

Appendix E

Final NEPA/404 (b) 1
Alternative Finding

State Route 70 Freeway Extension/Ophir Road Interchange



DRAFT 404(b)(1) ALTERNATIVES ANALYSIS

State Route 70 Freeway Extension from 1.6 kilometers (1 mile) north of Palermo Road to 0.5 kilometer (0.3 mile) south of the State Route 162 Junction in Butte County southwest of Oroville
03-But-70, KP 16.2/21.8 (PM 10.0/13.6)

EA 3A6300

May 2004



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Draft 404(b)(1) Alternatives Analysis

1. Purpose of and Need for Project

1.1. Project Purpose

The California Department of Transportation (Caltrans) and the Federal Highway Administration (FHWA) propose to upgrade a 5.6-km (3.6-mi) segment of State Route (SR) 70 from expressway to four-lane freeway. Project construction would begin 1.6 km (1 mi) north of Palermo Road and terminate at a point 0.5 km (0.3 mi) south of the SR 162 junction, where the freeway currently begins. The mainline freeway would be constructed as close to the current highway alignment as possible.

The proposed project would accomplish the following objectives:

- Improve safety by restricting access to State Route (SR) 70 through the elimination of at-grade intersections.
- Correct roadway deficiencies within the project limits by bringing SR 70 up to current design standards.
- Accommodate existing and future traffic volumes at a level of service (LOS) D through the year 2025.

1.1.1. Project Vicinity

State Route 70 begins in Sutter County just north of Sacramento where it splits from SR 99 at the SR 70/99 junction. State Route 70 proceeds north through Marysville and Oroville, then continues easterly along the Feather River and its tributaries across the Sierra Nevada range to its terminus at Hallelujah Junction on SR 395 in Lassen County. As an all-weather, trans-Sierra route, SR 70 serves as an emergency alternate route between Sacramento and Reno when Interstate 80 is closed or impaired during major winter storms and, therefore, is designated a “gateway route” (Caltrans 2000).

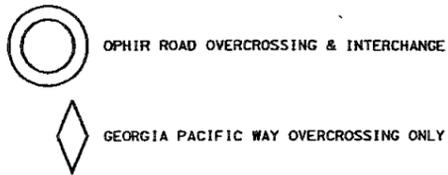
North of Oroville, SR 149 links SR 70 with SR 99, providing the primary regional corridor between Sacramento and Chico. The SR 99 corridor extends the length of the central valley from Bakersfield through Sacramento and Chico north to Red Bluff in

Tehama County, where it connects with Interstate 5. Chico, with a population of 60,000, is the largest city in Butte County and one of the largest urbanized areas in the State that is not linked to a four-lane freeway system. The SR 70/SR 99 corridor is heavily utilized for the interregional movement of people, goods and services to and through Central and Northern California, and for major interstate commerce and goods movement.

1.1.2. Project Location

The project is located south of the city limits of Oroville, the Butte County seat. The southern terminus is a point 1.6 km (1 mi) north of Palermo Road; the northern terminus is a point 0.5 km (0.3 mi) south of the SR 162 junction, where the freeway currently begins (Figure 1-1).

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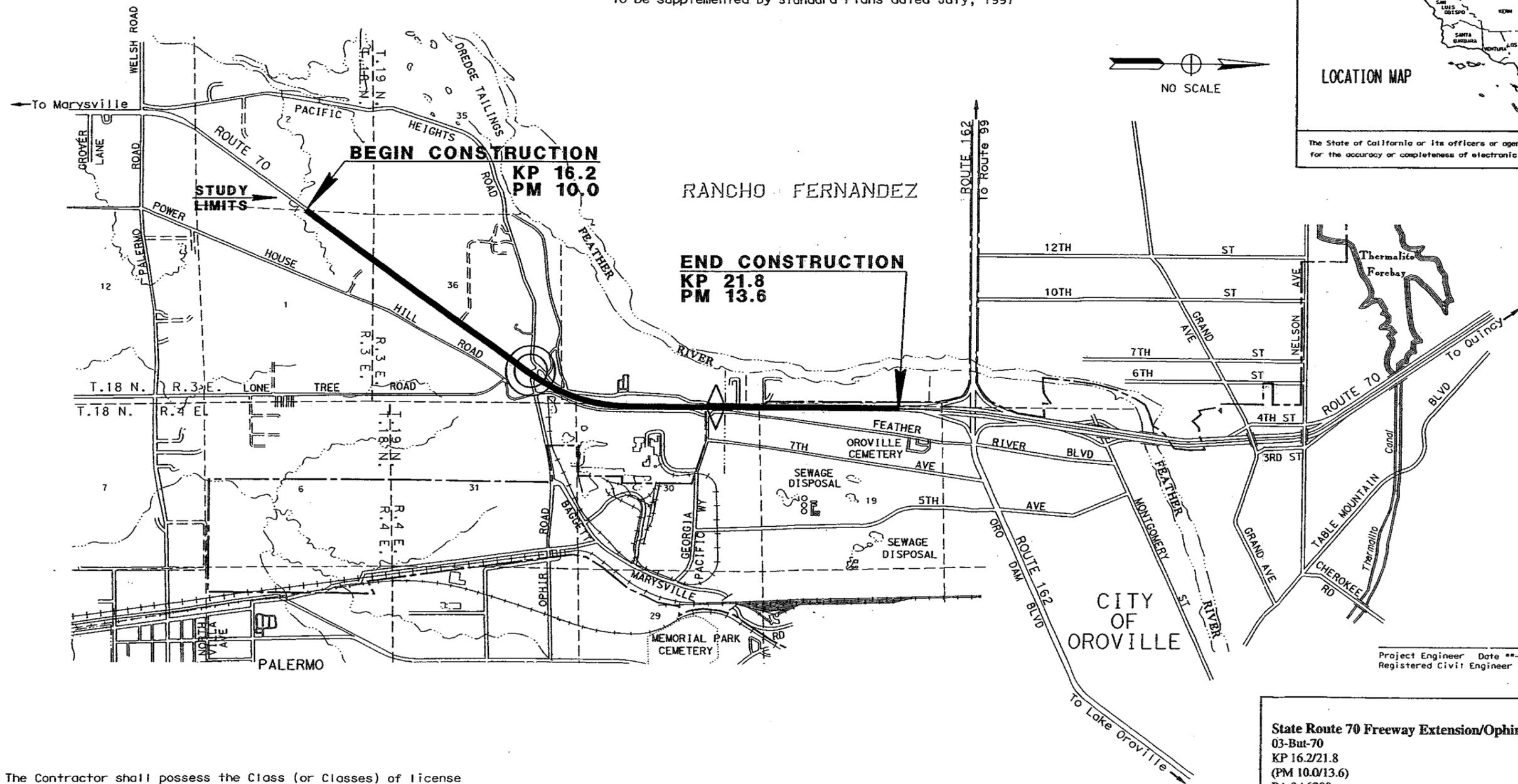
STATE OF CALIFORNIA
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 PROJECT PLANS FOR CONSTRUCTION ON
STATE HIGHWAY
 IN BUTTE COUNTY
 IN AND NEAR THE CITY OF OROVILLE
 ON ROUTE 70
 FROM 1.6 KILOMETERS NORTH OF PALERMO ROAD
 TO 0.5 KILOMETERS SOUTH OF ROUTE 162

To be supplemented by Standard Plans dated July, 1997

DIST	COUNTY	ROUTE	KILOMETER POST TOTAL PROJECT	SHEET NO	TOTAL SHEETS
03	But	70	16.2/21.8	1	



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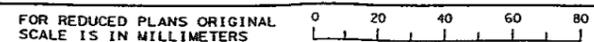


Project Engineer Date
 Registered Civil Engineer

State Route 70 Freeway Extension/Ophir Road Interchange
 03-But-70
 KP 16.2/21.8
 (PM 10.0/13.6)
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Figure 1-1 Project Location

PROJECT ENGINEER DATE PROJECT MANAGER DATE
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1.2. Need for the Project

The following conditions describe the existing facility within the project limits. In combination, these conditions demonstrate the need for this project.

1.2.1. Accident Data

Accident rates for the highway segment under study are considerably higher than the statewide average for similar facilities. This is primarily due to the presence of at-grade intersections and private driveways. Slow-moving vehicles entering or exiting the two-lane, high-speed expressway create friction with through traffic and increase the potential for accidents. Failure to yield is the primary contributing factor in the at-grade intersection accidents.

Table 1.1 shows accident history data from the Traffic Accident and Surveillance and Analysis System (TASAS) for the study segment, including the two intersections, for the three-year period from January 1, 1999, through December 31, 2001:

Table 1.1 Accident Rates for Project Study Segment of State Route 70 (January 1, 1999-December 31, 2001)

Location	Total Accidents	Actual Rate ¹			Statewide Average Rate ¹		
		FAT ²	F + I ³	TOT ⁴	FAT ²	F + I ³	TOT ⁴
Intersection SR 70 / Ophir Road	21	.059	.59	1.23	.004	.14	.34
Intersection SR 70 / Georgia Pacific Way	15	.135	.47	1.01	.004	.14	.34
Study segment: KP 16.2/21.8 (PM 10.0/13.6)	55	.167	.60	1.15	.036	.36	.76

¹For intersections, rate is per million vehicles; for mainline segment, rate is per million vehicle miles.

²Fatal accidents

³Fatal plus Injury accidents

⁴All reported accidents

The accident rate at the SR 70/Ophir Road-Pacific Heights intersection is approximately 4 times higher than the statewide average. At the SR 70/Georgia Pacific Way intersection, the accident rate is approximately 3 times higher than the statewide average for similar facilities. A total of 55 accidents was reported during the three-year period for the 4.8 km (3.5 mi) of roadway within the project limits. Thirty-six of the accidents were associated with the two at-grade intersections.

Twenty-one of the accidents at an intersection were caused by motorists failing to yield to oncoming traffic. Eight of the accidents involved fatalities, and 21 were injury accidents. The fatal accident rate for this segment of SR 70 is more than twice the statewide average for similar facilities.

1.2.2. Highway Characteristics

State Route 70 within the project study limits does not meet the current minimum standard for design speed¹ for an expressway. The current design speed standard for an expressway with limited access in a rural area is 110-130 kph (68-80 mph). Based on existing geometric elements, the design speed of the facility within the project limits is approximately 80 kph (50 mph). The posted speed within the study limits is 55 mph (89 kph).

1.2.3. Roadway Capacity

According to the September 2000 TCR for SR 70, traffic growth for the segment of SR 70 that includes this project is estimated at 8 percent per year². The Caltrans Office of Travel Forecasting and Modeling projects the average daily traffic (ADT) through the SR 70/Ophir Road intersection will increase from 12,800 vehicles in the year 2000 to 37,800 vehicles in the year 2025. The peak-hour volume (PHV) is estimated to increase from 940 vehicles to 3025 vehicles during the same time period. Trucks constitute 12 percent of the total traffic within the study segment.

The existing two-lane expressway will not accommodate predicted traffic increases at the accepted route concept level of service (LOS), which is LOS D (see Table 1.2 for explanation of level of service). The LOS for the two-lane facility is predicted to decline to F by the year 2025.

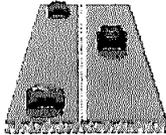
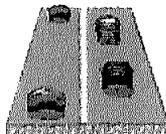
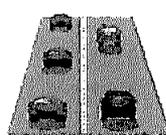
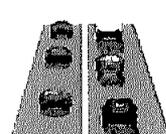
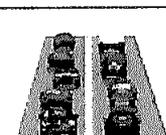
¹ Design speed establishes specific minimum geometric design elements for a particular section of highway. These design elements include vertical and horizontal alignment and sight distance.

² Calculated as straight line growth based on a 20-year growth factor of 2.68.

Table 1.2 Levels of Service (LOS)

LEVELS OF SERVICE

for Two-Lane Highways

Level of Service	Flow Conditions	Operating Speed (mph)	Technical Descriptions
A		55+	Highest quality of service. Free traffic flow with few restrictions on maneuverability or speed. No delays
B		50	Stable traffic flow. Speed becoming slightly restricted. Low restriction on maneuverability. No delays
C		45	Stable traffic flow, but less freedom to select speed, change lanes or pass. Minimal delays
D		40	Traffic flow becoming unstable. Speeds subject to sudden change. Passing is difficult. Minimal delays
E		35	Unstable traffic flow. Speeds change quickly and maneuverability is low. Significant delays
F			Heavily congested traffic. Demand exceeds capacity and speeds vary greatly. Considerable delays

Source: 2000 HCM, Exhibit 20-2, LOS Criteria for Two-Lane Highways in Class 1

2. Alternatives

Five alternatives were considered, including a non-highway alternative and a “no-project” alternative. The non-highway alternative and Alternative C (South Interchange) were eliminated prior to circulation of the environmental document.

Pursuant to the NEPA/404 MOU, in 2002 FHWA sent a formal request to USEPA, USACE, USFWS, and NMFS for concurrence with the project's purpose and need, criteria for alternative selection, and range of alternatives. At this point Alternative C (South Interchange) had already been eliminated from further consideration due primarily to impacts to wetlands, including vernal pools.

The FHWA received letters of concurrence from USFWS, USACE and NMFS. The USEPA initially expressed concerns about the relationship between the Ophir Road project and the Marysville to Oroville Freeway Project. After FHWA provided additional information supporting the independent utility of the Ophir Road project, USEPA also concurred.

2.1. Alternative A (Non-Highway Alternative)

A Major Investment Study (MIS) for the SR 70 and SR 99 corridor was prepared in 1995. Based on consultation with the FHWA, the Federal Transit Administration (FTA), the local metropolitan planning organizations (MPOs) and other interested local agencies, the MIS concluded that the most feasible method of accommodating predicted transportation demand would be to construct a freeway to connect the major metropolitan areas within the corridor. Inter-city rail and bus service, as well as transportation system management and travel demand management (TSM/TDM) strategies, were examined for their ability to meet the project purpose. It was determined that such non-highway strategies would not offer reasonable alternatives to a modern freeway system within this corridor; therefore, Alternative A was eliminated from further study.

2.2. Alternative C (South Interchange)

Alternative C (Figures 2-2 and 2-5) proposed construction of the Ophir Road interchange overcrossing about 690 m (2260 ft) south of the Ophir Road at-grade intersection. Proposed width of the lanes, median and shoulders, as well as other improvements, was the same as for Alternatives D and E.

The proposed interchange required construction of an additional frontage road to connect Pacific Heights Road with the new interchange. Approximately 700 m (2300 ft) of Ophir Road would have been realigned from just east of the Feather River Boulevard intersection to Lone Tree Road. In addition, a portion of Power House Hill Road would have been replaced to accommodate additional traffic redirected from Ophir Road. A new road from Lone Tree Road to the new overcrossing would also have been required. Additional frontage road relocation for ramp and freeway construction would have been required for Power House Hill Road, Feather River Boulevard, and Pacific Heights Road.

Alternative C was eliminated from further study early in the study process because of extensive impacts to wetlands and vernal pools. Direct impacts to vernal pools and swales were estimated to be in excess of 6.5 ha (16 ac) for Alternative C. Additional impacts to dredge tailings, ponds and drainages, and a drainage ditch at Georgia Pacific Way brought the total area of wetlands that would be directly impacted by Alternative C to more than 8.5 ha (21 ac), or over three times the amount that would be directly impacted by Alternative D and four times the amount that would be directly impacted by Alternative E.

2.3. Build Alternatives

Two build alternatives were presented in the Draft Environmental Assessment/Draft Environmental Impact Report: Alternative D (Middle Interchange) and Alternative E (North Interchange). Both of the build alternatives would include the following improvements:

- Construction of an interchange at Ophir Road and an overcrossing at Georgia Pacific Way.

- Construction of two additional 3.6-m (12-ft) lanes with a 18.6-m to 6.7-m (61-ft to 22-ft) median, 3-m (10-ft) outside shoulders, and 1.5-m (5-ft) median shoulders.
- Rehabilitation of the existing SR 70 roadway
- Realignment of the frontage road system to accommodate the proposed interchange and overcrossing
- Elimination of driveway access points.

Figure 2-1 is a typical cross-section of Alternatives D and E.

2.3.1. Alternative D (Middle Interchange)

Alternative D (Figures 2-2 and 2-3) proposes construction of the Ophir Road interchange overcrossing within approximately 75 m (250 ft) of the Ophir Road at-grade intersection. Interchange ramp construction and ramp/local road at-grade intersection spacing requirements would necessitate relocation of the Pacific Heights Road and Feather River Boulevard frontage roads. Approximately 690 m (2260 ft) of Ophir Road from east of its intersection with Feather River Boulevard to the new overcrossing would need to be realigned. Estimated cost of Alternative D is \$40 million Alternative D (Middle Interchange) for right-of-way acquisition and construction (not including environmental mitigation).

2.3.2. Alternative E (North Interchange)

Alternative E (Figures 2-2 and 2-4) proposes construction of the Ophir Road interchange overcrossing about 830 m (2720 ft) north of the Ophir Road at-grade intersection. The proposed location of this alternative was determined by the mandatory minimum rural interchange spacing of 3 km (1.86 mi) to the existing SR 70/162 interchange on the northern limits of this project. Interchange ramp construction and ramp/local road at-grade intersection spacing requirements would necessitate relocation of the Pacific Heights Road and Feather River Boulevard frontage roads. Approximately 700 m (2300 ft) of Ophir Road from the Baggett/Marysville Road intersection to the new overcrossing would need to be realigned. Estimated cost of Alternative E is \$43 million for right-of-way acquisition and construction (not including environmental mitigation).

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STRUCTURAL SECTIONS

AC STRUCTURAL SECTION

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180 mm DGAC (Type A, 19mm)
300 mm AB (Class 2)

2 25 mm OGAC (to 0.3 outside ETW)
45 mm Minimum DGAC (Type A)



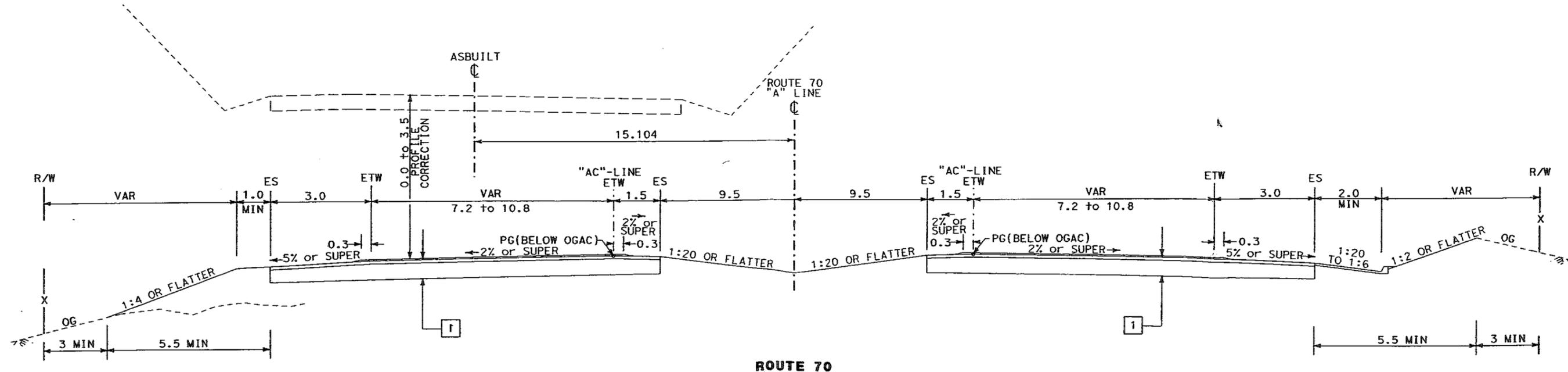
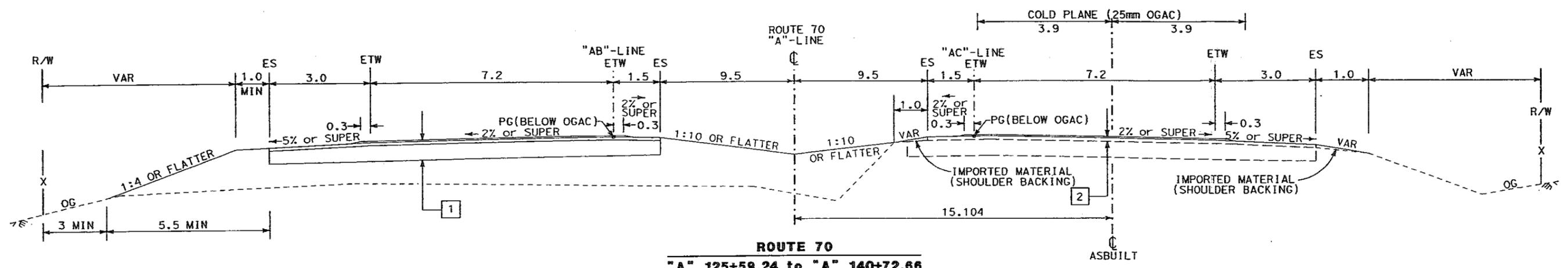
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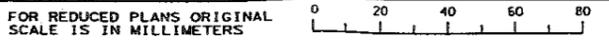
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Figure 2-1 Typical Cross Section



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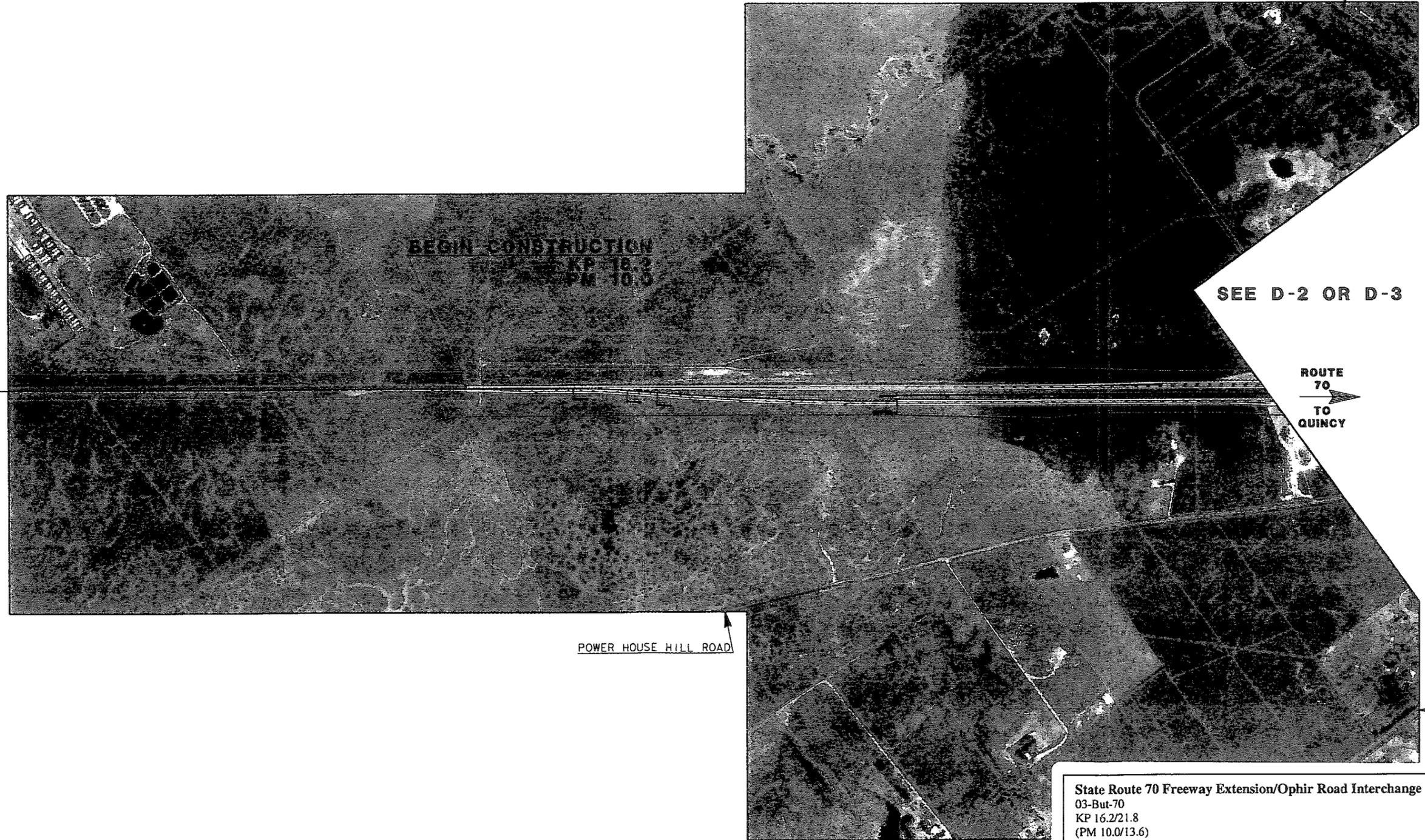
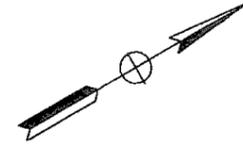
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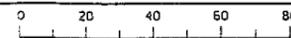
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Figure 2-2 Alternatives C, D and E (Common Alignment)

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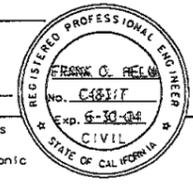
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PACIFIC HEIGHTS ROAD



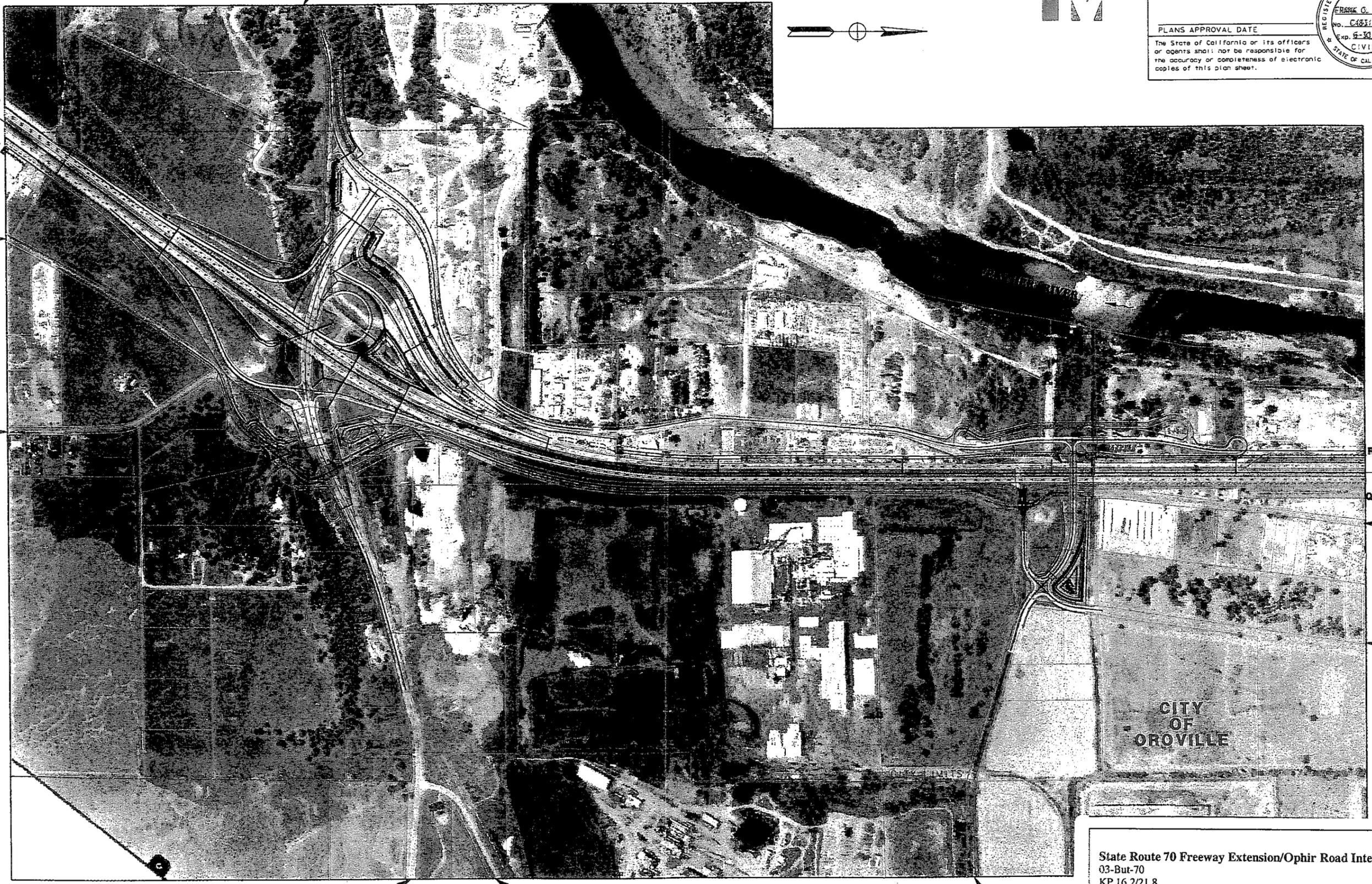
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ROUTE 70
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QUINCY

FEATHER
RIVER
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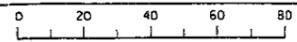
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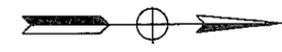
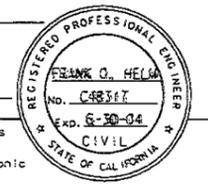
Figure 2-3 Alternative D (Middle Interchange)

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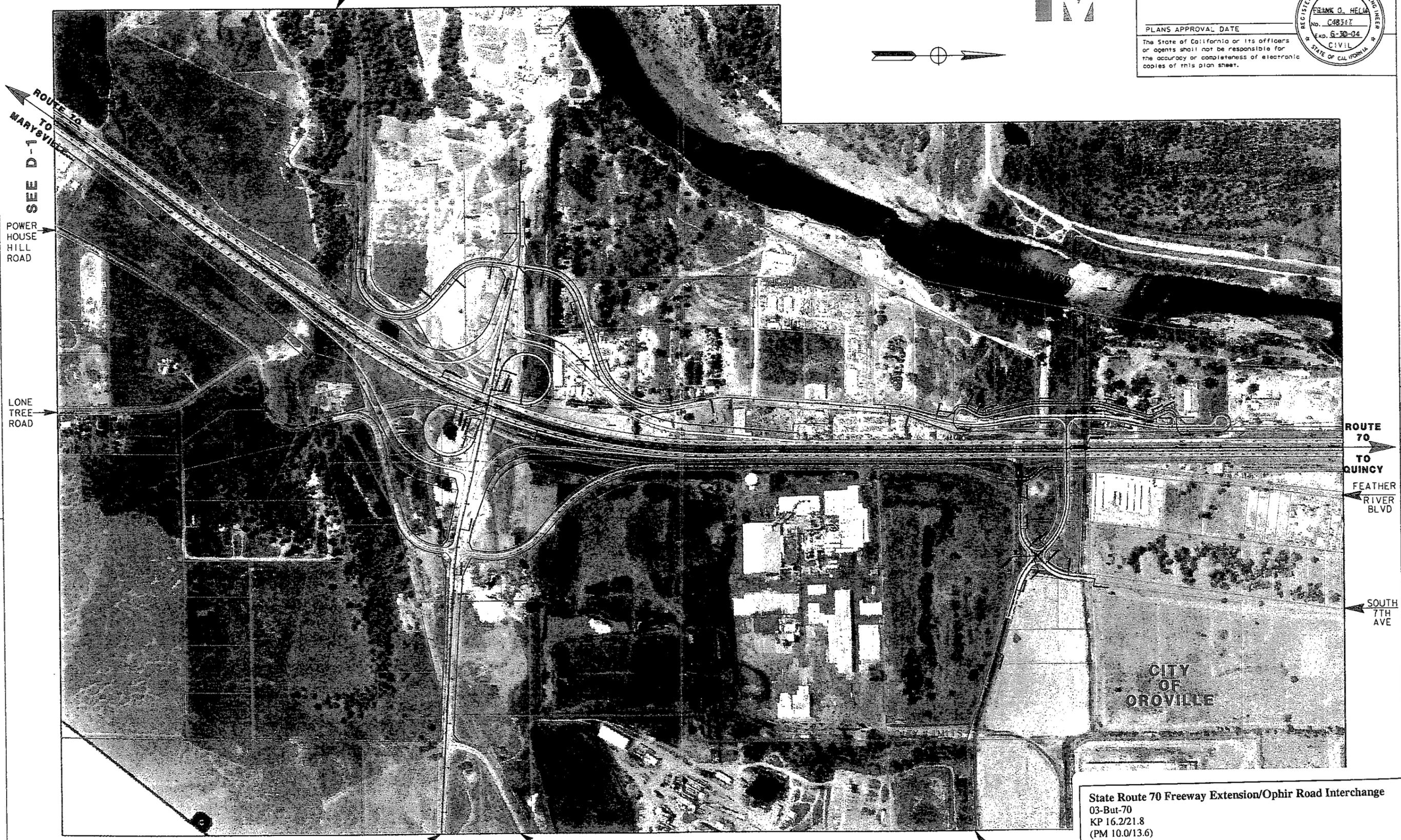
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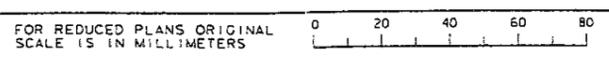
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Figure 2-4 Alternative E (North Interchange)



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3. Project Impacts

Below is a matrix comparing potential impacts of the two build alternatives and the no-project alternative, as well as proposed mitigation:

Table 3.1 Summary of Impacts by Alternative

Potential Impact		Alternative D (Middle Interchange)	Alternative E (North Interchange)	No-Project Alternative	Mitigation
Agricultural displacements		None	None	None	N/A
Farmland converted	Prime	None	None	None	N/A
	Unique	None	None	None	N/A
Annual agricultural revenue loss		None	None	None	N/A
Business displacements		19	19	None	Relocation Assistance
Housing displacements		5	4	None	Relocation Assistance
Utility service relocation		4 relocations	4 relocations	None	Coordination with utilities
Consistency with the Oroville General Plan		Yes	Yes	No	N/A
Consistency with the Butte County General Plan		Yes	Yes	No	N/A
Air quality		None	None	None	N/A
Noise	# of receptors \geq 66 Leq	None	None	None	N/A
	# of receptors increasing by \geq 12 dBA	None	None	None	N/A
Water quality		None	None	None	Standard BMPs
Total wetlands & waters of the U.S. (Jurisdictional)		0.99 ha (2.45 ac)	1.35ha (3.34 ac)	None	Compensated at appropriate ratios to achieve no net loss of wetland acreage
Non-jurisdictional isolated wetland (wet meadow)		0.16 ha (0.39 ac)	0.16 ha (0.39 ac)	None	
Freshwater shrimp habitat:					
Direct impacts		1.14 ha (2.82 ac)	1.14 ha (2.82 ac)	None	Preservation or creation at ratios determined in consultation with USFWS
Indirect impacts		1.33 ha (3.29 ac)	1.33 ha (3.29 ac)		

Potential Impact	Alternative D (Middle Interchange)	Alternative E (North Interchange)	No-Project Alternative	Mitigation
Valley Elderberry Longhorn Beetle habitat	4 shrubs	4 shrubs	None	Transplantation or replacement at a location and ratio determined in consultation with USFWS
Northwestern pond turtle habitat	0.01 ha (0.03 ac)	1.65 ha (3.71 ac)	None	Mitigation to be determined in consultation with USFWS
Giant garter snake habitat: Permanent impacts Temporary impacts	0.40 ha (0.98 ac) 0.36 ha (0.89 ac)	7.40 ha (18.29 ac)	None	Mitigation to be determined in consultation with USFWS
Swainson's hawk foraging habitat	5.69 ha (14.1 ac)	5.69 ha (14.1 ac)	None	Mitigation to be determined in consultation with USFWS
Riparian habitat	0.36 ha (0.89 ac)	0.92 ha (2.27 ac)	None	Creation or preservation at a 1:1 ratio at location to be determined through consultation with CDFG
Blue oak woodland	2.14 ha (5.30 ac)	0.19 ha (0.46 ac)	None	Mitigation to be determined in consultation with CDFG
Increase in Floodplain	None	None	None	N/A
Cultural resources	None	None	None	N/A
Risks associated with Dioxins/furans	Less	Greater	None	Dust control, soil sampling, ground water sampling, site-specific health and safety plan
Volume of fill imported as % of total cut & fill volume	6%	47%	None	N/A
Maximum projected cut and fill heights	20 m/20 m	16 m/10 m	None	N/A
Visual Impacts	1 interchange, 1 overcrossing; grading, tree/vegetation removal	1 interchange, 1 overcrossing; grading, tree/vegetation removal	None	Appropriate landscaping and erosion control
Cumulative impacts	Minimal incremental contribution	Minimal incremental contribution	None	Per each resource impacted
Growth Inducement	Accommodate planned growth	Accommodate planned growth	Would not accommodate planned growth	N/A

Construction of either of the two build alternatives would result in nearly the same number of business and housing displacements. Alternative D (Middle Interchange) would impact one-third less wetlands and waters of the U.S. than would Alternative E (North Alternative). Alternative D would require the use of considerably less imported fill than Alternative E but would have greater cut and fill heights. The proposed project would not result in any significant or cumulatively significant impacts.

Consultation with USFWS regarding impacts to Federally listed species will take place following selection of a preferred alternative.

Construction of the proposed project would require a USACE Section 404 permit, a CDFG Section 1601 Streambed Alteration Agreement, and a State Water Resources Control Board (SWRCB) Section 401 certification for potential impacts to water quality. In addition, because there would be more than 0.6 ha (1.5 ac) of soil disturbance, Caltrans' National Pollutant Discharge Elimination System (NPDES) permit would apply to this project.

3.1. Discussion of Potential Impacts to Aquatic Resources

3.1.1. Types of Wetlands in the Project Area

3.1.1.1. Vernal Pools and Swales

Vernal pools and swales are wetlands that are designated special aquatic sites (Section 404 [b][1]). They are often habitat for federal-listed species of fairy shrimp and tadpole shrimp. Vernal pool complexes occur on annual grassland to the east and west of SR 70 at the south end of the project area, from PM 10.06 to approximately PM 11.0. This landscape consists of undulating topography typical of pristine vernal pools.

3.1.1.2. Seasonal Wetlands

A small seasonal wetland is located in grassland at the proposed interchange site where the park-and-ride lot is planned. The dominant species are *Juncus patens* (FAC) at 60% cover, with weedy species such as *Briza minor* and medusa-head in lesser amounts.

3.1.1.3. Willow Riparian Wetlands

Four small willow riparian wetlands are located on both sides SR 70 within the planned design of the proposed interchange. Total area is 0.15 ha (0.36 ac). These wetlands are fed by highway runoff, subsurface moisture, and by drainage from culverts. Willows (*Salix lasiolepis* and *S. exigua*), Himalayan blackberry (*Rubus discolor*), and small valley oaks (*Quercus lobata*) dominate the vegetation in these wetlands. These wetlands would be permanently impacted by construction of the interchange.

3.1.1.4. Freshwater Marsh

Both the north and the middle interchange alternative would permanently impact the freshwater marshes that have formed in catch basins at the intersection of SR 70 and Pacific Heights Road. The larger marsh has an area of 0.19 ha (0.47 ac); the smaller has an area of 0.04 ha (0.10 ac). These marshes are seasonal, drying up in summer, but support cattails and other wetland vegetation during the rainy season. Mallard ducks have been observed using the larger marsh. These marshes are fed by a high water table and by culverts that carry overflow from the ponds east of SR 70 to the manmade ditch that parallels Pacific Heights Road.

3.1.1.5. Permanent Waters and Associated Seasonal Wetlands

Interconnected ponds and associated wetlands would be impacted by the North Interchange Alternative (E). These permanent and seasonal wetlands are located at Ophir Road and Feather River Boulevard (parcels 036-500-006, 036-500-004, and 036-490-023). Total open water and wetland area is 1.8 ha (4.4 ac). The ponds are fed by runoff and by the shallow water table

These parcels, zoned industrial, are used for big rig parking and equipment storage. Trash is frequently dumped into the west pond. Soils and pond sediments may be contaminated by dioxins, a hazardous compound that resulted from a fire at the nearby Koppers wood treatment facility. Tests for hazardous waste revealed heavy metals in the pond water. (Dioxins are insoluble in water but may be carried in sediments). The banks of the pond at the west end of the wetland have 0.11 ha (0.28 ac) of emergent vegetation and willows.

The site consists of two ponds connected by seasonal wetlands. The east pond is fed by a small intermittent stream and a shallow water table, as well as by winter rains. Mature mixed riparian surrounding the pond and wetlands consists of willows,

foothill pine, blue oaks, cottonwood, blackberries, and poison oak. In this large pond, fallen logs and overhanging roots provide cover for amphibians and reptiles (turtles), and wildlife use it as a summer watering hole. Several ducks were observed foraging here by Caltrans' biologists. In a survey of the pond and wetlands on the morning of August 19, 2002, Caltrans' biologists (C. Warren and C. James), observed a coyote, a beaver, a lark sparrow (FSC), a red-shouldered hawk, two turtles believed to be northwestern pond turtles, and numerous bullfrogs. Bats were heard in a roost. Other bird species also were observed and muskrats were seen in a later survey.

3.1.1.6. Seasonal Forested Wetlands

Valley oaks dominate the seasonal forested wetlands located in the dredge tailings west of SR 70 at about PM 11. Historically, topographic maps show that this riparian marks the remnants of a natural drainage that emptied into the Feather River. Seasonal wetlands and marshes have developed among small mounds of dredge tailings left by mining operations, and valley oak riparian has become established in the tailings. This wetland area totals 4.84 ha (11.96 ac). Dominant vegetation consists of a mature overstory of valley oaks (*Quercus lobata*) and cottonwoods (*Populus fremontii*), with an understory of live oak (*Quercus wislizenii*) and poison oak (*Toxicodendron diversiloba*). The herb layer is annual grassland, forbs, and wetland vegetation. Except for impacts to a blue oak, a cottonwood, and an elderberry, this wetland would not be impacted by the project, but highway widening would impact a small drainage that flows through a culvert beneath SR 70 to the wetlands.

3.1.1.7. Streams and Tributaries

One stream and two tributaries flow through the project area. Tailings Creek is a channelized creek located between parcel number 036-510-028 and 036-510-055. It is a jurisdictional waterway that carries flow through culverts underneath SR 70 at Georgia Pacific Way to the Feather River, draining winter runoff from lower Oroville. The stream segment east of SR 70 is straightened and maintained relatively free of vegetation. West of SR 70, Tailings Creek is a channel with streambanks downcut approximately 2 m (6 ft). Stream width is approximately 5 m (16 ft). On January 31, 2002, water depth was estimated, at 15-20 cm (6-8 in). On April 9, 2002, the streambed was totally dry, as seen from the Pacific Heights Road, and remained dry all summer.

A narrow strip of mixed riparian vegetation borders Tailings Creek, totaling 0.75 ha (1.85 ac). This riparian area is dominated by Fremont's cottonwood (*Populus*

fremontii), sycamore (*Platanus racemosa*), foothill pine (*Pinus sabiniana*) and interior live oak (*Quercus wislizenii*). The understory consists mainly of live oak (*Quercus wislizenii*), Himalayan blackberry, (*Rubus discolor*), tree-of-heaven (*Ailanthus altissima*), and poison oak (*Toxicodendron diversilobum*). Vegetation increases in density closer to the mouth of the creek at the Feather River.

The other two watercourses in the project area are small seasonal tributaries that flow through grassland. One tributary carries runoff from a pasture east of SR 70 (parcel no. 036-530-016) westward through a culvert under the highway, emptying into a seasonal freshwater marsh in the dredge tailings (seasonal forested riparian). This tributary is about 2 m (6 ft) wide, except during heavy winter rains when it may form a much wider channel. Widening of SR 70 would impact this tributary with construction of new culverts. The other intermittent tributary empties into the pond on parcel no. 036-490-023 and would not be affected.

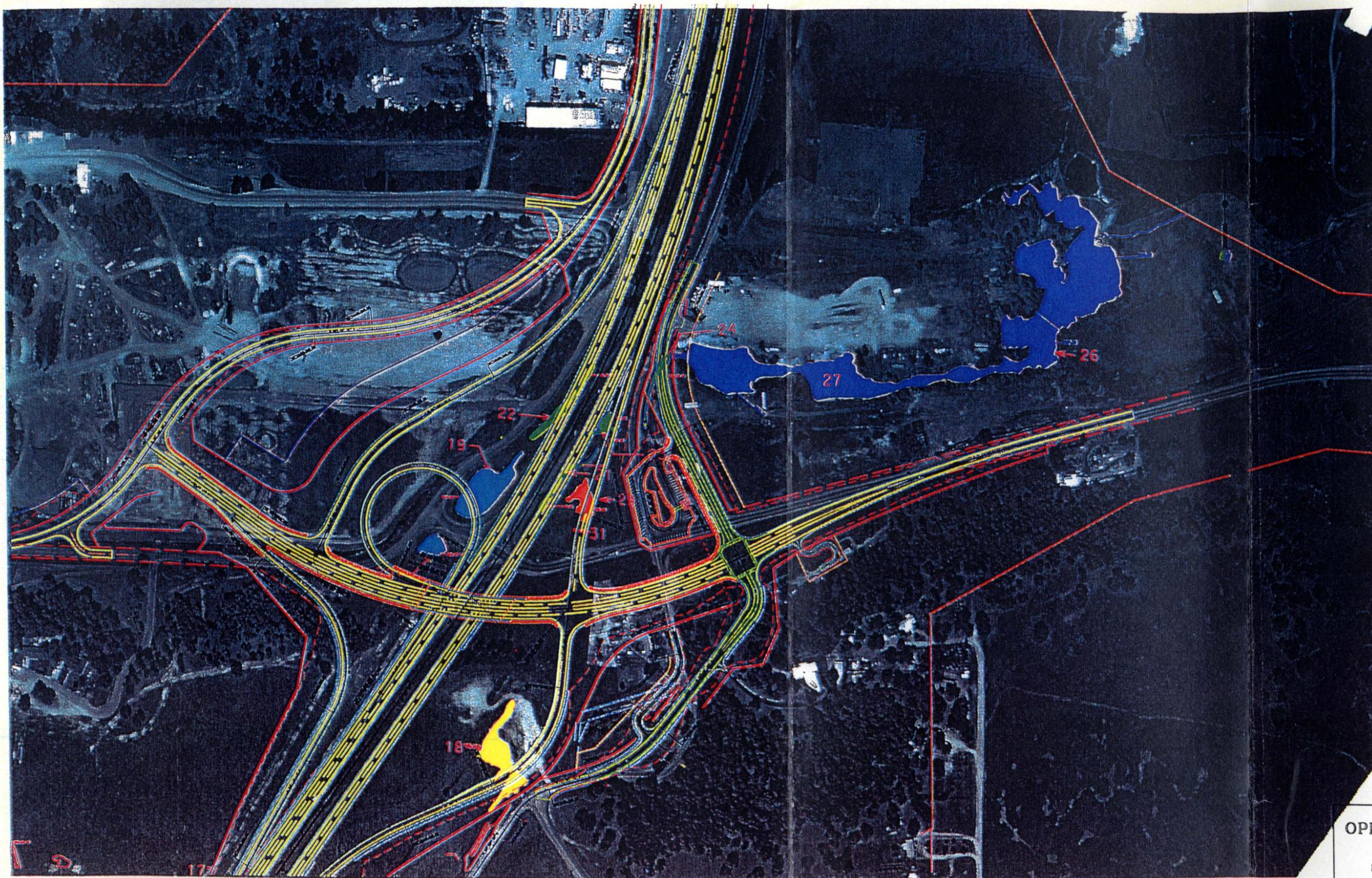
3.1.2. Wetland Delineation/Verification

Wetland delineation studies were conducted by Caltrans' biologists in accordance with the 1987 "Field Guide for Wetland Delineation" prepared by the Army Corps of Engineers (USACE). Wetlands that had been delineated in 1999 were redone in December 2002. Official USACE data forms from the Manual for wetlands and upland sites that would be impacted were used for the delineations. Caltrans biologists used the three-parameter approach to delineating wetlands, i. e., hydric soils, wetlands vegetation, and hydrology.

A total of 23.39 ha (57.81 ac) of potential jurisdictional wetlands and other waters of the U.S. have been identified within the SR 70 Freeway Extension and Ophir Road Interchange Project study area (Figures 3.1 and 3.2). The following table lists these wetlands by type and area:

Table 3.2 Wetlands by Type and Area

Waters of U.S./Wetlands	Hectares	Acres
Streams/tributaries	0.41	1.02
Wet meadow	0.31	0.77
Willow riparian wetlands	0.15	0.36
Freshwater marsh	0.19	0.47
Permanent water and associated wetlands	1.65	4.07
Seasonal wetlands	4.84	11.96
Vernal pools/swales	15.84	39.15
TOTAL	23.39	57.81



- Ponds
- Marshes
- Willow riparian wetland
- Seasonal wetlands
- Wet meadow

OPHIR ROAD INTERCHANGE
 Jurisdictional Wetlands
 MIDDLE INTERCHANGE ALTERNATIVE
 03-But-70; KP 16.2/21.8 (PM 10.0/13.6)
 EA: 03-3A6300



0 50 100 m
 Scale: 1:2000

Figure 3-1



OPHIR ROAD INTERCHANGE
Jurisdictional Wetlands
NORTH INTERCHANGE ALTERNATIVE
03-But-70; KP 16.2/21.8 (PM 10.0/13.6)
EA: 03-3A6300

	Scale: 1:2000		Figure 3-2

Detailed information obtained from these studies, including mapping and photographs, can be found in the Wetland Assessment for the project dated June 2003.

In June of 2003 Caltrans sent to USACE a formal request for an approved jurisdictional determination for wetlands within the study area of this project. After consultation with USACE personnel (L. Whitney), a revised wetland delineation dated September 29, 2003, was submitted by Caltrans. On March 19, 2004, USACE provided Caltrans with a letter of concurrence with the estimate of waters of the; U.S. as depicted in this revised wetland delineation (Appendix A).

3.1.3. Summary of Wetland Impacts By Alternative

3.1.3.1. Jurisdictional

The following table lists types of waters of the U.S./wetlands under the jurisdiction of the USACE, and areas of permanent impacts for each alternative:

Table 3.3 Jurisdictional Waters of the U.S./Wetlands and Permanent Impacts by Alternative

Type of Wetland	Alternative D (Middle Interchange)		Alternative E (North Interchange)	
	hectares	acres	hectares	acres
Vernal pools/swales	0.20	0.49	0.20	0.49
Streams/ tributaries	0.11	0.28	0.11	0.28
Willow riparian wetlands	0.15	0.36	0.15	0.36
Manmade ditch	0.23	0.58	0.02	0.05
Permanent waters and associated wetlands	0.01	0.03	0.39	0.96
Freshwater marshes	0.00	0.00	0.22	0.54
Seasonal wetlands	0.23	0.57	0.23	0.57
Total Jurisdictional Wetland Impacts	0.06	0.15	0.06	0.15
	0.99	2.46	1.38	3.40

3.1.3.2. Non-Jurisdictional

In addition to jurisdictional wetlands, the non-jurisdictional aquatic resources shown in the following table would be impacted by the proposed project:

Table 3.4 Non-Jurisdictional Aquatic Resources and Impacts by Alternative

Type of Wetland	Alternative D (Middle Interchange)		Alternative E (North Interchange)	
	hectares	acres	hectares	acres
Wet meadow	0.16	0.39	0.16	0.39

3.2. Discussion of Potential Impacts to Federally Listed Species and Critical Habitat

3.2.1. Crustaceans

- 3.2.1.1. Vernal Pool Fairy Shrimp (*Branchinecta lynchi*) FT
 Vernal Pool Tadpole Shrimp (*Lepidurus packardii*) FE
 California linderiella (*Linderiella occidentalis*) FSC

The SR 70 widening could have potential permanent or temporary effects on vernal pool fairy shrimp and tadpole shrimp species. Filling and grading of vernal pools and swales would directly affect 1.14 ha (2.82 ac) of fairy shrimp habitat. The project would indirectly affect 1.33 ha (3.29 ac) by altering hydrological patterns. If the vernal pool or swale is deprived of its hydrological connections with other pools and swales, lack of water could cause the demise of a population of listed fairy shrimp or, possibly, of the entire vernal pool community.

3.2.2. Reptiles

- 3.2.2.1. Giant Garter Snake (*Thamnopsis gigas*) FT

Alternative E (North Interchange) would directly impact potential giant garter snake (GGS) habitat at the ponds and seasonal wetlands east of Feather River Boulevard. The total area of GGS habitat that would be permanently impacted by Alternative E (North Interchange) is 7.40 ha (18.29 ac). This total includes permanent waters, seasonal wetlands, and upland foraging habitat.

Construction of Alternative D (Middle Interchange) would temporarily impact GGS habitat at the ponds and seasonal wetlands, since the proposed interchange is within 61 m (200 ft) of this upland habitat. Alternative D (Middle Interchange) would also directly impact a minor amount of habitat [8 m² (9.6 yd²)] at the west end of the ponds, near Feather River Boulevard, during construction of the highway and the park-and-ride area. Permanent impacts to giant garter snake habitat would total 0.40 ha (0.98 ac).

3.2.3. Amphibians

3.2.3.1. Northwestern Pond Turtle (*Clemmys marmorata marmorata*) FSC

The proposed project potentially would impact northwestern pond turtle habitat at the pond and seasonal wetlands east of Feather River Boulevard, since a considerable part of the permanent waters and wetlands would be filled. Alternative E (North Interchange) would permanently impact 1.65 ha (3.71 ac) of turtle habitat. Alternative D (Middle Interchange) would impact only 0.01 ha (0.03). This habitat could also be temporarily impacted by construction activities under either build alternative.

3.2.4. Invertebrates

3.2.4.1. Valley Elderberry Long-Horned Beetle (*Desmocerus californicus dimorphus*) FT

The potential impact to the longhorn beetle would be the same for either build alternative being considered. The proposed project would require removal of four mature elderberry shrubs. Two mature elderberries (*Sambucus mexicana*) located in the patch of blue oak woodland at the southeast corner of the intersection of SR 70 and Ophir Road would need to be removed in order to construct either alternative. A smaller elderberry shrub located under a cottonwood at the north end of the dredge tailings would also need to be removed. A fourth shrub is located at the north end of the project in the west right-of-way at the fence. Table 3.5 lists location of elderberry shrubs within 30.5 m (100 ft) of the project area.

Table 3.5 Location and Status of Elderberry Shrubs within 100 Feet of the Project Area

Plant	Location	Direction from SR 70	Distance from work	# stems >1 in at ground	# stems >3 in at ground	# stems > 5 in at ground	Exit holes	Proposed Activities within 100 feet of shrub
1	KP 18 (PM 11.2)	W	In right-of-way	1	0	1	No	SR 70 widening
2	Oak woodland	E	In right-of-way	6	4	6	No	Interchange
3	Oak woodland	E	In right-of-way	2	2	0	No	Interchange
4	Along fence	W	In right-of-way	6	3	0	No	SR 70 widening
5*	Tailings Creek	W	Within 50 ft on Tailings	0	0	0	No	Bridge

			Creek					
6**	Tailings Creek	W	More than 100 ft on Tailings Creek	0	2	0	No	None
7**	Tailings Creek	W	More than 100 ft on Tailings Creek	3	0	0	No	None

*Not found in 2002 but 3 clones located in 2003.

** Not found in 2002

4. Conclusion

The project development team (PDT) for the above project met on Thursday, January 8, 2004, to select a preferred alternative. The PDT reached consensus that Alternative D (Middle Interchange) is the preferred alternative. Alternative D would accomplish the objectives set forth in the purpose and need statement for the project while minimizing the impact on affected resources. The proposed project would not result in any significant or cumulatively significant impacts.

Specifically, the two build alternatives would have the same impacts with the following exceptions:

- Alternative D (Middle Interchange) would have one more housing displacement than Alternative E (North Interchange).
- Alternative D (Middle Interchange) would have fewer risks associated with dioxins/furans than Alternative E (North Interchange).
- Alternative D (Middle Interchange) would require the use of considerably less imported fill than Alternative E (North Interchange) but would have greater cut and fill heights.
- Alternative D (Middle Interchange) would have fewer impacts to jurisdictional wetlands and waters of the U.S. than would Alternative E (North Interchange).
- Alternative D (Middle Interchange) would have less impact on permanent waters and associated wetlands, and giant garter snake habitat.
- Alternative D (Middle Interchange) would have a greater impact on only one biological resource: the blue oak woodland community. (Impacts to freshwater shrimp habitat and valley elderberry longhorn beetle habitat would be the same for both build alternatives.)

In conclusion, Alternative D (Middle Interchange) would seem to be the least environmentally damaging practical alternative (LEDPA) as well as Caltrans' preferred alternative from an engineering perspective.

Appendix A



REPLY TO
ATTENTION OF

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

March 19, 2004

MAR 9 2004

MAR 9 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*, or telephone 916-557-7455. You may also use the Regulatory Permits link on our website: *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	
<input checked="" type="checkbox"/>	INITIAL PROFFERED PERMIT (STANDARD PERMIT OR LETTER OF PERMISSION)	A	
<input type="checkbox"/>	PROFFERED PERMIT (STANDARD PERMIT OR LETTER OF PERMISSION)	B	
<input type="checkbox"/>	PERMIT DENIAL	C	
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D	
<input type="checkbox"/>	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/inev/functions/cw/cecw/rea> or Corps regulation 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 form 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.