Chapter 4: Section 4(f) and Section 6(f) Analysis

4.1 Introduction

This chapter addresses the requirements of Section 4(f) of the Department of Transportation Act of 1966 for the Parley’s Interchange Project. It also briefly discusses the Section 6(f) requirements of the Land and Water Conservation Fund Act, primarily beginning on page 4-23.

This chapter identifies Section 4(f) and Section 6(f) resources within and adjacent to the Parley’s interchange, proposes findings related to those resources, presents measures to minimize harm where necessary, and describes the coordination efforts of the Utah Department of Transportation (UDOT) to address related issues. The Section 4(f) resources adjacent to the Parley’s interchange are illustrated in Figure 4.2-1.

4.2 Regulatory Setting

4.2.1 Overview

Section 4(f) Overview. Section 4(f) of the Department of Transportation Act of 1966 is codified at 49 United States Code (USC) Section 303, Policy on Lands, Wildlife and Waterfowl Refuges, and Historic Sites. It applies to significant publicly owned parks, recreation areas, and wildlife and waterfowl refuges and to historic properties that are included in or eligible for inclusion in the National Register of Historic Places (NRHP), whether publicly or privately owned. The requirements of Section 4(f) apply only to agencies within the U.S. Department of Transportation: the Federal Highway Administration (FHWA), the Federal Transit Administration, and the Federal Aviation Administration.

Section 6(f) Overview. Section 6(f) of the Land and Water Conservation Fund (LWCF) Act is codified at 54 USC Section 2003, Land and Water Conservation Fund. It applies to outdoor recreation areas acquired or improved via the federal LWCF and stipulates that such land cannot be converted to uses other than outdoor recreation without replacing the land. However, no land is proposed for conversion to uses other than outdoor recreation as part of this project, so this chapter does not provide detailed information about this law. LWCF issues are discussed beginning on page 4-23.

NEPA Assignment. Pursuant to 23 USC Section 327, UDOT has assumed FHWA’s responsibilities under the National Environmental Policy Act of 1969 (NEPA) and all or part of the responsibilities of the Secretary of the U.S. Department of Transportation for environmental review, consultation, or other actions required or arising under federal environmental laws, including Section 4(f) and Section 6(f) with respect to the review or approval of highway projects in the state. Therefore, where the law and regulations refer to FHWA or the Secretary of Transportation, UDOT has assumed those responsibilities.
Figure 4.2-1. Section 4(f) Resources adjacent to the Parley's Interchange
4.2.2 Regulatory Definitions

Requirements for Approving a Transportation Project. Title 49 USC Section 303(c) states:

… the Secretary [of Transportation] may approve a transportation program or project (other than any project for a park road or parkway under Section 204 of Title 23) 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 a 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 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.

Also, 49 USC Section 303(d)(1)(A) states requirements related to de minimis impacts to a Section 4(f) resource:

[Section 4(f) requirements] … shall be considered to be satisfied … if the Secretary [of Transportation] determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area.

Requirements for Making a Finding of De Minimis Impact. For parks, recreation areas, and wildlife refuges, the Secretary of Transportation may make a finding of de minimis impact only if:

(A) the Secretary has determined, after public notice and opportunity for public review and comment, that the transportation program or project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection under this section; and

(B) the finding of the Secretary has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge. [49 USC Section 303(d)(3)]

For historic properties, the standards are similar: a de minimis impact finding may be made only if there is a formal finding under the National Historic Preservation Act that a transportation project “will have no adverse effect” or there will be “no historic properties affected” and the State Historic Preservation Officer (SHPO) has concurred in the finding in writing [49 USC Section 303(d)(2); 23 Code of Federal Regulations (CFR) Section 774.5(b)].

FHWA Regulations and Guidance. FHWA has regulations implementing Section 4(f) law at 23 CFR Part 774. In addition, FHWA has issued the Section 4(f) Policy Paper (FHWA 2012b), a guidance document that addresses a series of questions related to compliance with Section 4(f).
The remainder of Section 4.2.2 discusses the types of Section 4(f) use, and exceptions to the requirements of Section 4(f), that are defined in FHWA’s Section 4(f) regulations at 23 CFR Part 774.

There are three conditions under which Section 4(f) use occurs:

- Permanent incorporation
- Temporary occupancy
- Constructive use

**Permanent Incorporation.** A *permanent incorporation* of a Section 4(f) property, as defined in the regulations, occurs “when land is permanently incorporated into a transportation facility” (23 CFR Section 774.17). Usually, land is incorporated by acquiring right-of-way.

**Temporary Occupancy.** A second type of use of Section 4(f) property or resources is a *temporary occupancy*. This results when a Section 4(f) property, in whole or in part, is required for activities related to project construction. With temporary occupancy, the Section 4(f) property is not permanently incorporated into a transportation facility, but the activity is considered to be adverse in terms of the preservation purpose of Section 4(f) law.

**Constructive Use.** In addition to actual, physical use of Section 4(f) property or resources (whether through direct use or temporary occupancy), case law and the FHWA regulations at 23 CFR Section 774.15 recognize that an impact to Section 4(f) resources can occur based on a project’s proximity, if the project substantially impairs the value of the Section 4(f) resource. This can also be a “use” and is called *constructive use*.

The regulation at 23 CFR Part 774 also defines several exceptions to Section 4(f) use. Three exceptions that are relevant to this Section 4(f) evaluation are summarized below.

- Temporary occupancy exception
- Trail exception
- Preservation in place exception

**Temporary Occupancy Exception.** The regulation at 23 CFR Section 774.13(d) excepts from the requirements of Section 4(f) temporary occupancies of land that are so minimal as to not constitute a use within the meaning of Section 4(f). The following conditions must be satisfied:

1. Duration must be temporary, and there should be no change in ownership of the land;
2. The scope of the work must be minor;
3. There are no anticipated permanent adverse physical impacts, nor would there be interference with the protected activities, features, or attributes of the property;
4. The land being used must be fully restored; and
5. There must be documented agreement of the officials with jurisdiction over the Section 4(f) resource regarding the above conditions.
Temporary occupancies of this kind can occur during the construction process and, if they truly cause no interference, are excepted from the requirement for Section 4(f) approval. As stated in the regulations, temporary occupancy also requires written concurrence from the officials with jurisdiction if the exception criteria listed above are applied. If all of the conditions in Section 774.13(d) are met, the temporary occupancy does not constitute a use. However, if one or more of the conditions for the exception cannot be met, then the temporary occupancy of the Section 4(f) property is considered a “use” by the project even though the duration of on-site activities would be temporary and the ownership of the property would not change.

**Trail Exception.** The regulation at 23 CFR Section 774.13(f)(3) states that trails that occupy part of a transportation facility's right-of-way but are not limited to a specific location within that right-of-way are not subject to Section 4(f) as long as the continuity of the trail is maintained.

**Preservation in Place Exception.** Besides temporary occupancy, another exception to the requirement for Section 4(f) approval occurs for certain archaeological sites. An exception would apply if UDOT concludes that a site eligible for the National Register of Historic Places “is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place” [23 CFR Section 774.13(b)(1)].

### 4.3 Proposed Action

Chapter 1, Purpose and Need, of this EIS describes in detail why the Parley's Interchange Project is needed and presents the purpose of the project. Chapter 2, Alternatives, describes the alternatives that are evaluated in this EIS, including the two action alternatives evaluated in detail.

### 4.4 Identification of Section 4(f) Resources

This section discusses the Section 4(f) resources adjacent to Parley's interchange that could be affected by the proposed alternatives. These resources include historic resources as well as public parks and recreation areas. There are no wildlife or waterfowl refuges near the Parley's interchange. As used in this chapter, the term *historic resource* includes archaeological sites and architectural properties.

Section 4(f) applies only to parks, recreation areas, wildlife and waterfowl refuges, and historic resources of "national, state, or local significance," according to the definition of *Section 4(f) property* in 23 CFR Section 774.17. All of the Section 4(f) properties discussed in this chapter have been presumed to be significant pursuant to 23 CFR Section 771.11(c).

#### 4.4.1 Historic Resources

The historic resources for this project are houses built in the 1950s, remnants of much older structures, and archaeological sites. Section 4(f) protections apply to historic resources that are included in or eligible for inclusion in the NRHP. For a detailed description of the process used under Section 106 of the National Historic Preservation Act to determine a resource’s eligibility for the NRHP, see Section 3.14, Historic and Archaeological Resources.

The Utah SHPO concurred on May 20, 2019, with the eligibility and effects determinations made by UDOT and with UDOT’s expected Section 4(f) uses and impacts. A copy of the concurrence letter is included in
Appendix B, Pertinent Correspondence. Figure 4.2-1 above, and Figure 4.4-1 and Figure 4.4-2 beginning on page 4-7, illustrate the resources addressed in this chapter.

Table 4.4-1 lists the historic properties near the Parley’s interchange—those that would be directly affected by either of the action alternatives or that have a remaining potential for use or constructive use.

<table>
<thead>
<tr>
<th>Location and Description</th>
<th>NRHP Eligibility</th>
<th>Figure Number</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Architectural Historic Properties</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3541 E. Gateway Road—1957 split-level residence</td>
<td>Eligible</td>
<td>4.4-1</td>
</tr>
<tr>
<td>3044 S. Cascade Way—1955 ranch/rambler residence</td>
<td>Eligible</td>
<td>4.4-1</td>
</tr>
<tr>
<td>3060 S. Cascade Way—1955 ranch/rambler residence</td>
<td>Eligible</td>
<td>4.4-1</td>
</tr>
<tr>
<td>Aqueduct (Parley’s Historic Nature Park)—Water conveyance with cut-stone arch (remnant)</td>
<td>Eligible</td>
<td>4.4-2</td>
</tr>
<tr>
<td>Salt Lake Country Club Golf Course—Designed landscape circa late 1950s (note: clubhouse building is not eligible)</td>
<td>Eligible</td>
<td>4.2-1</td>
</tr>
<tr>
<td><strong>Archaeological Sites</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site 42SL541, U.S. 40/Victory Highway—Highway constructed 1925 and later replaced by Interstate 80 (I-80). Portions with old pavement exist (used as footpath); other portions are buried in rubble</td>
<td>Eligible</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Site 42SL845, Dudler’s Inn and Wine Cellar (Parley’s Historic Nature Park)—Stone cellar foundation (remnant)</td>
<td>Eligible</td>
<td>4.4-2</td>
</tr>
<tr>
<td>Site 42SL512, Salt Lake Aqueduct</td>
<td>Eligible</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

Sources: Horrocks Engineers 2018a, 2019

**Archaeological Sites**

The segment of the Victory Highway (site 42SL541) was found to contribute to a larger Victory Highway site, which had previously been found eligible for inclusion in the NRHP under Criteria A, C, and D. UDOT notified the Utah SHPO in the Determination of Eligibility and Finding of Effect of its proposed findings that the site does not warrant preservation in place. The Utah SHPO concurred on May 20, 2019 (Utah SHPO 2019). Dudler’s Inn and Wine Cellar (site 42SL845) was determined by UDOT to be eligible for inclusion in the NRHP under Criterion C. The Salt Lake Aqueduct (site 42SL512) had previously been found eligible for inclusion in the NRHP under Criterion A. UDOT determined that these sites do not warrant preservation in place. Because Dudler’s Inn and Wine Cellar and the Salt Lake Aqueduct are not adjacent to the Parley’s interchange and would not be impacted by Alternative A or B, they were not included in the Determination of Eligibility and Finding of Effect.

Therefore, the three archaeological resources listed in Table 4.4-1 above qualify for the exception to the requirement for Section 4(f) approval in 23 CFR Section 774.13(b)(1) and/or would not be impacted by Alternative A or Alternative B and therefore are not discussed further in this Section 4(f) evaluation.
Figure 4.4-1. Architectural Historic Properties near the Parley’s Interchange
Figure 4.4-2. Site 42SL845: Dudler’s Inn and Wine Cellar and Stone Aqueduct

*No change proposed to right-of-way boundary in this area under Alternative A or Alternative B.

* Structures
Alternatives A and B Pavement and Striping
Existing ROW*
4.4.2 Public Parks

Section 4(f) applies to significant publicly owned parks that are open to the public. The existing publicly owned parks that have been determined to be Section 4(f) properties and that are close to the right-of-way for the proposed alternatives are listed in Table 4.4-2 below and shown in Figure 4.2-1 above and Figure 4.4-3 and Figure 4.4-4 below.

4.4.2.1 Parley’s Historic Nature Park

Parley’s Historic Nature Park is a 68-acre area owned and managed by Salt Lake City. It was improved in the past under the provisions of the LWCF, so a large portion of the park is protected by LWCF Act Section 6(f). The park abuts the Parley’s interchange right-of-way south of Interstate 215 (I-215) for about half a mile. The park is known as a dog park for its off-leash area but is also known for a natural reach of Parley’s Creek, its foot trails and BMX bike trails, and its historic features. The park includes Dudler’s Inn and an aqueduct (historic resources listed above in Table 4.4-1). The park’s location is shown in Figure 4.4-3 below.

4.4.2.2 Tanner Park

Tanner Park is a 9.5-acre park located adjacent to the west end of Parley’s Historic Nature Park and adjacent to the south side of the UDOT right-of-way for I-215 at the Parley’s interchange. This Salt Lake County park provides parking for the adjacent larger park and has its own amphitheater, playground, tennis courts, and grass playing fields. Parley’s Trail runs through the park’s northern edge. The park is also protected by LWCF Act Section 6(f). The park’s location is shown in Figure 4.2-1 above.

4.4.2.3 Parley’s Way Park/Parley’s Way Greenbelt

Parley’s Way Park, also sometimes called a greenbelt, is a long, thin, green area of nearly 3 acres on the southwest side of Parley’s Way. It is separated by a fence from Parley’s Way and Foothill Drive. This area is maintained by Salt Lake City and includes lawns and trees, a short paved path, an outdoor children’s playground, and a pavilion. At its southern end is a parcel of land of about 0.6 acre owned by Salt Lake City that is park land. The remainder of the acreage is UDOT right-of-way associated with Parley’s Way or Foothill Drive.

UDOT’s analysis is that the land is all publicly owned (by either the State of Utah or Salt Lake City) and is managed as a park and functions as a park. Therefore, UDOT considers the fenced area, as shown in Figure 4.4-4 on page 4-16, to be a Section 4(f) property.
<table>
<thead>
<tr>
<th>Name</th>
<th>Ownership and Management</th>
<th>Size (acres)</th>
<th>Activities, Features, and Attributes</th>
<th>Address and Location</th>
<th>Figure Number(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parley's Historic Nature Park</td>
<td>Ownership and management: Salt Lake City</td>
<td>68.0</td>
<td>Classified by Salt Lake City as a Community Park. Outside the Salt Lake City boundary but owned and managed by Salt Lake City. Includes jogging/walking path, off-leash area for dogs, natural areas, wildlife refuge area, historical sites, and Parley’s Creek. Online map shows park and adjacent green areas on all sides that are not part of the park. Park is protected by Section 4(f) and also by Section 6(f) of the LWCF Act.</td>
<td>2740 South 2700 East</td>
<td>4.2-1, 4.4-3</td>
</tr>
<tr>
<td>Tanner Park</td>
<td>Ownership and management: Salt Lake County</td>
<td>9.5</td>
<td>Classified by Salt Lake County as a Class Two Regional Park. Includes playground, tennis courts, pavilion, amphitheater, and parking for Parley’s Historic Nature Park. Park is protected by Section 4(f) and also by Section 6(f) of the LWCF Act.</td>
<td>2695 E. Heritage Way (2760 South)</td>
<td>4.2-1</td>
</tr>
<tr>
<td>Parley’s Way Park/Parley’s Way Greenbelt</td>
<td>Ownership: Salt Lake City and UDOT Management: Salt Lake City</td>
<td>3.3</td>
<td>Classified by Salt Lake City as a Neighborhood Park. Linear park that adjoins E. Parley’s Way right-of-way on the east and across the street from a long row of residences on the west. Includes playground, short paved trail, picnic and playground facilities, and lawns and shade trees.</td>
<td>2848 E. Wilshire Drive (2565 South) south of E. Parley’s Way and bordering State Route 186/ Foothill Drive</td>
<td>4.4-4</td>
</tr>
</tbody>
</table>
4.4.3 Public Recreation Areas

Section 4(f) applies to significant publicly owned recreation areas that are open to the public. The existing and planned publicly owned recreation areas that are open to the public, including recreational trails and trailheads, located within the Parley’s interchange or close to the right-of-way for the proposed alternatives are listed in Table 4.4-3 below and shown in Figure 4.2-1 above and Figure 4.4-5 and Figure 4.4-6 below.

Note that this section includes only official, maintained trails that are designated on city, county, or U.S. Forest Service trail plans or maps. Unofficial paths or trails that are not formally designated or maintained by a public agency are not considered Section 4(f) resources.

4.4.3.1 Parley’s Trail

The Parley’s Trail is a long recreational trail that generally qualifies for Section 4(f) protection. Salt Lake County has jurisdiction over the Parley’s Trail.

UDOT and Salt Lake County hold agreements for the Parley’s Trail through the Parley’s interchange study area (Salt Lake County and others 1997; Salt Lake County and UDOT 2006, 2016). The Parley’s Trail runs east-west and weaves in and out of Tanner Park and Parley’s Historic Nature Park. Where the trail is not in a park, it typically is in a road or highway right-of-way, including the UDOT right-of-way for I-80 and I-215. It crosses I-215 on a trail bridge and terminates at the Parley’s Crossing/BST Connector. The agreements for the Parley’s Trail are not easements that transfer land rights; UDOT retains land ownership where the Parley’s Trail enters the interchange right-of-way.

Because the agreements do not specify a location for the Parley’s Trail as an easement, and because UDOT retained land rights and the continuity of the trail will be maintained after the selected alternative is constructed, the Parley’s Trail falls under the Section 4(f) trail exception in 23 CFR Section 774.13(f)(3). Because the Section 4(f) trail exception applies, no Section 4(f) approval is required for the use of the Parley’s Trail, and the Parley’s Trail is not discussed further in this Section 4(f) evaluation.
Table 4.4-3. Recreation Areas adjacent to the Parley’s Interchange

<table>
<thead>
<tr>
<th>Name</th>
<th>Ownership and Management</th>
<th>Size</th>
<th>Activities, Features, and Attributes</th>
<th>Address and Location</th>
<th>Figure Number(s)</th>
</tr>
</thead>
</table>
| Parley’s Trail                            | Ownership: Salt Lake County  
Management: Salt Lake County | 8.25 miles total, 3.6 miles in Parley’s interchange study area (1300 East to I-215) | Pedestrian and bicycle trail with grade separations at road crossings. Partially within UDOT’s right-of-way for the Parley’s interchange. The trail connects Parley’s Historic Nature Park, Tanner Park, and Hillcrest Park south of I-80 and Sugar House Park north of I-80 (the trail proceeds westward, with existing and planned segments to the Jordan River, for 8.25 miles total). Crosses I-215 on a dedicated trail bridge. Crosses I-80 on the 1700 East overpass. There is a dedicated bicycle lane on the east side and a sidewalk on the west side but no dedicated crossing of 1700 East for the Parley’s Trail. | In the Parley’s interchange study area: parallel to I-80 from 1300 East to Tanner Park, then parallel to I-215 from Tanner Park to the Bonneville Shoreline Trail Connector | 4.4-5            |
| Parley’s Crossing/ Bonneville Shoreline Trail (BST) Connector | Ownership: UDOT  
Management: Salt Lake County | 1.4 miles | Pedestrian and bicycle trail with overpasses of I-80 and of the I-215 to I-80 eastbound/southbound ramps. The BST is planned to be a 280-mile trail from the Utah–Idaho border to Nephi, Utah. This existing paved portion connects through the edge of an urban area and interchange with existing segments of hiking trail to the north which are not formalized as the BST and do not connect directly to the formal BST (trails cross private land). The Parley’s Crossing/BST Connector also connects with a short segment of the BST south of the interchange. The Parley’s Crossing/BST Connector also joins the Parley’s Trail. | Extends from sidewalk along east side of Foothill Drive (State Route 186) across I-80 and along I-215 to S. Wasatch Boulevard | 4.4-5            |
| Grandeur Peak Trailhead and BST            | Ownership: UDOT and Salt Lake County  
Management: Salt Lake County | 0.25 acre for trailhead About 0.75 mile for BST | The Grandeur Peak Trailhead serves the Parley’s Trail, the BST, the Parley’s Crossing/BST Connector, and a Wasatch Boulevard on-road cycling route and provides access to Grandeur Peak and nearby rock climbing using informal trails. This trailhead includes formal parking lot for 35 vehicles, a gate, a water fountain, picnic tables, and a small lawn. The trailhead has somewhat elevated views across the city to the west and has views of the mountains to the east. The official segment of the BST that exists in the Parley’s interchange study area is south of I-80 and east of I-215 and begins at the Grandeur Peak Trailhead. After going northeast on a switchback, the BST continues south. A planned segment of the BST in this area farther south has not yet been built, but Salt Lake County and the U.S. Forest Service have an agreement to advance it. | Trailhead is on the north end of Wasatch Boulevard  
BST is on the lower mountain slopes east of I-215 and south of I-80 and Parley’s Canyon | 4.2-1, 4.4-6 |
| Future BST trailhead                      | Ownership and management: Salt Lake City | 2.3 acres | Land acquired for a future BST trailhead. Currently vacant. Adjacent to north end of Parley’s Crossing/BST Connector.                                                                                                                             | 2408 Scenic Drive east of Foothill Drive                                                                 | 4.2-1            |
4.4.3.2 Parley’s Crossing/Bonneville Shoreline Trail Connector

The Bonneville Shoreline Trail (BST) (including the Parley’s Crossing/BST Connector) is a long, recreational trail that generally qualifies for Section 4(f) protection. The BST overall is planned to connect Nephi, 85 miles south of Salt Lake City, with the Utah–Idaho border, generally following the ancient shoreline of Lake Bonneville, which is partway up the foothills of today’s Wasatch Front. The trail ultimately would be some 280 miles long. Less than half is currently designated. There are “connector” trails in a few locations where the trail descends to lower elevations or otherwise makes connections between the segments that are at the shoreline.

The Parley’s Crossing/BST Connector in the Parley’s interchange study area is about 1.5 miles of paved multiuse shared pathway located within the UDOT-owned right-of-way for the existing interchange. The trail has two substantial bridges that cross I-80 and ramps connecting I-80 and I-215. The trail in this area is managed by Salt Lake County by agreement with UDOT.

UDOT and Salt Lake County hold agreements for the Parley’s Crossing/BST Connector through the Parley’s interchange study area (Salt Lake County and others 1997; Salt Lake County and UDOT 2006, 2016). The Parley’s Crossing/BST Connector runs roughly north-south, crosses I-80, and crosses ramps that connect I-215 to I-80 via trail bridges. The agreements for the Parley’s Crossing/BST Connector trail are not easements that transfer land rights; UDOT retains land ownership where the Parley’s Crossing/BST Connector enters the interchange right-of-way.

Because the agreements do not specify a location for the Parley’s Crossing/BST Connector trail as an easement, and because UDOT retained land rights and the continuity of the trail will be maintained after the selected alternative is constructed, the Parley’s Crossing/BST Connector trail falls under the Section 4(f) trail exception in 23 CFR Section 774.13(f)(3).

Because the Section 4(f) exception applies, no Section 4(f) approval is required for the use of the Parley’s Crossing/BST Connector, and the Parley’s Crossing/BST Connector is not discussed further in this Section 4(f) evaluation.

4.4.3.3 Grandeur Peak Trailhead and Bonneville Shoreline Trail

The Grandeur Peak Trailhead at the northern end of Wasatch Boulevard includes a trailhead parking lot, overlook, and picnic area managed by Salt Lake County. The trailhead is a junction point for the Parley’s Crossing/BST Connector, the southward leg of the BST, the Wasatch Boulevard designated bicycle route (bicycle lanes), the Parley’s Trail, and social routes off the BST to rock-climbing areas at the mouth of Parley’s Canyon and Grandeur Peak. The Parley’s Trail is discussed in Section 4.4.3.1, Parley’s Trail, and the Parley’s Crossing/Bonneville Shoreline Trail Connector trail is discussed in Section 4.4.3.2, Parley’s Crossing/Bonneville Shoreline Trail Connector. A common bicycling pattern is that cyclists follow the Wasatch Boulevard route, the Parley’s Crossing/BST Connector, and on-street routes north of the interchange toward the University of Utah and downtown Salt Lake City.

The trailhead site is entirely on public land, mostly UDOT right-of-way but partly Salt Lake County land. In total, the developed area encompasses about 13,000 square feet, or just over 0.25 acre. Most of the developed area is parking, but there is a grass area with picnic tables. The entire trailhead site, including the parking lot and grass area with picnic tables, is a Section 4(f) property.
As stated in Section 4.4.3.2, Parley’s Crossing/Bonneville Shoreline Trail Connector, the BST overall is planned to be a long, regional trail. In the Parley’s interchange study area, in addition to the Parley’s Crossing/BST Connector is a BST segment that begins at the Grandeur Peak Trailhead. The BST uses a longer switchback to the northeast, then continues southward for about 3,000 linear feet on Salt Lake County land. Numerous unofficial social trails provide access to rock climbing and Grandeur Peak in this area, but there is no formal, continuing segment of the BST. The County and the U.S. Forest Service have an agreement in place to continue the trail southward.

4.4.3.4 Future BST Trailhead

Per Question 25 of the Section 4(f) Policy Paper (FHWA 2012b), the requirements of Section 4(f) would apply to a property planned for a recreation area if the land is publicly owned and if the land has been formally designated and determined to be significant for recreation area purposes. Question 25 also states that “[e]vidence of formal designation would be the inclusion of the publicly owned land, and its function as a Section 4(f) property into a city or county Master Plan.”

An undeveloped parcel at the southern end of Foothill Drive and adjacent to the Parley’s Crossing/BST Connector was acquired by Salt Lake City for a future trailhead and is considered by Salt Lake City to be a significant recreation area due to the lack of other trailheads in this section of Salt Lake City (Kogan 2019). This parcel is adjacent to the BST Connector, and Salt Lake City has identified this location in the Arcadia Heights, Benchmark, and H Rock Small Area Plan (Salt Lake City Planning Commission 1998) as a recommended location for a trailhead or park. For these reasons, UDOT has determined that this site is significant for public recreation purposes and is a Section 4(f) property.
Figure 4.4-3. Parley’s Historic Nature Park
Figure 4.4-4. Parley’s Way Park

Legend:
- Parks and Recreation
- City Boundaries
- Parley’s Crossing/Bonneville Shoreline Connector
- Structures
- Alternative A Pavement and Striping
- Alternative A Cut and Fill

*Action Alternative B would not encroach on Parley’s Way Park.
Figure 4.4-5. Parley’s Crossing/BST Connector and Parley’s Trail

*See Figure 4-1 for Parley’s Trail continuing west
Figure 4.4-6. Grandeur Peak Trailhead and Bonneville Shoreline Trail

LEGEND

- Existing ROW
- Trailhead and Parking Area
- Alternatives A and B Pavement and Striping
- Cut and Fill
- Parley’s Crossing/Bonneville
- Shoreline Connector
- Bonneville Shoreline Trail

Note: To see trails in context, see Figure 4-1.
4.5 Use of and Harm to Protected Resources

4.5.1 Introduction Regarding Section 4(f) Use

Section 4.4, Identification of Section 4(f) Resources, describes the Section 4(f) properties adjacent to the Parley’s interchange. As further discussed in this section, UDOT recognizes that the Parley’s Interchange Project would require use of these protected properties but believes that any impacts would be de minimis impacts for either of the action alternatives. The action alternatives differ in their configurations and solutions to the traffic flow problems, but their physical layouts in relation to adjacent Section 4(f) properties are substantially similar. The uses of and impacts to these properties would be virtually identical except that Alternative A would use a small portion of Parley’s Way Park and Alternative B would not.

The following sections describe the uses and impacts of the action alternatives on Section 4(f) properties. Where uses and impacts are the same for both alternatives, the alternatives are discussed together. Because there are no public wildlife or waterfowl refuges adjacent to the Parley’s interchange, uses and impacts to refuges are not evaluated.

For each Section 4(f) property, there can be one of the following findings related to use by a project alternative:

- Use with greater-than-de minimis impact
- Use with de minimis impact
- Use as a result of temporary occupancy
- Constructive use (proximity impact if the alternative is adjacent)
- No use
- Exception to the requirement for Section 4(f) approval

Use, de minimis impact, temporary occupancy, constructive use, and relevant exceptions for this project are defined in the Section 4(f) regulations and guidance cited in Section 4.2, Regulatory Setting.
4.5.2 Use of Historic Properties

Table 4.5-1 lists the uses of historic properties by the action alternatives. The uses are discussed further after the table.

Table 4.5-1. Section 4(f) Uses of NRHP-Eligible Historic Properties

<table>
<thead>
<tr>
<th>Address</th>
<th>NRHP Eligibility</th>
<th>Figure Number</th>
<th>Use by Alternatives A and B</th>
<th>Amount of Property Used</th>
<th>Type of Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Architectural Historic Properties</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3541 E. Gateway Road—1957 split-level residence</td>
<td>Eligible</td>
<td>4.4-1</td>
<td>Permanent incorporation</td>
<td>&lt;435 square feet</td>
<td>De minimis</td>
</tr>
<tr>
<td>3044 S. Cascade Way—1955 ranch/rambler residence</td>
<td>Eligible</td>
<td>4.4-1</td>
<td>Permanent incorporation</td>
<td>&lt;435 square feet</td>
<td>De minimis</td>
</tr>
<tr>
<td>3060 S. Cascade Way—1955 ranch/rambler residence</td>
<td>Eligible</td>
<td>4.4-1</td>
<td>Permanent incorporation</td>
<td>&lt;435 square feet</td>
<td>De minimis</td>
</tr>
<tr>
<td>Aqueduct (Parley’s Historic Nature Park)—Water conveyance with cut-stone arch (remnant)</td>
<td>Eligible</td>
<td>4.4-2</td>
<td>No use</td>
<td>0 square feet</td>
<td>No use</td>
</tr>
</tbody>
</table>

Sources: Horrocks Engineers 2018a, 2019

4.5.2.1 Three Architectural Historic Properties on Gateway Road or Cascade Way

As shown above in Table 4.5-1, UDOT is proposing that both of the action alternatives would have the same de minimis impacts to three architectural historic properties. For these three historic properties, UDOT is proposing a de minimis impact finding because the alternatives would use a small portion of each historic property that abuts the Wasatch Boulevard right-of-way. The action alternatives would not affect any of the buildings and would not sufficiently affect the setting to create an adverse effect.

UDOT avoided and minimized impacts to these architectural historic properties as much as possible during the design of the action alternatives. As described in more detail in the I-215/3300 South Interchange Options Technical Memorandum (UDOT 2019b), UDOT evaluated both a West Shift Option (which relocates water infrastructure and avoids relocating residential properties) and an East Shift Option (which avoids impacts to residential properties but would relocate 12 homes, including six architectural historic properties) in this area.

UDOT determined that the West Shift Option (which is part of both Alternatives A and B) was the preferred option at the I-215/3300 South interchange because it would minimize impacts to Wasatch Boulevard and the residential neighborhoods east of Wasatch Boulevard and because UDOT can mitigate impacts to water infrastructure west of the interchange. Complete avoidance and further minimization of these three architectural historic properties was not possible because of the Salt Lake City Department of Public Utilities and Metropolitan Water District of Salt Lake and Sandy water infrastructure located on the west side of I-215. If impacts to these three architectural historic properties were completely avoided, the impacts to the water infrastructure could not be fully mitigated and would affect the water supply to Salt Lake City. Therefore, the Salt Lake City Department of Public Utilities and the Metropolitan Water District of Salt Lake
and Sandy determined that avoiding the three architectural historic properties and impacting the water supply was not feasible.

The amount of use of these historic properties is shown above in Figure 4.4-1. The impacts would include both right-of-way acquisition and impacts from temporary construction easements for each of the properties.

The Utah SHPO, as the official with jurisdiction, has concurred with UDOT’s de minimis impact finding for these properties (Utah SHPO 2019). Copies of the Determination of Eligibility and Finding of Effect and the SHPO concurrence are included in Appendix B, Pertinent Correspondence.

### 4.5.2.2 Aqueduct

The remnant stone aqueduct structure has the potential to be affected by the action alternatives, but UDOT is committed to creating no adverse effect. The potential effect is due to the drainage improvements that UDOT is proposing near the Parley’s interchange. At the aqueduct, runoff from the interchange area exits a buried pipe, flows overland, and enters another pipe. When there are high levels of runoff, the overflow sometimes runs to and under the arch of the aqueduct.

According to the Salt Lake City Division of Parks and Public Lands (Salt Lake City 2019), this overflow threatens to undermine the foundation of the aqueduct by eroding the soil at its base over time. At the ultimate outfall near Parley’s Creek, the runoff has caused other erosion. The drainage structures are outside the UDOT right-of-way, and they would not need to be altered as part of the action alternatives. However, the Parley’s Interchange Project is an opportunity to improve the outfalls by making minor changes to the drainage structures and adding erosion protection at the outfalls.

No design has yet been completed, but conceptually the action alternatives would direct all runoff underground near the historic aqueduct or reroute the drainage pipe away from the historic structures. Because this work is not required, if UDOT were to determine that there was no way to avoid adverse effects on the aqueduct, UDOT would forgo this work and keep the outfalls in their current configuration. However, UDOT anticipates that the work can be completed without any use of the historic structure and with only temporary occupancy impacts to the surrounding Parley’s Historic Nature Park. For more information, see Section 4.5.3.1, Parley’s Historic Nature Park [Section 4(f) Temporary Occupancy Impact and Section 6(f) Temporary Use].

### 4.5.3 Use of Public Parks and Recreation Areas

Table 4.5-2 lists the public parks and recreation areas to which Section 4(f) applies and for which there would be a Section 4(f) use by the alternatives.
### Table 4.5-2. Section 4(f) Uses of Parks and Recreation Areas by the Action Alternatives

<table>
<thead>
<tr>
<th>Name</th>
<th>Ownership and Management</th>
<th>Size</th>
<th>Figure Numbers</th>
<th>Use by Alternative A</th>
<th>Impact from Alternative A</th>
<th>Use by Alternative B</th>
<th>Impact from Alternative B</th>
</tr>
</thead>
</table>
| Parley’s Historic Nature Park | Ownership and management: Salt Lake City | 68 acres | 4.2-1, 4.4-3   | No use                     | Temporary occupancy  
• Estimated 1,645 linear feet of drainage enhancements  
Mitigation: Restore vegetation after construction. Complete work during low-use period. | No use               | Temporary occupancy  
Same as Alternative A                  |
| Parley’s Way Park     | Ownership: UDOT Management: Salt Lake City | 3.3 acres | 4.2-1, 4.4-4   | Permanent incorporation  
• 3,049 square feet or 0.07 acre of 3.3 acres (2.1%)  
• Lawn area impacted  
Mitigation: Replace impacted trees, fence, and lawn. | De minimis             | No use/ adjacent | No use                            |
The remainder of this section further explains the temporary occupancy impact to Parley’s Historic Nature Park and the *de minimis* impact finding for Parley’s Way Park for Alternative A.

### 4.5.3.1 Parley’s Historic Nature Park [Section 4(f) Temporary Occupancy Impact and Section 6(f) Temporary Use]

Parley’s Historic Nature Park is a 68-acre park. Its important features include dirt trails, The Parley’s Trail (a paved, multiuse path), historic sites including a historic aqueduct and a remnant foundation of Dudler’s Inn, off-leash dog areas, a BMX bike area, trees and vegetation, and Parley’s Creek. Its important activities include walking, running, dog walking, BMX bicycling, and Parley’s Trail bicycling. The park’s attributes include a sense of the early history of the area, views of the Wasatch Front, and—closer—views of Parley’s Creek winding through a vegetated valley.

The impacts to the park would be the same with either alternative; that is, temporary occupancy by a construction crew to enhance the drainage system. With respect to Section 6(f) of the LWCF Act, this temporary occupancy is not expected to last 6 months and therefore is not anticipated to be a conversion for the purposes of Section 6(f) of the LWCF Act. See the *Land and Water Conservation Fund State Assistance Program: Federal Financial Assistance Manual* (NPS 2008).

The LWCF Act *Federal Financial Assistance Manual* states that requests for temporary uses of park land must receive the National Park Service’s approval to ensure that (1) the area used will be small and will not “result in significant impact on public outdoor recreation use,” (2) the work will not result in permanent damage to the park, (3) no practical alternatives exist, (4) federal requirements for approval are met, and (5) the work is recommended by the State of Utah’s LWCF liaison officer. UDOT expects the work to take much less than 6 months and to easily meet these requirements. UDOT will work with the State of Utah’s LWCF liaison officer and the National Park Service to gain approval once more details are known about the construction schedule.

For the purposes of Section 4(f), this temporary occupancy would not be adverse in terms of the statute’s preservation purposes, and thus would not be a use. As part of this Section 4(f) evaluation, UDOT has consulted with Salt Lake City and has determined that the important activities, features, and attributes of the park would not be adversely affected by either action alternative. Salt Lake City has concurred with this determination. A copy of the concurrence letter is included in Appendix B, Pertinent Correspondence.

### 4.5.3.2 Parley’s Way Park

Parley’s Way Park is within the UDOT right-of-way parallel to Parley’s Way at the Foothill Drive on ramp. Alternatives A and B would both remain adjacent to the park but would differ slightly in their configuration and their impacts.

**Alternative A [Section 4(f) De Minimis Impact].** Alternative A would use the same general alignment for the Parley’s Way lanes nearest to the park that is used today, and most of the lanes would be the same distance from the park fence as they are today. However, southbound traffic on Parley’s Way or Foothill Drive heading westward on I-80 would use a new configuration of lanes. These lanes would curve sharply and cross the southeastern tip of Parley’s Way Park. The park fence at the southeastern tip of the park...
would move back to the west. The area that would be used for the westbound ramp would amount to about 3,049 square feet or 0.07 acre of use of the park. This amounts to 2% of the total park area.

UDOT avoided and minimized impacts to Parley’s Way Park from Alternative A as much as possible during the design of this alternative. Complete avoidance and further minimization of Parley’s Way Park with Alternative A was not feasible because the design of Alternative A includes separate ramps to westbound I-80 from both southbound Parley’s Way and southbound Foothill Drive in the area between Foothill Drive and Parley’s Way Park. There is not sufficient width to accommodate both of these ramp movements in this area while also meeting horizontal design standards and avoiding impacts to the southeastern corner of Parley’s Way Park. Measures to mitigate the impacts of Alternative A to Parley’s Way Park include replacing sections of the fences, trees, and lawn that would be removed by Alternative A.

The area that would be used is at the southeast corner of the land fenced for the park. Important park activities, features, and attributes are described in Section 4.4.2, Public Parks. This area is far from the heart of the park and far from the main area of activities. The park features at the southeastern end of the park are a maintained and mowed lawn surrounded by trees along the fences. Along the southeast border of the park is a cluster of trees and, within it, a feature apparently unrelated to the park’s purposes: a gravel strip about 50 feet long that leads to a gate through the fence to allow utility access and maintenance access within the Parley’s interchange. Along the fence line there is also a decorative light pole; lights and fences provide security for park users, and the light allows use of the park after dark.

The park activities in the southeast corner of the park likely are minimal. The area does not appear to be useful for field activities because of the tree cluster and gravel strip, but this area likely is occasionally used by people walking the park perimeter, seeking shade, or wishing to separate themselves from activities in the central part of the park. The park attributes in the southeast corner of the park are green space, a sense of nature with some open views to mountains, sunny areas on the lawns, and shade near the trees. It is likely that this area’s main park function is as a visual buffer, and it otherwise functions for UDOT and utility access.

The proposed use by Alternative A would eliminate a small portion of the overall park and would not affect any playground equipment, paths, lights, or other features. The alternative would reinstall the fence at the southeastern corner at an angle, which would cut off the existing corner. Some of the trees would remain, and some would be removed. The gate in the fence would be replaced to allow continued access. New trees would be planted in the area near the gate. For most park users, the change would probably not be noticed once construction was complete. It is likely that no park users would feel displaced by the changes. The general setting would remain unchanged—lawns, trees, views, and access to sun and shade all would remain in this area—and the activities available today would remain available. Thus, the use of a small portion of the park has been determined to result in a de minimis impact for the purposes of Section 4(f).

As part of this Section 4(f) assessment, UDOT has discussed the potential use of this property with Salt Lake City and has determined that the important activities, features, and attributes of the park would not be adversely affected by Alternative A. Salt Lake City has concurred with this determination. A copy of the concurrence letter is included in Appendix B, Pertinent Correspondence.
Finally, it is worth noting that the land ownership at the park is UDOT; Salt Lake City built and maintains the park on UDOT-owned land. Although there is no formal agreement between UDOT and Salt Lake City regarding use of the park, the “use” by Alternative A would not involve a change of land ownership in the southeast corner.

**Alternative B [No Section 4(f) Use].** Alternative B would retain a configuration of lanes similar to today’s configuration for traffic going southbound on Parley’s Way or Foothill Drive and going westbound on I-80. Because this configuration would not change, there would be no use of Parley’s Way Park. Northwest of the park’s playground area, the ramp lanes would be located farther away from the park fence than they are today—at the farthest point, the edge of the lane would be 160 feet away instead of 80 feet away. East of the playground area, the ramp lane would be closer—tapering from 80 feet away at the playground loop trail to 36 feet away at the park’s southeast corner (today it tapers from 80 feet to 53 feet).

### 4.6 Section 4(f) and Section 6(f) Conclusion

#### 4.6.1 Section 4(f) Uses

UDOT has determined that neither Alternative A nor Alternative B would have a use with a greater–than–de minimis impact to any Section 4(f) property. UDOT has determined that Alternatives A and B would have identical uses with de minimis impacts to the following Section 4(f) resources:

- **Historic Resources**
  - 3541 E. Gateway Road—1957 split-level residence
  - 3044 S. Cascade Way—1955 ranch/ramble residence
  - 3060 S. Cascade Way—1955 ranch/rambler residence

UDOT has determined that Alternatives A and B would have identical temporary occupancy impacts to the following Section 4(f) resources:

- **Park Resources**
  - Parley’s Historic Nature Park

In addition, UDOT has determined that Alternative A would have a use with de minimis impact to Parley’s Way Park. Alternative B would have no use of Parley’s Way Park.

For both alternatives, there would be no use of the following resources (including no constructive use and no use by temporary occupancy):

- Aqueduct
- Tanner Park
- Grandeur Peak Trailhead and BST
- Future BST trailhead
4.6.2 Section 6(f) Conversions

Neither of the action alternatives would require “conversion of use” under the Section 6(f) requirements of the LWCF Act. Although Tanner Park and Parley’s Historic Nature Park have been developed under the provisions of the LWCF Act and are protected by Section 6(f), the alternatives would not affect Tanner Park at all, and the incursions at Parley’s Historic Nature Park would be temporary for minor drainage improvements and would not require acquisition of park land. The alternatives would require much less than 6 months of work and would affect only a small fraction of Parley’s Historic Nature Park. This work would therefore meet the requirements of the LWCF Act for temporary use and would not qualify as a conversion of use from outdoor recreation to other uses.