

DRAFT

**EVALUATION AND DOCUMENTATION OF A
DE MINIMIS FINDING TO SECTION 4(F) PROPERTY
FOR PUBLIC PARKS, RECREATION LANDS, AND
WILDLIFE AND WATERFOWL REFUGES**

AHTD Job Number 040569
FAP Number BRN-9142(28)
West & Middle Forks White River Strs. & Apprs. (Fayetteville)(S)
Washington County

Lake Sequoyah Park
City of Fayetteville

January 25, 2012

Federal Highway Administration

Arkansas State Highway and Transportation Department

What is Section 4(f)?

Section 4(f) is part of a law that was passed to protect public parks, recreation areas, wildlife/waterfowl refuges, and important historic sites from being harmfully affected by transportation projects.

Does Section 4(f) Apply to Lake Sequoyah Park?

Lake Sequoyah Park is an important public park and recreational area for the City of Fayetteville (Figure 1).

After we do an evaluation such as this, some Section 4(f) impacts can be recognized as *de minimis*, which means relatively minor. We will present information to prove that there are only minor impacts to Lake Sequoyah Park. We can have a *de minimis* finding on projects that meet the conditions shown in Table 1.



Figure 1. Lake Sequoyah Park

Table 1	
When can we use a <i>de minimis</i> finding on Section 4(f) properties?	Does it apply to this project?
Did we specially design the project to protect Lake Sequoyah Park as much as possible? Did we use mitigation and enhancement where it was suitable?	Yes
Did the officials with authority over Lake Sequoyah Park have a chance to consider this information and agree that the project will not greatly harm the things that make Lake Sequoyah Park important?	Yes
Did the public have an opportunity to review and comment on the effects of the project on Lake Sequoyah Park and the things that make it important to them?	Yes

What is the proposed road project?

The AHTD, in conjunction with the Federal Highway Administration (FHWA), proposes to replace the two bridges on Highway 16 crossing the West and Middle Forks of the White River. The bridge replacement over the Middle Fork, shown in Figure 2, will impact Lake Sequoyah Park.



Figure 2. Existing Hwy. 16 Bridge Over the Middle Fork

Why is Lake Sequoyah Park Important?

Lake Sequoyah Park is located in Washington County, Arkansas, and owned by the City of Fayetteville. The park property includes 1,284 acres. The main purpose of Lake Sequoyah Park is for recreation on and around Lake Sequoyah, including the following recreational activities:

- Hiking
(see Figure 4)
- Mountain Biking
(see Figure 4)
- Boating
(see Figure 5)
- Fishing
- Birdwatching
- Picnicking



Figure 4. Hiking/Mountain Biking Trail



Figure 5. Lake Sequoyah Boat Launch

Can We Avoid the Park?

The road construction will require property acquisition from Lake Sequoyah Park as the new bridge will be constructed offset of the existing bridge to maintain traffic on Highway 16 during construction. Lake Sequoyah Park surrounds AHTD right of way on both sides of the highway, so it is not possible to avoid the park.

What Will the Project Do To the Park?

The roadway improvements will require the acquisition of 3.1 acres of park property. The portion of Lake Sequoyah Park that will be used by the road construction is located along Highway 16, as shown in Figure 6. No recreational activities occur on the property to be taken for the road project. Figure 6 shows the area of Lake Sequoyah Park that will be affected. Impacts to the park that result from highway construction will include:



Figure 6. Typical Land to be Acquired from Lake Sequoyah Park (South Side Hwy. 16)

- 3.1 acres of Lake Sequoyah Park will be taken for right of way.
- The Middle Fork of the White River may have temporary restrictions on river traffic during construction (no longer than 30 minutes at a time).
- There may be temporary increases in noise levels during demolition of existing and construction of new structures.

What Did We Do to Reduce Harm to the Park?

The following measures were included in the proposed project to reduce harm to Lake Sequoyah Park:

- The additional right of way needed was minimized as much as possible.
- Special provisions will be added to the contract for boater safety, as well as limiting the amount of time the Middle Fork can be closed to river traffic.
- Other additional enhancement opportunities will be examined for feasibility, such as the expressed interest of the City of Fayetteville for improved access to Lake Sequoyah Park on Highway 16.

How Did We Involve the Public In This Evaluation?

A Public Notice in the local newspaper has invited everyone to review and comment on the proposed project's impacts. A summary of these comments will be included in Appendix A when available.

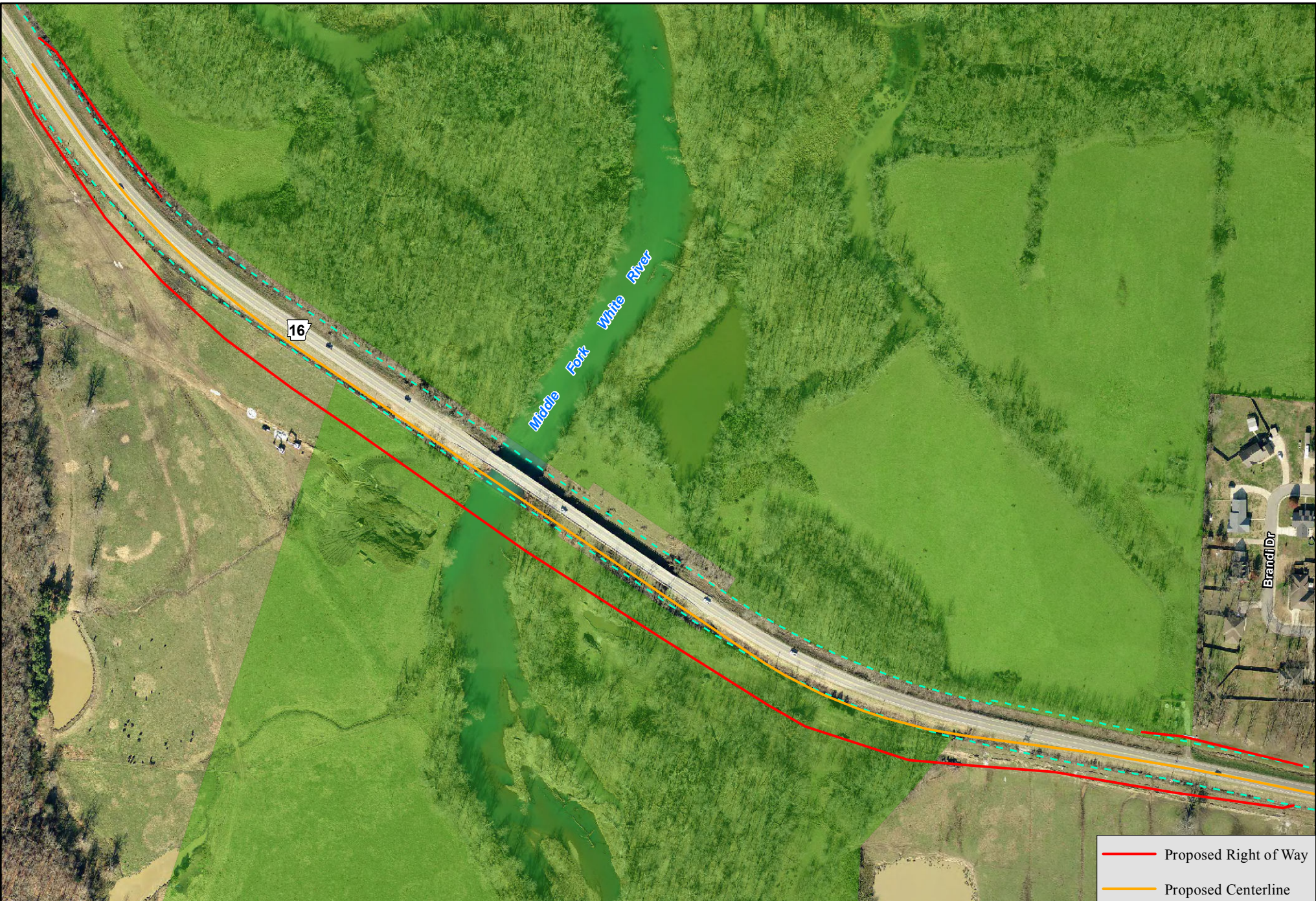
A public involvement meeting was held on January 26, 2012. At this meeting, the proposed project's impacts on Lake Sequoyah Park were presented on displays and handouts, with the opportunity to comment on the project. A summary of comments received related to Lake Sequoyah Park, as well as the Section 4(f) handout, will be included in Appendix A when available.

The City of Fayetteville has agreed that this project will not have a harmful effect on Lake Sequoyah Park. A signed copy of this agreement will be included in Appendix A when available.

What is the Decision?

We believe that this evaluation determines that the proposed roadway improvement will not harm the protected features, qualities, or activities that make the park important for recreation under Section 4(f), thus qualifying for a *de minimis* finding on Lake Sequoyah Park.




APPENDIX A



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Feet

AHTD - Environmental GIS - Reed
January 19, 2012

Job 040569
West & Middle Forks White River Strs. & Apprs.
(Fayetteville) (Hwy. 16)
Washington County

-  Proposed Right of Way
-  Proposed Centerline
-  Existing Right of Way
-  Lake Sequoyah Park

Photography Date: 2010

ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT

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January 25, 2012

The Honorable Lioneld Jordan
113 West Mountain Street
Fayetteville, AR 72701

Re: AHTD Job Number 040569
West & Middle Forks White River Strs.
& Apprs. (Fayetteville) (S)
Washington County

Dear Mayor Jordan:

The Arkansas State Highway and Transportation Department (AHTD) is proposing a project to improve Highway 16 by replacing two bridges on the West and Middle Forks of the White River in the City of Fayetteville, Washington County.

The proposed highway right of way passes through Lake Sequoyah Park. The primary uses of the park are recreational activities such as boating, birdwatching, hiking, fishing, mountain biking, and picnicking.

The determination has been made by the AHTD that the proposed project will not adversely affect the protected features, attributes or activities qualifying the property for protection under Section 4(f), thus qualifying for a *de minimis* finding on the Lake Sequoyah Park property (see the enclosed *De Minimis* Section 4(f) Evaluation). The AHTD's proposal includes all possible planning to minimize harm to the recreational use.

The total area of Lake Sequoyah Park is 1,284 acres. Approximately 3.1 acres of property will be acquired from the facility as additional right of way. The land conversion affects an area where no recreational activities occur. Impacts as a result of the highway construction will include temporary restrictions on river traffic (no longer than 30 minute periods) and temporary increases in noise levels during construction. Recreational uses after construction of the highway will be unchanged from the present conditions.

Several measures have been incorporated into the project to assure that the proposed project does not jeopardize the recreational value of the park. These measures included as part of the proposed project are:

- The additional right of way needed was minimized as much as possible.
- Special provisions will be added to the contract for boater safety, as well as limiting the amount of time the Middle Fork can be closed to river traffic.
- Other additional enhancement opportunities will be examined for feasibility, such as improved access to Lake Sequoyah Park on Highway 16.

A requirement of the Section 4(f) process for a *de minimis* finding is an opportunity for the public to comment on the *De Minimis* Section 4(f) Evaluation. The draft *De Minimis* Section 4(f) Evaluation was made available for review and comment by the public, and any comments received have been addressed in the draft *De Minimis* Section 4(f) Evaluation that is enclosed.

If you have any questions, comments or wish to discuss the impacts to the park further, please contact Susan Staffeld or Don Nichols at (501) 569-2281.

If you agree with the assessment of the impacts of this project and the proposed minimization and mitigation for the impacts on Lake Sequoyah Park, please sign the statement below and return it to us. Thank you for your cooperation.

Sincerely,

Lynn P. Malbrough
Division Head
Environmental Division

LPM:SS:fc

Enclosure

I concur with the assessment and the proposed minimization and mitigation of impacts to the Lake Sequoyah Park as detailed in the enclosed Section 4(f) Evaluation and documentation of *De Minimis* Findings to Section 4(f) Property for Public Parks, Recreation Lands, and Wildlife and Waterfowl Refuges.

Signature

Title

Date