



US Army Corps
of Engineers®

Regulatory Branch
1455 Market Street
San Francisco, CA 94103-1398

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Project: CDOT- US Hwy 101/CA Hwy 36, Alton Interchange

NUMBER: 2007-00718

DATE: 22 February 2008

RESPONSE REQUIRED BY: 24 March 2008

PROJECT MANAGER: Kelley Reid

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1. **INTRODUCTION:** California Department of Transportation (CalTrans), whose point of contact is Peter Lewendal (phone # 707-445-4502), has applied for a Department of the Army permit to construct a spread diamond interchange structure at the intersection of US. Highway 101 and CA Highway 36, in the Community of Alton, Humboldt County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. PROPOSED PROJECT:

The project purpose is to improve safety for cross traffic and merging traffic at the intersection. The preferred alternative would necessitate purchasing approximately 24.3 hectares (or 60 acres) of new right for the highway improvements. The attached 3 maps depict the approximate location of the proposed Alton interchange. The preferred alternative would maintain the at-grade aspect of U.S. Hwy 101; close seven at-grade road approaches to Route 101; construct an overpass, which extends CA Hwy 36 over US Hwy 101 to Fowler Lane; and construct two off- and on- ramps.

As currently designed, the project would permanently impact 2.99 acres of (Corps' jurisdiction) wetlands, 0.07 acre of jurisdictional roadside drainage, 0.41 acre of riparian vegetation, and 1.9 acres of California Coastal Zone wetland. The project would also temporarily impact 0.19 acre of herbaceous wetland (Corps' jurisdiction). The proposed project would excavate approximately 23,500 cubic meters (cm) [30,740 cubic yards (cy)] and discharge

approximately 182,500 cm [238,700 cy] of fill material. Since the project includes the discharge of fill material into wetland areas, a Corps of Engineers Permit is required, for which this public notice is the second step. To compensate for the loss of wetlands at the project site, CalTrans proposes to restore 10.5 acres wetlands and enhance 1.5 acre of existing wetlands at this project location.

The attached Sheet 1 illustrates the location of the wetlands and other waters of the U.S. within the project area. The drawings, "Sign Plan," sheets S1-S15 depict many of the details of the preferred alternative. Additional details are depicted on the "Key Map and Line Index, K-1"

3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969

(NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations (40 C.F.R. Parts 1500-1508), and the Corps' Regulations (33 C.F.R. Part 230 and Part 325, Appendix B). Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, Eureka Field Office, 601 Startare Drive, Eureka,

California 95501.

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. The proposed project will not impact any known threatened or endangered species.

Magnuson-Stevens Fisheries Conservation and Management Act: Essential Fish Habitat - The Magnuson-Stevens Fishery Conservation and Management Act requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions permitted by the agency that may adversely affect Essential Fish Habitat (EFH). There are no EFH concerns with this proposed project.

Clean Water Act of 1972 (CWA):

a. Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant has applied for and has obtained Section 401 Conditional Water Quality Certification from the North Coast Regional Water Quality Control Board: WDID No. 1B07140WNHU.

b. Alternatives: Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is not water dependent.

Coastal Zone Management Act of 1972 (CZMA): Section 307 of the Coastal Zone Management Act requires the applicant to certify that the proposed project is consistent with the State's Coastal Zone Management Program, if applicable. The proposed

project is not within the Coastal Zone, but is sufficiently close that the project may affect the Coastal Zone. The applicant has applied for a Conditional Development Permit, which will be necessary prior to issuance of the Corps permit.

National Historic Preservation Act of 1966 (NHPA): CalTrans prepared a Historic Architectural Survey Report for the 25 properties in the project area and found none were eligible for inclusion in the National Register of Historic Places. CalTrans staff surveyed within the project limits for pre-historic resources and found none. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

CalTrans is consulting with Table Bluff Reservation and the Rohnerville Rancheria. The consultation shall be completed before a Corps' permit is granted.

4. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline 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.

5. CONSIDERATION OF COMMENTS: The

Corps of Engineers 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 this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

6. SUBMISSION OF COMMENTS: Interested parties may submit, in writing, any comments concerning this activity. Comments should include

the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Eureka Field Office, 601 Startare Drive, Box 14, Eureka, California 95501. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Kelley Reid of our office at telephone 707-443-0855 or E-mail: Kelley.e.reid@spd02.usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.