

South Mountain Transportation Corridor Study



Citizens Advisory Team
Draft Technical Report Summary

Section 4(f) and 6(f) Resources

Why study Section 4(f) and 6(f) resources in the Environmental Impact Statement (EIS)?

In the 1960s, the federal government recognized that a national policy focus regarding development of the nation's transportation infrastructure needed to be created to protect the natural beauty of the countryside, public parks and recreation lands, wildlife and waterfowl refuges and historic properties. In response, the Secretary of Transportation was directed to consult and cooperate with other federal agencies and with states to develop transportation plans and programs that include measures to maintain or enhance the natural beauty of lands traversed by federally funded freeways. The policy targeted protections for:

- parks and recreation areas
- wildlife and waterfowl refuges
- historic properties

From this policy direction, the U.S. Department of Transportation (USDOT) Act of 1966 (as amended) included a special provision to carry out this effort, which is called Section 4(f). Section 4(f) states that the Secretary of Transportation "may approve a transportation program or project . . . requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if—(1) there is no prudent and feasible alternative to using that land; and (2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use" (49 U.S.C. § 303).

Indirectly related to Section 4(f) is Section 6(f) of the Land and Water Conservation Fund Act (LWCFA). Section 6(f) is administered by the Department of the Interior's National Park Service (NPS) and pertains to projects that would cause impacts on or the permanent conversion of outdoor recreational property acquired with LWCFA assistance. Section 6(f) prohibits the conversion of property acquired or developed with these grants to a nonrecreational purpose without approval from the Interagency Committee for Outdoor Recreation (IAC) and the NPS. The NPS must ensure replacement lands of equal value, location and usefulness are provided as conditions of approval for land conversions. Section 4(f) is applicable only to USDOT actions, while Section 6(f) is applicable to any transportation project.

Section 4(f) and Section 6(f) are often discussed in the same context because it is not uncommon for recreational resources to receive LWCFA funding, making Section 6(f) at times integral to the Section 4(f) process, which is typically considered a more stringent requirement to uphold. The study team analyzed potential impacts on these protected resources since the construction and operation of a freeway, like the proposed South Mountain Freeway, could reduce the number of these protected resources or alter their integrity.

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What kind of impacts could occur from construction?

The types of impacts on resources afforded protection under Section 4(f) and 6(f) that could occur as a result of implementing a project like the proposed South Mountain Freeway include:

- direct conversion of resources afforded protection under Section 4(f) and 6(f) to a transportation use
- severe proximity impacts that substantially impair attributes qualifying a resource for protection under Section 4(f) (for a freeway project, such impacts could occur from increased noise levels, changes to important viewsheds contributing to the resource being protected under Section 4(f) or substantial obstruction of access to the resource)

How do the action alternatives differ in construction-related impacts?

Through an iterative process, the alignments of all the action alternatives in the Western Section of the Study Area have been adjusted to avoid direct use of Section 4(f) and 6(f) resources (although properties could still be discovered that are afforded such protection). Some action alternatives are located close to the protected resources. However, it has been determined the impacts from such proximity would not substantially impair the use of the resources. Therefore, implementation of any of the Western Section action alternatives would have similar potential, but minor, “non-use” impacts on Section 4(f) resources.

In the Eastern Section of the Study Area, implementation of the E1 Alternative would directly and adversely affect Section 4(f) resources. The E1 Alternative would acquire a small portion of the South Mountains, which is afforded protection because it is a significant publicly owned park (Phoenix South Mountain Park/Preserve [SMPP]), a historic property, and a traditional cultural properties (TCP) (recognized by several Native American groups as sacred). The E1 Alternative would also cross the planned Sun Circle/Maricopa Trail near the mountains. To reduce the impacts to the trail, the freeway would be constructed to span it.

None of the action alternatives would have Section 6(f) impacts.

What kinds of freeway operational impacts (postconstruction) would occur?

Freeway traffic-related noise would be introduced to adjacent lands where such noise doesn't currently exist. Modeled noise levels above the Arizona Department of Transportation's (ADOT) noise standards would be mitigated prior to opening the freeway.

The proposed freeway would be the dominant feature in the area (except near Interstate 10, Papago and Maricopa Freeways). Any of the action alternatives would impact the visual setting of the surroundings. Visual impacts could be reduced by blending the color and form of appropriate freeway features (noise walls, bridges, slopes) with the surrounding environment.

The location of access to some Section 4(f) properties could be modified.

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What if the project were not constructed?

No project-specific impacts would be experienced. However, selection of the No Action Alternative would not prevent implementation of other transportation infrastructure improvements in the Study Area. Such improvements, along with projected increases in traffic volumes, could cause adverse impacts on some Section 4(f) resources in the Study Area because of the number of resources in the Study Area.

Would any specific and/or unique impacts arise with implementation of any of the action alternatives?

The South Mountains are a unique and well-recognized feature in metropolitan Phoenix. They are eligible for the National Register of Historic Places (NRHP) because they are considered a TCP by some Native American communities in the state. Within the SMPP boundaries, they represent one of the largest urban parks in the nation at approximately 16,500 acres.

As currently proposed, the E1 Alternative would result in the acquisition of approximately 32 acres of SMPP. This is approximately 0.2 percent of the total area of the park. This is also 8.5 acres less than what was proposed to be needed when planning for this proposed freeway began in the late 1980s.

Could design of any of the action alternatives help avoid impacts to SMPP?

Design options were considered for construction of the E1 Alternative through the South Mountains' ridges. They included cuts, tunnels and bridges and the different profile options associated with each. All of the options would result in use-related impacts to the resources protected by Section 4(f). For the reasons described in the Technical Memorandum Summary, *Profile Options at the South Mountains' Ridges*, ADOT (February 2008), the bridge and tunnel options were determined to not be prudent and feasible and were, therefore, eliminated from further consideration.

Currently, it appears the only option for avoiding direct impacts on the Section 4(f) resources associated with the South Mountains would be to study alignments south of the mountains on Gila River Indian Community (GRIC) land. Although coordination with the GRIC is ongoing, no permission has been given to ADOT to study such alternatives.

What could be done to further reduce impacts?

ADOT could undertake a range of activities during construction to reduce impacts on the resources. ADOT and FHWA are working with the City of Phoenix, GRIC and other stakeholders to explore what could be done to minimize harm to the South Mountains. Coordination is ongoing and would likely continue through construction, should an action alternative be selected. The types of measures that could be undertaken include:

- constructing barriers to reduce noise levels
- blending the freeway with the surrounding environment as much as practicable to minimize visual impacts of the section of freeway adjacent to Section 4(f) resources; for

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instance, clustering or grouping plant material in an informal pattern to break up the linear form of the freeway and/or using earthen colors for noise barriers and lighting elements to blend with the surrounding environment

- screening views of the freeway and sound walls using vegetation buffers
- providing multiuse grade separations (bridges or large culverts) for access to the South Mountains
- setting aside areas for parking and access to trailheads
- acquiring additional lands to replace those used for the freeway

Are the conclusions presented in this summary final?

Quantitative findings relative to impacts could change. Potential changes would be based on outcomes related to the following issues and will be presented to the public as part of publication of the Draft EIS, Final EIS and, if an action alternative were selected, in the final design process. The issues include:

- refinement in design features through the design process
- updated aerial photography as it relates to rapid growth in the Western Section of the Study Area
- ongoing communications with the City of Phoenix, GRIC, and other stakeholders to finalize measures to minimize harm to the South Mountains
- ongoing communications with the GRIC regarding granting permission to study action alternatives on GRIC land
- ongoing consideration of public comments
- potential updates to traffic forecasts as regularly revised by the Maricopa Association of Governments
- potential changes regarding updated census data
- regularly updated cost estimates for construction, right-of-way acquisition, relocation and mitigation

Even with these factors possibly affecting findings, the study team anticipates effects would be equal among the alternatives and, consequently, impacts would be roughly comparable. This assumption would be confirmed if, and when, such changes were to occur.

As a member of the Citizens Advisory Team, how can you review the entire technical report?

The complete technical report is available for review by making an appointment with Mike Bruder at 602-712-6836 or Mark Hollowell at 602-712-6819.