
Date February 25 2020
To Dena Whitaker, ADOT
From Nancy Shelton
Subject Section 4(f) Review for Non-Historic Properties
Interstate 40 / US 93 West Kingman System Traffic Interchange
ADOT TRACS No. 040 MO 048 H7993 01C

Introduction

The purpose of this memorandum is to document resources recommended for protection under Section 4(f) of the Department of Transportation Act of 1966 – referred to as Section 4(f), describe potential “use” of the resources, and identify additional steps necessary to obtain the appropriate concurrences needed to support preparation of National Environmental Policy Act documentation. Section 4(f) properties should be identified as early as practicable in the planning and project development process in order for complete avoidance of the protected resources to be given full and fair consideration (See 23 CFR 774.9[a]). This memorandum is intended as a tool for the Arizona Department of Transportation (ADOT) to determine additional measures necessary to fulfill the Section 4(f) review, coordination, and documentation.

Section 4(f) of the United States Department of Transportation Act of 1966

As originally defined under Section 4(f) of the Department of Transportation Act of 1966 (Public Law 89-670, 80 Stat. 931) and subsequently under 49 United States Code [U.S.C] 303, 23 U.S.C. 138, and 23 Code of Federal Regulations (CFR) 774, the Federal Highway Administration as delegated to ADOT and other United States Department of Transportation agencies cannot approve the use of recreational or historical resources for transportation purposes. This includes land from significant publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless there is no feasible and prudent alternative to the use of that land, and that the proposed action includes all possible planning to minimize harm to the property resulting from such use.

Criteria

There are four criteria on which recreational resources are evaluated to determine if they are afforded protection under Section 4(f). These include:

- **Public Ownership** – The property is publicly owned through fee simple ownership, a public easement, or a long-term lease agreement. For recreational areas, the official with jurisdiction (OWJ) must also be operated and managed by the public agency for the primary purpose of public recreation.
- **Primary Purpose** – the property is designated as a public park, recreation area, or wildlife and waterfowl refuge and the primary purpose of the property is for recreation activities or wildlife and waterfowl refuge.
- **Open to Public** – Property must be open to the public.

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- Significance – The property serves a major recreational role. The significance is determined by the OWJ.

Types of Use

A “use” of a Section 4(f) resource, as defined in 23 CFR §774.17, occurs when: property from a Section 4(f) site is permanently acquired and permanently incorporated into a transportation facility (permanent incorporation); there is a temporary occupancy of land that is adverse in terms of preserving the integrity of the Section 4(f) property (temporary occupancy); or proximity impacts of a transportation project on a Section 4(f) property, without acquisition of land from that property, are so great that the characteristics that qualify the property as Section 4(f) property are substantially impaired (constructive use).

De Minimis Impact on Non-Historic 4(f) Sites

An impact to a Section 4(f) property may be determined to be *de minimis* if the transportation use of the resource does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f). For parks or recreation areas, the official(s) with jurisdiction over the property must be informed of the intent to make a *de minimis* determination and the public must be provided an opportunity to review and comment.

Project Description and Location

ADOT is refining and updating a Design Concept Report and preparing 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
- 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 US93
- Constructing new concrete barrier as needed
- Constructing new on-site drainage collection and conveyance systems
- Extending existing culverts and pipes, as needed
- Installing or reconstructing ramp metering, lighting, signage, and pavement markings
- Constructing Americans with Disabilities Act improvements, as needed

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

Applicability

Each resource potentially afforded protection under Section 4(f) was reviewed to determine if there would be a use of the property.

Table 1 lists publicly-owned recreational facilities identified as occurring within the project area and within the project vicinity. No wildlife or waterfowl refuges occur within the study area. Recreational areas and historical sites occur within the study area. The table identifies the type and location of the resource, jurisdiction or owner, features of the resource, whether it is afforded protection under Section 4(f), and the anticipated use of the resource. Recreational resources that are afforded protection under Section 4(f) are depicted in Figure 3. Those resources identified as Section 4(f) resources warranting further analysis are then discussed in the subsequent section.

Map ID	Name	Location/Proximity	Officials with Jurisdiction	Description of Property	Criteria
1	Cerbat Cliffs Golf Course	South of I-40 and west of the Stockton Hill Road TI adjacent to the project.	City of Kingman owns, operates, and manages the golf course.	18-hole golf course with pro shop and bar/restaurant	-Publicly owned. -Primary Purpose is for recreation. -Open to the public. -Significance – golf course is determined to be significant by the OWJ
2	Cerbat Foothills Recreation Area (CFRA)	Extends from north of the intersection of State Route (SR) 68 east near the intersection of Fort Beale Dr and Beale St and south to near the intersection of Shinarump Rd and Oatman Rd Occurs within and adjacent to the project limits on both sides of US 93.	CFRA is operated and managed by the City of Kingman and Bureau of Land Management, based upon the underlying land ownership. The portion of CFRA affected by this project is under the jurisdiction of Kingman.	Day-use trails and picnic sites	-Publicly owned. -Primary Purpose is for recreation. -Open to the public. -Significance – CFRA is determined to be significant by the OWJ
3	Camp Beale Springs (also known as Old Fort Beale and Beale Springs)	Within the CFRA at the intersection of Fort Beale Dr and Wagon Trail Rd; adjacent to the project area.	City of Kingman	Historic military installation with day-use recreational trails and a camping area	-Publicly owned. -Primary Purpose is for recreation. -Open to the public. -Significance – Camp Beale Springs is determined to be significant by the OWJ

Reviews of Applicability, Use and Impacts

Section 4(f) property name: Cerbat Cliffs Golf Course

Location: South of I-40 near MP 51

Ownership and administration: City of Kingman

Type: Recreation area

Anticipated Use and Impact: No use

The Cerbat Cliffs Golf Course is a municipality-owned public course offering 18 holes of golf, along with a clubhouse and restaurant. The golf course is located outside of the project area. No permanent incorporation or temporary occupancy would be needed from this property. While temporary traffic delays and congestion associated with construction would be experienced, the access to the golf course would be maintained at all times. The project would not affect the activities, features, or attributes of the elements that are afforded protection under Section 4(f). No part of this property would be used by the project. Therefore, no impact to the property is anticipated by this project.

Section 4(f) property name: Cerbat Foothills Recreation Area

Location: Along US 93 between MP 69.6 and MP 70.0

Ownership and administration: City of Kingman

Type: Recreation area

Anticipated Use: Permanent Incorporation with de minimis impact

Approximately 12.65 acres of new ROW from a portion of CFRA managed by the City of Kingman is required for the proposed improvements along US 93 (Beale Street). The area that would need to be acquired consists of rocky cliffs adjacent to the existing US 93 roadway cut at the western end of the project. The area is needed to widen the existing road cut to accommodate the US 93 roadway while maintaining the area north of the road for drainage improvements. According to its 2030 General Plan, the City of Kingman and BLM plan to continue to acquire property for open space preservation as part of the CFRA. The proposed project would not affect the ability of BLM or the City of Kingman to acquire land nor would it limit areas available for future acquisition.

The proposed 12.65 acre-acquisition of new ROW represents 0.11 percent of the total land area within the CFRA. No trails or trailheads occur in the proposed new ROW. The extent of this use would be minor and would not adversely affect the activities, features, and attributes that would qualify the resource for protection under Section 4(f). Conversion of 31.25 acres from recreation to transportation would result in a *de minimis* direct use of the resource.

A *de minimis* impact finding would be appropriate because the *de minimis* criteria are met:

1. The proposed improvements would result in the permanent incorporation of approximately 12.65 acres of the 11,300-acre recreation area. The remainder of CFRA 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).

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2. The public involvement requirements are met because the use of the Section 4(f) resource would be included in the EA. The EA will be available for a 30-day review/comment period and a public hearing will be held during the public comment period.
3. A form that provides notification of ADOT's *de minimis* impact determination will be sent to the City of Kingman for concurrence. If they concur, it will signify an agreement that the use of a portion of the CFRA for the West Kingman System TI project would not adversely affect the activities, features, or attributes qualifying the resource for protection under Section 4(f).

Measures to Minimize Harm: During design of the project, alignments and geometry were reviewed to try to minimize the amount of required new ROW to the greatest extent possible. Options that included the use of the highway underpass for construction were eliminated from further consideration to minimize impact to recreational users.

Section 4(f) property name: Camp Beale Springs

Location: North of US 93 off of Fort Beale Drive

Ownership and administration: City of Kingman

Type: Recreation area

Anticipated Use:

Camp Beale Springs is a publicly-owned recreation area located north of US 93 and west of Fort Beale Drive. It is located at a historical site and includes interpretive signs, a camping area, and trails. The proposed project would require new ROW along US 93 south of Camp Beale Springs, but the recreational features of this area are located farther north. No direct use would occur. Temporary traffic delays and congestion associated with construction may be experienced on Fort Beale Drive, but the access to the recreation area would be maintained at all times. No constructive use would occur. The project would not affect the recreational activities, features, or attributes of the elements that are afforded protection under Section 4(f). The historical component of the resource is being evaluated separately within the Cultural Resources report, Section 106 consultation, and within the Draft EA which will be available to the public for review.

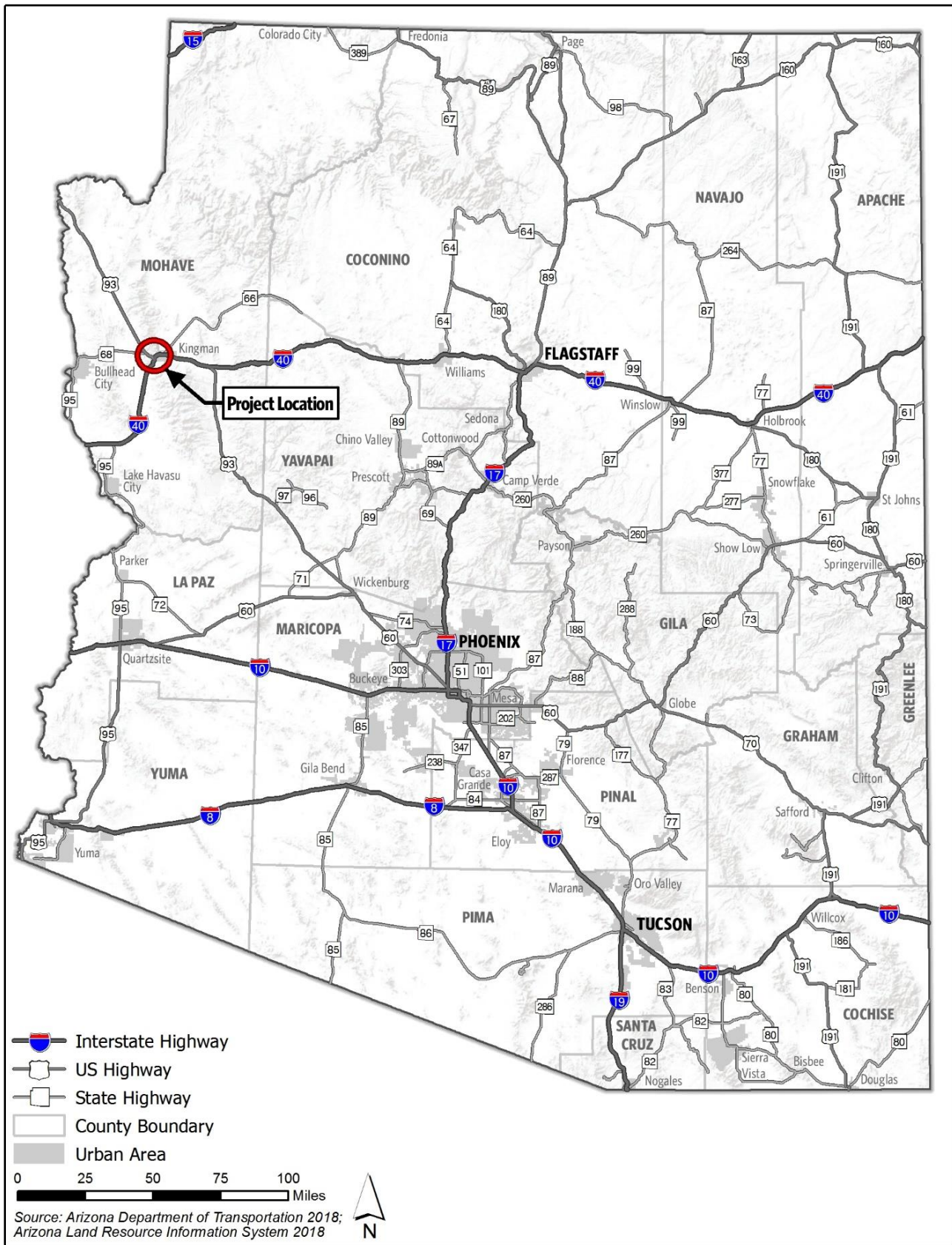


Figure 1. State Map
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 Interstate 40 / US 93 West Kingman System Traffic Interchange

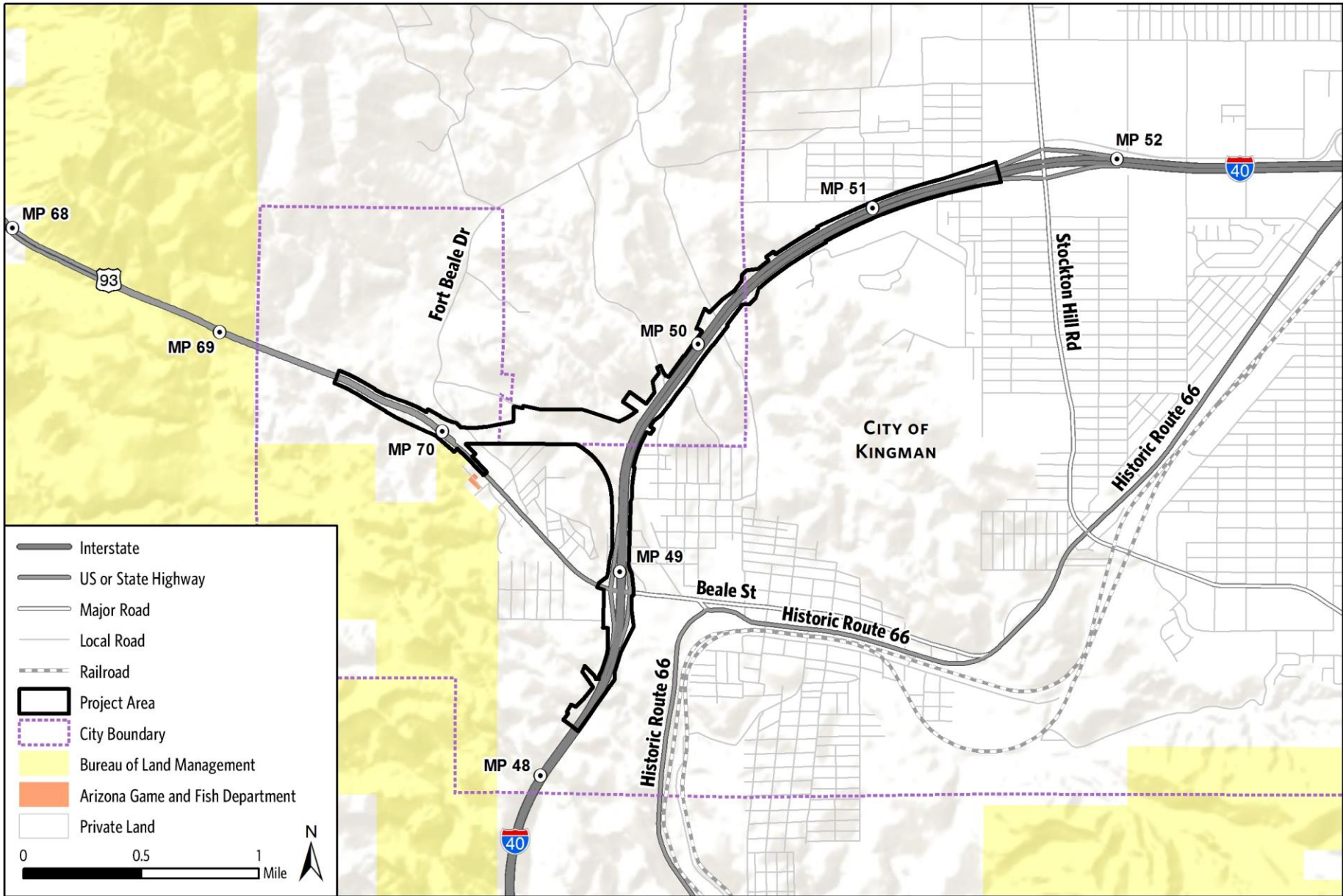


Figure 2. Project Vicinity
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 Interstate 40 / US 93 West Kingman System Traffic Interchange

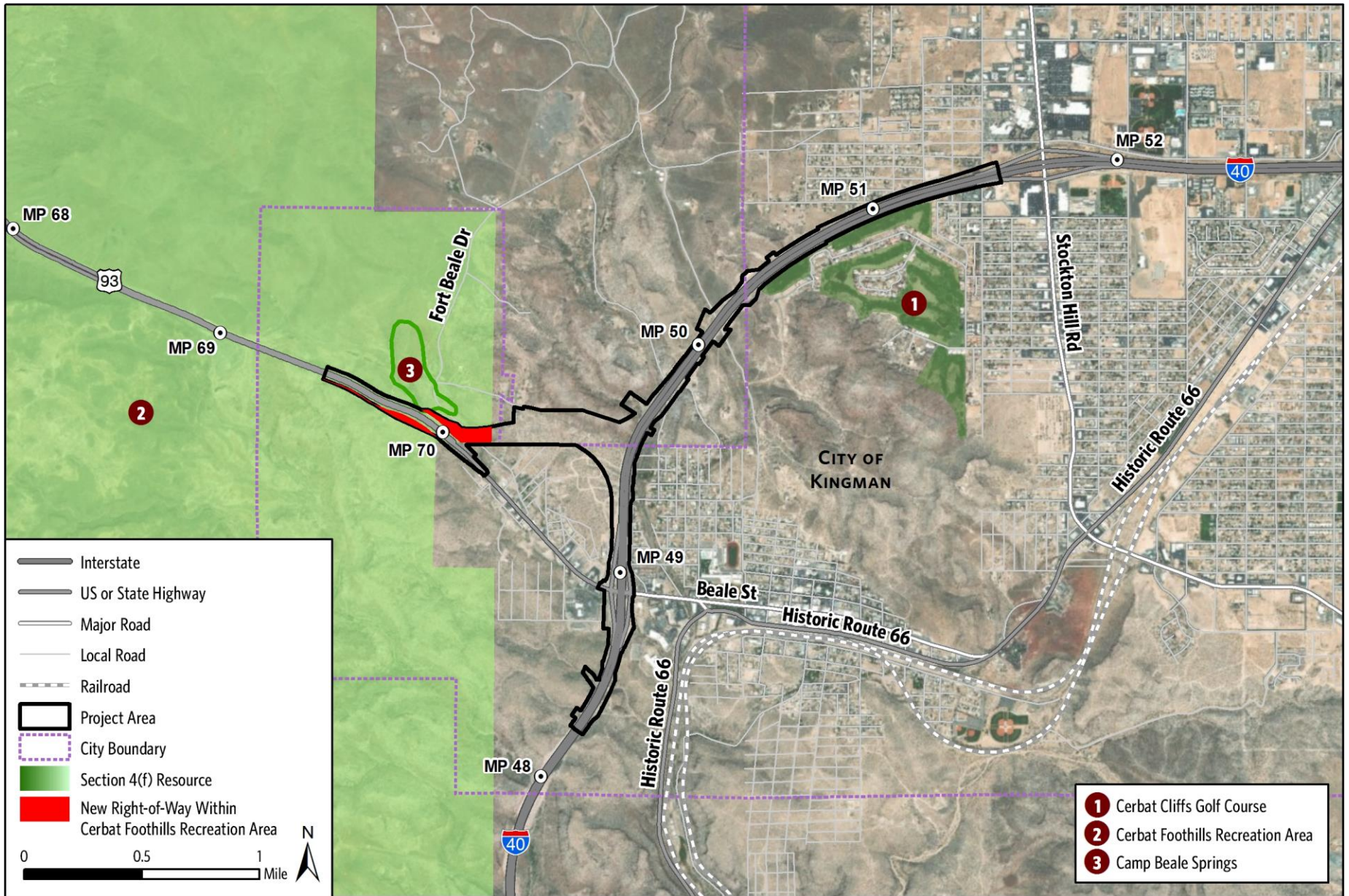


Figure 3. Potential Section 4(f) Properties
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 Interstate 40 / US 93 West Kingman System Traffic Interchange