

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: October 8, 2013

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

From: STEVEN KECK
Acting Chief Financial Officer

Prepared by: Katrina Pierce
Division Chief
Environmental Analysis

Subject: **APPROVAL OF PROJECT FOR FUTURE CONSIDERATION OF FUNDING**
03-Sac-5; PM 9.7/22.5
RESOLUTION E-13-79

RECOMMENDATION:

The California Department of Transportation (Department) recommends that the California Transportation Commission (Commission), as a responsible agency, approve the attached Resolutions E-13-79.

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:

- Interstate 5 (I-5) in Sacramento County. Addition of bus/carpool lanes on a portion of I-5 near the city of Sacramento. (PPNO 5813, 5835, 5836)

This project in Sacramento County will add High Occupancy Vehicle lanes and construct new sound walls on a portion of I-5 near the city of Sacramento. The project is not fully funded. The total estimated cost is \$202,500,000 for capital and support. The project consists of three separate components; the environmental study, Phase 1, and Phase 2.

The environmental study (PPNO 5813) was completed with federal and local funds, at a total cost of \$4,685,000.

Phase 1 (PPNO 5835) will construct High Occupancy Vehicle lanes and sound walls in both directions from United States Route 50 (US 50) to Morrison Creek. Phase 1 is funded through Plans, Specification, and Estimate with federal dollars, and is programmed in the 2012 State Transportation Improvement Program for Right of Way only. The total estimated cost is \$127,200,000 for capital and support. Depending on the availability of funding, construction is estimated to begin in Fiscal Year 2017-18. 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.

Phase 2 (PPNO 5836) will construct High Occupancy Vehicle Lanes from Morrison Creek to south of Stone Lake Creek. Phase 2 is not yet funded. The total estimated cost for capital

and support is \$70,600,000. Depending on the availability of funding, construction is estimated to begin in Fiscal Year 2019-20.

A copy of the FEIR has been provided to Commission staff. Resources that may be impacted by the project include: visual, noise, air quality, community impacts, water quality and stormwater runoff, hazardous waste, geology and soils, paleontology, and biological resources. Potential impacts associated with the project can all be mitigated to below significance through proposed mitigation measures. As a result, a Final Environmental Impact Report was prepared for the project.

Attachments

CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Future Consideration of Funding

03-Sac-5, PM 9.7/22.5

Resolution E-13-79

- 1.1** **WHEREAS**, the California Department of Transportation (Department) has completed an Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:

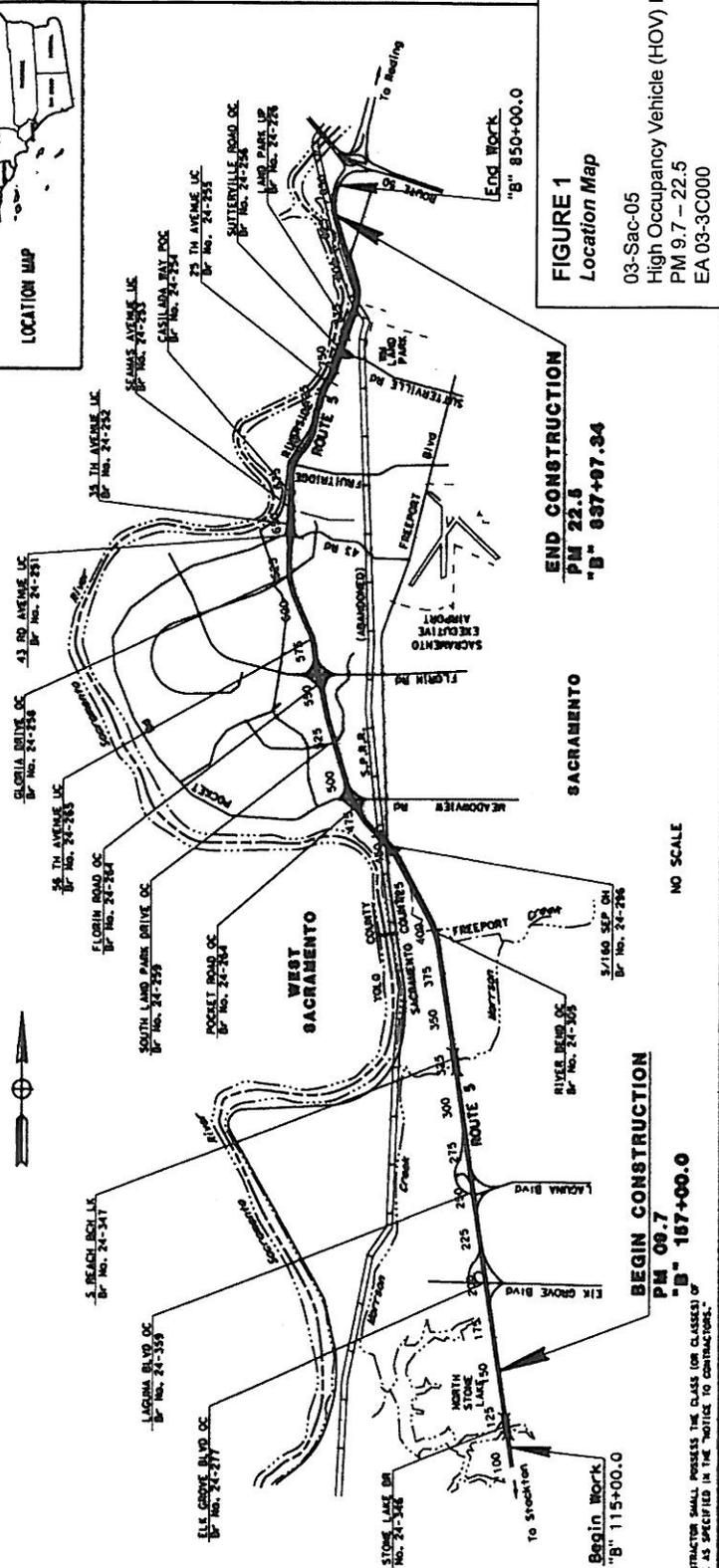
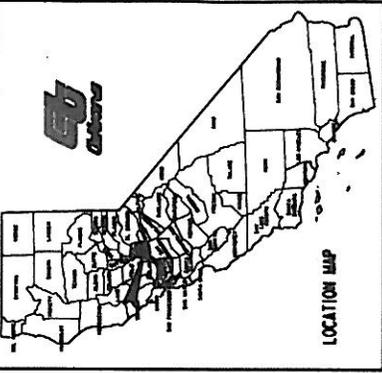
 - Interstate 5 (I-5) in Sacramento County. Addition of bus/carpool lanes on a portion of I-5 near the city of Sacramento. (PPNO 5813, 5835, 5836)
- 1.2** **WHEREAS**, the Department has certified that the Environmental Impact Report has been completed pursuant to CEQA and the State CEQA Guidelines for 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 not have a significant effect on the environment.
- 1.5** **WHEREAS**, Findings were made pursuant to the State CEQA Guidelines; and
- 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.

INDEX OF PLANS

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
PROJECT PLANS FOR CONSTRUCTION ON
STATE HIGHWAY

TO BE SUPPLEMENTED BY STANDARD PLANS DATED MAY 2006

FILE	COUNTY	ROUTE	DATE	BY	REVISED
03	Sac	5	09.17.22.5		



FINDINGS

CALIFORNIA DEPARTMENT OF TRANSPORTATION FINDINGS FOR THE INTERSTATE 5 BUS/CARPOOL LANES PROJECT, SACRAMENTO COUNTY, CALIFORNIA PM 9.7 / 22.5, EA 03-3C000 JUNE 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 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: Giant Garter Snake

Potentially Significant Impact:

Permanent impacts to 0.004 acre of giant garter snake (GGS) upland habitat and 0.0004 acre of GGS aquatic habitat, for a total of 0.0044 acre.

Finding:

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:

Measures will be taken to avoid, minimize, and fully mitigate project impacts. These include:

Giant Garter Snake Mitigation Measures:

- Permanent impacts to GGS habitat will be compensated at a 3:1 replacement ratio. Based on this ratio, 0.0132 acres will be required for mitigation for Level 2 impacts (as defined in the table below).
- Following project completion, temporary impacts will be mitigated by on-site restoration plus 1:1 replacement of giant garter snake habitat. Approximately 5.07 acres of replacement habitat will be required to mitigate for Level 2 temporary impacts (table below).
- Impacts to giant garter snake habitat will likely be mitigated through the purchase of credits at a USFWS approved mitigation bank.

Summary of Giant Garter Snake Conservation Measures

	Effects: Duration	Effects: Acres	Conservation Measure: Compensation
Level 1	1 season	Will not exceed 20 and temporary	Restoration
Level 2	2 seasons	Will not exceed 20 and temporary	Restoration plus 1:1 replacement
Level 3	More than 2 seasons and temporary	Will not exceed 20 and temporary	3:1 Replacement (or restoration plus 2:1 replacement)
	Permanent loss	Will not exceed 3 acres total giant garter snake habitat AND Less than 1 acre aquatic habitat;	3:1 Replacement
<p>Notes: Giant garter snake habitat includes 2.0 acres of surrounding upland habitat for every 1.0 acre of aquatic habitat. The 2.0 acres of upland habitat also may be defined as 218 linear ft of bankside habitat that incorporates adjacent uplands to a width of 200 ft from the edge of each bank. Each acre of created aquatic habitat should be supported by two acres of surrounding upland habitat. Compensation may include creating upland refuges and hibernacula for the giant garter snake that are above the 100-year floodplain. A season is defined as the calendar year period between May 1 and October 1, the active period for giant garter snake when mortality is less likely to occur.</p>			

Giant Garter Snake Avoidance and Minimization Measures:

Following project completion, all areas temporarily disturbed during construction shall be restored following the “Standard Avoidance and Minimization Measures During Construction Activities in Giant Garter Snake (*Thamnophis gigas*) Habitat” (Appendix C of the *Programmatic Biological Opinion on the Effects of Small Highway Projects on the Threatened Giant Garter Snake in Butte, Colusa, Glenn, Sacramento, San Joaquin, Solano, Sutter, Yolo, and Yuba Counties, California*) (hereafter, Programmatic BO) (USFWS No. 1-1-03-F-0154, dated January 24, 2005) outlined below.

- When feasible, avoid construction activities within 200 feet from the banks of giant garter snake aquatic habitat. Confine movement of heavy equipment to existing roadways to minimize habitat disturbance.
- Construction activity within habitat should be conducted between May 1 and October 1. This is the active period for giant garter snakes and direct mortality is lessened, because snakes are expected to actively move and avoid danger. Between October 2 and April 30 contact USFWS’s Sacramento Fish and Wildlife Office to determine if additional measures are necessary to minimize and avoid take.
- Confine clearing to the minimal area necessary to facilitate construction activities. Flag and designate avoided giant garter snake habitat within or adjacent to the project area as ESAs, as outlined in Measure 01. These areas should be avoided by all construction personnel.
- Construction personnel should receive USFWS-approved worker environmental awareness training. This training instructs workers to recognize giant garter snakes and their habitat(s).
- 24-hours prior to construction activities, the ESL will be surveyed for giant garter snakes. Surveys of the ESL will be repeated if a lapse in construction activity of two weeks or greater has occurred. If a snake is encountered during construction, activities shall cease until appropriate corrective measures have been completed or it has been determined that the snake will not be harmed. Report any sightings and any incidental take to the USFWS immediately by telephone at (916) 414-6600.
- Any dewatered habitat should remain dry for at least 15 consecutive days after April 15 and prior to excavating or filling of the dewatered habitat.
- After completion of construction activities, remove any temporary fill and construction debris and, wherever feasible, restore disturbed areas to pre-project conditions. Restoration work may

include such activities as replanting species removed from banks or replanting emergent vegetation in the active channel.

Giant Garter Snake Habitat Restoration:

Following project completion, all areas temporarily disturbed during construction will be restored following the "Guidelines for Restoration and/or Replacement of Giant Garter Snake Habitat" as outlined below:

- Regrade the area to preexisting contour, or a contour that would improve restoration potential of the site.
- Replant and hydroseed the restoration area. Recommended plantings consist of: a) wetland emergents; b) low-growing cover on or adjacent to banks; and c) upland plantings/hydroseeding mix to encourage use by other wildlife. Riparian plantings are not appropriate because shading may result in lack of basking sites. Native plantings are encouraged except where non-natives will provide additional values to wildlife habitat and will not become invasive in native communities. The applicant should obtain cuttings, plantings, plugs, or seeds from local sources wherever possible. The applicant should attempt to restore conditions similar to that of adjacent or nearby habitats.
- Emergent wetland plants recommended for giant garter snake habitat are California bulrush (*Scirpus californicus*), cattail (*Typha* spp.), and water primrose (*Ludwigia peploides*). Additional wetland plantings may include common tule (*Scirpus acutus*), Baltic rush (*Juncus balticus*), or duckweed (*Lemna* spp.).
- Cover species on or adjacent to the bank may include California blackberry (*Rubus ursinus*) or California wild grape (*Vitis californica*), along with the hydroseeding mix recommended below.
- Upland plantings/hydroseeding mix: Disturbed soil surfaces such as levee slopes should be hydroseeded to prevent erosion. The USFWS recommends a mix of at least 20-40 percent native grass seeds [such as annual fescue (*Vulpia* spp.), California brome (*Bromus carinatus*), blue wildrye (*Elymus glaucus*), and needle grass (*Nassella* spp.)], 2-10 percent native forb seeds, five percent rose clover (*Trifolium hirtum*), and five percent alfalfa (*Medicago sativa*). Approximately 40-68 percent of the mixture may be non-aggressive European annual grasses [such as wild oats (*Avena sativa*), wheat (*Triticum* spp.), and barley (*Hordeum vulgare*)]. Aggressive non-native grasses, such as perennial ryegrass (*Lolium perenne*), cheatgrass (*Bromus tectorum*), fescue (*Festuca* spp.), giant reed (*Arundo donax*), medusa-head (*Taeniatherum caput-medusae*), or Pampas grass (*Cortaderia selloana*) will not be included in the hydroseed mix. Endophyte-infected grasses will not be included in the mix. Mixes of one hundred percent native grasses and forbs may also be used, and are encouraged.