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BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE

In the Matter of the Appeal of:  
  
**THE BALLARD COALITION**  
  
Of the adequacy of the Final Environmental  
Impact Statement, prepared by the Seattle  
Department of Transportation for the Burke-  
Gilman Trail Missing Link Project,  
  
Appellants.

Hearing Examiner File  
  
W-17-004  
  
**CASCADE BICYCLE CLUB  
MEMORANDUM IN SUPPORT OF  
SEATTLE DEPARTMENT OF  
TRANSPORTATION’S MOTION FOR  
PARTIAL DISMISSAL**

The Cascade Bicycle Club (“Cascade”) supports each argument presented by the Seattle Department of Transportation (“SDOT”) in its Motion For Partial Dismissal. Cascade files this memorandum to provide additional authority in support of Section E in SDOT’s Motion, which urges dismissal of Appellants’ contentions that the Final EIS “over-narrowly defined the ‘Project Objective’ . . . to be completion a ‘multi-use trail,’ thereby predetermining the outcome.” Notice of Appeal at 5-6. Appellants correctly assert that the project objective of completing a multi-use trail precluded study of certain alternatives that Appellants prefer, such as a cycle track on Leary Ave. They are wrong as a matter of law in contending that the restriction of alternatives to options that achieve the City’s project objective violates SEPA.

CBC MEMO IN SUPPORT OF SDOT’S  
MOT FOR PARTIAL DISMISSAL  
W-17-004

1           The lead agency on a government project has broad discretion to define the scope and  
2 purpose of the project. In *Solid Waste Alternative Proponents v. Okanogan County*, 66 Wn.App.  
3 439 (1992) the Court of Appeals rejected a challenge to an EIS for a new county landfill.  
4 Appellants argued that the EIS was inadequate because it did not analyze alternatives that  
5 involved shipping waste to a regional landfill. The Court rejected this claim because the County  
6 made a policy call that it wanted to build a landfill in Okanogan County, and the Court upheld  
7 the County’s authority to define the project purpose in a way that excluded “the long haul  
8 alternative.” 66 Wn.App. at 507. In this case, where the project under review consists of  
9 completing the last 1.4 miles of a regional multi-use trail, it is absurd to claim that an EIS is  
10 defective because SDOT defined the project purpose as completing the multi-use trail.  
11

12           Under the SEPA rules, the project purpose limits the range of alternatives that must be  
13 analyzed in an EIS. WAC 197-11-440(5)(b) characterizes “reasonable alternatives” as “actions  
14 that could feasibly attain or approximate a proposal’s objectives . . .” In *Brinnon Group v.*  
15 *Jefferson County*, 159 Wn.App. 446 (2011) the Court of Appeals held that the range of  
16 “reasonable alternatives” in a SEPA EIS on a proposed comprehensive plan amendment to  
17 permit a resort development had to allow the development. 159 Wn.App. at 481. Multiple  
18 federal decisions hold that an agency is not required to consider alternatives that do not  
19 accomplish the project purpose. See, e.g., *Friends of Southeast’s Future v. Morrison*, 153 F.3d  
20 1059, 1066 (9th Cir. 1998); *Laguna Greenbelt v. U.S. Dept. of Transportation*, 42 F.3d. 517, 524  
21 (9th Cir. 1994); *Westlands Water District v. U.S. Dept. of the Interior*, 376 F.3d 853, 868 (9th  
22 Cir. 2004).  
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1 For these reasons, Cascade supports SDOT's motion to dismiss the Ballard Coalition's  
2 challenge to the alternatives reviewed in the Final EIS. SEPA does not require analysis of  
3 alternatives that serve only some of the intended users of a multi-use trail.  
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5  
6 Dated this 4th day of August, 2017.

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CBC MEMO IN SUPPORT OF SDOT'S  
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W-17-004

1 **CERTIFICATE OF SERVICE**

2 I certify that on this date of August 4, 2017, I electronically filed a copy of the foregoing  
3 document with the Seattle Hearing Examiner using its e-filing system. I also certify that on this  
4 date I caused to be served a true and correct copy of the foregoing on the following persons in  
5 the manner listed below:  
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CBC MEMO IN SUPPORT OF SDOT'S  
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I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED: August 4, 2017 at Seattle, Washington.

  
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