

Chapter 3 Required Approvals and Coordination

3.1 Permits and Approvals

A number of public agencies are involved in the review and oversight of the proposed I-680/SR-4 Interchange Improvement Project, as summarized below.

Because the proposed project has Federal funding and involves modifications to an interstate freeway, Caltrans and the FHWA have review and oversight authority. As noted in Section 1.3, FHWA must issue final approval of the slip ramps that are described for Phases 1 and 2.

In addition to the above lead agencies, other regulatory authorities are involved in the review of the EA/IS and in some cases have regulatory jurisdiction that requires a separate permit or approval for the proposed project. These agencies and their roles are briefly summarized below. Relevant copies of agency consultation are included in Appendix H.

- **U.S. Fish and Wildlife Service.** The USFWS reviews projects consistent with Section 7 of the Federal ESA of 1973, focusing on identified or potential impacts to protected plant and wildlife species. Consultation with USFWS is also required under the Federal Fish and Wildlife Coordination Act for any impacts to a stream or water body (such as Grayson Creek). Coordination on this project involved the request for, and review of, any information on endangered and threatened species in the project region. Informal consultation was completed with the USFWS regarding potential impacts to the California red-legged frog; concurrence was received with the conclusion that the project is unlikely to result in a take of the species.
- **U.S. Army Corps of Engineers.** Any filling of wetlands or impacts to the waters of the United States or navigable waters requires permit review and approval by the USACE consistent with Section 404 of the CWA and Section 10 of the Rivers and Harbors Act. All five phases of the interchange improvements would permanently fill approximately 0.09 ha (0.023 acre) of wetland at Grayson Creek and Walnut Creeks. It would temporarily impact another 1.01 acres of wetlands at Grayson and Walnut Creeks and a flood control channel. The project appears

to qualify for a Nationwide Permit authorization. An application to the USACE would be completed and submitted during final design of the project.

- **NOAA Fisheries.** Central Valley steelhead ESU and chinook salmon individuals have been occasionally sighted in Grayson and Walnut Creeks, and the project includes mitigation and construction measures to avoid impacts to these species. The consultation with NOAA on these species is included in Appendix H, and the avoidance measures are discussed in Appendix C.
- **Section 106, National Historic Preservation Act.** Federally funded transportation projects must follow FHWA and Caltrans procedures for historic preservation. A Programmatic Agreement for compliance with Section 106 of the National Historic Preservation Act, as it pertains to Federally funded or sponsored highway projects in California, became effective January 1, 2004. This agreement stipulates new procedures and passes additional authority to Caltrans for identification, evaluation, documentation, and consultation. Studies for this project identified the Contra Costa Canal as potentially eligible for inclusion in the NRHP, and the State Historic Preservation Officer (SHPO) concurred (see Appendix H). The evaluation of the proposed project concluded that there would be no effect on the Contra Costa Canal or any other historic property.
- **California Department of Fish and Game.** Sections 1600–1606 of the California Fish and Game Code give CDFG regulatory permit authority over construction or fill activities proposed within the bed, channel, and banks of all streams, rivers, and lakes. Alteration of these features may require submission of a Streambed Alteration Notification and approval by CDFG. If needed, CDFG review or permit approval (at Grayson and Walnut Creeks) would be completed during final design of the project.
- **Regional Water Quality Control Board and State Water Resources Control Board.** Any permit issued by the USACE will stipulate that the state must provide a certification or waiver of water quality consistent with Section 401 of the Federal CWA. The RWQCB and State Water Resources Control Board will review the USACE’s proposed permit and the project when considering approval of this water quality certification. In addition, the 1992 amendments to the CWA require that a project that involves the disturbance of 0.4 ha (1 acre) or more must be covered by an NPDES storm water permit. Applications for these permits/approvals would be completed during final design of the project.