



# *Operations and Maintenance Facility South*

**NEPA Draft / SEPA Supplemental Draft  
Environmental Impact Statement**

**Appendix F: Section 4(f) and Section 6(f) Assessment**



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## Acronyms and Abbreviations

|               |   |
|---------------|---|
| APE           | area of potential effect                            |
| BPA           | Bonneville Power Administration                     |
| CFR           | Cod of Federal Regulations                          |
| EIS           | Environmental Impact Statement                      |
| FHWA          | Federal Highway Administration                      |
| FTA           | Federal Transportation Administration               |
| LRV           | light rail vehicle                                  |
| NHPA          | National Historic Preservation Act of 1966          |
| NRHP          | National Register of Historic Places                |
| OMF South     | Operations and Maintenance Facility South           |
| RCO           | Washington State Recreation and Conservation Office |
| SHPO          | State Historic Preservation Officer                 |
| Sound Transit | Central Puget Sound Regional Transit Authority      |
| U.S.C.        | U.S. Code   |



# 1 INTRODUCTION AND REGULATORY FRAMEWORK

The regulations at Title 23 of the Code of Federal Regulations (CFR), part 774 implement Title 23 of the U.S. Code (U.S.C.) section 138 and Title 49 of the U.S. Code section 303, which were originally enacted as Section 4(f) of the Department of Transportation Act of 1966 and are still commonly referred to as Section 4(f). Under these laws, the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) are generally prohibited from approving projects that would use land from:

*...a significant publicly-owned park, recreation area or wildlife and waterfowl refuge or any significant historic site, unless there is no feasible and prudent alternative to the use of land from the property and the action includes all possible planning to minimize harm to the property resulting from the use.*

A use is generally defined as a transportation activity that permanently or temporarily acquires land from a Section 4(f) property or that substantially impairs the important activities, features, or attributes that qualify the property as a Section 4(f) resource.

Section 4(f) applies to publicly owned parks and recreation areas that are open to the public; publicly owned wildlife and waterfowl refuges; and historic sites of national, state, or local significance. The Department of Transportation regulations for Section 4(f) define historic properties sites as those properties listed in or eligible for the National Register of Historic Places (NRHP).

This evaluation identifies potential Section 4(f) resources that may be used by the Operations and Maintenance Facility (OMF) South and any associated impacts to those resources. Other disciplines considered in this analysis include Transportation, Acquisitions, Displacements, and Relocations; Land Use; Visual and Aesthetic Resources; Noise and Vibration; Historic and Archaeological Resources; and Parks and Recreational Resources. A discussion of the affected environment, adverse impacts, and potential mitigation measures for each of these is found in Chapter 3 of the OMF South Draft Environmental Impact Statement (EIS). Public comment and additional consultation with the officials of jurisdiction over Section 4(f) resources will be incorporated into the Final EIS.

This appendix also considers any impacts under Section 6(f) of the 1965 Land and Water Conservation Fund Act of 1965 (54 U.S.C. section 2003), which prohibits the conversion of properties developed with funding from the Land and Water Conservation Fund to a nonrecreational purpose without approval of the U.S. Department of the Interior's National Park Service. Similar to Section 6(f), documentation and consultation are also required to approve any changes to or conversion of properties directly funded by the Washington State Recreation and Conservation Office (RCO; Title 79A Revised Code of Washington).

## 1.1 Study Area

The study area for this analysis is the same as the Parks and Recreational Resources analysis used in the Draft EIS (Section 3.17), which encompasses the area of potential effect (APE) used for the Historic and Archaeological Resources analysis (Section 3.16).

The Parks and Recreational Resources study area includes existing parks, trails, recreation sites, dedicated open space areas, and adjacent public rights-of-way used for access to these facilities within 0.25 mile of each OMF South site. The study area is of a sufficient size to capture potential impacts from the construction and operation of the OMF South build alternatives (for example, visual effects or noise impacts) that could affect uses of 4(f) resources.

No 6(f) resources or designated wildlife and waterfowl refuges of national, state, or local significance have been identified in the study area. As a result, these resources are not discussed further.

The APE extends from the project elements (mainline, OMF sites, and construction staging areas) to the nearest tax parcel, or a maximum of 200 feet where large tax parcels are adjacent to project elements.

## 1.2 Section 4(f) “Uses”

Under Section 4(f), a use can be permanent, temporary, or constructive. **Permanent use** would acquire or incorporate all or part of a Section 4(f) property as part of the transportation facility.

**Temporary use** occurs when the project temporarily occupies any portion of the resource (typically during construction) and substantially impairs the resources. If all the conditions listed below are met, a temporary occupancy of land is not considered to constitute a use under Section 4(f):

- The project would occupy the property less than the time needed for the construction of the project and there will be no change in ownership;
- There are minimal changes to the Section 4(f) resource;
- There are no permanent adverse physical changes or interference with protected activities, features, or attributes of the resource;
- The land is restored to the same or better condition; and
- The federal, state, or local officials with jurisdiction over the resource and the authority over the land agree in writing that the use is not adverse.

**Constructive use** can occur when the project is near a Section 4(f) resource and has effects that substantially impair the protected activities, features, or attributes of the property. For example, a park property that is primarily a scenic viewpoint could have a constructive use if a transportation project blocks its views.

## 1.3 Approval of Projects That Use Section 4(f) Property

Although the use of Section 4(f) property is generally prohibited, a transportation use of a Section 4(f) property can be approved if:

- The use of the property meets the requirements for a regulatory exception established under Section 4(f). For instance, a temporary use can be allowed if it meets the temporary occupancy requirements described above,

Or:

- The use will have a *de minimis* impact on the property

Or:

- There is no feasible and prudent avoidance alternative to using the property

And:

- The program or project includes all possible planning to minimize harm to the property resulting from the use.

*De minimis* impacts are those that do not “adversely affect the activities, features, and attributes” of a Section 4(f) resource. A *de minimis* impact finding can consider any mitigation or enhancement measures that would be implemented, including design measures to avoid or reduce impacts. Before FTA can make this finding, it must send a written notice to the official with jurisdiction over the resource and there must be an opportunity for public notice and comment.

For public parks or recreation properties, a *de minimis* impact finding requires written concurrence from the official with jurisdiction over the property, such as a city or county parks department. There must also be an opportunity for public notice and comment.

For historic and archaeological sites eligible under National Register of Historic Places criteria A, B, or C, a *de minimis* impact finding is allowed if FTA has made a “no adverse effect”<sup>1</sup> finding in compliance with Section 106 of the National Historic Preservation Act of 1966 (see Section 3.16 of the Draft EIS, Historic and Archaeological Resources.). Before making a *de minimis* finding, FTA must send a written notice to the State Historic Preservation Office. If the State Historic Preservation Office concurs or does not object, FTA may proceed with its finding. When FTA has made a *de minimis* determination, the project is not required to analyze avoidance alternatives for that Section 4(f) property.

## 1.4 Avoidance Alternatives and Least Harm Analysis

If a project’s Section 4(f) use is greater than *de minimis*, FTA is required to consider whether there are feasible and prudent alternatives that would avoid the use. Section 4(f) defines a feasible alternative as an alternative that could be built as a matter of sound engineering judgment. An alternative is prudent if:

- It meets the project purpose and need;
- It would not compromise the project to a degree that makes it unreasonable to proceed in light of its stated purpose and need;
- It would not cause extraordinary operational or safety problems;
- It would not cause any other unique problems or severe economic or environmental impacts;
- It would not cause extraordinary community disruption;
- The construction costs would not be of an extraordinary magnitude; and
- There are no other factors that collectively have adverse impacts that present unique problems or reach extraordinary magnitudes.

If the FTA finds that an alternative causes a Section 4(f) use and there is another alternative that is feasible and prudent, then the alternative that causes a Section 4(f) use must be removed from consideration. But if there are no prudent and feasible alternatives that can avoid all Section 4(f) resources, then FTA must choose the alternative that will have the least overall harm in light of the statute’s preservation purpose. This is called the Least Harm Analysis.

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<sup>1</sup> An adverse effect to an archaeological site eligible for the National Register of Historic Places only under criterion D is not considered a use under Section 4(f) evaluation.

## 2 PROPOSED ACTION

The Central Puget Sound Regional Transit Authority (Sound Transit) proposes to construct and operate OMF South to meet agency needs for an expanded fleet of light rail vehicles (LRVs) identified in Sound Transit 3: The Regional Transit System Plan for Central Puget Sound (Sound Transit 3). The OMF South project would be used to store, maintain, and deploy approximately 144 LRVs for daily service. It would provide facilities for vehicle storage, inspections, maintenance and repair, interior vehicle cleaning, and exterior vehicle washing. Additionally, the facility would receive, test, and commission new LRVs for the entire system.

OMF South would also be used to accommodate administrative and operational functions, such as serving as a report base for LRV operators. Included is a Maintenance of Way building for maintenance and storage of spare parts for tracks, vehicle propulsion equipment, train signals, and other infrastructure, in addition to storage facilities for the entire Link system. Other facility elements would include employee and visitor parking, operations staff offices, maintenance staff offices, dispatcher work stations, an employee report room, and areas with lockers, showers, and restrooms for both operators and maintenance personnel.

OMF South would need to have tracks connecting to a light rail line that will be operating when the facility is planned to open, which is the Federal Way Link Extension. The length and location of these connecting tracks varies by alternative.

Three site alternatives for the proposed project are evaluated in the Draft EIS: two in Federal Way and one in Kent. These alternatives are named the Preferred Alternative, South 344th Street Alternative, and Midway Landfill Alternative, respectively.

## 3 SECTION 4(F) RESOURCES

This Section 4(f) assessment identified and considered potential impacts to publicly owned parks and recreation areas within 0.25 mile of each OMF South build alternative. NRHP-eligible historic properties in the area of impact were also evaluated.

Sound Transit's Section 4(f) evaluation is also informed by the research and coordination for Section 106 of the National Historic Preservation Act of 1966 (NHPA), as described in Section 3.16 of the Draft EIS, and the Parks and Recreational Resources analysis (Section 3.17), which identify important features, qualities, and characteristics of potential Section 4(f) resources.

Parks and recreational resources within the study area that potentially qualify as Section 4(f) resources are shown on Figures F.3-1 and F.3-2 and listed in Tables F.4-1 and F.4-2 below. With the exception of the Bonneville Power Association's (BPA's) Tacoma-Covington No. 2, 3, and 4 and Tacoma-Raver No. 1 transmission lines, no previously identified historic period built environmental resources have been listed or found eligible for listing in the Washington Heritage Register and NRHP.

### 3.1 Public Parks and Recreation Areas

#### 3.1.1 Preferred and South 344th Street Alternatives

Sound Transit identified two parks within the Parks and Recreational Resources study area for the Preferred and the South 344th Street alternatives that qualify as Section 4(f) properties: Cedar Grove Park and Town Square Park. The Pacific Rim Bonsai Museum and Rhododendron Species Foundation and Botanical Garden, located within the study area of the Preferred and the South 344th Street alternatives, would not qualify as a Section 4(f) property because it is owned by a nonprofit organization. In any case, there would be no impacts from the project on this property.

##### 3.1.1.1 Cedar Grove Park, Federal Way

Cedar Grove Park is a 2.7-acre neighborhood park managed by the Federal Way Parks Department. It includes a playground, picnic facilities, grassy open space, paved trails, and a half-court basketball court. It is primarily surrounded by single-family residential homes, buffered by large trees and vegetation, and is accessible via S 333rd Street and various paths through the adjacent neighborhood.

##### 3.1.1.2 Town Square Park, Federal Way

Town Square Park is a 4.1-acre community park constructed in 2014 in the Federal Way City Center and managed by the Federal Way Parks Department. This property is bounded by S 316th Street to the north, 20th Avenue S to the west, 21st Avenue S to the east, and a private parcel to the south. Federal Way improved the park in 2016 to make some features more permanent and add other features requested by the public. The park includes a track zip ride, children's play area, basketball court, parking, picnic area, restrooms, and a seasonal splash park. Federal Way considers Town Square Park to be a recreational resource of local significance, and therefore the park is being considered a Section 4(f) property.



### **3.1.2 Midway Alternative**

In the Parks and Recreational Resources study area for the Midway Landfill Alternative, Sound Transit identified four developed parks and one public open space that qualify as Section 4(f) properties.

#### **3.1.2.1 Parkside Park, Des Moines**

Parkside Park is a 4.4-acre neighborhood park managed by Des Moines Parks and Recreation. The park features a paved trail system that is accessible per the American with Disabilities Act, providing access to all portions of the park. It also has a multiuse paved sport court, fitness equipment, picnic tables, and benches. Mature trees frame the central open lawn and active recreation areas. The park is located at 2518 S 244th Street in Des Moines.

#### **3.1.2.2 Parkside Wetlands, Des Moines**

Parkside Wetlands is a 14-acre natural area managed by Des Moines Parks and Recreation. The park includes trails that are interspersed within a dense mix of deciduous and coniferous forest and wetlands. This park is adjacent to Parkside Park on 26th Avenue S in Des Moines.

#### **3.1.2.3 Salt Air Vista Park, Kent**

This 2-acre neighborhood park is bordered by the Parkside wetlands on the west and is managed by Kent Parks. It features play equipment, a picnic area, open space, and trails. The park is located at 24615 26th Place S in Kent. It is two blocks west of SR-99. The park was recently renovated and reopened in May 2023.

#### **3.1.2.4 Linda Heights Park, Kent**

Linda Heights Park is a 4.2-acre park managed by Kent Parks. It features a half-court basketball, picnic table, play equipment, and public art. The park is adjacent to and east of I-5 and is buffered from the freeway by a wide stand of mature mixed forest. It is an RCO-funded park.

#### **3.1.2.5 West Hill Park, Kent**

West Hills Park is a 13-acre site owned by the city of Kent. It is undeveloped with no facilities. The park is adjacent to the Kent Armory and is composed of a grassy field and dense vegetation near the headwaters of Midway Creek.

All existing and designated parks and recreational properties that were reviewed for potential Section 4(f) eligibility are listed in Tables F.4-1 and F.4-2 in Section 4.1 below and shown on Figures F.3-1 and F.3-2.

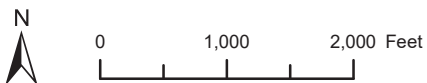
## **3.2 Wildlife and Waterfowl Refuges**

No designated wildlife and waterfowl refuges of national, state, or local significance exist in the study area.





**FIGURE F.3-2**  
Parks and Recreational Resources  
Midway Landfill Alternative



### 3.3 Historic Sites

Evaluation of historic sites under Section 4(f) relates directly to evaluation of resources and impacts through the NHPA Section 106 process, the method by which a cultural resource's significance is determined for a federal undertaking. The results of the Section 106 analysis are a critical part of determining the applicability and outcome of the Section 4(f) use determination. Historic sites protected under Section 4(f) include “any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places.”

Section 3.16 of the Draft EIS, Historic and Archaeological Resources, provides information on historic properties in the OMF South build alternatives APE. A total of 86 historic-period, built-environment resources were surveyed in the APE, of which 58 resources were old enough to meet minimum age criteria for NRHP eligibility consideration. Based on survey results, Sound Transit concluded that none of the historic-period, built environment resources surveyed for this project are eligible for listing in the NRHP. Additionally, there were no previously identified historic period built environmental resources that have been listed or found eligible for listing in the NRHP. Sound Transit has recommended that none of the historic-period, built-environment resources surveyed for this project meet criteria necessary for NRHP eligibility; DAHP agreed in a letter to Sound Transit on January 20, 2021. See Appendix B of the Draft EIS for the correspondence from DAHP.

In 2020, BPA conducted its own Section 106 consultation with the State Historic Preservation Officer (SHPO) for the relocation of electrical transmission towers within the OMF South APE that would be impacted by the project. These towers included those along the Tacoma-Covington Nos. 2, 3, and 4 and Tacoma-Raver No. 1 transmission lines. BPA determined that the transmission lines were eligible for listing in the NRHP, a finding with which SHPO has concurred in a letter dated August 19, 2021.



## 4 PROJECT IMPACTS AND POTENTIAL MITIGATION

This section summarizes the potential impacts to Section 4(f) properties in the study areas for the OMF South project alternatives. Impacts include acquisition and conversion of properties to a transportation use, changes to access to a Section 4(f) property, and proximity impacts that could impair use of the property (which federal regulations refer to as a “constructive use”). Where this evaluation concludes there will be no Section 4(f) use, it means the project alternatives would not adversely affect Section 4(f) resources.

### 4.1 Impacts

The following analyses from the Draft EIS were reviewed to determine whether project alternatives would result in a Section 4(f) use: Transportation (Section 3.2), Acquisitions, Displacements and Relocations (Section 3.3), Visual and Aesthetics (Section 3.7), Noise and Vibration (Section 3.9), Historic and Archaeological Resources (Section 3.16), and Parks and Recreational Resources (Section 3.17).

The mainline for the Preferred and South 344th Street alternatives would require the relocation of BPA powerlines. BPA determined, and SHPO concurred, that raising the transmission lines to accommodate the OMF South project would have no adverse effect on historic properties under Section 106. Due to this, FTA has made a preliminary determination that the Preferred and South 344th Street alternatives would have a *de minimis* impact under Section 4(f).

All other Section 4(f) resources are far enough away (300 feet or more) from the OMF South site alternatives and mainline that they would not experience any proximity-related impacts from the operation of OMF South. While LRVs travelling along the mainline could cause moderate noise impacts to some adjacent residents, those impacts would be mitigated, and would not affect 4(f) resources further away.

The following minor, temporary effects to potential Section 4(f) resources in the study area may occur:

- Construction of the mainline tracks for the Preferred and South 344th Street alternatives could impact sensitive receptors within 250 feet of daytime pile driving activities, which may be necessary for construction of the elevated mainline. The project would require some utility locations on S 333rd Street, which borders Cedar Grove Park to the south. During construction, S 333rd Street could be affected by detour or lane closures east of the park, but the park would still be accessible from the west or north.
- For the Midway Landfill Alternative, there would be an increase in the number of construction truck trips along SR 99 and I-5, which border the site on the west and east, respectively, and are located between the site and the parks. The number of truck trips would vary depending on the subsurface design option, but it is expected that park properties would experience limited construction effects due to the existing traffic, noise, vibration, and visual effects from the normal operation of those roadways.
- It is possible some parks in the study area could be exposed to construction vehicle emissions, airborne dust, and noise impacts during construction. However, these effects are expected to be minor and temporary since the project would be held to comply with construction best management practices and permit conditions to minimize and control dust and vehicle emissions and to comply with local noise ordinances.

- Cedar Grove Park within the Preferred and South 344th Street alternative study area would be within the closest proximity to construction activities, at approximately 300 feet from mainline construction, just beyond the range of noise impacts from pile driving activities, which may be necessary for construction of the elevated mainline. While construction noise and activities would be perceptible from the park, the impacts would be temporary and transitory in nature, and would not prevent use of the playground, basketball court, or other amenities that make the park an eligible 4(f) resource. The other parks, as mentioned above, would be outside the range of impacts described in the Draft EIS or separated from the site by SR-99 and I-5, which would provide effective buffers from construction activities.

Based on review of these analyses in the Draft EIS, none of the alternatives would require any land from any of the park properties for either construction or operation of OMF South, and no construction activities or operational activities of the project would rise to the level of a permanent, temporary, or constructive use under Section 4(f).

Because no wildlife or waterfowl refuges are in the study area, no such resources would be impacted.

Tables F.4-1 and F.4-2 list the park properties within the study area of the build alternatives, including the preliminary Section 4(f) determination.

**Table F.4-1 Public Parks and Recreational Properties Reviewed for Section 4(f)  
Eligibility: Preferred and South 344th Street Alternatives**

| Park/Resource and Ownership  | Size (acres) | Type or Function | Facilities  | Section 4(f) Resource | Preliminary Section 4(f) Determination       |
|--|--------------|------------------|---|-----------------------|--|
| Cedar Grove Park, City of Federal Way                                  | 2.6          | Developed park   | Trail walking, nature viewing, picnic area, play area | Yes                   | No use                                       |
| Town Square Park, City of Federal Way                                  | 3.9          | Developed park   | Play areas, basketball, picnic area, splash park      | Yes                   | No use                                       |
| Pacific Rim Bonsai Museum and Rhododendron Botanical (privately owned) | 22           | Developed park   | Walking, scenic viewing                               | No                    | Privately owned; Section 4(f) does not apply |

**Table F.4-2 Public Parks and Recreational Properties Reviewed for Section 4(f)  
Eligibility: Midway Landfill Alternative**

| Park/Resource and Ownership           | Size (acres) | Type or Function | Facilities  | Potential Section 4(f) Resource | Preliminary Section 4(f) Determination |
|---------------------------------------|--------------|------------------|---|---------------------------------|--|
| Parkside Park, City of Des Moines     | 4.4          | Developed park   | Trail walking, multiuse sport court, fitness equipment, picnic tables and benches | Yes                             | No use                                 |
| Parkside Wetlands, City of Des Moines | 14           | Developed park   | Trail walking, nature viewing   | Yes                             | No use                                 |
| Salt Air Vista Park, City of Kent     | 2            | Developed park   | Trail walking, play equipment, picnic area, open space                            | Yes                             | No use                                 |
| Linda Heights Park, City of Kent      | 4.2          | Developed park   | 1/2 court basketball, picnic table, play equipment, open space                    | Yes                             | No use                                 |
| West Hill Park, City of Kent          | 13           | Undeveloped      | Grassy field, no facilities   | Yes                             | No use                                 |

## 4.2 Mitigation

As no impacts to Section 4(f) properties have been identified, no mitigation measures are anticipated.

## 5 RECORD OF COORDINATION

Because no Section 4(f) properties would be affected, there has been no formal consultation between FTA, Sound Transit and agencies with jurisdiction over the Section 4(f) properties in the study area. Sound Transit will continue to assess existing conditions at each Section 4(f) property and initiate consultations if conditions warrant.

## 6 CONCLUSION

FTA will make the final Section 4(f) determination once the Sound Transit Board selects the project to be built. Based on the analysis in the Draft EIS, none of the alternatives would require any land from any of the Section 4(f) properties for either construction or operation of OMF South, and no other impacts would rise to the level of a Section 4(f) use. Because none of the alternatives would use Section 4(f) properties, no mitigation for these individual properties is proposed.