

DEPARTMENT OF TRANSPORTATION

DISTRICT 3

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*Making Conservation
A California Way of Life!*

October 12, 2017

Ms. Marilyn Linkem, District Superintendent
California State Parks, Sierra District
P.O. Box 266
Tahoma, CA 96142-0266

Subject: Section 4(f) Temporary Occupancy Concurrence Request: Bridgeport Covered Bridges Rehabilitation, Restoration and Accessibility Project – Federal Aid No. NHC BPL 6081 (043), California State Parks, Sierra District, Nevada County, California

Dear Ms. Linkem:

The Bridgeport Covered Bridge Rehabilitation Restoration and Accessibility Project will use federal funds administered by the Federal Highway Administration (FHWA). As a result, compliance with the National Environmental Policy Act (NEPA) is required. The California Department of Transportation (Caltrans) is the lead NEPA agency for preparation of the draft federal environmental document for the project, established through the Moving Ahead for Progress in the 21st Century Act (MAP-21) signed into law on July 6, 2012. The MAP-21 authorizes the federal surface transportation programs for highways, highway safety, transit, and transportation related issues including Local Assistance. Caltrans entered into a Memorandum of Understanding pursuant to 23 USC § 327 (NEPA Assignment MOU) with FHWA effective October 1, 2012.

In accordance with NEPA, Caltrans is preparing a Categorical Exclusion to assess potential environmental impacts resulting from the proposed project, and we are required to comply with Section 4(f) of the U.S. Department of Transportation Act of 1966 ("Section 4(f)"). Codified in federal law at 49 United States Code (USC) 303, the Section 4(f) states that "[i]t is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges and historic sites."

The Bridgeport Covered Bridge is one of the longest sign-span bridges in the country that stretches 230 feet across the South Fork of the Yuba River. The bridge is managed by the California State Parks. During environmental review of the project, Caltrans determined the need to evaluate temporary construction-related effects to public park land protected under 4(f) because project construction activities would for a brief time affect 4(f) resources when portions of the trails are temporarily detoured.

There would be no permanent change in the use of the 4(f) resources from the proposed project, there is strictly the temporary detour of the hiking trail conforming points and repair areas. However, there may be temporary construction-related effects at conforming points because construction safety requires those areas to be “coned off” to protect pedestrians, as well as detours required where existing areas need repairs.

Temporary Occupancy Determination

Caltrans has determined the potential impacts to the public land protected under Section 4(f) would meet the criteria for a temporary occupancy, as defined in 23 CFR Section 774.13(d) and, therefore, the provisions of Section 4(f) are not triggered. Under FHWA regulations (23 Code of Federal Regulations [CFR 774.13 [d)], temporary occupancy of a property does not constitute a use of a Section 4(f) resource when the following four conditions are met:

1. *The duration of the occupancy must be temporary (i.e., less than the time needed for construction of the project), and there should be no change in ownership of the land.*

Finding: There is no change in ownership of the Section 4(f) resources. Work performed where the project end points conform with existing sections, and the use of temporary detours for repairs, will take less time than the full construction period for the project.

2. *The scope of work must be minor (i.e., both the nature and the magnitude of the changes to the Section 4(f) resource are minimal).*

Finding: There is no change in use to the 4(f) resource; there is strictly the temporary closing of portions of trail segments, and the use of detours for repairs. The effect of these temporary closures and detours on the system operations is negligible.

3. *There are no anticipated permanent adverse physical impacts, and there would be no interference with the activities or purpose of the resource, on either a temporary or a permanent basis.*

Finding: The Parkway system for pedestrians would stay open when the Project is being constructed. Portions of the project trail segments would be cordoned off for safety only during the time that work is performed. In comparison with normal on-going maintenance activities requiring detours, the cumulative effect with the project-related repairs and detours would not change or interfere with the use of the trail system.

4. *The land must be fully restored (i.e., the resource must be returned to a condition that is at least as good as that which existed prior to the project.)*

Finding: The trail system will be fully restored by the project to a better condition than currently exists. The Project would provide enhanced use and access for pedestrians using the trail system.

Minimization Measures

The following minimization measures would ensure that construction of the Project would not result in any Section 4(f) impacts to the trail system.

- **Pedestrian trail stays open during Construction.**
The trail system is used intensively and the Project would never cause the system to be closed. The Project will affect a section of the trail at the north end of the covered bridge as well as a section at the southern end of the bridge. Portions of those trails will be temporarily closed during construction and detours would be provided for pedestrian traffic.
- **Other trail system elements would remain open during construction.**
- **Signage**
The state park has an established signage system that would be employed during construction to inform trail users for detours and work hazard warnings. When the areas affected by construction are closed for safety, temporary signage would direct trail users to detours.

October 12, 2017
Marilyn Linkem, District Superintendent
California State Parks, Sierra District

Caltrans has determined the impacts to the public land protected under Section 4(f) would meet the criteria for a temporary occupancy, as defined in 23 CFR Section 774.13(d) and, therefore, the provisions of Section 4(f) are not triggered. As part of compliance with the temporary occupancy criteria set forth under 23 CFR Section 774.13 (d), Caltrans is requesting written concurrence of the following measures from the officials who have jurisdiction over the resource, thereby verifying that temporary occupancy criteria are met. By signing below and returning this letter using the enclosed return envelope, please indicate your concurrence with the findings described above for the temporary occupancy of the land publicly held and managed by California State Parks. We appreciate your assistance in this matter. Please call me at (530) 741-4276 if you have any questions about the Section 4(f) matter, or the project in general.

Sincerely,

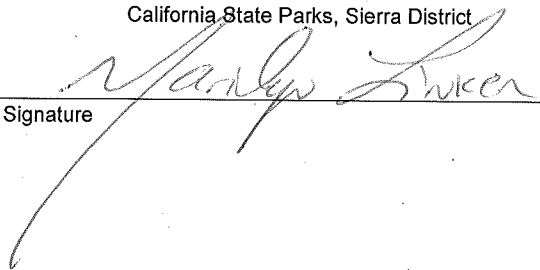
Chris Carroll
Environmental Coordinator
Caltrans District 3
Office of Environmental Management, M-1 Branch

By signing below, you concur with the findings described above for the temporary occupancy of the land publicly held and managed by California State Parks:

Marilyn Linkem

Print Name: District Superintendent,
California State Parks, Sierra District

Signature



Date

10/24/17