

**SECTION 4(F) *DE MINIMIS* FINDING**

**FOR THE PROPOSED**

**ORD FERRY SEISMIC RETROFIT PROJECT  
Bridge Number 12-C120**

**FEDERAL ID NUMBER STPLZ 5912 (019)**

**DRAFT**

## Introduction

---

Purpose of this report is to discuss potential impacts to resources protected under Section 4(f) of the Department of Transportation Act of 1966, codified in Federal law at 49 U.S.C. that may be associated with the proposed seismic retrofit project of Ord Ferry Bridge (Bridge No. 12C-120). This seismic retrofit project proposed by Butte County in conjunction with California Department of Transportation is funded with federal Transportation dollars.

Section 4(f) of the Department of Transportation Act of 1966, codified in Federal law at 49 U.S.C. declares that:

*[i]t is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.*

*[t]he 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:*

- (1) there is no prudent and feasible alternative to using that land; and*
- (2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.*

Within the context of §4(f) properties, the term *use* is defined in 23 CFR 774. Specifically, a *use* occurs under any of the following circumstances:

- When land is permanently incorporated into a transportation facility;
- 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 §774.13(d); or
- When there is a constructive use of a Section 4(f) property as determined by the criteria in §774.15.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), a federal transportation reauthorization bill was signed into law in 2005. SAFETEA-LU included, among many other revisions, simplified the procedures for projects that would have *de minimis* impacts to §4(f) properties. An analysis of alternatives is not required and the §4(f) evaluation is complete once it is determined that the use of a §4(f) property would result in *de minimis* impacts. The definition of a *de minimis* impact, as set forth in 23CFR §774.17, is:

*For parks, recreation areas, and wildlife and waterfowl refuges, a de minimis impact is one that will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f).*

Per SAFETEA-LU, Caltrans may assume FHWA responsibilities under National Environmental Policy Act (NEPA) and other applicable environmental regulations established at the federal level. Caltrans has assumed NEPA obligations through a variety of Memoranda of Understanding, including *6004 MOU*, *6004(a) MOU* and *6005 MOU*. Therefore, Caltrans is the federal Lead Agency for the proposed action.

## **Proposed Action**

---

Ord Ferry Bridge (Bridge No. 12C-120) is located on Ord Ferry Road and spans the Sacramento River in Glenn and Butte Counties, California. The proposed project is located approximately 7 miles south of Hamilton City and 10 miles west of the City of Chico and involves the seismic retrofit of the footings and columns of the bridge to remedy an existing seismic deficiency.

The bridge structure has eight piers founded on driven steel piles and hinges located on spans 4 and 6. Piers 2 through 6 are within the active channel limits as of 2010 and all of the piers (Piers 2 – 9) are located within the ordinary high water mark of the Sacramento River. The abutments are located on existing levees and are founded on driven steel piles.

In 1997, a seismic assessment of the bridge was performed and alternative seismic retrofit strategies were developed for the existing bridge. Since that time, modifications to the seismic design criteria (SDC) have been developed by Caltrans for the design of bridge type structures that are susceptible to seismic loads. Caltrans SDC Ver. 1.4 dated June 2006 will be utilized for the Ord Ferry Bridge Seismic Retrofit Project.

Construction activities over three construction seasons will include foundation retrofit of six of the eight piers, installation of steel column casing of each of the eight piers, installation of debris deflectors attached to a tracking system mounted on the bridge piers, retrofit of each of the four hinges by adding seat extenders, application of methacrylate to the bridge deck to prevent water intrusion, removal of the existing bridge rail protection at the four corners, replacement the existing roadway structural section within 200' on each side of the bridge, and signing and restriping the bridge.

The in-water work will include foundation retrofit, installation of steel column casing of the piers and installation of debris deflectors. In order to work on the in-water piers, it is anticipated that the Contractor will build a temporary trestle from the western shore of the Sacramento River out to the two westerly in-water piers. This will leave the easterly of the three spans open to river traffic. It is assumed at this time that the Ord Bend Park boat launch ramp will be closed to all boat traffic with the exception of emergency access for the Glenn County Sheriff for approximately three months; June 1 to August 30. It is anticipated that work on the westerly in-water piers will be completed during the first of three construction seasons.

Once the westerly retrofit work has been completed, the trestle, trestle piles, and sheet piling will be removed. After work is complete on the western piers, it is anticipated the Contractor will construct a temporary trestle from the eastern shore of the Sacramento River out to the three easterly in-water piers. Installation of the trestle for construction on the easterly piers will not necessitate a temporary closure of Ord Bend Park boat launch ramp. During work on the easterly bridge piers, the westerly bridge spans will be open to river traffic.

Staging for the project will take place at an agricultural industrial area approximately 0.6 miles west of the Ord Ferry Bridge. For access to the westerly piers which all require the trestle, it is anticipated that the old ferry landing ramp and/or a temporary access road adjacent to the existing bridge will be utilized to gain access to the river. This area in the southwest corner of the project is accessible via a paved road that is just south of Ord Ferry Road. For access to piers that are east of the active channel, it is anticipated that an orchard maintenance road adjacent to Ord Ferry Road will be utilized. At the point that the orchard maintenance road turns to the north, a temporary access road will need to be constructed to gain access to the riverbed.

## **Applicability of Section 4(f) To Ord Bend Park From Proposed Transportation Project**

---

Within the context of §4(f) properties, the term *use* is defined in 23 CFR 774. Specifically, a *use* occurs under any of the following circumstances:

- When land is permanently incorporated into a transportation facility;
- 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 §774.13(d); or
- When there is a constructive use of a Section 4(f) property as determined by the criteria in §774.15.

The Ord Bend Park boat launching facility is a feature that qualifies the property for protection under Section 4(f). Restricted access to the boat ramp due to the temporary boat ramp closure will adversely affect the primary recreational fishing and watersport activities normally available to the public. Thus, the restricted access to the boat ramp constitutes a *use* under Section 4(f).

With the exception of the boat ramp portion of the facility, the rest of Ord Bend Park would remain open during the three month period that the boat ramp will be temporarily closed. The proposed project will not result in impacts to parking, restroom facilities, picnic tables, barbecue pits, paved walkways or the baseball field.

### Rationale for Boat Launching Ramp Closure

The westerly portion of the temporary trestle for construction activities will be located on the south side of the bridge structure near the Ord Bend Park boat ramp ingress/egress. Initially, Glenn County staff planned to maintain Park boat ramp egress/ingress in between the trestle structure and the bridge piers. To ensure that boats could safely be launched through this access strip, during September 2010 soundings were taken of the riverbed of the surrounding area to determine the topographic layout of the channel bottom (see figure 1 – Riverbed Contour). The data indicate that the river bottom was 4 feet or less in numerous locations near the boat ramp ingress/egress point.

Glenn and Butte County staff, including the Glenn County Sheriff's representative who is responsible for public safety, met on October 20, 2010 to review the sounding data and determine the viability of maintaining boat ramp access. The agency with park jurisdiction, Glenn County, along with the Glenn County Sheriff's representative, determined that maintaining boat ramp access

during the three month time period that the westerly trestle will be erected will potentially pose a public safety hazard given the nature of the sounding data and the unpredictability of the river level at the time of construction. However, the Contractor will provide emergency access for Glenn County Sheriff staff in the event of a public safety incident.

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

---

The §4(f) Property impacted by the project is Glenn County Ord Bend Park which is a 12 acre park on the west bank of the Sacramento River at river mile 184 near the community of Ord Bend. Ord Ferry Bridge is adjacent to the park on the south side. In order to exit and enter the Sacramento River via the park boat launching facility for fishing or watersport activities, boaters must navigate between the piers of Ord Ferry bridge. (See figure 1 – Site Plan)

The following recreational facilities are provided within the Park:

#### **Ord Bend Park Recreational Facilities**

- Boat Launch Ramp
- Parking
- Restrooms
- Picnic tables
- Barbecue pits
- Baseball field
- Paved walkways

Of the various facilities available at Ord Bend Park, per Glenn County staff with jurisdiction over the park facility, the boat launch ramp and parking available for boat trailers are the park features of importance to the public.

#### **Other Public Boat Launching Facilities in Proximity to Ord Bend Park**

Three additional public boat launching facilities are located in close proximity to Ord Bend Park.

#### **Bidwell Sacramento River Park Complex – California State Park**

Nine river miles to the north, Bidwell Sacramento River Park provides boat launching facilities. Driving distance to this alternate facility is approximately 10.3 miles which equates to about 23 minutes of driving time. This complex is comprised of two facilities that provide over-sized parking for boat launching; Irvine Finch River Access Facility and Pine Creek Day Use Area.

- **Irvine Finch River Access Facility –State Park**  
Irvine Finch River Access Facility provides public boat launch access with 130 oversize parking spaces that accommodate trucks with boat trailers.
- **Pine Creek Day Use Area – State Park**  
Pine Creek Day Use Area provides public boat launch access with 30 oversize parking spaces that accommodate trucks with boat trailers.

#### **Butte City Launch Facility – Glenn County Park**

- Located fifteen river miles to the south is Butte City Launch Facility which also provides public boat launch access with 30 oversize parking spaces that accommodate trucks with boat trailers. Driving distance to this alternate facility is approximately 16.5 miles which roughly equates to 33 minutes of driving time.

### **Potential Impacts to Section 4(f) Property**

---

Construction activities for the proposed seismic retrofit project will result in a temporary, three-month closure of the Ord Bend Park boat ramp from June 1 to August 30 during the first of three construction seasons. This closure is necessitated due to public safety issues associated with work on two bridge piers located at the west end of the bridge. In order to perform seismic retrofit of these two piers, the Contractor will build a temporary trestle from the western shore of the Sacramento River out to the two westerly in-water piers. This will leave the easterly of the three spans open to river traffic.

#### **Recreational Activities At Ord Bend Park**

- Boat Launching onto the Sacramento River
- Fishing
- Watersports
- Nature Observation
- Baseball
- Picnicking

Primary recreational activities associated with Ord Bend Park are recreational fishing and water sport activities. The level of use for recreational fishing varies according to the fishing seasons associated with a variety of fish species. During peak fishing periods, County staff estimate up to 145 boats launched per week and during off-season fishing periods, County staff estimate approximately 15 boats launched per week. While water skiers and jet skiers may launch their crafts from the Ord Bend Park boat ramp, the spans of the Sacramento River located directly upstream and downstream from the park have either sandbars and/or snags that inhibit waterskiing and other water sport activities immediately adjacent Ord Bend Park. Public controversy related to the boat ramp closure is anticipated.

Glenn County will lose revenue generated from boat ramp launch fees for the three month period that the boat launch ramp is closed. Boat launch fees are used by the County to enhance or maintain the features of Ord Bend Park. Two of the three alternate public boat launch facilities located within close proximity to Glenn County Ord Bend Park are not Glenn County parks so the loss of boat launch fees for the three month period will potentially adversely affect revenues used to maintain Ord Bend Park features. Over a three year period, the peak boat revenue for the three month, June - July period is \$4,950. This figure accounts for daily launch fees in addition to a three-month prororation of yearly boat launch fees.

### **Project Minimization Measures for the 4(f) Property**

---

The project proponent, Butte County, coordinated with Glenn County, Ord Bend Park's jurisdictional agency, to develop the minimization measures for impacts to Ord Bend Park, the property protected under Section 4(f). These measures are cited below:

### **Duration/Timing Minimization Measure**

- Time frame for the one-time boat ramp closure is from June 1 – August 30 of the first construction year. This time period coincides with the end of striped bass fishing season and the beginning of summer/fall salmon fishing season.

### **Public Notice/Use Minimization Measures**

- Signage at Ord Bend Park entrance and kiosk announcing temporary closure of boat ramp including a list of the alternate public boat ramp locations in proximity to Glenn County Ord Bend Park listed below:
  - Irvine Finch River Access Facility – California State Park
  - Pine Creek Day Use Area – California State Park
  - Butte City Launch Facility – Glenn County Park
- Coast Guard approved signage from the water side of the Ord Bend Park boat ramp to alert boaters of temporary boat ramp closure.
- Announcements publicizing temporary boat ramp closure in two editions of the following publications prior to the boat ramp closure in June:
  - Valley Mirror
  - Chico Enterprise Record
  - Willows Journal
- Electronic public notice of the temporary closure of Ord Bend Park boat ramp will be posted at the following sites:
  - gccpwa.net
  - buttecounty.net
- Postings of temporary boat ramp closure information at local bait shops.
- Barrier erected across boat ramp entrance to ensure boaters do not use boat ramp during temporary closure period to ensure public safety.
- River access will be provided for Glenn County Sheriff staff in event of an emergency.

### **Facility Maintenance Minimization Measure**

- Glenn County will be reimbursed \$4,950.00 for lost boat launch fees due to the one-time, three month June 1 – August 30 closure. The reimbursement will be used to maintain or enhance Ord Bend Park features.

#### **4(f) *De Minimis* Determination**

---

Caltrans is proposing a determination that the minimization measures detailed above will reduce the use of the proposed project to Glenn County Ord Bend Park to a *de minimis* level. Principal factors of this determination are that all other park amenities with the exception of the boat ramp will remain accessible during construction, the duration of the boat ramp closure will be limited to a one-time, three-month closure during the first construction season, alternate public boat ramp facilities located within proximity to Ord Bend Park have the capacity to absorb temporary increased use, and lost boat launch fee revenue used by Glenn County to maintain Ord Bend Park features will be reimbursed. Upon project completion, the features of Glenn County's Ord Bend Park facility will be equal to existing conditions. In contrast, the potential impacts to those elements of the Ord Bend County Park that qualify it as a §4(f) property would be temporary in nature and the proposed minimization measures would reduce the impact to a *de minimis* level.