Public Notice

US Army Corps of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 199400990
Date: September 5, 2001
Comments Due: October 5, 2001

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN:

SUBJECT: Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act to discharge fill material into waters of the United States, including wetlands associated with the proposed Route 70 Freeway Upgrade Project, as shown in the attached drawings.

APPLICANT: California Department of Transportation, District 3
Gary Sidhu, Project Manager
P.O. Box 911
Marysville, California 95901

LOCATION:

The proposed Route 70 Freeway Upgrade Project, located at the southern end of the Route 70/99 transportation corridor, is in southern Sutter and western Yuba counties. The 24.5-kilometer (15.1-mile) project corridor is located on Route 70 between Route 99 and a point 1.3 kilometers (0.8 mile) south of McGowan Parkway in Olivehurst, where it ties into an existing freeway facility.

PURPOSE:

The purpose of the proposed project is to reduce traffic delays, congestion, and improve safety along the portion of SR 70 that is located in Sutter and Yuba Counties. Additionally, the project would provide right-of-way for future growth. The upgrading of SR 70 would maintain a Level of Service (LOS) B for the year 2010 and an LOS C for the year 2020. The applicant indicates that upgrade would result in faster travel speeds, less energy consumption, cleaner air, and fewer hours of travel.

PROJECT DESCRIPTION:

The proposed Route 70 improvements include an upgrade of the existing two-lane highway/expressway to a four-lane expressway and eventual four-lane freeway to accommodate increasing traffic throughout the corridor. Full build out of the freeway would include four

interchanges located at Striplin Road, East Nicoluas Avenue, Berry/Kempton Road, and Feather River Boulevard. A separate project proposed by Yuba County includes an additional interchange at Plumas Arboga/Algodon Road to accommodate local traffic.

The proposed freeway upgrade project would mostly use the existing route as the southbound lanes and construct two new lanes for the northbound direction. The freeway would consist of two new lanes east of the existing highway from the 70/99 split to Striplin Road. Then utilizing the existing Route 70 for southbound lanes, two new lanes would be added for northbound traffic up to Marcum Road. A two-lane frontage road would be constructed to the east of the new northbound lanes to accommodate local traffic. From Marcum Road, four lanes would be constructed that would swing west, bypassing the town of East Nicolaus and then returning to the west side of the existing highway around Cornelius Avenue.

North of Cornelius Avenue, two new lanes would be constructed to the west of the existing highway, and then transition back to the east side of the existing roadway at the Bear River Bridge. El Centro Boulevard would continue to serve as a frontage road to the east. A second bridge would be constructed across the Bear River to the east and the existing bridge would be widened including shoulders to meet current design standards. The alignment would continue north with two new lanes on the east side of the existing highway. A second undercrossing at Algodon Road and an overhead at Plumas-Arboga Road would be constructed to accommodate the two new lanes. At Plumas-Arboga Road, the alignment would run between high power electrical towers to the east and Plumas-Arboga Road to the west.

The project is broken into three phases and construction would begin in 2002 for Phase 1 and 2004 for phases 2 and 3. Phase 1 extends from just north of the Feather River Boulevard interchange to the northern terminus. Phase 2 begins from the southern terminus extends around East Nicoluas and ends just north of Cornelius Road. Phase 3 is between phases 1 and 2 and includes Berry/Kempton Road area and the crossing over Bear River.

Work Within Rivers and Streams

The proposed project would provide a new bridge that would be similar to the existing Route 70 bridge over Bear River that would span the river floodplain, including Yankee Slough, from levee to levee. The proposed freeway upgrade would occur to the east, north of Bear River and to the west, south of Bear River, where existing Route 70 would become the southbound lanes and the new lanes constructed to the east would become the northbound lanes. The proposed freeway upgrade would occur to the west, south of Bear River, where existing Route 70 would become the northbound lanes and the new lanes constructed to the west would become the southbound lanes. Work on existing Route 70 within the segment, immediately south of the Bear River Bridge would be limited to an overlay within the existing roadway embankment and would not encroach on the Bear River and designated critical habitat to the west. From just north of Berry/Kempton Road to Cornelius Avenue, the southbound lanes would be constructed west of existing Route 70.

At the Bear River crossing, work within and adjacent to the active channel of the Bear River would likely be necessary for construction of bridge columns; however, work would be minimized to the maximum extent practicable and limited to construction windows during low flow when salmonids would not likely be in the project area. Caltrans biologist will also work with Caltrans highway and structures design staff in the design of the bridge that would span the active channel (i.e., limit new

pier construction in the active channel) to limit any obstruction to fish passage per NMFS "Guidelines for Salmonid Passage at Stream Crossings" (NMFS 2000b). The bridge construction is scheduled for 2004 and the final bridge design has not been finalized. Caltrans will provide construction details and specifications to NMFS during final design of the structure when available.

Roadway construction at Coon Creek and Ping Slough includes culvert extensions where existing culverts are located on existing Route 70, which currently conveys the stream flow. Similar to the Bear River, the culvert extensions within these drainage facilities would be confined to the summer during the low flow period. However, because of the altered conditions of these two drainage facilities as the result of channelization, water diversions, and flood control features, they no longer provide suitable habitat for all life stages of anadromous fish in the project area (Li 1994). Lower Coon Creek no longer receives all of its natural stream flows as most of the flow is intercepted and diverted into East Side Canal upstream of the Route 70 where it drains into Cross Canal, which flows into the Sacramento River near Verona. These canals are used by anadromous fish to access upper Coon Creek and Auburn Ravine drainages, which are designated critical habitat for the Central Valley steelhead (Federal Register 65 (32) 50 CFR Part 226, February 16, 2000). Stream flow of Coon Creek downstream and west of the East Side Canal diversion and within the project area is reduced to local runoff, leakage from the canal, and agricultural irrigation (mostly rice fields) creating slow moving, stagnant conditions with instream, emergent marsh vegetation.

Ping Slough is a tributary to lower Coon Creek also below the Coon Creek diversion point at East Side Canal. Upper Ping Slough includes two private impoundments east of Route 70 and is delineated as an intermittent stream within the project area creating reduced stream flows and would likely have high water temperatures (Li 1994). These conditions also do not provide suitable habitat for all life stages of spring-run chinook and steelhead (Li 1994). Because lower Coon Creek and Ping Slough have been significantly altered that do not provide conditions suitable for anadromous fish (e.g., diverted and reduced stream flows, high water temperatures) and culvert work would be confined to the summer, there would be no effects to spring-run chinook salmon and steelhead by the culvert extensions at these locations.

ADDITIONAL INFORMATION:

The latest published version of the National Register of Historic Places and its monthly supplements have been reviewed and there are no places either listed or recommended as eligible which would be affected. The State Historic Preservation Officer (SHPO), in an August 25, 1995, letter, concurred with the Federal Highways Administration's (FHWA) determination that all resources within the project area were ineligible for listing in the National Register of Historic Places

The Federal Highway Administration has initiated consultation with the National Marine Fisheries Service for potential effects from the project to the central valley steelhead and the fall run chinook salmon. FHWA has initiate consultation with the U.S. Fish and Wildlife Service for potential effects to the giant garter snake, vernal pool tadpole shrimp, vernal pool fairy shrimp, valley elderberry longhorn beetle, Sacramento splittail, and delta smelt.

The District Engineer has made this determination based on information provided by the applicant and on the Corps' preliminary investigation.

Interested parties are invited to submit written comments on or before **October 5, 2001**. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will 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, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

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.

If additional information is required, please contact Jennifer Gilles, of the California Department of Transportation, telephone (916) 274-5802, or Tom Cavanaugh, at the letterhead address, telephone (916) 557-5261.

Michael J. Conrad, Jr.
Colonel, Corps of Engineers
District Engineer

Enclosures: Drawings (13)