



US Army Corps
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San Francisco District

SAN FRANCISCO DISTRICT

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

PUBLIC NOTICE

PROJECT: Interstate 80 / Interstate 680 / State Route 12 Interchange Project

PUBLIC NOTICE NUMBER: 2007-400401N
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COMMENTS DUE DATE: January 14, 2013

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1. INTRODUCTION: The California Department of Transportation (Caltrans, POC: Jeffrey G. Jensen, 510-622-8729, jeffrey_jensen@dot.ca.gov) in conjunction with the Solano Transportation Authority, has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army (DA) Permit to improve the Interstate 80 (I-80) / Interstate 680 (I-680) / State Route 12 (SR 12) interchange. This DA permit application is being processed pursuant to the provisions of Section 404 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1344 *et seq.*).

For the purposes of this Public Notice the project is consistent with Alternative C, Phase 1 defined in the Final Environmental Impact Report / Environmental Impact Statement (EIR/EIS) for which Caltrans, acting as the federal lead agency, is expected to issue a Record of Decision. Future phases, if pursued, would require additional analysis pursuant to the National Environmental Policy Act (NEPA) and further DA evaluation and authorization (including further public noticing). The project however meets the logical termini criteria and has independent utility. Implementation of Alternative C, Phase 1 would not constrain future least environmentally damaging practicable alternatives. The project as presented would be usable, functional, and would meet the defined project purposes even if future project phases were not pursued. The project will be divided into seven construction packages. This Public Notice is intended to present all seven construction packages in enough detail to allow for substantive public comment. The complete Alternative C, Phase 1 would be authorized under one DA Individual Permit.

2. PROPOSED PROJECT:

Project Site Location: The project is located in the vicinity of the city of Fairfield, Solano County, California. The project area covers some 9 miles encompassing I-80, I-680, and SR 12. The project involves improvements on I-80 between Red Top Road and Suisun Valley Road, on I-680 between Gold Hill Road and I-80, on SR 12 West (SR 12W) between 0.5 mile west of Red Top Road and I-80, and on SR 12 East (SR 12E) between Chadbourne Road and just east of Pennsylvania Avenue (figure 1).

Project Site Description: Land uses within the project area include grazing, agricultural, commercial, residential, retail, and industrial. Plant communities include riparian woodland, blue oak woodland, live oak woodland, and valley oak woodland. Waters and wetlands within the project are classified as perennial marsh, perennial and seasonal drainages, alkali seasonal marsh, and seasonal wetlands. Named creeks within the project vicinity include American Canyon, Jameson Canyon, Green Valley, Ledgewood, and Pennsylvania Creeks. There is a portion of the project area (associated with the I-680/Red Top Road Interchange) that extends into the Suisun Marsh Secondary Management Area.

Project Description: As shown in the attached drawings, the applicant proposes to improve the connection from I-80 to I-680 and SR 12W; directly connect northbound I-680 and SR 12W; connect the I-80/Red Top Road interchange with Business Center Drive; and construct or improve interchanges at SR 12W/Red Top Road, I-80/Red Top Road, I-80/Green Valley Road, and I-680/Red Top Road (figure 2). The project will be divided into seven construction packages (figures 3-9).

Western Segment

Mainline Improvements

I-80W would be realigned between west of Suisun Valley Road to just west of the SR 12W/I-680 interchange by constructing a new six-lane highway alignment north of the existing highway alignment. The realignment would create space in the median for direct high occupancy vehicle (HOV) connector ramps to be built between I-80 and I-680, as well as future widening of the eastbound lanes. The realigned westbound I-80 would have six lanes, including an HOV lane and an auxiliary lane matching the existing cross section at the existing Suisun Valley Road overcrossing. Immediately west of the Suisun Valley Road overcrossing, a seventh lane would be added, as well as an eighth lane with the on-ramp from Suisun Valley Road. A ninth lane would be added immediately west of the Green Valley Road off-ramp. The four right lanes would exit from I-80 to connect to SR 12W and I-680. There would be a left exit from the HOV lane to an HOV connector to I-680. A wider, single-span bridge would replace the existing bridge over Green Valley Creek. The existing loop on-ramp from northbound I-680 to westbound I-80 would be removed. The connector from northbound I-680 to SR 12W would be constructed to replace this movement. The segment of I-680 north of Red Top Road would be realigned.

Freeway-to-Freeway Interchange Improvements

New connector ramps from westbound I-80 to westbound SR 12W and southbound I-680 would be constructed. The proposed westbound I-80 to southbound I-680 connector would cross over I-80, the eastbound SR 12W connector to eastbound I-80, the UPRR tracks, Fulton Drive, and the realigned Lopes Road. A new bridge will be constructed over Jameson Canyon Creek as part of Construction Package 3. Access from westbound I-80 to westbound SR 12W would be braided with (cross over) the Green Valley Road on-ramp to westbound I-80. A separate direct connector structure would be built to carry the HOV lanes in both directions between I-680 and I-80 east of the I-80/I-680/SR 12 interchange. Direct connectors between northbound I-680 and westbound I-80 and eastbound I-80 and southbound I-680 would be constructed. Motorist access from northbound I-680 to westbound I-80 would be served by a loop ramp off the I-680 to SR 12W connector. Traffic from eastbound I-80 to southbound I-680 would use a new ramp which will require widening of the existing bridge over Jameson Canyon Creek as part of Construction Package 7. Motorists traveling eastbound on SR 12W who wish to go to southbound I-680 would exit SR 12W at the proposed SR 12W/Red Top Road interchange to access EB I-80 at Red Top Road and then

take the first exist (about ¼ mile away) which will be the EB I-80 connector to SB I-680.

Interchange Improvements

The I-80/Green Valley Road interchange would have a tight diamond configuration westbound and a partial cloverleaf (loop on-ramp) configuration eastbound. The same interchange and overcrossing would provide access to the existing alignment of I-680, which would be relinquished as a local arterial.

The connection from eastbound I-80 to southbound I-680 would be removed, with eastbound I-80 directed to exit at Green Valley interchange and then follow Lopes Road south to the new I-680/Red Top Road interchange. A new on-ramp at Green Valley Road would provide access to the new westbound I-80 alignment. The I-80/Red Top Road interchange would be partially reconstructed to have westbound hook ramps. Red Top Road would be realigned to connect this interchange on I-80 with a new SR 12W/Red Top Road interchange. Improvements to I-680 would include the construction of an interchange at Red Top Road.

Local Road Improvements

A bicycle path would be relocated along the western boundary of the business park at the west end of the existing Business Center Drive parking lot, and along the north side of the new connector from westbound I-80 to westbound SR 12W to maintain access between the existing bicycle path along Jameson Canyon Road (SR 12W) and Business Center Drive. This path would be removed when Business Center Drive is extended to the SR 12W/Red Top Road interchange because bicyclists would be able to utilize the extension of Business Center Drive to reach Red Top Road and points west. The existing Green Valley Road overcrossing at I-80 would be removed, and a new one would be constructed on a different alignment. The overcrossing would consist of western four lanes of the seven-lane structure.

Eastern Segment

A third lane would be added to eastbound SR 12E requiring widening of the existing box culvert that conveys Ledgewood Creek. This lane would connect (start) at the eastbound SR 12E/Chadbourne Road interchange and would extend east, connecting and ending at the eastbound SR 12E/Webster Street exit. A retaining wall will be built along the south side of SR 12E from east of Ledgewood Creek to Pennsylvania Avenue.

Utilities

As part of the proposed project, utilities within the project area will be relocated, realigned, or extended as necessary to accommodate project construction and operation. Utilities that will be affected include water, electrical, gas, cable/fiber, and telephone lines. Water lines include those owned by the cities of Fairfield, Vallejo, and Benicia. Irrigation and non-potable water and agricultural drains owned by the Solano Irrigation District are located within the project area. These water facilities and sewer facilities owned by the cities of Fairfield and Suisun City and by the Fairfield-Suisun Sewer District, will be realigned or extended, as necessary.

Pacific Gas and Electric (PG&E)-owned electrical and gas lines within the project area will be affected by construction and operation. One 115-kilovolt (kV) electrical transmission line that crosses I-680 between Fermi and Fulton drives will be realigned, and towers will be relocated. The Vaca-Suisun-Jameson tower line crosses I-680 and Green Valley Road near the eastbound I-80 ramps intersection. The line will be raised by 45 feet (ft) to accommodate the project. Additionally, to accommodate the proposed connectors, one tower will be relocated and the line height raised by 90 ft between Dittmer Road and the Jameson substation on Watt Court. Several other overhead distribution or transmission lines will be realigned, as will a 12-kV underground line that crosses I-80 just east of the existing Green Valley Road overcrossing. Additionally, PG&E gas lines, primarily in the vicinity of the I-80/Green Valley Road will be modified or realigned and it may be necessary to acquire new easements.

A PG&E valve lot, a gas transmission facility, will be relocated to a vacant parcel owned by the Fairfield-Suisun Unified School District (FSUSD) at the former Green Valley Middle School location at 3630 Ritchie Road in Fairfield. The relocated valve lot will occupy a 1.3-acre (ac) portion of the larger 7.69-ac FSUSD parcel. This relocation will require the acquisition of 1.3 ac from FSUSD, as well as securing permanent and temporary easements needed for operation, maintenance, and construction staging purposes.

Cable lines belonging to Comcast and located within local roads will be relocated where necessary. Qwest Communications has a fiber conduit mounted on the UPRR bridge, which will be relocated along the new bridge.

Telephone facilities within the project area include local, long-distance, and local services (i.e., TelNet) lines owned by AT&T. These include both overhead and underground lines and conduit. These facilities will be relocated where they conflict with the proposed project. All relocations of the long distance and TelNet lines will be handled through AT&T California.

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 congestion, accommodate anticipated increases in traffic, and address safety concerns.

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 Applicant's stated overall project purpose is to 1) reduce congestion within the interchange and on local roads; 2) encourage the use of HOV lanes and ridesharing; 3) improve safety conditions; 4) accommodate current and future truck volumes on highways; and 5) facilitate adequate inspection and enforcement at truck scales within the I-80/I-680/SR12 interchange.

Project Impacts: Complete implementation of the project would result in the permanent fill of 3.56 acres of wetlands and 1.28 acres (8,208 linear feet) of Other Waters of the U.S. Temporary impacts would occur to 0.86 acre of wetlands and 1.77 acres (7,878 linear feet) of Other Waters of the U.S. Implementation of the first construction package would result in the permanent fill of 1.18 acres of wetland and 0.36 acre (4,322 linear feet) of Other Waters of the U.S. Temporary impacts would occur to 0.24 acre of wetland.

Proposed Mitigation: The Applicant has proposed to implement compensatory mitigation through the construction of vernal pools, wetlands, riparian woodland and creek restoration within the Grizzly Bay Mitigation Site. The site is located southeast of the intersection of I-680 and I-80 and north of Grizzly Bay in Solano County California (figure 10). Chadbourne Slough forms the western and southern border of the property while Peltier Slough flows diagonally across the southwestern corner of

the site. Several other smaller drainage channels are located in the area of the mitigation parcel. A conceptual drawing of the proposed mitigation site is included as figure 11.

Project Alternatives: An alternatives analysis consistent with the 404(b)1 guidelines was submitted by the applicant. Alternatives eliminated that were expected to result in greater impact to USACE jurisdictional wetlands and Waters of the U.S. compared to the preferred alternative (Alternative C, Phase 1), based on reconnaissance level of analysis, included: a) combining the I-80/Green Valley Road and I-80/Suisun Valley Road Interchanges, b) elimination of the I-80/Suisun Valley Road Interchange, c) construction of a South Parkway-Four-Lane Arterial, d) construction of a South Parkway - Expressway/Freeway, and e) construction of a South Parkway Frontage Alignment. Two alternatives were eliminated that had similar expected impacts to the preferred alternative based on preliminary traffic operations analysis. The eliminated alternatives included elimination of the I-80/Green Valley Road Interchange and construction of I-680 outside/alongside of I-80. One alternative, construction of an I-80 viaduct, was eliminated as this alternative was expected to be cost prohibitive.

Further, two designs were considered in more detail but eliminated due to traffic operations constraints and greater impact to USACE jurisdictional wetlands and Waters of the U.S. compared to the preferred alternative. These alternatives included construction of I-680 to the median with collector/distributor roads and construction of an I-680 viaduct.

Finally, the preferred alternative was compared in detail to an additional alternative. This alternative and the preferred alternative differed primarily in the location of the I-80/I-680/SR 12W interchange improvements and the new interchanges on SR 12E. Under the eliminated alternative, the I-80/I-680 and I-80/SR 12W interchanges would be improved in place, and a single interchange would be constructed on SR 12E to serve Beck and Pennsylvania Avenues. Under the preferred alternative, I-680 would be realigned to the west to connect with the I-80/SR 12W interchange, and two interchanges would be constructed on SR 12E to serve Beck and Pennsylvania Avenues (figure 12). This alternative was ultimately eliminated because it was not considered practicable as the Federal Highway Administration (FHWA) stated the alternative contains substantial operational deficiencies. In particular, the left entrance/exit design represents

significant weakness and a potential fatal flaw to this design obtaining Engineering and Operational Acceptability from FHWA.

3. STATE AND LOCAL APPROVALS:

Water Quality Certification: State water quality certification or a waiver is a prerequisite for the issuance of a DA 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 DA 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: Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. § 1456(c) *et seq.*), requires a non-Federal applicant seeking a federal license or permit to conduct any activity occurring in or affecting the coastal zone to obtain a Consistency Certification that indicates the activity conforms with the State's coastal zone management program. Generally, no federal license or permit will be granted until the appropriate State agency has issued a Consistency Certification or has waived its right to do so.

Pursuant to the Nejedly-Bagley-Z'berg Suisun Marsh Preservation Act of 1974, the San Francisco Bay Conservation and Development Commission (BCDC) and the California Department of Fish and Game (CDFG) prepared the Suisun Marsh Protection Plan (SMPP). In 1977, the Suisun Marsh Preservation Act was enacted to incorporate the findings and policies contained in the plan into state law. A portion of the project occurs within the Suisun Marsh Protection Plan, Secondary Marsh. The BCDC regulates uses in the Secondary Management Area through Marsh Development Permits to ensure that

proposed uses are consistent with the SMPP. The area east of I-680 between the Gold Hill Road overpass and just south of Jameson Canyon Creek is within the Suisun Marsh Secondary Management Area. This part of the study area is primarily nonnative annual grassland, with stands of eucalyptus trees, several seasonal wetlands, seasonal drainages, and ruderal vegetation adjacent to I-680.

Coastal zone management issues should be directed to the Executive Director, San Francisco Bay Conservation and Development Commission, 50 California Street, Suite 2600, San Francisco, California 94111, by the close of the comment period.

4. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act (NEPA): Caltrans has conducted environmental review of this project, as part of its NEPA assignment of federal responsibilities by the Federal Highway Administration, effective October 1, 2012.

Caltrans has prepared an EIR/EIS for the project in compliance with the California Environmental Quality Act, the NEPA, and the Council for Environmental Quality Regulations for implementing NEPA. The purpose of the Final EIR/EIS is to identify environmental effects associated with the proposed project, identify measures to avoid, minimize or mitigate these effects and disclose all substantive comments and responses on the Draft EIR/EIS. Caltrans is expected to take final action regarding the project by early December.

Endangered Species Act (ESA): Section 7(a)(2) of the ESA of 1973, as amended (16 U.S.C. § 1531 *et seq.*), requires Federal agencies to consult with either the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) to ensure actions authorized, funded, or undertaken by the agency are not likely to jeopardize the continued existence of any Federally-listed species or result in the adverse modification of designated critical habitat. The Caltrans, acting as the Federal lead agency for this project, initiated Section 7 consultation with both resource agencies pursuant to Section 7(a) of the ESA.

On April 16, 2012 the USFWS concluded consultation with the issuance of a Biological Opinion which considered project affects on the endangered showy Indian

clover, endangered Contra Costa goldfields, and its critical habitat, endangered vernal pool tadpole shrimp, threatened vernal pool fairy shrimp, endangered callippe silverspot butterfly, threatened valley elderberry longhorn beetle, threatened Central California Distinct Population segment of the California tiger salamander, threatened California red-legged frog, and its critical habitat, and endangered salt marsh harvest mouse. Similarly, on January 14, 2011 the NMFS concurred with Caltrans' determination that the proposed project is not likely to adversely affect Central California coast steelhead.

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*. NMFS determined in the January 14, 2011 letter, that the proposed action contains adequate measures to avoid, minimize, mitigate, or otherwise offset any adverse effects to EFH.

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 USACE 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 as acting Federal lead agency is responsible for compliance with the NHPA. Caltrans consulted under Section 106 of the NHPA with the State Historic Preservation Office and executed a Programmatic Agreement on November 8, 2011 which sets forth the process and procedures for the further identification and treatment of cultural resources affected by the project including Native American consultation.

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 practicable alternative to the project that would result in less adverse impact to the aquatic ecosystem, while not causing other major adverse environmental consequences. The applicant has submitted an analysis of project alternatives which is being reviewed by USACE. By letter of April 10, 2012 USACE concurred that Alternative C, Phase 1 is the least environmentally damaging practicable alternative.

6. PUBLIC INTEREST EVALUATION: 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 94103-1398; 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/>.