



US Army Corps
of Engineers®

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

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Project: Central 101 HOV Lanes Project, Segment B

NUMBER: SPN-2008-00045 N
PROJECT MANAGER: Andrea Meier

DATE: May 5, 2009
PHONE: 415-503-6798

RESPONSE REQUIRED BY: June 5, 2009
Email: andrea.j.meier@usace.army.mil

1. **INTRODUCTION:** The California Department of Transportation (111 Grand Avenue, Oakland, California 94612 (POC Rey Centeno, 510-286-5800)), through their agent URS Corporation (POC Ramsey Hissen, 408-297-9585) has applied for a Department of the Army permit to widen State Route (Highway) 101 from four to six lanes between Pepper Road and the Old Redwood Highway in Sonoma County, California. The new lanes, constructed in the existing highway median, would serve as high-occupancy vehicle (HOV) or carpool lanes. See Figure 1 for a vicinity map.

The applicant's stated purpose is to reduce existing congestion, improve traffic operations, encourage the use of high occupancy vehicles, and accommodate anticipated travel demand in the future by providing additional capacity and sufficient right-of way to accommodate multi-modal transportation in the Sonoma County/Marin County 101 corridor.

This project is the second phase (Segment B) of the Central 101 HOV Lane Widening and Improvement Project. Segment A was authorized in January 2009 and has not been built. The Central 101 HOV Lanes Project is also part of a series of other highway widening projects in the Sonoma County/Marin County Highway 101 corridor. These projects together are referred to as the Highway 101 Widening and Improvements Projects. This group of projects all share a similar purpose to that of Segment B of the Central 101 HOV Lane Widening and Improvement Project. (Refer to Figure 2 for an illustration on how the HOV widening projects in the corridor connect.)

Other HOV projects have been permitted in the same corridor, including the North Connector Project, Segment A of the Central HOV Lanes Project, and the Wilfred Interchange Project. Due to the shared purpose of these projects and their cumulative impacts, the Corps chose to discretionally review Segment B using a standard permit process instead of an abbreviated evaluation under a Nationwide Permit.

There is at least one reasonably foreseeable project in the same corridor that shares a similar project purpose: the Marin-Sonoma Narrows Project. The Marin-Sonoma Narrows Project would connect Segment B (this project) to Highway 37 in Novato, Marin County, California. There has been no permit request submitted to our office for this project. However, a draft environmental impact statement/environmental impact report is due out this year for the project.

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 California Department of Transportation and Sonoma County Transportation Authority, proposes to widen Highway 101 from four to six lanes by adding one high occupancy vehicle lane in each direction from Old Redwood Highway at Post Mile 7.1 in Petaluma, north to Pepper Road at Post Mile 8.9. This project is a part of a series of road widenings called the Highway 101 HOV Lanes

Widening Projects that span from Windsor (north of Santa Rosa) to Highway 37 in Novato.

The project would permanently impact 0.1693 acre of wetlands and 0.0014 acre of other waters of the U.S. The project would also temporarily impact 0.4593 acre of wetlands and 0.0196 acre of other water of the U.S. Figure 3 lists impacts to waters of the U.S. by feature and the activity resulting in each impact. Figure 4 includes drawings of those impacts.

The applicant expects the project to be approved and contracts for work to be completed by the end of fiscal year 2009. The applicant expects that construction would be completed by 2011.

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, San Francisco District, Regulatory Division, 1455 Market Street, San Francisco, California 94103-1398.

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 Federal Highway Administration (FHWA) consulted with the National Marine Fisheries Service

with a biological opinion issued on August 13, 2007. The NMFS opinion covered both Segment A and B of the Central 101 HOV Lanes Project. The applicant (California Department of Transportation), delegated as NEPA lead by the FHWA, consulted with the U.S. Fish and Wildlife Service (USFWS), resulting in a biological opinion for the project issued on October 18, 2006. The USFWS opinion covers the Segment A and B portions of the Central 101 HOV Lanes Project, the Wilfred Avenue Interchange, and Steele Lane to Windsor River Road Project.

National Marine Fisheries Service biological opinion, August 13, 2007: Segment B would require the widening of a bridge over Willow Brook, a salmon-bearing stream. Willow Brook is designated critical habitat for Central California Coast (CCC) steelhead (*Oncorhynchus mykiss*). In order to minimize potential impacts to water quality and the introduction of sediment into the stream, the applicant has incorporated several best management practices (BMPs) into the project, such as staging equipment outside the riparian zone, placement of orange construction fencing to alert construction crews not to enter sensitive areas, the use of erosion control measures such as wattles and mats to prevent pollutants from entering the stream. The project would also be completed between June 15 and October 15 when the creek conditions are not conducive to steelhead rearing and migration.

U.S. Fish and Wildlife Service biological opinion, October 18, 2006: The biological opinion covers the three projects in the 23-mile corridor. The project would impact suitable habitat for Sebastapol meadowfoam (*Limnanthes vinculans*), Sonoma sunshine (*Blennosperma bakeri*), Burke's goldfield (*Lasthenia burkei*), and California tiger salamander (*Ambystoma californiense*). The applicant is required to compensate for the loss of 50.17 acres of tiger salamander habitat from the three projects with the preservation of 43.59 acres of tiger salamander habitat. The applicant will compensate for the loss of 4.56 acres of listed plant habitat with the acquisition, restoration or construction; and preservation of 12.28 acres of habitat for Burke's goldfields, Sonoma

sunshine, and Sebastopol meadowfoam. Effects north of Santa Rosa Creek (part of the Northern Project), would be compensated by the preservation or establishment of either Burke's goldfields or Sonoma sunshine.

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). NMFS has determined that potential adverse effects to EFH from project activities include temporary disturbance of the water column and substrate during construction, including increased turbidity. As discussed above, disturbance of the water column and substrate would be limited to June 15 through October 15. Fall-run Chinook salmon would not be present in Willow Brook during that summer construction period. Adult Chinook salmon do not have access to the project area until after October 15 when winter rains have begun and streamflows have increased. Coho salmon are not present in these watersheds. When construction is completed, the new pier supports on Willow Brook would be designed in a manner that does not impede fish passage. Anticipated adverse impacts are so minimal in nature that no EFH Conservation Recommendations were made by NMFS for the project.

Clean Water Act of 1972 (CWA):

a. Water Quality: The applicant has submitted a copy of their Section 401 Conditional Water Quality Certification and Waiver of Waste Discharge Requirements has been obtained from the San Francisco Bay Regional Water Quality Control Board (File No. 2188.07).

Those parties concerned with any water quality issue that may be associated with this project should write 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 of this Public Notice.

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. Therefore, the Corps is required to evaluate whether there may be less environmentally damaging practicable alternatives to the proposed project. Since the purpose of the project requires improvements along the State Route 101 corridor, the number of design alternatives to avoid and minimize impacts to waters of the U.S. are limited. No off-site alternatives would meet the purpose of the proposed work. The applicant has not provided alternatives information for the proposed project to indicate why their preferred alternative is the least environmentally damaging practicable alternative to accomplish the purpose.

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.

National Historic Preservation Act of 1966 (NHPA): Based on a review of survey data on file with various City, State and Federal agencies, no historic or archeological resources are known to occur in the project vicinity. 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.

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.

Army Corps of Engineers, San Francisco District, Regulatory Division, 1455 Market Street, San Francisco, California 94103-1398. 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 Andrea Meier of our office at telephone 415-503-6798 or E-mail: andrea.j.meier@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.

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.