

**Environmental Assessment
Determinations and Compliance Findings
for HUD-assisted Projects
24 CFR Part 58**

Project Information

Project Name: Miller-Habitat-HOME-EA

HEROS Number: 900000010175174

Responsible Entity (RE): KING COUNTY, 401 Fifth Avenue SEATTLE WA, 98104

RE Preparer: Lynn Scherer

State / Local Identifier:

Certifying Officer: Jaclyn Moynahan

Grant Recipient (if different than Responsible Entity):

Point of Contact:

Consultant (if applicable): BERK Consulting

Point of Contact: Jessica Hartmann

Project Location: 511 S 136th St, Burien, WA 98168

Additional Location Information:

The full project area combines 511 and 515 S 136th St. The Tax Parcel numbers are 172304-9162, 172304-9187, and 172304-9573. The site is in the Highline area of Burien and is adjacent to SR-509 to the west and single family residences to the north, east, and south.

Direct Comments to: LScherer@kingcounty.gov

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

Habitat for Humanity Seattle-King County proposes a newly constructed townhouse development and community center for people with incomes under 80% of area median income. The site is located at 511 and 515 S 136th St in the Highline area of Burien totaling 3.47 acres (151,309 square feet) with approximately 30,000 square feet of undevelopable land due to the City's required wetland and stream buffer. The site is currently developed with two single family residences, one multi-family residence (a duplex), two sheds, and a barn. It is adjacent to SR-509 to the west and single family residences to the north, east, and south. The land is zoned single-family residential (R7,200). The proposal includes up to 40 townhouse units totaling approximately 54,590 gross square feet of residential. The townhomes will be split amongst 9 buildings, each 2-3 stories tall. All units will serve a population earning up to 80% of the area median income. The project includes demolition of existing structures, land development (a new road that will connect to the existing S 137th Pl), utility infrastructure, vertical construction, landscaping, stormwater facilities, parking area, and a community center. Structures are to be wood-framed and constructed over concrete foundations. A 50 x 70 foot detention tank on site will require a 10 foot excavation depth. The anticipated maximum excavation depth elsewhere is 5 feet, including 24-36 inch footings and 12-24 inches of over-dig to accommodate structural fill if needed. Habitat for Humanity Seattle-King County will develop and operate the development. Portions of the site where the wetland and wetland buffer exist are expected to remain undisturbed as land disturbing activities in those areas are prohibited, as stated in the City of Burien's Development Standards detail in the City's municipal code. See the Project Description attached under the Environmental Assessment Analysis for a site plan and site photos.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

King County and the City of Burien consider affordable housing to be a high priority. In December 2018, the County's Regional Affordable Housing Task Force culminated in a Five-Year Action Plan which strives to address this important issue and "eliminate cost burden for households earning 80% Area Median Income and below, with a priority for serving households at or below 80% Area Median Income." The Affordable Housing Committee of the Growth Management Planning Council was established soon after to implement Goal 1 from the Action Plan (create and support an ongoing structure for regional collaboration). The City of Burien participated in the South King County Regional Housing Action Plan (along with the cities of Auburn, Federal Way, Kent, Renton, and Tukwila) to develop a subregional housing action framework and recently completed a Housing Action Plan to address housing challenges and needs in the city. According to the Burien Housing Action Plan: "Affordable homeownership options are very limited with fewer than 900 units affordable to households earning less than 50% of AMI. During the 2012-2016 period, 75% of renters and 70% homeowners earning less than 30% of AMI were cost burdened, along with 20% of renters and 55% of homeowners earning between 30% and 50% of AMI. Burien has less than 1,000 units of regulated affordable housing for households earning less than 60% of AMI. Burien needs 3,435 new housing units by 2040 when its

population is expected to reach almost 58,500 people. Burien needs to produce about 172 units per year to reach this goal. This is a higher increase over the 105 average annual units produced over the 2011-2019 timeframe. In the 2010-2019 timeframe, Burien produced 9.3 housing units for every 10 new households that formed in the city. This is higher than most other cities in the South King County subregion but still under-producing. Burien has the second highest home prices in the South King County subregion, just below Renton." This project would support several goals of the Housing Action Plan by providing additional affordable housing opportunities to assist low-income individuals and families. The City of Burien City Council has approved this development to take part in their pilot program: Affordable Housing Demonstration Program. The proposal received unanimous approval by the Burien City Council and was determined to meet the criteria in BMC 19.18.010 to "promote thoughtful layout of buildings, parking areas, and circulation, service, landscaping and amenity elements that enhance Burien's visual character, promote compatibility between developments and uses, and enhance the function of developments." Pursuant to BMC 19.18.050(5), Habitat for Humanity Seattle-King County will sign an affordability agreement prior to the issuance of a building permit.

Existing Conditions and Trends [24 CFR 58.40(a)]:

The site is adjacent to SR-509 to the west and single family residences to the north, east, and south. The land is zoned single-family residential (R7,200) and currently developed with two single family residences, one multi-family residence (a duplex), two sheds, and a barn. Per the Appraisal of Real Property completed by Integra Realty Resources on April 21, 2020, these structures are past their useful economic life (see page 22 in the supporting documentation under EA Factors). The project is in the Highline area in Burien in southern King County. The Puget Sound Regional Council designated Burien as one of the 29 Regional Growth Centers that will experience focused urban growth in the decades ahead - the project site is located approximately 0.5 miles to the northeast of the Downtown Burien RGC. The center offers significant redevelopment opportunities and access to the regional transportation system via SR 509, SR 518, and SeaTac Airport. The City of Burien is predominately residential in nature. Major components of the local economy include SeaTac Airport, shopping and restaurants in Downtown Burien, and numerous health care providers. The bulk of commercial and retail uses are concentrated along Ambaum Blvd SW and 15th Ave SW. Downtown Burien, located between SW 148th St and 152nd St, features amenities such as entertainment, retail, restaurants, automotive sales and services, and multi-family uses. The Highline area in which the project site is located is mostly low-density residential in character with a smattering of commercial uses generally located to the west along 1st Ave S and to the south in Downtown Burien. Although recent development activity in the Highline area has been limited, multifamily development activity in the neighborhood has been active. A market analysis conducted as part of the appraisal report concluded there is currently demand for

multifamily use in the area (see pages 7-18 and 31 of the Appraisal of Real Property in the supporting documentation under EA Factors). Burien is a diverse community. Individuals who identify as Latino/Hispanic make up Burien's largest ethnic group at nearly a quarter of the total population. Another 10% identify as Asian, and according to the Highline School District, more than 50 different languages are spoken in the homes of Burien-area students.

Maps, photographs, and other documentation of project location and description:

[A-1 Project Description 2021_12\(1\).pdf](#)

[A-4 Field Inspections 2021_12.pdf](#)

Determination:

✓	Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment
	Finding of Significant Impact

Approval Documents:

[EA sig page Miller Creek 2-22-22.pdf](#)

[Order_confirmation - 22916.pdf](#)

[ERR web post 2-23-22.png](#)

7015.15 certified by Certifying Officer on:

7015.16 certified by Authorizing Officer on:

Funding Information

Grant / Project Identification Number	HUD Program	Program Name
M20-DC530200	Community Planning and Development (CPD)	HOME Program
M21-DC530200	Community Planning and Development (CPD)	HOME Program

Estimated Total HUD Funded, Assisted or Insured Amount: \$1,327,900.00

This project anticipates the use of funds or assistance from another federal agency in addition to HUD in the form of:

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$14,275,275.00

Compliance with 24 CFR §50.4, §58.5 and §58.6 Laws and Authorities

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Are formal compliance steps or mitigation required?	Compliance determination (See Appendix A for source determinations)
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.6		
Airport Hazards Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The closest civilian airport is the Seattle-Tacoma International Airport approximately 7,250 feet to the southeast (Exhibit 1). The project site is also located outside the Runway Protection Zone (RPZ) for SeaTac as shown in Exhibit 2.
Coastal Barrier Resources Act Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The site is not within a designated Coastal Barrier Resource System (CBRS) Unit as there are no CBRS Units in Washington State (see Exhibit 1).
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The site is not located in a FEMA-designated Special Flood Hazard Area (Exhibit 1). The project is in compliance with flood insurance requirements. Please see FIRM 53033C0955G (effective August 19, 2020) with notation page attached indicating project site is in Zone X.
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.5		
Air Quality Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Three agencies have air quality jurisdiction in the Burien/King County area, including the project site: the U.S. Environmental Protection Agency (EPA), Washington State Department of Ecology (Ecology) and Puget Sound

		<p>Clean Air Agency (PSCAA). According to Ecology, all areas of Washington currently meet the air quality standards for each of the six air pollutants (carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide). The project site is located in a maintenance area for CO (per the 1971 standard) and Ozone 1-hr (per the 1979 standard - revoked). The Clean Air Act requires states to develop a general plan to attain and maintain the NAAQS in all areas of the country and a specific plan to attain the standards for each area designated nonattainment for any pollutant, known as State Implementation Plans or SIPs. According to the Puget Sound Regional Council (PSRC), growth consistent with the state established targets is achieving compliance with these SIPs (see Appendix D, page 1 of the Regional Transportation Plan). The project is consistent with growth planned for in Burien's Comprehensive Plan and is thus in compliance with the particulate matter SIPs. The City's Comprehensive Plan includes Goal EV.2 - Maintain and promote a safe and healthy environment and preserve the quality of life in Burien. Policies EV 2.6-2.8 are specific to air quality. Goal 8 in the Transportation Element, and Policy TR 8.1.3 is specific to air quality related to transportation, and coordination with regional agencies in air quality protection, transportation, and land use planning. Burien is also in the process of developing a Climate Action Plan (CAP) which will establish actions and policies that the City can take to reduce Greenhouse Gas Emissions (GHG). Burien is part of the King County - Cities Climate Collaboration, which establishes GHG emissions reduction targets for county wide sources by at last 50% by</p>
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		<p>2030, and 80% by 2050. There is expected to be limited increases in air pollution during construction due to operation of heavy equipment during site work. Post construction, normal operation of the property will have no negative impact on air quality. City of Burien regulations regarding construction apply and address dust and other matters (see Burien Municipal Code, Title 15); additional best management practices are recommended to control dust. Additional details about prior nonattainment status and reduction efforts for the air pollutants in maintenance status (CO and Ozone-1) are discussed below. Carbon Monoxide (CO): Burien is in maintenance status as per 1971 standards. In the late 1970's through early 1990's, carbon monoxide levels in some urban areas were high enough to violate national standards. Tighter emission standards were implemented to mitigate the high levels of CO, which led to Washington meeting the national standard by 2004 and in attainment for CO levels. Ozone Pollution (O3): The Seattle Metro Area and King County, including Burien, currently meet the Ozone standard. Burien was in maintenance status as per the revoked 1979 standard, and is in attainment as per 1997, 2008, and 2015 standards.</p>
<p>Coastal Zone Management Act Coastal Zone Management Act, sections 307(c) & (d)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Washington's CZM program applies to all areas of 15 coastal counties (including King County), and extends three nautical miles into the Pacific Ocean, excluding federal and tribal lands. The site is located in a Coastal Zone (King County) but is not within proximity to a coastal water body (Exhibit 1) and is more than a mile away from the nearest shoreline (Exhibit 2) - no designated shorelines are located</p>

		<p>east of SR 509 in Burien (including the project site). A stormwater management plan has been developed and all required stormwater permits or certifications will be obtained prior to development. Concurrence from Dept. of Ecology for Coastal Zone Management is no longer required under a Part 58 or Part 50 Environmental Review in Washington State. However, at the time of project development, the activity may trigger review if it falls under other parts of the CZMA regulations for federal agency activities (Title 15 CFR Part 930, subpart C), or consistency for activities requiring a federal license or permit (Title 15 CFR Part 930, Subpart D) and will be subject to all enforceable policies of the Coastal Zone Management Program. It is during the local permitting process that a project might be subject to CZM and further review by the Dept of Ecology.</p>
<p>Contamination and Toxic Substances 24 CFR 50.3(i) & 58.5(i)(2)]</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Endangered Species Act Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The Watershed Company completed an assessment on October 1, 2021 to document potential project effects on current U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) Endangered Species Act (ESA) listed species and to demonstrate compliance with the applicable criteria under the NMFS Programmatic ESA Consultation provided in the "Endangered Species Act - Section 7 Programmatic Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the U.S. Department of Housing and Urban Development Housing Programs in Washington State" (October 23, 2020. NMFS Consultation Number: WCRO-2020-00512) (Programmatic). The</p>

		<p>assessment also evaluated essential fish habitat (EFH) as indicated in the Magnuson-Stevens Fisheries Conservation and Management Act (Magnuson-Stevens Act). USFWS identifies four ESA-listed species that are potentially present within the site or all areas that may be directly or indirectly affected by the proposed action (the action area): streaked horned lark, yellow-billed cuckoo, marbled murrelet, and bull trout. Two ESA-listed species under the jurisdiction of NMFS are also potentially present in the action area, to the extent they are known to occur in King County and downstream portions of Miller Creek: Chinook salmon and steelhead. Per The Watershed Company's assessment, none of these six species are expected to be present in the action area during any time of the year. Designated critical habitat is also not present in the action area for any of the six species. There is no documented presence of Chinook or Coho salmon within approximately 2.8 miles of the action area. In the event that multiple fish passage barriers on Miller Creek were removed, it is possible that Chinook and Coho salmon could reach portions of Miller Creek in the action area. However, the project does not propose any in-water work, stormwater from the proposed project will be effectively managed for water quality and quantity during construction and operation, and the vegetated riparian buffer will be preserved and enhanced. The Watershed Company's assessment concludes that the likelihood of this individual project to cause adverse impacts to EFH is discountable. However, any stormwater inputs into surface waters may contribute to potential adverse effects on Chinook salmon and steelhead, when</p>
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		<p>considered cumulatively and long-term with other associated or unassociated stormwater discharges. Given the relatively high groundwater at the project site, 100% infiltration is not feasible. Appendix C of the Programmatic specifies: "Projects that cannot infiltrate 100 percent of the design storm (based on the applicable Washington State Stormwater Manual) on-site are 'likely to adversely affect' (LAA) ESA-listed species and critical habitat." The relevant Programmatic Appendices were completed for this project (see the attached), sufficiently documenting compliance with the Reasonable and Prudent Measures and Terms and Conditions and specified in Sections 2.9.3 and 2.9.4, respectively, of the Programmatic and as summarized herein. King County submitted consultation under Section 7 of the ESA and Section 305(b) of the MSA to the National Marine Fisheries Service (NMFS) on November 18, 2021 as part of the review process. NMFS accepted the stormwater plan with no changes or additional measures to offer on November 23, 2021. See the attached response letter.</p>
<p>Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>A Phase I Environmental Site Assessment (ESA) and Phase II ESA were prepared by the Riley Group, dated May 1, 2020 and June 5, 2020, respectively. Per the Phase I ESA, no mapped sites were found in the search of the Washington Aboveground Storage Tank Locations database either on the target property or within the search radius around the target property. As part of the Phase I ESA report, the Riley Group contacted local fire and building departments to determine records of Underground Storage Tanks (UST) and Aboveground Storage Tanks (AST) on the site. There were no records</p>

		<p>identified that document the presence of USTs or ASTs on the site. Assessor records indicated the multi-family residence located at 511 South 136th Street (located on the northwestern portion of the site) is currently heated by an oil burning furnace; the type of fuel storage for this oil burner (AST or UST) was not identified or observed during reconnaissance (see Sections 6.3 and 9 of the Phase I ESA). The Phase II ESA references the oil burner furnace on the existing residence located at 511 South 136th Street, and confirms that an AST was not identified on site (see page 1 of the Phase II ESA). The listing of aboveground storage tank locations is regulated by the Department of Ecology's Spill Prevention, Preparedness, and Response Program. Ecology's "Spills Map" shows facilities regulated under this program (see Exhibit 1). No facilities are mapped within one mile of the site (the two closest facilities are Class 1 spill facilities located approximately 7.4 miles east of the site in Tukwila).</p>
<p>Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The site is located in the Highline area of Burien and is zoned Single Family Residential (RS-7, 200). The Burien Comprehensive Plan considers Downtown Burien a commercial core for the Highline area and designates the site as Moderate Density Residential Neighborhood on the Comprehensive Land Use Planning map (Exhibit 1). The existing site is currently developed with two single family residences, one multi-family residence (duplex), two sheds, and a barn. The site is adjacent to SR-509 to the west and single family residences are located to the north, east, and south. The site is not located on agricultural land and no existing agricultural uses are identified on site.</p>

<p>Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>The site is not located in a FEMA-designated floodplain (Exhibit 1). The floodplain zone designation is Zone X (area of minimal flood hazard) and the FIRM panel number is 53033C0955G (effective August 19, 2020).</p>
<p>Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106.</p>
<p>Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The Greenbusch Group, Inc. completed a noise assessment and exterior noise mitigation plan on October 18, 2021. The assessment used the HUD Exchange DNL Noise Calculator, the HUD Exchange Barrier Performance Module, and the 3D acoustic modeling software environment Cadna/A to evaluate outdoor noise at thirty-three (33) outdoor noise assessment locations (NALs) on the site. Roadways that significantly contribute to the ambient sound environment around the site are SR 509 and South 136th Street. Transit lines and railways are not within 3000 feet of the site, so railway noise was not considered during the analysis. The site is located approximately 1 mile from the Seattle-Tacoma International Airport (SEA) and is within the 60 DNL noise contour line based on 2018 airport noise data. Projections for 2029 airport noise contours are not available, but contours are not expected to change significantly in the next 10 years. Without mitigation, predicted day-night sound levels (DNLs) ranged from 64-74 dBA. Buildings, topography, roadways, and noise walls were added to the Cadna/A model to determine appropriate mitigation. A 15-foot-tall noise wall was added to the model along the full extent of the northern property line and for approximately 300 feet along the west property line. Per</p>

		<p>the assessment, the minimum surface weight of the barrier must be at least 4.0 lb/ft² (an example of a barrier meeting this surface weight is two 5/8-inch-thick sheets of plywood). A structural engineer will need to design the barrier. With the recommended noise wall, DNLs at the 31 outdoor noise sensitive spaces range between 59-65 dBA (at or below the preferred exterior 65 dBA DNL). See the attached assessment for the full analysis, location of the proposed sound wall, and the HUD Exchange DNL Calculator results.</p>
<p>Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Per the U.S. Environmental Protection Agency's NEPAAssist mapping tool, the site is not located in a sole source aquifer area (Exhibit 1).</p>
<p>Wetlands Protection Executive Order 11990, particularly sections 2 and 5</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>NMFS reviewed and agreed to the proposed wetlands mitigation plan through the ESA Programmatic. Wetlands and streams in Burien are regulated under BMC 19.40, Critical Areas, and designated in accordance with the Washington State Department of Ecology (Ecology) guidance and 5 class rating system. The Watershed Company prepared a Wetland and Stream Delineation Report on Feb. 19, 2020. An additional Reconnaissance Report was prepared by Wetland Resources on Mar. 24, 2020 concurring with the findings of the delineation report. Both reports identified two wetlands on site: Wetland A and Wetland B (Exhibit 1). The project would fill a portion of the Category III Wetland B. The U.S. Army Corps of Engineers determined Wetland B is isolated and not regulated under the Clean Water Act (see the AJD dated Mar. 31, 2021) - NMFS also determined on November 23, 2021 in the Programmatic that Wetland B is not biologically important. As an isolated Category III wetland less than 1,000 sq</p>

		<p>ft, Wetland B is not regulated by the City of Burien and does not have an associated buffer. Wetland B is regulated by Ecology - Ecology issued AO 19904 on Apr. 16, 2021 permitting the proposed direct and indirect impacts to Wetland B. All impacts to Wetland B will be mitigated through the purchase of in-lieu fee credits from the King County Mitigation Reserves Program. Wetland A and Miller Creek are also on the property. The project will avoid all impacts to these critical areas - 2,500 sq ft of the Wetland A buffer will be modified through buffer averaging (BMC 19.40.310.H) and ~25,000 sq ft of degraded wetland and stream buffer will be restored and enhanced on-site. Potential adverse stormwater effects on Miller Creek will be minimized through LID techniques. The project will not use copper roofing or treated wood shingles. Galvanized metals in roofing or gutters will be sealed with Silicone Modified Polyester paint to prevent rain from introducing zinc into site runoff. All sidewalks and pedestrian walkways will be constructed with pervious materials. All stormwater will be captured and treated in an underground vault prior to release through a dispersion trench that will allow treated water to flow over 160 feet through a restored and densely vegetated buffer before entering Miller Creek, with most runoff infiltrating prior to reaching the creek. The Watershed Company ecologists determined the proposed project would result in a net improvement for wildlife habitat, and that the project complies with all local, state, and federal wetland and stream regulations. Completion of the 8-step process and on and off-site mitigation are required and included in this documentation. This determination was</p>
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		<p>based on: * Correspondence with regulatory agencies (the Washington State Department of Ecology, U.S. Army Corps of Engineers, and City of Burien) * In-lieu Fee Use Plan (The Watershed Company, 01/21). [Pgs 11-15] * Habitat for Humanity Mitigation Plan (The Watershed Company, 01/21). [Sheets W1-W3] * Endangered Species Act Programmatic Consultation (The Watershed Company, 10/1/21)</p>
<p>Wild and Scenic Rivers Act Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The site is not within proximity of a National Wild and Scenic Rivers System (NWSRS) river as defined by the National Wild and Scenic Rivers Act. Pratt River and Snoqualmie (Middle Fork) River are the only designated Wild and Scenic Rivers in King County (Exhibit 1 shows the proposed development site in relation to these rivers). Other Wild and Scenic Rivers in Washington are the Illabot Creek, Klickitat River, Skagit River, and White Salmon River. Exhibit 2 shows the site in relation to the nearest NRI river segments (the north, middle, and south forks of the Snoqualmie River), or rivers considered potential candidates for inclusion in the National Wild and Scenic River System. No rivers in Washington are currently under study to be added.</p>
<p>HUD HOUSING ENVIRONMENTAL STANDARDS</p>		
<p>ENVIRONMENTAL JUSTICE</p>		
<p>Environmental Justice Executive Order 12898</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Adverse environmental impacts are not disproportionately high for low-income and/or minority communities. The project is in compliance with Executive Order 12898. The Contamination and Toxic Substances, Endangered Species Act, Noise, Wetlands, and Transportation and Accessibility sections produced potentially adverse environmental impacts that will be mitigated. Please see the checklists regarding: * Contamination and Toxic</p>

		Substances checklist and associated Phase I and Phase II Environmental Site Assessments, May and June 2020 respectively (The Riley Group) * Endangered Species Act checklist and associated Programmatic Consultation * Noise Abatement and Control checklist and associated Exterior Noise Mitigation Plan, December 6, 2021 (The Greenbusch Group, Inc.) * Wetlands Protection checklist and associated supporting documentation from The Watershed Company, U.S. Army Corps of Engineers, Washington State Department of Ecology, and City of Burien. * Transportation and Accessibility (environmental factors) and the Traffic and Parking Memorandum, May 21, 2020 (Jake Traffic Engineering, Inc.)
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Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]

Impact Codes: An impact code from the following list has been used to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement.

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	1	The project site is currently zoned single-family residential (RS7,200) and is designated moderate density residential in the Comprehensive Plan Land Use Map. The Highline area in which the project site is located is mostly low-density residential in character with a smattering of commercial uses generally located to the west	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		<p>along 1st Ave S and to the south in Downtown Burien. Adjacent land uses include single family residences to the north, east, and south. The project was selected by the City of Burien as an affordable housing pilot project as part of the City's Affordable Housing Demonstration Program. Burien Municipal Code (BMC) Chapter 19.18 allows the City Council to authorize departures from the zoning code with the purpose of providing a variety of affordable housing demonstration projects. Affordable housing demonstration projects must meet criteria including a commitment to affordability, submit annual reports about the status of the units, and ensure a variety of housing styles are constructed as a result of the program. The proposed development includes up to 40 townhomes split between 9 buildings and a community center. Each townhouse will be 2-3 stories tall and is similar in scale to the surrounding single family homes. Townhomes are not typically allowed in Burien's single-family residential zones. However, the City agreed to the following departures from the zoning code when the project was selected as an affordable housing demonstration project: * The</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		<p>minimum lot area per unit for the site is typically 7,200 ft², which is approximately 6 single family lots per acre. The project proposes a density close to 12 single family lots fully developed per acre, inclusive of accessory dwelling units, to the maximum allowed by Burien's Zoning Code. Note: while the proposed project provides roughly twice the density allowed by the underlying zoning, the building coverage across the site is only 57% of the maximum allowed and the impervious surface is almost 50% less than what is currently allowed (BMC 19.15.055.2). *A front setback reduction from 20 feet (BMC 19.15.005) to 15-feet 3-inches to enable the project to maintain setbacks from single family lots to the east and to accommodate required critical area buffers at the south of the property. * Fifty-five (55) parking spaces (including 12 on-street parking spaces within the SW 136th Street right-of-way) will be provided instead of the 72-80 typically required by the zoning code (BMC 19.15.010.2). * The project proposes 5,000 square feet of common recreation space with 50% to be allocated as play space. The code requires 8,000 square feet of common recreation space (200 square feet per dwelling unit x 40 units; BMC 19.17.010).</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		<p>Together with the critical area buffer, the total open space would exceed the requirement of BMC 19.17.020.1. While the code does not give credit for common recreation space located within critical area buffers, Habitat has agreed to improve the buffer for the purposes of improving the ecological function of the wetland and to provide public access to the buffer for educational purposes by constructing a trail through the open space/buffer area to access Miller Creek. See the Memorandum of Understanding in the supporting documentation for a complete description of the zoning departures and terms agreed upon between the City of Burien and Habitat for Humanity Seattle-King County.</p>	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	2	<p>Geotechnical evaluation has been completed for the project site, and the stormwater plan was accepted by NMFS under the Programmatic agreement with HUD. The investigation found the site to be suitable for the proposed construction and provides recommendations for site preparation and temporary erosion controls. Most of the site is gently sloping down to the south-southwest with an overall elevation change between 10 to 15 feet. No steep slopes are on or near the project site. No geologically</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		<p>hazardous areas - including areas susceptible to erosion, landslide, rock fall, subsidence, earthquake, or other geological events - are designated by the City of Burien on the Critical Areas map dated June 15, 2015. The northern boundary of the site is sloped on the order of 20 (+/-) feet high due to the bridge abutment fill for the S 136th St bridge over Highway 509. However, slopes resulting from street, alley, sidewalk and other typical rights-of-way improvements are exempt from designation as geologically hazardous per Burien Municipal Code Chapter 19.40.280(4). See the Geotechnical Report in the supporting documentation. The project will generate approximately 1.6 acres of new impervious areas. All stormwater generated by the project will be captured on-site and treated in an underground detention vault. In order to minimize potential adverse stormwater impacts and maximize on-site treatment, the project will incorporate several LID elements across 61% of the site, including: the use of pervious materials for all sidewalks and pedestrian areas (the proposed street must remain impervious to meet fire department requirements); sealing galvanized metal roofing and gutters with silicone modified polyester</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		<p>paint; placing roof overhangs over all HVAC systems; amending soils in landscaping areas; reducing impervious surface coverage to nearly half of what is allowed under City code; maintaining 75% of significant trees on-site; and restoring and enhancing on-site wetland and stream buffers. Finally, the project will discharge all captured and treated stormwater through a dispersion trench at the outer edge of the Wetland A buffer. This will allow the treated runoff to sheet flow and partially infiltrate across approximate 250 feet of a densely vegetated flowpath prior to reaching Miller Creek. Post-development runoff rates will also be substantially reduced as compared to existing rates - existing runoff rates for the 10-year storm event are 0.14233 cfs and proposed runoff rates for the 10-year storm event will be 0.0833 cfs. The stormwater plan for the site is included with the checklist worksheets under Related Laws and Authorities (see the Technical Information Report prepared by Davido Consulting Group, Inc. in May 2020). See also the Wetlands and Endangered Species Act worksheets in Related Laws and Authorities.</p>	
Hazards and Nuisances including	3	Hazards: Two possible Recognized Environmental Conditions (RECs) were	A 15-foot-tall noise wall along the full extent of the northern property

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
<p>Site Safety and Site-Generated Noise</p>		<p>identified in the Phase I Environmental Site Assessment (ESA): a possible underground storage tank (UST) associated with the existing multi-family residence at 511 S 136th Street (no heating oil above ground storage tank was observed during reconnaissance) and possible arsenic concentrations in the soil ranging from 20.1 to 40 parts per million (ppm) from the Tacoma Smelter Plume. The Phase II ESA did not find any evidence of abandoned or closed-in-place USTs. Soil samples collected as part of the Phase II ESA also identified total arsenic concentrations between 3.69 and 10.1 mg/kg, which are below the Model Toxics Control Act (MTCA) Method A Soil Cleanup Level of 20 mg/kg; total lead in soil samples were detected at concentrations between 10.6 and 74.0 mg/kg, which are below the MTCA Method A Cleanup Level of 250 mg/kg. See the Contamination and Toxic Substances worksheet in Related Laws and Authorities for additional discussion. Noise: Without mitigation, predicted day-night sound levels (DNLs) would range from 64-74 dBA per the Noise Assessment. Roadways that significantly contribute to the ambient sound environment around the site are SR 509 and South 136th Street. The site is also located approximately 1</p>	<p>line and for approximately 300 feet along the west property line will reduce exterior DNLs to or below the 65 dBA threshold (DNLs would range between 59-65 dBA at the 31 outdoor noise assessment locations studied). The minimum surface weight of the walls must be at least 4.0 lb/ft² (an example of a barrier meeting this surface weight is two 5/8-inch-thick sheets of plywood). A structural engineer will need to design the barrier.</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		mile from the SeaTac Airport and is within the 60 DNL noise contour line based on 2018 airport noise data.	
Energy Consumption/Energy Efficiency	1	The proposed project will incorporate specific Energy Star features in compliance with the State of Washington Evergreen Standard (ESDS). The completed facility will be weatherized/insulated and will include energy efficient lighting and appliances per ESDS requirements. Each unit will be equipped with one minisplit for supplemental heating and cooling	
SOCIOECONOMIC			
Employment and Income Patterns	2	No implementation of economic use and no displacement of businesses would occur. The project may create temporary construction jobs for area residents.	
Demographic Character Changes / Displacement	1	The project is located in a developed urban area near businesses. The project would displace three current residential tenants. Habitat for Humanity Seattle-King County contracted with Autotemp to develop a relocation plan for the tenants. The relocation plan is currently under development and will be in accordance with the Uniform Relocation Act. Redevelopment consists of up to 40 newly constructed townhouse units and a community center serving a population of low-income individuals and small families.	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		Units will have income restrictions of less than 80% area median income (AMI). Pursuant to BMC 19.18.050(5), Habitat will sign an affordability agreement prior to the issuance of a building permit.	
COMMUNITY FACILITIES AND SERVICES			
Educational and Cultural Facilities (Access and Capacity)	2	No facilities of this type will be added or displaced. The property is within the Highline Public School District - children would attend Cedarhurst Elementary School (~0.2 miles north), Glacier Middle School (~2 miles east), and Highline High School (the Olympic interim site is ~1.4 miles south). The property is also within walking distance of Kennedy Catholic High School approximately 0.5 miles to the west. See the supporting documentation for a map of nearby educational and cultural facilities. Regular capital facilities and resource planning by Highline School District will address additional demand. The proposal would add approximately four elementary, two middle school, and three high school students to the District based on the District's published multi-family student generation rates, well within the District's projected 2023 enrollment increase of 720 students. See the 2018-2023 Highline School District Capital Facilities Plan in the supporting	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		documentation for projected 2018-2023 enrollment and published student generation rates. Students residing in the townhomes would likely walk to Cedarhurst Elementary School and need to cross S 136th Street. See the Transportation and Accessibility section below and the Traffic and Parking Memorandum in the supporting documentation for a discussion of the optimal location for a marked crossing.	
Commercial Facilities (Access and Proximity)	1	No facilities of this type will be added or displaced. Nearby commercial facilities could benefit from the increased density resulting in more residents utilizing their establishments.	
Health Care / Social Services (Access and Capacity)	2	No facilities of this type will be added or displaced. Health care and social services are located to the southwest at Kaiser Permanente Burien Medical Center in Downtown Burien. Additional social services are also located in Downtown. The site's proximity to social and other services is positive for future residents.	
Solid Waste Disposal and Recycling (Feasibility and Capacity)	2	Solid Waste and recycling collection services are provided by Recology CleanScapes. Solid waste and recycling services are considered a voluntary service in Burien but must be available for any new development per the Burien Comprehensive Plan (Policy UT	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		<p>1.6). The City also strives to achieve an overall waste diversion rate goal of 65% by the year 2024 (Policy UT 4.2) and to achieve a 75% recycling participation rate in the multifamily sector (Policy UT 4.3). Redevelopment of the site will be supported by the existing system and will follow proper solid waste disposal and recycling per Burien Municipal Code (see Chapter 8.15).</p>	
<p>Waste Water and Sanitary Sewers (Feasibility and Capacity)</p>	<p>2</p>	<p>Wastewater treatment for the project site is provided by Southwest Suburban Sewer District, a special purpose district the provides wastewater collection to an approximately 10 square mile region serving the City of Burien, the City of Normandy Park, portions of the City of Seattle, City of Des Moines, City of SeaTac, and a portion of Valley View Sewer District. The system, which is tributary to the District's two treatment plants includes 288 miles of pipeline within the two drainage basins, the Salmon Creek Drainage Basin to the north and the Miller Creek Drainage Basin to the south. Redevelopment of the site will be supported by the existing system and will follow proper wastewater management per Burien Municipal Code (see Chapter 13.05). Manholes are also proposed by the District directly west of the project site along SR 509 and generally to</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		the north and south. See the supporting documentation for maps of the District's service area and manhole locations.	
Water Supply (Feasibility and Capacity)	2	The project site is supplied with potable water by King County Water District 20, a special purpose water district that provides water to parts of Burien. Redevelopment of the site will be supported by the existing system and will follow proper water regulations per Burien Municipal Code (see Title 15 Buildings and Construction). The City of Burien approved a Certificate of Water Availability in May 2020. See the supporting documentation for a map of the District's service area and the City's Certificate of Water Availability.	
Public Safety - Police, Fire and Emergency Medical	2	The City of Burien contracts with King County Sheriff's Office for police services. The project site is served by Precinct 4. Precinct 4 is responsible for law enforcement in the unincorporated areas of West Hill (Skyway), North Highline (White Center & Boulevard Park) and Vashon Island as well as the contract cities of Burien and SeaTac. Precinct 4 has two main offices located in the contract cities of Burien and SeaTac. The Burien Police Department, King County Sheriff's Office commissioned personnel, and staff are located at the Burien Station to	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		<p>the southwest of the project site. Police will continue to enforce public safety regulations in the Burien Municipal Code, including Title 8 Health and Safety and Title 9 Public Peace, Morals, and Welfare. Fire and emergency medical services in the City of Burien are provided by King County Fire District #2 and District #11. Fire Station 28 operated by District #2 is located approximately 1.5 miles to the southwest of the project site and Fire Station 19 operated by District #11 is located approximately 1.1 miles to the northeast of the project site. The development will be designed to meet Burien Municipal Code Chapter 15.20 Fire Code regulations and the International Fire Code. Police, fire, and EMS call volumes could incrementally increase as a result of the project. As growth occurs the City reviews its levels of service policies in its Capital Facilities Plan, revenues, and demand for service. See the supporting documentation for a map of nearby public safety facilities, including police, fire, and major medical facilities.</p>	
Parks, Open Space and Recreation (Access and Capacity)	1	The project will have no adverse effect on neighborhood open space or recreation facilities. Burien has adopted a park level of service standard of 3.0 acres of active	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		<p>recreation areas (includes designated community and neighborhood parks) per 1,000 population (Comprehensive Plan Policy PRO 1.7). The property is within walking distance of Cedarhurst Elementary School (~0.2 miles north) and Kennedy Catholic High School (~0.5 miles west), and is about 1 mile from Mathison Park (a 5.3 acre neighborhood park) to the south at 533 S 146th St. North SeaTac Park and Sunset Park operated by the City of SeaTac are located approximately 0.6 miles to the east, including access to the SeaTac Community Center and Highline SeaTac Botanical Garden adjacent to the east edge of these parks. See the supporting documentation for a map of nearby parks, open space, and recreation facilities. The project will include courtyards and common open spaces for residents to gather and play, including a playground and shared community space with a full kitchen for community gatherings. Each unit will have an accessible connection from the front door to the core community amenity space.</p>	
Transportation and Accessibility (Access and Capacity)	3	The project is expected to generate 293 net new vehicular trips during the average weekday, 17 trips during the AM peak hour, and 20 trips during the PM peak	Transportation Impact Fees (TIFs) will be collected per Chapter 19.35 of the Burien Municipal Code (BMC). Projected TIF for the

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		<p>hour. The site will be accessed via extension of S 137th Place into the site. S 137th Place connects to 6th Place S which connects to S 136th Street (a Collector Arterial) to the north. Site access improvements will meet City standards as defined in Burien Municipal Code Title 12 Streets and Sidewalks. Through the Affordable Housing Demonstration Program, the design is able to reduce the amount of required parking onsite by 50%, giving preference to pedestrian pathways that provide an accessible connection from each front door to the core community amenity space, the preserved natural areas, and the existing city infrastructure, while reducing the area of pollutant-generating surfaces. Per the Memorandum of Understanding (see the supporting documentation), 55 parking spaces will be provided instead of the 72-80 typically required by the zoning code (BMC 19.15.010.2) - this includes on-site parking for 43 vehicles and 12 on-street spaces within the S 136th Street right-of-way. This is in line with the 42-43 needed parking stalls identified by King County Metro's Multi-family Residential Parking Calculator. The project will connect to existing transit routes and pedestrian facilities. Burien is well served by transit - King</p>	<p>project is \$17,806 (per Table 19.35-2 in Ordinance #493 effective January 2008). TIF collected by the City from this project could be directed towards providing the proposed pedestrian crossing on S 136th Street.</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		<p>County Metro Route 131 provides frequent transit service on 1st Avenue S approximately 0.3 miles west of the site. Sidewalks currently exist on both sides of S 136th Street, on the south side of S 137th Place, and both sides of 6th Place S. A pedestrian connection to S 136th Street is proposed as part of the project via converting the existing drive aisle into a path. In addition, students residing in the townhomes would likely walk to Cedarhurst Elementary School and need to cross S 136th Street. The Traffic and Parking Memorandum prepared by Jake Traffic Engineering, Inc. (see the supporting documentation) proposes the City install a marked pedestrian crossing across S 136th Street on the east side of 6th Place S to provide optimum visibility. See the Traffic and Parking Memorandum prepared by Jake Traffic Engineering, Inc. in the supporting documentation for more detail about access, trip generation, traffic standards, parking requirements, projected TIF, and suggested pedestrian crossing improvements.</p>	
NATURAL FEATURES			
Unique Natural Features /Water Resources	2	<p>Significant trees: Per city code, the project is required to retain at least 30% of all significant trees on-site. This project will retain about 75% of the</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		<p>significant trees on site. This increased tree retention rate will help maintain the current natural movement of water across the land as it moves through the buffer areas and into Miller Creek. See the Arborist Report in the supporting documentation for the location and condition of regulated onsite trees.</p> <p>Wetlands: The proposed project would also include acquisition of land and construction in and adjacent to wetlands. Two wetlands totaling approximately 10,000 square feet are located within the southern portion of the site: Wetland A and Wetland B. Both are Category III wetlands with five habitat points. Wetland B is considered isolated and is not federally regulated under the Clean Water Act, and NMFS determined in the Programmatic that Wetland B is not biologically important - see the attached concurrence. As an isolated Category III wetland less than 1,000 square feet, Wetland B is also not regulated by the City of Burien. Wetland A is regulated federally under the Clean Water Act and by the City of Burien under its Critical Areas Ordinance. The City of Burien requires a standard 105-foot buffer for Wetland A. Miller Creek, which runs through the south end of the property, is a</p>	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		<p>Type F stream. The City of Burien requires a 100-foot buffer for Miller Creek. Approximately 50,000 square feet of the site is considered undevelopable land under standard wetland and stream buffer protections. Direct impacts to Wetland A and Miller Creek will be entirely avoided. The 105-foot Wetland A buffer will be slightly modified through buffer averaging in accordance with the applicable provisions of the Burien Critical Areas Ordinance. Approximately 25,000 square feet of degraded, overlapping wetland and stream buffer will be restored on-site with a native vegetation community. Wetland B will be partially filled under this proposal. All direct and indirect impacts to Wetland B will be mitigated by purchasing in-lieu fee credits from the King County Mitigation Reserves Program, as authorized and permitted by Washington Department of Ecology Administrative Order 19904. See the Wetlands worksheet in Related Laws and Authorities for additional discussion.</p>	
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	1	Six ESA-listed species were identified as potentially present within the site or all areas that may be directly or indirectly affected by the proposed action (the action area): streaked horned lark,	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		<p>yellow-billed cuckoo, marbled murrelet, bull trout, Chinook salmon, and steelhead. Four of these are from U.S. Fish and Wildlife Service (USFWS) and two are under jurisdiction of the National Marine Fisheries Services (NMFS). No ESA-listed species are expected to be present in the action area during any time of the year. Designated critical habitat is also not present in the action area for any of the six species. If multiple downstream fish passage barriers are removed, it is feasible, although unlikely, that Chinook salmon and steelhead could be present in the action area. Ecologists from the Watershed Company determined that the proposed project would result in a net improvement for wildlife habitat, and that the project complies with all local, state, and federal wetland and stream regulations. See the Endangered Species Act worksheet in Related Laws and Authorities for additional discussion.</p>	
Other Factors	2	None.	

Supporting documentation

- [C11_Burien Appraisal 5-6-20.pdf](#)
- [C10_Arborist Report 03-27-20.pdf](#)
- [C9_Burien Water Availability Certificates 5-12-20.pdf](#)
- [C8_Static Maps - Water Districts 032310.pdf](#)
- [C7_Wewer Manholes-20080718a.pdf](#)
- [C6_Static Maps - Sewer Districts 032310.pdf](#)
- [C5_Burien Traffic and Parking Memo 5-21-20.pdf](#)

[C4_Highline School District 2018-2023 CFP.pdf](#)
[C3_Public Facilities Map.pdf](#)
[C2_Burien GeoTech Report 3-9-20.pdf](#)
[C1_City of Burien and Habitat MOU 11-19-20.pdf](#)

Additional Studies Performed:

See the attached project description and list of additional studies performed. See also documentation supporting checklists under the Related Laws and Authorities, and the maps and studies supporting the Environmental Assessment Factors regarding 24 CFR 58.40.

[A-2 Additional Studies 2021_12.pdf](#)
[A-1 Project Description 2021_12.pdf](#)

Field Inspection [Optional]: Date and completed by:

[A-1 Project Description 2021_12\(1\).pdf](#)
[A-4 Field Inspections 2021_12.pdf](#)

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

See the attached list of sources and agencies and persons consulted. See also documentation supporting checklists under the Related Laws and Authorities.

[A-3 Agencies and Sources 2021_12.pdf](#)

List of Permits Obtained:

The issuing entity for all permits is the City of Burien. * Demo Permit, issuing entity is City of Burien - this is issued. It is basically an over-the-counter permit. Allows for existing structures to be demolished. * Land Use Type I (includes SEPA), issuing entity is City of Burien - we are in our second round of corrections on this. This has been a bit confusing working with Burien since they've never done a demonstration program before so navigating the process has been pretty murky. This should be ready for issuance by March 1, 2022. * LLA (Lot Line Adjustment), issuing entity is City of Burien - this permit will allow the 3 existing lots to be combined into one single big lot and it is ready to be issued. But, it cannot be issued until the Demo permit is closed. * Building Permit, issuing entity is City of Burien - we are in the 3rd round of corrections. Permit officials do not anticipate another round. This permit cannot be released until the LLA permit is issued. The following is the list of permit numbers for all ten proposed structures. Demolition Permit STATUS NUMBER ADDRESS ISSUED DMO-21-2117 515 S 136th St ISSUED DMO-21-2119 511 S 136th St Land Use Permits STATUS NUMBER Description In Review PLA-21-0160 Land Use Type 1

// Affordable Housing Demonstration Project //SEPA In Review PLA-21-0534 Lot Line Adjustment Building Permit STATUS NUMBER BLDG # In Review BLD-21-0810 Building 1 In Review BLD-21-0811 Building 2 In Review BLD-21-0812 Building 3 In Review BLD-21-0813 Building 4 In Review BLD-21-0814 Building 5 In Review BLD-21-0815 Building 6 In Review BLD-21-0816 Building 7 In Review BLD-21-0817 Building 8 In Review BLD-21-0818 Building 9 In Review BLD-21-0819 Building 10

Public Outreach [24 CFR 58.43]:

Please see the attached Public Outreach Summary submitted to the City of Burien, and summarized below. Also included are attached minutes from a planning commission meeting on 9/23/20 and a public meeting by Burien City Council approving the project on 10/19/20. i. Flyers were mailed via USPS to the surrounding community within 1,000' radius of the project site in July 2020. Mailings included project information and listed the website, online survey, virtual meeting, and contact information and methods to deliver comments and concerns. ii. An interactive project website hosted project information which allowed for written comments and included links to the survey and virtual meetings (www.cone-outreach.com/affordableburien). Two comments were received asking how the project would affect surrounding home values and asking for unit pricing and parking information. One commenter wanted the project build somewhere else because they believed it would negatively affect property values and only help the developers financially. iii. An online survey was held in the summer of 2020. Seven people responded to the survey generally hoping the development would be nice looking, affordable, family friendly, and environmentally sustainable. Respondents were worried about increased traffic, construction noise/impacts, and unaffordability. iv. An online public meeting was held on 8/25/2020 at 7pm. Two commenters were concerned about the cost of the homes and what other services will be offered to the homeowners. v. All outreach materials included Spanish and Vietnamese language translations. Early and final public notices were published in The Seattle Times as part of the Wetlands 8-Step Process on October 12, 2021 and December 13, 2021, respectively (see supporting documentation under the Wetlands Checklist). The FONSI/RROF will be printed in The Seattle Times and available on King County's and The Seattle Times' websites.

[Planning Commission Minutes - 23 Sep 2020.pdf](#)

[City Council Regular Business Meeting Minutes - 19 Oct 2020.pdf](#)

[Burien - Community Outreach Summary Memo - 9-1-20.pdf](#)

Cumulative Impact Analysis [24 CFR 58.32]:

Habitat for Humanity Seattle-King County has not planned other activities on or near this site that are geographically or functionally related. The proposal as designed and conditioned will not adversely impact natural or built environment conditions. Activities are compatible with the existing uses in the area, compatible with City plans

for the neighborhood, and support affordable housing goals outlined by the County and City (see the "Statement of Purpose and Need for the Proposal" and "Existing Conditions and Trends" sections under Project Justification). The proposed project will also not adversely impact existing resources or services in the area.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]

See the attached project description under "Additional Studies Performed" for a discussion of the alternatives considered.

No Action Alternative [24 CFR 58.40(e)]

A "No Action Plan" was considered by Habitat for Humanity Seattle-King County prior to moving forward on the project. The development was presented to the Board of Directors Real Estate Committee, which weighed the pros and cons of the development, and approved by the full Board. In each case the Board considered not moving forward as an option to development. However, the Board deemed this project worthy of pursuing due to the overwhelming need for affordable housing in Burien. See the discussion of affordable housing needs under "Statement of Purpose and Need for the Proposal" under Project Justification. Under a No Action Alternative, redevelopment and site improvements would not be implemented by Habitat for Humanity. The site would remain with two single family homes, one multi-family home, and associated structures, and no additional affordable housing would be added to the community at this location. Per the appraisal report (see the supporting documentation under EA Factors), the most likely alternative buyer is a developer given the size and characteristics of the property. Any alternative development would need to be consistent with the underlying zoning and other City regulations.

Summary of Findings and Conclusions:

The proposals as designed and conditioned will not adversely impact natural or built environment conditions. Activities are compatible with the existing uses in the area and compatible with City plans for the neighborhood. The proposed project also will not adversely impact existing resources or services in the area.

Mitigation Measures and Conditions [CFR 1505.2(c)]:

Summarized below are all mitigation measures adopted by the Responsible Entity to reduce, avoid or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure or Condition	Comments on Completed Measures	Mitigation Plan	Complete
Endangered Species Act	<p>NMFS approved the proposed mitigation plan which include LID methods that will treat 61% of the site's generated stormwater (permeable pavements for sidewalks, amended soils in landscape areas, and dispersion trenches where vegetation flow paths could be located). A Bioclean MWS Linear system (Ecology GULD approved) will treat the remainder of the stormwater prior to entering dispersion trenches, 250 feet north of Miller Creek to infiltrate as overland flow before entering the creek, then to Puget Sound.</p> <p>Galvanized metals will be painted or otherwise sealed and HVAC will be under roof structures to minimize zinc load in stormwater runoff.</p>	N/A	<p>See the Programmatic Consultation and Summary submitted to NMFS (attached to the ESA checklist under Related Laws and Authorities). Per the Programmatic, the Action Completion Form will be submitted by Patrick Sullivan of Habitat for Humanity Seattle-King County to NMFS within 60 days of completing all work. Responsible Parties: Habitat for Humanity Seattle-King County and Contractors</p>	
Wetlands Protection	Both onsite and offsite mitigation measures are proposed to mitigate impacts to Wetland B. All of Wetland B will be mitigated for even though portions may remain as wetland post-construction.	N/A	See the Mitigation Plan completed by The Watershed Company	

	<p>Unavoidable project impacts will be compensated using the King County Mitigation Reserves Program (MRP) and by utilizing protection mechanisms to preserve remaining critical areas and buffers on-site. The in-lieu fee option is proposed because no suitable advanced mitigation programs or opportunities for on-site or off-site permittee-responsible mitigation are available. The entire Wetland A buffer will be enhanced through on-site native plantings, invasive species control, and protection from human and pet intrusions through fencing. In-lieu fee credits required were verified as available as of December 2020 and authorized by Ecology. Credits will be purchased prior to commencement of construction activities. On-site mitigation will occur concurrent with construction of other features on-site.</p>		<p>(attached to the Wetlands checklist under Related Laws and Authorities). Responsible Parties: Habitat for Humanity Seattle-King County and Contractors</p>	
<p>Contamination and Toxic Substances</p>	<p>Two possible Recognized Environmental Conditions (RECs) were identified in the Phase I ESA: a possible underground storage tank (UST) associated with the existing multi-family residence at 511 S 136th Street (no heating oil above ground storage tank was observed during reconnaissance) and possible arsenic concentrations in the soil ranging from 20.1 to 40 parts per million (ppm) from the Tacoma Smelter Plume.</p>	<p>N/A</p>	<p>No impacts are anticipated, but if evidence of potential contamination is identified during project planning or execution, procedures should be implemented for sampling and analysis</p>	

	<p>A Phase II report was prepared by the Riley Group (RGI) in June 2020 to evaluate the above referenced RECs. Habitat for Humanity also notified RGI that a current tenant had knowledge of a former UST removed from the western side of the existing multi-family residence at 511 S 136th Street. Ground Penetrating Radar (GPR) was used to locate potential USTs as part of the Phase II ESA. The GPR did not locate an abandoned or closed-in-place UST where a patch of gravel was identified in the area reported by the tenant and there were no other indications of abandoned or closed-in-place USTs. RGI recommended a Supplemental Phase II in the vicinity of the former UST to determine the potential for subsurface release from the UST - if the Supplemental Phase II identifies any contamination or release from the former UST, cleanup will be performed in compliance with federal and state laws, including the State's Model Toxics Control Act - Cleanup Act. Chapter 173-340 WAC addresses the requirement for cleanup of contamination and the requirement to conduct remedial action necessary to protect human health and the environment.</p> <p>Eight soil samples were also collected throughout the site as part of the Phase II ESA to</p>		<p>to evaluate the suspect material and provide for appropriate handling and disposal of the material to ensure protection of human health and the environment. Responsible Party: Contractors</p>	
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	<p>evaluate the potential for arsenic and/or lead contamination in the soil from the Tacoma Smelter Plume. Total arsenic in soil samples were detected at concentrations between 3.69 and 10.1 mg/kg, which are below the Model Toxics Control Act (MTCA) Method A Soil Cleanup Level of 20 mg/kg, and total lead in soil samples were detected at concentrations between 10.6 and 74.0 mg/kg, which are below the MTCA Method A Cleanup Level of 250 mg/kg. Based on Phase II findings, the shallow soils tested are in compliance with Ecology's MTCA Method A cleanup levels, and no further investigation is warranted regarding the Tacoma Smelter Plume.</p>			
<p>Noise Abatement and Control</p>	<p>Noise levels at the 31 outdoor noise assessment locations studied range from 64-74 dBA without mitigation. Per the attached noise assessment and exterior noise mitigation plan, a 15-foot-tall noise wall along the full extent of the northern property line and for approximately 300 feet along the west property line will reduce exterior DNLs to or below the 65 dBA threshold (DNLs would range between 59-65 dBA at the 31 outdoor noise assessment locations studied). The minimum surface weight of the walls must be at least 4.0 lb/ft² (an example of a barrier meeting this surface weight is two 5/8-inch-thick</p>	<p>N/A</p>	<p>See the Exterior Noise Mitigation Plan completed by The Greenbusch Group (attached to the Noise checklist under Related Laws and Authorities). Responsible Parties: Habitat for Humanity Seattle-King County and Contractors</p>	

	sheets of plywood). With ER approval, the structural engineer will be hired to design the barrier as part of the mitigation plan.			
Hazards and Nuisances including Site Safety and Site-Generated Noise	A 15-foot-tall noise wall along the full extent of the northern property line and for approximately 300 feet along the west property line will reduce exterior DNLs to or below the 65 dBA threshold (DNLs would range between 59-65 dBA at the 31 outdoor noise assessment locations studied). The minimum surface weight of the walls must be at least 4.0 lb/ft ² (an example of a barrier meeting this surface weight is two 5/8-inch-thick sheets of plywood). A structural engineer will need to design the barrier.	N/A		
Transportation and Accessibility (Access and Capacity)	Transportation Impact Fees (TIFs) will be collected per Chapter 19.35 of the Burien Municipal Code (BMC). Projected TIF for the project is \$17,806 (per Table 19.35-2 in Ordinance #493 effective January 2008). TIF collected by the City from this project could be directed towards providing the proposed pedestrian crossing on S 136th Street.	N/A		
Historic Preservation	No impacts to archaeological resources are anticipated.	N/A	If ground disturbing or other activities do result in the inadvertent discovery of archaeological deposits, work should be halted in the	

			immediate area and contact made with DAHP in Olympia. Work should be halted until such time as further investigation and appropriate consultation is concluded. In the unlikely event of the inadvertent discovery of human remains, work should be immediately halted in the area, the discovery covered and secured against further disturbance, and contact effected with law enforcement personnel. Responsible Party: Contractors	
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Project Mitigation Plan

Patrick Sullivan of Habitat for Humanity Seattle-King County and Lynn Scherer from King County will track the mitigation and update the file and HEROS as the project gets closer to breaking ground, vendors are chosen, and more detailed information becomes known.

Supporting documentation on completed measures

APPENDIX A: Related Federal Laws and Authorities

Airport Hazards

General policy	Legislation	Regulation
It is HUD’s policy to apply standards to prevent incompatible development around civil airports and military airfields.		24 CFR Part 51 Subpart D

1. To ensure compatible land use development, you must determine your site’s proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?

No

Based on the response, the review is in compliance with this section. Document and upload the map showing that the site is not within the applicable distances to a military or civilian airport below

Yes

Screen Summary

Compliance Determination

The project is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The closest civilian airport is the Seattle-Tacoma International Airport approximately 7,250 feet to the southeast (Exhibit 1). The project site is also located outside the Runway Protection Zone (RPZ) for SeaTac as shown in Exhibit 2.

Supporting documentation

[B2 Exhibit 2 Proximity to SeaTac Runway Protection Zone \(RPZ\).png](#)

[B2 Exhibit 1 Distance to SeaTac Airport.png](#)

[01-AIRPORTS.PDF](#)

Are formal compliance steps or mitigation required?

Yes

No

Coastal Barrier Resources

General requirements	Legislation	Regulation
HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS.	Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)	

This project is located in a state that does not contain CBRA units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.

Compliance Determination

The site is not within a designated Coastal Barrier Resource System (CBRS) Unit as there are no CBRS Units in Washington State (see Exhibit 1).

Supporting documentation

[B4_Exhibit 1_National CBRS Unit Map.png](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Flood Insurance

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).

1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?

No. This project does not require flood insurance or is excepted from flood insurance.

Yes

2. Upload a FEMA/FIRM map showing the site here:

[Miller FIRMette map 2-16-21.tif](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?

No

Based on the response, the review is in compliance with this section.

Yes

4. While flood insurance is not mandatory for this project, HUD strongly recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). Will flood insurance be required as a mitigation measure or condition?

Yes

✓ No

Screen Summary**Compliance Determination**

The site is not located in a FEMA-designated Special Flood Hazard Area (Exhibit 1). The project is in compliance with flood insurance requirements. Please see FIRM 53033C0955G (effective August 19, 2020) with notation page attached indicating project site is in Zone X.

Supporting documentation

[B9_Exhibit 1_FEMA Flood Insurance Rate Map.png](#)

[B9_2_FIRM 53033C0955G.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Air Quality

General requirements	Legislation	Regulation
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.	Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))	40 CFR Parts 6, 51 and 93

1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?

Yes

No

Air Quality Attainment Status of Project’s County or Air Quality Management District

2. Is your project’s air quality management district or county in non-attainment or maintenance status for any criteria pollutants?

No, project’s county or air quality management district is in attainment status for all criteria pollutants.

Yes, project’s management district or county is in non-attainment or maintenance status for the following criteria pollutants (check all that apply):

Screen Summary

Compliance Determination

Three agencies have air quality jurisdiction in the Burien/King County area, including the project site: the U.S. Environmental Protection Agency (EPA), Washington State Department of Ecology (Ecology) and Puget Sound Clean Air Agency (PSCAA). According to Ecology, all areas of Washington currently meet the air quality standards for each of the six air pollutants (carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide). The project site is located in a maintenance

area for CO (per the 1971 standard) and Ozone 1-hr (per the 1979 standard - revoked). The Clean Air Act requires states to develop a general plan to attain and maintain the NAAQS in all areas of the country and a specific plan to attain the standards for each area designated nonattainment for any pollutant, known as State Implementation Plans or SIPs. According to the Puget Sound Regional Council (PSRC), growth consistent with the state established targets is achieving compliance with these SIPs (see Appendix D, page 1 of the Regional Transportation Plan). The project is consistent with growth planned for in Burien's Comprehensive Plan and is thus in compliance with the particulate matter SIPs. The City's Comprehensive Plan includes Goal EV.2 - Maintain and promote a safe and healthy environment and preserve the quality of life in Burien. Policies EV 2.6-2.8 are specific to air quality. Goal 8 in the Transportation Element, and Policy TR 8.1.3 is specific to air quality related to transportation, and coordination with regional agencies in air quality protection, transportation, and land use planning. Burien is also in the process of developing a Climate Action Plan (CAP) which will establish actions and policies that the City can take to reduce Greenhouse Gas Emissions (GHG). Burien is part of the King County - Cities Climate Collaboration, which establishes GHG emissions reduction targets for county wide sources by at last 50% by 2030, and 80% by 2050. There is expected to be limited increases in air pollution during construction due to operation of heavy equipment during site work. Post construction, normal operation of the property will have no negative impact on air quality. City of Burien regulations regarding construction apply and address dust and other matters (see Burien Municipal Code, Title 15); additional best management practices are recommended to control dust. Additional details about prior nonattainment status and reduction efforts for the air pollutants in maintenance status (CO and Ozone-1) are discussed below. Carbon Monoxide (CO): Burien is in maintenance status as per 1971 standards. In the late 1970's through early 1990's, carbon monoxide levels in some urban areas were high enough to violate national standards. Tighter emission standards were implemented to mitigate the high levels of CO, which led to Washington meeting the national standard by 2004 and in attainment for CO levels. Ozone Pollution (O3): The Seattle Metro Area and King County, including Burien, currently meet the Ozone standard. Burien was in maintenance status as per the revoked 1979 standard, and is in attainment as per 1997, 2008, and 2015 standards.

Supporting documentation

[State of Washington - 04 Air Quality Nonattainment List.docx](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Coastal Zone Management Act

General requirements	Legislation	Regulation
Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.	Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))	15 CFR Part 930

1. Is the project located in, or does it affect, a Coastal Zone as defined in your state Coastal Management Plan?

- Yes
 No

2. Does this project include new construction, conversion, major rehabilitation, or substantial improvement activities?

- Yes
 No

3. Has this project been determined to be consistent with the State Coastal Management Program?

- Yes, without mitigation

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Yes, with mitigation

No, project must be canceled.

Screen Summary**Compliance Determination**

Washington's CZM program applies to all areas of 15 coastal counties (including King County), and extends three nautical miles into the Pacific Ocean, excluding federal and tribal lands. The site is located in a Coastal Zone (King County) but is not within proximity to a coastal water body (Exhibit 1) and is more than a mile away from the nearest shoreline (Exhibit 2) - no designated shorelines are located east of SR 509 in Burien (including the project site). A stormwater management plan has been developed and all required stormwater permits or certifications will be obtained prior to development. Concurrence from Dept. of Ecology for Coastal Zone Management is no longer required under a Part 58 or Part 50 Environmental Review in Washington State. However, at the time of project development, the activity may trigger review if it falls under other parts of the CZMA regulations for federal agency activities (Title 15 CFR Part 930, subpart C), or consistency for activities requiring a federal license or permit (Title 15 CFR Part 930, Subpart D) and will be subject to all enforceable policies of the Coastal Zone Management Program. It is during the local permitting process that a project might be subject to CZM and further review by the Dept of Ecology.

Supporting documentation

[B5_Exhibit 2_City of Burien Shoreline Environmental Designations.png](#)

[B5_Exhibit 1_Water Bodies in Project Area.png](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Contamination and Toxic Substances

General requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)

1. How was site contamination evaluated? Select all that apply. Document and upload documentation and reports and evaluation explanation of site contamination below.

- American Society for Testing and Materials (ASTM) Phase I Environmental Site Assessment (ESA)
- ASTM Phase II ESA
 - Remediation or clean-up plan
 - ASTM Vapor Encroachment Screening
 - None of the Above

2. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)

No

- Yes

3. Mitigation

Document and upload the mitigation needed according to the requirements of the appropriate federal, state, tribal, or local oversight agency. If the adverse environmental effects cannot be mitigated, then HUD assistance may not be used for the project at this site.

Can adverse environmental impacts be mitigated?

Adverse environmental impacts cannot feasibly be mitigated.

- ✓ Yes, adverse environmental impacts can be eliminated through mitigation. Document and upload all mitigation requirements below.

4. Describe how compliance was achieved in the text box below. Include any of the following that apply: State Voluntary Clean-up Program, a No Further Action letter, use of engineering controls, or use of institutional controls.

Two possible Recognized Environmental Conditions (RECs) were identified in the Phase I ESA: a possible underground storage tank (UST) associated with the existing multi-family residence at 511 S 136th Street (no heating oil above ground storage tank was observed during reconnaissance) and possible arsenic concentrations in the soil ranging from 20.1 to 40 parts per million (ppm) from the Tacoma Smelter Plume. A Phase II report was prepared by the Riley Group (RGI) in June 2020 to evaluate the above referenced RECs. Habitat for Humanity also notified RGI that a current tenant had knowledge of a former UST removed from the western side of the existing multi-family residence at 511 S 136th Street. Ground Penetrating Radar (GPR) was used to locate potential USTs as part of the Phase II ESA. The GPR did not locate an abandoned or closed-in-place UST where a patch of gravel was identified in the area reported by the tenant and there were no other indications of abandoned or closed-in-place USTs. RGI recommended a Supplemental Phase II in the vicinity of the former UST to determine the potential for subsurface release from the UST - if the Supplemental Phase II identifies any contamination or release from the former UST, cleanup will be performed in compliance with federal and state laws, including the State's Model Toxics Control Act - Cleanup Act. Chapter 173-340 WAC addresses the requirement for cleanup of contamination and the requirement to conduct remedial action necessary to protect human health and the environment. Eight soil samples were also collected throughout the site as part of the Phase II ESA to evaluate the potential for arsenic and/or lead contamination in the soil from the Tacoma Smelter Plume. Total arsenic in soil samples were detected at concentrations between 3.69 and 10.1 mg/kg, which are below the Model Toxics Control Act (MTCA) Method A Soil Cleanup Level of 20 mg/kg, and total lead in soil samples were detected at concentrations between 10.6 and 74.0 mg/kg, which are below the MTCA Method A Cleanup Level of 250 mg/kg. Based on Phase II findings, the shallow soils tested are in compliance with Ecology's MTCA Method A cleanup levels, and no further investigation is warranted regarding the Tacoma Smelter Plume.

If a remediation plan or clean-up program was necessary, which standard does it follow?

Complete removal

- ✓ Risk-based corrective action (RBCA)

Screen Summary

Compliance Determination

Supporting documentation

[Hermes Basin - non-major violation 2021-12-10.jpg](#)

[Closest facility NEPA map 2021-12-10.jpg](#)

[B14_3_Phase II ESA 6-5-20.pdf](#)

[B14_2_Phase I ESA 5-4-20.pdf](#)

[B14 Exhibit 1 Tacoma Smelter Plume.png](#)

Are formal compliance steps or mitigation required?

✓ Yes

No

Endangered Species

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service (“FWS” and “NMFS” or “the Services”).	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i>); particularly section 7 (16 USC 1536).	50 CFR Part 402

1. Does the project involve any activities that have the potential to affect species or habitats?

No, the project will have No Effect due to the nature of the activities involved in the project.

No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office

- ✓ Yes, the activities involved in the project have the potential to affect species and/or habitats.

2. Are federally listed species or designated critical habitats present in the action area?

No, the project will have No Effect due to the absence of federally listed species and designated critical habitat

- ✓ Yes, there are federally listed species or designated critical habitats present in the action area.

3. What effects, if any, will your project have on federally listed species or designated critical habitat?

No Effect: Based on the specifics of both the project and any federally listed species in the action area, you have determined that the project will have absolutely no effect on listed species or critical habitat. in the action area.

- ✓ May Affect, Not Likely to Adversely Affect: Any effects that the project may have on federally listed species or critical habitats would be beneficial, discountable, or insignificant.

Likely to Adversely Affect: The project may have negative effects on one or more listed species or critical habitat.

4. Informal Consultation is required

Section 7 of ESA (16 USC. 1536) mandates consultation to resolve potential impacts to endangered and threatened species and critical habitats. If a HUD-assisted project may affect any federally listed endangered or threatened species or critical habitat, then compliance is required with Section 7. See 50 CFR Part 402 Subpart B Consultation Procedures.

Did the Service(s) concur with the finding that the project is Not Likely to Adversely Affect?

- ✓ Yes, the Service(s) concurred with the finding.

Based on the response, the review is in compliance with this section. Document and upload the following below:

- (1) A biological evaluation or equivalent document
- (2) Concurrence(s) from FWS and/or NMFS
- (3) Any other documentation of informal consultation

Exception: If finding was made based on procedures provided by a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office, provide whatever documentation is mandated by that agreement.

No, the Service(s) did not concur with the finding.

6. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review. If negative effects cannot be mitigated, cancel the project using the button at the bottom of this screen.

✓ Mitigation as follows will be implemented:

NMFS approved the proposed mitigation plan which include LID methods that will treat 61% of the site's generated stormwater (permeable pavements for sidewalks, amended soils in landscape areas, and dispersion trenches where vegetation flow paths could be located). A Bioclean MWS Linear system (Ecology GULD approved) will treat the remainder of the stormwater prior to entering dispersion trenches, 250 feet north of Miller Creek to infiltrate as overland flow before entering the creek, then to Puget Sound. Galvanized metals will be painted or otherwise sealed and HVAC will be under roof structures to minimize zinc load in stormwater runoff.

No mitigation is necessary.

Screen Summary

Compliance Determination

The Watershed Company completed an assessment on October 1, 2021 to document potential project effects on current U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) Endangered Species Act (ESA) listed species and to demonstrate compliance with the applicable criteria under the NMFS Programmatic ESA Consultation provided in the "Endangered Species Act - Section 7 Programmatic Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the U.S. Department of Housing and Urban Development Housing Programs in Washington State" (October 23, 2020. NMFS Consultation Number: WCRO-2020-00512) (Programmatic). The assessment also evaluated essential fish habitat (EFH) as indicated in the Magnuson-Stevens Fisheries Conservation and Management Act (Magnuson-Stevens Act). USFWS identifies four ESA-listed species that are potentially present within the site or all areas that may be directly or indirectly affected by the proposed action (the action

area): streaked horned lark, yellow-billed cuckoo, marbled murrelet, and bull trout. Two ESA-listed species under the jurisdiction of NMFS are also potentially present in the action area, to the extent they are known to occur in King County and downstream portions of Miller Creek: Chinook salmon and steelhead. Per The Watershed Company's assessment, none of these six species are expected to be present in the action area during any time of the year. Designated critical habitat is also not present in the action area for any of the six species. There is no documented presence of Chinook or Coho salmon within approximately 2.8 miles of the action area. In the event that multiple fish passage barriers on Miller Creek were removed, it is possible that Chinook and Coho salmon could reach portions of Miller Creek in the action area. However, the project does not propose any in-water work, stormwater from the proposed project will be effectively managed for water quality and quantity during construction and operation, and the vegetated riparian buffer will be preserved and enhanced. The Watershed Company's assessment concludes that the likelihood of this individual project to cause adverse impacts to EFH is discountable. However, any stormwater inputs into surface waters may contribute to potential adverse effects on Chinook salmon and steelhead, when considered cumulatively and long-term with other associated or unassociated stormwater discharges. Given the relatively high groundwater at the project site, 100% infiltration is not feasible. Appendix C of the Programmatic specifies: "Projects that cannot infiltrate 100 percent of the design storm (based on the applicable Washington State Stormwater Manual) on-site are 'likely to adversely affect' (LAA) ESA-listed species and critical habitat." The relevant Programmatic Appendices were completed for this project (see the attached), sufficiently documenting compliance with the Reasonable and Prudent Measures and Terms and Conditions and specified in Sections 2.9.3 and 2.9.4, respectively, of the Programmatic and as summarized herein. King County submitted consultation under Section 7 of the ESA and Section 305(b) of the MSA to the National Marine Fisheries Service (NMFS) on November 18, 2021 as part of the review process. NMFS accepted the stormwater plan with no changes or additional measures to offer on November 23, 2021. See the attached response letter.

Supporting documentation

[B6-4 DRAINAGE Civil Set 2021_0903.pdf](#)

[B6-3 TIR 2021_0903.pdf](#)

[B6-2 3 NMFS Review WCRO-2020-00512-3838.pdf](#)

[B6-2 2 ESA Programmatic Consultation Summary 2021_11.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Explosive and Flammable Hazards

General requirements	Legislation	Regulation
HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.	N/A	24 CFR Part 51 Subpart C

1. Is the proposed HUD-assisted project itself the development of a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?

No

Yes

2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?

No

Yes

3. Within 1 mile of the project site, are there any current or planned stationary aboveground storage containers that are covered by 24 CFR 51C? Containers that are NOT covered under the regulation include:

- Containers 100 gallons or less in capacity, containing common liquid industrial fuels OR

- Containers of liquified petroleum gas (LPG) or propane with a water volume capacity of 1,000 gallons or less that meet the requirements of the 2017 or later version of National Fire Protection Association (NFPA) Code 58.

If all containers within the search area fit the above criteria, answer "No." For any other type of aboveground storage container within the search area that holds one of the flammable or explosive materials listed in Appendix I of 24 CFR part 51 subpart C, answer "Yes."

No

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Yes

Screen Summary

Compliance Determination

A Phase I Environmental Site Assessment (ESA) and Phase II ESA were prepared by the Riley Group, dated May 1, 2020 and June 5, 2020, respectively. Per the Phase I ESA, no mapped sites were found in the search of the Washington Aboveground Storage Tank Locations database either on the target property or within the search radius around the target property. As part of the Phase I ESA report, the Riley Group contacted local fire and building departments to determine records of Underground Storage Tanks (UST) and Aboveground Storage Tanks (AST) on the site. There were no records identified that document the presence of USTs or ASTs on the site. Assessor records indicated the multi-family residence located at 511 South 136th Street (located on the northwestern portion of the site) is currently heated by an oil burning furnace; the type of fuel storage for this oil burner (AST or UST) was not identified or observed during reconnaissance (see Sections 6.3 and 9 of the Phase I ESA). The Phase II ESA references the oil burner furnace on the existing residence located at 511 South 136th Street, and confirms that an AST was not identified on site (see page 1 of the Phase II ESA). The listing of aboveground storage tank locations is regulated by the Department of Ecology's Spill Prevention, Preparedness, and Response Program. Ecology's "Spills Map" shows facilities regulated under this program (see Exhibit 1). No facilities are mapped within one mile of the site (the two closest facilities are Class 1 spill facilities located approximately 7.4 miles east of the site in Tukwila).

Supporting documentation

[B7 Exhibit 1 DOE Spills Program Regulated Facilities Closest to Project Area.png](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Farmlands Protection

General requirements	Legislation	Regulation
The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	7 CFR Part 658

1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?

Yes

✓ No

If your project includes new construction, acquisition of undeveloped land or conversion, explain how you determined that agricultural land would not be converted:

See Screen Summary.

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Screen Summary

Compliance Determination

The site is located in the Highline area of Burien and is zoned Single Family Residential (RS-7, 200). The Burien Comprehensive Plan considers Downtown Burien a commercial core for the Highline area and designates the site as Moderate Density Residential Neighborhood on the Comprehensive Land Use Planning map (Exhibit 1). The existing site is currently developed with two single family residences, one multi-family residence (duplex), two sheds, and a barn. The site is adjacent to SR-509 to the west and single family residences are located to the north, east, and south. The site is not located on agricultural land and no existing agricultural uses are identified on site.

Supporting documentation

[Miller Zoning NEPAAssist screenshot 2021-12-28.jpg](#)

[B8 Exhibit 1 City of Burien Comprehensive Land Use Planning Map.png](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Floodplain Management

General Requirements	Legislation	Regulation
Executive Order 11988, Floodplain Management, requires federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.	Executive Order 11988	24 CFR 55

1. Do any of the following exemptions apply? Select the applicable citation? [only one selection possible]

55.12(c)(3)

55.12(c)(4)

55.12(c)(5)

55.12(c)(6)

55.12(c)(7)

55.12(c)(8)

55.12(c)(9)

55.12(c)(10)

55.12(c)(11)

None of the above

2. Upload a FEMA/FIRM map showing the site here:

[Miller FIRMette map 2-16-21.tif](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The FEMA Map Service Center provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use **the best available information** to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site.

Does your project occur in a floodplain?

No

Based on the response, the review is in compliance with this section.

Yes

Screen Summary**Compliance Determination**

The site is not located in a FEMA-designated floodplain (Exhibit 1). The floodplain zone designation is Zone X (area of minimal flood hazard) and the FIRM panel number is 53033C0955G (effective August 19, 2020).

Supporting documentation

[B10_Exhibit 1_FEMA Flood Insurance Rate Map.png](#)

Are formal compliance steps or mitigation required?

Yes

No

Historic Preservation

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	36 CFR 800 “Protection of Historic Properties” https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf

Threshold

Is Section 106 review required for your project?

No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA). (See the PA Database to find applicable PAs.)
 No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

- ✓ Yes, because the project includes activities with potential to cause effects (direct or indirect).

Step 1 – Initiate Consultation

Select all consulting parties below (check all that apply):

- ✓ State Historic Preservation Offer (SHPO) Completed

- ✓ Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)
 - ✓ Duwamish Tribes Completed
 - ✓ Muckleshoot Tribe Completed
 - ✓ Puyallup Tribe Completed

✓ Snoqualmie Tribe	Completed
✓ Stillaguamish Tribe	Completed
✓ Suquamish Tribe	Completed
✓ Tulalip Tribes	Completed
✓ Yakima Nation	Completed

Other Consulting Parties

Describe the process of selecting consulting parties and initiating consultation here:

The SHPO or THPO and any tribes or groups that may have an interest in the project were consulted per the Historic Preservation for Washington State checklist. Washington State's digital repository for architectural and archaeological resources and reports (WISAARD) was searched for historic property reports and tribal areas of interest. HUD's website of interested tribes by county (<https://egis.hud.gov/tdat/>) was also reviewed.

Document and upload all correspondence, notices and notes (including comments and objections received below).

Was the Section 106 Lender Delegation Memo used for Section 106 consultation?

- Yes
- No

Step 2 – Identify and Evaluate Historic Properties

- 1. Define the Area of Potential Effect (APE), either by entering the address(es) or uploading a map depicting the APE below:**

The approximate address of the proposed project is 511 and 515 S 136th Street, Burien, WA 98168. The APE map is included as part of the EZ-1 Form submitted to the Washington State Department of Archaeology and Historic Preservation.

In the chart below, list historic properties identified and evaluated in the APE. Every historic property that may be affected by the project should be included in the chart.

Upload the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination

below.

Address / Location / District	National Register Status	SHPO Concurrence	Sensitive Information
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Additional Notes:

2. Was a survey of historic buildings and/or archeological sites done as part of the project?

Yes

✓ No

Step 3 –Assess Effects of the Project on Historic Properties

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the Criteria of Adverse Effect. (36 CFR 800.5)] Consider direct and indirect effects as applicable as per guidance on direct and indirect effects.

Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.

✓ No Historic Properties Affected

Based on the response, the review is in compliance with this section. Document and upload concurrence(s) or objection(s) below.

Document reason for finding:

✓ No historic properties present.

Historic properties present, but project will have no effect upon them.

No Adverse Effect

Adverse Effect

Screen Summary**Compliance Determination**

Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106.

Supporting documentation

[B11-6 Update to Letters to Tribes 10-29-21.pdf](#)

[B11-5 Habitat Miller Creek -Letter to Tribes 10-19-21.pdf](#)

[B11-4 DAHP Property Search Results.pdf](#)

[B11-3 DAHP Review 2021-07-04854 10-27-21.pdf](#)

[B11-2 Habitat Miller Creek EZ form 10-14-21.pdf](#)

[B11-1 HistoricPreservationChecklistWashingtonState2019.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Noise Abatement and Control

General requirements	Legislation	Regulation
HUD's noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972 General Services Administration Federal Management Circular 75-2: "Compatible Land Uses at Federal Airfields"	Title 24 CFR 51 Subpart B

1. What activities does your project involve? Check all that apply:

- New construction for residential use

NOTE: HUD assistance to new construction projects is generally prohibited if they are located in an Unacceptable zone, and HUD discourages assistance for new construction projects in Normally Unacceptable zones. See 24 CFR 51.101(a)(3) for further details.

Rehabilitation of an existing residential property

A research demonstration project which does not result in new construction or reconstruction

An interstate land sales registration

Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster
None of the above

4. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000' from a major road, 3000' from a railroad, or 15 miles from an airport).

Indicate the findings of the Preliminary Screening below:

There are no noise generators found within the threshold distances above.

- ✓ Noise generators were found within the threshold distances.

5. **Complete the Preliminary Screening to identify potential noise generators in the**

Acceptable: (65 decibels or less; the ceiling may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

- ✓ Normally Unacceptable: (Above 65 decibels but not exceeding 75 decibels; the floor may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

Is your project in a largely undeveloped area?

- ✓ No

Indicate noise level here: 74

Document and upload noise analysis, including noise level and data used to complete the analysis below.

Yes

Unacceptable: (Above 75 decibels)

HUD strongly encourages conversion of noise-exposed sites to land uses compatible with high noise levels.

Check here to affirm that you have considered converting this property to a non-residential use compatible with high noise levels.

Indicate noise level here: 74

Document and upload noise analysis, including noise level and data used to complete the analysis below.

6. **HUD strongly encourages mitigation be used to eliminate adverse noise impacts. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review.**

✓ Mitigation as follows will be implemented:

Noise levels at the 31 outdoor noise assessment locations studied range from 64-74 dBA without mitigation. Per the attached noise assessment and exterior noise mitigation plan, a 15-foot-tall noise wall along the full extent of the northern property line and for approximately 300 feet along the west property line will reduce exterior DNLs to or below the 65 dBA threshold (DNLs would range between 59-65 dBA at the 31 outdoor noise assessment locations studied). The minimum surface weight of the walls must be at least 4.0 lb/ft² (an example of a barrier meeting this surface weight is two 5/8-inch-thick sheets of plywood). With ER approval, the structural engineer will be hired to design the barrier as part of the mitigation plan.

Based on the response, the review is in compliance with this section. Document and upload drawings, specifications, and other materials as needed to describe the project's noise mitigation measures below.

No mitigation is necessary.

Screen Summary

Compliance Determination

The Greenbusch Group, Inc. completed a noise assessment and exterior noise mitigation plan on October 18, 2021. The assessment used the HUD Exchange DNL Noise Calculator, the HUD Exchange Barrier Performance Module, and the 3D acoustic modeling software environment Cadna/A to evaluate outdoor noise at thirty-three (33) outdoor noise assessment locations (NALs) on the site. Roadways that significantly contribute to the ambient sound environment around the site are SR 509 and South 136th Street. Transit lines and railways are not within 3000 feet of the site, so railway noise was not considered during the analysis. The site is located approximately 1 mile from the Seattle-Tacoma International Airport (SEA) and is within the 60 DNL noise contour line based on 2018 airport noise data. Projections for 2029 airport noise contours are not available, but contours are not expected to change significantly in the next 10 years. Without mitigation, predicted day-night sound levels (DNLs) ranged from 64-74 dBA. Buildings, topography, roadways, and noise walls were added to the Cadna/A model to determine appropriate mitigation. A 15-foot-tall noise wall was added to the model along the full extent of the northern

property line and for approximately 300 feet along the west property line. Per the assessment, the minimum surface weight of the barrier must be at least 4.0 lb/ft² (an example of a barrier meeting this surface weight is two 5/8-inch-thick sheets of plywood). A structural engineer will need to design the barrier. With the recommended noise wall, DNLs at the 31 outdoor noise sensitive spaces range between 59-65 dBA (at or below the preferred exterior 65 dBA DNL). See the attached assessment for the full analysis, location of the proposed sound wall, and the HUD Exchange DNL Calculator results.

Supporting documentation

[B12-3_Final Burien Affordable Housing HUD Mitigation Plan 12-06-21.pdf](#)

[B12-2_Burien Affordable Housing Noise Study 4-19-21.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Sole Source Aquifers

General requirements	Legislation	Regulation
<p>The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.</p>	<p>Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)</p>	<p>40 CFR Part 149</p>

1. Does the project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?

- Yes
- No

2. Is the project located on a sole source aquifer (SSA)?

A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

- No

Based on the response, the review is in compliance with this section. Document and upload documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area, below.

Yes

Screen Summary

Compliance Determination

Per the U.S. Environmental Protection Agency's NEPAassist mapping tool, the site is not located in a sole source aquifer area (Exhibit 1).

Supporting documentation

[B13_2_SoleSourceAquifersChecklist_11142019.pdf](#)

[B13_Exhibit 1_Sole Source Aquifers Near the Project Site.png](#)

[Miller SSA NEPA map 2021-02-16.jpg](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Wetlands Protection

General requirements	Legislation	Regulation
Executive Order 11990 discourages direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service’s National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.

1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building’s footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order

No

Yes

2. Will the new construction or other ground disturbance impact an on- or off-site wetland? The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

"Wetlands under E.O. 11990 include isolated and non-jurisdictional wetlands."

No, a wetland will not be impacted in terms of E.O. 11990’s definition of new construction.

Yes, there is a wetland that be impacted in terms of E.O. 11990’s definition of new construction.

You must determine that there are no practicable alternatives to wetlands development by completing the 8-Step Process.

Document and upload the completed 8-Step Process as well as all documents used to make your determination, including a map below. Be sure it includes the early public notice and the final notice with your documentation.

3. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review. If negative effects cannot be mitigated, cancel the project using the button at the bottom of this screen.

Both onsite and offsite mitigation measures are proposed to mitigate impacts to Wetland B. All of Wetland B will be mitigated for even though portions may remain as wetland post-construction. Unavoidable project impacts will be compensated using the King County Mitigation Reserves Program (MRP) and by utilizing protection mechanisms to preserve remaining critical areas and buffers on-site. The in-lieu fee option is proposed because no suitable advanced mitigation programs or opportunities for on-site or off-site permittee-responsible mitigation are available. The entire Wetland A buffer will be enhanced through on-site native plantings, invasive species control, and protection from human and pet intrusions through fencing. In-lieu fee credits required were verified as available as of December 2020 and authorized by Ecology. Credits will be purchased prior to commencement of construction activities. On-site mitigation will occur concurrent with construction of other features on-site.

Which of the following mitigation actions have been or will be taken? Select all that apply:

- Permeable surfaces
- Natural landscape enhancements that maintain or restore natural hydrology through infiltration
Native plant species
Bioswales
Evapotranspiration
- Stormwater capture and reuse
Green or vegetative roofs with drainage provisions
Natural Resources Conservation Service conservation easements
- Compensatory mitigation
Other

Based on the response, the review is in compliance with this section.

Screen Summary**Compliance Determination**

NMFS reviewed and agreed to the proposed wetlands mitigation plan through the ESA Programmatic. Wetlands and streams in Burien are regulated under BMC 19.40, Critical Areas, and designated in accordance with the Washington State Department of Ecology (Ecology) guidance and 5 class rating system. The Watershed Company prepared a Wetland and Stream Delineation Report on Feb. 19, 2020. An additional Reconnaissance Report was prepared by Wetland Resources on Mar. 24, 2020 concurring with the findings of the delineation report. Both reports identified two wetlands on site: Wetland A and Wetland B (Exhibit 1). The project would fill a portion of the Category III Wetland B. The U.S. Army Corps of Engineers determined Wetland B is isolated and not regulated under the Clean Water Act (see the AJD dated Mar. 31, 2021) - NMFS also determined on November 23, 2021 in the Programmatic that Wetland B is not biologically important. As an isolated Category III wetland less than 1,000 sq ft, Wetland B is not regulated by the City of Burien and does not have an associated buffer. Wetland B is regulated by Ecology - Ecology issued AO 19904 on Apr. 16, 2021 permitting the proposed direct and indirect impacts to Wetland B. All impacts to Wetland B will be mitigated through the purchase of in-lieu fee credits from the King County Mitigation Reserves Program. Wetland A and Miller Creek are also on the property. The project will avoid all impacts to these critical areas - 2,500 sq ft of the Wetland A buffer will be modified through buffer averaging (BMC 19.40.310.H) and ~25,000 sq ft of degraded wetland and stream buffer will be restored and enhanced on-site. Potential adverse stormwater effects on Miller Creek will be minimized through LID techniques. The project will not use copper roofing or treated wood shingles. Galvanized metals in roofing or gutters will be sealed with Silicone Modified Polyester paint to prevent rain from introducing zinc into site runoff. All sidewalks and pedestrian walkways will be constructed with pervious materials. All stormwater will be captured and treated in an underground vault prior to release through a dispersion trench that will allow treated water to flow over 160 feet through a restored and densely vegetated buffer before entering Miller Creek, with most runoff infiltrating prior to reaching the creek. The Watershed Company ecologists determined the proposed project would result in a net improvement for wildlife habitat, and that the project complies with all local, state, and federal wetland and stream regulations. Completion of the 8-step process and on and off-site mitigation are required and included in this documentation. This determination was based on: * Correspondence with regulatory agencies (the Washington State Department of Ecology, U.S. Army Corps of Engineers, and City of Burien) * In-lieu Fee Use Plan (The Watershed Company, 01/21). [Pgs 11-15] * Habitat for Humanity Mitigation Plan (The Watershed Company, 01/21). [Sheets W1-W3] * Endangered Species Act Programmatic Consultation (The Watershed Company, 10/1/21)

Supporting documentation

[Floodplain-Management-8-Step-Decision-Making-Process-Burien Habitat for Humanity.pdf](#)
[NMFS Review WCRO-2020-00512-3838.pdf](#)
[B15-8 Ecology AO 19904.pdf](#)
[B15-3 Wetland and Stream Delineation Report - 2-21-20.pdf](#)
[B15-14 200128 Habitat for Humanity Mitigation Plan.pdf](#)
[B15-13 In-Lieu Fee Use Plan Complete 1-8-21.pdf](#)
[B15-12 Burien Wetland Review of Habitat for Humanity Site 9-14-21.pdf](#)
[B15-11 Burien Request for Corrected Information 8-6-21.pdf](#)
[B15-10 Burien Request for Corrected Information REVISED 4-22-21.pdf](#)
[B15-9 Ecology Wetland Review Letter 9-9-21.pdf](#)
[B15-7 AJD NWS-2021-86 2021_0331.pdf](#)
[B15-6 AJD-Form-v 2021_0323.pdf](#)
[B15-5 Groundwater Monitoring Study 4-28-20.pdf](#)
[B15-4 Wetland Resources Recon Report 3-26-20.pdf](#)
[B15-2-3 Early Notice Response Ecology 2021_1026.pdf](#)
[B15-2-2 Step2 Affidavit.pdf](#)
[B15-2-1 Step 2 Signed Letters 10-12-21.pdf](#)
[B15 Exhibit 1 Wetland and Stream Delineation Sketch.png](#)

Are formal compliance steps or mitigation required?

Yes

No

Wild and Scenic Rivers Act

General requirements	Legislation	Regulation
The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))	36 CFR Part 297

1. Is your project within proximity of a NWSRS river?

No

Yes, the project is in proximity of a Designated Wild and Scenic River or Study Wild and Scenic River.

Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

Screen Summary

Compliance Determination

The site is not within proximity of a National Wild and Scenic Rivers System (NWSRS) river as defined by the National Wild and Scenic Rivers Act. Pratt River and Snoqualmie (Middle Fork) River are the only designated Wild and Scenic Rivers in King County (Exhibit 1 shows the proposed development site in relation to these rivers). Other Wild and Scenic Rivers in Washington are the Illabot Creek, Klickitat River, Skagit River, and White Salmon River. Exhibit 2 shows the site in relation to the nearest NRI river segments (the north, middle, and south forks of the Snoqualmie River), or rivers considered potential candidates for inclusion in the National Wild and Scenic River System. No rivers in Washington are currently under study to be added.

Supporting documentation

[B16_Exhibit 2_NRI.png](#)

[B16_Exhibit 1_Wild and Scenic Rivers.png](#)

Are formal compliance steps or mitigation required?

Yes

No

Environmental Justice

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	

HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.

1. Were any adverse environmental impacts identified in any other compliance review portion of this project’s total environmental review?

Yes

No

2. Were these adverse environmental impacts disproportionately high for low-income and/or minority communities?

Yes

No

Explain:

The proposal as designed and conditioned will not adversely impact natural or built environment conditions. Redevelopment consists of up to 40 newly constructed townhouse units and a community center serving a population of low-income individuals and small families. Units will have income restrictions of less than 80% area median income (AMI). Pursuant to BMC 19.18.050(5), Habitat will sign an affordability agreement prior to the issuance of a building permit. The project would displace three current residential tenants. Habitat for Humanity Seattle-King County contracted with Autotemp to develop a relocation plan for the tenants. The relocation plan is currently under development and will be in accordance with the Uniform Relocation Act.

Based on the response, the review is in compliance with this section. Document and

upload any supporting documentation below.

Screen Summary

Compliance Determination

Adverse environmental impacts are not disproportionately high for low-income and/or minority communities. The project is in compliance with Executive Order 12898. The Contamination and Toxic Substances, Endangered Species Act, Noise, Wetlands, and Transportation and Accessibility sections produced potentially adverse environmental impacts that will be mitigated. Please see the checklists regarding: * Contamination and Toxic Substances checklist and associated Phase I and Phase II Environmental Site Assessments, May and June 2020 respectively (The Riley Group) * Endangered Species Act checklist and associated Programmatic Consultation * Noise Abatement and Control checklist and associated Exterior Noise Mitigation Plan, December 6, 2021 (The Greenbusch Group, Inc.) * Wetlands Protection checklist and associated supporting documentation from The Watershed Company, U.S. Army Corps of Engineers, Washington State Department of Ecology, and City of Burien. * Transportation and Accessibility (environmental factors) and the Traffic and Parking Memorandum, May 21, 2020 (Jake Traffic Engineering, Inc.)

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

No