



US Army Corps  
of Engineers®  
San Francisco District

Regulatory Division  
1455 Market Street, 16<sup>th</sup> Floor  
San Francisco, CA 94103-1398

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

Project: Willits Bypass Project, Mendocino County

NUMBER: 1991-194740N

DATE: March 16, 2009

RESPONSE REQUIRED BY: April 16, 2009

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**1. INTRODUCTION:** The California Department of Transportation (Caltrans), District 3, 2800 Gateway Oaks Drive, Sacramento, California 95833, in conjunction with the Federal Highway Administration (FHWA), has submitted an application to the Corps of Engineers (USACE) for a Department of the Army Permit to construct a new segment of U.S. Interstate 101 that will bypass the City of Willits in Mendocino County, California (Figure 1-1). The FHWA is the federal lead agency under the National Environmental Policy Act (NEPA), with Caltrans acting as liaison and providing oversight for the NEPA process. The project is a four-lane freeway segment of U.S. Highway 101 that would bypass the City of Willits with several bridges spanning creeks and local roads, a viaduct spanning the regulatory floodway, and interchanges on either end of the bypass. Project construction would result in the discharge of fill material into numerous jurisdictional wetlands and other waters of the United States (streams) such as: Haehl, Baechtel, Broaddus, Mill, Upp, and Outlet Creeks and their related tributaries. This individual permit application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

The project would directly affect a total of 89.12 acres of wetlands and other waters of the United States, of which 56.23 acres would be permanently filled and 32.89 acres would be temporarily disturbed during project construction and mitigation activities. The duration of authorization, should it be accepted, would be for ten years from the date of the permit issuance.

## 2. PROPOSED PROJECT:

**Project Site:** The bypass project is a four-lane highway with several bridges spanning creeks and local roads, floodway viaducts spanning the regulatory floodway, and interchanges with existing US 101 at each end of the bypass. The bypass project alignment meanders through the southwestern portion of Little Lake Valley, just east of Willits in Mendocino County, California. The 5.9 mile bypass begins approximately 0.6 miles south of the current Haehl Creek crossing of US 101 and ends approximately 1.8 miles south of Reynolds Highway (Figures 1-2a through 1-2d).

The bypass alignment passes through the 100-year floodplain of Haehl, Baechtel, Broaddus, Mill, and Upp Creeks, all of which are tributaries of Outlet Creek, tributary of the Eel River. To avoid increasing the base flood elevation of the floodplain, the bypass design incorporates a 1.2 mile floodway viaduct consisting of two parallel elevated structures (on for each direction of traffic) spanning the floodplain.

Due to funding constraints, the bypass would be constructed in two phases. Phase 1 entails construction of a functional interim facility consisting of a two-lane highway and as much of the embankment as funds allow. These two lanes will run the entire length of the project limits and will serve as the southbound lanes in the ultimate configuration under Phase 2. Phase 2 entails construction of the other two lanes-creating a full four-lane facility-when sufficient funding becomes available. This Public Notice is for a permit

application that encompasses creation of the full four-lane facility under both phases.

**Project Description:** The proposed project entails construction of a four-lane freeway bypass with several bridges spanning creeks and local roads, a viaduct spanning the regulatory floodway, and interchanges on either end of the bypass.

The bypass would be a four-lane freeway with a 45.3-foot median separating the northbound and southbound lanes. Each lane would be 12 feet wide.

The inside shoulder width (nearest the median) would be 5 feet, while the outside shoulder width would be 10 feet. The freeway was designed for a maximum speed of 68 miles per hour. Where local roads are to be improved or constructed, there would be two 12-foot lanes and shoulder width meeting local design standards.

Two interchanges would be constructed for the project. The Haehl Creek interchange would be located at the south end of the project near Haehl Creek and connect the existing highway into Willits with the new facility. The Quail Meadows interchange would be located near the north end of Little Lake Valley and connect the new facility to the existing highway north of Willits. Interchange ramps would be single-lane.

The bypass would cross creeks, riparian corridors, streets, and railroad right-of-ways using 22 bridges. Three retaining walls would be built. The following structures would be constructed with this project:

- Six bridges in the Haehl Creek interchange area.
- Two retaining walls in the Haehl Creek interchange area adjacent to Haehl Creek.
- Two bridges to cross East Hill Road.
- Two bridges to cross the middle reach of Haehl Creek south of Shell Lane.
- One retaining wall on the west side of the southbound roadway lanes just south of Center

Valley Road.

- Two viaduct structures to span the floodway.
- Two bridges to cross over the Northwest Pacific Railroad (NWPRR) tracks in the Quail Meadows interchange area, one for the southbound roadway lanes (Phase 1) and one for the northbound roadway lanes (Phase 2).
- Two bridges to cross the new connector road to existing U.S. 101 in the Quail Meadows interchange area.
- Six bridges to cross Upp Creek directly north of the Quail Meadows interchange, one for each of the following: southbound roadway lanes (Phase 1); northbound roadway lanes (Phase 2); northbound on-ramp (Phase 1); northbound on-ramp (Phase 2); southbound off-ramp; roundabout local intersection.
- A floodway viaduct. The project design includes two elevated structures, which make up the floodway viaduct. The purpose of this design feature is to span the floodway. The viaduct would be located in the central part of the project area and would span Center Valley Road, the lower reach of Haehl Creek just upstream of the confluence with Baechtel Creek, Hearst-Willits Road, Baechtel and Broaddus Creeks at their confluence (beginning of the Outlet Creek designation), the City of Willits Wastewater Treatment Plant (WWTP), and Mill Creek. The 6,000-foot-long structures would consist of a separate northbound and southbound elevated viaduct superstructure. The total area of both viaducts would be 11.6 acres. Each of the viaducts would be approximately 42.6 feet wide. The edge-to-edge distance between the structures would be approximately 31.2 feet, and each would have a 16.5-foot minimum clearance underneath. The viaducts would require supporting columns, ranging in size from 4.5 to 7-feet in diameter.

The bypass would require imported borrow material from outside the project area in addition to material excavated on-site. The construction contractor would have the option to determine whether the

source of material for earthwork fill will be a Caltrans-designated borrow site (at Oil Well Hill), a commercial borrow site, or another site. Caltrans has designated the borrow site at Oil Well Hill, just north of Little Lake Valley, as an optional source of material that the contractor may use for the project. The contractor may also choose to use available commercial borrow sites in the vicinity to obtain the required fill. Typically, commercial borrow sites hold pre-approved operating permits and do not require any additional environmental permitting when soil is exported. Should the contractor select an alternative, non-commercial borrow site for this project, the contractor will be responsible for conducting a separate environmental review for the site.

**Purpose and Need:** The basic Project purpose is to reduce traffic congestion in the City of Willits and correct a number of deficiencies that exist on the current highway. U.S. 101 is an important route for interstate and interregional travel and is considered the economic lifeline of California's North Coast. It is the principal arterial route for people and goods between the San Francisco Bay Area and the greater Eureka/Arcata area. Currently, U.S. 101 also serves as Main Street in Willits and is the only continuous north/south street through the city, U.S. 101 must accommodate nearly all local traffic traversing Willits as well as interregional traffic.

As a proposed solution to traffic problems, Caltrans and the FHWA propose to construct a new segment of U.S. 101 that would bypass Willits to reduce delays, improve safety, and achieve a minimum level of service for interregional traffic on U.S. 101 within the project area though a 20-year design period.

**Impacts to Corps of Engineers jurisdiction:** The proposed project would directly affect a total of 89.12 acres of wetlands and other waters of the United States, of which 56.23 acres would be permanently filled and 32.89 acres would be temporarily disturbed during project construction and mitigation activities (Table 2).

**Mitigation:** To compensate for the direct loss and/or impacts to 89.12-acres of waters of the United States the applicant proposes a mitigation and monitoring proposal (MMP) that would compensate for impacts resulting from bypass construction by restoring some of the historical ecological functions and values to aquatic habitat in Little Lake Valley through a combination of restoration, creation, enhancement, and preservation (Table 3).

The applicant proposes the following mitigation amounts to compensate for impacts to wetlands: 33.4 acres of wetland creation; 1032.90 acres of wetland enhancement; 1122.11 acres of wetland preservation; and 5.96 acres of wetland restoration.

The applicant proposes the following mitigation amounts to compensate for impacts to other waters of the United States: 17.32 acres of enhancement; 24.7 acres of preservation; 0.06 acre of restoration.

### 3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

**National Environmental Policy Act of 1969 (NEPA):** The Final Environmental Impact Statement (EIS) was circulated December 18, 2006. This document (Report Number: FHWA-CA-EIS-02-02-F) is available at: <http://www.dot.ca.gov/dist1/d1/projects/willits/reports.feir.htm>

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 Impact Statement 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 Impact Statement will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory

Branch, 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 (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 FHWA made a determination that the proposed action may affect and is likely to adversely affect the federally threatened northern spotted owl (*Strix occidentalis caurina*) (spotted owl). The FHWA also made a determination that the proposed action may affect but is not likely to adversely affect the federally threatened bald eagle (*Haliaeetus leucocephalus*). In a letter dated March 30, 2006, the Service made the biological opinion that the action, as proposed, is not likely to jeopardize the continued existence of the northern spotted owl and the bald eagle. However, consultation with the Service has been re-initiated in response to project design revisions that have reduced proposed impacts to habitat for the aforementioned federally listed species.

The FHWA initiated formal consultation NMFS for potential adverse effects on the following listed species (Evolutionarily Significant Unit or Distinct Population Segment) and designated critical habitat, in accordance with the Endangered Species Act: California Coastal Chinook salmon (*Oncorhynchus tshawytscha*); Southern Oregon/Northern California Coasts coho salmon (*O. kisutch*); Northern California steelhead (*O. mykiss*). In a letter dated September 11, 2006, NMFS enclosed a biological opinion that concluded the proposed Willits Bypass Project is not likely to jeopardize the continued existence of California Coastal Chinook salmon, Southern Oregon/Northern California Coasts coho salmon, or North Coast steelhead, or result in the destruction or adverse modification of designated critical habitat for these species. However, consultation with NMFS has been re-initiated in response to minor design revisions. Thus

consultation with NMFS for potential effects on the aforementioned listed species and designated critical habitat is ongoing.

**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 provided the Corps with evidence that he has submitted a valid request for State water quality certification to the North Coast Regional Water Quality Control Board. 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, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403, 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)). COMPLIANCE WITH THE 404(b)(1) GUIDELINES: Projects resulting in discharges of dredged or fill material 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 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.

Seven alternatives were included in the final 404(b)(1) alternatives analysis, including six build alternatives and a no-build alternative. These alternatives were screened to identify the least environmentally damaging practicable alternative (LEPDA). The Least Environmentally Damaging Practicable Alternative (LEDPA) received EPA concurrence May 25, 2005, and Corps concurrence June 10, 2005.

**National Historic Preservation Act of 1966 (NHPA):** Cultural resources studies pursuant to National Historic Preservation Act (NHPA) Section 106 for the proposed project were performed as required by Caltrans. Caltrans requested State Historic Preservation Officer (SHPO) concurrence that responsibilities pursuant to 36 CFR 800.4(d) implementing Section 106 of the NHPA have been met. In a letter to the North Region Environmental Branch of Caltrans dated December 6, 2005, SHPO concurred.

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.

**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 whose name and address are indicated in the first

paragraph of this Public Notice or by contacting David Wickens of our office at telephone 415-503-6787 or E-mail: david.m.wickens@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.