

## **Draft Section 4(f) *de minimis* finding for**

### **Patrick Creek Slipouts**

**EA: 01-0B310**

**01–DN–199 PM 8.7, 21.6**

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 the California Department of Transportation (Caltrans) under its assumption of responsibility pursuant to 23 USC 326.

Section 6009(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (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 revision provides that once the U.S. Department of Transportation (USDOT) determines that a transportation use of 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, an analysis of avoidance alternatives is not required and the Section 4(f) evaluation process is complete. The Federal Highway Administration's (FHWA) final rule on Section 4(f) *de minimis* findings is codified in 23 Code of Federal Regulations (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 determinations and approval of Section 4(f) evaluations, as well as coordination with those agencies that have jurisdiction over a Section 4(f) resource that may be affected by a project action.

### **Description of Proposed Project**

The proposed Patrick Creek Slipouts project would install retaining walls at two locations – post mile (PM) 8.7 and 21.6 – on U.S. Route 199 in Del Norte County. The purpose for this project is to maintain the current roadway. The need for the project is that storm damage is undermining the highway at three locations. The proposed solution is to build retaining walls below the roadway.

#### **PM 8.7:**

This site is located along the Middle Fork Smith River just upstream from its confluence with the South Fork Smith River, between the towns of Gasquet and Hiouchi. The river at this site flows about 70 feet below the highway through a canyon. The proposed soldier pile wall, or

viaduct, approximately 160 feet long and 20 feet tall, will be constructed below the highway. The wall will include a guardrail on its top. Aesthetic treatments will be used on the facing of the wall and guardrail to match the current aesthetic throughout the corridor (faux rock facing). Some nearby pullouts will be used for construction staging. Construction will require temporarily blocking one lane of travel.

PM 21.6:

This site is located along the Middle Fork Smith River just downstream from the Patrick Creek Campground. A failing slope below the highway is threatening to undermine the roadway. The project proposes to construct a gabion wall, approximately 10 feet high and 50 feet long. Construction will require temporarily blocking one lane of travel.

## **List and Description of Section 4(f) Properties**

The Smith River National Recreation Area (SRNRA) in coastal northern California is managed by the Gasquet Ranger District of the Six Rivers National Forest, and is a public resource which qualifies for review under Section 4(f). The SRNRA has public trails, ecological resources, scenic values and the Wild and Scenic Smith River. As such, Caltrans has determined that the SRNRA qualifies as a “significant” resource under 23 CFR 774.11(c). The SRNRA is managed under the Smith River NRA Management Plan. The project is within the Middle Fork/Hwy 199 Management Area #3.

The management direction for this area is:

1. Provide visitor services for the visiting public including: developed campgrounds, vista points, river access, river-oriented day-use facilities, and natural and historical resource interpretation.
2. Incorporate National Scenic Byway management direction when it is completed.
3. Manage for wildlife and scenic values consistent with the objectives of the NRA.

Significant resources present within this area are recreational opportunities (river access, boating, swimming, fishing, camping, trails), scenic views, and ecological resources (wildlife and fisheries). The SRNRA has various trail systems, and there are numerous vantage points offering scenic river views within its boundaries. There are threatened species (salmonids, northern spotted owl and marbled murrelet) which depend upon the river and adjacent mature forests for habitat.

The Smith River at the project locations is designated Recreational under the federal Wild and Scenic Rivers Act (16 U.S.C. 1271). The Smith River is also designated a California Wild and Scenic River, and the project areas are designated Recreational. Resources relevant to the Wild and Scenic River, under state and federal designations, are the free flowing nature of the river, scenic views and recreational access.

Route 199 in the project areas is listed as the Smith River Scenic Byway by the United States Forest Service and Federal Highway Administration.

## **Use of Section 4(f) Property**

The project sites are within the National Recreation Area on Route 199. The Smith River is designated as “recreational” at all of these locations. Each site will be addressed separately.

PM 8.7:

This site is located along the Middle Fork Smith River just upstream from its confluence with the South Fork Smith River, between the towns of Gasquet and Hiouchi. The river at this site flows through a canyon, and the highway offers spectacular views from various pullouts. At the project location the river is approximately 70 feet below the highway. The area is too steep for pedestrian/trail access to the river. The proposed wall will not be visible from the roadway, but the guardrail would be visible. Aesthetic treatments will be used on the facing of the wall and on the guardrail to match the current aesthetic throughout the corridor. Some nearby pullouts will be used for construction staging. There are no formal, signed trails to the river at these locations; however, there may be informal trails. Construction will require temporarily blocking one lane of travel. Motorists would have to wait for one-way controlled traffic through the construction site, causing a 5 to 15 minute delay. There will be no permanent or temporary impacts below the Ordinary High Water mark on the Smith River.

The project may have temporary impacts to recreationists by blocking access to some pullouts, and increased travel times through the corridor. The project will not negatively visually affect the byway, and will not affect the highway's designation as a Scenic Byway. The project will not permanently impact the free flowing character of, or limit access to, the Smith River.

PM 21.6:

This site is located along the Middle Fork Smith River just downstream from the Patrick Creek Campground. The bank between the highway and the river is forested and offers few views of the river. The highway is approximately 20 feet above the river at this location. There are no trails at this location. The Patrick Creek Campground is approximately 500 feet east of the project site, and may be exposed to construction noise. This disturbance will be limited to the 30 days it will take to construct the project. The project will occur completely above the ordinary high water mark, and will not have direct impacts to waters. There will be no permanent or temporary impacts below the Ordinary High Water mark on the Smith River.

The gabion wall will not be a significant visual impact because there are other gabion walls throughout the corridor. It will not be visible from the roadway, and will only be briefly or partially visible from the river. The project will not negatively visually affect the byway, and will not affect the highway's designation as a Scenic Byway. The project will not impact the free flowing character of, or limit access to, the Smith River.

## **Avoidance, Minimization or Mitigation Measures**

To avoid impacts to the SRNRA's 4(f) resources, the project will implement the following measures:

1. Vegetation will be removed outside the migratory bird breeding season (March 1 to September 15).
2. No suitable northern spotted owl or marbled murrelet nest trees will be removed or altered.
3. If the need for any other vegetation trimming or ground disturbance arises, a qualified biologist must first evaluate and clear the areas for work to occur.

4. Appropriate Best Management Practices will be employed to protect water quality.
5. An aesthetic treatment will be applied to the constructed wall at PM 8.7, similar to other nearby walls within the National Recreation Area.

### **Coordination**

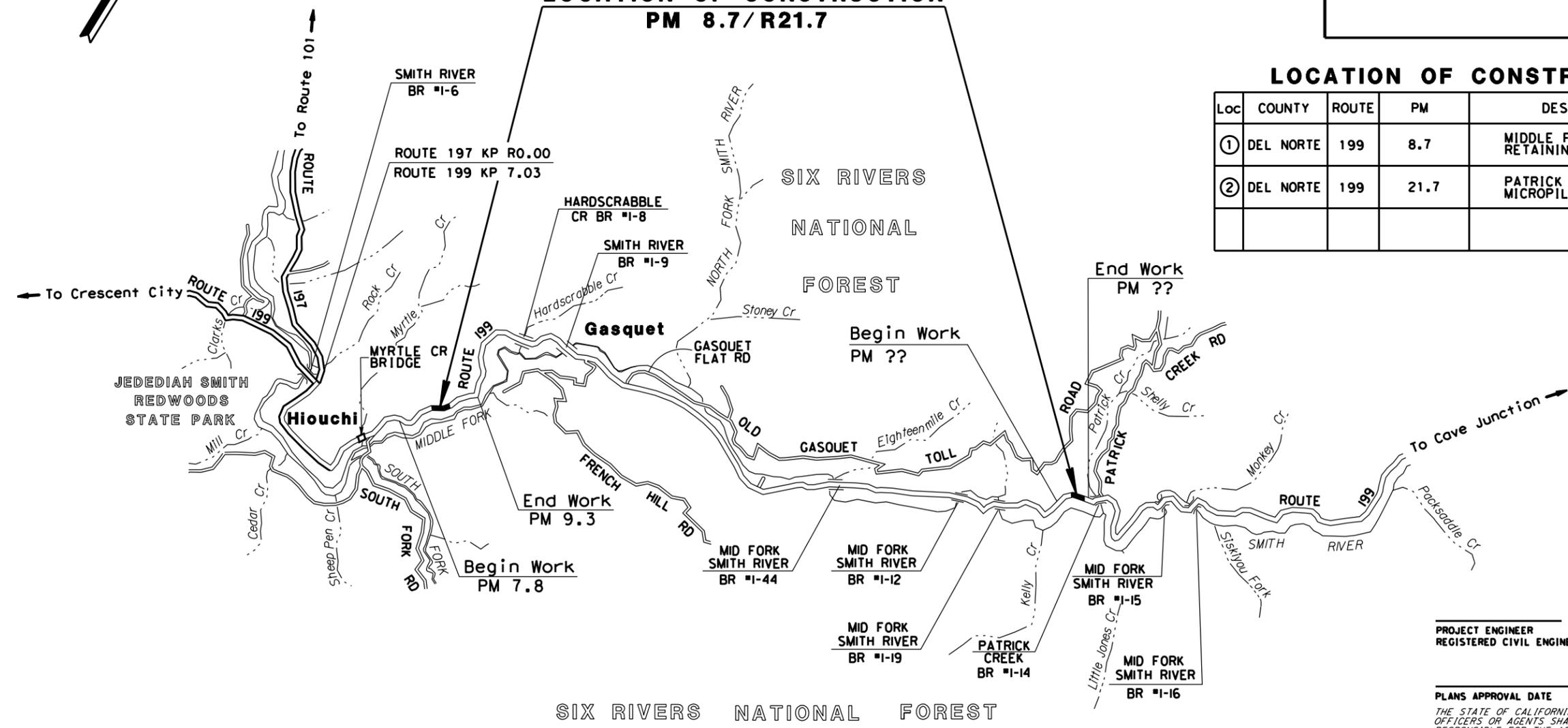
The District Ranger of Smith River National Recreation Area/Gasquet Ranger District was notified of this proposed project in June 2014. This Section 4(f) Analysis was made available to the SRNRA prior to circulation to the public.

STATE OF CALIFORNIA  
 DEPARTMENT OF TRANSPORTATION  
 PROJECT PLANS FOR CONSTRUCTION ON  
 STATE HIGHWAY  
 IN DEL NORTE COUNTY  
 NEAR GASQUET AT 1.5 MILES NORTH  
 OF MYRTLE CREEK BRIDGE AND 1.1 MILES  
 SOUTH OF PATRICK CR BRIDGE

TO BE SUPPLEMENTED BY STANDARD PLANS DATED MAY 2010



**LOCATION OF CONSTRUCTION**  
 PM 8.7/R21.7



**LOCATION OF CONSTRUCTION**

Loc	COUNTY	ROUTE	PM	DESIGNATION
①	DEL NORTE	199	8.7	MIDDLE FORK RETAINING WALL
②	DEL NORTE	199	21.7	PATRICK CREEK SLIPOUT MICROPILE RETAINING WALL

\$FREQUENT PROJECT MANAGER KEVIN CHURCH  
 DESIGN ENGINEER L. R. ASHLEY

THE CONTRACTOR SHALL POSSESS THE CLASS (OR CLASSES) OF LICENSE AS SPECIFIED IN THE "NOTICE TO BIDDERS."

NO SCALE



USERNAME => \$USER  
 DGN FILE => \$REQUEST

PROJECT ENGINEER REGISTERED CIVIL ENGINEER DATE \_\_\_\_\_

PLANS APPROVAL DATE \_\_\_\_\_

THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.

CONTRACT No.	<b>01-0B3104</b>
PROJECT ID	<b>0112000115</b>

DATE PLOTTED => \$DATE  
 TIME PLOTTED => \$TIME  
 LAST REVISION 07-23-14