

Appendix C

**USEPA and USACE LEDPA
Concurrence Letters**



REPLY TO
ATTENTION OF

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

June 15, 2005

Regulatory Branch (200100692)

Susan D. Bauer
Chief, Office of Environmental Technical Studies
California Department of Transportation
District 3
P.O. Box 911
Marysville, California 95901

Dear Mrs. Bauer:

This letter concerns your November 16, 2004, request for concurrence on the Least Environmentally Damaging Practicable Alternative (LEDPA) and the Conceptual Mitigation Plan for the State Route (SR) 70 Ophir Road Highway Improvement Project located in Butte County, California. This request is pursuant to Appendix A of the 1994 Memorandum of Understanding on the Integration of the National Environmental Policy Act (NEPA) and the Clean Water Act Section 404 procedures for Surface Transportation Projects.

We are providing preliminary concurrence that the Middle Alternative is the LEDPA. Additionally, We have received your Conceptual Habitat Mitigation and Monitoring Plan for the SR70 Freeway Extension and Ophir Road Interchange Project, dated April 25, 2005. We concur with your Conceptual Habitat Mitigation and Monitoring Plan, yet further information must be submitted. To compensate for the adverse effects of the project you are proposing to either purchase credits or mitigate for the vernal pool/swale, stream, and seasonal wetland impacts at the Neary parcel located in northern Butte County. To determine whether the Neary parcel would be a sufficient site for mitigation a wetland delineation must be completed on the Neary parcel. Please submit a wetland delineation for verification on this site. Enclosed is our Minimum Standards For Acceptance of Preliminary Wetlands Delineations for your information.

Additionally, Table 3: Wetlands and Compensation for Adverse Effects to Wetlands, located on page 18, of the conceptual mitigation plan states that on site creation will be completed for both the emergent marsh and the pond site. Both sites total 0.06-acres. Please submit a habitat mitigation and monitoring plan for these specific sites. For your reference, a copy of the Habitat Mitigation and Monitoring Guidelines is enclosed.

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

Sincerely,



Thomas J. Cavanaugh
Chief, Sacramento Valley Office

Enclosures

Copies furnished without enclosures:

Carolyn Warren, California Department of Transportation, District 3, P.O. Box 911,
Marysville, California 95901
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 95928-6301



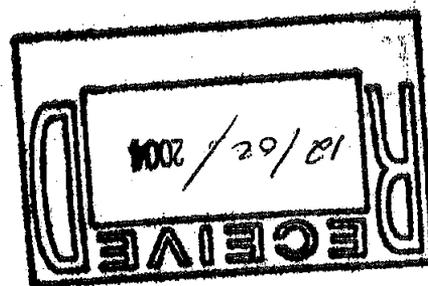
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

**75 Hawthorne Street
San Francisco, CA 94105-3901**

December 1, 2004

Mr. Mike Bartlett, Chief
Environmental Management, M1 Branch
Caltrans – District 3
P.O. Box 911
Marysville, CA 95901-0911



Subject: Updated Request for Concurrence on the Least Environmentally Damaging Practicable Alternative and the Conceptual Mitigation Plan for State Route (SR) 70 Freeway Extension/Ophir Road Interchange Project in Butte County, California

Dear Mr. Bartlett:

We are writing in response to your letter of November 16, 2004, requesting EPA's concurrence on the Least Environmentally Damaging Practicable Alternative (LEDPA) and the Conceptual Mitigation Plan (CMP) for the above-referenced project. This request is pursuant to Appendix A of the National Environmental Policy Act/Clean Water Act Section 404 Integration Process Memorandum of Understanding (NEPA/404 MOU).

We have reviewed the Draft 404(b)(1) analysis and the Conceptual Mitigation Plan. Based on our review of these documents we concur that Alternative D (Middle Interchange) is the LEDPA.

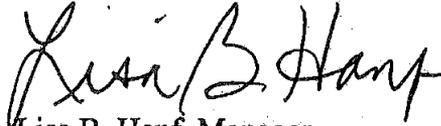
We understand that the proposed alternative would directly impact 2.45 acres of jurisdictional waters of the U.S., including wetlands, and 0.39 acres of wet meadow, and that you plan to compensate for these impacts via on-site, in-kind creation.

For any required off-site mitigation, we recommend the purchase of credits (if available) in the Loafer Creek/Dove Ridge Mitigation Bank, which is located within a few miles of the proposed project. Alternatively, we recommend that Caltrans explore opportunities for acquisition and preservation of the parcel of land immediately adjacent to, and roughly southwest of, the preferred alignment encompassing a mosaic of vernal pools and oak woodlands.

Pursuant to the NEPA/404 MOU, we encourage FHWA and Caltrans to coordinate these concurrence points, as appropriate, with the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration Fisheries.

We appreciate the opportunity to review this document and participate in the NEPA/404 MOU process. If you have any questions, please contact Jason Brush of EPA's Wetlands Regulatory Office at 415-972-3483 or brush.jason@epa.gov, or Nancy Levin of my staff at 415-972-3848 or levin.nancy@epa.gov.

Sincerely,



Lisa B. Hanf, Manager
Federal Activities Office

cc. Leland Dong, Federal Highway Administration
Sandra Rosas, Caltrans District 3
Mark Littlefield, U.S. Fish and Wildlife Service
Tom Cavanaugh, U.S. Army Corps of Engineers
Michael Aceituno, National Oceanic and Atmospheric Administration Fisheries
Andy Newsum, Butte County Association of Governments