

Montlake Community Club

Working together to maintain and nurture the natural environment
and history of Seattle's Montlake neighborhood

montlake-board@googlegroups.com

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MCC: WSDOT SR520 PA – Response
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Montlake Community – Programmatic Agreement Response

The following is the MCC consulting parties' review of the draft section 106 Programmatic Agreement dated January 10, 2011. This review outlines both general land area and property-specific descriptions of the effects on the Montlake Community related to the 520 Project. The specific descriptions include the following categories: temporary effects on historic properties, permanent effects on historic properties, the community construction management plan, changes in haul route locations, dispute resolution, amendment and termination, and monitoring of performance in accordance with Section 106 of the National Historic Preservation Act (NHPA) and specifically with Section 36 CFR part 800.5(a)1 – Protection of Historic Properties, and recommendation(s) on how to resolve adverse effects in accordance with CFR 800.6.

General:

The Montlake Community Historic District will be affected by the 520 Project as outlined below and requests a complete response regarding avoidance of impact as part of the construction phase and final project under the federal laws as outlined above.

Adverse Effects

1. Air Quality

- Increased exhaust gases in atmosphere will degrade the air quality within the community
- Increased exhaust gases in the atmosphere will affect the frequency for cleaning and repainting facilities

- Increased airborne particulate raining down onto the community streets, property and buildings
2. Water Quality
 - Airborne exhaust gases and particulates degrading waterways
 - Project storm runoff degrades waterways
 - Floating scum collects on water-borne property and causes increased maintenance
 3. Visual Pollution
 - Portage Bay viaduct creates a manmade visual barrier to the adjacent panoramic views and sky
 - Signs and barrier walls create visual impairment of panoramic view from neighborhood
 4. Noise Pollution
 - Increased traffic closer to Montlake adds to the ambient roar during construction and after the project has been completed
 5. Increased Traffic Congestion
 - Project revisions restrict and encumber access to neighborhood

Wildlife Impacts (raccoons, beaver, ducks, geese, etc.)

Fish Impacts (degradation of fish habitat)

Endangered Species (Portage Bay crayfish)

6. Seismic Risks
 - Collapse of Portage Bay viaduct could cause a tsunami effect to floating assets, for example, boats and floating homes
7. Wetlands
 - Damage to waterfront park
8. Parking
 - Reduction of available parking
9. Damage/Destruction
 - Residences along Montlake Blvd. will be impacted by 520 Project, Option A

Summary and Conclusion

The following summary and conclusion statement is based on a review of the Washington State Department of Transportation (WSDOT) Programmatic Agreement (PA) dated January 10, 2011, by the Montlake Consulting Party and approval of the Montlake Community Board of Directors.

1. WSDOT has eliminated the subject of traffic impact on the Montlake Historic District in order to avoid the effect on the district and subject properties within the area relative to access/egress including homes along East Lake Washington Blvd., St. Demetrious Church and the businesses on 24th Avenue. This decision is based on the reference to the Environmental Impact Statement (EIS) scheduled to be published in the “spring of 2011”, which will be a final document in terms of consulting party response. WSDOT must act to resolve this issue as follows:
 - A. Include this issue as part of the Section 106 and PA process as required by the National Historic Preservation Act, 36 CFR 800.5(2).
 - B. For additional information refer to the above responses section II.B.1 (on pages 4 and 5 of this document) and a letter from Melody B. McCutcheon of Hillis Clark Martin & Peterson, P.S. dated January 24, 2011, Attachment B.

2. That WSDOT has been unclear the issue related to proposed haul routes, Section IV (Appendix D) by proposing initially the “24th Avenue/Boyer” and the “19th and Lynn” routes and a subsequent statement by Bruce Jamieson at the January 10th haul route meeting that the route(s) selected through the Montlake Historic District will be “up to the contractor” with the approval of the Seattle Department of Transportation (SDOT). Therefore, it is the position of the Montlake Board that WSDOT, with regard to the haul routes, proceed as follows:
 - A. Inventory both the WSDOT-preferred and the contractor-proposed haul routes by the field verification of the homes and buildings adjacent to the routes. This inventory will include a structural analysis of these properties based upon a vibration level, which would be the equivalent of traffic levels of 30 mph. This analysis, if determined as risking the physical condition of all of the structure(s) in question, including those that are historically eligible and contributing, will require stabilization measures funded by WSDOT prior to the start of the project. Also, WSDOT will provide consulting parties with the results of consult monitoring of soil tests and vibration analysis. This analysis will confirm the impact of WSDOT traffic on the Montlake neighborhood streets based on acceleration, displacement and velocity frequencies in order to protect historical contributing homes and buildings. If WSDOT chooses not to perform this analysis they will be restricted to control construction vehicle speed to 15 mph or less.
 - B. DPD is the Authority Having Jurisdiction (AHJ), not the Seattle Department of Transportation (SDOT). MCC will participate with DPD in approving a permit for the contractor’s proposed haul routes based on the prevailing codes and ordinances.
 - C. If the property owner chooses to conduct their own structural analysis they will be reimbursed for the expenses by WSDOT as part of a “development fund” considered as part of mitigation. This requirement will be included in the Construction Management Plan (CMP).
 - D. For additional information, refer to the above responses to Section IV, C (on pages 10 and 11 of this document).

3. Attachment C is an edit of the Programmatic Agreement developed in a “track changes” format, also by Melody B. McCutcheon in consultation with the Montlake Community Board of Directors together with community representatives.

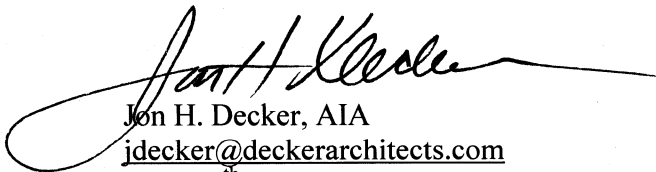
4. The following are issues that relate to the context of the Programmatic Draft.

- A. Change references throughout the document from “Montlake Community Council” to “Montlake Community Club.”
- B. Pgs. 1-3 front matter contain references to several documents not yet made available to CPs for review, including the Project FEIS (including traffic analyses), Appendix C (including indications as to whether the effects on historic properties will be temporary or permanent and direct or indirect), and Appendix D (including “best information” available at the time of execution of this Agreement used as a basis for identification of potential haul routes for the Project). These documents and any other relevant information must be made available to the CPs for review and comment prior to finalization and execution of this Agreement.
- C. The intro to Stipulations states that “As the lead federal agency for the Project, FHWA shall ensure that the following stipulations are carried out,” yet the majority of the stipulations detail actions that WSDOT will undertake. Consider restating as “As the lead federal agency for the Project, FHWA, along with WSDOT, shall ensure...” so that on-site accountability exists for such insurance in addition to lead agency responsibility.
- D. Please define “Context-Sensitive Solutions approach.”

Further responses from members of the community and our legal counsel are included for your review, see Attachments A, B & C.

Daniel,
Thanks for the opportunity to share our concerns.

Sincerely,



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Acknowledgements:

The above response is based on the participation of the Montlake community with specific comments on the programmatic agreement by Morgan Riley, John O’Neil, Dick Dunn, with the assistance of the Hamlin/Shelby neighborhood and Craig Van Riper.

cc: Dr. Allyson Brooks, DAHP
Mathew Sterner, DAHP
Lynne Sebastian, SRI Foundation