

Section 4(f) Evaluation

How to Read This Chapter: Chapter 5 provides a preliminary Draft Section 4(f) Evaluation that identifies the potential FHWA actions that would require review under Section 4(f), and describes potential avoidance and mitigation measures. Information on known Section 4(f) properties throughout the Study Area, and on properties within each of the corridor footprints, is summarized from Chapter 3 and Chapter 4 of this Draft Environmental Impact Statement (DEIS). Due to the nature of this corridor study, specific alignment alternatives have not been identified at this stage of the study. Therefore, the potential use of each Section 4(f) property has not been determined and specific alternatives to avoid harm have not been developed.

5.1 Introduction

Section 4(f) of the Department of Transportation Act of 1966 stipulates that, prior to taking an action that requires the use of land from a significant publicly owned park, recreation area, wildlife or waterfowl refuge, or from a historic property or archaeological site on or eligible for the National Register of Historic Places, the agency proposing the action must determine that there is no feasible and prudent alternative to the use of the land from that property, and that the proposed action includes all possible planning to minimize harm to the property resulting from the use. Use is defined as:

- When land is permanently incorporated into a transportation facility;
- When construction requires temporary occupancy of land that would be adverse to its preservation; and
- When there is a constructive use of land that, because of the proximity of the transportation project, would substantially impair the activities or attributes of the property.

This draft Section 4(f) evaluation describes the Section 4(f) resources within each of the planning corridors considered in the Aroostook County Transportation Study DEIS and provides an estimation of impacts based on corridor planning concepts. Avoidance alternatives and potential measures to mitigate harm are also discussed.

5.2 Study Description

The Federal Highway Administration (FHWA) and Maine Department of Transportation (MDOT) have undertaken the Aroostook County Transportation Study to identify transportation corridors that will improve mobility and efficiency within the Study Area (northeastern Aroostook County) and that will link this area and other portions of the U.S. and Canada in order to support regional economic growth. The Study Area is bounded by the south by I-95, on the west by Route 11, and on the north and east by the Canadian Border, and encompasses approximately 7,066 square kilometers (2,760 square miles) of land. During the study, an iterative screening process was developed to identify and evaluate corridors. Corridors evaluated in this study are strips of land 46 to 92 meters wide (150 to 300 feet) within which a new location highway or an upgrade of an existing highway could be constructed. Following the selection of a Preferred Corridor, FHWA and MDOT will obtain more detailed information on Section 4(f) resources and identify alignment alternatives to avoid and minimize harm to regulated resources.

5.3 Purpose and Need

As described in Section 1.2 of this DEIS (page 1-3), the Purpose of the Study is to evaluate transportation alternatives that would improve the region's economy by improving transportation mobility. Aroostook County currently has an inadequate transportation system that limits access and mobility to, from, and within the county. Poor mobility, in turn, limits economic opportunity. There is, therefore, a need to improve transportation access to, from, and within the Study Area and the surrounding area to improve access to jobs, reduce long distances and travel times for goods to market, and address issues of transportation system continuity.

5.4 Corridors Evaluated

Chapter 2 of this DEIS (page 2-4) provides a description of corridors considered during this study. Corridors were developed in consideration of existing Section 4(f) and other environmental constraints, and were developed to identify the most practicable options to achieve the Study's objectives. Corridors were initially considered as conceptual corridors connecting logical termini, and were then evaluated as 765-meter (2,500-foot) bands for new location highways and 305-meter (1,000-foot) bands where upgrades of existing highways were considered. The impact analysis presented in Chapter 4 of this DEIS (page 4-1) is based on a 92-meter (300-foot) band for new location highways and a 46-meter (150-foot) band for upgrade corridors. The corridors evaluated in detail in this DEIS include:

- The No-Action Alternative.

- Corridor Hm, a new location highway extending from I-95 at Smyrna Mills to Route 1 east of Madawaska, including upgrades of Route 1 between Presque Isle and Caribou and between the terminus of the new highway and Madawaska.
- Corridor Km, a new location highway extending from I-95 at Houlton to Route 1 east of Madawaska, including upgrades of Route 1 between Presque Isle and Caribou and between the terminus of the new highway and Madawaska.
- Composite Corridor 1, primarily an upgrade of Route 1 from I-95 at Houlton to Van Buren and from Frenchville to Madawaska, including an upgrade of Route 161 from Caribou to Fort Kent. Composite Corridor 1 also includes a new location highway between Route 161 and Frenchville, a new location highway east of Presque Isle, and short bypasses of Monticello, Bridgewater, and Mars Hill.
- Composite Corridor 2 includes a new location highway between I-95 at Smyrna Mills and Route 1 north of Presque Isle, with an upgrade of Route 1 from Presque Isle to Caribou and from Frenchville to Madawaska, and an upgrade of Route 161 from Caribou to Fort Kent. Composite Corridor 2 also includes a new location highway between Route 161 and Frenchville.

5.5 Potential Section 4(f) Properties

Section 4(f) Properties within the Study Area are more fully described in Section 3.3.6 (page 3-58) and Section 3.3.7 (page 3-62) of this DEIS. These sections, respectively, describe known and potential historic and archaeological resources (Section 3.3.6), and public parks, recreation areas, and wildlife refuges (Section 3.3.7).

Properties listed in or eligible for listing in the National Register of Historic Places were identified by the Maine Historic Preservation Commission (MHPC), and include 22 standing structures and one historic site (Table 3-27, page 3-60). Two National Register Historic Districts have been identified within the Study Area, the Acadian buildings in Van Buren and the Larsson-Noak Historic District in New Sweden. The MHPC also identified 38 known archaeological sites. The exact locations of these sites are not reported, but are identified as 1-km (0.6-mile) square grids. The MHPC also identified areas sensitive for prehistoric and historic archaeology, which have the potential to contain archaeological resources. Traditional Cultural Properties have been identified by the MHPC in consultation with the Native American tribes in the Study Area. Detailed site-specific investigations of other potentially-historic properties and potential archaeological resources have not been conducted at this stage of the study.

Public parks, recreation areas, and wildlife refuges subject to jurisdiction under Section 4(f) include Aroostook State Park, two Maine Bureau of Public Lands (MBPL) recreational trails, the Aroostook National Wildlife Refuge, and numerous municipal parks and public athletic fields that are significant to the public.

5.6 Potential Use of Section 4(f) Properties

The proposed action is the selection of a Preferred Corridor within which specific alignment alternatives would later be identified and evaluated. For purposes of evaluating and comparing corridors, the number and type of Section 4(f) properties within each corridor were identified.

Corridors were initially located so as to avoid impacts to known Section 4(f) properties. All of the corridors under consideration would avoid any impact to:

- Aroostook State Park;
- the Aroostook National Wildlife Refuge; and
- Known historic districts.

5.6.1 Potential Use of Historic and Archaeological Resources

Section 4.3.6 of this DEIS (page 4-65) identifies potential uses of known cultural resources associated with each of the corridors under consideration. Following selection of a Preferred Corridor, additional investigations to identify properties potentially eligible for the National Register of Historic Places will be undertaken. These investigations for both above-ground and archaeological properties will be documented in subsequent NEPA documents.

Composite Corridors 1 and 2, based on the 46-meter (150-foot) corridor width, include a portion of one known National Register property, the former Frenchville Railroad Station property. The former railroad station was constructed in 1910 as part of the Bangor and Aroostook Railroad and presently houses the Frenchville Historical Society. If either of these corridors is selected as the Preferred Corridor, alignment alternatives may be available that would avoid and/or minimize use of this Section 4(f) resource.

All of the build corridors include a portion of a mapped 1-kilometer (0.6-mile) grid containing known archaeological resources. This resource is located along the Route 1 upgrade corridor segment south of Caribou. Composite Corridors 1 and 2 also include a portion of a mapped 1-kilometer (0.6-mile) grid containing known archaeological resources. This resource is located along the Route 1 upgrade corridor segment north of Caribou. If any of these corridors are selected as the Preferred Corridor, alignment alternatives are available that would avoid and/or minimize use of this Section 4(f) resource.

Corridor Km, along the new location highway segment east of Presque Isle, also includes a portion of a mapped 1-kilometer (0.6-mile) grid containing known archaeological resources. If this corridor is selected as the Preferred Corridor,

alignment alternatives that would avoid and/or minimize use of this Section 4(f) resource will be considered. More detailed locational information on the archaeological resource will be required in subsequent NEPA documents in order to avoid impacts.

Each of the corridors crosses areas that potentially contain archaeological resources (sensitive shorelines and sensitive surficial deposits). Following the selection of a preferred corridor, site-specific subsurface investigations will be conducted in areas that potentially to contain archaeological resources, and alignment alternatives to avoid impacts will be developed for areas that are found to be eligible for listing in the National Register.

Corridor Km and Composite Corridor 1 include areas that have been identified as containing Traditional Cultural Properties that may be eligible for listing in the National Register. Following the selection of a Preferred Corridor, site-specific investigations, including consultation with the Native American community, will be conducted in areas identified as containing Traditional Cultural Properties, and alignment alternatives to avoid and/or minimize impacts will be considered for properties that are found to be eligible for listing in the National Register. Corridor Hm and Composite Corridor 2 do not include any known Traditional Cultural Properties.

5.6.2 Public Parks, Recreation Areas, and Wildlife Refuges

Each of the corridors under consideration includes portions of properties identified as public parks and recreation areas within the conceptual 92-meter (300-foot) band for new location highways and the 46-meter (150-foot) band for upgrade corridors. No wildlife refuges are included in any of the corridors. Table 4-19 (page 4-68) provides more detail on these properties.

Corridor Hm would cross the Aroostook Valley Trail in 3 locations, a use of the land that could affect use of the trail by pedestrians, bicyclists, or motorized vehicle users. Corridor Km would cross the Aroostook Valley Trail and the Houlton to Phair Junction Trail (both MBPL lands) in a total of 7 locations. If either of these corridors were selected as the Preferred Corridor, alignment alternatives would be investigated to avoid and/or minimize use of these properties, and minimization alternatives would be investigated if avoidance was not feasible. Since the two public recreational trails occupy an extensive network of former railroad rights-of-way throughout the Study Area, new location highway corridors that avoid Section 4(f) use may not be feasible or prudent.

Composite Corridors 1 and 2 include portions of properties adjacent to existing Route 1 that have been identified by the responsible local official as being significant to public recreation. Both corridors include portions of the Caribou High School that may be considered to be a public recreation area, and North Caribou Recreational

Area properties. Composite Corridor 1 also includes a portion of the Littleton Community Park. If either of these corridors were selected as the preferred corridor, further investigations would be undertaken to determine the exact location and extent of potential Section 4(f) properties, and alignment alternatives would be developed to avoid use of these properties. If avoidance is not feasible and prudent, methods to minimize harm would be analyzed.

5.7 Summary

If necessary, a Section 4(f) Evaluation will be prepared following the selection of a Preferred Corridor and identification of alignment alternatives. This document will include a more detailed evaluation of the Section 4(f) resources associated with the Preferred Corridor, and will present a complete analysis of potential avoidance and minimization alternatives within the Preferred Corridor.

The analysis provided in this DEIS indicates that, although Section 4(f) resources are present within Composite Corridors 1 and 2, it is probable that alignment alternatives that avoid any use of these properties can be identified. Corridors Hm and Km are likely to result in the unavoidable use of public recreation lands associated with the Aroostook Valley and the Houlton to Phair Valley public trails.

Additional site-specific investigations would be required for each of the corridors to determine if additional archaeological resources eligible for listing in the National Register of Historic Places, or additional historic properties, occur within the corridor. Alignment alternatives to avoid and/or minimize use of these properties would be developed following the completion of more detailed investigations and in subsequent NEPA documents.