

Resources Evaluated Relative to the Requirements of Section 4(f) and 6(f)

The environmental review, consultation, and any other action required in accordance with applicable Federal laws for this project is being, or has been, carried out by Caltrans under its assumption of responsibility pursuant to 23 U.S.C. 327.

San Diego Freeway (I-405) Improvement Project From State Route (SR) 73 to Interstate 605 (I-605)

ORANGE AND LOS ANGELES COUNTIES, CALIFORNIA

12-ORA-405 PM 9.3/24.2 / 07-LA-405 PM 0.0/1.2

12-ORA-22 PM R0.7/R3.8 / 12-ORA-22 PM R0.5/R0.7

12-ORA-73 PM R27.2/R27.8 / 12-ORA-605 PM 3.5/R1.6

07-LA-605 PM R0.0/R1.2

EA 0H1000 / PN 1200000180

June 2015



TABLE OF CONTENTS

1.	Introduction	1
1.1	Project Status	1
1.2	Late Discovery of Section 4(f) Resources	1
1.3	Section 4(f) Resource Guidance	2
2.	Description of Approved Project.....	5
2.1	Project Description	5
3.	Description of Section 4(f) Properties	8
4.	Impacts on Section 4(f) Properties.....	10
5.	Measures to Minimize Harm.....	18
6.	Coordination	23
7.	Concluding Statement.....	24
8.	Other Parks, Recreational Facilities, Wildlife Refuges, and Historic Properties Evaluated Relative to the Requirements of Section 4(f)	25
9.	Letters and Other Correspondence	26
10.	Section 6(f) Considerations	27
11.	Bibliography	28

List of Figures

Figure 1: Project Location Map	6
Figure 2: Project Refinement Area.....	8
Figure 3: Moon Park Acquisition Area	12
Figure 4: Impacts to Sunflower Avenue Multipurpose Trail	15
Figure 5: Proposed Bicycle Detour Route to Santa Ana River Trail	16

List of Tables

Table 1: Parks and Recreational Facilities within 0.5 Mile	9
Table 2: Impacts to Parks and Recreational Facilities	11

1. Introduction

1.1 Project Status

This Section 4(f) Evaluation discusses the environmental setting and effects of the selected and approved alternative for the San Diego Freeway (I-405) Improvement Project with regards to Late Discovery of Section 4(f) resources. A previously prepared Section 4(f) Evaluation for the project was issued on October 13, 2011, and was included in the Record of Decision (ROD) for the project, which was signed on May 15, 2015. The approved alternative was analyzed in the Final Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) (March 2015).

The ROD was developed pursuant to 40 *Code of Federal Regulations* (CFR) 1505.2 and 23 CFR 771.127. The California Department of Transportation (Caltrans), in cooperation with the Orange County Transportation Authority (OCTA), identified the need to improve the mainline freeway and interchanges on I-405 to relieve congestion and improve operational efficiency between State Route (SR) 73 and Interstate 605 (I-605). The approximately 16-mile-long project corridor is primarily located in Orange County on I-405 and traverses the cities of Costa Mesa, Fountain Valley, Huntington Beach, Westminster, Garden Grove, Seal Beach, Los Alamitos, Long Beach, and the community of Rossmoor.

Environmental review, consultation, and any other action required in accordance with applicable federal laws for this project is being, or has been, carried out by Caltrans under its assumption of responsibility pursuant to 23 United States Code (U.S.C.) 327.

The ROD approved the Preferred Alternative identified in the Final EIR/EIS (Alternative 3). After public review of the Draft EIR/EIS and the Supplemental Draft EIR/EIS; full consideration of the technical studies prepared, public comments, and agency input; and comments on the Final EIR/EIS were considered, Caltrans selected Alternative 3 for the widening and improvement of the I-405 corridor.

1.2 Late Discovery of Section 4(f) Resources

Per Chapter 20 of the Caltrans guidelines for Section 4(f) and related requirements, when a Section 4(f) resource is discovered after circulation of the environmental document, a separate Section 4(f) Evaluation must be prepared. The evaluation is reviewed and approved following the same procedures as if it was discovered during the initial environmental process.

This evaluation addresses only those Section 4(f) resources not included in the previous Section 4(f) Evaluation approved in 2015. This evaluation also includes project information that was presented in the previous evaluation to create a fully comprehensive Section 4(f) Evaluation.

1.3 Section 4(f) Resource Guidance

Section 4(f) of the federal Department of Transportation Act of 1966 (49 U.S.C. § 303), declares that “[i]t is the policy of the United States government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.”

Section 4(f) specifies that, “[t]he Secretary [of Transportation] may approve a transportation program or project...requiring the use of publicly owned land of 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 over the park, area, refuge or site), only if –

- there is no prudent and feasible alternative to using that land; and
- the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.”

Section 4(f) further requires consultation with the United States Department of the Interior and, as appropriate, the United States Department of Agriculture and the Department of Housing and Urban Development in developing transportation projects and programs that use lands protected by Section 4(f). If historic sites are involved, then coordination with the State Historic Preservation Officer (SHPO) is also needed.

The approved project is a transportation project that will receive funding and/or discretionary approvals through the U.S. Department of Transportation (i.e., Federal Highway Administration [FHWA]); therefore, documentation of compliance with Section 4(f) is required.

The FHWA Section 4(f) Checklist, Attachment B – Park, Recreational Facilities, Wildlife Refuges, and Historic Properties Evaluated Relative to the Requirements of Section 4(f), revised September 2003, represents their recommended “best practices” for compliance with Section 4(f) requirements.¹ Attachment B indicates that all archaeological and historical sites within the Section 106 Area of Potential Effects (APE) and all public parks, recreational facilities, and wildlife refuges within approximately 0.5 mile of any of the project alternatives should be included in the evaluation.

This evaluation identifies the Section 4(f) resources in the I-405 Improvement Project area that were not captured in the previous Section 4(f) evaluation. This evaluation also describes the nature and extent of the potential effects on these properties, evaluates alternatives that would avoid the use of Section 4(f) resources, and describes measures to minimize harm to the affected

¹ Federal Highway Administration. 1997 (Revised September 2003). Section 4(f) Checklist. May.

resources. Coordination with involved government agencies and a final determination is also included.

Applicable technical reports for this Section 4(f) Evaluation are as follows:

- Preliminary Engineering Drawings, Parsons, March 2016
- Draft Section 4(f) Evaluation, March 2015
- Draft Historic Property Survey Report (HPSR) for the San Diego Freeway (I-405) Improvement Project from State Route (SR) 73 to Interstate 605 (I-605), Orange and Los Angeles Counties, California, July 2011
- Draft Archeological Survey Report (ASR) for the Interstate 405 Improvement Project from SR-73 to I-605 in Orange County, California, July 2011

Section 4(f) “Use”

Regulations interpreting Section 4(f) state that “the potential use of land from a Section 4(f) property shall be evaluated as early as practicable in the development of the action when alternatives to the proposed action are under study (23 CFR 774.9(a)).” The use of Section 4(f) resources occurs when:

- Land from a Section 4(f) site is directly incorporated into a transportation facility (i.e., “direct use”);
- There is a temporary occupancy of Section 4(f) land that is adverse in terms of the statute’s preservation purpose (i.e., “temporary use”); or
- When the indirect impacts of the transportation project on the Section 4(f) site, without acquisition of land, are so great that the purposes for which the Section 4(f) site exists are substantially impaired (i.e., “constructive use”).

Direct Use

A direct use of a Section 4(f) resource takes place when property is directly incorporated into a transportation facility (23 CFR Section 774.17). This may occur as a result of partial or full acquisition of a fee simple interest, direct easements, or temporary easements that exceed regulatory limits noted below.

Temporary Use

A temporary occupancy of a Section 4(f) resource is considered a “use” when it is adverse in terms of the preservationist purposes of the Section 4(f) statute; however, under FHWA regulations (23 CFR Section 774.13[d]), a temporary occupancy of property does not constitute a use of a Section 4(f) resource when the following conditions are satisfied:

- The occupancy must be of temporary duration (i.e., shorter than the period of construction of the project) and not involve a change in ownership of the property.
- The scope of the work must be minor, with only minimal changes to the Section 4(f) property.
- There are no direct adverse physical impacts or interference with the protected activities, features, or attributes of the property.
- The property being used must be fully restored to a condition that is at least as good as that which existed prior to the project.
- There must be documented agreement of the appropriate official having jurisdiction over the resource regarding the above conditions.

Constructive Use

A constructive use of a Section 4(f) resource occurs when a transportation project does not directly incorporate land from the resource, but the proximity of the project results in impacts (i.e., noise, vibration, visual, access, and/or ecological impacts) so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired (i.e., “constructive use”).

De minimis Impact

A *de minimis* impact to a Section 4(f) resource is a nominal impact that would not be adverse. *De minimis* impacts to historic resources under Section 4(f) would be either no impact to the property or a “no adverse effect” finding under 36 CFR Part 800. For other Section 4(f) protected resources, including publicly owned parks, recreation areas, and wildlife and waterfowl refuges, *de minimis* impacts would be defined as those that do not adversely affect the activities, features, or attributes of the Section 4(f) resource. To reach a *de minimis* impact finding, the official(s) with jurisdiction over the Section 4(f) resource must provide written concurrence that the project would not adversely affect the activities, features, or attributes that qualify the property for protection under Section 4(f). The public must be afforded the opportunity to review and comment on the effects of the project on the identified Section 4(f) resource(s).

2. Description of Approved Project

2.1 Project Description

Caltrans, in cooperation with OCTA (responsible agency pursuant to CEQA §15381 and sponsoring agency), has begun preliminary design engineering to improve the mainline freeway and interchanges on I-405 in Orange and Los Angeles Counties for approximately 16 miles between SR-73 and I-605 (ORA-405 PM 9.3/24.2 / LA-405 PM 0.0/1.2; ORA-22 PM R0.7/R3.8 / ORA-22 PM R0.5/R0.7; ORA-73 PM R27.2/R27.8 / ORA-605 PM 3.5/R1.6; LA-605 PM R0.0/R1.2).

The project is being constructed to relieve congestion and improve operational efficiency on I-405 between SR-73 and I-605. The project area is located in Orange County. Caltrans is the Lead Agency for compliance with the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA). The environmental review, consultation, and any other action required in accordance with applicable federal laws for this project have been carried out by Caltrans under its assumption of responsibility pursuant to 23 U.S.C. 327. OCTA is the local agency sponsor and a Responsible Agency under CEQA and NEPA; the United States Army Corps of Engineers (USACE) is a Cooperating Agency under NEPA.

The project is included in the 2008 Regional Transportation Plan (RTP) prepared by the Southern California Association of Governments (SCAG) as project ORA030605. The RTP describes the project as follows: “construct one additional all purpose lane in each direction on I-405 and provide additional capital improvements from SR 73 through the LA County line #317.” The preliminary engineering and environmental study phase of the project is also included in the 2008 cost-constrained Regional Transportation Improvement Program (RTIP). Funding for future final design services, right-of-way (ROW) costs, and construction of the project is anticipated and being sought from several sources, including the State Transportation Improvement Program (STIP) and Orange County’s Renewed Measure M transportation sales tax initiative. Project proponents include FHWA, Caltrans, and OCTA.

Approved Project Alternative

For the purpose of this Section 4(f) Evaluation, a description of the approved project alternative is provided below. This alternative was selected as the Preferred Alternative and approved in the Final EIR/EIS in March 2015. Figure 1 shows the project location map and provides the project’s regional (see insert map) location.

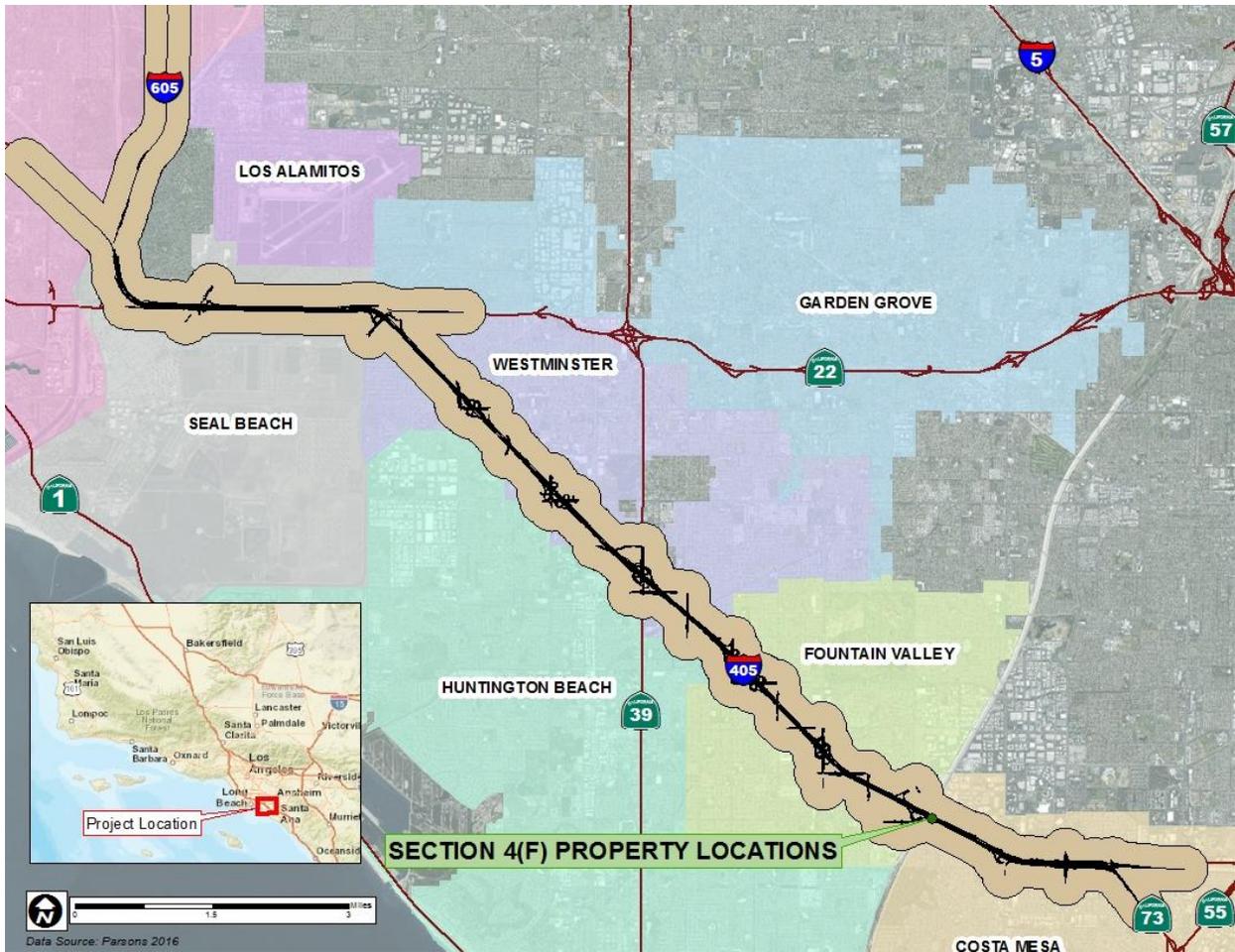


Figure 1: Project Location Map

Alternative 3 – Express Lane Facility (tolled) and One General Purpose Lane in Each Direction

Alternative 3 was the preferred and approved alternative for the project and is currently undergoing preliminary engineering evaluation. The project will add one general purpose (GP) lane in each direction of I-405 from Euclid Street to the I-605 interchange and a tolled express lane in each direction of I-405 from SR-73 to I-605. The tolled express lane will be placed beside the existing high-occupancy vehicle (HOV) lane in each direction. The existing HOV lanes and new toll lanes will be managed jointly as an Express Lane Facility with two lanes in each direction.

The project provides a full standard highway cross section, with 12-foot-wide mainline travel lanes and shoulders on the left and right sides in both directions. Right side (outside) shoulders will be 10 feet wide, while left side (inside) shoulders will have a maximum width of 10 feet with a provision for a widened left shoulder for enforcement areas under consideration. The joint HOV/toll lane Express Lane Facility will be separated from the GP lanes by a 1- to 4-foot-wide buffer.

3. Description of Section 4(f) Properties

As recommended in the FHWA Section 4(f) Checklist, resources subject to Section 4(f) consideration include publicly owned lands within 0.5 mile of the project, consisting of a public park/recreation area; public wildlife and waterfowl refuges of national, state, or local significance; or National Register-eligible historic and archaeological sites within the project APE, whether publicly or privately owned. Identified resources are discussed as below.

Public Parks and Recreational Facilities

A total of four parcels comprised of parks and recreational facilities within 0.5 mile of the project are affected by design refinements, as shown in Figure 2, which shows the location of late discovery resources. Two of the four parcels are associated with Moon Park. Moon Park was included in the 2011 Section 4(f) Evaluation; however, at the time of evaluation, no construction work was expected to occur at Moon Park. Consequently, this Section 4(f) resource was not included in the previously prepared Section 4(f) *de minimis* finding.

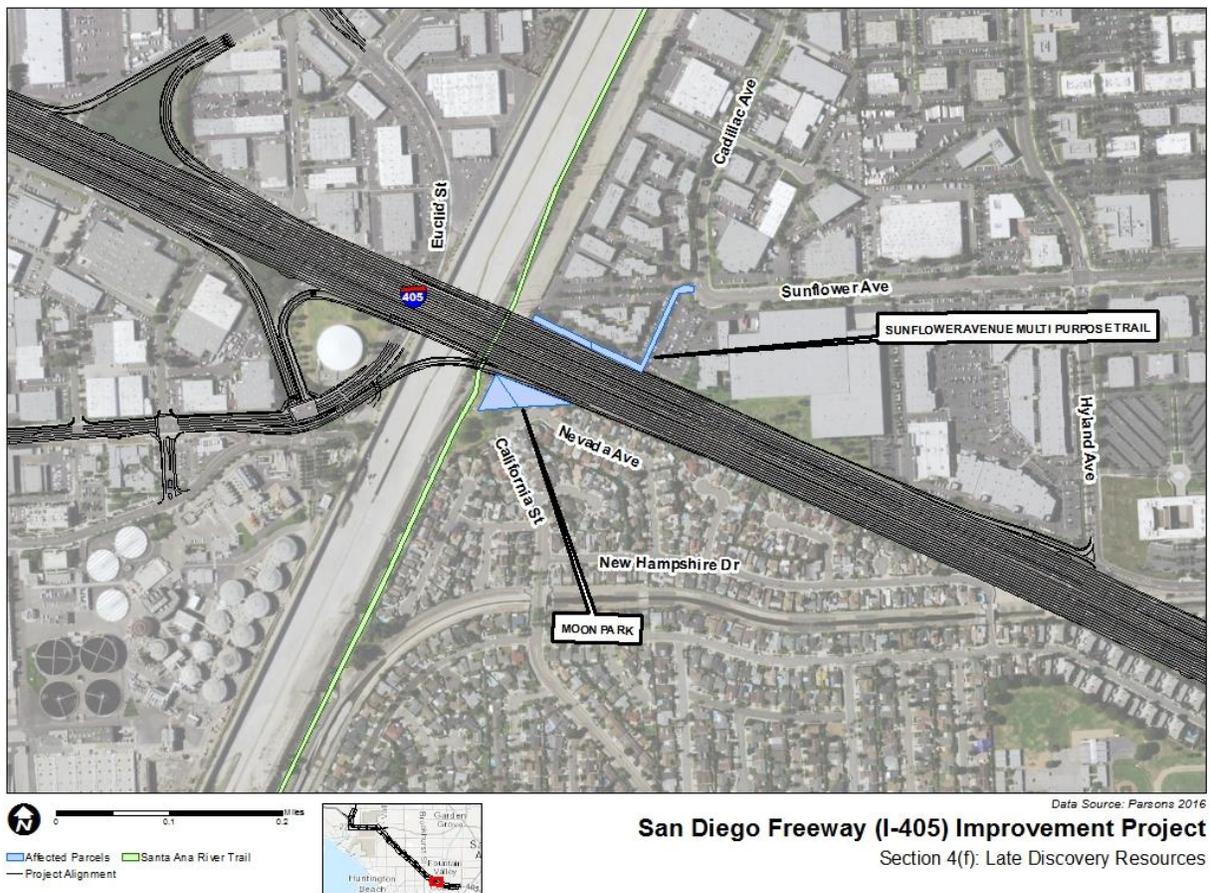


Figure 2: Project Refinement Area

The final two parcels affected by design refinements are associated with the Cambridge Business Park, located opposite Moon Park along the northbound I-405 mainline. These two parcels support a 10-foot-wide easement for bicycle trail purposes, with the trail being dedicated to the City of Costa Mesa. At the time of the 2011 Section 4(f) Evaluation, this multipurpose trail had not been identified; therefore, it was not included in the previously prepared Section 4(f) *de minimis* finding. Table 1 provides a summary of the four affected parcels included in this Section 4(f) Evaluation.

Table 1: Parks and Recreational Facilities within 0.5 Mile					
Property Name	Location	Affected APNs	Current Ownership	Facilities	Subject to Section 4(f) Protection?
Moon Park	3377 California Street	139-571-06; 139-571-04	City of Costa Mesa	1.7 acres; picnic tables, playgrounds	Yes
Cambridge Commercial Business Park	3505 Cadillac Avenue	139-661-25; 139-661-24	City of Costa Mesa (10-foot easement)	Multipurpose bike trail; industrial	Yes

Wildlife and Waterfowl Refuges

As described in the 2011 Section 4(f) Evaluation, there are no wildlife and waterfowl refuges within 0.5 mile of the project area (CDFW, 2010). The nearest refuges are the Seal Beach National Wildlife Refuge, located approximately 2.4 miles to the south, and the Bolsa Chica Ecological Reserve, located approximately 3.1 miles to the south. Due to their distance from the project, these refuges are not subject to Section 4(f) evaluation.

Historic Properties

As described in the 2011 Section 4(f) Evaluation, the *Draft Historic Property Survey Report/Historic Resources Evaluation Report* was prepared in August 2011. Results of this study identified three historic resources eligible for listing on the National Register within the study area that may be affected by the project; however, there are no historic resources present in the project refinement area.

Archaeological Sites

An ASR was prepared for the project in February 2011. The ASR included the preliminary analysis of archaeological potential for surface and buried prehistoric and historic-era archaeological resources within the project study area. Additionally, the 2011 Section 4(f) Evaluation concluded the presence of three previously recorded archeological sites found within the direct APE of the project. However, none of these sites met the eligibility criteria required to be considered a Section 4(f) resource, and no additional sites have been identified since the last Section 4(f) Evaluation.

4. Impacts on Section 4(f) Properties

This section provides an evaluation of the potential use of late discovered recreational facilities, including, but not limited to, parks, recreation centers, trails, archeological sites, and historic properties, subject to Section 4(f) evaluation within the 0.5-mile project area.

Based on detailed analysis of the approved project and affected ROW for I-405, there are no recreation centers, historic properties, or archeological sites that are expected to be impacted by the project and its refinements.

Recreational facilities subject to this Section 4(f) evaluation include one park and one multipurpose trail sufficiently proximate to the project to warrant further analysis. These recreational resources are subject to Section 4(f) evaluation due to their proximity to the project's ROW, which could result in indirect or direct use of the park and trail. Potential for the project to impair recreational activities within these two facilities is discussed below.

The use of a Section 4(f) property occurs when one or more of the following takes place:

1. When land from a Section 4(f) site is directly incorporated into a transportation facility;
2. When there is a temporary occupancy of land that is adverse in terms of the Section 4(f) statute's preservationist purposes; or
3. When there is a constructive use of a Section 4(f) property.

A constructive use of a Section 4(f) property occurs if the transportation project does not incorporate land from a Section 4(f) property, but the project's indirect impacts to access, visual resources, air quality, water quality, vegetation and wildlife, and/or noise, including mitigation, are so severe that the protected activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired.

The following discussion describes potential impacts on each Section 4(f) property from the project's design refinements. A summary of impacts is provided in Table 2.

Table 2: Impacts to Parks and Recreational Facilities

APN	Associated Facility	Total Area (square feet)	Permanent (square feet)	Permanent Footing Easement (square feet)	Total TCE (square feet)
139-571-06	Moon Park	20,860	145	36	3,655
139-571-04	Moon Park	15,551	2.0	3.2	142
TOTALS		36,411	147 (.004%)	40	3,797 (0.104%)
139-661-25	Cambridge Commercial Business	70,655	1,350	915	5,680
139-661-24	Cambridge Commercial Business	344,096	1,070	0	4,995
TOTALS		414,751	2,420	915	10,675

Parks and Recreational Facilities

Moon Park

Moon Park is located within the city of Costa Mesa just south of the Santa Ana River Trail (SART) and its eastern fence line is adjacent to the southbound I-405 mainline. Moon Park is a small community park with single-family homes located on its southern and western boundaries. As a result of design refinements, the project requires a small acquisition (about 147 square feet) of the park along its eastern fence line area. Based on site visits, photo interpretation, and topographic analysis, the park parcel boundary does not include any drainage facilities located outside the fence line between the park and southbound I-405.

The acquisition of ROW for a permanent footing easement would not require acquisition of existing park facilities. The acquisition is required to support a new retaining wall and soundwall located along the eastern park boundary, adjacent to southbound I-405. The acquisition area is shown in Figure 3.



Figure 3: Moon Park Acquisition Area

Direct Use

To complete ramp widening for the southbound I-405 on-ramp from Euclid Street, construction of the project and the design refinements would result in a permanent acquisition of approximately 147 square feet of Moon Park, or .004 percent of the total park area. There are no park uses or recreational facilities within the acquisition area, and project construction would not require relocation of any drainage facilities. This 147 square feet would be incorporated into the transportation facility and hence is considered a “direct use.”

Temporary Use

During construction of the southbound I-405 on-ramp from Euclid Street, as well as the new retaining wall/soundwall, a small segment of the park along the eastern park boundary would be used temporarily for the purpose of construction. The temporary use area would be 6,215 square feet of landscaping and does not include recreational facilities. Use of this segment of the park for construction would not result in a temporary occupancy of the park for the following reasons:

- Construction duration for activities associated with the retaining wall/soundwall would take less time than construction of the project;
- Construction of the retaining/sound wall is considered minor in nature.

- Recreational activities can continue throughout project construction and there would be no permanent adverse physical impacts.
- Once the retaining/sound wall is constructed, the impacted area will be returned to a condition at least as good as that which existed prior to the project; and
- Authority with jurisdiction over the park (City of Costa Mesa) agrees with the above conditions.

Consequently, the project would not result in a temporary Section 4(f) use of the park. It is anticipated that the City would agree with the above findings.

Constructive Use

The project and its refinements would not result in a constructive use of Moon Park. A constructive use is an indirect impact that severely affects the important features, activities or attributes of a Section 4(f) resource. (e.g., noise impacts were so severe over normal conditions that park users were unable to enjoy the playground).

During construction, access to Moon Park would not be impaired because the area of acquisition is located along the outer eastern perimeter area of the park and does not affect access to the park. During final design of the project, the existing soundwall and landscaping on the east side of the park would be replaced; however, there would be continuous access to the park facilities. With final project design features incorporated, indirect impacts to access would not be substantially adverse nor considered a Section 4(f) constructive use.

Indirect visual impacts associated with the project would be minimal because visual quality of the existing area is already low. An existing soundwall along southbound I-405 would be replaced with a soundwall added atop a new retaining wall. These walls would not result in substantial changes to views of the park or freeway mainline from the park because a soundwall currently exists in the same location. Any minor visual impacts to the park associated with the project would not result in loss of recreational use of the park; therefore, indirect visual impacts would not be considered a Section 4(f) constructive use.

Moon Park is located in a built-out suburban area along a major freeway corridor. Consequently, there are no wildlife corridors or sensitive vegetation adjacent to the park that would be indirectly impacted by the project; therefore, no sensitive vegetation or wildlife impacts would occur at the park that would result in a Section 4(f) constructive use.

Indirect air quality and noise impacts as a result of the project are not expected to result in a constructive use of Moon Park. The park is currently subject to indirect air quality and noise impacts due to its proximity to I-405 and its location within a built-out suburban environment. The incremental increase in noise and air quality impacts during construction and subsequent

operation would not inhibit recreational functions within the park; therefore, the project and its design refinements would not result in a Section 4(f) constructive use of Moon Park due to indirect noise and air quality impacts.

Sunflower Avenue Multipurpose Trail

There is one multipurpose trail that would be affected by the project and its design refinements. The Sunflower Avenue Multipurpose Trail (SAMPT) is located along the westernmost edge of the Cambridge Business Park, adjacent to northbound I-405. The SAMPT is a concrete trail located within an existing 10-foot-wide easement for bicycle trail purposes and is dedicated to the City of Costa Mesa. The SAMPT is also a connector route between the Santa Ana River Trail to the north and the City of Costa Mesa's bike route system to the south (via Sunflower Avenue). As a result, the trail meets the definition of a Section 4(f) resource.

Construction of the project in this area would affect the SAMPT in the following ways.

- As part of the approved project, temporary construction easements (TCEs) would be acquired for construction-related activities in the area of the SAMPT, affecting its entire western alignment, which totals approximately 650 linear feet. This would result in the temporary closure of the SAMPT for approximately 2 years.
- Construction of the project also requires a permanent easement for the footing of a retaining wall required in this area of the project. This easement would require realignment of the SAMPT eastward once construction in this area is completed (Figure 4).

Impacts associated with these project components were not discussed in the previous Section 4(f) Evaluation; therefore, they are included in this current evaluation.

Direct Use

Construction of the project in this area would include a permanent easement for the footing of a required retaining wall. The easement would require realignment of the SAMPT once construction is completed. The existing 10-foot-wide trail easement would be shifted eastward from its present location to 10 feet off the new planned freeway R/W limits, which would be the back of the retaining wall. The trail easement would be shared with the subsurface footing easement for the retaining wall. The shift in alignment would not permanently affect the overall width of the SAMPT.

These project changes would not affect future long-term recreational function of the SAMPT. Additionally, the project would not result in the partial or full acquisition of the SAMPT; therefore, no direct use of the trail would occur from project construction.



Figure 4: Impacts to Sunflower Avenue Multipurpose Trail

Temporary Use

The trail would need to be closed during construction in this area, resulting in a temporary loss of recreational use of this trail. Consequently, the project would result in a temporary use of the trail under Section 4(f). However, a detour route providing access to and from the SART would be available during the temporary closure (Figure 5).

Constructive Use

The widening of I-405 would not result in an indirect constructive use of the SAMPT. An indirect impact would be considered a Section 4(f) constructive use if the impact were so severe that the public did not have access to the trail and/or the recreational activities occurring on the trail were severely affected by the project’s impacts (i.e., noise impacts were so severe that bicyclists would avoid use of the trail).

Although the trail would need to be closed for two (2) years during construction, access to the SART would be provided via a detour route. The project would not result in a permanent loss of access to the SART; and thus would not result in a Section 4(f) constructive use.

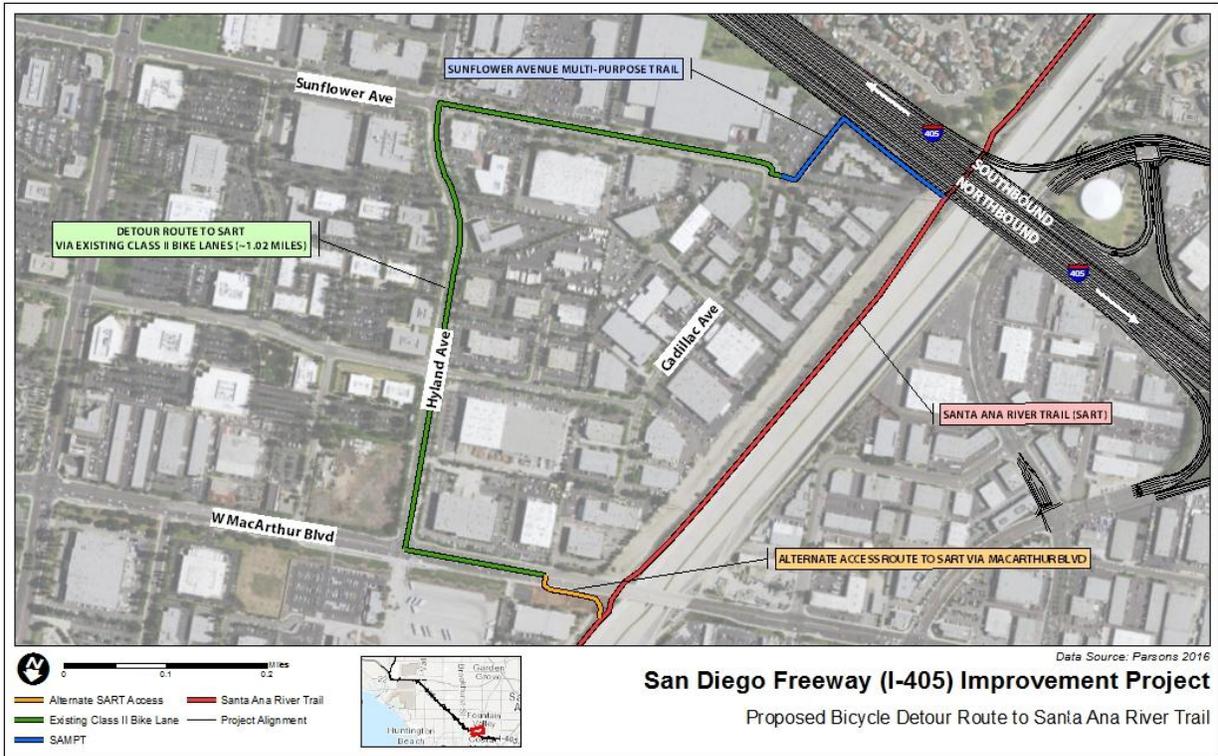


Figure 5: Proposed Bicycle Detour Route to Santa Ana River Trail

Indirect visual impacts associated with the project would be minimal because visual quality in the area of the SAMPT is low. Once the SAMPT was reopened, views would remain unchanged because the project would result in signing and striping changes to I-405 above the trail that are not visible from the trail. Existing low-quality views from the trail include parking lots and freeway embankments. Changes in views as a result of the project would be similar to those that currently exist and would not result in an indirect constructive use of the SAMPT under Section 4(f).

The northern end of the SAMPT is located near the Santa Ana River Trail. This trail is located on the banks of channelized rivers that are not adjacent to wildlife corridors and do not contain vegetation that would be indirectly impacted by the project. Existing vegetation adjacent to the trail itself is comprised of common landscape plantings and is not expected to support sensitive wildlife species. Because no sensitive vegetation or wildlife would be impacted along the SAMPT, no Section 4(f) constructive use would occur.

Indirect air quality and noise impacts as a result of the project are not expected to result in a constructive use of the SAMPT. The trail is currently subject to indirect air quality and noise impacts due to its proximity to the existing I-405 mainline and ramps, and due to the trail's location in a built-out suburban and commercial environment. The incremental increase in noise and air quality impacts during construction and project operation would not inhibit recreational

use of the trail; therefore, the project would not result in a Section 4(f) constructive use of the SAMPT due to indirect noise and air quality impacts.

Historic Properties

There are no historical sites subject to Section 4(f) evaluation within the direct APE.

Archaeological Sites

There are no archeological sites subject to Section 4(f) evaluation within the direct APE.

5. Measures to Minimize Harm

There are several common measures that would minimize potential project impacts to each of the Section 4(f) properties. Measures identified for noise and visual resources are discussed in this section. Discussion of specific measures to minimize harm per protected Section 4(f) property, as well as agency consultation requirements, is also provided in this section. All of these measures are proposed at the program/policy level; final and exact details for mitigation measures will be decided during the final project design phase.

Measures to Minimize Harm for all Section 4(f) Properties

Specific mitigation and minimization measures aimed at protecting Section 4(f) properties were included in the previously approved Section 4(f) Evaluation. Those measures are also applicable to the late discovery resources included in this evaluation and are presented below.

Noise

The following noise control measures are proposed for the project during construction activities taking place in the vicinity of the two identified Section 4(f) facilities, which are expected to minimize noise impacts. For further information related to noise during construction, please refer to Section 3 of the Final EIR/EIS.

NOI-2: Sound control shall conform to the provisions in Section 14-8.02, “Noise Control,” of the Standard Specifications. According to requirements of this specification, construction noise cannot exceed 86 dBA at 50 ft from the jobsite activities from 9:00 p.m. to 6:00 a.m.

NOI-3: All internal combustion engines shall be equipped with the manufacturer-recommended muffler. An internal combustion engine cannot be operated on the jobsite without the appropriate muffler.

NOI-4: The contractor shall prepare a Noise and Vibration Monitoring and Mitigation Plan by a qualified Acoustical Engineer and submit it for approval. The Plan must outline noise and vibration monitoring procedures at predetermined noise and vibration sensitive sites, as well as historic properties. The Noise and Vibration Monitoring and Mitigation Plan also must include calculated noise and vibration levels for various construction phases and mitigation measures that would be needed to meet the project specifications. The contractor shall not start any construction work or operate any noise-generating construction equipment at the construction site before approval of the Noise and Vibration Monitoring and Mitigation Plan. The Noise and Vibration Monitoring and Mitigation Plan must be updated every three (3) months or sooner if there are any changes to the construction activities.

NOI-5: It is predicted that construction activities that use vibratory compaction rollers and pile drivers could cause some human annoyance impacts. There are cases where it may be necessary to use this type of equipment in close proximity to residential and commercial buildings. The following are procedures that could be used to minimize the potential for human annoyance from construction vibration:

- Conduct vibration monitoring during vibration-intensive activities.
- Properly maintain all motorized equipment in a state of good repair to limit wear-induced vibration.
- Where feasible, avoid the use of impact-type pile driving near residences; instead use drilled piles or the use of a sonic or vibratory pile driver, which cause lower vibration levels (where the geological conditions permit their use).
- When there is a possibility of human annoyance from construction activities, such as the operation of vibratory rollers, absent urgent and unexpected circumstances, conduct such activity only during weekday daytime hours when the ambient background noise and vibration is higher and many residents are away from their homes at work.
- Develop a phasing plan so that high vibration-generating activities do not occur within the same time period in close proximity to each other, to the maximum extent practicable.
- Avoid the use of large vibratory rollers and packers near sensitive areas, when possible, and use smaller equipment with smaller lifts.

A combination of mitigation techniques with equipment noise control and administrative measures can be selected to provide the most effective means to minimize noise effects of construction activities. Application of these measures would reduce construction-related noise impacts; however, a temporary increase in noise and vibration may still occur.

As identified in the previous Section 4(f) Evaluation for the project, operational noise impacts would occur in close proximity to several Section 4(f) properties. The *Noise Abatement Decision Report* (NADR) for the project included a barrier analysis for those sensitive receptors that would be adversely affected by noise impacts. Results of the NADR indicated that soundwalls would be placed at various locations along the I-405 mainline, along on- and off-ramps, and at locations adjacent to Section 4(f) resources.

Measures to minimize effects in the form of soundwalls/barriers will continue to be developed and designs modeled in further detail as engineering analysis is refined.

Visual

To minimize harm to Section 4(f) properties, the following measures related to visual resources are included for the project.

VIS-5: Provide architectural detailing for the soundwalls, retaining walls, and bridges, including textures, colors, and patterns. Include elements such as caps, columns, pier caps, parapets, fencing, and abutment and wing walls as shown in the Aesthetics and Landscape Master Plan. In addition, bridge or architectural elements on ramps, bridges, and soundwalls will include forms and lines to match the existing built-environment features.

VIS-6: Landscape and revegetate disturbed areas to the greatest extent feasible.

VIS-14: Design all visible concrete structures and surfaces to comply with the Aesthetic and Landscape Master Plan.

VIS-17: Caltrans has existing ongoing maintenance programs for the control and removal of graffiti, which would apply to all new and modified structures on public and private property, as appropriate.

VIS-18: Provide vine planting on soundwalls and retaining walls where feasible and appropriate. Per Highway Design Manual, Index 902.3(5), vine planting should be included with all sound barrier projects to reduce the potential for graffiti and to soften the appearance of the wall.

Please refer to Section 3.1.7, Visual/Aesthetics, in Chapter 3 of the Final EIR/EIS for further information regarding visual resources within the project area.

Existing Vegetation

Existing vegetation along the edges of the I-405 corridor help to soften paved surfaces and in some instances help to screen the presence of soundwalls. Because most of the existing trees are mature trees, they also help to humanize the scale of the freeway elements. This is especially true for large trees (over 40 feet), considered sky line trees, because these trees work well with the scale of the highway features; therefore, maximizing preservation of the existing plantings and trees would help preserve the existing character of the corridor and reduce the amount of future replanting required as part of the project. Transplantable trees in conflict with roadway improvements shall be moved within the project area to locations in conformance with Caltrans' planting policy requirements.

Additionally, along the corridor mainline, new or additional plantings should be included in areas with sufficient space to meet Caltrans setback requirements to replace those removed by construction. Replacement plantings shall be reviewed and approved by Caltrans' District Landscape Architect.

VIS-1: Beginning with preliminary design and continuing through final design and construction, plan, save, and protect as much existing vegetation in the corridor, especially eucalyptus and other skyline trees, as feasible.

VIS-2: Survey exact locations for existing trees and include in plans.

VIS-3: Protect with temporary fencing large infield areas of existing plantings to be preserved.

VIS-4: Transplant, relocate, protect, and maintain existing trees that are in conflict with the proposed improvements, per Caltrans' District 12 Landscape Architect approval.

Soundwalls

Extensive soundwalls are present within the I-405 corridor, including one adjacent to Moon Park, and new walls are planned as part of the improvement project. In addition to limiting the sound that travels out from the corridor, they also block views both into and out from the freeway. Without softening elements such as plants and/or vines, it becomes necessary to create greater visual interest in the wall itself through the inclusion of pilasters and other architectural elements, especially on existing walls. If replanting is possible, vines and other plantings soften the presence of the walls.

VIS-18: Provide vine planting on soundwalls and retaining walls where feasible and appropriate. Per Highway Design Manual, Index 902.3(5), vine planting should be included with all sound barrier projects to reduce the potential for graffiti and to soften the appearance of the wall.

Architectural Features

Architectural features, textures, and color would be used to minimize harm to Section 4(f) resources due to the construction of new walls and other surfaces. New and replacement walls should incorporate architectural features such as pilasters and caps to provide shadow lines, provide relief from a monolithic appearance, and reduce their apparent scale. The type of wall selected would influence the design of the architectural detailing (e.g., mechanically stabilized earth, soil nail, cast-in-place wall types).

VIS-5: Beginning with preliminary design and continuing through final design and construction, develop construction plans that apply architectural detailing to the proposed sound walls, retaining walls, and bridges, including textures, colors, and patterns. Include elements such as caps, columns, pier caps, parapets, fencing, and abutment and wing walls as shown in the Aesthetics and Landscape Master Plan. In addition, bridge or architectural elements on ramps, bridges, and sound walls will include forms and lines to match the existing built-environment features.

With the mitigation and minimization measures described in the previous section, indirect impacts would be reduced to a level that would not substantially adversely affect the recreational activities for properties eligible for Section 4(f) protection.

In addition to those previously approved measures discussed above, a new mitigation measure (LU-7), similar to that included in the approved Final EIR/EIS for Buckingham and Cascade parks, would minimize construction-related impacts to Moon Park.

LU-7: Existing vegetation or landscaping at Moon Park that is damaged or removed during construction shall be replaced. Replacement plantings shall be consistent with any existing preserved vegetation. Replacement plantings shall be reviewed and approved by a Caltrans District 12 Landscape Architect.

Construction of the project would require closure of the SAMPT for the duration of the construction period (about 2 years). The addition of a new mitigation measure (LU-8) would minimize construction-related impacts to the SAMPT.

LU-8: The Sunflower Avenue Multi-Purpose Trail will be re-constructed and re-aligned following completion of project construction in this location. Relocation of the trail will maintain the existing connection between Sunflower Avenue and the Santa Ana River Trail, and will be within the same general location as currently exists. Reconstruction will be replacement-in-kind to provide the same or similar amenities as currently exists.

6. Coordination

As described in the 2011 Section 4(f) Evaluation, coordination between members of the Project Development Team, which includes all affected local jurisdictions, Caltrans, FHWA, and OCTA, were ongoing throughout project development. Representatives of these agencies, as well as consulting staff, periodically attended meetings to oversee project planning, environmental studies, and engineering, as well as to evaluate alternatives.

Scoping meetings were held to explain the approved project and the environmental process to residents, business operators, commuters, elected officials, and other stakeholders. Four public scoping meetings were held to provide visitors with the opportunity to hear a detailed presentation on the project; speak with staff from OCTA, Caltrans, and Parsons; view boards depicting the EIR/EIS process; and visualize the considered alternatives as they have been designed thus far. All attendees were provided with a project newsletter and a frequently asked questions handout.

Attendees were encouraged to document their comments with the court reporter and with submission of a comment card. The meetings had strong attendance, including visits from local government officials.

To allow for public input and involvement regarding the 4(f) resources, a public notice will be posted in the Orange County Register and Excelsior for a period of 30 days ending July 21, 2016. In addition, a letter was sent to the city of Costa Mesa (agency with jurisdiction over the 4(f) properties) on June 10, 2016 informing them about the proposed plans.

[SECTION TO BE UPDATED PENDING PUBLIC COMMENTS]

7. Concluding Statement

As described in the above sections, the potential direct and indirect use of Section 4(f) protected park land would be minor. Property to be acquired for project construction would avoid the removal or permanent impairment or access to park lands used as active recreational facilities. As a result, the project would not adversely affect recreational uses within the area of Moon Park and the SAMPT.

A permanent acquisition of approximately 147 square feet of Moon Park would be required to accommodate construction of a retaining/sound wall. There are no park uses or recreational facilities within the acquisition area. The 147 square feet would be incorporated into the larger transportation facility and hence is considered a “direct use.”

The approved project would result in the temporary use of the SAMPT; however, use of this property would be limited to the construction period, and all properties would be fully restored subsequent to the temporary use.

Avoidance measures aimed at reducing noise and visual impacts will be implemented to minimize effects on these additional properties. These measures were approved as part of the Final EIR/EIS and were included in this evaluation.

No constructive uses would affect the two additional Section 4(f) resources. All planning measures to minimize harm would be implemented based on the discussion provided in Section 5 of this document. As a result, it is concluded that no residual use exists within the meaning of Section 4(f) that would prevent the Secretary of Transportation from approving the project design changes.

Because of the above reasons, a preliminary De Minimis Finding is anticipated.

8. Other Parks, Recreational Facilities, Wildlife Refuges, and Historic Properties Evaluated Relative to the Requirements of Section 4(f)

Section 1 of this document includes evaluation criteria for “use” under Section 4(f). Accordingly, the two additional resources subject to Section 4(f) analysis as a result of the project’s design refinements were analyzed in depth in Section 4 of this document. The analysis addressed the potential for temporary construction impacts, as well as direct impacts that may occur as a result of the project refinements in the affected area.

For the project to result in constructive use of late discovery Section 4(f) resources, there would have to be indirect impacts that would result in “substantial impairment” of resources (23 CFR 774.15[a]). Because the project is designed to improve existing roadway infrastructure, those resources subject to indirect impacts would not be substantially impaired. In addition, the project would maintain permanent access to recreational facilities within the design refinement area and would mitigate any incremental indirect impacts related to noise, vibration, visual, water quality, or vegetation such that these impacts would not be considered a constructive use under Section 4(f).

There are no wildlife refuges located within the project area; therefore, no evaluation of refuges was undertaken for this evaluation.

9. Letters and Other Correspondence

TO BE UPDATED ONCE CORRESPONDENCE FROM CITY OF COSTA MESA IS RECEIVED

10. Section 6(f) Considerations

Section 6(f)(3) of the Land and Water Conservation Fund Act (LWCF Act) (16 U.S.C. §4601-4) contains provisions to protect federal investments in park and recreation resources and the quality of those assisted resources. The law recognizes the likelihood that changes in land use or development may make some assisted areas obsolete over time, particularly in rapidly changing urban areas. At the same time, the law discourages casual discards of park and recreation facilities by ensuring that changes or conversions from recreation use will bear a cost – a cost that assures taxpayers that investments in the park and recreation resources will not be squandered. The LWCF Act includes a clear mandate to protect grant-assisted areas from conversions:

SEC. 6(f)(3) – No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

This “anti-conversion” requirement applies to all parks and other sites that have been the subject of LWCF grants of any type, whether for acquisition of parkland, development, or rehabilitation of facilities.

A review of the LWCF grant database in March 2016 indicated that neither of the two additional Section 4(f) resources had previously received LWCF grants.

11. Bibliography

- California Department of Education. California School Directory. 2010. (<http://www.cde.ca.gov/re/sd/details.asp?cds=30666136029664&Public=Y>). Accessed October 21.
- California Department of Fish and Wildlife. 2010. (<http://dfg.ca.gov/regions/5/>). Accessed October 18.
- Federal Highway Administration. 2005. Federal Highway Administration Section 4(f) Policy Paper. March 1.
- . 1997. (Revised September 2003). Section 4(f) Checklist. May.
- National Park Service. 2008. Land and Water Conservation Fund Act Funded Programs. Found online at: http://www.parks.ca.gov/pages/1008/files/lwcf_all_funded_projects_2008.pdf. Accessed March 2016.
- Parsons Corporation. 2011. Draft Historic Property Survey Report for the Interstate 405 Improvement Project from State Route (SR) 73 to Interstate 605 (I-605) in Orange County, California. July.
- Parsons Corporation. 2011. Noise Abatement Decision Report, on State Route 73 in Orange County from Bear Street to Interstate 405, on Interstate 405 in Orange County from Bristol Street to Interstate 60, on Interstate 605 in Orange County from Interstate 405 to Katella Avenue. March.
- . 2010. Historic Resources Evaluation Report for the Interstate 405 Improvement Project from State Route (SR) 73 to Interstate 605 (I-605) in Orange County, California. November.
- . 2015. Section 4(f) and 6(f) Evaluation Report for the Interstate 405 Improvement Project from State Route (SR) 73 to Interstate 605 (I-605) in Orange County, California. March.
- URS Corporation. 2011. Draft Archeological Survey Report for the Interstate 405 Improvement Project from SR-73 to I-605 in Orange County, California. July.