

# DRAFT U.S. 101 Storm Damage Repair Project (04-4J420) – Section 4(f) *De Minimis*

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## 1. Introduction

This technical memorandum has been prepared for the U.S. 101 Storm Damage Repair Project (Project) within and adjacent to National Park Service (NPS) parklands and provides the documentation to support determinations required to comply with the provisions of 23 United States Code (U.S.C.) 138 and 49 U.S.C. 303, hereafter referred to as Section 4(f).

This technical memorandum has been prepared in accordance with the legislation established under the U.S. Department of Transportation Act of 1966 (23 U.S.C. 138 and 49 U.S.C. 303). Additional guidance was obtained from the Federal Highway Administration's (FHWA's) Technical Advisory T6640.8A, *Guidance for Preparing and Processing Environmental and Section 4(f) Documents* (FHWA, 1987) and the revised *Section 4(f) Policy Paper* (FHWA, 2012).

### 1.1 Section 4(f) Overview

As part of the National Environmental Policy Act (NEPA) process, Caltrans is required to prepare documentation required by Section 4(f), which declares that "it is the policy of the U.S. Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, school playgrounds, wildlife and waterfowl refuges, and historic sites." Section 4(f)-protected resources include the following: publicly-owned parks, recreational areas of national, state or local significance, school playgrounds, and wildlife and waterfowl refuges; or lands from a historic site of national, state, or local significance.

Section 4(f) specifies that the Secretary [of Transportation] may approve a transportation program or project requiring the use of publicly-owned park land, recreational area, school playground, or wildlife and waterfowl refuge of national, state, or local significance; or land of a historic site 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 transportation program or project includes all possible planning to minimize harm to the park, recreational area, school playground, wildlife and waterfowl refuge, or historic site resulting from the use.

If historic sites are involved, then coordination with the State Historic Preservation Officer (SHPO) is also needed.

## 1.2 Section 4(f) Use Definitions

When a project is adjacent to or on a property protected under Section 4(f), the impacts of the project must be evaluated. Section 4(f) defines the impact level by types of “use.” These “uses” occur when any of the conditions discussed in the following subsections are met:

### Permanent/Direct Use

A permanent/direct use of a Section 4(f) resource occurs when property is permanently/directly incorporated into a transportation project. Permanent/direct use may occur as a result of partial or full acquisition or a permanent/direct easement that allows permanent/direct access onto the property for maintenance or other transportation-related purposes.

### Constructive Use

A constructive use of a Section 4(f) resource occurs when a transportation project does not permanently/directly incorporate property, but the proximity of a transportation project results in impacts so severe that the protected activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired or diminished.

### Temporary Occupancy

A temporary occupancy of a Section 4(f) resource occurs when property is temporarily occupied for project construction-related activities. The property is not permanently/directly incorporated into a transportation project and the project construction-related activities are not considered adverse by the agency with jurisdiction over the property.

Temporary occupancy of a Section 4(f) resource may trigger the application of Section 4(f). 23 Code of Federal Regulations (CFR) 774.13(d) defines the following five temporary occupation exception criteria which must be met to determine that temporary occupancy of a Section 4(f) resource does not rise to the level of permanent/direct or constructive use for the purposes of Section 4(f):

- Duration is temporary (i.e., the temporary occupancy is shorter than the time required for construction of the transportation project and there is no change in ownership of the property).
- The scope of work is minor (i.e., the nature and magnitude of the changes to the Section 4(f) property is minimal).
- There are no permanent adverse physical impacts or permanent interference anticipated with the protected activities, features, or attributes of the property.
- The property is restored to the same or better condition than existed prior to the transportation project.
- There is documented agreement from the appropriate federal, state, or local officials having jurisdiction over the property regarding the previously listed temporary occupation exception criteria.

### *De minimis*

When impacts to a property are minor, as agreed to by the agency with jurisdiction over the property, Section 4(f) regulations can be satisfied through a *de minimis* determination.

A *de minimis* impact is defined in 23 CFR 774.17 as the following:

- For parks, recreational areas, and publicly-owned school playgrounds wildlife and waterfowl refuges, a *de minimis* impact is one that would not adversely affect the protected activities, features, or attributes that qualify the property for protection under Section 4(f).
- For lands from a historic site of national, state, or local significance, a *de minimis* impact means that Caltrans has determined that, in accordance with 36 CFR 800, no historic property is affected by the

transportation project or the transportation project would have “no adverse effect” on the historic property.

- The appropriate federal, state, or local officials having jurisdiction over the property must concur with a *de minimis* impact determination in writing. For publicly-owned parks, recreational areas of national, state or local significance, school playgrounds, and wildlife and waterfowl refuges, concurrence from the appropriate federal, state, or local officials having jurisdiction over the property is required. For lands from a historic site of national, state, or local significance, concurrence from the SHPO is required.

## 2. Project Description

### 2.1 Introduction

The California Department of Transportation (Caltrans) proposes to improve drainage east of United States (U.S.) 101 within an easement (referred to herein as “Caltrans right of way” [ROW]) and adjacent NPS parklands on Fort Baker (Caltrans Parcel Number [PN] 64032-3) in Marin County, California for the U.S. 101 Storm Damage Repair Project (Project). The Project extends from the Golden Gate Bridge View Vista Point on the south end of the Project limits at post mile (PM) 0.10 to the Alexander Avenue offramp on the north end of the Project limits at PM 0.30. The Project site is generally bounded by Vista Point Path to the west, Golden Gate Bridge View Vista Point to the south, Bunker Road within the Golden Gate National Recreation Area’s (GGNRA’s) Fort Baker to the east, and the Alexander Avenue offramp to the north. Figure 1 shows the Project location.

Within the Project vicinity, U.S. 101 is primarily an eight-lane divided highway, four lanes in each direction (northbound and southbound). Additionally, a class I bikeway (Vista Point Path) is located along the western boundary of the Project limits, east of U.S. 101 (see Figure 2). Vista Point Path provides for pedestrian and bicycle travel on a paved ROW separated from the U.S. 101 vehicle traffic lanes.

Caltrans is the lead agency for the Project under the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA). The Project is designated by Caltrans as Expense Authorization (EA) number 04-4J420 and Enterprise Resource Planning Financial Infra-Structure (EFIS) number 0415000344. The NPS is a cooperating agency for the Project under NEPA. The Project is designated by NPS as Planning, Environmental, and Public Comment (PEPC) project number 87637.

### 2.2 Project Background

#### Permits and Approvals Needed

NPS is the underlying federal landowner and successor to the U.S. Army with jurisdiction over Caltrans Easement SFRE-(s)451 as amended (referred to herein as “the Easement”), originally issued to the Department of Highways in 1953 by the U.S. Army. GGNRA assumed responsibility as grantor and administrator of the Easement when jurisdiction over this particular portion of Fort Baker transferred from the U.S. Army to NPS in March 1986. The Easement encompasses the western portion of the Project limits. The Project would require a Special Use Permit (SUP) from NPS to carry out the following Project construction-related activities on NPS property: install a bioswale; reestablish the earthen berm; and access 0.71 acres of land within the three temporary construction easements (TCEs) per the terms and conditions of the Project-specific SUP (Refer to Figure 2).

The Project would require the official with jurisdiction over the Section 4(f) resource to concur with the Section 4(f) *de minimis* determination. The federal official with jurisdiction over the publicly-owned recreational area of national significance (GGNRA), an administrative agency under NPS, and the state official with jurisdiction over the land of a historic site of national significance (Fort Baker) is SHPO.

### **Interim Drainage Repairs**

In 2019, NPS issued Caltrans SUP number 8142-20-0502 in order to access land within GGNRA's Fort Baker, west of Bunker Road, need to conduct interim drainage repairs within Caltrans ROW. The Deputy Director's Order was designated by Caltrans as EA number 04-2A990 and EFIS number 0420000047 and by NPS as PEPC project number 87816.

The interim drainage repairs consisted of removing the upper and lower segments of one of the two downdrains being addressed by the current Project (referred to herein as the "northern downdrain"), which was made of corrugated metal pipe (CMP), and replacing it with high density polyethylene (HDPE) pipe. Improvements at the other downdrain (referred to as the "southern downdrain" in the Project) were not included in the interim drainage repairs.

The northern downdrain was conveying stormwater from the GGNRA west of U.S. 101 and from U.S. 101 in the vicinity of PM 0.24 into the drainage inlet (NPS Inlet C-1) east of Caltrans ROW. The purposes of the interim drainage repairs were to restore the function of the northern downdrain, which were needed because the northern downdrain had developed perforations in the invert. This resulted in stormwater leaking from the northern downdrain over many years with some related downslope flooding documented and reported by NPS, which eroded a gully beneath the underlying topsoil supporting the northern downdrain. The interim drainage repairs prevented stormwater from discharging freely from the roadside culvert partly into the northern downdrain and partly onto the east-facing slope around the northern downdrain during winter 2019-2020 storm events.

### **2.3 Purpose and Need**

The purpose of the Project is: to restore the permanent function of the northern and southern downdrains; to preserve the structural stability, and prevent failure, of the segments of U.S. 101 and Vista Point Path between PM 0.10 and PM 0.30 in a safe and economical manner; and to prevent future downslope flooding at Fort Baker.

The Project is needed because the northern and southern downdrains have failed. The downdrains convey stormwater from the GGNRA west of U.S. 101, and from U.S. 101 and the Easement in the vicinity of PMs 0.24 and 0.10, respectively, to NPS Inlet C-1. Stormwater is leaking from, and eroding a gully on the slope near, the southern downdrain. The Project is needed to prevent further leakage of stormwater from the southern downdrain and to reduce or eliminate erosion of the gully on the east-facing slope from diverting stormwater to NPS property east of the earthen berm during storm events.

### **2.4 Project Description**

The Project proposes drainage improvements in the sloped area east of U.S. 101, within and east of Caltrans ROW. Figure 2 shows the Project improvements which are described in more detail below.

#### **Southern Downdrain**

Currently, stormwater from the GGNRA west of U.S. 101 and U.S. 101 in the vicinity of PM 0.10 is conveyed east into the southern downdrain located at PM 0.10. The southern downdrain then conveys stormwater into the southern dissipator that outfalls into an unlined ditch. Stormwater leaking from the southern downdrain and cresting above the southern dissipator is eroding a gully on the slope near the southern downdrain and has deposited local topsoil within the unlined ditch. During storm events, stormwater crests above the earthen berm located east of the unlined ditch, thereby diverting stormwater to NPS property, resulting in flooding downslope at Fort Baker.

The Project would remove, replace, and extend the southern downdrain made of CMP with corrugated steel pipe (CSP) 250 feet to the northwest; install a drainage inlet, a trash capture device, two rock slope protection (RSP) fill areas (referred to herein as "RSP Fill Area 1" and "RSP Fill Area 2") and compost amended local topsoil in the gullies, and a stormwater treatment best management practice (BMP) (currently shown as a bioswale); and reestablish the earthen berm. The stormwater treatment BMP

would treat stormwater runoff prior to entering NPS Inlet C-1, which is part of the NPS storm drainage system that ultimately outfalls into the San Francisco Bay at Horseshoe Cove. The existing dissipator within Caltrans ROW (referred to herein as the “southern dissipator”) would be abandoned but would remain in place.

### **Northern Downdrain**

Currently, stormwater from the GGNRA west of U.S. 101 and U.S. 101 between PMs 0.2 and 0.3 is conveyed east into the northern downdrain located at PM 0.24. The northern downdrain then conveys stormwater to NPS Inlet C-1.

The Project would remove and replace the upper and lower segments of the HDPE northern downdrain pipe with CSP and plastic pipe, respectively; and install an RSP fill area (referred to herein as the “RSP Fill Area 3”) and compost amended local topsoil and imported fill topsoil in the gully, a high velocity dissipator (referred to herein as the “western dissipator”), two drainage inlets, a trash capture device, and a concrete channel. The existing dissipator within Caltrans ROW (referred to herein as the “eastern dissipator”) would be abandoned but would remain in place.

## **2.5 Project Components**

### **Right of Way**

The majority of drainage improvements are proposed in the sloped area east of U.S. 101, within Caltrans ROW. The drainage improvements within adjacent NPS parklands would occur within the TCE and require a SUP from NPS to: install a stormwater treatment BMP, currently shown as a bioswale; reestablish the earthen berm; and to access 0.71 acres of the Project limits within the three TCEs from Bunker Road within the GGNRA’s Fort Baker (0.13-acre temporary staging area and 0.11-acre temporary access road are described below).

### **Staging Areas and Access**

The Project would require three temporary staging areas, totaling approximately 0.25 acres.

Two temporary staging areas would be located within Caltrans ROW, east of northbound U.S. 101. The contractor would access the approximately 0.11-acre temporary staging area on Vista Point Path (referred to herein as the “Vista Point Path staging area”) from the Alexander Avenue offramp and the approximately 0.01-acre temporary staging area east of the Golden Gate Bridge View Vista Point onramp (referred to herein as the “Golden Gate Bridge View Vista Point staging area”) from the Golden Gate Bridge View Vista Point onramp.

Vista Point Path staging area would result in the temporary occupancy of a portion of Vista Point Path, a recreational area of local significance (a Section 4(f) resource) that provides for pedestrian and bicycle travel on a paved ROW separated from U.S. 101 vehicle traffic lanes. To maintain access for pedestrians and bicyclists, the Project would require the temporary realignment of Vista Point Path west of Vista Point Path staging area, east of U.S. 101, during Project construction activities.

An approximately 0.13-acre temporary staging area (referred to herein as the “Bunker Road staging area”) would be located east of Caltrans ROW, west of Bunker Road within the TCE (Caltrans PN 64032-2) within the GGNRA’s Fort Baker. The contractor would access Bunker Road staging area from Bunker Road. Bunker Road staging area, as well as the temporary access road TCE (Caltrans PN 64032-1), was also utilized by Caltrans to conduct the interim drainage repairs. Caltrans and GGNRA would utilize the access road to conduct future inspections and maintenance of Project components.

Except as detailed in the final Project Plans, the temporary staging areas would not affect existing landscaped areas resulting in death and/or removal of trees and shrubs, or disruption and destruction of existing irrigation facilities (vegetation and tree removal discussed below).

### **Utilities**

Potholing occurred during the design phase to verify the presence of Pacific Gas and Electric Company (PG&E) and AT&T utilities within the Project limits. Utilities are not located within the Project limits and therefore utility relocations are not required for the Project.

### **Vegetation and Tree Removal**

Improvements to the drainage infrastructure on the slopes located near the downdrains, would require vegetation removal of up to 20 feet on each side along the length of each downdrain. Additionally, vegetation within the temporary access road and in the area of the bioswale would be removed. Vegetation removal would be completed per the terms and conditions of the Project-specific SUP.

Up to approximately 24 trees, two of which are dead and unidentifiable, would be removed within the Project limits as identified in the final Project plans: eight southern blue gum (*Eucalyptus globulus*), seven Australian blackwood (*Acacia melanoxylon*), four willow (*Salix* sp.), one apple (*Malus* sp.), one fruit (*Prunus/Pyrus* sp.), and one oak (*Quercus* sp.). Vegetation and trees to be avoided by the contractor's operations would be flagged and delineated with environmentally-sensitive area (ESA) fencing, as needed. ESA fencing would ensure that vegetation and trees outside of the Project limits would be protected from damage.

### **Construction Phases**

Construction of the Project is anticipated to begin April 2021 and would require a total of approximately 45 working days to complete in three phases, weather permitting:

- The first phase of construction would involve: installing construction area signs and ESA fencing, removing vegetation and trees, and delivering and storing the contractor's equipment and materials within the temporary staging areas.
- The second phase of construction would involve removing and replacing existing drainage infrastructure, as well as installing proposed Project components.
- The third phase of construction would involve removing construction area signs, ESA fencing and the contractor's equipment and materials, installing permanent erosion control measures to stabilize soil, revegetating the Project limits with appropriate native species, and restoring the Project site to its preconstruction conditions in accordance with Caltrans requirements and the SUP.

Project construction-related activities would occur during daytime and nighttime hours. All work, including staging and access, within adjacent NPS parklands shall occur between the hours of 7:00 am to 5:00 pm, unless approved in writing by NPS two weeks prior to the proposed work.

### **Construction Equipment**

Equipment to be used for the Project may include cane, excavators, backhoes, bulldozers, and hand tools.

### **Construction Methodology**

To remove and replace the upper segments of the downdrains, the crane, excavator, hand tools, and materials would be placed in the Vista Point Path and Golden Gate Bridge View Vista Point staging areas, east of northbound U.S. 101. The crane would hoist equipment and materials from the Vista Point Path and Golden Gate Bridge View Vista Point staging areas to the east-facing slope for construction.

The Project would require daytime and nighttime temporary closures of the northbound U.S. 101 shoulder and temporary partial closures of Vista Point Path. When Project-related construction activities require the temporary partial closure of Vista Point Path, Caltrans would provide public notification, stationary-mounted roadside and construction area signs, and flaggers as necessary. To maintain access for pedestrians and bicyclists, the Project would require the temporary realignment of Vista Point Path west of Vista Point Path staging area, east of U.S. 101.

To remove, replace, and install the lower segment of the northern downdrain below ground surface, as well as to extend the southern downdrain 250 feet northwest, install a drainage inlet, a trash capture device, RSP Fill Areas 1 and 2 and compost amended local topsoil, and a stormwater treatment BMP (currently shown as a bioswale), and reestablish the earthen berm, construction equipment would be placed within Bunker Road staging area and transported upslope to the east-facing slope via the temporary access road. The temporary access road would provide access for future inspections and maintenance.

Prior to construction, the Contractor would be required to prepare a Caltrans-and NPS-approved Stormwater Pollution Prevention Plan (SWPPP). The Project would require the deployment of construction site BMPs such as silt fencing, temporary fiber rolls, temporary check dams, temporary drainage inlet protections, temporary construction entrances, street sweeping, temporary concrete washouts, and job site management, to prevent or reduce water quality impacts due to erosion. Additionally, Caltrans would implement operational stormwater BMPs such as scheduling and planning; spill prevention and control; sanitary/septic waste management; material use; safer alternative products; vehicle/equipment cleaning, fueling, and maintenance; illicit connections detection, reporting and removal; illegal spill discharge control and maintenance; facility housekeeping practices; litter removal; and street sweeping and vacuuming for all Project construction-related activities within the Project limits. Operational stormwater BMPs would prevent pollutant discharges from Caltrans operations and maintenance activities within the Project limits, as well as maintain a safe and usable U.S. 101 for its motorists, pedestrians, and cyclists.

### 3. Description of Section 4(f) Resources

As part of this evaluation of Section 4(f) resources, a 0.5-mile radius was developed around the Project area to determine what Section 4(f) resources are located within the Project vicinity and if the Project would “use” any Section 4(f) resources. One publicly-owned recreational area of national significance (GGNRA), one publicly-owned recreational area of local significance (Vista Point Path), and one historic site of national significance (Fort Baker, a geographic area within GGNRA) are located within a 0.5-mile radius of the Project area (Figure 3). No other publicly-owned parks, school playgrounds, or wildlife and waterfowl refuges are located within a 0.5-mile radius of the Project area. Table 3-1 lists Project construction-related activities within a 0.5-mile radius of the Project area and the Project’s preliminary use determinations of the Section 4(f) resources.

Table 3-1 Section 4(f) Resource within a 0.5-Mile Radius of Project and Preliminary Use Determination

Section 4(f) Resource	Agency with Jurisdiction	Location	Resource Types	Project Construction-Related Activities	“Use” (acre)	Preliminary Use Determination
GGNRA and Fort Baker	NPS and SHPO	Bunker Road, east of U.S. 101 PM 0.2	Publicly-owned recreational area of national significance and land of a historic site of national significance	Install a bioswale; reestablish the earthen berm; and use 0.712 acres of land from Bunker Road for staging and access	5.06	<i>De Minimis</i>
Vista Point Path	NPS	U.S. 101 PM 0.1/0.3	Publicly-owned recreational area of local significance	Remove and replace the upper segments of the downdrains and use 0.11 acres of land from Vista Point Path for staging and access	0.11	Temporary Occupancy

### 3.1 Recreation Areas and Historic Sites

#### Golden Gate National Recreation Area and Fort Baker– National Park Service and State Historic Preservation Office

The GGNRA encompasses approximately 81,000 acres north and south of San Francisco and the Golden Gate Bridge. GGNRA constitutes one of the world’s largest national parks in an urban setting and features 37 distinct park sites, more than 130 miles of trails, and 1,200 historic structures (NPS, 2019a).

Recreational activities include whale spotting during their winter migration, tours, bird watching, watching the sunset, playing with interactive exhibits at Golden Gate Bridge plaza, walking around restored wetlands, exploring ruins, hiking, boating, cycling, fishing, camping, and horse riding (NPS, 2019b).

Fort Baker, located within GGNRA, encompasses approximately 335 acres immediately north of the Golden Gate Bridge. Fort Baker, located in the Marin Headlands, is an Endicott-period army post built between 1902 and 1910. Fort Baker consists of over 25 historic army buildings clustered around a main parade ground, a sheltered harbor protected by a jetty, a number of historic gun emplacements, and trails and forested areas climbing gently up from San Francisco Bay. Recreational activities include fishing and crabbing at Horseshoe Cove, hiking, cycling, walking along the waterfront and the bluffs, exploring seacoast fortifications at Battery Yates, and viewing a variety of wildlife and plant species (NPS, 2019c).

#### Vista Point Path – National Park Service

Vista Point Path is a class I bikeway, which provides for pedestrian and bicycle travel on a paved ROW separated from the U.S. 101 vehicle traffic lanes. This shared-use trail is for exclusive non-motorized use with cross-flow minimized to the extent possible. There are approximately 22 miles of class I bikeways in unincorporated Marin County. Class I bikeways must meet specific width, clearance, curve radii, gradient, and other requirements (County of Marin 2018; San Francisco Bay Trail 2016).

## 4. Impacts on Section 4(f) Resources

### 4.1 Recreation Areas and Historic Sites

#### Golden Gate National Recreation Area and Fort Baker – National Park Service and State Historic Preservation Office

**IMPACT:** GGNRA is a publicly-owned recreational area of national significance and therefore protected under Section 4(f). Fort Baker is also a component of the Forts Baker, Barry, and Cronkhite Historic District, which was listed on the National Register of Historic Places (NRHP) in 1973 (NPS, 1973). Fort Baker is therefore land of a historic site of national significance and protected under Section 4(f).

As shown in Figure 2 and as described in Table 3-1, the approximately 0.71-acre TCE would provide staging and access from Bunker Road to install a bioswale and reestablish the earthen berm east of Caltrans ROW, as well as to improve drainage within Caltrans ROW. The Contractor would access the Bunker Road staging area from Bunker Road. No existing public trails or roads are located within the Bunker Road staging area or the temporary access road, and therefore there would be no restriction of recreational uses of GGNRA or of historical uses of Fort Baker. Construction equipment within the TCE would temporarily be located within the viewshed of GGNRA and Fort Baker; however, the impact on this recreational resource would be minor and would have no adverse effects on the attributes of GGNRA and Fort Baker. Additionally, the impact on this historic resource would be minor and would have no adverse effect on the qualities that qualified Fort Baker for listing on the NRHP.

**PRELIMINARY USE DETERMINATION:** Based on the above description of impact, although the Project would require temporary “use” of these protected resources, the Project would have a *de minimis* impact on GGNRA and Fort Baker. The attributes and features of GGNRA and Fort Baker that qualify

them as protected Section 4(f) resources, as well as a protected resource by SHPO under Section 106 of the NHPA (Fort Baker), would not be adversely affected by the Project. For land of a historic site of national significance, a *de minimis* impact means that Caltrans has determined that, in accordance with 36 CFR 800, the Project would have a finding of “no adverse effect.”

Caltrans has notified the NPS of its intention to enter a *de minimis* finding for GGNRA and Fort Baker. The official with jurisdiction (SHPO) over the historic site of Fort Baker concurred with this *de minimis* determination on December 31, 2019 (Caltrans 2019c).

#### **Vista Point Path – National Park Service**

**IMPACT:** As shown in Figure 2 and described in Table 3-1, the Vista Point Path staging area would temporarily occupy approximately 0.11 acres of Vista Point Path. To remove and replace the upper segments of the downdrains, the crane, excavator, hand tools, and materials would be placed in the Vista Point Path and Golden Gate Bridge View Vista Point staging areas, east of northbound U.S. 101. The crane would hoist equipment and materials from the Vista Point Path and Golden Gate Bridge View Vista Point staging areas to the east-facing slope for construction.

The Project would require daytime and nighttime temporary closures of the northbound U.S. 101 shoulder and temporary partial closures of Vista Point Path. When Project-related construction activities require the temporary partial closure of Vista Point Path, Caltrans would provide public notification, stationary-mounted roadside and construction area signs, and flaggers as necessary. To maintain access for pedestrians and bicyclists, the Project would require the temporary realignment of Vista Point Path west of Vista Point Path staging area, east of U.S. 101.

**PRELIMINARY USE DETERMINATION:** Based on the above description of impact, the Project would require temporary occupancy of this protected resource. The duration would be temporary, the scope of work is minor, there are no anticipated permanent physical impacts or permanent interference with Vista Point Path, and Vista Point Path would be restored to the same or better condition that existed prior to Project construction-related activities. The attributes and features of Vista Point Path that qualified it as a protected Section 4(f) resource would not be adversely affected by the Project.

#### **Conclusion**

Caltrans has determined that the Project would have a *de minimis* impact on one publicly-owned recreational area of national significance (GGNRA) and one historic site of national significance (Fort Baker), as well as a temporary occupancy of one publicly-owned recreational area of local significance (Vista Point Path).

## **5. Features to Minimize Impacts on Section 4(f) Resources**

The following Project features have been incorporated into the design of the Project to minimize the Project’s impacts on Section 4(f) resources. In addition, the Project would be constructed per the terms and conditions of the Project-specific SUP.

### **5.1 Project Features**

#### **Pre-Construction Surveys and Biological Monitoring**

A Caltrans biologist would consult with a GGNRA biologist and conduct pre-construction surveys for special-status species. The Caltrans biologist would be present during construction activities, including establishment of Environmentally Sensitive Areas (ESAs), vegetation and tree removal, ground disturbance, and other work activities when special-status species may be harmed or harassed. If, at any point, any listed species is discovered within the Project limits, a 50-foot-wide work restriction buffer would be applied until the animal moves out of the area or the animal is relocated out of harm’s way. Regulatory agency(ies) with jurisdiction of the animal would be notified appropriately.

### **Worker Environmental Awareness Training**

All construction personnel would attend a mandatory environmental education program, to be delivered by a Caltrans biologist, prior to beginning construction, or prior to beginning work on the Project. This program would provide information on special-status species and the employees' personal responsibility in avoiding impacts to species during construction. Information would be reviewed and approved by a GGNRA biologist and provided to all construction personnel, along with compliance reminders and relevant contact information. Documentation of the training and sign-in sheets would be kept on file and available on request.

### **Mission Blue Butterfly Habitat**

Prior to construction, a Caltrans biologist would coordinate with GGNRA personnel to determine potential impacts to Mission Blue Butterfly (MBB) habitat within the Project limits and implementation of species-appropriate minimization measures.

### **Pre-Construction Surveys for Nesting Birds**

Bird Protection Special Provisions would be included in the construction contract. Per the Project-specific SUP, a preconstruction survey for migratory birds and raptors would be required within 14 days prior to construction if construction activities occur within migratory bird nesting season (February 1 through September 30) or raptor nesting season (January 1 – August 31), and subsequent surveys would be required every three days throughout the nesting season. If migratory birds or raptors are found nesting adjacent to a work area during construction activities, the following ESA buffers would be required: If an active raptor nest is observed, a 300-foot ESA buffer must be implemented to avoid impacting the young until they have fledged; a 50-foot ESA buffer around any active nests of non-raptor migratory birds is required to protect the young until they have fledged, or as otherwise determined by the Caltrans biologist.

### **Designated Construction Areas, Delineated ESAs, Work Areas, and Equipment and Materials Storage Sites**

Caltrans would delineate construction areas and ESAs (areas containing sensitive habitats adjacent to or within the Project limits for which physical disturbance is not allowed) on the final construction plans. Staging, storage, and parking areas would be located on paved or graveled surfaces within the TCE and away from any designated ESAs, to minimize construction impacts to protected resources. At the discretion of the Caltrans biologist, limits would also be defined near other environmentally sensitive locations, such as bird nests, when necessary. The ESA fencing, flagging, or other material would be removed when construction activities are complete in the immediate vicinity.

### **Construction Staging**

Except as detailed in the final Project Plans, staging areas would not affect existing landscaped areas resulting in death and/or removal of trees and shrubs, or disruption and destruction of existing irrigation facilities.

### **Vegetation Removal**

Vegetation removal would occur within the Project limits immediately adjacent to Project construction-related activities. The Project is anticipated to require vegetation removal in order to clear obstructions for construction equipment where drainage improvements are proposed. The RE would notify GGNRA no later than 14 days prior to the start of vegetation removal. In order to prevent vigorous re-sprouting of trees, herbicide would be applied to the stump (cambium layer) of all cut vegetation per the Project-specific SUP. Caltrans would consult with a GGNRA biologist for specific application guidelines.

### **Vegetation Protection**

Existing trees and vegetation would be preserved to the extent feasible. Trees and vegetation outside of the clearing and grubbing limits identified on the final construction plans would be protected from the

contractor’s operations. Tree trimming and pruning, where required, would be under the direction of a Caltrans biologist.

### **Construction Work Windows**

Construction work windows would be incorporated into the Project including, but not limited to: vegetation removal would be scheduled outside the bird nesting season (January 1 through September 30), when feasible.

### **Construction Site Management Practices**

The following site restrictions would be implemented to avoid or minimize potential effects on listed species and their habitats, pursuant to Caltrans 2018 Standard Specifications and Special Provisions:

- a. Enforce a speed limit of 15 mph on unpaved areas within the Project limits to reduce dust and soil disturbance.
- b. Construction access, staging, storage, and parking areas would be identified in the final Project plans and only allowed within designated areas of the adjacent NPS parklands outside any designated ESAs, consistent with the terms and conditions of the Project-specific SUP. Access routes, staging and storage areas, and contractor parking would be limited to the minimum necessary to construct the Project. Routes and boundaries of the temporary access road would be clearly marked before initiating construction.
- c. Enclose food and food-related trash items in sealed trash containers and remove them from the Project limits at the end of each day.
- d. Prohibit pets from entering the Project limits during construction.
- e. Prohibit firearms within the Project limits, except for those carried by authorized security personnel or local, state, or federal law enforcement officials.
- f. Maintain equipment to prevent the leakage of vehicle fluids, such as gasoline, oils, or solvents and developing a spill response plan. Hazardous materials, such as fuels, oils, and solvents, would be stored in manufacturer approved containers at a designated location that is at least 50 feet away from aquatic habitats.
- g. Dedicated fueling and refueling practices would be designated as part of the approved Water Pollution Control Program (WPCP). Dedicated fueling areas would be protected from stormwater run-off and would be located at a minimum of 50 feet from drainage facilities and water courses.

### **Dust Control**

Dust control measures would be included in the SWPPP and implemented to minimize construction impacts to existing communities. The plan would incorporate measures such as sprinkling, speed limits, transport of materials, and timely revegetation of disturbed areas as needed, as well as posting a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints and at the Bay Area Air Quality Management District (BAAQMD) regarding compliance with applicable regulations. Water or dust palliative would be applied to the site and equipment as often as necessary to control fugitive dust emissions. Fugitive emissions generally must meet a “no visible dust” criterion either at the point of emissions or at the ROW line, depending on air pollution control district and air quality management district regulations and local ordinances.

### **Construction Lighting**

Construction activities would limit all construction lighting to within the immediate vicinity of active work during night hours and avoid light trespass through directional lighting, shielding, and other measures as needed. For required nighttime work within Caltrans ROW, all lighting would be directed downwards and towards the active construction area. For required nighttime within adjacent NPS parklands, all work, including staging and access, shall occur between the hours of 7:00 am to 5:00 pm,

unless approved in writing by NPS two weeks prior to the proposed work. This would reduce and avoid light impacts on travelers and nearby recreational facility users.

### **Construction Cleaning**

To minimize the spread of soil-borne diseases, all construction personnel involved in Project construction-related activities requiring the movement or transportation of earth materials shall adhere to the following BMP. Each day, all equipment, hand tools, gloves, work shoes, and personal protective equipment shall be free of dirt or other debris and sprayed with isopropyl alcohol (at least 70% by volume) to wet, or laundered with hot water and soap and dried.

### **Reduce Spread of Invasive Species**

In order to reduce the spread of invasive species, the following construction site management practices would be adhered to:

- a. Equipment would be thoroughly cleaned prior to entering the Project area, including GGNRA and Fort Baker, to prevent the spread of noxious weeds from other locations. GGNRA personnel would check vehicles arriving on site and dirty vehicles will not be allowed to enter the Project area.
- b. Noxious weeds would be controlled within the Project area in accordance with Caltrans' Highway Design Manual Topic 110.5, "Control of Noxious Weeds – Exotic and Invasive Species," and Executive Order 13112 (Invasive Species), by methods approved by a Caltrans' landscape architect or vegetation control specialist, and consistent with the Project-specific SUP.
- c. All fill material shall be sourced from NPS-approved sources and all erosion control materials shall be NPS-approved, biodegradable, and certified weed free.

### **Replacement Highway Planting and Seed Mix**

The Project would provide replacement highway planting as per Caltrans' "Highway Planting Design, Plans, Plant List and Specifications Sheet" in all areas of clearing and grubbing within the Project limits. All species and quantities of seeds and/or container plants would be locally sourced from GGNRA watersheds 12 and 15 consistent with the Project-specific SUP.

### **Stormwater Pollution Prevention Plan**

Prior to construction, the Contractor would be required to prepare a Caltrans- and NPS-approved SWPPP. In accordance with North Coast Regional Water Quality Control Board (RWQCB) requirements and per the terms and conditions of the Project-specific SUP, the SWPPP would be developed and erosion control BMPs implemented to minimize wind- or water-related erosion. The Caltrans BMP Guidance Handbook provides guidance for the inclusion of provisions in all construction contracts to protect sensitive areas and prevent and minimize stormwater and non-stormwater discharges.

## **6. Coordination**

Caltrans will continue to coordinate with NPS and SHPO regarding the preliminary *de minimis* finding made in this document, as well as all advanced Project designs with respect to GGNRA and Fort Baker. Prior to finalizing the *de minimis* impact finding made in this document, Caltrans will prepare a public notice and provide the public an opportunity to review and comment on the preliminary *de minimis* impact finding during a 30-day public review period. Possible methods of public involvement include, but are not limited to, newspaper advertisement, notices posted on bulletin boards, and updated Project websites.

Caltrans Professional Qualified Staff (PQS), including a Principal Investigator Prehistoric Archaeology and a PQS Principal Architectural Historian, conducted reviews in compliance with Caltrans' regulatory responsibilities under Section 106 of the NHPA (36 CFR 800) and the January 2014 *First Amended Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of*

*Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California* (Caltrans, 2018).

## 7. List of Technical Studies and References

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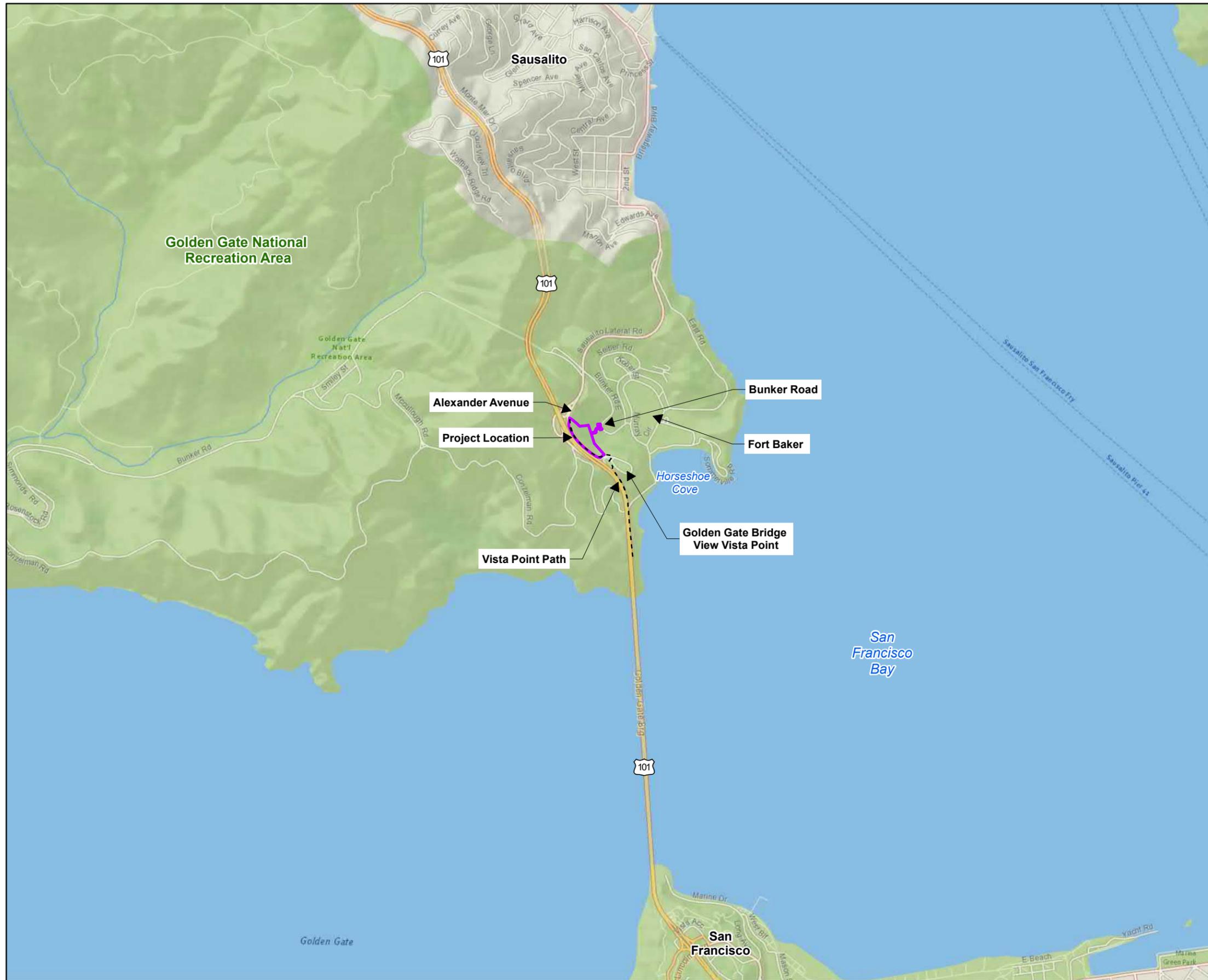
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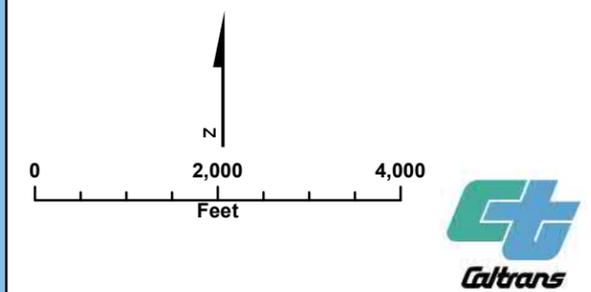
Figures



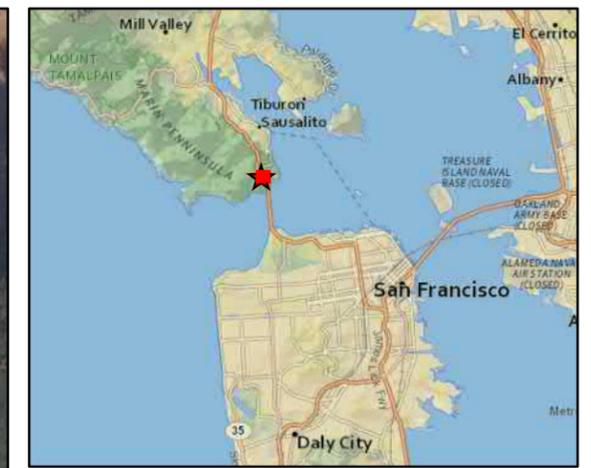
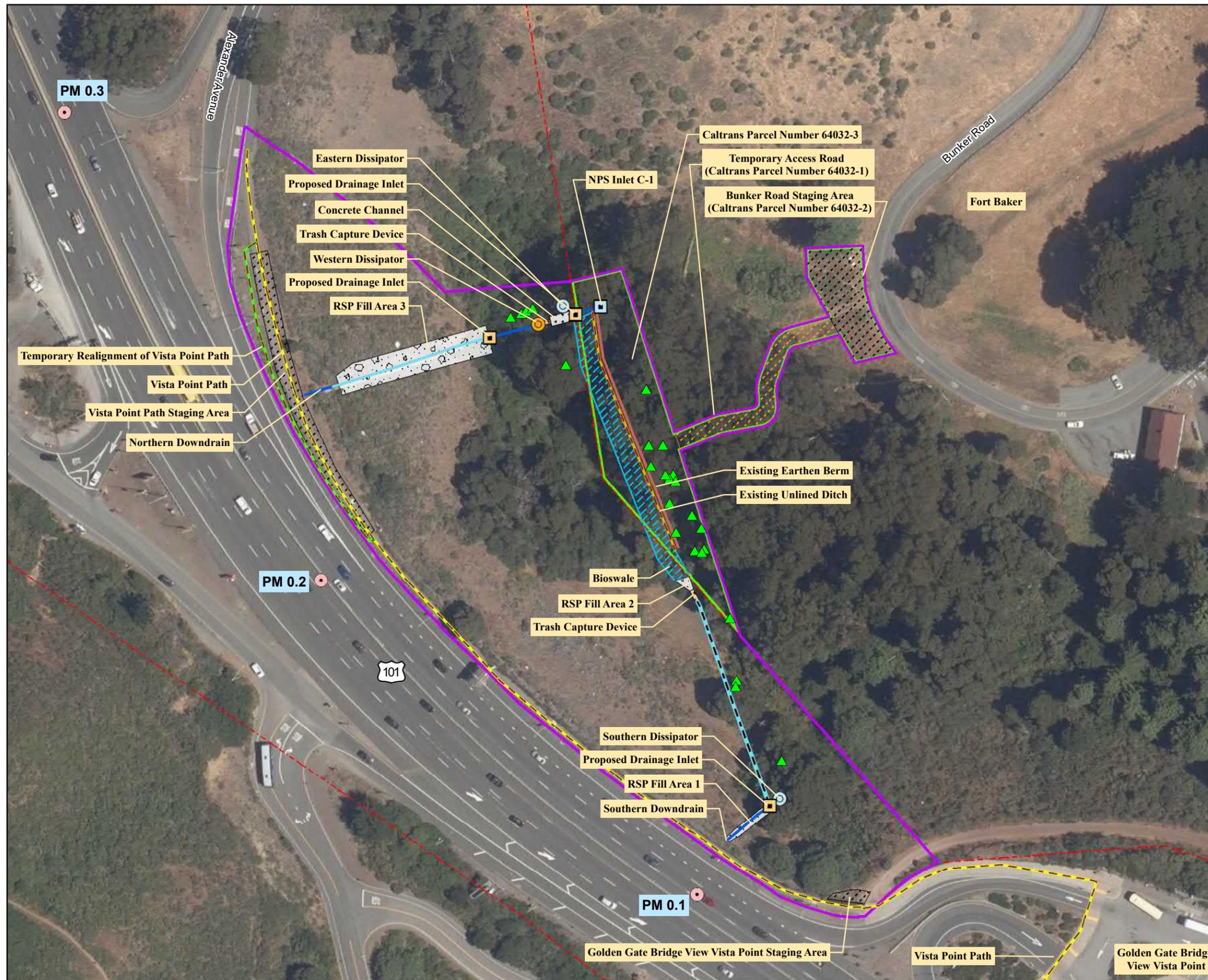
**LEGEND**

- Project Limits
- Vista Point Path

Service Layer Credits: National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp.

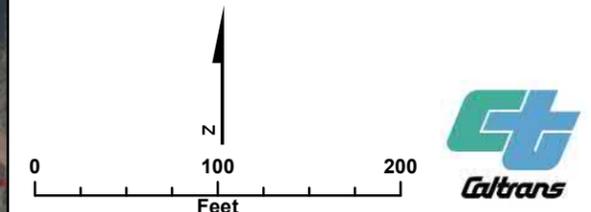


**FIGURE 1**  
**Project Location**  
 U.S. 101 Storm Damage Repair Project.  
 EA 04-4J420, 04-MRN-101-Post Mile 0.2/0.2  
 Marin County, California

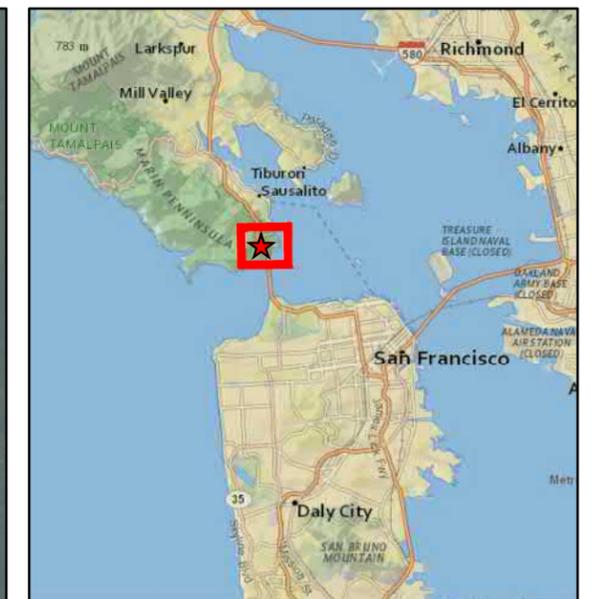
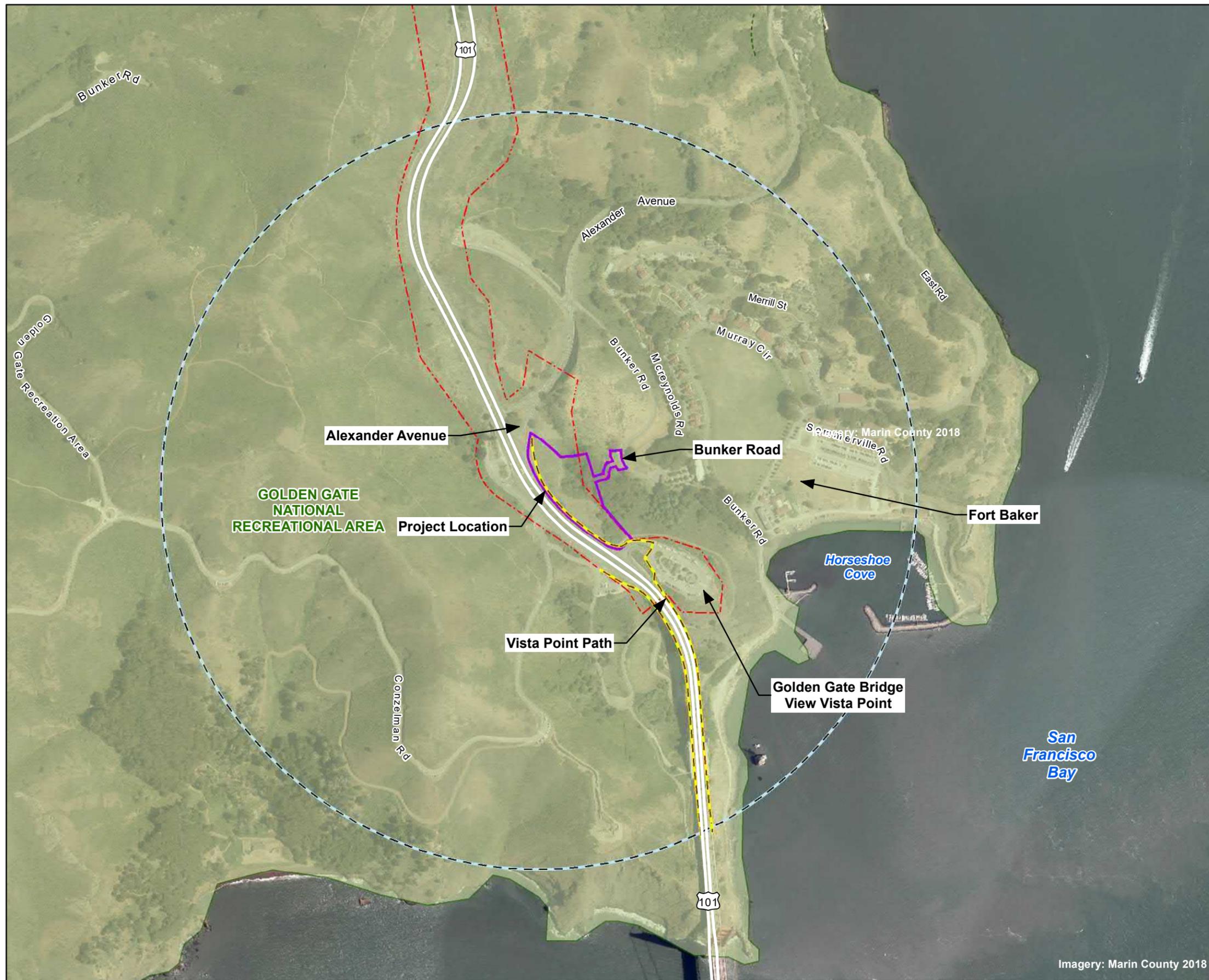


- LEGEND**
- Project Limits (5.06 acres)
  - Temporary Construction Easement (0.71 acre)
  - Caltrans Right of Way
  - Post Mile
  - Vista Point Path
  - Temporary Realignment of Vista Point Path
  - Bioswale
  - Concrete Channel
  - Temporary Staging Area (0.25 acre)
  - Temporary Access Road (0.10 acre)
  - Trash Capture Device
  - Rock Slope Protection
  - Existing Dissipator
  - Proposed Dissipator
  - Existing Drainage Inlet
  - Proposed Drainage Inlet
  - Replace Downdrain
  - Install Downdrain
  - Extend Downdrain
  - Existing Unlined Ditch
  - Existing Earthen Berm
  - ▲ Tree Removal

Imagery: Marin County June 2018  
 Note: For accurate right of way data, contact Right of Way Engineering at the District office

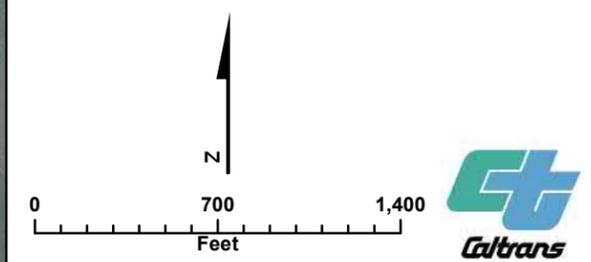


**FIGURE 2**  
 Project Components  
 U.S. 101 Storm Damage Repair Project.  
 EA 04-P4J420, 04-MRN-101-Post Mile 0.2/0.2  
 Marin County, California



- LEGEND**
- Project Limits
  - 0.5-Mile Radius from Project Limits
  - Caltrans Right of Way
- Section 4(f) Resources**
- Golden Gate National Recreational Area/Fort Baker
  - Vista Point Path

Note: For accurate right of way data, contact Right of Way Engineering at the District office



**FIGURE 3**  
**Section 4(f) Resources within a 0.5-Mile Radius of Project Limits**  
 U.S. 101 Storm Damage Repair Project.  
 EA 04-4J420, 04-MRN-101-Post Mile 0.2/0.2  
 Marin County, California

Imagery: Marin County 2018