



US Army Corps
of Engineers

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

NUMBER: 21713N DATE: 17 April 2001
RESPONSE REQUIRED BY: 16 May 2001

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

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1. **INTRODUCTION:** The California Department of Transportation (CALTRANS), District 4, P.O. Box 23660, Oakland, California 94623-0660 (POC: Katie Yim, 510-286-4455), has applied to the U.S. Army Corps of Engineers (USACE) for a permit to construct a four-lane freeway on State Route (SR) 37, from the Napa River Bridge (PM 8.01) to the existing freeway section of Route 37 that begins near Diablo Street (PM 10.49), in the City of Vallejo, Solano County, California. This individual permit application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

2. **PURPOSE AND NEED:** The purpose of the project is to reduce existing traffic congestion and delay and to help accommodate projected traffic increases on the 2.48-mile stretch of SR 37 from the Napa River Bridge to beyond Walnut Street and Mini Drive. The project is expected to reduce congestion of peak traffic flow periods by removing four signalized intersections and a railroad crossing along the corridor and by eliminating an existing two-lane road bottleneck between Sacramento Street and Enterprise Street. These improvements are necessary to offset population and business growth in the North Bay Area that have generated traffic demand on SR 37 beyond its existing capacity throughout most of Solano County. Traffic projected for Year 2020 would likely exceed the existing capacity of the entire corridor from Route 101 to Interstate 80. The most critical section of SR 37 is between Wilson Avenue and Fairgrounds Drive, in the City of Vallejo, where the demand is the highest and the capacity is the lowest. This situation is due to a combination of narrow roadways, poorly designed signalized intersections, numerous private and commercial driveway entries, and a mixture of inter-regional, local, Mare Island, and Marine World traffic.

3. **PROJECT DESCRIPTION:** As shown in the attached drawings, the proposed freeway alignment would overlap the existing roadway in some locations and parallel it in other locations. The typical freeway cross-section would include two 12-foot wide travel-ways in each direction, two 10-foot wide outside shoulders with 1:2 sideslopes, and a paved center median 22 feet to 54 feet in width. The project would include construction of an overcrossing at Sacramento Street, the Central Fill Alternative through White Slough Marsh and Lagoon, and construction of a new interchange at the SR 37/29 intersection. Project construction would occur in two Phases,

with Phase 1 involving all work on SR 37 from Wilson Avenue to Enterprise Street and Phase 2 involving all work on the SR37/29 interchange.

As previously indicated, the project would involve the following construction elements:

Sacramento Street Overcrossing: An overcrossing would be constructed to connect Sacramento Street and Wilson Avenue north of SR 37. The westbound ramps would connect at the Wilson Avenue/Sacramento Street junction, forming a new at-grade intersection providing access to both roads. Access to Sacramento Street from eastbound SR 37 would be provided with the existing Wilson Avenue off-ramp.

Central Fill Alternative: Between Austin Creek and Enterprise Street, the freeway would be separated by a 22-foot wide median and constructed seven feet above the existing roadway to avoid future flooding. Expansion of the existing two-lane roadway to a four-lane freeway would involve widening both sides of the roadway, requiring the placement of equal volumes of fill material into White Slough Marsh, an unrestricted tidal system to the north, and White Slough Lagoon, a muted tidal system to the south. Additional fill material would be placed in White Slough Lagoon to accommodate a bike path between freeway shoulder and the relocated 30-inch diameter sewerline. After completion of the westbound lanes, traffic would be moved onto these lanes to permit construction of the eastbound lanes. The fill material placed in White Slough Marsh and Lagoon would include wick drains, filter fabric, compacted earth fill, and rock slope protection on the exposed sideslopes. To allow tidal circulation between White Slough Marsh and Lagoon, four concrete box culverts 8 feet in width and 4 feet in height, with concrete wingwalls and rock slope protection, would be installed under the freeway to replace the existing culverts and bridge structure. Temporary culverts would be installed prior to the removal of the existing culverts to allow tidal circulation during construction.

SR 37/29 Interchange: The new interchange would be constructed as a partial cloverleaf configuration in the vicinity of Chabot Creek. The interchange would include SR 29 to SR 37 on-ramps, SR 37 to SR 29 off-ramp T-intersections, an overcrossing of SR 29, an overcrossing of Broadway and the Pacific Railroad, and an undercrossing of Mini Drive. The mainline SR 37 freeway section would be constructed entirely on

fill with an approximate 900-foot long retaining wall on the north side. The southbound SR 29 to westbound SR 37 on-ramp would be constructed on a 1,000-foot long viaduct structure to minimize impacts to tidal wetlands. To accommodate construction of this on-ramp, the Donner Road connection to SR 29 in the Meadows Subdivision would be severed and a cul-de-sac installed. In addition, the existing SR 37 roadway between Enterprise Street and SR 29 would be converted into an extension of Enterprise Street that terminates west of SR 29.

4. IMPACTS TO AQUATIC RESOURCES: Project construction would alter existing topography as a result of excavation and removal of substrate deemed unsuitable for construction purposes, importation of fill material, and mass site grading for drainage purposes. These construction activities would cause the loss of 2.98 acres of tidal waters, 3.43 acres of tidal wetlands, and 4.76 acres of seasonal wetlands within the project reach. The affected tidal waters include slough channels and mudflats in White Slough Marsh and shallow water habitat in White Slough Lagoon. The affected tidal wetlands in White Slough Marsh are characterized by Pacific cordgrass (*Spartina foliosa*), hardstem bulrush (*Scirpus acutus*), alkali bulrush (*Scirpus robustus*), and several transitional species, including pickleweed (*Salicornia virginica*), on the existing road embankment. The affected tidal wetlands north of Vallejo Furniture are a mixed halophyte plant community dominated by pickleweed, saltgrass (*Distichlis spicata*), and alkali heath (*Frankenia salina*). The affected seasonal wetlands along SR 29 and north of Vallejo Furniture are dominated by cattails (*Typha sp.*) and rushes (*Juncus balticus*). Other affected seasonal wetlands west of Vallejo Furniture, between the White Slough levee and SR 37, are characterized by Mediterranean barley (*Hordeum marinum*), Italian ryegrass (*Lolium multiflorum*) and rabbit-foot grass (*Polypogon monspeliensis*) or cattail (*Typha latifolia*) and saltgrass.

To compensate for the loss of slough channels, mudflats, and tidal wetlands associated with project construction activities, CALTRANS is establishing up to 14.8 acres of mudflats and subtidal slough channels, 29.1 acres of tidal wetland habitat, and 5.6 acres of upland refugia habitat at the Guadalcanal Village mitigation site, north of Mare Island and west of the SR 37 Napa River Bridge (Public Notice No. 25006N, April 2000). Mitigation construction work commenced in September 2000 and is scheduled for completion in the Fall 2001, when the levee along Dutchman Slough would be breached to allow tidal flow in the constructed slough channels.

To compensate for the loss of seasonal wetlands associated with project construction activities, CALTRANS is proposing to establish approximately 5.0 acres of seasonal wetlands and riparian habitat at the Chabot Creek mitigation site, a 6.8-acre parcel north of Chabot Creek and west of SR 29. These habitats would be created by excavating and removing approximately

30,000 cubic yards of substrate to form a transitional gradient from Chabot Creek with varying regimes of saturation capable of supporting riparian vegetation at lower elevations and seasonal wetland vegetation at higher elevations. Wetland vegetation would be established by seed collected from native sedges, rushes, and grasses in the locale, plants salvaged from the impacted wetland areas, and nursery stock. Willow cuttings harvested from host plants along Chabot Creek would serve as the principal riparian species at the mitigation site. In addition, CALTRANS is proposing to establish 1.2 acres of riparian vegetation within the SR 37 right-of-way between Sacramento Street and Austin Creek.

Other adverse impacts to aquatic resources would be ameliorated through the use of timing restrictions, construction sequencing, and the use of best management practices. Silt fences would be installed along the construction limits in White Slough Marsh and Lagoon to confine water turbidity and limit sediment deposition outside the fill footprint of the freeway. Construction work in White Slough Marsh and Lagoon would be sequenced in a manner to avoid the placement of temporary fills in tidal waters and wetlands outside of the final fill footprint. Seasonal wetlands disturbed by the construction of work pads for equipment access and pile driving would be restored to their pre-construction condition by the removal of temporary fill material and replanting wetland vegetation. Pile driving and jack hammering occurring within 700 feet of recorded California clapper rail nesting sites would be subject to daily timing and noise restrictions during the rails' nesting period of February 1 to August 15. Several stilling basins would be constructed within the interchange areas to provide a combined 20-year storm event capacity for retaining and assimilating freeway runoff and associated pollutants prior to discharge into White Slough Marsh.

5. STATE APPROVALS: State water quality certification or waiver is a prerequisite for the issuance of a permit to conduct any activity which may result in a fill or pollutant discharge into waters of the United States, pursuant to Section 401 of the Clean Water Act (33 U.S.C. 1341). CALTRANS is hereby notified that, unless the USACE is provided a valid request for water quality certification by the Regional Water Quality Control Board (RWQCB) within 30 days of the date of this Public Notice, the District Engineer may consider the permit application to be withdrawn. No permit will be issued until the applicant obtains the required certification or waiver. A waiver will be explicit, or it may be presumed if the RWQCB fails or refuses to act on a valid request for certification within 60 days after receipt, unless the District Engineer determines a shorter or longer period is reasonable for the RWQCB to act. Water quality issues should be directed to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612, by the close of the comment period.

Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1456(c)), requires an applicant for a federal license or permit to conduct any activity occurring in or affecting the coastal zone to furnish a certification of conformance with the State's coastal zone management program. Generally, no permit will be issued until the appropriate State agency has concurred with the certification or has waived its right to do so. Since the project occurs in the coastal zone or may affect coastal zone resources, CALTRANS is hereby advised to apply for a permit from the San Francisco Bay Conservation and Development Commission.

6. NATIONAL ENVIRONMENTAL POLICY ACT: Pursuant to the requirements of the California Environmental Quality Act and the National Environmental Policy Act of 1969 (Public Law 91-190), a joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) entitled, "State Route 37 Project (Post Mile 8.0 to 10.5) in Vallejo, Solano County, California," was completed in May 1998. The Federal Highways Administration (FHWA), Region 9, and the California Department of Transportation, District 10, were the respective Federal and State lead agencies in the preparation of this document. The FHWA issued a Record of Decision in June 1998, thereby concluding the environmental review process for this project. If the project is determined to be fully compliant with the Council on Environmental Quality's Regulations at 40 CFR 1500-1508, and Department of the Army Regulations at 33 CFR 230 and 325, the USACE may adopt the EIR/EIS for the purpose of exercising its regulatory authority

7. ENDANGERED SPECIES: Several federally listed endangered fish and wildlife species are known to occur in the White Slough project area. As the federal lead agency, the FHWA determined that the highway project may affect several of these species and initiated Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS), pursuant to the Endangered Species Act of 1973, as amended. In July 1997, the USFWS issued Biological Opinion I-1-97-F-38 that concluded the project is not likely to jeopardize the continued existence of the endangered California clapper rail (*Rallus longirostris obsoletus*), endangered salt marsh harvest mouse (*Reithrodontomys raviventris*), threatened delta smelt (*Hypomesus transpacificus*), and threatened Sacramento splittail (*Pogonichthys macrolepidotus*). The USFWS further determined that the highway project is not likely adversely affect the endangered California brown pelican (*Pelecanus occidentalis californicus*), endangered American peregrine falcon (*Falco peregrinus anatum*), endangered California least tern (*Sterna antillarum browni*), and threatened western snowy plover (*Charadrius alexandrinus novosus*). In September 1997, the National Marine Fisheries Service (NMFS) concurred with CALTRANS' determination that the highway project is not likely to adversely affect threatened steelhead (*Oncorhynchus mykiss*), threatened chinook salmon (*Oncorhynchus tshawytscha*), or

their habitat.

8. CULTURAL RESOURCES: CALTRANS conducted an extensive literature review and field investigation to determine the presence of archaeological and historic resources in the White Slough project area. Based on the survey results, the FHWA determined that the highway project would not affect properties listed or eligible for listing in the National Register of Historic Places. This determination was conveyed to the Office of Historic Preservation (SHPO), pursuant to Section 106 of the National Historic Preservation Act. In January 1992, the SHPO concurred with the no effect determination.

9. COMPLIANCE WITH THE 404(b)(1) GUIDELINES: Projects resulting in dredged or fill material discharges into waters of the United States must comply with the Guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. 1344(b)). An evaluation pursuant to the Guidelines indicates the highway project is not dependent on location in or proximity to waters of the United States to achieve the basic project purpose. This conclusion raises the (rebuttable) presumption of the availability of a less environmentally damaging practicable alternative to the project that does not require the discharge of dredged or fill material into special aquatic sites. During the preparation of the EIR/EIS, the USACE and other Federal and State resource agencies determined that the project, as described herein, represents the least environmentally damaging practicable alternative and, therefore, complies with the Guidelines.

10. PUBLIC INTEREST EVALUATION: The decision on whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the project and its intended use on the public interest. Evaluation of the probable impacts requires a careful weighing of the public interest factors relevant in each particular case. The benefits that may accrue from the project must be balanced against any reasonably foreseeable detriments of project implementation. The decision on permit issuance will, therefore, reflect the national concern for both protection and utilization of important resources. Public interest factors which may be relevant to the decision process include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

11. CONSIDERATION OF COMMENTS: The USACE is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the project. All

comments received by the USACE will be considered in the decision on whether to issue, modify, condition, or deny a permit for the project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, and other environmental factors addressed in the final Environmental Assessment or Environmental Impact Statement. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the project.

12. **SUBMITTING COMMENTS:** During the specified comment period, interested parties may submit written comments to the San Francisco District, Regulatory Branch, North Section, citing the applicant's name and public notice number in the letter. Comments may include a request for a public hearing on the project prior to a determination on the permit application; such requests shall state, with particularity, the reasons for holding a public hearing. All comments will be forwarded to CALTRANS for resolution or rebuttal. Additional information may be obtained from CALTRANS or by contacting Mr. Peter Straub of the Regulatory Branch at telephone 415-977-8443.