August 27, 2012

Cindy Callahan
Environmental Specialist
Federal Highway Administration
Oregon Division
530 Center Street, NE, Suite 420
Salem, Oregon 97301

Subject: Proposed De Minimis Impact Finding for Hoquarten Interpretive Trail Park
Tillamook US 101/OR 6 Project
Oregon Coast Highway
Tillamook, Oregon
ODOT Key No. 14313, EA PE001223
Federal Aid Number S009(354)

Dear Ms. Callahan:

This letter requests FHWA approval of a Section 4(f) de minimis impact finding for Hoquarten Interpretive Trail Park associated with the proposed Tillamook US 101/OR 6 Project (project). On July 20, 2012, the Oregon Department of Transportation (ODOT) identified the Build Alternative as the project’s Preferred Alternative. Identification of the Preferred Alternative followed a public comment period on the project’s Alternatives Analysis Report and the Proposed Section 4(f) de minimis Impact Finding for Hoquarten Interpretive Trail Park that extended from June 4 through July 6, 2012. ODOT conducted a combined public hearing and open house on June 20, 2012, as part of the comment period.

Based on findings in the AA Report, the Preferred Alternative will improve mobility and safety on US 101 and OR 6 in downtown Tillamook and across Hoquarten Slough by extending Pacific Avenue approximately one block north of 1st Street in downtown Tillamook, constructing a new US 101 bridge across Hoquarten Slough, and making various transportation improvements in downtown Tillamook (Figure 1 in Attachment 1). The project’s compliance with the National Environmental Policy Act will be documented as a Categorical Exclusion, to be prepared by ODOT and FHWA.

A Section 4(f) de minimis impact finding is proposed for the Hoquarten Interpretive Trail Park. The City of Tillamook owns and maintains Hoquarten Interpretive Trail Park, which includes two areas – Phase One and Phase Two. Phase One is located south of Hoquarten Slough. The approximately 2.20 acre portion of the park includes a paved multi-use trail, benches, scenic views, and a paved parking lot (Figure 2 in Attachment 1). The primary Phase One park uses are a walking trail, wildlife viewing, and environmental education. Phase Two of the park is approximately 19.48 acres and is located north of Hoquarten Slough. Phase 2 currently has no improvements and it has no public access. The City of
Tillamook has a long-term plan to extend the trail system within Phase One across Hoquarten Slough to Phase Two. Figure 1 in Attachment 1 illustrates the permanent improvements to Phase One of the Hoquarten Interpretive Trail Park that will occur with the Preferred Alternative, and are described below.

As part of the Tillamook US 101/OR 6 Project, ODOT will permanently acquire (fee simple) from the City approximately 95 square feet from Hoquarten Interpretive Trail Park (Phase One) to construct the new Pacific Avenue extension. The park land that will be acquired, which is currently an undeveloped area with no landscaping, will be converted to transportation use by the project. The transportation use will be a portion of the sidewalk on the east side of the Pacific Avenue extension. No park-related activities or amenities currently occur in this area. The project’s conceptual engineering to date has included efforts to avoid or minimize property acquisition from Hoquarten Interpretive Trail Park. ODOT undertook these efforts through coordination with the City of Tillamook. Examples of measures that ODOT took during conceptual design include: (1) reducing park encroachment via the elimination of spiraled curve design for the Pacific Avenue extension, and (2) using one replacement bridge over Hoquarten Slough instead of maintaining the existing bridge and adding a new bridge for northbound traffic.

In addition to the permanent acquisition of park land, ODOT will acquire from the City a permanent maintenance easement of approximately 950 square feet in area in the southwestern corner of Phase One of the park. The permanent easement will provide access for ODOT to maintain the new retaining wall that will provide support for Pacific Avenue (US 101 northbound). The permanent maintenance easement area currently consists of a paved portion of the park (part of the existing parking lot that will be removed) and an unvegetated/undeveloped portion of park land. No park-related activities or amenities currently occur in this area. The permanent maintenance easement agreement between the City of Tillamook and ODOT will stipulate what actions, vegetation, and improvements will be allowed within the easement area. In general, the easement area will likely be vegetated with grass and will be kept relatively flat and free of permanent features and obstructions (including trees and shrubs). Through review of the proposed permanent easement, ODOT and the City have determined that the easement would not adversely affect any existing or planned activities, features or attributes of the park.

ODOT will include in the final design and construction of the project the following mitigation actions:

- A new public street will be constructed on the east side of the Pacific Avenue extension (US 101 northbound) that will provide access to Hoquarten Interpretive Trail Park and a new parking lot. The new parking will be located south of the existing park boundary on a portion of the Port of Tillamook Bay right-of-way and a privately-owned parcel currently with a motel (see Figure 1 in Attachment 1). The new parking lot will not be located on existing park property. Following construction of the project, approximately 0.24 acre to 0.40 acre of land between the existing park and the new local street (including the new park parking lot) will be transferred from ODOT to the City as an addition to Hoquarten Interpretive Trail Park. This new park parking lot will provide six
parking spaces – one more parking space than the existing Hoquarten Interpretive Trail Park parking lot. Three additional parking spaces will be provided on the public street immediately adjacent to the newly relocated parking lot, for a net increase of four parking spaces.

- The existing parking lot will be converted to park use and the existing impervious surface will be replaced with a pervious landscaped surface. A landscaping plan, including identification of plant species, will be developed by ODOT, in consultation and in agreement with the City, during final design and construction.

- The existing trail within the park will be connected to the new parking lot via a new trail of similar specifications to the existing trail.

- All areas of the park that will have project construction activities will be restored to conditions that will be equal to or better than existing conditions.

- ODOT intends to design the new highway bridge across Hoquarten Slough to accommodate a potential footpath under the south side of the bridge. The potential footpath would connect the Hoquarten Interpretive Trail and Sue H. Elmore parks. City staff has expressed an interest in the potential footpath, but it is not currently within an adopted master plan. Construction of the potential footpath would be the responsibility of the City of Tillamook and would require agreement with ODOT for the use of ODOT right-of-way under the new highway bridge.

The overall size of the park will increase because ODOT will perform the following actions:

- Acquire property from the Port of Tillamook Bay south of the existing boundary of Hoquarten Interpretive Trail Park for the new park parking lot. After construction, ODOT will transfer between 0.15 and 0.21 acre of land to the City of Tillamook to incorporate into Hoquarten Interpretive Trail Park.

- Acquire property from a privately-owned parcel south of the Port of Tillamook Bay property (currently contains a motel and restaurant) to construct the Pacific Avenue extension (US 101 northbound). After construction, ODOT will transfer approximately 0.09 to 0.19 acre of that land to incorporate into Hoquarten Interpretive Trail Park.

The range in the overall increase of park area will depend on the area ODOT will retain for maintenance, which will determine the western park boundary of the park (see Figure 1 in Attachment 3). Therefore, the area to be transferred to the City of Tillamook to incorporate into Hoquarten Interpretive Trail Park will be determined during the final design process.

In summary, the area of Hoquarten Interpretive Trail Park will increase by between approximately 0.24 and 0.40 acre. This 11 to 18 percent increase in Phase One park area and the increase in off-street and nearby on-street parking capacity will provide increased benefits to public recreation use. As a result, the project’s use of approximately 95 square feet of park land and the 950 square foot maintenance easement will not adversely affect the activities,
features and attributes of the Hoquarten Interpretive Trail Park and ODOT seeks FHWA concurrence with this finding.

ODOT announced the proposed Section 4(f) de minimis Impact Finding and comment period on the project website (http://www.tillamooktraffic.org) during June 2012 and in an advertisement published in the Tillamook Headlight-Herald newspaper on June 6, 2012. A copy of the advertisement is included as Attachment 2 of this package. The project website provided users with a review copy of the proposed de minimis Impact Finding and with the ability to fill out an online form to comment on the proposed de minimis Impact Finding. The public could also request a hard copy of the proposed de minimis impact finding via the project web page, phone or mail. A copy of the proposed de minimis Impact Finding was also included in the AA Report as Appendix D.

This submission includes the following four attachments: (1) Maps of the project and Hoquarten Interpretive Trail Park; (2) Summary of public involvement activities and outcomes associated with the proposed de minimis Impact Finding; (3) Written concurrence from the City of Tillamook official with jurisdiction documenting their concurrence with the de minimis impact finding; and (4) FHWA reporting information.

If you have any questions, please contact Bill Johnston, ODOT, at (503) 325-5281 or Chris Bell, ODOT, at (503) 986-3853.

Pending your concurrence, please transmit an approved finding to ODOT’s Geo-Environmental administrative personnel for appropriate distribution.

Sincerely,

[Signature]

James B. Norman
Environmental Planning Unit Manager

The FHWA makes a Section 4(f) de minimis impact finding for Hoquarten Interpretive Trail Park for the Tillamook US 101/OR 6 project as described in this document.

Phillip A. Ditzler
Oregon Division
Federal Highway Administration

Attachments
Copies to:
   Bill Johnston, ODOT
   Molly Cary, ODOT
   Chris Bell, ODOT
   Norm Rauscher, ODOT
   Leon Skiles, Leon Skiles & Associates, Inc.
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ATTACHMENT 1
Section 4(f) de minimis Property and Project Maps
Hoquarten Interpretive Trail Park
Tillamook US 101/OR 6 Project
ODOT Key No. 14313
Federal Aid No. S009(354)
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FIGURE 2
Hoquarten Interpretive Trail Park Features, Attributes, and Impact Areas
Public Notice – ODOT announced the proposed *de minimis* Impact Finding and comment period on the project website (http://www.tillamooktraffic.org) and in an advertisement published in the *Tillamook Headlight-Herald* newspaper on June 6, 2012. The project website provided users the ability to fill out an online form to comment on the proposed *de minimis* Impact Finding. ODOT also provided public notice of the proposed finding by: (1) sending an email to the project’s stakeholder mailing list; (2) mailing a newsletter to the project stakeholder email list and all businesses and residents within the Tillamook zip code (97141); and (3) hanging posters in English and Spanish at a grocery store in downtown Tillamook and at the Tillamook library.

Outreach Events – ODOT requested public comment on the proposed *de minimis* Impact Finding at a combined public hearing and open house on June 20, 2012, at the Swiss Hall (4605 Brookfield Avenue) in Tillamook from 4:30 to 7:30 p.m. Approximately 55 people attended the event.

Comments Received – ODOT received no specific comments on the proposed *de minimis* Impact Finding. Two comments were received that referenced park impacts. One comment stated that the park impact appears to be minimal and park use can continue, and the other comment stated that the project would enhance access to the park.

Response to Comments – No response to comments were prepared, because ODOT received no specific comments on the proposed *de minimis* impact finding during the June 4 to July 6, 2012 comment period.
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ATTACHMENT 3
Written Support from Official with Jurisdiction for Section 4(f) de minimis

Hoquarten Interpretive Trail Park
Tillamook US 101/OR 6 Project
ODOT Key No. 14313
Federal Aid No. S009(354)
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August 6, 2012

Paul Wyntergreen, City Manager
City of Tillamook
210 Laurel Avenue
Tillamook, OR 97141

Subject: Section 4(f) De Minimis Impact Finding
Hoquarten Interpretive Trail Park
Tillamook US 101/OR 6 Project
US 101 (Oregon Coast Highway)
Tillamook, Tillamook County, Oregon
ODOT Key # 14313
Federal-Aid # S009(354)

Mr. Wyntergreen:

The purpose of this letter is to request the City of Tillamook’s concurrence with the Federal Highway Administration’s Section 4(f) de minimis impact finding for Hoquarten Interpretive Trail Park as a part of the Tillamook US 101/OR 6 Project.

The Tillamook US 101/OR 6 Project requires federal approvals and permits, and therefore, ODOT is tasked with the responsibility of ensuring that the project complies with relevant federal regulations. Among them, ODOT must ensure that the project satisfies Section 4(f) of the Department of Transportation Act of 1966. Therefore, ODOT is seeking written concurrence from the City of Tillamook to confirm that the Tillamook US 101/OR 6 Project will have a de minimis impact to Hoquarten Interpretive Trail Park as defined in Code of Federal Regulations 23 (CFR) 774.17. De minimis impacts for parks are defined as those that do not “adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f).”

A de minimis impact finding is based on the degree or level of impact to a Section 4(f) property, including any avoidance, minimization, mitigation or enhancement measures that are included in the project to address the Section 4(f) use. The expected positive effects of any measures included in a project to mitigate the adverse effects on a park or recreational resource is taken in account when determining whether the impact to the park or recreational resource is de minimis. The following information provides justification for a de minimis impact finding at Hoquarten Interpretive Trail Park.

Hoquarten Interpretive Trail Park includes two areas – Phase One and Phase Two. Phase One is located south of Hoquarten Slough. The approximately 2.20 acre portion of the park
includes a paved multi-use trail, benches, scenic views, and a paved parking lot. The primary Phase One park uses are walking the trail, wildlife viewing, and environmental education. Phase Two of the park is approximately 19.48 acres and is located north of Hoquarten Slough. Phase 2 currently has no improvements and it has no public access. Figure 1 illustrates the permanent improvements to Phase 1 of the Hoquarten Interpretive Trail Park that would occur with the Preferred Alternative, which are described below.

As part of the Tillamook US 101/OR 6 Project, ODOT will permanently acquire (fee simple) from the City approximately 95 square feet from Hoquarten Interpretive Trail Park (Phase One) to construct the new Pacific Avenue extension. The park land that will be acquired, which is currently an undeveloped area with no landscaping, will be converted to transportation use by the project. The transportation use will be a portion of the sidewalk on the east side of the Pacific Avenue extension. No park-related activities or amenities currently occur in this area. The project’s conceptual engineering to date has included efforts to avoid or minimize property acquisition from Hoquarten Interpretive Trail Park. ODOT undertook these efforts through coordination with the City of Tillamook.

In addition to the permanent acquisition of park land, ODOT will acquire from the City a permanent maintenance easement of approximately 950 square feet in area in the southwestern corner of Phase One of the park. The permanent easement will provide access for ODOT to maintain the new retaining wall that will provide support for Pacific Avenue (US 101 northbound). The permanent maintenance easement area currently consists of a paved portion of the park (part of the existing parking lot that will be removed) and an unvegetated/undeveloped portion of park land. No park-related activities or amenities currently occur in this area.

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- The existing parking lot will be converted to park use and the existing impervious surface will be replaced with a pervious landscaped surface. A landscaping plan, including
identification of plant species, will be developed by ODOT, in consultation and in agreement with the City, during final design and construction.

- The existing trail within the park will be connected to the new parking lot via a new trail of similar specifications to the existing trail.

- All areas of the park that will have project construction activities will be restored to conditions that will be equal to, or better than existing conditions.

- ODOT intends to design the new highway bridge across Hoquarten Slough to accommodate a potential footpath under the south side of the bridge. The potential footpath would connect the Hoquarten Interpretive Trail and Sue H. Elmore parks. City staff has expressed an interest in the potential footpath, but it is not currently within an adopted park master plan. Construction of the potential footpath would be the responsibility of the City of Tillamook and would require agreement with ODOT for the use of ODOT right-of-way under the new highway bridge.

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- Acquire property from a privately-owned parcel south of the Port of Tillamook Bay property (currently contains a motel and restaurant) to construct the Pacific Avenue extension (US 101 northbound). After construction, ODOT will transfer approximately 0.09 to 0.19 acre of that land to incorporate into Hoquarten Interpretive Trail Park.

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In summary, the area of Hoquarten Interpretive Trail Park will increase by between approximately 0.24 and 0.40 acre. This 11 to 18 percent increase in Phase One park area and the increase in off-street and nearby on-street parking capacity will provide increased benefits to public recreation use. As a result, the project’s use of approximately 95 square feet of park land and the 950 square foot maintenance easement will not adversely affect the activities, features and attributes of the Hoquarten Interpretive Trail Park and ODOT seeks the City of Tillamook’s concurrence with this finding.

Please indicate the City of Tillamook’s concurrence with the finding that the Tillamook US 101/OR 6 Project will have a de minimis impact to Hoquarten Interpretive Trail Park in the signature box on the next page.
Please contact me at (503) 986-3853 if you need additional information or if you have any concerns. Thank you for your consideration of this proposal.

Sincerely,

Chris Bell  
ODOT Cultural Resource Program Coordinator

The City of Tillamook, as owner of Hoquarten Interpretive Trail Park, concurs with the finding that the Tillamook US 101/ORE 6 Project will have a de minimis impact to Hoquarten Interpretive Trail Park as defined in 23 CFR 774.17.

Signature: [Signature]  
Paul Wyntergraves, City Manager  
City of Tillamook, Oregon  
Date: 8/3/12

Copies to:  
Cindy Callahan, FHWA  
Dustin Woods, FHWA  
Arley Sullivan, City of Tillamook  
David Mattison, City of Tillamook  
Larry McKinley, ODOT  
Bill Johnston, ODOT  
Leon Skiles, Leon Skiles & Associates
FIGURE 1
Hoquarten Interpretive Trail Park Range of New Parkland

Permanent Easement
(Approximately 950 square feet, 0.02 acre)

Conversion of parkland
(Approximately 95 square feet, <0.01 acre)

New parkland
(Minimum of approximately 0.24 acre)
(Maximum of approximately 0.40 acre)

Existing Hoquarten Interpretive Trail Park
(Phase Two) boundary

Existing Hoquarten Interpretive Trail Park
(Phase One) boundary

Existing Parking Lot

Hoquarten Slough

Hoquarten Interpretive Trail Park

New Parking Lot

Minimum western park boundary

Maximum western park boundary

All dimensions are approximate.
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ATTACHMENT 4

FHWA Reporting Information for Section 4(f) *de minimis*

Hoquarten Interpretive Trail Park

Tillamook US 101/OR 6 Project

ODOT Key No. 14313

Federal Aid No. S009(354)

<table>
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<tr>
<th>Route</th>
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<tr>
<td>Project Name</td>
<td>Tillamook US 101/OR 6 Project</td>
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<tr>
<td>Project Length in Miles</td>
<td>0.4-mile north-south on US 101; 0.2-mile east-west on OR 6</td>
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<td>Has the project received Transportation Enhancement funds? Has an application for TE funds for this project been submitted? Or is it planned?</td>
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<td>NEPA Class of action</td>
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| List of all 4(f) resources in the project | Hoquarten Interpretive Trail Park (park resource)  
Sue H. Elmore Park (park resource)  
310 Main Avenue (historic resource) |

*De minimis* mitigation (includes purchase of right-of-way consistent with the Uniform Act)

Hoquarten Interpretive Trail Park:
- Purchase of right-of-way consistent with the Uniform Act
- Construct a new parking lot with one more parking space than the existing parking lot. Three additional parking spaces would be provided on the public street immediately adjacent to the new relocated parking lot, for a net increase of four parking spaces.
- Convert the existing parking lot to park use. The impervious surface would be replaced with landscaped pervious surface. A landscape plan would be
developed by ODOT in consultation and agreement with the City of Tillamook during final design and construction.

- Acquire and transfer approximately 0.15 to 0.21 acre of land from the Port of Tillamook Bay property immediately south of the park from ODOT to the City of Tillamook to incorporate into Hoquarten Interpretive Trail Park
- Acquire and transfer approximately 0.09 to 0.19 acre of land from the privately-owned parcel south of the Port of Tillamook Bay property from ODOT to the City of Tillamook to incorporate into Hoquarten Interpretive Trail Park

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<td>• Acquire approximately 95 square feet from Hoquarten Interpretive Trail Park</td>
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<td>• Close the existing Hoquarten Interpretive Trail Park vehicular access to US 101 and relocate parking lot</td>
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<td>• Acquire a permanent easement of approximately 950 square feet in the southwest corner of Hoquarten Interpretive Trail Park</td>
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<td>&lt;0.01 acre (95 square feet) fee simple acquisition; &lt;0.03 acre (950 square feet) permanent maintenance easement</td>
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<td>Approximately 36 months from construction start date</td>
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