MID COUNTY PARKWAY
08-RIV-MCP PM 0.0/16.3; 08-RIV-215 PM 28.0/34.3
EA 08-0F3200 (PN 0800000125)

REVISED
DRAFT SECTION 4(f) EVALUATION
Submitted Pursuant to
23 USC 138 and 49 USC 303

Prepared by the
U.S. Department of Transportation
Federal Highway Administration
and the
State of California Department of Transportation
and the Riverside County Transportation Commission

January 2013
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<thead>
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<th>Definition</th>
</tr>
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<tr>
<td>ac</td>
<td>acre(s)</td>
</tr>
<tr>
<td>APE</td>
<td>area of potential effects</td>
</tr>
<tr>
<td>BLM</td>
<td>United States Department of the Interior, Bureau of Land Management</td>
</tr>
<tr>
<td>Caltrans</td>
<td>California Department of Transportation</td>
</tr>
<tr>
<td>CCR</td>
<td>California Code of Regulations</td>
</tr>
<tr>
<td>CDFG</td>
<td>California Department of Fish and Game</td>
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<tr>
<td>CEQA</td>
<td>California Environmental Quality Act</td>
</tr>
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<td>CFR</td>
<td>Code of Federal Regulations</td>
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<tr>
<td>CO</td>
<td>carbon monoxide</td>
</tr>
<tr>
<td>DMP</td>
<td>Discovery and Monitoring Plan</td>
</tr>
<tr>
<td>EIR</td>
<td>Environmental Impact Report</td>
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<tr>
<td>EIS</td>
<td>Environmental Impact Statement</td>
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<tr>
<td>EPA</td>
<td>United States Environmental Protection Agency</td>
</tr>
<tr>
<td>FHWA</td>
<td>Federal Highway Administration</td>
</tr>
<tr>
<td>FOE</td>
<td>Finding of Effect</td>
</tr>
<tr>
<td>FR</td>
<td>Federal Register</td>
</tr>
<tr>
<td>ft</td>
<td>foot or feet</td>
</tr>
<tr>
<td>GIS</td>
<td>geographical information system</td>
</tr>
<tr>
<td>HPSR</td>
<td>Historic Property Survey Report</td>
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<td>Interstate 15</td>
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<td>I-215</td>
<td>Interstate 215</td>
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<tr>
<td>MCP</td>
<td>Mid County Parkway</td>
</tr>
<tr>
<td>mi</td>
<td>mile(s)</td>
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<tr>
<td>MLD</td>
<td>Most Likely Descendant</td>
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<tr>
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<td>Memorandum of Agreement</td>
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<td>MSATs</td>
<td>Mobile Source Air Toxics</td>
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<tr>
<td>MSHCP</td>
<td>Multiple Species Habitat Conservation Plan</td>
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<td>National Register of Historic Places</td>
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<td>PA</td>
<td>Programmatic Agreement</td>
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<tr>
<td>Acronym</td>
<td>Description</td>
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<td>---------</td>
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<tr>
<td>PM</td>
<td>Post Mile</td>
</tr>
<tr>
<td>PM$_{2.5}$</td>
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<tr>
<td>PM$_{10}$</td>
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</tr>
<tr>
<td>PQS</td>
<td>Professionally Qualified Standards</td>
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<tr>
<td>PRC</td>
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<tr>
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<td>Riverside County Integrated Project</td>
</tr>
<tr>
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<td>Riverside County Transportation Commission</td>
</tr>
<tr>
<td>RDEIR</td>
<td>Recirculated Draft Environmental Impact Report</td>
</tr>
<tr>
<td>RTP</td>
<td>Regional Transportation Plan</td>
</tr>
<tr>
<td>SCAG</td>
<td>Southern California Association of Governments</td>
</tr>
<tr>
<td>SHPO</td>
<td>State Historic Preservation Officer</td>
</tr>
<tr>
<td>SJN DV</td>
<td>San Jacinto North Design Variation</td>
</tr>
<tr>
<td>SJRB DV</td>
<td>San Jacinto River Bridge Design Variation</td>
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<tr>
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</tr>
<tr>
<td>TCE</td>
<td>temporary construction easement</td>
</tr>
<tr>
<td>THPO</td>
<td>Tribal Historic Preservation Officer</td>
</tr>
<tr>
<td>Uniform Act</td>
<td>Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970</td>
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<td>United States Army Corps of Engineers</td>
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<tr>
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<td>United States Code</td>
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1.0 INTRODUCTION

1.1 SECTION 4(f)
Section 4(f) of the Department of Transportation Act of 1966, codified in federal law at 49 United States Code (USC) 303, declares that “…it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.”

Section 4(f) specifies that the Secretary of Transportation may approve a transportation program or project:

“… requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the federal, state, or local officials having jurisdiction over the park, area, refuge, or site) only if:

• There is no prudent and feasible alternative to using that land; and

• The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.”

Section 4(f) further requires consultation with the United States Department of the Interior and, as appropriate, the United States Departments of Agriculture and Housing and Urban Development in developing transportation projects and programs that use lands protected by Section 4(f). If historic sites are involved, then coordination with the State Historic Preservation Officer is also needed.

1.2 USE OF SECTION 4(F) PROPERTIES
1.2.1 Definitions of Use, Temporary Occupancy, and Constructive Use
As defined in 23 Code of Federal Regulations (CFR) 774.17, there is a use of land from a Section 4(f) property when one of the following occurs:

(1) when land is permanently incorporated into a transportation facility;

(2) when there is a temporary occupancy of land that is adverse in terms of the statute’s preservation purpose as determined by the criteria in Section 774.13(d). Section 774.13(d) indicates that temporary occupancies of land that are so minimal as to not constitute a use within the meaning of Section 4(f) are exceptions to the requirement for Section 4(f) approval. Specifically, for the purposes of Section 4(f), such temporary occupancy of a Section 4(f) resource does not normally constitute use if each of the following five conditions is met (23 CFR 774.13(d)):
a. Duration 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;
b. Scope of the work must be minor (i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal);
c. There are no anticipated permanent adverse physical impacts, nor would there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
d. The land being used must be fully restored (i.e., the property must be returned to a condition that is at least as good as that which existed prior to the project); and
e. There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

(3) when there is a constructive use of a Section 4(f) property as determined by the criteria in Section 774.15. Section 774.15(a) indicates a constructive use occurs when the transportation project does not incorporate land from a Section 4(f) property, but the project’s proximity impacts are so severe that the protected activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only when the protected activities, features, or attributes of the property are substantially diminished.

1.3 PROJECT EFFECTS ON SECTION 4(f) PROPERTIES

The Riverside County Transportation Commission (RCTC), in cooperation with the Federal Highway Administration (FHWA), California Department of Transportation (Caltrans) District 8, County of Riverside, and the Cities of Perris and San Jacinto, proposes to construct the Mid County Parkway (MCP) project, a new freeway project in Riverside County, California. The project area in western Riverside County is primarily along or parallel to the existing Ramona Expressway. Figure 1.1 shows the MCP study area and the regional location of the project. The MCP study area is approximately 16 miles (mi) long and ranges from 1 to 5 mi wide. The MCP project will serve as a major east-west connection in western Riverside County and will also provide for regional movement to eastern Riverside County, and to Los Angeles and Orange Counties to the west. The proposed action would adopt an MCP project alignment and construct a major, limited access facility to meet current and projected 2040 travel demand from Interstate 215 (I-215) on the west to State Route 79 (SR-79) on the east.

As discussed in detail in this Section 4(f) Evaluation, Alternatives 4 Modified, 5 Modified, and 9 Modified would result in effects under Section 4(f) at the following properties:

- **P-33-16598 (CA-RIV-8712) Multi-Use Prehistoric Site**
  - Permanent use of 5.18 acres (ac) of land on the north side of, and within the boundary of, this National Register of Historic Places (National Register) eligible cultural resources site, or approximately 6.6 percent of the total area of this prehistoric site.
  - There would be no temporary use of land from, and no permanent surface, aerial, or subsurface easements at, this prehistoric site.
LEGEND

Mid County Parkway Study Area
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• **P-33-19862, P-33-19863, P-33-19864, and P-33-19866**
  - Permanent use of the land occupied by these four National Register eligible cultural resources sites
  - There would be no temporary use of land from, and no permanent surface, aerial, or subsurface easements at these prehistoric sites

• **San Jacinto Wildlife Area**
  - Permanent use of 3.4 ac of land on the south side of the San Jacinto Wildlife Area south of Bernasconi Road, or approximately 0.01 percent of the total area of this property.
  - There would be no temporary use of land from, and no permanent surface, aerial, or subsurface easements at, the San Jacinto Wildlife Area.

Properties outside the permanent footprint/right of way of the MCP Build Alternatives but which could meet the criteria for protection under Section 4(f) were evaluated on whether the MCP Build Alternatives would result in constructive use impacts on those properties. Specifically, the detailed analyses documented in the project technical reports and the EIR/EIS did not identify any project impacts that, with mitigation, would be so severe that the activities, features, or attributes that would qualify properties in the project study area for protection under Section 4(f) would be substantially impaired. The indirect impacts of the MCP Build Alternatives in the vicinity of those properties would not meaningfully reduce or remove the values of those resources in terms of their Section 4(f) significance. As a result, the requirements for protection under Section 4(f) were not triggered at those resources. The FHWA is not required to document each determination that a project would not result in a constructive use of a nearby resource by Section 4(f) property. However, such documentation may be prepared at the discretion of FHWA. That documentation is provided in Attachment A, Resources Evaluated Relative to the Requirements of Section 4(f), which discusses those properties and the analysis supporting the conclusions that the MCP Build Alternatives would not result in constructive use effects at those resources that would trigger the requirement for protection of those resources under Section 4(f).

### 1.4 ORGANIZATION OF THE REVISED DRAFT SECTION 4(f) EVALUATION

This Revised Draft Section 4(f) Evaluation assesses the use of Section 4(f) properties by the MCP project. This evaluation includes:

• **Section 2.0, Description of the Proposed Project**: This section briefly describes the purpose of and need for the project and the No Action/No Build and MCP Build Alternatives.

• **Section 3.0, List and Description of Section 4(f) Properties**: This section describes the Section 4(f) properties considered in this Section 4(f) Evaluation.

• **Section 4.0, Multi-Use Prehistoric Site**: This section describes the use of land in the Multi-Use Prehistoric Site by the MCP Build Alternatives that were considered to avoid the use of land in the Multi-Use Prehistoric Site by the MCP Build Alternatives, and measures and actions incorporated in the MCP Build Alternatives to avoid or reduce the use of land in the Multi-Use Prehistoric Site.
• **Section 5.0, Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866**: This section describes the use of land from these prehistoric sites by the MCP Build Alternatives, alternatives that were considered to avoid the use of land from these prehistoric sites by the MCP Build Alternatives, and measures and actions incorporated in the MCP Build Alternatives to avoid or reduce the use of land from these prehistoric sites.

• **Section 6.0, Coordination**: This section discusses coordination conducted with the Native Americans regarding the use of land in the Multi-Use Prehistoric Site and Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866.

• **Section 7.0, Use of Nationwide Programmatic Section 4(f) Evaluation for the San Jacinto Wildlife Area**: This section discusses the use of a Nationwide Programmatic Evaluation for the use of land from, and the net benefit of the MCP project at, the San Jacinto Wildlife Area.

• **Section 8.0, References and Preparers**: This section lists the references used in preparing this Revised Section 4(f) Evaluation and the preparers of the Revised Section 4(f) Evaluation.

• **Attachment A**: Resources Evaluated Relative to the Requirements of Section 4(f)

• **Attachment B**: Consultation Correspondence
2.0 DESCRIPTION OF THE PROPOSED PROJECT

The MCP project was identified as a key west-east regional transportation corridor as a result of several years of comprehensive land use and transportation planning in Riverside County through the Riverside County Integrated Project (RCIP). Tier 1 analyses and environmental documents were initiated for the two intracounty corridors in fall 2000, including a west-east corridor known as the Hemet to Corona/Lake Elsinore Corridor. The purpose of the Tier 1 efforts was to select preferred alternatives in order to preserve needed right of way. After a Draft Tier 1 Environmental Impact Report/Environmental Impact Statement (EIR/EIS) was completed for the Hemet to Corona/Lake Elsinore Corridor and circulated for public review in 2002 with a suite of 14 “build” alternatives, the RCTC Board accepted a staff recommendation in June 2003 to proceed with the accelerated preparation of a project-level environmental document for a west-east alternative that would generally follow the existing alignment of Cajalco Road and Ramona Expressway, known as the MCP project.

Engineering and environmental studies were initiated in 2004 for the MCP project, a proposed 32 mi facility between Interstate 15 (I-15) and SR-79, and in September 2007 the RCTC Board selected a Locally Preferred Alternative (Alternative 9 Temescal Wash Design Variation) for the MCP project. In October 2008, a Draft EIR/EIS for the MCP project was circulated for a 90-day public review period. During this time, six public meetings/hearings were held and RCTC accepted public comments for the record at all of these meetings, along with comments via the MCP project website and email. Over 3,100 comments were received from 50 public agencies and organizations, 10 large property owners, 240 individuals, and a form letter from over 1,100 individuals nationwide. Two key themes emerged in the public review comments: the cost and timing of available funds for the project and concerns about the impacts to rural communities and existing habitat reserves.

In spring 2009, to address the concerns identified in public comments on the Draft EIR/EIS, RCTC as the lead agency under the California Environmental Quality Act (CEQA), FHWA as the lead agency under the National Environmental Policy Act (NEPA), in cooperation with Caltrans, developed an approach for completing the EIR/EIS process for the project. This approach modified the MCP project limits from 32 mi (I-15 to SR-79) to 16 mi (I-215 to SR-79) in order to focus transportation funding where the need is the greatest, between I-215 and SR-79. On July 8, 2009, the RCTC Board formally took action to focus the MCP project between I-215 and SR-79 and to prepare a Recirculated Draft EIR/Supplemental Draft EIS for the modified project.

2.1 PROJECT LOCATION AND DESCRIPTION

The RCTC, in cooperation with FHWA, Caltrans District 8, the County of Riverside, the City of San Jacinto and the City of Perris, proposes to construct the MCP, a new freeway project in Riverside County, California. The project area is located in western Riverside County, primarily along or parallel to the existing Ramona Expressway. Figure 1.1, provided earlier, depicts the MCP study area and the regional location of the project. The MCP project study area is approximately 16 mi long and ranges from 1 to 5 mi wide.
The MCP project will serve as a major east-west connection within western Riverside County. The proposed action would adopt an MCP project alignment and construct a major, limited-access facility to meet current and projected 2040 travel demand from I-215 on the west to SR-79 on the east.

### 2.2 PURPOSE AND NEED

The purpose of the proposed action is to provide a transportation facility that would effectively and efficiently accommodate regional west-east movement of people, goods, and services between and through Perris and San Jacinto. More specifically, the selected Alternative would:

- Provide increased capacity to support the forecasted travel demand for the 2040 design year;
- Provide a limited access facility;
- Provide roadway geometrics to meet state highway design standards;
- Accommodate Surface Transportation Assistance Act National Network trucks;\(^1\) and
- Provide a facility that is compatible with a future multimodal transportation system.

The MCP project is located in an area of western Riverside County\(^2\) that is currently undergoing substantial population and employment growth. According to the 2010 Census, the population in Riverside County is approximately 2.2 million people. The population in Riverside County overall is expected to increase to approximately 3.3 million by 2035, and employment is projected to increase to 1.2 million jobs by 2035.\(^3\) In addition, according to the Inland Empire Quarterly Economic Report (January 2012), the Inland Empire, which includes the counties of Riverside and San Bernardino, experienced a 2 percent growth in employment from December 2010 to December 2011 indicating the region’s recovery has begun.

The population within western Riverside County is expected to increase by over 1.3 million people between 2010 and 2035, which is an increase of more than 60 percent. Growth in employment is expected to occur at an even higher rate, approximately 80 percent between 2010 and 2035, with an overall doubling of the number of jobs between 2003 and 2035.\(^4\)

### 2.3 PROJECT ALTERNATIVES

As discussed earlier in this chapter, to address the concerns in response to comments on the Draft EIR/EIS for a 32 mi MCP facility, RRTC, FHWA, and Caltrans developed an approach for completing the EIR/EIS process for the project that would refine the project purpose statement and

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1. These are larger trucks that are permitted on the federal interstate system and the non-interstate federal-aid primary system as it existed on June 1, 1991.
2. Western Riverside County consists of 17 incorporated cities and parts of unincorporated Riverside County and is generally bounded by San Diego County to the south, Orange County to the west, San Bernardino County to the north, and the San Jacinto Mountains to the east.
project alternatives to focus on the transportation needs from I-215 to SR-79. Therefore, the Build Alternatives analyzed in the 32 mi Draft EIR/EIS for the MCP have been withdrawn in response to these concerns (i.e., Alternatives 4, 5, 6, 7, and 9).

The following are descriptions of the modified project alternatives for the MCP facility between I-215 in the west and SR-79 in the east, including two No Project/No Action Alternatives (Alternatives 1A and 1B) and the three Build Alternatives (Alternatives 4 Modified, 5 Modified, and 9 Modified). These modified alternatives are evaluated in this technical analysis and provided below, and the alignments of these Build Alternatives are shown on Figure 2.1.

2.3.1 Alternative 1A: No Project/No Action—Existing Ground Conditions

Alternative 1A represents 2040 traffic on the planned street network except for future improvements to Ramona Expressway, which would remain as it exists today. Construction of an MCP project would not be implemented with the No Project/No Action Alternative 1A. The future west-east traffic described in the study area would be served by the existing Ramona Expressway between I-215 and SR-79. This alternative assumes 2040 land use conditions and implementation of planned improvements to the regional and local circulation system, as accounted for in the adopted Riverside County General Plan (2003), RCTC’s Measure A program, and other adopted plans and policies.

2.3.2 Alternative 1B: No Project/No Action—General Plan Circulation Element Conditions

Alternative 1B represents 2040 traffic levels on the planned street network, according to the Circulation Element of the Riverside County General Plan. Construction of an MCP project would not be implemented with No Project/No Action Alternative 1B. This alternative is the same as Alternative 1A but includes implementation of Ramona Expressway consistent with the Riverside County General Plan Circulation Element.

2.3.3 Alternative 4 Modified: North Perris (Drain)

Alternative 4 Modified proposes a six-lane controlled access freeway. Alternative 4 Modified follows a northern alignment through the city of Perris, adjacent to the Perris Drain as shown on Figure 2.1. System interchanges (a freeway-to-freeway type of interchange) are proposed for all Build Alternatives at I-215 and SR-79. Descriptions of these system-to-system interchanges are as follows:

- The MCP/I-215 interchange is proposed as a three-level interchange that would not preclude possible future connections to the west. At the highest point, the MCP/I-215 interchange would be approximately 75 to 100 feet (ft) above ground level.
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MCP Build Alternatives Modified


FIGURE 2.1

SJRB DV - San Jacinto River Bridge Design Variation
SJN DV - San Jacinto North Design Variation
The MCP/SR-79 interchange is proposed as a three-level interchange at an approximate height of 75 ft. The MCP connection to SR-79 would be made at the proposed realignment of SR-79, south of Ramona Expressway. The MCP provides direct connectors to northbound and southbound SR-79, as well as a six-lane easterly extension that terminates at a proposed signalized intersection at Ramona Expressway. The MCP also has an at-grade intersection with Sanderson Avenue just west of SR-79. The SR-79 Realignment Project is currently undergoing separate environmental review and is assumed to be constructed prior to the MCP project.

Service interchanges (interchanges that connect a freeway to local arterials) for Alternative 4 Modified are proposed at Perris Boulevard, Evans Road, Ramona Expressway/Antelope Road, Bernasconi Road, Reservoir Avenue, Town Center Boulevard (proposed new arterial associated with future proposed development), Park Center Boulevard (proposed new arterial associated with future proposed development), and Warren Road.

All the Build Alternatives, including Alternative 4 Modified, include improvements to I-215. These improvements are: (1) the addition of one auxiliary lane between the MCP/I-215 systems interchange and the adjacent service interchange to the north and south to facilitate movement between the MCP and I-215; (2) the addition of an operational/mixed-flow lane from MCP to the Van Buren Boulevard interchange to accommodate additional traffic on I-215 as a result of the MCP; (3) the addition of an operational/mixed-flow lane from Nuevo Road to Cajalco/Ramona Expressway or Harley Knox Boulevard to facilitate weaving on I-215; (4) the addition of a new interchange at Placentia Avenue; and (5) modification of the existing interchange at Cajalco Road/Ramona Expressway.

Alternative 4 Modified also includes two design variations, San Jacinto North (SJN DV) and the San Jacinto River Bridge (SJRB DV) as discussed in detail in Section 2.3.6, Design Variations.

2.3.4 Alternative 5 Modified: South Perris (at Rider Street)

Similar to Alternative 4 Modified, Alternative 5 Modified is a six-lane controlled-access freeway. However, Alternative 5 Modified follows a southern alignment through Perris along Rider Street as shown on Figure 2.1.

System interchanges proposed for Alternative 5 Modified are the same as for Alternative 4 Modified, with connections at I-215 and SR-79. However, the I-215 system interchange differs from that in Alternative 4 Modified as it connects the MCP to I-215 near Rider Street. As with Alternative 4 Modified, the system interchange at I-215 is proposed as a three-level interchange that would not preclude possible future connections to the west. The interchange would be approximately 75 to 100 ft above ground level. Alternative 5A also includes realignment of I-215 to the east, due to limited right of way on the west side from Ramona Expressway to Harley Knox Boulevard.

Locations of the service interchanges proposed for Alternative 5 Modified are the same as those in Alternative 4 Modified: Perris Boulevard, Evans Road, Ramona Expressway/Antelope Road, Bernasconi Road, Reservoir Avenue, Town Center Boulevard (proposed new arterial associated with future proposed development).

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1 SR-79 is proposed to be realigned as a four-lane limited access expressway on a new alignment from south of Domenigoni Parkway to north of Gilman Springs Road and is currently undergoing separate environmental review.
future proposed development), Park Center Boulevard (proposed new arterial associated with future proposed development), and Warren Road.

Alternative 5 Modified also includes the same improvements to I-215 as described above for Alternative 4 Modified. Alternative 5 Modified also includes the same design variations as Alternative 4 Modified, which are discussed in detail in Section 2.3.6, Design Variations.

### 2.3.5 Alternative 9 Modified: Placentia Avenue

Similar to Alternatives 4 Modified and 5 Modified, Alternative 9 Modified is a six-lane controlled-access freeway. However, Alternative 9 Modified follows a more southerly alignment through the city of Perris along Placentia Avenue as shown on Figure 2.1.

System interchanges are proposed for all Build Alternatives, including Alternative 9 Modified, at I-215 and SR-79. The system interchange at SR-79 is the same as those proposed for Alternatives 4 Modified and 5 Modified. However, the I-215 system interchange differs from those in Alternatives 4 Modified and 5 Modified as it connects the MCP to I-215 near Placentia Avenue. As with Alternatives 4 Modified and 5 Modified, the system interchange at I-215 is proposed as a three-level interchange that would not preclude possible future connections to the west. The interchange would be approximately 75 to 100 ft above ground level. The existing railroad tracks west of I-215 are proposed to remain in place.

Service interchanges are also proposed for Alternative 9 Modified at the following locations: Redlands Avenue, Evans Road, Ramona Expressway/Antelope Road, Bernasconi Road, Reservoir Avenue, Town Center Boulevard (proposed new arterial associated with future proposed development), Park Center Boulevard (proposed new arterial associated with future proposed development), and Warren Road.

Alternative 9 Modified also includes the same improvements to I-215 as described above for Alternative 4 Modified. In addition, Alternative 9 Modified has been designed to avoid Paragon Park and Fire Station No. 90, both of which would have been impacted by the original alignment of Alternative 9.

Alternative 9 Modified includes the same design variations as Alternatives 4 Modified and 5 Modified, which are discussed in detail in Section 2.3.6, Design Variations.

### 2.3.6 Design Variations

The following design variation applies to all the build alternatives:

- **San Jacinto North Design Variation:** Under SJN DV, the MCP route diverges from the proposed MCP alignment west of Warren Road and follows an alignment easterly that is approximately 1,140 ft north of the existing Ramona Expressway and adjacent to the Colorado Aqueduct. SJN DV would also provide a connection from Warren Road to the existing Ramona Expressway, similar to the base case for Alternatives 4 Modified, 5 Modified, and 9 Modified.
• **San Jacinto River Bridge Design Variation:** Under SJRB DV, the MCP project would construct two bridges in the Lakeview/Nuevo area, a 531 ft bridge spanning Martin Street and a 1,941 ft bridge spanning the San Jacinto River (a total of 2,472 ft of bridge). The base case proposes one 4,321 ft bridge to span the floodplain and Martin Street. SJRB DV applies to all three Build Alternatives (Alternatives 4 Modified, 5 Modified, and 9 Modified). SJRB DV would also include a total of 1,849 ft of fill on either end of the bridges within the same limits as the base case bridge. Similar to the base case, the bridges under this design variation would be located to the south of the existing Ramona Expressway Bridge, which would remain in place and is 255 ft in length.
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3.0 LIST AND DESCRIPTION OF SECTION 4(f) PROPERTIES

3.1 IDENTIFICATION OF SECTION 4(f) PROPERTIES

The area in the project footprint/right of way was used as the study area for the identification of use effects on Section 4(f) properties. The study area for National Register-listed and -eligible historic sites was based on the area of potential effects (APE) as defined in the Historic Property Survey Report (HPSR; LSA Associates, Inc. June 2012). To protect the historic sites from unauthorized artifact collecting or other damage, the locations of these sites are not shown in this Revised Draft Section 4(f) Evaluation.

The Section 4(f) properties in the MCP study area were identified if they were:

- Existing publicly owned recreation and park resources, including local, regional, and State resources;
- Existing play and sports fields at public schools with public access. Because many public schools and school districts use or allow the use of public school play and sports fields for nonschool activities such as organized youth sports, the play and sports fields areas at public schools with public access were considered in this analysis;
- Publicly owned wildlife and waterfowl refuges and conservation areas;
- Existing public bicycle, pedestrian, and equestrian trails; or
- Listed or eligible National Register historic sites.

The first step of the identification process consisted of reviewing various available technical and public documents, including publicly available maps, General Plans, and websites to identify parks, wildlife and waterfowl refuges, play and sports fields at public schools, reserves, trails, and historic sites in the study area that might qualify as Section 4(f) properties requiring evaluation. Those identified resources were then examined to determine whether they triggered the need for consideration under the requirements of Section 4(f). Several cultural resources sites and a publicly owned wildlife refuge were identified as being within the project footprint/right of way. Those sites are described in detail in Table 3.1.

Other parks, play and sports fields at public schools, wildlife and waterfowl refuges, trails, and historic properties that did not trigger the need for consideration under the requirements of Section 4(f) are described briefly in Attachment A, including discussion regarding why they do not trigger the requirements for protection under Section 4(f).
### Table 3.1: Section 4(f) Properties and the MCP Build Alternatives Along Which They Are Located

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>Owner/Operator</th>
<th>Description</th>
<th>Alternatives Along Which the Section 4(f) Property is Located</th>
</tr>
</thead>
<tbody>
<tr>
<td>P-33-16598</td>
<td>Private Owner</td>
<td>This is a large Multi-Use Prehistoric Site (77.8 ac) with rock shelters, rock art panels, milling features, midden deposits, and other surface and subsurface artifacts. There are no known conditions or clauses affecting the ownership of this historic site. Site 33-16598 contains areas of habitation with deeply buried dense midden, milling areas with both bedrock mortars and slicks, and ceremonial areas with rock art. This site has been determined to be eligible for listing in the National Register of Historic Places. The Native American tribes and communities indicated during the consultation for the project that the Multi-Use Prehistoric Site as a whole is important and significant.</td>
<td>Alternatives 4 Modified, 5 Modified, and 9 Modified</td>
</tr>
<tr>
<td>(CA-RIV-8712)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-Use Prehistoric Site</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P-33-19862</td>
<td>Private Owners</td>
<td>This is a milling station site that measures 246 ft by 240 ft. It has two loci which contain 10 milling slicks on granitic boulder outcrops. The site appears relatively undisturbed. It is in an area of decomposing granitic sediment with scattered sage scrub. No surface artifacts were found at this site, and STPs were negative for subsurface cultural material. Based on comments received during Tribal consultation and SHPO review, this site is assumed eligible.</td>
<td>Alternatives 4 Modified, 5 Modified, and 9 Modified</td>
</tr>
<tr>
<td>(CA-RIV-10108)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private Owners</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P-33-19863</td>
<td>Private Owners</td>
<td>This is a small milling station that measures 23 ft by 20 ft. It contains one milling slick on a granitic boulder. The disturbance to the site appears negligible. It is in an area of decomposing granite sediment with scattered sage scrub. No surface artifacts were found at this site, and STPs were negative for subsurface cultural material. Based on comments received during Tribal consultation and SHPO review, this site is assumed eligible.</td>
<td>Alternatives 4 Modified, 5 Modified, and 9 Modified</td>
</tr>
<tr>
<td>(CA-RIV-10109)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private Owners</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P-33-19864</td>
<td>Private Owners</td>
<td>This is a milling station that measures 26 ft by 52 ft. It contains five milling slicks on one large granitic outcrop. This area is disturbed by several dirt roads. The site is an area of decomposing granitic material with scattered sage scrub. No surface artifacts were found at this site, and STPs were negative for subsurface cultural material. Based on comments received during Tribal consultation and SHPO review, this site is assumed eligible.</td>
<td>Alternatives 4 Modified, 5 Modified, and 9 Modified</td>
</tr>
<tr>
<td>(CA-RIV-10110)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table 3.1: Section 4(f) Properties and the MCP Build Alternatives Along Which They Are Located

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<th>Name and Address</th>
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<th>Description</th>
<th>Alternatives Along Which the Section 4(f) Property is Located</th>
</tr>
</thead>
<tbody>
<tr>
<td>P-33-19866 (CA-RIV-10112)</td>
<td>Private Owners</td>
<td>This site is a milling station measuring 23 ft by 49 ft. It contains three milling slicks on two granitic boulder outcrops. The site was disturbed during the construction of Bernasconi Road. No surface artifacts were found at this site, and STPs were negative for subsurface cultural material. Based on comments received during Tribal consultation and SHPO review, this site is assumed eligible.</td>
<td>Alternatives 4 Modified, 5 Modified, and 9 Modified</td>
</tr>
</tbody>
</table>
| **Publicly Owned Wildlife Refuge** | | **San Jacinto Wildlife Area** 17050 Davis Road Lakeview, CA  
Owner: State of California  
Operator: CDFG | The San Jacinto Wildlife Area is in western Riverside County, generally east of and immediately adjacent to the Lake Perris State Recreation Area, and north of the Ramona Expressway. The San Jacinto Wildlife Area totals approximately 20,000 ac of wildlife habitat. Plant communities and habitat in the San Jacinto Wildlife Area include alkali sink scrub, freshwater marsh, cottonwood/willow riparian habitat, alluvial grassland, Riversidean sage scrub, and wetlands. Approximately 9,000 ac in the San Jacinto Wildlife Area are restored wetlands, including ponds in the Potrero Creek Conservation Unit. The wetlands were restored using reclaimed water.  
Mystic Lake, an ephemeral lake fed by water from the San Jacinto River and rain, is in the eastern part of the San Jacinto Wildlife Area. The lake is typically full only in late winter and early spring. In the past, the lake extended over thousands of acres but has shrunk substantially, to approximately 200 ac, in recent years.  
Activities in the San Jacinto Wildlife Area include watching birds and other wildlife; hiking; nature walks and field trips to see birds, plants, wildflowers, and bugs; and hunting for waterfowl and upland game (hunting permits required). The only access to the San Jacinto Wildlife Area is via the Ramona Expressway to Davis Road on the south side of the San Jacinto Wildlife Area. The CDFG headquarters, parking, an information kiosk, restrooms, and shaded picnic tables are located in the San Jacinto Wildlife Area on Davis Road approximately 2.5 mi north of the Ramona Expressway. The San Jacinto Wildlife Area is open 7 days per week from dawn to dusk. There is a self-guided automobile tour through the San Jacinto Wildlife Area, with an information guide that explains what can be seen at each of the seven stops along the tour. | Alternatives 4 Modified, 5 Modified, and 9 Modified |
### Table 3.1: Section 4(f) Properties and the MCP Build Alternatives Along Which They Are Located

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>Owner/Operator</th>
<th>Description</th>
<th>Alternatives Along Which the Section 4(f) Property is Located</th>
</tr>
</thead>
<tbody>
<tr>
<td>The San Jacinto Wildlife Area</td>
<td></td>
<td>The San Jacinto Wildlife Area is designated as a Type “A” wildlife area, which represents the highest level of recreation uses designated for CDFG-managed lands. The CDFG is committed to increasing the quantity and quality of public recreational opportunities at State Wildlife Areas, including the San Jacinto Wildlife Area.</td>
<td></td>
</tr>
</tbody>
</table>

ac = acre/acres
CDFG = California Department of Fish and Game
ft = feet
MCP = Mid County Parkway
mi = mile/miles
STPs = shovel test pits
4.0 MULTI-USE PREHISTORIC SITE

4.1 INTRODUCTION

This section discusses the following:

- The potential use and temporary occupancy of the MCP Build Alternatives on the Multi-Use Prehistoric Site
- The identification and evaluation of possible feasible and prudent alternatives to the permanent incorporation of land from the Multi-Use Prehistoric Site into the MCP Build Alternatives
- The development of measures to minimize harm to the Multi-Use Prehistoric Site by the MCP Build Alternatives

The analysis and evaluation in this section focus on the project effects at the Multi-Use Prehistoric Site. The location of the Multi-Use Prehistoric Site and the avoidance alternatives in the vicinity of this prehistoric site are not shown in this Revised Draft Section 4(f) Evaluation to protect that prehistoric site from unauthorized artifact collecting, vandalism, and other disturbances. This prehistoric site in the project footprint/right of way is designated as P-33-16598 (CA-RIV-8712) Multi-Use Prehistoric Site.

This Section 4(f) property was evaluated to assess the amount of land that would be used from that resource by the MCP Build Alternatives (permanently incorporated in the MCP Build Alternatives). This was evaluated based on overlaying the alternative footprints/right-of-way limits on the geographical information system (GIS) mapping of the boundary of the Multi-Use Prehistoric Site, and the total area anticipated to be used by each alternative at that resource was calculated.

The project footprint/right of way was defined to include the permanent right of way needed for each MCP Build Alternative and the areas anticipated to be disturbed during construction of those alternatives. As a result, the project footprint/right of way includes all the land that will be permanently incorporated into the transportation facility. No temporary construction easements (TCEs) or other temporary uses of land outside the defined footprint/right of way are anticipated at the Multi-Use Prehistoric Site. As a result, no temporary occupancy for temporary construction staging areas or easements will occur at that resource. Therefore, no evaluation of temporary use of land from this Section 4(f) property was required.

The MCP Build Alternatives will not include any permanent surface, subsurface, or aerial easements at the Multi-Use Prehistoric Site. Therefore, no evaluation of permanent easements at this Section 4(f) property was required.
4.2 USE OF THE MULTI-USE PREHISTORIC SITE

Neither of the MCP design variations described in Chapter 2.0 is adjacent to the Multi-Use Prehistoric Site P-33-16598 (CA-RIV-8712). As a result, discussions of and citations to Alternatives 4 Modified, 5 Modified, and/or 9 Modified or to the MCP Build Alternatives regarding use effects at the Multi-Use Prehistoric Site under Section 4(f) should be interpreted to mean any of those alternatives with the base case and/or either or both of the design variations.

4.2.1 Use of the Multi-Use Prehistoric Site under Alternative 1A: No Project/No Action – Existing Ground Conditions, and Alternative 1B: No Project/No Action – General Plan Circulation Element Conditions

Alternatives 1A and 1B do not propose the construction and operation of any MCP project improvements. Therefore, Alternatives 1A and 1B would not use any land from the Multi-Use Prehistoric Site. Consistent with Code of Federal Regulations (CFR) 774.17, the term “use” as cited here means land permanently incorporated into the transportation facilities provided in the MCP Build Alternatives.

4.2.2 Use of the Multi-Use Prehistoric Site under the Build Alternatives

Table 4.1 indicates the amount of land that would be used from the Multi-Use Prehistoric Site under Alternatives 4 Modified, 5 Modified, and 9 Modified. The location of the prehistoric site, its relationship to the footprints/rights of way for the MCP Build Alternatives, and the use of land from that site under the Build Alternatives are not provided on a figure in this report in order to protect the site from unauthorized artifact collection or other possible damage. As shown in Table 4.1, each Build Alternative would result in the use of 2.6 ac or approximately 3.3 percent of the total 78.5 ac site. The entire site is considered eligible for the National Register.

Table 4.1: Use of the Multi-Use Prehistoric Site by the Build Alternatives

<table>
<thead>
<tr>
<th>P-33-16598 (CA-RIV-8712) Multi-Use Prehistoric Site</th>
<th>Each Build Alternative would use 2.6 ac from this 78.5 ac prehistoric site. This represents approximately 3.3 percent of the total area of this prehistoric site.</th>
</tr>
</thead>
</table>

ac = acres

In the Finding of Effect (November 2012), the Federal Highway Administration (FHWA) determined that the MCP Build Alternatives would result in a Finding of Adverse Effect on this site under Section 106 of the National Historic Preservation Act (36 CFR 800). The Finding of Adverse Effect was made by FHWA because the culturally affiliated Native American Tribes indicated during consultation that the Multi-Use Prehistoric Site as a whole is important and significant. The State Historic Preservation Officer (SHPO) concurred with the Finding of Adverse Effect on January 8, 2013.
As noted earlier, there would be no TCEs, other temporary uses or permanent easements outside the right-of-way limits for the Build Alternatives, including in the area of the Multi-Use Prehistoric Site. Therefore, no analysis of effects of temporary uses or permanent easements at the Multi-Use Prehistoric Site is necessary.

4.3 TEST FOR FEASIBLE AND PRUDENT AVOIDANCE ALTERNATIVES

As discussed earlier in this section, the three MCP Build Alternatives would each use land from the Multi-Use Prehistoric Site. Avoidance alternatives were developed for the use of land from that Section 4(f) property. Those avoidance alternatives were then evaluated to determine whether they were feasible and prudent.

The FHWA Section 4(f) regulations, codified at 23 CFR Part 774, define “feasible and prudent avoidance alternative” as follows:

(1) A feasible and prudent avoidance alternative avoids using Section 4(f) property and does not cause other severe problems of a magnitude that substantially outweighs the importance of protecting the Section 4(f) property. In assessing the importance of protecting the Section 4(f) property, it is appropriate to consider the relative value of the resource to the preservation purpose of the statute.

(2) An alternative is not feasible if it cannot be built as a matter of sound engineering judgment.

(3) An alternative is not prudent if:

   (i) It compromises the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need;

   (ii) It results in unacceptable safety or operational problems;

   (iii) After reasonable mitigation, it still causes:

       (A) Severe social, economic, or environmental impacts;
       (B) Severe disruption to established communities;
       (C) Severe disproportionate impacts to minority or low income populations; or
       (D) Severe impacts to environmental resources protected under other Federal statutes;

   (iv) It results in additional construction, maintenance, or operational costs of an extraordinary magnitude;

   (v) It causes other unique problems or unusual factors; or
(vi) It involves multiple factors in paragraphs (3)(i) through (3)(v) of this definition, that while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude.

All the MCP Build Alternatives have a common alignment in the vicinity of the Multi-Use Prehistoric Site, which uses the alignment of the existing Ramona Expressway. Specifically, the existing approximately 142-foot (ft) wide right of way for the four-lane Ramona Expressway would be widened to an approximately 220-foot (ft) wide right of way for the six-lane MCP. The MCP would replace the segment of the Ramona Expressway in this area. All the MCP Build Alternatives would impact the same approximately 2.6 ac in northernmost part of the Multi-Use Prehistoric Site. Those same 2.6 ac are also within the area in the Multi-Use Prehistoric Site impacted by the proposed The Villages of Lakeview (TVOL) Specific Plan.

The MCP Build Alternatives are aligned generally along the northern edge of the Multi-Use Prehistoric Site. That site borders approximately 2,200 ft of the southern edge of the existing Ramona Expressway and the proposed MCP project alignment. The Multi-Use Prehistoric Site extends approximately 5 mi south of the Ramona Expressway.

Several avoidance alternatives were developed and evaluated to assess whether they met the defined project purposes. Table 4.2 lists the project purposes and summarizes whether each avoidance alternative meets those defined purposes.

The avoidance alternatives were also evaluated regarding whether they meet the criteria in 23 CFR 774.17 for assessing if an alternative is feasible and prudent. Table 4.4, provided later in this section, lists those criteria and summarizes the ability of the avoidance alternatives to meet those criteria.

The avoidance alternatives were also evaluated to assess whether they would impact other Section 4(f) properties while avoiding impacts to the Multi-Use Prehistoric Site.

4.4 THE VILLAGES OF LAKEVIEW SPECIFIC PLAN

TVOL Specific Plan is the plan for an approximately 2,800 ac mixed-use development that was approved by the County of Riverside in February 2010 for an area generally west, north, and east of, and encompassing part of, the Multi-Use Prehistoric Site. The TVOL project site is south of and immediately adjacent to the alignments of the Ramona Expressway and the proposed MCP project. TVOL is described here because the boundary of the Specific Plan area overlies part of the Multi-Use Prehistoric Site, including the part of the site that would be impacted by the MCP project.

The TVOL Specific Plan proposed residential, commercial, retail, office, institutional (schools, parks, public, and civic facilities), and open space uses; and mixed use, trails, and infrastructure (roads). Approximately 1,000 ac were proposed to remain permanently in open space; that 1,000 ac includes approximately 47 ac within the boundary of the Multi-Use Prehistoric Site. The EIR for TVOL Specific Plan was certified by the County of Riverside in March 2010. On May 23, 2012, the approval of the Final EIR for TVOL Specific Plan was set aside by Riverside County Superior Court Judge Sharon Waters, who found that EIR did not adequately address regional traffic, air quality, greenhouse gas emissions, and habitat impacts.
Table 4.2: Ability of the Alternatives that Avoid the Multi-Use Site to Meet the Defined Project Purpose

<table>
<thead>
<tr>
<th>Avoidance Alternative</th>
<th>Provide Increased Capacity to Support the Forecasted Travel Demand for the 2040 Design Year</th>
<th>Provide a Limited Access Facility</th>
<th>Provide Roadway Geometrics to meet State Highway Design Standards</th>
<th>Accommodate Surface Transportation Assistance Act National Network Trucks</th>
<th>Provide a Facility that is Compatible with a Future Multimodal Transportation System</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternatives 1A and 1B: No Project/ No Action</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Avoidance Alternative 1: Minor Realignment to the North</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Avoidance Alternative 2: Substantial Realignment to the North</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Avoidance Alternative 3, Option A: Minor Realignment to the South</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Avoidance Alternative 3, Option B: Minor Realignment to the South</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Avoidance Alternative 4: Substantial Realignment to the South</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

As discussed earlier in Section 3.0, List and Description of Section 4(f) Properties, the Multi-Use Prehistoric Site covers 78.5 ac. TVOL Specific Plan designates approximately 47 ac within the boundary of the Multi-Use Prehistoric Site as permanent open space. That area contains the rock art and the highest surface-artifact density part of the Multi-Use Prehistoric Site. Construction of the Colorado River Aqueduct and the Inland Valley Feeder destroyed approximately 12.5 ac (16 percent) of the Multi-Use Prehistoric Site. The remaining 19 ac of the Multi-Use Prehistoric Site would be subject to direct impacts from grading for TVOL.

4.5 AVOIDANCE ALTERNATIVES FOR THE USE IMPACTS OF THE MCP
BUILD ALTERNATIVES AT THE MULTI-USE PREHISTORIC SITE

4.5.1 No Project/No Build Alternatives

Alternatives 1A No Project/No Build and 1B No Project/No Build would avoid the use of any land in the Multi-Use Prehistoric Site and, therefore, were evaluated as possible avoidance alternatives. Alternatives 1A No Project/No Build and 1B No Project/No Build are feasible in that the improvements included in those alternatives could be designed and constructed as a matter of sound engineering judgment. However, as shown in Table 4.2, those alternatives would not meet the defined project purpose because they would not provide capacity for 2040 traffic demand, and would not provide a facility that meets State highway design standards, accommodates the Surface Transportation Assistance Act network, or is compatible with a future multimodal transportation system. Because Alternatives 1A and 1B would not meet the defined project purpose, they would compromise the project to a degree that it would be unreasonable to proceed with the project in terms of its stated purpose. As described earlier in Section 4.3, an alternative is not prudent if it meets at least one of the criteria listed in 23 CFR 774.17. Because the No Project/No Build Alternatives would compromise the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need (one of the criterion at 23 CFR 774.17), no further analysis of criteria to assess whether those alternatives are prudent was conducted. Therefore, FHWA has preliminarily concluded that Alternatives 1A No Project/No Build and 1B No Project/No Build would not be prudent alternatives to avoid the use of land from the Multi-Use Prehistoric Site.

4.5.2 Build Alternatives to Avoid Use of the Multi-Use Prehistoric Site

The following build alternatives that would avoid the use of land from the Multi-Use Prehistoric Site were identified and evaluated to assess whether they are feasible and prudent alternatives to the proposed MCP project:

- Avoidance Alternative 1: Minor realignment to the north
- Avoidance Alternative 2: Substantial realignment to the north
- Avoidance Alternative 3: Minor realignments to the south (Options A and B)
- Avoidance Alternative 4: Substantial realignment to the south
The evaluation of these avoidance alternatives is provided in the following sections. Maps provided in this section do not show the boundary of the Multi-Use Prehistoric Site to protect that site from unauthorized artifact collecting and other vandalism.

All four of these avoidance alternatives were determined to be feasible in that the improvements included in those alternatives could be designed and constructed as a matter of sound engineering judgment. As described below, Avoidance Alternatives 2 and 4 would not meet the defined project purpose and would compromise the project to a degree that it is unreasonable to proceed with the project in terms of its stated purpose and need. As a result, further analysis of those alternatives was not conducted. Avoidance Alternatives 1 and 3 (with Options A and B) were determined to meet the project purpose such that the project would not be compromised in terms of its stated purpose and need. More detailed analysis of Avoidance Alternatives 1 and 3 (with Options A and B) is provided later in this section.

**Avoidance Alternative 2: Substantial Realignment to the North.** Avoidance Alternative 2 would avoid impacts to the Multi-Use Prehistoric Site by substantially realigning the MCP Build Alternatives to the north generally along the alignments of existing roads. Specifically, Avoidance Alternative 2 would shift the alignment of the MCP Build Alternatives well to the north, generally along State Route 79 (SR-79) and State Route 60 (SR-60), to avoid impacts to the Multi-Use Prehistoric Site as well as the San Jacinto Wildlife Area and the Lake Perris State Recreation Area, which is just west of the San Jacinto Wildlife Area. Avoidance Alternative 2 would be approximately 21.5 mile (mi) long, consisting of an approximately 10 mi long segment on SR-60 and an approximately 11.5 mi long segment on SR-79. Avoidance Alternative 2 would not provide increased capacity in an east-west corridor between SR-79 and Interstate 215 (I-215) to support the forecasted travel demand in a corridor between those two freeways for the 2040 design year. Although it is feasible and meets some of the project purposes as shown in Table 4.2, Avoidance Alternative 2 would compromise the project to a degree that it would be unreasonable to proceed with the project in terms of its stated purpose and need and, therefore, would not be a prudent alternative to the proposed project. Therefore, no further analysis of criteria to assess whether Avoidance Alternative 2 is prudent was conducted. As a result, although this avoidance alternative is feasible in that it could be constructed, FHWA has made a preliminary determination that Avoidance Alternative 2 is not a prudent alternative to avoid the use of land from the Multi-Use Prehistoric Site as defined by 23 CFR 774.17.

**Avoidance Alternative 4: Substantial Realignment to the South.** Avoidance Alternative 4 would avoid impacts to the Multi-Use Prehistoric Site by substantially realigning the MCP Build Alternatives to the south, generally along the alignments of existing roads. Specifically, Avoidance Alternative 4 would shift the alignment of the MCP Build Alternatives well to the south, generally along SR-79 and State Route 74 (SR-74), to avoid impacts to the Multi-Use Prehistoric Site. Avoidance Alternative 4 would not meet the project purpose to provide increased capacity to support the forecasted east-west travel demand for the 2040 design year in the project area. Specifically, Avoidance Alternative 4 would not provide a direct connection between Perris and San Jacinto because the western terminus at I-215 would require travelers to travel north on I-215 to access Perris, and the eastern terminus at SR-79 would require travelers to travel north on SR-79 to access San Jacinto. This would be a much more circuitous travel route and would not directly serve the
residential and employment land uses that would be served by the MCP project. Although it is feasible and meets some of the project purposes as shown in Table 4.2, Avoidance Alternative 4 would compromise the project to a degree that it would be unreasonable to proceed with the project in terms of its stated purpose and need and, therefore, would not be a prudent alternative to the proposed project. Therefore, no further analysis of criteria to assess whether Avoidance Alternative 4 is prudent was conducted. As a result, although this avoidance alternative is feasible in that it could be constructed, FHWA has made a preliminary determination that Avoidance Alternative 4 is not a prudent alternative to avoid the use of land from the Multi-Use Prehistoric Site as defined by 23 CFR 774.17.

Avoidance Alternative 1: Minor Realignment to the North. Avoidance Alternative 1 to avoid the Multi-Use Prehistoric Site would shift an approximately 2.5 mi long segment of the alignment of the Build Alternatives north a minimum of approximately 100 ft to avoid impacting the northernmost boundary of the Multi-Use Prehistoric Site. No detailed map showing this alignment and the boundary of the Multi-Use Prehistoric Site is provided in this report to protect that site from unauthorized artifact collecting, other disturbance, or vandalism. As shown in Table 4.2, Avoidance Alternative 1 would meet the project purposes. Avoidance Alternative 1 would result in environmental impacts greater than the Build Alternatives as shown in Table 4.3 and as discussed below:

- The realigned segment of the MCP Build Alternatives in Avoidance Alternative 1 would not use an approximately 1.0 mi long segment of the existing Ramona Expressway right of way which would result in that segment of the Expressway remaining as is, without logical connections to the overall transportation system.
- Avoidance Alternative 1 would require more right of way, at approximately 157 acres (ac), than the Build Alternatives at approximately 90 ac as shown in Table 4.3, and, as a result, would affect more non-transportation uses than the Build Alternatives.
- The acquisition of the additional right of way would increase the property acquisition costs for the project by an estimated $71.5 million, an increase of 33 to 39 percent in the total project right of way costs, depending on the MCP Build Alternative.
- Avoidance Alternative 1 would result in the use of substantially more land currently used for agriculture than the Build Alternatives as shown in Table 4.3.
- Avoidance Alternative 1 would result in the use of substantially more land designated as Agriculture in the Riverside County General Plan than the Build Alternatives as shown in Table 4.3.
- Avoidance Alternative 1 would result in the use of substantially more designated Farmlands (Prime Farmland, Farmland of Statewide Importance, and Farmland of Local Importance) and land under Williamson Act contracts than the Build Alternatives as shown in Table 4.3.
- Avoidance Alternative 1 would impact one California Department of Fish and Wildlife jurisdictional water not impacted by the Build Alternatives.
Table 4.3: Impacts of Avoidance Alternative 1

<table>
<thead>
<tr>
<th>Type of Impact</th>
<th>MCP Build Alternatives</th>
<th>Avoidance Alternative 1: Minor Realignment to the North</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total right of way needed for the realigned segment (including, as appropriate, segments of the existing Ramona Expressway right of way)</td>
<td>132.8 ac</td>
<td>184.2 ac</td>
</tr>
<tr>
<td>Effects on Existing Land Uses (excluding the existing Ramona Expressway right of way)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td>89.5 ac</td>
<td>154.8 ac</td>
</tr>
<tr>
<td>Commercial</td>
<td>0.3</td>
<td>0.1</td>
</tr>
<tr>
<td>Residential</td>
<td>0.4</td>
<td>2.1</td>
</tr>
<tr>
<td>Total Existing Land Uses</td>
<td>90.2</td>
<td>157.0</td>
</tr>
<tr>
<td>Effects on General Plan Designated Land Uses (excluding the existing Ramona Expressway right of way)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture (AG)</td>
<td>76.9 ac</td>
<td>155.4 ac</td>
</tr>
<tr>
<td>Commercial Retail (CR)</td>
<td>0.2</td>
<td>0.02</td>
</tr>
<tr>
<td>General Industrial (LI)</td>
<td>0.6</td>
<td>0.6</td>
</tr>
<tr>
<td>Very Low Density Residential - Rural Community (VLDR-RC)</td>
<td>12.2</td>
<td>0.5</td>
</tr>
<tr>
<td>Total</td>
<td>89.9</td>
<td>156.5</td>
</tr>
<tr>
<td>Effects on Western Riverside County MSHCP Criteria Areas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Criteria Areas</td>
<td>51.0 ac</td>
<td>91.2 ac</td>
</tr>
<tr>
<td>Effects on Designated Farmlands</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prime Farmland</td>
<td>34.8 ac</td>
<td>42.0 ac</td>
</tr>
<tr>
<td>Farmland of Statewide Importance</td>
<td>46.0</td>
<td>91.6</td>
</tr>
<tr>
<td>Farmland of Local Importance</td>
<td>6.6</td>
<td>19.5</td>
</tr>
<tr>
<td>Farmland under Williamson Act contracts</td>
<td>34.3</td>
<td>110.2</td>
</tr>
</tbody>
</table>


ac = acres

MCP = Mid County Parkway

MSHCP = Multi-Species Habitat Conservation Plan

• Avoidance Alternative 1 would result in the use of more land designated as Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Criteria Areas than the MCP Build Alternatives as shown in Table 4.3.

• Avoidance Alternative 1 would require the full acquisition of property occupied by four dairy operations on the north side of the Ramona Expressway that would not otherwise be impacted by the MCP Build Alternatives and the loss of approximately 90 jobs associated with those dairy operations. Refer to the discussion below for additional details regarding the effects of Avoidance Alternative 1 on these dairy operations.

• The dairy operations are located in unincorporated Riverside County. The Riverside County General Plan designates those properties as well as surrounding properties to the east and west for Agriculture. The permanent use of those properties for transportation and not agricultural uses will permanently reduce the amount of land in this area intended to be used for agricultural purposes in the long term as designated in the General Plan.

• Avoidance Alternative 1 would not impact other prehistoric sites in this part of the study area.

As noted above, Avoidance Alternative 1 would result in the full acquisition of ten parcels currently occupied by dairy operations. The primary issues associated with that effect of Avoidance Alternative 1 are:

1. Avoidance Alternative 1 would result in the use of more land designated as Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Criteria Areas than the MCP Build Alternatives as shown in Table 4.3.

2. Avoidance Alternative 1 would require the full acquisition of property occupied by four dairy operations on the north side of the Ramona Expressway that would not otherwise be impacted by the MCP Build Alternatives and the loss of approximately 90 jobs associated with those dairy operations. Refer to the discussion below for additional details regarding the effects of Avoidance Alternative 1 on these dairy operations.

3. The dairy operations are located in unincorporated Riverside County. The Riverside County General Plan designates those properties as well as surrounding properties to the east and west for Agriculture. The permanent use of those properties for transportation and not agricultural uses will permanently reduce the amount of land in this area intended to be used for agricultural purposes in the long term as designated in the General Plan.

4. Avoidance Alternative 1 would not impact other prehistoric sites in this part of the study area.
• Avoidance Alternative 1 would require the full acquisition of all ten parcels occupied by the four dairy operations because access to the parcels could not be maintained with partial acquisition of the properties.

• The acquisition of the dairy operations would increase right-of-way acquisition costs for the project by an estimated $71.5 million, an increase of 33 to 39 percent in the total project right-of-way costs, depending on the MCP Build Alternative.

• Relocation would be difficult because dairies are generally not considered desirable land uses in many areas based on the odors associated with dairy operations and the potential risks of soil and groundwater contamination associated with cattle waste products deposited on the ground. Many jurisdictions in southern California no longer allow dairy operations or require substantial measures to avoid or reduce odor and soil/groundwater contamination effects that can make dairy operations financially unattractive or infeasible. In addition, there are often environmental conditions such as limited access to water or high summer temperatures that reduce the attractiveness of areas for dairy operations. For example, the impacted dairy operations likely could not be relocated in Riverside, San Bernardino, or San Diego Counties for several reasons, primarily due to permitting and zoning constraints. They could not be relocated to Bakersfield because that City no longer accepts new dairy farms. The Imperial Valley has a small amount of availability, but is not very conducive to dairy farms relocating from Riverside County due to the slight increase in summer heat, which requires that the dairy operations install misters and other specialized equipment to accommodate the cows during the hot summer months.

• Dairy relocations from the southern California area to areas such as New Mexico and Texas have proven extremely challenging. The process is that the cows have to be loaded onto rail cars for the move with arrangements for them to be unloaded and fed, watered, and milked at least twice per day during the trip to their new home. In addition, because cows are very skittish when travelling, some will die, and many will either stop producing milk and/or have a very diminished production of milk that can last up to a year. Other side effects of moving cattle are pregnancy inability and injury during transport. Once at their final destination, the cows will need 24-hour personal supervision for several weeks as they get settled in their new location. The costs for these activities can be substantial and, because they are fully reimbursable under relocation laws, they can substantially increase the project right-of-way costs. The relocation costs for moving the cows to their new location can also include the costs for the loss of milk production.

• These particular dairy operations are estimated to provide approximately 90 good jobs that are held by documented legal workers. Those workers would lose their jobs if the dairies are removed and/or relocated outside the area. The workers would require retraining and could have difficulty finding other jobs in the area.

As summarized in Table 4.4, Avoidance Alternative 1 is not a prudent alternative to avoid impacts to the Multi-Use Prehistoric Site because it would adversely affect four dairy operations, including the potential loss of approximately 90 jobs from the area; would increase right-of-way acquisition costs by approximately $71.5 million; would result in greater impacts on existing and General Plan designated land uses not impacted by the MCP Build Alternatives; would result in the permanent removal of designated Farmlands; and would result in greater contributions to cumulative impacts than the Build Alternatives particularly related to effects on land use and farmlands. As a result, FHWA has made a preliminary determination that Avoidance Alternative 1 is not a prudent alternative to avoid the use of land from the Multi-Use Prehistoric Site as defined by 23 CFR 774.17.
### Table 4.4: Analysis of Feasible Avoidance Alternatives that Meet the Defined Project Purpose

<table>
<thead>
<tr>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Criteria to determine if the avoidance alternative is prudent</strong></td>
<td>Avoidance Alternative 1 would meet the defined project purpose and would not compromise the project to a degree that it is unreasonable to proceed with the project in terms of its stated purpose and need.</td>
<td>Avoidance Alternative 3, Option A, would meet the defined project purpose and would not compromise the project to a degree that it is unreasonable to proceed with the project in terms of its stated purpose and need.</td>
<td>Avoidance Alternative 3, Option B, would meet the defined project purpose and would not compromise the project to a degree that it is unreasonable to proceed with the project in terms of its stated purpose and need.</td>
</tr>
<tr>
<td>Avoidance Alternative 1 can be designed, constructed, and operated to existing standards and would not result in unacceptable safety or operational problems.</td>
<td>Avoidance Alternative 3, Option A, can be designed, constructed, and operated to existing standards and would not result in unacceptable safety or operational problems.</td>
<td>Avoidance Alternative 3, Option B, can be designed, constructed, and operated to existing standards and would not result in unacceptable safety or operational problems.</td>
<td></td>
</tr>
<tr>
<td><strong>After reasonable mitigation, the alternative still causes severe social, economic, or environmental impacts after reasonable mitigation.</strong></td>
<td>Avoidance Alternative 1 would result in the acquisition of dairy operations and the loss of the approximately 90 jobs at those dairy operations due to the difficulty in relocating dairy operations in this area. It would also impact General Plan designated Commercial Retail and Agriculture uses, and designated farmlands not impacted by the MCP Build Alternatives.</td>
<td>Based on the alignment through the Lake View Mountains, and the resulting greater right of way and land use impacts, Avoidance Alternative 3, Option A, would result in environmental impacts substantially greater than the MCP project alignment.</td>
<td>Based on the alignment through the Lake View Mountains, and the resulting greater amount of right of way and land use impacts, Avoidance Alternative 3, Option B, would result in environmental impacts substantially greater than the MCP project alignment.</td>
</tr>
<tr>
<td>This avoidance alternative causes severe disruption to established communities.</td>
<td>Based on the alignment through the Lake View Mountains, and the resulting greater amount of right of way and land use impacts, Avoidance Alternative 3, Option A, would result in disruption to existing and planned land uses and resulting environmental impacts substantially greater than the MCP project alignment.</td>
<td>Based on the alignment through the Lake View Mountains, and the resulting greater amount of right of way and land use impacts, Avoidance Alternative 3, Option B, would result in disruption to existing and planned land uses and resulting environmental impacts substantially greater than the MCP project alignment.</td>
<td>Based on the alignment through the Lake View Mountains, and the resulting greater amount of right of way and land use impacts, Avoidance Alternative 3, Option B, would result in disruption to existing and planned land uses and resulting environmental impacts substantially greater than the MCP project alignment.</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>This avoidance alternative causes severe disproportionate impacts to minority or low-income populations.</td>
<td>The acquisition of four dairy operations would result in the loss of the approximately 90 jobs associated with the dairies that would not be replaced in the area, which would adversely affect those workers.</td>
<td>Based on the alignment through the Lake View Mountains, and the resulting greater amount of right-of-way and land use impacts, Avoidance Alternative 3, Option A, would impact minority or low-income populations more than the MCP Build Alternatives.</td>
<td>Based on the alignment through the Lake View Mountains, and the resulting greater amount of right-of-way and land use impacts, Avoidance Alternative 3, Option B, would impact minority or low-income populations more than the MCP Build Alternatives.</td>
</tr>
<tr>
<td>This avoidance alternative causes severe impacts to environmental resources protected under other Federal statutes.</td>
<td>Avoidance Alternative 1 would result in greater impacts to designated farmlands than the alignments of the MCP Build Alternatives but would not result in substantially different or greater impacts to biological and other environmental resources protected under other federal statutes than the alignments of MCP Build Alternatives.</td>
<td>Based on the alignment through the Lake View Mountains, Avoidance Alternative 3, Option A, would result in greater impacts to biological resources (plant and animals and the habitats in which they occur) in MSHCP designated Critical Habitats compared to the MCP Build Alternatives.</td>
<td>Based on the alignment through the Lake View Mountains, Avoidance Alternative 3, Option B, would result in greater impacts to biological resources (plant and animals and the habitats in which they occur) in MSHCP designated Critical Habitats compared to the MCP Build Alternatives.</td>
</tr>
<tr>
<td>This avoidance alternative results in additional construction, maintenance, or operational costs of an extraordinary magnitude.</td>
<td>Avoidance Alternative 1 would result in a minimum increase of $71.5 million in right-of-way acquisition (an increase of approximately 33 to 39 percent, depending on the MCP Build Alternative) compared to the alignments of the MCP Build Alternatives.</td>
<td>Avoidance Alternative 3, Option A, would result in an increase of approximately $50 million in and construction costs (an increase of approximately 23 to 26 percent, depending on the MCP Build Alternative) compared to the alignments of the MCP Build Alternatives.</td>
<td>Avoidance Alternative 3, Option B, would result in an increase of approximately $39 million in construction costs (an increase of approximately 18 to 20 percent, depending on the MCP Build Alternative) compared to the alignments of the MCP Build Alternatives.</td>
</tr>
<tr>
<td>This avoidance alternative results in other unique problems or unusual factors.</td>
<td>Avoidance Alternative 1 would not result in unique problems or other unusual factors other than the difficulty in relocating the dairy operations.</td>
<td>Avoidance Alternative 3, Option A, would not result in unique problems or other unusual factors.</td>
<td>Avoidance Alternative 3, Option B, would not result in unique problems or other unusual factors.</td>
</tr>
<tr>
<td>This avoidance alternative results in effects under more than one of the criteria listed above that while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude.</td>
<td>Avoidance Alternative 1 would result in effects that would contribute to cumulative impacts appreciably different than the impacts that would occur under the alignments of the MCP Build Alternatives particularly related to land use impacts and</td>
<td>Based on the alignment through the Lake View Mountains, and the resulting greater amount of right-of-way and land use impacts, Avoidance Alternative 3, Option A, would contribute substantially more to cumulative impacts than the</td>
<td>Based on the alignment through the Lake View Mountains, and the resulting greater amount of right-of-way and land use impacts, Avoidance Alternative 3, Option B, would contribute substantially more to cumulative impacts than the</td>
</tr>
</tbody>
</table>
Table 4.4: Analysis of Feasible Avoidance Alternatives that Meet the Defined Project Purpose

<table>
<thead>
<tr>
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<tbody>
<tr>
<td></td>
<td>impacts on designated farmland.</td>
<td>cumulative impacts than the contribution under the alignments of the MCP Build Alternatives particularly related to biological resources.</td>
<td>contribution under the alignments of the MCP Build Alternatives particularly related to biological resources.</td>
</tr>
<tr>
<td>The avoidance alternative is prudent under the criteria in 23 CFR Part 774.17.</td>
<td>Avoidance Alternative 1 is not a prudent alternative to avoid the use of land in the Multi-Use Prehistoric Site because it would not use an approximately 1.0-mile-long segment of the existing Ramona Expressway, would adversely affect four dairy operations, would increase the project costs by approximately $71.5 million, would impact General Plan-designated Agricultural uses not impacted by the MCP Build Alternatives, and generally would contribute to greater cumulative impacts than the MCP Build Alternatives related to land use impacts and impacts to designated farmlands.</td>
<td>Because Avoidance Alternative 3, Option A, would not use an approximately 1.5-mile-long segment of the existing Ramona Expressway, would substantially increase the project costs, and would result in greater right-of-way and land use impacts, and contributions to cumulative impacts, it is not a prudent alternative to avoid the use of the Multi-Use Prehistoric Site.</td>
<td>Because Avoidance Alternative 3, Option B, would not use an approximately 1.5-mile-long segment of the existing Ramona Expressway, would substantially increase the project costs, and would result in greater right-of-way and land use impacts, and contributions to cumulative impacts, it is not a prudent alternative to avoid the use of the Multi-Use Prehistoric Site.</td>
</tr>
</tbody>
</table>

CFR = Code of Federal Regulations
MCP = Mid County Parkway
TVOL = The Villages of Lakeview

(1) Other Federal statutes that protect resources which were considered in this analysis are:

- Clean Water Act
- Endangered Species Act
- Farmland Protection Policy Act
- Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (Executive Order 12898)
- Floodplain Management (Executive Order 11988)
- Section 106 (Cultural resources)
Avoidance Alternative 3, Options A and B: Minor Realignments to the South. A 100 ft shift to the south in the alignment of the MCP Build Alternatives, similar to the northern shift in Avoidance Alternative 1 described above, was not considered because the boundary of the Multi-Use Prehistoric Site extends approximately 0.5 mi south of the Ramona Expressway and, as a result, that minor a realignment of the MCP Build Alternatives to the south would not avoid the use of land from, and could potentially use more land in, the Multi-Use Prehistoric Site.

Because the Multi-Use Prehistoric Site extends some distance south of the Ramona Expressway as noted above, full avoidance on a southern alignment would require shifting the alignment at least 0.5 mi south of the Ramona Expressway. Two options to avoid the Multi-Use Site by shifting the alignment approximately 0.5 mi to the south were considered for Avoidance Alternative 3: Options A and B. They are discussed in the following sections.

Option A for Avoidance Alternative 3. Option A would shift the alignment at least 0.5 mi south of the Ramona Expressway so that the alignment would cross this area south of the southernmost part of the Multi-Use Prehistoric Site. This would shift the alignment into the Lakeview Mountains. The realigned segment of the MCP project under Option A would be approximately 4.1 mi long. The effects of Option A are:

- The realigned segment of the MCP Build Alternatives in Option A would not use an approximately 1.5 mi long segment of the existing Ramona Expressway right of way; this would result in that segment of the Expressway remaining as is, without logical connections to the overall transportation system.
- Option A would require substantially more right of way, approximately 309 ac, than the MCP Build Alternatives and Option B as shown in Table 4.5.
- Option A would result in the acquisition of substantially more land currently used for agriculture, approximately 171 ac, than the MCP Build Alternatives and Option B as shown in Table 4.5, which would affect more non-transportation land uses than the Build Alternatives.
- Option A would affect more General Plan-designated land uses than the MCP Build Alternatives and Option B as shown in Table 4.5.
- Option A would impact a dairy operation on the south side of the Ramona Expressway near Pico Road not impacted by Option B or the proposed MCP alignment.
- Option A would result in the use of substantially more land designated as Western Riverside County MSHCP Criteria Areas, at approximately 165 ac, compared to the MCP Build Alternatives and Option B as shown in Table 4.5.
- Option A would impact four prehistoric sites not impacted by the MCP Build Alternatives.
- Option A would require construction in steep terrain for a distance of about 1.7 mi, which would increase the project construction costs by an estimated additional $50 million (per the cost estimates in the Draft Project Report [2012], which estimated the cost of construction in flat terrain at $55 million per mile and $97 million per mile in steep terrain).
Table 4.5: Impacts of Avoidance Alternative 3

<table>
<thead>
<tr>
<th>Type of Impact</th>
<th>MCP Build Alternatives</th>
<th>Avoidance Alternative 3, Option A: Realignment to the South</th>
<th>Avoidance Alternative 3, Option B: Realignment to the South</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>230.4 ac</td>
<td>309.0 ac</td>
<td>253.6 ac</td>
</tr>
</tbody>
</table>

**Effects on Existing Land Uses (excluding the existing Ramona Expressway right of way)**

<table>
<thead>
<tr>
<th>Type</th>
<th>MCP Build Alternatives</th>
<th>Avoidance Alternative 3, Option A: Realignment to the South</th>
<th>Avoidance Alternative 3, Option B: Realignment to the South</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>144.9</td>
<td>171.5</td>
<td>135.0</td>
</tr>
<tr>
<td>Commercial</td>
<td>0.1</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Open Space and Recreation</td>
<td>0.3</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Public Facilities</td>
<td>0.1</td>
<td>--</td>
<td>2.1</td>
</tr>
<tr>
<td>Residential</td>
<td>0.2</td>
<td>--</td>
<td>1.3</td>
</tr>
<tr>
<td>Vacant Land</td>
<td>6.3</td>
<td>121.9</td>
<td>101.8</td>
</tr>
<tr>
<td>Total Existing Land Uses</td>
<td>152.0</td>
<td>293.4</td>
<td>240.1</td>
</tr>
</tbody>
</table>

**Effects on General Plan Designated Land Uses (excluding the existing Ramona Expressway right of way)**

<table>
<thead>
<tr>
<th>Type</th>
<th>MCP Build Alternatives</th>
<th>Avoidance Alternative 3, Option A: Realignment to the South</th>
<th>Avoidance Alternative 3, Option B: Realignment to the South</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture (AG)</td>
<td>69.0</td>
<td>64.0</td>
<td>90.0</td>
</tr>
<tr>
<td>Commercial Retail (CR)</td>
<td>--</td>
<td>--</td>
<td>0.1</td>
</tr>
<tr>
<td>Low Density Residential (LDR)</td>
<td>--</td>
<td>14.0</td>
<td>--</td>
</tr>
<tr>
<td>General Industrial (LI)</td>
<td>89.0</td>
<td>35.5</td>
<td>49.1</td>
</tr>
<tr>
<td>Medium Density Residential (MDR)</td>
<td>--</td>
<td>0.5</td>
<td>--</td>
</tr>
<tr>
<td>Conservation (OS-C)</td>
<td>66.0</td>
<td>6.1</td>
<td>--</td>
</tr>
<tr>
<td>Open Space Recreation (OS-R)</td>
<td>22.7</td>
<td>53.4</td>
<td>0.38</td>
</tr>
<tr>
<td>Rural Mountainous (RM)</td>
<td>1.4</td>
<td>30.6</td>
<td>--</td>
</tr>
<tr>
<td>Rural Residential (RR)</td>
<td>0.4</td>
<td>0.4</td>
<td>--</td>
</tr>
<tr>
<td>Very Low Density Residential (VLDR)</td>
<td>4.1</td>
<td>5.8</td>
<td>--</td>
</tr>
<tr>
<td>Very Low Density Residential - Rural Community (VLDR-RC)</td>
<td>40.9</td>
<td>29.1</td>
<td>12.4</td>
</tr>
<tr>
<td>Total</td>
<td>293.4</td>
<td>239.4</td>
<td>152.0</td>
</tr>
</tbody>
</table>

**Effects on Western Riverside County MSHCP Criteria Areas**

<table>
<thead>
<tr>
<th>Type</th>
<th>MCP Build Alternatives</th>
<th>Avoidance Alternative 3, Option A: Realignment to the South</th>
<th>Avoidance Alternative 3, Option B: Realignment to the South</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criteria Areas</td>
<td>81.4 ac</td>
<td>165.8 ac</td>
<td>115.9 ac</td>
</tr>
</tbody>
</table>


ac = acres
MCP = Mid County Parkway
MSHCP = Multi-Species Habitat Conservation Plan

- Option A would impact a dairy operation on the south side of the Ramona Expressway near Pico Road.
- Option A would require two additional crossings of the Metropolitan Water District of Southern California (Metropolitan) Colorado River Aqueduct (CRA), with a fill section of 100 ft in height at one location and at the Park Center MCP service interchange at the other location. The CRA is an old pipe; crossing this pipeline will require coordination with, and an easement from, Metropolitan. Additional loading on the pipe would put additional stress strain on the pipe and is very undesirable from Metropolitan’s point of view. Additional analysis and coordination with Metropolitan would be required to get approval of these crossings, requiring a slab on grade or a bridge over the pipe to lessen or fully reduce the load on top of the pipe. Metropolitan prefers if there is going to be a crossing that the crossing be at a point location, perpendicular to the pipe and at grade to reduce load as much as possible.
• Option A would be at a 23 degree angle at the fill location and have three points of crossing at the Park Center MCP interchange location, one for the mainline MCP, and two for the eastbound on- and off-ramps.

• Option A would result in a cut section with a maximum height of 344 ft and a maximum width of 1,015 ft, and a fill section of a maximum 100 ft high and 777 ft wide. The MCP Build Alternatives do not have any cut sections along this segment and have a fill section of a maximum of 22 ft high with a width of 264 ft.

• Option A would result in additional visual impacts as a result of substantial grading in the Lake View Mountains.

• Option A would not serve the planned residential and employment growth in the San Jacinto Valley area (i.e., there are no connecting roads in this area that would enable the public to access the MCP facility); Park Center Drive would need to be extended to the south to provide a connection to the facility with an interchange located where the MCP crosses the Metropolitan CRA.

As summarized in Table 4.4, because Avoidance Alternative 3, Option A, would substantially increase the project costs, and could result in substantially greater right-of-way and land use impacts, and contributions to cumulative impacts compared to the MCP Build Alternatives, it is not a prudent alternative to avoid the use of the Multi-Use Prehistoric Site. As a result, FHWA has made a preliminary determination that Avoidance Alternative 3, Option A, is not a prudent alternative to avoid the use of land from the Multi-Use Prehistoric Site as defined by 23 CFR 774.17.

**Option B for Avoidance Alternative 3.** Option B would shift the alignment at least 0.6 mi south of the Ramona Expressway so that the alignment would cross this area south of the southernmost part of the Multi-Use Prehistoric Site and would avoid impacting the dairy operation at the Ramona Expressway and Pico Road. Similar to Option A, this would shift the alignment into the Lakeview Mountains. The effects of Option B are:

• The realigned segment of the MCP Build Alternatives in Option B would not use an approximately 1.5 mi long segment of the existing Ramona Expressway right of way; this would result in that segment of the Expressway remaining as is, without logical connections to the overall transportation system.

• Option A would require slightly more right of way, approximately 253 ac, than the MCP Build Alternatives and less than Option A as shown in Table 4.4, and would impact more non-transportation land uses than the Build Alternatives.

• Option B would require less land currently used for agriculture, approximately 134 ac, than both the MCP Build Alternatives and Option A as shown in Table 4.4.

• Option B would affect more General Plan designated land uses than the MCP Build Alternatives and less than Option A as shown in Table 4.4.

• Option B would result in the use of less land designated as Western Riverside County MSHCP Criteria Areas, at approximately 115 ac, than Option A but more than the MCP Build Alternatives and Option B as shown in Table 4.4.
• Option B would not impact the dairy operation on the south side of the Ramona Expressway near Pico Road that would be impacted by Option A.

• Option B would impact one prehistoric site not impacted by the MCP Build Alternatives.

• Option B would require construction in steep terrain for a distance of about 1.2 mi, which would increase the project construction costs by an estimated additional $39 million (per the cost estimates in the Draft Project Report [2012], which estimated the cost of construction in flat terrain at $55 million per mile and $97 million per mile in steep terrain).

• Option B would require two additional crossings of the Metropolitan CRA, with a fill section of 54 ft in height at one location and at the Park Center/MCP service interchange at the other location. As discussed earlier, the CRA is an old pipe; crossing this pipeline will require coordination with, and an easement from, Metropolitan. Additional loading on the pipe would put additional stress strain on the pipe and is very undesirable from Metropolitan’s point of view. Additional analysis and coordination with Metropolitan would be required to get approval of these crossings, requiring a slab on grade or a bridge over the pipe to lessen or fully reduce the load on top of the pipe. Metropolitan prefers, if there is going to be a crossing, that the crossing be at a point location, perpendicular to the pipe and at grade to reduce load as much as possible. Option B would be at a 43.3 degree angle at the fill location and have three points of crossings, at the Park Center MCP interchange location, one for the mainline MCP, and two for the eastbound on- and off-ramps.

• Option B would result in a cut section with a maximum height of 152 ft and a maximum width of 730 ft, and a fill section of a maximum 60 ft high and 471 ft wide. The MCP build alternatives do not have any cut sections in this same stretch and have a fill section of a maximum of 22 ft high with a width of 264 ft.

• Option B would result in additional visual impacts as a result of substantial grading in the Lake View Mountains.

• Option B would not serve the planned residential and employment growth in the San Jacinto Valley area (i.e., there are no connecting roads in this area that would enable the public to access the MCP facility); Park Center Drive would need to be extended to the south to provide a connection to the facility with an interchange located where the MCP crosses the Metropolitan CRA.

As summarized in Table 4.4, because Avoidance Alternative 3, Option B, would substantially increase the project costs, and would result in substantially greater right-of-way and land use impacts, and contributions to cumulative impacts compared to the MCP Build Alternatives, it is not a prudent alternative to avoid the use of the Multi-Use Prehistoric Site. As a result, FHWA has made a preliminary determination that Avoidance Alternative 3, Option B, is not a prudent alternative to avoid the use of land from the Multi-Use Prehistoric Site as defined by 23 CFR 774.17.

4.6 SUMMARY OF CONSIDERATION OF FEASIBLE AND PRUDENT ALTERNATIVES

In summary, although there are feasible alternatives to avoid the use of land from the Multi-Use Prehistoric Site by the MCP Build Alternatives, as discussed above, FHWA has preliminarily concluded that none of those avoidance alternatives is prudent. FHWA has also preliminarily
determined that although Alternatives 1A No Project/No Build and 1B No Project/No Build, and Avoidance Alternatives 1, 2, 3 (with Options A and B), 4, and 5 are feasible, they would not be prudent alternatives to avoid the use of land from the Multi-Use Prehistoric Site. As discussed later in Section 5.3.4, Summary of Consideration of Feasible and Prudent Alternatives, although there are feasible avoidance alternatives that could be built, FHWA has preliminarily determined that Alternatives 1A No Project/No Build and 1B No Project/No Build, and Avoidance Alternative 1 would not be prudent alternatives to avoid the use of land from Sites P-33-19862, P-33-19864, and P-33-19866.

As a result, FHWA has preliminarily determined that there is not a feasible and prudent alternative to avoid the use of any and all Section 4(f) properties.

4.7 MEMORANDUM OF AGREEMENT

Based on the Findings of Effect (November 2012), FHWA determined that the MCP Build Alternatives would have an adverse effect on the Multi-Use Prehistoric Site as a result of the permanent use of 2.6 ac of land within this site. The SHPO concurred on this determination on January 8, 2013. FHWA, Caltrans, the SHPO, and interested Native American Tribes are now involved in a consultation process to identify and develop measures to minimize and mitigate the effects of that permanent use of land in the Multi-Use Prehistoric District by the MCP project. As the local project sponsor, RCTC is also participating in the ongoing consultation regarding measures to address the project effects at the Multi-Use Prehistoric Site.

The ongoing consultation will lead to a Memorandum of Agreement (MOA) among FHWA, SHPO, Caltrans, and interested Native American Tribes. The MOA will include a Discovery and Monitoring Plan (DMP) specific to the MCP project and its effects on the Multi-Use Prehistoric Site.

In addition to the DMP, the final MOA will include a Mid County Parkway Burial Treatment Agreement (Burial Treatment Agreement). Similar to the DMP and the MOA, that Burial Treatment Agreement will be developed as part of the ongoing consultation among FHWA, SHPO, Caltrans, interested Native American Tribes, and RCTC.

The MOA, including the final DMP and the Burial Treatment Agreement, must be executed prior to the completion of the Final EIS for the MCP project.

Because the MOA and DMP are in progress and no executed MOA and final DMP are available, preliminary measures from the preliminary draft MOA and DMP that would minimize harm to the Multi-Use Prehistoric Site are provided in this report. Those measures reflect standard professional practices and will be refined and potentially expanded as part of the ongoing consultation among FHWA, SHPO, Caltrans, the interested Native American Tribes, and RCTC.

The measures included in the executed MOA and final DMP will be included in the final Section 4(f) documentation and the Final EIS for the MCP project.
4.8 PRELIMINARY MEASURES TO MINIMIZE HARM AT THE MULTI-USE PREHISTORIC SITE

As discussed above, measures to address the effect of the use of 2.6 ac in the Multi-Use Prehistoric Site by the MCP project Build Alternatives are currently being developed as part of the consultation for the MOA and DMP. The measures provided below are preliminary and are expected to be refined and potentially expanded as part of the ongoing consultation among FHWA, SHPO, Caltrans, interested Native American Tribes, and RCTC.

4.8.1 Preliminary Measure: Preparation of a Draft DMP

Prior to the completion of the Final EIS, FHWA, Caltrans, SHPO, interested Native American tribes, and RCTC will prepare a DMP, which will be included in the executed MOA. The DMP will establish the procedures for archaeological resource surveillance and for temporarily halting or redirecting work to permit identification, sampling, and evaluation of archaeological resources discovered during construction. At a minimum, the DMP will:

- Require at least one qualified archaeological monitor, under the supervision of a person or persons meeting the following qualifications, to be present during construction activities at each construction locale situated in native soils:
  - Professional Qualifications. The FHWA will ensure that all historic preservation work carried out pursuant to the MOA is completed by or under the direct supervision of person or persons meeting at a minimum the Secretary of Interior’s Standards Professionally Qualified Standards (48 Federal Register [FR] 44738-447-39, September 29, 1983) (PQS) in the appropriate disciplines. However, nothing in this definition may be interpreted to preclude any agent or contractor thereof from using the properly supervised services of persons who do not meet the PQS.

- Require at least one Native American monitor to be present during construction activities in native soils. It is recommended that the Native American monitor(s) meet the draft Guidelines for Native American Monitors/Consultants provided by the Native American Heritage Commission (NAHC).

- Require the archaeologist and tribal monitor to be present at the pre-grading conference to explain the established procedures in the DMP to the RCTC-contracted construction manager, Resident Engineer, the construction contractor Project Manager, Project Engineers, and all construction supervisors.

- Require that the Resident Engineer provide the archaeologist with a weekly schedule of all construction activities planned for the following week. The archaeologist will be provided with site and grading development drawings, and any staging area locations. For safety purposes, prior to entering the construction site, the archaeologist will meet and confer with the Resident Engineer.

- Require that the part of National Register-eligible Site 33-16598 within the area of direct impacts be excavated using a controlled grading methodology in order to maximize the potential recovery of artifacts considered sacred by the Tribes.
• Establish a protocol for the discovery of new archaeological resources that at a minimum grants the archaeologist the authority to halt ground-disturbing activities in the immediate area of the find until the requirements of the approved plan have been carried out.

• Require that the following protocol for the unanticipated discovery of human remains be followed. If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner shall be contacted. Pursuant to Public Resources Code (PRC) Section 5097.98 and California Code of Regulations (CCR) Section 15064.5, if the remains are thought to be Native American, the coroner will notify the NAHC who will then notify the Most Likely Descendant (MLD). At this time, the person who discovered the remains will contact Caltrans’ District Environmental Branch Chief or the District Native American Coordinator so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable.

• FHWA shall implement the plan of action entitled “Mid County Parkway Burial Treatment Agreement,” regarding the management and disposition of Native American cultural items.

• Require that RCTC Resident Engineer or Project Manager electronically provide monthly archaeological monitoring status updates to the Signatories and Consulting Parties of the MOA.

• Require the preparation of final archaeological monitoring report meeting the following standards:
  
  o **Documentation Standards.** FHWA will ensure that all final archaeological reports resulting from actions pursuant to the MOA are designed to meet the requirements of reporting archaeological investigations as required under 36 CFR Part 800, are responsive to contemporary professional standards, and are in accordance with the Section 106 Programmatic Agreement (PA) and the Caltrans *Standard Environmental Handbook, Volume 2, Cultural Resources*.

  o **Curation and Curation Standards.** Establish a curation facility for collected archaeological material as required by the following:
    
    − The disposition arrangements will be agreed to prior to initiating any data recovery and construction monitoring efforts.
    
    − After repatriation in accordance with the Mid County Parkway Burial Treatment Agreement, FHWA will ensure that all recovered materials and associated documentation (e.g., field notes, map, drawings, photographs, etc.) resulting from construction monitoring as provided for in the MOA are curated by an institution meeting or exceeding the standards set forth in 36 CFR Part 79, in accordance with 36 CFR Part 79.

### 4.8.2 Preliminary Measure: Preparation of the Final DMP

Caltrans and RCTC will submit the draft DMP to the signatories to the MOA for review and comment. Copies of all comments received will be provided to FHWA.

Non-Signatory Parties to this agreement may review and comment on the DMP at their discretion. Caltrans and RCTC will consider all comments within 15 calendar days of receipt to conclude
consultation on any issues stemming from the comments and before final approval of the DMP. The DMP will be finalized prior to the completion of the Final EIS.

4.8.3 Preliminary Measure: Ongoing Native American Consultation

Native American Tribes shall be consulted throughout construction monitoring in regards to any known historic properties or the discovery of any unanticipated historic properties affected by the MCP project. Consultation with Native American Tribes will continue until the construction of the MCP project has been completed and all stipulations of the MOA are fulfilled.

4.8.4 Preliminary Measure: Discoveries and Unanticipated Effects

If FHWA, Caltrans, and/or RCTC determine after construction has commenced, that the MCP Project will affect a previously unidentified property that may be eligible for inclusion in the National Register or affect a known historic property in an unanticipated manner, Caltrans and RCTC will address the discovery or unanticipated effect in accordance with the protocols established as part of the ongoing consultation with FHWA, Caltrans, SHPO, interested Native American Tribes, and RCTC during the preparation of the MOA, the final DMP, and the Mid County Parkway Burial Treatment Agreement.
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5.0 SITES P-33-19862, P-33-19863, P-33-19864, AND P-33-19866

5.1 INTRODUCTION

This section discusses the following:

- The potential use and temporary occupancy of the MCP Mid County Parkway (MCP) Build Alternatives on Sites P-33-19862 (CA-RIV-10108), P-33-19863 (CA-RIV-10109), P-33-19864 (CA-RIV-10110), and P-33-19866 (CA-RIV-10112) (also referred to in this section as the four Sites). The four Sites are discussed together because they are located generally along the same segment of the MCP Build Alternatives and, as a result, the project effects on one site would be the same as on the other three sites and consideration of avoidance of one site would include consideration of avoidance of the other three sites.

- The identification and evaluation of possible feasible and prudent alternatives to avoid the permanent incorporation of land from these four Sites into the MCP Build Alternatives.

- The development of measures to minimize harm to these four Sites by the MCP Build Alternatives.

The locations of these Sites are not shown in this Revised Draft Section 4(f) Evaluation to protect them from unauthorized artifact collecting, vandalism, and other disturbances.

These Section 4(f) properties were evaluated to assess the amount of land that would be used from these resources by the MCP Build Alternatives. This was evaluated based on overlaying the alternative footprints/right-of-way limits on the geographical information system (GIS) mapping of the boundaries of these four Sites, and the total area anticipated to be used by each alternative at these resources was calculated.

The project footprint/right of way was defined to include the permanent right of way needed for each MCP Build Alternative and the areas anticipated to be disturbed during construction of those alternatives. As a result, the project footprint/right of way includes all the land that will be permanently incorporated into the transportation facility. No temporary construction easements (TCEs) or other temporary uses of land outside the defined footprint/right of way are anticipated at these four Sites. As a result, no temporary occupancy for temporary construction staging areas or easements will occur at those resources. Therefore, no evaluation of temporary use of land from these Section 4(f) properties was required.

The MCP Build Alternatives will not include any permanent surface, subsurface, or aerial easements at these four Sites. Therefore, no evaluation of permanent easements at these Section 4(f) properties was required.
5.2 USE OF SITES P-33-19862, P-33-19863, P-33-19864, AND P-33-19866

Neither of the MCP design variations described in Chapter 2.0 is adjacent to these four Sites. As a result, discussions of and citations to Alternatives 4 Modified, 5 Modified, and/or 9 Modified or to the MCP Build Alternatives regarding use effects at these four Sites under Section 4(f) should be interpreted to mean any of those alternatives with the base case and/or either or both of the design variations.

5.2.1 Use of Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866 under Alternative 1A: No Project/No Action – Existing Ground Conditions, and Alternative 1B: No Project/No Action – General Plan Circulation Element Conditions

Alternatives 1A and 1B do not propose the construction and operation of any MCP project improvements. Therefore, Alternatives 1A and 1B would not use any land occupied by Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866.

5.2.2 Use of Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866 under the Build Alternatives

Based on review of the project plans, the land occupied by each of these four Sites would be used (permanently incorporated into the transportation facilities) by Alternatives 4 Modified, 5 Modified, and 9 Modified. The locations of these Sites, their relationships to the footprints/rights of way for the MCP Build Alternatives, and the use of land from those Sites under the Build Alternatives are considered confidential and therefore are not provided on a figure in this report.

In its Findings of Effect (November 2012), the FHWA determined that the MCP Build Alternatives would result in a finding of Adverse Effect on these four Sites under Section 106 of the National Historic Preservation Act (36 CFR 800). The finding of Adverse Effect was made by FHWA because culturally affiliated Tribes indicated during consultation that these four sites are considered culturally significant. The State Historic Preservation Officer (SHPO) concurred with the Finding of Adverse Effect on January 8, 2013.

As noted earlier, there would be no TCEs or other temporary uses outside the right-of-way limits for the Build Alternatives, including in the area of these four Sites. Therefore, no analysis of effects of such temporary uses at these Sites is necessary.

5.3 AVOIDANCE ALTERNATIVES

5.3.1 Test for Feasible and Prudent Avoidance Alternatives

As discussed above, the three MCP Build Alternatives would each use (permanently incorporate into the transportation facilities) the land occupied by Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866. Avoidance alternatives were developed for the use of land from those Section 4(f) properties. Those avoidance alternatives were then evaluated to determine whether they were feasible and prudent. Refer to Section 4.3, Test for Feasible and Prudent Alternatives, for discussion regarding the definition of “feasible and prudent avoidance alternative” and the process to develop and evaluate
alternatives to avoid the permanent use of the land occupied by Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866. As noted earlier, these four Sites are discussed together because they are located generally along the same segment of the MCP Build Alternatives and the project effects on one site would be the same as on the other three sites and consideration of avoidance of one site would include consideration of avoidance of the other three sites.

Two avoidance alternatives were developed and evaluated to assess whether they met the defined project purposes. Table 5.1 lists the project purposes and summarizes whether each avoidance alternative meets those defined purposes.

The avoidance alternatives were also evaluated regarding whether they meet the criteria in 23 Code of Federal Regulations (CFR 774.17) for assessing if an alternative is feasible and prudent.

The avoidance alternatives were also evaluated to assess whether they would impact other Section 4(f) properties while avoiding impacts to these four Sites. A northerly avoidance alternative was not evaluated because such an alternative would impact known Section 4(f) properties, including National Register eligible prehistoric sites and the Lake Perris State Recreation Area.

5.3.2 Avoidance Alternatives for the Use Impacts of the MCP Build Alternatives at Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866

No Project/No Build Alternatives. Alternatives 1A No Project/No Build and 1B No Project/No Build would avoid the use of any land occupied by Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866 and, therefore, were evaluated as possible avoidance alternatives.

Alternatives 1A No Project/No Build and 1B No Project/No Build are feasible in that the improvements included in those alternatives could be designed and constructed as a matter of sound engineering judgment. However, as shown in Table 5.1, those alternatives would not meet the defined project purpose because they would not provide capacity for 2040 traffic demand, and would not provide a facility that meets State highway design standards, accommodates the Surface Transportation Assistance Act network, or is compatible with a future multimodal transportation system. Because Alternatives 1A and 1B would not meet the defined project purpose, they would compromise the project to a degree that it would be unreasonable to proceed with the project in terms of its stated purpose. As described earlier in Section 4.3, an alternative is not prudent if it meets at least one of the criteria listed in 23 CFR 774.17. Because the No Project/No Build Alternatives would compromise the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need (one of the criterion at 23 CFR 774.17), no further analysis of criteria to assess whether those alternatives are prudent was conducted. Therefore, FHWA has preliminarily concluded that Alternatives 1A No Project/No Build and 1B No Project/No Build would not be prudent alternatives to avoid the use of land from Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866.
Table 5.1: Ability of the Alternatives that Avoid Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866 to Meet the Defined Project Purpose

<table>
<thead>
<tr>
<th>Avoidance Alternative</th>
<th>Provide Increased Capacity to Support the Forecasted Travel Demand for the 2040 Design Year</th>
<th>Provide a Limited Access Facility</th>
<th>Provide Roadway Geometrics to meet State Highway Design Standards</th>
<th>Accommodate Surface Transportation Assistance Act National Network Trucks</th>
<th>Provide a Facility that is Compatible with a Future Multimodal Transportation System</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternatives 1A and 1B: No Project/No Action</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Avoidance Alternative 1: Substantial Realignment to the South</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

5.3.3  Avoidance Alternative 1, Substantial Shift to the South, to Avoid the Use of Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866

Avoidance Alternative 1 would avoid the use of land occupied by Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866 by shifting the alignment south of the alignment of Alternative 5 Modified, 6, Modified, and 9 Modified, as shown on Figure 5.1. Figures provided in this section do not show the locations or boundaries of Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866 to protect those sites from unauthorized artifact collecting and other vandalism.

Avoidance Alternative 1 was determined to be feasible in that the improvements included in that alternative could be designed and constructed as a matter of sound engineering judgment.

As shown on Figure 5.1, Avoidance Alternative 1 would shift the alignment of the Build Alternatives south from I-215 to just east of Lake Perris. Avoidance Alternative 1 would start at I-215, approximately 1 mile (mi) south of the Alternative 9 Modified Alignment and would extend east across the City of Perris, turning north, west of the San Jacinto River, and joining the alignment of the MCP Build Alternatives southeast of Lake Perris. Avoidance Alternative 1 between I-215 and the point in which it joins the alignment of the MCP Build Alternatives southeast of Lake Perris is approximately 6.9 mi long. This Avoidance Alternative alignment is longer than the alignments of Alternatives 5 Modified and 9 Modified (5.6 and 5.9 mi, respectively) for the same segment and shorter than that segment under Alternative 4 Modified (7.4 mi). As shown in Table 5.1, Avoidance Alternative 1 would meet the project purposes.

As shown in Table 5.2 and on Figure 5.2, Avoidance Alternative 1 would result in severe social, economic, and environmental impacts as a result of the acquisition of approximately 550 homes generally along the western segment of this Avoidance Alternative and the disruption of existing land uses along its alignment. This alternative would result in severe disruption to established communities based on the acquisition of the homes and its alignment through a developed area. The acquisition of the affected homes could increase the project right of way costs by an estimated $83 million. (This represents a 39 to 43 percent increase in the project right of way costs depending on the MCP Build Alternatives.)

As shown on Figure 5.3, shifting the alignment south for Avoidance Alternative 1 would result in substantially greater impacts to Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Criteria Areas compared to the MCP Build Alternatives.

As shown on Figure 5.4, Avoidance Alternative 1 would impact a substantially larger area in approved Specific Plans with residential, open space, and commercial uses, compared to the MCP Build Alternatives. Avoidance Alternative 1 would bisect the northern part of a large Specific Plan area and would also require the acquisition of substantially more land in that Specific Plan area than the MCP Build Alternatives as shown on Figure 5.4.

As shown on Figure 5.5, Avoidance Alternative 1 would impact substantially more designated Farmlands than the MCP Build Alternatives, particularly along the eastern segment of the alignment. This would include impacts to Prime Farmland and Farmland of Local Importance.

Avoidance Alternative 1 would avoid the use of land from the four Sites and would also avoid the use of land from Perris High School and Copper Creek Park.
Table 5.2: Analysis of a Feasible Avoidance Alternative that Meets the Defined Project Purpose

<table>
<thead>
<tr>
<th>Criteria from 23 CFR Part 774.17</th>
<th>Avoidance Alternative 1: Substantial Realignment to the South</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Criteria to determine if the avoidance alternative is prudent</strong></td>
<td><strong>Avoidance Alternative 1 would meet the defined project purpose and would not compromise the project to a degree that it is unreasonable to proceed with the project in terms of its stated purpose and need.</strong></td>
</tr>
<tr>
<td>The avoidance alternative compromises the project to a degree that it is unreasonable to proceed with the project in terms of its stated purpose and need; refer also to Table 5.1 for evaluation of the ability of the alternatives to meet the defined project purpose.</td>
<td></td>
</tr>
<tr>
<td>The avoidance alternative results in unacceptable safety or operational problems.</td>
<td><strong>Avoidance Alternative 1 can be designed, constructed, and operated to existing standards and would not result in unacceptable safety or operational problems.</strong></td>
</tr>
<tr>
<td><strong>After reasonable mitigation, does the alternative still cause:</strong></td>
<td><strong>Avoidance Alternative 1 would result in the acquisition of approximately 550 more homes than under the MCP Build Alternatives and would disrupt more existing and Specific Plan land uses on its alignment than by the MCP Build Alternatives. This would result in substantial social, economic, and environmental impacts on the residents in those homes and in the City of Perris overall which would be substantially greater than the effects of the MCP Build Alternatives in this area. In addition, the alignment of Avoidance Alternative 1 would impact more land in designated Western Riverside County MSHCP Criteria Areas than the Build Alternatives.</strong></td>
</tr>
<tr>
<td>This avoidance alternative causes severe social, economic, or environmental impacts after reasonable mitigation.</td>
<td><strong>As shown on Figure 5.1, the alignment of Avoidance Alternative 1 would disrupt existing developed areas in the City of Perris generally between I-215 and the Perris Storm Drain, including the removal of approximately 550 homes, which would be substantially greater than the effects of the MCP Build Alternatives on established communities.</strong></td>
</tr>
<tr>
<td>This avoidance alternative causes severe disruption to established communities after reasonable mitigation.</td>
<td><strong>Based on the acquisition of approximately 550 homes, the disruption of existing land uses along its alignment and the high percentage of low income and minority populations within the affected census tracts, Avoidance Alternative 1 would result in severe disproportionate impacts to minority of low-income populations.</strong></td>
</tr>
<tr>
<td>This avoidance alternative causes severe disproportionate impacts to minority or low-income populations after reasonable mitigation.</td>
<td><strong>Because of its close proximity to the San Jacinto River, Avoidance Alternative 1 would result in greater impacts to biological resources (animals and plants and the habitats in which they occur in MSHCP designated Critical Habitats) protected under other federal statutes, and would impact more designated Farmland than the Build Alternatives.</strong></td>
</tr>
<tr>
<td>This avoidance alternative causes severe impacts to environmental resources protected under other Federal statutes after reasonable mitigation.</td>
<td><strong>Avoidance Alternative 1 would result in the acquisition of approximately 550 more homes than under the MCP Build Alternatives and would disrupt more existing and Specific Plan land uses on its alignment than by the MCP Build Alternatives. This would result in substantial social, economic, and environmental impacts on the residents in those homes and in the City of Perris overall which would be substantially greater than the effects of the MCP Build Alternatives in this area. In addition, the alignment of Avoidance Alternative 1 would impact more land in designated Western Riverside County MSHCP Criteria Areas than the Build Alternatives.</strong></td>
</tr>
</tbody>
</table>
Table 5.2: Analysis of a Feasible Avoidance Alternative that Meets the Defined Project Purpose

<table>
<thead>
<tr>
<th>Criteria from 23 CFR Part 774.17</th>
<th>Avoidance Alternative 1: Substantial Realignment to the South</th>
</tr>
</thead>
<tbody>
<tr>
<td>This avoidance alternative results in additional construction, maintenance, or operational costs of an extraordinary magnitude after reasonable mitigation.</td>
<td>Avoidance Alternative 1 would result in an increase of approximately $83 million in right of way costs compared to the alignments of the MCP Build Alternatives, primarily as a result of the acquisition of approximately 550 homes. (This represents a 39 to 43 percent increase in the project right of way costs depending on the MCP Build Alternatives.)</td>
</tr>
<tr>
<td>This avoidance alternative results in other unique problems or unusual factors.</td>
<td>Avoidance Alternative 1 would not result in unique problems or other unusual factors.</td>
</tr>
<tr>
<td>This avoidance alternative results in effects under more than one of the criteria listed above that while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude.</td>
<td>Avoidance Alternative 1 would require the acquisition of approximately 550 homes which would contribute to substantially more cumulative impacts particularly related to land use, community impacts, biological resources, and designated Farmlands than the contribution of the MCP Build Alternatives.</td>
</tr>
<tr>
<td>Is the avoidance alternative prudent?</td>
<td>Because Avoidance Alternative 1 would substantially increase the project costs, result in the acquisition of approximately 550 homes, substantially disrupt established and planned communities, and contribute to cumulative impacts, it is not a prudent alternative to avoid the use of the land occupied by Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866.</td>
</tr>
</tbody>
</table>

CFR = Code of Federal Regulations
MCP = Mid County Parkway
MSHCP = Multiple Species Habitat Conservation Plan
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Avoidance Alternative 1 for Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866

FIGURE 5.1

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Avoidance Alternative 1 would displace approximately 550 homes in this area.
FIGURE 5.3

Impacts on Western Riverside County MSHCP Lands

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LEGEND

- Alternatives 4 Modified, 5 Modified, and 9 Modified
- Avoidance Alternative 1
- Approved Development Application

FIGURE 5.4

Impacts on Specific Plans


I:\CV531\GIS_Mod\DraftFigures\FourSites_Avoidance_Alt\Vested_Land_Use.mxd (11/13/2012)
FIGURE 5.5
Impacts on Designated Farmlands

08-RIV-MCP PM 0.0/16.3; 08-RIV-215 PM 28.0/34.3
EA 08-0F3200 (PN 0800000125)

SOURCE: Eagle Aerial (3/2010); TBM (2010), Jacobs Engineering (02/2011, 11/2012); Riverside County/California Department of Conservation (FMMP - 2010)
As summarized in Table 5.2, Avoidance Alternative 1 is not prudent because it would result in the acquisition of approximately 550 homes, would increase the project cost by approximately $83 million, and would impact substantially more existing and General Plan designated Commercial Retail and Residential uses, Western Riverside County MSHCP Criteria Habitats and Designated Farmlands not impacted by the MCP Build Alternatives. As a result, FHWA has made a preliminary determination that Avoidance Alternative 1 is not a prudent alternative to avoid the use of land from the Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866 as defined by 23 CFR 774.17.

5.3.4 Other Possible Avoidance Alternatives

Avoidance Alternatives 2 and 4 to avoid the Multi-Use Prehistoric Site, discussed earlier in Chapter 4.0, Multi-Use Prehistoric Site, and shown on Figure 4.1, proposed substantial realignments to the north and south, respectively, to avoid impacts to that cultural resources site. Those two Avoidance Alternatives would also avoid impacts to Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866. However, those alternatives were determined not to be prudent alternatives to avoid the Multi-Use Prehistoric Site because they would not meet the project purpose and, as a result, would compromise the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need (one of the criterion at 23 CFR 774.17). Therefore, those avoidance alternatives would also not be prudent alternatives to avoid the four Sites. As a result, those avoidance alternatives were not evaluated further in this section in considering alternatives to avoid Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866.

5.4 SUMMARY OF CONSIDERATION OF FEASIBLE AND PRUDENT ALTERNATIVES

In summary, as discussed above, although there are feasible avoidance alternatives, FHWA has preliminarily determined that Alternatives 1A No Project/No Build and 1B No Project/No Build, and Avoidance Alternative 1 would not be prudent alternatives to avoid the use of land from Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866. FHWA has also preliminarily determined that Avoidance Alternatives 2 and 4, which would avoid the four Sites as well as the Multi-Use Prehistoric Site, would not be prudent alternatives to avoid the use of land from Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866. In addition, as discussed earlier in Section 4.6, Summary of Consideration of Feasible and Prudent Alternatives, FHWA has preliminarily determined that Alternatives 1A No Project/No Build and 1B No Project/No Build, and Avoidance Alternatives 1, 2, 3, 4, and 5 would not be prudent alternatives to avoid the use of land from the Multi-Use Prehistoric Site.

As a result, FHWA has preliminarily determined that there is not a feasible and prudent alternative to avoid the use of any and all Section 4(f) properties.

5.5 MEMORANDUM OF AGREEMENT

Based on the Findings of Effect (November 2012), FHWA determined that the MCP Build Alternatives would have an adverse effect on Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866 as a result of the permanent use of the land occupied by these Sites. The SHPO concurred on
this determination on January 8, 2013. As described earlier in Section 4.8, Memorandum of Agreement, FHWA, Caltrans, the SHPO, and interested Native American Tribes are now involved in a consultation process to identify and develop measures to minimize and mitigate the effects of that permanent use of land in the Multi-Use Prehistoric District by the MCP project. As the local project sponsor, RCTC is also participating in the ongoing consultation regarding measures to address the project effects at the Multi-Use Prehistoric Site. That consultation also includes discussion of measures to minimize and mitigate the effects of the permanent use of the land occupied by Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866.

That ongoing consultation will lead to a Memorandum of Agreement (MOA) among FHWA, SHPO, Caltrans, and interested Native American Tribes. The MOA will include a Discovery and Monitoring Plan (DMP) specific to the MCP project and its effects on the Multi-Use Prehistoric Site and Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866.

In addition to the DMP, the final MOA will include a Mid County Parkway Burial Treatment Agreement (Burial Treatment Agreement). Similar to the DMP and the MOA, that Burial Treatment Agreement will be developed as part of the ongoing consultation among FHWA, SHPO, Caltrans, interested Native American Tribes, and RCTC.

The MOA, including the final DMP and the Burial Treatment Agreement, must be executed prior to the completion of the Final EIS for the MCP project.

Because the MOA and DMP are in progress and no executed MOA and final DMP are available, preliminary measures from the preliminary draft MOA and DMP that would minimize harm to Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866 are provided in this report. Those measures reflect standard professional practices and will be refined and potentially expanded as part of the ongoing consultation among FHWA, SHPO, Caltrans, the interested Native American Tribes, and RCTC.

The measures included in the executed MOA and final DMP will be included in the final Section 4(f) documentation and the Final EIR/EIS for the MCP project.

5.6 PRELIMINARY MEASURES TO MINIMIZE HARM AT SITES P-33-19862, P-33-19863, P-33-19864, AND P-33-19866

As discussed above, measures to address the effect of the use of the land occupied by the four Sites by the MCP project Build Alternatives are currently being developed as part of the consultation for the MOA and DMP. The measures provided below are preliminary and are expected to be refined and potentially expanded as part of the ongoing consultation among FHWA, SHPO, Caltrans, interested Native American Tribes, and RCTC.

Refer to Sections 4.9.1, Preliminary Measure: Preparation of a Draft DMP, and 4.9.2, Preliminary Measure: Preparation of the Final DMP, for discussion of the contents and process for developing the Draft and Final DMPs for the Multi-Use Site and Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866.
Refer to Section 4.9.3, Preliminary Measure: Ongoing Native American Consultation, for a description of the Native American monitoring during project construction monitoring.

Refer to Section 4.9.4, Preliminary Measure: Discoveries and Unanticipated Effects, for the discussion regarding measures regarding previously unidentified properties that may be eligible for inclusion in the National Register of Historic Places (National Register) and effects on known historic properties in an unanticipated manner.

In consultation with Tribal Governments to discuss avoidance and minimization of the project impacts to Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866, the Pechanga Band of Luiseno Indians (Pechanga) sent a letter dated July 26, 2012, to the State Historic Preservation Officer (SHPO) expressing concern about, and disagreement with, the determination that the four Sites are ineligible for the National Register. In its letter, the Tribe stated that “…the importance of these food processing sites lies not in their individual attributes and individual contribution to scientific research, but rather in, how they relate to one another, to the surrounding 40+ recorded sites within a 1 mi radius and the scientific research contribution on a broader landscape level.” In its September 18, 2012, letter to FHWA, the SHPO requested that existing data and information provided by the Tribes be analyzed to determine if a National Register eligible district may exist and if the four Sites contribute to that district’s significance. As a result, in addition to the measures described above to address the adverse project effects on these four Sites, it is anticipated that the adverse effects of the project on these four Sites will be addressed during the development of the MOA and that the MOA will include completion of a cultural landscape study of these types of resources in the overall project vicinity or other measures agreed to through consultation.
6.0 COORDINATION ON HISTORIC PROPERTIES

As discussed in Chapter 5.0, Comments and Coordination, in the EIR/EIS, FHWA, Caltrans, and RCTC have engaged in ongoing Native American consultation with Tribal Governments to discuss avoidance and minimization of the project impacts to the P-33-16598 (CA-RIV-8712) Multi-Use Prehistoric Site and to Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866. Consultation was initiated early in 2004 per the Section 106 process. Coordination with Tribal representatives was conducted via letters, faxes, emails, phone calls, in-the-field meetings, and off-site meetings. Opportunities to review fieldwork proposals as well as on-site monitoring were also extended to interested Tribes prior to the survey work. The Native American consultation is discussed in detail in the HPSR and the Finding of Effect (November 2012) for the MCP project.
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7.0 USE OF NATIONWIDE PROGRAMMATIC SECTION 4(f) EVALUATION FOR THE SAN JACINTO WILDLIFE AREA

7.1 NATIONWIDE PROGRAMMATIC SECTION 4(f) EVALUATION FOR PROJECTS WHICH RESULT IN A NET BENEFIT TO A SECTION 4(f) PROPERTY

FHWA has prepared a nationwide programmatic Section 4(f) evaluation (Programmatic Evaluation, April 19, 2005) that can be used for certain federally assisted transportation improvement projects on existing or new alignments that will use property of a Section 4(f) park, recreation area, wildlife or waterfowl refuge, or historic property, the use of which in the view of FHWA and the official(s) with jurisdiction over the Section 4(f) property will result in a net benefit to that property. A copy of that Programmatic Evaluation is provided in Attachment C, Programmatic Evaluation.

As defined in the Programmatic Evaluation, a net benefit “…is achieved when the transportation use, the measures to minimize harm and the mitigation incorporated into the project result in an overall enhancement of the Section 4(f) property when compared to both the future do-nothing or avoidance alternatives and the present condition of the Section 4(f) property, considering the activities, features and attributes that qualify the property for Section 4(f) protection. A project does not achieve a "net benefit" if it will result in a substantial diminishment of the function or value that made the property eligible for Section 4(f) protection.”

When this Programmatic Evaluation is used, an individual Section 4(f) evaluation for that property does not need to be prepared. This Programmatic Evaluation can be applied to any project regardless the class of action under NEPA (Environmental Impact Statement, Categorical Exclusion, or Environmental Assessment).

The project effects on the San Jacinto Wildlife Area were considered in the context of this Programmatic Agreement and were determined to result in a net benefit to the San Jacinto Wildlife Area when compared to the No Project/No Action and avoidance alternatives, as described in this chapter.

7.2 APPLICABILITY CRITERIA FOR THE USE OF THE PROGRAMMATIC EVALUATION

The Programmatic Evaluation described above can be used when a project satisfies the requirements of Section 4(f) for meeting the applicability criteria listed below. Criteria 1, 4, and 5 would be applicable to the project effects at the San Jacinto Wildlife Area. Criteria 2 and 3 would not be applicable because they are related to historic properties and the San Jacinto Wildlife Area is not an historic property. The applicability criteria and the ability of the MCP Build Alternatives to meet those criteria are described below.
Criterion 1: The proposed project includes all appropriate measures to minimize harm and subsequent mitigation necessary to preserve and enhance those features and values of the property that originally qualified the property for Section 4(f) protection.

As discussed later in Section 7.7, Mitigation and Measures to Minimize Harm, the MCP Build Alternatives meet this criterion because appropriate measures to minimize the project effects on the San Jacinto Wildlife Area are included in those alternatives.

Criterion 2: For historic properties, the project does not require the major alteration of the characteristics that qualify the property for the National Register of Historic Places such that the property would no longer retain sufficient integrity to be considered eligible for listing. For archeological properties, the project does not require the disturbance or removal of the archaeological resources that have been determined important for preservation in-place rather than for the information that can be obtained through data recovery. The determination of a major alteration or the importance to preserve in-place will be based on consultation consistent with 36 CFR Part 800.

This criterion does not apply to the MCP Build Alternatives because the San Jacinto Wildlife Area is not listed on or eligible for listing on the National Register of Historic Places (National Register) and is not an historic property.

Criterion 3: For historic properties, consistent with 36 CFR Part 800, there must be agreement reached amongst the SHPO and/or Tribal Historic Preservation Officer (THPO), as appropriate, the FHWA and the Applicant on measures to minimize harm when there is a use of Section 4(f) property. Such measures must be incorporated into the project.

This criterion does not apply to the MCP Build Alternatives because, as described above, the San Jacinto Wildlife Area is not an historic property.

Criterion 4: The official(s) with jurisdiction over the Section 4(f) property agree in writing with the assessment of the impacts; the proposed measures to minimize harm; and the mitigation necessary to preserve, rehabilitate and enhance those features and values of the Section 4(f) property; and that such measures will result in a net benefit to the Section 4(f) property.

As described later in Section 7.9, Coordination, Caltrans and RCTC have conducted extensive consultation with CDFG, the owner/operator of the San Jacinto Wildlife Area, including discussions regarding the project effects on the San Jacinto Wildlife Area, measures to address those effects, and potential benefits of the MCP project on the San Jacinto Wildlife Area. Written agreement from CDFG regarding the project effects on the San Jacinto Wildlife Area and the mitigation included in the MCP Build Alternatives is also described in Section 7.9.

Criterion 5: FHWA determines that the project facts match those set forth in the Applicability, Alternatives, Findings, Mitigation and Measures to Minimize Harm, Coordination, and Public Involvement sections of this Programmatic Evaluation.
As described later in Section 7.11, FHWA Approval Procedure and Determination, it is expected that, after circulation of the Recirculated Draft EIR/Supplemental Draft EIS and Section 4(f) Evaluation, FHWA will determine that the project facts documented in this section match those in the Applicability, Alternatives, Findings, Mitigation and Measures to Minimize Harm, Coordination, and Public Involvement sections of the Programmatic Evaluation.

7.3 DESCRIPTION OF THE SAN JACINTO WILDLIFE AREA
As described in Chapter 3.0, List and Description of Section 4(f) Properties, the San Jacinto Wildlife Area is in western Riverside County generally east of, and immediately adjacent to, the Lake Perris State Recreation Area and north of the Ramona Expressway. It includes approximately 20,000 acres (ac) of wildlife habitat. Plant communities and habitat in the San Jacinto Wildlife Area include alkali sink scrub, freshwater marsh, cottonwood/willow riparian habitat, alluvial grassland, Riversidean sage scrub, and wetlands. Approximately 9,000 ac in the San Jacinto Wildlife Area are restored wetlands, including ponds in the Potrero Creek Conservation Unit.

7.4 USE OF THE SAN JACINTO WILDLIFE AREA BY THE MCP BUILD ALTERNATIVES
7.4.1 Design Variations for the Build Alternatives
As described in Chapter 2.0, Description of the Proposed Project, there are two design variations for Alternatives 4 Modified, 5 Modified, and 9 Modified:

- San Jacinto North Design Variation (SJN DV)
- San Jacinto River Bridge Design Variation (SJRB DV)

These design variations do not occur within the boundary of the San Jacinto Wildlife Area. However, the SJRB DV is immediately adjacent to the San Jacinto Wildlife Area but does not result in impacts to the San Jacinto Wildlife Area different than would occur under the base case or the SJN DV. As a result, discussions of and citations to Alternatives 4 Modified, 5 Modified, and 9 Modified or to the MCP Build Alternatives in this chapter regarding use effects at the San Jacinto Wildlife Area under Section 4(f) should be interpreted to mean any of those alternatives with the base case and/or either or both of the design variations.

7.4.2 Use of the San Jacinto Wildlife Area by the Build Alternatives
Table 7.1 indicates the amount of land that would be used from the San Jacinto Wildlife Area under Alternative 4 Modified, 5 Modified, and 9 Modified. As shown in Table 7.1 and on Figure 7.1, each MCP Build Alternative would result in the permanent use of 3.0 ac of land from the San Jacinto Wildlife Area. The area that would be used is the majority of a triangle-shaped parcel south of Bernasconi Road and north of the Ramona Expressway. As shown on Figure 7.1, that parcel is discontinuous and separated from the rest of the San Jacinto Wildlife Area by Bernasconi Road.
Use of Land in the San Jacinto Wildlife Area by the MCP Build Alternatives

Total acres in the San Jacinto Wildlife Area used by the MCP Build Alternatives: 3.4 acres

Proposed MCP ROW
San Jacinto Wildlife Area
Area in the San Jacinto Wildlife Area used by the MCP Build Alternatives (3.0 acres)
Additional Area in the San Jacinto Wildlife Area that will be acquired (0.4 acre)

FIGURE 7.1

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Table 7.1: Use of the San Jacinto Wildlife Area by the MCP Build Alternatives

<table>
<thead>
<tr>
<th>Section 4(f) Property</th>
<th>Amount of Land Used from the San Jacinto Wildlife Area by the Build Alternatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Jacinto Wildlife Area (Refer to Figure 7.1)</td>
<td>Each MCP Build Alternative would result in the permanent use of 3.0 ac of land in the approximately 20,000 ac San Jacinto Wildlife Area. That parcel is discontinuous and separated from the rest of the San Jacinto Wildlife Area by Bernasconi Road. The remaining 0.4 ac in the triangular parcel will also be acquired for the MCP Build Alternatives based on input from CDFG that the 0.4 ac remainder parcel would have significantly reduced habitat value and would create an administrative burden on CDFG. The total land in the San Jacinto Wildlife Area that would be acquired for the MCP Build Alternatives would be 3.4 ac. This represents approximately 0.01 percent of the total area of the San Jacinto Wildlife Area.</td>
</tr>
</tbody>
</table>


ac = acres
CDFG = California Department of Fish and Game
MCP = Mid County Parkway

Although not located within a Stephen’s Kangaroo Rat Core Reserve area, the CDFG indicated that the entire triangular parcel, including the 3.0 ac that would be used by the MCP Build Alternatives, is occupied by Stephen’s kangaroo rat. (Refer to February 2012 emails between CDFG and RCTC, provided in Attachment B, Consultation Correspondence.)

As shown on Figure 7.1, the remaining approximately 0.4 ac in the triangle-shaped parcel would not be necessary for the MCP Build Alternatives. However, CDFG has indicated that the 0.4 ac remainder parcel would have significantly reduced habitat value and would create an administrative burden on CDFG for future management, and responses to fires, automobile accidents, and other events in that area. As a result, RCTC has agreed to include the 0.4 ac in the total amount of land in the San Jacinto Wildlife Area that would be acquired for the MCP Build Alternatives. As a result, as shown in Table 7.1 and on Figure 7.1, the total land in the San Jacinto Wildlife Area that would be acquired for the MCP Build Alternatives would be 3.4 ac.

7.5 ALTERNATIVES

7.5.1 Requirements of the Programmatic Evaluation

To demonstrate that there are no feasible and prudent alternatives to the use of a Section 4(f) property, the Programmatic Evaluation requires analysis that addresses alternatives that avoid the use of the Section 4(f) property. As defined in the Programmatic Evaluation, the following alternatives would avoid use of Section 4(f) property and should be analyzed:

- Do nothing
- Improve the transportation facility in a manner that addresses the project’s purpose and need without a use of the Section 4(f) property
- Build the transportation facility at a location that does not require use of the Section 4(f) property
The Programmatic Evaluation identifies possible ways to avoid the use of Section 4(f) land, such as by using engineering design or transportation system management techniques, such as minor location shifts, changes in engineering design standards, use of retaining walls and/or other structures, and traffic diversions or other traffic management measures.

Alternatives which would avoid the use of land from the San Jacinto Wildlife Area are identified and described in the following sections. The evaluations of whether those avoidance alternatives are considered prudent and feasible alternatives to the proposed project are provided later in Section 7.6, Findings.

7.5.2 Use of the San Jacinto Wildlife Area under Alternative 1A: No Project/No Action – Existing Ground Conditions, and Alternative 1B: No Project/No Action – General Plan Circulation Element Conditions

Alternatives 1A and 1B do not propose the construction and operation of any MCP project improvements in or near the San Jacinto Wildlife Area. As a result, those alternatives would avoid the use of any land in the San Jacinto Wildlife Area that would occur under the MCP Build Alternatives.

7.5.3 Alternatives to Avoid the Use of Land from the San Jacinto Wildlife Area

Southern Avoidance Alternative: Minor Realignment to the South

An alternative to avoid the use of land from the San Jacinto Wildlife Area by shifting the alignment of the Build Alternatives south was evaluated. The Southern Avoidance Alternative would require shifting the alignment of the Build Alternatives south as much as approximately 250 feet (ft) to avoid the use of any land in the San Jacinto Wildlife Area. The length of this realignment would be approximately 1.6 miles (mi) in order to maintain design standards for the horizontal curves on this segment of the MCP.

Figure 7.2 shows the limits of the proposed Southern Avoidance Alternative in the vicinity of the San Jacinto Wildlife Area and also shows the limits of the MCP Build Alternatives in that area. As shown, by shifting the alignment south, the use of the triangular shaped parcel is avoided and no new impacts to other parts of the San Jacinto Wildlife Area in that vicinity are created.

Figure 7.3 shows the proposed MCP alignment in the vicinity of the San Jacinto Wildlife Area, the Southern Avoidance Alternative, and existing land uses in that area. As shown on Figure 7.3 and in Table 7.2, the proposed MCP alignment would use approximately 33.0 ac of land currently occupied by the Ramona Expressway and 72.6 ac of land that are vacant or currently used for agriculture or public facilities. The Southern Avoidance Alternative would use approximately 27.2 ac occupied by the Ramona Expressway and 81.8 ac of land that are vacant or currently used for agriculture and public facilities.

Figure 7.4 shows the proposed MCP alignment in the vicinity of the San Jacinto Wildlife Area, the Southern Avoidance Alternative, and the General Plan land use designations in that area. As shown on Figure 7.4 and in Table 7.3, the proposed MCP alignment would use approximately 72.6 ac of land designated in the Riverside County General Plan for commercial, conservation, and residential
Proposed MCP ROW
Southern Avoidance Alternative ROW
San Jacinto Wildlife Area
Additional Area in the San Jacinto Wildlife Area that will be acquired (0.4 acre)
Total acres in the San Jacinto Wildlife Area used by the MCP Build Alternatives: 3.4 acres

FIGURE 7.3

Existing Land Uses

- Proposed MCP ROW
- Southern Avoidance Alternative ROW
- San Jacinto Wildlife Area impacted by the Proposed MCP Alignment
- Industrial (I)
- Public Facilities (PF)
- Agriculture (AG)
- Vacant Land (V)
- Other (O)

LEGEND


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FIGURE 7.4

General Plan Land Uses

Legend

- Proposed MCP ROW
- Southern Avoidance Alternative ROW
- Existing Ramona Expressway ROW
- San Jacinto Wildlife Area impacted by the Proposed MCP Alignment

General Plan Land Use Designations

- Commercial Retail (CR)
- Conservation Habitat (OS-CH)
- Water (OS-W)
- Medium High Density Residential (MHDR)
- Conservation (OS-C)
- Public Facilities (PF)
- Open Space Recreation (OS-R)
- Medium Density Residential (MDR)
- Agriculture (AG)
- Very High Density Residential (VHDR)
- Community Commercial (COM-C)
- Rural Residential (RR)


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### Table 7.2: Comparison of the Effects on the Proposed MCP Alignment and the Southern Avoidance Alternative on Existing Land Uses

<table>
<thead>
<tr>
<th>Existing Land Uses (refer to Figure 7.2)</th>
<th>Proposed MCP Alignment (acres)</th>
<th>Southern Avoidance Alternatives (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Ramona Expressway right of way</td>
<td>33.0</td>
<td>27.2</td>
</tr>
<tr>
<td>Other Land Uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td>33.3</td>
<td>55.8</td>
</tr>
<tr>
<td>Public Facilities</td>
<td>0.4</td>
<td>2.0</td>
</tr>
<tr>
<td>Vacant Land</td>
<td>38.9</td>
<td>23.9</td>
</tr>
<tr>
<td>Subtotal Other Land Uses</td>
<td>72.6</td>
<td>81.8</td>
</tr>
<tr>
<td>Total All Land Uses (including the Ramona Expressway right of way)</td>
<td>105.6</td>
<td>109.0</td>
</tr>
</tbody>
</table>

Note: May not sum to total due to rounding.
MCP = Mid County Parkway

### Table 7.3: Comparison of the Effects of the Proposed MCP Alignment and the Southern Avoidance Alternative on General Plan Land Uses

<table>
<thead>
<tr>
<th>General Plan Land Use Designations (refer to Figure 7.3)</th>
<th>Proposed MCP Alignment (acres)</th>
<th>Southern Avoidance Alternatives (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Retail</td>
<td>0.5</td>
<td>2.2</td>
</tr>
<tr>
<td>Community Commercial</td>
<td>8.6</td>
<td>9.7</td>
</tr>
<tr>
<td>Conservation</td>
<td>16.3</td>
<td>11.3</td>
</tr>
<tr>
<td>Medium-Density Residential</td>
<td>27.3</td>
<td>50.2</td>
</tr>
<tr>
<td>Rural Residential</td>
<td>20.0</td>
<td>8.4</td>
</tr>
<tr>
<td>Total General Plan Land Uses</td>
<td>72.6</td>
<td>81.8</td>
</tr>
</tbody>
</table>

Note: May not sum to total due to rounding.
MCP = Mid County Parkway

uses. The Southern Avoidance Alternative would use approximately 81.8 ac of land designated in the Riverside County General Plan for commercial, conservation, and residential uses.

Figure 7.5 shows the proposed MCP alignment in the vicinity of the San Jacinto Wildlife Area, the Southern Avoidance Alternative, and the Western Riverside County MSHCP Core Linkage and Criteria Areas in the vicinity of the MCP alignment south of the San Jacinto Wildlife Area. As shown on Figure 7.5, the proposed MCP alignment and the Southern Avoidance Alternative would not result in the use of any land designated as Core Linkages in the Western Riverside County MSHCP. Those alignments would use land in two places in the Western Riverside County MSHCP Criteria Areas, which are shown as Impact Areas 1 and 2 on Figure 7.5. In both of the Impact Areas, parts of the Criteria Areas are within the existing right of way for the Ramona Expressway as shown in Table 7.4.

As shown in Table 7.4, 2.3 ac (a total of 1.0 and 1.3 ac in Impact Areas 1 and 2, respectively) of Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Criteria Areas within the existing right of way for the Ramona Expressway are within the right-of-way limits for both the proposed MCP Build Alternatives and the Southern Avoidance Alternative area.
FIGURE 7.5
Western Riverside County MSHCP


Impact Area 1
Impact Area 2

LEGEND
- Proposed MCP ROW
- MSHCP Criteria Areas
- Southern Avoidance Alternative ROW
- Existing Ramona Expressway ROW
- San Jacinto Wildlife Area impacted
- by the Proposed MCP Alignment

Impact Area 1
Impact Area 2

0 300 600 FEET

Table 7.4: Comparison of the Effects of the Proposed MCP Alignment and the Southern Avoidance Alternative on Western Riverside County MSHCP Lands

<table>
<thead>
<tr>
<th>Criteria Areas in Impact Area 1 (refer to Figure 7-4)</th>
<th>Proposed MCP Alignment (acres)</th>
<th>Southern Avoidance Alternatives (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>In the Ramona Expressway right of way</td>
<td>1.0</td>
<td>1.0</td>
</tr>
<tr>
<td>Other Criteria Areas in Impact Area 1</td>
<td>1.4</td>
<td>2.9</td>
</tr>
<tr>
<td><strong>Total MSHCP Criteria Areas in Impact Area 1</strong></td>
<td><strong>2.4</strong></td>
<td><strong>3.9</strong></td>
</tr>
<tr>
<td>Criteria Areas in Impact Area 2 (refer to Figure 7-4)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>In the Ramona Expressway right of way</td>
<td>1.3</td>
<td>1.3</td>
</tr>
<tr>
<td>Other Criteria Areas in Impact Area 2</td>
<td>1.9</td>
<td>8.3</td>
</tr>
<tr>
<td><strong>Total MSHCP Criteria Areas in Impact Area 2</strong></td>
<td><strong>3.2</strong></td>
<td><strong>9.6</strong></td>
</tr>
<tr>
<td><strong>Total MSHCP Criteria Areas in Impact Areas 1 and 2</strong></td>
<td><strong>5.6</strong></td>
<td><strong>13.5</strong></td>
</tr>
</tbody>
</table>

Note: May not sum to total due to rounding.
MCP = Mid County Parkway
MSHCP = Multiple Species Habitat Conservation Plan

The proposed MCP Build Alternatives would affect an additional 3.3 ac (a total of 1.4 and 1.9 ac in Impact Areas 1 and 2, respectively) in those Criteria Areas, for a total of 3.4 ac of Criteria Areas affected by those Alternatives. The Southern Avoidance Alternatives would affect 11.2 ac (a total of 2.9 and 8.3 ac in Impact Areas 1 and 2, respectively) in the Criteria Areas, in addition to the 2.3 ac in the Ramona Expressway right of way, for a total of 13.5 ac in Criteria Areas affected by that Alternative.

Figure 7.6 shows the proposed MCP alignment in the vicinity of the San Jacinto Wildlife Area, the Southern Avoidance Alternative, and the areas covered in several approved Specific Plans. As shown on Figure 7.6, there is not a substantial difference between the MCP alignment and the Southern Avoidance Alternative in terms of impacts on the Specific Plans on the west end of that segment of the MCP. However, as shown on Figure 7.6, the Southern Avoidance Alternative would result in substantially greater impacts to an adopted residential specific plan on the northeastern end of that segment of the MCP. The Southern Avoidance Alternative could result in the acquisition of approximately 30 parcels in the Community Southwest Development intended for residential uses.

Figure 7.7 shows the proposed MCP project alignment in the vicinity of the San Jacinto Wildlife Area, the Southern Alignment, and the designated farmlands in that area. As shown in Table 7.5, the MCP project alignment would result in the permanent use of 67.1 ac of designated farmland and the Southern Avoidance Alternative would result in the permanent use of 76.2 use of designated farmland. The use of farmland is a permanent adverse impact that cannot be mitigated.

Documented archeological sites (isolates, milling stations, and other prehistoric and historic resources) in the vicinity of the San Jacinto Wildlife Area were mapped to assess whether any of those sites would be within the right-of-way limits for the proposed MCP alignment and the Southern Avoidance Alternative. That mapping is not provided in this report to protect those resources from unauthorized artifact collecting or vandalism. None of those documented sites is within the right-of-way limits for the proposed MCP alignment. One milling station is located in the right-of-way limits for the Southern Avoidance Alternative. That milling station is not currently listed on or eligible for listing on the National Register, but may be considered eligible based on SHPO’s determination on...
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Specific Plan: Residential, Open Space, and Commercial

Community Southwest Development (Residential)

Specific Plan: Residential

Stoneridge Development

McCanna Hills Development

FIGURE 7.6

Specific Plans


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FIGURE 7.7
Designated Farmlands

LEGEND
- Proposed MCP ROW
- Southern Avoidance Alternative ROW
- Existing Ramona Expressway ROW
- San Jacinto Wildlife Area impacted by the Proposed MCP Alignment

Farmlands
- Farmland of Statewide Importance
- Farmland of Local Importance
- Grazing Land
- Unique Farmland

SOURCE: Jacobs Engineering (2012); Riverside County/California Department of Conservation (FMMP - 2010), Eagle Aerial (3/2010)
Table 7.5: Comparison of the Effects of the Proposed MCP Alignment and the Southern Avoidance Alternative on Designated Farmlands Lands

<table>
<thead>
<tr>
<th>Designed Farmlands (refer to Figure 7.7)</th>
<th>Proposed MCP Alignment (acres)</th>
<th>Southern Avoidance Alternatives (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farmland of Local Importance</td>
<td>32.7</td>
<td>19.3</td>
</tr>
<tr>
<td>Prime Farmland</td>
<td>28.8</td>
<td>47.4</td>
</tr>
<tr>
<td>Farmland of Statewide Importance</td>
<td>5.6</td>
<td>9.5</td>
</tr>
<tr>
<td>Total MSHCP Criteria Areas in Impact Area 1</td>
<td>67.1</td>
<td>76.2</td>
</tr>
</tbody>
</table>

Note: May not sum to total due to rounding.
MCP = Mid County Parkway
MSHCP = Multiple Species Habitat Conservation Plan

the four milling sites discussed in Section 5.0, Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866.

Northern Avoidance Alternative: Substantial Realignment to the North
An alternative that would avoid the use impacts of the San Jacinto Wildlife Area by substantially realigning the MCP Build Alternatives to the north was considered. As shown on Figure 7.8, the Northern Avoidance Alternative would require shifting the alignment of the MCP Build Alternatives well to the north, generally along State Route 79 (SR-79) and State Route (SR-60), to avoid the use of land from both the San Jacinto Wildlife Area and the Lake Perris State Recreation Area, which is just west of the San Jacinto Wildlife Area. The Northern Avoidance Alternative would be approximately 21.5 mi long, including a 10 mi long segment on SR-60 and an 11.5 mi long segment on SR-79. The estimated cost of the 21.5 mi long segment on SR-79 and SR-60 would be approximately $2.8 billion (based on an average cost of $130 million per mile for right of way and construction). This alignment would be more than 5 mi longer than Alternatives 4 Modified, 5 Modified, and 9 Modified, and as a result, would cost substantially more (estimated at $650 million, assuming 5 additional mi of road facility at $130 million per mile) than those Alternatives.

7.5.4 Other Improvements to the Transportation Facility
As shown on Figure 7.1, the MCP Build Alternatives south of the San Jacinto Wildlife Area are aligned on the existing east-west Ramona Expressway and include an interchange between the MCP and Bernasconi Road to replace the existing intersection of Bernasconi Road and the Ramona Expressway. The use of the 3.4 ac of land in the San Jacinto Wildlife Area by the Build Alternatives is a result of both the wider freeway section and the Bernasconi Road/Ramona Expressway interchange.

Other improvements to the existing transportation facilities in this area that could potentially avoid the use of land from the San Jacinto Wildlife Area could include widening the Ramona Expressway to its General Plan configuration of a six-lane arterial highway, consistent with MCP No Project/No Action Alternative 1B. As documented in the Traffic Technical Report (2012), this alternative would not provide a satisfactory level of service on the Ramona Expressway.
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7.6 FINDINGS

For the Programmatic Evaluation to be used for the effects of the MCP Build Alternatives on the San Jacinto Wildlife Area, there must be a finding, given the present condition of the Section 4(f) property, that the no project and the avoidance build alternatives described in Section 7.5, Alternatives, are not prudent alternatives to the proposed MCP project.

The Programmatic Evaluation provides direction on what can be considered when making a determination that in an avoidance alternative is not feasible and prudent to avoid the use of land from a Section 4(f) property. Engineering design or transportation system management techniques, such as minor location shifts, changes in engineering design standards, use of retaining walls and/or other structures, and traffic diversions or other traffic management measures would not be considered prudent if those alternatives would result in any of the following:

- Substantial adverse community impacts to adjacent homes, businesses, or other improved properties; or
- Substantially increased transportation facility or structure cost; or
- Unique engineering, traffic, maintenance, or safety problems; or
- Substantial adverse social, economic, or environmental impacts; or
- A substantial missed opportunity to benefit a Section 4(f) property; or
- Identified transportation needs not being met; and
- Impacts, costs, or problems would be truly unusual, unique or of extraordinary magnitude when compared with the proposed use of Section 4(f) property after taking into account measures to minimize harm and mitigate for adverse uses, and enhance the functions and value of the Section 4(f) property.

The followings sections describe why the avoidance alternatives described in Section 7.5 are not considered feasible and prudent alternatives to the proposed project.

The avoidance alternatives considered in this section were evaluated to determine whether they meet the defined project purpose for the proposed MCP project. The purpose statement for the MCP project was provided previously in Chapter 2.0, Proposed Action. Table 7.6 lists the defined project purposes from Chapter 2.0 and discusses whether the avoidance alternatives meet those project purposes.

Table 7.7 summarizes whether the avoidance alternatives meet other criteria for assessing whether an alternative is prudent and feasible as defined in 23 CFR 774.17. The avoidance alternatives considered in this section were evaluated relative to their ability to meet the criteria listed in Table 7.4.
### Table 7.6: Ability of the Avoidance Alternatives to Meet the Defined Project Purpose

<table>
<thead>
<tr>
<th>Avoidance Alternative</th>
<th>Provide Increased Capacity to Support the Forecasted Travel Demand for the 2040 Design Year</th>
<th>Provide a Limited Access Facility</th>
<th>Provide Roadway Geometrics to Meet State Highway Design Standards</th>
<th>Accommodate Surface Transportation Assistance Act National Network Trucks</th>
<th>Provide a Facility that is Compatible with a Future Multimodal Transportation System</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternatives 1A and 1B: No Project/No Action</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Southern Avoidance Alternative</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Northern Avoidance Alternative</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Other Improvements to the Transportation Facility</td>
<td>Partially</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Table 7.7: Feasible and Prudent Analysis of the Avoidance Alternatives

<table>
<thead>
<tr>
<th>Criteria from 23 CFR Part 774.17</th>
<th>Alternatives 1A and 1B: No Project/No Action</th>
<th>Southern Avoidance Alternative</th>
<th>Northern Avoidance Alternative</th>
<th>Other Improvements to the Transportation Facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Can it be built as a matter of sound engineering judgment?</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Criterion to determine if the avoidance alternative is feasible</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does it compromise the project to a degree that it is unreasonable to proceed with the project in terms of its stated purpose and need?</td>
<td>Yes. These Alternatives do not meet the defined project purpose and would compromise the project to a degree that it is unreasonable to proceed with the project in terms of its stated purpose and need. Although a preliminary determination has been made that Alternatives 1A and 1B are not prudent, analyses regarding the criteria in 23 CFR 774.17 were conducted for those Alternatives as described below.</td>
<td>No. The Southern Avoidance Alternative meets the defined project purpose and would not compromise the project to a degree that it is unreasonable to proceed with the project in terms of its stated purpose and need. Analyses regarding the criteria in 23 CFR 774.17 were conducted for the Southern Avoidance Alternative as described below.</td>
<td>Yes.' The Northern Avoidance Alternative does not meet the defined need for east-west capacity in this part of Riverside County and would compromise the project to a degree that it would be unreasonable to proceed with the project in terms of its stated purpose and need. Although a preliminary determination has been made that the Northern Avoidance Alternative is not prudent, analyses regarding the criteria in 23 CFR 774.17 were conducted for that Alternative as described below.</td>
<td>Yes.' This Avoidance Alternative only partially meets the capacity needs; meets the design standards; and does not meet the purposes to provide a limited access facility that would accommodate STAA trucks and a future multimodal system. This alternative would compromise the project to a degree that it would be unreasonable to proceed with the project in terms of its stated purpose and need. Although a preliminary determination has been made that other improvements to the transportation facility avoidance alternative is not prudent, analyses regarding the criteria in 23 CFR 774.17 were conducted for that Alternative as described below.</td>
</tr>
<tr>
<td>Does it result in unacceptable safety or operational problems?</td>
<td>No. The improvements in these Alternatives can be designed, constructed, and operated to existing standards and would not result in unacceptable safety or operational problems.</td>
<td>No. The improvements in this Alternative can be designed, constructed, and operated to existing standards and would not result in unacceptable safety or operational problems.</td>
<td>No. The improvements in this Alternative can be designed, constructed, and operated to existing standards and would not result in unacceptable safety or operational problems.</td>
<td>No. The improvements in this Alternative can be designed, constructed, and operated to existing standards and would not result in unacceptable safety or operational problems.</td>
</tr>
<tr>
<td>After reasonable mitigation, does the alternative still cause the following?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Severe social, economic, or environmental impacts?</td>
<td>No. Although Alternatives 1A and 1B would not improve social, economic, or environmental conditions, they would not result</td>
<td>Yes. The Southern Avoidance Alternative would result in the permanent use of more designated farmland than the MCP Build</td>
<td>Yes. The Northern Avoidance Alternative would be approximately 5 mi longer than the MCP Build Alternatives, and</td>
<td>Potentially. The other improvements to the transportation facility avoidance alternative could include</td>
</tr>
<tr>
<td>Criteria from 23 CFR Part 774.17</td>
<td>Alternatives 1A and 1B: No Project/No Action</td>
<td>Southern Avoidance Alternative</td>
<td>Northern Avoidance Alternative</td>
<td>Other Improvements to the Transportation Facility</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>---------------------------------------------</td>
<td>-------------------------------</td>
<td>---------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Severe disruption to established communities?</td>
<td>No. Other than not improving traffic operations on existing Ramona Expressway, Alternatives 1A and 1B would not result in severe disruption to established communities.</td>
<td>No. The Southern Avoidance Alternative would not result in severe disruption to established communities. However, this avoidance alternative would result in the acquisition of an estimated 30 parcels designated in an adopted Specific Plan for residential uses that would not be acquired for the MCP Build Alternatives. This would substantially modify the layout of the residential uses in that Specific Plan area.</td>
<td>Yes. Based on the longer facility and depending on the specific alignment and the greater amount of right-of-way and land use impacts, the Northern Avoidance Alternative could result in disruption to existing and planned land uses and result in disruption of established communities substantially greater than the MCP Build Alternatives.</td>
<td>Potentially. The other improvements to the transportation facility avoidance alternative could include substantial improvements to the existing Ramona Expressway that could result in impacts similar to or greater than the impacts of the MCP Build Alternatives on planned and established communities.</td>
</tr>
<tr>
<td>Severe disproportionate impacts to minority or low-income populations?</td>
<td>No. Alternatives 1A and 1B have no features that would result in severe disproportionate impacts to minority or low-income populations.</td>
<td>No. The Southern Avoidance Alternative would result in the acquisition of only a minor amount of land in addition to what would be needed for the improvements in the Northern Avoidance Alternative, this alternative</td>
<td>Yes. Based on the longer facility and depending on the specific alignment of the improvements in the Northern Avoidance Alternative, this alternative</td>
<td>Potentially. Depending on the specific improvements provided in the other improvements to the transportation facility avoidance alternative, this alternative could</td>
</tr>
</tbody>
</table>
### Table 7.7: Feasible and Prudent Analysis of the Avoidance Alternatives

<table>
<thead>
<tr>
<th>Criteria from 23 CFR Part 774.17</th>
<th>Alternatives 1A and 1B: No Project/No Action</th>
<th>Southern Avoidance Alternative</th>
<th>Northern Avoidance Alternative</th>
<th>Other Improvements to the Transportation Facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Severe impacts to environmental resources protected under other federal statutes?</td>
<td>No. Alternatives 1A and 1B have no features that would result in severe impacts to environmental resources protected under other federal statutes.</td>
<td>Yes. The Southern Avoidance Alternative would result in the permanent use of more designated farmlands than the MCP Build Alternatives and would impact one archeological site. This alternative would not otherwise result in substantially different or greater impacts to biological and other environmental resources protected under other federal statutes compared to the proposed MCP alignment.</td>
<td>Yes. Based on the longer facility and depending on the specific alignment of the improvements in the Northern Avoidance Alternative, this alternative could result in severe impacts to environmental resources protected under other federal statutes.</td>
<td>Potentially. Depending on the specific improvements provided in the other improvements to the transportation facility avoidance alternative, this alternative could result in severe impacts to environmental resources protected under other federal statutes.</td>
</tr>
<tr>
<td>Does it result in additional construction, maintenance, or operational costs of an extraordinary magnitude?</td>
<td>No. Alternatives 1A and 1B do not result in construction of the MCP facility; therefore, these alternatives would not result in additional construction, maintenance, or operational costs of an extraordinary magnitude.</td>
<td>No. The Southern Avoidance Alternative would require the acquisition of slightly more right of way than the proposed MCP alignment but this would not result in extraordinary costs to the project.</td>
<td>Yes. The Northern Avoidance Alternative would result in an increase of approximately $650 million in right-of-way and construction costs compared to the alignments of the MCP Build Alternatives.</td>
<td>Potentially. Depending on the specific improvements provided in the other improvements to the transportation facility avoidance alternative, this alternative could result in increased right-of-way and/or construction costs compared to the MCP Build Alternatives.</td>
</tr>
<tr>
<td>Does it result in other unique problems or unusual factors?</td>
<td>No. Alternatives 1A and 1B do not result in construction of the MCP facility; therefore, these alternatives would not result in unique problems or unusual factors, other than not providing a facility adequate to meet future traffic demand.</td>
<td>No. The Southern Avoidance Alternative would not result in unique problems or other unusual factors.</td>
<td>No. The Northern Avoidance Alternative would not result in unique problems or other unusual factors.</td>
<td>No. The other improvements to the transportation facility avoidance alternative would not result in unique problems or other unusual factors.</td>
</tr>
</tbody>
</table>
Table 7.7: Feasible and Prudent Analysis of the Avoidance Alternatives

<table>
<thead>
<tr>
<th>Criteria from 23 CFR Part 774.17</th>
<th>Alternatives 1A and 1B: No Project/No Action</th>
<th>Southern Avoidance Alternative</th>
<th>Northern Avoidance Alternative</th>
<th>Other Improvements to the Transportation Facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does it result in effects under more than one of the criteria listed above that while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude?</td>
<td>No. Alternatives 1A and 1B do not result in construction of the MCP facility and, therefore, these alternatives would not result in individual or cumulative impacts of extraordinary magnitude.</td>
<td>Yes. The Southern Avoidance Alternative would result in effects that could contribute to cumulative impacts appreciably different than the impacts that would occur under the proposed MCP alignment related to the permanent use of designated farmland.</td>
<td>Yes. Based on the longer facility and depending on the specific alignment, the Northern Avoidance Alternative could contribute substantially more to cumulative land use related impacts than the contribution of the MCP Build Alternatives.</td>
<td>Potentially. Depending on the specific improvements provided in the other improvements to the transportation facility avoidance alternative, this alternative could contribute more to cumulative impacts than the contribution of the MCP Build Alternatives.</td>
</tr>
<tr>
<td>Is the avoidance alternative prudent?</td>
<td>No. Because Alternatives 1A and 1B do not meet the defined project purpose, they would compromise the project to such a degree that it would be unreasonable to proceed.</td>
<td>No. The Southern Avoidance Alternative is not prudent because it results in greater impacts to farmlands, impacts one cultural resources site, impacts an adopted Specific Plan, and would not provide benefits to the San Jacinto Wildlife Area in the form of mitigation land at a 2:1 replacement ration that would occur under the MCP Build Alternatives.</td>
<td>No. The Northern Avoidance Alternative does not meet the project purpose to provide capacity to accommodate 2035 forecasted traffic demand and, as a result, would compromise the project to a degree that it would be unreasonable to proceed with the project in terms of its stated purpose.</td>
<td>No. This avoidance alternative does not meet most of the project purposes and, as a result, would compromise the project to a degree that it would be unreasonable to proceed with the project in terms of its stated purpose.</td>
</tr>
</tbody>
</table>


Because of the preliminary determination by FHWA that this alternative compromised the project to a degree that it is unreasonable to proceed with the project in terms of its stated purpose and need; no further analysis of this avoidance alternative was performed.

CFR = Code of Federal Regulations
MCP = Mid County Parkway
mi = miles
MSHCP = Multiple Species Habitat Conservation Plan
STAA = Surface Transportation Assistance Act
7.6.1 Findings Regarding Alternative 1A: No Project/No Action – Existing Ground Conditions, and Alternative 1B: No Project/No Action – General Plan Circulation Element Conditions

As described in Section 7.5, Alternatives 1A and 1B do not propose the construction and operation of any MCP project improvements and would avoid the use of any land in the San Jacinto Wildlife Area.

Alternatives 1A No Project/No Build and 1B No Project/No Build are feasible in that the non-MCP improvements included in those alternatives could be designed and constructed. However as shown in Table 7.6, those alternatives would not meet the defined project purpose because they would not provide capacity for 2040 traffic demand, and would not provide a limited access facility that meets State highway design standards, accommodates the Surface Transportation Assistance Act network, or is compatible with a future multimodal transportation system. Because Alternatives 1A and 1B would not meet the defined project purpose, they would compromise the project to a degree that it would be unreasonable to proceed with the project in terms of its stated purpose. Therefore, no further analyses of the ability of Alternatives 1A and 1B to meet the criteria in 23 CFR 774.17 were conducted as shown in Table 7.7. As a result, FHWA has preliminarily concluded that No Project/No Build Alternatives 1A and 1B would not be feasible and prudent alternatives to avoid the use of land from the San Jacinto Wildlife Area.

7.6.2 Southern Avoidance Alternative: Findings Regarding Alternative Alignment to Avoid the Use of Land from the San Jacinto Wildlife Area

As discussed in Section 7.5, an alternative to avoid the San Jacinto Wildlife Area by shifting the alignment of the MCP Build Alternatives south in the vicinity of San Jacinto Wildlife Area was evaluated.

As shown in Table 7.6, the Southern Avoidance Alternative would meet the defined project purpose. As shown in Table 7.7, the Southern Avoidance Alternative could be built as a matter of sound engineering judgment and would not compromise the project to a degree that it would be unreasonable to proceed with the project in terms of its stated purpose and need. As shown in Table 7.7, the assessment of the ability of the Southern Avoidance Alternative to meet the criteria in 23 CFR 774.17 indicates this avoidance alternative would:

- Not result in unacceptable safety or operational problems
- Result in limited increases in impacts related to existing and General Plan designated land uses compared to the proposed MCP alignment, but substantial impacts to an adopted residential Specific Plan and increased permanent use of agricultural land.
- Not result in severe disruption to established communities
- Result in the acquisition of more land than what would be needed for the MCP alignment but, would not result in disproportionate impacts on minority or low-income populations
- Impact one archeological site but would not otherwise result in substantially different or greater impacts to biological and other environmental resources protected under other federal statutes compared to the proposed MCP alignment
• Require the acquisition of more right of way than the proposed MCP alignment but this would not result in extraordinary costs to the project

• Not result in unique problems or other unusual factors

• Would result in effects that could contribute to cumulative impacts appreciably different than the impacts that would occur under the proposed MCP alignment related to the permanent use of more designated farmlands than the MCP project alignment

Because the Southern Avoidance Alternative would result in the acquisition of slightly more land than the proposed MCP alignment as shown in Table 7.2, it is expected that the right-of-way acquisition costs for that avoidance alternative would be slightly more than for the proposed MCP alignment. In addition, the right-of-way acquisition costs for the Southern Avoidance Alternative would be greater than for the MCP Build Alternatives as a result of the acquisition of residential parcels in the approved Community Southwest Development as shown earlier on Figure 7.6.

The final factor considered was whether the Southern Avoidance Alternative would result in the use of other Section 4(f) properties. As shown on Figure 7.1, the only Section 4(f) properties in the vicinity of this segment of the MCP alignment are the parts of the San Jacinto Wildlife Area. The Southern Avoidance Alternative would not result in the use of any land in the San Jacinto Wildlife Area as shown on Figure 7.1. As a result, the Southern Avoidance Alternative would not result in impacts to the San Jacinto Wildlife Area or other Section 4(f) resources, while avoiding impacts to the triangular parcel in the San Jacinto Wildlife Areas south of Bernasconi Road.

The Southern Avoidance Alternative would not provide any benefit to the San Jacinto Wildlife Area. As shown earlier on Figure 7.2, the approximately 3.4 ac parcel in the San Jacinto Wildlife Area is discontinuous and separated from the rest of the resource by existing Bernasconi Road. The MCP Build Alternatives would result in the acquisition of that 3.4 ac parcel and would provide replacement land adjacent to the San Jacinto Wildlife Area as described in Section 7.7, Mitigation and Measures to Minimize Harm. As a result, as discussed later in Section 7.8, Net Benefit to the San Jacinto Wildlife Area, the MCP Build Alternatives would result in a net benefit to the San Jacinto Wildlife Area that would not occur under the Southern Avoidance Alternative.

Therefore, based on the above considerations, FHWA has preliminarily concluded that realigning the MCP Build Alternatives approximately 250 ft to the south, as shown in the Southern Avoidance Alternative, would not be a feasible and prudent alternative to avoid the use impacts of the MCP Alternatives on the San Jacinto Wildlife Area as defined in 23 CFR 774.17.

7.6.3 Northern Avoidance Alternative: Findings Regarding Building a New Facility at a New Location

As described earlier in Section 7.5, an avoidance alternative to build a new facility at a new location by substantially realigning the MCP Build Alternatives to the north was evaluated. As shown in Table 7.3, the Northern Avoidance Alternative would not meet the defined project purpose to provide increased capacity to meet 2040 forecasted demand because it would not provide a direct east-west facility as needed in the MCP project area. In addition, as noted earlier, the Northern Avoidance Alternative would be approximately 5 mi longer than the proposed MCP project and would increase the project cost by approximately $650 million. As shown in Table 7.4, the Northern Avoidance
Alternative could be built as a matter of sound engineering judgment but would compromise the project to a degree that it would be unreasonable to proceed with the project in terms of its stated purpose and need. As a result, no further analysis of the ability of the Northern Avoidance Alternative to meet the criteria in 23 CFR 774.17 was conducted as shown in Table 7.4.

One additional factor considered whether the Northern Avoidance Alternative would result in the use of other Section 4(f) properties. As shown on Figure 7.6, the Northern Avoidance Alternative would extend generally north and then west, passing (and expected to be aligned to avoid the use of any land from) the San Jacinto Wildlife Area and the Lake Perris State Recreation Area. However, there may be other parks, golf courses, community centers, community pools, and other recreational facilities potentially subject to the requirements of Section 4(f) along the alignment of the Northern Avoidance Alternative. Without detailed design, it is not possible to determine which, if any, of those facilities might be used by the Northern Avoidance Alternative. As a result, it is not unreasonable to assume that the Northern Avoidance Alternative could potentially result in the use of properties protected under the requirements of Section 4(f).

As a result, FHWA has preliminarily determined that the Northern Avoidance Alternative is not prudent because it does not meet the project purpose to provide capacity to accommodate 2040 forecasted traffic demand and, as a result, would compromise the project to a degree that it would be unreasonable to proceed with the project in terms of its stated purpose.

7.6.4 Findings Regarding Other Improvements to the Transportation Facility

As shown in Table 7.3, other improvements to the Ramona Expressway would not meet most of the defined project purpose. As shown in Table 7.4, the alternative could be built as a matter of sound engineering judgment but would compromise the project to a degree that it would be unreasonable to proceed with the project in terms of its stated purpose and need. As a result, no further analysis of the ability of the other improvements to the transportation facility to meet the criteria in 23 CFR 774.17 was conducted as shown in Table 7.4.

One additional factor considered whether other improvements to the Ramona Expressway would result in the use of other Section 4(f) properties. As shown earlier on Figure 7.1, the Ramona Expressway is generally the alignment followed by the MCP Build Alternatives. It is anticipated that the Ramona Expressway would be widened to its General Plan designation without impacting the San Jacinto Wildlife Area, by widening to the south as necessary to avoid encroaching into the San Jacinto Wildlife Area. As a result, it is expected that the improvements to the Ramona Expressway would not result in impacts to the San Jacinto Wildlife Area or other Section 4(f) resources while avoiding impacts to the triangular parcel in the San Jacinto Wildlife Areas south of Bernasconi Road.

As a result, FHWA has preliminarily determined that the avoidance alternative to provide other improvements to the transportation facility is not prudent because it does not meet most of the project purposes and, as a result, would compromise the project to a degree that it would be unreasonable to proceed with the project in terms of its stated purpose.
7.7 MITIGATION AND MEASURES TO MINIMIZE HARM

The effects of the acquisition and permanent use of 3.4 ac of land from the San Jacinto Wildlife Area for the MCP Build Alternatives will be substantially mitigated based on the following measures:

**SJWA-1**

Prior to the initiation of project construction in the vicinity of the intersection of Bernasconi Road and the Ramona Expressway, the RCTC will acquire replacement land for the 3.4 acres (ac) of land acquired for the project from the San Jacinto Wildlife Area as follows:

- The replacement land will be provided at a 2:1 ratio (for a total 6.8 ac of replacement land)
- The replacement land will be from areas adjacent to the Davis or Potrero Units of the San Jacinto Wildlife Area or another area acceptable to CDFG
- After RCTC acquires the replacement land, it will convey the fee ownership for the replacement land to CDFG

**SJWA-2**

The MCP project is a Covered Activity of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and, therefore, the use of 3.4 ac of land in the San Jacinto Wildlife Area would be subject to the requirements for replacement of Public/Quasi-Public lands as required by the Western Riverside County MSHCP. Those requirements for habitats in existing Public/Quasi-Public Lands used by a project are the purchase and dedication into the MSHCP Conservation Area of replacement land at not less than a ratio of 1:1.

RCTC’s compliance with the requirements of Measure SJWA-1 would also satisfy the requirements for replacement of Public/Quasi-Public Lands used by the project under the Western Riverside County MSHCP.

**SJWA-3**

For the acquisition of the 3.4 ac in the San Jacinto Wildlife Area, RCTC’s Right-of-Way Agents will follow the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and the 1987 Amendments as implemented by the Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs.

7.8 NET BENEFIT TO THE SAN JACINTO WILDLIFE AREA

As defined in the Programmatic Evaluation, a net benefit is achieved when the transportation use and the measures to minimize harm and the mitigation incorporated into the project result in an overall enhancement of the Section 4(f) property when compared to the future no action condition, the avoidance alternatives, and the present condition of the Section 4(f) property, considering the activities, features, and attributes that qualify the property for Section 4(f) protection. A project does not achieve a “net benefit” if it will result in a substantial diminishment of the function or value that made the property eligible for Section 4(f) protection.
The MCP Build Alternatives will result in the permanent acquisition of 3.4 ac of land from the San Jacinto Wildlife Area. To mitigate that adverse effect on the San Jacinto Wildlife Area, RCTC will acquire and deed to CDFG 6.8 ac of land adjacent to the Davis or Potrero Units of the San Jacinto Wildlife Area or another area acceptable to CDFG. With this mitigation, the MCP Build Alternatives will result in the following net benefits to the San Jacinto Wildlife Area:

- Replacement of 3.4 ac of land discontiguous from the rest of the San Jacinto Wildlife Area with 6.8 ac of land contiguous with the majority of the San Jacinto Wildlife Area
- Replacement of 3.4 ac of land with limited biological resources values with 6.8 ac of land with greater biological resources values

These benefits would not occur under the future no action condition because the MCP project would not be implemented in that condition and, therefore, would not impact, or be required to mitigate for impacts to, the San Jacinto Wildlife Area. Similarly, because the avoidance alternatives would not impact land in the San Jacinto Wildlife Area, they would not be required to mitigate for that type of effect and, as a result, the benefits described above would not accrue to the San Jacinto Wildlife Area under the avoidance alternatives.

7.9 COORDINATION

Through an interagency collaborative known as the Small Working Group, RCTC and FHWA have engaged in regular consultation with the CDFG since 2003, which has jurisdiction over the San Jacinto Wildlife Area. The Small Working Group is a multi-agency collaborative including RCTC, Caltrans, FHWA, United States Fish and Wildlife Service (USFWS), United States Environmental Protection Agency (EPA), United States Army Corps of Engineers (USACE), CDFG, and other agencies with an interest in the proposed MCP project. The Small Working Group is intended to discuss and provide input at key decision points during the environmental review process. Participants are also able to participate in concurrent review of environmental documents and provide technical assistance.

The Draft Section 4(f) Evaluation was included in the Draft EIR/EIS for the MCP project, which was provided to agencies (including the CDFG) and the public for review and comment. CDFG provided written comments on the Draft EIR/EIS but did not comment on the Draft Section 4(f) Evaluation. A copy of the January 8, 2009, letter from CDFG on the Draft EIR/EIS is provided in Appendix B, Consultation Correspondence.

The screencheck Revised Draft Section 4(f) Evaluation was provided to representatives of the CDFG (the owner/operator of the San Jacinto Wildlife Area) in August 2011. A list of questions related to the potential effects of the MCP Build Alternatives was emailed to the CDFG representatives on August 22, 2011. The intent of those questions was to solicit CDFG responses regarding the information provided in the screencheck report for the San Jacinto Wildlife Area and the project effects on that property.

In an email dated October 27, 2011, CDFG acknowledged that all three MCP Build Alternatives would impact the same 3.0 ac area in the San Jacinto Wildlife Area. The email further indicates that CDFG has determined that this area is occupied by Stephens’ kangaroo rat and is proposing minimum
replacement at 3:1. As discussed earlier, the 3.0 ac parcel is not located within a Stephen’s Kangaroo Rat Core Reserve area. However, these 3.0 ac are in an area designated as Public/Quasi-Public in the Western Riverside County MSHCP; therefore, the use of this land would be compensated as required in Section 7.2.4 in the Western Riverside County MSHCP.

In a February 8, 2012, email, CDFG summarized its review of a figure showing the approximately 3.0 ac area in the San Jacinto Wildlife Area that would be permanently incorporated into the MCP Build Alternatives. CDFG indicated that the 3.0 ac and an additional 0.4 ac in the same triangular parcel south of Bernasconi Road is a managed wildlife area and is habitat for Stephen’s kangaroo rat with documented burrows. In addition, CDFG indicated that if only 3.0 ac are used for the MCP, it would be left with a 0.4 ac remainder parcel, which would have significantly reduced habitat values, and which would create an administrative burden on CDFG for future management and responses to fires, auto accidents, etc. CDFG requested that RCTC acquire the entire 3.4 ac in the triangular parcel because it considers that entire area impacted by the MCP Build Alternatives and provide mitigation at a 2:1 ratio.

In a February 24, 2012, email, RCTC agreed to acquire the entire 3.4 ac and to provide mitigation at a 2:1 ratio, with land from areas adjacent to the Davis or Potrero Unit of the San Jacinto Wildlife Area or other land acceptable to CDFG.

The emails cited above are provided in Attachment B.

7.10 PUBLIC INVOLVEMENT

The following activities were conducted to provide opportunities for public involvement in the planning and environmental processes for the MCP project:

- Pre-scoping meetings conducted on September 21, 22, and 23, 2004
- Notice of Preparation published and distributed on November 15, 2004
- Notice of Intent published in the Federal Register on November 22, 2004
- Scoping meetings conducted on December 7, 9, and 14, 2004
- Community meeting on August 3, 2005
- Supplemental Notice of Preparation published and distributed on July 31, 2007
- Circulation of the Draft EIR/EIS from October 10, 2008, to January 8, 2009
- Public information meetings during the Draft EIR/EIS review period, on October 28, 29, and 30, 2008
- Public hearings during the Draft EIR/EIS review period, on November 6 and 12, 2008
- Public meeting on December 2, 2008
- RCTC Board meeting on July 8, 2009, at which the RCTC Board formally took action to focus the MCP project between I-215 and SR-79 and to prepare a Recirculated Draft EIR/Supplemental Draft EIS
General comments regarding the potential for project effects on the San Jacinto Wildlife Area were received in response to the Notice of Preparation from three organizations (Center for Biological Diversity, Friends of the Northern San Jacinto Valley, and the Sierra Club, San Gorgonio Chapter, Moreno Valley. Refer to Chapter 5, Comments and Coordination, in the RDEIR/SDEIS for additional discussion regarding the public information and involvement activities conducted for the MCP project.

7.11 FHWA APPROVAL PROCEDURE AND DETERMINATION

The use of this Programmatic Evaluation for the MCP project effects at the San Jacinto Wildlife Area will be approved by FHWA only after FHWA has:

- Determined that the project meets the applicability criteria set forth in the Applicability section in the Programmatic Evaluation;
- Determined that all of the alternatives set forth in Section 7.6, Findings, have been fully evaluated;
- Determined that the findings in the Programmatic Evaluation, which conclude that the alternative recommended is the only feasible and prudent alternative, result in a clear net benefit to the Section 4(f) property;
- Determined that the project complies with the Mitigation and Measures to Minimize Harm section of the Programmatic Evaluation;
- Determined that the coordination and public involvement efforts required by the Programmatic Evaluation have been successfully completed and the necessary written agreements have been obtained; and
- Documented the information that clearly identifies the basis for the above determinations and assurances.
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8.0 REFERENCES AND PREPARERS

8.1 REFERENCES

Air Photo USA, February 2006.

California Department of Transportation, Highway Design Manual, Chapter 1,000 Bikeway Planning and Design, September 1, 2006.


“Department of Fish and Game San Jacinto Wildlife Area – Contact Information” website http://www.dfg.ca.gov/lands/wa/region6/sanjacinto/contact.html, accessed May 9, 2011.


Epic Land Solutions, Right-of-Way Data, 2011.


“Mystic Lake (California)” website http://en.wikipeida.org/wiki/Mystic_Lake_(California)#San_Jacinto_Wildlife_Area, accessed May 9, 2011.


Right-of-way boundary data for the San Jacinto Wildlife Area (GIS database), California Department of Fish and Game, May 2011.


United States Department of Agriculture Forest Service, Cleveland National Forest website.


United States Department of Transportation Act, 49 United States Code 303(c).


8.1.1 City of Perris

City of Perris General Plan, 2005 (some sections yet to be approved).

City of Perris General Plan Circulation Element, adopted August 26, 2008.

City of Perris General Plan EIR, Hogle-Ireland, Inc., certified on April 26, 2005.

City of Perris website www.cityofperris.org/.

8.1.2 City of San Jacinto
City of San Jacinto Draft General Plan, January 2006.

City of San Jacinto Final General Plan Circulation Element, May 2006.
City of San Jacinto Final General Plan Community Services and Facilities Element, Figure CSF-4, May 2006.

City of San Jacinto General Plan Draft EIR, January 2006.

City of San Jacinto Parks Master Plan, Trails Master Plan, November 2005.

City of San Jacinto website www.ci.san-jacinto.ca.us.

### 8.1.3 County of Riverside

County of Riverside General Plan, October 2003.

County of Riverside General Plan Final EIR, 2003.

County of Riverside Transportation and Land Management Agency, GIS data, January 2006.

County of Riverside website http://www.countyofriverside.us.


### 8.1.4 MCP Technical Studies

Epic Land Solutions, Inc., Information on relocating dairies, 2013.


8.1.5 Persons Contacted

Riverside County Transportation and Land Management Agency

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Mickey Zolezio, Senior GIS Analyst

8.2 PREPARERS

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Meredith Canterbury, GIS and Graphics, LSA Associates, Inc.
ATTACHMENT A

RESOURCES EVALUATED RELATIVE TO THE REQUIREMENTS OF SECTION 4(f)
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ATTACHMENT A

RESOURCES EVALUATED RELATIVE TO THE REQUIREMENTS OF SECTION 4(f)

A.1 INTRODUCTION

This section of the document 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 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.

As a result, the resources listed in Table A.1 and shown on Figure A.1 were determined not to trigger protection under the requirements of Section 4(f). The figures cited in this appendix are provided following the last page of Table A.1.

The properties shown on Figure A.1 are not within the right-of-way limits for the Mid County Parkway (MCP) Build Alternatives. Table A.1 describes the location of each property in relation to the right-of-way limits for the Build Alternatives and explains why those alternatives do not result in the permanent or temporary use of land from those properties that would trigger the requirements for protection under Section 4(f).

The properties described in Table A.1 were further evaluated to determine whether the MCP Build Alternatives would result in constructive use of those properties. The detailed analyses related to access, visual and aesthetics, air quality, and noise provided in Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures, of the Supplemental EIR/EIS were reviewed. That review did not identify any proximity impacts resulting from the MCP Build Alternatives that would be so severe that the activities, features, or attributes that qualify those properties for protection under Section 4(f) would be substantially impaired. Therefore, as explained in Table A.1, the MCP Build Alternatives would not result in constructive use of these properties and would not trigger the requirements for protection under Section 4(f).
Table A.1: Resources Determined Not to Trigger Protection under the Requirements of Section 4(f)

<table>
<thead>
<tr>
<th>Owner/Operator, Location, and Description of Resource</th>
<th>Why Resource Does Not Trigger Protection under Section 4(f)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake Perris State Recreation Area. This Recreation Area is owned and operated by the State of California Department of Parks and Recreation. It is located at 17801 Lake Perris Drive in the city of Perris. Resources include group and family camp sites, beaches and swimming (Moreno and Perris Beaches), scuba diving, water skiing, boat launches and boating, marina, fishing, hiking, biking and horse trails, rock climbing, 300 picnic sites with tables and grills, the Ya’i Heki’ Regional Indian Museum, wheelchair-accessible guided tours, windsurfing, food services, restrooms, a recreational vehicle dump station, recreational vehicle hookups, and showers.</td>
<td>This Recreation Area is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this Recreation Area by any MCP Build Alternative. No TCEs or permanent surface, aerial, or subsurface easements are proposed within the boundary of this Recreation Area under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this Recreation Area under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is approximately 255 ft from the boundary of this Recreation Area (Alternatives 4 Modified, 5 Modified, and 9 Modified). Based on the distance of this Recreation Area from the alignment of the MCP Build Alternatives, those Alternatives would not result in proximity impacts on the Recreation Area related to long-term noise or short- and long-term visual and aesthetics. Potential proximity impacts related to short-term noise and dust during construction would be substantially mitigated. Based on the detailed modeling and analyses in the Air Quality Analysis (2012), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard; would not contribute substantially to an existing or projected air quality violation for CO, PM$<em>{2.5}$, or PM$</em>{10}$; would not result in an adverse impact related to MSATs; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives would not result in proximity impacts on this Recreation Area related to air quality. During construction, access in the vicinity of this Recreation Area would be maintained. If temporary road closures are necessary on Ramona Expressway and/or Bernasconi Road, detours would be provided to ensure that visitors can access the Recreation Area during those temporary road closures. The MCP Build Alternatives would not result in long-term traffic circulation or access impacts on this Recreation Area because access to this area would be maintained in the long term during project operations. Specifically, the existing access point at Bernasconi Road/Ramona Expressway would be replaced with an MCP Build Alternative/Bernasconi Road interchange to maintain access to the surrounding areas, including the Recreation Area. Residents living south of the existing Ramona Expressway would be able to access the Recreation Area via the new Bernasconi Road bridge at the MCP Build Alternative/Bernasconi Road interchange. As a result, the MCP Build Alternatives would not result in proximity impacts on this Recreation Area related to traffic circulation and access. In summary, the proximity impacts of the MCP Build Alternatives at this Recreation Area would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this Recreation Area.</td>
</tr>
</tbody>
</table>
Table A.1: Resources Determined Not to Trigger Protection under the Requirements of Section 4(f)

<table>
<thead>
<tr>
<th>Owner/Operator, Location, and Description of Resource</th>
<th>Why Resource Does Not Trigger Protection under Section 4(f)</th>
</tr>
</thead>
</table>
| Liberty Park. This Park is owned and operated by the City of Perris. It is located at the corner of Evans Road and Kestrel Gate. This 9 ac Park includes two tot lots, picnic tables, a walkway, a large open turf area, restrooms, and off-street parking. | Alternative 4 Modified would not result in the permanent use of any land from Liberty Park and would not require the use of any land from Liberty Park for TCEs. Alternatives 4 Modified, 5 Modified, and 9 Modified would not result in any permanent surface, aerial, or subsurface easements at Liberty Park. Alternatives 5 Modified and 9 Modified would not result in the permanent use of any land from Liberty Park but would require the use of land from Liberty Park for TCEs during construction of a retaining wall in the MCP right of way, immediately south of the south side of the park, as follows and as shown on Figures A.2 and A.3:  
  - **Alternative 5 Modified**: 0.011 ac for a TCE (Figure A.2)  
  - **Alternative 9 Modified**: 0.097 ac for a TCE (Figure A.3)  
For the purposes of Section 4(f), such temporary occupancy of a Section 4(f) resource does not normally constitute use if each of the following five conditions is met [23 CFR 774.13(d)]:  
  a. Duration 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;  
  b. Scope of the work must be minor (i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal);  
  c. There are no anticipated permanent adverse physical impacts, nor would there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;  
  d. The land being used must be fully restored (i.e., the property must be returned to a condition that is at least as good as that which existed prior to the project); and  
  e. There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.  
The TCEs for the construction of the retaining wall in the MCP right of way immediately south of the south side of Liberty Park under Alternatives 5 Modified and 9 Modified meet these conditions as follows:  
  - The duration of construction for the retaining wall would be approximately 3 months, which is substantially less than the time needed to construct the entire project. There would be no change in the ownership of this land during the construction of the retaining wall.  
  - The scope of work is very minor and would be limited to the construction of the footings of the walls and the walls themselves. The footings and walls would not result in changes to the parts of Liberty Park used for active and passive recreation activities.  
  - The construction of the footings and the walls would not result in any permanent adverse physical impacts to Liberty Park and would not interfere with the protected activities, features, or attributes of Liberty Park on either a temporary or permanent basis. |
Table A.1: Resources Determined Not to Trigger Protection under the Requirements of Section 4(f)

<table>
<thead>
<tr>
<th>Owner/Operator, Location, and Description of Resource</th>
<th>Why Resource Does Not Trigger Protection under Section 4(f)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liberty Park (continued)</td>
<td>• The land being used for the TCEs would be returned to a condition that is at least as good as that which existed prior to the project.</td>
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<td></td>
<td>• There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.</td>
</tr>
<tr>
<td></td>
<td>Because the TCEs proposed in Alternatives 5 Modified and 9 Modified meet all five criteria, those TCEs do not constitute a use and, therefore, the requirements for protection under Section 4(f) are not triggered by the TCEs for the construction of the walls adjacent to Liberty Park under Alternatives 5 Modified and 9 Modified.</td>
</tr>
<tr>
<td></td>
<td>This Park would experience short- and long-term visual impacts and short-term construction noise and dust impacts, all of which would be substantially mitigated. This park would not experience long-term noise impacts.</td>
</tr>
<tr>
<td></td>
<td>Based on the detailed modeling and analyses in the Air Quality Analysis (2012), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard; would not contribute substantially to an existing or projected air quality violation for CO, PM$<em>{2.5}$, or PM$</em>{10}$; would not result in an adverse impact related to MSATs; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives would not result in proximity impacts on Liberty Park related to air quality.</td>
</tr>
<tr>
<td></td>
<td>During construction of the MCP Build Alternatives, access to Liberty Park would be maintained. If temporary road closures are necessary in the vicinity of this Park, detours would be provided to ensure that visitors can access the park during those temporary road closures. Alternative 4 Modified would not result in long-term traffic circulation or access impacts on Liberty Park because access to this Park on existing roads would be maintained in the long term during operations under this Alternative. Alternatives 5 Modified and 9 Modified include a cul-de-sac on Old Evans Road adjacent to Liberty Park and would eliminate the intersection of Old Evans Road/Evans Road. These modifications are shown on Figures A.2 and A.3 for Alternatives 5 Modified and 9 Modified, respectively. These modifications would not result in long-term traffic or access impacts because Old Evans Road would continue to provide access to the Park from Kestrel Gate. The Evans Road pedestrian crossing at Old Evans Road would be shifted south approximately 400 ft to the intersection of the westbound MCP ramps at Evans Road. Alternatives 5 Modified and 9 Modified would also include closure of the intersection at Sparrow Way/Evans Road; access for that neighborhood would be provided via Whimbrel Way to Evans Road. As a result, the MCP Build Alternatives would not result in proximity impacts on Liberty Park related to changes in traffic circulation and access.</td>
</tr>
<tr>
<td></td>
<td>In summary, the proximity impacts of the MCP Build Alternatives at this Park would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this Park.</td>
</tr>
</tbody>
</table>
Table A.1: Resources Determined Not to Trigger Protection under the Requirements of Section 4(f)

<table>
<thead>
<tr>
<th>Owner/Operator, Location, and Description of Resource</th>
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<td>Liberty Park (continued)</td>
<td>These conclusions will be reviewed with the City of Perris during the public review period for the Recirculated Draft EIR/Supplemental Draft EIS, and a formal letter documenting the City’s concurrence with these conclusions would be requested from the City at that time. RCTC has consulted with the City of Perris regularly since the initiation of project studies in 2004. RCTC initiated formal consultation with the City of Perris regarding Liberty Park by letter dated June 7, 2012 (see Attachment B).</td>
</tr>
<tr>
<td>Paragon Park. This Park is owned and operated by the City of Perris. It is located at 264 Spectacular Bid Street. This is a 14.1 ac community park with portable restrooms, approximately 30 off-street parking spaces, two lighted tennis courts, one full basketball court, two handball walls, a tot lot, one barbeque, open space, and three picnic shelters. Vehicle and pedestrian access to this Park is provided via Spectacular Bid Street, Redlands Avenue, and Placentia Avenue.</td>
<td>This Park is in the MCP Study Area and also in the vicinity of the right of way limits for the MCP Build Alternatives, but there is no permanent use of this Park by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this Park under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this Park under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is approximately 120 ft from the boundary of this Park (Alternative 9 Modified). Alternatives 4 Modified and 5 Modified are more than 1,000 ft from this Park. This park would experience short-term visual, noise, and dust impacts during construction, all of which would be substantially mitigated. This Park would not experience long-term noise or visual impacts. Based on the detailed modeling and analyses in the Air Quality Analysis (2012), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard; would not contribute substantially to an existing or projected air quality violation for CO, PM$<em>{2.5}$, or PM$</em>{10}$; would not result in an adverse impact related to MSATs; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives would not result in proximity impacts on Paragon Park related to air quality. During construction of the MCP Build Alternatives, access to Paragon Park would be maintained. If temporary road closures are necessary in the vicinity of this park, detours would be provided to ensure that visitors can access the Park during those temporary road closures. The MCP Build Alternatives would not result in long-term traffic or access impacts at Paragon Park because access to the Park would be maintained during project operations. Neighborhoods north of Placentia Avenue use Lakeview Drive, Perris Boulevard, or Spokane Street to access Placentia Avenue adjacent to Paragon Park. Under the MCP Build Alternatives, some residents would no longer have direct access to Placentia Avenue via Lakeview Drive or Spokane Street; those residents would be able to use Perris Boulevard to Placentia Avenue to access Paragon Park. As a result, the MCP Build Alternatives would not result in proximity impacts on Paragon Park related to changes in traffic circulation and access. In summary, the proximity impacts of the MCP Build Alternatives at Paragon Park would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this Park.</td>
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### Table A.1: Resources Determined Not to Trigger Protection under the Requirements of Section 4(f)

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<td><strong>Morgan Park.</strong> This Park is owned and operated by the City of Perris. It is located at 600 Morgan Street. This Park includes a lighted soccer field, a snack bar, picnic tables, basketball courts, barbeques, a playground/tot lot, and restrooms.</td>
<td>This Park is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this Park by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this park under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this Park under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is approximately 420 ft from this Morgan Park (Alternative 4 Modified). This Park would experience short- and long-term visual impacts and short-term noise impacts, all of which would be substantially mitigated. This Park would not experience short- or long-term air quality impacts or long-term noise impacts. During construction of the MCP Build Alternatives, access to Morgan Park would be maintained. If temporary road closures are necessary in the vicinity of this Park, detours would be provided to ensure that visitors can access the Park during those temporary road closures. The MCP Build Alternatives would not result in proximity impacts on Morgan Park related to changes in traffic circulation and access. In summary, the proximity impacts of the MCP Build Alternatives at this Park would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this Park.</td>
</tr>
<tr>
<td><strong>Frank Eaton Memorial Park.</strong> This Park is owned and operated by the City of Perris. It is located at 3600 Bradley Road. This 4.4 ac mini-park includes portable restrooms, off-street parking, four picnic tables, one picnic shelter, barbeques, tot lot and playground, basketball court, a baseball/softball field, and one water fountain.</td>
<td>This Park is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this Park by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this Park under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this Park under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is over 4,600 ft from the boundary of this Park (Alternatives 4 Modified, 5 Modified, and 9 Modified). During construction and operation of the MCP Build Alternatives, access to this Park would not be affected because the Park is a substantial distance from the nearest features of the MCP Build Alternatives. As a result, the MCP Build Alternatives would not result in proximity impacts on Frank Eaton Memorial Park related to changes in traffic circulation and access. Based on the distance of this Park from the alignments of the MCP Build Alternatives, those Alternatives would not result in impacts that would substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this Park.</td>
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<td><strong>May Ranch Park.</strong> This Park is owned and operated by the City of Perris. It is located at 3033 Poppy Court. This approximately 8 ac neighborhood park includes portable restrooms, approximately 35 off-street parking spaces, 11 picnic tables, one picnic shelter, four barbeques, a tot lot, two benches, one full basketball court, two softball fields, one practice field/passive space, and one water fountain.</td>
<td>This Park is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this Park by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this Park under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this Park under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is approximately 700 ft from the boundary of this Park (Alternatives 4 Modified, 5 Modified, and 9 Modified). This Park would experience short- and long-term visual impacts, which would be partially mitigated. This Park would not experience short- and long-term air quality or noise impacts. During construction of the MCP Build Alternatives, access to May Ranch Park would be maintained. If temporary road closures are necessary in the vicinity of this Park, detours would be provided to ensure that visitors can access the Park during those temporary road closures. The MCP Build Alternatives would not result in long-term traffic or access impacts at May Ranch Park because access to the Park would be maintained during project operations. Some residents living south of Placentia Avenue may currently use Eureka Avenue or El Nido Avenue to access this Park. Eureka Avenue and El Nido Avenue would not cross the alignments of the MCP Build Alternatives; residents who currently use those streets to access the Park would be able to access the Park via Redlands Boulevard at its crossing of the MCP. As a result, the MCP Build Alternatives would not result in proximity impacts on May Ranch Park related to changes in traffic circulation and access. In summary, the proximity impacts of the MCP Build Alternatives at this Park would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this Park.</td>
</tr>
<tr>
<td><strong>Copper Creek Park.</strong> This Park is owned and operated by the City of Perris. It is located at 217 Citrus Avenue. This 7.4 ac park includes a half-court basketball court, passive/practice areas, two tot lots, two barbeques, one drinking fountain, four picnic tables, one picnic shelter, and restrooms.</td>
<td>This Park is outside the MCP Study Area and right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this Park by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this Park under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this Park under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is over 3,300 ft from this Park (Alternatives 4 Modified, 5 Modified, and 9 Modified). During construction and operation of the MCP Build Alternatives, access to this Park would not be affected because the Park is a substantial distance from the nearest features of the MCP Build Alternatives. As a result, the MCP Build Alternatives would not result in proximity impacts on Copper Creek Park related to changes in traffic circulation and access. Based on the distance of this Park from the alignments of the MCP Build Alternatives, those alternatives would not result in impacts that would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this Park.</td>
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<td>Colonel Lewis Millett Park. This Park is owned and operated by the City of San Jacinto. It is located at 2001 Ramona Boulevard. It was named after Colonel Millett, who was awarded the Congressional Medal of Honor for activities during the Korean War. This 5.8 ac park includes a lighted soccer field, restrooms, a basketball court, one ball field backstop, and a tot lot.</td>
<td>This Park is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this Park by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this Park under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this Park under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is approximately 450 ft from the boundary of this Park (Alternatives 4 Modified, 5 Modified, and 9 Modified). This park would experience short- and long-term visual impacts and short-term noise impacts, all of which would be substantially mitigated. This Park would not experience short- or long-term air quality impacts or long-term noise impacts. During construction of the MCP Build Alternatives, access to Colonel Lewis Millett Park would be maintained. If temporary road closures are necessary in the vicinity of this Park, detours would be provided to ensure that visitors can access the Park during those temporary road closures. The MCP Build Alternatives would not result in long-term traffic or access impacts at Colonel Lewis Millett Park because access to the Park would be maintained during project operations. As a result, the MCP Build Alternatives would not result in proximity impacts on Colonel Lewis Millett Park related to changes in traffic circulation and access. In summary, the proximity impacts of the MCP Build Alternatives at this Park would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this Park.</td>
</tr>
<tr>
<td>Val Verde High School. This School is owned and operated by Val Verde Unified School District. It is located at 972 West Morgan Street in the city of Perris. This School has one soccer practice field, one gymnasium, two full basketball courts, one softball field, and two volleyball courts.</td>
<td>This School is in the MCP Study Area and partially within the right of way limits for the MCP Build Alternatives. As shown on Figures A.4 and A.5, Alternatives 4 Modified and 5 Modified would result in the permanent use of 0.42 and 0.53 ac, respectively, of land from this school property. However, the property that would be acquired for the MCP Build Alternatives from this School does not include any recreation uses. Therefore, there is no use of this School under Alternatives 4 Modified and 5 Modified that would trigger the requirements for protection under Section 4(f). Alternative 9 Modified would not result in the permanent use of land from Val Verde High School. Alternative 4 Modified would require the use of 0.18 ac of land at Val Verde High School for use as a TCE during construction. The area proposed to be used as a TCE is on the west side of the high school property and would not include any areas used for recreation. For the purposes of Section 4(f), such temporary occupancy of a Section 4(f) resource does not normally constitute use if the following five conditions are all met (23 CFR 774.13(d)): a. Duration 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;</td>
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<td>Val Verde High School (continued)</td>
<td>b. Scope of the work must be minor (i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal);</td>
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<td></td>
<td>c. There are no anticipated permanent adverse physical impacts, nor would there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;</td>
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<td></td>
<td>d. The land being used must be fully restored (i.e., the property must be returned to a condition that is at least as good as that which existed prior to the project); and</td>
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<tr>
<td></td>
<td>e. There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.</td>
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The TCE for the construction of the MCP Build Alternatives west of Val Verde High School under Alternative 4 Modified meets these conditions as follows:

- The duration of construction for Alternative 4 Modified at this location would be approximately 4 months, substantially less than the time needed to construct the entire project. There would be no change in the ownership of this land during the construction of Alternative 4 Modified in this area.

- The scope of work for Alternative 4 Modified west of the high school property is substantial; however, the actual work in the area of the TCE is limited. The TCE is proposed to allow for the operation of construction equipment/vehicles and materials storage immediately adjacent to the active construction areas. These activities would not result in changes to the parts of the high school property used for active and passive recreation activities.

- The construction activities for Alternative 4 Modified west of the high school property would not result in any permanent adverse physical impacts to the high school property, or any part of that property used for recreation, and would not interfere with the protected activities, features, or attributes of Val Verde High School on either a temporary or permanent basis.

- The land being used for the TCE would be returned to a condition that is at least as good as that which existed prior to the project at the completion of the construction for Alternative 4 Modified in this area.

- There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

Because the TCE proposed in Alternative 4 Modified meets all five criteria, that TCE does not constitute a use and, therefore, the requirements for protection under Section 4(f) are not triggered by the TCE at Val Verde High School under Alternative 4 Modified. If Alternative 4 Modified is selected as the preferred alternative following public review of the Recirculated Draft EIR/Supplemental Draft EIS, then the Val Verde School District would be requested to provide a letter documenting their concurrence with these conclusions.
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<td>Val Verde High School (continued)</td>
<td>Alternatives 5 Modified and 9 Modified would not require the use of any land from Val Verde High School for use as a TCE. Alternatives 4 Modified, 5 Modified, and 9 Modified would not result in any permanent surface, subsurface, or aerial easements at Val Verde High School. This high school would experience short- and long-term visual, and short-term noise and dust impacts during construction, all of which would be substantially mitigated. Based on the detailed modeling and analyses in the Air Quality Analysis (2012), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard; would not contribute substantially to an existing or projected air quality violation for CO, PM$<em>{2.5}$, or PM$</em>{10}$; would not result in an adverse impact related to MSATs; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives would not result in proximity impacts on Val Verde High School related to air quality. During construction of Alternative 4 Modified, there would be short-term traffic and access impacts on Val Verde High School. Specifically, Alternative 4 Modified would remove Nevada Road from the Ramona Expressway to Morgan Street and curve East Frontage Road at Morgan Street. Access to the high school property, including the areas used for recreation, would be maintained during construction of Alternative 4 Modified via Morgan Street and Webster Avenue. During construction of Alternative 5 Modified, there would be short-term traffic and access impacts on Val Verde High School. Specifically, Alternative 5 Modified would remove East Frontage Road from Morgan Street to Walnut Street and curve Nevada Avenue at Morgan Street. Access to the high school property, including areas used for recreation, would be maintained during construction of Alternative 5 Modified via Morgan Street and Webster Avenue. During construction of Alternative 9 Modified, access to Val Verde High School would be maintained. If temporary road closures are necessary in the vicinity of the high school, detours would be provided to ensure that visitors using the recreation areas on the high school property can access that part of the property during those temporary road closures. Alternative 4 Modified would result in the permanent removal of Nevada Road from the Ramona Expressway to Morgan Street and curve East Frontage Road at Morgan Street. However, this would not result in long-term traffic impacts because although access via Nevada Road would no longer be provided, access to the high school property, including the areas used for recreation, would be available via East Frontage Road, Morgan Street, and Webster Avenue. Alternative 5 Modified would result in the permanent removal of East Frontage Road from Morgan Street to Walnut Street and curve Nevada Avenue at Morgan Street. However, this would not result in long-term traffic impacts because although access via East Frontage Road would no longer be provided, access to the high school property including areas used for recreation, would be available from Nevada Avenue, Morgan Street, and Webster Avenue.</td>
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<td>Val Verde High School (continued)</td>
<td>Alternative 9 Modified would not result in the permanent removal of any existing streets and would not result in long-term traffic or access impacts because access to the high school, including areas used for recreation, would continue to be available via Nevada Avenue, Morgan Street, Webster Avenue, and East Frontage Road. In summary, the MCP Build Alternatives would not result in proximity impacts on Val Verde High School and the recreation resources at that school related to changes in traffic circulation and access. In summary, the proximity impacts of the MCP Build Alternatives at this School would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this School. These conclusions will be reviewed with the Val Verde High School District during the public review period for the Recirculated Draft EIR/Supplemental Draft EIS, and a formal letter documenting the District’s concurrence with these conclusions would be requested from the District at that time. RCTC has consulted with the District regularly since the initiation of project studies in 2004. RCTC initiated formal consultation with the District regarding the use at Val Verde High School by letter dated June 7, 2012 (see Attachment B).</td>
</tr>
<tr>
<td>Val Verde Elementary School</td>
<td>This School is owned and operated by Val Verde Unified School District. It is located at 2656 Indian Avenue in the city of Perris. This School has one softball field with a backstop, one soccer field, open space, 12 basketball half-courts, and a play structure. This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School under the MCP Build Alternatives. Because there is no permanent or temporary use of this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is adjacent to the boundary of this School (Alternative 9 Modified). Alternatives 4 Modified and 5 Modified are more than 500 ft from this Park. This School would experience short- and long-term visual, and short-term noise and dust impacts during construction, all of which would be substantially mitigated. Based on the detailed modeling and analyses in the Air Quality Analysis (2012), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard; would not contribute substantially to an existing or projected air quality violation for CO, PM$<em>{2.5}$, or PM$</em>{10}$; would not result in an adverse impact related to MSATS; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives would not result in proximity impacts on Val Verde Elementary School related to air quality. During construction of the MCP Build Alternatives, access to the elementary school property would be maintained, including access to the areas on the property used for recreation. If temporary road closures are necessary in the vicinity of this School, detours would be provided to ensure that visitors using the recreation areas on the school property can...</td>
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<td>Access that part of the property during those temporary road closures. Alternatives 4 Modified and 5 Modified would not result in the permanent removal of any existing streets and would not result in long-term traffic or access impacts because access to the elementary school, including areas used for recreation, would continue to be available via Indian Avenue, East Frontage Road, and Water Avenue. Alternative 9 Modified would result in the permanent removal of East Frontage Road north of Water Avenue. However, this would not result in long-term traffic impacts because although access via East Frontage Road would no longer be provided, access to the elementary school property, including the areas used for recreation, would be available via Indian Avenue and Water Avenue. In summary, the MCP Build Alternatives would not result in proximity impacts on Val Verde Elementary School and the recreation resources at that school related to changes in traffic circulation and access. In summary, the proximity impacts of the MCP Build Alternatives at this School would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this School.</td>
</tr>
<tr>
<td>Triple Crown Elementary School. This School is owned by and operated by Val Verde Unified School District. It is located at 530 Orange Avenue in the city of Perris.</td>
<td>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School. Because there is no permanent or temporary use of this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is more than 2,000 ft from the boundary of this School (Alternative 9 Modified). No short- or long-term traffic impacts would occur at Triple Crown Elementary School because access to the School would be maintained and the nearest project features are a substantial distance from the School. As a result, the MCP Build Alternatives would not result in proximity impacts on Triple Crown Elementary School related to changes in traffic circulation and access. Based on the distance of this School from the alignments of the MCP Build Alternatives, those alternatives would not result in impacts that would substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this School.</td>
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<td><strong>May Ranch Elementary School.</strong> This School is owned and operated by Val Verde Unified School District. It is located at 900 East Morgan Street in the city of Perris.</td>
<td>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is nearly 2,000 ft from the boundary of this School. This School would experience short-term noise impacts during construction, which would be partially mitigated. This School would not experience long-term noise impacts, or short- and long-term visual and air quality impacts. No short- or long-term traffic impacts would occur at May Ranch Elementary School because access to the School would be maintained and the nearest project features are a substantial distance from the School. As a result, the MCP Build Alternatives would not result in proximity impacts on May Ranch Elementary School related to changes in traffic circulation and access. In summary, the proximity impacts of the MCP Build Alternatives at this School would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this School.</td>
</tr>
<tr>
<td><strong>Southwest High School.</strong> This School is owned and operated by Val Verde Unified School District. It is located at 1400 Orange Avenue in the City of Perris.</td>
<td>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed at this School under the MCP Build Alternatives. Because there is no permanent or temporary use of this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is more than 1,200 ft from the boundary of this School. No short-term traffic impacts would occur at Southwest High School because access to the School would be maintained during construction, and the nearest project features are a substantial distance from the School. Under Alternatives 4 Modified, 5 Modified, and 9 Modified, El Nido Avenue would not cross the MCP facility. Visitors to Southwest High School, including users of the recreation uses on the property, would still be able to access the School, including areas used for recreation, via Evans Road. As a result, the MCP Build Alternatives would not result in proximity impacts on Southwest High School related to changes in traffic circulation and access. Based on the distance of this School from the alignments of the MCP Build Alternatives, those Alternatives would not result in impacts that would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this School.</td>
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<td>Avalon Elementary School. This School is owned and operated by Val Verde Unified School District. It is located at 1815 East Rider Street in the city of Perris. This School has two softball fields with backstops.</td>
<td>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School. Because there is no permanent or temporary use of land from this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is over 2,160 ft from the boundary of this School (Alternatives 4 Modified, 5 Modified, and 9 Modified). No short- or long-term traffic impacts would occur at Avalon Elementary School because access to the School would be maintained and the nearest project features are a substantial distance from the School. As a result, the MCP Build Alternatives would not result in proximity impacts on Avalon Elementary School related to changes in traffic circulation and access. Based on the distance of this School from the alignments of the MCP Build Alternatives, those Alternatives would not result in impacts that would substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this School.</td>
</tr>
<tr>
<td>Sierra Vista Elementary School. This School is owned and operated by Val Verde Unified School District. It is located at 20300 Sherman Road in the city of Perris. This School has two softball fields with backstops, eight basketball half-courts, and a tot lot.</td>
<td>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School. Because there is no permanent or temporary use of this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is nearly 200 ft from the boundary of this School (Alternatives 4 Modified, 5 Modified, and 9 Modified). This School would experience short-term dust and noise impacts, and short- and long-term visual impacts that would be partially mitigated. This School would not experience long-term noise impacts. Based on the detailed modeling and analyses in the Air Quality Analysis (2012), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard; would not contribute substantially to an existing or projected air quality violation for CO, PM$<em>{2.5}$, or PM$</em>{10}$; would not result in an adverse impact related to MSATs; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives would not result in proximity impacts on Sierra Vista Elementary School related to air quality. No short-term traffic impacts would occur at Sierra Vista Elementary School because access to the School would be maintained during construction. Under Alternatives 4 Modified, 5 Modified, and 9 Modified, El Nido Avenue would not cross the MCP facility. Visitors to Sierra Vista Elementary School, including users of the recreation uses on the property, would still be able to access the School, including the areas used for recreation, via Evans Road. As a result, the MCP Build Alternatives would...</td>
</tr>
</tbody>
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Table A.1: Resources Determined Not to Trigger Protection under the Requirements of Section 4(f)

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<tr>
<td>Sierra Vista Elementary School (continued)</td>
<td>not result in proximity impacts on Sierra Vista Elementary School related to changes in traffic circulation and access.</td>
</tr>
<tr>
<td></td>
<td>In summary, the proximity impacts of the MCP Build Alternatives at this School would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this School.</td>
</tr>
<tr>
<td>Lakeside Middle School. This School is owned and operated by Val Verde Unified School District. It is located at 27720 Walnut Avenue in the city of Perris. This School has one soccer practice field with running track, seven full basketball courts, and one softball field.</td>
<td>This School is in the MCP Study Area and is in the immediate vicinity of the right of way for the MCP Build Alternatives. However, there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School. Because there is no permanent or temporary use of land from this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</td>
</tr>
<tr>
<td></td>
<td>The MCP Build Alternatives are adjacent to the boundary of this School. This School would experience short-term dust and noise impacts, and short- and long-term visual impacts that would be partially mitigated. This School would not experience long-term noise impacts.</td>
</tr>
<tr>
<td></td>
<td>Based on the detailed modeling and analyses in the Air Quality Analysis (2012), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard; would not contribute substantially to an existing or projected air quality violation for CO, PM$<em>{2.5}$, or PM$</em>{10}$; would not result in an adverse impact related to MSATs; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives would not result in proximity impacts on Lakeside Middle School related to air quality.</td>
</tr>
<tr>
<td></td>
<td>No short-term traffic impacts would occur at Lakeside Middle School because access to the School would be maintained during construction. Under Alternatives 4 Modified, 5 Modified, and 9 Modified, El Nido Avenue would not cross the MCP facility. Visitors to Lakeside Middle School, including users of the recreation uses on the property, would still be able to access the School property, including the area used for recreation, via Evans Road. As a result, the MCP Build Alternatives would not result in proximity impacts on Lakeside Middle School related to changes in traffic circulation and access.</td>
</tr>
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<td></td>
<td>In summary, the proximity impacts of the MCP Build Alternatives at this School would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this School.</td>
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</thead>
<tbody>
<tr>
<td><strong>Nuview Elementary School.</strong> This School is owned and operated by Nuview Union School District. It is located at 29680 Lakeview Avenue in the city of Nuevo.</td>
<td>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is nearly 5,000 ft from the boundary of this School (Alternatives 4 Modified, 5 Modified, and 9 Modified). No short- or long-term traffic impacts would occur at Nuview Elementary School because access to the School would be maintained, and the nearest project features are a substantial distance from the School. As a result, the MCP Build Alternatives would not result in proximity impacts on Nuview Elementary School related to changes in traffic circulation and access. Based on the distance of this School from the alignments of the MCP Build Alternatives, those Alternatives would not result in impacts that would substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this School.</td>
</tr>
<tr>
<td><strong>Mountain Shadows Middle School.</strong> This School is owned and operated by Nuview Union School District. It is located at 30401 Reservoir Avenue in the city of Nuevo. This School has a softball field, a track, and open space.</td>
<td>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs proposed within the boundary of this School under the MCP Build Alternatives. Because there is no permanent or temporary use of this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is approximately 900 ft from the boundary of this School (Alternatives 4 Modified, 5 Modified, and 9 Modified). No short- or long-term traffic impacts would occur at Mountain Shadows Middle School because access to the School would be maintained, and the nearest project features are a substantial distance from the School. As a result, the MCP Build Alternatives would not result in proximity impacts on Mountain Shadows Middle School related to changes in traffic circulation and access. Based on the distance of this School from the alignments of the MCP Build Alternatives, those Alternatives would not result in impacts that would substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this School.</td>
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<tbody>
<tr>
<td>Valley View Elementary School. This School is owned and operated by Nuview Union School District. It is located at 21220 Maurice Street in the city of Nuevo.</td>
<td>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School. Because there is no permanent or temporary use of this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is over 9,000 ft from the boundary of this School (Alternatives 4 Modified, 5 Modified, and 9 Modified). No short- or long-term traffic impacts would occur at Valley View Elementary School because access to the School would be maintained, and the nearest project features are a substantial distance from the School. As a result, the MCP Build Alternatives would not result in proximity impacts on Valley View Elementary School related to changes in traffic circulation and access. Based on the distance of this School from the alignments of the MCP Build Alternatives, those Alternatives would not result in impacts that would substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this School.</td>
</tr>
<tr>
<td>Nuview Bridge Early College High School. This School is owned and operated by Nuview Union School District. It is located at 30401 Reservoir Avenue, in the city of Nuevo.</td>
<td>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School. Because there is no permanent or temporary use of this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is nearly 900 ft from the boundary of this School (Alternatives 4 Modified, 5 Modified, and 9 Modified). No short- or long-term traffic impacts would occur at Nuview Bridge Early College High School because access to the School would be maintained, and the nearest project features are a substantial distance from the School. As a result, the MCP Build Alternatives would not result in proximity impacts on Nuview Bridge Early College High School related to changes in traffic circulation and access. Based on the distance of this School from the alignments of the MCP Build Alternatives, those Alternatives would not result in impacts that would substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this School.</td>
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<td>BLM-Managed Lands in the Lakeview Mountains. The BLM owns and manages lands across California for a variety of purposes, including for the protection of sensitive plant and animal species. There are several parcels of BLM-managed lands in the general vicinity of the alignments of the MCP Build Alternatives as shown on Figure A.1.</td>
<td>The nearest right of way for the MCP Build Alternatives is approximately 0.7 mi from the boundary of the nearest BLM-managed lands, on the west side of I-215 as shown on Figure A.1. Several other parcels are between 0.9 and 3.0 mi from the nearest right of way of the MCP Build Alternatives. As a result, the MCP Build Alternatives would not substantially impair the protected activities, features, or attributes of these resources in terms of their Section 4(f) significance and, therefore, would not result in a constructive use of any BLM-managed lands.</td>
</tr>
<tr>
<td>P33-11265 Colorado River Aqueduct. Public water conveyance system owned by the Metropolitan Water District of Southern California.</td>
<td>The Colorado River Aqueduct is underground (approximately 8 ft deep) at the location where the alignment of the MCP Build Alternatives crosses the alignment of the Colorado River Aqueduct. The Colorado River Aqueduct is outside the vertical APE for the MCP project and it was concluded in the cultural resources studies that the construction and operation of the MCP Build Alternatives would not impact the Colorado River Aqueduct under Section 106. As a result, the requirements for protection under Section 4(f) are not triggered by the MCP Build Alternatives at the Colorado River Aqueduct.</td>
</tr>
<tr>
<td>On- and Off-Street Trails Designated in the General Plans of the Cities of Perris and San Jacinto and the County of Riverside. Various public agencies and private parties.</td>
<td>As shown on Figure A.6, there are a number of General Plan-designated trails in the MCP Study Area. Class I trails are trails that are in dedicated rights of way for use by pedestrians, bicyclists, and/or equestrians. As shown on Figure A.6, the local General Plans have designated two Class I trails in the MCP Study Area: one parallel to the entire length of the Ramona Expressway shown on the figure; and the second along the San Jacinto River, crossing the Ramona Expressway west of Lakeview Avenue. There is also a wide range of other types of trails, including bicycle facilities within public street rights of way, designated in this area in the local General Plans as shown on Figure A.6. The MCP Build Alternatives are parallel to or cross many of the trails. The final design of the selected MCP Build Alternative would accommodate all existing off-street trails at their crossings of the MCP alignment. The MCP Build Alternatives would not impact the trail segments that are generally parallel to the MCP alignments. Therefore, the MCP Build Alternatives would not result in proximity impacts to trails.</td>
</tr>
</tbody>
</table>

ac = acre/acres  
APE = area of potential effects  
BLM = United States Department of the Interior, Bureau of Land Management  
CFR = Code of Federal Regulations  
CO = carbon monoxide  
ft = foot/feet  
I-215 = Interstate 215  
MCP = Mid County Parkway  
m = mile/miles  
MSATs = Mobile Source Air Toxics  
PM$_{10}$ = particulate matter less than 10 microns in size  
PM$_{2.5}$ = particulate matter less than 2.5 microns in size  
TCE = temporary construction easement
FIGURE A.2

LEGEND

- Orange: Alternative 5 Modified Limits of Proposed Improvements
- Green: Retaining Wall
- Centerlines, Ramps, and Lanes
- Black: Grading Limits: Cut
- Gray: Grading Limits: Fill
- Red: Temporary Construction Easement (0.011 ac)

SOURCE: Jacobs Engineering (02/2011); Eagle Aerial (3/2010); Epic Land Solutions (4/2011)
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FIGURE A.3

LEGEND

- Alternative 9 Modified Limits of Proposed Improvements
- Grading Limits: Cut
- Grading Limits: Fill
- Temporary Construction Easement (0.097 ac)

SOURCE: Jacobs Engineering (02/2011); Eagle Aerial (3/2010); Epic Land Solutions (4/2011)

08-RIV-MCP PM 0.0/16.3; 08-RIV-215 PM 28.0/34.3
EA 08-0F3200 (PN 0800000125)
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FIGURE A.4

Permanent Land Acquisition at Val Verde High School Under Alternative 4 Modified

LEGEND

- Right-of-Way - Alternative 4 Modified
- Centerlines, Ramps, and Lanes
- Temporary Construction Easement
- Parcel Lines
- Retaining Wall
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Permanent Land Acquisition at Val Verde High School Under Alternative 5 Modified

08-RIV-MCP PM 0.0/16.3; 08-RIV-215 PM 28.0/34.3
EA 08-0F3200 (PN 0800000125)

SOURCE: Jacobs Engineering (02/2011); Eagle Aerial (3/2010); Epic Land Solutions (4/2011)
ATTACHMENT B
CONSULTATION CORRESPONDENCE

This appendix contains the following correspondence:

- January 8, 2009, letter from Scott Dawson, California Department of Fish and Game (CDFG) (2 pages)
- August 22, 2011, email to Leslie MacNair and Eddy Konno, CDFG, with attachment (3 pages)
- October 27, 2011, email from Jeff Brandt, CDFG (1 page)
- February 2012 emails between CDFG and RCTC (3 pages)
- June 7, 2012, Initiation of Section 4(f) Consultation letter from Riverside County Transportation Commission (RCTC) to Dr. Alan Jensen, Val Verde United School District (15 pages)
- June 7, 2012, Initiation of Section 4(f) Consultation letter from RCTC to Clara Miramontes, City of Perris (13 pages)
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January 08, 2009

Cathy Bechtel
Riverside County Transportation Commission
4080 Lemon Street, 3rd Floor
Riverside, CA 92502-2208

Re: Mid-County Parkway (MCP) Draft Environmental Impact Report - Environmental Impact Statement - SCH #2004111103

Dear Ms. Bechtel:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the Draft Environmental Impact Report - Environmental Impact Statement (DEIR) for the above-referenced project with regard to impacts to biological resources. The proposed project is the improvement and construction of a 32-mile east-west transportation parkway between State Route 79 in San Jacinto in the east and Interstate 15 in Corona in the west. The preferred alternative is Alternative 9: Far South/Placentia Avenue with the Temescal Wash Area Design Variation (Alt 9 TWS DV).

The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code sections 711.7 and 1802 and the California Environmental Quality Act Guidelines (CEQA) section 15386] and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381), such as a Lake or Streambed Alteration Agreement (LSAA) or California Endangered Species Act (CESA) Incidental Take Permit.

The Department appreciates the considerable time, resources, and effort expended in preparing the DEIR. Throughout the DEIR, an agreement pursuant to Section 1600 of the California Fish and Game Code should be entitled a "Lake or Streambed Alteration Agreement". There is varying usage in the DEIR.

Section 3.18 - Wetlands and Other Waters and Appendix Q - Conceptual Mitigation Plan for Impacts to Wetlands and Other Waters of the United States describe the framework for regulatory compliance for impacts to aquatic resources including areas under Department jurisdiction. Because of the unknown potential future construction location, phasing and schedule, there is the distinct possibility that "temporary impacts" to aquatic resources would persist beyond a single season and that these impacts would then be considered for higher "permanent impact" mitigation ratios based on habitat and value. The two year duration referenced in Appendix Q (p. Q-5) is not a standard that is uniform across all resources values. Additionally, due to the length and size of the project, there might be opportunities to proceed with mitigation in different areas of the alignment before impacts occur that could conceivably reduce mitigation requirements. This could be explored in the future when potential construction staging is determined.
It is unclear if the aquatic resource impacts described in Section 3.18 take into account the potential shading affects of the numerous bridges described in Appendix I, Attachment D. The reference to the thesis of M. SanClements (2003), which is not listed in the Appendix R – References, concludes that any bridge with a height to width ratio of less than 0.7 would have an impact on the underlying vegetation and a ratio of less than 0.5 would have a permanent impact. The column entitled “Wetland Shading Impact” in Appendix I, Attachment D seemingly does include other aquatic resources and the descriptions of impacts are not correct if applying the results of SanClements (2003). The aquatic impacts to Department jurisdiction resources need to be calculated for each bridge that has a height to width ratio of less than 0.7, with the impacts classified by permanent footing or piers, permanent shading, and temporary construction impacts.

The Conceptual Mitigation Plan also needs to acknowledge that there will be potential aquatic resources acquired and available for enhancement or restoration within the additional acreage of the proposed habitat mitigation area described in Section 3.17.4.1 to the east of Core 2 of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

Section 3.19 Plant Species and Section 3.21 Threatened and Endangered Species describe areas where several populations of Narrow Endemic species (i.e., smooth tarplant, Munz’s onion, many-stemmed dudleya, spreading navarretia, Coulter’s goldfields) will be potentially impacted from Alt 9 TWS DV. The sole mitigation measure for these impacts is the preparation of a Determination of Biological Equivalent or Superior Preservation (DBESP) under the authority of the MSHCP to conserve existing unconserved populations or by the restoration and enhancement of existing conserved populations. Due to the extremely specific environmental requirements of these species, it is highly unlikely that new unconserved populations could be found and conserved or that there would be enough restoration and enhancement opportunities to offset the impacts. This is especially a concern for the dwindling Munz’s onion populations in western Riverside County and the amount of potential impacts from Alt 9 TWS DV. The Department will await the 2008 survey results to be contained in the Final EIR/EIS before making a determination if the mitigation proposed will be adequate.

Thank you for this opportunity to comment. Please contact me at (909) 987-7764, if you have any questions regarding this letter.

Sincerely,

Scott Dawson
Senior Environmental Scientist
Habitat Conservation Planning

cc: State Clearinghouse, Sacramento
    Doreen Stadtlander, USFWS, Carlsbad
From: Megan Ryan
Sent: Mon 8/22/2011 3:51 PM
To: Leslie MacNair; Eddy Konno
Cc: Rob McCann; Merideth Cann; cbechtel@rctc.org; GQuintero@RRTC.org
Subject: RE: MCP Transmittal - Draft Section 4(f) Evaluation

Leslie and Eddy,

As a follow up from last week's MCP Focused SWG Conference Call, attached is a list of questions related to Section 4(f) Consultation. Please review and provide any responses/feedback to these questions in your comments on the MCP Section 4(f) Evaluation.

Also, can you please let me know when you anticipate sending over any comments on the Section 4(f) Evaluation?

Thank you,
Megan

>>>Megan Ryan <Megan.Ryan@lsa-assoc.com> 8/9/2011 1:27 PM >>>

Leslie,

Attached is a copy of the transmittal for the CD copy of the Draft Section 4(f) Evaluation submittal to Eddy Konno today. He should received this tomorrow, August 10, 2011.
Please feel free to contact me or Rob McCann if you have any questions.

Thank you.

Megan Ryan  
LSA Associates, Inc.  
20 Executive Park, Suite 200  
Irvine, CA 92614  
949.553.0666 (Phone)  
949.553.8076 (Fax)  
Megan.Ryan@lsa-assoc.com
LIST OF REVIEW QUESTIONS FOR AN AGENCY WITH JURISDICTION OVER A SECTION 4(f) PROPERTY

The questions below will assist your agency in ensuring that the analysis of the potential impacts of the Mid County Parkway Build Alternatives on the San Jacinto Wildlife Area, a Section 4(f) property, within your jurisdiction is thorough and accurate:

- Has the appropriate Section 4(f) property (i.e., publicly owned parks and recreation lands including sports yards at public schools if they are used for recreation purposes outside school hours, wildlife and waterfowl refuges, and historic sites) within your agency’s jurisdiction been identified and potential project impacts evaluated?

- Is the information describing the Section 4(f) property within your agency’s jurisdiction correct and current? Is there more information about the Section 4(f) property that your agency would like incorporated in the Section 4(f) Evaluation?

- Has the primary purpose of the entire Section 4(f) property, and not just the part used by the Mid County Parkway Build Alternatives, been adequately described?

- Have the anticipated permanent and/or temporary use effects of the Mid County Parkway Build Alternatives on the Section 4(f) property within your agency’s jurisdiction been explained sufficiently?

- Does the information adequately express the significance or importance of the Section 4(f) property to your agency?

- Are the anticipated avoidance and mitigation measures for the use effects sufficient? Does your agency have alternative or additional mitigation to propose for inclusion in the project?
Rob McCann

From: Jeff Brandt [JBrandt@dfg.ca.gov]
Sent: Thursday, October 27, 2011 3:39 PM
To: Megan Ryan; Rob McCann
Cc: Eddy Konno; Jeff Brandt; Stephanie Standerfer; Karin_Cleary-Rose@fws.gov; Merideth Cann
Subject: Mid County Parkway - 4 (f) evaluation by DFG Lands staff

Good afternoon Megan and Rob.

Eddy Konno and I have discussed the 4 (f) alternatives. It appears all of the three likely alternatives would impact the same area between Bernasconi Road and the Ramona Expressway. The alternatives would impact ~3 acres of San Jacinto Wildlife Area lands (SJWA). The three acres are occupied SKR habitat (Eddy found burrows last week). Our obvious preference is avoidance of the conserved lands. If we truly can't avoid the lands altogether, we are looking at a minimum of 3:1 replacement ratio. We need to double check our old lands files to ensure no mitigation or other projects were implemented on the 3 acres—if there are unforseen issues the ratio will be increased.

For planning and discussion purposes we can agree to the following: To replace the 3 acres we need a minimum of 12 acres of occupied habitat adjacent to the Davis unit of SJWA. If lands are not available at the Davis unit, our second choice is the Potrero unit of SJWA. Our third choice will be lands at the Estelle Mountain Eco-Reserve or the French Valley Wildlife Area.

thank you, Jeff

Jeff Brandt
Department of Fish and Game
Habitat Conservation Branch
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
Phone: (909) 987-7161
Fax: (909) 481-2945
Email: JBrandt@dfg.ca.gov
From: Cathy Bechtel [mailto:CBechtel@RCTC.org]
Sent: Friday, February 24, 2012 2:52 PM
To: 'Shawn.Oliver@dot.gov'; 'larry.vinzant@dot.gov'; 'Marie Petry'; 'Scott Quinnell';
'Brett.Gainer@dot.gov'; David Bricker; Tay.Dam@dot.gov
Cc: Rob McCann; Merideth Cann; Gustavo Quintero
Subject: FW: Mid County Parkway impacts to DFG lands at San Jacinto Wildlife Area

RCTC and the MCP consultant team have reviewed the information provided in the email below from CDFG regarding the 3.41 acre parcel of the San Jacinto Wildlife Area that is impacted by the MCP project. Based on our review of this information, we are now in agreement that the parcel does have some limited biological value relative to the overall purpose of the San Jacinto Wildlife Area. Therefore, RCTC will accept CDFG’s proposed mitigation in the form of a 2:1 replacement ratio for the impacted acreage. We will add a mitigation measure to the EIR/EIS and the Section 4(f) Evaluation that stipulates RCTC’s commitment that, prior to the start of construction, RCTC will acquire replacement land at a 2:1 replacement ratio from areas adjacent to the Davis Unit or Potrero Unit of the San Jacinto Wildlife Area, or other land acceptable to CDFG. Once RCTC acquires the land, it would then be conveyed in fee ownership to the CDFG.

By agreeing to this 2:1 mitigation ratio, we will use the “Net Benefit” Section 4(f) Programmatic Evaluation to address the use of this 3.4 acre parcel of the San Jacinto Wildlife Area. The “Net Benefit” Section 4(f) Programmatic Evaluation (http://www.environment.fhwa.dot.gov/4f/4ffnetbenefits.asp) is applicable because we are replacing the impacted property with twice as much land (thus, a net benefit), and this Programmatic Evaluation can be used with any type of NEPA document. We have directed LSA to proceed with revising the Section 4(f) Evaluation accordingly.

Please let me know if you have any concerns with this plan. If not, I will send an email to Jeff Brandt from CDFG early next week.

Thanks.
Cathy

From: Jeff Brandt [mailto:JBrandt@dfg.ca.gov]
Sent: Thursday, February 16, 2012 8:44 AM
To: Merideth Cann; Cathy Bechtel
Cc: David Elms; Eddy Konno; Heather Pert; Scott Sewell; 'larry.vinzant@dot.gov';
Shawn.Oliver@dot.gov; Karin_Cleary-Rose@fws.gov
Subject: Mid County Parkway impacts to DFG lands at San Jacinto Wildlife Area

Good morning Meredith and Cathy.

I appreciate this opportunity to clarify why a 1:1 replacement ratio for this site at the San Jacinto Wildlife Area is not the appropriate default. Here are several issues:

1. The San Jacinto Wildlife Area was established as mitigation property and since has been expanded to conserve sensitive natural resources such as Stephens’ Kangaroo rat habitat. The Department of Fish and Game (the Department) has actively acquired surrounding lands and expanded the size of the property to maintain the integrity of the resource and protect it from development pressures such as roads and houses.

2. The Department manages the property as a Trustee Agency for fish and wildlife resources.
3. The 3.41 acres were acquired through funds made available by California Proposition 19 (Fish And Wildlife Habitat Enhancement Act of 1984), and $75,000 from Audubon Society for acquisition of Stephens' kangaroo habitat. We are working with the Wildlife Conservation Board to determine if there are any requirements associated with Prop 19 funds that need to be addressed in this situation.

4. In this instance, the Department's roles is that of land steward and our obligation is to protect the integrity of the resource. The Department's concern is not only the loss of the property but also that removal of this parcel will push reduce the buffer and push the road closer to other Department-managed lands. While 3.41 acres may seem like a small portion of the 10,000-acre Davis Unit of the San Jacinto Wildlife Area even small impacts erode the boundaries of the Wildlife Area and degrade the property as a whole.

5. This property is separated by Bernasconi Road from the remainder of the 194-acre parcel, however, it is near Department-managed property to the west of the parcel (below Perris Dam). Animals can move freely between these areas.

6. The MSHCP requires a minimum replacement ratio of 1:1 for PQP lands. This implies some PQP lands will be acquired above the minimum.

7. The proposed 2:1 ratio is reflective of the lower quality of the 3.41-acre parcel since it is bounded on two sides by roads. A higher quality, more interior parcel would require a higher mitigation ratio. This ratio was proposed in good faith as being a reasonable solution.

8. This position does reflect the Department's commitment to the WR MSHCP. Without the MSHCP process in place this project would require a CESA ITP which typically involves mitigation lands and an associated endowment.

We are looking forward to resolving this with you ASAP, and moving on to other aspects of the MCP permitting. Please let me know if this clarifies the issue.

thank you, Jeff

>>> Cathy Bechtel <CBechtel@RCTC.org> 2/8/2012 3:37 PM >>>

Hi Jeff,

Thanks for your email and phone call. As I mentioned in my return VM, we agree that having a 0.41 acre remnant parcel is not reasonable and a replacement of the entire 3.41 acres is appropriate. We do, however, need to discuss the replacement ratio. Our protocol surveys showed this land was not occupied however we are following Section 3.2.1. of the MSHCP which states that PQP land is replaced at a 1:1 ratio with land that has equal or superior biological value. This replacement land, of course, would need to be approved by CDFG. If you have more recent protocol surveys which show that this parcel is in fact occupied, if you could share those with us, that would be appreciated.

I talked with Shawn Oliver from FHWA this afternoon and he mentioned that he and Larry Vinzant would be free for a meeting on Friday (2/10). Will that day work? If not, throw out some dates and we'll see what we can do. As I mentioned, we are happy to travel to your office for a meeting if that is more convenient. Sometimes it is easier to have everyone sitting around the table looking at the same maps.

Thanks,

Cathy
Cathy Bechtel  
Project Development Director  
Riverside County Transportation Commission  
4080 Lemon Street, 3rd Floor  
Riverside, CA  92501  
P.O. Box 12008, Riverside 92502  
(951) 787-7141  

From: Jeff Brandt [mailto:JBrandt@dfg.ca.gov]  
Sent: Wednesday, February 08, 2012 1:12 PM  
To: Merideth Cann; Cathy Bechtel  
Cc: Eddy Konno; Heather Perl; Jeff Brandt; Scott Sewell; Karin_Cleary-Rose@fws.gov  
Subject: Mid County Parkway Impacts to DFG lands at San Jacinto Wildlife Area  

Good morning Meredith and Cathy.  

We have looked into the land acquisition for the 3.41 acre parcel that will be impacted by the expansion Mid County Parkway (MCP). The 3.41-acre parcel was acquired as part of a larger acquisition of 193.81 acres with Prop 19 funds (Fish and Wildlife Habitat Enhancement funds) and $75,000 from Audubon Society for Stephens' Kangaroo habitat. The property was included in the San Jacinto Wildlife Area and has been under DFG management since acquisition. Staff report burrows on the parcel. This isn't an average piece of "PQP" lands--it is a managed wildlife area and we need a minimum 2:1 replacement.  

We also have a concern with the "left over" or remainder of 0.41 acres after impacts of 3 acres (See attached map). The 0.41 acre remainder will have significantly reduced habitat values, and create an administrative burden on the Department for future management and response to fires, auto accidents, etc. We view the entire 3.41 acres as an impact and we need you to commit to replace the lands with at least 6.82 acres of occupied lands that we can incorporate into one of our wildlife areas. It is important to address this before the 4 (f) meeting, and the CEQA comment letter.  

thank you, Jeff  

Jeff Brandt  
Department of Fish and Game  
Habitat Conservation Branch  
Inland Deserts Region  
3602 Inland Empire Blvd., Suite C-220  
Ontario, CA 91764  
Phone: (909) 987-7161  
Fax: (909) 481-2945  
Email: JBrandt@dfg.ca.gov
June 7, 2012

Dr. Alan Jensen
Superintendent
Val Verde Unified School District
975 West Morgan Street
Perris, CA 92571

Subject: Initiation of Section 4(f) Consultation Regarding the Effects of the Mid County Parkway Project on Val Verde High School

Dear Dr. Jensen:

The Riverside County Transportation Commission (RCTC), in cooperation with the Federal Highway Administration (FHWA) and the California Department of Transportation (Caltrans) District 8, proposes to construct the Mid County Parkway (MCP) project, a new freeway in Riverside County. The project area in western Riverside County is primarily along or parallel to the existing Ramona Expressway as shown on Figure 1. The MCP project will serve as a major east-west connection in western Riverside County and will provide for regional movement to eastern Riverside County, and west to Los Angeles and Orange Counties. The proposed action would adopt an MCP project alignment and construct a major, limited access facility to meet current and projected 2040 travel demand from Interstate 215 (I-215) on the west to State Route 79 (SR-79) on the east. A Recirculated Draft Environmental Impact Report (EIR)/Supplemental Draft Environmental Impact Statement (EIS) for the MCP project will be circulated for public review later this summer.

The purpose of this letter is to initiate consultation with the Val Verde Unified School District (VVUSD) under Section 4(f) to review the project effects on Val Verde High School and RCTC’s and FHWA’s preliminary determination that those effects would not result in a permanent, temporary, or constructive use of recreation resources at this School under the requirements of Section 4(f). RCTC and FHWA will make a final determination once a preferred alternative is identified following the public review period of the Recirculated Draft EIR/Supplemental Draft EIS.

SECTION 4(f)

Section 4(f) of the Department of Transportation Act of 1966, codified in federal law at 49 United States Code 303, declares that “...it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.” Section 4(f) specifies that the Secretary of Transportation may approve a transportation program or project requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of an historic site of national, state, or local significance (as determined by the federal, state, or local officials having jurisdiction over the park, area, refuge, or site) only if:

- there is no prudent and feasible alternative to using that land; and
- the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.
Section 4(f) requires a project proponent to consult with the owner/operator having jurisdiction over each property identified as protected under Section 4(f). The purpose of this consultation with the owner/operator is to review the information regarding each Section 4(f) property, including the significance of that property, the primary purpose of that property, the potential use impacts to that property by the proposed project, and measures that have been incorporated in the project to avoid or minimize those use impacts.

PRELIMINARY ANALYSIS OF PROJECT EFFECTS ON VAL VERDE HIGH SCHOOL

This School, at 972 West Morgan Street in the city of Perris, is owned and operated by the VVUSD. This School has one soccer practice field, one gymnasium, two full basketball courts, one softball field, and two volleyball courts. Based on the preliminary analysis of the potential project effects on Val Verde High School, the School has been identified as a property under the jurisdiction of the VVUSD that triggers the requirements for protection under Section 4(f). The findings of the preliminary analysis regarding potential permanent, temporary, and constructive use impacts to the high school are summarized in Attachment A, Preliminary Findings Regarding Impacts of the MCP Project on Val Verde High School and Other VVUSD Resources. The final analysis regarding the project effects on Val Verde High School, measures to address those effects, and input from the VVUSD received during the Section 4(f) consultation process will be included in the Section 4(f) Evaluation for the MCP project that will be incorporated in the environmental document for the project.

We would appreciate it if you would review the enclosed material and let us know if you have any comments regarding the adequacy of the analysis in identifying and describing the potential effects of the MCP project on Val Verde High School. A list of questions relating to Section 4(f) properties such as Val Verde High School is provided in Attachment B to assist you in ensuring that the information provided in the MCP Section 4(f) Evaluation regarding the high school is thorough and accurate.

If you have any questions or would like to schedule a meeting, please call me at (951) 787-7141. We look forward to the VVUSD's participation in this important consultation process for the MCP project. Thank you for your interest and participation in the Section 4(f) consultation regarding Val Verde High School.

Sincerely,

Cathy Bechtel, Project Development Director
Riverside County Transportation Commission

cc: Shawn Oliver, Federal Highway Administration, with attachments
    Marie Petry, Caltrans District 8, with attachments

Attachments:  A: Preliminary Findings Regarding Impacts of the MCP Project on Val Verde High School and Other VVUSD Resources
               B: List of Review Questions for an Agency with Jurisdiction over a Section 4(f) Property

Figures: 1: Project Vicinity and Study Area
         2: Permanent Land Acquisition at Val Verde High School Under Alternative 4 Modified
         3: Permanent Land Acquisition at Val Verde High School Under Alternative 5 Modified
ATTACHMENT A

PRELIMINARY FINDINGS REGARDING IMPACTS OF THE MCP PROJECT ON VAL VERDE HIGH SCHOOL AND OTHER VVUSD RESOURCES

A.1 PERMANENT USE OF LAND FROM VAL VERDE HIGH SCHOOL

Three Build Alternatives (Alternatives 4 Modified, 5 Modified, and 9 Modified) are being considered in the environmental studies for the MCP.

As shown on Figures 2 and 3, Alternatives 4 Modified and 5 Modified would result in the permanent use of 0.42 and 0.53 acre (ac), respectively, of land from this School property. However, the part of the School property that would be acquired for Alternatives 4 Modified and 5 Modified does not include any recreation uses. As a result, there is no use of property from this School under Section 4(f) by Alternatives 4 Modified and 5 Modified and, therefore, the requirements for protection under Section 4(f) are not triggered.

Alternative 9 Modified would not result in the permanent use of land from Val Verde High School.

Alternatives 4 Modified, 5 Modified, and 9 Modified would not require any permanent surface, subsurface, or aerial easements at Val Verde High School.

In summary, FHWA and RCTC have made a preliminary determination that the MCP Build Alternatives would not result in a permanent use of land from Val Verde High School under Section 4(f) and, as a result, the requirements for protection under Section 4(f) would not be triggered.

A.2 TEMPORARY OCCUPANCY OF LAND AT VAL VERDE HIGH SCHOOL

Alternatives 5 Modified and 9 Modified would not require the use of any land from the Val Verde High School property for a temporary construction easement (TCE). Alternative 4 Modified would require the use of 0.18 ac of land on the west side of the Val Verde High School property for use as a TCE during construction of the MCP in that area. As shown on Figure 4, the 0.18 ac proposed to be used as a TCE for Alternative 4 Modified does not include any areas on the high school property designated or used for recreation.

For the purposes of Section 4(f), such temporary occupancy of a Section 4(f) resource does not normally constitute a use as defined in Section 4(f), if each of five conditions is met (23 Code of Federal Regulations [CFR] 774.13(d)), FHWA and RCTC have made a preliminary determination that the proposed use of land at Val Verde High School for a TCE during construction of the MCP meets or would meet each of these conditions, as described below:

Duration 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.
The duration of construction for Alternative 4 Modified at this location would be approximately 4 months, substantially less than the time needed to construct the entire project. There would be no change in the ownership of this land during the construction of Alternative 4 Modified in this area.

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

The scope of work for Alternative 4 Modified west of and outside the high school property is substantial; however, the actual work in the TCE would be limited. Specifically, the TCE is proposed to allow for the operation of construction equipment/vehicles and materials storage immediately adjacent to active construction areas. These activities would not result in temporary or permanent changes to the parts of the high school property used for active and passive recreation activities.

**There are no anticipated permanent adverse physical impacts, nor would there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis**

The construction activities for Alternative 4 Modified west of and outside the high school property would not result in any permanent adverse physical impacts to the high school property, or any part of that property used for recreation, and would not interfere with the protected activities, features, or attributes of Val Verde High School on either a temporary or permanent basis.

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

The land being used for the TCE would be returned to a condition that is at least as good as that which existed prior to the project at the completion of the construction of Alternative 4 Modified in this area.

*and*

**There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.**

Because the TCE proposed in Alternative 4 Modified meets or would meet these criteria, FHWA and RRTC have made a preliminary determination that this TCE at Val Verde High School does not constitute a use and, therefore, the requirements for protection under Section 4(f) are not triggered by the TCE at the high school under Alternative 4.

As part of the consultation process for Section 4(f), if Alternative 4 Modified is identified as the preferred alternative, RRTC and FHWA will request the VVUSD to concur with the determination that the TCE at Val Verde High School does not constitute a use and, therefore, the requirements for protection under Section 4(f) are not triggered by the TCE at the high school under the preferred alternative.
A.3 CONSIDERATION OF THE POTENTIAL FOR CONSTRUCTIVE USE IMPACTS AT VAL VERDE HIGH SCHOOL

A constructive use occurs when a transportation project does not incorporate land from a Section 4(f) property, but the project’s proximity impacts are so severe that the protected activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only when the protected activities, features, or attributes of the property are substantially diminished.

Based on the analyses conducted for the MCP project to date, FHWA and RCTC have made the following preliminary determinations regarding potential proximity impacts on Val Verde High School:

- Val Verde High School would experience short- and long-term visual, and short-term noise, dust, and traffic impacts during construction, all of which are anticipated to be substantially mitigated based on avoidance, minimization, and mitigation measures that will be included in the environmental document for the project.

- Based on the detailed modeling and analyses in the Air Quality Analysis (2011), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard; would not contribute substantially to an existing or projected air quality violation for carbon monoxide, or particulate matter smaller than either 2.5 or 10 microns; would not result in an adverse impact related to mobile source air toxics; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives would not result in proximity impacts on Val Verde High School related to air quality.

- During construction of Alternative 4 Modified, there would be short-term traffic and access impacts on Val Verde High School. Specifically, Alternative 4 Modified would remove Nevada Road from the Ramona Expressway to Morgan Street and curve East Frontage Road at Morgan Street. Access to the high school property, including the areas used for recreation, would be maintained during construction of Alternative 4 Modified via Morgan Street and Webster Avenue.

- During construction of Alternative 5 Modified, there would be short-term traffic and access impacts on Val Verde High School. Specifically, Alternative 5 Modified would remove East Frontage Road from Morgan Street to Walnut Street and curve Nevada Avenue at Morgan Street. Access to the high school property, including areas used for recreation, would be maintained during construction of Alternative 5 Modified via Morgan Street and Webster Avenue.

- During construction of Alternative 9 Modified, the existing access to Val Verde High School would be maintained. If temporary road closures are necessary in the vicinity of the high school, detours would be provided to ensure that visitors using the recreation areas on the high school property can access that part of the property during those temporary road closures.

- Alternative 4 Modified would result in the permanent removal of Nevada Road from the Ramona Expressway to Morgan Street and curve East Frontage Road at Morgan Street. However, this would not result in long-term traffic impacts because although access via Nevada Road would no longer be provided, access to the high school property, including the areas used for recreation, would be available in the long term via East Frontage Road, Morgan Street, and Webster Avenue.
• Alternative 5 Modified would result in the permanent removal of East Frontage Road from Morgan Street to Walnut Street and curve Nevada Avenue at Morgan Street. However, this would not result in long-term traffic impacts because although access via East Frontage Road would no longer be provided, access to the high school property, including areas used for recreation, would be available in the long term via Nevada Avenue, Morgan Street, and Webster Avenue.

• Alternative 9 Modified would not result in the permanent removal of any existing streets and would not result in long-term traffic or access impacts because access to the high school, including areas used for recreation, would continue to be available via Nevada Avenue, Morgan Street, Webster Avenue, and East Frontage Road.

In summary, the MCP Build Alternatives would not result in proximity impacts on Val Verde High School and the recreation resources at the high school as a result of changes in traffic circulation and access.

Based on these analyses, FHWA and RCTC have made a preliminary determination that the proximity impacts of the MCP Build Alternatives at Val Verde High School would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives are not expected to result in constructive use of Val Verde High School.

A.4 CONSIDERATION OF OTHER RESOURCES IN AND UNDER THE JURISDICTION OF THE VAL VERDE UNIFIED SCHOOL DISTRICT

Other VVUSD schools in the vicinity of the MCP project alignment were reviewed to assess whether they might trigger the need for consideration under the requirements of Section 4(f). Based on the preliminary analyses conducted to date, FHWA and RCTC have preliminarily determined that the resources listed in Table A.1 which are owned by and under the jurisdiction of the VVUSD would not trigger the requirements for protection under Section 4(f) as described in that table.
Table A.1: Resources under the Jurisdiction of the Val Verde Unified School District Determined Not to Trigger Protection under the Requirements of Section 4(f)

<table>
<thead>
<tr>
<th>Owner/Operator, Location, and Description of Resource</th>
<th>Why Resource Does Not Trigger Protection under Section 4(f)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Val Verde Elementary School. This School is owned and operated by Val Verde Unified School District. It is located at 2656 Indian Avenue in the city of Perris. This School has one softball field with a backstop, one soccer field, open space, 12 basketball half-courts, and a play structure.</td>
<td>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School under the MCP Build Alternatives. Because there is no permanent or temporary use of this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is adjacent to the boundary of this School (Alternative 9 Modified). Alternatives 4 Modified and 5 Modified are more than 500 ft from this School. This School would experience short- and long-term visual, and short-term noise and dust impacts during construction, all of which would be substantially mitigated based on avoidance, minimization, and mitigation measures that will be included in the environmental document for the project. Based on the detailed modeling and analyses in the Air Quality Analysis (2011), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard. would not contribute substantially to an existing or projected air quality violation for CO, PM2.5, or PM10 would not result in an adverse impact related to MSATs; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives would not result in proximity impacts on Val Verde Elementary School related to air quality. During construction of the MCP Build Alternatives, the existing access to the elementary school property would be maintained, including access to the areas on the property used for recreation. If temporary road closures are necessary in the vicinity of this School, detours would be provided to ensure that visitors using the recreation areas on the school property can access that part of the property during those temporary road closures. Alternatives 4 Modified and 5 Modified would not result in the permanent removal of any existing streets and would not result in long-term traffic or access impacts because access to the elementary School, including areas used for recreation, would continue to be available via Indian Avenue, East Frontage Road, and Water Avenue. Alternative 9 Modified would result in the permanent removal of East Frontage Road north of Water Avenue. However, this would not result in long-term traffic impacts because although access via East Frontage Road would no longer be provided, access to the elementary school property, including the areas used for recreation, would be available via Indian Avenue and Water Avenue. In summary, the MCP Build Alternatives would not result in proximity impacts on Val Verde Elementary School and the recreation resources at that School related to changes in traffic circulation and access. The proximity impacts of the MCP Build Alternatives at this School would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this School.</td>
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<td><strong>Triple Crown Elementary School</strong>. This School is owned by and operated by Val Verde Unified School District. It is located at 530 Orange Avenue in the city of Perris.</td>
<td>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCES or permanent surface, aerial, or subsurface easements proposed within the boundary of this School. Because there is no permanent or temporary use of this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is more than 2,000 ft from the boundary of this School (Alternative 9 Modified). No short- or long-term traffic impacts would occur at Triple Crown Elementary School because access to the School would be maintained and the nearest project features are a substantial distance from the School. As a result, the MCP Build Alternatives would not result in proximity impacts on Triple Crown Elementary School related to changes in traffic circulation and access. Based on the distance of this School from the alignments of the MCP Build Alternatives, those alternatives would not result in impacts that would substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this School.</td>
</tr>
<tr>
<td><strong>May Ranch Elementary School</strong>. This School is owned and operated by Val Verde Unified School District. It is located at 900 East Morgan Street in the city of Perris.</td>
<td>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCES or permanent surface, aerial, or subsurface easements proposed within the boundary of this School under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is nearly 2,000 ft from the boundary of this School. This School would experience short-term noise impacts during construction, which would be partially mitigated. This School would not experience long-term noise impacts, or short- and long-term visual and air quality impacts. No short- or long-term traffic impacts would occur at May Ranch Elementary School because access to the School would be maintained and the nearest project features are a substantial distance from the School. As a result, the MCP Build Alternatives would not result in proximity impacts on May Ranch Elementary School related to changes in traffic circulation and access. In summary, the proximity impacts of the MCP Build Alternatives at this School would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this School.</td>
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<td><strong>Southwest High School.</strong> This School is owned and operated by Val Verde Unified School District. It is located at 1400 Orange Avenue in the City of Perris.</td>
<td>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed at this School under the MCP Build Alternatives. Because there is no permanent or temporary use of this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is more than 1,200 ft from the boundary of this School. No short-term traffic impacts would occur at Southwest High School because access to the School would be maintained during construction, and the nearest project features are a substantial distance from the School. Under Alternatives 4 Modified, 5 Modified, and 9 Modified, El Nido Avenue would not cross the MCP facility. Visitors to Southwest High School, including users of the recreation uses on the property, would still be able to access the School, including areas used for recreation, via Evans Road. As a result, the MCP Build Alternatives would not result in proximity impacts on Southwest High School related to changes in traffic circulation and access. Based on the distance of this School from the alignments of the MCP Build Alternatives, those Alternatives would not result in impacts that would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this School.</td>
</tr>
<tr>
<td><strong>Avalon Elementary School.</strong> This School is owned and operated by Val Verde Unified School District. It is located at 1815 East Rider Street in the City of Perris. This School has two softball fields with backstops.</td>
<td>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School. Because there is no permanent or temporary use of land from this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is over 2,160 ft from the boundary of this School (Alternatives 4 Modified, 5 Modified, and 9 Modified). No short- or long-term traffic impacts would occur at Avalon Elementary School because access to the School would be maintained and the nearest project features are a substantial distance from the School. As a result, the MCP Build Alternatives would not result in proximity impacts on Avalon Elementary School related to changes in traffic circulation and access. Based on the distance of this School from the alignments of the MCP Build Alternatives, those Alternatives would not result in impacts that would substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this School.</td>
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<td>Sierra Vista Elementary School. This School is owned and operated by Val Verde Unified School District. It is located at 20300 Sherman Road in the city of Perris. This School has two softball fields with backstops, eight basketball half-courts, and a tot lot.</td>
<td>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School. Because there is no permanent or temporary use of this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is nearly 200 ft from the boundary of this School (Alternatives 4 Modified, 5 Modified, and 9 Modified). This School would experience short-term dust and noise impacts, and short- and long-term visual impacts that would be partially mitigated based on avoidance, minimization, and mitigation measures that will be included in the environmental document for the project. This School would not experience long-term noise impacts. Based on the detailed modeling and analyses in the Air Quality Analysis (2011), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard: would not contribute substantially to an existing or projected air quality violation for CO, PM2.5, or PM10; would not result in an adverse impact related to MSATs; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives would not result in proximity impacts on Sierra Vista Elementary School related to air quality. No short-term traffic impacts would occur at Sierra Vista Elementary School because access to the School would be maintained during construction. Under Alternatives 4 Modified, 5 Modified, and 9 Modified, El Nido Avenue would not cross the MCP facility. Visitors to Sierra Vista Elementary School, including users of the recreation uses on the property, would still be able to access the School, including the areas used for recreation, via Evans Road. As a result, the MCP Build Alternatives would not result in proximity impacts on Sierra Vista Elementary School related to changes in traffic circulation and access. In summary, the proximity impacts of the MCP Build Alternatives at this School would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this School.</td>
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<td>Lakeside Middle School. This School is owned and operated by Val Verde Unified School District. It is located at 27720 Walnut Avenue in the city of Perris. This School has one soccer practice field with running track, seven full basketball courts, and one softball field.</td>
<td>This School is in the MCP Study Area and is in the immediate vicinity of the right of way for the MCP Build Alternatives. However, there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School. Because there is no permanent or temporary use of land from this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The MCP Build Alternatives are adjacent to the boundary of this School. This School would experience short-term dust and noise impacts, and short- and long-term visual impacts that would be partially mitigated based on avoidance, minimization, and mitigation measures that will be included in the environmental document for the project. This School would not experience long-term noise impacts. Based on the detailed modeling and analyses in the Air Quality Analysis (2011), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard; would not contribute substantially to an existing or projected air quality violation for CO, PM2.5, or PM10; would not result in an adverse impact related to MSATs; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives would not result in proximity impacts on Lakeside Middle School related to air quality. No short-term traffic impacts would occur at Lakeside Middle School because access to the School would be maintained during construction. Under Alternatives 4 Modified, 5 Modified, and 9 Modified, El Nido Avenue would not cross the MCP facility. Visitors to Lakeside Middle School, including users of the recreation uses on the property, would still be able to access the School property, including the area used for recreation, via Evans Road. As a result, the MCP Build Alternatives would not result in proximity impacts on Lakeside Middle School related to changes in traffic circulation and access. In summary, the proximity impacts of the MCP Build Alternatives at this School would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this School.</td>
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ac = acre/acres
CO = carbon monoxide
ft = foot/feet
I-215 = Interstate 215
MCP = Mid County Parkway

mi = mile/miles
MSATs = mobile source air toxics
PM10 = particulate matter less than 10 microns in size
PM2.5 = particulate matter less than 2.5 microns in size
TCE = temporary construction easement
ATTACHMENT B

LIST OF REVIEW QUESTIONS FOR AN AGENCY WITH JURISDICTION OVER A SECTION 4(f) PROPERTY

The questions below will assist the Val Verde Unified School District in ensuring that the analysis of the potential impacts of the Mid County Parkway (MCP) project on Section 4(f) property(ies) within your jurisdiction is thorough and accurate:

- Have the appropriate Section 4(f) properties (i.e., publicly owned parks and recreation lands including sports yards at public schools if they are used for recreation purposes outside school hours, wildlife and waterfowl refuges, and historic sites) within your agency’s jurisdiction been identified and potential project impacts evaluated?

- Is the information describing the 4(f) property(ies) within your agency’s jurisdiction correct and current? Is there more information about the Section 4(f) property(ies) that your agency would like incorporated in the Section 4(f) Evaluation?

- Has the primary purpose of the entire Section 4(f) property, and not just the part used by the MCP Build Alternatives, been adequately described?

- Have the anticipated permanent and/or temporary use effects of the MCP Build Alternatives on each Section 4(f) property within your agency’s jurisdiction been explained sufficiently?

- Does the information adequately express the significance or importance of the Section 4(f) property to your agency?

- Are the anticipated avoidance and mitigation measures for the use effects sufficient? Does your agency have alternative or additional mitigation to propose for inclusion in the project?
June 7, 2012

Ms. Clara Miramontes  
Planning Manager  
City of Perris  
135 North “D” Street  
Perris, CA 92570

Subject: Initiation of Section 4(f) Consultation Regarding the Effects of the Mid County Parkway Project on Basin Park

Dear Ms. Miramontes:

The Riverside County Transportation Commission (RCTC), in cooperation with the Federal Highway Administration (FHWA) and the California Department of Transportation (Caltrans) District 8, proposes to construct the Mid County Parkway (MCP) project, a new freeway in Riverside County. The project area in western Riverside County is primarily along or parallel to the existing Ramona Expressway as shown on Figure 1. The MCP project will serve as a major east-west connection in western Riverside County and will provide for regional movement to eastern Riverside County, and west to Los Angeles and Orange Counties. The proposed action would adopt an MCP project alignment and construct a major, limited access facility to meet current and projected 2040 travel demand from Interstate 215 (I-215) on the west to State Route 79 (SR-79) on the east. A Recirculated Draft Environmental Impact Report (EIR)/Supplemental Draft Environmental Impact Statement (EIS) for the MCP project will be circulated for public review later this summer.

The purpose of this letter is to initiate consultation with the City of Perris under Section 4(f) to review the project effects on Basin Park and RCTC’s and FHWA’s preliminary determination that those effects would not result in a permanent, temporary, or constructive use of this Park under the requirements of Section 4(f). RCTC and FHWA will make a final determination once a preferred alternative is identified following the public review period of the Recirculated Draft EIR/Supplemental Draft EIS.

SECTION 4(f)

Section 4(f) of the Department of Transportation Act of 1966, codified in federal law at 49 United States Code 303, declares that “...it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.” Section 4(f) specifies that the Secretary of Transportation may approve a transportation program or project requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of an historic site of national, state, or local significance (as determined by the federal, state, or local officials having jurisdiction over the Park, area, refuge, or site) only if:

- there is no prudent and feasible alternative to using that land; and
- the program or project includes all possible planning to minimize harm to the Park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.
Section 4(f) requires a project proponent to consult with the owner/operator having jurisdiction over each property identified as protected under Section 4(f). The purpose of this consultation with the owner/operator is to review the information regarding each Section 4(f) property, including the significance of that property, the primary purpose of that property, the potential use impacts to that property by the proposed project, and measures that have been incorporated in the project to avoid or minimize those use impacts.

In compliance with the requirements of Section 4(f), RCTC and Caltrans will add this item to the agenda for our upcoming meeting with RCTC and the City of Perris scheduled for June 14, 2012.

PRELIMINARY ANALYSIS OF PROJECT EFFECTS ON BASIN PARK

Basin Park, at the corner of Evans Road and Kestrel Gate, is owned and operated by the City of Perris. This 9-acre (ac) Park includes two tot lots, picnic tables, a walkway, a large open turf area, restrooms, and off-street parking. Based on the preliminary analysis of the potential project effects on Basin Park, this Park has been identified as a property under the jurisdiction of the City of Perris that triggers the requirements for protection under Section 4(f). The findings of the preliminary analysis regarding potential permanent, temporary, and constructive use impacts to Basin Park are summarized in Attachment A, Preliminary Findings Regarding Impacts of the MCP Project on Basin Park and Other Resources in the City of Perris. The final analysis regarding the project effects on Basin Park, measures to address those effects, and input from the City received during the Section 4(f) consultation process will be included in the Section 4(f) Evaluation for the MCP project that will be incorporated in the environmental document for the project.

We would appreciate it if you would review the enclosed material prior to the meeting and provide comments at the meeting regarding the adequacy of the analysis in identifying and describing the potential effects of the MCP project on Basin Park. A list of questions relating to Section 4(f) properties such as Basin Park is provided in Attachment B to assist you in ensuring that the information provided in the MCP Section 4(f) Evaluation regarding Basin Park is thorough and accurate.

If you have any questions, please call me at (951) 787-7141. We look forward to the City’s participation in this important consultation meeting for the MCP project. Thank you for your interest and participation in the Section 4(f) consultation regarding Basin Park.

Sincerely,

Cathy Bechtel
Project Development Director
Riverside County Transportation Commission

cc: Shawn Oliver, Federal Highway Administration, with attachments
    Marie Petry, Caltrans District 8, with attachments

Attachments:  A: Preliminary Findings Regarding Impacts of the MCP Project on Basin Park and Other Resources in the City of Perris
              B: List of Review Questions for an Agency with Jurisdiction over a Section 4(f) Property

Figures:  1: Project Vicinity and Study Area
          2: Basin Park – Alternative 5 Modified
          3: Basin Park – Alternative 9 Modified
ATTACHMENT A

PRELIMINARY FINDINGS REGARDING IMPACTS
OF THE MCP PROJECT ON BASIN PARK AND OTHER RESOURCES
IN THE CITY OF PERRIS

A.1 PERMANENT USE OF LAND FROM BASIN PARK

Three Build Alternatives (Alternative 4 Modified, Alternative 5 Modified, and Alternative 9 Modified) are being considered in the environmental studies for the Mid County Parkway (MCP) project. Those Alternatives would not result in the permanent use of any land from Basin Park and would not require any permanent surface, subsurface, or aerial easements at that Park. Therefore, Federal Highway Administration (FHWA) and Riverside County Transportation Commission (RCTC) have made a preliminary determination that the MCP Build Alternatives would not result in a permanent use of land from Basin Park and the requirements for protection under Section 4(f) would not be triggered regarding such a permanent use.

A.2 TEMPORARY OCCUPANCY OF LAND IN BASIN PARK

Alternative 4 Modified would not require the use of any land from Basin Park for temporary construction easements (TCEs) during construction. Alternatives 5 Modified and 9 Modified would require the use of land in Basin Park for TCEs during construction of a retaining wall in the MCP right of way, immediately south of the south side of the Park, as follows:

- **Alternative 5 Modified:** 0.011 acre (ac) for a TCE (Figure 2)
- **Alternative 9 Modified:** 0.097 ac for a TCE (Figure 3)

For the purposes of Section 4(f), such temporary occupancy of a Section 4(f) resource does not normally constitute a use as defined in Section 4(f), if each of five conditions is met (23 Code of Federal Regulations [CFR] 774.13(d)). FHWA and RCTC have made a preliminary determination that the proposed temporary occupancy of land in Basin Park for a TCE during construction of the project retaining wall meets or would meet each of these conditions, as described below:

*Duration 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*

The duration of construction for the retaining wall would be approximately 3 months, which is substantially less than the time needed to construct the entire MCP project. There would be no change in the ownership of this land during or after construction of the retaining wall.

*Scope of the work must be minor (i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal)*
The scope of work is very minor and would be limited to the construction of the footings of the walls and the walls themselves. The footings and walls would not result in changes to the parts of Basin Park used for active and passive recreation activities.

*There are no anticipated permanent adverse physical impacts, nor would there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis*

The construction of the footings and the walls would not result in any permanent adverse physical impacts to Basin Park and would not interfere with the protected activities, features, or attributes of Basin Park on either a temporary or permanent basis.

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

The land being used for the TCEs would be returned to a condition that is at least as good as that which existed prior to the project.

and

*There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.*

Because the TCEs proposed in Alternatives 5 Modified and 9 Modified meet or would meet these criteria, FHWA and RCTC have made a preliminary determination that the TCEs in Basin Park do not constitute a use and, therefore, the requirements for protection under Section 4(f) are not triggered by the TCEs in Basin Park under Alternatives 5 Modified and 9 Modified.

As part of the consultation process for Section 4(f), if either Alternative 5 Modified or Alternative 9 Modified is identified as the preferred alternative, RCTC and FHWA will request the City of Perris to concur with the determination that the effects of the TCEs at Basin Park do not constitute a use and, therefore, the requirements for protection under Section 4(f) are not triggered by the TCEs in Basin Park under the preferred alternative.

**A.3 CONSIDERATION OF THE POTENTIAL FOR CONSTRUCTIVE USE IMPACTS AT BASIN PARK**

A constructive use occurs when a transportation project does not incorporate land from a Section 4(f) property, but the project’s proximity impacts are so severe that the protected activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only when the protected activities, features, or attributes of the property are substantially diminished.

Based on the analyses conducted for the MCP project to date, the following preliminary determinations regarding potential proximity impacts on Basin Park:
- Basin Park would experience short- and long-term visual impacts and short-term construction noise, dust, and traffic impacts, all of which are anticipated to be substantially mitigated based on avoidance, minimization, and mitigation measures that will be included in the environmental document for the project.

- Basin Park would not experience long-term noise impacts as a result of the MCP project.

- Based on the detailed modeling and analyses in the *Air Quality Analysis* (2012), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard; would not contribute substantially to an existing or projected air quality violation for carbon monoxide, or particulate matter smaller than either 2.5 or 10 microns; would not result in an adverse impact related to mobile source air toxics; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives are not expected to result in proximity impacts on Basin Park related to air quality.

- During construction of the MCP Build Alternatives, access to Basin Park would be maintained. If temporary road closures are necessary in the vicinity of the Park, detours would be provided to ensure that visitors can access the Park during those temporary road closures. Alternative 4 Modified would not result in long-term traffic circulation or access impacts on Basin Park because access to this Park on existing roads would be maintained in the long term during operations under this Alternative. Alternatives 5 Modified and 9 Modified include a cul-de-sac on Old Evans Road adjacent to Basin Park and would eliminate the intersection of Old Evans Road/Evans Road as shown on Figures 2 and 3, respectively. These modifications would not result in long-term traffic or access impacts because Old Evans Road would continue to provide access to the Park from Kestrel Gate. The Evans Road pedestrian crossing at Old Evans Road would be shifted south approximately 400 feet (ft) to the intersection of the westbound MCP ramps at Evans Road. Alternatives 5 Modified and 9 Modified would also include closure of the intersection at Sparrow Way/Evans Road; access for that neighborhood would be provided via Whimbrel Way to Evans Road. As a result, the MCP Build Alternatives are not expected to result in proximity impacts on Basin Park related to changes in traffic circulation and access.

Based on these analyses, FHWA and RCTC have made a preliminary determination that the proximity impacts of the MCP Build Alternatives at Basin Park would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives are not expected to result in constructive use of this Park.

### A.4 CONSIDERATION OF OTHER RESOURCES IN AND UNDER THE JURISDICTION OF THE CITY OF PERRIS

Other parks and recreation resources in the City of Perris were reviewed to assess whether they might trigger the need for consideration under the requirements of Section 4(f). Based on the preliminary analysis conducted to date, FHWA and RCTC have preliminarily determined that the resources listed in Table A.1 which are owned by and under the jurisdiction of the City of Perris would not trigger the requirements for protection under Section 4(f) as described in that table.
### Table A.1: Resources in the City of Perris Determined Not to Trigger Protection under the Requirements of Section 4(f)

<table>
<thead>
<tr>
<th>Owner/Operator, Location, and Description of Resource</th>
<th>Why Resource Does Not Trigger Protection under Section 4(f)</th>
</tr>
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<tbody>
<tr>
<td><strong>Paragon Park.</strong> This Park is owned and operated by the City of Perris. It is located at 264 Spectacular Bid Street. This is a 14.1 ac community Park with portable restrooms, approximately 30 off-street parking spaces, two lighted tennis courts, one full basketball court, two handball walls, a tot lot, one barbecue, open space, and three picnic shelters. Vehicle and pedestrian access to this Park is provided via Spectacular Bid Street, Redlands Avenue, and Placentia Avenue.</td>
<td>This Park is in the MCP Study Area and also in the vicinity of the right of way limits for the MCP Build Alternatives, but there is no permanent use of this Park by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this Park under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this Park under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is approximately 120 ft from the boundary of this Park (Alternative 9 Modified). Alternatives 4 Modified and 5 Modified are more than 1,000 ft from this Park. This Park would experience short-term visual, noise, and dust impacts during construction, all of which are anticipated to be substantially mitigated based on avoidance, minimization, and mitigation measures that will be included in the environmental document for the project. Based on the detailed modeling and analyses in the Air Quality Analysis (2011), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard; would not contribute substantially to an existing or projected air quality violation for CO, PM_{2.5}, or PM_{10}; would not result in an adverse impact related to MSATs; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives would not result in proximity impacts on Paragon Park related to air quality. During construction of the MCP Build Alternatives, access to Paragon Park would be maintained. If temporary road closures are necessary in the vicinity of this Park, detours would be provided to ensure that visitors can access the Park during those temporary road closures. The MCP Build Alternatives would not result in long-term traffic or access impacts at Paragon Park because access to the Park would be maintained during project operations. Neighborhoods north of Placentia Avenue use Lakeview Drive, Perris Boulevard, or Spokane Street to access Placentia Avenue adjacent to Paragon Park. Under the MCP Build Alternatives, some residents would no longer have direct access to Placentia Avenue via Lakeview Drive or Spokane Street; these residents would be able to use Perris Boulevard to Placentia Avenue to access Paragon Park. As a result, the MCP Build Alternatives would result in proximity impacts on Paragon Park related to changes in traffic circulation and access. In summary, the proximity impacts of the MCP Build Alternatives at Paragon Park would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this Park.</td>
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<td><strong>Morgan Park.</strong> This Park is owned and operated by the City of Perris. It is located at 600 Morgan Street. This Park includes a lighted soccer field, a snack bar, picnic tables, basketball courts, barbecues, a playground/tot lot, and restrooms.</td>
<td>This Park is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this Park by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this Park under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this Park under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is approximately 420 ft from this Morgan Park (Alternative 4 Modified). This Park would experience short- and long-term visual impacts and short-term noise impacts, all of which are anticipated to be substantially mitigated based on avoidance, minimization, and mitigation measures that will be included in the environmental document for the project. This Park would not experience short- or long-term air quality impacts or long-term noise impacts. During construction of the MCP Build Alternatives, access to Morgan Park would be maintained. If temporary road closures are necessary in the vicinity of this Park, detours would be provided to ensure that visitors can access the Park during those temporary road closures. The MCP Build Alternatives would not result in traffic or access impacts on Morgan Park because access to this Park would be maintained in the long term during operations of Alternatives 4 Modified, 5 Modified, and 9 Modified. As a result, the MCP Build Alternatives would not result in proximity impacts on Morgan Park related to changes in traffic circulation and access. In summary, the proximity impacts of the MCP Build Alternatives at this Park would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this Park.</td>
</tr>
<tr>
<td><strong>Frank Eaton Memorial Park.</strong> This Park is owned and operated by the City of Perris. It is located at 3600 Bradley Road. This 4.4 ac mini-park includes portable restrooms, off-street parking, four picnic tables, one picnic shelter, barbecues, tot lot and playground, basketball court, a baseball/softball field, and one water fountain.</td>
<td>This Park is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this Park by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this Park under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this Park under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is over 4,600 ft from the boundary of this Park (Alternatives 4 Modified, 5 Modified, and 9 Modified). During construction and operation of the MCP Build Alternatives, access to this Park would not be affected because the Park is a substantial distance from the nearest features of the MCP Build Alternatives. As a result, the MCP Build Alternatives would not result in proximity impacts on Frank Eaton Memorial Park related to changes in traffic circulation and access. Based on the distance of this Park from the alignments of the MCP Build Alternatives, those Alternatives would not result in impacts that would substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this Park.</td>
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<td><strong>May Ranch Park</strong>&lt;br&gt; This Park is owned and operated by the City of Perris. It is located at 3033 Poppy Court. This approximately 8 ac neighborhood Park includes portable restrooms, approximately 35 off-street parking spaces, 11 picnic tables, one picnic shelter, four barbeques, a tot lot, two benches, one full basketball court, two softball fields, one practice field/active space, and one water fountain.</td>
<td>This Park is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this Park by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this Park under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this Park under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is approximately 700 ft from the boundary of this Park (Alternatives 4 Modified, 5 Modified, and 9 Modified). This Park would experience short- and long-term visual impacts, which are anticipated to be substantially mitigated based on avoidance, minimization, and mitigation measures that will be included in the environmental document for the project. This Park would not experience short- and long-term air quality or noise impacts. During construction of the MCP Build Alternatives, access to May Ranch Park would be maintained. If temporary road closures are necessary in the vicinity of this Park, detours would be provided to ensure that visitors can access the Park during those temporary road closures. The MCP Build Alternatives would not result in long-term traffic impacts at May Ranch Park because access to the Park would be maintained during project operations. Some residents living south of Placentia Avenue may currently use Eureka Avenue or El Nido Avenue to access this Park. Eureka Avenue and El Nido Avenue would not cross the alignments of the MCP Build Alternatives; residents who currently use those streets to access the Park would be able to access the Park via Redlands Boulevard at its crossing of the MCP. As a result, the MCP Build Alternatives would not result in proximity impacts on May Ranch Park related to changes in traffic circulation and access. In summary, the proximity impacts of the MCP Build Alternatives at this Park would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this Park.</td>
</tr>
<tr>
<td><strong>Copper Creek Park</strong>&lt;br&gt; This Park is owned and operated by the City of Perris. It is located at 217 Citrus Avenue. This 7.4 ac Park includes a half-court basketball court, passive/practice areas, two tot lots, two barbeques, one drinking fountain, four picnic tables, one picnic shelter, and restrooms.</td>
<td>This Park is outside the MCP Study Area and right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this Park by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this Park under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this Park under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered. The nearest right of way for the MCP Build Alternatives is over 3,300 ft from this Park (Alternatives 4 Modified, 5 Modified, and 9 Modified). During construction and operation of the MCP Build Alternatives, access to this Park would not be affected because the Park is a substantial distance from the nearest features of the MCP Build Alternatives. As a result, the MCP Build Alternatives would not result in proximity impacts on Copper Creek Park related to changes in traffic circulation and access. Based on the distance of this Park from the alignments of the MCP Build Alternatives, those alternatives would not result in impacts that would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this Park.</td>
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<td>On- and Off-Street Trails Designated in the City of Perris General Plans, Various public agencies and private parties</td>
<td>There are a number of General Plan-designated trails in the MCP Study Area. Class I trails are trails that are in dedicated rights of way for use by pedestrians, bicyclists, and/or equestrians. Local General Plans have designated two Class I trails in the MCP Study Area: one that is parallel to a long segment of the Ramona Expressway and the second that runs along the San Jacinto River, crossing the Ramona Expressway west of Lakeview Avenue. There is also a wide range of other types of trails, including bicycle facilities within public street rights of way, designated in this area in the local General Plans. The MCP Build Alternatives are parallel to or cross many of the trails. The final design of the selected MCP Build Alternative would accommodate all existing off-street trails at their crossings of the MCP alignment. The MCP Build Alternatives would not impact the trail segments that are generally parallel to the MCP alignments. Therefore, the MCP Build Alternatives would not result in proximity impacts to trails.</td>
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</tbody>
</table>

ac = acre/ha
CO = carbon monoxide
ft = foot/feet
I-215 = Interstate 215
MCP = Mid County Parkway
mi = mile/miles
MSATs = mobile source air toxics
PM10 = particulate matter less than 10 microns in size
PM2.5 = particulate matter less than 2.5 microns in size
TCE = temporary construction easement
ATTACHMENT B

LIST OF REVIEW QUESTIONS FOR AN AGENCY WITH JURISDICTION OVER A SECTION 4(f) PROPERTY

The questions below will assist the City of Perris in ensuring that the analysis of the potential impacts of the Mid County Parkway (MCP) project on Section 4(f) property(ies) within your jurisdiction is thorough and accurate:

- Have the appropriate Section 4(f) properties (i.e., publicly owned parks and recreation lands including sports yards at public schools if they are used for recreation purposes outside school hours, wildlife and waterfowl refuges, and historic sites) within your agency’s jurisdiction been identified and potential project impacts evaluated?
- Is the information describing the 4(f) property(ies) within your agency’s jurisdiction correct and current? Is there more information about the Section 4(f) property(ies) that your agency would like incorporated in the Section 4(f) Evaluation?
- Has the primary purpose of the entire Section 4(f) property, and not just the part used by the MCP Build Alternatives, been adequately described?
- Have the anticipated permanent and/or temporary use effects of the MCP Build Alternatives on each Section 4(f) property within your agency’s jurisdiction been explained sufficiently?
- Does the information adequately express the significance or importance of the Section 4(f) property to your agency?
- Are the anticipated avoidance and mitigation measures for the use effects sufficient? Does your agency have alternative or additional mitigation to propose for inclusion in the project?
LEGEND

- Alternative 5 Modified Limits of Proposed Improvements
- Grading Limits: Cut
- Grading Limits: Fill
- Temporary Construction Easement (0.011 ac)

Retaining Wall
Centerlines, Ramps, and Lanes

SOURCE: Jacobs Engineering (02/2011); Eagle Aerial (3/2010); Epic Land Solutions (4/2011)

Basin Park - Alternative 5 Modified
08-RIV-MCP PM 0.0/16.3; 08-RIV-215 PM 28.0/34.3
EA 08-0F3200 (PN 0800000125)
ATTACHMENT C

PROGRAMMATIC EVALUATION
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ATTACHMENT C

PROGRAMMATIC EVALUATION
SECTION 4(f)

SECTION 4(f) EVALUATION AND APPROVAL FOR TRANSPORTATION PROJECTS THAT HAVE A NET BENEFIT TO A SECTION 4(f) PROPERTY

This nationwide programmatic Section 4(f) evaluation (programmatic evaluation) has been prepared for certain federally assisted transportation improvement projects on existing or new alignments that will use property of a Section 4(f) park, recreation area, wildlife or waterfowl refuge, or historic property, which in the view of the Administration and official(s) with jurisdiction over the Section 4(f) property, the use of the Section 4(f) property will result in a net benefit to the Section 4(f) property.

DEFINITIONS

“Administration” refers to the Federal Highway Division Administrator or Division Engineer (as appropriate).

“Applicant” refers to a State Highway Agency or State Department of Transportation, local governmental agency acting through the State Highway Agency or State Department of Transportation.

A “net benefit” is achieved when the transportation use, the measures to minimize harm and the mitigation incorporated into the project results in an overall enhancement of the Section 4(f) property when compared to both the future do-nothing or avoidance alternatives and the present condition of the Section 4(f) property, considering the activities, features and attributes that qualify the property for Section 4(f) protection. A project does not achieve a “net benefit” if it will result in a substantial diminishment of the function or value that made the property eligible for Section 4(f) protection.

“Official(s) with jurisdiction” over Section 4(f) property (typically) include: for a park, the Federal, State or local park authorities or agencies that own and/or manage the park; for a refuge, the Federal, State or local wildlife or waterfowl refuge owners and managers; and for historic sites, the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO), whichever has jurisdiction under Section 106 of the National Historic Preservation Act (16 USC 470f).

APPLICABILITY

The Administration is responsible for review of each transportation project for which this programmatic evaluation is contemplated to determine that it meets the criteria and procedures of this programmatic evaluation. The information and determination will be included in the applicable National Environmental Policy Act (NEPA) documentation and administrative record. This programmatic evaluation will not change any existing procedures for NEPA compliance, public involvement, or any other applicable Federal environmental requirement.
This programmatic evaluation satisfies the requirements of Section 4(f) for projects meeting the applicability criteria listed below. An individual Section 4(f) evaluation will not need to be prepared for such projects:

1. The proposed transportation project uses a Section 4(f) park, recreation area, wildlife or waterfowl refuge, or historic site.

2. The proposed project includes all appropriate measures to minimize harm and subsequent mitigation necessary to preserve and enhance those features and values of the property that originally qualified the property for Section 4(f) protection.

3. For historic properties, the project does not require the major alteration of the characteristics that qualify the property for the National Register of Historic Places (NRHP) such that the property would no longer retain sufficient integrity to be considered eligible for listing. For archeological properties, the project does not require the disturbance or removal of the archaeological resources that have been determined important for preservation in-place rather than for the information that can be obtained through data recovery. The determination of a major alteration or the importance to preserve in-place will be based on consultation consistent with 36 CFR part 800.

4. For historic properties, consistent with 36 CFR part 800, there must be agreement reached amongst the SHPO and/or THPO, as appropriate, the FHWA and the Applicant on measures to minimize harm when there is a use of Section 4(f) property. Such measures must be incorporated into the project.

5. The official(s) with jurisdiction over the Section 4(f) property agree in writing with the assessment of the impacts; the proposed measures to minimize harm; and the mitigation necessary to preserve, rehabilitate and enhance those features and values of the Section 4(f) property; and that such measures will result in a net benefit to the Section 4(f) property.

6. The Administration determines that the project facts match those set forth in the Applicability, Alternatives, Findings, Mitigation and Measures to Minimize Harm, Coordination, and Public Involvement sections of this programmatic evaluation.

This programmatic evaluation can be applied to any project regardless of class of action under NEPA.

ALTERNATIVES

To demonstrate that there are no feasible and prudent alternatives to the use of Section 4(f) property, the programmatic evaluation analysis must address alternatives that avoid the Section 4(f) property. The following alternatives avoid the use of the Section 4(f) property:

1. Do nothing.

2. Improve the transportation facility in a manner that addresses the project's purpose and need without a use of the Section 4(f) property.

3. Build the transportation facility at a location that does not require use of the Section 4(f) property.
This list is intended to be all-inclusive. The programmatic evaluation does not apply if a feasible and prudent alternative is identified that is not discussed in this document. The project record must clearly demonstrate that each of the above alternatives was fully evaluated before the Administration can conclude that the programmatic evaluation can be applied to the project.

FINDINGS

For this programmatic evaluation to be utilized on a project there must be a finding, given the present condition of the Section 4(f) property, that the do-nothing and avoidance alternatives described in the Alternatives section above are not feasible and prudent. The findings (1, 2, and 3. below) must be supported by the circumstances, studies, consultations, and other relevant information and included in the administrative record for the project. This supporting information and determination will be documented in the appropriate NEPA document and/or project record consistent with current Section 4(f) policy and guidance.

To support the finding, adverse factors associated with the no-build and avoidance alternatives, such as environmental impacts, safety and geometric problems, decreased transportation service, increased costs, and any other factors may be considered collectively. One or an accumulation of these kinds of factors must be of extraordinary magnitude when compared to the proposed use of the Section 4(f) property to determine that an alternative is not feasible and prudent. The net impact of the do-nothing or build alternatives must also consider the function and value of the Section 4(f) property before and after project implementation as well as the physical and/or functional relationship of the Section 4(f) property to the surrounding area or community.

1. Do-Nothing Alternative.

   The Do-Nothing Alternative is not feasible and prudent because it would neither address nor correct the transportation need cited as the NEPA purpose and need, which necessitated the proposed project.

2. Improve the transportation facility in a manner that addresses purpose and need without use of the Section 4(f) property.

   It is not feasible and prudent to avoid Section 4(f) property by using engineering design or transportation system management techniques, such as minor location shifts, changes in engineering design standards, use of retaining walls and/or other structures and traffic diversions or other traffic management measures if implementing such measures would result in any of the following:

   - Substantial adverse community impacts to adjacent homes, businesses or other improved properties; or
   - Substantially increased transportation facility or structure cost; or
   - Unique engineering, traffic, maintenance or safety problems; or
   - Substantial adverse social, economic or environmental impacts; or
   - A substantial missed opportunity to benefit a Section 4(f) property; or
• Identified transportation needs not being met; and
• Impacts, costs or problems would be truly unusual, unique or of extraordinary magnitude when compared with the proposed use of Section 4(f) property after taking into account measures to minimize harm and mitigate for adverse uses, and enhance the functions and value of the Section 4(f) property.

Flexibility in the use of applicable design standards is encouraged during the analysis of these feasible and prudent alternatives.

3. Build a new facility at a new location without a use of the Section 4(f) property. It is not feasible and prudent to avoid Section 4(f) property by constructing at a new location if:
• The new location would not address or correct the problems cited as the NEPA purpose and need, which necessitated the proposed project; or
• The new location would result in substantial adverse social, economic or environmental impacts (including such impacts as extensive severing of productive farmlands, displacement of a substantial number of families or businesses, serious disruption of community cohesion, jeopardize the continued existence of any endangered or threatened species or resulting in the destruction or adverse modification of their designated critical habitat, substantial damage to wetlands or other sensitive natural areas, or greater impacts to other Section 4(f) properties); or
• The new location would substantially increase costs or cause substantial engineering difficulties (such as an inability to achieve minimum design standards or to meet the requirements of various permitting agencies such as those involved with navigation, pollution, or the environment); and
• Such problems, impacts, costs, or difficulties would be truly unusual or unique or of extraordinary magnitude when compared with the proposed use of the Section 4(f) property after taking into account proposed measures to minimize harm, mitigation for adverse use, and the enhancement of the Section 4(f) property's functions and value.

Flexibility in the use of applicable design standards is encouraged during the analysis of feasible and prudent alternatives.

MITIGATION AND MEASURES TO MINIMIZE HARM
This programmatic evaluation and approval may be used only for projects where the Administration, in accordance with this evaluation, ensures that the proposed action includes all possible planning to minimize harm, includes appropriate mitigation measures, and that the official(s) with jurisdiction agree in writing.

COORDINATION
In early stages of project development, each project will require coordination with the Federal, State, and/or local agency official(s) with jurisdiction over the Section 4(f) property. For non-Federal Section 4(f) properties, i.e., State or local properties, the official(s) with jurisdiction will be asked to
identify any Federal encumbrances. When encumbrances exist, coordination will be required with the Federal agency responsible for such encumbrances.

Copies of the final written report required under this programmatic evaluation shall be offered to the official(s) with jurisdiction over the Section 4(f) property, to other interested parties as part of the normal NEPA project documentation distribution practices and policies or upon request.

PUBLIC INVOLVEMENT

The project shall include public involvement activities that are consistent with the specific requirements of 23 CFR 771.111, Early coordination, public involvement and project development. For a project where one or more public meetings or hearings are held, information on the proposed use of the Section 4(f) property shall be communicated at the public meeting(s) or hearing(s).

APPROVAL PROCEDURE

This programmatic evaluation approval applies only after the Administration has:

1. Determined that the project meets the applicability criteria set forth in Applicability section;
2. Determined that all of the alternatives set forth in the Findings section have been fully evaluated;
3. Determined that the findings in the programmatic evaluation (which conclude that the alternative recommended is the only feasible and prudent alternative) result in a clear net benefit to the Section 4(f) property;
4. Determined that the project complies with the Mitigation and Measures to Minimize Harm section of this document;
5. Determined that the coordination and public involvement efforts required by this programmatic evaluation have been successfully completed and necessary written agreements have been obtained; and
6. Documented the information that clearly identifies the basis for the above determinations and assurances.

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For additional information, view the Preamble on the Federal Register's website http://edocket.access.gpo.gov/2005/05-7812.htm.

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