

Appendix H

Coordination Plan, Tribal Consultation Plan, Public Involvement Plan





Mukilteo Multimodal Project
Coordination Plan
January 2012



**Washington State
Department of Transportation**



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Introduction

This document is an update to the Coordination Plan that was published in March 2006 and last updated in March 2010. The purpose of this plan is to guide the Washington State Department of Transportation Ferries Division/Washington State Ferries (WSDOT) Mukilteo Project team through the agency and public involvement activities for the Mukilteo Multimodal Project. The plan outlines activities covered during the joint National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA) environmental review process, beginning with scoping and ending with a NEPA determination in the form of a Record of Decision from the Federal Transit Administration (FTA). The Public Involvement Plan, an addendum to this plan, includes specific public involvement activities for each phase of the project.

The plan is designed to solicit early and continued feedback from agencies and the public to ensure that input will be incorporated into the decision making process for this project. The document is intended to be a living document, capable of reacting to feedback and project changes as needed.

Since the 2006 Coordination Plan was published, funding and constructability issues associated with previously identified alternatives have led FTA and WSDOT to reconsider the range of alternatives considered for the project. After a nearly three year hiatus, FTA and WSDOT reinitiated the environmental process in 2010.

This plan complies with the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) signed into law on August 10, 2005, Section 6002 as a plan for public coordination (SAFETEA-LU Section 6002: Section 139(g)(1)). This plan also mentions the agency coordination required by federal regulations outlined in Section 4(f)/Section 6(f) and Section 106.

For further information about this plan or to be placed on the project mailing list, please contact Hadley Rodero at (206) 462-6354 or e-mail at roderoh@wsdot.wa.gov.

Project Background and Description

Project background

WSDOT has operated a ferry route between Mukilteo and Clinton (on south Whidbey Island) since 1951. It is a component of State Route (SR) 525, the major transportation corridor between Island County (Whidbey Island) and the Seattle-Everett metropolitan area. The ferry route carried over four million passengers and over two million vehicles in 2009. In terms of vehicle traffic, it is the busiest route in the Washington State Ferries system; in addition, it has the third largest annual ridership. The existing terminal in Mukilteo is old and needs major repairs. Improvements are needed to operate the terminal safely and efficiently, and to meet future ridership forecasts and security requirements.

WSDOT and FTA are evaluating a new multimodal terminal in Mukilteo. Benefits of the new terminal would include:

- Improved ferry operations, including the efficiency of vehicle and walk-on passenger loading and unloading
- Improved safety for passengers
- Better and safer access for pedestrians and bicycles
- Convenient transit connections
- Improved multimodal connections

The project is undergoing an environmental review process in accordance with NEPA and SEPA. WSDOT plans to start construction in 2015 and complete the project in 2019.

WSDOT has secured approximately \$63 million in funding for the project from state and federal sources. At this time the estimated costs associated with the full project are greater than current funding, and therefore the project may be phased.

Coordinated environmental review process

The Mukilteo Multimodal Project has and continues to undergo environmental review in accordance with NEPA, following FTA regulations and policies, including the new SAFETEA-LU requirements in Section 6002, Efficient Environmental Reviews for Project Decision-Making. The environmental review process has also been designed to be consistent with SEPA. The project initially began a NEPA Environmental Assessment in 2004. Early in 2006, upon completion of environmental discipline studies, FTA and WSDOT determined that the effects posed by the proposed action upon natural and cultural resources would benefit from more detailed analysis in an EIS. FTA issued a notice of intent to prepare an EIS for the project in February 2006. In 2007, funding and constructability issues associated with previously identified alternatives led FTA and WSDOT to reconsider the range of alternatives considered for the project. After a nearly three year hiatus, FTA and WSDOT reinitiated the environmental process in 2010. The project's schedule includes a Draft EIS with public hearings and comment in early 2012, and a Final EIS in mid 2013.

Agency Participation

NEPA and SAFETEA-LU emphasize the importance of agency coordination early in the NEPA process. Three categories of interagency participation have been delineated to facilitate this cooperation. FTA invited federal agencies and Tribes, and WSDOT invited state and local agencies, as appropriate, to participate as cooperating or participating agencies at the beginning of the environmental review process.

Lead Agency

FTA is the NEPA lead agency supervising the preparation of the EIS by WSDOT. WSDOT is the SEPA lead agency.

Cooperating Agency

Cooperating agencies are any other tribal government, federal, state, or local public agencies with jurisdiction or special expertise with respect to any environmental issues which should be addressed in the EIS. Such agencies have been invited to serve as cooperating agencies.

Participating Agency

Participating agencies, according to SAFETEA-LU Section 6002: Section 139(d), are those Federal and non-Federal agencies that may have an interest in the project. Such agencies have been invited to participate in the environmental review process. Because Cooperating Agencies are by definition Participating Agencies but with a higher degree of responsibility and involvement in the environmental review process, references below to Participating Agencies include Cooperating Agencies.

Mukilteo Multimodal Project EIS Process

The Mukilteo Multimodal Project EIS will be a combined document under NEPA and SEPA. The EIS process will proceed consistent with 23CFR771, Environmental Impact and Related Procedures for the Department of Transportation, and SAFETEA-LU as well as Chapter 197.11 of the Washington Administrative Code.

Project Initiation

As required by SAFETEA-LU Section 6002: Section 139(e), WSDOT notified the Secretary of the U.S. Department of Transportation of the type of work, termini, length and general location of the proposed project as well as anticipated Federal approvals required.

EIS Process

Pursuant to 23CFR771, FTA and WSDOT are completing the following steps as part of the EIS process:

- Publishing a Notice of Intent in the Federal Register
- Developing a project Purpose and Need Statement
- Scoping, which identifies the range of alternatives and impacts and significant issues to be addressed in the EIS
- Developing Draft Environmental Impact Statement
- Conducting coordination with cooperating and participating agencies and Tribes
- Issuing the Draft EIS and conduct the Draft EIS comment period
- Issuing the Final Environmental Impact Statement, including responses to public comments on the Draft EIS

As required by SAFETEA-LU Section 6002: Section 139(f), FTA and WSDOT have and will continue to provide opportunity, as early as practicable, for comment by participating agencies and the public on the purpose and need for the project and the range of alternatives to be considered.

Record of Decision

After publication of the Final EIS, the FTA is expected to issue a Record of Decision, which will present FTA's specific project environmental decisions and approvals and itemize any mitigation measures incorporated into the project.

Project Team Structure

Three primary groups make up the Mukilteo Multimodal Project team:

- FTA
- WSDOT Ferries Division/Washington State Ferries
- Project consultants

FTA

FTA has lead Federal agency status for the project. The FTA contact is Dan Drais, Environmental Protection Specialist.

WSDOT Ferries Division

Although FTA is the lead Federal agency for the project, WSDOT staff is in charge of project management and guides the project team. They authorize, review and approve consultant work and provide recommendations to WSDOT executives. The following WSDOT staff members are involved with the facilitation and review of the project:

- Project director – Nicole McIntosh
- Geotechnical designer – Don Chadbourne
- Structures designer – Tom Bertucci
- Environmental manager – Paul Krueger
- Tribal liaison – Phillip Narte

Project consultants

The consultant team supports WSDOT staff as part of developing the EIS. Team meetings are held biweekly. Additional meetings are scheduled as needed. Project consultants include:

Axis Environmental

Permitting strategist/tribal outreach coordinator – Sasha Visconty

BergerABAM

Design team lead – Gilma Jimenez

Jacobs

Project coordinator – Edd Thomas

Parametrix

Environmental documentation – Daryl Wendle

PRR

Communications lead/public involvement – Hadley Rodero

Tetra Tech

Project engineer/project manager – Sandy Glover

Agency Consultation

Agency consultation is led by FTA with WSDOT to include an early and continuous exchange of information with the appropriate agencies. The intent of coordination is to work cooperatively to identify and resolve issues that could delay completion of the environmental review process or could result in denial of any approvals required for the project.

Lead Agencies

As project lead agencies, FTA and WSDOT are responsible for preparing the EIS. In addition, pursuant to SAFTEA-LU Section 6002, lead agencies must identify and involve participating agencies, develop coordination plans, provide opportunities for public and participating agency involvement in defining the purpose and need and determining the range of alternatives; and collaborate with participating agencies in determining methodologies and the level of detail for the analysis of alternatives. In addition, lead agencies must provide increased oversight in managing the process and resolving issues.

Affected Agencies – cooperating agencies and participating agencies

FTA and WSDOT invited affected agencies to become Cooperating or Participating agencies as appropriate as early as practicable in the environmental review process (SAFTEA-LU Section 6002: Section 139(d)(2)). Those federal agencies invited to become Cooperating agencies that declined this role became Participating agencies unless that agency informed FTA or WSDOT by the established deadline that the invited agency has no jurisdiction or authority with respect to the project, has no expertise or information relevant to the project, and does not intend to submit comments on the project. State and local agencies were to respond in writing in the affirmative by the invitation deadline in order to be considered a Participating Agency. Upon re-initiation of the NEPA/SEPA process in 2010, FTA and WSDOT invited affected agencies to reconfirm or change their status as Cooperating or Participating agencies.

The following federal, state, and local agencies were identified as affected agencies based on the natural, cultural, and socioeconomic resources in the project area and agency jurisdiction and expertise. Table 1 lists the Cooperating and Participating Agencies.

Cooperating Agencies
City of Everett
City of Mukilteo
Community Transit
Port of Everett
Samish Indian Nation
Snohomish County
Sound Transit
Stillaguamish Tribe
Suquamish Tribe
Tulalip Tribes
U.S. Air Force
U.S. Army Corps of Engineers

Participating Agencies
Federal Highway Administration
Island County
National Park Service
Puget Sound Regional Council
U.S. Coast Guard
U.S. Environmental Protection Agency
U.S. Fish and Wildlife Service
Washington State Department of Archaeology and Historic Preservation
Washington Department of Ecology
Washington Department of Fish and Wildlife

Table 1: Cooperating and Participating Agencies

Agency Coordination Goals

Goal A: Ensure the open exchange of information, ideas and concerns between FTA, WSDOT, and the Cooperating and Participating Agencies about the project, its potential impacts, design development, and appropriate mitigation.

Objective – Engage affected agencies regarding the scoping of effects to be evaluated, alternatives to be considered, design development, mitigation measures, and project purpose and need.

Objective – Communicate how resource agency comments and concerns were considered in the project development.

Goal B: Avoid substantial design changes during permit review.

Objective – Address resource agency feedback and concerns during project development, design, and mitigation through early and continuous communication throughout the process.

Goal C: Maintain constructive interagency relationships that promote coordinated transportation partnerships.

Objective – Understand resource agency permit responsibilities to promote effective interagency communication.

Objective – Use the Mukilteo Multimodal Project to build on relationships between WSDOT and resource agencies with whom WSDOT is or will be engaged in consultation for future projects.

Agency Coordination Approach

Agency consultation will be led by each agency’s respective project members, and will involve an early and continuous exchange of information with the appropriate agencies. These efforts will be monitored and integrated into this plan as necessary. Regular communication will be established to ensure that these efforts are captured within the overall public involvement documentation.

The general approach to agency coordination for the Mukilteo Multimodal Project is outlined below.

- Identify affected and interested agencies

- Make official contact with affected agencies to invite their participation as Cooperating Agencies and provide general project information (see attached agency contact list)
- Invite those agencies with interest to become Participating Agencies
- Hold an agency scoping meeting for the EIS. Request comments on scoping, project purpose and need, and project alternatives. Announce the scoping meeting and the comment period in the Federal Register.
- Coordinate with Cooperating and Participating Agencies on EIS analysis methodology as appropriate.
- Meet with representatives of Cooperating and Participating agencies as needed to review issues throughout EIS and project development.
- Provide a preliminary review copy of the Draft EIS for Cooperating Agency review and comment.
- Seek to resolve major issues as early as practical in the environmental review process and during all phases of project development prior to permit submittals
- Document official communications and agreements with resource agencies.
- Provide copies of Draft EIS, along with Executive Summaries, technical reports and drawings, for continued review and comment by Cooperating Agencies during the official comment period and at public hearings.

Milestones of Agency Coordination

At each of the major project milestones, the lead agencies have and will continue to coordinate with the affected agencies as follows:

- NEPA Scoping: Affected agencies were contacted in 2006 and invited to become Participating or Cooperating agencies; they were also invited to an agency scoping meeting in March 2006 at which FTA and WSDOT sought agency involvement on the project's purpose and need, and the range of alternatives, impacts, and significant issues to be considered (SAFETEA-LU Section 6002: Section 139(f)(1-2) and (4)). The 2006 scoping meeting was held within the 30-day scoping comment period during which comments were submitted to WSDOT. With re-initiation of the NEPA/SEPA process in 2010, agencies were invited to confirm or change their status as Participating or Cooperating agencies. FTA and WSDOT again sought agency involvement on the revised project purpose and need, and the range of alternatives, impacts, and significant issues to be considered.
- Finalized scope of the EIS based on scoping period comments from agencies and the public.
- Documented agency and public comments in a final Scoping Report.
- Analysis of resource methodologies: FTA and WSDOT provided proposed analysis methodologies to Cooperating and Participating Agencies, per individual agency request, for a 30-day review period on the methodologies and level of detail (SAFETEA-LU Section 6002: Section 139(4)(C)).
- Information provided by agencies: Cooperating and Participating agencies have been helpful in providing data, identifying resources, and determining regulatory compliance requirements. Agencies will continue to provide information and evaluations through the completion of the EIS.

- Section 4(f)/6(f), and Section 106 letters of preliminary views and concurrences: FTA will coordinate with the State Historic Preservation Officer regarding the presence and eligibility of cultural resources, in compliance with Section 106. Also, WSDOT will consult with jurisdictions where public parks and recreational resources are potentially impacted by the project.
- Draft EIS: FTA and WSDOT will issue the Draft EIS. Cooperating agencies received a preliminary Draft EIS for a 30-day review period prior to publication of the document. WSDOT worked with FTA to address comments received from these agencies on the preliminary draft. The Draft EIS is distributed to all cooperating and participating agencies.
- A 45-day EIS comment period follows publication of the Draft EIS. Since the Mukilteo Multimodal Project EIS is a NEPA and SEPA EIS, the notice of availability will be published both in the Federal Register and SEPA Register, and other notices and advertisements will be placed in accordance with NEPA and SEPA requirements.
- WSDOT will identify a preferred alternative based on the Draft EIS, the public and agency comments received during the Draft EIS comment period, and other agency input. The preferred alternative is expected to be included in the Final EIS.
- Final EIS: The Final EIS will include responses to all agency and public comments received on the Draft EIS and will be sent to the distribution list. A notice of availability will be published in the Federal Register and SEPA Register.
- After publication of the Final EIS, the FTA and WSDOT will select the alternative to be built.
- Record of Decision (ROD): After the 30-day no action period has elapsed since the issuance of the Final EIS, FTA will issue a ROD containing its specific environmental decisions and approvals on the project and itemizing any mitigation measures incorporated into the project per 40 CFR 1505.2. It will incorporate any comments received on the Final EIS and responses to those comments. The ROD will be distributed to affected agencies, and a Notice of Final Federal Agency Action will be published in the Federal Register.
- Begin Final Design and Project Construction: WSDOT will continue to coordinate with affected agencies throughout final design and construction to obtain permits and other approvals.

Tribes

In addition to reaching out to individual Tribal members and the Tribes as stakeholders in this project, FTA and WSDOT have additional government-to-government responsibilities to consult with the Tribes, Tribal Communities and Nations that may be affected by the project. The Centennial Accord, adopted in 1989, is an agreement between federally recognized Indian Tribes of Washington and the State of Washington to work together to improve the government-to-government relationships between the Tribes and the State. Additionally, the Presidential Executive Memorandum dated September 23, 2004, requires federal agencies like the FTA to operate within a government-to-government relationship with federally recognized tribal governments. Moreover, Section 106 of the National Historic Preservation Act requires that federal

agencies consult with Indian Tribes (as well as the State Historic Preservation Officer) regarding potential effects on historic properties.

FTA and WSDOT are committed to government-to-government consultation with Tribes on projects that may affect tribal rights and resources. In accordance with WSDOT's Centennial Accord Plan, the Presidential Executive Memorandum and Section 106, the Mukilteo Multimodal project team will engage in early and continuous consultation with affected Tribes throughout the project. Because government-to-government consultation with Tribes is generally distinct from public involvement, and because it arises from unique commitments and obligations as discussed above, Tribal consultation for this project will be conducted under a separate plan, the *Mukilteo Multimodal Ferry Terminal Project, Government-to-Government Tribal Consultation Plan* (January, 2011), rather than under this *Coordination Plan*.

FTA will manage tribal consultation in coordination with David Moseley (Assistant Secretary for Washington State Ferries), although many team members may assist in the on-going government-to-government dialogue depending on their particular area of expertise. Regular communication will be established within the project team to ensure that information is coordinated internally and integrated into the government-to-government dialogue with the Tribes. Consultation efforts and results will be recorded in the overall project documentation.

Federally recognized Tribes who are signatory to the Point Elliot Treaty of 1855, and ratified in 1859 listed below, are engaged in either Section 106 consultation or government-to-government activities with the project. All of the Tribes listed have been invited as participating agencies to the project.

1. Lummi Nation (Usual and Accustomed Area)
2. Tulalip Tribes (Usual and Accustomed Area)
3. Swinomish Tribal Community (Usual and Accustomed Area)
4. Suquamish Tribe (Usual and Accustomed Area)
5. Nooksack Tribe
6. Samish Tribe
7. Sauk-Suiattle Tribe
8. Snoqualmie Tribe
9. Stillaguamish Tribe
10. Upper Skagit Tribe

Non-federally recognized Tribes are also invited to participate as Section 106 consulting parties. They are as follows:

1. Duwamish Tribe
2. Snohomish Tribe of Indians

Public Involvement/Community Outreach

Public involvement approach

Public involvement/community outreach is the act of engaging, involving and informing agencies, key stakeholders, community members and the general public about the planning, design and development of the Mukilteo Multimodal Project. This section and the Public Involvement Plan (PIP) addendum are intended to demonstrate a consistent level of public participation throughout the project's different phases, milestones and decisions. For more information about specific public involvement goals, strategies, and tools, please see the Public Involvement Plan.

WSDOT and FTA believe in building relationships with both the general public and with communities. WSDOT and FTA will hold public meetings and hearings in the project area and offer multiple ways for people to participate in the project. The project will include a variety of tools and materials so the public can easily access project information.

Community members, organizations and businesses will have opportunities to learn about the Mukilteo Multimodal Project throughout the different phases of design and development. They will be asked to provide input on the project's purpose and need, range of alternatives and impacts to be considered, and design options. In addition, the public will have multiple opportunities to discuss broad or specific project details with the project team. The input received from the public will be considered at key decision points.

Key milestones

Public involvement activities will correspond with major project milestones and will be coordinated with the FTA, as well as agencies in the vicinity of the Mukilteo Multimodal Project such as Port of Everett, City of Mukilteo, City of Everett, Community Transit, Everett Transit, and Island Transit. Public meetings and materials for the Mukilteo Multimodal Project will include surrounding project information when possible.

Key project milestones and opportunities for public involvement include:

- NEPA EA Scoping
- Alternative Screening
- Environmental Analysis
- NEPA EIS Scoping
- Public comments on the project Purpose and Need and project Alternatives
- Draft EIS publication and circulation
- Final EIS issuance and circulation
- ROD issuance

Table 2 includes a list of project milestones and associated public involvement activities and tools.

Milestone Timeline of Activities								
Season/Year	Project Milestone	Public Outreach Tools						
		Stakeholder Briefings	Public Meetings	Email	Handouts	Database and comment form	Website	News Release
Fall 2004	NEPA EA Scoping	✓	✓	✓	✓	✓	✓	✓
Winter/Spring 2006	NEPA EIS Scoping	✓	✓	✓	✓	✓	✓	✓
Summer/Fall 2010	Additional NEPA EIS Scoping	✓	✓	✓	✓	✓	✓	✓
Winter 2012	Draft EIS Publication	✓	✓	✓	✓	✓	✓	✓
Spring 2013	Final EIS issuance	✓		✓	✓	✓	✓	✓
June 2013	ROD issuance	✓		✓		✓	✓	✓

Table 2: Milestone timeline of activities

See the PIP for a full plan of public involvement opportunities and activities.

Public involvement tools

A variety of tools will be employed to involve the public and share information including public hearings, meetings, project briefings, informational materials, media relations, and online tools.

Public meetings, open houses, online meetings, and other events offer hands-on opportunities to engage citizens in learning about the Mukilteo Multimodal Project, identifying community issues, and reviewing design options.

Project materials such as updates or fact sheets allow WSDOT to keep the general public informed about the project's status, schedule and upcoming involvement opportunities. On-going communication tools including electronic updates, stakeholder briefings, media relations, web updates and notices will be used throughout the project development process as needed. All printed materials and the website will have a consistent look and feel to increase the public's recognition of the project.

The public will be encouraged to provide feedback via the website, e-mail, mail and comment forms. Feedback will be collected and responded to as appropriate.

Please see the PIP for a full summary of public involvement tools that will be used throughout the project.

Environmental Justice

The principles embodied in Title VI of the Civil Rights Act of 1964 are reinforced in Presidential Executive Order 12898, issued by President Clinton in 1994, and subsequent federal guidance to ensure that environmental justice is made a part of each federal agency's mission. Executive Order 12898 provides that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations." In the accompanying memorandum, President Clinton urged federal agencies to incorporate environmental justice principles into analyses prepared under the National Environmental Policy Act (NEPA) and emphasized the importance of public participation in the NEPA process.

In response to Executive Order 12898, the U.S. Department of Transportation issued the DOT Order, which outlines how environmental justice analyses should be performed and how transportation project decisions should be made to avoid disproportionately high and adverse effects on minority and low-income populations. The DOT Order requires agencies to do two things: (1) explicitly consider human health and environmental effects related to transportation projects that may have a disproportionately high and adverse effect on minority or low-income populations; and (2) implement procedures to provide "meaningful opportunities for public involvement" by members of those populations during project planning and development (DOT Order § 5(b)(1)).

To determine the percentage of minority and low-income populations living in the vicinity of the Mukilteo Multimodal Project, WSDOT consulted Mukilteo city planners early in the project development process. They did not identify significantly high minority or low-income populations residing in the study area. During the NEPA/SEPA process WSDOT and FTA will reevaluate the race and income characteristics of the population in the project area to determine if any previously unidentified minority or low-income populations are present.

Project materials will be available for translation when requested and will include approved American with Disabilities Act and Title VI statements. Meetings will be held in accessible buildings and sign-language interpreters will be provided upon request.

Issue Identification and Resolution

Through public interaction activities defined in this plan and the PIP, FTA, WSDOT, and cooperating and participating agencies are provided the opportunity for early and on-going identification of environmental or socioeconomic issues that could substantially delay or prevent project approval. WSDOT or the Washington State Governor may request the FTA to convene issue resolution meetings. If resolution of issues cannot be achieved, FTA must notify the Governor, Congress, and the Council on Environmental Quality (CEQ). FTA would publish any unresolved issues in the Federal Register. (SAFETEA-LU Section 6002: Section 139(h))

**MUKILTEO MULTIMODAL FERRY
TERMINAL PROJECT
GOVERNMENT-TO-GOVERNMENT
TRIBAL CONSULTATION PLAN**

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1. Introduction

The following plan will guide the Mukilteo Multimodal project through government-to-government tribal consultation during the period of scoping through NEPA determination. An addendum to this plan, to be produced at a later date will include specific tribal consultation activities during permitting and construction of the project.

This plan is designed to encourage early and continued feedback from, and involvement by, tribes potentially affected by the Mukilteo Multimodal project, and to ensure that their input will be incorporated into the decision making process. The processes and commitments outlined below apply to all interaction between the Mukilteo Multimodal project and tribes. Although tribal coordination and government-to-government tribal consultation is being undertaken as a distinct outreach effort, tribal involvement will also occur during agency coordination and public involvement.

2. Overview

2.1 Project Team Structure

The Federal Transit Administration (FTA) is the federal lead agency for this project. Washington State Department of Transportation (WSDOT) is the project sponsor. FTA retains responsibility for compliance with consultation requirements. Any contact with the tribes will be initiated by FTA, or at their request through the WSDOT. FTA is the lead for meetings and negotiations for the tribal consultation process under the National Environmental Policy Act (NEPA).

The Mukilteo Multimodal project has had a designated tribal liaison for this project. The WSDOT HQ Tribal Liaison will assist FTA and WSF Tribal Liaison in tribal coordination efforts as necessary. With the concurrence of FTA, other WSDOT team members may participate in the on-going government-to-government dialogue. Consultants will not participate in any government-to-government dialogue. Consultants will assist in preparing for meetings with the tribes, but all contact will be through FTA or their WSDOT staff designee, if appropriate, on the project. Communication with tribes will be coordinated through the FTA and the Mukilteo Multimodal Tribal Liaison to ensure that information is managed internally and integrated into the government-to-government dialogue with the tribes. All tribal consultation and the results from these efforts will be documented in the project's administrative record.

2.2 Legal Guidance

The FTA will engage in early and continuous consultation with affect tribes throughout the process in accordance with the following documents and regulations:

- **Government-to-Government Relationship with Tribal Governments**, a Presidential Memorandum dated September 23, 2004, requires that federal agencies operate within a government-to-government relationship with federally recognized tribal governments.

- **Section 106 of the National Historic Preservation Act** requires that federal agencies consult with Indian tribes and the State Historic Preservation Officer regarding potential effects on historic properties prior to making decisions that could affect those properties. Through Section 106, the federal leads initiate consultation, identify resources, determine the effect of the project, avoid, minimize, and then mitigate any impacts.
- **The National Environmental Policy Act (NEPA)** calls for federal agencies to invite the participation of any affected Native American tribe in the environmental review process.
- **The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)**, the recent transportation bill reauthorization, requires that federal agencies coordinate with tribal governments by inviting them to be “participating agencies.” Participating agency status provides tribal governments an additional method to engage in the environmental review process, but it does not supersede government-to-government or Section 106 consultation. As a participating agency the tribes are afforded an opportunity to comment at specific project milestones outlined in SAFETEA-LU, although these same opportunities would be given through the consultation process.

3. Goals and Objectives

Goals for the tribal consultation process and objectives for meeting them are listed below.

- Goal: Honor the commitment of FTA to engage in effective government-to-government consultation consistent with the aforementioned regulations.
 - Objective: Ensure FTA, Mukilteo Multimodal staff and tribes engage in an open exchange of information about the project, its potential impacts, and appropriate mitigation.
- Goal: Design and develop the Mukilteo Multimodal project, including appropriate mitigation, if applicable, in a manner that protects cultural and natural resources.
 - Objective: Reach agreement in accordance with the NEPA process that is compatible with the mutual interests of the tribes, FTA, and WSDOT.
 - Objective: Address potential impacts to cultural resources, including those of particular tribal interest, through appropriate pre-construction surveys and analysis.
 - Objective: Modify the existing “Inadvertent Discovery Plan” to describe the protocols to be taken in the event of an unanticipated cultural or archaeological discovery during future ground disturbing work.
- Goal: Address tribal feedback and concerns in project planning, design and mitigation.
 - Objective: Engage tribes in project decision-making, including decisions regarding environmental review, schedule, scoping of effects to be evaluated, alternatives to be considered, and project design and mitigation.
- Goal: Coordinate communications between the project team and tribes.

- Objective: Establish a process for FTA and the project team to receive and respond to tribal input.
- Objective: Ensure all communication between the project team and tribes is coordinated with the FTA and Mukilteo Multimodal Tribal Liaison.
- Goal: Create durable intergovernmental relationships that promote coordinated transportation partnerships.
 - Objective: Build constructive relationships between FTA, WSDOT and affected tribes with whom FTA and WSDOT are or will be engaged in consultations for other projects.

4. Consultation Approach

The general approach to government-to-government consultation for the Mukilteo Multimodal project is as follows:

- *Identify potentially interested tribes.* The Mukilteo Multimodal project team, in consultation with FTA and WSDOT headquarters staff, will assess the following factors that may indicate a tribe’s interest in the project (completed):
 - Potential for the tribe to have culturally or historically significant property or items in the area of the project (this is a large number of tribes due to the signing of the Point Elliot Treaty)
 - Potential for the tribe to have a resource or cultural interest in the area of the project
 - The tribe’s jurisdiction and control of land that may be affected by the project
 - Expressed interest through “consultation area maps” a tribe has provided to WSDOT
- *Invite potentially interested tribes to formally consult on the project.* The FTA, working with the Mukilteo Multimodal Tribal Liaison, will formally contact potentially affected tribes to determine whether they are interested in further contact with the project team. (completed)
- *Engage in both formal and technical consultation with tribal staff.* At the request of the tribes, the FTA will formally meet with cultural and natural resource committees, and could involve Mukilteo Multimodal technical staff in working group meetings concerning applicable issues (e.g., identification of fish and wildlife habitat).
 - At the request of interested tribes, FTA and the project team will meet with the Tribal Council at major project milestones.
 - Technical staff will be invited to all working group meetings that the tribe may have an interest or expertise in.
 - The consultation process will integrate both formal and informal contact with the Tribal Council and tribal staff, respectively.

- *Meet with representatives of interested tribes to review broad issues.* FTA and the Mukilteo Multimodal staff will meet with interested tribes early in the environmental review process in order to establish the following information:
 - An understanding of the aspects of the Mukilteo Multimodal project that are likely to interest the tribes
 - Preliminary information about the potential for the project to affect tribal land, historical or cultural resources, fishing and other aquatic resources, or any other issues of tribal concern
- *Seek to resolve issues in parallel with project planning and permitting activities.* FTA and the Mukilteo Multimodal staff will keep the interested tribes fully informed throughout the project environmental process. In acknowledgement that Mukilteo Multimodal project must afford the interested tribes with more than the opportunity to participate as members of the general public in the planning and permitting process, FTA and the Mukilteo Multimodal project staff will take the following actions to ensure there is effective government-to-government consultation:
 - Seek tribal input regarding alternatives and opportunities to avoid, reduce, or otherwise mitigate the effects of the Mukilteo Multimodal project on tribal interests.
 - Seek tribal comment throughout the project's environmental review, permitting and regulatory review processes.

The project team identified thirteen tribal communities that were original signatories to the Point Elliott Treaty. In addition to 11 federally recognized tribes, there are two non-federally recognized tribal entities (the Duwamish and the Snohomish Tribes) that are descended from signatory tribes. Outreach to these two tribes was distinct from government-to-government consultation, and was intended to satisfy NHPA Section 106 provisions (relating to historic and cultural properties) that encourage the participation of potentially interested communities; however, both have not shown an interest in the project to date.

The Nooksack Tribe of Indians informed the project team on October 25, 2010 that the project is outside of their area of interest.

The remaining potentially interested tribes and initially identified tribal contacts are as follows:

Federally Recognized Tribes

Lummi Tribe of the Lummi Reservation
2616 Kwina Road
Bellingham, WA 98226

The Honorable Cliff Cultee, Chair
Lena Tso, THPO
Kelly Easter, Cultural Resources
Merle Jefferson, Natural Resources
Elden Hillaire, Natural Resources

Muckleshoot Indian Tribe of the Muckleshoot
Reservation
39015 172nd Ave SE
Auburn, WA 98092

The Honorable Virginia Cross
Laura Murphy, Cultural Resources
Karen Walter, Natural Resources
Glen St. Amant, Fisheries Manager

Samish Indian Tribe
PO Box 217
Anacortes, WA 98221

The Honorable Tom Wooten, Chair
Jackie Ferry, Cultural Resources
Ted Gage, Planning Director

Sauk-Suiattle Indian Tribe of Washington
5318 Chief Brown Lane
Darrington, WA 98241

The Honorable Janice Mabee, Chair
Norma Joseph, Cultural Resources
Richard Wolten, Natural Resources

Snoqualmie Tribe
8130 Railroad Avenue, Suite 103
P O Box 969
Snoqualmie 98065

The Honorable Shelley Burch, Chair
Ray Mullen, Cultural Resources
Cindy Spiry, Natural Resources

Stillaguamish Tribe of Washington
PO Box 277
Arlington, WA 98223

The Honorable Shawn Yanity, Chair
Lora Pennington, Cultural Resources
Pat Stevenson, Natural Resources

Suquamish Indian Tribe of the Port Madison
Reservation
P.O. Box 498
Suquamish, WA 98392-0498

The Honorable Leonard Forsman, Chair
Dennis Lewarch, THPO
Michelle Hanson, Tribal Attorney
Tom Ostrom, Natural Resources

Swinomish Indians of the Swinomish
Reservation
11404 Moorage Way
LaConner, WA 98257

The Honorable Brian Cladoosby, Chair
Larry Campbell, Cultural Resources
Stan Walsh, Natural Resources
Lorraine Loomis, Fisheries Director

Tulalip Tribes of the Tulalip Reservation
6406 Marine Drive
Tulalip, WA 98271

The Honorable Melvin Sheldon, Jr. Chair
Richard Young, Environmental Programs
Hank Gobin, Cultural Resources
Daryl Williams, Environmental Liaison
George White, Public Affairs

Upper Skagit Indian Tribe of Washington
25944 Community Plaza
Sedro-Woolley, WA 98284

The Honorable Jennifer Washington, Chair
Scott Schuyler, Cultural Resources

The following table identifies key points in the review process where FTA and the Mukilteo Multimodal project team will be seeking tribal review and input. During this consultation, we will strive to resolve tribal concerns as we move through the NEPA process.

Event	Approximate Timeframe	Consultation Activity	Desired Outcome
Purpose and Need	March 2010	Share detailed information regarding purpose and need (meetings)	Feedback identifying issues associated with purpose and need
Alternatives screening	March-October 2010	Share detailed information regarding alternatives and screening (meetings)	Feedback identifying issues associated with alternatives
Preparation of draft discipline reports	December 2009 – January 2011	Solicit review and comment on selected discipline reports (meetings and document review)	Early identification of issues associated with environmental analysis
Preparation of draft EIS	October 2010 – August 2011	Solicit review and comment on first draft EIS (meetings and document review)	Discussion of any significant issues associated with environmental analysis and potential mitigation
Selection of locally preferred alternative	November 2011	Discuss selection of preferred alternative and mitigation (meetings)	Agreement on concept and approach for preferred alternative and potential mitigation
Preparation of Final EIS	December 2011 – October 2012	Solicit review and comment on second draft EIS (meetings and document review)	Resolution of issues identified in earlier review activities
FEIS/ROD	November – December 2012	Discuss results of environmental review and final resolution of Section 106/4(f) issues (meetings)	Agreement on project's concept and approach as set forth in the environmental review decision document; agreement on approach and timeline for resolving treaty rights issues
PSE	2013-2015	To be determined	To be addressed in amendment to consultation plan
Construction	2015-2019	To be determined	To be addressed in amendment to consultation plan

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**Washington State Department of Transportation –
Ferries Division
Mukilteo Multimodal Project**

**Communications Strategy and Public Involvement
Plan – EIS Phase**

Addendum to the Mukilteo Multimodal Coordination Plan

Prepared by:
PRR

Updated September 22, 2011



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Background

This Public Involvement Plan (PIP) provides the strategic framework for communications and public involvement activities during the Environmental Impact Statement (EIS) process for the Mukilteo Multimodal Project. As an addendum to the updated public and agency Coordination Plan (March 2010), the PIP outlines the Washington State Department of Transportation Ferries Division's (WSF) public involvement communications goals, key messages, public involvement milestones, and stakeholders. The PIP also identifies tools and tactics to engage the public and solicit feedback, including those specifically required by the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA). While recognizing that there are many audiences interested in the Mukilteo Multimodal Project, this PIP focuses on communications with the public, community groups, elected officials and other stakeholders.

The Mukilteo/Clinton ferry route is part of State Route (SR) 525, the major transportation corridor connecting Whidbey Island to the Seattle-Everett metropolitan area. It is WSF's second busiest route for vehicle traffic (over 2 million vehicles in 2009; 17.7 percent of the system) and has the third largest annual ridership (over 4 million total riders in 2009; 21.6 percent of the system).

The Mukilteo terminal has not had significant improvements since the early 1980s and components of the facility are aging. The current configuration of the terminal contributes to safety concerns, traffic congestion, and vehicle/pedestrian conflicts. The new terminal will improve operations and transit connections.

The environmental review process for the Mukilteo Multimodal Project began with a NEPA Environmental Assessment (EA) in 2004. Early in 2006, upon completion of environmental discipline studies, FTA and WSF determined that the potential impacts to natural and cultural resources would benefit from more detailed analysis in an Environmental Impact Statement (EIS). FTA issued a notice of intent to prepare an EIS for the project in February 2006. In 2007 the project was put on hold due to funding and constructability issues associated with the previously identified alternatives.

WSF and FTA reinitiated the environmental process in February 2010.

Project Timeline

- **February 2010** – Reinitiate the NEPA/SEPA process
- **Spring 2010** – Revise the project purpose and need statement
- **Fall 2010** – NEPA/SEPA EIS Scoping process
- **Spring-Fall 2011** – Prepare Draft EIS
- **Winter 2012** – Draft EIS public hearings and comment period
- **Spring 2012** – Identify locally preferred alternative
- **Summer 2012 to Winter 2013** – Prepare Final EIS
- **Spring 2013** – Publish Final EIS
- **June 2013** – Issue Record of Decision (ROD)

- **2015** – Begin construction
- **2019** – Project complete

Regulatory Requirements for Public Involvement

WSDOT and FTA have an extensive communications program to involve public, agencies, and tribes in developing this EIS in accordance with NEPA, SEPA, Section 106 of the National Historic Preservation Act, WSDOT Executive Order E1025.01, the WSDOT Centennial Accord Plan and the federal Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

NEPA/SEPA

During the public scoping process, WSF met requirements for public outreach under NEPA and SEPA:

- WSF placed display advertisements in major local newspapers at least 15 days in advance of the first public meeting to inform community members of upcoming activities. WSF also placed notices in major newspapers at the initiation of the NEPA process in 2006.
- WSF provided a 30-day comment period to offer ample opportunity for the public to submit comments on the full range of alternatives.
- Following the 30-day comment period, WSF prepared a scoping report to document all comments received since the environmental process was reinitiated in February 2010. WSF posted the report on the project website and printed copies were available for public review.

WSF will continue to meet all NEPA/SEPA requirements throughout the EIS phase.

- WSF will publish a Notice of Availability and hold public hearings in the project area to encourage public comment on the Draft EIS.
- WSF will advertise the Draft EIS comment period and public hearings in local newspapers at least 15 days in advance of the first hearing.
- WSF will provide a 45-day comment period.
- Following the 45-day comment period, WSF will document all comments in the final Draft EIS document. The document will be available on the project website.

SAFETEA-LU Requirements

The Coordination Plan outlines WSF's plan for public, tribal and agency coordination under SAFETEA-LU.

Public Involvement Goals and Objectives

WSF and FTA are committed to providing an open public involvement process with ample opportunities to inform and involve the public in the Mukilteo Multimodal Project. Stakeholders will have opportunities to interact with and receive responses from project team members on issues of interest or concern throughout each phase of the project.

The following goals and objectives will help guide the public involvement and communications strategy. These goals were developed in accordance with WSDOT's communications plan.

- Goal A:** Promote an understanding of the purpose and need for the project and the process leading to the final decisions.
Objective – Ensure that comprehensive information about the project and the decision process is available to the public and the media.
Objective – Explain the cultural significance and concurrent tribal decision-process in a clear and sensitive manner.
Objective – Deliver honest and consistent messaging to the public.
- Goal B:** Involve the community and other stakeholders early in and throughout the process
Objective – Involve new and existing stakeholders by providing a range of public input opportunities early and often.
Objective – Provide continued communication and feedback to the public throughout the process.
Objective – Engage typically underserved populations (low-income, minority, and limited-English proficient) early in the public involvement process by providing involvement opportunities designed to meet the unique needs of these groups.
Objective – Meet all NEPA Environmental Justice (EJ) and Title VI limited-English proficiency (LEP) requirements.
Objective – Publicize programs and activities through multiple and diverse communications vehicles and hold meetings in ADA- and transit-accessible facilities.
Objective – Notify affected communities of public involvement opportunities early and through a variety of advertising mediums and formats.
Objective – Facilitate constructive dialogue between WSF, FTA, and key stakeholders.
- Goal C:** Ensure that public input is incorporated into the decision-making process.
Objective – Provide involvement opportunities in conjunction with key project milestones and prior to decision-making.
Objective – Solicit meaningful input from affected communities on the range of alternatives and potential impacts.
Objective – Identify and resolve challenges in a timely manner.
Objective – Respond to public comments in a timely and thorough manner.
Objective – Report back to the community on how their feedback has been considered and incorporated into the decision-making process.

Guiding Principles

The following principles will guide WSF in its public involvement activities throughout all phases of the project.

- **No surprises.** WSF is the first and best source of information about our agency, whether the news is good, bad, or indifferent. Always provide honest, timely information to the public and the media.
- **Lead with the web.** Keep the web updated with the most current project information.
- **Enlist the media as a project partner.** The media can help get the word out on what's new with the Mukilteo project. Talk about the need for the Mukilteo Multimodal Project and how people can get involved during each phase.

- **Keep the Legislature in the know.** Educate and inform legislators and their staff about the project.
- **Use existing relationships.** Build on the project's long history of engaging the community. Continue to keep local officials, community members, and others informed and engaged and enlist them in reaching out to their communities and constituents.
- **Leverage other WSF communications efforts.** Capitalize on ongoing WSF efforts that will bring greater exposure to the Mukilteo project.
- **Manage expectations.** Educate the public about project alternatives without overselling the project benefits or the merits of a single alternative.
- **Use plain talk, graphics, and new media.** Tell the Mukilteo Ferry Terminal story so people understand. All project messages need to be consistent with WSF's systemwide messaging, WSDOT's communications standards and plain talk initiatives.
- **Measure and use data to tell the story.** Use Washington State Transportation Commission survey data, ridership forecasts, origin and destination patterns, and other data to support project information. Update numbers frequently to provide the latest possible information.
- **Use innovative and effective outreach tactics.** Make every effort to go above and beyond required NEPA public involvement. Be creative in finding effective ways to engage stakeholders.

Key Information

These answers to important questions will be revised and refined as the project continues and project outreach evolves.

Why is WSF considering rebuilding or relocating the Mukilteo ferry terminal?

- The Mukilteo/Clinton ferry route is WSF's second busiest route for vehicle traffic, carrying over two million vehicles and over four million passengers in 2009. WSF's 2009 Long-Range Plan estimates that passenger usage will increase by 73 percent in the future, creating a greater need for transit connections.
- The existing Mukilteo terminal is aging and needs major repairs to operate the terminal safely and efficiently. The current terminal configuration contributes to congestion and increases in vehicle/pedestrian conflicts.
- This route is a major commuter route. Since vehicle traffic is limited by the size of the vessel, creating a terminal with multimodal characteristics is critical to meeting future passenger growth.

What has WSF done so far in the EIS process?

- During the scoping phase of the NEPA/SEPA process, WSF and FTA gathered and considered input from the public, tribes, and other government agencies to determine

the adequacy of the draft statement of purpose and need, and to evaluate the range of reasonable alternatives for analysis in the Draft EIS.

- WSF and FTA will release a Draft EIS for public comment in early-2012.

What has changed since earlier phases of the project and why did WSF conduct additional scoping meetings in 2011?

- The project was put on hold in 2007 due to funding and constructability issues associated with the previously identified alternatives.
- In 2009, WSF released its Long-Range Plan, which presents a vision for the future of the ferry system that maintains current levels of service and includes limited terminal improvements.
- In light of the funding and constructability issues and to reflect the Long-Range Plan, WSF and FTA re-initiated the environmental review process for the Mukilteo project in 2010. The process should be complete in 2013, with construction starting in 2015.

How would the new terminal benefit customers and communities?

The new terminal would:

- Improve ferry operations, including the efficiency with which vehicles and passengers can board and disembark.
- Reduce conflicts, congestion, and safety concerns for pedestrians, bicyclists and cars by improving local traffic and traffic at the terminal and the surrounding area.
- Offer better multimodal connections and safer access for pedestrians and bicycles and convenient transit connections (bus and rail) for riders who travel without a car.

Are Indian tribes and nations involved in this project? What is the process for coordinating with tribes?

- The Treaty of Point Elliott of 1855 was signed in the proximity of all of the project alternatives. In addition, four tribes have treaty fishing rights in the project area. The site's cultural and historic significance to the signatory Indian tribes and nations and potential impacts to fishing areas and natural resources merits exceptional coordination between WSF, FTA, and tribes.
- FTA is the lead for consultation with interested tribes and nations in compliance with Section 106 of the National Historic Preservation Act (NHPA). WSF's Tribal Liaison has been assisting FTA to ensure a strong communication effort with the tribes.
- FTA has a government-to-government relationship with federally recognized sovereign Indian tribes. This special relationship is affirmed in treaties, Supreme Court decisions, and Executive Orders, and federal laws. FTA consults with tribes on undertakings that may affect properties considered to have traditional religious and cultural significance.

Why is overhead loading included in all of the concepts?

- The EIS includes overhead loading for all alternatives because the current transportation analysis indicates that overhead loading will probably be needed by 2040, which is the end of the project's planning period. The project is designed to be built in phases, so overhead loading can be added as funding becomes available.

How is this project funded?

- WSF has secured approximately \$63 million in funding for the project from state and federal sources.
- To date, WSF has secured \$29 million in federal grants for improvements to the Mukilteo Terminal. Current federal funding will allow WSF to complete the environmental process and reach a Record of Decision in Spring 2013. Additional funds will be needed to complete design and construction.

What is being studied in the EIS?

- The SEPA/NEPA EIS will analyze impacts for each project alternative in regard to a variety of environmental, social, and community resources. Examples include: transportation, ecosystems, cultural resources, hazardous materials, noise, air, energy, social and community resources, geology and soils, water resources, visual, land use and economics, and climate.

Risks

The following are public involvement and stakeholder risks and proposed mitigation. WSF will develop strategies to address these concerns and will work to ensure the risks do not negatively impact the project goals and objectives.

Public and Stakeholder Communications Risks

Risk: Lack of organizational focus to support and guide this project. WSF's organizational focus is on replacing the aging fleet and delivering new vessels.

Proposed Mitigation:

- Emphasize the purpose and need for the project in all project communications, both internal and external.
- Incorporate systemwide messaging in public outreach materials and show how the Mukilteo project fits into other WSF initiatives as part of the agency's Long-Range Plan.

Risk: Conflicting interests among stakeholders, including the tribes, agencies, business owners, political leaders, and the public may prevent consensus around a feasible alternative.

Proposed Mitigation:

- Conduct early outreach to educate stakeholders about the alternatives under consideration and identify and clearly understand their issues and concerns.
- Develop displays and handouts that illustrate stakeholders' varying interests and outline the challenges and opportunities.

- Facilitate constructive dialogue between stakeholders to encourage mutual understanding of different perspectives, issues, and concerns.
- Provide workshops for stakeholders to work together on resolving issues and coming to consensus.
- Explain the cultural significance and concurrent tribal decision-process in a clear and sensitive manner.

Risk: Lack of legislative support for the project could lead to additional project delays.

Proposed Mitigation:

- Schedule legislative briefings throughout the environmental process to ensure key legislators are informed and involved in the process.
- Identify key leaders to serve as project champions to garner attention and support for the project.
- Develop executive briefing materials that highlight key findings, themes from public comments, and recommendations on the feasibility of relocating the Mukilteo terminal.

Risk: Lack of agency consensus around a preferred alternative

Proposed Mitigation:

- Develop a coordinated decision process that maximizes the opportunities for alignment between agencies with ongoing consultation.

Risk: Potential disconnects between tribal leaders and their staff

Proposed Mitigation:

- Develop a negotiation process that allows for direct communications and negotiation with tribal decision makers.
- Direct project communications to staff and tribal leadership.

Risk: Tribal opposition to the preferred alternative

Proposed Mitigation:

- Maintain ongoing communications during EIS process to make sure that tribal concerns and issues are adequately addressed
- Develop a negotiation process that allows for direct communications and negotiation with tribal decision makers
- Make sure that tribes have all the information they need in developing their positions about the alternatives

Audiences and Stakeholders

WSF will actively engage stakeholders including ferry riders, community groups, agencies, tribes, elected officials, business and property owners and interested individuals.

Stakeholders

The following matrix outlines the range of project stakeholders that WSF and FTA will coordinate with throughout the life of the project. This PIP focuses on communications to the public, community groups, elected officials and other stakeholders.

Category	Stakeholder Group
Ferry Customers	Ferry riders Commuters Recreational users
Neighbors/ Community Members	Terminal neighbors Mukilteo community Whidbey Island community
Ferry Advisory Committee	FAC members
Mukilteo Tank Farm Consortium partners	Port of Everett City of Mukilteo City of Everett Sound Transit NOAA
Local Governing Agencies	City of Mukilteo City of Everett Port of Everett Snohomish County Island County Mukilteo School District
State Agencies	Washington Department of Ecology Washington Department of Fish and Wildlife Washington Department of Natural Resources Washington Department of Archeology and Historic Preservation
Federal Agencies	U.S. Army Corps of Engineers U.S. Fish and Wildlife Service Environmental Protection Agency NOAA Fisheries National Park Service United States Coast Guard United States Navy Department of Air Force
Transportation/ Transit	FHWA WSDOT Sound Transit Community Transit Everett Transit Island Transit BNSF Railway Amtrak
Federally Recognized Tribes	Tulalip Tribes of the Tulalip Reservation Swinomish Indians of the Swinomish Reservation Suquamish Tribe of the Port Madison Reservation Muckleshoot Indian Tribe of the Muckleshoot Reservation Lummi Tribe of the Lummi Reservation Nooksack Indian Tribe of Washington Samish Indian Tribe Sauk-Siuattle Indian Tribe of Washington Snoqualmie Tribe Stillaguamish Tribe of Washington Upper Skagit Indian Tribe of Washington
Non-federally recognized tribes	Duwamish Tribe Snohomish Tribe of Indians
Public Utilities	Snohomish County Public Utility

Category	Stakeholder Group
	Mukilteo Water District Olympus Terrace Sewer District
Emergency Responders	Fire Marshall Central Whidbey Island Fire and Rescue
Parks/Recreation	City of Mukilteo Recreation and Cultural Services Port of Everett Dive community Rosehill Community Center Recreational boaters/fishermen
Business and Associations	Mukilteo Chamber of Commerce South Snohomish County Chamber of Commerce Langley South Whidbey Chamber of Commerce Mukilteo Business Association Old Town Mukilteo Merchants Ivar's Mongrain Glass Studio Silver Cloud Inn
Environmentalists and preservationists	Japanese Gulch Group Mukilteo Historical Society
Other potential interested organizations, associations	Recreational boaters/fishermen Friends of the Mukilteo Waterfront Citizens for Quality Mukilteo Mukilteo Lions Club Mukilteo Kiwanis Mukilteo Rotary Mukilteo Seniors Friends of the Library Japanese Cultural and Community Center of Washington
News Media	Mukilteo Beacon Mukilteo Tribune Whidbey News Times Everett Herald South Whidbey Record and sister papers Seattle Times
Legislators	<u>State</u> 10th Legislative District <ul style="list-style-type: none"> • Sen. Mary Margaret Haugen • Rep. Norma Smith • Rep. Barbara Bailey 21st Legislative District <ul style="list-style-type: none"> • Sen. Paull Shin • Rep. Mary Helen Roberts • Rep. Marko Lias 38th Legislative District <ul style="list-style-type: none"> • Sen. Nick Harper • Rep. John McCoy • Rep. Mike Sells <u>Federal</u> <ul style="list-style-type: none"> • Senator Patty Murray • Senator Maria Cantwell

Category	Stakeholder Group
	<ul style="list-style-type: none"> <li data-bbox="493 226 867 262">• Representative Rick Larson

Legislative Coordination

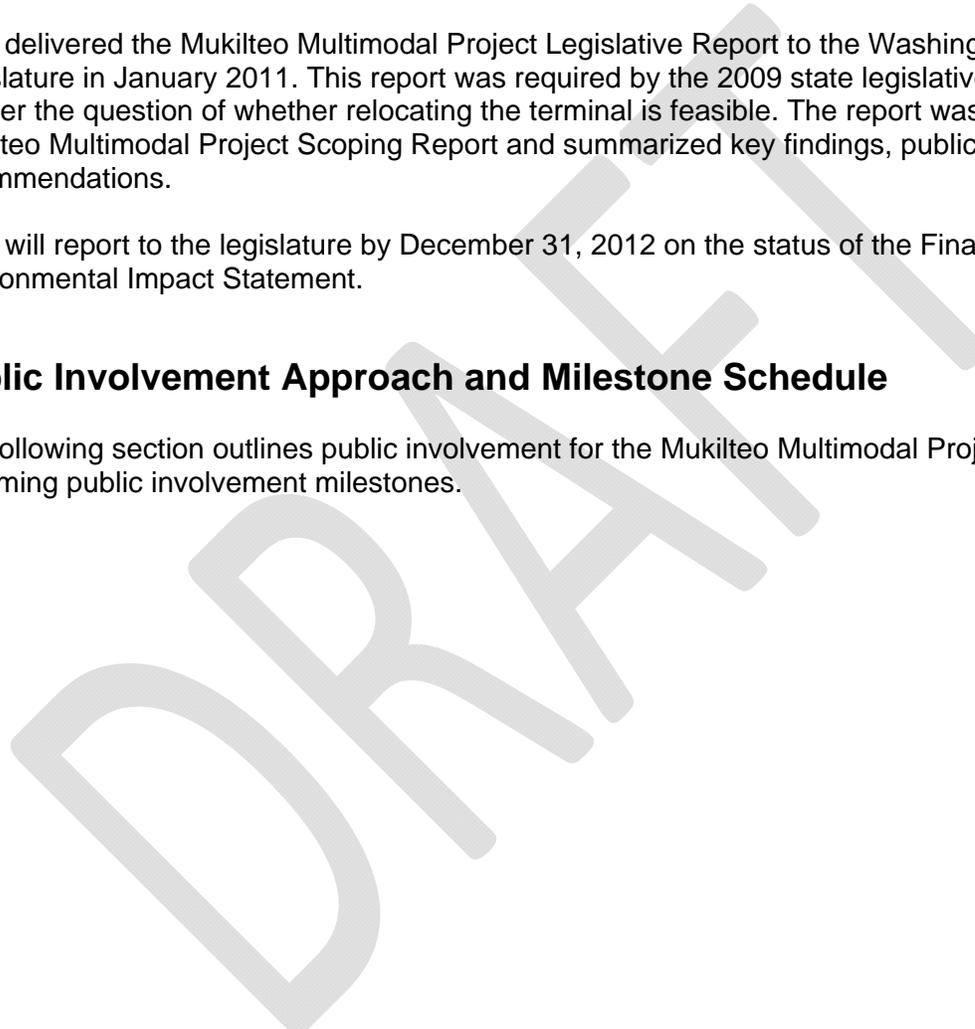
WSF reports to interested federal and state legislators on an ongoing basis, providing information about project milestones and the project status. Presentations and other materials include the latest project information and are made available electronically before all legislative updates. Briefings are coordinated in concert with WSDOT Government Relations.

WSF delivered the Mukilteo Multimodal Project Legislative Report to the Washington State Legislature in January 2011. This report was required by the 2009 state legislative mandate to answer the question of whether relocating the terminal is feasible. The report was based on the Mukilteo Multimodal Project Scoping Report and summarized key findings, public outreach, and recommendations.

WSF will report to the legislature by December 31, 2012 on the status of the Final Environmental Impact Statement.

Public Involvement Approach and Milestone Schedule

The following section outlines public involvement for the Mukilteo Multimodal Project to date and upcoming public involvement milestones.



Public Involvement Corresponds with Project Milestones

The public involvement activities have been and will continue to coincide with major project milestones. For a description of public involvement efforts from 2004-2007, see Appendix 1 – Public Involvement for the Mukilteo Multimodal Project to Date.

Milestone Timeline of Activities								
Season/Year	Project Milestone	Public Outreach Tools						
		Stakeholder Briefings	Public Meetings	Email	Handouts	Database and comment tool	Website	News Release
Fall 2004	NEPA EA Scoping	✓	✓	✓	✓	✓	✓	✓
Winter/Spring 2006	NEPA EIS Scoping	✓	✓	✓	✓	✓	✓	✓
Summer/Fall 2010	Additional NEPA EIS Scoping	✓	✓	✓	✓	✓	✓	✓
Winter 2012	Draft EIS Publication	✓	✓	✓	✓	✓	✓	✓
Spring 2013	Final EIS issuance	✓		✓	✓	✓	✓	✓
June 2013	ROD issuance	✓		✓		✓	✓	✓

Scoping

WSF held public scoping meetings in October 2010 to formally reintroduce the project and provide opportunities for members of the public to comment on the revised purpose and need and the broader range of alternatives under consideration. Following a 30-day public comment period, the project team prepared a Scoping Report (January 2011) outlining the scoping process and summarizing the public involvement efforts conducted during this phase. The Scoping Report was posted on the project website. WSF and FTA considered scoping comments as they narrowed the range of project alternatives and developed the Draft EIS.

Draft EIS

Following the release of the Draft EIS (Winter 2012), FTA will publish a Notice of Availability. WSF and FTA will hold public hearings in Mukilteo and Clinton and an online open house to encourage public comment on the Draft EIS. The hearings will include an open house featuring display boards with information about the revised alternatives and key elements of the EIS. Project staff will give a short presentation and will be available to answer questions and listen to public comments. During the hearing portion of the meeting, a court reporter will record all public comments.

Public comments will also be accepted by mail and e-mail during the 45-day comment period. Additionally, people will also be able to comment online using a Google map comment tool linked to the project website.

The following approaches will be used to notify the public about availability of the Draft EIS:

- Public notices placed in local newspapers
- Press release sent to local media
- E-mail announcement sent to project listserv and WSF's Mukilteo/Clinton route alert
- Notice posted on the project website
- Outreach and briefings with key stakeholders
- Posters displayed on vessels and in Mukilteo/Clinton ferry terminals

Public Involvement Tools

In addition to in-person and online public meetings and community briefings, WSF uses the following communications tools and tactics to involve the public and key stakeholders in the environmental review process. Offering a wide variety of public involvement and communications opportunities encourages groups and individuals with varying levels of interests and diverse objectives to understand the significant issues and participate in the decision-making process.

Project Website

The project website (www.wsdot.wa.gov/projects/ferries/mukilteoterminal/multimodal/) provides up-to-date information and announcements about upcoming project milestones and public involvement opportunities, as well as contact information for key Mukilteo Multimodal Project staff. An online project library serves as a resource for all past project related materials, including displays, fact sheets, meeting summaries and other important project documents. WSF updates the website frequently.

Information Materials

Key Messages/FAQs

The key messages/FAQ's document addresses key issues and concerns. It is used by project staff to respond to questions and to develop consistent project messaging and materials.

Fact Sheet

The fact sheet provides a brief project overview, descriptions of each alternative, ways to provide comment, and upcoming public involvement opportunities.

"Guide to the EIS"

This document serves as an overview of each phase of the environmental review process. The first version included specific information about the public scoping phase. The document will continue to be revised at all major EIS milestones.

Google Map Comment Tool

WSF developed a web-based interactive comment tool using the Google map interface. The tool is activated during public comment periods and updated at major project milestones. The map is focused on the existing Mukilteo Ferry Terminal to show the project area and alternatives. Users can click on a geographic location or project alternative and view design visualizations, as well as project benefits, potential impacts and additional information. In addition, the user can complete a comment form and provide comments and feedback. A database records the comments and is monitored in real time by the project team.

Community Resources

WSF uses existing community resources to share project information and encourage participation in the environmental process by reaching people via communications sources that they monitor frequently. These resources include: community newsletters, blogs, Facebook pages for organizations in the project area, community websites and WSDOT's social media resources.

Next Steps

Following completion of the Draft EIS public comment period, WSF will address all public comments in the Final EIS. In Spring 2012, FTA and WSF will identify a preferred alternative. Once the Final EIS is published, FTA and WSDOT will issue a Notice of Availability in the Federal Register and the SEPA register, and they will send notices to project stakeholders, including all parties commenting on the Draft EIS. The Final EIS will be available for at least 30 days before FTA issues a Record of Decision (ROD). Following the ROD, WSF would begin the final design and permitting phases of the project. Construction is anticipated to begin in 2015.

Appendix 1

Public Involvement for the Mukilteo Multimodal Project 2004-2007

EA Scoping - 2004

WSF held two public EA scoping open houses during the fall of 2004. Outreach during this phase focused on providing the public and media with project background information and an opportunity for input on the scope of the analysis to be conducted under the EA. WSF mailed a newsletter to contacts in the project database that introduced the project and announced the opportunity to comment and the first public meetings. WSF also distributed e-mail notices to the Mukilteo-Clinton route list and notices on the vessels, at the terminals, and at libraries and other community facilities. WSF placed advertisements in local newspapers within the project area and sent news releases prior to the meetings.

At the meeting, interested parties and the public commented on concept alternatives, potential impacts and benefits. Comments were also submitted by mail and e-mail. WSF summarized meeting comments and shared them with the project team.

WSF mailed a second newsletter following the EA scoping period. It provided a summary of the comments from the EA scoping period and the first public meetings as well as a project update. It also explained how the feedback is being incorporated into the design and the environmental documentation. WSF continued to offer stakeholder briefings, web updates, and other on-going communication tools throughout this period. Comments were incorporated into the decision process.

NEPA EIS Scoping - 2006

WSF and FTA held public meetings on March 21 and 22, 2006. These meetings followed the publication on February 17, 2006 of the Notice of Intent (NOI) to prepare an EIS. The purpose of the meetings was to allow interested parties the opportunity to provide information about potential significant social, economic, or environmental issues related to the alternatives being evaluated under the EIS within a 30-day period stated in the NOI. Through agency, Tribe and public comment, the NEPA EIS scoping also offered an opportunity to contribute to the development of the project purpose and need, and the determination of the range of alternatives.

WSF mailed a postcard announcing the meetings, placed advertisements in local newspapers, and distributed news releases. WSF also e-mailed notices to the Mukilteo-Clinton route list and distributed notices on the vessels, at the terminals, and at libraries and other community facilities.

FTA and WSF held an agency scoping meeting for the EIS on March 21, 2006. The meeting gave public agencies the opportunity to provide input on the range of alternatives, help identify potential impacts of the alternatives being considered and potential areas of mitigation, and continue the working relationship established with the initial EA. Public agencies were also invited to comment on the project Purpose and Need statement.

Appendix I

Preliminary Section 4(f) Evaluation



I. PRELIMINARY SECTION 4(F) EVALUATION

I.1 Introduction

This chapter addresses how the Mukilteo Multimodal Project is responding to a legal requirement known as Section 4(f), which protects parks, recreation areas, historic and cultural resources, and wildlife and waterfowl refuges. It describes Section 4(f) and explains its role in FTA's decision-making. It also explains several key terms, concepts, and standards that are used in the evaluation of project effects on Section 4(f) resources.

I.2 Section 4(f) Guidelines and Regulations

The U.S. Department of Transportation Act of 1966, Section 4(f), generally prohibits USDOT agencies (including the FTA) from approving projects that would use land from:

...a significant publicly-owned park, recreation area or wildlife and waterfowl refuge or any significant historic site, unless there is no feasible and prudent alternative to the use of land from the property and the action includes all possible planning to minimize harm to the property resulting from the use.

A *use* is generally defined as a transportation activity that permanently or temporarily acquires land from a Section 4(f) property.

Section 4(f) applies to three types of resources:

- Significant publicly owned parks, and significant recreation areas that are open to the public.
- Significant publicly owned wildlife and waterfowl refuges, whether or not they are open to the public.
- Historic sites of national, state, or local significance, whether or not these sites are publicly owned or open to the public. In most cases, only historic properties listed in or eligible for inclusion in the National Register of Historic Places (NRHP) are protected under Section 4(f).

Section 4(f) properties may not be used for any transportation project receiving federal funds or approval from a USDOT agency, except where: (a) *de minimis* impact occurs; (b) there is a specific exception to a use in Section 4(f) regulations; or (c) no feasible or prudent alternative exists. Section 4(f) requires that the action includes all possible planning to minimize harm to properties covered by the act.

The Section 4(f) study area for this project is based on the Area of Potential Effects (APE) used for the historic, cultural, and archaeological resources investigations, and also takes into account the areas of effect and analyses from other environmental analyses, including parks and recreation, land use, noise, visual quality, water resources, ecosystems, and transportation, as described in this Draft EIS.

Section 6(f) Resources

State and local governments often obtain grants through the Land and Water Conservation Fund Act to acquire or make improvements to parks and recreation areas. Section 6(f) of this act prohibits the conversion of property acquired or developed with these funds to a non-recreational purpose, without the approval of the U.S. Department of the Interior's (DOI), National Park Service. Because Section 4(f) lands may have been developed with Section 6(f) funds, a Section 6(f) analysis was also conducted, and confirmed no potentially affected property was acquired or developed with these funds.

I.2.1 "Uses" of Section 4(f) Resources

Under Section 4(f), FTA cannot approve a transportation program or project that incorporates land or substantially affects the essential functions and features of a significant Section 4(f) resource, except under specific circumstances, as described in *Section I.2.2*. A use can be permanent, temporary, or constructive.

Permanent use includes acquisition and incorporation of the resource into the transportation facility. It includes fee simple and permanent easements use and includes the taking of any property within the established boundary of a Section 4(f) resource.

Temporary use occurs when the project temporarily occupies any portion of the resource (typically during construction). A temporary use of Section 4(f) land is generally prohibited unless:

- The duration of the occupancy is less than the time needed for the construction of the project, and there will be no change in ownership;
- Both the nature and magnitude of the changes to Section 4(f) resources are minimal;
- There are no anticipated permanent adverse physical changes or interference with protected activities, features, or attributes of the resource, on a temporary or permanent basis;
- The land is restored to the same or better condition; and
- The appropriate federal, state, or local officials having jurisdiction over the resource and authority over the use of the property agree in writing that the use is not adverse.

Constructive, or indirect, use occurs when the proximity effects of the project are so great that they substantially impair the protected activities, features, or attributes of a property, even though the project does not physically use the property. For example, a constructive use would occur if project-related noise levels interfere with the use and enjoyment of a noise-sensitive public park property, such as an outdoor amphitheater or the sleeping area of a campground.

I.2.2 Permitted Uses of Section 4(f) Resources

Approval of a transportation use of a Section 4(f) resource may occur if the project proponent demonstrates the following:

- The use of the resource is among the specified regulatory exceptions to Section 4(f). This includes two exceptions being considered for this project: temporary use; and an exception for archaeological sites that are important for the information they may yield, but that do not require protection in place; or
- The use will have a *de minimis* impact on the property; or
- There is no feasible and prudent *avoidance* alternative to using the property; and
- The program or project includes all possible planning to minimize harm to the property resulting from the use.

De minimis impacts on publicly owned parks, recreation areas, and wildlife and waterfowl refuges may not “adversely affect the activities, features and attributes” of a Section 4(f) resource. Such a finding requires written concurrence from the official with jurisdiction over the resource, and it also requires public notice and comment. For historic and archaeological sites, a *de minimis* impact is defined if the project is within the boundaries of the site but FTA has determined “no adverse effect” in compliance with Section 106 of the National Historic Preservation Act. Prior to making a *de minimis* finding, FTA must receive concurrence on the determination of effect and the proposed *de minimis* finding from the State Historic Preservation Officer (SHPO). Once FTA determines that a transportation use of Section 4(f) property results in a *de minimis* impact, the project does not need to analyze avoidance alternatives, and the Section 4(f) evaluation process is complete.

When a project impact is greater than *de minimis*, the project proponent must determine whether there are feasible and prudent alternatives that would avoid impacts to Section 4(f) resources. An alternative is feasible if it can be built as a matter of sound engineering judgment. An alternative is prudent under the following conditions:

- It meets the project purpose and need and does not compromise the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need.
- It does not cause extraordinary operational or safety problems.
- It causes no other unique problems or severe economic or environmental impacts.
- It would not cause extraordinary community disruption.
- It does not have construction costs of an extraordinary magnitude.
- There are no other factors that collectively have adverse impacts that present unique problems or reach extraordinary magnitudes.

Once a project proponent demonstrates that an alternative is not feasible and prudent, that alternative may be removed from consideration. If there are no prudent and feasible alternatives that can avoid all Section 4(f) resources, then FTA must determine which alternative results in the least overall harm to Section 4(f) resources.

The regulations list specific factors that FTA must consider when determining which alternative causes the “least overall harm”:

- i. The ability to mitigate adverse impacts to each Section 4(f) property (including mitigation measures that result in benefits to the property)
- ii. The relative severity of the remaining harm, after mitigation, to the protected activities, attributes, or features that qualify each Section 4(f) property for protection
- iii. The relative significance of each Section 4(f) property
- iv. The views of the official(s) with jurisdiction over each Section 4(f) property
- v. The degree to which each alternative meets the purpose and need for the project
- vi. After reasonable mitigation, the magnitude of any adverse impacts to resources not protected by Section 4(f)
- vii. Substantial differences in costs among the alternatives.

This Draft Section 4(f) Evaluation describes the Section 4(f) resources, the uses of those resources by the proposed alternatives for the Mukilteo Multimodal Project, potential avoidance alternatives, potential measures to minimize harm, and the net impacts of measures to minimize harm and coordination efforts to protect Section 4(f) resources. The evaluation concludes with a preliminary determination.

I.2.3 Section 106 Historic and Cultural Resources

Section 4(f) resources include historic and cultural resources that qualify for protection under Section 106 of the National Historic Preservation Act (NHPA). This Draft Section 4(f) Evaluation incorporates the results and findings developed through the project’s Section 106 consultation process.

Section 106 requires consideration of the impacts of federal projects or actions on historic properties and archaeological resources that are eligible for listing or already listed on the NRHP. For this project, Section 106 compliance requires consultation between FTA and the SHPO at the Washington Department of Historic and Archaeological Preservation (DAHP). FTA and WSDOT have been coordinating with DAHP and interested tribes throughout the Section 106 consultation, which was originally initiated in 2004.

There are four ways, or criteria, through which a historic property or cultural resource can qualify for NRHP eligibility:

- **Criterion A.** The property is associated with events that have made a significant contribution to the broad patterns of our history.
- **Criterion B.** The property is associated with the lives of persons significant in our past.
- **Criterion C.** The property embodies distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.
- **Criterion D.** The property has yielded, or may be likely to yield, information important in prehistory or history. This criterion is generally associated with archaeological resources.

After identifying potential Section 4(f) historic resources based on their eligibility for inclusion in the NRHP, the Section 4(f) evaluation considers the determination of effects on the resource to determine whether there is a Section 4(f) use.

Under Section 106, FTA consults with DAHP on the potential for the project to result in adverse effects because it alters the characteristics that qualify a historic property for inclusion on the NRHP. Minor changes to a property, including changes to the non-historic characteristics of a property, can be considered not adverse.

FTA then considers the following criteria:

- If an alternative uses land from a historic site, but there is a finding of “no adverse effect” in the Section 106 process, a Section 4(f) *de minimis* finding may result. An “adverse effect” determination precludes a *de minimis* finding.
- If an alternative has only proximity impacts that are determined to have “no adverse effect” through the Section 106 process, FTA may make a finding of no constructive use for the Section 4(f) evaluation.
- If an alternative uses land from an historic site and the Section 106 process determines an adverse effect would result, a use would occur. FTA must then consider avoidance alternatives; the only exception to this is for certain types of archaeological properties.

The Section 106 process requires consultation to resolve any adverse effects. Commitments made in the Section 106 process and documented in the Memorandum of Agreement (MOA) may also satisfy the requirement under Section 4(f) to minimize harm resulting from the use of a historic property.

I.2.4 Identifying Section 4(f) Resources

The project team identified publicly owned parks, recreation areas, historic properties, and wildlife and waterfowl refuges in the study area through a review of existing public agency records, field inspections, and discussions with various public agency representatives. Through planning, design, and environmental scoping efforts conducted with the cooperating and participating agencies for the project, the team acquired additional information about the features, qualities, and characteristics of the Section 4(f) resources within the study area.

Parks and open spaces, recreation areas, and trails within 0.5 mile of the project alternatives were evaluated to determine the attributes qualifying them as Section 4(f) resources, and they were then evaluated for use based on direct or indirect impacts. Those qualifying as Section 4(f) resources in the study area are shown on Figure I-1.

The *Cultural Resources Discipline Report* details the methods used for identifying and evaluating known and potential archaeological and historic resources within the study area. Figure I-1 shows the APE.

I.2.5 Agency Coordination

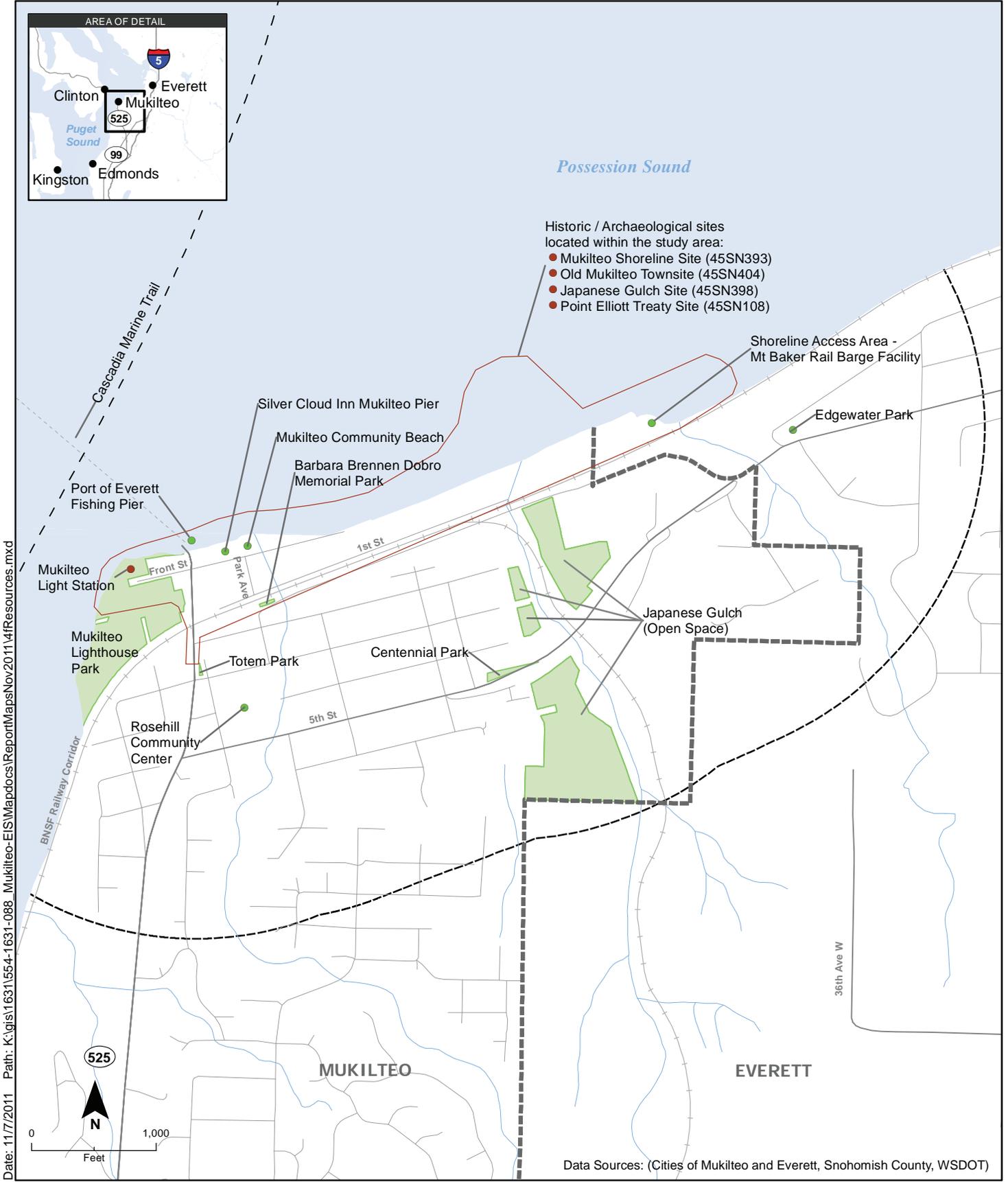
The Section 4(f) evaluation requires coordination and consultation with the officials with jurisdiction over each Section 4(f) property and the U.S. Department of Interior. In this project, the Section 4(f) properties include local park and recreation facilities and historic resources, and the relevant agencies include DAHP, the parks and recreation departments of the cities of Mukilteo and Everett, and the Port of Everett.

I.3 Project Alternatives

The EIS documents the analysis of four alternatives: No-Build, and three action alternatives. These alternatives are summarized below.

With a No-Build Alternative, maintenance and structure replacements would occur in accordance with legislative direction to maintain and preserve ferry facilities. There would be no major facility investments to improve the operation, safety, security, or capacity at the terminal.

The Existing Site Improvements Alternative reconstructs the terminal and its related facilities at the current site, which would be expanded and realigned. A new transit center would be constructed and the existing vehicle holding area would be reconfigured. New toll booths, operations buildings, and a passenger building would be constructed. New overhead passenger loading ramps would connect to the second story of the new passenger building.



- Legend**
- Historic Resources
 - Park and Recreational Resources
 - City Boundary
 - 1/2 Mile Study Area
 - Section 106 Area of Potential Effects

Figure I -1. 4(f) Resources

The Elliot Point 1 Alternative relocates the ferry terminal from its current location to the eastern portion of the Mukilteo Tank Farm. This alternative also provides a transit center near the ferry terminal. A new passenger building and a maintenance building would be located overwater upon a new concrete trestle. An overhead passenger loading ramp would connect to the second story of the new passenger building. The Tank Farm Pier and the existing ferry terminal would be removed. First Street would be realigned and extended east and west as a four-lane roadway extending to the Port of Everett's Mount Baker Terminal. The alternative also includes modified intersections; a modification to the Sound Transit Mukilteo Station; and the development of sidewalks and bike lanes, parking areas, toll booths, ferry vehicle holding areas, and shoreline promenades on each side of the new ferry dock; and the restoration of Japanese Creek to an open stream within the Mukilteo Tank Farm site.

The Elliot Point 2 Alternative relocates the ferry terminal from its current location to the western portion of the Mukilteo Tank Farm. This alternative would develop the same types of marine facilities as Elliot Point 1, but would require fewer supporting piles than Elliot Point 1 and would be closer to shore. Roadway improvements would include a realignment and extension of First Street; a new bus transit center and parking areas; and the development of sidewalks, bike lanes, and a shoreline promenade on each side of the new ferry dock.

I.4 Section 4(f) Resources

I.4.1 Parks and Recreation Resources

The project alternatives are located adjacent to a number of recreational areas associated with the Puget Sound shoreline, and additional parks and recreation resources within the study area are located inland. Figure I-1 shows the locations of the Section 4(f) resources within the study area.

The resources located directly on the waterfront are, from west to east, Mukilteo Lighthouse Park, the Port of Everett Fishing Pier, the Silver Cloud Inn Pier, and Mukilteo Community Beach. Japanese Gulch lies directly south of the Mukilteo Tank Farm, across the BNSF railroad tracks. Japanese Gulch is one of three designated gulches, defined as an undeveloped, heavily vegetated ravine, in Mukilteo. Other Section 4(f) properties within 0.5 mile of the alternatives include Barbara Brennen Dobro Memorial Park, Totem Park, Centennial Park, a shoreline access area associated with the Port of Everett Mount Baker Terminal, and Edgewater Park. In addition, a portion of a federally recognized nonmotorized marine trail passes west of the study area, near Elliot Point. These facilities are listed in Table I-1 (generally listed as they occur, west to east) and described below.

Table I-1. Parkland and Recreational Resources Reviewed in Section 4(f) Evaluation

Park Resource	Owner/ Custodian	Recreational Use	Within the Study Area?	Section 4(f) Resource?
Cascadia Marine Trail	U.S. waters	Recreation	Yes	Yes
Mukilteo Lighthouse Park	City of Mukilteo	Active and passive recreation	Yes	Yes
Port of Everett Fishing Pier and Seasonal Day Moorage	Port of Everett	Active recreation	Yes	Yes
Silver Cloud Inn Pier	City of Mukilteo	Active recreation	Yes	Yes
Mukilteo Community Beach	City of Mukilteo	Shoreline access	Yes	Yes
Totem Park	City of Mukilteo	Passive recreation	Yes	Yes
Barbara Brennen Dobro Memorial Park	City of Mukilteo	Passive recreation	Yes	Yes
Centennial Park	City of Mukilteo	Passive recreation	Yes	Yes
Edgewater Park	City of Everett	Active and passive recreation	Yes	Yes
Port of Everett Mount Baker Terminal Shoreline Access Area	Port of Everett	Shoreline access (not currently open)	Yes	Yes
Japanese Gulch	City of Mukilteo	Passive recreation	Yes	Yes

Cascadia Marine Trail

The Cascadia Marine Trail is one of 16 non-motorized water trails designated as National Millennium Trails by the White House Millennium Council. It extends through Puget Sound from Olympia to Point Roberts on the U.S.-Canada border. Approximately 50 campsites and various county campgrounds are exclusively reserved for trail users. The campground closest to the study area is about 7 miles west of the study area. The marine trail qualifies as a recreational resource, although it does not involve land.

Mukilteo Lighthouse Park

Mukilteo Lighthouse Park is located on Elliot Point, west of the existing Mukilteo ferry terminal. The 14.4-acre park includes the former Mukilteo State Park property, the former U.S. Coast Guard Light Station property, and adjacent Front Street right-of-way. Mukilteo Lighthouse Park includes a complex of former U.S. Coast Guard buildings that are listed on the NRHP. Park users primarily access the park from Front Street, at the water terminus of SR 525. The park is bounded by Possession Sound to the west and north, the BNSF tracks to the south, and SR 525 to the east. Existing amenities at the park include the lighthouse complex, shoreline access, and a boat launch. SCUBA divers use Mukilteo Lighthouse Park as a shoreline launching site.

The Mukilteo Lighthouse was transferred from the U.S. Coast Guard to the City of Mukilteo in spring 2001, and the Mukilteo State Park land was transferred to the City in September 2002 (City of Mukilteo 2002). In February 2004, the City of Mukilteo adopted the Mukilteo Lighthouse Park Master Plan. Objectives of the plan include improving pedestrian access connections between the park and business

districts located to the east and southeast and improving access to facilities along the waterfront. The City has implemented several phases of the master plan, including:

- A pedestrian loop path system connecting to a pedestrian promenade along the Puget Sound waterfront, which extends east from Mukilteo Lighthouse Park
- Shoreline restoration and recreational/picnic area facilities in the western and southern part of the park
- Designated viewpoints
- Streetscape improvements along Front Street

Port of Everett Fishing Pier and Seasonal Day Moorage

The Port of Everett pier is located on the east side of the existing Mukilteo ferry terminal dock. The pier is documented in the City of Mukilteo's Public, Private Open Spaces and Recreational Facilities Map. The pier is open year-round to the public, and offers seasonal day moorage slips for boaters.

Silver Cloud Inn Pier

Adjacent to the Silver Cloud Inn is a public shoreline promenade that includes a pier. This pier is at a higher elevation than the Port of Everett pier, but it supports similar recreation activities, such as view enjoyment and fishing.

Mukilteo Community Beach

Mukilteo Community Beach is located along the Puget Sound shoreline at the terminus of Park Avenue. The 0.35-acre beach provides limited access to the shoreline, which is mostly characterized by a beach area and large rocks. SCUBA divers use Mukilteo Community Beach as a launching site to explore the nearby dock that extends into Puget Sound from the NOAA Mukilteo Research Station. The underwater diving area used by SCUBA divers is not formally designated as a recreational area by any federal, state, or local authority and is, therefore, not subject to Section 4(f). Limited parking is available at the end of Park Avenue. A boat launch is not provided at this shoreline access area.

Totem Park

Totem Park is located at the intersection of SR 525 and Third Street, occupies approximately 0.10 acre, and features a picnic area, and public views of Puget Sound and art. It is about 1,700 feet southwest of the alternatives.

Barbara Brennen Dobro Memorial Park

Barbara Brennen Dobro Memorial Park, also known as Fowler Pear Tree Park, is located at 802 Mukilteo Lane, approximately 950 feet southwest of the alternatives. This small open space area occupies approximately 0.10 acre and features unobstructed views of Puget Sound and a picnic table with benches.

Centennial Park

Centennial Park, located at 1126 Fifth Street, occupies approximately 0.25 acre. The City of Mukilteo has designated this property as a publicly owned upland site. Amenities include picnic tables, public art, and a parking area. It is approximately 1,700 feet southeast of the alternatives.

Edgewater Park

Edgewater Park is located in Everett, slightly east and upland of the alternatives. The 1.5-acre site includes picnic tables, tennis and basketball courts, and a playground.

Port of Everett Mount Baker Terminal Shoreline Access Area

East of the Mukilteo Tank Farm in the city of Everett is a public shoreline access area associated with the Port of Everett's Mount Baker Terminal. It partially overlaps with an area locally referred to as Edgewater Beach. While this public shoreline access area is not designated as a park or open space by the parks departments of either the City of Everett or the City of Mukilteo, the area constitutes a permanent easement or dedication of public land for a public recreational use. The Port of Everett developed the area as part of permitting conditions for the terminal, with enhancements including parking, benches, and a shoreline walkway. The area is not yet officially open, but it is planned to be opened when access improvements are completed. For safety reasons, access to the property is restricted by the Mukilteo Tank Farm to the west and the BNSF railroad tracks to the south. However, as a public recreational facility that is essentially still in development but planned for open public access, it is a Section 4(f) resource.

Japanese Gulch

The north end of Japanese Gulch, which occupies 20 acres, is designated as public open space in the *Mukilteo Parks, Open Space and Recreation Plan* and qualifies as a Section 4(f) recreational resource. As a passive-use open space owned by the City of Mukilteo, Japanese Gulch offers informal trails and open space areas adjacent to Mukilteo Lane and Fifth Street. Japanese Gulch features Japanese Creek, which flows the length of the City's designated open space before entering a culvert and discharging into Possession Sound.

I.4.2 Historic Resources

Several properties within the project's area of potential effect are old enough that they were studied to determine if they qualify for the NRHP. Table I-2 presents the properties and identifies those that are listed or eligible for listing, and are Section 4(f) resources.

Table I-2. Historic and Cultural Resources Reviewed in Section 4(f) Evaluation

Resource	Location	NRHP-Eligible?	Within the APE?	Section 4(f) Resource?
Mukilteo Shoreline Site (45SN393)	Mukilteo Tank Farm Elliot Point	Yes	Yes	Yes
Point Elliott Treaty Site (45SN108)	Central Waterfront	Yes	Yes	Yes
Old Mukilteo Site (45SN404)	Park Avenue/ Front Street	Yes	Yes	Yes
Japanese Gulch Site (45SN398)	Japanese Creek/Mukilteo Tank Farm	Yes	Yes	Yes
Mukilteo Light Station (45SN123)	Elliot Point	Yes (listed)	Yes	Yes
Mukilteo Explosives Loading Terminal (MELT) barracks	Mukilteo Tank Farm	No	Yes	No
MELT pier	Mukilteo Tank Farm	No	Yes	No
MELT firehouse	Mukilteo Tank Farm	No	Yes	No
MELT superintendent's office	Mukilteo Tank Farm	No	Yes	No
Mukilteo Tank Farm fuel tanks	Mukilteo Tank Farm	No	Yes	No
Diamond Knot Ale House	Mukilteo waterfront	No	Yes	No
Ivar's restaurant	Mukilteo waterfront	No	Yes	No
SR 525 overpass	SR 525 at BNSF tracks	No	Yes	No
Mukilteo ferry terminal	Mukilteo waterfront	No	Yes	No
Traditional Cultural Property at Point Elliott Treaty Site and vicinity	Undefined	Undetermined	Undetermined	Undetermined

Resources Subject to Section 4(f)

The five properties that are Section 4(f) resources are shown in Figure I-1. Additional detail on these properties is provided in *Section 4.6 Cultural Resources*.

Mukilteo Shoreline Site

The Mukilteo Shoreline Site (designated 45SN393 by DAHP) is a shell midden related to native inhabitants of the Puget Sound region, holding artifacts dating back more than 1,000 years. This site is eligible for the NRHP under Criterion D, for the important information the property may yield about the native inhabitants of the Puget Sound region.

Point Elliott Treaty Site

The Point Elliott Treaty Site (designated 45SN108 by DAHP) is significant under NRHP Criterion A for its association with the history of Indian-White relations and the development of federal Indian policy in the last half of the nineteenth century both nationally and regionally. The treaty, signed at Point Elliott on January 22, 1855, was one of five treaties negotiated between 1854 and 1856 that represented a major change in relations with the Indian nations in the northwestern United States. The treaty site is also significant under NRHP Criterion B for its association with the individuals

representing the U.S. government and the tribes during the Point Elliott treaty-making process.

The site retains integrity of location, association, and setting, although its physical appearance has changed since 1855. The retained features include its central location between the territories of the Lummi and Duwamish people, its characteristics as level land next to the sea where the large gathering for the treaty signing could be hosted, and its relationship to Puget Sound.

While no archaeological evidence has been found indicating Native American treaty-period occupation of this site, carbon dating of boring samples suggests some artifacts of the event or the time period may yet be discovered. DAHP has suggested the potential for such discovery indicates significance under Criterion D, although FTA has not yet made such a determination.

During scoping and ongoing coordination, some tribal nations participating in the project have indicated that the Point Elliott Treaty Site as well as the underlying midden in the area could be part of a Traditional Cultural Property (TCP) under Section 106, which would qualify as a distinct Section 4(f) resource. FTA and WSDOT have requested further information from the tribes about the areas and characteristics of the site that could qualify it as a TCP, but no new information has yet been provided.

Old Mukilteo Townsite

The Old Mukilteo Townsite (designated 45SN404 by DAHP) consists of historic remains from Mukilteo's business district dating from at least 1880 to 1938. The U.S. Air Force determined townsite is eligible for listing in the NRHP under Criterion A, for its association with Mukilteo's development, and under Criterion D, for the value of the information it offers about the early settlement of Mukilteo.

Japanese Gulch Site

The project has identified historic archaeological resources at Japanese Gulch (designated 45SN398 by DAHP), which contains two areas where an early twentieth century Mukilteo Japanese community was located. The U.S. Air Force determined site is eligible for listing in the NRHP under Criterion A, for its association with Japanese immigration and its contribution to broad patterns of our history, and for Criterion D, for the value of the information it offers about a previously little-known segment of early Mukilteo society.

Mukilteo Light Station

The Mukilteo Light Station (designated 45SN123 by DAHP), a lighthouse complex consisting of 11 buildings and structures, is listed in the NRHP. The station is significant under NRHP Criterion C as a well-preserved complex of buildings and structures typical of those produced by the federal Light House Board in the Pacific Northwest during the late nineteenth and early twentieth centuries. The Mukilteo Light Station is also historically significant under Criterion A for its association with the maritime history of Puget Sound.

Resources Not Subject to Section 4(f)

The *Cultural Resources Discipline Report* identified nine cultural resources within the APE that are recommended as not eligible for NRHP listing: the Mukilteo Explosives Loading Terminal (MELT) barracks, pier, firehouse, superintendent's office, and the entire Mukilteo Tank Farm itself. It also includes the SR 525 overpass, Diamond Knot Ale House, Ivar's restaurant, and the existing Mukilteo ferry terminal. FTA has concluded these properties do not qualify as Section 4(f) resources.

I.5 Evaluation of Section 4(f) Resource Use

I.5.1 Coordination

WSDOT and FTA have coordinated with the City of Mukilteo, the City of Everett, the Port of Everett, and the parks and recreation resource owners or managing jurisdictions in the project area. WSDOT and FTA have also coordinated with DAHP and the tribes regarding cultural and historic resources. With this Draft EIS Section 4(f) evaluation, FTA is identifying potential uses of Section 4(f) resources, along with potential mitigation or avoidance measures for the Section 4(f) uses. They will continue coordination with the owners and jurisdictions to further explore potential opportunities to avoid, minimize, or mitigate impacts to the affected properties.

I.5.2 Summary of Effects to Section 4(f) Properties

Table I-3 summarizes the results of the evaluation of Section 4(f) parks and recreation resources, and Table I-4 provides a summary of impacts and preliminary use determinations for Section 4(f) historic resources.

Table I-3. Summary of Effects on Section 4(f) Parks and Recreation Resources

Name	Owner/ Custodian	Alternative	Description of Project Activity	Preliminary Use Determination
Port of Everett Fishing Pier and Day Moorage	Port of Everett	No-Build	Construction of replacement marine terminal facilities (trestle and transfer span) may require the fishing pier to be closed temporarily.	Temporary use or use, depending on duration of closure
		Existing Site Improvements	Replacement marine terminal facilities would be constructed in the space currently occupied by the fishing pier, so it would need to be moved.	Use
		Elliot Point 1	The existing ferry terminal would be removed, but the fishing pier would remain in place. A temporary closure may be needed during terminal demolition.	Temporary use
		Elliot Point 2	Same as Elliot Point 1	Temporary use
Mount Baker Terminal Shoreline Access Area	Port of Everett	No-Build	No impact	No use
		Existing Site Improvements	No impact	No use
		Elliot Point 1	The alternative redesigns the shoreline area, changing planned access, amenities, and public parking elements. Public parking would be moved to the new ferry terminal. A waterfront promenade would link the ferry terminal to the shoreline access area.	Use, or a potential <i>de minimis</i> finding if the alternative is modified
		Elliot Point 2	No impact	No use

Table I-3. Summary of Effects on Section 4(f) Parks and Recreation Resources

Name	Owner/ Custodian	Alternative	Description of Project Activity	Preliminary Use Determination
Mukilteo Lighthouse Park	City of Mukilteo	No-Build	No impact	No use
		Existing Site Improvements	Potential benefit of relocating transit activities away from SR 525 and primary park access point.	No use
		Elliot Point 1	No impact. Access to Mukilteo Lighthouse Park would improve, due to the diversion of ferry traffic to the new terminal access road at First Street.	No use
		Elliot Point 2	Similar to Elliot Point 1	No use
Mukilteo Community Beach	City of Mukilteo	No-Build	No direct impact, but access to Mukilteo Community Beach could still be constrained by ferry terminal activity at the intersection of Front Street and SR 525, much as it is today. Construction could aggravate these access problems but would be temporary.	No use
		Existing Site Improvements	Access to Mukilteo Community Beach would be improved due to the new street configuration east of the terminal. Construction could require detours or access changes but would be temporary.	No use
		Elliot Point 1	Access to Mukilteo Community Beach would improve, due to the diversion of ferry traffic to the new terminal access road at First Street. Demolition of existing terminal could temporarily alter access.	No use
		Elliot Point 2	Same as Elliot Point 1	No use
Silver Cloud Inn Pier	Public access	No-Build	No long-term impact; short-term impacts due to construction could alter surroundings but public access would remain.	No use
		Existing Site Improvements	No long-term impact; short-term impacts due to construction.	No use
		Elliot Point 1	No long-term impact; short-term impacts due to demolition of existing terminal.	No use
		Elliot Point 2	No long-term impact; short-term impacts due to demolition of existing terminal.	No use
Barbara Brennen Dobro Memorial Park	City of Mukilteo	No-Build	No impact	No use
		Existing Site Improvements	No impact	No use
		Elliot Point 1	No impact	No use
		Elliot Point 2	No impact	No use
Totem Park	City of Mukilteo	No-Build	No impact	No use
		Existing Site Improvements	No impact	No use
		Elliot Point 1	No impact	No use
		Elliot Point 2	No impact	No use
Centennial Park	City of Mukilteo	No-Build	No impact	No use
		Existing Site Improvements	No impact	No use
		Elliot Point 1	No impact	No use
		Elliot Point 2	No impact	No use

Table I-3. Summary of Effects on Section 4(f) Parks and Recreation Resources

Name	Owner/ Custodian	Alternative	Description of Project Activity	Preliminary Use Determination
Edgewater Park	City of Everett	No-Build	No impact	No use
		Existing Site Improvements	No impact	No use
		Elliot Point 1	No impact	No use
		Elliot Point 2	No impact	No use
Japanese Gulch	City of Mukilteo	No-Build	No impact	No use
		Existing Site Improvements	No impact	No use
		Elliot Point 1	No impact	No use
		Elliot Point 2	No impact	No use
Cascadia Marine Trail	Various Public Agencies	No-Build	No impact	No use
		Existing Site Improvements	No impact	No use
		Elliot Point 1	No impact	No use
		Elliot Point 2	No impact	No use

Table I-4 shows where FTA has identified a potential impact that could result in a use. FTA will update the use determinations in the Final EIS, following the Draft EIS publication and its public comment period, by taking into account public comments and the results of coordination with the agencies that have jurisdiction over the resources.

Table I-4. Summary of Effects on Section 4(f) Historic and Cultural Resources

Name	Alternative	Description of Project Activity	Preliminary Use Determination
Mukilteo Shoreline Site (45SN393)	No-Build	Potential adverse effect per Section 106 due to replacement of passenger building and foundation	Potential use or Criterion D exception
	Existing Site Improvements	Potential adverse effect per Section 106 due to passenger/maintenance building, utilities, underground stormwater treatment facility	Potential use or Criterion D exception
	Elliot Point 1	Potential adverse effect per Section 106 due to utility and tank footing removal over midden	Potential use or Criterion D exception
	Elliot Point 2	Potential adverse effect per Section 106 due to utility and tank footing removal over midden	Potential use or Criterion D exception
Point Elliott Treaty Site (45SN108)	No-Build	No adverse effect; the alternative would replace existing facilities not related to the site's historic characteristics	Potential <i>de minimis</i> finding
	Existing Site Improvements	No adverse effect; the alternative would replace and expand facilities not related to the site's historic characteristics	Potential <i>de minimis</i> finding
	Elliot Point 1	No adverse effect; the alternative would remove existing ferry facilities not related to the site's historic characteristics, and develop other portions of the site where there are no visible features related to its historic significance	Potential <i>de minimis</i> finding
	Elliot Point 2	No adverse effect; the alternative would remove existing ferry facilities not related to the site's historic characteristics, and develop other portions of the site where there are no visible features related to its historic significance	Potential <i>de minimis</i> finding

Table I-4. Summary of Effects on Section 4(f) Historic and Cultural Resources

Name	Alternative	Description of Project Activity	Preliminary Use Determination
Old Mukilteo Townsite (45SN404)	No-Build	No effect	No use
	Existing Site Improvements	Potential adverse effect per Section 106 due to utilities, roadways, terminal supervisor's building foundation, retaining walls	Potential use or Criterion D exception
	Elliot Point 1	Potential adverse effect per Section 106 due to roadways and stormwater treatment facility excavation	Potential use or Criterion D exception
	Elliot Point 2	Potential adverse effect per Section 106 due to roadways and retaining walls	Potential use or Criterion D exception
Japanese Gulch Site (45SN398)	No-Build	No effect	No use
	Existing Site Improvements	No effect	No use
	Elliot Point 1	Potential adverse effect per Section 106 due to excavation for the restoration of Japanese Gulch as an open stream and for construction of First Street extension	Potential use or Criterion D exception
	Elliot Point 2	No effect	No use
Mukilteo Light Station (45SN123)	No-Build	No effect	No use
	Existing Site Improvements	No effect	No use
	Elliot Point 1	No effect	No use
	Elliot Point 2	No effect	No use

I.5.3 Discussion of Resources Affected by All Alternatives

Port of Everett Fishing Pier

The Port of Everett pier and seasonal daytime boat moorage would be affected by all four alternatives, either due to removal or replacement of the ferry terminal, or the need to either close or temporarily relocate the pier or its functions during terminal demolition. The No-Build Alternative would close the pier during construction of the new marine terminal components. If the closure is brief, the pier could be subject to a temporary Section 4(f) use, although temporary uses typically are considered minor. If the pier is closed for a longer duration, a Section 4(f) use could result. The Existing Site Improvements Alternative would remove the pier, resulting in a Section 4(f) use of the resource. The alternative also assumes WSDOT would replace the pier. The initial options for relocating the pier include a site to the east, possibly combined with the Silver Cloud Inn pier, or to the west and adjacent to the new ferry terminal. The Elliot Point 1 and Elliot Point 2 alternatives may temporarily close the pier during demolition of the existing marine terminal facilities. A brief closure could result in either no use or a temporary use of the resource, but if the facility closes to normal public use for an extended period, a use could result.

Mukilteo Shoreline Site (45SN393)

The Mukilteo Shoreline Site could be affected by all alternatives depending on the alternatives' construction methods and final design. FTA is assuming there is a potential to encounter artifacts in the areas where any of the alternatives is above the midden site. If previously undisturbed artifacts are encountered during construction, this would be an adverse effect under Section 106. FTA is therefore evaluating a potential Section 4(f) use for all alternatives.

Section 4(f) regulations provide an exception for the use of an archaeological site if the historic significance of the buried resources is for the information that may be recovered and preservation in place is not required. FTA has not yet decided to seek an exception to a Section 4(f) use, but the exception would require concurrence from DAHP.

The No-Build and Existing Site Improvements alternatives would need to excavate soils to construct new passenger buildings, which could disturb archaeological resources within the midden. Additionally, construction of utility trenches and underground stormwater treatment facilities for the Existing Site Improvements Alternative could disturb archaeological resources.

The First Street Extension for the Elliot Point 1 Alternative would be located over a portion of the Mukilteo Shoreline Site, but the paving would be above new fill and would not disturb the archaeological resources within the site. Similarly, vehicle holding lanes for the Elliot Point 2 Alternative would be located over a portion of the Mukilteo Shoreline Site, but construction on fill would help avoid the archaeological resources within the site. However, both Elliot Point 1 and 2 alternatives would first seek to abandon in place any remnant utilities and footings for the former fuel tanks, but there is some potential that limited excavation would occur. While the designs seek to avoid contact with the midden, it is likely that more detailed design information and potentially pre-construction excavation would be needed to determine the exact depth of excavation, if any, and to allow further definition of where artifacts, including previously disturbed artifacts, could be encountered.

Old Mukilteo Townsite (45SN404)

Depending on the construction methods and final design, the Old Mukilteo Townsite could be affected by all three Build alternatives. Under all three Build alternatives, the extension of First Street and construction of a retaining wall near the intersection of SR 525 and First Street could disturb archaeological resources. Additionally, construction of the terminal supervisor's building for the Existing Site Improvements Alternative and a stormwater treatment facility for the Elliot Point 1 Alternative could disturb archaeological resources. The three Build alternatives would involve a potential use, depending on construction areas and the location of artifacts, but they could also still qualify for the data recovery exception to Section 4(f) use mentioned above, pending concurrence from DAHP.

Point Elliott Treaty Site (45SN108)

All four alternatives, including the No-Build Alternative, would occupy a portion of the site. None of the project alternatives would change the characteristics that qualify the Point Elliott Treaty Site (45SN108) for the NRHP, which includes criteria related to its associations with an important historic event, historically important people, and for potential archaeological artifacts related to the treaty signing period. The characteristics that qualify it for the NRHP, including location of the treaty site and its setting and association with Possession Sound, would remain unchanged, and a no adverse effect determination is being considered through the Section 106 process. FTA is considering a *de minimis* finding for the site for all three Build alternatives, pending concurrence from DAHP. Representatives from some of the tribes participating in the EIS and Section 106 process have suggested the site could be a Traditional Cultural Property, but no further information has been provided to date.

I.5.4 Comparison of the Ability of Alternatives to Avoid or Minimize Uses of Section 4(f) Resources

As shown in Table I-5, all of the project Build alternatives might involve the use of one or more Section 4(f) resources. Table I-5 provides further information on potential avoidance options. The following discussion then considers the overall potential of any of the project's Build alternatives to completely avoid the use of Section 4(f) resources, minimize the effects, or apply available exceptions to a Section 4(f) use. The discussion then describes why FTA may conclude there is no prudent and feasible alternative that would avoid the use of Section 4(f) resources. (The No-Build Alternative is in the EIS for environmental comparisons, but is not proposed as an action to be approved by FTA and, therefore, would not be proposed as a Section 4(f) avoidance alternative. It would not meet the project's purpose and need and would have a potential use of Section 4(f) resources.)

Table I-5. Summary of Potential Section 4(f) Uses by Build Alternatives

	Existing Site Improvements	Elliot Point 1	Elliot Point 2
Section 4(f) Resource Affected			
Port of Everett Fishing Pier	Use	Temporary use	Temporary use
Mount Baker Terminal Shoreline Access Area		Use (or potential <i>de minimis</i> if alternative is modified)	
Mukilteo Shoreline Site (45SN393)	Use (or exception)	Use (or exception)	Use (or exception)
Point Elliott Treaty Site (45SN108)	Proposed <i>de minimis</i>	Proposed <i>de minimis</i>	Proposed <i>de minimis</i>
Old Mukilteo Townsite (45SN404)	Use (or exception)	Use (or exception)	Use (or exception)

Table I-5. Summary of Potential Section 4(f) Uses by Build Alternatives

	Existing Site Improvements	Elliot Point 1	Elliot Point 2
Japanese Gulch Site (45SN398)	Not affected	Use (or exception)	Not affected
Total Section 4(f) Resources with Potential Use	Up to 4	Up to 6	Up to 4
Ability to Completely Avoid	No avoidance for at least one use. Ability to avoid, find <i>de minimis</i> impacts or seek exceptions for three of the sites would be the same as other alternatives.	Possible avoidance or exceptions for all. Ability to avoid, find <i>de minimis</i> impacts or seek exceptions for three of the sites would be the same as other alternatives.	Possible avoidance or exceptions for all. Ability to avoid, find <i>de minimis</i> impacts or seek exceptions for three of the sites would be the same as other alternatives.

No-Build Alternative

As discussed in *Section I.5.3* and shown in Tables I-3 and I-4, the No-Build Alternative could use three Section 4(f) resources. The No-Build Alternative does not satisfy the project’s purpose and need, so even if it qualified for exceptions or otherwise avoided all Section 4(f) uses, it would not constitute a prudent and feasible alternative.

Potential Use or Temporary Use of the Port of Everett Fishing Pier

As discussed above in *Section I.2.2*, temporary use occurs when a transportation project temporarily occupies any portion of the resource. In order for a temporary use of Section 4(f) land not to be considered adverse, it must meet the conditions discussed in *Section I.2.2*. The use must be minor in nature and the resource’s activities must be maintained. This could be possible with the No-Build Alternative depending on how construction is staged, but it could also be a Section 4(f) use if the pier is fully closed.

Potential Use of the Mukilteo Shoreline Site (45SN393)

The No-Build Alternative would construct replacement buildings on the site of the existing terminal buildings. If construction is limited to the existing footprint, impacts could be avoided, because the construction would remain within previously disturbed areas. However, since seismic protection and replaced utility connections are likely, a potential adverse effect is expected because the passenger building is near a shallow portion of the Mukilteo Shoreline Site near the intersection of Front Street and SR 525.

If extending beyond the footprint of the existing building is necessary (for example, to connect to utilities under Front Street, or to meet seismic standards), the project could disturb archaeological resources at the Mukilteo Shoreline Site. As discussed in *Section I.5.3*, if the historical value of the buried resources is represented by the data that may be recovered, rather than the data being preserved in place, an exception to Section 4(f) use may apply to this resource. Until the requirements for the exception are met, FTA is assuming a use of the resource by this alternative.

Potential Use of the Point Elliott Treaty Site (45SN108)

The No-Build Alternative is within the boundaries defined for the Point Elliott Treaty Site (45SN108), but the alternative would not affect the characteristics that make the site eligible for the NRHP as a historic site. FTA is considering a *de minimis* finding for this alternative. If FTA does not make a *de minimis* finding or DAHP does not concur, a potential use could occur because the alternative would occupy a portion of the treaty site.

Existing Site Improvements Alternative

As discussed in *Section I.5.3* and shown in Tables I-3 and I-4, the Existing Site Improvements Alternative could use four Section 4(f) resources, which are discussed in the following subsections. At least one of the uses (to the Port of Everett Fishing Pier) may be unavoidable, but the impact could be minimized by including a facility replacement prior to construction. However, if the use cannot be avoided, this alternative could only be implemented if all other prudent and feasible alternatives also have an unavoidable Section 4(f) use, and FTA establishes that it constitutes a least harm alternative.

Use of the Port of Everett Fishing Pier

The Existing Site Improvements Alternative would remove the Port of Everett pier and its seasonal day moorage, resulting in a Section 4(f) use of the resource. Given the constraints of the existing site, design modifications to completely avoid the use appear to be limited. Potential design modifications such as moving the ferry dock to the east or west would impact other properties or increase other environmental

Applying *de minimis* or other exceptions to cultural resources:

FTA must notify SHPO that it intends to make a *de minimis* finding based on the Section 106 finding of "no adverse effect" to the property. Similarly, FTA must notify SHPO of its intention to make a Criteria D exception for recovery of buried archaeological data. SHPO must concur in writing for either finding.

Applying *de minimis* or other exceptions to uses of recreation resources:

For a *de minimis* finding, the officials with jurisdiction over a park, recreation area, or wildlife or waterfowl refuge must also provide written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f). Such concurrence must follow opportunities for public comment on the proposed *de minimis* finding, and can be combined with other NEPA public review and comment periods.

Searching for prudent and feasible alternatives to avoid all Section 4(f) resources, and potentially determining the "least overall harm" alternative:

WSDOT and FTA must select a prudent and feasible alternative that avoids all Section 4(f) uses, if such an alternative exists. If all the alternatives WSDOT and FTA can identify as being prudent and feasible have unavoidable Section 4(f) uses, then they must identify and select the alternative with the least overall harm.

impacts. While this may avoid a Section 4(f) use, it would not provide advantages over other EIS alternatives that could also avoid Section 4(f) uses. Otherwise, WSDOT could replace the dock before closing the existing dock. This would maintain the availability of the recreation resource and would minimize the effect. Two options for relocating the dock have been identified, including one that would be to the east, potentially as an extension of the Silver Cloud Inn public pier, or to the west, possibly with the western portion of the terminal trestle to be developed by the alternative. There are some drawbacks to both of these options, though. The east option has possible impacts to a popular dive area to the east of the Silver Cloud Inn pier. The west option could be in the way of possible future expansion of the terminal to allow a second slip. These and other options would be further evaluated in coordination with the Port and the City of Mukilteo, and in consideration of public and stakeholder comments.

Potential Use of the Mukilteo Shoreline Site (45SN393)

The Existing Site Improvements Alternative could impact the Mukilteo Shoreline Site where the existing ferry passenger and maintenance building would be replaced at the northern edge of the site. It could intersect cultural material if the new building exceeds the dimensions of the existing foundation.

Extending beyond the footprint of the existing building (for example, to connect to utilities under Front Street) would disturb archaeological resources at the Mukilteo Shoreline Site. This could be an adverse effect that constitutes a Section 4(f) use.

As discussed in *Section I.5.3*, if the value of the buried resources is represented by the data that may be recovered, rather than the data being preserved in place, FTA could consider an exception to Section 4(f) use for this resource. Concurrence from DAHP would still be required. Until the requirements for the exception are met, FTA for now is evaluating a use of the resource by this alternative.

Potential Use of the Old Mukilteo Townsite (45SN404)

Excavation for the northern end of a trench drain and underground treatment facility near the intersection of Front Street and Park Avenue could disturb the Old Mukilteo Townsite, and retaining walls at the south end of the employee parking area may adversely affect historic archaeological material.

As discussed in *Section I.5.3*, if the value of the buried resources is represented by the data that may be recovered, rather than the data being preserved in place, the exception to Section 4(f) use may apply. Until the requirements for the exception are met, FTA for now is evaluating a use of the resource by this alternative.

Potential Use of the Point Elliott Treaty Site (45SN108)

This alternative would occupy a portion of the historic site, but it would not alter the characteristics that qualify the site for the NRHP. The alternative could meet the requirements for a *de minimis* finding for the site, pending concurrence from DAHP. If FTA does not make a *de minimis* finding, avoidance alternatives must be considered.

Elliot Point 1 Alternative

The Elliot Point 1 Alternative has the potential to result in use of up to five Section 4(f) resources. The data recovery exception to Section 4(f) use may apply for the three archaeological sites that could be affected, and *de minimis* findings could be made for the affected historic site and the affected recreation site. If the impacts do not qualify for these exceptions, avoidance alternatives must be considered.

Potential Use of the Mukilteo Shoreline Site (45SN393)

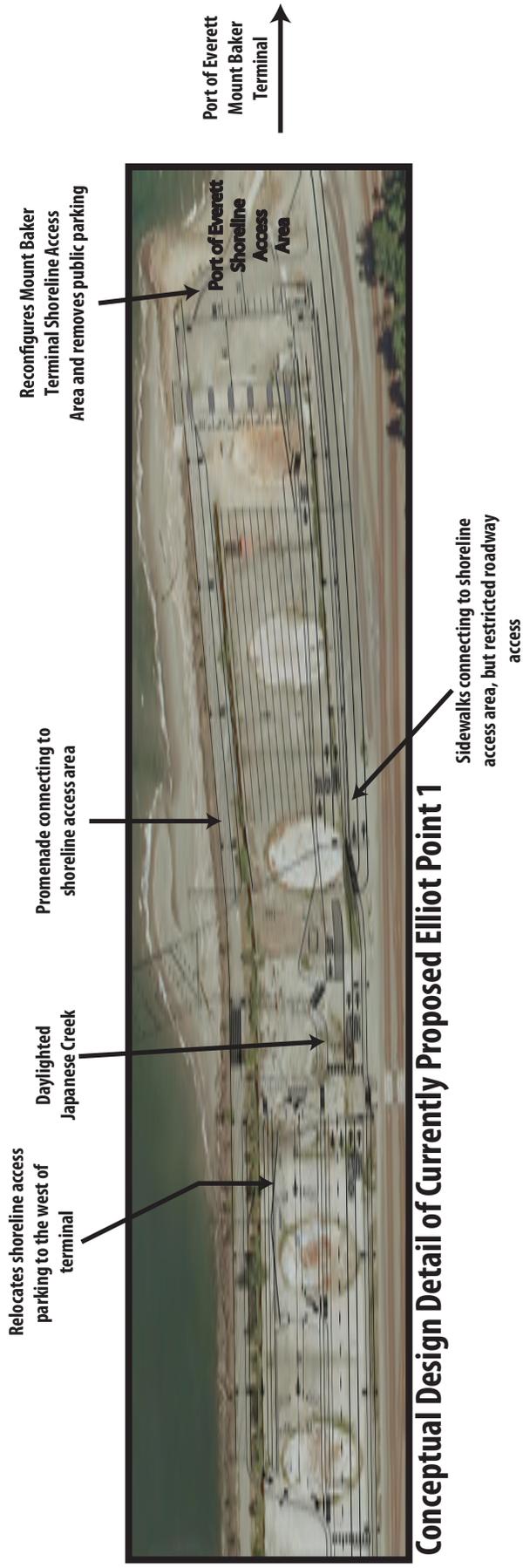
Construction of this alternative would overlap a small area of the site where archaeological artifacts may remain. Due to the chance of encountering artifacts and a resulting adverse effect, FTA has identified a potential Section 4(f) use.

As discussed for the Existing Site Improvements Alternative, FTA could request an exception to Section 4(f) use for this resource, and concurrence from DAHP would be needed. Until the requirements for the exception are met, FTA for now is evaluating a use by the Elliot Point 1 Alternative.

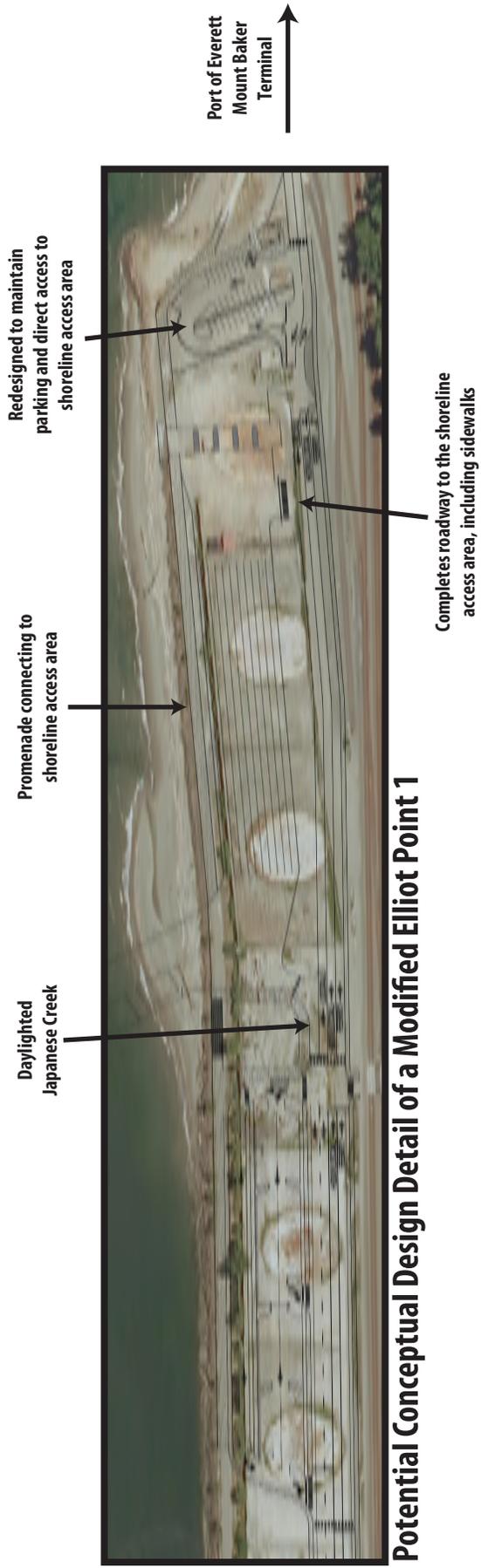
Use of Mount Baker Terminal Shoreline Access Area

The current design for the Elliot Point 1 Alternative would modify the shoreline access area by relocating public parking to the west. This would require people to walk farther to access the shoreline area, and they would not be able to drive directly to the site. A sidewalk would link the parking area at the terminal to the shoreline access area. A shoreline esplanade for the multimodal facility would also connect to an existing shoreline path within the Port's shoreline access area. Based on coordination with the City of Everett and the Port of Everett, FTA believes that the alternative's modification of public shoreline access features and facilities could constitute a Section 4(f) use.

To avoid the use, WSDOT has identified a revision to the alternative, shown in Figure I-2. This modification would minimize the impacts by maintaining the supply of public parking for the site and redesigning the extension of First Avenue to provide direct public access to the shoreline area. Some modification of the shoreline access area would be unavoidable with this alternative. However, FTA could consider a *de minimis* finding for a modified Elliot Point 1 Alternative. The City of Everett and the Port of Everett would have to concur with this finding.



Conceptual Design Detail of Currently Proposed Elliot Point 1



Potential Conceptual Design Detail of a Modified Elliot Point 1

Figure I-2. Potential Elliot Point 1 Modification

Potential Use of the Old Mukilteo Townsite (45SN404) and the Japanese Gulch Site (45SN398)

The potential impacts on these two historic archaeological sites could meet the data recovery exception for properties eligible for the information the sites may yield (Criterion D), although both are also eligible for Criterion A, for their association with the historic development of Mukilteo communities. If the exception does not apply, avoidance alternatives would need to be considered. Until the requirements for the exception are met, FTA for now is evaluating a use of these two resources by the Elliot Point 1 Alternative.

Potential Use of the Point Elliott Treaty Site (45SN108)

As with other alternatives, this alternative is within the Point Elliott Treaty Site, but FTA has preliminarily concluded the alternative would not affect the characteristics that make it eligible for the NRHP. FTA is considering a *de minimis* finding for this alternative, which would require DAHP's concurrence. If FTA does not make a *de minimis* finding, avoidance alternatives must be considered.

Elliot Point 2 Alternative

As discussed in *Section I.5.3* and shown in Tables I-3 and I-4, the Elliot Point 2 Alternative has the potential to result in a use of three Section 4(f) resources. The impacts to the affected resources could qualify for exceptions to Section 4(f) uses, pending approvals by other agencies with jurisdiction over the resources. If the impacts do not qualify for the exceptions, resulting in a Section 4(f) use, avoidance alternatives must be considered.

Potential Use of the Mukilteo Shoreline Site (45SN393)

The effects would be similar to those described for the Elliot Point 1 Alternative, although more construction above the midden would be involved. The resource may qualify for the data recovery exception, but if not, avoidance alternatives must be considered. Until the requirements to apply the exception are met, FTA is assuming a use of the resource by this alternative.

Potential Use of the Old Mukilteo Townsite (45SN404)

The potential impacts to this historic archaeological site could meet the data recovery exception, which requires written agreement from DAHP. If the exception does not apply, avoidance alternatives must be considered. FTA is assuming a use of the resource by this alternative unless the requirements to apply the exception are met.

Potential Use of the Point Elliott Treaty Site (45SN108)

The Elliot Point 2 Alternative is within the Point Elliott Treaty Site, but would not affect the characteristics that make the site eligible for the NRHP. FTA is considering a *de minimis* finding for this alternative, which would require DAHP's concurrence.

If FTA does not make a *de minimis* finding, avoidance alternatives must be considered.

I.5.5 Initial Conclusion on Available Prudent and Feasible Avoidance Alternatives

None of the project's alternatives, including the No-Build Alternative, completely avoids using Section 4(f) resources. In addition to having its own Section 4(f) impacts, the No Build Alternative is not a prudent and feasible avoidance alternative because it does not address the project's purpose and need.

While regulatory exceptions to a Section 4(f) use determination for some of the resources may be applicable, three of these resources would be affected by all Build alternatives. For example, all alternatives have potential effects on the Mukilteo Shoreline Site and the Old Mukilteo Townsite, and they are all within the boundaries of the larger Point Elliott Treaty historic site. If the potential impacts on any of these sites do not constitute a Section 4(f) use, each alternative would reduce the number of Section 4(f) properties used by the same number.

Any other alternative within the Mukilteo waterfront area would have similar issues for encountering these resources, even if some design elements were modified or the alternatives had different footprints. While WSDOT and FTA developed the current set of alternatives to satisfy the project's purpose and need while minimizing potential impacts to the resources, they cannot yet confirm there would be no impact to several of the Section 4(f) resources, particularly the Mukilteo Shoreline Site. For any of the alternatives, this would require information that would only be available through further consultation on mitigation measures with other agencies and tribes, followed by final design and early construction investigations. FTA does have enough information to make comparisons of the relative severity of impacts to individual resources. An initial comparison is provided in *Section I.5.6*. If no avoidance to use is found, the full analysis will be part of a final Section 4(f) evaluation, which is expected to be published with the Final EIS.

As described in *Chapter 2 Alternatives*, WSDOT and FTA have explored a wide range of alternatives, including Mukilteo area alternatives developed in 2006 but later dropped from further consideration due to concerns about their overall impacts, and particularly about impacts to archaeological resources and the use of Section 4(f) properties.

In 2010, when WSDOT and FTA reinitiated the current NEPA process for the project, they developed a new set of concepts to consider. These included moving the terminal to other locations, including Everett or Edmonds, three concepts on Elliot Point, and a concept at the Mount Baker Terminal. The Everett and Edmonds alternatives were dropped from consideration because they would not be prudent: they worsened transportation conditions compared to the No-Build Alternative and carried higher environmental impacts, thereby failing to achieve the project's purpose and need. The

concept at the Mount Baker Terminal and the rejected Elliot Point concept both had no less impacts on archaeological sites and other Section 4(f) resources, a higher potential for other environmental impacts, and minimal multimodal benefits. These shortcomings make these concepts imprudent. In any case, because they impact Section 4(f) resources, they could not be avoidance alternatives.

I.5.6 Determining “Least Harm” Alternatives

If no alternative completely avoids Section 4(f) uses, FTA may identify one or more “least harm” alternatives, considering factors defined in Section 4(f) regulations. The final least harm analysis will incorporate the results of the environmental analysis, public comments on the Draft EIS, the information gathered through continuing Section 4(f) evaluation and coordination, and Section 106 consultations with other agencies, tribes, and interested parties. Tables I-6 and I-7 list the factors FTA is considering, with a preliminary comparison of alternatives.

Table I-6. Initial Least Harm Evaluation of the Draft EIS Alternatives

Least Harm Analysis Factor	Existing Site Improvements	Elliot Point 1	Elliot Point 2
Ability to mitigate adverse impacts to each Section 4(f) property, including any measures that result in benefits to the property, and the relative severity of the remaining harm, after mitigation, to the protected activities, attributes, or features that qualify each Section 4(f) property for protection			
<i>Port of Everett Fishing Pier</i>	Permanent replacement prior to removal would avoid loss of short-term recreational opportunities, and replace an aging facility.	Temporary replacement during terminal removal would avoid disruption of recreational opportunities.	Temporary replacement during terminal removal would avoid disruption of recreational opportunities.
<i>Mount Baker Terminal shoreline access area</i>	Not affected	An avoidance option to maintain parking and access could reduce impacts to <i>de minimis</i> levels, and also complete public access currently needed for the shoreline area. Also provides a connecting shoreline promenade.	Not affected, but the alternative extends a roadway and bike/pedestrian facilities to help complete access currently needed to the facility.

Table I-6. Initial Least Harm Evaluation of the Draft EIS Alternatives

Least Harm Analysis Factor	Existing Site Improvements	Elliot Point 1	Elliot Point 2
<i>Mukilteo Shoreline Site (45SN393)</i>	Measures to be defined through Section 106 consultations, but would include design, construction, and archaeological procedures to minimize potential adverse effects.	Measures to be defined through Section 106 consultations, but lowest potential for effects, because it is within the smallest area of the site, and is in an area most likely to have been previously disturbed.	Measures to be defined through Section 106 consultations, but second lowest potential for effects, because it involves mostly fill and paving over the site, and is in areas more likely to have been previously disturbed.
<i>Point Elliott Treaty Site (45SN108)</i>	A <i>de minimis</i> finding and/or reduced impacts could feature mitigation through design, public information, and interpretive features to highlight the treaty site's significance.	Mitigation could support a <i>de minimis</i> finding and/or reduced impacts. Has the most available area to incorporate design or historic information and interpretive features.	Mitigation could support a <i>de minimis</i> finding and/or reduced impacts. Has the second most available area to incorporate design or historic information and interpretive features.
<i>Old Mukilteo Townsite (45SN404)</i>	Mitigation measures and agreements to be defined through Section 106 consultations could also allow a Section 4(f) use exception, and would define procedures to minimize or avoid potential adverse effects. Has more construction activities that could encounter artifacts.	Mitigation measures and agreements to be defined through Section 106 consultations would minimize impacts and could also allow a Section 4(f) use exception.	Mitigation measures and agreements to be defined through Section 106 consultations would minimize impacts and could also allow a Section 4(f) use exception.
<i>Japanese Gulch Site (45SN398)</i>	Not affected	Mitigation measures and agreements to be defined through Section 106 consultations would minimize impacts and could also allow a 4(f) use exception. Interpretive elements designed into the daylighting of Japanese Creek could increase public understanding of the site's historic significance.	Not affected
The relative significance of each Section 4(f) property	Fishing and day moorage pier is a public amenity with limited other options available. All the historic sites are significant, but none have features visible to the public. The archaeological information they could yield is not confirmed until the data are recovered.	All the historic sites are significant, but none have features visible to the public. The archaeological information they could yield is not confirmed until the data are recovered.	All the historic sites are significant, but none have features visible to the public. The archaeological information they could yield is not confirmed until the data are recovered.

Table I-6. Initial Least Harm Evaluation of the Draft EIS Alternatives

Least Harm Analysis Factor	Existing Site Improvements	Elliot Point 1	Elliot Point 2
The views of the official(s) with jurisdiction over each Section 4(f) property	Consultations are underway and formal correspondence is expected following the Draft EIS.	Consultations are underway and formal correspondence is expected following the Draft EIS.	Consultations are underway and formal correspondence is expected following the Draft EIS.
The degree to which each alternative meets the purpose and need for the project	See Table I-7	See Table I-7	See Table I-7
After reasonable mitigation, the magnitude of any adverse impacts to environmental resources not protected by Section 4(f)			
<i>Land Use</i>	Least consistent with City of Mukilteo's plans to reconnect waterfront areas.	Most consistent with City's plans for waterfront areas, but conflicts with some shoreline plan elements.	More consistent with City's plans for waterfront areas, but conflicts with some shoreline plan elements.
<i>Hazardous Materials</i>	Few long-term impacts; potential benefits from addressing a site with remaining hazardous materials.	Few long-term impacts; potential benefits to several sites with hazardous materials. Removes large pier with 3,000+ creosote-treated piles.	Few long-term impacts; potential benefits to several sites with hazardous materials. Removes large pier with 3,000+ creosote-treated piles.
<i>Ecosystems</i>	Aquatic ecosystems benefit from replacing existing ferry facility that has creosote-treated piles; some in-water construction impacts.	High level of aquatic ecosystems benefit from Tank Farm Pier removal and existing ferry terminal replacement, as well as habitat restoration at Japanese Creek. Impacts due to loss of habitat for Dungeness crabs; higher in-water construction impacts.	High level of aquatic ecosystems benefit from Tank Farm Pier removal and existing terminal replacement. Impacts due to loss of habitat for Dungeness crabs; higher in-water construction impacts.
<i>Transportation</i>	Most impacts due to remaining queues and remaining safety concerns. (see Table I-7 for multimodal effects).	Least impacts due to ferry traffic. Improves safety and reliability. (see Table I-7 for multimodal effects).	Reduced impacts due to ferry traffic, but some remain. Improves safety and reliability. (see Table I-7 for multimodal effects).
Substantial differences in costs among the alternatives	Lowest cost, but not to a degree that would offer substantial advantages toward implementation.	Highest cost, but not to a degree WSDOT believes would be exceptional.	Second highest cost, but not to a degree WSDOT believes would be exceptional.

Table I-7. Ability to Address Purpose and Need

Purpose and Need Element	Existing Site Improvements	Elliot Point 1	Elliot Point 2
Safety and Security			
Reduces conflicts between local and ferry vehicle traffic	Partially, through one-way street configurations	Yes	Yes
Reduces conflicts between vehicles and pedestrians/bicyclists	Partially, with street revisions and overhead loading	Yes	Yes
Provides a securable facility as required by the Department of Homeland Security	No	Yes	Yes
Addresses seismic and structural deficiencies	Yes	Yes	Yes
Transit Connectivity and Reliability			
<i>Ferry schedule reliability</i>			
• Timely and reliable loading and unloading	Yes, due to overhead passenger loading; delays due to traffic impacts still occur	Yes	Yes
• Minutes over/under 15-minute reliability target	4 minutes under	5 minutes under	5 minutes under
<i>Walking Distances (feet)</i>			
• Rail Station/Passenger Building	1,410	1,800	995
• Transit Center/ Passenger Building	540	575	270
• Transit Center/Rail Station	870	1,750	1,190
Reliable connections (on-time bus, rail, and ferry connections)	Yes	Yes	Yes
Transit facilities to support growth in travel demand	Yes	Yes	Yes
Pedestrian and bicycle improvements	Yes	Yes	Yes
Local transportation system impacts (daily backups on SR 525)	Worse than today	Improved: SR 525 backups removed	Same as today

To summarize, FTA has identified the following primary environmental differences and trade-offs among the alternatives:

- The Elliot Point 2 Alternative has the fewest potentially affected Section 4(f) resources, and use exceptions could allow it to qualify as an avoidance alternative.
- The Elliot Point 1 Alternative has the most potentially affected Section 4(f) resources, but can be modified to avoid one use, and use exceptions could allow it to qualify as an avoidance alternative.
- The Existing Site Improvements Alternative has an unavoidable use of the Port of Everett fishing pier and seasonal day moorage, and a suitable replacement site would still need to be confirmed to mitigate the impact. At least one of the options (relocating the pier to the west side of the replacement terminal) could lead to subsequent impact if a second slip is later built. If the Elliot Point 1 Alternative or Elliot Point 2 Alternative is found to be a Section 4(f) avoidance

alternative, the Existing Site Improvements Alternative could not be selected for the project.

- Both Elliot Point alternatives offer the most overall environmental advantages. Notably, they remove the Tank Farm Pier and existing terminal facilities, they reduce the terminal's impacts on the local transportation system, and they best support local land use plans.
- The Existing Site Improvements Alternative creates higher traffic impacts and more conflicts with the future land use plans of the City of Mukilteo.
- Both Elliot Point alternatives open up a larger area of the waterfront to public use and access.
- The Elliot Point 1 Alternative provides additional natural resource and open space benefits because it would daylight Japanese Creek, although this action could impact an archaeological site. Because the site is currently buried under fill, restoration of the creek combined with an approved archaeological recovery and treatment plan could reduce impacts and improve the historic record of the Japanese immigrant community that once settled there.

Several factors from the purpose and need also show notable differences among the alternatives:

Safety and Security

- The Existing Site Improvements Alternative would not allow the terminal facility to be readily secured to respond to increased maritime security orders from the U.S. Coast Guard. It would improve but not remove the potential for traffic accidents, including pedestrians and bicyclist accidents.
- The Elliot Point 1 and 2 alternatives would provide features to help secure the facility during high security alert periods, and the relocated facility would reduce the potential for traffic accidents and provide safe pedestrian and bike routes.

Transit Connections and Reliability

Each of the alternatives would improve some aspects of connections and reliability, but would partially improve or reduce connections in others:

- The Existing Site Improvements Alternative would partially improve reliability but would still have opportunities for conflicts and delays during loading and unloading. It would improve the transit center and terminal facilities, but users would have a slightly longer walk distance between them compared to the No-Build Alternative. This alternative would not shorten connections to the commuter rail station, but would improve some sidewalk connections.

- The Elliot Point 1 Alternative would improve reliability and reduce queues the most, and it would have the shortest distance between the transit center and the terminal. However, it would have the longest distance between the commuter rail station and the terminal.
- The Elliot Point 2 Alternative would improve reliability and reduce queues the second most. It also would have the shortest distances between the transit center, terminal, and the commuter rail station, but it would relocate parking for the commuter rail station, which would increase walk distances for some commuter rail patrons.

I.5.7 Next Steps in the Section 4(f) Evaluation

To approve an alternative with a Section 4(f) use for the Mukilteo Multimodal Project, FTA must find that:

- The use of the resource is among the specified regulatory exceptions to Section 4(f). This includes two exceptions being considered for this project: (a) an exception for temporary uses of protected resource; and/or (b) an exception for archaeological sites that could be important for the information they may yield, but do not require protection in place; or
- The project will have only a de minimis impact on the resource (which here may include the Elliott Point Treaty Site for all alternatives, and the Mount Baker Terminal Shoreline Access Area for the Elliot Point 1 Alternative)

If any potential Section 4(f) uses remain after applying the above exceptions, FTA must find that:

- There is no feasible and prudent avoidance alternative to using the protected resource. FTA has found no feasible and prudent avoidance alternatives other than those in the Draft EIS; the Elliot Point 1 or Elliot Point 2 alternatives may still qualify as avoidance alternatives, as explained above.
- The program or project includes all possible planning to minimize harm to the property resulting from its use. These measures are still being defined through the Section 4(f) and Section 106 processes, and through the public review of the Draft EIS and this Section 4(f) evaluation.

Finally, if there are no prudent and feasible alternatives that can avoid all Section 4(f) resources, then FTA must determine which alternative results in the least overall harm to Section 4(f) resources and the environment.