



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

Operations and Readiness Branch

PUBLIC NOTICE

**REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS
PROJECT UNDER SECTION 408**

TITLE: I-680/SR-4 Interchange Project (primary permit identification number: CCC 627-16)

PUBLIC NOTICE COMMENT PERIOD:

Begins: September 22, 2017

Ends: October 6, 2017

REQUESTER: In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, the Contra Costa Transportation Authority, Phillips 66, and Kinder Morgan (Requesters) have requested permission through the Contra Costa County Flood Control and Water Conservation District (non-federal sponsor of the federally authorized project) from the U.S. Army Corps of Engineers (USACE) to alter the Walnut Creek Project, an existing federal flood risk management project, authorized by the Flood Control Act of 1960 (Public Law 86-645, July 14, 1960, 86th Congress, H.R. 7634).

LOCATION: The proposed project is located where State Route 4 crosses Grayson Creek and Walnut Creek, between the cities of Martinez and Concord in Contra Costa County, California (Attachment 1).

REQUESTER'S PROPOSED ACTION: The Proposed Interstate 680/State Route 4 (I-680/SR 4) Interchange Project is a large project that involves a variety of work and includes a number of stakeholders. The project Requester's have applied with the Contra Costa County Flood Control and Water Conservation District for three discrete permits (identification numbers CCC 627-16, CCC 601-17, and CCC 602-17). However, as all portions of the project are interdependent, the impacts of the project will be analyzed in a single National Environmental Policy Act (NEPA) document.

Under permit application number CCC 627-16, the Contra Costa Transportation Authority proposes to widen the State Route 4 bridges over Walnut Creek and replace the State Route 4 eastbound and westbound bridges over Grayson Creek with a single three-span bridge.

Bridge replacement over Grayson Creek would require reconstruction of approximately 1,000 feet of SR 4 on each side of the bridge. The finished grade of the new bridge would be up to 8 feet higher than the existing bridge and the embankment would be raised along with the bridge. The proposed bridge replacement would require construction of permanent access roads on the left and right sides of the channel below the new bridge, connecting the levee access roads upstream and downstream of the bridge. During construction of the proposed new bridge, temporary rock slope protection would be placed around the bents that have exhibited scour. The proposed construction activities for the Grayson Creek Bridge Replacement include, in the following order:

1. Install cofferdams after June 15
2. Dewater creek
3. Clear and grub work area

4. Create access road for construction of abutments and piers
5. Install piles
6. Place forms for new abutments
7. Pour concrete for new abutments and piers
8. Install falsework to construct bridge superstructure
9. Place forms for new bridge superstructure
10. Place bridge deck rebar and pour concrete
11. Remove forms and construction related debris
12. Remove bridge falsework before October 15
13. Stabilize creek bed, bank, and channel (erosion control)
14. Remove water diversion before October 15
15. Implement restoration and revegetation.

Bridge widening over Walnut Creek would be accomplished using a cast-in-place reinforced concrete box girder structure supported by spread footing on approximately 60-foot-long driven 16-inch steel pipe piles. Construction of the new widening would consist of removing the concrete barrier railings on the existing bridge, excavating the support footings, and driving steel pipe piles within the creek bank. An approximately 265-foot-long temporary creek diversion system would be needed to dewater Walnut Creek during construction.

Under permit application number CCC 601-17, Phillips 66 proposes to relocate a 16 inch diameter crude oil pipeline under Grayson Creek. The new pipeline would be installed under Grayson Creek using horizontal directional drilling (HDD) methods and the existing pipeline would be abandoned in place. When HDD methods are used, a pit is excavated on either side of the floodway and then pressure and drilling fluids are used to install the pipe beneath the levee embankment and channel. The entry and exit points would be located a minimum of 300 feet from the levee toes where pipelines cross under the levee.

Under permit application number CCC 602-17, Kinder Morgan proposes to relocate an 8 inch diameter oil pipeline under Grayson Creek. The new pipeline would be installed under Grayson Creek using horizontal directional drilling (HDD) methods and the existing pipeline would be abandoned in place.

All of the proposed work described above comprises the I-680/SR-4 Interchange Project and will be analyzed together as one project.

ENVIRONMENTAL IMPACTS OF PROPOSED ACTION: Numerous surveys of the proposed project area, including botanical surveys and wetland delineations, were conducted in 2002, 2014, and 2015. The proposed project area consists primarily of urban habitat, with riverine habitat located in the vicinities of Grayson and Walnut Creeks. Additional habitat types, including grassland, estuarine and marine wetland, and oak woodland, are located within 1 mile of the proposed project area (Attachment 2).

The proposed project is located within the known range of two federally threatened species, the California red-legged frog (*Rana draytonii*) and the California tiger salamander (*Ambystoma californiense*). Protocol-level site assessments were conducted for the two species in 2014 and 2015 and neither species is expected to occur within the proposed project area. However, the proposed project area does provide potential habitat for California Central Valley steelhead (*Oncorhynchus mykiss*), a fish species federally listed as threatened under the Endangered Species Act. Consultation under Section 7 of the Endangered Species Act was initiated with the National Marine Fisheries Service (NMFS) on April 26, 2007. NMFS responded with a letter of concurrence, dated May 18, 2007, concurring that the proposed project may affect, but is not

likely to adversely affect California Central Valley steelhead. The proposed project is not expected to affect any other federally listed species.

Consultation with the State Historic Preservation Officer (SHPO) under Section 106 of the National Historic Preservation Act was initiated on January 27, 2005. The SHPO issued a letter of concurrence, dated March 9, 2005. No historic properties are expected to be affected by the undertakings of the proposed project.

Project-level air quality analysis indicates that the proposed project would not produce substantial operational air quality impacts. However, a number of mitigation measures would be implemented to minimize dust and equipment exhaust emissions. These mitigation measures would include limits on equipment idle time, watering of all active construction areas at least twice daily, a requirement for all equipment to meet EPA Tier 3 or higher emissions standards, among other measures.

AUTHORITY: The authority to grant permission for temporary or permanent use, occupation or alteration of any USACE civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 USC 408 ("Section 408"). Section 408 authorizes the Secretary of the Army, on the recommendation of the Chief of Engineers, to grant permission for the alteration or occupation or use of a USACE project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. The Secretary of Army's authority under Section 408 has been delegated to the USACE, Chief of Engineers. The USACE Chief of Engineers has further delegated the authority to the USACE, Directorate of Civil Works and Division and District Engineers, depending upon the nature of the activity.

LIMITS OF SECTION 408 AUTHORITY: A requester has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), Section 404 of the Clean Water Act (33 USC Section 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413). In addition, an approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

EVALUATION FACTORS: The decision whether to grant the requested permission for project alteration under Section 408 will be based on several factors. 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. Review of requests for alteration will be reviewed by a USACE technical review team considering the following factors:

1) Impair the Usefulness of the Project Determination. The review team will determine if the proposed alteration would limit the ability of the USACE project to function as authorized, or would compromise or change any authorized project conditions, purposes or outputs. In order for an alteration to be approved, the Requester must demonstrate that the alteration does not impair the usefulness of the federally authorized project.

2) Injurious to the Public Interest Determination. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest evaluation depend upon the type of USACE project being altered and the nature of the proposed alteration and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk,

induced damages, navigation, shore erosion or accretion, and recreation. This evaluation will consider information received from the interested parties, including tribes, agencies, and the public. The benefits that reasonably may be expected to accrue from the proposal must be compared against its reasonably foreseeable detriments. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks and by the net impact of the alteration on the public interest using the public interest factors.

3) Environmental Compliance. A decision on a Section 408 request is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. While USACE is responsible for ensuring environmental compliance, the requester is responsible for providing all information that the district identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and procedures. NEPA and other analysis completed to comply with other environmental statutes (e.g. Endangered Species Act) should be commensurate with the scale and potential effects of the activity that would alter the USACE project. The district will work with the requester to determine the requirements, which will be scaled to the likely impacts of the proposed alteration and should convey the relevant considerations and impacts in a concise and effective manner.

PUBLIC INVOLVEMENT: The purpose of this notice is to solicit comments from the public; federal, state, and local agencies and officials; tribes; and other interested parties regarding the I-680/SR-4 Interchange Project, a proposed alteration to an existing federally authorized project. Comments received within 30 days of publication of this notice will be used in the evaluation of potential impacts of the proposed action on important resources and in the evaluation of whether the proposed alteration would be injurious to the public interest and/or would impair the usefulness of the authorized project. Only the specific activities that have the potential to occupy, use or alter the Walnut Creek Project will be evaluated. Please limit comments to the area of the alteration and those adjacent areas that would be directly or indirectly affected by the alteration to the Walnut Creek Project.

SUBMITTING COMMENTS: Written comments, referencing Identification Number CCC 627-16 must be submitted to the office listed below on or before October 6, 2017.

Brian Luke, Natural Resources Specialist
US Army Corps of Engineers, Sacramento District
1325 J Street, Room 1460
Sacramento, California 95814-2922

Email: Brian.J.Luke@usace.army.mil

Attachments:

- 1) Vicinity and site maps
- 2) Habitat map