

**APPENDIX F**

**SECTION 4(F) EVALUATION  
SUPPORTING INFORMATION**

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F.1      TEMPORARY OCCUPANCY EXCEPTION  
            CONCURRENCE LETTER FROM CITY OF RENO  
            (FOR FISHERMAN'S PARK #1 AND RIVER TRAIL)

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U.S. Department  
of Transportation  
**Federal Highway  
Administration**

705 N. Plaza Street, Suite 220  
Carson City, NV 89701

## Federal Highway Administration – Nevada Division

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Date: June 4, 2018  
Project: Spaghetti Bowl Project (NDOT Project #74020; FHWA Project #NHFP-080-1(172))  
Location: Reno, Washoe County, NV  
Document: Section 4(f) of Department of Transportation Act, *Temporary Occupancy Findings and Official with Jurisdiction Concurrence for Fisherman’s Park #1 and River Trail* (under project Alternatives 2 and 3)  
From: Abdelmoez Abdalla, Ph.D.  
Environmental Program Manager  
Federal Highway Administration – Nevada Division  
To: Andy Bass, MBA, CPRP  
Director of Parks, Recreation & Community Services  
City of Reno, Nevada

### Project Description

The Nevada Department of Transportation (NDOT), in cooperation with the Federal Highway Administration (FHWA), is proposing to reconstruct Interstate 80, Interstate 580 and US Highway 395 in Reno and Sparks, Nevada. The scope of the proposed action is to rebuild the freeway and bridges, modify interchange access to improve safety and traffic flow, and reconstruct local streets affected by the freeway reconstruction.

The purpose of the project is to address the obsolete design of the study area freeway system and interchanges in order to improve traffic operations and reduce fatal and injury crashes.

### Section 4(f) Requirements

Section 4(f) of the USDOT Act of 1966, codified in federal law at 49 U.S.C. 303(c), declares that “it 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 “the 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:

“There is no prudent and feasible alternative to using that land; and

“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) resource, defined in Section 23 Code of Federal Regulations (CFR) 774.17, occurs in the following circumstances:

1. When land is permanently incorporated into a transportation facility;
2. When there is a temporary occupancy of Section 4(f) property that is adverse in terms of the statute’s preservationist purpose; or
3. When there is a constructive use of land, which occurs when the transportation project does not incorporate land, but its proximity substantially impairs the activities, features, or attributes that qualify a resource for protection under Section 4(f). A determination of constructive use is based on the criteria in 23 CFR 774.15.

## Description of Impacts and Findings

### Fisherman’s Park #1

#### Description of Impacts

As respectively illustrated in Figures 1 and 2, Alternatives 2 and 3 would not result in a permanent incorporation of land from the Fisherman’s Park #1 property; as such, there would not be a Section 4(f) permanent use of the property. Under both Alternative 2 and Alternative 3, the project would replace the existing bridge deck over and the Truckee River and slightly realign I-580, but this action would not physically impact the park property.

Alternatives 2 and 3 could potentially result in the need to occupy Fisherman’s Park #1 property during construction to accommodate a detour route for the River Trail along the north edge of the park parcel adjacent to Kietzke Lane. The specific details for the River Trail detour route would be determined during the project’s design phase; it is possible that the Fisherman’s Park #1 property would not be temporarily used for the trail detour, but for the purposes of conservatively addressing potential impacts in the Draft 4(f) Evaluation, it is assumed that Fisherman’s Park #1 parkland would be utilized for the detour route.

FHWA has determined that the project’s potential temporary occupancy of Fisherman’s Park #1 under either Alternative 2 or 3 would meet all the temporary occupation exception criteria in 23 CFR 774.13(d); as such the project would not result in a Section 4(f) use of the park under either Alternative 2 and 3. Findings with respect to the five temporary occupation exception criteria are provided below.

#### Temporary Occupancy Findings – Fisherman’s Park #1

- (i) *Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land*

Finding: The temporary occupancy of land at Fisherman’s Park #1 for providing a temporary detour for River Trail users during construction would last for approximately 10 months. This

## Concurrence

Please indicate your agency's concurrence with FHWA's temporary occupancy exception findings by signing below by July 31, 2018 and returning this concurrence to the address listed in the letterhead.

Please contact me at 775-687-1231 or [abdelmoez.abdalla@dot.gov](mailto:abdelmoez.abdalla@dot.gov) if you need additional information or if you have any concerns. Thanks for your time.

Sincerely,

Abdelmoez Abdalla, Ph.D.  
Environmental Program Manager  
Federal Highway Administration – Nevada Division

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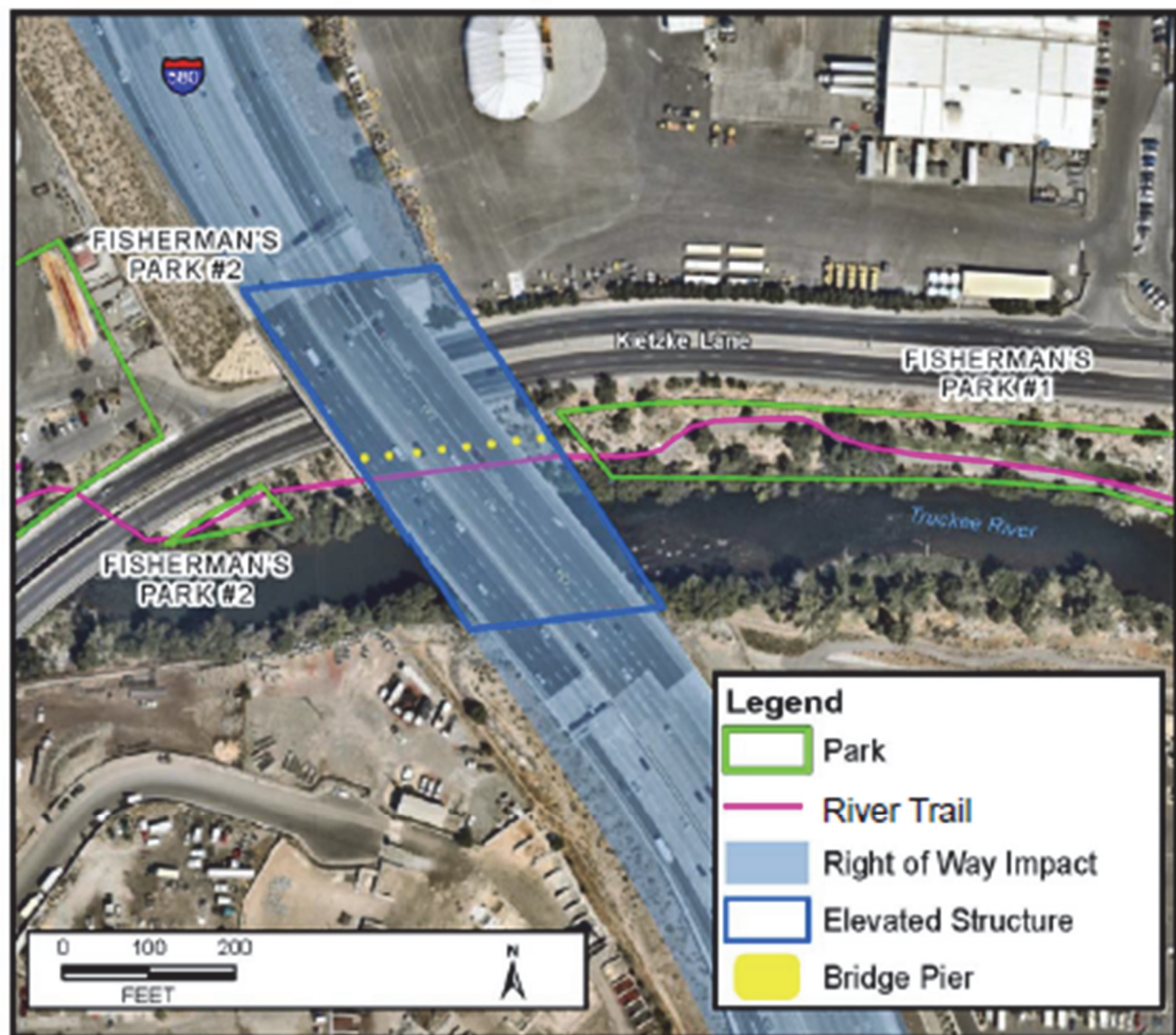
The City of Reno, as the official with jurisdiction for Fisherman's Park #1 and the River Trail (for the segment inside the project study area), concurs with the assessment that a Section 4(f) use will not occur at Fisherman's Park #1 and the River Trail based on the project satisfying all temporary occupation exception conditions contained in Section 23 Code of Federal Regulations (CFR) 774.13(d).

Signature:  \_\_\_\_\_ Date: 9/11/18

Hillary Schievel, Mayor  
City of Reno, Nevada

cc:  
Steve Cooke, NDOT  
Dale Keller, NDOT  
Jacob Waclaw, FHWA  
Juan Balbuena, FHWA  
John Taylor, Jacobs  
Charlie Webb, Jacobs

**Figure 1: Project Impacts at Fisherman's Park #1 and River Trail: Alternative 2**





**Figure 2: Project Impacts at Fisherman's Park #1 and River Trail: Alternative 3**

