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## ***Chapter 5***

### ***Section 4(f) Evaluation***

Tier II Final EIS

**SR 167**

Puyallup to SR 509

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### 5.1 Introduction

The Washington State Department of Transportation (WSDOT) is planning the completion of the SR 167 freeway between the SR 509 freeway in the city of Tacoma and SR 161 (North Meridian Street) in north Puyallup. The project would be constructed within Pierce County, Washington, in the cities of Fife, Puyallup, Edgewood, Milton, and Tacoma. The new freeway would replace the existing SR 167 arterial route between the I-5 Bay Street interchange and Puyallup via River Road and North Meridian. The freeway is designed as four lanes, plus inside High Occupancy Vehicle (HOV) lanes to be constructed between I-5 and SR 161 at a future date. Figure 5-1 is a project vicinity map; Figures 5-2 and 5-3 identify the 4(f) resources evaluated in this report that are within the proposed corridor.

#### 5.1.1 Section 4(f) Resources

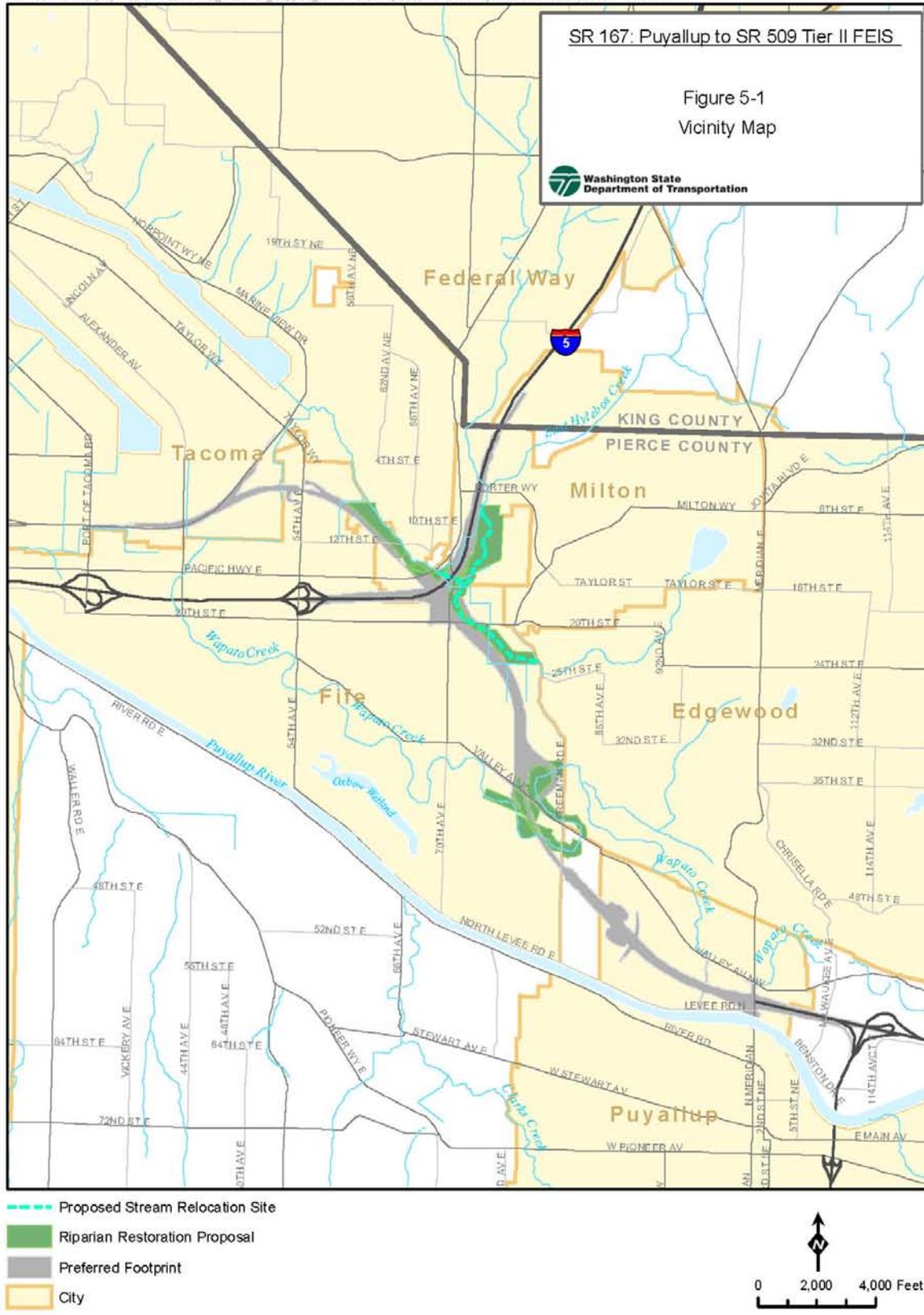
Section 4(f) of the Department of Transportation Act of 1966, codified in Federal law at 49 U.S.C. §303, declares that “[i]t is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.”

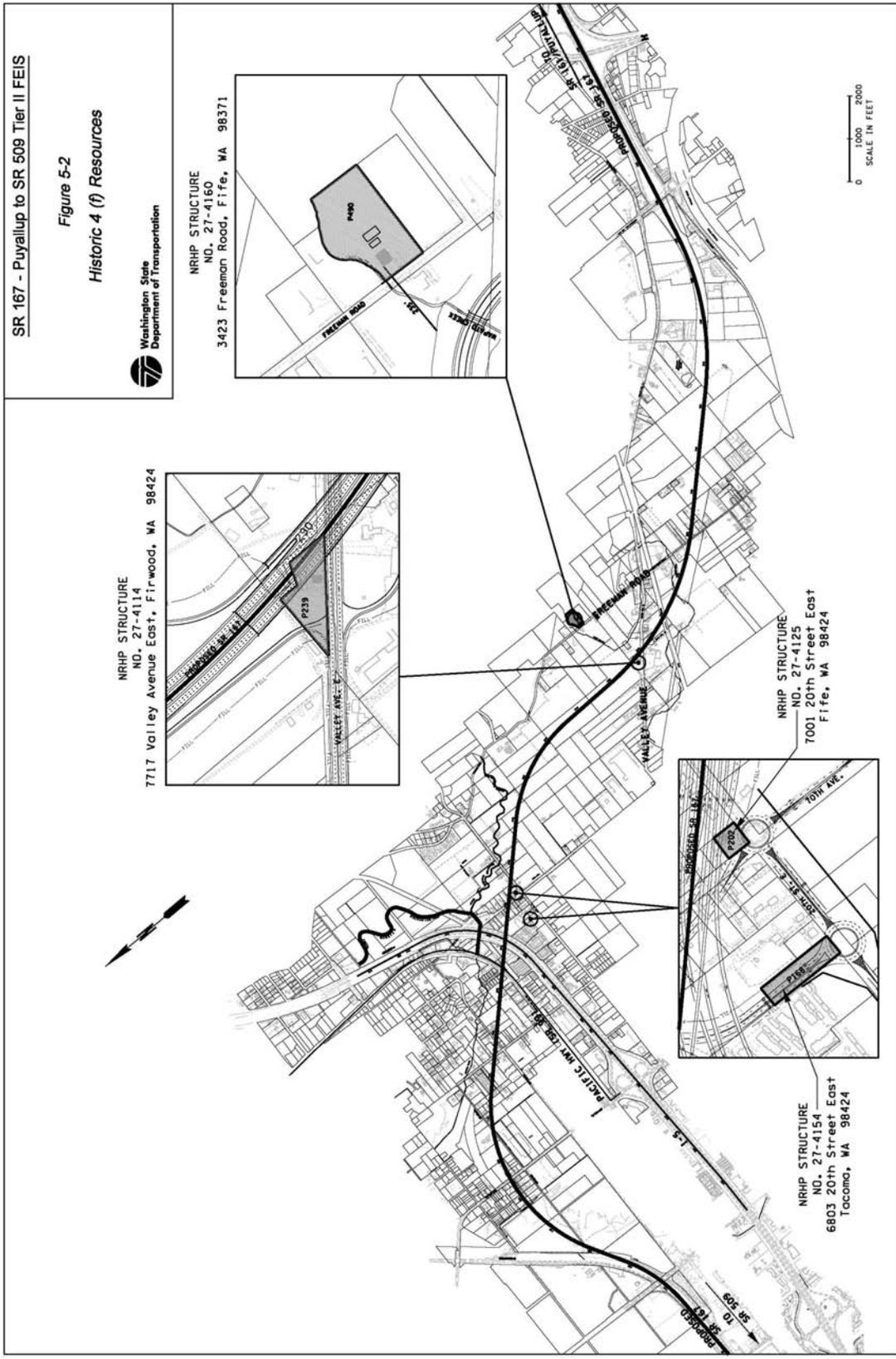
Section 4(f) specifies that “[t]he Secretary [of Transportation] may approve a transportation program or project ... requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if -

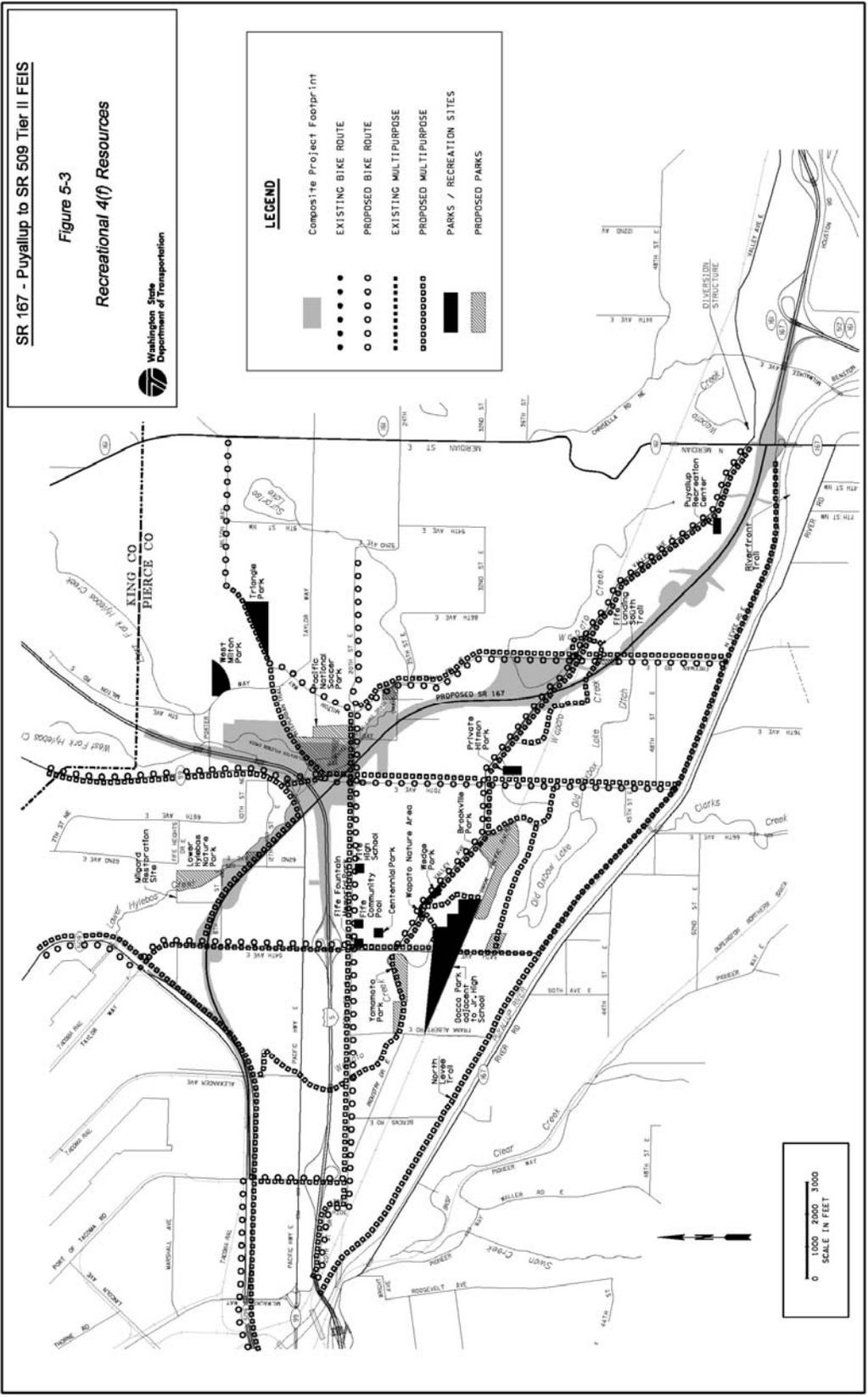
1. There is no feasible and prudent alternative to using that land.
2. The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.”

“Use” of a Section 4(f) property is usually considered to occur when land from a 4(f) resource is permanently incorporated into a transportation facility or when there is a temporary occupancy of land from a 4(f) resource which results in an adverse effect upon the resource contrary to the Section 4(f) statutory intent to preserve these properties. However, use of a Section 4(f) resource is not limited to property or easement acquisition under the statute.

“Constructive use” under Section 4(f) is defined as project proximity impacts (e.g. noise, access, vibration, aesthetic, ecological intrusion) which are so severe that they “substantially impair” or diminish the activities, features, or attributes that qualify a resource for protection under section 4(f). The Federal Highway Administration (FHWA) has determined that the threshold for constructive use is proximity impacts which substantially impair the function, integrity, use, access, value or setting of a park, recreation area, waterfowl or wildlife refuge, or historic site.







Supporting information must demonstrate that there are unique problems or unusual factors involved in the use of alternatives that avoid use of 4(f) resources or that the cost, social, economic, and environmental impacts, or community disruption resulting from such alternatives reach extraordinary magnitudes or result in unique problems.

Section 4(f) further requires consultation with the Department of the Interior and, as appropriate, the involved offices of the Departments of Agriculture and Housing and Urban Development in developing transportation projects and programs which use lands protected by Section 4(f).

### **5.1.2 Section 6(f) Resources**

Recreation resources that are acquired or improved with Land and Water Conservation Fund monies are also protected under Section 6(f) of the Land and Water Conservation Fund Act as stated in the FHWA Technical Advisory T6640.8A:

Section 6(f) directs the Department of the Interior (National Park Service) to assure that replacement lands of equal value, location, and usefulness are provided as conditions to approval of land conversions. Therefore, where a Section 6(f) land conversion is proposed for a highway project, replacement land will be necessary. Regardless of the mitigation proposed, the draft and final Section 4(f) evaluations should discuss the results of coordination with the public official having jurisdiction over the Section 4(f) land and document the National Park Service position on the Section 6(f) land transfer, respectively.

There are no Section 6(f) resources impacted by this project.

## **5.2 Description of the Proposed Action**

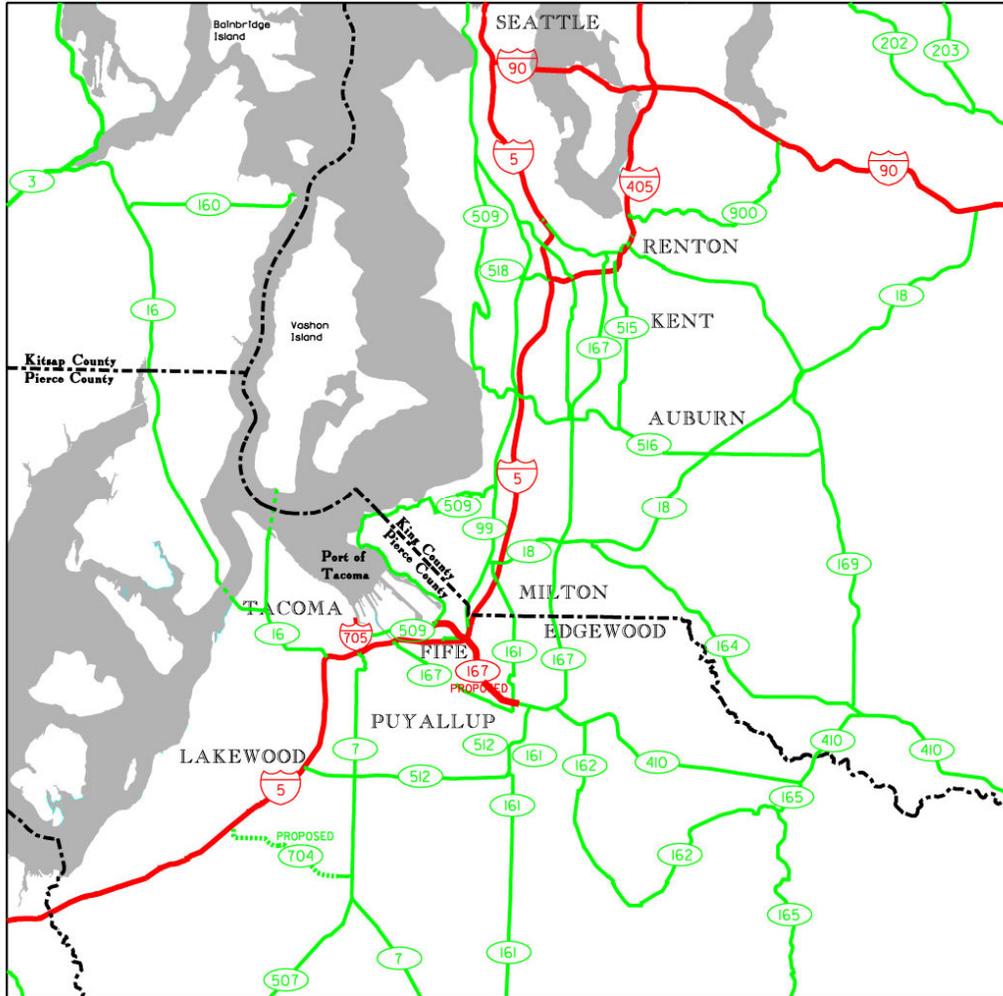
### **5.2.1 Project Background**

In the 1950s, a regional highway plan was developed which included SR 167 from Renton to I-5. After issuance of a Design Report and Access Report, work on the project in the Puyallup Valley was halted in the late 1970s because of uncertainty regarding ownership of the Puyallup Tribal lands in the area. In the late 1980s the SR 167 freeway was completed from I-405 in Renton to SR 512 in Puyallup. The tribal ownership issue was resolved in 1989, allowing the SR 167 extension planning to move forward. In 1990 the Washington State Legislature provided funds for the completion of the SR 167 project.

At the beginning of the EIS preparation in 1990, FHWA and WSDOT decided to tier the process into two steps as permitted in the federal guidelines under the National Environmental Policy Act (NEPA). The Tier I FEIS would evaluate different corridor options and select a preferred corridor and interchange locations. The Tier II FEIS would result in selection of a preferred design and evaluation of interchange options within the selected corridor. In both cases, the selection process involved evaluating the environmental consequences of

different alternatives and identifying ways to avoid, minimize, or mitigate the environmental impacts.

### *Regional Freeway Network*



NEPA regulations at 23 CFR §771.135(o) address the analysis required by Section 4(f) in a tiered EIS:

(1) When the first-tier, broad-scale EIS is prepared, the detailed information necessary to complete the section 4(f) evaluation may not be available at that stage in the development of the action. In such cases, an evaluation should be made on the potential impacts that a proposed action will have on section 4(f) land and whether those impacts could have a bearing on the decision to be made. A preliminary determination may be made at this time as to whether there are feasible and prudent locations or alternatives for the action to avoid the use of section 4(f) land. This preliminary determination shall consider all possible planning to minimize harm to the extent that the level of detail available at the first-tier EIS stage allows. It is recognized that such planning at this stage will normally be limited to ensuring that opportunities to minimize harm at subsequent stages in the development process have not been precluded

by decisions made at the first-tier stage. This preliminary determination is then incorporated into the first-tier EIS.

(2) A section 4(f) approval made when additional design details are available will include a determination that: (i) The preliminary section 4(f) determination made pursuant to paragraph (o)(1) of this section is still valid; and (ii) The criteria of paragraph (a)<sup>1</sup> of this section have been met.

## **5.2.2 Tier I FEIS and Record of Decision**

Development of the Tier I DEIS began in 1990 with a public review process. The Tier I EIS evaluated three corridors and a no build alternative after initially considering seven preliminary alternative corridor locations. The Tier I DEIS was published in June of 1993 and a public hearing was held on July 15, 1993. Subsequently, FHWA required WSDOT to prepare a Major Investment Study, completed in October 1995, which evaluated the effectiveness of four alternatives. The three corridor alternatives presented in the Tier I EIS avoided then identified 4(f) resources. Alternative 2 had the best mix of features for avoiding, minimizing, and mitigating environmental impacts while still meeting the purpose and need for the project. Therefore, Alternative 2 was selected as the preferred corridor in the Tier I FEIS and was the basis for the Build Alternative studied in the Tier II DEIS. The Tier I FEIS was published in April 1999 and the Record of Decision (ROD) was issued by FHWA in June 1999.

## **5.2.3 Tier II DEIS**

The Tier II EIS continues the environmental review process begun in Tier I under both NEPA and the State Environmental Policy Act. The Tier II DEIS was circulated for public review in February 2003. It included the complete description of the proposed facility and the resulting impacts to cultural resources and the environment, conceptual mitigation plans resulting from those impacts, and identified all necessary environmental permits. Copies of the Tier II DEIS are available for review at local libraries or by request from WSDOT.

One prehistoric site and four Craftsman style homes eligible for the National Register of Historic Places (NRHP) were identified in the Tier II DEIS. Subsequent to public review, it was determined that additional analysis of the corridor was necessary. Elements of the project, such as a proposed wetland mitigation site (comprising of approximately 200 acres) and areas for the proposed Park and Ride facilities were researched and one additional historic property, a dairy farm, was identified. On June 15, 2004, the Department of Archaeology and Historic Preservation (DAHP) concurred that 64 surveyed

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<sup>1</sup> 23 C.F.R. 771.135(a)(1) The Administration may not approve the use of land from a significant publicly owned public park, recreation area, or wildlife and waterfowl refuge, or any significant historic site unless a determination is made that:

- (i) There is no feasible and prudent alternative to the use of land from the property; and
- (ii) The action includes all possible planning to minimize harm to the property resulting from such use.

(2) Supporting information must demonstrate that there are unique problems or unusual factors involved in the use of alternatives that avoid these properties or that the cost, social, economic, and environmental impacts, or community disruption resulting from such alternatives reach extraordinary magnitudes.

resources are not eligible for the NRHP, and 5 historical resources and 1 archeological site were determined to be eligible for the NRHP. Those historical 4(f) resources are described in this Section 4(f) evaluation.

#### **5.2.4 Purpose and Need**

The purpose of the proposed project is to

- Improve regional mobility of the transportation system;
- Serve multimodal local and port freight movement and passenger movement between the Port of Tacoma, the new SR 509 freeway, and the I-5 corridor and the Puyallup termini of SR 167, SR 410, and SR 512;
- Reduce congestion and improve safety;
- Provide improved system continuity between I-5 and the SR 167 corridor;
- Maintain or improve air quality in the corridor to ensure compliance with the current State Implementation Plan and all requirements of the Clean Air Act.

The existing non-freeway segment of SR 167 from I-5 to the Puyallup area is on surface streets and includes a circuitous route through Puyallup, via River Road and North Meridian Street. The high levels of congestion at intersections and the frequency of intersecting driveways contribute to relatively high accident ratios compared to statewide averages. Traffic projections for the year 2030 indicate the capacity problems at intersections will increase if action to complete the freeway is not taken.

Trucks transporting freight currently travel through the city of Fife via Valley Avenue East, 70th Avenue East, and 54th Avenue East, or climb existing steep grades on SR 18 near I-5. Several intersections along these routes operate at over-capacity conditions during peak traffic, resulting in traffic delays and congestion. The Port of Tacoma projected truck traffic to and from the Port to double from 300,000 to 600,000 trucks per year by the year 2014 (Tier I FEIS, 1999). Anticipated problems include more congestion-related delays in freight transport and incompatibility of heavy truck use on residential surface streets creating unsafe conditions.

### **5.3 Alternatives and Options**

Several corridor alternatives and a no action alternative were evaluated in the Tier I EIS. Corridor 2, which was selected as the preferred alternative, provided a corridor within which a new limited access freeway connecting SR 509 to SR 167 near Puyallup and interchanges at I-5 and Valley Avenue could be configured.

The Tier II EIS proposes two alternatives, a no build and a build alternative.

### **5.3.1 No Build Alternative**

Under the “no build” alternative, the SR 167 freeway will terminate at North Meridian (SR 161), and the non-freeway SR 167 will continue to I-5 via North Meridian and River Road where it will terminate at the Portland Avenue/Bay Street interchange in Tacoma. The corridor would remain in the present state except for minor improvements and maintenance. Hylebos Creek and Surprise Lake Drain will not be relocated. Riparian restoration will not occur on Hylebos Creek, Surprise Lake Drain, or Wapato Creek. Pierce County and the cities of Fife, Tacoma, Puyallup, Milton, and Edgewood will continue with their programmed and planned improvements to the local transportation system. SR 167 Tier II DEIS Section 3.14, Transportation, identifies some of the roadway projects that are planned. The types of projects include widening roads, signalizing intersections, adding bicycle and pedestrian facilities, developing park and ride facilities, and improving capacity.

WSDOT will also continue making improvements to its facilities in the study area under the No Build Alternative. These facilities include SR 509, SR 705, I-5, SR 99, SR 161, SR 512, and the existing SR 167. The types of improvements include adding HOV lanes, adding collector/distributor lanes, improving on and off ramps, adding transportation demand management systems, and upgrading drainage systems.

### **5.3.2 Build Alternative**

The build alternative consists of a four-lane freeway (four general purpose lanes) with two HOV lanes between I-5 and SR 161. The build alternative includes freeway-to-freeway connections with SR 509, SR 167, and I-5. Also, it includes new local access interchanges at 54th Avenue East and Valley Avenue and completion of the SR 161 interchange. As part of the SR 161 interchange, the existing eastern bridge over the Puyallup River will be replaced and the existing western bridge will be widened. The Build Alternative also results in the relocation of a part of Hylebos Creek and Surprise Lake Drain. The relocated channel designs will reduce flooding and improve fish and wildlife habitat. A riparian restoration area is proposed for existing Hylebos Creek between SR 99 and 8th Street, for the relocated Hylebos Creek and Surprise Lake Drain east of I-5, and at Wapato Creek near Freeman Road and Valley Avenue.

A conceptual stormwater treatment plan has been developed for the project.

#### **Mainline Description**

The proposed SR 167 begins as a four-lane limited access highway where it connects to the existing SR 509 at the Port of Tacoma Road/SR 509 Interchange. The location of the connection and design features are dictated by the location of SR 509 and the SR 167 alignment as approved in the Tier I EIS. The two-lane southbound SR 167 will directly connect to the southbound lane of SR 509. The two-lane northbound SR 509 will directly connect to the two-lane northbound SR 167. There will be single-lane ramps from southbound SR 167 to SR 509 North Frontage Road and from northbound SR 167 to SR 509 South Frontage Road.

As part of the SR 509 connection, one new bridge over Alexander Avenue will be built. This bridge will span Wapato Creek and the South Frontage Road. The

existing railroad crossing of SR 509 will be relocated. A new railroad bridge over Wapato Creek will be constructed south of the South Frontage Road.

The four-lane mainline alignment continues easterly on embankment until it crosses 54th Avenue East in the vicinity of 8th Street East. An interchange providing access to and from the east is proposed at 54th Avenue East. Two interchange options were developed and are discussed below. The mainline continues on an embankment from 54th Avenue East until just past 8th Street East where the mainline separates and northbound lanes ascend on an elevated structure while southbound lanes remain on embankment until after crossing 12th Street East. Local access is maintained as mainline SR 167 crosses 12th Street East on structure.

Both northbound and southbound lanes cross SR 99 on separate elevated structures continuing on to the freeway-to-freeway connection with I-5. The archeological site is in the vicinity of these structures.

Bridges over 54th Avenue East and 12th Street East will be constructed. An existing culvert at the 12th Street East crossing of Hylebos Creek will be replaced with a structure. Riparian restoration along Hylebos Creek will also occur. It will include the removal of residential and commercial buildings near 8th Street East and 62nd Avenue East, the removal of 8th Street East and 62nd Avenue East, east of the new alignment, and the relocation of a drainage ditch. The proposed Lower Hylebos Nature Park, as shown on Figure 5-3, is in the vicinity of the proposed riparian restoration area and the existing Milgard Restoration Site.

Due to complexity of I-5 interchange and limited solutions for these freeway-to-freeway connections, only one design option could be developed to reasonably meet the needs at this location. The interchange will consist of three elevated levels of roadway structures extending up to 80 feet above ground. The SR 167 mainline would be elevated on structure over 12th Street East, Pacific Highway (SR 99), Interstate 5, proposed relocated 20th Street East and 70th Avenue East. Two historic residences are in the vicinity of the proposed changes to existing 20th Street East and 70th Avenue East.

Hylebos Creek will be relocated as part of mitigation for the fill of Hylebos Creek due to improvements to I-5. The creek will be relocated to the field east of I-5 from its current location adjacent to I-5. Relocation will begin where the creek enters the current I-5 right-of-way (ROW) upstream from the proposed interchange and will extend downstream to where it passes underneath SR 99, approximately 4,010 linear feet of channel.

A riparian restoration plan has been developed as part of the project's conceptual stormwater treatment plan that will provide a riparian buffer area around the existing and relocated Hylebos Creek. It will also provide a separated non-motorized path from 54th Avenue East to SR 99. The required 200- to 400-foot stream channel and riparian buffer area intersects with and is adjacent to Interurban Trail and the planned Pacific National Soccer Park.

Surprise Lake Drain will also be relocated as part of the I-5 interchange improvements. South of I-5, Surprise Lake Drain will be relocated and restored to a more natural alignment. The existing Surprise Lake Drain channel, which

currently bisects the planned Pacific National Soccer Park, will be moved to agricultural fields east of the new SR 167 mainline (Figure 5-3).

Riparian restoration, part of the project's conceptual stormwater treatment plan, is proposed along Wapato Creek at Valley Avenue Interchange. Restoration activities include riparian plantings, fill removal, impervious surface removal from the floodplain, and the potential removal of six undersized crossing structures. The planned Fife Landing South Trail is currently proposed to follow Wapato Creek in the vicinity of the project's planned restoration activities.

The mainline continues to the southeast parallel with Valley Avenue with two general purpose lanes in each direction and one HOV lane in each direction. Washington State Patrol truck weigh station facilities are proposed for each direction of travel east of the Valley Avenue interchange. The mainline would pass to the south of the Puyallup Recreation Center. WSDOT is proposing another cross connection underneath SR 167 with the preferred Urban interchange option for SR 161. Three design options have been developed for consideration at this interchange. The mainline continues towards the terminus at the existing SR 161/SR 167 interchange.

There are two existing bridges over the Puyallup River that carry SR 161 traffic. The southbound traffic travels over a concrete structure (western bridge) constructed in 1971. The northbound traffic travels over a steel structure (eastern bridge) constructed in 1951. The concrete bridge has a pier within the ordinary high watermark of the river while the steel bridge spans the river. The steel bridge is approximately 3 feet lower than the concrete bridge. Neither bridge meets current design standards.

As part of the SR 161/SR 167 interchange improvements, the existing steel bridge will be removed and replaced with a bridge that may span the Puyallup River. The project currently estimates a maximum of four piers for the new bridge and will be located within the ordinary high water mark of the river. The concrete bridge will be widened approximately seven feet to provide shoulders and a bike lane. The Riverfront Trail currently passes under the steel and concrete Puyallup River bridges.

### **Interchange Descriptions**

There are three interchanges with multiple design options under consideration. They are at 54th Avenue East, Valley Avenue, and SR 161 (North Meridian Street).

#### **54th Avenue East Partial Interchange**

There are two options for the partial interchange at this location. In both options, the ramps are single lane and provide only southbound off and northbound on access to SR 167. Connections will be provided for bicycle route continuity. There are no 4(f) resources in the vicinity of this proposed interchange.

#### **Valley Avenue Interchange**

Three design options were developed for this interchange location. For each, the SR 167 mainline is elevated over Valley Avenue, Union Pacific Railroad, Wapato Creek, and Freeman Road. Under all three options, WSDOT will widen

Valley Avenue from two lanes to five lanes from the northbound off ramp to the intersection of Freeman Road East. There are two historic residences in the vicinity of this proposed interchange.

#### **SR 161 / SR 167 Interchange**

An existing connection here provides the southern terminus for the freeway segment of SR 167 between Puyallup and Renton. With the proposed SR 167, this connection will become a full interchange. Three design options have been developed. In each design option, the SR 167 mainline will be elevated over SR 161 (North Meridian). In all three options, the existing steel bridge over the Puyallup River (northbound SR 161) will be replaced. The existing concrete bridge (southbound SR 161) will be widened. There are no 4(f) resources in the vicinity of this proposed interchange.

See Section 2.5.2 for more information about the build alternative and the interchange descriptions.

## **5.4 Description of Section 4(f) Resources**

Section 4(f) resources include historic sites and publicly owned parks, recreation areas, and wildlife and waterfowl refuges. The proposed action will not require the use of any wildlife and waterfowl refuges or existing public parks.

### **5.4.1 Historic Resources**

Historic resources are subject to protection under Section 4(f) regulations if they are on or eligible for listing on the NRHP. Determinations of eligibility were made based on recommendations in the Cultural Resources report prepared to satisfy Section 106 requirements. The State Historic Preservation Officer (SHPO) concurred on June 15, 2004, that there are four National Register Criteria for Evaluation that an eligibility determination is based on: association with significant events (Criterion A); association with significant people (Criterion B); possession of significant design or construction (Criterion C); and association with information important in prehistory or history (Criterion D).

Section 4(f) applies to all archaeological sites on or eligible for inclusion on the National Register and which warrant preservation in place (including those discovered during construction). Section 4(f) does not apply if FHWA, after consultation with the SHPO and the Advisory Council on Historic Preservation, determines that the archaeological resource is important chiefly because of what can be learned by data recovery (even if it is agreed not to recover the resource) and has minimal value for preservation in place.

The Tier II DEIS (pages 3-314, 3-315) described one archaeological site along SR 99 in the vicinity of the I-5 interchange portion of the project as potentially eligible for the NRHP. It also described 56 historic properties that were inventoried, with 5 appearing eligible for the NRHP. At the time the DEIS was published in February 2003, eligibility had not yet been determined by the SHPO. Subsequently more sites were surveyed bringing the total to 70, with one additional potentially eligible for the NRHP. SHPO concurred with the agency eligibility determinations. (See Appendix H.)

There is potential for additional archeological sites to be discovered during construction. In this case, where preservation of the resource in place is warranted the Section 4(f) process will be expedited. Also, the evaluation of feasible and prudent alternatives will take account of the level of investment already made. The review process, including the consultation with other agencies should be shortened, as appropriate. An October 19, 1980, memorandum with the Heritage Conservation and Recreation Service (now National Park Service) provides emergency procedures for unanticipated cultural resources discovered during construction.

On June 15, 2004, the SHPO concurred that the following resources (Table 5-1) were eligible for listing in the NRHP, therefore making them potentially subject to protection under Section 4(f) regulations:

**Table 5-1: Historic Resources Eligible for the NRHP**

DAHP <sup>1</sup> Number	Parcel Number <sup>2</sup>	Address	Description
45PI488	(not disclosed)	Along SR 99	Archaeological site
27-4154	P168	6803 20th St. E.	Residence
27-4125	P202	7001 20th St. E.	Residence
27-4114	P239	7717 Valley Ave. E.	Residence
27-4160	P490	3423 Freeman Rd.	Residence
Fife-A-1	(Baggenstos Farm)	N. Levee Rd.	Farmstead

<sup>1</sup>Department of Archaeology and Historic Preservation

<sup>2</sup>Assigned by WSDOT

**Site 45PI488** - This archaeological site is on a privately owned vacant lot located along SR 99. Based on the results of shovel testing performed in October 2000 and January 2001, the site appears to be confined to the southeast portion of the parcel. Limited testing produced two fragments of a formed tool, a charcoal sample, and lithic scatter. The site is considered significant under Criterion D, for it is likely to yield information important to Puyallup River Valley prehistory. It was determined, after consultation with SHPO, that this site has minimal value for preservation in place. Therefore, the archaeological site is not subject to protection under Section 4(f) regulations. This site is not shown on the vicinity map or a site plan in order to protect its integrity.



**Site 27-4154** – This private residence is located at 6803 20th Street East. Built around 1940, this gable-front bungaloid cottage is in excellent condition and retains its architectural integrity. In addition, its gardens and overall setting further enhance its Craftsman aesthetic. It was determined eligible for the NRHP under Criterion C (Figures 5-2 and 5-4).



**Site 27-4125** – This private residence is located at 7001 20th Street East. It was constructed around 1930, and is a one and one-half story bungalow with a gull-wing dormer and a shed-roof dormer. It retains excellent architectural integrity and is in good to fair physical condition. It was determined eligible for the NRHP under Criterion C (Figures 5-2 and 5-4).



**Site 27-4114** – Another private residence, this resource is located at 7717 Valley Avenue E. Built around 1900, this one and one half story bungalow with gull-wing style gable roof has excellent structural integrity, but is in only fair physical condition. It was determined eligible for the NRHP under Criterion C (Figures 5-2 and 5-5).



**Site 27-4160** – Built in 1902, this Craftsman style two-story private residence is located at 3423 Freeman Road. It has excellent exterior architectural integrity and is in excellent physical condition. It was determined eligible for the NRHP under Criterion C (Figures 5-2 and 5-5).