

## **Appendix B** Agency Consultation Letters

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## DEPARTMENT OF TRANSPORTATION

138670

SUNNYVALE, CA 94523-0680

86-4444

MAR 19 2001



March 14, 2001

Mr. Daryl K. Halls  
Executive Director  
Solano Transportation Authority  
333 Sunset Avenue, Suite 200  
Suisun City, CA 94585

04-SOL-O- STA  
Jepson Parkway

Dear Mr. Halls,

We appreciate the opportunity to be involved with the development of the Jepson Parkway project. For the past several months we have been working together on the National Environmental Policy Act/Clean Water Act section 404 (NEPA/404) process for this project.

A key step in this process occurs when the member agencies give concurrence on the Purpose and Need for the project. This becomes a very important section in the Environmental Impact Statement.

At this time we are pleased to provide Caltrans concurrence with the Purpose and Need for the project. We look forward to continuing our working partnership with you, as the sponsor agency, and the other state and federal agencies on the NEPA/404 process and the other steps in the environmental process. Thank you for the hard work, compromise and effort that has gone into producing this.

Sincerely,

HARRY Y. YAHATA  
District Director

By

A handwritten signature in cursive script that reads "Jo Ann Cullom".

Jo Ann Cullom  
Environmental Coordinator for  
Local Assistance Projects



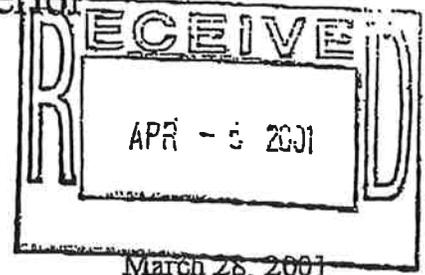


United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825-1846

IN REPLY REFER TO:  
PPN 2797



Mr. Michael Ritchie, Division Administrator  
Federal Highway Administration, California Division  
980 Ninth Street, Suite 400  
Sacramento, California 95814-2724

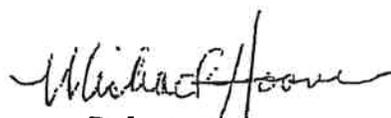
Dear Mr. Ritchie:

The Federal Highway Administration (FHWA), in cooperation with the California Department of Transportation (Caltrans) and the Solano Transportation Authority (STA), is proposing the development of the Jepson Parkway Project, a north-south transportation corridor along the eastern edges of the cities of Vacaville, Fairfield, and Suisun City.

The U.S. Fish and Wildlife Service (Service) has reviewed the February 20, 2001 STA information package describing the Purpose and Need Statement, Criteria for Alternative Screening, and Preliminary Alternatives and concurs with the determination that these elements are acceptable for use in the National Environmental Policy Act (NEPA)/404 Integration Process. We request an opportunity to review the final set of alternatives identified as acceptable for detailed evaluation after the Preliminary Alternatives have been applied to the screening criteria. On March 19, 1999, the Service issued a biological opinion which addressed the effects of water delivery by the U.S. Bureau of Reclamation to the Solano County Water Agency and its member agencies. The *Biological Opinion for the Solano Project Water Service Contract Renewal* included conservation measures for the short-term and long-term protection of listed species and their habitats within the action area (including the cities of Fairfield, Vacaville, and Suisun City). The conservation measures included the preparation and implementation of a Habitat Conservation Plan (HCP) for an incidental take permit under section 10(a)(1)(B) of the Endangered Species Act for indirect effects. While many of the indirect/growth inducing effects of the Jepson Parkway project will be addressed by the Solano Project HCP, the Service is concerned that there may be effects which will not be addressed. The Service recommends close coordination with the Solano Project HCP process to ensure that the indirect/secondary effects of the Parkway project are addressed. We recommend, at the earliest identification of unmitigated effects, that the FHWA and Caltrans assist in the expansion of the Solano Project HCP to include effects of the parkway.

If you have any questions concerning the Service's comments on this project, please contact Jerry Bielfeldt (Wetlands Branch) at (916) 414-6584.

Sincerely,

  
Dale A. Pierce  
Acting Field Supervisor

cc: ARD (ES)-Portland, OR  
STA, Suisun City, CA (Daryl K. Halls)  
EPA, San Francisco, CA (Attn: Elizabeth Varnhagen)  
NMFS, Sacramento, CA (Attn: Kelly Finn)  
ACOE, Sacramento, CA (Nancy Haley)  
Caltrans, Oakland, CA (JoAnn Cullom)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

Mr. Daryl Halls, Executive Director  
Solano Transportation Authority  
333 Sunset Avenue, Suite 200  
Suisun City, California 94585

Dear Mr. Halls:

We are in receipt of your letter dated February 20, 2001 requesting concurrence on the Purpose and Need, Criteria for Screening Alternatives, and Range of Preliminary Alternatives for the **Jepson Parkway Project, Solano County, California**. The request is pursuant to the National Environmental Policy Act/ Section 404 of the Clean Water Act Memorandum of Understanding (NEPA/404 MOU).

We concur with the purpose and need statement dated February 12, 2001 which indicates that project implementation will:

- Provide an integrated and continuous route for local north-south trips as an alternative to using I-80 in central Solano County.
- Provide local traffic with a safe, convenient route using existing roadways when feasible.
- Enhance multimodal transportation options for local trips to central Solano County, including providing a safe and convenient multiuse path and increasing transit use in the area.

We also concur with the range of Preliminary Alternatives that are described in the document entitled *Jepson Parkway Preliminary Alternatives* dated February 16, 2001. This document depicts a no-build alternative, an alternative that performs low-cost capital improvements to existing roadway and transit systems, a mass transit alternative juxtaposed on each of the proposed alternatives, and six "build" alternatives. The alignments of these preliminary alternatives are roughly illustrated on the map entitled *Potential Alternatives for the Jepson Parkway Project*, dated February 14, 2001.

In order to identify the most reasonable alternatives to be evaluated in greater detail in the draft environmental impact statement (DEIS) that will be prepared, the proposed criteria for screening alternatives have been compiled in a matrix entitled, *Jepson Parkway EIS/EIR Project Alternatives Screening Matrix*, dated February 16, 2001. The 40 screening criteria are grouped into the following categories: natural environmental effects, physical environmental effects,

community effects, transportation effectiveness, engineering feasibility, and financial feasibility. Please note that to meet the requirements of the Section 404 (b)(1) guidelines of the Clean Water Act (CWA), we consider project impacts categorized under natural environmental effects, especially those affecting waters of the United States or endangered species, of great importance. The other categories of screening criteria have relevance in determining the practicability of a proposed alternative and how well it meets the project purpose. We concur with this list of criteria for screening alternatives.

Thank you for this opportunity to participate in the planning for the Jepson Parkway Project under the NEPA/404 MOU. We appreciate your convening regular meetings involving agency representatives to keep us informed and solicit our input to project planning and evaluation. We look forward to continued involvement through the next step which will be an analysis of the beneficial and detrimental aspects of each of these alternatives in order to eliminate those with unacceptable qualities, and ultimately identify the least environmentally damaging practicable alternative (LEDPA) for authorization by the Corps of Engineers under the CWA. If you have any questions or comments, please feel free to contact me at (415) 744-1584 or Liz Varnhagen of my staff at (415-744-1624).

Sincerely,



Lisa B. Hanf, Manager  
Federal Activities Office

cc: Jane Hicks, Corps of Engineers, San Francisco  
Jerry Bielfeldt, USFWS, Sacramento  
Harry Khani, FHWA, Sacramento  
Jo Ann Cullom, Caltrans, District 4, Oakland  
Nancy Haley, Corps of Engineers, Sacramento



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Sacramento Area Office  
650 Capitol Mall, Suite 8-300  
Sacramento, CA 95814-4706

June 27, 2001

In Reply Refer To:  
SWR-00-SA-0127:FKF

Daryl K. Halls  
Executive Director  
Solano Transportation Authority  
333 Sunset Avenue, Suite 200  
Suisun City, CA 94585

JUN 27 2001

Dear Mr. Halls:

This letter is in response to your letter of April 19, 2001 requesting concurrence from the National Marine Fisheries Service (NMFS) on the final range of alternatives for the Jepson Parkway Project Environmental Impact Statement/Report (EIS/R). We have reviewed the proposed alternatives and concur with the determination that the range of alternatives is acceptable for inclusion in the EIS/R. The Jepson Parkway Plan includes incorporation of transit, a continuous pedestrian and bicycle traffic corridor, landscape design, and an open space element. The project sponsors have considered a broad range of alternatives to identify five action alternatives for detailed evaluation in the pending EIS/R. We look forward to working with you on this and other projects in the future.

If you have any questions or need further information please contact Ms. F. Kelly Finn in our Sacramento Area Office, 650 Capitol Mall, Sacramento, CA 95814. Ms. Finn may be reached by telephone at (916) 930-3610 or by Fax at (916) 930-3629.

Sincerely,

Michael E. Aceituno  
Supervisor, Sacramento Area Office

cc: NMFS-PRD, Long Beach, CA  
Stephen A. Meyer, ASAC, NMFS, Sacramento, CA







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

JUN 29 2001

Daryl Halls  
Solano Transportation Agency  
333 Sunset Avenue, Suite 200  
Suisun City, CA 94585

Dear Mr. Halls:

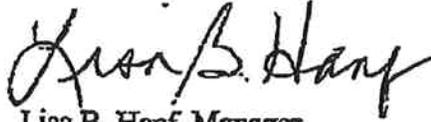
This responds to your letter dated April 19, 2001 requesting concurrence on the list of alternatives to be evaluated in detail in the draft environmental impact statement (DEIS) being prepared for the Jepson Parkway in Solano County, California. The U.S. Environmental Protection Agency (EPA) has already concurred with the range of the ten preliminary alternatives in our letter to you dated March 15, 2001. Our comments are offered as part of the National Environmental Policy Act/Clean Water Act Section 404 (NEPA/404) Integration Process.

Your letter indicates that from the ten preliminary alternatives, you would like to eliminate four from further consideration. According to the preliminary Alternatives Screening Report we received on June 8, 2001, the following alternatives should be eliminated from further evaluation in the DEIS. Alternative 2, the Transportation System Management (TSM) alternative consisting of low-cost capital improvements to the existing roadway and transit systems, would not satisfy the project purpose because it would not improve roadway safety or adequately address existing and future traffic congestion. Alternative 3, which is to construct a limited access expressway along any of the proposed alignments was also considered unacceptable for environmental and aesthetic reasons as well as not satisfying the multi-modal goal. Alternative 9, the Mass Transit alternative which would construct an arterial roadway within any of the proposed alignments, was eliminated because it was not believed to adequately address existing or anticipated traffic congestion, or accommodate pedestrian/non-motorized transportation. Alternative 10, which represented a route north of the I-80 corridor, would have potentially large adverse environmental and community impacts, and would open up new areas to development. Finally, Alternative 11 a) and b) would be outside of existing areas of planned development and not adequately serve the Jepson Parkway target communities.

EPA concurs that Solano Transportation Agency's selected six alternatives to carry forward into the draft EIS, alternatives 1, 4, 5, 6, 7 and 8, continue to offer an appropriate range for the purpose of NEPA. We recognize that there are additional difficult resource-based decisions ahead in this evaluation process, and offer our assistance to work with you throughout the NEPA/404 Integration process. If you have any questions concerning NEPA or the

NEPA/404 Memorandum of Understanding, please feel free to contact Liz Varnhagen of my staff at (415) 744-1624. If you have questions about compliance with the Clean Water Act, please contact Mike Monroe in the Water Division at (415) 744-1963.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa B. Hanf". The signature is written in a cursive style with a large initial "L".

Lisa B. Hanf, Manager  
Federal Activities Office

cc: Jane Hicks, Corps of Engineers, San Francisco  
Jerry Biefeldt, USFWS, Sacramento  
Harry Khani, FHWA, Sacramento  
Jo Ann Cullom, Caltrans, District 4, Oakland  
Nancy Haley, Corps of Engineers, Sacramento



**DEPARTMENT OF THE ARMY**  
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS  
333 MARKET STREET  
SAN FRANCISCO, CALIFORNIA 94105-2197

REPLY TO

JUL 13 2001

Regulatory Branch

SUBJECT: File Number 24854N

Mr. Daryl Halls  
Solano Transportation Authority  
333 Sunset Avenue, Suite 200  
Suisun City, California 94585

Dear Mr. Halls:

Thank you for your letter of February 20, 2001, requesting concurrence with the Purpose and Need Statement for the Jepson Parkway Project in Solano County, California. You also requested concurrence with the "Criteria for Alternative Screening" ("Jepson Parkway EIS/EIR Project Alternatives Screening Matrix"), and the "Jepson Parkway Preliminary Alternatives", both dated February 16, 2001. In a separate letter dated April 19, 2001, you requested concurrence on the list of alternatives to be evaluated in detail in the EIS/EIR document. Your request for concurrence is pursuant to the Memorandum of Understanding for the National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Surface Transportation Projects in Arizona, California, and Nevada.

Portions of the Jepson Parkway Project are proposed to be built in both the San Francisco and Sacramento Districts of the Corps of Engineers (Corps). By email of July 13, 2001, Sacramento District agreed with San Francisco District's recommendation that both Districts concur with your request.

The Corps concurs with the February 12, 2001, "Purpose and Need for the Proposed Action"; "Criteria for Alternative Screening" ("Jepson Parkway EIS/EIR Project Alternatives Screening Matrix"), and "Jepson Parkway Preliminary Alternatives", both dated February 16, 2001; and the list of alternatives to be evaluated in detail in the EIS/EIR document contained in your letter of April 19, 2001. These alternatives are described in the "Jepson Parkway Preliminary Alternatives" dated March 19, 2001.

If you have questions, please contact Nancy Haley of Sacramento District's Regulatory Branch at 916-557-7772 or Jane Hicks of San Francisco District's Regulatory Branch at 415-977-8439. All correspondence should reference file numbers 200000655 and 24854N.

Sincerely,

*Jane M. Hicks*

*CC* Calvin C. Fong  
Chief, Regulatory Branch

Copy Furnished: 9

USACE, SPK-CO-R, Sacramento, CA (Attn: N. Haley)  
US EPA, San Francisco, CA (Attn: L. Varnhagen)  
US FWS, Sacramento-Wetlands Branch, CA (Attn: J. Bielfeldt)  
NMFS, Sacramento, CA (Attn: F. K. Finn)  
FHWA, Sacramento, CA (Attn: H. Khani)  
M. Davis, Jones and Stokes, Oakland, CA

**OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896  
SACRAMENTO, CA 94296-0001  
(916) 653-6624 Fax: (916) 653-9824  
calshpo@ohp.parks.ca.gov  
www.ohp.parks.ca.gov



March 2, 2006

Reply To: FHWA060216A

Jennifer Darcangelo  
Department of Transportation  
PO Box 23660  
Oakland, CA 94623-0660

Re: Determinations of Eligibility for the Proposed Jepson Parkway Project, Solano County, CA

Dear Ms. Darcangelo:

Thank you for consulting with me about the subject undertaking in accordance with the *Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California (PA)*.

The California Department of Transportation (Caltrans) is requesting my concurrence, pursuant to Stipulation VIII.C.5 of the PA, that the following properties are not eligible for the National Register of Historic Places (NRHP):

- 579 Leisure Town Road, Vacaville, CA
- 5027 Peabody Road, Vacaville, CA

Based on my review of the submitted documentation, I concur.

Thank you for considering historic properties during project planning. If you have any questions, please contact Natalie Lindquist of my staff at (916) 654-0631 or e-mail at [nlind@ohp.parks.ca.gov](mailto:nlind@ohp.parks.ca.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Milford Wayne Donaldson".

Milford Wayne Donaldson, FAIA  
State Historic Preservation Officer





DEPARTMENT OF THE ARMY  
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
1455 MARKET STREET  
SAN FRANCISCO, CALIFORNIA 94103-1398

FEB 27 2009

Regulatory Division

SUBJECT: File Number 248540N

Ms. Janet Adams  
Solano County Transportation Authority  
One Harbor Center, Suite 130  
Suisun City, California 94585

Dear Ms. Adams:

This letter is written in response to your request of January 22, 2009, for a preliminary jurisdictional determination for the Jepson Parkway Project (See attached Preliminary Jurisdictional Determination Form). The project area includes potential alignment alternatives for the proposed Jepson Parkway Project and is located between State Route 12 southeast of Suisun City and Interstate 80 in Vacaville. Enclosed is a map (Corps Date-stamped February 18, 2009) depicting our preliminary determination. Potentially jurisdictional waters include 121.071 acres of wetlands consisting of seasonal wetlands, perennial and seasonal marsh. Other potentially jurisdictional waters of the U. S. include 11.518 acres of drainage ways, ponds, and ditches. All proposed discharges of dredged or fill material into wetlands or waters of the United States must be authorized by the Corps of Engineers pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. Section 1344). Waters of the United States generally include tidal waters, lakes, ponds, rivers, streams (including intermittent streams), and wetlands.

Your proposed activity appears to be within our jurisdiction and a permit will be required for your project. Application for Corps authorization should be made to this office. To avoid delays it is essential that you refer to the file number at the top of this letter in your application. The application must include plans showing the location, extent and character of the proposed activity. You should note, in planning your project, that upon receipt of a properly completed application and plans, it may be necessary to advertise the proposed work by issuing a Public Notice for a period of 30 days.

You are advised that the Corps *does not* have an established Administrative Appeal Process for findings associated with Preliminary Jurisdictional Determinations, however you may request an Approved Jurisdictional Determination that precisely identifies the limits of waterbodies subject to Clean Water Act and / or Rivers and Harbors Act jurisdiction as described in 33 C.F.R. Part 331.2.

Should you have any questions regarding this matter, please call Cameron Johnson of our Regulatory Division at (415) 503-6790. Please address all correspondence to the Regulatory Division comments on our permit review process, please complete the Customer Survey Form available online at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,



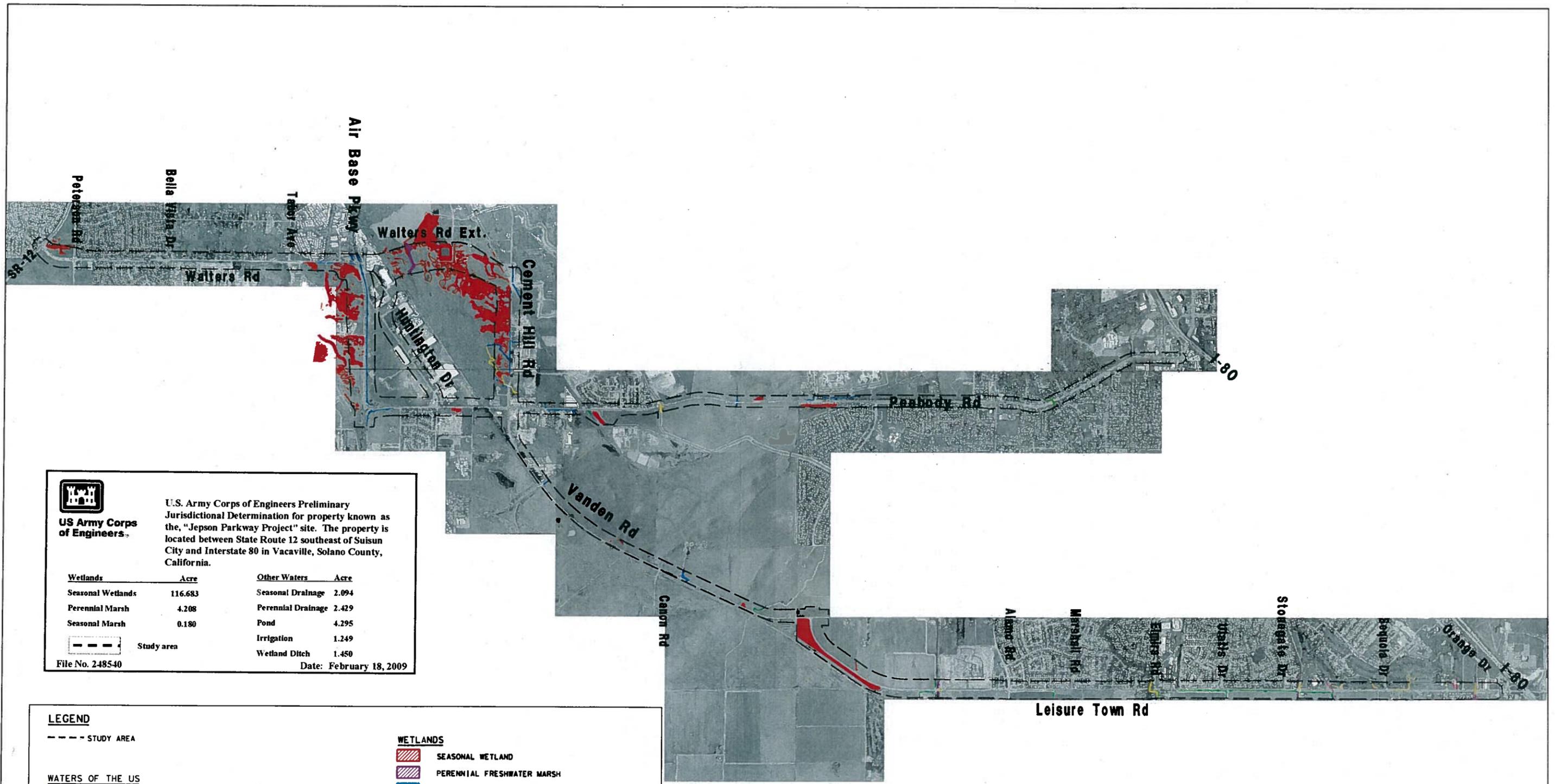
Jane Hicks  
Chief, Regulatory Division

Enclosures

Copies Furnished (with map only)

CA RWQCB, Oakland, CA  
CA SWRCB, Sacramento, CA

Michael Kay  
PBS & J  
353 Sacramento Street, Suite 1000  
San Francisco, CA 94111



**US Army Corps of Engineers**

U.S. Army Corps of Engineers Preliminary Jurisdictional Determination for property known as the, "Jepson Parkway Project" site. The property is located between State Route 12 southeast of Suisun City and Interstate 80 in Vacaville, Solano County, California.

Wetlands	Acre	Other Waters	Acre
Seasonal Wetlands	116.683	Seasonal Drainage	2.094
Perennial Marsh	4.208	Perennial Drainage	2.429
Seasonal Marsh	0.180	Pond	4.295
		Irrigation	1.249
		Wetland Ditch	1.450

--- Study area

File No. 248540

Date: February 18, 2009

**LEGEND**

--- STUDY AREA

**WATERS OF THE US**

- PERENNIAL DRAINAGE
- PERENNIAL DRAINAGE WITH RIPARIAN
- SEASONAL DRAINAGE
- POND (ARTIFICIAL)
- IRRIGATION
- DITCHES (WITH WETLAND CHARACTERISTICS)

**WETLANDS**

- SEASONAL WETLAND
- PERENNIAL FRESHWATER MARSH
- SEASONAL FRESHWATER MARSH



REV	DATE	DESCRIPTION	CHECKED	APPD
		REVISIONS		

**JEPSON PARKWAY PROJECT**



SOLANO TRANSPORTATION AUTHORITY  
 One Harbor Center  
 Suite 130  
 Suisun City, CA 94585  
 Telephone: (707) 424-6075  
 Fax: (707) 424-6074

SCALE	1"=100'
DESIGN BY	CEL
DRAWN BY	KAK
DATE	11/03/08
CHECKED BY	SJB
PROJECT NUMBER	100001224

**WETLAND DELINEATION MAP  
 JEPSON PARKWAY**





DEPARTMENT OF THE ARMY  
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS  
333 MARKET STREET  
SAN FRANCISCO, CALIFORNIA 94105-2197

MAR 16 2009

Regulatory Division (1145b)

SUBJECT: File Number 248540N

Ms. Janet Adams  
Solano County Transportation Authority  
One Harbor Center, Suite 130  
Suisun City, California 94585

Dear Ms. Adams:

This letter is in response to your request from the Corps for preliminary concurrence that the proposed alignment for the Jepson Parkway project represents the least environmentally damaging practicable alternative (LEDPA). This alternative is described as Alternative B in the *Jepson Parkway Project Draft Environmental Impact Report / Environmental Impact Statement and Draft Section 4(f) Evaluation* (May 2008). The proposed roadway improvement project (Alternative B) is in mid-Solano County between Interstate 80 (I-80) in Vacaville and State Route 12 (SR 12) in Suisun City. The approximately 12 mile corridor is located within the jurisdictions of the cities of Suisun City, Fairfield, and Vacaville, as well as unincorporated portions of Solano County. The proposed project will upgrade a series of two- and four- lane roadways to six lane capacity as well as create new links between existing roadways. The proposed alternative (from North to South) includes widening of Leisure Town Road in Vacaville, widening of Vanden Road and Cement Hill Road in Fairfield, and creation of a new linkage between Cement Hill Road and Air Base Parkway in Fairfield in the Walters Road alignment. Additional improvements include widening of Walters Road between Fairfield and its terminus at SR 12 in Suisun City. Total proposed project impacts to jurisdictional waters of the U. S. include 5.34 acres, including 2.93 acres of proposed impacts to wetlands.

This project is being processed pursuant to the Memorandum of Understanding – National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Surface Transportation Projects in Arizona, California, and Nevada (NEPA-404 Integration MOU). In accordance with the NEPA-404 Integration MOU, the Corps does preliminarily agree;

- a. alignment alternative B complies with the Section 404(b)(1) guidelines and represents the least environmentally damaging practicable alternative, and
- b. incorporation of practicable mitigation measures will allow this alternative to avoid significant degradation of the aquatic environment

At the completion of the Environmental Impact Statement process, before the Corps can issue a permit;

- a. a complete mitigation plan must be submitted to the Corps for review and approval;
- b. the Corps will review and approve all proposed designs of bridge structures, culverts, and other water crossings for conformity with 404(b)(1) guidelines;
- c. a Biological Opinion must be issued by the US Fish & Wildlife Service for the project; and
- d. water quality certification must be provided by the Regional Water Quality Control Board

As this represents a preliminary determination, the Corps reserves the right to revise this position in the event that new information is presented or compelling concerns are raised regarding the design, implementation, or effects of the proposed project.

If you have questions, please contact Cameron Johnson of our Regulatory Division at 415-503-6790. All correspondence should reference file number 248540N.

Sincerely,  
**ORIGINAL SIGNED**  
**BY**  
**JANE M. HICKS**  
**CHIEF, REGULATORY DIVISION**  
Jane Hicks  
Chief, Regulatory Division

CF:

CA RWQCB, Oakland, CA  
CA SWRCB, Sacramento, CA

Michael Kay  
PBS & J  
353 Sacramento Street, Suite 1000  
San Francisco, CA 94111



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Southwest Region  
501 West Ocean Boulevard, Suite 4200  
Long Beach, California 90802-4213

**MAY 20 2009**

In response refer to:  
2009/01732

Jeffrey G. Jensen  
Office Chief, Office of Biological Sciences and Permits  
California Department of Transportation  
P.O. Box 23660  
Oakland, California 94623-0660

Dear Mr. Jensen:

This letter is in response to your April 6, 2009, request for initiation of section 7 consultation with NOAA's National Marine Fisheries Service (NMFS), pursuant to the Endangered Species Act (ESA) and the Magnuson-Stevens Fishery Conservation and Management Act (MSA), concerning the Jepson Parkway project (Project) in Solano County, California. You have determined that the proposed project may affect, but is not likely to adversely affect Central Valley (CV) Steelhead (*Oncorhynchus mykiss*). In addition, you have determined that Alternative B is the least damaging practicable alternative under the National Environmental Policy Act (NEPA) and have requested NMFS' comments and/or agreement with this NEPA determination. The proposed project area has been designated as Essential Fish Habitat (EFH) of Pacific salmon pursuant to the MSA. This letter also serves as consultation under the authority of, and in accordance with, the provisions of the Fish and Wildlife Coordination Act of 1934 (FWCA), as amended. NMFS recognizes that the California Department of Transportation (Caltrans) is acting in conjunction with the Federal Highway Administration (FHWA) for this project and has assumed FHWA's responsibilities under Federal environmental laws as allowed by the Memorandum of Understanding between FHWA and Caltrans, which became effective on July 1, 2007.

Caltrans and FHWA propose to improve the corridor between Interstate 80 in Vacaville and State Route 12 in Suisun City. The Project involves widening from two to four lanes for the entire length of the corridor and includes improvements to (from north to south) Leisure Town Road, Vanden Road, Cement Hill Road, and Walters Road. In addition, improvements at Leisure Town Road include crossings over Alamo Creek and New Alamo Creek. The New Alamo Creek Bridge will require an extension of the existing box culvert approximately 50 feet to the west. Existing riprap within the channel will be removed and replaced around the widened pier walls. The Union Creek crossing at Vanden Road will require a raised roadway and a new two span bridge. The McCoy Creek crossing at Cement Hill Road will not require any additional work. However, the McCoy Creek crossing at Walters Road will require an extension of the existing bridge. The Walters Road crossing will require fill between the Union Pacific



Railroad and McCoy Creek with walls retaining the fill on both sides. Construction at this site will be relatively minor and include a storm drainage system to collect storm water runoff.

All proposed in-channel work at New Alamo Creek will be conducted from June 15 through September 30. New Alamo Creek is the only watershed in the project vicinity that may potentially have CV steelhead presence. The proposed project will comply with Caltrans Best Management Practices (BMPs) and a Storm Water Pollution Prevention Plan (SWPPP). A silt fence will be installed around the perimeter of the staging areas and along the slopes adjacent to the work area to prevent silt from entering the channels. In addition, high-visibility fencing will be installed around all environmentally sensitive areas to be avoided by construction activities, and shall remain on-site until the project is completed. Erosion controls will be maintained during the demolition and construction periods. Cofferdams will be placed and dewatered during bridge construction. During the dewatering period, a qualified biologist will inspect and ensure that listed anadromous fish will not be trapped within the temporary cofferdams. At the Walters Road crossing, biofiltration swales will be constructed on the sides of the road to minimize pollution in the creeks from road surface runoff.

#### ESA Section 7 Consultation

Based on our review of the material provided with your request and the best scientific and commercial information currently available, NMFS concurs that the Jepson Parkway project is not likely to adversely affect CV steelhead. NMFS has reached this determination based on the following reasons:

1. All in-channel work at New Alamo Creek will be conducted during June 15-September 30, when salmonids are not expected to be present in the action area and thus would not be exposed to the effects of the proposed construction activities. During this in-channel work window, water temperatures are generally too warm and low flows make the action area generally unsuitable for anadromous listed fish to be present during this period.
2. Protective fencing will be placed to keep construction activities and vehicles from impacting environmentally sensitive riparian vegetation adjacent to the project site.
3. A qualified biologist will monitor the dewatering of cofferdams to ensure listed salmonids will not get trapped and prevent take of CV steelhead.
4. The following mitigation measures will be incorporated into the proposed project to minimize the potential for water quality impacts that could potentially harm anadromous listed fish and their habitat:
  - The proposed action will include BMPs and SWPPP.
  - A silt fence will be installed around the perimeter of the staging areas and along the slopes adjacent to the work areas to prevent silt from entering the waterways.

- Erosion control methods will be maintained during the demolition and construction periods of the Project.
- Cofferdams will be used to dewater the work areas around the bridge piers. This will keep debris and siltation from entering the channel during construction of pier walls.
- Biofiltration swales will be constructed at the Walters Road crossing to minimize the potential of pollutants entering the creeks.

This concludes ESA consultation for the Jepson Parkway project. This concurrence does not provide incidental take authorization pursuant to section 7(b)(4) and section 7(o)(2) of the ESA. Re-initiation of the consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law), and if: (1) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not considered; (2) the action is subsequently modified in a manner that causes adverse effects to listed species or critical habitat; or (3) a new species is listed or critical habitat designated that may be affected by this action.

#### NEPA Comments

NMFS has reviewed your NEPA analysis and the information provided regarding Alternative B, and we concur that it is the least environmentally damaging practicable alternative.

#### EFH Consultation

With regards to EFH consultation, the proposed project area has been identified as EFH for Chinook salmon in Amendment 14 of the Pacific Salmon Fishery Management Plan pursuant to the MSA. Federal action agencies are mandated by the MSA (section 305(b)(2)) to consult with NMFS on all actions that may adversely affect EFH and NMFS must provide EFH conservation recommendations to those agencies (section 305(b)(4)(A)). Because the proposed action has incorporated specific measures (described above) to minimize impacts to the habitat of salmonids, NMFS has determined that the proposed project will not adversely affect EFH, and additional EFH Conservation Recommendations are not being provided at this time; however, if there is substantial revision to the action, the lead Federal agency will need to re-initiate EFH consultation.

#### Fish and Wildlife Coordination Act (FWCA)

The purpose of the FWCA is to ensure that wildlife conservation receives equal consideration, and is coordinated with other aspects of water resources development (16 U.S.C. 661). The FWCA establishes a consultation requirement for Federal departments and agencies that undertake any action that proposes to modify any stream or other body of water for any purpose, including navigation and drainage (16 U.S.C 662(a)). Consistent with this consultation requirement, NMFS provides recommendations and comments to Federal action agencies for the

purpose of conserving fish and wildlife resources. The FWCA allows the opportunity to offer recommendations for the conservation of species and habitats beyond those currently managed under the ESA and MSA. Because the proposed project is designed to avoid environmental impacts to aquatic habitat within the action area, NMFS has no additional FWCA comments to provide.

Please contact Monica Gutierrez at (916) 930-3657, or via e-mail at [Monica.Gutierrez@noaa.gov](mailto:Monica.Gutierrez@noaa.gov) if you have any questions or require additional information concerning this project.

Sincerely,

  
for Rodney R. McInnis  
Regional Administrator

cc: Copy to File ARN # 151422SWR2001SA5790  
NMFS-PRD, Long Beach, CA  
Bryant Chesney, Long Beach, CA  
Melanie Brent, P.O. Box 23360, Oakland, California 94623-0660



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

July 20, 2009

Melanie Brent  
Office of Environmental Analysis  
California Department of Transportation  
111 Grand Avenue  
P.O. Box 23660  
Oakland, CA 94623-0660

Subject: Preliminary Least Environmentally Damaging Practicable Alternative and Conceptual Mitigation Plan for the Jepson Parkway Project, Solano County, California

Dear Ms. Brent:

The Environmental Protection Agency (EPA) has reviewed the California Department of Transportation's (Caltrans') April 2, 2009 letter requesting agreement on the preliminary least environmentally damaging practicable alternative (LEDPA) and updated Conceptual Mitigation Plan (CMP), provided via email on July 1, 2009 for the Jepson Parkway Project, Solano County, California.

Caltrans' request was made pursuant to the process outlined in the *National Environmental Policy Act/Clean Water Act (CWA) Section 404 Integration Memorandum of Understanding (NEPA/404 MOU)* of April 2006. We appreciate the interagency coordination efforts by Caltrans to identify the preliminary LEDPA and prepare a CMP.

*Preliminary LEDPA*

EPA agrees that Alternative B is the preliminary LEDPA. Our agreement is based on the information contained in the Draft Environmental Impact Statement (DEIS), information provided in a November 20, 2008 meeting at the Solano Transportation Authority (STA) offices, and information provided in the referenced letters and subsequent email correspondence. According to the U.S. Army Corps of Engineers' preliminary jurisdictional determination, this alternative would impact 5.34 acres of jurisdictional waters of the U.S., including 2.93 acres of wetlands. The July 1, 2009 email from Pat Gelb of PBS&J that included the updated CMP stated that recent efforts to refine the proposed project have resulted in a reduction of potential impacts to 4.92 acres of jurisdictional waters of the U.S., including 2.51 acres of wetlands. Should additional information become available or significant time elapse prior to CWA Section 404 permitting, our agency may revisit this agreement point.

*Conceptual Mitigation Plan*

EPA has reviewed the current draft of the CMP, transmitted via email on July 1, 2009. The CMP states Caltrans' and STA's intent to purchase credits at mitigation banks for mitigation of impacts to wetlands and waters, as well as impacts to listed species. We have also had ongoing correspondence regarding mitigation ratios and impacts to the Strassberger property with Caltrans and PBS&J staff. Based on these conversations and the information available at this time, EPA agrees with the CMP.

Thank you for the opportunity to provide these comments. EPA will also provide comments on the Final EIS pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. If you have any questions, please contact Carolyn Mulvihill of my staff at (415) 947-3554 or mulvihill.carolyn@epa.gov, or Jason Brush of EPA's Wetlands Regulatory Office at 415-972-3483 or brush.jason@epa.gov.

Sincerely,



*KMG*

Kathleen M. Goforth, Manager  
Environmental Review Office (CED-2)

cc: Cameron Johnson, Army Corps of Engineers  
Janet Adams, Solano Transportation Authority  
Michelle Tovar, U.S. Fish and Wildlife Service  
Doug Hampton, NOAA Fisheries