

December 28, 2009

Steve Pilcher
Community Development Director
City of Black Diamond
P.O. Box 599
Black Diamond, WA 98010

RE: Appeal of the FEIS-The Villages Master Planned Development
Issued December 11, 2009

We the Appellants, William & Vicki Harp, Cindy Proctor, appeal the Final Environmental Impact Statement (FEIS) of the “The Villages Master Planned Development” issued December 11, 2009 by the lead agency the City of Black Diamond which was prepared by Parametrix, Inc.

The FEIS has many procedural errors and systemic errors and omissions that interfere with the validity and adequacy of the FEIS under SEPA/WAC/RCW and other pertinent rules/regulations.

The City of Black Diamond had been in a state of constant turmoil, misinformation; much of this due to a lack of leadership, lack of capacity, lack of staff breadth of knowledge and finally alleged fraud by a key facilitator of many components of the EIS/MPD/Public process, the City Attorney. This has unduly burdened the citizens in their ability to exercise their rights to public process.

Due to our location immediately next to the Villages Main site and our lifelong residency in Black Diamond, we have been actively involved in the development process starting with the Black Diamond Urban Growth Area Agreement (BDUGAA), sometimes being one of only a handful of people monitoring the large tract of land that would change ownership or potential ownership from Weyerhaeuser, Plum Creek, Jenamar out of California, and eventually to Yarrow Bay. We have consistently voiced our concerns about growth beyond that allowed by the City standards; impacts on wildlife and wetlands and transportation.

As a private landowner, who cleared our land and built our home, we value our property rights and those of other landowners. We have never participated in a mindset of “Not in my back yard” or NYMBY against the Developer, however we have been vigilant in our desire to have a managed development project that did not adversely impact the natural and built environment of our community or our own private residence.

We will demonstrate in the following document areas where we believe the FEIS is deficient and/or inadequate. Please keep in mind that there are thousands of pages to review and we were only allowed (14) days to process all the information. It should also be noted that there is inconsistencies in exhibits and plans between the MPD Application; DEIS and FEIS, which makes it incredibly difficult to comment, which may be the intent of the developer.

We believe that although many aspects of the FEIS may be deemed beneficial to some constituents or City officials, the FEIS determination **shall not balance whether the beneficial aspects of a proposal outweighs its adverse impacts**, but rather, shall consider whether a proposal has any probable significant adverse environmental impacts under the rules stated in SEPA/WAC/RCW/BDMC. For example, proposals designed to improve the environment, such as sewage treatment plants or pollution control requirements, may also have significant adverse environmental impacts.

We begin our appeal with our position that the process has many procedural errors and omissions and finish with specific elements of the FEIS that seem egregiously inadequate.

Procedural Errors or Omissions:

1. Validity of the DEIS Public Hearing

www.ci.blackdiamond.wa.us/.../Citizens%20Guide%20to%20Hearing%20Examiner%20Process

Poor quality recording of DEIS Public Hearing: Per the City web page: All hearings are recorded and the recording is part of the official record of the application. An audible recording is essential to a valid hearing. Reviewing courts will require the City to redo the hearing if testimony is missing or inaudible. The Hearing Examiner and City Council rely upon a complete recording to review and evaluate evidence. For this reason all testimony should be made in front of a microphone. Statements outside of microphone range are strictly prohibited.

The DEIS public hearing took place September 29, 2009 in the City of Black Diamond council chambers. No microphone appeared to be placed at the podium where citizen's stand to speak. They are placed in the front behind council tables. In repeated request to Steve Pilcher after the DEIS hearing for copies of all written and oral comments received at the DEIS hearing, William and Vicki Harp were told that it was taking a lot of time to transcribe the oral comments, and finally via email Mr. Pilcher stated, "*They did the best possible, given the somewhat poor quality recording.*" (See attached email dated November 3, 2009 Exh. 1)

Upon receipt of the transcript it was apparent that the recordings were of poor quality as the transcribed public testimony repeatedly reflected (**Inaudible**); at times changing the context of the oral testimony; and in-fact a couple of public testimonies presented did not even appear in the transcripts. If someone did not properly follow the commenting process we would have at least expected the transcriptions to say "comment intentionally omitted" rather than seeing missing testimony that we know we heard or to hear the facilitator Mr. Pilcher remind them to step to podium if they want to be of public record. (See attached Exh. 2)

Relief requested: This alone would appear to make the DEIS public hearing **invalid** requiring at a minimum a new public DEIS hearing. We would like the City to do a proper notification and re-hold the DEIS public hearing.

2. **FEIS Timing**

<http://www.ecy.wa.gov/programs/sea/sepa/handbk/hbch03.html#3.5>

In regards to the timeline from DEIS to FEIS in several phone conversations and emails from Steve Pilcher it was clear that the City believed that the entire FEIS must be final within 60 days by law, regardless of how large the project was, in this case we are proposing to build a brand new City, or how complex and great the environmental impact. Mr. Pilcher repeatedly stated that the City's goal was to complete the FEIS within 60 days.

During the DEIS public hearing Mr. Pilcher boldly stated that we can keep talking but most of what he heard was MPD comments not DEIS comments and at one point told the citizens they need to read SEPA guidelines because we didn't understand the process. He wrapped up stating that there wasn't much new information that was received and again their goal was to get the FEIS soon.

On November 4, 2009 we received a letter from the City and Yarrow Bay, stating that the proposed south connector thru the Green Valley RD was being removed as an option and an attachment of the new proposed connector reflected a new road meant to transport thousands of vehicles of the Villages site onto HWY 169 thru designated core wetlands (SAO) and a wildlife corridor. (See attached Exh. 3)

On November 8, 2009, Cindy Proctor contacted Steve Pilcher and then City Administrator Leonard Smith and requested that due to the significant impact based on the new road location a supplemental DEIS should be performed. Mr. Smith responded via email, *"You have correctly identified the seriousness of the transportation issues associated with this proposal. The original proposal included both the Green Valley Road connection and the connection to the east highway 169. The removal of the Green Valley Road connector did not create the Hwy 169 connector as it already was included and requires consideration of its environmental impacts."* (See attached email Exh. 4)

When Mr. Smith was no longer there and after a conversation with Mr. Pilcher it was made clear that no supplemental DEIS would be done and that he intended to release the FEIS on December 11, 2009.

It is unclear to us why Mr. Pilcher felt tremendous pressure to release the FEIS within (60) days as these MPDs are not a small 100-200 unit developments but are so large as to have a regional impact and significantly change the natural and built environmental. The SEPA guidelines clearly allow flexibility for these types of projects.

SEPA Handbook 3.5.2 FEIS Timing

The final EIS is intended to follow closely after the draft EIS, if at all possible. The SEPA Rules state that a final EIS shall be issued within 60 days after the end of the comment period for the draft EIS, except when:

- the proposal is unusually large in scope;
- the environmental impacts are unusually complex; or
- responding to the draft EIS comments requires extensive modifications to the EIS and/or the project [WAC 197-11-460(6)].

If **any** of the exceptions apply, there is no time limit in which the final EIS must be issued.

This continued rush to complete the FEIS within (60) days clearly impacted the adequacy of the FEIS from a sloppy inverting of noise data, missing data, to blanket dismissals of public comments. It also appears to be timed to purposely be released during the Christmas holiday seasons as to reduce probability of review and appeal by the public and to keep the MPD hearing on track for the first quarter 2010 approval.

Relief requested: A withdrawal of the FEIS to allow time for a complete and thorough review of all comments, mitigation measures and additional studies if needed.

3. **Failure of notice of appeal right-WAC- 197-11-680**

From a procedural standpoint this appears to be the biggest travesty of our citizen's rights; it appears to be an intentional withholding of our appeal rights. This issue has been systemic through the DEIS and FEIS process, with Mr. Pilcher starting his opening statement of the DEIS public hearing with, *"As I mentioned, there will be at least (1) public hearing in front of the hearing examiner and a public hearing in front of the city council, so this is not your only opportunity for input on this project."* This is misleading as you could presume you can comment and be heard at any point in time when in fact you cannot comment before the Hearing Examiner on the FEIS unless you are a party of record, and you file an appeal of the FEIS. You can only talk about the MPD but not challenge the adequacy of the FEIS. Mr. Pilcher states this again at the end of the DEIS public hearing transcripts. The combining of the MPD Hearing and Appeal of the FEIS Hearing into the same Hearing Examiner hearing, although allowed under SEPA administrative rules, is confusing to the citizens in regards to the process to preserve their rights. Finally, the FEIS notice to Interested Parties dated December 11, 2009, failed to notify anyone of their appeal rights or process and states the following; (See attached Exh. 5)

“Washington State SEPA rules and the Black Diamond Municipal Code prevent the City from taking any formal action on the proposals for a period of seven (7) days after issuance of the FEISs. However, a public hearing date for the MPD applications has yet to be scheduled. Public hearings are anticipated to occur in the first quarter of 2010”

Some people were advised via email on a mail distribution list that listed everyone’s private email address, and included people who were not of record; some received a notice via USPS and some did not receive a letter until they requested it and it was postmarked December 16th & 17th with a December 18th arrival date. Another citizen, called Mr. Pilcher specifically asking if we needed to appeal and Mr. Pilcher left a voice mail (which will be presented at the hearing) not answering that direct question. When Cindy Proctor emailed Mr. Pilcher asking for clarification of this paragraph and asked for a chronological timeline of hearings it was then determined that DEIS Interested Parties would need to appeal within (14) days. She immediately emailed many of the Interested Parties of this news.

By this time several days had passed and we only had until December 28, 2009 (extended from Christmas Day as City was closed) to review over 2,000+/- pages of FEIS, documents, data and public comments per FEIS. With the appeal date during the Holiday season, it is extremely difficult for the most educated reviewers of a large, complex document of this type to formulate meaningful and thorough comments.

In seeking some legal guidance we were directed to Section (3) (a) (i) of the Washington Administrative Code which clearly states that if an agency provides for an administrative appeal the agency must specify by rule, ordinance, or resolution that the appeals procedure is available.

This is especially confusing because the City of Black Diamond has two SEPA appeals processes on their web page, one in Chapter 18 of the Zoning Plan and one in Chapter 19 of the municipal code. We consider ourselves educated but it would be difficult for the average citizen to know which appeal process applies. It should not be the burden of the citizen to continually have to ask what applies, where to find it, what the process is.

WAC-197-11-680:

(3) Agency administrative appeal procedures.

(a) Agencies may provide for an administrative appeal of determinations relating to SEPA in their agency SEPA procedures. If so, the procedures must comply with the following:

(i) The agency must specify by rule, ordinance, or resolution that the appeals procedure is available.

Some citizens may not even be aware they need to appeal and may believe they can still challenge the adequacy of the FEIS at the MPD Hearing Examiner Hearing first quarter 2010.

This is not the first time that City officials have stated that citizens can comment throughout the process. Former City Administrator Gwendolyn Vopel left a voice regarding our concerns about insufficient notice of the September 29, 2009 DEIS public hearing which stated, *“Don’t worry if you miss the hearing. That there would be plenty of time in the future to comment”* again, what is considered an “official” comment for the public records and what and how you preserve your rights under SEPA rules conflict with this consistent City position that we can comment anytime about anything so don’t worry.

In fact, the various resources available to the citizens for public notice were described as: the Voice of the Valley (paper of record); the monthly newsletter with your water/sewer bill and the City web page. Unfortunately, there is inconsistency in this as well, which is important in understanding the systemic failure to provide adequate and consistent notice.

- Voice of the Valley is weekly paper that was delivered free to residents of Black Diamond and it would seem reasonable to assume that all citizens had access to the paper of record, however there was a period of time that Voice of the Valley was not delivered to those with POB and only those with rural routes. Per the Black Diamond Postmaster this was due to cost and people throwing away the paper. Mrs. Harp contacted the City and the Voice of the Valley and inquired as to how we could keep up with the notices if we were not receiving the paper. After several weeks the paper started to be received again: Please note that not all impacted parties are residents of Black Diamond proper and may not receive this paper weekly regardless
- The monthly newsletter was another avenue of notice, however there was several issues with this:
 - The newsletter is generic and when a public process was to take place there was no special noting (i.e. bright color, bold print stating **“Important”**) of upcoming events and in fact quasi information was buried within other stories, without extensive reading of the entire newsletter some are up to (7) pages a reader would not readily be able to determine what and when to participate
 - Beginning in September when public meetings were starting to be announced the newsletter suddenly went to every-other month
 - Not all Interested Parties receive a monthly utility bill and therefore newsletter
- The City webpage does have the notices although it does not mark the notice with any visual noting that it is important and requires all citizens to look at the webpage (daily or weekly) to have a chance at being informed;
 - The City webpage Search Bar doesn’t work

- The initial DEIS and large notices were posted to the City webpage as (1) large document at a size of 169MB making it virtually impossible to open on a home computer (A multiple citizens complaints the City finally broke the FEIS down to Sections, still extremely large but maybe obtainable for more citizens)
- Multiple codes are on the webpage and none of the notices/document states which document you should review to assist in your analysis

Relief requested: A determination that the FEIS notice to Interested Parties was invalid under the WAC and therefore must be republished/resent to all interested parties with a clear notification of the appeal process, guidelines and timeline. A new or additional method of notice such as a separate flyer/postcard in **bright colors** notifying Interested Parties of important dates or comment deadlines, this is important because we still have the MPD process to complete.

4. City Turmoil-Lack of Capacity

Although not specifically a SEPA appeal procedural item the City Turmoil and Lack of Capacity goes to the lack of quality in notice process, poor quality FEIS, and frankly the inability of citizens to get an answer and participate in a productive manner versus in a frustrated manner. The City Administrator changed twice and is currently vacant; the Senior City Planner is gone effective 12/31/09 due to budget cuts; the City Attorney is under investigation and was paid by both the City and the MPD/FEIS Applicant; two council members are leaving (one with a conflict with Yarrow Bay and the City; disclosed under his F1 filing); the Mayor is leaving; the citizens have been told they cannot communicate/ask clarification or voice concern to council per the former City Attorney; current council members were told to never look at any document related to the FEIS until the December 17, 2009 council meeting when the interim City Attorney, said not only could council read the FEIS they SHOULD be reading the FEIS, they just couldn't engage in back-and-forth conversations with the public or applicant. Finally, there are now three large EIS' (The Villages MPD, Lawson MPD and the Morgan Kame Terrace Mine Expansion) under review by the City but only one City employee assisting in the process, Steve Pilcher. (See attached timeline Exh. 6)

Relief requested: A moratorium on all public action until the Investigation of the City Attorney is completed to see if his actions could have inappropriately influenced the various public processes underway (we know that he was the main negotiator with the Enumclaw School District Agreement with the Applicant regarding school mitigation and promised items that actually required public process under the open space code and was subsequently tabled by the City after citizens complaints); at a minimum a moratorium on all public action until a new permanent City Administrator and City Attorney are in place and up to speed in knowledge and the new City Council and Mayor are seated and brought up to speed.

Noise

Noise is of special concern to us as we are located within 35 feet of the Villages Main Property. We are one of the three single-family residential homes on acreage that is listed on page 3-29 of the Villages FEIS to be affected by construction noise. We submitted comments to this extent during the DEIS process and FEIS response was that Black Diamond Municipal Code adopts WAC 173-60 code. In the mitigation section it goes on to state the “Best Management Practices” should be used. None of our concerns were addressed.

During construction the proposed MPD anticipates noise decibels or dBA levels of up to 96 dBA at 50 feet during certain construction events per table on page 3-29 of the FEIS. The applicants own noise study reflects the following:

- Page 2 states, “Moving half the distance closer to a source increases sound levels by 3 dBA and 6 dBA for line and point sources, respectfully” therefore we could reasonably expect that the dBA may exceed 96 dBAs during construction at 35 feet.
- Page 3 of the same noise analysis states that “Continuous exposure to levels above 70 dBA can cause hearing loss in the majority of the population.”
- Additional reports state that they experienced unusually high traffic on the Auburn-Black Diamond RD (analysis should be done to ensure that construction work on HWY 169 thru Maple Valley and to Enumclaw do not unduly redirect traffic through Roberts Drive; and that analysis was done during Summer and Winter to take into consideration seasonally traffic related to recreation and/or school hours)

We believe that noise readings at the City Shops on Roberts Drive (SLM-ST1) would be unduly impacted by heavy truck noise. Readings at Bruckners Way (SLM-LT3) near the Morgan Kame Mine Terrace Mine would have a lot of mine activity respectfully skewing the base *Leq* levels compared to our location back in the woods. We also believe the noise portion of the FEIS is inadequate because it does not address the cumulative impact of other major land-use actions in the City of Black Diamond such as, the Morgan Kame Mine Terrace expansion currently under review and what the total noise impacts this development will have in conjunction to the large mine expansion.

Unfortunately, all three residential household has at least one household member who suffers from a serious chronic medical condition and that will create an increased sensitivity to noise and they could be adversely affected by sustained noise at the 70 dBA level let alone the proposed 90/96 dBA level. Adverse impacts include:

- Increased Illnesses
- Stress, confusion, irritability
- Increased Hypertension- which can be life threatening with those with existing heart conditions
- Loss of sleep
- Permanent loss of hearing
- Tinnitus- which can be perceived in one or both ears or in the head. It is usually described as a ringing noise, but in some patients it takes the form of a high pitched whining, buzzing, hissing, screaming, humming, tinging or whistling sound; Tinnitus can be intermittent or it can be continuous in which case it can be the cause of great distress. In some individuals, the intensity of tinnitus can be changed by shoulder, head, tongue, jaw, or eye movements

The FEIS goes on to say that the Villages is exempt from noise thresholds for temporary construction under the WAC implying that the Applicant does not need to employ any mitigation but is still offering to follow Best Management Practices for noise mitigation. However, nowhere in the WAC does it allow an adverse impact even if exempt under temporary construction and allows mitigation to/of EDNA Class A sites.

In addition, if every Best Management Practices was followed it would only result in a reduction of 3-10 dBAs. This may be helpful for those who live in Morganville but not the (3) residents identified on page 3-29 as being affected.

By the applicants own noise study and the FEIS we are adversely impacted. We may only be (3) households but we have been on our property for over 30 years in a rural, wooded, serene setting. The project may not adversely impact the entire City, but it does us. We have not seen anything in environmental review that puts a number on how many people can be impacted adversely before it is cited as an adverse impact to the project.

Relief requested: We ask that a recommendation be made to the City on the BDMC Noise Ordinance currently under revision address noise concerns within the FEIS. We ask that additional noise studies are completed and incorporate all major pending land-use actions in the study area.

We pray upon the Hearing Examiner to impose noise mitigation beyond Best Management Practices such as but not limited to; increased natural landscape buffer along the proposed development between the dissimilar zoning uses, sound attenuation barrier; private fencing and additional tree planting along SF residences; triple pane windows; restriction of construction activities between 7:00 AM-6:00 PM M-F with no weekend work.

We are unsure that even if all these mitigations measures were implemented that an acceptable dBA level for those with medical conditions could be met. We therefore request that a detailed mitigation plan be included as either part of the final MPD or before building and construction can begin, and that is agreeable to all parties.

We believe the developer has the right to develop their property, but not at the loss of our rights, and that we have the right to not be adversely impacted.

Transportation:

Level of service is already a problem along HWY 169 and the Auburn-Black Diamond RD. Furthermore there are limited transit options and the Park-and-Rides are at capacity including the Sounder train. We specifically brought this up as an area of concern in our DEIS comments which were not adequately addressed. We were surprised that in section 3-23 of the FEIS that it states that none of the MPD alternatives are expected to adversely affect transit services or facilities. Yet in Chapter 6-5 Metro transit and Sounder transit are listed as mitigation options. Chapter 6 goes on to say that transportation demand will be reduced by providing walking and biking trails as a source of mitigation.

In review of comments submitted by agencies such as, King County, the City of Auburn and WSDOT they all appeared to address our similar concerns about LOS of existing roads, impacts on arterial roads and transit capacity. The FEIS responses to these written concerns were similar to our concerns:

- Area/roads or transit stations are not in the study area (even though it is apparent that all jurisdictions feel the study area is insufficient)
- Conflicting use of transit as a mitigation factor/and then stating no impact on transit
- Failure to combine the two projects and address the cumulative impacts of transportation
- Use of reactive monitoring plans instead of proactive developer mitigation requirements
- The creation of service and light manufacturing jobs requires low-wage earners to commute to the site as much of housing will not be affordable in nature; whereas those who can afford to live in the MPD sites will require higher paying jobs outside the city, ergo biking and walking in mass is not a mitigating factor.
- FEIS responses to numerous of the public and agency comments regarding traffic/transportation are ruled “Not SEPA related therefore not addressed; should be part of the MPD process.”

Finally, the FEIS states the following on page 3-16 Section 4 “*Many of the new roadways are developer-driven projects, which would be required as a result of development. No environmental analysis has been conducted on any of the potential new alignments-upon receipt of specific applications for development, the City will need to determine if additional impacts could occur, and what appropriate mitigation may be necessary.*”

We understand the game that the developer plays and that they do not want to propose improvements up front; that they would want to wait and see what the city comes back with in terms of conditions and then negotiate. Which we assume is why no environmental analysis of the Villages connector to HWY 169 was addressed, and would be reviewed later by the City or under a separate Road EIS. However on November 4, 2009 Interested Parties received notice that the other connector option (South Green Valley RD connector) was removed from the MPD applicant's project plans. (See attached Exh. 7)

It is that this point the review level should have changed. Per environmental counsel, if the only reason the road is being built is to service the new development and it wouldn't be needed otherwise, than it should be included in the developments EIS. If this is the case, the FEIS for the development would show traffic and natural environmental impacts and have mitigation measures. At this point a supplemental DEIS should have taken place.

Requested Relief: As previously stated an additional DEIS on the new and only Villages Connector was requested in writing to the City of Black Diamond and assurance that it would be considered was the emailed response, yet no supplemental DEIS was completed. On a separate issue, additional transportation studies and mitigation measures reflecting the valid comments and concerns of all jurisdictions (City of Auburn, King County, WDOT, Cities of Covington, Maple Valley and Enumclaw) and citizens should be carried out; fifty-to- sixty percent of the transportation comments cannot be dismissed as not relevant, outside the study area or a MPD comment without there being some type of methodology or scope flaw.

Wildlife and Wetlands:

Wildlife and wetlands have been a consistent area of concern. We worked tirelessly to provide documentation of a wildlife corridor across our property on their way to Rock Creek. We provided numerous photographs of Bear, Bobcat, Elk and Cougar traversing the property. In fact Washington State Fish and Wildlife had to come this summer and catch and release a bear who decided our property's open space and wild berries were a nice place to nap. (See photos obtained and verified to be from our property sites)

We advocated for the creation of a wildlife corridor that would allow the animals to traverse along contiguous open space from Lake Sawyer, along Rock Creek, down to the Green Valley and Green River. The FEIS fails to identify our property in the wildlife corridor as either primary or secondary, yet after 30+ years of living here, building Bear proof garbage facilities; attempting to Deer proof our trees; having Elk graze in our yard, and losing many a cat to a Coyote and as demonstrated by our attached photos, I can assure you that, contrary to the Exhibit in the MPD/FEIS that wildlife frequently and safely traverse our property in route to the Rock Creek wetlands.

The FEIS is egregiously deficient to the point that it appears to ignore its own reports. The written analysis is inconsistent with Appendix N-Wildlife and Wetlands Report. The report does not note who the creator is so we assume it is Parametrix report. Whereas Chapter 4 reflects a broad superficial overview of wildlife and wetlands impact the appendixes report reflects multiple development impacts:

Appendix N-4.1.2 Impacts to Wildlife

- Development of the site under the proposal would have a significant impact on the abundance, distribution, and composition of the wildlife species found on the site. Additionally, indirect impacts to the retained natural open space will likely make it less suitable for some species of wildlife that currently inhabit the site.
- PG 26- Current conditions allow wildlife to travel relatively freely between available habitats. Development under the proposal will likely force many species to be funneled through the remaining natural open space areas. The open space areas generally connect to additional habitat offsite and should act as wildlife corridors post development. The open space surrounding Black Diamond Lake and its associated wetlands will likely serve as an important wildlife corridor, allowing movement between habitats located off site.
- PG 28 The Green River drainage basin and surrounding areas are known to be a migration corridor that allows elk to move freely between winter and summer ranges. Elk are also known to winter over in the Green River and surrounding areas. Maintaining connections between the existing wetland systems on site could preserve east-west and north-south travel corridors that connect to *Plants and Animals, Draft EIS WRI #08036 The Villages July 16, 2008*
- PG 29- additional habitat offsite. Protected wetlands and their buffers will benefit elk by preserving significant amounts of elk habitat. Site development may increase the available food for elk

The only small mitigation benefit we had seen in the FEIS was the proposal to have no development on or near the Core Wetlands (SAO) and the Wildlife corridor. However as previously stated the developer now proposes to build a road connector for the Villages over and thru the Core Wetlands and Wildlife Corridor. (See attached maps Exh. 8)

The current FEIS assumptions would be invalid in light of the new road as no contiguous wildlife corridors would be available and the road would impact a greater amount of the Core Wetlands. Furthermore, it appears from the FEIS that additional wildlife/wetland mitigation is needed to lessen the environmental impact to wildlife and wetlands regardless of road placement.

Relief requested: A supplemental DEIS must be conducted to gage the possible adverse impacts of the Village Connector Route across the Core Wetland and Wildlife Corridor; wetland mitigation should take place within the project area not offsite; additional documentation on the location of secondary wildlife corridors should be done with requirements of further development setbacks when near both secondary and primary wildlife paths; the cumulative impacts of all current land-use action in the City should be addressed.