



April 29, 2011

Mr. Ron Paananen, P.E.  
AWV Program Administrator  
Washington State DOT  
999 Third Ave., Suite 2424  
Seattle, WA 98104

Dear Mr. Paananen:

This is in response to your April 26, 2011, letter to Bob Powers, Deputy SDOT Director, responding to the City's inquiries about its role in the finalization of the AWV FEIS.

We appreciate finally getting some indication, even if still not 100% clear, of how WSDOT views the City's co-lead status in the EIS process. Your February 11, 2011, letter described a substantial role for the City and included a detailed schedule of joint FEIS reviews and meetings, with most of these meetings in March and first half of April. It is extremely troubling that the City did not learn until approximately April 10 that there has been a major (perhaps complete) retreat by WSDOT from the commitments of that letter. Furthermore, your February 11 letter followed and was consistent with a detailed memorandum from Megan White to City Council President Conlin (Sept. 29, 2010) describing the city's co-lead role, and a December 14, 2010, letter from Secretary Paula Hammond confirming our continuing partnership in crafting the FEIS. We have been in the dark for a period of almost two months, when in fact WSDOT easily could have sat down with us to discuss any issues of comment content, language, scope, etc.

It appears from your last letter that the City has been transformed from a somewhat junior partner in the FEIS effort to what amounts to a silent non-partner. You state that we will no longer have input into the final FEIS document, and, you just informed us that WSDOT had already submitted it to FHWA. We are hardly reassured when you state in your April 26 letter, "WSDOT is in discussions with FHWA about the City's co-lead status."

WSDOT's stated reason for considering this changed status is the "policy comments submitted by the Mayor's office on Final EIS related documents." Presumably in the originally scheduled meeting of March we would have discussed your response to the City's comments, along with ideas on alternative language, wording, substance, and any number of other items. We have had such discussions in the past. You describe it as "unusual, perhaps unprecedented," the City's submittal of a formal letter containing our comments on the SDEIS (Dec. 13, 2010). In my view,





it is extremely unusual to exclude a co-lead agency from the process of preparing an EIS simply because the agency also submitted comments. My disappointment at this exclusion is even deeper because in three formal letters from you, Secretary Hammond, and Ms. White, the City was assured of continued cooperation in the EIS preparation, including very specific meeting dates and milestones. And two of these letters (from you and Secretary Hammond) were written after my Dec. 13 letter that you find so unusual.

We don't dispute that the city, the state, the county selected a preferred alternative in the beginning of 2009. However, with additional information that we have today, the preferred alternative has changed. First and foremost, WSDOT's own work indicates a very significant level of diversion (approx. 50%) from the tunnel onto city streets. That alone creates impacts which need to be better understood, and the need for mitigation strategies. In addition, there are very serious questions about the funding of the full complement of projects identified in early 2009 and included in the EIS process and document. These include questions about the \$400 million expected to be raised from tolls, the \$190 million committed by King County for transit (the vast majority of which Metro has no way of raising), and the \$300 million from the Port of Seattle (which has not been actually committed). Given foreseeable budget conditions, there is a real possibility that elements of the Bored Tunnel Program as envisioned in the EIS will be delayed or possibly eliminated for lack of funds, after start of construction. This has a direct impact on the environmental impacts of the program, just as does the fact that about 50% of the tunnel traffic will not use the tunnel, but instead use city streets. This is vital information that the public and decision makers should have.

Given these circumstances, why is it so wrong to raise questions about a preferred alternative that carries only 50% or so of the vehicles it was meant to carry and does not even have the full funding to be realized? The purpose of the EIS is not to defend the preferred alternative, but rather to inform the public and decision makers of all likely impacts of all reasonable alternatives.

I don't have reason to believe that the FEIS document (which, admittedly we have not yet been shown) can adequately achieve this fundamental purpose of an EIS without including a report recently received by the City. We believe that the recently completed Nelson Nygaard report – *Additional Review of the Impacts of Deep Bored Tunnel Tolling Diversion on City Streets; Identification of Mitigation* -- shows that in analyzing the impacts of traffic diversion from the tunnel, additional mitigation measures should be required. Not surprisingly, these strategies have similarities to the elements of the Surface, Transit, I-5 alternative that emerged in the year-long 2008 Stakeholder process. You imply in your letter, not to mention in the SDEIS, that this Surface, Transit, I-5 alternative is not reasonable to include in the report. How can that be when the Stakeholder process in 2008 concluded that the Surface, Transit, I-5 alternative was at least viable, and certainly a "finalist?"

We are asking that the full Nelson Nygaard report be included in some manner in the FEIS. That's not the same as elevating the Surface, Transit, I-5 option to full alternative status if that is something you'd rather avoid. But the information in it is fair, comprehensive, and reflects substantial work that was done by the City's consultant. This information is vital in understanding how the tolled bored tunnel impacts the city core and what mitigation strategies

are available. The resemblance of these mitigation strategies to a discarded alternative should not be used as a pretext to withhold this vital information from the public and from decision makers. To my knowledge, an EIS cannot have too much information, but it can certainly have too little.

I look forward to having the discussions you mention in your letter and perhaps we can find a way to continue working cooperatively.

Sincerely,



Peter Hahn, Director  
Seattle Department of Transportation

Cc: Mayor Mike McGinn  
City Council  
FHWA

