

ENVIRONMENTAL ASSESSMENT

NM 502 IMPROVEMENT PROJECT: KNECHT STREET TO TEWA LOOP LOS ALAMOS COUNTY, NEW MEXICO



LEAD AGENCIES:



Federal Highway Administration



NM 502 (TRINITY DRIVE) IMPROVEMENT PROJECT

NMDOT Project Number TPO-502-1(8)02, CN 3407
Los Alamos County, New Mexico

ENVIRONMENTAL ASSESSMENT

This Environmental Assessment has been developed under the direction of Elias Archuleta, NMDOT
This Environmental Assessment has been prepared by Brenda Martinez, Gannett Fleming West, Inc.

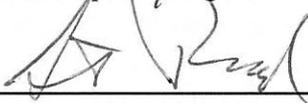
Submitted pursuant to 42 U.S.C. 4332(2) (c)

U.S. Department of Transportation
Federal Highway Administration (FHWA)
New Mexico Division
and

New Mexico Department of Transportation (NMDOT)


New Mexico Department of Transportation
Project Development Engineer

6/1/07
Date of Approval


New Mexico Department of Transportation
Environmental Program Manager

6/4/07
Date of Approval


Federal Highway Administration
Division Administrator

6/14/07
Date of Approval

The following persons may be contacted for additional information concerning this document:

Kyle Zimmerman
Eng. & Project Mgmt. Director
Los Alamos County
PO Box 30
Los Alamos, NM 87544
(505) 662-8150

Steve Reed
Environmental Program Manager
NMDOT
P.O. Box 1149, Room 213
Santa Fe, NM 87504-1149
(505) 827-5254

Elias Archuleta
Project Development Engineer
NMDOT General Office
PO Box 1149, Room 215A
Santa Fe, NM 87504-1149
(505) 827-9853

Comments on this Environmental Assessment should be sent to Brenda Martinez, Gannett Fleming West, Inc., Suite 1202, Santa Fe, New Mexico 87505, telephone (505) 820-7020, FAX (505) 820-7109, or e-mail bmartinez@gfnet.com.

1.0 EXECUTIVE SUMMARY

This Environmental Assessment (EA) covers proposed improvements to NM 502 (Trinity Drive) between Knecht Street and Tewa Loop in Los Alamos County, New Mexico (Figures 1 and 2). Improvements to the roadway are proposed by the New Mexico Department of Transportation (NMDOT) and the Federal Highway Administration (FHWA).

The purpose for the project is as follows:

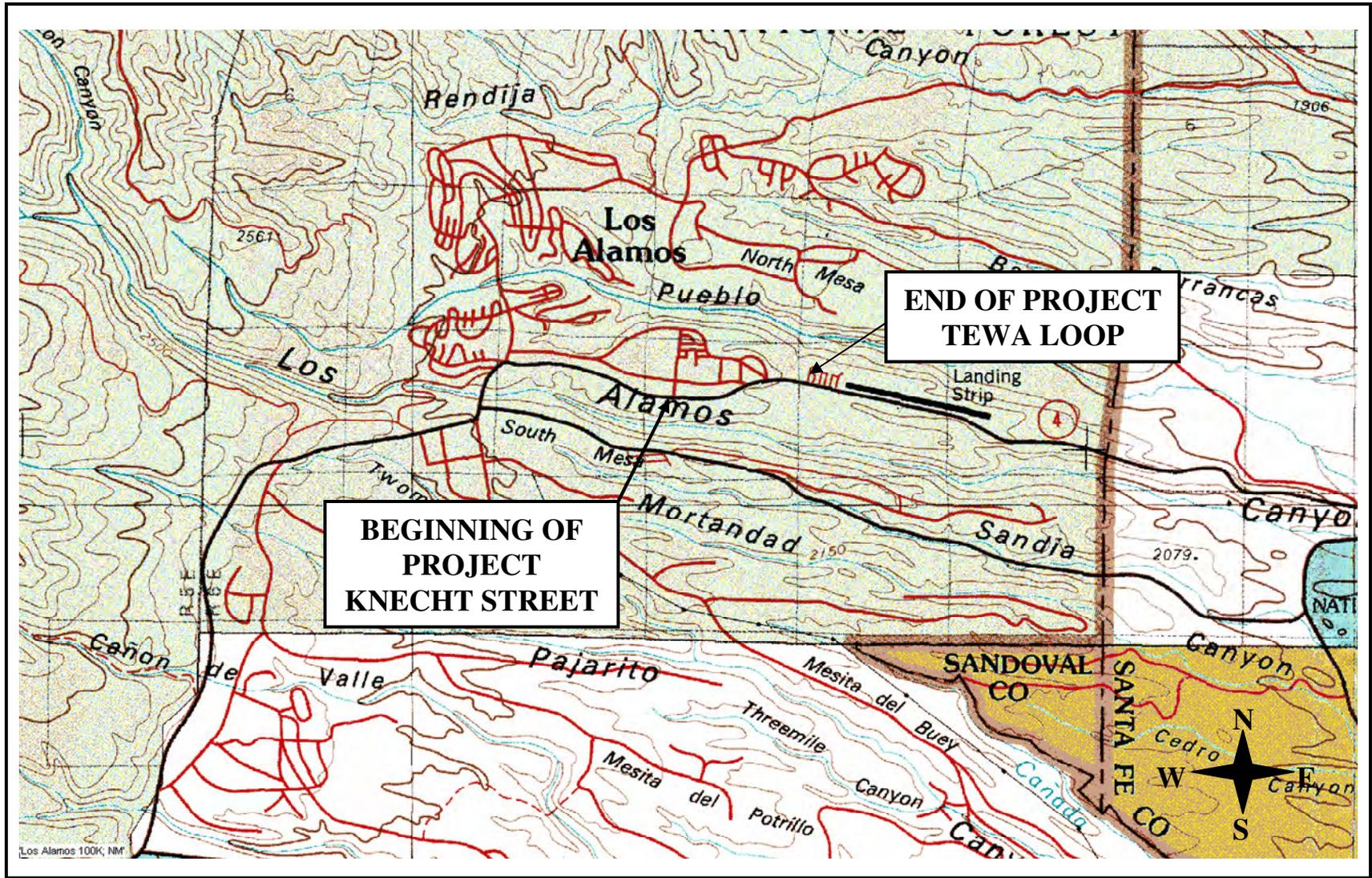
- Improve traffic flow, increase capacity, and provide local street connectivity;
- Improve safety by improving sight distance, system continuity, and lighting and by providing geometric improvements to improve vehicle turning movements at the intersections;
- Correct physical deficiencies by improving the pavement surface condition, upgrading or reconstructing existing utilities, and improving drainage;
- Manage access by consolidating intersections, driveways, and median openings; and
- Provide bicycle facilities and meet Americans with Disabilities Act (ADA) compliance on sidewalks, driveways, and wheelchair ramps.

The project is currently scheduled in the NMDOT Fiscal Year (FY) 2004-2009 Statewide Transportation Improvement Program (STIP) for FY 2009.

The NM 502 EA was conducted in accordance with the National Environmental Policy Act (NEPA) of 1969, the Code of Federal Regulations (Title 23 CFR Part 771), and the NMDOT *Location Study Procedures*. Key elements used to comply with NEPA include an environmental analysis of alternatives and public involvement. The process is used to inform stakeholders of the consequences of a proposed action and solicit input. In this way, the EA serves as a decision-making document.

The typical roadway section for the proposed improvements (Preferred Build Alternative) will consist of one 12-foot west-bound lane and two 12-foot east-bound lanes from DP Road to Canyon Road, with 12-foot intermittent left-turn lanes. A 12-foot median/left turn lane will be provided between DP Road and Central Avenue and a 150-foot long 12-foot wide right-turn lane will be provided on the westbound approach to Central Avenue. No left turn lane will be provided between Central Avenue and Arroyo Lane (west access road to apartment complex). A 12-foot median left turn lane will be provided from Arroyo Lane to Canyon Road. The typical roadway section from Canyon Road to Tewa Loop will consist of a single 12-foot west-bound lane, two 12-foot east-bound lanes, and a 12-foot continuous left-turn lane. Central Avenue will be realigned to intersect with NM 502 at a 90 degree angle, removing the existing slip-ramp type alignment. This intersection will be signalized. DP Road will remain unsignalized and Canyon Road will be closed with a cul-de-sac. 4th Street will be realigned to intersect with the realigned Central Avenue intersection. A storm drain will be installed from DP Road to Canyon Road. New sidewalks will be constructed in areas that do not have sidewalks, in areas with damaged or impassable sidewalks or in areas where existing sidewalks do not meet current ADA standards. A detailed description of all alternatives considered, including those eliminated, is provided in Section 3.

Public involvement has been implemented as part of the evaluation process for this project. Citizen involvement, as mandated by NMDOT procedures and NEPA, has been accomplished through individual contact, correspondence, and public meetings. Agency coordination was initiated through written correspondence. Two public meetings, as well as several other meetings with stakeholders and potentially affected individuals have been held. The public had a direct role in the evaluation of alternatives.



NM 502 IMPROVEMENT PROJECT
KNECHT STREET TO TEWA LOOP

FIGURE 1
VICINITY MAP



**NM 502 IMPROVEMENT PROJECT
KNECHT STREET TO TEWA LOOP**

**FIGURE 2
PROJECT MAP**

The engineering and environmental investigations conducted thus far for this project have not disclosed any significant impacts on the quality of the natural or human environment. The proposed improvements meet the purpose and need to improve safety and traffic operations within the project limits, including correction of physical deficiencies and provisions for bicycle facilities and ADA-compliant facilities. Unless compelling information is received from review agencies and/or the public that would change the findings and conclusions, the NMDOT intends to request FHWA to issue a Finding of No Significant Impact (FONSI) for the proposed improvements. Issuance of a FONSI will authorize federal-aid project location approval including final design, right-of-way acquisition, and construction.

2.0 PROJECT PURPOSE AND NEED AND EXISTING CONDITIONS

2.1 Project Purpose and Need

The purpose for the project is as follows:

- Improve traffic flow, increase capacity, and provide local street connectivity;
- Improve safety by improving sight distance, system continuity, and lighting and by providing geometric improvements to improve vehicle turning movements at the intersections;
- Correct physical deficiencies by improving the pavement surface condition, upgrading or reconstructing existing utilities, and improving drainage;
- Manage access by consolidating intersections, driveways, and median openings; and
- Provide bicycle facilities and meet ADA compliance on sidewalks, driveways and wheelchair ramps.

The need for the project is demonstrated in the following sections:

2.2 Existing Roadway Conditions

The existing NM 502 typical sections are as follows:

Table 2.1 NM 502 Existing Typical Sections	
Location	Typical Section
Milepost (MP) 1.1 (Knecht Street) to MP 1.6	2 12-foot driving lanes in each direction 14-foot median with left-turn lanes No shoulders – no bicycle facilities Curb and gutter 6-foot sidewalks north of NM 502
MP 1.6 to MP 2.0 (Canyon Road)	1 12-foot driving lane westbound 2 12-foot driving lanes eastbound 2-foot shoulders – inadequate bicycle facilities 4.5-foot to 5-foot sidewalk south of NM 502
MP 2.0 to MP 2.1	2 12-foot driving lanes in each direction 12-foot median with left-turn lanes No shoulders – no bicycle facilities Curb and gutter north of NM 502 4.5-foot sidewalk north of NM 502

MP 2.1 to MP 2.23	2 12-foot driving lanes in each direction 13-foot median with left-turn lanes No shoulders – no bicycle facilities Curb and gutter 4-foot sidewalk north of NM 502 6-foot sidewalk south of NM 502
-------------------	---

The existing roadway conditions and lack of system continuity impedes traffic flow and causes frustration to drivers.

Sidewalks currently exist within the project limits; however, they are not continuous. The existing sidewalks that are located within the project limits generally meet current American with Disabilities Act (ADA) requirements for width and cross slope; however, the majority of the drive pads and some curb ramps do not meet ADA requirements. Bicycle accommodations are inadequate or non-existent. Currently there is no lighting at the intersections. A geometric deficiency has been identified at the intersection of Central Avenue and NM 502; the existing slip-ramp type of alignment at this intersection causes safety problems related to line of site.

2.3 Traffic Characteristics

A capacity analysis of NM 502 indicates that existing level-of-service is below acceptable levels on westbound NM 502 in the morning peak hour between Central Avenue and Canyon Road and on the segment east of Canyon Road. Unacceptable levels-of-service are also occurring on eastbound NM 502 in the afternoon peak hour for both of these segments. The current two-lane configuration limits the ability of the intersections to properly accommodate existing traffic volumes.

Table 2.2 shows Average Annual Daily Traffic (AADT) for areas along NM 502:

Location	Average Annual Daily Traffic
NM 502/DP Road	NM 502: 8,100 DP Road: 2,670
NM 502/4 th Street	NM 502: 8,100 4 th Street: 733
NM 502/Central Avenue	NM 502: 10,400 Central Avenue: 5,500
NM 502/Canyon Road	NM 502: 16,100 Canyon Road: 851

AADT indicates that the existing two-lane facility is inadequate to handle traffic volumes.

2.4 Crash Data

The statewide crash rate is 223 per Million-Vehicle-Miles (MVM) and the Los Alamos County crash rate is 246 per MVM. The crash rate for NM 502 is 528 per MVM, more than twice the rate for Los Alamos County. This data indicates demonstrates the need for improved safety along the project corridor.

3.0 PROJECT ALTERNATIVES

The typical roadway section for all build alternatives evaluated consists of one 12-foot west-bound lane and two 12-foot east-bound lanes from DP Road to Canyon Road, with 12-foot left-turn lanes. A 12-foot median/left turn lane will be provided between DP Road and Central Avenue and a 150-foot long 12-foot wide right-turn lane will be provided on the westbound approach to Central Avenue. The typical roadway section from Central Avenue to Tewa Loop will consist of a single 12-foot west-bound lane, two 12-foot east-bound lanes, and a 12-foot continuous left-turn lane.

Lighting will be installed at all major and minor intersections and along NM 502. The lighting will meet current NMDOT standards and Los Alamos County standards pertaining to light pollution.

The NM 502 corridor will be upgraded to be in compliance with ADA requirements. Reasonable access will be provided at all locations within the project limits. New sidewalks will be constructed in areas that do not have sidewalks, in areas with damaged or impassable sidewalks, or in areas where existing sidewalks do not meet current ADA standards.

3.1 Alternatives Considered but Eliminated

Alternative 2 – Central Avenue/4th Street/DP Road Realignment

- Central Avenue – Realigned to intersect NM 502 at 90 degrees. The existing slip-ramp type alignment will be removed and the intersection will be signalized.
- DP Road – Realigned to intersect with NM 502 at the new NM 502/Central Avenue intersection.
- Canyon Road – Closed with cul-de-sac.
- 4th Street – Realigned to intersect with the realigned Central Avenue intersection.
- Estimated cost – \$6.32 million

Alternative 2 was eliminated because it would require acquisition of a portion of the Knights of Columbus property, which is known to be contaminated with hazardous materials. This property would require environmental remediation. The cost of remediation is estimated to be \$3.5 million, which would be in addition to the construction and right-of-way costs.

Alternative 3 – Central/4th Street Realigned and Signalized, DP Road Roundabout

- Central Avenue – Realigned to intersect NM 502 at a 90 degree angle. The existing slip-ramp type alignment will be removed and the intersection will be signalized.
- DP Road – No realignment to intersect with NM 502, oval roundabout at existing intersection with NM 502.
- Canyon Road – Closed with cul-de-sac.
- 4th Street – Realigned to intersect with the realigned Central Avenue intersection.
- Estimated cost – \$3.42 million

Alternative 3 was eliminated because public input received to date indicated strong opposition to the use of roundabouts. Additionally, more right-of-way and temporary construction easements would be required than for the Preferred Build Alternative.

Alternative 4 – Central Avenue/ 4th Street Roundabout, DP Road Roundabout

- Central Avenue – Realigned with circular roundabout.
- DP Road – No realignment to intersect with NM 502, oval roundabout at existing intersection with NM 502.
- Canyon Road – Closed with cul-de-sac.
- 4th Street – Realigned and included as a leg of the circular roundabout.
- Estimated cost – \$4.10 million

Alternative 4 was eliminated because public input received to date indicated strong opposition to the use of roundabouts. More right-of-way and temporary construction easements would be required than for the Preferred Build Alternative. Additionally, Alternative 4 would take property from a Section 4(f) resource located at the intersection of NM 502 and Central Avenue.

Alternative 5 – Central Avenue Roundabout, 4th Street Closed, DP Road Roundabout

- Central Avenue – Realigned with circular roundabout.
- DP Road – No realignment to intersect with NM 502, oval roundabout at existing intersection with NM 502.
- Canyon Road – Realigned to intersect NM 502 at a 90 degree angle. The existing slip-ramp type alignment will be removed.
- 4th Street – Closed with cul-de-sac.
- Estimated cost – \$4.00 million

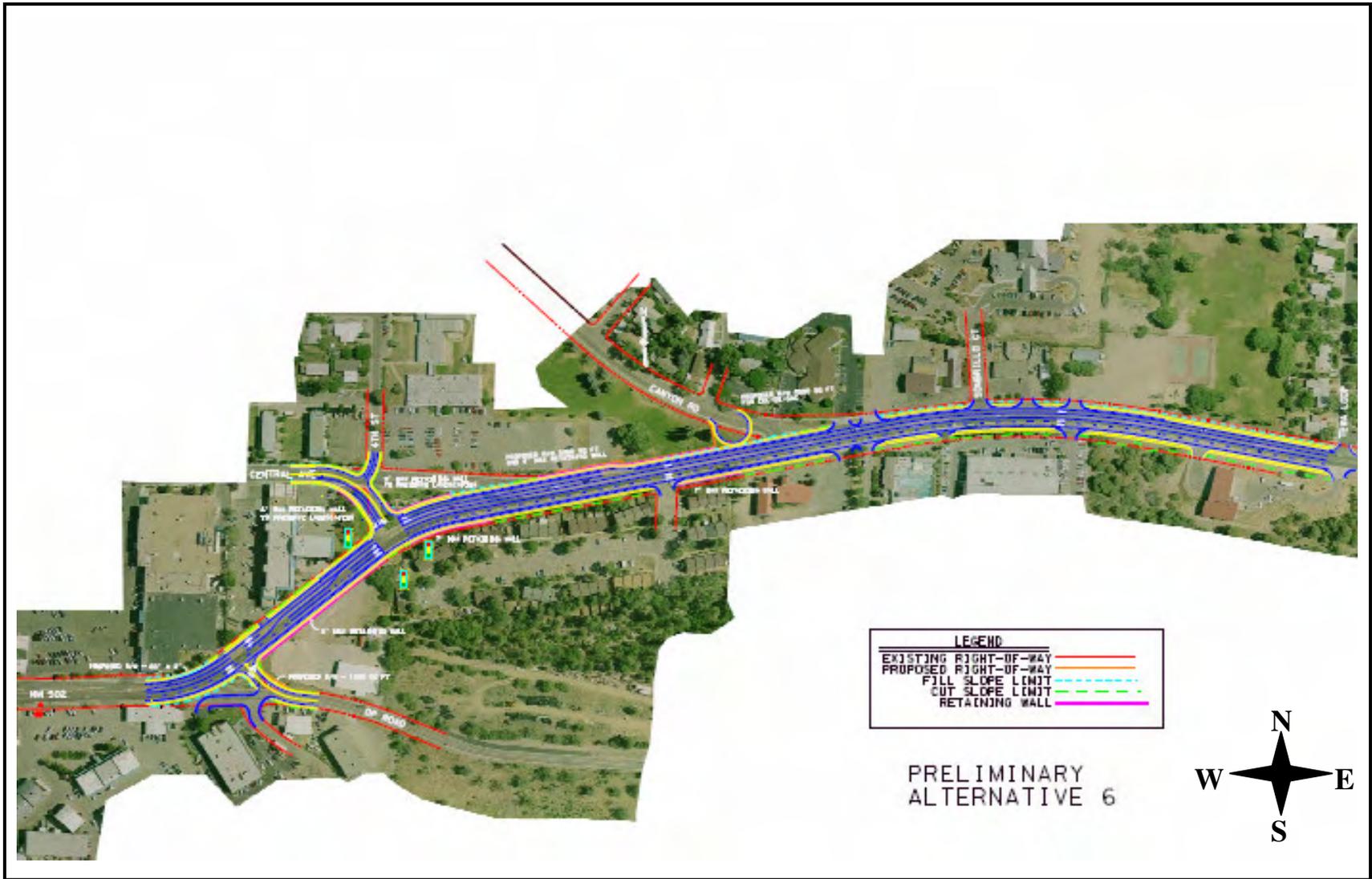
Alternative 5 was eliminated because public input received to date indicated strong opposition to the use of roundabouts. More right-of-way and temporary construction easements would be required than for the Preferred Build Alternative. Additionally, Alternative 5 would take property from a Section 4(f) resource located at the intersection of NM 502 and Central Avenue. It was determined through coordination with Los Alamos County and through public involvement efforts that closing Canyon Road was preferred to closing 4th Street. The decision was based on the desire of many of the residents along Canyon Road for measures to reduce cut-through traffic in front of their homes.

3.2 Alternative 1 – No-Build Alternative

The No-Build Alternative served as a baseline from which the impacts of the Build Alternatives were compared. The No-Build Alternative assumes that the NM 502 roadway would remain in its present state with improvements limited to routine management and maintenance activities. The No-Build Alternative would not meet the project purpose and need and would result in an estimated \$1.31 million in maintenance costs.

3.3 Alternative 6 – Build Alternative

The selection of Build Alternative 6 (Figure 3) as the Preferred Alternative was based on public and stakeholder input, criteria evaluation, and a capacity and traffic operations engineering analysis. Alternative 6 realigns Central Avenue to intersect with NM 502 at a 90 degree angle and removes the existing slip-ramp type alignment. This intersection would be signalized. DP Road would remain unsignalized and Canyon Road would be closed with a cul-de-sac. 4th Street would be realigned to intersect with the realigned Central Avenue intersection. A storm drain will be installed from DP Road towards Canyon Road. The estimated cost of Alternative 6 is \$3.10 million.



NM 502 IMPROVEMENT PROJECT
KNECHT STREET TO TEWA LOOP

FIGURE 2
ALTERNATIVE 6

3.4 Right-of-Way

The existing right-of-way is 40 feet left and right of the roadway centerline from Knecht Street to Central Avenue and 48 feet left and right of the roadway centerline from Central Avenue to Tewa Loop. The following temporary construction easements and right-of-way will be required:

- 6,543 square feet of right-of-way will be required from Los Alamos County for the realignment of Central Avenue. 26,160 square feet of right-of-way will be reverted back to Los Alamos County at the intersection of NM 502 and Central Avenue at the completion of the project (See Section 4.14, Section 4(f)).
- 151 square feet of right-of-way will be required from the Los Alamos School District east of 4th Street and north of NM 502.
- 3,938 square feet of right-of-way will be required from Los Alamos County north of NM 502 at Canyon Road.
- 284 square feet of right of way will be required from a private property west of 4th Street and north of NM 502.
- 892 square feet of right-of-way will be required from the Knights of Columbus property at DP Road (uncontaminated area).
- A temporary construction permit will be required from a private property owner west of Canyon Road and north of NM 502.
- The width of four existing construction and maintenance easements will be increased. These include two existing easements within the Knights of Columbus property, one easement crossing within the apartment property south of NM 502 between 4th Street and Canyon Road, and one easement within the County Fire Station will be widened to accommodate new or larger diameter storm drain culverts.

3.5 Construction Schedule

This project is included in the NMDOT Fiscal Year (FY) 2004-2009 Statewide Transportation Improvement Program for FY 2009. There is \$3,500,234 programmed for the project with \$2,750,000 designated for reconstruction and \$750,234 designated for intersection improvements.

3.6 Project Cost

The preliminary cost estimate to construct the Preferred Alternative is \$4 million. Actual costs are subject to change as design refinements occur during final project design.

4.0 AFFECTED ENVIRONMENT

This discussion is limited to the Preferred Alternative, Build Alternative 6, described in Section 3.3.

The No Build Alternative does not meet the purpose and need of the project, and in general, has no effect on the existing natural environment.

4.1 General Project Setting

The project area is located in northern Central New Mexico approximately 35 miles (56 kilometers) northwest of Santa Fe. The project area is urban. The elevation at the beginning of project is approximately 7,300 feet and the end of project is approximately 7,200 feet.

4.2 Climate, Landforms, and Geology

The project area is on the eastern edge of the dissected Pajarito Plateau in the Southern Rocky Mountain physiographic province in north central New Mexico. Several major canyons, including Los Alamos, Pueblo, Sandia and East Jemez Canyons, cut the area. The geology of the area is volcanic, and includes Bandelier tuff, basalt and aeolian surface deposits of pumice and loess. Much of the volcanic-dominated landscape of the area has little vegetative cover. Valles Caldera, a Pleistocene-aged volcanic center, is located west of the city and is the source of the volcanic deposits underlying the town. The average annual precipitation in the project area is approximately 19 inches. The average annual maximum temperature is approximately 71 degrees Fahrenheit (F). The average annual minimum temperature is approximately 24 degrees F. The ground surface elevation decreases from west to east and north to south.

4.3 Soils

Existing Conditions

The soils of the project area consist of Hackroy-Nyjack Association and Carjo loam. The Hackroy series consists of very shallow or shallow, well drained, slowly permeable soils formed in material weathered from tuff or basalt on summits, beveled summits, and shoulders of mesas and undulating plateaus. Slopes are 1 to 12 percent. The Nyjack soils are deeper than 20 inches to bedrock and contain less than 35 percent clay in the control section.

The Carjo series consists of moderately deep, well drained, slowly permeable soils formed in material weathered from tuff, sandstone and shale on hills, ridges, mesa tops and slopes. Slopes are 0 to 20 percent.

Potential Impacts and Mitigation Measures

Exposed soils would be vulnerable to erosion. A storm Water Pollution Prevention Plan (SWPPP) outlining erosion control measures such as stabilization practices, storm water management measures, structural controls, and best management practices (BMPs) to mitigate soil erosion would be created. Open areas would be re-vegetated after construction.

4.4 Water

Existing Conditions

A tributary canyon to Los Alamos Canyon runs along the south side of the project area. Surface water drains toward the southeast. Los Alamos Canyon is located approximately 1,000 feet south of Trinity Drive. The Los Alamos River, within Los Alamos Canyon, drains toward the east.

Potential Effects and Mitigation Measures

The proposed improvements will not affect any surface waters or floodplains. A *Clean Water Act* Section 404 permit will not be required from the US Army Corps of Engineers.

Because 1 acre or more of land would be disturbed, a National Pollutant Discharge Elimination System (NPDES) permit would be required. The project would also require that a SWPPP, Notice of Intent, and Notice of Termination be prepared for the project. BMPs would be installed and maintained both during and after construction to prevent, to the extent practicable, pollutants (primarily sediment, oil and grease, and construction materials from construction sites) in storm water runoff from entering Waters of the U.S.

This permit also requires that concrete, asphalt, and other such materials be properly disposed of (i.e., not in, or adjacent to any watercourse, including dry arroyos) and that permanent stabilization measures (revegetation, paving, etc), and permanent storm water management measures (storm water detention/retention structures, velocity dissipation devices, etc.) be implemented post construction to minimize, in the long term, pollutants in storm water runoff from entering these waters.

4.5 Wetlands

Wetlands are transitional areas between aquatic and terrestrial systems where the water table is usually near or at the surface of the ground or where land is covered by shallow water. The protection of wetlands is mandated by Executive Order 11990, *Protection of Wetlands*, and regulated by the US Army Corps of Engineers. No wetlands or riparian areas were identified within the project area as a result of research and field survey.

4.6 Vegetation

Existing Conditions

A biological reconnaissance survey of the project area was conducted on April 24, 2006. The project site is located within the transition zone between Piñon-Juniper Woodland and Lower Montane Coniferous Forest vegetation types as described by Dick-Peddie (1993). Neither of these two vegetation types is present, however, because urban development has completely replaced them. The urbanized project area has a very low species diversity.

Potential Impacts and Mitigation Measures

Open disturbed ground would be re-vegetated according to standard NMDOT protocol.

4.7 Wildlife

No protected or sensitive plant species and no reptiles, mammals, or active burrows were observed within the project limits during the biological reconnaissance. No other physical signs of ground-dwelling wildlife were observed during the reconnaissance.

No bird nests and no protected or sensitive species of birds were observed within the project limits during the reconnaissance. Suitable nesting habitat for raptors does not exist within the project limits. Suitable nesting habitat for some species of songbirds is abundant outside of the project limits. No effects to migratory birds are anticipated as a result of the proposed project. No additional surveys for nests prior to work within the project limits are recommended.

4.8 Threatened and Endangered Species

The U.S. Fish and Wildlife Service (USFWS), the New Mexico Department of Game and Fish (NMDGF), and the New Mexico Energy Minerals and Natural Resources Department, Forestry Division were consulted for information regarding threatened and endangered species or important wildlife habitats that could be affected by the project. Copies of the USFWS and NMDGF response letters are included in Appendix B. No protected species were observed in the project area. Construction activities would have no effect on federal or New Mexico endangered species, threatened species, or species of concern for Los Alamos County.

4.9 Cultural Resources

Existing Conditions

The effects of the project were evaluated in accordance with Section 106 of the National Historic Preservation Act (16 USC 470). No specific areas of potential traditional cultural significance were identified within the project area. A records review and archaeological survey of the project area was conducted in July 2006 (Raymond, 2006). No significant cultural resources or historic properties were recorded within or adjacent to the project area. The project would have no impact on significant cultural resources or areas of potential traditional cultural significance. Therefore, the project meets the conditions set forth in the Programmatic Agreement with the New Mexico State Historic Preservation Officer (SHPO) that became effective on June 21, 2005, for completing the requirements of the National Historic Preservation Act. No additional cultural resource investigations or approvals are required.

Potential Impacts and Mitigation Measures

If cultural materials or human burials are encountered during proposed project construction, work in that area would stop and additional mitigation measures would be implemented.

4.10 Air Quality

Existing Conditions

The Clean Air Act Amendments of 1990 established National Ambient Air Quality Standards (NAAQS). The NAAQS criteria pollutants are carbon monoxide, nitrogen dioxide, ozone, particulate matter containing particles with diameters of 10 micron or less (PM₁₀), particulate matter containing particles with diameters of 2.5 micron or less (PM_{2.5}), sulfur dioxide, and lead. Under the Transportation Conformity Rule, transportation projects must provide for attainment of the NAAQS (23 CFR 771.40). The project is located in an attainment area for all NAAQS. Upon completion, the proposed project would not impair the air quality in the surrounding area. No further analysis is required.

Potential Impacts and Mitigation Measures

Some deterioration of air quality can be expected during construction, due to the operation of construction equipment combined with the slower traffic speeds that are associated with a construction zone. This would be a localized condition that would be discontinued when the project is completed. The contractor will be required to comply with the *New Mexico Department of Transportation 2005 Interim Specifications* (NMDOT, 2005) for all burning operations and dust-producing activities.

4.11 Noise

Existing Conditions

According to FHWA and NMDOT procedures, noise abatement must be considered when predicted traffic noise levels “approach” or exceed Noise Abatement Criteria (NAC) established for various land use categories [67 decibels for Category B receivers (picnic areas, recreation areas, playgrounds, active sports areas, parks, residences, motels, hotels, schools, churches, libraries, and hospitals)]. Federal and state procedures also require that noise abatement be considered when the implementation of a roadway project results in an increase of 10 decibels or more over existing noise levels.

Potential Impacts and Mitigation Measures

As shown in Table 4.1, noise levels are expected to increase from 1 to 3 decibels as a result of the proposed roadway widening and expected traffic growth on NM 502 by the year 2026. The 2026 modeling analysis shows future noise levels will remain below 67 dBA at most Category B locations in the project area. However, noise levels approaching or exceeding the Category B noise abatement criteria were identified at some individual properties, including the Hilltop Hotel (receptor 1), the New Beginnings Fellowship Church (receptor 9), and at one residence west of Tewa Loop (receptor 13). Noise abatement was considered for these properties.

Noise abatement for the Hilltop Hotel (receptor 1) was determined to not be feasible or reasonable. This property has two access driveways on NM 502. Gaps for these driveways would be needed for a noise wall constructed at this property. However, gaps in the noise wall would eliminate the wall's effectiveness. Furthermore, a noise wall would severely limit the visibility of the property. Because a noise wall would adversely affect the church's visibility from NM 502, and because no outdoor activity areas are present on the property near the roadway, a noise wall at the New Beginnings Fellowship Church (receptor 9) is not recommended for this property.

West of Tewa Loop, a single residence (receptor 13) is situated near NM 502. This home is located approximately 35 feet from the edge of the westbound NM 502 travel lane. The NMDOT does not consider noise abatement to be reasonable for individual residential properties. Additionally, the location and position of the home would greatly limit the effectiveness of the wall.

Receptor	Modeled Noise Levels *		
	Existing (2005)	Year 2025	Difference
1 Hilltop Hotel	63	66	3
2 Apartments (West)	58	60	2
3 Apartments (Middle)	63	64	1
4 Apartments (Entrance)	61	62	1
5 Apartments (East)	62	64	2
6 Cross Roads Church	61	63	2
7 Residence – Canyon Rd	56	57	1
8 The Christian Church	59	61	2
9 New Beginnings Fellowship Church	65	66	1
10 East Park Pool	61	63	2
11 Tennis Courts	58	60	2
12 Park West of Tewa Loop	63	65	2
13 Residence Tewa Loop	67	68	1
14 Residence Tewa Loop	62	64	2

* Noise Levels in Leq dBA
Shaded areas indicate modeled noise level approaches/exceeds FHWA Noise Abatement Criteria for Category B receptors (67 Leq dBA)

4.12 Community Factors

The project area is urban in character. Commercial and residential development currently exists in the project area. The project would conform to current land uses and is consistent with the *Los Alamos Comprehensive Plan Vision Statement and Policy Plan* by improving mobility.

Fire protection and emergency medical services are provided by the Los Alamos County Fire Department. Police protection is provided by the Los Alamos Police Department. Public educational services are provided by the Los Alamos County School District. A Los Alamos County Fire Station is located at 457 East Road, West of Tewa Loop. Property owned by the Department of Energy, Los Alamos National Laboratory (LANL) is located east of the project area. There are no community facilities such as hospitals, community centers, or libraries located in the project area. The Los Alamos Medical Center is located west of the project area.

Potential Effects and Mitigation Measures

The proposed improvements would not affect community cohesion or alter access to public or community facilities. It would not adversely affect land use in the area. Coordination with LANL will be required during construction. Coordination will also be required with the Los Alamos County Fire Department to minimize impacts to response time. There will be no substantive changes in access to the Los Alamos County Fire Station.

4.13 Socioeconomics and Environmental Justice

Existing Conditions

Title VI of the Civil Rights Act of 1964 and related statutes assure that individuals are not excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving federal financial assistance on the basis of Race, Color, National Origin, Age, Sex, and Disability. Executive Order 12898 on Environmental Justice directs that programs, policies, and activities not have a disproportionately high and adverse human health and environmental effect on minority and low-income populations.

Census tract data, compiled by the US Census Bureau, were evaluated to assess the demographic makeup of the project area.

As depicted in Table 4.2, the 2000 population for Census Tract 4 was 3,526. In 2000, 15.2 percent of the tract was over age 65 as compared to 12.9 percent for Los Alamos County and 11.7 percent for the State of New Mexico. 1990 data indicates that 6.6 percent of the tract was below the poverty level as compared to 3.6 percent for Los Alamos County. 2000 data indicates that 14.9 percent of the tract was minority as compared to 10.9 percent for Los Alamos County.

Potential Effects and Mitigation Measures

Although minority and low-income populations characterize the project area when compared to Los Alamos County, the Build Alternative is not anticipated to have any disproportionately high and adverse effects on these populations for the following reasons: the proposed project is located along an existing roadway, no residents or businesses would be relocated, and the proposed project is expected to benefit residents in the study area by improving safety and mobility. Therefore, the project is consistent with FHWA's policy on environmental justice.

TABLE 4.2 Population Characteristics											
	Total Population	Total Households	Average Persons/ Household	Income ^{a,b}		Age Composition ^a				Percent Minority	
				Below Poverty Level		0-18	18-24	25-4	45-64		65 and over
New Mexico	1,819,046	677,971	2.63	20.6		28.0	9.8	28.4	22.2	11.7	33.2
Los Alamos County	11,909	7,497	2.43	3.6		24.8	4.8	29.2	28.2	12.9	10.9
Census Tract 4	3,526	1,839	1.88	6.6		17.7	6.1	34.3	26.7	15.2	14.9
Source: U. S. Census Bureau											
^a Number represents percentage of total population											
^b 1990 Census information											

4.14 Section 4(f)

Existing Conditions

The Federal Highway Administration evaluates projects for impacts on public parks, recreation areas, wildlife and waterfowl refuges and historic sites as part of Section 4(f) of the U.S. Department of Transportation Act of 1966 [49 United States Code (USC) 303].

Potential Effects and Mitigation Measures

The realignment of the NM 502/Central Avenue/4th Street intersection will impact the “pocket park” located in the island between NM 502 and Central Avenue, east of the Hilltop Hotel. The impacts to this island include taking 0.15 acres (6,543 square feet) of the park on the south and west sides of the park and adding 0.60 acres (26,160 square feet) to the north side of the park. The property taken from the south and west side of the park is owned by Los Alamos County and is needed to construct a westbound to northbound right-turn lane. The section of existing Central Avenue from 4th Street to NM 502 is right-of-way owned the NMDOT and Los Alamos County and the existing street will be obliterated. The resulting property will be reverted to the County upon completion of the project and will be available for the expansion of the park. The park will be landscaped as part of this project (See Section 4.16, Visual Resources).

Although this “pocket park” is not designated as an official city park it is being used as such; therefore, the pocket park is a protected resource under Section 4(f) of the Department of Transportation Act of 1966, as amended. The use of this park will be covered under the Programmatic Section 4(f) Evaluation and Approval for Transportation Projects that Have a Net Benefit to a Section 4(f) Property (Appendix D).

Los Alamos County has concurred with the assessment of the impacts to the park, the proposed measures to minimize harm, and the mitigation necessary to preserve, rehabilitate and enhance the features and values of this Section 4(f) property. The county has also concurred that such measures will result in a net benefit to the Section 4(f) property. A concurrence letter from Los Alamos County is included in Appendix B.

4.15 Farmland

Prime farmland is land that has the best combination of physical and chemical characteristics to produce food, feed, fiber, forage, and other agricultural crops. Unique farmland is land other than prime farmland that is used for the production of specific high-value food and fiber crops. Designation of prime or unique farmland is made by the U.S. Department of Agriculture. No farmland is located adjacent to the project area; therefore, no impact or involvement with any prime or unique farmland or other farmland of statewide or local importance is anticipated.

4.16 Visual Resources

Existing Conditions

The visual character of the project area is urban. NM 502 primarily serves residential and commercial properties.

Potential Impacts and Mitigation Measures

Landscaping will be required for the area reclaimed from the obliterated section of Central Avenue, including the pocket park, located between NM 502 and 4th Street. Los Alamos County will develop the landscaping concept and design. The NMDOT will incorporate the design into the project plans and will landscape the area as part of this project. After construction, the area will be turned over to Los Alamos County for ownership and maintenance.

Because the project occurs along an existing roadway alignment and the project elements are at ground level, the project would not alter the visual character beyond the immediate area. The proposed project may alter the visual character of the immediate area somewhat because there would be more pavement along the roadway, the pocket park would be larger, and there would be separate pedestrian and bicycle facilities.

4.17 Relocations and Easements

Existing Conditions

No relocations would be required. The width of four existing construction and maintenance easements will be increased. These include two existing easements within the Knights of Columbus property, one easement crossing within the apartment property south of NM 502 between 4th Street and Canyon Road, and one easement at the County Fire Station will be widened to accommodate new or larger diameter storm drain culverts.

Potential Impacts and Proposed Mitigation Measures

Affected individuals would be fairly compensated through the Uniform Relocation Assistance and Real Properties Acquisition Act (49 CFR 24) and other applicable legislation.

4.18 Utility Adjustments

Existing Conditions

The following overhead and/or underground utilities are located within the project area: electric, natural gas, sewer, water, telephone, and cable.

Potential Effects and Mitigation Measures

The construction of the proposed improvements may result in temporary impacts to utilities in the area. Some relocation of overhead power, communications and cable lines may be required due to the realignment of DP Road and Central Avenue. Additional underground utility relocations will be required due to the installation of new storm drain culverts and retaining walls. The NMDOT will coordinate with affected utility owners during the design phase and will continue coordination throughout the construction of the project. If construction of the project results in disruption of services, utility customers will be notified in advance of the time and duration of the disruption.

4.19 Hazardous Materials

The Knights of Columbus property location at NM 502 and DP Road is a known hazardous materials site. A Preliminary Site Investigation (PSI) for hazardous materials was completed by the NMDOT Environmental Geology Section on February 20, 2006. Twenty-one soil borings were advanced at locations within private property adjoining the NMDOT right-of-way along NM 502 from MP 1.9 to 4.1. Soil contamination was found in two boring holes; however the locations are outside of the area likely to be impacted by the proposed roadway improvements. No additional investigation of any sites investigated during the PSI was recommended.

Potential Effects and Mitigation Measures

If soil encountered during the proposed roadway improvements is found to be contaminated or suspected to be contaminated with hazardous or regulated materials, the discovery procedures outlined in the NMDOT *Handbook of Hazardous Waste Management* shall be followed.

If soil on property owned or scheduled for acquisition by the NMDOT, or for which NMDOT has access, is found to be contaminated with petroleum hydrocarbons or hazardous materials in a quantity or concentration with may adversely affect human health, public welfare or the environment, 20.6.2.2.1203 NM Administrative Code (NMAC) requires that the NMED Ground Water Bureau be notified within 24 hours. If any contamination is found along the project corridor or if hazardous or regulated materials are found in areas outside the project corridor for which the NMDOT has access, a safety and health program must be in place to inform employees, contractors, and subcontractors or their representatives of the nature, level and degree of exposure likely as a result of participation in hazardous waste operations.

4.20 Construction Impacts

The Build Alternative would result in temporary impacts while the roadway improvements are being constructed. These impacts are an unavoidable consequence of the proposed action. The impacts include increased traffic congestion approaching and throughout the corridor, increased noise levels due to construction equipment, short-term effects on air quality, increased storm water runoff within the project limits, short term utility outages due to required adjustments and/or relocations. In general, impacts resulting from construction activities would be minimized by requiring contractors to adhere to applicable federal, state, and specific NMDOT requirements for construction projects.

Coordination with the Los Alamos County Fire Department and LANL will be required during construction.

4.21 Secondary and Cumulative Impacts

Secondary impacts are the effects of an action that occur either later in time or are removed in distance from a particular action being evaluated.

Once completed, the improvements to NM 502 will provide additional traffic capacity, which will result in greater mobility for users of the roadway. The improvements to NM 502 will also improve mobility for bicyclists and pedestrians. The realignment of Central Avenue and 4th Street, as well as the closure of Canyon Road will change existing traffic patterns. The realignment of Central Avenue will expand and improve access to the pocket park located at the intersection of NM 502 and Central Avenue. These improvements could increase use of the park.

Cumulative effects are impacts that result from the incremental effect of an action when added to other past actions and reasonable foreseeable future actions.

Improved mobility, capacity, and access provided by improvements to NM 502 would contribute to growth and additional development in the area surrounding NM 502. Future projects planned in the area include The Trinity Place, which is an approximate 42 acre commercial and residential development that will be located south of NM 502 and west of DP Road. This development will include retail, office, restaurant, entertainment and residential space. The Trinity Place is anticipated to open by November/December 2009. Los Alamos County is planning the Airport Basin Site, which would be located north of NM 502 behind DeColores restaurant. The facility would be located east of the project area and would include maintenance shops and warehouse facilities for the county and school district. Construction of the new buildings at the Airport Basin Site is anticipated to begin in Fall 2009. Both the Trinity Place and Airport Basin Site would require access off NM 502.

5.0 ENVIRONMENTAL COMMITMENTS

- Because 1 acre or more of land would be disturbed, a National Pollutant Discharge Elimination System permit shall be required, including a Storm Water Pollution Prevention Plan.
- Best Management Practices shall be installed and maintained both during and after construction to prevent, to the extent practicable, pollutants in storm water runoff from entering waters of the U.S.
- Any interruption of utility services will be short-term and will be coordinated with the service providers and properties/businesses.
- If subsurface cultural materials are discovered during construction, all work shall cease and the NMDOT shall be notified.
- If soil encountered during the proposed roadway improvements is found to be contaminated or suspected to be contaminated with hazardous or regulated materials, the discovery procedures outlined in the NMDOT *Handbook of Hazardous Waste Management* shall be followed.
- Coordination with the Los Alamos County Fire Department and LANL will be required during construction.
- Coordination will be conducted with Los Alamos County regarding landscaping and improvements to the pocket park located at the intersection of NM 502 and Central Avenue.

6.0 PUBLIC INVOLVEMENT AND AGENCY COORDINATION

The action proposed in this EA was developed and coordinated with input from federal, state, and local agencies, and the general public. Stakeholders for this project include, but are not limited to federal and state resource agencies having jurisdiction over the resources within the project area; local and county government agencies; residents, businesses, and other landowners that use and are served by the roadway. Issues of potential importance to these groups was given full consideration in the development of project

alternatives, the identification and evaluation of critical issues, and the development of measures to mitigate substantive and adverse impacts.

The methods used to coordinate with stakeholder agencies and to obtain input from the public included written and e-mail correspondence, public meetings and briefings, and one-on-one meetings with property owners. Initial scoping letters were sent to agency stakeholders (Appendix A). Appendix B contains agency responses.

Two public meetings were held for the project. The first public information meeting was held on February 2, 2005. The purpose of the first meeting was to solicit public comments and concerns on the project before the design of the project began. The meeting was held at Los Alamos High School and was attended by 45 residents. Comments received from the public included: requests that the NMDOT coordinate with Los Alamos County, concerns regarding project funding, drainage concerns, suggestions for intersection design concepts, requests for pedestrian and bicycle access, concerns regarding right-of-way acquisition, and comments regarding the use of roundabouts.

The second public involvement meeting was held on March 16, 2006 at the Los Alamos Golf Course and was attended by 25 people. In general the public comments centered on the alternatives presented with the majority of the comments opposed to the use of roundabouts.

Following the circulation of the EA, a public hearing will be held. The purpose of the hearing will be to provide a formal opportunity for the public to respond to the contents of the EA. Written comments will be solicited as part of the project record, and a court reporter will be made available for recording spoken comments.

Following the public hearing and public comment period, an input synopsis will be prepared. The input synopsis will include a summary of the project need and alternatives, a summary of the public hearing and public information activities, copies of handouts, written comments, responses to comments, the EA circulation list, the public involvement summary and transcript, a summary of project commitments, recommendations, and any unresolved issues.

7.0 CONCLUSIONS

Based on the technical investigations and analyses conducted as part of this EA and input received from stakeholder agencies and the public, the NMDOT recommends Build Alternative 6 be advanced. The proposed project is not expected to have significant adverse social, economic, or environmental impacts that would warrant an environmental impact statement. Unless significant impacts are identified as a result of public review or at the public hearing, a Finding of No Significant Impact (FONSI) will be prepared for the proposed action in accordance with FHWA and NMDOT procedures. The FONSI will address any concerns raised during the circulation of the EA, public hearing comment period, or coordination of the project with the appropriate agencies. The FONSI will be used as a basis for federal-aid approval for alignment location, final design, right-of-way acquisition, and construction.

APPENDIX A
PROJECT COORDINATION LETTERS

March 28, 2006

Name
Title
Agency
Address
City, State, Zip Code

RE: NM 502 (Trinity Drive) Improvement Project
NMDOT Project No.: TPO-502-1(8)02, CN 3407

Dear Title Last Name:

The New Mexico Department of Transportation in cooperation with the Federal Highway Administration and Los Alamos County propose improvements to NM 502 (Trinity Drive) in Los Alamos, New Mexico. The project limits are bounded by Knecht Street on the west and Tewa Loop on the east. A project vicinity map is attached.

The project scope includes possible intersection re-alignments and transitions for major intersections at DP Road, Central Avenue, 4th Street, and Canyon Road; rehabilitation and/or reconstruction of the pavement; sidewalks in accordance with the Americans with Disabilities Act (ADA); drainage improvements including curb and gutter and connections to the existing water system; and accommodations for bicyclists.

The purpose of the project is to improve traffic flow and reduce congestion; improve sight distance and vehicle turning movements at the intersections; provide provisions for pedestrians and bicyclists; manage access; improve drainage; and provide connectivity to existing facilities.

The project is needed because NM 502 is presently composed of various typical sections, which cause confusion for drivers' expectations; the existing pavement requires rehabilitation; current sidewalks are non-ADA compliant; there are safety concerns at the intersections; and the existing drainage system requires improvement.

The existing NMDOT right-of-way is 80 feet. Right-of-way will be required for the proposed improvements.

We would appreciate any pertinent information that you could provide on the project area's environment and invite comments on resources or issues that are of concern to your agency or neighborhood association. Your input will assist us in establishing area issues and to ascertain any areas of special concern.

Please submit written comments by April 28, 2006 to: Brenda Martinez, Gannett Fleming West, Inc., 460 St. Michael's Drive, Suite 605, Santa Fe, NM 87505 or e-mail to bmartinez@gfnet.com. If you have any questions or wish more information on this project, please contact me at (505) 820-7020.

Sincerely,

Brenda Martinez, Environmental Specialist
Gannett Fleming West, Inc.

Enclosure

**NM 502 IMPROVEMENT PROJECT
PROJECT MAILING LIST**

Mr. Todd Stevenson
Division of Conservation Services
New Mexico Department of Game & Fish
PO Box 25112
Santa Fe, New Mexico 87504

Ms. Joy Nicholopoulos
Field Supervisor
Ecological Services
US Fish and Wildlife Service
2105 Osuna NE
Albuquerque, New Mexico 87113

Mr. Bob Sivinski
NM Energy Minerals and Natural Resources
Department
Forestry Division
PO Box 1948
Santa Fe, New Mexico 87504

Mr. William Ellis
State Administration Officer
Natural Resources Conservation Service
6200 Jefferson NE
Albuquerque, New Mexico 87109

Mr. Gedi Cibas
Impact Review Coordinator
New Mexico Environment Department
PO Box 953
Santa Fe, New Mexico 87504

US Army Corps of Engineers
Chief, Regulatory Branch
4101 Jefferson Plaza NE
Albuquerque, New Mexico 87109

US Department of Interior
National Park Service
12795 W. Alameda Parkway
PO Box 25287
Denver, Colorado 80225-0287

Chief MacDonald
Los Alamos County Fire Department
195 E Road
Los Alamos, NM 87544

Los Alamos County Sherriff's Department
2300 Trinity Drive
Los Alamos, New Mexico 87544

Los Alamos County Police Department
2500 Trinity Drive
Los Alamos, New Mexico 87544

Jeff Rogers
Los Alamos County Public Schools
Transportation
PO Box 90
Los Alamos, NM 87544

Postmaster
Los Alamos Postal Service
1808 Central Avenue
Los Alamos, NM 87544

Ms. Hope Reed
Governor's Committee on Concerns of the
Handicapped
Lamy Building
491 Santa Fe Trail; Room 117
Santa Fe, New Mexico 87501-2753

APPENDIX B
AGENCY CORRESPONDENCE



LOS ALAMOS COUNTY

P.O. Box 30 Los Alamos, NM 87544 (505) 662-8080 Fax (505) 662-8079
Website: www.lac-nm.us

COUNTY COUNCIL

Council Chair
Michael G. Wheeler
Council Vice-Chair
Jim L. West
Councilors
Frances M. Berting
Nona Bowman
Jim Hall
Ken H. Milder
Michael Wismer

COUNTY ADMINISTRATOR

Max H. Baker

COUNTY ATTORNEY

Peter A. Dwyer

November 22, 2006

Mr. Steve Reed
Environmental Program Manager
NM Department of Transportation
P.O. Box 1149
Santa Fe, NM 87504-1149

RE: NM 502 (Trinity Drive) Improvement Project

Dear Mr. Reed:

Los Alamos County is in receipt of your letter dated October 19, 2006 requesting concurrence on your analysis to utilize Section 4(f) of the Department of Transportation Act of 1966, as amended to handle the circumstances related to the park in the island of NM 502 and Central Avenue.

The County provides this concurrence based on our understanding that it does **not** result in any exchange of land or finalization of the mitigation plan, and that there will be a future agreement to be negotiated between Los Alamos County and the New Mexico Department of Transportation that will be subject to rules and regulations appropriate to that agreement.

We feel that this is an important project and look forward to working with the Department of Transportation to make it a reality. If you have questions please direct them to our County Engineer, Ted Garcia at 662-8150.

Sincerely yours,

Max H. Baker
County Administrator

MHB/gc

Attachment as stated

Cc: Anthony Mortillaro, Asst. County Administrator
Kyle Zimmerman, Public Works Director
Ted Garcia, County Engineer
Dick McIntyre, Parks Manager



New Mexico DEPARTMENT OF
TRANSPORTATION
 MOBILITY FOR EVERYONE

RECEIVED

2006 OCT 26 PM 2:13

LOS ALAMOS COUNTY
 ADMINISTRATOR'S OFFICE

October 19, 2006

Max Baker, Administrator
 Los Alamos County
 P.O. Box 30
 Los Alamos, New Mexico 87544

RE: NM 502 (Trinity Drive) Improvement Project
 NMDOT Project No.: TPO-502-1(8)02, CN 3407

Dear Mr. Baker:

The New Mexico Department of Transportation (NMDOT) in cooperation with the Federal Highway Administration and Los Alamos County propose improvements to NM 502 (Trinity Drive) in Los Alamos, New Mexico. The project limits are bounded by Knecht Street on the west and Tewa Loop on the east. A project vicinity map is attached.

Bill Richardson
 Governor

The purpose of the project is to improve traffic flow and reduce congestion; improve sight distance and vehicle turning movements at the intersections; provide provisions for pedestrians and bicyclists; manage access; improve drainage; and provide connectivity to existing facilities.

Rhonda G. Faught P.E.
 Cabinet Secretary

The project is needed because NM 502 is presently composed of various typical sections, which cause confusion for drivers' expectations; the existing pavement requires rehabilitation; current sidewalks are not compliant with the Americans with Disabilities Act; there are safety concerns at the intersections; and the existing drainage system requires improvement.

Commission

The project scope includes realigning the intersections of NM 502/Central Avenue/4th Street and NM 502/DP Road. The project will also include the resurfacing of NM 502 from Knecht Street to DP Road, reconstruction and the addition of a continuous left turn lane from the Central Avenue intersection to Tewa Loop, closure of Canyon Road, utility and storm drain improvements and upgrades throughout the corridor, installation of a new signal and lighting at the new NM 502/Central Avenue/4th Street intersection, and replacement of lighting as required throughout the corridor.

Johnny Cope
 Chairman
 District 2

David Schutz
 Vice Chairman
 District 5

The realignment of the NM 502/Central Avenue/4th Street intersection will impact the "pocket park" located in the island between NM 502 and Central Avenue, east of the Hilltop Hotel. The impacts to this island include taking 0.15 acres [6,543 square feet (sf)] of the park on the south and west sides of the park and adding 0.60 acres (26,160 sf) to the north side of the park. The property taken from the south and west side of the park is owned by Los Alamos County and is needed to construct a westbound to northbound right-turn lane. The section of existing Central Avenue from 4th Street to NM 502 is right-of-way owned by the NMDOT and Los Alamos County and will be obliterated. The resulting property will be available for the expansion of the park. Property survey and ownership research is being conducted to verify ownership of all properties involved. The park will be reconstructed, as part of this project, by the NMDOT. Compensation for property and park reconstruction will be based on appraisal and negotiated agreements between the NMDOT and Los Alamos County.

Gregory T. Ortiz
 Secretary
 District 6

Norman Assed
 Commissioner
 District 3

Jim Franken
 Commissioner
 District 4

Although this "pocket park" is not designated as an official city park, it is being used as such. Therefore, the pocket park is a protected resource under Section 4(f) of the Department of

John Hummer
 Commissioner
 District 1



NEW MEXICO DEPARTMENT OF
TRANSPORTATION
MOBILITY FOR EVERYONE

Transportation Act of 1966, as amended. The use of this park for transportation purposes can be authorized under a Programmatic Section 4(f) Evaluation and Approval for transportation projects that have a net benefit to a Section 4(f) property.

In order to use the Programmatic Section 4(f) Evaluation and Approval for this federally-assisted transportation improvement project, we request your concurrence with the following (all of which were discussed above):

1. The assessment of the impacts to the park
2. The proposed measures to minimize harm
3. The proposed mitigation necessary to preserve, rehabilitate and enhance the features and values of the park
4. The measures to minimize harm and the proposed mitigation will result in a net benefit to the park

Please contact the NMDOT consultant, Brenda Martinez of Gannett Fleming West, at 820-7020 if you have any questions.

Sincerely,

Steve Reed, Environmental Program Manager
New Mexico Department of Transportation

CONCURRENCE: *per attached letter*

Max Baker, Administrator
Los Alamos County

11/22/06
Date

SR:bm

Enclosure

GOVERNOR
Bill Richardson



STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

One Wildlife Way
Post Office Box 25112
Santa Fe, NM 87504
Phone: (505) 476-8101
Fax: (505) 476-8128

STATE GAME COMMISSION

Leo V. Sims, II, Chairman
Hobbs, NM

Dr. Tom Arvas, Vice-Chairman
Albuquerque, NM

David Henderson, Commissioner
Santa Fe, NM

Alfredo Montoya, Commissioner
Alcalde, NM

Peter Pino, Commissioner
Zia Pueblo, NM

Guy Riordan, Commissioner
Albuquerque, NM

M. H. "Dutch" Salmon, Commissioner
Silver City, NM

DIRECTOR AND SECRETARY
TO THE COMMISSION
Bruce C. Thompson

Visit our website at www.wildlife.state.nm.us
For basic information or to order free publications: 1-800-862-9310.

April 5, 2006

Brenda Martinez
Gannett Fleming West Inc
460 St. Michaels Drive Suite 605
Santa Fe, NM 87505

Re: NM 502 (Trinity Drive) Improvement Project, NMDOT Project No: TPO-502-1(8)02, CN 3407
NMGF No. 10769

Dear Ms. Martinez,

In response to your letter dated March 28, 2006, regarding the above referenced project, the Department of Game and Fish (Department) does not anticipate significant impacts to wildlife or sensitive habitats. For your information, we have enclosed a list of sensitive, threatened and endangered species that occur in Los Alamos County.

For more information on listed and other species of concern, contact the following sources:

1. Species Accounts: <http://fwie.fw.vt.edu/states/nm.htm>
2. Species Searches: <http://nmnhp.unm.edu/bisonnm/bisonquery.php>
3. New Mexico Wildlife of Concern by Counties List:
http://www.wildlife.state.nm.us/conservation/share_with_wildlife/documents/speciesofconcern.pdf
4. Habitat Handbook Project Guidelines:
http://wildlife.state.nm.us/conservation/habitat_handbook/index.htm
5. For custom, site-specific database searches on plants and wildlife. Go to Data then to Free On-Line Data and follow the directions go to: <http://nmnhp.unm.edu>
6. New Mexico State Forestry Division (505-827-5830) or <http://nmrareplants.unm.edu/index.html> for state-listed plants
7. For the most current listing of federally listed species **always** check the U.S. Fish and Wildlife Service at (505-346-2525) or <http://ifw2es.fws.gov/EndangeredSpecies/lists/>.

Thank you for the opportunity to review and comment on your project. If you have any questions, I can be contacted at (505) 476-8101 or janell.ward@state.nm.us.

Sincerely,

Janell Ward, Assistant Chief
Conservation Services Division

JW/ttd

xc: Russ Holder, Acting Ecological Services Field Supervisor, USFWS
Brian Gleadle, NW Area Operations Chief, NMGF
Vacant, NW Area Habitat Specialist, NMGF

NEW MEXICO WILDLIFE OF CONCERN LOS ALAMOS COUNTY

For complete up-dated information on federal-listed species, including plants, see the US Fish & Wildlife Service NM Ecological Services Field Office website at [http://www.fws.gov/ifw2es/New Mexico/SBC_intro.cfm](http://www.fws.gov/ifw2es/New%20Mexico/SBC_intro.cfm). For information on state-listed plants, contact the NM Energy, Minerals and Natural Resources Department, Division of Forestry, or go to <http://nmrareplants.unm.edu/>. If your project is on Bureau of Land Management, contact the local BLM Field Office for information on species of particular concern. If your project is on a National Forest, contact the Forest Supervisor's office for species information.

<u>Common Name</u>	<u>Scientific Name</u>	<u>NMGF</u>	<u>US FWS</u>	<u>critical habitat</u>
Rio Grande Chub	<i>Gila pandora</i>	s		
Jemez Mountains Salamander	<i>Plethodon neomexicanus</i>	E	SOC	
Bald Eagle	<i>Haliaeetus leucocephalus</i>	T	T	
Northern Goshawk	<i>Accipiter gentilis</i>	s	SOC	
Peregrine Falcon	<i>Falco peregrinus</i>	T	SOC	
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	s	C	
Mexican Spotted Owl	<i>Strix occidentalis lucida</i>	s	T	Y
Burrowing Owl	<i>Athene cunicularia</i>		SOC	
Broad-billed Hummingbird	<i>Cynanthus latirostris</i>	T		
Southwestern Willow Flycatcher	<i>Empidonax traillii extimus</i>	E	E	Y
Loggerhead Shrike	<i>Lanius ludovicianus</i>	s		
Gray Vireo	<i>Vireo vicinior</i>	T		
Western Small-footed Myotis Bat	<i>Myotis ciliolabrum melanorhinus</i>	s		
Long-legged Myotis Bat	<i>Myotis volans interior</i>	s		
Spotted Bat	<i>Euderma maculatum</i>	T		
Pale Townsend's Big-eared Bat	<i>Corynorhinus townsendii pallescens</i>	s	SOC	
Big Free-tailed Bat	<i>Nyctinomops macrotis</i>	s		
Goat Peak Pika	<i>Ochotona princeps nigrescens</i>	s	SOC	



DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
4101 JEFFERSON PLAZA NE
ALBUQUERQUE NM 87109-3435

April 28, 2006

Operations Division
Regulatory Branch

Ms. Brenda Martinez
Gannett Fleming West, Inc.
460 St. Michaels Drive, Suite 605
Santa Fe, New Mexico 87505-7652

Dear Ms. Martinez:

This replies to your March 28, 2006, letter regarding the proposed NM 502 (Trinity Drive) Improvement Project, NMDOT Project No. TPO- 502-1(8)02, CN 3407 in Los Alamos, Los Alamos County, New Mexico. We have assigned Action No. 2006 00236 to this activity.

We have evaluated the information you provided and studied the project description, other records, and documents available to us. It appears that no waters of the United States are located within the project site. The project is not regulated under the provisions of Section 404 of the Clean Water Act and a Department of the Army permit will not be required if there are no Corps of Engineers' jurisdictional waters on the site.

Our disclaimer of jurisdiction is only for Section 404 of the Federal Clean Water Act. Other Federal, state and local laws may apply to the activities. Therefore, the New Mexico Department of Transportation should also contact other Federal, state and local regulatory authorities to determine whether the activities may require other authorizations or permits.

This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps' regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the South Pacific Division Office at the following address:

Mr. Douglas R. Pomeroy
Division Review Office (ph (415)977-8035, fax (415)977-8047)
South Pacific Division, CESP-D-CM-O, Room 923
333 Market Street
San Francisco, CA 94105

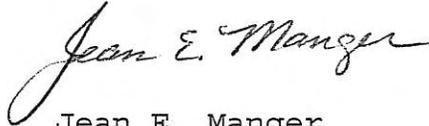
In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by June 27, 2006.

It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

This determination will be valid for 2 years from the date of this letter unless new information warrants revision of the determination within that time.

If you have any questions, please feel free to contact me at (505) 342-3216 or e-mail me at jean.e.manger@usace.army.mil. For more information about the regulatory program, please see our web site at www.spa.usace.army.mil/reg.

Sincerely,

A handwritten signature in cursive script that reads "Jean E. Manger". The signature is written in black ink and is positioned above the typed name.

Jean E. Manger
Regulatory Project Manager

Enclosure

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: New Mexico Department of Transportation	File Number: 2006 00236	Date: 4/28/2006
Attached is:		See Section below
INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
PROFFERED PERMIT (Standard Permit or Letter of permission)		B
PERMIT DENIAL		C
X APPROVED JURISDICTIONAL DETERMINATION		D
PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the DISTRICT ENGINEER for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the DISTRICT ENGINEER within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the DISTRICT ENGINEER will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the DISTRICT ENGINEER will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the DISTRICT ENGINEER for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the DIVISION (not district) ENGINEER (address on reverse). This form must be received by the DIVISION ENGINEER within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the DIVISION (not district) ENGINEER. This form must be received by the DIVISION (not district) ENGINEER within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.

APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the DIVISION (not district) ENGINEER (address on reverse). This form must be received by the DIVISION ENGINEER within 60 days of the date of this notice. Exception: JD appeals based on new information must be submitted to the DISTRICT ENGINEER within 60 days of the date of this notice.

EXCEPTION: Appeals of Approved Jurisdictional Determinations based on new information must be submitted to the District engineer within 60 days of the date of this notice.



Gannett Fleming

Gannett Fleming West, Inc.

460 St. Michael's Drive
Suite 1202
Santa Fe, New Mexico 87505

Office (505) 820-7020
Facsimile (505) 820-7109

September 29, 2006

US Department of Interior
National Park Service
12795 W. Alameda Parkway
PO Box 25287
Denver, Colorado 80225-0287

RE: NM 30, NM 502 to Paseo de Oñate
Project No. TPM-TPO-TPA-030-1(1), CN 3980

The New Mexico Department of Transportation (NMDOT) in cooperation with the Federal Highway Administration (FHWA) is proposing improvements to NM 30, between the NM 502 interchange and Paseo de Oñate in Española, New Mexico. A project vicinity map is attached.

NM 30 is functionally classified as a minor rural arterial, and serves as the primary connection between Española and Los Alamos, while providing access to adjacent Pueblo lands. The NM 30 corridor begins at the NM 502 Interchange [milepost (MP) 0.0] and continues north to the signalized intersection with US 84/285 in Española (MP 8.5). Most of the length of NM 30 lies within Pueblo lands, with the southern segment located in San Ildefonso Pueblo and the northern segment located in Santa Clara Pueblo. During the AM and PM peak hour periods, NM 30 is predominantly a commuter route, serving Los Alamos National Laboratory, which is located to the west along NM 502.

Improvements are proposed for NM 30 to address traffic congestion in the peak hour periods and safety issues.

We would appreciate any pertinent information that you could provide on the project area's environment and invite comments on resources or issues that are of concern to your agency. Your input will assist us in establishing area issues and to ascertain any areas of special concern.

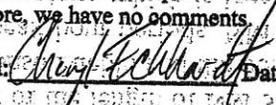
Please submit written comments by October 30, 2006 to: Brenda Martinez, Environmental Specialist, Gannett Fleming West, Inc., Suite 1202, Santa Fe, New Mexico 87505 or e-mail to bmartinez@gfnet.com. If you have any questions or need more information on this project, please contact me at (505) 820-7020.

Sincerely,


Brenda Martinez, Environmental Specialist
Gannett Fleming West, Inc.



The National Park Service reviewed this project, and determined that no parks will be affected; therefore, we have no comments.

Signed:  Date: 10/25/06

Enclosure

**APPENDIX C
REFERENCES**

REFERENCES

- Brown, David E. (Editor)
1994 Biotic Communities of the American Southwest – U.S. and Northwestern Mexico. University of Utah Press, Salt Lake City
- Council on Environmental Quality (CEQ)
1997 Considering Cumulative Effects Under the National Environmental Policy Act
- Dick-Peddie, W. A.
1993 New Mexico Vegetation: Past, Present, and Future
- Environmental Protection Agency
1994 Evaluation of Ecological Impacts from Highway Development.
1998 Consideration of Cumulative Impacts in EPA Review of NEPA Documents
- Federal Highway Administration (FHWA)
2000 Manual on Uniform Traffic Control Devices
- Ivey, Robert DeWitt.
1995 Flowering Plants of New Mexico 3rd Edition
- Los Alamos County
2005 Los Alamos County Comprehensive Plan Vision Statement and Policy Plan
- New Mexico Department of Game and Fish (NMDGF)
1997 Biota Information Service of New Mexico. New Mexico Species Lists/Species Accounts; <http://nmmhp.unm.edu/bisonnm/bisonquery.php>
- New Mexico Rare and Sensitive Plants Technical Council
New Mexico Rare and Sensitive Plants website
<http://nmrareplants.unm.edu/nmrptc/county.htm>
- New Mexico Department of Transportation (NMDOT)
1999 NMDOT Hazardous Waste Assessment Handbook, Appendix A, Special Provisions for Excavation of Contaminated Soil Section 203-A
2000a Location Study Procedures
2000b Noxious Weed Management Guidelines
2000c Standard Specifications for Highway and Bridge Construction
2000d Tribal/Local Government Agency Handbook
2002 Noise Abatement Policy and Directive
2004-09 State Transportation Improvement Plan
2005 Interim Specifications
2006a Biological Reconnaissance Memorandum, NM 502 – Los Alamos County, New Mexico
2006b Preliminary Site Investigation Report, NM 502 (Trinity Drive) from MP 1.9 to MP 4.1 (DP Road Intersection to NM County Line) in Los Alamos, Los Alamos County, New Mexico.
2006c Traffic Noise Analysis: NM 502 (Trinity Drive) Knecht Street to Tewa Loop, Los Alamos County, New Mexico.

U.S. Census Bureau
2001 2000 Census Data

U.S. Department of Transportation, Federal Highway Administration (FHWA)
1992 Position Paper: Secondary and Cumulative Impact Assessment in the Highway
Project Development Process
1997 Final DOT Order on Environmental Justice

U.S. Environmental Protection Agency
1990 Clean Air Act and Amendments (CAA) 40 CFR Subchapter C.
1993 Air Quality: Transportation Plans Programs and Projects, 40 CFR parts 51 and 93
1999 Final National Pollution Discharge Elimination System General Permits for
Stormwater Discharges from Construction Sites

U.S. Fish and Wildlife Service (USFWS)
1996 Listed, Proposed, and Candidate Species for Los Alamos County

Williams, Jerry L (Editor)
1986 New Mexico in Maps

Wilson & Company
2006 Final Detailed Evaluation of Alignment Alternatives Report – Phase A & B

APPENDIX D
PROGRAMMATIC SECTION 4(f) EVALUATION

**FEDERAL HIGHWAY ADMINISTRATION
PROGRAMMATIC SECTION 4(f)
EVALUATION**

**NM 502 IMPROVEMENT PROJECT:
KNECHT STREET TO TEWA LOOP
LOS ALAMOS COUNTY, NEW MEXICO
NMDOT Project Number TPO-502-1(8)02; Control Number 3407**

**Prepared by the
NEW MEXICO DEPARTMENT OF TRANSPORTATION**

**In cooperation with the
FEDERAL HIGHWAY ADMINISTRATION
NEW MEXICO DIVISION**

APRIL 2007

I. INTRODUCTION

The Section 4(f) legislation as established under the Department of Transportation Act of 1966 (49 United States Code [USC] 303, 23 USC 138) provides protection for publicly-owned parks, recreation areas, wildlife refuges, and historic sites of national, state, or local significance. The Federal Highway Administration (FHWA) may not approve a transportation project that uses a 4(f) property unless a determination is made that:

- There is no feasible and prudent alternative to the use of the 4(f) property; and
- The project includes all possible planning to minimize harm to the property resulting from such use (23 CFR 771.135).

The FHWA provides additional 4(f) guidance for “projects that have a net benefit to a Section 4(f) property” (attached). The nationwide programmatic evaluation was prepared for “certain federally assisted transportation improvement projects on existing or new alignments that will use property of a Section 4(f) property of a Section 4(f) park, recreation area, wildlife or waterfowl refuge, or historic property. In the view of the Administration and official(s) with jurisdiction over the Section 4(f) property, the use of the Section 4(f) property must result in a net benefit to the Section 4(f) property.”

The present document establishes the applicability of the *Programmatic Section 4(f) Evaluation and Approval for Transportation Projects that have a Net Benefit to a Section 4(f) Property* for the New Mexico Department of Transportation (NMDOT) NM 502 Improvement Project.

II. PROPOSED ACTION

The proposed project involves improvements to NM 502 (Trinity Drive) between Knecht Street and Tewa Loop in Los Alamos County, New Mexico. Improvements to the roadway are proposed by the NMDOT and Federal Highway Administration (FHWA).

Purpose and Need

The purpose of the NM 502 Improvement project is as follows:

- Improve traffic flow, increase capacity, and provide local street connectivity;
- Improve safety by improving sight distance, system continuity, and lighting and by providing geometric improvements to improve vehicle turning movements at the intersections;
- Correct physical deficiencies by improving the pavement surface condition, upgrading or reconstructing existing utilities, and improving drainage;
- Manage access by consolidating intersections, driveways, and median openings; and
- Provide bicycle facilities and meet Americans with Disabilities Act (ADA) compliance on sidewalks, driveways, and wheelchair ramps.

The need for the project is demonstrated below.

Existing Roadway Conditions

The existing NM 502 typical sections are as follows:

Location	Typical Section
Milepost (MP) 1.1 (Knecht Street) to MP 1.6	2 12-foot driving lanes in each direction 14-foot median with left-turn lanes No shoulders – no bicycle facilities Curb and gutter 6-foot sidewalks north of NM 502
MP 1.6 to MP 2.0 (Canyon Road)	1 12-foot driving lane westbound 2 12-foot driving lanes eastbound 2-foot shoulders – inadequate bicycle facilities 4.5-foot to 5-foot sidewalk south of NM 502.
MP 2.0 to MP 2.1	2 12-foot driving lanes in each direction 12-foot median with left-turn lanes No shoulders – no bicycle facilities Curb and gutter north of NM 502 4.5-foot sidewalk north of NM 502
MP 2.1 to MP 2.23	2 12-foot driving lanes in each direction 13-foot median with left-turn lanes No shoulders – no bicycle facilities Curb and gutter 4-foot sidewalk north of NM 502 6-foot sidewalk south of NM 502

The lack of system continuity impedes traffic flow and causes frustration to drivers.

Sidewalks currently exist within the project limits; however, they are not continuous. The existing sidewalks that are located within the project limits generally meet current American with Disabilities Act (ADA) requirements for width and cross slope; however, the majority of the drive pads and some curb ramps do not meet ADA requirements. Bicycle accommodations are inadequate or non-existent. Currently there is no lighting at the intersections. A geometric deficiency has been identified at the intersection of Central Avenue and NM 502; the existing slip-ramp type of alignment at this intersection causes safety problems related to line of sight.

Traffic Characteristics

A capacity analysis of NM 502 indicates that existing level-of-service is below acceptable levels on westbound NM 502 in the morning peak hour between Central Avenue and Canyon Road and on the segment east of Canyon Road. Unacceptable levels-of-service are also occurring on eastbound NM 502 in the afternoon peak hour for both of these segments. The current two-lane configuration limits the ability of the intersections to properly accommodate existing traffic volumes.

Table 2 shows Average Annual Daily Traffic (AADT) for areas along NM 502:

Table 2	
Average Annual Daily Traffic (AADT)	
Location	Average Annual Daily Traffic
NM 502/DP Road	NM 502: 8,100 DP Road: 2,670
NM 502/4 th Street	NM 502: 8,100 4 th Street: 733
NM 502/Central Avenue	NM 502: 10,400 Central Avenue: 5,500
NM 502/Canyon Road	NM 502: 16,100 Canyon Road: 851

AADT indicates that the existing two-lane facility is inadequate to handle traffic volumes.

Crash Data

The statewide crash rate is 223 per Million-Vehicle-Miles (MVM) and the Los Alamos County crash rate is 246 per MVM. The crash rate for NM 502 is 528 per MVM, more than twice the rate for Los Alamos County. This data indicates demonstrates the need for improved safety along the project corridor.

Preferred Build Alternative

The typical roadway section for the proposed improvements (Preferred Build Alternative) will consist of one 12-foot west-bound lane and two 12-foot east-bound lanes from DP Road to Canyon Road, with 12-foot intermittent left-turn lanes. A 12-foot median/left turn lane will be provided between DP Road and Central Avenue and a 150-foot long 12-foot wide right-turn lane will be provided on the westbound approach to Central Avenue. No left turn lane will be provided between Central Avenue and Arroyo Lane (west access road to apartment complex). A 12-foot median left turn lane will be provided from Arroyo Lane to Canyon Road. The typical roadway section from Canyon Road to Tewa Loop will consist of a single 12-foot west-bound lane, two 12-foot east-bound lanes, and a 12-foot continuous left-turn lane. Central Avenue will be realigned to intersect with NM 502 at a 90 degree angle, removing the existing slip-ramp type alignment. This intersection will be signalized. DP Road will remain un-signalized and Canyon Road will be closed with a cul-de-sac. 4th Street will be realigned to intersect with the realigned Central Avenue intersection. A storm drain will be installed from DP Road to Canyon Road. New sidewalks will be constructed in areas that do not have sidewalks, in areas with damaged or impassable sidewalks or in areas where existing sidewalks do not meet current ADA standards.

III. SECTION 4(f) PROPERTY

The realignment of the NM 502/Central Avenue/4th Street intersection will impact the “pocket park” located in the island between NM 502 and Central Avenue, east of the Hilltop Hotel. The impacts to this island include taking 0.15 acres (square feet) of the park on the south and west sides of the park and adding 0.60 acres (26,160 square feet) to the north side of the park. The property taken from the south and west side of the park is owned by Los Alamos County and is needed to construct a westbound to northbound right-turn lane. The section of existing Central Avenue from 4th Street to NM 502 is right-of-way owned the NMDOT and Los Alamos County and the existing street will be obliterated. The resulting property will be reverted to the County

upon completion of the project and will be available for the expansion of the park. Landscaping of the park will be included as part of the project.

Although this “pocket park” is not designated as an official city park it is being used as such; therefore, the park is a protected resource under Section 4(f) of the Department of Transportation Act of 1966, as amended.

Los Alamos County has concurred with the assessment of the impacts to the park, the proposed measures to minimize harm, and the mitigation necessary to preserve, rehabilitate and enhance the features and values of this Section 4(f) property. The county has also concurred that such measures will result in a net benefit to the Section 4(f) property. A concurrence letter from Los Alamos County is attached.

IV. APPLICABILITY OF PROGRAMMATIC SECTION 4(f) EVALUATION

Per FHWA guidance, a programmatic Section 4(f) evaluation may be applied to a project that meets six specific criteria. Following is a list of these criteria, with applicability evaluation for the present project:

I. The proposed transportation project uses a Section 4(f) park, recreation area, wildlife or waterfowl refuge, or historic site.

- Applicability to the present project? **YES**

The Preferred Build Alternative for the proposed project will impact the “pocket park” located in the island between NM 502 and Central Avenue, east of the Hilltop Hotel. Although this “pocket park” is not designated as an official city park it is being used as such; therefore, the pocket park is a protected resource under Section 4(f) of the Department of Transportation Act of 1966, as amended. The proposed action is considered a “use” of the Section 4(f) property.

II. The proposed project includes all appropriate measures to minimize harm and subsequent mitigation necessary to preserve and enhance those features and values of the property that originally qualified the property for Section 4(f) protection.

- Applicability to the present project? **YES**

The impacts to this island include taking 0.15 acres (6,543 square feet) of the park on the south and west sides of the park and adding 0.60 acres (26,160 square feet) to the north side of the park. Los Alamos County has concurred with the assessment of the impacts to the park, the proposed measures to minimize harm, and the mitigation necessary to preserve, rehabilitate and enhance the features and values of this Section 4(f) property. The county has concurred that such measures will result in a net benefit to the Section 4(f) property. See attached correspondence from Los Alamos County.

III. For historic properties, the project does not require the major alteration of the characteristics that qualify the property for the national Register of Historic Places (NRHP) such that the property would no longer retain sufficient integrity to be considered eligible for listing. For archaeological properties, the project does not require the disturbance or removal of the archaeological resources that have been determined important for preservation in-place rather than for the information that can be obtained through data recovery. The determination of a major alteration or the importance to preserve in-place will be based on consultation consistent with 36 CFR part 800.

- Applicability to the present project? **NO**

The “pocket park” is not a historic property or archaeological resource.

- IV. *For historic properties consistent with 36 CFR part 800, there must be agreement reached amongst the SHPO and/or THPO, as appropriate, the FHWA and the Applicant on measures to minimize harm when there is a use of Section 4(f) property. Such measures must be incorporated into the project.*
- Applicability to the present project? **NO**
The “pocket park” is not a historic property.
- V. *The official(s) with jurisdiction over the Section 4(f) property agree in writing with the assessment of the impacts; the proposed measures to minimize harm; and the mitigation necessary to preserve, rehabilitate and enhance those features and values of the Section 4(f) property; and that such measures will result in a net benefit to the Section 4(f) property.*
- Applicability to the present project? **YES**
See attached correspondence from Los Alamos County.
- VI. *The Administration determines that the project facts match those set forth in the Applicability, Alternatives, Findings, Mitigation and Measures to Minimize Harm, Coordination, and Public Involvement sections of this programmatic evaluation.*
- Applicability to the present project? **YES**
FHWA approval of the Environmental Assessment includes the determination that the project facts match those set forth in the appropriate sections of this programmatic evaluation.

V. ALTERNATIVES AND FINDINGS

Per FHWA guidance, three specific avoidance alternatives must be evaluated in order to determine that there is no feasible and prudent alternative to the use of the 4(f) property. Per the FHWA guidance, the following avoidance alternatives were evaluated during the development of the project:

1. **Do Nothing Alternative:** The Do Nothing Alternative has been evaluated with the finding that it is not feasible and prudent because it does not satisfy the project purpose and need for the following reasons:

Traffic Flow, Capacity, and Connectivity: Traffic congestion will continue to increase without any roadway improvements. The Do Nothing Alternative will not improve traffic flow, provide needed capacity, or provide local street connectivity.

Safety: Needed safety improvements including sight distance improvements, system continuity, and lighting will not be developed. The Do Nothing Alternative will not provide the geometric improvements necessary to improve vehicle turning movements at the intersections:

Physical Deficiencies: The Do Nothing Alternative will not correct physical deficiencies to the pavement surface condition, will not upgrade or reconstruct existing utilities, and will not improve drainage:

Access Management: The Do Nothing Alternative will not consolidate intersections, driveways, or median openings.

Pedestrian and Bicycle Facilities: The Do Nothing Alternative will not provide bicycle facilities or provide sidewalks, driveways, and wheelchair ramps that comply with ADA requirements.

2. **Improvement without Using the Adjacent 4(f) Land:** It is not feasible and prudent to avoid Section 4(f) lands by roadway design or transportation management techniques (including, but not limited to, minor alignment shifts, changes in geometric design standards, use of retaining walls and/or other structures, and traffic diversions or other traffic management measures) because implementing such measures would result in:

Substantial Adverse Community Impacts to Adjacent Homes, Businesses, or Other Improved Properties: Relocations of private residences and commercial properties would be required if the 4(f) land located in the island between NM 502 and Central Avenue were not used. One of the commercial properties that would need to be acquired is contaminated with hazardous materials. This property would require environmental remediation.

Substantially Increased Cost: Property acquisition and remediation of the contaminated property, which is estimated to be \$3.5 million, would result in substantially increased cost.

Unique Engineering, Traffic, Maintenance or Safety Problems: Does not apply to this project.

Substantial Adverse Social, Economic, or Environmental Impacts: See above under “Substantial Adverse Community Impacts to Adjacent Homes, Businesses, or Other Improved Properties.”

A Substantial Missed Opportunity to Benefit a Section 4(f) Property:

The realignment of the NM 502/Central Avenue/4th Street intersection will result in property being available to expand the “pocket park” located in the island between NM 502 and Central Avenue. The geometric improvements will take 0.15 acres (6,543 square feet) of the park on the south and west sides of the park; however, 0.60 acres (26,160 square feet) will be added to the north side of the park.

Identified transportation needs not being met: Does not apply to this project.

Unusual, Unique, or Extraordinary Magnitude of Impacts, Costs, or Problems:

See above under “Substantial Adverse Community Impacts to Adjacent Homes, Businesses, or Other Improved Properties.” and “Substantially Increased Cost.”

3. **Alternative on New Location:** It is not feasible and prudent to avoid the Section 4(f) property by constructing on a new alignment for the following reasons:

Purpose and Need: NM 502 is the primary route into Los Alamos and cannot be relocated due to unique geologic features (canyon to the south of NM 502) and existing development along the corridor. A new alignment would not address the purpose and need of the project and would create substantial impacts.

Adverse Social, Economic, or Environmental Impacts: A new facility at a new location would require substantial right-of-way acquisition, relocations of residents and businesses, substantial costs, and impacts to a hazardous materials site.

Increased Cost and Engineering Difficulties: See above under “Adverse Social, Economic, or Environmental Impacts.”

Unique or extraordinary Magnitude: The problems impacts, costs, and difficulties discussed above would be truly unusual, unique, and of extraordinary magnitude when compared with the proposed use of the Section 4(f) property.

VI. MEASURES TO MINIMIZE HARM

Per FHWA guidance, programmatic section 4(f) evaluation and approval may be used only for projects where the Administration, in accordance with this evaluation, ensures that the proposed action includes all possible planning to minimize harm, includes appropriate mitigation measures, and that the official(s) with jurisdiction agree in writing. Measures to minimize harm will consist of expanding and landscaping the park. The 0.15 acres (6,543 square feet) taken on the south and west sides of the park will be replaced with 0.60 acres (26,160 square feet) on the north side of the park. Landscaping of the park will be included as part of the project. Los Alamos County has concurred that such measures will result in a net benefit to the Section 4(f) property (correspondence attached).

VII. COORDINATION

Per FHWA guidance, the use of this programmatic evaluation and approval is conditioned upon continued coordination with Los Alamos County. See attached letters between the NMDOT and Los Alamos County which document the County’s concurrence with the proposed action. The land exchange required by the proposed action, as well as finalization of the mitigation measures, will be developed through a subsequent agreement between the NMDOT and the County, as part of the standard right-of-way process.

VIII. APPROVAL PROCEDURES

Per FHWA guidance, approval of this Programmatic Section 4(f) Evaluation by the Administration provides determination of the following:

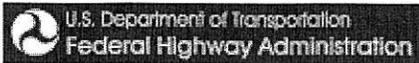
1. *Determines that the project meets the applicability criteria set forth in the Applicability section.*
 - See above under “Applicability of Programmatic Section 4(f) Evaluation.”
2. *Determines that all of the alternatives set forth in the Findings section have been fully evaluated.*
 - See above under “Alternatives and Findings.”
3. *Determines that the findings in this document (which conclude that the alternative recommended is the only feasible and prudent alternative) result in a clear net benefit to the Section 4(f) property*
 - See above under “Alternatives and Findings.”

4. *Determines that the project complies with the Mitigation and Measures to Minimize Harm section of this document.*
 - See above under “Measures to Minimize Harm.”
5. *Determines that the coordination and public involvement efforts required by this programmatic evaluation have been successfully completed and necessary written agreements have been obtained.*
 - See above under “Coordination.”
6. *Documents the information that clearly identifies the basis for the above determinations and assurances.*
 - A full copy of this approved Programmatic Section 4(f) Evaluation, including all attachments, will be provided to the FHWA for its project file.

APPROVAL:

Approval of this Programmatic Section 4(f) Evaluation by the FHWA Administrator provides a final determination that there is no prudent and feasible alternative to the use of the 4(f) property, that the project includes all possible planning to minimize harm, and that the use of the 4(f) property will result in a net benefit to the 4(f) property.

FHWA approval of this Programmatic Section 4(f) Evaluation is included with the approval of the Environmental Assessment for the NM 502 Improvement Project: Project No.: TPO-502-1(8) 02; CN 3407.



[FHWA Home](#) | [Feedback](#)

Environment

FHWA > HEP > Environment > Toolkit Home

- [TOOLKIT HOME](#)
- [Planning and Environment](#)
- [Streamlining/Stewardship](#)
- [Project Development](#)
- [Historic Preservation](#)
- [Environmental Guidebook](#)
- [Environmental Competency Building](#)
- [Re: NEPA](#)

Project Development

Section 4(f)

Section 4(f) Evaluation and Approval for Transportation Projects That Have a Net Benefit to a Section 4(f) Property

Overview

NEPA Implementation

NEPA and Transportation Decisionmaking

NEPA Documentation

- **Section 4(f)**
 - 4(f) Regulations
 - 4(f) Policy Paper
 - 4(f) Evaluation
 - 4(f) Programmatic Evaluations

[More Information](#)

[Website Feedback](#)

This nationwide programmatic Section 4(f) evaluation (programmatic evaluation) has been prepared for certain federally assisted transportation improvement projects on existing or new alignments that will use property of a Section 4(f) park, recreation area, wildlife or waterfowl refuge, or historic property, which in the view of the Administration and official(s) with jurisdiction over the Section 4(f) property, the use of the Section 4(f) property will result in a net benefit to the Section 4(f) property.

Definitions:

"Administration" refers to the Federal Highway Division Administrator or Division Engineer (as appropriate).

"Applicant" refers to a State Highway Agency or State Department of Transportation, local governmental agency acting through the State Highway Agency or State Department of Transportation.

A "net benefit" is achieved when the transportation use, the measures to minimize harm and the mitigation incorporated into the project results in an overall enhancement of the Section 4(f) property when compared to both the future do-nothing or avoidance alternatives and the present condition of the Section 4(f) property, considering the activities, features and attributes that qualify the property for Section 4(f) protection. A project does not achieve a "net benefit" if it will result in a substantial diminishment of the function or value that made the property eligible for Section 4(f) protection.

"Official(s) with jurisdiction" over Section 4(f) property (typically) include: for a park, the Federal, State or local park authorities or agencies that own and/or manage the park; for a refuge, the Federal, State or local wildlife or waterfowl refuge owners and managers; and for historic sites, the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO), whichever has jurisdiction under Section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

Applicability

The Administration is responsible for review of each transportation project for which this programmatic evaluation is contemplated to determine that it meets the criteria and procedures of this programmatic evaluation. The information and determination will be included in the applicable National Environmental Policy Act (NEPA) documentation and administrative record. This programmatic evaluation will not change any existing procedures for NEPA compliance, public involvement, or any other applicable Federal environmental requirement.

This programmatic evaluation satisfies the requirements of Section 4(f) for projects meeting the applicability criteria listed below. An individual Section 4(f) evaluation will not

need to be prepared for such projects:

1. The proposed transportation project uses a Section 4(f) park, recreation area, wildlife or waterfowl refuge, or historic site.
2. The proposed project includes all appropriate measures to minimize harm and subsequent mitigation necessary to preserve and enhance those features and values of the property that originally qualified the property for Section 4(f) protection.
3. For historic properties, the project does not require the major alteration of the characteristics that qualify the property for the National Register of Historic Places (NRHP) such that the property would no longer retain sufficient integrity to be considered eligible for listing. For archeological properties, the project does not require the disturbance or removal of the archaeological resources that have been determined important for preservation in-place rather than for the information that can be obtained through data recovery. The determination of a major alteration or the importance to preserve in-place will be based on consultation consistent with 36 CFR part 800.
4. For historic properties, consistent with 36 CFR part 800, there must be agreement reached amongst the SHPO and/or THPO, as appropriate, the FHWA and the Applicant on measures to minimize harm when there is a use of Section 4(f) property. Such measures must be incorporated into the project.
5. The official(s) with jurisdiction over the Section 4(f) property agree in writing with the assessment of the impacts; the proposed measures to minimize harm; and the mitigation necessary to preserve, rehabilitate and enhance those features and values of the Section 4(f) property; and that such measures will result in a net benefit to the Section 4(f) property.
6. The Administration determines that the project facts match those set forth in the Applicability, Alternatives, Findings, Mitigation and Measures to Minimize Harm, Coordination, and Public Involvement sections of this programmatic evaluation.

This programmatic evaluation can be applied to any project regardless of class of action under NEPA.

Alternatives

To demonstrate that there are no feasible and prudent alternatives to the use of Section 4 (f) property, the programmatic evaluation analysis must address alternatives that avoid the Section 4(f) property. The following alternatives avoid the use of the Section 4(f) property:

1. Do nothing.
2. Improve the transportation facility in a manner that addresses the project's purpose and need without a use of the Section 4(f) property.
3. Build the transportation facility at a location that does not require use of the Section 4(f) property.

This list is intended to be all-inclusive. The programmatic evaluation does not apply if a feasible and prudent alternative is identified that is not discussed in this document. The project record must clearly demonstrate that each of the above alternatives was fully evaluated before the Administration can conclude that the programmatic evaluation can be applied to the project.

Findings

For this programmatic evaluation to be utilized on a project there must be a finding, given the present condition of the Section 4(f) property, that the do-nothing and avoidance alternatives described in the Alternatives section above are not feasible and prudent. The findings (1, 2, and 3. below) must be supported by the circumstances, studies,

consultations, and other relevant information and included in the administrative record for the project. This supporting information and determination will be documented in the appropriate NEPA document and/or project record consistent with current Section 4(f) policy and guidance.

To support the finding, adverse factors associated with the no-build and avoidance alternatives, such as environmental impacts, safety and geometric problems, decreased transportation service, increased costs, and any other factors may be considered collectively. One or an accumulation of these kinds of factors must be of extraordinary magnitude when compared to the proposed use of the Section 4(f) property to determine that an alternative is not feasible and prudent. The net impact of the do-nothing or build alternatives must also consider the function and value of the Section 4(f) property before and after project implementation as well as the physical and/or functional relationship of the Section 4(f) property to the surrounding area or community.

1. Do-Nothing Alternative.

The Do-Nothing Alternative is not feasible and prudent because it would neither address nor correct the transportation need cited as the NEPA purpose and need, which necessitated the proposed project.

2. Improve the transportation facility in a manner that addresses purpose and need without use of the Section 4(f) property.

It is not feasible and prudent to avoid Section 4(f) property by using engineering design or transportation system management techniques, such as minor location shifts, changes in engineering design standards, use of retaining walls and/or other structures and traffic diversions or other traffic management measures if implementing such measures would result in any of the following:

- Substantial adverse community impacts to adjacent homes, businesses or other improved properties; or
- Substantially increased transportation facility or structure cost; or
- Unique engineering, traffic, maintenance or safety problems; or
- Substantial adverse social, economic or environmental impacts; or
- A substantial missed opportunity to benefit a Section 4(f) property; or
- Identified transportation needs not being met; and
- Impacts, costs or problems would be truly unusual, unique or of extraordinary magnitude when compared with the proposed use of Section 4(f) property after taking into account measures to minimize harm and mitigate for adverse uses, and enhance the functions and value of the Section 4(f) property.

Flexibility in the use of applicable design standards is encouraged during the analysis of these feasible and prudent alternatives.

3. Build a new facility at a new location without a use of the Section 4(f) property. It is not feasible and prudent to avoid Section 4(f) property by constructing at a new location if:

- The new location would not address or correct the problems cited as the NEPA purpose and need, which necessitated the proposed project; or
- The new location would result in substantial adverse social, economic or environmental impacts (including such impacts as extensive severing of productive farmlands, displacement of a substantial number of families or businesses, serious disruption of community cohesion, jeopardize the continued existence of any endangered or threatened species or resulting in the destruction or adverse modification of their designated critical habitat, substantial damage to wetlands or other sensitive natural areas, or greater impacts to other Section 4(f) properties); or
- The new location would substantially increase costs or cause substantial

- engineering difficulties (such as an inability to achieve minimum design standards or to meet the requirements of various permitting agencies such as those involved with navigation, pollution, or the environment); and
- o Such problems, impacts, costs, or difficulties would be truly unusual or unique or of extraordinary magnitude when compared with the proposed use of the Section 4(f) property after taking into account proposed measures to minimize harm, mitigation for adverse use, and the enhancement of the Section 4(f) property's functions and value.

Flexibility in the use of applicable design standards is encouraged during the analysis of feasible and prudent alternatives.

Mitigation and Measures To Minimize Harm

This programmatic evaluation and approval may be used only for projects where the Administration, in accordance with this evaluation, ensures that the proposed action includes all possible planning to minimize harm, includes appropriate mitigation measures, and that the official(s) with jurisdiction agree in writing.

Coordination

In early stages of project development, each project will require coordination with the Federal, State, and/or local agency official(s) with jurisdiction over the Section 4(f) property. For non-Federal Section 4(f) properties, i.e., State or local properties, the official(s) with jurisdiction will be asked to identify any Federal encumbrances. When encumbrances exist, coordination will be required with the Federal agency responsible for such encumbrances.

Copies of the final written report required under this programmatic evaluation shall be offered to the official(s) with jurisdiction over the Section 4(f) property, to other interested parties as part of the normal NEPA project documentation distribution practices and policies or upon request.

Public Involvement

The project shall include public involvement activities that are consistent with the specific requirements of 23 CFR 771.111, Early coordination, public involvement and project development. For a project where one or more public meetings or hearings are held, information on the proposed use of the Section 4(f) property shall be communicated at the public meeting(s) or hearing(s).

Approval Procedure

This programmatic evaluation approval applies only after the Administration has:

1. Determined that the project meets the applicability criteria set forth in Applicability section;
2. Determined that all of the alternatives set forth in the Findings section have been fully evaluated;
3. Determined that the findings in the programmatic evaluation (which conclude that the alternative recommended is the only feasible and prudent alternative) result in a clear net benefit to the Section 4(f) property;
4. Determined that the project complies with the Mitigation and Measures to Minimize Harm section of this document;
5. Determined that the coordination and public involvement efforts required by this programmatic evaluation have been successfully completed and necessary written agreements have been obtained; and

6. Documented the information that clearly identifies the basis for the above determinations and assurances.

[FR Doc. 05-7812 Filed 4-19-05; 8:45 am]

BILLING CODE 4910-22-P

For additional information, view the Preamble on the Federal Register's website
<http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-7812.htm>.



[FHWA Home](#) | [About Us](#) | [HEP Home](#) | [Site Map](#) | [Privacy Policy](#) | [Feedback](#)

United States Department of Transportation - **Federal Highway Administration**



New Mexico DEPARTMENT OF
TRANSPORTATION
 MOBILITY FOR EVERYONE

RECEIVED

2006 OCT 26 PM 2:13

LOS ALAMOS COUNTY
 ADMINISTRATOR'S OFFICE

October 19, 2006

Max Baker, Administrator
 Los Alamos County
 P.O. Box 30
 Los Alamos, New Mexico 87544

RE: NM 502 (Trinity Drive) Improvement Project
 NMDOT Project No.: TPO-502-1(8)02, CN 3407

Dear Mr. Baker:

The New Mexico Department of Transportation (NMDOT) in cooperation with the Federal Highway Administration and Los Alamos County propose improvements to NM 502 (Trinity Drive) in Los Alamos, New Mexico. The project limits are bounded by Knecht Street on the west and Tewa Loop on the east. A project vicinity map is attached.

Bill Richardson
 Governor

The purpose of the project is to improve traffic flow and reduce congestion; improve sight distance and vehicle turning movements at the intersections; provide provisions for pedestrians and bicyclists; manage access; improve drainage; and provide connectivity to existing facilities.

Rhonda G. Faught P.E.
 Cabinet Secretary

The project is needed because NM 502 is presently composed of various typical sections, which cause confusion for drivers' expectations; the existing pavement requires rehabilitation; current sidewalks are not compliant with the Americans with Disabilities Act; there are safety concerns at the intersections; and the existing drainage system requires improvement.

Commission

The project scope includes realigning the intersections of NM 502/Central Avenue/4th Street and NM 502/DP Road. The project will also include the resurfacing of NM 502 from Knecht Street to DP Road, reconstruction and the addition of a continuous left turn lane from the Central Avenue intersection to Tewa Loop, closure of Canyon Road, utility and storm drain improvements and upgrades throughout the corridor, installation of a new signal and lighting at the new NM 502/Central Avenue/4th Street intersection, and replacement of lighting as required throughout the corridor.

Johnny Cope
 Chairman
 District 2

David Schutz
 Vice Chairman
 District 5

The realignment of the NM 502/Central Avenue/4th Street intersection will impact the "pocket park" located in the island between NM 502 and Central Avenue, east of the Hilltop Hotel. The impacts to this island include taking 0.15 acres [6,543 square feet (sf)] of the park on the south and west sides of the park and adding 0.60 acres (26,160 sf) to the north side of the park. The property taken from the south and west side of the park is owned by Los Alamos County and is needed to construct a westbound to northbound right-turn lane. The section of existing Central Avenue from 4th Street to NM 502 is right-of-way owned by the NMDOT and Los Alamos County and will be obliterated. The resulting property will be available for the expansion of the park. Property survey and ownership research is being conducted to verify ownership of all properties involved. The park will be reconstructed, as part of this project, by the NMDOT. Compensation for property and park reconstruction will be based on appraisal and negotiated agreements between the NMDOT and Los Alamos County.

Gregory T. Ortiz
 Secretary
 District 6

Norman Assed
 Commissioner
 District 3

Jim Franken
 Commissioner
 District 4

John Hummer
 Commissioner
 District 1

Although this "pocket park" is not designated as an official city park, it is being used as such. Therefore, the pocket park is a protected resource under Section 4(f) of the Department of



NEW MEXICO DEPARTMENT OF
TRANSPORTATION
MOBILITY FOR EVERYONE

Transportation Act of 1966, as amended. The use of this park for transportation purposes can be authorized under a Programmatic Section 4(f) Evaluation and Approval for transportation projects that have a net benefit to a Section 4(f) property.

In order to use the Programmatic Section 4(f) Evaluation and Approval for this federally-assisted transportation improvement project, we request your concurrence with the following (all of which were discussed above):

1. The assessment of the impacts to the park
2. The proposed measures to minimize harm
3. The proposed mitigation necessary to preserve, rehabilitate and enhance the features and values of the park
4. The measures to minimize harm and the proposed mitigation will result in a net benefit to the park

Please contact the NMDOT consultant, Brenda Martinez of Gannett Fleming West, at 820-7020 if you have any questions.

Sincerely,

Steve Reed, Environmental Program Manager
New Mexico Department of Transportation

CONCURRENCE: *per attached letter*

Max Baker, Administrator
Los Alamos County

11/22/06
Date

SR:bm

Enclosure



LOS ALAMOS COUNTY

P.O. Box 30 Los Alamos, NM 87544 (505) 662-8080 Fax (505) 662-8079
Website: www.lac-nm.us

COUNTY COUNCIL

Council Chair
Michael G. Wheeler
Council Vice-Chair
Jim L. West
Councilors
Frances M. Berting
Nona Bowman
Jim Hall
Ken H. Milder
Michael Wismer

COUNTY ADMINISTRATOR

Max H. Baker

COUNTY ATTORNEY

Peter A. Dwyer

November 22, 2006

Mr. Steve Reed
Environmental Program Manager
NM Department of Transportation
P.O. Box 1149
Santa Fe, NM 87504-1149

RE: NM 502 (Trinity Drive) Improvement Project

Dear Mr. Reed:

Los Alamos County is in receipt of your letter dated October 19, 2006 requesting concurrence on your analysis to utilize Section 4(f) of the Department of Transportation Act of 1966, as amended to handle the circumstances related to the park in the island of NM 502 and Central Avenue.

The County provides this concurrence based on our understanding that it does **not** result in any exchange of land or finalization of the mitigation plan, and that there will be a future agreement to be negotiated between Los Alamos County and the New Mexico Department of Transportation that will be subject to rules and regulations appropriate to that agreement.

We feel that this is an important project and look forward to working with the Department of Transportation to make it a reality. If you have questions please direct them to our County Engineer, Ted Garcia at 662-8150.

Sincerely yours,

Max H. Baker
County Administrator

MHB/gc

Attachment as stated

Cc: Anthony Mortillaro, Asst. County Administrator
Kyle Zimmerman, Public Works Director
Ted Garcia, County Engineer
Dick McIntyre, Parks Manager