

5. SECTION 4(F) ANALYSIS

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5.1. Introduction

Section 4(f) of the United States Department of Transportation Act of 1966 states, as national policy, that "special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites". A Final Rule was issued in 2008 which clarified the Section 4(f) approval process, simplified its regulatory requirements, and moved the Section 4(f) regulations to 23 CFR 774.

The Act states that the Secretary of Transportation may approve a taking of such lands of national, state or local significance only when:

1. There is no prudent and feasible alternative to using the land, and
2. The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife refuge, or historic site resulting from the use.

An alternative is considered feasible if it can be constructed as a matter of sound engineering.

An alternative is considered prudent if it satisfies the requirements of 23 CFR 774.17, which includes factors assessing safety or operational problems; how well the project purpose and need are met; the severity of social, economic, or environmental impacts; and the severity of impacts to environmental resources protected under other Federal statutes.

A use of a Section 4(f) resource occurs when land is acquired from the Section 4(f) resource to be incorporated into a transportation facility.

5.2. Project Purpose and Need

The need for the Southern Connector/Champlain Parkway project was identified by studies conducted early in the history of the project, as discussed in Section 1.4. In summary, the existing problems and deficiencies that have been identified are:

1. Congestion (including insufficient capacity to appropriately service traffic volumes and provide appropriate access);

2. Safety concerns created by vehicles utilizing roadways that functionally operate at a higher classification than intended, both along the minor arterials and in neighborhood areas which are acting as short-cuts; and
3. Mix of local and through-traffic in neighborhood areas (including truck traffic) created by a lack of a north/south arterial to access the CCD.

As discussed in Chapter 1, the purpose of the Southern Connector/Champlain Parkway project is to improve access from the vicinity of the intersection of I-189 and U.S. Route 7 (Shelburne Street) to the Burlington CCD.

5.3. Description of Preferred Alternative

Because of the minimal impacts to Section 4(f) resources, which would occur under the preferred alternative, Section 4(f) requirements are satisfied by the *de minimis* provisions of SAFETEA-LU (dated August 10, 2005). Therefore, this discussion of Section 4(f) is being prepared only for Build Alternative 2. If Build Alternative 1 were proposed as the preferred alternative, a draft Section 4(f) evaluation, including avoidance alternatives, would need to be developed for that alternative. For historic sites, a *de minimis* impact means that FHWA has determined (in accordance with 36 CFR Part 800) that either no historic property is affected by the project or that the project will have “no adverse effect” on the historic property. As described in Section 5.6, Build Alternative 2 satisfies the *de minimis* criteria; therefore, no avoidance alternative analysis is required. Measures to minimize harm have been satisfied for the purposes of Section 106 analysis.

The Southern Connector/Champlain Parkway project, located in the southwestern quadrant of the City of Burlington, Vermont, involves the construction of approximately 2.4 miles of new and reconstructed roadway along the C-1 Section, C-2 Section and C-6 Section. Within the 0.6 mile C-1 Section, the project includes lane reductions, shoulder reconfiguration and provides for one lane in each direction. The C-1 Section lane and shoulder reconfiguration involves a reduction in the cross-sectional width of the roadway, which includes replacing the majority of the existing concrete median barrier with a raised grassed median, removal of excess pavement, and the installation of lighting and landscaping amenities. A new shared-use path would also be constructed connecting Pine Street to Shelburne Street (U.S. Route 7) along the northern side of the C-1 Section.

The C-2 Section would commence on new alignment at the northern terminus of the C-1 Section, near Home Avenue, and extend northerly for a length of approximately 0.7 mile, as far as Lakeside Avenue.

The C-6 Section would route traffic around the Pine Street Barge Canal Superfund Site utilizing the existing city-street network to provide access to the CCD. The C-6 Section would commence at the terminus of the C-2 Section at Lakeside Avenue, and proceed easterly along Lakeside Avenue to Pine Street. It would then follow Pine Street north to the CCD via Build Alternative 2.

5.4. Section 4(f) Resources

As stated in Section 5.1, Section 4(f) states "special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites". The following resources are located within the study area:

5.4.1. Historic Resources

There are four Historic Districts, which are either included or eligible for inclusion on the National Register of Historic Places, that are located within the project study area and may be affected by the project. In addition to the four historic districts, there are two individually eligible structures located within the project area. The following sections are a summary of the detailed content specific to the four Historic Districts and the individually eligible structures as presented in Section 3.7 (refer to Figure 5-1).

5.4.1.1 Lakeside Historic District

The Lakeside Historic District was entered on the National Register on May 6, 1982. This Historic District was constructed in 1894 and was originally known as the Lakeside Development. It was managed and maintained by the Queen City Cotton Company for its employees and is the only industrial housing development of its type in Burlington (Figure 5-1).

5.4.1.2 Queen City Cotton Mill Historic District

In the late 1800's, developers continued to be enticed to the area by the open land and new opportunities farther south along Pine Street. Lakeside Avenue opened around the time the Queen City Cotton Mill was built in 1894. The Queen City Cotton Mill/General Dynamics and the concrete railroad bridge built by the Vermont Railroad in 1909, over Lakeside Avenue, are eligible as contributing structures to the Queen City Cotton Mill Historic District. These resources date from the end of the 19th to the mid-20th century, when Lakeside Avenue was an active industrial center, focused around the Queen City Cotton Mill (refer to Figure 5-1).

5.4.1.3 Pine Street Historic District

This eligible District comprises an area along the Pine Street Corridor that historically was defined by the lumber industry in Burlington from the end of the Civil War to around 1900, when Burlington ranked third in the nation for lumber manufacturing. The former Burlington Street Department building, located on Pine Street, and the existing Vermont Railway roundhouse/turntable complex, located within the Burlington Rail Yard are also historical resources within the district (refer to Figure 5-1).

5.4.1.4 Battery Street Historic District

This National Register District, formerly called the Battery Street Neighborhood Historic District, and renamed to the Battery Street Historic District by the National Park Service, was listed on the National Register on November 2, 1977. This District embodies Burlington's earliest settlement which evolved from 1790 to the present. The District was amended on June 28, 1984, to include 126 19th and early 20th century structures in the residential area known as the "South End" (refer to Figure 5-1).

5.4.1.5 Additional Eligible Structures

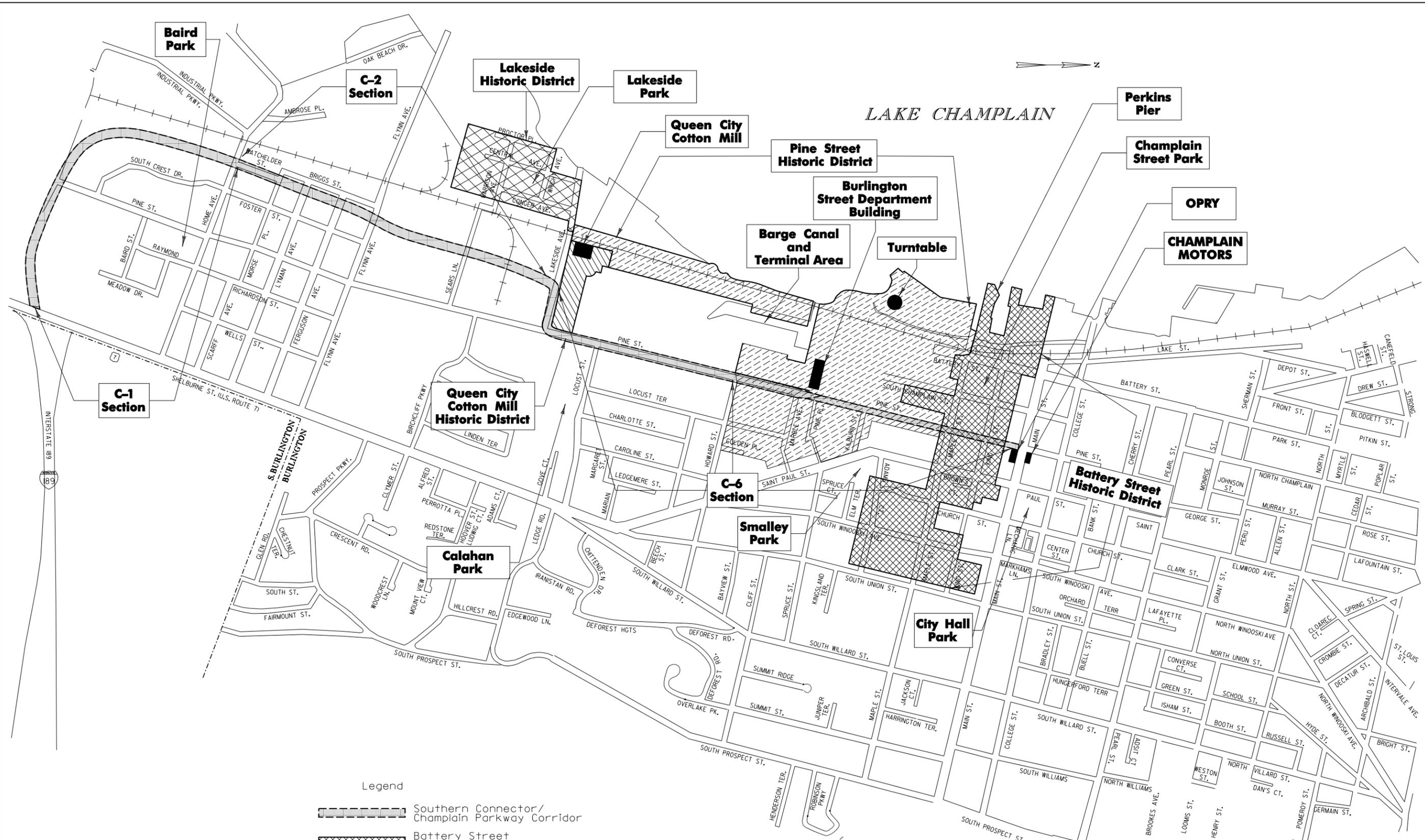
Although not associated with a historic district, two additional structures within the study area are eligible structures (refer to Figure 5-1).

The Champlain Motor Company Showroom is located in the northeastern corner of the Pine Street and Main Street intersection. This structure is a 20th century commercial style two-story structure. This building was one of the first structures in the City of Burlington built expressly to handle the new and lucrative automobile trade of the 1920's. It is part of a complex of buildings known as the Wells-Richardson Complex.

The Opry is located in the southeastern corner of the Pine Street and Main Street intersection. This two-story stone building constructed in 1904 was originally an armory.

5.4.2 Archaeological Sites

The Rutland and Burlington Railroad Site - (VT-CH-736), located within the Burlington Rail Yard is an archaeological resource that has been identified within the area surrounding the proposed corridor for the Southern Connector/Champlain Parkway. An archaeological site is potentially a Section 4(f) resource when the resource needs to be preserved in place.



C-1 Section

C-2 Section

C-6 Section

Legend

-  Southern Connector/Champlain Parkway Corridor
-  Battery Street Historic District
-  Pine Street Historic District
-  Queen City Cotton Mill Historic District
-  Lakeside Historic District

Scale: 1"=1000'

Southern Connector/Champlain Parkway MEGC-M5000(1)



FIGURE 5-1
SECTION 4(F) RESOURCES
AND RECREATION AREAS

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5.4.3 Parks and Recreational Areas

The following publicly owned public parks and recreational areas have been identified in the vicinity of the proposed corridor for the Southern Connector/Champlain Parkway (refer to Figure 5-1). These are:

- Baird Park;
- Lakeside Park;
- Calahan Park (South Park) Recreational Baseball Field, east of Pine Street, between Lakeside Avenue and Locust Street;
- Champlain Street Park;
- Perkins Pier;
- Smalley Park;
- City Hall Park; and
- Lake Champlain (multi-use property that includes recreational activities).

5.5. Use of Section 4(f) Resources

As stated in Section 5.1, a use of a Section 4(f) resource occurs when land is acquired from the Section 4(f) resource to be incorporated into a transportation facility.

Build Alternative 2 would not require the use of most Section 4(f) resources with the exception of the Battery Street Historic District.

5.5.1 Battery Street Historic District

Pine Street, from approximately Maple Street to just south of Main Street is located within the Battery Street Historic District. Build Alternative 2 would primarily utilize the City's existing right-of-way.

It is anticipated that the traffic signal installations proposed at the intersections of Pine Street at Maple Street and Pine Street at King Street would require the acquisition of a minor strip of land from the adjacent contributing structures located within the Battery Street Historic District.

5.6. De Minimis Criteria

In accordance with 23 CFR 774, the following criteria must be satisfied in order for FHWA to be able to make a *de minimis* determination:

1. the Section 106 process of the National Historic Preservation Act must result in a determination of “no adverse effect”;
2. FHWA must inform SHPO of their intention to make a *de minimis* determination; and
3. the public must be informed of the project’s impacts and have an opportunity to comment.

The de minimis criteria have been satisfied for the Preferred Alternative.

It has been determined that the Section 106 process of the National Historic Preservation Act will result in a determination of “no adverse effect” for Build Alternative 2. FHWA has coordinated with VT SHPO regarding their intention to make a *de minimis* determination for Build Alternative 2. The 2006 DSEIS defined the uses of Section 4(f) property resulting from Build Alternative 2. The 2006 DSEIS was circulated for public comment from November 1, 2006 through December 29, 2006.

5.7. Alternatives to Avoid Use of Section 4(f) Resources

Once the FHWA determines that a transportation use of Section 4(f) property results in a *de minimis* impact on that property, Section 4(f) requirements are satisfied and an analysis of avoidance alternatives would not be required.

5.8 Measures to Minimize Harm

The proposed traffic signals that are required at the Pine Street/Maple Street intersection and the Pine Street/King Street intersection would be historically compatible to blend into the surrounding Historic District. This would be accomplished by using pedestal mounted traffic signal poles. This equipment would also be painted to blend into the surrounding Historic District to the extent possible. As a result of FHWA’s Section 4(f) *de minimis* determination for Build Alternative 2, the requirement to develop measures to minimize harm is satisfied by incorporation of the mitigation measures developed under the Section 106 process.

5.9. Coordination

By inclusion in the 2006 DSEIS, Section 106 analysis was circulated for comment from resource agencies and the public. Build Alternative 2 has been developed in consideration

of comments provided by the City of Burlington, VTrans, other reviewing agencies and property owners.

In addition, the Vermont SHPO has been informed of FHWA's intention to make a determination of *de minimis* impact for Build Alternative 2.

5.10 Conclusion

It has been determined that the minor impacts to historic resources by Build Alternative 2 would result in a finding of no adverse effect under Section 106. Section 4(f) requirements are therefore satisfied under the *de minimis* provisions of Section 6009(a) of SAFETEA-LU (dated August 10, 2005).