

**FINAL ENVIRONMENTAL IMPACT STATEMENT  
AND FINAL SECTION 4(f) AND 6(f) EVALUATIONS  
SR 520 BRIDGE REPLACEMENT AND HOV PROGRAM**

May 2011

**SR 520, I-5 to Medina: Bridge Replacement and HOV Project**

**Attachment 15  
Section 6(f) Environmental Evaluation**



SR 520, I-5 to Medina: Bridge  
Replacement and HOV Project  
Final Environmental Impact Statement  
and Final Section 4(f) and 6(f) Evaluations

**Section 6(f) Environmental  
Evaluation**



Prepared for

Washington State Department of Transportation  
Federal Highway Administration  
National Parks Service  
City of Seattle  
University of Washington

Consultant Team

**Parametrix, Inc.**  
**CH2M HILL**  
**HDR Engineering, Inc.**  
**Parsons Brinckerhoff**  
**ICF Jones & Stokes**  
**Confluence Environmental Company, Inc.**  
**Michael Minor and Associates**  
**PRR, Inc.**  
**Critigen**

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# Contents

<b>Acronyms and Abbreviations</b> .....	<b>v</b>
<b>Chapter 1 Introduction</b> .....	<b>1</b>
What is the purpose of this document? .....	1
What is Section 6(f)? .....	1
Why does Section 6(f) apply to the SR 520, I-5 to Medina: Bridge Replacement and HOV Project? .....	3
Which grants were used for properties affected by the project? .....	6
How has the Section 6(f) process been conducted so far? .....	7
How will this environmental evaluation be used and how will the Section 6(f) process be completed? .....	10
<b>Chapter 2 Affected Section 6(f) Property and Conversion</b> .....	<b>13</b>
What steps did WSDOT take to avoid and minimize Section 6(f) conversions? .....	13
What is the Section 6(f) property that would be converted? .....	13
Where and how would the conversion occur, and how would it affect the remaining Section 6(f) resources? .....	19
<b>Chapter 3 Proposed Replacement Site</b> .....	<b>25</b>
What is the Section 6(f) replacement site evaluated in this document? .....	25
What development opportunities have been preliminarily identified for the Bryant Building site? .....	25
What are the Bryant Building site’s existing conditions and the likely effects of using it for recreation? .....	27
<b>Chapter 4 Summary</b> .....	<b>45</b>
<b>Chapter 5 References</b> .....	<b>47</b>

## Attachments

- 1 Cultural Resources Report for Section 6(f) Environmental Evaluation
- 2 Public Comments and Agency Responses on Draft Section 6(f) Environmental Evaluation



## List of Exhibits

- 1 Project Location
- 2 Section 6(f) Replacement Property Criteria
- 3 Flowchart of Overall 6(f) Steps for WSDOT, UW, and City of Seattle
- 4 Section 6(f) Boundary and Converted Area
- 5 Summary of Section 6(f) Conversion and Construction Durations
- 6 Concept Drawing for East Montlake Park
- 7 Location of Section 6(f) Resources and Proposed Replacement Site
- 8 Concept Drawing for Bryant Building Site
- 9 Vicinity of the Bryant Building Site Replacement Property
- 10 Bryant Building Site Photos



# Acronyms and Abbreviations

ALEA	Aquatic Lands Enhancement Account
BMP	best management practice
CFR	Code of Federal Regulations
DNR	Washington Department of Natural Resources
Ecology	Washington State Department of Ecology
EDR	Environmental Data Resources, Inc.
EIS	environmental impact statement
ESA	Endangered Species Act
FHWA	Federal Highway Administration
HOV	high-occupancy vehicle
HPI	Historic Property Inventory
I-5	Interstate 5
LWCF	Land and Water Conservation Fund
LWCFA	Land and Water Conservation Fund Act
NEPA	National Environmental Policy Act
NPS	National Park Service
NHPA	National Historic Preservation Act
NRHP	National Register of Historic Places
RACp	regulatory agency coordination process
RCO	Washington State Recreation and Conservation Office
ROD	record of decision
SDEIS	Supplemental Draft Environmental Impact Statement
SEPA	State Environmental Policy Act
SHPO	State Historic Preservation Officer
SR	State Route
SR 520 Program	SR 520 Bridge Replacement and HOV Program
TWG	technical working group
UST	underground storage tank
UW	University of Washington
WSDOT	Washington State Department of Transportation





# Chapter 1 Introduction

## What is the purpose of this document?

The Washington State Department of Transportation (WSDOT) is proposing to reconstruct State Route (SR) 520 between Interstate 5 (I-5) in Seattle and Evergreen Point Road in Medina. As identified in the Supplemental Draft Environmental Impact Statement (SDEIS) for the SR 520, I-5 to Medina: Bridge Replacement and High-Occupancy Vehicle (HOV) Project (the “project”) (WSDOT 2010), WSDOT would need to acquire recreational property improved by the City of Seattle and the University of Washington (UW) using funds from the Land and Water Conservation Fund (LWCF). Under the Preferred Alternative, WSDOT would need to acquire approximately 4.8 acres of Section 6(f) protected resources for right-of-way.

Land acquired with LWCF funding must be replaced with property of reasonably equivalent usefulness, monetary value, and location. In compliance with the National Environmental Policy Act (NEPA) and other applicable regulations, this document identifies replacement property for the Section 6(f) properties converted by the project and evaluates the potential environmental effects of developing the replacement property for park use. This document demonstrates that the parks where the Section 6(f) conversion would occur would still be viable recreation facilities, retaining the functions they served before the conversion. A full analysis of the environmental effects of the project on the converted property are described in the Final Environmental Impact Statement for the SR 520, I-5 to Medina: Bridge Replacement and HOV Project.

## What is Section 6(f)?

In 1965 Congress passed the Land and Water Conservation Fund Act (LWCFA), Title 16, U.S. Code, Section 460l. The act established the LWCF, a program that provides grants to help pay for the acquisition and development cost of outdoor recreation sites and facilities. Section 6(f) is the portion of the LWCFA that requires evaluation of any project that would convert properties that were acquired or developed with LWCFA grant assistance.



A conversion occurs when the use of a Section 6(f) site is changed for longer than 6 consecutive months to something other than what was funded, regardless of whether the change is temporary or permanent. Changes in use of Section 6(f) sites lasting less than 6 months are not considered to be conversions, although they would be evaluated under NEPA as recreation effects. Conversions can occur in three different ways:

1. when use of an *entire* Section 6(f) resource site would be changed for longer than 6 months;
2. when use of a *portion* of a Section 6(f) resource would be changed for longer than 6 months (known as a partial conversion); or
3. when a project would occur on the same property where the Section 6(f) resource is located, and would not directly affect the Section 6(f) resource, but would affect access to or other reasonable use of the Section 6(f) resource on the site for more than 6 months.

Section 6(f) requires approval of proposed conversions by the National Park Service (NPS). For projects in Washington State, there is a multi-step process in which project proponents identify Section 6(f) property(s) that would be converted to non-park uses, then forward the information to the Washington State Recreation and Conservation Office (RCO), which is the state agency that administers the LWCF, and that would prepare the application and draft recommendation on the conversion to the Washington State Recreation and Conservation Funding Board. The Recreation and Conservation Funding Board makes the recommendation to NPS on the approval of conversions. The NPS and the RCO must ensure that all practical alternatives to converting Section 6(f) properties have been evaluated. Where no practical alternative exists to a conversion, the act requires that replacement property be acquired for those lands to be converted, and charges the agencies with ensuring that proposed replacement lands would be of reasonably equivalent usefulness, monetary value, and location to those being converted.

The overall viability and recreational usefulness of replacement lands is partly dependent on the timetable to develop the replacement parks. While replacement of sites is usually expected to occur within three years of the date of conversion approval, full development of the sites may be delayed beyond 3 years if the RCO and the NPS agree.



## Why does Section 6(f) apply to the SR 520, I-5 to Medina: Bridge Replacement and HOV Project?

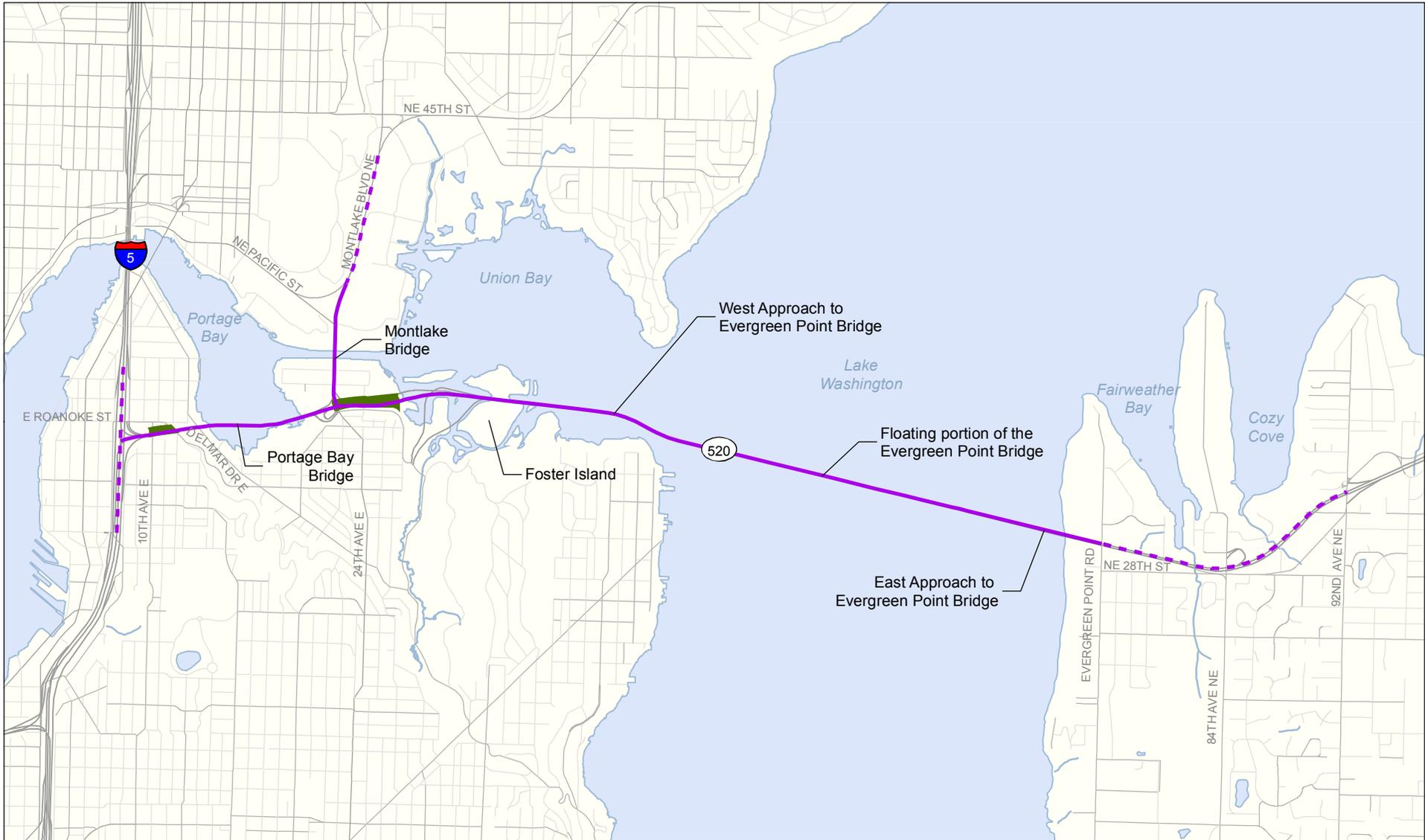
The project is part of the SR 520 Bridge Replacement and HOV Program (SR 520 Program), which is intended to improve mobility for people and goods within the SR 520 corridor from Seattle to Redmond in a safe, reliable, and cost-effective way, while avoiding, minimizing, and/or mitigating adverse effects on affected neighborhoods and the environment. In order to construct and operate this project, WSDOT proposes to convert Section 6(f) property along the project corridor consisting of a recreational trail complex that includes two named trails and two parks along Montlake Cut and Union Bay. These are the Ship Canal Waterside Trail and the Arboretum Waterfront Trail and portions of East Montlake Park and Washington Park Arboretum. This property is described in detail in Chapter 2.

After evaluating alternatives and design options for the project in the 2006 Draft Environmental Impact Statement (Draft EIS) and the 2010 SDEIS, and considering public and agency comments on those documents, WSDOT chose a preferred alternative in April 2010. The Preferred Alternative for the project would widen the SR 520 corridor to six lanes from I-5 in Seattle to Evergreen Point Road in Medina (Exhibit 1). It would replace the **vulnerable** Evergreen Point Bridge (including the west and east approach structures) and the Portage Bay Bridge and would complete the regional high-occupancy vehicle (HOV) lane systems across SR 520, as called for in regional and local transportation plans. The new SR 520 corridor would be six lanes wide, with two 11-foot-wide outer general-purpose lanes and one 12-foot-wide inside HOV lane in each direction. The SR 520 corridor between I-5 and the Montlake area would operate as a boulevard or parkway with a posted speed limit of 45 miles per hour and median plantings across the Portage Bay Bridge.

The project would include the following elements (listed from west to east):

- An enhanced bicycle/pedestrian crossing adjacent to the East Roanoke Street bridge over I-5
- A reversible transit/HOV ramp to the I-5 express lanes, southbound in the morning and northbound in the evening





- Project Extent
- - - Limited Improvement (e.g. Re-paving and Re-striping Lanes)
- Stream
- Lid



Source: King County (2005) GIS Data (Streams and Streets), King County (2007) GIS Data (Water Bodies), CH2M HILL (2008) GIS Data (Parks). Horizontal datum for all layers is NAD83(91); vertical datum for layers is NAVD88.

### Exhibit 1. Project Location

SR 520, I-5 to Medina: Bridge Replacement and HOV Project  
Environmental Evaluation of Section 6(f) Replacement Sites

- New overcrossings and an integrated lid at 10th Avenue East and Delmar Drive East
- A six-lane Portage Bay Bridge with a 14-foot-wide westbound managed shoulder that would be used as an auxiliary lane during peak commute hours
- An improved urban interchange at Montlake Boulevard integrated with a 1,400-foot-long-lid configured for transit, pedestrian, and community connectivity
- A new bascule bridge across the Montlake Cut to provide additional capacity for transit/HOVs, bicycles, and pedestrians
- Improved bridge clearance over Foster Island and the Arboretum Waterfront Trail
- Improved regional trail connections
- A new west approach bridge configured to be compatible with future high-capacity transit (including light rail)
- A new floating bridge with two general purpose lanes, and one HOV lane in each direction
- A new 14-foot-wide bicycle/pedestrian path with scenic pull-outs along the north side of the new Evergreen Point Bridge (west approach, floating span, and east approach), connecting regional trails across Lake Washington
- A new maintenance facility and dock located underneath the east approach of the Evergreen Point Bridge
- Re-striped and reconfigured roadway between the east approach and 92nd Avenue NE, tying in to improvements made by the SR 520, Medina to SR 202: Eastside Transit and HOV Project
- Design features that would also provide noise reduction, including a reduced speed limit on the Portage Bay Bridge, 4-foot concrete traffic barriers, and noise-absorptive materials applied to the inside of the 4-foot traffic barriers and lid portals. Quieter concrete pavement would also be used for the new SR 520 main line, and noise walls where recommended by the noise analysis and approved by affected property owners would be included in the design
- Basic and enhanced stormwater treatment facilities



## Which grants were used for properties affected by the project?

Two grants were awarded for the Ship Canal Waterside Trail and the Arboretum Waterfront Trail. The first grant of \$45,000 from the LWCF was awarded in 1966 by the Governor's Inter-Agency Committee on Outdoor Recreation (now known as the RCO) to the City of Seattle and the UW. These grantee agencies were co-sponsors for construction of a boardwalk and water access facilities along Lake Washington in the Arboretum and East Montlake Park (the Arboretum Waterfront Trail). The second grant of \$75,000 was awarded in 1985 to the City of Seattle through the Aquatic Lands Enhancement Account (ALEA) by the Washington Department of Natural Resources (DNR). This grant was for reconstruction of the boardwalk segment of the Arboretum Waterfront Trail and installation of interpretive signs, along with construction of a new trail (the Ship Canal Waterside Trail) from the Arboretum Waterfront Trail through East Montlake Park to the Montlake Bridge.

Recreation property purchased or developed with state ALEA grants has requirements similar to those of Section 6(f). Conversion of ALEA-funded recreation facilities to other functions requires replacement with lands of equivalent market value and recreational function within the same political jurisdiction as the converted property. The ALEA program is now administered by the RCO, rather than the DNR, and both the ALEA and Section 6(f) requirements are being addressed simultaneously through this project's Section 6(f) process.

Since the two grants for the Arboretum Waterfront Trail were issued through separate programs and were intended to meet different funding goals, the grantees needed to find replacement property to satisfy both grant programs' requirements. This means that the replacement property must be located on a navigable waterway and must meet recreational needs for both the City of Seattle and the UW. Both grantees agreed to move forward to address the conversions under both funding sources simultaneously on the assumption that the replacement property will satisfy each entity's needs as well as both funding program requirements.



## How has the Section 6(f) process been conducted so far?

Analysis of effects from the SR 520 Program began in 2000, with the initiation of the NEPA/State Environmental Policy Act (SEPA) environmental review process. Beginning in 2001, WSDOT coordinated with the agencies with jurisdiction over parks and recreation facilities to evaluate expected project effects and likely mitigation measures. These agencies included the City of Seattle, the UW, the NPS, and the RCO, along with communities east of Lake Washington.

In 2006, WSDOT published the Draft EIS for the SR 520 Bridge Replacement and HOV Project, which included preliminary identification of Section 6(f) properties and an evaluation of the effects on those properties from the build alternatives. As a result of feedback received on the Draft EIS, WSDOT developed other alternatives for consideration and developed three separate projects for ongoing NEPA/SEPA evaluation. There are no Section 6(f) impacts east of Lake Washington associated with the current project, so the Eastside communities have not been involved in the ongoing coordination on Section 6(f) issues for the project.

In 2007, WSDOT initiated the regulatory agency coordination process (RACp) to facilitate agency coordination and the environmental analysis being conducted for proposed improvements along the SR 520 corridor. A series of smaller technical working groups (TWGs) was developed from the RACp to meet separately and address specific issues. The Parks TWG was one of these groups, and it was first convened in November 2008 to address effects on parks and recreation resources and help determine appropriate mitigation for those effects. Members of the Parks TWG included representatives of the Federal Highway Administration (FHWA), the UW, the City of Seattle Parks and Recreation Department, the RCO, and the NPS. One of the Parks TWG's first actions was to provide a high-level review of how project work along the corridor relates to the regulatory framework, including Section 6(f) of the LWCFA. Since that time, the Parks TWG has been the primary forum where WSDOT has coordinated Section 6(f) process and issues.

The UW and the City of Seattle have a special role in the Parks TWG. As the recipients of the grants for the Section 6(f) property impacted by the project, they must be satisfied that the conversion is necessary, and



they must approve the proposed replacement options. The UW and the City, along with the other agencies represented on the Parks TWG, have agreed that construction and operation of the project would require a conversion of Section 6(f) resource to non-recreational use through permanent right-of-way acquisition, permanent easements, or closure of portions of the property for more than 6 months during project construction. They have also agreed to the use of the proposed replacement site described later in this document.

The SDEIS issued for the project in January 2010 addressed the effects on all recreational resources in the study area, including the Section 6(f) properties proposed for conversion. Public comment on the SDEIS was requested and received between January 22, 2010, and April 14, 2010, and those comments were addressed and taken into account in developing the Final EIS for the project.

The Draft Section 4(f)/6(f) Evaluation and associated Draft Parks Mitigation Technical Memorandum (issued with the SDEIS in January 2010) discuss the extensive coordination process that occurred to identify Section 6(f) conversion requirements and the needed replacement lands. Please see those documents for detailed information on the early Section 6(f) process, which generally included the following:

- Use of a resource-by-resource analysis to identify potentially affected Section 6(f) resources
- Identification of agency process requirements
- Development of an agreement on criteria to be used in selecting potential replacement sites as shown in Exhibit 2
- Search for replacement sites
- Selection of suitable sites for additional consideration and review

Using the criteria developed by the UW and the City of Seattle during the Parks TWG meetings (Exhibit 2), WSDOT real estate staff conducted a broad-ranging search for suitable replacement properties, spanning from Renton to Kenmore, Carkeek Park through the Lake Washington Ship Canal to Lake Union, and south to West Seattle and the south end of Lake Washington.



## Exhibit 2. Section 6(f) Replacement Property Criteria

Replacement Property	Criteria
Value	Replacement property must be equal to or greater in value, based on the fair market value of the land plus improvements.
Search Parameters	<p>Vacant parcels or parcels with structures that would be demolished or could be used for recreational purposes.</p> <p>Parcels in Seattle with Lake Washington, Union Bay, Portage Bay, or Lake Union waterfront or with waterfront access.</p> <p>Parcels adjacent to the Washington Park Arboretum.</p> <p>Parcels adjacent to the UW.</p> <p>Parcels adjacent to City of Seattle parks in the University District, Roanoke, Laurelhurst, Montlake, North Capitol Hill, and Madison Park neighborhoods.</p> <p>Parcels adjacent to other Seattle parks.</p>

WSDOT did not know when it began searching for replacement sites how large of an area would be needed. WSDOT confirmed with the RCO that the total replacement property needed could be achieved by providing one site or multiple sites. This allowed for a broader search, including smaller properties that could be considered as a group instead of a single large continuous parcel. During the initial screening process, WSDOT identified 86 potential parcels that met the broad search parameters. Nine other potential sites were added later. In many cases, several parcels were combined to form one site for consideration. The search comprised parcels owned by both individuals and public agencies, but not sites currently used for recreation. WSDOT's real estate group also provided a planning-level look at the costs of potential properties.

The potential properties were further screened, and the majority were eliminated because they would not be suitable park properties and/or because the property was not likely to be available for purchase. At the end of this screening process, the Parks TWG agreed that four sites were potentially suitable as a replacement park. WSDOT then initiated reconnaissance-level real estate appraisals of these sites to determine whether they would satisfy the LWCFR criteria for value, and considered the types of environmental issues that might be encountered with development and use of each site. The appraisal work, the final determination of Section 6(f) acreage to be converted by the project, and the identification of potential effects of developing the replacement sites



led to the Parks TWG's selection of the site that best meets all the criteria, is available, and is developable as a park.

This Section 6(f) Environmental Evaluation was developed for the likely replacement site (the Bryant Building site discussed later in this document). The draft of this evaluation was published on November 9, 2010, and a 30-day public comment was advertised requesting feedback on the findings of the document. Section 6(f) includes a public comment process for the environmental evaluation (see *LWCF State Assistance Program, Federal Financial Manual Volume 69* [NPS 2008; effective 10/1/2008], Chapter 4, Section 6.b (2)). Since the selection of the replacement property is at the sole discretion of the grantee agencies, the UW and the City of Seattle, comments were considered with respect only to the environmental evaluation of the replacement site and the remaining Section 6(f) property, and not to alternative sites or the process used in determining the acceptability of sites. The following section discusses the purpose of the environmental evaluation and the next steps in completion of the Section 6(f) conversion process.

## **How will this environmental evaluation be used and how will the Section 6(f) process be completed?**

This document describes the findings of the Parks TWG's environmental analysis of the Section 6(f) replacement site. It also summarizes and expands on findings from the SDEIS regarding how the existing Section 6(f) properties would function after the conversion. This Section 6(f) Environmental Evaluation provides information on the effects of using the proposed replacement site for recreation at a level of detail consistent with the NPS and RCO requirements for environmental evaluation.

This environmental evaluation document will ultimately support the NPS and the RCO decision-making processes regarding the request to approve the Section 6(f) conversion. These processes are discussed in detail in Chapter 2. WSDOT, the City of Seattle, and the UW are continuing discussions regarding how and when the replacement property will be purchased, how much funding will be provided by WSDOT for development of the new park land, and the types of agreements that will be needed to document these decisions. The documentation requesting RCO and NPS approval of the conversion will be submitted to the RCO after FHWA issues its NEPA record of



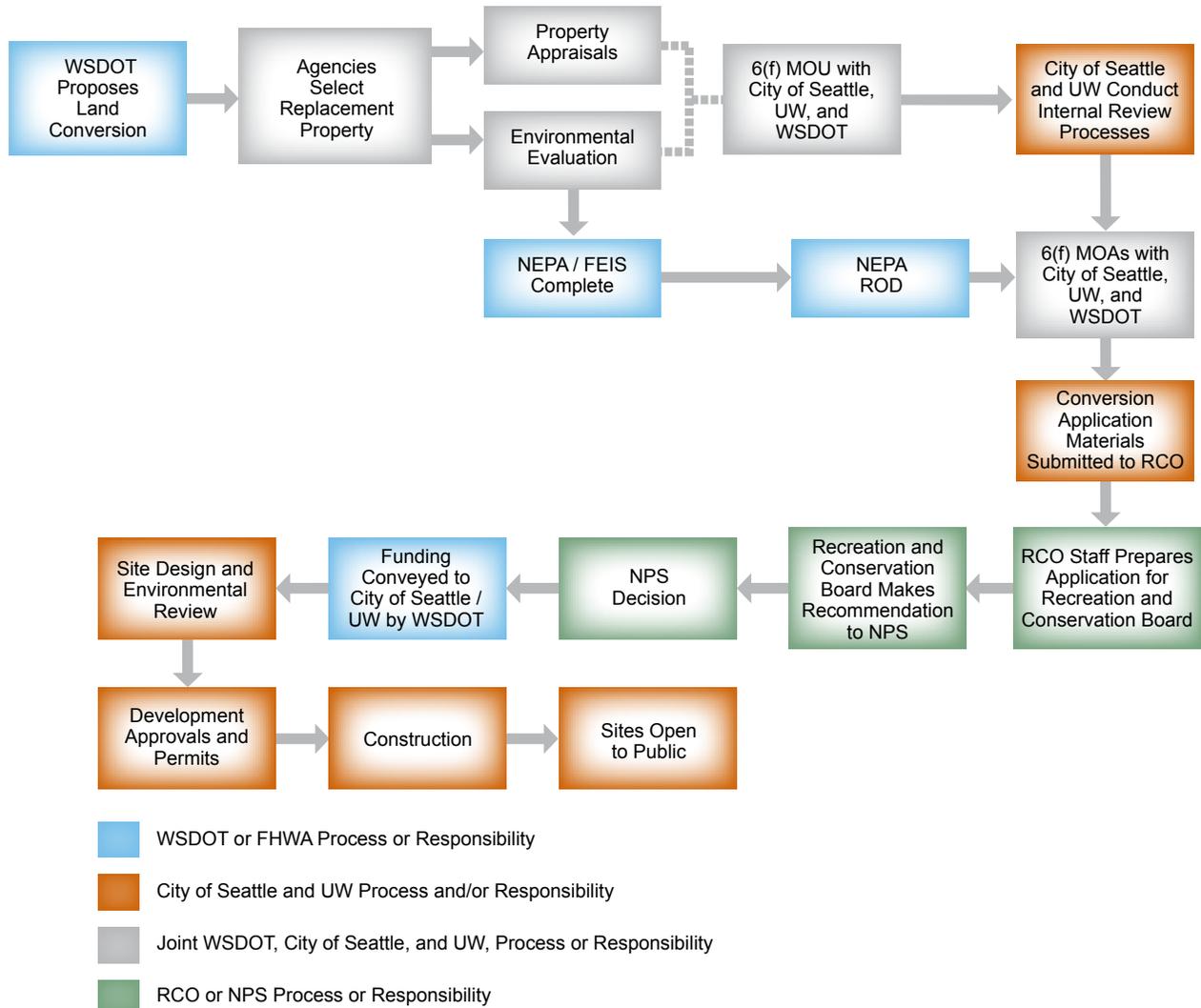
decision (ROD) for the project. After issuance of the ROD, WSDOT will provide funding for purchase and/or development of the site; however, WSDOT will not be responsible for designing, constructing, or managing the replacement site. As the recipients of the original LWCA and ALEA grants, the City and the UW (the sponsoring agencies) will coordinate to design the final project and obtain permits from regulatory agencies to construct the site. Please see Exhibit 3 for an overview of the Section 6(f) coordination process for each agency including WSDOT, RCO, NPS, the City of Seattle, and the UW.

The types of future approvals and permits that may be pursued by the City of Seattle and the UW, and may be needed for construction of the Section 6(f) replacement site include:

- Additional SEPA analysis on specific park development proposals
- City of Seattle shoreline permits or exemptions
- City of Seattle grading permit
- City of Seattle conditional use permit
- City of Seattle street use permit
- U.S. Army Corps of Engineers 404 Nationwide Permit
- Washington State Department of Ecology (Ecology) 401 water quality certification
- Washington Department of Fish and Wildlife Hydraulic Project Approval
- Additional Endangered Species Act (ESA) consultation

FHWA evaluated the conversion of the Section 6(f) replacement site to park status as part of the ESA consultation for the SR 520, I-5 to Medina: Bridge Replacement and HOV Project; however, final project design at this site is to be carried out by the City of Seattle and UW, and may result in the need for subsequent ESA consultation.





**Exhibit 3. Flowchart of Overall 6(f) Steps for WSDOT, UW, and City of Seattle**

SR 520, I-5 to Medina: Bridge Replacement and HOV Project Environmental Evaluation of Section 6(f) Replacement Sites

# Chapter 2 Affected Section 6(f) Property and Conversion

## What steps did WSDOT take to avoid and minimize Section 6(f) conversions?

The LWCFEA requires that prior to conversion of Section 6(f) properties, the agency proposing the conversion must ensure that “all practical alternatives” to converting Section 6(f) properties have been evaluated. None of the alternatives that WSDOT evaluated in the 2006 Draft EIS and 2010 SDEIS would have completely avoided Section 6(f) conversions. This is also true of the Preferred Alternative that is presented and evaluated in the Final EIS.

Planning to minimize harm to parks has been an integral focus of the SR 520 Program. The Section 6(f) property affected by the project is also protected by Section 4(f) of the Department of Transportation Act, which requires a thorough analysis of avoidance alternatives. Section 9.5 of the Final EIS, *Avoidance, Minimization of Harm, and Mitigation*, describes this analysis. WSDOT considered new corridors, operational changes, design-specific avoidance measures, new travel modes, and the No Build Alternative itself. Although the No Build Alternative evaluated in the SDEIS would not affect any Section 6(f) properties, it did not meet the project purpose and need, and is only evaluated within the Final EIS as a baseline condition for comparison to the Preferred Alternative. The NPS has agreed that there are no practical alternatives to the conversion of Section 6(f) property (U.S. Department of Interior 2010).

## What is the Section 6(f) property that would be converted?

The project would affect one Section 6(f) protected resource in the project area: a trail complex consisting of the Ship Canal Waterside Trail and the Arboretum Waterfront Trail. The project would also affect two parks associated with the trails: East Montlake Park and the



Washington Park Arboretum. The parks themselves were not purchased or developed with LWCF (or ALEA) funds, but they provide access to and context for the Section 6(f) trails. A Section 6(f) boundary for the parks was established by NPS and RCO (Exhibit 4). This boundary is based on a map dated August 12, 2009, which was developed by the City of Seattle in consultation with the RCO, NPS, and the UW.

As discussed in Chapter 1, permanent or temporary changes to the use of a Section 6(f) resource that last more than 6 months are considered conversions. During construction, the project would close or otherwise affect portions of the Section 6(f) area for less than 6 months. Other possible effects on the Section 6(f) lands could include, but would not be limited to, noise and visual quality effects. Mitigation measures would be provided under NEPA for those short-term closures and other construction effects. However, since those closures and effects do not meet the threshold for Section 6(f) conversions, they are not discussed further in this evaluation. Short-term effects and mitigation for these effects on parks are discussed in Chapters 6 and 9 of the Final EIS.

The project would convert 4.8 acres of Section 6(f) protected property to other uses. Exhibit 4 shows the land that would be converted. Effects on the Section 6(f) resource, including specific acreages and durations, are described below, and the temporary and long-term effects of the project on that resource are discussed in the remainder of the chapter.

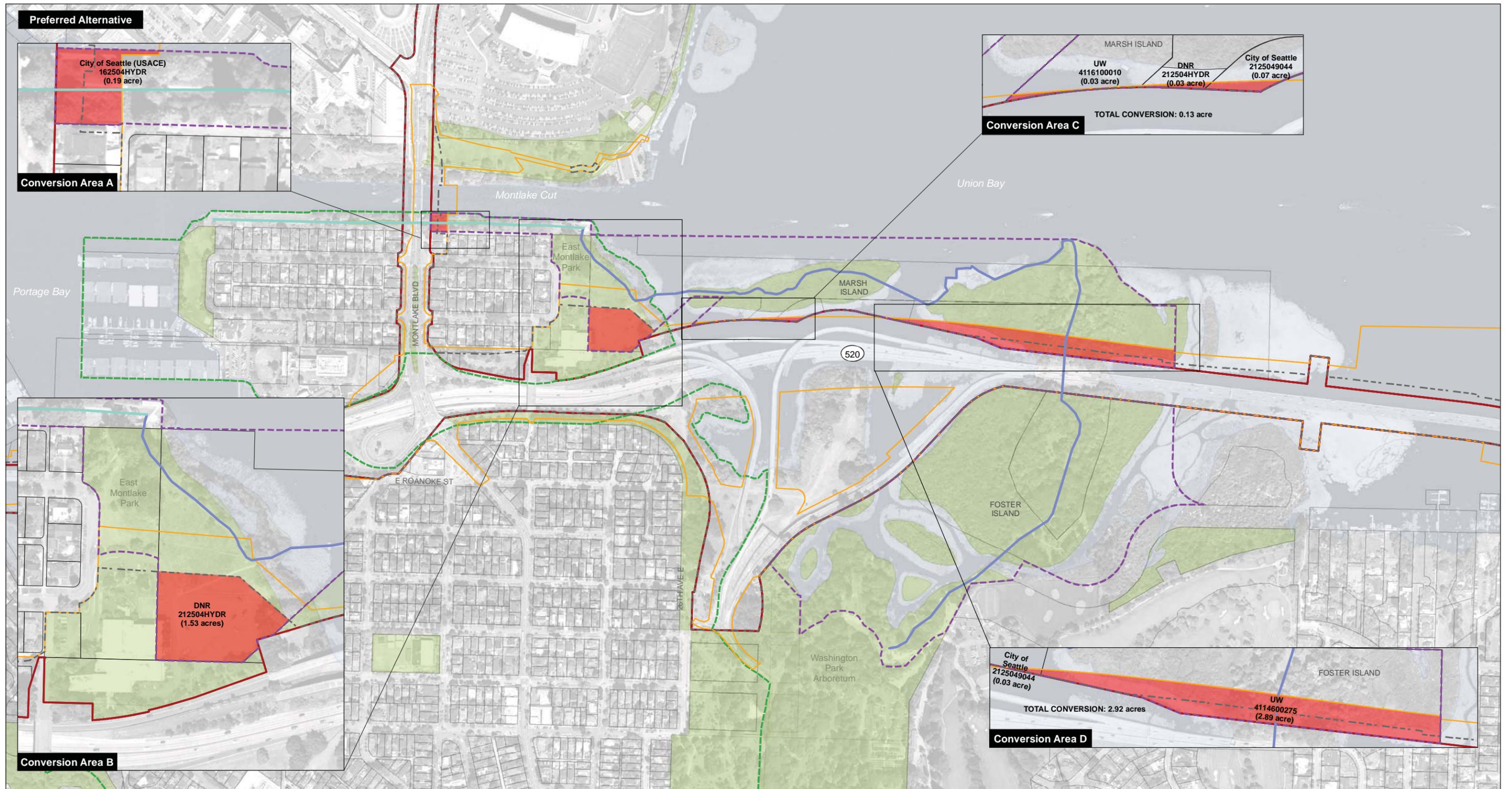
## **Arboretum Waterfront Trail and the Washington Park Arboretum**

In 1967 the Section 6(f) resource known as the Arboretum Waterfront Trail was established. The trail begins near the Graham Visitors Center in the Arboretum, travels out onto Foster Island, meanders on a series of floating piers and structures through the marsh land that connects Marsh and Foster islands to the main features of the Arboretum.

The trail then continues through East Montlake Park to connect with the Ship Canal Waterside Trail.

Raised observation platforms through the marshy areas near the north end of the Arboretum and northwest toward East Montlake Park provide views of the various wetlands around the islands, and wildlife viewing along the trail is a popular activity. The trail also has views of Union Bay and the Ship Canal, Lake Washington, and Husky Stadium.





**Preferred Alternative**

**Conversion Area A**

**Conversion Area C**

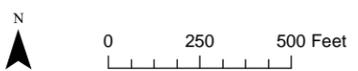
**Conversion Area B**

**Conversion Area D**



- Ship Canal Waterside Trail
- Arboretum Waterfront Trail
- Section 6(f) Boundary
- Area of Section 6(f) Conversion\*
- Waterbody
- Proposed Right-of-way
- Limits of Construction
- Existing Right-of-way
- Montlake Historic District
- Parcel
- Park

Conversion Area (acres)	
A	0.19
B	1.53
C	0.13
D	2.92
<b>Total</b>	<b>4.77</b>



Note: The Section 6(f) boundary depicted on this map is based on a map dated Aug 12, 2009 developed by the City of Seattle in consultation with the RCO, NPS, and the University of Washington.



**Exhibit 4. Section 6(f) Boundary and Converted Area**  
 SR 520, I-5 to Medina: Bridge Replacement and HOV Project  
 Environmental Evaluation of Section 6(f) Replacement Sites

Source: King County (2006) Aerial Photo, CH2M HILL (2008) GIS Data (Park and Trails), City of Seattle (2009) GIS Data (Section 6(f) Boundary). Horizontal datum for all layers is NAD83(91); vertical datum for layers is NAVD88.



The trail's connection to the Ship Canal Waterside Trail creates a continuous trail from the Arboretum to the UW. Parking for access to the trail is available at Washington Park Arboretum as well as at and near East Montlake Park.

The Washington Park Arboretum began as Washington Park in the early 1900s, on private parkland acquired by the City of Seattle. The Washington Park Arboretum was officially set aside as a botanical garden and arboretum in March 1924, and in 1934 the City and the UW agreed to jointly use and manage Washington Park as an arboretum. In that agreement, the City gave the UW permission to design, construct, plant, and manage an arboretum and botanical garden in Washington Park. The Washington Park Arboretum is now cooperatively managed by the Seattle Parks and Recreation Department and the UW, and it is now home to a nationally and internationally recognized woody plant collection. While the City maintains the park functions, the UW owns, maintains, and manages the plant collections and associated programs through paid and volunteer staff. The Arboretum Foundation manages fund raising, membership, and volunteer services. The City owns most of the Arboretum; however, three entities each own portions of the lands subject to Section 6(f) within the Arboretum:

- DNR owns most of Marsh Island, as well as a strip of land at the northern end of Foster Island.
- UW owns the lands around the perimeter of Foster Island on the south side of SR 520, a strip of land across Foster Island on the north side of SR 520, and a small segment of land at the south end of Marsh Island.
- The City of Seattle owns the central part of Foster Island south of SR 520 as well as a small segment of land at the south end of Marsh Island.

Foster and Marsh Islands are peat and marsh landscapes lying near the southern shore of Union Bay within the northern section of the Arboretum. Foster Island was purchased in 1917 to be included as a part of Washington Park. The island grew considerably when the opening of the Ship Canal and the Hiram M. Chittenden Locks lowered the water level of Lake Washington by 9 feet. The original SR 520 project in 1963 divided the island and dredged through its central portion to create the isthmus over which the highway passes and a pedestrian underpass for the Waterfront Trail is provided under the



highway. The islands are wetland and waterway landscape features and the waterways surrounding these islands consist of marshes and open-water channels with native and non-native vegetation. Four designated non-motorized watercraft landings with access to the waterfront trail system are located in the waterways around the islands.

The part of the Arboretum subject to Section 6(f) is the northern portion of the park and it consists of the landscape that surrounds and supports the Arboretum Waterfront Trail, including Foster and Marsh Islands. The Section 6(f) boundary established for purposes of the SR 520 project extends from the parking lot in the south end where the Waterfront Trail begins and through Marsh Island (see Exhibit 4). The activities available in this portion of the Arboretum primarily include enjoyment of open space, water viewing, wildlife viewing, hand-carry boat launching, and educational opportunities.

## **Ship Canal Waterside Trail and East Montlake Park**

The Ship Canal Waterside Trail is a Section 6(f) resource that runs along the south side of the Montlake Cut. It is a pedestrian trail that extends eastward from the City's West Montlake Park across to the Montlake Bridge, then continues east of the bridge into East Montlake Park, where it ends at a viewing platform on the waterfront. At this point, the trail connects to the Arboretum Waterfront Trail. Designed by the U.S. Army Corps of Engineers and the Seattle Garden Club, the Ship Canal Waterside Trail was constructed in 1970 and designated as a National Recreation Trail a year later.

The Seattle Parks and Recreation Department maintains the trail. People use the shoreline area along the trail for viewing wildlife, and a variety of plants and animals can be seen along the footpath and at the observation decks. Popular year-round activities along the Ship Canal Waterside Trail include sightseeing, fishing, and jogging. Each May, thousands of Seattle residents line the shores of the Montlake Cut, including this trail area, to watch the parade of boats that marks the opening day of boating season. A small interpretive kiosk near the totem pole at the trailhead includes benches and picnic tables adjacent to a waterfront viewing platform. Parking for access to the trail is available at East Montlake Park, along city streets to the west, and at Washington Park Arboretum.



East Montlake Park is a facility that provides water viewing and access to the Montlake Cut and Union Bay. It is located on the shore of Union Bay, adjacent to the Shelby-Hamlin portion of the Montlake neighborhood and north of McCurdy Park. The 8.8-acre park was created from land deeded to the City for that purpose in the 1909 plat of the Montlake neighborhood. The park is jointly owned by the City (western portion of the park) and DNR (eastern portion of the park). A portion of the Ship Canal Waterside Trail runs through the park, as described above; the north trailhead of the Arboretum Waterfront Trail is located on the park's Union Bay shoreline. The park also contains a launch point for canoes and kayaks, three observation decks, a waterfront viewing platform with views of area waters and the Cascade Mountains, a grassy open space, and parking.

The Section 6(f) portion of East Montlake Park includes most of the park and its uses described above (see Exhibit 4). The area of park not included in the Section 6(f) boundary contains the Museum of History and Industry building and the large parking lot developed just north of the building, which do not support the functions of the Section 6(f) Ship Canal Waterside Trail.

## **Where and how would the conversion occur, and how would it affect the remaining Section 6(f) resources?**

This section provides an overview of the activities that would lead to a conversion, the acreages involved, and a description of the resulting effects on the existing Section 6(f) property. This information demonstrates how the grantee agencies confirmed that the Section 6(f) resource, which includes the Arboretum Waterfront Trail and Ship Canal Waterside Trail, and the Section 6(f) area of the Arboretum and East Montlake Park, would remain viable for recreational use during and after construction. Exhibit 5 is a summary of the Section 6(f) acreage to be converted.



## Exhibit 5. Summary of Section 6(f) Conversion and Construction Durations

Resource	Conversion Area Shown on Exhibit 4	Total Conversion <sup>a</sup> (acres)	Permanent Conversion (acres)	Construction Duration <sup>b</sup> (months)
Ship Canal Waterside Trail	A	0.2	0.1	24
East Montlake Park	B	1.5	1.5	24
Arboretum Waterfront Trail	not applicable	0	0	--
Arboretum	C & D	3.1	1.0	24
<b>Total</b>		<b>4.8</b>	<b>2.6</b>	

<sup>a</sup>Permanent and temporary combined, including permanent easements.

<sup>b</sup>Estimated duration.

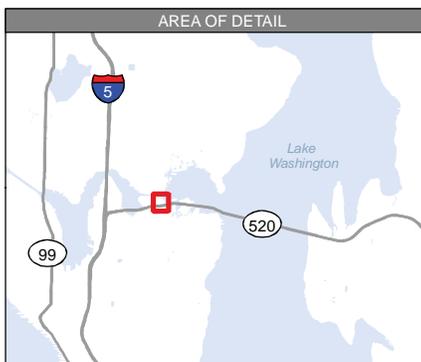
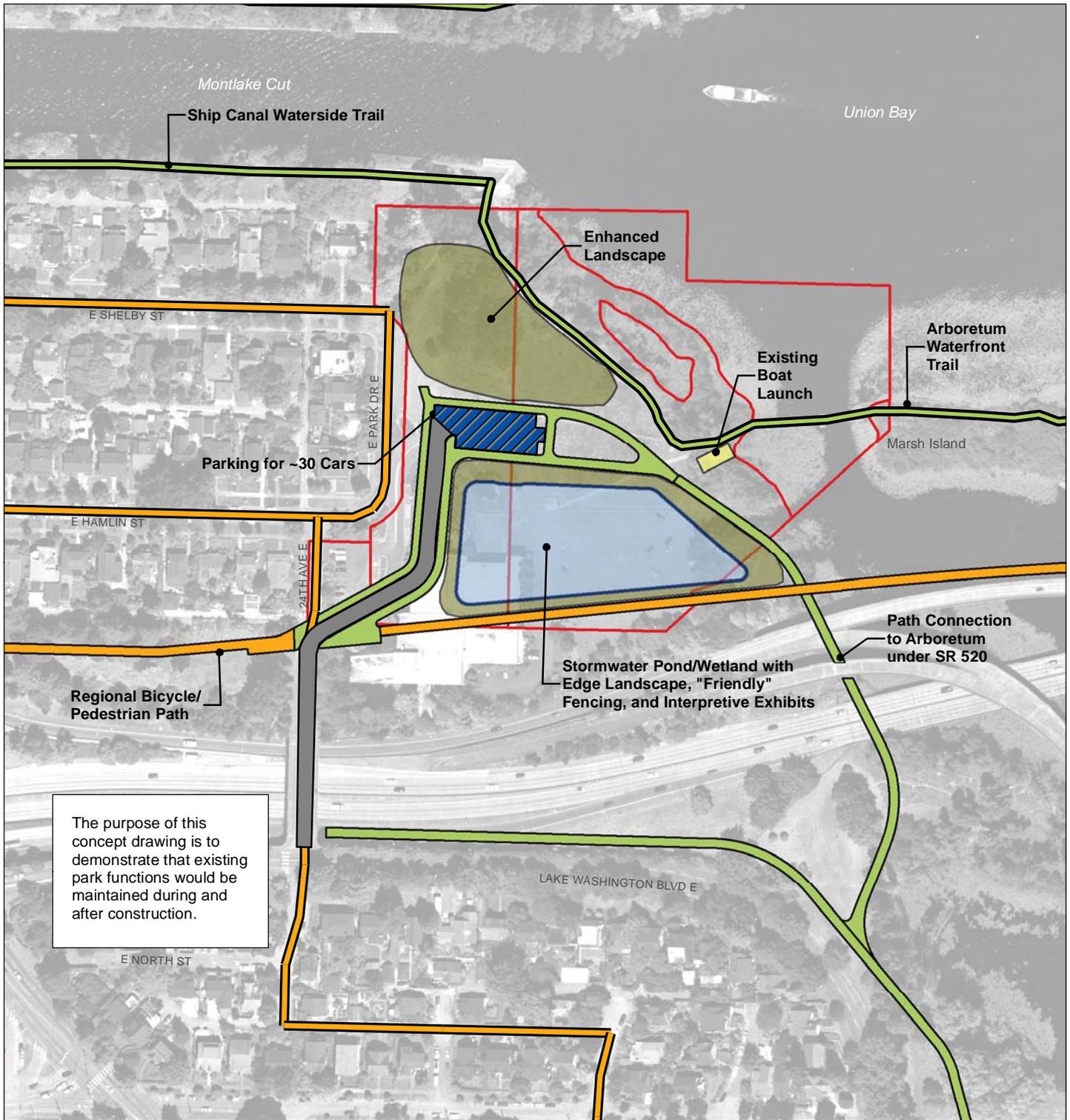
## Ship Canal Waterside Trail and East Montlake Park

Section 6(f) conversion on the Ship Canal Waterside Trail and in the East Montlake Park area would occur at two specific locations:

- WSDOT proposes to convert of 0.2 acre on the Ship Canal Waterside Trail for the construction, placement, and operation of the new bascule bridge. The area of conversion will include the bridge abutment and machine house and fill to connect Montlake Boulevard East to the new bridge. Approximately half of this area is a long-term construction easement that will be available for recreational use after construction is completed.
- A permanent conversion of 1.5 acres would occur in East Montlake Park with the construction and operation of a stormwater pond where the large parking lot is currently located. The northern portion of that area would be returned to park uses, including onsite parking, after construction is completed.

During construction, the areas of East Montlake Park not closed to the public would continue to provide access to adjacent Lake Washington and the Montlake Cut, where most passive uses at this park generally occur. After construction, the park would continue to provide the functions that it does now. See Exhibit 6 for a conceptual drawing of how the park features could be restored after construction. The





- East Montlake Park
- Bicycle/Arterial
- Dock
- Enhanced Landscape
- Parking/Gathering Area
- Pedestrian Circulation
- Stormwater Pond
- Vehicular Arterial

Source: King County (2008) GIS Data (Streams, Streets, Water Bodies), CH2M HILL (2008) GIS Data (Park). Horizontal datum for all layers is NAD83(91), vertical datum for layers is NAVD88.



### Exhibit 6. Concept Drawing for East Montlake Park

SR 520, I-5 to Medina: Bridge Replacement and HOV Project  
 Environmental Evaluation of Section 6(f) Replacement Sites

non-motorized boat launch, access to the Ship Canal Waterside Trail, and the Arboretum Waterfront Trail would retain their current condition and setting both during construction and afterward. An appropriate number of parking spaces for the park and trail, as determined by the City, would be provided both during and at the end of construction in this area. Onsite parking at East Montlake Park would be available for most of the construction period. An appropriate number of parking spaces for the park and trail, as determined by the City, would be provided at the end of construction in this area. Onsite parking cannot be maintained during construction of this final parking lot.

The new stormwater facility is intended to be compatible with the remaining East Montlake Park and to provide a positive visual effect for trail users by replacing the existing parking lot with a more natural-appearing landscape that would blend in with the adjacent shoreline. This treatment facility would be designed to blend in with the existing surroundings and would only be bound by fencing where public safety concerns occur, such as where the lid wall ends between the bike trail and the south and west sides of the stormwater ponds. The fence would be landscape-friendly and would include transitions to different fencing and heights to fit in with the landscaping and topography. Where possible, no fencing would be included.

Access to the portion of the Ship Canal Waterside Trail west of Montlake Boulevard East would still be available during and after construction, and access to the eastern portion of the trail and its connection to the Arboretum Waterfront Trail would be available from East Shelby Street, East Hamlin Street, and East Montlake Park during and after construction.

Trail and park users could notice noise, visual quality, or air quality effects during construction of the new bascule bridge, East Montlake Boulevard segment, stormwater pond, or parking lot. The effects would depend on the day as well as time of day. The loudest construction noises in East Montlake Park would not occur in the evenings, or during special events such as the opening day of boating season.

## **Arboretum Waterfront Trail and Washington Park Arboretum**

No conversion of the Arboretum Waterfront Trail itself would occur. Two locations totaling 3.1 acres within Washington Park Arboretum



would be converted. The first would convert approximately 0.1 acre on Marsh Island for a construction easement where a work bridge would be installed north of the existing bridge, from which the new bridge would be constructed. This area would be available for recreation use after construction is completed.

The second would convert approximately 2.9-acres on Foster Island adjacent to the existing SR 520. This includes permanent and long-term construction easement uses. The permanent conversion would become WSDOT right-of-way with the new wider SR 520, although the trail would continue to travel through this area and underneath SR 520 after construction as it does today. The long-term construction easement would be used for work bridges installed north of the existing bridge, from which the new bridge would be constructed. This area would be available for recreation use after construction is completed.

No conversions would occur south of SR 520 in the Arboretum, and that area would remain open and available for use, both during construction and after. The unique waterside portions of the Arboretum Waterfront Trail (west of Foster Island) would still be accessible from East Montlake Park while the area underneath and around SR 520 is being used for construction. Throughout the construction period, park users would be able to access portions of the Arboretum Waterfront Trail, although segments may be closed at different times for less than 6 months. Adjacent trail and park users would experience noise, vibration, and visual quality effects during construction activities.





# Chapter 3 Proposed Replacement Site

## What is the Section 6(f) replacement site evaluated in this document?

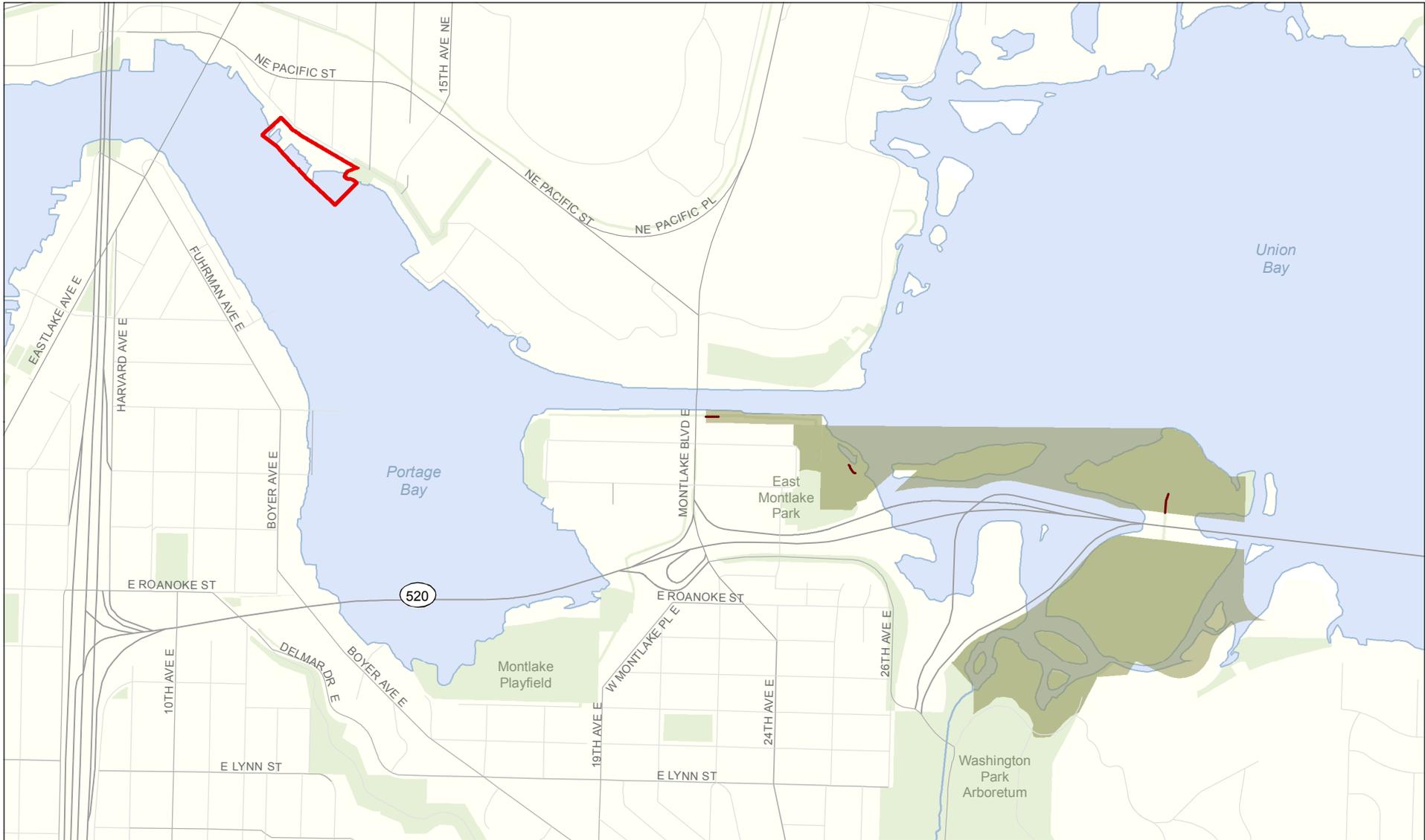
The location of the final Section 6(f) replacement site evaluated in this document, the Bryant Building site, is shown on Exhibit 7 and the site is briefly described below. This site was selected following WSDOT's coordination with affected agencies and agencies with jurisdiction to identify and reach consensus on Section 6(f) replacement sites as described in Chapter 1. This site would provide 3.9 acres of recreational space. It would meet all of the LWCF recreational needs as well as the replacement criteria that the UW and the City identified (Exhibit 2), and it would fulfill the navigable water access criteria needed to meet ALEA grant requirements. The selected site also complies with Seattle City Ordinance 118477.

The Bryant Building site parcel (King County parcel number 1142004555) is a total of approximately 8 acres and is bisected by Brooklyn Avenue Northeast right-of-way. The UW owns this property located on Portage Bay, off of Northeast Boat Street. The property is approximately  $\frac{3}{4}$  mile from the intersection of East Montlake Avenue and Lake Washington Boulevard. The eastern portion of the site is approximately 4.1 acres, which includes the Sakuma Viewpoint, an informal park. The 3.9-acre replacement site selected excludes Sakuma Viewpoint and is currently used for services necessary for the academic functions of the University such as surplus equipment storage and sales, police department offices, and docks leased for private moorage.

## What development opportunities have been preliminarily identified for the Bryant Building site?

The following section demonstrates that the Bryant Building site could feasibly be developed to replace the recreational functions lost at the converted properties as a result of the construction and operation of the SR 520 project.





-  Conversion Site
-  Proposed Section 6(f) Replacement Site
-  Section 6(f) Property
-  Park

Source: King County (2005) GIS Data (Streams and Streets), King County (2007) GIS Data (Water Bodies), CH2M HILL (2008) GIS Data (Parks). Horizontal datum for all layers is NAD83(91); vertical datum for layers is NAVD88.



### Exhibit 7. Location of Section 6(f) Resources and Proposed Site Replacement

SR 520, I-5 to Medina: Bridge Replacement and HOV Project Environmental Evaluation of Section 6(f) Replacement Sites

The City and the UW will be the replacement site sponsors and will determine final uses of the site based on their planning processes.

The preliminary concept developed for the Bryant Building site (see Exhibit 8) includes a recreational facility to complement existing recreational uses along the shoreline of Portage Bay and to enhance the open feel of this area as envisioned by the UW's master plan (University of Washington 2003). The facility would provide enhanced views and a greater sense of connection to the waterfront for bicyclists and pedestrians on the nearby streets and Burke-Gilman Trail, as well as a casual open space for other users. The new space would provide water viewing and access functions in the University District, and could be developed to replace the water and wildlife viewing opportunities lost due to the conversion. To replace functions associated with the ALEA grant property, this replacement site would provide access to navigable water for hand-carried watercraft, which would have limited access to portions of Union Bay and Portage Bay during construction. In addition to replacing functions of the converted properties, this replacement site would also provide a permanent new park in Seattle after construction of the project is complete.

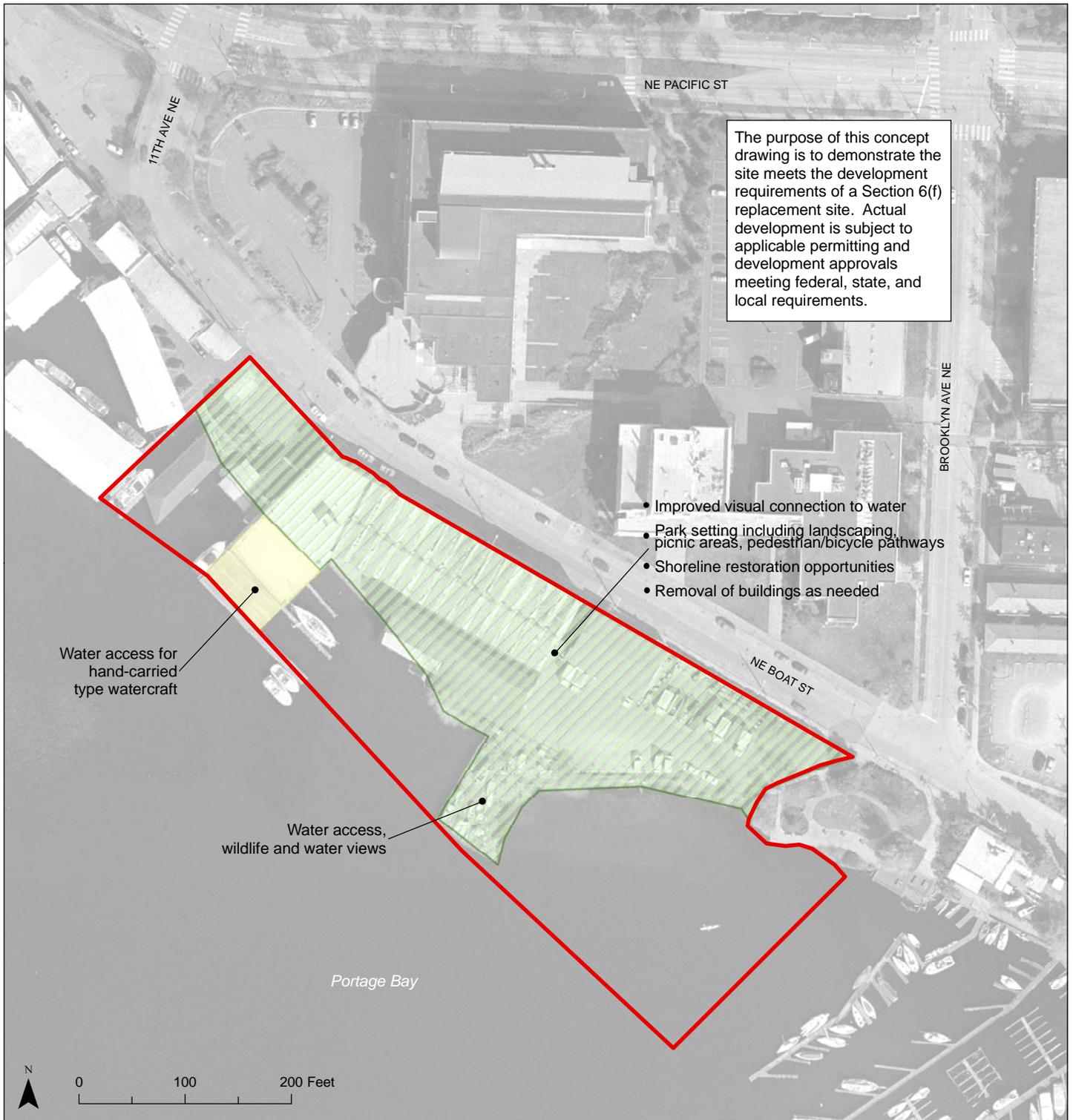
## **What are the Bryant Building site's existing conditions and the likely effects of using it for recreation?**

As noted earlier, the opportunities discussed in this document for development of the replacement site are conceptual in nature. Once the UW and the City proceed with their planning and design processes for the site, additional SEPA or NEPA analyses may be required, and those agencies would ensure that reviews are conducted as needed. Adequate site analyses have been completed at this time for the NPS to use in determining whether the requested conversion and replacement site are appropriate.

## **Existing Land Use, Economics and Housing Conditions**

The Bryant Building site (Exhibit 9) is located within the city of Seattle and is subject to the University of Washington Campus Master Plan 2003 as approved by the Board of Regents and the Seattle City Council. The address of the site is 1117 NE Boat Street, Seattle 98105, and the





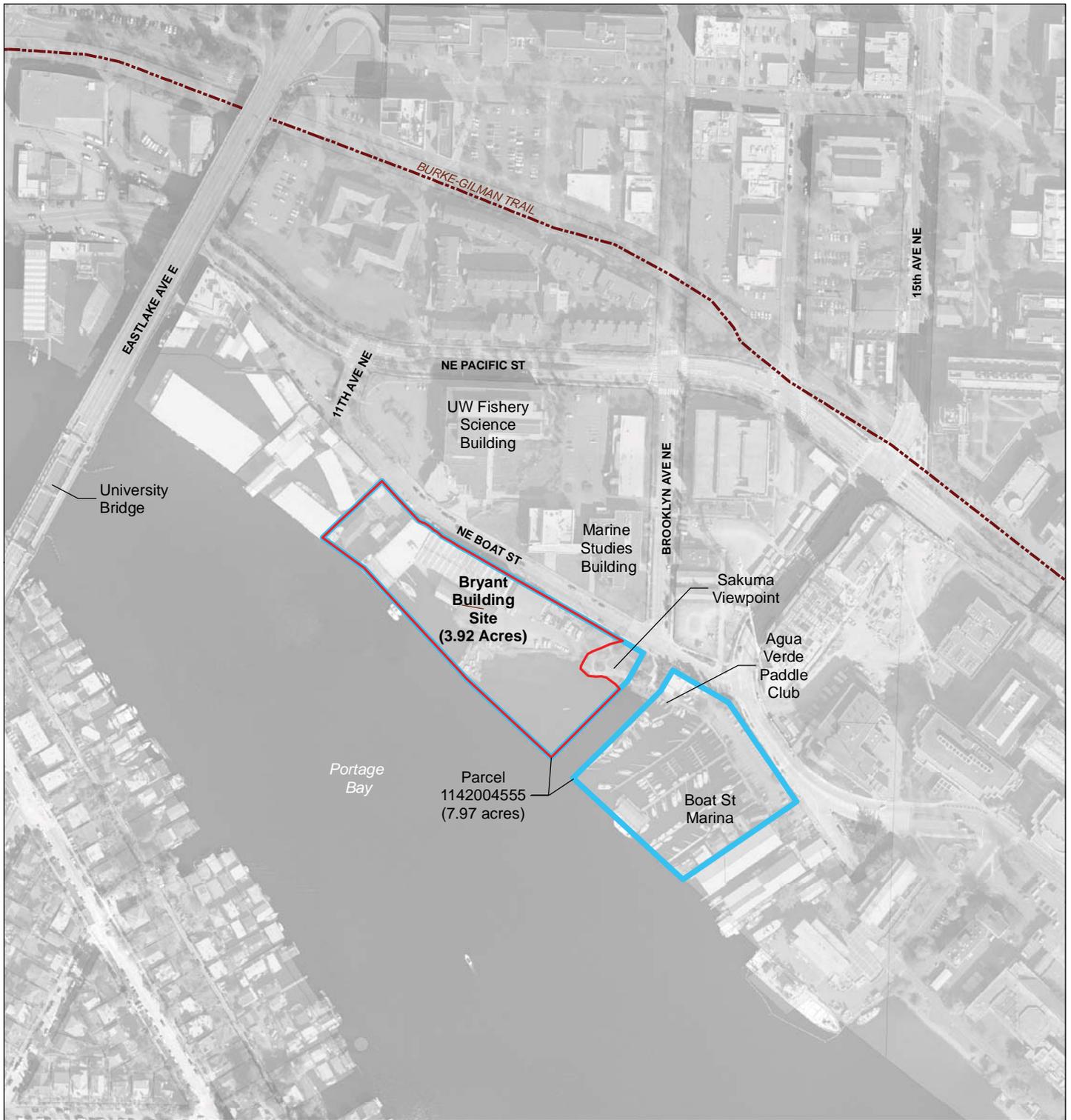
- Potential Section 6(f) Replacement Site
- Open Space
- Dock

Source: King County (2006) Aerial Photo. Horizontal datum for all layers is NAD83(91); vertical datum for layers is NAVD88.



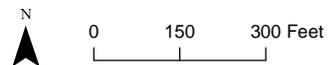
### Exhibit 8. Concept Drawing for Bryant Building Site

SR 520, I-5 to Medina: Bridge Replacement and HOV Project Environmental Evaluation of Section 6(f) Replacement Sites



- - - Existing Regional Bicycle/ Pedestrian Path
- ▭ Section 6(f) Replacement Site (3.92 acres)
- ▭ Parcel Boundary (Parcel #1142004555); 7.97 acres

Source: King County (2008) GIS Data (Streams, Streets, Water Bodies), CH2M HILL (2008) GIS Data (Park). Horizontal datum for all layers is NAD83(91), vertical datum for layers is NAVD88.



### Exhibit 9. Vicinity of the Bryant Building Site Replacement Property

SR 520, I-5 to Medina: Bridge Replacement and HOV Project Environmental Evaluation of Section 6(f) Replacement Sites

parcel (#1142004555) is located within Section 17, Township 25N, Range 4E.

The underlying zoning is IC 45 (Industrial Commercial) and has two zoning overlays: MIO-37 (Major Institution Overlay) and University Campus Urban Center Village, along with a shoreline environment designated as US (Urban Stable).

The site is owned by the UW and includes commercial types of buildings that are used to support critical University functions. These buildings house institutional (UW) functions from police offices to surplus storage and sales. The parking onsite is used by UW staff and the boat launch area is used by the campus police. The site also now provides leased public boat moorage space.

Although the public is allowed to rent space at this site for boat moorage and most of those boats appear to be used for recreation, the site is not managed for public boat moorage and is therefore eligible for use as a Section 6(f) property. There is no housing associated with the parcel or in the near vicinity.

To the west and southwest of the site is Portage Bay. Northwest of the site along the waterfront are commercial activities and marinas. Southeast along the bay shoreline there is public waterfront access at the Sakuma Viewpoint, the Boat Street public marina with associated parking, and other commercial ventures such as a café and public boat launch. North of the site, across NE Boat Street, are the UW Fishery Science Building and the Marine Studies Building, open space, and parking.

## **Anticipated Land Use, Economics, and Housing Effects**

There would be no negative effect on overall land use, economics, or housing of the neighborhood as a result of adding a recreational site at this location. The current commercial site does not directly contribute to the economic livelihood of the area. UW employees using these facilities may eat lunch nearby or visit local stores, and the users of a recreational space at this location would be expected to do the same.

Changing the focus of this site to recreation would create an opportunity for more people to visit the neighborhood where they would be expected to patronize businesses such as restaurants and stores. The UW master plan calls for preserving view corridors on this



property for new or enhanced open space, as well as enhanced pedestrian circulation along the waterfront with water access. The project would be consistent with and contribute to all of those aspects.

## Existing Transportation Conditions

The Bryant Building site is accessible by motor vehicle from NE Boat Street between 11th Avenue NE to the west and Brooklyn Avenue NE to the east. NE Boat Street is a bidirectional, two-lane, non-arterial roadway. Although there are no dedicated bike pathways along NE Boat Street, bicycles currently use the roadway, associated sidewalks, and neighborhood pathways. NE Pacific Street, the nearest arterial roadway to NE Boat Street, does contain a dedicated bike lane. The nearby Burke-Gilman Trail, accessible 0.1 mile north of the site, allows for non-motorized travel east and west through the University District and to regional destinations. Bus access to the site is provided by 39 King County Metro routes, all with stops located within ½ mile of the site. Metered street parking is available along both sides of NE Boat Street. Parking lots are available directly east (Lot W34, restricted to University of Washington Police Station permitted vehicles) and west (Boat Street Moorage customer-only lot) of the Bryant Building site. Parking is also available across NE Boat Street northwest of the Bryant Building site (pay lot), and a few bicycle parking posts are available along NE Boat Street. Pedestrians move around easily in this area. Sidewalks line both sides of NE Boat Street, all streets in the vicinity have sidewalks, and numerous pathways are located on and through the UW campus area.

## Anticipated Transportation Effects

There would be no effects on motor vehicle traffic from using this site for recreation. Vehicular traffic, including transit, along NE Pacific Street, Eastlake Avenue NE/University Bridge, and I-5 would not change noticeably as a result of converting the site to a park. Regional trail connectivity for non-motorized travel along the waterfront would be improved through the connection to the Burke-Gilman Trail, and the construction of a paved bicycle/pedestrian trail on the portion of the site near the street would provide easy access to the site for visitors using those modes of travel. UW staff who currently park in the onsite lot would need to be relocated to other University parking facilities on campus. Non-motorized traffic along the Burke-Gilman Trail in the vicinity of the site could increase due to the increased aesthetic and resting point value of the Bryant Building site improvements.



## Existing Cultural Resources Conditions

Attachment 1 provides details on the Bryant Building site's historical uses and context, along with the Historic Property Inventory (HPI) form for the existing structures. The property is considered individually eligible for listing in the National Register of Historic Places (NRHP) under Criterion A for its association with the maritime history of Seattle. It is also considered NRHP-eligible under Criterion C as one of the few remaining intact examples of a mid-twentieth century boat-building warehouse and distributorship.

The historic properties that would be converted from public outdoor recreation land to transportation use are a portion of Foster Island; a portion of Washington Park Arboretum; and a portion of East Montlake Park and the Ship Canal Waterside Trail, which are within the Montlake Historic District. The location of the historic properties is shown on Exhibit 4. See Attachment 1 for more information on the significance of these properties. Archaeological testing at the replacement site was not conducted for this evaluation since ground-invasive testing was not possible because buildings and pavement currently occupy the site and the buildings are actively used by the UW. As nearly half of the almost 200 state-registered prehistoric archaeological sites in King County lie within 200 feet of waters of statewide significance, all properties located along the shoreline of Portage Bay have high probability to contain archaeological resources.

The replacement property addressed in this environmental evaluation is subject to archaeological survey for previously unidentified cultural resources, with subsequent data recovery, analysis, and recordation if necessary. This work will be implemented through the Section 106 Programmatic Agreement developed for the project among FHWA, WSDOT, interested tribes, Section 106 consulting parties, and the State Historic Preservation Officer (SHPO).

No Traditional Cultural Properties were identified at the Bryant Building site or vicinity.

## Anticipated Cultural Resources Effects

Under Section 106 of the National Historic Preservation Act (NHPA), FHWA and WSDOT are required to identify and evaluate historic properties within the Area of Potential Effects for the SR 520 project. If historic properties that are eligible for listing in the NRHP are identified, the project must be analyzed to see if those historic



properties will be affected. As noted above, the Bryant Building site has been determined eligible for the NRHP. The SR 520 project, with FHWA and WSDOT as the responsible agencies, identified and evaluated the Bryant Building site as a historic property. FHWA and WSDOT will take no further action regarding the Bryant Building property beyond ensuring its conveyance to the LWCF grantees (the University of Washington and the City of Seattle). Therefore, the historic property would not be affected by construction or operation of the SR 520 Preferred Alternative.

When the new park is developed, the National Park Service, as the federal agency responsible for implementing the park project, will need to comply with Section 106 of the NHPA. This action, which will be carried out by the LWCF grantees, will likely result in the full or partial demolition of the building complex located on the Bryant Building property. If this were to occur, the removal of the building would result in an adverse effect on this historic property due to the physical destruction of part or all of the property. If any NRHP-eligible archaeological sites are identified on the property, the project must also analyze whether there would be any effects on those subsurface sites. If any adverse effects would occur to the building or any NRHP-eligible archaeological sites, mitigation measures would be determined during the consultation process.

As described earlier, the Preferred Alternative would result in a conversion of protected Section 6(f) property on Foster Island. According to 36 Code of Federal Regulations (CFR) 800.5(a)(2)(vii), the transfer of property out of federal control, and the resulting removal of restrictions that serve to protect its historic significance, constitute an adverse effect. Therefore, the conversion of property on Foster Island to transportation right-of-way, removing it from NPS protection, could be an adverse effect. The NPS, as the federal agency that would be relinquishing the protection, would be responsible for determining this adverse effect in consultation with the SHPO.

The Preferred Alternative would convert a small portion of land in the Washington Park Arboretum. The Preferred Alternative would also result in the conversion of part of the Ship Canal Waterside trail and a section of East Montlake Park, both of which are located within the Montlake Historic District. As with Foster Island, the NPS action to remove federal protection from these properties could be an adverse effect, in accordance with 36 CFR 800.5(a)(2)(vii).



If an adverse effect is identified, NPS, as the responsible federal agency, will initiate Section 106 consultation for that undertaking and will resolve any adverse effects through the Section 106 process.

## **Existing Social, Recreation, and Utilities Conditions**

This site is functionally and socially connected to the UW campus due to its location, current use, and surrounding land uses as well as its bicycle, pedestrian, and motor vehicles connections. The site is also functionally connected to the waterfront. Portage Bay and nearby boat launches are currently used by recreational boaters as described under Land Use above. Sakuma Viewpoint, the Agua Verde Café and Paddle Club, and Boat Street Marina are nearby, and these properties allow pedestrian access to the waterfront and the launch of hand-carried boats to the bay. Bicycles and pedestrians travel along NE Boat Street, which also has designated bike lanes in both directions. As mentioned above, the Burke-Gilman Trail is nearby. All urban utilities are available or easily obtained at this site.

## **Anticipated Social, Recreational, and Utilities Effects**

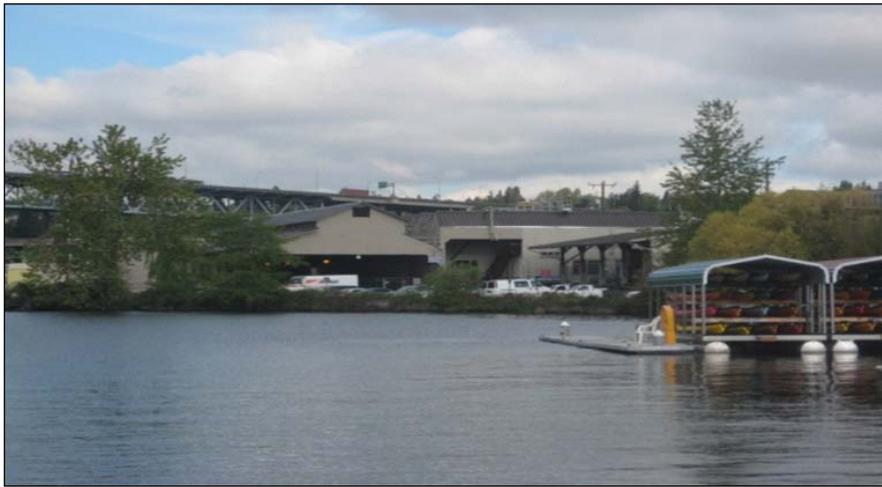
There would be no negative social, recreation, or utility effects from use of this site for recreation. By changing the use of this site, it would become better connected to the larger Seattle community. As a Portage Bay shoreline property, it has an opportunity to become a gathering space and a community asset for the University District and city of Seattle. A park here would bolster and connect to other existing recreational opportunities in the vicinity and around the waterfront. The Sakuma Viewpoint is a popular spot for lunchtime picnics, and that type of activity could be expected to occur on this site as well, contributing to the social aspect of the site.

## **Existing Visual Quality Conditions**

The visual quality of the site and surrounding area is dominated by UW buildings, retail and industrial structures, and student housing (Exhibit 10).

The site faces the Roanoke neighborhood to the south, which is predominantly residential and comprises historic homes and houseboats. The I-5 Ship Canal Bridge and University Bridge are dominant structures visible from most locations at the site. The





View toward east side of site across Portage Bay with Aqua Verde Paddle Club to right in foreground.



View northwest along NE Boat Street with site on left.



View southeast from a portion of concrete dock at rear of site facing toward Sakuma Viewpoint and Boat Street Marina.



**Exhibit 10. Bryant Building Site Photos**

SR 520, I-5 to Medina: Bridge Replacement and HOV Project  
Environmental Evaluation of Section 6(f) Replacement Sites

buildings onsite are a conglomeration of several discrete wood-timber and metal sheathing structures constructed at various times and described as eclectic industrial maritime in style. While clearly of different styles, due to a recent renovation, they share the same roofing material and are all painted the same tan, primarily to abate lead flaking as well as to respond to complaints by neighbors to the south about the “unsightliness” of the structures. The consolidated structure dominates the water edge and Boat Street edge.

## Anticipated Visual Quality Effects

Changes in the visual character of the site would include removal of many or all the existing structures, with the probable exception of the concrete dock. This would retain the marine use and character of the area while providing functional water access for recreational boaters. Visual sightlines to and from the water would be improved.

Visual connections to the Fishery Science Building green space would create a view corridor north and south and provide continuity to the water’s edge. Opportunities exist to use the overwater structure (the dock) as a lively, social, green recreational space. Greening elements on overwater structures might be planters and/or berms. The planting of larger trees is feasible on the eastern portion of the site and along the NE Boat Street edge.

The addition of trees, shrubs, and lawn would soften the shoreline and provide residents on the south side of Portage Bay visual relief from the existing visual monotony. Plantings would also create a visual continuity to the east through connections to the green space at Sakuma Viewpoint and the Boat Street Marina to the east of the Sakuma Viewpoint. Site users would have unimpeded views to the south and west across the water. Picnic facilities, a bike path, lawns, and docks would provide opportunities for active and passive recreation, and the presence of those activities would visually enliven the shoreline. The addition of path and park lighting for way finding and safety as well as spillage from roadway lighting (NE Boat Street) due to the removal of structures would contribute to increased light impacts at night, but likely would not exceed current light and glare for viewers across Portage Bay.



## Existing Noise Conditions

The site is located in an urban setting with the predominant noise sources being traffic noise from I-5 and other area roadways and motorized boat traffic on the bay.

## Anticipated Noise Effects

No changes to noise levels at the site are anticipated as a result of changing the site from institutional to recreational use. It is not anticipated that significant noise effects would occur, given the existing background noise in the neighborhood. Demolition of structures and construction of the new site would occur in compliance with the City of Seattle's noise code to ensure that the short-term activity would not generate problematic noise levels for the neighborhood during construction.

## Existing Air Quality, Energy, and Greenhouse Gas Conditions

Although air quality in the Puget Sound region continues to be watched closely by the Puget Sound Clean Air Agency, ambient air monitors around the Puget Sound region have recorded values well below the National Ambient Air Quality Standards for all pollutants for the past 5 years. There are no major air emissions sources located near the site and the site does not produce major emissions. Energy use associated with the site is fuel (assumed to be electricity or natural gas) used for facility operations, heating, and cooling, and fuel associated with vehicle and boat access to and from the site. Greenhouse gas emissions from the site are related to those same uses.

## Anticipated Air Quality, Energy, and Greenhouse Gas Effects

There would be no air quality issues associated with use of the site for recreational purposes. Nothing would be added onsite that would generate negative air quality effects. If anything, air emissions (including greenhouse gas emissions) and energy usage at the site would presumably be somewhat lower, although perhaps not measurably, after removal of the older heated building and the police department's motor vehicle fleet. Vehicular traffic would continue to travel to the area adjacent to the site once the site is a park, and that motorized traffic would generate air and greenhouse emissions on



those journeys, but these are not expected to produce any noticeable change for the area.

## Existing Water Resources Conditions

The site does not appear to receive any rainfall runoff from other properties or from area roads. The existing drainage on NE Boat Street is collected by inlets and routed away from the site, possibly to an outfall owned by Seattle Public Utilities just south of and adjacent to the site and probably submerged below the water surface of the bay. The site consists of almost 100 percent impervious surfaces, with large building roofs and paved surfaces and very little vegetation. No onsite stormwater inlets, catch basins, or constructed outfalls were observed within the parking areas or driveway, and it appears that drainage from the paved access and parking areas flows directly toward the bay. The site's stormwater runoff does not appear to receive any type of detention or water quality treatment prior to entering the bay.

## Anticipated Water Resources Effects

In removing a large portion of the site's impervious surfaces (especially the existing parking area, which is a pollution-generating surface) and introducing plantings along the shoreline, the site should provide some level of infiltration for light rainfalls and a possible improvement in the water quality of any stormwater flows that enter the bay from the site. It is currently not known whether redevelopment of the site would require installation of detention or water quality treatment facilities under the City of Seattle's standards, but even without that type of improvement, the quality of the stormwater leaving the site would be no worse than now, and could be better.

## Existing Ecosystems Conditions

There is very little vegetation on the site and it consists primarily of ornamental landscaping around the entrance to the parking area, as well as trees and other vegetation in the failing dock area at the eastern side of the site (cottonwood, madrones, birches). The City of Seattle's Department of Planning & Development Geographic Information System Web site (City of Seattle Department of Planning & Development 2011) indicates a 3 percent established tree canopy cover onsite.

Existing wildlife habitat quality and quantity is extremely limited on the site. The visible shoreline is almost completely armored by docks



and bulkheads. The location, slope, and condition (armored or not) of the shoreline underneath the docks is unknown.

Terrestrial wildlife at this location consists of common birds and small mammals. The area is located within the Pacific Flyway, through which birds migrate seasonally. The open water of Portage Bay provides some habitat for a variety of marine-associated wildlife, including waterfowl, the most common of which are American coots, buffleheads, mallards, scaups, goldeneyes, widgeons, Canada geese, double-crested cormorants, pied-billed grebes, and western grebes. However, boat traffic may limit waterfowl use in the immediate area of the shoreline. The site is located on the Lake Washington Ship Canal, which is on the migration route for all salmonids entering Puget Sound from the Lake Washington basin, including bull trout, steelhead, and Chinook salmon. Observations of out-migrating Chinook salmon in Lake Washington indicate that these fish aggregate and move along the shoreline during the day, generally in water depths of 7 to 15 feet (Seattle Public Utilities and U.S. Army Corps of Engineers 2008). The quality and function of the near-shore habitat at this location is unknown.

## **Anticipated Ecosystems Effects**

Use of this site for recreation would have positive ecosystems effects. Removal of impervious surfaces and addition of native landscaping would create some terrestrial habitat and improve water quality entering the bay. There would be a general improvement of aquatic habitat conditions for salmonids, including ESA-listed species due to increased riparian vegetation that would be added to the site

Studies have shown that migrating salmonids tend to avoid shaded areas caused by linear structures such as docks and bridges. This behavior alteration is believed to increase the risks of predation on these migrating fish by causing them to move away from their preferred habitat to avoid passing through the shaded area. Removal of the failing wooden dock sections would help improve the overall habitat suitability of the parcel to support migrating salmonids and would slightly decrease the amount of salmonid predator habitat.

Construction may have temporary effects on fish species. In-water work activities associated with building removal over the dock and removal of failing docks would potentially include the use of cranes, barges, ram-hammers, and other construction equipment. The deconstruction of pilings associated with the wooden dock would likely be



accomplished using vibratory equipment to remove the piles. However, many of the existing wood pilings are old and may not be feasible to remove. If vibratory methods are not feasible, all piles would be cut off at the mudline rather than completely removed.

Project construction could result in increased turbidity levels in and near aquatic habitat. Upland construction and staging activities could disturb the substrate in areas adjacent to aquatic areas, creating potential for sediments to be introduced to runoff and to the bay. However, the upland areas where construction would occur are located either on a floating dock structure or at a substantial distance (more than 50 feet) away from the shoreline of the bay. Implementation of appropriate best management practices (BMPs), such as erosion controls, is expected to eliminate or minimize this potential. Any turbidity caused by upland activities would remain localized and BMPs would be maintained or augmented to eliminate turbid runoff.

Activities at nearby sites may have contributed to elevated contaminant levels in sediments in the Ship Canal at this location. As a result, the dock demolition could cause short-term water quality degradation. However, there is no known contamination at the work location, and demolition activities would be short-term; therefore, effects from in-water contamination would be minimal.

## **Existing Geology and Soils Conditions**

Site-specific soil data are not available, but recently completed geologic mapping (Booth, Troost, and Schimel 2005) indicates the likely geologic formation is Qvt (Vashon subglacial till), which is a series of younger glacial deposits consisting of silt, sand, and sub-rounded to well-rounded gravel, glacially transported and deposited under ice. The site has been somewhat disturbed and may include imported fill.

## **Anticipated Geology and Soils Effects**

There would be no effects on geology and soils from changing the site use from institutional to recreational. There are no mapped geologic hazards at the site that would limit recreational development, and large quantities of fill would not be brought onsite. During construction, soil would be exposed and some grading would occur at the site. BMPs would be used to control erosion and sedimentation in compliance with applicable regulations. The site would be stabilized at the close of construction and no open soil areas would remain.



## Existing Hazardous Materials Conditions

The site was first developed as the Federal Mill Company Saw Mill as depicted on the 1919 Sanborn map. The saw mill contained numerous structures including a boiler room, refuse burner, office, shed, planer, conveyer, log lift, and a vacant building. The mill's fuel source was identified as refuse and a building was labeled "Blacksmith" and located adjacent to the mill. Two buildings labeled "Auto" were identified adjacent to 11th Avenue where the road historically connected to Boat Street. The saw mill does not appear on the 1950 Sanborn Map.

Buildings at the site were constructed in phases from the 1930s to the 1950s (Carroll 2010). Buildings appear to be primarily constructed over water with some footings on land. The first main building currently located at the west end of the property was constructed in the 1930s with an addition added on the east end of the building in the 1940s. In the 1950s the boathouse was added at the east end of the site. This site is currently used for storage and vehicle parking. The buildings are constructed of wood and metal and were historically used primarily for boat sales and repairs. Some lead abatement was completed when the buildings were re-painted in 2009 (Carroll 2010). The buildings currently contain some quantity of lead-based paint and asbestos and would require abatement during building demolition. A large shed-like building used for storage (not of hazardous materials) and an asphalt parking lot are located on the eastern part of the site.

During the 1950s and 1960s, the current concrete dock was used as a fueling dock and fuel was stored in what is now a parking lot across Boat Street (Carroll 2010). After the UW bought the property in the 1960s, petroleum contamination associated with the fueling dock was remediated.

Four docks/partial docks are currently present at the site and approximately 25 boats are moored at the site (Agnew 2010). The largest dock is concrete and is used for moorage of larger vessels. A wooden dock located east of the concrete dock is not sound enough for moorage, but is used for storage, with no public access. A narrow wooden dock/walkway at the west side of the site extends from the parking lot to the covered moorage and onto the concrete dock. This wooden dock is narrow but appears to be in good condition. The pilings from these docks are presumably treated wood.



The site is not currently listed on any of the regulatory agency contaminated site databases. The UW Boat Street Marina, 1401 NE Boat Street, is located upgradient and approximately 620 feet east-southeast of the site (Environmental Data Resources, Inc. [EDR] 2010). The marina is listed in Ecology's Confirmed and Suspected Contaminated Sites List (Ecology 2010). Petroleum contamination was previously confirmed in soil and suspected in groundwater at the marina. The EDR (2010) hazardous materials site search report indicates that as of June 23, 2009, Ecology identified the site as awaiting a site hazard assessment and it has not undergone remediation. Sakuma Viewpoint and the Boat Street Marina/ Agua Verde Paddle Club underwent a renovation in 2008 that included the removal of shoreline armoring, some restoration of natural shoreline habitat, and the addition of a public-access kayak launch dock to the marina (Agnew 2010). A gas station, Morris Whitney Co., operated at the same address as the UW Boat Street Marina from about 1966 to 1970 (EDR 2010) although no releases were reported related to the gas station.

## **Anticipated Hazardous Materials Effects**

Petroleum-contaminated groundwater that may have migrated from the nearby and upgradient Boat Street Marina may be encountered during site development. It is also possible that previously unidentified underground storage tank (USTs) may be found onsite during construction. If contaminated material or storage tanks were found, the site would be remediated to a level appropriate for recreational uses and to protect human health and safety. The condition of existing pilings would be determined during building demolition and site stabilization and a determination would be made about the least hazardous way to treat them (total removal or cutting at the mud line). Hazardous building materials (lead-based paint and asbestos) are known to be on the site, but would be removed and disposed of properly prior to building demolition. As with any construction project, there would be the potential for a spill of hazardous materials such as fuel into the environment; however, the City of Seattle/UW would be required to implement a spill control, containment, and countermeasures plan to help prevent spills and clean them up immediately should they occur.

The removal of contaminated groundwater, hazardous building materials, or underground storage tanks would result in an overall cleaner environment and reduced risk to human health. By removing



any contaminated groundwater or USTs that might exist, the potential for the contaminants of concern to migrate to an otherwise uncontaminated area would be reduced or precluded and the potential for the hazardous materials to harm human health and the environment would also be reduced. This positive effect would be observed in the immediate vicinity of the area where material was found and removed.

## **Existing Navigation Conditions**

All types of boats move through the Ship Canal, including large and small motorboats, sailboats, canoes, and kayaks. Several hand-carried boat launch facilities exist nearby.

## **Anticipated Navigation Effects**

The type of boating that originates from this site would change from the motorized vessels that are the primary users to hand-carried craft such as kayaks and canoes. There would be no effects on navigation from changing the site use. Existing boat traffic on the waterway would be expected to follow standard navigational protocols regarding interactions with smaller boats moving through the area, just as they do today.





## Chapter 4 Summary

Substantial work has been done by WSDOT, in coordination with RCO, NPS, the City of Seattle, and the UW, to avoid and reduce Section 6(f) effects. However, even with these efforts, WSDOT and the agencies have found that a conversion of existing Section 6(f) properties would be unavoidable under the Preferred Alternative or any of the SDEIS build options.

The project would result in conversion of 4.8 acres of Section 6(f) property through permanent right-of-way acquisition, permanent easements, or closure of portions of the property for more than 6 consecutive months during project construction. Conversion would occur on the Ship Canal Waterside Trail, in East Montlake Park, and in Washington Park Arboretum near the Arboretum Waterfront Trail, as shown in the Exhibit 5 table on page 20. The portion of the Arboretum Waterfront Trail crossing underneath SR 520 would be closed at times during demolition and construction of SR 520, but these closures would not be for longer than 6 months and access to the trail would still be available from East Montlake Park, so these trail closures would not constitute a Section 6(f) conversion. A portion of the total Section 6(f) conversion (2.2 acres in both the Washington Park Arboretum and the Ship Canal Waterside Trail) would occur only during the construction period. Park and trail areas used for construction easements would be returned to viable use within the existing parks after construction is complete.

The Bryant Building site on Portage Bay would provide 3.9 acres of space for recreation. The UW and the City of Seattle, as the primary land owners, the recipients of the original LWCFAs and ALEA grants, and the parties responsible to replace converted resources have concurred that the replacement site would meet the Section 6(f) equivalent usefulness, location, and value criteria appropriate for a conversion approval as well as the ALEA grant fund requirements. The two agencies have agreed that the Bryant Building site would serve the recreational needs of the community currently served at the existing Section 6(f) properties.

The appraisal completed for the converted properties and the replacement site indicates that the value for the Bryant Building site is higher than that of the converted properties, so the equivalent or higher value criterion of Section 6(f) is met. At the completion of construction,



when over half of the existing Section 6(f) properties are again open to the public, the region would have a net gain in Section 6(f) protected recreational space.

Most elements of the environment would not experience negative effects as a result of developing and using the Bryant Building site for recreation, and some positive effects would be seen. Visual quality looking toward the site would improve. Recreation in the area would be positively affected. The water resources of Portage Bay would be positively affected by demolition of existing impervious surfaces and site redevelopment, and with the addition of riparian vegetation. If hazardous materials were found during development, they would be removed, negating their potential to negatively affect water quality and habitat in the future.

There would be an effect on historic properties (as defined by Section 106 of the National Historic Preservation Act) by full or partial demolition of the Bryant Building itself, or by removing federal NPS protection from the converted properties. These potential adverse effects and the appropriate mitigation will be addressed by NPS through the Section 106 process that would be required for NPS approval of the conversion or for redevelopment of the site.



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*Attachment 15*  
***Attachment 1: Cultural Resources Report for  
Section 6(f) Environmental Evaluation***



SR 520, I-5 to Medina: Bridge  
Replacement and HOV Project

**Cultural Resources Report  
for Section 6(f) Environmental  
Evaluation**

Prepared for

**Washington State Department of Transportation  
Federal Highway Administration  
National Park Service  
University of Washington  
City of Seattle**

Consultant Team

**Parametrix, Inc.  
CH2M HILL  
HDR Engineering, Inc.  
Parsons Brinckerhoff  
ICF Jones & Stokes  
Confluence Environmental Company, Inc.  
Michael Minor and Associates  
PRR, Inc.  
Critigen**

May 2011



# Contents

<b>Acronyms and Abbreviations .....</b>	<b>v</b>
<b>Introduction.....</b>	<b>1</b>
Archaeological Sites .....	2
Traditional Cultural Places.....	2
Historic Built Environment .....	2
<b>Purpose and Need .....</b>	<b>4</b>
<b>Affected Environment.....</b>	<b>5</b>
Introduction.....	5
Prehistoric and Historic Background.....	6
Replacement Property.....	15
<b>Effects Analysis .....</b>	<b>20</b>
Criteria for Effects on Historic Properties.....	20
Effects Determination .....	21
Mitigation .....	22
Summary.....	23
<b>References Cited.....</b>	<b>25</b>

## Exhibit

- 1 Literature Search Results for Section 6(f) Replacement Site

## Appendix

- A Historic Property Inventory Form
- B Agency Correspondence



# Acronyms and Abbreviations

APE	Area of Potential Effects
BP	Before Present
CFR	Code of Federal Regulations
DAHP	Department of Archaeology and Historic Preservation
EIS	environmental impact statement
FHWA	Federal Highway Administration
HOV	high-occupancy vehicle
I-5	Interstate 5
LWCF	Land and Water Conservation Fund
MOA	Memorandum of Agreement
MOHAI	Museum of History and Industry
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NPS	National Park Service
NRHP	National Register of Historic Places
SHPO	State Historic Preservation Officer
SR 520	State Route 520
TCP	Traditional Cultural Property
WISAARD	Washington Information System for Architectural and Archaeological Records Data
WPA	Works Progress Administration
WSDOT	Washington State Department of Transportation
WWII	World War II



# Introduction

This Cultural Resources Report for the Section 6(f) Environmental Evaluation was completed in association with the State Route 520 (SR 520), Interstate 5 (I-5) to Medina: Bridge Replacement and High Occupancy Vehicle (HOV) Project Final Environmental Impact Statement and Final Section 4(f) and 6(f) Evaluations (Final EIS) and in accordance with Title 36 of the Code of Federal Regulations (CFR) Part 800, Protection of Historic Properties (the Section 106 regulations) of the National Historic Preservation Act (NHPA). Cultural resources are structures, buildings, archaeological sites, districts (a collection of related structures, buildings, and/or archaeological sites), objects, or cultural sites.

This report was prepared in compliance with Section 106 of the NHPA and Section 6(f) of the Land and Water Conservation Fund (LWCF) Act. Section 106 requires federal agencies to consult with the State Historic Preservation Officer (SHPO) and other interested consulting parties to identify significant cultural resources, known as historic properties, and to assess the potential effects an undertaking may have on those historic properties. In Washington, the SHPO is housed in the Department of Archaeology and Historic Preservation (DAHP). Section 6(f) requires that projects proposing to convert outdoor recreational property that was acquired or developed with LWCF grant assistance be replaced with lands of equal value, location, and usefulness. In Washington, LWCF funds are distributed by the Washington State Recreation and Conservation Funding Board, formerly the Interagency Committee for Outdoor Recreation. The conversion of LWCF land to non-recreational purposes must be approved by the National Park Service (NPS) (NPS 2008).

Within this section, the terms “significant” and “significance” are used in the context of the National Environmental Policy Act (NEPA) and the NHPA. When referring to structures, objects, or sites, the terms are used as defined in 36 CFR Part 800 for the NHPA. When referring to impacts, the terms are applied relative to their meaning under NEPA.

Regulations implementing Section 106 of the NHPA, 36 CFR Part 800.8, encourage the coordination of the two processes: (1) the review of possible impacts on the environment under NEPA and (2) the assessment of effects of undertakings on historic properties as required under the NHPA.

## Archaeological Sites

Archaeological sites are places where past peoples left physical evidence of their occupation. Archaeological sites may include deposits of debris such as artifacts, food remains (shells and bones), or the ruins of dwellings or other structures. These may date to the prehistoric era or to the historic era. Archaeological sites are often difficult to identify and are found by close examination of the ground surface for debris deposits or remnants of structural remains by an archaeologist. Sometimes they are discovered through exploratory excavation. Information about historic archaeological sites may be supplemented by archival research. Important archaeological sites may qualify as “historic properties” if, for example, they have the potential to yield valuable information about prehistory or history.

## Traditional Cultural Places

Traditional cultural places may include properties that define or exemplify the identity of a particular cultural group—for example, a group of Native Americans. Traditional cultural places may include human skeletal remains, funerary items, sacred items, and objects of cultural patrimony. Areas where Native Americans traditionally gathered food and other resources, and culturally important regional landscapes, may also be traditional cultural places.

Under the 1992 NHPA amendments, Traditional Cultural Properties (TCPs) can be eligible for inclusion in the National Register of Historic Places (NRHP) as historic properties if they meet the NRHP eligibility criteria for their association with cultural practices or beliefs (traditions, beliefs, practices, lifeways, arts, crafts, and social institutions) of a living community that are rooted in that community’s history and are important in maintaining the continuing cultural identity of the community. TCPs are generally identified and evaluated by anthropologists’ or ethnographers’ consultations with the members of a given cultural community, such as a Native American community.

## Historic Built Environment

The historic built environment can include buildings; structures that are not buildings such as bridges; objects; districts; or landscapes. The significance of such properties may be historic in that they are associated with “broad patterns in our history” (Criterion A), or the

lives of “persons significant in our past” (Criterion B). Buildings and structures may also represent or exemplify a particular type or style of building, have aesthetic significance, or preserve the work of a master architect or engineer (Criterion C). To be considered for significance, resources of the historic built environment generally must be at least 50 years old, unless they are considered exceptionally important.

Resources of the historic built environment are identified through survey done by an architectural historian, and may be evaluated by researching archives and historical records to better understand the date of construction, architectural style, and historic context.

# Purpose and Need

The purpose of Section 6(f) is to ensure that all projects that would convert public outdoor recreation land purchased or developed with financial assistance from the LWCF to a use other than outdoor public recreation substitute that land with other recreational property of at least equal fair market value and reasonably equivalent usefulness (NPS 2008).

Under the Preferred Alternative for the SR 520, I-5 to Medina: Bridge Replacement and HOV Project, the Washington State Department of Transportation (WSDOT) requires the use of approximately 4.8 acres of protected Section 6(f) property. In compliance with NEPA and NHPA, this document identifies replacement property for the Section 6(f) lands converted by the project and evaluates the potential effect of developing the replacement property for park use.

# Affected Environment

## Introduction

This section describes the existing conditions of the protected properties in the project vicinity that will be converted and the property identified as replacement property for the converted recreational lands.

The Area of Potential Effects (APE) is the geographic area within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties (36 CFR Section 800.16[d]). For the SR 520, I-5 to Medina: Bridge Replacement and HOV Project, the APE consists of four footprints:

- The known or anticipated construction footprint (referred to as the limits of construction), which includes staging and laydown areas;
- A buffer area (one property deep or 200 to 300 feet from the limits of construction, as appropriate), which includes sufficient area to encompass historic structures, commercial buildings and residences, historic districts, and public facilities (including parks and bridges) that might be directly or indirectly affected by demolition, change of land use, noise, dust, vibration, visual quality, or other effects;
- Additional areas outside the construction footprint, determined through consultation, such as the entire Roanoke Park Historic District, the entire Washington Park Arboretum,<sup>1</sup> known potential construction haul routes, potential Section 6(f) replacement sites, and all the navigable waters of Portage Bay; and
- Additional pontoon construction sites that were considered for pontoon construction and staging and are not contiguous with the rest of the APE, located at the Ports of Olympia and Tacoma.

The APE received concurrence from DAHP in August 2009. An amended APE was submitted on June 1, 2010, to include several areas that were outside the August 2009 APE, including three potential Section 6(f) replacement properties. The APE was also expanded to

<sup>1</sup> A small, non-contiguous portion of the Arboretum, east of the main park and southeast of Foster Island, is not included in the APE.

include the non-contiguous pontoon construction sites. SHPO responded to this revised APE on August 17, 2010, with no additional comments.

This environmental evaluation is limited to the one property that was selected as the Section 6(f) replacement site. Known as the Bryant Building site, this property has a multi-component warehouse and commercial building with several docks. The site is located in the APE, on Portage Bay, at 1139-1299 NE Boat Street.

## **Prehistoric and Historic Background**

### **Cultural Setting**

Background research confirmed that the APE lies within lands and waters once occupied by several Puget Sound Tribes, whose descendants are represented by federally recognized Indian tribes, including the Muckleshoot Indian Tribe, Suquamish Tribe, Snoqualmie Tribe, the Tulalip Tribes, and the Yakama Nation, as well as the non-federally recognized Duwamish. Because of the assumed high population density, the study area is considered to have a high level of cultural sensitivity.

### **Prehistory**

Cultural change in Northwest Coast prehistory is evaluated on temporal and spatial variations in archaeological assemblage, subsistence, and settlement patterns within regional environmental contexts. The prehistoric record for Puget Sound is divided into three broad chronological periods: the early (14,000–5,000 years Before Present [BP]), middle (5,000–1,000 BP), and late (1,000–250 BP).

The early period is characterized by chipped stone tools such as fluted projectile points, leaf-shaped projectile points, and cobble tools with associated core and blade industries. Subsistence patterns exhibit a reliance on inland hunting supplemented with fishing and marine invertebrate procurement in riverine and littoral contexts. Settlements were typically located on interior upland plateaus or river terraces, although littoral occupations may have been inundated by seismic or eustatic processes during the Holocene (Carlson 1990; Kidd 1964; Nelson 1990; Stilson and Wessen 1987).

The middle period represented a proliferation in tool diversity within regional assemblages. Notched stone projectile points were

characterized by a decrease in size, and toolkits were supplemented with groundstone, bone, and antler industries. Subsistence practices showed an increased orientation toward marine and riverine habitats; shellfish, salmon, and sea mammals became more important resources during this period. Shell middens appear in the archaeological record during this period.

Occupation areas expanded to include modern shorelines and islands in Puget Sound, characterized by the earliest evidence of seasonal village sites (Carlson 1990; Kidd 1964; Nelson 1990; Stilson and Wessen 1987).

The late period is characterized by assemblages containing exotic trade goods imported from indigenous populations in the Columbia Plateau, as well as metal arrowheads and trade beads from Euro-American groups. Small side-notched and triangular stone projectile points persisted but were superseded by an emphasis on bone and antler tools. Salmon became a major staple, indicated by the construction and maintenance of elaborate fish weirs. Aquatic subsistence practices were supplemented by terrestrial hunting and plant procurement. Permanent, ethnographically described village sites were established and persisted into the historic period (Carlson 1990; Kidd 1964; Nelson 1990; Stilson and Wessen 1987).

Several sites have been identified in the Duwamish River drainage that contained shell middens, fish and mammal bone, charcoal, fire modified rock, and flakes. One of the oldest archaeological sites (45KI1267) in the general study area was thought to date from 8,000 to 4,000 BP (Durio and Bard 2008). The site contained cobble tools and siltstone flakes. More recent archaeological sites (45KI123) include a hunter-fisher-gatherer use location that may be as much as 2,000 years old, when specialized spring season camps were used during root-gathering and salmon fishing times of the year. Radiocarbon dates from a site (45KI159) north of the Black River channel near Renton provided a date range from 1764 to 1360 BP (Durio and Bard 2008). The site contained a series of longhouse structures rebuilt over time, along with lithic material and a bone tool assemblage. Food sources such as salmon, flounder, ratfish, dogfish, mussel, deer, bear, and bobcat were identified within the site complex. By about 900 years ago, land use patterns changed to include special purpose campsites for summer and fall berry processing. Potential post molds from drying racks and habitation structures were identified that may have been used during

this period. Hunter-fisher-gatherer use of the site appears to have been discontinued by about 200 years ago (Durio and Bard 2008).

Prehistoric deposits have been identified near the west bank of the Duwamish Waterway from 4 to 6 meters below-grade. A prehistoric shell midden site (45KI432) was identified near the mouth of the Duwamish River and radiocarbon dated from 671 to 530 BP (Durio and Bard 2008). Along the Duwamish River, a hunter-fisher-gatherer shell midden deposit was identified that contained stratified shell lenses with fish bone, fire-modified rock, and mammal bone. Radiocarbon dates span about 600 years. The site (45KI1431) was used as a seasonal, special purpose site with an emphasis on salmon fishing (Larson and Lewarch 1995).

## **Ethnographic Context**

When Euro-Americans arrived, central Puget Sound was home to various native groups—all having ties to the Seattle area through land use and intermarriage. The group most closely aligned with the study area is the Duwamish, whose core location was the Duwamish River Valley and Elliott Bay. The Suquamish, who occupied the west side of Puget Sound, followed a subsistence regime similar to the Duwamish. Both groups are closely tied through intermarriage (Haeberlin 1918). Native peoples referred to as Green River (or White River) Indians, along with some Duwamish, reside today on the Muckleshoot Indian Reservation near Auburn. These upriver groups lived generally to the southeast of the Duwamish and their culture was more adapted to the riverine environments, but they too procured food from the rich shellfish beds of Elliott Bay (Hart Crowser 1998 K-5).

The SR 520 corridor includes springs, streams, and freshwater lakes and bays. Portage Bay, Lake Union, Lake Washington, and their tributary streams formed a series of connected waterways that could only be entered from Puget Sound at Shilshole, along a meandering course through freshwater lakes and overland portages. A group of Duwamish (who were known to the white pioneers as the Lakes people) inhabited this area; Lake Washington was first called Lake Duwamish in recognition of the Duwamish people. Other groups in the broader Seattle area included the Muckleshoot Indian Tribe and the Suquamish Tribe (Durio and Bard 2008).

## Historic Setting

The Oregon Treaty of 1846 defined the boundary between the United States and Canada at the 49th parallel, spurring Euro-American settlement throughout the Pacific Northwest. The Oregon Territory was created as part of the United States shortly afterward, in 1848. The Donation Land Claim Act of 1850 and the Homestead Act of 1869 further spurred population growth in the area, luring settlers with the promise of free land. In the fall of 1851, a group of midwestern settlers, led by Arthur Denny, arrived at Alki Point in present-day West Seattle. Later that year, they relocated to the east and named their settlement for the local Native American leader, Chief Seattle (Bagley 1916). In 1853, the Washington Territory was formed from a piece of the Oregon Territory.

The early economy of Seattle was based on timber and coal. The opportunities available brought more and more settlers. By 1883, Seattle had grown to more than 3,000 citizens, making it the second largest municipality in the Washington Territory (Brambilla and Longo 1980). Initially, logging activities focused along waterways to take advantage of these areas for transporting logs to sawmills. From Union Bay on Lake Washington to Lake Union, logging was accelerated when a log chute was opened in 1885. By the 1890s, most of the area in west Lake Washington had been logged. Within the next 10 years, all of the timber had been cut from the shores of the lake (BOAS 2007).

The introduction of cable cars and streetcars beginning in the 1880s fed the push for residential development beyond the traditional city center, fueled by intense population growth. The Klondike Gold Rush in 1897 added to the growth of Seattle. Over the summer of 1909, the Alaska-Yukon-Pacific Exposition showcased the city and celebrated its achievements and economic potential. Designed by the Olmsted Brothers, it was held on the grounds of the University of Washington. Part of the plan remains today, incorporated into the current campus (Durio and Bard 2008).

By 1910, a mere 60 years after its founding, the city had grown to 230,000 people (Sale 1978). In the historic era, modifications to the land changed lake levels in the study area. Cuts were made through the Montlake isthmus to create a water passage between Lake Washington and Puget Sound. As noted above, the early cuts were shallow, made to transport logs from the lake to Puget Sound. The Montlake Cut was completed in 1916 to provide a western outlet and a direct, navigable

passage to Puget Sound. As a result of the cut, Lake Washington was lowered about 10 feet, and the Portage Bay and Union Bay marshes either dried out or were covered with fill (Durio and Bard 2008).

The Seattle area of the APE mostly developed in the early decades of the twentieth century. James Moore, its main developer, named Capitol Hill in 1901. Years before, pioneers had cleared a wagon road to its peak. They founded a cemetery there in 1872. The hill was logged off in the 1880s. By 1912, there were more than 40 platted additions in the Capitol Hill area, including Moore's seven tracts. The Eastlake neighborhood was surveyed in 1855, but not platted until the 1870s. Development there was slow until the arrival of the streetcar in 1885. The original developers, David T. Denny and Henry Fuhrman, platted the north end of Eastlake, along with the area now known as Roanoke Park, as part of the 1890 Denny-Fuhrman Addition to the city of Seattle and the subsequent Denny-Fuhrman Supplemental Addition. It encompassed all the land north of Roanoke Street to Lake Union (Durio and Bard 2008).

By the early 1890s, David Denny had established a streetcar line through the area along Eastlake Avenue that connected with downtown Seattle and points north, facilitating the residential development of the neighborhood. The City of Seattle acquired the land that is now Roanoke Park in 1908 and developed it as a park in 1910 (Sherwood 1974a). The establishment of Interlaken Park in 1908 and the opening of the Alaska-Yukon-Pacific Exposition in 1909 exposed more people to the area. People began building residences in the Roanoke Park neighborhood in 1899, but most construction occurred between 1908 and 1912. Construction of I-5 and SR 520 in the 1960s physically separated the neighborhoods of Eastlake, Capitol Hill, and Roanoke Park into their current distinct areas (Durio and Bard 2008).

East across Portage Bay, the Montlake neighborhood was developed about the same time, starting in 1905. The main era of construction was the 1910s through the 1940s. John Boyer of the Interlaken Land Company platted the area of the Montlake neighborhood south of SR 520 in December 1905. The area now north of SR 520 was originally known as Union City, so named by Harvey Pike in 1861. It was incorporated into the city of Seattle in 1891. With the Alaska-Yukon-Pacific Exposition in 1909 at the University of Washington campus, the area received extensive exposure and benefited from increased public transit to the area. Two brothers, Calvin and William Hagan, with partner James Corner (Smith no date) originated the name "Montlake"

as they developed “Montlake Park, An Addition to the City of Seattle” in July of 1909. This development occupied the area between the present day Montlake Cut and SR 520, and encompassed the eight blocks originally platted as H.L. Pike’s First Addition to Union City in 1870 (Durio and Bard 2008).

Although Boyer preferred the name “Interlaken” for the neighborhood he helped develop, he later agreed to “Montlake” as the name for the entire neighborhood (Gould 2000), which is generally accepted today. The Montlake neighborhood is bordered by the Washington Park Arboretum, one of the City’s first parks, which was created from 1900 to 1904. Originally owned by the Puget Mill Company, the park area was logged and slated for development, along with the adjacent area that is now known as Broadmoor. However, the financial panic of 1893 put the company’s plans on hold. To get needed infrastructure improvements from the City, the Puget Mill Company deeded 62 acres of land to the City, which would become the park. More acreage was added over the next few years and, by 1916, the City owned a total of 165.22 acres (BOLA and Kiest 2003).

The City largely completed its acquisition of land for Washington Park with the 1917 purchase of Foster Island and the 1920-1921 purchase of all but one lot of the Bard-Foster Washington Park Addition (City of Seattle 2008). In 1903, the Olmsted Brothers came to Seattle and prepared a plan for Seattle’s park system, including Washington Park. In March 1924, Washington Park was officially set aside as a botanical garden and arboretum by the Board of Park Commissioners. In 1925, the federal government leased the “Old Government Canal” property to the City for 99 years, to be used for park purposes. The leased land was considered an expansion of Washington Park and was the location of the first official plantings in the park in 1935-1936.

The Olmsted Brothers drew up the first formal plan for the Arboretum in March 1936, which included an illustrated plan, a nine-page letter, a collection of photographs, and plant lists. J. Frederick Dawson was the chief designer, and he used an earlier design by the Parks Department’s staff landscape architect, Frederick Leissler, as the basis for the Olmsted plan. Dawson worked closely with Leissler, who had been hired by Dean Winkenwerder of the University of Washington College of Forestry to oversee development of the Arboretum. As this was during the Great Depression, 500 men in the Public Works Administration/ Works Progress Administration (WPA) did most of the construction. Between 1936 and 1941, WPA workers completed much of the basic

infrastructure that is present today. They also built a stone gatehouse near the south entrance at Madison Street, an overlook or gazebo on a hillside at the southern end of the Arboretum, and a stone kiosk at the Interlaken Boulevard intersection with Lake Washington Boulevard (the original kiosk has been demolished). A Landmarks Preservation Board Report (City of Seattle 2008) describes the Arboretum as follows:

Designed by architects Arthur Loveless & Lester P. Fey, these structures reflect the rustic style of park architecture that was prevalent during this era while the intricate stonework is representative of the craftsmanship that was a hallmark of WPA construction.... Similar craftsmanship was employed in the construction of two stone bridges over Arboretum Creek.... Several major landscape elements were also completed by WPA workers, often under the supervision of local landscape architects and designers. This included the Rhododendron Glen, which followed a planting plan prepared by Otto Holmdahl.... Holmdahl also completed the plan for the Maple Collection ... and supervised construction of the Rock Garden/Rockery.... WPA workers constructed the pools of the Woodland Garden.... Although the Olmsted Brothers firm completed the General Plan with the idea that they would be hired for additional design work for specific elements, they only executed a detailed planting plan for Azalea Way.... The General Plan also provided a sequential arrangement of the plant collection based on a taxonomic classification system laid down by the botanists, Engler and Prantl.... In addition, several major elements of the Olmsted Brothers plan were never executed, including the Lakeside Boulevard, the Rose Garden and the Administration Building/Herbarium/Library.

Much of the Arboretum plant collection development occurred after World War II (WWII), when the late Brian O. Mulligan was director. The area around Foster Island and along the shoreline was included in both the 1904 and 1936 Olmsted plans as an area of lagoons. The lowering of Lake Washington in 1916 changed the shoreline and created a marsh at the north end of the Arboretum around Foster Island (Durio and Bard 2008).

In 1936, this area was described as “extensive marshlands, interrupted by landfills, following two decades of exposure since the lowering of the lake. The plan proposed the introduction of waterways labeled ‘lagoons’ to be developed through dredging of the marshland. Dredge

spoils would be used to raise the adjacent marshland and to cover the dumps. A future Alpine collection could expand into the area surrounding Foster Island, from the primary Alpine garden proposed west of the nursery” (BOLA and Kiest 2003). To implement the lagoon plan, extensive dredging was done in 1938-1939, dredging out 1¼ miles of lagoons. In 1939, extensive planting of 16 species of bamboo and 3,500 Japanese iris took place; however, few of these survived after WWII. The undeveloped property north of SR 520 behind the houses facing East Hamlin Street is what remains of the “canal reserve land,” the location of the original log canal between Lake Union and Lake Washington. Although this piece of land was not included in the Olmsted plans for the park, it was one of the first areas formally planted. Frederick W. Leissler, Jr., who was appointed assistant director of the Arboretum in 1936, directed WPA crews in planting Yoshino cherry trees and incense cedars on the “canal land” during the winter of 1935-1936. The trees remained until the construction of SR 520 in 1961 (Durio and Bard 2008). At that time, many of the cherry trees were relocated to the liberal arts quad of the University of Washington. These trees were removed from the quad in 1998 because of their advanced age (BOLA and Kiest 2003). Most of the surrounding land and plantings have been removed from the “canal reserve land,” and the introduction of SR 520 severely compromised the integrity of this early landscape.

McCurdy Park, which is located on the north side of SR 520 and encompasses approximately 1.5 acres of land, was also once part of the “canal reserve land.” The Museum of History and Industry (MOHAI) was constructed on a portion of this property in 1950, and the land immediately surrounding it was named for Horace W. McCurdy in 1958 (Sherwood 1974b).

In 1963, the State Department of Highways condemned approximately 47 acres of Arboretum property for SR 520, including most of the canal reserve land, and the path for the new expressway effectively cut off what was left of McCurdy Park from the Arboretum. The remaining undeveloped section of the canal reserve land and McCurdy Park (MOHAI) are no longer considered part of the Arboretum.

## **Converted Area**

The historic properties within the APE that would be converted from public outdoor recreation land are a portion of Foster Island; a portion of Washington Park Arboretum; and a portion of East Montlake Park and the Ship Canal Waterside Trail (a designated National Recreational

Trail), which are within the Montlake Historic District. The following is a summary of the significance of each property and the effects from the conversion of the properties to transportation use. The location of the historic properties is shown on Exhibit 4 of the Section 6(f) Environmental Evaluation. See Chapter 9 and the Final Cultural Resources Assessment and Discipline Report in Attachment 7 to the Final EIS and Final Section 4(f) and 6(f) Evaluations for more information on the significance of these properties.

### **Foster Island**

Foster Island was historically used as a burial place and continues to be a sacred place to some local tribes. Tribal practices reflect the continuing acknowledgement of the spiritual power of Foster Island. WSDOT and the Federal Highway Administration (FHWA), in consultation with the tribes, have determined that Foster Island is a TCP eligible for listing in the NRHP. The boundaries of the TCP encompass all of Foster Island. SHPO concurred with this determination on October 6, 2010. Foster Island is within the boundaries of the NRHP-eligible Washington Park Arboretum (described below) and is also individually eligible for listing in the NRHP as a TCP.

### **Washington Park Arboretum**

Washington Park Arboretum is a public facility that was developed as part of the Olmsted Plan for Seattle Parks, Boulevards, and Playgrounds. In 1903, the Olmsted Brothers landscape architects came to Seattle and prepared a plan for Seattle's park system. The City largely completed its acquisition of land for Washington Park by 1921, and in March 1924 the park was officially set aside as a botanical garden and arboretum. The Olmsted Brothers drew up the first formal plan for the Arboretum in March 1936 (WSDOT 2009). Stretching across approximately 230 acres, the Arboretum is cooperatively managed by City of Seattle Parks and Recreation and the University of Washington. The Washington Park Arboretum is eligible for listing in the NRHP under Criterion A (for its association with events that have made a significant contribution to the broad patterns of our history, including the 1909 Alaska-Yukon-Pacific Exposition, the development of the University of Washington, and the development of the parks system in Seattle), and under Criterion C (for its design by the noted Olmsted Brothers firm, as well as the designers and architects who contributed to its designed features).

## **Montlake Historic District**

The Montlake Historic District represents a significant collection of residential architecture typical of early twentieth century Seattle, with a combination of distinctive builders' houses; high-style, architect-designed residences; and impressive non-residential structures. The Montlake neighborhood was developed starting in 1909 and the primary era of construction was the 1910s through the 1940s. The residential styles in the district are mainly Craftsman, Tudor, and Colonial Revival, and many of the houses are individually distinctive. Noteworthy nonresidential resources in the area include the Montlake Bridge, the Montlake Cut, the Seattle Yacht Club, the NOAA Northwest Fisheries Science Center buildings, a portion of historic Lake Washington Boulevard, and structures such as the gazebo, Arboretum Aqueduct, and Japanese Garden teahouse in the Washington Park Arboretum, which borders the neighborhood. The Montlake neighborhood meets the eligibility criteria for an NRHP historic district under Criterion C for its collection of early twentieth century residential architecture with cohesive types as well as noted non-residential buildings. The period of significance is 1905 to 1952, from the platting of the neighborhood to the construction of MOHAI, which represents the shift to mid-century architectural styles. East Montlake Park, the Ship Canal Waterside Trail, and a portion of the Arboretum Waterfront Trail are located in the Montlake Historic District.

## **Replacement Property**

### **Previous Archaeological Investigations**

A literature review was conducted initially in Olympia at the DAHP office and later through the Washington Information System for Architectural and Archaeological Records Data (WISAARD) database to determine if any cultural resource surveys had been conducted, historic properties identified, or archaeological sites recorded in or near the Section 6(f) replacement property, the Bryant Building site. A 1-mile-wide radius (0.5 mile on each side of the project centerline) was searched for archaeological site information. As listed in Exhibit 1 below, the literature review identified one archaeological site in the vicinity of the proposed Section 6(f) replacement site. No historic built environment properties were previously identified on or adjacent to the replacement site.

**Exhibit 1. Literature Search Results for Section 6(f) Replacement Site**

Resource Name	Source	Eligibility	Location
Site KI00957	Louderback and Jolivette (2009)	Not evaluated	0.2 mile NE of Bryant Building site

**Louderback and Jolivette (2009)**

In 2009, Lisbeth Louderback and Stephanie Jolivette recorded pre-contact lithic material, flakes, and a projectile point on a site approximately 0.2 mile from the Bryant Building site. Site KI00957 is located on the south part of the University of Washington campus in Seattle and is situated on an eroded slope just above the Burke-Gilman trail (Universal Transverse Mercator: Zone 10 Easting 5520000 Northing 5277000). The site has not been evaluated for the NRHP.

**Historic Properties****Archaeological Resources**

Archaeological testing for identification of potential resources has not yet been conducted for the replacement property. As nearly half of the almost 200 state-registered prehistoric archaeological sites in King County lie within 200 feet of waters of statewide significance, properties located along the shoreline of Portage Bay are considered high probability for archaeological resources. As such, the selected replacement property is located within a “very high risk” probability area on the WISAARD statewide model for environmental factors with archaeology, with survey highly advised. Prior to its development as a park, the property will be subject to archaeological survey for previously unidentified cultural resources, with subsequent recordation, evaluation, and data recovery, if necessary. Due to the presence of buildings and paving on the entirety of the site, and the building serving an active use for the university, no survey for archaeological sites is currently possible. The archaeological survey work will be implemented through a phased identification, specified in the Section 106 Programmatic Agreement for the SR 520, I-5 to Medina: Bridge Replacement and HOV Project (see Attachment 9 to the Final EIS).

**Traditional Cultural Properties**

No TCPs were identified at the Bryant Building site or vicinity.

## Built Environment Properties

The replacement property was surveyed to identify any historic properties of the built environment. The Historic Property Inventory form is located in Appendix A and the site is briefly described below.

### 1139-1299 NE Boat Street, Seattle, WA 98105 (Bryant Building Site)

This waterfront building contains warehouse areas, commercial office space, and docks. Originally constructed in 1935 with subsequent building phases through 1950, it is one story and irregular in plan. The front of the building runs along the street front and has a brick façade and metal siding. The original wood frame windows are intact and feature 2/4 lights. Most of these windows are fixed, though a few panes in each grouping are operable. The main entry is located off-center, featuring a wood frame double door flanked by fixed 4-pane wood frame windows. The remaining elevations all feature corrugated metal cladding. The building features various rooflines, including a flat roof with a parapet, a sawtooth roof, and several shed roofs at lower elevations. A boat house on the west elevation has a hipped roof of standing seam metal. The rear section of the building is built on pilings that extend out into the water. The interior has exposed heavy timber framing. Most of the windows have been boarded over, but that is the primary alteration to the building.



1139-1299 NE Boat Street, Seattle, WA 98105 (Bryant Building Site)

## Determination of Eligibility

This waterfront warehouse from 1935 retains excellent integrity. The building, constructed in stages beginning in 1935 and continuing until 1950, is a largely intact warehouse that was originally constructed as a lumber company, and later converted to a facility to build, service, and sell boats.

Formerly called Bryant's Marina, the original address for this site was 1117 East Northlake Avenue. Bryant's Marina, Inc. was a Washington corporation chartered on June 14, 1938. The lumber mill buildings, along with 900 feet of waterfront on Portage Bay, were purchased by Bryant's Marina Inc in 1940 for \$31,000. The business was originally called Seattle Boat Marina, Inc., and the name was changed in 1943 to Bryant's Marina, Inc. The company distributed a variety of maritime goods, including boats, motors, marine supplies, and hardware. In the mid 1940s this was the largest Chris-Craft Boat distributorship (by volume) in the world. Bryant's Marina, Inc. had the Chris-Craft distributor's franchise for Western Washington and Alaska.

Chris-Craft Boat Company, named after its founder, Christopher-Columbus Smith, opened in the late nineteenth century. It gained prominence for its mahogany-hulled powerboats in the 1920s. The company, based in the Detroit area, originally produced sleek racing boats and high-end powerboats for wealthy clientele. Chris-Craft was the first company to standardize boat designs, eventually branching out to market boats to the middle class. It was one of the first companies to mass produce civilian pleasure boats. The company was able to lower the cost of production by opening an assembly line plant in Michigan. Chris-Craft continued to produce boats through the Great Depression, and provided small patrol boats for the Navy during WWII. They produced 10,000 landing craft for use in the war. Post-WWII, the company offered more than 150 models of pleasure boats. Chris-Craft power boats became a cultural icon, representing the leisurely lifestyle newly available to the American middle class. The company enjoyed various successes throughout the 1950s, until it was bought out by Shields & Company and National Automotive Fibers in 1960. It remains in business today producing power boats, and is the oldest power boat builder in America.

The building located at 1139-1299 NE Boat Street had space to build, store, repair, and service several hundred small boats. Two cranes, one capable of lifting a 50-foot boat out of the water, were located in the

building, as were paint and machine shops, and a show room for sales. Bryant's Marina Inc. was responsible for taking delivery of Chris-Craft boats, engines, and other items and redirecting them to its dealerships in Western Washington and Alaska. The building was the company's main plant. Bryant's Marina was considered "the leading pleasure boat establishment in the Pacific Northwest" (Crimmin 1978). It was the only establishment in Seattle that provided complete servicing for the products it sold, and it retailed more pleasure craft than any other company in Seattle.

The building at 1139-1299 NE Boat Street is eligible for the NRHP under Criterion A for its historic significance as part of the development of the Seattle waterfront and as a remnant of the commercial and maritime history of the region. It is also significant for its association with the Chris-Craft Boat Company. This nationally recognized company played an integral role in the maritime history of the United States as the company most often credited with the creation of the American pleasure power boating culture, and as the largest Chris-Craft distributorship in the nation, this building played an important role in this development.

The building is also eligible for the NRHP under Criterion C, as an intact example of a mid-twentieth century boat-building warehouse and showroom. There are very few intact examples of this once common architectural type left in the Seattle area, and this building retains integrity of location, setting, feeling, design, workmanship, and materials. The building is no longer used to build, show, or service boats, and thus has lost integrity of association. The SHPO concurred with this determination of eligibility on September 16, 2010.

# Effects Analysis

The purpose of this Effects Analysis is to determine if properties that are listed or eligible for listing in the NRHP would be affected by the undertaking.

## Criteria for Effects on Historic Properties

Section 106 of the NHPA and the implementing regulations require federal agencies to take into account the effects a proposed undertaking may have on historic properties. The NHPA's Section 106 regulations (36 CFR 800.5) include specific criteria for adverse effects that must be applied to federal undertakings with the potential to impact historic properties.

The Advisory Council on Historic Preservation has developed regulations that guide federal agencies on how to assess effects of their undertakings on historic properties and mitigate those effects, if necessary. Effects on cultural resources are defined in the following ways:

- **No Historic Properties Affected:** Either no historic properties are present, or there is no effect of any kind, neither harmful nor beneficial, on the historic properties.
- **No Adverse Effect:** There is an effect, but the effect does not diminish those characteristics that qualify the property for inclusion in the NRHP.
- **Adverse Effect:** There is an effect, and that effect alters (directly or indirectly) the characteristics of a historic property that qualify the property for inclusion in the NRHP in a manner that diminishes the integrity of the property. This includes diminishing the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, or be further removed in distance, or effects that may be cumulative.

Effects on historic properties may include, but may not be limited to, the physical destruction or modification of all or part of a resource, or

the introduction of audible, visual, and atmospheric elements that alter the qualities that make a property eligible for the NRHP.

If a proposed action were to cause an adverse effect on a historic property, the adverse effect must be resolved through the consultation process with the SHPO and the consulting parties, most often culminating in a Memorandum of Agreement (MOA) between the parties. This process would be carried out in accordance with Section 106 of the NHPA, Section 800.6 *Resolution of Adverse Effects* (36 CFR 800.6).

## Effects Determination

### Converted Property

The Preferred Alternative would cross Foster Island with a pier and span bridge that would require acquisition of land on Foster Island for expansion of the right-of-way to the north of the existing alignment. During construction an easement would be in effect for a work bridge located on the island. Once construction is completed, the work bridge would be removed and the construction easement on Foster Island would be returned to park use. The acquisition of land and the construction easement would result in a conversion of protected Section 6(f) property on Foster Island. According to 36 CFR 800.5(a)(2)(vii), the transfer of property out of federal control, and the resulting removal of restrictions that serve to protect its historic significance, constitute an adverse effect. Therefore, the conversion of property on Foster Island to transportation right-of-way, removing it from NPS protection, could be an adverse effect. The NPS, as the federal agency that would be relinquishing the protection, would be responsible for determining this adverse effect in consultation with SHPO.

The part of the Arboretum subject to Section 6(f) is the northern portion of the park, consisting of the landscape that surrounds and supports the Waterfront Trail, including Foster and Marsh Islands. The Preferred Alternative would use a small portion of land in this part of the Arboretum. The Preferred Alternative would also result in the conversion of part of the Ship Canal Waterside Trail (a designated National Recreational Trail) and a section of East Montlake Park, both of which are located within the Montlake Historic District. As with Foster Island, the NPS action to remove federal protection from these

properties could be an adverse effect, in accordance with 36 CFR 800.5(a)(2)(vii).

## Replacement Property

As described above, the replacement property, 1139-1299 NE Boat Street, Seattle, WA, known as the Bryant Building site, is individually eligible for listing in the NRHP. WSDOT evaluated this property as part of the SR 520 project undertaking. FHWA and WSDOT will take no further action regarding the property beyond ensuring its conveyance to the LWCF grantees (the University of Washington and the City of Seattle). Therefore, the historic property would not be affected by construction or operation of the SR 520 Preferred Alternative.

In order to comply with Section 6(f), the property will need to be converted to recreational use. This action, which will be carried out by the LWCF grantees, will likely result in the full or partial demolition of the building complex located on the property. If this were to occur, the removal of the building would result in an adverse effect on this historic property due to the physical destruction of part or all of the property. If future actions taken to develop the property result in an adverse effect, NPS, as the responsible federal agency, will initiate Section 106 consultation for that undertaking and will resolve any adverse effects through the Section 106 process. FHWA and WSDOT are not responsible for the development of the property for recreational use.

## Mitigation

As noted above, the SR 520, I-5 to Medina: Bridge Replacement and HOV Project would have no effect on the Bryant Building site, so no mitigation is necessary. Future actions by NPS to approve conversion of protected Section 6(f) property and development of the replacement property are likely to have an adverse effect. Section 106 requires that if an undertaking has an adverse effect on a historic property, the following measures must be followed:

- The agency official shall consult with the SHPO and other consulting parties to seek ways to avoid, minimize, or mitigate the adverse effects.
- If the agency official and the SHPO agree on how the adverse effects will be resolved, they shall execute a MOA. The agency official must submit a copy of the executed MOA, along with the

documentation specified in CFR § 800.11(f), to the Advisory Council prior to approving the undertaking in order to meet the requirements of Section 106.

## Summary

In summary, the land identified as the Section 6(f) replacement property, the Bryant Building site, contains one historic property that is eligible for listing in the NRHP. The SR 520, I-5 to Medina: Bridge Replacement and HOV Project would have no effect on the historic Bryant Building. The potential for previously unidentified archaeological sites is high, and subsurface investigation will take place through the phased identification process detailed in the programmatic agreement for the SR 520 project.

The NPS action to approve the conversion of protected Section 6(f) properties may be an adverse effect, in accordance with 36 CFR 800.5(a)(2)(vii). In addition, the development of the Bryant Building site as replacement property will likely require the full or partial demolition of the historic building on the property, which would be an adverse effect. NPS, as the responsible federal agency for these actions, will initiate consultation with SHPO to determine the adverse effects and, if necessary, to resolve them through the Section 106 process.



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# Appendix A. Historic Property Inventory Form

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**Historic Property  
Inventory Report for**

Bryant's Marina

at 1139-1299 NE Boat St, Seattle, WA 98105

**LOCATION SECTION**

Field Site No.:

OAHP No.:

Historic Name: Bryant's Marina

Common Name: University of Washington King Broadcasting

Property Address: 1139-1299 NE Boat St, Seattle, WA 98105

Comments:

County King Township/Range/EW T25R04E Section 17 1/4 Sec SE 1/4 1/4 Sec SEATTLE NORTH Quadrangle SEATTLE NORTH

Coordinate Reference  
Zone: 10 Spatial Type: Point Acquisition Code: Other  
Sequence: 1 Easting: 551517.9 Northing: 5277830.28

Tax No./Parcel No.  
1142004555

Plat/Block/Lot  
BROOKLYN ADD BLOCK 1 THRU 14 LOT 37

Supplemental Map(s)

Acreage  
7.97

**IDENTIFICATION SECTION**

Survey Name: SR520 6(f)

Field Recorder: Megan Venno

Date Recorded: 5/20/2010

Owner's Name:  
University of Washington

Owner Address:  
Campus Box 359446

City/State/Zip:  
Seattle, WA 98195

Classification: Building

Resource Status  
Survey/Inventory

Comments

Within a District? No

Contributing?

National Register Nomination:

Local District:

National Register District/Thematic Nomination Name:



View of Southeast Oblique

taken 3/30/2010

Photography Neg. No (Roll No./Frame No.):

Comments:

**DESCRIPTION SECTION**

Historic Use: Commerce/Trade - Warehouse

Current Use: Commerce/Trade - Warehouse

Plan: Irregular

No. of Stories: 1

Structural System: Post and Beam

Changes to plan: Intact

Changes to interior: Slight

Style

Form/Type

Changes to original cladding: Intact

Changes to other:

Other - Industrial

Industrial

Changes to windows: Moderate

Other (specify):

**Historic Property  
Inventory Report for**

Bryant's Marina

at 1139-1299 NE Boat St, Seattle, WA 98105

Cladding	Foundation	Roof Material	Roof Type
<u>Wood</u>	<u>Concrete - Poured</u>	<u>Metal - Standing Seam</u>	<u>Sawtooth / Folded Plate</u>
<u>Metal - Corrugated</u>			<u>Shed</u>
<u>Veneer - Brick</u>			<u>Flat with Parapet</u>
			<u>Hip</u>

**NARRATIVE SECTION**

Study Unit	Other
<u>Commerce</u>	
<u>Architecture/Landscape Architecture</u>	
<u>Manufacturing/Industry</u>	

**Date Of Construction:** 1935

**Architect:** Unknown

**Builder:** Unknown

**Engineer:** Unknown

**Property appears to meet criteria for the National Register of Historic Places:** Yes

**Property is located in a potential historic district (National and/or local):** No

**Property potentially contributes to a historic district (National and/or local):**

**Statement of  
Significance**

This waterfront warehouse from 1935 retains excellent integrity. The building, constructed in stages beginning in 1935 and continuing until 1950, is a largely intact warehouse that was originally constructed as a lumber company, and later converted to a boat warehouse and showroom. Formerly called Bryant's Marina, the original address for this site was 1117 East Northlake Avenue. The building originally operated as a lumber sawmill, until it was leased by Bryant's Marina, Inc., a Washington Corporation chartered on June 14, 1938. The lumber mill buildings, along with 900 feet of waterfront on Portage Bay, were purchased by Bryant's Marina Inc in 1940 for \$31,000. The business was originally called Seattle Boat Marina, Inc., and the name was changed in 1943 to Bryant's Marina, Inc. The company distributed a variety of maritime goods, including boats, motors, marine supplies, and hardware. In the mid 1940s this was the largest Chris-Craft Boat distributorship (by volume) in the world. Bryant's Marina, Inc. had the Chris-Craft distributor's franchise for the Western Washington region and Alaska. Chris-Craft Boat Company, named after its founder, Christopher-Columbus Smith, opened in the late 19th century. It eventually gained prominence for its mahogany hulled powerboats in the 1920s. The company, based in the Detroit area, originally produced sleek racing boats and high end powerboats for wealthy clientele. They eventually branched out to market boats to the middle class, when it was one of the first companies to mass produce civilian pleasure boats. The company was able to lower the cost of production by opening an assembly line plant in Michigan, and in doing so, made pleasure power boats a household name. Chris-Craft continued to produce boats through the Great Depression, and provided small patrol boats for the Navy during World War II. Post WWII, the company offered more than 150 models of pleasure boats. The company enjoyed various successes throughout the 1950s, until it was bought out by Shields & Company and National Automotive Fibers in 1960.

The building had space to build, store, repair and service several hundred small boats. Two cranes, one capable of lifting a 50-foot boat out of the water, were located in the building, as were paint and machine shops, and a show room for sales. Bryant's Marina Inc. was responsible for taking delivery of Chris Craft boats, engines, and other items and redirecting them to its dealerships in the Western Washington region and Alaska, and other cities throughout the Pacific Northwest. The building located at 1139-1299 Boat Street was the company's main plant. Bryant's Marina was considered "the leading pleasure boat establishment in the Pacific Northwest" (Crimmin, 1978). It was the only establishment in Seattle that provided complete servicing for the products it sold, it retailed more pleasure craft than any other company in Seattle, and was the only sizable distributor of pleasure boats in Portland. 1139-1299 NE Boat Street is eligible for the National Register under Criterion A for its association with the Chris-Craft Boat Company. This nationally recognized company played an integral role in the maritime history of the United States, and as the largest Chris-Craft distributorship in the nation, this building played an important role in this development. The building has historical significance as part of the development of the Seattle waterfront and as a remnant of commercial and maritime history of the region. The maritime industry played a crucial role in the development of Seattle. The waters around the city have been used to link smaller communities, towns and settlements to Seattle for over one hundred years. Ship building was a vital contributor to Seattle industry. There are very few intact examples of this architecture left in the Seattle area, and this building retains integrity of location, setting, feeling, design, workmanship and materials. It is no longer used as a boat warehouse, and thus has lost integrity of association. It is eligible for the National Register under Criterion C, as an intact example of a mid-twentieth century boat building warehouse and dealership.

**Historic Property  
Inventory Report for**

Bryant's Marina

at 1139-1299 NE Boat St, Seattle, WA 98105

**Description of  
Physical  
Appearance**

This waterfront warehouse, originally constructed in 1935 and with subsequent building phases through 1950, is one story and irregular in plan. The front of the building runs along the street front and has a brick façade and metal siding. The original wood frame windows are intact, and feature 2/4 lights. The majority of these windows are fixed, though a few panes in each grouping are operable. The main entry is located off-center, and features a wood frame double door flanked by fixed 4-pane wood frame windows. The building features various rooflines, including a flat roof with a parapet, a sawtooth roof, and several shed roofs at lower elevations. The detached boat house on the west elevation has a hipped roof of standing seam metal. The remaining elevations all feature corrugated metal cladding. The rear section of the building is built on pilings that extend out into the water, it has also had some interior changes, and at least one building has been torn down. The interior has exposed heavy timber framing. Most of the windows have been boarded over, but that is the primary alteration to the building.

**Major  
Bibliographic  
References**

Chris-Craft Boat Company website May 27, 2010. <http://www.chriscraft.com/>. Accessed May 27, 2010  
Crimmin, Eileen. Bryant's : 1928-1978. Woodinville, Washington: The Bryant Corporation, 1978  
King County Department of Assessments website. April 13, 2010. <http://info.kingcounty.gov/Assessor/eRealProperty/default.aspx>. Accessed May 26, 2010



View of Entry detail taken 3/31/2010

Photography Neg. No (Roll No./Frame No.):

Comments:



View of Southwest elevation of east side of building taken 3/31/2010

Photography Neg. No (Roll No./Frame No.):

Comments:



View of South elevation, middle section of building taken 3/31/2010

Photography Neg. No (Roll No./Frame No.):

Comments:



View of Northwest Oblique taken 3/31/2010

Photography Neg. No (Roll No./Frame No.):

Comments:



View of Front of west boathouse taken 3/31/2010

Photography Neg. No (Roll No./Frame No.):

Comments:



View of East elevation of boathouse taken 3/31/2010

Photography Neg. No (Roll No./Frame No.):

Comments:



View of East elevation of western portion of building taken 3/31/2010

Photography Neg. No (Roll No./Frame No.):

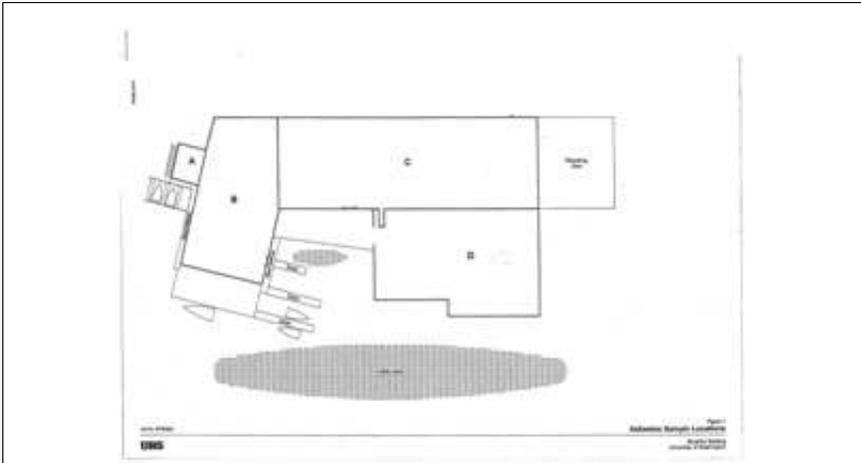
Comments:



View of Ceiling truss detail taken 3/31/2010

Photography Neg. No (Roll No./Frame No.):

Comments:

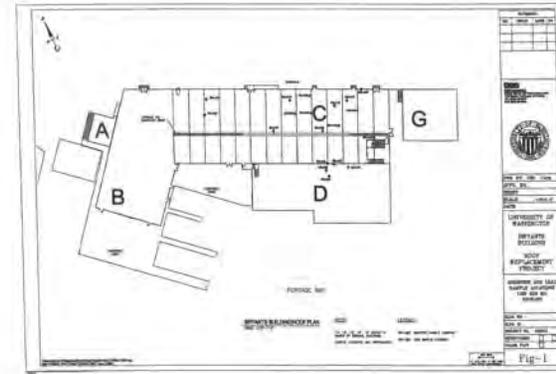


View of Site Plan 1

taken 6/1/2010

Photography Neg. No (Roll No./Frame No.):

Comments:

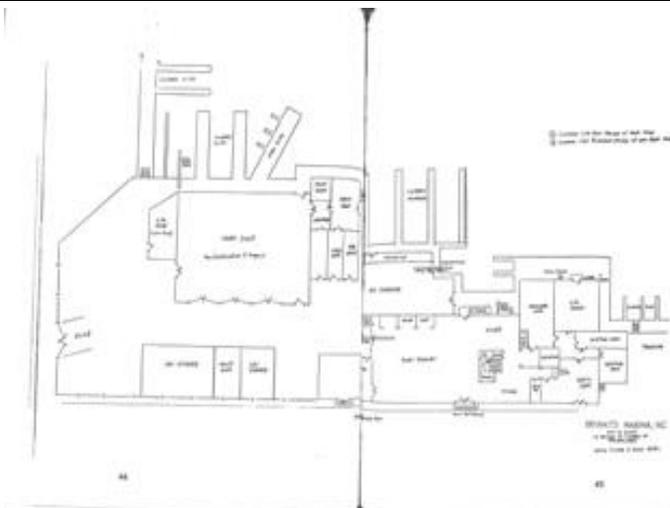


View of Site Plan 2

taken 6/1/2010

Photography Neg. No (Roll No./Frame No.):

Comments:



View of Historic detail of Bryant's Marina layout ca 1970s

taken 6/22/2010

Photography Neg. No (Roll No./Frame No.):

Comments: From Crimmin, Eileen. Bryant's : 1928 - 1978. Woodinville, Washington

View of

taken

Photography Neg. No (Roll No./Frame No.):

Comments:

## Appendix B. Agency Correspondence

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STATE OF WASHINGTON

**DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION**

1063 S. Capitol Way, Suite 106 • Olympia, Washington 98501  
Mailing address: PO Box 48343 • Olympia, Washington 98504-8343  
(360) 586-3065 • Fax Number (360) 586-3067 • Website: [www.dahp.wa.gov](http://www.dahp.wa.gov)

September 16, 2010

Ms. Lori Durio  
SR 520 Bridge Replacement and HOV Program  
600 Stewart Street, Suite 520  
Seattle, WA 98101

In future correspondence please refer to:

Log: 121602-08-FHWA

Property: SR 520 Corridor Trans-Lake Washington, Bridge Replacement and HOV

Re: Determined Eligible

Dear Ms. Durio:

Thank you for contacting our office. I am contacting you on behalf of Michael Houser, State Architectural Historian, who has reviewed the historic property inventory (HPI) forms that you submitted for review as part of your Section 6(f) study. Mr. Houser does not concur with your determinations of eligibility for the resources submitted as part of this study.

We concur with your determination that the Bryant Building is eligible for listing in the National Register of Historic Properties (NRHP). We **do not** concur, however, that the properties at 10034, 10036, and 10038 Rainier Ave South are not eligible for listing in the NRHP. We concur that the remaining properties identified in your report can be considered as not eligible for listing in the NRHP. We look forward to further consultation regarding your determination of effect.

I would appreciate receiving any correspondence or comments from concerned tribes or other parties that you receive as you consult under the requirements of 36CFR800.4(a)(4) and the survey report when it is available.

These comments are based on the information available at the time of this review and on behalf of the State Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations 36CFR800.

Thank you for the opportunity to review and comment. Should you have any questions, please feel free to contact me.

Sincerely,

Matthew Sterner, M.A.  
Transportation Archaeologist  
(360) 586-3082  
[matthew.sterner@dahp.wa.gov](mailto:matthew.sterner@dahp.wa.gov)



**DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION**

*Protect the Past. Shape the Future.*



*Attachment 15*

***Attachment 2: Public Comments and Agency Responses on  
Draft Section 6(f) Environmental Evaluation***



## 6(f) Correspondence

1. 07/28/08 – Letter to WSDOT: SR 520 Expansion and Impacts to Parks
  - From Kaleen Cottingham, RCO
2. 07/09 – Briefing for WSDOT: Potential Conversion Associated with the SR 520 Project
  - From Leslie Ryan-Connelly, RCO
3. 11/24/09 – Briefing from WSDOT: SR 520; Potential 6(f) Replacement Properties
  - To Timothy Gallager, Seattle Parks and Recreation
4. 03/22/10 – Letter to WSDOT: Comments on the Supplemental Draft Environmental Impact Statement
  - From David Graves, Seattle Parks and Recreation
5. 08/18/10 – Letter from WSDOT: DOEs for Potential 6(f) Replacement Properties
  - To Allyson Brooks, DAHP
6. 08/23/10 – Letter to WSDOT: Appraisals of 6(f) Affected Lands at the Arboretum
  - From Leslie Ryan-Connelly, RCO
7. 09/16/10 – Letter to WSDOT: Determination of Eligibility for Potential 6(f) Replacement Properties  
**(Included as part of the November 2010 public review version of the 6(f) document)**
  - From Matthew Sterner, DAHP
8. 09/28/10 – Letter from WSDOT: Appraisals of 6(f) Affected Lands for the SR 520, I-5 to Medina Project
  - To Leslie Ryan-Connelly, RCO
9. 11/08/10 – Letters from WSDOT: Section 6(f) Environmental Evaluation: Notice of Availability
  - To Leslie Ryan-Connelly, RCO
  - To Daniel Mathis, FHWA
  - To Heather Ramsay, NPS
  - To Rory Westberg, NPS
10. 11/08/10 – Memo from WSDOT: Section 6(f) Environmental Evaluation: Notice of Availability
  - To media/general public
11. 11/15/10 – Letter to WSDOT: Comment on the Section 6(f) Environmental Evaluation
  - From University District Community Council
12. 11/17/10 – Letter to WSDOT: Comment on the Section 6(f) Environmental Evaluation
  - From Stewart Reinbold, WDFW

13. 11/20/10 – Letter to WSDOT: Comment on the Section 6(f) Environmental Evaluation
  - From Jorgen Bader
14. 12/07/10 – Letters to WSDOT: Comment on the Section 6(f) Environmental Evaluation
  - From the Coalition for a Sustainable SR 520
  - From Douglas Stewart
  - From Seattle Community Council Federation
  - From Northeast District Council
  - From Montlake Community Club, Roanoke Park/Portage Bay Community Council, Fuhrman Boyer Neighborhood Improvement Association
  - From Astrida Onat, NS. Mark Onat, Michelle Jacobsen, Elaine King, Charles Budnik, Erin O’Connor, Ron Melnikoff, Cathy Garrison, Karen Wood, Bob Neary, Craig Van Riper
15. 12/08/10 – Letter to WSDOT: Comment on the Section 6(f) Environmental Evaluation
  - From Seattle Mayor, Mike McGinn
16. 12/09/10 – Letter to WSDOT: Comment on the Section 6(f) Environmental Evaluation
  - From the Seattle Board of Park Commissioners
17. 12/10 – Briefing from WSDOT: Section 6(f) Environmental Evaluation, Summary of Comments
  - To Section 6(f) stakeholders
18. 01/04/11 – Letter from WSDOT: Comments received on the Section 6(f) Environmental Evaluation
  - To Leslie Ryan-Connelly, RCO
  - To Daniel Mathis, FHWA
  - To Heather Ramsay, NPS
  - To Rory Westberg, NPS
19. Section 6(f) Environmental Evaluation: Public Comments and WSDOT Comment Responses

Natural Resources Building  
1111 Washington St SE  
Olympia WA 98501

PO Box 40917  
Olympia WA 98504-0917



STATE OF WASHINGTON

RECREATION AND CONSERVATION OFFICE

(360) 902-3000  
TTY (360) 902-1996  
Fax: (360) 902-3026

E-mail: [info@rco.wa.gov](mailto:info@rco.wa.gov)  
Web site: [www.rco.wa.gov](http://www.rco.wa.gov)

July 28, 2008

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

Re: State Route 520 Expansion and Impacts to Parks

Dear Secretary *Paula* Hammond:

This correspondence is follow-up to our recent meeting with the Governor's Office regarding the natural resource impacts of the expansion of State Route 520. I appreciate your staff's efforts to involve my staff on the SR 520 Resource Advisory Committee process. However, at our meeting, you and your staff expressed some confusion about the role of my agency and the park related impacts that would arise with the expansion of the bridge over Lake Washington. This letter is just a follow-up to that meeting.

There are two projects funded through the Recreation and Conservation Office (RCO) at the Arboretum that will likely be impacted by the expansion of SR 520. The first project was funded in 1966 through a grant from the Land and Water Conservation Fund (LWCF). The project was co-sponsored by the University of Washington and the City of Seattle. The funding provided by this grant was used to develop the original waterfront trail system through the Arboretum. The LWCF program is a federal grant program administered by the RCO with oversight by the National Park Service.

The second project was funded in 1985 through a grant from the Aquatic Lands Enhancement Account (ALEA) for re-development of the boardwalk and trail system around the Arboretum, overwater, and on Foster Island. This grant was awarded solely to the City of Seattle. The ALEA program is a state grant program administered by the RCO.

Both grants require that the facilities constructed with grant funds and the property where the facilities are located be maintained and available to the public in perpetuity. The proposed expansion of SR 520 has the potential to change, modify, close or move all or parts of these facilities. The term we use for such a change is "conversion."



Conversions of facilities or properties have very specific requirements for appraisals and replacement of facilities or properties converted. These requirements are based on both law and contract. We are working with Seattle, the University, the National Park Service and the Department of Natural Resources to coordinate protection efforts for these facilities and to streamline the potential mitigation measures that would be required for the two grants should a conversion of park facilities occur.

The scope of mitigation for each grant program is slightly different based upon the grant program goals, laws or policies. The LWCF program requires an equal replacement of similar park facilities within the management area of the project sponsor. This means that a new waterfront park must be created within the Seattle/University area. The ALEA program requires equal replacement of similar park facilities adjacent to a navigable water body within the management area of the project sponsor. This means that a new park must be created along Lake Washington, Puget Sound, or a major river within the city limits of Seattle. Additional details about mitigation requirements are discussed below.

Mitigation requirements for converted park land and facilities are established in federal and state law, regulation and policy, as well as the specific grant contracts between RCO and Seattle and the University. The WAC governing the ALEA program and board-adopted policy was modeled on the federal LWCF law; therefore, the requirements are similar. The applicable requirements are found in federal law<sup>1</sup>, state regulations (WAC)<sup>2</sup>, or agency policy<sup>3, 4</sup> on conversions of parks and are summarized in Attachment A.

As previously mentioned, we are working with the grant sponsors (Seattle and the University) to streamline the appropriate mitigation requirements. We have tentatively agreed to request one mitigation package that satisfies both grant program requirements. This would mean creation of one new park along a navigable water body within the Seattle/University management area. Ultimately, WSDOT will need to work with Seattle and the University to propose an acceptable mitigation package to RCO and the National Park Service.

While the mitigation requirements for both grant programs are similar; the approval authority is different. Once we receive an acceptable replacement proposal that meets all the state and federal requirements, we will present it to the Recreation and Conservation Funding Board. The Board has final approval authority for the ALEA grant mitigation proposal. The Board makes recommendations to the National Park Service, which has final approval authority for the mitigation proposal for the LWCF funded grant.

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<sup>1</sup> Section 6(f)(3) of the LWCF Act and 36 CFR Part 59

<sup>2</sup> WAC 286-42-050

<sup>3</sup> RCO Manual #21: *Aquatic Lands Enhancement Account Program: Policies and Project Selection*

<sup>4</sup> RCO Manual #7: *Funded Projects: Policies and the Project Agreement*

Secretary Hammond  
July 10, 2008  
Page 3

My staff will continue to participate in the Resource Advisory Committee process and continue to respond to the evolving alternatives from the mediation process. We are committed to providing information to the Department of Transportation and the Governor's Office in a timely manner so that the legislative requirements for the mediation can be successfully achieved. I just wanted you to be aware of the essential steps in our process so that they can be built into your process. Please let me know if we can be of further assistance.

Sincerely,



Kaleen Cottingham  
Director

Cc: Julie Meredith, Department of Transportation  
Heather Ramsay, National Park Service  
David Graves, City of Seattle, Parks and Recreation  
Carol Haire, University of Washington, Real Estate Office  
Rebecca McIntyre, University of Washington, Real Estate Office

ATTACHMENT A

Mitigation requirements for converted park land and facilities are established in federal and state law, regulation and policy, as well as the specific grant contracts between RCO and Seattle and the University. The WAC governing the ALEA program and board-adopted policy was modeled on the federal LWCF law; therefore, the requirements are similar. The applicable requirements found in federal law<sup>5</sup>, state regulations (WAC)<sup>6</sup>, or agency policy<sup>7, 8</sup> on conversions of parks include the following:

- All practical alternatives to avoiding a conversion and for replacement have been evaluated.
- Replacement property must be
  - Of at least equal market value.
  - Of reasonably equivalent or greater recreational usefulness and location. Specifically, the replacement park must meet recreation needs currently provided at the existing park.
- Replacement property may include only elements eligible under the applicable program.
- Replacement facilities must satisfy recreational needs identified in a planning effort conducted by RCO or the project sponsor.
- Land currently owned by another public entity can not be used as replacement property unless the property was not originally acquired or previously managed for public recreational use.
- For partial take of a park, the impacts to the remainder park must be considered and remain viable for recreational use.
- Coordination with other federal agencies must be accomplished.
- Environmental and cultural resources review requirements for the converted as well as replacement properties is completed.
- Intergovernmental review per President's Executive Order 12372 is completed.
- The park facility must be administered by the same political jurisdiction as the original project.
- Evidence that the public has been given an opportunity to participate in the identification, evaluation, and development of alternatives

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<sup>5</sup> Section 6(f)(3) of the LWCF Act and 36 CFR Part 59

<sup>6</sup> WAC 286-42-050

<sup>7</sup> RCO Manual #21: *Aquatic Lands Enhancement Account Program: Policies and Project Selection*

<sup>8</sup> RCO Manual #7: *Funded Projects: Policies and the Project Agreement*



## **Analysis**

The proposed conversion is complicated by several factors.

First, the state has funded the boardwalk trail twice, and the two grant programs have different eligibility criteria. The first grant, made by the board, was awarded through LWCF, which has a set of criteria that must be met per the federal requirements. The second grant, made by the Washington Department of Natural Resources (DNR)<sup>1</sup>, was awarded through ALEA for recreational facilities associated with a navigable waterway.

This situation essentially creates two conversions on the same property, so RCO staff is approaching them simultaneously and encouraging the projects' sponsors to find replacement property that will satisfy both grant programs' requirements. Therefore, any replacement property will need to be located on a navigable waterway and meet the recreational needs for both the City of Seattle and University of Washington.

A second complicating factor with this proposed conversion is that the first grant was awarded to Seattle and the University of Washington as co-sponsors, and the second grant was awarded only to the City of Seattle. Therefore, Seattle is obligated to resolve both conversions, but the University is only obligated to satisfy the LWCF conversion. Both project sponsors have agreed to move forward to address the two conversions simultaneously in hopes it will satisfy each entity's needs as well as both funding program requirements.

The final complicating factor is the issue of property ownership within the Arboretum Park. Seattle, the University of Washington, and DNR all own property within the Park. Seattle maintains the park, and the University manages the Arboretum collection. However, neither party has complete control over the entire park, including portions of the park that were improved with grant funding and that are located on DNR property. RCO staff is working with all parties to clarify the control and tenure issues. DNR staff has been very cooperative in helping identify property ownership boundaries and offering a no-fee lease option to protect the previously funded grant investments. All parties are operating under the premise that since DNR awarded the ALEA grant to the City of Seattle to construct facilities over state land, that a no-fee recreational lease would be an appropriate way to guarantee Seattle's ability to maintain the park in perpetuity and protect the state's previous investment.

WSDOT is working on an expedited timeline for design, review, permitting, and construction of the SR 520 project. The Governor expects construction on the new bridge to begin in 2014. In order to meet this aggressive timeline, all state agencies must assist WSDOT with providing information into the environmental review process as soon as possible.

At this stage, WSDOT is developing a supplemental draft environmental impact statement to evaluate three main design alternatives. RCO staff is participating on WSDOT's Regulatory Agency Coordination Process workgroup to help identify conversion impacts and replacement requirements. The conversion package will be addressed in the environmental review materials, which should be made available for public comment by the end of this year. In addition, the RCO Director, along with other applicable state

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<sup>1</sup> The ALEA grant was managed jointly by DNR and the Interagency Committee for Outdoor Recreation when the original grant was awarded. The ALEA grant program was subsequently transferred to RCO for administration in 2004.

agency directors, participates in quarterly meetings with the Governor's Office to discuss roadblocks and red flags to meeting the Governor's timeline.

**Next Steps**

The RCO Director will continue to brief the Governor's Office on park-related impacts that must be addressed by the board as part of the SR 520 project approval process.

RCO staff will continue to work with the City of Seattle, University of Washington, DNR, WSDOT, and the National Park Service to identify conversion impacts and potential replacement scenarios. WSDOT's proposed schedule for environmental review is as follows:

<b>Activity</b>	<b>Target Date</b>
Draft Supplemental Environmental Impact Statement	December 2009
Final Draft Environmental Impact Statement	February 2010
Final Environmental Impact Statement	November 2010
Record of Decision	January 2011

RCO staff will continue to brief the board on the status of the Arboretum Park conversion at key points in the process. One such milestone will be after the preferred bridge construction alternative is selected and conversion impacts are quantified. Based upon the proposed schedule, this likely will take place at the board's June or September meeting in 2010. The board should make its interim approval on the conversion after all public comment and review has been completed. The first opportunity for an interim decision would be at the board's January 2011 meeting. Once the board has granted interim approval, the conversion package can be forwarded to the National Park Service for consideration.

**Attachments :** Arboretum Park draft boundary map



**Attachment: Arboretum Park draft boundary map**







**Date:** November 24, 2009

**To:** Marsha Tolon, WSDOT Environmental Lead

**From:** Timothy Gallagher, Superintendent

**CC:** Terry Dunning, Real Estate Transaction Manager  
David Graves, AICP, Senior Planner  
Stephanie Brown, Seattle Department of Transportation

**Subject:** SR 520; 6f Compensation

In response to questions from WSDOT regarding potential compensatory properties based on the SR 520 project's impacts to a 6f resource, Parks has identified the following properties as potential sites. Note that some of these sites are in private ownership and Parks has not engaged in any discussions with the property owner(s); the property owner may not wish to sell his/her property. This list is being provided for discussion purposes only; any property negotiations will be between WSDOT and/or the City of Seattle and the property owner as applicable. Note also that the list is *not* ranked in order of preference.

1. ***Pier 48 parcel*** - This parcel is located on the Elliot Bay waterfront adjacent to Pioneer Square and is currently owned by WSDOT. The upland area associated with Pier 48 affords an opportunity for people to access the water and the area could be enhanced to provide habitat opportunities for marine species such as juvenile salmon.
2. ***Discovery Park*** - Forest City currently manages property within Discovery Park which has been and/or is currently being used for military housing. These properties could be purchased and then incorporated into Discovery Park to complete the City's ownership of the park.
3. ***Lake Union/North Lake*** - King County owns a piece of property located to the west of Gas Works Park (Parcel No. 4088804670) on Lake Union. It is separated from Gas Works Park by private property but it could be used to provide access for water-based recreation.
4. ***Mathews Beach/Thornton Creek*** - There are private properties adjacent to Thornton Creek and Mathews Beach Park that could be purchased and

incorporated into Matthews Beach Park to enhance/expand the recreation opportunities at the park and could also provide opportunities for habitat enhancement along the creek.

5. **Lake Union/Fairview Avenue East** - The City is completing the second round of improvements on the Cheshiahud Lake Union Loop (<http://www.seattle.gov/parks/LakeUnionLoop>), a 6.2 mile loop around Lake Union which provides a unique urban recreation opportunity. The bulk of the loop is flat with the exception of a one block stretch where rights-of-way do not connect and users are routed away from the water and up and down a steep alley. The purchase of one property (Parcel No. 1965200090 ) would enable the loop to be connected closer to the water at a more gentle grade.
6. **King Broadcasting site** - the University of Washington owns a parcel on Portage Bay that currently houses the UW Police station. This property could be purchased and converted to park use and would provide access to Portage Bay and associated passive and active recreational opportunities.
7. **1<sup>st</sup> Avenue South** - this property was suggested by SPU; WSDOT owns a piece of property (Parcel No. 5367202514) that is adjacent to the 1<sup>st</sup> Avenue South bridge, along the south side of the Duwamish Waterway. The parcel is surrounded by City and Port property. Taken as a whole and improved, these properties could provide access to the Duwamish, active and passive recreation opportunities and a place for habitat restoration in the Duwamish.
8. **NOAA Portage Bay site** - the NOAA parcel on Portage Bay located to the north of SR 520 may become available depending on the design of the project. If that property were to become available, Parks would be interested. This property could be purchased and converted to park use and would provide access to Portage Bay and associated passive and active recreational opportunities.
9. **NOAA Lake Union site** - the parcel that NOAA occupied on Lake Union in private ownership, parcel no. 4088802460; it contains approximately 7.06 acres. This parcel would also compliment the City's Cheshiahud Lake Union Loop. It is also large enough to function as a stand alone piece of open space with opportunities for land based and water based recreation, provide access to Lake Union for people and hand-carried boats and provide habitat enhancement opportunities along the shoreline. There is one caveat associated with this property - the property is zoned for industrial uses and conversion of industrial property to non-industrial use raises some City policy concerns.

The above is an outline of properties that have potential to serve as mitigation of the conversion of 6(f) protected properties within the Arboretum. At this point, Parks is working with UW and the other City departments to ensure that the impacts to Parks' and thus City property are accurately presented so that we are prepared to work through the mitigation and compensation requirements, options and opportunities with WSDOT.



DATE: March 22, 2010; updated April 13, 2002

TO: Stephanie Brown, Seattle Department of Transportation

FROM: David Graves, AICP, Senior Planner

SUBJECT: SR 520 Supplemental Draft Environmental Impact Statement

Attached are comments of Seattle Parks and Recreation on the SR 520, I-5 to Medina Bridge Replacement and HOV Project Supplemental Draft Environmental Impact Statement (SDEIS). The purpose of this memo is to highlight selected policy issues of substantial significance that should be brought forth in the City's response to the SDEIS.

### Background

If implemented, proposed upgrades to State Route 520 will have significant impacts to a number of Seattle parks over a span of years, and a base set of impacts for the life of the freeway corridor. There will be impacts to park resources protected under Section 4(f) of the Federal Highway Administration legislation associated with the SR 520 project. City of Seattle park resources under the jurisdiction of the Superintendent of Seattle Parks & Recreation that will be impacted by the SR 520 project include Roanoke Park, Bagley Viewpoint, West Montlake Park, Montlake Playfield and the associated submerged lands, Lake Washington Boulevard, East Montlake and McCurdy Parks and the Washington Park Arboretum. (see attached map) As such, appropriate mitigation of the project impacts is warranted and necessary.

### Comments

Seattle Parks & Recreation respectfully submits the following comments in response to the Supplemental Draft Environmental Impact Statement (SDEIS) for the I-5 to Medina: Bridge Replacement and HOV Project issued on January 22, 2010:

- **Bagley Viewpoint** - Bagley Viewpoint is a well visited viewpoint along Delmar Drive East which provides views to the east of Lake Washington, Montlake Cut, the University of Washington and the Cascade mountain range. No other viewpoint in Seattle provides this unique view to the east. The viewpoint was redeveloped following the construction of the access freeway to the Evergreen Point floating bridge in 1963. The freeway cut the viewpoint off from its previous connection to Interlaken Park.

- Loss of this unique viewpoint must be mitigated. The SDEIS indicates that a lid is proposed in this area that will provide similar view functions and also serve to reconnect the neighborhood through the triangle between 10<sup>th</sup> Avenue East, East Roanoke Street and East Delmar Drive. WSDOT must ensure that this lid remains part of the project and does not get removed due to funding concerns. Absent the lid, WSDOT must provide a view opportunity similar to the one provided by Bagley Viewpoint and work to reconnect this viewpoint to Interlaken Park as it was originally constructed.
- **Montlake Playfield** - While physical impacts to the playfield associated with the SR 520 project will be minimal, the visual impacts and noise associated with the project, both during construction and after it is completed, will be significant. Every effort must be made to limit the potential for noise from the freeway to impact users of the playfields, members of the public who come to the area to take advantage of the newly reconstructed hand-carried boat launch, and the public and fauna that use the newly enhanced wetland areas.
  - During construction, any temporary work bridges and/or barges must not restrict canoe/kayak access between the Montlake Playfield boat launch and Portage Bay.
  - Parks is just completing a large wetland restoration project along the perimeter of Montlake Playfield. 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.
  - Parks owns submerged lands associated with the playfield. The submerged areas provide habitat opportunities on lands in public ownership protected from development. Impacts and/or intrusion onto these lands, either permanent or temporary during construction, must be appropriately mitigated.
- **West Montlake Park** - While there will likely be no physical impacts to this park associated with the SR 520 project, the visual impacts and noise associated with the project, both during construction and after it is completed could be significant. Every effort must be made to limit the potential for noise from the freeway to impact users of the park.
- **Lake Washington Boulevard** - Lake Washington Boulevard is referred to as a city street throughout the Supplemental Draft Environmental Impact Statement for the SR 520, I-5 to Medina: Bridge Replacement and HOV Project (SDEIS). The 4f evaluation fails to identify Lake Washington Boulevard as either a historic resource or a park and recreation resource. This officially designated park boulevard is a 204-acre, 9.2-mile-long linear park wholly owned by the City and under the jurisdiction of Seattle Parks and Recreation. It is a crucial element in the 1903 Olmsted Plan for the Seattle's boulevard system, sometimes referred to as the "Emerald Necklace." Decisions about the future design of the SR 520 improvements must be made with the understanding that Lake Washington Boulevard was never designed to function as an extension of direct-access ramps to and from SR 520. Where Lake Washington Boulevard serves as a corridor through the Arboretum, vehicles and bicycles must be able to travel on it in a manner consistent with the design and intent of the surrounding Arboretum.

- There should be no direct access from SR 520 to Lake Washington Boulevard. From the day it opened, SR 520 and the access ramps to and from Lake Washington Boulevard have encouraged and facilitated traffic through the Arboretum which would not otherwise be there. This increased traffic through the heart of the Arboretum limits access to the Japanese Garden from the rest of the Arboretum, reduces the air quality due to vehicle emissions, increases noise from traffic and makes crossing Lake Washington Boulevard unsafe.
- Lake Washington Boulevard has become an extension of the on/off ramps to SR 520. Had existing environmental laws been in place, mitigation of the impacts on the Arboretum of the original 520 project would have been significant or more likely, the project would have been redesigned. If direct access to and from SR 520 to Lake Washington Boulevard remains a part of the future project, exacerbating the current condition, the Arboretum should be duly compensated for the use of the boulevard in the future.
- As mitigation for the increased traffic on Lake Washington Boulevard directly attributable to SR 520, traffic calming measures should be implemented on the boulevard.
- If the SR 520 project includes direct access ramps to and from Lake Washington Boulevard to SR 520, additional tolls should be included on these ramps. Tolls should be included as a way of travel demand management to discourage people from using Lake Washington Boulevard to access SR 520. Also, the revenue from these tolls should be dedicated to the Arboretum to help mitigate the impacts of the increased noise, air emissions and vehicular distraction on the physical nature, educational value and visitor experience of the Washington Park Arboretum.
- **Washington Park Arboretum** - The Washington Park Arboretum, State Arboretum for the State of Washington, is a stunning gem in Seattle's park system. It provides respite, scenery, recreation and solace to thousands of visitors in every season of the year. It provides educational, recreational, conservation and volunteering opportunities to those who seek it out. The City of Seattle and the University of Washington have been cooperatively managing this park since the original 1934 agreement.
  - Since the SR 520 highway was opened, the Arboretum has been fractured by the highway structure itself and the noise, pollution and visual intrusion of the structure on the physical nature, educational value and visitor experience of the Washington Park Arboretum. A percentage of the tolls collected on the main line of SR 520 should be dedicated to improvements in the Arboretum as mitigation for past, current and future impacts of siting a transportation facility in the heart of a natural area and arboretum.
  - The physical nature, educational values and visitor experience within the Washington Park Arboretum should be enhanced by the construction and operation of the SR 520 I-5 to Medina: Bridge Replacement and HOV project if properly designed with sensitivity to the park.

- All efforts must be made to avoid any adverse impacts to the Arboretum, both during construction and through the long term operation of the SR 520 facility.
- To the extent that there will be adverse impacts to the Arboretum, every impact must be thoroughly mitigated.
- Unavoidable adverse impacts must be mitigated. Those of shorter duration must be addressed during the construction phase. Long term impacts of facilitating increased traffic through the Arboretum which has a direct impact on the physical nature, educational value and visitor experience in the Washington Park Arboretum need to be avoided through sound design or mitigated appropriately.
- Design of the new structure should address the potential for increased noise through the Arboretum as a result of the increased traffic. The project must be designed such that noise levels decrease from the levels experienced today.
- The project must be designed such that the visual impact of the structure complements and does not detract from the physical nature, educational value and visitor experience of the Washington Park Arboretum. Designing a “signature” bridge does not reduce the visual impact of a concrete and/or steel structure in the heart of a 230-acre arboretum.
- **Washington Park Arboretum Master Plan** - In May 2001, the Seattle City Council approved the long-range master plan for the Washington Park Arboretum, creating a road map for Arboretum improvements over the next 20 years. The master plan ensures the Washington Park Arboretum will effectively fulfill three primary purposes—conservation, recreation and education—for decades to come. Together, University of Washington Botanic Gardens and Seattle Parks and Recreation, with support from the Arboretum Foundation, are working to implement the master plan. Substantial public and private funds have recently been raised and spent to improve the visitors’ experience. The Pacific Connection Gardens have been newly created, the Japanese Garden Gatehouse has been redeveloped and a number of other park improvements have been made. All these contributions will likely be negatively impacted by the proposed SR 520 project.
  - The Master Plan adopted in 2001 made note of the fact that there would be limited new buildings built within the Washington Park Arboretum. Instead, UW, the Arboretum Foundation and Seattle Parks and Recreation would address their long term need for additional educational, maintenance and classroom space by expanding into the building which currently houses the Museum of History and Industry (MOHAI), once MOHAI vacated the building. The City of Seattle owns the building which MOHAI currently occupies. Since all of the options in the SDEIS involve expansion of the roadway such that the MOHAI will be demolished, WSDOT must provide replacement space as envisioned in the Master Plan.
  - There are four significant projects at the north end of the Arboretum which are identified in the Arboretum Master Plan: Complete the Waterfront Trail as a loop all the way around Duck Bay; Add access, sitting and viewing areas on the west side of Duck Bay; Daylight

Arboretum Creek; and, Create an entry at the west/north end of the Arboretum with the same grand character as the south entry. The redevelopment of SR 520 may negate the potential to undertake some or all of these projects to the detriment of the Arboretum and contrary to the goals set out in the Master Plan. To the extent mitigation measures are necessary as a result of unavoidable significant impacts associated with the SR 520 project; these identified Arboretum Master Plan project should be fully funded by WSDOT for implementation by Parks and/or UW.

- In addition to the above identified Parks properties, there are other lands linked to these parks adjacent to the SR 520 corridor that will be impacted by the project. While these pieces of linked property are not all city-owned, the linked recreational areas are still important to the city, and each of its parts is important. The SR 520 project will do excessive damage to these properties.

Thank you for the opportunity to review and comment on the Supplemental Draft Environmental Impact Statement for the I-5 to Medina: Bridge Replacement and HOV Project.

**Additional Information**

If you any questions regarding the SR520 project, please contact David Graves at 684-7048 or e-mail to [david.graves@seattle.gov](mailto:david.graves@seattle.gov).

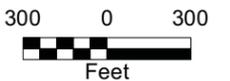
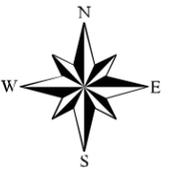


Ownership  
from I-5 to  
Washington Park  
and  
Arboretum



**Legend**

- Park Property
- Right-of-Way



1 inch = 300 feet

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No warranties of any sort, including  
accuracy, fitness or merchantability  
accompany this product.

Orthophoto source:  
USGS/Triathlon, June 2002  
Map date: April 13, 2010

File: v:\project\central\washington park\Ownership I-5 to Arbo (J-24436).mxd





**Washington State  
Department of Transportation**  
**Paula J. Hammond, P.E.**  
Secretary of Transportation

**Engineering and Regional Operations**  
**SR 520 Bridge Replacement and HOV Program**  
600 Stewart Street, Suite 520  
Seattle, WA 98101

Phone: 206-770-3500  
Fax: 206-770-3569  
TTY: 1-800-833-6388  
[www.wsdot.wa.gov/Projects/SR520Bridge](http://www.wsdot.wa.gov/Projects/SR520Bridge)

August 18, 2010

Y-8393 BH  
LTR #1584

Dr. Allyson Brooks  
State Historic Preservation Officer  
Department of Archaeology and Historic Preservation  
PO Box 48343  
Olympia, Washington 98504-8343

**DAHP Log #: 121602-08-FHWA**  
**Property: SR 520: I-5 to Medina Bridge Replacement and HOV Project**  
**Re: DOEs for Potential Section 6(f) Replacement Properties**

Dear Dr. Brooks:

On behalf of the Federal Highway Administration (FHWA), pursuant to 36 CFR 800.2(c)(1), the Washington State Department of Transportation (WSDOT) is continuing consultation regarding the SR 520: I-5 to Medina Bridge Replacement and HOV Project. This letter provides Determinations of Eligibility (DOEs) in the form of six Historic Property Inventory (HPI) forms for buildings located at potential Section 6(f) replacement properties. WSDOT has determined that one of these buildings, known as the Bryant Building, is eligible for listing in the National Register of Historic Places (NRHP). WSDOT has also determined that the five other buildings are not eligible for listing in the NRHP. WSDOT respectfully requests your review and concurrence with these determinations. We look forward to your concurrence on our DOEs by no later than September 16, 2010.

This submittal includes a CD containing the exported database files and photo folders for the six HPI forms, as well as the Cultural Resources Report for Section 6(f) Environmental Evaluation. If you have any questions, please do not hesitate to contact me at 206.521.5552, email [durio1@consultant.wsdot.wa.gov](mailto:durio1@consultant.wsdot.wa.gov) or Kevin Bartoy at 206.521.5628, email [bartoyk@wsdot.wa.gov](mailto:bartoyk@wsdot.wa.gov).

Sincerely,

*Lori Durio* on behalf of Lori Durio

Lori Durio  
SR 520 Cultural Resources Program Lead

Attachment - CD-ROM with Database Files for Historic Property Inventory Forms and Cultural Resources Report for Section 6(f) Environmental Evaluation

Cc: Matthew Sterner, DAHP, w/o attachments  
Randy Everett, Federal Highway Administration, w/o attachments  
Allison Hanson, WSDOT, w/o attachments  
Kevin Bartoy, WSDOT, w/o attachments  
Scott Williams, WSDOT, w/o attachments

Natural Resources Building  
1111 Washington St SE  
Olympia WA 98501

PO Box 40917  
Olympia WA 98504-0917



(360) 902-3000  
TTY (360) 902-1996  
Fax: (360) 902-3026

E-mail: [info@rco.wa.gov](mailto:info@rco.wa.gov)  
Web site: [www.rco.wa.gov](http://www.rco.wa.gov)

STATE OF WASHINGTON

RECREATION AND CONSERVATION OFFICE

August 23, 2010

Ms. Jenifer Young, Environmental Manager  
SR 520 Project Office  
600 Steward Street, Suite 520  
Seattle, WA 98101

Re: Appraisals of 6f Affect Lands at the Arboretum  
RCO #66-037A / #53-00025

Dear Ms. Young:

Thank you for the time to review the appraisals conducted on behalf of the 6f affected lands at the Arboretum and the potential replacement properties. I have briefly reviewed the appraisals for the 6f converted area, University of Washington, Boyer Street, and Union Bay properties. I want to provide you with early feedback so that we can move quickly to make the necessary adjustments needed to provide adequate appraisal work in support of the 6f conversion process. There are a number of appraisal issues that must be addressed. A summary of these issues are below. I look forward to continuing the conversation at the Parks Technical Working Group meeting on August 25.

Appraisal Scope

The scope of all the appraisals must be reviewed with the City of Seattle, University of Washington, and Recreation and Conservation Office (RCO) before additional appraisal work proceeds on the 6f affected area and the replacement properties. A current 6f map to the level of detail used in the appraisal was not previously reviewed. The aerial parcel maps provided are a good step toward defining the details of the 6f area and the conversion; however, there are some slight changes which will need to occur before they are ready to be used in calculating land values.

Before RCO and National Park Service (NPS) agree on what area constitutes the footprint of the conversion for appraisal purposes, we will need a conceptual plan detailing how the remaining portion of East Montlake Park and the Ship Canal Waterfront Trail will function as a viable recreation unit. If it cannot be demonstrated that the park can function as such, the orphan parcels must be included in the conversion footprint being appraised.

The scope of the University of Washington property must also be reviewed prior to additional appraisal work. A portion of the property is existing public park and is not eligible for replacement property. The existing encumbrances on the property must be reviewed to determine eligibility. In addition, a conceptual plan is important for defining the new park area. Each of these items must be addressed before the property can be appropriately valued as replacement property for the 6f conversion. Similar issues would need to address for the other potential replacement properties, Boyer and Edgar, under appraisal.



There were also a number of extraordinary assumptions throughout the appraisals which are of concern. Any extraordinary assumptions should be reviewed with RCO to ensure there is no conflict with the LWCF program requirements.

#### Intended Users

The RCO requires that the intended users of an appraisal be our grant project sponsors, which in this case are the City of Seattle and the University of Washington. Our grant sponsors can choose to partner with other entities to conduct appraisal work; however, one of the intended users must be our project sponsor. This requirement helps ensure that the appraisal is on behalf of their interests and not the seller or other interested party.

#### Landowner Accompany Appraiser

The Uniform Appraisal Standards for Federal Land Acquisitions ("Yellow Book") require that that landowner be invited to accompany the appraiser during the appraisal site visit. For the Arboretum properties, a special instruction to the appraiser was that the City of Seattle exercised beneficial control over all the property which is not the case. There are two other landowners in the 6f affected area, University of Washington and Washington Department of Natural Resources, who must also be invited to accompanying the appraiser.

#### Highest and Best Use

The highest and best use of the 6f affected area must be an economic use and cannot be open space, park or recreation. (See Section D.7.c(2).viii(b) of the LWCF State Assistance Program Manual.) The appraiser must use a hypothetical condition, if necessary, that the park was never created. This procedure is necessary to avoid penalizing the converted area because it has been dedicated to a non-economic use.

#### Appraisal Methodology

The LWCF program requires that all conversion of 6f property be appraised per the land exchange methodology guidelines in the Yellow Book. (See Section D.7.c(2).viii(a) of the LWCF State Assistance Program Manual.) The land exchange methodology requires a "part taken" approach rather than the "before and after" approach. The land exchange methodology applies to the 6f converted area and the potential replacement properties. This is necessary to avoid distortions in the value of the property within parent parcels of greatly differing sizes.

#### Transaction Process

It has also been brought to my attention that there may be some confusion about the actual transactions that are needed to satisfy 6f conversion requirements. Here is a brief overview of the transactions that RCO sees as necessary to implement the 6f process:

- DOT will acquire the necessary rights-of-way and easements within the 6f affected area at the fee simple market value determined by the appraisal. Compensation will go directly to the City of Seattle and University of Washington for the 6f area impacts.
- In return for the compensation on the 6f affected area, the City of Seattle and University of Washington have their own cash resources to purchase the replacement property. The City of Seattle and University of Washington will then purchase (or dedicate, in the case of the University of Washington property) the new replacement property for park purposes.

Ms. Jenifer Young  
August 23, 2010  
Page 3

- DOT does not need to acquire any property that is not part of its intended right-of-way acquisition.

Hopefully, further discussion about the transaction process will also provide clarity on the roles and responsibilities related to the appraisal work.

In general, the appraisal work conducted so far is an important step toward fulfilling the 6f requirements. However, there are a number of fatal flaws as described above that cause RCO to reject the appraisals as currently written. There are a number of scoping issues which we need to address prior to proceeding with any additional appraisal work. RCO must also be confident that the appraisal work is supported by City of Seattle and the University of Washington and conducted on their behalf. RCO would prefer the appraisal work be contracted directly by the City and University, with financial support from Department of Transportation (DOT), to prevent any appearance of a conflict of interest on behalf of DOT.

We can follow-up on these issues at the next Parks Technical Working Group meeting on August 25. Please contact me if you have any questions in advance. I can be reached at (360) 902-3080 or [leslie.ryan-connelly@rco.wa.gov](mailto:leslie.ryan-connelly@rco.wa.gov).

Sincerely,



Leslie Ryan-Connelly  
Grants Manager





STATE OF WASHINGTON

**DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION**

1063 S. Capitol Way, Suite 106 • Olympia, Washington 98501  
Mailing address: PO Box 48343 • Olympia, Washington 98504-8343  
(360) 586-3065 • Fax Number (360) 586-3067 • Website: [www.dahp.wa.gov](http://www.dahp.wa.gov)

September 16, 2010

Ms. Lori Durio  
SR 520 Bridge Replacement and HOV Program  
600 Stewart Street, Suite 520  
Seattle, WA 98101

In future correspondence please refer to:

Log: 121602-08-FHWA

Property: SR 520 Corridor Trans-Lake Washington, Bridge Replacement and HOV

Re: Determined Eligible

Dear Ms. Durio:

Thank you for contacting our office. I am contacting you on behalf of Michael Houser, State Architectural Historian, who has reviewed the historic property inventory (HPI) forms that you submitted for review as part of your Section 6(f) study. Mr. Houser does not concur with your determinations of eligibility for the resources submitted as part of this study.

We concur with your determination that the Bryant Building is eligible for listing in the National Register of Historic Properties (NRHP). We **do not** concur, however, that the properties at 10034, 10036, and 10038 Rainier Ave South are not eligible for listing in the NRHP. We concur that the remaining properties identified in your report can be considered as not eligible for listing in the NRHP. We look forward to further consultation regarding your determination of effect.

I would appreciate receiving any correspondence or comments from concerned tribes or other parties that you receive as you consult under the requirements of 36CFR800.4(a)(4) and the survey report when it is available.

These comments are based on the information available at the time of this review and on behalf of the State Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations 36CFR800.

Thank you for the opportunity to review and comment. Should you have any questions, please feel free to contact me.

Sincerely,

Matthew Sterner, M.A.  
Transportation Archaeologist  
(360) 586-3082  
[matthew.sterner@dahp.wa.gov](mailto:matthew.sterner@dahp.wa.gov)



**DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION**

*Protect the Past. Shape the Future.*





**Washington State  
Department of Transportation**  
**Paula J. Hammond, P.E.**  
Secretary of Transportation

**Engineering and Regional Operations**  
**SR 520 Bridge Replacement and HOV Program**  
600 Stewart Street, Suite 520  
Seattle, WA 98101

Phone: 206-770-3500  
Fax: 206-770-3569  
TTY: 1-800-833-6388  
[www.wsdot.wa.gov/Projects/SR520Bridge](http://www.wsdot.wa.gov/Projects/SR520Bridge)

September 28, 2010

Y-8393 BH  
LTR # 1072

Ms. Leslie Ryan-Connelly, Grant Manager  
State of Washington Recreation and Conservation Office  
Natural Resources Building  
1111 Washington Street SE  
Olympia, WA 98504-0917

**Re: Appraisals of 6(f) Affected Lands for the SR 520 I-5 to Medina Project**

Dear Ms. Ryan-Connelly:

Thank you for your letter of August 23, 2010, providing feedback on WSDOT's appraisals for Section 6(f) affected lands and replacement properties associated with the SR 520 I-5 to Medina project. I also appreciate your willingness to provide follow-up information during our conference call on August 23 and the Parks Technical Working Group on the 26<sup>th</sup>. The information you provided was very helpful in clarifying RCO's processes and expectations for both the appraisals and the property transfer itself.

Based on our discussions, I wanted to provide you with a quick summary of WSDOT's next steps:

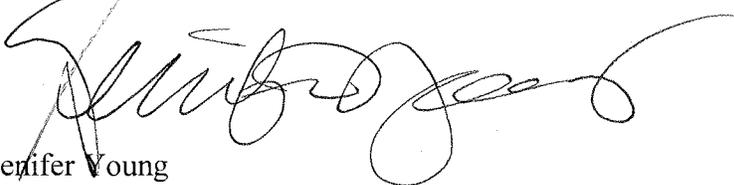
- As soon as possible, the SR 520 team will convene a meeting that includes the City of Seattle, the University of Washington, RCO, and staff from the SR 520 team and WSDOT right-of-way group to redefine the scope of the appraisals and discuss the methodology to be used. At this meeting, we will develop a work plan for completing the appraisals in a manner that meets RCO requirements and identifies the City and the UW as the intended users. Prior to the meeting, we will provide updated, "zoomed-in" maps of the Section 6(f) properties that include 6(f) boundaries, parcel lines, and property ownerships.
- For 6(f) purposes, WSDOT will conduct the appraisals using the land exchange methodology guidelines in the Yellow Book, as discussed on August 23. However, WSDOT may need to determine how the results of this methodology compare with the standard methodology used on WSDOT appraisals. In this case, WSDOT may elect to

complete appraisals using both methodologies. Compensation for the converted properties would be provided using the Yellow Book methodology unless it was determined that a higher amount would be needed to meet WSDOT's other regulatory responsibilities.

- We understand, based on last week's discussions, that WSDOT is to acquire the necessary rights-of-way and easements within the 6(f) affected area and directly compensate the City and the UW. However, we would like to explore with you the possibility of acquiring and transferring ownership of the Arboretum West property as an alternative to the approach you suggest. We believe that this may be a better way to address the 6(f) impacts as well as other impacts (such as 4(f)) that WSDOT is required to mitigate.

Thanks again for your continuing guidance on these issues, and I look forward to working with you as we proceed with the 6(f) process. I can be reached at (206) 770-3545 or [youngje@wsdot.wa.gov](mailto:youngje@wsdot.wa.gov).

Sincerely,



Jenifer Young  
Environmental Manager, I-5 to Medina Project

cc: Marsha Tolon, WSDOT  
Rob Berman, SR 520  
Theresa Doherty, University of Washington  
Fred Hoyt, University of Washington  
Terry Dunning, City of Seattle  
David Graves, City of Seattle



**Washington State  
Department of Transportation**  
**Paula J. Hammond, P.E.**  
Secretary of Transportation

**Engineering and Regional Operations**  
**SR 520 Bridge Replacement and HOV Program**  
600 Stewart Street, Suite 520  
Seattle, WA 98101

Phone: 206-770-3500  
Fax: 206-770-3568  
TTY: 1-800-833-6388  
[www.wadot.wa.gov/Projects/SR520Bridge](http://www.wadot.wa.gov/Projects/SR520Bridge)

November 8, 2010

Y-8393 BH  
LTR #1762

Leslie Ryan-Connelly  
Grants Manager  
Recreation Conservation Office  
PO Box 40917  
Olympia, WA 98504

**RE: SR 520, I-5 to Medina Bridge Replacement and HOV Project  
Section 6(f) Environmental Evaluation  
Notice of Availability**

Dear Ms. Ryan-Connelly,

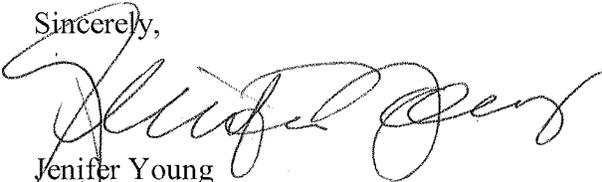
The Federal Highway Administration (FHWA) and the Washington State Department of Transportation (WSDOT) have prepared a Section 6(f) Environmental Evaluation in accordance with Section 6(f)(3) of the Land and Water Conservation Fund (LWCF) Act in association with the SR 520, I-5 to Medina Bridge Replacement and HOV Project for approval by the National Park Service (NPS). The 6(f) Environmental Evaluation is available for a 30-day public comment period beginning Monday, November 8, 2010, and ending Wednesday, December 8, 2010.

After identifying the Preferred Alternative for the project in April 2010, WSDOT, in coordination with the University of Washington, City of Seattle Parks and Recreation Department, and the Recreation Conservation Office (RCO) evaluated the extent of Section 6(f) properties to be converted to transportation use and conducted an environmental evaluation of a potential replacement site for these properties. The Section 6(f) protected properties proposed for conversion are portions of the Ship Canal Waterside and Arboretum Waterfront Trail complex, and portions of two associated parks, East Montlake Park and the Washington Park Arboretum. The Section 6(f) Environmental Evaluation document identifies a viable replacement property for the Section 6(f) lands proposed for conversion by the project and evaluates the potential environmental effects of developing the replacement property for park use. Prior to public release the document has been reviewed by representatives of the City of Seattle Parks Department, the University of Washington, the Washington State Recreation and Conservation Office, and the National Park Service.

The document is available for review electronically at the project website, <http://www.wsdot.wa.gov/projects/SR520Bridge/>. Electronic comment ability is access at the same location. **Please return your comments and consideration for approval by Wednesday, December 8, 2010.**

Thank you for your participation in the project. If there are any questions please contact me at 206.770.3545 or by email at [youngie@wsdot.wa.gov](mailto:youngie@wsdot.wa.gov).

Sincerely,



Jenifer Young  
SR 520 Environmental Manager

cc: Randy Everett, FHWA, w/o attachment  
Heather Ramsay, NPS, w/o attachments  
Marsha Tolon, WSDOT, w/o attachments

# SR 520, I-5 TO MEDINA BRIDGE REPLACEMENT AND HOV PROJECT

## SECTION 6(f) ENVIRONMENTAL EVALUATION NOTICE OF AVAILABILITY

The preferred alternative selected for the SR 520, I-5 to Medina: Bridge Replacement and HOV Project will convert properties protected by the Land and Water Conservation Fund (LWCF) Act of 1965. The Federal Highway Administration and the Washington State Department of Transportation (WSDOT) have prepared a Section 6(f) Environmental Evaluation in accordance with the LWCF Act Section 6(f)(3) that evaluates the effects of converting Section 6(f)-protected properties to non-recreational use and replacing these properties with property of equal or greater fair market value and reasonably equivalent usefulness and location. The Section 6(f) properties proposed for conversion are portions of the Ship Canal Waterside and Arboretum Waterfront Trail complex, and portions of two associated parks: East Montlake Park and the Washington Park Arboretum. This document is being provided for public comment, with the comment period ending on **Wednesday, December 8, 2010**.

Your comments will be considered in preparing the Final Section 6(f) Evaluation, which will become available when the SR 520, I-5 to Medina Project Final Environmental Impact Statement is issued in spring 2011.

### Review and Comment Opportunities

- **Go online** – The project web page provides a link to the Section 6(f) Environmental Evaluation and an electronic comment form: [www.wsdot.wa.gov/projects/sr520bridge/](http://www.wsdot.wa.gov/projects/sr520bridge/)
- **Write the project team a letter** – Letters can be sent to:  
Jenifer Young  
SR 520, I-5 to Medina: Bridge Replacement and HOV Project  
Environmental Manager  
SR 520 Project Office  
600 Stewart Street, Suite 520  
Seattle, WA 98101

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### Title VI

WSDOT ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin or sex in the provision of benefits and services resulting from its federally assisted programs and activities. For questions regarding WSDOT's Title VI Program, you may contact the Department's Title VI Coordinator at (360) 705-7089 or (509) 324-6018.

### Americans with Disabilities Act (ADA) Information

Materials can be provided in alternative formats: large print, Braille, cassette tape, or on computer disk for people with disabilities by calling the Office of Equal Opportunity (OEO) at (360) 705-7097. Persons who are deaf or hard of hearing may contact OEO through the Washington Relay Service at 7-1-1.





University District Community Council  
4534 University Way N.E.  
Seattle, WA 98105

November 15, 2010

Jenifer Young  
Environmental Manager  
SR 520 Bridge Replacement Project  
Washington State Department of Transportation  
600 Stewart St. # 520  
Seattle, WA 98101

RE: Environmental Evaluation of Section 6 (f)  
Replacement sites

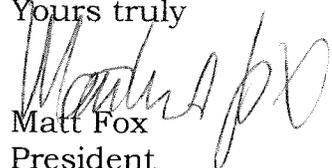
Dear Environmental Manager:

The University District Community Council supports replacement of the park land to be taken for the SR 520 Bridge Replacement Project in the 6(f) impact area of the Arboretum, McCurdy Park, and East Montlake Park by providing the Bryant Building Site (Exhibits 8 and 10).

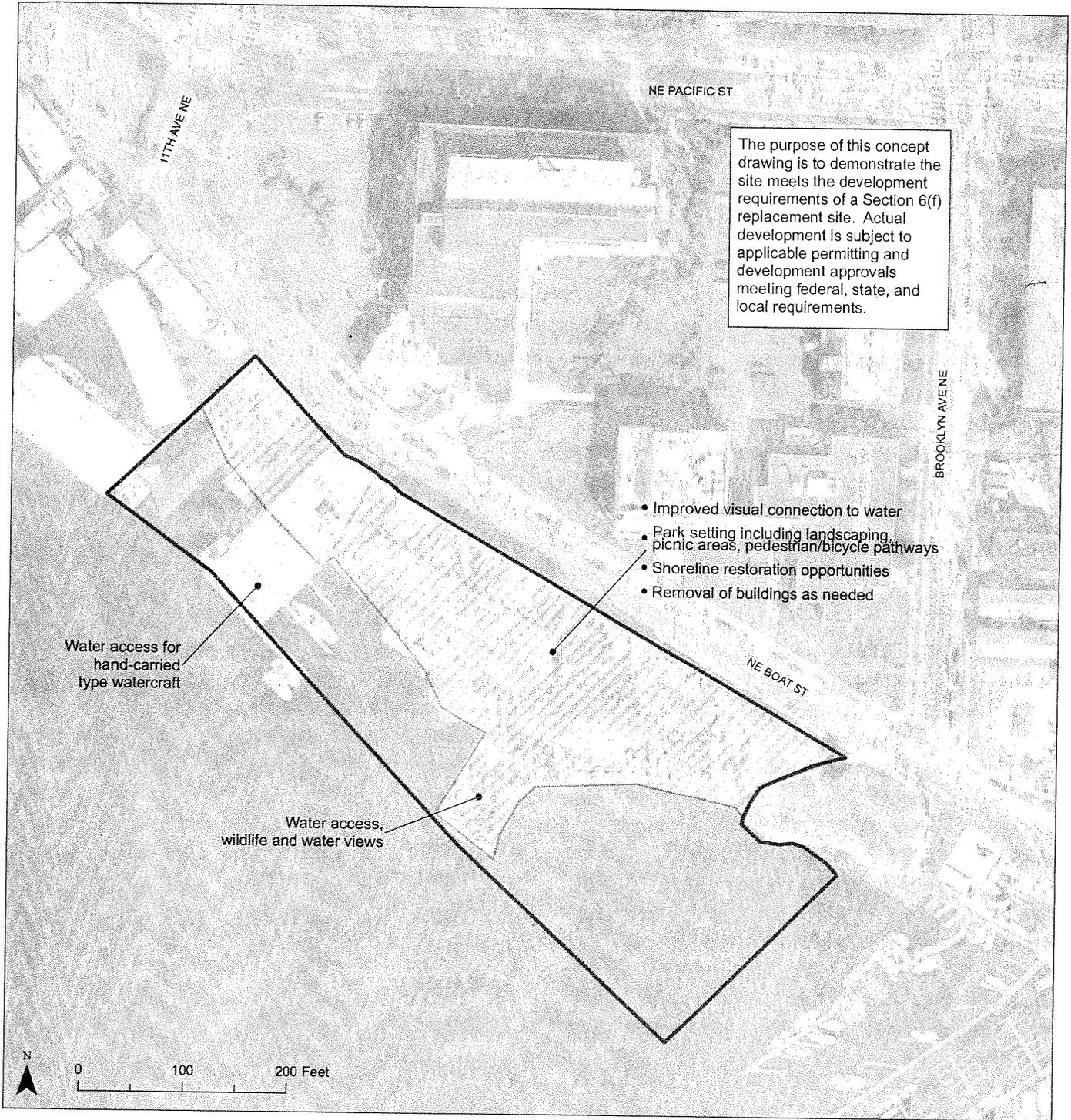
The replacement should also include the wetlands now occupied by the Arboretum and the R.H. Thomson ramps in the Arboretum. These lagoons are owned by the Washington State Department of Transportation. Once the ramps are removed, the lagoons will be restored to a natural state. They will no longer be used or useful for highway purposes.

Including them in the replacement real estate is appropriate. The Bryant Building site is smaller than the area converted. (3.92 acres vis-à-vis 4.77) acres. SR 520 impairs the Arboretum beyond the right-of-way taken. It more than doubles the existing structure, rises to over twice the height, and will be much busier. These impacts needs to be taken into account. Moreover, the trail area taken is a marsh, nourishing specialized flora and fauna. The Bryant Building site, good as it is, lacks this characteristic. Adding the return of the restored wetland would compensate for this loss.

Yours truly

  
Matt Fox  
President

cc: Hon. Mike McGinn Mayor  
Seattle City Council  
Dr. Earl Bell / U-Park  
Community Club

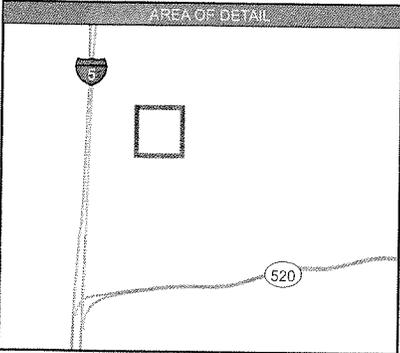


The purpose of this concept drawing is to demonstrate the site meets the development requirements of a Section 6(f) replacement site. Actual development is subject to applicable permitting and development approvals meeting federal, state, and local requirements.

- Improved visual connection to water
- Park setting including landscaping, picnic areas, pedestrian/bicycle pathways
- Shoreline restoration opportunities
- Removal of buildings as needed

Water access for hand-carried type watercraft

Water access, wildlife and water views



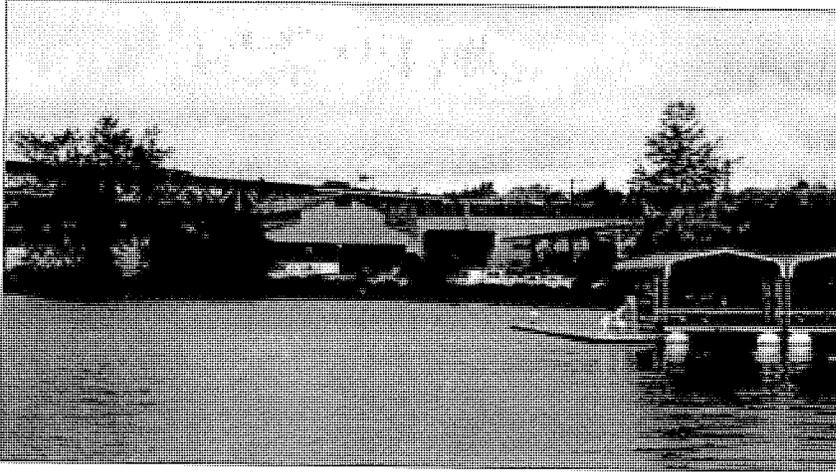
- Potential Section 6(f) Replacement Site
- Open Space
- Dock

Source: King County (2006) Aerial Photo. Horizontal datum for all layers is NAD83(91); vertical datum for layers is NAVD88.

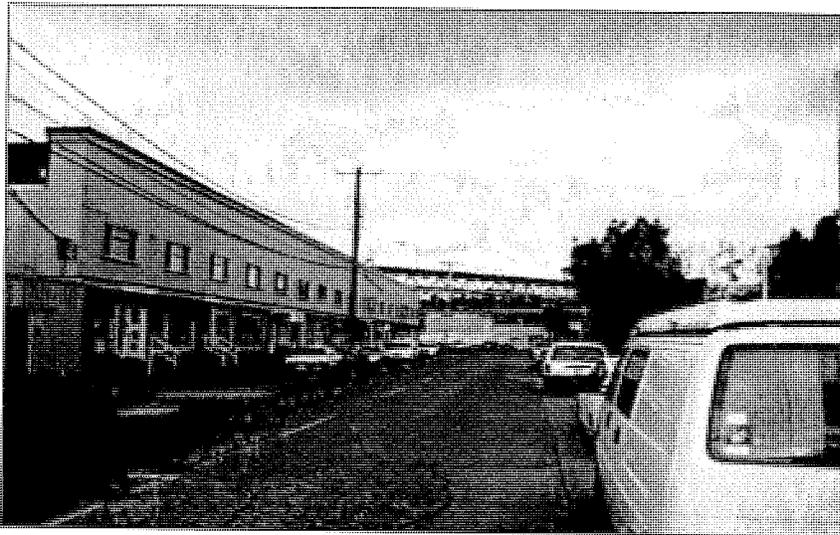
**Exhibit 8. Concept Drawing for Bryant Building Site**

SR 520, I-5 to Medina: Bridge Replacement and HOV Project  
Environmental Evaluation of Section 6(f) Replacement Sites

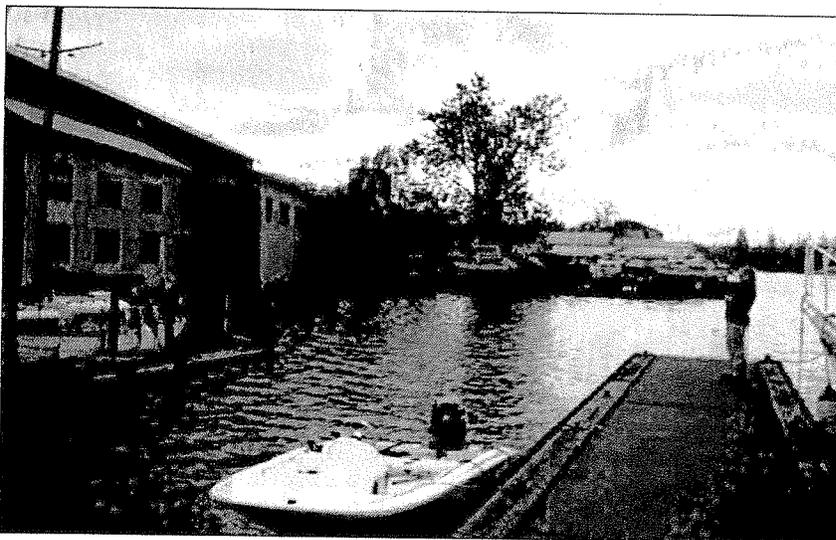




View toward east side of site across Portage Bay with Aqua Verde Paddle Club to right in foreground.



View northwest along NE Boat Street with site on left.



View southeast from a portion of concrete dock at rear of site facing toward Sakuma Viewpoint and Boat Street Marina.



**Exhibit 10. Bryant Building Site Photos**

SR 520, I-5 to Medina: Bridge Replacement and HOV Project  
Environmental Evaluation of Section 6(f) Replacement Sites

converted. The City and the UW will be the replacement site sponsors and will determine final uses of the site based on their planning processes.

The Bryant Building site concept drawing (Exhibit 8) identifies areas on the site that could be developed to replace converted values. This site would replace the water and wildlife viewing opportunities lost due to conversion. As noted in Chapter 2, while the total land conversion that the SR 520, I-5 to Medina project will mitigate for is 4.77 acres, nearly all of the converted land, approximately 2 acres, will be available for recreational use after construction is completed. As required for the ALEA grant conversion process, this replacement site would provide access to navigable water for the hand-carried type of watercraft that will have limited access to portions of Union Bay and Portage Bay during construction. In addition to replacing the loss of function at the converted site, this replacement site would also provide a permanent addition to park lands in Seattle after construction of the SR 520, I-5 to Medina project is complete.

The preliminary concept developed for the Bryant Building site (see Exhibit 8) includes a recreational facility to complement existing recreational uses along the shoreline of Portage Bay and to enhance the open feel of this area as envisioned by the UW's master plan (University of Washington 2003).

The facility would provide enhanced views and a greater sense of connection to the waterfront for bicyclists and pedestrians on the nearby streets and Burke-Gilman Trail, as well as a casual open space for other users. The new space would provide water viewing and access functions in the University District.

### **What are the existing conditions at and likely effects on the proposed replacement site?**

As noted earlier, the opportunities discussed in this document for development of the replacement site are conceptual in nature. Once the UW and the City proceed with their planning and design processes for the site, additional SEPA or NEPA analyses may be required, and those agencies would ensure that reviews are conducted as needed. Adequate site analyses have been completed at this time for the NPS to use in determining whether the requested conversion and replacement site are appropriate.



From: Tolon, Marsha  
Sent: Wed 11/17/2010 5:00 PM  
To: 'Reinbold, Stewart G (DFW)'  
Cc: Shin, Vivian (Consultant)  
Subject: RE: SR 520, I-5 to Medina Project: Section 6(f) Environmental Evaluation Available for Comment

Thank you Stewart for your comment, we will consider your question and respond before the release of the final Section 6(f) Evaluation, which will be included in the Final EIS in spring 2011.

Thanks,  
Marsha Tolon

WSDOT Environmental Lead  
I-5 to Medina: Bridge Replacement and HOV Project  
SR 520 Bridge Replacement and HOV Program  
Washington State Department of Transportation  
206-770-3573 direct I 206-770-3500 main  
600 Stewart Street, Suite 520 I Seattle, WA 98101  
Visit us at our Web site: <http://www.wsdot.wa.gov/projects/sr520bridge/>

From: Reinbold, Stewart G (DFW) [<mailto:Stewart.Reinbold@dfw.wa.gov>]  
Sent: Wednesday, November 17, 2010 4:46 PM  
To: Tolon, Marsha  
Subject: RE: SR 520, I-5 to Medina Project: Section 6(f) Environmental Evaluation Available for Comment  
Comments on the FINAL ENVIROMENTAL IMPACT STATEMENT AND FINAL SECTION 4(f) AND 6(f) EVALUATIONS SR 520 BRIDGE REPLACEMENT AND HOV PROGRAM

The proposed sites to be affected along SR520 provide habitat to local fish and wildlife. Will the proposed Bryant Building Site be restored to provide the same support to fish and wildlife habitat?

Thanks  
Stewart  
Stewart G. Reinbold  
Assistant Regional Habitat Program Manager  
Washington Department of Fish and Wildlife  
Region Four, Issaquah Office  
Tel: 425-313-5660

Cell: 425-301-9081  
Fax: 425-427-0570

Jorgen Bader  
6536 – 29<sup>th</sup> Ave. N.E.  
Seattle, WA 98115

November 20, 2010

Jenifer Young  
Environmental Manager  
Washington State Department of Transportation  
600 Stewart St. # 520  
Seattle, WA 98101

RE: Environmental Evaluation of Section 6(f) Replacement  
Sites, November 2010.

Dear Environmental Manager Young:

This letter discusses the replacement site selected, added replacement land needed, and an array of errors in the text of the Section 6 (f) Evaluation, such as the extent of the arboretum, its history, and assumptions as to ownership.

#### Bryant Building Site

The Bryant Building Site is better than the other locations considered in Attachment 1, Parks Mitigation Technical Memorandum, p. 25-26, of Attachment 6, Draft Section 4(f) /6 (f) Evaluation, Supplemental Draft Environmental Impact Statement, (“SDEIS”) and it is worthy of support. The University is to be commended for making that site available. It is in the project impact area. It has direct access to the Lake Washington Ship Canal; it is close enough to the Arboretum to coordinate with it and supplement its plant collections; it serves the student and University communities that use the Arboretum; and it does not involve displacement of housing. Its main weakness is that it does not replicate the marsh setting, and that disadvantage can be offset by also conveying the “WSDOT peninsula” to the Arboretum.

#### Supplemental Replacement Land

The replacement land must include the return of the wetlands occupied by the ramps for the R.H. Thomson Expressway and the Arboretum connection to Lake Washington Boulevard. It is shown on exhibits in the SDEIS, e.g. Exhibit 10, 36, 51, 53, 56, and 58. This area will no longer be used or useful for highway department purposes. The replacement land would be 3.92 acres; the Section 6(f) area taken is 4.77 acres. The replacement land is nearby; the Section 6(f) area is on-site. A supplemental conveyance is appropriate.

The draft Arboretum Mitigation Plan, published by the “ESSB 6292 Design Refinements” Committee, p. 18 states that the Washington State Department of Transportation (“WSDOT”) will restore the wetland appearance of the lagoons: one now bridged by the ramps connecting SR 520 and Lake Washington Boulevard and the other colonnaded with the R.H. Thomson Expressway “ramps to nowhere.” SR 520 built the structures and cut a large wedge (“WSDOT wedge”) into the Arboretum there. Before SR 520, the Arboretum was a continuous park from Madison St. to Montlake Boulevard. People could – and did -- walk alongside the lagoons and enjoy the natural setting.

That WSDOT wedge area needs to be restored and returned to the Arboretum. The Arboretum Master Plan would then apply to the area and the synergy would be better for both the Arboretum and the returned area. In this case, the whole is more than the sum of the two parts. It would get the expert management of the Arboretum and the expertise of the University of Washington and the City. Walkers could make a complete loop --- it now stops at the Graham Visitor Center and East Montlake Park. Visitors would experience marsh on the north of the Arboretum on the way to Foster Island with its slowly circulating water and on the south along the “WSDOT wedge” a quiet lagoon. The vegetation, bird and animal life differ.

The draft Section 6 (f) Evaluation considers and tries to compensate for the part of acreage, which was described as the Section 6(f) impact area in the grant agreement and will be absorbed into the SR 520 right-of-way. The draft Evaluation overlooks: (a) “severance damages” to the remainder, i.e. injury to the Arboretum that has not been taken by reason of the loss of the property taken and construction of the project; (b) the future, prospective injury if further development occurs within the limited access lines established for the project, such as ramps for a light rail connection to the UW Sound Transit on the UW Campus; and (c) the development likely to be stimulated by and related to the project.

Severance damages occur because the replacement bridge is bigger (taller, wider, and bulkier), expands the right of way, and will be busier. Impacts are often classified under the rubric “light “ (shadowing); “air” (pollution and wind circulation and effects, odor); “access” to the street system and between the severed segments; “view” (the ability to see and to be seen); noise; aesthetics; wave action for waterfront; and other environmental impacts (e.g. ground water flow, change in and impacts on vegetation, susceptibility or adaptability to pests and infection).

- With SR 520, the new replacement bridge looms over the adjoining Arboretum, affecting its ambience as a natural area.

- It increases the walking distance under concrete structure for those who go between the Lake Washington waterfront on Foster Island and those in the main Arboretum.

- It removes most of the parking in McCurdy Park provided for trail users.

- The new structure will be further north and closer to the waterfront trail. While the overall noise from the new bridge may be no greater than the existing bridge, the closer proximity increases the noise reaching the walking trail --- noise received varies

with the square of the distance. This also applies to the off-ramp to 24<sup>th</sup> Avenue East, which will be closer to the surface and nearer to the remainder of East Montlake Park.

- The bridge replacement takes all of McCurdy Park. McCurdy Park was conveyed to the University of Washington by RCW 28B.20.354 for “arboretum and botanical garden purposes.” (see pages 4-5 below) A substantial part of McCurdy Park lies outside the Section 6(f) Impact area and the “Conversion Area B”, and would again be integrated into the Arboretum as soon as the Museum of History and Industry moved to its new location. The SR 520 project precludes that and takes away that growth/development potential.

In eminent domain law, a condemnee may be compensated only once. The payment covers not only the project as initially conceived, but also further developments within the right-of-way. For example, with freeways in the 1960’s, state highway departments condemned right-of-way wide enough for eight lanes, but constructed only four (two in each direction). The abutters had no relief when the state highway departments later added two more lanes in each direction to make six or later eight lanes as long as construction occurred in the initial right-of-way. Some suburban cities condemned double lots from small acreages for municipal buildings and showed sketches of a city building with green side yards as a buffer to the condemnee’s home; later those facilities expanded taking up the side yard; the condemnee had no recourse. Here, SR 520 leaves a gap between the eastbound and westbound lanes for a light rail ramp. Likewise, the drainage pond to be built in East Montlake Park might at some future time be lidded and contain structures unless WSDOT were to stipulate otherwise.

With the ramps removed, the WSDOT wedge would no longer be used or useful for transportation purposes, and as such, it would be classified as “excess.” WSDOT has procedures for disposing of surplus property. A new owner or lessee might develop concession type activities, such as rental of recreational equipment or stands for sale of refreshments on the dry land section by Lake Washington Boulevard. Alternatively, WSDOT might just fence it off and do minimal maintenance. These approaches may have impacts on the Arboretum.

The SDEIS, Attachment 2, Agency Correspondence, “WSDOT Response to Seattle Board of Park Commissioners Q & A” answer to Question 1 states: “WSDOT proposes to exchange this property with the Seattle Department of Parks and Recreation as part of the mitigation for both project alternatives.” Alternative A, the earlier version of the preferred alternative, was one of the two “project alternatives” then considered. Return of these acres was a premise that was taken as granted by all parties to the SR 520 mediation process in 2007-2009 if Alternative A would be adopted.

#### Extent of the Arboretum

The Arboretum includes all of McCurdy Park --- not simply the easterly segment within the Section 6 (f) Impact area. As explained at the top of this page, the determination of the extent of the Arboretum affects the calculation of severance damages due to the remainder. The Section 6(f) Evaluation errs in this statement: “The

remaining undeveloped section of the canal reserve land and McCurdy Park (MOHAI) are no longer considered part of the Arboretum.” By whom? Certainly not the State, the University, or informed members of the public.

RCW 28B.20.350 - .356 (Chapter 45, Laws of 1947) (Attachment “A”) conveyed the old Canal Reserve --- including the area renamed as McCurdy Park -- to the University of Washington for “arboretum and botanical garden purposes and for no other purposes...” RCW 28B.20.350. RCW 28B.20.356 reverts the land to the State of Washington should the University divert use of the property to another usage. It had one exception: RCW 28B.20.354 (1) allowed the University to convey a tract one hundred twenty (120) feet in north-south width, and four hundred (400) feet east-west length” to the city of Seattle for museum purposes and to stipulate for its reversion should the museum use cease. RCW 28B.20.354 (2) stipulated that “Should any portion of the land so conveyed to the city of Seattle again vest in the university by reason of the operation of any provisions incorporated by the board [of regents] in the conveyance to the city of Seattle, the University of Washington shall hold such reverted portion subject to the reverter provisions of RCW 28B.20.356.”

On November 4, 1947, the University deeded to the City the 120 x 400 foot tract. The deed is recorded in Volume 2896 of Deeds page 401 (a copy is Attachment B to this letter). Its acceptance was authorized by City Ordinance 78354, Section 3, Exhibit B to the ordinance. The deed is identified as City Deed # 11285 (Attachment C to this letter). The granting paragraph lets the City have and hold the tract “so long as said rectangular tract is used solely for museum purposes for the display of objects of historical interest and for the erection of a building or buildings devoted solely to such museum purpose and purposes incidental thereto, and no longer;.. “ The words “ so long as” and “no longer” establishes a “determinable estate” with a reversion in the University. By Ordinance 78355, the City in turn granted the Seattle Historical Society an indefinite use for museum purposes only retaining its qualified title to the land. The agreement is recorded in Volume 3120 of Deeds, page 217. A copy is filed as Comptroller’s File # 205979. The museum’s use will soon cease and the reversion will take effect to return the property to the University.

Chapter 164, Laws of 1959 granted the University authority to reconvey to the state such portion of its Arboretum properties as needed for state highway purposes. It did so for SR 520 construction. It is codified as the provided clause of RCW 28B.20.356.

All of the former Canal Reserve conveyed to the University, except the segment reconveyed for construction of SR 520, is subject to the limitation that its use be for “arboretum and botanical garden purposes.” The University has never repudiated that limitation nor has the State claimed that the University is in default. The letter of the State of Washington, Recreation and Conservation Office, dated July 28, 2008, Attachment “A”, Attachment “Arboretum Park Draft Boundary”, contained in Attachment 2 of the SDEIS shows the former Canal Reserve easterly of 24<sup>th</sup> Avenue East as part of the Arboretum. Road maps of Seattle, bicycle maps, trail walking maps, and park guides show a continuous green from Madison St. north to Lake Washington (save

for the WSDOT wedge) and label it “Arboretum” without breaking out McCurdy Park. The grand vision of the Arboretum at the reception desk at the Graham Visitor Center includes the canal reserve as part of the Arboretum. The Don Sherwood Portfolio, Data on the History of Seattle Parks, in the Seattle Central Library, shows the Canal Reserve west of 24<sup>th</sup> Avenue East as “Arboretum – U.W.” (Attachment D to this letter).

On the ground, the parking area serves the Arboretum waterfront trail as well as the museum. Aerial views show the Canal Reserve between 24<sup>th</sup> Avenue East and Montlake Boulevard East as green space. It was green space before SR 520 was built. See Attachment “E,” an aerial photo from the 1939. The fact the westerly segment is allowed to grow naturally scarcely disqualifies it as open space and Arboretum reserve. Seattle has many parks, such as Puget Park and Schmitz Park, where nature rules untended.

The segment owned by the University westerly of 24<sup>th</sup> Avenue East was never made part of McCurdy or East Montlake Park was -- and still is -- Arboretum. The City’s agreement with the Museum of History and Industry (“MOHAI”) (Attachment F to this letter), which was adopted by Ordinance 123408 (Attachment G to this letter) and provides for MOHAI’s relocation, excludes that portion of the Old Canal Reserve west of 24<sup>th</sup> Avenue East from the “MOHAI use area.”

#### History of Canal Reserve

The Section 6(f) Evaluation, p. 13, states that in 1925 the United States leased the “old government canal” right of way to the City for 99 years. The Seattle Department of Transportation Records section, commonly called “the Vault,” contains a copy of plats of property within the City limits; until recently, City staff would mark modifications of the original plan on the blue print to alert the researcher. A copy of an extract of Blocks 9,10, and 11 of Lake Washington Shore Lands, page 6, (Attachment H to this letter) shows the old Canal Reserve east of Montlake Boulevard East. It carries the annotation “Revocable license, dated June 14, 1926 revoked by license dated April 20, 1929 to use for park.” Neither City records at the City Clerk’s office nor the Kroll maps of the 30’s to the 50’s at the Central Library in downtown Seattle, Seattle room make any mention of a lease or later license to the City. Rather, the area is ascribed to usage by the University.

Before World War I, King County had planned to build a canal through Montlake using the route of a ditch dug earlier for floating logs from Lake Washington to Portage Bay during high water. It acquired some rights from the adjoining owners. The rights of King County were subordinate to those of the State of Washington in the marsh. Article XVII, Section 1 of the Washington Constitution asserted state ownership up to the “line of ordinary high water within the banks of all navigable rivers and lakes.” When the United States announced its intention to build the Lake Washington Ship Canal, King County deeded its rights to the United States; and the State also authorized the canal.

The Montlake Cut lowered the level of Portage Bay and Lake Washington. Lowering of the Lake changed most of the easterly portion of the old canal right-of-way

from marsh to wetland able to support trees. The Plat of Lake Washington Shore Lands shows the government meander line before the lake was lowered. Any property east (lake side) of the line is clearly navigable water; much of the area to the west would also be under water. The United States did not use the right-of-way for the canal, which King County had acquired.

In 1946, the United States deeded the rights back to King County as surplus property, (Seattle Comptroller's Files # 190837 and 194885), and the United States returned to the State of Washington all that marsh lakeside of the "line of ordinary high water." By RCW 28B.20.350, enacted as Laws of 1947, Chapter 45, the State conveyed the old canal reserve to the University of Washington as explained at pages 4-5 above. At that time, the old Canal Reserve was marshy and woody as shown by the 1939 aerial photograph (Attachment E) and regarded as part of the Arboretum. The University had exercised the oversight. If the United States had an outstanding lease or license on the premises to The City of Seattle, the 1946-47 documents would make reference to it. They don't.

#### Initiative 42 (Ordinance 118477)

The Section 6 (f) Evaluation, p. 15 and p. 27, asserts that the process and replacement complies with Ordinance 118477 (Attachment I). Ordinance 118477 adopted Initiative 42 (Attachment J). Initiative 42 in its fourth recital ("Whereas" Clause) cited Resolution 19689, passed in 1963 in anticipation of the construction of the Evergreen-Montlake Floating Bridge; it declared a City Council intention to replace park land taken for the project in kind. Initiative 42 requires that before any park be transferred or changed from park use to another use, the City "shall first hold a public hearing regarding the necessity of such a transaction and then enact an ordinance finding that the transaction is necessary because there is no reasonable and practical alternative and the City shall at the same time or before receive *in exchange land* or a facility of *equivalent or better size*, value, location and usefulness in the vicinity, *servicing the same community and the same park purposes*. (emphasis supplied)

The replacement site is smaller in size. To satisfy Initiative 42, the replacement property needs supplementing. The replacement would be 3.92 acres. The area converted is 4.77 acres --- a deficit of 0.85 acres.

Ordinance 123408 (Council Bill 116955) in Section 11 "supersedes" Initiative 42. Ordinance 123408 (Attachment G to this letter) contains an Attachment 2. Attachment 2 amends Attachment G to the agreement between the City and "MOHAI" (Attachment F to this letter). Attachment G to Ordinance 123408 was part of a package of papers that provided for relocating the museum to South Lake Union Park, granting it use of the former U.S. Naval Reserve Center (Naval Armory), providing funds for its redevelopment, and covering other ancillary matters. Attachment G designated MOHAI as the City's exclusive agent to negotiate with the state for compensation for the taking of the museum *building* (owned by the City) and relocation of its exhibits; it provided that

all those funds would go to MOHAI (emphasis supplied). Ordinance 123132 adopted the whole package.

Ordinance 123408 needs to be read with Ordinance 123132; and its Attachment 2 with Attachment G of Ordinance 123132. The two agreements together designate MOHAI as the City's exclusive representative in seeking compensation for the taking of the *land* area outlined on its Attachment G and labeled the "MOHAI use area." (map of Attachment F to this letter). The "MOHAI use area" encompasses the site of the MOHAI museum, all the parking lot, landscaping maintained by the City, and portions of the right of way of 24<sup>th</sup> Avenue East as realigned. It even includes area that the King County Assessor assigned to the Arboretum Foundation and property of the University of Washington. It encloses area subject to slope rights of SR 520 that can not be used for parking. The "MOHAI use area" encompasses most of the Section 6(f) Impact area in the bullet shaped trapezium in "Conversion Area B" of Exhibit 4 to the Section 6 (f) Evaluation. The Exhibit is entitled "Section 6(f) Boundary and Converted Area." At no time did MOHAI have any ownership interest in the land; it has a right of use as long as the museum is in operation and its visitors share the parking area with the public. The parking area serves East Montlake Park, the Arboretum, and the Ship Canal Trail as well. Attachment 2 of Ordinance 123408 gives MOHAI 40% of all the proceeds to the City from the *land* in addition to the compensation for the building for which MOHAI will be paid the entire amount. The agreement makes no allowance for exchanging land or replacing the land taken.

Paragraph 1 of the Amendment (Attachment K to this letter), adopted by Ordinance 123408 (Attachment F to this letter), states in part as follows:

"The City hereby assigns to MOHAI .... Compensation that the City receives from WSDOPT for the following:

- (a) All compensation paid by WSDOT to the City for the MOHAI facility and Other Improvements; and
- (b) 40% but not to exceed \$ 7 million of all compensation paid by WSDOT to the City for *any property interest in the MOHAI Use Area.*" (emphasis supplied).

The recitals of Attachment G to Ordinance 123132 acknowledge that MOHAI occupies "the grounds of two City-owned parks, McCurdy and East Montlake Park, and other City land, as well as on adjacent property owned by the Arboretum Foundation."

Ordinance 123437 (Council Bill 117015), passed November 1, 2010, re-affirms Amendment 2 , raises the maximum compensation to MOHAI to \$8,500,000 and makes the promise "absolute." A copy of Council Bill 117015 is attached as Attachment L to this letter.

The City will therefore not seek replacement of land through an exchange in kind as Initiative 42 contemplates. Rather it will go for cash and use at most 60% of the moneys received from the state for the taking of McCurdy Park and much of East Montlake Park for replacement of park land. The remaining 40% will be donated to MOHAI for a museum outside the SR 520 project impact zone on South Lake Union and

for building renovation or exhibits ---- well away from the vicinity, indoors, and not land. That is not at all compliance with Initiative 42. In fact, it is a repudiation of its obligations under Initiative 42.

The City's contract duties under the grant agreements with the State of Washington, Committee for Outdoor Recreation --- now the Washington Recreation and Conservation Office --- and with the United States, National Parks Service, still apply. See WAC 286-40-050 and 16 USC § 460I-8 (3). Along with the University, the City is obliged to make replacement in kind for the converted area and severance damages. Misappropriating SR 520 proceeds will not relieve the City of its contractual duties. However, Ordinances 123408 and 123437 require deletion of any representation in the Section 6(f) Evaluation that the City intends to comply with Initiative 42 (Ordinance 118477).

#### Title Search Needed

The Section 6 (f) Evaluation, p.13, 19 and 21, makes statements of the ownership of the conversion area that are at variance with records of the King County Assessor and Quarter Section maps of The City of Seattle maintained by the Seattle Department of Transportation records section in the "Vault." Completeness requires that the Evaluation disclose at least that the state of the title is ambiguous.

The Section 6(f) Evaluation nowhere mentions the Arboretum Foundation. It should. The King County Assessor's map (Attachment M to this letter) shows that the northeasterly portion of the bullet shaped trapezium of "Conversion Area B" of Exhibit 4, entitled Section 6(f) Boundary and Converted Area, is owned by the Arboretum Foundation. It is identified as Tax Parcel # 212504-9048. The Arboretum Foundation has been paying property taxes since 1999 (Attachment N to this letter). At recent meetings, the Executive Director of the Arboretum Foundation told the Arboretum and Botanical Gardens Committee that the Foundation regards the area shown on the Assessor's map as its property; the Executive Director had earlier told the participants in mediation the same message. Attachment G to Ordinance 123132, Recital D on page 1, and paragraph 4, p.4, the City's agreement with MOHAI, acknowledges the ownership of the north east quadrant of the trapezium to be in the Arboretum Foundation. The map of "MOHAI Use Area" attached as an exhibit breaks the area outlined in blue into parcels with metes and bounds descriptions; it has annotations to the King County Auditor's receiving numbers, easements, and the plat of East Montlake Park and it appears to be the work of (or prepared with the assistance of) a title insurance company.

The King County Assessor's map and the City's Quarter Section map show a one hundred foot square with dashed line in the southwest corner of Parcel # 212504-9048. It is inscribed "Leased Ordinance 89346." The MOHAI use area map designates it as Parcel A. In 1960, the City leased the 100 foot square within the dashed lines from the Port of Seattle by Ordinance 89346 (Comptroller's File # 233904 and 240181). By Ordinance 90798, it leased a much larger area from the Port for thirty years, beginning January 1, 1962 and ending December 31, 1991 for a fee of one dollar per year

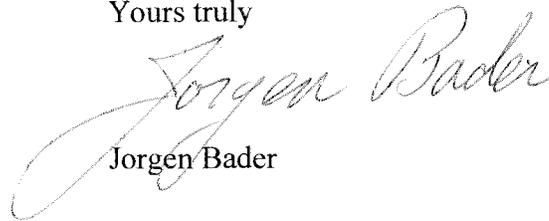
(Comptroller's Files # 244132 and 245747). Those leases were in effect when the City and the University made the grant agreements with the State for moneys under the Land and Water Conservation Fund Act of 1965. The leases expired, and the City's improvements as a tenant (such as grading and paving) passed by accession to the Port of Seattle as the owner. The Port of Seattle later sold the premises to the Arboretum Foundation.

The history of East Montlake Park slights the donations by the State to the City of Seattle made by Chapter 3, Laws of 1907 (Attachment O to this letter), confirmed by Chapter 233, Laws of 1909, Section 2 (Attachment P to this letter) --- each for park purposes with a reverter to enforce compliance. These donations were re-confirmed by Chapter 150, Laws of 1917, Section 2.

#### Conclusion

The Bryant Marina Site needs to be supplemented with return of the WSDOT wedge to the Arboretum.

Yours truly

A handwritten signature in cursive script that reads "Jorgen Bader". The signature is written in dark ink and is positioned above the printed name.

Jorgen Bader

cc Theresa Doherty, University of Washington  
Arboretum and Botanical Gardens Committee  
Superintendent of Parks and Recreation

## ATTACHMENTS

- A RCW 28B.20.350-.356
- B University of Washington deed to The City of Seattle for 120' x 400' rectangle
- C City Deed # 11285 (Copy of Attachment B but more readable)
- D Don Sherwood on the History of Seattle Parks
- E Aerial photo of UW Campus from 1939
- F City Agreement with MOHAI attached to Ordinance 123132 (building proceeds)
- G Ordinance 123408 (Council Bill 116955)(Authorizes amendment on land proceeds)
- H Extract of plat of Lake Washington Shore Lands, page 6
- I Ordinance 118477 (adopts Initiative 42)
- J Initiative 42 (replacement of park land taken)
- K Amendment 2 to Ordinance 123408 (amendment on SR 520 proceeds to cover land)
- L Ordinance 123437 (Council Bill 117015)(affirms diversion of land proceeds)
- M Extract of King County Assessor's Map NE ¼ 21-25-4
- N Ownership statement of King County Assessor
- O Chapter 3, Laws of 1907
- P Chapter 233, Laws of 1909

# Coalition for a Sustainable SR 520

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

December 7, 2010

Jenifer Young, Environmental Manager,  
Washington State Department of Transportation,  
600 Stewart Street, Suite 520, Seattle, WA 98101

Comments on the document entitled  
“Public Review Draft, SR 520, I-5 to Medina:  
Bridge Replacement and HOV Project Final Environment Impact Statement  
and Final Section 4(f) and 6(f) Evaluations ... Evaluation of Section 6(f) Replacement Sites“

The proposal in WSDOT’s November 2010 public review draft on parks does not meet either the letter or the spirit of the environmental laws:

- 1) It takes property used by Portage Bay, Montlake, Madison Park and other neighbors, and substitutes property (the Bryant site) on the other side of a body of water, which does not serve the communities being served by the current properties;
- 2) It takes property serving several neighborhoods and substitutes the Bryant building, part of the University of Washington waterfront. UW current owns the Bryant building, will be paid for it, and will end up with new park space consistent with its master plan, giving the strong impression that UW is benefitting at the expense of the nearby city communities;
- 3) It proposes the Bryant site property which could be built into a small destination park, but would not have the same primary function as a place to which and in which many neighbors walk, run and bike while observing natural habitat.
- 4) It proposes a the Bryant site property which can not serve the same purpose of providing in-city experience of nature, even if a park were to be built on the site. The proposed site is a commercial property which will require remediation and is on a commercial waterway, where it would be difficult or impossible to restore habitat; this cannot substitute for habitat-rich mature integrated natural areas. ( *See note 1.*)
- 5) It proposes the Bryant site property which may, because it is commercial, have higher monetary value, but which is completely lacking the characteristics which create the real value of the properties being damaged; natural wetlands, linked together in one habitat used by people and wildlife. If such an in-city habitat were valued at replacement value, the value would be vastly greater than the Bryant site.

- 6) Even if only monetary value is considered, the exchange may leave Seattle city with a liability rather than an asset. WSDOT proposes to pay a fixed sum for the property and then leave the process, so that the city and UW would have to bear all the remaining costs. These costs can not be known until the Bryant site is torn down and the problems exposed. Costs will include environmental remediation and are very likely to include further work to comply with historic property and archeological regulations. (See note 5)
- 7) The Bryant Building is itself a national historic site, and the document acknowledges that the building will need to be demolished in order to make the site into a park of the required size. . This would cause the city and UW to need to find another historic site to exchange for the Bryant building! This is expensive foolishness. (See Notes 4 and 5 below) This proposal removes a historic site from the SR 520 process and gets WSDOT out of the loop, but leaves the city/UW with the problem of destroying a historic site.
- 8) The document acknowledges that there is a high likelihood of finding archeologically significant items on the site. This might preclude development, or vastly increase its cost. See Note 6
- 9) A nearby building is listed in Ecology's Confirmed and Suspected Contaminated Sites List, and petroleum contamination was previously confirmed on that site. It is highly likely that the Bryant site will be costly to remediate. (See note 2)
- 10) The Bryant site is currently used for moorage of recreational boats; there is a small park immediately adjacent for water viewing, and there is an adjoining kayak rental service. To indicate that the public would be served by removing current moorage in favor of undefined future development is highly questionable. . (See note 3)
- 11) The proposed swap does harm by further reducing properties available for marine businesses which need to be on the water.

Perhaps most important, the WSDOT document does not discuss 4(f) issues, that is the parks and open spaces which are an integrated part of this linked system but which did not receive federal funds. The few areas which WSDOT discusses are a tiny minority of the open spaces being damaged or destroyed by expanding SR 520; please see Exhibit A to this letter. Because of the integrated nature of the open spaces here, taking pieces affects the whole.

Moreover, the document contains no discussion of mitigation for all the 4(f) properties. We do not know whether WSDOT plans a separate document on that topic, but page 14 indicates that WSDOT believes 4(f) issues have been covered. The 4(f) mitigation is certainly not covered; none of the issues raised in our comments to the SDEIS is treated here, and the separate document on the Arboretum treats only the Arboretum. We repeat those comments, and will be happy to provide extra copies.

If WSDOT plans a separate document addressing 4(f) issues for all the remaining areas colored (or shaded) in Exhibit A, that would be trying to separate that which cannot be separated. This is one, integrated ecology, with trails leading from one section to the next. To treat some portions of it without respect for the others is to violate the reality of the situation. To look at 6(f) without considering 4(f) does not work in this case.

To put it another way, the WSDOT document repeatedly acknowledges that primary use of the areas to be swapped is viewing wildlife and water. To discuss these tiny areas without acknowledging that what people are looking at will change from water to concrete, is folly. Taking these areas has significant impact on the surrounding 4(f) properties.

The document claims that the Arboretum waterfront trail will not be converted. (*pdf page 33, document page 25.*) We believe that it will be constructively taken, because what is now a nature trail will be immediately adjacent to a huge noisy highway and will lose its current functionality. We believe that WSDOT should provide detailed drawings and images of the proximity of the trail to the proposed expanded 520 highway. We believe that all parties should acknowledge that the trail is being constructively taken.

We appreciate the opportunity to submit these comments.

A handwritten signature in black ink that reads "Fran Conley". The signature is written in a cursive, flowing style.

*Fran Conley, coordinator, 206-328-4444; Ted Lane, President Roanoke Park /Portage Bay Community Council ; Anita Bowers, Jonathan Dubman, and Robert Rosencrantz, Montlake Community Council; Maurice Cooper, Madison Park Community Council; Colleen McAleer and Jean Amick, Laurelhurst Community Club; Nancy Brainard, North Capitol Hill Neighborhood Association; Gary Stone, boating community. Fundraising chair Mabry DeBuys. Treasurer Mary Ann Mundy*

# Exhibit A

*Section 6(f)  
PDS DOT*

Linked parks near SR 520;  
would be taken or harmed by proposed expansion



Appendix B1 Map of linked parks

- (1) Interlaken Park
- (2) Bagley Viewpoint
- (3) Parklands East
- (4) Parklands West
- (5) Roanoke Park
- (6) South Forest Area
- (7) North forest area
- (8) Bagley Stair Trail
- (9) Roanoke Street End Park
- (10) Portage Bay
- (11) Street End Parks
- (12) South Portage Bay Park
- (13) Montlake Playfield Park
- (14) Portage Bay Park Area in 520 Right of Way
- (15) Bill Dawson Trail
- (16) Arboretum
- (17) Ship Canal Trail
- (18) Ship Canal Trail
- (19) McCurdy Park
- (20) East Montlake Park
- (21) Arboretum Waterfront Trail
- (22) RH Thompson area
- (23) University Canal Lands

## Notes:

### **Note 1**

*PDF page 49, document page 41* "There is very little vegetation on the site... existing wildlife habitat quality and quantity is extremely limited in the site"

Please see the coalition's SDEIS comments for analysis of the wildlife and natural characteristics of section 4(f) and section 6(f) properties.

See also city of Seattle City of Seattle, Shoreline Characterization Report, page 76, Reach 9, sub-reach 9-d "South of the bridge, shoreline and wetland habitat is the most intact and highest functioning area in Lake Union and the Ship Canal." Page 77; " However, sub-reach 9-d along the south shoreline of Portage Bay is one of the high value habitat areas in Seattle"

### **Note 2**

*PDF page 51, document page 43* "Activities at nearby sites may have contributed to elevated contaminant levels in sediments in the Ship Canal at this location. "

*PDF page 50, document page 42* "Construction may have temporary effects on fish species... project construction could result in increased turbidity levels in and near aquatic habitat". These issues were considered important enough, and were thought to be so expensive to permit and remediate, that they were a principal reason why design work on a 520 tunnel near the Montlake Cut was suspended.

Also see *PDF page 52, document page 44*.

### **Note 3**

*PDF page 41, document page 33* "Although the public is allowed to rent space at this site for boat moorage and most of those boats appear to be used for recreation, the site is not managed for public boat moorage and is therefore eligible for use as a Section 6(f) property."

### **Note 4:**

*PDF page 87, Cultural Resources page 20 and 21* "The[Bryant Building] is eligible for the NRHP under Criterion A for its historic significance,... The building is also eligible for the NRHP under Criterion C, as an intact example of a mid-twentieth century boat-building warehouse and showroom. There are very few intact examples of this once common architectural type left in the Seattle area, and this building retains integrity of location, setting, feeling, design, workmanship, and materials."

*Last page of document, letter from Dept. of Archiology and Historic Preservation: "We concur with your determination that the Bryant Building is eligible for listing in the National Register of Historic Properties (NHRP).*

### **Note 5:**

*PDF page 21, document page 13* "Since WSDOT is not undertaking design work for the replacement site, it is possible that future design decisions by the City and/or the UW may include in-water work resulting in potential effects on listed species and/or critical habitat. If that were to occur, the project sponsor at the time would be required to update or re-initiate ESA consultation."

*PDF page 38, document page 29* “Once the US and the City proceed with their planning and design processes for the site, additional SEPA or NEPA analyses may be required...”

*PDF page 91, Cultural Resources page 25* Converting the Bryant site to a park “will likely result in the full or partial demolition of the building complex located on the property....NPS will initiate Section 106 consultation for that undertaking and will resolve any adverse effects through the Section 106 process. FHWA and WSDOT are not responsible for the development of the property for recreational use.”

**Note 6**

*PDF page 39, document page 31* “... All properties located along the shoreline of Portage Bay have high probability to contain archaeological resources.” ... The property “will be subject to archaeological survey for previously unidentified cultural resources.”

*PDF page 84, Page 17 of Cultural Resources Report* : in 2009, there was an archeological find .2 miles from the site. The Bryant site ‘is located within a “very high risk” probability area on the WISAARD statewide model for environmental factors with archaeology. ‘

Douglas Stewart, MD  
1119 East Hamlin St.  
Seattle, WA 98102

December 7, 2010  
Jenifer Young, Environmental Manager  
Washington State Department of Transportation  
600 Stewart Street, Suite 520  
Seattle, WA 98101

Comments on the document entitled "Public Review Draft, SR 520, I-5 to Medina Bridge Replacement and HOV Project Final Environmental Impact Statement and Final Section 4(f) and 6(f) Evaluations...Evaluation of Section 6(f) Replacement Sites."

**I want to address two sections on page 40 of your report. The first is entitled "Existing Air Quality, Energy and Greenhouse Gas Conditions and the second is entitled "Anticipated Air quality, Energy and Greenhouse Gas Effects.**

In the proposal to use the Bryant property as a replacement site it is stated: "There are no major air emissions sources located near the site, and the site does not produce major emissions." The data to show that there is no air pollution, in this local area, does not exist. The Bryant Site is located near the confluence of two major high volume traffic routes, the I-5 Freeway and the University Bridge connected by Roosevelt Way in the University District and by a frequently crowded Pacific Avenue jammed with idling cars waiting to enter 520. All routes support heavy traffic, both commuter cars and diesel trucks. Cars often idle on the Roosevelt Ave. when the bridge is raised. Cars idle on the University Bridge during peak commuter hours. The Bryant Site is well within the shadow of these transportation corridors.

Although air quality in the Puget Sound region continues to be watched closely, existing regional monitoring of air quality typically dilutes the adverse effects of localized pollution, such as that associated with traffic. **Micro environments, within 300 meters of high volume traffic roads, spew small carbon particles and hydrocarbons capable of reaching into the blood streams of people living, working, or attending school nearby for extended periods of time. This exposure causes significant adverse effects upon the health of those individuals.** These effects include increased complications of pregnancy, childhood asthma, childhood cancer, increased hypertension, heart, and lung disease including chronic lung disease and cancer.

While the area under consideration surrounds the SR 520 Project, similar adverse health effects are likely to reach 10-30% of the population of Puget Sound. This reality is denied by current planners of regional transportation projects. There is no effective mitigation of the polluting effects of hydrocarbon powered private vehicles.

**Containment of pollution, once released, is not really feasible.** The issue is

not whether or not people will become sick and die as a result of the project but whether the population of Puget Sound is willing to stand by while people do get sick and die in order to preserve the freedom to travel exclusively in private, hydrocarbon powered vehicles while ignoring the effects of global warming.

**The EIS for SR 520 effectively ignored the very real health issues associated with the project.** The planners have ignored the results of research done over the past 15 years by atmospheric scientists, epidemiologists, bio statisticians, and other public health officials on the effects of traffic associated air pollution, apparently ignoring the very significant scientific contributions of investigators at the University of Washington.

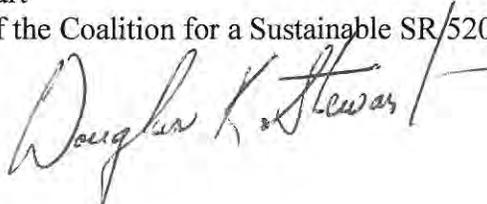
**SR 520 is a fragmented and under funded project.** Work on the East Side began before completing planning for surface traffic congestion, mitigation of traffic associated air pollution and noise had been developed on the West End. The project is under funded at a time when the citizens of Washington State are in no mood for supplying even basic services as health care and educational funding. The traditional revenues from gasoline taxes are likely to diminish. The potential for reducing pollution by replacing private vehicular traffic with public transportation including light rail is largely ignored.

The immediate topic at hand is the proposed replacement of properties impacted by SR 520 on Foster Island, Montlake and The Arboretum with the Bryant Site on the shores of Portage Bay. This site was once a thriving marine industry constructing and selling power boats for the Western United States. The site was zoned for intended use by a marine industry which was unique in the United States for its concentration of marine related skills that attracted both commercial and pleasure boaters to its shores.

The Bryant site no longer serves its intended purpose, the land having been acquired by the University and occupied for exclusive University purposes excluding both public and industrial marine use. It is likely there may be remains of Native American tribes. It is likely that this one time site of three fuel docks is heavily polluted but this has not been investigated. How this site could conceivably be seen as a replacement site is unclear? At the very least, the authors of such a proposal should have investigated the problems of the site when considering this proposal. **WSDOT apparently plans on passing the potential problems associated with this site on to the University, and ultimately to the City, avoiding the significant costs of mitigation.**

**The public health concerns of this project have, to date, not been adequately addressed and this omission continues in the planning and discussion of the replacement site. I urge that the Bryant Site be rejected. It is an inadequate replacement site and is more suited to adaptations of its original purpose to support a healthy marine industry.**

Respectively submitted by Douglas Stewart  
Resident of Roanoke Park and member of the Coalition for a Sustainable SR/520.





## SEATTLE COMMUNITY COUNCIL FEDERATION

December 7, 2010

Jenifer Young  
Environmental Manager  
SR 520 Bridge Replacement and HOV Project  
600 Stewart Street #520  
Seattle, Washington 98101

RE: Environmental Evaluation of Section 6(f) Replacement Sites

Dear Environmental Manager Young:

The Seattle Community Council Federation approves of the Bryant Building Site, shown on Exhibits 8 and 10 of the Environmental Evaluation, as replacement for the major portion of the Section 6(f) impact area of the Arboretum, McCurdy Park and East Montlake Park being “converted” to freeway and drainage purposes by the SR 520 Bridge Replacement and HOV Project.

This acquisition needs to be supplemented by return to the Arboretum of the wetlands taken for SR 520 and now occupied by the R.H. Thompson ramps (“ramps-to-nowhere”) and the Arboretum ramp to Lake Washington Boulevard. The SR 520 Project will remove the ramps and restore the wetland appearance.

The federal law (16 USC § 4601-8(f)(3) and the implementing state regulation (WAC 286-40-060(2)(b)(i)) requires that the substitution be “of at least equal market value and of reasonably equivalent usefulness and location.” Supplementing the Bryant Building Site with the return of the wetlands satisfies the “usefulness criteria.” This would again allow the Arboretum to extend from Madison Street to East Montlake Park, add a lagoon walk to the waterfront trail, assure that the plantings in the area fulfill the Arboretum Master Plan under the care of recognized arborists and naturalists, and make “on-site wetland mitigation” “to the greatest extent practicable” and “enhance” the Arboretum as contemplated by Chapter 248, Laws of Washington, 2010, Section 2(4)(b)(v).

The Seattle Community Council Federation is an association of 20 neighborhood

associations located throughout the City of Seattle. Representatives chosen by their neighborhood associations meet monthly to listen to speakers, discuss community affairs and express coordinated opinion or make recommendations.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Barrett". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rick Barrett, Vice President  
1711 North 122<sup>nd</sup> Street  
Seattle, Washington 98133  
206-365-1267  
[rickbarrett@gmail.com](mailto:rickbarrett@gmail.com)

ENC.

# Northeast District Council

4534 University Way NE  
Seattle, WA 98105  
(206) 233-3732

## Members

December 7, 2010

*Belvedere Terrace  
Community Council*

*Greater University  
Chamber of Commerce*

*Hawthorne Hills  
Community Council*

*Inverness Community  
Club*

*Inverness Park  
Homeowners  
Association*

*Laurelhurst Community  
Club*

*Montlake Community  
Club*

*Portage Bay/Roanoke  
Park Community  
Council*

*Ravenna Bryant  
Community Association*

*Ravenna Springs  
Community Group*

*Residents of Magnuson  
Park*

*Roosevelt Chamber of  
Commerce*

*Roosevelt  
Neighborhood  
Association*

*Roosevelt Neighbors'  
Alliance*

*University District  
Community Council*

*University Park  
Community Club*

*View Ridge Community  
Council*

*Wedgwood Community  
Council*

*Windermere  
Corporation*

*Windermere North  
Community Association*

Jenifer Young  
Environmental Manager  
SR 520 Bridge Replacement and HOV Project  
Washington State Department of Transportation  
600 Stewart Street #520  
Seattle, Washington 98101

RE: Environmental Evaluation of Section 6(f) Park Replacement

Dear Ms. Young:

The Northeast District Council (NEDC), representing 16 community and business organizations, offers the following comments on the environmental evaluation of Section 6(f) regarding park replacement.

Your Section 6(f) environmental evaluation statement proposed to replace 4.77 acres of the Washington Park Arboretum, McCurdy Park and East Montlake Park, which the SR 520 Bridge Replacement and HOV Project would convert to freeway use, by providing 3.77 acres of the University of Washington Campus on the Lake Washington Ship Canal called the Bryant Building Site and shown on Exhibit 8 of the report. This is the best of the replacements for the soon-to-be lost parts of the Ship Canal and Arboretum Waterfront Trail that has been presented so far.

To be equivalent, the replacement should in addition include the large wedge of wetland owned by the Washington State Department of Transportation that is now occupied by the soon-to-be removed "ramps to nowhere" built for the R.H. Thompson Interchange and the Arboretum interchange. That lagoon was part of the Arboretum before the SR 520 project was built and, when the ramps are gone, should again be integrated into the Arboretum.

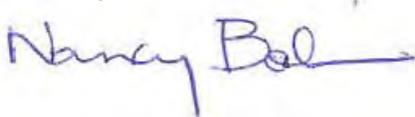
The Arboretum Waterfront Trail goes through a marsh. Its ambience will be further impaired by the new bridge, which will double with width, height and size of the existing bridge. The new bridge will dominate the landscape and further separate the Lake Washington frontage of Foster Island from the main portions of the Arboretum. Restoring the lagoons with a trail alongside helps to offset that damage with a tranquil pedestrian

Northeast District Council  
Environmental Evaluation of Section 6(f) Park Replacement  
December 7, 2010  
Page 2

pedestrian walkway linked to the trail and will create a natural roundtrip experience and an amenity for all to enjoy to mitigate the impacts of SR 520 replacement consistent with state law.

Thank you for considering the comments of the Northeast District Council.

Sincerely,

Handwritten signature of Nancy Bolin in blue ink.

Nancy Bolin, Co-Chair  
4241 NE 75<sup>th</sup> Street  
Seattle, Washington 98115  
206-528-2462  
[nancybolin@windermere.com](mailto:nancybolin@windermere.com)

Handwritten signature of Nicolette Bromberg in black ink.

Nicolette Bromberg  
5811 56<sup>th</sup> Ave NE  
Seattle, Washington 98105  
206-528-1051  
[surfprague@yahoo.com](mailto:surfprague@yahoo.com)

cc: Mayor Mike McGinn, Seattle City Councilmembers

Montlake Community Club

Roanoke Park-Portage Bay Community Council

Fuhrman Boyer Neighborhood Improvement Association

2519 Boyer Avenue East  
Seattle, Washington 98102  
206-328-4135

December 7, 2010

Ms Jenifer Young  
Environmental Manager  
Washington State Department of Transportation  
600 Stewart Street, Suite 520.  
Seattle, WA 98101

The Montlake Community Club, The Roanoke Park/ Portage Bay Community Council and The Fuhrman Boyer Neighborhood Improvement Association have reviewed the SR 520 6(f) report.

Though the top of the document's cover sheet is entitled the "FINAL ENVIRONMENTAL IMPACT STATEMENT AND FINAL SECTION 4(f) AND 6(f) EVALUATIONS, SR 520 BRIDGE REPLACEMENT AND PROGRAM"; the report only covers proposed 6(f) mitigation for four areas that have received federal Land and Water Conservation Funds (LWCF).

Two of the four areas are the Ship Canal Waterside Trail and the Arboretum Union Bay Trail. The trails connect Montlake Boulevard and Foster Island. The third area includes 1.5 acres at the southern parking lot area of East Montlake Park. A permanent storm water pond will be placed in this area. The fourth area consists of almost 3 acres within the Arboretum on Foster Island adjacent to SR 520. This area will be used for the placement of temporary work bridges. We understand replacement sites must be found to mitigate for construction impacts to these sites in accordance with 6(f) NEPA requirements when there is more than 6 months of construction impact.

The report covers a site for replacement mitigation on the north shore of the Ship Canal off Northeast Boat Street. The site is now owned by the University of Washington and is adjacent to campus facilities. The existing Bryant Building on the site will be torn down and a recreational park created on the site adjacent to the existing Sakuma water side viewpoint. The report Appendix covers the 106

Historic Review consultation process since the building is eligible for listing in the National Register of Historic Places. The property must also have a Native American cultural resources artifact site survey. There may be hazardous contamination problems in the area since the site once contained a lumber mill and then a boat marina providing refueling.

The report document's that a draft agreement has been developed to complete the selection process. This public review copy of the report does not list the other 86 potential sites considered and any criteria ratings that determined this was the best mitigation site. This information may have been placed in the blank pages that are found within this copy.

There is no 4(f) final report provided. This proposed 6(f) site mitigation of 3.92 of the 4.77 required replacement acres is only part of the entire mitigation needed along the ship canal. We find it very difficult to consider this mitigation site's replacement appropriateness and value without knowing what is proposed for the entire mitigation effort. The overall mitigation process is discussed in the draft 4(f) report issued with the supplemental EIS. The completion of this effort must be documented in the final 4(f) report.

FABNIA, the Portage-Bay Roanoke Park Community Council, the Montlake Community Club and individuals living in this area near the Montlake Playfield submitted comments on the draft Supplemental EIS. Our various comments noted that construction impacts to south Portage Bay waters and its wetland shoreline and wooded upland shoreline adjacent to the Mountlake Playfield were not fully documented. FABNIA, working with the Seattle Department of Parks and Recreation has for seven years been restoring the Montlake Playfield's wetland and adjacent upland habit area. This area has beaver lodges and provides foraging opportunities for Great Blue Herons, Bald Eagles plus numerous other species of waterfowl and song birds. It is a priceless, unique in-city natural area that merits significant construction impact mitigation.

Though the Bryant Building site apparently has already been selected to meet 6(f) mitigation requirements, we cannot fully determine the appropriateness of this site mitigation without knowing what will be documented in the 4(F) report covering the entire shoreline impact mitigation. Without having this information, it is clear that this site can only be developed as a very urban oriented open space recreational area. The site is located within an existing-commercial/industrially zoned waterfront area that cannot provide site any equivalency to the impacted trail and park areas. It does not provide similar plant and wildlife habitats. Likewise, the site also cannot provide any equivalence of natural area viewing and recreational use.

We appreciate the opportunity to provide comments on this final 6(f) report. We request that additional site selection information be provided for further public review within the final 6(f) report. The information must reasonably demonstrate why this and not other sites have not been selected. We are looking forward for the public's opportunity to provide comments on the final 4(f) report.

Sincerely,

Anne Preston  
*Anne Preston*  
President  
Furhman /Boyer  
Neighborhood Association

Ted Lane  
*Ted Lane*  
President  
Portage Bay /Roanoke Park  
Community Council

Anita Bowers  
*Anita Bowers*  
President  
Montlake Community Club

CC:

State Historic Preservation Officer **Allyson Brooks, Ph.D.**  
email: [Allyson.Brooks@dahp.wa.gov](mailto:Allyson.Brooks@dahp.wa.gov)  
(360) 586-3066

State Recreation and Conservation Office  
Kaleen Cottingham, Director  
[Kaleen.Cottingham@rco.wa.gov](mailto:Kaleen.Cottingham@rco.wa.gov)  
360-902-3003

Rebecca Deehre  
Policy Analyst, Mayor's Office  
[Rebecca.Deehr@seattle.gov](mailto:Rebecca.Deehr@seattle.gov)



December 7, 2010

Ms. Jenifer Young  
Environmental Manager  
WA State Dept. of Transportation  
Suite 520  
600 Stewart Street,  
Seattle, WA 98101

Dear Ms. Young:

We, the undersigned residents of the Montlake and Portage-Bay Roanoke Park communities live near the south Portage Bay shoreline, much of which is included in the Montlake Playfield area.

We have either read and/or discussed information contained in SR520 SEPA EIS related 6(f) report just released for public review. The report states that a draft agreement has been developed to complete the 6(f) mitigation selection process. The mitigation covers federal Land and Water Conservation Fund (LLWC) financially supported park property located outside of the Montlake Playfield area. The selected Bryant property is located on the north shore of the Ship Canal on NE Boat Street. The site will not provide natural habitat and recreational opportunities equal to that found in the impacted park properties.

This proposed site would only be a part of the entire mitigation needed along the SR 520 I-5 to Lake Washington corridor. We cannot evaluate this 6(f) mitigation site's replacement value without knowing what will be included in the 4(f) report covering the entire mitigation program. We have observed so far that the related 4(f) final report has not been released for public review.

We have noted in our previous draft SEPA EIS, Supplemental EIS and 4(f) comment letters that impacts to south Portage Bay shoreline have not been adequately considered. Many of us have worked for seven years, as members of FABNIA, restoring the Montlake Playfield's wetland and adjacent upland habitat area. This area requires full construction impact mitigation. It is an area that has provided a unique in-city habitat for beavers, Bald Eagles, herons, and other native wildlife.

We assume that we will have opportunity to provide comments on the final 4(f) report.

Sincerely,

Astrida R. Onat

2001 East Lynn Street

NS. Mark Onat

2001 East Lynn Street

Michelle C. Jacobsen

2006 Boyer Avenue East

Elaine King	1896 East Hamlin Street
Charles Budnik	1896 East Hamlin Street
Erin O'Connor	2612 10 <sup>th</sup> Avenue East
Ron Melnikoff	2543 Boyer Avenue East
Cathy Garrison	2543 Boyer Avenue East
Karen Wood	1511 East Lynn Street East
Bob Neary	1511 East Lynn Street East
Craig Van Riper	1630 East Lynn Street

CC: State Recreation and Conservation Office  
Kaleen Cottingham, Director  
[Kaleen.Cottingham@rco.wa.gov](mailto:Kaleen.Cottingham@rco.wa.gov)  
360-902-3003

Rebecca Deehr  
Policy Analyst, Mayor's Office  
[Rebecca.Deehr@seattle.gov](mailto:Rebecca.Deehr@seattle.gov)



Michael Patrick McGinn  
Mayor of Seattle

December 8, 2010

Ms. Jenifer Young  
Environmental Manager  
WA State Dept. of Transportation  
Suite 520  
600 Stewart Street,  
Seattle, WA 98101

Dear Ms. Young,

Thank you for the opportunity to comment on the Environmental Evaluation of Section 6(f) Replacement Sites for the SR 520 I-5 to Medina Bridge Replacement and HOV Project.

Before commenting on the details of the 6(f) land replacement, I would like to discuss the City of Seattle's position with respect to the preferred alternative for the project. As explained in our comments on the SDEIS last April, we believe the preferred alternative creates a much larger footprint from Foster Island to I-5 than is necessary for the purposes of the project. Utilizing the fifth and sixth lanes for high capacity transit (BRT or LRT) from the beginning has been the solution that would allow for a smaller and less damaging footprint in the 520 corridor. The question of whether or not there is an alternative to the destruction of recreational lands at issue in the 6(f) analysis should still be an open question.

The Section 6(f) properties environmental evaluation nevertheless assumes that the preferred alternative will be adopted. In that context, Seattle's Department of Parks and Recreation (DPR) is required to answer the question of whether or not there is an alternative to replacing the land when there will be a highway built on it. The work to determine a reasonable replacement site has occurred because of this framework; any questions of other alternatives or modifications to alternatives do not exist in this framework.

The 6(f) environmental evaluation document identifies replacement property within the context of requirements of the Land and Water Conservation Fund Act, which states that the new land must be a) of equal or greater fair market value and b) serve a recreational purpose as well as a function similar to the land being given up.

The area that includes the properties at issue represents the highest functioning and most intact shoreline and wetland habitat in Lake Washington. Its uniqueness is clear. As the SDEIS comment letter from the DPR explained: "These pieces of linked recreational areas are still important to the city, and each of its parts is important. The SR 520 project will do excessive damage to these properties." This statement holds true now, just as it did months ago. As DPR has worked diligently to identify other lands for replacement, it is clear that the damage will be irreversible.

Office of the Mayor  
Seattle City Hall, 7th Floor  
600 Fourth Avenue, PO Box 94749  
Seattle, WA 98124-4749

Tel (206) 684-4000  
Fax (206) 684-5360  
TDD (206) 615-0476  
E-mail [mike.mcginn@seattle.gov](mailto:mike.mcginn@seattle.gov)

While intact wetland habitat is not the value that the Section 6(f) regulations are centered on, it is very important to recognize that recreation is diminished by the fact that shoreline and wetland habitat have been degraded. People currently visit these areas by kayak, by canoe, on foot, or through trails. They are certainly not visiting to see SR 520, and the fact that SR 520 does not deter more people should tell us something. The trails and waterways are visited because of this unique wetland habitat and the character of this area. This same character will be greatly degraded because of the expanded highway. This highway will not just impact the areas identified for replacement; it will have a wider-ranging impact that will exist throughout the corridor and it will diminish the experience of visitors.

The replacement site (the Bryan Building Site) was chosen after looking at eighty separate properties and contains none of this quality habitat. Recreational activities such as wildlife viewing and water sports will not exist in a comparable way at this site. This indicates that there is not a replacement site that can truly be a replacement for what would be lost. The Bryant Building Site also does not serve communities south of the Ship Canal being served by the current properties.

In addition, there are several issues that will need to be resolved before the site can be serve any recreational purpose. We understand there is a substantial likelihood of environmental contamination on the site, and the cost of resolving these issues is unknown. There is also a possibility that archaeologically significant items may be found in the course of developing or restoring the property. The costs of addressing these risks must be accounted for before a plan for replacement of recreational properties is finalized.

Thank you for considering our comments.

Sincerely,

A handwritten signature in cursive script that reads "Michael McGinn". The signature is written in black ink on a white background.

Mike McGinn  
Mayor of Seattle



**Board of Park Commissioners**

*Neal Adams*  
*John Barber*  
*Terry Holme*  
*Jourdan Keith*  
*Diana Kincaid, Vice-chair*  
*Donna Kostka*  
*Jackie Ramels, Chair*

Ms. Jenifer Young  
Environmental Manager  
Washington State Department of Transportation  
600 Stewart Street #520  
Seattle WA 98101

Dear Ms. Young,

The Seattle Board of Park Commissioners appreciates the opportunity to provide comments on the Environmental Evaluation of Section 6(f) Replacement Sites for the SR 520 project. The SR 520 Replacement project will have a profound effect on parks and natural areas throughout the SR 520 corridor. Impacts to 6(f) protected properties at the north end of the Arboretum, in East Montlake Park and along the Montlake Cut appear to have been minimized. The Commissioners support the proposed replacement site as a positive addition of park land in the University District, in close proximity to the Arboretum, which will also benefit the University of Washington. The park at the Bryant site will provide a valuable new public open space on the north shore of Portage Bay.

There are potential risks in renovating the site due to its historical nature.. Archaeologically significant items may also be found through this process. These complications could end up barring development or becoming very costly. There are also risks associated with the potential cost of environmental remediation of the site. It is likely that there are contaminants but there has been little information about contaminants and there is no cost information identified. Because of these unknowns, the cost of developing the park is truly unknown. All of these risks must be addressed as the process moves forward. We expect that WSDOT will bear the full costs of all analysis and resolving archeological issue and environmental remediation that may be associated with building the new park.

As the project does progress, the Board looks forward to being involved in the actual park design. Additionally, it is imperative that the community be involved as Parks and the University of Washington begin the design process for the development of this new park. The Board urges WSDOT to take every precaution to ensure that no additional 6(f) resources are impacted and that during construction, disruption of the Waterfront Trail will be kept to a minimum. Trail closure(s) must be kept to the minimum necessary and public access and safety are of paramount consideration.

To consider replacement of land, we need to match land values and provide comparable land that matches the unique visitor experience of what is lost. In addition to 6(f) requirements fulfilled by the Bryant marina site, we recommend the State returns the land currently occupied by the ramps to and from Lake Washington Boulevard to SR 520 to the Arboretum and City of Seattle. This includes the RH Thompson ramps and the Arboretum ramp to Lake Washington Boulevard. This will return "comparable" land – wetland – and is consistent with the Olmsted plan for continuous green space from East Madison Street to East Montlake Park. The SR520 Project should remove these ramps and restore the wetlands, providing trail access to the lagoons and marsh.

Boulevards are an important feature of our park system. Traffic patterns can greatly impact the quality of our boulevards, increasing noise, air pollution and reducing the safety for pedestrians and cyclists. We therefore strongly object to routing westbound traffic from SR520 southbound through the Arboretum by providing a left turn for all westbound vehicles on NE 24<sup>th</sup>. This was not included in the Nelson-Nygard plan provided to the Seattle City Council. This is projected to increase the traffic through the Arboretum by 500 cars per hour. We think it is important to protect the quality and safety of Lake Washington Boulevard from the increased traffic this significant detail would create.

SR520 cuts the city in half along the eastern corridor, segregating communities from north to central and south Seattle. We therefore support the plan for the 2<sup>nd</sup> Montlake Bascule Bridge for pedestrians, cyclists and transit, enhancing our Boulevard system, protecting Lake Washington Boulevard from increased traffic and reconnecting the chain of neighborhoods in this corridor

Park lands and natural areas adjacent to park lands are important. Any further expansion of the roadway, beyond what is shown in the preferred alternative, into undeveloped natural areas and/or Park lands is not acceptable. Waterfront public access, open space and natural areas are precious commodities which should not be compromised for the sake of automobile transportation. Thank you again for this opportunity to remain involved in the SR 520 project.

Sincerely,



Jackie Ramels, Chair  
Seattle Board of Park Commissioners



## Section 6(f) Environmental Evaluation Summary of Comments

This document summarizes comments received during the public comment period on the Section 6(f) Environmental Evaluation for the SR 520, I-5 to Medina: Bridge Replacement and HOV Project.

### Public Comment Period

The Section 6(f) Environmental Evaluation document was provided for a 30-day public comment period starting on Tuesday, November 9 with the comment period ending on Wednesday, December 8, 2010.

During the 30-day comment period, WSDOT received 23 comments letters via mail, e-mail, and the on-line comment form provided on the project website.

- 13 comments were received from the general public.
- 3 comments were received from agencies
- 7 comments were received from community groups.

### Summary of Comments

The following table summarizes the general content of comments received on the Section 6(f) Environmental Evaluation and the number of times the comment was provided by different individuals, agencies, and/or community groups.

Section 6(f) Environmental Evaluation Comments:	Number of Comments
<b>Section 6(f) related comments:</b>	
• Provide the WSDOT Peninsula as additional replacement property for converted lands as replacement for lost natural habitat viewing opportunities.	6
• The Bryant Building site does not provide the same recreational and natural habitat viewing opportunities as the converted properties.	6
• What will happen if environmental contamination is found on the Bryant Building site and how will these risks be accounted for in negotiations for the replacement site?	6
• What will happen if archaeological artifacts are found on the Bryant Building site and how will these risks be accounted for in negotiations for the replacement site?	6
• The new SR 520 bridge will effect the Arboretum beyond the right-of-way acquisitions due to the increased size, height, and capacity of the new structure affecting the visual quality of the area.	5
• The Bryant Building site does not serve the same community as the converted properties.	4

Section 6(f) Environmental Evaluation Comments:	Number of Comments
• The Bryant Building site only provides 3.92 acres of replacement property for 4.77 acres of converted property.	3
• Evaluation of the replacement site cannot be conducted without knowing what will be included in the Section 4(f) Evaluation for shoreline mitigation.	3
• How will the removal of the Bryant Building site as a historic building be mitigated?	2
• Protect parks from noise impacts.	2
• Protect parks from increased air pollution impacts.	2
• How will the Bryant Building site be restored to replace affected fish and wildlife habitat lost on converted property?	2
• Preserve Arboretum Waterfront Trail and associated parks for future generations.	2
• The UW will end up with new park space consistent with its master plan while nearby communities will lose park land.	2
• Provide more information on how displaced services on the Bryant Building Site will be replaced.	1
• Provide documentation on why the Canal Reserve Land and McCurdy Park are no longer considered part of the Arboretum (page 15, Cultural Resources Report for Section 6(f) EE).	1
• Replacement property will likely have a higher monetary value because of its current commercial use. This type of appraisal does not consider the valuable characteristics of the converted properties (i.e., wetlands, linked habitats).	1
• Redevelopment of the Bryant Building site for recreational use reduces properties available for marine businesses which need to be on the water.	1
• Provide visualizations to help illustrate how recreational utility will be preserved for the remaining Section 6(f) properties following construction of the new SR 520 bridge.	1
• Park lids do not provide adequate replacement for lost parks properties.	1
• King County Assessor's map shows a portion of Conversion Area B as owned by the Arboretum Foundation	1
• The 6(f) Environmental Evaluation does not adequately address public health concerns from air quality, energy and greenhouse gas effects.	1
• Provide additional site selection information for public review demonstrating why this site was selected above other sites considered.	1
<b>Other I-5 to Medina project related comments:</b>	
• Provide opportunity for public comment on the Section 4(f) Evaluation.	3

Section 6(f) Environmental Evaluation Comments:	Number of Comments
• Protect water fowl and vegetation growth adjacent to the current SR 520 bridge.	1
• Protect the Arboretum and Lake Washington Boulevard from increased traffic by restricting left turn access for westbound vehicles on NE 24 <sup>th</sup> Avenue E.	1
• Increase public transit.	1
• Requirements of City of Seattle Ordinance 118477 are not met by the selected replacement site.	1
<b>SR 520 program related comments:</b>	
• Eastside:	2
○ Retain the current loop configuration at the 84th Street interchange in lieu of the 1/2 diamond configuration.	
○ Disagree with the partial use of the Fairweather Boat Basin and Fairweather Nature Preserve for storm water retention purposes.	
• SR 520 Tolling	1





**Washington State  
Department of Transportation**  
Paula J. Hammond, P.E.  
Secretary of Transportation

**Engineering and Regional Operations  
SR 520 Bridge Replacement and HOV Program  
600 Stewart Street, Suite 520  
Seattle, WA 98101**

Phone: 206-770-3500  
Fax: 206-770-3569  
TTY: 1-800-833-6368  
[www.wedot.wa.gov/Projects/SRS20Bridge](http://www.wedot.wa.gov/Projects/SRS20Bridge)

January 4, 2011

Y-8393 BH  
LTR #1808

Leslie Ryan-Connelly  
Grants Manager  
Recreation Conservation Office  
PO Box 40917  
Olympia, WA 98504

**RE: SR 520, I-5 to Medina: Bridge Replacement and HOV Project  
Section 6(f) Environmental Evaluation**

Dear Ms. Ryan-Connelly,

As you know, the Federal Highway Administration (FHWA) and the Washington State Department of Transportation (WSDOT) have prepared a Section 6(f) Environmental Evaluation in association with the SR 520, I-5 to Medina: Bridge Replacement and HOV Project for approval by the National Park Service in accordance with Section 6(f)(3) of the Land and Water Conservation Fund (LWCF) Act. The evaluation was made available for a 30-day public comment period from November 9 to December 8, 2010, and received 23 comments from the general public, community groups, and agencies. None of the comments require substantial change to the evaluation of properties to be converted to transportation use (portions of the Ship Canal Waterside and Arboretum Waterfront Trail complex, and portions of two associated parks, East Montlake Park and the Washington Park Arboretum), or to the evaluation of the proposed replacement property.

The comments received on the Section 6(f) Environmental Evaluation are enclosed with this letter. Responses to these comments will be included for your review with the Section 6(f) Evaluation, which will be Chapter 10 of the Final Environmental Impact Statement planned for issuance in spring 2011.

Thank you for your participation in the project. If you have any questions, please contact me at 206.770.3545 or by email at [youngje@wsdot.wa.gov](mailto:youngje@wsdot.wa.gov).

Sincerely,



Jennifer Young  
SR 520 Environmental Manager

cc: Randy Everett, FHWA, w/o attachment  
Heather Ramsay, NPS, w/o attachments  
Marsha Tolon, WSDOT, w/o attachments

### Section 6(f) Environmental Evaluation: Comment Responses

Public Comment Period: November 9 to December 8, 2010

Cmt. No.	Date Rcvd.	Name	Comment	Response
<b>General Public</b>				
1	11/10/10	Alan Rosebrock	I live on the eastside (Kirkland) and look forward to an improved 520 corridor to the city of Seattle. My bottom line is that nature survives and co-exists well all around the 520 now when I see the water fowl and the vegetation growth on both sides of the current 520 bridge. Please make the allowances you need to allow improvement to the 520 corridor. Improving transportation is (and continues to be) a very big issue for me as I travel to the airport multiple times each week. Sub-Urban sprawl will increase if we do not continue to improve our urban transportation infrastructure.	The SR 520, I-5 to Medina: Bridge Replacement and HOV Project has been developed to provide safe structures that will improve mobility and travel times across SR 520 while minimizing effects to both the built and the natural environment. Chapter 5 (Section 5.1) of the Final EIS provides more detail on the anticipated travel time improvements associated with the project.
2	11/12/10	John O'Neil	The Bryant Building site is currently used for services that are necessary for the academic functions of the University such as surplus equipment storage and sales, police department offices, and docks with private moorage space for lease. The proposed plan does not provide solutions for the services that will be displaced. The Bryant Building is removed from the Park areas that will be affected by the 520 Project. The building has no association with the Montlake community. The site is not in a residential neighborhood. A better site would be those properties that border Boyer from 15th Ave E. to Everett Ave E. These parcels are adjacent to the Montlake Park and the Montlake, Roanoke and North Capitol Hill neighborhoods. These sites would provide an expansion of the Montlake Park to the west with waterfront access. The area could be designed to capture back the wetlands that have been destroyed by previous development.	<p>The Bryant Building site conceptual plan developed for the Section 6(f) Environmental Evaluation was provided to demonstrate that feasible mitigation could be accomplished at the replacement site. It is understood that the existing functions of the Bryant Building would need to be relocated. The University of Washington (UW), a sponsoring agency for the Section 6(f) land to be converted, is also the owner of the Bryant Building site and has been actively involved in selection of a replacement site. The UW Master Plan calls for future uses of this site that do not involve the current building, and the UW is in the process of determining an alternate location for the services currently housed in the building.</p> <p>The replacement site evaluation process undertaken by WSDOT, the City of Seattle Parks and Recreation, and the UW is discussed in the Section 6(f) Environmental Evaluation (Attachment 15 to the Final EIS), pages 7 through 10. 86 sites were evaluated to find the one that would best satisfy the Section 6(f) replacement criteria. The replacement site does not need to be located in the same neighborhood as the converted site. Section 6(f) requires that the replacement site must be of reasonably equivalent usefulness and location and of at least equal fair market value. The UW and City of Seattle Parks and Recreation, as the sponsors of the Section 6(f) resources, determined that the Bryant Building site fulfills those requirements. The site would provide water and wildlife viewing opportunities, especially if it is developed with shoreline enhancements to help attract wildlife. The site would also provide access to navigable water for hand-carry boats, connectivity to the waterfront and other recreation facilities for bicyclists and pedestrians, and casual open space for waterway and boating season event viewing.</p>
3	11/13/10	Carl Stixrood	I believe noise walls should be provided along any 520 segments where sound could carry to nearby parklands.	Noise abatement and mitigation measures were proposed for Options A, K, and L of the SR 520, I-5 to Medina: Bridge Replacement and HOV Project. Based on public feedback on the SDEIS options, noise management strategies that are less visually intrusive than noise walls are included in the conceptual design for the preferred alternative for areas west of Lake Washington. The preferred alternative described in Chapter 2 of the Final EIS would reduce noise levels in Washington Park Arboretum, East Montlake Park, and Montlake Playfield over both the No Build Alternative and existing conditions. Sections 5.4 and 5.7 of the Final EIS discuss noise effects and how the noise management measures for the project would address noise levels in parks.
4	11/14/10	Jean Amick	WSDOT is taking away waterfront parkland which is NOT being replaced properly according to the law. Putting some grass on top of a lid with traffic lanes is not comparable parkland to the land being displaced by the new bigger 520 highway. Also there will be more noise and more air pollution in the park area remaining. This is a bridge to nowhere...LOTS of money and it will stop at the western highrise. The Medina evening traffic back up will sit and spew fumes on the Seattle side as 6 lanes goes into only 4 lanes. Has an EIS been done on 1/2 a project which is presently proposed and only maybe funded?	<p>Property replacement proposed in the Final EIS and Section 6(f) Environmental Evaluation complies with the park conversion requirements under Section 6(f) of the Land and Water Conservation Fund (LWCF) Act. The Montlake lid is an element of the project and is not replacement for the conversion of parks or recreational properties protected by Section 6(f). As noted in pages 7 through 10 of the Section 6(f) Environmental Evaluation, replacement sites must be of at least equal fair market value and of reasonably equivalent usefulness and location. For the SR 520, I-5 to Medina: Bridge Replacement and HOV Project, the Section 6(f) resource sponsors (UW and the City of Seattle) have concluded that the Bryant Building site would fulfill those requirements, and WSDOT concurs with that assessment.</p> <p>Please see Section 5.4 of the Final EIS for the SR 520, I-5 to Medina: Bridge Replacement and HOV Project for a discussion of air quality and noise effects to recreation resources, including the Section 6(f) resources. Page 39 of the Section 6(f) Environmental Evaluation discusses the air quality and noise effects to the remaining areas of the Section 6(f) resources after the conversion occurs.</p> <p>Section 5.1 of the Final EIS provides a discussion of how traffic would operate near recreation resources as a result of the project; note that SR 520 will be six lanes between I-5 and SR 202 at the completion of the SR 520, I-5 to Medina: Bridge Replacement and HOV Project, with the SR 520, Medina to SR 202: Eastside Transit and HOV Project having been completed beforehand. The Section 4(f) Final Evaluation (chapter 9 of the Final EIS) also provides an in-depth discussion of effects to park resources resulting from the project,</p>

## Section 6(f) Environmental Evaluation: Comment Responses

Public Comment Period: November 9 to December 8, 2010

Cmt. No.	Date Rcvd.	Name	Comment	Response
				along with proposed mitigation.
5	11/17/10	Catherine Fisher	The current plan for a 1/2 diamond configuration at the 84th street interchange is going to cause a great deal of hardship of Medina, Clyde Hill, and Hunts Point. Hunts Point and Medina City Council have both voted to retain the current loop configuration- this will result in a remarkable difference in traffic on surface streets, and less taking of property.	Please see the SR 520, Medina to SR 202: Eastside Transit and HOV Project's Environmental Assessment and Finding of No Significant Impact on WSDOT's website ( <a href="http://www.wsdot.wa.gov/projects/SR520Bridge/">http://www.wsdot.wa.gov/projects/SR520Bridge/</a> ) for information on that separate WSDOT project. WSDOT continues to work with the cities of Medina, Clyde Hill, and Hunts Point on the design of the SR 520, Medina to SR 202: Eastside Transit and HOV Project, including the configuration of the 84th Avenue NE interchange.
6	11/18/10	Janet Deaton	I strongly object to the use of the two properties at the south end of Fairweather Boat Basin in Hunts Point as storm water retention ponds. I also object to the use of the portion south of the Fairweather Nature Preserve to be used for this purpose also. I see birds and wildlife habitat in the area of the Nature Preserve...eagles and herons. They will be disturbed by the disappearance of old growth trees and vegetation and by construction. Section 4(f) of the National Environmental Policy Act declared that efforts should be made to preserve the natural beauty of public parks, wildlife and waterfowl refuges. That refers to the entire property and not just the portion of the property proposed for use by the project. The wildlife will be disturbed by the disappearance of old growth trees and vegetation and by construction. It is unfair to dump so much storm water into a small and quiet boat basin that is owned by the residents of that area. WSDOT is proposing to ruin a quiet waterfront community with construction, water dumping, continued maintenance of the storm water ponds and public paths near a private and secure neighborhood.	<p>Please see the SR 520, Medina to SR 202: Eastside Transit and HOV Project's Environmental Assessment (EA) and Finding of No Significant Impact on WSDOT's website (<a href="http://www.wsdot.wa.gov/Projects/SR520Bridge/EastsideEA.htm">http://www.wsdot.wa.gov/Projects/SR520Bridge/EastsideEA.htm</a>) for more information on that separate WSDOT project. Chapter 5.10 of the EA addresses the project's effects to Section 4(f) resources. Chapter 5.2 of the EA addresses the overall ecosystems effects of the project, including stormwater effects. With the SR 520, Medina to SR 202: Eastside Transit and HOV Project in place, the water quality of stormwater discharges in the area will improve over existing conditions.</p> <p>Untreated highway runoff currently enters the Fairweather Boat Basin through discharges to Fairweather Creek and other drainages. By adding stormwater treatment ponds, the SR 520, Medina to SR 202: Eastside Transit and HOV Project will reduce the highway's impacts on water quality despite a larger highway area. The stormwater ponds will reduce the highway's contribution of sediments, zinc and copper – the three pollutants primarily associated with highways. The Project has obtained permits from federal, state and local agencies demonstrating compliance with water quality standards. WSDOT has worked with the Town of Hunts Point and adjacent residents to add visual screening, appropriate access constraints and other features to the Project.</p>
7	11/19/10	Sharon Royal	I happen to have been mailed a copy of this by a friend and I wonder why this isn't posted on the front page of the Seattle Times with a clear description of the proposed conversion, specific pictures and description of the design, along with a clear request for public comment, the due date of those comments and who to send it to. This is front page news pertinent to our quality of life in our city. I think this is a horrible idea. I am so distressed by Seattle's priorities. The Arboretum and water front trail are some of the parts of this town that make it special and bearable. Why are we increasing road capacity in some areas (for Eastside commuters) and penalizing driving (increased parking fees downtown, stiff parking violation penalties) while not FIRST supplementing and prioritizing public transit? I don't understand the convoluted politics of this town where the talk is progressive and "green" but action too timid to stand up to big money. It is becoming a disturbing place to live. When will we address the real issue of sensible and measured growth? Isn't part of sustainability, insisting on - in every policy and decision - a balance between population growth and environmental impact?	<p>The Federal Highway Administration (FHWA) and WSDOT consulted with the City of Seattle, the University of Washington (UW), the Washington State Recreation and Conservation Office, and the National Park Service to identify the appropriate means to provide notice of the public comment period on the Section 6(f) Environmental Evaluation. The following methods were used to provide public notice:</p> <ul style="list-style-type: none"> <li>• One to two week advance notice announcing the upcoming public comment period was provided via: <ul style="list-style-type: none"> <li>○ E-mails to federal, state, and local agencies, and key stakeholder groups including the Arboretum and Botanical Garden Committee, the UW City/University Community Advisory Committee, the UW Botanic Garden constituents.</li> <li>○ Web announcements on the project website, the City of Seattle Parks and Recreation website, and the UW Botanic Gardens website.</li> </ul> </li> <li>• Notice of availability and public comment period providing the Section 6(f) Environmental Evaluation document, and describing the dates of the public comment period and how to submit comments was provided via: <ul style="list-style-type: none"> <li>○ Legal notice posted in the Seattle Times.</li> <li>○ E-mail update to the SR 520 program e-mail distribution list.</li> <li>○ E-mails to federal, state, and local agencies, and key stakeholder groups including the Arboretum and Botanical Garden Committee, the UW City/University Community Advisory Committee, the UW Botanic Garden constituents.</li> <li>○ Web announcements on the project website, the City of Seattle Parks and Recreation website, and the UW Botanic Gardens website.</li> </ul> </li> <li>• One week advance notice of the end of public comment period was provided via: <ul style="list-style-type: none"> <li>○ Legal notice in the Seattle Times.</li> <li>○ E-mail update to the SR 520 program e-mail distribution list.</li> <li>○ E-mails to federal, state, and local agencies, and key stakeholder groups including the Arboretum and Botanical Garden Committee, the UW City/University Community Advisory Committee, the UW Botanic Garden constituents.</li> </ul> </li> </ul> <p>Chapter 2 of the Final EIS discusses the planning for the SR 520 corridor, which began in 1998, and the numerous opportunities for public coordination and input. The project is intended to improve mobility and safety across the corridor and includes a high occupancy vehicle (HOV) lane for buses and carpool. The SR 520 corridor has been developed in a regional context, and the SR 520, I-5 to Medina: Bridge Replacement and HOV Project has been developed so as to not preclude light rail on this corridor, even though light rail is being implemented by Sound Transit along the I-90 corridor. The full effects of the SR 520, I-5 to Medina: Bridge Replacement and HOV Project have been evaluated through the federal and state environmental (NEPA/SEPA) process. This process is a legal</p>

## Section 6(f) Environmental Evaluation: Comment Responses

Public Comment Period: November 9 to December 8, 2010

Cmt. No.	Date Rcvd.	Name	Comment	Response
				<p>undertaking developed as a tool for project decision making specifically designed to minimize harm to the environment while providing transportation solutions. Please see Chapters 5 and 6 of the SR 520, I-5 to Medina: Bridge Replacement and HOV Project's Final EIS for information on the construction and operational effects of the Project on stormwater, ecosystems, transit, and social resources.</p> <p>There is no design yet for the proposed replacement site; the concept drawing included in the Section 6(f) Environmental Evaluation was intended only to demonstrate that use of the proposed site would be feasible. When the Section 6(f) conversion is approved by the National Park Service, the UW and the City of Seattle will continue on with design and permitting of a recreation area at the current Bryant Building Site as discussed in Chapter 3 of the Section 6(f) Environmental Evaluation. Exhibit 3 on page 12 of the Section 6(f) Environmental Evaluation gives an indication of the future opportunities for public input on the University of Washington's public planning processes and on the City of Seattle's approval process for development of the Bryant Building site.</p>
8	11/20/10	Jorgen Bader	See attached comment letter.	<p>Please see the response to Comment 2 regarding the Section 6(f) requirements for the replacement site.</p> <p>The R.H. Thomson Expressway and the SR 520 Lake Washington Boulevard on- and off-ramps will be removed as a part of the SR 520, I-5 to Medina: Bridge Replacement and HOV Project preferred alternative. While wetland and park enhancement opportunities exist for this area once the structures are removed, the area also known as the 'WSDOT peninsula' is not an eligible replacement site for Section 6(f) converted property because it is public space that the general public currently uses for passive and informal recreation, and Section 6(f) regulations exclude public property currently used for recreation from consideration as replacement for converted property. WSDOT recognizes the natural habitat and recreational value that can be provided on the WSDOT peninsula property and is currently considering wetland and park mitigation opportunities required under other regulations for the WSDOT peninsula. WSDOT will continue to work closely with the City of Seattle, the University of Washington, the Arboretum and Botanical Garden Committee and other stakeholders to explore these opportunities, although they cannot be considered as Section 6(f) mitigation.</p>
9	12/3/10	Dick Rogers	I understand the necessity for temporarily (24 months) taking Arboretum land for SR-520 construction. When this project is completed, it seems only correct to return the land to the legal ownership and management of the city of Seattle and the University of Washington Arboretum and Botanical Gardens Committee to restore and preserve for public enjoyment. I grew up in the Wedgwood neighborhood of Seattle and regularly enjoyed the Arboretum. It is vital to keep this area open to public use and enjoyment .... it must not become "surplus" WSDOT land. This is one of the most beautiful and relaxing areas of northeast Seattle and should be disturbed as little as possible by this massive transportation construction project, and then put back as good or better than before. thank you -dick rogers	<p>Of the approximately 4.8 acres of Section 6(f) resources that would be converted as a part of the SR 520, I-5 to Medina: Bridge Replacement and HOV Project preferred alternative, only 2.6 acres would be permanently acquired. All Section 6(f) land not permanently converted would be restored and remain in the current owner's control at the end of construction. WSDOT has worked closely with the City of Seattle and the University of Washington (the Washington Park Arboretum's owners and operators) to minimize and abate the effects of the SR 520, I-5 to Medina: Bridge Replacement and HOV Project. Under the preferred alternative, users of the Washington Park Arboretum would experience less road noise from SR 520 than today, and a taller bridge profile across Foster Island would give trail users a more open and pleasant experience underneath SR 520. Chapter 5 of the Final EIS describes the effects of the project and the proposed minimization and abatement measures for the Washington Park Arboretum.</p>
10	12/3/10	Karen G. Prince	Dear Ms. Young, I feel strongly that the Arboretum Waterfront Trail complex, and associated parks should be preserved for future generations. We need to preserve these fragile environments for the health of Puget Sound and the people who live here. Enough with concrete and hard surfaces and more freeways! These seem like outdated and unhealthy solutions for 21st century challenges. I just cringe when I think of the mass of concrete and the complex on ramps and off ramps I believe are a part of the current plan. Thank you for the opportunity to comment. Sincerely,	<p>The SR 520, I-5 to Medina: Bridge Replacement and HOV Project would not negatively affect the operations of Washington Park Arboretum or the Arboretum Waterfront Trail complex in the long term. Please see the response to Comment 9 regarding project effects. For more information on the purpose and need for the project as well as the planning process that WSDOT has undertaken to identify and reduce project effects, please see Chapter 1 of the Final EIS.</p>
11	12/4/10	Mathew C. Martin	I am extremely distressed in the manner in which this project has addressed the concerns of those citizens directly impacted. Why do the citizens of Kenmore, where I reside, have to travel to Seattle or Bellevue to have their voices heard? Why has WSDOT not taken the steps to address the concerns of the citizens who live along the Hwy 522 corridor which will clearly be impacted by tolling? Why am I unable to locate any information on your website which addresses remediation for increased traffic flow around the Northend of Lake Washington after tolling begins on Hwy 520? Why did a WSDOT employee refer to this project as "Hwy. 590" on the Washington State Senate Floor? Will WSDOT consider tolling on Hwy 522 to balance the additional congestion created in Juanita/Kenmore/Lake Forest Park due to Hwy 520 tolling? What are the direct steps WSDOT is going to take to address these concerns? Please provide me a Organizational Chart for Employees managing this project and the hierarchy of the supporting agencies. Here is some social networking I've been doing on this issue for your reading enjoyment: <a href="http://www.facebook.com/home.php?#!/pages/TollingImPAC/171458756212976">http://www.facebook.com/home.php?#!/pages/TollingImPAC/171458756212976</a> Thanks!	<p>WSDOT has taken steps to address the anticipated effects of the project and the concerns of local governments and citizens in the areas the project would affect. Please see Chapter 1 of the Final EIS, which provides information on the public process undertaken for the project.</p> <p>Regional traffic modeling conducted for the SR 520, I-5 to Medina: Bridge Replacement and HOV Project shows that there will be very little effect to SR 522 as a result of the project. A two percent increase in traffic is forecasted on SR 522 due to the project, as compared to the no-build scenario. If the project were not built, a nine percent increase in traffic would be forecasted on SR 522. Chapter 5 (Section 5.1) of the Final EIS, along with the Final Transportation Discipline Report (Attachment 7 to the Final EIS), provide more information on the traffic modeling process and the anticipated effects to traffic on SR 522. The two percent increase in traffic does not indicate a need for any type of traffic mitigation on SR 522.</p> <p>The Federal Highway Administration (FHWA) is the National Environmental Policy Act (NEPA) lead agency, and WSDOT is the lead State Environmental Policy Act (SEPA) agency for the SR 520 program. Please see the SEPA Fact Sheet in the Final EIS (pages FS-1 through FS-5) for the list of agencies responsible for permitting the SR 520, I-5 to Medina: Bridge Replacement and HOV Project. Please refer to the project web site for contact information at: <a href="http://www.wsdot.wa.gov/projects/sr520bridge/">http://www.wsdot.wa.gov/projects/sr520bridge/</a></p>

## Section 6(f) Environmental Evaluation: Comment Responses

Public Comment Period: November 9 to December 8, 2010

Cmt. No.	Date Rcvd.	Name	Comment	Response
12	12/7/10	Doug Stewart, MD	See attached comment letter.	<p>The air quality analysis conducted for the Bryant Building site was based on analysis conducted for the general area of the SR 520, I-5 to Medina: Bridge Replacement and HOV Project (discussed on pages 5.8-1 through 5.8-7 of the Final EIS) and on evaluation of current and likely land uses and their associated air emissions (e.g. location of permitted emission sources). Please see pages 49 through 50 of the Section 6(f) Environmental Evaluation for a full list of references used for the evaluation. The Section 6(f) Environmental Evaluation correctly states that air quality in the site vicinity meets current federal and state air quality standards. Page 40 of the Section 6(f) Environmental Evaluation refers to stationary emission sources. There are no permitted air emission sources in the vicinity of the site that would negatively affect air quality and recreational use of the site. Vehicle emissions are measured by monitors located around the Puget Sound region. The Bryant Building site's air quality would not be noticeably different from the air quality at the Section 6(f) properties to be converted, which are also near a heavily used and congested state highway and waterway with motorboat traffic. As the UW continues with development planning for the site, additional analysis of environmental issues will be performed as needed.</p> <p>Pages 18 and 19 of the Cultural Resources Report for Section 6(f) Environmental Evaluation (Attachment 1 to the Evaluation) discuss how cultural resources would be considered and protected during project development, if discovered.</p> <p>Pages 42 through 45 of the Section 6(f) Environmental Evaluation discuss the potential for on-site soil or groundwater contamination. To evaluate this type of potential contamination at the site, WSDOT conducted a preliminary site assessment as part of the Section 6(f) Environmental Evaluation, and WSDOT will perform further due diligence if needed as required for real estate transactions, prior to final negotiation with the UW. Prior to development of the replacement site, the UW will take whatever steps are needed to create a safe public recreation space during their planning and site development processes.</p>
13	12/7/10	Jean Amick	<p>The Bryant Marina site which is proposed to replace much of the parkland lost when 520 is expanded does not serve the same population. It is polluted, will have little parking, nor can it be easily gotten to on foot by the people living south of the canal. Nature is missing also; it is isolated and contiguous to nothing green. What if archeological sites are discovered here, then what do the citizens of Seattle get in return for losing all that public space in Union Bay and Portage Bay and Montlake area? It seems like the UW wins by getting lots of money for the property; citizens get little especially if there are no funds to develop anything at the polluted site.</p> <p>I wish you take an honest look at what the residents of this area are being forced to give up and what you are offering them in return.</p>	<p>The City of Seattle and the University of Washington were the recipients of the Section 6(f) grants that were used to develop the Arboretum Waterfront Trail and the Ship Canal Waterside Trail complex, and WSDOT worked closely with these agencies to identify measures to eliminate and reduce effects to Section 6(f) resources, and to identify an appropriate replacement site. Information on the process that led to the choice of the replacement site and information on the sites previously considered is found on pages 7 through 10 of the Section 6(f) Environmental Evaluation. The Bryant Building site was chosen as the replacement site for the converted properties because it meets the criteria for replacement land. The site is waterfront property that would allow viewing of and access to navigable waters and aquatic wildlife. The site is adjacent to the Sakuma Viewpoint, proximal to the Burke-Gilman trail, and would provide additional green space along the water and potential shoreline restoration opportunities. Please see the response to Comment # 2 regarding the replacement requirements the site must meet. The response to Comment # 9 discusses the effects of the proposed conversion to the existing Section 6(f) resources. The response to Comment # 12 discusses air quality and cultural resource effects at the Bryant Building site.</p>
<b>Agency</b>				
14	11/17/10	<p><b>Washington Department of Fish and Wildlife</b></p> <p>Stewart Reinbold Assistant Regional Habitat Program Manager Region Four</p>	<p>The proposed sites to be affected along SR520 provide habitat to local fish and wildlife. Will the proposed Bryant Building Site be restored to provide the same support to fish and wildlife habitat?</p>	<p>The Bryant Building site is intended to provide a replacement site of reasonable equivalent usefulness and location along with at least equal fair market value as required by Section 6(f). As discussed on page 6 of the Section 6(f) Environmental Evaluation, the Bryant Building site is intended to replace the primary functions for which the Land and Water Conservation Fund (LWCF) Act and Aquatic Lands Enhancement Act (ALEA) funds were provided. LWCF Act funds were issued in 1966 for construction of the boardwalk and water access facilities along Lake Washington in the Washington Park Arboretum area, and ALEA funds were issued in 1985 for reconstruction of the boardwalk segment of the Arboretum Waterfront Trail and construction of the Ship Canal Waterside Trail. The UW and the City of Seattle will develop the final design for the site, which provides opportunities for shoreline restoration as shown on Exhibit 8 of the Section 6(f) Environmental Evaluation. The UW Master Plan establishes the University's desire to promote habitat restoration along Portage Bay. The UW and the City of Seattle would work with the Washington State Department of Fish and Wildlife if a Hydraulic Permit Approval were required for proposed site development, which seems likely based on the current site concept.</p>
15	12/8/10	<p><b>City of Seattle Mayor</b></p> <p>Mayor Mike McGinn</p>	See attached comment letter.	<p>The Federal Highway Administration (FHWA) is anticipated to make a final decision about the appropriate alternative for WSDOT to implement in July of 2011. In preparing materials for FHWA's decision-making process, WSDOT has been working with local jurisdictions along the SR 520 corridor to develop a SR 520 corridor program that best minimizes and balances environmental effects, while achieving the objectives of the project. Planning for the SR 520 corridor began in 1998 with the work of the Trans-Lake Washington Study, initiated by the legislature to explore ways of improving mobility across and around Lake Washington. In developing and refining the design of the Preferred Alternative, WSDOT has worked collaboratively with the City of Seattle to address many of the ideas outlined in this comment. Much of this work occurred as part of the workgroup created under Engrossed Substitute Senate Bill (ESSB) 6392, which directed WSDOT to work collaboratively with the City of Seattle, University of Washington, regional agencies such as King County Metro Transit and Sound Transit, and other stakeholders to consider design refinements and transit connections within the Preferred Alternative. The workgroup recommendations will continue to shape the project as further design development occurs.</p> <p>The Section 6(f) Environmental Evaluation was developed assuming that the preferred alternative described in the Final EIS would be the alternative to best achieve a balance of effects in creating a safe and reliable transportation system on SR 520. If the preferred alternative is not the alternative chosen for the project, and an alternative with greater Section 6(f) impact is chosen, WSDOT would</p>

## Section 6(f) Environmental Evaluation: Comment Responses

Public Comment Period: November 9 to December 8, 2010

Cmt. No.	Date Rcvd.	Name	Comment	Response
				<p>continue working with the Washington State Recreation and Conservation Office and the National Park Service (NPS) to assure appropriate evaluation of the proposed Section 6(f) conversion, along with identification of adequate replacement.</p> <p>The Code of Federal Regulations, Title 36, Section 59.3 (Conversion Requirements), states that the NPS will consider conversion requests if the following prerequisites have been met: "(b) (2) The fair market value of the property to be converted has been established and the property proposed for substitution is of at least equal fair market value as established by an approved appraisal .... (b) (3) The property proposed for replacement is of reasonably equivalent usefulness and location as that being converted. Dependent upon the situation and at the discretion of the Regional Director, the replacement property need not provide identical recreation experiences or be located at the same site, provided it is in a reasonably equivalent location... (b) (3) (ii) Replacement property need not necessarily be directly adjacent to or close by the converted site. This policy provides the administrative flexibility to determine location recognizing that the property should meet existing public outdoor recreation needs. While generally this will involve the selection of a site serving the same community(ies) or area as the converted site, there may be exceptions."</p> <p>WSDOT, in conjunction with the Parks Technical Working Group described on page 7 of the Section 6(f) Environmental Evaluation, considered 86 sites as replacement for the Section 6(f) resources that would be converted. The Bryant Building site was found to be the one that would best replace waterfront viewing opportunities, access to regional bicycling and pedestrian connections, and access to navigable water from the site for non-motorized watercraft. No available site was found closer to East Montlake Park or the Washington Park Arboretum that would provide a better user experience at an equivalent fair market value for the site.</p> <p>Pages 42 through 45 of the Section 6(f) Environmental Evaluation discuss the information available on likely soil or groundwater contamination of the Bryant Building site and pages 34 through 36 (as well as Attachment 1 to the document) discuss the cultural resources issues likely to exist and procedures to address those issues as part of Bryant Building site development. As stated on page 47 of the Section 6(f) Environmental Evaluation (Attachment 15 to the Final EIS) approximately 2.1 acres of the converted area would be returned to recreational uses in the Washington Park Arboretum and 0.1 acre would be returned at the Ship Canal Waterside Trail after completion of construction, and no portion of the Arboretum Waterfront Trail itself would be converted. Temporary closures of both the Arboretum Waterfront Trail and the Ship Canal Waterside Trail would occur, but access to Portage Bay and its associated viewing opportunities along one of those trails would remain available at all times during construction.</p> <p>WSDOT, the City of Seattle Parks and Recreation, and the UW continue to coordinate on the Section 6(f) process.</p>
16	12/9/10 (extension granted)	<b>City of Seattle Board of Park Commissioners</b>	See attached comment letter.	<p>Your statements of support for use of the Bryant Building site for recreation and for implementation of the new bascule bridge are appreciated. No Section 6(f) resources would be affected by the SR 520, I-5 to Medina: Bridge Replacement and HOV Project beyond those disclosed in the Final EIS, and it is WSDOT's intent to minimize disruptions to trail use.</p> <p>During the Bryant Building site planning and development process, the UW will work with the Board of Park Commissioners to ensure that the site design meets the City's regulatory requirements, including public involvement requirements of Ordinance #118477 and other applicable development regulations. The City and UW will conduct a public process during the site planning phase.</p> <p>Please see the response to Comment 12 regarding contaminated site management. The City of Seattle Parks and Recreation (Seattle Parks), the UW, and WSDOT evaluated the potential risk of soil and groundwater contamination in considering whether to choose the Bryant Building site, and found the risk of contamination to be low and development risks to be acceptable based on currently available information.</p> <p>The UW, Seattle Parks, and WSDOT also considered the likelihood for encountering archeological resources on-site during development and, based on information currently available, made the determination to proceed with use of this site. The Cultural Resources Report for Section 6(f) Environmental Evaluation (Attachment 1 to the Section 6(f) Environmental Evaluation) provides discussion of likely cultural resources on-site. Negotiations continue between WSDOT and the UW regarding final negotiations for the replacement site. Costs involved with the risks of site development are an integral part of final negotiations.</p> <p>Please see the response to Comment # 2 above regarding how the Bryant Building site, chosen by Seattle Parks, the UW, and WSDOT, replaces the converted Section 6(f) resources.</p> <p>Please see the response to Comment # 8 regarding the use of the existing R. H. Thompson expressway and ramps (the area known as the 'WSDOT peninsula') for Section 6(f) mitigation. See Chapter 2 of the Final EIS for a description of the preferred alternative and how it minimizes traffic effects to Washington Park Arboretum.</p>
<b>Stakeholder and Community Groups</b>				
17	11/15/10	<b>University District Community Council</b> Matt Fox, President	See attached comment letter.	<p>Your statement of support for use of the Bryant Building site is appreciated.</p> <p>Please see the response to Comment # 8 regarding use of the area around the existing R. H. Thompson expressway and the SR 520 Lake Washington Boulevard on- and off-ramps (the area known as the 'WSDOT peninsula') for Section 6(f) mitigation.</p> <p>Please see the response to Comment # 2 above regarding the Section 6(f) requirements for the replacement site. Note that there will</p>

## Section 6(f) Environmental Evaluation: Comment Responses

Public Comment Period: November 9 to December 8, 2010

Cmt. No.	Date Rcvd.	Name	Comment	Response
				be no conversion of the Arboretum Waterfront Trail. Although portions of the Section 6(f) regulated trail complex will be closed at times during construction to ensure public safety in close proximity to roadway construction, there will be no permanent impacts to the trail. As discussed on pages 24 through 25 of the Section 6(f) Environmental Evaluation, access to the trail and to the marshes along Foster and Marsh Islands will be available from at least one access point at all times during construction - either from the Ship Canal Waterside Trail at East Montlake Park or from the Arboretum Waterfront Trail in the Washington Park Arboretum.
18	12/7/10	<b>Seattle Community Council Federation</b> Rick Barrett, Vice President	See attached comment letter.	Your statement of support for use of the Bryant Building site is appreciated.  Please see the response to Comment # 8 regarding use of the area around the existing R. H. Thompson expressway and the SR 520 Lake Washington Boulevard on- and off-ramps (the area known as the 'WSDOT peninsula') for Section 6(f) mitigation.  Please see the response to Comment # 2 above regarding the Section 6(f) requirements for the replacement site.
19	12/7/10	<b>Montlake Community Club</b> Anita Bowers <b>Roanoke Park-Portage Bay Community Council</b> Ted Lane <b>Fuhrman Boyer Neighborhood Improvement Association</b> Anne Preston	See attached comment letter.	In general, Section 4(f) of the U.S. Department of Transportation (DOT) Act is broader in scope than Section 6(f) of the Land and Water Conservation Fund (LWCF) Act and the two sections are governed by two different federal laws. Section 4(f) protects publicly owned parks and recreational areas, waterfowl and wildlife refuges, and historic sites considered to have national, state, or local significance. Section 6(f) resources are protected by specific regulations applying to recreational areas acquired or developed with the LWCF Act funds. Section 4(f) applies only to programs and policies undertaken by the U.S.DOT, while Section 6(f) applies to programs and policies of any federal agency. The Section 6(f) Environmental Evaluation was conducted in order to fulfill a portion of WSDOT's Section 6(f) requirements for the project and was specifically intended only to address the proposed Section 6(f) conversion itself. The evaluations of the Section 4(f) and Section 6(f) resources were originally presented together in one document for the SDEIS that was titled: Draft Section 4(f)/6(f) Evaluation (check title). As the project progressed, the Section 6(f) and Section 4(f) regulatory processes proceeded on different timelines, and the documentation for each was split into separate documents.  The Bryant Building site does not experience a Section 4(f) use from the SR 520, I-5 to Medina: Bridge Replacement and HOV Project. Therefore the site is not included in the Section 4(f) Evaluation. The Section 4(f) Evaluation is available for public review in Chapter 9 of the Final EIS. That evaluation provides more detail on proposed effects to Section 4(f) resources in the project vicinity in the context of the Section 4(f) regulations, and it includes responses to previous comments received on Section 4(f) issues. The formal comment period on the SR 520, I-5 to Medina: Bridge Replacement and HOV Project Supplemental Draft Environmental Impact Statement and Draft Section 4(f) Evaluation was held from Jan. 22 to April 15, 2010. Comments will be accepted on the final version of the Section 4(f) Evaluation; however, there will not be another formal comment period.  Effects to recreation facilities other than those protected under Section 6(f) are addressed in full in the Final EIS. Chapter 5 (Section 5.4) of the Final EIS provides a discussion of operational effects to all recreation areas in the project corridor (including Montlake Playfield) resulting from the SR 520, I-5 to Medina: Bridge Replacement and HOV Project.  Please see the Parks Mitigation Technical Memorandum (Attachment 1 to the Draft Section 4(f) / 6(f) Evaluation of the Supplemental Draft EIS) for information on the 86 other potential Section 6(f) replacement sites that were previously evaluated.  The Cultural Resources Report for Section 6(f) Environmental Evaluation (Attachment 1 to the Evaluation) explains the process for identifying archeological resources on the site and how those resources would be addressed if encountered.  Pages 42 through 45 of the Section 6(f) Environmental Evaluation discuss previous land uses at the site and address potential soil and groundwater contamination.
20	12/7/10	<b>Residents of the Montlake and Portage-Bay Roanoke Park communities:</b> Ron Melnikoff, Astrida R. Onat Michelle C. Jacobsen Charles Budnik, Erin O'Connor Cathy Garrison, Karen Wood Bob Near Craig Van Riper	See attached comment letter.	Please see the response to Comment # 2 above regarding the Section 6(f) requirements that the replacement site must meet. Please see the response to Comment # 19 regarding Section 4(f) and evaluation of the project under Section 6(f), as well as previous comments on recreation impacts. Sections 5.4 and 6.4 of the Final EIS describe the effects to all parklands in the vicinity of the project corridor.
21	12/7/10	<b>Residents of the</b>	Added signature to comment letter from Residents of the Montlake and Portage-Bay	Please see the response to Comment # 19 regarding evaluation of the project under Section 4(f) and Section 6(f).

## Section 6(f) Environmental Evaluation: Comment Responses

Public Comment Period: November 9 to December 8, 2010

Cmt. No.	Date Rcvd.	Name	Comment	Response
		<b>Montlake and Portage-Bay Roanoke Park communities:</b> Walt and Nancy Johnson	Roanoke Park communities (Comment # 20) via e-mail.	
22	12/7/10	<b>Northeast District Council</b> Nancy Bolin & Nicolette Bromberg	See attached comment letter.	Please see the response to Comment # 2 regarding the Section 6(f) requirements for the replacement site. Please see the response to Comment # 8 regarding use of the area around the existing R. H. Thompson expressway and the SR 520 Lake Washington Boulevard on- and off-ramps (the area known as the 'WSDOT peninsula') for Section 6(f) mitigation.
23	12/7/10	<b>Coalition for a Sustainable SR 520</b> Fran Conley, Coordinator	See attached comment letter.	<p>The Bryant Building site is not expected to replace the exact features and functions of the converted Section 6(f) resources. Please see the response to Comment # 2 regarding the replacement criteria the site will be expected to provide.</p> <p>Please see the response to Comment # 19 regarding Section 4(f) Evaluation and recreation impacts in general.</p> <p>As discussed on page 25 of the Section 6(f) Environmental Evaluation, no portion of the Arboretum Waterfront Trail will be closed for longer than six months at a time (this length of closure being the determinant of whether a conversion occurs per Section 6(f)(3) of the Land and Water Conservation Fund Act). See the Constructive Use Technical Memorandum (Attachment 17 to the FEIS) for a discussion of constructive use regarding Section 4(f) properties.</p> <p>Section 106 does not require replacement of historic buildings when they are demolished, nor does it preclude development of sites if archeological resources are uncovered. The Cultural Resources Report for the Section 6(f) Environmental Evaluation (pages 25 through 26) describes the process for determining mitigation measures. For more detail on the Section 4(f) relevant mitigation measures WSDOT proposes to implement, refer to the Cultural Resources Discipline Report Addendum (Attachment 7 to the FEIS) and the Section 106 Programmatic Agreement (Attachment 9 to the FEIS).</p> <p>Please see the response to Comment # 12 regarding contaminated site management and site redevelopment costs. Please note that from the fisheries perspective, the in-water work that could occur with redevelopment of this site is not comparable to the effects of a different type of construction activity at a different location (e.g. the tunnel beneath the Montlake Cut that is part of Option K). Regardless of existing uses of the site, future use of the site for recreation is consistent with the University of Washington (UW) Master Plan and City of Seattle zoning.</p>