

Appendix E – Section 4(f) Net Benefit Programmatic Evaluation

Section 4(f) Net Benefit Programmatic Evaluation

Tanana River Recreation Access Improvements Project

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June 2021

Prepared for
U.S. Department of Transportation
Federal Highway Administration
Western Federal Lands Highway Division

In Cooperation with
Fairbanks North Star Borough



U.S. Department
of Transportation

**Federal Highway
Administration**



To: Michael Bork, Director Fairbanks North Star Borough Parks & Recreation

From: Stephen Morrow

Date: June 4, 2021

Subject: Tanana River Recreation Access Improvements Project Section 4(f) of the Transportation Act of 1966

Introduction

The Western Federal Lands Highway Division (WFLHD) of the Federal Highway Administration (FHWA), in partnership with the Fairbanks North Star Borough (FNSB) Parks and Recreation Department, is proposing the Tanana River Recreation Access (TRRA) Improvements Project. WFLHD is providing funding through the Federal Lands Access Program (FLAP) for the proposed project.

According to the 2007 Tanana Lakes Recreation Area (TLRA) Master Plan adopted in May 2007, the recreation area is a multi-use park south of the City of Fairbanks along the Tanana River. The Master Plan outlined the future development and use of the TLRA and provided the FNSB with a long-term planning guide for the development of the recreation area based on resource opportunities and constraints, development opportunities and constraints, and public needs. The TRRA serves public interests by fulfilling the TLRA Master Plan. The TLRA is an important recreational destination and serves as a gateway to Federal, State, and Native Alaskan lands within the Tanana and Yukon River watersheds.

The proposed project is consistent with the Master Plan, would improve transportation access, and would provide Americans with Disabilities (ADA)-compliant facilities. The proposed project includes:

- A new entrance road by improving South Lathrop Street at Sanduri Avenue and extending the road into the TLRA;
- An area for a future new entrance station;
- Northlake Lane extension to the new South Lathrop Street entrance road;
- Swim beach parking lot expansion;
- Motorized and non-motorized boat launch parking lots improvements (grading, resurfacing, gravel, and paving);
- Overhead power line installation and connections; and
- ADA-compliant restrooms, parking stalls, and paths.

Because the proposed project includes lands within the TLRA that will be permanently incorporated into a transportation facility, there will be impacts under Section 4(f) of the U.S. Transportation Act of 1966.

Section 4(f) of the U.S. Department of Transportation Act of 1966 (USDOT Act) was enacted as a means of protecting publicly owned land of public parks, recreation areas, and wildlife and waterfowl refuges as well as historic sites of local, state, or national significance from conversion to transportation uses. The requirement of the Section 4(f) statute and the policy of the USDOT is to avoid the use of

these areas as part of a project, unless there is no feasible and prudent alternative to the use of such land or unless the use results in only a *de minimis* impact. In order to demonstrate that there is no feasible and prudent alternative to the use of Section 4(f) property, the evaluation must identify potential alternatives that completely avoid the use of any Section 4(f) properties, including the no build alternative.

Section 4(f) of the USDOT Act of 1966 established the requirement for consideration of publicly-owned park and recreational lands, publicly-owned wildlife and waterfowl refuges, and historic sites in transportation projects that receive funding from or require approval by the USDOT. Section 4(f) is now codified in 49 U.S.C. 303 and 23 U.S.C. 138 and is implemented by FHWA through 23 CFR Part 774. As a USDOT agency, FHWA cannot approve a transportation project that uses Section 4(f) property unless one of the following is true:

- There is no feasible and prudent avoidance alternative to the use of land from the property, and the action includes all possible planning to minimize harm to the property resulting from such use (23 CFR 774.3(a)).
- The use of the property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures) committed to by the applicant would have a *de minimis* use, as defined in 23 CFR 774.17, on the property (23 CFR 774.3(b)).

Programmatic Section 4(f) evaluations can be used in place of individual evaluations for transportation projects where the use is considered minor. The preferred alternative for the proposed project satisfies the requirements for a programmatic evaluation as a transportation project that has a net benefit to a Section 4(f) property (70 FR 20618, published April 20, 2005). Under these requirements, a “net benefit” is achieved when the transportation use, the measures to minimize harm, and the mitigation incorporated into the project results in an overall enhancement of the Section 4(f) property when compared to the future do-nothing alternative, the avoidance alternatives, and the present condition of the Section 4(f) property, considering the activities, features, and attributes that qualify the property for Section 4(f) protection.

Conversely, a project does not achieve a “net benefit” if it will result in a substantial diminishment of the function or value that made the property eligible for Section 4(f) protection.

Purpose and Need

The purpose of this project is to implement road infrastructure, multi-modal access, and site improvements identified in the 2007 TLRA Master Plan linking the City of Fairbanks and the FNSB to the TLRA and to federally-managed lands along the Tanana River. The need for this project is illustrated by the increasing public use of the TLRA amenities. Initially the TLRA was constructed for a visitation level assumed to exceed 100,000 visitors annually upon the completion of the TLRA. However, visitation continues to far exceed this assumption with 198,468 users in 2017 to 207,954 users in 2018. It is likely that visitation would continue to increase as the TLRA amenities are fully developed with new uses attracting a wider range of visitors. The proposed project would resolve the existing indirect access, lack of amenities, poor road surfaces, and lack of visibility that all contribute to inefficient and unsafe access to the TLRA facilities. Specifically, it would complete a new, shorter, safer, and more functional route via South Lathrop Street, a new entrance station, a Northlake Lane connection to South Lathrop Street, new restrooms, an expanded parking lot at the swim beach, ADA compliance and access, and electrical utility. Implementation also is needed to fulfill the public's needs and recommendations of the Master Plan.

Description of, and use of, Tanana Lakes Recreation Area

The proposed TRRA Improvements Project requires the use of an identified Section 4(f) property. The proposed project would include the development of approximately 18.5 acres (1.9 percent) of the 980-acre recreation area. Of the 18.5 acres project footprint, approximately 8 acres of undeveloped land would

be converted to transportation use. These 8 acres represent approximately 0.7 percent of the remaining 900 acres of undeveloped land. Approximately 3.0 acres of wetlands and waters of the U.S would be impacted by the TRRA. This represents less than 0.5 percent of the 650 acres of waters and wetlands of the TLRA. Approximately 10 acres of the proposed project consist of previously disturbed land such as roads and parking areas. Temporary impacts from construction may include traffic delays and impacts to recreation area access. The proposed project benefits the Section 4(f) property by improving access and safety of recreation area users, and providing ADA-compliant amenities.

Feasible and prudent avoidance alternatives, other alternatives, and findings

Unless the use of a Section 4(f) property is determined to have a *de minimis* impact, FHWA must determine that no feasible and prudent avoidance alternative exists before approving the use of such land (23 CFR 774.3). The evaluation of feasible and prudent alternatives to the use of a Section 4(f) property must satisfy the requirement that “all practical alternatives... [must be] evaluated.”

Feasible and prudent avoidance alternatives are those that avoid using any Section 4(f) property and do not cause other severe problems of a magnitude that substantially outweigh the importance of protecting the Section 4(f) property (23 CFR 774.17). The first step in determining whether a feasible and prudent avoidance alternative exists is to identify a range of project alternatives including those that avoid using Section 4(f) property.

“To demonstrate that there are no feasible and prudent alternatives to the use of Section 4(f) property, the programmatic evaluation analysis must address alternatives that avoid the Section 4(f) property. The following alternatives avoid the use of the Section 4(f) property:

- Do nothing.
- Improve the transportation facility in a manner that addresses the project's purpose and need without a use of the Section 4(f) property.
- Build the transportation facility at a location that does not require use of the Section 4(f) property.

This list is intended to be all-inclusive. The programmatic evaluation does not apply if a feasible and prudent alternative is identified that is not discussed in this document.” Federal Register Volume 70, Number 75

Avoidance

Alternative 1: Do Nothing/No Build

The No Build Alternative would not involve the use of Section 4(f) property. However, according to the FNSB, the existing transportation conditions contribute to the inefficient and unsafe transportation access to the TLRA facilities. The No Build Alternative would not resolve the existing transportation, safety, and ADA-compliance issues such as indirect access, lack of amenities, poor road surfaces, and lack of visibility that all contribute to inefficient and unsafe access to the TLRA facilities. Under this alternative, there would not be any transportation and facility improvements, and the access and safety issues would remain unchanged. In addition, the TLRA would remain out of compliance with the ADA.

Implementation of the proposed project is necessary to serve the public's needs and meet the recommendations of the TLRA Master Plan. The No Build Alternative is not feasible and prudent because it would neither address nor correct the transportation and ADA needs cited as the NEPA purpose and need, which necessitates the project. This alternative is determined to fail the Section 4(f) prudent and feasible standard and is not recommended.

Alternative 2: Improvement in Place Without Using Section 4(f) Properties

It is not feasible and prudent to avoid Section 4(f) property by using engineering design or road transportation system management techniques, such as minor location shifts, changes in engineering design standards traffic diversion, or other traffic management measures because these would result in a substantial missed opportunity to benefit a Section 4(f) property and would not address or correct the problems cited as the NEPA purpose and need which necessitates the proposed project. For example, an improvement in place without using Section 4(f) properties would not be consistent with the TLRA Master Plan recommendations to provide an entrance road at South Lathrop Street to enhance security and reduce vehicle miles traveled for local and regional residents, and improve roads and parking facilities. In addition, this alternative would fail to attain compliance with the ADA.

This alternative is not feasible and prudent because it would not address or correct the transportation needs cited as the NEPA purpose and need, which necessitates the project and is not a feasible and prudent avoidance alternative. This alternative is determined to fail the Section 4(f) prudent and feasible standard and is not recommended.

Alternative 3. Build the transportation facility at a location that does not require use of the Section 4(f) property.

The purpose of the proposed project is to improve access and safety of existing transportation facilities and to provide a new access point that provides a shorter drive distance to the TLRA for local and regional residents. The purpose and need can only be met by using the Section 4(f) property. A new location would result in substantial adverse social, economic, or environmental impacts (e.g., a new location would substantially impact more floodplains, wetlands, and forested areas).

This alternative does not meet the transportation purpose and need of the proposed project and is not a feasible and prudent avoidance alternative. This alternative is determined to fail the Section 4(f) prudent and feasible standard and is not recommended.

Mitigation

Proposed Project

The Proposed Project includes all possible planning to minimize harm, and the official with jurisdiction (OWJ) has agreed to the proposed mitigation in writing. The project does not require major alteration of the characteristics of the Section 4(f) property. Of the 18.5 acres project footprint, approximately 8 acres of undeveloped land would be converted to transportation use. These 8 acres represent approximately 0.7 percent of the remaining undeveloped land. Approximately 900 acres of undeveloped land remains for recreational opportunities.

In the absence of a feasible and prudent avoidance alternative, as defined in FHWA regulations, FHWA has incorporated engineering design methods along the preferred alternative to minimize harm to, and enhance recreational opportunities of the TLRA. FHWA considered design refinements, such as alignment shifts, grading methods, and landscaping to reduce impacts to Section 4(f) properties.

All appropriate measures to minimize harm and subsequent mitigation that preserves and enhances those activities, features, and attributes of the Section 4(f) property that originally qualified the property for Section 4(f) protection have been incorporated into the project's design. A complete list of mitigation measures is available in Section 6 of the TRRA Improvements Project Environmental Assessment.

The following mitigation and minimization measures included in this evaluation:

- Minimize impacts to sensitive resource such as wetlands and waters through the design process;
- Avoid impacts to vegetation and larger diameter trees to the extent practicable;
- Restore disturbed areas with native vegetation to extent practicable;
- Provide improved vehicle, pedestrian, and bicycle access to the TLRA;
- Provide continued access to the TLRA during construction to extent practicable.

Enhancements and Benefits to the Section 4(f) Property

The TLRA Master Plan recommendations and other enhancements that are included in this proposed project include:

- Improve and extend South Lathrop Street at Sanduri Road to the Tanana Flood Control Levee (TFCL) to improve visitor access and safety.
- Provide a new road/rail at-grade crossing including all active traffic control devices and signage for pedestrian, bicycle, and vehicle safety.
- Extend and pave South Lathrop Street to the non-motorized boat launch, improving the road surface and providing more centralized access from Fairbanks to the TLRA.
- Create an area for a future new entrance station area on South Lathrop Street south of the TFCL, improving safety and enhancing visitor experience by providing information upon entry.
- Extend Northlake Lane to connect to the new entrance road (South Lathrop Street), creating a more centralized access route to the TLRA amenities.
- Expand and improve the swim beach parking lot to accommodate visitor capacity and avoid use of Northlake Lane for parking.
- Provide ADA-compliant facilities including restrooms at the swim beach parking lot and non-motorized boat launch, paths between playground, the swim beach, and swim beach parking area, and a new ADA non-slip beach access mat.
- Install electrical utility access via an overhead line with power poles.
- Regrade and resurface motorized boat launch and non-motorized boat launch and install electrical outlets to accommodate visitor capacity and improve stormwater treatment.

These enhancements and recommendations result in a net benefit to the TLRA.

Coordination

The following activities for coordination and public involvement have been completed or are ongoing for the proposed project:

- Tribal coordination and outreach began in October 2020 and is ongoing;
- The TLRA 2007 Master Plan was developed through public coordination and input;
- Coordination continues with regulatory agencies;
- NEPA processes are ongoing, including release of the EA for public review and comment; and
- A public meeting to present the proposed project and EA is planned for 2021.

Based on the above considerations, there are no alternatives to the TRRA Improvements Project that satisfy the Project Purpose and Need without impacts to the 4(f) resource. The proposed action includes all possible planning to minimize harm to the adjacent recreation lands. As proposed, the Preferred Alternative would result in a net benefit to the TLRA.

Approval Procedures

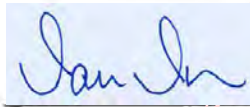
Based on the information provided in this Programmatic Evaluation, the FHWA has determined that this project meets the applicability criteria, that all the alternatives have been fully evaluated, and that the

recommended alternative is the only feasible and prudent alternative. The findings in this programmatic evaluation result in a clear net benefit to the Section 4(f) property.

The FHWA has also determined that the project will minimize harm through the implementation of the minimization and mitigation measures. Coordination and public involvement efforts described above are ongoing. In addition, the OWJ has concurred with this determination (see signature below).

Approval Signature(s):

Date _____

A blue digital ink signature of Dan Donovan.

Digitally signed by
DANIEL D DONOVAN
Date: 2021.06.14 13:47:42
-04'00'

Dan Donovan,
Chief of Business Operations
FHWA

Date 6/7/21

A handwritten signature in black ink, likely belonging to Michael Bork.

Official with Jurisdiction
Michael Bork, Director
Fairbanks North Star Borough Parks & Recreation