

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

Section 4(f) of the Department of Transportation Act of 1966, codified in federal law at 49 United States Code 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.

This appendix discusses parks, recreational facilities, wildlife refuges, and historic properties found within or adjacent to the project area that do not trigger Section 4(f) protection either because (1) they are not publicly owned, (2) they are not open to the public, (3) they are not eligible historic properties, (4) the project does not permanently use the property and does not hinder the preservation of the property, or (5) the proximity impacts do not result in constructive use.

Proposed Project

The California Department of Transportation (Caltrans), in cooperation with the Federal Highway Administration and the Santa Cruz County Regional Transportation Commission (RTC), proposes to improve Route 1 in Santa Cruz County for a distance of approximately 8.9 miles, from approximately 0.4 mile south of the San Andreas/Larkin Valley Road interchange to 0.3 mile north of the Morrissey Boulevard interchange. This stretch of Route 1 is subject to recurrent congestion. Proposed improvements under consideration include the following major features: mainline high-occupancy vehicle (HOV) lanes, ramp metering and HOV on-ramp bypass lanes, auxiliary lanes, pedestrian/bicycle overcrossings, and reconstructed interchanges to accommodate project features and improve highway access to and from local roads.

This project has been evaluated as a combined Tier I/Tier II Draft Environmental Impact Report/Environmental Assessment (Tier I/II DEIR/EA). Three Tier I Corridor Alternatives are evaluated in the Tier I/II DEIR/EA: Tier I Corridor HOV Lane Alternative, Tier I Corridor Transportation System Management (TSM) Alternative, and No Build Alternative. Two Tier II alternatives are also analyzed: Tier II Auxiliary Lane Alternative and No Build Alternative.

Section 4(f) Resources

Tier I Corridor Alternatives

Nineteen park and recreational facilities are located within 0.5 mile of the Tier 1 Corridor Alternatives. Table 1 lists the 19 park and recreational facilities, the agency of jurisdiction for each, and the distance of the facility from the proposed project.

No designated wildlife refuges are located within or adjacent to the project limits of any of the Tier I Corridor Alternatives or the Tier II Auxiliary Lane Alternative.

No National Register of Historic Places-eligible historic architectural properties are within the architectural Area of Potential Effect for the Tier I and Tier II Corridor Alternatives. Thirteen archaeological sites were identified within the archaeological Area of Potential Effect; ten of those were determined not eligible for the National Register of Historic Places. The remaining three sites will require archaeological investigations that will be conducted as components of the Tier I Corridor Alternatives when they are programmed as future tiered projects. Each of those projects will be subject to separate environmental review. At that time, the sites will be evaluated to determine their National Register of Historic Places eligibility and evaluated to determine if there would be a Section 4(f) use.

Section 4(f) Effects

Public Parks and Recreation Areas

Tier I Corridor Alternatives

Neither of the Tier I Corridor Alternatives would incorporate or use land from the 19 facilities listed in Table 1; in addition, no indirect impacts on these facilities are anticipated that would constitute a constructive use. Based on these factors, the provisions of Section 4(f) are not triggered for these properties.

Tier II Auxiliary Lane Alternative

The Tier II Auxiliary Lane Alternative would not incorporate or use land from the facilities listed below. Indirect impacts that would constitute a constructive use include noise, access restrictions, vibration, ecological intrusions, and visual impacts. The Tier II Auxiliary Lane Alternative would not change the access of any parks or recreational facilities, nor would any vibration impacts or ecological intrusions occur. Noise impacts would occur at some

sensitive receptors, as described in Section 2.2.7, but the parks and recreational facilities are located far enough from Route 1 that the increase would be barely perceptible over existing levels. Visual impacts would also occur along Route 1, but due to the distance between Route 1 and the parks and recreational facilities, there would be no visual change at those facilities. Therefore, there would be no indirect impacts on these facilities that would constitute a constructive use and the provisions of Section 4(f) would not be triggered for the properties listed in Table 1.

Wildlife Refuges

Because no designated wildlife refuges are in the project area, the provisions of Section 4(f) are not triggered.

Historic Properties

Because no historic properties are in the project area, the provisions of Section 4(f) are not triggered.

Table 1: Parks and Recreation Facilities within 0.5 Mile of the Tier I and Tier II Corridor Alternatives

| No. | Park Name/ Agency of Jurisdiction | Address | Distance from Project (miles) | Description |
|-----|--|---|--|---|
| 1 | De Laveaga Park City of Santa Cruz Recreation and Parks Department | Branciforte Avenue, Santa Cruz | 0.29 | A 35-acre park that includes bocce ball courts, volleyball courts, a soccer area, softball diamonds, picnic areas, barbeque pits, trails, and horseshoe pits. Natural features in the park include Branciforte Creek, Meadow and George Washington Grove. |
| 2 | Forest of Nisene Marks State Park California Department of Parks and Recreation | Aptos Creek Road/ Soquel Drive, Aptos | 0.22 | A State park that contains more than 40 miles of hiking trails and fire roads through approximately 10,000 acres of variable terrain. It offers running, hiking, horseback riding, camping (backpacking), and mountain biking facilities. Picnic tables and barbecue pits are available. |
| 3 | Grant Park City of Santa Cruz Recreation and Parks Department | Grant Street, Santa Cruz | 0.29 | A 2.4-acre park with picnic tables and barbecues, playground equipment, youth baseball court, and children's play area. |
| 4 | East Side Park City of Santa Cruz Recreation and Parks Department | Water Street/Soquel Avenue, Santa Cruz | 0.49 | Small neighborhood park for passive recreation. |
| 5 | John Franks Park Santa Cruz County Parks Department | Marnell Street, Santa Cruz | 0.12 | A small park with playground, field, and picnic tables. |
| 6 | Arana Gulch Open Space City of Santa Cruz Recreation and Parks Department | Agnes Street, Santa Cruz | 0.45 | A landform and greenbelt area that includes open meadows, California oak woodland, and the riparian zone of Arana Creek. A set of trails is used to access the park, with accommodation to hikers and bicyclists. Arana Gulch supports a variety of vegetation and wildlife, and it provides habitat for Santa Cruz tarplant, endangered species, and other special-status species. |
| 7 | Perry Park The City of Capitola Parks Department | Bay Avenue/Center Street, Capitola | 0.2 | Perry Park is a 1-acre park with bicycle and pedestrian paths and picnic tables. |
| 8 | Nobel Gulch Park The City of Capitola Parks Department | Bay Avenue/ Monterey Avenue, Capitola | 0.46 | A 0.5-acre park with picnic tables and lawn area. |

Table 1: Parks and Recreation Facilities within 0.5 Mile of the Tier I and Tier II Corridor Alternatives

| No. | Park Name/ Agency of Jurisdiction | Address | Distance from Project (miles) | Description |
|------------|---|---------------------------------|--|---|
| 9 | Monterey Avenue Park The City of Capitola Parks Department | Monterey Avenue, Capitola | 0.28 | A small community park with softball field, playground, picnic tables, and lawn areas. |
| 10 | Cortez Park The City of Capitola Parks Department | Cortez Street, Capitola | 0.21 | Cortez Park includes children's playground equipment and benches on 0.75-acre. |
| 11 | Winkle Farm Park Santa Cruz County Parks Department | Winkle Avenue, Santa Cruz | 0.41 | A 1.5-acre park with walking paths, a lawn area, picnic tables, playground equipment, barbeque, and horseshoe pits. |
| 12 | Coffee Lane Park Santa Cruz County Parks Department | Coffee Lane, Live Oak | 0.31 | A 2.7-acre park with a basketball court, picnic tables, a lawn area, and playground equipment. |
| 13 | Soquel Lions Park Santa Cruz County Parks Department | Main Street, Soquel | 0.19 | A 0.5-acre park with picnic tables, a barbeque pit, playground equipment, and a pedestrian bridge. |
| 14 | Richard Vessey Park Santa Cruz County Parks Department | Maplethorpe Lane, Soquel | 0.41 | A 1-acre park with a lawn area, playground equipment, picnic tables, and barbeque pits. |
| 15 | Willowbrook Park Santa Cruz County Parks Department | Willowbrook Lane, Soquel | 0.27 | A 6.3-acre neighborhood park with basketball and tennis courts, picnic areas with barbeque pits, and a playground. |
| 16 | Aptos Village Park Santa Cruz County Parks Department | Aptos Creek Road, Aptos | 0.17 | A 10.3-acre park tucked into old Aptos Village. It is the site of weekend music festivals, family picnics, weddings, company picnics, Renaissance Camp, and other special events. The park has a gazebo, picnic tables, and a lawn area that is open to the public. |
| 17 | Chanticleer Ave Park Santa Cruz County Redevelopment Agency | Chanticleer Avenue, Live Oak | 0.48 | Chanticleer Park is a 2.5-acre park consisting of lawn area, playground equipment, historical structure, picnic areas, tennis court, off-leash dog walking area, community garden, bicycle track area, walking path, skateboarding area, bocce ball court, benches, drinking fountain, and restrooms. |

Table 1: Parks and Recreation Facilities within 0.5 Mile of the Tier I and Tier II Corridor Alternatives

| No. | Park Name/ Agency of Jurisdiction | Address | Distance from Project (miles) | Description |
|--|--|-----------------------------|--|---|
| 18 | Seacliff State Beach California Department of Parks and Recreation | State Park Drive, Aptos | 0.4 | This public beach provides recreational vehicle facilities, picnic tables, and fire pits. It is also a popular place for surfing and fishing. The beach's most notable feature is the concrete ship SS <i>Palo Alto</i> lying at the end of a pier. The ship was hauled to Seacliff Beach in 1929 and sank and turned into an amusement center, complete with a dance floor, cafe, pool, and carnival booths. The ship is now permanently closed to the public. |
| 19 | New Brighton State Beach California Department of Parks and Recreation | McGregor Drive, Capitola | 0.028 | The beach features picnic areas, swimming, fishing, and a nearby forest of Monterey pine and Coastal live oak. The camping area is on a bluff overlooking northern Monterey Bay. |
| Source: Community Impact Assessment, 2015. | | | | |

Archaeological Resources

The Federal Highway Administration's Section 4(f) Policy Paper (Federal Highway Administration, 2012) states that Section 4(f) applies to archaeological sites that are listed or eligible for listing in the National Register of Historic Places and that warrant preservation in place. Section 4(f) does not apply if the Federal Highway Administration determines, after consultation with the State Historic Preservation Officer (or if on tribal lands, the Tribal Historic Preservation Officer), federally recognized Indian tribes, and the Advisory Council on Historic Preservation (if participating), that the archaeological resource is important chiefly because of what can be learned by data recovery (even if it is agreed not to recover the resource); that it has minimal value for preservation in place; and that the State Historic Preservation Officer/Tribal Historic Preservation Officer and Advisory Council on Historic Preservation (if participating) do not object to this determination.

The guidance provided in the Section 4(f) Policy Paper is based on Title 23 of the Code of Federal Regulations, Section 774.13(b), which specifically provides an exception to Section 4(f) requirements for archaeological resources for which the Federal Highway Administration concludes are important chiefly because of what can be learned by data recovery and that it has minimal value for preservation in place. This exception applies both to situations where data recovery is undertaken, and to where the Administration decides, with the agreement of the official(s) with jurisdiction (the State Historic Preservation Officer or Tribal Historic Preservation Officer, and the Advisory Council on Historic Preservation, if participating), not to recover the resource. Additionally, the officials with jurisdiction over the Section 4(f) resource must have been consulted and must not have objected to this finding by the Administration. Because the archaeological Area of Potential Effects does not fall under the jurisdiction of a Tribal Historic Preservation Officer, the State Historic Preservation Officer is the official with jurisdiction over any archaeological resources associated with this project.

As described in Section 2.1.7, there are three archaeological sites within the archaeological Area of Potential Effects that have not been evaluated for eligibility in the National Register of Historic Places. The other known archaeological sites have been determined to either be Exempt from Evaluation, in accordance with Attachment 4 of the January 2014 Programmatic Agreement, Properties Exempt from Evaluation, or they have been found ineligible for listing in the National Register. None of the three known sites are located in the Tier II study area; therefore, the Tier II Auxiliary Lane Alternative would not result in the use of archaeological resources protected under Section 4(f).

As stated in Section 2.1.7, the Tier I Corridor HOV Lane Alternative and the Tier I Corridor TSM Alternative may adversely affect portions of the three unevaluated archaeological sites and their potential buried archaeological deposits within the archaeological Area of Potential

Effects. There is insufficient information to determine whether the Tier I Corridor Build Alternatives would result in the use of archaeological resources. As future Tier II projects are programmed and funded, Caltrans will conduct subsurface investigations to evaluate the archaeological sites and buried deposits to determine if they are eligible for listing in the National Register. Additionally, a Section 4(f) statement will be prepared as part of each future Tier II environmental document. If any of the previously unevaluated sites are determined eligible, the Federal Highway Administration will determine, after consultation with the State Historic Preservation Officer and the Advisory Council on Historic Preservation (if participating), whether the exception to Section 4(f) requirements for archaeological resources in Title 23 of the Code of Federal Regulations Section 774.13(b) is applicable, or whether approval of the use of the resource is required. The determination(s), as applicable, will be documented in the future Section 4(f) statement(s).

For the current Tier II Auxiliary Lane Alternative, or any future Tier II project, in the event that a previously unidentified archaeological site is discovered during construction, the Federal Highway Administration will determine if an approval of use from the agencies with jurisdiction is necessary, or if an exception applies under Title 23 Code of Federal Regulations Section 774.13(c). This section of the Code of Federal Regulations allows the Federal Highway Administration to permit a project to proceed without consideration under Section 4(f) if the property interest in the Section 4(f) land was acquired for transportation purposes prior to the designation or change in the determination of significance if adequate effort was made to identify properties protected by Section 4(f) prior to acquisition.