UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
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OFFICE OF
ENVIRONMENTAL REVIEW
AND ASSESSMENT

December 19, 2016

Ms. Linda Gehrke, Regional Administrator
Federal Transit Administration, Region 10
915 Second Avenue, Suite 3142
Seattle, Washington 98174-1002

Mr. Perry Weinberg, Director
Office of Environmental Affairs and Sustainability
Sound Transit
401 South Jackson Street
Seattle, Washington 98104-2826

Dear Ms. Gehrke and Mr. Weinberg:

The U.S. Environmental Protection Agency has reviewed the Final Environmental Impact Statement for the Federal Way Link Extension project (EPA Region 10 Project Number 12-0058-FTA). We are submitting comments in accordance with our responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act. We appreciate the opportunity to offer comment.

The Sound Transit Board has identified the I-5 Alignment as the Preferred Alternative. Among the three most prominent factors for decision making (cost, travel time, ridership), only the cost estimate differs between the I-5 and the SR 99 alignment alternatives. Other prominent differences between these two alternatives are the extent to which the alignments and/or the station options would (1) impact the natural environment, (2) result in business vs. residential displacements, and (3) have redevelopment potential, particularly transit oriented development (TOD).

Preferred alternative

We continue to have concerns regarding environmental justice and ecosystem impacts with respect to the I-5 (Preferred) Alternative as compared to the SR 99 Alternative. The FEIS indicates that the cost estimate for the I-5 Alternative is the lower of the two.[1] We acknowledge this difference, but recommend that additional cost factors be taken into account for environmental justice concerns (e.g., station location/access/convenience, safety, and residential displacements), and the values of ecosystem services and human welfare benefits[2] of the scarce remaining natural upland and aquatic habitats in the project area, which would be diminished by implementing the Preferred Alternative.

Ecosystem impacts. The Preferred Alternative would result in the loss of 35 acres of mature forested habitat along I-5, the majority of which is high value Category A and B forested habitat. It would also result in 1.3 acres of permanent impacts to 11 wetlands, including McSorley Creek Wetland, and permanently impact 6.6 acres of 7 wetland buffers, 2.5 acres of stream buffers, and 1,015 linear feet of

[1] Estimated cost for the I-5 Alternative is $1.54 billion; for the SR 99 Alternative $1.89 billion (page ES-30).
[2] Per the October 7, 2015 CEQ/OMB/OSTP Memo for Executive Departments and Agencies on Incorporating Ecosystem Services into Federal Decision Making, M-16-01.

Bingaman Creek. Bingaman Creek would either be realigned under the guideway with permanent tree removal or, if it is determined that the state-owned culverts would not be made fish passable by WSDOT, Sound Transit would reroute and permanently pipe this length of the Creek.[3] The I-5 Alternative would also increase impervious surface in the project footprint by 73% vs. 14% with the SR 99 Alternative. The SR 99 Alternative would impact less than 0.1 acre of wetland, 0.2-acre wetland buffer, no linear feet of stream, less than 0.1 acre of stream buffer, and 2.9 acres of vegetation.[4]

While we appreciate Sound Transit has made modifications to the Preferred Alternative to minimize ecosystem impacts and would plan to offer some form of mitigation, avoidance and minimization of ecosystem impacts are best achieved through alternative selection. The SR 99 Alternative would have the fewest impacts on wetlands, buffers, and wildlife habitat, would avoid impacts on streams, and would better protect water quality and remaining natural hydrological function in the project area.[5] The FEIS does not provide a 404(b)(1) analysis supporting identification of the I-5 Alternative as the least environmentally damaging practicable alternative.

Environmental Justice

Demographics of neighborhoods most affected by the proposed project are over 50% minority and over 50% low income. We appreciate that the FWLE project would provide transportation and access benefits for all residents, that the FEIS discusses the issue of affordable housing, the heightened awareness and efforts by local jurisdictions, the legislature, and Puget Sound Regional Council to address this issue, and the FEIS discusses the concerns raised by residents, including the Highline College community.[6] Our concern is that, in addition to the higher level of ecosystem impacts discussed above, the Preferred Alternative would result in substantially higher residential displacements (196) vs. the SR 99 Alternative (36). We recommend additional consideration of factors, such as the need for affordable housing, the housing affordability trends recently identified by PSRC,[7] and the community benefits of redeveloping low density, auto-oriented commercial areas within the project area. This consideration may affect the selection of the Preferred Alternative.

We note that community members voiced equity concerns regarding station locations, access, and safety. It is unclear whether station locations are as optimally located and designed to accommodate vulnerable and disadvantaged populations using the I-5 Alternative as they could be via the SR 99 Alternative. Residential areas would also experience heightened displacement, project construction and operational impacts with the I-5 Alternative. To address equity concerns, we recommend that the Record of Decision demonstrate and document community support for and satisfaction with the selected alternative. We also suggest that the decision be informed by a per capita cost comparison of Sound Transit projects in more affluent service areas vs. low income and/or minority areas. Any disparities should be identified and rectified to ensure equitable outcomes with respect to level of service, convenience, safety, construction/operation impacts, ecosystem protection, and improved quality of life for affected communities.

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[3] FEIS, page 4.9-19

[4] FEIS, page 4.9-1

[5] FEIS, page 4.9-1

[6] FEIS, Chapter 7

[7] More than 100,000 very low income renters in the region pay more than half their income on housing; the number of cost-burdened households is increasing; rents are increasing rapidly; and prices are rising faster than incomes. PSRC Regional Housing and Affordability Trends, 12-15-16.

Midway Landfill
We appreciate the coordination with Sound Transit, FTA, Ecology, and Seattle Public Utilities regarding the Midway Landfill Superfund site. The Final EIS is responsive to EPA comments by incorporating statements regarding the need for continued coordination to evaluate Sound Transit's design and construction plans to ensure the integrity of the site remedy and to document any issues related to the remedy in the Midway Landfill Record of Decision under CERCLA.

Thank you for the opportunity to provide comment on the Final EIS for the Federal Way Link Extension. If you have questions or would like to discuss these comments, please contact me at (206) 553-1601 or at littleton.christine@epa.gov, or contact Elaine Somers at (206) 553-2966 or at somers.elaine@epa.gov.

Sincerely,

Christine B. Littleton

Christine B. Littleton, Manager
Environmental Review and Sediment Management Unit