**REGULATORY PROGRAM**

**PERMIT ACTION**

APPLICANT: California Department of Transportation

AREA: I-80/I-680/State Route 12 Interchange Project

DESCRIPTION: The April, 2006 Memorandum of Understanding (MOU) among the Federal Highway Administration, California Department of Transportation (Caltrans), U.S. EPA, the Corps, USFWS, and NMFS establishes a framework for early coordination for surface transportation projects that have five or more acres of permanent impacts to waters of the U.S. and that require a NEPA Environmental Impact Statement (EIS). Caltrans has stated that the full build of the proposed I-80/I-680/State Route 12 Interchange project is expected to require placement of approximately 17.6 acres of fill within jurisdictional wetlands and Waters of the U.S. Currently Caltrans has submitted an application for the first phase of the project which would require the placement of fill in 3.56 acres of wetlands and 1.43 acres of Other Waters of the U.S. It has been determined that the first phase of the project can be considered a “complete project” as it is consistent with the project for which Caltrans issued a Record of Decision to complete the EIS processes. Consistent with the MOU the Corps concurred with the Preliminary Least Environmental Damaging Practicable Alternative (LEDPA). We still have not approved a Conceptual Mitigation Plan (CMP) in order to complete Checkpoint 3 of the MOU process.

Recent Activity: Caltrans provided information regarding the LEDPA and CMP determination. There were multiple interagency meetings to discuss the LEDPA and CMP. The EPA, Corps, and RWQCB concurred with the LEDPA. On 8 June, 2012 Caltrans provided supplemental information that proposed a specific mitigation site. An interagency meeting was held to discuss the site on 25 June, 2012. Additional site information was provided on 25 July, 2012. A site visit was completed by Corps staff on 10 August, 2012. A CMP was submitted on 23 January, 2013 and is currently being reviewed.

Concerns: There are three outstanding concerns that must be resolved prior to further processing of the permit. (1) The Bay Conservation and Development Commission (BCDC) has stated that the project which includes construction of an interchange at Red Top Road would not be consistent with the Suisun Marsh Protection Plan. Consistent with 325.2(6)(2) “*the District Engineer shall not make a final decision on the application until the disagreeing parties have had an opportunity to utilize the procedures specified by the CZM Act for resolving such disagreements*”; (2) Caltrans has not been able to gain access to all of the properties within the project alignment and therefore the extent of impacts have not been delineated; and (3) we have not been able to accept the mitigation plan.

STATUS: A meeting has been scheduled for January 29, 2013 with the Corps, Caltrans, and the Solano County transportation authority. The above three concerns made up the agenda. After the CMP is reviewed a letter should be issued to Caltrans outlining any concerns. Caltrans and Solano County Transportation Authority should utilize the procedures specified by the CZM Act for resolving their dispute.

CONGRESSIONAL INTEREST:

* 3rd District, Rep. Johns Garamendi

POINTS OF CONTACT:

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