

I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (MP 0.0 to 11.9)

Attachment I: Recreational, Section 4(f), and Section 6(f) Resources Technical Memorandum





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SUMMARY

What is the purpose of this technical memorandum?

This Recreational, Section 4(f), and Section 6(f) Technical Memorandum was prepared in support of the National Environmental Policy Act (NEPA) *I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project* (MP 0.0 to 11.9) *Environmental Assessment* (EA). It identifies and evaluates project effects on recreational resources including Section 4(f) protected resources and Section 6(f) resources.

Section 4(f) of the Department of Transportation Act (USDOT) of 1966 (49 United States Code [USC] 303) prohibits the Federal Highway Administration (FHWA) from approving a transportation project that uses land from a significant public park, recreation area, wildlife or waterfowl refuge, or land of a historic site of national, state, or local significance, unless there is no feasible and prudent alternative, and the Project includes all possible planning to minimize harm to the property.

The term *use*, as it relates to Section 4(f), denotes an adverse impact on, or occupancy of, a Section 4(f) property. There are three conditions under which use occurs:

- **Permanent incorporation** – when a Section 4(f) property is acquired outright for a transportation project.
- **Temporary occupancy** – when there is temporary use of property that maybe considered adverse in terms of Section 4(f)'s preservationist purpose.
- **Constructive use** – when the proximity impacts of a transportation project on a Section 4(f) property, even without acquisition of the property, are so great that the activities, features, and attributes of the property are substantially impaired.

Section 6(f) is a component of the Land and Water Conservation Fund (LWCF) Act of 1965, and protects recreational properties that have been acquired or developed with LWCF Act funds that could be affected by transportation and other projects. Once land has been purchased or developed, partially or entirely, with LWCF assistance, it is considered a Section 6(f) property, and no Section 6(f)

property can be wholly or partly converted to a use other than public outdoor recreation uses without the approval of the Washington State Recreation and Conservation Office (RCO). If a Section 6(f) property must be used to meet the purpose and need of a project and there is no feasible and prudent avoidance alternative, the RCO can approve a conversion of the use of a Section 6(f) property and replacement property of equal fair market value and usefulness.

What is the study approach?

Recreational resources, including those that qualify as a Section 4(f) resource or a Section 6(f) property, were identified within 0.25 mile of the proposed Project improvements. Potential effects on these resources were evaluated by reviewing preliminary design drawings and reviewing conclusions from other environmental investigations, including property acquisitions, transportation, noise, and visual and aesthetic resources.

What are existing conditions?

A total of 28 resources were identified in the study area; 26 of these resources meet the criteria for a Section 4(f) resource and five meet the criteria for a Section 6(f) resource.

How would the Project affect recreational and Section 4(f) resources?

The Project would result in the use of a Section 4(f) property by permanently incorporating a portion of the May Creek Greenway—specifically the Fawcett property—into the transportation facility. This effect, however, meets the requirements of a *de minimis* finding under Section 4(f). In addition, a portion of the Meadow property would be required for a temporary construction easement, thus resulting in a temporary occupancy determination under Section 4(f).

Some of the Lake Washington Trail is located within Washington State Department of Transportation (WSDOT) right of way would need to be relocated between Interstate 405 (I-405) milepost (MP) 7.7 and 10.2. To replace the trail segments, WSDOT would construct a portion of the Eastside Rail Corridor Regional Trail that is adjacent to and west of the I-405 right of way. The WSDOT-constructed segment of this trail would begin at the north end of the trail crossing of

Ripley Lane N and continue to the north end of the trail crossing over Lake Washington Boulevard SE west of the I-405/Coal Creek Parkway interchange. WSDOT would provide trail connections from the Eastside Rail Corridor Regional Trail to Ripley Lane N at the south end and to both the north and south sidewalks of Coal Creek Parkway at the north end. Completion and opening of the realigned trail sections would be phased so that there would be no trail closures and trail continuity would not be interrupted. Because the affected Lake Washington Trail segments are located within WSDOT right of way and are primarily for transportation use, they are not considered Section 4(f) resources.

The Eastside Rail Corridor where the relocated trail would be located is eligible for listing on the National Register of Historic Places (NRHP) and is, therefore, considered a Section 4(f) resource. The Project would not permanently or temporarily require land from the Eastside Rail Corridor, nor would the proximity effects result in substantial impairment to the resource's activities, features, or attributes that qualify the property for protection under Section 4(f). Per FHWA guidance, a Section 4(f) *de minimis* finding was made because the State Historic Preservation Officer (SHPO) concurred that there was no adverse effect on historic resources.

WSDOT would not acquire any land from the Ron Regis Park for stream buffer enhancements. The proposed enhancements would be consistent with the natural features of the Cedar River within this area of Ron Regis Park and would not be subject to the Section 6(f) conversion process. In addition, because the enhancements are consistent with the use in this section of Ron Regis Park, they qualify as a Section 4(f) exception under 23 Code of Federal Regulations (CFR) 774.13 (g).

There may also be temporary traffic delays for recreational resources during construction, but none of these effects were determined to be a constructive use under Section 4(f). Temporary traffic delays may occur during construction at Cedar River Park, Gene Coulon Memorial Beach Park, and Newcastle Beach Park. Access to these parks would be maintained during construction, with flaggers on site to direct traffic.

Construction would also affect a portion of the Cedar River Trail within WSDOT right of way. Trail use would be provided during construction. At times, trail users may be detoured to a temporary trail that would be located near the existing trail within WSDOT's right of way or flaggers may manage trail traffic and trail users may experience minor delays. In addition, approximately 150 to 200 feet of the Cedar River Trail on the south side of the Cedar River would be permanently realigned within WSDOT's right of way to make room for a new bridge pier. The affected areas are all located within WSDOT right of way and would be fully restored following construction. The effects on the Cedar River Trail would meet the Section 4(f) exception found in 23 CFR 224.13 (f)(3) because construction would affect only a portion of the Cedar River Trail contained within WSDOT right of way, and the continuity of the trail would be maintained

How would the Project affect Section 6(f) resources?

The Project would not convert any land from properties that were acquired or developed with LWCF grant assistance.

What measures will be used to avoid or minimize construction effects?

- WSDOT will coordinate construction activities as needed with the City of Renton at Cedar River Park, Ron Regis Park, Cedar River Trail, Gene Coulon Memorial Beach Park, and May Creek Greenway. At Newcastle Beach Park, WSDOT will coordinate construction activities with the City of Bellevue.
- Use of the Cedar River Trail will be provided during construction. At times, trail users may be detoured to a temporary trail that would be located near the existing trail within WSDOT right of way. Flaggers may be used as necessary to manage trail detours.

What measures will be used to avoid or minimize operational effects?

To mitigate for the unavoidable use of the Fawcett property and temporary occupancy of the Meadow property, WSDOT and the City of Renton have entered into an interlocal agreement. The purpose of this agreement is to set the terms

by which WSDOT will pay for the design, permitting, and construction of a segment of the May Creek Trail. Please see Appendix B and the respective commitments of WSDOT summarized below.

Fawcett Property

- WSDOT will reimburse King County for the grant money used by the City of Renton to purchase the portion of the property affected by the Project, contingent upon King County's approval.
- WSDOT will reimburse the City of Renton for all costs associated with designing, permitting (including environmental review), constructing, and observing the construction of an 8-foot-wide soft surface trail and accessory components, and associated mitigation connecting from the existing soft surface May Creek Trail on the west side of I-405 easterly underneath I-405 to Jones Avenue NE (the trail segment).
- WSDOT will secure a trail lease for the City of Renton within WSDOT right of way for the trail segment.
- WSDOT will incorporate the design of the trail segment into the Project.

Meadow Property

- WSDOT will restore the property to original or better condition prior to Project completion, including relocating and restoring any disturbed utilities. WSDOT acknowledges and agrees that mitigation for temporary effects will be evaluated through the shoreline and critical areas permit(s) and will likely address plant establishment and mitigation for tree effects. Mitigation will be at WSDOT's cost.
- With the City of Renton's assistance and cooperation, WSDOT shall design, permit, relocate, and connect existing underground utilities serving the prior property owner in order to maintain existing or better service, with all work incurred and costs paid for by WSDOT.

SECTION 1 INTRODUCTION

This report was prepared in support of the *I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project* (MP 0.0 to 11.9) (the Project) *Environmental Assessment* (EA). The Project proposes to make several roadway, structural, drainage, and transit improvements to the Interstate 405 (I-405) corridor.

The Project is part of a comprehensive strategy identified in the 2002 *I-405 Corridor Program Final Environmental Impact Statement* (EIS) and subsequent *Record of Decision* (ROD) to reduce traffic congestion and improve mobility along the state's second-busiest highway. The Project is needed because travelers on I-405 face one of the most congested routes in the state, particularly during peak travel times.

SECTION 2 PROJECT DESCRIPTION

What improvements are proposed with the Project?

Exhibit 2-1 describes in detail the improvements proposed with the Project. Exhibit 2-2, sheets 1 through 8, show the proposed improvements on a series of maps. In general, the Project proposes to add one lane to I-405 in each direction for about 9 miles beginning on I-405 near SR 167 and continuing approximately 1 mile north of I-90. The Project would also add a general purpose (GP) (auxiliary) lane to southbound I-405 between MP 6.7 (north of N 30th Street) and 7.1 (south of NE 44th Street) and MP 9.4 (north of 112th Avenue SE) to 10.5 (north of Coal Creek Parkway). The existing high-occupancy vehicle (HOV) lane on I-405 and the additional lane would be operated as a two-lane express toll lane (ETL) system. Additional details describing the ETLs are provided in the next question, "How would the express toll lanes work?"

I-405, TUKWILA TO I-90 VICINITY EXPRESS TOLL LANES PROJECT
RECREATIONAL, SECTION 4(F), AND SECTION 6(F) RESOURCES TECHNICAL MEMORANDUM

Exhibit 2-1. Improvements Proposed with the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project

Project Element	I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project
I-405/I-5 Interchange Exhibit 2-2, Sheet 1	<ul style="list-style-type: none"> – Extend the southbound left lane at the I-5 interchange west for approximately 500 feet to provide additional merge distance.
I-405 Lanes and Shoulders from SR 167 to north of I-90 Exhibit 2-2, Sheets 2 through 8	<ul style="list-style-type: none"> – Create a dual ETL system from MP 2.9 (northeast of the I-405/SR 167 interchange) and MP 11.9 (north of the I-405/I-90 interchange) by adding one new lane in each direction and converting the existing HOV lane to an ETL. – Convert the existing HOV lane to a single ETL from MP 2.4 (at the I-405/SR 167 interchange) to MP 2.9 on northbound I-405 and from MP 1.6 (in Renton over Springbrook Creek) to MP 2.9 on southbound I-405. – Add an additional GP (auxiliary) lane on southbound I-405 between MP 6.7 (north of 30th Street) and MP 7.1 (south of NE 44th Street) and MP 9.4 (north of 112th Avenue SE) to MP 10.5 (north of Coal Creek Parkway). – Bring I-405 up to current freeway standards where feasible.
I-405 Tolling from SR 167 to north of I-90 Exhibit 2-2, Sheets 2 through 8	<ul style="list-style-type: none"> – Construct tolling gantries to collect the tolls for the ETL system (see description in the row above).
Cedar Avenue Exhibit 2-2, Sheet 4	<ul style="list-style-type: none"> – Reconstruct the bridge over I-405 to widen southbound I-405.
Renton Avenue Exhibit 2-2, Sheet 4	<ul style="list-style-type: none"> – Reconstruct the bridge over I-405 to widen southbound I-405.
Cedar River Bridge Exhibit 2-2, Sheet 4	<ul style="list-style-type: none"> – Widen the southbound I-405 bridge over the Cedar River.
Sunset Boulevard N Interchange Area Exhibit 2-2, Sheet 4	<ul style="list-style-type: none"> – Widen the I-405 northbound and southbound bridges over Sunset Boulevard N.
NE Park Drive Interchange Area Exhibit 2-2, Sheet 5	<ul style="list-style-type: none"> – Widen the I-405 southbound bridge over NE Park Drive.
N 30th Street Interchange Area Exhibit 2-2, Sheet 5	<ul style="list-style-type: none"> – Replace the local road overpass abutment slopes with retaining walls on both sides of I-405 and lower the southbound I-405 roadway by approximately one foot.
NE 44th Street Interchange Area Exhibit 2-2, Sheet 6	<ul style="list-style-type: none"> – Replace the northbound and southbound I-405 bridges over May Creek with two new single span bridges and provide habitat improvements. – Replace the NE 44th Street bridge over I-405. Construct new direct access ramps and two inline transit stations (one in each direction) in the I-405 median. Transit stations would include station platforms, signage, artwork, lighting, fare machines (ORCA), and site furnishings such as shelters, lean rails, benches, bollards, bicycle parking, and trash receptacles. – Realign and reconstruct the northbound access to I-405 from a loop ramp to a new on-ramp from Lake Washington Boulevard NE. – Build four roundabouts along local arterials. – Construct an at-grade park-and-ride lot at Lake Washington Boulevard N and N 43rd Street with a minimum of 200 parking stalls and a roundabout (improvements would be built, but may be built by Sound Transit or others).

I-405, TUKWILA TO I-90 VICINITY EXPRESS TOLL LANES PROJECT
RECREATIONAL, SECTION 4(F), AND SECTION 6(F) RESOURCES TECHNICAL MEMORANDUM

Exhibit 2-1. Improvements Proposed with the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project

Project Element	I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project
112th Avenue SE Interchange Area Exhibit 2-2, Sheet 7	<ul style="list-style-type: none"> – Replace the 112th Avenue SE bridge over I-405. – Construct new direct access ramps, two inline transit stations (one in each direction) in the I-405 median. Transit stations would include station platforms, signage, artwork, lighting, fare machines (ORCA), and site furnishings such as shelters, lean rails, benches, bollards, bicycle parking, and trash receptacles. – Construct a roundabout on 112th Avenue SE. – Reconfigure the Newport Hills Park-and-Ride.
Coal Creek Parkway Interchange Area Exhibit 2-2, Sheet 7	<ul style="list-style-type: none"> – Construct a new southbound I-405 bridge on a new alignment. Convert the existing southbound I-405 bridge to northbound ETLs. – Convert the four local road intersections on Coal Creek Parkway SE to roundabouts.
I-405/I-90 Interchange Area Exhibit 2-2, Sheet 8	<ul style="list-style-type: none"> – Reconfigure the I-405 southbound to I-90 eastbound ramp from one to two lanes. – Realign the I-405 northbound to I-90 eastbound ramp. As part of this work, construct two new bridges over the eastbound I-90 ramp to Factoria Boulevard and over Factoria Boulevard.
Fish Passage Exhibit 2-2, Sheet 6	<ul style="list-style-type: none"> – Construct four fish passage crossings for unnamed tributary (UNT) 08.LW.0283 (formerly Gypsy Creek). – Construct a fish passage crossing under I-405 mainline for Stream UNT 08.LW.7.7A.^a – Construct a fish passage crossing under I-405 mainline for Stream UNT 08.LW.7.8.^a
Lake Washington Trail Exhibit 2-2, Sheets 6 and 7	<ul style="list-style-type: none"> – Realign and reconstruct the existing trail west of its current location to reside in the King County's Eastside Rail Corridor property between Ripley Lane in Renton (MP 7.7) and Coal Creek Parkway in Bellevue (MP 10.2). As part of this work, widen a portion of the King County's Eastside Rail Corridor Regional Trail.
Noise Walls Exhibit 2-2, Sheets 4, 6, 7 and 8	<ul style="list-style-type: none"> – Construct 4 new noise walls. – Relocate 2 existing noise walls.
Stormwater Management Exhibit 2-2, Sheets 1 through 8	<ul style="list-style-type: none"> – Add 46.92 acres of new PGIS and 5.7 acres of non-PGIS. – Provide enhanced treatment for 100% of new impervious surfaces. – Retrofit 51 percent (111.5 acres) of existing untreated PGIS and continue to treat stormwater from the 21.27 acres of PGIS that currently receives treatment. – Treat a total of 179.69 acres of PGIS.
Construction Duration	<ul style="list-style-type: none"> – 5 years of construction is expected from 2019 through 2024. – The direct access ramps and associated transit improvements at 112th Avenue SE, reconfiguring the Newport Hills Park-and-Ride lot, and building four roundabouts on Coal Creek Parkway SE may be constructed after 2024, depending on when allocated funds for these elements become available.

ETL = express toll lane GP = general purpose; HOV = high-occupancy vehicle; MP = milepost PGIS = pollutant generating impervious surfaces

^a For these culverts, a restrictor plate will be put in place to prevent flooding until a downstream barrier is removed, at which time the restrictor plate will be removed.

How would the express toll lanes work?

At this time, the Washington State Transportation Commission (WSTC) has not established operational hours, user exemptions, occupancy requirements, and operating parameters for the ETLs proposed with the Project. The WSTC would set operational requirements for the ETLs prior to opening day. For this analysis, we assumed the requirements for the current I-405, Bellevue to Lynnwood ETL system would be used for this project. These assumptions, listed below, represent the most recent operating guidance from the WSTC for ETLs:

- **Limited Access** – The system would have designated entry and exit points, with a buffer between the ETLs and the GP lanes. These access points would vary in length, depending on the location.
- **Dynamic and Destination Pricing** – The I-405 ETL system would use both dynamic and destination pricing to determine a driver’s toll at the time they enter the ETL. With *dynamic pricing*, toll rates vary based on congestion within the corridor to maintain performance. Electronic signs would be used to communicate the current toll rate for drivers. Toll rates are updated every few minutes, but the driver’s price is set when they enter the system. With *destination pricing*, the toll is based on the driver’s destination. Toll signs would show up to three toll rates for different toll zones, or destinations. Drivers would pay the rate they see upon entering the ETLs to reach their destination, even if they see a different toll rate for their destination further down the road. When both of these pricing approaches are used together, it means that the toll that drivers pay is based both on the congestion in the corridor and the distance they are traveling.
- **Operating Hours and Good To Go! Passes** – The ETL system is expected to operate from 5 a.m. to 7 p.m. on weekdays, with the system toll-free and open to all at other hours and on major holidays. Transit, HOVs, and motorcycles would need to have a *Good To Go!* pass to use the ETLs for free during operating hours. Eligible HOV users would be required to set the *Good To Go!* pass to the HOV mode to avoid charges. Single-occupant vehicles (SOVs) could choose to pay a toll to

How does dynamic pricing work?

Electronic monitors along the roadway measure real-time information on the speed, congestion, and number of vehicles in the ETLs. This information is used to determine whether tolls go up or down to optimize lane use.

As the ETLs become congested, toll rates increase, and as congestion decreases, toll rates decrease. The use of dynamic pricing allows the lanes to operate with high volumes but avoid becoming congested.

When would tolls be charged to use the ETLs?

It is assumed the ETLs would operate from 5 a.m. to 7 p.m. on weekdays. At all other times and major holidays, the lanes would be free and open to all without a *Good To Go!* pass.

During operating hours:

- **SOVs** would pay a toll to use the lanes.
 - **Transit, HOV 3+, and Motorcycles** would travel for free with a *Good To Go!* pass.
 - **HOV 2+** would travel for free from 9 a.m. to 3 p.m. with a *Good to Go!* pass. From 5 a.m. to 9 a.m. and 3 p.m. to 7 p.m. HOV2+ would pay a toll to use the ETLs with or without a *Good To Go!* pass.
 - **Large vehicles** over 10,000 pounds gross vehicle weight would not be able to use the ETLs at any time.
-

use the ETLs during operating hours with or without a *Good To Go!* pass.

- **Occupancy Requirements** – During the peak periods (weekdays from 5 a.m. to 9 a.m. and 3 p.m. to 7 p.m.), transit vehicles and carpools with three or more persons (HOV 3+) would be able to use the lanes for free with a *Good To Go!* pass. From 9 a.m. to 3 p.m., the system would be open toll-free to those with two or more passengers (HOV2+) with a *Good To Go!* pass. Motorcycles ride toll-free in the ETLs with a *Good To Go!* pass. During non-operating hours, SOVs will not be permitted to enter the ETLs from ramps where access is provided directly from local streets. SOV access would only be permitted from freeway GP entry and exit points.
- **Vehicle Weight** – Vehicles over 10,000 pounds gross vehicle weight will be prohibited, which is consistent with HOV lane restrictions throughout Washington.
- **Electronic Tolling** – Payments would be made via electronic tolling with a *Good To Go!* pass. For drivers who choose not to use a *Good To Go!* Pass, WSDOT offers optional photo billing (pay by mail) for an extra fee.

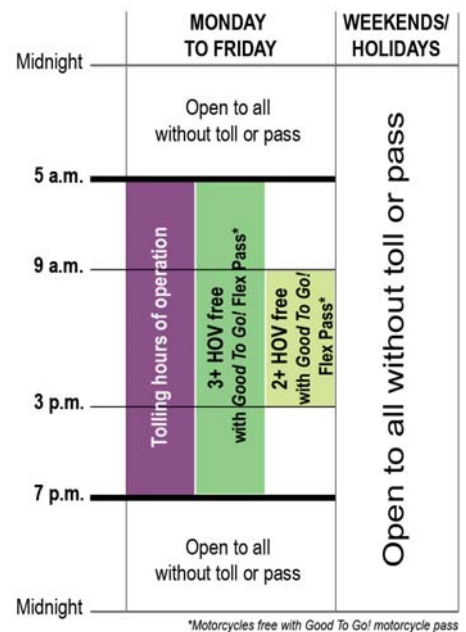
How would the Project be constructed?

WSDOT expects to construct the Project using a design-build contract. Design-build is a method of project delivery in which WSDOT executes a single contract with one entity for design and construction services to provide a finished product. With design-build projects, contractors have the flexibility to offer innovative and cost-effective alternatives to deliver the Project, improve project performance, and reduce project effects. Some design modifications that the contractor may propose could affect the Project footprint and design details described in this EA; however, if the contractor proposes modifications not covered by this EA, environmental review would be conducted as needed.

Construction work would include the removal of existing asphalt and concrete surfaces, clearing and grading adjacent areas, laying the aggregate roadway foundation, and placing of asphalt and concrete surfaces. Changing the vertical and

What is a *Good to Go!* Account?

A *Good To Go!* account is the cheapest and easiest way to pay tolls in Washington. With an account, your tolls will be paid automatically without having to stop at a toll booth or worry about bills in the mail. For more information please go to: <http://www.wsdot.wa.gov/GoodToGo/default.htm>



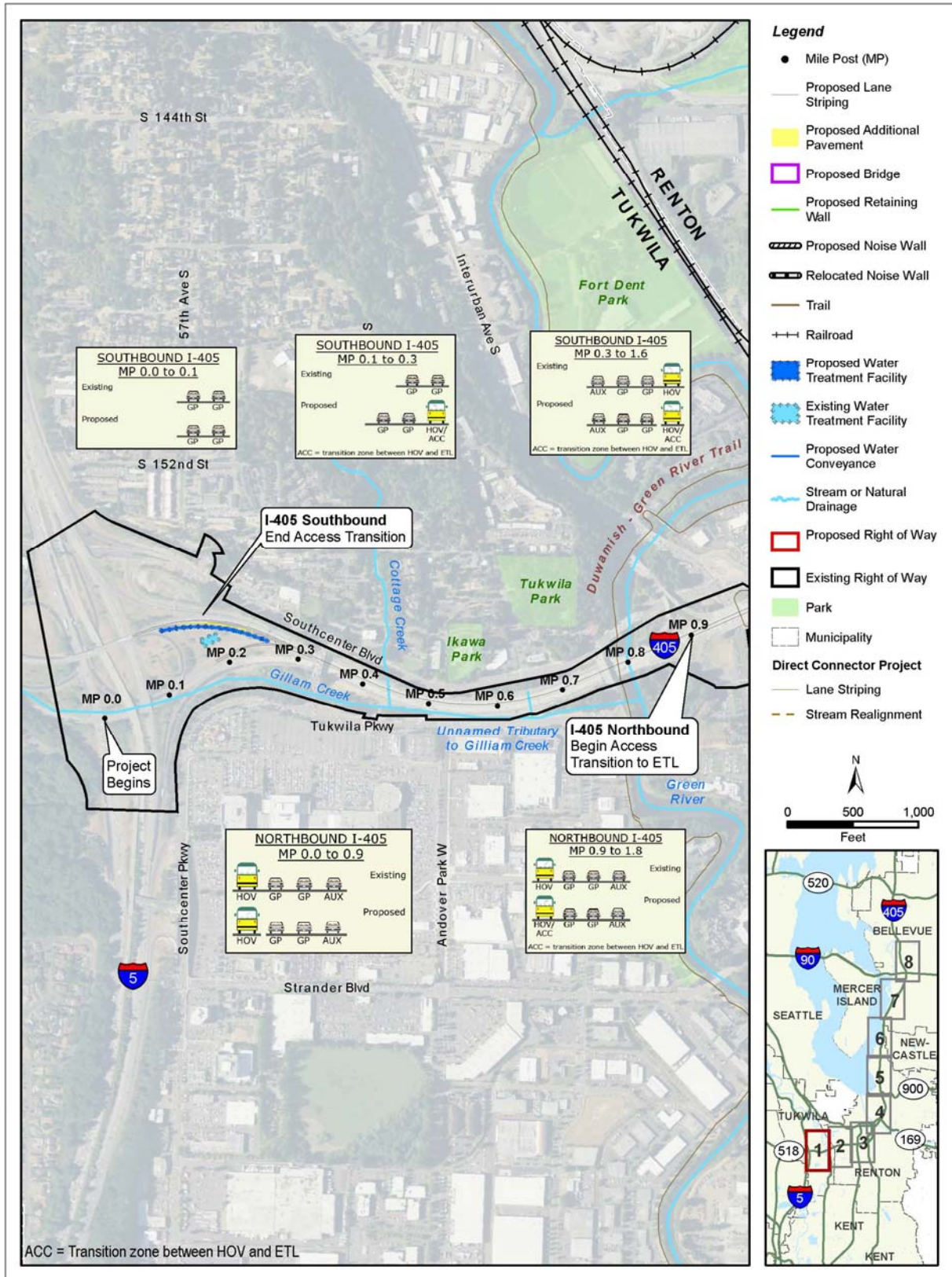
horizontal alignments of the I-405 mainline would require earthwork, with approximately 780,000 cubic yards of excavation and approximately 700,000 cubic yards of fill.

Construction equipment such as backhoes, excavators, front loaders, pavement grinders, jack hammers, pile drivers, trucks, as well as grading and paving equipment would be used. Equipment used for construction would include cranes, pile drivers, drilling rigs and augers, backhoes and excavators, jack hammers, concrete pumping equipment, and slurry processing equipment.

Staging areas in unused right of way would provide room for employee parking, large equipment storage, and material stockpiles. The contractor may also find other locations for construction staging.

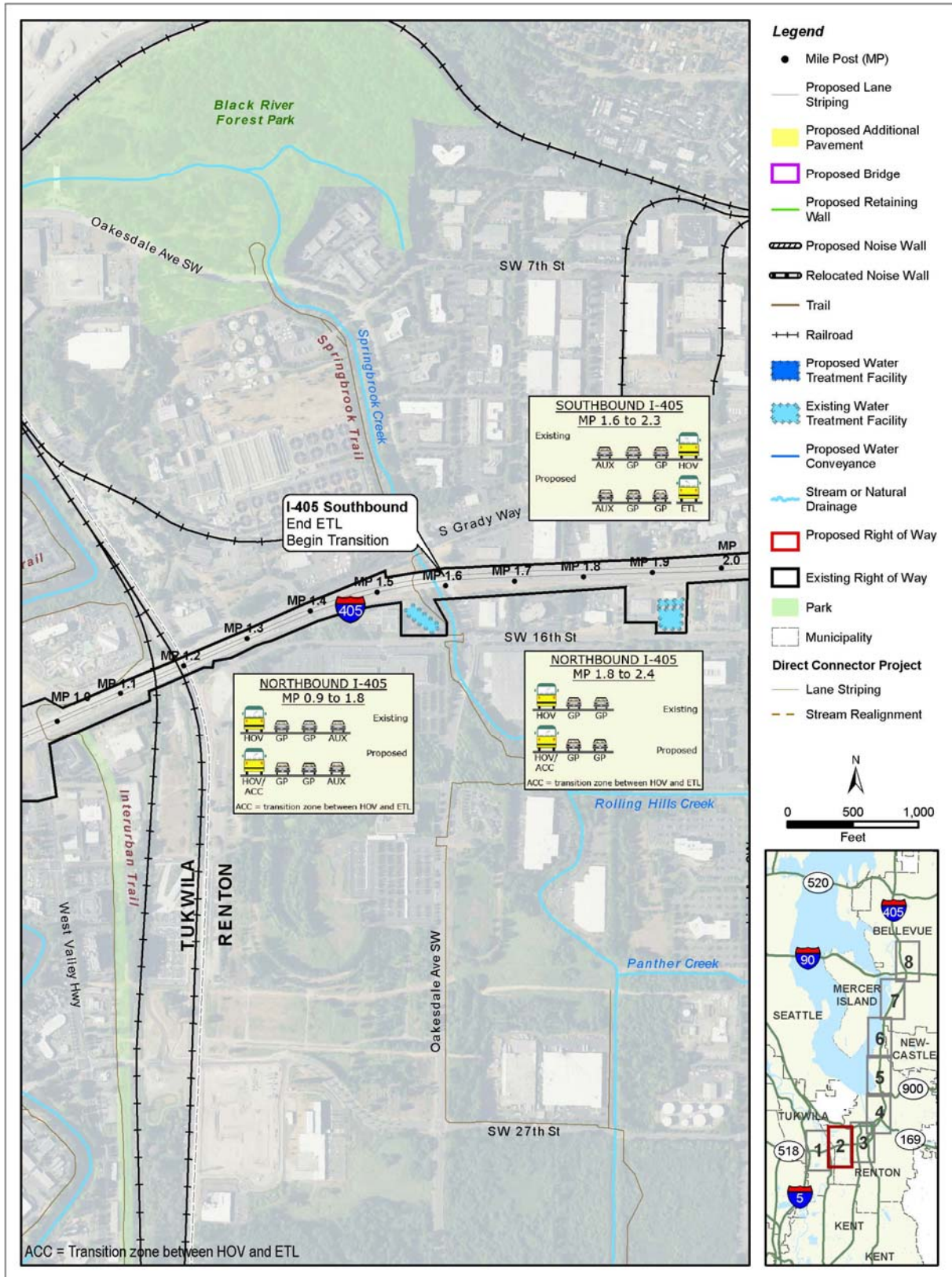
I-405, TUKWILA TO I-90 VICINITY EXPRESS TOLL LANES PROJECT
 RECREATIONAL, SECTION 4(F), AND SECTION 6(F) RESOURCES TECHNICAL MEMORANDUM

Exhibit 2-2. I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project Improvements, Sheet 1 of 8



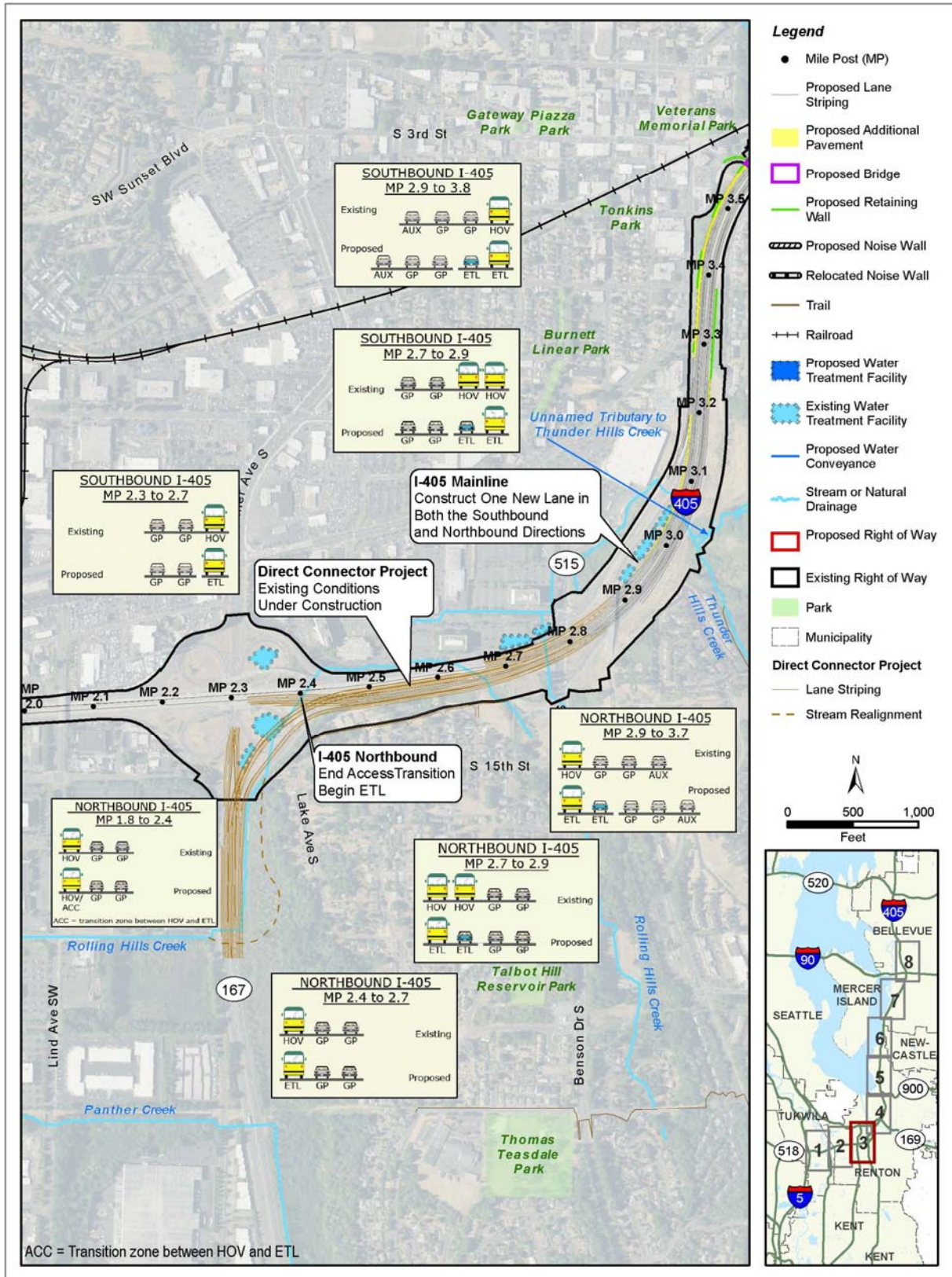
I-405, TUKWILA TO I-90 VICINITY EXPRESS TOLL LANES PROJECT
 RECREATIONAL, SECTION 4(F), AND SECTION 6(F) RESOURCES TECHNICAL MEMORANDUM

Exhibit 2-2. I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project Improvements, Sheet 2 of 8



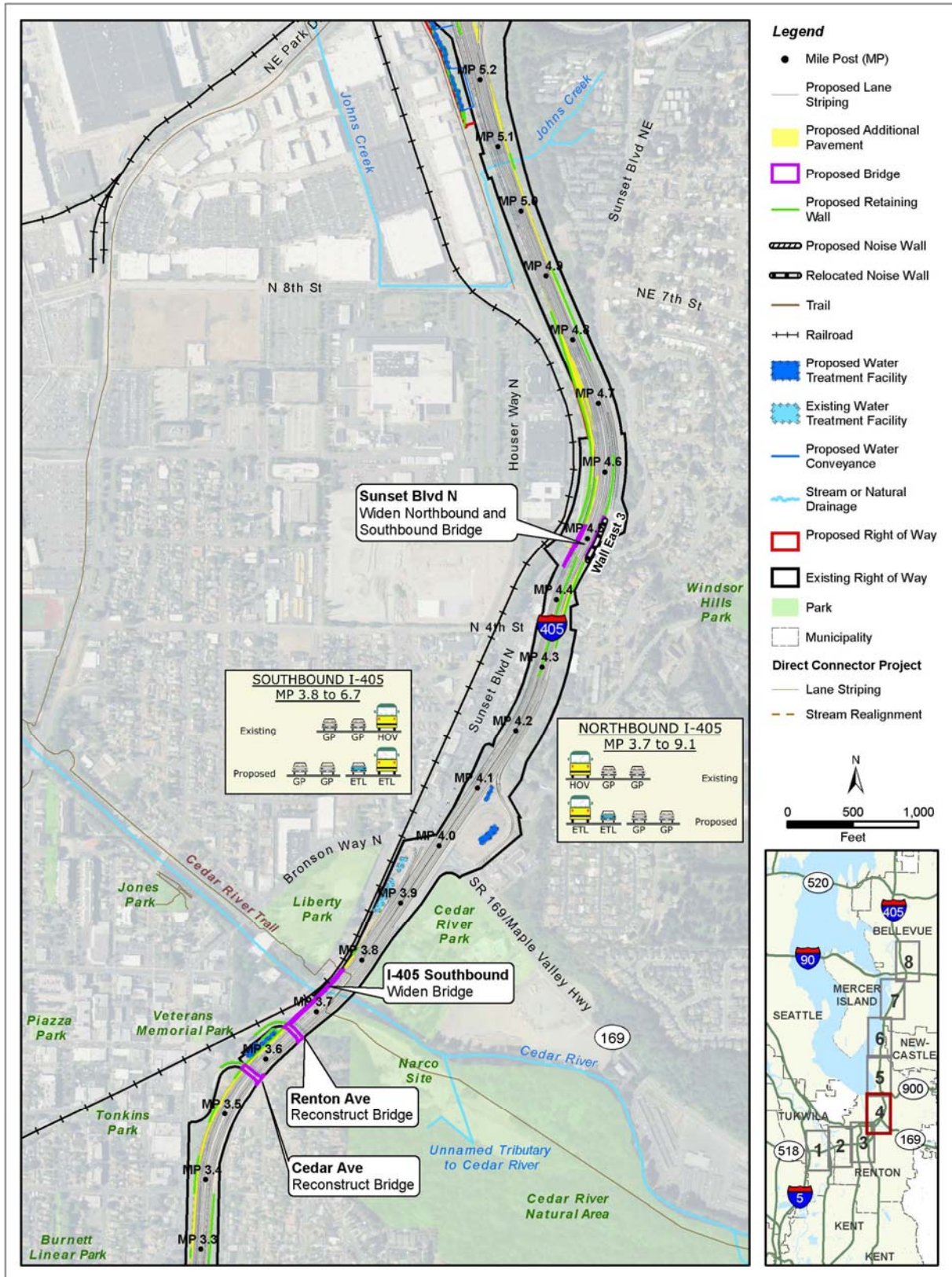
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 RECREATIONAL, SECTION 4(F), AND SECTION 6(F) RESOURCES TECHNICAL MEMORANDUM

Exhibit 2-2. I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project Improvements, Sheet 3 of 8



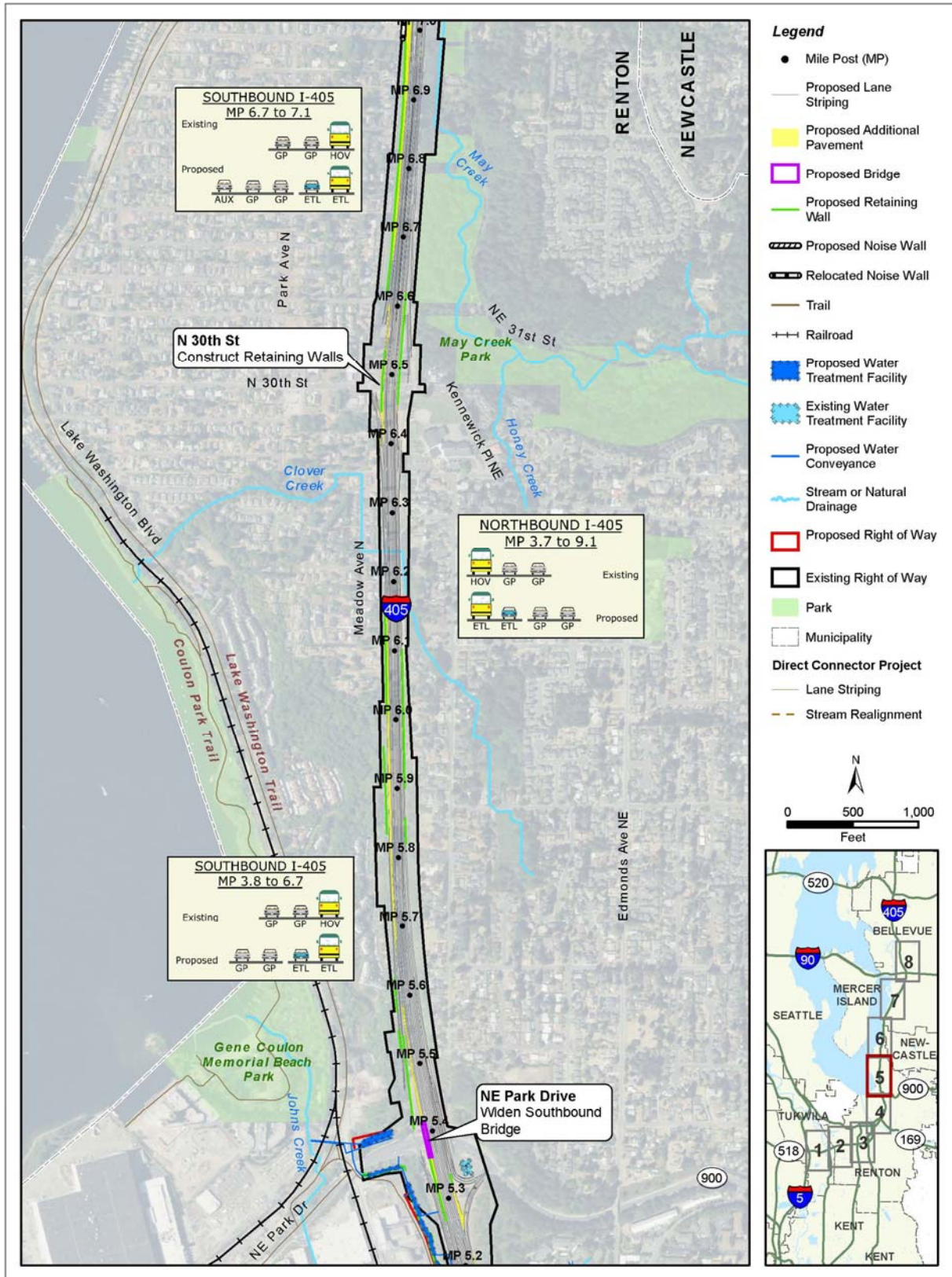
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Exhibit 2-2. I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project Improvements, Sheet 4 of 8



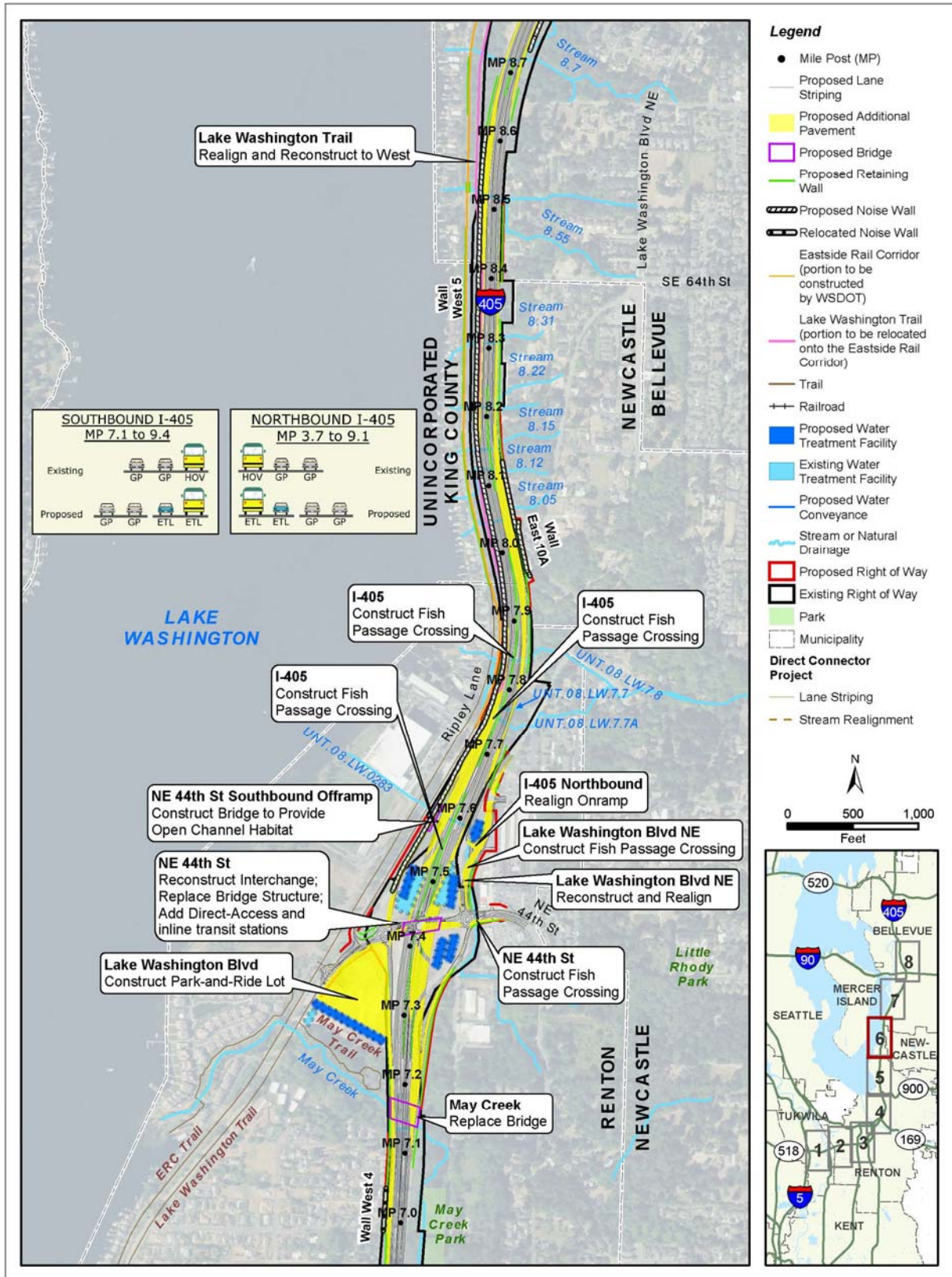
I-405, TUKWILA TO I-90 VICINITY EXPRESS TOLL LANES PROJECT
 RECREATIONAL, SECTION 4(F), AND SECTION 6(F) RESOURCES TECHNICAL MEMORANDUM

Exhibit 2-2. I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project Improvements, Sheet 5 of 8



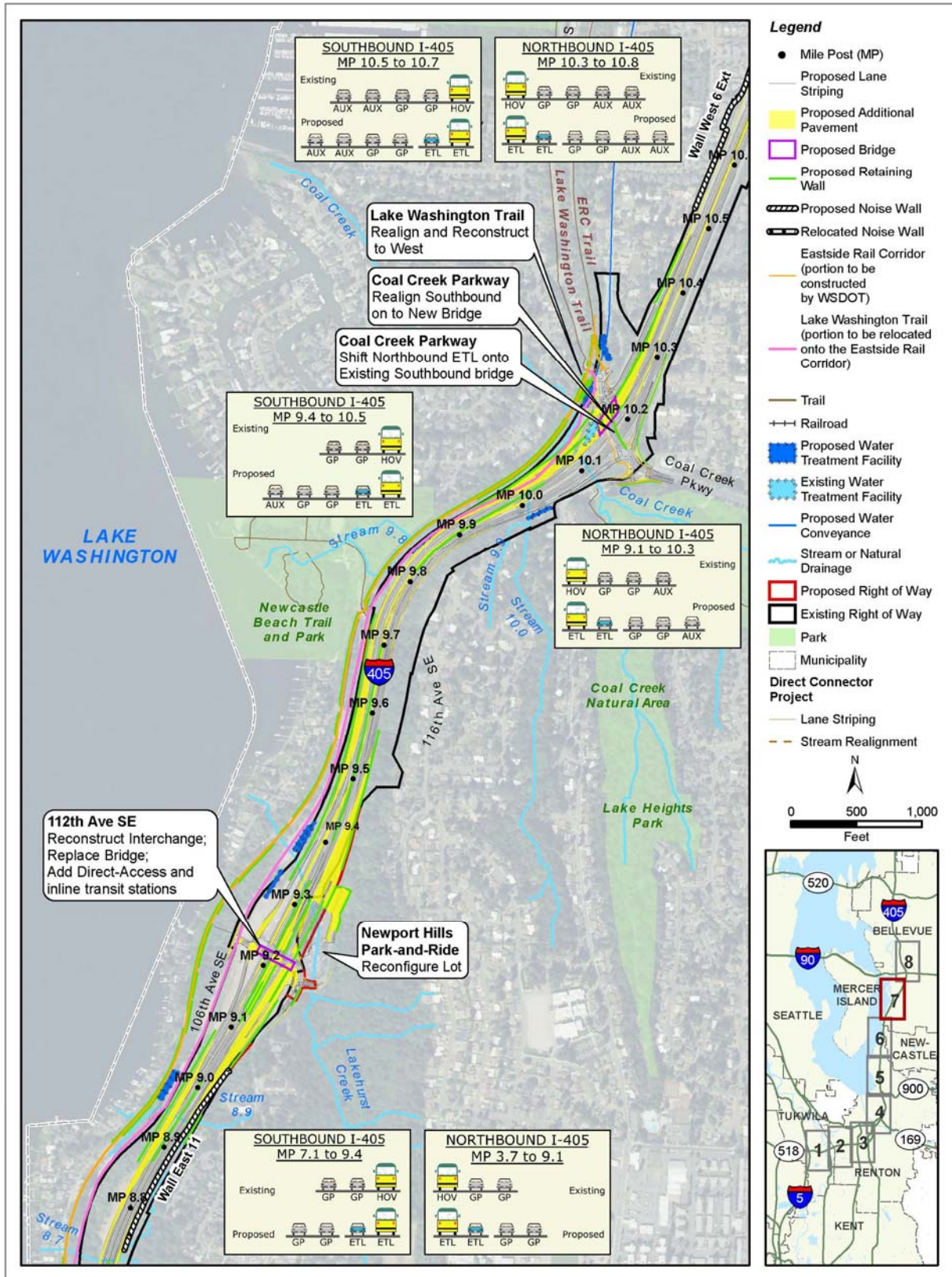
I-405, TUKWILA TO I-90 VICINITY EXPRESS TOLL LANES PROJECT
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Exhibit 2-2. I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project Improvements, Sheet 6 of 8



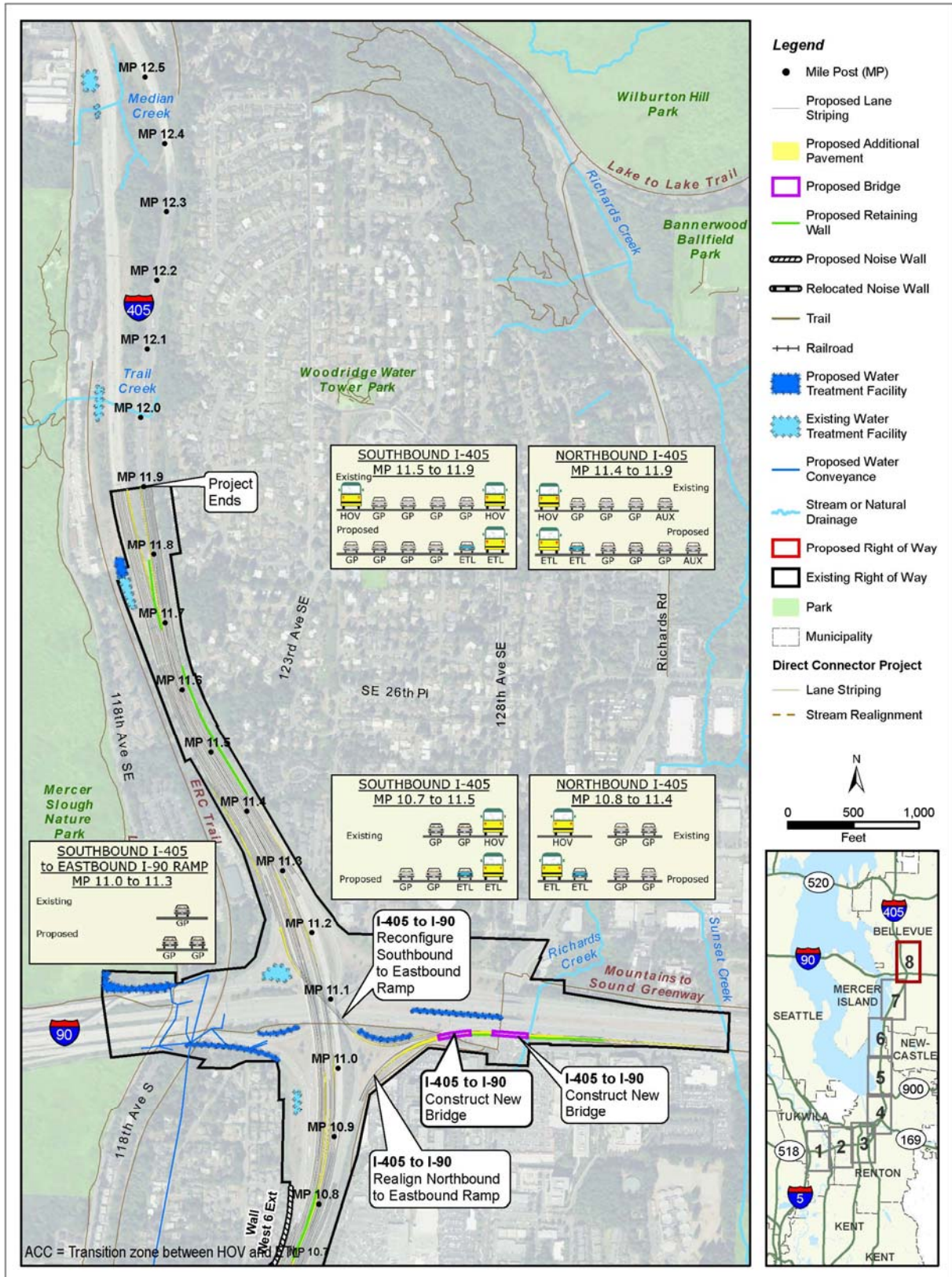
I-405, TUKWILA TO I-90 VICINITY EXPRESS TOLL LANES PROJECT
 RECREATIONAL, SECTION 4(F), AND SECTION 6(F) RESOURCES TECHNICAL MEMORANDUM

Exhibit 2-2. I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project Improvements, Sheet 7 of 8



I-405, TUKWILA TO I-90 VICINITY EXPRESS TOLL LANES PROJECT
 RECREATIONAL, SECTION 4(F), AND SECTION 6(F) RESOURCES TECHNICAL MEMORANDUM

Exhibit 2-2. I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project Improvements, Sheet 8 of 8



SECTION 3 STUDY APPROACH

What is the study area and how was it determined?

For purposes of evaluating the effects of the Project, recreational resources in the study area were defined as those within 0.25 mile of the proposed highway footprint and any proposed construction activities. The presumption was that a 0.25-mile radius was an adequate distance to capture potential effects related to acquisition and construction activities, or effects related to proximity, such as noise or visual quality, that could impair the use and function of the facility. As such, the study area is 0.25 mile from the proposed improvements at the I-405/Interstate 5 (I-5) interchange and along the I-405 corridor between MP 2.9 and 11.9. Construction activities along the corridor between the I-405/I-5 interchange (MP 0.0) and MP 2.9 would be minor and consist of restriping the existing freeway.

What policies or regulations apply to determining effects on recreational, Section 4(f), and Section 6(f) resources?

Section 4(f) of the U. S. Department of Transportation Act of 1966 (23 United States Code [USC] 138) prohibits FHWA from approving a project or program that uses land from a significant park, recreation area, wildlife or waterfowl refuge, or historic site, except if either of the following criteria is met: (1) there is no feasible and prudent alternative to the use of the land, or (2) the project includes all possible planning to minimize harm to the property.

Section 6(f) of the LWCF Act protects outdoor recreation property that was acquired or developed with LWCF grant assistance. Section 6(f) requires that the conversion of lands or facilities acquired with LWCF Act funds be coordinated with the Washington State Recreation and Conservation Office (RCO).

What information did WSDOT collect for this report?

Land uses within 0.25 mile of the study area were reviewed to identify recreational resources. Site-specific information about the type and function of each potentially affected recreational resource was collected from the City of Renton, City of Tukwila, and City of Bellevue websites. We also searched the Washington State Recreation and Conservation Office on-line database for study area recreation projects with LWCF grants and Section 6(f) long-term obligations for maintenance and public access.

How did WSDOT evaluate effects?

We evaluated the Project's effects on the functions, activities, features, or attributes of recreational resources. Considerations included changes in the level of traffic noise; reduced or lost access; degradation of the visual setting; or changes in the nature of the surrounding land use that could affect the continued viability, integrity, usage, or value of the recreational resource and that could degrade the overall recreational experience.

Section 4(f) properties were also evaluated to determine if a *use* as defined in Section 23 Code of Federal Regulations (CFR) 774.17 would occur. A use results when one of the following occurs:

- When land is permanently incorporated into a transportation project.
- When there is a temporary occupancy of land that is adverse in terms of the statute's preservation purpose.
- When there is a constructive use (a project's proximity effects are so severe that the protected activities, features, or attributes of a property are substantially impaired).

A *de minimis* effect is one that would not adversely affect the activities, features, or attributes of the Section 4(f) property.

Section 6(f) properties were evaluated to determine if the Project would result in a conversion of the property to another use. Conversions can occur in three different ways:

- When use of an entire Section 6(f) resource site would be changed for longer than 6 months.

- When use of a portion of Section 6(f) resource would be changed for longer than 6 months.
- When a project would occur on the same property where the Section 6(f) resource is located and would not affect the Section 6(f) resource, but would affect access to the Section 6(f) resource for more than 6 months.

SECTION 4 AFFECTED ENVIRONMENT

Exhibit 4-1 lists the recreational resources identified in the study area and compares each resource with Section 4(f) criteria. The locations of these resources relative to I-405 are shown in Exhibit 4-2. All but two of the resources are considered Section 4(f). Five of the resources are considered both Section 4(f) and Section 6(f) resources. Two of the resources qualify for listing under the National Register of Historic Places (NRHP). There are no publicly owned wildlife and waterfowl refuges within 0.25 mile of the study area.

Exhibit 4-1. Study Area Parks and Recreation Areas and Historic Sites

Resource	Criteria for Section 4(f) Resources				Protected Resource		
	Publicly Owned	Open to Public	Major Purpose is Park or Recreation Activities	Significant as a Park or Recreation Area	Section 4(f)	Section 6(f)	
Recreational Resources							
1	Burnett Linear Park	Yes	Yes	Yes	Yes	No	
2	Tonkins Park	Yes	Yes	Yes	Yes	No	
3	Narco Site ^a and Cedar River Natural Area	Yes	Yes	Yes	Yes	No	
4	Cedar River Park	Yes	Yes	Yes	Yes	No	
5	Ron Regis Park	Yes	Yes	Yes	Yes	Yes	
6	Gateway Park	Yes	Yes	Yes	Yes	No	
7	Piazza Park	Yes	Yes	Yes	Yes	No	
8	Veterans Memorial Park	Yes	Yes	Yes	Yes	No	
9	Jones Park	Yes	Yes	Yes	Yes	No	
10	Liberty Park	Yes	Yes	Yes	Yes	No	
11	Windsor Hills Park	Yes	Yes	Yes	Yes	No	
12	Gene Coulon Memorial Beach Park	Yes	Yes	Yes	Yes	Yes	
13	Kennydale Elementary School Playground	Yes	Yes	Yes	Yes	No	
14	May Creek Greenway	Yes	Yes	Yes	Yes	No	
15	Little Rhody Park	Yes	Yes	Yes	Yes	No	

I-405, TUKWILA TO I-90 VICINITY EXPRESS TOLL LANES PROJECT
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Resource		Criteria for Section 4(f) Resources				Protected Resource	
		Publicly Owned	Open to Public	Major Purpose is Park or Recreation Activities	Significant as a Park or Recreation Area	Section 4(f)	Section 6(f)
16	Newcastle Beach Trail and Park	Yes	Yes	Yes	Yes	Yes	Yes
17	Coal Creek Natural Area	Yes	Yes	Yes	Yes	Yes	No
18	Mercer Slough Nature Park ^b	Yes	Yes	Yes	Yes	Yes	Yes ^b
Trails							
1	Duwamish Green River Trail	Yes	Yes	Yes	Yes	Yes	No
2	Interurban Trail	Yes	Yes	Yes	Yes	Yes	No
3	Springbrook Trail	Yes	Yes	Yes	Yes	Yes	No
4	Cedar River Trail	Yes	Yes	Yes	Yes	Yes	Yes ^c
5	Eastside Rail Corridor Regional Trail	Yes	Yes	Yes	Yes	Yes	No
6	May Creek Trail	Yes	Yes	Yes	Yes	Yes	No
7	Lake Washington Trail ^e	Yes	Yes	No	No	No	No
8	(Mountain to Sound Greenway ^e (I-90 Trail))	Yes	Yes	No	No	No	No
Historic Resources							
1	Eastside Rail Corridor ^e	Resource eligible for listing in the National Register of Historic Places				Yes	No
2	Paukstis House 11620 SE 45th Place	Residence eligible for listing in the National Register of Historic Places				Yes	No

^a While the Narco property has not been developed, the City of Renton has completed long-range master planning that integrates the property and future recreation facilities with Cedar River Park, Liberty Park, and the Cedar River Trail.

^b Section 6(f) applies to a portion of the Mercer Slough Nature Park. The City of Bellevue used the Mercer Slough Phase 1 Land and Water Conservation Fund grant in 1975 to acquire approximately 60 acres for a nature park. This park is now called Mercer Slough Nature Park. The Project would not affect the portion of the park purchased with Section 6(f) funds.

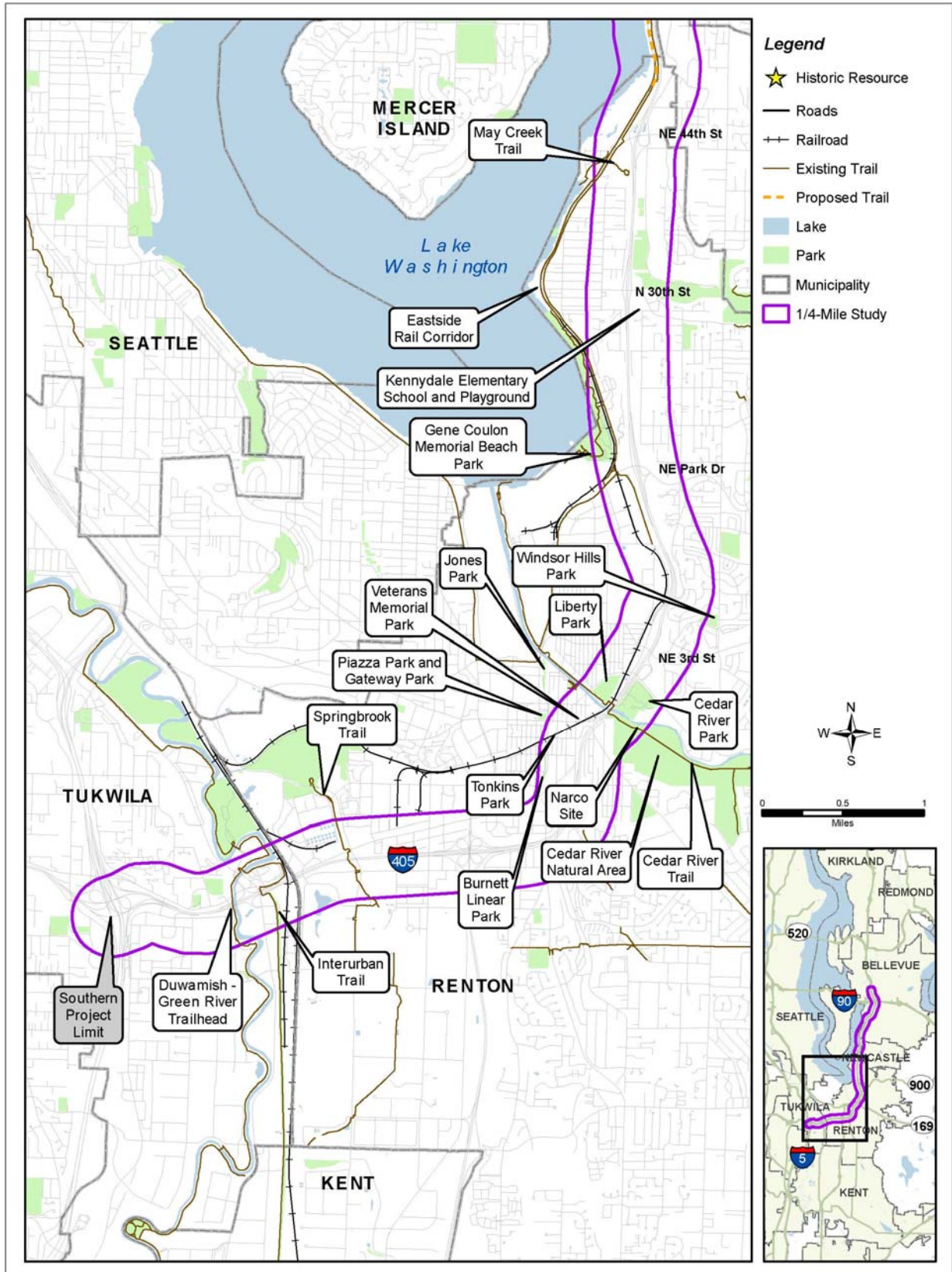
^c Section 6 (f) applies to a small segment of the Cedar River Trail, which is located beyond the study area.

^d A portion of the Eastside Rail Corridor Regional Trail would be constructed in the Eastside Rail Corridor railbed.

^e The Lake Washington Trail and the Mountain to Sound Greenway (I-90 trail) are pedestrian and bicycle paths that parallel the freeway. FHWA has determined them to be transportation facilities rather than recreational resources. Therefore, they are not Section 4(f) resources.

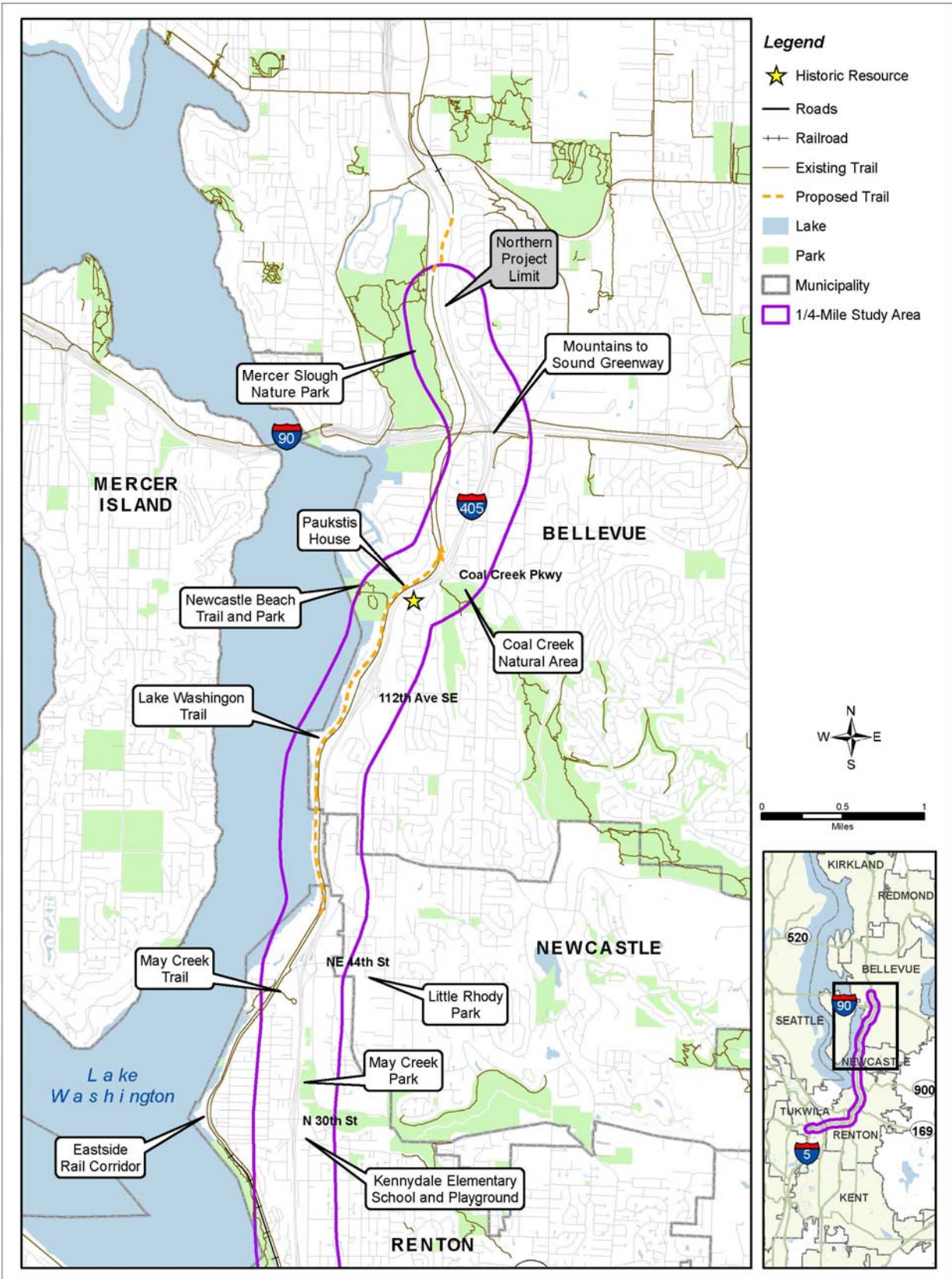
I-405, TUKWILA TO I-90 VICINITY EXPRESS TOLL LANES PROJECT
 RECREATIONAL, SECTION 4(F), AND SECTION 6(F) RESOURCES TECHNICAL MEMORANDUM

Exhibit 4-2. Study Area Parks and Recreation Area Locations, Sheet 1 of 2



I-405, TUKWILA TO I-90 VICINITY EXPRESS TOLL LANES PROJECT
 RECREATIONAL, SECTION 4(F), AND SECTION 6(F) RESOURCES TECHNICAL MEMORANDUM

Exhibit 4-2 Study Area Parks and Recreation Area Locations, Sheet 2 of 2



Parks and Recreation Areas

Burnett Linear Park

This small 1-acre park site is sandwiched between the northbound and southbound lanes of Burnett Avenue S in Renton. It spans approximately three blocks and features a children's play area, landscaping, and picnic tables. A 10-foot-wide pedestrian trail meanders through the park.

Tonkins Park

Tonkins Park, situated on a triangular-shaped site, is bounded by Houser Way N, Williams Avenue S, and S 4th Street in Renton. It is roughly 0.3 acre and contains a small amphitheater, picnic tables, and a commemorative life-sized statue of a donkey that ran away from the mines. Large deciduous trees line all sides of the park.

Narco Site

The master plan for the 15-acre Narco Park site proposes to develop an active recreational facility with soccer fields, restroom/shelter building, trails, and parking for 100 to 150 vehicles. An existing pedestrian bridge, which accommodates the Cedar River Interpretive Trail, links the site to Renton's Cedar River Park. A trailhead and parking currently exist for the Cedar River Trail. The City of Renton has placed a high priority on developing this park.

Cedar River Park and Cedar River Natural Area

Cedar River Park is a 23-acre City of Renton community park situated between I-405 to the west; State Route (SR) 169 (Maple Valley Highway) to the north; the former Stoneway Cement Plant to the east; and the Cedar River, Cedar River Regional Trail, and Narco Site to the south. In addition, the Carco Theatre, Renton Community Center, and Henry Moses Aquatic Center are located in the same complex. The park has 373 on-site parking spaces. There are no LWCF grants with Section 6(f) obligations in the I-405 project vicinity (Washington State RCO 2015 and 2016).

The Cedar River Natural Area is a 250-acre undeveloped natural area that is associated with the Cedar River. It has been identified by the City of Renton as a priority for management planning to identify and formalize access points for stewardship activities and trail use. The role of this natural area in protecting the Cedar River makes this site a prime

opportunity for enhanced environmental programming and interpretation.

Ron Regis Park

Ron Regis Park is a 43.4-acre community park located along the Maple Valley Highway. The park balances the natural features of the Cedar River with sports fields and less-intense park uses. Approximately 12 acres of park land are developed for active recreation, and the rest of the park is preserved in its natural state along the Cedar River. This park is located beyond the study area and is not shown in Exhibit 4-2, but has been included in the analysis because the site will be used to mitigate stream buffer effects.

Gateway Park and Piazza Park

The Gateway and Piazza Parks in Renton are situated on less than 1 acre of property on Third Avenue and are bisected by Logan Avenue. These parks are major focal points for downtown Renton residents and provide space for community-wide special events and activities. They feature a combination of paved surfaces, landscaping, benches, boulders, and raised seat walls. Two water features—a shallow “rushing river” and a fountain—evoke memories of the Cedar and Black Rivers that once flowed here. These City of Renton parks were constructed in 2000.

Veterans Memorial Park

In April 1998, the Renton City Council made the recommendation to locate the Veterans Memorial Park at the corner of S 3rd and Main Avenue S in Renton. The property was dedicated as a memorial to the veterans who honorably served their country. The park was constructed in 2000, and features five granite walls in the shape of a star, a bronze statue centered in the star, benches, flags, and landscaping. Tiles engraved with the names of servicemen line the walls. The site is approximately 0.5 acre.

Jones Park

Jones Park is a 1.2-acre neighborhood park overlooking the Cedar River and the South Loop of the Cedar River Trail. Located at Wells Avenue S at the Cedar River, this park has mature landscaping, benches, picnic tables, restrooms, and a children’s play area. The park also provides recreation opportunities for nearby residents.

Liberty Park

The 12-acre Liberty Park is Renton's oldest park and playfield area. Park amenities include a baseball and softball complex, skate park, a lighted multipurpose court, children's play equipment, restrooms, parking, and access to the Cedar River Trail.

Windsor Hills Park

Windsor Hills Park is located about 960 feet east of the I-405 crossing of Sunset Boulevard NE in Renton. The 4.5-acre neighborhood park, open sunrise to sunset, has a grass ballfield, a play area, and picnic tables. About half of the park area is native conifer and hardwood trees. The park has pedestrian access from Windsor Way NE about 415 feet west of the Windsor Place NE intersection and from Edmonds Avenue NE about 120 feet north of NE 4th Street. Amenities include a half basketball court, play equipment, and open lawn (City of Renton 2011, Table A-1).

There is no public vehicle access to the park. Service vehicles use the Windsor Way NE park entrance. There are no time limits for the on-street parking near the park.

Gene Coulon Memorial Beach Park

The 51.3-acre Gene Coulon Memorial Beach Park in Renton is a regional park. It provides a beach on Lake Washington, two tennis courts, four picnic shelters, and play equipment. The pedestrian-only trail connects to the Lake Washington Trail. There are 390 on-site parking spaces. An LWCF grant was used for acquisition of portions of the park property.

Kennydale Elementary School Playground

This Renton School District playground, located southeast of the I-405 NE 30th Street interchange in Renton, has two multiuse fields (City of Renton 2011, Table A-2) available for public use. While the primary purpose of public school playgrounds is generally for structured physical education classes and recreation for students, these properties also serve public recreational purposes and, therefore, may be subject to Section 4(f) requirements. According to the *City of Renton Parks, Recreation, and Natural Areas Plan* (City of Renton 2011), the school sites add considerably to the City's inventory, and sports groups rely on these fields for practice and games. Because the Kennydale Elementary School Playground is open

to the public and serves organized recreational purposes, it is subject to the requirements of Section 4(f).

May Creek Park/Greenway

The May Creek Greenway extends from the mouth of the creek at Lake Washington east to King County's 3,115-acre regional Cougar Mountain Regional Wildland Park. Since the 1989 King County Open Space Bond Issue was passed, the City of Renton, King County, and more recently the City of Newcastle have been acquiring property along this corridor. The Greenway serves several functions, including providing habitat for endangered salmon species, providing a continuous wildlife and habitat corridor, protecting steep and sensitive slopes, providing surface water storage capacity, and providing land for a future multi-jurisdictional soft surface trail system with opportunities for interpretation and education. The Greenway serves as an urban separator between more developed areas.

The City of Renton currently owns 23 parcels totaling 57.39 acres along May Creek. Recently the City purchased a 5.73-acre parcel on May Creek located on the east side of I-405, south of NE 44th Street (known as the Fawcett property). The City has also acquired another parcel on the west side of I-405 (known as the Meadow property). The vision of these jurisdictions is to protect the natural corridor along May Creek and connect Lake Washington to Cougar Mountain, and Cougar Mountain to the City of Bellevue's Coal Creek Park.

The recent acquisitions are a component of the City's vision, and WSDOT understands that the Fawcett and Meadow properties will be part of the May Creek Greenway.

Little Rhody Park

Little Rhody Park, owned by the City of Newcastle, is a small, 0.15-acre neighborhood park located on the northeast corner of the SE 80th Street and 113th Avenue SE intersection in Newcastle. It contains two picnic tables, a gravel path, a half basketball court, a play area, and planted trees and shrubs. The park is open until dusk.

The park is approximately 1,000 feet east of the I-405 NE 44th Street interchange construction effect area. There is no road open west of the park on the public right of way on SE 80th Street alignment (NE 43rd Place alignment east in Renton). Driving distance to the park from the NE 44th Street

interchange is approximately 1 mile. No LWCF funds have been used for this park.

Newcastle Beach Park

Newcastle Beach Park is the City of Bellevue's largest park on Lake Washington. Opened in 1988, the 42-acre park features a large swimming beach, a fishing dock, a 0.75-mile loop nature trail, a large open grass area, picnic facilities, and a children's playground. There are Section 6(f) obligations for this park because of the LWCF grants.

Coal Creek Natural Area

The Coal Creek Natural Area is a 550-acre facility that the City of Bellevue acquired from King County in 2005. At that time, the largely undeveloped park along Coal Creek provided 3 miles of soft-surface trail through a dense urban forest. The east end of the trail connects with King County's Cougar Mountain Regional Wildland Park. Bellevue's 2008 Parks and Natural Area Levy provided funds for trail improvements. The Coal Creek Natural Area provides about 4.5 miles of soft-surface trail (City of Bellevue 2017). No LWCF grants have been used for property acquisition or facility development.

Mercer Slough Nature Park

The 320-acre City of Bellevue Mercer Slough Nature Park is located west of the I-405 corridor, with portions north and south of I-90. The park provides a wide variety of recreational uses and surrounds Mercer Slough, which is Lake Washington's largest remaining wetland. An LWCF grant was used for acquisition of portions of the park property north of the SE 32nd Street alignment and generally between 118th Avenue SE and the Mercer Slough waterway. An area south of the Bellefield Office Park, extending between the Mercer Slough main branch and Bellevue Way SE, was also included in this property acquisition.

Trails

Duwamish-Green River Trail

The Duwamish-Green River Trail connects with a King County trail to the north and existing Tukwila and Kent trails to the south. The City of Tukwila developed 8.4 miles of 12-foot-wide paved trail with soft shoulders for jogging.

Interurban Trail

The Interurban Trail extends 14 miles from north of I-405 in Tukwila to 3rd Avenue SW, south of the City of Pacific. It is a paved regional walking and biking trail. This trail is used extensively by bicyclists, both for recreation and commuting.

Springbrook Trail

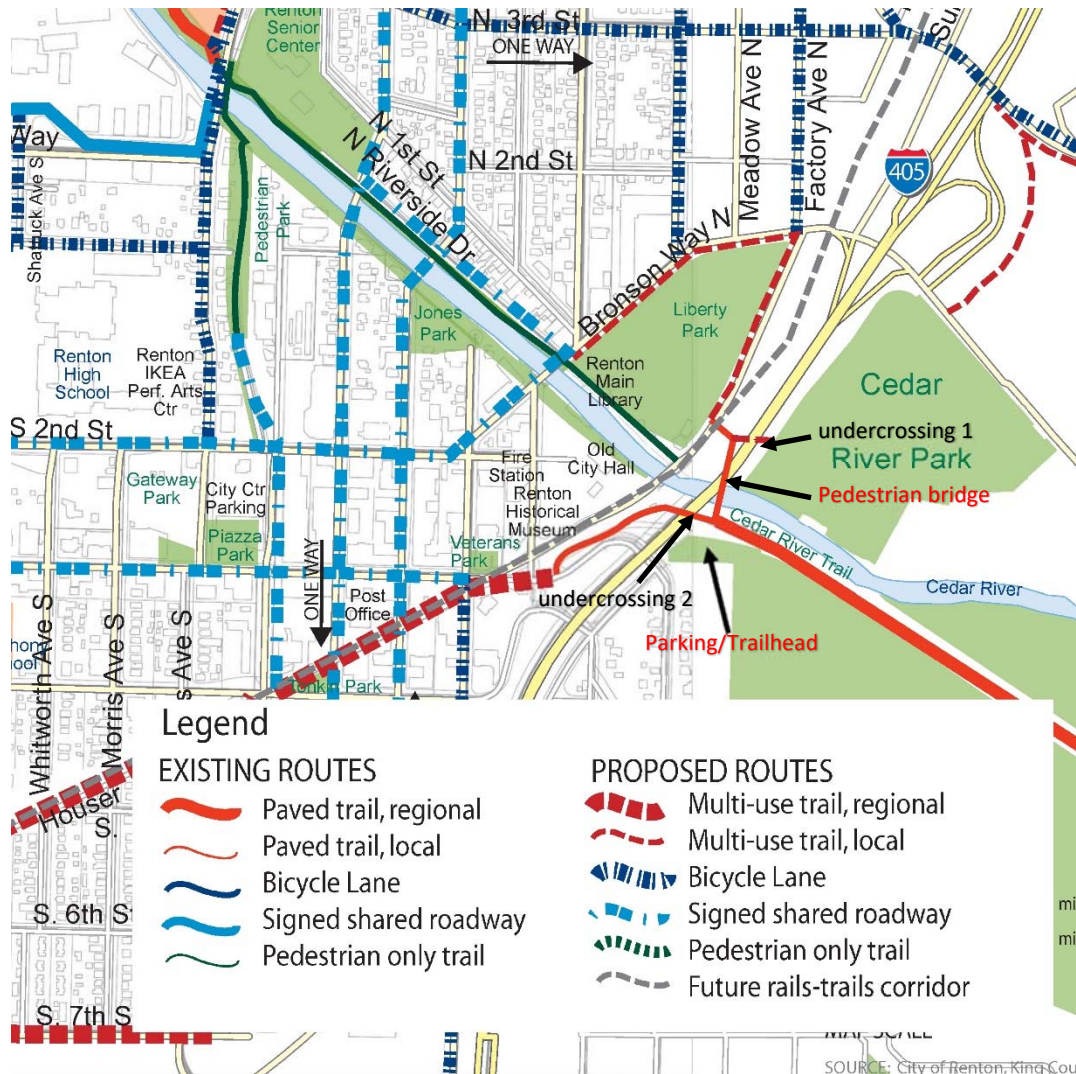
The Springbrook Trail is a paved, mixed-use trail traversing north-south through Renton in the Green River Valley. It follows the course of Springbrook Creek and north of I-405 it passes through a wetland rich in bird life and distinctive vegetation. Some of the trail is undeveloped. The developed portion of the trail is approximately 3 miles. The trail edge is landscaped and lined with mowed grass.

Cedar River Trail/Bikeway

The Cedar River Trail System, one of Renton's major recreational facilities, extends 5 miles from Lake Washington east to the city's boundary, and then continues south and east as part of King County's regional trail system. This system serves as a physical link to a series of parks along the Cedar River corridor.

Within the study area, and as shown in Exhibit 4-2, the paved trail crosses underneath I-405 at two locations. One crossing is on the north side of the Cedar River on a sidewalk along Cedar River Drive (the secondary entrance into Cedar River Park) and a second crossing on the south side of Cedar River. The second crossing involves a short segment of trail that begins at S 3rd Street on the west side of I-405, crosses under I-405 and connects to the trailhead and parking. On the eastside of I-405 the trail parallels the Cedar River through the Cedar River Natural Area and into Maple Valley. The trail on either side of the Cedar River is connected with a pedestrian bridge beneath the I-405 overpass. A small segment of the trail which is located beyond the study area, along Burnett Place S, was constructed with LWCF grants. This segment of trail would not be affected by the Project.

Exhibit 4-3. Cedar River Trail within the Study Area



Source: City of Renton Trails and Bicycle Master Plan 2009

Eastside Rail Corridor Regional Trail

King County has prepared a Master Plan as an initial step in developing approximately 16.7 miles of a regional trail along the railbanked Eastside Rail Corridor. When completed, the trail would provide improved connections among other local and regional trails and parks. In addition to recreational opportunities, the trail would provide a nonmotorized or “active” transportation option for commuters connecting to surrounding neighborhoods, employment centers, and commercial areas.

The lakefront segment of the trail corridor is within the study area and is parallel to and west of I-405 between Renton, north of the Park Drive and the I-90 interchanges. As of April 2017,

the lakefront segment was currently undeveloped for trail use. Rail removal began in October 2017.

The Eastside Rail Corridor is considered a Section 4(f) resource. The Eastside Rail Corridor is publicly owned land and is formally designated and determined to be significant for recreational purposes. The Eastside Rail Corridor Regional Trail is identified as a regional trail that enhances mobility and connectivity, supports utility infrastructure needs, and provides recreational opportunities (King County 2016).

LWCF funds would not be used in the development or construction of the Eastside Rail Corridor Regional Trail.

May Creek Trail

In 2012 and 2013, the City of Renton built a 0.25-mile, soft-surfaced trail on City-owned property along the north side of May Creek between Lake Washington Boulevard N and the I-405 right of way. This trail is planned as part of a future soft-surfaced trail in the May Creek Greenway between Lake Washington and the Cougar Mountain Regional Wildland Park trail system. The connection between the existing 0.25-mile trail and Lake Washington is on a dedicated open space trail in the Barbee Mill residential development, accessed from Lake Washington Boulevard N, N 43rd Street, and N 42nd Place in Renton. There currently is no trail connection across the I-405 right of way or along May Creek along the east side of I-405. No LWCF funds have been used for property acquisition or facility development for the May Creek Trail.

Lake Washington Trail

The Lake Washington Trail in the study area is a portion of the Lake Washington Loop Trail, which provides a paved bicycle route with on-street and off-street segments around Lake Washington. The segments of the paved Lake Washington Trail within the I-405 study area are shown in Exhibit 2-2, sheets 6 and 7.

WSDOT built two sections of off-street trail in WSDOT right of way. One off-street section starts from Ripley Lane N in Renton at about MP 7.8 and extends north about 0.75 mile along the I-405 southbound lanes to 106th Avenue SE in Bellevue near its intersection with Hazelwood Lane SE (MP 8.5). The trail continues north on-street along 106th Avenue SE to Lake Washington Boulevard SE at the I-405 112th Street SE

interchange. The on-street trail leaves Lake Washington Boulevard SE near the entrance to Newport Beach Park (MP 9.7) and continues as the second off-street trail segment built by WSDOT along the I-405 southbound lanes to the Coal Creek Parkway interchange (MP 10.2). The Lake Washington Trail leaves the I-405 right of way and follows Lake Washington Boulevard SE and 118th Avenue SE north, then crosses under I-90, where it joins with Bellevue's Lake to Lake Trail (Exhibit 2-2, sheet 7) and connects with the I-90 Mountains to Sound Greenway (Exhibit 2-2, sheet 8).

In the vicinity of the I-405 NE Park Drive interchange, the Lake Washington Trail is on-street with marked bicycle lanes on Lake Washington Boulevard N and Park Avenue N. The trail leaves the I-405 vicinity and continues along Logan Avenue N, Airport Way, and Rainier Avenue N.

The trail segments within WSDOT right of way are primarily for transportation use and are not Section 4(f) resources (WSDOT 2006). The trail was constructed by WSDOT as a transportation facility during I-405 HOV lane construction in the mid-1980s. The trail is a component of a regional multiuse trail system that is presently only partially developed. The segments of the trail potentially affected by the Project are fully contained within the WSDOT right of way. According to the FHWA Section 4(f) Policy Paper, if a publicly owned facility is primarily used for transportation and it is an integral part of the local transportation system, then the requirements of Section 4(f) do not apply (FHWA 2012).

Mountain to Sound Greenway (I-90 Trail)

The Mountain to Sound Greenway (I-90 Trail), or the John Wayne Trail, depending on how far east you are on the trail, is a long-distance east-west trail that theoretically crosses Washington State. The portion of the trail within the study area crosses Lake Washington on the north side of I-90. Once across the lake, the trail winds east and ends at 118th Avenue SE, just under the I-90/I-405 interchange. The I-90 Trail continues east from Factoria via a bike lane along SE 36th Street. This portion represents one of the gaps in the trail system so you must ride the bike lane along SE 36th Street, a fairly busy road.

The segments of the trail within the study area are contained within the WSDOT right of way. According to the FHWA

Section 4(f) Policy Paper, if a publicly owned facility is primarily used for transportation and it is an integral part of the local transportation system, then the requirements of Section 4(f) do not apply (FHWA 2012).

Historic Sites

Eastside Rail Corridor

See the previous discussion regarding the Eastside Rail Corridor Regional Trail. The main line of the Eastside Rail Corridor was originally called the Lake Washington Belt Line. The rail line is currently considered eligible for listing in the NRHP, although much of the alignment is no longer intact (King County 2015).

Paukstis House, 11620 SE 45th Place

This 1960 house is eligible for listing in the NRHP as a relatively rare example of an A-frame house style, popular in the mid-twentieth century, in an otherwise typical modern neighborhood. The property abuts the I-405 right of way southeast of the Coal Creek Parkway interchange. The residence is about 190 feet from the I-405 northbound off-ramp travel lane.

SECTION 5 PROJECT EFFECTS

What would conditions be like if the Project is not built?

The No Build Alternative would consist of WSDOT's continued routine maintenance of I-405 in the study area. These activities include short-term minor construction necessary for continued operation of the existing I-405 facility and minor safety improvements, as required within the project limits. As a result, there would be no direct, proximity, and/or construction effects at any of the recreational, Section 4(f) or Section 6(f) resources.

How would the Project affect Recreational, Section 4(f), and Section 6(f) Properties?

The following discussion describes the construction and operational effects on recreational resources if the Project were built and provides an assessment of the Project's use as defined in 23 CFR 774.17 on Section 4(f) resources, and determines whether a conversion would occur on any Section 6(f) properties. The assessment determined that two properties (May Creek Greenway and the Eastside Rail Corridor) would experience effects that meet the definition of use. However, it was determined that the use would not result in substantial impairment to the resources' activities, features, or attributes and would, therefore, be considered *de minimis* (not significant enough to merit further consideration). In addition, the Project would not result in the conversion of any Section 6(f) properties. The discussion below further supports these findings.

As summarized in Exhibit 5-1, many of the parks are located at the edge of the study area and at a distance far enough from the I-405 corridor that the activities, features, or attributes of the recreational resources would not be affected by construction activities or operational effects of the Project. Resources listed in Exhibit 5-1 that area adjacent to or within WSDOT right of way, however, would experience some minor effects. These effects are discussed in more detail below.

I-405, TUKWILA TO I-90 VICINITY EXPRESS TOLL LANES PROJECT
RECREATIONAL, SECTION 4(F), AND SECTION 6(F) RESOURCES TECHNICAL MEMORANDUM

Exhibit 5-1. Effects on Recreational Resources

Recreational Resource		Distance from Project Footprint	Permanent Acquisition	Effects and Section 4(f) Determinations ^a
1	Burnett Linear Park	About 0.25 mile	None	None, no Section 4(f) use
2	Tonkins Park	About 0.25 mile	None	None, no Section 4(f) use
3	Narco Site and Cedar River Natural Area	Adjacent to WSDOT right of way	None	None, no Section 4(f) use
4	Cedar River Park	Adjacent to WSDOT right of way	None	Temporary traffic delays during construction to traffic using the secondary park entrance, no Section 4(f) constructive use
5	Ron Regis Park	2.5 miles	None	Stream buffer enhancements, meets the Section 4(f) exception specific to 23 CFR 774.13 (g)
6	Gateway Park	About 0.25 mile	None	None, no Section 4(f) use
7	Piazza Park	About 0.25 mile	None	None, no Section 4(f) use
8	Veterans Memorial Park	About 0.25 mile	None	None, no Section 4(f) use
9	Jones Park	About 0.25 mile	None	None, no Section 4(f) use
10	Liberty Park	Adjacent to WSDOT right of way	None	None, no Section 4(f) use
11	Windsor Hills Park	About 0.25 mile	None	None, no Section 4(f) use
12	Gene Coulon Memorial Beach Park	500 feet	None	Temporary traffic delays during construction to traffic entering the park; no Section 4(f) constructive use
13	Kennydale Elementary School Playground	Adjacent to WSDOT right of way	None	None, no Section 4(f) use
14	May Creek Greenway - Fawcett property	Adjacent to WSDOT right of way	1.03 acre	1.03-acre permanent acquisition – <i>de minimis</i> finding
	Meadow property	Adjacent to WSDOT right of way	None	Temporary construction easement, temporary occupancy under Section 4(f)
15	Little Rhody Park	1,000 feet	None	None, no Section 4(f) use
16	Newcastle Beach Trail and Park	Adjacent to WSDOT right of way	None	Temporary traffic delays during construction to traffic entering the park; no Section 4(f) constructive use
17	Coal Creek Natural Area	Adjacent to WSDOT right of way	None	None, no Section 4(f) use

I-405, TUKWILA TO I-90 VICINITY EXPRESS TOLL LANES PROJECT
RECREATIONAL, SECTION 4(F), AND SECTION 6(F) RESOURCES TECHNICAL MEMORANDUM

18	Mercer Slough Nature Park	300 to 500 feet	None	Stormwater feature proposed in WSDOT right of way near the park; no Section 4(f) constructive use
Trails		Distance from Project Footprint	Permanent Acquisition	Effects
1	Duwamish Green River Trail	Crosses under I-405, is within WSDOT right of way	None	None, no Section 4(f) use
2	Interurban Trail	Crosses under I-405, is within WSDOT right of way	None	None, no Section 4(f) use
3	Springbrook Trail	Crosses under I-405, is within WSDOT right of way	None	None, no Section 4(f) use
4	Cedar River Trail	Crosses under I-405, is within WSDOT right of way	None	Temporary detours or delays and trail realignment within WSDOT right of way, meets the Section 4(f) exception specified in 23 CFR 774.13 (f)(3)
5	Eastside Rail Corridor Regional Trail	Adjacent to WSDOT right of way	None	Project improvements proposed, no Section 4(f) constrictive use
6	May Creek Trail	Adjacent to and within WSDOT right of way	None	Construction would occur near the trail, but would not restrict trail use, no Section 4(f) constructive use
7	Lake Washington Trail	Within WSDOT right of way	None	Trail sections relocated to the Eastside Rail Corridor Regional Trail (not considered a Section 4(f) resource)
8	Mountain to Sound Greenway (I-90 Trail)	Within WSDOT right of way	None	None (not considered a Section 4(f) resource)
Historic Resource		Distance from Project Footprint	Permanent Acquisition	Effects
1	Eastside Rail Corridor	Adjacent to WSDOT right of way	None	Section 4(f) <i>de minimis</i> finding due to NHRP eligibility and finding of "no adverse effect" under Section 106
2	Paukstis House, 11620 SE 45th Place	Adjacent to WSDOT right of way	None	None, no Section 4(f) use

^a A constructive use occurs when the transportation project does not incorporate land from a Section 4(f) property, but the project's proximity impacts are so severe that the protected activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired.

Burnett Linear, Tonkins, Gateway, Piazza, Veterans, Jones, Windsor Hills Parks, and Kennydale Elementary School Playground

As indicated previously these parks are located more than 0.25 mile from I-405 and would not be affected by construction.

Cedar River Natural Area, Narco Site and Liberty Park

Construction activities would occur at a distance far enough from the Cedar River Natural Area, Narco Site and Liberty Park that the protected activities, features, or attributes that qualify the property for protection under Section 4(f) would not be substantially impaired; therefore, there would be no use under Section 4(f).

Cedar River Park

As shown in Exhibit 5-2, Cedar River Park has two entrances: a main entrance off of SR 169 and a secondary entrance off of Houser Way North.

Exhibit 5-2. Cedar River Park



Construction would occur in the vicinity of Cedar River Park's secondary entrance off of Houser Way North. Construction in this area would include widening the southbound I-405 structure over Cedar River Park Dive, which would involve constructing new piers and placing girders over the existing

roadway both on the west and east sides of the Cedar River. Construction activities could result in interruptions or delays at this secondary entrance. The secondary park entrance, however, would remain open and access would be managed by flaggers that would direct traffic through the construction site. In addition, the main entrance off SR 169 would remain open throughout construction.

Temporary traffic delays during construction to traffic using the secondary park entrance would not cause substantial impairment to the resource's activities, features, or attributes that qualify the property for protection under Section 4(f). Therefore, there would be no constructive use under Section 4(f).

Ron Regis Park

The Project would affect stream buffers at the Cedar River, and WSDOT has identified an approximate 6,000-square-foot area located within the Ron Regis Park where stream buffer mitigation is proposed (Exhibit 5-3).

Exhibit 5-3. Buffer Enhancement at Ron Regis Park



WSDOT would not acquire any land from Ron Regis Park nor would the Project convert the property another use for the buffer enhancements. The proposed enhancements involve planting native vegetation along the Cedar River. These plantings would be consistent with the natural features of the Cedar River and this area of Ron Regis Park and would not be subject to the Section 6(f) conversion process. Because the enhancements would be consistent with the use in this section of Ron Regis Park, they qualify as a Section 4(f) exception under 23 CFR 774.13 (g). The exception applies to

transportation enhancement projects and mitigation activities where:

1. The use of the Section 4(f) property is solely for the purpose of preserving or enhancing an activity, feature, or attribute that qualifies the property for Section 4(f) protection, and
2. The official(s) with jurisdiction over the Section 4(f) resource agrees in writing to item 1 listed above.

WSDOT is coordinating the stream buffer enhancements with the City of Renton and will continue to work with the City of Renton to obtain approval for the enhancements in writing.

Gene Coulon Memorial Beach Park

The Project would include constructing an outfall to direct treated I-405 stormwater into Johns Creek. This conveyance pipe would not be located on park property but would require construction across Lake Washington Boulevard N near the park's access road. The construction method to cross the road would be determined in final design, but would not involve an open cut. The park entrance would remain open, and flaggers would direct traffic through the construction site. Traffic control hours on City streets would be coordinated with the City of Renton. Temporary traffic delays during construction to traffic entering the park would be minor and would not substantially impair protected activities, features, or attributes that qualify the park for protection under Section 4(f). Therefore, there would be no constructive use under Section 4(f).

May Creek Greenway

The Project would require a permanent acquisition from the Fawcett property and a temporary easement from the Meadow property, which are both part of the May Creek Greenway, which is a Section 4(f) resource.

Fawcett Property

WSDOT would acquire approximately 1.03 acres from the Fawcett property located along the eastside of I-405 near the NE 44th Street interchange to make room for the realignment of the northbound off-ramp. Located on the east side of I-405 at the southeast quadrant of the NE 44th Street interchange, the Fawcett property is one of many properties that make up the nearly 60-acre May Creek Greenway. The acquisition and

permanent incorporation of land from this property into a transportation facility would result in a Section 4(f) use. This effect would be generally minor in nature and would meet the criteria for a *de minimis* effect under Section 4(f).

A determination of *de minimis* effect on parks, recreation areas, and wildlife and waterfowl refuges may be made when all three of the following criteria are satisfied:

- The transportation use of the Section 4(f) resource, together with any effect avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f).
- The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource.
- The official(s) with jurisdiction over the property are informed of USDOT's intent to make the *de minimis* effect determination based on their written concurrence that the project would not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f).

The City of Renton has concurred that the use of the Fawcett property would have a *de minimis* effect on this Section 4(f) resource. Please see Appendix B. Mitigation is listed in Section 6, Measures to Avoid or Minimize Effects. The public will be provided an opportunity to comment on this *de minimis* finding as part of the 30-day public review and comment period for the EA.

Meadow Property

The Project would also require a temporary easement on the Meadow property, located on the west side of I-405 at the May Creek Bridge. A 1,000-square-foot temporary construction easement would be needed to build temporary access to construct the southwest side of the new May Creek Bridge. This temporary construction easement would meet the Section 4(f) temporary occupancy exemption listed in 23 CFR 774.13(d) because the following conditions would be satisfied:

- The duration is temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land.
- The scope of the work is minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal.
- There are no anticipated permanent adverse physical effects, nor would there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis.
- The land being used would be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the Project.
- There would be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

WSDOT has made the determination that the temporary construction easement needed on the Meadow property meets the conditions listed above for temporary occupancy, and the City of Renton has concurred with that determination. Please see Appendix B. Mitigation is described in Section 6, Measures to Avoid or Minimize Effects.

Little Rhody Park

Little Rhody Park is approximately 1,000 feet east of the I-405/NE 44th Street interchange and the protected activities, features, or attributes that qualify the property for protection under Section 4(f) would not be substantially impaired; therefore, there would be no use under Section 4 (f).

Newcastle Beach Trail and Park

Construction of the Eastside Rail Corridor Regional Trail would occur adjacent to the Newcastle Beach Park property. Construction would occur approximately 600 feet from the nearest active use area in the park and about 1,000 feet from the Lake Washington beach. Because the trail alignment is located on a deactivated rail line, there would be minimal need for earth-moving. Vehicles access the park from the south via Lake Washington Boulevard SE.

Construction in the I-405/112th Avenue SE interchange area may cause temporary traffic delays during construction for traffic entering the park. Flaggers would maintain vehicle and

nonmotorized access through the work zones when lane closures are necessary on Lake Washington Boulevard SE between the 112th Avenue SE interchange and the park entrance.

Temporary traffic delays during construction would be minor and would not substantially impair the resource's activities, features, or attributes that qualify the property for protection under Section 4(f). Therefore, there would be no constructive use under Section 4(f).

Coal Creek Natural Area

Construction for the Project would be distant enough to not impair the protected activities, features, or attributes that qualify the property for protection under Section 4(f); therefore, there would be no use under Section 4(f).

Mercer Slough Nature Park

The Project would not permanently or temporarily require land from Mercer Slough Nature Park. However, a stormwater feature would be placed within WSDOT right of way adjacent to the northwest side of the I-90/I-405 interchange near the park. This area of right of way was once used as a maintenance facility but now is vacant and exists as an unpaved parking lot. Stormwater from this discharge would disperse south under I-90 on WSDOT property and then eventually into Mercer Slough.

The stormwater would be treated using enhanced treatment best management practices. All work near Mercer Slough Nature Park would be constructed in existing WSDOT and City of Bellevue right of way. Construction on I-405 would not affect Mercer Slough Nature Park.

Because the stormwater would be treated prior to discharge, the nature of the area and its function as a slough and wetland area would not change, nor would there be substantial impairment to the resource's activities, features, or attributes that qualify the property for protection under Section 4(f).

All work near Mercer Slough Nature Park would be constructed in existing WSDOT and City of Bellevue right of way. There would be no Section 4(f) use of the park. Construction on I-405 would be distant enough to not impair the protected activities, features, or attributes that qualify the property for protection under Section 4(f); therefore, there would be no "constructive use" under Section 4(f).

Trails

Cedar River Trail

Construction would affect a portion of the Cedar River Trail within WSDOT right of way. Bridge construction would be isolated to the west side of I-405 and would include widening the southbound I-405 structure over the Cedar River and the Cedar River Trail. This widening would involve constructing new piers, widening both the north and south abutments, and placing new girders to support the new southbound lane on I-405 on the west side of existing southbound bridge carrying I-405 over the Cedar River.

Trail use would be provided during construction. At times, trail users may be detoured to a temporary trail that would be located near the existing trail within WSDOT's right of way or flaggers may manage trail traffic and trail users may experience minor delays. In addition, approximately 150 to 200 feet of the Cedar River Trail on the south side of the Cedar River would be permanently realigned within WSDOT's right of way to make room for a new bridge pier. This realignment would only be in the proximity of the pier and would not affect the rest of the trail alignment. The existing trail is about 9 feet wide and that width would be maintained in the realigned trail. The affected areas are all located within WSDOT right of way and would be fully restored following construction.

The effects on the Cedar River Trail would meet the exception to the requirement for Section 4(f) approval (23 CFR 224.13 (f)(3)) because Project construction would affect only a portion of the Cedar River Trail contained within WSDOT right of way and the continuity of the trail would be maintained.

Eastside Rail Corridor Regional Trail

The Eastside Rail Corridor that parallels I-405 is eligible for listing in the NHRP and is considered a Section 4(f) resource. The Project would include constructing a section of the Eastside Rail Corridor Regional Trail between the Ripley Lane N trestle, north of the NE 44th Street and Coal Creek Parkway interchanges. This section of trail would be constructed to replace the existing sections of the Lake Washington Trail that would be closed due to the Project.

A new drainage easement would be required for a stormwater pipe that would cross underneath the trail. Since the

stormwater pipe would be located under the trail, it would not cause substantial impairment to the resource's activities, features, or attributes that qualify the property for protection under Section 4(f).

Construction of this trail segment would be completed and open for use before the segments of the Lake Washington Trail in WSDOT right of way are closed.

The Project would not permanently or temporarily require land from the Eastside Rail Corridor, nor would the proximity effects result in substantial impairment to the resource's activities, features, or attributes that qualify the property for protection under Section 4(f).

May Creek Trail

The May Creek Trail is located on the west side of I-405 near the NE 44th Street on-ramp and the new May Creek bridge. When completed, the on-ramp would be about 30 feet closer to the trail but would remain screened by vegetation. There would be no change to trail access. The above-described proximity impacts would not substantially impair the protected activities, features, or attributes that qualify the property for protection under Section 4(f); therefore, there would be no constructive use under Section 4(f).

Lake Washington Trail

The Lake Washington Trail segments within WSDOT right of way are primarily for transportation use and are not Section 4(f) resources (WSDOT 2006) as described previously in Section 4, Affected Environment. The trail is a component of a regional multiuse trail system that is presently only partially developed. The segments of the trail that would be affected by the Project are fully contained within the WSDOT right of way. According to the FHWA Section 4(f) regulations, if a publicly owned facility is primarily used for transportation and it is an integral part of the local transportation system, then the requirements of Section 4(f) do not apply per 23 CFR 774.13 (f)(4).

Mountain to Sound Greenway (I-90 Trail)

The segments of the I-90 Trail within the study area are fully contained within the WSDOT right of way. As described previously the trail is primarily for transportation use and, therefore, is not a Section 4(f) resource. The trail in this area runs adjacent to the eastbound I-90 off-ramp to Factoria

Boulevard. The Project would realign the I-405 northbound to I-90 eastbound ramp and would construct a new bridge over the trail and off-ramp to Factoria Boulevard. Constructing this bridge would not affect the continuity of the trail.

Historic Sites

Eastside Rail Corridor

The Eastside Rail Corridor that parallels I-405 is eligible for the NRHP and, therefore, is considered a Section 4(f) resource. Per FHWA guidance, a Section 4(f) *de minimis* finding was made because the SHPO concurred that there was no adverse effect to historic resources. Please see documentation in Appendix C, for the FHWA/WSDOT Checklist and the SHPO Concurrence in Attachment M, Agency and Tribal Correspondence of the EA.

Paukstis House, 11620 SE 45th Place

Widening of I-405 in the Paukstis House vicinity would primarily be to west for the southbound lanes, away from the residence. No construction effects are anticipated for the Paukstis House.

SECTION 6 MEASURES TO AVOID OR MINIMIZE EFFECTS

What measures will WSDOT take to minimize harm of recreational, Section 4(f), and Section 6(f) resources during construction?

- WSDOT will coordinate construction activities as needed with the City of Renton at Cedar River Park, Ron Regis Park, Cedar River Trail, Gene Coulon Memorial Beach Park, and May Creek Greenway. At Newcastle Beach Park, WSDOT will coordinate construction activities with the City of Bellevue.
- Use of the Cedar River Trail would be provided during construction. At times, trail users may be detoured to a temporary trail that would be located near the existing trail within WSDOT right of way. Flaggers may be used as necessary to manage trail detours.

What measures will WSDOT take to minimize harm of recreational, Section 4(f), and Section 6(f) resources during operation?

To mitigate for the unavoidable use of the Fawcett property and temporary occupancy of the Meadow property, WSDOT and the City of Renton have entered into an interlocal agreement. The purpose of this agreement is to set the terms by which WSDOT will pay for the design, permitting, and construction of a segment of the May Creek Trail. Please see Appendix B.

Fawcett Property

- WSDOT will reimburse King County for the grant money used by the City of Renton to purchase the portion of the property affected by the Project, contingent upon King County's approval.
- WSDOT will reimburse the City of Renton for all costs associated with designing, permitting (including environmental review), constructing, and observing the construction of an 8-foot-wide soft surface trail and accessory components, and associated mitigation connecting from the existing soft surface May Creek Trail on the west side of I-405 easterly underneath I-405 to Jones Avenue NE (the trail segment).

- WSDOT will secure a trail lease for the City of Renton within WSDOT right of way for the trail segment.
- WSDOT will incorporate the design of the trail segment into the Project.

Meadow Property

- WSDOT will restore the property to original or better condition prior to Project completion, including relocating and restoring any disturbed utilities. WSDOT acknowledges and agrees that mitigation for temporary effects will be evaluated through the shoreline and critical areas permit(s) and will likely address plant establishment and mitigation for tree effects. Mitigation will be at WSDOT's cost.
- With the City of Renton's assistance and cooperation, WSDOT shall design, permit, relocate, and connect existing underground utilities serving the prior property owner in order to maintain existing or better service, with all work incurred and costs paid for by WSDOT.

SECTION 7 REFERENCES

- City of Bellevue. 2017. Parks and Community Services Department. Resource Management and Natural Resources web page for Coal Creek Natural Area. Retrieved on February 8, 2017, from <https://bellevuewa.gov/coal-creek-natural-area.htm>.
- City of Renton. 2009. *Renton Trails and Bicycle Master Plan*. May.
- City of Renton. 2011. *Parks, Recreation, and Natural Areas Plan*. November.
- Federal Highway Administration (FHWA). 2012. *FHWA Section 4(f) Policy Paper*. U.S. Department of Transportation. July.
- King County. 2015. *Eastside Rail Corridor Regional Trail Master Plan Project*. Historic and Cultural Resources. Parks and Recreation Division. May.
- King County. 2016. *Eastside Rail Corridor Regional Trail Final Master Plan and Environmental Impact Statement*. Parks and Recreation Division. July.
- Washington State Recreation and Conservation Office (RCO). 2015. Long-term Obligations for Grants from the Washington State Recreation and Conservation Office. Letter from Kaleen Cottingham, Director Washington State Recreation and Conservation Office to Honorable Claudia Baldacci. July.
- Washington State Recreation and Conservation Office (RCO). 2016. Long-term Obligations for Grants from the Washington State Recreation and Conservation Office. Letter from Kaleen Cottingham, Director Washington State Recreation and Conservation Office to Tod Black, Community Service Administrator, City of Renton. April.
- Washington State Department of Transportation (WSDOT). 2006. *I-405 Renton to Bellevue Project, SR 169 to I-90 Environmental Assessment Appendix O: Section 4(f) Evaluation*. March.

APPENDIX A ACRONYMS AND ABBREVIATIONS

Acronym	Meaning
CFR	Code of Federal Regulations
EA	Environmental Assessment
EIS	Environmental Impact Statement
ETL	express toll lane
FHWA	Federal Highway Administration
GP	general purpose
HOV	high-occupancy vehicle
I-405	Interstate 405
I-5	Interstate 5
I-90	Interstate 90
LWCF	Land and Water Conservation Fund
MP	milepost
NEPA	National Environmental Policy Act
NRHP	National Register of Historic Places
OEO	Office of Equal Opportunity
RCO	Washington State Recreation and Conservation Office
ROD	Record of Decision
SOV	single-occupant vehicle
SR	State Route
UNT	unnamed tributary
USC	United States Code
USDOT	U.S. Department of Transportation
WSDOT	Washington State Department of Transportation
WSTC	Washington State Transportation Commission

APPENDIX B SECTION 4(F) CONCURRENCE WITH THE CITY OF RENTON



May 31, 2018

Kelly Beymer
City of Renton Planning and Natural Resources Director
1055 South Grady Way
Renton, WA 98057

Re: Letter to the City of Renton Requesting Section 4(f) Concurrence for the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project

Dear Kelly,

WSDOT has evaluated the effects of the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project (Project) on Section 4(f) resources that are within the City’s jurisdiction. Our analysis is summarized in Exhibit 1 followed by a more detailed discussion for each Section 4(f) resource. We ask that you review the findings and provide us with written concurrence on the Section 4(f) determinations for the following resources:

- May Creek Greenway – Fawcett Property, WSDOT Parcel 1-24345
- May Creek Greenway– Meadow Property, WSDOT Parcel 1-24496

Exhibit 1. Summary of Section 4(f) Findings for City of Renton Properties

Section 4(f) Resource	Section 4(f) Determination
May Creek Greenway – Fawcett Property	1.03-acres of permanent property acquisition, <i>de minimis</i> impact per <u>23 CFR 774.3(b)</u> and <u>23 CFR 774.17</u> , City concurrence required.
May Creek Greenway – Meadow Property	2,878-square-foot temporary construction easement, meets the temporary occupancy exception per <u>23 CFR 774.13(d)</u> , City concurrence required.

City Section 4(f) Resources Requiring Concurrence

May Creek Greenway – Fawcett Property Section 4(f) Determination

WSDOT would acquire approximately 1.03 acres from the Fawcett property located along the eastside of I-405 near the NE 44th Street interchange to make room for the realignment of the northbound off-ramp. Located on the east side of I-405 at the southeast quadrant of the NE 44th Street interchange, the Fawcett property is one of many properties that make up the nearly 60-acre May Creek Greenway. The acquisition and permanent incorporation of land from this property into a transportation facility would result in a Section 4(f) use. This effect is considered generally minor in nature and meets the criteria for a *de minimis* effect under Section 4(f), subject to the mitigation requirements discussed below.

A *de minimis* determination under Section 4(f) may be made when all three of the following criteria are satisfied:

- The transportation use of the Section 4(f) resource, together with any avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f).
- The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource.
- The official(s) with jurisdiction over the property are informed of USDOT's intent to make the *de minimis* effect determination based on their written concurrence that the project would not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f).

As described in a letter of intent dated November 3, 2017 (the "Letter of Intent") and an interlocal agreement agreed to by WSDOT and approved by the City of Renton's Council on May 21, 2018 (the "Interlocal Agreement"), the City intends to concur with the *de minimis* finding. The City's concurrence is dependent on mitigation measures identified in the Interlocal Agreement. Attachment A to this letter is the Letter of Intent. Attachment B to this letter is the Interlocal Agreement. Public comment on this *de minimis* finding will be provided as part of the 30-day public review and comment period that will occur when the Project Environmental Assessment (EA) is published in mid-June 2018.

May Creek Greenway – Meadow Property Section 4(f) Determination

The Project would also require a 2,878-square-foot temporary construction easement on the Meadow property, located on the west side of I-405 at the May Creek Bridge. A temporary construction easement would be needed to build temporary access to construct the southwest side of the new May Creek Bridge. This temporary construction easement would meet the Section 4(f) temporary occupancy exemption listed in 23 CFR 774.13(d) because the following conditions would be satisfied, as further discussed below:

Kelly Beymer
City of Renton
Page 3

- The duration is temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land.
- The scope of the work is minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal.
- There are no anticipated permanent adverse physical effects, nor would there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis.
- The land being used would be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the Project.
- There would be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

With mitigation, WSDOT has made the determination that the temporary construction easement needed on the Meadow property meets the conditions listed above for temporary occupancy. In the Interlocal Agreement the City agreed to concur with the temporary occupancy determination, subject to the following: the City's concurrence is dependent on mitigation measures identified in the Interlocal Agreement, local permit approvals (LUA17-000808), and the terms of a temporary construction easement over the Meadow property that the City and WSDOT are discussing.

WSDOT requests that the City of Renton sign below concurring with the findings for the May Creek Greenway, Fawcett and Meadow properties as described above.


If further questions or clarifications are needed please contact Allison Hanson at 425-450-2703.

Sincerely,


Sean Quarrie, P.E.

WSDOT
I-405 Project Engineer

Kelly Beymer
City of Renton
Administrator, Community Services Department

 5/31/18 _____ (Signature/Date)

Kelly Beymer
City of Renton
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Attachments:

A: November 3, 2017 Letter of Intent, Mitigation of Two Section 4(f) Properties within City of Renton Jurisdiction

B: Interlocal Agreement Between the Washington State Department of Transportation and the City of Renton for Mitigation of Impacts to Section 4(f) Properties Located Along the WSDOT I-405 Renton to Bellevue Project Corridor (as approved by the Renton City Council on May 21, 2018)

Denis Law Mayor



Public Works Department Gregg Zimmerman, P.E., Administrator

November 3, 2017

Via First Class Mail and E-Mail

Mr. Kim Henry, P.E.
WSDOT I-405/SR167 Program Administrator
600-108th Avenue NE Ste. 405
Bellevue, WA 98004

**RE: Letter of Intent
Mitigation of Impacts to Two Section 4(f) Properties within City of Renton Jurisdiction**

Dear Mr. Henry:

The City of Renton (the City) appreciates the coordination between the Washington State Department of Transportation (WSDOT) and the City regarding two Section 4(f) properties near the NE 44th Street interchange that are impacted by WSDOT's Renton to Bellevue Project (the Project). This letter of intent documents the City's understanding of WSDOT's intent to mitigate impacts to the two Section 4(f) properties and the respective commitments of WSDOT and the City to effectuate such mitigation.¹

Interlocal Agreement

WSDOT and the City will enter into an interlocal agreement (ILA) as soon as feasible, with the intent to have the fully executed ILA in place no later than January 31, 2018. Generally, the purpose of the ILA is to set forth the terms by which WSDOT will pay for the design, permitting, and construction of a segment of the May Creek Trail. Specifically, the ILA will include the following as to the two Section 4(f) properties at issue, identified as "Area 1" and "Area 2:"

Area 1: East side of I-405 at the SE Quadrant of the NE 44th Street Interchange (known as the Fawcett Property; shown in enclosed Attachment 1)

1. WSDOT will reimburse King County for the grant money used by the City to purchase the portion of the property impacted by the Project, contingent upon King County's approval.
2. WSDOT will fully reimburse the City for all costs associated with designing, permitting (including environmental review), constructing, and observing the construction of an eight-foot wide soft

¹ The City provides this letter as a response to and a replacement of WSDOT's letter dated October 31, 2017.

surface trail and accessory components (such as split rail trail fencing, sensitive areas signage, public access signs, benches, and other trail amenities), and associated mitigation connecting from the existing soft surface May Creek Trail on the west side of I-405 and extending underneath I-405 to the east to Jones Avenue NE (the Trail Segment).

- a. WSDOT's reimbursement obligations for the Trail Segment will include reimbursing the hourly cost value of the City's project manager (a City employee) as well as the hourly costs of the City's consultant(s) and contractor(s).
 - b. The City's project manager will be provided by the City's Public Works Department or the Community and Economic Development Department.
 - c. The City will retain the authority and discretion to engage a consultant to aid the City's project manager in project management and to engage consultants and contractors for any portion of the designing, permitting, constructing, and observing work for the Trail Segment, all at the City's discretion.
3. During the permitting phase of the Trail Segment, the City will afford the public the opportunity to review and comment on the effects of the Project on the Section 4(f) resource.
 4. WSDOT will secure a trail lease for the City within WSDOT right-of-way for the Trail Segment before WSDOT's contract ad date (currently September 2018).
 5. The City will diligently pursue obtaining the necessary permits for the Trail Segment prior to WSDOT's contract ad date (currently September 2018).
 6. WSDOT will incorporate the design of the Trail Segment into the Project, including designing for a longer bridge over May Creek if needed.

Area 2: West side of I-405 at the May Creek Bridge (known as the Meadow Property; shown in enclosed Attachment 2)

1. After the City acquires the property, the City will grant WSDOT a temporary construction easement to build temporary access to the southwest side of the new May Creek Bridge for construction.
2. WSDOT will restore the property to original or better condition prior to completion of the Project, including relocating and restoring any disturbed utilities. WSDOT acknowledges and agrees that mitigation for temporary impacts will be evaluated through the shoreline and critical areas permit(s) and will likely address plant establishment and mitigation for tree impacts. Mitigation will be at WSDOT's cost.
3. With the City's assistance and cooperation WSDOT shall design, permit, relocate and connect the existing underground utilities serving the prior property owner in order to maintain existing or better service, with all work incurred and costs paid for by WSDOT.

Anticipated Concurrence in Section 4(f) Determinations

The City anticipates that entering into the ILA and completing all obligations under the ILA will respond to the impacts to the Section 4(f) properties as follows:

- **Area 1:** The City is prepared to concur that if the Trail Segment is put in place (as outlined above) the Trail Segment will sufficiently mitigate the impacts to the Section 4(f) property such



Page 3 of 3.

that a de minimis impact determination is appropriate. The City will provide its de minimis impact concurrence upon the full execution of the ILA.

- Area 2: The City is prepared to agree that the proposed temporary occupancy of the Section 4(f) property is not a Section 4(f) use. The City will provide such agreement upon the full execution of the ILA.

The City appreciates this opportunity to partner with WSDOT. We will prepare a draft of the ILA and transmit it for WSDOT's review.

Sincerely,



Gregg A. Zimmerman, P.E.
Public Works Administrator

enclosures

Attachment 1 (Fawcett Property)

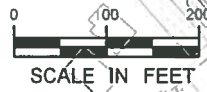
Attachment 2 (Meadow Property)

cc: Jay Covington, Chief Administrative Officer
Kelly Beymer, Community Services Administrator
Jim Seitz, Transportation Systems Director
Chip Vincent, Community and Economic Development Administrator
Vanessa Dolbee, Current Planning Manager, CED
Leslie Betlach, Parks Planning and Natural Resources Director
Vicki Grover, Transportation Planning Manager





KEY MAP



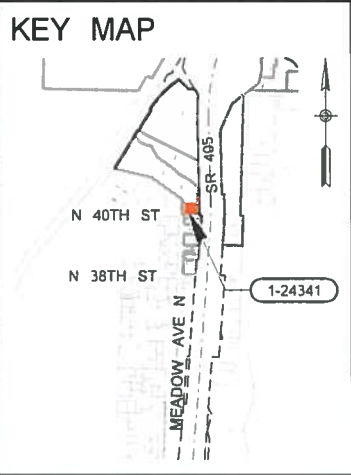
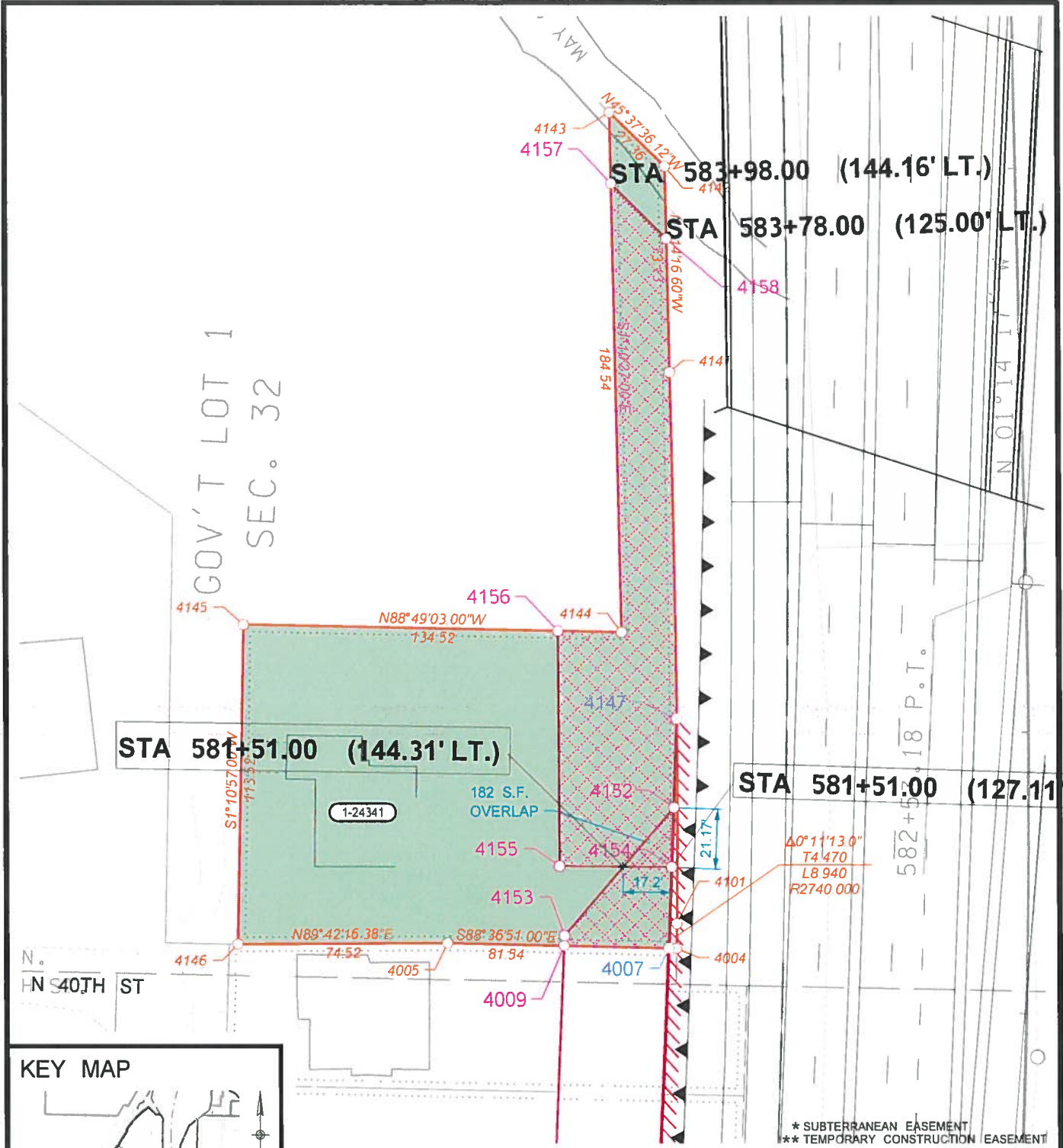
CITY OF RENTON	* 322,130	5.73 AC	45,225	276,905	
NAME	CALC'D AREA	TOTAL AREA	R/W	LT. REMAINDER RT.	EASMT
TOTAL AREA IS FROM ASSESSOR'S RECORDS ALL AREAS ARE SHOWN IN SQUARE FEET			OWNERSHIP		REMAINDER IS BASED ON TOTAL AREA AND R/W TAKE (NOT CALC'D AREA)

- LEGEND**
- RIGHT-OF-WAY TAKE
 - REMAINDER AREA
 - EASEMENT AREA
 - 125 COGO POINT I.D.
 - 1-12345 PARCEL NUMBER

SR 405
RENTON TO BELLEVUE
EXPRESS TOLL LANES

PARCEL NO. 1-24345

SHEET
OF



MEADOW PARTNERS LLC	20,761	20,833	126	20,707	*998 **6.319
NAME	CALC'D AREA	TOTAL AREA	R/W	LT. REMAINDER RT.	EASMT
TOTAL AREA IS FROM ASSESSOR'S RECORDS ALL AREAS ARE SHOWN IN SQUARE FEET				REMAINDER IS BASED ON TOTAL AREA AND R/W TAKE (NOT CALC'D AREA)	

LEGEND

- RIGHT-OF-WAY TAKE
- REMAINDER AREA
- EASEMENT AREA
- 125 COGO POINT I.D.
- 1-12345 PARCEL NUMBER

**SR 405
RENTON TO BELLEVUE
EXPRESS TOLL LANES**

PARCEL NO. 1-24341

SHEET
OF

CITY OF RENTON, WASHINGTON

RESOLUTION NO. 4342

A RESOLUTION OF THE CITY OF RENTON, WASHINGTON, AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION (“WSDOT”) FOR MITIGATION OF IMPACTS TO SECTION 4(f) PROPERTIES LOCATED ALONG THE WSDOT I-405 RENTON TO BELLEVUE PROJECT CORRIDOR.

WHEREAS, the City and WSDOT are authorized, pursuant to RCW Chapter 39.34, the Interlocal Cooperation Act, to enter into an interlocal government cooperative agreement; and

WHEREAS, WSDOT is planning improvements to I-405 between SR 169 and I-90, known as the Renton to Bellevue Project (the “Project”); and

WHEREAS, a portion of the Project abuts properties within the City’s jurisdiction that are owned by the City; and

WHEREAS, the Federal Highway Administration and the State have identified two such properties, specifically described in the interlocal agreement, as qualifying properties under Section 4(f) of the United States Department of Transportation Act of 1966 (49 USC 303); and

WHEREAS, a Section 4(f) use of a Section 4(f) property requires mitigation and compliance with processes specified by federal regulatory guidelines codified at 23 C.F.R. § 774; and

WHEREAS, it is necessary to document the terms and conditions of said mitigation for the two Section 4(f) properties at issue in an interlocal agreement;


WHEREAS, the City and WSDOT have negotiated the terms of a mutually agreeable interlocal agreement;

RESOLUTION NO. 4342

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RENTON, WASHINGTON, DO
RESOLVE AS FOLLOWS:

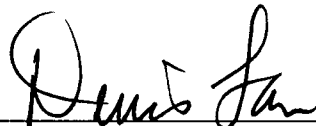
SECTION I. The Mayor and City Clerk are hereby authorized to enter into the interlocal agreement with WSDOT entitled "Interlocal Agreement Between the Washington State Department of Transportation and the City of Renton for Mitigation of Impacts to Section 4(f) Properties Located Along the WSDOT I-405 Renton to Bellevue Project Corridor" and designated by WSDOT as contract file number GCB 2890, which is attached hereto as Exhibit A and incorporated by this reference.

PASSED BY THE CITY COUNCIL this 21st day of May, 2018.




Jason A. Seth, City Clerk

APPROVED BY THE MAYOR this this 21st day of May, 2018.



Denis Law, Mayor

Approved as to form:



Shane Moloney, City Attorney



RES.1754:4/25/18:scr

EXHIBIT A

**INTERLOCAL AGREEMENT BETWEEN THE WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION AND THE CITY OF RENTON FOR
MITIGATION OF IMPACTS TO SECTION 4(f) PROPERTIES LOCATED
ALONG THE WSDOT I-405/SR 167 RENTON TO BELLEVUE PROJECT
CORRIDOR**

GCB 2890

INTERLOCAL AGREEMENT BETWEEN THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION AND THE CITY OF RENTON FOR MITIGATION OF IMPACTS TO SECTION 4(f) PROPERTIES LOCATED ALONG THE WSDOT I-405 RENTON TO BELLEVUE PROJECT CORRIDOR

This Interlocal Agreement (Agreement) is made and entered into by the Washington Department of Transportation, an agency of the State of Washington (WSDOT), and the City of Renton, a Washington municipal corporation (CITY) (collectively, the CITY and WSDOT are the "Parties").

Recitals

1. The Parties have the authority to enter into this Agreement pursuant to chapter 39.34 RCW, the Interlocal Cooperation Act, wherein the legislature has authorized governmental units to make the most efficient use of their individual powers by enabling them to cooperate on a basis of mutual advantage for public benefit.

Background

2. WSDOT is planning improvements to I-405 between SR 167 in Renton and NE 6th Street in Bellevue, known as the I-405, Renton to Bellevue Widening and Express Toll Lanes Project (the "Project").
3. The Project's Request for Proposals (RFP) is scheduled for issuance in November 2018, and the Project is expected to open to traffic in 2024.
4. A portion of the Project abuts properties within the CITY's jurisdiction that are publicly owned.
5. In December 2017, the CITY acquired a portion of a property to be encumbered by the Project with a temporary construction easement.
6. The Federal Highway Administration and the State of Washington have identified two properties as qualifying for preservation under Section 4(f) of the United States Department of Transportation Act of 1966 (49 USC 303) as publicly owned park and recreation areas, as further described below.
7. The CITY's two publicly owned Section 4(f) properties at issue are identified as follows:
 - a. Area 1. The property referred to in this Agreement as "Area 1" is situated abutting and east of I-405, south of NE 43rd Street (if extended) and north of NE 40th Street (if extended). It is designated by King County as tax parcel 3224059010. WSDOT has designated the property as Parcel No. 1-24345 and has also referred to the property as the Fawcett Property. The property is depicted in Exhibit 1 hereto¹ and described in Exhibit 2 hereto.

¹ Exhibit 1 was referred to as "Attachment 1" in the Parties' letter of intent discussed below.

- b. Area 2. The property referred to in this Agreement as “Area 2” is situated abutting and west of I-405, north of N 40th Street (if extended). The property is comprised of portions of King County tax parcels 3224059043 and 3224059081 (as of November 27, 2017, but subject to change due to a lot line adjustment, CITY File No. LUA-17-000470, King County Recording No. 20171130900003). WSDOT has designated the property as Parcel No. 1-24496 and has also referred to the property as the Meadow Property. The property is depicted in Exhibit 3 hereto.²
8. A Section 4(f) temporary occupancy requires compliance with processes specified by federal regulatory guidelines codified at 23 C.F.R. § 774.

Area 1 Mitigation (East of I-405; WSDOT Parcel Number 1-24345; King County APN 3224059010)

9. As of the date of this Agreement, WSDOT calculated Area 1 to be 322,130 square feet in area and proposes to take 45,225 square feet of Area 1 for right-of-way for the Project, which is 14% of Area 1.
10. The CITY acquired Area 1 using funding from two grants from King County’s Conservation Futures Levy Fund. Because WSDOT proposes to take a portion of Area 1 for the Project, a King County-City of Renton interlocal agreement (titled Interlocal Cooperation Agreement Between King County and the City of Renton Suburban City Open Space Acquisition Projects, executed on June, 5, 1990) (hereinafter, the “King County-City of Renton ILA”) requires that an appraisal be provided to King County valuing Area 1. WSDOT obtained an appraisal report, which was transmitted to King County. To date, King County has accepted the appraisal report as sufficient for the purposes of the King County-City of Renton ILA.
11. The CITY has included Area 1 within the May Creek Greenway plan; protects it for park, recreation, and waterfowl and wildlife refuge uses; considers the area to be a recreation and wildlife area of local significance; and has long-designated it as the location for a connector segment of the regional May Creek Trail, all of which qualify Area 1 as a Section 4(f) public park and recreation area.
12. Without mitigation, the Project would adversely affect the features, attributes, or activities qualifying Area 1 for protection under Section 4(f), and is a use of Area 1 under Section 4(f).
13. WSDOT and CITY agree that installing the CITY’s contemplated May Creek Trail connector segment would mitigate the Project’s impacts on Area 1 such that the Project would not adversely affect the features, attributes, or activities qualifying Area 1 for protection under Section 4(f).
14. WSDOT is willing to pay for the design, permitting, and construction of the May Creek Trail connector segment to mitigate the Section 4(f) impacts to Area 1; provided that the CITY concurs that such work mitigates the impacts to Area 1 to a 4(f) de minimis impact.

² Exhibit 3 was referred to as “Attachment 2” in the Parties’ letter of intent discussed below.

Area 2 Mitigation (West of I-405 and south of May Creek; WSDOT Parcel No. 1-24496; King County APNs 3224059081 (portion) and 3224059043 (portion) (parcel numbers as of January 17, 2018))

15. As of the date of this Agreement, WSDOT calculated Area 2 to be 357,673 square feet in area and proposes to encumber 2,878 square feet of Area 2 for a temporary construction easement, as shown on the Right of Way Plan, Exhibit 4, to facilitate construction of the Project.
16. In December 2017, the CITY acquired Area 2 from a private owner, Meadow Partners, LLC, which retains ownership of the parcel immediately south of Area 2, and the CITY has included Area 2 as part of the May Creek Greenway Plan, qualifying the acquired portion for Section 4(f) protection as a publicly owned park and recreation area.
17. A Section 4(f) temporary occupancy of Area 2 will occur.
18. WSDOT and CITY agree that limiting WSDOT's use of Area 2 to a temporary construction easement and providing for post-construction restoration and the relocation of utilities located within Area 2 serving the parcel to the south, as specified in this Agreement, is not a Section 4(f) use triggering Section 4(f) mitigation and qualifies as a temporary occupancy under Section 4(f) guidelines.

Letter of Intent

19. On November 3, 2017, the CITY delivered a letter of intent to WSDOT documenting the CITY's understanding of WSDOT's intent to mitigate the impacts to the two Section 4(f) properties, and the Letter of Intent provided that the Parties would subsequently enter into an interlocal cooperation agreement to formalize the Parties' understandings and obligations.

Now Therefore, in consideration of the mutual promises herein, and the attached Exhibits which are incorporated and made a part hereof, the Parties agree as follows:

Agreement

The CITY and WSDOT agree to comply with the terms of this Agreement.

1.0 Adoption of Recitals

The foregoing recitals are adopted and incorporated herein as terms of this Agreement.

2.0 Area 1 Responsibilities

2.1 The CITY's responsibilities

- 2.1.1 The CITY will conceptually design, provide design criteria and specifications, and permit (including environmental review) an eight-foot wide soft surface trail with accessory components (such as split rail trail fencing, sensitive areas signage, public access signs, benches, and other trail amenities) connecting from the existing soft surface May Creek Trail on the west side of I-405 and north of May Creek (on the property designated by King County as parcel number

3224059109) and extending underneath I-405 to the east and through Area 1 to Jones Avenue NE (the "Trail Segment"). The CITY's work to conceptually design, provide design criteria and specifications, and permit (including environmental review) the Trail Segment is hereinafter the "Work." Attached to this Agreement as Exhibit 5 Conceptual Trail Plans (Exhibit 5) are preliminary, conceptual plans gathered by the CITY anticipating the Trail Segment's approximate location and design.

2.1.1.1 The CITY will designate a CITY employee from the CITY's Public Works Department or the Community and Economic Development Department as an internal project manager for the Work.

2.1.1.2 Due to CITY staffing and workloads, the CITY intends to engage a consultant to aid the CITY's project manager in project management. The CITY will retain the authority to engage such a project manager consultant and to engage any other consultants for any portion of the Work, all at the CITY's discretion.

2.1.1.3 The CITY will keep a record of all of its costs incurred to perform the Work, including the hourly cost value of the CITY's project manager and any other CITY staff performing the Work.

2.1.1.4 No later than September 15, 2018, the CITY will deliver to WSDOT three (3) hard copies and an electronic copy of conceptual plans and specifications for the Trail Segment (Conceptual Trail Segment Plans). The Conceptual Trail Segment Plans will include, but not necessarily be limited to, conceptual alignment plans, cross sections, details, and construction requirements, to be incorporated into the Project's RFP. The Conceptual Trail Segment Plans will reflect an approximately 30% design level.

2.1.2 For any local government permit administered by the CITY for the Trail Segment, the CITY will afford the public the opportunity to review and comment on the effects of the Project on the Section 4(f) resource.

2.1.3 The CITY will diligently pursue obtaining the necessary permits for the Trail Segment. It will pursue obtaining such permits as contemporaneously as possible to WSDOT's RFP ad date (currently November 2018), but both the CITY and WSDOT acknowledge that the permit processes may not yet be complete by November 2018. As soon as the Trail Segment is fully permitted, the CITY will deliver to WSDOT three (3) hard copies and an electronic copy of any of the following types of plans and specifications associated with permits obtained by the CITY: alignment plans, cross sections, details, construction requirements, and scope(s) of work (collectively, the "Permitted Trail Segment Plans").

2.1.4 Within ten (10) days after the execution of this Agreement, the CITY will submit to WSDOT written concurrence that installing the Trail Segment sufficiently mitigates the impacts to Area 1 such that a Section 4(f) De Minimis impact determination is appropriate.

2.2 WSDOT's responsibilities

- 2.2.1 WSDOT acknowledges that it possesses property data (including environmental studies and assessments) that could aid the CITY in obtaining permits for the Trail Segment. WSDOT agrees that it will transmit all such property data to the CITY within ten (10) days after the execution of this Agreement.
- 2.2.2 WSDOT agrees it will reimburse the City of Renton for the portion of Area 1 acquired by the Project which was earlier acquired from King County by the CITY with grant funds. Upon King County's written acceptance of the value of the take portion of Area 1, the State will reimburse the City of Renton for the change in use or status of Area 1 caused by the State's take in an amount determined pursuant to the terms of the King County-City of Renton ILA.
- 2.2.3 WSDOT will secure a trail lease for the CITY's Trail Segment within WSDOT right-of-way before WSDOT's RFP ad date (currently November 2018).
- 2.2.4 WSDOT will incorporate the Conceptual Trail Segment Plans into the Project's RFP. WSDOT will design (Engineer of Record), construct, and observe the construction of the Trail Segment (Trail Segment Construction) at WSDOT's expense, as conceptually designed and permitted by the CITY as shown in the Permitted Trail Segment Plans. WSDOT will complete Trail Segment Construction no later than the completion date of the Project, which is planned for 2024.
- 2.2.5 When WSDOT determines that Trail Segment Construction is complete, WSDOT will deliver a written Notice of Physical Completion of Trail Segment Construction (Notice) to the CITY.

3.0 Area 2 Responsibilities

3.1 The CITY's Responsibilities

- 3.1.1 The CITY will grant WSDOT a temporary construction easement over Area 2 to build temporary access to the southwest side of the new May Creek Bridge for construction.
- 3.1.2 Within ten (10) days after the execution of this Agreement, the CITY will provide WSDOT with a written statement that the CITY agrees that WSDOT's proposed temporary occupancy of Area 2 is not a Section 4(f) use.

3.2 WSDOT's Responsibilities

- 3.2.1 WSDOT will design, permit, relocate, and connect the existing utilities located within Area 2 that serve the parcel immediately to the south which is owned by Meadow Partners, LLC (or its heir, successor, or assign) to maintain existing or better service, with all work incurred and costs paid for by WSDOT.
- 3.2.2 WSDOT will restore Area 2 to original or better condition prior to completion of the Project. WSDOT acknowledges and agrees that mitigation for temporary impacts will be evaluated through the shoreline and critical areas permit(s) and

will likely address plant establishment and mitigation for tree impacts. All mitigation for temporary impacts will be at WSDOT's cost.

4.0 Payment

- 4.1 WSDOT, in consideration of the faithful performance of the Work to be done by the CITY, agrees to reimburse the CITY for the actual direct and related indirect cost of the Work as shown in Exhibit 6, Estimate of Cost GCB 2890 (Exhibit 6). WSDOT expressly acknowledges that the amounts stated in Exhibit 6 serve as an estimate. The CITY will closely monitor expenditures and will request additional authorization from WSDOT with justification before exceeding the total shown in Exhibit 6.
- 4.2 Partial payments shall be made by WSDOT, upon request of the CITY, to cover costs incurred. These payments are not to be more frequent than one (1) per month. It is agreed that any such partial payment will not constitute agreement as to the appropriateness of any item and that, at the time of the final audit, all required adjustments will be made and reflected in a final payment.
- 4.3 WSDOT agrees to make payment for the work to be done by the CITY within thirty (30) days from receipt of the billing from the CITY.
- 4.4 The CITY agrees to submit a final bill to WSDOT within forty-five (45) calendar days after the CITY has completed the Work.

5.0 City Acceptance of the Trail Segment

- 5.1 Prior to acceptance of the Trail Segment Construction, the CITY and WSDOT will perform a joint final inspection. The CITY agrees, upon satisfactory completion of the Trail Segment Construction and receipt of the Notice, to deliver a letter of acceptance to WSDOT which shall include a release of WSDOT from all future claims or demands of any nature resulting from the performance of the Trail Segment Construction and WSDOT administration thereof, subject to any contractor claims caused by the negligent acts or omissions of WSDOT in administering the Trail Segment Construction.
- 5.2 If a letter of acceptance is not received by WSDOT within thirty (30) calendar days following delivery of the Notice to the CITY, the Trail Segment Construction and WSDOT administration thereof shall be considered accepted by the CITY, and WSDOT shall be released from all future claims and demands of any nature resulting from the performance of the Trail Segment Construction and WSDOT's administration thereof, subject to any contractor claims caused by the negligent acts or omissions of WSDOT in administering the Trail Segment Construction.
- 5.3 The CITY may reasonably withhold its acceptance of the Trail Segment Construction by submitting written notification to WSDOT within thirty (30) calendar days following delivery of the Notice. The CITY's notification shall include the reason(s) for withholding acceptance.

6.0 Right of Entry

- 6.1 The CITY acknowledges that WSDOT and its authorized agents, contractors, subcontractors, and employees, will require entry, from time to time, upon Area 1 and

Area 2 for the purpose of fulfilling its obligations under this Agreement. The CITY agrees to give reasonable right of entry upon receipt of WSDOT's notice, which shall be given no less than one week prior to entry.

7.0 RELATIONSHIP TO EXISTING LAWS AND STATUTES

7.1 This Agreement in no way modifies or supersedes existing laws and statutes. In meeting the commitments encompassed in this Agreement, the Parties will comply with the requirements of the National Environmental Policy Act, the State Environmental Policy Act, Growth Management Act, Shoreline Management Act, Section 4(f) guidelines, permit requirements and conditions, and other applicable State or local laws.

8.0 EFFECTIVE DATE, DURATION, AND AMENDMENT

8.1 This Agreement shall be and continue in full force and effect and binding upon the Parties upon the execution of the Agreement. The Agreement shall endure until sixty (60) calendar days after the Parties have completed all of their respective obligations under Sections 2 and 3 of this Agreement.

8.2 This Agreement may only be amended in writing, and any amendment shall become effective only when each Party has duly approved a written amendment or addendum to this Agreement.

9.0 LEGAL RELATIONS

9.1 The provisions of this Agreement shall be administered by WSDOT for the State of Washington and by the Public Works Department for the CITY, with the CITY's Community Services Department (as the land manager) supporting the Public Works Department.

9.2 Notice

Notice to the CITY shall be sent to:

Gregg Zimmerman, Public Works Administrator
1055 Grady Avenue South
Renton, WA 98057
Telephone: 425.430.7311
Email: Gzimmerman@rentonwa.gov

With a copy to:

Leslie Betlach, Parks Planning and Natural Resources Director
1055 Grady Avenue South
Renton, WA 98057
Telephone: 425.430.6619
Email: Lbetlach@rentonwa.gov

Notice to WSDOT shall be sent to:

Sean Quarrie, PE, Project Engineer
600 108th Ave NE, Ste 405
Phone: 425-456-8627
Email: QUARRIS@wsdot.wa.gov

All communications, including notices, regarding this Agreement shall be sent to the Parties' representatives at the addresses listed above. Any written notice shall become effective upon (1) personal service or (2) three business days after the date of mailing by registered or certified mail and first-class mail, and shall be deemed sufficiently given if sent to the address stated in this Agreement, or to such other address as may be specified in writing by a Party. Telephone or e-mail communication, or both, is encouraged as supplemental notice, but shall not replace the preceding notice requirements.

- 9.3 Each Party shall protect and hold harmless the other Party, its officers, officials, employees, and/or agents from and against all claims, suits, or actions arising from an intentional or negligent act or omission of that Party, its officers, officials, employees, and/or agents while performing under the terms of this Agreement. In the event of a claim for damages of any nature whatsoever arising out of the performance of this Agreement caused by the concurrent intentional or negligent acts or omissions of the Parties, their officers, officials, employees, and/or agents, each Party shall provide its own defense and be liable for damages, costs, fees or other amounts only to the extent of its individual acts or omissions that are the basis for the imposition of liability or damages. The provisions of this Section shall survive the termination of this Agreement.
- 9.4 Any lawsuit or legal action brought by either Party to enforce or interpret this Agreement or any of its terms or covenants shall be brought in the King County Superior Court for the State of Washington at the Maleng Regional Justice Center in Kent, King County, Washington, or its replacement or successor.

10.0 NO THIRD PARTY BENEFITS

- 10.1 This Agreement is made for the sole benefit of WSDOT and the CITY and not for any third party's benefit.

11.0 SEVERABILITY

- 11.1 If any provision of this Agreement or its application to any person or circumstance is held invalid, the remainder of the provisions and/or the application of the provisions to other persons or circumstances shall not be affected.

12.0 MISCELLANEOUS

- 12.1 No separate legal or administrative entity is created under this Agreement.
- 12.2 No joint financing structure or budget is hereby created under this Agreement.
- 12.3 No real or personal property will be acquired under this Agreement.
- 12.4 The Parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded.
- 12.5 Both Parties recognize that time is of the essence in the performance of the provisions of this Agreement.

- 12.6 Waiver of any default shall not be deemed to be a waiver of any subsequent default. Waiver of a breach of any provision of the Agreement shall not be deemed to be waiver of any other or subsequent breach and shall not be construed to be a modification of the terms of the Agreement unless stated to be such through written approval by the Parties, which shall be attached to the original Agreement.
- 12.5 This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the latest date written below.

CITY OF RENTON

WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION

By (signature):
Denis Law
Mayor

By (signature):
Kim Henry
I-405/SR 167 Program Director

Date:

Date:

4/23/18

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Deborah L. Cade AAG

By (print):

By (print):

Deborah L. Cade

By (signature):
City Attorney

By (signature):
Assistant Attorney General

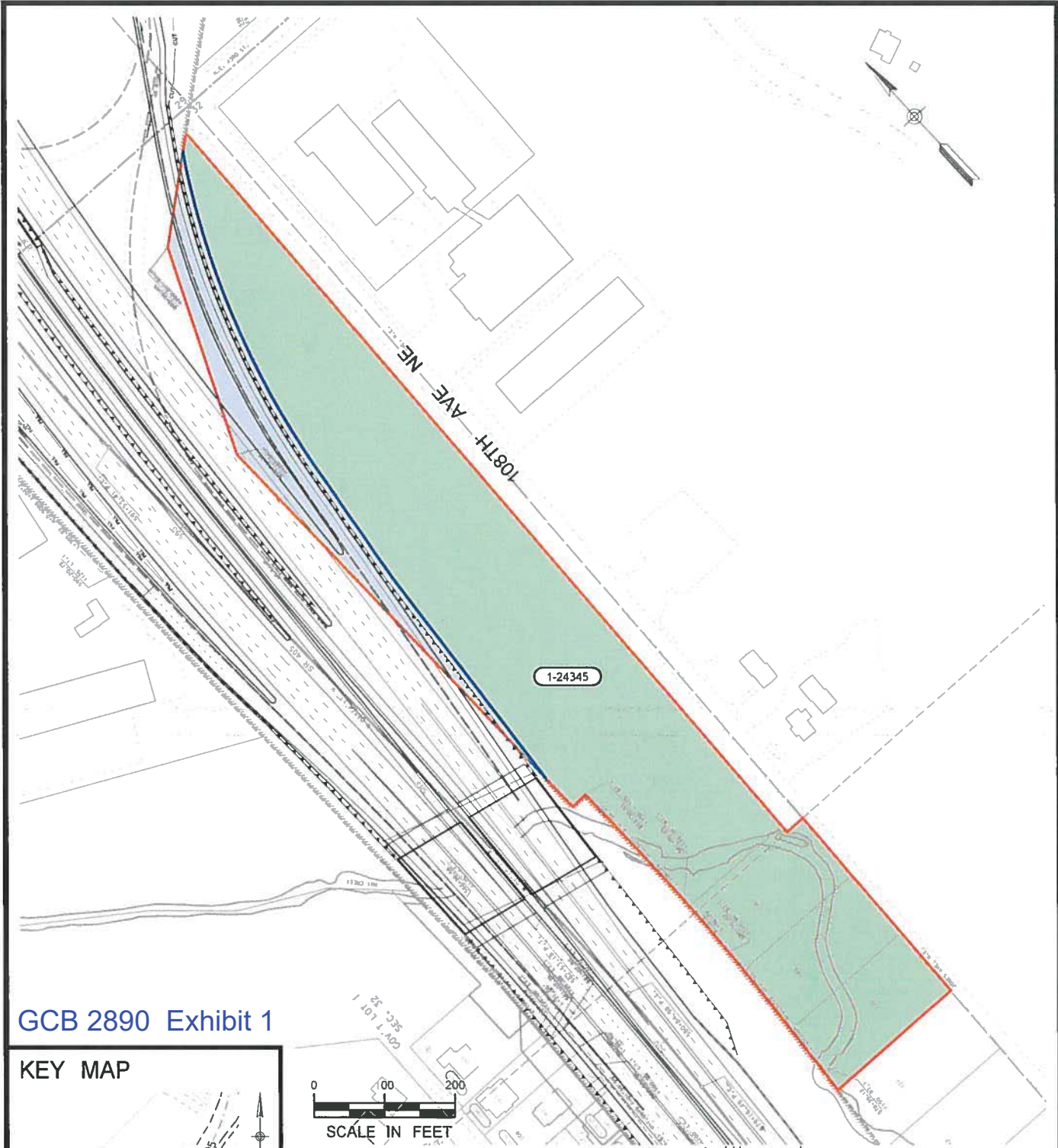
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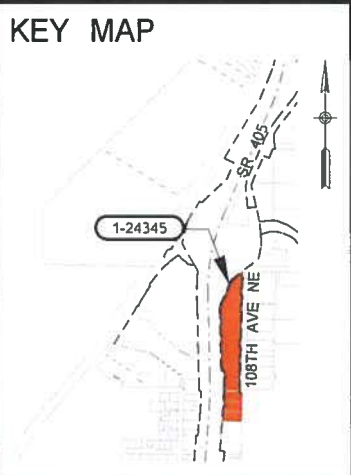
ATTEST:

By (signature):
Jason Seth, City Clerk

Date:



GCB 2890 Exhibit 1



CITY OF RENTON	* 322,130	5.73 AC	45,225	276,905	
NAME	CALC'D AREA	TOTAL AREA	R/W	LT. REMAINDER RT.	EASMT
TOTAL AREA IS FROM ASSESSOR'S RECORDS ALL AREAS ARE SHOWN IN SQUARE FEET			OWNERSHIP		REMAINDER IS BASED ON TOTAL AREA AND R/W TAKE (NOT CALC'D AREA)

LEGEND

- RIGHT-OF-WAY TAKE
- REMAINDER AREA
- EASEMENT AREA
- 125 COGO POINT I.D.
- 1-24345 PARCEL NUMBER

**SR 405
RENTON TO BELLEVUE
EXPRESS TOLL LANES**

PARCEL NO. 1-24345

SHEET
OF

GCB 2890 EXHIBIT 2

Parcel 1-24345 Property Description

PARCEL A:

That portion of the following described property lying East and Southeast of State Highway No. 1:

That portion of Government Lot 1 in Section 32, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning on the East line of said Government Lot 1, South $01^{\circ}42'13''$ West 30 feet from the Northeast corner thereof;

Thence South $01^{\circ}42'13''$ West 963.80 feet;

Thence North $88^{\circ}48'55''$ West 644.44 feet;

Thence South $01^{\circ}11'02''$ West 329.55 feet to a point 11 feet North of the South line of said Government Lot 1;

Thence North $88^{\circ}48'58''$ West 20 feet;

Thence North $01^{\circ}11'02''$ East 151.58 feet;

Thence North $53^{\circ}55'45''$ West 416.57 feet;

Thence North $77^{\circ}10'30''$ West 408.2 feet to the Easterly margin of Lake Washington Boulevard;

Thence North $30^{\circ}56'13''$ East along said Easterly margin 907.39 feet;

Thence on a curve to the right having a radius of 65.49 feet, distant 68.84 feet to a point 30 feet South of the North line of said Government Lot 1;

Thence South $88^{\circ}50'10''$ East 907.54 feet to the Point of Beginning.

Except that portion conveyed to King County for 108th Avenue Southeast by deed recorded under Recording No. 5700801.

PARCEL B:

That portion of the following described property lying East of State Highway No. 1 as conveyed to the State of Washington by deed recorded under Recording No. 4673375:

That portion of Government Lot 1 in Section 32, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at a point on the East line of said lot from which the Northeast corner thereof bears North $01^{\circ}42'13''$ East a distance of 993.80 feet;

Thence South $01^{\circ}42'13''$ West along the East line of said lot, 340.55 feet to the Southeast corner thereof;

Thence along the South line of said lot North $88^{\circ}48'58''$ West 641.35 feet;

Thence North $1^{\circ}11'02''$ East 340.55 feet;

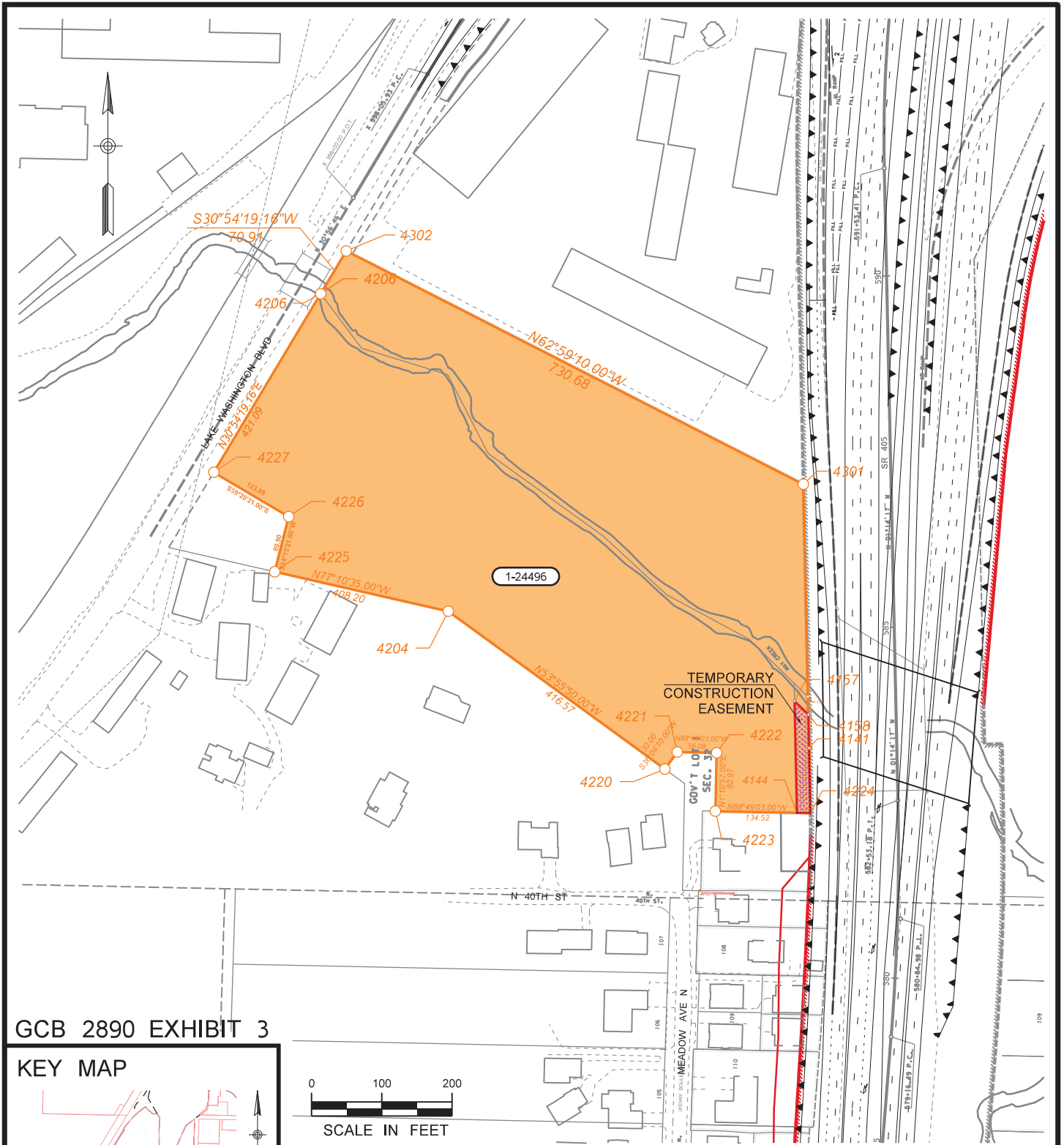
Thence South $88^{\circ}48'58''$ East 641.35 feet to the Point of Beginning.

Excepting therefrom that portion of the above described tract lying South of the following described lines:

Beginning at a point 11 feet North of the Southeast corner of the above described tract;
Thence Westerly 559 feet, more or less, to a point which is 13 feet North of the South line of the tract hereinabove described;
Thence continuing Westerly 82 feet, more or less, to a point on the Westerly line of said tract distant 11 feet North of the South line of said Government Lot 1.

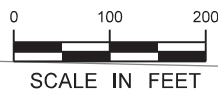
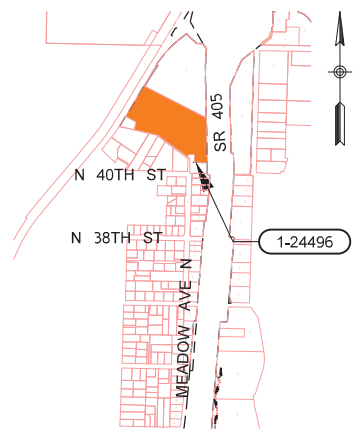
Also except that portion conveyed to King County for 108th Avenue Southeast by deed recorded under Recording No. 5700802.

Situate in the County of King, State of Washington.



GCB 2890 EXHIBIT 3

KEY MAP



CITY OF RENTON	357,352	357,673	X	X	X	2,878
NAME	CALC'D AREA	TOTAL AREA	R/W	LT. REMAINDER	RT.	EASMT
TOTAL AREA IS FROM ASSESSOR'S RECORDS						REMAINDER IS BASED ON TOTAL AREA
ALL AREAS ARE SHOWN IN SQUARE FEET						AND R/W TAKE (NOT CALC'D AREA)

OWNERSHIP

LEGEND

- RIGHT-OF-WAY TAKE
- REMAINDER AREA
- EASEMENT AREA
- COGO POINT I.D.
- PARCEL NUMBER

**SR 405
RENTON TO BELLEVUE
EXPRESS TOLL LANES**

PARCEL NO. 1-24496

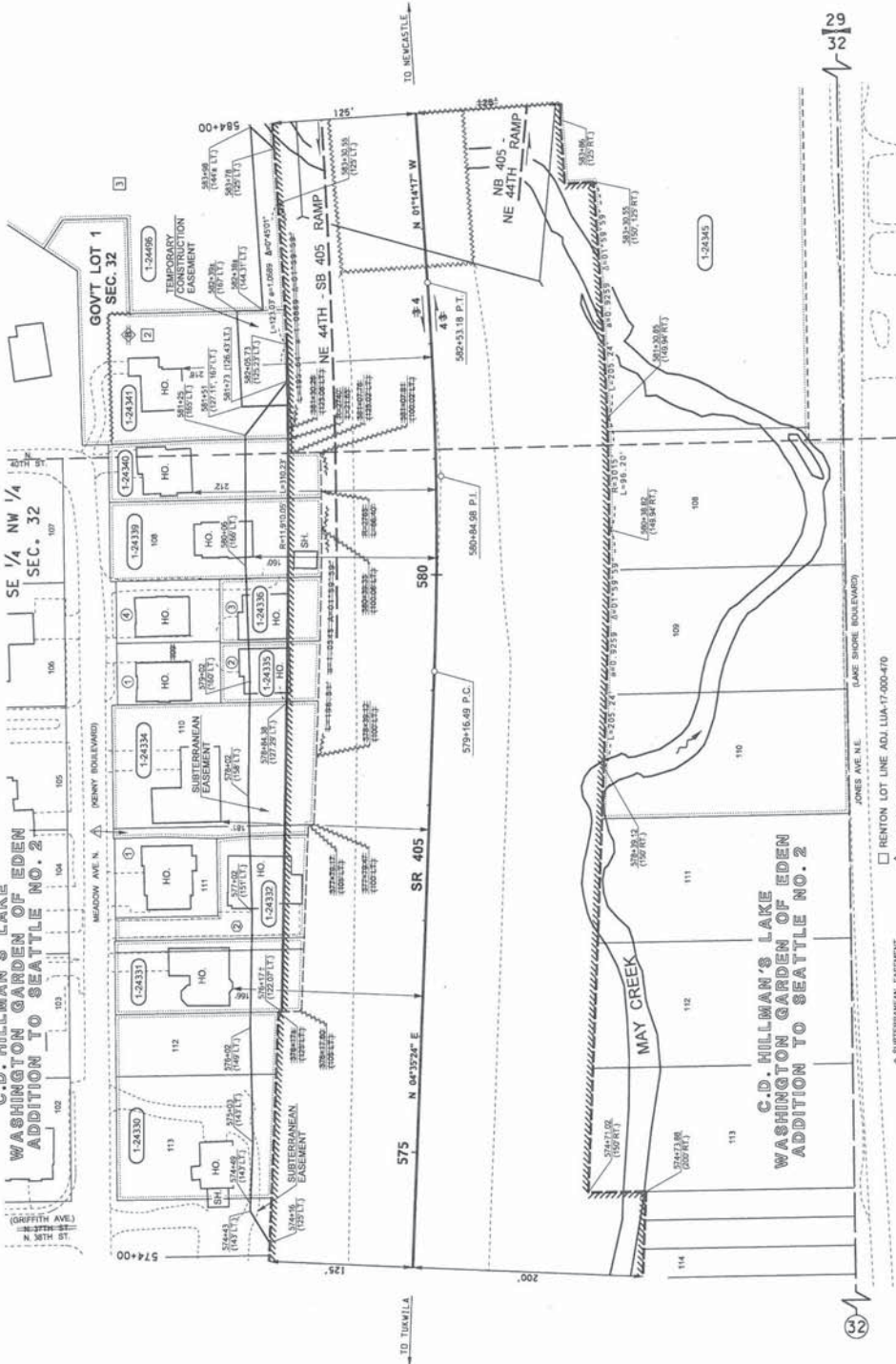
SHEET
OF

CCB 2890
EXHIBIT 4
SHEET 2 OF 4

T.24N. R.5E. W.M.
CITY OF RENTON

C.D. HILLMAN'S LAKE
WASHINGTON GARDEN OF EDEN
ADDITION TO SEATTLE NO. 2

STATION	DELTA	RADIUS	TANGENT	LENGTH
580+84.98	05°49'41"	3310'	164'-09"	1336'-65"



- SUBTERANEAN EASEMENT
- △ RENTON LOT LINE ADJ. LUM-17-000-470
- CITY OF RENTON SHORT PLAT NO. LUM-65-159-SHPL
- ◇ CITY OF RENTON-SHORE-PLAT NO. LUM-11-037-SHPL
- CITY OF RENTON SHORT PLAT NO. LUM-69-041-SHPL

LEGEND

ACCESS TO BE PROHIBITED SHOWN THIS

PROPERTY OWNERSHIP NUMBERS

PROPERTY LINES

SCALE IN FEET

0 50 100

PARCEL NO.	TAXPAYER	NAME	AREA	ROW	REMARKS
1-24306	CITY OF RENTON	WASHINGTON GARDEN OF EDEN	43,225	278,897	2,278
1-24305	CITY OF RENTON	WASHINGTON GARDEN OF EDEN	32,130	214,625	1,441
1-24304	ROCHTER, JR.	ROCHTER, JR.	8,402	8,205	8,402
1-24303	BOWEN	BOWEN	10,805	10,805	2,235
1-24302	LEE	LEE	1,575	3,463	9,148
1-24301	HILLMAN	HILLMAN	20,724	17,726	4,178
1-24300	CHILANG	CHILANG	8,897	1,707	9,255
1-24311	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24312	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24313	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24314	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24315	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24316	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24317	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24318	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24319	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24320	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24321	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24322	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24323	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24324	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24325	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24326	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24327	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24328	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24329	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24330	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24331	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24332	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24333	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24334	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24335	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24336	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24337	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24338	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24339	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24340	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24341	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24342	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24343	HILLMANN	HILLMANN	50,293	9,394	9,176
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1-24362	HILLMANN	HILLMANN	50,293	9,394	9,176
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1-24368	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24369	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24370	HILLMANN	HILLMANN	50,293	9,394	9,176
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1-24388	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24389	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24390	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24391	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24392	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24393	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24394	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24395	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24396	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24397	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24398	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24399	HILLMANN	HILLMANN	50,293	9,394	9,176
1-24400	HILLMANN	HILLMANN	50,293	9,394	9,176

THE BASIS OF BEARINGS AND DISTANCES ARE DETERMINED FROM WASHINGTON STATE PLANE COORDINATE SYSTEM, NORTH ZONE (NAD 83/91).

THE DISTANCES SHOWN ARE GROUND DISTANCES. FOR SURVEY INFORMATION SEE RECORD OF SURVEY FOR WASHINGTON STATE DEPARTMENT OF TRANSPORTATION AFR 2000018900012 RECORDED JANUARY 18, 2006.

THIS PLAN SUPERSEDES SHEET 2 OF 3 SHEETS OF SR 405, NORTH RENTON INTERCHANGE, APPROVED APRIL 27, 1985, AND SHEETS 3 THROUGH 6 OF 6 SHEETS OF SR 405, RENTON TO KENYONDALE, APPROVED APRIL 12, 1995.

ALL PLANS ARE SUBJECT TO CHANGE. OWNERSHIP SHOULD BE VERIFIED PROPOSED ENCUMBRANCES MAY NOT BE SHOWN PARTIES BEARING CURRENT ENCUMBRANCES SHOULD CONSULT THE DEPARTMENT OF TRANSPORTATION HEADQUARTERS RIGHT OF WAY PLANS OFFICE FOR THE MOST CURRENT ENCUMBRANCE INFORMATION. CONSULT THE DEPARTMENT OF TRANSPORTATION SURVEYING DIVISION FOR SURVEYING SERVICES.

APPROVED AND ADOPTED APRIL 21, 2006

RICHARD W. PETERS
REGISTERED PROFESSIONAL ENGINEER
NO. 12000

APPROVED BY
RICHARD W. PETERS
REGISTERED PROFESSIONAL ENGINEER
NO. 12000

SHEET 21 OF 34 SHEETS

Drawn by: [Signature]

SR 405
N.E. 3RD ST. VIC.
TO S.E. 64TH ST. VIC.
KING COUNTY

RIGHT OF WAY AND LIMITED ACCESS PLAN
FULL CONTROL
MP 7.00 TO MP 7.19
STATION 574+00 TO STATION 584+00
WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
OLYMPIA, WASHINGTON



TO TUMWILA

TO NEWCASTLE

32

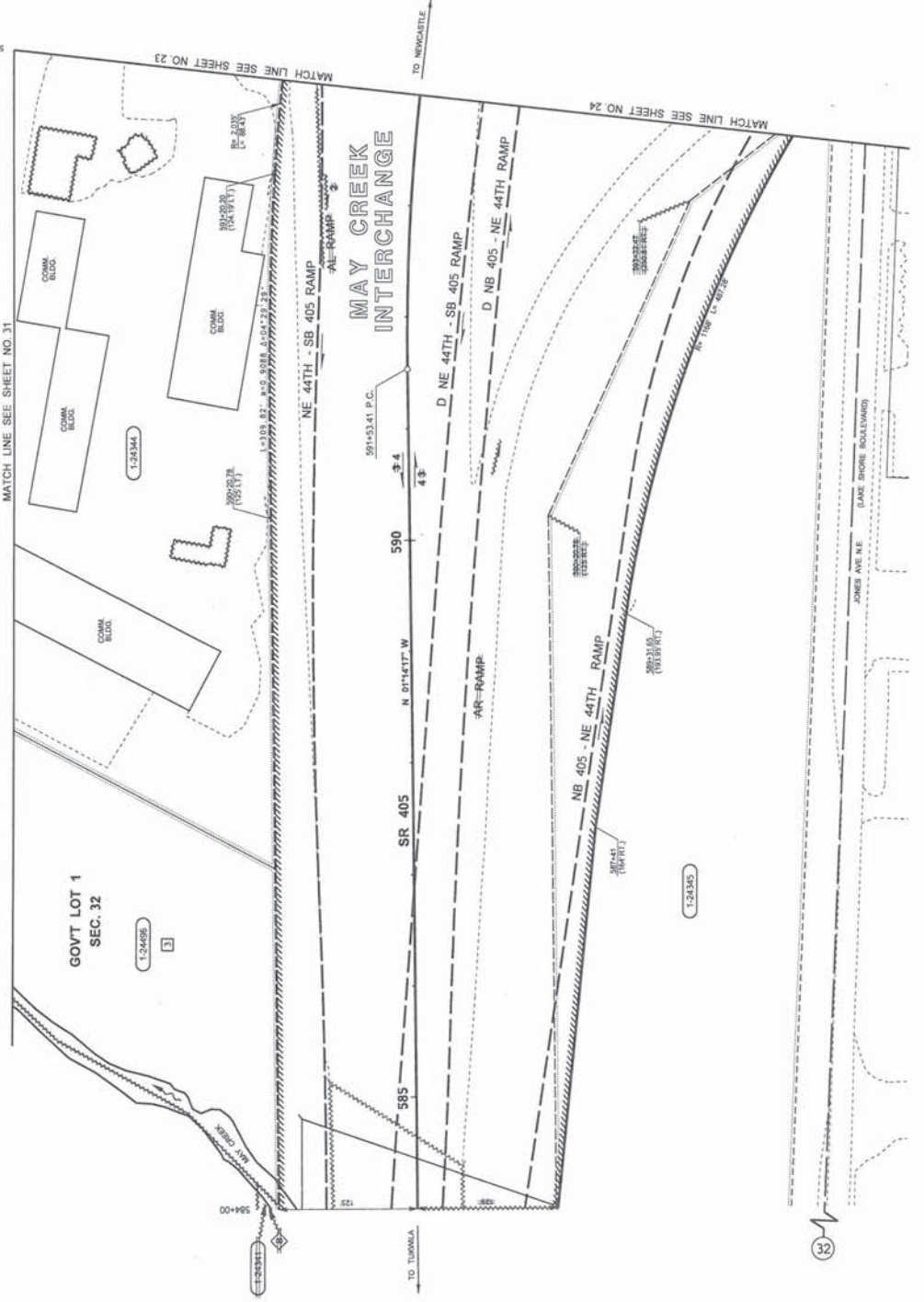
33

DATE	1/27/2018	BY	8:40:02 AM	FILED	150176501405-430_RV_P5_027.590
P1 STATION	595+59.75	DELTA	29'03"31"	RADIUS	1997
		TANGENT	442.31'	LENGTH	875.31'

T.24N. R.5E. W.M.

CITY OF RENTON

GCB 2890
EXHIBIT 4
SHEET 3 OF 4



1-2498	SEE SHEET 21	TEMPORARY CONSTRUCTION EASEMENT
1-2499	SEE SHEET 21	
1-2500	PORT QUENALL COMPANY	
TOTAL AREA	312.276	
PARCEL NO.	SEE SHEET 21	
TOTAL AREA	312.276	
ALL AREAS ARE SHOWN IN SQUARE FEET UNLESS OTHERWISE NOTED.		

1-2498	SEE SHEET 21	ACCESS TO BE PROHIBITED SHOWN THIS
1-2499	SEE SHEET 21	PROPERTY OWNERSHIP NUMBERS
1-2500	SEE SHEET 21	PROPERTY LINES

1-2498	SEE SHEET 21	RENTON LOT LINE ADJ. LUM-17-000-470
1-2499	SEE SHEET 21	CITY OF RENTON-SHORE PLAZA NO. LUM-11-037-589E
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	OWNERSHIPS
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	LEGEND
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	SCALE IN FEET
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	APPROVED AND ADAPTED
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	APRIL 21, 2008
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	RIGHT OF WAY AND LIMITED ACCESS PLAN
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	STATION 584+00 TO STATION 594+00
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	OLYMPIA, WASHINGTON
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	KING COUNTY
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	SR 405
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	N.E. 3RD ST. VIC.
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	TO S.E. 64TH ST. VIC.
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	RIGHT OF WAY AND LIMITED ACCESS PLAN
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	FULL CONTROL
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	STATION 584+00 TO STATION 594+00
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	OLYMPIA, WASHINGTON
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	KING COUNTY
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	SR 405
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	N.E. 3RD ST. VIC.
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	TO S.E. 64TH ST. VIC.
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	RIGHT OF WAY AND LIMITED ACCESS PLAN
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	FULL CONTROL
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	STATION 584+00 TO STATION 594+00
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	OLYMPIA, WASHINGTON
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	KING COUNTY
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	SR 405
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	N.E. 3RD ST. VIC.
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	TO S.E. 64TH ST. VIC.
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	RIGHT OF WAY AND LIMITED ACCESS PLAN
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	FULL CONTROL
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	STATION 584+00 TO STATION 594+00
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	OLYMPIA, WASHINGTON
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	KING COUNTY
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	SR 405
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	N.E. 3RD ST. VIC.
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	TO S.E. 64TH ST. VIC.
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	RIGHT OF WAY AND LIMITED ACCESS PLAN
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	FULL CONTROL
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	STATION 584+00 TO STATION 594+00
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	OLYMPIA, WASHINGTON
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	KING COUNTY
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	SR 405
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	N.E. 3RD ST. VIC.
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	TO S.E. 64TH ST. VIC.
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	RIGHT OF WAY AND LIMITED ACCESS PLAN
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	FULL CONTROL
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	STATION 584+00 TO STATION 594+00
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	OLYMPIA, WASHINGTON
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	KING COUNTY
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	SR 405
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	N.E. 3RD ST. VIC.
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	TO S.E. 64TH ST. VIC.
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	RIGHT OF WAY AND LIMITED ACCESS PLAN
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	FULL CONTROL
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	STATION 584+00 TO STATION 594+00
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	OLYMPIA, WASHINGTON
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	KING COUNTY
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	SR 405
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	N.E. 3RD ST. VIC.
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

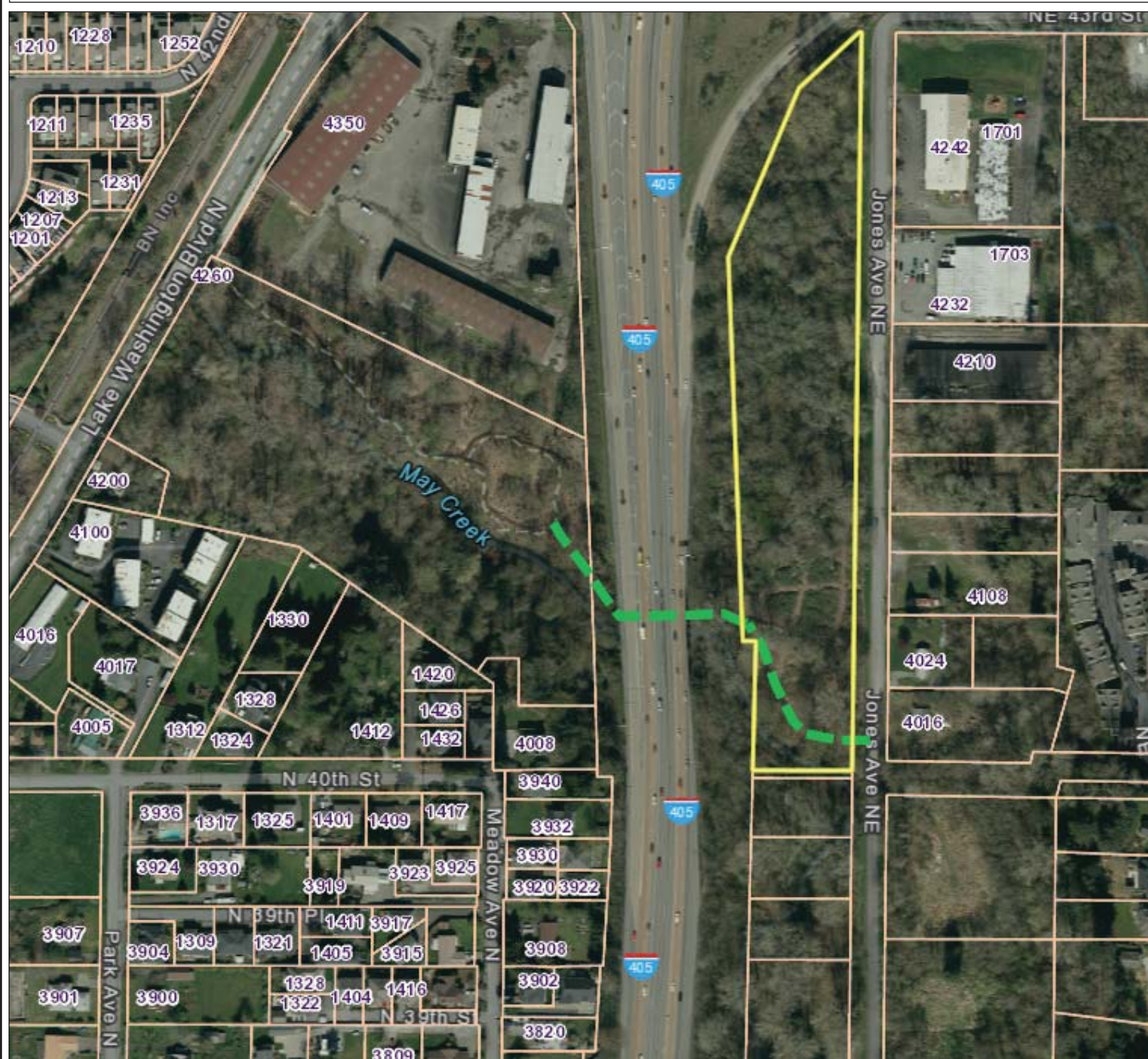
1-2498	SEE SHEET 21	TO S.E. 64TH ST. VIC.
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	RIGHT OF WAY AND LIMITED ACCESS PLAN
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	FULL CONTROL
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

1-2498	SEE SHEET 21	STATION 584+00 TO STATION 594+00
1-2499	SEE SHEET 21	
1-2500	SEE SHEET 21	

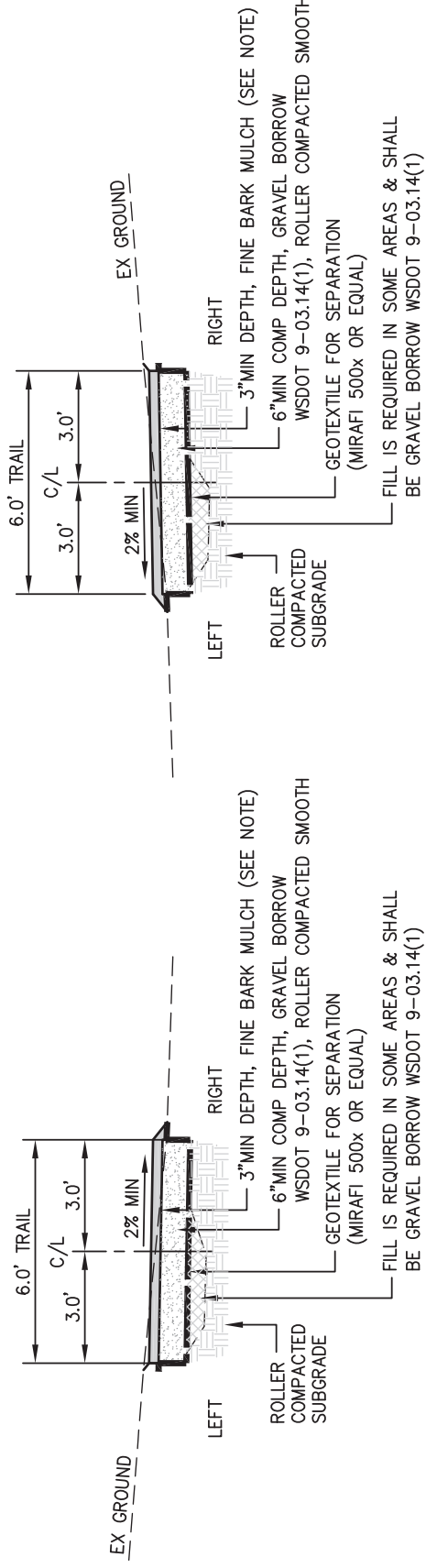
EXHIBIT 5 - CONCEPTUAL TRAIL PLANS



GCB2890
Exhibit 5

Legend

Conceptual Trail Alignment - - - - -



NOTE:
 FINE BARK MULCH SHALL CONSIST OF
 FIR/HEMLOCK BARK, 1" MINUS PARTICLE SIZE,
 PACIFIC TOPSOILS, INC OR APPROVED EQUAL.

SECTION A-A

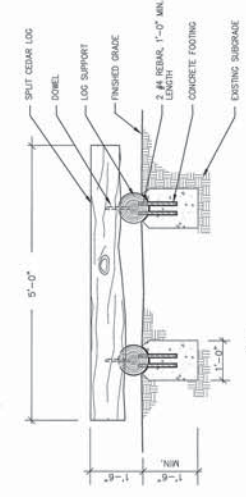
TYPICAL TRAIL X-SECTION
 NOT TO SCALE

SECTION B-B

TYPICAL TRAIL X-SECTION
 NOT TO SCALE

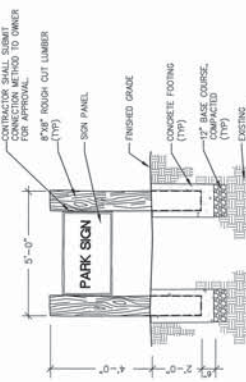
CONCEPTUAL TYPICAL TRAIL CROSS SECTIONS

PORTION OF GOV'T LOT 1, SECTION 32, TWP 24N, RNG. 5E., W.M.



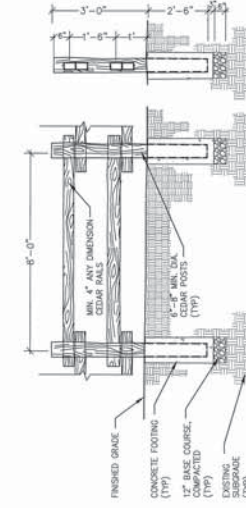
NOTE:
SPLIT CEDAR LOG AND LOG SUPPORT
IS OWNER FURNISHED, CONTRACTOR
REINSTALLED (PFD).

SPLIT CEDAR LOG BENCH
NOT TO SCALE

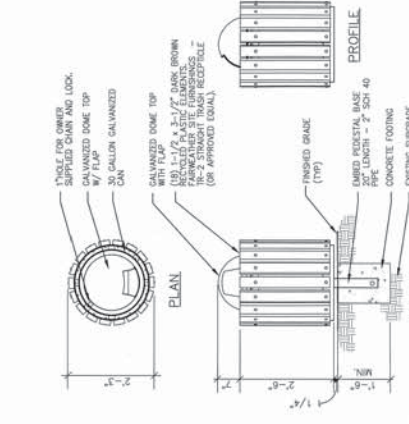


NOTE:
SIGN IS OWNER FURNISHED,
CONTRACTOR REINSTALLED (PFD).

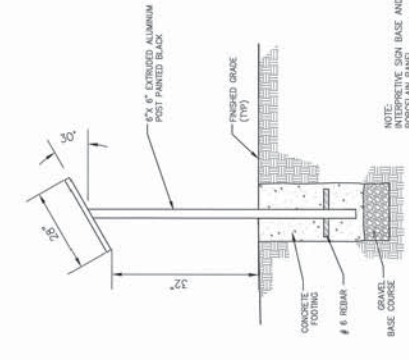
MAY CREEK TRAIL PARK SIGN
NOT TO SCALE



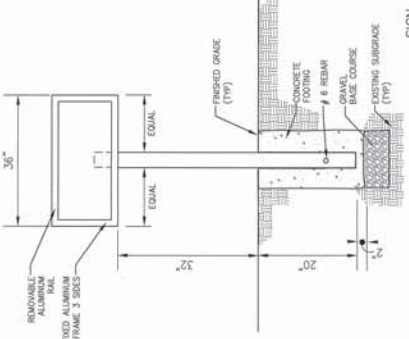
CEDAR SPLIT RAIL FENCE
NOT TO SCALE



TRASH RECEPTACLE
NOT TO SCALE



INTERPRETIVE SIGN BASE
NOT TO SCALE



INTERPRETIVE SIGN BASE

GENERAL NOTES:

1. FINAL PLACEMENT OF SITE FURNISHINGS SHALL BE APPROVED BY OWNER PRIOR TO INSTALLATION.
2. ADDITIONAL DETAIL HAS BEEN PROVIDED FOR ITEMS FOR INFORMATIONAL PURPOSES ONLY. SEE DETAILS FOR CLARIFICATION.
3. TRAILHEAD SIGN DETAIL IS NOT SHOWN. INSTALLATION SHALL BE PER THE INTERPRETIVE SIGN BASE DETAIL.

CONCEPTUAL DETAILS OF ACCESSORY COMPONENTS OF THE TRAIL

Note: This plan set was used for a different segment of the may creek trail and is only provided as an example of conceptual details for the subject section of the trail.

GCB 2890
Exhibit 5



DAVID EVANS
AND ASSOCIATES
INC.
415 - 118th Avenue SE
Bellevue, Washington 98005-0518
PHONE: 425.831.8500



REVISIONS:	APPLD.
DATE:	APRIL, 2012
DESIGN:	CRK
DRAWN:	CSA
CHECKED:	CSA
REVISION NUMBER:	
SCALE:	

PROJECT NUMBER:
RENT00000-0015
DRAWING FILE:
LMP000RENT15

SHEET NO.
M-7
OF 17

PART 1 GENERAL

1.01 SECTION INCLUDES

- A. Protection of Utilities.
- B. Temporary Restroom Facility.
- C. Temporary Controls: Barriers, fencing, and protection of the Work.
- D. Construction Facilities: Staging Area and worker parking.

1.02 PROTECTION OF UTILITIES

- A. The Contractor is responsible for location and protection of all existing utilities. The Contractor shall at his own expense carefully protect from injury trees, landscape, power and light poles, water lines, conduit, drains, sidewalks, culverts or any other structures and improvements at no cost to the Owner, and the Contractor shall be liable for any damages or claims arising from these interferences with said structures.

1.03 TEMPORARY RESTROOM FACILITY

- A. Temporary restroom facilities for use during construction operations shall be supplied by the Contractor.

1.04 BARRIERS

Contractor will coordinate work to eliminate potential conflicts with the public's safety.

Contractor shall erect and maintain all construction barriers and warning signs and other traffic control devices necessary to warn and protect the public at all times from active construction site access and injury.

1.05 EROSION AND SEDIMENT CONTROL

- A. Set up temporary erosion control facilities as detailed and required to prevent sediments entering May Creek and the existing storm water system on Lake Washington Boulevard North.

1.06 CONSTRUCTION FACILITIES

- A. Staging area shall be in the temporary construction easement, on the adjacent Hawk's Landing property, just north of the May Creek Trail project. Access will be off of Lake Washington Boulevard North through a dropped curb. Contractor shall provide a temporary chain-link fenced enclosure for security.

- B. Worker's automobiles may be parked in the temporary construction easement. No parking or any use of the adjacent Hawk's Landing (to the north) outside of the temporary construction easement will be allowed.

1.07 POLLUTION CONTROL

- A. Provide methods, means, and facilities to prevent contamination of soil, water, and atmosphere from discharge of noxious, toxic substances, and pollutants produced by any construction operation.

1.08 REMOVAL OF UTILITIES, FACILITIES, AND CONTROLS

- A. Remove temporary equipment, facilities, and materials prior to Final Acceptance review.
- B. Clean and repair damage caused by installation or use of temporary work.

PART 2 PRODUCTS

Not Used.

PART 3 EXECUTION

Not Used.

END OF SECTION

PART 1 - GENERAL

1.01 SECTION INCLUDES

General Description of the Work:

Maintain environmental controls by the Contractor until the acceptance of the Work. The work also includes compliance with all controls or ordinances with respect to safety, noise, dust, and traffic.

1.02 SITE MAINTENANCE

The Contractor shall keep the work site, staging area, and Contractor's facilities clean and free from rubbish and debris. Materials and equipment shall be removed from the site when they are no longer necessary. Upon completion of the work and before final acceptance, the work site shall be cleared of equipment, unused materials and rubbish to present a clean and neat appearance in conformance with the present condition of the site.

Clean-up:

Waste material of any kind shall not be permitted to remain on the site of the work or the staging area or adjoining property or on the adjacent roadway. Immediately upon such materials becoming unfit for use in the work, they shall be collected, removed from the site, and recycled or disposed of by the Contractor.

In the event that waste or recyclable material, refuse, debris, and/or rubbish are not removed from the work by the Contractor, the City reserves the right to have the waste, recyclable material, refuse, debris and/or rubbish removed. The expense of the removal and disposal will be charged to the Contractor.

Construction materials shall be handled with care to prevent entry of contaminants into storm drains, air, groundwater, surface waters, or soils. The Contractor shall be responsible for all cleanup costs, fines and/or penalties incurred as a result of improper handling of materials used to perform the work.

Street and Staging Area Cleaning:

The Contractor shall be responsible for preventing dirt and dust from escaping from trucks entering or departing the project site by covering dusty loads, washing truck tires before leaving the site, and/or other reasonable methods.

When working dump trucks and/or other equipment are on paved streets and roadways, the Contractor will be required to clean said streets if required by the City at the conclusion of each day's operations.

In the event that the above requirements are violated and no action is taken by the Contractor after notification of infraction by the City, the City reserves the right to have

the streets in question cleaned by others and the expense of the operation will be charged to the Contractor.

NOISE CONTROL

Construction involving noisy operations, including starting and warming up of equipment, shall be in compliance with local noise ordinances. Noisy operations shall be scheduled to minimize their duration. The Contractor shall comply with all local controls and noise level rules, regulations and ordinances that apply to any work performed pursuant to the Contract.

TREE AND PLANT PROTECTION

The Contractor shall carefully protect trees and vegetation in all areas within the site designated on the plans and all areas outside of the boundaries of the project site from damage by construction activities. If trees or vegetation are damaged or destroyed by construction, the Contractor shall replace them with the same species as required by the Owner, at no cost to the City.

PART 2 PRODUCTS

Not used.

PART 3 EXECUTION

Not used.

END OF SECTION

EXHIBIT 6 - Estimate of Cost - GCB 2890

Otak Fees	
Task	Fee
Project Management	\$ 8,800.00
Data Collection	\$ 18,000.00
Preliminary Design	\$ 47,000.00
Permitting/Support Documentation	\$ 43,000.00
Direct Expenses/Subconsultant	\$ 3,500.00
Addendum with Boardwalk, Geotech Report, and Variance	\$ 40,000.00
Subtotal:	\$ 160,300.00

City of Renton Staff Costs			
Position	Hourly Rate	Hours	Total Cost
Associate Planner	\$64.38	40	\$ 2,575.20
Current Planning Manager	\$87.83	16	\$ 1,405.28
Subtotal:			\$3,980.48

Land Use Permitting Fees	
Land Use Permit	Fee
Shoreline Substantial Development	\$ 2,500.00
Shoreline Variance (with addendum)	\$ 3,000.00
Technology Fee (5%)	\$ 275.00
Subtotal:	\$ 5,775.00

PROJECT TOTAL:	\$ 170,055.48
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APPENDIX C EASTSIDE RAIL CORRIDOR DE MINIMIS CHECKLIST

Section 4(f) *De Minimis* Impact Determination (per 23 CFR 771)

Summary Table

Date:	May 22, 2018
WSDOT Region:	NW Region
Project Number:	Not Applicable
Project:	I-405, Tukwila to I-90 Vicinity Express Toll Lanes
Project Description:	As part of the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project, WSDOT would construct a portion of the Eastside Rail Corridor (ERC) Regional Trail, that is adjacent to and west of the I-405 right of way.
Section 4(f) Resource:	Northern Pacific Lake Washington Belt Line
Type of 4(f) Resource:	Eligible for the National Register of Historic Properties (NRHP)
Size of the <i>de minimis</i> use of the 4(f) Resource (in acres):	The WSDOT-constructed segment of the ERC trail will include improvements within a 40-foot wide section along 2.5 miles (12.1 acre) of the historic Northern Pacific Lake Washington Belt Line and would begin at the north end of the trail crossing of Ripley Lane N and continue to the north end of the trail crossing over Lake Washington Boulevard SE west of the I-405/Coal Creek Parkway interchange.
Primary Purpose/Function of the 4(f) Resource:	In 2007, the Lake Washington Belt Line was determined by the State Historic Preservation Officer (SHPO) to be eligible for listing in the NRHP. Most of the original route configuration and raised ballast bed remains intact, as well as many crossing features. This was due to the significance of the line as a distribution artery along the east shore of Lake Washington that brought raw materials to the steel mill in Kirkland and to the main Northern Pacific line at Renton. The DAHP concurred and the line was determined eligible.x.
Official with Jurisdiction:	SHPO

De minimis Documentation

1. Describe the Section 4(f) property and the attributes and features that qualify it to Section 4(f) protection, attach a map showing the boundaries of the resource, the locations of key features (e.g. ball fields, structures) and the area to be used.

In 2007, the Lake Washington Belt Line was determined by the SHPO to be eligible for listing in the NRHP. Most of the original route configuration and raised ballast bed remains intact, as well as many crossing features. Maps are attached.

2. Describe the impacts to the Section 4(f) property, and any avoidance, minimization and mitigation or enhancement measures, and why they are considered *de minimis* as defined in 23 CFR 771.17.

As part of the I-405, Tukwila to I-90 Vicinity Express Toll Lanes Project, WSDOT will construct 2.5 miles of paved trail in the ERC south of I-90 between Ripley Lane and Coal Creek Parkway. The trail segment will be constructed in accordance with the Preferred Alternative in the ERC Regional Trail Final Master Plan and EIS. Anticipated to be in place by the end of 2020, this new segment of ERC trail replaces sections of the Lake Washington Loop trail that need be replaced when the freeway is expanded through the area.

3. For parks, recreational facilities, and wildlife and waterfowl sanctuaries:
 - a. Describe the public outreach that has been or is being conducted (leave blank for historic sites).

Refer to Chapter 2 of the I-405, Tukwila to I-90 Vicinity Express Toll lanes Project Environmental Assessment.

- b. Attach written concurrence of the official with jurisdiction over the 4(f) resource with the *de minimis* determination.

SHPO concurrence per April 9, 2018 is attached. SHPO concurred with a no adverse effect determination for the Northern Pacific Lake Washington Beltline.

4. For historic resource, attach Section 106 documentation (include SHPO concurrence in project-level findings (DOEs and or FOEs) and Programmatic Agreement Memos for archaeological resources).

SHPO concurrence is attached.

Request for Approval

Based upon this analysis we request FHWA approval that the use of the Section 4(f) resource described above is *de minimis* as defined in 23 CFR 774.17.

Sean Quarrie, P.E. – I-405 Project Engineer

Sean Quarrie _____ 24 May 2018
WSDOT [Region] Date

FHWA Approval

Lindsey Handel P.E., Urban Transportation Engineer

Lindsey Handel _____ 5/24/2018
FHWA Washington Division Date