## APPENDIX D. SECTION 4(f) DE MINIMIS IMPACT DETERMINATION





Project II	ıformation
Project Name: West Kingman Traffic Interchange	Federal-aid Number: 040-A(212)N
ADOT Project Number: 040 MO 048 H7993 01C	NEPA Class of Action: EA
Approval MOU:□ 23 U.S.C. 326	Project Administration: 🗹 ADOT
☑ 23 U.S.C. 327	□ LPA

According to Title 23 Code of Federal Regulations (CFR) 774.17, a property afforded protection under Section 4(f) is defined as "publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of a historic site of national, state, or local significance."

Section 4(f) requirements stipulate that the USDOT agencies may not approve the use of a Section 4(f) property unless there is no feasible and prudent alternative to the use of that land, and the proposed action includes all possible planning to minimize harm to the property resulting from such use, OR it is determined that the use of the property, including any measures to minimize harm committed to by the applicant, will have a *de minimis* impact on the property.

For parks, recreation areas and refuges, a *de minimis* impact is an impact that would not adversely affect the features, attributes or activities that qualify the property for protection under Section 4(f). *De minimis* determinations are made after notifying the official with jurisdiction (OWJ), providing opportunity for public input, and receiving written agreement from the OWJ that there will be no adverse effect on the recreational/refuge features, attributes or activities of the property.

#### **PROJECT DESCRIPTION:**

(Provide a concise description of the project action.)

ADOT is preparing the project design and has prepared an Environmental Assessment (EA) study for the proposed West Kingman System Traffic Interchange (TI) to connect Interstate 40 (I-40) and U.S. Route 93 (US 93). The project limits on I-40 extend from milepost (MP) 48.32 to MP 51.75 and along US 93 from MP 69.60 to MP 71.00. The purpose of the proposed West Kingman TI project is to reduce congestion, improve local access, and enhance operational efficiency between I-40 and US 93. US 93 is an important segment of the regional transportation infrastructure, moving people and goods between Phoenix and Las Vegas. The existing stop-controlled diamond intersection does not allow the free-flow movement needed to facilitate the regional connection between two interstate highways, I-40 and US 93. Improvements are needed to address local access and congestion and enhance operational elements of the interchange.

ADOT proposes to construct the project in two phases. The first phase would include:

- Providing free-flow, grade-separated ramps to service I-40 westbound (WB) to US 93 northbound (NB) and US 93 southbound (SB) to I-40 eastbound (EB), resulting in approximately one mile of new highway
- Widening and deck rehabilitation of the existing White Cliff Road Overpass EB #1839 and White Cliff Road Overpass WB #1840
- Widening Clack Canyon Wash Bridge EB #1837
- Rehabilitating the deck of Clack Canyon Wash Bridge WB #1838
- Widening of Interstate 40 and US 93
- Constructing new concrete barrier as needed
- Constructing new on-site drainage collection and conveyance systems

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- Extending existing culverts and pipes, as needed
- Installing or reconstructing lighting, signage, and pavement markings

The second phase includes the construction of the low-volume I-40 EB to US 93 NB and US 93 SB to I-40 WB ramps.

### **IDENTIFICATION OF SECTION 4(f) PROPERTY:**

(Describe the Section 4(f) property as per Chapter 6 of the Section 4(f) Manual. Attach a map, photo(s), etc. as appropriate.)

The Cerbat Foothills Recreation Area (CFRA) is a 11,300-acre recreational natural area that extends from north of the intersection of State Route 68 east near the intersection of Fort Beale Drive and Beale Street and south to near the intersection of Shinarump Road and Oatman Road. It occurs within and adjacent to the project limits on both sides of US 93. The CFRA includes day-use trails and picnic sites that are open to the public.

### **OFFICIAL WITH JURISDICTION OVER SECTION 4(f) PROPERTY:**

- 1. Identify agency with jurisdiction: BLM
- 2. Name and title of contact person at agency: Amanda Dodson, Field Manager

### **APPLICABILITY DETERMINATION:**

Section 4(f) property

Describe the Section 4(f) property and the use of land from the property (identify amount of the property to be used, including temporary and permanent acquisition):

Approximately 0.8 acre of CFRA land managed by the BLM would be permanently incorporated into the US 93 right-of-way.

The project *does not* adversely affect the activities, features, and attributes of the resource **☑** YES that qualify it for protection under Section 4(f). (If this statement cannot be verified as true, de minimis does not apply.)

Describe the effect to the qualities, activities, features, or attributes of the resource that qualify it for protection. Include a description of any avoidance, minimization and mitigation included when making the determination regarding effects to the resource:

The CFRA outside of the affected area would continue to be available to recreational users. All parking areas, trailheads, and trails would remain open and unaffected, and no other attributes or features would be affected by the proposed construction. The project would not adversely affect the activities, features, or attributes qualifying the resource for protection under Section 4(f).

The public was afforded an opportunity to review and comment on the effects of the **☑** YES project on the protected activities, features, and attributes of the resource. (NOTE: Public input must be received and considered prior to the official with jurisdiction concurring that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection.)

Identify the opportunity(ies) for public comment and any substantive input received:

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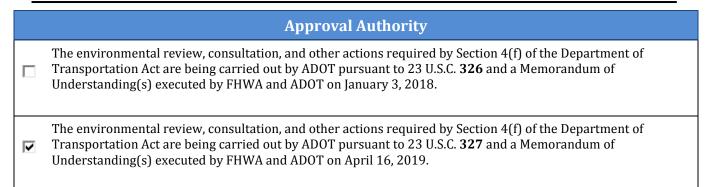


The use of the Section 4(f) resource was included in the Draft EA for the project. The Draft EA was available for 30-day review/comment period between 05/07/2020 and 06/06/2020 and a public hearing was held on 05/28/2020. No comment pertaining to the use of the CFRA or the conversion of the recreational land to transportation purposes was received.

4.	ADOT has coordinated with the official with jo ADOT's determination that the project will no		☑ YES		
5.	Have Federal Land Water Conservation Funds acquisition of, or for any improvements to, t		□ YES ☑ NO		
	If Yes, the National Park Service been coordictories conversion or transfer.	nated with and is in agreement with the land	□ YES		
	Provide more information regarding the Sect	ion 6(f) coordination if appropriate:			
	N/A				
	<b>Concurrence</b> by official with jurisdiction over the Section 4(f) property that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection.				
		Date:	<u> </u>		
Nan	ne of Official with Jurisdiction: Amanda Dodson	1			
	ature of Official with Jurisdiction				
	tional: other documentation such as letters or m ck here if other documentation is included in the	eeting minutes may be used in replacement of sig project file. $\square$	ning this page)		
<u>SU</u>	MMARY AND DETERMINATION:				
		t the undertaking does not adversely affect the			
		permanent or temporary basis; and with agree			
Offic		titutes a <i>de minimis</i> impact as defined in 23 CFR	//41/.		
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	Dena Whitaker				
_	342FF4F3BF5F4DA	Date: 6/25/2020			
Env	ironmental Planner: Dena Whitaker				
	DocuSigned by:				
	Paul O'brien				
	69D3A817999345F	Date: 6/25/2020			
App	roved By: Paul O'Brien, PE	=			

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Project Information		
Project Name: West Kingman Traffic Interchange	Federal-aid Number: 040-A(212)N	
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Section 4(f) requirements stipulate that the USDOT agencies may not approve the use of a Section 4(f) property unless there is no feasible and prudent alternative to the use of that land, and the proposed action includes all possible planning to minimize harm to the property resulting from such use, OR it is determined that the use of the property, including any measures to minimize harm committed to by the applicant, will have a *de minimis* impact on the property.

For parks, recreation areas and refuges, a *de minimis* impact is an impact that would not adversely affect the features, attributes or activities that qualify the property for protection under Section 4(f). *De minimis* determinations are made after notifying the official with jurisdiction (OWJ), providing opportunity for public input, and receiving written agreement from the OWJ that there will be no adverse effect on the recreational/refuge features, attributes or activities of the property.

#### PROJECT DESCRIPTION:

(Provide a concise description of the project action.)

ADOT is preparing the project design and has prepared an Environmental Assessment (EA) study for the proposed West Kingman System Traffic Interchange (TI) to connect Interstate 40 (I-40) and U.S. Route 93 (US 93). The project limits on I-40 extend from milepost (MP) 48.32 to MP 51.75 and along US 93 from MP 69.60 to MP 71.00 (refer to Figures 1 and 2). The purpose of the proposed West Kingman TI project is to improve capacity and operational efficiency by providing a high-speed interchange between I-40 and US 93. A free-flowing connection between I-40 and US 93 would increase local and regional mobility, provide better access between regional economic hubs (Phoenix and Las Vegas), eliminate the "bottleneck" along the future I-11 corridor, and support interstate commerce.

ADOT proposes to construct the project in two phases. The first phase would include:

- Providing free-flow, grade-separated ramps to service I-40 westbound (WB) to US 93 northbound (NB) and US 93 southbound (SB) to I-40 eastbound (EB), resulting in approximately one mile of new highway
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- Constructing new concrete barrier as needed
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- Extending existing culverts and pipes, as needed

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Installing or reconstructing lighting, signage, and pavement markings

The second phase includes the construction of the low-volume I-40 EB to US 93 NB and US 93 SB to I-40 WB ramps.

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(Describe the Section 4(f) property as per Chapter 6 of the Section 4(f) Manual. Attach a map, photo(s), etc. as appropriate.)

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#### **OFFICIAL WITH JURISDICTION OVER SECTION 4(f) PROPERTY:**

- 1. Identify agency with jurisdiction: City of Kingman
- 2. Name and title of contact person at agency: Mike Meersman, Director of Park and Recreation

#### **APPLICABILITY DETERMINATION:**

Section 4(f) Use

Describe the use of land from the property and identify the amount of the property to be used, including temporary and permanent acquisition:

Approximately 12.65 acres of land managed by the City of Kingman area would be permanently incorporated into the US 93 right-of-way, or a total of 0.11 percent of the total park area.

2.	The project <i>does not</i> adversely affect the activities, features, and attributes of the resource	$\square$ YES
	that qualify it for protection under Section 4(f). (If this statement cannot be verified as	
	true, <i>de minimis</i> does <u>not</u> apply.)	

Describe the effect to the qualities, activities, features, or attributes of the resource that qualify it for protection. Include a description of any avoidance, minimization and mitigation when making the determination regarding *effects to the resource:* 

The CFRA outside of the affected area would continue to be available to recreational users. All parking areas, trailheads, and trails would remain open and unaffected, and no other attributes or features would be affected by the proposed construction. The project would not adversely affect the activities, features, or attributes qualifying the resource for protection under Section 4(f).

3. The public was afforded an opportunity to review and comment on the effects of the **☑** YES project on the protected activities, features, and attributes of the resource. (NOTE: Public input must be received and considered prior to the official with jurisdiction concurring that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection.)

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**☑** YES

Identify the opportunity(ies) for public comment and any substantive input received:

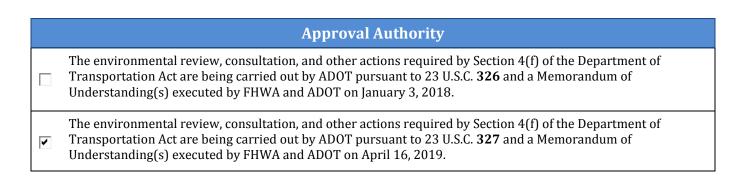
ADOT has coordinated with the official with jurisdiction over the property regarding

The use of the Section 4(f) resource was included in the Draft EA for the project. The Draft EA was available for a 30-day review/ comment period between 05/07/2020 and 06/06/2020 and a public hearing was held on 5/28/2020. No comment pertaining to the use of the CFRA or the conversion of the recreational land to transportation purposes was received.

	ADOT's determination that the project will not adversely affect the property.	
5.	Have Federal Land Water Conservation Funds [LWCF 6(f) funds] been used in the acquisition of, or for any improvements to, the Section 4(f) property?	□ YES ☑ NO
	If Yes, the National Park Service been coordinated with and is in agreement with the land conversion or transfer.	□ YES
	Provide more information regarding the Section 6(f) coordination if appropriate:	
	N/A	
	<b>ncurrence</b> by official with jurisdiction over the Section 4(f) property that the project will not a activities, features, or attributes that make the property eligible for Section 4(f) protection.	dversely affect
7	Mil Meeran	
	Date: <u>7/18/20</u>	_
	ne of Official with Jurisdiction: Mike Meersman	
Sigr	nature of Official with Jurisdiction	
(On	tional: other documentation such as letters or meeting minutes may be used in replacement of sig	ining this nage)
	to that the commentation is included in the project file. $\Box$	ming this page)
	MMARY AND DETERMINATION:	
SUN Base fund	MMARY AND DETERMINATION:  The don the scope of the undertaking; the fact that the undertaking does not adversely affect the ction/qualities of the Section 4(f) property on a permanent or temporary basis; and with agree cial with jurisdiction, the proposed action constitutes a de minimis impact as defined in 23 CFR	
SUN Base fund	red on the scope of the undertaking; the fact that the undertaking does not adversely affect the ction/qualities of the Section 4(f) property on a permanent or temporary basis; and with agree cial with jurisdiction, the proposed action constitutes a <i>de minimis</i> impact as defined in 23 CFR  —DocuSigned by:	
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