

U.S. DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

**RECORD OF DECISION**

**Fixed HOV Lane Alternative with Access Option 12b – Marin Sonoma Narrows  
HOV Widening Project**

Marin and Sonoma Counties, California

**Decision**

The Federal Highway Administration (FHWA) has selected the Fixed High Occupancy Vehicle (HOV) Lane Alternative with Access Option 12b (Selected Alternative) from two build alternatives and the no build alternative evaluated in the Draft Environmental Impact Report/Draft Environmental Impact Statement (October 2007) (DEIR/S) and the Final Environmental Impact Report/Final Environmental Impact Statement (July 2009) (FEIR/S) for the Marin Sonoma Narrows (MSN) HOV Widening Project.

The overall MSN HOV Widening Project has been defined as consisting of Segments A, B, and C in the northern region of the San Francisco Bay Area. The project begins with Segment A (the southern segment) in the city of Novato, Marin County, California, from PM 18.6 to 22.9, and ends with Segment C (the northern segment) from PM 3.5 to 7.1 in the city of Petaluma, Sonoma County. Segment B (the central segment) crosses the Marin and Sonoma county lines from PM 22.9 to 27.6 in Marin County and from PM 0.0 to 3.5 in Sonoma County, California.

The Selected Alternative will consist of the addition of continuous northbound and southbound HOV lanes along the above-defined 16-mile stretch of US 101. As the principal route in the coastal northwest region between the San Francisco Bay Area and Oregon, US 101 provides a continuous north/south route through Marin and Sonoma Counties for long distance, intercity, and intracity traffic.

The continuous northbound and southbound HOV lanes that the Selected Alternative calls for would be accomplished within the existing median of the US 101 facility, with minor outside widening in Segments A and C. However, Segment B will require the replacement of the existing four-lane expressway with open medians and direct access driveways with a six-lane, access-controlled freeway to standardize horizontal and vertical curves, lane widths, and the construction of one new interchange. Access Options

within Segment B were considered for the replacement of direct access under the existing facility, potential right-of-way, environmental impacts, and engineering constraints. All access options considered would be compatible with either build alternative. Four of the highest ranking options were evaluated in the Draft Environmental Impact Statement (DEIS) and Final Environmental Impact Statement (FEIS), and Access Option 12b was selected to complete the Selected Alternative. For more information, see page 3, below.

## **Background**

During the project's early scoping phase, officials from Marin and Sonoma Counties and the cities of Novato and Petaluma, along with members of the public, expressed concern about the extent of the potential environmental impacts identified in the "Novato Narrows" Project Study Report, impacts associated with 28 acres of potential right-of-way acquisition. Concerns expressed included potential impacts to wetlands, biological habitats, and growth inducement within the semi-rural setting of the Central Segment. The California Department of Transportation (Caltrans) created a Policy Advisory Group (PAG) as a means of providing a public forum to discuss local issues of concern throughout the environmental process. The PAG is composed of elected officials, including board members from the Transportation Authority of Marin (TAM) and Sonoma County Transportation Authority (SCTA), city council members from the cities of Novato and Petaluma, the mayors of Novato and Petaluma and other localities in Marin and Sonoma Counties, and county supervisors from Marin and Sonoma Counties. Meetings with Caltrans were open to the public and originally occurred on a monthly basis. Later, meetings were scheduled as new information became available. Meetings were held in alternate locations in Novato and Petaluma and were advertised on TAM, SCTA, and Caltrans websites, as well as through a mailing two weeks prior to the meeting to an "interested parties" mailing list that was updated throughout the NEPA process.

In addition to the PAG, Caltrans has also been meeting with local constituencies in Marin and Sonoma Counties and state, federal, and local agencies. This coordination has helped Caltrans reduce or modify the footprint of project elements (e.g., bridges, service roads, mainline alignment, etc.) to effectively avoid and minimize potential environmental impacts.

The community concerns provided FHWA and Caltrans with guidance for determining the basic alignment of the proposed freeway facility in Segment B. Efforts were made to minimize right of way acquisition and cuts and fills that would unnecessarily disturb or change the semi-rural character of Segment B. Caltrans held scoping meetings (see

Public Opportunities to Comment section later in this document) to solicit input from the public on the overall project footprint.

Because the build alternatives would require the conversion of the existing expressway to full-freeway standards in Segment B, a set of Access Options (noted in Appendix A, page 2 of the FEIR/S, starting with Alternative 1) were rated and scored based on factors such as operational flexibility, access to private parcels, compatibility with current land use and zoning, visual resource impacts, parkland impacts, biological resource impacts, cultural resource impacts, and costs. This evaluation process, critical to defining the Access Options identified in Chapter 2, is further described in Appendix A of the DEIR/S and FEIR/S. While any of the 26 options evaluated would be compatible with either Build Alternative, the four highest-ranking Access Options were identified for further study along with the Build Alternatives. Caltrans' local partners, Transportation Authority of Marin (TAM) and the Sonoma County Transportation Authority (SCTA), and the PAG also reviewed this evaluation process.

Public scoping meetings were held to preview the four interim Access Options. These four options were presented in both the DEIR/S and FEIR/S. Access Option 12b was identified in the FEIR/S as the preferred option for completing the now-Selected Alternative in Segment B.

### **Alternatives Considered**

**No Build Alternative.** The No Build Alternative is the no-action alternative. The No Build Alternative proposes no modifications to US 101 within the project boundaries other than routine maintenance and rehabilitation to support the continuing operations of the existing freeway when needed. The No Build Alternative provides a point of comparison with the potential impacts of the MSN Project.

In Segment A, the No Build Alternative reflects the existing conditions. Specifically, in the northbound direction, there are three mixed-flow lanes and two exit-only speed change lanes that carry traffic to eastbound SR 37. In the northbound direction, there is also a speed change lane from the westbound SR 37 on-ramp to the Rowland Boulevard off-ramp. In the southbound direction, there are three mixed-flow lanes and one HOV lane, and a speed change lane that begins at the South Novato Boulevard on-ramp.

In Segment B, the No Build Alternative is defined by the existing expressway facility. US 101 would remain a four-lane facility with at-grade intersections at San Antonio Road and Kastania Road. These two intersections have merging lanes and left/right turning

lanes in the median. At-grade access would continue at Olompali State Historic Park and at several private properties via driveways. Bicycle access would also continue along the shoulder of the expressway. The existing access roads would remain unchanged: Redwood Boulevard on the west side of US 101 between the Atherton Avenue Interchange and a Birkenstock Warehouse; and Binford Road on the east side of US 101 between the Atherton Avenue Interchange and Airport Road.

In Segment C, US 101 would remain a freeway with two mixed-flow lanes in each direction.

Other improvements to US 101 would be consistent with currently planned and programmed projects along US 101, which are summarized in Figure S-6: Related Projects in MSN Study Area and Table S-1: Related Transportation Projects in the MSN Project Area in the FEIR/S.

**Build Alternatives.** Two build alternatives were evaluated for the project, which had many features in common, but which differed primarily in Segment B.

Under the Fixed HOV Lane Alternative, two HOV lanes, one in each direction, would be constructed in the existing median of US 101 through Segments A, B, and C of the project boundary. The HOV lanes would have a standard width of 3.6 m (12 ft) with inside shoulders of 3.0 m (10 ft). A median barrier 0.6 m (2 ft) wide would separate the northbound and southbound lanes of traffic. The HOV lanes would extend a distance of 13.1 km (8.1 mi) in Segment B, and 6.9 km (4.3 mi) in Segment A and 5.8 km (3.7 mi) in Segment C. Under this alternative, northbound and southbound HOV lanes would be available to mixed-flow during non-HOV hours.

However, under the Reversible HOV Lane Alternative, a single HOV lane would be constructed in the median in Segment B. The dimensions of the median in this segment would be 9.6 m (32 ft) for the HOV lane to allow for a 3.6 m (12 ft) HOV lane, a 3.0 m (10 ft) shoulder on each side, and on either side of the shoulder a barrier (0.6 m (2 ft)) to separate the shoulder from the adjacent mixed flow lanes. The HOV lane barriers would be adjusted to permit southbound travel during the A.M. peak period and northbound travel during the P.M. peak period. In other words, the HOV lane in this segment would be “reversible,” compared to the fixed directional HOV lanes of the Fixed HOV Lane Alternative. No travel would be allowed in the reversible lane during non-HOV hours. Entry to and exit from this lane would be controlled at two points near the northern and southern termini.

In Segment B, the DEIR/S evaluated four Access Options that would replace direct access to US 101 that would be lost under the Build Alternatives to upgrade this segment from expressway to full-freeway standards. Of the four proposed, Access Option 12b was identified as the preferred option in the FEIR/S.

### **Alternatives Considered and Withdrawn**

Many alternatives were evaluated in the DEIR/S and were withdrawn due to reasons described in detail in the DEIR/S and in Section 2.6, Alternatives Considered and Withdrawn in the FEIR/S.

### **Basis for the Decision**

FHWA's decision is based on information contained in the FEIR/S, which was circulated on August 7, 2009, and provides the detailed statement on environmental impacts required by the National Environmental Policy Act (NEPA). It is supported by the alternatives analysis that was conducted from June 2001 to August 2007, as well as various technical studies undertaken to support the NEPA process. The Selected Alternative meets the purpose and need of the MSN HOV Widening Project and would relieve recurrent traffic congestion, correct deficiencies and improve overall operations, provide safe access, improve mobility, and correct existing drainage and flood hazards and reduce future drainage problems.

In particular, the Selected Alternative would be compatible with Marin County's city-centered corridor and Sonoma County's city-centered growth policies. The availability of northbound and southbound HOV lanes during off-peak periods would be important for potential job and population growth within Marin and Sonoma counties. The Selected Alternative would better allow more efficient removal of disabled vehicles from the HOV lane and provide emergency vehicle access along US 101. The Selected Alternative would result in less visually intrusive impacts because of the utilization of existing interchanges rather than building new and larger interchanges. Thus a high level of visual quality will be maintained in which scenic view corridors of hillsides can provide a predominantly natural visual appearance. The Selected Alternative would also take advantage of existing interchanges reducing the project's footprint and conserving more right-of-way than the other proposals.

The Fixed HOV Lane Alternative with Access Option 12b is also the environmentally preferred alternative. Using the weighted evaluation criteria matrix described above, Access Option 12b scored among the top four access options in Segment B out of 26

access options considered. Because of the rural nature of Segment B, visual and biological resources were given more weight than other criteria.

Based on both the weighted comparison and public comment received on the DEIR/S, the Fixed HOV Lane Alternative with Access Option 12b was selected as the environmentally preferred alternative. This is primarily due to the fact that Access Option 12b limits the impact to the visual character of Segment B. While it will impact a slightly greater amount of acreage of Waters of the U.S. and cause more trees to be removed than the other three access options, the difference was nominal. Also, the other alternatives considered entailed additional environmental impacts of concern including a larger overall project footprint. In addition, Access Option 12b has lower costs associated with construction and right-of-way acquisition, reduces the amount of subsequent land use conversions, and limits agricultural impacts. For the above reasons, FHWA has found the Fixed HOV Lane Alternative with Access Option 12b to also be the environmentally preferred alternative.

### **Public Opportunity to Comment**

A Notice of Intent (NOI) was published in the Federal Register on May 2, 2001. Caltrans held public scoping meetings on August 1, 2001, in Novato, Marin County, and on August 22, 2001, in Petaluma, Sonoma County. The intent of these meetings was to solicit input from public agencies and the general public about the scope of the environmental analysis. This meeting was advertised in local newspapers, including a Spanish language newspaper.

Because of the concerns from local constituencies described above under Background, Caltrans also held public scoping meetings on November 18, 2002, in Novato and on November 29, 2002, in Petaluma to show the alignment of the proposed freeway facility, including Segment B. The purpose of these meetings was to solicit input on the overall project footprint. These meetings were advertised in local newspapers. Invitations were mailed to over 250 people on the interested parties' mailing list. These meetings were attended by sixty-three people. Caltrans project development team staff was available to answer questions. Public comments were collected at the meeting.

Public Meetings were held on June 15, 2005, in Novato, and on June 16, 2005, in Petaluma to preview the four interim Access Options within Segment B. These meetings were advertised in local newspapers. Invitations were also mailed to over 250 people on the interested parties' mailing list. These meetings were attended by thirty-five people.

Caltrans project development team staff was available to answer questions, and comments were collected.

The DEIR/S was released on October 16, 2007. Distribution of the document and a 60-day public comment period followed, ending December 14, 2007. The DEIR/S was available for viewing at TAM, SCTA, the Community Center at Lucchesi Park, and several city and regional libraries throughout the area. Caltrans received over 700 comments during the comment period. Responses to these comments are compiled in Volume 3, of the FEIR/S, which is titled Public Comments and Responses on the DEIR/S.

Caltrans, TAM, and SCTA hosted two public meeting open houses to present the findings of the DEIR/S. Pursuant to California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) guidelines, local residents, elected officials, interested property owners, local businesses, and other interested parties of the general public, were notified of the document release and the public meetings through local newspapers. The meetings were advertised in local newspapers, including a Spanish language newspaper. Notification letters were also sent to people on the project mailing list. A Notice of Availability also appeared in the Federal Register on October 26, 2007. Two public meeting open houses were held on November 6, 2007, in Petaluma at the Beverly C. Wilson Hall located at the Sonoma-Marin Fairgrounds and on November 14, 2007, in Novato at the Novato Unified School District Board Room. During the meetings, a presentation was given on the overview of the project and the project schedule information. A total of fifty-five people signed in at the two meetings. A court reporter was also on hand to record comments and project staff was on hand to answer questions and collect comments.

The FEIR/S was released on August 7, 2009. Distribution of the document was made to federal, state, and local agencies and private organizations, and members of the public who provided comments on the DEIR/S or who requested a copy of the final document. A Notice of Availability (NOA) was published on August 7, 2009. The NOA provided for a 30-day comment period that ended on September 8, 2009. A total of thirteen comments were received (see Appendix A).

Caltrans has a website at <http://www.dot.ca.gov/dist4/msn> to provide the public with information on project alternatives, project schedule, public meetings, and PAG meetings. Visitors have been able to submit comments or questions through this website. Caltrans also prepared and distributed newsletters summarizing project information. A

comprehensive newsletter was distributed that described the project history, identified the proposed project, and summarized the schedule and the environmental review process. Table 6-1: MSN DEIR/S Public Outreach Coordination of the DEIR/S and FEIR/S lists public meetings and other outreach efforts that Caltrans has undertaken since the Notice of Intent.

### **Environmental Impacts and Measures to Minimize Harm**

The MSN Project will result in environmental impacts, which are described in detail within the following noted sections of Chapter 3 of the FEIR/S. The most substantial impacts associated with the project include the following:

#### **Section 3.1.11**

**Visual/Aesthetics.** In Segment A there will be an adverse effect of new soundwalls and accompanying tree and vegetation removal. In Segment B there will be an adverse impact from increased roadway, visual dominance due to center widening, center median barriers and access roads, a new interchange, major grading and landform alteration, tree removal will occur under the Selected Alternative. In Segment C, there will be an adverse impact from new soundwalls, interchange ramp improvements, and speed change lane due to substantial decline in motorists' views and community character and loss of tree hedgerows.

#### **Section 3.1.12**

**Cultural Resources:** There will be adverse impacts to five archaeological sites that have been recorded within the project's Area of Potential Effects (APE). The prehistoric constituents of these sites are contributing elements to the sites' National Register eligibility. Two sites, RN 197 and MRN 507/H do not initially appear to have those characteristics that would make them eligible, but access limitations to the study area precluded clear boundary definition and relationships to nearby deposits.

The selected alternative would have adverse effects on two site complexes in the APE. The Olompali Complex would be entirely or partly destroyed by construction of the project. The second complex of sites at the San Antonio Creek Bridge (MRN-196, MRN-197) would also be entirely or partially destroyed by removal of the bridge and/or construction of access roads.

CA-MRN-327 is not presently in the area of direct impact, so that the effect to this site may not be adverse if it is protected during construction.

**Acquisitions and Relocations:** Acquisition of additional right-of-way of approximately 0.25 ha (0.63 ac) in Segment A, 143.58 ha (354.82 ac) in Segment B (based upon Access Option 12b), and 1.94 ha (4.80 ac) in Segment C would result in various land use conversions from primarily residential and agricultural designations. The project will require the relocation of one residential unit. In the process of administering relocation services and benefits, FHWA and Caltrans will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. FHWA and Caltrans will also comply with Title VI of the Civil Rights Act (42 USC 2000d, et. Seq.).

Several private and public utilities that provide sewer, water, telecommunications, gas and electrical transmission services will be permanently relocated. Caltrans will work with utility companies to facilitate the removal of utility lines from the US 101 mainline right of way prior to construction of future phases of the project.

### **Biological Environment – Wetlands**

The Selected Alternative would cause temporary impacts of 0.93ha (2.31 ac) to wetlands, and permanent impacts of 3.01 ha (7.43 ac) to wetlands. Caltrans and FHWA will develop a wetland habitat mitigation plan to compensate for the impacts of the Selected Alternative. Caltrans and the FHWA, in consultation with the United States Environmental Protection Agency (USEPA), United States Army Corps of Engineers (USACE), and the Regional Water Quality Control Board (RWQCB) will determine replacement ratios to mitigate for impacts to wetlands and other waters of the U.S. It is expected, however, that the hectares (or acres) realized through compensation would result in a net increase over the amount of wetlands impacted under the Selected Alternative based upon FHWA's nationwide goals for replacing impacted wetlands at 1.5:1. In addition, Caltrans and the FHWA would establish successful wetland compensation ahead of construction to compensate for impacts associated with project segments undertaken. Therefore, there would be no temporal impacts. Potential mitigation sites for permanent impacts are being explored by Caltrans and include Skaggs Island, Petaluma River, and other locations potentially available through private conservation covenants.

In addition, there would be temporary impacts of 0.25 ha (0.63 ac) and permanent impacts of 1.26 ha (3.2 ac) to other waters of the U.S.

### **Biological Environment – Threatened and Endangered Species**

The project has a potential to disturb 0.46 h (1.14 ac) of designated Critical Habitat for steelhead under Section 7 of the Federal Endangered Species Act (FESA). Critical

Habitat is species specific and is designated as habitat that is necessary for the survival of the species. FHWA, in consultation with the National Oceanographic and Atmospheric Administration (NOAA) also referred to as National Marine Fisheries Service (NOAA Fisheries) in the FEIR/S, determined that the project may affect and is likely to adversely affect Central California Coast (CCC) steelhead. NOAA Fisheries also determined that the project is not likely to jeopardize the continued existence of the CCC steelhead.

The project has a potential to disturb 0.20 ha (0.49 ac) of proposed Critical Habitat for green sturgeon. NOAA Fisheries determined that the project is not likely to affect the green sturgeon due to a low probability of it being encountered in the project area and that the project would not jeopardize the continued existence of green sturgeon.

The project has a potential to adversely impact 0.47 ha (1.16 ac) of Chinook salmon Essential Fish Habitat (EFH) in Novato Creek, San Antonio Creek, and the Petaluma River. Essential Fish Habitat has elements (e.g., spawning habitat) that can be utilized during the animal's lifecycle. Chinook salmon is not subject to Section 7 of the Federal Endangered Species Act (FESA) or California Endangered Species Act (CESA), but is subject to consultation with NOAA Fisheries pursuant to the Magnuson-Stevens Fishery Conservation and Management Act for Essential Fish Habitat. Consultation concluded that measures to minimize harm to CCC steelhead and green sturgeon would also be protective of Chinook salmon.

There is substantial overlap between Critical Habitat and EFH within the MSN project area, but EFH can be larger than designated Critical Habitat which is why potential EFH acreage of 1.16 is greater than the Critical Habitat acreage of 1.14. Measures to minimize harm to CCC steelhead and green sturgeon and their habitat are fully described in the NOAA Fisheries' Biological Opinion for the MSN Project, or Appendix O of the FEIR/S. Measures include considerations for pile driving, work restrictions, establishing environmentally-sensitive areas (ESAs), the use of coffer dams, noise reduction and deflecting light away from habitat areas, removal of all projected-introduced materials once work is completed and returning any disturbed stream channel areas to pre-project conditions. These measures will also minimize harm to Chinook salmon EFH.

Under Section 7 of the FESA, FHWA has determined that the project may affect and is likely to adversely affect salt marsh harvest mouse (SMHM) through a loss of 0.02 ha (0.05 ac) of potential salt marsh harvest mouse habitat near the Petaluma River. Likewise, under Section 7 consultation under the FESA, the Project may affect and is likely to adversely affect the California red-legged frog (CRLF). Construction within the

project area would permanently impact approximately 82.47 ha (203.78 ac) and temporarily impact 1.34 ha (3.16 ac) of potential upland dispersal habitat for CRLF. The U.S. Fish and Wildlife Service (USFWS) also determined that the project is not likely to result in jeopardy to the continued existence of the CRLF or SMHM. Measures to minimize harm to SMHM and CRLF are fully described in the USFWS Biological Opinion for the MSN Project, or Appendix N of the FEIR/S. The measures include considerations for on-site monitoring during construction, training of construction personnel by qualified biologists, prevention of harassment, injury or mortality of these species, thereby reducing potential predation.

### **Construction Impacts**

Temporary traffic delays during peak and off-peak periods during construction would be experienced by US 101 motorists through the project area. Due to high traffic volumes and existing delays, any construction activity on US 101 requires that staged construction be considered to minimize impacts to the traveling public. Preliminary stages construction designs have been completed for all major elements of the proposed MSN Project. Through a multi-stage approach the existing number of lanes would be maintained through construction, however speed limits may be lowered through construction zones. The basic staging plan is described in Section 3.1.10 of the FEIR/S.

Temporary lack of bicycle and pedestrian access due to street closures and detours may occur during construction. The new access road system in Segment B can be completed prior to the mainline widening and realignment to provide bicycle and pedestrian route connectivity from the City of Novato, Marin County, to the City of Petaluma, Sonoma County.

The Selected Alternative may also cause temporary impact to emergency services due to delays and restricted mobility during construction. A Traffic Management Plan (TMP) will be developed for the project in consultation with local emergency services providers in the cities of Novato and Petaluma and Marin and Sonoma counties. Provisions will be included in the construction contract requiring the contractor to coordinate with these providers when developing temporary detour plans and lane closures. The construction contract documents will also require the contractor to notify emergency services a minimum of two weeks in advance of any temporary road closures and detour routes.

In addition, temporary impact to transit due to delays and restricted mobility may occur during construction. With regard to bus routes along US 101 and local streets in the cities of Novato and Petaluma that would be temporarily affected, Caltrans, with any needed

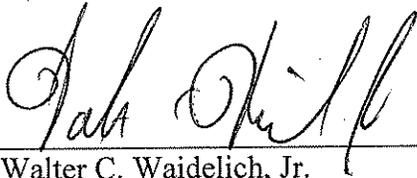
assistance from FHWA, would consult with service providers through Caltrans regarding the selection of detour routes. Caltrans/FHWA would also employ advance warning to the public using signs, fliers, and the public media to notify riders to expect delays due to temporary detours.

### **Conformity with Air Quality Plans**

The Federal Clean Air Act, as amended, requires that transportation projects conform to the State Implementation Plan's purpose of eliminating or reducing the severity and number of violations the National Ambient Air Quality Standards and of achieving expeditious attainment of such standards. The EPA regulation implementing this provision of the Clean Air Act (40 CFR Parts 51 and 93) establishes criteria for demonstrating that a transportation project is in conformity with applicable air quality plans. The performance of the Preferred Alternative (Fixed HOV lane Alternative) in meeting the conformity criteria given in the EPA regulation was evaluated in Section 3.3 of the FEIR/S. The project meets the criteria in 40 CFR Parts 51 and 93, in that it conforms to air quality plans for the San Francisco Bay region, and conforms to the Clean Air Act Amendments of 1990.

### **Finding**

On the basis of the environmental record presented above, FHWA finds the Fixed HOV Lane Alternative has satisfied the requirements of the NEPA, the Clean Air Act of 1970, and U.S. Department of Transportation Act of 1968, all as amended.



10/29/2009

Walter C. Waidehlich, Jr.  
Division Administrator, California Division  
Federal Highway Administration

Appendix A: Comments received on the FEIR/S

## **Appendix A: Comments Received on the FEIR/S**

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### Comments from Official Agencies

**Name:** Environmental Protection Agency (EPA)

**Date:** September 8, 2009

**Nature of Comment:** EPA reviewed the DEIS and FEIS pursuant to NEPA. The DEIS was rated as Environmental Concerns - Adequate Information (EC-1). EPA encourages Caltrans and FHWA to continue efforts to avoid and minimize potential adverse impacts to sensitive biological, farmland, community, and cultural resources through the remaining planning and design process and future construction. EPA recommended selection of the Fixed HOV Lane Alternative (Selected Alternative) and agreed that it is the least environmentally damaging practicable alternative (LEDPA).

**Response:** None required.

Comments Received from the Public

**Name:** Sierra Club Marin Group

**Date:** August 25, 2009

**Nature of comment:** Pleased that Alternative 12b has been chosen as the Preferred Alternative. Concerned that design exceptions and project modifications to reduce impacts to the environment were not adequately considered. Concerned about the project creating 205 acres of new impervious surface area, and concerned about the amount of earth movement and visual impacts. Object to using mitigation banks to mitigate for the loss of wetlands. Concerned that the document fails to adequately discuss indirect energy use.

**Name:** Marin Audubon Society

**Date:** August 31, 2009

**Nature of comment:** FEIR/S fails to provide sufficient information to evaluate the project. Desire Alternative 12b, but continue to have concerns about tree loss, wetland impacts, extensive grading and inadequate mitigation. Would like to see design exceptions and modifications used to ensure protection of natural resources and reduce impacts to the environment. Do not understand project purpose and need. The “needs” do not justify such a massive project.

**Name:** Marin Conservation League

**Date:** September 4, 2009

**Nature of comment:** Pleased that Alternative 12 b has been chosen as the Preferred Alternative. Recommends that design exceptions and modifications be applied in order to limit the project footprint and corresponding environmental impacts. Offsite locations should not be considered for wetland mitigation.

**Response to above three comments:** Highway design criteria and policies provide a guide for the engineer to exercise sound judgment in applying standards, consistent with a project development philosophy, in the design of projects. The guidance allows for flexibility in applying design standards and approving design exceptions that take the context of the project location into consideration; which enables the designer to tailor the design, as appropriate, for the specific circumstances while maintaining safety.

During the preliminary engineering phase, design exceptions were used by Caltrans to reduce the project footprint to the maximum extent practicable. Both mandatory and advisory design exceptions were used to approve existing nonstandard features within Segment A that will be kept in “as-is” condition (e.g. that it will not be upgraded). An advisory design exception was

approved for the median width in Segment B. This reduced the median width from 62 feet to 22 feet. Using an advisory design exception, the design will also incorporate 2:1 slopes instead of 4:1 in some areas to reduce the footprint. And in an area of wetland, the frontage road was moved closer to the freeway by using an advisory exception for the outer separation to reduce wetland impacts, and avoid endangered species habitat.

The use of non-standard lane and shoulder widths (mandatory exceptions) throughout Segment B does not meet the project's purpose and need. Lane and shoulder widths are directly related to freeway capacity and operations; standard width sections allow traffic to move more smoothly than non-standard width section. Design exceptions for non-standard horizontal or vertical alignment throughout Segment B are also not supported. These non-standard alignments are safety issues and relate to congestion and mobility. A consistent design speed must be maintained throughout the corridor.

The proposal to implement design exceptions to reduce the width of the travel way and median of the mainline was addressed through the Policy Advisory Group. At the May 17, 2002, meeting Caltrans made a presentation on the Highway Design Manual, the different types of design exceptions, and the process for getting approval of design exceptions. The controversy lies in the trade offs between safety and environmental conservation. The information that Caltrans disseminated at the meeting stated, "Accidents, injuries and deaths are reduced by as much as 84% when the combined shoulder width is 22 feet." The meeting minutes state "Caltrans said they understand environmental concerns and will seek to balance safety and environmental needs as they design the corridor." (MSN PAG Meeting Minutes, Friday, May 17, 2002). In response to comments on the DEIR/S, Caltrans stated that 12' lanes and 10' shoulders are needed for safe operations and emergency access/broken-down vehicles.

Design exceptions can be used at spot locations. A mandatory shoulder width exception was approved due to the location of existing median columns (point restriction) and the spacing between ramp and local street intersection at the South Petaluma Boulevard Interchange. The shoulder width exception was for a reduced inside shoulder width due to the existing columns for the Corona Road Overcrossing. The standard shoulder width is ten feet. At the column locations, the shoulder width would be reduced to about seven feet. The total length of the reduced shoulder is about 120 feet long. Standard 20:1 tapers will be used to transition the median barrier around the columns.

The final design plans will be developed after the environmental phase is completed. At that time, consideration will be given to additional opportunities to reduce the project footprint. The widths for the frontage roads will be revisited in discussions with the respective counties.

Likewise the proposed interchange at the Redwood Landfill and the reconstructed interchange at Petaluma Boulevard South may be revised from a spread diamond, typical in a rural setting, to a tight diamond, more common in urban areas. This will further reduce the project footprint.

Regarding the mitigation for project environmental impacts as described in the FEIR/S, as part of negotiations with the resource and regulatory agencies that are tasked with protecting the sites' natural resources, a conceptual mitigation plan has been developed. Elements of this mitigation plan include compensatory mitigation for impacts to California red-legged frog (CRLF), wetlands, and a comprehensive tree and vegetation restoration plan.

To address effects to CRLF, a conservation easement is proposed on a property in Marin and/or Sonoma Counties that consists of a minimum of 204 acres of high quality grass and woodland habitat that is consistent with habitat that supports CRLF. Any conservation easement that is purchased would be fully funded and include a non-wasting fund that supports the in-perpetuity management and operation of the easement.

The unavoidable impacts to wetlands may be mitigated following a procedure of wetland preservation and then creation. Mitigation for impacts to wetlands may be completed through a combination of on-site restoration, enhancement of existing wetlands and, finally, through the purchase of compensatory mitigation credits at an agency approved mitigation bank.

All of the trees that will be removed will be replaced. For landscape trees that were planted by previous Caltrans roadway beautification projects, they will be replaced as visual mitigation, at a 1:1 ratio. Native tree species that are located in riparian corridors will be replaced with appropriate native species at a ratio of 3:1. As an acknowledgment of their unique value to wildlife and habitat, all oak tree species will be replaced at a ratio of 5:1. The replanting of trees will be done in conjunction with an appropriate plant palette of native shrubs, forbs, and grasses. At the end of the project, the natural environment will be improved through the enhancement, restoration, and conservation of the natural resources found around the Marin-Sonoma Narrows Project.

The project currently has thirty-five cross culverts that convey storm water to swales along the sides of the roadway and then to adjacent watercourses. These cross culverts may already provide movement corridors for both the federally endangered CRLF and small mammals. Additionally, San Antonio Creek and the Petaluma River provide movement corridors for the wildlife currently, and would continue to do so following construction.

**Name:** Judy Arnold, Marin County Supervisor, District 5

**Date:** September 3, 2009

**Nature of comment:** Supports the inclusion of a soundwall adjacent to Orange Avenue in Novato.

**Name:** Michael C. Frank, City Manager, City of Novato

**Date:** September 8, 2009

**Nature of comment:** Supports the inclusion of a soundwall adjacent to Orange Avenue in Novato.

**Name:** John & Diane Schaumleffel, East Novato Residents for Fair Sound Mitigation

**Date:** August 28, 2009

**Nature of comment:** Supports the inclusion of a soundwall adjacent to Orange Avenue in Novato. Concerned that their comments were not considered.

**Name:** Ashley & Nark Vallee, Novato Residents

**Date:** undated

**Nature of comment:** Supports the inclusion of a soundwall adjacent to Orange Avenue in Novato.

**Name:** Jonathan Kopp

**Date:** August 30, 2009

**Nature of comment:** Supports the inclusion of a soundwall adjacent to Orange Avenue in Novato.

**Name:** Sheila Hulbert, Novato Resident

**Date:** September 4, 2009

**Nature of comment:** Supports the inclusion of a soundwall adjacent to Orange Avenue in Novato.

**Response to above six comments:** Caltrans and FHWA have determined that the area adjacent to Orange Avenue does not qualify for a soundwall. The neighborhood is experiencing existing noise levels within the NAC standard. When discussing the qualifying criteria for soundwalls, it is necessary to understand the details of how the criteria are applied. All projects with federal funding or federal approval actions are required to comply with the Code of Federal Regulations (CFR); for noise impacts related to Federal-aid highway projects, the applicable regulations are located at 23 CFR

Part 772. To comply with the regulations, FHWA has worked closely with Caltrans to produce the Caltrans Traffic Noise Analysis Protocol. The regulations and protocol are what Caltrans and FHWA use to define what traffic noise impacts are under NEPA. Under NEPA, all impacts must be disclosed and addressed. For traffic noise impacts that do not rise to the level of a *significant impact*, noise abatement must be considered, though not necessarily provided. The FHWA will not approve funding to address noise levels that do not rise to the level of a noise impact as defined by 23 CFR 772.5 which occurs when the predicted noise level in the design year approaches or exceeds the noise abatement criteria (NAC) set for categories of activities based on actual land use. The protocol defines what those levels are and under what conditions they are determined.

The assessment that was done for this project was carried out in full compliance with the federal regulations and Caltrans' approved protocol. The information that Caltrans provided does not conflict with this. This is because noise impact is based on the predicted highest *hourly averaged* noise levels that will occur after the project is completed. The raw data that contains instantaneous high readings (what are termed Lmax) will often exceed the hourly averaged levels. Instantaneous high readings such as the ones that have been cited can occur on any roadway at any time and would be an impractical determinant of traffic noise impact.

Any project that adds more lanes of traffic will result in higher noise levels than existed before. If you took raw data and converted them to hourly averaged readings you will find the same would hold true in this case.

The latest readings (the March 2009 noise readings by Caltrans) were only done to verify the findings of the original technical study and were not part of a new or revised study. Caltrans did not find anything in those readings that invalidated the conclusions of the original study.

With regard to the assumptions made in Caltrans' noise modeling, the agency made a conservative assumption, one not affected by the year the model was created. Caltrans assumed the freeway would be operating at full capacity in free-flow conditions in both directions. In a real-world situation rush hour traffic would rarely move at the posted speed limit in both directions simultaneously. By making this assumption Caltrans can ensure that we have predicted the highest noise level, regardless of the year the project is completed.

Regarding the receipt of comments, Caltrans, TAM, and SCTA hosted two public meeting open houses to present the findings of the Draft Environmental Impact

Report/Statement (DEIR/S) on the MSN Project. Pursuant to California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) guidelines, local residents, elected officials, interested property owners, local businesses and other interested parties of the general public were notified of the documents release and the public meetings through local newspapers and letters of notification to people on the interested parties' project mailing list. Two public open houses were held: November 6, 2007, at the Beverly C. Wilson Hall, Sonoma-Marin Fairgrounds; and November 14, 2007 at the Novato Unified School District Boardroom. At both of these meetings participants were encouraged to provide input via comment cards or verbally to a court reporter.

The December 10, 2007, meeting of the Novato City Council was not intended to be part of the formal public meeting process for the MSN project. The Novato Community Development Director had prepared draft comments to the Caltrans environmental document. The city council was soliciting input on those comments. Caltrans staff was in attendance at that meeting to answer questions. During the meeting it became apparent that there was a desire to provide input directly to Caltrans. An effort was made to collect and document comments. Comment cards were provided to Caltrans by the city council and a cardboard box was used to collect the comments. Sometime during the evening the box was removed and presumably erroneously discarded. This was an unfortunate accident and not intentional. Caltrans understood the public's desire to provide comments, and knowing that the comment period was closing in a few days, informed all of the participants that if they submitted comments directly to us after the meeting we would accept them even if they were received after the close of the comment period. Caltrans received four written comments on this subject in the days following the meeting, including a petition signed by approximately 100 residents requesting a soundwall along W. Orange Avenue in Novato. All of the comments were included and responded to in the FEIS.

**Name:** Susan Kirks, Chair, Paula Lane Action Network (P.L.A.N.)

**Date:** September 6, 2009

**Nature of comment:** Concerned about biological resources/impacts in Petaluma, especially with regard to CRLF, SMHM, and a heron/egret colony.

**Name:** Norris R. Dyer, Senior Docent, Petaluma Wetlands Alliance

**Date:** September 7, 2009

**Nature of comment:** Concerned about impacts to a heron/egret colony.

**Name:** Janice Cader-Thompson, RDH

**Date:** September 6, 2009

**Nature of comment:** Concerned about biological resources/impacts in Petaluma, especially with regard to CRLF, SMHM, and a heron/egret colony.

**Response to above three comments:** The impacts to the heron and egret rookery located on the Dutra property have been analyzed. This analysis involved evaluating the total number of thriving rookeries in the vicinity of the MSN project to determine the significance of the impacts to the rookery on the Dutra property on a regional context. If impacts to the heron and egret colonies on the Dutra property are determined at any time to be significant, Caltrans will coordinate with resource agencies to develop a plan for enhancement and restoration of rookery habitat within the vicinity of the impacts. Additionally, the MSN project will implement seasonal restrictions in accordance with the Migratory Bird Treaty Act (MBTA), which provides for the protection of birds migrating between the U.S., Mexico, Canada, and Russia. Active nests will not be removed during the MBTA nesting period, February 15 to September 1, to avoid disturbing these colonies.

Caltrans and FHWA participated in the NEPA/404 MOU Integration process that helped to select the Least Environmentally Damaging, Practicable Alternative (LEPDA) design. The Selected Alternative is also the LEDPA. The LEDPA however, will still have unavoidable impacts to wetlands. These impacts will be mitigated following a procedure of wetland preservation and then creation. Mitigation for impacts to wetland may be completed through a combination of on-site restoration, enhancement of existing wetlands and, finally, through the purchase of compensatory mitigation credits at an approved bank.

Endangered species compensation will be completed based on the terms of the U.S. Fish and Wildlife Service Biological Opinion. Currently, Caltrans is planning to purchase a conservation easement on a property in Marin and/or Sonoma Counties that consists of a minimum of 204

acres of high quality grass and woodland habitat which is consistent with habitat that supports California red-legged frog (CRLF). Any conservation easement that is purchased would be fully funded and include a non-wasting fund that supports management and operation of the easement.

Caltrans will mitigate for impacts to salt marsh harvest mouse (SMHM) habitat by expanding or improving existing pickleweed along the northern bank beneath the Petaluma River Bridge, thus expanding potential habitat for SMHM.

During the widening of US 101 through the Segment B portion of the project, there are unavoidable impacts to native and non-native vegetation. All of the trees that are removed will be replaced. For landscape trees that were planted by previous Caltrans roadway beautification projects, they will be replaced as visual mitigation at a 1:1 ratio.

Native tree species that are located in riparian corridors will be replaced with appropriate native species at a 3:1 ratio. As an acknowledgment of their unique value to wildlife and habitat, all oak tree species will be replaced at a ratio of 5:1. The replanting of trees will be done in conjunction with an appropriate plant palette of native shrubs, forbs and grasses.