

CITY OF BELLEVUE



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Via Facsimile and Regular Mail

August 29, 2011

Mr. Richard F. Krochalis, Regional Administrator
Federal Transit Administration
Jackson Federal Building
915 Second Avenue, Suite 3142
Seattle, WA 98174

Re: East Link Project – Section 4(f) Analysis
City of Bellevue Comments

Dear Mr. Krochalis:

The City of Bellevue submits these comments for FTA's consideration prior to making a final determination under Section 4(f) regarding the East Link Project's impacts on the activities, attributes, and features of protected parks and historic resources in Bellevue.

This correspondence is submitted in accordance with 23 CFR 774.5(a), which provides officials with jurisdiction over 4(f) resources an opportunity to comment on the overall evaluation prior to Agency approval. This letter also comments on the Least Overall Harm Analysis included in the FEIS, per the direction at §774.3(c)(1)(iv), which gives officials with jurisdiction over each Section 4(f) property an opportunity to provide views on that analysis. The City of Bellevue has jurisdiction over the Mercer Slough Nature Park, Surrey Downs Park, and McCormick Park, all of which would be affected by various alignments considered in the East Link environmental review process.

Since publication of the Final Environmental Impact Statement (FEIS), the Sound Transit Board has identified its locally-preferred alignment, including B2M-C9T-D2A in the city. This letter focuses primarily on that preferred alignment as it is described in the FEIS. Bellevue reserves the right to provide additional comments should the design of the alignment change in a way that affects parks, access to parks, or users' experience within parks.

As you are aware, Bellevue and Sound Transit are in continuing discussions regarding the manner in which Bellevue and Sound Transit can cooperate to fully mitigate the adverse impacts of Sound Transit's East Link project. As part of these discussions, the parties are negotiating the extent to which Bellevue may assume some portion of the financial burden of mitigating specific impacts of the East Link project that would ordinarily be borne by the project proponent—an unprecedented step for an agency with permitting jurisdiction.

Bellevue's ongoing negotiations with Sound Transit and its obligation to its citizens to participate fully in your 4(f) process create an obvious tension—Bellevue does not want to undermine the good faith negotiations now underway but must identify the significant shortcomings that it sees in the 4(f) process as it currently stands. Since our discussions with Sound Transit include mitigation of the impacts of the East Link project on park resources protected by Section 4(f), we are hopeful that a satisfactory resolution of Bellevue's concerns can be reached through these

negotiations and hope to be able to inform you at the conclusion of our negotiations with Sound Transit that our concerns have been fully addressed.

As set forth in the FEIS, FTA has made an initial determination that the East Link Project's temporary and permanent use of and impacts to the parks or historic resources in Bellevue listed below are not *de minimis*:

- Winter's House (B-Segment park and historic resource)
- Mercer Slough (B-Segment park resource)
- Surrey Downs (C-Segment park resource)
- NE 2nd Pocket Parks (C-Segment park resource)
- McCormick Park (C-Segment park resource, not impacted by the preferred alternative)

Because of this initial determination, the FTA must complete the entire analysis required to comply with 4(f). Attachment A details Bellevue's specific concerns in this regard.

In sum, Bellevue is concerned about both the lack of specificity with respect to impacts identified in the FEIS, and about the level and lack of specificity of mitigation described. These specific concerns have been shared both in writing and in consultation with Sound Transit since the beginning of the EIS process. We anticipate continued discussions with Sound Transit, and as appropriate your agency, to come to a mutually satisfactory resolution of these concerns.

Summary of Concerns on Impacts to 4(f) Properties and Uses and Proposed Mitigation

The following summarizes the detailed comments in Attachment A, regarding the City's concerns:

Winter's House: The Winter's House is a protected historic resource as well as a protected park resource owned by the City and located within Mercer Slough Nature Park. In addition to comments previously provided through the EIS process, Bellevue incorporates by reference here comments submitted to FTA as part of the Section 106 consultation process that is still underway. While Bellevue will not restate those concerns in detail here, they are an important component of the 4(f) approval process.

In general, the FEIS added useful detail on Sound Transit's plans to protect and minimize impacts to the house during construction. Bellevue finds, however, that potential permanent use impacts remain and that they require more definitive mitigation plans than described in the FEIS to assure that such potential impacts will be adequately mitigated should they occur. Among these potential impacts are long-term noise (both ambient and ground-borne), vibration and structural damage resulting from vibration, and unanticipated structure settlement.

In addition, more detail on the temporary use of the resource is required to assure Bellevue and its programming partner, the Eastside Heritage Center, that the current activities at the house will continue unabated at a new and appropriate temporary location within the city limits and that those activities will be restored to the house when it is re-opened to the public following construction.

Finally, Bellevue is concerned that the design of preferred alternative B2M may not include all possible planning to minimize harm to the resource. As noted above, Bellevue and Sound

Transit are continuing discussion of a more context-sensitive design of the parking structure south of the house that will meet 4(f) requirements.

Mercer Slough Nature Park: Bellevue's concerns, described in more detail in Attachment A, relate to:

- The property replacement commitment published in the FEIS refers to Section 6(f) requirements and conversion requirements of State RCO grants. However, much of the permanent and temporary use of the park falls outside of areas protected by these statutes and provisions. The FEIS is therefore silent on whether these areas will be replaced or otherwise mitigated. All areas within the park that are permanently used by the project must be replaced with land of "comparable value and function" per the 4(f) mitigation standard [§774.17, definition for *All Possible Planning*].
- The noise impact analysis for Mercer Slough appears based on an unsupported noise sensitivity line 350 feet from the project limit rather than analyzing the noise sensitivity of specific activities, features and attributes of the park that lay closer to the project. For example, the FEIS finds segments of trails near Bellevue Way not noise sensitive, but segments of the same trail farther from Bellevue Way are noise sensitive. Mitigation for noise, including the periodic noise events of bells, wheel squeal and track cross-over should be mitigated to levels appropriate for noise-sensitive land and water trail users of the park regardless of the trails' proximity to the project
- Sweylocken Boat Ramp access – as set forth in the FEIS, in at least one design alternative, access to the existing boat ramp becomes right in/right out only, resulting in users only being able to access the site from an off-ramp of I-90. Such degraded access is a significant impact and must be mitigated. This is not an issue if the project proceeds with the preferred alignment described by the Sound Transit Board on July 28, 2011.
- Parking and access during construction will be challenging to park users. The FEIS took steps toward addressing this temporary condition. A more detailed plan for temporary parking and detour routes for impacted trails and sidewalks is necessary.
- The Section 4(f) evaluation does not adequately address visual impact to and accessibility of the Overlake Blueberry Farm caused by certain alternatives. Current design plans show consolidated access points along Bellevue Way, with a new long road leading to the farm retail functions. Given the design of the preferred alternative at this location, Bellevue is concerned about visual impacts caused by the proximity of the elevated rail structure to the farm and trail head buildings as well as a perceived lack of access to those functions. Further, the loss of visibility of the farm from Bellevue Way will inhibit the viability of this location for farm-retail functions. Bellevue is currently exploring an alternative with Sound Transit for their preferred alternative that would fully address and mitigate these concerns.

Surrey Downs: Because of the ongoing discussions with Sound Transit impacting this portion of their preferred alternative in particular, Bellevue reserves the right to supplement comments regarding East Link's impacts on Surrey Downs. As described in the FEIS and detailed in Attachment A, Bellevue finds that the preferred alternative will not allow Bellevue to fully implement the adopted redevelopment plan for this park site. In addition, the calculated permanent use of the park is significantly understated and the proposed replacement property does not meet the 4(f) mitigation standard of "replacement land or facilities of comparable value and function" [§774.17, definition for *All Possible Planning*].

The addition in the FEIS of commitments to construct U-turn opportunities to mitigate for degraded right-in/right-out access addresses a significant concern of Bellevue for Surrey Downs. Bellevue also believes the mitigation offered for the anticipated temporary impacts to be sufficient. If the property replacement commitments were strengthened to the 4(f) standard, most of Bellevue's concerns would be addressed for this resource.

NE 2nd Pocket Parks: Bellevue believes the FEIS analysis of impacts and proposed mitigation sufficient for this resource.

McCormick Park: Bellevue's letter conveying preliminary views of 4(f) impacts published in the DEIS adequately conveys Bellevue's ongoing concern about the insufficient property replacement proposed to mitigate impacts to McCormick Park. As these impacts are no longer part of the preferred alternative, no further comment is necessary.

The Least Overall Harm Analysis—Summary

Bellevue has significant concerns regarding the Least Overall Harm Analysis included in the FEIS. Bellevue believes that:

- The Least Overall Harm Analysis is not complete;
- It does not always respect the preservation purpose of the statute; and
- Sections of the analysis are conclusory with little or no factual or analytical support provided.

The Least Overall Harm Analysis is Incomplete

The Section 4(f) approval process states that in the absence of a feasible and prudent avoidance alternative, the "Administration may approve only the alternative that causes the least overall harm in light of the statute's preservation purpose" [§774.3(c)]. The comments on this regulation in the Final Rule issued March 12, 2008 and in guidance and handbooks published since codification appear to presume that the Least Overall Harm analysis would lead to the identification of a single "least harm" route alternative.

The 4(f) analysis published with the East Link FEIS stops short of this by narrowing a field of 35 route combinations to eleven and concluding that these eleven "are equally the alternatives with the least harm." Beyond a logical conclusion that there *must* be substantive differences to be found among *eleven different route alternatives*, the lack of focus on a single least-harm alternative provides little ability for Bellevue or to the public as to review precisely how the preservation purpose of Section 4(f) would be satisfied by the East Link project.

Further, the lack of a single least-harm alternative, appears to interfere with completion of the second phase of the Least Harm Analysis, which is a description of how the "*alternative selected* must include all possible planning, as defined in §774.17, to minimize harm to Section 4(f) property" [§774.3(c)(2)]. (Emphasis supplied.) The Final Rule comment for this section states:

The selection of *an alternative* pursuant to paragraph 774.3(c) is not in itself a Section 4(f) approval and does not complete the evaluation process. After *the alternative is* selected, the additional step of identifying, adopting and committing

to measures that will minimize the harm to the Section 4(f) property must be documented before Section 4(f) approval can be granted. (Emphasis supplied.)

It may be that Sound Transit and FTA propose to complete this mandatory step of the 4(f) process on the preferred alignment alternative (B2M-C9T) selected by the Sound Transit Board on July 28, 2011. It is unclear how and when this portion of the analysis will be performed, but Bellevue believes that its participation in identifying methods to avoid and minimize harm, and to confirm that "all possible planning" has occurred is critical. Bellevue looks forward to coordinating with Sound Transit and FTA on identifying "all possible planning" to avoid, minimize and mitigate impacts to parks resources before the Section 4(f) approval is granted.

If in fact the identification of multiple "least harm" alternatives is consistent with Section 4(f), then the analysis of how FTA/Sound Transit have incorporated all possible planning for each alternative will be a lengthy and complicated process. Bellevue stands ready to discuss in more detail the concerns included in Attachment A, which could form the basis of such a planning effort. In addition, if multiple least harm alternatives are identified in the final 4(f) analysis, Bellevue believes that alignment alternatives including B7 may be at least as protective of 4(f) resources as some of the combinations currently identified as "least harm." The City of Bellevue prepared its own study of potential modifications to B7 to improve this alignment; some features of the B7-revised alignment developed by the City may be worthy of further exploration for purposes of determining whether the revisions are material to a 4(f) analysis.

The Least Overall Harm Analysis Fails to Give Weight to the 4(f) Preservation Purpose

The guidance provided by FHA and FTA in the March 12, 2008 Final Rule repeatedly states that the balancing of the seven factors included in the Least Harm Analysis "must be done with a 'thumb on the scale' in favor of protecting Section 4(f) properties". This statement is entirely consistent with both the intent and requirements of the statute.

Bellevue is concerned that this weighing factor in favor of preservation may not have been adhered to in the analysis, because, among the eleven alignment combinations that are identified as having essentially equal "least harm," the impacts to protected resources are significantly different. For example, some of the eleven combinations completely avoid resources such as Surrey Downs Park or the F.W. Winters House, yet all are deemed equal in the final conclusion. If the resource protective factors are given the weight required by the Final Rule it is not clear how an alignment that *completely avoids impacts* to a resource could be *equal to* one that does not. At the very least, the analysis that leads to such a conclusion should be set out in detail.

There are also cases where route combinations (such as those associated with B7) present fewer impacts to the protected activities, features and attributes of 4(f) properties identified in factors (i) through (iv), but are deemed to have higher overall harm due to performance in the remaining factors (v) through (vii). Again, this determination is made without an analysis of how the remaining factors outweigh the greater 4(f) impacts that the proposed least harm routes present.

The Least Harm Analysis is in-part Based on Unsupported Conclusions

Of the first four factors of the Least Harm Analysis (those that support the preservation purpose of the statute), Bellevue disagrees with at least part of each conclusion reached.

We discuss the reasons for our disagreement with the analysis of each factor below.

Factor 1: Ability of the Alternative to Mitigate Adverse Impacts to Each 4(f) Property

Factor 2: Relative Severity of Remaining Harm, after Mitigation

As more fully described in the previous section of this letter, Bellevue finds that the East Link FEIS did not disclose all impacts to 4(f) protected resources and in general terms minimized the impacts that were disclosed. This has led to insufficient mitigation proposals that result in remaining harm to the resources. By extension, Bellevue then does not agree with analysis presented for these two factors that some protected resources are left in an improved state by the various route alternatives.

An example is the analytical treatment given to Mercer Slough Nature Park in Factor 1. After listing the activities and features of the park potentially impacted by the project, including Winters House, the blueberry farm, the trailheads, Swaylocken boat launch, and parking for these facilities, the FEIS states that “many of those facilities that would be most affected along the west side of Mercer Slough Nature Park are not core park functions.” Bellevue disputes this conclusion and finds it inaccurate and contrary to our consistent feedback throughout the process. No communication from the City of Bellevue or adopted policy document supports the conclusion that the above listed activities and attributes of the park are less than core functions.

The same section concludes that “there is no unmitigated harm to park resources for any alternatives that affect Mercer Slough Nature Park.” Bellevue does not agree with this conclusion nor similar conclusions drawn for Surrey Downs Park.

The full analysis required by 4(f) cannot be avoided by defining some activities and uses as being “core park functions” or “closely aligned with the goals and purposes of [the park]” and others as not. Bellevue’s formally adopted policies for the use and development of these parks make no such distinction. Bellevue has jurisdiction over these parks and its determination as to which activities and uses are significant should be taken into account in the 4(f) analysis.

Bellevue believes that many of the route combinations *could* meet the intent of these two factors, mitigating adverse impacts and minimizing remaining harm to the resources. However, that can only be accomplished with an accurate accounting of potential impacts to protected resources, paired with appropriate mitigation—that is, *after* “all possible planning” to minimize harm has been done.

Factor 3: Relative Significance of Each Section 4(f) Property

Similar to Factors 1 and 2, the content of discussion in Factor 3 appears aimed at diminishing the significance of sections of Mercer Slough Nature Park and Surrey Downs Park.

The conclusion that all uses of Mercer Slough Nature Park adjacent to Bellevue Way are “not as closely aligned with the principal goals and purposes of this resource and are therefore, not as significant” is inconsistent with Bellevue’s planning documents and feedback to date. For Surrey Downs Park, the assertion that “approximately 4.9 acres of the 11.4-acre site are currently used as park” should not be the final analysis under 4(f), which requires consideration of both current and planned uses. In addition, this statement is internally inconsistent with the park impact analysis in the FEIS.

After acquiring Surrey Downs Park from King County in 2005, Bellevue has invested in a master plan to redevelop the park, funding for which was included in a 2008 park levy approved by Bellevue voters. This master plan and the activities therein include the entire footprint of the park and are part of a single planned action. Bellevue acknowledges that the current use of the building for the District Court is not protected under Section 4(f), however, all land within the park (both currently developed and to be developed as park) is highly significant and worthy of a full analysis under the protective rubric of Section 4(f).

Factor 4: View of the Official(s) with Jurisdiction of Each Section 4(f) Property

The analysis in this section concludes that the City of Bellevue “has indicated that other considerations... are generally more important to the City than avoiding impacts to these resources.” Again, an analysis factor intended to support the preservation purpose of the statute is used to minimize and under-value the resources. How Bellevue ranks park and historic preservation among other kinds of impacts of concern to Bellevue and its citizens is not the intended focus of this factor.

This section of the least harm analysis is intended to describe the determination of the official with jurisdiction over each protected resource. The current analysis for this factor does not include the views of the City of Bellevue, which have been repeatedly stated both in writing and in oral communications with Sound Transit and the FTA. The analysis does not acknowledge or reflect the conclusions of consultation meetings between the City of Bellevue and Sound Transit regarding potential park impacts and proposed mitigation. Also not referenced in this section are official letters with specific and in some cases line-by-line comments on impacts to each protected resource. These include the following letters (identified by date):

- October 21, 2008 (This letter was provided at the invitation of Sound Transit to include Bellevue’s preliminary views of all potential resources and impacts and was published in the DEIS. This letter is briefly referenced in the analysis for this factor to describe one impact to McCormick Park, but no other views of any other resource are included);
- February 29, 2009 (technical comments to the DEIS);
- January 10, 2011 (technical comments to the SDEIS); and
- May 23, 2011 (Section 106 comment letter specific to Winters House impacts).

Without reference to the views expressed in these letters and meetings, the representation of Bellevue’s views of each protected resource is incomplete and potentially inaccurate.

The analysis for this factor concludes that, “the City [of Bellevue] appears to indicate that mitigation is appropriate for all of the potential impacts and that none of the potential impacts is so severe as to interfere with the fundamental goals and objectives for each Section 4(f) resources.” This letter and Bellevue’s prior record of comments referenced above demonstrate a significant misunderstanding of Bellevue’s views.

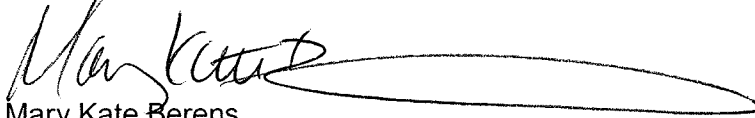
The analysis also fails to identify Washington State Parks as an Official with Jurisdiction over Mercer Slough Nature Park. Parts of this park are co-owned and are subject to an operating agreement between Bellevue and State Parks. These areas include parts of the park that could be impacted by Bellevue Way alternatives. Washington State Park’s ownership status is known to Sound Transit and it is a significant procedural error to omit this stakeholder from the process.

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As previously expressed in this letter, Bellevue does not reject the possibility that potential impacts can be mitigated to a level acceptable to Bellevue. In fact and as stated above, Bellevue is hopeful that its ongoing negotiations with Sound Transit will reach such a result. However, those impacts must be accurately identified and "all possible planning" done to make sure that those impacts are fully mitigated and the requirements of 4(f) satisfied. Neither of these critical steps in the process has yet occurred with respect to Mercer Slough Nature Park, Surrey Downs Park or McCormick Park.

Bellevue appreciates the volume of work and analysis that has occurred to date in support of the East Link Project. Bellevue has a long history of participating fully in that process, and continues to express our commitment to partner with Sound Transit to make East Link a regional asset. We are confident that that same commitment will carry through to resolving our concerns about the 4(f) analysis outlined here in a manner that supports Sound Transit's overall goals for the project, Bellevue's responsibility to ensure that its parks are appropriately addressed, and FTA's obligations under Section 4(f).

Sincerely,
CITY OF BELLEVUE
LORI M. RIORDAN, CITY ATTORNEY



Mary Kate Berens
Deputy City Attorney

Enclosure

Cc: Bellevue City Council
Steve Sarkozy, Bellevue City Manager
Joni Earl, Executive Director, Sound Transit (via electronic mail only)
Perry Weinberg, Director, Sound Transit Office of Environmental Affairs and Sustainability (via electronic mail only)
James Irish, Deputy Director, Sound Transit Office of Environmental Affairs and Sustainability (via electronic mail only)
Steve Sheehy, Sound Transit Legal Counsel (via electronic mail only)
Lori Riordan, City Attorney (via electronic mail only)
Diane Carlson, Intergovernmental Affairs Manager (via electronic mail only)
John Witmer, Community Planner, FTA (via electronic mail only)

Attachment A
Bellevue Comments on Park Impact Mitigation Proposals (Table D-1 or 4.17-8)

Ref	FEIS Statement	Comment
Table D-1, page D-6	<p>For Mercer Slough Nature Park (MSNP), mitigation for permanent replacement land is "land... consistent with the natural character of the park."</p>	<p>Bellevue continues to prefer use of the phrase : "provide replacement land of comparable value and function." This concept is used in the regulations for both Section 4(f) and Section 6(f) as a method to replace property converted from park to transportation use. ST used this phrase for King County Park replacement at Marymoor Park and would like the same phrase and replacement methodology used for all Bellevue parks used by the project.</p> <p>This should be applied to all areas of the park used by the project, not just those areas protected by Section 6(f) and State RCO grant conditions.</p> <p>Visual and potentially sound impacts of the elevated rail structure are not acknowledged at the blueberry farm site. Also, a more context sensitive design is needed for the retained fill parking pedestal at Winters House. Both of these impacts can be addressed by implementing Bellevue's mitigation design for Mercer Slough.</p>
Table D-1, page D-7	<p>For permanent mitigation proposed for Surrey Downs Park, ST will provide: "replace impacted acreage with acquired properties north of the park"</p> <p>"design treatments of the retaining wall and fence along 112th" at the park.</p> <p>Provide u-turns to mitigate for right-in, right-out only access to the park.</p> <p>0.5 acres of permanent impact and 0.5 acre of temporary impact is calculated for C9T</p>	<p>The remnant strip of land along 112th may not be suitable for public access. Bellevue prefers the phrase "replacement land of comparable value and function" as it is more consistent with the 4(f) regulation and more flexible.</p> <p>This is not park mitigation. The retaining wall will not be visible from the park, nor will the road built through the park (for C9T) that requires a retaining wall actually access the park. This may be general mitigation for the community, but is not park mitigation.</p> <p>This is a mitigation measure newly added for the FEIS.</p> <p>Bellevue has consistently disagreed that the 0.5 acre of temporary impact (island created by the new road through the park) can continue to function as viable recreation land. It is separated by the new road and separated by a grade change of up to 20 feet. The permanent impact should include this area and total 1.0 acre</p>
Table D-1, page D-8	<p>NE 2nd Pocket Parks</p>	<p>Mitigation proposed is appropriate and acceptable.</p>

Ref	FEIS Statement	Comment
Table D-1, page D-9	McCormick Park	Belleuve has asked ST to be open to replacing land taken from McCormick park with land in another location (rather than their proposal to add land to the adversely impacted existing park). The Table D-1 mitigation language is not very clear, but the narrative portions of the FEIS show no indication of flexibility in this area.

Comments on Section 4(f) Narrative Sections of Appendix D

For reference, these comments are titled. The **Under-reporting or minimizing impacts** title points out areas of disagreement over level of potential impact by project alternative. The **Consistency with 4(f)** title refers to areas where application of the 4(f) regulatory steps may be lacking in some manner.

Ref	FEIS Statement	Comment
D-16	Third paragraph – “consolidating access points might be considered a benefit to the park...”	Under-reporting or minimizing impacts. Belleuve does not support this conclusion
D-16	Fourth paragraph – “I-90 trail and other MSNP trails would not be affected.”	Under-reporting or minimizing impacts. There are significant temporary impacts cause by construction and long-term closure of many of the facilities that serve these trails, including parking, restrooms and trailheads. There are also permanent impacts (disputed) to trails north, east and south of the park and ride caused by visual and noise intrusions of the elevated rail and parking structure.
D-16	Fifth paragraph – noise	Under-reporting or minimizing impacts. ST makes a distinction between “active recreation uses” that are not noise sensitive and “passive recreation uses” that are noise sensitive. For MSNP, they make a broad conclusion that the park’s “interior” is passive, therefore noise sensitive, but located too far away from the facility to be impacted. No line between what is interior or exterior is provided. When walking a trail, when does one go from noise sensitive to not noise sensitive?
D-16	“The project would not be seen in most parts of Mercer Slough Nature Park...”	Under-reporting or minimizing impacts. All park users will have to cross over or under the rail facility to access the loop trails, boat launch, Winters House, blueberry farm and farm stand.

D-16	Eighth paragraph – construction impacts.	<p>Under-reporting or minimizing impacts. While it likely resides in some other volume of the FEIS, the 4(f) Analysis makes no mention of the 3-5 year temporary closure period for Winters House, the Blueberry Farm and Bellevue Way parking and trailhead facilities.</p>
D-18	"Constructing Preferred Alternative B2M" would not substantially affect park use or diminish its value..."	<p>Under-reporting or minimizing impacts. Consistency with Section 4(f). Perhaps this is leftover text from the SDEIS when ST was attempting to classify B2M and MSNP as a de minimis use. In the FEIS, B2M (and all other alternatives) are defined as a 4(f) use, which means that they do affect the park use. On a temporary basis, even with the mitigation proposed, the park use is substantially affected by being closed to the public for 3-5 years.</p>
D-18	"This portion of the park, the I-90 trail... would likely be intermittently closed to public access during construction of B7."	<p>Consistency with Section 4(f). The I-90 Trail is rightly not listed as a 4(f) resource as it is technically transportation and not a recreation facility. However, it is only exempt from 4(f) as long as the trail is not interrupted. If the trail is interrupted, it would become 4(f) protected. In any regard, detours should be offered by ST, rather than straight closure. This is particularly important for the I-90 Trail as detours around the section they refer are highly problematic.</p>
D-20	Winter House	<p>Under-reporting or minimizing impacts. The National Register Nomination form acknowledges that the overall 14 acre parcel, which by default would have been included with the historic designation, no longer retains historic integrity. The 50 foot area around the house is not intended to preserve historic landscaping, but to provide a minimal area of protection around the house to retain what little is left of the residential setting. As such, the boundary should be respected regardless of the historic accuracy of the landscaping.</p> <p>ST has determined that the only adverse affect of the project to the Winters House is temporary during construction. Several monitoring measures are proposed to minimize construction related impacts. No long-term impacts are proposed and no mitigation is offered to monitor the house for long-term or unforeseen impacts caused by the proximity of the rail to the house.</p>
D-23	"As a result of these measures, the potential impacts to the Winters House are mitigated, while also benefitting the resource."	<p>Under-reporting or minimizing impacts. Bellevue cannot agree that Winters House benefits under all route alternatives without additional consideration of impacts and mitigation as described in previous communications from Bellevue.</p>

D-25	Surrey Downs under C9T: "This [impacted] area of the park is characterized by steep slope and trees... a vehicle entrance and parking lots..." <then later in the same paragraph> "The new linear park would replace the impacted area in Surrey Downs Park, which is primarily passive open space."	Under-reporting or minimizing impacts. The impacted area to which they refer is primarily parking and vehicle access, not open space. So, the replacement of park and court parking with a landscaped ribbon of land with no public access is not like for like. No discussion is made of how or where new parking would be located to make up for the loss of spaces removed by the project.
D-38	Under section D.5.2: "Through consultation with local jurisdictions and interested parties, minimization and mitigation measures have been developed and incorporated into the project, which resolve the impacts [to Winters House]."	Under-reporting or minimizing impacts. The implication that the City of Bellevue or other groups like Eastside Heritage Center or Washington Trust for Historic Preservation agree with this statement is not accurate.
D-42	"For most Seg. B alternatives along Bellevue Way in the EIS, the affected park area consists largely of open grass, paved sidewalks and paths with some natural vegetation."	Under-reporting or minimizing impacts. This is not a complete or accurate description.