

# Appendix A Coordination and Consultation

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1. NEPA/404 Concurrence Letters
2. State Historic Preservation Office (SHPO) Letters
3. USFWS Coordination for Special Status Species
4. USACE Wetland Delineation Verification



REPLY TO  
ATTENTION OF

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

MAR 29 2004

MAR 9 2004

March 19, 2004

MAR 9 2004

Regulatory Branch (200100692)

Carolyn Deirksen  
California Department of Transportation  
District 3  
P.O. Box 911  
Marysville, California 95901

Dear Mrs. Deirksen:

We are responding to your agency's request for an approved jurisdictional determination for the Ophir Road State Route 70 Freeway Extension Project. This project site is located on State Route 70 in the City of Oroville, in Sections 24, 25, 30, 31 and 36, Townships 18, 19 North, Range 3 East, **MDB&M**, in Butte County, California.

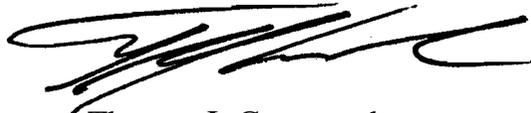
Based on available information, we concur with the estimate of waters of the United States, as depicted in the revised wetland delineation dated September 29, 2003, which included aerial photos, a summary table and the design layout for the proposed project. Approximately 3.75 acres of waters of the United States, including wetlands, are present within the survey area. These waters are regulated under Section 404 of the Clean Water Act since they are tributary to the Feather River in accordance with 33 CFR 328.3 (a)(5).

The water identified as **#18**, wet meadow (0.39-acre), on the above summary table and photos is an intrastate isolated water with no apparent interstate or foreign commerce connection. As such, this water is not currently regulated by the Corps of Engineers. This disclaimer of jurisdiction is only for Section 404 of the Federal Clean Water Act. Other Federal, State, and local laws may apply to your activities. In particular, you may need authorization from the Regional Water Quality Control Board under the Porter-Cologne Water Quality Control Act.

This verification is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. A **Notification of Administrative Appeal Options and Process and Request for Appeal** form is enclosed. If you wish to appeal this approved jurisdictional determination, please follow the procedures on the form. You should provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

Please refer to identification number 200100692 in any correspondence concerning this project. If you have any questions, please contact Ms. Laura Whitney at our Sacramento Valley Office, 1325 J Street, Room 1480, Sacramento, California 95814-2922, email [Laura.A.Whitney@usace.army.mil](mailto:Laura.A.Whitney@usace.army.mil), or telephone 916-557-7455. You may also use the Regulatory Permits link on our website: [www.spk.usace.army.mil](http://www.spk.usace.army.mil).

Sincerely,



Thomas J. Cavanaugh  
Chief, Sacramento Valley Office

Enclosures

Copies furnished without enclosure:

Nancy Levin, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street,  
San Francisco, California 94105-3901

Jerry Beifeldt, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room W-2605,  
Sacramento, California 95825-1846

Andy Newsum, Butte County Association of Governments, 965 Fir Street, Chico,  
California 95928

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS  
AND REQUEST FOR APPEAL**

Applicant:	File Number: 200100692	Date: March 19, 2004
Attached is:	See Section below	
INITIAL PROFFERED PERMIT (STANDARD PERMIT OR LETTER OF PERMISSION)	A	
PROFFERED PERMIT (STANDARD PERMIT OR LETTER OF PERMISSION)	B	
PERMIT DENIAL	C	
APPROVED JURISDICTIONAL DETERMINATION	D	
PRELIMINARY JURISDICTIONAL DETERMINATION	E	

**SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cecewo/reg> or Corps regulations 33 CFR Part 331.**

**A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.**

**ACCEPT:** If you received a Standard Permit, you may sign the permit document and **return** it to the **District** Engineer for **final** authorization. **If you** received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or **acceptance** of the LOP means that you accept the permit in its entirety, and waive **all** rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

**OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be **modified** accordingly. You must complete Section **II** of this form and **return** the form to the District Engineer. The District Engineer must **receive your** objections within **60** days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of **your** letter, the **District** Engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to **address** some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. **After evaluating** your objections, the District Engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT: You may accept or appeal the permit**

**ACCEPT:** If you received a Standard Permit, you may sign the permit document and **return** it to the District Engineer for final authorization. **If you** received a **Letter** of Permission (LOP), you may **accept** the LOP and your work is authorized. Your signature on the Standard Permit or **acceptance** of the LOP means that you accept the permit in its entirety, and waive **all** rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

**APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section **II** of this form and sending the **form to the** Division (not District) Engineer (address on reverse). The Division Engineer must receive this **form within 60** days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section **II** of this form and sending the form to the Division (not District) Engineer (address on reverse). The Division Engineer must receive this form **within 60** days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.**

**ACCEPT:** You do not need to notify the Corps to accept an **approved** JD. Failure to notify the Corps within **60** days of the date of this notice **means** that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.

**APPEAL:** If you disagree with the approved JD, you may appeal the **approved** JD under the Corps of Engineers Administrative Appeal Process by completing Section **II** of this **form** and sending the form to the Division (not **District**) Engineer. The Division Engineer must receive this **within 60** days of the date of this notice. Exception: JD appeals based on new information must be submitted to the District Engineer within **60** days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the **Corps** district for further information. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL OR OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

TO: \_\_\_\_\_  
 FROM: \_\_\_\_\_  
 SUBJECT: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 BY: \_\_\_\_\_  
 TITLE: \_\_\_\_\_  
 YOU HAVE \_\_\_\_\_  
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 THIS \_\_\_\_\_  
 TO \_\_\_\_\_  
 BY \_\_\_\_\_  
 APP \_\_\_\_\_

**ADDITIONAL INFORMATION:** (The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.)

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:  
 District Engineer  
 US Army Corps of Engineers, Sacramento District, CESPK-CO-R  
 ATTN: Regulatory Branch, Laura Whitney  
 1325 J Street, Sacramento, CA 95814-2922 (916-557-5250)  
 (Use this address for submittals to the District Engineer)

If you only have questions regarding the appeal process you may also contact:  
 Division Engineer  
 US Army Corps of Engineers, South Pacific Division, CESPDM-CM-O  
 ATTN: Doug Pomeroy, Administrative Appeal Review Officer  
 333 Market Street, San Francisco, CA 94105 (415-977-8035)  
 (Use this address for submittals to the Division Engineer.)

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

_____ Signature of Appellant or Agent	Date	Telephone Number
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

RECEIVED

OCT 16 2002

CALTRANS OEM, M-3

September 25, 2002

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

Dear Mr. Ritchie:

Thank you for your letter of July 23, 2002 regarding the Proposed Improvement of State Route (SR) 70 in and near **Oroville** in Butte County, California (Ophir Road project). This proposed project would upgrade a three-mile section of SR 70 from north of Palermo Road to south of SR 162, with an interchange at **Ophir** Road and an overpass at Georgia Pacific Way. Pursuant to the National Environmental Policy Act/Clean Water Act Section 404 Integration Process Memorandum of Understanding (NEPA/404 MOU), the Federal Highway Administration (FHWA) requested EPA's concurrence on purpose and need, and range of alternatives in a letter dated February 6, 2002. FHWA also requested EPA's concurrence on the criteria for selection of alternatives in a letter dated September 13, 2002. This letter responds to both requests for concurrence.

Purpose and Need

Upon review of the February 6, 2002 request, EPA identified several concerns about the relationship between the **Ophir** Road project and the SR 70 **Marysville** to **Oroville** Freeway project (**Marysville** Bypass), which is undergoing a separate NEPA/404 review. We had several discussions with Caltrans on the issue. EPA requested additional information in a March 22, 2002 letter to Caltrans and FHWA, and Caltrans responded to EPA in a letter dated April 5, 2002. After reviewing this additional information, EPA sent a letter of non-concurrence on the purpose and need for the proposed project to FHWA on April 29, 2002 (attached). Our non-concurrence was based on the scope of the action and because the **Ophir** Road project appeared to be a connected action (40 CFR Section 1508.25) with the **Marysville** Bypass.

Your letter of July 23, 2002 provided additional information supporting the independent utility of the **Ophir** Road project. It appears from your letter that the **Ophir** Road project responds primarily to a need to increase safety at the **Ophir** Road intersection. We understand from your letter and several discussions with your staff that: 1) increasing the capacity of the roadway to four lanes in the project area is necessary for safety; and 2) the **Ophir** Road project is a stand-alone project that does not depend on the **Marysville** Bypass for its justification, nor does it affect alternatives under consideration for the **Marysville** Bypass. Based on this information, EPA concurs with the purpose and need for the project.

### Criteria for Alternative Selection

The criteria for alternative selection are used to **determine** the range of "reasonable" (40 CFR Section 1502.14) and "**practicable**" (40 CFR Part 230.10(a)) alternatives. EPA concurs with the criteria for alternative selection presented in the FHWA letter dated September 13, 2000.

### Range of Alternatives

After reviewing FHWA's information on the range of alternatives, EPA expressed a concern to FHWA that the median width of the proposed alternatives appeared to assume the construction of the Marysville Bypass. Since Ophir Road is a stand-alone project, EPA requested that FHWA include an alternative that assumes the Marysville Bypass is not built.

In response, FHWA staff explained that the Marysville Bypass has no bearing on the proposed alternatives for the Ophir Road project. FHWA staff also explained that the 72-foot median is standard for the proposed facility, and that it would not be reasonable to consider narrowing the median. Based on this information, it is our understanding that the identified alternatives for the **Ophir** Road project would not change even if the Marysville Bypass were not built. Therefore, EPA concurs with the range of alternatives.

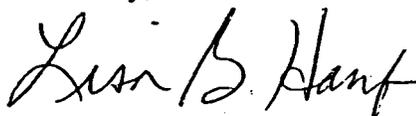
### Environmental Assessment

The Ophir Road project intersects with the northern terminus of the proposed **Marysville** Bypass. Together, the two projects would increase **capacity between** Marysville and **Oroville**. Given the proximity of the **Ophir** Road and Marysville Bypass projects, EPA strongly recommends that the draft environmental document for the Ophir Road project contain a thorough analysis of the potential impacts of the Marysville Bypass project as part of the cumulative impacts section. FHWA should use all available information on the proposed Marysville Bypass in the cumulative impacts analysis of the Ophir Road project.

The February 6, 2002 request for concurrence stated that FHWA planned to prepare a Draft Environmental Impact Statement (**DEIS**) for the **Ophir** Road project. Based on recent **correspondence**, it appears that FHWA has instead chosen to prepare an Environmental Assessment (EA) for this project. If an EA is prepared, it should clearly document that the adverse environmental impacts expected to occur as a result of the project will not be "significant" (40 **CFR** Section 1508.13). If the impacts are determined to be significant, a DEIS should be prepared.

We appreciate **FHWA's** and **Caltrans'** responsiveness to our questions and concerns, **and** we look forward to reviewing the draft environmental document. If you have any questions, **you** can contact Nancy Levin, the principal **NEPA** reviewer on this project at 415-972-3848 or [levin.nancy@epa.gov](mailto:levin.nancy@epa.gov); or I can be reached at 415-972-3854.

Sincerely,



Lisa B. Hanf, Manager  
Federal Activities Office

Enclosure

cc. **R.C. Slovensky, Federal Highway Administration**  
**Carolyn Dierksen, Caltrans District 3**  
**Jerry Bielfeldt, U.S. Fish and Wildlife Service**  
**Michael Aceituno, National Marine Fisheries Service**  
**Mike Kelly, U.S. Army Corps of Engineers**  
**Andy Newsum, Butte County Association of Governments**



# 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 2880

September 17, 2002

Mr. Gary N. Hamby  
Division Administrator - California Division  
Federal Highway Administration  
980 Ninth Street, Suite 400  
Sacramento, California 95814-2724

Dear Mr. Hamby:

This letter is in response to a February 6, 2002, Federal Highway Administration (FHWA) request for U.S. Fish and Wildlife Service (Service) concurrence with the Statement of Purpose and Need, and the Range of Alternatives to be included in the Draft Environmental Impact Statement/Environmental Impact Report (DEIS/EIR) for the State Route (SR) 70 Improvement Project in Butte County, California. Our response is made pursuant to the 1994 Memorandum of Understanding on the Integration of the National Environmental Policy Act and Clean Water Act Section 404 procedures for Surface Transportation Projects (NEPA/404) and is not intended to take the place of any formal comments that may be required under the Fish and Wildlife Coordination Act or the Endangered Species Act of 1973, as amended.

The FHWA, in association with the California Department of Transportation (Caltrans) and Butte County Association of Governments, is proposing to upgrade, to highway status, a three mile segment of SR 70 in the vicinity of Oroville. The proposed project includes: 1) expansion of the existing two lane facility into a four lane facility, 2) construction/realignment of frontage roads, and 3) construction of an interchange and overpass. The alternative development process is focusing on the siting of the proposed interchange.

We have reviewed the information provided and concur with the Purpose and Need Statement and the Range of Alternatives to be included in the DEIS/EIR.

Thank you for the opportunity to comment. If you have any questions, please contact Jerry Bielfeldt (Watershed Planning Branch) in the Sacramento Fish and Wildlife Office at (916) 414-6584.

Sincerely,

David L. Harlow  
Acting Field Supervisor

cc:  
AES, Portland, OR  
Caltrans, Sacramento, CA  
EPA, San Francisco, CA  
NMFS, Sacramento, CA  
ACOE, Sacramento, CA  
CDFG, Region II, Rancho Cordova, CA  
BCAG, Chico, CA



# 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 2880

September 24, 2002

Mr. Gary N. Hamby  
Division Administrator - California Division  
Federal Highway Administration  
980 Ninth Street, Suite 400  
Sacramento, California 95814-2724

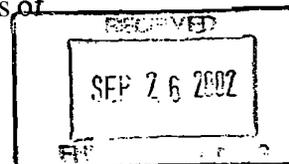
Dear Mr. Hamby:

This letter is in response to a September 13, 2002, Federal Highway Administration (FHWA) request for U.S. Fish and Wildlife Service (Service) concurrence with selection criteria to be used in the alternative selection process of the **Draft Environmental Impact Statement/Environmental Impact Report (DEIS/EIR)** for the State Route (SR) 70 Improvement Project in Butte County, California. Our response is made pursuant to the 1994 Memorandum of Understanding on the National Environmental Policy Act and Clean Water Act Section 404 **Integration** Process for Surface Transportation Projects (NEPA/404) and is not intended to take the place of any formal comments that may be required under the Fish and Wildlife Coordination Act or the Endangered Species Act of 1973, as amended.

The FHWA, in association with the California Department of Transportation (Caltrans) and Butte County Association of Governments, is proposing to upgrade, to highway status, a three mile **segment** of SR 70 in the vicinity of **Oroville**. The proposed project includes: 1) expansion of the existing **two** lane facility into a four lane facility, 2) **construction/realignment of frontage** roads, and 3) construction of an interchange and overpass. The alternative development process is focusing on the siting of the proposed interchange.

The FHWA has proposed the following selection criteria:

- Correct existing safety issues at intersections and driveways
- Maintain minimum Level of Service C throughout the project area through the year 2025
- Bring a portion of the facility up to the route concept by **extending the existing** four-lane freeway section southerly.
- Meet long-range interregional transportation planning goals by facilitating commuter, commercial and recreational travel.
- Minimize impacts to wetlands and other regulated waters and achieve no net loss of wetlands.



- Construct facility to current design standards and design criteria.
- Minimize impacts to listed species and other sensitive biological resources.
- Minimize impacts to agricultural lands.
- Minimize impacts to historic and archaeologically significant sites.
- Minimize displacement of existing residences and businesses.
- Minimize out-of-direction travel.
- Obtain access control.
- Maintain reasonable access to existing residences and businesses.
- Minimize construction and facility operation costs.

The Service recommends modification of two selection criteria in order to be consistent with the Clean Water Act, the Endangered Species Act and Council on **Environmental** Quality (CEQ) regulations for implementing NEPA. Furthermore, the Service's mitigation policy supports the CEQ regulations for implementing NEPA which defines mitigation as: 1) avoiding the impact; 2) minimizing the impact; 3) rectifying the impact; 4) reducing or eliminating the impact over time; and 5) compensating for impacts. The Service supports and has adopted this definition of mitigation and considers the specific elements to represent the desirable sequence of steps in the mitigation planning process.

Accordingly, we recommend the following modified selection criteria:

- (1) **Modify selection criterion number 5 to read, "Avoid impacts to wetlands and other regulated waters and achieve no net loss of wetlands."**
- (2) **Modify selection criterion number 7 to read, "Avoid or minimize adverse effects to listed species."**

We also recommend addition of the following selection criterion:

- (3) **Avoid or minimize, to the extent practicable, impacts to non-listed sensitive biological resources.**

With the adoption of these recommended changes, the Service concurs with the proposed selection criteria. Thank you for the opportunity to comment. If you have any questions, please contact Jerry Bielfeldt (Watershed Planning Branch) in the Sacramento Fish and Wildlife Office at (916) 414-6584.

Sincerely,



David L. Harlow  
Acting Field Supervisor



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

September 24, 2002

**In Reply Refer To:**  
**SWR-02-SA-6179:FKF**

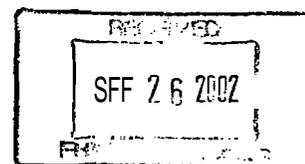
Michael G. Ritchie  
Division Administrator  
U.S. Department of Transportation  
Federal Highway Administration  
980 Ninth Street, Suite 400  
Sacramento, CA 95814

Dear Mr. Ritchie:

This letter is in response to your request for concurrence on the purpose and need, range of alternatives, and the selection criteria described in your letter dated September 13, 2002, for the proposed State Route 70 highway improvement project near Oroville in Butte County, to be carried forward for study in the draft Environmental Impact Statement/Report (EIS/EIR). Our response is made pursuant to the 1994 Memorandum of Understanding on the Integration of the National Environmental Policy Act and Clean Water Act Section 404 (NEPA/404) procedures for Surface Transportation Projects and is not intended to take the place of any formal comments that may be required under the Endangered Species act of 1973, as amended.

The purpose of the proposed highway expansion project is to address the continuing need for a sufficient transportation link between Sacramento, Yuba City/Marysville, and Chico as outlined in the 1995 Major Investment Study (MIS). Other needs include improving safety, eliminating roadway deficiencies, and reducing traffic congestion. The selection criteria include factors such as minimizing impact to wetlands, listed species, and other sensitive biological resources.

There are three proposed alternative routes and a 'no action' alternative being considered which were selected based on a set of criteria, including consideration of the least environmentally damaging solution, as described in the draft NEPA/404 document. We are able to concur with the purpose and need, the range of alternatives, and the selection criteria for the State Route 70 expansion project as described in the draft portion of Chapter 1 of the draft EIS/EIR. Thank you for allowing us to contribute to project planning and to the NEPA 404 process.



If you have any questions or need further information please contact Ms. F. Kelly Finn in our Sacramento Area Office, 650 Capitol Mall, Suite 8-300, Sacramento, CA 95814. Ms. Finn may be reached by telephone at (916) 930-3610 or by Fax at (916) 930-3629.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. Aceituno". The signature is fluid and cursive, with a large loop at the end.

Michael E. Aceituno  
Sacramento Area Office Supervisor

cc: **Andy Newsum**, PE, Project Manager, Butte County Association of Governments, 965 Fir Street, **Chico**, CA 95928-6301

42177



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
US ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO, CALIFORNIA 95814-2922  
October 8, 2002

Regulatory Branch (200100692)

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

Dear Mr. Ritchie:

I am responding to your request, on behalf of **Caltrans** and the Federal Highway Administration, for Corps of Engineers' concurrence for the State Route (SR) 70 Ophir Road project. This project proposes to upgrade a three-mile section of SR 70 from North of Palermo Road to South of State Route 162. This project also includes an interchange at Ophir Road and an overpass at Georgia Pacific Way. This response is pursuant to the National Environmental Policy Act (NEPA) and the Clean Water Act Section 404 Integration Process Memorandum of Understanding (MOU), for Surface Transportation Projects.

We have reviewed the NEPA project purpose, need, criteria for the selection of project alternatives, and the range of alternatives. We concur with the project purpose, need, criteria for the selection of alternatives, and the range of alternatives for the SR 70 Ophir Road project.

The Corps of Engineers jurisdiction within the study areas is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, **perennial**, intermittent or ephemeral streams, lakes, ponds, and wetlands such as marshes, vernal pools, wet meadows, and seeps. Projects that involve discharges of fill material into waters of the United States require prior Department of the Army authorization.

If it is determined that an Environmental Impact Statement (EIS) is necessary for this project, we will serve as a cooperating agency in developing the EIS, as a federal agency with permitting authority over portions of the project. The range of alternatives considered in an EA or EIS should include alternatives to filling waters of the United States, including wetlands. Every effort should be made to avoid project features which require the discharge of dredged or fill material in waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the losses resulting from the project.

[Handwritten signature and stamp]

Thank you for your cooperation. Please provide us with notice of any scoping meetings, wetland delineation **report(s)** for the proposed alternatives and **draft EA and/or EIS** for the project, when they are available, for our review and comment. Please refer to identification number 200100692 in any future correspondence concerning this project. If you have any questions, please write to Mr. Matthew Kelley at the letterhead address, or **email** Matthew.P.Kelley@usace.army.mil, or telephone 916-557-7724.

Sincerely,



Tom Cavanaugh  
Chief, Sacramento Valley Office

Copies Furnished:

Carolyn **Dierksen**, California Department of Transportation, District 3, P.O. Box 911,  
**Marysville**, California 95901

Jerry Biefeldt, U.S. Fish **annd** Wildlife Service, 2800 Cottage Way, **Romm** W-2605,  
Sacramento California 95825-1846

Michael Aceituno, National Marine Fisheries Service, 650 Capitol Mall, Suite 8-300,  
Sacramento, California 95814-4706

Nancy **Levin**, United States Environmental Protection Agency, Region IX, 75 Hawthorne  
Street, San Francisco, California 94105

Andy **Newsom**, Butte County Association of Governments, 965 Fir Street, **Chico**, California  
95928-6301

**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@mail2.quiknet.com



November 6, 2001

REPLY TO: FHWA010810D

Michael G. Ritchie, Division Administrator  
Federal Highway Administration  
Region Nine, California Division  
980 Ninth Street, Suite 400  
SACRAMENTO CA 95814-2724

Re: **Construction** of an Interchange at State Route 70 and Ophir Road, Oroville, Butte County.

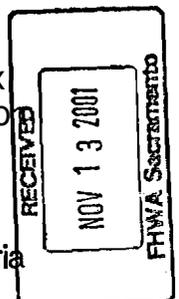
Dear Mr. Ritchie:

Thank you for submitting to our office your August 8, 2001 letter and Historic Property Survey Report (HPSR) regarding the proposed construction of a highway interchange at State Route (SR) 70 and Ophir Road (Kilo Post 17.0 to 21.8) in the City of Oroville in Butte County. The proposed project will involve the construction of an interchange at SR 70 and Ophir Road and an over-crossing at Georgia Pacific Way. Three interchange alternatives are proposed for this project:

- South Interchange Alternative
- Middle Interchange Alternative
- North Interchange Alternative

Complete descriptions of these alternatives are contained on page 1 of the HPSR. All alternatives would involve closure of the existing at-grade intersections at Ophir Road and Georgia Pacific Way, constructing interchange access at or near Ophir Road and an over-crossing at Georgia Pacific Way. The Area of Potential Effects (APE) for each of these alternatives is adequate and meets the definition set forth in 36 CFR 800.16(d). Seven historical archeological sites within the project APE are identified and evaluated in the HPSR. These sites were identified in a pedestrian survey by qualified archeologists walking 10 to 20 meters apart. Detailed descriptions and site records of the seven sites are contained in various sections of the HPSR.

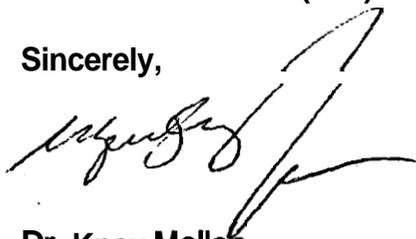
The Federal Highway Administration (FHWA) is seeking our comments on its determination of the eligibility of one historical architectural and archeological complex and six **historical** archeological resources located within the project APE for inclusion on the National Register of Historic Places (NRHP) in accordance with 36 CFR 800, regulations implementing Section 106 of the National Historic Preservation Act. Our review of the HPSR leads us to concur with FHWA's determination that none of the aforementioned properties is eligible for inclusion on the NRHP under any of the criteria established by 36 CFR 60.4. The properties have no strong associations with significant historical events or persons, are not examples of outstanding architectural or



engineering design and/or function, and have not yielded, nor are likely to yield information important to history or prehistory.

Thank you again for seeking our comments on your project. If you have any questions, please contact staff historian Clarence Caesar at (916) 653-8902.

Sincerely,

A handwritten signature in black ink, appearing to read "Knox Mellon", written in a cursive style. The signature is positioned above the typed name.

**Dr. Knox Mellon**  
**State Historic Preservation Officer**



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W2605  
Sacramento, California 95825

IN REPLY REFER TO:  
1-1-02-SP-3354

September 26, 2002

Ms. Caroline Warren  
District 3 Biologist  
Department of Transportation  
District 3  
703 B Street  
P.O. Box 911  
Marysville, California 95901-0911

Subject: Species List for SR 70 Widening Near Oroville, Butte County, California

Dear Ms. Warren:

We are sending the enclosed list in response to your September 19, 2002, request for information about endangered and threatened species (Enclosure A). The list covers the following U.S. Geological Survey 7 1/2 minute quad of Palermo.

Please read *Important Information About Your Species List* (enclosed). It explains how we made the list and describes your responsibilities under the Endangered Species Act. Please contact Justin Ly at (916) 414-6645, if you have any questions about the attached list or your responsibilities under the Endangered Species Act. For the fastest response to species list requests, address them to the attention of Species Lists at this address. You may fax requests to 414-6712 or 414-6713. You may also **email** them to [harry\\_mossman@fws.gov](mailto:harry_mossman@fws.gov).

Sincerely,

  
for Jan C. Knight  
Chief, Endangered Species Division

Enclosures

ENCLOSURE A

Endangered and Threatened Species that May Occur in  
or be Affected by Projects in the Selected Quads Listed Below

Reference File No. 1-1-02-SP-3354

Widen SR 70, Oroville

September 24, 2002

QUAD: 560A PALERMO

Listed Species

Birds

bald eagle, *Haliaeetus leucocephalus* (T)

Reptiles

giant garter snake, *Thamnophis gigas* (T)

Fish

delta smelt, *Hypomesus transpacificus* (T)

Central Valley steelhead, *Oncorhynchus mykiss* (T) NMFS

winter-run chinook salmon, *Oncorhynchus tshawytscha* (E) NMFS

Central Valley spring-run chinook salmon, *Oncorhynchus tshawytscha* (T) NMFS

Sacramento splittail, *Pogonichthys macrolepidotus* (T)

Invertebrates

vernal pool fairy shrimp, *Branchinecta lynchi* (T)

valley elderberry longhorn beetle, *Desmocerus californicus dimorphus* (T)

vernal pool tadpole shrimp, *Lepidurus packardii* (E)

**Candidate Species**

Birds

Western yellow-billed cuckoo, *Coccyzus americanus occidentalis* (C)

Fish

Central Valley fall/late fall-run chinook salmon, *Oncorhynchus tshawytscha* (C) NMFS

Critical habitat, Central Valley fall/late fall-run chinook, *Oncorhynchus tshawytscha* (C) NMFS

Species of **Concern**

Mammals

pale Townsend's big-eared bat, *Corynorhinus (=Plecotus) townsendii pallescens* (SC)

Pacific western big-eared bat, *Corynorhinus (=Plecotus) townsendii townsendii* (SC)

Marysville Heermann's kangaroo rat, *Dipodomys californicus eximius* (SC)

spotted bat, *Euderma maculatum* (SC)

greater western mastiff-bat, *Eumops perotis californicus* (SC)

small-footed myotis bat, *Myotis ciliolabrum* (SC)

long-eared myotis bat, *Myotis evotis* (SC)

fringed myotis bat, *Myotis thysanodes* (SC)  
 long-legged myotis bat, *Myotis volans* (SC)  
 Yuma myotis bat, *Myotis yumanensis* (SC)  
 San Joaquin pocket mouse, *Perognathus inornatus* (SC)

#### Birds

tricolored blackbird, *Agelaius tricolor* (SC)  
 grasshopper sparrow, *Ammodramus savannarum* (SC)  
 short-eared owl, *Asio flammeus* (SC)  
 western burrowing owl, *Athene cunicularia hypugaea* (SC)  
 oak titmouse, *Baeolophus inornatus* (SLC)  
 Aleutian Canada goose, *Branta canadensis leucopareia* (D)  
 Swainson's hawk, *Buteo Swainsoni* (CA)  
 ferruginous hawk, *Buteo regalis* (SC)  
 Lawrence's goldfinch, *Carduelis lawrencei* (SC)  
 Vaux's swift, *Chaetura vauxi* (SC)  
 black tern, *Chlidonias niger* (SC)  
 black swift, *Cypseloides niger* (SC)  
 white-tailed (=black shouldered) kite, *Elanus leucurus* (SC)  
 little willow flycatcher, *Empidonax traillii brewsteri* (CA)  
 American peregrine falcon, *Falco peregrinus anatum* (D)  
 greater sandhill crane, *Grus canadensis tabida* (CA)  
 loggerhead shrike, *Lanius ludovicianus* (SC)  
 Lewis' woodpecker, *Melanerpes lewis* (SC)  
 long-billed curlew, *Numenius americanus* (SC)  
 Nuttall's woodpecker, *Picoides nuttallii* (SLC)  
 white-faced ibis, *Plegadis chihi* (SC)  
 bank swallow, *Riparia riparia* (CA)  
 rufous hummingbird, *Selasphorus rufus* (SC)  
 California thrasher, *Toxostoma redivivum* (SC)

#### Reptiles

northwestern pond turtle, *Clemmys marmorata marmorata* (SC)  
 California horned lizard, *Phrynosoma coronatum frontale* (SC)

#### Amphibians

western spadefoot toad, *Spea hammondi* (SC)

#### Fish

green sturgeon, *Acipenser medirostris* (SC)

longfin smelt, *Spirinchus thaleichthys* (SC)

Invertebrates

Sacramento Valley tiger beetle, *Cicindela hirticollis* abrupta (SC)

California linderiella fairy shrimp, *Linderiella occidentalis* (SC)

Plants

Ahart's (dwarf) rush, *Juncus leiospermus* var. *ahartii* (SC)

**KEY:**

(E)	Endangered	Listed (in the Federal Register) as being in danger of extinction.
(T)	Threatened	Listed as likely to become endangered within the foreseeable future.
(P)	Proposed	Officially proposed (in the Federal Register) for listing as endangered or threatened.
(PX)	Proposed CriticalHabitat	Proposed as an area essential to the conservation of the species.
(C)	Candidate	Candidate to become a proposed species.
(SC)	Species of Concern	May be endangered or threatened. Not enough biological information has been gathered to support listing at this time.
(SLC)	Species of Local Concern	Species of local or regional concern or conservation significance.
(MB)	MigratoryBird	Migratory bird
NMFS	NMFS species	Under the jurisdiction of the National Marine Fisheries Service. Contact them directly.
(D)	<b>Delisted</b>	Delisted. Status to be monitored for 5 years.
(CA)	State-Listed	Listed, as threatened or endangered by the State of California.
(*)	Extirpated	Possibly extirpated from this quad.
(**)	Extinct	Possibly extinct.
	CriticalHabitat	Area essential to the conservation of a species.

ENCLOSURE A  
Endangered and Threatened Species that May Occur in or be Affected by  
Projects in the Area of the **Following** California Counties  
Reference File No. 1-1-02-SP-3354  
Widen SR 70 **Oroville**  
September 24.2002

BUTTE COUNTY

**Listed Species**

Birds

bald eagle, *Haliaeetus leucocephalus* (T)

Reptiles

giant garter snake, *Thamnophis gigas* (T)

Amphibians

California red-legged frog, *Rana aurora draytonii* (T)

**California tiger** salamander, *Ambystoma californiense* (C/E)

Critical **habitat**, California red-legged frog, *Rana aurora draytonii* (T)

Fish

Central Valley spring-run chinook salmon, *Oncorhynchus tshawytscha* (T) NMFS

Central Valley steelhead, *Oncorhynchus mykiss* (T) NMFS

**Critical** habitat, winter-run chinook salmon, *Oncorhynchus tshawytscha* (E) NMFS

Sacramento **spittail**, *Pogonichthys macrolepidotus* (T)

delta smelt, *Hypomesus transpacificus* (T) •

**winter-run chinook** salmon, *Oncorhynchus tshawytscha* (E) NMFS

Invertebrates

Conservancy fairy shrimp, *Branchinecta conservatio* (E)

valley **elderberry** longhorn beetle, *Desmocerus californicus dimorphus* (T)

vernal pool fairy shrimp, *Branchinecta lynchi* (T)

vernal pool tadpole shrimp, *Lepidurus packardii* (E)

Plants

Butte County (Shippee) **meadowfoam**, *Limnanthes floccosa* ssp. *californica* (E)

**Greene's tuctoria** (=Orcutt grass), *Tuctoria greenei* (E)

Hoover's spurge, *Chamaesyce hooveri* (T)

hairy **Orcutt** grass, *Orcuttia pilosa* (E)

**Candidate Species**

Birds

Western **yellow-billed** cuckoo. *Coccyzus americanus occidentalis* (C)

Fish

Central Valley **fall/mate** fall-run chinook salmon, *Oncorhynchus tshawytscha* (C) NMFS

Critical habitat, Central Valley fall/late fall-run chinook, *Oncorhynchus tshawytscha* (C) NMFS  
*Species of Concern*

#### Mammals

**Marysville** Heermann's kangaroo rat, *Dipodomys californicus eximius* (SC)  
 Pacific fisher, *Martes pennanti pacifica* (SC)  
 Pacific western big-eared bat, *Corynorhinus (=Plecotus) townsendii townsendii* (SC)  
 San Joaquin pocket mouse, *Perognathus inornatus* (SC)  
 Sierra Nevada snowshoe hare, *Lepus americanus tahoensis* (SC)  
 Yuma myotis bat, *Myotis yumanensis* (SC)  
 fringed myotis bat, *Myotis thysanodes* (SC)  
 greater **western** mastiff-bat, *Eumops perotis californicus* (SC)  
 long-eared myotis bat, *Myotis evotis* (SC)  
 long-legged myotis bat, *Myotis volans* (SC)  
 pale Townsend's **big-eared** bat, *Corynorhinus (=Plecotus) townsendii pallescens* (SC)  
 small-footed myotis bat, *Myotis ciliolabrum* (SC)  
 spotted bat, *Euderma maculatum* (SC)

#### Birds

Aleutian Canada goose. *Branta canadensis leucopareia* (D)  
 American bittern, *Botaurus lentiginosus* (SC)  
 American dipper, *Cinclus mexicanus* (SLC)  
 American peregrine falcon, *Falco peregrinus anatum* (D)  
 California spotted owl, *Strix occidentalis occidentalis* (SC)  
 California thrasher. *Toxostoma redivivum* (SC)  
 Lawrence's goldfinch, *Carduelis lawrencei* (SC)  
 Lewis' woodpecker, *Melanerpes lewis* (SC)  
**Nuttall's** woodpecker, *Picoides nuttallii* (SLC)  
**Swainson's** hawk, *Buteo Swainsoni* (CA)  
**Vaux's** swift, *Chaetura vauxi* (SC)  
 bank swallow, *Riparia riparia* (CA)  
 black **swift**, *Cypseloides niger* (SC)  
 black tern, *Chlidonias niger* (SC)  
 common loon, *Gavia immer* (SC)  
**ferruginous** hawk, *Buteo regalis* (SC)  
 grasshopper sparrow, *Ammodramus savannamm* (SC)  
 greater **sandhill** crane, *Grus canadensis tabida* (CA)  
 hermit warbler, *Dendroica occidentalis* (SC)  
 little willow flycatcher, *Empidonax traillii brewsteri* (CA)

loggerhead shrike, *Lanius ludovicianus* (SC)  
 northern goshawk, *Accipiter gentilis* (SC)  
 oak titmouse, *Baeolophus inornatus* (SLC)  
 olive-sided flycatcher, *Contopus cooperi* (SC)  
**rufous** hummingbird, *Selasphorus rufus* (SC)  
 short-eared owl, *Asio flammeus* (SC)  
**tricolored** blackbird, *Agelaius tricolor* (SC)  
 western burrowing owl, *Athene cunicularia hypugaea* (SC)  
 white-faced ibis, *Plegadis chihi* (SC)  
 white-headed woodpecker, *Picoides albolarvatus* (SLC)

#### Reptiles

California homed lizard, *Phrynosoma coronatum frontale* (SC)  
**San Joaquin coachwhip (=whipsnake)**, *Masticophis flagellum ruddocki* (SC)  
 northwestern pond turtle, *Clemmys marmorata marmorata* (SC)

#### Amphibians

Cascades frog, *Rana cascadae* (SC)  
 foothill yellow-legged frog, *Rana boylei* (SC)  
 mountain yellow-legged frog, *Rana muscosa* (SC)  
 western spadefoot toad, *Spea hammondi* (SC)

#### Fish

green sturgeon, *Acipenser medirostris* (SC)  
**longfin** smelt, *Spirinchus thaleichthys* (SC)  
 river lamprey, *Lampetra ayresi* (SC)

#### Invertebrates

California **linderiella** fairy shrimp, *Linderiella occidentalis* (SC)  
 Sacramento Valley tiger beetle; *Cicindela hirticollis abrupta* (SC)  
 Sacramento **anthicid** beetle, *Anthicus sacramento* (SC)

#### Plants

**Ahart's** (dwarf) **rush**, *Juncus leiospermus var. ahartii* (SC)  
**Ahart's** whitlow-wort(=Ahart's paronychia), *Paronychia ahartii* (SC)  
 Brandegee's **clarkia**, *Clarkia biloba ssp brandegeae* (SLC)  
 Butte County **calycadenia**, *Calycadenia oppositifolia* (SLC)  
 Butte County **catchfly** (=long-stiped campion), *Silene occidentalis ssp. longistipitata* (SC)  
 Butte County **golden** (=Jim's) **dover**, *Trifolium jokerstii* (SLC)  
 Butte County **morning-glory**, *Calystegia atriplicifolia ssp. buttensis* (SC)  
 Butte County **sidalcea** (=checkerbloom), *Sidalcea robusta* (SC)  
 Butte fritillary, *Fritillaria eastwoodiae* (SC)

California beaked-rush, *Rhynchospora californica* (SC)  
**Cantelow's lewisia**, *Lewisia cantelowii* (SC)  
Enterprise clarkia, *Clarkia mosquinii* ssp. *xerophila* (SC)  
Feather River stonecrop, *Sedum albomarginatum* (SC)  
Ferris's milk-vetch, *Astragalus tener* var. *ferrisiae* (SC)  
Hall's **rupertia** (=Hall's Californiatea), *Rupertia hallii* (SLC)  
Henderson's bent grass, *Agrostis hendersonii* (SC)  
Jepson's onion, *Allium jepsonii* (SC)  
Mosquin's clarkia, *Clarkia mosquinii* ssp. *mosquinii* (SC)  
Quincy lupine, *Lupinus dalesiae* (SC) \*  
Red Bluff (dwarf) rush, *Juncus leiospermus* var. *leiospermus* (SC)  
adobe lily, *Fritillaria pluriflora* (SC)  
big-scale (=California) balsamroot, *Balsamorhiza macrolepis* var. *macrolepis* (SLC)  
**brittlescale**, *Atriplex depressa* (SC)  
closed-lip (closed-throated) beardtongue, *Penstemon personatus* (SC)  
clustered lady's-slipper, *Cypripedium fasciculatum* (SC)  
cut-leaved ragwort, *Senecio* (=Packeria) *eurycephalus* var. *lewisrosei* (SLC)  
**heartscale**, *Atriplex cordulata* (SC)  
lesser **saltscare**, *Atriplex minuscula* (SC)  
little mousetail, *Myosurus minimus* ssp. *apus* (SC)  
pink **creamsacs**, *Castilleja rubicundula* ssp. *rubicundula* (SLC)  
scalloped moonwort, *Botrychium crenulatum* (SC)  
subtle **orache**, *Atriplex subtilis* (SLC)  
upswept **moonwort**, *Botrychium ascendens* (SC)  
valley sagittaria (=Sanford's arrowhead), *Sagittaria sanfordii* (SC)  
veiny monardella, *Monardella douglasii* ssp. *venosa* (SC)  
white-stemmed (=whitestem) clarkia, *Clarkia gracilis* ssp. *albicaulis* (SLC)

**KEY:**

(E)	<b><i>Endangered</i></b>	Listed (in the Federal Register) as being in danger of extinction.
(T)	<b><i>Threatened</i></b>	Listed as likely to become endangered within the foreseeable future.
(P)	<b><i>Proposed</i></b>	Officially proposed (in the Federal Register) for listing as endangered or threatened.
(PX)	<b><i>Proposed Critical Habitat</i></b>	Proposed as an area essential to the conservation of the species.
(C)	<b><i>Candidate</i></b>	Candidate to become a <b><i>proposed</i></b> species.
(SC)	<b><i>Species of Concern</i></b>	Other species of concern to the Service.
(SLC)	<b><i>Species of Local Concern</i></b>	Species of local or regional concern or conservation significance.
(D)	<b><i>Delisted</i></b>	Delisted. Status to be monitored for 5 years.
(CA)	<b><i>State-Listed</i></b>	Listed as threatened or endangered by the State of California.
NMFS	NMFS species	Under jurisdiction of the National Marine Fisheries Service. Contact them directly.
*	<b><i>Extirpated</i></b>	Possibly extirpated from the area.
**	<b><i>Extinct</i></b>	Possibly extinct
	<b><i>Critical Habitat</i></b>	Area essential to the conservation of a species.



U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
CALIFORNIA DIVISION  
980 Ninth Street, Suite 400  
Sacramento, CA. 95814-2724

October 4, 2002

IN REPLY REFER TO  
HDA-CA  
Document #: 40309

Mr. Jon A. Clark, Executive Director  
Butte County Association of Governments  
965 Fir Street  
Chico, CA. 95928-6301

Dear Mr. Clark:

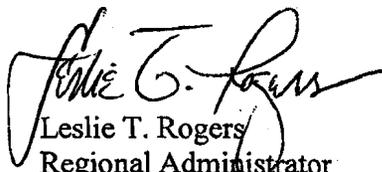
**SUBJECT: Conformity Determination for BCAG's 2002 Federal Transportation Improvement Program**

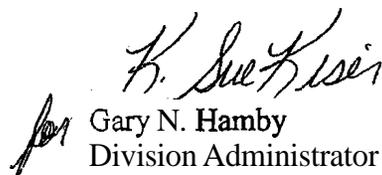
The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed our review of the conformity determination for the Butte County Association of Government's (BCAGs) 2002 Federal **Transportation Improvement Program (FTIP)**. A joint FTA/FHWA air quality conformity determination for the FTIP is required by Section 93.104 of the Environmental Protection Agency's August 15, 1997, *Transportation Conformity Rule Amendments: Flexibility and Streamlining: Final Rule*, 40 CFR Part 51 and 93 (*Transportation Conformity Rule*) and the FHWA/FTA Metropolitan Planning Rule, 23 CFR 450.

BCAG submitted the conformity **determination** on the 2002 FTIP to FHWA/FTA on July 29, 2002. The conformity analysis provided by BCAG indicates that all air quality conformity requirements have been met. Based on our review, we **find** that the 2002 **FTIP** conforms to the applicable state implementation plan in accordance with the provisions of 40 CFR Parts 51 and 93 and in accordance with January 2, 2002, guidance *Revised Guidance for Implementing the March 1999 Circuit Court Decision Affecting Transportation Conformity* and the Environmental Protection Agency's May 14, 1999, guidance *Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision*. This approval was made after consultation with the Environmental Protection Agency (EPA) pursuant to the *Transportation Conformity Rule*.

This letter constitutes the joint FHWA/FTA air quality conformity determination for BCAG's 2002 FTIP. If you have any questions pertaining to this conformity finding please contact Jean Mazur, FHWA, at 916-498-5732.

Sincerely,

  
Leslie T. Rogers  
Regional Administrator  
Federal Transit Administration

  
Gary N. Hamby  
Division Administrator  
Federal Highway Administration

**cc:**

FTA, Region 9

EPA, Karina O'Connor

Caltrans Hq, Programming, Kris Balaji

CARB, Doug Ito

FHWA-CA: Leigh Levine, Jean Mazur (E-Mail)

BCAG RTP

BCAG TIP Binder

FSTIP Binder