

Memorandum

Tab 45

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: March 20, 2014

Reference No.: 2.2c.(3)
Action Item

From: NORMA ORTEGA
Chief Financial Officer

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Division Chief
Environmental Analysis

Subject: APPROVAL OF PROJECT FOR FUTURE CONSIDERATION OF FUNDING
04-SM-1, PM 41.7/43.0
RESOLUTION E-14-09

RECOMMENDATION:

The California Department of Transportation (Department) recommends that the California Transportation Commission (Commission), as a responsible agency, approve the attached Resolution E-14-09.

ISSUE:

The attached resolution proposes to approve for future consideration of funding the following project for which a Final Environmental Impact Report (FEIR) has been completed:

- State Route 1 (SR 1) in San Mateo County. Widen a portion of SR 1 from four lanes to six lanes in the city of Pacifica. (PPNO 0632C)

This project in San Mateo County will widen a portion of State Route 1 from four lanes to six lanes in the city of Pacifica. The project is not fully funded. The project is programmed in the 2012 State Transportation Improvement Program. The total estimated cost is \$53,250,000 for capital and support. Depending on the availability of funds, construction is estimated to begin in Fiscal Year 2014-15. The scope, as described for the preferred alternative, is consistent with the project scope programmed by the Commission in the 2012 State Transportation Improvement Program.

A copy of the FEIR has been provided to Commission staff. Resources that may be impacted by the project include: aesthetics, community impacts, cultural resources, hazardous waste, water quality, and biological resources. Potential impacts associated with the project can all be mitigated to below significance through proposed mitigation measures. As a result, an FEIR was prepared for the project.

Attachments

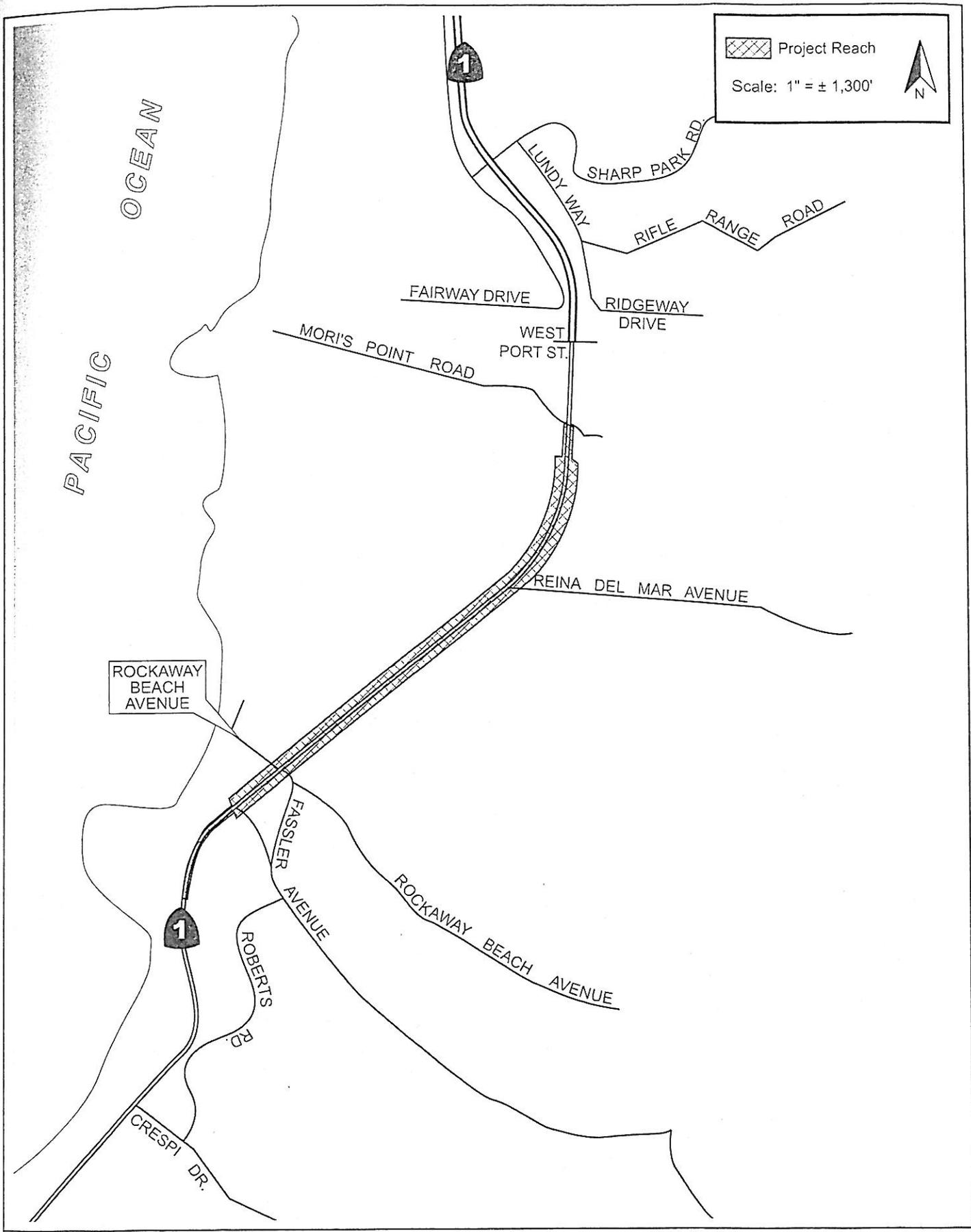
CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Future Consideration of Funding

04-SM-1, PM 41.7/43.0

Resolution E-14-09

- 1.1 **WHEREAS**, the California Department of Transportation (Department) has completed a Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
 - State Route 1 (SR 1) in San Mateo County. Widen a portion of SR 1 from four lanes to six lanes in the city of Pacifica. (PPNO 0632C)
- 1.2 **WHEREAS**, the Department has certified that a Final Environmental Impact Report has been completed pursuant to CEQA and the State CEQA Guidelines for its implementation; and
- 1.3 **WHEREAS**, the California Transportation Commission, as a responsible agency, has considered the information contained in the Final Environmental Impact Report.
- 1.4 **WHEREAS**, the project will have a significant effect on the environment.
- 1.5 **WHEREAS**, Findings were made pursuant to the State CEQA Guidelines.
- 2.1 **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby support approval of the above referenced project to allow for consideration of funding.



VICINITY MAP

FIGURE 1.2

FINDINGS

**CALIFORNIA DEPARTMENT OF TRANSPORTATION FINDINGS FOR
STATE ROUTE 1/CALERA PARKWAY/HIGHWAY 1 WIDENING PROJECT
(FROM SOUTH OF FASSLER AVENUE TO NORTH OF REINA DEL MAR
AVENUE IN THE CITY OF PACIFICA) SAN MATEO COUNTY, CALIFORNIA
AUGUST 2013**

The following information is presented to comply with State CEQA Guidelines (Title 14 California Code of Regulations, Chapter 3, Section 15901) and the Department of Transportation and California Transportation Commission Environmental Regulations (Title 21, California Code of Regulations, Chapter 11, Section 1501). Reference is made to the Final Environmental Impact Report (FEIR) for the project, which is the basic source for the information.

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Caltrans District 4 Branch Chief, Ms. Yolanda Rivas, of the Division of Environmental Planning and Engineering, located at 111 Grand Avenue, Oakland, CA 94623.

The following effects have been identified in the EIR as resulting from the project. Effects found not to be significant have not been included.

Threatened and Endangered Species – California Red-legged Frog

Adverse Environmental Effects:

Construction of the proposed project would disturb developed and roadside/ruderal grassland habitat that could be used for foraging and dispersal by California red-legged frogs. Temporary impacts would occur in the area between the proposed future edge of pavement and the outer limits of cut and/or fill plus construction staging and access areas. The project would result in permanent impacts to 7.08 acres of potentially occupied habitat and temporary impacts to 3.75 acres of potentially occupied habitat.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Statement of Facts:

The following mitigation measures have been determined to be feasible and therefore, have been adopted.

To the extent practicable, nighttime construction will be minimized to avoid effects to nocturnally active listed species. When necessary in areas adjacent to California red-legged frog habitat, work lights will be directed away from adjacent habitat areas.

Wildlife exclusion fencing (WEF) shall be installed prior to the initiation of construction activities to exclude California red-legged frogs from the construction area. WEF will be located along the edge of construction impact areas wherever they are within 300 feet of Calera Creek or the off-site ditch that parallels southbound SR 1, northeast of San Marlo Way and south of Calera Creek. Special care will be taken to exclude frogs from entering the project area from the culvert outflow aquatic habitat during construction.

Prior to installation of the WEF, a preconstruction survey shall be conducted by a qualified biologist in the portions of the BSA where equipment and construction activities will be located. Additionally, a qualified biologist shall monitor the installation of the WEF to ensure that no California red-legged frogs are trapped within the construction area or harmed during installation. A post-installation survey shall be conducted to confirm the absence of frogs within the WEF. Any California red-legged frog found within the construction area (i.e., inside the WEF) will be relocated by the approved biologist to a safe location west of the BSA, which is preapproved by the USFWS and within Calera Creek or the Pacifica wastewater treatment ponds.

The boundaries of the project shall be clearly delineated with orange-colored plastic construction fencing (ESA) to prevent workers or equipment from inadvertently straying from the designated construction area. All construction personnel, equipment, and vehicle movement shall be confined within the designated construction, access, and staging areas.

Before any construction activities begin, a qualified biologist will conduct a training session with construction personnel to describe the California red-legged frog, its habitat, its conservation status, the specific measures being implemented to minimize effects to the species, and the boundaries of the project area.

To prevent inadvertent entrapment of animals during construction, all excavated, steep-walled holes or trenches more than one-foot deep will be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled they must be thoroughly inspected for trapped animals.

Prior to the start of work each day, a qualified biologist, serving as a Biological Monitor, shall inspect the integrity of the WEF to ensure no holes or damage, and the area within the construction zone, focusing on pits that were left open overnight and under equipment and materials.

If a frog of any kind that could be a California red-legged frog is encountered during project construction, the following protocol will be implemented: 1) The Resident Engineer will be notified; 2) The Resident Engineer will ensure that all work that could result in direct injury, disturbance, or harassment of the individual animal must immediately cease; and 3) The approved-biologist, who will be on-site monitoring construction, will identify the species and may remove the individual to a preapproved safe location nearby, if necessary.

To offset the approximately 7.08 acres of potential upland dispersal habitat that will be permanently affected by the project and the approximately 3.75 acres that will be temporarily affected during construction, the project proposes a mitigation package in cooperation with the Golden Gate National Recreation Area (GGNRA). The GGNRA staff has agreed in concept to this mitigation proposal; however, specific details will need to be approved by the National Park Service (NPS), who owns and manages the GGNRA. The proposed concept is to enhance a 5.14-acre parcel owned by the City of Pacifica that is west of the Pacifica waste water treatment plant and south of the GGNRA. This parcel is just north of the ponds that were created next to Calera Creek as San Francisco garter snake habitat and that also provide breeding habitat for California red-legged frogs. The parcel is also at the base of the ridgeline that separates habitat in Calera Creek and its associated ponds from the next closest aquatic habitat to the north that is along the northern perimeter of the GGNRA parcel and the southern edge of the Sharp Park Golf Course. Enhancements would primarily consist of removal and management of invasive plants and replacement with grassland/shrub habitat. Portions of the parcel could also be enhanced with micro-depressions and rock and/or woody debris. In addition, enhancements could also include one or two seasonal or ephemeral pond(s).

In addition to enhancement of the 5.14 acres of upland habitat, the upland habitat will also be enhanced from the preserved parcel, over the hill within the GGNRA (approximately 5.46 acres in size), and down to a bowl area adjacent to GGNRA California red-legged frog breeding ponds. The enhancements will include depressions to collect water and downed woody debris and rocks to preserve moisture and provide cover for California red-legged frogs. These enhancements will improve the dispersal habitat over the ridgeline by providing protection and moisture for dispersants and allow for increased connectivity of aquatic habitats.

The GGNRA mitigation site for the project is off-site but nearby. The potential effects of enhancements at this mitigation site were also considered. The mitigation site is expected to support California red-legged frogs that are foraging, migrating, or dispersing. While the enhancements planned will be beneficial to the California red-legged frogs, it is possible that there could be an effect on California red-legged frogs, if any are present, during the construction of the enhancement features. The avoidance and minimization measures described above that are applicable and will not cause more harm than benefit will be implemented. Installation of WEF and ESA fencing will cause damage to sensitive and steeply sloping habitat, and thus, these measures will not be implemented during enhancement activities at the mitigation site. However, the following measures are included as part of the project mitigation and will minimize effects to California red-legged frogs during construction of the enhancement features: Measure 1, Pre-construction Survey and Construction Monitoring of Mitigation Enhancement Installation; Measure 2, Construction

Area Limitation; Measure 3, Construction Worker Education Program; and Measure 4, Inspection and Discovery.

As a part of the project, areas of temporary habitat loss shall be seeded with native plants to reestablish habitat of equal value within five years of construction.

Alternate Contingency Plan for Compensatory Habitat Mitigation: In the unforeseeable event that the proposed mitigation concept cannot be implemented for habitat impacts, alternative mitigation will be provided to compensate for unavoidable impacts to potential California red-legged frog and San Francisco garter snake dispersal habitat. Such mitigation will be provided via the protection, enhancement, and management of habitat that currently supports, or can support, this species at a minimum 2:1 (mitigation: impact) ratio, on an acreage basis. Compensatory mitigation may be carried out through one or both of the following methods, in order of preference:

- The preservation, management, and enhancement (e.g., through long-term management targeted toward these species) of high-quality habitat that is already occupied by California red-legged frogs and San Francisco garter snakes.
- The restoration or enhancement (and subsequent preservation) of degraded habitat or habitat that is unsuitable for use by California red-legged frogs and San Francisco garter snakes, but that (a) is in close proximity to areas of known occurrence and (b) can be made more suitable for use via construction of one or more breeding ponds or management to improve the quality and availability of upland habitat.

A Habitat Mitigation and Monitoring Plan (HMMP) will be developed describing the measures that will be taken to manage the property and to monitor the effects of management on the California red-legged frog and San Francisco garter snake.

Although none are currently available, if mitigation bank credits for preservation and enhancement of habitat for the San Francisco garter snake and California red-legged frog become available, and the service area of the mitigation bank includes the project site, mitigation bank credits equivalent to the 2:1 mitigation ratio described above may be purchased to satisfy the mitigation requirement. Because there are no mitigation credits currently available, the mitigation option has to be postponed until the opportunity to purchase mitigation bank credits becomes available.

Take of California red-legged frogs is only permitted through consultation with the USFWS. Section 7 consultation with the USFWS has been completed.

Threatened and Endangered Species – San Francisco Garter Snake

Adverse Environmental Effects:

The presence of San Francisco garter snakes is unlikely; however they could occur within the project construction area. Construction of the proposed project would disturb ruderal

grassland and non-native woodland habitat between Mori Point Road and San Marlo Way that could be used for dispersal by garter snakes.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Statement of Facts:

The same mitigation measures described above for California red-legged frogs are adopted, with the exception that if any San Francisco garter snakes are found on-site during construction, the snake will be allowed to leave on its own accord.