



U.S. Department
of Transportation

**Federal Highway
Administration**

Washington Division

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April 22, 2016

HEV-WA/586/WAP1928

Roger Millar
Acting Secretary of Transportation
Department of Transportation
Olympia, Washington

Impacts to Resource Conservation Areas

Dear Mr. Millar:

On March 22, 2016, we wrote to Sound Transit about impacts to Resource Conservation Areas (RCA) on WSDOT rights-of-way. The information we provided in that letter is also applicable to other projects impacting RCAs, so we are sending this letter containing the same information for your use. Our goal is to provide definitions for temporary and permanent impacts and outline a process for WSDOT and FHWA's evaluation of design proposals to ensure a common understanding and set of expectations when dealing with/encountering RCAs within WSDOT rights-of-way.

RCAs have previously been called Beautification Areas, Landscape Areas, or Environmental Commitment Areas on Right-of-Way Plans and Real Estate Services Maps. RCAs are parcels, which were purchased 40 to 50 years ago to preserve vegetation to beautify the highway right-of-way. RCAs provide a buffer between the highway and adjacent land uses, preserve the character of Washington State, and improve the ecosystem by providing habitat, improved water quality, and natural water cycling. Preservation of the vegetation found within a RCA originated with the enactment of the Highway Beautification Act of 1965. The parcels had mature vegetation in the 1960s and 1970s that was determined to be worth protecting. These parcels are a legacy from our counterparts in the past. In most cases, this vegetation has matured and is more rare and worthy of protection today.

Project proponents should identify RCAs early in the project development process, and the RCAs should not be impacted at all, unless the impact cannot be reasonably avoided. A project's NEPA Draft Environmental Impact Statement, Environmental Assessment, or Categorical Exclusion should fully disclose RCAs present in the project area and what has been done to avoid or minimize impacts to the RCAs.

WSDOT's policy of preserving these areas is clarified in the 2015 update of the *Roadside Policy Manual* (RPM) (See Chapter 2, Section 2.2.). These areas serve a highway purpose, defined in RCW 47.40.010. Federal regulation found in 23 CFR 752.2 states that "preservation of valuable adjacent scenic lands is a necessary component of highway development."

Chapter 2, Section 2.2 of the RPM provides requirements for mitigation of unavoidable impacts. The enclosed document provides our definitions for temporary and permanent impacts and outlines a process for WSDOT's and FHWA's evaluation of design proposals to ensure a common understanding and set of expectations when it comes to RCAs.

In closing, we want to ensure we protect the legacy that has been left to the people of Washington in the form of these special areas.

If you have questions, please contact Sharon Love, Environmental Program Manager, at (360) 753-9558 or Sharon.Love@dot.gov.

Sincerely,

A handwritten signature in blue ink that reads "Daniel M. Mathis". The signature is written in a cursive style.

DANIEL M. MATHIS, P.E.
Division Administrator

Enclosure

cc electronically: Pasco Bakotich, WSDOT
Jeff Carpenter, WSDOT
Linea Laird, WSDOT
Chris Christopher, WSDOT
Cindy Tremblay, WSDOT
Juli Hartwig, WSDOT
Sandy Salisbury, WSDOT

Mitigating Impacts to Resource Conservation Areas

FHWA Washington Division Office April 2016

This document is intended to clarify the requirements when impacts to RCAs are unavoidable. WSDOT's Roadside Policy Manual and WSDOT's Standard Specifications for Road, Bridge, and Municipal Construction, include the requirements for projects that may impact RCAs.

For more information, refer to: <http://www.wsdot.wa.gov/Publications/Manuals/>

Permanent Impacts Requiring Mitigation

- Impacts to native vegetation, other than minor pruning, and including disturbance to roots.
- Ground-disturbing activities that result in compaction or rutting of soil.
- Addition of soil, or chemical, or other spills, that would be detrimental to the existing native plant community.
- Any change in drainage that removes water from the site or adds water in quantities that would be detrimental to the existing native plant community.
- Activity that could decrease the health, soundness, or structural integrity of the vegetation.

Temporary Impacts Not Requiring Mitigation

- Maintenance activities such as weed control, fertilizing, soil amendments, mowing, or litter control.
- Minor pruning for safety when performed according to ISA (International Society of Arboriculture) standards.
- Minor pruning at the point of attachment of branches or branch tips that extend beyond the RCA boundary.
- Restoration activities such as replanting or additional planting, including planting area preparation.
- Foot access across the RCA when the path is protected from compaction by methods such as the careful placement of bark or wood chip mulch – vehicle travel is not allowed.
- Temporary placement of electrical or waterlines on the surface of the ground, provided they do not generate erosion.

Construction Work Plans Required

We understand not every contingency can be anticipated in advance. Therefore, construction work plans will be required to be submitted to WSDOT in advance for any and all proposed work within or affecting a RCA in any way.

WSDOT's Standard Specifications for Road, Bridge, and Municipal Construction requires that project proponents submit a Roadside Work Plan (Work Plan) compliant with Section 1-05.3, Type 2 Working Drawing, and meeting the other requirements of Section 8-02.3(2) A Roadside Work Plan, a minimum of thirty (30) days before starting any construction work that has the potential to either permanently or temporarily impact a RCA. The Work Plan will be submitted through the WSDOT Region Landscape Architect to FHWA and the WSDOT Headquarters Roadside and Site Development Manager. No work shall begin until formal written approval is received from FHWA through the WSDOT Headquarters Roadside & Site Development Manager.

Operations and Maintenance

WSDOT Regions, and any other project proponents, will develop an Airspace Lease or other acceptable Agreement to ensure a detailed Operations and Maintenance Agreement is in place that addresses related activities that might impact a RCA or its vegetation to ensure healthy vegetation remains. Mitigation will be required if vegetation is removed or weakened due to operations and maintenance activities. Any required mitigation actions will be coordinated with the WSDOT Region Landscape Architect, the WSDOT Headquarters Roadside and Site Development Manager, and FHWA.