

I. INTRODUCTION

The environmental transportation law known as Section 4(f), which is part of the United States Department of Transportation Act of 1966 (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.” Further, it is specified 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, 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 Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if –

- (1) there is no prudent and feasible alternative to using the land; and
- (2) 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 Interior and, as appropriate, the involved offices of the Department of Agriculture and Housing and Urban and Development in developing transportation projects and programs, which use lands, protected by Section 4(f).

In general, a Section 4(f) “use” occurs with a Department of Transportation approved project or program when any of the following conditions are met:

Direct Use

A direct use of a Section 4(f) resource takes place when property is permanently incorporated into a proposed transportation project (23 CFR Section 771.135(p)(1)). This may occur as a result of partial or full acquisition of a fee simple interest, permanent easements, or temporary easements that exceed regulatory limits noted below.

Temporary Use

A temporary occupancy of a Section 4(f) resource is considered a “use” when it is adverse in terms of the preservationist purposes of the Section 4(f) statute. However, under FHWA regulations (23 CFR Section 771.135(p)(7)), a temporary occupancy of property does not constitute a use of a Section 4(f) resource when the following conditions are satisfied.

- The occupancy must be of temporary duration (i.e. shorter than the period of construction) and not involve a change in ownership of the property.
- The scope of work must be minor, with only minimal changes to the protected resource.
- There are no permanent adverse physical effects on the protected resource, and there will be no temporary or permanent interference with the activities or purpose of the resource.
- The property being used must be fully restored to a condition that is at least as good as that which existed prior to the proposed project.
- There must be documented agreement of the appropriate official having jurisdiction over the resource regarding the foregoing requirements.

Constructive Use

A constructive use of a Section 4(f) resource occurs when a transportation project does not permanently incorporate land from the resource, but the proximity of the project results in impacts (i.e. noise, vibration, visual, access, and/or ecological impacts) so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired (i.e. “constructive use”).

Section 4(f) is applicable to historic and archaeological resources when the resource is included on, or eligible for, the National Register of Historic Places (NRHP) (23 CFR 771.135(e)). Section 4(f) does not apply to archaeological sites where it is determined after consultation with the State Historic Preservation Officer and the Advisory Council on Historic Preservation that the resource is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place. Constructive use does not occur when compliance with the requirements of Section 106 of the National Historic Preservation Act (16 U.S.C. §470) and related regulations defining proximity impacts of a proposed project on an NRHP site results in a finding of “no effect” or “no adverse effect” (23 CFR 771.135(p)(5)(i)).

The Federal Highway Administration Section 4(f) Checklist, *Attachment B – Park, Recreational Facilities, Wildlife Refuges, and Historic Properties Evaluated Relative to the Requirements of Section 4(f)*, revised July 1998, represents their recommended “best practices” for compliance with Section 4(f) requirements. Attachment B of the checklist indicates that all archaeological and historical sites within the Section 106 Area of Potential Effect (APE) and all public parks, recreational facilities, and wildlife refuges within approximately 0.5-mi (0.8-km) of any of the project alternatives should be included in the evaluation.

On behalf of FHWA, the California Department of Transportation has prepared this Section 4(f) evaluation because the proposed project would involve the use of Section 4(f) resources. This evaluation identifies the significant Section 4(f) resources in the project area, describes the nature and extent of the use of these resources, evaluates alternatives that would avoid the use of Section 4(f) resources, and describes measures to minimize harm to the affected resources.

II. PROPOSED PROJECT

Purpose and Need

The primary purpose of the proposed project is to reduce existing and forecast traffic congestion on I-405 between I-10 to US-101. This project would reduce congestion and is expected to enhance traffic operations by adding freeway capacity in an area that already experiences heavy congestion.

The secondary goal is to improve both existing and future mobility and enhance safety throughout the corridor, while minimizing environmental and economic impacts. The project would transfer through-vehicle trips to the regional highway system, ease congestion, improve mobility by moving twice as many vehicles as a regular traffic lane, decrease commuter times for all drivers, reduce air pollution, and promote ridesharing.

The Sepulveda Pass between I-10 and US-101 experiences heavy traffic congestion due to inadequate lane width, a great deal of vehicle weaving (vehicles moving from one lane to another), and above

D. Skirball Trailhead at Skirball Center Overcrossing

Another access point overlooking Hoag Canyon is the Skirball Trailhead, located adjacent to the Mulholland Park and Ride at Sepulveda Boulevard and Mulholland Drive (see Figure 6: Skirball Trailhead at Skirball Center OC). This trail will take you south approximately one mile through the side canyons of Sepulveda Pass and up to an open plateau. The Skirball Trailhead is closed from sunset to sunrise and is a public trail owned and operated by the Santa Monica Mountains Conservancy and jointly administered by the National Park Service.

This area has also been identified by the Santa Monica Mountains Conservancy to be a wildlife crossing point. To the immediate southeast of the overpass and directly adjoining the overpass is the undeveloped Sepulveda Trail area which consists of three parallel canyons and three intervening flat-topped ridges that descend from Casiano Drive down to the freeway. Extending north from the overpass is a narrow band of undeveloped land that ends at the Mulholland Drive overpass. The Skirball Center overcrossing is believed to provide an important link between the wildlife habitat on the east and west side of the I-405 over the Santa Monica Mountains.

- * The Sepulveda Pass Trailhead and Trail Improvement Project (Getty View Trailhead and Trail/Skirball Trailhead) was designed and constructed through a grant from the Environmental Enhancement and Mitigation Program in 1996. The grant application shows that the requested amount for the total project cost estimate was \$186,000 broken down by \$159,800 for the Sepulveda Trailhead/Trail (aka Getty View Trailhead/Trail) and \$26,200 for the Skirball Lane Trailhead/Trail.

C. Skirball Trailhead at Skirball Center OC

The following mitigation measures are proposed and illustrated in Figure 9: Proposed Wildlife Crossing and Mitigation at the Skirball Center Drive Overpass.

- Caltrans right-of-way fencing would be removed along the northbound side of Sepulveda Blvd. from approximately 70 feet south of the intersection of Sepulveda Blvd. and Skirball Center Drive.
- The island area south of Skirball Center Drive, east of Sepulveda and west of I-405 would be replanted with native vegetation in a mixture of ground cover, shrubs and possibly trees that are preferable for wildlife habitat. All concrete from the existing on-ramp would be removed. This island would serve as a stepping stone area. A perimeter fence should be constructed to funnel the wildlife to the overpass. To help the funnel effect, the fencing should be placed directing wildlife toward the bridge structure. Caltrans would continue to consult with the Santa Monica Mountains Conservancy during the later design stages of the project to finalize optimal plans for this funneling effect.
- The new overpass would include a minimum 10-foot wide travel path on the south side of the bridge to accommodate wildlife movement. This path would function as a wildlife conduit (nighttime hours) as well as a pedestrian sidewalk. The south side of the path would have a minimum 5-foot high continuous, solid wall. This wall would extend beyond any travel lanes (including ramps) so that wildlife views are blocked to the freeway traffic below. The north side of the travel path would have a continuous 3-foot high concrete wall/curb extending from a point 20 feet east of the Sepulveda northbound street lane to the eastern end of the bridge structure to separate the travel path from the roadway. (Engineering feasibility (e.g. compliance with Americans with Disabilities Act standards) and cost influenced the design of this minimization measure. More favorable crossing conditions could be developed if these limitations were not a factor.)
- All new street lights to be installed would be in coordination with the City of Los Angeles Bureau of Street Lighting and in accordance with the lighting specifications using the lowest level of illumination/brightness to meet safety needs while minimizing glare. The lights would be equipped with shields to direct light and minimize spill-over and would use metal halide lamps for better color rendering;
- The existing trailhead slope would be regraded, filled and re-vegetated to accommodate the widening of the bridge structure and freeway;
- During construction, lighting would be kept to a minimum during the night so as not to impede wildlife.
- Possible improvements to fencing to limit wildlife access to the highway will be considered during final design.
- A monitoring plan (prior to and during construction) and success criteria (post-construction) of the proposed mitigation measures will be established in conjunction with the Los Angeles Department of Transportation.
- Mitigation in the form of an in lieu fee agreement to the Mountains Recreation and Conservation Authority as requested by the Santa Monica Mountains Conservancy, for additional improvements to the trailhead.
 - The 1996 grant application shows that the requested amount for the project cost estimate was \$26,200 for the Skirball Lane Trailhead/Trail.