

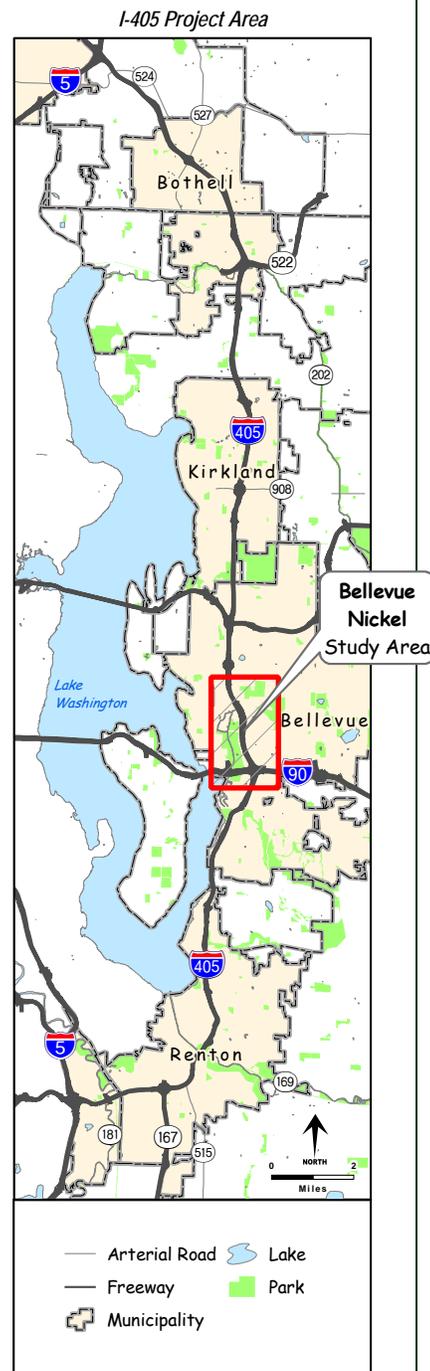
I-405 Bellevue Nickel Improvement Project I-90 to Southeast 8th Street



Corridor Program

Congestion Relief & Bus Rapid Transit Projects

Finding of No Significant Impact August 2006



**I-405, Bellevue Nickel Improvement Project
I-90 to SE 8th Street
Bellevue, Washington**

Finding of No Significant Impact

By the

***U.S. Department of Transportation
Federal Highway Administration***

The Federal Highway Administration (FHWA) has determined, in accordance with 23 CFR 771.121, that the proposed project will have no significant impact on the environment.

This Finding of No Significant Impact (FONSI) is based on the Environmental Assessment (EA) (incorporated by reference) and other documents and attachments, as itemized in this FONSI. These documents have been independently evaluated by the FHWA and are determined to accurately discuss the project purpose, need, environmental issues, impacts of the proposed project, and appropriate mitigation measures. The review provided sufficient evidence and analysis for determining that an environmental impact statement (EIS) is not required.

FHWA takes full responsibility for the accuracy, scope, and content of the EA, as modified by this FONSI and the referenced documents.

8/11/06
Date of Approval

Stephen P. Boch
Stephen Boch



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Acronyms

Acronym or Abbreviation	Meaning
AHERA	Asbestos Hazard Emergency Response Act
AR	asphalt-rubber
APE	Area of Potential Effect
BMPs	best management practices
BNSF	Burlington Northern Santa Fe Railroad
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CSS	context sensitive solutions
DAHP	Washington State Department of Archaeology and Historic Preservation
dBA	decibels in the A-weighted scale to show relative loudness of sound
DNS	Determination of Nonsignificance
EA	Environmental Assessment
EC	email comment
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
FEIS	Final Environmental Impact Statement
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
HOV	high-occupancy vehicle
I-90	Interstate 90
I-405	Interstate 405
LC	letter comments
LWD	large woody debris
MTCA	Model Toxics Control Act
NAC	Noise Abatement Criteria
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NPDES	National Pollutant Discharge Elimination System
OC	oral comment
OSHA	Occupational Safety and Health Administration
ppm	parts per million
SEPA	State Environmental Policy Act
SPCC	spill prevention, control and countermeasures (plan)
TESC	temporary erosion and sediment control (plan)
TMP	transportation management plan
USC	United States Code
USDOT	U.S. Department of Transportation
USFWS	U.S. Fish and Wildlife Service
UST	underground storage tank

Acronym or Abbreviation	Meaning
WAC	Washington Administrative Code
WC	written comment
WSDOT	Washington State Department of Transportation

Why Are Changes Necessary?

Since the Environmental Assessment for the Bellevue Nickel Improvement Project (BNIP) was published in January, we have had two notable changes to the project:

1. Realignment of the proposed footprint will further avoid or minimize anticipated environmental effects.
2. BNIP will be used to test quieter pavement that could result in noise benefits to neighborhoods adjacent to the roadway.

In recent developments, the Burlington Northern Santa Fe Railroad (BNSF) has agreed to allow an interruption to rail service to accommodate an improved alignment for the southbound roadway. A replacement crossing at this location may be needed to meet future bike/pedestrian and/or rail needs and, if needed, would be part of a future BNSF corridor analysis. This decision by BNSF allows WSDOT to add the additional southbound lane to the existing footprint instead of having to create an entirely new alignment to the east. By widening the existing alignment by one lane, WSDOT can avoid or minimize many of the impacts that would have occurred from creating the new alignment. To widen the present alignment, WSDOT will need to remove the existing Wilburton Tunnel.

The updated roadway design has impacts that include altering the view of the southbound roadway by removing the Wilburton Tunnel and altering the potential wildlife route across the existing Wilburton Tunnel.

The new roadway alignment will also provide additional benefits beyond the previous alignment described in the EA and DRs. The additional benefits of the new alignment include:

- Minimized wetland impacts will allow existing wetlands to continue to manage flows, clean the water, and provide habitat for plants and any resident wildlife.
- Reduced stream impacts will minimize any effects to resident species.
- Reduced new impervious surface created within the project area will increase stormwater infiltration.
- Retained trees and other upland vegetation preserve habitat for resident species.
- Improved water quality in the project area results from treatment of a proportionally greater amount of stormwater runoff from existing impervious surfaces.

The second change to the project is WSDOT's decision to test a quieter pavement material in the BNIP. Although this is a test case, WSDOT anticipates that noise benefits could occur. Greater detail is provided in the Updated Description of the Proposed Action.

Updated Description of Proposed Action

The Bellevue Nickel Improvement Project will add one new general-purpose lane in each direction along a 2-mile section of I-405 between I-90 and Southeast 8th Street (see Exhibit 1). We will generally use the inside or “median” side of I-405 for construction. The project also includes new stormwater management facilities and drainage structures and systems.

Other project activities include developing off-site wetland mitigation as well as an on-site stream mitigation area. We expect project construction to begin in spring 2007 and the improved roadway to be open to traffic by fall 2009. This project will be constructed under a design-build contract. A design-build contract provides the contractors flexibility to offer innovative and cost-effective alternatives to deliver the project while complying with all WSDOT design standards, performance measures, and activities to avoid or minimize effects to the environment. Aspects specific to the project such as construction phasing, how the construction will occur, and staging areas will be determined by the design/builder.

As part of the Bellevue Nickel Improvement Project, WSDOT will test three different types of quieter pavement. WSDOT continually tests new materials, and we have chosen to take this action in direct response to information gathered from public involvement. The study will measure the quieter pavement’s noise-reduction characteristics, its resistance to studded tire wear, its durability, and its splash/spray characteristics. Results will document any challenges with construction using these materials during paving operations in comparison to a control area that uses conventional materials. WSDOT will measure noise intensity monthly for a minimum of 5 years or until the pavement requires replacement.

Improvements to Southbound I-405

In the southbound direction, we plan to add one new travel lane from approximately Southeast 8th Street to I-90 (Exhibit 2). In addition, we will extend the existing outside southbound HOV lane at I-90 northward so that it begins at the on-ramp from Southeast 8th Street.

To add these lanes and maintain traffic flow during construction, we will need to widen the existing southbound roadway and remove the Wilburton Tunnel.

The existing southbound travel lanes will remain open to traffic during construction of the additional southbound lane.

The project will also include the following improvements to Southbound I-405:

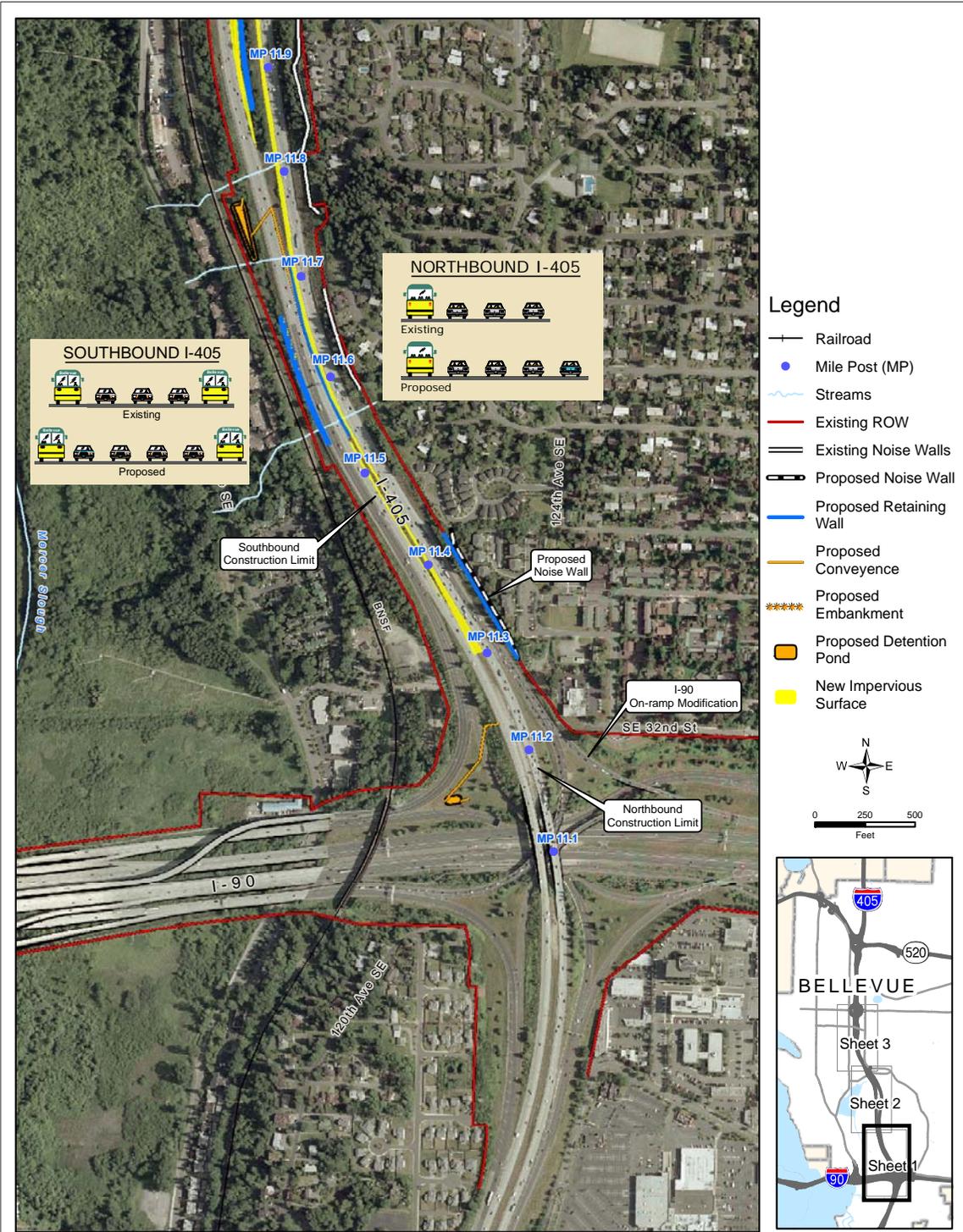
- Modify the existing off-ramp at Southeast 8th Street to make room for an additional southbound lane on I-405. The off-ramp will then become a single-lane, optional off-ramp (i.e., the off-ramp will no longer be an “exit only” off-ramp).
- Build a retaining wall between the southbound travel lanes and the off-ramp at Southeast 8th Street.
- Widen the existing bridge over Southeast 8th Street to the west to accommodate the new southbound lane.

Exhibit 1 Project Vicinity Map



Source: WSDOT, 2005; King County, 2004 | \\SEA\W405\project\bellevue\map_docs\project_vicinity\Bellevue_Project_Vicinity.mxd | Last Updated: 11-08-06

Exhibit 2 Proposed Bellevue Nickel Project Improvements (Sheet 1 of 3)



Source: WSDOT, 2004, King County, 2004 | I:\SE\AV\405\gis\project\bellevue\map_reports\project_description\Project_Description.mxd | Last Updated: 8-31-06 |

Southbound Improvements

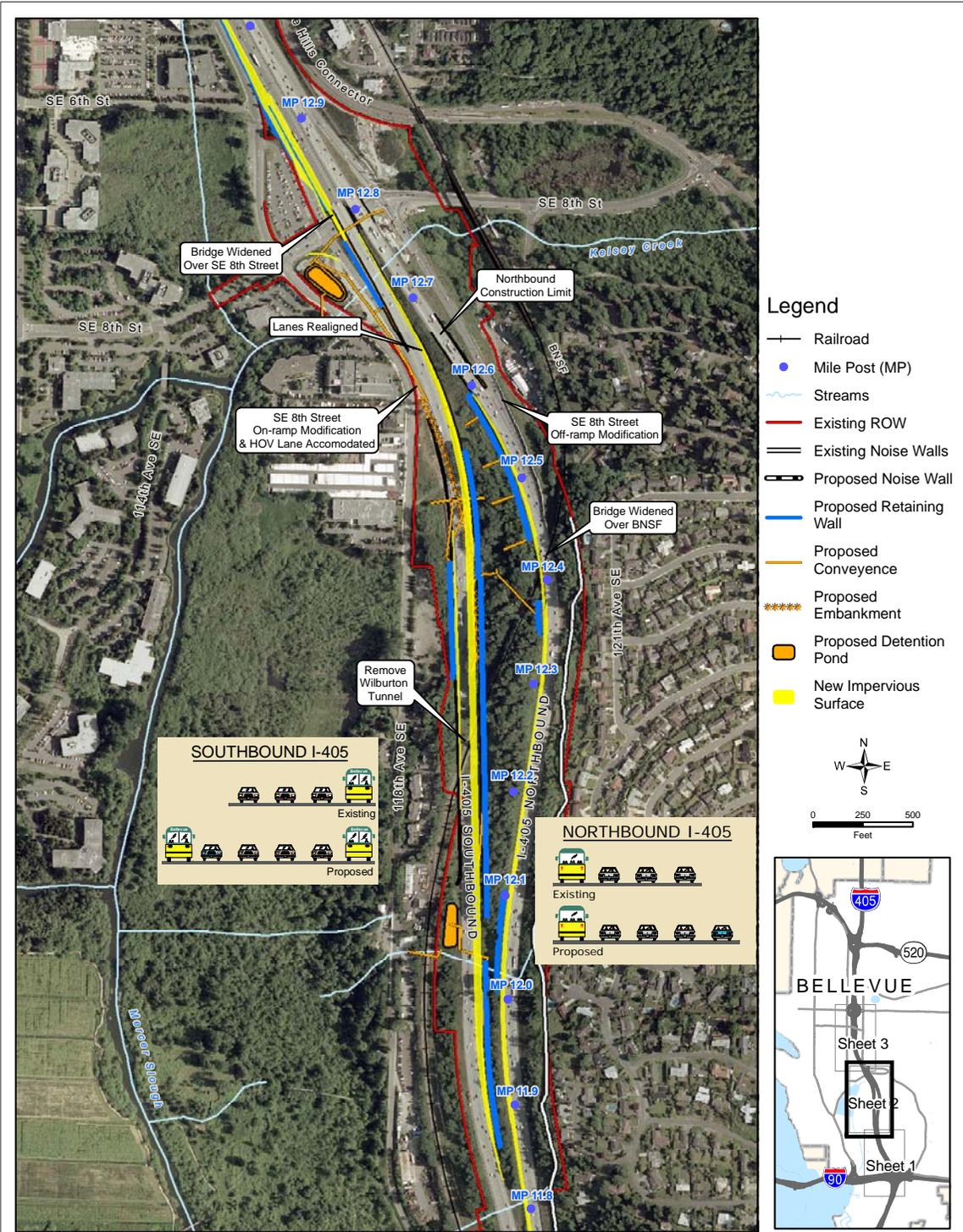
We will add a new lane to the inside by widening the mainline. We will also add (extend) the HOV lane from Southeast 8th Street to the existing exit at I-90.

Northbound Improvements

We will add a new lane by widening existing pavement approximately 10 feet to the inside

Exhibit 2
Proposed Bellevue Nickel Project Improvements
 Sheet 1 of 3

Exhibit 2 Proposed Bellevue Nickel Project Improvements (Sheet 2 of 3)



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Southbound Improvements

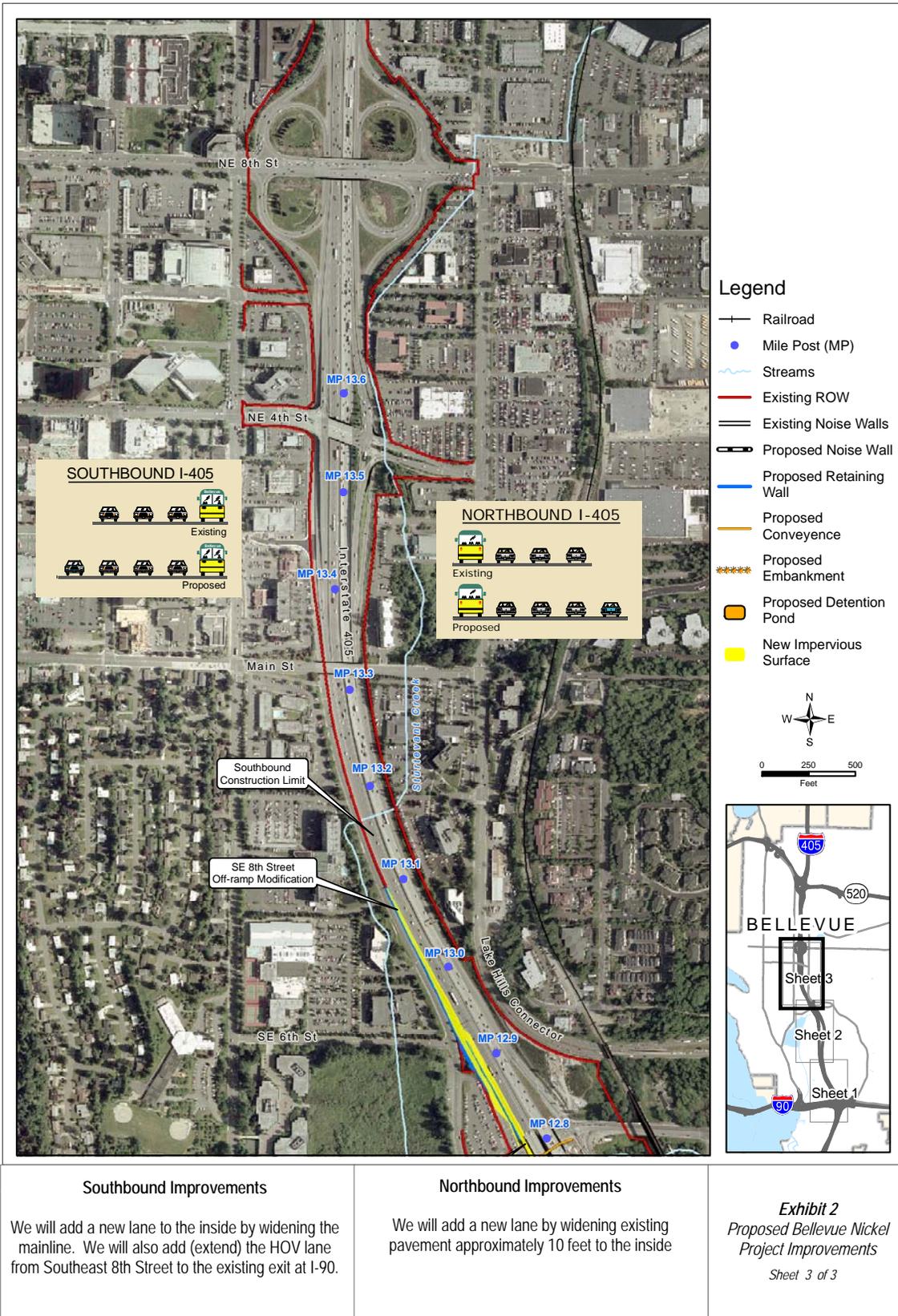
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Northbound Improvements

We will add a new lane by widening existing pavement approximately 10 feet to the inside

Exhibit 2
Proposed Bellevue Nickel Project Improvements
 Sheet 2 of 3

Exhibit 2 Proposed Bellevue Nickel Project Improvements (Sheet 3 of 3)



Source: WSDOT, 2004, King County, 2004 | \\SEA\405\405gis\project\bellevue\map_docs\discipline_reports\project_description\Project_Description.mxd | Last Updated: 7-10-06 |

- Modify the existing on-ramp at Southeast 8th Street.
- Reconfigure the on-ramp at Southeast 8th Street to accommodate the extended outside HOV lane.
- Construct retaining walls along the eastern edge of the southbound travel lanes.
- Use context sensitive solutions (CSS) to unify the new structural elements added by the project with the existing visual environment. Use surface treatments to add texture and interest to retaining walls, widened bridges, freeway lighting, and signage.

Improvements to Northbound I-405

In the northbound direction, we plan to add one new travel lane from approximately I-90 to Southeast 8th Street (Exhibit 2). We will add one new lane to the northbound ramp from I-90. We will shift the northbound lanes to allow all of the widening to occur on the inside, or median side of the existing roadway.

Additional improvements include:

- Re-stripe the westbound/eastbound I-90 on-ramp to northbound I-405 so that one lane becomes two lanes in the northbound direction.
- Widen, shift, and re-stripe northbound I-405 travel lanes north of I-90 to allow the westbound I-90 to northbound I-405 on-ramp and the eastbound I-90 to northbound I-405 on-ramp to enter I-405 without having to merge into a single lane.
- Construct several retaining walls needed for road widening in locations that allow for existing and future widening of I-405.
- Construct a noise barrier approximately 725 feet long and 16 feet high approximately 1,000 feet north of the I-90 interchange.
- Modify the northbound off-ramp to Southeast 8th Street to make it a single-lane “exit-only” off-ramp.
- Transition the northbound travel lanes back into the existing lane configuration before crossing over Southeast 8th Street.

Improvements to the Stormwater Management System

Managing stormwater for the Bellevue Nickel Improvement Project involves the collection and treatment of rainfall runoff from the new project pavement consistent with the guidelines in the WSDOT Highway Runoff Manual.

Currently, we treat less than 5 percent of the existing runoff from paved surfaces in the study area before discharging it. We will improve this condition by treating 260 percent more area than the new paved surface area we create. By treating a greater area, we remove pollutants from a portion of the existing roadway as well as from newly constructed areas. We achieve the added benefit of improved flow control.

The addition of water quality treatment facilities and new construction associated with the southbound lanes will mean that we need to replace much of the existing drainage system. We will continue to use open roadside ditches along the shoulders of the roadway where possible. We will use standard WSDOT catch basins and manhole structures to move the roadway runoff to a system of stormwater drain pipes. These

features will transport runoff to treatment and flow-control facilities within the existing right of way.

We will construct three new stormwater ponds (detention ponds combined with stormwater treatment wetlands) as part of the project and enlarge an existing stormwater pond at Southeast 8th Street. Two of the new ponds will be located south of the existing Wilburton Tunnel between the southbound lanes and the BNSF railroad right of way. We will construct the third new pond in the northwest quadrant of the I-90/I-405 interchange. The project will discharge treated stormwater following existing flow patterns to Mercer Slough.

Avoidance and Minimization Measures

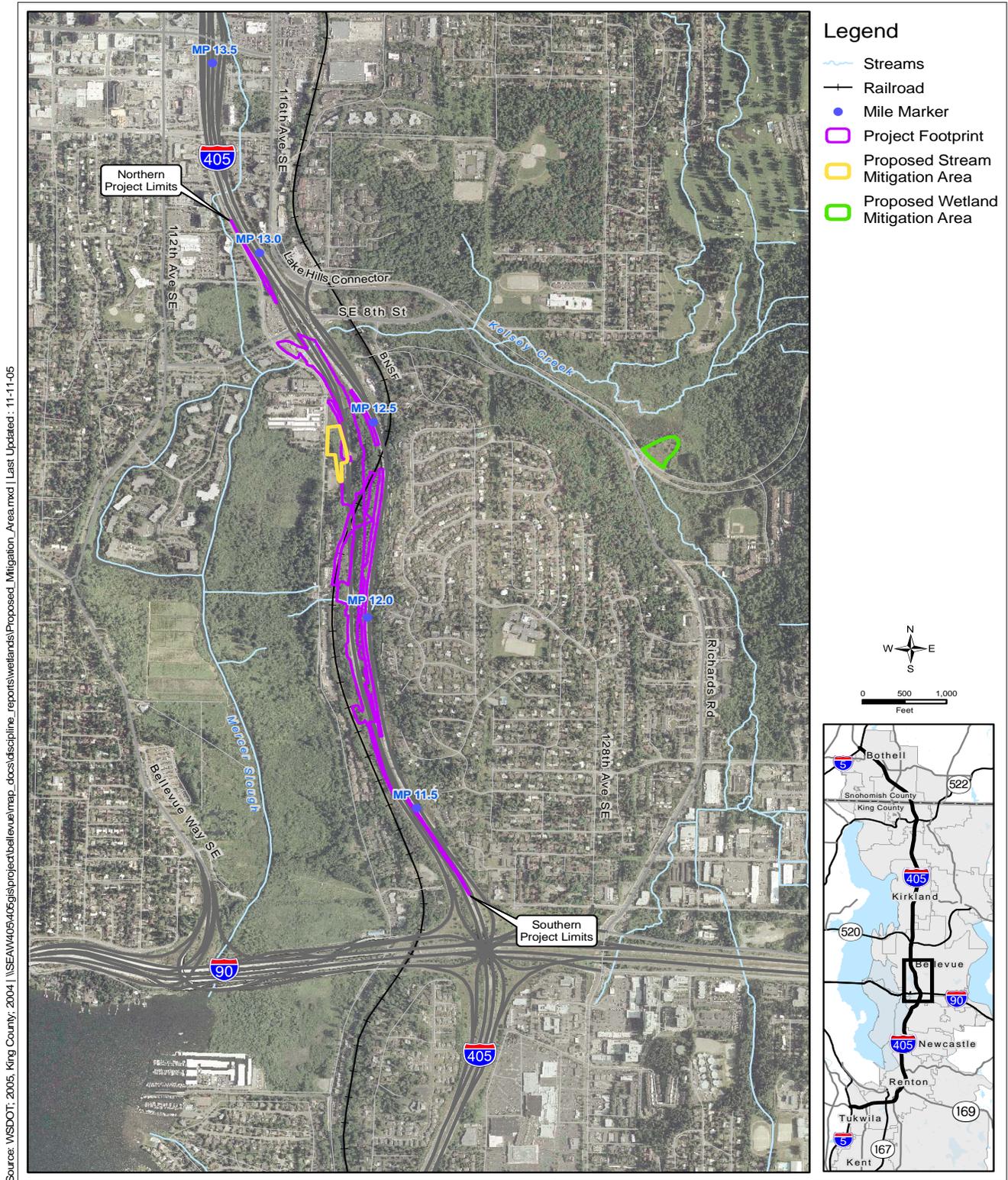
We will use best management practices (BMPs), WSDOT Standard Specifications, and design elements to avoid or minimize potential effects to the environment from the Bellevue Nickel Improvement Project. We refer to measures that avoid or minimize potential effects to the environment as “avoidance measures.” We address through mitigation additional effects not addressed in the avoidance measures.

Wetland and Stream Mitigation Sites

We will compensate for adverse effects to wetlands and their buffers by creating just over an acre of wetland at a mitigation site located within the boundaries of Kelsey Creek Park (Exhibit 3). Our general concept will be to create a new wetland area that naturally transitions from forested land next to the Lake Hills Connector to wetlands within Kelsey Creek Park. We will remove soil from within this area to create wet conditions favorable for wetland vegetation. This approach will create a wetland of higher functional value and greater area at Kelsey Creek Park than the wetland area affected by the Bellevue Nickel Improvement Project.

Our stream mitigation plan will provide on-site stream mitigation activities at Median Stream.

Exhibit 3 Proposed Wetland and Stream Mitigation Areas



EA Coordination and Comments

WSDOT team members held a public hearing on February 7, 2006, following issuance of the EA on January 30, 2006 for public distribution. The EA hearing took place at the International Middle School in Bellevue, Washington. WSDOT presenters requested that verbal comments be provided to a court reporter, written comments be provided on comment forms, or follow-up written comments be postmarked or received at the I-405 project office by March 3, 2006. The Notice of Availability of the EA and Notice of EA Hearing were advertised in the following newspaper on the date shown:

- *King County Journal* on January 22, 2006.

Display advertisements were placed in the following newspapers on the dates shown:

- *Bellevue Reporter* on January 25, 2006;
- *El Mundo* (Spanish) on January 26, 2006;
- *King County Journal* on January 27, 2006;
- *Chinese Post* (Chinese) in the issue published January 26, 2006;
- *Phuong Dong Times* (Vietnamese) in the issue published January 27, 2006;
- *Russian World* (Russian) in the issue published January 23, 2006; and
- *The Skanner* on January 25, 2006.

A total of 968 postcards announcing the availability of the EA were sent to the following recipients, inviting them to the public hearing and to comment on the EA document:

- Residents and property owners within 500 feet of the I-405 right of way within the project area;
- Individuals who provided comments during the Bellevue Nickel Improvement Project Scoping Period that occurred from January 9th, 2005, to February 10th, 2005;
- Section 8 housing residents in the project area (Section 8, or the Housing Choice Voucher Program, is a federal housing program that provides housing assistance to low-income renters and homeowners. This assistance comes in the form of rental subsidies, limiting the monthly rent payment of the assistance recipient);
- Individuals and agencies that commented on the I-405 Corridor Program Final Environmental Impact Statement (FEIS);
- The Bellevue Advisory Committee;
- Executive and Steering Committee members and their alternates; and
- Individuals on various mailing lists developed during the I-405 Corridor Program.

In total, approximately 70 individuals and agencies received the Notice of Availability. Additionally, WSDOT provided the EA document directly to the following agencies and individuals:

- Elected officials, tribes, and city administrators for jurisdictions within the project area;
- Regulatory agencies, cooperating agencies, and all other agencies that have expressed interest in the project; and

- Public libraries in proximity to the project.

A total of 53 people attended the February 7, 2006, public hearing. During the comment period, from January 30, 2006, through March 3, 2006, the following comments on the EA were submitted:

- Three people e-mailed the I-405 Environmental Manager, Allison Ray, their comments on the EA (emailed comments).
- Two individuals mailed in their comments on forms provided at the public meeting (written comments).
- One agency and one tribe provided written comments (letter comments).
- Two individuals provided oral comments during the public hearing, and these comments were recorded in the Hearing Transcripts (oral comments).

The comments focused primarily on transportation, noise, fish, construction, and vegetation issues (Attachment 5).

Determination and Findings

National Environmental Policy Act Finding

The FHWA served as lead agency under the National Environmental Policy Act (NEPA) for the project. WSDOT prepared an EA in compliance with NEPA, 42 United States Code (USC) Section 4321 et seq.; FHWA regulations, 23 Code of Federal Regulations (CFR) Part 771; and the State Environmental Policy Act (SEPA). The EA discusses the potential impacts of the project so that FHWA can determine whether significant adverse impacts (Council on Environmental Quality [CEQ] 1508.27) are probable. If such a determination were made, an Environmental Impact Statement (EIS) would need to be prepared.

WSDOT has incorporated environmental considerations into its study of the project and has conducted evaluations of the project's potential environmental impacts. FHWA and WSDOT reviewed the EA prior to issuance in January 2006. The EA found that the project's construction and operation will not cause any significant adverse environmental impacts that will not be mitigated. This finding applies to all applicable environmental elements.

After carefully considering the EA, its supporting documents, and the public comments and responses, FHWA finds under 23 CFR 771.121 that the proposed project, with the mitigation to which WSDOT has committed, will not have any significant adverse impact on the environment. The record provides sufficient evidence and analysis for determining that an EIS is not required.

Air Quality Conformity Statement

The Puget Sound Regional Council has modeled the impacts of this project on regional ozone and carbon monoxide emissions. This project, as well as all others in the Council's Transportation Improvement Program and Metropolitan Transportation Plan, conforms to the State Implementation Plan at the regional level. The Environmental Protection Agency has approved the current State Implementation Plan for this area. The FHWA has approved the Council's Transportation Improvement Program conformity analysis. This project conforms to the State Implementation Plan and both federal and state Clean Air Act requirements.

Surface Water, Floodplains, and Water Quality Finding

There are no Federal Emergency Management Agency floodplains within the project area. No fill is proposed within a floodplain, and there are no changes to culverts that would influence the hydrology or hydraulics of downstream channels. The project will improve existing water quality by directing stormwater through ecology embankments before it drains into Mercer Slough and/or its associated wetlands. New stormwater treatment facilities will maintain existing flows either by detaining stormwater (for half of the 2-year through 50-year storm events) prior to discharging downstream to Mercer Slough, or by discharging the stormwater directly into the Mercer Slough Nature Park wetlands. The water quality treatment provided will result in a decrease in pollutant loading of total suspended solids, total copper, and total zinc. FHWA finds that no adverse impacts to any 100-year floodplains or floodways will occur as a result of the proposed project.

Endangered Species Act Finding

WSDOT served as the lead for the Endangered Species Act (ESA) Section 7 consultation on behalf of FHWA pursuant to 50 CFR 402.07. The National Marine Fisheries Service (NMFS)

and the U.S. Fish and Wildlife Service (USFWS), the agencies responsible for administering the ESA, were contacted early in the project.

Federally listed threatened and endangered species that occur within the project vicinity include wintering bald eagles (federal threatened), bull trout (federal threatened), and Chinook salmon (federal threatened). There are no federally listed species that occur within the study area. A Biological Assessment was submitted in November 2005 to NMFS and the USFWS. The assessment concluded that:

- The proposed project “may affect, but is not likely to adversely affect” bald eagles, Puget Sound Chinook, and bull trout.

Section 7 concurrence on the BA was obtained from NMFS on July 20, 2006, and from USFWS on January 25, 2006 (Attachment 6). The FHWA, USFWS, and NMFS concur that the project “may affect, but is not likely to adversely affect” Puget Sound Chinook salmon, coastal bull trout, and bald eagles, and will have "no jeopardy" for Puget Sound Steelhead.

Magnuson-Stevens Fishery Conservation and Management Act Finding

The conservation measures that the FHWA included as part of the proposed actions to address ESA concerns are also adequate to avoid, minimize, or otherwise offset potential adverse effects to the EFH of Chinook, coho, and sockeye. Therefore, conservation recommendations pursuant to MSA section 305(b)(4)(A) are not necessary.

Farmland Finding

Suitable soils and active farming do not occur within the project corridor. Therefore, the Farmlands Protection Policy Act of 1981 (7 USC 4201-4209) and other applicable state and federal farmlands protection policies, orders, and guidance do not apply to the proposed project.

Wetland Finding

The proposed project will permanently impact three wetlands, totaling 0.131 acre. The three affected wetlands are along the right of way and/or within the median and could therefore not be avoided or minimized due to roadway design standards. The affected wetlands are of low quality, dominated by non-native invasive species, such as reed canarygrass, bentgrass, and blackberry.

Several measures were taken during design to avoid or minimize impacts to wetlands, including adjustment of the project footprint. Despite WSDOT's efforts to avoid wetlands during construction, 0.078 acre of wetlands will be temporarily disturbed. This area will be restored.

The creation of wetlands at the fill pad at Kelsey Creek Park, identified in Exhibit 3 in the FONSI, will be used to provide the required wetland mitigation to replace the filled wetlands. Detailed information on mitigation goals, site configuration, restoration, and monitoring will be provided in a *Wetland Mitigation Plan*, which is currently being prepared. The wetland plan will be part of the application to the U.S. Army Corps of Engineers and the Department of Ecology for work in waters/wetlands (Attachment 2).

The FHWA finds that there is no practicable alternative to the proposed new construction within wetlands. The proposed project includes all practicable measures to reduce impacts to wetlands that may result from the proposed project.

Section 106 Finding

Archival review, tribal consultation, and field surveys identified no evidence of cultural resources within the study area. As part of early coordination with the tribes in preparation for the cultural resources assessment, WSDOT made contact with the following tribes: Duwamish, Snoqualmie, Muckleshoot, Tulalip, and the Confederated Tribes and Bands of the Yakama Nation. Field visits were also conducted with the Muckleshoot Tribe. No Section 106 resource concerns were noted.

In addition to consulting with potentially affected tribes, WSDOT initiated coordination and consultation with the Washington State Department of Archaeology and Historic Preservation (DAHP) under Section 106 of the National Historic Preservation Act. In December 2005, DAHP sent a letter to WSDOT that stated a finding of “no adverse effect” to historic and cultural resources as a result of the proposed project.

Consulting with DAHP determined that, within the Area of Potential Effect (APE), both the Wilburton Trestle and Norwood Village are eligible for listing on the National Register of Historic Places. The consultation concluded that the proposed project will have no adverse impacts on historic properties.

Cultural resource investigations determined that the proposed project has a low probability for hunter-fisher-gatherer, ethnographic period, historic Indian, and historic period non-Indian archaeological resources.

Based on the cultural resources analysis and coordination with the tribes and DAHP, FHWA finds that the project will have no adverse impact on any identified or likely cultural or historic resources, and that the Section 106 coordination requirements for this project have been fulfilled.

Section 4(f) Finding

The existence of potential U.S. Department of Transportation (USDOT) Act of 1966 Section 4(f) resources was evaluated as part of the EA.

The proposed project will have no adverse impacts on historic properties, nor will it result in the use of the two properties within the APE that are eligible for listing in the National Register of Historic Places. Therefore, while 4(f) is afforded to these properties, we have no 4(f) impact. No park properties will be acquired for the project; no activities or park uses will be changed by the project.

To mitigate for project wetland loss, WSDOT, in cooperation with the City of Bellevue, will create a wetland at Kelsey Creek Park. This mitigation activity, however, does not constitute a transportation use under the provisions of Section 4(f). The city of Bellevue agrees with the use of the fill pad as a wetland at Kelsey Creek Park (Attachment 6), therefore FHWA finds that the proposed project will not use or impact any historical resource, park, or recreational resource protected by Section 4(f) of the USDOT Act of 1966.

Environmental Justice Finding

Data from the 2000 U.S. Census indicate that approximately 24 percent of the population in the census block groups comprising the study area are minorities, and approximately 7 percent of the population are low income.

Overall, there will be few long-term adverse impacts from operating the proposed project. Property acquisition for the proposed project is not disproportionate and will not adversely impact minority or low-income populations. No exceedances of the National Ambient Air Quality Standards for carbon monoxide will occur. Stormwater treatment included in the proposed project will decrease pollutant releases relative to existing conditions. There are no significant impacts to wildlife anticipated and substantial wetland loss is unlikely to occur. The study area's existing visual character will change slightly as a result of pavement widening and a new noise wall. All residences received equal consideration under the WSDOT noise abatement policy, independent of their minority or low-income status.

FHWA finds that the construction and operation of the proposed project will not have disproportionately high and/or adverse impacts on minority or low-income populations in the study area. Project design and mitigation measures will assure that adverse impacts will not occur or will be minimized. Upon completion of the proposed project, mobility improvements along I-405 for passenger vehicles and public transit will benefit local residents, including minority and low-income populations.

Noise Finding

Noise levels were predicted at 66 modeled locations (receptors), representing an equivalent of 253 residences. With the proposed project, modeling indicates that without the recommended noise barrier, noise levels will approach or exceed the FHWA Noise Abatement Criteria (NAC) at seven of these 66 sites, representing 27 residences. With the noise abatement measures proposed, noise levels at five modeled sites, representing an equivalent of 15 residences, will continue to approach or exceed the criteria. There will be no severe noise impacts.

In the absence of the proposed project, 20 residences will approach or exceed the FHWA NAC.

A noise barrier was determined to be feasible and reasonable in one of the two areas that were evaluated for mitigation. The recommended noise barrier will reduce traffic noise levels at two modeled receptors, representing an equivalent of 12 ground-level residences. With the noise barrier, traffic noise levels at the ground level will be reduced to a level that is below the NAC.