

4. Section 4(f) and Section 6(f) Resources

Section 4(f) resources are certain publicly owned parks, recreation areas, wildlife or waterfowl refuges, and public or private historic sites that require special analyses before FHWA can approve or fund a transportation project that uses land from these resources. Although these requirements are now codified at 23 U.S.C. §138 and 49 U.S.C. §303, these properties are still commonly referred to as Section 4(f) resources because the requirements originated in Section 4(f) of the *Department of Transportation Act of 1966* (Pub. L. 89-670, 80 Stat. 931). FHWA's Section 4(f) regulations, entitled *Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites*, are codified at 23 CFR Part 774. Section 6(f) of the Land and Water Conservation Fund Act of 1965 protects properties acquired or developed with Land and Water Conservation funds. Section 6(f) prohibits the conversion of recreation property acquired or developed with these funds to a non-recreation purpose without the approval of NPS. Requirements for considering the conversion of Section 6(f) properties to a non-recreation purpose is codified in 36 C.F.R. 59.3. **Appendix B, Applicable Laws and Regulations**, describes the policies, laws, and regulations applicable to this Section 4(f) and Section 6(f) analysis.

Section 4(f) resources include:

- Public parks and recreation areas of national, state, or local significance.
- Public wildlife and waterfowl refuges of national, state, or local significance.
- Public or private historic sites on or eligible for inclusion in the NRHP as determined by the SHPO or Tribal Historic Preservation Officer for sites on tribal lands.
- Public or private archaeological sites on or eligible for inclusion in the NRHP that warrant preservation in place.

According to Section 4(f), the Secretary of Transportation may approve a transportation program or project requiring the use of a Section 4(f) resource only if: (1) there is no prudent and feasible alternative to using the land; and (2) the program or project includes all possible planning to minimize harm to the Section 4(f) resource(s) (23 CFR 774.3(a)). Or, as explained further in **Appendix B, Applicable Laws and Regulations**, FHWA may make a finding that the project has a *de minimis* impact on the Section 4(f) resource (23 CFR 774.3(b)). A *de minimis* impact involves the use of Section 4(f) property that is generally minor in nature, and is one that, after taking into account avoidance, minimization, mitigation and enhancement measures, results in no adverse effect to the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f) (23 CFR 774.3(b) and 23 CFR 774.17). For historic properties, a *de minimis* impact is one that results in a Section 106 determination of "No Adverse Effect" or "no historic properties affected." (23 CFR 774.17) As discussed in Section 3.3.1 of FHWA's Section 4(f) Policy Paper, a *de minimis* impact determination is not an evaluation of alternatives and does not require analysis of feasible and prudent avoidance alternatives.¹ A *de minimis* impact determination must be supported with sufficient information to demonstrate the *de minimis* impact and coordination criteria are satisfied (23 CFR 774.7(b)).

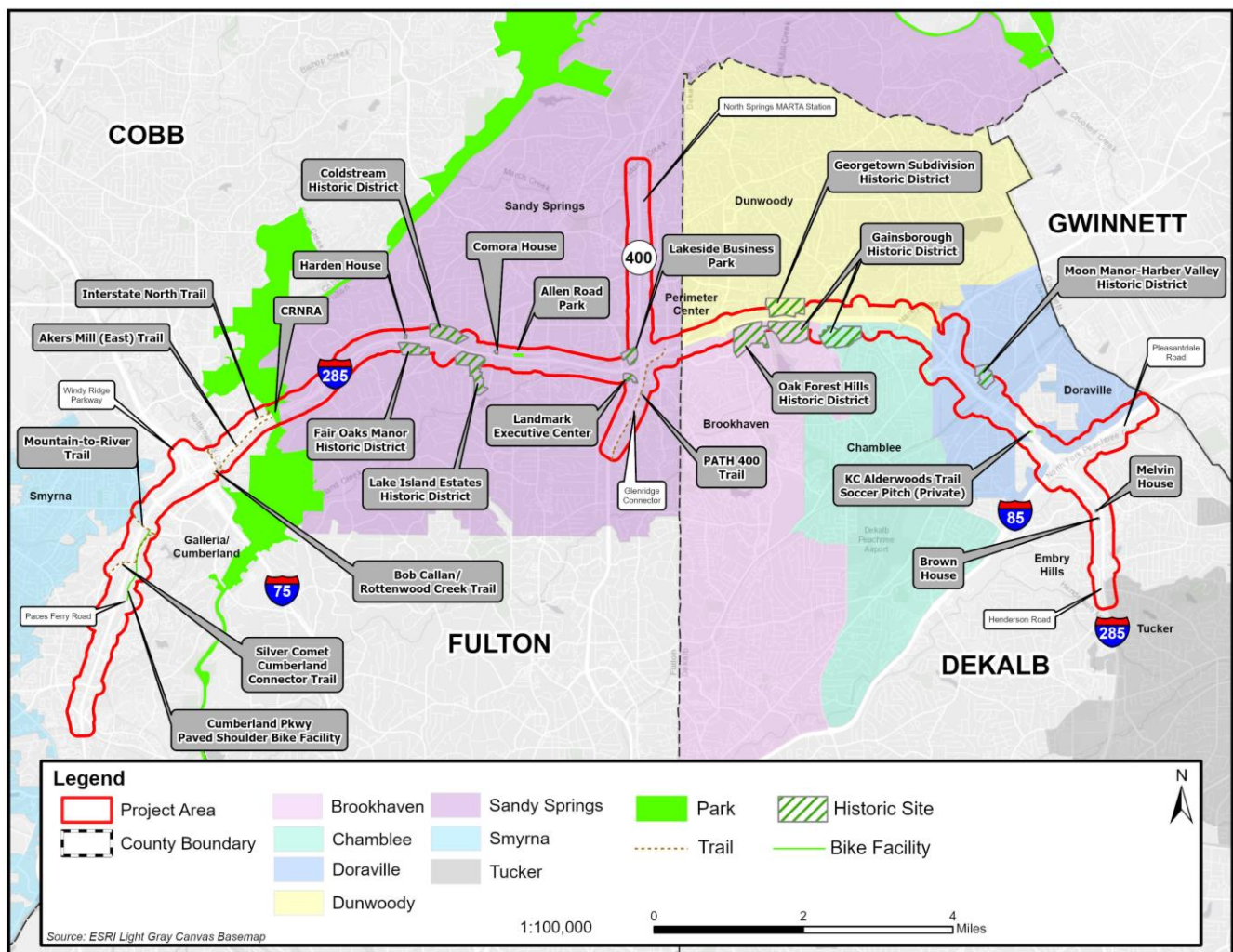
¹ Evaluating only the Preferred Alternative in this chapter is appropriate because of the *de minimis* determinations.

1 This chapter identifies Section 4(f) and 6(f) resources, describes impacts or “uses,” and discusses avoidance,
 2 minimization, and mitigation measures, as applicable. This chapter also summarizes coordination with official(s)
 3 with jurisdiction over these resources.

4 4.1 Affected Environment

5 This section describes the relevant Section 4(f) and Section 6(f) resources and notes key information about each
 6 identified resource, including: type of resource, official with jurisdiction, property ownership, applicable existing
 7 clauses affecting the ownership, primary function of the property, location, size, access, and characteristics of the
 8 resource. **Exhibit 4-1** shows the general location of the recreation sites and trails and NRHP-eligible sites.

9 [Exhibit 4-1: Recreation Sites and Trails and NRHP-eligible Sites within the Study Area](#)



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4.1.1 Section 4(f) Resources

4.1.1.1 Park and Recreational Areas

Desktop research and analysis identified Section 4(f) resources within the 500-foot buffer Study Area. In addition, the Proposed Project team conducted site visits and coordinated with local and state officials.

Ten park and recreation sites were identified within the Study Area, as documented in **Section 3.2, Community Facilities, Neighborhoods, and Cities**. Of those, there are potential Section 4(f) impacts at six sites, including one NPS recreation area (CRNRA/CRNWT) and five trails (Bob Callan/Rottenwood Creek Trail, Interstate North Trail, Mountain-to-River Trail, Silver Comet Cumberland Trail, and PATH400 Trail [under construction]). There would be no Section 4(f) involvement with four sites (Cumberland Parkway Paved Shoulder Bike Facility, Allen Road Park, KRC Alderwood Trails Soccer Pitch, and Akers Mill Road [East] Trail²); therefore, these properties are not discussed in this chapter.

CRNRA/CRNWT: The CRNRA is composed of a 48-mile stretch of the Chattahoochee River, as well as a series of parklands along this stretch. This recreation area is open to the public, as the primary purpose of the facility is for recreational use, and it is a significant recreational resource to the community. The CRNWT is part of the CRNRA and consists of the Chattahoochee River as it flows through the CRNRA. The water trail has multiple river access points with restroom facilities for visitors throughout the CRNRA. The CRNRA Cochran – Powers Island Unit and the Cochran Shoals – Interstate North Unit are adjacent to the Study Area. NPS reports 644,000 visitors to these units annually.³ The CRNRA is owned and managed by NPS; therefore, NPS is the official with jurisdiction. Based on coordination with NPS and CRNRA Park officials, it was determined that the Chattahoochee River at the I-285 crossing is within the Park’s jurisdictional boundaries; however, it is located within the Georgia DOT ROW.⁴ Because this section of the river is designated as a recreational trail, it is subject to Section 4(f).

Bob Callan/Rottenwood Creek Trail: The 4-mile-long Bob Callan/Rottenwood Creek Trail is a multi-use trail between Interstate North Parkway on the west side of I-285 and the CRNRA West Palisades – Paces Mill Parking Area on the east side of I-285 that provides an accessible route through steep rocky terrain and natural landscapes. It connects to other trails, including Cumberland Trail, Interstate North Parkway Trail, and Akers Mill (East) Trail. In the Study Area, the designated trail is a paved path that runs along the east bank of Rottenwood Creek and under the I-285 bridges. There are no known terrain, flooding, or drainage issues on this trail. The Bob Callan/Rottenwood Creek Trail is owned and managed by Cobb County Department of Parks and Recreation; therefore, Cobb County Department of Parks and Recreation is the official with jurisdiction. In coordination with

² Akers Mill Road (East) Trail is entirely within the I-285 ROW and is not considered a Section 4(f) resource. A 2012 MOU executed by Georgia DOT, Cumberland Community Improvement District, and Cobb County Department of Transportation states that when Georgia DOT widens I-285 or requires the ROW for any other purpose, the impact to Akers Mill Road (East) Trail is not considered a Section 4(f) impact (Memorandum of Understanding: Bob Callan Loop Trail – Phase I, GDOT PI: 0010010/Cobb County Project Number: CCID-1043. Approved February 28, 2012).

³ Georgia Department of Transportation (Georgia DOT). 2021. Re: Georgia Department of Transportation (Georgia DOT) PI No. 0001758 Cobb, Fulton, and DeKalb Counties, I-285 Top End Express Lanes, National Park Service Chattahoochee River National Recreational Area —Section 4(f) Commitment Letter. April 1.

⁴ NPS-managed lands include the water column of the Chattahoochee River; there are no NPS-owned lands adjacent to the proposed bridge footings.

1 Cobb County Department of Parks and Recreation, the Department ascertained that this trail’s primary purpose is
2 recreation and, therefore, is considered a 4(f) property.

3 **Interstate North Trail:** The approximate 1-mile-long Interstate North Trail is a multi-use trail entirely within the
4 Study Area. It is a paved path that begins at Powers Ferry Road on the west side of I-285, extends north along the
5 west side of Interstate North Parkway grade-separated from the roadway, connects to the CRNRA (Interstate
6 North Cochran Shoals Unit) at the Chattahoochee River where it crosses under I-285, and then connects to Akers
7 Mill Road (East) Trail. There are no known terrain, flooding, or drainage issues on this trail. The Interstate North
8 Trail is owned and managed by Cobb County Department of Parks and Recreation; therefore, Cobb County
9 Department of Parks and Recreation is the official with jurisdiction. In coordination with Cobb County
10 Department of Parks and Recreation, the Department ascertained that this trail’s primary purpose is recreation
11 and, therefore, is considered a 4(f) property.

12 **Mountain-to-River Trail:** The approximate 5-mile-long Mountain-to-River Trail is a multi-use trail between the
13 east side of Chattahoochee River to Kennesaw Mountain. It connects to other trails, including Silver Comet Trail,
14 Cumberland Trail, and Bob Callan/Rottenwood Creek Trail. In the Study Area, the designated trail is a paved path
15 on the south side of Cumberland Boulevard SE separate from the roadway. Over I-285, the trail crossing is via a
16 caged bridge south of Cumberland Boulevard SE. There are no known terrain, flooding, or drainage issues on this
17 trail. The Mountain-to-River Trail is owned and managed by Cobb County Department of Parks and Recreation;
18 therefore, Cobb County Department of Parks and Recreation is the official with jurisdiction. In coordination with
19 Cobb County Department of Parks and Recreation, the Department ascertained that this trail’s primary purpose is
20 recreation and, therefore, is considered a 4(f) property.

21 **Silver Comet Cumberland Connector Trail:** The 5-mile-long Silver Comet Cumberland Connector Trail is a
22 multi-use trail that connects to the Silver Comet Trail to the west (which extends to the Georgia/Alabama state
23 line) and to the Mountain-to-River Trail to the east. It connects to other trails, including the Akers Mill West Trail
24 and Cumberland Trail. In the Study Area, the designated trail is a paved path along the west side of Cumberland
25 Parkway SE grade separated from the roadway, crosses I-285 via caged bridge north of Mt. Wilkinson Parkway,
26 and then continues south on the west side of Spring Hill Parkway grade separated from the roadway. There are no
27 known terrain, flooding, or drainage issues on this trail. The Silver Comet Cumberland Connector Trail is owned
28 and managed by Cobb County Department of Parks and Recreation; therefore, Cobb County Department of Parks
29 and Recreation is the official with jurisdiction. In coordination with Cobb County Department of Parks and
30 Recreation, the Department ascertained that this trail’s primary purpose is recreation and, therefore, is considered
31 a 4(f) property.

32 **PATH400 Trail (under construction):** This trail runs along the east side of the SR 400 freeway and, once
33 complete, will provide a continuous 5.2-mile multi-use trail that connects to the Atlanta Beltline to the south and
34 to trails in Sandy Springs and north Fulton County to the north, providing a key link in a regional trail network
35 (City of Sandy Springs, 2019). The portion of trail within this project limits is currently under construction, and
36 while it is within Georgia DOT’s ROW, jurisdiction is held by the City of Sandy Springs; therefore, the City of
37 Sandy Springs is the official with jurisdiction. In coordination with City of Sandy Springs, the City ascertained
38 that this trail’s primary purpose is recreation and, therefore, is considered a 4(f) property.

1 **4.1.1.2 Historic Sites**

2 The Study Area was surveyed for archaeological and historic resources, as documented in **Section 3.5, Historic**
 3 **and Archaeological Resources**. No NRHP-eligible or listed archaeological resources are located within the Area
 4 of Potential Effects; therefore, the Preferred Alternative would not affect archaeological resources listed in or
 5 eligible for the NRHP.

6 No historic properties within the Area of Potential Effects are currently listed in the NRHP. Thirteen properties
 7 are considered eligible for listing in the NRHP by FHWA and the Georgia SHPO (refer to **Exhibit 4-2**).

Exhibit 4-2: Historic Resources Eligible for Listing in the NRHP

Name of Resource	Date of Construction	Type	Section 4(f) Impact?
Fair Oaks Manor Historic District	1960–1972	Residential Historic District	Yes
Coldstream Subdivision Historic District	1960–1973	Residential Historic District	Yes
Lake Island Estates Historic District	1965–1976	Residential Historic District	Yes
Comora House	1957	Ranch House	Yes
Landmark Executive Center	1970	Office Tower	Yes
Oak Forest Hills Historic District	1956–1966	Residential Historic District	Yes
Georgetown Subdivision Historic District	1961-1968	Residential Historic District	No
Gainsborough Historic District	1962–1973	Residential Historic District	Yes
Moon Manor-Harber Valley Historic District	1945-1955	Residential Historic District	No
Lakeside Business Park	1970-1972	Office Complex	Yes
Melvin House	1962	New Traditional Style House	Yes
Brown House	1962	Split Level House	No
Hardin House	1973	New Traditional Style House	Yes

8 *Note: More detailed information about these eligible properties and their areas of significance can be found in the Property Information Forms*
 9 *in **Appendix H-5, Cultural Resources Assessment of Effects Report and Addenda**, and in the Historic Resource Survey Reports on file at*
 10 *the Georgia DOT OES.*

11 Ten of the 13 NRHP-eligible properties have Section 4(f) involvement or impact, in which ROW would be
 12 required, including Fair Oaks Manor Historic District, Coldstream Subdivision Historic District, Lake Island
 13 Estates Historic District, Comora House, Landmark Executive Center, Oak Forest Hills Historic District,
 14 Gainsborough Historic District, Lakeside Business Park, Melvin House, and Hardin House. There is no Section
 15 4(f) involvement or impact, and no ROW would be required from three NRHP-eligible properties (Georgetown
 16 Subdivision Historic District,⁵ Moon Manor-Harber Valley Historic District, and Brown House); therefore, no
 17 further assessment of Section 4(f) use is required for these properties.

⁵ Construction activities of the Preferred Alternative would occur on property purchased in advance by Georgia DOT from the Georgetown Subdivision Historic District for the MMIP Advanced Improvement Project PI 0017125. FHWA made a Section 4(f) de minimis finding for impacts to the Georgetown Subdivision Historic District for that MMIP Project. Details on the effects of the Preferred Alternative on the Georgetown Subdivision Historic District are found in **Section 3.5, Historic and Archaeological Resources**.

4.1.2 Section 6(f) Resources

No Section 6(f) resources will be affected by the Proposed Project.

4.2 Section 4(f) Use and Section 6(f) Conversion

This section summarizes the Proposed Project's impacts to each Section 4(f) and Section 6(f) resource.

4.2.1 Section 4(f) Direct Use

As defined in 23 CFR 774.17 and described in **Appendix B, Applicable Laws and Regulations**, a “use” of a Section 4(f) resource occurs: (1) When land is permanently incorporated into a transportation facility; (2) When there is a temporary occupancy of land that is adverse in terms of the statute's preservation purpose as determined by the criteria in 23 CFR 774.13(d); or (3) When there is a constructive use of a Section 4(f) property as determined by the criteria in 23 CFR 774.15. Temporary occupancies of land are considered a “use” if they do not meet the five criteria in 23 CFR 774.13(d). Temporary occupancies of land that do meet the five criteria are considered so minimal they do not meet the definition of “use” and are exempt from requiring Section 4(f) approval. These five criteria are:

- (1) Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land.
- (2) Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal.
- (3) There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis.
- (4) The land being used must be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the project.
- (5) There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

Under the No-Build Alternative, there would be no potential for a direct use to occur, as no construction would take place; therefore, Section 4(f) resources would be avoided.

The Preferred Alternative would have permanent and temporary impacts to three of the six recreation areas and temporary impacts to the other three recreation areas. FHWA has made a preliminary determination that the Preferred Alternative's permanent and temporary impacts to the three recreation areas qualify as *de minimis* use as defined in 23 CFR 774.17, and the temporary impacts to the other three recreation areas meet the five temporary occupancy criteria defined in 23 CFR 774.13(d). The Preferred Alternative would also require small strips of ROW from 10 NRHP-eligible historic properties for which FHWA has made a preliminary *de minimis* impact finding as defined in 23 CFR 774.17.

Impacts to each Section 4(f) resource are presented only for the Preferred Alternative; impacts by the other Build Alternatives are not presented as *de minimis* impact findings and temporary occupancy exceptions do not require

1 analysis of feasible and prudent avoidance alternatives (Section 3.3.1 of FHWA’s Section 4(f) Policy Paper and
 2 23 CFR 774.13(d), respectively). However, during the PAR, recreation areas and historic sites were included in
 3 the comparative analysis of the Build Alternatives’ impacts to sensitive resources and the Preferred Alternative
 4 was determined to have the least impact on such resources (refer to **Sections 2.4.2.3** and **2.5.2** and
 5 **Appendix F-G, Practicable Alternatives Review** for further information on the PAR).

6 **4.2.1.1 Park and Recreational Areas**

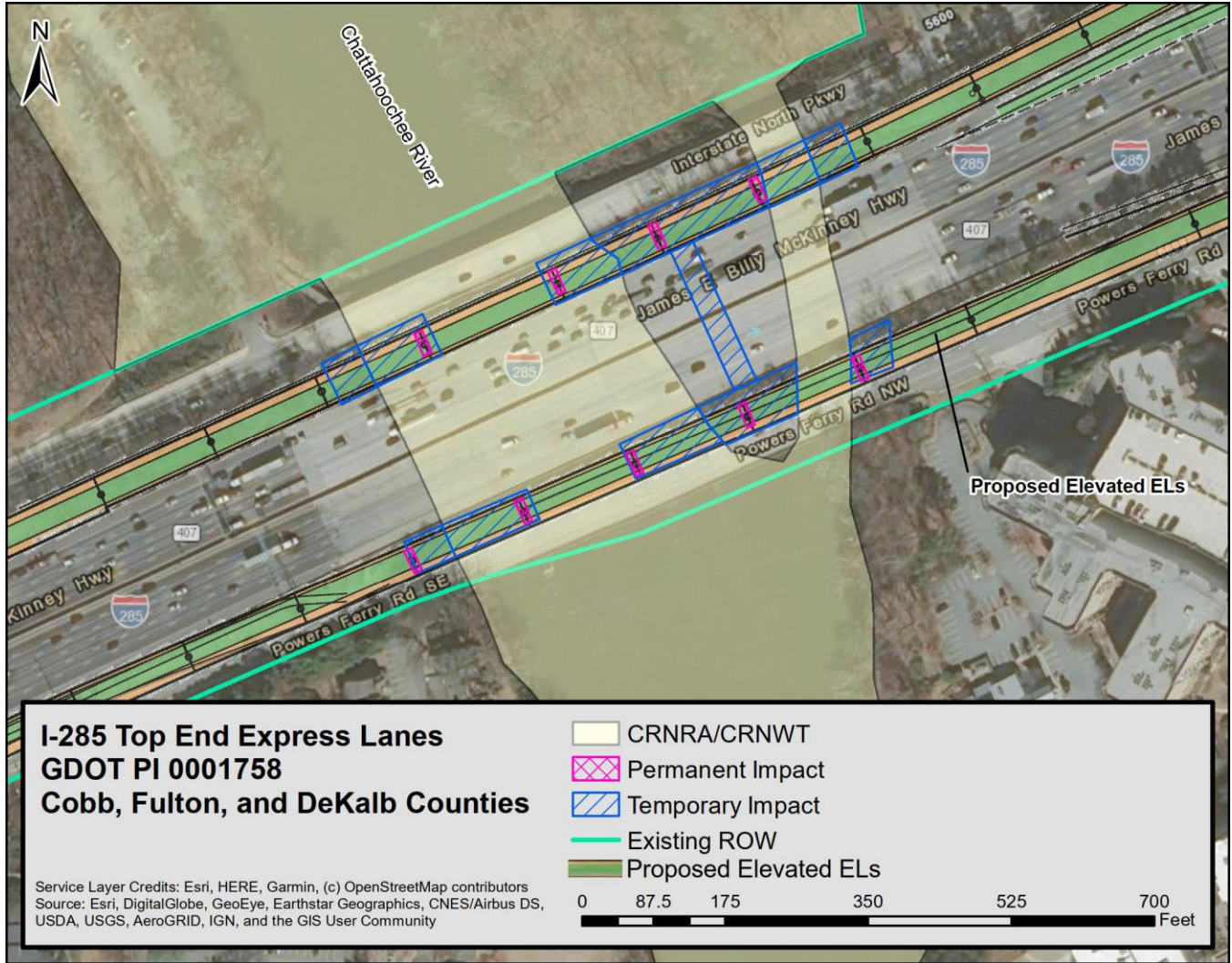
7 **Exhibit 4-3** summarizes 4(f) involvement, or impact, to recreation areas. The write ups that follow **Exhibit 4-3**
 8 detail the Preferred Alternative’s impacts to each recreation area, and how they meet either the *de minimis* use
 9 definition or temporary occupancy exception. Officials with jurisdiction over Section 4(f) recreation areas must
 10 provide written concurrence on *de minimis* impact and temporary occupancy exception findings (23 CFR
 11 774.5(b)(2)(ii) and 23 CFR 774.17(d)(5), respectively). Results of coordination with each site’s official with
 12 jurisdiction are found at the end of each site write up and are summarized in **Exhibit 4-18** in **Section 4.3,**
 13 **Coordination and Consultation.**

14 **Exhibit 4-3: Section 4(f) Impact for Recreation Areas**

Site	Official with Jurisdiction	Project Impact
CRNRA/CRNWT	NPS	<ul style="list-style-type: none"> • Permanent use of 0.03-acre of the Chattahoochee River water column and riverbed • Temporary use of 0.4-acre of the Chattahoochee River water column
Bob Callan/Rottenwood Creek Trail	Cobb County Department of Parks and Recreation	<ul style="list-style-type: none"> • Permanent 0.3-acre property strip of ROW • Temporary, short-duration nighttime closures during construction
Interstate North Trail	Cobb County Department of Parks and Recreation	<ul style="list-style-type: none"> • No permanent ROW or easement required • Temporary, short-duration nighttime closures during construction
Mountain-to-River Trail	Cobb County Department of Parks and Recreation	<ul style="list-style-type: none"> • No permanent ROW or easement required • Temporary, short-duration nighttime closures during construction
Silver Comet Cumberland Connector Trail	Cobb County Department of Parks and Recreation	<ul style="list-style-type: none"> • No permanent ROW or easement is required • Temporary, short-duration nighttime closures during construction
PATH400 Trail (under construction)	City of Sandy Springs	<ul style="list-style-type: none"> • Permanent relocation and reconstruction of 1,600 LF of trail approximately 25 to 50 feet east of its location • Temporary, short-duration nighttime closures during construction

15 **CRNRA/CRNWT (Exhibit 4-4):** In the vicinity of the CRNRA, the Preferred Alternative would involve
 16 construction of ELs (primarily elevated) outside the existing I-285 GP lanes. The ELs would be built on new
 17 bridges over the Chattahoochee River, between I-285 and the Interstate North Parkway and Powers Ferry frontage
 18 roads. The Preferred Alternative would require the permanent use of approximately 0.03 acre of the
 19 Chattahoochee River water column and riverbed for the placement of footers in the Chattahoochee River.
 20 The impact to the river’s water necessitates NPS coordination. No physical facilities or functions of the river are
 21 affected by use of the 0.03 acre in the riverbed for placement of the pier footers. Additionally, the Preferred
 22 Alternative would require the temporary use of approximately 0.4 acre of the Chattahoochee River water column
 23 for the construction of jetties to allow machinery and personnel access to the bridge bents from the riverbank.

1 Exhibit 4-4: Chattahoochee River National Recreation Area



2

3 To reduce impacts at the Chattahoochee River Crossing, elevated ELs were selected over at-grade ELs.
 4 New bridge piers would be constructed adjacent to, and in line with (to the extent feasible), the existing bridge
 5 piers so as to not obstruct the Chattahoochee River channel more than existing conditions. With these measures,
 6 the Preferred Alternative would not adversely affect the recreational use of the CRNWT.

7 The Preferred Alternative would result in limited access to the CRNWT during construction. To minimize
 8 construction-related impacts to recreation users of the CRNWT, construction would be staged to avoid restricting
 9 recreational use of the portion of the Chattahoochee River within the Proposed Project Area. At no time would
 10 construction activities completely restrict use of the subject portion of the CRNWT. Georgia DOT will limit work
 11 that would affect access to the Chattahoochee River by recreation users during peak recreational months (May
 12 through September).

1 All phases of construction operations would temporarily contribute to air pollution. The Rules and Regulations for
2 Air Quality Control outlined in Chapter 391-3-1, Rules of GAEPD, would be followed during the construction of
3 the project (detailed in **Appendix H-8, Air Quality Impact Assessment**).

4 Construction activities would also lead to temporary increases in noise levels at various times. Given the
5 limitations of this area and the proximity to trails and the Chattahoochee River, it is assumed that construction-
6 related noise will occur for park users. The Developer will be required to develop a noise abatement plan and take
7 measures to minimize or prevent adverse construction noise impacts in the Project Area during construction
8 (**Environmental Commitments Table No. E-41**; see also **Appendix H-9, Noise Impact Assessment**, as well as
9 the Section 4(f) concurrence letter request in Section 4(f) Correspondence within **Appendix M, Agency**
10 **Correspondence**).

11 On April 1, 2021, Georgia DOT requested NPS' concurrence with a determination of No Adverse Effect, which
12 would allow FHWA to reach a *de minimis* determination as defined in 23 CFR 774.17. To compensate for the
13 impact to NPS jurisdictional waters, visitor access, recreational use, and wetlands, Georgia DOT has agreed to
14 commitments outlined in the Draft Statement of Findings for Wetlands and Floodplain Management (refer to
15 **Appendix H-11, NPS Statement of Findings**) and in the *de minimis* Section 4(f) concurrence letter request (refer
16 to Section 4(f) Correspondence in **Appendix M, Agency Correspondence**). These include:

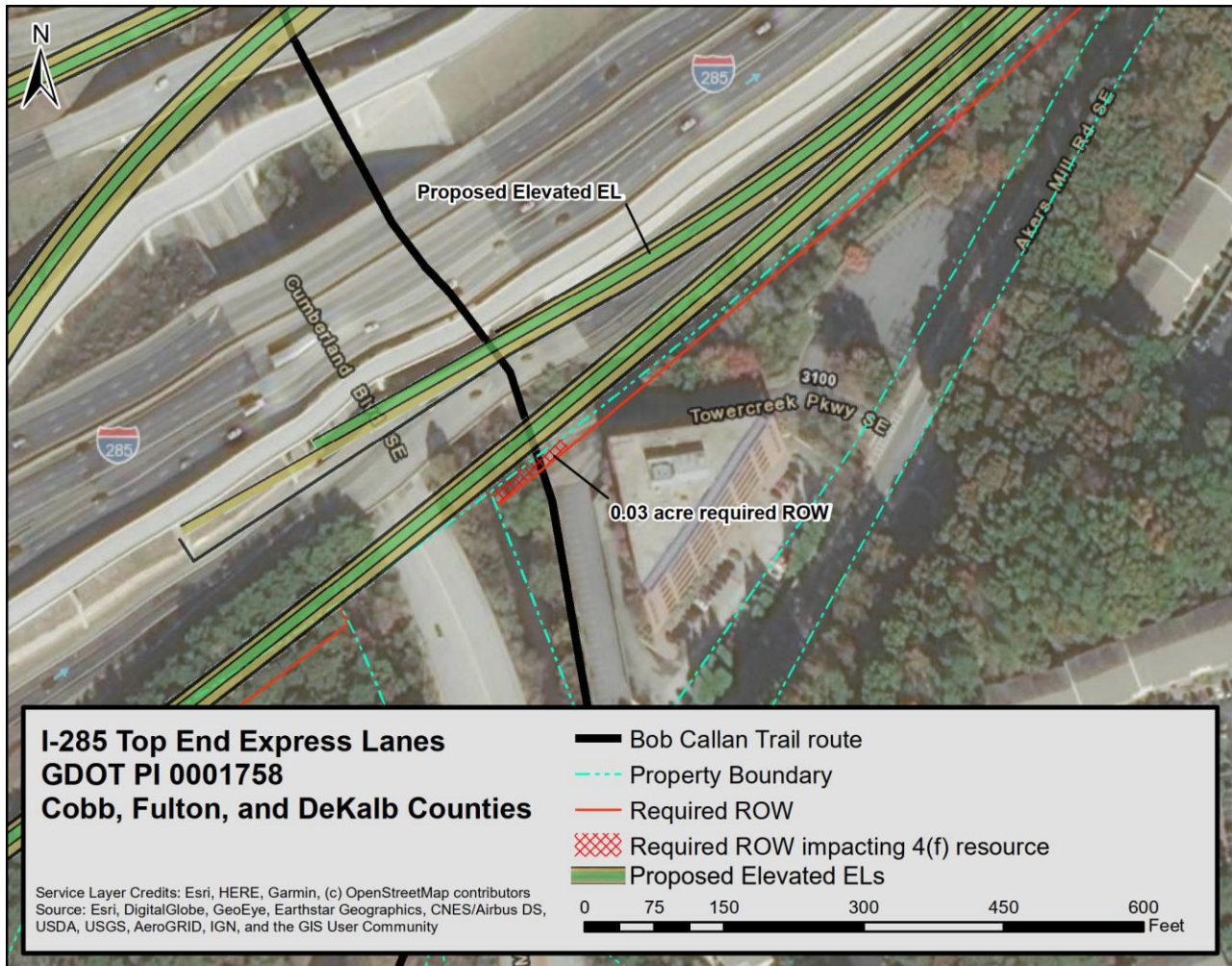
- 17 • Mitigating for the temporary loss of enjoyment at the CRNRA during construction activities associated
18 with the bridge over the Chattahoochee River with an in-lieu fee payment of \$2,361,931 and mitigating
19 for impacts to the Chattahoochee River, classified as wetlands by the NPS, with an in-lieu fee payment of
20 \$96,500 prior to commencement of project construction in NPS-managed waters.
- 21 • Minimizing effects to NPS lands and the Chattahoochee River during construction through use of
22 measures that reduce erosion, unintentional construction access, sedimentation, bank destabilization,
23 scouring, and spread of invasive species.
- 24 • Coordinating with NPS to develop and implement a Safety and Communications Plan that would detail
25 replanting and rehabilitation of the disturbed parkland, advanced notice of construction activities for
26 recreational visitors to the NPS properties, warning signs and restrictions to the construction site by
27 visitors during construction, permanent riverbank stabilization methods and aesthetics, regular field
28 inspections to monitor effectiveness of best management practices.
- 29 • Applying for a Special Use Permit to the CRNRA for areas designated as temporary easements and not
30 commencing construction on NPS-managed lands until the permit is approved and coordinated.
- 31 • Limiting work within the Chattahoochee River during peak recreational months (May through September)
32 as practicable by the construction activities and schedule.
- 33 • Limiting work from jetties in the Chattahoochee River during certain times of the year and ensuring their
34 use does not cause scouring or flooding concerns.
- 35 • Ensuring construction does not cause long-term effects to the Chattahoochee River by designing the
36 bridge across the river with a closed deck drainage systems to ensure there is no direct discharge of
37 stormwater runoff from the bridge decks onto the Chattahoochee River, implementing post-construction
38 stormwater management best management practices, and restoring the riverbed to preconstruction
39 conditions after the project has been constructed.

- Responding promptly to concerns raised by NPS on safety concerns or environmental degradation and direct and indirect damages to the CRNRA caused by construction of the project.

These commitments are also included in **Appendix P, Environmental Mitigation Plan**. Coordination and consultation are discussed in **Section 4.3, Coordination and Consultation**.

Bob Callan/Rottenwood Creek Trail (Exhibit 4-5): In the vicinity of the Bob Callan/Rottenwood Creek Trail, the Preferred Alternative would involve construction of elevated ELs along the south side of the I-285 GP lanes. The ELs would be approximately 50 feet above the trail. The Preferred Alternative would require permanent acquisition of up to 0.03 acre of the Bob Callan/Rottenwood Creek Trail ROW for construction of the EL physical structure and for maintenance of the transportation facility. This area is a passive-use, grassy strip between the path and creek. Construction activities within this required ROW would include vegetative clearing and grading but would not require relocation of the trail itself. Neither the physical trail itself, nor any functions or use of the trail, would be permanently affected by the acquisition of this small strip of property. This trail, which is connected to Interstate North Parkway Trail on the north and Akers Mill to the east, would remain, and there would be no effect on related facilities.

Exhibit 4-5: Bob Callan/Rottenwood Creek Trail



1 In addition to ROW acquisition, the Preferred Alternative would require temporary, short-duration closures of the
2 trail under I-285 while the ELs are constructed above the trail. The purpose of the closures would be to ensure the
3 safety of trail users during construction for activities such as removal and replacement of structures, pavement,
4 and other materials associated with roadway construction. Any closures would be short-duration (hours) and
5 would be limited to overnight hours. Cobb County Department of Parks and Recreation would be notified of trail
6 closures two weeks in advance via protocols outlined in the Public Involvement and Communications Plan
7 (further detailed in **Section 3.13, Construction Impacts**, and also included in **Appendix P, Environmental**
8 **Mitigation Plan**).

9 All phases of construction operations would temporarily contribute to air pollution. The Rules and Regulations for
10 Air Quality Control outlined in Chapter 391-3-1, Rules of GAEPD, would be followed during the construction of
11 the project (detailed in **Appendix H-8, Air Quality Impact Assessment**). Construction activities would also lead
12 to temporary increases in noise levels at various times. The Developer would be required to develop a noise
13 abatement plan and measures to minimize or prevent adverse construction noise impacts in the Project Area
14 (**Environmental Commitments Table No. E-41**; see also **Appendix H-9, Noise Impact Assessment**).

15 In a letter dated July 10, 2020, Georgia DOT requested that that the Cobb County Department of Parks and
16 Recreation concur that impacts to the Bob Callan/Rottenwood Creek Trail would not adversely affect the
17 recreational activities, features, and attributes that qualify the trail for protection under Section 4(f). The July 10,
18 2020, letter further requested that Cobb County Department of Parks and Recreation acknowledge Georgia DOT's
19 determination regarding temporary impact (occupancy) for short-duration closures of the trail during construction.
20 In its response on September 8, 2020, the Cobb County Department of Parks and Recreation (the official with
21 jurisdiction) concurred with this finding of No Adverse Effect, and also acknowledged the temporary short-
22 duration closures that would occur during construction. Based on the scope of the undertaking; the fact that the
23 undertaking does not adversely affect the activities, features, or attributes of the Section 4(f) property on a
24 permanent or temporary basis; and with the agreement from the official with jurisdiction in writing, the proposed
25 action constitutes a *de minimis* use as defined in 23 CFR 774.17, and no analysis of avoidance alternatives is
26 required. Coordination and consultation are discussed in **Section 4.3, Coordination and Consultation**, and
27 letters can be found in Section 4(f) Correspondence in **Appendix M, Agency Correspondence**.

28 **Interstate North Trail:** The Preferred Alternative would not require ROW nor result in direct impact to the
29 Interstate North Trail. However, during construction, it would be affected through temporary, short-duration
30 (overnight) closures. These closures would be required to protect and ensure the safety of trail users during actual
31 construction activities, such as removal and replacement of structures, pavement, and other materials associated
32 with roadway construction. Because any closures would be only short duration, access to other connecting trails
33 (specifically, to CRNRA and its trails to the east and to Akers Mill Trail to the south), would not be affected.

34 All phases of construction operations would temporarily contribute to air pollution. The Rules and Regulations for
35 Air Quality Control outlined in Chapter 391-3-1, Rules of GAEPD, would be followed during the construction of
36 the project (detailed in **Appendix H-8, Air Quality Impact Assessment**). Construction activities would also lead
37 to temporary increases in noise levels at various times. The Developer would be required to develop a noise
38 abatement plan and measures to minimize or prevent adverse construction noise impacts in the Project Area
39 (**Environmental Commitments Table No. E-41**; see also **Appendix H-9, Noise Impact Assessment**).

1 In accordance with 23 CFR 774.13(d), temporary impacts (occupancies), including short-duration closures of the
2 trail during construction, would not constitute a Section 4(f) use of the property because they meet the five criteria
3 under 23 CFR 774.13(d):

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

6 Trail closures would not be needed longer than the time it will take to construct the project. Closures
7 would only occur temporarily overnight. Additionally, there will be no change in ownership of the trail;
8 Cobb County Department of Parks and Recreation would retain ownership throughout and after
9 construction.

10 *(2) Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section*
11 *4(f) property are minimal.*

12 There will be no changes to the trail, only temporary, overnight closures.

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

15 The trail will remain as is throughout and after construction. During trail closures, Georgia DOT will
16 ensure trail users will be provided an alternative route in the vicinity of the closure to maintain the ability
17 to use the trail.

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

20 The trail will remain as is throughout and after construction.

21 *(5) There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource*
22 *regarding the above conditions.*

23 In a letter dated July 10, 2020, Georgia DOT requested that the Cobb County Department of Parks and
24 Recreation (the official with jurisdiction) acknowledge Georgia DOT's determination that the Preferred
25 Alternative's impact to the Interstate North Trail is a "temporary occupancy" and does not constitute
26 Section 4(f) use. In its response on September 8, 2020, the Cobb County Department of Parks and
27 Recreation concurred with this finding. Coordination and consultation are further discussed in **Section**
28 **4.3, Coordination and Consultation**, and letters can be found in Section 4(f) Correspondence in
29 **Appendix M, Agency Correspondence**.

30 **Mountain-to-River Trail:** The Preferred Alternative would require construction of ELs over the Mountain-to-
31 River Trail, but no ROW or easements would be required from within the trail boundary. The ELs would be
32 permanently located above the existing trail at some locations at an average height of 60 feet from the ground.
33 Temporary, short-duration (overnight) closures of the cage bridge trail over I-285 may be required during
34 construction. These closures would be required to protect and ensure the safety of trail users during actual
35 construction activities, such as removal and replacement of structures, pavement, and other materials associated
36 with roadway construction. Because these closures would be short duration, access to other connecting trails (such
37 as the Silver Comet Cumberland Connector just east of I-285) would not be affected.

1 All phases of construction operations would temporarily contribute to air pollution. The Rules and Regulations for
2 Air Quality Control outlined in Chapter 391-3-1, Rules of GAEPD, would be followed during the construction of
3 the project (detailed in **Appendix H-8, Air Quality Impact Assessment**). Construction activities would also lead
4 to temporary increases in noise levels at various times. The Developer would be required to develop a noise
5 abatement plan and measures to minimize or prevent adverse construction noise impacts in the Project Area
6 (**Environmental Commitments Table No. E-41**; see also **Appendix H-9, Noise Impact Assessment**).

7 In accordance with 23 CFR 774.13(d), temporary impacts (occupancies), including short-duration closures of the
8 trail during construction, would not constitute a Section 4(f) use of the property because they meet the five criteria
9 under 23 CFR 774.13(d):

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

12 Trail closures would not be needed longer than the time it will take to construct the project. Closures
13 would only occur temporarily overnight. Additionally, there will be no change in ownership of the trail;
14 Cobb County Department of Parks and Recreation would retain ownership throughout and after
15 construction.

16 *(2) Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section*
17 *4(f) property are minimal.*

18 There will be no changes to the trail, only temporary, overnight closures.

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

21 The trail will remain as is throughout and after construction. During trail closures, Georgia DOT will
22 ensure trail users will be provided an alternative route in the vicinity of the closure to maintain the ability
23 to use the trail.

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

26 The trail will remain as is throughout and after construction.

27 *(5) There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource*
28 *regarding the above conditions.*

29 In a letter dated July 10, 2020, Georgia DOT requested that the Cobb County Department of Parks and
30 Recreation (the official with jurisdiction) acknowledge Georgia DOT's determination that the Preferred
31 Alternative's impact to the Mountain-to-River Trail is a "temporary occupancy" and does not constitute
32 Section 4(f) use. In its response on September 8, 2020, the Cobb County Department of Parks and
33 Recreation concurred with this finding. Coordination and consultation are further discussed in
34 **Section 4.3, Coordination and Consultation**, and letters can be found in Section 4(f) Correspondence in
35 **Appendix M, Agency Correspondence**.

36 **Silver Comet Cumberland Connector Trail:** The Preferred Alternative would require construction of ELs under
37 the Silver Comet Cumberland Connector Trail. No ROW or easements would be required from within the trail
38 boundary. Temporary, short-duration (overnight) closures of the cage bridge trail over I-285 may be required during

1 construction for safety reasons. These closures would be required to protect and ensure the safety of trail users during
2 actual construction activities, such as removal and replacement of structures, pavement, and other materials
3 associated with roadway construction. Because any closures would be short duration, access to the trail and any
4 connecting trails would be maintained.

5 All phases of construction operations would temporarily contribute to air pollution. The Rules and Regulations for
6 Air Quality Control outlined in Chapter 391-3-1, Rules of GAEPD, would be followed during the construction of the
7 project (detailed in **Appendix H-8, Air Quality Impact Assessment**). Construction activities would also lead to
8 temporary increases in noise levels at various times. The Developer would be required to develop a noise abatement
9 plan and measures to minimize or prevent adverse construction noise impacts in the Project Area (**Environmental**
10 **Commitments Table No. E-41**; see also **Appendix H-9, Noise Impact Assessment**).

11 In accordance with 23 CFR 774.13(d), temporary impacts (occupancies), including temporary, short-duration
12 closures of the trail, would not constitute a Section 4(f) use of the property because they meet the five criteria
13 under 23 CFR 774.13(d):

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

16 Trail closures would not be needed longer than the time it will take to construct the project. Closures
17 would only occur temporarily overnight. Additionally, there will be no change in ownership of the trail;
18 Cobb County Department of Parks and Recreation would retain ownership throughout and after
19 construction.

20 *(2) Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section*
21 *4(f) property are minimal.*

22 There will be no changes to the trail, only temporary, overnight closures.

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

25 The trail will remain as is throughout and after construction. During trail closures, Georgia DOT will
26 ensure trail users will be provided an alternative route in the vicinity of the closure to maintain the ability
27 to use the trail.

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

30 The trail will remain as is throughout and after construction.

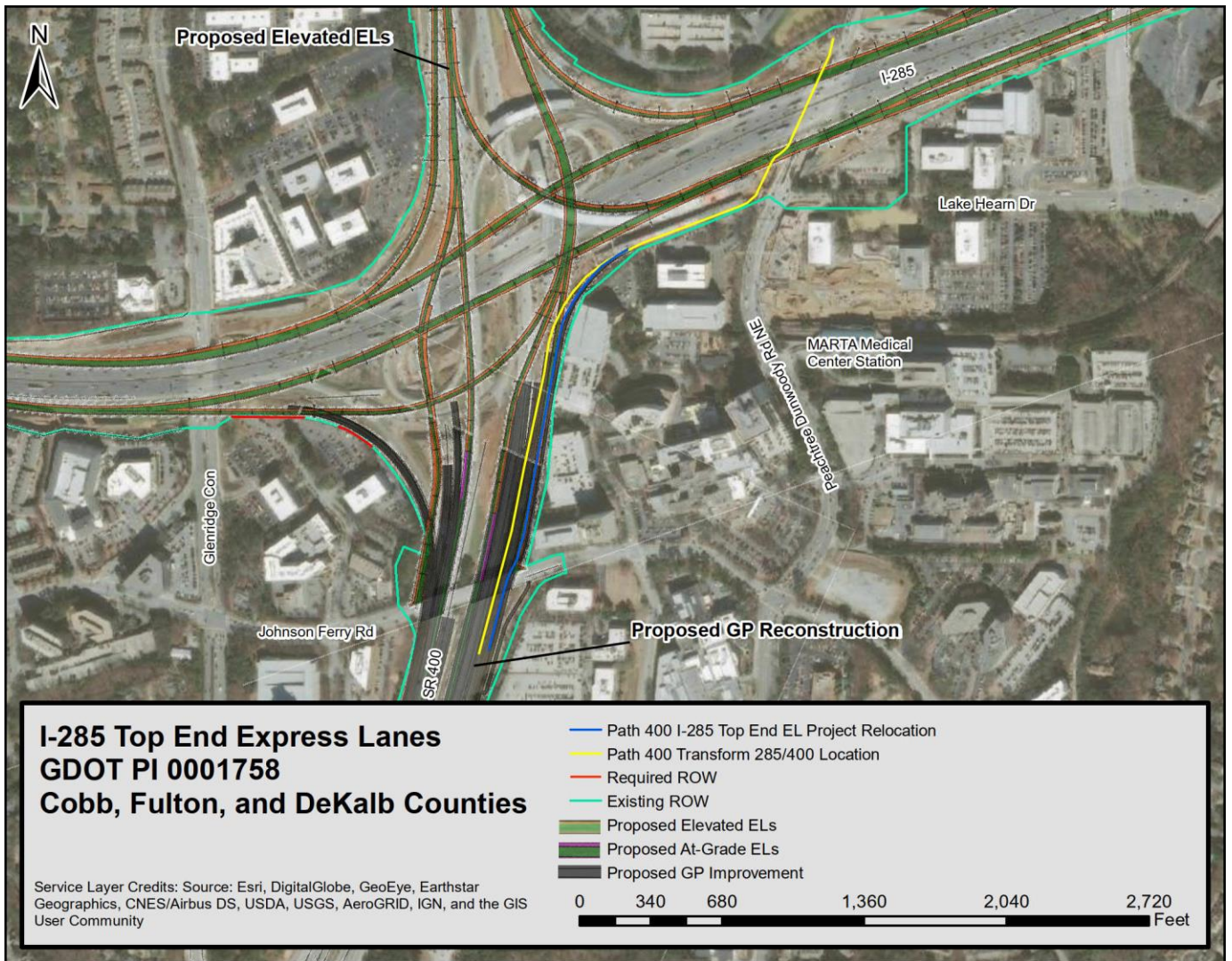
31 *(5) There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource*
32 *regarding the above conditions.*

33 In a letter dated July 10, 2020, Georgia DOT requested that the Cobb County Department of Parks and
34 Recreation (the official with jurisdiction) acknowledge Georgia DOT's determination that the Preferred
35 Alternative's impact to the Silver Comet Cumberland Connector Trail is a "temporary occupancy" and does
36 not constitute Section 4(f) use of the facilities. In a letter dated September 8, 2020, the Cobb County
37 Department of Parks and Recreation concurred with this finding. Coordination and consultation are further

1 discussed in **Section 4.3, Coordination and Consultation**, and letters can be found in Section 4(f)
 2 Correspondence in **Appendix M, Agency Correspondence**.

3 **PATH400 Trail (under construction; Exhibit 4-6):** The Preferred Alternative would involve construction of an
 4 access ramp from the SR 400 ELs to Johnson Ferry Road and terminal ramps from the SR 400 ELs to the SR 400
 5 GP lanes. These improvements would require that approximately 1,600 feet of the PATH400 Trail (which is
 6 currently under construction) be relocated and reconstructed approximately 25 to 50 feet east of its location.⁶
 7 The portion of the trail that would require relocation and reconstruction is along SR 400 from just south of Johnson
 8 Ferry Road to the interchange with I-285.

9 [Exhibit 4-6: PATH400 Trail \(Under Construction\)](#)



10

⁶ The PATH400 Trail is currently under construction, and impacts assume that the trail is in place.

1 In addition, the Preferred Alternative would require temporary, short-duration (overnight) closures of the trail for
2 construction of the ELs (both along SR 400 from the Glenridge Connector to the I-285 interchange and above
3 I-285 at Peachtree Dunwoody Road). These closures would be required to protect and ensure the safety of trail
4 users during actual construction activities, such as removal and replacement of structures, pavement, and other
5 materials associated with roadway construction. Because any closures would be short duration, access to the trail
6 and any connecting trails would be retained.

7 All phases of construction operations would temporarily contribute to air pollution. The Rules and Regulations for
8 Air Quality Control outlined in Chapter 391-3-1, Rules of GAEPD, would be followed during the construction of
9 the project (detailed in **Appendix H-8, Air Quality Impact Assessment**). Construction activities would also lead
10 to temporary increases in noise levels at various times. The Developer would be required to develop a noise
11 abatement plan and measures to minimize or prevent adverse construction noise impacts in the Project Area
12 (**Environmental Commitments Table No. E-41**; see also **Appendix H-9, Noise Impact Assessment**).

13 To minimize impacts to recreation users on the PATH400 Trail (which is under construction) during construction,
14 the following project commitments have been agreed to:

- 15 • Pedestrian and bicycle traffic on the planned PATH400 Trail would be maintained by means of an
16 approved traffic control plan during construction of proposed bridges. Conditions would be provided in
17 the TMP.
- 18 • Precautions would be taken to ensure the safety of the trail users during construction.
- 19 • The trail facility would not be used for construction staging.
- 20 • Construction of the proposed bridge widening would occur at night when the trail is closed. The trail
21 would remain open during the day during normal operating hours. Coordination with the City of Sandy
22 Springs would be completed prior to scheduling proposed closures to ensure that planned special events
23 are not affected.
- 24 • Temporary trail detours would be located adjacent to the then-existing trail. Trail users would be notified of
25 any proposed detours or temporary closures through signage placed along the trail prior to any closure.
26 Georgia DOT would notify the City of Sandy Springs in advance of any temporary trail closures or detours.
- 27 • No change in ownership would take place to any part of the trail.
- 28 • Any impact to the trail due to construction activities would be mitigated by restoring the trail to pre-
29 construction conditions.

30 In a letter dated July 24, 2020, Georgia DOT requested that the City of Sandy Springs concur that the relocation
31 of the PATH400 Trail would not adversely affect the recreational activities, features, and attributes that qualify
32 the trail for protection under Section 4(f). The July 24, 2020, letter further requested that the City of Sandy
33 Springs acknowledge Georgia DOT's determination regarding temporary impact (occupancy) for short-duration
34 closures of the trail during construction, subject to commitments (outlined in the letter). The City of Sandy
35 Springs (the official with jurisdiction) concurred in a finding of No Adverse Effect and also acknowledged the
36 temporary short-duration closures that would occur during construction in its response signature dated October
37 20, 2020. Therefore, in accordance with 23 CFR 774.17, the Proposed Project would have a *de minimis* impact on
38 this property and no Section 4(f) Evaluation is required (refer to Section 4(f) Correspondence in **Appendix M**,

1 **Agency Correspondence** [commitments are also detailed in **Appendix P, Environmental Mitigation Plan**]).
 2 Coordination and consultation are discussed in **Section 4.3, Coordination and Consultation**.

3 **4.2.1.2 Historic Sites**

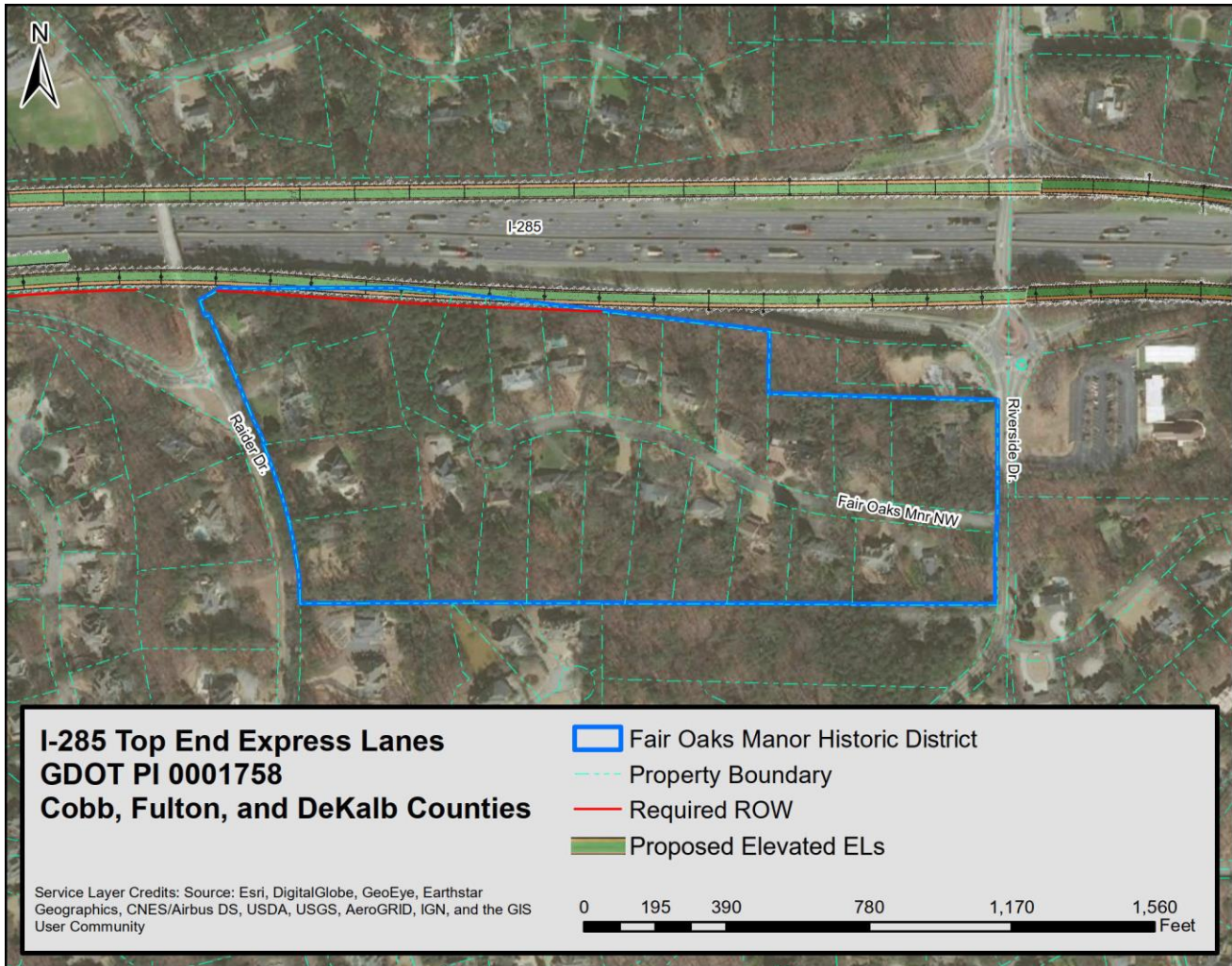
4 Implementation of the Preferred Alternative would require small strips of ROW from the rear yards of 10 NRHP-
 5 eligible historic properties. Although physical impacts would occur, these effects would not be adverse. Small
 6 amounts of screening vegetation would be removed, and some historic chain-link fences would be removed and
 7 replaced. Many of these properties were developed after construction of I-285 and the transportation corridor has
 8 always been part of the land use within this area. The interstate has been widened and altered several times since its
 9 construction. The Preferred Alternative would not reduce the viability of continued use, nor would it result in a change
 10 in the character of the properties’ physical features or settings that contribute to their historic significance. Most of the
 11 vegetative buffers would remain intact and the Preferred Alternative would not alter the physical characteristics of the
 12 properties’ settings or their visual character. Audible and visual impacts to historic properties would not be adverse
 13 and the Preferred Alternative would have no adverse indirect effects on historic resources. SHPO concurred with the
 14 No Adverse Effect findings to seven of the NRHP-eligible properties in letters dated October 5, 2020, January 8, 2021,
 15 and February 25, 2021. SHPO concurrence for the No Adverse Effect finding for the Lakeside Business Park,
 16 Melvin House, and Hardin House was received March 27, 2023 (refer to Section 4(f) Correspondence in
 17 **Appendix M, Agency Correspondence**). **Exhibit 4-7** summarizes 4(f) impact to historic sites. Specific details and
 18 impacts for each site are presented in the following paragraphs.

19 **Exhibit 4-7: Section 4(f) Impact to Historic Sites**

Site	Official with Jurisdiction	Project Impact
Fair Oaks Manor Historic District	SHPO	Permanent 0.7-acre property strip required from a portion of parcels adjacent to I-285
Coldstream Subdivision Historic District	SHPO	Permanent 0.2-acre property strip required from a portion of parcels adjacent to I-285
Lake Island Estates Historic District	SHPO	Permanent 0.5-acre property strip required from a portion of parcels adjacent to I-285
Comora House	SHPO	Permanent 0.05-acre property strip required from rear yard
Landmark Executive Center	SHPO	Permanent 0.18-acre property strips along I-285/SR 400 frontage
Oak Forest Hills Historic District	SHPO	Permanent 0.9-acre property strip required from a portion of parcels adjacent to I-285
Gainsborough Historic District	SHPO	Permanent 0.3-acre property strip required from a portion of parcels adjacent to I-285
Lakeside Business Park	SHPO	Permanent 0.1-acre property strip required from east property boundary adjacent to I-285
Melvin House	SHPO	Permanent 0.05-acre triangular property strip from the northeast corner of the property adjacent to I-285
Hardin House	SHPO	Permanent 0.03-acre property strip required from the south property boundary adjacent to I-285

20 **Fair Oaks Manor Historic District (Exhibit 4-8):** The Preferred Alternative would involve construction of
 21 elevated ELs outside the existing GP lanes on the south side of I-285. The ELs would cross over Raider Drive, the
 22 I-285 GP lane off-ramp to Riverside Drive, and Riverside Drive, all of which bound the District to the west, north,
 23 and east, respectively. The ELs would be elevated on a bridge that would vary in height from 35 to 70 feet above
 24 I-285 and approximately 30 feet above the existing topography of the Historic District.

1 Exhibit 4-8: Fair Oaks Manor Historic District



2

3 The Preferred Alternative would permanently convert, through the acquisition of ROW, a 0.7-acre narrow strip of
 4 property from the rear yards of a portion of the parcels adjacent to I-285 within the 34-acre Fair Oaks Manor
 5 Historic District to transportation use. Within this area, vegetation clearing, grading and earthwork, construction
 6 of a new culvert, construction of bridge piers, construction of retaining walls, and replacement of an existing
 7 noise barrier would occur. It would require removal of historic screening vegetation and portions of historic and
 8 non-historic chain-link fencing, but no historic structures would be impacted. With the replacement noise barrier
 9 in place, noise levels would not approach or exceed the FHWA noise abatement criterion of 67 L_{eq} established for
 10 historic residential properties.

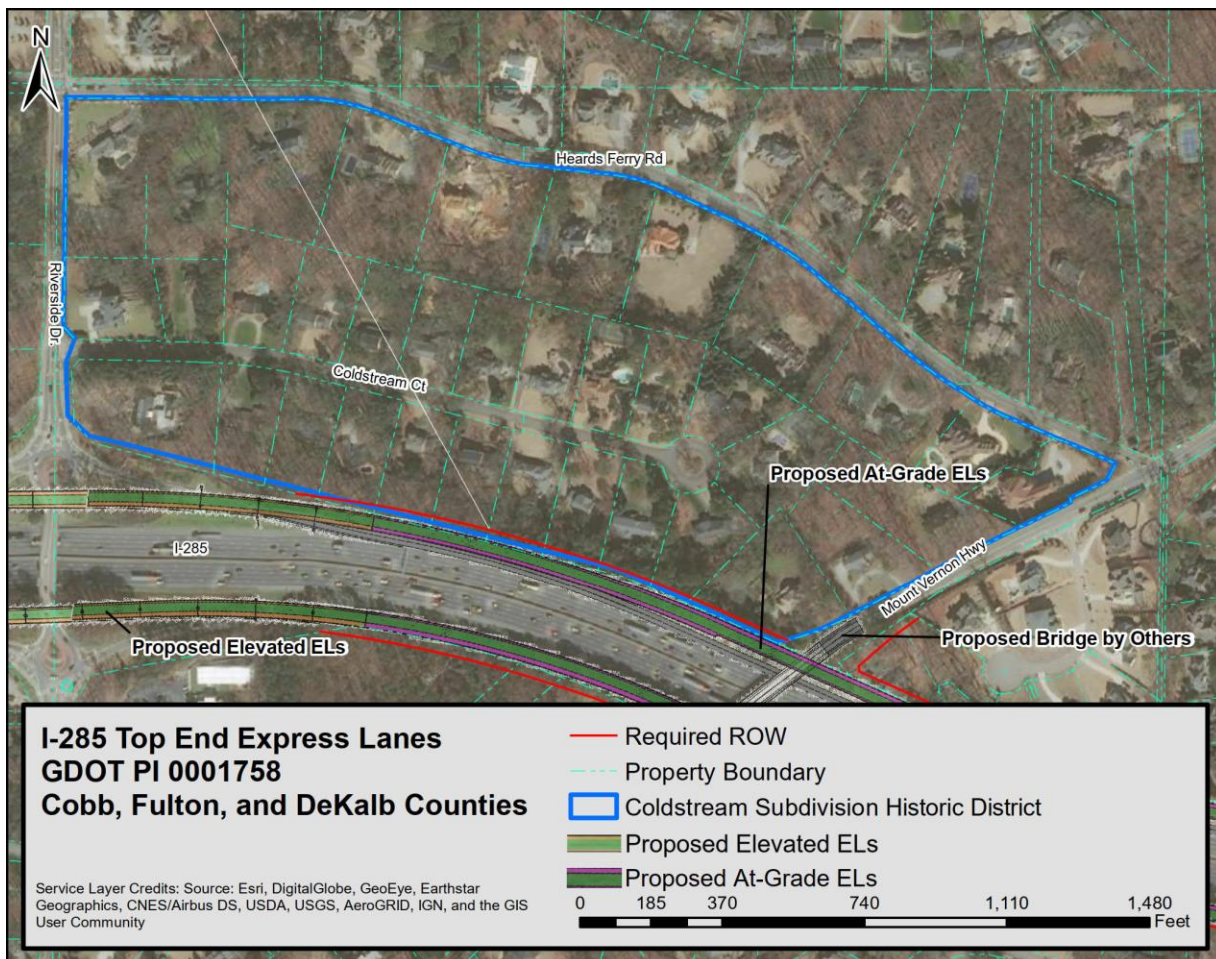
11 The Preferred Alternative would not result in the introduction of visual elements that diminish the integrity of the
 12 property’s significant historic characteristics or features. The I-285 corridor has been part of the visual character
 13 within this area and the interstate has been widened and altered several times since its construction. Bridges are
 14 already located in the vicinity of the District, and the construction of an additional bridge would not further alter
 15 the visual perception from the District. Although some vegetation would be removed from the District, the
 16 resource would retain its existing visual character as separated from I-285 by intact woodlands. Although the

1 setback would be reduced for properties along I-285, the character of the view would remain the same, with I-285
 2 visible through screening vegetation.

3 The effects determination process for historic resources required by Section 106 of the NHPA found that the
 4 Preferred Alternative would result in No Adverse Effect to the Fair Oaks Manor Historic District and would not
 5 alter those characteristics of the resource that qualify it for listing in the NRHP (**Appendix H-5, Cultural**
 6 **Resources Assessment of Effects Report and Addenda**, contains full documentation). Georgia DOT requested
 7 the Georgia SHPO’s concurrence on this finding, which would then permit FHWA to make a *de minimis* impact
 8 finding on the property as defined in 23 CFR 774.17. SHPO concurred with this finding for Fair Oaks Manor
 9 Historic District in its letter dated January 8, 2021. Coordination and consultation are further discussed in
 10 **Section 4.3, Coordination and Consultation**, and letters can be found in Section 4(f) Correspondence in
 11 **Appendix M, Agency Correspondence**.

12 **Coldstream Subdivision Historic District (Exhibit 4-9):** The Preferred Alternative would involve construction of ELs
 13 outside the existing I-285 GP lanes. In the area of the Historic District, the ELs would transition from an underpass at
 14 Mt. Vernon Highway to an overpass at Riverside Drive. The grade would similarly transition, from approximately
 15 30 feet below the housing at the underpass to approximately 30 to 35 feet above the existing topography at the overpass.

16 [Exhibit 4-9: Coldstream Subdivision Historic District](#)



17

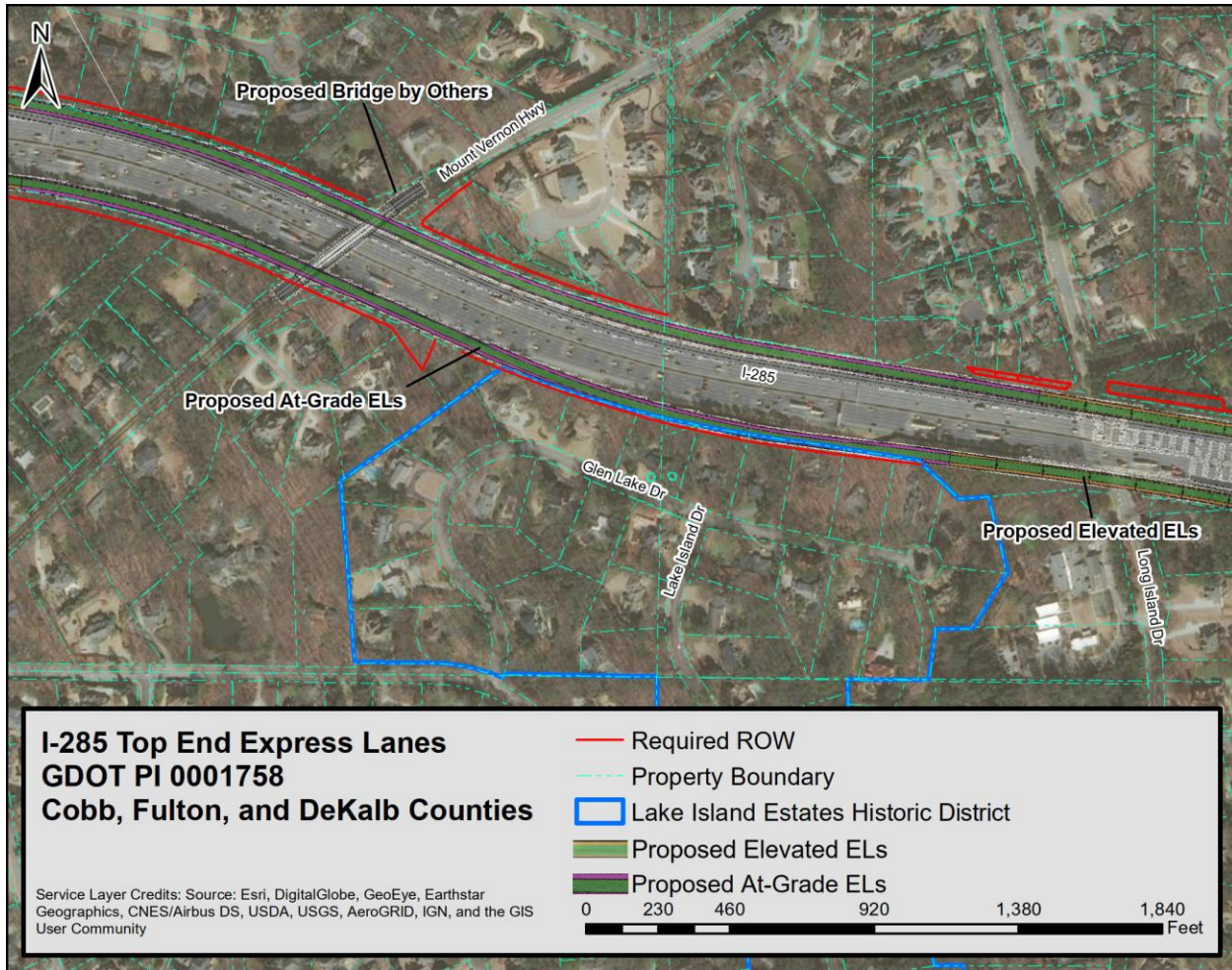
1 The Preferred Alternative would permanently convert, through the acquisition of ROW, a 0.2-acre narrow strip of
2 property from the rear yards of a portion of the parcels adjacent to I-285 within the 52-acre Coldstream Subdivision
3 Historic District to transportation use. Within this area, vegetation clearing, grading, construction of retaining walls,
4 and replacement of the existing noise barrier would occur. The Preferred Alternative would require removal of
5 historic screening vegetation and portions of historic and non-historic chain-link fencing, but no historic structures
6 would be impacted. With the replacement noise barrier in place, noise levels would not approach or exceed the
7 FHWA noise abatement criterion of 67 dBA L_{eq} established for historic residential properties.

8 The Preferred Alternative would not result in the introduction of visual elements that diminish the integrity of the
9 property's significant historic characteristics or features. The I-285 corridor has always been part of the visual
10 character within this area and the interstate and its associated interchanges/overpasses have been widened and
11 altered several times since their construction. Bridges are already located in the vicinity of the Coldstream
12 Subdivision Historic District, and the construction of an additional bridge would not further alter the visual
13 perception from the District. The character, or the view from the District, would remain essentially the same.
14 Although some vegetation would be removed from the District, the resource would retain its existing visual
15 character as separated from I-285 by intact woodlands. Although the setback would be reduced for properties along
16 I-285, the character of the view would remain the same, with I-285 visible through screening vegetation.

17 The effects determination process for historic resources required by Section 106 of the NHPA found that the
18 Preferred Alternative would result in No Adverse Effect to the Coldstream Subdivision Historic District, as it
19 would not alter those characteristics of the resource that qualify it for listing in the NRHP (**Appendix H-5,**
20 **Cultural Resources Assessment of Effects Report and Addenda**, contains the full documentation). Georgia
21 DOT requested the Georgia SHPO's concurrence on this finding, which would then permit FHWA to make a
22 *de minimis* impact finding on the property as defined in 23 CFR 774.17. In its letter dated October 5, 2020, SHPO
23 concurred with this finding for Coldstream Subdivision Historic District. Coordination and consultation are
24 further discussed in **Section 4.3, Coordination and Consultation**, and letters can be found in Section 4(f)
25 Correspondence in **Appendix M, Agency Correspondence**.

26 **Lake Island Estates Historic District (Exhibit 4-10):** The Preferred Alternative would involve construction of two
27 eastbound ELs outside the existing I-285 GP lanes. At the western end of the District, the proposed ELs would be
28 constructed at-grade with the existing GP lanes. Moving east, the proposed ELs would transition to an elevated
29 configuration (approximately 30 feet above the existing topography) just east of the Lake Island Estates Historic District.

1 Exhibit 4-10: Lake Island Estates Historic District



2

3 The Preferred Alternative would permanently convert, through the acquisition of ROW, a 0.5-acre narrow strip of
 4 property from the rear yards of a portion of the parcels adjacent to I-285 within the Lake Island Estates Historic
 5 District to transportation use. Within this area, vegetation clearing, grading, and replacement of an existing noise
 6 barrier would occur. It would require removal of historic screening vegetation and portions of both historic and
 7 non-historic chain-link fencing, but no historic buildings would be impacted. With the proposed replacement
 8 noise barrier in place, noise levels would not approach or exceed the FHWA noise abatement criterion of 67 dBA
 9 L_{eq} established for residential historic properties.

10 The Preferred Alternative would not result in the introduction of visual elements that diminish the integrity of the
 11 property’s significant historic characteristics or features. The I-285 corridor has been part of the visual character
 12 within this area and the interstate has been widened and altered several times since its construction. The roadway
 13 would merely be expanded within its original corridor. The view from the District would remain the same, with
 14 I-285 and its associated replacement noise barrier visible through screening trees. Therefore, the Proposed Project
 15 would not alter the existing visual character of the District. Although some vegetation would be removed from the
 16 District, the resource would retain its existing visual character as separated from I-285 by intact woodlands.
 17 Although the setback would be reduced for properties along I-285, the character of the view would remain the
 18 same, with I-285 visible through screening vegetation.

1 To reduce impacts, the proposed elevated ELs adjacent to the Lake Island Estates Historic District were designed
 2 so that they would be partially cantilevered over the existing GP lanes. This reduced the amount of ROW needed
 3 from the resource and reduced physical impacts (other avoidance and minimization measures that were considered
 4 are summarized in **Exhibit 3.5 through 3.9: Design Considerations to Avoid and Minimize Impacts** in
 5 **Section 3.5, Historic and Archaeological Resources**).

6 The effects determination process for historic resources required by Section 106 of the NHPA found that the
 7 Preferred Alternative, with proposed minimization measures in place, would result in No Adverse Effect to the
 8 Lake Island Estates Historic District, as it would not alter the characteristics of the resource that qualify it for
 9 listing in the NRHP (**Appendix H-5, Cultural Resources Assessment of Effects Report and Addenda**, contains
 10 the full documentation). Georgia DOT requested the Georgia SHPO’s concurrence on this finding, which would
 11 then permit FHWA to make a *de minimis* impact finding on the property as defined in 23 CFR 774.17. In its letter
 12 dated October 5, 2020, the SHPO concurred with this finding for Lake Island Estates Historic District.
 13 Coordination and consultation are further discussed in **Section 4.3, Coordination and Consultation**, and letters
 14 can be found in Section 4(f) Correspondence in **Appendix M, Agency Correspondence**.

15 **Comora House (Exhibit 4-11):** The Preferred Alternative would involve construction of ELs on a bridge
 16 structure, elevated approximately 20 to 25 feet above the property.

17 [Exhibit 4-11: Comora House](#)



18

1 The Preferred Alternative would permanently convert, through acquisition of ROW, a 0.05-acre narrow strip of
2 property from the rear yard of the 1.4-acre Comora House property to transportation use. Within this area,
3 vegetation clearing and grading would occur. It would not impact the historic structure, nor any of the features
4 that contribute to the property's eligibility for listing in the NRHP. A noise barrier is currently being constructed
5 at the property as part of the Transform 285/400 Project, and this noise barrier is expected to be retained as part of
6 this Project. With the noise barrier in place, noise levels would not approach or exceed the FHWA noise
7 abatement criterion of 67 dBA L_{eq} established for residential historic properties.

8 The Preferred Alternative would not result in the introduction of visual elements that diminish the integrity of the
9 property's significant historic characteristics or features. The I-285 corridor has been part of the visual character
10 within this area and the interstate has been widened and altered several times since its construction. Although new
11 EL bridges would be constructed within the viewshed, I-285 is already a component of the visual character.
12 The property would retain its existing visual character as separated from I-285 and its associated noise barrier by
13 screening trees. Therefore, the Proposed Project would not alter the existing visual character of the Comora House.
14 Although some vegetation would be removed from the property, the resource would retain its existing visual
15 character as separated from I-285 by intact woodlands. Although the setback would be reduced for properties along
16 I-285, the character of the view would remain the same, with I-285 visible through screening vegetation.

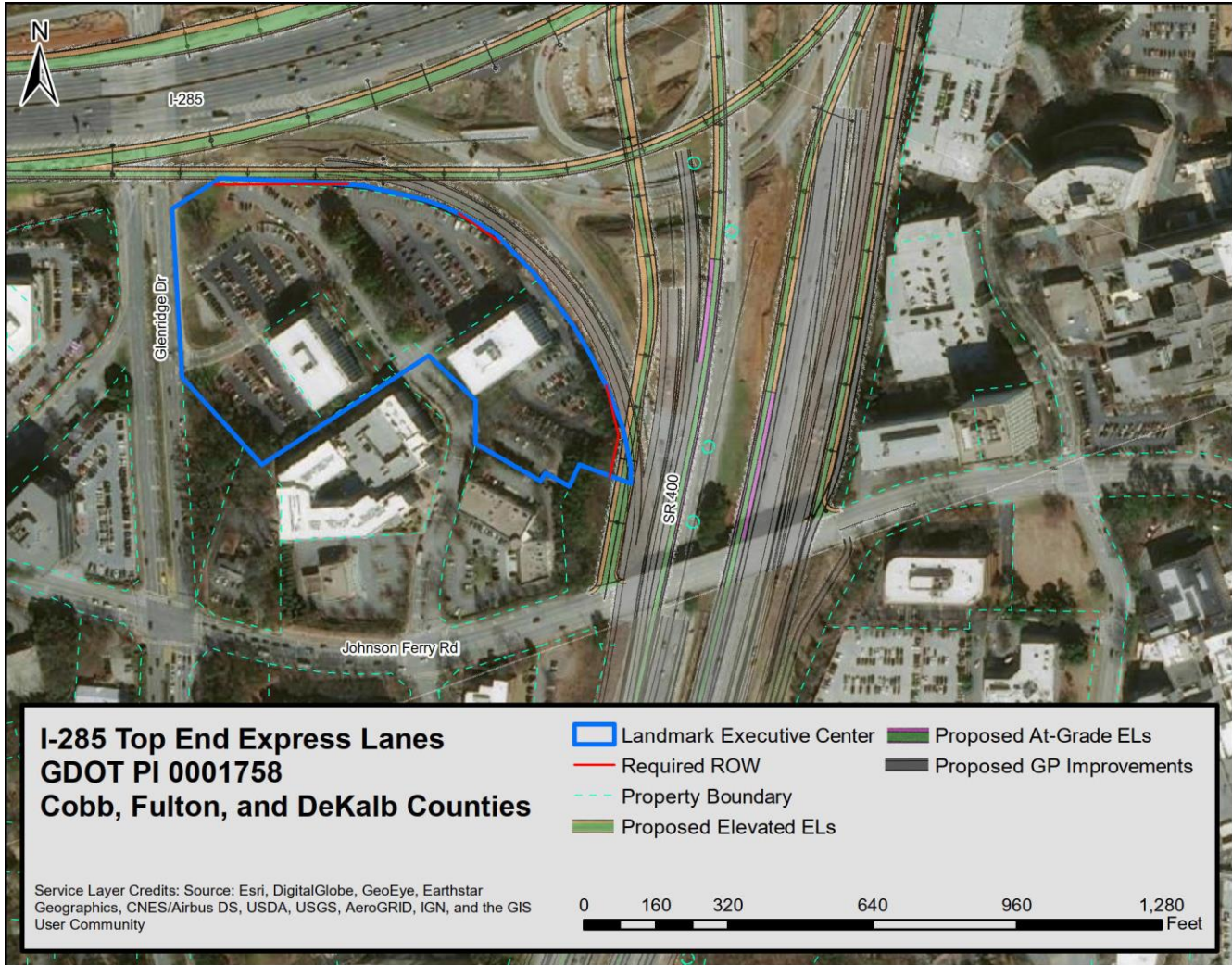
17 The effects determination process for historic resources required by Section 106 of the NHPA found that the
18 Preferred Alternative would result in No Adverse Effect to the Comora House, as it would not alter those
19 characteristics of the resource that qualify it for listing in the NRHP (**Appendix H-5, Cultural Resources**
20 **Assessment of Effects Report and Addenda**, contains the full documentation). Georgia DOT requested the
21 Georgia SHPO's concurrence on this finding, which would then permit FHWA to make a *de minimis* impact
22 finding on the property as defined in 23 CFR 774.17. The SHPO concurred with the No Adverse Effect finding
23 for Comora House historic property in its letter dated January 8, 2021. Coordination and consultation are
24 discussed in **Section 4.3, Coordination and Consultation**, and letters can be found in Section 4(f)
25 Correspondence in **Appendix M, Agency Correspondence**.

26 **Landmark Executive Center (Exhibit 4-12):** The Preferred Alternative would involve construction of ELs on both
27 sides of I-285, northbound and southbound ELs for SR 400, interchange ramps between the I-285 and SR 400 EL
28 systems, and access from the SR 400 ELs to Johnson Ferry Road. All of these roadway components would be
29 located on bridges, which would vary in height from 50 to 65 feet above the existing grade of I-285 and the property.

30 The Preferred Alternative would permanently convert, through acquisition of ROW, narrow strips of property
31 (totaling 0.18 acre) along the I-285/SR 400 frontage of the 10.45-acre Landmark Executive Center to
32 transportation use. Proposed work would involve grading, earthwork, and construction of piers for the ELs.
33 The impacted area includes some parking for the office tower; however, ample parking would remain following
34 construction and no impacts to the property's use are expected. Noise levels would not approach or exceed the
35 FHWA noise abatement criterion of 72 dBA L_{eq} established for commercial historic properties.

36 The Preferred Alternative would not result in the introduction of visual elements that diminish the integrity of the
37 property's significant historic characteristics or features. The I-285/SR 400 interchange has historically been part
38 of the visual character of the property, and the interchange has been widened and altered several times since its
39 construction. The construction of new ELs and access ramps would not alter the visual perception from the
40 Landmark Executive Center as the existing interchange is already the dominant characteristic of its surroundings.
41 Therefore, the Proposed Project would not alter the existing visual character of the Landmark Executive Center.

1 Exhibit 4-12: Landmark Executive Center

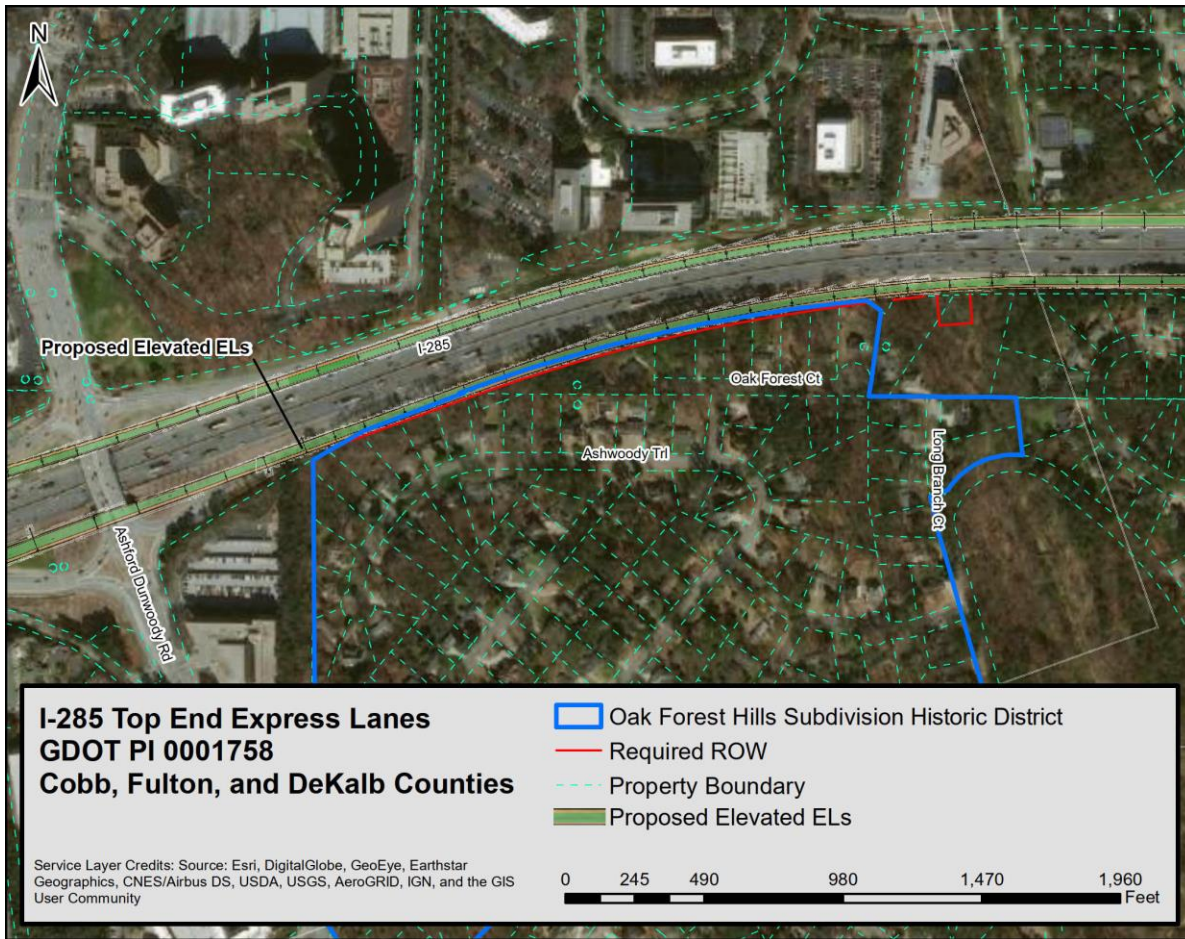


2

3 The effects determination process for historic resources required by Section 106 of the NHPA found that the
 4 Preferred Alternative would result in No Adverse Effect to the Landmark Executive Center, as it would not alter
 5 those characteristics of the resource that qualify it for listing in the NRHP (**Appendix H-5, Cultural Resources**
 6 **Assessment of Effects Report and Addenda**, contains the full documentation). Georgia DOT requested the
 7 Georgia SHPO’s concurrence on this finding, which would then permit FHWA to make a *de minimis* impact
 8 finding on the property as defined in 23 CFR 774.17. In its letter dated October 5, 2020, the SHPO concurred with
 9 the No Adverse Effect finding for Landmark Executive Center. Coordination and consultation are further
 10 discussed in **Section 4.3, Coordination and Consultation**, and letters can be found in Section 4(f)
 11 Correspondence in **Appendix M, Agency Correspondence**.

12 **Oak Forest Hills Historic District (Exhibit 4-13):** The Preferred Alternative would involve construction of ELs
 13 on the south side of I-285. The ELs would be elevated on a bridge through the length of the Oak Forest Hills
 14 Historic District. The existing grade of I-285 is depressed at the east end of the Oak Forest Hills Historic District.
 15 At the west end, the Oak Forest Hills Historic District and I-285 are located at approximately the same grade.
 16 The height of the EL bridge would vary from 30 to 63 feet above I-285.

1 Exhibit 4-13: Oak Forest Hills Historic District



2

3 The Preferred Alternative would permanently convert, through acquisition of ROW, a 0.9-acre narrow strip of
 4 property from the rear yards of a portion of the parcels adjacent to I-285 within the 75-acre Oak Forest Hills
 5 Historic District for transportation use. Within this proposed ROW, vegetation clearing, grading, construction of
 6 retaining walls, construction of piers and elevated ELs, and replacement of the existing noise barrier would occur.
 7 The Preferred Alternative would require removal of historic screening vegetation and portions of historic and non-
 8 historic chain-link fencing, but no historic buildings would be impacted. With the proposed replacement noise
 9 barrier in place, noise levels would not approach or exceed the FHWA noise abatement criterion of 67 dBA L_{eq}
 10 established for residential historic properties.

11 The Preferred Alternative would not result in the introduction of visual elements that diminish the integrity of the
 12 property’s significant historic characteristics or features. The I-285 corridor has historically been part of the visual
 13 character within this area and the interstate has been widened and altered several times since its construction.
 14 Numerous non-historic, multi-story building are also located within the view of the District. Although new EL
 15 bridges would be constructed within the viewshed, the Proposed Project would not introduce visual elements that
 16 diminish the integrity of the District’s significant historic features, as I-285 is already a component of the visual
 17 character. Although some vegetation would be removed from the District, the resource would retain its existing
 18 visual character as separated from I-285 by intact woodlands. Although the setback would be reduced for properties
 19 along I-285, the character of the view would remain the same, with I-285 visible through screening vegetation.

1 To reduce impacts, the ELs would be constructed on bridges partially cantilevered over the existing I-285 GP
 2 lanes (additional avoidance and minimization measures that were considered for the Oak Forest Hills Historic
 3 District are summarized in **Exhibit 3.5-9: Design Considerations to Avoid and Minimize Impacts in**
 4 **Section 3.5, Historic and Archaeological Resources**).

5 The effects determination process for historic resources required by Section 106 of the NHPA found that the
 6 Preferred Alternative, with the proposed minimization measures, would result in No Adverse Effect to the Oak
 7 Forest Hills Historic District, as it would not alter the characteristics of the resource that qualify it for listing in the
 8 NRHP (**Appendix H-5, Cultural Resources Assessment of Effects Report and Addenda**, contains the full
 9 documentation). Georgia DOT requested the Georgia SHPO’s concurrence on this finding, which would then
 10 permit FHWA to make a *de minimis* impact finding on the property as defined in 23 CFR 774.17. The SHPO
 11 concurred with the No Adverse Effect finding for Oak Forest Hills Historic District in its letter dated February 25,
 12 2021. Coordination and consultation are discussed in **Section 4.3, Coordination and Consultation**, and letters
 13 can be found in Section 4(f) Correspondence in **Appendix M, Agency Correspondence**.

14 **Gainsborough Historic District (Exhibit 4-14):** The Preferred Alternative would involve construction of two
 15 eastbound ELs on the south side of I-285. The ELs would be located on a bridge, which would be 40 to 70 feet
 16 above existing I-285. Due to the topography within the Gainsborough Historic District, the EL bridge would be
 17 expected to be located above the houses.

18 **Exhibit 4-14: Gainsborough Historic District**



19

1 The Preferred Alternative would permanently convert, through the acquisition of ROW, a 0.3-acre narrow strip of
2 property from the year yards of a portion of the parcels adjacent to I-285 within the 165-acre Gainsborough
3 Historic District to transportation use. Within this area, vegetation clearing, grading, and other activities for
4 constructing the proposed ELs would occur. The Preferred Alternative would require removal of historic
5 screening vegetation and portions of historic and non-historic chain-link fencing but would not impact any
6 historic buildings. The improvements also involve replacement of an existing noise barrier. With the replacement
7 barrier in place, noise levels would not approach or exceed the FHWA noise abatement criterion of 67 dBA L_{eq}
8 established for residential historic properties.

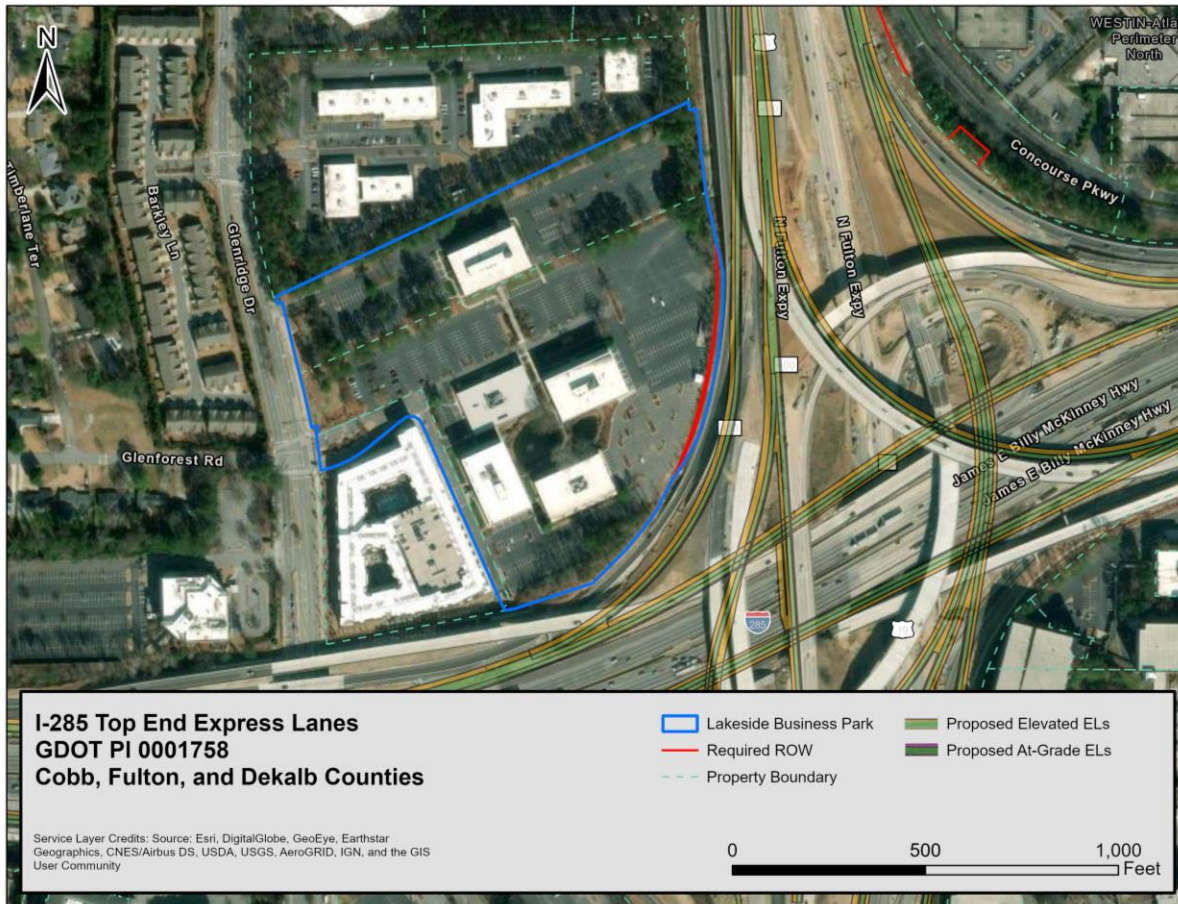
9 The Preferred Alternative would not result in the introduction of visual elements that diminish the integrity of the
10 property's significant historic characteristics or features. The I-285 corridor has been part of the visual character
11 within this area and the interstate has been widened and altered several times since its construction. The character,
12 or the view from the District, would remain essentially the same. Therefore, the Proposed Project would not alter
13 the existing visual character of the District as the roadway would merely be expanded within its original corridor.
14 Although some vegetation would be removed from the District, the resource would retain its existing visual
15 character as separated from I-285 by intact woodlands. Although the setback would be reduced for properties
16 along I-285, the character of the view would remain the same, with I-285 visible through screening vegetation.

17 To minimize impacts to the Gainsborough Historic District, the Preferred Alternative would utilize straddle bents
18 for a portion of the ELs crossing the Chamblee Dunwoody Road exit (additional avoidance and minimization
19 measures that were considered for the Gainsborough Historic District are summarized in **Exhibit 3.5-9: Design
20 Considerations to Avoid and Minimize Impacts in Section 3.5, Historic and Archaeological Resources**).

21 The effects determination process for historic resources required by Section 106 of the NHPA found that the
22 Preferred Alternative would result in No Adverse Effect to the Gainsborough Historic District, as it would not
23 alter those characteristics of the resource that qualify it for listing in the NRHP (**Appendix H-5, Cultural
24 Resources Assessment of Effects Report and Addenda**, contains the full documentation). Georgia DOT
25 requested the SHPO's concurrence on this finding, which would then permit FHWA to make a *de minimis* impact
26 finding on the property as defined in 23 CFR 774.17. In its letter dated January 8, 2021, SHPO concurred with the
27 No Adverse Effect finding for Gainsborough Historic District. Coordination and consultation are discussed in
28 **Section 4.3, Coordination and Consultation**, and letters can be found in Section 4(f) Correspondence in
29 **Appendix M, Agency Correspondence**.

30 **Lakeside Business Park (Exhibit 4-15):** The Preferred Alternative would involve construction of two ELs
31 providing access from SR 400 southbound to I-285 westbound. The ELs would be elevated on a bridge, which
32 would be between 60 and 90 feet above existing I-285/SR 400 within the area adjacent to the Lakeside Business
33 Park, above the existing I-285/SR 400.

1 Exhibit 4-15: Lakeside Business Park



2

3 The Preferred Alternative would permanently convert, through acquisition of ROW, a 0.1-acre strip of property
 4 approximately 480 feet long and up to 15 feet wide from the Lakeside Business Park to transportation use.
 5 Within this area, vegetation clearing, grading, and other activities for constructing the proposed ELs would occur.
 6 The Preferred Alternative would require removal of contributing and non-contributing vegetation but would not
 7 impact any NRHP-contributing structures. There would be no change to the existing setback of the property from
 8 I-285 or SR 400. Noise levels would not approach or exceed the FHWA noise abatement criterion of 72 dBA L_{eq}
 9 established for commercial historic properties.

10 The Preferred Alternative would not result in the introduction of visual elements that diminish the integrity of the
 11 property's significant historic characteristics or features. The I-285/SR 400 interchange has historically been part
 12 of the visual character of the property, and the interchange has been widened and altered several times since its
 13 construction. The construction of new elevated EL ramps would not alter the visual perception from Lakeside
 14 Business Park, as the existing non-historic interchange and its associated elevated ramps are already the dominant
 15 characteristic of its surroundings.

16 The effects determination process for historic resources required by Section 106 of the NHPA found that the
 17 Preferred Alternative would result in No Adverse Effect to the Lakeside Business Park, as it would not alter those
 18 characteristics of the resource that qualify it for listing in the NRHP (**Appendix H-5, Cultural Resources**

1 **Assessment of Effects Report and Addenda**, contains the full documentation). Georgia DOT requested the SHPO’s
 2 concurrence on this finding, which would then permit FHWA to make a *de minimis* impact finding on the property as
 3 defined in 23 CFR 774.17. SHPO concurrence for the No Adverse Effect finding for the Lakeside Business Park was
 4 received March 27, 2023. Coordination and consultation are discussed in **Section 4.3, Coordination and**
 5 **Consultation**, and letters can be found in Section 4(f) Correspondence in **Appendix M, Agency Correspondence**.

6 **Melvin House (Exhibit 4-16):** The Preferred Alternative would involve construction of two southbound ELs on
 7 the west side of I-285. The ELs would cross over Chamblee-Tucker Road. The ELs would be elevated on a bridge
 8 approximately 45 feet above the Melvin House property.

9 The Preferred Alternative would permanently convert, through acquisition of ROW, a 0.05-acre strip of property
 10 from the rear yard of the 0.58-acre Melvin House property to transportation use. Within this area, the proposed
 11 improvement would consist of cut activities needed for construction of the elevated ELs bridge. This would result
 12 in removal of the wooded area and historic chain-link fence along the existing I-285 noise barrier. The noise
 13 barrier would also be removed and replaced, subject to property owner approval. These activities would not
 14 impact the historic structure, nor any of the features that contribute to the property’s eligibility for listing in the
 15 NRHP. With a replacement noise barrier in place, noise levels would not approach or exceed the FHWA noise
 16 abatement criterion of 67 dBA L_{eq} established for residential historic properties.

17 [Exhibit 4-16: Melvin House](#)



18

1 The Preferred Alternative would not result in the introduction of visual elements that diminish the integrity of the
2 property's significant historic characteristics or features. The I-285 corridor has been part of the visual character
3 within this area, and the interstate and interchange have been widened and altered several times since their
4 construction. Although some vegetation would be removed between the house and I-285, the Melvin House
5 would retain its existing visual character and be separated from I-285 by a vegetated buffer. Although the edge of
6 pavement would shift closer to the house, this shift would be entirely contained within the existing ROW.
7 The ELs would be located above the topography of the Melvin House and partially obscured by the proposed
8 noise barrier. The view from the property would remain essentially the same, with I-285 and its associated noise
9 barrier visible through screening trees. Therefore, the Proposed Project would not alter the existing visual
10 character of the Melvin House.

11 The effects determination process for historic resources required by Section 106 of the NHPA found that the
12 Preferred Alternative would result in No Adverse Effect to the Melvin House and would not alter those
13 characteristics of the resource that qualify it for listing in the NRHP (**Appendix H-5, Cultural Resources**
14 **Assessment of Effects Report and Addenda**, contains the full documentation). Georgia DOT requested the
15 SHPO's concurrence on this finding, which would then permit FHWA to make a *de minimis* impact finding on the
16 property as defined in 23 CFR 774.17. SHPO concurrence for the No Adverse Effect finding for the Melvin House
17 was received March 27, 2023. Coordination and consultation are further discussed in **Section 4.3, Coordination**
18 **and Consultation**, and letters can be found in Section 4(f) Correspondence in **Appendix M, Agency**
19 **Correspondence**.

20 **Hardin House (Exhibit 4-17):** The Preferred Alternative would consist of the construction of two westbound
21 ELs on the north side of I-285. The ELs would be elevated on a bridge approximately 3,700 feet long, beginning
22 west of Raider Drive and ending east of the Riverside Drive interchange. The bridge would vary from 35 feet to
23 70 feet in height above I-285 and the existing topography to overpass Raider Drive and Riverside Drive.

24 The Preferred Alternative would permanently convert, through the acquisition of ROW, a 0.03-acre strip of land
25 from the south edge of the property to transportation use. Within this area, the proposed improvement would
26 consist of cut and fill activities needed for construction of the elevated ELs bridge. This would result in removal
27 of the densely wooded area and non-historic chain-link fencing along the existing I-285 noise barrier. The noise
28 barrier would also be removed and replaced, subject to property owner approval. These activities would not
29 impact the historic structure, nor any of the features that contribute to the property's eligibility for listing in the
30 NRHP. With a replacement noise barrier in place, noise levels would not approach or exceed the FHWA noise
31 abatement criterion of 67 dBA L_{eq} established for residential historic properties.

32 The Preferred Alternative would not result in the introduction of visual elements that diminish the integrity of the
33 property's significant historic characteristics or features. While introducing a new visual element associated with
34 I-285 (the proposed EL bridge would be visible above the noise barrier), the construction of a new EL bridge
35 would not result in an adverse change to the visual perception from the Hardin House, as the property is already
36 characterized by its close relationship to I-285. Although some vegetation would be removed between the house
37 and I-285, the Hardin House would retain its existing visual character and be separated from I-285 by remaining
38 vegetated buffer and a noise barrier. Although the edge of pavement would shift closer to the house, this shift
39 would be entirely contained within the existing ROW. The view from the property would remain essentially the
40 same, with I-285 and its associated noise barrier visible through screening trees. Therefore, the Proposed Project
41 would not alter the existing visual character of the Hardin House. The effects determination process for historic

1 resources required by Section 106 of the NHPA found that the Preferred Alternative would result in No Adverse
2 Effect to the Hardin House and would not alter those characteristics of the resource that qualify it for listing in the
3 NRHP (**Appendix H-5, Cultural Resources Assessment of Effects Report and Addenda**, contains the full
4 documentation). Georgia DOT requested the SHPO’s concurrence on this finding, which would then permit
5 FHWA to make a *de minimis* impact finding on the property as defined in 23 CFR 774.17. SHPO concurrence for
6 the No Adverse Effect finding for the Hardin House was received March 27, 2023. Coordination and consultation
7 are further discussed in **Section 4.3, Coordination and Consultation**, and letters can be found in Section 4(f)
8 Correspondence in **Appendix M, Agency Correspondence**.

9 **Exhibit 4-17: Hardin House**



10

4.2.2 Section 4(f) Constructive Use

Section 4(f) constructive use, as defined in 23 CFR 774.15(a), may occur when the proximity impacts of a transportation project on a Section 4(f) property, even without acquisition of the property, are so great that the activities, features, and attributes of the property are substantially impaired (when the protected activities, features, or attributes of the resource are substantially diminished). Constructive use may include impacts such as noise, access restrictions, vibration, ecological intrusions, and visual impacts.

FHWA must comply with 23 CFR 774.15 to determine whether or not there is a constructive use of Section 4(f) property. Constructive use of Section 4(f) property is only possible in the absence of a permanent incorporation of land or a temporary occupancy of the type that constitutes a Section 4(f) use. Constructive use occurs when the proximity impacts of a project on an adjacent or near-by Section 4(f) property, after incorporation of impact mitigation, are so severe that the activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired. Substantial impairment occurs when the protected activities, features, or attributes of the Section 4(f) property are substantially diminished.

The Preferred Alternative would not be anticipated to cause constructive use impacts to access, vibration, ecological intrusions, or visual impacts to the above-identified Section 4(f) resources.

The Preferred Alternative was evaluated for the potential to result in a noise-related constructive use impacts to the above-identified Section 4(f) resources. As indicated in 23 CFR 774.15(e)(1), noise-related constructive use may occur if a project would affect the ability to:

- Hear a performance at an outdoor amphitheater
- Sleep in a campground
- Enjoy a historic site where quiet is a recognized attribute of the site's significance
- Enjoy an urban park where serenity and quiet are significant attributes
- View wildlife in an area intended for such use

Conversely, FHWA has determined that a noise-related constructive use would not occur in the following situations defined in 23 CFR 774.15(f)(2):

- If the predicted noise levels with the Preferred Alternative do not exceed the FHWA NAC.
- If the increase in noise due to the Preferred Alternative (compared to the No-Build Alternative) is 3 dBA or less, even if the noise levels do exceed the FHWA NAC.

Noise levels were evaluated at Section 4(f) resource properties. Based on the noise analysis completed for the Preferred Alternative, portions of these trails and lands would approach or exceed the NAC; however, the Build noise levels would generally be within 1 to 2 dBA of the No-Build Alternative. At no receptor location would the Preferred Alternative noise level at each individual Section 4(f) property increase by more than 3 dBA compared to the No-Build condition. Therefore, there would be no constructive use related to potential noise effects to any 4(f) resource. **Appendix H-9, Noise Impact Assessment**, contains the noise analyses conducted for park and

1 recreation sites, and **Appendix H-5, Cultural Resources Assessment of Effects Report and Addenda**, contains
 2 noise analyses conducted for eligible historic properties.

3 **4.2.3 Section 6(f) Direct Use**

4 No Section 6(f) resources will be affected by the Proposed Project.

5 **4.3 Coordination and Consultation**

6 **Exhibit 4-18** provides coordination and consultation dates, as well as the Section 4(f) finding for each site.
 7 (Additional information for historic sites is also found in Table 3 of **Appendix H-5, Cultural Resources**
 8 **Assessment of Effects Report and Addenda**).

Exhibit 4-18: Consultation and Section 4(f) Finding

Site	Concurrence Request	Concurrence Received or Expected	Section 4(f) Finding	Appendix Reference
CRNRA / CRNWT	April 1, 2021 Will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f)	May 5, 2021	<i>De minimis</i> impact	M, H-9, and H-11
Bob Callan/ Rottenwood Creek Trail	July 10, 2020 Will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f)	September 8, 2020	<i>De minimis</i> impact	M and H-9
Interstate North Trail	July 10, 2020 Temporary occupancy acknowledgement of No Adverse Effect	September 8, 2020	No 4(f) impact	M and H-9
Mountain-to-River Trail	July 10, 2020 Temporary occupancy acknowledgement of No Adverse Effect	September 8, 2020	No 4(f) impact	M and H-9
Silver Comet Cumberland Connector Trail	July 10, 2020 Temporary occupancy acknowledgement of No Adverse Effect	September 8, 2020	No 4(f) impact	M and H-9
PATH400 Trail (under construction)	May 28, 2020; July 24, 2020 Will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f)	October 8, 2020	<i>De minimis</i> impact	M and H-9
Fair Oaks Manor Historic District	September 14, 2020; December 21, 2020 Section 106 determination of No Adverse Effect	January 8, 2021	<i>De minimis</i> impact	M and H-5; Table 3
Coldstream Subdivision Historic District	September 14, 2020 Section 106 determination of No Adverse Effect	October 5, 2020	<i>De minimis</i> impact	M and H-5; Table 3
Lake Island Estates Historic District	September 14, 2020 Section 106 determination of No Adverse Effect	October 5, 2020	<i>De minimis</i> impact	M and H-5; Table 3

Exhibit 4-18: Consultation and Section 4(f) Finding (continued)

Site	Concurrence Request	Concurrence Received or Expected	Section 4(f) Finding	Appendix Reference
Comora House	September 14, 2020; December 21, 2020 Section 106 determination of No Adverse Effect	January 8, 2021	<i>De minimis</i> impact	M and H-5; Table 3
Landmark Executive Center	September 14, 2020 Section 106 determination of No Adverse Effect	October 5, 2020	<i>De minimis</i> impact	M and H-5; Table 3
Oak Forest Hills Historic District	September 14, 2020; December 21, 2020; February 9, 2021 Section 106 determination of No Adverse Effect	February 25, 2021	<i>De minimis</i> impact	M and H-5; Table 3
Gainsborough Historic District	September 14, 2020; December 21, 2020 Section 106 determination of No Adverse Effect	January 8, 2021	<i>De minimis</i> impact	M and H-5; Table 3
Lakeside Business Park	March 15, 2023 Section 106 determination of No Adverse Effect	March 27, 2023	<i>De minimis</i> impact	M and H-5; Table 3
Melvin House	March 15, 2023 Section 106 determination of No Adverse Effect	March 27, 2023	<i>De minimis</i> impact	M and H-5; Table 3
Hardin House	March 15, 2023 Section 106 determination of No Adverse Effect	March 27, 2023	<i>De minimis</i> impact	M and H-5; Table 3

1 **4.4 Draft Section 4(f) and 6(f) Determination**

2 As described in this chapter, the Preferred Alternative would not adversely affect the activities, features, and
 3 attributes that qualify the identified Section 4(f) resources for protection under Section 4(f) of USDOT Act of
 4 1966. Under this determination, concurrence from the official(s) with jurisdiction would satisfy the requirements
 5 of Section 4(f) for the Preferred Alternative.

6 The officials with jurisdiction (Cobb County Department of Parks and Recreation and City of Sandy Springs)
 7 provided concurrence for impacts to the Bob Callan/Rottenwood Creek Trail and PATH400 Trail recreation sites,
 8 and therefore, in accordance with 23 CFR 447.17, the Proposed Project would have a *de minimis* impact on these
 9 properties and no Section 4(f) Evaluation is required.

10 The official with jurisdiction (Georgia SHPO) concurred with a Section 106 determination of No Adverse Effect
 11 for the 10 NRHP-eligible historic sites and concurred that the Preferred Alternative would not alter those
 12 characteristics that qualify them for listing in the NRHP. In accordance with 23 CFR 447.17, the Proposed Project
 13 would have a *de minimis* impact on these properties and no Section 4(f) Evaluation is required.

14 FHWA received concurrence on May 5, 2021 from NPS for a *de minimis* finding for the CRNRA/CRNWT
 15 Section 4(f) site in accordance with 23 CFR 774.17.

16 The Preferred Alternative would not affect any Section 6(f) resources. Therefore, all necessary compliance
 17 requirements of Section 6(f) of the Land and Water Conservation Fund Act and 36 C.F.R. 59 are met.