

Appendix D
Section 4(f)/6(f) Evaluation

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D.1 Introduction

Section 4(f) of the U.S. Department of Transportation Act of 1966, as amended, and codified at 49 United States Code (U.S.C.) §303, states that it “is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.”

Title 23 Code of Federal Regulations (CFR) 774 as amended March 2008, states:

The Administration may not approve the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of an historic site of national, state, or local significance (as determined by the federal, state, or local officials having jurisdiction over the park, area, refuge or site), unless a determination is made under paragraph (a) or (b) as follows:

(a) The Administration determines that:

- (1) There is no feasible and prudent avoidance alternative to the use of land from the property; and
- (2) The action includes all possible planning to minimize harm to the property resulting from such use; or

(b) The Administration determines that the use of the property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures) committed to by the applicant, will have a *de minimis* impact on the property.

(c) If the analysis concludes that there is no feasible and prudent avoidance alternative, then the Administration may approve only the alternative that causes the least overall harm in light of the statute's preservation purpose.

The proposed East Link Project, which is evaluated in this Draft Environmental Impact Statement (EIS), is a transportation project that may receive federal funding and/or discretionary approvals through the U.S. Department of Transportation (USDOT) (e.g., Federal Transit Administration [FTA]); therefore,

documentation of compliance with Section 4(f) is required.

In addition, this evaluation incorporates Section 6009(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Publication L, 109-59. This act amended existing Section 4(f) legislation at Section 138 of Title 23 and Section 303 of Title 49, U.S.C., to simplify the processing and approval of projects that have only *de minimis* impacts on properties protected by Section 4(f). For the East Link Project, FTA is the lead federal agency for USDOT, which makes the final determination on *de minimis* for a particular resource. The following criteria must be met to conclude a *de minimis* finding:

- For parks, recreation areas, and wildlife and waterfowl refuges, a *de minimis* finding may be made only if the following apply:
 - After public notice and opportunity for public review and comment, and after incorporation of any mitigation, a transportation program or project will not adversely affect the activities, features, and attributes of the facility.
 - Concurrence is received from the officials with jurisdiction over the facility.
- For a historic site, a *de minimis* finding may be made only if, in accordance with the Section 106 process of the National Historic Preservation Act and written concurrence from the State Historic Preservation Officer, it is found that the transportation program or project will have no impact or no adverse impact on historic properties.

The evaluation presented in this appendix identifies Section 4(f) and Section 6(f) resources (Section 6(f) is discussed in Section D.7) along the East Link Project alternative routes, stations, and maintenance facilities; it discusses how the project elements would affect the resources; it lists impacted 4(f) resources that would qualify for a *de minimis* finding; it determines whether there are feasible and prudent alternatives that avoid the use of Section 4(f) properties; and it identifies potential measures that should be considered to minimize harm resulting from unavoidable adverse impacts on Section 4(f) properties. The evaluation also

documents Sound Transit's consultation with public agencies that have jurisdiction over the 4(f) and 6(f) properties.

D.2 Proposed Action

The proposed action is to expand the Sound Transit Link light rail system from Seattle to Mercer Island, Bellevue, and Redmond via Interstate 90 (I-90) to provide a reliable and efficient transportation mode for moving people throughout the region.

This Section 4(f)/6(f) evaluation was prepared in conjunction with the East Link Project Draft EIS. The Draft EIS Chapter 1, Purpose and Need, and Chapter 2, Alternatives Considered, provide the complete description of the proposed action. Exhibits 2-13 through 2-17 in Chapter 2 illustrate the alternatives considered in this report. Sections 4.16 and 4.17 of the Draft EIS describe the historic properties and park and recreational resources in the study area, respectively. Finally, Exhibit D-1 in this appendix (see Section D.4.1) depicts the location of the Section 4(f)/6(f) facilities, and the *Historic and Archaeological Technical Report* in Appendix H4 of the Draft EIS shows the location of resources eligible for the National Register of Historic Places (NRHP).

D.3 Definition of Section 4(f) "Use"

Impacts on Section 4(f) resources, or properties, occur when there is a "use" of the properties. Such impacts can consist of either a direct or a constructive use of the properties, as defined in the following subsections. As defined in 23 CFR §774.17, the "use" of a protected Section 4(f) resource occurs when one or more of the following occur:

- Land is permanently incorporated into a transportation facility (e.g., "direct use").
- There is a temporary occupancy of land that is adverse in terms of the preservationist purposes (e.g., "temporary use").
- There is no permanent incorporation of land, but the proximity of a transportation facility results in impacts so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired (e.g., "constructive use").

A park qualifies for protection under Section 4(f) if (1) the property is publicly owned, (2) the park is open to the general public, (3) it is being used for outdoor

recreation, and (4) it is considered significant by the authority with jurisdiction. The park must be publicly owned at the point at which "use" occurs.

D.3.1 Direct Use

A direct use of a Section 4(f) resource takes place when property is permanently incorporated into a proposed transportation facility (23 CFR §774.17). This may occur as a result of partial or full acquisition, permanent easements, or temporary easements that exceed regulatory limits noted in Section D.3.2.

D.3.2 Temporary Use

A temporary use of a Section 4(f) resource occurs when there is a temporary occupancy of property that is considered adverse in terms of the preservationist purposes of the Section 4(f) statute. Under the FTA/Federal Highway Administration (FHWA) regulations (23 CFR §774.13(d)) a temporary occupancy of property does not constitute a use of a Section 4(f) resource when the following conditions are satisfied:

- The occupancy must be of temporary duration (e.g., shorter than the period of construction) and must not involve a change in ownership of the property.
- The scope of work must be minor, with only minimal changes to the protected resource.
- There must be no permanent adverse physical impacts on the protected resource or temporary or permanent interference with activities or purpose of the resource.
- The property being used must be fully restored to a condition that is at least as good as existed prior to the proposed project.
- There must be documented agreement of the appropriate officials having jurisdiction over the resource regarding the foregoing requirements.

D.3.3 Constructive Use

A constructive use of a Section 4(f) resource occurs when a transportation project does not permanently incorporate land from the resource, but the proximity of the project results in impacts (e.g., noise, vibration, visual, access, and/or ecological impacts) so severe that the protected activities, features, or attributes that qualify the resource for protection under Section 4(f) are substantially impaired (23 CFR §774.15).

Substantial impairment occurs only if the protected activities, features, or attributes of the resource are

substantially diminished. This determination is made through the following:

- Identification of the current activities, features, or attributes of the resource that may be sensitive to proximity impacts
- Analysis of the potential proximity impacts on the resource
- Consultation with the appropriate officials having jurisdiction over the resource

In addition, it is important to note that erecting a structure over a Section 4(f) property, and thus requiring an air lease, does not in and of itself constitute a use unless a constructive use is present.

D.4 Impacts on Section 4(f) Resources

D.4.1 Range of Potential Impacts

As described in Section 4.17, Parkland and Open Space, the East Link Project study area contains 32 parks. No designated wildlife and waterfowl refuges exist in the study area. FTA, with concurrence from the State Historic Preservation Officer (SHPO), found 11 resources that are either listed or eligible for the NRHP, as recorded in Section 4.16, Historic and Archaeological Resources.

Table D-1 lists the recreational resources and properties eligible for the NRHP that would be potentially affected by the project alternatives, either directly or as a result of proximity impacts and construction impacts, and thus are afforded protection under Section 4(f) regulations. The range of potential impacts on Section 4(f) resources from the build alternatives includes the following:

- Acquisition of portions of specific Section 4(f) properties
- Long-term proximity impacts on some of these properties, none of which result in a “constructive use”
- Temporary construction impacts

Some of the properties discussed in Section 4.17 of the Draft EIS are not discussed in this appendix because, pursuant to Section 4(f) regulations, they are not considered to be a significant resource as determined by the local jurisdiction (e.g., Bellevue Way SE Greenbelt), or they are not publicly owned (e.g., Town Center Open Space), or their primary purpose has been identified to be other than recreation (e.g., I-90

Trail, landscaped areas of Park on the Lid). Also, Section 4.16 and 4.17 include exhibits illustrating the area of impacts for each historic and park resource, respectively.

Table D-1 provides an overview of the potential impacts on each resource and the preliminary 4(f) findings after mitigation. Exhibit D-1 shows the location of the 4(f) properties evaluated herein. Sound Transit has reviewed mitigation measures with officials who have jurisdiction over the resource and the SHPO (see Section D.8, Record of Coordination, for more detail). These officials have submitted letters reflecting their preliminary views or concurrence regarding impacts to Section 4(f) resources in their respective jurisdictions and *de minimis* determinations for certain resources (see Attachment D1 at the back of this appendix). Final concurrence by these jurisdictions is anticipated to be provided after the public comment period on the Draft EIS and will be included in the Final EIS. The following subsections describe the impacts of the alternatives by segment.

D.4.2 Segment A

There are two Section 4(f) resources potentially impacted in Segment A: Benvenuto Viewpoint and the Outdoor Sculpture Gallery. The I-90 Trail is a pedestrian and bicycle path that parallels the freeway. FHWA has determined this to be a transportation facility and therefore not a Section 4(f) resource (see Attachment D1 for correspondence). Also, much of the I-90 Lid Parks are determined to be a part of the I-90 freeway and therefore not section 4(f) park resources.

D.4.2.1 Benvenuto Viewpoint

The I-90 Alternative (A1) would construct the Rainier Station within the center lanes of I-90, west of and below 23rd Avenue S. I-90 is an eight-lane freeway in this location. A pedestrian plaza consisting of ticket vending, escalators, elevator, and stairs to the station would be constructed on 23rd Avenue S in a landscaping strip that connects to Benvenuto Viewpoint. The pedestrian plaza would require the acquisition and direct use of 0.06 acre of a landscaping strip, or less than 5 percent of the total park area. The portion of the park used as a viewpoint would not experience a change in view. Although the Rainier Station and entrance could be seen from the viewpoint, the station would be consistent with the current transportation-oriented nature of the area, and the views to the west and south would be unaffected. Given the location of the route and station in the center lanes of I-90, no additional noise impacts are anticipated in the park.



Source: Data from City of Seattle (2002) and King County (2006).

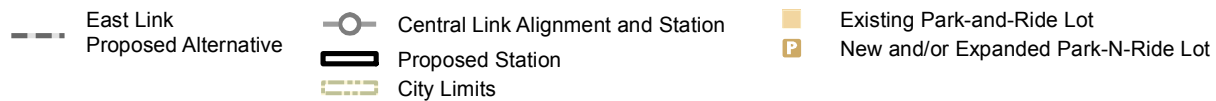


Exhibit D-1
Section 4(f) Facilities
Segment A, B, C, D, and E
East Link Project

TABLE D-1
Summary of Section 4(f) Use Evaluation

Name of Resource	Impact on Resource	Alternatives Resulting in Use	Preliminary 4(f) Findings after Mitigation*
Segment A, Interstate 90			
Benvenuto Viewpoint	Permanent use of 0.06 acre	I-90 (A1)	<i>de minimis</i> 4(f)
Outdoor Sculpture Gallery	Permanent use of 0.2 acre	I-90 (A1)	<i>de minimis</i> 4(f)
Segment B, South Bellevue			
Pilgrim Lutheran Church	Permanent use of 0.03 acre of property – no adverse impacts on the church	Bellevue Way (B1)	No 4(f) use, assumes SHPO determination of “no adverse effect”
Mercer Slough Nature Park	Permanent use for at-grade and/or elevated structure of up to about 1.4 acres, depending on the alternative	Bellevue Way (B1), 112th SE At-Grade (B2A), 112th SE Elevated (B2E), or 112th SE Bypass (B3)	<i>de minimis</i> 4(f)
	Temporary use (construction easements) of up to 2 acres during construction, depending on the alternative	Bellevue Way (B1), 112th SE At-Grade (B2A), 112th SE Elevated (B2E), or 112th SE Bypass (B3); BNSF (B7)	<i>de minimis</i> 4(f)
Segment C, Downtown Bellevue			
Surrey Downs Park	Permanent use of about 0.03 acre for tunnel alternatives and temporary use of up to 6 acres during construction	Tunnel connector from Alternative B2A to 106th NE Tunnel (C2T) and 108th NE Tunnel (C3T)	<i>de minimis</i> 4(f)
	Permanent use of approximately 0.4 acre	Connector from Alternative B2A to Couplet (C4A) and 112th NE Elevated (C7E)	<i>de minimis</i> 4(f)
Pocket Parks	Permanent use of 0.04 acre	Couplet (C4A)	<i>de minimis</i> 4(f)
	Elevated structure over 0.06 acre	110th NE Elevated (C8E)	<i>de minimis</i> 4(f)
McCormick Park	Permanent use of up to 0.8 acre of existing parkland and temporary use of approximately 1.8 acres of public park and adjacent private land	108th NE Tunnel (C3T), Couplet (C4A), or 110th NE Elevated (C8E)	4(f) use
Segment D, Bel-Red/Overlake			
No Section 4(f) properties			
Segment E, Downtown Redmond			
Luke McRedmond Landing	Permanent use of 0.1 acre	Redmond Way (E1)	<i>de minimis</i> 4(f)
Marymoor Park	Permanent use of 2.0 acres and temporary use of up to 3.0 acres during construction	Marymoor (E2)	<i>de minimis</i> 4(f)
Sammamish River Trail	Elevated structure over trail and columns maybe located in trail corridor; possible detour during construction and construction in the trail corridor	Redmond Way (E1), Marymoor (E2), and Leary Way (E4)	<i>de minimis</i> 4(f)
East Lake Sammamish Trail	Relocation of 0.01 acre of trail; detour during construction and construction in the trail corridor	Redmond Way (E1) and Leary Way (E4)	<i>de minimis</i> 4(f)
Bear Creek Trail	Permanent relocation and lowering of the trail into tunnel under light rail track or elevated structure over trail and columns maybe located in trail corridor. Detour during construction and construction in the trail corridor	Redmond Way (E1), Marymoor (E2), and Leary Way (E4)	<i>de minimis</i> 4(f)
Justice William White House	Relocation of historic property	Leary Way (E4)	<i>de minimis</i> 4(f); assumes SHPO determination of “no adverse effect”

Note: See Table D-4 below for a list of potential mitigation/enhancement measures.

During construction, the landscaped strip of Benvenuto Viewpoint would likely be removed. A detour would be provided during construction allowing for continued access to the viewpoint.

D.4.2.2 Outdoor Sculpture Gallery

At the Mercer Island Station, an option to connect the center platform station on I-90 to the Outdoor Sculpture Gallery via a pedestrian bridge over the eastbound lanes of I-90 is being considered. Roughly 0.20 acre of property acquisition would occur to accommodate this bridge and the pedestrian plaza, which would consist of ticket vending and information. This connection would allow a more direct connection into Mercer Island's downtown core.

During construction, a portion of the Outdoor Sculpture Gallery would likely close. A detour would be provided during construction allowing for continued access to other portions of the gallery.

D.4.3 Segment B

Two 4(f) resources may be impacted by Segment B alternatives: Mercer Slough Nature Park and Pilgrim Lutheran Church. These impacts are discussed below. The City of Bellevue has determined that the Greenbelt Open Space at the intersection of Bellevue Way and 112th Avenue SE is not a significant park resource.

D.4.3.1 Mercer Slough Nature Park

All Segment B alternatives would affect the Mercer Slough Nature Park to varying degrees. In the park, B2A, B2E, and B3 would require relocation of a portion of Heritage Farm Trail, located in Mercer Slough Nature Park. Table D-2 lists the impacts on these facilities by alternative.

Bellevue Way Alternative (B1), 112th SE At-Grade Alternative (B2A), 112th SE Elevated Alternative (B2E), and 112th SE Bypass Alternative (B3) would

TABLE D-2
Impacts on Mercer Slough Nature Park

Alternative	Impacted Area: Surface/Elevated (acres)	Approximate Area for Construction Staging (acres)
B1, Bellevue Way	0.4/0	1.6
B2A, 112th SE At-Grade	1.4/0.3	2.0
B2E, 112th SE Elevated	0.3/0.4	1.1
B3, 112th SE Bypass	1.2/0.4	1.9
B7, BNSF	0.1/0.9	2.0

provide enhanced accessibility to the Mercer Slough Nature Park. They also would acquire long, narrow, and intermittent portions of this park's western boundary and result in some shrub and tree removal. B2A would require the most acquisition and B1 the least. Alternatives B2A, B2E, and B3 would require relocation of a portion of the Heritage Farm Trail just east of its current location, between the South Bellevue Park-and-Ride Lot and the Frederick Winters House. Access to the Swaylochen Boat Ramp from 113th Avenue SE would be improved under the Bellevue Way Alternative (B1) because a signal would be installed at this intersection where none exists today. Alternatives B2A, B2E, and B3 would be elevated at this location, so no access impacts would occur to the boat ramp, the I-90 Trail, or other Mercer Slough Nature Park trails. Some additional shading would be created by the elevated structure.

In instances where an elevated portion of an alternative would be located in a park, the areas below the elevated section could still be available for recreational purposes, except for the area required for the piers to support the structure. The elevated guideway would likely require an easement or right of use as opposed to acquisition. The easement would allow the project on the property and give rights for Sound Transit to access the elevated structure, as needed, while allowing the continued use of the land as a park.

Vegetation removal along Bellevue Way SE and/or the placement of piers for the elevated portions of the alternatives along the west side of Mercer Slough Nature Park would be seen and noticed by some park users but would not interfere with the use of the facility.

The 118th Station on BNSF Alternative (B7) would provide new access to the east side of Mercer Slough Nature Park and the newly constructed Mercer Slough Environmental Education Center. The elevated light rail structure would also be located along the south side of Mercer Slough Nature Park north of I-90 and the I-90 Trail. An easement or right of use would be needed to accommodate the elevated light rail structure. The area under the elevated structure would be revegetated and returned to park use, allowing access under the guideway and use of the I-90 Trail as it currently exists. The view from the park and trail would not be substantially affected by the new structure because the existing I-90 structure already dominates the views in this area. Some existing views to the north from the I-90 Trail could be partially screened or opened up by the cleared or lower vegetation under the elevated structure. The elevated

structure would also create additional shading in the park.

For all alternatives except the BNSF Alternative (B7), reconstruction of Bellevue Way SE and the sidewalk adjacent to Mercer Slough Nature Park would result in increased noise, dust, and temporary access restrictions to western areas of the park, although detours would be provided to maintain access to trails in this area. It is not expected that construction would inhibit normal use of the park from other points of access. The Blueberry Farm, located inside the Mercer Slough Nature Park, would experience construction-related impacts under the 112th At-Grade (B2A), 112th Elevated (B2E), and 112th Bypass (B3) alternatives. A portion of the entrance to the Mercer Slough Blueberry Farm would need to be reconstructed to accommodate either the light rail structure or the shifted roadway closer to the farm.

Portions of the Mercer Slough Nature Park could be used as a staging area for construction at a width that encroaches roughly 50 feet into the park, except for the location at the Frederick Winters House, where the proposed right-of-way would be widened to the west, holding the existing east right-of-way in its current location. Table D-2 shows the approximate amount of construction area required for staging under each alternative in Mercer Slough Nature Park.

To construct the BNSF Alternative (B7), an approximately 100-foot-wide construction corridor along the north side of I-90 would be cleared and a temporary construction trestle would likely be built under the elevated guideway in Mercer Slough Nature Park. Although the park is close to an existing noise generator (I-90), temporary noise from East Link construction would be greater than noise typically is.

D.4.3.2 Pilgrim Lutheran Church

Bellevue Way is not anticipated to adversely affect the Pilgrim Lutheran Church, which is located just west of the street. This church is eligible for the NRHP due to its historic presence or context. South Bellevue Way would be realigned up to 10 feet into the property for a distance of roughly 250 feet. The location already experiences the visual and noise effects of heavy street traffic, and no additional impacts are expected to occur from operation of the project. Access from SE 11th Street to the church would not be disrupted. An underground stormwater detention vault would be constructed at the northeast corner of the property in the parking area. Operation of this facility would not adversely affect the Pilgrim Lutheran Church because after construction there would be no lasting visual presence of the vault.

D.4.4 Segment C

D.4.4.1 Surrey Downs Park

A narrow strip of permanent acquisition or direct use would occur along the eastern edge of Surrey Downs Park when the C2T, C3T, C4A and C7E alternatives connect to the 112th SE At-Grade Alternative (B2A). This is due to widening the right of way along 112th Avenue SE for the light rail project. The area needed for each alternative is as follows:

- 106th NE Tunnel (C2T): 0.03 acre
- 108th NE Tunnel (C3T): 0.03 acre
- Couplet (C4A): 0.4 acre
- 112th NE Elevated (C7E): 0.4 acre

The affected area constitutes about 0.2 to 3 percent of the 11.5 acre park, depending on the alternative. The direct use would reduce the landscaped strip of land that separates the existing parking area from the sidewalk along 112th Avenue SE. This use does not affect active recreational areas of the park and therefore would not result in adverse impacts on the activities, features, and attributes of the facility.

The City of Bellevue has developed a Surrey Downs Master Plan that proposes to redevelop the entire site to park and recreation use and to relocate the existing King County District Court House building located on the north half of the park. The Bellevue City Council is expected to adopt the Master Plan in early 2009. Funding for the plan was approved in a levy that that went before voters also in November 2008.

Construction of the 106th NE Tunnel (C2T) or the 108th NE Tunnel (C3T) alternatives that connect with the 112th SE At-Grade Alternative (B2A) would require closing the northern half of the park (the District Court House portion of the park), about 6.0 acres, for approximately 4 to 5 years to stage and construct the tunnel. This area of the park is not currently used as a park or recreational facility. The southern half of the park, containing ball fields and existing active park uses, would remain open and functional during construction. Parking and pedestrian access would be maintained during construction. A net benefit to the overall park facility is expected to occur as a result of the removal of the District Court House by the East Link Project, if it is not already relocated before project construction begins. The removal may facilitate implementation of the forthcoming Surrey Downs Master Plan. If the master plan and funding are approved, the construction staging at this location may delay implementation of this park plan.

Following construction, the tunnel would be underground and not visible within the park.

Although the southern half of the park would remain open during construction, park users would experience impacts from adjacent construction. These impacts would include noise, dust, and some access restrictions because vehicle access would be limited to only one of the two current entrances. Pedestrian access to adjoining neighborhoods would be maintained at two of the three current locations. Parking would also be limited because about half of the parking is located at the north end of the site, although much of that parking serves the District Court House.

D.4.4.2 Pocket Parks

The Downtown Implementation Plan Update has identified these pocket parks as an opportunity for expansion as part of a proposed NE 2nd Street Park Row. The Couplet Alternative (C4A) would intrude into the southwest pocket park roughly 10 to 15 feet to accommodate the additional right-of-way required for the northbound light rail trackway. This would require the acquisition and direct use of approximately 0.04 acre, or less than 10 percent of the total park area. Because this park contains no facilities and serves principally as open space, it is expected that this park could continue to operate as it does currently. Given its current proximity to roadway traffic and bus routes that use 110th Avenue NE, no new noise or visual impacts are expected to occur.

In addition, the 110th NE Elevated Alternative (C8E) would pass over approximately 0.06 acres of the northeast pocket park (roughly 2,100 square feet), requiring a permanent easement and resulting in shading of the park and a visual intrusion. However, because this park contains no recreational facilities and serves principally as open space, it is expected that this park could continue to operate as it does currently.

During construction of C4A or C8E, park users may experience increased noise, dust, and temporary access restrictions in the pocket parks.

D.4.4.3 McCormick Park

The 108th NE Tunnel (C3T), Couplet (C4A), and 110th NE Elevated (C8E) alternatives would require the acquisition and direct use of McCormick Park as shown in Table D-3. Under the 108th NE Tunnel Alternative (C3T), the eastern portion of McCormick Park would include the portal and light rail structure along NE 12th Street. A retained fill or transition structure (gradual in height and roughly 550 feet long)

would support the light rail track as it transitions from a tunnel to aboveground profile, impacting 0.6 acre of the park. This would result in a much different user experience than exists today as a result of additional structures in the park. Once construction of the facility is complete, the area used for construction staging as well as the area above the underground tunnel from roughly 108th Avenue NE to 110th Avenue NE would be used to recreate the parkland, resulting in an overall increase of the park size by about 1 acre.

With the Couplet Alternative (C4A), impacts would be similar to those described under C3T, although C4A would have a longer section of trackway in the park and a structure transitioning into an elevated profile over 112th Avenue NE. Approximately 0.5 acre of park would be impacted at the surface, and 0.3 acre would be under the elevated guideway. Also similar to C3T, the area used for construction staging would be used to recreate the parkland when construction is finished. The ultimate configuration of the park would increase in size by approximately one-quarter acre.

With the 110th NE Elevated Alternative (C8E), the elevated profile would cross NE 12th Street over the park and pass over 0.2 acre of the northern edge of the park between 111th Avenue NE and 112th Avenue NE. Because the light rail structure would be elevated approximately 30 feet above the park in this area, the structure would become a dominant and noticeable feature, which would affect the visual environment for some park users. However, no access would be impeded to and from other portions of the park. Like the 108th NE Tunnel (C3T) and Couplet (C4A) alternatives, once construction is complete, the area used for construction staging would be used to recreate the parkland and the park would slightly increase in size. C8E would result in the least impact of the three alternatives affecting McCormick Park.

Under each of these alternatives, the new park vegetation would take several years to mature, and until the vegetation is reestablished, a temporary change in visual quality for park users would occur as well as a reduction in the ability of the park to function as a buffer from adjacent uses. The primary purpose of McCormick Park to serve as a buffer between the residences of the Northtowne Neighborhood to the north and high-density residential and commercial areas to the south would ultimately be restored.

Construction of the alternatives would require closing McCormick Park from 108th Avenue NE to 112th Avenue NE with C3T and C4A and from roughly 110th Avenue NE to 112th Avenue NE with C8E for

approximately 4 to 5 years. Although much of the park would remain open during construction, from 108th Avenue NE west to roughly 107th Avenue NE, it is likely that the impacts to McCormick Park would constitute a use under Section 4(f) regulations.

TABLE D-3
Impacts on McCormick Park

Alternative	Impact Area Surface/Elevated (acres)	Additional Area for Construction Staging (acres) ^a	Net Gain or Loss (acres)
C3T, 108th NE Tunnel	0.6/0	1.8	+1.0
C4A, Couplet	0.5/0.3	1.8	+0.2
C8E, 110th NE Elevated	0/0.2	0.9	+ 0.1

^a Includes park and nonpark areas.

D.4.5 Segment E

D.4.5.1 Marymoor Park

The Marymoor Alternative (E2) would intrude into the northern 30 feet (approximately) of the Marymoor Park boundary, requiring the acquisition and direct use of about 2.0 acres, or less than 1 percent, of the total park area. No facilities would be directly affected by operation of the light rail system; however, equestrians ride along the northern property boundary of the park, and an unofficial equestrian route exists. This route would likely need to be relocated because there may not be enough distance between the guideway and the sports fields to accommodate the users. Given the existing proximity to State Route (SR) 520 in this area, it is not likely that users would experience additional proximity impacts.

Construction would require an additional 3.0 acres along the northern park boundary to accommodate an access road and staging for construction. This area consists of an approximately 15- to 50-foot width of property for the length of the park along SR 520. The temporary construction area would be sited to avoid impacts on the soccer fields and velodrome and thus would not affect these recreational functions. Although the park is close to an existing noise generator (SR 520), temporary noise from construction could be greater than noise typically experienced in this area.

D.4.5.2 Luke McRedmond Landing

The elevated portion of the Redmond Way Alternative (E1) would intrude into the northwest boundary of

this park, resulting in the acquisition/direct use of 0.1 acre, or roughly 5 percent of the total park area, which would be under the elevated structure. This would require the removal of mature trees lining Redmond Way, but no park facilities would be affected. Because the light rail structure would be elevated approximately 30 feet above the park adjacent to Redmond Way, the structure would become a dominant and noticeable feature, which would affect the visual experience of park users. Trees would be replaced per the City of Redmond tree ordinance.

During construction, park users would experience impacts from adjacent construction, including noise, dust, and potential access restrictions as materials are hauled to and from the site, and some parking spaces would be temporarily removed. However, there would be no impacts on the recreational functions of the park.

D.4.5.3 Sammamish River Trail

All Segment E Alternatives would cross over the Sammamish River Trail, which would require acquisition of an easement from the King County Department of Parks and Recreation; however, no direct use of the trail would occur under any of the alternatives. The Redmond Way Alternative (E1) would span two segments of the trail that run north-south on either side of the Sammamish River south of Redmond Way SE. This would result in additional shading of the trail for roughly 10 to 20 feet; however, it is not anticipated that this impact would impair the continued use of the trail, which already passes underneath three other overpasses in this area, including the SE Redmond Way overpass 30 feet away. It is also likely that one or more columns would be placed in or in the vicinity of the trail (on either the west or east side of the river), given the E1's turning radius and distance of the crossing. This configuration may require the realignment of the trail such that no columns impede use of the trail.

The Marymoor Alternative (E2) would span the Sammamish River Trail south of SR 520, resulting in an additional 20 feet (approximately) of trail shading. It is not anticipated that this impact would impair the continued use of the trail, which already passes underneath three other overpasses in this area, one of which, SR 520, would be located 80 feet away. It is possible that a column would be placed in the vicinity of the trail. However, it is likely that the columns would be placed in area currently used as Washington State Department of Transportation (WSDOT) right-of-way.

Similar to the Redmond Way Alternative (E1), the Leary Way Alternative (E4) would span two segments of the trail that run north-south on either side of the Sammamish River south of Leary Way. This would result in an additional 10 to 20 feet (approximately) of trail shading; however, it is not anticipated that this impact would impair the continued use of the trail, which already passes underneath three other overpasses in this area, including the Leary Way overpass directly adjacent to the proposed guideway. It is also likely that one or more columns would be placed in the vicinity of the trail (on either the west or east side of the river). During construction, the trail under each of the alternatives would be detoured for public safety reasons. This would not constitute a use because the detour would be temporary and over a shorter duration than the construction of the full project, a detour would be provided to allow for the continuity of the trail, and the trail would be fully restored following construction.

D.4.5.4 Bear Creek Trail

The Redmond Way (E1) and Leary Way (E4) alternatives would cross the Bear Creek Trail and would result in approximately 20 feet of shading on the trail; however, it is not anticipated that this impact would impair the continued use of the trail. Because the light rail structure would be elevated approximately 20 to 35 feet above the trail in this area, depending on which alternative is constructed, the structure would become a dominant and noticeable feature that could affect the visual environment for some trail users. The Marymoor Alternative (E2) would lower the Bear Creek Trail in its existing location to allow the guideway to remain at-grade in this area. Although this would introduce a new “tunnel” impact on the trail for approximately 30 feet, it is not anticipated that this impact would impair the continued use of the trail. There is a possibility that a column would be placed in the vicinity of the trail.

During construction, the trail under each of the alternatives would be detoured for public safety reasons. This would not constitute a use because the detour would be temporary and over a shorter duration than the construction of the full project, a detour would be provided to allow for the continuity of the trail, and the trail would be fully restored following construction.

D.4.5.5 East Lake Sammamish Trail

Under the Redmond Way (E1) and Leary Way (E4) alternatives, the East Lake Sammamish Trail would likely require relocation and reconstruction in the area along the BNSF Railway corridor for approximately

2,200 feet where the SE Redmond Station would be located. There is adequate width in the BNSF Railway corridor, however, to accommodate both facilities. During construction of either alternative, the trail would be detoured to avoid construction. This would not constitute a use because the detour would be temporary and over a shorter duration than the construction of the full project, a detour would be provided to allow for the continuity of the trail, and the trail would be fully restored following construction.

D.4.5.6 Justice William White House

The Leary Way Alternative (E4) would pass close enough to the Justice William White House to cause an adverse impact during operation of the project; however, Sound Transit proposes to move the building to a nearby location, thus avoiding any adverse impacts under Section 106 and a use under Section 4(f). To avoid adverse impacts, FTA and Sound Transit would consult with SHPO, the City of Redmond, and other interested parties to develop an MOA during preparation of the Final EIS that would determine a suitable relocation site that preserves the Justice William White House’s setting, feeling, and association with the railroad, as well as measures to avoid adverse physical impacts to the building during transport and reestablishment. It is possible that the house would be relocated to a nearby site that would preserve its association with the BNSF Railway right-of-way. The house would receive documentation to Historic American Building Survey standards before it was moved.

D.5 Section 4(f) *de minimis* Findings

As shown in Table D-4, FTA and Sound Transit have determined that several of the Section 4(f) resources affected by East Link alternatives may qualify for a determination of *de minimis* and therefore would not require further Section 4(f) avoidance analysis (see Table D-1 for a summary of project “uses”). Sound Transit has incorporated measures of avoidance, minimization, and mitigation or enhancement such that the uses would not adversely affect the activities, features, or attributes of the facilities. The officials with jurisdiction (cities of Seattle, Mercer Island, Bellevue, and Redmond, and King County) have submitted letters reflecting their preliminary views or concurrence regarding impacts to Section 4(f) resources in their respective jurisdictions and *de minimis* determinations for certain resources (see Attachment D1). Final concurrence by these

TABLE D-4
De minimis Measures for Parks and Trails in the Study Area

Park Name	Alternatives Resulting in <i>de minimis</i>	<i>de minimis</i> Measure		
		Impact Avoidance	Minimization	Potential Mitigation/Enhancements
Benvenuto Viewpoint	I-90 (A1)	The viewpoint would not be directly affected through property acquisition or closure.	Not applicable	Station entrance design to be compatible with surrounding park
Outdoor Sculpture Gallery	I-90 (A1)	Not applicable	The pedestrian bridge would be located to avoid direct impacts on outdoor art.	Station entrance design to be compatible with the surrounding park.
Mercer Slough Nature Park	Bellevue Way (B1), 112th SE At-Grade (B2A), 112th SE Elevated (B2E), 112th Bypass (B3), or BNSF (B7)	Not applicable	Widening of Bellevue Way SE would occur to the west as much as possible to reduce right-of-way required for improvements.	One or more of the following measures would be implemented: <ul style="list-style-type: none"> Acquire replacement land for permanent use impacts consistent with requirements of Section 6(f), as applicable Financial compensation Restoration and potential enhancement of disturbed park area
Surrey Downs	Tunnel connector from 112th SE At-Grade Alternative (B2A) to 108th NE Tunnel (C2T) and 110th NE Tunnel (C3T), Couplet (C4A) and 112th NE Elevated (C7E)	Permanent property acquisition would occur in the landscaping strip along 112th Avenue SE. .	Not applicable	Financial compensation or acquire replacement land for permanent use impacts Noise and visual screening during construction for the adjacent park users (south side) Landscape restoration after construction, as agreed to with the City, but not park development. Financial compensation for use of park during construction
Pocket Parks	Couplet (C4A) or 110th NE Elevated (C8E)	A straddle bent would be constructed south and north of the pocket parks; therefore, no columns would be placed in the park.	Not applicable	Financial compensation Restoration of disturbed park area Other visual and aesthetic mitigation measures discussed in Section 4.5.4.1
Luke McRedmond Landing	Redmond Way (E1)	Not applicable	Not applicable	One or more of the following measurements would be implemented: <ul style="list-style-type: none"> Acquire replacement land for permanent use impacts Financial compensation Restoration of disturbed park area/replacement of trees removed

TABLE D-4
De minimis Measures for Parks and Trails in the Study Area

Park Name	Alternatives Resulting in <i>de minimis</i>	<i>de minimis</i> Measure		
		Impact Avoidance	Minimization	Potential Mitigation/Enhancements
Marymoor Park	Marymoor (E2)	Park facilities would not be directly affected.	The construction area boundary has been reduced to avoid direct impacts on the soccer fields, baseball fields, and velodrome.	Acquire replacement park land consistent with requirements of Section 6(f), as applicable Financial compensation for the use of additional land outside the light rail right-of-way for construction Restoration of disturbed park area after construction
Sammamish River Trail	Redmond Way (E1) Marymoor (E2) Leary Way (E4)	Final design may avoid the placement of a column in the trail.	Columns adjacent to but not impeding the trail	Acquire replacement recreation land consistent with requirements of Section 6(f), as applicable Financial compensation if additional land outside the light rail right-of-way needed for construction Rerouting of trail during construction and restoration of disturbed area after construction
Bear Creek Trail	Redmond Way (E1) Marymoor (E2) Leary Way (E4)	Final design may avoid the placement of a column in the trail.	Columns adjacent to but not impeding the trail	One or more of the following measurements would be implemented: <ul style="list-style-type: none"> ▪ Rerouting of trail during construction and restoration of disturbed trail area after construction ▪ Financial compensation
East Lake Sammamish Trail	Redmond Way (E1) Leary Way (E4)	Relocating the trail adjacent to guideway to avoid impeding the trail.	Not applicable	Financial compensation for the light rail use of the trail right-of-way. Rerouting of trail during construction and restoration of disturbed trail area after construction
Justice William White House	Leary Way (E4)	Not applicable	Not applicable	Move building before construction to nearby location that preserves setting, feeling, and association with BNSF Railway

jurisdictions on *de minimis* impact determinations is anticipated to be included in the Final EIS.

D.6 Section 4(f) Resource Avoidance Alternatives

Under the requirements of 23 U.S.C. Section 138, National Environmental Policy Act (NEPA) documents in which the project alternatives involve impacts on Section 4(f) resources must include an analysis of alternative locations for the proposed project that avoid 4(f) impacts through rerouting, design changes, or other methods. Such avoidance alternatives must be selected if they are determined to be “prudent and feasible” methods of meeting the project objectives.

The only park resource requiring analysis of avoidance alternatives under Section 4(f) would be McCormick Park for the 108th NE Tunnel (C3T), Couplet (C4A), and 110th NE Elevated (C8E) alternatives. The following subsections evaluate avoidance alternatives and, in the event that all the avoidance options are found to be imprudent, identify other measures to minimize harm.

D.6.1 Evaluation of Avoidance Alternatives for McCormick Park

Avoidance alternatives considered in this evaluation consist of relocating the light rail route north or south of the park, developing other new routes, or selecting one of the other project alternatives currently under consideration.

D.6.1.1 Avoidance North or South of the Park

Moving the route south of the park would not be prudent because it would necessitate either the removal of travel lanes on NE 12th Street, an east-west city arterial or relocating the light rail or the road farther south or north. To the south of NE 12th Street there are two 7-story and three 4-story residential complexes and two businesses between 108th Avenue NE and 112th Avenue NE. In addition, the Bellevue Regional Library and Ashwood Park are located between 108th Avenue NE and 110th Avenue NE south of NE 12th Street. The park is to the north of NE 12th Street, and north of the park there are many single-family homes that would require displacement for a new road or rail corridor. In addition, some of the park is also proposed for use as construction staging and avoiding the park for construction would require displacing additional residential or commercial buildings nearby for a staging area. The number of displacements would increase substantially if the light

rail route and construction staging were moved out of the park. Displacing a minimum of two lanes on NE 12th Street, which is a four-lane arterial, would cause unacceptable congestion in this area. The expected traffic volumes on NE 12th Street require two lanes of traffic in either direction. Also, each east-west connection between Downtown Bellevue and the Bel-Red area is a vital transportation linkage because there are so few. Therefore, moving the route north or south of the park would cause a substantially greater disruption to the community than the currently proposed route.

D.6.1.2 Avoidance Through New Routes

During development of the project alternatives and during the extensive screening process conducted before the Draft EIS began, Sound Transit reviewed the possible crossings of I-405 for the light rail route. Ultimately, only two crossings were found to be practical: along NE 6th Street and NE 12th Street. No other crossings were practical in allowing the project to reach key transit destinations in Segment C and the Bel-Red and Overlake areas in Segment D. Any other crossings would involve substantial relocations of multistory office, event center, or residential buildings.

Using the NE 8th or NE 10th Street corridors as an alternative route to cross I-405 would require either the acquisition of travel lanes, resulting in reduced travel capacity on congested east-west city arterials, most notably NE 8th Street, widening NE 8th Street or NE 10th Street to accommodate the project, or paralleling either of the two streets with the light rail. Widening either of these streets or paralleling them with the light rail would result in relocations of several multistory commercial and mixed use buildings. Although each of these options would be feasible, neither would be prudent in terms of the greater level of community disruption and extraordinary cost.

D.6.1.3 Avoidance by Selecting Another Project Alternative

As previously noted, if a feasible and prudent avoidance alternative is available, it must be selected. This section discusses alternatives evaluated in this Draft EIS that could feasibly avoid McCormick Park and the reasons why these alternatives may not be considered prudent.

Bellevue Way Tunnel Alternative (C1T). This alternative would avoid McCormick Park by crossing I-405 at NE 6th Street. C1T may not be considered a prudent alternative for the following reasons:

- The alternative would be located adjacent to six contaminated sites and would have potential to encounter contaminated soil and groundwater during construction.
- C1T is the only alternative that would use sequential excavation mining, which is typically the most expensive and the highest risk tunneling method.
- Cut-and-cover construction in Downtown Bellevue would be required, which would cause substantial disruption to traffic, access, pedestrian movement, and businesses.
- C1T would completely displace the Bellevue Transit Center during construction, causing the bus terminal stops to be spread over four blocks.
- The highest number of residential displacements would occur with this alternative.
- C1T is the only alternative that connects with the Bellevue Way Alternative (B1) in Segment B. B1 has the highest number of residential displacements, traffic-related noise impacts, and vibration impacts, as compared to other Segment B alternatives.
- C1T would be the most expensive alternative to construct in Segment C.

106th NE Tunnel Alternative (C2T). This alternative also would avoid McCormick Park by crossing I-405 at NE 6th Street; however, it may not be considered a prudent alternative for the following reasons:

- Similar to the Bellevue Way Tunnel Alternative (C1T), cut-and-cover construction in Downtown Bellevue would be required, which would cause substantial disruption to traffic, access, pedestrian movement, and businesses.
- Also, like C1T, C2T would displace the Bellevue Transit Center during construction.
- C2T would have the second highest cost of construction in Segment C.

112th NE Elevated Alternative (C7E). This alternative would avoid McCormick Park via 112th Avenue NE and would cross I-405 at NE 12th Street. C7E may not be considered a prudent alternative for the following reasons:

- C7E has the lowest transit ridership of the Segment C alternatives.
- This alternative locates the Bellevue Transit Center Station farthest (one block) from the transit center

and farther from the center of Downtown Bellevue compared to all other Segment C alternatives, which place the station beneath or immediately adjacent to the transit center.

D.6.2 Potential Measures to Minimize Harm

If McCormick Park avoidance alternatives Bellevue Way Tunnel (C1T), 106th NE Tunnel (C2T), and 112th NE Elevated (C7E) are found to be imprudent, the following measure to minimize harm would be implemented for construction of the 108th NE Tunnel (C3T), Couplet (C4A) or 110th NE Elevated (C8E) alternatives:

- Financial compensation for use of the park during construction.
- Disturbed areas and newly created replacement parkland would be restored to conditions similar to the existing park after construction. This would include landscaping, paths, and any built features of the park.
- During construction, maintain pedestrian access to the remaining open portions of the park west of 110th Avenue NE or 108th Avenue NE.
- If C8E were selected, the construction area would be separated from remaining portions of the park by a barrier to minimize construction noise and visual impacts within the adjacent park.
- Dust control measures would be used to minimize dust impacts during construction.

D.7 Section 6(f) Resources and Impacts

Section 6(f) of the 1965 Land and Water Conservation Fund (LWCF) Act (administered through the Washington State Recreation and Conservation Office [RCO]) provides funding for acquiring property and developing public recreational facilities; it also protects against the loss of that property to other uses (referred to as a conversion). Section 6(f) of the act states that “no property acquired or developed with assistance under this section shall, without the approval of the Department of Interior’s National Park Service, be converted to other than public outdoor recreation uses.” The act requires any Section 6(f) property affected by a project to be replaced by recreation property of equal market value and recreational usefulness as the impacted lands. In addition, the RCO at the state level must concur with the proposed conversion. Closure during construction

would also constitute conversion if the duration of the closure were 180 or more consecutive days.

The RCO website (<http://www.rco.wa.gov/>) was accessed on February 13, 2007, to determine Section 6(f) resources in the study area. Of the 10 potentially affected park resources, only the Mercer Slough Nature Park has benefited from LWCF monies, for the acquisition of one parcel of the park. In 1978, 23 acres were purchased with LWCF monies for expansion of Mercer Slough Nature Park. Exhibit D-2 shows the location of the parcel.

The Bellevue Way (B1), 112th SE At-Grade (B2A), and 112th SE Bypass (B3) alternatives would acquire portions of this property located east and adjacent to the Bellevue Way SE and 112th Avenue NE intersection. In accordance with the LWCF policy manual, a conversion of recreational use must be approved by RCO and the U.S. Department of the Interior. In conjunction with the City of Bellevue, Sound Transit would identify potential replacement land. In addition, each of these alternatives and the 112th SE Elevated Alternative (B2E) would use additional acreage for a construction staging area. For B1, B2A, and B3, it is likely that portions of the Mercer Slough Nature Park would be closed for construction staging longer than 180 days, so the construction impacts constitute a “conversion” under Section 6(f) regulations, and replacement land would need to be provided. The 112th SE Elevated Alternative (B2E) construction staging is anticipated to have intermittent closures for minor construction staging needs. If

construction use is less than 180 days, no Section 6(f) conversion would occur during construction. If it exceeded 180 days then replacement land would need to be provided.

D.8 Record of Coordination

Sound Transit assessed existing conditions at each Section 4(f) property through site visits, consultation with agencies or municipalities with jurisdiction over the 4(f) properties, and review of available planning documents and files maintained by relevant municipalities and agencies. Consultation efforts for Section 4(f) and 6(f) resources are recorded in Table D-5. Sound Transit solicited written correspondence from the local officials with jurisdiction in terms of the significance of the resource, the nature and magnitude of the potential impact, and the acceptability of proposed mitigation (copies of these letters are provided as Attachment D1 following Table D-5). In addition, a series of meetings have occurred over the past 2 years with the cities of Seattle, Mercer Island, Bellevue, and Redmond and with King County, the local entities with jurisdiction over the parks and trails affected by the East Link alternatives.

Coordination was also conducted with the SHPO, with the Cities of Redmond, Seattle and Mercer Island to identify properties listed or eligible for listing in the NRHP or designated as City landmarks (see Appendix H4 *Historic and Archaeological Resources Technical Report*).

TABLE D-5
Section 4(f) and 6(f) Consultation Summary

Date	Form	Participants	General Topic(s)
August 24, 2006	Letter	FTA/Sound Transit to Tulalip, Duwamish, Muckleshoot, Yakama, Snoqualmie, and Suquamish tribes, SHPO, ACHP	Opening consultation with tribes
November 8, 2006	Meeting at Washington State Department of Archaeology and Historic Preservation (DAHP)	DAHP, Sound Transit, FTA, WSDOT, HRA	Draft EIS cultural resource methods
November 13, 2006	Meeting at Snoqualmie Tribe	Snoqualmie Tribe, Sound Transit, FTA, WSDOT	Cultural resources and ecosystem resources studies, tribe's concerns
December 12, 2006	DAHP field trip	DAHP, Sound Transit, FTA, WSDOT	Archaeological sensitivity and potential studies along project alternatives
December 13, 2006	Meeting at Muckleshoot Tribe	Muckleshoot Tribe, Sound Transit, WSDOT, HRA	Cultural resources studies and tribe's concerns
December 20, 2006	Submittal of cultural resources methods statement to DAHP for review	Sound Transit and DAHP	Cultural resources methods statement sent to DAHP for review

TABLE D-5
Section 4(f) and 6(f) Consultation Summary

Date	Form	Participants	General Topic(s)
January 2, 2007	Letter	From Matthew Sterner, DAHP, to James Irish, Sound Transit	Review comments on proposed cultural resources methods statement
January 25, 2007	Meeting	City of Bellevue Parks and Recreation and Transportation Department staff, Sound Transit	Review of project elements and potential impacts on park and recreational facilities
January 18, 2007	DAHP field trip	DAHP, Sound Transit, FTA, WSDOT	Historic resources along project alternatives
February 16, 2007	Meeting	King County Parks and Recreation Department, Sound Transit	Review of project elements and potential impacts on park and recreational facilities
March 1, 2007	Meeting	Mercer Island Parks and Recreation Department staff, Sound Transit	Review of project elements and potential impacts on park and recreational facilities
March 19, 2007	Meeting	City of Seattle Parks and Recreation staff, Sound Transit	Review of project elements and potential impacts on park and recreational facilities
April 17, 2007	Meeting at DAHP	DAHP, Sound Transit, FTA	Discussion of potential historic resources, project impacts, and treatment
June 28, 2007	Meeting	City of Bellevue Parks and Recreation Department staff, Sound Transit	Discussion of potential impacts on park and recreation facilities and possible mitigation associated with impacts
July 3, 2007	Letter	FTA to DAHP	Request for concurrence on area of potential effects (APE) for historic properties and archaeological APE
July 5, 2007	Meeting	City of Redmond Parks and Recreation Department staff, Sound Transit	Discussion of potential impacts on park and recreation facilities and possible mitigation associated with impacts
July 13, 2007	Letter	DAHP to FTA	Concurring in APE for historic properties
July 18, 2007	Letter	FTA to DAHP	Requesting concurrence in determinations of NRHP eligibility for historical resources
July 24, 2007	Meeting	King County Parks and Recreation Department staff, Sound Transit	Discussion of potential impacts on park and recreation facilities and possible mitigation associated with impacts
November 16, 2007	Letter	DAHP to FTA	Determination of historic properties in East Link APE eligible for NRHP
January 9, 2008	Letter	FTA to DAHP	Requesting concurrence on additional NRHP eligibility determinations
January 22, 2008	Letter	City of Mercer Island to Sound Transit	Concurrence received on determination of historic properties
February 20, 2008	Letter	DAHP to FTA	Concurrence on additional historic properties within the APE

TABLE D-5
Section 4(f) and 6(f) Consultation Summary

Date	Form	Participants	General Topic(s)
May 27, 2008	Letter	City of Seattle	Determination that historic properties were eligible for City ordinance within the APE
April 17, 2008	Meeting	City of Bellevue	Review draft 4(f) preliminary findings of potential impacts on park and recreation facilities and possible mitigation.
May 15, 2008	Meeting	City of Mercer Island,	Review draft 4(f) preliminary findings of potential impacts on park and recreation facilities and possible mitigation.
May 16, 2008	Meeting	City of Redmond and King County	Review draft 4(f) preliminary findings of potential impacts on park and recreation facilities and possible mitigation.
June 24, 2008	Meeting	King County,	Follow-up review draft 4(f) preliminary findings of potential impacts on park and recreation facilities and possible mitigation.
July 10, 2008	Meeting	City of Bellevue,	Follow-up review draft 4(f) preliminary findings of potential impacts on park and recreation facilities and possible mitigation.
June 13, 2008	Letter	City of Seattle,	Preliminary review of proposed mitigation and <i>de minimis</i> on 4(f) resources.
June 13, 2008	Letter	City of Mercer Island	Preliminary review of proposed mitigation and <i>de minimis</i> on 4(f) resources.
September 23, 2008	Letter	City of Redmond,	Preliminary review of proposed mitigation and <i>de minimis</i> on 4(f) resources.
September 19, 2008	Letter	King County	Preliminary review of proposed mitigation and <i>de minimis</i> on 4(f) resources.
October 9, 2008	Meeting	City of Bellevue	Review of permanent impacts to Surrey Downs Park and proposed park Master Plan.
October 21, 2008	Letter	City of Bellevue	Preliminary review of proposed mitigation and <i>de minimis</i> on 4(f) resources.

Attachment D1

Agency Correspondence



U. S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION
WASHINGTON DIVISION
SUITE 501, EVERGREEN PLAZA
711 SOUTH CAPITOL WAY
OLYMPIA, WA 98501

FEDERAL TRANSIT ADMINISTRATION
915 SECOND AVENUE, SUITE 3142
SEATTLE, WA 98174

November 25, 2002

HFO-WA.3/I-90

Mr. Douglas B. MacDonald
Secretary of Transportation
Department of Transportation
Olympia, Washington

Attention: Don Nelson

**I-90 Two Way Transit and HOV
Operations Project**

Dear Mr. MacDonald:

The Washington State Department of Transportation (WSDOT) is developing a project in the I-90 corridor, between Bellevue and Seattle, jointly with Sound Transit. Alternatives under consideration will affect the shared-use path on the Homer Hadley floating bridge. Surveys conducted by WSDOT in 2001 and 2002 have shown the path is used primarily by bicyclists with limited usage by pedestrians.

The Federal Highway Administration and the Federal Transit Administration, Federal Co-lead agencies responsible for project development review of the noted I-90 project, have been asked to provide a written determination that your proposed undertaking on the floating bridge would not constitute an impact under 49 U.S.C. Section 303, commonly referred to as "Section 4(f)".

In making our determination we have considered the following factors, as presented through documentation by WSDOT¹:

The shared-use path was funded, constructed, and exists primarily for transportation use;

The shared-use path serves as an integral part of the local transportation system, providing a linkage for bicycle, pedestrian, and other non-motorized modes of travel between regional destinations;

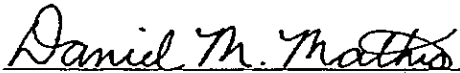
¹ "Evaluation of the I-90 Bicycle and Pedestrian Path as a Potential Section 4(f) Resource," WSDOT, October 2002.

The Puget Sound Regional Council has identified the facility as part of the regional non-motorized transportation system in Destination 2030;


Pursuant to 23 CFR Section 771.135, the ultimate decision on the applicability of Section 4(f) to a particular site rests with the Federal Transit Administration and the Federal Highway Administration. In reaching our decision, however, we first look to the official having jurisdiction over the site to identify whether it is a site for which Section 4(f) applies. Our review is to determine the reasonableness of that determination. Your agency has jurisdiction of the I-90 shared-use path, and, as noted above, we understand that WSDOT has determined that the primary purpose of the shared-use path on the floating bridge is transportation, and, therefore, is not a "significant recreational area", as that term is used in 23 CFR 771.135. While WSDOT has acknowledged that recreation is an important function of the path, it considers this function secondary to the primary purpose of transportation.

We concur with your determination that the shared-use path is not a Section 4(f) protected resource and, therefore, find that the modification of the path, as a result of the joint Sound Transit/WSDOT undertaking will not constitute a Section 4(f) impact. Please be advised that in making this finding we in no way lessen our expectations that, to the extent feasible, all appropriate measures and actions will be taken to reduce or eliminate the project impacts to the shared-use path and its users.

If there are any questions regarding this finding, please do not hesitate to call either Jim Leonard at 360-753-9408 or John Witmer at (206) 220-7964.



Daniel M. Mathis, P.E.
Division Administrator
Federal Highway Administration



R.F. Krochalis
Regional Administrator
Federal Transit Administration

CC: Mehrdad Moini, Paul Krueger, Lone Moody (WSDOT)
Andrea Tull, Steve Kennedy (Sound Transit)



June 13, 2008

Timothy Gallagher, Parks Superintendent
City of Seattle, Seattle Department of Parks and Recreation
100 Dexter Avenue North
Seattle, WA 98109

Dear Mr. Gallagher:

As part of the East Link Light Rail Project Draft Environmental Impact Statement (DEIS) documentation process, Sound Transit and the Federal Transit Administration (FTA), as the lead federal agency, are evaluating the potential impacts of the project on public parks and recreational facilities. Sound Transit is working with the FTA to prepare a draft Section 4(f) Evaluation that describes the impacts of the project on these facilities. The draft Section 4(f) Evaluation will be included in the DEIS and is expected to be distributed to the public and agencies for comment in fall 2008.

The Section 4(f) Evaluation is a requirement of the U.S. Department of Transportation Act of 1966. Under the Act, FTA cannot approve a transportation project (such as East Link) that requires the use of any publicly-owned land from a significant public park, recreation area, or wildlife and waterfowl refuge, or any land from a significant historic site, unless a determination is made that:

- There is no feasible and prudent alternative to using the property; and
- The project includes all possible planning to minimize harm to the property resulting from the use; or
- The use will have no more than a *de minimus* impact on the resource. A *de minimus* impact means a project will have no adverse effect to the activities, features, and attributes of the resource.

Under Section 6009(a) of the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Section 4(f) regulations were amended to simplify the processing and approval of projects that have only *de minimus* impacts on properties protected by Section 4(f). This revision provides that once the federal lead agency (FTA in the case of the East Link Project) determines that a transportation use of Section 4(f) property, after consideration of any impact avoidance, minimization, and mitigation or enhancement measures, results in a *de minimus* impact on that property, an evaluation of prudent and feasible avoidance alternatives is not required and the Section 4(f) process is complete.

Federal guidance encourages early coordination with officials with jurisdiction over the Section 4(f) resource to ascertain the position of the officials to obtain their preliminary views. This is the intent of our letter. Federal regulations stipulate that "officials with jurisdiction over the Section 4(f) resource must concur in writing" with a *de minimus* finding (23 CFR 774.5 (2)). The regulations also require that an opportunity for public review and comment concerning the effects of the project on the Section 4(f) resource be

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provided prior to such written concurrence. As per 23 CFR 774.5, this requirement will be met with the distribution of the NEPA/SEPA Draft EIS for review and comment by the public, agencies, and groups. Final concurrence by the City of Seattle in writing on the *de minimus* finding for each park resource will occur following the comment period for the Draft EIS. At that time, it is expected that the City of Seattle will provide final concurrence on *de minimus* determinations and that documentation of concurrence will be included in the Final EIS for East Link. Following the City's written concurrence, FTA will make a final Section 4(f) and *de minimus* determinations as a part of the Final EIS.

The table below lists Benvenuto Viewpoint as a City of Seattle park facility that the East Link Light Rail Project would impact. Based on Sound Transit's review, this park resource is considered significant for purposes of Section 4(f). Given the potential project impacts and the proposed potential mitigation, Sound Transit believes that a *de minimus* preliminary determination can be made for Benvenuto Viewpoint. A *de minimus* determination means that after incorporation of mitigation measures, the East Link project will not adversely affect the activities, features, and attributes of the significant park facilities.

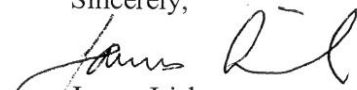
City of Seattle Park Facility and Preliminary Determination of Section 4(f) Use

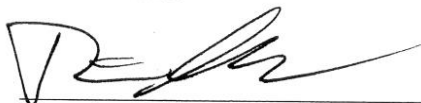
Name of Resource	Significance Determination	Impact on Resource	Potential Mitigation	Preliminary 4(f) Findings after Mitigation
Benvenuto Viewpoint	Significant	Permanent use of up to 0.06 acres for a station entrance at 23 rd Ave S	Rainier Station entrance design to be compatible with the surrounding landscape design of the park.	<i>de minimus</i>

We ask that you provide your signature on this letter, to confirm your preliminary concurrence on the significance of Benvenuto Viewpoint park facility, the Section 4(f) *de minimus* preliminary determination, and the potential mitigation.

As the project is further developed, Sound Transit will work with the City of Seattle's Department of Parks and Recreation to review and finalize the Rainier Station's entrance design and construction activities.

Sincerely,


James Irish
Link Environmental Manager
Sound Transit



Timothy Gallagher, Parks Superintendent
City of Seattle, Department of Parks and Recreation
Signature for Preliminary Concurrence

c: Ethan Melone, Seattle Dept. of Transportation David Graves, Seattle Dept. of Parks and Recreation
Don Billen, Sound Transit Steve Kennedy, Sound Transit
Elma Borbe, Sound Transit Sue Comis, Sound Transit



June 13, 2008

Steve Lancaster, Development Services Director
City of Mercer Island
Development Services, Building and Planning
9611 Southeast 36th Street
Mercer Island, WA 98040

Dear Steve,

As part of the East Link Light Rail Project Draft Environmental Impact Statement (DEIS) documentation process, Sound Transit and the Federal Transit Administration (FTA), as the lead federal agency, are evaluating the potential impacts of the project on public parks and recreational facilities. Sound Transit is working with the FTA to prepare a draft Section 4(f) Evaluation that describes the impacts of the project on these facilities. The draft Section 4(f) Evaluation will be included in the DEIS and is expected to be distributed to the public and agencies for comment in fall 2008. The Section 4(f) Evaluation is a requirement of the U.S. Department of Transportation Act of 1966. Under the Act, FTA cannot approve a transportation project (such as East Link) that requires the use of any publicly-owned land from a significant public park, recreation area, or wildlife and waterfowl refuge, or any land from a significant historic site, unless a determination is made that:

- There is no feasible and prudent alternative to using the property; and
- The project includes all possible planning to minimize harm to the property resulting from the use; or
- The use will have no more than a *de minimus* impact on the resource. A *de minimus* impact means a project will have no adverse effect to the activities, features, and attributes of the resource.

Under Section 6009(a) of the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Section 4(f) regulations were amended to simplify the approval process of projects that have only *de minimus* impacts on properties protected by Section 4(f). This revision provides that once the federal lead agency (FTA in the case of the East Link Project) determines that a transportation use of Section 4(f) property, after consideration of any impact avoidance, minimization, and mitigation or enhancement measures, results in a *de minimus* impact on that property, an evaluation of prudent and feasible avoidance alternatives is not required and the Section 4(f) process is complete.

Federal guidance encourages early coordination with officials with jurisdiction over the Section 4(f) resource to ascertain the position of the officials to obtain their preliminary views. This is the intent of our letter. Federal regulations stipulate that "officials with jurisdiction over the Section 4(f) resource must concur in writing" with a *de minimus* finding (23 CFR 774.5 (2)). The regulations also require that an opportunity for public

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review and comment concerning the effects of the project on the Section 4(f) resource be provided prior to such written concurrence. As per 23 CFR 774.5, this requirement will be met with the distribution of the NEPA/SEPA Draft EIS for review and comment by the public, agencies, and groups. Final concurrence by the City of Mercer Island in writing on the *de minimus* finding for each park resource will occur following the comment period for the Draft EIS. At that time, it is expected that the City of Mercer Island will provide final concurrence on *de minimus* determinations and that documentation of concurrence will be included in the Final EIS for East Link. Following the City's written concurrence, FTA will make a final Section 4(f) and *de minimus* determination as a part of the Final EIS.

The table below lists the Outdoor Sculpture Gallery as a City of Mercer Island park facility that the East Link Light Rail Project would impact. Based on Sound Transit's review, this park resource is considered significant for purposes of Section 4(f). Given the potential project impacts (both permanent and temporary) and the proposed potential mitigation, Sound Transit believes a preliminary *de minimus* determination can be made for the Outdoor Sculpture Gallery. A *de minimus* determination means that after incorporation of mitigation measures, the East Link project will not adversely affect the activities, features, and attributes of this park resource.

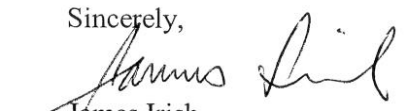
City of Mercer Island Park Facility and Preliminary Determination of Section 4(f) Use

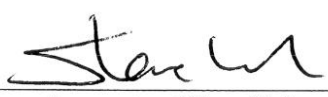
Name of Resource	Significance Determination	Impact on Resource	Potential Mitigation	Preliminary 4(f) Findings after Mitigation
Outdoor Sculpture Gallery	Significant	Permanent use of up to 0.20 acres and construction disturbance for an optional station entrance at Sunset Highway.	Station entrance design to be compatible with the surrounding design of the park.	<i>de minimus</i>

We ask that you provide your signature on this letter, to confirm your preliminary concurrence on the significance of the Outdoor Sculpture Gallery facility, the Section 4(f) *de minimus* determination, and the potential mitigation.

Thank you very much. If you have any questions, please call me at (206) 398-5140.

Sincerely,


James Irish
Link Environmental Manager
Sound Transit


Steve Lancaster, City of Mercer Island
Development Services Director
Signature for Preliminary Concurrence



King County

Parks and Recreation Division

Department of Natural Resources and Parks

King Street Center, KSC-NR-0700

201 South Jackson Street

Seattle, WA 98104-3855

206.296.8687 Fax 206.296.8686

TTY Relay: 711

September 19, 2008

Don Billen
East Link Project Manager
Sound Transit
410 Jackson Street
Seattle, WA 98104-2826

Dear Mr. Billen:

Sound Transit requested that the King County Parks and Recreation Division of the Department of Natural Resources and Parks ("KC Parks") provide its preliminary views of the potential impacts that Sound Transit's proposed East Link Light Rail route alternatives might have on parks, trails, and other facilities belonging to KC Parks. KC Parks understood Sound Transit to make this request as part of the coordination and consultation process required under Section 4(f) of the Department of Transportation Act of 1966 (as amended), and its implementing regulations, codified at Title 23 of the Code of Federal Regulations (CFR) Part 774 ("the Act"). As amended, the Act prohibits transportation projects from using land already dedicated to use for public parks, recreation areas, wildlife and waterfowl refuges, or historic sites, unless certain conditions and mitigation measures are met.

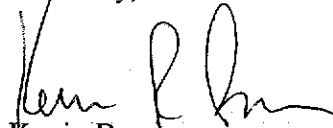
The Act's regulations provide a simplified method of complying with the Act where transportation projects will have "de minimis" impacts on a protected resource. Sound Transit asked KC Parks to evaluate whether the East Link Light Rail route alternatives might have "de minimis" impacts on KC Parks property and facilities. The enclosed table lists KC Parks-owned property and facilities that could potentially be impacted by any of the route alternatives that Sound Transit has identified for consideration in the Draft Environmental Impact Statement (DEIS) for the East Link project. The table incorporates KC Parks' preliminary determination on the significance, for Section 4(f) purposes, of each park resource. Also included are KC Parks' preliminary views of the potential impacts and conceivable mitigation measures that may apply to each park in order to reach a de minimis determination. However, King County reserves the right to revise its preliminary determinations and views, and to add or change conceivable mitigation measures based on Sound Transit's East Link project DEIS and other information that may be developed over time.

Upon review in conjunction with the cities of Bellevue and Redmond, KC Parks has determined that certain considerations apply to all potentially impacted park resources identified in the attached table. These considerations are:

- The range of impacts listed in the table are derived from information provided by Sound Transit regarding the East Link route alternatives that will be considered in the East Link project DEIS. That information has not been independently verified by KC Parks. If conditions change after the date of this letter, or if KC Parks develops more precise information, then it may be necessary for KC Parks to reevaluate the range of project impacts as well as mitigation potentially required to meet regulatory standards.
- To the greatest extent possible, the preliminary scope of proposed mitigation is limited to those measures specifically listed in the federal regulations at 23 CFR 774.17, under the definition of *All Possible Planning*. However, KC Parks reserves the right to add or change proposed mitigation measures based on new or additional information that may be developed after the date of this letter.
- The mitigation measures listed in this preliminary report do not include costs that Sound Transit will likely incur to acquire KC Parks resources for the project, to lease them, or to purchase easements over them: KC Parks assumes that Sound Transit will calculate such acquisition costs as a basic cost element of the East Link project, and not as an element of mitigation for impacts to KC Parks property or facilities. Instead, consistent with the Section 4(f) regulations the attached table outlines other, additional measures to mitigate adverse impacts that may be created by Sound Transit's use of KC Parks properties protected by Section 4(f).
- As you know, Section 4(f) is one of many regulations to which Sound Transit must adhere during the development of the East Link project. This preliminary report by KC Parks does not limit or preclude Sound Transit from providing additional mitigation measures that are or may be required by other local, state or federal government regulations.

Thank you for the opportunity to provide Sound Transit with KC Parks' preliminary evaluation of potential 4(f) property. Consistent with 23 CFR 774.5(b)(2)(i)-(ii), King County will separately evaluate whether to concur in Sound Transit's conclusion that the East Link project will have de minimis impacts on King County park resources in the project area, but only after public notice, review and comment on the East Link project DEIS.

Sincerely,



Kevin Brown
Division Director

cc: Sharon Claussen, Program Manager, Parks and Recreation Division, Department of
Natural Resources and Parks
Andrew Marcuse, Prosecuting Attorney, Executive Services

King County Park Facilities and Summary of Section 4(f) Use

Name of Resource / Segment Alternative	Significance Determination	Impact on Resource	Potential Mitigation	4(f) Findings after Mitigation
Marymoor Park / E2	Significant	<ul style="list-style-type: none"> ▪ Permanent use of up to 2.0 acres ▪ Temporary use of up to 3.0 acres during construction ▪ Temporary impacts to park use during construction, such as noise. 	<ul style="list-style-type: none"> ▪ Acquire replacement park land equal in value and function to offset the light rail use within the Park property. ▪ Financial compensation for the use of any additional land outside the light rail right-of-way for construction ▪ See Draft EIS Section 4.7.5.3. ▪ Park land restoration following construction 	<i>de minimis</i>

Sammamish River Trail / E1 & E2	Significant	<ul style="list-style-type: none"> ▪ Permanent shading of 20 to 30 feet of trail ▪ Detour of trail during construction ▪ Possible impacts to trail use if guide way columns are located within trail right-of-way 	<ul style="list-style-type: none"> ▪ Acquire replacement recreation land equal in value to offset the light rail use within the trail right-of-way per RCO requirements ▪ Financial compensation for any additional land outside the light rail right-of-way needed for construction ▪ Rerouting and restoration of trail and surrounding vegetation to King County standards and specifications during and after construction 	<i>de minimis</i>
East Lake Sammamish Trail / E1, E2, & E4	Significant	<ul style="list-style-type: none"> ▪ Permanent relocation of 2,200 feet of trail ▪ Detour of trail during construction 	<ul style="list-style-type: none"> ▪ Financial compensation for the light rail use of the trail right-of-way. ▪ Rerouting and restoration of trail and surrounding vegetation to King County standards and specifications during and after construction 	<i>de minimis</i>



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September 23, 2008

Don Billen
East Link Project Manager
Sound Transit
410 Jackson Street
Seattle, WA. 98104-2826

Dear Mr. Billen:

Sound Transit requested that the City of Redmond Parks and Recreation Division provide its preliminary views of the potential impacts that Sound Transit's proposed East Link Light Rail route alternatives might have on Redmond park resources. This request is made by Sound Transit as part of the coordination and consultation process required under Section 4(f) of the Department of Transportation Act of 1966 (as amended), and its implementing regulations, codified at Title 23 of the Code of Federal Regulations (CFR) Part 774 ("the Act"). As amended, the Act prohibits transportation projects from using land already dedicated to use for public parks, recreation areas, wildlife and waterfowl refuges, or historic sites, unless a determination is made that:

- There is no feasible and prudent alternative to using the property; and
- The project includes all possible planning to minimize harm to the property resulting from the use; or
- The use will have no more than a *de minimis* impact on the resource. A *de minimis* impact means a project will have no adverse effect to the activities, features, and attributes of the resource.

The Act's regulations provide a simplified method of complying with the Act where transportation projects will have "de minimis" impacts on a protected resource. Sound Transit asked Redmond Parks to evaluate whether the East Link Light Rail route alternatives might have "de minimis" impacts on Redmond Parks' property and facilities. The enclosed tables list Redmond-owned property and facilities that could potentially be impacted by any of the route alternatives that Sound Transit has identified for consideration in the Draft Environmental Impact Statement (DEIS) for the East Link project. The tables incorporate Redmond Parks' preliminary determination on the significance, for Section 4(f) purposes of each park resource. Also included are Redmond Parks' preliminary views of the potential impacts and potential mitigation measures that may apply to each park resource. The City of Redmond reserves the right to revise its preliminary determinations and views, and to add or change conceivable mitigation measure based on Sound Transit's East Link project DEIS and other information that may be developed over time.


Upon review in conjunction with Bellevue and King County Parks, Redmond Parks has determined that certain considerations apply to all potentially impacted park resources identified in the attached tables. These considerations are:

- The range of impacts listed in the table are derived from information in the project DEIS. That information has not been independently verified by Redmond Parks. If conditions change after the date of this letter, or additional information is provided by Redmond, reevaluation of impacts, and mitigation required to meet regulatory standards will be necessary.
- To the greatest extent possible, the preliminary scope of proposed mitigation is limited to those measures specifically listed in the federal regulations at 23 CFR 774.17, under the definition of *All Possible Planning*.
- Expected costs attributable to acquisition, tenancy or easements necessary for permanent and temporary use of park resources are not listed in this report as they are considered by the City to be a given transaction cost for the project. The Section 4(f) regulations provide for additional measures to mitigate adverse impacts created by the use of properties protected under the statute.
- Section 4(f) is one of many regulations to which Sound Transit must adhere during the development of the East Link project. This preliminary evaluation does not limit or preclude additional mitigation measures that are required by other local, state or federal government regulations.
- Table 1 lists and describes park and recreational resources for which the City of Redmond has jurisdiction. Table 2 provides an indication of whether these resources are considered significant for purposes of Section 4(f). The potential project impacts (both permanent and temporary) and whether or not Sound Transit believes a *de minimis* finding can be made for significant parks that are impacted are also described. The potential mitigation measures were developed based on preliminary conversations with City staff regarding the types of mitigation that would be acceptable to the City.

Don Billen
September 23, 2008
Page 3

Thank you for the opportunity to provide this preliminary evaluation of potential 4(f) property. Consistent with 23 CFR 774, the City will consider concurrence on those projects found by Sound Transit's to have de minimis impacts prior to publication of the final FEIS for East Link.

Sincerely,



Craig E. Larsen, Director
City of Redmond Parks and Recreation

Copies: Terry Marpert, Principal Planner – City of Redmond
James Irish, Environmental Program Mgr, - Sound Transit-Opus East

Attachment: Table 1 - City of Redmond Parks and Recreation Resources
Table 2 – City of Redmond Parks and Recreational Resources
Summary of Section 4(f) Use

TABLE 1: City of Redmond Park and Recreational Resources

Name of Resource	Description
Luke McRedmond Park	This 2.1 acre Special Use Park provides open space, and access to the Sammamish River Trail and to the Sammamish River. A landing on the east river bank allows kayak and canoe access. Park facilities include a picnic shelter, public art, open space, trails, non-motorized boat launch and parking.
Bear Creek Trail and Greenway	This paved multi-use trail and greenway provides users with recreational and transportation opportunities. The greenway includes enhanced sensitive resources including Bear Creek, a Class I, salmon bearing stream.

TABLE 2: City of Redmond Park and Recreational Resources, Summary of Section 4(f) Use

Name of Resource	Significance Determination	Impact on Resource	Potential Mitigation	Potential 4(f) Findings after Mitigation
Luke McRedmond Park	Significant	Permanent use of up to 0.1 acre for guideway columns. Indirect impacts include noise and visual effects.	One or more of the following measurements would be implemented: <ul style="list-style-type: none">▪ Acquire replacement land, financial compensation, improvements to the park;▪ Replacement of trees removed per City tree ordinance.	4(f) use, mitigated to de minimis level.
Bear Creek Trail and Greenway	Significant	Permanent shading of 20 to 30 feet of trail and lowering the grade of the trail. Detour of trail during construction. Possible impacts to trail use due to installation of guideway columns in the trail right-of-way. Indirect noise and visual impacts.	One or more of the following measurements would be implemented: <ul style="list-style-type: none">▪ Rerouting and restoration of trail and surrounding vegetation during construction;▪ Financial compensation.	4(f) use, mitigated to de minimis level.

City of Bellevue



Post Office Box 90012 • Bellevue, Washington • 98009-9012

October 21, 2008

Don Billen
Project Manager
Sound Transit
410 Jackson Street
Seattle, WA 98104-2826

Dear Mr. Billen:

Sound Transit has requested preliminary views of the City of Bellevue regarding potential impacts of the proposed East Link Light Rail route alternatives to park resources within Bellevue. This request is made as part of the coordination phase required of Sound Transit for their compliance with Section 4(f) of the Department of Transportation Act of 1966, as amended. This act and its amendments prohibits the use of land of significant publicly owned public parks, recreation areas, wildlife and waterfowl refuges and land of a historic site for transportation projects unless certain conditions and mitigation measures are met. The procedures for conducting this review and establishing mitigation measures, if any, are codified at Title 23 of the Code of Federal Regulations (CFR), Part 774.

The enclosed report documents publicly owned park and recreation areas within the city of Bellevue that may be impacted by any of the route alternatives considered in the Draft Environmental Impact Statement (DEIS). The report provides a determination on the significance of each park resource. Also included are preliminary views on the potential impacts and conceivable mitigation measures that may apply to each park.

Certain considerations apply to all potentially impacted park resources. These are:

- The range of impacts in the report are derived from the DEIS and have not been verified by the City of Bellevue. If conditions change after the date of this letter, reevaluation of impacts and mitigation required to meet regulatory standards will be necessary.
- To the greatest extent possible, the measures proposed under the preliminary scope of mitigation are limited to those measures specifically listed in the federal regulations at 23 CFR 774.17, under the definition of *All Possible Planning*.
- Expected costs attributable to acquisition, tenancy or easements necessary for permanent and temporary use of park resources are not listed in this report as they are considered by the City to be a given transaction cost for the project. The Section 4(f) regulations provide for additional measures to mitigate adverse impacts created by the use of properties protected under the statute.
- Section 4(f) is one of many regulations to which Sound Transit must adhere during the development of this project. This report does not limit or preclude additional mitigation measures to parks that are required by other local, state or federal government regulations.

Thank you for the opportunity to provide this information. Following the process required at 23 CFR 774, the City will consider concurrence on those projects found by Sound Transit to have a de minimus impact on park resources prior to publication of the Final EIS for East Link.

Sincerely,

Patrick Foran
Parks & Community Services Director

Goran G. Spaffman, P.E.
Transportation Director

SEGMENT B**Enatai Beach Park**

This park provides Lake Washington beach access at its location partially under the I-90 Bridge. Available canoe and kayak rentals and a launch allow for paddling into Lake Washington or the Mercer Slough Nature Park. The 2003 Parks & Open Space Plan includes a long-term goal to expand the park to the east in order to increase public access to the lake front. Increased public lake access is a significant City goal considering that only 10% of the 14 miles of shorelines along Lake Washington and Lake Sammamish within the city of Bellevue are publicly-owned.

Significance as per 4(f) definitions	Significant	Type of use as per 4(f) definitions	Not Applicable
Range of impact	None anticipated at this time.		
Discussion	Based on the design information presented as of the date of this report, the addition of light rail to the existing I-90 super-structure over the park would not significantly change current conditions at the site. Should the design change in the future to create potential impacts, the 4(f) use determination should be re-evaluated.		
Preliminary Scope of Mitigation	Not Applicable		
Preliminary Finding in view of mitigation	No 4(f) use		

Mercer Slough Nature Park

Mercer Slough Nature Park is the largest of Lake Washington's remaining fresh water wetlands. This property includes 320 acres of wildlife habitat, historically significant and protected structures and heritage agricultural operations. Ecology-based educational programs are offered serving over 12,000 students a year in partnership with Pacific Science Center. The park contains over seven miles of foot trails as well as a canoe trail through the slough and a public access non-motorized public boat launch serving the slough and Lake Washington.

Significance as per 4(f) definitions	Significant	Use of the park as per 4(f) definitions	Permanent & Temporary
Range of impact	Permanent use of up to approximately 2 acres and temporary use of up to approximately 2 acres during construction.		
Discussion	The route alternatives using SE 112 th Avenue appear to provide sufficient avoidance of Winter's House as a historic landmark. Certain trail segments and a limited number of parking spaces may be within the construction zone and/or permanent footprint of the route. Access to park entrances along 112 th should be maintained. For the route alternative using the Port of Seattle/BNSF right-of-way, trail continuity should be maintained and pedestrian and vehicular access to the eastern side of the park, including the Mercer Slough Environmental Education Center, should also be preserved.		
Preliminary Scope of Mitigation	Replacement of permanent use impacts with land of comparable value and function within Mercer Slough where possible, and as applicable, relocation or enhancement of impacted or displaced recreational features of the park - independent of what may be required under 6(f) of the Land and Water Conservation Fund Act. For temporary use impacts, restoration and potential enhancement of disturbed areas.		
Preliminary Finding in view of mitigation	4(f) use, mitigated to a de minimus level		

Mountains to Sound Greenway Trail / Lake to Lake Trail

The Mountains to Sound Greenway Trail is a statewide resource providing a non-motorized recreation facility linking western and central Washington, generally following the I-90 interstate. The Lake to Lake Trail provides a pedestrian trail corridor linking Lake Washington to Lake Sammamish within the city of Bellevue. Maintaining, enhancing and expanding these two trail systems are top priorities within the City's Parks & Open Space Plan and Pedestrian-Bike Plan.

Significance as per 4(f) definitions	Significant	Type of use as per 4(f) definitions	Constructive
Range of impact	The route alternatives along the I-90 corridor parallel and in some areas make elevated crossings of existing trails designated to provide both recreational and transportation uses.		
Discussion	Federal regulations at 24 CFR 774.13 list various exceptions to the 4(f) requirements. One exception, at §774.13(f)(3) includes trails within a transportation right-of-way. Under this exception, mitigation benefits are not required as long as trail continuity is maintained.		
Preliminary Scope of Mitigation	Not applicable, as long as trail continuity maintained.		
Preliminary Finding in view of mitigation	No 4(f) use, under exception		

Bellevue Way Greenbelt

This 0.4 acre parcel serves as a green open space buffer between an apartment complex and the five lane Bellevue Way SE. No development of recreational amenities or enhancement to this parcel is anticipated in the Parks & Open Space Plan or Capital Investment Program.

Significance as per 4(f) definitions	Not Significant	Type of use as per 4(f) definitions	Permanent
Range of impact	Permanent use of approximately 0.4 acres requiring full acquisition.		
Discussion	Alternative B1 would require complete acquisition of this parcel to accommodate at-grade rail within the Bellevue Way SE right-of-way.		
Preliminary Scope of Mitigation	Not Applicable		
Preliminary Finding in view of mitigation	No 4(f) use		

SEGMENT C**Surrey Downs Community Park**

This 11.5 acre park was transferred from King County to the City of Bellevue in 2005. The former elementary school site currently provides two small baseball fields, a pedestrian trail and offices for the King County District Court and City of Bellevue Probation Division. A recent master planning process for the park suggests development of new pedestrian trails, a large open area, improved athletic fields, picnic facilities and the possibility of a community facility of some type. The City Council is expected to consider adoption of the master plan in late 2008 or early 2009.

Significance as per 4(f) definitions	Significant	Type of use as per 4(f) definitions	Permanent & Temporary
Range of impact	Permanent use of up to approximately 0.4 acres and/or temporary use of approximately 6 acres for 4 to 5 years during construction.		
Discussion	For permanent use scenarios, a portion of the eastern edge of the park resource may be required to accommodate widening of 112 th Avenue NE. For temporary use scenarios, approximately half of the park would be used for construction staging for certain route alternatives that involve tunneling under downtown Bellevue. The 4(f) regulations, at 23 CFR 774.13(d), allow for short term temporary use of park resources as long as the park is returned to pre-existing conditions. However, the proposed impacts in this case exceed a short term use and additional measures to mitigate the impact are expected. If the use delays the City's ability to implement the master plan redevelopment of the park, mitigation may need to account for increased costs that are attributable to delay. If the park is redeveloped before the temporary use of the site is initiated, restoration and/or enhancement of improvements may be necessary.		
Preliminary Scope of Mitigation	For permanent use, monetary compensation or replacement land of comparable value and function. For temporary use, restoration and/or enhancement in accordance with the Surrey Downs Park Master Plan to a level to be determined in consultation with Sound Transit at a later date when status of park development and extent of temporary use impacts are better known.		
Preliminary Finding in view of mitigation	4(f) use, mitigated to a de minimus level		

NE 2nd Street Pocket Park

This park currently provides 0.6 acres of open space in the redeveloping southeast quadrant of downtown Bellevue. The park is situated to take advantage of the smaller, pedestrian-scaled blocks created by NE 2nd Place and NE 3rd Street. These short blocks provide a notable urban design juxtaposition to the predominant superblock grid design of Downtown. This area is called out as an opportunity in the Downtown Implementation Plan Update, with a goal of expanding the park considerably with the proposed development of the NE 2nd Street Park Row. Additionally, the City of Bellevue Parks & Open Space Plan includes policy direction to develop small neighborhood parks in the southeast quadrant of the Downtown Subarea.

Significance as per 4(f) definitions	Significant	Type of use as per 4(f) definitions	Permanent
Range of impact	For the at-grade alternative (C4A), permanent use of approximately 0.04 acres of the existing pocket park. For the elevated alternative (C8E), shading and visual quality proximity impacts of approximately 0.06 acres.		
Discussion	The type and scope of use differs based upon the route alternative considered. The at-grade alternative results in permanent use of a portion of the park. The elevated route alternative does not directly use park property, however does impact the park due to its proximity overhead resulting in decreased visual quality and shading.		
Preliminary Scope of Mitigation	For the at-grade alternative, monetary compensation to enhance the remaining property. For the elevated alternative, impacts to the park caused by proximity and shading are mitigated under the Visual and Aesthetic Resources section of the Draft EIS (Section 4.5.4.1 <i>Mitigation for Operational Impacts</i>). These impacts and mitigation measures may need to be revisited if the City further develops the NE 2 nd Street Park Row before the use begins.		
Preliminary Finding in view of mitigation	4(f) use, mitigated to a de minimus level		

McCormick Park

This park serves multiple purposes for the city. First, within 2.7 acres, it provides a half-mile of trail including benches and other seating areas to serve as green space for the growing number of multi-family apartment and condominium residents within the Ashwood district of downtown. Second, the park complements NE 12th Street's designation as a Boulevard, which is defined in the Bellevue Comprehensive Plan as streets designed to be distinctive from other streets and to reinforce the image of Bellevue as a "city in a park" (UD-42). Third, the park meets linear buffer requirements of the Bellevue Land Use Code (BCC 20.25A.090), facilitating the transition from high density uses downtown to the low density neighborhood to the north.

Significance as per 4(f) definitions	Significant	Type of use as per 4(f) definitions	Permanent
Range of impact	Depending on the alternative, permanent use of up to approximately 1 acre of existing park land and temporary use of up to approximately 2 acres of public park and adjacent private land.		
Discussion	The level of potential permanent use and disturbance to this park by the various route alternatives requires an analysis of avoidance alternatives and all possible planning to minimize harm to the resource. Based upon the proposed adjacent land purchases necessary for use as construction staging areas, it may be possible to maintain the site's service as a buffer between downtown and the neighborhood. However, the permanent presence of the rail facility will significantly change the character of the site and under some alternatives diminish the site's accessibility for users coming from Downtown. Under these conditions, the site may cease to function as a park resource. Therefore replacement of the park resource may be warranted.		
Preliminary Scope of Mitigation	Landscaping of acquired adjacent construction staging areas to restore the linear buffer aspect of the site after construction, as agreed to with the City and depending upon the route alternative selected a potential need for other replacement park land.		
Preliminary Finding in view of mitigation	4(f) use requiring alternative evaluation and mitigation to replace use		

SEGMENT D

As of the date of this report, there appear to be no significant impacts to existing public park and recreation areas within Segment D.