

SECTION 4(F) DE MINIMIS IMPACT FINDING

Tyhee Wasteway Canal and Yellowstone Highway

Project No. A021(860), Key No. 21860

SECTION 4(f) AND DE MINIMIS: 23 USC 138 states: “[T]he Secretary shall not approve any program or project (other than any project for a park road or parkway under Section 204 of this Title) which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance as determined by the Federal, State or local officials having jurisdiction thereof, or any land from an historic site of national, state, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use.”

The *de minimis* impact criteria and associated determination requirements specified in Section 6009(a) of SAFETEA-LU are different for historic sites than for parks, recreation areas, and wildlife and waterfowl refuges. *De minimis* impacts related to historic sites are defined as the determination of either “no adverse effect” or “no historic properties affected” in compliance with Section 106 of the National Historic Preservation Act. *De minimis* impacts on publicly owned parks, recreation areas, and wildlife and waterfowl refuges are defined as those that do not “adversely affect the activities, features and attributes” of the Section 4(f) resource.

RESOURCE:

The US-91, Park Lawn to Siphon Road project, in Bannock County, Idaho, proposes to widen US-91 (Yellowstone Avenue) from three lanes to five lanes and alter the intersection at US-91 and Siphon Road/New Day Parkway within the City of Chubbuck.

Two Section 4(f) linear resources have been identified within the project area (Tyhee Wasteway Canal and Yellowstone Highway) which will be affected by the proposed project.

Tyhee Wasteway Canal:

The canal was built between 1910 and 1915 as part of the Fort Hall Main Canal System. 7.23 miles long. It is associated with early irrigation, agriculture, and settlement in Southeastern Idaho. It begins at the northwest corner of the intersection of Siphon Road and US-91 and extends 7.23 miles north and northwest to its terminus at Ross Fork Creek at the Fort Hall Bottoms. The Tyhee Wasteway Canal is in good condition, remains on its original historic alignment, and is still in use as it has been for the past 90 years. The canal is eligible for listing in the National Register of Historic Places (NRHP) under Criterion A because of its contribution to broad patterns of irrigation, agriculture, and settlement of southeastern Idaho.

Yellowstone Highway:

Within Bannock County, the Yellowstone Highway measures approximately 65.6 miles long, entering the county along the US-91 alignment at milepost (M.P.) 21.86, south of Swan Lake, Idaho, and exiting the county into Bingham County at M.P. 87.83 within Fort Hall, Idaho. In 1934, Yellowstone Highway was designated as State Highway 191 from Idaho Falls to Targhee Pass and as State Highway 91 from Idaho Falls to the Idaho-Utah State border. The road has been previously

recorded and determined to be eligible for the NRHP under Criterion A for its association with transportation, entertainment, and recreation events that have made a significant contribution to the broad patterns of history, the history and settlement of southeastern Idaho, and tourism to Yellowstone National Park.

The State Historic Preservation Office has concurred that project actions will have No Adverse Effect upon historic properties. The modification to the water resource and roadway will have minimal effect on the physical characteristics of these historic properties and will not adversely affect the activities, features, and attributes of the Section 4(f) resources.

IMPACTS TO THE TYHEE WASTEWAY CANAL and YELLOWSTONE HIGHWAY:

Tyhee Wasteway Canal:

Widening of US-91 will result in up to 1,800 feet of impacts to the NRHP-eligible canal (see Map 1. Project Effect); however, overall, these actions will impact an insignificant amount of the NRHP-eligible waterway. Furthermore, these actions will not impact any of the characteristics of the waterway that make it eligible for the NRHP. This undertaking will result in a finding of **No Adverse Effect to Historic Properties**.

Yellowstone Highway:

Widening of US-91 will result in up to 2,640 feet of impacts to the NRHP-eligible roadway (see Map 1. Project Effect); however, overall, these actions will impact an insignificant amount of the NRHP-eligible roadway. Furthermore, these actions will not impact any of the characteristics of the roadway that make it eligible for the NRHP. This undertaking will result in a finding of **No Adverse Effect to Historic Properties**.

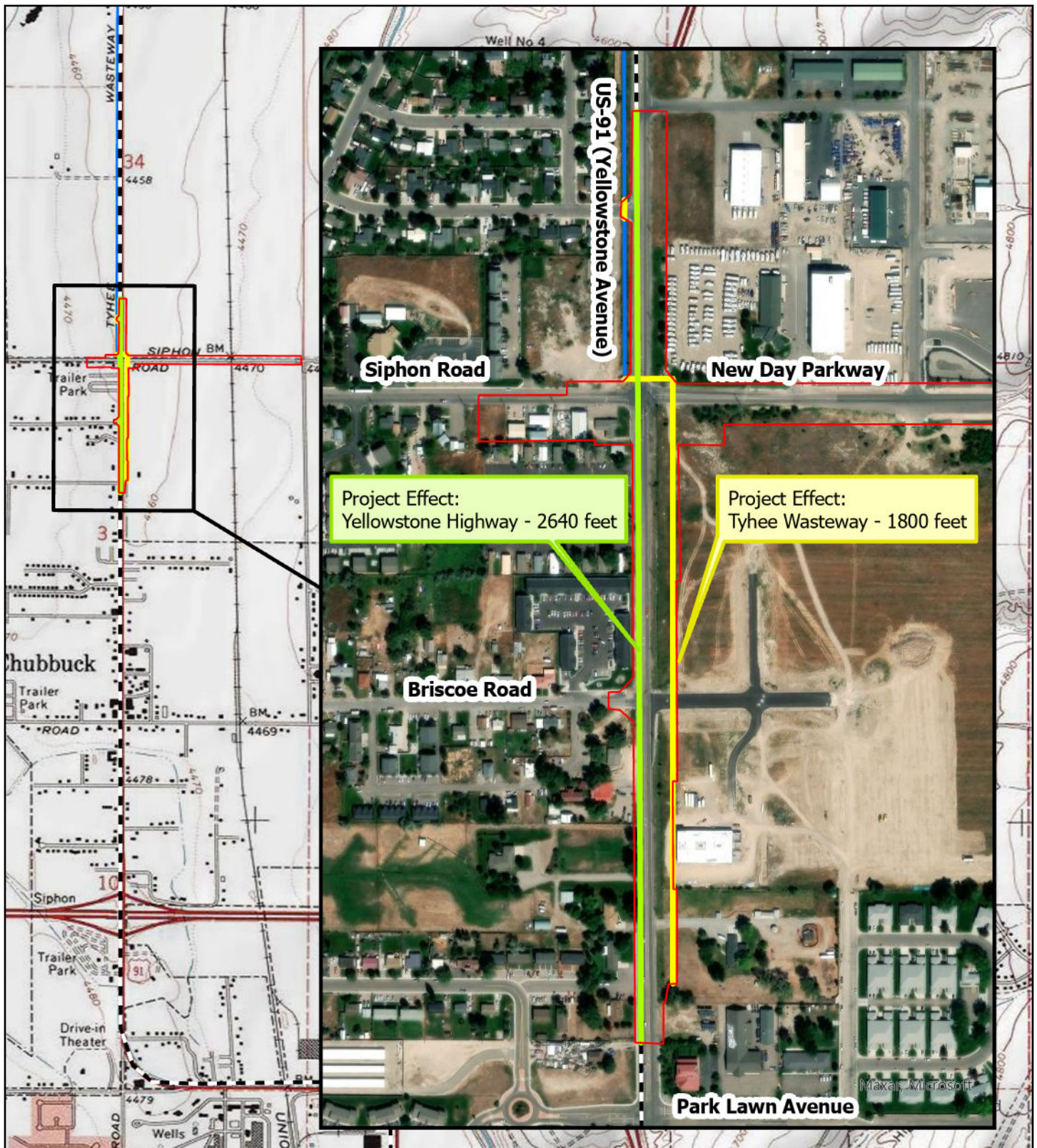
FINDINGS FOR THE TYHEE WASTEWAY CANAL and YELLOWSTONE HIGHWAY:

Tyhee Wasteway Canal:

For the reasons noted above, Federal Highway Administration has determined that the project will have a de minimis impact on the following Section 4(f) resource: Tyhee Wasteway Canal.

Yellowstone Highway:

For the reasons noted above, Federal Highway Administration has determined that the project will have a de minimis impact on the following Section 4(f) resource: Yellowstone Highway.



Map 1 Project Effect

US-91, Park Lawn to Siphon Road, Chubbuck
 Project No. A021(860), Key No. 21860
 T 5 S., R. 34 E., Section 34
 T 6 S., R. 34 E., Section 3

USGS 7.5 Minute Series
 Pocatello, Idaho; 1984
 100% of 1:24,000 Scale



Legend



Tyhee Wasteway Canal

Yellowstone Highway

Tyhee Wasteway Drain Project Effect

Yellowstone Highway Project Effect

Esri, TomTom,
 Garmin, FAO,
 NOAA, USGS,
 EPA, USFWS,
 Esri, USGS