

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: January 30-31, 2019

Reference No.: 2.2c.(6)
Action Item

From: STEVEN KECK
Chief Financial Officer

Prepared by: Jeremy Ketchum, Chief (Acting)
Division of Environmental
Analysis

Subject: **APPROVAL OF PROJECTS FOR FUTURE CONSIDERATION OF FUNDING**

ISSUE:

Should the California Transportation Commission (Commission), as a responsible agency, approve the attached Resolution E-19-14?

RECOMMENDATION:

The California Department of Transportation (Department) recommends that the California Transportation Commission (Commission), as a responsible agency, approve the attached Resolution E-19-14.

BACKGROUND:

05-SCr-1, PM R7.24/16.13

RESOLUTION E-19-14

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 (SR) 1 in Santa Cruz County. Construct roadway improvements including HOV lanes on a portion of SR 1 in the city of Santa Cruz. (PPNO 0073A)

This project is located on SR 1 in the city of Santa Cruz in Santa Cruz County. The project proposes to add High Occupancy Vehicle (HOV) lanes, pedestrian and bicycle overcrossings, and reconstruct interchanges. The proposed project involves a Tier I component from the San Andreas-Larkin Valley Road interchange to the Morrissey Boulevard interchange and a Tier II component from 41st Avenue to Soquel Avenue/Drive. The purpose of this project proposes to reduce congestion, improve safety, promote alternative transportation modes and encourage carpooling and ridesharing. The Santa Cruz County Regional Transportation Commission's Regional Transportation Plan proposes this project for the Senate Bill 1 Solutions for Congested

Corridors Program Cycle 2 funds. The total cost of this proposed Tier II is estimated to be approximately \$36.4 million. Construction is estimated to begin in fiscal year 2021-22.

A copy of the FEIR has been provided to Commission staff. Resources that may be impacted by the project include visual/aesthetics, community impacts, emergency services, traffic and transportation, cultural, water quality, hazardous material, and biological resources.

Potential impacts associated with the project can all be mitigated to below significance with the exception of visual/aesthetics for which a Statement of Overriding Considerations was prepared. As a result, an FEIR was prepared for the project

Attachments

CALIFORNIA TRANSPORTATION COMMISSION

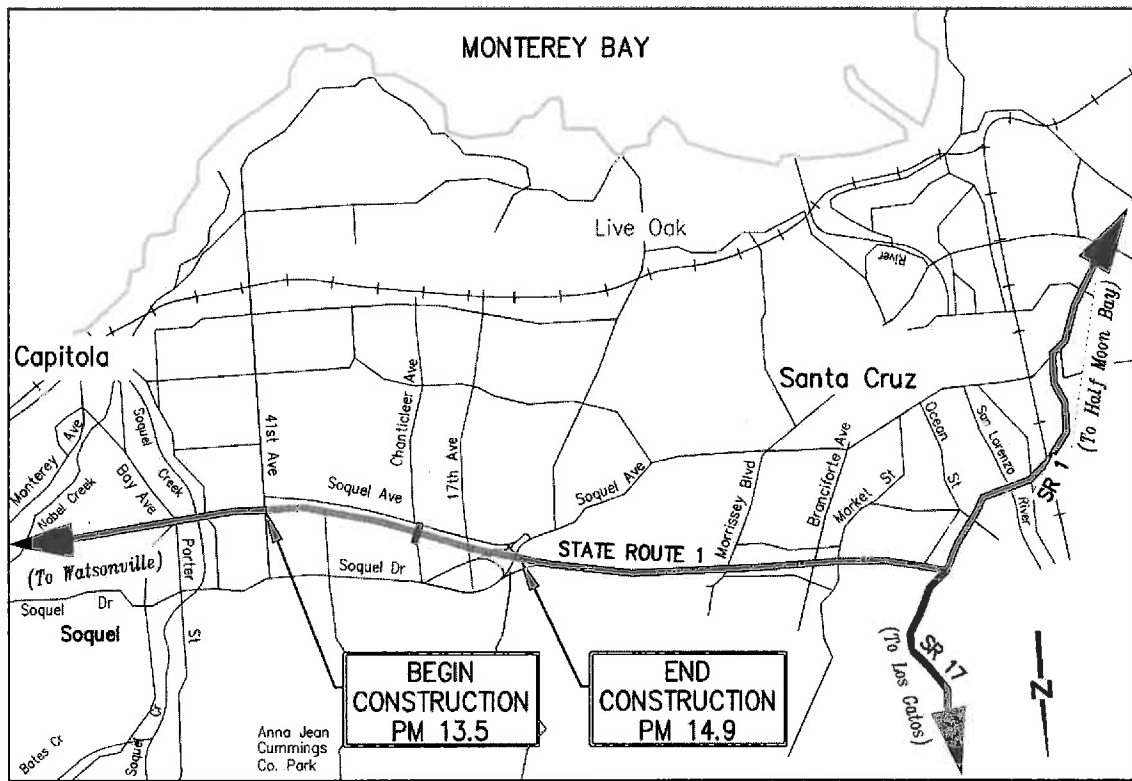
Resolution for Future Consideration of Funding

05-SCr-1, PM R7.24/16.13

Resolution E-19-14

- 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 (SR) 1 in Santa Cruz County. Construct roadway improvements including HOV lanes on a portion of SR 1 in the city of Santa Cruz. (PPNO 0073A)
- 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**, a Statement of Overriding Considerations was prepared.
- 1.6 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



NOTICE OF DETERMINATION

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: California Transportation Commission
Attention: Jose Oseguera
1120 N Street, MS 52
Sacramento, CA 95814
(916) 653-2094

Project Title: Santa Cruz Route 1 Tier 1 Project

<u>2004032147</u>	<u>Lara Bertania</u>	<u>(805) 542-4610</u>
State Clearinghouse Number	Lead Agency Contact Person	Area Code/Telephone

Project Location (include county): State Route (SR) 1 in Santa Cruz County.

Project Description: Widen existing four lane facility to a six lane facility including an HOV lane in each direction on a portion SR 1 near the city of Santa Cruz.

This is to advise that the California Transportation Commission has approved the above described project (Lead Agency / X Responsible Agency) on January 30-31, 2019, and has made the following determinations regarding the above described project:

1. The project (X will / will not) have a significant effect on the environment.
2. X An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures (X were / were not) made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan (X was / was not) made a condition of the approval of the project.
5. A Statement of Overriding Considerations (X was / was not) adopted for this project.
6. Findings (X were / were not) made pursuant to the provisions of CEQA.

The above identified document with comments and responses and record of project approval is available to the General Public at: Caltrans Dist. 5, 50 Higuera St., San Luis Obispo, CA 93401

<u>Susan Bransen</u>		<u>Executive Director</u>
Signature (Public Agency)	Date	Title
CALIFORNIA TRANSPORTATION COMMISSION		

Date received for filing at OPR:

Project Name: Tier I – Corridor Analysis of High Occupancy Vehicle (HOV) Lanes and Transportation System Management Alternatives and Tier II – Build Project Analysis of 41st Avenue to Soquel Avenue/Drive Auxiliary Lanes and Chanticleer Avenue Pedestrian-Bicycle Overcrossing

District/County/Route/Postmiles: 5/SCr/1/R7.24/16.13

EA: 0C7300

EFIS ID: 05-0000-0023

STATEMENT OF OVERRIDING CONSIDERATIONS

CALIFORNIA DEPARTMENT OF TRANSPORTATION STATEMENT OF OVERRIDING CONSIDERATIONS FOR

IMPROVEMENTS TO STATE ROUTE 1 IN SANTA CRUZ COUNTY, INCLUDING MAINLINE HIGH-OCCUPANCY VEHICLE (HOV) LANES, HOV ON-RAMP BYPASS LANES, AUXILIARY LANES, PEDESTRIAN AND BICYCLE OVERCROSSINGS, AND RECONSTRUCTED INTERCHANGES WITHIN THE TIER I CORRIDOR FROM APPROXIMATELY 0.4 MILE SOUTH OF THE SAN ANDREAS-LARKIN VALLEY ROAD INTERCHANGE TO 0.3 MILE NORTH OF THE MORRISSEY BOULEVARD INTERCHANGE (TIER 1 PROGRAMMATIC LEVEL OF ENVIRONMENTAL ANALYSIS); AND INCLUDING AUXILIARY LANES AND THE CHANTICLEER AVENUE PEDESTRIAN/ BICYCLE OVERCROSSING WITHIN THE TIER II CORRIDOR FROM 41ST AVENUE TO SOQUEL AVENUE/DRIVE (TIER II BUILD PROJECT LEVEL OF ENVIRONMENTAL ANALYSIS).

The following information is presented to comply with State CEQA Guidelines (Title 14 California Code of Regulations, Division 6, Chapter 3, Section 15093), and the Department of Transportation and California Transportation Commission Environmental Regulations (Title 21 California Code of Regulations, Division 2, Chapter 11, Section 1501 et seq.). Reference is made to the Final Environmental Impact Report (FEIR) for the project, which is the basic source for the information.

The following impacts have been identified as significant and not fully mitigable:

Tier I Corridor Project

Aesthetics/Visual – Route 1 is listed within the State Scenic Highways system as eligible for listing, but it has not been officially designated by the state, although it has been identified as a Scenic Road in the Santa Cruz County General Plan. The Tier I Project would create significant visual changes within the 8.9-mile-long Tier I Corridor as a result of highway widening, construction of retaining and soundwalls, removal of mature trees and other vegetation, and construction of new roadway structures. Viewer groups are expected to be sensitive to these

changes, and these impacts are unavoidable and considered potentially significant under CEQA, even with implementation of the mitigation measures described in the FEIR.

Overriding considerations that support approval of this recommended project are as follows:

Route 1 is the primary route connecting communities in the southern and central areas of Santa Cruz County and is the only continuous commuter route linking Watsonville, Capitola, Aptos, Cabrillo College, Santa Cruz, and the University of California at Santa Cruz. Approximately 25 percent of commuters using Route 1 continue on Route 17 to jobs in Santa Clara County. Route 1 also is the southern terminus for Route 9 and Route 17, which bring heavy tourist traffic to coastal destinations in Santa Cruz and Monterey counties.

Within the Tier I Corridor, Route 1 is subject to recurrent congestion that affects highway operations, such as difficulties entering the Route 1 mainline from on-ramps and exiting to off-ramps. The purpose of the proposed Tier I Project on Route 1 within the project limits is to achieve the following:

- Reduce congestion.
- Promote the use of alternative transportation modes as means to increase transportation system capacity.
- Encourage carpooling and ridesharing.

The Tier I Project addresses the following needs resulting from deficiencies on Route 1 within the Tier I project limits:

- Several bottlenecks along Route 1 in the southbound and northbound directions cause recurrent congestion during peak hours.
- Travel time delays due to congestion are experienced by commuters, commerce, and emergency vehicles.
- “Cut-through” traffic, or traffic on local streets, occurs and is increasing because drivers seek to avoid congestion on the highway.
- Limited opportunities exist for pedestrians and bicyclists to safely get across Route 1 within the project corridor.
- Insufficient incentives to increase transit service in the Route 1 corridor because congestion threatens reliability and cost-effective transit service delivery.
- Inadequate facilities to support carpool and rideshare vehicles over single-occupant vehicles, reducing travel time savings and reliability.

After comparing and weighing the benefits and impacts of all feasible alternatives, Caltrans identified the Tier I Corridor HOV Lane Alternative as the preferred Tier I alternative because it best meets the Tier I Project purpose and need and provides the most options for future Tier II projects to respond to any changes in future travel patterns. The Tier I Project will reduce congestion and cut-through traffic on local streets while providing incentives for carpooling, travel time savings, and efficiencies in providing transit services, as well as supporting bicycle and pedestrian modes of transportation.

Project Name: Tier I – Corridor Analysis of High Occupancy Vehicle (HOV) Lanes and Transportation System Management Alternatives and Tier II – Build Project Analysis of 41st Avenue to Soquel Avenue/Drive Auxiliary Lanes and Chanticleer Avenue Pedestrian-Bicycle Overcrossing

District/County/Route/Postmiles: 5/SCr/1/R7.24/16.13

EA: 0C7300

EFIS ID: 05-0000-0023

FINDINGS

CALIFORNIA DEPARTMENT OF TRANSPORTATION FINDINGS FOR

IMPROVEMENTS TO STATE ROUTE 1 IN SANTA CRUZ COUNTY, INCLUDING MAINLINE HIGH-OCCUPANCY VEHICLE (HOV) LANES, HOV ON-RAMP BYPASS LANES, AUXILIARY LANES, PEDESTRIAN AND BICYCLE OVERCROSSINGS, AND RECONSTRUCTED INTERCHANGES WITHIN THE TIER I CORRIDOR FROM APPROXIMATELY 0.4 MILE SOUTH OF THE SAN ANDREAS-LARKIN VALLEY ROAD INTERCHANGE TO 0.3 MILE NORTH OF THE MORRISSEY BOULEVARD INTERCHANGE (TIER 1 PROGRAMMATIC LEVEL OF ENVIRONMENTAL ANALYSIS); AND INCLUDING AUXILIARY LANES AND THE CHANTICLEER AVENUE PEDESTRIAN/ BICYCLE OVERCROSSING WITHIN THE TIER II CORRIDOR FROM 41ST AVENUE TO SOQUEL AVENUE/DRIVE (TIER II BUILD PROJECT LEVEL OF ENVIRONMENTAL ANALYSIS).

The following information is presented to comply with State CEQA Guidelines (Title 14 California Code of Regulations, Division 6, Chapter 3, Section 15091) and the Department of Transportation and California Transportation Commission Environmental Regulations (Title 21, California Code of Regulations, Division 2, Chapter 11, Section 1501 et seq.). Reference is made to the Final Environmental Impact Report (FEIR) for the project, which is the basic source for the information.

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

Tier I Project

Aesthetics/Visual

Adverse Environmental Effects:

Route 1 is listed within the State Scenic Highways system as eligible for listing, but it has not been officially designated by the State, although it has been identified as a Scenic Road in the Santa Cruz

County General Plan. The Tier I Project would create significant visual changes and a significant contribution to cumulative visual changes within the 8.9-mile-long Tier I Corridor as a result of highway widening, construction of retaining and soundwalls, removal of mature trees and other vegetation, and construction of new roadway structures. Viewer groups are expected to be sensitive to these changes.

Findings:

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Statement of Facts:

As the Tier I Project is implemented by programming future Tier II projects, each future Tier II project will be subject to separate environmental review. Site-specific aesthetic treatments will be developed as part of future Tier II projects through a formalized structure that allows for community input and will incorporate the measures described in the Corridor Aesthetic Guidelines included in Appendix N of the final EIR, including:

- Measures for Corridor Continuity and Community Identity – including an iterative process in which the landscape design incorporates visual elements that reference the other Tier II projects, other existing visual elements along the corridor and/or designs or images organized around a theme or set of compatible thematic approaches that have been developed in conjunction with the community.
- Measures to Preserve Existing Vegetation – including landscape plans that will save and protect as much existing vegetation in the corridor as determined by a qualified landscape architect to be feasible, especially eucalyptus and other skyline trees;
- Measures for Noise Barriers – including aesthetic treatments to the soundwalls such as vine plantings and/or bands of color or vertical “columns” of color or concrete pilasters.
- Measures for Retaining Walls – including aesthetic treatments to the retaining walls that incorporate textures that can form designs or images that may be selected by the community (“community-based textures”).
- Measures for Bridge Aesthetics – including the incorporation of community-based textures.
- Measures for Fencing and Barriers – including aesthetic treatment on concrete median barrier consistent with the visual character of the corridor and the adjacent community.
- Measures for Landscape Plantings – including landscape plans that will landscape and revegetate disturbed areas to the greatest extent feasible as determined by a qualified landscape architect; and an extended 3-year maintenance period to provide a single source of maintenance through the establishment period.
- Measures for Stormwater Treatment Facilities – including the use of drainage and water quality elements that maximize the allowable landscape as determined by a qualified landscape architect or civil engineer.

Other Impacts Resulting from the Tier I Project

As the Tier I Project is implemented by programming future Tier II projects, each future Tier II project will be subject to separate environmental review pursuant to CEQA. Impacts will be evaluated for each future Tier II project through the CEQA process. The avoidance, minimization, and/or minimization measures that have been identified for the Tier I Project in the Final EIR will be incorporated in future environmental documents for future Tier II projects and may be subject to updating and revision depending upon current regulations and environmental conditions identified during future environmental

review. In the event that significant impacts result from a future Tier II project that cannot be mitigated, an environmental impact report will be prepared along with findings specific to the applicable future Tier II project.

Tier II Project

Biological Resources/ Threatened and Endangered Species

Adverse Environmental Effects:

The Tier II Project would result in impacts to wetlands and other waters subject to the jurisdiction of the regulatory agencies, as identified below:

- Army Corps of Engineers:
 - 0.02 acre of permanent impact and 0.06 acre of temporary impact to other waters
- California Department of Fish and Wildlife:
 - 0.15 acre of permanent impact and 0.15 acre of temporary impact¹

Construction or dewatering activities in aquatic habitats within the biological study area could result in direct impacts to tidewater goby and California red-legged frog, which could result in injury or death to individuals. Temporary and permanent loss of habitat for each species would also occur.

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:

General measures will be implemented to provide onsite biological monitoring of mitigation measures; pre-construction flagging/fencing of limits of disturbance; preparation and implementation of an Erosion Control Plan and a Hazardous Materials Response Plan; implementation of Caltrans standard Best Management Practices; limiting work within stream channels to the dry season (April 15 – October 15); preparation and implementation of a Diversion and Dewatering Plan for in-stream work; limiting vehicle and equipment cleaning/refueling to a designated area 20 meters (~66 feet) away from aquatic habitats; immediate clean-up of hazardous materials and maintenance of spill clean-up materials onsite; proper removal and disposal of invasive exotic plant species; containment, removal, and proper disposal of trash; and restriction of pets from the construction site.

Measures addressing riparian habitat will be implemented, including replacement planting onsite using a 3:1 ratio for each individual riparian tree removed that is greater than 6 inches in diameter at breast height; replacement planting shall achieve a 75% success ratio at the end of a 5-year period within the watershed that is being impacted. Compensatory mitigation plantings shall be monitored and maintained as required by regulatory permits.

In-kind, onsite replacement planting of wetlands and other waters will be provided onsite within or as close as possible to the affected watershed immediately following project completion, with a 1:1 restoration ratio for temporary impacts and a 3:1 enhancement ratio for permanent impacts. A minimum 75 percent success rate shall be attained at the end of a 5-year period, and monitoring and

¹ California Department of Fish and Wildlife jurisdiction includes U.S. Army Corps of Engineers areas.

maintenance will be conducted as required by regulatory permits. If mitigation is not successful, an adaptive management strategy will be prepared and implemented as approved by the applicable regulatory agencies.

Impacts to tidewater goby will be addressed by measures included in the Biological Opinion #08EVEN00-2018-F-0421, as stated below:

1. Timing construction in Rodeo Gulch will occur during the driest portion of the year.
2. Before any construction activities begin, a U.S. Fish and Wildlife Service ("Service")-approved biologist will conduct a training session for all construction personnel. A description of tidewater goby, its ecology, and the specific measures to avoid or minimize impacts to tidewater goby will be included in the worker environmental training program.
3. Prior to in-water work and stream diversion/dewatering in Rodeo Gulch, a Service-approved biologist will conduct a pre-construction survey for tidewater goby and use seining, dip-nets, or other approved methods to capture and relocate tidewater gobies from the areas to be dewatered to suitable habitat outside of the area of proposed disturbance.
4. If dewatering/stream diversion is necessary, a Diversion and Dewatering Plan will be prepared and implemented to allow for passage of aquatic species through the site during construction. The form and function of all pumps used during the dewatering activities will be checked twice daily, at a minimum, by the Service-approved biological monitor to ensure a dry work environment and minimize adverse effects to aquatic species and habitats.
5. If pumps are incorporated to assist in temporarily dewatering the site during project activities, intakes will be completely screened with no larger than 0.2-inch wire mesh to prevent tidewater gobies and other sensitive aquatic species from entering the pump system. Pumps will release the additional water to a settling basin to allow suspended sediment to settle out prior to re-entering the gulch outside of the isolated area.
6. During dewatering/diversion activities, the Service-approved biological monitor or Service-approved biologist(s) will supervise site dewatering and relocation of any tidewater goby and other stranded species.
7. If it is determined by the Service-approved biological monitor or the Service-approved biologist that impacts to tidewater goby have the potential to exceed the levels authorized by the Service, they will notify the resident engineer (the engineer that is directly overseeing and in command of construction activities) immediately. The resident engineer will either resolve the situation immediately by eliminating the cause of the identified effect to the species or halt all actions that are causing these effects until coordination with the Service and CDFW is completed. No work will resume until the issue is resolved.
8. Following construction, temporary impacts to streamside vegetation or streambed substrate will be restored to their pre-construction conditions, at a minimum.

To prevent a net loss of habitat for any potential impacts to aquatic, freshwater marsh or riparian habitat, including tidewater goby and California red-legged frog habitat, the following compensatory measure is identified:

1. Compensation for affected aquatic, freshwater marsh or riparian habitats will be at a 1:1 restoration ratio for temporary impacts and a 3:1 enhancement ratio for permanent impacts. Compensation for project impacts will include in-kind, onsite restoration of vegetation and will be implemented immediately following project completion. Plantings will be monitored and maintained as required by regulatory permits. Maintenance activities may include weeding, debris removal, replanting (if necessary to meet success criteria), repair of any vandalism, fertilizing, and/or pest control. Monitoring reports will be submitted to the Caltrans, the Santa Cruz County Regional Transportation Commission, the Service, and CDFW.

Impacts to California red-legged frog will be addressed by compensatory mitigation of freshwater marsh/wetlands and riparian forest, and by additional measures included in the Biological Opinion #08EVEN00-2018-F-0421, as stated below:

1. Only U.S. Fish and Wildlife Service ("Service") approved biologist(s) will participate in activities associated with the capture, handling, and monitoring of California red-legged frogs.
2. Ground disturbance will not begin until written approval is received from the Service that the biologist is qualified to conduct the work.
3. A Service-approved biologist will survey the project site no more than 48 hours before the onset of work activities. If any life stage of the California red-legged frog is found and these individuals are likely to be killed or injured by work activities, the approved biologist will be allowed sufficient time to move them from the site before work begins. The Service-approved biologist will relocate the California red-legged frogs the shortest distance possible to a location that contains suitable habitat and that will not be affected by activities associated with the proposed project. The relocation site should be in the same drainage to the extent practicable. FHWA will coordinate with the Service on the relocation site prior to the capture of any California red-legged frogs.
4. Before any activities begin on a project, a Service-approved biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of the California red-legged frog and its habitat, the specific measures that are being implemented to conserve the California red-legged frog for the current project, and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.
5. A Service-approved biologist will be present at the work site until all California red-legged frogs have been relocated out of harm's way, workers have been instructed, and disturbance of habitat has been completed. After this time, the State or local sponsoring agency will designate a person to monitor on-site compliance with all minimization measures. The Service-approved biologist will ensure that this monitor receives the training outlined in measure 4 above and in the identification of California red-legged frogs. If the monitor or the Service approved biologist recommends that work be stopped because California red-legged frogs would be affected in a manner not anticipated by FHWA and the Service during review of the proposed action, they will notify the resident engineer (the engineer that is directly overseeing and in command of construction activities) immediately. The resident engineer will either resolve the situation by eliminating the adverse effect immediately or require that all actions causing these effects be halted. If work is stopped, the Service will be notified as soon as possible.
6. During project activities, all trash that may attract predators will be properly contained, removed from the work site, and disposed of regularly. Following construction, all trash and construction debris will be removed from work areas.
7. All refueling, maintenance, and staging of equipment and vehicles will occur at least 60 feet from riparian habitat or water bodies and in a location from where a spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water). The monitor will ensure contamination of habitat does not occur during such operations. Prior to the onset of work, FHWA will ensure that a plan is in place for prompt and effective response to any accidental spills: All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

8. Habitat contours will be returned to their original configuration at the end of project activities. This measure will be implemented in all areas disturbed by activities associated with the project, unless the Service and FHWA determine that it is not feasible, or modification of original contours would benefit the California red-legged frog.
9. The number of access routes, size of staging areas, and the total area of the activity will be limited to the minimum necessary to achieve the project goals. Environmentally Sensitive Areas will be delineated to confine access routes and construction areas to the minimum area necessary to complete construction and minimize the impact to California red-legged frog habitat; this goal includes locating access routes and construction areas outside of wetlands and riparian areas to the maximum extent practicable.
10. FHWA will attempt to schedule work activities for times of the year when impacts to the California red-legged frog would be minimal. For example, work that would affect large pools that may support breeding would be avoided, to the maximum degree practicable, during the breeding season (November through May). Isolated pools that are important to maintain California red-legged frogs through the driest portions of the year would be avoided, to the maximum degree practicable, during the late summer and early fall. Habitat assessments, surveys, and coordination between FHWA and the Service during project planning will be used to assist in scheduling work activities to avoid sensitive habitats during key times of the year.
11. To control sedimentation during and after project implementation, FHWA will implement best management practices outlined in any authorizations or permits issued under the authorities of the Clean Water Act that it receives for the specific project. If best management practices are ineffective, FHWA will attempt to remedy the situation immediately, in coordination with the Service.
12. If a work site is to be temporarily dewatered by pumping, intakes will be completely screened with wire mesh not larger than 0.2 inch to prevent California red-legged frogs from entering the pump system. Water will be released or pumped downstream at an appropriate rate to maintain downstream flows during construction. Upon completion of construction activities, any diversions or barriers to flow will be removed in a manner that would allow flow to resume with the least disturbance to the substrate. Alteration of the streambed will be minimized to the maximum extent possible; any imported material will be removed from the streambed upon completion of the project.
13. Unless approved by the Service, water will not be impounded in a manner that could attract California red-legged frogs.
14. A Service-approved biologist will permanently remove any individuals of non-native species, such as bullfrogs (*Rana catesbeiana*), signal and red swamp crayfish (*Pacifasticus leniusculus*; *Procambarus clarkii*), and centrarchid fishes from the project area, to the maximum extent possible. The Service-approved biologist will be responsible for ensuring his or her activities are in compliance with the California Fish and Game Code.
15. If FHWA demonstrates that disturbed areas have been restored to conditions that allow them to function as habitat for the California red-legged frog, these areas will not be included in the amount of total habitat permanently disturbed.
16. To ensure that diseases are not conveyed between work sites by the Service-approved biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force will be followed at all times.

17. Project sites will be revegetated with an assemblage of native riparian, wetlands, and upland vegetation suitable for the area. Locally collected plant materials will be used to the extent practicable. Invasive, exotic plants will be controlled to the maximum extent practicable. These measures will be implemented in all areas disturbed by activities associated with the project, unless the Service and FHWA determine that it is not feasible or practical.
18. FHWA will not use herbicides as the primary method to control invasive, exotic plants. However, if FHWA determines that the use of herbicides is the only feasible method for controlling invasive plants at a specific project site, it will implement the following additional protective measures for the California red-legged frog:
 - a. FHWA will not use herbicides during the breeding season for the California red-legged frog.
 - b. FHWA will conduct surveys for the California red-legged frog immediately prior to the start of any herbicide use. If found, California red-legged frogs will be relocated to suitable habitat far enough from the project area that no direct contact with herbicides would occur.
 - c. Giant reed and other invasive plants will be cut and hauled out by hand and the stems painted with glyphosate or glyphosate-based products, such as Aquamaster® or Rodeo®.
 - d. Licensed and experienced FHWA staff or a licensed and experienced contractor will use a hand-held sprayer for foliar application of Aquamaster® or Rodeo where large monoculture stands occur at an individual project site.
 - e. All precautions will be taken to ensure that no herbicide is applied to native vegetation.
 - f. Herbicides will not be applied on or near open water surfaces (no closer than 60 feet from open water).
 - g. Foliar applications of herbicide will not occur when wind speeds are in excess of 3 miles per hour.
 - h. No herbicides will be applied within 24 hours of forecasted rain.
 - i. Application of all herbicides will be done by qualified FHWA staff or contractors to ensure that overspray is minimized, that all application is made in accordance with label recommendations, and with implementation of all required and reasonable safety measures. A safe dye will be added to the mixture to visually denote treated sites. Application of herbicides will be consistent with the U.S. Environmental Protection Agency's Office of Pesticide Programs, Endangered Species Protection Program county bulletins.
 - j. All herbicides, fuels, lubricants, and equipment will be stored, poured, or refilled at least 60 feet from riparian habitat or water bodies in a location where a spill would not drain directly toward aquatic habitat. FHWA will ensure that contamination of habitat does not occur during such operations. Prior to the onset of work, FHWA will ensure that a plan is in place for a prompt and effective response to accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

Paleontology

Adverse Environmental Effects:

The presence of fossils in the Pliocene Purisima Formation, Plio Pleistocene Aromas Sand, and Pleistocene terrace deposits suggests a high potential for fossil remains to be uncovered by excavations during construction of the Tier II Project.

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:

A Paleontological Mitigation Plan will be prepared prior to and implemented during construction. The plan will require preconstruction actions to prevent damage to paleontological resources, such as conducting a field survey to delimit the specific boundaries of sensitive areas; construction monitoring by a qualified project paleontologist; temporary halting or redirecting of excavation equipment away from the fossils to be salvaged; appropriate methods for recovery, preservation, identification, and stabilization of specimens. Specimens will be identified by competent qualified specialists and analyzed by stratigraphic occurrence and by size, taxa, or taphonomic conditions. Specimens will be cataloged and stored in a fashion that allows future retrieval. A report will be prepared by the project paleontologist including a summary of the field and laboratory methods, site geology and stratigraphy, faunal list, and a brief statement of the significance and relationship of the site to similar fossil localities. Full copies of the Final Report will be deposited with the Lead Agency and the repository institution.

Hazardous Waste/Materials

Adverse Environmental Effects:

There is potential for asbestos-containing materials and lead-based paint coatings in structures that would be demolished to accommodate the proposed Chanticleer Avenue pedestrian and bicycle overcrossing, and lead-based paint may be present in highway paint striping. Aerially deposited lead may be present in soil areas along the shoulders and median of Route 1, and wooden utility poles within the project footprint that may require removal or relocation may be coated with creosote. In addition, the project footprint has the potential for presence of petroleum products in soil and groundwater. Two Recognized Environmental Conditions sites are adjacent to the project area and would not be acquired for the project, located at

- Redtree Properties, located at 819 Bay Avenue in Capitola;
- BP 11240 facility, located at 2178 41st Avenue in Capitola.

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:

During the final design phase, coordination with regulatory agencies and property owners will be conducted to determine the presence of hazardous substances, soil and groundwater contaminants,

and the status of any applicable site assessments and monitoring activities. Remediation monitoring will be conducted at the Recognized Environmental Conditions sites noted above, under Adverse Environmental Impacts. An asbestos-containing materials investigation will be conducted, and groundwater sampling for petroleum products and heavy metals will be performed along the Recognized Environmental Condition sites' borders with the project area. Final design specifications will require the proper management, removal and disposal of wooden utility poles containing creosote. Soil sampling will be conducted for aerially deposited lead along the shoulders and median of Route 1; soil and groundwater sampling for petroleum products will be conducted within the project area. Surveys for lead-based paint will be conducted, and lead-based paint will be abated. A work plan for investigation of aerially deposited lead will be prepared for characterizing the extent of aerially deposited lead, if present, and investigative sampling work will be performed.

During construction, the contractor will prepare and implement a Worker Health and Safety Plan; treatment and disposal of water from dewatering will be as directed by regulatory agencies; groundwater pumped from the subsurface shall be contained onsite in a safe manner prior to treatment and disposal; paint used in the existing roadway will be tested for lead prior to removal; materials exceeding hazardous waste criteria will be disposed of in a Class I disposal site; if hazardous wastes are encountered all appropriate measures shall be taken to protect human health and the environment.

Aesthetics/Visual

Adverse Environmental Effects:

Route 1 is listed within the State Scenic Highways system as eligible for listing, but it has not been officially designated by the state, although it has been identified as a Scenic Road in the Santa Cruz County General Plan. The proposed Tier II Auxiliary Lane Alternative would create visual changes as a result of highway widening, removal of mature trees and other vegetation, and construction of the Chanticleer pedestrian and bicycle overcrossing. The Tier II Project would contribute to a cumulative impact to visual changes. For the Tier II Project, these visual changes would be limited to the Capitola-Soquel Landscape Unit.

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:

To address the adverse visual changes associated with the proposed Tier II Auxiliary Lane Alternative, site-specific aesthetic treatments will be implemented consistent with the Corridor Aesthetic Guidelines in Appendix N of the final EIR, incorporating the following measures:

- Measures for Corridor Continuity and Community Identity – including an iterative process in which the landscape design incorporates visual elements that reference the other Tier II projects, other existing visual elements along the corridor and/or designs or images that are organized around a theme or set of compatible thematic approaches that have been developed in conjunction with the community.
- Measures to Preserve Existing Vegetation – including landscape plans that will save and protect as much existing vegetation in the corridor as determined by a qualified landscape architect to be feasible, especially eucalyptus and other skyline trees;

- Measures for Noise Barriers – including aesthetic treatments to the soundwalls such as vine plantings and/or bands of color or vertical “columns” of color or concrete pilasters.
- Measures for Retaining Walls – including aesthetic treatments to the retaining walls that incorporate textures that can form designs or images that may be selected by the community (“community-based textures”).
- Measures for Bridge Aesthetics – including the incorporation of community-based textures.
- Measures for Fencing and Barriers – including aesthetic treatment on concrete median barrier consistent with the visual character of the corridor and the adjacent community.
- Measures for Landscape Plantings – including landscape plans that will landscape and revegetate disturbed areas to the greatest extent feasible as determined by a qualified landscape architect; and an extended 3-year maintenance period to provide a single source of maintenance through the establishment period.
- Measures for Stormwater Treatment Facilities – including the use of drainage and water quality elements that maximize the allowable landscape as determined by a qualified landscape architect or civil engineer.