

NOTICE OF AVAILABILITY OF THE FINAL ENVIRONMENTAL IMPACT STATEMENT

Purpose of this Notice: This Notice of Availability is issued pursuant to the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §4332, 40 C.F.R. §1502.19, and 23 C.F.R. 771.125(g); and also issued pursuant to the Washington State Environmental Policy Act (SEPA), RCW Ch. 43.21C, and WAC 197-11-460(2) and -.502(11).

Summary: King County and the Federal Highway Administration (FHWA) announce the availability of the Final Environmental Impact Statement (EIS) for the East Lake Sammamish Master Plan Trail along approximately 11 miles of former railroad corridor on the east side of Lake Sammamish in Washington state. The trail would extend from Gilman Boulevard in the City of Issaquah north to the Bear Creek Trail in the City of Redmond.

Dates: This is the Notice of Availability (NOA) that the Final EIS for the Master Plan Trail is available for public review on May 28, 2010. The Draft EIS for this project was issued for public review on October 20, 2006. A public hearing was held in Bellevue, King County, Washington on November 9, 2006. In response to the public comments on the Draft EIS, minor revisions were made to prepare a Final EIS for the proposed Master Plan Trail. The Final EIS is now available. King County will take no action on the proposal for a minimum of 7 days following publication of this notice, and the FHWA will not issue a final decision on the proposal for a minimum of 30 days following publication of its own, separate NOA in the Federal Register (FR).

The federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub.L. No. 109-59, 119 Stat. 1865 §6002(*l*), codified at 23 U.S.C. §139(*l*), establishes a category of final action by Federal agencies that can be made subject to a 180-day time limitation for seeking judicial review. The law applies to claims "arising under federal law seeking judicial review of a permit, license, or approval issued by a federal agency for a highway or public transportation capital project." If a notice is subsequently published in the *FR* that declares that there have been final Federal agency actions regarding the proposal discussed in the FEIS, then claims covered by SAFETEA-LU §139(*l*) must be filed within 180 days after the date of that notice.

Where Documents are Available: Copies of the Final EIS and Technical Appendices are available for review at:

King County Facilities Management Division, King County Administration Building, Room 320, 500 Fourth Avenue, Seattle, WA, 98104.

Seattle Public Library – 1000 4th Ave, Seattle, WA., 98104

Bellevue Public Library – 1111-110th Avenue, Bellevue, WA., 98004

Redmond Public Library – 15990 NE 85th Street, Redmond, WA., 98052

Sammamish Public Library – 825-228th Avenue NE, Sammamish, WA., 98074

Issaquah Public Library – 10 West Sunset Way, Issaquah, WA., 98027

Project documents are also available at the project website: www.kingcounty.gov/eastlakesammamishtrail. Electronic (on CD-ROM) or paper copies may also be obtained by contacting King County Department of Executive Services at (206) 296-1822.

For Further Information Contact:

King County: Gina Auld, Capital Project Manager, King County Facilities Management Division, 201 South Jackson Street, Suite 700, Seattle, WA 98104, (206) 263.7281

FHWA: Pete Jilek, Urban Area Engineer, Federal Highway Administration, 711 South Capital Way, Suite 501, Olympia, WA 98501, (360) 753. 9550.

Supplementary Information: The proposed project will design and construct an alternative non-motorized transportation corridor and multi-use recreational trail along the former BNSF railroad corridor on the east side of

Lake Sammamish. The proposal is to develop the existing Interim Use Trail into a permanent, Master Plan Trail. The trail would provide access to recreation, employment, and retail centers in the City of Redmond, Sammamish, and Issaquah, and would complete a link in the King County regional trails system.

The Issaquah segment of the proposed project would be funded using money apportioned to Washington State under the Congestion Mitigation and Air Quality (CMAQ) program authorized under 23 U.S.C. §104(b)(2). Under 23 U.S.C. §217(f), construction of a pedestrian walkway and a bicycle transportation facility is deemed to be a highway project for all purposes of Title 23 U.S.C., including the Federal-Aid Highway Program (FAHP) established under Title 23 U.S.C. Ch. 1. Although WSDOT administers many aspects of the FAHP, as described in the 2008 FAHP Stewardship and Oversight Agreement between WSDOT and FHWA, FHWA retains the responsibility for non-FAHP program oversight and project approval responsibilities such as NEPA and other related environmental laws and statutes. Thus, for NEPA purposes, FHWA is the lead federal agency for the Final EIS.

As the local lead agency for the proposed project, King County Facilities Management Division has prepared a Final EIS in conjunction with the lead federal agency, the FHWA, and WSDOT, in order to meet the requirements of both NEPA and SEPA. This Final EIS will be used, in conjunction with public and agency comments received during the Draft EIS comment period, to assist the lead agencies to decide which alternative to select.

The Final EIS outlines each of the alternatives' impacts and benefits to a number of environmental considerations, including: earth, surface water and water quality, wetlands, vegetation and wildlife, fish resources, land use and shorelines, recreation, socioeconomic resources, visual quality, public services and utilities, transportation, noise, and historic, cultural, and archaeological resources.

No Further Review under SEPA. Pursuant to RCW 43.21C.150, WAC 197-11-600(3), and Boss v. Wash. State Dep't of Transportation, 113 Wn. App. 543, 54 P.3d 207 (2002), the Final EIS is a NEPA document prepared prior to any project approval decision by King County and is not subject to further review under SEPA.

Further Review Under NEPA. The Final EIS may be appealed to the extent provided under the federal Administrative Procedures Act, 5 U.S.C. §500 et seq., and FHWA's NEPA procedures, 23 CFR Part 771. As stated above, the FHWA will not issue a final decision on the proposal for a minimum of 30 days following publication of a NOA for the FEIS in the Federal Register. If FHWA decides to approve the proposal, a record of decision will be published in the Federal Register. If, thereafter, a SAFETEA-LU §139(l) notice is published in the FR that declares that there have been final Federal agency actions regarding this project, then claims covered by the SAFETEA-LU §139(l) notice must be filed within 180 days after the date of that notice. A decision not to publish a SAFETEA-LU §139(l) notice does not prevent an action from being final for other purposes.

Gina Auld, Project Manager
King County Facilities Management Division
King Street Center
201 South Jackson Street
Seattle, WA 98104