

State Route 71 – Gap Closure Project

City of Pomona, Los Angeles County
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Draft Section 4(f) *De Minimis* Impact Finding



Prepared by the
State of California, Department of Transportation



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Acronyms

AMM	Avoidance and minimization measures
APCD	Air Pollution Control Districts
APN	Assessor parcel number
BMP	Best management practices
Caltrans	California Department of Transportation
City	City of Pomona
CFR	Code of Federal Regulations
FHWA	Federal Highway Administration
NOA	Notice of Availability
OWJ	Official with Jurisdiction
Project	State Route 71 Freeway Improvement Project
PS&E	Plans, Specifications, and Estimates
ROW	right of way
SCAQMD	South Coast Air Quality Management District
SF	Square feet
SHPO	State Historic Preservation Officer
TCE	Temporary construction easement
SR-71	State Route 71
SR-60	State Route 60
USC	United States Code
USDOT	United States Department of Transportation

1 Introduction

1.1 Section 4(f)

Section 4(f) of the Department of Transportation Act of 1966, codified in federal law at 49 USC 303, declares that “it 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 the 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, or land of an 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 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.

1.2 Section 4(f) Use

As defined in 23 Code of Federal Regulations (CFR) Section 774.17, use of a protected Section 4(f) property occurs when any of the following conditions is met:

- Land is permanently incorporated into a transportation facility through partial or full acquisition.
- There is a temporary occupancy of land that is adverse in terms of the preservationist purposes of Section 4(f) (i.e., temporary use).
- There is no permanent incorporation of land, but the proximity of a transportation facility results in impacts so severe that the protected activities, features, and/or attributes that qualify a property for protection under Section 4(f) are substantially impaired. This is referred to as a constructive use.

The use, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures) committed to by the applicant, will have a *de minimis* impact when there would be either:

- 1) A Section 106 finding of no adverse effect or no historic properties affected on a historic property; or
- 2) A determination that the project would not adversely affect the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f). (i.e., direct use).

1.3 De Minimis

If it is determined that there would be a “use” of a property or properties protected by Section

4(f), that “use” would be *de minimis* if it meets the following definitions (23 CFR 774.17) of *de minimis* impacts:

- *De minimis* impacts on publicly-owned parks, recreation areas, and wildlife and waterfowl refuges are defined as those that do not adversely affect the activities, features, and attributes of the Section 4(f) resource.
 - The *de minimis* impact finding considers avoidance, minimization, compensation, and/or enhancement measures addressing the project impacts on the Section 4(f) property.
 - Following an opportunity for public review and comment, the official(s) with jurisdiction over the property must provide written concurrence on the determination that the project impacts on the resource are *de minimis*. The California Department of Transportation (Caltrans), as assigned by the Federal Highway Administration (FHWA), makes the final determination on the *de minimis* impact finding.
- *De minimis* impacts on historic sites are defined as the determination of either “No Adverse Effect” or “No Historic Properties Impacted” in compliance with Section 106 regulations, including the State Historic Preservation Officer’s (SHPO) and the Advisory Council on Historic Preservation’s written concurrence, when applicable.

Under the Section 106 Programmatic Agreement (Caltrans 2024), Caltrans must inform SHPO in writing that a nonresponse for the purposes of a “No Adverse Effect” or a “No Historic Properties Affected” determination will be treated as the written concurrence for the *de minimis* determination. Caltrans, as assigned by FHWA, makes the final determination on the *de minimis* finding.

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

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

2 Proposed Project

State Route 71 (SR-71) is a major regional highway transportation facility traversing parts of Los Angeles, San Bernardino, and Riverside County. It is a connecting link for major east-west corridors passing through the area and serves as an inland passageway for interregional travel between San Diego and the eastern portion of the Los Angeles area. The route also serves

heavy commute traffic originating in the communities of Chino, Ontario and Pomona that is destined for employment centers in Orange and Los Angeles Counties. The purpose of the SR-71 Freeway Improvement Project (Project) is to alleviate traffic congestion by increasing capacity on SR-71 from I-10 to State Route 60 (SR-60) (Los Angeles/San Bernardino County Line) to handle the forecasted traffic volumes as a result of extensive development in the region (Figure 2-1).

After approval, the Project has been separated into two segments, Segment 1 (North Segment) and Segment 2 (South Segment). Segment 2 (South Segment) of the Project is from Mission Boulevard to 0.2 mile south into San Bernardino County. Construction of Segment 2 (South Segment) began in 2021 and is anticipated to be completed by 2026. Segment 1 (North Segment) is primarily from I-10 to 0.2 miles south of Mission Boulevard. This is the final segment required to complete the conversion of the SR-71 expressway to a freeway and is currently in Final Design (Plans, Specifications, and Estimates [PS&E] Phase). Construction is anticipated to begin in late 2027 and be completed by early 2032.

A previous *de minimis* determination was completed for the project in July 2019 and identified Veterans Park as a Section 4(f) property. However, based on evaluation of the current design for Segment 1 (North Segment) it was determined that the partial temporary and permanent property takes identified for Veterans Park in the Section 4(f) *De Minimis* Impact Determination and Resources Evaluated in Relation to the Section 4(f) Requirements (Caltrans 2019) would require a larger partial acquisition of the park. Therefore, an updated Section 4(f) *De Minimis* Impact Determination has been prepared to assess the updated partial acquisition and resulting use of Veterans Park under Section 4(f).

The following discusses the updates to right of way (ROW) impacts to Veterans Park and the resulting permanent incorporation into a transportation facility and/or temporary occupancy. However, the use of Veterans Park would not adversely affect the activities, features, and attributes of the Section 4(f) property. Therefore, a preliminary *de minimis* determination for the Section 4(f) property impacts is outlined in this section.

Figure 2-1. Project Location



3 Description of Section 4(f) Property – Veterans Park

Veterans Park is located at 1945 West Mission Boulevard (assessor parcel number [APN] 8707-019-903) and is owned and operated by the City of Pomona's Public Works Department (City) (Figure 3-1). The approximately 11-acre park's function is for recreation- ball play- and is open to the public seven days a week from dawn to dusk with evening play permitted as part of the reservation and considered a significant recreational resource to the City. Therefore, Veterans Park is considered a recreational resource protected under Section 4(f) and the City is the Official with Jurisdiction (OWJ).

As seen in Figure 3-1, Veterans Park is comprised of three full sized soccer fields used for tournament and league play (Field No. 1 through Field No. 3), 1 full-sized soccer field located in the easternmost part of the park (Field No. 4) used for simultaneous footwork and practice pitch play, concession stand, picnic tables, public restrooms, benches, water fountains, barbecues, and a storage area. The easternmost field has 5 less yards of buffer space in between Field No. 3 and 4 compared to the dimensions of the other fields. The driveway located on APN 8707-019-906 provides ingress and egress from Mission Boulevard to Veterans Park from the west side of the park where the public parking lot is located. Additionally, a dirt maintenance road traverses along the northern and eastern boundaries of the soccer fields and is utilized by the City to help relocate the soccer goals with a tractor or all-terrain vehicle when there is a need to store them off-field. Along the northern boundary of the maintenance road are existing poles and netting to keep soccer balls out from the tracks.

Since 2021, Veterans Park has been fenced off and closed to the public due to dilapidated field conditions which require resurfacing of the turf. The City has obtained a grant to revitalize the park and restore the deteriorated fields. Park revitalization is anticipated to occur prior to or at the same time as Project construction and it is anticipated that Veterans Park would be operational and open to the public prior to the completion of the Project.

4 Proposed *De Minimis* Impact Determination

4.1 Description of Use of Veterans Park

The Project is in final design and would require a permanent footing easement and partial acquisition of 1,639 square feet (SF) as well as temporarily acquire 1,712 SF for a temporary construction easement (TCE) (Figure 4-1 for approximately 2 years to reconstruct the SR-71 bridge from the northern dirt access road and dirt area for the proposed bridge widening (Figure 4-1). This permanent easement and acquisition would result in a reduction of the original footprint of the park and the permanent acquisition would cut into the connection point between the maintenance road and dirt area containing the benches, bathroom, and fountain east of Field No. 4.

Figure 3-1. Veterans Park (Existing Conditions)

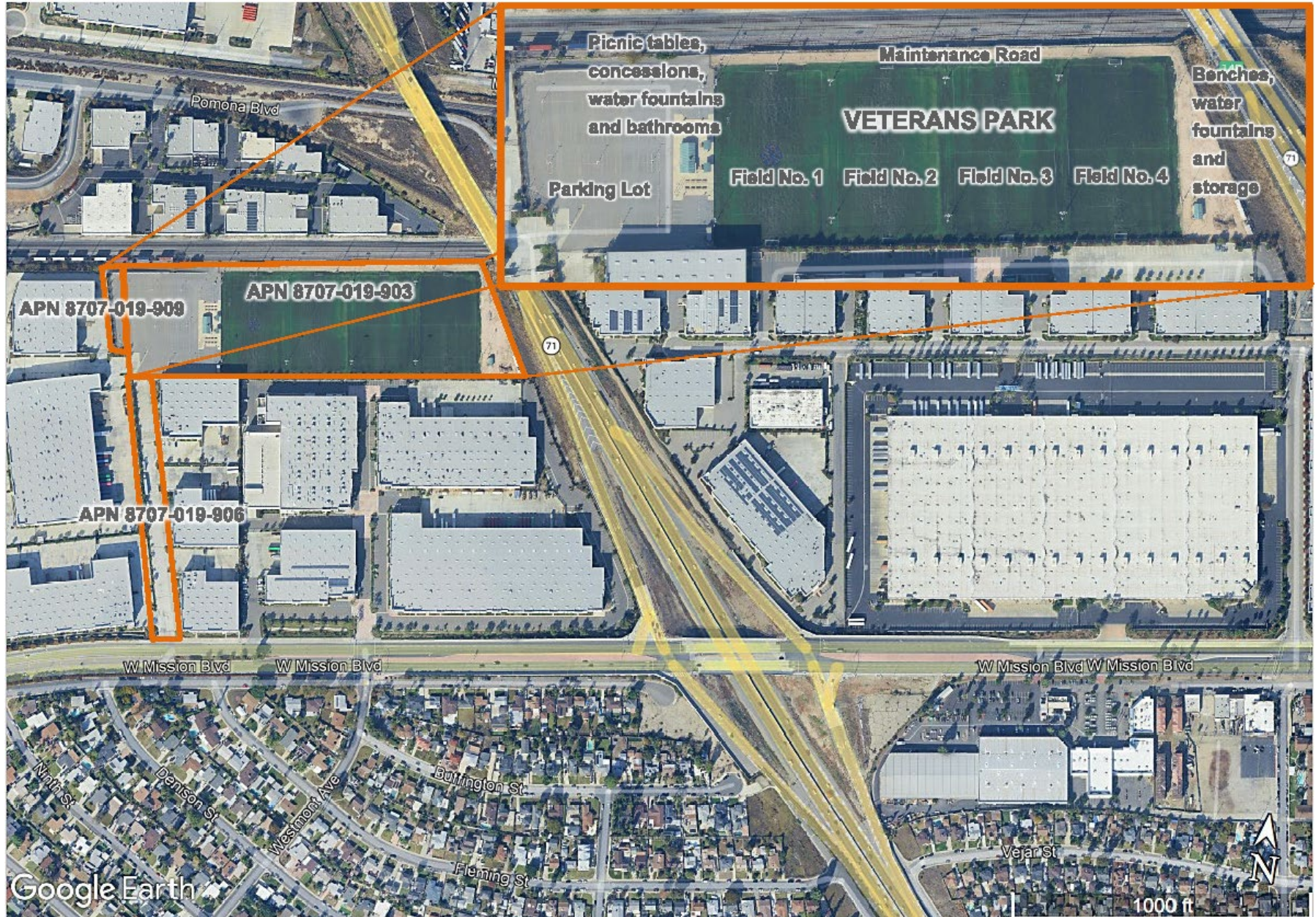


Figure 4-1. Section 4(f) Use of Veterans Park



The project would also temporarily occupy the park for construction of the project at this location. As seen in Figure 4-1 the TCE would cut into a portion of the turf. Additionally, an approximate 60' foot portion of the netting and pole closest to the SR-71 as well as a portion of the existing chain-link fence along the northern and eastern boundaries of the park would have to be temporarily removed to avoid conflict with construction of the proposed Project structure.

This permanent easement and acquisition and temporary impact would be considered a use under Section 4(f). However, after consideration of the proposed avoidance and minimization measures (AMMs) described in Section 5, the resulting impact of the Project's use of Veterans Park would not adversely affect the activities, features, and attributes that qualify Veterans Park for protection under Section 4(f). Therefore, a preliminary *de minimis* impact determination has been made and is discussed in the following sections.

Facilities, Functions, and/or Activities Potentially Affected. As discussed above, the Project would result in a permanent and temporary acquisitions within the northeastern portion of Veterans Park for the proposed bridge widening (Figure 4-1). Compared to the current operational capacity of Veterans Park, the proposed permanent partial acquisition of the park by the Project would affect the City's ability to maintain all four full soccer fields, maintenance road and dirt area containing the benches, bathroom, and fountain east of Field No. 4 as originally designed.

However, based on discussions with the City, Field No. 4 eastern portion of the maintenance road and dirt area would be reconfigured and/or shifted west, into the park, to safely maintain operation of the park and preserve the public's ability to utilize the protected activities, features, and attributes of Veterans Park as a Section 4(f) property.

Therefore, as further detailed in Section 5, AMM-1 was developed by the City and project team to reconfigure the park by shifting all four fields towards the parking lot or modify Field No.4 to ensure continued use as a footwork and practice pitch field. After considering AMM-1, the community would still be able to use Fields No. 1 through 3 for competitions; and Field No. 4, whether it be a full field or redesigned half a field, would be used for ball game practice and footwork, as intended. Therefore, the project would not adversely affect the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f).

During construction, the City would be invited to pre-construction meetings per AMM-2 to ensure continued coordination with the City regarding impacts to Veterans Park. Once construction is complete, the temporarily occupied portions of the park would be restored to its original condition per AMM-3, and the City would replace the affected netting and pole(s) as well as the chain-link fence that needed to be temporarily removed prior to Project construction.

Accessibility. Public access to the park from Mission Boulevard is located on the western side of the Veterans Park, would not be affected by Project operation or construction. Currently Veterans Park is closed to the public due to deterioration of the soccer field facilities but it is anticipated that the park will be operational by the time the Project is in construction. Construction of the bridge widening would take approximately 2 years. Construction access to

the affected portion of the park shown in Figure 4-1 would not require access through the park's main entrance from Mission Boulevard per AMM-4. Construction access would be provided through the Mission 71 West Business Park and traverse along the eastern parking access route that parallels the SB SR-71 off-ramp and through an existing gate or through Caltrans ROW along the expressway to access the area between the SR-71 bridge and Veterans Park. Therefore, construction activity related to the Project would not interfere with the City's ability to access the park to complete park renovations and redesign and would not inhibit the public's ability to access the park once the park is operational.

Noise. Currently Veterans Park is bordered to the north by active railroad tracks and to the east by SR-71. The widening of SR-71 would move the freeway closer to the fields and could result in additional noise and vibration impacts from increased vehicular traffic. However, this park is already currently surrounded by active rail to the north, the heavily traveled SR-71 to the east, and industrial uses on all sides. The park's activities, which are mainly ball games, do not require a quiet environment. The project construction noise is typical for highway construction projects and does not involve pile driving or unusual noise increase. The increased level of noise due to the project would not substantially increase above existing levels or substantially diminish and impair the function of the park and soccer-related activities.

Because Veterans Park is anticipated to be reopened to the public while Project construction is ongoing, noise and vibration impacts to the park may result from construction activities due to vehicles, equipment, and earth-disturbing activities. However, given the existing conditions surrounding the park, temporary construction noise impacts would not rise to a level that could be considered unreasonably excessive in which it could interfere with the public's ability to use the park. Following construction, temporary noise and vibration impacts associated with construction would cease. Additionally, Caltrans Standard Specification for sound control requirements per AMM-5 would be implemented to ensure that noise levels generated during construction would comply with applicable local, state, and federal regulations. Therefore, construction noise impacts are not anticipated to result in adverse effects to Park and the public's ability to utilize the parks amenities and facilities.

Visual. Existing views from Veterans Park include active railroad tracks to the north; SR-71 and industrial uses to the east, and industrial uses in all directions. Although SR-71 would move closer to the fields, the views from the park would not change substantially and the Project would revegetate the remaining slope area adjacent to the dirt area and Field No. 4. Currently, there are trees and shrubbery scattered around the perimeter of the park; however, the Project would not remove the existing vegetation. Additionally, a portion of the existing turf adjacent to Field No. 4 would be temporarily disturbed during construction by the TCE. Therefore, the TCE and construction activity within and adjacent to the park would result in temporary visual disruption. However, the Project is proposing to implement a 6-foot-tall chain link fence with privacy screen between the construction area and the park per AMM-6 and construction night-time lighting requirements per AMM-7 and AMM-8 to reduce construction related visual impacts while the park is in operation. As previously mentioned, the temporarily impacted area would be returned to pre-construction conditions per AMM-3.

Air Quality. Although SR-71 would be widened, it is not anticipated that the increase to vehicular emissions during operation would result in substantial or adverse effects to air quality compared to existing conditions. Additional air quality impacts may result from construction activities because of vehicle and equipment emissions, as well as dust from earth-disturbing activities. However, with the implementation of AMM-9 and AMM-10, all applicable South Coast Air Quality Management District (SCAQMD) Rules, including Rule 403 (Fugitive Dust) and Rule 1113 (Architectural Coating); as well as requirements to minimize objectional odors would be implemented. Following construction, temporary air quality impacts associated with construction would cease. Therefore, the construction activities would not adversely affect air quality within Veterans Park.

Water Quality. Veterans Park does not contain any water resources. Therefore, no adverse effects are anticipated in regards to water quality within this park during Project operation. However, the Project would incorporate all best management practices (BMPs) per AMM-11 through AMM-13 to avoid any impacts to the park as a result of construction activity would occur.

5 Avoidance and Minimization Measures

The following AMMs will be needed to make the *de minimis* impact finding for Veterans Park:

AMM-1 Alternative Park Design Options. The City shall re-design and re-construct field No. 4 in a manner that would still enable the City to program and operate Public recreational programming at existing levels while Caltrans compensates the City for its efforts with a Fee Acquisition and Footing Easement as well as the reasonable costs associated with redesigning and reconstructing the affected recreational facilities in a way to maintain the features, function and activities of the park in the amount of \$688,000.

- **Design Option 1:** By reconfiguring Field No. 4's footprint and converting the northern portion into a dedicated half-field for skills training, footwork, warm-ups, and practice activities, the City would still be able to conduct practice activities concurrently with league play on the remaining full-sized fields and preserve the park's overall programming capacity and operational efficiency. The proposed compensation would enable the City to maintain the park's recreational functionality and programming capacity and ensure that the project has only minimal impacts to Veterans Park as a public recreational resource.
- **Design Option 2:** Reconfigure the overall field layout by shifting all four soccer fields to the west, allowing the park to retain four full-size regulation fields while accommodating the proposed Caltrans improvements.

AMM-2 The City of Pomona shall be invited to the pre-construction meeting.

AMM-3 The construction contractor to return areas of the park closed temporarily during

construction to their original, or better, conditions after completion of construction, and those temporarily closed areas will be respectively returned to the City of Pomona.

- AMM-4** Construction equipment will not enter through the park. The contractor shall enter the construction site through the expressway.
- AMM-5** **Section 14-8.02 – Sound Control Requirements:** Construction noise levels should not exceed sustained 86 dBA at 50 feet from the job site activities from 9 p.m. to 6 a.m. These requirements also state that noise levels generated during construction shall comply with applicable local, state, and federal regulations.
- AMM-6** A 6-foot tall temporary chain link fence with privacy screen will be installed to minimize visual distractions.
- AMM-7** **Closure Restrictions for Special Events and Venues — Veterans Park Athletic Activities:** The designated contractor will be required to coordinate construction activities adjacent to Veterans Park to prevent interference with scheduled nighttime sports activities.
- AMM-8** **Temporary Lighting Systems - Athletic-Field Interface Controls:** The designated contractor will be required to follow vertical illuminance limits and glare rating control requirements, as well as conduct field verification to adjust construction lighting as necessary within the athletic-field interface boundary.
- AMM-9** Compliance with NSSP 14-9.05 for all applicable local air districts' (AQMDs and APCDs) pre- and post-construction rules.
- AMM-10** Minimize objectionable odors by conducting certain construction activities in areas at least 500 feet from the sensitive receptors as feasible.
- AMM-11** All pollution and litter laws and regulations will be followed by the Contractor and all personnel on site.
- AMM-12** All appropriate Stormwater and Erosion Control BMPs will be incorporated into the project specifications.
- AMM-13** All drain inlets must be protected with BMPs to prevent paint, cleaning materials, and other debris from entering drainage courses.

6 Coordination

Caltrans has met with the City to discuss Project impacts to Veterans Park to determine how best to preserve the activities, features, and attributes that make Veterans Park a significant resources that qualifies for protection under Section 4(f); and to discuss the applicability of a *de minimis* determination for the temporary occupancy and permanent use of the park.

A Notice of Availability (NOA) of the draft Section 4(f) *De Minimis* Impact Determination was advertised through two local publications, Inland Valley Daily Bulletin and La Nueva Voz, and posted at Veterans Park and at the city hall location accessible to the public for a 30-day public review period. The purpose of the NOA is to notify the public of the availability of the preliminary Section 4(f) *De Minimis* Impact Determination for review and comment. Caltrans and the City will consider relevant public comments in the final Section 4(f) *De Minimis* Impact Determination.

After the 30-day public review period, Caltrans will request written concurrence from the City, as the OWJ, over the finding that the proposed Project would not adversely affect the activities, features, and attributes that qualifies for protection under Section 4(f). The letter of concurrence, when received, will be included as an attachment.

7 List of Preparers

This Section 4(f) *De Minimis* Impact Finding was prepared by Caltrans District 7. The following individuals were involved with the preparation, coordination, and review of this document:

- Le Chen, Associate Environmental Planner; Division of Environmental Planning
- Elaine Lee, Associate Environmental Planner; Division of Environmental Planning
- Thoa Le, Senior Environmental Scientist; Division of Environmental Planning

8 References

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