

## MEMORANDUM

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**Date:** June 15, 2023

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**To:** Darren Anderson, Carson City Public Works

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**From:** NCE

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**Subject:** East William Complete Streets and Utility Undergrounding Project:  
Section 4(f) and Section 6(f) Technical Memo

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The Carson City Public Works Department (City) is implementing combined projects for the East William Complete Streets and Utility Undergrounding (Project). The purpose of this memo is to inform environmental and planning tasks required for compliance with the National Environmental Protection Act (NEPA). The areas of focus for this technical memorandum include Section 4(f) and Section 6(f) resources as described below.

### PROJECT DESCRIPTION

The project is located in Carson City, Nevada (**Figure 1**, figures are provided in **Appendix A**). The project area runs along roughly 1.5 miles of East William Street for a total size of approximately 29.5 acres (**Figure 2**). Most of the project improvements will be placed within the existing right-of-way (ROW). Permanent and temporary construction easements on up to 30 parcels are proposed for improvements outside the ROW. Permanent easements are required for pedestrian ramp, sidewalk, utilities, and signal modification improvements. The temporary construction easements are required for the construction of sidewalk improvements, pedestrian ramps, bus stops, landscaping, lighting, driveway transitions, utilities, grading, and signal modifications.

The project will provide roadway, bicycle, pedestrian, safety, beautification, and utility improvements to East William Street, creating an efficient multimodal roadway along one of Carson City's primary commercial corridors. The Project specifically includes pavement rehabilitation and reconstruction treatments throughout the corridor, access management infrastructure to improve safety and circulation for commercial driveways and side streets, enhanced street lighting, a signalized pedestrian crossing, bus stop amenities to support a planned transit line along the corridor, electric vehicle (EV) charging stations at Mills Park, sidewalk infrastructure to establish compliance with the Americans with Disabilities Act (ADA), traffic signal infrastructure upgrades, added bike facilities, landscaping and streetscape beautification, undergrounding of overhead power and communication lines and

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upgrades to water, sewer, and storm water utility systems, including low-impact-development (LID) storm water infrastructure.

Construction is expected to take about 1 year to complete and would occur Monday through Friday between the hours of 7:00 am and 7:00 pm, the City's standard construction hours.

Proposed project activities were evaluated for potential impact to Section 4(f) and Section 6(f) resources as described below.

## **SECTION 4(F)**

### ***Evaluation***

As part of the environmental analyses for this project, the Federal Highway Administration (FHWA) must comply with Section 4(f) of the U.S. Department of Transportation (DOT) Act of 1966, which is now codified in 49 U.S. Code Section 303. Section 4(f) states the FHWA may not grant approval for a project if the project uses land that is a publicly owned park, recreation area, wildlife and waterfowl refuge, or any significant historic site listed or eligible for listing on the National Register of Historic Places, unless (1) there is no prudent and feasible alternative to the use of such land, and (2) any such program or project includes all possible planning to minimize harm to these resources.

Before approving a project that uses (i.e., impacts, modifies) a Section 4(f) property, FHWA must determine there is no feasible and prudent alternative to avoid or minimize the impact to the property. The term 'use'—as it relates to Section 4(f)—denotes an adverse impact to, or occupancy of, a Section 4(f) property. There are three conditions under which use occurs<sup>1</sup>:

- Permanent Incorporation – when a Section 4(f) property is acquired outright for a transportation project.
- Temporary Occupancy – when there is temporary use of property that is adverse in terms of Section 4(f)'s preservationist purpose.
- Constructive Use –A constructive use of a Section 4(f) resource occurs when a transportation project does not permanently incorporate land from the resource, but the proximity of the project results in impacts (e.g., noise, vibration, visual, and property access) sufficiently severe that the protected activities, features, or attributes that qualify the resource for protection

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<sup>1</sup> FHWA Section 4(f) Tutorial. "Use" Overview:  
[https://www.environment.fhwa.dot.gov/env\\_topics/4f\\_tutorial/use.aspx](https://www.environment.fhwa.dot.gov/env_topics/4f_tutorial/use.aspx)

under Section 4(f) are substantially impaired (23 Code of Federal Regulations [CFR] 774.15).

NCE utilized project location mapping (including aerial imagery, topographic mapping) and historic resource database information to identify potential Section 4(f) resources. NCE then reviewed the project proposal to determine if any activities would constitute a use of a Section 4(f) property as defined above.

### **DESCRIPTION OF SECTION 4(F) RESOURCES**

Carson City Parks Department is the owner of a single 52.9-acre parcel, APN 002-181-010, that contains two Section 4(f) recreational resources adjacent to the project: the Carson City Community Center and Mills Park. Other facilities are also located on this parcel but are not adjacent to nor impacted by the project. Section 4(f) properties are collectively shown in **Figure 3**.

#### ***Mills Park Parcel - Community Center***

The Carson City Community Center, located at 851 East William Street, is one of three recreational facilities run by the Carson City Department of Parks, Recreation, and Open Space. It is located in the heart of Carson City adjacent to Mills Park at the corner of East Williams Street and Roop Street. The Center includes a 584-seat theater, 9,810 square foot gymnasium, a large board room, two classroom-style meeting rooms, and a commercial kitchen.

It hosts numerous City-run recreational programs including:

- Capital Kids Before and After School Program
- Camp Carson Summer Day Camp
- Carson Victory Rollers
- Junior Victory Rollers
- Movers and Doers Adaptive Recreation Program
- Youth Theatre Carson City
- Driver's Education
- Sweat Shop Fitness
- Get N U Fit
- Muscle Resistance
- Tai Chi Ch'uan

The facility also rents rooms to the public for private events.

#### ***Mills Park***

Located at 1111 East Williams Street, Mills Park is directly east of and adjacent to the Community Center (see **Figure 3**). Mills Park encompasses 51 acres of the 52.9-acre parcel and provides:

- Picnic Pavilion
- Picnic Tables

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- Playground Equipment
- Reservable Facility
- Restrooms
- Sani Huts - Seasonally
- Roller Hockey Rink
- Sand Volleyball Courts
- Skateboard Park
- Pickleball Courts
- Horseshoe Courts
- Trails (Paved)
- Open Grass Area with soccer use

The park is also home to the Carson City Railroad Association which runs a two-foot gauge riding railroad that provides train rides for adults and children around Mills Park on summer weekends. It also operates a snack bar and model railroad within the Mills Park Depot building on the park site.

The Community Center and Park share parking amongst themselves and other facilities within the larger 52.9-acre parcel.

### **IMPROVEMENTS THAT AFFECT 4(F) RESOURCES**

The Project impacts on the Community Center and Mills Park are shown in **Figure 3**.

#### **1.0 Carson City Community Center**

1.1 Powerline Undergrounding: The Project includes undergrounding of existing utilities. Approximately 100 feet of electrical main will be placed under the parking lot west of the Community Center to connect an existing overhead pole in the park to a new pad-mounted transformer in the ROW. This will require the removal and replacement of existing parking lot pavement, curbs, gutters, sidewalks, and some existing landscape. After the completion of construction, the parking lot will be restored. The curbs, gutters, and sidewalk will be replaced and the landscape will be restored. The new easement required to locate this work constitutes a Section 4(f) use. The location of the proposed powerline undergrounding is shown in Figure 3 as item number 2.

1.2 Curb Replacement: Three linear feet of curb and gutter on the southeast corner of N Roop St and E William St within the park parcel are being removed and replaced as part of the curb return and pedestrian ramp replacements at this intersection. This improvement will be a direct replacement and does not constitute a Section 4(f) use. The location of the proposed curb and gutter replacement is shown in Figure 3 as item number 3.

## **2.0 Mills Park**

2.1 The parking lot along the frontage of Mills Park, within E William Street ROW, is being expanded east and west to accommodate 12 additional parking spaces shown as item 5 in Figure 3. There will be 160 linear feet of curb and gutter in E William Street ROW adjacent to the park that will be added as part of this work. This work does not constitute a Section 4(f) use.

2.2 Repaving of western trail transition. There is currently a multi-purpose trail on both City ROW and on parkland between the parking lot and the park. The western transition of this trail between the two parcels will be repaved. (See Item 6 in Figure 3.) There will be 45 square feet of pavement removed and 45 square feet of new pavement placed on parkland slightly east of the current location. A pedestrian detour will be provided during construction allowing travel along this route. This work does not constitute a Section 4(f) use.

2.3 EV charging stations. Two electric vehicle charging stations will be added to the parking lot. The foundations of these stations will extend onto parkland and impact 73 square feet, shown as item 4 in Figure 3. This work constitutes a Section 4(f) use.

2.4 Relocation of the eastern trail transition. Approximately 40 feet of the existing fence separating the City's ROW and the City's Park parcel will be removed to accommodate the eastward relocation of the multi-use trail transition. This is shown as item 9 in Figure 3. A pedestrian detour will be provided during construction allowing travel along this route. The multi-use trail is currently a recreational feature of the park and the relocation of the section of the trail will continue to provide the same recreational use. This work does not constitute a Section 4(f) use.

2.5 ADA improvements. Three pedestrian ADA accessible curb ramps, shown as item 7 in Figure 3, within the park parcel, will be reconstructed to meet current requirements. This improvement is a replacement of the existing ramps and does not constitute a Section 4(f) use.

2.6 Oxoby Loop curb. The curb returns and pedestrian ramps within City ROW at Oxoby Loop are being adjusted north to improve driver sight lines and match the new lane alignments on East William Street. The ramps are a current feature of the park. They are being replaced to meet current requirements but will serve the same function and occupy the same amount of space. This work does not constitute a Section 4(f) use. This improvement is shown as item 8 in Figure 3.

2.7 Pavement upgrade. The project will remove 285 linear feet of asphalt from the existing multi-use path. Of this, five linear feet are on the park parcel between Oxoby Loop and the parking lot. The asphalt is being removed and replaced with concrete. The replaced paving will be slightly realigned to match the adjusted curb returns on

Oxoby Loop. Where the old pavement is removed, the area will be landscaped. This pavement upgrade will enhance the recreational use of the trail. This improvement is shown as item 11 in Figure 3. This work does not constitute a Section 4(f) use.

2.8 Utility connections. The project will add five utility connections at locations shown as item 1 in Figure 3. These connections do not require an additional easement and may result in minor construction impacts during excavation and forming. Any construction impacts will be cleaned and restored. This work does not constitute a Section 4(f) use.

### **Cultural Resources**

Additional potential Section 4(f) properties include adjacent parcels that contain historic properties listed on or determined eligible for listing on the National Register of Historic Places. An architectural inventory was conducted of all parcels located adjacent to the project area that contain buildings or structures that are 45 years old or older. A total of 42 architectural resources were recorded and evaluated as part of the inventory.

One previously recorded resource (B559/B10291), known as the Wungnema House, has been recommended as National Register eligible. This historic property is in Mills Park and is set back approximately 880 feet south of William Street. The remaining 41 architectural resources are recommended as not eligible for listing on the National Register. Mills Park was evaluated, and it is recommended that it does not constitute a National Register eligible historic landscape or district.

FHWA and NDOT in consultation with the State Historic Preservation Office (SHPO) has determined that the Project will result in "no historic properties affected," per 36 CFR Part 800.4(d)(1). The SHPO provided concurrence with this determination in a letter dated May 24, 2023.

No historic properties are present within or adjacent to the project area that constitutes a Section 4(f) property. Consequently, there will be no "use" of a historic property that constitutes a Section 4(f) property.

As discussed above, before approving a project that uses (i.e., impacts, modifies) a Section 4(f) property, FHWA must determine whether there is no feasible and prudent alternative to avoid or minimize the impact on the property. The project may use Mills Park for the improvements described above but will not have an adverse impact to or occupancy of the Section 4(f) property. Additionally, constructive use of the adjacent Section 4(f) properties may occur due to the proximity of construction resulting in impacts (e.g., noise, vibration, visual). No Section 4(f) property access impacts are anticipated to occur and potential indirect construction impacts would not meet the definition of "sufficiently severe that the protected activities, features,

or attributes that qualify the resource for protection under Section 4(f) are substantially impaired" (23 CFR 774.15).

The only Section 4(f) use of Mills Park will be new EV charging stations for 73 square feet. The undergrounding of existing utilities requiring a new easement to accommodate approximately 100 feet of electrical main placed under the parking lot west of the Community Center will also constitute a Section 4(f) use. A Section 4(f) de minimis use determination will be prepared for FHWA approval for the Mills Park and Community Center uses.

## **SECTION 6(F)**

### **EVALUATION**

Section 6(f) of the Land and Water Conservation Act (LWCF) Act establishes a grant program for states and local governments to acquire and develop public outdoor recreation sites and facilities. In Nevada, the LWCF program is administered by the Division of State Parks (NDSP) as a passthrough grant from the National Park Service (NPS).

Section 6(f) protected properties are public recreation areas that have received LWCF Section 6(f) funding. Section 6(f)(3) of the Act states that no property acquired or developed with LWCF money shall be converted to other than public outdoor recreation uses without the approval of the Secretary of the Interior. If approved, the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location is required.

NCE accessed the LWCF Federal and State Funding database to determine if any properties receiving Section 6(f) funding are associated with the project area<sup>2</sup>. NCE also contacted the Nevada Division of State Parks (NDSP) to inquire about Section 6(f) properties or funded projects within the project area.

### **RESULTS**

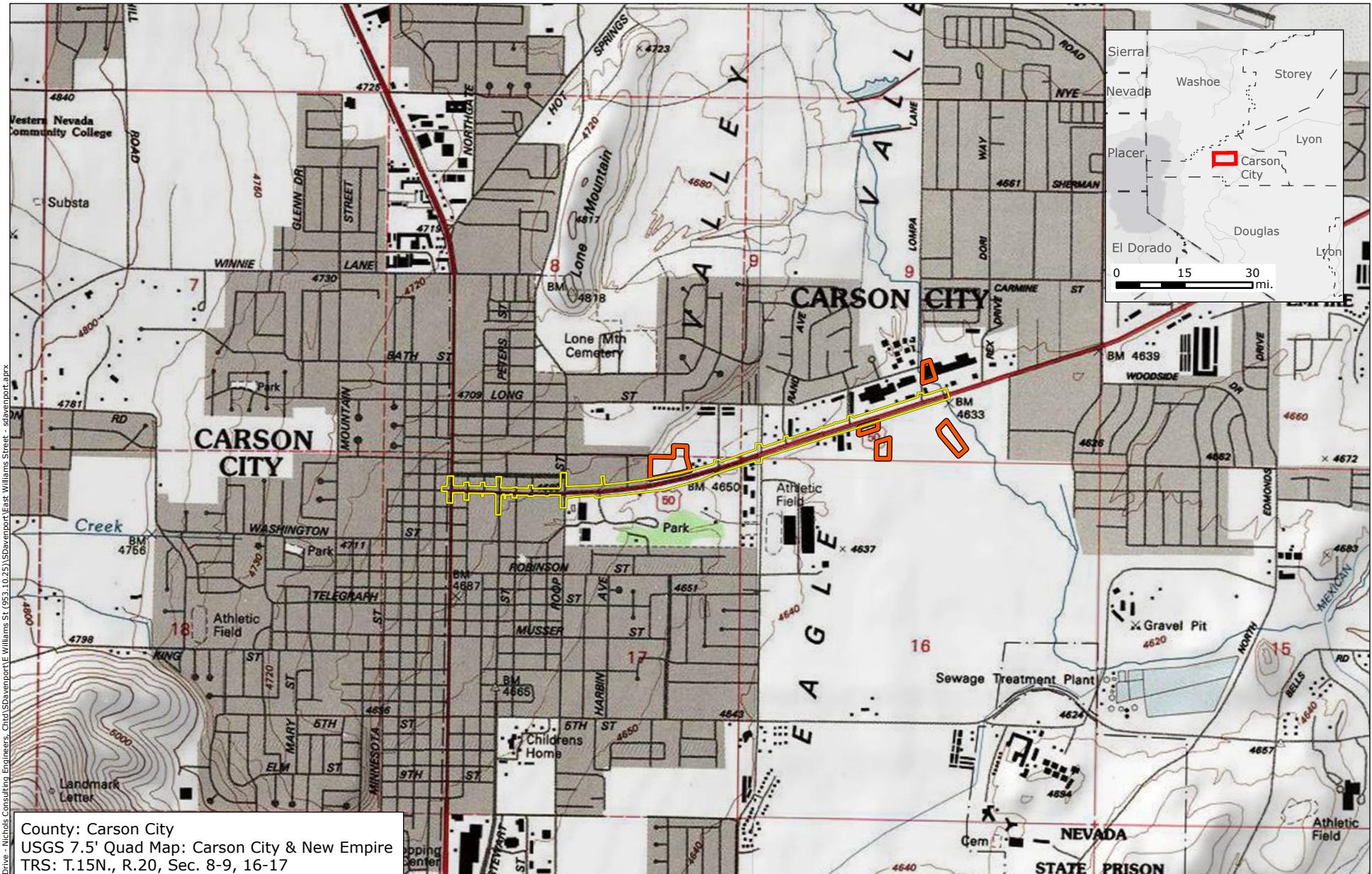
According to the LWCF database, there are no Section 6(f) properties in the vicinity of the proposed project. In discussion with the NDSP responsible person (Tezia Lambson) regarding NDSP Section 6(f) properties, there are no Section 6(f) properties or funded projects within or adjacent to the project area. Based on review of the proposed project activities, parcel information, and project location mapping, there are no potential Section 6(f) lands associated with the project area or within the vicinity of the project.

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<sup>2</sup> "Past Projects". 2022. The Land and Water Conservation Fund (LWCF) and Trust for Public Land. Accessed at <https://lwcf.tplgis.org/mappast/>

## **Appendix A Figures**

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SOURCE  
 ESRI USGS Topography Basemap

JOB NUMBER  
 953.10.25

DRAWN  
 sdavenport

DATE  
 1/25/2022

REVISED  
 11/23/2022

APPROVED  
 jhall

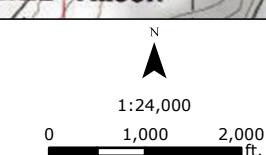


FIGURE  
**1**



Legend  
Project Area  
Potential Staging Area



## East William Complete Streets and Utility Undergrounding Project

### Project Detail Map

SOURCE  
Carson City Ortho Imagery

JOB NUMBER  
953.10.25

DRAWN  
sdavenport

DATE  
1/25/2022

REVISED  
12/7/2022

APPROVED  
jhall

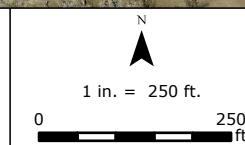
1 in. = 250 ft.  
0 250 ft.



FIGURE  
2a

**Legend**

- Project Area (Yellow Box)
- Potential Staging Area (Orange Box)

**East William Complete Streets and Utility Undergrounding Project****Project Detail Map**

SOURCE  
Carson City Ortho Imagery

JOB NUMBER  
953.10.25

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sdavenport

DATE  
1/25/2022

REVISED  
12/7/2022

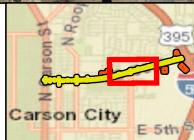
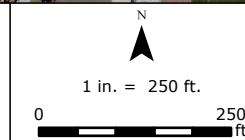
APPROVED  
jhall



**FIGURE  
2b**

**Legend**

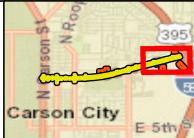
- Project Area (Yellow Box)
- Potential Staging Area (Orange Box)

**East William Complete Streets and Utility Undergrounding Project****Project Detail Map****FIGURE  
2c**SOURCE  
Carson City Ortho ImageryJOB NUMBER  
953.10.25DRAWN  
sdavenportDATE  
1/25/2022REVISED  
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**Legend**

- Project Area (Yellow Box)
- Potential Staging Area (Orange Box)



## East William Complete Streets and Utility Undergrounding Project

### Project Detail Map

SOURCE  
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JOB NUMBER  
953.10.25

DRAWN  
sdavenport

DATE  
1/25/2022

REVISED  
12/7/2022

APPROVED  
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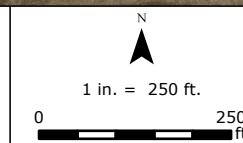


FIGURE  
2d

# East William Complete Streets Project



## Improvements adjacent to Mills Park

- ① Utility crossings for utility undergrounding
- ② Electrical main undergrounding
- ③ Roop Street curb and gutter replacement
- ④ Electrical vehicle charging station
- ⑤ Parking lot expansion and curb and gutter addition

- ⑥ Multiuse path replacement
- ⑦ Pedestrian curb ramp replacement
- ⑧ Oxoby Loop curb and gutter replacement
- ⑨ Multiuse path realignment and fence removal
- ⑩ Additional landscaping (grasses, shrubs, boulders, and trees)
- ⑪ Remove and restore 1000 square foot pedestrian ramps and multiuse path

