



US Army Corps  
of Engineers®

SAN FRANCISCO DISTRICT

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

# PUBLIC NOTICE

## Project: State Route 101 Marin-Sonoma Narrows HOV Widening

NUMBER: SPN-2001-262140 N  
PROJECT MANAGER: Hal Durio

DATE: May 11, 2010  
PHONE: 415-503-6785

RESPONSE REQUIRED BY: June 11, 2010  
Email: hal.e.durio@usace.army.mil

1. **INTRODUCTION:** The California Department of Transportation (Caltrans), District 4, has applied for a Department of the Army permit to widen State Route 101 between Novato and Petaluma in Marin County and Sonoma County, California. This project is referred to as the State Route 101 Marin-Sonoma Narrows HOV Widening Project or the Marin-Sonoma Narrows for short. 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 purpose of the proposed project is to reduce congestion on the Highway 101 in the corridor between State Route 37 in the City of Novato and the Corona Overcrossing in the City of Petaluma. The applicant is proposing to accomplish this by widening the highway into the existing median. The new lanes built in the median will be marked as a high occupancy vehicle (HOV) or carpool lanes for both northbound and southbound traffic. The HOV lanes would connect with a series of HOV lanes that start in the area of Windsor on Highway 101 to the north. In the future, Caltrans plans to construct continuous HOV lanes from Novato south to the Golden Gate Bridge. A vicinity map of the Marin-Sonoma Narrows work area is in Attachment 1.

The way phases are divided up in this public notice and in the July 2009 “Marin-Sonoma Narrows Final Environmental Impact Report/Final Environmental Impact Statement” is different. This public notice describes the project with six phases. (The

FEIR/FEIS describes the project with two phases.) The phases have been modified to be identified by construction contracts. These phases are A1, B1, B2, B3, B4, and C1. The phases may not be completed in descending order, since each phase may use different funding source from one of two local sponsors – the Sonoma County Transportation Authority (SCTA) and the Transportation Authority of Marin (TAM). (The phases are indicated on the drawing in Attachment 2.)

### *Summary of Project Phases*

Phase A1 will be the first phase to be completed. Phase A1 includes highway improvements between Highway 37 and Rowland Boulevard in Novato. A1 will consist of the construction of a 1.5-miles of southbound HOV lane between Highway 37 and Rowland Boulevard and approximately 4 miles of northbound HOV lane between Highway 37 and Atherton Road. Phase A1 is expected to go to construction in December 2010.

Phase B1 consists of converting the existing Redwood Landfill overcrossing to a full interchange, including the construction of associated frontage roads. Phase B1 is expected to be ready for construction in September 2011.

Phase B2 will include the construction of a new Petaluma Boulevard South interchange and associated frontage roads. Phase B2 is expected to go to construction in September 2011.

Phase B3 will involve the construction of a new mainline bridge at San Antonio Creek. This phase would shift the highway traffic to the west and allow the existing highway to be converted to a frontage road. Phase B3 is scheduled to go to construction in December 2011 or early 2012.

Phase B4 will replace the Petaluma River bridges for north and southbound traffic.

Phase C1 will involve the realignment of the southbound on-ramp from East Washington Boulevard, construction of a new northbound on-ramp, and modifications to the northbound off-ramp.

#### *Permit Processing for the Various Phases*

We have received a permit application from the applicant for phase A1. We will be processing the permit for phase A1 first. The environmental assessment/decision document we write will include impacts related to all phases of the project, but with an emphasis on A1. Subsequent phases will be evaluated with an addendum to the original environmental assessment/decision document for phase A1.

### **3. IMPACTS TO AQUATIC RESOURCES AND PROPOSED MITIGATION:**

The project area, including all phases, contains 0.018 acres of wetlands, 1.028 acres of Novato Creek, 0.032 acres of ditches. Phase A1 will impact approximately 0.053 acres of seasonal wetlands and 0.103 acres of other waters of the U.S.

To mitigate for project impacts, the applicant has proposed to purchase mitigation bank credits at a local mitigation bank or create or restore wetlands or other waters off-site. To mitigate for impacts from phase A1, the applicant proposes to purchase 0.10 acres of wetland mitigation bank credits.

The applicant states that any areas that are temporarily impacted will be recontoured and

revegetated with seed or plant cuttings as appropriate.

### **4. 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. For a copy of the FEIR/FEIS for the project prepared by Caltrans, visit the Caltrans website at the following address: [http://www.dot.ca.gov/dist4/msn/msn\\_feir\\_s/msn\\_feir.htm](http://www.dot.ca.gov/dist4/msn/msn_feir_s/msn_feir.htm)

#### **Endangered Species Act of 1973 (ESA):**

The Marin-Sonoma Narrows project area contains suitable habitat for California red-legged frog (*Rana draytonii*), salt marsh harvest mouse (*Reithrodontomys raviventris*), soft bird's beak (*Cordylanthus mollis* ssp. *mollis*), Baker's larkspur (*Delphinium bakeri*), Sonoma alopecurus (*Alopecurus aequalis* var. *sonomensis*), showy Indian clover (*Trifolium amoenum*), Contra Costa goldfields (*Lasthenia conjugens*), Central California Coast (CCC) steelhead (*Oncorhynchus mykiss*), and North American green sturgeon (*Acipenser medirostris*).

Consultation with the U.S. Fish and Wildlife Service (USFWS) concluded on April 1, 2009. The USFWS determined that the project will adversely affect California red-legged frog and salt marsh harvest mouse but was not likely to adversely affect listed plant species. In addition to the best management practices described in the project description, the USFWS requires that the applicant mark environmentally sensitive areas where a listed plant may occur by cordoning off those areas with orange construction fencing. The biological opinion also requires the applicant to perform pre-construction surveys for listed plant species. For impacts to California red-legged frog, USFWS requires that the applicant purchase 203.78 acres of CRLF habitat for preservation (1:1 impact to preservation ratio). To mitigate for impacts to salt marsh harvest mouse, the applicant will restore salt marsh harvest mouse pickleweed habitat in the project area after construction. Other measures such as keeping equipment on designated access roads and worker education will also be implemented to minimize take of these species.

Consultation with the National Marine Fisheries Service (NOAA-Fisheries), concluded on January 26, 2009. NOAA-Fisheries determined that the project will not jeopardize the continued existence of CCC steelhead and North American green sturgeon, nor adversely modify designated or proposed critical habitat for these species. However, NOAA-Fisheries concluded that the project will result in take of steelhead. NOAA-Fisheries included non-discretionary terms and conditions to minimize take in their January 2009 biological opinion. In addition, NOAA-Fisheries determined that the project will have an adverse effect on the essential fish habitat (EFH) for fall run Central Valley Chinook salmon (*Oncorhynchus tshawytscha*) in Novato Creek, San Antonio Creek, and the Petaluma River. (Impacts to EFH must be evaluated under the Magnuson-Stevens Fisheries Conservation and Management Act.) Conservation measures in the project description and the non-discretionary terms and conditions in the biological opinion will minimize adverse effects on EFH. Such conservation measures and conditions

include working in drainages during low-flow times of the year (June 15 through October 31), providing continuous flow around dewatered work areas in the Petaluma River, and pre-construction fish surveys and relocations.

### **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.

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.

A water quality certification has not been obtained for phase A1 to date. The applicant will be required to obtain a water quality certification for phase A1 and any subsequent phases before we issue a permit authorizing work.

**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 applicant evaluated two alternatives in their FEIR/FEIS: a "Build" and "No Build" alternative.

*No Build Alternative.* The No Build Alternative proposes no modifications to US 101 within the project boundaries, other than routine maintenance and rehabilitation.

*Fixed HOV Lane Alternative.* Under this alternative, two HOV lanes, one in each direction, would be constructed in the median of US 101 for the length of the project. The HOV lanes would be restricted to vehicles carrying two or more people during specific hours, usually during the peak commute periods. Outside of these specified hours, the HOV lanes would be available to all vehicles.

*Reversible HOV Lane Alternative.* The northern and southern ends of the overall project area (all phases) would be constructed identically to the Fixed HOV Lane Alternative, but the middle section of the project area would include a single, reversible HOV lane in the median that can transitioned for use by southbound or northbound traffic depending on the time of day.

Information on the “Build” and “No Build” alternatives will be further evaluated in our environmental assessment/decision document for the project to determine what alternative is the least environmentally damaging practicable alternative (LEDPA) as is required by Section 404(b)(1) of the Clean Water Act.

**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):**

### *Archaeological Resources*

There are five archeological sites within the area of potential effect (APE) that satisfy National Register of Historic Places eligibility criteria set forth in 36 CFR 60.4d and would be adversely affected by the project. These sites, consisting of shellmounds and other cultural deposits, have demonstrated an expected ability to provide significant information about the past. The applicant has developed a

memorandum of agreement with the California State Historic Preservation Officer on the treatment of these resources as they are excavated prior to project construction.

### *Architectural Resources*

There are three historic properties in the project area. There would be no direct or indirect adverse effects to these resources.

**5. 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.

**6. 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.

**7. 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 whose name and contact information is indicated below or by contacting our office. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.

**IF YOU HAVE QUESTIONS, CONTACT:**

*Applicant:*

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