

WA PFH 21(3)
Inland Empire, Kettle Falls Information Center
***De Minimis* Section 4(f) Determination**

Introduction

The Western Federal Lands Highway Division (WFLHD) of the Federal Highway Administration (FHWA), in partnership with the U.S. Department of Agriculture, Forest Service (USFS), Colville National Forest (CNF), and the City of Kettle Falls (City), Washington (WA), proposes to construct a regional information center adjacent to U.S. Highway (Hwy.) 395/ State Hwy. 20 and within the city limits of Kettle Falls (see Vicinity Map). The City is an entry point to the Sherman Pass Scenic Byway, which starts in the City of Kettle Falls along Hwy. 395/20 ending in the city of Republic. The Sherman Pass Scenic Byway has also been designated a National Forest Scenic Byway. The City is located in Stevens County and is approximately 78 miles north of Spokane, WA. The proposed project will be located on a city-owned parcel, which is approximately 2 acres in size at the intersection of Hwy. 395 and Juniper Street. It is adjacent to a privately owned park, Happy Dell Park.

Purpose and Need

Sherman Pass Scenic Byway stretches approximately 40 miles between the communities of Republic to the west and Kettle Falls to the east. The road climbs steeply to cross Sherman Pass, Washington's highest maintained pass. This byway follows a historic route used by Native Americans as they made their way to fishing grounds along the Columbia River, later followed by fur traders, missionaries, and white settlers migrating from the east.

Today's major attractions along this route include the Sherman Pass Scenic Byway itself, the Kettle Crest National Recreation Trail, the Lake Roosevelt National Recreation Area, the CNF, the community of Kettle Falls and many other small communities surrounding Lake Roosevelt. Kettle Falls has become a gateway community and a natural hub for travelers and visitors coming to the region for a recreation experience.

The purpose of the proposed project is to provide a parking area and a visitor information center to provide some cultural history of the surrounding region for those visitors entering the Sherman Pass Scenic Byway. The proposed project is compatible with the goals and objectives of the *Draft Kettle Falls Past, Present & Future Community Revitalization Plan* (City of Kettle Falls, April 2005), *The Northeast Washington Regional Planning Organization Regional Plan* (Tri-County Economic Development District, 2004), and the *Sherman Pass Scenic Byway Corridor Plan* (USFS, February 2004).

The existing information center is managed by the City's Chamber of Commerce. It is located in a small (10-foot x 14-foot) structure on land leased from the Northern Burlington Santa Fe (NBSF) Railroad. It serves visitors by providing a brochure rack, state maps, and a few picnic tables. There are no restrooms available, and the facility is not wheelchair accessible. There is limited access to the facility, no sidewalks, and no on-site parking; visitors must park at the neighboring restaurant or railroad maintenance lot and walk across a grassy area to gain access to the information center. Recreational vehicles and vehicles with trailers cannot maneuver into the

neighboring parking lots without creating a safety hazard to pedestrians, other motorists or themselves because the parking areas lack the capacity to handle additional visitors other than what they were originally designed for. The needs of the traveler and the function of the existing facility have far outgrown its capacity.

Section 4(f) Protection of Resources

Section 4(f) of the U.S. Department of Transportation Act of 1966 states that “the Secretary shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from a historic site of national, state, or local significance as determined by such officials unless (1) there is no prudent and feasible alternative to the use of such land, and (2) and such program includes all possible planning to minimize harm to such park, recreation areas, wildlife and waterfowl refuge, or historic sites resulting from such use.”

Section 6009(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59 amended existing Section 4(f) legislation at Section 138 of Title 23 and Section 303 of title 49, United States Code, to simplify the processing and approval of projects that have only *de minimis* impacts on lands protected by Section 4(f). This revision provides that once the Department of Transportation (DOT) determines that a transportation use of Section 4(f) property, after consideration of any impact avoidance, minimization, and mitigation or enhancement measures, results in a *de minimis* impact on that property, an analysis of avoidance alternatives is not required, and the Section 4(f) evaluation process is complete.

Impacts of a transportation project on a park, recreation area, or wildlife and waterfowl refuge that qualifies for Section 4(f) protection may be determined to be *de minimis* if:

- 1) The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f); and
- 2) The officials with jurisdiction over the property are informed of FHWA’s intent to make the *de minimis* impact finding based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f); and
- 3) The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource.

The amendments further allow that after the DOT has considered any impact avoidance, minimization, and mitigation or enhancement measures, and made the *de minimis* determination, that it is not necessary to analyze avoidance alternatives, and the Section 4(f) is complete.

The WFLHD is investigating the possibility of using a *de minimis* finding for the proposed Inland Empire, Kettle Falls Information Center (KFIC) project through this public information gathering and through the processes described below.

Description of the 4(f) Property

The future home of the KFIC will be located on a 2-acre city-owned parcel abutting Happy Dell Park. Happy Dell Park is owned by the Kettle Falls Park Committee, a private non-profit corporation. It is the primary park for the community of Kettle Falls. The park consists of a playground, softball field, tennis courts, public restrooms, picnic tables and barbeque pits (BBQs), a pavilion and an historical display. Despite the fact that it is a privately-owned park, it is open for public use.

The KFIC parcel consists of a dry, flat open area with gravel and some grass. Small gravel access roads are located on two sides of the parcel. Fencing parallels city streets along the other two sides. A few medium sized conifer trees and a picnic area are located on the northern half of the parcel. An informational kiosk and several larger deciduous trees are located near the entrance off Hwy. 395.

The City currently leases and maintains Happy Dell Park along with the KFIC parcel. At one time the KFIC parcel was owned by a commercial business which was destroyed by a fire. After the fire, the City acquired the parcel, and over the last several years, the City has made improvements; such as picnic tables, BBQs, grassy and gravel areas. Even though the city's parcel is not designated as a park, the perception of this parcel is that it is a part of Happy Dell Park.

The existing lease expires in 2011, at which time the park will be available to the City for purchase. Once the acquisition of Happy Dell Park occurs, the Kettle Falls Information Center parcel will formally be incorporated into Happy Dell Park.

Proposed Action

WFLHD proposes to make the following improvements as part of the Inland Empire, KFIC project.

- A wheelchair accessible visitor information center with restrooms,
- A formalized parking area with interpretative signs, and
- If sufficient funds become available, the gravel access roads could be re-graveled.

Effects of the Proposed Project

The majority of the proposed work will be restricted to a previously disturbed parcel which the City owns where a commercial business and parking area were once located. Over the years, the City has maintained the parcel's surface as grass and partially graveled the roads for public use

for the visitors to Happy Dell Park. Approximately 3,800 square feet (sq. ft.) will be developed for transportation use as follows:

- Parking area: 1,500 sq. ft., and
- Information Center: 2,300 sq. ft.

During construction, noise from heavy equipment could pose a temporary annoyance to park visitors. No disturbances to threatened and endangered species are anticipated. No impacts to wetlands and waters of the U.S. are anticipated.

The proposed action would provide the public the opportunity to an aesthetically pleasing wheelchair accessible visitor information center for the Sherman Pass Scenic Byway and the cultural history of the surrounding region. This would be a beneficial impact to the adjacent city park and the City of Kettle Falls. The proposed action would comply with the purpose and need of the proposed action.

Minimization and Mitigation

Excess material that can not be used during construction will be legally disposed of off site according to federal, state and local requirements. The proposed KFIC will be constructed on previously disturbed ground, minimizing new ground disturbance. Exposed ground after construction will be vegetated.

Coordination

The proposed project is being coordinated by WFLHD, in partnership with the U.S. Department of Agriculture, Forest Service, Colville National Forest, and the City of Kettle Falls, Washington. Western Federal Lands Highway Division has informed the City of Kettle Falls of its intent to make a *de minimis* determination.

***De Minimis* Determination and Public Input**

Western Federal Lands Highway Division welcomes your comments on the effects of the project on the projected activities, features and attributes for the future home of the KFIC, the Section 4(f) resource. Please mail or e-mail any comments you have to:

Ms. Susan Pobar
610 East Fifth Street
Vancouver, WA 98661
susan.pobar@fhwa.dot.gov

Susan can also be reached at 360-619-7700. All comments need to be received by April 11, 2008.

