



US Army Corps
of Engineers®
San Francisco District

SAN FRANCISCO DISTRICT

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

PUBLIC NOTICE

PROJECT: State Route 101 Broadway Interchange Reconstruction Project

PUBLIC NOTICE NUMBER: 2010-00334S

PUBLIC NOTICE DATE: June 24, 2013

COMMENTS DUE DATE: July 24, 2013

PERMIT MANAGER: Paula Gill

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E-MAIL: Paula.C.Gill@usace.army.mil

1. **INTRODUCTION:** The California Department of Transportation, District 4 (Caltrans) (POC: Mr. Jeffery Jensen, 510-622-8729), has applied to the U.S. Army Corps of Engineers (USACE), San Francisco District, for a Department of the Army (DA) Permit to implement the reconstruction of the U.S. 101/Broadway interchange in the City of Burlingame, San Mateo County, California. 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.*) and Section 10 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. § 403 *et seq.*).

2. PROPOSED PROJECT:

Project Site Location: The project is located between post miles 16.3 to 17.1 along U.S. 101 at the Broadway interchange in the City of Burlingame, San Mateo County, California (37.59071, -122.36235, figure 1).

Project Site Description: Land use surrounding the project area includes residential, commercial, and industrial. Two parts of the proposed project are within 100 feet of open water, marshes, and mudflats of the San Francisco Bay. The Burlingame Lagoon is located east of U.S. 101 in the vicinity of the project. There are also three named creeks within the project area including Mills, Easton, and Sanchez Creeks. Implementation of the proposed project would result in impacts to creeks currently in culverts, open creeks, estuarine wetland (0.551 acre), seasonal wetland (0.002 acre), and salt marsh (0.095 acre).

Project Description: The proposed project would reconstruct the U.S. 101/Broadway interchange in the City

of Burlingame. Work would include replacement of the Broadway overcrossing with a new structure (208 feet long, 110 feet wide, and 22.5 feet high), reconfiguration of all ramp connections to U.S. 101, and installation of ramp meters on northbound and southbound on-ramps. The project would construct a new seven-lane Broadway overcrossing approximately 100 feet to the north of the existing four-lane structure. Broadway would be realigned to extend straight across U.S. 101 from the Broadway/Rollins Road intersection on the west to Bayshore highway on the east, eliminating the existing curvilinear alignment. The northern terminus of Airport Boulevard would be shifted approximately 100 feet to the north to meet the new eastern touchdown of the overcrossing and maintain a four-leg intersection with Broadway, Bayshore Highway, and the access road for the Crowne Plaza Hotel. New traffic signals and streetlights would be installed as part of the project. A landscaping project would also be completed. In total, work would include soil treatment, building demolition (Union 76 Gas Station), overcrossing construction, freeway on-ramp and off-ramp changes, pedestrian and bicycle facilities, ramp metering system installation, retaining wall and concrete barrier installation, utility work, drainage system work, and creek crossings. Effects associated with the proposed work are depicted in the enclosed drawings (figures 2-3).

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 improve transportation.

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 overall project purpose is to improve traffic movements and access to the U.S. 101/Broadway interchange; accommodate future increases in traffic at intersections in and adjacent to the interchange; improve operations for vehicles entering and exiting southbound U.S. 101 at the Broadway interchange; and increase bicyclist and pedestrian access across U.S. 101 and around the interchange.

Project Impacts: Work within USACE jurisdiction would include permanent placement of fill in 0.648 acre of wetland and 0.202 acre of Other Waters of the U.S. Work would also result in temporary placement of fill in 0.117 acre of wetland and 0.053 acre of Other Waters of the U.S. Permanent fill in wetlands and other waters of the U.S. for construction of the project would be composed of roadway fill and concrete fill. Temporary impacts would occur associated with construction access, construction of utility lines, staging areas, and installation of erosion control.

Proposed Mitigation: Compensatory mitigation for unavoidable permanent impacts to wetland and other waters of the U.S. are proposed to occur at a minimum 1:1 ratio (0.85 acre) at the existing San Francisco Bay Wetland Mitigation Bank. The Mitigation Bank is a tidal wetland mitigation bank along Belmont Slough in Redwood City approximately 9 miles from the proposed project.

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 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. Since a portion of the project occurs in the coastal zone or may affect coastal zone resources, the applicant is hereby advised to apply for a Consistency Determination from the San Francisco Bay Conservation and Development Commission to comply with this requirement.

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): The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users legislation (23 U.S.C. 327) allows the Secretary of the U.S. Department of Transportation action through the Federal Highway Administration (FHWA) to establish a Surface Transportation Project Delivery Pilot Program, whereby a State may assume the FHWA responsibilities under the National Environmental Policy Act for environmental review, agency consultation and other actions pertaining to the review or approval of a specific project. Caltrans assumed these responsibilities for FHWA on July 1, 2007 through a Memorandum of Understanding within the State of California. These responsibilities were furthered on September 25, 2012 when Caltrans and FHWA signed *the Memorandum of Understanding Between Federal Highway Administration and the California Department of Transportation Concerning the State of California's Participation in the Project Delivery Program Pursuant to 23 U.S.C 327*, which became effective on October 1, 2012.

Acting as the Federal lead agency for this project, Caltrans has completed an Initial Study with Mitigated Negative Declaration and Environmental Assessment with a Finding of No Significant Impact for the project in compliance with the California Environmental Quality Act, the NEPA, and the Council for Environmental Quality Regulations for implementing NEPA. The document was completed and signed on March 18, 2011 (<http://www.dot.ca.gov/dist4/envdocs.htm>).

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 proposed project has the potential to affect federally listed species under the jurisdiction of the USFWS including California red-legged frog (*Rana draytonii*), San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), and California clapper rail (*Rallus longirostris obsoletus*). Caltrans, acting as the Federal lead agency, initiated Section 7 consultation with the USFWS in September 2010. The USFWS issued a Biological Opinion (BO, 81420-2010-F-0629) for the project on March 9, 2011. In the BO, the USFWS concurred that the proposed project is not likely to adversely affect San Francisco garter snake and California clapper rail. Incidental take statements were provided for California red-legged frog.

The proposed project has the potential to affect federally listed fish species and associated designated critical habitat for these species. In August 2010, Caltrans requested informal consultation with NMFS which was concluded in December 2010. The NMFS concurred that the proposed project is not likely to adversely affect the southern distinct population segment (DPS) of green sturgeon (*Acipenser medirostris*) and its designated critical habitat.

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 a part of the consultation between Caltrans and NMFS, which concluded in December of 2010, NMFS provided conservation recommendations to avoid, minimize, mitigate or otherwise offset 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 DA 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. As the Federal lead agency for this undertaking, Caltrans determined the proposed project would have no adverse effect on cultural resources. If unrecorded archaeological resources are discovered during project implementation, those operations affecting such resources will be temporarily suspended until Caltrans concludes Section 106 consultation with the State Historic Preservation Officer or the Tribal Historic Preservation

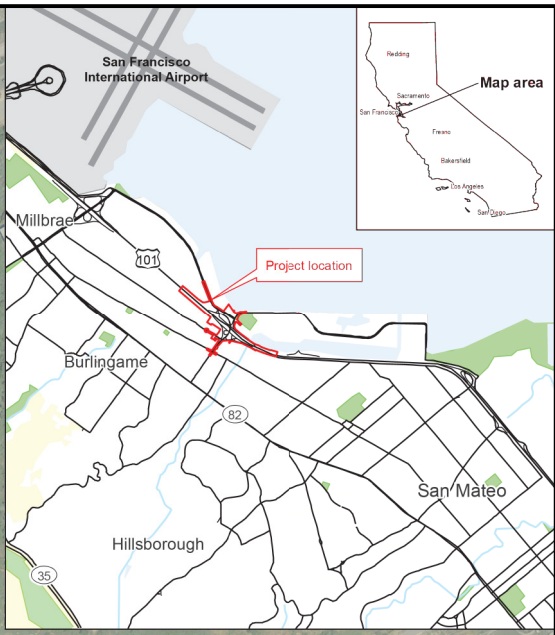
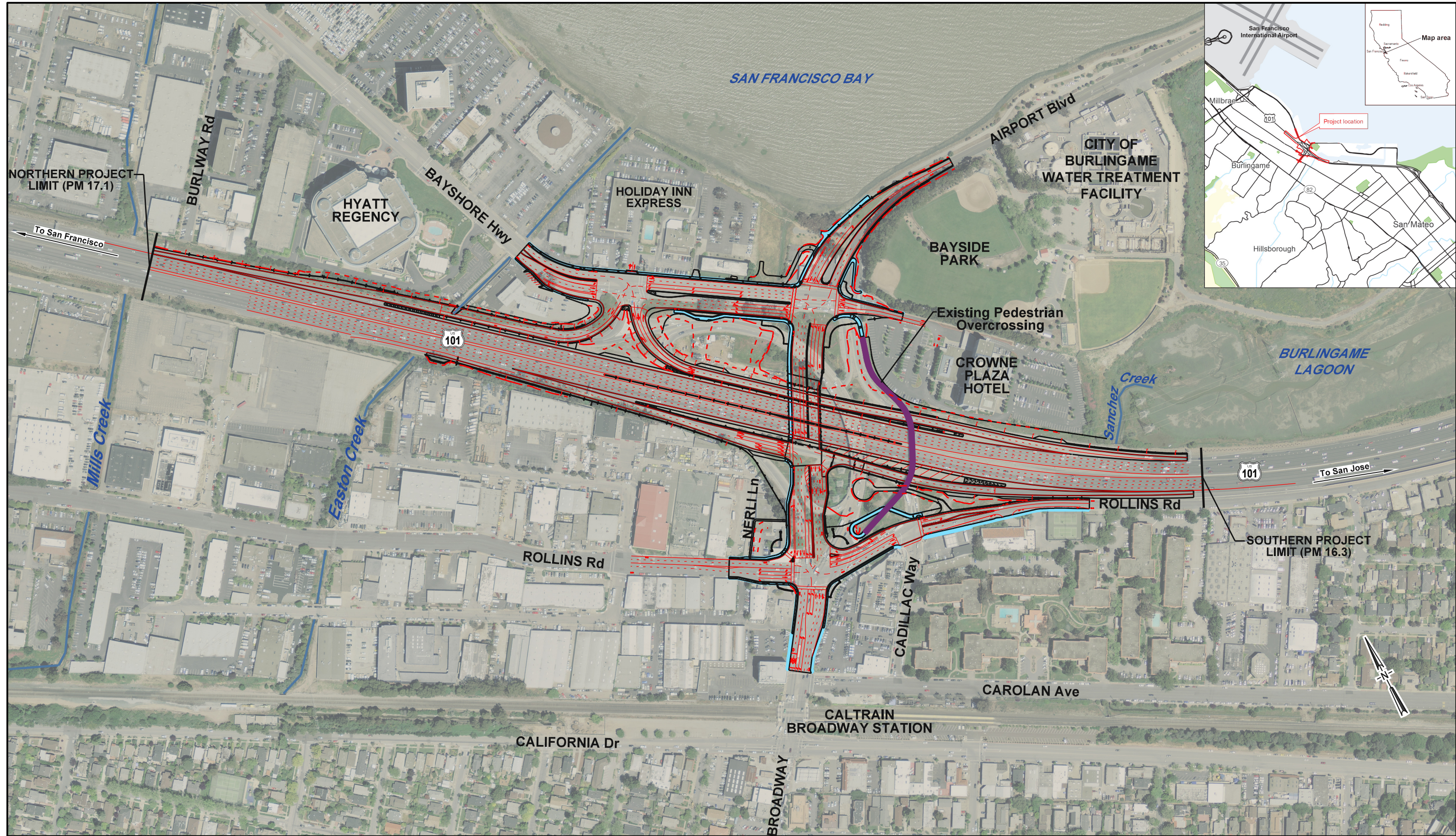
Officer to take into account any project related impacts to those resources.

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)). The applicant has been informed to submit an analysis of project alternatives to be reviewed for compliance with the Guidelines.

6. PUBLIC INTEREST EVALUTION: The decision on whether to issue a DA 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 DA 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 DA 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/>.



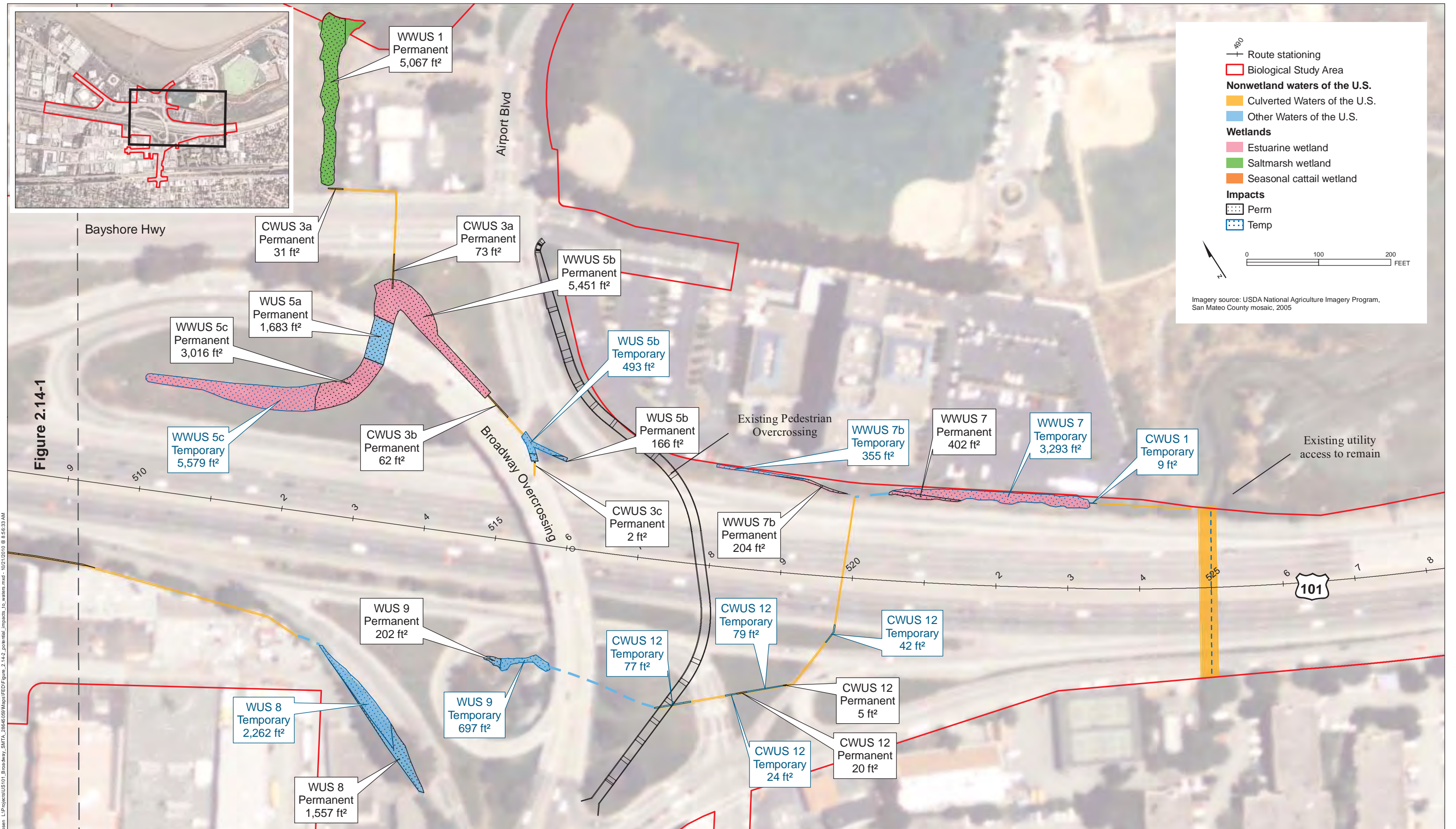
US-101/BROADWAY INTERCHANGE RECONSTRUCTION PROJECT
 FIGURE 1-1
 PROJECT LOCATION AND PROPOSED PROJECT

URS
 100 W. San Fernando Street, Suite 200
 San Jose, CA 95128-2284
 408-297-9585

E#: 235841
 DATE: 06-10-13
 SCALE: 1"=300'

LEGEND:

- EXISTING PEDESTRIAN OVERCROSSING
- PROPOSED PROJECT FOOTPRINT
- PROPOSED EDGE OF ROADWAY
- PROPOSED SIDEWALK
- CREEK



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US 101/BROADWAY INTERCHANGE
RECONSTRUCTION PROJECT
BURLINGAME, CA
EA 235840

Figure 2.14-2
**IMPACTS TO POTENTIALLY
JURISDICTIONAL FEATURES**