



NORTHWEST ENVIRONMENTAL DEFENSE CENTER
10015 S.W. Terwilliger Blvd., Portland, Oregon 97219
Phone: (503) 768-6673 Fax: (503) 768-6671
www.nedc.org

August 16, 2013

SUBMITTED VIA EMAIL TO Gary.f.greene@uscg.mil

Mr. Gary Greene
CRC Project Officer
Thirteenth Coast Guard District, U.S. Coast Guard
915 2nd Ave. #2664
Seattle, Washington 98174

RE: Comments on the United States Coast Guard's Ongoing Review of the Interstate 5 Columbia River Crossing Bridge Permit Application, Docket No. USCG-2013-0286

To Mr. Gary Greene, CRC Project Officer:

Please accept these comments from the Northwest Environmental Defense Center ("NEDC") concerning recent developments on the Interstate 5 Columbia River Crossing ("Project"). NEDC submitted comments to the United States Coast Guard ("USCG") on March 1, 2013 and June 17, 2013, regarding the application for a Coast Guard Bridge Permit ("bridge permit") submitted by the Oregon Department of Transportation and Washington Department of Transportation (collectively, "CRC") on January 30, 2013. We recognize that the official comment period on the bridge permit application closed on June 20, 2013. Yet major changes since that time, in combination with the massive scope, overwhelming complexity and continuing controversy surrounding the project, warrant additional scrutiny from the public as well as the USCG. By submitting this third round of comments NEDC intends to focus the USCG's attention on some of the critical issues implicated by the recent developments related to the Project.

I. Recent changes indicate the CRC's requested bridge permit is unnecessary.

First and foremost, the entity collectively known as the CRC has been terminated. Washington's Governor Inslee and Oregon's Governor Kitzhaber each issued statements that Washington's legislature failed to approve the state funding necessary to continue the CRC. *See* Statement by Gov. Jay Inslee on the Senate Majority's failure to act on a transportation plan for Washington, June 30, 2013 (attached hereto as "Attachment A"); Governor Kitzhaber Statement on Failure of Transportation Package in Washington Legislature, June 29, 2013 (attached hereto as "Attachment B"). The Washington State Department of Transportation ("WSDOT") pledged to Washington State Representatives that it would shut down operations by September 1, 2013.

See Email from Lynn Peterson, Secretary of Transportation, WSDOT, to Washington State Representatives, July 12, 2013 (attached hereto as “Attachment C”). For a time, even the CRC’s own website stated on the homepage: “Columbia River Crossing project closure.” See Columbia River Crossing, *available at* www.columbiarivercrossing.org (last visited July 26, 2013). Given the statements by Oregon’s and Washington’s governors, WSDOT’s closures, and the lack of funding from the State of Washington, the CRC has been terminated and the USCG’s bridge permit is unnecessary.

Second, the CRC’s bridge permit application cannot be applied to other future projects in Oregon, as has been recently suggested. See, e.g., Richard Read, *Oregon-led Columbia River Crossing ups risks for state taxpayers, still includes light rail*, THE OREGONIAN, August 13, 2013 (attached hereto as “Attachment D”) (noting an “Oregon-only plan” to independently move forward with a bridge). Rather, the USCG’s bridge permits are specific to the project as defined.¹

The USCG’s regulations mandate that each bridge permit application include, *inter alia*, a set of plans detailing the essential features covered by the application. See 33 C.F.R. § 115.50(a) (requiring an application include “a citation to the State legislation authorizing the bridge; a map of the location and plans of the bridge showing the features which affect navigation . . .”). See also *id.* § 115.50(f) (requiring permit applicants to submit a “set of plans . . . on which the location of the work and the essential features covered by the application will be identified.”). What’s more, the USCG reviews each particular permit application for sufficiency and compliance with applicable environmental laws. *Id.* § 115.60(a) (noting that the USCG District Commander “reviews the application and plans for sufficiency . . . and ensures that the application complies with relevant environmental laws, regulations, and orders”). Thus the USCG’s review of a permit application is specific to the particular project design proposed, which in this case is the entirety of the Project as proposed in the CRC’s original application.

Any attempt by the CRC to implement subparts of the Project in an “a la carte” fashion would be contrary to the USCG’s regulations. See 33 C.F.R. § 115.60(e) (explaining that any amendments to permits will be processed in the same manner as a permit application). Because the Project as proposed in the CRC’s bridge permit application has been terminated and any USCG authorization would be specific to that Project, this permit review process is unnecessary. Processing a permit for a Project that cannot legally move forward and has been announced as cancelled is a waste of the USCG’s resources. As explained below, authorizing a variation of the proposed Project would also be inconsistent with the USCG’s regulations and the National Environmental Policy Act (“NEPA”).

II. The USCG should deny the CRC’s application for a bridge permit based on the recent changes.

NEDC is surprised that the USCG is continuing to process the CRC’s bridge permit application despite express orders from the Governors of Oregon and Washington to close down

¹ Further confusing the matter is the fact that the Record of Decision was issued for a bridge 95 feet above Columbia River Datum (“CRD”), while the CRC’s applications for the Section 404 permit and bridge permit contemplate a bridge 116 feet above CRD.

the Project, and despite statements from the CRC itself that the Project is closing. The CRC is also continuing in the face of a financial shortfall. Oregon's legislation that approved funding for the Project states that bonds to finance the Project are contingent, *inter alia*, on the State of Washington's commitment to provide funding. See HB 2800. Yet Washington's legislature declined to vote on the transportation package that would have committed this funding. See The Associated Press, *Columbia River Crossing: Plan suffers major setback in Olympia*, THE OREGONIAN, June 29, 2013 (attached hereto as "Attachment E"). Without funding from the State of Washington, the Project as proposed in the bridge permit application will not move forward.

The recent changes render the CRC's bridge permit application incomplete. For this reason alone the USCG should deny the permit application. The USCG initially denied the CRC's bridge permit application as incomplete on March 8, 2013, and requested additional information. See March 8, 2013 Letter from K. A. Taylor to Paula Hammond, Washington State Department of Transportation, and Matt Garrett, Oregon Department of Transportation (attached hereto as "Attachment F"). The letter identified specific information necessary to complete the application and begin public notice and comment. This included, *inter alia*, more specific information on mitigation for the direct adverse impacts to current users of the waterway, a new Biological Opinion ("BiOp"), and a preliminary assessment of the new navigational channels required and a reduction in the size of the Upper Vancouver Turning Basin.

Specifically, the letter requested information on the type of mitigation contemplated for each user, key milestones for achieving mitigation agreements and the mitigation itself, the feasibility of the mitigation, and, most importantly, confirmation that the mitigation process is proceeding in a timely manner. As of the date of the public hearing the CRC had not, and to the best of NEDC's knowledge the CRC still has not, reached an agreement with Thomson Metal Fab, one of the three industrial fabricators that would suffer direct economic impacts as a result of the design for a bridge 116 feet above zero CRD. See Attachment C (noting that as of July 12, 2013, "[n]o further negotiations are scheduled with Thompson Metal Fab, another manufacturer potentially affected by the proposed bridge height"). Because the necessary mitigation negotiations are not ongoing, the CRC's permit application is incomplete. Continuing to evaluate the CRC's bridge permit application is a waste of the USCG's resources. Consistent with its own regulations, the USCG should deny the permit application as incomplete.

The recent changes also magnify the inadequacies of the CRC's environmental analysis under NEPA. As discussed in NEDC's previous comments, the existing ROD and FEIS are inadequate to assess the environmental impacts of the Project. A supplemental EIS ("SEIS") is necessary if the "agency makes substantial changes in the proposed action that are relevant to environmental concerns" or if there "are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts." 40 C.F.R. § 1502.9(c). A change is substantial if it presents a "seriously different picture of the environmental impact," as determined by the possible environmental consequences that were not previously considered. *South Trenton Residents Against 29 v. Fed. Highway Admin.*, 176 F.3d 658, 663 (3d Cir. 1999); see also *Hickory Neighborhood Defense League v. Skinner*, 893 F.2d 58, 63 (4th Cir. 1990); *Sierra Club v. Froehlke*, 816 F.2d 205, 210 (5th Cir. 1987); *Arkansas Wildlife Federation v. U.S. Army Corps of Engineers*, 431 F.3d 1096, 1102 (8th Cir. 2005).

The CRC's ever changing bridge design and constant flow of new information constitute substantial and significant changes, circumstances and information relevant to environmental concerns that warrant an SEIS. In 2011 the Federal Highway Administration ("FHWA") and Federal Transit Administration ("FTA") (collectively, "co-lead agencies") issued a ROD and FEIS that identified a replacement bridge for the Interstate 5 Bridge that would be 95 feet above zero CRD ("95 foot bridge"). Almost one year later, realizing the significant impacts of a 95 foot bridge on navigation, in November of 2012 the co-lead agencies published an internal re-evaluation to support a change in the bridge design that increased the vertical clearance to 116 feet above zero CRD ("116 foot bridge"). *See* Columbia River Bridge Vertical Clearance NEPA Re-evaluation, December 2012 ("Re-evaluation"). The CRC also published a Navigation Impact Report ("NIR") "to inform decisions related to the height and navigational clearance" for the Project. *See* Columbia River Crossing Navigation Impact Report (Nov. 7, 2012), page 1.

In response to the USCG's March 8 letter requesting additional information to complete the bridge permit application, *see* Attachment E, the CRC published numerous additional studies related to the impacts of the proposed bridge on the surrounding environment and its various users. Finally, and perhaps most importantly, the Project as described in the bridge permit application has been terminated. In its place, CRC proponents seek to implement an "Oregon-only plan" under a "retooled proposal." *See* Attachment D, page 1. The change in bridge height, new information provided in the NIR and Re-evaluation, publication of new studies in response to the USCG's March 8 request, and switch to an Oregon-only plan (the details of which have yet to be provided to the public), demonstrate that the Project will result in "significant" environmental effects that were not considered in the FEIS.

The USCG has an independent obligation to ensure the bridge permit application complies with NEPA. 33 C.F.R. § 115.60(a) (requiring the USCG District Commander to ensure a bridge permit application "complies with relevant environmental laws, regulations, and orders"). Because the CRC's FEIS is woefully insufficient to meet NEPA's requirements given the numerous design changes and promulgation of new information and studies since issuance of the ROD, the USCG should deny the CRC's bridge permit application.

Conclusion

NEDC urges the USCG to deny the CRC's application for a bridge permit as incomplete, given the new information that the Project is not supported by Washington, mitigation is no longer proceeding in a timely manner, and the FEIS is insufficient for the USCG to ensure compliance with NEPA. An SEIS is necessary to give the public an adequate means of evaluating the alternatives and the environmental impacts of the most recent iteration of the bridge design, finance plan and construction schedule.

Not only did the CRC change the bridge design after issuing the ROD and FEIS, publish numerous new studies, and re-initiate consultation under the Endangered Species Act, but at this extremely late stage in the game the CRC now appears to be seeking authorization for a completely different proposal funded entirely by Oregon. These changes are precisely the type of significant new information that trigger the need for additional discussion and public input

under NEPA, not to mention submission of a new permit application to the USCG. For these reasons NEDC requests the USCG deny the CRC's bridge permit application.

Sincerely,

A handwritten signature in black ink, appearing to read "Marla Nelson". The signature is fluid and cursive, with the first name "Marla" being more prominent than the last name "Nelson".

Marla Nelson
Legal Fellow

***Statement by Gov. Jay Inslee on the Senate Majority's failure to act on a transportation plan for Washington
June 30, 2013***

"I'm beyond disappointed in this inaction. The failure by the Senate's Republican-led majority to act on the transportation plan stops us from making important investments in maintaining and preserving our roads and bridges and ensuring the safety the public deserves.

"It also means that Washington has lost \$850 million in federal funds that would have helped us build a new I-5 bridge across the Columbia River.

"If the transportation plan had died by a negative vote, at least the public would have known the Senate tried and where their senator stands on the important question of an improved transportation system and the biggest job creating bill of the year.

"Inaction is a terrible way to deal with important issues like this.

"I appreciate all the hard work by Judy Clibborn, Tracey Eide and others that led to a successful vote in the House – which many people didn't think was likely.

"I said on my first day in office that 'no economic strategy would be complete without a transportation plan.' Six months later – after multiple House proposals, repeated attempts to engage the Senate Majority and great work by a broad coalition of business, labor and environmentalists – I believe that even more strongly.

"It is disappointing to hear the Senate Majority say they didn't have time to deal with this important issue that could have done so much to help Washington continue to climb out of the recession."

NEWS RELEASE

JUNE 29, 2013

Media Contact:

Tim Raphael, 503-689-6117

Amy Wojcicki, 503-689-5324

Governor Kitzhaber Statement on Failure of Transportation Package in Washington Legislature

(Salem, OR) – Governor Kitzhaber released the following statement after the Washington Legislature failed to pass a transportation package:

“I am extremely disappointed that our legislative partners in the Washington State Senate failed to address the clear and present safety and economic need for this essential I-5 bridge. I have worked with three committed Washington governors on this project – starting with Governor Locke, then Governor Gregoire and now Governor Inslee – which makes the demise of the Columbia River Crossing without an up or down vote in the Senate even more disheartening.

I want to thank Governor Inslee for his strong support and extraordinary effort to deliver Washington’s share of funding for the I-5 replacement bridge. The failure of the Senate to act does not eliminate the safety and economic risks to both our states, but without the funds from Washington and adherence to the project budget and schedule, neither state can incur the further costs of delay. Consequently, project managers have begun to close down the project.

Governor Inslee and I will continue to work together, but our options will be different without Washington state’s financial partnership. Without bi-state funding, I have asked ODOT to review all of the work on the Oregon side of the project to determine if any stand-alone investments could be made to improve safety and reduce congestion on a smaller scale. That work will be subject for further legislative review.”

###

From: Peterson, Lynn [<mailto:LynnP@wsdot.wa.gov>]

Sent: Friday, July 12, 2013 12:42 PM

To: Stanford, Rep. Derek; Moscoso, Rep. Luis; McAuliffe, Sen. Rosemary; Alexander, Rep. Gary; Wilcox, Rep. J.T.; Becker, Sen. Randi; Riccelli, Rep. Marcus; Ormsby, Rep. Timm; Billig, Sen. Andy; Crouse, Rep. Larry; Shea, Rep. Matt; Padden, Sen. Mike; Magendanz, Rep. Chad; Rodne, Rep. Jay; Mullet, Sen. Mark; Holy, Rep. Jeff; Parker, Rep. Kevin; Baumgartner, Sen. Michael; Kretz, Rep. Joel; Short, Rep. Shelly; Smith, Sen. John; Klippert, Rep. Brad; Haler, Rep. Larry; Brown, Sen. Sharon; Schmick, Rep. Joe; Fagan, Rep. Susan; Schoesler, Sen. Mark; Hayes, Rep. Dave; Smith, Rep. Norma; Bailey, Sen. Barbara; Bergquist, Rep. Steve; Hudgins, Rep. Zack; Hasegawa, Sen. Bob; Hawkins, Rep. Brad; Condotta, Rep. Cary; Parlette, Sen. Linda Evans; Warnick, Rep. Judith; Manweller, Rep. Matt; Holmquist Newbry, Sen. Janéa; Johnson, Rep. Norm; Ross, Rep. Charles; King, Sen. Curtis; Chandler, Rep. Bruce; Taylor, Rep. David; Honeyford, Sen. Jim; Walsh, Rep. Maureen; Nealey, Rep. Terry; Hewitt, Sen. Mike; Stonier, Rep. Monica; Harris, Rep. Paul; Benton, Sen. Don; Vick, Rep. Brandon; Pike, Rep. Liz; Rivers, Sen. Ann; Blake, Rep. Brian; Takko, Rep. Dean; Hatfield, Sen. Brian; Orcutt, Rep. Ed; DeBolt, Rep. Richard; Braun, Sen. John; Lias, Rep. Marko; Roberts, Rep. Mary Helen; Shin, Sen. Paull; Reykdal, Rep. Chris; Hunt, Rep. Sam; Fraser, Sen. Karen; Hansen, Rep. Drew; Appleton, Rep. Sherry; Rolfes, Sen. Christine; Van De Wege, Rep. Kevin; Tharinger, Rep. Steve; Hargrove, Sen. Jim; Morrell, Rep. Dawn; Zeiger, Rep. Hans; Dammeier, Sen. Bruce; Angel, Rep. Jan; Seaquist, Rep. Larry; Schlicher, Sen. Nathan; Fey, Rep. Jake; Jinkins, Rep. Laurie; Darneille, Sen. Jeannie; Green, Rep. Tami; Carrell, Sen. Michael; O'Ban, Sen. Steve; Sawyer, Rep. David; Kirby, Rep. Steve; Conway, Sen. Steve; Kochmar, Rep. Linda; Freeman, Rep. Roger; Eide, Sen. Tracey; Dahlquist, Rep. Cathy; Hurst, Rep. Christopher; Roach, Sen. Pam; Ryu, Rep. Cindy; Kagi, Rep. Ruth; Chase, Sen. Maralyn; Orwall, Rep. Tina; Keiser, Sen. Karen; Upthegrove, Rep. Dave; Cody, Rep. Eileen; Fitzgibbon, Rep. Joe; Nelson, Sen. Sharon; MacEwen, Rep. Drew; Haigh, Rep. Kathy; Sheldon, Sen. Timothy; Tarleton, Rep. Gael; Carlyle, Rep. Reuven; Kohl-Welles, Sen. Jeanne; Pettigrew, Rep. Eric; Santos, Rep. Sharon Tomiko; Kline, Sen. Adam; McCoy, Rep. John; Sells, Rep. Mike; Harper, Sen. Nick; Kristiansen, Rep. Dan; Scott, Rep. Elizabeth; Pearson, Sen. Kirk; Morris, Rep. Jeff; Lytton, Rep. Kristine; Ranker, Sen. Kevin; Clibborn, Rep. Judy; Maxwell, Rep. Marcie; Litzow, Sen. Steve; Overstreet, Rep. Jason; Buys, Rep. Vincent; Ericksen, Sen. Doug; Chopp, Speaker Frank; Pedersen, Rep. Jamie; Murray, Sen. Edward; Dunshee, Rep. Hans; Hope, Rep. Mike; Hobbs, Sen. Steve; Springer, Rep. Larry; Goodman, Rep. Roger; Hill, Sen. Andy; Pollet, Rep. Gerry; Farrell, Rep. Jessyn; Frockt, Sen. David; Hargrove, Rep. Mark; Sullivan, Rep. Pat; Fain, Sen. Joe; Habib, Rep. Cyrus; Hunter, Rep. Ross; Tom, Sen. Rodney; Moeller, Rep. Jim; Wylie, Rep. Sharon; Cleveland, Sen. Annette

Cc: Auyoung, Dillon; Ball, Alyssa; Charles Knutson; Cheri Keller; Gatto, Samantha; Griffith, Reema; Ingiosi, Paul; Long, Jerry; Matteson, Mark; McCrady, Melinda; Munnecke, David; Plant, Jane; Gupta, Rashi; Rettew, Robin; Russell, Andrew; Skei, Amy; Thomas, Jamila; LeMoine, Ariel; Cecil, Amanda; Gamble, Hayley; Johnson, Kim; Cadena, Lyset; Maynard, Jackson; McCarthy, Clint; Simpson, Kelly; Ward, David; Fleckenstein, Mary; Baxstrom, Gene; Redfield, Beth; Plasencia, Sonia

Subject: Columbia River Crossing Project Shutdown

In the days since the legislature adjourned, we've received many questions about the Columbia River Crossing and what steps must be taken to properly shut down the project. Although the project is no longer funded in the legislatively approved budget, WSDOT must meet contractual and legal obligations, adhere to archiving and records retention policies, comply with public information and disclosure laws, and begin a reduction in force (layoff). There are financial ramifications to these obligations; in addition, agency staff resources (particularly WSDOT HR personnel) will be necessary for some time as the project is closed down. Obligations include but are not limited to those listed below.

WSDOT's portion of shutdown costs is estimated to be \$2.9 million. All closeout activities, with the exception of public disclosure and contractual obligations, will be concluded by September 1, 2013.

Contracts and Agreements:

Consultant contracts: WSDOT is party to multiple contracts related to Columbia River Crossing. These contracts include one with the prime consultant, David Evans and Associates and several additional consultant contracts or tasks associated with CRC.

WSDOT issued stop-work orders to all consultants effective July 1, 2013. The only work authorized as of July 1, 2013 is the minimal amount necessary for final closeout activities. The majority of consultant staff will be moved off of the project by July 12, 2013; all consultant staff will conclude closeout activities by September 1, 2013.

Interagency agreements: There are 10 interagency agreements with federal, state, and local agencies.

Office lease: WSDOT contracted for office space via a five-year lease that ends September 2014.

Personnel:

WSDOT has 22 staff members working on the CRC project. On July 1st, CRC staff was directed to stop further progress of work, assess status, gather documents, and begin the archival process based on WSDOT's records retention policy.

15 WSDOT staff will be transitioned off the project by August 2, 2013. Remaining staff members will conclude closeout activities by September 1, 2013.

All 22 project positions must be eliminated via reduction-in-force (RIF).

Public Disclosure Requests:

All public disclosure requests relating to the Columbia River Crossing (CRC) will be processed by the WSDOT HQ's Records and Information Services Office. Responses will be coordinated with ODOT. There are currently 16 open requests.

USCG Permit/Mitigation Agreements:

Because the legislature did not pass a transportation revenue package, there are no funds appropriated for continuation of the project. Therefore, WSDOT cannot perform any tasks associated with the USCG permit process.

Agreements were reached with Oregon Ironworks and Greenberry, two potentially affected manufacturers. The agreements are contingent upon receipt of funding and the USCG permit. No further negotiations are scheduled with Thompson Metal Fab, another manufacturer potentially affected by the proposed bridge height.

Forensic Audit:

Under the current law budget (ESSB 5024, Section 108), JLARC was directed to conduct a forensic audit of the Columbia River Crossing project; \$200,000 was appropriated for the task. JLARC has contracted with the State Auditor's Office (SAO) for investigational services.

WSDOT's Internal Audit Office has been contacted by SAO, which provided a preliminary list of requested documents; CRC will provide these materials to auditors this week.

Litigation:

If USDOT intends to continue defending this FEIS and Record of Decision, WSDOT is a party to the case and will be bound by the court's decision. Most of the work is on the administrative record, and therefore most of the vendor costs, are completed, so the primary cost will be attorney fees, expected to be in the range of \$50,000 – 100,000 through December 2014.

Questions from legislators regarding the CRC shutdown may be directed to Dillon Auyoung, [360.705.7024](tel:360.705.7024).

Lynn Peterson
Secretary of Transportation
[360.705.7054](tel:360.705.7054)



OregonLive.com

Everything Oregon

Oregon-led Columbia River Crossing ups risks for state taxpayers, still includes light rail

Richard Read, The Oregonian By Richard Read, The Oregonian

Email the author | Follow on Twitter

on August 13, 2013 at 5:10 PM, updated August 13, 2013 at 8:56 PM



View full size

The \$2.75 billion Oregon-led proposal to replace the Interstate 5 Bridge would require a special session of the Legislature.
 Jamie Francis/The Oregonian

An Oregon-only plan to snatch the **Columbia River Crossing** from the jaws of defeat will boost risks for state taxpayers, on the hook for any cost overruns or funding shortfalls. And opponents won't like it any more than the first proposal.

But officials say a single-state highway, light-rail and bridge replacement project could be easier and more efficient to run.

Kris Strickler, de facto director of the project since the departure of his Washington counterpart, described the retooled proposal in detail Tuesday during an interview with The Oregonian that also included **Patricia McCaig**, CRC head of

intergovernmental affairs and government relations.

What's striking is how closely the \$2.75 billion project resembles the original \$3.4 billion plan to link Portland and Vancouver, replacing the Interstate 5 Bridge. The duo said the re envisioned project could start construction next year on schedule. It could finish within eight years, even including the Washington highway improvements spiked when Olympia legislators failed to appropriate their state's share of the original project in June.

No matter what, they Strickler and McCaig said, the bridge would include light rail, because that form of mass transit is integral to traffic projections, repeatedly approved by local governments and inseparable from the project being considered by federal officials.

"A bridge without the light rail element is not part of this project," Strickler said. As for the CRC as a whole, he said, "Every day that goes by, the need gets greater. The project sitting in front of us is not going to get

cheaper."

But Strickler and McCaig, who have been briefing local political leaders on the new plan, admitted they don't yet have all the answers -- for example, concerning who covers a projected \$2 million to \$3 million annual light-rail operating loss.

And they said the project would go forward only if forthcoming financial projections convince Gov. John Kitzhaber, House Speaker Tina Kotek, D-Portland, and other legislators that the increased risks are reasonable. A special session of the Legislature would be necessary to secure financing before Sept. 30, when Oregon's \$450 million commitment is set to expire in the absence of Washington's matching money.

State Treasurer Ted Wheeler, briefed on the project last week, must also vet a preliminary investment-grade analysis of the project's finances, expected later this month, several weeks late. A spokesman for Wheeler, who said the treasurer was "not around" this week to be interviewed, released a statement on his behalf.

"The Oregon-only proposal raises some new and complex questions that would need to be carefully considered because it implies that there will be a higher level of financial risk for Oregon taxpayers," the statement said. "He will take as long as it takes to have confidence that this proposal will not expose Oregonians to undue risks."

CRC managers still expect annual toll revenues ranging between \$1.1 billion and \$1.5 billion, all of which would now go to Oregon. Tolling the Glenn Jackson Bridge on I-205 is not part of the current project, but could arise separately, Strickler said.

Under the original CRC plan, Washington and Oregon would have split costs and liabilities. Under the new proposal, Oregon would be on the hook for any cost overruns and funding shortfalls.

Strickler and McCaig itemized the \$2.75 billion pricetag:

- \$1.2 billion for a bridge-landing "touchdown element" tying the span to Washington state Route 14.
- \$850 million in transit capital costs for light rail.
- \$450 million for Oregon highway improvements including interchanges at Hayden Island and Marine Drive.
- Up to \$140 million in improvements to Washington state Route 14.
- \$110 million for development costs, engineering and interim borrowing for transit funding, which will be outpaced by light rail construction.

Washington could end up improving its interchanges north of the bridge as originally scheduled, they said,

without being a project partner.

Although Oregon has yet to ask, Washington could possibly contribute to mitigation costs, still being negotiated with **Thompson Metal Fab Inc.**, for three upriver companies that make products too large to fit beneath the planned 116-foot bridge clearance.

Strickler said he was confident the CRC would get the full \$850 million in federal transit funding, despite worries that the appropriation will never make it through the House.

"This project is still a national priority and has been for some time," he said.

The Oregon constitution prohibits auto-generated funds such as gas taxes and tolls from being spent on transit projects. But Strickler said such revenues could be spent on the bridge because the span would carry vehicles as well as trains.

Planners are being conservative, McCaig said, by not including further potential revenues such as \$400 million from the Federal Highway Administration, which the managers will seek. Oregon managers find that while having sole responsibility for the project increases the state's exposure, it also provides an additional beneficial level of control that could appeal to bond buyers, McCaig and Strickler said.

Coast Guard approval of a bridge permit remains a wild card as CRC managers respond to questions the agency received during public hearings. That decision could occur by Sept. 30.

Another wild card, for McCaig personally, is an ongoing investigation of two ethics complaints accusing her of failing to register as a lobbyist in Salem. The complaints were filed by two CRC opponents, she said: Mitchell Copp, an Oregon City real estate agent, and Christina Mayer, of Forest Grove.

© 2013 OregonLive.com. All rights reserved.

More
Continuing coverage of the Columbia River Crossing and the money behind it.

Columbia River Crossing: Plan suffers major setback in Olympia



The Washington Senate refused to even consider a vote on funding for, among other projects, the Columbia Bridge Crossing. *(The Oregonian/2004)*

By [The Associated Press](#)

[Follow on Twitter](#)

on June 29, 2013 at 7:14 PM, updated June 29, 2013 at 10:51 PM

OLYMPIA -- Washington lawmakers adjourned for the year Saturday, bringing to end six months of work that included two overtime sessions needed to resolve budget disputes.

The Legislature moved to disperse from Olympia a day after completing a new operating budget that had been the product of tense negotiations for weeks.

The final hours included more combative talks about a funding package for transportation that failed to get a vote in the Washington Senate.

This year's gridlock in the Capitol led lawmakers to blow past their initial April deadline, and they needed two additional sessions to complete the work. State workers had been notified of a potential government shutdown, but Gov. Jay Inslee is expected to formally sign a budget today to prevent that from happening.

It's been more than 20 years since a budget was finished so late in the process.

Lawmakers grappled throughout the year with how to bridge the wide philosophical differences between a Republican-dominated majority in the Senate and a House controlled by Democrats.

The final dispute came to a culmination Saturday afternoon, when the Senate declined to take up a \$10 billion transportation package, which included Washington's share of **the Columbia River Crossing**, despite intense lobbying from business groups and Inslee.

Senate Majority Leader Rodney Tom said he and his colleagues were unified in their opposition to the package this session. They plan to work over the coming months to help develop a proposal that lawmakers could consider next year, Tom said.

"We're going to lead on this issue," said Tom, a Democrat from Medina who leads a majority dominated by Republicans.

Senate Democrats made a last-ditch effort to pull the package to the floor for a vote through a procedural move, but were unable to get the votes needed to succeed.

The failure of the plan came despite pressure from Inslee, a Democrat who had hoped the bill would be approved this weekend. Business leaders, who have often been aligned with this year's Senate majority, had also asked for the bill, saying transportation improvements were necessary.

"I'm beyond disappointed in this inaction," Inslee said in a statement.

In addition to \$450 million for the Columbia River Crossing, the transportation package approved by the House would have included a 10 1/2-cent increase in the gas tax to pay for large projects on State Route 167, the North Spokane Corridor and Interstate 90 over Snoqualmie Pass.

That Columbia River Crossing was widely opposed by Republicans in the Senate, who said the proposal should not include light rail. They also expressed concern about the costs.

Supporters said it was time to approve the new Interstate 5 bridge between Portland and Vancouver. Oregon and Washington are each responsible for \$450 million of the replacement span, with the federal government and toll revenue paying the rest.

Oregon has already approved its portion, and officials in Salem have expressed concern that federal money provided for the project will fall through if Olympia fails to act.

"Washington has lost \$850 million in federal funds that would have helped us build a new I-5 bridge across the Columbia River," Inslee wrote.



16592

March 8, 2013

Paula Hammond, Secretary of Transportation
Washington State Department of Transportation
PO Box 47316
Olympia, WA 98504-7316

Matt Garrett, Director
Oregon Department of Transportation
355 Capitol Street NE, MS11
Salem, OR 97301-3871

BRIDGE PERMIT APPLICATION REVIEW: COLUMBIA RIVER CROSSING

I received the bridge permit application for the Columbia River Crossing submitted on 30 January 2013 and have conducted a sufficiency review in accordance with 33 CFR § 115.60(a).

Clearly, this is a very complex project. While I find much of the application sufficient, there are certain areas where more information is required before I can commence the public notice and comment process. Toward that end, I have attached a detailed listing of those additional needs.

Issues of particular importance are:

- a. New Information: The application indicates the project will require the establishment of new navigational channels and a reduction in the size of the Upper Vancouver Turning Basin. As this information is new and will certainly bear upon my recommendation, you should conduct a preliminary assessment as soon as possible. My staff is available to provide guidance on how best to accomplish the assessment.
- b. Mitigation: As you know, mitigation of impacted users is critical to the success of this project. While I do not need finalized agreements at this point in the application review, I do require more specific information. This should include types of mitigation contemplated for each user, key milestones for achieving mitigation agreements and the mitigation itself, the feasibility of mitigation being considered, and confirmation that the mitigation process is proceeding in a timely manner.
- c. Economics: More information about the economic impact on current river users and the future use of the river is required. The application identifies a projected financial impact to three industrial fabricators, but does not provide the underlying data or analysis that supports it. Neither does it analyze the long-term affect on those entities or the industry segments they serve. I also need a separate forward-looking analysis of the reduced commercial capacity of the waterway due to the navigational limitations associated with the proposed bridge. For example, the Columbia Business Center, which was identified in the Navigation Impact Report as not being able to continue to support existing uses, should be addressed in this analysis.

Subj: BRIDGE PERMIT APPLICATION REVIEW:
COLUMBIA RIVER CROSSING

16592
March 8, 2013

d. Technical/Administrative Requirements: There are a number of technical and administrative items in the application that remain to be addressed. Some of these are required before I am able to proceed with the public notice and comment process. None should be difficult to resolve. My staff will address these issues with yours directly.

Your timely attention to these matters is essential to evaluate the application and enable the Coast Guard to make a final permit decision by 30 September 2013.

While you work to provide the required additional information, I will engage directly with the affected waterway users, and other stakeholders. Additionally, I will request input from the U.S. Department of Defense, the U.S. Department of Commerce and the U.S. Department of Energy regarding their agency-specific concerns about potential impacts of the proposed project.

The Coast Guard understands the importance of this project to the citizens of the region, and to the nation as a whole. My staff and I are fully committed to working with you to address these concerns. Last, I must reemphasize that this letter does not constitute final Coast Guard action on the application, but rather highlights additional information necessary for my review and evaluation. Upon receipt of this information, I will commence the public comment period, which is essential to inform my permit recommendation to the Commandant.

Should you need clarification on any of the items I've identified, we stand ready to assist.

Sincerely,



K. A. TAYLOR

Enclosure

Enclosure to Coast Guard letter dated: March 8, 2013

Subj: BRIDGE PERMIT APPLICATION REVIEW: COLUMBIA RIVER CROSSING

CRC must address the following items before the Coast Guard can issue a public notice for comment and initiate procedures to hold a public meeting.

- The permit application states that mitigation negotiations are ongoing. However, there is no indication that those negotiations are progressing towards a solution that preserves the navigational capability of the river. Mitigation should include types of mitigation contemplated for each user, key milestones for achieving mitigation agreements and the mitigation itself, and confirmation that the mitigation process is proceeding in a timely manner. Absent additional information on mitigation, the impacted waterway users will be identified as burdened in the public notice.
- The permit application identifies a projected economic impact to three industrial fabricators, but does not provide the underlying data or analysis that supports it (i.e., the raw data provided by these waterway users). Similarly, the projected economic impact fails to analyze the long-term affect on neither those entities nor the industry segments they serve. A forward-looking analysis of the reduced commercial capacity of the waterway due to the navigational limitations associated with the proposed bridge is also required.
- The proposed location of the replacement bridge falls within the turning basin of the deep-draft system between the BNSF Bridge and the current I-5 bridges. Although not described in the application or the NIR, it appears that the proposed bridge may effectively reduce the turning basin by as much as 18 percent. The navigational impacts of this encroachment must be reflected in the bridge permit application. This may require additional fact gathering, and a note of those facts that you relied upon when making your assessment.
- The application states that the location of the proposed bridge project will be located in the shallow-draft navigation system with a controlling depth of 15 feet. According to USACE documentation, the actual federal project, whose description coincides with the area described in your proposed bridge application, has a Congressionally-authorized navigational depth of 27 feet, and is currently maintained at 17 feet. The federally authorized channel will need to be realigned as a result of the placement of the bridge piers. The proposed realignment and associated impacts to navigation, both individually and cumulatively, and the USACE responsibilities to establish and maintain the realigned channel requires further fact-finding and assessment. This assessment must consider the effect that the proposed bridge will have on this ongoing federally-maintained navigation channel and directly relates to any determination that the Coast Guard will make regarding navigation safety and its attendant effect on the human environment.
- The application indicates a temporary vertical clearance reduction to 98 ft above CRD once the new steel truss is erected. This requires additional explanation. The application must indicate how this restriction will exist, and how it impacts the ability of the USACE to use its dredge and maintain the waterway during this period.
- The application did not contain a Wetlands Finding, but indicated that the project may impact wetlands. Anticipated wetlands impacts must be provided.
- The Biological Opinion, issued 19 Jan 2012, regarding Fish and Wildlife impacts, did not include consultation for Eulachon or Lower Columbia River Coho Salmon. The application must include a Biological Opinion for these species as well.
- Provide a copy of the application for the Washington State Water Quality.
- Additional administrative items are needed on the plan sheets per the Bridge Permit Application Guide. My bridge staff will provide these items under separate cover or during a meeting with your staff.