

# Appendix A Title VI Policy Statement

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DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE DIRECTOR  
1120 N STREET  
P. O. BOX 942873  
SACRAMENTO, CA 94273-0001  
PHONE (916) 654-5267  
FAX (916) 654-6608



July 26, 2000

## TITLE VI POLICY STATEMENT

The California State Department of Transportation under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person in the State of California shall, on the grounds of race, color, sex and national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers.

A handwritten signature in black ink that reads "Jeff Morales".

JEFF MORALES  
Director



# **Appendix B** Mitigation and Avoidance Measures and Monitoring Commitments

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This appendix summarizes proposed measures to avoid, minimize, or mitigate impact. It also includes monitoring commitments and consultation. Please refer to specific sections in Chapter 3 for more detailed information.

## **Mitigation Measures**

### **Community**

#### *Demolition of California Street Overcrossing*

- A shuttle service between the Viewpoint Subdivision and Hillcrest School will be provided by a transportation provider.
- The John Swett Unified School District will either be compensated for increased transportation costs or Caltrans will negotiate directly with the current transportation provider.

#### *Park and Ride Lot*

- During off-ramp reconstruction at the park and ride lot on the eastern side of I-80, signs will direct users to the lot available on the western side of I-80.

### **Hazardous Waste/Material**

- Lead based paint on bridge structures and yellow traffic stripes will be removed as part of the project construction. The material will be disposed of at a Class 1 disposal facility.
- Based on soil testing results, any aerially deposited lead may be removed or re-used within the project limits.

### **Noise**

#### *Proposed Soundwalls*

- Five soundwalls are proposed as part of the project. A final determination to construct soundwalls will be made after the public input process has been completed and the soundwalls have been found to be cost-effective during the detail design stage.

#### *Construction Activities*

- Surrounding residents and businesses will be notified in advance of upcoming construction activities.
- Noise barriers should be constructed as first items of work, where feasible.

- Stock piled dirt as earthen berms will be used to attenuate the impact of construction activities.
- Temporary noise barriers/curtains will be used where feasible.
- A field office to handle noise complaints and keep the community informed of upcoming especially noisy construction activities will be established.
- On-site noise monitoring will be conducted during demolition to document actual noise levels.

#### **Utilities/Emergency Services**

- Emergency service providers will be notified of the proposed dates of the California Street overcrossing structure closure.
- All emergency service providers will be contacted prior to any ramp closures. If possible, closed ramps will open during emergency situations.

#### **Vegetation**

- Areas of Eucalyptus tree removal will be re-vegetated with native species that occur in the project area.

#### **Visual Resources**

- Proposed soundwalls will have plantings to soften their appearance.
- All soundwall aesthetics will be compatible with the existing walls found in the vicinity of the project area.
- All bridge structure and rail aesthetics on the California Street Bridge will be compatible with the structures found in the vicinity of the project.
- Areas affected by a cut or fill should be re-seeded with Erosion Control Type 'D' seeding.
- All gore areas will be paved with color-treated stamped concrete compatible with those gore areas found in the project vicinity.
- Removed trees will be replaced with like varieties near their original location.
- The Willow Avenue interchange will be planted with native and draught tolerant shrubby ground covers.
- Sedimentation barriers (such as hay bales or soil filter fabrics) will be used to save topsoil and protect adjacent land and waterways from construction runoff.
- Prior to construction, topsoil should be collected, stockpiled, and later applied to the completed slopes.

## **Avoidance Measures**

### **Vegetation**

- Potential habitat will be avoided during construction by being designated as an environmentally sensitive area (ESA). The area will be delineated by a Caltrans biologist and identified by ESA fencing.

### **Wetlands**

- Wetlands and other waters will be avoided during construction. Wetlands and other waters that will be avoided by the project will be identified as an ESA, and will be clearly defined with temporary fencing that will be installed prior to any clearing or excavation.

### **Wildlife**

- All areas of potential habitat will be avoided. ESA's will be delineated around each area of potential habitat.
- A qualified biologist will conduct re-construction surveys for nesting raptors and other migratory bird species.

## **Monitoring Commitments**

### **Paleontological Resources**

- A paleontological monitoring plan will be implemented that will monitor where excavation or road cuts will disturb in situ (natural or original position or place) sedimentary strata below the upper soil layers.

## **Consultation/Coordination**

### **Community**

#### *Demolition of California Street Overcrossing*

- Caltrans will consult and coordinate with the John Swett Unified School District, Hillcrest Elementary School, and the transportation provider regarding issues and concerns related to the temporary closure of the California Street overcrossing.

### **Noise**

#### *Demolition of the California Street Overcrossing*

- Local residents affected by the demolition and reconstruction of the California Street overcrossing will be consulted in order to reduce the impacts to a less-than-significant level.



## **Appendix C** Relocation Assistance Information

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Please contact the Caltrans District 4 Right of Way office at (510) 286-4444 for information regarding relocation assistance.



# Appendix D Army Corps. Of Engineers Wetland Verification Letter

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DEPARTMENT OF THE ARMY  
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS  
333 MARKET STREET  
SAN FRANCISCO, CALIFORNIA 94105-2197

JUL 11 2002

Regulatory Branch

Subject: File Number 27020S

Mr. Ken Lastufka  
California Department of Transportation  
District 3, Sacramento Area Office, MS19  
2800 Gateway Oaks, Suite 100  
Sacramento, California 95833

Dear Mr. Lastufka:

Thank you for your submittal of April 18, 2002, requesting confirmation of the extent of Corps of Engineers jurisdiction at the High Occupancy Vehicle Lane Project on Interstate 80 (I-80) between milepost 10.0 to 14.2 in Contra Costa County, California.

Enclosed is a map showing the extent and location of Corps of Engineers jurisdiction on April 3, 2002. We have based this jurisdictional delineation on the current conditions of the site. A change in those conditions may also change the extent of our jurisdiction. This jurisdictional delineation will expire in five years from the date of this letter. However, if there has been a change in circumstances that affects the extent of Corps jurisdiction, a revision may be done before that date.

All proposed discharges of dredged or fill material into waters of the United States must be authorized by the Corps of Engineers pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344). Waters of the United States generally include tidal waters, lakes, ponds, rivers, streams (including intermittent streams), and wetlands.

Your proposed work is within our jurisdiction and a permit may be required. Application for Corps authorization should be made to this office using the application form in the enclosed pamphlet. To avoid delays it is essential that you enter the file number at the top of this letter into Item No. 1. The application must include plans showing the location, extent and character of the proposed activity, prepared in accordance with the requirements contained in this pamphlet. You should note, in planning your work, that upon receipt of a properly completed application and plans, it may be necessary to advertise the proposed work by issuing a public notice for a period of 30 days.

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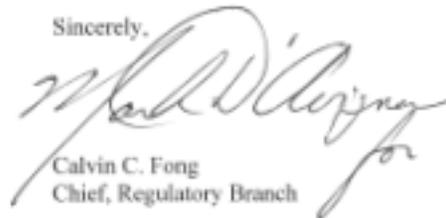
If an individual permit is required, it will be necessary for you to demonstrate to the Corps that your proposed fill is necessary because there are no practicable alternatives, as outlined in the U.S. Environmental Protection Agency's Section 404(b)(1) Guidelines. A copy is enclosed to aid you in preparation of this alternative analysis.

However, our nationwide or regional permits have already authorized certain activities provided specific conditions are met. Your completed application will enable us to determine whether your activity is already authorized. You are advised to refrain from commencement of your proposed activity until a determination has been made that it is covered by an existing permit. Commencement of work before you received our notification may be interpreted as a violation of our regulations.

You are advised that the Corps has established an Administrative Appeal Process, as described in 33 CFR Part 331 (65 FR 16,486; March 28, 2000), and outlined in the enclosed flowchart and "Notification of Administrative Appeal Options, Process, and Request for Appeal" form (NAO-RFA). If you do not intend to accept the approved jurisdictional determination, you may elect to provide new information to the District Engineer for reconsideration or submit a completed NAO-RFA form to the Division Engineer to initiate the appeal process. You will relinquish all rights to appeal, unless the Corps receives new information or a completed NAO-RFA form within sixty (60) days of the date of the NAO-RFA.

If you have any questions, please call John Yeakel of our Regulatory Branch at telephone 415-977-8472. All correspondence should reference the file number at the head of this letter.

Sincerely,



Calvin C. Fong  
Chief, Regulatory Branch

Enclosure

# Appendix E National Marine Fisheries Service Concurrence Letter

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UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Southwest Region  
501 West Ocean Boulevard, Suite 4200  
Long Beach, California 90802-4213

In reply please refer to:  
MAY 23 2002 151422SWR02SR6278: ES

Chris Collison, Chief  
Office of Biological Studies  
California Department of Transportation  
District 3 – Sacramento Area Office, MS 19  
2800 Gateway Oaks, Suite 100  
Sacramento, California 95833

Dear Mr. Collison:

Thank you for your letter of April 23, 2002 requesting concurrence with your determination that construction activities associated with the I-80 High Occupancy Vehicle (HOV) Lanes project in Contra Costa County, California (Project Reference No. 04-263700) are not likely to adversely affect salmonids listed under the Endangered Species Act. In response to your request, the National Marine Fisheries Service (NMFS) has examined the project's potential effects on threatened Central California Coast (CCC) steelhead (*Oncorhynchus mykiss*, 62 FR 43937).

The California Department of Transportation (Caltrans) and the Federal Highway Administration (FHWA) propose to extend HOV lane facilities on westbound I-80 between Cummings Skyway and Highway 4, and on eastbound I-80 between Highway 4 and Carquinez Bridge. In the project area, I-80 crosses over Refugio, Rodeo and Canada del Cierbo Creeks. Available information indicates that these creeks may not currently support anadromous runs of steelhead. However, streams to both the west and east of Refugio, Rodeo and Canada del Cierbo Creeks do currently support steelhead populations, and steelhead may potentially occur in the project area. In addition, Rodeo and Refugio Creeks been identified by Contra Costa County staff as having suitable salmonid habitat with the potential for restoration.

Based on the project description provided in your letter and on the best available information, NMFS has determined that this project is not likely to adversely affect the threatened CCC steelhead. This concludes consultation in accordance with 50 CFR §402.14(b)(1) for the proposed I-80 HOV Lanes project in Contra Costa County, California. However, further consultation may be required if (1) new information becomes available indicating that listed species may be adversely affected by the project in a manner not previously considered, or (2) current project plans change in a manner that affects listed species.



Please contact Erik Schmidt of my staff at (707) 575-6083 if you have any questions regarding this consultation.

Sincerely,



Rodney R. McInnis  
Acting Regional Administrator

cc: Jim Lecky, NMFS-Long Beach  
Michael Ritchie, FHWA-Sacramento  
Michele Lukkarila, Caltrans-D3/Sacramento  
Kristine Atkinson, DFG-Santa Cruz

# Appendix F U.S. Fish and Wildlife Service Concurrence Letter

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## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825

INRPLY REFER TO  
1-1-02-1-1749

June 26, 2002

Chris Collison, Chief  
Office of Biological Studies  
California Department of Transportation  
2800 Gateway Oaks, Suite 100  
Sacramento, California 95833

Subject: Informal Section 7 Consultation for Proposed Extension of the High  
Occupancy Vehicle Lane on Interstate 80, Contra Costa County, California

Dear Mr. Collison:

This is in response your April 18, 2002, letter requesting that the U.S. Fish and Wildlife Service (Service) concur with the determination that the proposed extension of the high occupancy vehicle lane on Interstate 80, Contra Costa County, California, is not likely to adversely affect the federally threatened California red-legged frog (*Rana aurora draytonii*). Your letter was received in our office on April 22, 2002. The California red-legged frog is protected under the Federal Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

The proposed action is to extend the high occupancy vehicle lane on Interstate 80 westbound from Cummings Skyway to State Route 4, and eastbound from State Route 4 to the Carquinez Bridge. Additionally, high occupancy vehicle lanes will be added to most on-ramps within the project limits. Sound walls will be constructed at strategic locations to help with noise abatement. There will be no construction activities within the bed or banks of Refugio Creek, Rodeo Creek, Canada del Cierbo Creek, or any other waters of the United States. All construction activities will occur immediately adjacent to the existing highway and within the existing highway right-of-way, except for a temporary construction easement needed at California Street.

We have reviewed the information provided and concur with the determination that the proposed action is not likely to adversely affect the federally threatened California red-legged frog (*Rana aurora draytonii*). No further action pursuant to the Act is necessary, unless (1) a listed species is discovered within the project area, (2) new information reveals effects of the proposed action that may affect listed species in a manner or to an extent not considered, (3) a new species or critical habitat is designated that may be affected by the proposed action.

Chris Collison, Chief

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If you have any questions regarding this response on the proposed extension of the high occupancy vehicle lane on Interstate 80, please contact Mike Nepstad or Dan Buford at (916) 414-6625.

Sincerely,



 Jan C. Knight  
Chief, Endangered Species Division