

Appendix I
Section 4(f) Findings Report

Hooper Road (LA 408) Capacity Improvements

Section 4(f) Findings Report

1.0 Introduction

Section 4(f) of the *Department of Transportation Act of 1966*, 49 U.S.C. 303, requires that prior to the use of any land from a publicly-owned park, recreational area, wildlife or waterfowl refuge, or historic property or archeological site that is on or eligible for the National Register of Historic Places (NRHP), whether the historic property is publicly or privately owned, it must be determined that there is no prudent or feasible alternative which avoids such use and that the project includes all possible planning to minimize harm to these resources.

Section 4(f) specifies that the Secretary of Transportation may approve a transportation program or project...requiring the use of publicly-owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of 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 action includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

According to 23 CFR 774.17, a Section 4(f) resource is “used” in any of the following ways:

- (1) a direct use occurs when “land is permanently incorporated into a transportation project;”
- (2) a temporary use occurs “when there is a temporary occupancy of land that is adverse in terms of the statute’s preservation purpose;” or,
- (3) a constructive use occurs “when the project’s proximity impacts of a proposed project are so severe that the protected activities, features, or attributes that qualify property for protection under Section 4(f) are substantially impaired.”¹

In order for a park, recreational area, or wildlife or waterfowl refuge to qualify for protection under Section 4(f), it must be publicly-owned and officially designated as a park, recreational area, or wildlife or waterfowl refuge. When these areas are owned by private institutions and individuals, even if such areas are open to the public, Section 4(f) does not apply. However, the FHWA does strongly encourage the preservation of such privately-owned lands.²

However, historic resources that are listed on or eligible for listing on, the National Register of Historic Places (NRHP) are not required to be publicly-owned in order to be protected under Section 4(f). An archeological site that is on or eligible for the NRHP must also be important for preservation in place

¹ 23 CFR 774.15

² FHWA, *Section 4(f) Policy Paper*, March 1, 2005, <http://www.environment.fhwa.dot.gov/projdev/4fpolicy.asp> (October 15, 2009).

in order to be considered a Section 4(f) site. Determinations of eligibility for the NRHP have been coordinated with the Louisiana Division of Historic Preservation.

In conjunction with the above regulations, the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users* (SAFETEA-LU) recently amended Section 4(f) of the Department of Transportation Act in an effort to streamline the approval of projects that have a *de minimis* impact to Section 4(f) property.³ The word “*de minimis*” is defined by Black’s Law Dictionary (8th ed. 1999) as something that is “trifling, minimal” or “(of fact or thing) so insignificant that a court may overlook it in deciding an issue or case.” Under SAFETEA-LU, the U.S. Department of Transportation (USDOT) will take into account any avoidance or minimization of impacts along with any mitigation or enhancement measures to determine whether there is a *de minimis* impact from the use of the property. If the use results in a *de minimis* impact, then an avoidance alternatives analysis is not required and the Section 4(f) evaluation process would be considered completed. For parks, recreational lands, wildlife and waterfowl refuges, the managing agency would have to state, in writing, that the project is not likely to “adversely affect the activities, features and attributes”⁴ of the Section 4(f) resource. A *de minimis* impact for historic resources would require the Louisiana Division of Historic Preservation to determine in writing that the project would have “no historic properties affected” or “no adverse effect” to historic properties.⁵

In accordance with the above regulations, this report describes resources protected under Section 4(f) and the effects of the proposed project on these resources.

2.0 Project Description and Need

2.1 Description of the Project

The project proposes to widen approximately 2.78 miles of Hooper Road (LA 408) from approximately 2,800 feet east of Blackwater Road (LA 410) to just west of Sullivan Road (LA 3034). The capacity improvements would include four 12-foot travel lanes with a raised median. Both 16-foot and 30-foot medians were considered.

2.2 Purpose and Need

The purpose of the project is to increase the capacity of the roadway to improve traffic flow, and account for projected traffic growth within the immediate area. To accomplish these purposes, the project proposes to widen the roadway and upgrade LA 408 in accordance with current design criteria. The project is also part of the East Baton Rouge Green Light Plan.

2.3 Project Alternatives

During the development of the project, a range of alternatives were considered to meet the purpose and need of the project. In addition to build alternatives, a no build alternative was considered.

³ 23 U.S.C. §6009(a) (2005).

⁴ FHWA, <http://www.fhwa.dot.gov/hep/qasde minimus.htm> last accessed 9/8/09.

⁵ FHWA, <http://www.fhwa.dot.gov/hep/qasde minimus.htm> last accessed 9/8/09.

The five preliminary design alternatives include:

- Alternative A – Northern Offset Widening
- Alternative B – Southern Offset Widening
- Alternative C – Centered Rebuild
- Alternative D – Hybrid (with sidepaths)
- Alternative E – Hybrid (without sidepaths)

For further description of these alternatives, see the Alternatives Analysis Report.

2.4 Build Alternative

Alternative E was selected as the Build Alternative for the project. This alternative constitutes a symmetrical offset alternative (16' median) for the Blackwater Road to Joor Road section (west section) of the project. This section would include 6' sidewalks adjacent to the back of curb on the north side and south side of Hooper Road. The outside lanes will be 14', measured to the gutterline. This alternate includes building the east and westbound roadways symmetrical about the existing centerline of Hooper Road for the Blackwater Road to Joor Road section (west section). For this 16' median alternative motorist would have to be moved to the newly constructed outside east and west bound lanes while the raised median would be constructed. For the Joor Road to Shoe Creek Drive Section (east section) of the project this alternate constitutes a northerly widening (approximately 7' north of the existing roadway centerline). The alignment would then transition to a symmetrical offset alignment from Shoe Creek Drive to Sullivan Road. This section would include 6' sidewalks adjacent to the back of curb on the north side and south side of Hooper Road. The outside lanes will be 14', measured to the gutterline.⁶

3.0 Section 4(f) Resources

The following resources would be protected under Section 4(f).

3.1 Publicly Owned Parks and Recreation Areas

The newly constructed BREC Central Sports Park located west of the Joor Road intersection does not front Hooper Road, except for a long entrance drive whose access will be maintained. The project would not acquire any right of way from this park. Therefore, the project will have no impact to a publically owned park or recreation area.

3.2 Wildlife and Waterfowl Refuges

There are no wildlife or waterfowl refuges located within the project study area.

⁶ Hooper Road (LA 408) Alternative Analysis Memorandum, December 2014, page 6.

3.3 Historic Resources

During the cultural resources survey of the project area, two architectural resources were determined to be eligible for the National Register of Historic Places (NRHP). These historic structures are described below.

3.3.1 11646 Hooper Road (17-01696)

This residential structure is a minimal traditional cottage with a square footprint and a small gable front projection that appears to have been constructed in the 1940s. Due to the historic nature of this residence and increased rarity of uncompromised historic materials in vernacular housing from this time period, this property was recommended to as eligible for nomination to the NRHP under Criterion C.⁷

The project will have no direct or indirect impacts on this structure; the project would not require a use of this resource.

3.3.2 11526 Sullivan Road (17-01728)

The two and a half story gable front structure on the Central Middle School campus at 11526 Sullivan Road was formerly known as the Central High School Gym, although it served as more than just the gymnasium (Figures 6-43 and 6-44). The building is recommended as eligible for nomination to the NRHP for local significance under Criterion A for its contribution to the history of the education system in the town and community of Central.⁸

The project will have no direct or indirect impacts on this structure; the project would not require a use of this resource.

4.0 Conclusions

Based on the current information provided, the project will have not affect any Section 4(f) Resources and no further documentation is required.

⁷ Phase I Cultural Resources Survey for the Environmental Assessment of Hooper Road (LA 408) (Blackwater to Joor Road), East Baton Rouge Parish, Louisiana, November 2014, Page 71.

⁸ Ibid, Page 74.