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| Federal Aid Project Number: <u>STPUL-9999(846)</u> | NEPA Start Date: <u>06/30/20</u> | Intent of Submittal: <input type="checkbox"/> Preliminary <input checked="" type="checkbox"/> Final <input type="checkbox"/> Re-Evaluate |
| Agency: <u>SDOT</u> | Project Title: <u>E Marginal Way Heavy Haul Corridor Improvements</u> | |
| County: <u>King</u> | | |
| Beginning terminus: <u>S Atlantic St</u> Ending terminus: <u>S Alaska St</u> Miles: <u>2.120 miles</u> | Township(s): <u>24N</u> Range(s): <u>4E</u> Section(s): <u>7 and 18</u> | |

Part 1 - Project Description (Attach Vicinity Map)

This phased project reconstructs East Marginal Way between a point just south of South Massachusetts Street and Duwamish Ave S, constructs a separated bicycle/pedestrian facility between South Atlantic and South Spokane Streets, and continues non-motorized improvements south to Diagonal Avenue South. Scope includes utility replacement, new and upgraded traffic signals, ITS improvements, and spot repaving outside of the reconstruction area.

Phase 1 includes a two-way protected bike lane between S Atlantic St and S Spokane St, reconstructed intersections at S Hanford St and S Horton St, and a signalized crossing at S Horton St for people biking to or from West Seattle.

Phase 2 of the East Marginal Way Corridor Improvement Project will reconstruct the roadway to Heavy Haul standards from a point south of S Massachusetts St to S Spokane St. As part of reconstruction, the west curb and sidewalk will be rebuilt, with impacts to utilities and landscaping. Seattle Public Utilities expects to replace a water main as part of this phase of the project. A small right-of-way acquisition is required as part of Phase 2 so that the new sidewalk can be constructed fully within the public right-of-way.

Part 2 – Categorical Exclusion & STIP

- Identify one CE from 23 CFR 771.117 (CE Guidebook - Appen A) that fits the entire project: This project falls under NEPA Categorical Exclusion #22 because the project is fully contained within the existing operational right-of-way.
- Per 23 CFR Part 452(l) identify the subsequent project phase identified on the STIP? ROW Construction
- Attach a copy of the STIP page to the CE documentation form.

c(26)-Modernization-MV

NEPA Approval Signatures

Erich Ellis
Erich Ellis (May 27, 2021 15:29 PDT)

5/27/21

Local Agency Approving Authority

Date

Local Programs Environmental Engineer

Date



Digitally signed by Mehrdad Moini, PE
Date: 2021.05.27 16:32:30 -07'00'

CE per PA

5/28/21

Regional Local Programs Engineer

Date

Federal Highway Administration

Date

| | | |
|---|---|---|
| Completed by (Print Official's Name): <u>Laurel Kanawyer</u> | Telephone (include area code): <u>206-256-5464</u> | E-mail address: <u>Laurel.Kanawyer@seattle.gov</u> |
|---|---|---|

Part 3 - Permits, Approvals & Right of Way (ROW)

| Yes | No | Permit or Approval | Yes | No | Permit or Approval |
|-------------------------------------|-------------------------------------|---|-------------------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Corps of Engineers <input type="checkbox"/> Sec. 10 <input type="checkbox"/> Sec. 404 <input type="checkbox"/> Nationwide Type _____ <input type="checkbox"/> Individual Permit No. _____ | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Water Quality Certification – Section 401 Issued by _____ |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Coastal Zone Management Certification | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Tribal Permit(s) (if any) _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Critical Areas Ordinance (CAO) Permit | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Other Permits (List) _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Forest Practices Act Permit | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Is permanent ROW acquisition needed? If yes, amount needed: <u>21,947</u> (sq. ft.). |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Hydraulic Project Approval | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Is any temporary ROW needed? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Local Building or Site Development Permits | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Is relocation required? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Local Clearing and Grading Permit | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Has ROW (property and/or property interests) been acquired <u>for this project</u> prior to the NEPA start date? If yes, documentation demonstrating compliance with 23 CFR 710.501 may be required. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | National Pollutant Discharge Elimination System (NPDES) Baseline General for Construction | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Is a detour required? If yes, please attach detour information. <u>A tentative detour plan drafted at 90% design stage is attached. The final detour plan will be determined by the contractor with approval from SDOT.</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Shoreline Permit | | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | State Waste Discharge Permit | | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | TESC Plans Completed (to be completed by contractor) | | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Water Rights Permit | | | |

U.S. Coast Guard Permitting

- a. Does the project propose any new or modify **any** existing bridges or culverts crossing a waterway? Yes No
- b. If Yes, attach a copy of the jurisdictional determination email or letter from the U.S. Coast Guard.

Other Federal Agencies - Does the project involve any federal properties, approvals or funding from other/additional federal agencies? Yes No If Yes, please describe.

The project is expected to require agreements with Union Pacific Railroad and BNSF Railroad. SDOT has retained FHWA funding.

Part 4 - Environmental Considerations

Will the project involve work in or affect any of the following? Identify proposed mitigation. Attach additional pages or supplemental information if necessary.

1. Air Quality - Identify any anticipated air quality issues.

- Is the project exempt from Air Quality conformity requirements? Yes No
- a. If Yes, identify exemption – please refer to Appendix G in the CE Guidebook for a list of exemptions.
- b. Is the project included in the Metropolitan Transportation Plan? Yes No
If Yes, date Metropolitan Transportation Plan was adopted: Portions of the project are included in the SODO Area ITS, project ID 5635, adopted in May 2018 and updated January 2020.
- c. Is the project located in an Air Quality Non-Attainment Area or Maintenance Area for carbon monoxide, ozone or PM 10 or PM 2.5? Yes No

2. Critical and Sensitive Areas

- a. Is this project within a sole source aquifer Yes No
If located within a sole source aquifer, is the project exempt from EPA approval?
If Yes, please list exemption: N/A
If No, date of EPA approval: N/A
- b. Will this project impact Species/Habitat other than ESA listed species? Yes No Explain your answer.

Project will occur next to WDFW designated Estuarine Zone aquatic habitat. No over-water or in-water work is proposed as part of the project. Best Management Practices will be implemented to prevent any material or wastewater from entering the water.

- c. Is this project within one mile of a Bald Eagle nesting territory, winter concentration area or communal roost?
 Yes No If Yes, the local agency must go to the US Fish & Website (<http://www.fws.gov/pacific/eagle/>) and work through the *Do I Need a Permit?* section.
- d. Are wetlands present within the project area? Yes No If Yes, estimate the impact in acres: _____
Please attach a copy of the proposed mitigation plan.

3. Cultural Resources/Historic Structures – Identify any historic, archaeological or cultural resources present within the project’s Area of Potential Effects.

Does the project fit into any of the exempt types of projects listed in Appendix J of the CE Guidebook?

Yes No If Yes, note exemptions below.

If No: Date of DAHP concurrence: 03/22/2021

Date of Tribal consultation(s) (if applicable): Tribes notified by WSDOT in March 2021

Adverse effects on cultural/historic resources? Yes No

If Yes, date of approved Section 106 MOA: _____

4. Floodplains and Floodways

- a. Is the project located in a 100-year floodplain? Yes No
- b. If Yes, is the project located within a 100-year floodway? Yes No
- c. Will the project impact a 100-year floodplain? Yes No If Yes, describe impacts.

5. Hazardous and Problem Waste – Identify potential sources and type(s).

- a. Does the project require excavation below the existing ground surface? Yes No
- b. Will groundwater be encountered? Yes No
- c. Will any properties be acquired as part of this project? Yes No
- d. Is this site located in an undeveloped area (i.e. no buildings, parking, storage areas or agriculture)? Yes No
- e. Is the project located within a one-mile radius of a known Superfund Site? Yes No
- f. Is this project located within a ½-mile radius of a site or sites listed on any of the following Department of Ecology databases? Yes No If Yes, check the appropriate boxes below.

Voluntary Cleanup Program (VCP), State Cleanup Site (SCS), or Independent Cleanup Program (ICP)

Underground Storage Tank (UST)

Leaking Underground Storage Tank (LUST)

Confirmed and Suspected Contaminated Sites List (CSCSL)

- g. Has site reconnaissance (windshield survey) been performed? Yes No (Please identify any properties not identified in the Ecology or ERS database search as an attachment – name, address and property use).
- h. Based on the information above and project specific activities, is there a potential for the project to generate, acquire or encounter contaminated soils, groundwater or surface water? Yes No

Please explain: *The Hazardous Materials Report indicates there are ten contaminated sites considered to be “moderate impact properties” with “a reasonable potential for contaminants to migrate to and impact the Project Area, but there is no conclusive evidence.” The Hazardous Materials report also indicates that there are three properties which are considered “high impact” and are “anticipated to pose a risk of contamination being encountered in the Project Area during construction.” To mitigate these risks, the HazMat Report recommends measures including performing due diligence for any property purchases, developing and implementing a protocol for field screening soils and groundwater, and completing sampling and laboratory analysis on any suspected contaminated material. SDOT should provide guidance to the contractor on appropriate testing, handling, and disposal of any contaminated soil or water encountered during construction. Please see attached memorandum for additional details.*

SDOT has developed specifications to provide direction to contractors based on the recommendations in the HazMat Report. SDOT’s specifications will notify contractors of the properties within or adjacent to the project with a higher potential for contaminated soil. The specifications will also require contractors to perform field screening as well as sampling and testing of excavated soil from the project area, and will direct contractors to information on safe handling and sampling of potentially contaminated soils.

If you responded **Yes** to any of these questions above (5A – 5F or 5H), contact your Region LPE for assistance as a “Right-Sized” HazMat Analysis Report/Memorandum most likely will be required.

Part 4 - Environmental Considerations (continued)

6. Noise

- a. Does the project involve constructing a new roadway? Yes No
- b. Is there a change in the vertical or horizontal alignment of the existing roadway? Yes No
- c. Does the project increase the number of through traffic lanes on an existing roadway? Yes No
- d. Is there a change in the topography? Yes No
- e. Are there auxiliary lanes extending 1-½ miles or longer being constructed as part of this project?
 Yes No
- f. If you answered Yes to any of the preceding questions, identify and describe any potential noise receptors within the project area and subsequent impacts to those noise receptors. Please attach a copy of the noise analysis if required.

N/A

If impacts are identified, describe proposed mitigation measures.

N/A

7. 4(f)/6(f) Resources: parks, recreation areas, wildlife refuges, historic properties, wild & scenic rivers, scenic byways

- a. Please identify any 4(f) properties within the project limits and the areas of impacts.
There are no 4(f) properties within the project limits or areas of impact.
- b. Please identify any properties within the project limits that used funds from the Land & Water Conservation Fund Act.
There are no properties within the project limits that used funds from the Land & Water Conservation Fund Act.
- c. Please list any Wild and Scenic Rivers and Scenic Byways within the project limits.
There are no Wild and Scenic Rivers or Scenic Byways within the project limits.

8. Agricultural Lands –

- a. Are there agricultural lands within 300 feet of the project limits? Yes No If Yes, describe impacts:
- b. Are impacted lands considered to be unique and prime farmland? Yes No
If Yes, date of project review by Natural Resource Conservation Service (NRCS):

9. Rivers, Streams (continuous or intermittent) or Tidal Waters

- a. Identify all waterbodies within 300 feet of the project limits or that will otherwise be impacted.
The Duwamish Waterway
- b. Identify stream crossing structures by type.
The proposed project does not cross any streams.

Part 4 - Environmental Considerations (continued)

10. Tribal Lands – Identify whether the project will occur within any Tribal lands, including reservation, trust and fee lands. Please do not list usual and accustomed area. The project will not occur on any Tribal lands.

11. Water Quality/Stormwater

a. Will this project’s proposed stormwater treatment facility be consistent with the guidelines provided by either WSDOT’s HRM, DOE’s stormwater management manual for eastern/western Washington or a local agency equivalent manual? Yes No

If No, explain proposed water quality/quantity treatment for the new and any existing impervious surface associated with the proposed project.

b. Amount of existing impervious surface within the project limits: Approximately 820,000 square feet

c. Net new impervious surface to be created as a result of this project: Across all sections, the project is expected to result in 107,000 square feet of net new non-pollution generating hard surface (NPGHS) and a net decrease in 34,430 square feet of pollution generating hard surface (PGHS).

12. Previous Environmental Commitments

Describe previous environmental commitments that may affect or be affected by the project – if any. There are no previous environmental commitments that may affect or be affected by the project.

13. Environmental Justice - Does the project meet any of the exemptions noted in Appendix L of the CE Documentation Guidebook? Yes No

If Yes, please note the exemption and appropriate justification in the space below.

If No, are minority or low-income populations located within the limits of the project’s potential impacts?

Yes No If No, attach appropriate data to support findings. If Yes, describe impacts and attach appropriate supporting documentation. Findings should be confirmed using at least two information sources. Please refer to the CE Guidebook for more information.

An Environmental Justice Matrix and Memo have been prepared and are attached here.

Part 5 - Biological Assessments and EFH Evaluations

1. Do any listed species potentially occur in the project’s action area and/or is any designated critical habitat present within the project’s action area? Yes No Attach species listings.

| Affected ESA Listed Species | 2. Will any construction work occur within 0.25 mile of any of the following? | 3. Does the project involve blasting, pile driving, concrete sawing, rock-drilling or rock-scaling activity within one mile of any of the following? |
|---|---|--|
| Oregon Spotted Frog proposed critical habitat or suitable habitat? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Yellow-billed Cuckoo suitable habitat? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Spotted Owl management areas, designated critical habitat or suitable habitat? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Marbled Murrelet nest or occupied stand, designated critical habitat or suitable habitat? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Western Snowy Plover designated critical habitat? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Is the project within 0.25 mile of marine waters? If Yes explain potential effects on | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

| | | |
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| Killer Whales and on Marbled Murrelet foraging areas. | | |
| Killer Whale designated critical habitat? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Grizzly Bear suitable habitat? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Gray Wolf suitable habitat? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Canada Lynx habitat? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Columbia White-tailed Deer suitable habitat? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Woodland Caribou habitat? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Streaked Horned Lark designated critical habitat or suitable habitat? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Taylor's Checkerspot designated critical habitat or suitable habitat? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Mazama Pocket Gopher designated critical habitat or suitable habitat? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Eulachon designated critical habitat or suitable habitat? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Rockfish proposed critical habitat or suitable habitat? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| A mature coniferous or mixed forest stand? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 4. Will the project involve any in-water work? | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 5. Will any construction work occur within 300 feet of any perennial or intermittent waterbody that either supports or drains to waterbody supporting listed fish? | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 6. Will any construction work occur within 300 feet of any wetland, pond or lake that is connected to any permanent or intermittent waterbody? | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 7. Does the action have the potential to directly or indirectly impact designated critical habitat for salmonids (including adjacent riparian zones)? | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 8. Will the project discharge treated or untreated stormwater runoff or utilize water from a waterbody that supports or drains into a listed-fish supporting waterbody? | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 9. Will construction occur outside the existing pavement? If Yes go to 9a. | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 9a. Will construction activities occurring outside the existing pavement involve clearing, grading, filling or modification of vegetation or tree-cutting? | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 10. Are there any Federally listed Threatened or Endangered plant species located within the project limits? If Yes, please attach a list of these plant species within the action area. | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 11. Does a mature coniferous or mixed forest stand occur within 200' of the project site? | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| <p>Analysis for No Effects Determination – If there are any Yes answers to questions in Part 5, additional analysis is required. Attach additional sheets if needed.</p> <p><i>Stormwater from the project outfalls to the Duwamish Waterway and Elliott Bay, which support ESA-listed chinook salmon and bull trout and contain designated critical habitat. The project does not propose changes to existing drainage patterns or discharge points, and impacts to the existing outfalls are not anticipated. The project will include some landscaping adjacent to the existing roadway in some locations; this activity would not affect ESA-listed species. During construction, the contractor will implement appropriate Best Management Practices (BMPs) including use of catch basin inserts, street sweeping, and perimeter sediment control. Additionally, minimum requirements will be applied consistent with Director's Rules, direction from SPU, and the Seattle Municipal Code; these requirements will include use of soil amendment, on-site stormwater management, flow control, and water quality treatment as determined in the Stormwater Tech Report.</i></p> | | |

Analysis for RRMP ESA 4(d) determination for NMFS – A local agency must be certified by the Regional Road Maintenance Forum to utilize 4(d).

Maintenance Category (check all that apply)

- | | | |
|--|---|---|
| <input type="checkbox"/> 1. Roadway Surface | <input type="checkbox"/> 6 Stream Crossings | <input type="checkbox"/> 11. Emergency Slide/Washout Repair |
| <input type="checkbox"/> 2. Enclosed Drainage Systems | <input type="checkbox"/> 7. Gravel Shoulders | <input type="checkbox"/> 12. Concrete |
| <input type="checkbox"/> 3. Cleaning Enclosed Drainage Systems | <input type="checkbox"/> 8. Street Surface Cleaning | <input type="checkbox"/> 13. Sewer Systems |
| <input type="checkbox"/> 4. Open Drainage Systems | <input type="checkbox"/> 9. Bridge Maintenance | <input type="checkbox"/> 14. Water Systems |
| <input type="checkbox"/> 5. Watercourses and Streams | <input type="checkbox"/> 10. Snow and Ice Control | <input type="checkbox"/> 15. Vegetation |

Describe how the project fits in the RRMP 4(d) Program:

N/A: SDOT is not part of the RRMP.

Effect Determinations for ESA and EFH

If each of the questions in the preceding section resulted in a “No” response or if any of the questions were checked “Yes,” but adequate justification can be provided to support a “no effect” determination, then check “No Effect” below. If this checklist cannot be used for Section 7 compliance (i.e., adequate justification cannot be provided or a “may effect” determination is anticipated), a separate biological assessment document is required.

- | | NMFS | USFWS | EFH Determination |
|--|---------------------|---------------------|--|
| <input checked="" type="checkbox"/> No Effect | <u>5/28/21 - MV</u> | <u>5/28/21 - MV</u> | <input checked="" type="checkbox"/> No Adverse Effect |
| <input type="checkbox"/> NLTAA - Date of Concurrence _____ | | | <input type="checkbox"/> Adverse Effect – Date of NMFS concurrence _____ |
| <input type="checkbox"/> LTAA – Date BO Issued _____ | | | <input type="checkbox"/> Not Applicable |
| <input type="checkbox"/> RRMP 4(d) _____ | | | |

Part 6 - FHWA Comments