



US Army Corps
of Engineers

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Route 46 Corridor Improvement Project, San Luis Obispo County, CA.

NUMBER: 24573S DATE: March 17, 2003

RESPONSE REQUIRED BY: May 17, 2003

PERMIT MANAGER: John Yeakel

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1. **INTRODUCTION:** The California Department of Transportation (Caltrans), District 5, 50 Higuera Street, San Luis Obispo, 93401-5415 [contact: Mr. Tom Houston, (805) 549-3016] has applied for a Department of the Army permit to conduct work and place fill in waters of the United States, including wetlands, associated with the Highway 46 Corridor Improvement Project. This project is located in San Luis Obispo County on Highway 46, beginning at Airport Road, east of Paso Robles, and continuing to the intersection of Route 46 and Route 41 known as the "Wye" (Figure 1). Caltrans has completed the analysis of the effects this project may have on the environment and has prepared an Environmental Assessment / Draft Environmental Impact Report (EA/DEIR) for the Route 46 Corridor Improvement Project. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. **PROJECT DESCRIPTION:** The basic purpose of this project is to improve safety and provide congestion relief on Route 46 between Paso Robles and Chalome. State Route 46 is one of the few east-west routes connecting Interstate 5 in the Central Valley with U.S. Route 101 in the Central Coast Area. It primarily serves interregional and interstate traffic, although it is used daily by residents of the communities of Paso Robles, Chalome, Shandon and Whitley Gardens. It is the only east-west route between Highway 166 to the south and Highway 156 to the north that can accommodate the movement of goods by truck.

The overall purpose of the project is to widen the

existing conventional two-lane highway to a four-lane, access controlled, divided expressway with left-turn lanes at all public road intersections and to replace the at-grade intersection of Routes 41 and 46, known as the Wye, with an interchange. The project would be constructed mostly on the existing alignment with a few alternatives proposing sections of the new expressway on new alignments. Additional right of way would be purchased throughout the entire length of the project.

Due to its length and the common elements in different portions of the project, the project and the build alternatives have been arranged into four sections. The four sections and their limits include:

- Estrella Section post mile 32.2 to 41.2
 (Figure 2/3)
- Shandon Section post mile 41.2 to 50.2
 (Figure 4)
- Cholame Section post mile 50.2 to 54.8
 (Figure 5)
- Wye Section post mile 54.8 to 56.3
 (Figure 6-11)

The Estrella, Shandon and Cholame sections each have two build alternatives for comparison. The Wye section has six build alternatives to compare. Each alternative within each section can link together with any other build alternative in an adjoining section. A build alternative can be selected for each section unless the preferred alternative is the no-build. Only the no-build alternative applies to the entire project.

Features common to all of the build alternatives for

each section under consideration are:

- 3.6 meter (11.8 feet) wide travel lanes
- 1.5 meter (4.9 feet) wide inside shoulders
- 3.0 meter (9.8 feet) wide outside shoulders
- 18.6 meter (61.0 feet) wide median
- 14.1 meter (46.3 feet) wide median in areas with sensitive resources
- All public road intersections would be constructed to full expressway standards
- 130 kilometers per hour (kph) (80 miles per hour) design speed

As shown in the attached drawings, the applicant plans to construct an additional travel lane in each direction, separate the east and west-bound lanes by a median, widen the inside and outside shoulder widths, and provide left-turn lanes at all public road intersections within the project limits. The at-grade intersection of State Routes 46/41 will be replaced with an interchange.

All of the build alternatives for the project would result in cut and fill slopes that would be subject to erosion (Figure 12). These areas would be treated with appropriate erosion control material to stabilize the slopes. Seeds of indigenous native plants would be used to re-vegetate the exposed cut slopes.

The two main receiving surface bodies of water for the project area are the Estrella River and Cholame Creek. Within the project limits, State Route 46 crosses the following identified floodplains: Dry Creek, Estrella River, Pine Creek, Shimmin Canyon, McMillan Canyon, Cholame Creek, and White Canyon.

Depending on the particular alternative or combination of alternatives selected, there will be varying degrees and amounts of fill associated with this project. Refer to Caltrans' EA/DEIR for the details. These include:

- Construction of the roadway fill across wetlands and waters of the U.S.
- Extension of existing culverts and other facilities to accommodate highway widening.
- New and replacement structures (Figure 13) across and in waterways (i.e., abutments, footings, rock slope protection, etc.).
- Temporary access and roads during construction.

Permanent and temporary impacts to wetlands and waters of the U.S. would occur as a result of the proposed project. The least amount of permanent impacts to waters of the U.S. that could occur, for all alternatives, would be 1.28 acres and the greatest amount would be 4.5 acres. The least amount of impacts to wetlands that could occur for all alternatives would be 0.90 acres and the greatest amount would be 5.54 acres.

3. STATE APPROVALS: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must 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 certification. A certification will be deemed to have occurred 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 Corps District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, Central Coast Region, 81 Higuera Street, Suite 200, San Luis Obispo, California 93401, by the close of the comment period of this Public Notice.

4. ENVIRONMENTAL ASSESSMENT: The Corps of Engineers will assess the environmental impacts of the action proposed in accordance with the

requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to Council on Environmental Quality's Regulations, 40 CFR 1500-1508, and Corps of Engineers' Regulations, 33 CFR 230 and 325, Appendix B. Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the jurisdiction of the Corps of Engineers. The documents used in the preparation of the Environmental Assessment will be on file in the Regulatory Branch, Corps of Engineers, 333 Market Street, San Francisco, California.

5. EVALUATION OF ALTERNATIVES:

Evaluation of this activity's impacts 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. 1344(b)). An evaluation under the 404(b)(1) Guidelines indicates that the project is not water/wetland dependent. However, the applicant has submitted an Analysis of Alternatives for the project and it will be reviewed for compliance with the Guidelines. The Analysis of Alternatives is available for review in our office. Evaluation of this activity's impact on the public interest will also include 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).

6. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable

detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are 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: 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 of Engineers to determine whether to issue, modify, 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 of the proposed activity.

8. SUBMISSION OF COMMENTS: Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this

Notice and should be forwarded so as to reach this office within the comment period specified on page one of this Notice. Comments should be sent to the Regulatory Branch. It is Corps policy to forward any such comments that include objections to the applicant for resolution or rebuttal.

Caltrans will hold two public hearings to answer questions and to formally record comments related to the project, its impacts, and its alternatives:

Public Hearing

Date: Wednesday, April 23, 2003

Time: 5:00 p.m. – 8:00 p.m.

Place: Kermit King Elementary School
700 Schoolhouse Circle
Paso Robles, CA 93447

Public Hearing

Date: Thursday, April 24, 2003

Time: 5:00 p.m. – 8:00 p.m.

Place: Shandon High School Gymnasium
101 South First Street
Shandon, CA 93461

These meetings are an open forum with no set schedule; please feel free to arrive at your convenience. Design drafts for the project alternatives will be presented. Copies of the EA/EIR and other project information will be available. Caltrans staff from engineering, environmental, right of way, and project management will be available to answer questions and explain what is being proposed. A court reporter will be available to take comments. In addition comment cards will be available so that public comments can be made at a later date.

Prior to the meetings, copies of the environmental document can be obtained at the Caltrans District 5 Office. Copies will be available for review at the following locations:

San Luis Obispo County Library

995 Palm Street, San Luis Obispo, CA

San Luis Obispo County Library
6850 Morro Road, Atascadero, CA

Paso Robles City Library
1000 Spring Street, Paso Robles, CA

Copies can also be obtained by contacting Mr. Larry Bonner at telephone (805) 549-3801. The document is available in alternative formats and can be viewed on the World Wide Web at: <http://safer46.dot.ca.gov/>

Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this Notice, or by contacting John Yeakel of our office at telephone (415) 977-8472 or E-mail: john.j.yeakel@spd02.usace.army.mil Details on any changes of a minor nature that are made in the final permit action will be provided on request.