
3.0 COMMENTS AND COORDINATION

3.1 DOCUMENT COORDINATION

Early and continuing coordination with the general public and appropriate public agencies is an essential part of the environmental process. It helps Caltrans determine the necessary scope of environmental documentation, the level of analysis required, potential impacts, and mitigation measures as a result of project implementation, and related environmental requirements. Agency consultation for the proposed project has been accomplished through a variety of formal and informal methods, including Project Development Team (PDT) meetings and interagency coordination meetings. This chapter summarizes the results of Caltrans' efforts to fully identify, address, and resolve project-related issues through early and continuing coordination.

3.1.1 CONSULTATION AND COORDINATION WITH PUBLIC AGENCIES

PROJECT DEVELOPMENT TEAM

Regular PDT meetings provided the forum for coordination, issue resolution, and information feedback between Caltrans and Solano Transportation Authority (STA).

PDT meetings began in March 2012 at the onset of the project with Caltrans. The PDT represents various fields of expertise, including design, environmental review, traffic operations, and project management. Accordingly, the PDT convened to review the project status, address issues as they arose, and provide overall direction throughout the project development process.

AGENCY CONSULTATION

In addition to the PDT meetings, there were several other public agencies involved in environmental clearance and permitting of the Build Alternative. These agencies include the U.S. Army Corps of Engineer (USACE), U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), State Water Resources Control Board (SWRCB), State Historic Preservation Officer (SHPO), and the Metropolitan Transportation Commission (MTC) Air Quality Conformity Task Force/Federal Highway Administration (FHWA).

Caltrans initiates consultation with USFWS when a project has the potential to affect a federally listed species. As discussed in **Section 2.3, Biological Environment**, Caltrans determined that the project is likely to adversely affect California red-legged frog. Formal consultation with USFWS under the Federal Endangered Species Act was initiated with the submission of a Biological

Assessment (BA) prepared for the project on March 20, 2015. A Biological Opinion (BO) was obtained from the USFWS on August 17, 2015.

Caltrans also initiates consultation with the National Marine Fisheries Service (NMFS) when a project has the potential to affect a federally-listed anadromous fish species or adversely affect designated critical habitat. Although the project would not affect habitat for central California coast DPS steelhead and Central Valley steelhead, federally-listed anadromous fish, it may affect, but is not likely to adversely affect these species. As the project has the potential to affect Central Valley steelhead and Central California Coast steelhead, federally listed anadromous fish, informal consultation with the NMFS was initiated in March 2015 with the submission of a BA prepared for the project. The NMFS agreed that because the project did not propose pile driving, there would be no likely impacts to the Central Valley steelhead and Central California Coast steelhead. Accordingly, NMFS agreed that under the Programmatic Biological Opinion for Caltrans' Routine Maintenance and Repair Activities Program in Caltrans' Districts 1, 2, and 4 issued to Caltrans by NOAA, the project is covered under Category 3. As such, no further opinion was needed.

A Section 404 permit is necessary when a project will result in fill to waters under USACE jurisdiction. A preliminary jurisdictional delineation was submitted to USACE for verification on October 29, 2014. A wetland verification site visit will be conducted during the plan, specification, and estimate (PS&E) phase of the project. The Build Alternative would result in permanent and temporary effects to wetland and water features within the Caltrans right-of-way. A Section 404 permit would be required for the Build Alternative.

A Section 401 Water Quality Certification is necessary when a project requires a Section 404 permit from the USACE, and under other special circumstances. Because the Build Alternative would require a 404 permit, a 401 Water Quality Certification from RWQCB would also be required. .

A Section 1602 Lake or Streambed Alteration Agreement with CDFW is necessary when a project will alter the flow, bed, channel, or bank of a stream or lake. The East Segment would result in work within the channel of Ulatis Creek and Horse Creek. Therefore, a Section 1602 permit would be required. No work resulting in the alteration of a stream or lake is anticipated within the West Segment of the Build Alternative.

Caltrans initiated consultation with the California State Historic Preservation Officer (SHPO) on May 12, 2015 in a letter stating that the project would not have any adverse effects to state-owned archaeological sites, landscaped, or non-structural resources that meet the National Register and/or California Historical Landmarks eligibility criteria. SHPO issued a letter of concurrence to this finding on July 2, 2015 (see **Appendix M**). The Build Alternative has established Environmentally Sensitive Area (ESA) and Testing/Treatment plans to protect known cultural resources within the APE (see **Section 2.1.9, Cultural Resources**). These plans will be filed with SHPO for concurrence with the protective measures. Issuance of a Finding of No Adverse Effect is dependent on the results of the planned subsurface testing during project construction. Pending their review and approval of completed construction phase testing, SHPO will issue a letter of concurrence for the Finding of No Adverse Effect if no resources are discovered. If resources are

discovered during the construction phase subsurface testing, additional protective and/or avoidance plans would be prepared and submitted to SHPO for concurrence.

A qualitative particulate matter (PM) analysis is required under the United States Environmental Protection Agency (U.S. EPA) Transportation Conformity rule for projects of air quality concern (POAQC). On March 10, 2006, the U.S. EPA published a final rule that establishes the transportation conformity criteria and procedures for determining which transportation projects must be analyzed for local air quality impacts. MTC's Air Quality Conformity Task Force (AQCTF) met on September 25, 2012 as part of interagency consultation for the Build Alternative and took action to conclude that the Build Alternative was not a POAQC.

The proposed project is listed in the 2013 Plan Bay Area financially constrained Regional Transportation Plan (RTP) which was found to conform by MTC on July 18, 2013, and FHWA and FTA made a regional conformity determination finding on August 12, 2013. The project is also included in MTC's financially constrained 2013 Regional Transportation Improvement Program (RTIP), page S3-263 (RTP Reference No. 230659 and 230660 and TIP ID SOL110001¹). The MTC 2015 RTIP was determined to conform by FHWA and FTA on December 15, 2014. The design concept and scope of the proposed project is consistent with the project description in the 2013 RTP, 2015 RTIP, and the open to traffic assumptions of the MTC's regional emissions analysis. An Air Quality Report, AQCTF Meeting Summary, RTP and TIP listings, Air Quality Conformity Checklist, and public announcements were submitted to the FHWA for review on August 26, 2015. Concurrence on the project-level air quality conformity was received from FHWA on September 22, 2015.

OLEANDER REMOVAL IN THE CITY OF VACAVILLE

Oleander removal is required as part of this project as described in **Section 2.1.8, Visual/Aesthetics**. On January 17, 2014, Caltrans staff met with the City of Vacaville to better understand the City's position on median oleander preservation, as indicated in the City of Vacaville's City Gateways Plan, which specifically recognizes the aesthetic importance of the oleanders in the I-80 highway median and calls for them to be maintained and enhanced whenever possible. As a result of the meeting, it was determined that the viewer response from the community would likely be mixed in that some drivers may respond negatively to the removal of the ornamental plantings, while others may not. Businesses along the freeway would likely respond positively to the oleander removal, as it would improve visibility of their businesses from the freeway.

The environmental document describes the project and any changes to the existing visual character and resources within the project area including the removal of oleanders (see **Section 2.1.8, Visual/Aesthetics**). Viewer groups (i.e., neighbors and motorists) within the City of Vacaville were assigned a high sensitivity to the changes within the city limits due to the local value placed on the median oleanders. Overall, implementation of the Build Alternative would result in changes to the

¹ The project was originally listed under the two TIP numbers SOL110001 and SOL110002 (relative to the East and West Segments). TIP Amendment No. 2013-16 combined the two segments under one TIP ID SOL110001, and reprogrammed the funding sources and phases.

existing visual environment. The changes would be more evident in the East Segment where roadway widening and vegetation removal would be required to accommodate new express lanes. However, the avoidance and minimization measures listed in **Section 2.1.8 (VIS-1 through VIS-6)**, which include replacement planting, would reduce the project's visual impact. As a result, the project would not substantially alter scenic vistas or scenic resources, and would not substantially degrade the existing visual character or quality of the area.

Community input was solicited during the 30-day public reviewing period of this IS/EA, from July 20, 2015 to August 18, 2015. . Members of the community had an opportunity to provide written comments or concerns during the review period. Members of the community also had an opportunity to provide comments during the public open forum that was held on August 4, 2015 (see **Section 3.1.2, Public Participation** below). The City of Vacaville was also welcomed to provide further comments during this time. No comments from either the City or members of the community regarding the removal of oleanders were received.

3.1.2 PUBLIC PARTICIPATION

NOTICE OF AVAILABILITY OF THE DRAFT ENVIRONMENTAL DOCUMENT

A Notice of Availability was circulated to the project mailing list and to the various parties listed on the distribution list (see **Chapter 5.0, Distribution List**). The notice provided information on the project including, a summary of the proposed improvements, where the environmental document could be reviewed, the address to where comments could be sent, and the closing date of the comment period. Two comments in total were received during the 30-day comment period and are included in **Section 3.2 Comments and Response to Comments** of this IS/EA.

The following methods were used to notify the public:

Newspaper advertisements: Quarter-page advertisements were placed in two local newspapers. The same newspaper advertisement ran in the Fairfield Daily Republic on July 21, 2015 and the Vacaville Reporter on July 19, 2015. The newspaper advertisements announced the availability of the draft IS/EA for review and the upcoming public open forum hearing that would be held on August 4, 2015.

Corridor Mailing: Informational mailers were sent to owners and residents of all properties within the first and second rows of land parcels adjacent to the project corridor. Approximately 1,000 mailers were mailed via US postal Service First Class Mail. The mailer contained a sentence in Spanish that directed all Spanish readers to the project website, where a Spanish version of the mailer was posted.

Website: The Caltrans website posted, for public review, the IS/EA and Appendices (<http://www.dot.ca.gov/dist4/envdocs.htm>). The same information was also posted on the Solano County Transportation Authority website (http://www.sta.ca.gov/Content/10081/Interstate_Highway_Projects.html#i80express) and the MTC website (<http://bayareaexpresslanes.org/announcements/>).

Officials/Stakeholder Notification: The project team invited the following government officials and community stakeholders to comment on the draft IS/EA:

- State and Federal Representatives
- Vacaville and Fairfield City Council Members
- Chambers of Commerce
- Business Associations
- Environmental Groups
- Libraries

The document was available for public review at the Caltrans District 4 Office, the Solano Transportation Authority Office, the Vacaville Public Library – Cultural Center, and the Fairfield Civic Center Library for public review.

PUBLIC OPEN FORUM HEARING

A public open forum hearing was held from 6:00 pm to 8:00 pm on August 4, 2015 during the 30-day review period of the IS/EA document. The intent of the public forum was to solicit comments and receive input from the public and agencies on the environmental analyses and conclusions presented in the IS/EA, including the noise study report. The public open forum hearing was held in Conference Room B of the Solano County Events Center at 601 Texas Street, Fairfield, California. The hearing utilized an open forum format, and six members of the public attended. One comment was submitted in writing during the hearing. Comments were taken into consideration during preparation of this final IS/EA document.

3.1.3 NATIVE AMERICAN CONSULTATION

Sacred Lands File searches by the Native American Heritage Commission (NAHC) were conducted in January 2012 and April 2013 and determined that no recorded resources are known within or near the project APE. At that time, letters were sent to interested Native American groups. In May 2013 additional consultation of the current project was sent to these same parties.

One response was received from Mr. James Sarmiento, Cultural Resources Manager, Yocha Dehe Wintun Nation. Mr. Sarmiento indicated in his response letter that the project is within the aboriginal territories of the Yocha Dehe Wintun Nation and that the tribe has concerns that the project may have the potential to impact undiscovered cultural concerns. A site visit with the tribe was requested to be scheduled prior to construction activities.

As discussed in **Section 2.1.9, Cultural Resources, Measure CUL-2**, if human remains are discovered and thought to be Native American, the coroner will notify the NAHC who will then notify the Most Likely Descendent (MLD). The person who discovered the remains will contact District 4 Environmental Branch so that they may work with the MLD on the respectful treatment and disposition of the remains.

3.2 COMMENTS AND RESPONSE TO COMMENTS

This section provides responses for comments received during the public review period for the draft IS/EA. Included are copies of all comment letters received up to the end of the public review period. No comments were received after the public review period. Only two comments were received and they are attached in order of receipt. **Table 3.2-1** indexes all comments received.

Table 3.2-1 Index of Comments

ID	Date of Comment	Commenter
C-1	August 4, 2015	Carolyn Burke (member of the community)
C-2	August 10, 2015	Department of Water Resources

Source: Circlepoint, 2015



I-80 Express Lanes Project Public Comment Form

Comment forms may be returned today or mailed/e-mailed to the address below. Comments must be received no later than 5:00 p.m. on August 18, 2015.

Caltrans District 4
 Attn: Zachary Gifford
 111 Grand Avenue, Mail Station 8B
 Oakland, CA 94612
 E-mail to: zachary.gifford@dot.ca.gov

Name: CAROLYN BURKE-PARK VILLAS ASSN **Date:** 8-4-2015

Affiliation (if applicable): PRESIDENT OF ASSN Bd of Mgr

Address: 318 CREEKVIEW CT, VACAVILLE, CA 95688

E-mail: CBURKE2002@AOL.COM

Comments:

THE ADDITIONAL ON-RAMP LANE BEHIND OUR FENCE
IS NOW SO CLOSE (2 1/2 FT) THAT MOTOR NOISE MAY
SURPASS THE 67 DEGREE LEVEL. ESPECIALLY WHEN
THE METERING LIGHTS ARE TURNED ON. THE TEST
HAS BEEN SHOWING 65 DEGREE AND WE REQUEST A
NEW TEST WHEN THE HOV & METER LIGHTS ARE OPERATIONAL

Please continue on back if necessary.

3.2.2 RESPONSE TO COMMENT LETTER C-1: CAROLYN BURKE

A detailed Noise Study Report was conducted for this project that evaluated existing and future noise levels with and without the project. **Appendix G** shows the locations of the noise receptors studied. The traffic noise modeling completed to establish existing, future no-build, and future build conditions (with the additional on-ramp lane from Merchant Street to Westbound I-80) assumed free-flowing traffic conditions in order to calculate the loudest hour noise levels at receptors. Noise levels are expressed in terms of the A-weighted decibel (dBA) and the one-hour equivalent sound level (Leq). The loudest hour noise levels calculated at the receptor position in question (see R-39a in **Appendix G**) were 64 dBA Leq for existing conditions and 65 dBA Leq for future no-build and future build conditions. The predicted noise levels were below the Noise Abatement Criterion of 67 dBA Leq for Category B residential land uses. A common misconception is that the loudest hour occurs during the AM or PM peak traffic hour, when traffic volumes exceed capacity condition and HOV lanes and metering lights would typically be most used. However, congestion results in much slower speeds along the mainline and ramps, which substantially reduces traffic noise levels at adjacent receptors. Additional tests during time periods when HOV lanes and metering lights are operational would not be warranted because noise levels would be expected to be less than the loudest hour noise levels calculated assuming that traffic would be freely flowing.

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791



August 10, 2015

Zachary Gifford
Office of Environmental Analysis, MS-8B
Department of Transportation, District 4
111 Grand Avenue
Oakland, California 94612

Initial Study and Mitigated Negative Declaration, I-80 Express Lanes Project, City of
Fairfield, Solano County, Near Milepost 17.0, Delta Field Division, SCH2015072037

Dear Mr. Gifford:

Thank you for the opportunity to review and comment on the I-80 Express Lanes Project (Project) Initial Study and Mitigated Negative Declaration (IS). The IS describes the proposal by the California Department of Transportation to provide High Occupancy Vehicle (HOV)/High Occupancy Toll lanes in both the westbound and eastbound direction of Interstate 80 from West of Red Top Road to east of Interstate 505 in Solano County. The Project would construct express lanes in the Interstate 80 (I-80) corridor through conversion of existing HOV lanes and highway widening for the new express lanes.

The North Bay Aqueduct (NBA) of the California Department of Water Resources, situated along the Fairfield Linear Park, crosses I-80 to the east of West Texas Street in the city of Fairfield. The vicinity where NBA crosses I-80 east of West Texas Street is within the boundary of the Project. Any construction activity in the vicinity of NBA may require an encroachment permit issued by DWR. Information regarding regulations and forms for submitting an application for an encroachment permit to DWR can be found at:

http://www.water.ca.gov/engineering/Services/Real_Estate/Encroach_Rel/

Please provide DWR with a copy of any subsequent environmental documentation when it becomes available for public review. Any future correspondence relating to this proposed project shall be sent to:

Leroy Ellinghouse, Chief
SWP Encroachments Section
Division of Operations and Maintenance
Department of Water Resources
1416 Ninth Street, Room 641-2
Sacramento, California 95814

Zachary Gifford
August 10, 2015
Page 2

If you have any questions, please contact Leroy Ellinghouse, Chief of the SWP Encroachments Section, at (916) 659-7168 or Jonathan Canuela at (916) 653-5095.

Sincerely,



David M. Samson, Chief
State Water Project Operations Support Office
Division of Operations and Maintenance

cc: State Clearinghouse
Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, California 95814

3.2.3 RESPONSE TO COMMENT LETTER C-2: DEPARTMENT OF WATER RESOURCES

The project will obtain all appropriate permits prior to construction. Should the project result in any construction activity in the vicinity of the North Bay Aqueduct (NBA), it will be determined if an encroachment permit issued by the Department of Water Resources (DWR) is necessary. If it is determined that an encroachment permit is needed, the project will follow the regulations and guidance for submitting an encroachment permit application found at:

http://www.water.ca.gov/engineering/Services/Real_Estate/Encroach_Rel/

A copy of the final IS/EA will be provided to the DWR once it becomes available for public review.