increase sales at local shops and restaurants.

The project team will work to minimize negative business impacts and encourage positive impacts. Construction will be carefully planned to minimize road closures and to avoid completely closing access to businesses. When needed, signs would be used to identify temporary access points and the businesses they serve. Detours would be carefully routed to reduce travel times and be signed to reduce confusion. Programs to help businesses affected during construction could include business planning assistance, low-interest loans, marketing and retail consulting, business-oriented workshops, or promotions to generate patronage in construction areas. See Chapter 3 (Section 3.4) of the FEIS for more discussion on temporary construction effects and possible mitigation measures.

The construction of BRT, if it had been selected as part of the Locally Preferred Alternative (LPA), would have been very similar to that of light rail. An exclusive guideway was proposed with both options and would have required the same amount of disruption.

N-001-007

The greenhouse gas emission estimates included in the DEIS and FEIS include the emissions that would be generated to provide the electric power that would be used by the light rail transit system. As you

N-001-017 | the creek and will not imperil the TMDL program underway for the creek.

N-001-018 | The draft acknowledges the Sole Source Aquifer Designation for the Troutdale Aquifer, and that the project is within the designated aquifer area. The draft wrongly states that it is up to EPA to ensure that the project does not harm the aquifer or public/environmental health. The draft EIS is lacking so much hydrogeological information that it would be impossible for EPA to determine if the aquifer were at risk because of the project. The draft clearly states that contaminants will be injected into groundwater during construction, but does not identify how, how much, or provide water movement models. As a whole, the draft is void of much needed environmental baseline data to help qualify environmental conditions and impacts from the project. Thus, we cannot support this draft EIS as a viable document that will sufficiently produce an adequate final study. We feel the draft should be redone and the public comment process re-initiated. It is not the EPA's job to ensure that the aquifer will be protected, it is the Crossing Project's job to ensure that sufficient work is done to ensure protection of the vulnerable Sole Source Aquifer.

N-001-019 | There is no mention of the impacts that will be sustained by small businesses due to tolling the bridge. Tolls will adversely impact Clark County businesses because informal polls already show that Portland consumers will cease to support the Vancouver business market once tolls are implemented. This impact needs to be mitigated.

N-001-020 | There is no mention of air quality impacts to residential areas adjacent to the construction area. There are elevated incidents of asthma in children adjacent to transit corridors, and this is not documented or analyzed in the draft. We do not agree that light rail will sufficiently mitigate air quality contaminants in the project area.

have noted, the Portland area is served by a variety of electric generating sources, including fossil fuels (primarily coal and natural gas). They also include hydro, nuclear, wind and other sources.

N-001-008

In 2006, the project had developed a schematic design which did not allow for a precise cost estimate. Best available information was used at each project stage. Later in project development, the project team was able to develop more detailed cost estimating and conduct advanced risk analysis. Since 2002, WSDOT has been developing a process of determining cost and schedule estimates, the Cost Estimate Validation Process® (CEVP®), to help deliver major projects. Compared to conventional cost estimating, CEVP® is a risk-based estimating process, iterative in nature, and represents a “snapshot in time” for that project under the conditions known at that time. CEVP® is the expression of project cost and schedule as a range rather than as a single number. Providing cost information as a range accounts for risk factors that might otherwise cause costs to balloon over time. The cost information is given for the year of expenditure and addresses even “unknown” issues that may arise. CEVP® is a construction cost estimate tool and does not estimate long-term operations and maintenance costs. WSDOT now mandates all projects over \$25 million use the process. Chapter 4 of the DEIS, and the Cost Risk Assessment included as an appendix to the DEIS, include information about how costs were estimated for the DEIS. See Chapter 4 of the FEIS for more discussion on how project costs were estimated in the CEVP® that was conducted following publication of the DEIS.

N-001-009

Individual property acquisition costs will be established through an independent appraisal process to ensure the owner receives the fair market value of the property. This process is governed by the federal Uniform Relocation Assistance and Real Property Acquisition Policies

Act of 1970 (Uniform Act). To date, the project has not conducted specific property valuations, which is necessary to determine the individual property acquisition cost. For the Draft EIS, the project team made general assumptions about the cost of acquiring property, based on a rough estimate of square footage, land use, possible demolition costs, etc. to compare the costs of alternatives in the Draft EIS, and made similar assumptions to inform the financial planning in the Final EIS. These estimates do not reflect what property owners will actually receive as compensation, and therefore were not distributed for review.

Estimated costs are reported by project alternative and by project component (i.e., highway and transit) in Chapter 4: Financial Analysis in the DEIS, and in Chapter 4: Financial Analysis of the FEIS.

N-001-010

CRC staff gave a presentation to the Rosemere Neighborhood Association on June 20, 2006. A meeting summary of the event was drafted and provided to the chair. The summary and a newsletter article developed by the association indicates that the group requested notification about potential impacts early in the process. Door-to-door outreach and direct mailings were specifically mentioned as possible notification methods. In August 2007, every potentially impacted property owner within the project area was sent a letter via the U.S. Postal Service informing them of the project and that their property could be affected. The letters were sent more than six months before the Draft EIS was released. The letter invited them to one of several meetings held in August 2007 specifically about right-of-way impacts and provided the opportunity to meet with CRC staff separate from the public meetings. On June 1, 2009, CRC staff met directly with the association chair to provide information related to his Draft EIS comments.

N-001-011

The project team attempted to notify all potentially affected property

owners prior to publishing the DEIS. However, NEPA does not require this.

N-001-012

Although the CRC project could cause impacts to low-income and/or minority populations, those impacts will be avoided, minimized, or mitigated. Where impacts could not be avoided, mitigation would be developed based on the specific needs of the affected individuals or community. Furthermore, based on an analysis of data from the U.S. Census Bureau and other sources, it is not likely that impacts to low-income or minority populations would be disproportionately high or adverse.

N-001-013

Traffic impacts to local street systems were addressed in the DEIS and addressed in detail in the Traffic Technical Report which accompanied the DEIS. These impacts have been reassessed, and mitigations have been recommended where appropriate. Please refer to Chapter 3 (Section 3.1) of the FEIS. The improvements planned for the 4th Plain Blvd. interchange, and elsewhere in the project area, will improve traffic operations.

N-001-014

The DEIS included a level of detail necessary to compare the potential impacts of the various alternatives. Now that a locally preferred alternative (LPA) has been selected, additional groundwater analysis has occurred, and the results are discussed in Chapters 3.14, 3.17, and 3.18. Groundwater issues are also covered in greater detail in the Hazardous Materials Technical Report, including such issues as existing hydrostratigraphy, flows, drainage, beneficial uses, impacts, and proximity to hazardous materials sites. The Hazardous Materials Technical Report also examines how these existing conditions would be

impacted by the project, as well as describes measures to mitigate for these impacts. The analysis concludes that by improving stormwater conveyance and treatment and through clean up of contaminated materials sites, the project would have beneficial long-term groundwater effects. The report also discusses the potential for construction-related, short-term adverse groundwater effects, and related mitigation tools.

N-001-015

An updated discussion of mitigation measures is included in Chapter 3 (Section 3.16) of the FEIS and in the Ecosystems Technical Report. Ongoing discussions regarding these mitigation measures are being held with state and federal resource agencies.

N-001-016

The material that could be disturbed was analyzed for physical characteristics and presence of contaminants in early 2011. The material in the area of the proposed footprint was fine to coarse sand with no contaminants present above Sediment Evaluation Framework screening levels. In addition, as part of the US Army Corps of Engineers (USACE) Columbia River Channel Improvement Program, sediment down river of the proposed bridge piers was characterized for chemicals of interest (COIs). The study indicated that no COIs were detected above USACE screening levels for fresh water. This information suggests that contamination, if any, is minor. PCBs tend to be associated with fine materials which are not present in the project footprint. Dredging is not anticipated during the project, but if it were to occur, the latest sediment evaluation framework sampling and analysis must be conducted. Turbidity and resuspension of material would be limited, and would not exceed state water quality standards. Generally, this requires turbidity to attenuate to background within 300 feet. Any turbidity plume and resuspension would certainly not extend to the flushing channel, then go into the channel, since the channel is approximately 2 to 3 miles downstream of the project.

N-001-017

Updated information on TMDLs is included in Chapter 3 (Section 3.14) of the FEIS and coordination with the Washington Department of Ecology is occurring.

N-001-018

The DEIS provided sufficient information on project impacts to allow for a comparison of the alternatives. A supplemental draft is required if changes to alternatives after the draft are substantial and/or if there are new significant impacts not previously discussed in the draft and/or there are changes in laws or regulations after the draft. The DEIS identified potential mitigation measures for all potentially significant as well as many non-significant impacts, and the FEIS further analyzes and develops mitigation measures and plans to a higher level of detail and refinement. Please see Chapter 3 (Sections 3.14, 3.17 and 3.18) for an updated discussion of the Sole Source Aquifer, as well as the Geology and Groundwater and Hazardous Materials Technical Reports.

N-001-019

This issue was addressed as part of the economics analysis and is described in detail in the Economics Technical Report. This report, and Chapter 3 (Section 3.4) of the DEIS, note that the increased costs incurred because of tolls would generally be offset by the improved travel options and travel times. Under existing and No Build Alternative conditions, congestion delays and high crash rates have significant costs for local businesses and travelers; improving these conditions is one of the purposes of the project.

Tolls could discourage home-based shopping trips from Clark County to points in northern Oregon, such as Hayden Island and Airport Way. However, the variable-rate toll structure that was evaluated in the DEIS allows for different rates to be charged by time of day. Therefore, discretionary trips, such as those between Oregon and Washington for

retail purposes, could be taken in off-peak hours when toll rates are at their lowest, reducing the effect of the tolls on these types of trips. Also, CRC would provide improved transit connections between Clark County and Oregon, offering travelers a toll-free alternative for reaching destinations across the river.

N-001-020

See Chapter 3 (Section 3.10) of the FEIS for more information on air emissions associated with construction.

As noted in the DEIS and FEIS, the greatest reduction in emissions from I-5 by 2030 is not due to light rail transit. It is the result of regulations that require continual improvements in emission-reducing vehicle technology and cleaner fuels.

We are not aware of studies showing higher rates of asthma associated with transit corridors powered by electricity.