

Appendix D

Section 4(f) and Section 6(f)
Correspondence



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION X
Alaska, Idaho, Oregon,
Washington

915 Second Avenue
Federal Bldg. Suite 3142
Seattle, WA 98174-1002
206-220-7954
206-220-7959 (fax)

July 25, 2014

Paul Krauss, Director
Community Development Department
City of Lynnwood
PO Box 5008
Lynnwood, WA 98046

**Re: Lynnwood Link Extension Project
Request for Agreement with Determination of Temporary Occupancy**

Dear Mr. Krauss:

As part of the Lynnwood Link Extension Environmental Impact Statement (EIS) documentation process, the Federal Transit Administration (FTA), as the lead federal agency, is finalizing the Section 4(f) evaluation of the potential impacts of the project on public parks and recreational facilities, including the Interurban Trail and the Scriber Creek Trail, both in the City of Lynnwood. Based on our review, we believe these are significant recreational resources for purposes of Section 4(f).

Under Section 4(f) of the U.S. Department of Transportation Act of 1966, FTA cannot approve a transportation project such as Lynnwood Link Extension that requires the use of publicly-owned land from a significant public park, recreation area, or wildlife and waterfowl refuge, or any land from a significant historic site, unless it determines that there is no "feasible and prudent avoidance alternative"¹ to the use of land from the property; and that the action includes "all possible planning" to minimize harm to the property resulting from such use.

Please note that the project's elevated guideway would cross above the trails. This would require air rights, but no physical property would be acquired. For purposes of Section 4(f), FTA distinguishes the need for air rights from the acquisition of land, so that there is no use as long as the aerial structure does not substantially impair the utility of the trail.

However, the law exempts temporary occupancies of land that are so minimal as to not constitute a use. In order to qualify as a temporary occupancy, the following conditions must be satisfied (23 CFR 774.13(d)):

¹ Definitions are found at 23 CFR § 774.17

- The duration of the use must be less than the time needed for construction of the project, and there should be no change in the ownership of the land;
- Both the nature and magnitude of the changes to the Section 4(f) property must be minimal;
- There must be no anticipated permanent adverse physical impacts, nor interference with the protected activities, features, or attributes of the property on either a temporary or permanent basis; and
- The land being used must be fully restored.

Federal guidance encourages early coordination with officials with jurisdiction over the Section 4(f) resource. Before publishing the Draft EIS, Sound Transit and FTA consulted with the City regarding the potential impacts to the trails and possible mitigation of these impacts.

The table below summarizes the Lynnwood Link project's anticipated impacts on the trails as well as Sound Transit's proposed mitigation.

Evaluation of Project's Use of Lynnwood Trails

Resource	Relevant Alternatives	Impacts on Resource	Mitigation Measures/ Enhancement	4(f) Impacts After Mitigation
Interurban Trail	Preferred Alternative	Construction: temporary trail closure of 6 to 12 months.	Detours with public information and signage directing users to detours; restoration of affected areas after construction	Temporary occupancy
Scriber Creek Trail	Preferred Alternative	Construction: temporary trail closure of 6 to 12 months.	Detours with public information and signage directing users to detours; restoration of affected areas after construction	Temporary occupancy

FTA intends to make a finding of temporary occupancy regarding the project's impacts on the two trails, and we are requesting the City's agreement with this finding.

Federal regulations stipulate that officials with jurisdiction over the Section 4(f) resource must document their agreement with a temporary occupancy finding (23 CFR 774.13(d)(5)). We ask that you sign and return this letter, or your own letter in its place, to confirm the City's concurrence with the temporary occupancy determination based on the four criteria and its

City of Lynnwood
July 25, 2014
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agreement with the potential mitigation. Your letter of concurrence, along with FTA's complete Section 4(f) analysis, will be included in the project's Final EIS.

As the project is further refined during final design, Sound Transit will continue to coordinate with the City regarding detour plans and the restoration of the affected areas.

If you have any questions, please contact Dan Drais (Daniel.Drais@dot.gov; (206) 220-4465).

Sincerely,



for Rick Krochalis, Administrator
Region 10

ACKNOWLEDGING CONCURRENCE
FOR THE CITY OF LYNNWOOD:



Paul Krauss, Community Development Director
City of Lynnwood

cc: Lynn Sordel, Director
City of Lynnwood Parks, Recreation, and Cultural Arts



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DD

July 25, 2014

Dick Deal, Director
Parks, Recreation and Cultural Services Department
City of Shoreline
17500 Midvale Ave N
Shoreline, WA 98133

**Re: Lynnwood Link Extension Project
Request for Concurrence with Determination of *De Minimis* Use**

Dear Mr. Deal:

As part of the Lynnwood Link Extension Environmental Impact Statement (EIS) documentation process, the Federal Transit Administration (FTA), as the lead federal agency, is finalizing the Section 4(f) evaluation of the potential impacts of the project on public parks and recreational facilities, which includes Ridgecrest Park in the City of Shoreline (Exhibit 1). We understand that the City has determined this to be a significant park.

Under Section 4(f) of the U.S. Department of Transportation Act of 1966, FTA cannot approve a transportation project such as Lynnwood Link Extension that requires the use of publicly-owned land from a significant public park, recreation area, or wildlife and waterfowl refuge, or any land from a significant historic site, unless it determines that:

- There is no “feasible and prudent avoidance alternative”¹ 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; or
- The Administration determines that the use of the property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures), will have a *de minimis* impact. A *de minimis* impact is one that will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f).

Federal guidance encourages early coordination with officials with jurisdiction over the Section 4(f) resource. Before publishing the Draft EIS, Sound Transit and FTA consulted with the City

¹ Definitions are found at 23 CFR § 774.17

of Shoreline regarding the potential impacts to Ridgecrest Park and possible mitigation of these impacts. In March 2013, the City signed a letter indicating its preliminary concurrence with a *de minimis* determination.

Federal regulations stipulate that “officials with jurisdiction over the Section 4(f) resource must concur in writing” with a *de minimis* finding (23 CFR 774.5(2)). The regulations also require that an opportunity for public review and comment concerning the effects of the project on the Section 4(f) resource be provided prior to such written concurrence. The distribution of the Draft EIS for review and comment by the public, agencies, and organizations has satisfied this requirement.

With the comment period on these documents completed, and based on the City’s 2013 letter, FTA intends to make a *de minimis* finding on Ridgecrest Park, and we are requesting the City’s final concurrence with this finding. Its letter of concurrence will be included in the project’s Final EIS. FTA’s final Section 4(f) determination will also be included in the Final EIS.

The table below summarizes the Lynnwood Link project’s anticipated impacts on Ridgecrest Park and Sound Transit’s proposed mitigation.

City of Shoreline Determination of Section 4(f) Use of Ridgecrest Park

Purpose of Park	Relevant Alternatives	Impacts on Resource	Mitigation Measures/ Enhancement	4(f) Impacts After Mitigation
Sporting events/active recreation	Preferred Alternative; all segment A alternatives	<p>Operational: Use of about 0.3 acres at western edge, removing berm and trees; additional visual impacts.</p> <p>Construction: potential temporary construction easement of area along proposed right of way.</p>	<p>Landscaping/ restoration of affected area; barrier installed between light rail and park to function like existing berm in buffering I-5 noise and views of I-5; design and rebuilding of 1st Avenue from NE 159th to NE 161st Street, in coordination with the City; transfer of replacement property at the south end of the park, or other property as agreed to with the City, consistent with the requirements of Forward Thrust, and developed to a level comparable to displaced park area; and outreach in adjacent neighborhood to inform roadway and park design, in coordination with the City.</p>	<i>de minimis</i>

As Sound Transit has discussed with the City, the project would rebuild 1st Avenue NE from NE 159th Street to NE 161st Street. This area would be City right-of-way and is not included in the

July 25, 2014

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calculations to replace the acquired park property. The remainder of the impacted non-park parcels after roadway construction (parcels 770, 775, and 776) constitutes the currently proposed replacement area for the acquired property in Ridgecrest Park, assuming that complies with Forward Thrust requirements. Per the City's email dated June 10, 2014 and verification with King County Department of Natural Resources, parcel 764 is not owned by the City of Shoreline or King County, is not a park property, and does not require replacement.

Sound Transit will continue to work with King County to prepare the land conversion process and to ensure that the requirements of Forward Thrust are met.

We ask that the appropriate City official sign and return this letter, or your own letter in its place, to confirm the City's concurrence with the Section 4(f) *de minimis* determination and its agreement with the potential mitigation, and also the City's concurrence that the Lynnwood Link Extension will not adversely affect the features, attributes, or activities qualifying the park for protection under Section 4(f).

As the project is further refined during final design, Sound Transit will continue to coordinate with the City of Shoreline to review and finalize design for restoration of the affected area and for the replacement property at the properties currently identified or other property as agreed to by the City.

If you have any questions, please contact Dan Drais (Daniel.Drais@dot.gov; (206) 220-4465).

Sincerely,



for Rick Krochalis, Administrator
Region 10

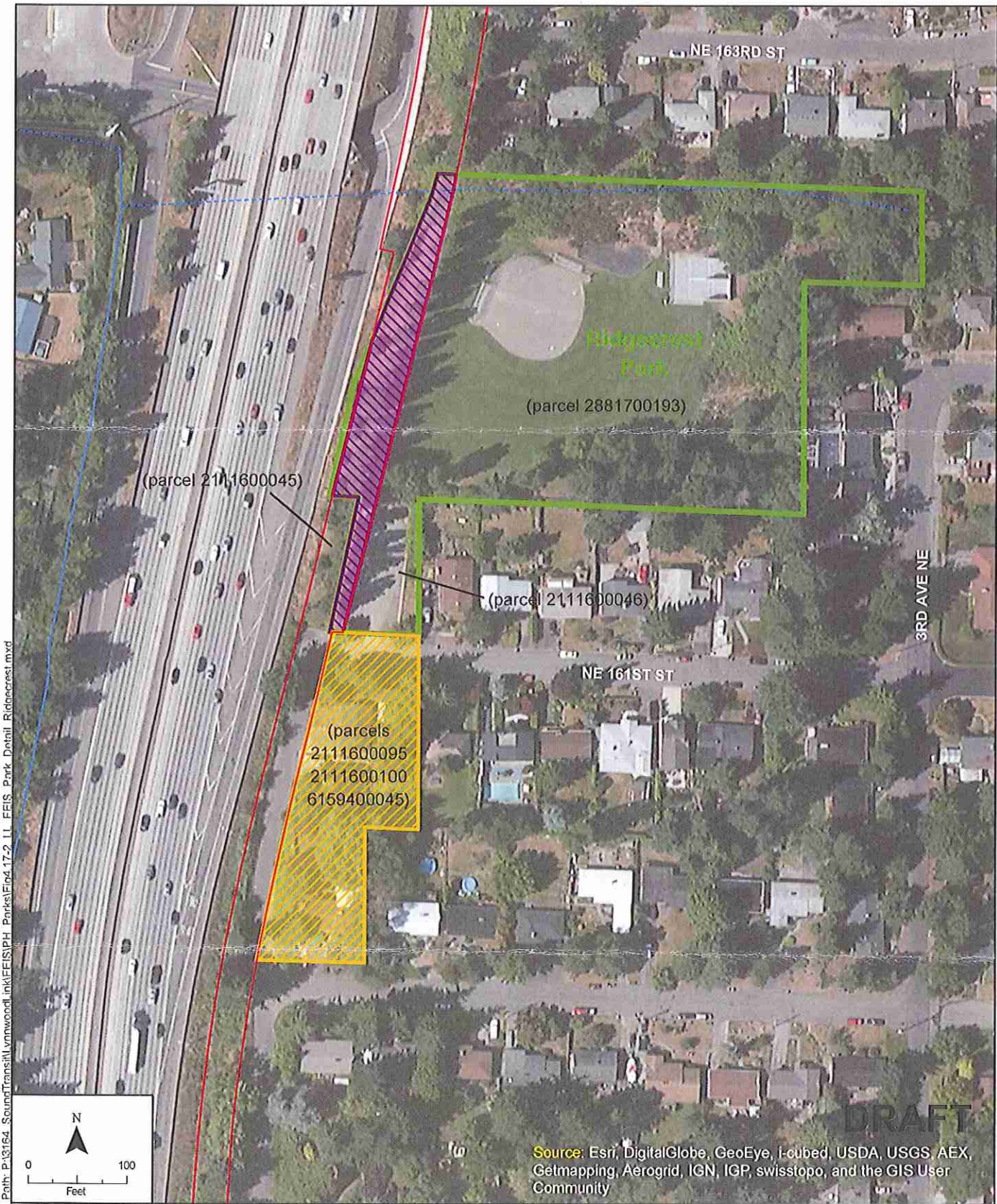
ACKNOWLEDGING CONCURRENCE
FOR THE CITY OF SHORELINE:



By: Richard Deal

Its: PRCS Director

cc: Alicia McIntire, Senior Transportation Planner



Path: P:\9154_SoundTransit\Lynwood_Link\FEIS\PH_Parks\Fig4.17-2_IL_FEIS_Park_Detail_Ridgecrest.mxd

Data Sources: (King County, Snohomish County, WSDOT, Sound Transit, Bing Aerial)

- All Light Rail Alternatives
- Area of Affected Park and Recreation Facility
- Area of Impact
- Proposed Area for Realigned Roadway with Adjacent Park Elements

Exhibit 1
Ridgecrest Park Impact Area
and Replacement Property

Lynwood Link Extension



U.S. Department
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REGION X
Alaska, Idaho, Oregon,
Washington

915 Second Avenue
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July 24, 2014

Marla Miller, Deputy Superintendent
Shoreline Public Schools
18560 1st Ave NE
Shoreline, WA 98155

**Re: Lynnwood Link Extension Project
Request for Concurrence with Determination of *De Minimis* Use**

Dear Ms. Miller:

As part of the Lynnwood Link Extension Environmental Impact Statement (EIS) documentation process, the Federal Transit Administration (FTA), as the lead federal agency, is finalizing the Section 4(f) evaluation of the potential impacts of the project on public parks and recreational facilities, which includes the Shoreline School District's Shoreline Stadium (Exhibit 1). We understand that the District has determined this to be a significant park.

Under Section 4(f) of the U.S. Department of Transportation Act of 1966, FTA cannot approve a transportation project such as Lynnwood Link Extension that requires the use of publicly-owned land from a significant public park, recreation area, or wildlife and waterfowl refuge, or any land from a significant historic site, unless it determines that:

- There is no "feasible and prudent avoidance alternative"¹ 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; or
- The Administration determines that the use of the property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures), will have a *de minimis* impact. A *de minimis* impact is one that will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f).

Federal guidance encourages early coordination with officials with jurisdiction over the Section 4(f) resource. Before publishing the Draft EIS, Sound Transit and FTA consulted with the

¹ Definitions are found at 23 CFR § 774.17

District regarding the potential impacts to the stadium property and possible mitigation of these impacts. In March 2013, the District signed a letter indicating its preliminary concurrence with a *de minimis* determination.

Federal regulations stipulate that “officials with jurisdiction over the Section 4(f) resource must concur in writing” with a *de minimis* finding (23 CFR 774.5(2)). The regulations also require that an opportunity for public review and comment concerning the effects of the project on the Section 4(f) resource be provided prior to such written concurrence. The distribution of the Draft EIS for review and comment by the public, agencies, and organizations has satisfied this requirement.

With the comment period on these documents completed, and based on the District’s 2013 letter, FTA intends to make a *de minimis* finding on Shoreline Stadium, and we are requesting the District’s final concurrence with this finding. Its letter of concurrence will be included in the project’s Final EIS. FTA’s final Section 4(f) determination will also be included in the Final EIS.

The table below summarizes the Lynnwood Link project’s anticipated impacts on Shoreline Stadium and Sound Transit’s proposed mitigation.

Shoreline School District’s Determination of Section 4(f) Use of Shoreline Stadium

Purpose of Recreational Resource	Relevant Alternatives	Impacts on Resource	Mitigation Measures/ Enhancement	4(f) Impacts After Mitigation
Sporting events/active recreation	Preferred Alternative; Alternative A1	Operational: Relocated road would require use of about 0.2 acres of parking lot and stadium area on east side of property. No impact to use of stadium facility. Construction: Potential additional temporary parking reduction, visual and noise impacts.	Restoration of area after construction and facility access improvements to be defined in coordination with Shoreline Public Schools during final design.	<i>de minimis</i>

We ask that the appropriate District official sign and return this letter, or your own letter in its place, to confirm the District’s concurrence with the Section 4(f) *de minimis* determination and its agreement with the potential mitigation, and also the District’s concurrence that the Lynnwood Link Extension will not adversely affect the features, attributes, or activities qualifying the Stadium for protection under Section 4(f).

Shoreline School District
July 25, 2014
Page 3

As the project is further refined during final design, Sound Transit will continue to coordinate with the Shoreline School District s regarding restoration of the affected area and finalize the design of the parking area and access to the Stadium.

If you have any questions, please contact Dan Drais (Daniel.Drais@dot.gov; (206) 220-4465).

Sincerely,



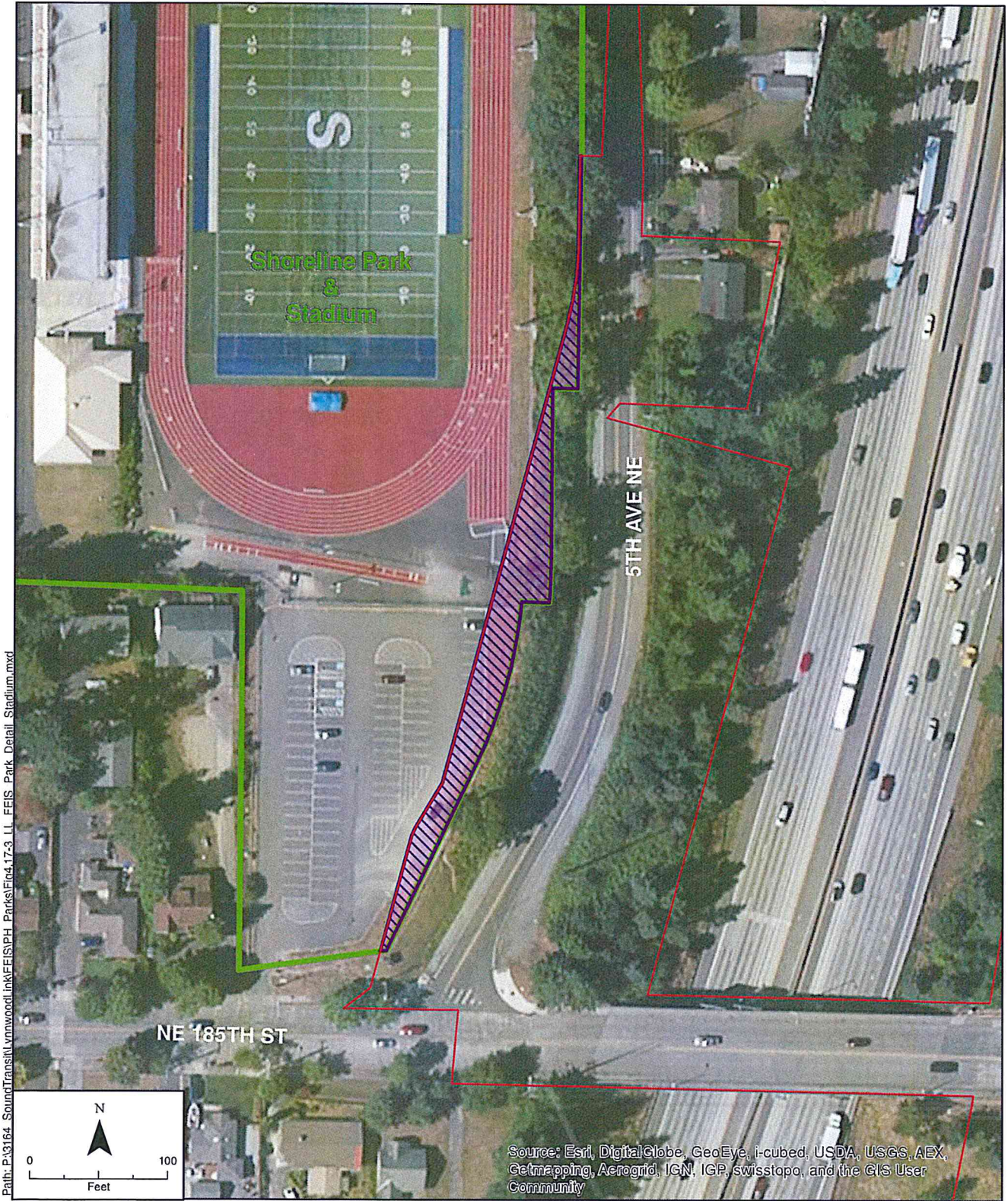
for Rick Krochalis, Administrator
Region 10

ACKNOWLEDGING CONCURRENCE
FOR THE SHORELINE SCHOOL DISTRICT:



By: MARLA S. MILLER

Its: DEPUTY SUPERINTENDENT



Path: P:\3164_SoundTransit\Lynnwood\link\FEIS\PH_Parks\Fig4.17-3_LL_FFIS_Park_Detail_Stadium.mxd

Data Sources: (King County, Snohomish County, WSDOT, Sound Transit, Bing Aerial)

- Preferred Alternative
- Area of Affected Park and Recreation Facility
- Area of Impact

Exhibit 1
Shoreline Stadium Impact Area

Lynnwood Link Extension



Shoreline School District

MAR 05 2013

Deputy Superintendent

February 22, 2013

Marla Miller, Deputy Superintendent
Shoreline Public Schools
18560 1st Ave NE
Shoreline, WA 98155

Dear Ms. Miller:

As part of the Lynnwood Link Extension Draft Environmental Impact Statement (DEIS) documentation process, Sound Transit and the Federal Transit Administration (FTA), as the lead federal agency, are evaluating the potential impacts of the project on public parks and recreational facilities. Sound Transit is working with the FTA to prepare a draft Section 4(f) Evaluation that describes the impacts of the project on these facilities. The draft Section 4(f) Evaluation will be included in the DEIS and is expected to be distributed to the public and agencies for comment in the spring of 2013.

The U.S. Department of Transportation Act of 1966 requires a Section 4(f) Evaluation. Under the Act, FTA cannot approve a transportation project such as Lynnwood Link Extension that requires the use of publicly-owned land from a significant public park, recreation area, or wildlife and waterfowl refuge, or any land from a significant historic site, unless a determination is made that:

- There is no feasible and prudent avoidance alternative, as defined in § 774.17, to the use of land from the property; and
- The action includes all possible planning, as defined in § 774.17, to minimize harm to the property resulting from such use; or
- The Administration determines that the use of the property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures), will have a *de minimis* impact. A *de minimis* impact (23 CFR 774.17) is one that will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f).

Federal guidance encourages early coordination with officials with jurisdiction of the Section 4(f) resource to ascertain the position of the officials to obtain their preliminary views. The intent of our letter is to continue that early coordination and confirm previous discussions between Sound Transit and Shoreline Public Schools staff regarding the project's potential impacts to parks and recreation resources. Throughout the EIS process and project design, should Alternative A1 be identified as the preferred alternative, Sound Transit and FTA will continue to consult with the school district to detail specific mitigation plans.

Federal regulations stipulate that "officials with jurisdiction over the Section 4(f) resource must concur in writing" with a *de minimis* finding (23 CFR 774.5(2)). The regulations also require that an opportunity for public review and comment concerning the effects of the project on the Section 4(f) resource be provided prior to such written concurrence. As per 23

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Joni Earl

CFR 774.5, this requirement will be met with the distribution of the Draft EIS for review and comment by the public, agencies, and organizations. FTA will request final concurrence in writing by Shoreline Public Schools on the *de minimis* finding following the comment period for the Draft EIS. At that time, it is anticipated that Shoreline Public Schools will provide final concurrence on *de minimis* determinations for Lynnwood Link Extension. Following the Shoreline Public School's written concurrence, FTA will make final Section 4(f) and *de minimis* determinations, and the Final EIS will include documentation of the Shoreline Public School's concurrence and FTA's determination.

The table below lists Shoreline Park and Stadium as a Shoreline Public School park facility that the Lynnwood Link Extension project would impact. Based on Sound Transit's review, this park resource is considered significant for purposes of Section 4(f). Given the potential project impacts and the proposed potential mitigation, Sound Transit believes that a preliminary *de minimis* determination can be made for Shoreline Park and Stadium.

Shoreline Public Schools Facility and Preliminary Determination of Section 4(f) Use

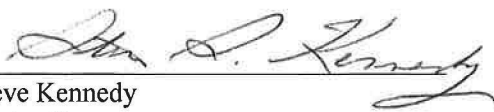
Resource	Purpose of Resource	Project Alternative	Impact on Resource	Potential Mitigation	Preliminary 4(f) Findings after Mitigation
Shoreline Park and Stadium	Sporting events/active recreation	A1	Operations: Relocated local road would require use of 0.18 acre of stadium area and parking lot on east side of property. Reduced parking, no impact to use of stadium facility. Construction: Potential additional temporary parking reduction, visual and noise impacts.	Restoration of area after construction and facility access improvements to be defined.	<i>de minimis</i>


We ask that you provide your signature on this letter to confirm:

- Shoreline Public Schools agrees Shoreline Park and Stadium is a significant park and recreation resource; and
- Shoreline Public Schools does not object to considering a potential Section 4(f) *de minimis* finding for Shoreline Park and Stadium, and Shoreline Public Schools may provide a letter of concurrence with a *de minimis* finding after further public review and discussion of the Draft EIS and Draft Section 4(f) evaluation, and with general agreement upon appropriate mitigation measures.

This letter will assist Sound Transit as the project progresses toward a preferred alternative that would avoid a Section 4(f) use. Sound Transit acknowledges that a formal concurrence from the Shoreline Public Schools will require further discussions with Shoreline Public Schools staff.

Sincerely,


 Steve Kennedy
 Senior Planner


 Marla Miller, Deputy Superintendent
 Shoreline Public Schools
 Signature for Preliminary Concurrence



February 6, 2013

Dick Deal, Director
Parks, Recreation and Cultural Services Department
City of Shoreline
17500 Midvale Ave N
Shoreline, WA 98133

Dear Mr. Deal:

As part of the Lynnwood Link Extension Draft Environmental Impact Statement (DEIS) documentation process, Sound Transit and the Federal Transit Administration (FTA), as the lead federal agency, are evaluating the potential impacts of the project on public parks and recreational facilities. Sound Transit is working with the FTA to prepare a draft Section 4(f) Evaluation that describes the impacts of the project on these facilities. The draft Section 4(f) Evaluation will be included in the DEIS and is expected to be distributed to the public and agencies for comment in the spring of 2013.

The U.S. Department of Transportation Act of 1966 requires a Section 4(f) Evaluation. Under the Act, FTA cannot approve a transportation project such as Lynnwood Link Extension that requires the use of publicly-owned land from a significant public park, recreation area, or wildlife and waterfowl refuge, or any land from a significant historic site, unless a determination is made that:

- There is no feasible and prudent avoidance alternative, as defined in § 774.17, to the use of land from the property; and
- The action includes all possible planning, as defined in § 774.17, to minimize harm to the property resulting from such use; or
- The Administration determines that the use of the property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures), will have a *de minimis* impact. A *de minimis* impact (23 CFR 774.17) is one that will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f).

Federal guidance encourages early coordination with officials with jurisdiction of the Section 4(f) resource to ascertain the position of the officials to obtain their preliminary views. The intent of our letter is to continue that early coordination and confirm previous discussions between Sound Transit and City of Shoreline staff regarding the project's potential impacts to parks and recreation resources. Throughout the EIS process and project design, Sound Transit and FTA will continue to consult with the school district to detail specific mitigation plans.

Federal regulations stipulate that "officials with jurisdiction over the Section 4(f) resource must concur in writing" with a *de minimis* finding (23 CFR 774.5(2)). The regulations also require that an opportunity for public review and comment concerning the effects of the project on the Section 4(f) resource be provided prior to such written concurrence. As per 23CFR 774.5, this requirement will be met with the distribution of the Draft EIS for review and comment by the public, agencies, and organizations. FTA will request final concurrence in

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Joni Earl

writing by the City of Shoreline on the *de minimis* finding following the comment period for the Draft EIS. At that time, it is anticipated that the City will provide final concurrence on *de minimis* determinations for Lynnwood Link Extension. Following the City's written concurrence, FTA will make final Section 4(f) and *de minimis* determinations, and the Final EIS will include documentation of the City's concurrence and FTA's determination.

The table below lists Ridgcrest Park as a City of Shoreline park facility that the Lynnwood Link Extension project would impact. Based on Sound Transit's review, this park resource is considered significant for purposes of Section 4(f). Given the potential project impacts and the proposed potential mitigation, Sound Transit believes that a preliminary *de minimis* determination can be made for Ridgcrest Park.


City of Shoreline Park Facility and Preliminary Determination of Section 4(f) Use


Resource	Purpose of Resource	Project Alternative	Impact on Resource	Potential Mitigation/Enhancement	Preliminary 4(f) Findings after Mitigation
Ridgcrest Park	Sporting events/active recreation	All Segment A Alternatives	Operational: Use of 0.3 acres at western edge, removing berm and trees. Property and visual impacts. Construction: potential temporary construction easement of area along proposed right of way.	Landscaping and restoration of affected area, barrier between light rail and park to maintain functionality of existing berm, replacement property in condition consistent with displaced park area as required by Forward Thrust.	<i>de minimis</i>

We ask that you provide your signature on this letter to confirm:
the City agrees Ridgcrest Park is a significant park and recreation resource; and
the City does not object to considering a potential Section 4(f) *de minimis* finding for Ridgcrest Park, and the City may provide a letter of concurrence with a *de minimis* finding after further public review and discussion of the Draft EIS and Draft Section 4(f) evaluation, and with general agreement upon appropriate mitigation measures.

This letter will assist Sound Transit as the project progresses toward a preferred alternative that would avoid a Section 4(f) use. Sound Transit acknowledges that a formal concurrence from the City of Shoreline will require further discussions with City staff and the Parks, Recreation and Cultural Services Board.

Sincerely,


Steve Kennedy
Senior Planner


Dick Deal, Director
City of Shoreline, Parks, Recreation and Cultural Services Department
Signature for Preliminary Concurrence

cc: Alicia McIntire, Senior Transportation Planner