

Executive Summary of CRC DEIS Comments

Submitted by the Pacific Environmental Advocacy Center (“PEAC”) on behalf of Northwest Environmental Defense Center, Coalition for a Livable Future, Columbia Riverkeeper, Audubon Society of Portland, Organizing People-Activating Leaders, Community Health Partnership, Upstream Public Health, and the Association of Oregon Rail and Transit Advocates.

Introduction

On July 1, 2008 PEAC submitted 128 pages of comments regarding the Columbia River Crossing Draft Environmental Impact Statement (“DEIS”). The analysis in that DEIS, and the opportunity for public comment were mandated by the National Environmental Policy Act (“NEPA”). PEAC submitted those comments on behalf of a diverse group of 8 organizations. Because of the numerous legal and factual problems identified in those comments, PEAC specifically requested that the Federal Highway Administration (“FHWA”) and Federal Transit Administration, the lead federal agencies responsible for preparing the DEIS, essentially start over and prepare a Supplemental DEIS. That Supplemental DEIS must correct the multiple errors, must include a substantial amount of information and analysis currently missing from the DEIS, and must resubmit that corrected DEIS for a public comment period of not less than 120 days. Comments at 1.

Inadequate Public Comment Period

PEAC’s comments reiterate the request it submitted in May for an extension of the 60 day public comment period. Comments at 4-6. FHWA denied that request a few days after it was submitted without in any way responding to the 5 pages of reasons offered by PEAC for granting the request. A 60 day comment period is simply not enough time for most members of the public to review, understand and then comment on a DEIS which, with its supporting technical reports, is more than 5000 pages in length. Moreover, as PEAC discovered when reviewing this DEIS, that review is made even more cumbersome by the fact that the CRC DEIS and its Technical Reports almost never specifically cite to the sources or studies that supposedly support the analysis and conclusions in the DEIS. As PEAC’s comments noted, “ if a high school student wrote a research paper without any specific citation to his sources in the text of that report he would likely receive a failing grade. The DEIS should suffer a similar fate.” Comments at 4.

Tainted Public Comment Process

In addition to being too short, the DEIS public comment process was seriously tainted by the CRC project staff’s insistence that members of the CRC Task Force make very public decisions regarding a Locally Preferred Alternative (“LPA”) while the DEIS public comment period was ongoing. This caused substantial and unnecessary confusion among the public regarding what they were commenting on and whether their comments had any real meaning. In fact the CRC project staff implied that when endorsing a LPA Task Force members could ignore the specific

alternatives set out in the DEIS. Under NEPA, however, the DEIS and the alternatives it contains, are supposed to be the framework for such decision-making. Comments, at 11-16.

A False Choice and a Missed Opportunity

The DEIS has two general, over-arching flaws. First, the number and range of alternatives was legally insufficient and limited to a false choice between two extremes. Second the DEIS missed an historic opportunity for the FHWA to break from the conventional highway-expansion mentality and to instead focus on new ideas and ways to address 21st century needs and demands with 21st century ideas that include ways to significantly decrease our dependence on cars and greenhouse gas emissions and increase sustainability.

NEPA requires that an EIS offer a wide-range of reasonable alternatives so that the decision-makers and the public can see and evaluate the various environmental trade-offs involved before deciding on a particular course of action. In this case, however, the FHWA improperly viewed the purpose of the proposed project very narrowly—to address traffic congestion on the current I-5 bridge primarily by increasing car and truck capacity. That narrow purpose resulted in the DEIS offering and evaluating only a false choice between two extremes, doing nothing or spending \$4 billion dollars to build new bridges that substantially increase the number of car and truck lanes. Although each of the action alternatives in the DEIS does include additional public transportation, bicycle and pedestrian facilities, those laudatory inclusions cannot hide the fact that each of the action alternatives also relies primarily on the inclusion of additional car and truck lanes to address current and future traffic congestion. “The DEIS’s approach to sustainability and greenhouse gas emissions is sort of like the dieter who thinks that ordering a diet coke and salad for dinner also allows him to order a large banana split for dessert.” Comments at 2, 16-27.

The DEIS missed the opportunity to offer the public innovative alternatives that represent 21st century thinking regarding transportation planning and that reflect this region’s commitment to sustainable development and the actual reduction of our greenhouse gas emissions. The DEIS record shows that many reasonable alternatives were rejected, primarily because they did not include additional car and truck capacity. Moreover, the DEIS’s authors did not even attempt to fashion alternatives that addressed transportation demand in ways other than increasing such capacity and ways that did not substantially increase greenhouse gas emissions. NEPA legally requires more, and the public certainly deserved more and better alternatives. Comments at 28-46.

A DEIS with Many Missing and Incomplete Parts

The DEIS chose to put off or ignore the legally required analysis regarding several key aspects of this project's environmental impacts. As for the "analysis" the DEIS did include, it was often misleading or woefully incomplete.

Much information that should be in the DEIS is in fact not there. PEAC's comments list all of the missing information in several places, Comments at 6-8, 47-52, but some of that missing information is worth highlighting. The DEIS fails to provide evidence of a rigorous evaluation of alternatives that lead to the development of the replacement and supplemental bridge options. Many crucial documents that evidence the development of project alternatives were not disclosed in the DEIS and upon inspection show the CRC project staff never conducted the requisite rigorous evaluation. The DEIS deliberately chose to not include or use information about how adding additional traffic lanes could induce sprawl and all of the adverse impacts that come along with sprawl. This deliberate omission of a well-known and documented impact from added highway capacity results in a significant understatement of the action alternatives' adverse impacts on the regions air and water resources, ecosystems and greenhouse gas emissions. Comments at 52-59. The FHWA has delayed its legally required consultations with other federal agencies regarding the impacts of this project on federally-endangered species and designated critical habitat for those species. Thus the DEIS contains absolutely no detailed or final analysis regarding this massive public works project's impacts on the endangered salmon species that use the Columbia River. Comments at 92-93.

The list of incomplete or misleading information in the DEIS is even longer and is the subject of extensive discussion in PEAC's comments. See Comments at 59-128. That missing or misleading information includes:

- The DEIS misleadingly and incorrectly claims that its replacement bridge options would result in "reductions" in greenhouse gas emissions when in fact all the alternatives presented in the DEIS would cause substantial increases in greenhouse gas emissions in comparison to current levels. Comments at 109-116.
- The DEIS contains an insufficient analysis of the localized and disproportionate impacts of the project on Environmental Justice populations. Those disproportionate health impacts include adverse effects from noise and air pollution. Comments at 59-64.
- The DEIS's analysis of air impacts is wholly inadequate. The analysis improperly only focuses on one criteria pollutant under the Clean Air Act, carbon monoxide. It assumes that current National Ambient Air Quality Standards regarding criteria pollutants are adequate to protect public health even though the EPA has illegally failed to revise those standards and current science shows adverse health impacts at much lower levels. The DEIS also ignores most localized impacts from pollutants like particulate matter and

ignores impacts of those pollutants on visibility in the Columbia River Gorge. Comments at 64-91.

- The DEIS fails to adequately explain or analyze the impacts of diverting bridge run-off into the Columbia Slough, which provides habitat for endangered salmon and migratory birds. Comments at 99-106.
- The DEIS fails to provide any real useful information regarding impacts to ecosystems, and its Ecosystems Technical Report also offers almost no specific analysis or citations to scientific research or sources. Comments at 91-98.
- The DEIS offers only a laundry list of projects whose impacts may, along with those of any new CRC bridge, cause cumulative impacts. There is no analysis or attempt to quantify such cumulative impacts and the included projects are improperly limited to those in the immediate vicinity rather than in the entire watershed. Comments at 107-121.
- The DEIS's legally required "4(f)" analysis of impacts to public lands is quite incomplete and fails to justify that such impacts are unavoidable or de minimis. Comments at 122-127.

Conclusion

When it comes to evaluating a DEIS, bulk is often not a good indicator of quality, and that is certainly true with regard to this DEIS, which spends many pages providing little useful information. When the public is being asked to spend \$4 billion on a proposed project, it is entitled to much more analysis and information than can be found in the DEIS. Rather than correcting all those errors in a Final Environmental Impact Statement, which would be released shortly before a final decision and without any meaningful opportunity for public comment, NEPA requires that the lead federal agencies prepare a supplemental DEIS and offer it to the public for an appropriate 120 day public comment period.