



Oregon

Kate Brown, Governor

Department of Transportation

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FILE CODE:

January 11, 2022

Christine Curran, Deputy State Historic Preservation Officer
Oregon State Historic Preservation Office
725 Summer Street SE, Suite C
Salem, OR 97301

**Subject: Section 4(f) No Use of Section 4(f) Resources—Temporary Occupancy
Lee's Mobile Home Park
OR569: River Road–Delta Highway Development Project
Eugene, Lane County, Oregon
ODOT Key No. 16223
Federal-Aid No. S069(108)**

Dear Ms. Curran:

The proposed OR569: River Road–Delta Highway Development Project is in Eugene, Oregon. This project will make road improvements to over three miles of the Beltline Highway (also signed as OR 569) west of Eugene from Delta Highway to River Road. The project will also make improvements to Division Avenue, including repaving the travel lanes and install bike lanes. The project will also add a shared-use path and landscaping in front of the Lee's Mobile Home Park historic site.

Federal transportation dollars, through the Federal Highway Administration (FHWA), will underwrite a portion of the costs of this project. The Oregon Department of Transportation (ODOT), on behalf of FHWA, will ensure that the project complies with relevant federal regulations. These include Section 4(f) of the Department of Transportation Act of 1966. Therefore, ODOT is seeking written concurrence from the Oregon State Historic Preservation Office to confirm that a Section 4(f) use will not occur with the Lee's Mobile Home Park historic site, based on the project satisfying all temporary occupation exception conditions contained in 23 CFR 774.13(d). The following information provides the justification for this assertion.

Section 4(f) of the United States Department of Transportation Act (DOT Act) of 1966 (49 U.S.C. 303(c)) requires that the proposed *use* of any land from a significant historic site or a significant publicly owned park, recreation area, or wildlife or waterfowl refuge be given particular attention. "Use" of a Section 4(f) resource, defined in 23 CFR 774.17(p), occurs in the following circumstances:

1. When land is permanently incorporated into a transportation facility;
2. When there is a temporary occupancy of Section 4(f) property that is adverse in terms of the statute's preservationist purpose; or

3. When there is a constructive use of land, which occurs when the transportation project does not incorporate land, but its proximity substantially impairs the activities, features, or attributes that qualify a resource for protection under Section 4(f). A determination of constructive use is based on the criteria in 23 CFR 774.15.

The proposed OR569: River Road–Delta Highway Development Project will not require the incorporation of the Lee's Mobile Home Park historic site into a transportation facility, nor will there be any permanent impacts to the historic site. However, there will be a temporary occupancy of a portion of the historic site during the project. The Section 4(f) legislation states that if the five conditions in 23 CFR 774.13(d), commonly known as the "temporary occupation exception criteria," are met, then the temporary occupancy is not adverse in terms of the Section 4(f) statute's preservationist purpose and therefore it does not constitute a "use" as defined under Section 4(f).

This letter provides findings with respect to the five "temporary occupation exception criteria" and concludes that all conditions are met, thereby resulting in a determination that there will be no Section 4(f) "use" of the Lee's Mobile Home Park historic site resulting from the proposed OR569: River Road–Delta Highway Development Project. Your concurrence is requested with these findings.

FINDINGS—TEMPORARY OCCUPATION EXCEPTION CRITERIA (23 CFR 774.13(d)(1) through (5))

(1) Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land;

Finding: The total timeline for construction of the project is up to three (3) years. "Occupancy" of portions of the three driveways associated with Lee's Mobile Home Park historic site due to project actions is estimated at two weeks to make transitions between the new pavement on the driveway sections within roadway right-of-way of Division Avenue and the existing pavement on the three streets within the Lee's Mobile Home Park that come to the southern boundary of the historic site and join the driveways. There will be no change in ownership of the land in the historic site.

(2) Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the section 4(f) resource are minimal;

Finding: The project will temporarily occupy about 1,320 square feet (0.030 acres) of the 348,480-square-foot (8.00-acre) Lee's Mobile Home Park for completing pavement of the three driveways leading the historic site. (Each of the three driveways will have a 440-square-foot (0.010-acre) temporary construction easement.)

(3) There are no anticipated permanent adverse physical impacts, nor will there be interference with the activities, features, or attributes of the property on either a temporary or a permanent basis;

Finding: There will be no permanent adverse impacts to the Lee's Mobile Home Park historic site resulting from the proposed OR569: River Road–Delta Highway Development Project, nor will the project interfere with the activities, features, or attributes of the historic site on either a temporary or a permanent basis. The project will complete the pavement transition for each of the three driveways into the streets in Lee's Mobile Home Park at the historic site's south property line. The project requires the three easements so that construction crews can close the driveways to traffic and to be on the historic site to complete the transitions at the property line to the park's streets. At least one of the three driveways will remain open at all times during construction of the pavement transitions to provide access to Lee's Mobile Home Park historic site for residents, guests, and emergency services.

(4) The land being used must be fully restored, i.e., the resource must be returned to a condition which is at least as good as that which existed prior to the project; and

Finding: The project will return the portions of the three streets associated with the Lee's Mobile Home Park historic site in a condition that is at least as good as that which existed prior to the project.

(5) There must be documented agreement of the appropriate Federal, State, or local officials having jurisdiction over the resource regarding the above conditions.

Finding: This letter serves as documented agreement by the Oregon State Historic Preservation Office that the project meets the above conditions.

Please respond to this request for concurrence in writing and return the concurrence to me at the address listed in the letterhead. You will find a signature box below for your convenience.

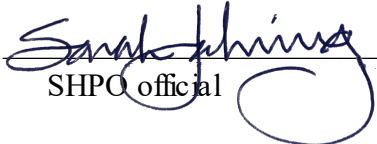
Please contact me at (503) 731-8239 if you need additional information or if you have any concerns. Thank you for your consideration of this proposal.

Sincerely,



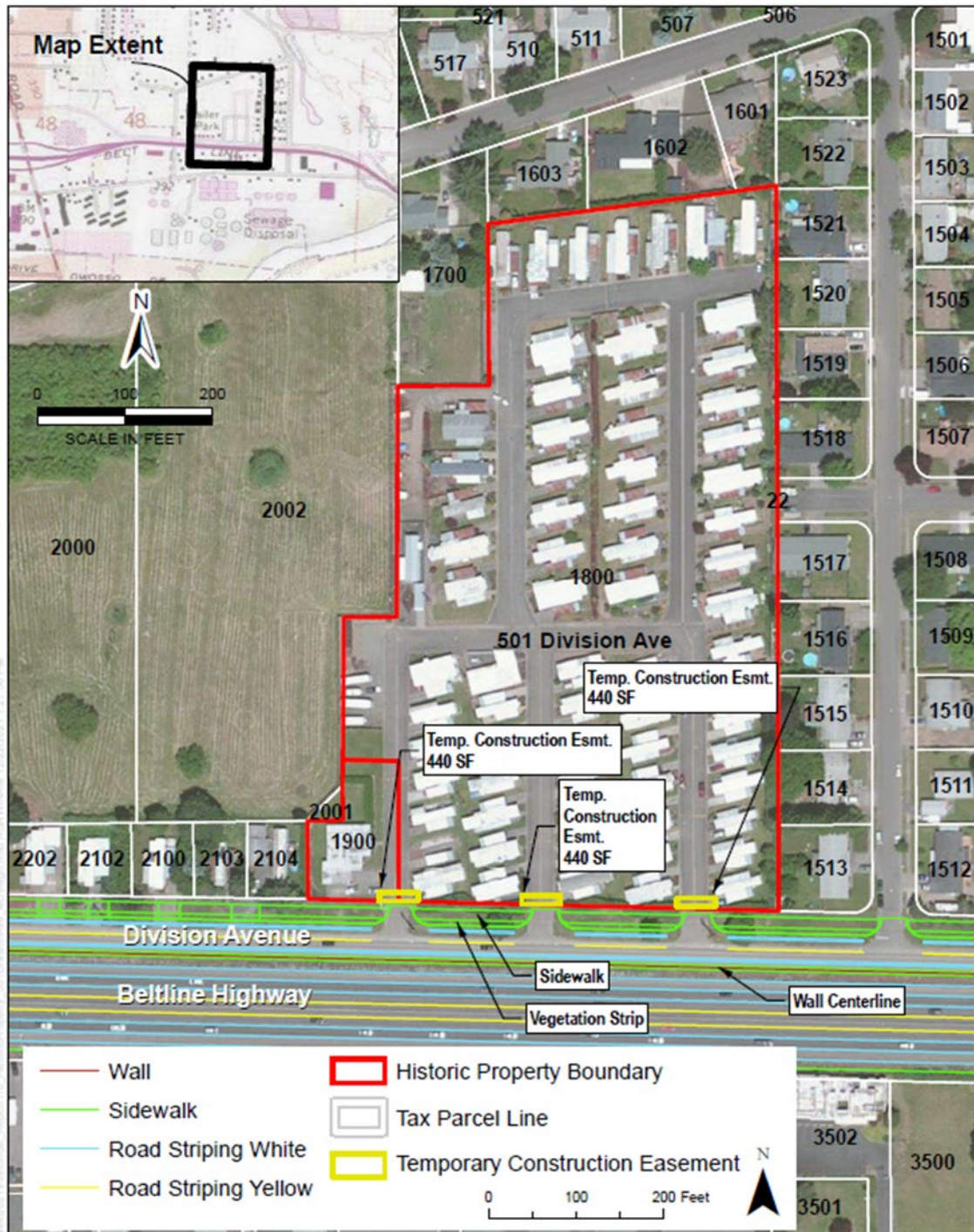
Robert W. Hadlow, Ph.D.
Senior Historian

The Oregon SHPO, as the official with jurisdiction for the Lee's Mobile Home Park historic site, concurs with the assessment that a Section 4(f) use will not occur with the historic site based on the project satisfying all temporary occupation exception conditions contained in Section 23 Code of Federal Regulations (CFR) 774.13(d).

Signature:  _____ Date: 1/20/2022
SHPO official

Copies to:

Emily Cline, Environmental Program Manager, FHWA—Oregon Division, Salem
Molly A. Carey, Transportation Project Manager, ODOT Region 2, Salem
Adam Roberts, Environmental Coordinator, ODOT Region 2, Corvallis
Daniel Ohrn, Environmental Manager, ODOT Region 2, Salem
Denis Reich, Environmental Manager, ODOT Region 1, Portland
ODOT Key No. 16223, File Type E





Lee's Mobile Home Park historic site.





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