

Subject: RE: Recent action with regard to Mercer Slough in Bellevue, resolution 2014-32
From: "Cottingham, Kaleen (RCO)" <Kaleen.Cottingham@rco.wa.gov>
Date: 11/20/2014 7:00 AM
To: John Niles ti
CC: "Loosle, Wendy (RCO)" <wendy.loosle@rco.wa.gov>, "Barker, Myra (RCO)" <Myra.Barker@rco.wa.gov>

The board tabled their decision until their next meeting, which is in April.

From: John Niles
Sent: Wednesday, November 19, 2014 11:53 PM
To: Cottingham, Kaleen (RCO)
Subject: Recent action with regard to Mercer Slough in Bellevue, resolution 2014-32

Ms. Cottingham:

I understand from an RCFB agenda and from friends that the attached RCFB resolution 2014-32 (extracted by me from the rco.wa.gov website) was considered on October 30, 2014 and official Board action was taken.

If my understanding is correct, I kindly request that you please provide me an electronic copy of the attached page with the annotations of action filled in on the bottom blank lines on the page.

If that is not possible, please, provide me with your written description of the action that was taken on this resolution in late October.

If the Resolution was deferred, please indicate the future date when it will next be considered.

Thank you.

Cordially,

John Niles
Citizen resident of Washington State
Seattle, WA 98199
206-781-4475

From: DR DONALD S DAVIDSON [<mailto:dondavidsondds@msn.com>]

Sent: Thursday, October 23, 2014 9:08 PM

To: Barker, Myra (RCO)

Subject: Letter for The Recreation And Conservation Funding Board

Don Davidson, DDS
12133 SE 15th Street
Bellevue, WA 98005-3821

October 23, 2014

Ms. Myra Barker
Compliance Specialist
Recreation and Conservation Office
PO Box 40917
Olympia, WA 98504

RE: Considerations Regarding the Proposed Mercer Slough Nature Park Land Conversion

Dear Ms. Barker:

I am writing to provide background that I ask be made available to the members of the Recreation and Conservation Funding Board for their review prior to their consideration of the request before the Board for approval of a land conversion within the Mercer Slough Nature Park, in the City of Bellevue.

Let me first provide brief background on my long involvement in the creation of the Mercer Slough Nature Park. I served as a member of the Bellevue City Council for a total of 26 years between 1984 and 2013. I also served as our City's Mayor in the years 1994 - 1995, and 2010 - 2011.

The creation of the Mercer Slough Nature Park, as an environmental jewel within our City of Bellevue, was a matter in which I was extensively involved. I remember intimately the details of the transaction between the State of Washington, the National Park Service, and our City, that brought the Mercer Slough Nature Park into reality. I provided leadership in the creation of the Park because I considered this beautiful natural environment to be truly unique in our region, and because I wished to see it preserved for all the future of our region's citizens.

I also have provided leadership in another capacity in our Seattle region that intimately involves the preservation of the Mercer Slough Nature Park, its waterways and wetlands, and other aspects of its natural environs. I have served as Vice Chairman of the Puget Sound Salmon Recovery Council during the last six years, and I was Chairman of the Lake Washington, Lake Sammamish and Cedar River Salmon Recovery Council during the same time period. My colleagues in the Salmon Recovery efforts consider the Mercer Slough Nature Park, and its upstream Kelsey Creek Watershed, to be pre-eminent among all the salmon spawning areas in the greater Seattle area. It is essential that the Mercer Slough Nature Park waterways and wetlands not be compromised in any way such that this extremely important salmon propagation environment would be destroyed.

I am well aware of the extensively documented potential for permanent damage to the wetlands and waterways that will ensue throughout the western half of our Mercer Slough Nature Park due to placement of the Eastlink Rail line as proposed by Sound Transit. This damage includes dewatering of the wetlands between the Mercer Slough and the Bellevue Way and 112th Avenue roadways. Serious exposure is also expected with respect to drainage of contaminated water runoff from the rail line roadbed.

The Mercer Slough waterway functions will be permanently damaged by such runoff, thereby impeding the passage of several spawning salmon species that have been extensively documented to be present throughout the Mercer Slough

area. The Mercer Slough is the only way in which returning spawning salmon can reach the upstream Kelsey Creek Watershed areas where salmon eggs are extensively laid.

Sound Transit's plan will likewise permanently destroy many hundreds of trees, and totally eliminate other vegetation and flora and fauna that are essential to the character of the western half of Mercer Slough Nature Park and that also provide essential nutrients for the returning salmon.

In addition to these critical environmental factors, there are still other reasons for the Recreation and Conservation Funding Board to reject the proposed land conversion plan. The boundary definition of the Mercer Slough Nature Park always intended the inclusion of the lands now being proposed to offset the takings of Mercer Slough Nature Park property by Sound Transit for construction of the train line facility.

It was only through oversight by my fellow City leaders and by myself, and of our City's executive staff, that the acquisition of the Moon-Ross property had not been concluded early on during the creation and development of the park. Funds were received by our City from the National Park Service and the State of Washington to complete the purchase of the Moon-Ross property, but were never applied for this purpose. In fact, it seems that they were even converted to another purpose by our City without the proper advice and understanding of myself, or others of my colleagues on the Council early in the past decade.

It is disingenuous for our City staff to now claim that the recent purchase of the Moon-Ross property should in any way satisfy the Federal Section 4f requirements for offsetting the taking of other federally protected lands by Sound Transit. Rather than increasing, when yet even preserving the total amount of our Mercer Slough Nature Park land property, any action to authorize the proposed land conversion will actually reduce the total amount of the Mercer Slough Nature Park property as it was originally expected to be established by our City, by the National Park Service and by the State of Washington.

Finally, there is one other very important piece of background that the Board must consider. Sound Transit has other good options for bringing the rail line into our City from I-90. While serving as our City's Mayor during 2010-2011, I repeatedly requested of Sound Transit that they consider implementing a bored tunnel placement of the rail line that would completely avoid any exposure of the Mercer Slough Nature Park environs. Sound Transit has never provided any definitive findings as to why such a rail line placement is not feasible from an engineering perspective or a cost perspective. Sound Transit has now gained extensive and highly successful experience in the use of bored tunnel placements in the City of Seattle, through areas even more challenging than that within our City.

I urge the Recreation and Conservation Funding Board to reject the requested land conversion proposal in its entirety.

Sincerely yours,

Don Davidson, DDS

Sent from Windows Mail

**Recreation and Conservation Funding Board
Resolution 2014-32
Approving Conversion for Mercer Slough Nature Park
(RCO Projects #73-026 and 78-513)**

WHEREAS, the City of Bellevue and Washington State Parks and Recreation Commission used state bond funds and a grant from the Land and Water Conservation Fund (LWCF) to acquire land to expand the Mercer Slough Nature Park; and

WHEREAS, the construction of Sound Transit's Light Rail project will convert of a portion of the property; and

WHEREAS, as a result of this conversion, a portion of the property no longer satisfies the conditions of the RCO grant; and

WHEREAS, the city is asking for Recreation and Conservation Funding Board (board) approval to replace the converted property with property purchased under a waiver of retroactivity; and

WHEREAS, the proposed replacement property is in close proximity to the conversion sites, has an appraised value that is greater than the conversion site, and has greater acreage than the conversion sites; and

WHEREAS, the site will provide opportunities that closely match those displaced by the conversion, will consolidate public ownership in the park's overall boundary, and meets needs that have been identified in the city's comprehensive plan as acquiring land adjacent to existing community parks, expanding wetland preservation of wildlife habitat, thereby supporting the board's goals to provide funding for projects that result in public outdoor recreation purposes; and

WHEREAS, the sponsor sought public comment on the conversion and discussed it during an open public meeting, thereby supporting the board's strategy to regularly seek public feedback in policy and funding decisions;

NOW, THEREFORE BE IT RESOLVED, Recreation and Conservation Funding Board approves the conversion request and the proposed replacement site for RCO Projects #73-026 and 78-513 as presented to the board in October 2014 and set forth in the board memo prepared for that meeting; and

AND BE IT FURTHER RESOLVED, that the board hereby authorizes the RCO director to give interim approval for the property acquired with LWCF funds and forward the conversion to the National Park Service (NPS) for final approval.

Resolution moved by: _____

Resolution seconded by: _____

Adopted/Defeated/Deferred (underline one)

Date: _____

Recreation and Conservation Funding Board Briefing Memo

APPROVED BY RCO DIRECTOR KALEEN COTTINGHAM

Meeting Date: October 2014

Title: Conversion Request: City of Bellevue, Mercer Slough Phase 1, #73-026A and Mercer Slough #78-513A

Prepared By: Myra Barker, Compliance Specialist

Summary

The City of Bellevue and State Parks are asking the board to approve a conversion of 1.06 acres at Mercer Slough Nature Park. The conversion is due to the Sound Transit East Link light rail project, which will impact a portion of the western edge of the park.

Board Action Requested

This item will be a:

<input checked="" type="checkbox"/>	Request for Decision
<input type="checkbox"/>	Request for Direction
<input type="checkbox"/>	Briefing

Resolution: 2014-32

Conversion Policy

The projects that are the subject of this memo have funding from the Land and Water Conservation Fund (LWCF) and Washington state bond funds¹, respectively. As a result, both the Land and Water Conservation Fund Act² and the Recreation and Conservation Funding Board (board) set rules and policies for addressing the proposed conversion:

- Use of LWCF grant funds creates a condition under which property and structures acquired become part of the public domain in perpetuity.
- Board policy states that interests in real property, structures, and facilities that were acquired, developed, enhanced, or restored with board funds, including state bond funds, must not be changed (either in part or in whole) or converted to uses other than those for which the funds were originally approved without the approval of the board.
- The RCO project contract provides additional protections from conversion.

However, because needs and values often change over time, federal law and board policy allow conversions of grant funded property under carefully scrutinized conditions. If a LWCF or state-funded project is converted, the project sponsor must replace the converted interests in real property, structures, or facilities. The replacement must have at least equal market value and have reasonably equivalent recreation utility and location.

¹ Funding was from Referendum 28, RCW 43.83C

² Title 36, Chapter 1, Part 59 - Land and Water Conservation Fund Program of Assistance to States; Post-Completion Compliance Responsibilities

The Role of the Board

Because one of the projects was partially funded by the federal LWCF, the role of the board is to decide whether to recommend approval of the conversion to the National Park Service (NPS). To do so, the board evaluates the list of practical alternatives that were considered for the conversion and replacement, including avoidance, and considers if the replacement property has reasonably equivalent recreation utility and location. The NPS has the legal responsibility to make the final decision of whether or not to approve this conversion related to the LWCF project.

Under current policy the board does not have the ability to accept other types of mitigation, levy additional penalties, or dictate the future use of the property being converted.

Background

The projects in question are #73-026A, Mercer Slough Phase 1 and #78-513A Mercer Slough.

Project Name:	Mercer Slough Phase 1	Project #:	73-026A
Grant Program:	Referendum 28 (bond funds) Land and Water Conservation Fund	Board funded date:	May 23, 1971
LWCF Amount	\$ 410,874.66	Original Purpose: This project acquired about 60 acres to preserve a natural peat bog ecosystem.	
Referendum 28 Amount	\$ 205,437.33		
Project Sponsor Match	\$205,437.33		
Total Amount:	\$ 821,749.32		

The City of Bellevue used the Mercer Slough Phase 1 grant in 1975 to acquire approximately 60 acres for a nature park. This park is now called Mercer Slough Nature Park.

Project Name:	Mercer Slough	Project #	78-513A
Grant Program:	Referendum 28 (bond funds)	Board funded date:	May 23, 1971
Referendum 28 Amount	\$ 206,000	Original Purpose: This project acquired about 24 acres.	
Project Sponsor Match	\$206,000		
Total Amount:	\$ 412,000		

State Parks used the Mercer Slough grant in 1981 to acquire approximately 24 acres to expand the Mercer Slough Nature Park.

The City of Bellevue and State Parks formed a partnership in the 1970's to maintain an ecological resource in an urban area. Mercer Slough Nature Park was created and the agencies established an inter-local agreement for the operation and maintenance of the park.

The City of Bellevue is the lead agency for the conversion approval process for these two projects. At the city's request, the Washington State Parks and Recreation Commission has approved the transfer of all of State Parks' interests in Mercer Slough to the City of Bellevue. Final property transfer negotiations are underway.

Mercer Slough Nature Park is the largest of Lake Washington's remaining freshwater wetlands and is one of Bellevue's largest parks, with over 320 acres of wildlife habitat, agriculture, and freshwater wetland ecosystems. It serves as a regional park for the greater Puget Sound (Attachment B). The park offers about seven miles of trails including a canoe trail and opportunities for environmental education and wildlife viewing.

Since the original grants to acquire property, RCO has made the following investment at the park:

- Mercer Slough Habitat, #91-225D, WWRP-UW, which constructed a trail bridge and trail and enhanced habitat by creating a pond and adding landscaping.

The Conversion

The conversion at the Mercer Slough Nature Park is caused by the expansion of Sound Transit Light Rail system from downtown Seattle to Redmond (Attachment C). A segment of the 18-mile East Link project will impact two areas on the western boundary of the park, creating a conversion (Attachment D). The light rail system will enter the park at its southwestern edge, near I-90, on an elevated structure to a station located at the existing South Bellevue Park and Ride. From the station, the rail proceeds north along western edge of the park, descending from elevated piers to a retained cut profile below the grade of Bellevue Way SE. The retained cut includes a 170 foot lidded trench section in front of the Winters House. The Winters House is listed in the National Register of Historic Places for its Spanish Eclectic style and its link with early agricultural activities in the area.

The light rail system will impact the board-funded sites in two separate locations on Bellevue Way SE, creating a conversion of 1.06 acres (Attachment D). The conversion areas are approximately 35 feet in width and approximately 530 feet in length at the northwest section; and approximately 35 feet in width and approximately 170 feet in length at the southern section. The conversion areas include both permanent acquisition and temporary construction easements. The temporary easements extend beyond the 180-day allowable timeframe,³ thereby creating a conversion.

The conversion areas are adjacent to Bellevue Way SE and the park's Periphery Trail sidewalk. The conversion areas are primarily grassy-sloped with vegetation and trees. Access to the blueberry farm operation and Winters House (neither part of RCO funded areas) will be temporarily closed during construction. A new access road will be built, slightly south of the existing access.

During construction, the park and trails will remain open to the public. Access will be available at points south of the blueberry farm operation, at the Swaylocken Boat Ramp, and on the park's eastern boundary along 118th Ave SE.

The remainder of the light rail system within the park area, approximately 2,410 linear feet, lies outside of RCO project boundaries.

Light rail construction is expected to begin in 2015 and be completed in 2019. The East Link light rail is anticipated to open in 2023.

³ LWCF and RCFB policy limits temporary non-conforming uses of funded sites to 180 days; exceeding 180 days creates a conversion. (Manual #7: Long-term Obligations)

Details of Proposed Replacement Property

Location

The proposed replacement property includes 6 acres located at 1865 118th Avenue SE, Bellevue. It is bordered by the city street to the east and Mercer Slough Nature Park to the north, south, and west.

The property consists of two parcels totaling 6.16 acres, however, the city is reserving 0.16 acres on the property's eastern edge adjacent to the city street as future right-of-way. (Attachments E).

Property Characteristics

The proposed replacement property is rectangular-shaped and contains significant wetlands on the westernmost parcel that borders Mercer Slough. It is unimproved and covered with vegetation. The city will preserve it as open space and wetland habitat that will provide a connection between previously separated parts of the park.

Analysis

When reviewing conversion requests, the board considers the following factors, in addition to the scope of the original grant and the proposed substitution of land or facilities.⁴

- All practical alternatives to the conversion have been evaluated and rejected on a sound basis.
- The fair market value of the converted property has been established and the proposed replacement property is of at least equal fair market value.
- Justification exists to show that the replacement property has at least reasonably equivalent utility and location.
- The public has opportunities for participation in the process.

Evaluation of Practical Alternatives

Sound Transit began formal planning for the East Link project in 2006 to expand light rail service from Seattle to Bellevue and Redmond. The East Link Extension was evaluated through the National Environmental Policy Act (NEPA) and the Washington State Environmental Policy Act (SEPA) review process. The City of Bellevue and Sound Transit executed a Memorandum of Understanding in 2011 which helped facilitate a formal collaborative design process. There were thirty-five alternatives considered for this segment. Although avoidance was considered, there were no feasible and prudent alternatives. A route that would avoid Mercer Slough Nature Park would have required either substantial property relocations or highly complex engineering to align the light rail corridor from its southern starting point near I-90.

The proposed replacement property was selected by the City of Bellevue based on the following factors:

- The property is an inholding within the overall park boundaries and provides a connection to two parts of the park that have been bisected.
- It provides for additional access to the park from its eastern edge.
- The replacement property is consistent with state and local plans.

⁴ Manual #7: *Long-term Obligations*

Evaluation of Fair Market Value

The conversion areas and replacement property have been appraised for fee title interests with market value dates that meet board policy.

	Conversion Property	Replacement Property	Difference
Market Value	\$495,000	\$633,120	+\$138,120
Acres	1.06 Acres	6 Acres	+4.94 Acres

Evaluation of Reasonably Equivalent Location

The replacement property is located within the overall park boundary in the northeastern part of Mercer Slough Nature Park.

Evaluation of Reasonably Equivalent Utility

The replacement property has similar characteristics as much of the slough, the nature park, and of the conversion areas. It is undeveloped open space consisting of wetlands, wetland buffers, and natural vegetation. The replacement parcel will provide similar utility with wetland habitat that attracts migratory birds and other wildlife.

Evaluation of Public Participation

Sound Transit is the lead agency for public participation in the East Link project National Environmental Policy Act (NEPA) environmental review process. The transit agency held numerous open houses, hearings, and workshops to gather public comment. The City of Bellevue also participated in the public outreach efforts.

The City of Bellevue published public notice on the conversion and proposed replacement property as required by board policy. A notice was published in the Bellevue Reporter newspaper. In addition, the city sent a notice via email to subscribers to the Bellevue Parks and Community Services Board on August 20, 2014, and posted the notice on the city's webpage for the Parks and Community Services Board. A notice was placed at the park's trailhead kiosks and at the Mercer Slough Environmental Education Center Visitor's Center. The Parks and Community Services Board held a public meeting on September 9, 2014. One comment was received during the comment period that opposed the proposed conversion. An additional six individuals commented as opposed to the proposed conversion after the comment period ended.

The comments are related to the following:

- The change in conditions that will occur along the west edge of the park where light rail will be constructed adjacent to Bellevue Way SE;
- A planned trail that was intended to connect to the park through an easement on private property cannot be constructed as it shared the same general footprint as the final rail alignment; and
- The City should have purchased the property now identified as the proposed replacement property after passage of a 1988 open space park bond.

The City responded to the public comments and the summarized response included:

- The changes in visual character, noise levels, tree loss, wetland impact, park user enjoyment and wildlife impacts were acknowledged and studied in the EIS process and subject to public comment at several phases of project design. This input led to design changes and mitigation

measures that have been agreed upon between the City, Sound Transit and many other state and federal regulatory agencies with jurisdiction over such impacts.

- The City did have a trail segment designed, in an area that is now taken by the final light rail alignment. This project was canceled by the City prior to construction to prevent a future conflict with one of alternatives identified in the light rail corridor;
- The property that was acquired this year and proposed as replacement for this conversion was identified as a desired acquisition in the 1988 open space levy. Many properties within Mercer Slough were acquired with those funds, but this particular property owner never agreed to sell, despite repeated efforts by the City, until this year.

Other Basic Requirements Met

➤ Same Project Sponsor

The replacement property will be administered by the same project sponsor (City of Bellevue).

➤ Satisfy Needs in Adopted Plan

The replacement property satisfies the needs as described in the City of Bellevue Parks and Recreation Comprehensive Plan by acquiring available land adjacent to existing community parks, specifically citing Mercer Slough Nature Park, and helping to expand those parks' capacity for passive recreation, wetland stewardship, preservation of wildlife habitat, and education.

➤ Eligible in the Funding Program

The replacement property meets eligibility requirements and was acquired under a state and federal waiver of retroactivity for the purpose of satisfying the conversion.

Next Steps

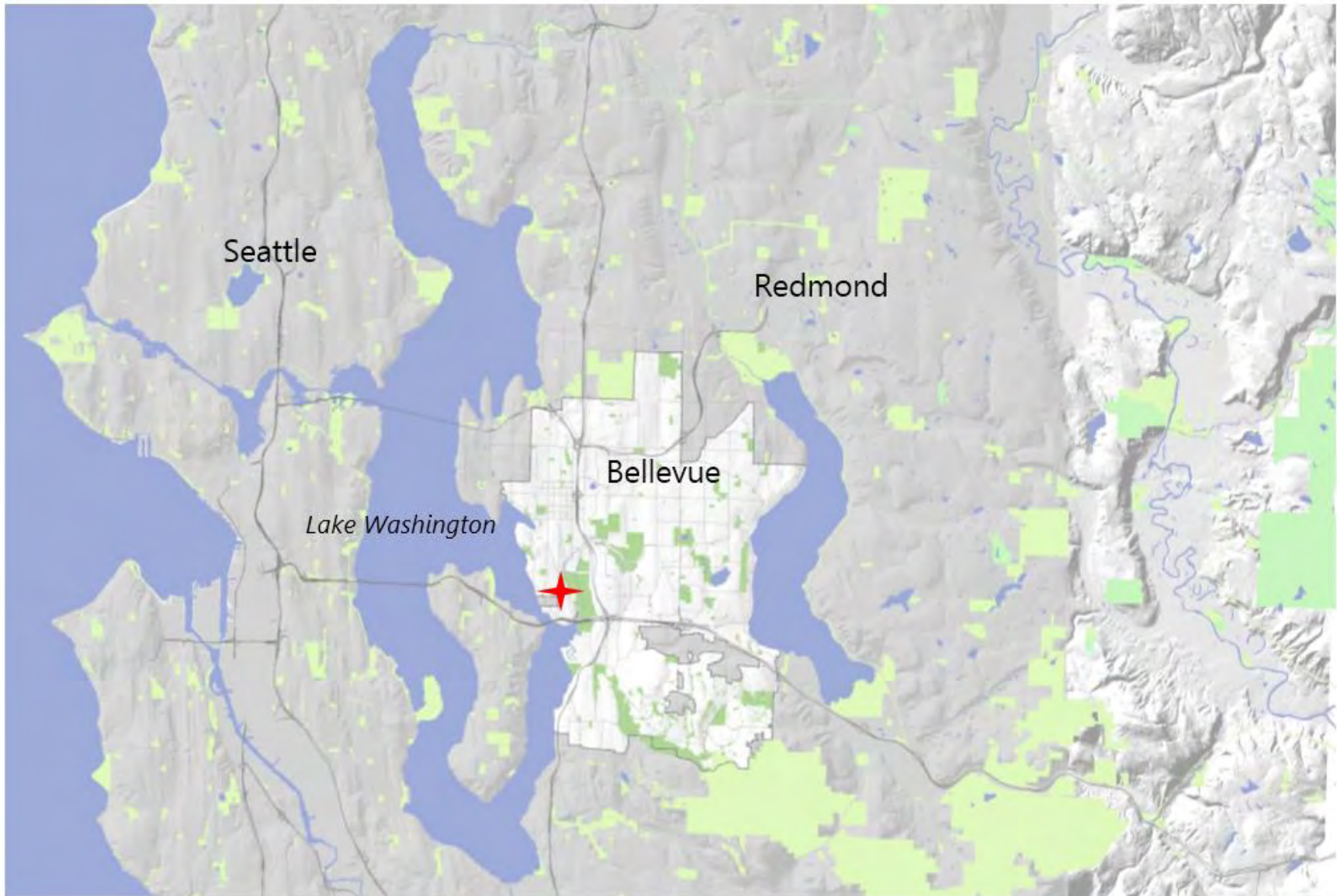
If the board chooses to recommend approval of the conversion, RCO staff will prepare the required federal documentation and transmit that recommendation to the National Park Service. Pending NPS approval, staff will execute all necessary amendments to the project agreement, as directed.

In addition, if the board chooses to approve the state-funded conversion, staff will execute all necessary amendments to the project agreement, as directed.

Attachments

- A. Resolution 2014-32
- B. Site Location Map
- C. Sound Transit East Link Route Schematic
- D. Sound Transit East Link Route Map along West Edge of Mercer Slough Nature Park; Detail Map of Conversion Location
- E. Maps of Proposed Replacement Property

Mercer Slough Site Location Map

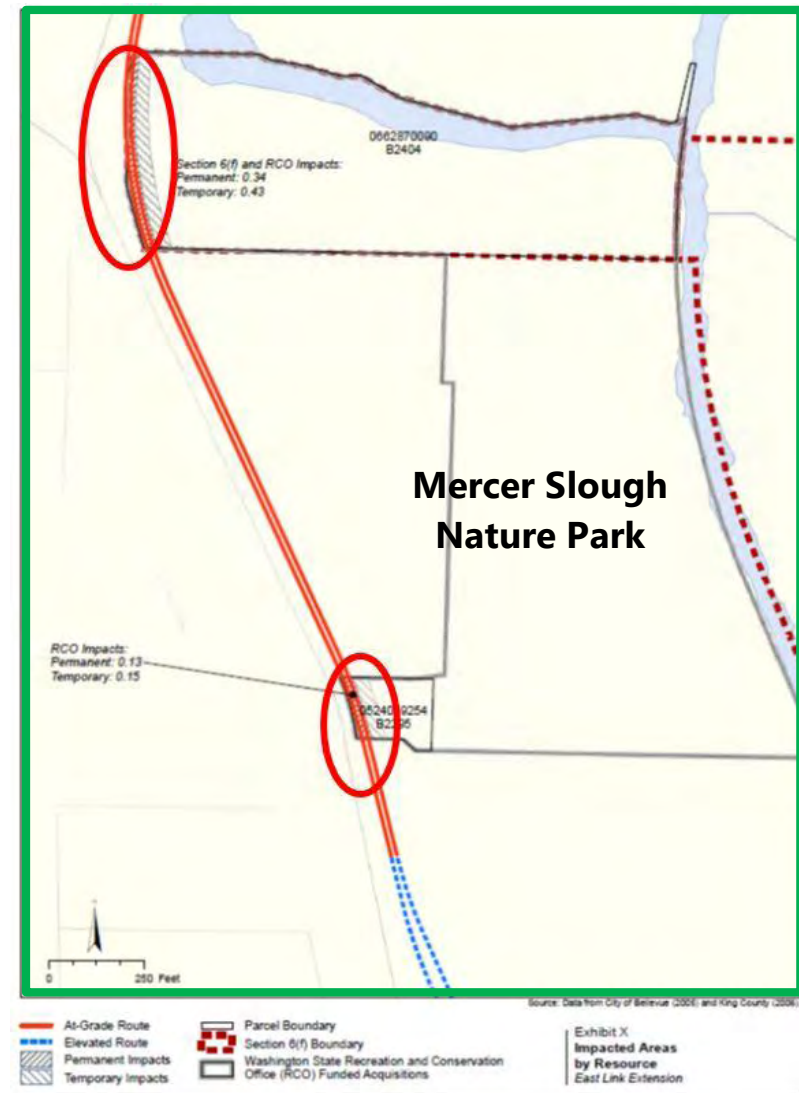


Sound Transit East Link Route Schematic



Note: Map is not drawn to scale. Green box indicates general vicinity of conversion area.

Sound Transit East Link Route Map along West Edge of Mercer Slough Nature Park; Detail Map of Conversion Location



Note: Green box on route map indicates general vicinity of detail map of conversion location. Conversion locations on detail map are circled in red.

Proposed Replacement Property



To:- Camron Parker, Bellevue, Parks staff, Bellevue, WA.

October 12th 2014

Cc:- Myra Barker, RCO Compliance Specialist, Olympia, WA.

Subject:- **Land Conversion in the “Mercer Slough Nature Park” for Light Rail.**

Mr. Parker,

Thank you for your response to my recent letters and communications with you. I do appreciate the offer that you have made to visit along the western boundary of the Mercer Slough - its most important perimeter and **Gateway** to the **Mercer Slough Nature Park**. I am very familiar with the Mercer Slough and its importance as a State wide wetland of significant importance. My Park friends and I have had many visits, explorations and discussions about the Park and of its importance as a State wide Regional Nature Park facility.

Your memo dated October 2, 2014 states that “... ***light rail and its associated infrastructure will have a visual character change from what exist today...***” This would appear to be a major understatement in what can only be described as a **disaster** for the entire western boundary of the **Mercer Slough Nature Park** should the proposed conversion be accepted (see page 4 for a true visual of what will be realized).

Your memo further states that the Eastside Heritage Center has stated that the “...***the trench [final alignment] remains our preferred option.***” This is misleading. Here comparison is being made between a ‘at surface alignment’ to a ‘sub-surface alignment’ while excluding other alignments such as the B7R, Tunnel or hybrid combinations of these alternatives. Additionally the computer simulated pictures of the proposed B2M alignment at the Winters House provides a false perspective, non-scalable picture of this proposal including many trees and vegetation that will be removed with this rail alignment.

Further you assert that the “...***Public access to outdoor recreation facilities will be retained during construction...***” This statement appears inconsistent with recent statements by the Bellevue Transportation staff to City Council and Neighborhood Leaders, that Bellevue Way will be reduced from 4 lanes to 2 lanes for extended periods and completely closed to traffic on several selected

weekends with the ‘Park and Ride’ and ‘Blueberry Farm’ facilities being **completely closed for a period of 4 years** during construction of this project. Also 112th Ave will also be subjected to closures with reduced capacity implication.

The City of Bellevue attorney stated in her memo dated August 29th 2011 on this subject “... ***Bellevue is concerned about visual impacts caused by the proximity of the elevated rail structure...***” Further the proposed relocation of the blueberry farm and parking facilities will result in additional losses of wetlands to achieve similar retail functions.

The City Attorney further states that “... ***Bellevue has significant concerns regarding the Least Overall Harm Analysis included in the FEIS...***” and that Bellevue believes that “... ***the Least Overall Harm Analysis is not complete...***” and that “... ***it does not always respect the preservation purpose of the statute...***” and “... ***sections of the analysis are conclusory with little or no factual analytical support provided...***”

The City Attorney continues that the Least Overall Harm Analysis is incomplete and states that “... ***the lack of focus on a single least-harm alternative provides little ability of Bellevue or to the public to review precisely how the preservation of Section 4(f) would be satisfied by the East Link project ...***” The attorney further states that “...***Bellevue finds that the East Link FEIS did not disclose all impacts to 4(f) protected resources and in general terms minimized the impact that were disclosed...***” Bellevue continues by stating “...***Bellevue disputes that ... many of the facilities on the West side of the Mercer Slough Park are not core facilities...***” Further Bellevue states that “... ***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 ... [and] ...is inconsistent with the Park impact analysis in the FEIS...***”

Significant ground water issues at the Winters House location are apparent. The ground water level is at 28 feet for a length of 1200 to 1400 feet. The low point of the LRT top rail elevation is at 22.6 feet. Thus, the proposed rail alignment will be some 5 feet below the water table. This issue raises concerns of the track underdrain system and the difficulty to provide a positive gravity system to drain the storm water. **Trenching across the wetland will be necessary to**

outfall the water. This may result in drawdown of the ground water table cutting off the water source that sustains the wetland vegetation, resulting in the wetlands to dry up and recede. The greatest **impact would be near the Winters House** with the wetland boundary gradually receding to the east causing a reduction in the wetland area. These issues will be exacerbated during construction of the trench. These findings are consistent with my memo re: the ROD to John Witmer FTA, dated August 15th 2011. The question that begs to be resolved is **what happened to the contents of Section 4.9.4.2 of the FEIS** and why wasn't this groundwater issue included in the FEIS, rather than the statement "... **storm water runoff would be explored...work with local jurisdictions to identify opportunities...**"

As previously noted in earlier communications **the property proposed for replacement is not of equivalent usefulness and location** as that being converted and is **not in a reasonably equivalent location**. The proposed replacement property **will not meet the same or similar recreation and farm needs** for the community as the converted site. Pursuant to RCO Manual 7, page 11, para 3, all alternatives for remediation of the conversion including avoidance, reference alignment B7R and Tunnel options (with hybrids) have not been **evaluated on a sound basis**. Further (same para) 5, justification that supports **the replacement site as reasonably equivalent recreation or habitat and location has not been meet** by the previously and earlier stated facts.

Additionally, the appraisal of the two partially converted sites valued at \$495,000 does not compensated for the **value loss** to the remainder of the site(s) that will be realized from visual blight, noise, loss of significant trees, wetlands loss and public access resulting from the approval of this conversion with respect to the **Mercer Slough Nature Park**. And further, **Federal Statutes** part 59.3 (1), (3), (5) of 36 CFR Ch.1 **are not satisfied** by this proposed conversion for the above stated reasons.

It is with these issues and the loss of a significant trail, loss of wetlands, loss of mature trees and vegetation, noise, visual blight, **lack of community support for the current light rail alignment** and destruction of the western boundary of the Mercer Slough Nature Park and the fact that suitable alternative alignments exist, that the **proposed land conversion should be denied**.

Further the 'Bellvue Park Board' should be actively involved in the conversion process consistent with the 1980's (and before) when it partnered with the community to promote and endorse purchases of the wetlands through Park Bond opportunities, securing the wetlands and helping to create the Mercer Slough Nature Park.

Sincerely

Geoffrey J.Bidwell

for 'Save the Mercer Slough Committee'

1600 109th Ave SE, Bellevue, WA 98004.

Phone (H) 425-453-9265

