



Operations and Maintenance Facility South

Draft Environmental Impact Statement
Appendix E: NEPA Compliance Documentation



 **SOUNDTRANSIT**

March 2021

Appendix E: NEPA Compliance Documentation

Appendix E1 Environmental Justice Evaluation

Appendix E2 Section 4(f) Evaluation

References



Operations and Maintenance Facility South

Appendix E1:
Environmental Justice
Evaluation

March 2021

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Acronyms and Abbreviations

ADA	Americans with Disabilities Act
Board	Sound Transit Board
BRT	bus rapid transit
COI	Community of Interest
DAHP	Washington State Department of Archaeology and Historic Preservation
DNR	Washington State Department of Natural Resources
DOT	U. S. Department of Transportation
Ecology	Washington State Department of Ecology
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
FTA	Federal Transit Administration
FWPD	Federal Way Police Department
HCT	high-capacity transit
I-5	Interstate 5
Metro	King County Metro Transit
NEPA	National Environmental Policy Act
NWSA	Northwest Seaport Alliance
Port	Port of Tacoma
PSRC	Puget Sound Regional Council
ROD	Record of Decision
SEPA	State Environmental Policy Act
Sound Transit	Central Puget Sound Regional Transit Authority
SR	State Route
ST3	Sound Transit 3 Plan
TDLE	Tacoma Dome Link Extension
TOD	transit-oriented development
WISAARD	Washington Information System for Architectural & Archaeological Records Data
WSDOT	Washington State Department of Transportation

1 INTRODUCTION

The Operations and Maintenance Facility (OMF) South Project is likely to require environmental review under National Environmental Policy Act (NEPA) to support approvals by federal agencies. Following preparation of the Final Environmental Impact Statement, the Federal Highway Administration (FHWA) is expected to issue and approve environmental documentation under NEPA as all three project alternatives would require work within the Interstate/Federal right-of-way and require approvals from FHWA. Additionally, Bonneville Power Administration (BPA) is conducting a NEPA review, including consultation with the Department of Archaeology and Historic Preservation (DAHP), for the relocation of the transmission towers and alterations to the existing transmission lines in Federal Way if either of the alternatives in Federal Way are selected to build. The U.S. Army Corps of Engineers (Corps) may also require additional environmental review to support permitting, depending on which alternative is selected as a result of the Final Environmental Impact Statement.

In order to support environmental review under NEPA this Appendix E1 provides an Environmental Justice Evaluation.

This appendix documents the environmental justice analysis conducted for the No-Build and build alternatives for the OMF South project. This analysis was prepared to support future federal approvals, as needed. The analysis defines and describes the minority and low-income populations present in the study area; describes the project effects on minority and low-income populations; identifies measures to avoid, minimize, or mitigate potential adverse effects; and makes a preliminary determination of whether the project has disproportionately high and adverse effects on these populations. Also summarized in this appendix is the public outreach to minority and low-income populations within the project area.

1.1 Regulatory Framework

The environmental justice analysis was performed in compliance with:

- Presidential Executive Order (EO) 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (EO 12898), February 11, 1994
- U.S. Department of Transportation (DOT) Order on Environmental Justice, Department of Transportation Order 5610.2(a) – Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 77FR 27534, May 10, 2012
- Federal Highway Administration (FHWA) Order 6640.23A, FHWA Actions to Address Environmental Justice in Minority Populations, June 14, 2012

EO 12898, issued in 1994, 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.” The executive order addresses the importance of public participation in the review process. The U.S. DOT issued DOT Order 5610.2(a), which establishes the procedures to use to comply with EO 12898, in order to avoid disproportionately high and adverse effects on minority and low-income populations. The DOT order requires agencies to take two actions:

1. Explicitly consider human health and environmental effects related to transportation projects that may have disproportionately high and adverse effects on minority or low-income populations.

2. Implement procedures to provide “meaningful opportunities for public involvement” by members of minority or low-income populations during project planning and development (DOT Order 5610.2(a), § 5(b)(1)).

The DOT order further provides that “In making determinations regarding disproportionately high and adverse effects on minority and low-income populations, mitigation and enhancement measures that will be taken and all offsetting benefits to the affected minority and low-income populations may be taken into account, as well as the design, comparative impacts, and the relevant number of similar existing system elements in non-minority and non-low-income areas” (DOT Order 5610.2(a), § 8(b)). The following definitions are from the DOT order for disproportionately high and adverse effects, minority persons, and low-income persons:

- Disproportionately high and adverse effect on minority and low-income populations means an adverse effect that is predominately borne by a minority population and/or a low-income population or that would be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that would be suffered by the non-minority population and/or non-low-income population (DOT Order 5610.2(a), Appendix § 1(g)).
- A minority is a person who meets the following criteria:
 - Black (a person having origins in any of the black racial groups of Africa).
 - Hispanic (a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race).
 - Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands).
 - American Indian or Alaskan Native (a person having origins in any of the original people of North America who maintains cultural identification through tribal affiliation or community recognition) (DOT Order 5610.2(a), Appendix § 1(c)).
- A low-income person is identified as a person whose median household income is less than or equal to two times the Federal Poverty Level — a local threshold that Sound Transit and other regional transit agencies have determined is appropriate for use in determining eligibility for reduced fare programs and reflects the increasingly high cost of living in the region. Those individuals considered low-income will include persons living below this threshold.

In addition to the relevant regulations considered for all environmental analyses, the following list of federal, state, and local regulations; executive orders; and plans and/or policies that guide the assessment of environmental justice effects are considered as part of this analysis:

- Title 49 of the Code of Federal Regulations Part 21 (49 CFR 21), Nondiscrimination in Federally Assisted Programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964.
- Title 23 of the United States Code Section 109(h) (23 USC 109(h)), Federal Highway Administration Effectuation of Title VI of the Civil Rights Act of 1964.
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 USC 61). This act defines the federal regulations governing property acquisition and relocation for federally funded projects.
- Washington Department of Transportation Environmental Manual, Chapter 458, Social and Community Effects (WSDOT 2020).

2 METHODS AND APPROACH

The environmental justice analysis will include a discussion of the following:

1. Engaging minority and low-income populations, referred to as environmental justice populations, in the public involvement processes
2. Determining potential disproportionate high and adverse effects
3. Avoiding, minimizing, or mitigating adverse effects

2.1 Study Area

This analysis describes demographics and environmental justice characteristics for each of the build alternatives being considered as part of the project: 1) Midway Landfill Alternative; 2) South 336th Street Alternative; and 3) South 344th Street Alternative.

The study area for the environmental justice analysis encompasses the area approximately 0.5 mile from the project's potential construction limits for each of the build alternatives. While many of the other environmental topics consider smaller areas for assessing impacts, the 0.5-mile study area allows the project team to identify potentially affected environmental justice populations and resources that could be affected by the project.

2.2 Census Tracts and Block Groups

The environmental justice analysis is based on U.S. Census Bureau data reported at the census tract and block-group levels. Data for low-income individuals is reported using tracts and all other demographic information is reported at using block-groups. A census tract is a small subdivision of an urban area used by the U.S. Census Bureau to identify population and housing statistics. Census blocks are subdivisions of census tracts and are the smallest geography units for which the Census Bureau collects data. The boundaries of census blocks are generally streets or other notable physical features and often correspond to a city block. A census block group is a combination of census blocks, typically encompassing two to four city blocks, and is the smallest geographical unit for which the Census publishes yearly sample data.

3 AFFECTED ENVIRONMENT

The following section summarizes the population demographics and community facilities within the 0.5-mile study area for each OMF South build alternative.

3.1 Study Area Demographics

In December 2019, the U.S. Census Bureau published the latest American Communities Survey (ACS) 5-Year estimates for data years 2014 to 2018. Demographic characteristics for minority and low-income populations within 0.5-mile of each study area alternative were determined based on these estimates.

In addition to U.S. Census data, available datasets from the U.S. Environmental Protection Agency (EPA) EJSCREEN (Environmental Justice Screening and Mapping) tool were used to validate environmental justice characteristics in the study area. Further analysis into elementary school demographics was conducted based on Washington State Report Card data published by the Washington State Office of Superintendent of Public Instruction (OSPI).

Table E1.3-1 summarizes the study area's demographic characteristics and compares them with those of the cities of Kent, Des Moines, Federal Way, and the Sound Transit District as a whole. The purpose of these comparisons is to understand how the distribution and concentration of minority and low-income populations could be affected by the proposed project and how they relate to the broader relevant geographic area where Sound Transit provides services.

Table E1.3-1 Environmental Justice Demographic Characteristics

	Midway Landfill Alternative	South 336th Street Alternative	South 344th Street Alternative	City of Kent	City of Des Moines	City of Federal Way	Sound Transit District
Total Population ¹	9,567	7,973	9,336	12,8057	31,518	96,110	3,158,800
Minority Population ² (%)	65%	61%	57%	56%	48%	55%	39%
Black or African American (%)	16%	20%	18%	16%	9%	17%	6%
Hispanic or Latino (%)	28%	18%	18%	16%	20%	19%	11%
Asian (%)	13%	14%	12%	23%	16%	16%	14%
American Indian and Native Alaskan (%)	1%	1%	1%	3%	3%	3%	1%
Native Hawaiian/Pacific Islander (%)	4%	5%	5%	2%	4%	4%	1%
Two or More Races and Other (%)	2%	<1%	<1%	6%	7%	6%	6%
Low-Income Persons ³ (%)	42%	39%	38%	33%	33%	30%	18%
Households with Limited English Proficiency ⁴ (%)	12%	11%	11%	9%	5%	8%	10%
Median Household Income	\$65,476	\$47,577	\$53,681	\$68,880	\$63,875	\$66,011	Not available ⁵

Source: U.S. Census Bureau, American Community Survey (ACS) 2014-2018 5-Year Estimates

Notes:

- (1) Data represents the latest U.S. Census 5-year estimates based on 2014-2018 survey data. Survey data are not available at the census-block level; the data represent an estimate of minority and low-income persons in block groups within 0.5 mile of each project alternative.
- (2) Minority is defined as all but Non-Hispanic White Alone.
- (3) Low-income is defined as the percentage of a block group's population in households where the household income is less than or equal to twice the federal poverty level. This threshold is used by Sound Transit and other regional transit agencies to determine eligibility for reduced-fare programs and reflects the increasingly high cost of living in the region. Note that FHWA's definition of low-income is the poverty level for a household of four, which is less conservative than the definition used here.
- (4) Limited English proficiency refers to anyone above the age of 5 in households who reported speaking English less than "very well," as classified by the U.S. Census Bureau.
- (5) Median income cannot be accurately calculated for the Sound Transit District, as it has an irregular boundary which does not conform to other geographic units.

In addition to Table E1.3-1 above, geographic information system (GIS) maps were developed to visually illustrate minority and income characteristics within each study area. Figures E1-1 through E1-3 depict minority populations, and Figures E1-4 through E1-6 show low-income populations at the block group level for each build alternative.

These data show that each study area for the build alternatives has relatively similar concentrations of low-income and minority populations. On average, minority persons account for approximately 61 percent of the total population residing within 0.5 mile of each build alternative. Low-income individuals account for approximately 40 percent of the population within 0.5 mile of each build alternative. Each study area for the build alternatives has substantially higher concentrations of low-income and minority persons than found within the cities or the Sound Transit District as a whole.

The Midway Landfill Alternative in Kent represents the highest proportion of low-income and minority residents as compared with the two alternatives located in Federal Way. The study area for the Midway Landfill Alternative represents approximately 9,600 residents. Of these residents, approximately 65 percent are reported as minorities and 42 percent are reported as low-income. The Midway Landfill Alternative also reported the highest median household income of the three alternatives at approximately \$65,000.

Given the similarity of the build and potential construction limits of the South 336th Street and South 344th Street alternatives, demographic characteristics between these alternatives are relatively similar. However, the South 336th Street Alternative has slightly higher proportions of minority persons — primarily due to a higher concentration of Black or African American persons — as well as slightly higher proportions of low-income individuals. The South 344th Street Alternative also reported substantially higher median household income (\$53,700) than the South 336th Street Alternative (\$47,600).

ACS data report a 5-year average for a small sample size, which potentially results in high margins of error. To supplement the ACS demographic data, additional demographic data from public elementary schools within the study area were reviewed. Demographic information from local public elementary schools is used because the attendance boundaries are smaller than public middle and high schools and tend to approximate the boundaries of the study area more precisely.

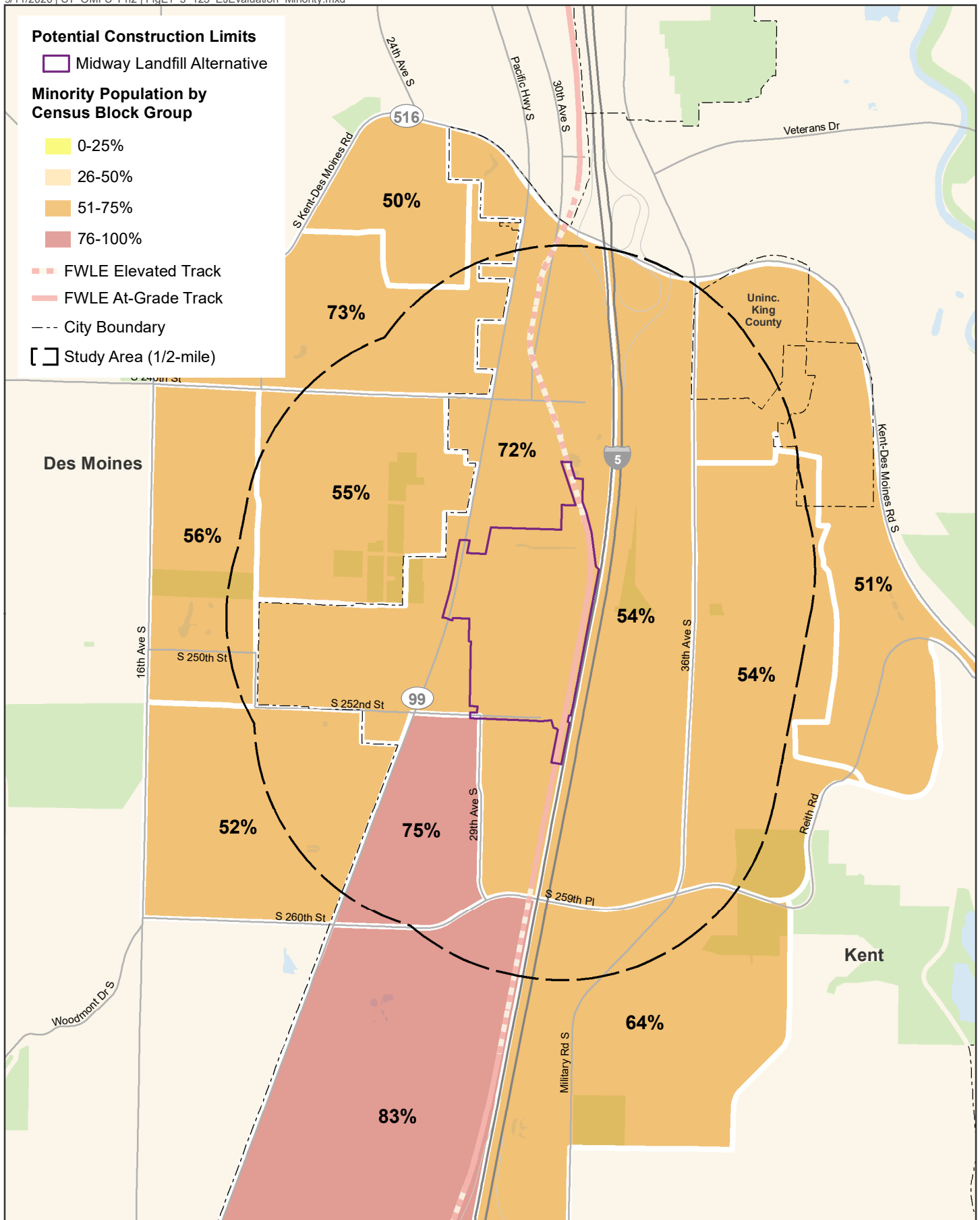
The study area is predominantly served by the Kent and Federal Way school districts and is partially served by adjacent school districts within unincorporated King County. This assessment of elementary school demographic characteristics is based on Washington State Report Card data, published by OSPI. This assessment focuses on minority and low-income populations within the three elementary schools (Parkside Elementary, Sunnycrest Elementary, and Internet Academy) located within the study area. Table E1.3-2 summarizes environmental justice characteristics for elementary schools within the study area for each build alternative.

Table E1.3-2 Environmental Justice Characteristics: Public Schools within Build Alternative Study Areas

School	Study Area	Total Students	Minority Population	Low-Income Population
Parkside Elementary	Midway Landfill Alternative	780	622 (80%)	610 (78%)
Sunnycrest Elementary	Midway Landfill Alternative	1,126	956 (85%)	960 (85%)
Internet Academy	South 336th Street and South 344th Street Alternatives	438	222 (51%)	150 (34%)
Total Students		1,906	1,578 (83%)	1,570 (82%)

Source: Washington State Office of Superintendent of Public Instruction (OSPI), 2019-20. Washington State Report Card district-level data.

Parkside Elementary and Sunnycrest Elementary are located within the Midway Landfill Alternative study area. The percentages of low-income and minority populations at both elementary schools are substantially higher than the percentages of low-income and minority populations within the Midway Landfill Alternative study area, based on ACS information (Table E1.3-1). This suggests that in this area, low-income and minority populations may be more prevalent than indicated by ACS information.



Data Sources: King County; Cities of Des Moines, Federal Way, Kent (2019); U.S. Census Bureau ACS (2019).

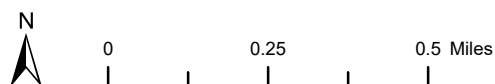
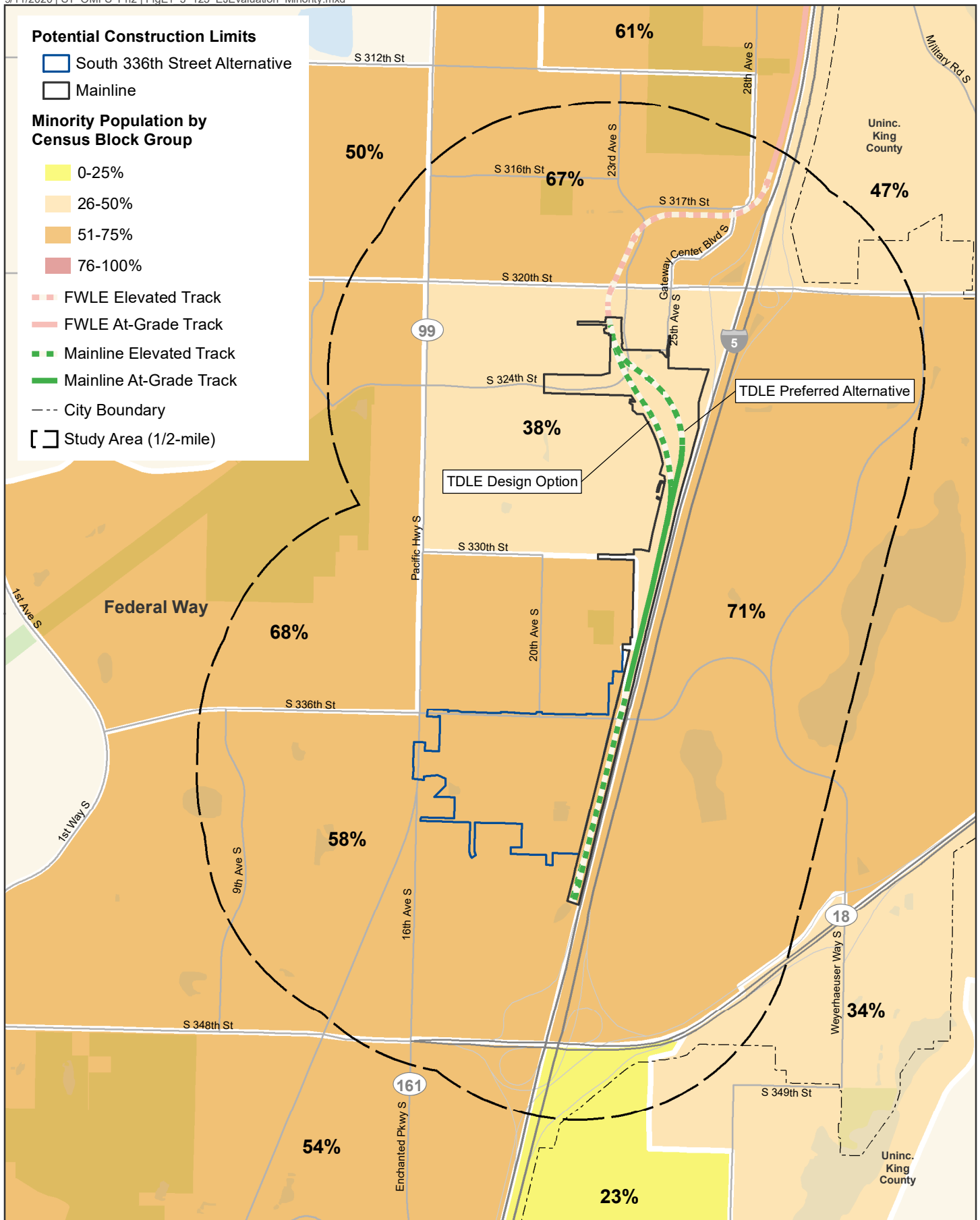
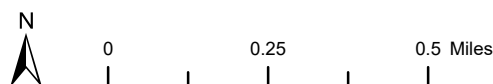


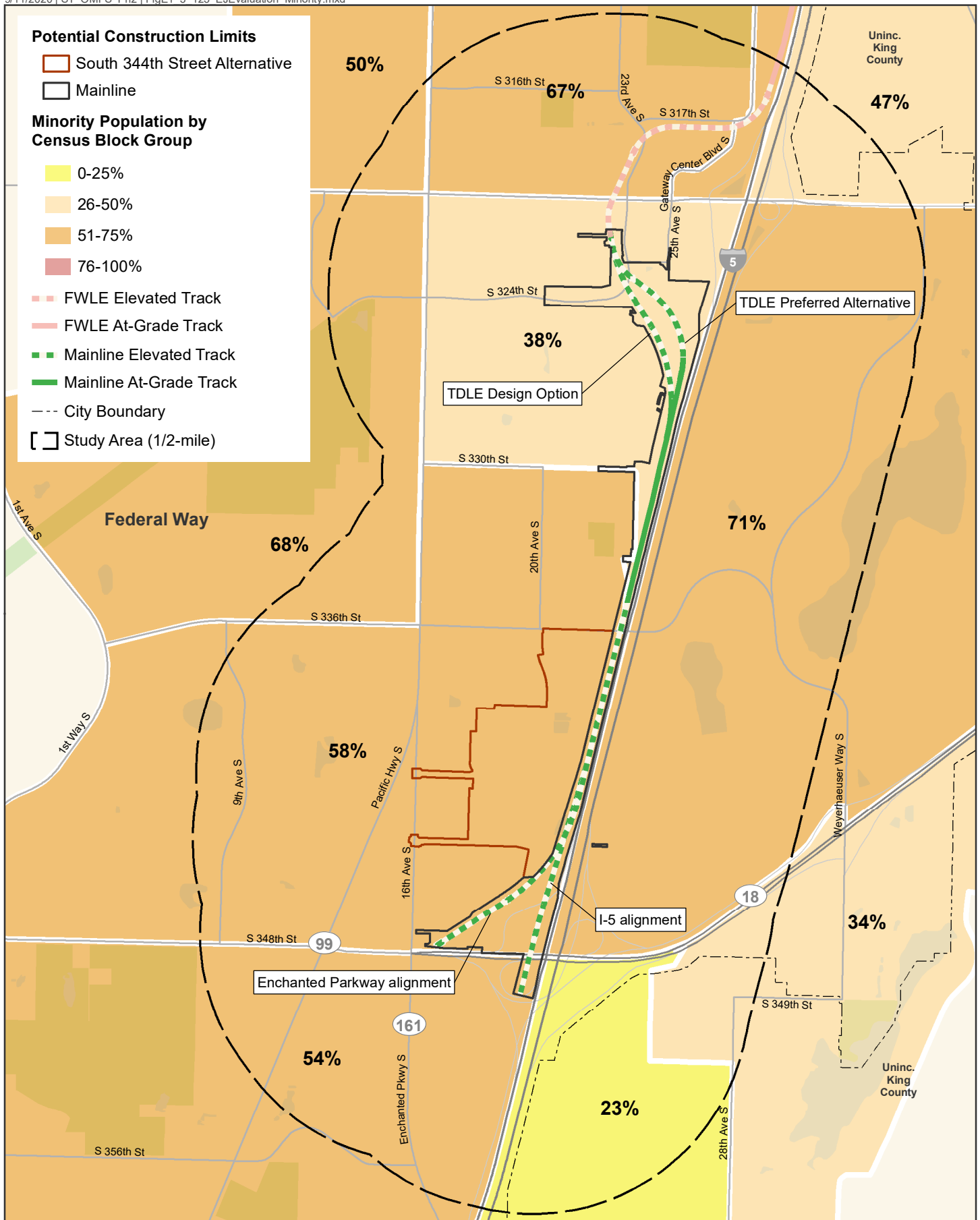
FIGURE E1.3-1
Minority Populations
Midway Landfill Alternative



Data Sources: King County; Cities of Des Moines, Federal Way, Kent (2019); U.S. Census Bureau ACS (2019).

FIGURE E1.3-2
Minority Populations
South 336th Street Alternative

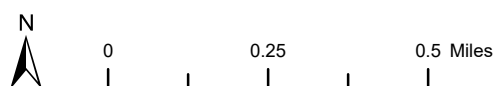


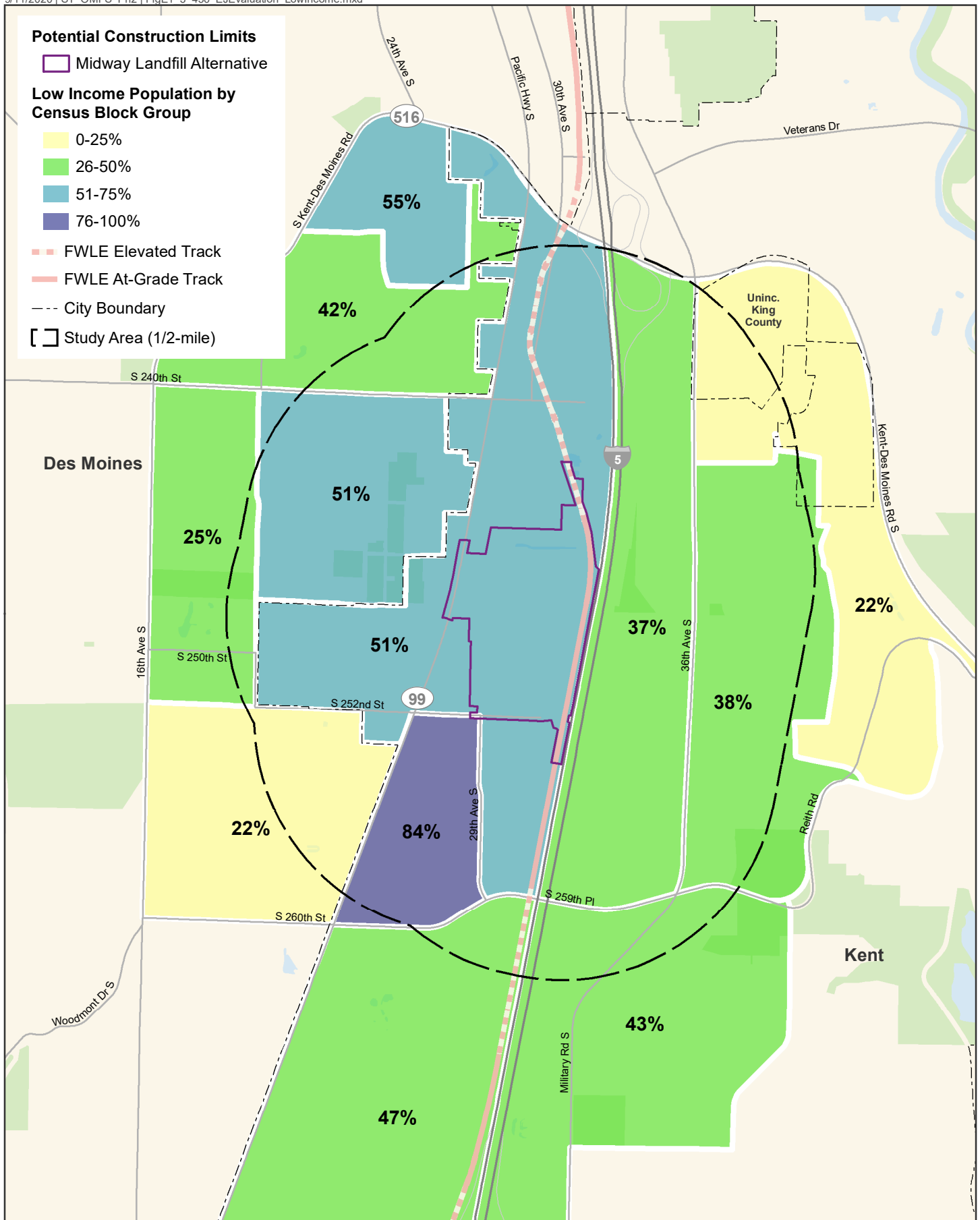


Data Sources: King County; Cities of Des Moines, Federal Way, Kent (2019); U.S. Census Bureau ACS (2019).

FIGURE E1.3-3
Minority Populations
South 344th Street Alternative

OMF South





Data Sources: King County; Cities of Des Moines, Federal Way, Kent (2019); U.S. Census Bureau ACS (2019).

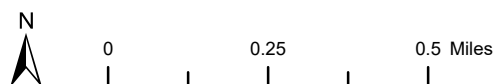
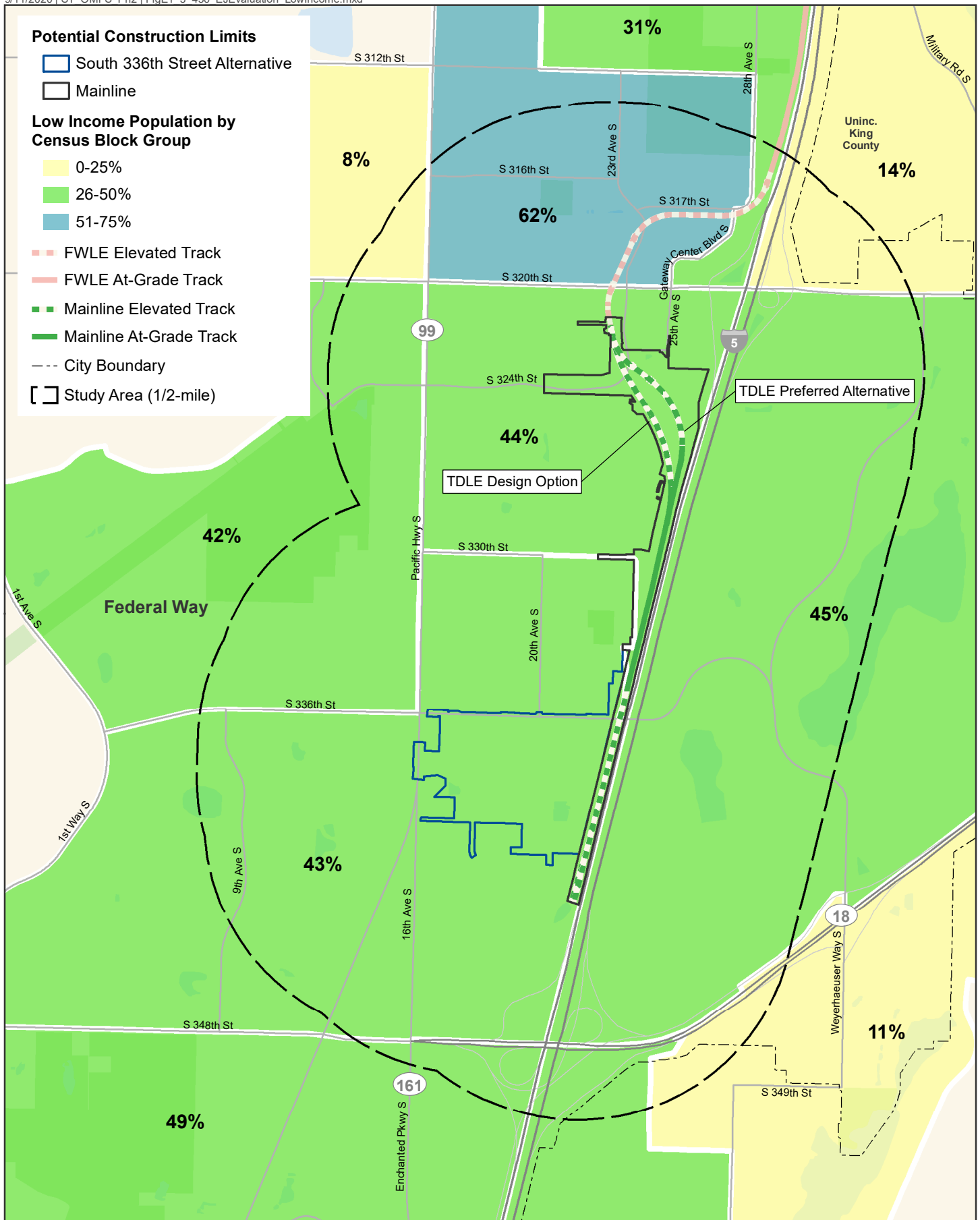


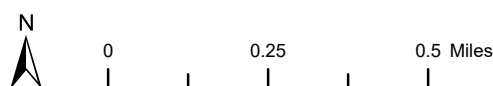
FIGURE E1.3-4
Low-Income Populations
Midway Landfill Alternative

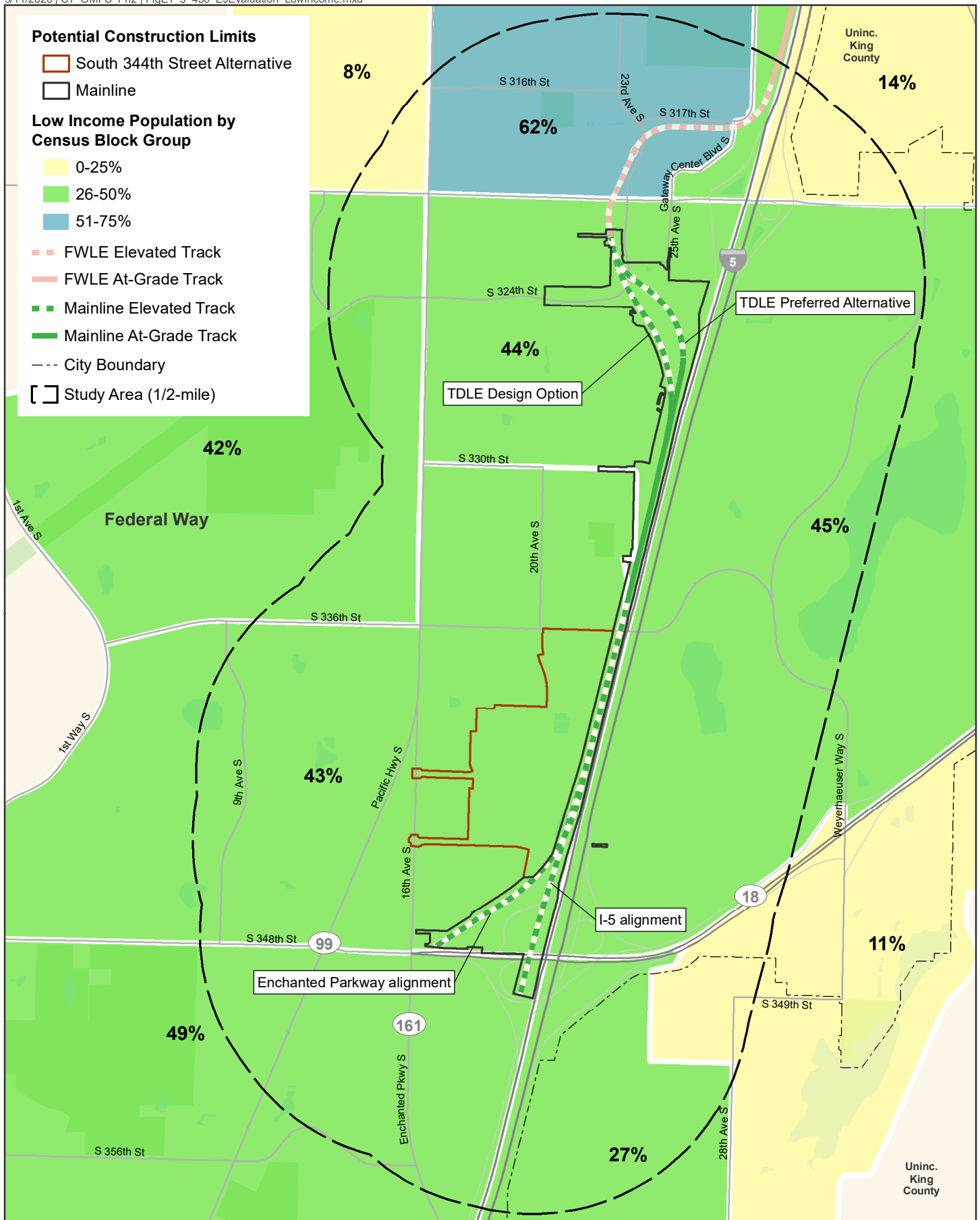


Data Sources: King County; Cities of Des Moines, Federal Way, Kent (2019); U.S. Census Bureau ACS (2019).

FIGURE E1.3-5
Low-Income Populations
South 336th Street Alternative

OMF South

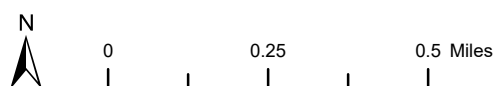




Data Sources: King County; Cities of Des Moines, Federal Way, Kent (2019); U.S. Census Bureau ACS (2019).

FIGURE E1.3-6
Low-Income Populations
South 344th Street Alternative

OMF South



The Internet Academy is a public virtual school that is part of Federal Way Public Schools and is located within the study areas for the South 336th Street and South 344th Street alternatives. The proportion of low-income and minority populations for the Internet Academy are similar to the populations present within the South 336th Street and South 344th Street alternatives study area based on ACS information.

3.2 Community Facilities

For the purpose of this environmental justice assessment, community facilities are defined as facilities that likely provide substantial services or assistance to minority and low-income populations. Examples include social and human health services, homeless shelters, affordable housing developments, schools, and places of worship. The specific community facilities identified within each study area for each OMF South project alternative are summarized in the Social Resources, Community Facilities, and Neighborhoods section of the Draft Environmental Impact Statement (Section 3.6). These resources are shown in Figures E1.3-7 and E1.3-8.

The South 336th Street and South 344th Street alternatives have substantially more community facilities within the study area than the Midway Landfill Alternative. Places of worship account for the majority of these facilities, including some that potentially serve environmental justice populations. Schools and social/human services within each of these study areas may also serve low-income and minority individuals.

Affordable housing was identified in the study area by reviewing information from the U.S. Department of Housing and Urban Development (HUD) and King County Housing Authority to identify properties and housing developments that provide subsidized housing or housing assistance for low-income and cost-burdened families. Affordable housing in the study area for the Midway Landfill Alternative includes Campus Court Apartments (12 three-bedroom units open to families, seniors age 55 and over, and disabled persons). Affordable housing in the study area for the South 336th and 344th Street alternatives includes Kings Court and Evergreen Court Apartments (each with 30 two- to three-bedroom units open to families, seniors age 55 and over, and disabled persons).

Additional nonsubsidized below-market-rate housing within the study area is available through private developments, such as apartment complexes, manufactured or mobile home developments, and RV parks. In the study area for the Midway Landfill Alternative, these nonsubsidized below-market-rate housing developments include Green Acres Mobile Home Park, Mar Villa Mobile Home Park, Jackson Mobile Home Park, Tip Top Trailer Park, New Alaska Trailer Park, Midway Mobile Home/RV Park, and West Hill Mobile Home Park. In the study area of the South 336th Street and South 344th Street alternatives, these nonsubsidized below-market-rate housing developments include Meridian Court Apartments, Willamette Court Apartments, Villa Esperanza Apartments, Belmor Park Golf & Country Club (Belmor), Charwood Mobile Home Park, Celebration Senior Living, and Kitts Corner Apartments. These social resources are depicted in Figures E1.3-7 and E1.3-8 below.

FIGURE E1.3-7
Social Resources
Midway Landfill Alternative
OMF South

FIGURE E1.3-8
Social Resources
South 336th Street and South 344th Street Alternatives
OMF South

4 OUTREACH TO MINORITY AND LOW-INCOME POPULATIONS

Sound Transit conducted public outreach during OMF South early scoping period and during the SEPA Draft Environmental Impact Statement scoping period and will continue to perform targeted outreach through the preparation of the Environmental Impact Statement.

Sound Transit is required to provide meaningful opportunities for minority, low-income, and limited-English-proficiency groups to engage in the planning process by (1) the agency's community engagement procedures, (2) Executive Order 12898, U.S. Department of Transportation Order 5610.2(a), and (3) Federal Transit Administration Circular C 4703.1. Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin. These directives make environmental justice a part of the decision-making process by identifying and addressing disproportionately high and adverse human health and environmental effects of Sound Transit's programs, policies, and activities on minority and low-income populations. Sound Transit conducted a preliminary demographic analysis to identify low-income, minority, and limited-English-proficiency populations. Based on this analysis, Sound Transit used the following strategies to engage these populations during the early scoping and scoping periods described below:

- Provided translated text on posters in Spanish, Korean, Vietnamese, Khmer, and Russian
- Provided translated meeting handouts in Spanish, Korean, Vietnamese, Khmer, and Russian
- Publicized events online and in print with language-specific media publications
- Provided translated text on the online open house web pages as well as the embedded Google Translate tool, which can translate text into over 100 languages

The following sections describe outreach efforts undertaken by Sound Transit to engage minority and low-income populations in more detail. As the project moves forward, Sound Transit will continue to engage community leaders, jurisdictions, and social service providers to seek input, assess outreach methods, and identify additional ways to reach low-income, minority, and limited-English-proficiency populations. A summary of all public outreach efforts is documented in Appendix B, Public Involvement and Agency Coordination.

4.1 Early Scoping Outreach

In March 2018, Sound Transit published the Tacoma Dome Link Extension and Operations and Maintenance Facility South Early Scoping Information Report (Sound Transit 2018). Early scoping was intended to initiate the public conversation before the start of environmental studies and was conducted for both projects concurrently. The public comment period for early scoping was from April 2 to May 3, 2018, during which Sound Transit asked for public, tribal, and agency comments on the project's Purpose and Need statement, the TDLE "representative project alignment" and other alternative alignments, and alternative locations for an OMF in the south corridor.

To support Early Scoping, Sound Transit held three community open houses in Tacoma, Federal Way, and Fife. All public meeting locations were accessible to persons with disabilities. Alternative formats and translation services were available. In addition, an online open house was available at tdlink.participate.online during the early scoping period to inform the public about the project and provide an opportunity to receive feedback using social media tools. All materials presented at the open house were posted on the online open house.

Sound Transit advertised the community open houses through a variety of methods, including:

- Postcards to over 52,160 households and businesses, including both owners and renters
- Online and print advertisements in 12 publications
- Posters at 150 locations in the corridor, including translated versions in Spanish, Korean, Vietnamese, Khmer, and Russian.
- Two news releases and five email update notices
- Social media posts
- Project website

To reach minority populations, advertisements were published in *El Siete Dias*, *Korea Daily*, *Korean Times Seattle*, *Northwest Vietnamese News*, and *Tu Decides*.

4.2 SEPA Scoping Outreach

When Sound Transit initiated the formal SEPA scoping process in early 2019, the OMF South environmental review had been split from the TDLE process. Unlike early scoping, which addressed both projects, the SEPA scoping process described here solely addressed the OMF South project.

During scoping, Sound Transit asked for comments on the proposed range of alternatives, the purpose and need for the project, environmental effects and benefits to be analyzed, probable significant adverse environmental impacts, potential mitigation measures, and license or other approvals that may be required. The comment period for scoping was from February 19 to April 1, 2019. This period exceeded the 30 days required under SEPA regulations and allowed additional time for public, agency, and Tribal comment.

During this period, two public scoping meetings were held to inform and obtain input from the community (one each in Federal Way and Kent). All public meeting locations were accessible to persons with disabilities. Alternative formats and translation services were available. Written comment forms and computers were available to access the online comment form at the public scoping meetings, along with a court reporter who took verbal comments. In addition to the online open house, comments could be submitted through emails to the project scoping inbox (OMFsouthscoping@soundtransit.org), regular mail, and leaving voicemails on a transcription line. Buell Realtime Reporting is the professional service used to transcribe the voicemails.

Sound Transit advertised the in-person scoping meetings and online open house through a variety of methods, including:

- Newsletters to over 74,000 households and businesses, including both owners and renters
- Online and print advertisements in 10 publications
- Posters at 301 locations in the corridor
- Two news releases and four email update notices
- Social media posts
- Project website

To reach minority populations, advertisements were published in *Korea Daily* and *Tu Decides*.

4.3 Additional Targeted Outreach Efforts

In September 2018 (between early scoping and scoping outreach), Sound Transit conducted a series of stakeholder interviews, briefings, and tabling events around initial route and station concepts for TDLE. Although the OMF South project was not the focus of this outreach, Sound Transit staff was available to answer questions and provide updates about OMF South.

In the fall of 2019, Sound Transit conducted several stakeholder interviews with representatives at social service agencies and community groups to inform future outreach efforts. Sound Transit then began conducting focused OMF South outreach in November and December of 2019, which included a series of drop-in presentations and engagement sessions to provide the public with opportunities to learn more about the OMF South project. Sound Transit also launched an online open house for the project, which was available from November 13 through December 6, 2019. The online open house site included a landing page translated into Khmer, Korean, Russian, Spanish, and Vietnamese, with instruction on how to use Google Translate to navigate the site. The site also included content in each of these languages.

5 PROJECT IMPACTS AND POTENTIAL MITIGATION

DOT Order 5610.2(a) requires agencies to 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. The following section summarizes analysis of the potential for any disproportionately high and adverse effects on minority and/or low-income populations for both the No-Build Alternative and the project alternatives.

Under the No-Build Alternative, no impacts from the project to environmental justice populations are expected and benefits to environmental justice populations would be limited. However, for the purposes of this Draft Environmental Impact Statement, the No-Build Alternative assumes that by the design year 2042, FWLE and all planned Sound Transit 3 projects, including TDLE, are built along with the other public and private projects planned within the study area. Because TDLE would open after OMF South, impacts associated with TDLE that would overlap with OMF South, such as the mainline tracks that would connect to the South 336th Street and South 344th Street alternatives, are addressed within the build alternative impacts discussion below. The OMF South facility provides maintenance facilities required to support the full-service levels of FWLE and Sound Transit 3. Under the No-Build Alternative, the full operational capacity of the Link system would not be realized, and it would therefore provide limited benefits to environmental justice populations due to reduced transit service levels.

Table E1.5-1 provides a high-level summary of impacts and potential mitigation identified for all environmental resource areas analyzed as part of the Draft Environmental Impact Statement for the project alternatives. Additional information can be found in Chapter 3 of the Draft Environmental Impact Statement, Affected Environment, Environmental Impacts, and Potential Mitigation Measures, and associated technical appendices. Table E1.5-1 also provides information for those elements of the environment where the project impacts and benefits would affect minority and low-income populations to a different degree.

Table E1.5-1 Summary of Potential Impacts and Mitigation

Type of Impact	Impact Summary for Build Alternatives	Mitigation Summary	Impacts on Minority and Low-Income People	Benefit(s) to Minority and Low-Income People
Transportation	<ul style="list-style-type: none"> In the Midway Landfill Alternative study area, one intersection is forecast to operate below level-of-service standards during the AM peak hour. With the exception of driveways, the project would not intersect with existing roadway, bicycle, or pedestrian facilities. Traffic volumes are forecast to increase for all build alternatives. The alignment of the mainline tracks for the South 336th Street and South 344th Street alternatives would be constructed immediately adjacent to the southbound I-5 clear zone within the I-5 right-of-way. While portions of the mainline alignment would maintain clear zone standards, there may be locations where the minimum widths cannot be met. No long-term impacts on freight, transit, parking, or nonmotorized facilities are anticipated. All the build alternatives would require demolition activities and earthwork that would generate truck trips during the construction effort. Depending on the design option chosen, the Midway Landfill Alternative could require up to 564 round trip truck trips per day during site preparation, which could last over 5.5 years. While I-5 and the arterials surrounding the Midway Landfill Alternative should accommodate the additional truck traffic, the substantial number of daily truck trips over several years necessary for the subsurface construction design options (particularly the Hybrid and Full Excavation options) could exacerbate existing congestion in some locations, as well as noise and visual impacts, and be perceived by the community as an adverse impact. 	<ul style="list-style-type: none"> OMF South is not anticipated to result in long-term or construction impacts to freight, transit, nonmotorized transportation, or parking. Therefore, no mitigation for those transportation elements is proposed. However, there would be avoidance and minimization measures to address potential traffic congestion during construction, such as developing a traffic management plan and avoiding traffic disruptions during peak travel times. The Midway Landfill Alternative would require mitigation at one intersection that could include signalization or lane removal. In locations where the mainline tracks for the South 336th Street and South 344th Street alternatives reduce the available clear zone below standards, Sound Transit would reestablish a clear zone by regrading or installing guardrails, barriers, or impact attenuators. These measures would not adversely affect transportation safety in the study area. 	<ul style="list-style-type: none"> Adverse impacts to minority and low-income people in the study area are expected to be similar in kind and magnitude to those that would be experienced by the general population in the affected neighborhoods. 	<ul style="list-style-type: none"> OMF South would support the system-wide expansion of light rail as called for in the Sound Transit 3 plan, including expansion into the south corridor from Federal Way to Tacoma. As a result, improved regional connectivity and mobility would accrue to a larger extent for minority and low-income residents as a primary and affordable means of transportation.

Table E1.5-1 Summary of Potential Impacts and Mitigation (continued)

Type of Impact	Impact Summary for Build Alternatives	Mitigation Summary	Impacts on Minority and Low-Income People	Benefit(s) to Minority and Low-Income People
Acquisitions, Displacements, and Relocations	<ul style="list-style-type: none"> OMF South would acquire public and private property for the mainline track and OMF site. As a result of these acquisitions, some residences, businesses, and public uses would be displaced. Midway Landfill Alternative: 4 business displacements and 0 residential displacements, the least impacts of all alternatives. South 336th Street Alternative with TDLE Preferred Alternative: 3 business displacements and 61 residential displacements. South 336th Street Alternative with TDLE Design Option: 3 business displacements and 73 residential displacements. South 344th Street Alternative with TDLE Preferred Alternative: 15 business displacements and 67 residential displacements. South 344th Street Alternative with TDLE Design Option: 15 business displacements and 79 residential displacements, the most impacts of all alternatives. 	<ul style="list-style-type: none"> Residents and businesses displaced by the project would receive compensation and relocation assistance in accordance with Sound Transit's adopted real estate property acquisition and relocation policy, procedures, and guidelines (Sound Transit 2002 and 2011). There are opportunities for relocation of residents and businesses in the project vicinity, including relocation opportunities for those residents of impacted mobile home parks and social resource facilities. For residential relocations, Sound Transit would work with those affected to try to keep them in the same general area. This includes identifying replacement housing that considers such factors as proximity to commercial and community facilities, schools (if applicable), an individual's place of employment, and accessibility to transit if the residents are transit dependent. 	<ul style="list-style-type: none"> In general, properties acquired are in areas where minorities and low-income people reside and work. Individuals from these populations are likely to be affected; however, adverse impacts are likely to be the same as for the general population in the affected neighborhoods. 	<ul style="list-style-type: none"> None.
Land Use	<ul style="list-style-type: none"> All alternatives would require acquisitions and conversion of existing land uses (commercial, single-/multi-family residential, public/institutional, vacant) to a transportation-related land use. Construction activities would not affect land use patterns in the study area. 	<ul style="list-style-type: none"> No mitigation would be required. 	<ul style="list-style-type: none"> No impacts. 	<ul style="list-style-type: none"> None.

Table E1.5-1 Summary of Potential Impacts and Mitigation (continued)

Type of Impact	Impact Summary for Build Alternatives	Mitigation Summary	Impacts on Minority and Low-Income People	Benefit(s) to Minority and Low-Income People
Economics	<ul style="list-style-type: none"> Direct economic impacts include business and employee displacements, associated potential tax impacts, and changes in development patterns and regional freight mobility. The Midway Landfill Alternative would result in 4 business displacements and 43 employee displacements. The South 336th Street Alternative would result in 3 business displacements and 94 employee displacements. The South 344th Street Alternative would result in 15 business displacements and 248 employee displacements. Construction activity may disrupt current economic activity by increasing traffic delays and may result in other negative externalities, such as increased noise adjacent to the construction site. Construction would bring revenue into the economy with the jobs that it produces, and the money spent by the construction employees in the surrounding community. 	<ul style="list-style-type: none"> Long-term operation of OMF South is not anticipated to result in adverse economic effects that would require mitigation. Relocation assistance for business displacements is discussed in Draft Environmental Impact Statement Section 3.3, Acquisitions, Displacements, and Relocations. Construction mitigation plans would be developed to address the needs of businesses that may be affected during construction. 	<ul style="list-style-type: none"> In general, based on the types of businesses displaced and the demographic characteristics of the corridor, employees of displaced businesses could be minority and/or low-income persons; however, adverse impacts are likely to be the same as for the general population in the affected neighborhoods. 	<ul style="list-style-type: none"> By supporting the development of light rail service, OMF South provides improved access to employment centers and expanded employment opportunities for minority and low-income persons residing in the project corridor. Project would result in creation of approximately 476 jobs at the OMF site. Construction could generate \$2.4 to \$4.2 billion in economic output and generate 11,200 to 20,000 jobs in the region.

Table E1.5-1 Summary of Potential Impacts and Mitigation (continued)

Type of Impact	Impact Summary for Build Alternatives	Mitigation Summary	Impacts on Minority and Low-Income People	Benefit(s) to Minority and Low-Income People
Social Resources, Community Facilities, and Neighborhoods	<ul style="list-style-type: none"> All OMF South build alternatives include residential and commercial property acquisitions and land use conversions. There would be no long-term impacts to social resources or community facilities within the Midway Landfill Alternative study area The South 336th Street Alternative would displace residential units within Belmor, disrupting social cohesion, and would result in adverse impacts on numerous social resources, including the Christian Faith Center and associated school. The South 344th Street Alternative would have the same impacts as the South 336th Street Alternative on Belmor and would result in adverse impacts on the CrossLife Community Church, Family Life Community Church, and Voice of Hope Church -- the most impacts on social resources of the build alternatives. Community resources and neighborhoods in proximity to construction activities would be impacted by access and mobility restrictions and increased truck traffic; localized adverse impacts to air and visual quality; and increased noise and vibration. 	<ul style="list-style-type: none"> Specific design features, best management practices (BMPs), and mitigation measures would be used to minimize adverse impacts to social resources, community facilities, and neighborhoods. Mitigation or other impact minimization measures for related project elements are described in other sections of the Draft Environmental Impact Statement, including Section 3.2, Transportation; Section 3.3, Acquisitions, Displacements, and Relocations; Section 3.7, Visual and Aesthetic Resources; Section 3.8, Air Quality and Greenhouse Gas Emissions; and Section 3.9, Noise and Vibration. 	<ul style="list-style-type: none"> The South 336th Street and South 344th Street alternatives would displace religious institutions that likely serve low-income and minority populations in the study area. After mitigation and implementation of avoidance and minimization measures, adverse impacts to minority and low-income people in the study area are expected to be similar in kind and magnitude to those that would be experienced by the general population in the affected neighborhoods. 	<ul style="list-style-type: none"> None.

Table E1.5-1 Summary of Potential Impacts and Mitigation (continued)

Type of Impact	Impact Summary for Build Alternatives	Mitigation Summary	Impacts on Minority and Low-Income People	Benefit(s) to Minority and Low-Income People
Visual and Aesthetic Resources	<ul style="list-style-type: none"> All the build alternatives would change visual conditions by removing existing landscape features and constructing new buildings, retaining walls, and elevated structures. Midway Alternative: Midway Mobile Home Park residents north of the site could experience adverse visual impacts. South 336th Street and South 344th Street alternatives: Belmor residents near the mainline could experience adverse visual impacts. The South 344th Street Alternative tail tracks would impact WSDOT Resource Conservation Areas adjacent to the I-5 right-of-way. Construction could result in a temporary decrease in visual quality. 	<ul style="list-style-type: none"> Midway: existing fencing and vegetation along with new landscaping would screen views of OMF South for nearby residents. South 336th Street and South 344th Street alternatives: planting of trees and shrubs would soften visual impacts of the mainline through Belmor. Sound Transit would consult with WSDOT and FHWA to develop site-specific measures for impacts to WSDOT Resource Conservation Areas along I-5 through replacement property or other measures. 	<ul style="list-style-type: none"> Adverse impacts to minority and low-income people in the study area are expected to be similar in kind and magnitude to those that would be experienced by the general population in the affected neighborhoods. 	<ul style="list-style-type: none"> None.
Air Quality and Greenhouse Gases	<ul style="list-style-type: none"> Long-term emissions associated with employee commutes, material deliveries, and on-site vehicle maintenance are not anticipated to exceed air quality standards. During construction, short-term degradation of air quality may occur due to the release of particulate emissions generated by excavation, grading, hauling, and other activities. 	<ul style="list-style-type: none"> Sound Transit would implement construction BMPs to minimize the impact on existing residential and recreational uses from construction-related emissions and nuisance dust. 	<ul style="list-style-type: none"> No adverse impacts. 	<ul style="list-style-type: none"> None.

Table E1.5-1 Summary of Potential Impacts and Mitigation (continued)

Type of Impact	Impact Summary for Build Alternatives	Mitigation Summary	Impacts on Minority and Low-Income People	Benefit(s) to Minority and Low-Income People
Noise and Vibration	<ul style="list-style-type: none"> There are no FTA noise impacts or WAC exceedances associated with operation of any of the OMF sites. The South 336th Street and South 344th Street alternative mainline options would result in noise impacts for three to four single-family residences in Belmor, depending on the track design option. There are no vibration impacts associated with operation of any of the build alternatives. Construction may result in temporary noise and vibration impacts for all build alternatives. Residences at Belmor may experience vibration impacts depending on construction methods used for the South 336th Street and South 344th Street alternatives. 	<ul style="list-style-type: none"> In accordance with the Sound Transit Link Noise Mitigation Policy, the project would include noise walls along the mainline through Belmor to mitigate adverse noise impacts. A construction management plan would be developed during the design phase of the project detailing BMPs to minimize impacts on local businesses and residents, including noise and vibration impacts. 	<ul style="list-style-type: none"> Adverse impacts to minority and low-income people in the study area are expected to be similar in kind and magnitude to those that would be experienced by the general population in the affected neighborhoods. 	<ul style="list-style-type: none"> None.
Ecosystem Resources	<ul style="list-style-type: none"> Under any of the build alternatives, direct long-term impacts on ecosystem resources would occur where permanent features, such as project facilities, overlap ecosystem components, such as wetlands, wetland buffers, streams, stream buffers, or native forest. Temporary construction-related impacts would occur where wetlands, wetland buffers, streams, stream buffers, or native forest are affected by clearing and ground-disturbing work and would be revegetated following construction. 	<ul style="list-style-type: none"> For unavoidable long-term impacts on wetlands, streams, and their buffers, Sound Transit would develop compensatory mitigation during the permitting phase in accordance with applicable federal, state, and local requirements and guidelines. That could include onsite restoration, replacement sites, and the use of the King County In-Lieu Fee Program or other approved mitigation banks. 	<ul style="list-style-type: none"> No adverse impacts. 	<ul style="list-style-type: none"> None.

Table E1.5-1 Summary of Potential Impacts and Mitigation (continued)

Type of Impact	Impact Summary for Build Alternatives	Mitigation Summary	Impacts on Minority and Low-Income People	Benefit(s) to Minority and Low-Income People
Water Resources	<ul style="list-style-type: none"> No long-term adverse impacts are expected on mapped FEMA floodplains, groundwater, or shorelines. OMF South would add both pollution-generating impervious surfaces (PGIS) and non-pollution-generating impervious surfaces (NPGIS) in the study areas for all project alternatives and would require stormwater management BMPs, such as flow control or treatment. OMF South construction could affect surface and groundwater quality by increasing flooding or erosion or cause potential degradation of water quality when runoff is generated in construction areas. 	<ul style="list-style-type: none"> With application of required stormwater BMPs, such as flow control or treatment facilities, no temporary or long-term adverse impacts on water resources are expected and no mitigation would be required. Stormwater pollution prevention and sediment and erosion control plans would be developed that would specify BMPs for managing water runoff, protecting water quality, and preventing erosion 	<ul style="list-style-type: none"> No adverse impacts. 	<ul style="list-style-type: none"> None.
Geology and Soils	<ul style="list-style-type: none"> The project would be designed to meet current seismic standards and to address any concerns over slope stability, minor settlement, and corrosive soils to prevent long-term impacts. Construction impacts could include erosion of soils within the construction area and potential impacts on shallow groundwater quality from construction activities that would be addressed with standard BMPs. 	<ul style="list-style-type: none"> No mitigation would be required. 	<ul style="list-style-type: none"> No adverse impacts. 	<ul style="list-style-type: none"> None.
Hazardous Materials	<ul style="list-style-type: none"> For all build alternatives, operation of the project could cause long-term impacts on the environment if an accidental release of hazardous materials occurs, such as a fuel spill. Construction impacts of the Midway Landfill Alternative could include the potential release of contaminated air, soil, and groundwater due to its characterization as a high-risk hazardous materials site. 	<ul style="list-style-type: none"> Mitigation would be required for construction of the Midway Landfill Alternative, which would include replacement of the landfill cap and other measures. 	<ul style="list-style-type: none"> No adverse impacts. 	<ul style="list-style-type: none"> None.
Public Services	<ul style="list-style-type: none"> OMF South would be unlikely to result in adverse impacts on public services. 	<ul style="list-style-type: none"> No mitigation would be required. 	<ul style="list-style-type: none"> No adverse impacts. 	<ul style="list-style-type: none"> None.

Table E1.5-1 Summary of Potential Impacts and Mitigation (continued)

Type of Impact	Impact Summary for Build Alternatives	Mitigation Summary	Impacts on Minority and Low-Income People	Benefit(s) to Minority and Low-Income People
Utilities, Energy, and Electromagnetic Fields	<ul style="list-style-type: none"> • OMF South operation would result in no long-term adverse effects on existing utilities in the project corridor. • Construction could result in temporary impacts such as service disruptions due to utility relocations. • There are no potential or adverse electromagnetic field impacts in the study area. • No adverse impacts on energy are anticipated. 	<ul style="list-style-type: none"> • Temporary utility impacts would be avoided or minimized by maintaining required access to utilities and through communication with customers to inform them of planned or potential service disruptions. No mitigation would be required. 	<ul style="list-style-type: none"> • No adverse impacts. 	<ul style="list-style-type: none"> • None.
Historic and Archaeological Resources	<ul style="list-style-type: none"> • None of the build alternatives are anticipated to have impacts on historic or archeological resources. 	<ul style="list-style-type: none"> • No mitigation would be required. 	<ul style="list-style-type: none"> • No adverse impacts. 	<ul style="list-style-type: none"> • None.
Parks and Recreational Resources	<ul style="list-style-type: none"> • None of the build alternatives would have long-term impacts on public parks or other public recreation facilities within the study area. • There would not be any direct construction impacts to parks or recreational facilities, but construction could cause temporary light, noise, and dust impacts or affect access due to temporary detours, lane closures, or other traffic impacts. 	<ul style="list-style-type: none"> • Construction impacts would be addressed through public outreach and other BMPs to maintain access and minimize light, noise, and dust impacts. No mitigation would be required. 	<ul style="list-style-type: none"> • No adverse impacts. 	<ul style="list-style-type: none"> • None.

5.1 Indirect Impacts

OMF South would support system-wide light rail expansion for the approved Sound Transit 3 program. The Sound Transit 3 program would improve regional connectivity and mobility, increase access to employment opportunities, and provide a reliable means of transportation for populations reliant on public transit, including low-income and minority populations.

5.2 Cumulative Impacts

The OMF South project, in addition to the TDLE and FWLE projects and other investments in regional transportation infrastructure, would enable more frequent Link service and improve overall mobility within the region, in addition to improving local connections to economic opportunity, goods, and services. Improved transit service and mobility and access to opportunity would be considered a benefit to low-income and minority people in the study area and the region as a whole.

In addition, cumulative impacts from reasonably foreseeable commercial and residential development projects and proposed land use changes could result in benefits to communities near future Link stations, including those composed of minority and low-income populations. The OMF South would support the expansion of light rail service and the benefits that derive from it. These benefits could include improved access to a regional high-capacity transit network, residential infill, growth in employment base, and greater support of local businesses, especially to communities in proximity to future Link light rail stations. The improved service that the project enables may be reasonably expected to increase the potential for future private commercial and/or residential development activity near Link stations, which could increase property values near stations and augment tax revenues. However, this activity may also affect the availability of low-income housing opportunities and may result in the loss of affordable housing and/or displacement of low-income people. Housing goals and policies of local jurisdictions will influence future affordable housing options near Link stations. Sound Transit's Equitable Transit Oriented Development Policy encourages affordable housing development on any potential surplus property near future Link stations, which could help mitigate cumulative impacts (Sound Transit 2018).

If OMF South were constructed at similar times as other large infrastructure projects, residents and businesses, in particular those that are minority or low-income, could experience increased short-term construction impacts due to cumulative increases in congestion, noise, and access limitations. However, after mitigation and implementation of avoidance and minimization measures, adverse impacts would likely affect minority and low-income populations to the same degree as the population as a whole.

5.3 Project Benefits

Under DOT Order 5610.2(a), the benefits of a proposed transportation project may be considered when determining whether any disproportionately high and adverse effects on minority and low-income populations would occur.

OMF South would support the system-wide expansion of light rail as called for in Sound Transit 3, including expansion into the south corridor from Federal Way to Tacoma. This would, in turn, improve regional connectivity and mobility and provide a reliable means of transportation

for populations reliant on public transit, including low-income and minority populations. While all populations within the project's service area would realize these benefits to the same extent, they could accrue to a higher degree for minority and low-income residents as a primary and affordable means of transportation.

Additional benefits to all populations, including environmental justice populations, would accrue through the addition of new jobs to build the project. In addition, the increased purchase and sale of goods and services within the community to facilitate construction, and the positive economic effects of construction workers' purchases in food and retail within the community would benefit businesses that are owned by environmental justice populations.

6 CONCLUSION

The federal lead agency for NEPA will make the final environmental justice determination for the project following selection by the Sound Transit Board of a project site to be built. Their determination must consider the impacts of the project and who may be affected, then consider the mitigation proposed for these impacts, and finally consider any offsetting benefits to minority and low-income populations.

The environmental impact analysis for environmental justice populations concludes:

- All build alternatives would result in potential impacts as described in Table E1.5-1. These impacts would be mitigated in accordance with applicable laws and regulations, including compensation and relocation assistance in accordance with federal regulations, applicable state and local regulations, and Sound Transit policies. These impacts would not be predominately borne by, or appreciably more severe for, minority and low-income populations.
- The South 336th Street and South 344th Street alternatives would displace religious institutions that likely serve low-income and minority populations in the study area.
- For project impacts in general, design measures, BMPs, and other mitigation measures would reduce the impacts on all populations, including minority and low-income populations, to levels that would not be high and adverse.
- The project is anticipated to yield a net positive impact to environmental justice communities living within the study area by increasing transit reliability, access to transit, connectivity, and frequency that OMF South would contribute to. Other benefits include new jobs associated with the construction of the project. Additional economic opportunities may result from improved connectivity between communities, which could yield a net benefit to environmental justice communities living within the project area.
- Considering the demographics in the project area, the potential adverse impacts and potential mitigation, and the anticipated project benefits, the project is not anticipated to have disproportionately high and adverse effects on minority and low-income populations as described under EO 12898 and DOT Order 5610.2(a).



Operations and Maintenance Facility South

Appendix E2:
Section 4(f) Evaluation

March 2021

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Acronyms and Abbreviations

DOT	U.S. Department of Transportation
EIS	Environmental Impact Statement
FHWA	Federal Highway Administration
FTA	Federal Transportation Administration
OMF South	Operations and Maintenance Facility South
NHPA	National Historic Preservation Act of 1966
NRHP	National Register of Historic Places
Sound Transit	Central Puget Sound Regional Transit Authority
WHR	Washington Heritage Register

1 INTRODUCTION AND REGULATORY FRAMEWORK

In addition to this Draft Environmental Impact Statement prepared under the State Environmental Policy Act (SEPA), the OMF South project is likely to require environmental review under the National Environmental Policy Act (NEPA) to support approvals by federal agencies. During or after preparation of the Final Environmental Impact Statement under SEPA, the Federal Highway Administration (FHWA) is expected to conduct environmental review under NEPA because all three build alternatives would require work within the Interstate/Federal right-of-way and require approvals from FHWA. Additionally, Bonneville Power Administration (BPA) is expected to conduct NEPA environmental review, including consultation with the Department of Archaeology and Historic Preservation (DAHP), for the relocation of the transmission towers and alterations to the existing transmission lines in Federal Way if either of the alternatives in Federal Way is selected to be built. The U.S. Army Corps of Engineers (Corps) may also require additional environmental review to support permitting, depending on which alternative is selected to be built following the issuance of the Final Environmental Impact Statement.

In order to support environmental review under NEPA this Appendix E2 provides a Section 4(f) evaluation.

The U.S. Department of Transportation Act of 1966 (23 CFR Part 774), Section 4(f), generally prohibits U.S. Department of Transportation agencies, including the Federal Highway Administration (FHWA), 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 or that substantially impairs the important activities, features, or attributes that qualify the property as a Section 4(f) resource.

Section 4(f) applies to publicly owned parks and recreation areas that are open to the public; publicly owned wildlife and waterfowl refuges; and historic sites of national, state, or local significance. The Department of Transportation regulations for Section 4(f) define historic properties as those listed in or eligible for the National Register of Historic Places (NRHP).

This evaluation identifies potential Section 4(f) resources that may be used by OMF South and any associated impacts to those resources. Other disciplines considered in this analysis include Transportation, Acquisitions, Displacements, and Relocations; Land Use; Visual and Aesthetic Resources; Noise and Vibration; Cultural, Archaeological, and Historic Resources Analysis; and Parks and Recreational Resources. A discussion of the affected environment, adverse impacts, and potential mitigation measures for each of these is found in Chapter 3 of the OMF South Draft Environmental Impact Statement. Public comment and additional consultation with the owners of Section 4(f) resources will be incorporated into the Final Environmental Impact Statement. As noted, separate NEPA documentation, including additional Section 4(f) documentation if needed, will be completed following the Final Environmental Impact Statement prepared under SEPA.

This appendix also considers any impacts under Section 6(f) of the 1965 Land and Water Conservation Fund Act, which prohibits the conversion of properties developed with funding from the Land and Water Conservation Fund (LWCF) to a nonrecreational purpose, without approval of the U.S. Department of the Interior's National Park Service. Similar to Section 6(f), documentation and consultation are also required to approve any changes to or conversion of properties directly funded by the Washington State Recreation and Conservation Office (RCO). Review of online public records for state and federal grant programs managed by the RCO found no impacts to any Section 6(f) or other grant-funded properties managed by RCO under any of the build or the No-Build alternatives. OMF South would not have a direct or indirect conversion of any properties that have received state or federal grants managed by RCO; therefore, it is not discussed further.

1.1 Study Area

The Section 4(f) study area for OMF South uses the study area for the Parks and Recreational Resources analysis in the Draft Environmental Impact Statement (Section 3.16), and the area of impact is used for the Historic and Archaeological Resources analysis (Section 3.15).

The Parks and Recreational Resources study area includes existing parks, trails, recreation sites, dedicated open space areas, and adjacent public rights-of-way used for access to these facilities within 200 feet (about one block) of the project mainline and lead tracks and the area used for construction and within 0.25 mile of each OMF South site.

The area of impact extends from the project elements (mainline, OMF sites, and construction staging areas) to the nearest tax parcel, or a maximum of 200 feet where large tax parcels are adjacent to project elements.

1.2 Section 4(f) “Uses”

Under Section 4(f), a use can be permanent, temporary, or constructive. **Permanent use** would acquire or incorporate all or part of a Section 4(f) property as part of the transportation facility.

Temporary use occurs when the project temporarily occupies any portion of the resource (typically during construction) and substantially impairs the resources. A **temporary occupancy** of land is so minimal, it does not constitute a use. This occurs if:

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

Constructive use can occur when the project is near a Section 4(f) resource and has effects that substantially impair the protected activities, features, or attributes of the property. For example, a park property that is primarily a scenic viewpoint could have a constructive use if a transportation project blocks its views.

1.3 Approval of Projects That Use Section 4(f) Property

Although the use of Section 4(f) property is generally prohibited, the FHWA can approve a transportation use of a Section 4(f) property if:

- The use of the property meets the requirements for a regulatory exception established under Section 4(f). For instance, a temporary use can be allowed if it meets the requirements described above,

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 are those that do not “adversely affect the activities, features, and attributes” of a Section 4(f) resource. A *de minimis* impact finding can consider any mitigation or enhancement measures that would be implemented, including design measures to avoid or reduce impacts. Before FHWA can make this finding, it must send a written notice to the official with jurisdiction over the resource and there must be an opportunity for public notice and comment.

For public parks or recreation properties, a *de minimis* impact finding requires written concurrence from the agency with jurisdiction over the property, such as a city or county parks department. For historic and archaeological sites eligible under National Register of Historic Places criteria A, B, or C, a *de minimis* impact finding is allowed if FHWA has made a “no adverse effect” finding in compliance with Section 106 of the National Historic Preservation Act of 1966 (see Section 3.15¹). Before making a *de minimis* finding, FHWA must send a written notice to the State Historic Preservation Office. If the State Historic Preservation Office concurs or does not object, FHWA may proceed with its finding. When FHWA has made a *de minimis* determination, the project is not required to analyze avoidance alternatives for that Section 4(f) property.

1.4 Avoidance Alternatives and Least Harm Analysis

If a project’s Section 4(f) determination would be greater than *de minimis*, FHWA is required to consider whether there are feasible and prudent alternatives that would avoid the use. Section 4(f) defines a feasible alternative as an alternative that could be built as a matter of sound engineering judgment. An alternative is prudent if:

- It meets the project purpose and need;
- It would not compromise the project to a degree that makes it unreasonable to proceed in light of its stated purpose and need;
- It would not cause extraordinary operational or safety problems;

¹ An adverse effect to an archaeological site eligible for the National Register of Historic Places only under criterion D is not considered a use under Section 4(f) evaluation.

- It would not cause any other unique problems or severe economic or environmental impacts;
- It would not cause extraordinary community disruption;
- The construction costs would not be of an extraordinary magnitude; and
- There are no other factors that collectively have adverse impacts that present unique problems or reach extraordinary magnitudes.

If the FHWA finds that an alternative is not feasible and prudent, that alternative must be removed from consideration to avoid a Section 4(f) use. But if all alternatives being evaluated use Section 4(f) properties, and there are no prudent and feasible alternatives that can avoid Section 4(f) resources, then FHWA must determine which alternative results in the least overall harm, considering numerous factors such as the ability to mitigate adverse impacts, the relative significance of each Section 4(f) property, and any substantial costs among the alternatives.

2 PROPOSED ACTION

Sound Transit proposes to construct and operate OMF South to meet agency needs for an expanded fleet of light rail vehicles (LRVs) identified in Sound Transit 3: The Regional Transit System Plan for Central Puget Sound (Sound Transit 3). The OMF South project would be used to store, maintain, and deploy about 144 LRVs for daily service. It would provide facilities for vehicle storage, inspections, maintenance and repair, interior vehicle cleaning, and exterior vehicle washing. Additionally, the facility would receive, test, and commission new LRVs for the entire system.

OMF South would also be used to accommodate administrative and operational functions, such as serving as a report base for LRV operators. Included is a Maintenance of Way (MOW) building for maintenance and storage of spare parts for tracks, vehicle propulsion equipment, train signals, and other infrastructure, in addition to storage facilities for the entire Link system. Other facility elements would include employee and visitor parking, operations staff offices, maintenance staff offices, dispatcher work stations, an employee report room, and areas with lockers, showers, and restrooms for both operators and maintenance personnel.

OMF South would need to have tracks connecting to a light rail line that will be operating when the facility is planned to open, which in southern King County is the Federal Way Link Extension (FWLE). The length and location of these connecting tracks varies by alternative.

Three site alternatives for the proposed project are evaluated in the Draft Environmental Impact Statement: one in Kent and two in Federal Way. These alternatives are named the Midway Landfill Alternative, South 336th Street Alternative, and South 344th Street Alternative, respectively.

3 SECTION 4(F) RESOURCES

Sound Transit's preliminary Section 4(f) evaluation identified and considered potential impacts to publicly owned parks and recreation areas within 200 feet (about one block) of the project mainline and lead tracks and the area used for construction, and within 0.25 mile of each OMF South build alternative. NRHP-eligible historic properties in the area of impact were also evaluated.

Sound Transit also reviewed existing public agency records and plans and will perform field inspections and continue to coordinate with the agencies that own or have jurisdiction over the resources, as needed. Sound Transit's Section 4(f) evaluation is also informed by the research and coordination for Section 106 of the NHPA, as described in Section 3.15 of the Draft Environmental Impact Statement, and the Parks and Recreational Resources analysis (Section 3.16), which identify important features, qualities, and characteristics of potential Section 4(f) resources.

Parks and recreational resources within the study area that potentially qualify as Section 4(f) resources are shown on Figures E2.3-1 and E2.3-2 and listed in Tables E2.4-1 and E2.4-2 below. No previously identified historic period built environmental resources have been listed or found eligible for listing in the Washington Heritage Register and NRHP.

3.1 Public Parks and Recreation Areas

Sound Transit identified four developed parks and one public open space within the parks study area for the Midway Landfill Alternative that qualify as Section 4(f) properties. One developed park was identified within the parks study area for the South 336th Street and the South 344th Street alternatives that qualifies as a Section 4(f) property. The Pacific Rim Bonsai Museum and Rhododendron Species Foundation and Botanical Garden, located within the study area of the South 366th Street and the South 344th Street alternatives, would not qualify as a Section 4(f) property because it is owned by a nonprofit organization. In any case, there would be no impacts from the project on this property.

All existing and designated parks and recreational properties that were reviewed for potential Section 4(f) eligibility are listed in Tables E2.4-1 and E2.4-2 in Section 4.1 below and shown on Figures E2.3-1 and E2.3-2.

3.2 Wildlife and Waterfowl Refuges

No designated wildlife and waterfowl refuges of national, state, or local significance exist in the study area.



Data Sources: King County; Cities of Des Moines, Federal Way, Kent (2019).

0 1,000 2,000 Feet

FIGURE E2.3-1
Section 4(f) Resources
Midway Landfill Alternative

OMF South

3.3 Historic Sites

Evaluation of historic sites under Section 4(f) relates directly to evaluation of resources and impacts through the National Historic Preservation Act of 1966 Section 106 process, the method by which a cultural resource's significance is determined for a federal undertaking. The results of the Section 106 analysis are a critical part of determining the applicability and outcome of the Section 4(f) use determination. Historic sites protected under Section 4(f) include “any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places.”

Section 3.16 of the Draft Environmental Impact Statement, Historic and Archaeological Resources, provides information on historic properties in the OMF South build alternatives area of impact. A total of 86 historic-period, built-environment resources were surveyed in the area of impact. Based on survey results, the historians recommended, and the SEPA lead agency (Sound Transit) concluded that none of the historic-period, built environment resources surveyed for this project are eligible for listing in the NRHP. Additionally, there are no previously identified historic period built environmental resources that have been listed or found eligible for listing in the NRHP. Sound Transit has recommended that none of the historic-period, built-environment resources surveyed for this project meet criteria necessary for NRHP eligibility; DAHP agreed in a letter to Sound Transit on January 20, 2021. See Appendix B of this Draft Environmental Impact Statement for the correspondence from DAHP.

The BPA transmission lines and towers were not evaluated as part of this effort. BPA will conduct their own evaluation and coordinate with DAHP for the relocation of the transmission towers and alterations to the existing transmission lines in Federal Way if either of the alternatives in Federal Way is selected to be built. Based on previous evaluations of BPA resources, the BPA towers and transmission lines are assumed eligible for listing in the NRHP.

4 PROJECT IMPACTS AND POTENTIAL MITIGATION

This section summarizes the potential impacts to Section 4(f) properties in the study areas for the OMF South project alternatives. Impacts include acquisition and conversion of properties to a transportation use, changes to access to a Section 4(f) property, and proximity impacts that could impair use of the property (which federal regulations refer to as a “constructive use”). Where this evaluation concludes there will be no Section 4(f) use, it means there are no impacts that would adversely affect the features, attributes, or activities qualifying the properties as Section 4(f) resources.

4.1 Impacts

The following analyses from the Draft Environmental Impact Statement were reviewed to determine whether project alternatives would be considered a Section 4(f) use: Acquisitions (3.3), Transportation (Section 3.2), Visual and Aesthetics (Section 3.7), Noise and Vibration (Section 3.9), Historic and Archaeological (3.16), and Parks and Recreation (Section 3.17).

The following minor, temporary effects to potential Section 4(f) resources in the study area may occur:

- Parks near the site alternatives could potentially be affected by detours and street or lane closures caused during project construction. Depending on the subsurface design option selected for the Midway Landfill Alternative, the number of truck trips would vary, but it is

expected that park properties would experience limited construction effects due to the separation of the park properties by either SR 99 or I-5. For the South 336th Street and South 344th Street alternatives, east access to Cedar Grove Park could be affected by detour or lane closures, but access from the west could be maintained.

- For all alternatives, it is possible some parks in the study area could experience emissions and airborne dust during construction. However, these effects are expected to be minor and temporary since the project would be held to comply with construction permit conditions that require construction dust controls for construction activities and consistent use of standard best management practices to minimize on-site emissions.
- Construction of the mainline for the South 336th Street and South 344th Street alternatives would require the relocation of BPA powerlines. While the BPA towers and transmission lines are assumed eligible for listing in the NRHP, the raising of the transmission lines is not expected to constitute an adverse effect.

Based on review of these analyses in the Draft Environmental Impact Statement, none of the alternatives would require any land from any of the park properties for either construction or operation of OMF South, and no other impacts would rise to the level of a Section 4(f) use, including constructive use.

Because no wildlife or waterfowl refuges are in the study area, no such resources would be impacted.

Tables E2.4-1 and E2.4-2 list the park properties within the study area of the build alternatives, including the preliminary Section 4(f) determination.

**Table E2.4-1 Public Parks and Recreational Properties Reviewed for Section 4(f)
Eligibility: Midway Landfill Alternative**

Park/Resource and Ownership	Size (acres)	Type or Function	Facilities	Potential Section 4(f) Resource	Preliminary Section 4(f) Determination
Parkside Park, City of Des Moines	4.4	Developed park	Trail walking, multi-use sport court, fitness equipment, picnic tables and benches	Yes	No use
Parkside Wetlands, City of Des Moines	14	Developed park	Trail walking, nature viewing	Yes	No use
Salt Air Vista Park, City of Kent	2	Developed park	Trail walking, play equipment, picnic area, open space	Yes	No use
Linda Heights Park, City of Kent	4.2	Developed park	1/2 court basketball, picnic table, play equipment, open space	Yes	No use
Kronisch Park, City of Kent	0.54	Open space	Lawn, path	Yes	No use

**Table E2.4-2 Public Parks and Recreational Properties Reviewed for Section 4(f)
Eligibility: South 336th Street and South 344th Street Alternatives**

Park/Resource and Ownership	Size (acres)	Type or Function	Facilities	Section 4(f) Resource	Preliminary Section 4(f) Determination
Cedar Grove Park, City of Federal Way	2.6	Developed park	Trail walking, nature viewing, picnic area, play area	Yes	No use
Town Square Park, City of Federal Way	3.9	Developed park	Play areas, basketball, picnic area, splash park	Yes	No use
Pacific Rim Bonsai Museum and Rhododendron Botanical (privately owned)	22	Developed park	Walking, scenic viewing	No	Privately owned; Section 4(f) does not apply

4.2 Mitigation

As no impacts to Section 4(f) properties have been identified, no mitigation measures are proposed.

5 RECORD OF COORDINATION

Because no Section 4(f) properties would be affected, there has been no formal consultation between Sound Transit and agencies with jurisdiction over the Section 4(f) properties in the study area. Sound Transit will continue to assess existing conditions at each Section 4(f) property and initiate consultations if conditions warrant.

6 CONCLUSION

The federal lead transportation agency for NEPA will make the final Section 4(f) determination once the Sound Transit Board selects the project to be built. Based on the analysis in the Draft Environmental Impact Statement, none of the alternatives would require any land from any of the Section 4(f) properties for either construction or operation of OMF South, and no other impacts would rise to the level of a Section 4(f) use. Because none of the alternatives would use Section 4(f) properties, no mitigation for these individual properties is proposed.

REFERENCES

Appendix E1

- DOT (U.S. Department of Transportation). 2012. Updated Order on Environmental Justice Order 5610.2(a). Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. 77 FR 27534. May 10, 2012.
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- Sound Transit. 2018. Resolution No. R2018-10: Equitable Transit-Oriented Development (TOD) Policy. Available at: https://www.soundtransit.org/st_sharepoint/download/sites/PRDA/FinalRecords/2018/Resolution%20R2018-10.pdf. Accessed July 14, 2020.
- U.S. Census Bureau. 2019. 2014-2018 ACS 5-year Estimates. Available at: <https://www.census.gov/programs-surveys/acs/technical-documentation/table-and-geography-changes/2018/5-year.html>.
- WSDOT (Washington Department of Transportation). 2020. Environmental Manual, Chapter 458, Social and Community Effects.

Appendix E2

None.

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