3.16 Section 4(f) Resources

Section 4(f) of the USDOT Act of 1966 prohibits the FHWA from approving transportation projects that use land from important public parks, recreation areas, wildlife refuges, or land containing historical sites of local, state, or federal significance unless (a) there is no feasible and prudent alternative, and (b) the project includes all possible planning to minimize harm to these resources (49 USC 303). If resources protected by Section 4(f) are involved in a project's planning, a determination whether there is a "use" of those resources is required.

What is a Section 4(f) resource?

As stated in the original Section 4(f) legislation of 1966 and its revisions (1968 and 1983), Section 4(f) protects three basic types of resources: publicly owned public park and recreation areas, publicly owned wildlife and waterfowl refuges, and historic sites (referred to in this Draft EIS as cultural resources).

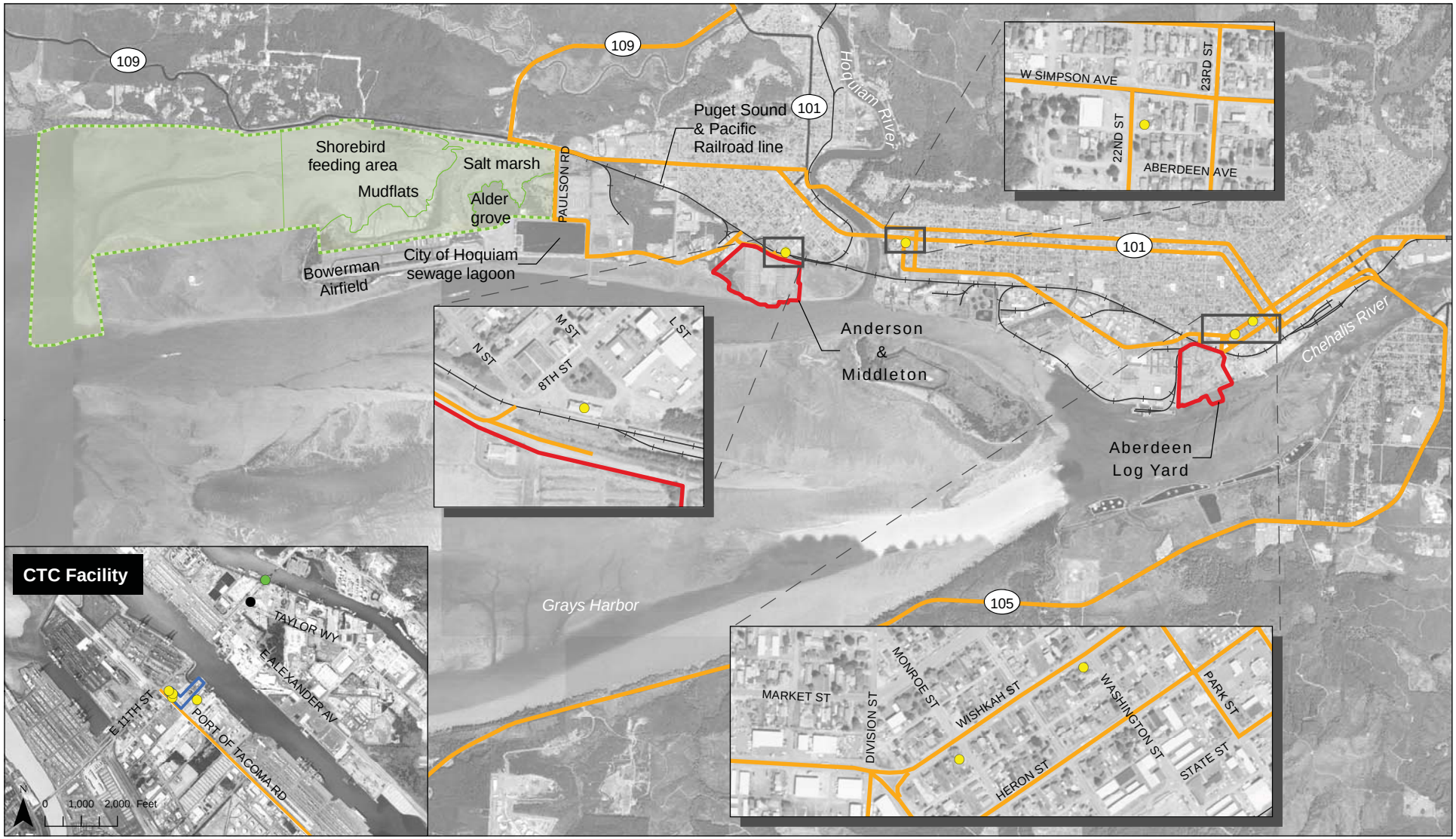
"Use" of resources protected by Section 4(f) takes place when the following conditions are present:

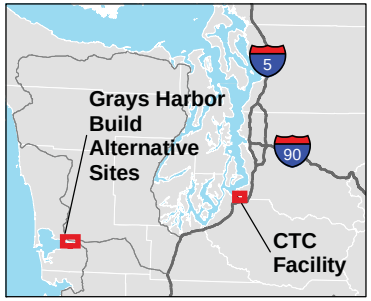
- Resource land is permanently incorporated into the transportation project.
- There is a temporary occupancy of land that is adverse in terms of the statute's preservation purpose as determined by the criteria in §774.13(d), which is a subsection of Section 4(f).
- There is a constructive use of a Section 4(f) property as determined by the criteria in §774.15 (another subsection of Section 4(f)). Constructive use occurs when the transportation project does not incorporate land from a Section 4(f) resource, but the project's proximity impacts are so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only when the protected activities, features, or attributes of the resource are substantially diminished.

What Section 4(f) resources are in the study area?

The 4(f) study area used for this evaluation is the same as the cultural resources APE for the build alternatives, including the CTC facility. WSDOT identified the presence of the following Section 4(f) resources within the cultural resources APE for the CTC facility, the Grays Harbor build alternative sites, and along the proposed truck haul routes (see Exhibit 3.16-1):

- Grays Harbor National Wildlife Refuge
- Six historic properties located near the build alternative sites, along the designated truck haul routes, and at the existing CTC facility:





- NRHP-eligible property subject to 4(f) protection
- Potential haul route
- Railroad
- Grays Harbor National Wildlife Refuge
- Archaeological site boundary
- Build Alternative Site
- Existing CTC facility

Source: WSDOT(2006) Aerial Photograph; USDA-FSA (2006) Aerial Photograph; USFWS (2004) GIS Data (Grays Harbor National Wildlife Refuge); WSDOT (2004) GIS Data (State Route). Horizontal datum for all layers is State Plane Washington South NAD 83; vertical datum for layers is NAVD88.

N 0 2,500 5,000 Feet

Exhibit 3.16-1. **Study Area Section 4(f) Resources**

SR 520 Pontoon Construction Project

Washington State Department of Transportation

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- Two historic properties in the CTC facility part of the APE: the Fire Station 15 at 3510 East 11th Street and elements of the CTC facility at 1123 Port of Tacoma Road.
- Four historic properties in the Anderson & Middleton Alternative part of the APE: the Northern Pacific Railroad Depot at 719 8th Street in Hoquiam; one residence in Hoquiam at 411 22nd Street; and two residential houses in Aberdeen at 201 South Washington Street and 1101 West Wishkah Street (these two residences are also located in the Aberdeen Log Yard Alternative portion of the APE).
- Two historic properties in the Aberdeen Log Yard Alternative part of the APE: residential houses at 201 South Washington Street and 1101 West Wishkah Street (these are mentioned above).

The Grays Harbor National Wildlife Refuge, which was established in 1990 by the USFWS, is one of four major staging areas for migrating shorebirds along the Pacific Flyway up the West Coast of North America. This refuge is also a designated hemispheric reserve site of international significance. About 1,500 acres of intertidal mudflats, salt marshes, and uplands comprise the refuge.

The historic structures survey field work indicates that the historic resources listed above are individually eligible for listing on the NHRP, based on the Registry's criteria for evaluation. The fire station near the CTC site is considered historically significant because of its association with the development of Tacoma's port and industrial areas. The historically significant parts of the CTC facility are considered so because of its role in the development of the prestressed concrete industry in the United States. The historic residences in Hoquiam and Aberdeen are considered historically significant because they are all examples of residential architecture from the 1900s through the 1920s.

Cultural resources investigations revealed one archaeological site in the project's APE that is eligible for NHRP inclusion: a fish trap at the Anderson & Middleton site. WSDOT archaeologists believe this resource is important due to what can be learned about it through data recovery. At this time WSDOT does not anticipate it would warrant preservation in place; therefore, this archaeological site is not considered Section 4(f) resources. If, after consulting with the DAHP, WSDOT and FHWA determine that this site would warrant preservation in place, WSDOT will amend the analysis in this section accordingly.

What is preservation in place?

Resources that are preserved in place are left where they are found untouched. Resources that warrant preservation in place are often those that could be damaged during a typical data recovery process or resources that are culturally sacred, such as a burial site.

How did WSDOT evaluate project effects on Section 4(f) resources?

To evaluate potential effects on Section 4(f) resources, WSDOT followed guidance provided in the Federal Highway Administration/ Federal Transit Administration (FHWA/FTA) Regulations at 23 CFR 774.17, which defines and addresses a Section 4(f) use (see the introduction to this section).

How would the Grays Harbor build alternatives compare in their direct effects on Section 4(f) resources?

Exhibit 3.16-2 summarizes and compares the direct Section 4(f) effects of the Anderson & Middleton Alternative with the Aberdeen Log Yard Alternative.

EXHIBIT 3.16-2
Section 4(f) Resources Summary of Direct Effects

Resource	Anderson & Middleton Alternative	Aberdeen Log Yard Alternative
Historic resources	Northern Pacific Railroad Depot: no use of this resource Three residential houses: no use of these resources	Two residential houses: no use of these resources

What is the use determination for identified Section 4(f) resources?

Grays Harbor National Wildlife Refuge

The project would not acquire or temporarily occupy any land within the Grays Harbor National Wildlife Refuge. However, because the wildlife refuge boundary close to just 1 mile of the Anderson & Middleton Alternative site and the truck haul route would run along the boundary of the refuge, WSDOT performed a more detailed assessment to determine whether construction noise or noise from the truck haul route would constitute a constructive use of the wildlife refuge. Based on the analysis, WSDOT determined that there would be no constructive use of the Grays Harbor National Wildlife Refuge. Currently there is daily ambient noise from car and truck traffic along Paulson Road, airplanes at Bowerman Airfield, and industrial enterprises like Willis Enterprises (a wood-processing facility) and the City of Hoquiam sewage lagoon year-round near the Grays Harbor National Wildlife Refuge. Additionally, because heavy trucks and logging equipment already

frequently use the roads in the area, noise levels would likely not be above the typical background noise levels to which the shorebirds are accustomed. Noise levels would not increase enough to substantially impair shorebird use of the wildlife refuge. The Section 4(f) Resources Technical Memorandum in Appendix R provides a more detailed account of the noise analysis for this Section 4(f) use determination.

Historic Properties

WSDOT determined that the proposed project would have no effect on the six historic properties protected by Section 4(f), discussed under *What Section 4(f) resources are in the study area?* in this section. Despite a possible increase in visual and audible intrusions and vibrations caused by project construction and operation, the build alternatives would not be likely to adversely affect any of the identified historic resources. Changes in the resources' physical settings would be minimal due to their distance from project site activities or because they are already subject to conditions that would be the same or similar to those possibly introduced by the build alternatives (see Appendix I, Cultural Resources Discipline Report).

The proposed project would not use any Section 4(f) resource because the project effects would not be severe enough to substantially impair the protected resources in the project vicinity. Therefore, conducting a Section 4(f) evaluation is not warranted for this project.