



US Army Corps
of Engineers®

SAN FRANCISCO DISTRICT

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

PUBLIC NOTICE

Project: Prunedale Improvements Project

NUMBER: SPN-2003-283460 S
PROJECT MANAGER: Andrea Meier

DATE: March 26, 2010
PHONE: 415-503-6798

RESPONSE REQUIRED BY: April 26, 2010
Email: andrea.j.meier@usace.army.mil

1. **INTRODUCTION:** California Department of Transportation (Caltrans), District 5 has applied for a Department of the Army permit to construct the Prunedale Improvements Project (PIP) near the town of Prunedale and the City of Salinas in Monterey 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).

The project starts at the intersection of Crazy Horse Road and Highway 101 in Prunedale and ends at the Russell Road/Espinosa Road and Highway 101 intersection near the City of Salinas. The project area is shown on the attached project drawings.

2. PROPOSED PROJECT:

Traffic safety and circulation conditions on Highway 101 in the Prunedale area have deteriorated from a combination of heavy traffic, numerous uncontrolled access points, an inadequate road circulation network, and nonstandard road design features.

The applicant's stated purpose of the proposed project is to improve safety along Route 101 and intersecting local roadways, improve traffic flow along Route 101, and to improve accessibility to area homes, businesses, and services. Caltrans is proposing to meet the safety needs in the area by making changes to four major intersections in the Prunedale corridor. Work to improve traffic safety for vehicles entering, exiting, and crossing Highway 101 would occur at the Russell/Espinosa, Blackie/Reese, San Miguel Canyon, and Crazy Horse/Echo Valley intersections. The

proposed project would construct new interchanges at Russell/Espinosa and Crazy Horse Canyon/Echo Valley Road. The project would also involve safety improvements at San Miguel Canyon Road that would include a new local overcrossing and one new local undercrossing of the highway.

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.

The Federal Highway Administration (FHWA) was the federal lead agency for the proposed project when the initial environmental documents for the project were prepared. Since, the FHWA has delegated its NEPA lead agency authority to Caltrans. The FHWA prepared an environmental assessment (EA) for the proposed project that was finalized in March 2006 to

meet their requirements under NEPA. The EA is a part of a joint document entitled “Prunedale Improvement Project Final Environmental Impact Report/Environmental Assessment with Finding of No Significant Impact”, dated March 2006. For a copy of the EA, please contact Caltrans at the address listed on the last page of this public notice or visiting the Caltrans’ District 5 project webpage at: <http://www.dot.ca.gov/dist05/prunedale/prunepip>

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (Service) 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 project area contains a diverse mix of habitats which provide suitable habitat for several federally listed threatened and endangered plants and animals.

The following is a list of federally listed plants and animals confirmed to be present in the project area:

- Monterey spineflower (*Chorizanthe pungens* var. *pungens*)
- Yadon’s rein orchid (*Piperia yadonii*)
- California red-legged frog (*Rana aurora draytonii*)

The Service concluded that the project may adversely affect, but not jeopardize the continued existence of these species. Caltrans will mitigate by purchasing land of equal or superior habitat to mitigate for impacts to Monterey spineflower. Also, Caltrans will implement measures to minimize take of the frog and the spineflower. A copy of the biological opinion with these measures can be obtained from the Corps or Caltrans point of contact listed at the end of this public notice.

The proposed project is within proposed critical habitat for California red-legged frog (CRLF). The Service concluded in their October 2005, biological opinion, that the project will not adversely modify proposed critical habitat for the CRLF.

Designated critical habitat for the Monterey spineflower exists on the east side of the project area. No spineflower plants (considered to be primary constituent elements of critical habitat) were identified on the east side in the critical habitat boundary. Thus the Service concluded that there would be no effect to critical habitat in their biological opinion.

Detailed information about the plants and animals that are in the project area can be found in the project’s Natural Environment Study, prepared by Caltrans in July 2004. A copy of this study can be obtained by contacting Caltrans point of contact listed at the end of this public notice.

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. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

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.

The overall project purpose that will be used to evaluate the project under the CWA Section 404(b)(1) Guidelines and NEPA is as follows:

The purpose of the project is to improve safety, circulation, and traffic flow conditions on Highway 101 through the community of Prunedale, Monterey Co., California, and the vicinity.

The applicant provided information on a no-build alternative and the proposed project as a part of their November 2009 permit application package. The applicant also provided their rationale as to why eight other alternatives (including the bypass) were ruled out in previous alternatives analyses completed by FHWA and Caltrans in the March 2006 EA. This information as well as other reasonable methods to meet the project purpose will be explored in the Corps' environmental assessment for the proposed project.

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 data on file and a field survey performed by archaeological consultants on behalf of the applicant in June and December 2003, no historic or archeological resources eligible for the

National Register of Historic Places (NRHP) 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.

Impacts to Aquatic Resources: The proposed project will temporarily impact 2.43 acres of waters of the U.S. and permanently impact 1.76 acres of waters of the U.S., including wetlands. The following tables provide the acreage of impacts for each site.

Table 1. Temporary Impacts to Waters of the U.S.

Work Area	Impacts to waters (acres)	Impacts to wetlands (acres)
Russell/Espinosa	0	0
Blackie/Reese	0.13	0.65
San Miguel/Tustin	0.04	0.004
Crazy Horse/Echo Valley	0.10	1.51
Total	0.27	2.16

Table 2. Permanent Impacts to Waters of the U.S.

Work Area	Impacts to waters (acres)	Impacts to wetlands (acres)
Russell/Espinosa	0.33	0
Blackie/Reese	0.21	0.32
San Miguel/Tustin	0.03	0.006
Crazy Horse/Echo Valley	0.09	0.77
Total	0.66	1.10

Mitigation for Impacts to Aquatic Resources: The applicant has purchased a 167-acre parcel in the Elkhorn Slough watershed that contains approximately 83 acres of maritime chaparral, 38 acres of coast live oak woodland, 22 acres of fallow agriculture, 10 acres of grassland, 4 acres of eucalyptus woodland, 2 acres of riparian woodland, 2.5 acres of sage scrub, and approximately 5 acres of wetlands. The applicant intends to transfer the title of the property along with an endowment to the California Department of Fish and Game to manage the preserve in perpetuity. A map of the proposed

offsite preservation area is attached.

In addition, the applicant has proposed to compensate for lost aquatic resources by restoring a channel and wetland southwest of the intersection of Blackie Road and Highway 101. Sometime in 2005, the wetland was illegally filled and the creek was realigned to where it runs adjacent to the road. The applicant proposes to restore the site, remove invasive species where feasible, re-establish the previous creek alignment, and plant the area with riparian and wetland species such as willows, sycamores, cottonwoods.

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, 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 (information below) 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.

Send comments to:

Andrea Meier, Project Manager
Regulatory Division
U.S. Army Corps of Engineers
1455 Market St.
San Francisco, CA 94103

Point of contact at Caltrans:

Karen Bewley, Environmental Planner
California Department of Transportation
50 Higuera Street
San Luis Obispo, California 93401
Phone: (805) 542-4791