

DEPARTMENT OF TRANSPORTATION

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August 29, 2017

Carl Holm, Director
Monterey County Resource Management Agency
1441 Shilling Place, 2nd Fl
Salinas, CA 93901

Re: Park impacts and potential Section 4(f) issues from the Salinas River Seismic Retrofit project

Dear Mr. Holm:

I am requesting written concurrence from the Agency that a Caltrans project to retrofit the Salinas River Bridges on Highway 101 will not involve a Section 4(f) use of any park property. I have enclosed a copy of the final environmental document for the project; the comment period for the draft document ended on August 11, 2016 and no comments were received from County Parks. However, I am forwarding this document because a revision was made to the draft document to the information related to San Lorenzo Park in King City. (Please see section 2.2.1 of the final document, page 10.)

The draft document indicated that a temporary construction easement would be needed from Park property during construction. This is no longer anticipated. All construction activity is expected to take place on State right of way and the adjacent private parcels. Construction activities will, however, still come very close to the trail in the riverbed, and could disturb activities within the Park upland area.

In accordance with 23 U.S. Code § 138 - Preservation of parklands, I am seeking your concurrence on our determination regarding potential Section 4(f) use of the Park. Defining criteria for Section 4(f) properties are:

- It must be publicly owned
- It must be open to the public (except in certain cases for refuges)
- Its major purpose must be for park, recreation, or refuge activities
- It must be significant as a park, recreation area or refuge

In October of 2015, I contacted John D. Akeman of Monterey County Parks to get a determination of whether San Lorenzo Park was significant as a park. He made a preliminary statement that it was, based on:

- Age of park
- No other regional park in the area that offers a variety of recreational resources to local community including RV/Camping
- Unique attributes, such as the museum promoting regional history (cultural resource), and the available community facilities
- Setting along Salinas River (riparian resources) and the other existing natural resources (grove of upper canopy trees)

Caltrans agrees with the County's assessment; therefore, as a significant park, it meets the criteria for a 4(f) property and is thereby protected from federally-funded highway projects.

As discussed in the Mitigated Negative Declaration, the bridge project will not have any permanent impacts on San Lorenzo Park. Therefore, there will be no constructive use. There could, however, be temporary impacts. The Code of Federal Regulations (23 CFR 774.13) identifies exceptions to the requirement for Section 4(f) approval, including temporary occupancy:

(d) Temporary occupancies of land that are so minimal as to not constitute a use within the meaning of Section 4(f). The following conditions must be satisfied:

- (1) Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land;
- (2) Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal;
- (3) There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
- (4) The land being used must be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the project; and
- (5) There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

The project includes measures to limit the area of construction as well as the hours of work in order to prevent adverse impacts to the Park, therefore we have determined that it meets conditions 1-4. In order to be fully compliant, Caltrans must obtain written concurrence on this determination from the Agency. A response by September 20 would be appreciated.

If you have any questions or need additional information, please feel free to contact me at (805) 549-3063 or Paula.Huddleston@dot.ca.gov.

Sincerely,



Paula Huddleston

Environmental Planning

Encl.