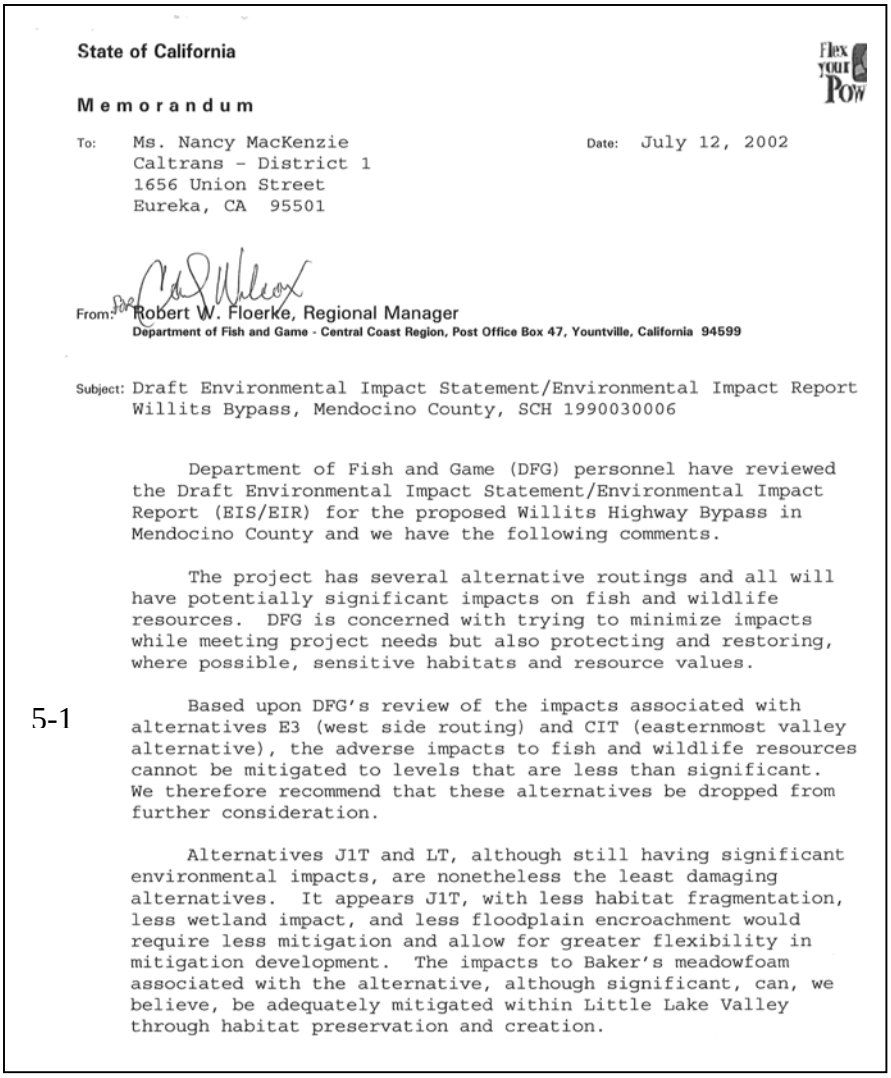
COMMENTS FROM

STATE AGENCIES

5 California Department of Fish and Game (CDFG)
6 California Department of Forestry and Fire Protection (FFP)
7 California Environmental Protection Agency, Department of Toxic Substances Control (DTSC)
8 California Regional Water Quality Control Board (RWQCB)

5 California Department of Fish and Game (CDFG)

5-1 Caltrans has analyzed Alternatives E3, C1T, LT, and J1T and determined that they do not meet Clean Water Act Section 404(b)(1) criteria, and therefore, are no longer candidates for preferred alternative. At the time the DEIS/EIR circulated, Alternative J1T had the least impacts to aquatic resources; however, it would have severely impacted community resources. Revisions were made to Alternative J1T to create the Modified Alternative J1T, which is the LEDPA/Preferred Alternative. Caltrans will evaluate all possible measures to mitigate for the loss of habitat for special-status species. Impacts from Modified Alternative J1T are presented in Chapter 3 (FEIS/EIR). Caltrans will consult with resource agencies, including CDFG, to develop a mitigation and monitoring plan for impacts to biological resources. This plan will include mitigation and monitoring for Baker's meadowfoam and salmonids as appropriate (see Appendix A FEIS/EIR). See also the terms and conditions of the USFWS and NOAA Fisheries Biological Opinions (Appendix D, FEIS/EIR), as well as the Conceptual Mitigation Plan (Appendix L, FEIS/EIR).



State of California

Flex your Pow

Memorandum

To: Ms. Nancy MacKenzie
Caltrans - District 1
1656 Union Street
Eureka, CA 95501

Date: July 12, 2002

From: Robert W. Floerke, Regional Manager
Department of Fish and Game - Central Coast Region, Post Office Box 47, Yountville, California 94599

Subject: Draft Environmental Impact Statement/Environmental Impact Report
Willits Bypass, Mendocino County, SCH 1990030006

Department of Fish and Game (DFG) personnel have reviewed the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the proposed Willits Highway Bypass in Mendocino County and we have the following comments.

The project has several alternative routings and all will have potentially significant impacts on fish and wildlife resources. DFG is concerned with trying to minimize impacts while meeting project needs but also protecting and restoring, where possible, sensitive habitats and resource values.

5-1

Based upon DFG's review of the impacts associated with alternatives E3 (west side routing) and CIT (easternmost valley alternative), the adverse impacts to fish and wildlife resources cannot be mitigated to levels that are less than significant. We therefore recommend that these alternatives be dropped from further consideration.

Alternatives J1T and LT, although still having significant environmental impacts, are nonetheless the least damaging alternatives. It appears J1T, with less habitat fragmentation, less wetland impact, and less floodplain encroachment would require less mitigation and allow for greater flexibility in mitigation development. The impacts to Baker's meadowfoam associated with the alternative, although significant, can, we believe, be adequately mitigated within Little Lake Valley through habitat preservation and creation.

5-2

During field evaluations with DFG staff a proposal for the restoration of Willits Creek to its historic alignment was presented by an interested citizen. The proposal appeared to mitigate many of the existing fisheries problems in the Little Lake Valley and could, if implemented, help to restore the local fishery. Whichever project alternative is selected we recommend that the Willits Creek Restoration Proposal be strongly considered as partial mitigation for unavoidable impacts to salmonids and riparian habitat. The Willits Creek Restoration Proposal should be evaluated in addition to the general biological mitigation guidelines we presented to you in our May 30, 2001 memorandum.

5-3

In Chapter 7 of the Draft EIS/EIR (Permits Required for this Project) the document fails to mention that an incidental take permit from DFG will be required for any State-listed plant or animal species impacted by the project. Caltrans should initiate discussions with DFG as soon as a preferred alternative is selected and impacts determined.

Should you have any questions regarding these comments, please contact Mr. Fred Botti, Staff Environmental Scientist, at (707) 944-5571; or Mr. Carl Wilcox, Habitat Conservation Manager, at (707) 944-5525.

cc: State Clearinghouse

5-2 The proposal to restore Willits Creek to its original channel was presented to Caltrans by an interested citizen as a possible mitigation component after the DEIS/EIR was prepared. See General Response 1.4. See also General Response 1.14 regarding project mitigation plan.

5-3 The requirement for an Incidental Take Permit from the CDFG has been included in Chapter 6 Permits Required for this Project (FEIS/EIR). This information is also included in Volume 3 (FEIS/EIR) Text Changes to the DEIS/EIR. Discussions with CDFG have been initiated regarding the incidental take permit needed for this project. In lieu of an incidental take permit, Caltrans has formally consulted with the National Marine Fisheries Service using Section 7 of the Federal Endangered Species Act and will be seeking a consistency determination for Coho under fish and game code 2080.1.

6 California Department of Forestry and Fire Protection (FFP)

6-1 See General Responses 1.6, 1.7 and 1.8.

(18)

STATE OF CALIFORNIA—THE RESOURCES AGENCY GRAY DAVIS, *Governor*

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Mendocino Unit
17501 North Highway 101
Willits, CA 95490
707-459-7414

To: Nancy Mackenzie
Department of Transportation – District 1
1656 Union Street
Eureka, CA 95501

Date: July 3, 2002

From: Department of Forestry and Fire Protection
Mendocino Unit

Subject: Environmental Document Review

Name: Willits Bypass Project
County: Mendocino
Type: Draft Environmental Impact Report
SCH #: 1990030006

I have attended meetings and had discussions with representatives from Caltrans, Mendocino County, the City of Willits, Brooktrails Township, and other CDF Chief Officers to assess the emergency response operational impacts of the Willits Bypass Project. As the Draft EIR eliminates Alternative E3 as not meeting the LEDPA (least environmentally damaging practicable alternative), we were left to consider the three routes that bypass Willits to the east, and return to existing Highway 101 north of Willits. Two alternatives for the northern interchange are identified, Quail Meadows Interchange, and Truck Scales Interchange. While the bypass route alternatives have very similar emergency response characteristics, the two interchange alternatives have drastically different implications. It is the opinion of CDF that the selection of the Truck Scales Interchange is far superior for the access of *all public safety agencies* to the greater Brooktrails area, as well as providing a second egress route from Brooktrails in the event of an evacuation. These issues are so vital CDF believes they should be a major component of the decision-making process to determine the final configuration of the project.

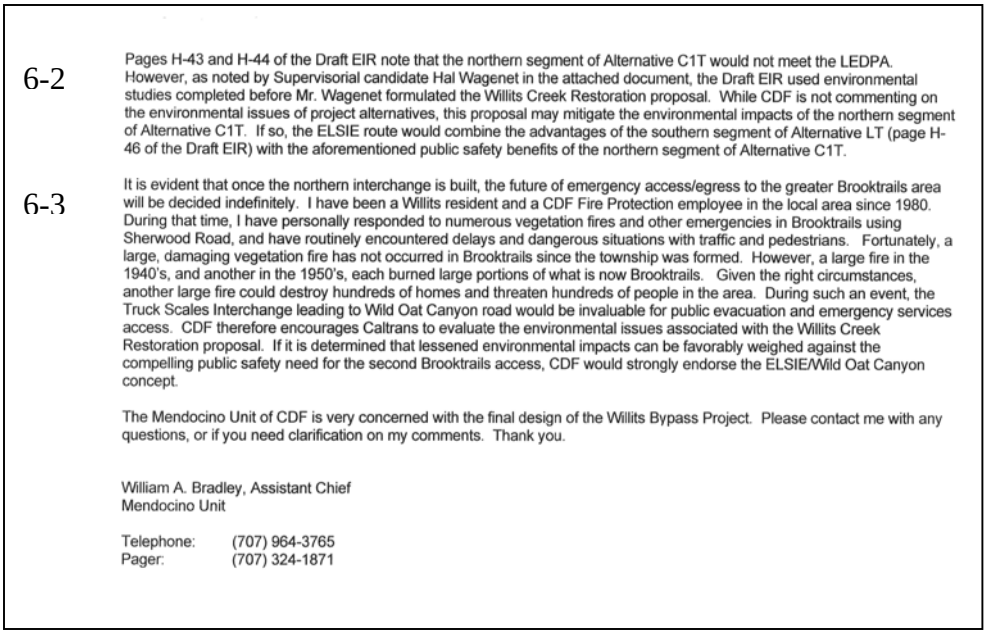
6-1

The placement of the northern interchange will have both immediate and long-term impacts on the Brooktrails Community. Brooktrails currently has over 1400 homes and 3700 residents. Additional residential development will continue in Brooktrails and further to the west on Sherwood road. The Brooktrails Township and the City of Willits have passed resolutions urging Caltrans to build the route known as "ELSIE" (a combination of Alternative LT in the south and C1T in the north), terminating in the Truck Scales Interchange. This alignment would allow Mendocino County to build a second connecting access road to Brooktrails from Highway 101 in Wild Oat Canyon.

If the Quail Meadows interchange is built, there is no option to construct a second access/egress to Brooktrails, and emergency services access would continue to be via Sherwood Road. All emergency responders coming from either direction on the new freeway would take the Quail Meadows off ramp, turn south on existing Highway 101 to Sherwood Road, and proceed up this steep, narrow, winding road to get to Brooktrails or beyond. Additionally, these vehicles would have to negotiate the very sharp turn to the northwest onto Sherwood Road, which is extremely difficult for fire engines and other large emergency vehicles. Also, the interchange at Sherwood Road and existing Highway 101 is already extremely congested, further complicating emergency vehicle access. An emergency evacuation of Brooktrails, funneling residents down to Willits via Sherwood Road, while simultaneously moving responding emergency services vehicles up Sherwood Road, is a scenario that has plagued local emergency response planners for several decades.

Conversely, the Wild Oat Canyon access to Brooktraiis would provide significantly quicker response times for routine emergency response access, as well as avoiding the dangerous, congested area extending from Willits High School to the Sherwood Road intersection. In conjunction with Sherwood Road, the Wild Oat Canyon road would also provide several viable options for evacuation scenarios. This second access/egress has the very real potential to mitigate considerable loss of life and property in the event of a fast-moving timber fire or other disaster.

6-2 See response to Comment 5-2 (CDFG). Because of the very large wetland impacts of the north segment of Alternative C1T or the hybrid L/C, wetland restoration would have been a very small part of a larger mitigation program, which for Alternative C1T (or L/C) would have had to consist principally of wetland *creation* to attain a no-net loss of wetlands, as required by ACOE. See General Response 1.3 for more information regarding why Alternative C1T (and L/C) do not meet Clean Water Act Section 404(b)(1) criteria and therefore are not eligible candidates for construction.



6-2

Pages H-43 and H-44 of the Draft EIR note that the northern segment of Alternative C1T would not meet the LEDPA. However, as noted by Supervisorial candidate Hal Wagenet in the attached document, the Draft EIR used environmental studies completed before Mr. Wagenet formulated the Willits Creek Restoration proposal. While CDF is not commenting on the environmental issues of project alternatives, this proposal may mitigate the environmental impacts of the northern segment of Alternative C1T. If so, the ELSIE route would combine the advantages of the southern segment of Alternative LT (page H-46 of the Draft EIR) with the aforementioned public safety benefits of the northern segment of Alternative C1T.

6-3

It is evident that once the northern interchange is built, the future of emergency access/egress to the greater Brooktrails area will be decided indefinitely. I have been a Willits resident and a CDF Fire Protection employee in the local area since 1980. During that time, I have personally responded to numerous vegetation fires and other emergencies in Brooktrails using Sherwood Road, and have routinely encountered delays and dangerous situations with traffic and pedestrians. Fortunately, a large, damaging vegetation fire has not occurred in Brooktrails since the township was formed. However, a large fire in the 1940's, and another in the 1950's, each burned large portions of what is now Brooktrails. Given the right circumstances, another large fire could destroy hundreds of homes and threaten hundreds of people in the area. During such an event, the Truck Scales Interchange leading to Wild Oat Canyon road would be invaluable for public evacuation and emergency services access. CDF therefore encourages Caltrans to evaluate the environmental issues associated with the Willits Creek Restoration proposal. If it is determined that lessened environmental impacts can be favorably weighed against the compelling public safety need for the second Brooktrails access, CDF would strongly endorse the ELSIE/Wild Oat Canyon concept.

The Mendocino Unit of CDF is very concerned with the final design of the Willits Bypass Project. Please contact me with any questions, or if you need clarification on my comments. Thank you.

William A. Bradley, Assistant Chief
Mendocino Unit

Telephone: (707) 964-3765
Pager: (707) 324-1871

6-3 See response to Comments 6-1 and 6-2.

Hal Wagenet
PO Box 422
Willits, CA 95490
707-459-0700

Willits Creek Channel Restoration Proposal

History:
Willits/Mill Creek originally was part of the classic dendritic system in the Little Lake Valley. The attached map, dated 1890, clearly shows this configuration.

The NWP railroad bed shows as a proposed route on this map. When the railroad was actually constructed, the route was altered to the present day alignment.

During this time, the farmers in the central valley improved the drainage for agricultural purposes. Potatoes and wheat require less water than nature provided. Perhaps a rancher in the vicinity of the current Neisen ranch needed more water in the summer…??

Physical Changes:
The channel of Willits/Mill Creek was severed approximately 150 yards west of its original juncture with Outlet Creek and rerouted in a broad U-turn to the west. Where Willits/Mill passes under the railroad bridge, it makes a secondary bifurcation. The main channel runs northwesterly through a marshy zone between the railroad bed and existing Highway 101. The secondary channel is little more than a brush-choked ditch immediately east of the railroad bed.

Impacts on fish:
The result of these alterations, from the point of view of the anadromous species, is a dry, hot channel with little or no riparian vegetation in the vicinity of the railroad bed in the summer. This has been dubbed "The Kill Zone" by a local biologist referring to the lack of successful fish migration.

Equally disturbing, in the rainy season, water overflows the banks of Willits/Mill with rainfalls in excess of 2-3 inches in 24 hours. This occurs frequently during a Willits winter. Under these conditions, fish migrating upstream wander outside the channel(s) and are often landlocked in pools as the water recedes. Local lore is rife with tales of duck hunters encountering salmon and steelhead swimming across these fields in 1 – 2 feet of water.

Local Traffic Considerations:

- The Willits Bypass is in its final design stage. The most serious impacts to Outlet Creek in the north have been eliminated with the decision to truncate the 4-lane freeway at the northern interchange, continuing to Oil Well Hill via a 2-lane facility.
- The Township of Brooktrails and the City of Willits have passed resolutions urging Caltrans to build the route known as ELSIE (L in the south and C-1 in the north), terminating at the Truck Scales Interchange. This alignment will allow a connecting road, in Wild Oat Canyon, to be built by the County of Mendocino as a second access to Brooktrails. This is badly needed for fire and emergency egress and daily commute traffic as the 1400 households and 3700 + population of Brooktrails has only one narrow, twisty way out at present: Sherwood Road.
- The Mendocino County Board of Supervisors has also passed a unanimous resolution in support of this concept and has funded a study of the Wild Oat Canyon road. The study should be finished by summer 2002.

- Current freeway designs along the railroad bed have many costly measures attempting to maintain the alignment of Willits/Mill in its bifurcated channel(s), facilitate migration, re-establish riparian habitat, trap and filter highway runoff, etc.

The Willits Creek Channel Restoration Proposal:
Why not re-connect Willits/Mill to Outlet Creek as it was before man meddled with it?

Expected Results:

- The new (old !!) alignment of Willits/Mill crosses under the freeway in the floodway. At that point the freeway is an elevated viaduct.
- Conflicts between streams (and their inhabitants) and the freeway (and its users) are reduced.
- Flooding occurs naturally, right where nature originally placed it.
- Freeway runoff at that point is more easily controlled and could be made to flow directly into the Willits sewer plant, thus being treated before being released into Outlet Creek, much to the north.
- Outlet Creek channel should be enlarged to deal with increased flows. This is far easier than rebuilding two channels immediately adjacent to the railroad bed along C-1.
- Let's also remember that the railroad will someday run again and its emissions will also be widely separated from the newly altered part of the stream system.
- Mitigation money is reduced along C-1, enabling re-channelization and enhancements along central Outlet Creek.

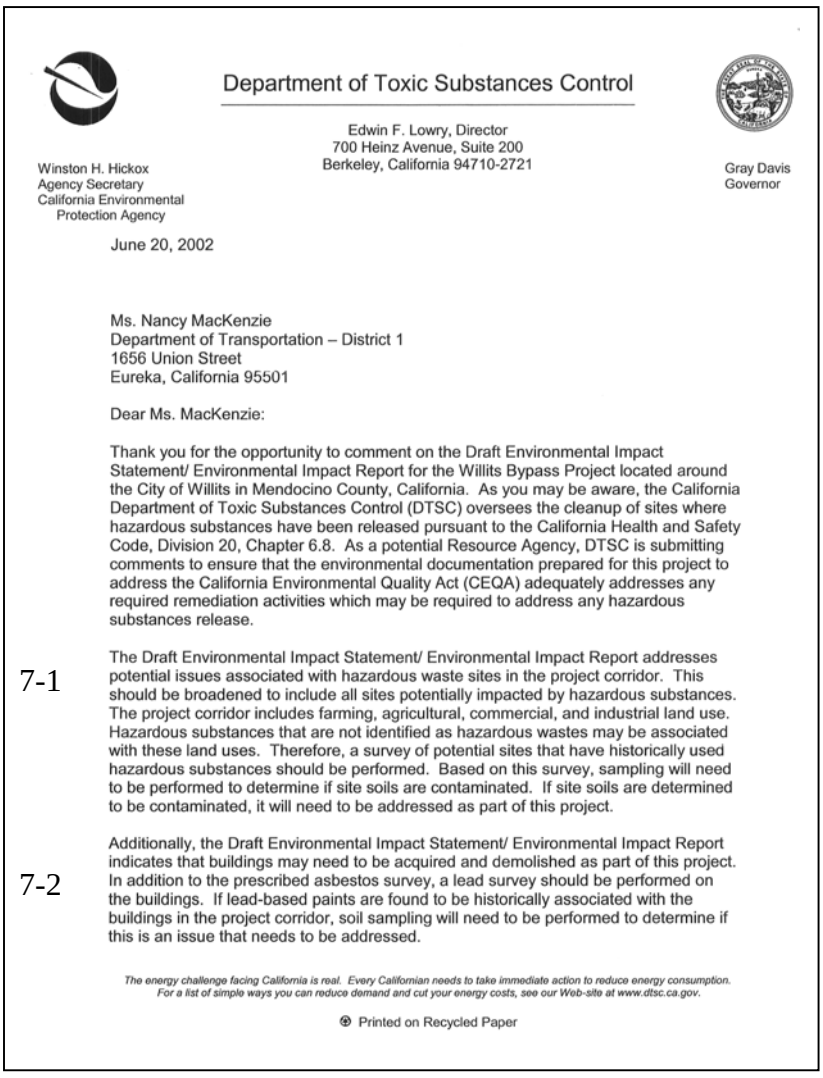
Bonus:
The City of Willits has purchased a large plot of land north of the existing sewer plant. Their proposed sewer plant expansion will need greater flows, for dilution purposes.
The City currently processes water approximately 24 hours, then must release due to limited storage.
The new system will hold water approximately 45 days before release. The effluent will be a much better quality than the current version.

Conclusion and Carrot:
It is likely that this combination of factors: reduction of impacts to streams and biology, reversion to natural watercourse, improvement of migratory paths for endangered species, and enhancement of function of the new city sewer system, is a model system that would handily qualify for TEA 21 enhancement funds.

7 California Environmental Protection Agency, Department of Toxic Substances Control (DTSC)

7-1 In 2003, Caltrans identified one potential hazardous waste issue for the Modified Alternative J1T; heavy metal contamination at the wastewater treatment plant. Based on this potential, additional sampling activities were conducted on the Modified Alternative J1T alignment. The results of this analysis identified no significant soil or groundwater contamination on the Modified Alternative J1T alignment. See Section 3.9 (FEIS/EIR).

7-2 Construction of Modified Alternative J1T (the Preferred Alternative) would require the removal of some structures that have the potential for presence of asbestos-containing building materials (ACBM) and lead-based paint. Caltrans will perform a survey for asbestos prior to demolition activities and will properly dispose of ACBM or lead-based paint. See Section 3.9 Hazardous Materials (FEIS/EIR).



Department of Toxic Substances Control

Edwin F. Lowry, Director
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721

Winston H. Hickox
Agency Secretary
California Environmental
Protection Agency

Gray Davis
Governor

June 20, 2002

Ms. Nancy MacKenzie
Department of Transportation – District 1
1656 Union Street
Eureka, California 95501

Dear Ms. MacKenzie:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement/ Environmental Impact Report for the Willits Bypass Project located around the City of Willits in Mendocino County, California. As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a potential Resource Agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project to address the California Environmental Quality Act (CEQA) adequately addresses any required remediation activities which may be required to address any hazardous substances release.

7-1

The Draft Environmental Impact Statement/ Environmental Impact Report addresses potential issues associated with hazardous waste sites in the project corridor. This should be broadened to include all sites potentially impacted by hazardous substances. The project corridor includes farming, agricultural, commercial, and industrial land use. Hazardous substances that are not identified as hazardous wastes may be associated with these land uses. Therefore, a survey of potential sites that have historically used hazardous substances should be performed. Based on this survey, sampling will need to be performed to determine if site soils are contaminated. If site soils are determined to be contaminated, it will need to be addressed as part of this project.

7-2

Additionally, the Draft Environmental Impact Statement/ Environmental Impact Report indicates that buildings may need to be acquired and demolished as part of this project. In addition to the prescribed asbestos survey, a lead survey should be performed on the buildings. If lead-based paints are found to be historically associated with the buildings in the project corridor, soil sampling will need to be performed to determine if this is an issue that needs to be addressed.

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7-3 The comment is noted and hereby incorporated by reference.

7-4 For any remediation activities, such as soil excavation, included with the project work, an appropriate health and safety plan signed by a certified industrial hygienist will be prepared. The health and safety plan will include health and environmental impacts associated with the remediation work, monitoring of dust and noise levels, protection of waterways, transportation hazards, and accident action procedures.

7-5 The comment is noted. DTSC would be kept informed of any required remediation activities and included in meetings as appropriate.

7-3 Section 5.9.1 states, "In addition, the Mendocino County Environmental Health Department regulates land pollution within the study area." As stated earlier, DTSC has the authority to oversee cleanup at contaminated sites. DTSC has not delegated cleanup authority to Mendocino County Environmental Health Department. The county may have adopted ordinances to authorize the Environmental Health Department to oversee cleanup for the county jurisdiction. Please rephrase the section to clarify.

7-4 For example, if the remediation activities include the need for soil excavation, the CEQA document should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset should be there an accident at the Site.

7-5 DTSC can assist your agency in overseeing characterization and cleanup activities through our Voluntary Cleanup Program. A fact sheet describing this program is enclosed. We are aware that projects such as this one are typically on a compressed schedule, and in an effort to use the available review time efficiently, we request that DTSC be included in any meetings where issues relevant to our statutory authority are discussed.

If you have any questions or would like to schedule a meeting, please contact Jonathan Largent of my staff at (510) 540-3836. Thank you in advance for your cooperation in this matter.

Sincerely,

Barbara J. Cook, P.E., Chief
Northern California – Coastal Cleanup
Operations Branch

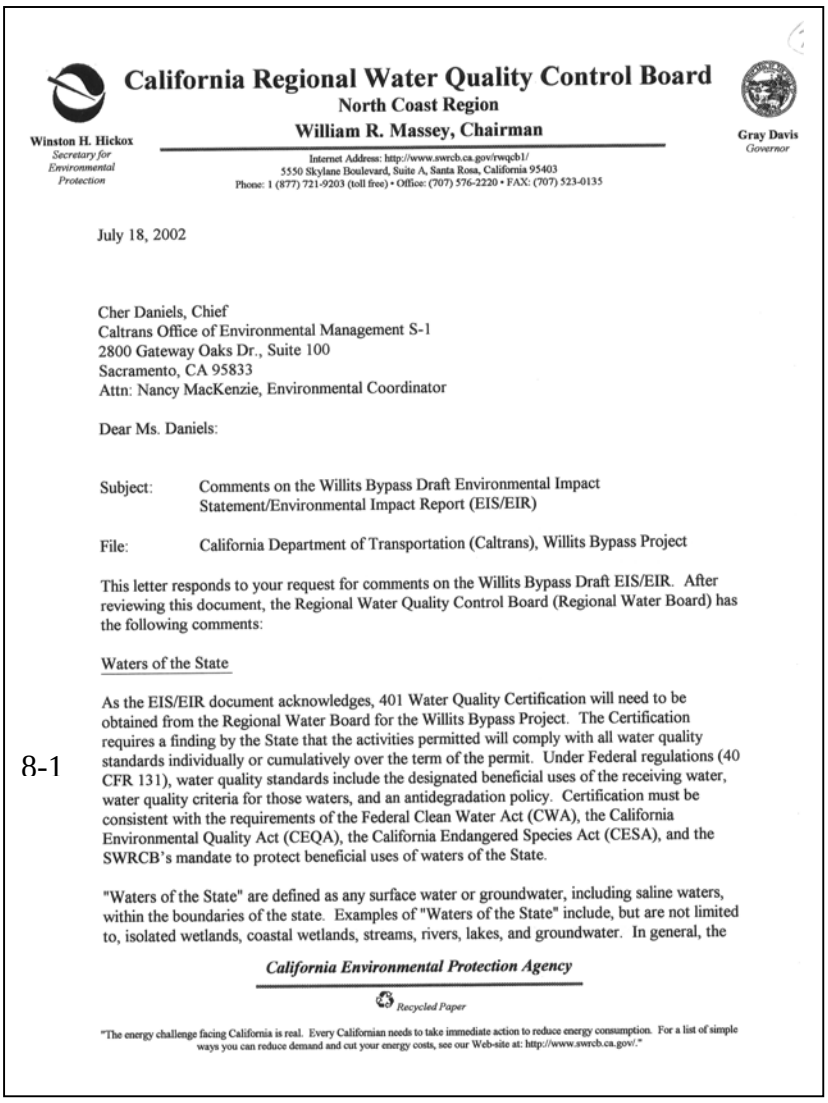
Enclosures

CC: without enclosures

Governor's Office of Planning and Research
State Clearinghouse

8 California Regional Water Quality Control Board (RWQCB)

8-1 Caltrans understands that a Section 401 Water Quality Certification will be required. Since Modified Alternative J1T was identified as the LEDPA/Preferred Alternative, Caltrans has completed a *Conceptual Mitigation Plan (CMP),* which includes mitigation for wetland impacts. Wetlands and other waters of the U.S. will be avoided to the extent feasible. Caltrans is working with resources agencies to initiate wetland mitigation before bypass construction begins.



California Regional Water Quality Control Board
North Coast Region
William R. Massey, Chairman

Winston H. Hickox
Secretary for Environmental Protection

Gray Davis
Governor

Internet Address: http://www.swrcb.ca.gov/rwqcb1/
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: 1 (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135

July 18, 2002

Cher Daniels, Chief
Caltrans Office of Environmental Management S-1
2800 Gateway Oaks Dr., Suite 100
Sacramento, CA 95833
Attn: Nancy MacKenzie, Environmental Coordinator

Dear Ms. Daniels:

Subject: Comments on the Willits Bypass Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR)

File: California Department of Transportation (Caltrans), Willits Bypass Project

This letter responds to your request for comments on the Willits Bypass Draft EIS/EIR. After reviewing this document, the Regional Water Quality Control Board (Regional Water Board) has the following comments:

Waters of the State

8-1

As the EIS/EIR document acknowledges, 401 Water Quality Certification will need to be obtained from the Regional Water Board for the Willits Bypass Project. The Certification requires a finding by the State that the activities permitted will comply with all water quality standards individually or cumulatively over the term of the permit. Under Federal regulations (40 CFR 131), water quality standards include the designated beneficial uses of the receiving water, water quality criteria for those waters, and an antidegradation policy. Certification must be consistent with the requirements of the Federal Clean Water Act (CWA), the California Environmental Quality Act (CEQA), the California Endangered Species Act (CESA), and the SWRCB's mandate to protect beneficial uses of waters of the State.

"Waters of the State" are defined as any surface water or groundwater, including saline waters, within the boundaries of the state. Examples of "Waters of the State" include, but are not limited to, isolated wetlands, coastal wetlands, streams, rivers, lakes, and groundwater. In general, the

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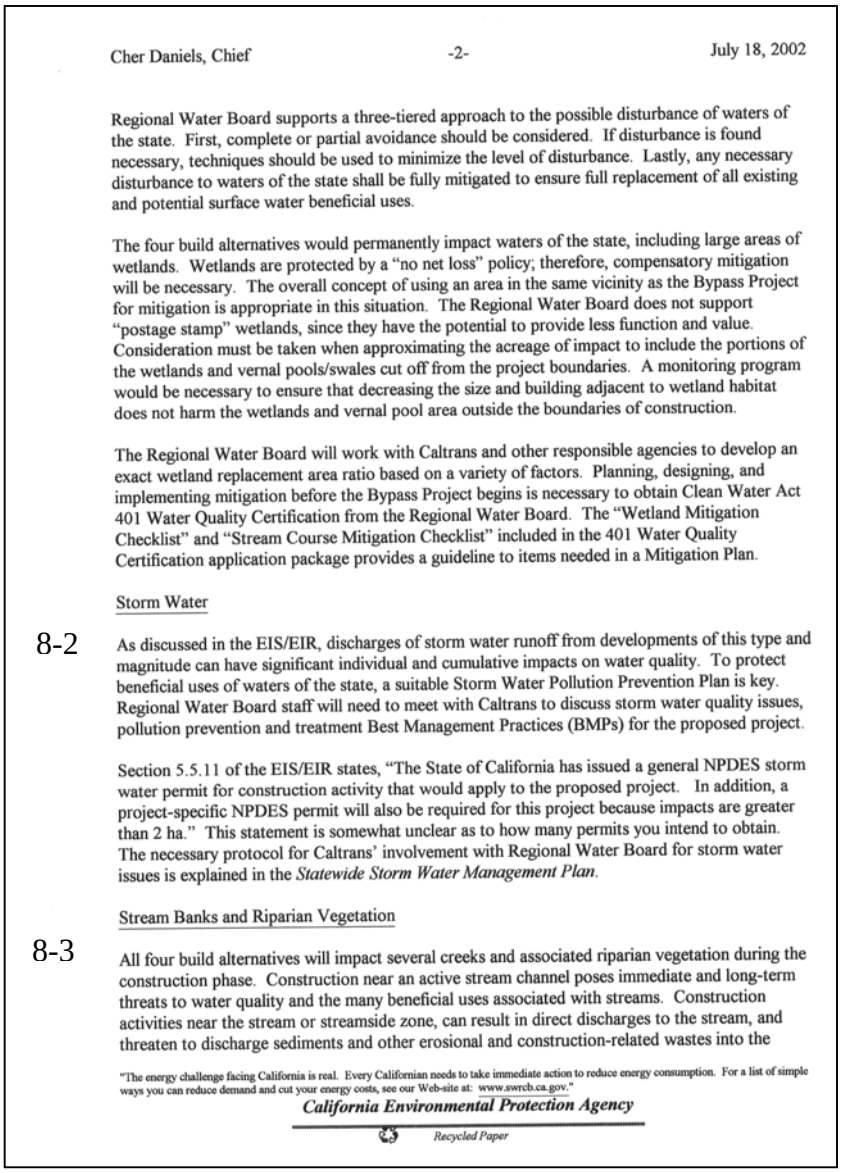
8-2 The State Water Resources Control Board (SWRCB) has issued a General Permit that regulates pollutants in discharges of storm water to surface waters associated with construction activity, except from those areas on Tribal Lands; Lake Tahoe Hydrologic Unit; construction projects which disturb less than five acres (after March 2003 this was reduced to less than one acre), unless part of a larger common plan of development or sale [(National Pollutant Discharge Elimination System (NPDES), General Permit No. CAS000002, Order No. 99-08-DWQ, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity)].

The U.S Environmental Protection Agency (USEPA) promulgated final regulations in November 1990 that establish requirements for storm water discharges from a municipal separate storm sewer system (MS4) serving a population of 100,000 or more (Phase II requirements was implemented in March 2003. The USEPA defined MS4 to include road systems owned by states which are in an area with a population greater than 100,000. The SWRCB has issued a single NPDES permit for storm water discharges from all of the Department's properties, facilities, and activities that cover both the MS4 requirements and the statewide Construction General Permit requirements (NPDES Permit, Statewide Storm Water Permit and Waste Discharge Requirements (WDRs) for the State of California, Department of Transportation, Order No. 99-06-DWQ, NPDES No. CAS000003).



Cher Daniels, Chief -2- July 18, 2002

Regional Water Board supports a three-tiered approach to the possible disturbance of waters of the state. First, complete or partial avoidance should be considered. If disturbance is found necessary, techniques should be used to minimize the level of disturbance. Lastly, any necessary disturbance to waters of the state shall be fully mitigated to ensure full replacement of all existing and potential surface water beneficial uses.

The four build alternatives would permanently impact waters of the state, including large areas of wetlands. Wetlands are protected by a "no net loss" policy; therefore, compensatory mitigation will be necessary. The overall concept of using an area in the same vicinity as the Bypass Project for mitigation is appropriate in this situation. The Regional Water Board does not support "postage stamp" wetlands, since they have the potential to provide less function and value. Consideration must be taken when approximating the acreage of impact to include the portions of the wetlands and vernal pools/swales cut off from the project boundaries. A monitoring program would be necessary to ensure that decreasing the size and building adjacent to wetland habitat does not harm the wetlands and vernal pool area outside the boundaries of construction.

The Regional Water Board will work with Caltrans and other responsible agencies to develop an exact wetland replacement area ratio based on a variety of factors. Planning, designing, and implementing mitigation before the Bypass Project begins is necessary to obtain Clean Water Act 401 Water Quality Certification from the Regional Water Board. The "Wetland Mitigation Checklist" and "Stream Course Mitigation Checklist" included in the 401 Water Quality Certification application package provides a guideline to items needed in a Mitigation Plan.

Storm Water

8-2 As discussed in the EIS/EIR, discharges of storm water runoff from developments of this type and magnitude can have significant individual and cumulative impacts on water quality. To protect beneficial uses of waters of the state, a suitable Storm Water Pollution Prevention Plan is key. Regional Water Board staff will need to meet with Caltrans to discuss storm water quality issues, pollution prevention and treatment Best Management Practices (BMPs) for the proposed project.

Section 5.5.11 of the EIS/EIR states, "The State of California has issued a general NPDES storm water permit for construction activity that would apply to the proposed project. In addition, a project-specific NPDES permit will also be required for this project because impacts are greater than 2 ha." This statement is somewhat unclear as to how many permits you intend to obtain. The necessary protocol for Caltrans' involvement with Regional Water Board for storm water issues is explained in the *Statewide Storm Water Management Plan*.

Stream Banks and Riparian Vegetation

8-3 All four build alternatives will impact several creeks and associated riparian vegetation during the construction phase. Construction near an active stream channel poses immediate and long-term threats to water quality and the many beneficial uses associated with streams. Construction activities near the stream or streamside zone, can result in direct discharges to the stream, and threaten to discharge sediments and other erosional and construction-related wastes into the

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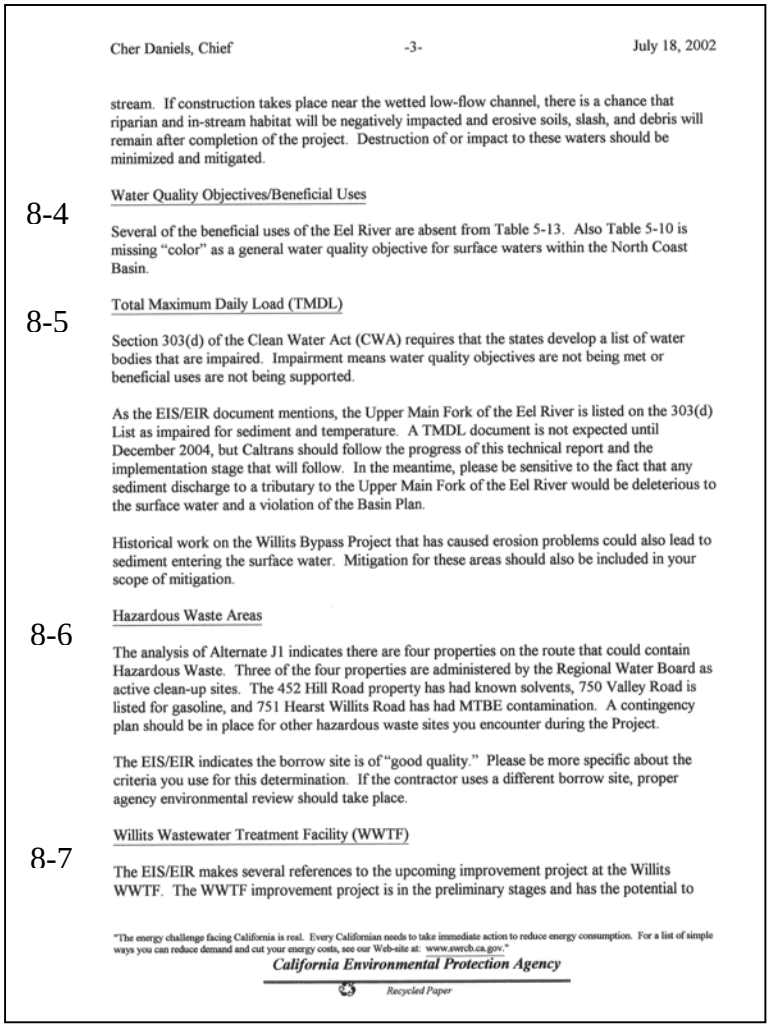
The proposed Willits Bypass project will be subject to the above referenced permits at a minimum. In addition, if construction activities require construction dewatering with potential discharges to surface waters, the Department must apply for coverage under Order No. 93-61, NPDES Permit No. CA0024902, General NPDES Permit, Waste Discharge Requirements for Discharges of Groundwater to Surface Water Related to Construction and Subsurface Seepage Dewatering Activities, adopted by the North Coast RWQCB. The North Coast RWQCB will make the determination whether project specific Waste Discharge Requirements are appropriate at the time of permit application.

Since the LEDPA/preferred alternative has been identified, Caltrans staff will meet with staff from the RWQCB to discuss project-specific design elements related to water quality issues, including the evaluation of treatment BMP(s).

8-3 Caltrans will minimize impacts to riparian habitat to the extent feasible. Modified Alternative J1T was developed with resource agency coordination to avoid and minimize impacts to streams and riparian habitat. Additionally, since the Preferred Alternative has been identified, Caltrans, in consultation with resource agencies, has completed a *Conceptual Mitigation Plan (CMP)*. This CMP includes measures to mitigate direct and indirect short-term and long-term impacts to streams and riparian habitat including mitigation for riparian vegetation

removed during project construction. Construction contract provisions, including a Storm Water Pollution Prevention Plan (SWPPP), will be implemented to minimize direct and indirect impacts resulting from construction related activities and post-construction run-off.



Cher Daniels, Chief -3- July 18, 2002

stream. If construction takes place near the wetted low-flow channel, there is a chance that riparian and in-stream habitat will be negatively impacted and erosive soils, slash, and debris will remain after completion of the project. Destruction of or impact to these waters should be minimized and mitigated.

8-4

Water Quality Objectives/Beneficial Uses

Several of the beneficial uses of the Eel River are absent from Table 5-13. Also Table 5-10 is missing "color" as a general water quality objective for surface waters within the North Coast Basin.

8-5

Total Maximum Daily Load (TMDL)

Section 303(d) of the Clean Water Act (CWA) requires that the states develop a list of water bodies that are impaired. Impairment means water quality objectives are not being met or beneficial uses are not being supported.

As the EIS/EIR document mentions, the Upper Main Fork of the Eel River is listed on the 303(d) List as impaired for sediment and temperature. A TMDL document is not expected until December 2004, but Caltrans should follow the progress of this technical report and the implementation stage that will follow. In the meantime, please be sensitive to the fact that any sediment discharge to a tributary to the Upper Main Fork of the Eel River would be deleterious to the surface water and a violation of the Basin Plan.

Historical work on the Willits Bypass Project that has caused erosion problems could also lead to sediment entering the surface water. Mitigation for these areas should also be included in your scope of mitigation.

8-6

Hazardous Waste Areas

The analysis of Alternate J1 indicates there are four properties on the route that could contain Hazardous Waste. Three of the four properties are administered by the Regional Water Board as active clean-up sites. The 452 Hill Road property has had known solvents, 750 Valley Road is listed for gasoline, and 751 Hearst Willits Road has had MTBE contamination. A contingency plan should be in place for other hazardous waste sites you encounter during the Project.

The EIS/EIR indicates the borrow site is of "good quality." Please be more specific about the criteria you use for this determination. If the contractor uses a different borrow site, proper agency environmental review should take place.

8-7

Willits Wastewater Treatment Facility (WWTF)

The EIS/EIR makes several references to the upcoming improvement project at the Willits WWTF. The WWTF improvement project is in the preliminary stages and has the potential to

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California Environmental Protection Agency

Recycled Paper

8-4 It is not certain what additional beneficial uses the comment is referring to that would be specific to the Eel River. Also, it is not certain what the comment is referring to by the term "color" although it may refer to the degree of "turbidity," or amount of sediment suspended in the receiving water. A review of EPA's definitions of functions and values did not find a reference to "color" as a general water quality objective. The final mitigation and monitoring plan will incorporate BMPs to minimize any potential for sedimentation and/or changes to stream gradients or water velocity, and other potential impacts, that could affect the "color" (i.e., turbidity) of water in receiving waters.

8-5 Caltrans has been following the development of all TMDLs for the North Coast Region. This comment refers to the TMDL for the Upper Main Fork of the Eel River. The Draft TMDL for Temperature and Sediment was posted for Public Comments in late October 2004. The Public Comment period on the proposed Draft TMDL closed on November 24, 2004.

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The Draft TMDL specifically identifies Caltrans on page 54:

> *Although nonpoint sources are responsible for most sediment loading in the watershed, limited point sources may also discharge some sediment in the watershed. Current and prospective point sources that may discharge in the watershed and are therefore at issue in this TMDL include:*
>
> - *CalTrans facilities (e.g., State Highway 162) that discharge pursuant to the CalTrans statewide NPDES permit issued by the State Water Resources Control Board, and*
> - *Construction sites that discharge pursuant to California's NPDES general permit for construction site runoff.*
>
> *Because the discharge from these point sources cannot be readily determined, and because possible loading from point sources is not distinguished from general management-related loading in the source analysis, EPA considers the rates set as load allocations (i.e., for nonpoint sources) to also represent wasteload allocations (i.e., for those point sources that would be covered by general NPDES permits). There are no other wasteload allocations, as there are no other individual point sources of sediment in the basin.*

The North Coast RWQCB is pursuing two formal courses of action to address sediment loading to receiving waters within the North Coast Region. A *Sediment TMDL Implementation Policy* is scheduled for the November 29, 2004, Board Meeting.

Caltrans staff have been coordinating with staff from the North Coast RWQCB to ascertain the best and most efficient method of demonstrating and ensuring that Caltrans' facilities and activities are in compliance with the Implementation Policy. The North Coast RWQCB is also in the process of developing a *Regional Sediment Amendment* as a Basin Plan Amendment. While the Regional Sediment Amendment will focus on receiving waters

listed as impaired in accordance with Section 303(d) of the Clean Water Act, the Amendment will also address sediment discharges to non-impaired water bodies. Again, Caltrans staff will coordinate with North Coast RWQCB staff to ensure that the construction and maintenance of the Willits Bypass/LEDPA preferred alternative is in compliance with the *Regional Sediment Amendment.*

Regarding the erosion problem at the south end of the project, the proposed bypass project includes work that would correct this problem. At Haehl Creek (the proposed southern interchange), Caltrans proposes to remove a large culvert under the existing access road adjacent to the Schmidbaur property, which would correct the existing erosion problem in the channel below the outfall. Removal of this culvert will require the channel to be stabilized (typically by placing wiers) for an undetermined length upstream of the culvert, to prevent natural back-cutting erosion. In addition, a second existing culvert upstream of the above culvert may be replaced for the proposed new Schmidbaur access road. This culvert would be designed to prevent future channel erosion. The restoration of this Haehl Creek channel reach to its normal configuration and gradient would reduce future erosion in Haehl Creek, which would likely enhance essential fish habitat in Haehl Creek and other creeks downstream of Haehl Creek. The culvert removal and stream channel restoration at the Haehl Creek site would occur during the summer months when this reach of Haehl Creek is normally dry.

8-6 See responses to Comments 7-1 through 7-5 (DTSC).

The geotechnical recommendations for borrow material are based on field reconnaissance, familiarity with the material, and professional judgment. As explained in the DEIS/EIR (Section 3.3.2), any borrow site the contractor chooses must be a “permitted” site.

8-7 Caltrans is working closely with the City of Willits to coordinate the development of the wastewater treatment facility with the final design and construction of the proposed bypass project.

8-8 Comment noted. See Chapter 2 (FEIS/EIR) and General Response 1.3 regarding the development of Modified Alternative J1T as the LEDPA.

change dramatically over the next few years as the result of the EIR process. Please keep this in mind, as the Willits Bypass Project planning and construction phases continue.

Preferred Alternative

8-8

The EIS/EIR document designates Alternatives J1T or LT as the Least Environmentally Damaging Practicable Alternative (LEDPA), with mitigation impacts reduced or minimized. This factor, combined with the information pertaining to overall water quality impacts summarized on the Alternatives Analysis Matrix Table H-5-4, leads the Regional Water Board to favor Alternative J1T or LT. Alternative J1T would have approximately twenty fewer acres of wetland impact than LT and is rated as having "high" anticipated success for mitigation where as LT is rated as "moderate." These factors are favorable attributes of Alternative J1T.

Please call me at (707) 576-6725, if you have any questions.

Sincerely,

Kirsten James

Kirsten James
Environmental Scientist

KLJ:js/Willits Bypass EIR comment letter