Seattle Marine Business Coalition

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WSDOT
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Angela Freudenstein
WSDOT
999 Third Avenue, Suite 2424
Seattle, WA 98104
Email: southviaductEA@wsdot.wa.gov

Re: "SR 99: S. Holgate Street To S. King Street Viaduct Replacement Project";
Environmental Assessment, June 2008

Dear Ms. Freudenstein:

The Seattle Marine Business Coalition (SMBC) represents 240 member companies, all of whom are marine industrial land users, or depend on marine industrial land users for their business. As president of SMBC I appreciate the opportunity to comment on the NEPA environmental assessment (EA) for the southernmost segment of the Alaskan Way Viaduct project. As the representative of SMBC on the Viaduct Stakeholders' Advisory Committee I offer these comments as a cooperative member of the committee.

B-002-001

Our constituent companies are all clustered at the North and South ends of the Alaskan Way Viaduct in Seattle's only two industrial zoned neighborhoods: the Duwamish at the south end, and the Ballard Interbay Northern Manufacturing Industrial Center (BINMIC) at the north end. The maritime and industrial economy in Seattle is an almost uniquely post World War II phenomenon. This vibrant, stable and growing business sector grew—and now thrives—as a result of viaduct construction. This is different from other cities in which their industrial economies predated arterials built to serve them. Without the viaduct, or an effective

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WSDOT will continue to work with the businesses in the project vicinity to minimize impacts during construction. When completed, the project will provide better connections for freight and improve safety. Economic conditions are discussed in Chapter 3 Question 3, Chapter 4 Question 9, and the Economics Technical Memorandum in Appendix G of the EA. Attachment 4 of this FONSI lists mitigation commitments.

B-002-001 alternative, our maritime and industrial businesses—and their thousands of family wage jobs and their tax revenue—will be put at risk.

A 2004 study by Berk and Associates found that BINMIC and the Duwamish supported more than 78,000 family wage jobs in 2001 (the most recent year for which we have data). In the maritime sector alone, those jobs paid an average of $70,000 per year according to another city-funded study by economist Paul Sommers. That amount represents an increase of 17% over 1995. According to the same study, Seattle's traditional industrial and maritime economy accounts for $28.5 Billion in annual revenues.

We know how much it will harm these key sectors of Seattle's economy by removing the viaduct without an adequate replacement, including during construction. In his 2006 economic impact study, Jim Hebert found that the direct economic cost of the loss of the viaduct would be between $2 billion and $3 billion dollars annually for each year that the arterial is closed.

Though the state's "Moving Forward" initiative to immediately begin rebuilding the southern portion of the viaduct has the laudable goal of improving the ability of freight to move on and off SR 99, while maintaining existing capacity between BINMIC and the Duwamish, I have deep concerns that some important aspects of the project have not been adequately addressed. Because the EA raises more questions than it answers, my concerns are summarized as questions. SMBC would appreciate your response to our concerns before any decision is made based on the EA.

Where Is Required SEPA Review?

B-002-002 At the outset, we note that the Environmental Assessment (EA) is explicitly published to comply with the National Environmental Policy Act (NEPA), but comments are to be submitted to the state department of transportation. There is little reference in the EA to project compliance with the State Environmental Policy Act (SEPA). While WSDOT is identified as the SEPA lead agency (EA, Fact Sheet and p. 18), there is no indication of compliance with SEPA such as publication of an environmental checklist. The EA is intended to inform the Federal Highway Administration's decision whether or not to prepare a NEPA

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The NEPA EA was adopted by WSDOT for SEPA on July 28, 2008 for a Determination of Non-Significance.

B-002-002 EIS for the project. At the same time, WSDOT needs to publish this EA as a (or prepare a separate) SEPA checklist to inform its own threshold decision whether or not to prepare a SEPA EIS. (Under NEPA and SEPA, a single EIS may be prepared for both, as was done with the 2004 DEIS and 2006 SDEIS.) SMBC would appreciate knowing how the state and local agencies plan to comply with SEPA for their participation in this very large public works project.

Why Are the Agencies Segmenting Environmental Review of the Viaduct Project?

B-002-003 Most fundamentally, SMBC is concerned that this EA is for just "one of the six projects… as part of the larger Alaskan Way Viaduct and Seawall Replacement Program." EA, p. 2. By reviewing a small, portion of the larger project, the agencies are moving toward impermissibly segmented NEPA review. The purpose of an environmental assessment under NEPA (and a checklist and threshold determination under SEPA) is to determine if a full EIS is needed. In fact, seven years ago, the agencies determined that an EIS (NEPA and SEPA) would be prepared for the entire project down to Spokane Street. What has changed to invalidate that determination?

Our concern in this regard is highlighted by the agencies' stated intent to develop a proposal for the most difficult, central waterfront portion of the project before the end of the year. If any alternative for the central portion is selected other than a stacked, elevated structure configured similarly to the existing viaduct, it will require modification of the south portion in the Railroad Way area, if not further south. Some alternatives, such as a surface or buried roadway, would require considerable tearing out of the south portion newly built as proposed in the EA.

Why begin demolition of the southern portion before we know what we are doing along the central waterfront? Proceeding in such a fashion could waste considerable resources and possibly prejudice consideration of reasonable alternatives for the larger project.

Another major problem with this approach is the avoidance of consideration of cumulative impacts. A project as large as the viaduct has ramifications through a broad area of the City, in a number of impact areas. These impacts were explored to some extent in the DEIS, which is

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As described on page 35 of the EA, the design of the S. Holgate Street to S. King Street Viaduct Replacement Project is not dependent on and does not constrain any of the feasible alternatives under discussion for the central waterfront portion of SR 99. Replacing this portion of the existing structure will improve public safety by reducing the area at risk during an earthquake and providing a facility with wider lanes and improved geometry. This project also makes important improvements to mobility of traffic on SR 99 traveling to and from south downtown Seattle and freight traffic traveling between Port of Seattle terminals and intermodal railyards. These benefits are all independent of any reasonable modifications to SR 99 along the central waterfront. North of S. Royal Brougham Way, where the mainline rises from at-grade to meet the existing structure, is a transitional section that may be modified depending on the final central waterfront configuration. This is a relatively small portion of the overall project. Construction of temporary facilities is common and necessary with transportation projects where providing continuous service is necessary to support the traveling public and local economies.

B-002-003 now four years old. That process should not be abandoned at the risk of causing unintended and cumulative adverse impacts up and down the SR 99 corridor and beyond. The large scope of this project and its potential impacts is acknowledged by the agencies in the recent "Central Waterfront – 07/08" flyer.

Where Is Enforceable Mitigation for Identified Impacts?

B-002-004 A fundamental purpose of NEPA (and SEPA) is to develop appropriate mitigation measures for identified impacts. If the project will have significant impacts that would otherwise require preparation of an EIS, they may, by means of required mitigation, reduce the impacts below the EIS threshold. If the agencies plan to use this method to avoid an EIS, they must use properly vetted and enforceable mitigation plans.

Similarly, once it has been determined that an EIS is required (as was done here, for the project as a whole), a key point of the process is to develop mitigation for identified impacts. SMBC is concerned that comprehensive and enforceable mitigation for impacts on its members will be lost in a segmented review process.

Why Don't the Agencies Complete the EIS for the Entire Project, with a Full Range of Alternatives?

B-002-005 An EIS would require evaluation and comparison of a more complete range of alternatives. The agencies published a draft EIS (2004) and a supplemental draft EIS (2006), but never completed either process. Worse, while the range of alternatives was fairly broad in 2004, even including an alternative that approaches a full retrofit, it became very restrictive in the SDEIS. Now, we have an EA for the south portion that only considers the "build" and "no build" alternatives. EA, p. 2. The review process is going in the wrong direction; until reasonable alternatives have been evaluated and measured against the guiding principles and each other, they should not be excluded from consideration.

The Agencies Should Obtain an Unbiased Evaluation of the Retrofit Alternative

B-002-006 In regard to the range of alternatives, we wish to remind the agencies that a fair and comprehensive evaluation of the "retrofit" alternative has yet to

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Appendix B of the EA listed potential mitigation measures for this project for review and comment by interested parties. Attachment 4 of this FONSI lists mitigation commitments. These commitments will be used as the basis for permit conditions and requirements included in contract documents and hence are fully enforceable by WSDOT.

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It is normal practice for an EA to address one build and one no-build alternative. Recognizing the history and range of issues involved here, the EA provides an entire chapter describing other alternatives that have been considered in this area and how the proposed project was developed. As described on page 35 of the EA, this project is independent of any feasible alternative under discussion for the central waterfront portion of SR 99.

B-002-006

As described on pages 26 and 27 of the EA, a retrofit or rebuild would not provide a long-term cost-effective alternative. The south portion of the structure is seismically deficient, at the end of its design life, and does not meet current design standards. Studies supporting this conclusion are cited in the EA and available for review at the project office.

B-002-006 be completed. As you know, SMBC has advocated for a thorough evaluation of the alternative of "retrofitting" the existing structure in order to maintain current capacity, with minimal traffic volume and traffic pattern disruption, at the lowest possible cost to the taxpayer. We believe this option could meet the requirements of the guiding principles as well as any other alternative considered to date, and could be the most fiscally responsible if fairly evaluated.

A valid EIS for the Viaduct project must include consideration of all reasonable alternatives, including a retrofit. We disagree with conclusory statements that retrofitting is "neither technically or fiscally prudent." While we appreciate your commitment to hire Miyamoto International for additional work regarding the retrofit, we are concerned that you have prejudiced Miyamoto's ability to conduct a complete review by failing to commit sufficient resources. We urge you to engage Miyamoto and Associates to engage in a full and complete analysis of the spectrum of retrofit options available. Anything less than a complete study will not satisfy the needs of the stakeholder group to be properly informed, and for Washington State taxpayers to obtain the best return on their tax dollars. And the agencies would be failing to "look before you leap" as required by NEPA, SEPA, and common sense.

Thank you for the opportunity to comment. We look forward to your responses and continued dialogue.

Peter Phillips
President
Seattle Marine Business Coalition

cc:

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Alaskan Way Viaduct Stakeholder Advisory Committee