

SR 518/SeaTac Airport to I-5/I-405 Interchange

518

FINDING OF NO SIGNIFICANT IMPACT

March 2007



SR 518/SeaTac Airport to I-5/I-405 Interchange Project

Tukwila, SeaTac, and King County, 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 determined to accurately discuss the project purpose, need, environmental issues, impacts of the Proposed Project, and appropriate mitigation measures. It provides 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.

March 12, 2007

Date of Approval

James Christian

For FHWA



Title VI

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Attachments

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Attachment 4: Environmental Commitment List

Attachment 5: Written Comments and Responses

Attachment 6: Noise Technical Memorandum, September 2006

Acronyms

Acronym or Abbreviation	Meaning
ACM	asbestos-containing materials
BMPs	best management practices
BRT	bus rapid transit
CC	correspondence comment
CFR	Code of Federal Regulations
CSS	context sensitive solutions
dBA	decibels in the A-weighted scale, to show relative loudness of sound
DNS	Determination of Nonsignificance
EA	environmental assessment
EFH	Essential Fish Habitat
EIS	environmental impact statement
ESA	Endangered Species Act
FEIS	final environmental impact statement
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
FPPA	Farmlands Protection Policy Act
LBP	lead-based paint
Leq	equivalent sound pressure level
MSA	Magnuson-Stevens Act
NAC	FHWA Noise Abatement Criteria
NEPA	National Environmental Policy Act
NOAA Fisheries	National Oceanic and Atmospheric Administration Fisheries
OAHP	Office of Archaeological and Historic Preservation
OC	oral comment
OHWL	ordinary high water line
ppm	parts per million
SEPA	State Environmental Policy Act
SPCC	spill prevention control and countermeasure plan
SR	State Route
TDA	threshold discharge area
TESC	temporary erosion and sediment control
TMP	Transportation Management Plan
TT	transcript testimony

Acronym or Abbreviation	Meaning
USDOT	US Department of Transportation
USFWS	US Fish and Wildlife Service
UST	underground storage tank
WAC	Washington Administrative Code
WC	written comment
WDFW	Washington Department of Fish and Wildlife
WRIA	water resource inventory area
WSDOT	Washington State Department of Transportation

DESCRIPTION OF PROPOSED ACTION

The Federal Highway Administration (FHWA) and the Washington State Department of Transportation (WSDOT) issued an Environmental Assessment (EA) on May 31, 2006. It provides for improvements on SR 518 from SeaTac Airport to the I-5/I-405 Interchange. These improvements are a part of the SR 518 Route Development Plan. The Proposed Project includes the following improvements to support construction and operation of the facility:

- Construct a third eastbound lane on SR 518 by widening the North Airport Expressway on-ramp to two lanes that narrow into a single lane at SR 518;
- Widen the SR 99 on-ramp to two lanes and reduce it to a single lane before merging with SR 518;
- Widen the eastbound SR 518 bridge over 42nd Avenue South to allow the third lane to be built;
- Construct a combination of noise barriers, retaining walls, cuts slopes, and drains;
- Build stormwater facilities to provide water quality treatment, conveyance, and detention;
- Implement Context Sensitive Solutions (CSS) during the project to incorporate the elements of mobility, safety, environment, and aesthetics throughout the project; and
- Implement measures to avoid or minimize effects to the environment.

These improvements are shown in Exhibit 3-3 (Sheet 1 and 2) of the EA.

The preliminary cost estimate for the Proposed Project is \$35 million. This cost estimate assumes that the project will be completed on its scheduled opening date of 2009 by using a design-bid-build contracting mechanism.

EA COORDINATION AND COMMENTS

What coordination took place for the EA?

The EA was issued on May 31, 2006. A public hearing was not held for this project. No requests for a public hearing were received. The Notice of Availability of the EA and Opportunity for an EA Hearing were advertised. The public was afforded the opportunity for an environmental hearing per 23 CFR 771.111(h)(2)(iv):

(iv) Reasonable notice to the public of either a public hearing or the opportunity for a public hearing. Such notice will indicate the availability of explanatory information. The notice shall also provide information required to comply with public involvement requirements of other laws, Executive Orders, and regulations.

The Notice was provided to the public via legal and display advertisements in the following publications on the following dates:

Newspaper	Publishing Dates	Type of AD
<i>Seattle Post Intelligencer</i>	W 5/31/06 & T 6/20/06	Legal
<i>Seattle Times</i>	W 5/31/06 & T 6/20/06	Legal
<i>El Mundo Communications</i>	Th 6/01/06 & Th 6/22/06	Display Display
<i>Seattle Medium</i>	W 5/31/06 & T 6/20/06	Display Display
<i>NW Asian Weekly</i>	W 5/31/06 & T 6/20/06	Display Display

Copies of the EA and project newsletters (containing the Notice of Availability of the EA and Opportunity for an Environmental Hearing) were mailed to federal, state, and local agencies, tribes, libraries, newspapers, organizations, and individuals (see Attachment 2). The project newsletters announcing the availability of the EA and the opportunity for a hearing were sent to the following recipients, inviting them to comment on the EA:

- Residents and property owners within 500 feet of SR 518 in the project area;
- Individuals who provided comments during scoping;
- 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, thereby limiting the monthly rental payment of the assistance recipient); and

- The Policy Advisory Committee.

Additionally, the Notice of Availability and the EA were provided directly to the following agencies and citizens:

- Elected officials, tribes, and city administrators with jurisdiction in the project area, the Kirkland Advisory and Technical Advisory Committee members, and North Corridor Advisory Committee members;
- Regulatory agencies, cooperating agencies, and all other agencies that have expressed interest in the project;
- Public and private libraries in proximity to the project; and
- Individuals who participated as commenters during project scoping.

What comments were received on the EA?

The comment period closed on July 1, 2006. Comments and response are included in Attachment 5. Comments from the public and agencies primarily focused on natural resource issues such as water quality, wildlife habitat, and wetlands.

DETERMINATION AND FINDINGS

National Environmental Policy Act (NEPA) Finding

FHWA served as lead agency under NEPA for the project. WSDOT prepared an EA in compliance with NEPA, 42 USC Section 4321 et. seq., and with FHWA's regulations, 23 CFR Part 771. The EA discusses the potential impacts of the project so that FHWA can determine whether significant adverse impacts (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 project alternatives and has conducted evaluations of the project's potential environmental impacts. FHWA and WSDOT reviewed the EA prior to its issuance in May 2006. The EA found that the project's construction and operation will cause no significant adverse environmental effects 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 committed mitigation, will have no significant adverse impacts on the human environment. The record provides sufficient evidence and analysis to determine that an EIS is not required.

Air Quality Conformity Statement

The Puget Sound Regional Council has modeled the effects 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. At the project level, hot-spot carbon monoxide modeling demonstrates that carbon monoxide concentrations will not exceed the National Ambient Air Quality Standards of 35 parts per million (ppm) averaged over one hour or 9 ppm averaged over eight hours in the year of opening or the design year. This project conforms to the State Implementation Plan and both Federal and State Clean Air Act requirements.

FHWA finds that the Proposed Project meets all the requirements for State and Federal clean air acts.

Floodplain Finding

There are no Federal Emergency Management Agency floodplains within the immediate project area. Stormwater from the Propose Project will be treated and detained, and flow control will mirror existing conditions prior to discharge to Gilliam Creek.

FHWA finds that no adverse impacts to any 100-year floodplain or floodway will occur as a result of the Proposed Project.

Endangered Species Act (ESA) Finding

WSDOT served as the lead for the ESA Section 7 consultation on behalf of FHWA pursuant to 50 CFR 402.07. The National Marine Fisheries Service (NOAA Fisheries) and the U.S. Fish and Wildlife Service (USFWS), the agencies responsible for administering the ESA, were contacted early in the project. The listings for threatened and endangered species are current within the last 180 days as a result of the review of the NOAA Fisheries web site and telephone consultation with the USFWS.

No federally listed species occur in the project area. A bald eagle (*Haliaeetus leucocephalus*) nesting territory is located at Angle Lake, 0.7 mile from the project area. This distance and the McMicken Heights hills, which lie between the proposed project area and the bald eagle territory, will buffer any construction noise effects on bald eagles.

The USFWS identified one federal candidate species and six species of concern as possibly occurring in the project area. However, none of these species has been observed or documented in the project area and were not observed during field surveys.

A Determination of No Effect for the SR 518 SeaTac Airport to I-5/I-405 Interchange Project was submitted in May 2006 to FHWA, which concluded the following:

- Listed fish species are not present within the action area and are relatively rare occupants of Gilliam Creek downstream of the project area, near its confluence with the Green River;
- There is no suitable habitat for bald eagles, and they are not expected to use any areas within the action area;
- There will be no impacts to water quality or quantity because the peak flows and concentrations of pollutants will be equal to or less than those under existing conditions as a result of the proposed stormwater facilities; and
- Noise generated by the Proposed Project will attenuate to background levels within 800 feet of the project area.

FHWA finds that the project would have “no effect” on Puget Sound Chinook salmon, bull trout, steelhead, Chinook salmon, or bald eagles. Project mitigation measures such as Best Management Practices are adequate to avoid, minimize, or otherwise offset potential adverse effects to the designated threatened and endangered species discussed above.

Magnuson-Stevens Act (MSA) Finding

The Magnuson-Stevens Act requires all fishery management councils to amend their fishery management plans to describe and identify essential fish habitat (EFH) for each managed fishery. EFH in the Proposed Project area includes Gilliam Creek and the Green River. The Proposed Project will not adversely affect EFH salmon habitat because limited in-water work is proposed, runoff from additional impervious surfaces will be treated and detained such that

peak flows will be equal to or less than those under existing conditions, water quality will be improved relative to existing conditions, and anadromous fish cannot access the project area.

FHWA finds that because the habitat requirements (i.e., EFH) for the MSA-managed species in the project area are similar to that of the ESA-listed species, and because the conservation measures that FHWA/WSDOT included as part of the Proposed Project to address ESA concerns are also adequate to avoid, minimize, or otherwise offset potential adverse effects to designated EFH, conservation recommendations pursuant to MSA are not necessary.

Farmland Finding

Neither suitable soils for farming nor active farming occur within the project corridor. The Proposed Project will not result in any long-term or construction adverse impacts on agricultural lands. The project will be consistent with the Farmlands Protection Policy Act (FPPA) of 1981 (7 USC 4201-4209) and other applicable State and Federal farmlands protection policies, orders, and guidance.

FHWA finds there will be no impacts to agricultural lands caused by the Proposed Project. The project will be consistent with the FPPA of 1981 (7 USC 4201-4209) and other applicable state and federal farmlands protection policies, orders and guidance.

Wetland Finding

The proposed project will permanently impact seven wetlands. These wetlands will be partially or entirely filled during the roadway widening and construction of stormwater facilities, impacting approximately 0.95 acres of total wetland area. The bulk of these impacts will affect Category III wetlands. The area of impacts on Category III wetlands will total 0.94 acres. The area of impacts to Category IV wetlands will be 0.01 acre. Temporary impacts will occur on 0.22 acre as a result of clearing and grubbing activities. Several measures were taken during design to avoid or minimize impacts to wetlands, including adjustment of the project footprint and incorporation of retaining walls.

Wetland buffers (0.26 acre) will be permanently affected by installation of a noise barrier. In addition, 0.09 acre of wetland buffers will be temporarily affected as a result of clearing and grubbing activities.

The Springbrook Creek Wetland and Habitat Mitigation Bank will provide adequate mitigation credits to compensate for unavoidable permanent impacts on 0.95 acres of wetlands. The mitigation bank is located in the same water resource inventory area (WRIA) in which wetland impacts will occur (WRIA 9). Temporarily affected wetlands will be restored after construction of roadway facilities. Additional information on wetland mitigation is provided in a October 9, 2006 memorandum. This memorandum is part of the application to the U.S. Army Corps of Engineers to fill wetlands, which will be issued after this Finding of No Significant Impact (FONSI) is issued.

Based on the above considerations, the FHWA finds that there is no practicable alternative to the proposed new construction within and adjacent to wetlands. The Proposed Project includes all practicable measures to minimize harm to wetlands. With implementation of appropriate mitigation, the project meets the federal wetlands requirements.

Section 106 Finding

Archival review, tribal consultation, and field surveys identified no evidence of cultural resources within the project site. As part of early coordination with the Tribes in preparation of the cultural resources assessment, contacts (written and by telephone) were made with the Duwamish, Snoqualmie, Muckleshoot, Tulalip, Yakama, and Suquamish Tribes. No Section 106 resource concerns were noted.

In addition to consultation with potentially affected Tribes, coordination and consultation with the Washington State Office of Archaeology and Historic Preservation (OAHP) under Section 106 of the National Historic Preservation Act were initiated. In April 2006, a letter was sent to WSDOT from OAHP that included a finding of “no adverse effect” to historic and cultural resources as a result of the Proposed Project.

Consultation with OAHP determined that no structures within the Area of Potential Effect are eligible for listing on the National Register of Historic Places. The consultation concluded that the Proposed Project will have no adverse effects on historic properties.

Cultural resource investigations determined that the Proposed Project has three areas of moderate probability for hunter-fisher-gatherer, ethnographic period, historic Indian, and historic period non-Indian archaeological resources. The remaining areas were determined to have a low probability for such resources. Based on a thorough review of information presented in the *Cultural Resources Discipline Report*, WSDOT cultural resource personnel strongly disagree with the recommendation for monitoring of ground-disturbing construction in the three moderate probability areas. No monitoring will be done for the Proposed Project, but Inadvertent Discovery Plan protocols will be followed.

Based on the cultural resources analyses and coordination with the Tribes and the State Historic Preservation Office, FHWA finds that the Proposed Project will have “no adverse effect” on any identified or likely cultural or historic resources, and that the Section 106 consultation requirements for this project have been fulfilled.

Section 4(f) Findings

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 effects on historic properties; and
- No park properties will be acquired for the Proposed Project; nor will activities, features, attributes, or uses of parks be changed by the project.

FHWA finds that the Proposed Project will not use or significantly 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 20 percent of the population in the census block groups comprising the project area is minorities, and approximately 13 percent of the population is low income.

Overall, there will be:

- Improved water quality due to stormwater treatment included in the Proposed Project, which will decrease pollutant releases;
- Reduced noise levels at approximately 218 residences of the 268 residences that currently experience noise level that approach or exceed the traffic noise abatement criteria (NAC) of 67 dBA Leq. Noise barriers were determined to be feasible and reasonable in three areas that were evaluated for mitigation. All residences are considered equally under the WSDOT noise abatement policy, independent of their minority or low-income status;
- No long-term adverse impacts from operation of the Proposed Project;
- No property acquisition for the Proposed Project is anticipated, and therefore there will be no adverse effects on minority or low-income populations;
- No exceedances of the National Ambient Air Quality Standards for carbon monoxide will occur;
- No impacts to wildlife are anticipated, and substantial wetland loss is unlikely to occur; and
- The project area's existing visual character will change slightly as a result of pavement widening and new noise walls.

FHWA finds that construction and operation of the Proposed Project will not have disproportionately high and adverse effects on low-income or minority populations. Project design and mitigation measures will ensure that adverse impacts will not occur or will be minimized. Upon completion of the Proposed Project, mobility improvements along SR 518 for passenger vehicles and public transit will benefit local residents, including minority and low-income populations.