

Appendix E – Section 4(f) Memo

# Section 4(f) *De Minimis* Determination

## A. INTRODUCTION

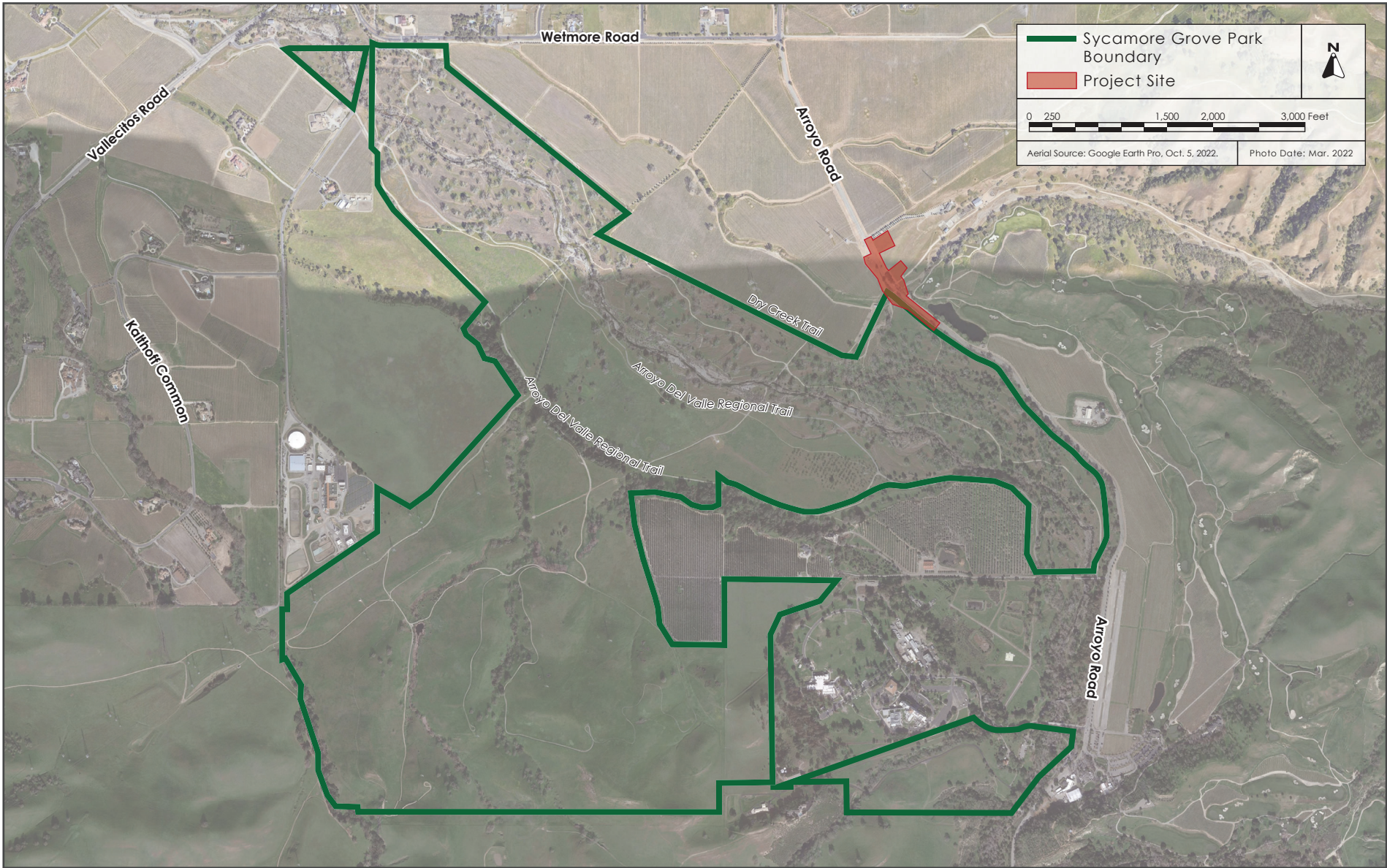
This section of the document discusses *de minimis* impact determinations under Section 4(f). Section 6009(a) of SAFETEA-LU amended Section 4(f) legislation at 23 United States Code (USC) 138 and 49 USC 303 to simplify the processing and approval of projects that have only *de minimis* impacts on lands protected by Section 4(f). This amendment provides that once the U.S. Department of Transportation (USDOT) determines that a transportation use of Section 4(f) property, after consideration of any impact avoidance, minimization, and mitigation or enhancement measures, results in a *de minimis* impact on that property, an analysis of avoidance alternatives is not required, and the Section 4(f) evaluation process is complete. FHWA's final rule on Section 4(f) *de minimis* findings is codified in 23 Code of Federal Regulations (CFR) 774.3 and CFR 774.17.

Responsibility for compliance with Section 4(f) has been assigned to Caltrans pursuant to 23 USC 326 and 327, including *de minimis* impact determinations, as well as coordination with those agencies that have jurisdiction over a Section 4(f) resource that may be affected by a project action.

## B. DESCRIPTION OF SECTION 4(f) PROPERTY IMPACTED BY THE PROJECT

Sycamore Grove Park (the "Park") is an 847-acre open space located in the Project area. The Park is owned and operated by the Livermore Area Recreation & Park District (LARPD). The Park meets the regulatory definition of a Section 4(f) property because (1) it is publicly owned, (2) it is open to the public, (3) its major purpose is for park and recreation activities, and (4) the County considers it to be significant as a park and recreation area.

Sycamore Grove Park is located southwest of the Arroyo Road Bridge (see Figure 1). The Park is generally bounded by vineyards to the north and west, Arroyo Road and Wente Vineyards and golf course to the east, and Olivina and Veterans Administration Hospital to the south. It includes paved pathways, hiking and horseriding trails, restrooms, and picnic areas.



SYCAMORE GROVE PARK MAP

FIGURE 1

## C. USE OF SECTION 4(f) PROPERTY BY THE PROJECT

As described below, two types of use of Sycamore Grove Park by the Project would occur: permanent use and temporary use.

### 1. Permanent Use

The footprint of the proposed realignment of Arroyo Road and bridge replacement would require approximately 0.25 acre right-of-way from Sycamore Grove Park and would permanently impact a total of approximately 0.48-acre, as shown in Figure 2. This area is currently occupied by a segment of Dry Creek Trail, which would be directly impacted. The encroachment onto Dry Creek Trail would eliminate the ability of its users to traverse this segment of the trail. However, as described below in Section D., *Avoidance, Minimization, and Mitigation Measures*, the Project would realign and reconstruct the segment of Dry Creek Trail.

A group of approximately three trees adjacent to Dry Creek Trail would be removed, as well as several other trees adjacent to Arroyo Road in the vicinity, to accommodate the Project. The existing trees provide partial screening from Arroyo Road; however, the existing Dry Creek Trail follows a path directly adjacent to the fenceline of the roadway. Removing the trees would create limited visual and aesthetic impacts for Park users.

### 2. Temporary Use

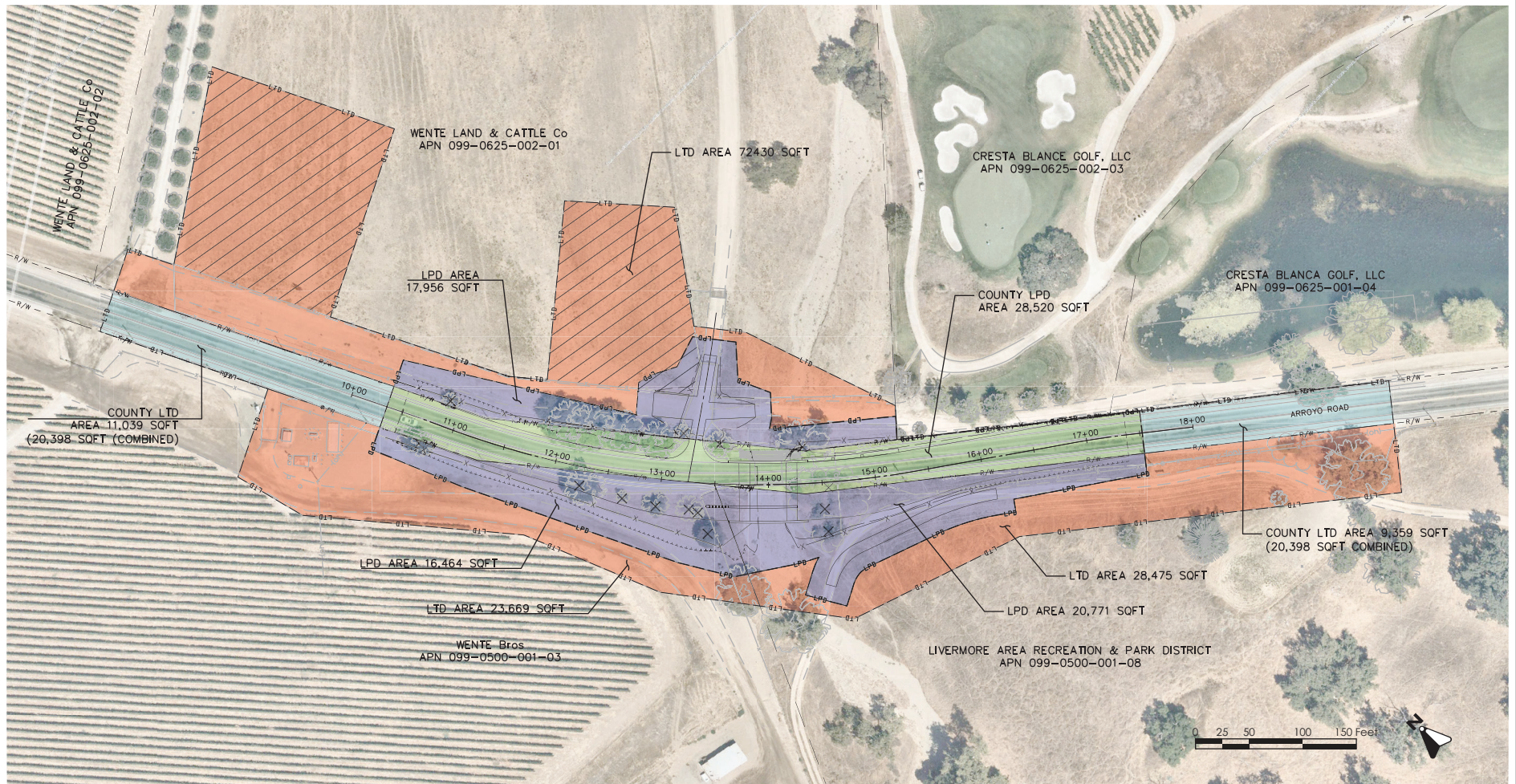
The portion of Dry Creek Trail northwest of the Nature Area/Special Use Entrance running adjacent to Arroyo Road would be temporarily relocated to avoid temporary closures during construction.

The remainder of Dry Creek Trail is anticipated to remain open, in addition to all other trails and facilities within Sycamore Grove Park.

During the construction phase, the Project would result in the following temporary impacts to Sycamore Grove Park:

- Temporary unavailability for use of the portion of Dry Creek Trail northwest of the Nature Area/Special Use Entrance that runs adjacent to Arroyo Road.
- Temporary increases in noise that would be audible in portions of the Park.
- Temporary increases in emissions of pollutants and generation of dust that could potentially adversely affect users of the Park.





Source: Wood Rodgers, Inc., January 2020.

PROJECT IMPACT MAP

FIGURE 2





## D. AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES

Measures that are included in the Project for the purpose of avoiding, minimizing, and mitigating impacts to Sycamore Grove Park under Section 4(f) fall into the following three categories, each of which is described below:

- Mitigation for Permanent Loss of Park Acreage,
- Mitigation for Permanent Impacts to Park Facilities and Amenities,
- Mitigation for Temporary Impacts to Park Facilities and Amenities.

### 1. Measures to Mitigate for Loss of Park Acreage

The Project would fully offset the loss of 0.25 acre of land from Sycamore Grove Park by improving access to the park across Dry Creek via the Class I bicycle path that would be included on the proposed bridge.

### 2. Measures to Mitigate for Permanent Impacts to Park Facilities and Amenities

As shown in Figure 2, the segment of the existing trail that would be impacted by the Project would be replaced with a new path, directly southwest of, and parallel to, the existing path. The project would also re-establish the border fencing between the park property and Arroyo Road.

### 3. Measures to Mitigate for Temporary Impacts to Park Facilities and Amenities

Prior to the start of construction, temporary fencing would be erected to separate the construction zone from Park facilities.

To avoid short-term closures, the temporary relocation of the impacted segment of Dry Creek Trail would occur prior to the start of construction.

During the construction phase, the Project would implement a series of measures that would avoid or minimize temporary impacts associated with noise and emissions of air pollutants including dust. These measures will be identified in the Initial Study to be prepared for the Project.

## E. DE MINIMIS DETERMINATION

Based on the above facts and analysis, Caltrans determined that the Project would result in a *de minimis* impact on Sycamore Grove Park.

## F. PUBLIC REVIEW

The public is being offered the opportunity to comment on this Section 4(f) *De Minimis* Determination in conjunction with the comment period for this Initial Study.

The design of the Project has been coordinated with, and reviewed by, the staff of the LARPD, who are the officials having jurisdiction over Sycamore Grove Park. The Project team has met with LARPD staff with the objective of reaching a *de minimis* determination, considering the above-described avoidance, minimization, and mitigation measures.

Formal concurrence that the Project will result in *de minimis* impacts to Sycamore Grove Park will be provided to Caltrans by LARPD and referenced in the final version of this document.