

**To Support Revalidation #2 of the
Marin-Sonoma Narrows HOV Widening Project**

Marin and Sonoma Counties, California

04-MRN-101-PM 18.6-27.7
04-SON-101-PM 0.0-7.1

EA 04-26408

Draft SECTION 4(f) *DE MINIMIS* FINDING

May 2011

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 USC 327.

Date of Approval

Yolanda Rivas, Branch Chief
Environmental Analysis
Caltrans, District 4

The following technical studies were used in the gathering of information in order to complete this 4(f) evaluation: Addendum Finding of Effect (April 2011)

Introduction

Section 4(f) of the Department of Transportation Act of 1966, codified in federal law at 49 U.S.C. 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.

Section 4(f) further requires consultation with the Department of the Interior and, as appropriate, the involved offices of the 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 is also needed.

Section 4(f) *De Minimis* Impact Evaluation Requirements

SAFETEA-LU Section 6009(a) amends existing 4(f) legislation to allow the U.S. Department of Transportation (DOT) to determine that certain uses of 4(f) land

will have no adverse effect on the protected resource. As the NEPA-delegated federal lead agency, Caltrans must conduct the evaluation of potential Section 4(f) impacts of the proposed project.

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 4(f) resource. *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.

When Caltrans determines that a transportation use of a Section 4(f) property - after consideration of any impact avoidance, minimization, and mitigation or enhancement measures - results in a *de minimis* impact on that property, no further Section 4(f) evaluation is required.

Approved Project

The Marin-Sonoma Narrows HOV Widening (MSN) Project Environmental Impact Report (EIR) was certified on July 16, 2009. The District approved the MSN Project Report on July 21, 2009. Based upon the Environmental Impact Statement (EIS), the Federal Highway Administration (FHWA) executed the Record of Decision (ROD) on October 29, 2010.

The approved project alternative included measures that met temporary occupancy provisions in relation to Olompali State Historic Park, exempting the project from 4(f) application. In addition, under the approved project alternative, Caltrans disclosed its intention to transfer 6.1 hectares (15.1 acres) of right-of-way to the California Department of Parks and Recreation, including a new park entrance and Class 1 bicycle/pedestrian path.

Why This Change

Phase I of the MSN Project entails construction of the Redwood Landfill Overcrossing, ramps, adjoining frontage road, and bike paths prior to construction of the US 101 mainline widening. Under the approved project

alternative, the bike/pedestrian path and frontage road were to be located over the existing US 101 southbound lanes after an eastward shift and widening of the mainline. This change in the order of project construction would require locating the bike/pedestrian path and overcrossing ramps west of the existing US 101 mainline.

What follows is a description of the revised project. These revisions are proposed for approval as part of a Reevaluation of the MSN Project EIR/EIS. If approved, construction is expected to begin in the summer of 2012.

Project Description

The project is a 16-mile long widening project on US 101, which will add HOV lanes; widen 4 lane sections to 6 lanes; and widen 6 lane sections to 8 lanes. The project extends from Highway 37 in the City of Novato, Marin County, on the south to north of Highway 116 near Corona Road in the City of Petaluma, Sonoma County, on the north.

The 4-lane section known as the Marin Sonoma Narrows or “the Narrows” will be upgraded to a freeway. Because “the Narrows” section is not currently a freeway, the adjacent properties along US 101 have direct access to the highway at various locations. Thus, the project will include features to allow continued access by way of new bicycle lanes and frontage roads.

To do this under Phase 1 of the MSN Project, Caltrans proposes to align the new frontage road and bicycle/pedestrian path 76 feet west of the existing mainline alignment. As a result of this shift, some Section 4(f) resources would now be affected by the project.

Currently, Olompali State Historic Park can be accessed directly from southbound US 101. The proposed conversion of this portion of US 101 to a freeway will eliminate the current direct access to the park and would require construction of a frontage road, access road/driveway and bike path. This new frontage road will extend from the south boundary of the park to the existing park

entrance. The access road/driveway will extend northward from the current park entrance to an existing pathway leading to the housing area.

The Class I bicycle/pedestrian path will extend from the north end of this pathway to the north boundary of the park, towards Redwood Landfill Interchange.

Maintenance vehicle pullouts (MVP) would be placed along the Class 1 bikeway within Olompali SHP near PM 25.08 and 25.24

Additionally, a retaining wall located just north of the end of the access road would be part of the Class 1 bikeway. The retaining wall, which runs north-south along the western edge of the Class 1 bikeway, measures approximately 400 feet in length and 8 to 10 feet in height. In the vicinity of the retaining wall, the alignment of the Class I bikeway would curve from Olompali SHP to Caltrans (State) right of way, and then back into the Park's property. The placement of the wall would minimize hillside cut and avoid relocation of the 30" NMWD waterline in this area.

In addition to the frontage road, access road/driveway, and bicycle/pedestrian path, a portion of the SB diagonal on-ramp from the Redwood Landfill Interchange would reside on Olompali SHP. The encroachment would facilitate a standard on-ramp design and reside on the northeast corner of the park's property.

In conjunction with the frontage road, access road/driveway, and bicycle/pedestrian path construction, some existing overhead and underground utilities, including telephone, gas, electrical and communications, will need to be adjusted or relocated. Furthermore, in conjunction with the bikeway improvements in this area, a 700-foot segment of the 30-inch NMWD waterline would be relocated on the north end of Olompali SHP from the west side of the current Caltrans right-of-way fence to the west of the new bike path/frontage road fence. The waterline would be relocated parallel to the bikeway, within State Park right of way. Placement of above and underground utility appurtenances,

such as valves, boxes and vaults, will be involved in the support of utility adjustments.

New drainage facilities, including ditches, box culverts, inlets and conduits will be constructed along and beneath the frontage road, access road/driveway, and bicycle/pedestrian path to intercept, capture and convey storm water.

A new fence, enclosing the proposed frontage road, access road, and bikeway, is proposed along the entire stretch of Olompali SHP. The new fence would run north-south and parallel the ditch line on the uphill (west) side. The existing fence separating Olompali SHP and Caltrans right of way would remain, and gaps (i.e. the existing hook on and off-ramps) would be closed with new fencing.

Description of the Section 4(f) Resource

Olompali State Historic Park, owned by the California Department of Parks and Recreation, is a 700-acre public park located three miles north of Novato on U.S. 101. The park overlooks the Petaluma River and San Pablo Bay from the east-facing slopes of Mount Burdell. The park includes: hiking trails, horseback riding trails and picnic areas.

Within Olompali State Historic Park is an historic property called Rancho Olompali. It consists of 45 acres and is located adjacent to US 101. It is listed on the National Register of Historic Places.

Rancho Olompali contains several historic buildings and archaeological resources (see Figure 3).

Rancho Olompali includes the archaeological remains of a large Coast Miwok trading village, for which the property is named and the reason the property is on the National Register. The property also includes the ruins of an adobe residence, probably dating to the 1830s, which is California Historical Landmark

#210. The remaining walls of the adobe residence are now enclosed for their preservation within a shingle-clad building.

There are several other buildings on the property that which date to the late 19th and early 20th centuries and are associated with the Burdell family ranch. The Burdell mansion, originally built in 1911 and incorporating earlier adobe, suffered extensive damage from a fire in 1969. In addition to the buildings, the property includes the remains of a formal garden dating to the 1870s.

Additionally, the Rancho Olompali site includes a later 19th century house of frame construction, two connected barns and a complex of employee housing and service buildings of modern construction,

Due to the above mentioned features, Olompali State Historic Park is on the National Register of Historic Places and is, therefore, a Section 4(f) property both as an historic site and as a public park.

Impacts to the Section 4(f) Lands

The proposed project will take a portion of Olompali State Historic Park for a new Marin County easement which will include the new frontage road, driveway and bicycle path (see Figure 4). The easement will be adjacent to the existing U.S. 101 right-of-way, which forms the eastern boundary of the state park. The easement will be approximately 12.3 acres (536,451 square feet), less than two of these acres are part of Rancho Olompali. The project will affect archaeological site CA-MRN-536 and remove trees from Olompali.

The Burdell mansion house and gardens, the 19th century frame house, and the adobe house are located to the west of a dense cluster of trees. These trees, which include the remaining features of the historic garden, largely obscure the view of the highway from the west. The distance from the east wall of the adobe ruins (the closest building to the highway) to the US 101 right-of-way fence is about 900 feet. The distance from the eastern edge of the tree cluster, that

shields the view of the highway from the historic landmark, to the fence at the edge of US 101 (State right-of-way) is about 700 feet.

The proposed county easement for the frontage road, driveway, and bike path would be approximately 68 to 76 feet in width. This would maintain a width of about 824 feet from the adobe ruins and 624 feet from the tree cluster and the fence at the edge of the new easement.

The proposed project will affect archaeological site CA-MRN-536 through grading, tree removal, and other construction activities. The site is located within the Rancho Olompali property and contributes to its significance as a National Register listed property.

The amount of land to be acquired from Rancho Olompali for the roadway easement (approximately 12.3 acres) is relatively minor in proportion to the entire 45-acre historic property and 700-acre Olompali State Historic Park. The distance between the proposed easement and the historic buildings and garden will still be more than 600 feet. The new roadway and simple wire fence will not be visually intrusive because they will be at the same grade as the existing U.S. 101 roadway and right-of-way fence and will be similar to the one now present.

Eighteen adult trees in total will be removed due to construction of the project and construction activities. A small number of trees would be removed where the proposed driveway will cross the original entrance drive leading to the mansion, and some trees would be removed for construction of the bike path in the more wooded area, north of the employee housing. These trees are not an historic feature nor are they contributing features to the eligibility for the National Register of Historic Places. Table 1 below lists the trees that will be removed in Olompali. The removal of these trees is consistent with local ordinances, such as the Native Tree Ordinance of Marin County.

Table 1 - Trees to be Removed

Tree #	Species	Comment
1	Cyprus	
2	Valley Oak	May be able to save as design proceeds
3	Bay Laurel	May be able to save as design proceeds
4	Pine	May be able to save as design proceeds
5	Eucalyptus	May be able to save as design proceeds
6	Eucalyptus	May be able to save as design proceeds
7	Oak	May be able to save as design proceeds
8	Bay Laurel	
9	Blue Oak	May be able to save as design proceeds
10	Valley Oak	May be able to save as design proceeds
11	Blue Oak	
12	Coast Live Oak	
13	Dead tree	Possibly was an Oak, now only stump remains
14	California Buckeye	
15	Valley Oak	
16	Valley Oak	
17	Valley Oak	
18	Valley Oak	

Because the project will not alter views of or from the historic buildings, the project will result in only a minor change to the historic landscape of Rancho Olompali and will not diminish the qualities that contribute to the property's National Register listing. The proposed project would have "No Adverse Effect" on the buildings or the landscape of Rancho Olompali.

In regards to the impact of the proposed project on the public use of Olompali State Historic Park as recreation land, none of the existing recreational uses or access will be affected by the proposed project. There will be some disruption

related to construction activities adjacent to Olompali State Historic Park; however, these impacts would be temporary. There will be some temporary noise impacts as a result of the operation of construction equipment and vehicles, however, these impacts will cease upon completion of the proposed project. The activities available to the public at Olompali State Historic Park will not be affected by the proposed project.

Avoidance, Minimization and Mitigation Measures

The Department will avoid impacts to resources within Olompali State Historic Park as much as possible.

Trees that are removed will be replanted within the new easement or within Olompali State Historic Park.

The effect of the proposed project on the archaeological site will be taken into account through revision of the archaeological treatment plan that is stipulated in the Memorandum of Agreement (MOA) with the State Historic Preservation Officer (SHPO).

Discussion of Coordination Activities

The Department is currently coordinating with Olompali State Historic Park, the local Native American tribe, and Marin County (who will be granted the easement for the frontage road, driveway, and bike path) in regards to the proposed project's impact on Olompali State Historic Park.

The public is being offered the opportunity to comment on this Section 4(f) *De Minimis* Finding. A public notice was published in The Marin Independent Journal and The Press Democrat on May 22, 2011 to begin the 30 day comment period.

After the comment period for the Section 4(f) *De Minimis* Finding is complete, the Department will make a final decision based on the information presented above, coordination with State Parks and the Department of the Interior, and public comments as to whether the effects of the proposed project on Olompali SHP

constitute a *de minimis* Section 4(f) impact and the requirements of 23 USC 138 and 149 USC 303 have been satisfied.

DRAFT

Figure 1. Project Vicinity Map

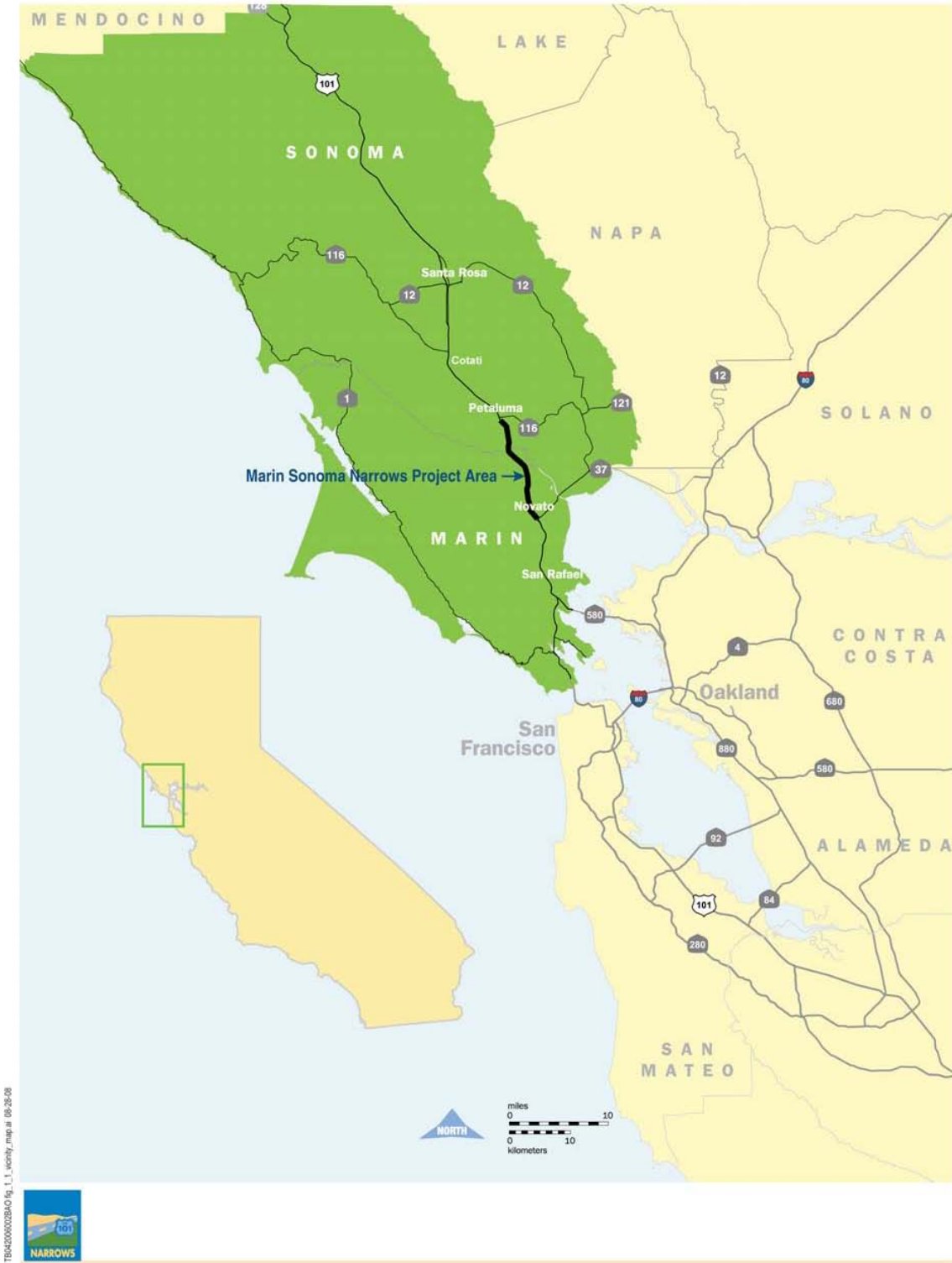


Figure 3. Olompali State Historic Park/Rancho Olompali

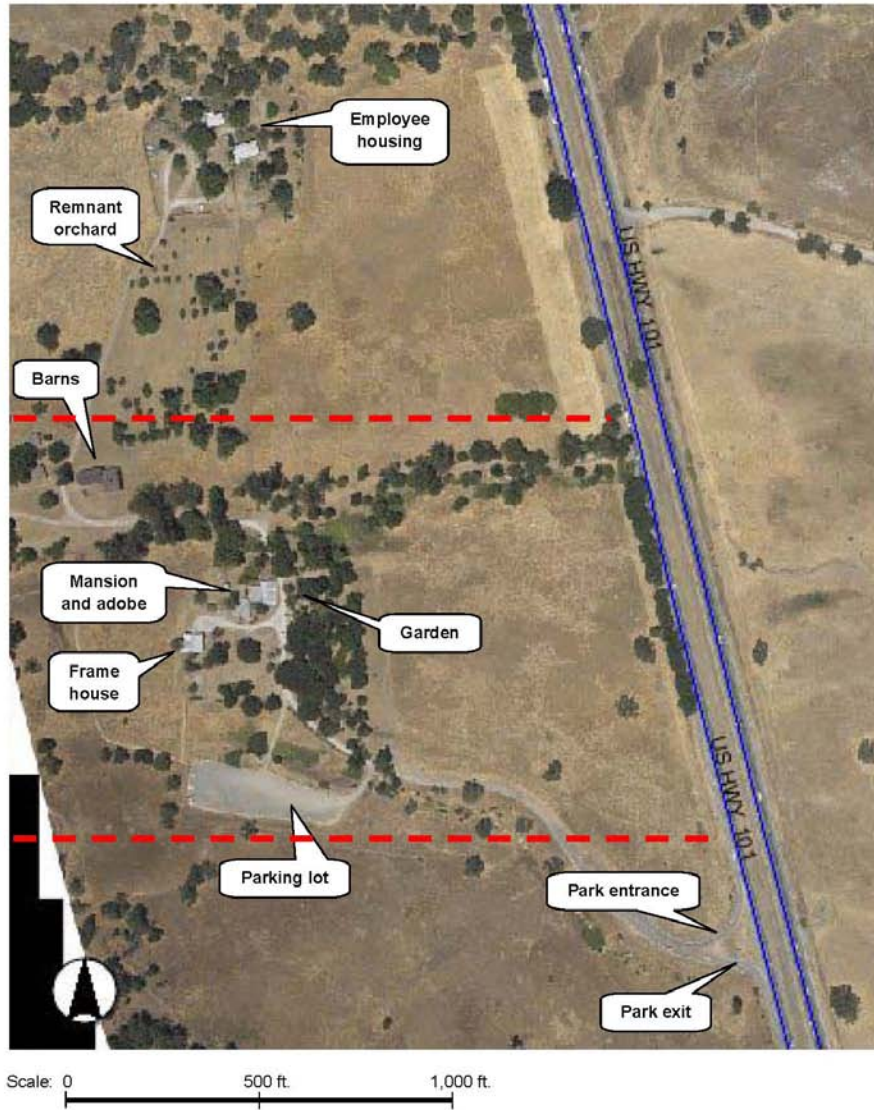


Photo 1: Annotated aerial photo (2003) showing the eastern portion of Olompali State Historical Park and the main buildings. The dashed red lines indicate the northern and southern boundaries of the National Register-listed Olompali Rancho.

Figure 4. Proposed Project Plans within Olompali SHP (Sheet 1)

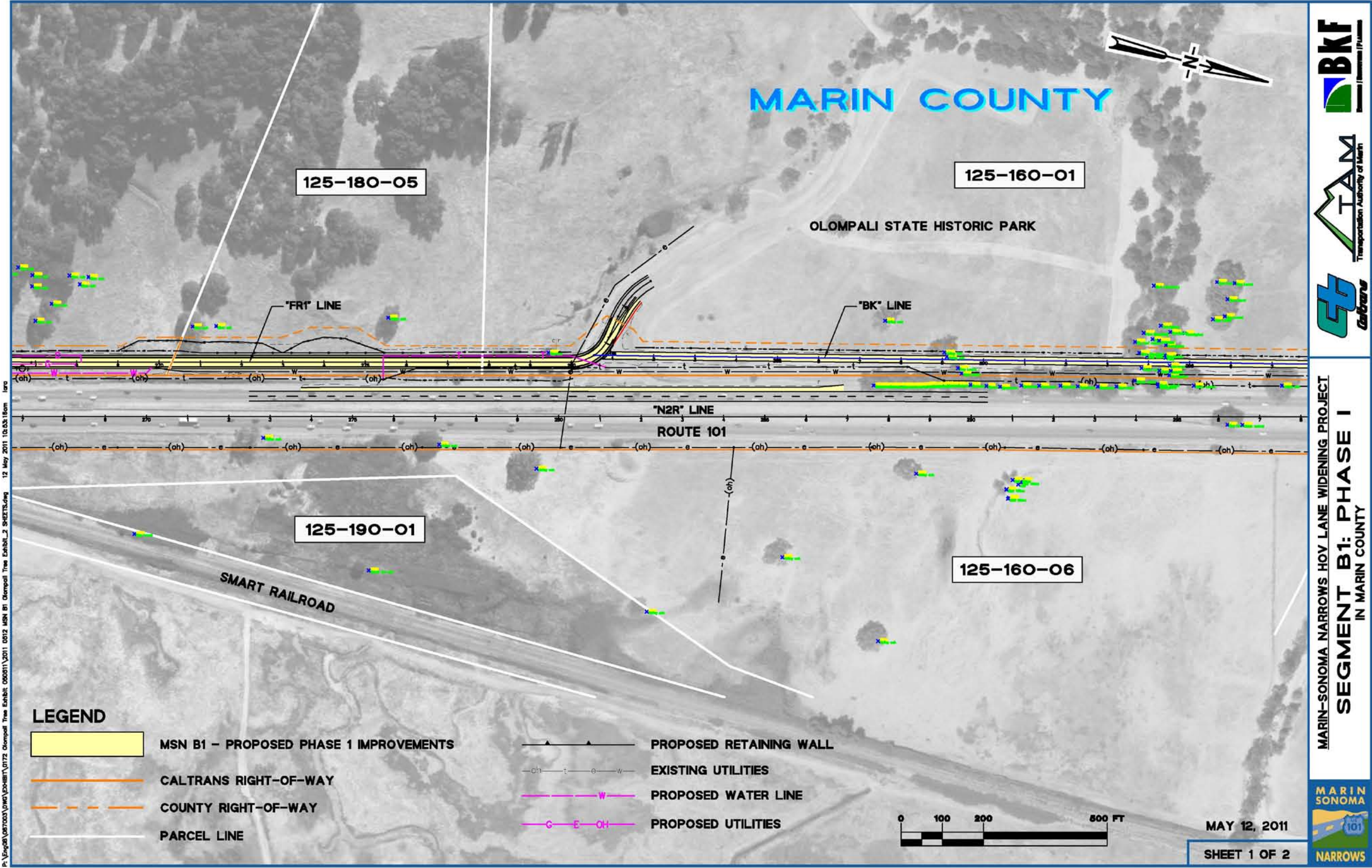


Figure 4. Proposed Project Plans within Olompali SHP (Sheet 2)

