

Appendix B Section 4(f) De minimis
Finding and Resources
evaluated in relation to the
Section 4(f) requirements

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1.0 Introduction

This appendix documents consideration of the High Desert Corridor (HDC) Project in relation to the Section 4(f) requirements. It references information from the Finding of Adverse Effect (anticipated September 2014), Noise Study Report (NSR) and HSR Vibration Impact Assessment (August, 2014), Visual Impact Assessment (September, 2014), and Air Quality Study (August, 2014) prepared for this project.

Section 6009(a) of SAFETEA-LU (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) amended Section 4(f) legislation at 23 U.S.C. 138 and 49 U.S.C. 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. FHWA's final rule on Section 4(f) *de minimis* findings is codified in 23 CFR 774.3 and CFR 774.17.

Responsibility for compliance with Section 4(f) has been assigned to Caltrans pursuant to 23 U.S.C. 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.

1.1 Section 4(f) Use

As defined in 23 *Code of Federal Regulations* (CFR) Section 774.17, use of a protected Section 4(f) property occurs when any of the following conditions is met:

- Land is permanently incorporated into a transportation facility through partial or full acquisition (i.e., direct use).
- There is a temporary occupancy of land that is adverse in terms of the preservationist purposes of Section 4(f) (i.e., temporary use).
- There is no permanent incorporation of land, but the proximity of a transportation facility results in impacts so severe that the protected activities, features, and/or attributes that qualify a property for protection under Section 4(f) are substantially impaired. This is referred to as a constructive use.

The use, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures) committed to by the applicant, will have a *de minimis* impact when there would be either:

1. A Section 106 finding of no adverse effect or no historic properties affected on a historic property; or
2. A determination that the project would not adversely affect the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f).

1.2 Section 6(f)

Section 6(f)(3) of the Land and Water Conservation Fund Act (16 U.S.C. §4601-4) also contains provisions to protect federal investments in park and recreation properties and the quality of those assisted properties. The Land and Water Conservation Fund Act includes a clear “anti-conversion” requirement that applies to all parks and other sites that have been the subject of Land and Water Conservation Fund grants of any type, whether for acquisition of parkland, development, or rehabilitation of facilities.

2.0 List of the Section 4(f) Properties

Properties subject to the provisions of the requirements of Section 4(f) are publicly owned parks and recreation areas, wildlife and waterfowl refuges of national, State, or local significance, and historic sites of national, State, or local significance.

In total, there are 16 recreational properties within 0.5 mile of the project footprints and 6 historic properties within the project's APE that are considered Section 4(f) properties. It is anticipated that the project build alternatives and variations, except Variation E, would result in a *de minimis* finding for 2 recreational properties and 6 historic properties (Section 3.0), and no use to the remaining parks and historic properties (Section 4.0). Table 1 summarizes these properties and uses. The sections that follow will discuss them in more detail. It should be noted that because no physical change would occur under the No Build Alternative, there would be no use or impact to any Section 4(f) properties. Therefore, there would be no further discussion regarding impacts of the No Build Alternative. The following sections will focus on discussing impacts of the build alternatives and variations only.

Table 1 provides a summary of Section 4(f) Properties and use Status. Table 2 summarizes Section 4(f) use by alternatives.

Figures 1 through 3 show the locations of the Section 4(f) properties within the project area.

Table 1: Summary of Section 4(f) Properties and Use Status

	Name of Property	Location	Type of Property	Alternative near which property is located	4(f) Use Conclusion (for all alts. except otherwise specify)
1	Dr. Robert St. Clair Parkway	Palmdale	Parkway	Only alts. with rail connectors, including Opt. 1 and Opt. 7	No use
2	Desert Sand Park	Palmdale	Park	All alts. and variations	No use
3	American Indian Little League baseball fields	Palmdale	Park	All alts. and variations	No use
4	Poncitián Square	Palmdale	Park	Only alts. With Rail connectors, including Opt. 1 and Opt. 7	No use
5	Palmdale Hammack Activity Center/Roller Hockey Rinks	Palmdale	Park	Only alts. with rail connectors, including Opt. 1 and Opt. 7	No use
6	Pelona Vista Park	Palmdale	Park	All alts. and variations	No use
7	Manzanita Heights Park	Palmdale	Park	All alts. and variations	No use
8	Richardson Park	Adelanto	Park	All alts. and variations	No use
9	Howard Loy Park	Adelanto	Park	All alts. and variations	No use
10	Westwinds Golf Course	Victorville	Golf course	All alts. & vars. except var. E	De Minimis (All alts. except alts. with Var. E.) and no use (alts. with Var. E.)
11	Westwinds Activities Center	Victorville	Park	All alts. & vars. except var. E	No use
12	Westwinds Sport Center	Victorville	Recreation facility	All alts. & vars. except var. E	No use
13	Schmidt Park	Victorville	Park	All alts. & vars. except var. E	No use
14	Grady Park	Victorville	Park	Alts. with variation E only	No use
15	Rockview Nature Park	Victorville	Park	All alts. & vars. except var. E	De minimis (all alts. except alts. with Var. E) No use (Alts. with Var. E.)
16	Horseman's Center	Apple Valley	Park	All alts. and variations	No use
17	National Old Trails Highway	Victorville	Historic	All alts. and variations	De Minimis
18	ATSF railroad	Victorville	Historic	All alts. and variations	De Minimis
19	Edison Company Boulder Dam – San Bernardino 115-kilovolt (kV) Transmission Line	Victorville	Historic	All alts. and variations	De Minimis
20	Boulder Dam Transmission Lines 1, 2, and 3, and Towers (BDTL)	Victorville	Historic	All alts. and variations	De Minimis (for all alts. except alts. with Var. E without rail); No use (Alts. with Var. E with rail)
21	Southern California Edison (SCE) Kramer-Victorville Power Lines and Towers	Victorville	Historic	All alts. and variations	De Minimis
22	Multicomponent resource (MR) consisting of the Mojave Trail, Mojave Road and Government Road	Victorville	Historic	All alts. and variations	De minimis

Table 2: Summary of Section 4(f) Use by Alternatives

	Fwy and Exwy only	Fwy & Tollway	Fwy/Exwy & Rail Feeders	Fwy & Tollway with Rail Feeders	No build
Var. A	<ul style="list-style-type: none"> De minimis impact (4(f) use) to the Westwinds Golf Course and Rockview Nature Park. 	<ul style="list-style-type: none"> De minimis impact (4(f) use) to the Westwinds Golf Course and Rockview Nature Park. 	<ul style="list-style-type: none"> De minimis impact (4(f) use) to the Westwinds Golf Course and Rockview Nature Park. 	<ul style="list-style-type: none"> De minimis impact (4(f) use) to the Westwinds Golf Course and Rockview Nature Park. 	No use
Var. B	<ul style="list-style-type: none"> De minimis impact (4(f) use) to five historic properties: National Trails Highway, ATSF Railroad, and the BDSBL (only 1 tower would be relocated). 	<ul style="list-style-type: none"> De minimis impact (4(f) use) to five historic properties: National Trails Highway, ATSF Railroad, and the BDSBL (only 1 tower would be relocated). 	<ul style="list-style-type: none"> De minimis impact (4(f) use) to six historic properties: National Trails Highway, ATSF Railroad, and BDSBL (7 towers would be relocated). 	<ul style="list-style-type: none"> De minimis impact (4(f) use) to six historic properties: National Trails Highway, ATSF Railroad, and BDSBL (7 towers would be relocated). 	No use
Var. B1	<ul style="list-style-type: none"> Some visual and air quality proximity impacts on the nearby parks during project construction and operation but there would be no use under Section 4(f). 	<ul style="list-style-type: none"> Some visual and air quality proximity impacts on the nearby parks during project construction and operation but there would be no use under Section 4(f). 	<ul style="list-style-type: none"> Some visual and air quality proximity impacts on the nearby parks during project construction and operation but there would be no use under Section 4(f). 	<ul style="list-style-type: none"> Some visual and air quality proximity impacts on the nearby parks during project construction and operation but there would be no use under Section 4(f). 	No use
Var. D	<ul style="list-style-type: none"> Some visual and air quality proximity impacts on the nearby parks during project construction and operation but there would be no use under Section 4(f). 	<ul style="list-style-type: none"> Some visual and air quality proximity impacts on the nearby parks during project construction and operation but there would be no use under Section 4(f). 	<ul style="list-style-type: none"> Some visual and air quality proximity impacts on the nearby parks during project construction and operation but there would be no use under Section 4(f). 	<ul style="list-style-type: none"> Some visual and air quality proximity impacts on the nearby parks during project construction and operation but there would be no use under Section 4(f). 	No use
Rail Option 1					No use
Rail Option 7					No use
Var. E	<ul style="list-style-type: none"> No use of the Westwinds Golf Course and Rockview Nature Park. Impact to the Rockview Nature Park is limited to the relocation of the southern access entrance. De minimis to five historic properties: National Trails Highway, ATSF Railroad, and the BDSBL (only 1 tower would be relocated). Some visual and air quality proximity impacts on the nearby parks during project construction and operation. 	<ul style="list-style-type: none"> No use of the Westwinds Golf Course and Rockview Nature Park. Impact to the Rockview Nature Park is limited to the relocation of the southern access entrance. De minimis to five historic properties: National Trails Highway, ATSF Railroad, and the BDSBL (only 1 tower would be relocated). Some visual and air quality proximity impacts on the nearby parks during project construction and operation. 	<ul style="list-style-type: none"> No use of the Westwinds Golf Course and Rockview Nature Park. Impact to the Rockview Nature Park is limited to the relocation of the southern access entrance. De minimis to six historic properties: National Trails Highway, ATSF Railroad, and the BDSBL (only 1 tower would be relocated). Some visual and air quality proximity impacts on the nearby parks during project construction and operation. 	<ul style="list-style-type: none"> No use of the Westwinds Golf Course and Rockview Nature Park. Impact to the Rockview Nature Park is limited to the relocation of the southern access entrance. De minimis to six historic properties: National Trails Highway, ATSF Railroad, and the BDSBL (only 1 tower would be relocated). Some visual and air quality proximity impacts on the nearby parks during project construction and operation. 	No Use

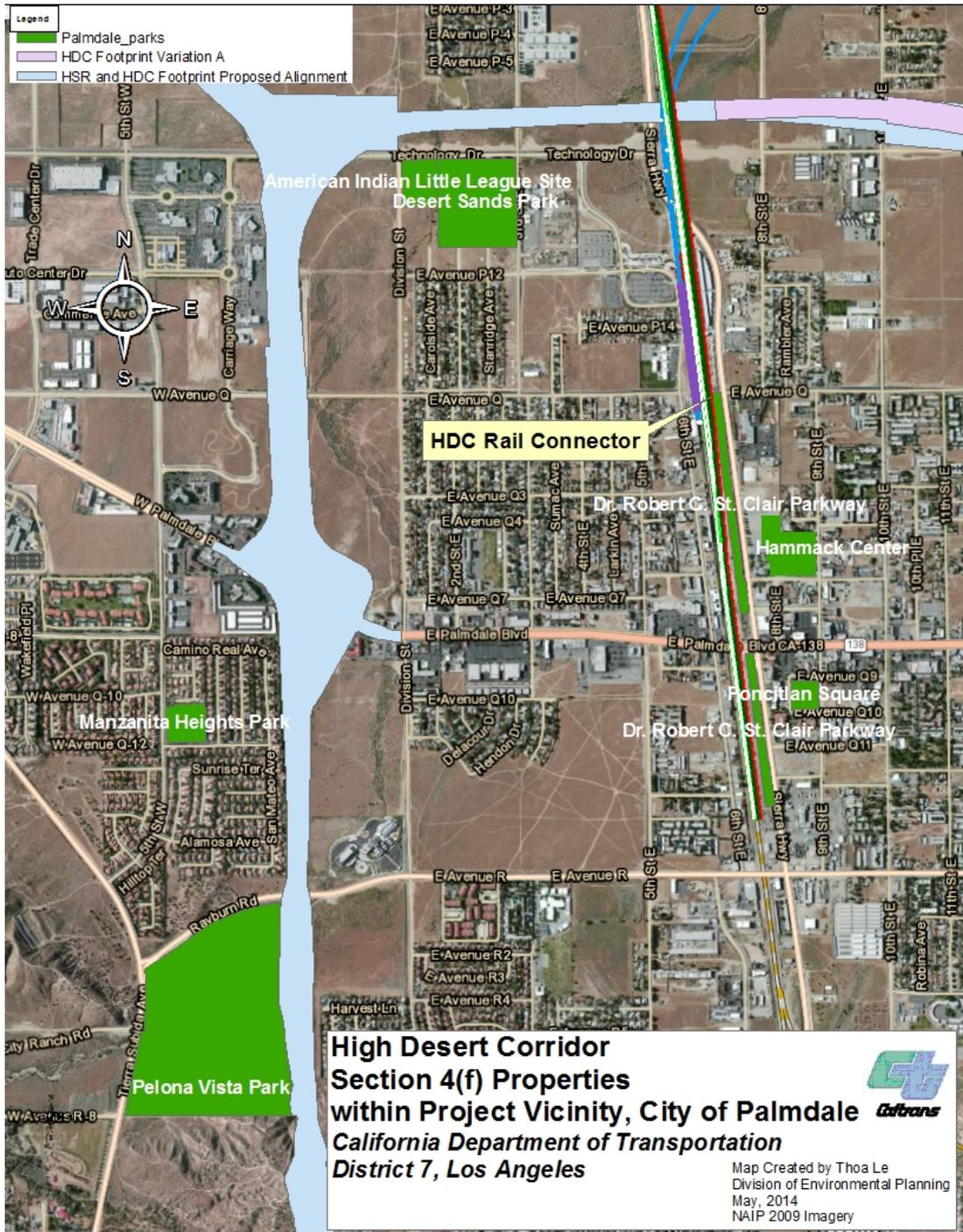


Figure 1 Section 4(f) Properties in the Vicinity of the Project within the City of Palmdale

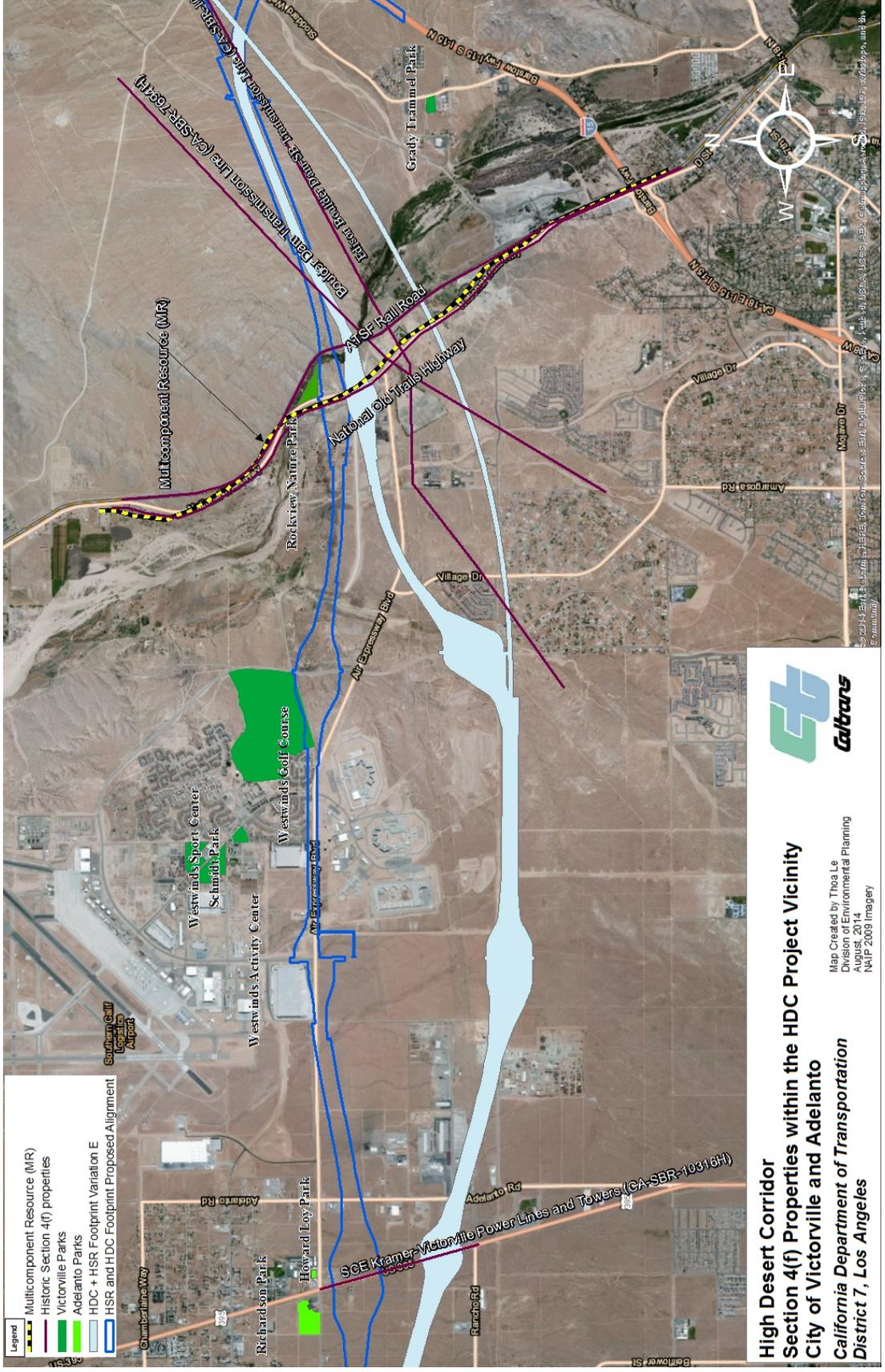


Figure 2 Section 4(f) Properties in the Vicinity of the Project within the Cities of Victorville and Adelanto

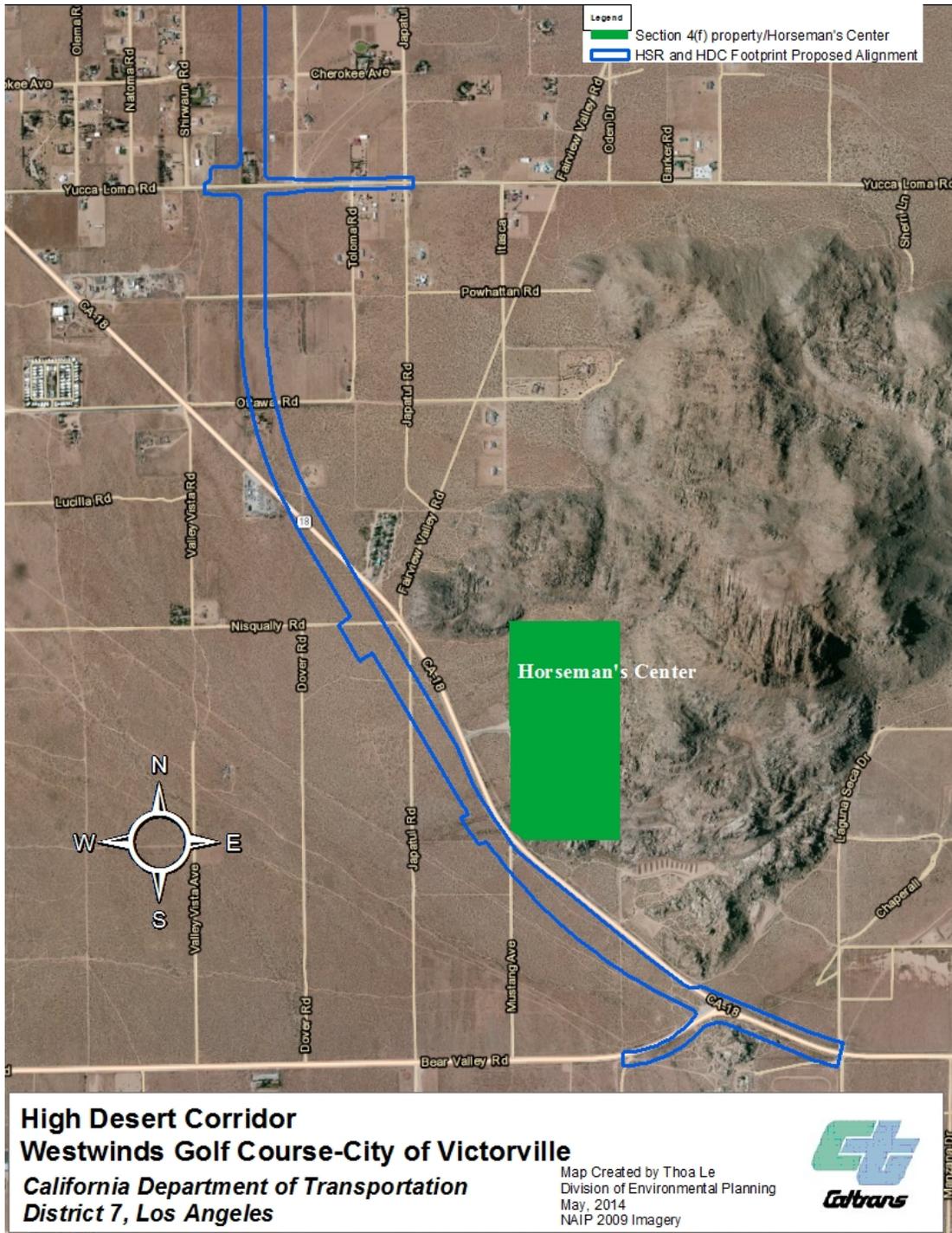


Figure 3 Section 4(f) Properties in the Vicinity of the Project within the Town of Apple Valley

3.0 Section 4(f) De Minimis Determination

This section documents a *de minimis* determination for two recreational property and four historic properties.

3.1 Westwinds Golf Course, Victorville

The Westwinds Golf Course, located at 18003 Westwinds Road, Victorville, is owned by the City of Victorville and is considered a significant recreational resource. Westwinds Golf Course is a regulation 9-hole course open to the public. Multiple tee stands enable the course to be played as an 18-hole golf course. The Westwinds Golf Course provides a full-service pro shop, clubhouse, and driving range. This course is available to the public for daily fee or can be reserved for play, special events, and tournaments.

3.1.1 Effects

All Build Alternatives and Variations, except Variation E

Each project build alternative and variation, except Variation E, would permanently incorporate approximately 5 acres of land from the golf course (Figure 4) which would constitute a use under Section 4(f). However, this land on the extreme southern edge represents only a small portion of the approximately 139-acre golf course. In addition, the land to be incorporated into the project is a vacant and unused portion of the golf course, and upon which no facilities are located or activities conducted; therefore, no facilities, functions, or activities of the park would be adversely affected.

Accessibility

Public access to the golf course, which is via Westwinds Road, is anticipated to be maintained at all times during project construction and operation.

Noise

The Noise Study (2014) prepared for the project shows that there would be no change in the noise level as the result of the project build alternatives and the predicted noise level is below the National Abatement Criteria (NAC) for a recreational resource. Therefore, there would be no adverse noise effects on this golf course.

Visual

The proposed increased roadway width and bridge would negatively affect visual vividness, intactness, and unity of the view from the golf course. This would result in a lowering of the visual quality. The visual character would be changed to include more manmade elements. The mountains and existing green trees would be blocked from view by the new facility. While overall the vividness, intactness, and unity of the view from the golf course looking south would constitute a moderate negative change, the main activity of this facility is not anticipated to be substantially affected or impaired by this change. During project construction, temporary visual impacts due to the contractor's operations, such as night lighting, dust, temporary structures, haul materials and construction equipment, worker presence, fencing, and signage, as well as construction-related vehicles on the highway, would also be present.



Figure 4 Permanent Incorporation of Land from the Westwinds Golf Course into the Project Build Alternatives (except Variation E)

However, these features are common for highway construction projects, and they would be temporary and of a short term nature at this location and would not substantially affect or impair the functions and activities of the golf course.

Air Quality

The Air Quality Impact Study concludes that no federal violation would result from the implementation of these alternatives; therefore, there would be no adverse permanent air quality impacts to the golf course.

During construction, a short-term worsening of air quality may occur due to the release of particulate emissions generated by site preparation, excavation, grading, hauling, and other activities related to construction. Emissions from construction equipment are also anticipated. However, Measures CI-AQ-1 and CI-AQ-2 (see Section 3.6, Construction Impact, Air Quality, of the EIR/EIS for more details) would substantially reduce the short-term air quality impacts during construction of these alternatives, ensuring compliance with air quality regulations and minimizing air quality impacts to the golf course during project construction.

Vegetation and Water Quality

No vegetation or water quality/supply within the golf course would be affected. The project would incorporate all best management practices (BMPs) into the construction operations.

Variation E

This variation of the build alternatives would not permanently incorporate any land from the golf course. No temporary occupancy or access restriction is necessary for project implementation. This variation is located more than 0.5 mile away from the Westwinds Golf Course. In addition, appropriate context design standards would be applied, and construction BMPs would be incorporated into the project. Therefore, this variation would not adversely affect the activities and functions of the golf course. Section 4(f) requirements are not triggered.

3.1.2 Minimization Measures

The following measures which apply to all build alternatives and variations, except as otherwise specified, would minimize impacts on the golf course:

- Compensation for the loss of vacant land from the golf course property will be made through the Caltrans ROW acquisition process before project construction. This measure is applicable to all build alternatives except alternatives with Variation E.
- CI-PAR-1: To minimize impacts on the golf course during the construction phase, no equipment staging will occur within the golf course boundaries.
- BMPs will be incorporated into the project to the extent practicable to minimize dust (CI-AQ-1 and CI-AQ-2) and noise (CI-NOI-1 and CI-NOI-8) during project construction; prior to construction, coordination with the City and utility companies will commence to resolve any utility conflicts within the area.

In addition, measures to minimize visual impacts include:

- V-17: Trees/vegetation will be planted along the corridor between the proposed HDC and the golf course to shield or "soften" the view of the corridor/roadway and provide a more natural visual buffer.
- V-10: To minimize glare and reduce visual disruption, any retaining wall facing the golf course shall be textured and colored to be compatible with adjacent (native) soils. Context-sensitive solutions, developed in coordination with Caltrans Landscape Architecture, will be incorporated into project elements as much as possible.
- V-9: Context-sensitive aesthetic standards, including features that reflect a "sense of place" for the HDC communities, shall be considered for the structures to meet the desired goals of the City of Victorville, Los Angeles County, and Caltrans.
- V-4: Dark-Sky Compliant Lighting: To preserve the dark night sky as a natural resource in desert region communities, dark-sky compliant lighting will be used to minimize light pollution cast into the sky while maximizing light cast onto the ground, as appropriate. A lighting plan shall be developed that requires project lighting to be appropriately shielded.

It can be seen from the above analysis that with the incorporation of the minimization measures, the project would not adversely affect the activities, features, or attributes qualifying the Westwinds Golf Course for protection under Section 4(f). Caltrans intends to make a *de minimis* determination for the project alternatives, except for Variation E, in regards to the Westwinds Golf Course.

3.1.3 Public Notice

This draft *de minimis* finding for the project main alignment alternatives is included in the Draft EIR/EIS for public review. Any comments and coordination from the public that are received will be considered and revisions made, as appropriate.

3.1.4 Coordination

Coordination has been ongoing with the City of Victorville's Community Services Department, the official with jurisdiction over the golf course. A request will be formally submitted to the Community Services Department for concurrence that the project would not adversely affect the activities, features, or attributes of the golf course as a recreation facility. It is anticipated that the City will concur with the above impact conclusion.

3.2 Rockview Nature Park, Victorville

Rockview Nature Park is located north of the project area at 17800 National Old Trails Highway in Victorville. It is 14 acres in size and is owned by the City. It includes a walkway, two green picnic areas, a gazebo, trails, nature study decks, and a carpeted multipurpose room with approximately 1,900 square feet of gathering space, a kitchen, and an outdoor amphitheater.

This park provides an open space recreational area in a natural, riverside setting. It is used for scheduled youth camping events, stargazing parties, hiking, weddings,

general picnicking, and other outdoor activities. The park is considered to be a significant and unique property within the City of Victorville park and recreation system.

The park currently has two access entrances, both from the National Old Trails Highway, which are approximately 900 feet from each other: one at the northern portion of the park and the other from the south (southern entrance) through the Los Angeles Department of Water and Power (LADWP) McCullough Switching Station Transmission Line ROW (discussed in Section 4.2.1). The northern entrance is connected to the small parking lot within Rockview Nature Park, while the southern entrance is connected to a larger parking lot (southern parking lot) within LADWP's land. The temporary southern parking lot, access, and hiking trail, as well as some other temporary recreational facilities were previously permitted to the City of Victorville by LADWP for temporary recreational purposes. No permanent structures were allowed on the land and the City cannot use the land to satisfy any zoning demands, zoning variants or governmental requirements. The license agreement for this use expired in 2003 and is on hold-over status. These temporary uses are ongoing. However, according to the agreement, regardless of the manners and duration of use or occupancy, the license may be terminated at any time by the LADWP upon a 90-day notice, and the area is required to be restored to the original condition and returned to the LADWP.

The City Community Services Department expressed that the southern parking lot is important to the function of Rockview Nature Park because it would accommodate parking for big events at the park.

3.2.1 Effect of Project

Effects of All Alternatives and Variations, Except Variation E

At this location, the HDC would have an open trench/cut section into the land to accommodate highway or both highway and rail in the median.

The project would not permanently incorporate land from Rockview Nature Park into the transportation ROW. It would incorporate part of the LADWP-owned property, including the southern parking lot and access entrance, part of the trail, and possibly some other temporary recreational facilities, into highway ROW. This LADWP is not considered Section 4(f) property (see discussion of the LA DWP property in Section 4.2.1 for further discussion). Caltrans would coordinate with LADWP regarding the acquisition of their land during the ROW process; however, these temporary facilities would be permanently eliminated and would no longer be available for use by Rockview Nature Park. To minimize any potential project proximity effects on Rockview Nature Park due to the acquisition of LADWP's property, the project is proposing a minimization measure to grade/ construct additional parking space within Rockview Nature Park. The new parking would be functionally equivalent to the existing parking on LADWP's property. Detailed design and construction of the parking lot and right-of-entry to the park will be further discussed between the project team and the City of Victorville's Community Services Department during the design

phase. However, in order to grade/construct the parking lot, the project would need to temporarily occupy the Rockview Park under a temporary construction easement. This temporary occupancy is not anticipated to meet the 5 conditions of exception of 23 CFR 774. 13(g) for temporary occupancy. Therefore, the project would result in a use of the Rockview Park. However, this work is a minimization measure to offset the parking and other proximity impacts of the project to the park. No functions, features, or activities of this park would be adversely impacted by the construction of the parking lot.

Accessibility

Access to the park would be reduced from the current two access points to one through the northern entrance; however, it should be noted that the removed access entrance through LADWP's property was considered a temporary access according to the agreement between LADWP and the City of Victorville. The current northern access to the park does not have a designated turn lane. As an enhancement measure, the project would install/pave a turn lane to the park within the roadway's ROW to enhance safety and access to the park.

Noise

According to the Noise Study (2014), build alternatives would result in an increase of 11 dBA in noise level at this location compared to the existing condition; however, the increase would not be considered substantial and would not constitute a traffic noise impact as defined in 23 CFR 772.5 per the Caltrans Noise Protocol. In addition, the predicted noise level for the build alternatives would be 53dBA which would not approach and would be significantly below the Noise Abatement Criteria (NAC) of 67dBA specified in 23 CFR 772.

Aesthetics

The Visual Impact Assessment (2014) indicates that the proposed alignment would be visible from a viewing area located on a high bluff, but it would not be visible from most of Rockview Nature Park due to topography. More manmade elements would become dominant in the vicinity of the park. Views of the vegetated open land would be obstructed and overwhelmed by the new bridge over the Mojave River. Viewer response is expected to be moderate-high; however, activities at the park, which are mostly picnics and hiking and some other active sports, are not dependent on or sensitive to surrounding visual characteristics and would not be substantially affected by this visual change. In addition, the project would incorporate appropriate measures to minimize visual impacts. At this location, appropriate measures may include:

- V-10: Context-sensitive design would be incorporated by adding color into the project elements as much as feasible.
- V-3 The aesthetic features shall be developed in coordination with Caltrans Landscape Architecture.
- V-11: Trees will be planted to help "soften" structures, including walls and bridges.

- V-4: Dark-Sky Compliant Lighting: To preserve the dark night sky as a natural resource in desert region communities, dark-sky compliant lighting shall be selected to minimize light pollution cast into the sky while maximizing light cast onto the ground, as appropriate. A lighting plan shall be developed that requires project lighting to be appropriately shielded. It is a goal of the County of San Bernardino's 2007 General Plan to preserve the dark night sky as a natural resource in desert region communities.

Air Quality

The Air Quality Impact Study concludes that no federal violation would result from the implementation of these alternatives; therefore, there would be no adverse permanent air quality impact to the park,

During construction, short-term worsening of air quality may occur due to the release of particulate emissions generated by site preparation, excavation, grading, hauling, and other activities related to construction. Emissions from construction equipment are also anticipated. However, Measures CI-AQ-1 and CI-AQ-2 would substantially reduce the short-term air quality impacts during construction of the project, ensuring compliance with air quality regulations and minimize air quality impacts during project construction.

Conclusion:

It can be seen from the above analysis that even though there would be a temporary occupancy of the Rockview Park to construct a parking lot as a minimization measure for proximity impacts, the project, when considering all minimization measures, would not adversely affect the activities, features, or attributes qualifying the Rockview Nature Park for protection under Section 4(f). Caltrans intends to make a *de minimis* determination for the project alternatives and variations, except for alternatives with Variation E, in regards to the Rockview Nature Park.

Effects of Variation E

Land Acquisition and Parking

The project alternatives under this variation would not permanently incorporate land from Rockview Nature Park into the transportation ROW. This variation would be located farther south from Rockview Nature Park; therefore, it would not require removal of the southern parking lot used by Rockview Nature Park or other temporary recreational facilities within LADWP's parcel.

Accessibility

Access entrances to Rockview Nature Park are not anticipated to be impacted by this Variation. Access to the Park would also be maintained during project construction. Therefore, public access to the park is not permanently affected.

Noise

Variation E is located further south from the other variation, therefore noise level for Variation E would be even lower than the other variation. No noise impacts on Rockview Nature Park would result from the alternatives with Variation E.

Aesthetics

Under Variation E, the HDC at this location would be an elevated structure over the National Old Trails Highway and across the Mojave River. The Visual Impact Assessment (2014) indicates that the proposed alignment would be visible from a viewing area located on a high bluff, but it would not be visible from most of Rockview Nature Park due to topography. More manmade elements would become more dominant where the HDC crosses the National Old Trails Highway. These elements would be less visible to park users where it crosses the river due to the topographical condition. Activities at the park, which are mostly picnics, hiking, and some other active sports, are not dependent on or sensitive to surrounding visual characteristics; thus, they would not be substantially affected by this visual change. In addition, the project would incorporate appropriate measures to minimize visual impacts. At this location, appropriate measures may include:

- Context-sensitive design would be incorporated by adding color into the project elements as much as possible.
- The aesthetic features shall be developed in coordination with Caltrans Landscape Architecture.
- Trees will be planted to help "soften" structures, including walls and bridges.
- Dark-Sky Compliant Lighting: To preserve the dark night sky as a natural resource in desert region communities, dark-sky compliant lighting shall be selected to minimize light pollution cast into the sky while maximizing light cast onto the ground, as appropriate. A lighting plan shall be developed that requires project lighting to be appropriately shielded. It is a goal of the County of San Bernardino's 2007 General Plan to preserve the dark night sky as a natural resource in desert region communities.

Air Quality

The Air Quality Impact Study concludes that no federal violation would result from the implementation of these alternatives; therefore, there would be no adverse permanent air quality impact to the Rockview Nature Park.

During construction, short-term worsening of air quality may occur due to the release of particulate emissions generated by site preparation, excavation, grading, hauling, and other activities related to construction. Emissions from construction equipment are also anticipated. However, Measures CI-AQ-1 and CI-AQ-2 would substantially reduce the short-term air quality impacts during construction of the project, ensuring compliance with air quality regulations and minimizing air quality impacts during project construction.

3.2.2 Minimization measures

As discussed above, to offset impacts to parking and other proximity impacts of the build alternatives and variations except Variation E to the park, grading/construction of parking space would be provided within the Rockview Park.

PAR-3: Provide an alternative parking facility within the Rockvie Park to compensate for loss of the LADWP parcel that is currently used for parking at Rockview Nature Park in Victorville.

PAR-4: Install a turn lane to the Rockview Park at the northern entrance within the roadway's ROW to enhance safety and access to the park.

In addition, minimization measures under other resource impacts discussed above (visual, air quality, noise) would be incorporated into the project to minimize any potential impacts.

3.2.3 Public Notice

This draft *de minimis* finding for the project build alternatives except alternatives with Variation E is included in the Draft EIR/EIS for public review. Any comments and coordination from the public that are received will be considered and revisions made, as appropriate.

3.2.4 Coordination

Coordination has been ongoing with the City of Victorville's Community Services Department, the official with jurisdiction over the park. A request will be formally submitted to the Community Services Department for concurrence that the project would not adversely affect the activities, features, or attributes of the park as a recreation facility. It is anticipated that the City will concur with the above impact conclusion.

3.3 National Old Trails Highway

The National Old Trails Highway was determined eligible for listing in the National Register of Historic Places (NRHP) in 1990 under Criteria A and C; therefore, it is considered a Section 4(f) property. The segment of the National Old Trails Highway within the APE is a portion of former U.S. Highway 66. The road is significant for the time period of 1926 to 1974 as a representative example of important state and local trends in 20th century transportation development and highway design and construction. The linear historic resource has also been determined eligible for listing in the California Register of Historic Resources (CRHR). The specific segment of the National Old Trails Highway/Route 66 (NOTH) located in the APE is not specifically listed in the NRHP. This segment has been substantially altered from its historic form and has had its integrity compromised due to construction of previous projects at this location. Please see Section 3.1.8, Cultural Resources, of the EIR/EIS for more information about the description and significance of this property.

3.3.1. Effects

Build Alternatives and Variations, except Variation E

The APE traverses the National Old Trails Highway on an east-west bearing (see Figure 5). The width of the APE crossing the historic route is approximately 965 feet. A grade separation would be constructed with the HDC/HSR crossing under the roadway. Construction of the HDC at this location would involve excavation of the roadway, with the roadway essentially becoming a bridge. The length of the excavation for the trench under the roadway may reach 1,000 feet. The bridge abutments supporting the roadway are anticipated to be concrete. On- and off-ramps from the new freeway/expressway are planned for both northbound and southbound access to the historic roadway. The project would incorporate a section of the National Old Trails Highway's ROW into the HDC Project's ROW, totaling approximately 2 acres. This would impact the National Old Trails Highway and is considered a use of Section 4(f) property.

However, according to the Finding of Adverse Effect Report for the project, because the affected segment has been significantly altered from previous modifications to the roadway and now lacks historic integrity, together with the conversion of a section of the roadbed immediately south of the APE into a bridge deck over a new railroad corridor, a No Adverse Effect determination under Section 106 could be made on this historic property. It is anticipated that a determination of no adverse effect on the National Old Trails Highway will be concurred with by SHPO. Please see Section 3.1.8, Cultural Resources, of the EIR/EIS for additional information. In accordance with 23 CFR 774.17, though the project would incorporate land from this historic property into the project, because there would be no adverse effect, it is preliminarily determined that the project would have a *de minimis* impact on the National Old Trails Highway.

Variation E with Rail Connectors

Under this variation, the project would cross the National Old Trails Highway twice: once in the north by the freeway and once again in the south near the railroad tracks (see Figure 6). At both locations, an elevated bridge would cross over the National Old Trails Highway; therefore, the project would incorporate ROW from two segments of the National Old Trails Highway, which would total approximately 2.27 acres. The impact on the National Old Trails Highway would not be a direct excavation or cut of the roadway, as would occur with the other variations, but the project would introduce a bridge structure over the historic property. This would result in a visual impact on the resource; however, similar to the other variations, according to the Finding of Adverse Effect for the project, because the affected segment has significantly altered from previous modifications to the roadway and now lacks historic integrity, Variation E build alternatives with HSR connectors would have No Adverse Effect on the historic property under Section 106. It is anticipated that a determination of No Adverse Effect on the National Old Trails Highway will be concurred with by SHPO. Please see Section 3.1.8, Cultural Resources, of the EIR/EIS for additional information. Thus, it would result in a *de minimis* determination under Section 4(f) according to 23 CFR 774.17.



Figure 5 Intersection between the HDC Main Alignment with the National Old Trails Highway and AT&SF Railroad, and Proximity of the Rockview Nature Park



Figure 6 Intersection between Variation E and the National Old Trails Highway, and Variation E and the ATSF Railroad

Variation E without Rail Connectors

Under this variation, the project would cross the National Old Trails Highway at only one location. At this location, there would be an elevated bridge over the historic property; therefore, the project would incorporate ROW from one segment of the National Old Trails Highway into the project's ROW, totaling approximately 2 acres. The impact on the National Old Trails Highway would not be one involving a direct excavation or a cut of the roadway as with the other variations, but would instead introduce a bridge structure over the historic linear property, resulting in a visual change; however, similar to the other variations, this segment of the National Old Trails Highway was previously modified by construction of an undercrossing for a rail spur. The historic road also appears to have been substantially upgraded at the separate HSR alignment to the south and would not be considered a contributor to the historic National Old Trails Highway. The use with Variation E without rail connectors is proposed as *de minimis* under Section 4(f) because the changes to the linear resource would not result in an adverse effect or diminish the qualities or character-defining features that qualify this resource for the NRHP.

3.3.2. Minimization Measures

All minimization measures or standard treatments of the historic properties which are required under Section 106 and applicable to the National Old Trail Highway would be incorporated into the project.

The HDC interchange at the National Old Trails Highway will incorporate context-sensitive features that pay homage to Historic Route 66, including the following:

- Incorporate form liner motifs on the retaining walls of the interchange
- Use light standards that keep to the aesthetic traditions of old Route 66.

3.3.3. Coordination

As the NEPA Assigned Lead Agency, Caltrans has consulted with SHPO about a no adverse effect finding for the National Old Trails Highway and informed SHPO of Caltrans' intent to make a *de minimis* determination based on their written concurrence in the Section 106 determination of "No Adverse Effect." It is anticipated that SHPO will concur with the Section 106 determination of No Adverse Effect. Please see Appendix K, Key Correspondence, for the consultation letter.

3.4 Atchison Topeka and Santa Fe Railroad

The Atchison, Topeka and Santa Fe Railroad (ATSF) line was determined eligible for listing in the NRHP in 1998 under Criterion A for its association with a significant railroad transportation system in the western United States and for aiding the settlement of southern California in the late 19th century. The period of significance for this linear historic property is considered to be from 1883 to 1910. Please see Section 3.1.8, Cultural Resources, of the EIR/EIS for more information.

The segment of the ATSF linear feature within the APE has lost its original rural setting and the earliest physical components that would have otherwise contributed to the segment's ability to convey its historic significance as a railroad in the 1883 to

1910 time period. While the overall design and function of the historic property still remain with steel rails attached to cross ties, and set on a long linear path, individual components of the railroad tracks in the APE have been replaced and improved over time. The setting of the historic property in the APE has also been compromised with the introduction of later construction of buildings, structures, and roads. The affected segments, thus are non-contributing segments of the historic property.

3.4.1 Effects

Build Alternatives and Variations, except Variation E

Within the APE, the project alternatives would involve construction of an approximately 350-foot-wide bridge over the tracks and the adjacent Mojave River. The new bridge would be supported on columns over the river and the railroad tracks, and it would not cause physical alterations to the railroad tracks within the APE; however, potentially some columns would be placed within the boundary of the ATSF ROW. Therefore, land from the historic ATSF line would be permanently incorporated into the project in the form of a highway easement. Despite the required highway easement for the columns, the project would not physically affect any of the character-defining features of the property in a manner that would diminish their integrity. Therefore, even with construction of a bridge over the route of the railroad, the project would not adversely affect the integrity of the linear resource as a whole, or diminish the ability of the individual resource's features to convey its historic use because the segments affected are non-contributing segments of the historic property. The project thus would result in No Adverse Effect. SHPO is being consulted and is anticipated to concur with this determination. Consequently, under Section 4(f), the project would have a *de minimis* impact on the ATSF railroad.

Variation E

Variation E would require two separate bridges (for alternatives with HSR connectors) and one bridge (for alternatives without HSR connectors) over the ATSF tracks. This variation would potentially incorporate railroad ROW into the project for the bridge columns in the form of a highway easement; however, it would not physically affect any of the character-defining features of the historic linear property in a manner that would diminish its integrity. Variation E would have an indirect effect by introducing visual, audible, and atmospheric elements; however, Variation E would have a finding of No Adverse Effect under Section 106. SHPO is being consulted and it is anticipated that SHPO will concur with this finding. Consequently, under Section 4(f), the project would have *de minimis* impact on the ATSF railroad.

3.4.2. Minimization Measures

No minimization measures are required for this historic property.

3.4.3. Coordination

As the NEPA Assigned Lead Agency, Caltrans has consulted with SHPO about a no adverse effect finding, SHPO has been informed of Caltrans' intent to make a *de minimis* impact determination based on their written concurrence in the Section 106 determination of "no adverse effect." It is anticipated that SHPO will concur with the

Section 106 determination of no adverse effect. Please see Appendix K, Key Correspondence, for the consultation letter.

3.5 Edison Company Boulder Dam – San Bernardino 115-kV Transmission Line

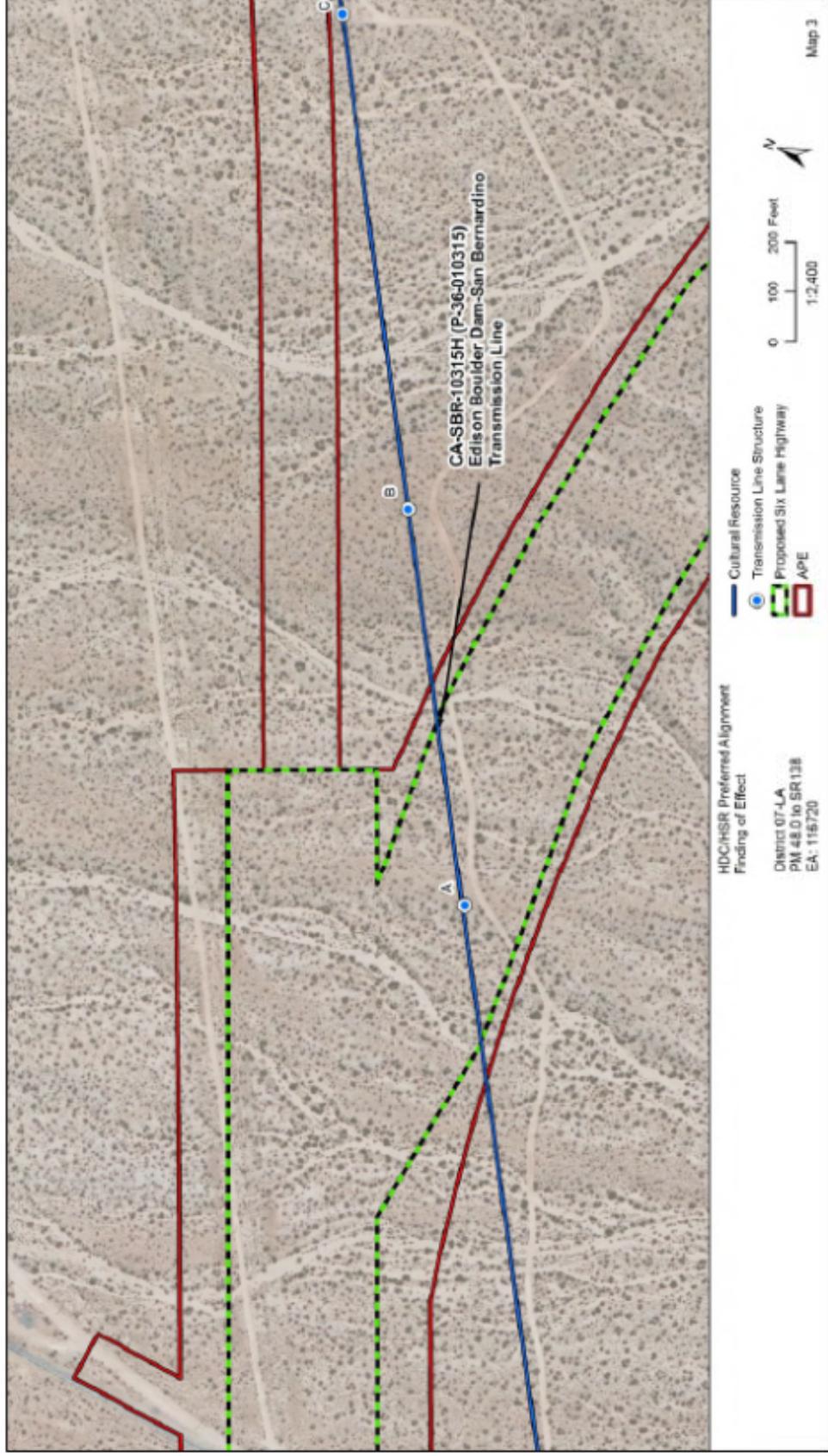
The Edison Company Boulder Dam–San Bernardino 115-kilovolt (kV) Transmission Line (BDSBL) was determined eligible for listing in the NRHP in 1993 under Criterion A. The property also appears to be potentially eligible under Criterion C.

Constructed in 1930-1931 by the Southern Sierras Power Company, the original line carried electrical power from San Bernardino to Boulder City and the Boulder Dam project site for powering the massive construction activities associated with construction of the dam. With dam construction complete in 1937, the power was reversed, and the line transmitted power to San Bernardino and into the city of Los Angeles.

This historic linear resource consists of an electrical transmission line with associated towers. There are seven towers of the BDSBL located in the APE corridor, interspersed with four towers located immediately adjacent to the APE boundary east of the Mojave River and north of I-15. Please see Section 3.1.8, Cultural Resources of the EIR/EIS for additional description of this property.

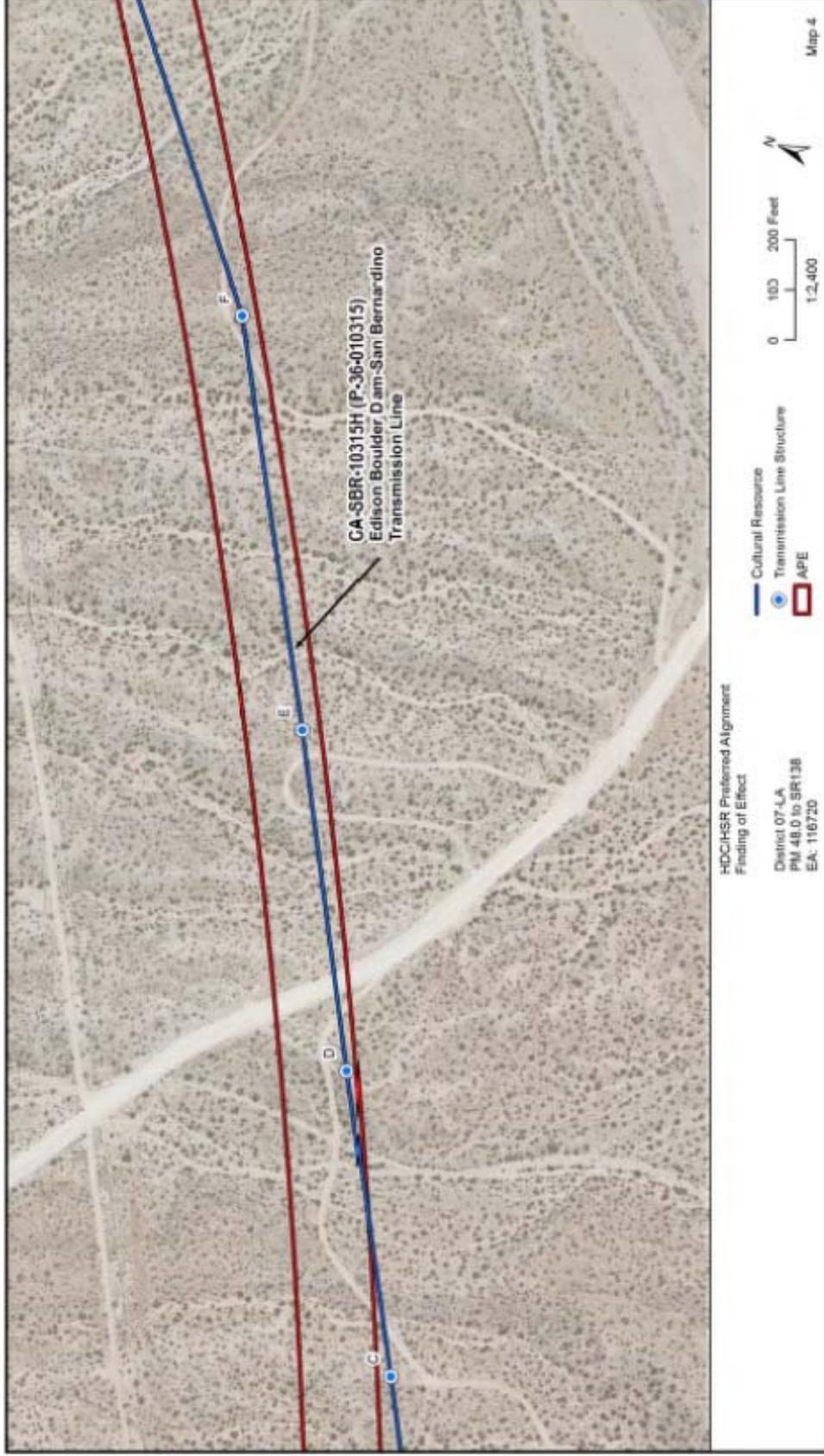
3.5.1 Effects

Each proposed project alternative without HSR connectors would involve the incorporation of land from one BDSBL transmission tower (Figure 7), while each alternative with HSR connectors would incorporate land from seven towers and would require the relocation of these towers (Figures 7 and 8a-d). This land incorporation would constitute a use under Section 4(f).



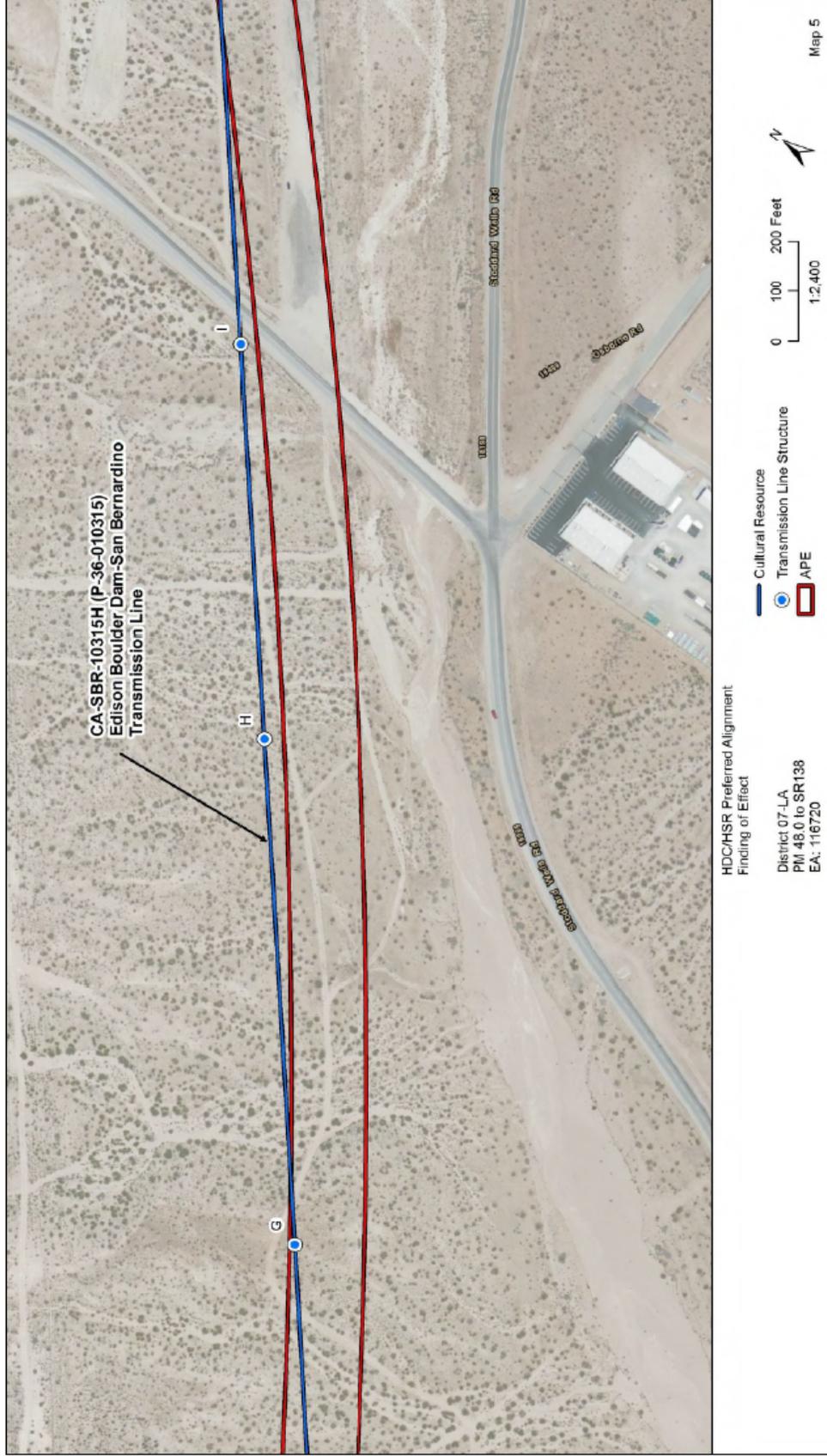
Source: Adopted from the Draft FOE, 2014

**Figure 7 Intersection between the HDC and the BDSBL
(for all Alternatives)**



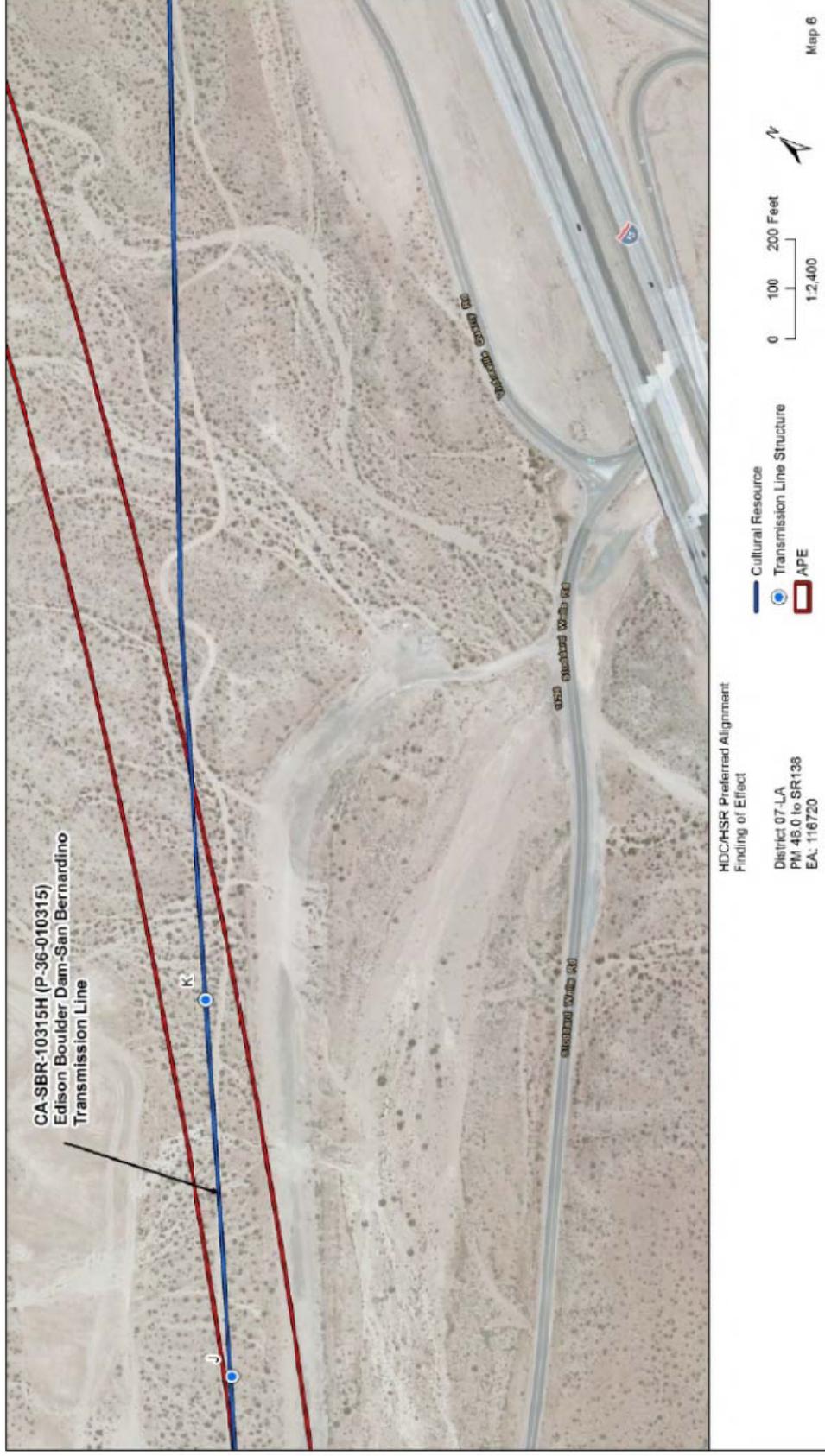
Source: Adopted from the Draft FOE, 2014

**Figure 8a Intersection between the HDC and the BDSBL
(for Alternatives with HSR Connector Only)**



Source: Adopted from the Draft FOE, 2014

**Figure 8b Intersection between the HDC and the BDSBL
(for Alternatives with HSR Connector Only)**



Source: Adopted from the Draft FOE, 2014

**Figure 8c Intersection between the HDC and the BDSBL
(for Alternatives with HSR Connector Only)**



Figure 8d Intersection between the HDC and the SCE Kramer- Victorville Power Lines (Tower Line)

Relocation of the towers would be in compliance with the standard conditions for the treatment of historic properties as stipulated in the First Amended Section 106 Programmatic Agreement Attachment 5. Construction of a multimodal transportation corridor to pass under, and adjacent to, the segment of the BDSBL within the APE would not change the character of the transmission line's use or its physical features, nor would it diminish the integrity of the property's historic features, the H-style towers, and the transmission line.

Under Section 106, it has been determined that the build alternatives would result in No Adverse Effect with Standard Condition on the BDSBL. SHPO is being consulted and is anticipated to concur with this finding; therefore, the integrity of the historic property would not be altered/impaired and would result in *de minimis* impact under Section 4(f).

3.5.2 Minimization Measures

Relocation of the towers would be done in accordance with the Secretary of Interior's Standards for the Treatment of Historic Properties.

3.5.3 Coordination:

Caltrans is consulting with the SHPO about a No Adverse Effect with Standard Conditions - Secretary of Interior's Standards for the Treatment of Historic Properties finding in regard to the BDSBL. The SHPO has been informed of Caltrans' intent to make a *de minimis* impact determination based on their written concurrence in the Section 106 determination of "no adverse effect." It is anticipated that SHPO will concur with the Section 106 determination of no adverse effect with Standard Conditions.

3.6 Multicomponent linear resource (MR) consisting of Mojave Trail, Mojave Road and Government Road (CA-SBR-3033/H)

According to the Archaeological Survey Report, within the HDC area, this multicomponent linear resource (MR) is located along the National Trails Highway from Interstate 15 to the Mojave River. This is a multicomponent resource consisting of the Mojave Trail, Mojave Road and Government Road. In the vicinity of Victorville, the alignment of MR most likely followed that of National Trails Highway. The prehistoric Mojave Trail which followed the river was used by several tribes for trade. It became a route for trappers and Mexican trade caravans in the 1830s and 1840s, and developed into a wagon road for immigrants, mail, wagon freighting, and military travel in the 1850s. In 1913 it was officially opened as part of the National Old Trails Highway. In the 1930s, it was paved and became U.S. Highway 66. The prehistoric trail followed the same alignment as the National Trails Highway. The area is heavily disturbed by multiple dirt roads. This resource is eligible for inclusion in the NRHP (Please see the Cultural Resources section of the EIR/EIS for more information.)

3.6.1 Effects

Build Alternatives and Variations, except Variation E

Similar to the National Old Trails Highway, the APE traverses the MR on an east-west bearing (see Figure 5). The width of the APE crossing the historic route is approximately 965 feet. A grade separation would be constructed with the HDC/HSR crossing under the roadway. Construction of the HDC at this location would involve excavation of the roadway, with the roadway essentially becoming a bridge. The length of the excavation for the trench under the roadway may reach 1,000 feet. The bridge abutments supporting the roadway are anticipated to be concrete. On- and off-ramps from the new freeway/expressway are planned for both northbound and southbound access to the historic roadway. The project would incorporate a section of the MR into the HDC Project's ROW. This would impact the MR and is considered a use of Section 4(f) property.

However, it is anticipated that there would be No Adverse Effect to the MR under Section 106 as the result of the project because the segments affected by the project are not contributing elements to the National Registered eligible property. Concurrence from SHPO is pending. Please see Section 3.1.8, Cultural Resources of the EIR/EIS for additional information. In accordance with 23 CFR 774.17, though the project would incorporate land from this historic property into the project, because there would be No Adverse Effect, it is preliminary determined that the project would have a *de minimis* impact on the MR.

Variation E with Rail Connectors

Under this variation, the project would cross the MR twice: once in the north by the freeway and once again in the south near the railroad tracks (see Figure 6). At both locations, an elevated bridge would cross over the MR; therefore, the project would incorporate ROW from two segments of the National Old Trails Highway. The impact on the MR would not be a direct excavation or involve a cut of the roadway, as would occur with the other variations, but the project would introduce a bridge structure over the historic property. This would result in a visual impact on the resource; however, similar to the other variations, variation E build alternatives with HSR connectors would have No Adverse Effect on the historic property under Section 106. Concurrence from SHPO is pending. Please see Section 3.1.8, Cultural Resources, of the EIR/EIS for additional information. Thus, it would result in a *de minimis* determination under Section 4(f) according to 23 CFR 774.17.

Variation E without Rail Connectors

Under this variation, the project would cross the MR at only one location. At this location, there would be an elevated bridge over the historic property; therefore, the project would incorporate ROW from one segment of the MR. The impact on the MR would not be one involving a direct excavation or a cut of the roadway as with the other variations, but would instead introduce a bridge structure over the historic linear property, resulting in a visual change; however, similar to the other variations, it is anticipated that there would be no adverse effect to the MR under Section 106. The use with Variation E without rail connectors is proposed as *de minimis* under Section

4(f) because the changes to the linear resource would not result in an adverse effect or diminish the qualities or character-defining features that qualify this resource for the NRHP/CRHR.

3.6.2 Minimization Measures

No minimization measures are required for this historic property.

3.6.3 Coordination:

Caltrans is consulting with the SHPO about a No Adverse Effect finding in regards to the MR. SHPO has been informed of Caltrans' intent to make a *de minimis* determination based on their written concurrence in the Section 106 determination of "No Adverse Effect." It is anticipated that SHPO will concur with the Section 106 determination of No Adverse Effect for this property.

3.7 The Boulder Dam Transmission Lines 1, 2, and 3, and Towers

The Boulder Dam Transmission Lines 1, 2, and 3, and Towers (BDTL) were constructed from 1933 to 1936. The BDTL was determined eligible for listing in the NRHP on February 16, 1994, under Criteria A and C. It is "significant under Criterion C in that it is a prime example of point-to-point long distance high-voltage transmission and represented the pinnacle of achievement of over 40 years of transmission line development in California. In addition, it is significant under Criterion A because it is associated with construction of Boulder/Hoover Dam and development of metropolitan Los Angeles." Please see Section 3.1.8, Cultural Resources, of the EIR/EIS for more information.

3.7.1 Effect

All Build Alternatives and Variation Except Alternatives with Variation E with Rail Connectors

Only the overhead transmission lines of the BDTL are located within the boundaries of the APE for the proposed undertaking. The towers supporting the transmission lines are located outside of the APE and would not be relocated or physically impacted by project activities; therefore, these alternatives would not permanently incorporate land from this property.

The segment of the BDTL within the APE would not be altered or removed from its location as a result of the proposed undertaking. Construction of a multimodal transportation corridor that would pass under the BDTL within the APE would not change the character of the transmission line's use or its physical features that contribute to the historic significance of the linear resource; however, construction of a multimodal transportation corridor that would pass under the segment of the BDTL within the APE would introduce visual, audible, and atmospheric elements not previously experienced at that site. Even with construction of the HDC/HSR alignment under the transmission lines of the BDTL, this would not adversely affect the integrity of the linear resource as a whole or diminish the ability of its features to convey its historic use and connection with the BDTL. Under Section 106, the build alternatives would result in no adverse effect on this property. Concurrence from

SHPO is pending. Therefore, the proximity impact of the project would not substantially impair or alter the integrity of this historic property, and no constructive use would be involved.

Variation E with Rail Connectors

Under Variation E, each proposed project alternative with HSR connectors would involve the incorporation of land from two BDTL transmission towers thus would constitute a use under Section 4(f). These towers would be relocated.

Relocation of the towers, if needed, would be in compliance with the Standard Conditions for the Treatment of Historic. Construction of a multimodal transportation corridor to pass under, and adjacent to, the segment of the BDSBL within the APE would not change the character of the transmission line's use or its physical features, nor would it diminish the integrity of the property's historic features, the H-style towers, and the transmission line.

Under Section 106, it has been determined that the alternatives would result in No Adverse Effect on the BDTL. SHPO is being consulted and is anticipated to concur with this finding; therefore, the integrity of the historic property would not be altered/impaired and would result in *de minimis* impact under Section 4(f).

3.7.2 Minimization Measures

Relocation of the towers, if needed, would be done in accordance with the Secretary of Interior's Standards for the Treatment of Historic Properties.

3.7.3 Coordination:

Caltrans is consulting with the SHPO about a No Adverse Effect finding in regard to the BDTL. The SHPO has been informed of Caltrans' intent to make a *de minimis* impact determination based on their written concurrence in the Section 106 determination of "no adverse effect." It is anticipated that SHPO will concur with the Section 106 determination of no adverse effect.

3.8 The Southern California Edison Kramer-Victorville Power Lines and Towers (Tower Line)

The Southern California Edison Kramer-Victorville Power Lines and Towers (Tower Line) were constructed from 1911 to 1913, and was initially the longest transmission line in the United States. The Tower Line was determined eligible for listing in the NRHP on April 3, 1995, under Criteria A and C. The period of significance for the Tower Line spans from 1913 to 1919. The specific segment of the tower line that crosses the APE, however, has been modernized and updated and has lost its historic integrity. It is no longer considered to be a contributing element of the historic tower line.

3.8.1 Effects (for all alternatives and variations)

Each proposed project alternative would involve the incorporation of land from two Tower Line's transmission towers thus would constitute a use under Section 4(f). These towers may or may not be relocated.

Relocation of the towers, if needed, would be in compliance with the Standard Conditions for the Treatment of Historic Properties. Construction of a multimodal transportation corridor to pass under, and adjacent to, the segment of the Tower Line within the APE would not change the character of the transmission line's use or its physical features, nor would it diminish the integrity of the property's historic features, the towers, and the transmission line.

Under Section 106, it has been determined that the alternatives would result in No Adverse Effect on the Tower Line. SHPO is being consulted and is anticipated to concur with this finding; therefore, the integrity of the historic property would not be altered/impaired and would result in *de minimis* impact under Section 4(f).

3.8.2 Minimization Measures

Relocation of the towers, if needed, would be done in accordance with the Secretary of Interior's Standards for the Treatment of Historic Properties.

3.8.3 Coordination

Caltrans is consulting with the SHPO about a No Adverse Effect finding in regard to the Tower Line. The SHPO has been informed of Caltrans' intent to make a *de minimis* impact determination based on their written concurrence in the Section 106 determination of "no adverse effect." It is anticipated that SHPO will concur with the Section 106 determination of no adverse effect.

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

This section 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.

4.1 Section 4(f) properties

Below is a discussion of parks and recreation facilities within approximately 0.5 mile of project limits that are considered Section 4(f) properties and the project's impacts on them. Because all of the project build alternatives are generally in the same alignment, the discussion for each property applies to every alternative unless otherwise specified (as in the case of the St. Clair Parkway, Poncitlán Square, and Palmdale Hammack Activity Center/Roller Hockey Rinks, which would only apply to the alternatives with HSR connectors; or in the case of the Westwinds Golf Course,

Westwinds Activities Center, and Westwinds Sport Center, which do not apply to Variation E.)

Desert Sand Park, Palmdale and The American Indian Little League Baseball Fields, Palmdale

The 20-acre City-owned Desert Sand Park is located approximately 0.08 mile from the project footprint (all alternatives) at 39117 3rd Street East, Palmdale, on the southwest corner of Technology Drive and 3rd Street East. The park includes a walking/jogging trail through natural vegetation; a semi-sheltered picnic area that accommodates up to 250 guests; a playground with various play apparatus such as swings, slides, fire poles and climbers; a recreation/meeting building; 2 softball fields; 1 soccer field; 2 tennis courts; 2 basketball courts; sand volleyball court; restrooms; and a tot lot. The park is open to the public from 8:00 a.m. to 10:00 p.m., 7 days per week.

The American Indian Little League baseball fields are situated on 4.6 acres located immediately west of Desert Sand Park, on the southeast corner of Technology Drive (Avenue P-8). This property is owned by the Palmdale Water District, a public agency.

Desert Sand Park and the American Indian Little League baseball fields are located in the same proximity to the project. The project would not permanently incorporate any land from either the park or baseball fields, nor would it involve temporary occupancy of these facilities; therefore, the project would not result in a direct use of the park or baseball fields.

Accessibility

Public access to the park and ball fields would be maintained during construction and operation of the project.

Noise:

The Noise Study (2014) prepared for the project concludes that there would be no noise impact on either of these facilities as a result of the proposed project.

Visual

The proposed roadway alignment would negatively affect visual intactness and unity of the users' view from the facilities by blocking some of the vegetation. Vividness would remain the same. This would result in a slight lowering of the visual quality. Visual character of the proposed view would decrease in compatibility; however, overall negative resource change is low, and the project is proposing the following measures to avoid and minimize any potential visual impact of the project.

- To minimize glare and reduce visual disruption, any retaining wall facing the park or baseball field shall be textured and colored to be compatible with adjacent (native) soils. Context-sensitive solutions, developed in coordination with

Caltrans Landscape Architecture, will be incorporated into project elements as much as possible.

- Planting of vines to deter graffiti will be part of the highway planting plans.
- Trees/vegetation will be planted along the corridor to "soften" the view of the corridor/roadway and provide a more natural visual buffer.
- To meet the desired goals of the City of Palmdale, Los Angeles County, and Caltrans, context-sensitive aesthetic standards, including features that reflect a "sense of place" for the HDC communities, shall be considered for the structures.
- Dark-Sky Compliant Lighting: To preserve the dark night sky as a natural resource in desert region communities, dark-sky compliant lighting will be used to minimize light pollution cast into the sky while maximizing light cast onto the ground, as appropriate. A lighting plan shall be developed that requires project lighting to be appropriately shielded.

Air Quality

The Air Quality Impact Study concludes that no federal violation would result from the implementation of these alternatives; therefore, there would be no adverse permanent air quality impact to the parks.

During construction, a short-term worsening of air quality may occur due to the release of particulate emissions generated by site preparation, excavation, grading, hauling, and other activities related to construction. Emissions from construction equipment are also anticipated. However, Measures CI-AQ-1 and CI-AQ-2 (please see Section 3.6, Construction Impact, Air Quality of the EIR/EIS for more details) would reduce the stationary and mobile source emissions, ensuring compliance with air quality regulations and minimizing air quality impacts during project construction.

Vegetation and Water Quality

No adverse affects are anticipated in regards to vegetation or water quality within these parks; therefore, the proposed project would not cause a constructive use of either the Desert Sand Park or American Indian Little League baseball fields because the proximity impacts would not substantially impair the protected activities, features, or attributes of these facilities.

Conclusion:

The proposed project would not cause a constructive use of Desert Sand Park and the American Indian Little League Baseball Fields because the proximity impacts will not substantially impair the protected activities, features, or attributes of these properties.

Robert St. Clair Parkway, City of Palmdale

Robert St. Clair Parkway is located along Sierra Highway in Palmdale, from Avenue Q to Avenue R. The total acreage of the parkway is approximately 8.7 acres. The parkway includes a 12-foot-wide concrete trail that forms a meandering bikeway. The trail extends along the west side of Sierra Highway from Avenue Q to Palmdale Boulevard and from Palmdale Boulevard to 250 feet south of Avenue Q-12. The

Parkway/path is owned by the City of Palmdale. It is designated primarily for passive recreation, is open to the public, and is considered significant by the officials with jurisdiction over the Section 4(f) property.

Effects

There is no potential for the build alternatives without HSR connectors to have any effect on this parkway because the footprint for these alternatives is more than 0.5 mile from this parkway. The discussion below applies to the build alternatives with HSR connectors only.

At the proposed connector location, the new HDR rail tracks would connect with the existing Union Pacific Railroad (UPRR) tracks. However, these rail alternatives would not permanently incorporate any land from St. Clair Parkway. In addition, no temporary occupancy of the parkway is anticipated for construction of the project.

Accessibility

Public access to the parkway, which is via Sierra Highway, would be maintained at all times during construction and operation of the project; therefore, it would not be impacted by the project.

Noise

The train tracks would be closer to the parkway compared to the existing condition; however, this parkway is already currently located along a heavily traveled route on the east with the train tracks on the west. In addition, biking is the main recreational activity of this facility, which does not require a quiet environment. Therefore, the function of this park is not anticipated to be substantially diminished or impaired due to the project.

Visual

The project would bring the view of the rail tracks/platform closer to the parkway in the northern portion of this facility; however, the view would be mostly shielded by the dense trees/vegetation in the northwestern portion of the parkway. Therefore, the negative change of park users' view is low. In addition, the contractor's operations during construction, such as night lighting, dust, temporary structures, haul materials and construction equipment, worker presence, fencing, and signage, as well as construction-related vehicles on the roadway, would also be present. However, these elements are common for highway construction projects and would be temporary and short term at this location. The project would also incorporate BMPs to minimize visual impacts during construction.

Air Quality

The Air Quality Impact Study concludes that no federal violation would result from the implementation of these alternatives; therefore, there would be no adverse permanent air quality impact to the parkway.

During construction, a short-term worsening of air quality may occur due to the release of particulate emissions generated by site preparation, excavation, grading, hauling, and other activities related to construction. Emissions from construction equipment are also anticipated. However, Measures CI-AQ-1 and CI-AQ-2 (please see Section 3.6, Construction Impacts, Air Quality, of the EIR/EIS for more details) would reduce the stationary and mobile source emissions, ensuring compliance with air quality regulations and minimizing air quality impacts during project construction.

Vegetation and Water Quality

Work would be outside the parkway's ROW, and the project would incorporate all BMPs into the construction operations; therefore, no vegetation and water quality impacts on this parkway are anticipated.

Minimization Measures

The following measures are designed to minimize impacts on the parkway:

- CI-PAR-1: To minimize impacts on the parkway during the construction phase, no equipment staging or any other occupancy of the parkway will occur.
- BMPs will be incorporated into the project to the extent practicable to minimize dust (CI-AQ-1 and CI-AQ-2) and noise (CI-NOI-1 and CI-NOI-8) during project construction. Please see Section 3.6, Construction Impact, Air Quality and Noise of the EIR/EIS for more information on air quality and noise minimization measures during construction.

In addition, visual minimization measures **include**:

- To minimize glare and reduce visual disruption, any retaining wall facing the parkway shall be textured and colored to be compatible with adjacent (native) soils. Context-sensitive solutions, developed in coordination with Caltrans Landscape Architecture, will be incorporated into project elements as much as possible.
- To meet the desired goals of the City of Palmdale, Los Angeles County, and Caltrans, context-sensitive aesthetic standards, including features that reflect a “sense of place” for the HDC communities shall be considered for the structures.
- Dark-Sky Compliant Lighting: To preserve the dark night sky as a natural resource in desert region communities, dark-sky compliant lighting will be used to minimize light pollution cast into the sky while maximizing light cast onto the ground, as appropriate. A lighting plan shall be developed that requires project lighting to be appropriately shielded.
- Fencing will be used during project construction to shield the view of construction activities from the parkway users.

The project would not have constructive use of Robert St. Clair Parkway because proximity impacts would not substantially affect or impair the features, functions, or activities that qualify the property for protection under Section 4(f).

Poncitlán Square, Palmdale

This park/square is located across from City Hall at 38315 9th Street East, Palmdale. Poncitlán Square features native vegetation and landscaping, a rose garden, and a bandstand pavilion/gazebo for outdoor concerts, special events, outdoor wedding ceremonies, and reception photos. This park is about 0.4 mile southwest of the project limits at its closest point. No direct incorporation or temporary occupancy of this parkland is needed. In addition, this facility is buffered from the project alternatives by distance (about 900 feet) and the presence of intervening structures.

The Air Quality Impact Study concludes that no federal violation would result from the implementation of these alternatives; therefore, there would be no adverse permanent air quality impact to the facility. During construction, a short-term worsening of air quality may occur due to the release of particulate emissions generated by site preparation, excavation, grading, hauling, and other activities related to construction. Emissions from construction equipment are also anticipated. However, Measures CI-AQ-1 and CI-AQ-2 (please see Section 3.6, Construction Impacts, Air Quality, of the EIR/EIS for more details) would reduce the stationary and mobile source emissions, ensuring compliance with air quality regulations and minimizing air quality impacts during project construction. In addition, there is no reasonable likelihood of any proximity impacts, such as accessibility, noise, visual, water quality, wildlife, or traffic, that might interfere with the activities, attributes, or function of this park; therefore, the proposed project would not cause an indirect or constructive use of Poncitlán Square.

Palmdale Hammack Activity Center/Roller Hockey Rinks

Palmdale Hammack Activity Center/Roller Hockey Rinks is a 29,000-square-foot recreational facility owned and operated by the City of Palmdale. It is located at 815 East Avenue Q-6, is open to the public, and is considered significant. None of the project alternatives would permanently incorporate land or temporarily occupy this park; therefore, no direct use is anticipated. In addition, this facility is 0.17 mile from the project limits and is buffered from the project alternatives by distance (about 900 feet) and the presence of intervening structures. The project's Air Quality Impact Study concludes that no federal violation would result from the implementation of these alternatives; therefore, there would be no adverse permanent air quality impact to the facility. During construction, a short-term worsening of air quality may occur due to the release of particulate emissions generated by site preparation, excavation, grading, hauling, and other activities related to construction. Emissions from construction equipment are also anticipated. However, Measures CI-AQ-1 and CI-AQ-2 (please see Section 3.6, Construction Impacts, Air Quality, of the EIR/EIS for more details) would reduce the stationary and mobile source emissions, ensuring compliance with air quality regulations and minimizing air quality impacts during project construction.

In addition, there is no reasonable likelihood of any proximity impacts, such as accessibility, noise, visual, air quality, water quality, vegetation, or traffic, that might interfere with the activities, attributes, or function of this park; therefore, the project

would not cause constructive use of the Palmdale Hammack Activity Center/Roller Hockey Rinks.

Pelona Vista Park, Palmdale

This park is located immediately adjacent and west of SR-14 at 37700 Tierra Subida, Palmdale. This 73-acre park offers ten lighted soccer fields, a concrete multiuse trail, restrooms, information kiosk, and a park office/maintenance building.

The project does not permanently incorporate any land from this park, and no temporary occupancy of/construction easement from the park would be needed.

Accessibility

Public access to the park, which is via Rayburn Road and Tierra Subida Avenue, is anticipated to be maintained at all times during project construction and operation.

Noise

The Noise Study (2014) concludes that the project is not anticipated to have any adverse noise effect on the park.

Visual

The Visual Impact Assessment (2014) concludes that the project is not anticipated to have any adverse visual effect on the park.

Air Quality

The Air Quality Impact Study concludes that no federal violation would result from the implementation of these alternatives; therefore, there would be no adverse permanent air quality impact to the park. During construction, a short-term worsening of air quality may occur due to the release of particulate emissions generated by site preparation, excavation, grading, hauling, and other activities related to construction. Emissions from construction equipment are also anticipated. However, Measures CI-AQ-1 and CI-AQ-2 (please see Section 3.6, Construction Impacts, Air Quality, of the EIR/EIS for more details) would reduce the stationary and mobile source emissions, ensuring compliance with air quality regulations and minimizing air quality impacts during project construction.

Vegetation and Water Quality

Work would be outside the park's ROW, and the project would incorporate all BMPs into the construction operations; therefore, no vegetation or water quality impacts on this park are anticipated.

Conclusion:

The proposed project would not cause a constructive use of Pelona Vista Park because the proximity impacts would not substantially impair the protected activities, features, or attributes of this facility.

Manzanita Heights Park, Palmdale

This park is located at 431 Mesa Verde Avenue. It covers 5 acres and includes a group picnic area, three individual picnic areas with BBQ grills, a play lot, playfield, restrooms, and parking. The project would not incorporate any land from this park. This park is also buffered from the project limits (SR-14) by a distance of approximately 800 feet, as well as six rows of houses and roads between the park and the project. There is also one Caltrans soundwall and one private wall between the residences and the freeway.

The Air Quality Impact Study concludes that no federal violation would result from the implementation of these alternatives; therefore, there would be no adverse permanent air quality impact to the park. During construction, a short-term worsening of air quality may occur due to the release of particulate emissions generated by site preparation, excavation, grading, hauling, and other activities related to construction. Emissions from construction equipment are also anticipated. However, Measures CI-AQ-1 and CI-AQ-2 (please see Section 3.6, Construction Impacts, Air Quality, of the EIR/EIS for more details) would reduce the stationary and mobile source emissions, ensuring compliance with air quality regulations and minimizing air quality impacts during project construction. In addition, there would be no reasonable potential for noise, visual, or traffic impacts on this park. The project build alternatives would not result in constructive use of this park because proximity impacts would not substantially impair the protected activities, features, or attributes of this facility.

Richardson Park, Adelanto and Howard Loy Park, Adelanto

Richardson Park is located at 11500-11588 Air Expressway, Adelanto, and includes a baseball field, soccer field, skate park, picnic area, and playground.

Howard Loy Park is located at 11735 Air Expressway, Adelanto, and includes a picnic area.

Richardson Park and Howard Loy Park are about 0.2 mile from the proposed HDC main line and 0.08 mile from the proposed ramps. The project would not incorporate any land from these parks, and no temporary construction easements would be needed from either of these parks.

Accessibility

Public access to these parks is by means of Desert Air Expressway. This access would not be permanently or temporarily affected by the project.

Noise

Traffic noise impacts are not expected to occur at these parks as a result of the proposed project.

Visual

The proposed roadway would include on- and off-ramps, bridge structures, train tracks, and a bike path. These new features would negatively affect the visual intactness and unity of the view. This would result in a slight lowering of the visual quality because the visual character would be changed to include more manmade elements, causing the compatibility of the visual character to decrease. Nighttime views in the area would be affected by new sources of light from elevated headlights on the bridge, as well as from new interchange lighting. Overall, the amount of changes to visual resources is low. In addition, active sports are the primary activities of these parks, which do not require views to or from the parks; therefore, the visual change is not anticipated to substantially affect the activities or characteristics of these parks.

During project construction, temporary distant visual impacts due to the contractor's operations, such as night lighting, dust, temporary structures, haul materials and construction equipment, worker presence, fencing, and signage, as well as construction-related vehicles on the highway, would also be present; however, these elements are common for highway construction projects and they would be temporary and short term at this location. These parks are also buffered from the project limits by distance of about 500 feet and the presence of Air Expressway Boulevard; therefore, construction impacts would not substantially affect or impair the functions or activities of these parks.

Air Quality

The Air Quality Impact Study concludes that no federal violation would result from the implementation of these alternatives; therefore, there would be no adverse permanent air quality impact to the parks.

During construction, a short-term worsening of air quality may occur due to the release of particulate emissions generated by site preparation, excavation, grading, hauling, and other activities related to construction. Emissions from construction equipment are also anticipated. However, Measures CI-AQ-1 and CI-AQ-2 (please see Section 3.6, Construction Impacts, Air Quality, of the EIR/EIS for more details) would reduce the stationary and mobile source emissions, ensuring compliance with air quality regulations and minimizing air quality impacts during project construction.

Vegetation and Water Quality

Work would be outside the parks' ROW, and the project would incorporate all BMPs into the construction operations; therefore, no vegetation or water quality impacts on these parks are anticipated.

Conclusion:

The proposed project would not cause a constructive use of Richardson Park and Howard Loy Park because the proximity impacts would not substantially impair the protected activities, features, or attributes of these facilities.

Westwinds Sport Center, Westwinds Activities Center, and Schmidt Park, Victorville

The Westwinds Sport Center is located at 18241 George Boulevard, Victorville. The facilities include a large gymnasium, five racquetball courts, a meeting room, restrooms, and a lighted baseball field with a grass infield.

Westwinds Activities Center is located at 18040 George Boulevard, Victorville (gym).

Schmidt Park is located at 13576 Mustang Street, Victorville. It includes an open turf, restrooms, and a playground. Park amenities include two soccer fields, a basketball court, and a covered picnic area with a barbecue.

In general, Variation E would be located farther south from Westwinds Sport Center, Westwinds Activities Center, and Schmidt Park compared to the other variations. As a result, Variation E would be less visible to these facilities compared to the other variations. None of the project build alternatives would incorporate any land from these three facilities, nor would temporary occupancy of these facilities be involved. Public access to these facilities, which is via George Boulevard and Mustang Street, would not be affected during project construction or operation.

These facilities are 0.46 to 0.6 mile from the project's limits and are buffered from most of the project alternatives by a distance of at least 2,400 feet and the presence of intervening structures. For Variation E, this distance is even greater (1.5 mile or more). There is no reasonable likelihood of any proximity impacts, such as noise, visual, air quality, water quality, wildlife or traffic, that might interfere with the activities and functions of these facilities; therefore, the project would not cause constructive use of the Westwinds Sport Center, Westwinds Activities Center, or Schmidt Park.

Grady Trammel Park, Victorville

Grady Trammel Park is located at 17184 Stoddard Wells Road, Victorville. Park amenities include a ball field, an open grass area, an outdoor basketball court, a sand volleyball court, covered picnic areas, play equipment, and restrooms.

This park is approximately 0.3 mile from the project limits. The project alternatives would not incorporate any land from Grady Trammel Park. No temporary occupancy of these facilities would be involved.

Accessibility

Public access to these facilities, which is via Stoddard Wells Road, would not be affected during project construction or operation.

Visual

Visual impacts on Grady Trammel Park from the minor improvement along I-15 are not anticipated; however, the view from the park between the National Old Trails

Highway and I-15 would be affected by the HDC alignment segment and Variation E. Viewer response is expected to be low because the park is 0.5 mile away from the proposed Variation E HSR alignment and 0.75 mile from the proposed HDC alignment. The view is also screened by large trees in the western and northern directions and partially blocked by a church building and topography to the north and northeast.

Noise

Because Grady Trammel Park is located at a distance of more than 1,500 feet from the project, noise impacts are not anticipated as a result of project construction or operation.

Air Quality

The Air Quality Impact Study concludes that no federal violation would result from the implementation of these alternatives; therefore, there would be no adverse permanent air quality impact to the park. During construction, a short-term worsening of air quality may occur due to the release of particulate emissions generated by site preparation, excavation, grading, hauling, and other activities related to construction. Emissions from construction equipment are also anticipated. However, Measures CI-AQ-1 and CI-AQ-2 (please see Section 3.6, Construction Impacts, Air Quality, of the EIR/EIS for more details) would reduce the stationary and mobile source emissions, ensuring compliance with air quality regulations and minimizing air quality impacts during project construction.

Vegetation and Water Quality

Work would be outside the parks' ROW at a distance of more than 1,500 feet, and the project would incorporate all BMPs into the construction operations; therefore, no vegetation or water quality impacts on this park are anticipated.

Therefore, the project would not have constructive use of Grady Trammel Park because proximity impacts would not substantially impair the functions or activities of the park.

Horsemen's Center, Apple Valley

Horsemen's Center is owned by the Town of Apple Valley and is located at 24320 Highway 18, adjacent to the project limits. Nestled in a unique rock formation, this park provides a playground, open grass area, picnic area (29 tables and 25 barbecues), a perimeter hiking trail, 2 horse arenas, a BMX Motor Park, concession stand, 7 primitive campsites, and a permanent restroom. The BMX track was renovated in 2009 to create a national-caliber track. It has lighting for races and practicing at night, and a sound system.

The project alternatives would not permanently incorporate any land or require any temporary construction easement from Horsemen's Center.

Accessibility

Public access to Horsemen's Center from the existing SR-18 would be maintained.

Noise

No noise impacts are identified at this location.

Visual

The visual change is moderately high because the alignment of the HDC would replace a dominant stand of evergreen trees with a wide divided roadway that would be visible to the horseback riders, hikers, and recreational users. The influence of manmade elements increases the continuity of the view due to the unifying and strong linear orientation of the roadway. The unifying effects of the HDC's pattern character are offset by the increase in day and nighttime glare from the roadway pavement, signage, vehicles, and lighting. The pavement also contrasts significantly with the color and texture of the existing landscape cover; however, the activities of Horsemen's Center are mainly active sports. Views to and from the center are not features or characteristics of the property; therefore, the visual change is not anticipated to substantially affect the activities or characteristics of Horsemen's Center; however, the following measures would be incorporated into the project to minimize any potential visual impacts:

- V-10: To minimize glare and reduce visual disruption, any retaining wall facing the park shall be textured and colored to be compatible with adjacent (native) soils. Context-sensitive solutions, developed in coordination with Caltrans Landscape Architecture, will be incorporated into project elements as much as possible.
- V-17: Trees/vegetation would be planted along the corridor to "soften" the view of the corridor/roadway and provide a more natural visual buffer. Planting of vines to deter graffiti will be part of the highway planting plans.
- V-9: Context-sensitive aesthetic standards, including features that reflect a "sense of place" for the HDC communities, shall be considered for the structures to meet the desired goals of the Town of Apple Valley, Los Angeles County, and Caltrans.
- V-5: The project shall consolidate signs to minimize visual clutter. Lack of visual obstructions, such as cables and billboards, is desirable.
- V-6: Traffic control cabinets will be located out of public view.
- V-8: Elevated structures, such as overpasses and viaducts for the roadway, shall be minimized where practical or integrated within the surrounding environment.
- V-4: Dark-Sky Compliant Lighting: To preserve the dark night sky as a natural resource in desert region communities, dark-sky compliant lighting will be used to minimize light pollution cast into the sky while maximizing light cast onto the ground, as appropriate. A lighting plan shall be developed that requires project lighting to be appropriately shielded:

Air Quality

The Air Quality Impact Study concludes that no federal violation would result from the implementation of these alternatives; therefore, there would be no adverse permanent air quality impact to the park. During construction, a short-term worsening of air quality may occur due to the release of particulate emissions generated by site preparation, excavation, grading, hauling, and other activities related to construction. Emissions from construction equipment are also anticipated. However, Measures CI-AQ-1 and CI-AQ-2 (please see Section 3.6, Construction Impacts, Air Quality, of the EIR/EIS for more details) would reduce the stationary and mobile source emissions, ensuring compliance with air quality regulations and minimizing air quality impacts during project construction.

Vegetation and Water Quality

Work would be outside the Horsemen's Center's ROW, and the project would incorporate all BMPs into the construction operations; therefore, no vegetation or water quality impacts to Horsemen's Center are anticipated.

As a result, the project would not cause constructive use of Horsemen's Center because proximity impacts would not substantially impair the activities or functions of this center.

4.2 Properties Determined not to be Section 4(f) Properties

4.2.1 Parks and Recreational Land

Department of Water and Power's McCullough Switching Station-Victorville Switching Station Transmission Line Right of Way No. 33

This 36-acre parcel of land is located east of National Old Trails Highway and south of Victorville's Rockview Nature Park. It is owned by LADWP for the main purpose of utility operation. In 2000, LADWP signed a license agreement with the City of Victorville for the temporary use of a portion of this property for a park, hiking trail, and vehicle parking purposes for the period from 1998 to 2003. No permanent structures were allowed on the land and the City cannot use the land to satisfy any zoning demands, zoning variants or governmental requirements. The license agreement for this use expired in 2003 and is on hold-over status. These temporary uses are ongoing. However, according to the agreement, regardless of the manners and duration of use or occupancy, the license may be terminated at any time by the LADWP upon giving a 90-day notice, and which requires the area to be restored to the original condition and returned to the LADWP.

Coordination with LADWP confirms that the designated primary purpose of this land remains as utility operation; therefore, recreation use of this property is considered a temporary and secondary use.

The designated primary purpose of this property is for utility operation, not for recreation. Recreation is only a secondary use and is temporary. Therefore, provisions of Section 4(f) are not triggered according to FHWA's Policy Paper (Q&A #1A), which specifies that publicly owned land is considered to be a park or recreational

area protected under Section 4(f) when its primary purpose is as a park or recreation area. A property's primary function is defined by how it is intended to be managed. Incidental, secondary, occasional, or dispersed activities similar to park or recreational activities do not constitute a primary purpose within the context of Section 4(f).

Portions of Planned Multi-use Trails in the Town of Apple Valley

The HDC would intersect three portions of the Town of Apple Valley's adopted planned future trails. None of the three trails have been developed. These trails are currently identified on the map for the purpose of reserving easements with future development; no actual easements have been obtained; and no specific location/boundary has been identified. According to the Town's Parks and Recreation, and Planning Departments, these trails would be for both non-motorized transportation and recreation purposes and would fall under the current private land. The development of these trails is dependent on the development of the adjacent properties. Once private property owners request approval to develop their sites, easements would be required for creation of the trail system, and trails adjacent to these parcels would be created. FHWA's Policy Paper (Q&A #25) specifies that Section 4(f) is not applicable when privately held properties of this type are formally designated as part of a Master Plan for future park/recreation development. They must be publicly owned at present. In this case, because the lands where trails are planned to be located are presently privately owned, Section 4(f) is not triggered.

Portions of Los Angeles County's Planned Trails

The HDC would intersect with Los Angeles County's adopted future recreational trails at the following locations: at Avenue Q just east of 110th Street; at Avenue Q12 just east of 140th Street, west of Big Rock Wash; at Avenue Q12 near 225th Street; and north of Avenue R, west of 225th Street (Vineyard Dip)

Coordination with the Los Angeles County Recreation Department, Trail Division, indicated that these are proposed trails within either Department of Public Works' (DPW) ROW or on private land with no present public ownership or easement.

The primary function of DPW land is for purposes of transportation. DPW will allow dirt shoulders be used for hiking, biking, and/or equestrian purposes, all considered as a secondary use. Therefore, as specified in FHWA's Policy Paper (Q&A #1A in regard to primary function), the planned trail portions that fall within DPW's land are not considered Section 4(f) properties.

For the portions of the adopted planned trails that may fall on present-day private land, FHWA's Policy Paper (Q&A #25) specifies that when private-held properties formally designate land uses into a Master Plan for future park/recreation development, Section 4(f) is not applicable. They must be publicly owned at present. Accordingly, the provisions of Section 4(f) are not triggered.

Portions of Trails within the City of Palmdale

The HDC would intersect with portions of the City of Palmdale's bikeways at the following locations:

- BL 1 & 2: At 40th Street (both variations)
- BL 3&4: At 50th Street (both variations) and along the bikeway at Avenue P8 from east of 50th Street to 90th Street.
- BL 5: At Avenue Q
- BL 6: At Palmdale Boulevard

The bike trails are discussed in the City's General Plan in both the Transportation and Recreation sections. However, they are a part of the city-wide bikeway network. A meeting was conducted with City of Palmdale Parks and Recreation Department and City of Palmdale Public Works Department to clarify the purpose of these bike trails. These departments confirmed that though the City allows multiple uses on the bikeway, including recreation, the primary intended function and purpose of these bikeways are for transportation. City's trails/bikeways that are designated primarily for recreation are separately listed (in the City's Recreation website) and do not include these bikeways. As specified in Exception 23 CFR 774.13 (f)(4), on the 4(f) Trails, paths, bikeways, and sidewalks which are part of the local transportation system and which function primarily for transportation purposes to not trigger Section 4(f) requirements.

The City of Adelanto's Future Planned Drainage Right-of-Way

The HDC build alternatives would intersect with portions of the City of Adelanto's planned drainage ROW/Open space that might include future recreational use. The planned ROW is in the undeveloped part of the city, mostly located on private land. FHWA's Policy Paper Q & A # 25 specifies that in order for Section 4(f) to apply, the land has to be publicly owned. Therefore, the portions of this planned ROW that are currently on private land would not be considered to be Section 4(f) property, even though the City may acquire it in the future. Other portions of this planned ROW are on land currently owned by the Los Angeles Department of Water and Power which is a public agency. However, this land is an existing power line/utility corridor. The intended primary purpose of the land is either utility operation or drainage with recreation as a secondary use. Therefore, provisions of Section 4(f) are not triggered.

4.2.2 Historic Properties

Project study and evaluation under Section 106 shows that within the project APE, there are archaeological sites which are eligible for inclusion in the National Register of Historic Places. These properties are included in Table 3.

According to exception 23 CFR 774.13(b), Section 4(f) applies to archaeological sites that are on or eligible for the NRHP and that warrant preservation in place. Section 4(f) does not apply to an archaeological resource that is important chiefly because of what can be learned through data recovery and has minimal value for preservation in place. As can be seen in Table 3, each of these archaeological sites is eligible for

listing in the NRHP but is important chiefly because of what can be learned through data recovery and has minimal value for preservation in place. SHPO is being consulted (please see Appendix K of the EIR/EIS for information concerning coordination with SHPO) and it is anticipated that SHPO would not object to this conclusion. Therefore, provisions of Section 4(f) are not triggered, and Caltrans intends to apply exception 23 CFR 774.13(b) to each of the archeological site in Table 3.

Table 3: Other resources eligible for inclusion in the NRHP

No	Address	Type of property	Description
1	P-19-004361	AH, mid 20th C. foundations and refuse	<p>This resource consists of the remnants of two building foundations. Foundation 1 is composed of small cobble and concrete walls and a concrete pad, and a stone patio. Foundation 2, located northwest of Foundation 1, consists of partial cobble and concrete walls. A large pit, 25 ft in diameter and 4 ft deep is located immediately north of Foundation 2. Only a hole-in-top can and a sun altered amethyst glass fragment is associated with the foundations, suggesting an early twentieth century deposition of artifacts. Additional information about this site can be found in the Cultural Section of the Draft EIR/EIS and the Archaeological Survey Report for the project. The site has not been extensively disturbed, and therefore, may yield intact subsurface deposits that can yield important information. It is eligible for the National Register under NRHP Criterion D. It is not eligible under criteria A or B because as far as is known, it is not associated with persons or events important in history. It has been determined that this site is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place. Concurrence from SHPO is pending.</p>
2	P-19-004362	AH, early 20th C. homestead remnants and refuse	<p>This resource consists of a historic homestead that includes six features: an earthen reservoir (Feature 1), two concrete foundations/pads (Features 2 and 3), one well pad with well head (Feature 4), a concrete well pump foundation (Feature 5), and a water tank (Feature 6), as well as two concrete hollow column irrigation pipes located west and north of Feature 6, and an associated refuse scatter. The site measures approximately 350 by 200 ft. The existing agriculture-related site, then, may have been the initial creation of Fannie May Wells or someone she sold the property to in later years. The complex is relatively extensive, with intensive use apparently dating to the 1950s and 1960s. The site has not been extensively disturbed, and therefore, may yield intact subsurface deposits that can yield important information. It appears to be eligible for the National Register and California Register under NRHP Criterion D. It is not eligible under criteria A or B because as far as is known, it is not associated with persons or events important in history. It has been determined that this site is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place. Concurrence from SHPO is pending.</p>
3	P-36-000066	Prehistoric lithic scatter	<p>This prehistoric resource consists of a small scattering of flaked stone material located immediately above the Mojave River floodplain along the edge of a gently sloping ridgetop. It was believed CA-SBR-66 represents an ephemerally used satellite activity area associated with the large, prehistoric residential base/village (i.e., CA-SBR-182) located approximately 0.25 mile to the west. The resource was updated in 2012 as a result of survey for the HDC project and described as a small low density lithic scatter with fire affected rocks. The condition of the site is good. Caltrans has determined that CA-SBR-66 is eligible for listing in the NRHP under Criterion D as a contributor to an archaeological district. It is not eligible individually. It has been determined that this site is important chiefly because of what can be learned by data recovery and have minimal value for preservation in place. An eligibility concurrence by the SHPO is pending.</p>
4	P-19-004367	AH, mid 20th C. foundations and refuse	<p>This resource consists of a concrete building pad, and remnants of a wood structure/building and a barbed-wire fence. Also present throughout the site is a low-density refuse scatter. The site measures approximately 675 x 450ft (north-south/least-west), and is overall in poor condition due to modern ground disturbance including pothunting. Historical imagery depicts two buildings at the site, which were both constructed sometime between 1959 and 1968. The site appears to be eligible under criterion D/4, and it may yield information important to the identified "Waves of Settlement" theme, despite some previous disturbance at the site. It may still retain intact subsurface deposits and features that can contribute important information about post-1945 desert homesteading in the area. It is not eligible under criteria A, B or C as it does not appear to be associated with persons or events of historical importance; or embody the "distinctive characteristics of a type, period, region, or represents the work of a master or possesses high artistic values. It has been determined that this site is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place. Concurrence from SHPO is pending.</p>

Table 3: Other resources eligible for inclusion in the NRHP

No	Address	Type of property	Description
5	P-36-026769	AH, mid 20th C. foundations and refuse	<p>This resource consists of the remnants of a large homestead including eight foundations, two animal pens and multiple refuse scatters. More details about this resource and its eight foundations can be found in the Archaeological Survey Report for the project. The site appears to be eligible under NRHP Criterion D/4, though, as it may represent a site important for its information potential in regard to several themes identified as important in the Archaeological Research Context section of this report. It may have the potential to answer questions regarding the "Agriculture and Ranching" and "Waves of Settlement" themes, within which both ethnicity and twentieth century desert homesteading subjects are included. Based on the age of the artifacts that are present, it is possible the site was primarily occupied by a person or family by the name of Engelbrecht, following earlier occupation by the Eyraud family. The property does not appear to be eligible for listing in the National Register of Historic Places under criteria A/1 or B/2, as it does not appear to be associated with persons or events important in history. It also does not appear to be eligible under NRHP Criterion C/3 as the site remains do not embody "distinctive characteristics of a type, period, region...or represents the work of a master or possesses high artistic values". It has been determined that this site is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place. Concurrence from SHPO is pending.</p>
6	P-36-026772	AH, water conveyance and storage remnants	<p>This resource consists of the remnants of three foundations related to water irrigation. Foundation 1 appears to be a concrete stand of some sort, Foundation 2 is the remains of a cistern, and Foundation 3 is the concrete and cobble remains of a pump mount. An associated refuse scatter includes fragments of brown, green, sun-altered amethyst, and amber glass, milled lumber, white earthenware, barb wire, hole-in-top cans, sanitary can and miscellaneous metal. The scatter is sparse and suggests a 1900-1920s period of deposition.</p> <p>The site appears to be eligible under NRHP Criterion D/4, though, as it may represent a site important for its information potential in regard to several themes identified as important in the Archaeological Research Context section of this report. It may have the potential to answer questions regarding the "Development" and "Waves of Settlement" themes, within which twentieth century desert homesteading is included. Based on the age of the artifacts that are present, it is possible the site was primarily occupied by a person or family by the name of Engelbrecht, following earlier occupation by the Eyraud family. Concurrence from SHPO is pending.</p>
7	P-36-010392 CA-SBR-10392/H	AP2, Lithic Scatter, AH4, Trash Scatter; not fully tested.	<p>The property does not appear to be eligible for listing in the National Register of Historic Places (National Register) under criteria A/1 or B/2, as it does not appear to be associated with persons or events important in history. It also does not appear to be eligible under NRHP Criterion C/3 as the site remains do not embody "distinctive characteristics of a type, period, region...or represents the work of a master or possesses high artistic values." It has been determined that this site is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place. Concurrence from SHPO is pending.</p> <p>This multicomponent resource consists of sparse, scattered prehistoric lithics and historic domestic refuse. The prehistoric component of this site consists of a 500m by 33m prehistoric lithic scatter including six debitage flakes, a core fragment, a small stone anvil, slag glass, ceramics and several metal cans. The historic component consisted of seven scattered cans and one concentration made up of twelve cans. This site has not been formally evaluated. It is anticipated to be eligible for the NR under Criterion D. It has been determined that this site is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place. Concurrence from SHPO is pending.</p>

Table 3: Other resources eligible for inclusion in the NRHP

No	Address	Type of property	Description
8	P-36-000182 CA-SBR-182	AP15. Habitation Debris; tested.	This prehistoric resource consists of a large complex residential site and may represent the ethnohistoric Vanyumé Serrano site of Topipabit. The site consists of a large, intensively used prehistoric residential location containing four loci defined by moderate to dense concentrations of lithic artifacts, fire-altered rock, and burned faunal remains. Several hearth features, one possible house pit depression and one large pit feature were also identified. The condition of the site is good. The report for the Phase II testing (Horne and McDougall 2006) recommended the site as eligible for listing on the NRHP and CRHR based on the potential to yield information important to prehistory (Criterion D/4). This site is both eligible individually and as a contributor to the Topipabit Archaeological District. It has been determined that this site is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place. Concurrence from SHPO is pending.
9	P-36-000158 CA-SBR-158	AP5. Petroglyphs	This prehistoric resource is two small petroglyphs and was originally recorded in 1964 and described as having design elements consisting of a bisected circle and two diamonds joined vertically. A recent in-field determination was that weathering and spalling had destroyed the two diamonds design element, as evidenced not only on the rock art panel but also the granitic rocks in the area. The site integrity is good except for weathering and spalling of rock faces. The site has not been formally evaluated. It is anticipated that the site is eligible for the National Register under Criterion D. It has been determined that this site is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place. Concurrence from SHPO is pending.
10	P-36-006312 CA-SBR-6312	AP2. Lithic Scatter; AP11. Hearths; not fully tested.	This prehistoric resource is a temporary camp. The site was originally recorded in 1989 and described as measuring 66m by 23m, consisting of nine fire-cracked rocks, one bifacial mano fragment, one possible metate fragment, and one disturbed hearth. The site was later re-designated as a food processing station with an increased boundary measuring 160m by 130m. The site was recommended as not eligible for listing on the NRHP because it was unlikely to yield further information about prehistory of the region. However, recent evaluation for the project determines that the site is eligible for the National Register under Criterion D. It has been determined that this site is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place. Concurrence from SHPO is pending.
11	P-36-026768	AH. Foundation remnant and assoc. refuse scatter	This historic resource consists of the remnants of a foundation and an associated refuse scatter. Features consist of the remains of a foundation with 15-in tall walls, composed up of cobbles and concrete. The north wall has been destroyed and fragments of the walls lay near the foundation. A large depression or pit is located in the middle of what would have been the floor of the foundation. The site appears to be eligible under NRHP Criterion D/4, though, as it may represent a site important for its information potential in regard to several themes identified as important in the Archaeological Research Context section of this report. It may have the potential to answer questions regarding the Agriculture and Ranching and Waves of Settlement themes, within which both ethnicity and twentieth century desert homesteading subjects are included. Concurrence from SHPO is pending. The property does not appear to be eligible for listing in the National Register s under criteria A/1 or B/2, as it does not appear to be associated with persons or events important in history. It also does not appear to be eligible under NRHP Criterion C/3 as the site remains do not embody "distinctive characteristics of a type, period, region... or represents the work of a master or possesses high artistic values." It has been determined that this site is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place. Concurrence from SHPO is pending.

Table 3: Other resources eligible for inclusion in the NRHP

No	Address	Type of property	Description
12	P-36-012609		<p>This is a large, prehistoric habitation site. An abundance and diversity of cultural material has been recovered from the surface of the site and from intact, buried deposits to depths of about 6 feet during 2 periods of subsurface testing. Recovery of artifacts suggest the site was occupied dating from the Gypsum Period (approximately 4000–1500 B.P.), through the Saratoga Springs Period (1500–800 B.P.), and into the Late Period (800–300 B.P.) It has been determined that this site is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place. Concurrence from SHPO is pending.</p>
13	Potential Topipabit Archaeological District		<p>Caltrans has determined that a proposed National Register Archaeological District called Topipabit District is eligible for listing. The district would encompass three archaeologically sites that are located within the APE and that may be associated with the ethnohistorically-attested Desert Serrano village of Topipabit. The three sites are P-36-000066 (CA-SBR-66), P-36-000182 (CA-SBR-182), and P-36-012609 (CA-SBR-12336). The proposal for creation of the district is supported by preliminary ethnohistory research by David Earle (see ASR, Appendix C). The research indicates the district would be eligible for listing to the NRHP under Criterion D. It has been determined that this district is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place. Concurrence from SHPO is pending.</p>

5.0 Section 6(f) Consideration

The project would acquire land from one Section 4(f) property/parkland, the Westwinds Golf Course; however this property was not acquired or developed using any grant money from the Land and Water Conservation Act, which triggers Section 6(f). Coordination with the City of Victorville shows that the City received monetary grants from the Land and Water Conservation Fund in 1994 and 1995 for improvements within Rockview Nature Park, adjacent to the project; however, the project would not convert any land from this park. Therefore, provisions of Section 6(f) are not triggered.

6.0 References

23 CFR 774: Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites (Section 4(f)).

Section 4(f) Policy Paper, July 20, 2012.

Noise Study Report and HSR Vibration Impact Assessment, August 2014.

Air Quality Report, August 2014.

Visual Impact Assessment, April 2014.

HDC Finding of Adverse Effects, September, 2014.

7.0 List of Preparers

Caltrans

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