



## Section 6(f) Environmental Evaluation Frequently Asked Questions

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This document provides answers and clarification to frequently asked questions received during the public comment period on the Section 6(f) Environmental Evaluation of the SR 520, I-5 to Medina: Bridge Replacement and HOV Project.

We will consider all comments received when preparing the final Section 6(f) Environmental Evaluation, which will become available when the I-5 to Medina project Final Environmental Impact Statement (EIS) is issued in spring 2011.

### What is the Section 6(f) Environmental Evaluation?

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Section 6(f) is a component of the Land and Water Conservation Fund (LWCF) Act of 1965, and protects recreational properties acquired or developed with LWCF Act funds that could be affected by transportation and other projects. Through our work with several jurisdictions and technical agencies, we have determined that the I-5 to Medina project will convert recreational properties protected under Section 6(f). These protected properties proposed for conversion are portions of the Ship Canal Waterside and Arboretum Waterfront Trail complex, and portions of two associated parks, East Montlake Park<sup>1</sup> and the Washington Park Arboretum.

In 2010, we developed an environmental evaluation of how the I-5 to Medina project will affect these recreational resources, the proposed site we have identified as replacement, and the potential environmental effects of developing the replacement site for park use.

The Section 6(f) Environmental Evaluation has been reviewed by representatives of the City of Seattle Parks Department, the University of Washington, and the Washington State Recreation and Conservation Office, who are stewards of Section 6(f)-protected properties. The National Park Service will use the Section 6(f) Environmental Evaluation along with the final EIS to ensure we comply with National Environmental Policy Act for the Section 6(f) conversion request. We have also consulted with other federal and state regulatory agencies who grant permits and approvals for future development of the replacement site.

### Public Comment Period

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The Section 6(f) Environmental Evaluation document was provided for a 30-day public comment period from Nov. 9 to Dec. 8, 2010.

We received a total of 23 comments from mail, e-mail, and an online comment form provided on the SR 520 program website:

- 13 comments were received from the general public.
- 3 comments were received from agencies.
- 7 comments were received from community groups.

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<sup>1</sup> Note that while McCurdy Park is adjacent to East Montlake Park, it is not included within the 6(f) properties; McCurdy Park is covered under Section 4(f) of the U.S. Department of Transportation Act. For more information on Section 4(f), see page 4 of this document.

## Frequently Asked Questions (FAQs)

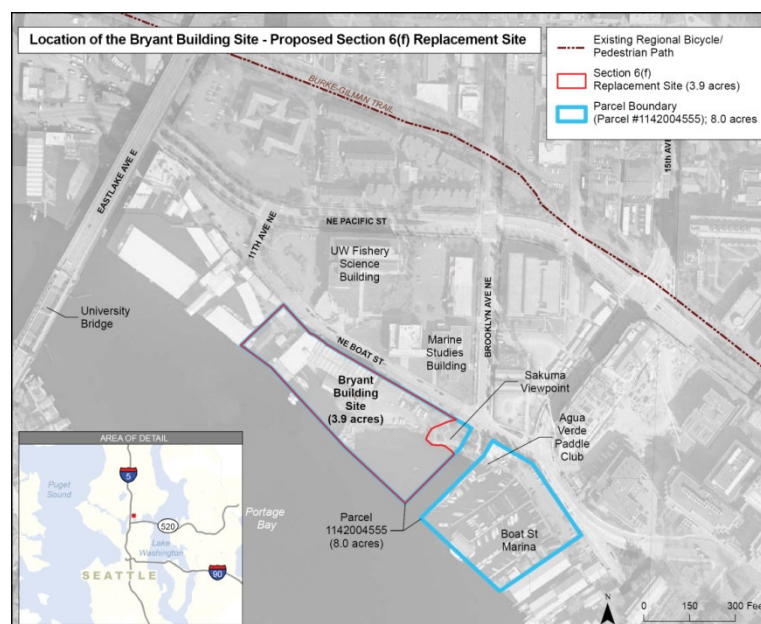
### **Why is the WSDOT Peninsula (the property under the R.H. Thomson ramps and the SR 520 Lake Washington Boulevard on- and off-ramps) not proposed as replacement property?**

The R.H. Thomson Expressway and the SR 520 Lake Washington Boulevard on- and off-ramps will be removed as a part of the I-5 to Medina project preferred alternative. Removal of the ramps will open up the property beneath and around the ramps (known as the WSDOT Peninsula property) and enhance the park-like quality of this area near the Arboretum. While wetland and park enhancement opportunities exist for this area, the WSDOT Peninsula is not an eligible replacement site for Section 6(f) converted property. The general public currently uses the area for passive and informal recreation, and for this reason, Section 6(f) regulations exclude this property from consideration as replacement for the converted properties. The regulation's intent is to ensure that **new** recreational lands are created to replace the converted property.

We fully recognize the natural habitat and recreational value that can be provided on the WSDOT Peninsula property and are currently considering wetland and park mitigation opportunities required under other regulations. We will continue to work closely with the City of Seattle, the University of Washington, the Arboretum and Botanical Garden Committee and other stakeholders to explore these opportunities which cannot be counted as 6(f) mitigation for the reasons outlined in the above paragraph.

### **How will wetland and wildlife viewing opportunities that will be lost on the converted properties be replaced on the Bryant Building site?**

The City of Seattle and University of Washington, as the LWCF project sponsors, will be responsible for designing and developing the Bryant Building replacement site to meet their recreational needs. The Bryant Building site would provide approximately 3.9 acres of permanent waterfront park lands in Seattle. While wetland and wildlife viewing opportunities identical to those lost may not be achievable on the replacement site, the Bryant Building site is "of at least equal fair market value and of reasonably equivalent usefulness and location," consistent with Section 6(f) requirements (36 CFR 59). The replacement property does not need to provide identical recreational experiences or be located at the same site.



**How does the Bryant Building site meet the replacement site requirements if it provides approximately 3.9 acres of replacement property for the approximately 4.8 acres of converted property?**

Section 6(f) regulations do not require that acreage of replacement property match the acreage of the converted property. Instead, the regulations emphasize replacement of the converted properties with property of equal or greater fair market value and of reasonably equivalent location and usefulness. Reconnaissance-level real estate appraisals indicate the Bryant Building site will likely exceed the value of the converted properties. The regulatory intent is that the replacement property is provided in a location similar to where the Section 6(f) resources will be converted, and that it is property of similar recreational usefulness.

It is worth noting that as a result of the overall I-5 to Medina project, there will be a net gain of about an acre in recreational space in the Portage Bay area when construction of the project is complete. About 2 acres of the converted land will be returned to recreational use after construction is complete in addition to the new recreational area provided at the Bryant Building site.

**What will happen if environmental contamination is found on the Bryant Building site and how will these risks be accounted for in negotiations for the replacement site?**

The Section 6(f) Environmental Evaluation identifies the potential risk of encountering environmental contamination on-site during site development. The City of Seattle and University of Washington understand the potential risk of encountering environmental contamination during the subsequent park development and will consider these risks carefully during final negotiations with WSDOT prior to final approval of the Section 6(f) conversion and replacement property.

**What will happen if archaeological artifacts are found on the Bryant Building site and how will these risks be accounted for in negotiations for the replacement site?**

In accordance with Section 106 of the National Historic Preservation Act, we will conduct archaeological testing on the Bryant Building site before developing it as a park. This will include an archaeological survey for previously unidentified cultural resources, including recording, evaluation, and data recovery if necessary. The appropriate Section 106 consulting parties will agree to the necessary actions through a Section 106 programmatic agreement for the I-5 to Medina project. We cannot currently conduct an archaeological survey of the Bryant Building site due to the presence of buildings and paving on the entirety of the site and its current active use by the University of Washington.

If the testing discovers archaeological sites that are eligible for the National Register of Historic Places, then the Washington State Recreation and Conservation Office, on behalf of the National Park Service, would have to determine if the development of the replacement site would have an adverse effect on those archaeological sites. If the Washington State Recreation and Conservation Office determines that the archaeological sites would be adversely affected by the development and could not be avoided, then they would consult with City of Seattle, University of Washington, the Washington State Department of Archaeology and Historic Preservation, interested Indian tribes, and other affected parties, to find a way to resolve those adverse effects. This could include data recovery, public education and outreach efforts, or other types of mitigation.

The City of Seattle and University of Washington will carefully consider the risks of encountering archaeological artifacts on the replacement site during final negotiations with WSDOT prior to final approval of the Section 6(f) conversion and replacement property. In addition, the National Park

Service will review these risks associated with development of the replacement site prior to their approval of the Section 6(f) conversion.

#### **How will the remaining Section 6(f) resources be affected by the new SR 520 bridge?**

Section 6(f) regulations require consideration of the impact of the converted portion on the remaining park area, and that “the unconverted area must remain recreationally viable or be replaced as well.” While the new SR 520 bridge will be wider and taller than the existing SR 520 bridge, we have coordinated with the City of Seattle, University of Washington, and the Washington State Recreation and Conservation Office to retain recreational utility of the remaining acreage of Section 6(f) resources where conversion would occur.

The new SR 520 structure will also offer some enhancements to the recreational experience of the remaining Section 6(f) resources by providing approximately 24 feet of clearance above the Arboretum Waterfront Trail, which is higher than today. We will also remove the R.H. Thomson Expressway and the SR 520 Lake Washington Boulevard ramps, opening views for Arboretum users, improving some boat access, and allowing the area to be restored to natural conditions.

#### **How is Section 4(f) related to Section 6(f)?**

In general, Section 4(f) of the U.S. Department of Transportation Act is broader in scope than Section 6(f) of the LWCF Act and the two sections are governed by two different federal laws. Section 4(f) protects publicly owned parks and recreational areas, waterfowl and wildlife refuges, and historic sites considered to have national, state, or local significance. Section 6(f) resources are protected by specific regulations applying to recreational areas acquired or developed with the LWCF Act funds. For the I-5 to Medina project, the Federal Highway Administration is the lead agency for compliance with Section 4(f), while the National Park Service is the lead agency for compliance with Section 6(f).

It is not uncommon for Section 4(f) recreational resources to have received LWCF Act funding, and Section 6(f) becomes an integral part of Section 4(f) recreational areas. A key difference is that mitigation requirements are different under the two Acts. Section 6(f) directs the National Park Service to assure that replacement lands are of equal value, location and usefulness as impacted lands. Section 4(f) mitigation is more flexible and may or may not include replacement lands. Mitigation undertaken as part of Section 6(f) will be included as part of the I-5 to Medina project Section 4(f) Evaluation (to be issued with the final EIS in spring 2011), in addition to other mitigation identified to meet Section 4(f) requirements. The Bryant Building site is not addressed within the Section 4(f) Evaluation since the site does not have a Section 4(f) use as the term ‘use’ is defined by 23 CFR 774.17 (WSDOT and the Federal Highway Administration are not incorporating the site into a transportation facility as a result of the SR 520, I-5 to Medina project).

#### **What are the final review opportunities for the Section 4(f) Evaluation and Section 6(f) Environmental Evaluation?**

The Final Section 4(f) Evaluation and Section 6(f) Environmental Evaluation will be available for public review as attachments to the I-5 to Medina project final EIS when it is issued in spring 2011 and will include responses to comments received during the public comment periods. The formal comment period on the SR 520, I-5 to Medina Supplemental Draft Environmental Impact Statement and Draft Section 4(f) Evaluation was held from Jan. 22 to April 15, 2010. Comments will be accepted on the Final Section 4(f) Evaluation and Section 6(f) Environmental Evaluation following publication of the SR 520 final EIS. However, there will not be another formal comment period.