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, Solano Transportation Authority (STA), Solano County, Cities of Fairfield, Vacaville, and Sunol, and other interested agencies.

PDT meetings have occurred regularly since March 2012, and will continue to occur throughout the remainder of the environmental and project approval process. The PDT represents various fields of expertise, including design, environmental review, traffic operations, and project management. Accordingly, the PDT convenes to review the project status, address issues as they arise, and provide overall direction throughout the project development process.

AGENCY CONSULTATION

In addition to the PDT meetings, there are 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 has determined that the project is likely to adversely affect California red-legged frog. Formal consultation with USFWS
under the Federal Endangered Species Act will be initiated with the submission of a Biological Assessment (BA) prepared for the project. A Biological Opinion (BO) will be obtained from the USFWS prior to project approval.

Caltrans also initiates consultation with the NMFS when a project has the potential to affect a federally-listed anadromous fish species or adversely affect designated critical habitat. As the project has the potential to affect habitat for central California coast DPS steelhead and Central Valley steelhead, federally-listed anadromous fish, consultation with the NMFS will be initiated with the submission of a BA prepared for the project. To date, no consultation, either formal or informal, has been initiated with NMFS for this project.

A Section 404 permit is necessary when a project will result in fill to waters under USACE jurisdiction. A preliminary jurisdictional delineation of these resources will be completed and submitted to USACE for verification. 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 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.

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 response 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 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.

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 reprogramed the funding sources and phases.
Community input will be received during the 30-day public reviewing period of this IS/EA. Members of the community will have an opportunity to provide written comments or concerns during the review period, or may also provide comments during the public hearing that is scheduled for August 4, 2015 (see Section 3.1.2, Public Participation below). The City of Vacaville can also provide further comments during this time.

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 can be reviewed, the address to where comments can be sent, and the close of the comment period.

PUBLIC MEETINGS

A public meeting will be held on August 4, 2015 during the 30-day review period of this Initial Study (IS)/Environmental Assessment (EA) document. The intent of the public meeting is to solicit comments and receive input from the public and agencies on the environmental analyses and conclusions presented in the environmental document. Comments will be taken into consideration for preparation of the 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 Sarmento, Cultural Resources Manager, Yocha Dehe Wintun Nation. Mr. Sarmento 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.