



US Army Corps
of Engineers®
San Francisco District

Regulatory Division
1455 Market Street, 16th Floor
San Francisco, CA 94103-1398

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

PROJECT: California Department of Transportation
Old Redwood Highway Interchange

PUBLIC NOTICE NUMBER: 2008-00045N
PUBLIC NOTICE DATE: 12-19-2011
COMMENTS DUE DATE: 01-13-2012

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1. **INTRODUCTION:** The California Department of Transportation (Caltrans) (POC: Mr. Steve Harris, 111 Grand Avenue, Oakland, California, 94623) has applied for a Department of the Army permit for the final segment (Segment C) of a project 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.

This project is the third phase (Segment C) of the Central 101 HOV Lane Widening and Improvement Project. Segments A and B have been authorized by USACE and are currently in construction. 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 C 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, the Wilfred Interchange Project, and Phase A of the Marin-Sonoma Narrows 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:

Project Site Location: The Segment C project center is located at the intersection of Petaluma Boulevard and Route 101 in the town of Petaluma, Sonoma County, California (38.27208, -122.66973). The project area extends along Petaluma Boulevard from Industrial Avenue in the west to McDowell Boulevard in the east. Along Route 101 the project area extends from Denman Road in the north to approximately Scott Street in the south.

Project Description: As shown in the attached drawings (Figures 3-4), the applicant proposes to construct a new overcrossing along Old Redwood Highway/Petaluma Boulevard, install seven new retaining walls, install a new segment of sound wall, realign and reconstruct the four interchange on-ramps, realign and reconstruct the north and southbound off-ramps, slightly widen the Route 101 mainline, realign and reconstruct the approaches to the new Route 101 overcrossing, install appropriate new traffic signals, and widen Stony Point Road to the west.

Basic Project Purpose: The basic project purpose comprises the fundamental, essential, or irreducible purpose of the project, and is used by USACE to determine whether the project is water dependent. The basic project purpose is to reduce recurring traffic congestion and improve traffic safety.

Overall Project Purpose: The overall project purpose serves as the basis for the Section 404(b)(1)

alternatives analysis, and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, while allowing a reasonable range of alternatives to be analyzed. The project overall project purpose is to address existing and future capacity constraints and increase travel demand; reduce travel times for users of the Highway 101 corridor; and improve mainline traffic operations and on and off movements.

Project Impacts: A total of 0.742 acre of permanent wetlands impact and 0.031 acre of temporary wetlands impact are anticipated associated with Segment C of the project. Figures 3 and 4 illustrate impacts to waters of the U.S. by feature and the activity resulting in each impact is summarized in table 1.

Proposed Mitigation: Temporary impacts to wetlands within existing ditches will be mitigated with the construction of new ditches/swales along the new ramps within the vicinity of the roadway. Permanently impacted wetlands have been mitigated off site by the purchase of wetland mitigation credits (August 2, 1010) from the Burdell Ranch Wetland Conservation Bank.

3. STATE AND LOCAL APPROVALS:

Water Quality Certification: State water quality certification or a waiver is a prerequisite for the issuance of a Department of the Army Permit to conduct any activity which may result in a fill or pollutant discharge into waters of the United States, pursuant to Section 401 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1341 *et seq.*). The applicant has recently submitted an application to the California Regional Water Quality Control Board (RWQCB) to obtain water quality certification for the project. No Department of the Army Permit will be issued until the applicant obtains the required certification or a waiver of certification. A waiver can be explicit, or it may be presumed, if the RWQCB fails or refuses to act on a complete application for water quality certification within 60 days of receipt, unless the District Engineer determines a shorter or longer period is a reasonable time for the RWQCB to act.

Water quality issues should be directed 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.

Coastal Zone Management: The project does not

occur in the coastal zone, and a *preliminary* review by USACE indicates the project would not likely affect coastal zone resources. This presumption of effect, however, remains subject to a final determination by the San Francisco Bay Conservation and Development Commission.

4. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act (NEPA): Caltrans has been delegated as NEPA lead by the Federal Highway Administration (FHWA). Upon review of the Department of the Army permit application and other supporting documentation, USACE concurs with Caltrans determination that the project neither qualifies for a Categorical Exclusion nor requires the preparation of an Environmental Impact Statement for the purposes of NEPA. At the conclusion of the public comment period, USACE will assess the environmental impacts of the project in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4347), the Council on Environmental Quality's Regulations at 40 C.F.R. Parts 1500-1508, and USACE Regulations at 33 C.F.R. Part 325. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of USACE and other non-regulated activities USACE determines to be within its purview of Federal control and responsibility to justify an expanded scope of analysis for NEPA purposes. The final NEPA concurrence determination will be incorporated in the decision documentation that provides the rationale for issuing or denying a Department of the Army Permit for the project. The final NEPA analysis and supporting documentation will be on file with the San Francisco District, Regulatory Division.

Endangered Species Act (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.

Caltrans, delegated as NEPA lead by the Federal Highway Administration (FHWA) consulted with the NMFS. Consultation concluded with the issuance of a biological opinion on August 13, 2007. The NMFS opinion covered both Segment A and B of the Central 101 HOV Lanes Project. Segment C of the Central 101 HOV Lanes Project

would not impact fish-bearing streams therefore, Caltrans has made a *preliminary* determination that Federally-listed species and designated critical habitat are not present at the project location or in its vicinity, and that consultation will not be required for Segment C. USACE will render a final concurrence determination on the need for consultation at the close of the comment period, taking into account any comments provided by NMFS.

Similarly Caltrans consulted with the USFWS, resulting in a biological opinion for the project issued on October 18, 2006. The biological opinion covers the three projects in the 23-mile corridor. The project would impact suitable habitat for Sebastopol 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. Caltrans, as Federal lead agency, has made a *preliminary* determination that the USFWS 2006 Biological Opinion is still applicable to the project including all Segment C components. USACE will render a final concurrence determination at the close of the comment period, taking into account any comments provided by USFS.

Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA): Section 305(b)(2) of the MSFCMA of 1966, as amended (16 U.S.C. § 1801 *et seq.*), requires Federal agencies to consult with the NMFS on all proposed actions authorized, funded, or undertaken by the agency that may adversely affect essential fish habitat (EFH). EFH is defined as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. EFH is designated only for those species managed under a Federal Fisheries Management Plan (FMP), such as the *Pacific Groundfish FMP*, the *Coastal Pelagics FMP*, and the *Pacific Coast Salmon FMP*. As the Federal lead agency for this project, Caltrans has made a *preliminary* determination that EFH is not present within the Segment C project location or in its vicinity, and that consultation will not be required. USACE will render a final concurrence with that determination at the close of the comment period, taking

into account any comments provided by NMFS.

Marine Protection, Research, and Sanctuaries Act (MPRSA): Section 302 of the MPRS of 1972, as amended (16 U.S.C. § 1432 *et seq.*), authorizes the Secretary of Commerce, in part, to designate areas of ocean waters, such as the Cordell Bank, Gulf of the Farallones, and Monterey Bay, as National Marine Sanctuaries for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or aesthetic values. After such designation, activities in sanctuary waters authorized under other authorities are valid only if the Secretary of Commerce certifies that the activities are consistent with Title III of the Act. No Department of the Army Permit will be issued until the applicant obtains the required certification or permit. The project does not occur in sanctuary waters, and a *preliminary* review by Caltrans, the Federal lead agency, indicates the project would not likely affect sanctuary resources. This presumption of effect, however, remains subject to a final determination by the Secretary of Commerce, or his designee.

National Historic Preservation Act (NHPA): Section 106 of the NHPA of 1966, as amended (16 U.S.C. § 470 *et seq.*), requires Federal agencies to consult with the appropriate State Historic Preservation Officer to take into account the effects of their undertakings on historic properties listed in or eligible for listing in the *National Register of Historic Places*. Section 106 of the Act further requires Federal agencies to consult with the appropriate Tribal Historic Preservation Officer or any Indian tribe to take into account the effects of their undertakings on historic properties, including traditional cultural properties, trust resources, and sacred sites, to which Indian tribes attach historic, religious, and cultural significance. Caltrans, the Federal lead, has determined that 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 appropriate federal agency completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

5. COMPLIANCE WITH THE SECTION 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. The applicant has submitted an analysis of project alternatives which is being reviewed by USACE.

6. PUBLIC INTEREST EVALUTION: The decision on whether to issue a Department of the Army Permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the project and its intended use on the public interest. Evaluation of the probable impacts requires a careful weighing of the public interest factors relevant in each particular case. The benefits that may accrue from the project must be balanced against any reasonably foreseeable detriments of project implementation. The decision on permit issuance will, therefore, reflect the national concern for both protection and utilization of important resources. Public interest factors which may be relevant to the decision process include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore 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.

7. CONSIDERATION OF COMMENTS: USACE is soliciting comments from the public; Federal, State and local agencies and officials; Native American Nations or other tribal governments; and other interested parties in order to consider and evaluate the impacts of the project. All comments received by USACE will be considered in the decision on whether to issue, modify, condition, or deny a Department of the Army Permit for the project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, and other environmental or public interest factors addressed in a final environmental assessment or environmental impact statement. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the project.

8. SUBMITTING COMMENTS: During the specified comment period, interested parties may submit written comments to Paula Gill, San Francisco District,

Regulatory Division, 1455 Market Street, 16th Floor, San Francisco, California 94103-13978; comment letters should cite the project name, applicant name, and public notice number to facilitate review by the Regulatory Permit Manager. Comments may include a request for a public hearing on the project prior to a determination on the Department of the Army permit application; such requests shall state, with particularity, the reasons for holding a public hearing. All substantive comments will be forwarded to the applicant for resolution or rebuttal. Additional project information or details on any subsequent project modifications of a minor nature may be obtained from the applicant and/or agent, or by contacting the Regulatory Permit Manager by telephone or e-mail cited in the public notice letterhead. An electronic version of this public notice may be viewed under the *Current Public Notices* tab on the USACE website: <http://www.spn.usace.army.mil/regulatory/>.