



April 15, 2010

Paula Hammond
Secretary
Washington State Department of Transportation
SR 520 Bridge Replacement and HOV Program
Plaza 600 Building
600 Stewart Street, Suite 520
Seattle, WA 98101

Dear Secretary Hammond:

As the Voice of Business in Bellevue, the Bellevue Chamber of Commerce represents a diverse collection of business interests. Its membership ranges from sole proprietors to large corporations. The Chamber endeavors to promote economic growth through an integrated transportation network that can efficiently move people throughout the Puget Sound Region.

The State Route 520 corridor is vital to connecting people and jobs. However, the current capacity and safety of the bridge are no longer acceptable. It is critical for the entire region that this corridor be replaced as quickly as possible to allow for the continued economic growth and safety of the people who drive this route. This letter builds on the comments previously submitted by the Bellevue Chamber of Commerce to the Washington State Department of Transportation (WSDOT) to highlight our priorities with this project.

The Chamber appreciates the work completed by the Legislature during the recent session to begin Eastside implementation of SR 520. By allowing work to start on the Eastside now, the project stands a greater chance of finishing on time and on budget. This will ultimately allow people and commerce to more quickly move along this route that currently accommodates more than 115,000 trips daily.

We continue to support a new six-lane replacement bridge built with the structural support to accommodate future lane additions and are encouraged by the progress made towards this. The Chamber urges WSDOT to continue to move forward with the current design option to accomplish this goal.

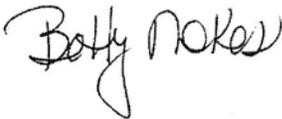
C-041-001

C-041-002 | Bus Rapid Transit (BRT) is an important component to congestion relief and we believe it is important to begin a BRT system as soon as possible after the project has been completed. A BRT system operating on HOV lanes on SR 520 would serve and connect the two biggest job centers in Washington State while providing commuters with a reliable transit option.

C-041-003 | The Chamber believes the new structure must contain a continuous bike and pedestrian path. The current gap at 108th Ave NE is a critical missing link for both commuting and recreational users. We urge WSDOT to look for the most efficient ways to address this situation now rather than waiting to address this in the future when costs are likely to be higher.

C-041-004 | Thank you for your consideration of these comments. We know what a long and contentious process this has been. However, we greatly appreciate the recent action to move forward. It is important to get this project right and the recent steps taken by the Legislature to begin early Eastside implementation as well as authorizing variable tolling are encouraging. We urge you to continue to advance on this project and complete it on the current timeline. Doing so will have significant benefits for our state's continued economic vitality.

Sincerely,



Betty Nokes
President & CEO



Greg Krape
Chairman

Erin O'Connor
2612 10th Ave E
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March 18, 2009

Ms. Jenifer Young
Environmental Manager
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Comments on Chapter 7: Indirect and Cumulative Effects

- c-042-001 | "Chapter 7: Indirect and Cumulative Effects," ranges far and wide to put effects of the SR 520 project in a regional, and statewide context and thus ignores indirect and cumulative effects on communities and resources in the local SR 520 bridge area.
- Its suggested indirect and cumulative effects mitigation strategies involve other agencies and regional governments down to the community level, but not WSDOT.
- Ch 7, p 7-2 "A cumulative effect is the project's direct and indirect effects on a particular resource combined with the past, present, and future effects of other human activities on that same resource. The result is the expected future condition of the resource when all of the external factors known or likely to affect it are taken into account." This does not suggest that the resource must be assessed on a region-wide basis, on p 7-5 said to be "the central Puget Sound Region, which includes portions of King, Kitsap, Pierce, and Snohomish counties."
- c-042-002 | Similarly, the time frame for most resources is said on p. 7-8 to be the mid-nineteenth century to the present or, elsewhere, some time in the future as distant as 2040. Acceleration of effects in recent years is noted so that additional effects of the project can be portrayed as just part of a trend.
- c-042-003 | Ch 7, p 7-2 Considering unintended indirect and cumulative consequences of the proposed action "in context with other development and transportation improvement projects planned throughout a region" does not mean that the context must be a geographically large region. All effects in the immediate region of a project would be dwarfed if they were placed in the context of a large region, and there would be no findings of adverse effects from the project. I would be very surprised to find that this deceptive refusal to address local and shorter-term, although otherwise long-term, effects was intended in the definitions of indirect and cumulative effects, and this interpretation of the definitions needs to be either adjusted or challenged.
- c-042-004 | p 14 "Because of these funding limitations, there is a strong possibility that WSDOT would construct the project in phases over time . . . lids would be deferred until a subsequent phase."

C-042-004

No other projection of timing for lid construction is offered, and effects findings throughout the report depend on lidded circumstances. The indirect and cumulative effects on these resources with lids indefinitely deferred need to be addressed.

p. 77, second para Refers to effects of a seven-and-a-half to eight-year construction projects as “short-term effects.” Surely such a long-term construction project would result in direct, indirect, and cumulative effects on the communities adjacent to the construction project. Such a long-term, “temporary” construction period would result in effects tantamount to permanent.

p 77, third para Landscaped lids at Roanoke Street, 10th Avenue East, and Montlake Boulevard are said to have a positive effect. Deferred construction of the lids, projected in the Phased Implementation Scenario said in this and other discipline reports as the most likely scenario and surely a source of direct, indirect, and cumulative effects, is not considered in the examination of effects.

Please include the indirect and cumulative local and shorter-term effects on the various kinds of resources in the project area. Do not hide such effects in large geographic areas and century-long timeframes so that claims of “no net loss” can falsely deny the very real likelihood of effects on resources in the communities adjacent to the project. This kind of sleight of hand destroys good faith relations between representatives of the affected local areas and WSDOT. Acknowledge the likelihood of adverse effects, direct, indirect, and cumulative, and address them in Memoranda of Agreement with the representatives of the affected resources.

C-042-005

What about local effects?

Indirect effects of the project are rarely acknowledged in this chapter, and most cumulative effects are measured on a region-wide, no-net-loss basis and in that huge context thus found to be either minor or beneficial. Indirect and cumulative effects on the local context are not considered except where an effect (if it were acknowledged) would be undeniably local (effects on visual quality, for instance, or on cultural resources).

Where local effects are considered, denigrating, minimizing, and distorting descriptions of present circumstances (most drawbacks a result of earlier WSDOT projects) or diminutions of the effects of the project itself serve as the bases from which to draw the conclusion that there would be no adverse effects—the infamous “there is already a bridge there, so a replacement bridge would not have an adverse effect” distorts the effects of the earlier bridge (nowhere near so adverse as that of the new bridge) and ignores the mitigating work of communities and the City in the years since the 1960s while minimizing the direct, indirect, and cumulative effects of the new, more than twice as wide, higher bridge moved north in front of more homes.

Despite the few findings of either kind of adverse effect—indirect or cumulative—each resource section contains a mitigation discussion in which WSDOT predicts that future trends in transportation alternatives, community and regional planning, and **lids** (which will be indefinitely deferred in the most likely Phased Implementation Scenario) will mitigate effects. WSDOT also suggests ways in which other agencies and organizations—not WSDOT—can mitigate the unacknowledged effects after WSDOT has had its way.

C-042-006

What about indirect and cumulative effects of construction?

Indirect or cumulative effects of construction are rarely considered—with respect to only the Transportation discipline and, briefly, the Air Quality discipline. Note that a construction period of 7-and-a-half to 8 years is tantamount in its effects to permanent for many flora and fauna including humans. At the very least, prolonged construction conditions will lead to indirect and cumulative local

C-042-006 | effects in all of these disciplines and to the perception that the local area bounded by the construction footprint, limits of construction, area of potential effects, etc., in a widening circle—300 meters out, according to the *Health Impact Assessment*—is blighted in many ways that affect health and therefore the desirability of single-family residential communities adjacent to the construction and operation of this project. This accurate perception would result in indirect effects of demographic, physical, and economic changes to the prosperous residential communities adjacent to the new bridge and the widened roadway on the west side.

p. 7-5 “WSDOT considered construction-related effects to be **short-term** and temporary in relation to the **long-term trends** affecting the resources. Second, WSDOT considered operational effects of the project to be long-term and permanent **through the project design year, 2030**. On the basis of these two assumptions, WSDOT considered only direct or indirect effects of **operating** the completed facility as potential project contributions to cumulative effects. This was because in most cases, only these permanent effects would have the potential to influence **long-term trends** in the condition of the resources.” **[Emphases added.]**

C-042-007 | **When and where did influencing long-term trends, as opposed, say, to pushing conditions to a tipping point, become the sole criterion by which cumulative effects are judged? Consider, for instance, the case in which project demolition and construction vibration produces a landslide on a property already experiencing tremors and intermittent landslides, and this time the landslide carries the house down a precipitous hill. The cumulative effect has been to bring about a catastrophic event, not a long-term trend, but the effect has been cumulative, from the “incremental impact” of the action.**

“WSDOT did recognize, however, that in the case of a resource already under severe environmental stress, **short-term** construction effects added to the effects of other past, present, and reasonably foreseeable future actions **could tip the balance** and adversely affect the resource. **No such case** was found in the cumulative effects assessments conducted for this SDEIS.”

[Emphases added]

Other such cases are possible. Reconsider the “No such case” finding.” It taxes credulity.

C-042-008 | **The following notes permit a quick survey of conclusions reached in Chapter 7: Indirect and Cumulative Effects. The study area (local or regional), time span, and conclusion with respect to the indirect and cumulative effects of the project on each resource are noted.**

Transportation

Indirect Effects, Operation

Study area Regional Travel Patterns Seattle and Eastside including I-5, I-405, and SR 520.

Time? Default 2030.

Outcome of operation similar to No Build, especially for north-south trips. Slight increase in east-west trips from use of HOV.

Cumulative Effects, Construction

Study area University of Washington Medical Center, Sound Transit University Link, Bellevue, Mercer Island, Redmond, Kirkland.

Construction period 7 and a half to 8 years

Outcomes truck traffic, lane closures and detours, slowdowns and cut-throughs, short-term **(7-and-a-half to 8 years!)** and **permanent (?)** access limits, temporary transit changes.

C-042-008

Cumulative Effects, **Operation**

Study area University of Washington Medical Center, Sound Transit University Link, Bellevue, Mercer Island, Redmond, Kirkland.

Time through 2030

Outcomes with completion of SR 520 Redmond to Seattle, increase in carpool and transit (14 %, 51 % w/No Build) reduced demand, reduced travel times and reduced congestion choke points. Light rail demand on I-90 to increase, tolling to reduce demand for SOV.

C-042-009

Land Use

Indirect Effects

Construction effects not mentioned

Study area is City Of Seattle, no substantial change to overall land use pattern and no indirect effects.

Cumulative Effects

Study area central Puget Sound region

Time Vision 2040 and WA Growth Management Act **[date?]**

Outcome some conversion of existing land uses to transportation right-of-way, “only a small portion of the total land in the central Puget Sound region.”

C-042-010

Economic Activity

Indirect Effects

Construction effects not mentioned.

Cumulative Effects

Study area the regional economy, no direct or indirect effect, except beneficial effects of improved transportation efficiency. No contribution to lasting trends in economic activity.

C-042-011

Social Elements

Indirect Effects

No construction change of demographics or land use patterns as project would not induce growth. **[What about reducing growth or changing demographics as single-family owners with children accurately perceive the effects on themselves and their children of a prolonged, 7-and-a-half to 8-year construction period and the eventual permanent operational effects, especially on their health? See the *Health Impact Assessment*.]** No indirect effects on social elements including public service and utilities.

Cumulative Effects, Operation

Only temporary negative effects, typical disruption from construction.

Benefits to community cohesion (**lids?**), no long-term effects on public service providers, no cumulative effects.

C-042-012

Environmental Justice

Indirect Effects

“Disproportionately high and adverse effect on low-income populations” because of tolling only. No adverse effect minority populations. Other effects on the two groups positive. None of the effects indirect.

Cumulative Effects

Tolling could increase traffic on other roadways through low-income neighborhoods **[the study area?]**. Cumulative effects of heavy traffic including noise, air emissions, and lowered transportation efficiency from idling or slow-moving vehicles could worsen as drivers avoid tolling on SR 520.

Also increased transportation costs for low-income households and social service agencies that serve them.

But safer, more reliable transit and other projects would help to promote affordable mobility by increasing efficiency of regional transportation levels.

C-042-012

Slight benefit to water quality and fisheries, long-term trends not measurable.

Area watersheds overall, only an extremely small fraction and only a small portion of that fraction used by salmon and related species, so no effects on Native Americans fishing, and “the project is not likely to add to the cumulative effect on Native American traditional cultural properties, or the presumed Foster Island TCP.”

Mitigation

Let them eat, er, take transit, improve mobility in their (not-tolled) corridors, and let them live where they work, in urban centers.

C-042-013

Recreation

Indirect Effects

Construction effects not discussed.

Changes in access, surrounding land use, noise levels or visual intrusion would be indirect effects, but most indirect effects **[of construction?]** on park and recreational resources would be positive by encouraging greater use, improving connectivity and linkages, and improving noise levels and visual quality “in certain locations.”

Bike and pedestrian path and **lids** would encourage pedestrian and bike use over the long term. Noise walls would produce long-term benefits for park users. **[Noise walls will also impede views in many recreation areas.]**

Moving MOHAI would directly and indirectly benefit MOHAI over time.

Cumulative Effects

No permanent loss in total park area. **[That's all that counts?]**

Mitigation

In the form of replacement parkland “in the vicinity,” according to City of Seattle Ordinance 118477.

C-042-014

Visual Quality and Aesthetics

Indirect Effects

Construction effects not discussed. No indirect effects, only direct effects on structures, landforms, and vegetation changes.

Cumulative Effects, Operation

Long-term presence of new Evergreen Point Bridge “would not make much difference” because it would “replace a similar bridge that exists in approximately the same location today. On the other hand, the wider roadway, retaining walls, noise walls, and other features . . . would create a more urban visual character . . . would add to the cumulative effect of other present and planned development projects contributing to the increasingly urban visual quality of the study area.” **[What is the study area?]** Direct effects would be a mixture of beneficial and detrimental changes—increase in paved surfaces and concrete structures but introduction of vegetated roadway **lids** for visual continuity and softening. “On balance, the cumulative effect on visual quality and aesthetics **within the SR 520 study area and surrounding central Puget Sound region** would be an increasingly urban visual character, to which the proposed project would make a small contribution with both beneficial and detrimental visual elements.” **[No discussion of local viewsheds.]**

Mitigation

“Community planning efforts that establish context-sensitive architectural and design standards, preserve visually significant stands of vegetation, and preserve important views and community gathering places.” **[This will come too late for a good bridge design, and the bridge will be the dominant feature of the area. Let's begin with a beautiful, sensitive bridge design.]** “Comprehensive planning by the Puget Sound Regional Council . . . contributing to the quality of life throughout the region.” “Regional and community planning in the design of individual development projects.” **[How about viewshed-based mitigation? See watershed-based mitigation in Ecosystems, wetlands discussion.]**

C-042-015

Cultural Resources

Indirect Effects

None identified because all project-related effects on cultural resources would be within or close to the project construction footprint and occur at the time of **construction.** **[Odd and certainly questionable reasoning. What about**

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effects within the “limits of construction” (larger than the construction footprint) and within the Area of Potential Effects (even larger than the limits of construction)?

Both construction and operation would have indirect effects, in which air quality, noise, visual blight, and traffic vibration from more and larger vehicles would contribute to a perception that the neighborhood was unhealthy and less desirable. The single-family owner with children demographic would change, the now undesirable properties would be likely to become rentals and rooming houses, maintenance of resources already compromised by more air pollution contributing to building soiling and erosion would decline further as absentee owners cut corners and ignored preserving historic integrity. One need look only at the predominance of historic non-contributing resources along Harvard Avenue East, adjacent to I-5, to see the indirect and cumulative effects of a major construction period and the operation of a large highway on cultural resources in an adjacent community. Subsequent community efforts over the last twelve years to change the ambience of Harvard Avenue East via tree and other vegetative plantings plus traffic calming efforts came too late for the architectural integrity of these largely now-rental historic properties. Happily, the neo-classical revival Edward J. Duhamel William H. Parsons House (1903, the Harvard Mansion as a City Landmark) has after a great deal of expense after it had been carved up as a rooming house, has been restored to its former single-family splendor. Most of the other historic resources along the I-5 corridor have suffered much worse fates after the construction of I-5 and are not contributing resources.

Cumulative Effects

Minor contribution to the cumulative effect on cultural resources of the central Puget Sound region. Time range the past 150 years. “The project is not likely to add to the cumulative effect on built environment properties, archaeological resources, traditional cultural properties, or the presumed Foster Island TCP.” Project would not affect historic built environment to extent that it would no longer be eligible for listing in the NRHP. **[No mention of changes to setting and feeling and characteristic use, local economic impacts, perceived health effects on local demographics. See above.]**

Mitigation

Section 106 speaks to only direct and indirect effects, according to this section. **[According to Dr. Allyson Brooks, Director/State Historic Preservation Officer, Department of Archaeology and Historic Preservation, in response to a query generated by this statement March 16, 2010, Section 106 does speak to cumulative effects as well. And “demolition by neglect” is recognized as an adverse effect.]**

C-042-016

Noise

Indirect Effects

None. All noise effects would be direct because detected by people close to the project. **[What about perceived health effects from noise and the indirect economic effects of a noisy residential district? Demographic effects?]**

Cumulative Effects

Time 2030. Project to produce equal to or slightly less than current noise levels and future noise levels without the project. No new projects close to SR 520. But project would contribute to noise effects of other projects continuing to operate. Project compared with No Build would substantially decrease number of residences exceeding NAC noise levels.

Mitigation

Lids, noise walls, electric motor vehicles, quieter vehicles, transit, HOV, bike and walking, and by Vision 2040, increasing urban density within central Puget Sound region with transit-oriented multi-modal transportation system. **[It's long past time to consult with the Arizona Department of Transportation and learn how to install quieter pavement properly. These long-term evaluations, clear out to Vision 2040, mask the very real noise effects of both construction and operation. WSDOT should agree to mitigate effects of noise from the highway in multiple ways and to mitigate noise on the arterials from both construction and the increases in local traffic from approaches to and exits from the new six- or seven-lane Portage Bay Bridge.]**

C-042-017

Air Quality

Indirect Effects

Construction trucks hauling, excavation at borrow sites distant. Tolling potentially will create higher volumes on alternative routes, creating an indirect effect on air quality there from exhaust emissions and increased idling from congestion. **[No mention of local effects from construction activity over 7-and-a-half to 8 years and of the indirect effects of the correct perceived increase in air pollution and consequent changes in owner-occupied, single-family communities, especially the migration out of the communities of families with children.]**

Cumulative Effects

Project “not expected to create any new violations.” **[No mention of correctly perceived cumulative effects on air quality of the addition of two lanes for buses and HOVs, both gas-powered.]**

Mitigation

Advances in auto technology, fuel content regulations, increased availability of alternative fuels. Reduction in vehicle miles traveled, overall improvements in transportation system efficiency. Employee parking management, incentives for commuting. **[All of these mitigation projections, into the future, are good reason to reconsider the mammoth project in the first place. The projections into the future of these ameliorating circumstances suggest that they will come far too late to protect the adjacent areas from the consequences of more gas-powered traffic on SR 520 and adjacent arterials.]**

C-042-018

Energy Consumption and Greenhouse Gas Emissions

Indirect Effects

Study area **the whole state**. Indirect effects only “if **construction or operation** of the project were to cause measurable effects on other sectors of the economy, such as utilities, or affect the ability of Washington State to meet the energy demands for this project, requiring the expansion of existing resources.” But wouldn’t happen because we rely heavily on hydropower for electricity. **[Does this seem like an over-simplification? Don’t we sell some of our power to other states, too?]** Project’s **operational** contribution to energy consumption too small (1 percent of **state’s** total annual energy consumption) to have a consequential indirect effect.

No undue demands from **construction and operation** of the project on petroleum sources, and no effect on other sectors of the economy.

“In general,” **operation** of the project would improve energy consumption and GHG emissions with addition of HOV lanes and regional bike path. **[Only in the very long term and too late to salvage communities after the damage done.]** With or without the project, cumulative vehicle emissions from vehicles using SR 520 would increase, but slightly less with the 6-Lane Alternative than with the No Build alternative. **[Again, only in the very long term. Immediate effects of a protracted construction period and the increase in gas-powered traffic from two more lanes would have a great effect on GHG emissions and energy consumption in the immediate region.]**

Cumulative Effects

Construction and operation would make a very small contribution to **statewide** GHG emissions.

Long-term operation would reduce Vehicle Miles Traveled below present and future conditions more than No Build. **Long-term operation in the whole corridor**, I-5 to SR 202 plus East Link and North Link light rail and other foreseeable projects would consume energy and emit GHGs, but projects together would generate a smaller contribution to the cumulative effect on energy consumption and GHG emissions than their No Build alternatives because projects would reduce VMT and improve **regional** transportation efficiency. **[Under the current plan, only a long time after operation has begun.]**

Mitigation

Addressing global climate change at **regional, national, and international** levels. **State** policies to address GHG between now and **2050**. Car pooling, vanpooling, transit. HOV, bike, and pedestrian. Land use planning—concentrating growth in urban growth areas. Variable speeds and **tolling**. Better autos, fuel content regulation, lower-carbon fuels, public transit, bike trail networks, to reduce SOV trips. **[How wonderful! Then why are we devoting \$4.65 billion and two new lanes to more gas-powered traffic on the highway and on local arterials?]**

C-042-019

Water Resources

Indirect Effects

Stormwater treatment facilities mean **long-term trend of gradual improvement** in surface water quality. Project along with rest of corridor projects and Eastside transit and East and North light rail to contribute to positive trend of improved surface water quality.

Construction runoff to be mitigated in accordance with NPDES requirements and WSDOT BMPs.

Long-term operation improvement relative to present and No Build in **study area [which is?]** between **now and 2030**.

Mitigation

Add stormwater treatment facilities as projects are built and operated. Retrofit local streets and parking lots. **[Address these suggestions in a Memorandum of Agreement.]**

C-042-020

Ecosystems

Wetlands, Fish and Aquatic Habitat, Wildlife.

Direct effects would be mitigated as part of project. **[Which see in Ch 5 Ecosystems section and Attachment 7: Ecosystems Discipline Report.]**

Indirect Effects

None in **wetlands**, just **direct effects [which see]**.

On **aquatic resources**, effects limited to lake and estuarine environments in study area not farther removed in distance **[local]**, consistent with present. WSDOT says no effect later in time than project activity **[7 ½ to 8 years of construction!]**. So no measurable effect. **[Seems doubtful with a protracted construction period.]**

On **wildlife and wildlife habitat** (see Chapter 4 and Ecosystems Discipline Report) **permanent** removal or shading of vegetation, but improving stormwater treatment and decreasing noise disturbance **[all from noise walls?]** **Direct** effect would arise from animals moving to other areas because of habitat loss and displacing or competing with animals in their new habitats. **[Would this not result in indirect and cumulative effects as well?]**

Cumulative Effects

Wetlands Cumulative effect would be neutral because all projects would follow federal, state, and local wetland regulations, including mitigation. **Aquatic resources**, minor effects because **the study area is so large**, individual fish range as far as the Pacific Ocean up to 2,000 miles from study area. **[What about local direct, indirect, and cumulative effects on fish population in Lake Washington, where much money has been spent to increase salmon activity?]** Increase in overwater structures related to west approach and Montlake area could change juvenile salmon movements and provide more habitat for predator species. Could affect later generations but **expected to be minor**. **[Why? Explain—don't just assert.]** Larger replacement bridge but could be offset by greater height near the west highrise, a primary migration corridor for juvenile salmonids passing through the study area **[which is?]**. **Temporary construction effects [7 and a half to 8 years!]**. Stormwater treatment, reduction of in-water columns, aforementioned increased height. So negligible effect on **long-term** fishery trends and stressors. Will affect only a portion of all the fish occurring in the area watersheds. Habitat in the study area is only a small fraction of the total fish habitat used by these fish during their life cycles. Summary: Project would not measurably affect the overall cumulative effect on these resources. **[Cumulative effects may be local as well as on the absurdly widespread areas considered here in order to claim no adverse effects.]**

Wildlife and Wildlife Habitat Suitable habitat continuing to decline. Crows, sparrows, and raccoons flourishing. **[Don't forget the Gray Squirrel, which has replaced the native squirrel. Also beaver in restored wetlands in southwest Portage Bay, Great Blue Heron, Double-crowned Cormorant, Bald Eagle, and Hawk habitat, as well as Flicker, Black-capped Chickadee, and Wood Duck.]** "A permanent loss of habitat used by urban-adapted wildlife." But "the project's long-term contribution to urban-adapted wildlife populations and habitats in the study area **[which is?]** would be negligible." **[What about local indirect and cumulative effects?]**

Mitigation

Wetlands Use federal regulatory goal of No Net Loss and state and local regulation to decrease and slow the cumulative decline of wetlands. More stringent regulation, regulation consistency **[yes!]**, and coordinating among jurisdictions **[should include WSDOT]**. Improved planning both regional **and local**, increased participation of "non-governmental

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organizations and other stakeholders” in restoration efforts. Watershed-based mitigation and mitigation banking—“compensatory wetland mitigation.” City of Seattle comprehensive plans and critical areas ordinances.
Aquatic Resources Region-wide cooperative interagency approach or public-private partnerships “with a focus on improving habitat conditions and water quality **within the Lake Washington watershed and Puget Sound** would aid in the recovery of fish stocks.” More stringent land use regulations could reduce future negative effects on fish associated with stormwater runoff an human development.” **[What can WSDOT do before, during and after its project?]**
Wildlife and Wildlife Habitat “Because there are many potential contributors to cumulative effects outside of WSDOT’s jurisdiction, the agency will not attempt to mitigate adverse cumulative effects” “However, a variety of measures could mitigate the overall (non-project-related) cumulative effects on wildlife, such as the following: **[What about the project-related cumulative effects?]**

C-042-021

This whitewashing of indirect and cumulative effects of a protracted construction period and the operation of a considerably widened highway with no immediate plans to replace the operation of two more lanes of gas-powered vehicles and with a likelihood of lid deferral, on all of these resources in the areas adjacent to the project, is reprehensible. A pattern of deceptive conclusions in all of the chapters and discipline reports in the January 22, 2010 *Supplemental Draft Environmental Impact Statement* is all too apparent and especially so in this chapter and the discipline report paired with it.

And even though it has no jurisdiction over other agencies, why does WSDOT get a free ride and mitigation fall on other jurisdictions and agencies as WSDOT recommends in this report? Is it trying to save money on mitigation that would cost a trivial amount when measured against the total \$4.65 billion for the project?

The arrogance of this assumption and of many other of WSDOT’s assumptions and unsupported or arbitrarily limited or expanded criteria makes a reader of the U. S. Department of Transportation manual for project guidance, especially of its section on “Community Involvement to the Final Product: Marketing Mega Projects [those involving more than \$1 billion] and Public Trust” blanch.

This bullying, evasive, and deceitful agency has earned an F. It obviously has not profited from lessons learned in preceding projects. The agency has needlessly aroused public opposition where it had initial trust and good faith negotiation underway. By its deceptions and maneuverings in order as far as we can tell merely to avoid acknowledging adverse effects any layman can perceive in order to avoid having to enter into memoranda of understanding for mitigation—just to save a little money, a miniscule amount when measured against \$4.65 billion—WSDOT has created a resistance it never needed to. Instead of working with the communities to create a handsome design, a better setting, and community improvements to get the public to embrace and advance its project, WSDOT has raised hackles and the likelihood of lawsuits and other delays. Public trust and cooperation (see “Construction – Public Trust and Truthfulness”) have been the most significant casualties of the agency’s tactics. It didn’t have to happen.

It’s not the 1960s anymore, and we had hoped that WSDOT realized this, too.

Sincerely,

**Erin O’Connor
Historic Resources Chair, Portage Bay/Roanoke Park Community Council
Roanoke Neighborhood Elms Fund
Friends of Roanoke Park**

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Re: Comment on Supplemental Draft EIS for SR 520

Dear Ms Young:

C-043-001

On behalf of SWAMP – Save the Wetlands of the Arboretum from Multitudes of People – we write to comment on the Supplemental Draft EIS for SR 520. This comment supplements SWAMP's earlier comments of September 22, 2006 and October 30, 2006 on the Draft EIS. As stated in our prior correspondence, SWAMP is an organization of residents within the Madison Park and Montlake communities dedicated to protecting the Arboretum and its wetlands from further desecration, and in particular from further impacts from a widened SR 520.

We have reviewed the Supplemental Draft EIS for the SR 520 Bridge Replacement, and in particular, Chapter 7, related to non-motorized facilities, and the provisions related to recreation trail connectivity. We are pleased to see that the Supplemental Draft does not include an additional pedestrian/bicycle connection to Madison Park through the wetlands of the Arboretum, as once proposed in a separate technical memorandum.

Rather, the Future Trail Connectivity Options at Figure 29 within the Recreation Discipline Report shows three other bicycle/pedestrian path connections: at McCurdy Park (Option A); at Foster Island and Montlake (Option K); and at Montlake (Option L). From the perspective of protecting the resources of the Arboretum, Options A and L would be preferable. Option K would be acceptable if the access to Foster Island were limited to pedestrians. Foster Island currently is limited to pedestrian access and the current trails on Foster Island provide access to the marsh trail. SWAMP would be concerned that the addition of bicycle ramps at Foster Island would encourage bicycle use through this sensitive area, including use of the marsh trail.

Jenifer Young
Environmental Manager
SR 520 Program Office
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Page 2

C-043-001

We also have had an opportunity to review the City Council's Draft SR 520 Project Enhancement Report of March 2010. While the report itself is not part of the Supplemental Draft EIS and exists only in draft form, SWAMP would observe that these comments and its prior positions are fully consistent with the City Council's desired outcomes, including the improvement of the pedestrian and bicycling environments and the Arboretum. We would encourage the State Department of Transportation to embrace these outcomes.

Thank you for your consideration of these additional comments. As before, SWAMP requests to be listed as a party of record. Further correspondence may be directed to this office.

Sincerely yours,

ARAMBURU & EUSTIS, LLP

Jeffrey M. Eustis
Cc: SWAMP

Bill Mundy, Ph.D., MAI
Chairman, Canterbury Shores SR520 Committee
2500 Canterbury Lane E., #301
Seattle, WA. 98112
bill@mundyfarms.com
mamundy@comcast.net

April 1, 2010

RECEIVED
APR 12 REC'D
WSDOT - SR 520
PROJECT OFFICE

Jenifer Young
SR520, I-5 to Medina: Bridge Replacement and HOV Project
Environmental Manager
SR520 Project Office
600 Stewart Street, Suite 520
Seattle, WA., 98101

Dear Ms. Young:

C-044-001

The following are comments from the Canterbury Shores Condominium regarding the SR520 Supplemental Draft Environmental Impact Statement (SDEIS), January 2010. Canterbury Shores is a 92 unit condominium located on the Northern Shore of North Madison Park. The comments that follow have been reviewed and approved by the Canterbury Shores Board of Directors.

Attachment 7, Discipline Reports

Air Quality

Dust. Particulate Matter (PM). There is NO analysis of PM during construction and operation on a seasonal basis. During summer months wind from the north significantly increases PM along North Madison Park (NMP) and at Canterbury Shores (CS). Your averages MISSTATE the seasonal effects.

C-044-002

Wetland

The amount of wetland that will be affected by construction is significantly underestimated. Material in the DSEIS excludes the impacts of the temporary bridge which will be built to the south of the existing bridge and the boat and barge traffic in this very shallow wetland area. There is NO indication of the type and extent of mitigation.

C-044-003

Wildlife

Great Blue Heron.

The Great Blue Heron (Heron) is a state listed priority species. The DSEIS states there are no species of special interest. The Blue Heron is NOT mentioned. Page 4-43 states "No large trees would be removed therefore potential rockery habitat for the Great Blue

c-044-003 | Heron would not be affected.” Large trees are NOT a determinant. Heron roost in mid-sized to small trees, especially in Arboretum Area 712 where there habitat will be destroyed by construction activity. This is an OMISSION.

c-044-004 | Beaver.

Page 4-44 mentions and includes a photograph of one beaver lodge. Due to the nature of the graphics it is NOT possible to determine the location of the cited beaver lodge. However, in this vicinity there are three NOT one beaver lodge. The DSEIS text states the beaver lodge would be destroyed and they would have to construct a new one. It is highly likely that all three lodges would be destroyed as all three are in close proximity to the existing SR520 right of way. Beavers are very protective of their environment. The text states only their reproductive process would be affected.

- How will their reproductive process be affected?
- Where could they build a new beaver lodge?
- How long will it take to construct replacement beaver lodges?
- Where and how will beaver exist as they are replacing the lodges?
- How will the destruction of the lodges affect the beaver population?

There is NO discussion of these issues. There is NO discussion of mitigation.

Hazardous Material

c-044-005 | Miller Street Landfill

The only site studies is the Arboretum Playfield. There is NO precise delineation of the Miller Street Landfill. Historical and anecdotal reports indicate a large area between the Arboretum and NMP was used as a landfill. The DSEIS cites a study (Ouet and Kiers, 2007) indicating methane gas was found. The precise location of their study is NOT cited or shown. When canoeing and kayaking through this area (south of the bridge) “air” bubbles rise to the surface suggesting there evidence of methane gas below the surface.

Sediments (page 36). Cited are two studies, 1992 and 2004, in Lake Washington and Portage Bay. The text states these studies indicate there are relatively low concentrations of PCB’s, PAH’s, and phthalates. There is NO indication of where these sites are. These two studies are NOT consistent with a study carried out by Canterbury Shores.

The water sample was collected in a container provided by AMTEST Laboratories following their directions. It was delivered to AMTEST on October 4, 2002. The sample was analyzed by AMTEST and the results reported to us on October 24, 2002.

Diesel and Heavy Oil were found in significant quantities, as follows:

<i>Diesel</i>	<i>1,500 parts per billion (ppb)</i>
<i>Heavy Oil</i>	<i>5,700 ppb</i>

C-044-005

In both cases the EPA minimums, or clean up standards, according to AMTEST, are 1,000 ppb. Therefore, both diesel and heavy oil exceed the EPA minimums, the latter by a considerable amount.

The SDEIS does NOT state how the extent and type of hazardous material will be dealt with in the area extending between the western edge of the Arboretum to the eastern edge of NMP.

C-044-006

Land Use, Economics and Relocation

Estimated Construction Time. The DSEIS states construction time in the NMP vicinity will be 54 months (4.5 years). In numerous meetings with WSDOT personnel they have stated construction time will be between five to seven years.

C-044-007

Value Impacts. There is NO discussion in the SDEIS about the affect construction or the permanent operation will have on the value of property in the SR520 corridor.

C-044-008

Noise

With tolling the amount of traffic on 520 will be less than without tolling in any of the four cases (No Build, etc). Consequently vehicle speeds will be greater. Therefore the noise level will be greater. This relationship is NOT stated in the SDEIS.

C-044-009

Mitigation is required for residential area if exterior noise levels are greater than 67dBA. The following are the forecast noise levels (page 32):

Canterbury Shores, Monitoring Location 35, 65 dBA

Edgewater, Monitoring Location 36, 66 dBA.

Statistically there is no significant difference between 65, 65 & 67 dBA. This is especially true given the variability in measurements [time of day, weather, height of receiving location such as building story (Canterbury Shores is a four story building), person doing the measuring, the objectivity with which the measurements were taken (for example, the noise experts were not retained by an impartial entity but rather by WSDOT), etc.].

Throughout the DSEIS when dealing with noise mitigation and in particular noise walls, which are the only feasible type of noise mitigation strategy for NMP, it does NOT state noise walls will be constructed, rather it states they are "recommended." History shows that at the end of a construction project when funds are minimal or lacking the "recommended" items are frequently NOT provided.

C-044-010

There is a significant INCONSISTANCY between WSDOT maximum noise levels and those of the City of Seattle and Washington State Labor and Industries.

- For Seattle:
 - Maximum sound level between 7:00am and 10:00pm is 55 dBA;
 - The maximum exceedence during construction for heavy equipment is 25 dBA;

C-044-010

- Therefore, the total maximum noise level for the 54 month construction period during any day would be 80 dBA (80 dBA is “moderately loud” and equivalent to standing within two feet of an operating garbage truck).
- For WA. Labor and Industries:
 - Noise cannot exceed 85 dBA over an 8 hour period. (WAC 296-817-300).

There is NO mention of pile driving noise in Exhibit 23, page 64. This is a serious OMISSION because in Exhibit 22 it shows that pile driving results in the most serious noise levels of all equipment and ranges between 99 to 105 dBA.

Exhibit 26, page 67 and 68, shows pile driving noise level profiles. This exhibit is INCORRECT. The exhibit DOES NOT include the area where the temporary bridge is to be built. Even with this ERROR WSDOT’s noise profile exceeds City of Seattle and WA L&I maximum noise limits. This is a serious OMISSION. Your documents show that 2042 piles will be driven (Table 6.7.1) over the 54 month period. Exhibit 8, page 26 is a table showing relative loudness. The reference point is 80 dBA, the noise a garbage truck makes when one is standing within two feet of it and this is not with an idling engine. 100 dBA is 4 times louder, the equivalent to a jet taking off. 100 dBA is classified as “very loud.” Interestingly, the noise effects on fish and mammals are discussed, they are NOT discussed regarding humans.

Exhibit 31 (approximately page 85). Noise Levels. The following are the noise levels listed for NMP without sound walls: MP1-66, MP2-67, MP3-67, MP4-67. All of these are right at NAC maximums and exceed City of Seattle maximums of 55 dBA. Given that, Exhibit 33 is MISLEADING for it is based on the assumption of sound walls. This is a “best case” scenario and extremely unlikely as sound walls are optional, not required. Due to a lack of funds and WSDOT prior statements, it is more likely than not that sound walls will NOT be constructed in the NMP segment. The SDEIS states regarding mitigation:

- “measures must be considered;”
- “mitigation measures ... must be recommended (page 107).

This is NOT the same as requiring mitigation measures to reduce noise levels to an acceptable level.

OMMITTED from the noise section is how the “beep beep beep” of construction vehicles and equipment, when they back up, is quantified. According to a person I interviewed who lived on Mercer Island, in close proximity to the I-90 project, the “beep beep beep” was so annoying that they had to move. And, it was something that went on for 24 hours per day, often 7 days per week. If one has to listen to this for 54 months from 7:00am to 10:00pm it would, indeed, be annoying. It would be more than annoying for 24 hours per day, seven days per week.

Vibration

Reference page 69, Vibration Effects. “Unlikely that vibration levels would exceed 0.5 inches per second at a distance greater than 100 feet from the construction site.” This is INCORRECT.

C-044-010

- First, there is NO quantitative data provided showing what the vibrations levels were based on the tests WSDOT did;
- We know WSDOT did tests for two reasons:
 1. We gave WSDOT permission to place a “vibration meter” on our property and we accompanied the person who placed it there;
 2. We witnessed and experienced the tests, both putting in the piles and taking them out (both which will occur as a part of the WSDOT construction activity).

Page 61 contains a table that shows the effects of various vibration levels and it states: the “threshold at which there is risk of architectural damage to normal dwellings – houses with plaster ceiling and walls.” This is at a vibration level of 1.27 or greater.

Management and residents at Canterbury Shores experienced the pile driving noise and vibration level tests.

- Regarding pile driving: it is highly likely that the levels for pile driving exceeded 1.27. During the tests there were many complaints about the noise levels to CS management.
- For pile removal there is no doubt they exceeded 1.27. Homeowners stated that objects on counters and shelves “jumped around.” In fact, vibration was so bad numerous governmental agencies were contacted, including WSDOT. Exhibit 1 shows the e-mails that resulted.

Vibration Mitigation (page 172).

This discussed how noise might be mitigated. There is NOTHING on vibration mitigation. This is an OMISSION.

The SDEIS states there is “no effective method to reduce vibration.” (page 174). If it can’t be reduced how can “it be kept to a minimum.”?

If noise and vibration levels are above legal limits what can be done? “Vibration monitoring” (page 61) will NOT cure the problem.

C-044-011

Recreation

OMITTED from the SDEIS is an analysis and discussion of the effect of the temporary construction bridge to the south of the existing alignment and bridge on boat access to NMP water frontage property. The temporary bridge, barges and working boats will severely and/or completely make ingress and egress impossible.

C-044-012

Transportation

OMITTED. An analysis of the effect on traffic at the Lake Washington Blvd and Madison Street intersection.

C-044-013

View

Volume I.

C-044-013

Regarding the West Approach Landscape Unit. This OMITTS the view affect on NMP homes (page 57). It MISSTATES how NMP views would be permanently affected: "possibly blocking views of Laurelhurst Hills but revealing more open water in Union Bay." (page 70). See the following comments under Volume II.

Volume II.

Exhibit 2-17 and 2-18 show existing and Option A (and the 2 other options also) views. Both exhibits are MISLEADING due to the INCORRECT way the photographs were taken (using an incorrect camera lens that does NOT show what the eye actually sees). Exhibit 2 shows what the view will actually be like from the north shore of NMP on a before and after basis. Exhibit 3 shows what the views will look like from the Madison Park street end pier. These two exhibits were prepared by a professional photographer, Mr. Aaron Weholt, Legal Media, Seattle, WA.

C-044-014

Water Resources

Referencing Page 69. OMISSION. There is no discussion of how the south one-half of the bridge, the east-bound lanes, would be constructed. Also OMITTED is a discussion of the temporary construction bridge that will be located south of the east-bound lanes.

C-044-015

Construction Activities, Chapter 3, 1/5/2010.

The are NO graphics shown and there are NO specifics on the construction bridge to be located south of the current and new east-bound lanes. The purpose of this "construction bridge" is to demolish the existing bridge and build the new east-bound lanes. The construction time period, according to the SDEIS, is 4.75 years. This time period may be IN ERROR as WSDOT staff have indicated it will be between five to seven years. This is a very significant OMISSION for the construction affects from noise, vibration, view blockage and water access will be huge.

C-044-016

Project Operation and Permanent Affects (Chapter 5).

Noise.

The SDEIS states "WSDOT's practice is to work with the owners of these properties (those where "noise abatement measures must be considered") during detailed project design to determine the mitigation measures that will be used." (page 5-104). No one from WSDOT, or any other public agency, has discussed this matter with CS management or owners. This is an OMISSION.

As was stated earlier, there is NO assurance of mitigation. Noise walls are the only mitigation proposed for NMP. All options state: "If noise walls are included ..." (page 5-107).

North Madison Park is NOT mentioned for noise mitigation. (page 5-109 and 5-110).

C-044-017

Wildlife and Habitat.

Referencing the sentence "Remove a large beaver lodge ..." (page 5-140). There are at least three (3) beaver lodges in or in very close proximity to the 520 right-of-way in the arboretum. The SDEIS graphics DO NOT identify where any are located. There is NO scientific analysis or discussion of the effect construction will have on the beaver population

There are NO mitigation measures for wildlife. (page 5-146).

C-044-018

Navigation.

There is NO discussion on how navigation would be affected north of NMP and south of 520 during construction or permanently. (page 5-151).

C-044-019

Effects During Construction (Chapter 6).

There is either NO or ONLY superficial discussions of construction effects on NMP regarding boat access, noise, vibration and wildlife. (page 6-46 to 6-49). Also, see the above comments relating to the Discipline Reports.

C-044-020

View Impact.

In Chapter 6 it states: "*Under all design options, the greatest temporary change to visual character and quality would result from demolition of the Lake Washington ramps to and from the Arboretum and construction and presence of construction and detour bridges because of their size and complexity. Vegetation would be removed in 30- to 60-foot-wide swaths for the work bridges. Subsequent construction of the permanent new west approach bridges would compound the effects. The combination of the construction bridges, detour bridges, finger piers, and the existing and new bridges would result in substantial degradation of visual character and quality of the south part of Union Bay. The structures would block water- and ground-level view for viewers near the structures. The viewers most affected by this change would be commuters crossing the bridges, park users and boaters, and residents in north Madison Park (underline mine). Views from the Broadmoor Golf Course would be screened most of the year by tall trees along the shoreline.*" (page 6-54 and 6-55). This statement:

- Is inconsistent (an ERROR) with your statement regarding views (Views, Volume I, page 70) where it states: "*possibly blocking views of Laurelhurst Hills but revealing more open water in Union Bay.*"
- Does NOT discuss mitigation, an OMISSION.

C-044-021

Noise. (re: page 6-65+)

The following is relevant information and comments from several tables in this section:
Table 6.7.1: Equipment – Pile Drivers, Noise Level – 99-105 dBA, Number of piles to be driven: 1987 = 55 for Lake Washington Blvd or 2042 piles total.

C-044-021

Table 6.7.2: Maximum City of Seattle sound level, residential – 55 dBA.

Table 6.7.3: Maximum Exceedence:

<u>Minutes/hour</u>	<u>Exceedence</u>
15	+5 dBA
5	+10 dBA
1.5	+15 dBA

For driving in and pulling out the 2042 pilings (that is 4084 operations) the maximum noise criteria for the City, State, and federal government (NAC) will be exceeded. What is the effective mitigation? The answer to this has been OMITTED.

Table 6.7.4.:Noise Levels that “should NEVER be exceeded.”

<u>dBA</u>	<u>Time Duration Exceedence Prohibited</u>
90	Continuously*
93	20 minutes
96	15 minutes
99	7.5 minutes

*I believe this is an error, for it means at 90 dBA or greater the noise level cannot be exceeded.

Therefore, if any piles are driven the noise levels will be exceeded. But, this must NEVER happen. What is the answer to this dilemma? It has been OMITTED.

In addition, just so we are on the “same page,” don’t suggest these noise levels will not reach NMP. First, your noise profiles do not take into account the construction bridge. Second, they do not take into account pile removal. Third, they do not take into account the vibration index.

Vibration (reference page 6-69).

Data and analysis on vibration testing has been OMITTED.

Reference “Construction Vibration Effects” page 6-69. In the middle of the paragraph it states “*It is unlikely that vibration levels would exceed 0.5 inches per second at distances greater than 100 feet from the construction sites.*” In that regard:

- Distances from the construction bridge have been OMITTED;
- Data and analysis has been OMITTED regarding vibration tests and levels;
- Based on the experiences at Canterbury Shores regarding driving and pulling piles the vibration level exceeded 1.27 inches per second. This data and the effects have been OMITTED.
- Due to the poor quality of graphics in Exhibit 6.7-3 (at least on my CD), it is not possible to tell where the noise contours are in relation to the land (i.e. shoreline, land improvements, etc.). This must be an ERROR.

Respectfully submitted,



Bill Mundy.

Attachments: Exhibits 1, 2 & 3.

EXHIBIT 1 a

From: "McCaffree, Justin (Consultant)" <McCaffJ@consultant.wsdot.wa.gov>
Date: November 9, 2009 2:59:42 PM PST
To: "Bill Mundy" <bill@mundyfarm.com>, "Warner, Dave (Consultant)" <WarneDa@consultant.wsdot.wa.gov>
Cc: <donwand@comcast.net>, "French Bruce" <brucef@bca-online.com>, "John Miller" <johnm@cdcmanagement.com>, "Samuel Jim" <sgllc1@nwlinc.com>
Subject: RE: SR 520 In-Water Test Pile and Noise Study: Noise Monitoring

Mr. Mundy,

Thank you very much for bringing this concern to our attention. I will make sure that the appropriate project staff are made aware of this issue.

Justin McCaffree
Communications, SR 520 Bridge Replacement and HOV Program
Washington State Department of Transportation
206-269-5041
101 Stewart Street, Suite 1200 | Seattle, WA 98101
<<http://www.wsdot.wa.gov/projects/sr520bridge/>>

From: Bill Mundy [mailto:bill@mundyfarm.com]
Sent: Mon 11/9/2009 2:47 PM
To: McCaffree, Justin (Consultant); Warner, Dave (Consultant)
Cc: donwand@comcast.net; French Bruce; John Miller; Samuel Jim
Subject: SR 520 In-Water Test Pile and Noise Study: Noise Monitoring

Justin. A very short while ago, probably within the last 1/2 hour, your noise study folks (big barge on north side of bridge, possibly General Construction) did some vibration testing. This was VERY noticeable here at Canterbury Shores (floors shook, our lights and china clattered). This is very disconcerting for several reasons: (1) the foundation of CS is supported by pilings and much of this area was an old landfill therefore the vibrations could cause settling (2) settling will cause cracks in wallboard, brick mortar, etc. (3) the vibration is so great that we will need to take things of value off open shelves and counter tops (I know there are several residents here that have significant collections of blown glass). I can understand your desire to do these tests, but it would be prudent to "tone them down" significantly. Thank you.

Bill Mundy Ph.D., MAI
2500 Canterbury Lane E. #301
Seattle, WA., 98112.

EXHIBIT 1 b

From: "McCaffree, Justin (Consultant)" <McCaffJ@consultant.wsdot.wa.gov>
Date: November 9, 2009 3:19:52 PM PST
To: "Bill Mundy" <bill@mundyfarms.com>
Cc: "Brandt, Sarah (Consultant)" <BrandtS@consultant.wsdot.wa.gov>
Subject: RE: SR 520 In-Water Test Pile and Noise Study: Noise Monitoring

Mr. Mundy,

I spoke with the on-site construction inspector who informed me that the vibration you felt occurred as crews were attempting to remove the final test pile using a vibratory hammer. Crews were unable to remove the pile using this method, and will instead have divers on-site tomorrow to cut the pile off below the mud line.

I have to leave the office today at 3:30 and will be out for the remainder of the afternoon, but should you have any other questions or concerns, please feel free to contact Sarah Brandt, SR 520 Environmental Communications, at brandts@consultant.wsdot.wa.gov.

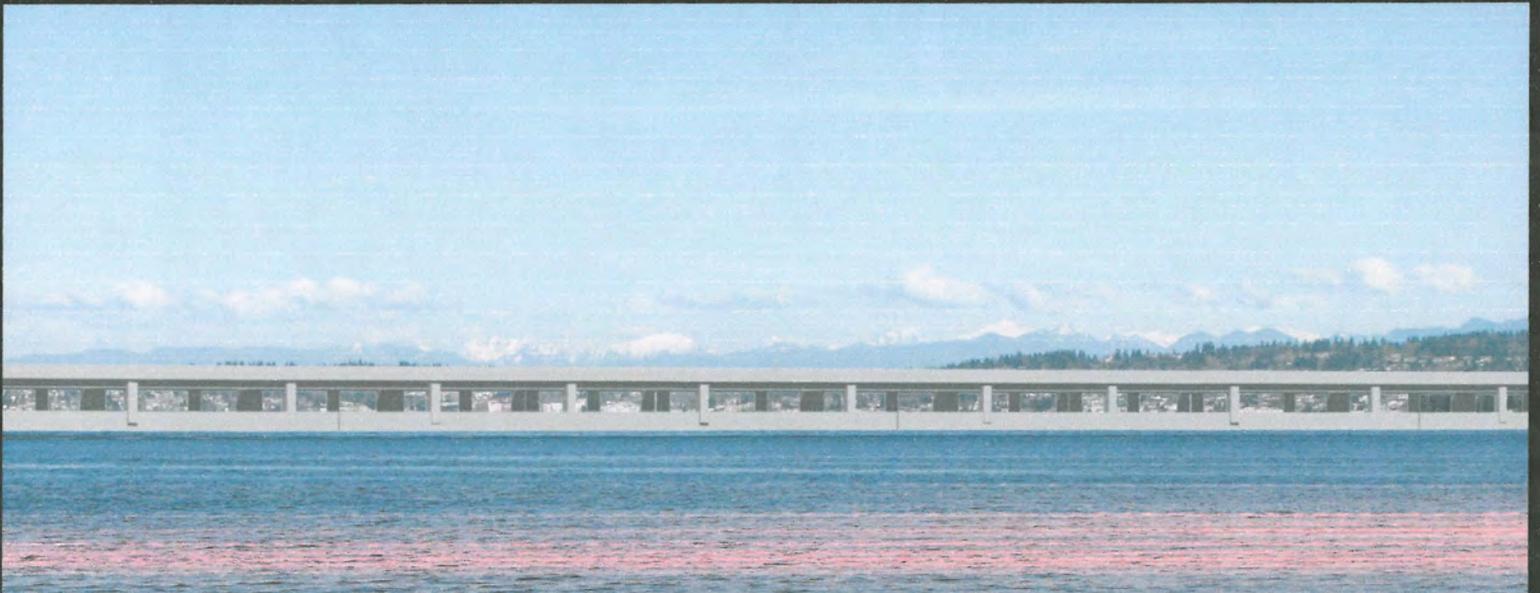
I apologize for the inconvenience and thank you again for bringing this to our attention.

Justin McCaffree
Communications, SR 520 Bridge Replacement and HOV Program
Washington State Department of Transportation
206-269-5041
101 Stewart Street, Suite 1200 | Seattle, WA 98101
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EXHIBIT 2



Looking Northeast from Madison Street Pier - Current Bridge



Looking Northeast from Madison Street Pier - Proposed Bridge

Proposed New Bridge



Current Bridge

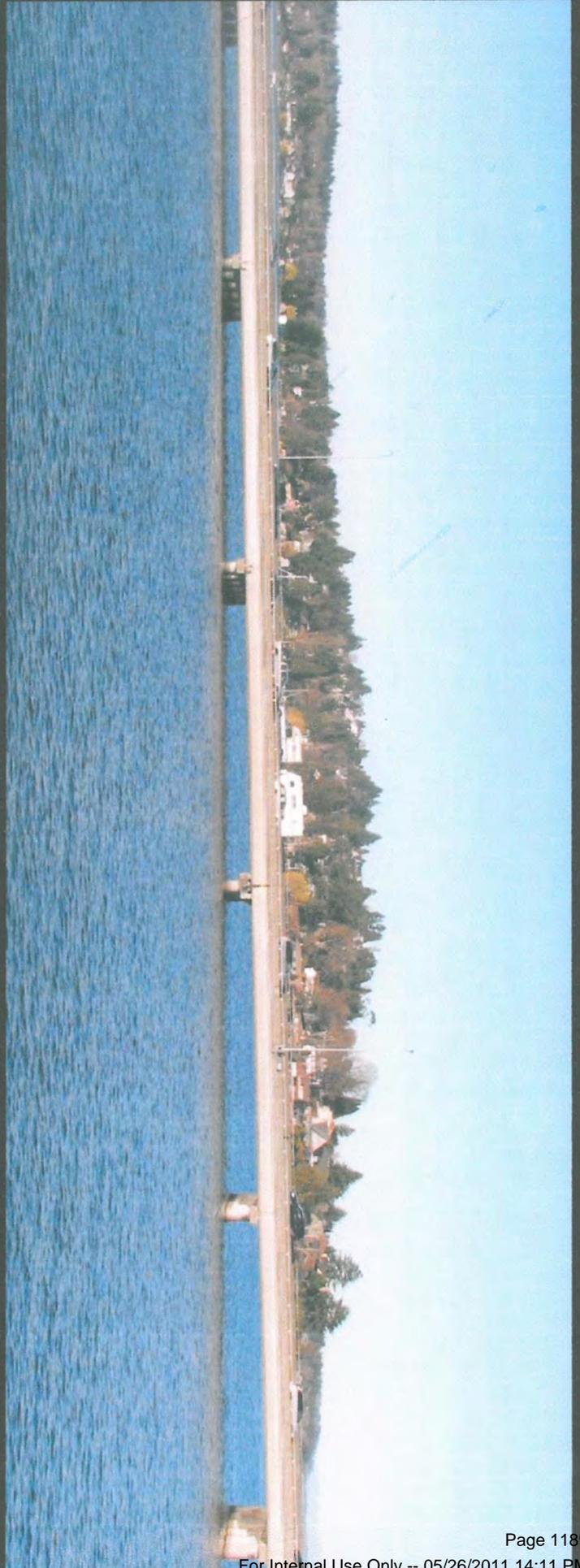


EXHIBIT 3

-----Original Message-----

From: Bill Mundy [mailto:bill@mundyfarms.com]

Sent: Tuesday, April 13, 2010 7:49 AM

To: SR 520 Bridge SDEIS

Cc: Mundy Mary

Subject: SDEIS Comments

Attached are our comments. We would appreciate your acknowledging receipt of this document. Thank you.

*** eSafe2 scanned this email for malicious content ***

*** IMPORTANT: Do not open attachments from unrecognized senders ***

Bill and Mary Ann Mundy
2500 Canterbury Lane E., #301
Seattle, WA. 98112
bill@mundyfarms.com
mamundy@comcast.net
April 13, 2010

Jenifer Young
SR520, I-5 to Medina: Bridge Replacement and HOV Project
Environmental Manager
SR520 Project Office
600 Stewart Street, Suite 520
Seattle, WA., 98101

Dear Ms. Young:

c-045-001 | The following are comments that we have regarding WSDOT's Supplemental Draft Environmental Impact Statement (SDEIS). Bill Mundy, as Chairman of the Canterbury Shores SR520 Committee, has also reviewed and commented on the SDEIS under a separate document. Our concerns parallel those found in the separate document in most instances. There are some exceptions, especially regarding health matters.

Attachment 7, Discipline Reports

Air Quality

Dust. Particulate Matter (PM). There is NO analysis of PM during construction and operation on a seasonal basis. During summer months wind from the north significantly increases PM along North Madison Park (NMP) and at Canterbury Shores (CS). Your averages MISSTATE the seasonal effects.

Health

c-045-002 | It is our understanding there has been a health impact assessment that has been made regarding the SR520 project. There is no evidence of that in the Discipline Reports. The air quality report simply assumes that since air quality will not deteriorate there are no adverse human health affects. There is no quantitative data regarding the broad range of health affects (air, noise, vibration, etc.) on specific types of health problems. For example, what is the relationship between increased SR520 noise and mental illness?

Wetland

c-045-003 | The amount of wetland that will be affected by construction is significantly underestimated. Material in the DSEIS excludes the impacts of the temporary bridge

C-045-003 | which will be built to the south of the existing bridge and the boat and barge traffic in this very shallow wetland area. There is NO indication of the type and extent of mitigation.

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A distinction between beavers in general and the three beaver lodges, particularly the one at the 37th Ave. E. street end needs to be made. In the case of all three lodges these are unique animals living in close proximity to an urban area. The lodge at the 37th E. street end is one of three that we know of, in the entire Metropolitan Seattle Area that can be easily observed from the land at a distance of about 50 feet.

The EIS fails to analyze the impact of the 520 construction on these particular animals. There is no plan as to how to minimize the impact on them during and after construction. The beavers give birth to their young between Feb. and April. The kits, usually 4-6 in number, are nurtured by their mother from April 1 to October 1. The disturbance of construction during the nurturing period is particularly detrimental to the animals occupying these lodges. The lodge at the 37th E. street end has at least 5 active adult beavers in addition to any new kits that may have been conceived this winter. The evidence of current beaver activity is very observable at the lake side by their wood chewing activity. The beavers at the 37th E. lodge are seen by children and adults on a regular basis. This particular lodge is an essential connection between the Madison Park Community's and native wildlife. Even though beavers in general are not classified as protected species under the Environmental Protection Act, these beavers are unique in an urban setting and should NOT be considered in the general class of beavers in other parts of the State of Washington. By giving consideration to the uniqueness of these particular beavers and the purposes of the Environmental Protection Act, the beavers at the 37th E. street end should be dealt with as if they are protected species.

The 520 EIS should analyze the impact of construction on these unique beaver lodges

C-045-005

and contain a plan to protect the beavers during the construction period.

The following questions need to be answered:

- How will their reproductive process be affected?
- Where could they build a new beaver lodge?
- How long will it take to construct replacement beaver lodges?
- Where and how will beaver exist as they are replacing the lodges?
- How will the destruction of the lodges affect the beaver population? For example their reproductive process, behavioral habits, susceptibility to disease?

There is NO discussion of these issues. There is NO discussion of mitigation.

C-045-006

Hazardous Material

Miller Street Landfill

The only site studied is the Arboretum Playfield. There is NO precise delineation of the Miller Street Landfill. Historical and anecdotal reports indicate a large area between the Arboretum and NMP was used as a landfill. The DSEIS cites a study (Ouet and Kiers, 2007) indicating methane gas was found. The precise location of their study is NOT cited or shown. When canoeing and kayaking through this area (south of the bridge) "air" bubbles rise to the surface therefore there is evidence of methane gas below the surface.

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In both cases the EPA minimums, or clean up standards, according to AMTEST, are 1,000 ppb. Therefore, both diesel and heavy oil exceed the EPA minimums, the latter by a considerable amount.

The SDEIS does NOT state how the extent and type of hazardous material will be dealt with in the area extending between the western edge of the Arboretum to the eastern edge of NMP.

C-045-007

Land Use, Economics and Relocation

C-045-007 | Estimated Construction Time. The DSEIS states construction time in the NMP vicinity will be 54 months (4.5 years). In numerous meetings with WSDOT personnel they have stated construction time will be between five to seven years. Therefore the SDEIS appears to be in ERROR.

C-045-008 | Value Impacts. There is NO discussion in the SDEIS about the affect construction or the permanent operation will have on the value of property in the SR520 corridor.

C-045-009 | Noise

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Canterbury Shores, Monitoring Location 35, 65 dBA

Edgewater, Monitoring Location 36, 66 dBA.

Statistically there is no significant difference between 65, 66 & 67 dBA. This is especially true given the variability in measurements [time of day, weather, height of receiving location such as building story (Canterbury Shores is a four story building), person doing the measuring, the objectivity with which the measurements were taken (for example, the noise experts were not retained by an impartial entity but rather by WSDOT), etc.].

Throughout the DSEIS when dealing with noise mitigation and in particular noise walls, which are the only feasible type of noise mitigation strategy for NMP, it does NOT state noise walls will be constructed, rather it states they are "recommended." History shows that at the end of a construction project when funds are minimal or lacking the "recommended" items are frequently NOT provided.

C-045-011 | There is a significant INCONSISTANCY between WSDOT maximum noise levels and those of the City of Seattle and Washington State Labor and Industries.

- For Seattle:
 - Maximum sound level between 7:00am and 10:00pm is 55 dBA. This would be for the permanent operation;
 - The maximum exceedence during construction for heavy equipment is 25 dBA;
 - Therefore, the total maximum noise level for the 54 month construction period during any day would be 80 dBA (80 dBA is "moderately loud" and equivalent to standing within two feet of an operating garbage truck).
- For WA. Labor and Industries:
 - Noise cannot exceed 85 dBA over an 8 hour period. (WAC 296-817-300).

C-045-011

There is NO mention of pile driving noise in Exhibit 23, page 64. This is a serious OMISSION because in Exhibit 22 it shows that pile driving results in the most serious noise levels of all equipment and ranges between 99 to 105 dBA.

Exhibit 26, page 67 and 68, shows pile driving noise level profiles. This exhibit is INCORRECT. The exhibit DOES NOT include the area where the temporary bridge is to be built. Even with this ERROR WSDOT's noise profile exceeds City of Seattle and WA L&I maximum noise limits. This is a serious OMISSION. Your documents show that 2042 piles will be driven (Table 6.7.1) over the 54 month period. Exhibit 8, page 26 is a table showing relative loudness. The reference point is 80 dBA, the noise a garbage truck makes when one is standing within two feet of it and this is not with an idling engine. 100 dBA is 4 times louder, the equivalent to a jet taking off. 100 dBA is classified as "very loud." Interestingly, the noise effects on fish and mammals are discussed, they are NOT discussed regarding humans.

Exhibit 31 (approximately page 85). Noise Levels. The following are the noise levels listed for NMP without sound walls: MP1-66, MP2-67, MP3-67, MP4-67. All of these are right at NAC maximums and exceed City of Seattle maximums of 55 dBA. Given that, Exhibit 33 is MISLEADING for it is based on the assumption of sound walls. This is a "best case" scenario and extremely unlikely as sound walls are optional, not required. Due to a lack of funds and WSDOT prior statements, it is more likely than not that sound walls will NOT be constructed in the NMP segment. The SDEIS states regarding mitigation:

- "measures must be considered;"
- "mitigation measures ... must be recommended (page 107).

This is NOT the same as requiring mitigation measures to reduce noise levels to an acceptable level.

OMMITTED from the noise section is how the "beep beep beep" of construction vehicles and equipment, when they back up, is quantified. According to a person I interviewed who lived on Mercer Island, in close proximity to the I-90 project, the "beep beep beep" was so annoying that they had to move. And, it was something that went on for 24 hours per day, often 7 days per week. If one has to listen to this for 54 months from 7:00am to 10:00pm it would, indeed, be annoying. It would be more than annoying for 24 hours per day, seven days per week. Based on my review of the DSEIS this noise is not dealt with, it is therefore an OMISSION. If it is dealt with please provide the reference or documentation.

Vibration

Reference page 69, Vibration Effects. The DSEIS states it is: "Unlikely that vibration levels would exceed 0.5 inches per second at a distance greater than 100 feet from the construction site." This is INCORRECT.

- First, there is NO quantitative data provided showing vibration levels were based on the tests WSDOT did;
- We know WSDOT did tests for two reasons:

C-045-011

1. We gave WSDOT permission to place a "vibration meter" on our property and we accompanied the person who placed it there;
2. We witnessed and experienced the tests, both putting in the piles and taking them out (both which will occur as a part of the WSDOT construction activity).

Page 61 contains a table that shows the effects of various vibration levels and it states: the "threshold at which there is risk of architectural damage to normal dwellings – houses with plaster ceiling and walls." This is at a vibration level of 1.27 or greater. Management and residents at Canterbury Shores experienced the pile driving noise and vibration level tests.

- Regarding pile driving: it is highly likely that the levels for pile driving exceeded 1.27. During the tests there were many complaints about the noise levels to CS management.
- For pile removal there is no doubt they exceeded 1.27. Homeowners stated that objects on counters and shelves "jumped around." In fact, vibration was so bad numerous governmental agencies were contacted, including WSDOT. Exhibit 1 shows the e-mails that resulted.

Vibration Mitigation (page 172).

This discussed how noise might be mitigated. There is NOTHING on vibration mitigation. This is an OMISSION.

The SDEIS states there is "no effective method to reduce vibration." (page 174). If it can't be reduced how can "it be kept to a minimum.?"

If noise and vibration levels are above legal limits what can be done? "Vibration monitoring" (page 61) will NOT cure the problem.

C-045-012

Noise and Vibration, Pile Removal.

The noise and vibration material deals with the 2042 piles that will be driven over the 54 month construction period. It does NOT deal with the process of removing the piles and the noise and vibration that will result from the removal process. This is a serious OMISSION for the experience at CS indicates that the noise and vibration resulting from the removal of the piles is much greater than driving them. We have also discovered that if piles cannot be removed through extraction (pulling them) they are cut off at the lake bottom. The DSEIS does not deal with the debris that remains, for example the creosote laden piles. This is a serious OMISSION, especially due to the remaining hazardous material.

C-045-013

Recreation

OMITTED from the SDEIS is an analysis and discussion of the effect of the temporary construction bridge to the south of the existing alignment and bridge on boat access to NMP water frontage property. The temporary bridge, barges and working boats will severely and/or completely make ingress and egress impossible.

C-045-014

Transportation

OMITTED. An analysis of the effect on traffic at the Lake Washington Blvd and Madison Street intersection.

C-045-015

View

Volume I.

Regarding the West Approach Landscape Unit. This OMITTS the view affect on NMP homes (page 57). It MISSTATES how NMP views would be permanently affected:

“possibly blocking views of Laurelhurst Hills but revealing more open water in Union Bay.” (page 70). See the following comments under Volume II.

Volume II.

Exhibit 2-17 and 2-18 show existing and Option A (and the 2 other options also) views. Both exhibits are MISLEADING due to the INCORRECT way the photographs were taken (using an incorrect camera lens that does NOT show what the eye actually sees). Exhibit 2 shows what the view will actually be like from the north shore of NMP on a before and after basis. Exhibit 3 shows what the views will look like from the Madison Street pier, at the east end of Madison Street. These two exhibits were prepared by a professional photographer, Mr. Aaron Weholt, Legal Media, Seattle, WA.

C-045-016

Water Resources

Referencing Page 69. OMISSION. There is no discussion of how the south one-half of the bridge, the east-bound lanes, would be constructed. Also OMITTED is a discussion of the temporary construction bridge that will be located south of the east-bound lanes.

C-045-017

Construction Activities, Chapter 3, 1/5/2010.

The are NO graphics shown and there are NO specifics on the construction bridge to be located south of the current and new east-bound lanes. The purpose of this “construction bridge” is to demolish the existing bridge and build the new east-bound lanes. The construction time period, according to the SDEIS, is 4.75 years. This time period may be IN ERROR as WSDOT staff have indicated it will be between five to seven years. This is a very significant OMISSION for the construction affects from noise, vibration, view blockage and water access will be huge.

Project Operation and Permanent Affects (Chapter 5).

C-045-018

Noise.

C-045-018

The SDEIS states "WSDOT's practice is to work with the owners of these properties (those where "noise abatement measures must be considered") during detailed project design to determine the mitigation measures that will be used." (page 5-104). No one from WSDOT, or any other public agency, has discussed this matter with CS management or owners. This is an OMISSION.

As was stated earlier, there is NO assurance of mitigation. Noise walls are the only mitigation proposed for NMP. All options state: "If noise walls are included ..." (page 5-107). This is NOT as assurance that noise will be mitigated.

North Madison Park is NOT mentioned for noise mitigation. (page 5-109 and 5-110).

C-045-019

Wildlife and Habitat.

Referencing the sentence "Remove a large beaver lodge ..." (page 5-140). There are at least three (3) beaver lodges in or in very close proximity to the 520 right-of-way in the arboretum. The SDEIS graphics DO NOT identify where any are located. There is NO scientific analysis or discussion of the effect construction will have on the beaver population

There are NO mitigation measures for wildlife. (page 5-146).

C-045-020

Navigation.

There is NO discussion on how navigation would be affected north of NMP and south of 520 during construction or permanently. (page 5-151).

C-045-021

Effects During Construction (Chapter 6).

There is either NO or ONLY superficial discussions of construction affects on NMP regarding boat access, noise, vibration and wildlife. (page 6-46 to 6-49). Also, see the above comments relating to the Discipline Reports.

C-045-022

View Impact.

In Chapter 6 it states: "Under all design options, the greatest temporary change to visual character and quality would result from demolition of the Lake Washington ramps to and from the Arboretum and construction and presence of construction and detour bridges because of their size and complexity. Vegetation would be removed in 30- to 60-foot-wide swaths for the work bridges. Subsequent construction of the permanent new west approach bridges would compound the effects. The combination of the construction bridges, detour bridges, finger piers, and the existing and new bridges would result in substantial degradation of visual character and quality of the south part of Union Bay. The structures would block water- and ground-level view for viewers near the structures. The viewers most affected by this change would be commuters crossing the bridges, park users and boaters, and residents in north Madison Park (underline mine). Views from the Broadmoor Golf Course would be screened most of the year by tall trees along the shoreline." (page 6-54 and 6-55). This statement:

C-045-022

- Is inconsistent (an ERROR) with your statement regarding views (Views, Volume I, page 70) where it states: “possibly blocking views of Laurelhurst Hills but revealing more open water in Union Bay.”
- Does NOT discuss mitigation, an OMISSION.

C-045-023

Noise. (re: page 6-65+)

The following is relevant information and comments from several tables in this section:
Table 6.7.1: Equipment – Pile Drivers, Noise Level – 99-105 dBA, Number of piles to be driven: 1987 + 55 for Lake Washington Blvd or 2042 piles total.

Table 6.7.2: Maximum City of Seattle sound level, residential – 55 dBA.

Table 6.7.3: Maximum Exceedence:

<u>Minutes/hour</u>	<u>Exceedence</u>
15	+5 dBA
5	+10 dBA
1.5	+15 dBA

For driving in and pulling out the 2042 pilings (that is 4084 operations) the maximum noise criteria for the City, State, and federal government (NAC) will be exceeded. What is the effective mitigation? The answer to this has been OMITTED.

Table 6.7.4: Noise Levels that “should NEVER be exceeded.”

<u>dBa</u>	<u>Time Duration Exceedence Prohibited</u>
90	Continuously*
93	20 minutes
96	15 minutes
99	7.5 minutes

*I believe this is an error, for it means at 90 dBA or greater the noise level cannot be exceeded.

Therefore, if any piles are driven the noise levels will be exceeded. But, this must NEVER happen. What is the answer to this dilemma? It has been OMITTED.

In addition, just so we are on the “same page,” don’t suggest these noise levels will not reach NMP. First, your noise profiles do not take into account the construction bridge. Second, they do not take into account pile removal. Third, they do not take into account the vibration index.

Vibration (reference page 6-69).

Data and analysis on vibration testing has been OMITTED.

Reference “Construction Vibration Effects” page 6-69. In the middle of the paragraph it states “It is unlikely that vibration levels would exceed 0.5 inches per second at distances greater than 100 feet from the construction sites.” In that regard:

- Distances from the construction bridge have been OMITTED;
- Data and analysis has been OMITTED regarding vibration tests and levels;
- Based on the experiences at Canterbury Shores regarding driving and pulling piles the vibration level exceeded 1.27 inches per second. This data and the effects have been OMITTED.

C-045-023

- Due to the poor quality of graphics in Exhibit 6.7-3 (at least on my CD), it is not possible to tell where the noise contours are in relation to the land (i.e. shoreline, land improvements, etc.). This must be an ERROR.

Respectfully submitted,

Bill Mundy.

Mary Ann Mundy

Attachments: Exhibits 1, 2 & 3.

EXHIBIT 1 a

From: "McCaffree, Justin (Consultant)" <McCaffJ@consultant.wsdot.wa.gov>
Date: November 9, 2009 2:59:42 PM PST
To: "Bill Mundy" <bill@mundyfarm.com>, "Warner, Dave (Consultant)" <WarneDa@consultant.wsdot.wa.gov>
Cc: <donwand@comcast.net>, "French Bruce" <brucef@bca-online.com>, "John Miller" <johnm@cdcmanagement.com>, "Samuel Jim" <sgllc1@nwlinc.com>
Subject: RE: SR 520 In-Water Test Pile and Noise Study: Noise Monitoring

Mr. Mundy,

Thank you very much for bringing this concern to our attention. I will make sure that the appropriate project staff are made aware of this issue.

Justin McCaffree
 Communications, SR 520 Bridge Replacement and HOV Program
 Washington State Department of Transportation
 206-269-5041
 101 Stewart Street, Suite 1200 | Seattle, WA 98101
 <<http://www.wsdot.wa.gov/projects/sr520bridge/>>

From: Bill Mundy [mailto:bill@mundyfarm.com]
 Sent: Mon 11/9/2009 2:47 PM
 To: McCaffree, Justin (Consultant); Warner, Dave (Consultant)
 Cc: donwand@comcast.net; French Bruce; John Miller; Samuel Jim
 Subject: SR 520 In-Water Test Pile and Noise Study: Noise Monitoring

Justin. A very short while ago, probably within the last 1/2 hour, your noise study folks (big barge on north side of bridge, possibly General Construction) did some vibration testing. This was VERY noticeable here at Canterbury Shores (floors shook, our lights and china clattered). This is very disconcerting for several reasons: (1) the foundation of CS is supported by pilings and much of this area was an old landfill therefore the vibrations could cause settling (2) settling will cause cracks in wallboard, brick mortar, etc. (3) the vibration is so great that we will need to take things of value off open shelves and counter tops (I know there are several residents here that have significant collections of blown glass). I can understand your desire to do these tests, but it would be prudent to "tone them down" significantly. Thank you.

Bill Mundy Ph.D., MAI
 2500 Canterbury Lane E. #301
 Seattle, WA., 98112.

EXHIBIT 1 b

From: "McCaffree, Justin (Consultant)" <McCaffJ@consultant.wsdot.wa.gov>
Date: November 9, 2009 3:19:52 PM PST
To: "Bill Mundy" <bill@mundyfarm.com>
Cc: "Brandt, Sarah (Consultant)" <BrandtS@consultant.wsdot.wa.gov>
Subject: RE: SR 520 In-Water Test Pile and Noise Study: Noise Monitoring

Mr. Mundy,

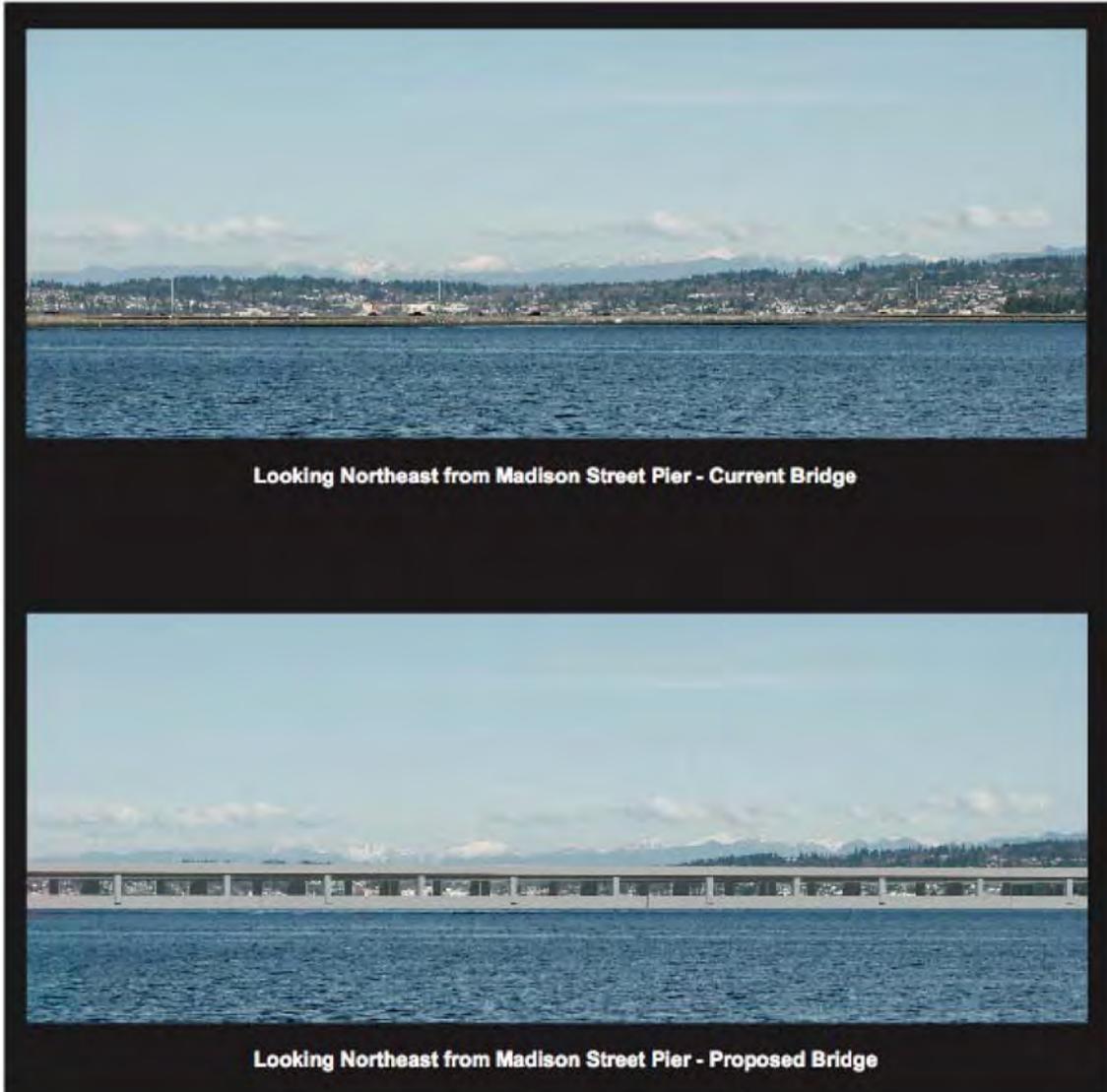
I spoke with the on-site construction inspector who informed me that the vibration you felt occurred as crews were attempting to remove the final test pile using a vibratory hammer. Crews were unable to remove the pile using this method, and will instead have divers on-site tomorrow to cut the pile off below the mud line.

I have to leave the office today at 3:30 and will be out for the remainder of the afternoon, but should you have any other questions or concerns, please feel free to contact Sarah Brandt, SR 520 Environmental Communications, at brandts@consultant.wsdot.wa.gov.

I apologize for the inconvenience and thank you again for bringing this to our attention.

Justin McCaffree
Communications, SR 520 Bridge Replacement and HOV Program
Washington State Department of Transportation
206-269-5041
101 Stewart Street, Suite 1200 | Seattle, WA 98101
<<http://www.wsdot.wa.gov/projects/sr520bridge/>>







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Seattle, WA 98124-4749

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Seattle, WA 98124-4025

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Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

Paula Hammond, Secretary
Washington State Dept of Transportation
PO Box 47300
Olympia, WA 98504-7300

Jennifer Young
SDEIS Manager
600 Stewart St., Suite 520
Seattle, WA 98101

RE: SR 520 Bridge Replacement Project

Dear Mayor, Councilmembers, Governor, Secretary and Ms. Young,

As business owners and members of the community here in the Fremont neighborhood of Seattle, we are greatly dependent on the ongoing viability of the SR 520 route for transportation of ourselves, customers and products to and from the east side of the lake.

While we encourage planning and design for bridge approaches that would allow for future installation of light rail, after 13 years of planning, we strongly urge you to proceed with the current WSDOT plan for the bridge replacement without further delay.

Sincerely,

Marko Tubic, President
Fremont Chamber of Commerce

RECEIVE

MAY 11 2010

Office of the Secretary
Department of Transportation

The Fremont Chamber of Commerce strengthens the business climate and improves the quality of life in the Fremont area.

*ScanSend
Vets / Megenhardt
5/26/10*