

4F Regulations

Department of Transportation Act

DECLARATION OF PURPOSE AND SECTION 4(F), AS AMENDED

This Act became law on October 15, 1966 (Public Law 89-670), 49 U.S.C. 303 (formerly 49 U.S.C. 1651(b)(2) and 49 U.S.C. 1653f). Public Law 90-495 (August 23, 1968) amended section 4(f) to its most commonly known form which is presented here. Public Law 97-449 (January 12, 1983) re-codified the Act from 49 U.S.C. 1651 to 49 U.S.C. 303. Congress has amended this Act three other times. The description of the Act, as amended, tracks the language of the United States Code except that (following common usage) we refer to the "Act" (meaning the Act as amended) rather than to the "subchapter" or the "title" of the Code.

49 U.S.C. 303,
Policy on lands,
wildlife and water-
fowl refuges, and
historic sites.

Section 4(f)

It is hereby declared to be 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.

49 U.S.C. 303(b)

The Secretary of Transportation shall cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the States, in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of lands crossed by transportation activities or facilities.

49 U.S.C. 303(c)

The Secretary may approve a transportation program or project (other than any project for a park road or parkway under section 204 of title 23) [of the United States Code, "Federal Lands Highways Program"] 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 Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if—

(1) there is no prudent and feasible alternative to using that land; and

(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.

SEPA Correspondence

RE: SEPA MDNS Issuance for Redesign of the Dry Falls Visitor Center Area

Dear Interested Party:

The Washington State Parks and Recreation Commission is proposing to redesign and undertake project improvements at the Dry Falls overlook area of Sun Lakes-Dry Falls State Park, located in Grant County. During development of the proposal, you were identified as a party of interest.

According to state law, the proposed action is being reviewed under the State Environmental Policy Act (SEPA). The Responsible Official has issued a Mitigated Determination of Nonsignificance (MDNS) for public review and comment. For your consideration, the MDNS and environmental checklist have been placed on the project website at www.parks.wa.gov/plans/dryfalls along with photographs, conceptual site plans, and other planning documents.

If you have any comments, questions, or concerns about this proposal, or its environmental impacts, please provide comments by E-Mail to Dry.Falls.Planning@parks.wa.gov or follow the directions on the MDNS. Comments will be accepted until 5:00 PM on June 5, 2009.

Additionally, the SEPA documents are available for public review at the following locations:

Washington State Parks 270 9 th Street NE, Suite 200 East Wenatchee, WA 98802	Washington State Parks 1111 Israel Road SW Olympia, WA 98504	Spokane Public Library 906 W. Main Street Spokane, WA 99201
Moses Lake Public Library 418 East 5 th Avenue Moses Lake, WA 98837	Wenatchee Public Library 310 Douglas Street Wenatchee, WA 98801	Seattle Public Library 1004 4 th Avenue Seattle, WA 98104

For additional information, or to request a copy of the MDNS and checklist, please contact Bill Fraser, Project Manager, at (509) 665-4333.

Sincerely,

Chris Regan, Environmental Program Manager
SEPA Responsible Official

SEPA Correspondence

Rex Derr
Director



STATE OF WASHINGTON

WASHINGTON STATE PARKS AND RECREATION COMMISSION

1111 Israel Road SW • P.O. Box 42650 • Olympia, WA 98504-2650 • (360) 902-8500
Washington Telecommunications Relay Service at (800) 833-6388
www.parks.wa.gov

STATE ENVIRONMENTAL POLICY ACT (SEPA) MITIGATED DETERMINATION OF NONSIGNIFICANCE

Description of Proposal: Provide a world-class interpretive experience for visitors to the Dry Falls overlook area of Sun Lakes-Dry Falls State Park, consistent with the Washington State Parks and Recreation Commission's 2013 Centennial Plan and previously adopted Interpretive Master Plan for the Ice Age Floods in Washington State.

To achieve this goal, State Parks is considering seven alternatives (options), including a No Action Alternative and a Preferred Alternative for the Dry Falls overlook. All of the action alternatives consider redesign of the site in order to provide enhanced and updated interpretive opportunities and facilities, universal access, improved vehicular circulation, sustainability and code compliance.

The preferred alternative (Journey to the Edge, Option 3B) includes the demolition of the existing Dry Falls visitor center, designed by noted architect Kenneth Brooks. This 1960's-era Modernist structure has been determined to be eligible for listing on the National Register of Historic Places (NRHP). Several of the alternatives include modifications that would alter the structure in order to meet the project purpose and need. These alterations would compromise the historic integrity of the structure. The proposed demolition or alterations of a historic property constitutes a likely adverse environmental impact under SEPA and likely would also be considered an adverse effect under the National Historic Preservation Act (NHPA).

Accordingly, and consistent with State Parks' Cultural Resources Management Policy (#12-98-1) and the SEPA rules (WAC 352-11-350 and WAC 352-11-665), this proposal has been conditioned to include reasonable and capable mitigation measures designed to reduce the likely significant adverse environmental impacts of the proposal.

Mitigation measures include:

- Documentation of the historic property (Brooks building) by preparing a Historic American Building Survey (HABS) report to the standards of U.S. Department of the Interior's National Park Service and the guidelines of the Washington State Department of Archaeology and Historic Preservation (DAHP). Documentation will include digital photography and text that describes the structure, puts it in a larger context, and states its relationship to Kenneth Brook's larger body of work.
- Inclusion of interpretive materials and exhibits related to the Brooks building as a component of the overall interpretive plan developed for the site.

Separately, the Washington State Department of Transportation (WSDOT) and the Federal Highways Administration (FHWA) will complete consultation under Section 106 of the NHPA (36 CFR Part 800) and Section 4(f) of Department of Transportation Act of 1966 (now codified at 23 CFR 774) compliance for the proposed undertaking.

This is phased review under SEPA. Phased review means the coverage of general matters in broader environmental documents, with subsequent narrower documents concentrating solely on issues specific to the later analysis (WAC 197-11-776). The initial phase of environmental review consisted of an environmental checklist and Determination of Nonsignificance (DNS) for proposed land classifications within Sun Lakes State Park, which were adopted by the Commission on June 12, 1998. A subsequent phase of review was conducted for the proposed Ice Age Floods Interpretive Master Plan, which was adopted by the Commission on November 30, 2006. The current phase of environmental review is a SEPA project action for the proposed adoption of a site plan and phased development related to redesign of the Dry Falls visitor center area, including a new visitor center.

Proponent: Washington State Parks & Recreation Commission.

Location of Proposal, including street address, if any: The proposal is located along SR 17 in Sun Lakes State Park. Section 1, Township 24 North, Range 27 East, W.M.

Lead Agency: Washington State Parks & Recreation Commission (WSP&RC)

The lead agency has determined that this proposal, with the mitigation measures as described in this MDNS and in the attached Environmental Checklist, will not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after a review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This MDNS is issued under WAC 197-11-340 and WAC 197-11-350; the lead agency will not act on this proposal for at least 14 days from the date below. **All comments must be received by 5:00 PM June 5, 2009** (an additional day has been provided due to the Memorial Day holiday).

Responsible Official	Chris Regan
Position/Title	Environmental Program Manager
Address	Washington State Parks & Recreation Commission 1111 Israel Road SW, Olympia, WA 98504-2650

Date: May 21, 2009 **Signature**

SEPA Correspondence



STATE OF WASHINGTON
WASHINGTON STATE PARKS AND RECREATION COMMISSION
1111 Israel Road SW • P.O. Box 42650 • Olympia, Washington 98504-2650 • (360) 902-8500
Internet Address: <http://www.parks.wa.gov>
TDD (Telecommunications Device for the Deaf): (360) 664-3133

October 6, 2009

Trent deBoer
WSDOT Archaeologist
Highways & Local Programs
PO Box 47390
Olympia, WA 98504

Subject: Dry Falls Visitor Center

Trent,

Washington State Parks has recently selected a preferred alternative for the Dry Falls Visitor Center Project, within Sun Lakes State Park in the Coulee City vicinity of Grant County. The proposed project is located adjacent to SR 17 in Section 1 of T24N R27E. As background, the purpose of this project is to provide a world-class interpretive experience for visitors at the site related to the Ice Age Floods. State Parks considered seven alternatives for the project, one of which was selected as the preferred alternative (titled "Journey to the Edge, Option 3B"). The planning for this project is funded through a Scenic Byways grant, requiring review under Section 106 of the National Historic Preservation Act.

In accordance with the requirements of Section 106, a Cultural Resources Survey was undertaken by Archaeological and Historical Services on behalf of Washington State Parks. The survey results, reported in Emerson and Ives (2008) were negative for archaeological resources but did result in the identification of and subsequent determinations of eligibility for both the 1965 Dry Falls Visitor Center designed by Kenneth Brooks and the Depression-era gazebo and overlook immediately to the north of the existing Visitor Center.

The alternatives considered included possible re-use of the existing Brooks building. However, due to the small size and existing configuration of the building in addition to the substantial code issues related to ADA access, fire egress, and seismic performance of the existing building, it has been determined that the existing Brooks building will be removed as part of the preferred alternative. This will constitute an adverse effect under Section 106, but it must also be noted that the improvements required bringing the building up to current standards and providing additional interpretive program space to meet the project purpose and need would likely also constitute an adverse effect.

The preferred alternative will construct a new facility to the south of the existing visitor center with a new parking area and a better and safer connection to SR 17. The area of the existing visitor center will become a traditionally landscaped space with limited lawn and shade trees, and the existing parking area will be removed. The Depression-era gazebo, overlook, and stone and chain railing will remain under the preferred alternative.

The entire project area, including the areas surrounding the existing and proposed visitor centers, was surveyed by AHS. Copies of their report were forwarded to your office in January of 2009. The area surveyed, and the results of that survey, are included in the report. Lance Wollwage of DAHP concurred with the determinations of eligibility on March 30, 2009. The only adverse effect anticipated as a result of the proposed project is the removal of the Brooks building, which will require mitigation. Washington State Parks has proposed mitigation measures in the SEPA Mitigated Determination of Non-Significance, but further consultation under Section 106 is required to formalize the mitigation.

If you need additional information regarding the planning process, or the alternatives considered for the project, please see the project planning website at:
<http://www.parks.wa.gov/plans/dryfalls/>

Washington State Parks would like to move forward with a formal finding of effect for the proposed project. If you have any questions, or require further information, please don't hesitate to contact me.

Sincerely,

Alex McMurry
Historic Preservation Planner
360.902.0930

Copies to:

Bill Fraser, Eastern Region
Mark Schulz, Eastern Region

References:

Emerson and Ives.

2008 *Cultural Resources Survey for the Sun Lakes State Park Visitor Center Design Study*. Archaeological and Historical Services Short Report 1012. Eastern Washington University, Cheney.

DAHP Correspondence



STATE OF WASHINGTON

DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION

1063 S. Capitol Way, Suite 106 • Olympia, Washington 98501
Mailing address: PO Box 48343 • Olympia, Washington 98504-8343
(360) 586-3065 • Fax Number (360) 586-3067 • Website: www.dahp.wa.gov

June 3, 2009

Mr. Chris Regan
Environmental Program Manager
Washington State Parks & Recreation Commission
270 9th Street NE, Suite 200
East Wenatchee, WA 98802

In future correspondence please refer to:

Log: 111208-14-FHWA
Property: Dry Falls Visitor's Center
Re: Visitor Center Design Project

Dear Mr. Regan:

Thank you for contacting our office. I have reviewed the materials you provided regarding the SEPA Mitigated Determination of Non-Significance (MDNS) for the above referenced proposal at Dry Falls State Park.

We concur with your findings in the SEPA Checklist that the 1965 Dry Falls Interpretation Center and Civilian Conservation Corps (CCC) constructed resources are eligible for listing to the National Register of Historic Places under criteria A and C. This concurrence is based upon documentation indicating that the building significantly represents the growth and development of state park systems in the Post World War II era. This era was a period of nationwide change in recreation trends that came to be reflected in the development, management, and use of parks. This change was also expressed through new ideas and concepts of park interpretation. Additionally, the building represents an intact example of the work of prominent Spokane architect Kenneth Brooks, whose design philosophy of utilizing and manipulating cubic spaces is well represented by this building. In summary, it is our opinion that the Dry Falls Interpretive Center is perhaps the best example of modern architecture within the Washington State Park system.

Based upon the building's architectural and historical significance, we recommend that the Washington State Parks and Recreation Commission (WSRC) retain and preserve the existing building. In arriving at this recommendation, we also refer to the Commission's Cultural Resource Management Policy (Section 19, D (1)) which states that *"The Commission will preserve and foster the understanding and appreciation of the cultural resources entrusted to its care through appropriate programs of training, research, treatment, protection and interpretation."*

Based upon our understanding of the alternatives as outlined in the MDNS, it appears that the site of the 1965 structure will not be impacted or re-developed as a result of construction of the new interpretive center. Therefore, retaining the building would allow for new or additional uses such as restrooms, storage, office space, or other needs. Preservation and adaptive re-use also supports state and national goals toward reducing the stream of building debris to landfills plus efforts to reduce our carbon footprint by maximizing the life of the existing structures.

These comments are based on the information available at the time of this review and on behalf of the State Historic Preservation Officer pursuant to the State Environmental Policy Act (SEPA) and its implementing regulations. Also, if this project requires federal funding, permitting, or licensing, consultation with DAHP, affected Tribes, and other interested members of the public will apply in order to be in accord with Section 106 of the National Historic Preservation Act.

Thank you for the opportunity to review and comment. Should you have any questions, please feel free to contact me.

Sincerely,

Michael Houser
State Architectural Historian
(360) 586-3076
michael.houser@dahp.wa.gov

CC: Alex McMurray – Historic Preservation Specialist
Chris Moore, Washington Trust for Historic Preservation