

# Coalition for a Sustainable SR 520

Madison Park.. North Capitol Hill..Montlake.. Laurelhurst..Roanoke Park/Portage Bay. .Boating community

Sept. 16, 2011

Ms. Diane Sugimura  
Director  
Seattle Department of Planning and Development  
700 Fifth Ave, Suite 2000  
Seattle WA 98102

Dear Ms. Sugimura,

We make the following comments on the permit applications recently submitted to you by WSDOT with respect to the SR 520 highway project. The names and numbers of these permits are listed at the end of this letter.

## **Appearance of failure to perform DPD responsibilities to citizens**

We are deeply concerned about the appearance that DPD is not following, and does not plan to follow, the usual process required on permit applications. The reasons for our unease include:

- Permit application signs were posted in our neighborhoods on August 19, and comments are required by today, September 16. However, when one of our colleagues went to pick up the materials on August 22, many of the materials were not there, and the cover letters to the applications are stamped "Received August 29". There is a strong appearance of undue haste and/or deliberate shortcut of customary requirements.
- DPD has accepted the permit applications without requiring the usual and required information and documents. Several of our members have been required to come back several times with additional information before their permit applications were granted. However, these WSDOT applications were accepted with many shortfalls, including
  - o DPD staff tells us that some documents are still missing, and will be coming in the future. How can we comment on what is not there?
  - o Other documents are clearly in draft stage, or incomplete. Some of the maps are mere sketches, without the required information. More details are below and in the letter from Ron Melnikoff.
  - o As it starts to process these permits, DPD has also asked for an amendment to the land use code which would give it the power to waive all development regulations on essential public facilities, including highway 520. DPD has issued a determination of non-significance on the environment for its proposal, although it is clear

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Ted Lane, Roanoke Park Community Council ;Anita Bowers, Jonathan Dubman, and Robert Rosencrantz, Montlake Community Council; Maurice Cooper and Gail Irving, Madison Park Community Council; Colleen McAleer and Jean Amick, Laurelhurst Community Club; Nancy Brainard, North Capitol Hill Neighborhood Association; Gary Stone boating community. [www.sustainable520.org](http://www.sustainable520.org)

that expanding 520 will have major impacts, and waiving normal requirements would likely lead to considerable harm.

It is hard to believe that DPD's proposing this change now is coincidental. Consequently there is a strong appearance that DPD plans to change current controls so that it can waive normal safeguards with respect to the highway 520 project.

The incentives of WSDOT are to get the project done. We rely on the city government to assure that as it gets done, all avoidable damage is avoided, adequate safeguards are in place, and mitigation is provided for the areas harmed.

We note also that there was no public participation in the choice of sites for mitigation. Would it not be appropriate for the city to consult with those most affected and most knowledgeable about the area?

### **Errors and Omissions**

The permit applications incorrectly classify some sites as "aquatic" rather than "wetlands", and use these classifications as justification for doing mitigation outside the area.

One major reason given for classifying most of Union Bay and Portage Bay as aquatic is depths of over 6 feet. However, NOAA's chart of the area, page 26 at this site, [http://ocsddata.ncd.noaa.gov/BookletChart/18447\\_BookletChart\\_HomeEd.pdf](http://ocsddata.ncd.noaa.gov/BookletChart/18447_BookletChart_HomeEd.pdf) clearly shows that most of the area is less than 6 feet deep. This is confirmed by the NOAA nautical Chart 18447, Lake Washington Ship Canal and Lake Washington, May 2008. Both documents are incorporated herein by reference.

That this information is so readily available suggests either remarkable sloppiness or a deliberate intent to classify these areas in a way that enables WSDOT to do what it wants. It also reinforced the need for DPD to be particularly vigilant during this process.

Portage Bay was recently downgraded from class 2 to class 3. In part, this was because the analysis completely missed a stream which is integral to the hydrology to the area. Sloppy again.

Shoreline requirements include putting delineation flags on wetlands. This is not done. The small wetland near the Froland property does not show on the maps, and there may be other omissions.

There is no documentation that local mitigation was evaluated.

There is no map showing location of grading activities.

There is no depiction of non-disturbance areas.

There is no monitoring plan for monitoring the health of the ecology during the 5 to 7 years of construction, no plan to retain as much wildlife and bird life as possible during construction, no plans for re-establishing wetland, and the plans for replanting are very inadequate.

There are many other errors and omissions, some of which are mentioned in today's letter from Ron Melnikoff.

### **Appearance of political choices of mitigation sites.**

The areas that will be most harmed are near the 520 highway: Portage Bay, Union Bay, the Madison Park shoreline, etc. However, except for the Arboretum area, the mitigation proposed is all off-site, in locations which are not directly harmed. There is a strong appearance that the mitigation sites were chosen to appease strong political interests:

- The choice of the Bryant Building site for 6(f) mitigation benefits the University of Washington, whose campus it adjoins. However, the Bryant site does not serve the purposes or the same communities; it is on the other side of a body of water, in an industrial area on a ship canal.
- The choice of uplands Magnuson Park enables the city to continue its upgrading of that park. But it does not serve the same purpose, or the same communities.
- The significant mitigation in the Cedar River area will help fish and the people who work on fish; but this mitigation is caused by the incorrect classification of waters as aquatic, and once again has a different purpose and different communities from the areas being harmed.
- The choice of uplands Union Bay is incomprehensible, except that it again helps the University of Washington. The documents are inconsistent, but it appears that WSDOT plans to turn an uplands parking area into a wetlands. Why do that, when the wetlands below desperately need help?

### **These shorelines, bays, and wetlands are worth saving.**

The shorelines, bays, and wetlands from Portage Bay through Union Bay/ Madison Park are a unique resource. They are among the last areas of this type on Lake Washington. The documents do not acknowledge that we are dealing with one integrated ecosystem, where an extraordinary diversity of wildlife exists along with many people who enjoy it each day.

These areas nourish:

- A wide variety of birds including Hooded Merganser, Pied-billed Grebe, Double-crested Cormorant, Gadwall and Mallards but winter waterfowl include American Wigeon, Northern Shoveler, Northern Pintail, Green-winged Teal, Ring-necked Duck, Lesser Scaup, Bufflehead, Common Merganser, and American Coot. Killdeer, Wilson's Snipe. Great Blue Herons grace our

- shoreline. Red-tailed Hawk, Bald Eagle, Peregrine Falcon and Cooper's Hawk.  
Osprey, eagles, coots.
- Several beaver colonies with their dams. Muskrats. Racoons.
  - Fish, including migrating salmon.
  - Turtles

These areas are adjacent to the Arboretum, which is receiving considerable mitigation. However, it will do little good to invest in the Arboretum if the adjacent areas are ruined; again, this is one ecology, and the wildlife need the whole area.

If this habitat is significantly harmed, it will affect the environment of the whole city and beyond. These refuges are necessary to support the populations of wildlife.

The Board of Parks Commissioners recognized the importance of the area in its April 14, 2010, letter to WSDOT in response to the SDEIS. Their letter, incorporated here by reference, includes the following:

“Seattle Parks is just completing a large wetland restoration project along the perimeter of Montlake Playfields. There are additional wetland enhancement opportunities available. Montlake Playfield should be considered for any required wetland mitigation/enhancement as part of the projects mitigation requirements.  
“

Finally, there is a large and active community working to preserve and enhance the area. This includes the “Save Union Bay” group, the several groups which have created and maintain street-end parks, and the large community effort which has just resulted in habitat restoration, new public open space, and walking trails just west of Montlake Playfield. This restored habitat, with its new kayak/canoe boat launch, is to be dedicated next month; what irony if our city government, which helped in creating it, did not help to continue its existence!

There is a question of fairness here as well. The many residents of the densely-populated neighborhoods near this area will suffer most from the 5 to 7 years of construction... noise, pollution, traffic. It is not reasonable to expect them also to suffer the loss of the natural environment which is central to their lives.

## **Recreational impacts**

If these shorelines, bays, and wetlands are harmed, significant and much-used recreational opportunities will be lost. Every day, these areas are used:

- For all sorts of boating, including canoes, kayaks, crew shells, sailing lessons, sailing, and power boats.
- For swimming
- For walking and running on trails
- For bird watching
- For contemplation of nature
- For photography, drawing, painting

Seattle is encouraging people to get out, walk and bike. These are attractive, easily available outdoor locations. It is essential to preserve them for recreation... and mitigation could improve the recreation opportunities.

## Requests

As a result of all the foregoing, we request that DPD do the following:

- Require all the customary documentation, and after it is assembled, provide for another comment period of reasonable length. We can not provide comprehensive comments until the information is available.
- After that comment period, provide a city hearing on these applications. In an accompanying letter, I provide you with more than 60 signatures requesting this hearing.
- Require WSDOT to do local, on-site mitigation, with an emphasis on the shoreline experience for both wildlife and humans. This can include:
  - o Converting the Frolund property into a park, which we had previously requested.
  - o Created a constructed wetlands near the Portage Bay shore under the bridge. This would be more effective for stormwater coming off the hill than would the currently planned bio swale.
  - o Creating a walking bridge from the Frolund property over the water to the new restored habitat in Portage Bay.
  - o Creating more habitat in and around street end parks.
  - o Funding the removal of milfoil in the area each year for 20 years;
  - o Removing some of the accumulated sludge in the bays, if this can be done without further damaging them;
  - o Creating additional wetlands as envisioned in the Park Commissioners' letter;
  - o Creating solutions during construction for the various boaters to continue to get access to the water: from north Madison Park, from South Portage Bay, other.
  - o Creating attractions and temporary environments to retain birds and wildlife during construction;
  - o Providing humans with alternate recreation opportunities during construction.

Thank you for considering these comments.

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Coalition for a Sustainable SR 520  
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Permit applications:

[Portage Bay Bridge Project](#) (#3012585)

- [Montlake Bridge Project](#) (#3012586)
- [West Approach Bridge Project](#) (#3012587)
- [Floating Bridge Project](#) (#3011843)
- [Magnuson Park Mitigation Project](#) (#3012591)
- [Union Bay Natural Area Mitigation Project](#) (#3012592)
- [WSDOT Peninsula Mitigation Project](#) (#3012593)
- [Seward Park Mitigation Project](#) (#3012594)
- [Taylor Creek Mitigation Project](#) (#3012595)