RECORD OF DECISION

Federal Highway Administration
State Route 28 (Sunset Highway) Eastside Corridor Project
FHWA-WA-EIS-02-04-F
East Wenatchee, Washington
June 2007

1.0 Introduction

The SR 28 Eastside Corridor Project responds to long-standing traffic problems in the Sunset Highway corridor between the Odabashian Bridge and Downtown East Wenatchee. Since the 1970s, the Washington State Department of Transportation (WSDOT), along with Douglas County and the City of East Wenatchee, has recognized the need to make improvements in this corridor.

Congestion, safety, access, and mobility are all identified as problems and will continue to get worse as the area grows and develops. As one example, school buses must stop traffic in both directions on this busy two-lane highway and pick up children without the benefit of sidewalks or shoulders. Not only has WSDOT identified this highway as a "high accident corridor," but also the state legislature has designated it as a Transportation Facility of Statewide Significance. Regional and local transportation plans support the need for improvements, and numerous public meetings have produced direct testimony on citizens' concerns.

School Bus Loading at SR 28 and Glendale Street


Traffic Behind School Bus on SR 28

Between 2005 and 2025, the population in the Greater East Wenatchee Area is expected to grow from 24,000 to over 40,000. The improvements to Sunset Highway are not only designed to correct existing problems, but to serve this planned growth. One of the major challenges is meeting the needs of the local citizens while also serving as a major corridor for the transport of freight and commodities.

The Federal Highway Administration (FHWA) is the lead agency for compliance with the National Environmental Policy Act (NEPA). WSDOT prepared an Environmental Impact Statement (EIS) on the Sunset Highway Project under the following schedule:

Date of Issue of Draft EIS:	December 14, 2004
Date Comments were due:	February 17, 2005
Date of Public Hearing:	January 26, 2005
Date of Issue of Final EIS:	November 22, 2006

FHWA and WSDOT identified Alternative 3B as the Preferred Alternative in both the Draft and Final EIS. Alternative 3B would widen Sunset Highway to 4 lanes with a median barrier, provide u-turn lanes, construct sidewalks, and improve intersections from the Odabashian Bridge to 9th Street NE in East Wenatchee (project termini). This alternative would also construct the Eastmont Extension connecting Badger Mountain Road to the intersection of Sunset Highway and State Route 2/97.

2.0 Purpose and Need

The purpose of the Action is to enhance safety and increase mobility including the movement of people, goods, and services on the Sunset Highway Corridor in the East Wenatchee urban area from the Odabashian Bridge to 9th Street NE (Figure 1). By doing so, the Action will meet the current and future needs of the community.

2.1 Need for the Action

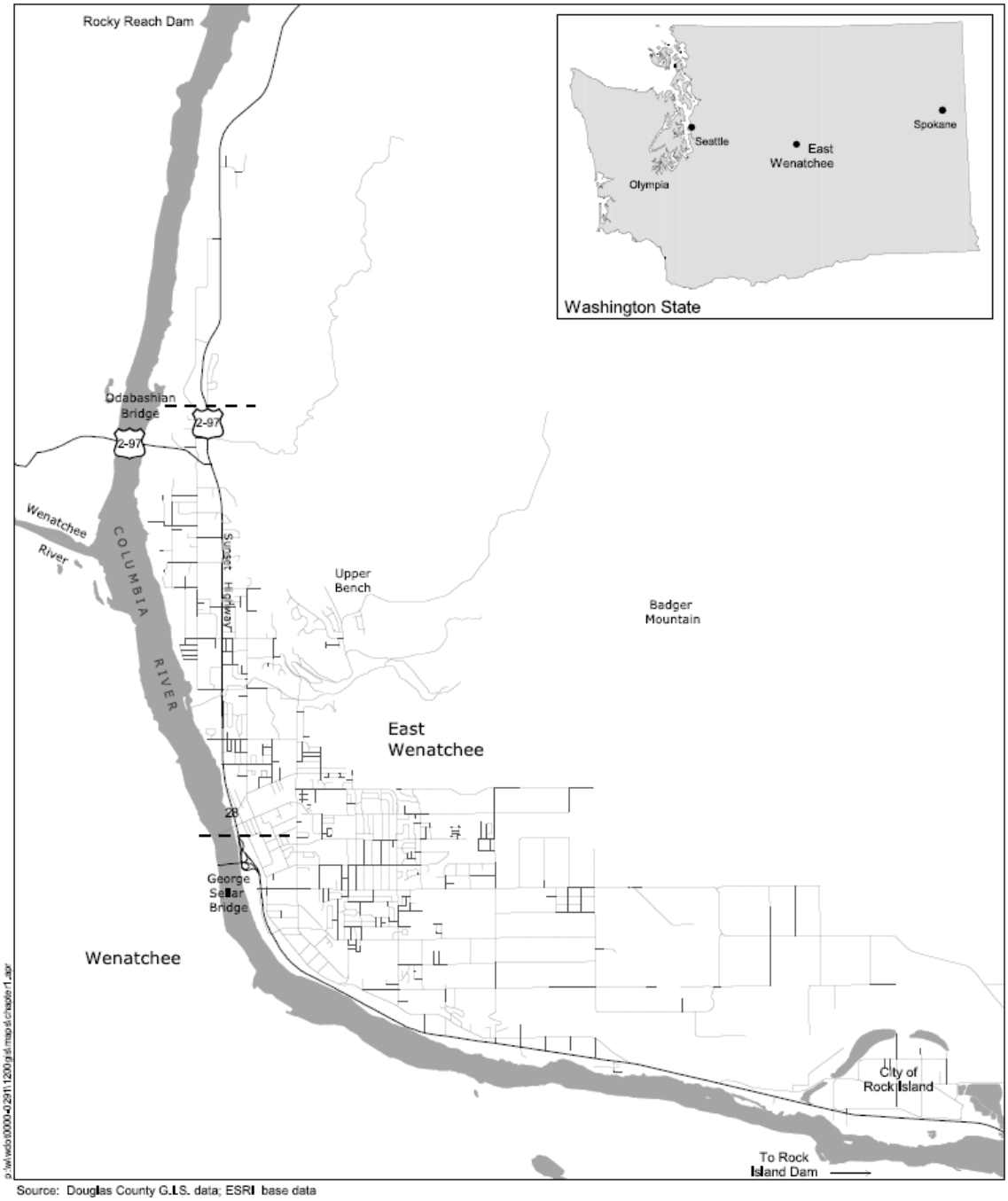
The Action would address the safety, capacity, design deficiency, pedestrian movement, and freight mobility of the corridor. These needs are well established and documented in state, regional, and local planning efforts, as well as recently updated traffic and transportation studies. Further detail on the need for the Action is provided in the following sections.

2.1.1 Traffic Accidents

Based on records obtained from WSDOT, the Douglas County Sheriff's Office, and the City of East Wenatchee Police Department, there were 100 reported accidents (none involving fatalities) along the Sunset Highway Corridor from January 2000 to December 2002, inclusive. WSDOT has ranked this corridor as the fifth-worst corridor in the North Central Region and identified it as a "high accident corridor" within the North Central Region.

The intent of the proposed improvements is to reduce or remove the probability of vehicle/vehicle and vehicle/non-motorized conflicts, which result in accidents.

Figure 1. Action Vicinity



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2.1.2 State Legislation

The stretch of SR 28 that extends from SR 2 in Wenatchee to SR 281 in Quincy is listed as a highway of statewide significance on the *Draft List of Transportation Facilities and Services of Statewide Significance* prepared by WSDOT. This includes the Sunset Highway Corridor that runs from SR 2/97 (Odabashian Bridge) to 9th Street NE in East Wenatchee. The Action aims to increase mobility and safety of all users, and reduce congestion on a portion of Sunset Highway identified as a Transportation Facility of Statewide Significance.

2.1.3 Regional and Local Planning Policies

North Central Regional Transportation Plan

In 1998, the North Central Regional Transportation Planning Organization (which consists of Okanogan, Douglas, and Chelan Counties) prepared a Regional Transportation Plan (the Plan). Sub-regional plans, including the Douglas County Transportation Element and the Wenatchee Area Transportation Study, were used as building blocks for the Plan. The Plan contains a number of goals in support of the Sunset Highway Project.

Douglas County Transportation Element

Washington's Growth Management Act requires each county and city to develop a comprehensive plan that includes six elements, one of which is transportation. The transportation element includes, amongst other things, facilities and service needs to meet current and future demand. The Douglas County Transportation Element classifies Sunset Highway as a principal arterial route within Douglas County and lists the Eastmont Extension as a current and future need. The Action will be consistent with the goals and policies of the Douglas County Transportation Element by systematically evaluating alternatives; by providing for all modes of transportation; and by working with individuals representing federal, state, and local agencies to provide the best alternative available to the Study Area. The Action would include traffic signals, meet or exceed Douglas County standards for lane width, turn lanes, shoulders, curbs and gutters, sidewalks, pedestrian crosswalks, and bicycle lanes and/or multipurpose shoulders.

2.1.4 Local Traffic and Transportation Studies

Transportation Demand

One of the findings in the EIS was that 90 percent of the trips along Sunset Highway are local trips (defined as trips having one trip end within the Study Area). Although Sunset Highway is a state-owned and operated facility, it functions like a local street through this Study Area. Improvements to the other local streets would not relieve congestion of Sunset Highway because it is the most direct route between both Columbia River crossings (the Odabashian Bridge and the George Sellar Bridge) to Wenatchee. Due to the natural terrain, Sunset Highway provides the only through connection and will continue to draw local traffic.

The regional transportation model verified that the Action would provide increased capacity within the system thereby decreasing congestion and delay throughout the Study Area.

Traffic Congestion

If no improvements in the corridor were made, some areas of Sunset Highway would decline to Level of Service (LOS) "F" by year 2025 with long delays, gridlock, and congestion. WSDOT's guidelines state that a minimum acceptable LOS of "D" is required for Highways of Statewide Significance where they pass through urban areas.

The Action includes road improvements to improve the capacity of Sunset Highway and ensure that its LOS does not decline below "D."

Public Transportation (Link)

The Action would provide additional lanes along Sunset Highway and other roadways within the Study Area, making it possible to have flowing traffic next to public transportation stops and, therefore, decreasing congestion along the corridor. Crossing the street should occur at designated intersections to increase safety of transit users. Stops may need to be relocated to utilize proposed traffic and pedestrian signals.

Bicyclist and Pedestrian Mobility

The Action would provide specific areas for bicycle and pedestrian use including sidewalks, pedestrian signals, crosswalks, and multi-purpose shoulders. These improvements would result in a safer environment for these users while also increasing the ease of non-motorized mobility through the area.

Freight Mobility

The Eastern Washington Intermodal Transportation Study (EWITS), conducted by WSDOT in 1995, and the Harvest Survey, conducted as part of the Action, show that approximately 70 percent of all the fruit crops in Chelan and Douglas Counties are transported by Sunset Highway and/or SR 2/97 to and from the packing houses in the area and markets.

The Action is needed to increase the number of north-south lanes in order to accommodate increased freight mobility through the Greater East Wenatchee Area.

Rail Transportation

Rail is also used to ship fruit and other freight. The rail yard is in Wenatchee across the river. To access the rail yard, the Odabasian Bridge and/or George Sellar Bridge is used.

The Action would provide additional travel lanes along Sunset Highway as well as better connections to the existing street system to aid in the movement of freight to and from the rail yard.

Operational Inefficiency

Currently, WSDOT is widening various intersections along Sunset Highway for use as exclusive right-turn or left-turn lanes. The widening is not consistently on one side of the road, thus producing a lane weave throughout the corridor.

The Action would provide additional north-south travel lanes from the Odabashian Bridge (SR 2/97) to the George Sellar Bridge (SR 285) that would help alleviate congestion and provide consistency throughout the corridor.

2.1.5 Future Development in the Area

City and County representatives on the Wenatchee Valley Transportation Council (WVTC) provided land use and employment forecasts for use in the traffic model. The land use forecasts are based on the *Greater East Wenatchee Comprehensive Plan* developed by Douglas County and the City of East Wenatchee in compliance with the Growth Management Act (GMA). The GMA requires the County and the City to plan for projected growth and establish an urban growth boundary. Growth beyond the urban growth boundary is strictly controlled by the County pursuant to GMA requirements. Future growth within the urban growth boundary is captured in the projected land use forecasts and employment projections. Those forecasts were then used in the calibrated traffic model to predict the traffic conditions for 2006 and 2025. Results showed that congestion along the Sunset Highway Corridor would result in levels of service below adopted standards. The Action will provide improvements to Sunset Highway that will maintain level of service standards at or above the standards through 2025.

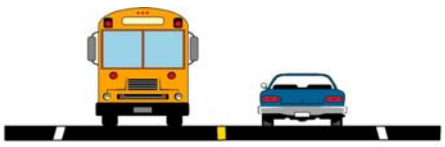
3.0 Decision

The Selected Alternative for the Sunset Highway Corridor Project is Alternative 3B. This alternative was identified in both the Draft and Final EISs as the Preferred Alternative. Key features are illustrated in Figure 2 and include the following components:

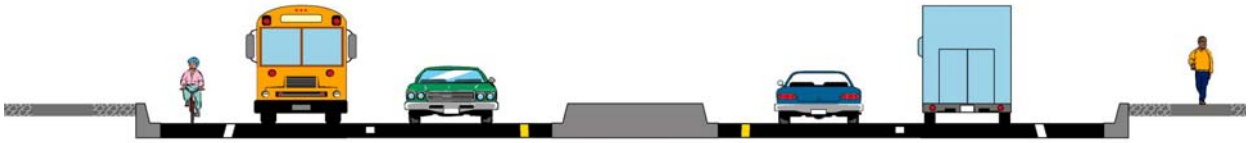
- **Eastmont Avenue Extension.** Eastmont Avenue would be extended from the intersection with Badger Mountain Road to the intersection of Sunset Highway and SR 2/97. Three lanes would be provided, consisting of two lanes uphill and one lane downhill.
- **Sunset Highway.** The existing Sunset Highway would be widened to four lanes between SR 2/97 and 9th Street NE, two lanes in each direction. Except for intersections with left-turn pockets or U-turns, left-turns across opposing traffic would be prevented by a raised median. U-turns would be provided at 31st Street NE and 19th Street NE.
- **Sunset Highway/SR 2/97/Eastmont Avenue Extension Intersection.** The existing Sunset Highway/SR 2/97 intersection would be modified to connect with the Eastmont Avenue Extension and provide additional turn lanes.
- **NW Cascade Avenue/SR 2/97 Interchange.** An interchange would be provided to replace the existing NW Cascade Avenue/SR 2/97 intersection.

- **Empire Avenue/NW Cascade Avenue Intersection.** Empire Avenue would be connected via a new extension to the NW Cascade Avenue extension.
- **38th Street NW/SR 2/97 Interchange**. The new interchange would tie into an extended 38th Street NW.
- **Valley Mall Parkway.** The intersection with Sunset Highway would be unsignalized but would provide a left-turn pocket.
- **New Signals.** Six new signals would be installed and two existing signals would be revised.
- **Minor Changes to Other Streets.** As part of Alternative 3B, minor improvements would also be made to a number of existing streets. The improvements would include short extensions, minor widening, stop signs, and cul-de-sacs.

The Sunset Highway cross-section includes four, 12-foot travel lanes with a raised median down the center, a 5-foot sidewalk with a 3-foot buffer strip between the curb and sidewalk, and 5-foot shoulders on both sides between the intersection of SR 2/97 to south of 13th Street NE.



EXISTING SUNSET HIGHWAY



ALTERNATIVE 3B SUNSET HIGHWAY

The new roadway section on Eastmont Avenue Extension heading south from the intersection of SR 28 and SR 2/97 is a three, 12-foot lane section, with two southbound lanes and one northbound lane. The roadway has a 6-foot sidewalk with a 5-foot shoulder on the west side, and an 8-foot shoulder on the east side.

Figure 2. Alternative 3B Configuration

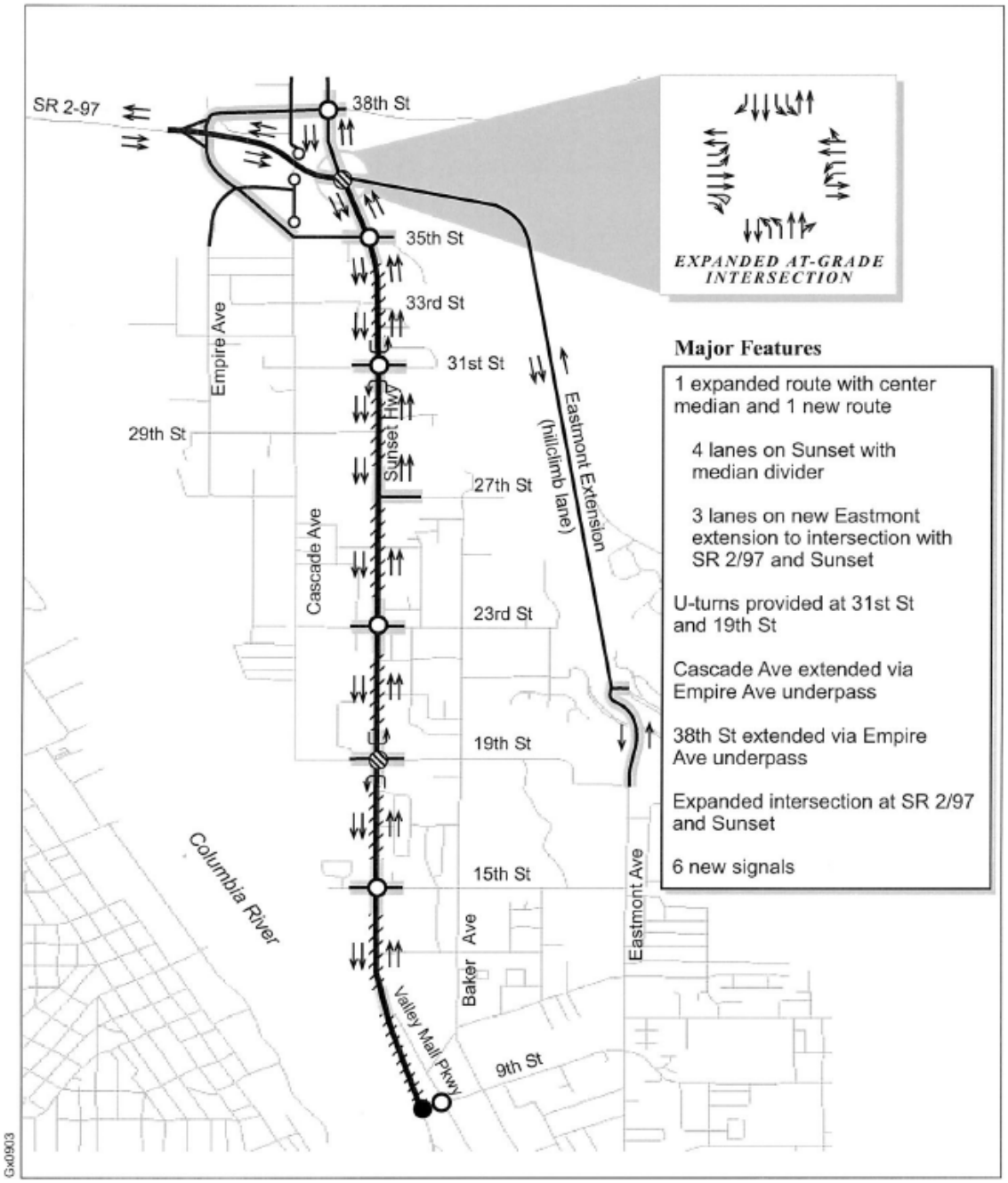


Figure 2
Alternative 3B Configuration

4.0 Other Alternatives Considered

WSDOT began the evaluation of alternatives for consideration in the EIS by considering 34 alternatives. These were ultimately reduced down to four alternatives through a comprehensive screening process that looked at whether the alternative solved the problem, improved safety, was constructible, would receive permits, and minimized displacements. Another criterion was added towards the end of the screening process that examined whether the alternative maintained the functionality and life span of the facility. Under this criterion, one of the four alternatives was modified to prepare an option that managed access more efficiently. This alternative became Alternative 3B, the Preferred Alternative. The Draft and Final EISs considered the No Build Alternative and five Build Alternatives.

4.1 Transportation System Management and Mass Transit Alternative

The range of alternatives considered included Transportation System Management (TSM) and Mass Transit Alternatives in urbanized areas over 200,000 population under FHWA guidelines. These alternatives were considered but rejected for two reasons. First, the Study Area is primarily rural residential with an expected population of 46,000 in the year 2025, well below the population of 200,000 targeted in the guidelines. Second, a TSM or Mass Transit Alternative would only address the capacity problem in the purpose and need and would not solve the safety, freight mobility, and design issues.

Nonetheless, Transit System Management concepts are included in several of the alternatives. Alternative 1's couplet concept is a TSM option that utilizes existing streets to minimize the overall footprint of the facility. Alternative 3B also uses a TSM concept by managing access through a raised median.

All of the alternatives improve Mass Transit by providing safer pedestrian access to transit service within the corridor. Also, the improvements to capacity will reduce travel times for transit vehicles, thereby improving service and attracting riders.

4.2 No Build Alternative

The No Build Alternative consists of the existing road configuration on Sunset Highway together with "committed improvements" on it and surrounding streets that are scheduled to take place over the next 25 years. Committed improvements are those which WSDOT, Douglas County, and the City of East Wenatchee have programmed into their respective capital improvement plans and for which there is funding. Because funding is limited, the committed improvements are all scheduled to occur between 2004 and 2010. These improvements consist of adding left-turn lanes and left-turn pockets.

4.3 Build Alternatives

The other four build alternatives are briefly described below.

- **Alternative 1:** This alternative consists of a one-way couplet (a pair of one-way streets) utilizing Sunset Highway and NW Cascade Avenue between SR 2/97 and 9th Street NE.
- **Alternative 2:** This alternative would widen NW Cascade to three lanes with a center turn lane and connect it to Sunset Highway at its southern end. Sunset Highway would be widened to five lanes with a center turn lane.
- **Alternative 3A:** This alternative would construct an extension of Eastmont Avenue from the intersection of SR 2/97 and Sunset Highway to Badger Mountain Road. Sunset Highway would be widened to five lanes with a center turn lane.
- **Alternative 4:** This alternative would construct a new alignment approximately 300 feet from the Columbia River from SR 2/97 to 13th Street NE.

Each of these alternatives are evaluated in the Final EIS and compared to the impacts that are expected to occur under the No Build Alternative.

5.0 Primary Reasons for Selecting the Preferred Alternative

The primary reasons for selecting Alternative 3B as the Preferred Alternative are as follows:

- It is most effective at improving area-wide traffic measures including average speed in the Sunset Highway corridor (third fastest), average speed on east-west streets (fastest), delay in the study area (least), travel time through the corridor (fastest), and travel time along the Eastmont corridor (fastest). It ranked number one in seven out of ten criteria whereas Alternative 1 ranked first in only one criteria (least delay in the region outside the Sunset Highway Corridor). The primary reason for the strong improvement is that the Eastmont Extension removes a significant portion of the trips on Sunset Highway that are bound for Fancher Heights (over 50 percent of current trips).
- It is the safest alternative because it restricts mid-block unprotected left turns across two lanes of on-coming traffic. Improving safety is one of the primary needs for the improvements.
- It preserves the functional service life of the improvements longer by removing local traffic and thereby allowing Sunset Highway to fulfill its function as a regional facility further into the future.
- It affects the fewest number of historic and cultural properties protected under Section 4(f) of the Department of Transportation Act of 1966 and Section 106 of the National Historic Preservation Act (2 versus 3 for Alternative 1).
- It has the fewest negative impacts to elements used to measure the social character of the study area. Alternative 3B primarily impacts just one neighborhood along the Sunset Corridor rather than adding traffic to two neighborhoods like Alternative 1.
- It has the second fewest business and residential relocations (120 compared to 148 for Alternative 1) and the greatest economic benefit due to the higher construction costs contributing more money to the local economy.

Several areas of the environment are more affected by Alternative 3B simply because of the larger construction footprint caused by the Eastmont Extension. The impacts to the following resources caused by the larger footprint are temporary and effectively mitigated: air quality (dust and construction equipment emissions), public transportation impacts and traffic congestion during construction, cost, construction impacts, soils and geology, and gas consumption during construction.

The permanent impacts stemming from the larger footprint (wetlands, shrub-steppe habitat, wildlife roadkill, invasive species/noxious plants and aesthetics) are acknowledged in the FEIS. Mitigation was considered for all these impacts and was included where feasible. For example, unavoidable wetland impacts are mitigated through replacement and invasive species are mitigated through the use of appropriate seed mixes. Regarding the existing shrub-steppe habitat in the Study Area, the FEIS determined that it was of low to moderate habitat value due to the presence of non-native species and noxious weeds, its use as rangeland, and encroaching development. The larger impact of Alternative 3B on the loss of shrub-steppe habitat and the wildlife roadkill are unavoidable impacts for which feasible mitigations are not available. The greater visual impacts from the Eastmont Extension are partially mitigated through minimizing the potential for street lights to shine into the surrounding residential areas.

The greater impacts to some resources from the larger footprint of Alternative 3B do not outweigh the lesser impacts to the other resources compared to the other alternatives. Because the project is located in an urbanizing area, significant natural resources are few but social issues are many. Alternative 3B does the best job at minimizing impacts to these social elements.

6.0 Summary of Environmental Mitigation Measures for the Selected Alternative

The Selected Alternative (Alternative 3B) incorporates all practicable measures to minimize environmental harm. All measures listed below are commitments imposed under this Record of Decision (ROD) for the Selected Alternative. This listing is provided to guide and facilitate project design. This listing will also facilitate monitoring of implementation of the mitigation measures. The measures described below will either be incorporated into or implemented in conjunction with the design and/or construction of the Selected Alternative.

Traffic and Transportation

- Provide a traffic management plan to minimize construction-related impacts to local streets, limit truck traffic to designated routes, and limit construction-related lane closures and detours to the minimum required for construction.
- Monitor unsignalized intersections for future turn restrictions or signal installation, based on future operations.
- Coordinate with LINK Transit and the school district on locations for potential public transportation and school bus pullouts to enhance safety of loading and unloading operations, and provide more visibility and permanence to bus stop locations.

Air Quality

- Impose standard dust control Best Management Practices (BMPs) as required in WSDOT's most current *Highway Runoff Manual* (HRM).
- Maintain all equipment in good mechanical condition to minimize exhaust emissions.
- Place quarry spawls at construction site entrances to help remove loose soil from construction vehicles before they leave the site.

Soils and Geology

- Follow the recommendations in a geotechnical report to perform all major excavation, shoring, and foundation support for roads and stormwater ponds to meet seismic design requirements.

Water Resources

- Control erosion and sediment using BMPs as outlined in detail in the most current HRM.
- Implement a Temporary Erosion and Sediment Control (TESC) Plan, as outlined in the HRM to prevent, intercept, and treat all potential silt-laden runoff during construction.
- Use the best available design practices to maintain existing hydrologic function and drainage patterns based on site geology, hydrology, topography and practicality.
- Provide a Spill Control and Countermeasures Plan (SPCC), as detailed in the HRM for control of construction-related pollutants.
- Provide the project-specific Stormwater Site Plan made up of the Hydraulics Report, the TESC Plan, the BMP selection, maintenance schedule, and any other pertinent information to contractors, engineers, and agency representatives.
- Follow locally documented planning area design standards for critical areas including streams and wetlands.
- Perform accurate survey of existing well locations prior to construction to determine if the wells would be abandoned, replaced, or connected to the East Wenatchee water system.
- Coordinate with East Wenatchee Water District to develop management strategies for alternatives that would cross through designated water discharge areas, minimizing releases of potential groundwater contamination from the highway in the Wellhead Protection Area of the 19th Street wellfield.
- Design drainage structures in accordance with HRM.

Biological Resources

- Where practicable, stage construction outside of the nesting season for ground-nesting birds between April and June.
- Where possible, retain vegetation near roadway alignments to provide foraging, roosting, and nesting sites for birds and other wildlife while construction activities occur.
- Where practical, plant native vegetation alongside the roadways to enhance or restore habitat.

- Minimize loss of riparian vegetation.
- Replant disturbed riparian vegetation after construction.
- Control noxious weeds after construction through the use of appropriate seed mixes and approved maintenance BMPs.
- Reestablish native vegetation where appropriate by seeding, fertilizing, mulching, or other approved methods.
- Compensate for unavoidable adverse wetland impacts by Wetland Enhancement/Creation to ensure "no net loss" of wetlands.
- Implement a wetland mitigation plan.
- Replace existing culverts with fish-friendly designs where appropriate.

Visual

- Position lights used during nighttime construction to minimize the potential for light spill in the surrounding area.
- Direct road lighting to minimize the potential for light spill in the surrounding area and the occurrence of artificial light glow on the night sky.

Hazardous Materials/Waste

- Conduct hazardous materials investigations as specified in WSDOT's *Environmental Procedures Manual* to further evaluate identified or potential sites prior to construction.
- Develop material-specific remediation plans to identify procedures and chains of responsibility to effectively manage hazardous materials as they are encountered during construction.
- Develop a health and safety plan to address worker safety when handling any hazardous materials.
- Develop a Spill Prevention Control and Countermeasure Plan detailing measures to be put in place to prevent, respond, and report any spill that may occur.
- Dispose of all leftover fuels, oils, and other hazardous materials that are not to be stored for future use to a hazardous waste handling facility.

Historic Resources (Including Section 4(f) Resources)

- Prior to removing historic buildings, offer the opportunity to willing buyers to relocate them.
- Document historic buildings using Historic American Building Survey (HABS) guidelines prior to relocating or removing the resource and provide the documentation to federal, state, and local agencies that maintain such records.
- Coordinate all construction activities associated with the historic irrigation canal with the Wenatchee Reclamation District.

Cultural Resources (Including Section 4(f) Resources)

- Implement the Memorandum of Agreement with the State Historic Preservation Officer including the Data Recovery Plan, Monitoring Plan, and Inadvertent Discovery Plan.

Noise

- Comply with local noise control ordinances for construction.
- Impose standard noise control measures on contractors including operating construction equipment in the quietest manner practicable, scheduling the noisiest operations to occur together in the construction program to avoid prolonged periods of annoyance, and locating material stockpiles and/or vehicle staging areas as far as practicable from dwellings.
- Institute a noise complaint resolution process.

Land Use

- Develop a detailed relocation plan that will include information on each displaced person, business, farm, and non-profit organization that will be displaced.

Recreation

- Erect signs to advise residents of temporary restrictions to specific access points for the Apple Capital Loop Trail.
- Work with Douglas County and the City of East Wenatchee to study additional trail access points.

Farmland

- Minimize the roadway construction footprint through the use of guardrails, etc., where appropriate, to decrease impact on prime and unique farmlands.
- Set up construction staging areas to avoid impacts to farm operations.
- Provide access to any farmland no longer able to be farmed due to lack of access.
- Relocate and rebuild the irrigation canal during the irrigation off-season from mid-October to mid-April.

Economics

- Written notification to businesses several weeks in advance of anticipated temporary detours.
- Construction activities would be timed and coordinated with local businesses to avoid blocked access for an extended amount of time during business hours.
- Coordinate with affected business owners to develop and implement strategies to maintain access to businesses during construction.
- Design alternate routes if main access routes must be blocked, with clear signage to indicate detours to travelers.

- Coordinate with local public transportation service provider and local school systems to ensure they are aware of various stages of the Action and have sufficient time to develop alternate transportation routes.
- Minimize the number of major traffic detours.
- Provide acquisition and relocation assistance to all displaced business owners without discrimination.
- Develop a detailed relocation plan that will include information on each business, farm, and non-profit organization that will be displaced.
- Work with each displaced business, farm, and non-profit organization to help minimize the amount of disruption that may result from the need to relocate.
- Provide a 90-day written assurance of the required move date to a displaced person, business, farm, or non-profit organization.

Social and Environmental Justice

- When access to a residence is to be disrupted temporarily, provide sufficient notice to the property owner and minimize the duration of the disruption.
- Erect signs to warn motorists and pedestrians of safety hazards associated with the construction activities.
- Provide acquisition and relocation assistance procedures to all displaced property owners and tenants without discrimination.
- Work with displaced residents to find comparable replacement dwellings.
- Provide a written assurance to displaced residents at least 90 days prior to the earliest date they could be required to move.
- Develop a detailed relocation plan that will include information on each displaced person that will be displaced.

Public Services and Utilities

- Coordinate with emergency service providers to use alternative routes to avoid potential delays as a consequence of the construction activities.
- Prohibit construction equipment from parking in front of fire hydrants.
- Relocate mailboxes temporarily during construction.
- Follow WSDOT's Design Manual and Utilities Manual on specific guidance on relocating utilities during construction.
- Coordinate with the United States Postal Service prior to reestablishing permanent mailboxes.

Energy

- Plan operations to minimize double handling of fill and construction materials.
- Regularly maintain equipment to ensure that it remains in good condition.
- Recycle materials generated during construction.

7.0 Determinations and Findings

This section identifies the specific determinations and findings required under various federal statutes and regulations.

7.1 NEPA

The NEPA documentation for the SR 28 Eastside Corridor Project includes the previously referenced Draft EIS and Final EIS (December 2004 and October 2006, respectively). A Draft and Final Section 4(f) Evaluation accompanied the Draft and Final EIS. These documents, incorporated here by reference, constitute the statements required by the National Environmental Policy Act (NEPA) and Title 23 of the United States Code (USC) on:

- the environmental impacts of the project;
- the adverse environmental effects that cannot be avoided should the project be implemented;
- alternatives to the proposed project;
- irreversible and irretrievable impacts on the environment that may be involved with the project should it be implemented.

Having carefully considered the environmental record noted above, the mitigation measures as required herein, the written and oral comments offered by other agencies and the public on this record, and the written responses to the comments, the FHWA has determined that (1) adequate opportunity was offered for the presentation of views by all parties with a significant economic, social, or environmental interest; (2) fair consideration has been given to the preservation and enhancement of the environment and to the interests of the communities in which the project is located; (3) all reasonable steps have been taken to minimize adverse environmental effects of the proposed project; and (4) where adverse effects remain, there exists no feasible and prudent alternative to avoid or further mitigate such effects.

Under NEPA, FHWA finds that Alternative 3B is the least environmentally damaging alternative when all elements of the environment are considered. The U.S. Environmental Protection Agency suggested in its comment letter that Alternative 1 may be the least environmentally damaging alternative. For reasons that are detailed in Sections 5 and 10 of this ROD, FHWA disagrees.

7.2 Environmental Justice

An analysis of environmental justice is included in Section 3.15 of the Final EIS. Consistent with Presidential Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (February 1994) and FHWA Order 6640.23, "FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (December 1998), the FHWA has concluded that after the mitigation measures to minimize harm are implemented, no disproportionately high and adverse human health or environmental effects are expected to fall on minority or low-income populations as a result of implementing the Selected Alternative.

7.3 Conformity With Air Quality Plans

An analysis of air quality is included in Section 3.2 of the Final EIS. The Study Area is designated as in attainment with the National Ambient Air Quality Standards and therefore the project does not require a conformity analysis.

7.4 Endangered Species Act

The Endangered Species Act of 1973 (ESA) (16 USC § 1531 et seq.), as amended, is intended to protect threatened and endangered species of the ecosystems on which they depend. When the federal government takes an action subject to the ESA, it must comply with Section 7 of the ESA [found at 16 USC § 1536(a)(2)]. Section 7 (a)(2) states:

> "Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an "agency action") is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation is appropriate with affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of this section. In fulfilling the requirements of this paragraph each agency shall use the best scientific and commercial data available."

WSDOT initiated informal Section 7 consultation with National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS). A Biological Assessment (BA) of the project (DEA, April 2006) was submitted to the agencies. According to the BA, the project "may affect, but is not likely to adversely affect" Bald Eagle. The project will have "no effect" on Pigmy Rabbit, or Ute ladies'-tresses. The project "may affect, but is not likely to adversely affect" bull trout. The project "may effect, but is not likely to adversely affect" Upper Columbia River Spring Chinook Salmon, Upper Columbia Steelhead Trout, and their associated Critical Habitat.

Concurrence with the effect determinations for species under the jurisdiction of the USFWS was received on June 7, 2006. Concurrence with the effect determinations for species under NMFS

jurisdiction was received on May 15, 2006. The project will incorporate the conservation measures to minimize harm outlined in Section 7 of the Biological Assessment.

7.5 Magnuson-Stevens Act

Federal agencies are required, under section 305(b)(2) of the Magnuson-Stevens Act (MSA) and its implementing regulations (50 CFR 600 Subpart K) to consult with NMFS regarding actions that are authorized, funded, or undertaken by that agency that may adversely affect Essential Fish Habitat (EFH). The action area for the project encompasses habitats that have been designated as EFH for various life stages of Chinook and coho salmon.

The BA submitted by WSDOT to NMFS included the required EFH analyses for these species. NMFS concluded in its May 15, 2006, letter that conservation measures proposed to address ESA concerns were adequate to also address potential adverse effects to EFH.

7.6 National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA) (16 USC 470) sets forth government policy and procedures regarding "historic properties"—that is, districts, sites, buildings, structures, and objects included in or eligible for the National Register of Historic Places (NRHP). See also 36 CFR Part 800.

Section 106 of the NHPA requires federal agencies to "take into account" the effects of their actions on historic properties. WSDOT submitted a historic resources evaluation to the Washington State Historic Preservation Officer (SHPO). SHPO concurred with the eligibility determinations for historic resources on September 15, 2004. SHPO concurred with the effects determinations for historic resources on November 9, 2005. SHPO signed the Memorandum of Agreement (MOA) covering mitigation for effects to archaeological resources on September 29, 2006. The MOA was submitted to the Advisory Council on Historic Preservation and they declined to comment.

Two historic resources are adversely affected by the Selected Alternative.

1. The irrigation canal owned and operated by the Wenatchee Reclamation District is eligible for listing on the NRHP.
2. A private residence at 1321 Sunset Highway is eligible for listing on the NRHP.

Impacts to the irrigation canal are unavoidable. Mitigation consists of coordinating with the Reclamation District on the timing of construction to avoid disrupting the flow of irrigation water during the growing season.

Impacts to the private residence are also unavoidable. Mitigation consists of offering willing buyers the opportunity to move the residence and documenting the property for federal, state, and local agencies.

Archaeological resources eligible for listing on the NRHP are also present in the project area. The MOA addresses these resources and contains a Monitoring Plan, an Inadvertent Discovery Plan, and a Recovery Plan for known sites.

Both the Confederated Tribes of the Colville Reservation and the Confederated Tribes and Bands of the Yakama Nation were consulted throughout the Section 106 process. They participated as concurring parties to the MOA.

7.7 Traffic

A detailed traffic analysis is in Section 3.2 of the Final EIS. The traffic model incorporated population and growth projections from the Wenatchee Valley Transportation Council, the Municipal Planning Organization (MPO). FHWA has determined that when fully constructed, the Selected Alternative will operate at acceptable levels of service through 2025. The MPO supports Alternative 3B as the Selected Alternative.

7.8 Section 4(f)

Section 4(f) of the Department of Transportation Act of 1966, codified in federal law at 49 USC 303 and 23 USC 138, declares that "It is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites."

Section 4(f) specifies that "The Secretary [of Transportation] may approve a transportation program or project … requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if–

1. There is no prudent and feasible alternative to using that land; and
2. The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting form the use."

A detailed description of potential Section 4(f) resources is contained in section 4 of the Final Section 4(f) Evaluation. This document is Appendix B of the Final EIS. The archaeological sites that are eligible for listing under Section 106 are only considered Section 4(f) resources if they warrant preservation in place. None of the eligible archaeological sites warrant preservation in place. Publicly-owned recreation sites are in the Study Area but are not affected by the Selected Alternative.

The Selected Alternative affects two historic sites that are eligible for listing on the National Register of Historic Places. Such sites are considered Section 4(f) resources. One site is the historic irrigation canal owned and operated by the Wenatchee Reclamation District. It was constructed in 1908 and is closely associated with settlement of the area. The other site is a private residence located at 1321 Sunset Highway. It is a colonial revival style residence built in 1910.

FHWA guidelines for Section 4(f) require the identification and consideration of an alternative that completely avoids Section 4(f) resources. Based on the known locations of historic sites, the irrigation canal, cultural resources, and recreation sites, only one alignment examined completely avoids all Section 4(f) resources. The Section 4(f) Evaluation examined this alignment and concluded that it was not prudent because it did not meet the project purpose and need. The avoidance alignment would not improve safety, failed to improve freight mobility, created excessive costs, and would have unacceptable social impacts.

Of the build alternatives, the Selected Alternative affects the fewest Section 4(f) resources. One of the criteria for use of Section 4(f) resources is that the project include all possible planning to minimize harm to the resource. Specific measures to minimize harm to the two historic resources are discussed under the National Historic Preservation Act.

Based on the above, FHWA has determined that there is no feasible and prudent alternative to the use of land from the irrigation canal and a historic home. The Selected Alternative includes all possible planning to minimize harm to the irrigation canal and the historic home from their use.

7.9 Section 6(f) of the Land and Water Conservation Fund Act

Two resources in the Study Area are known to have been developed with funding resources under Section 6(f) of the Land and Water Conservation Fund Act. Neither site is affected by the Selected Alternative. Comment by the National Park Service on Section 6(f) lands is not required.

8.0 Conclusion

For the reasons outlined above, Alternative 3B is the alternative that best meets the purpose and need of the project, and will have the least impact to the human and natural environment. FHWA will ensure that the commitments outlined above, in the Final EIS, and in the Biological Assessment will be implemented as part of the project design and construction.

Based upon a careful consideration of all social, economic, and environmental impacts contained in the Final EIS; the various technical studies completed; the input from other agencies and the public; and the factors and commitments outlined above, it is the decision of the FHWA to choose the Alternative 3B for the SR 28 Eastside Corridor Project.

RECORD OF DECISION APPROVAL

The Record of Decision for the SR 28 Eastside Corridor Project is hereby approved.

Date	Daniel M. Mathis Division Administrator Federal Highway Administration

9.0 Comments on the Final EIS

FHWA received only one comment letter on the Final EIS. The U.S. Environmental Protection Agency (EPA) submitted a letter dated December 29, 2006, within 30 days of the notice in the Federal Register. Their comments and responses are listed below.

1. Comment: We appreciate the thoughtful and helpful responses to our comments on the Draft EIS. In particular, we are pleased to see the indirect and cumulative effects analysis in Section 3.18 and the helpful addition of Appendix D, which provides an overall comparative matrix for the alternatives.

   Response: FHWA and WSDOT met with EPA to review and respond to their comments on the Draft EIS. EPA's comment on the Final EIS indicates WSDOT successfully addressed several of the comments on the Draft EIS.

2. Comment: The FEIS reaffirms the choice of Alternative 3B (Eastmont Avenue Extension) as the preferred alternative. We understand the complexities of weighing trade-offs among multiple factors when choosing an alternative. Although the FEIS ranks Alternative 3B as number one with respect to overall Traffic Effectiveness (p. S-18), it ranks Alternative 1 as number two. It is worth noting that Alternative 1 provides both a high level of transportation effectiveness, and it may be the least environmentally damaging alternative. Based on our review of the FEIS and the comparison charts in Appendix D, it appears that Alternative 1 has the least impacts and/or best outcome with respect to: air quality, wetlands, shrub-steppe habitat, wildlife roadkill, invasive species/noxious weeds, induced growth beyond what is planned by Douglas County, public transportation, traffic congestion, cost, construction impacts, soils and geology, aesthetics, and gas consumption.

   Response: The following responses address the comment.

   Several areas of the environment are more affected by Alternative 3B simply because of the larger construction footprint caused by the Eastmont Extension. The impacts to the following resources caused by the larger footprint are temporary and effectively mitigated: air quality (dust and construction equipment emissions), public transportation impacts and traffic congestion during construction, cost, construction impacts, soils and geology, and gas consumption during construction.

   The permanent impacts stemming from the larger footprint (wetlands, shrub-steppe habitat, wildlife roadkill, invasive species/noxious plants and aesthetics) are acknowledged in the FEIS. Mitigation was considered for all these impacts and was included where feasible. For example, unavoidable wetland impacts are mitigated through replacement and invasive species are mitigated through the use of appropriate seed mixes. Regarding the existing

shrub-steppe habitat in the Study Area, the FEIS determined that it was of low to moderate habitat value due to the presence of non-native species and noxious weeds, its use as rangeland, and encroaching development. The larger impact of Alternative 3B on the loss of shrub-steppe habitat and the wildlife roadkill are unavoidable impacts for which feasible mitigations are not available. The greater visual impacts from the Eastmont Extension are partially mitigated through minimizing the potential for street lights to shine into the surrounding residential areas.

The air quality differences in impacts between Alternatives 1 and 3B are minor. The air quality impacts from carbon monoxide are 8.4 parts per million (ppm) and 9.4 ppm respectively for the 1 hour concentration, but both alternatives are well below the standard of 35 ppm set by the National Ambient Air Quality Standards.

The induced growth differences between Alternatives 1 and 3B are speculative. Washington's Growth Management Act (GMA) delegates the responsibility for altering the urban growth boundary with Douglas County. The Land Use Section 3.11 identifies the current location of the urban growth boundary as including Fancher Heights. For Douglas County to change this boundary requires meeting specific GMA requirements. As noted in the Indirect and Cumulative Impacts Section 3.18, the ability of any alternative to induce growth is far from certain under GMA. As stated in the analysis, expanding development in Fancher Heights outside the current growth boundaries in response to the Eastmont Extension under Alternative 3B will likely be a controversial land use decision and not reasonably foreseeable. In addition, Douglas County has identified the Eastmont Extension to Fancher Heights in its Transportation Plan and would seek to build it under Alternative 1 as well. In effect, both alternatives have the same potential to induce growth and Douglas County controls that decision.

Alternative 3B has the least impact to the social components of the environment. These include less community disruption, fewer displacements (120 versus 148 for Alternative 1), less impact on environmental justice populations, less impact on recreation, and less impact on emergency services.

Alternative 3B affects the fewest Section 4(f) resources (2 versus 3 for Alternative 1).

In selecting Alternative 3B, FHWA weighed all these factors together and compared them to the purpose and need for the project. FHWA determined that Alternative 3B best met the purpose and need for the project and was the least environmentally damaging alternative.

3. Comment: Given these factors, it appears that Alternative 1 would be a cost effective solution that maximizes the use of existing infrastructure and minimizes environmental impacts. We recommend these features be carefully considered in the decision making process.

   Response: FHWA has considered these factors and reaffirms the choice of Alternative 3B. Alternative 3B is the most effective at improving area-wide traffic measures such as travel speed and delay within the project study area; is most effective at improving safety; removes a substantial amount of local traffic from a state route, thus extending the service life of the facility; minimizes impacts to cultural and historic resources; minimizes social impacts; has a comparatively low number of business and residential right of way relocations.