

**CALENDAR ITEM
C07**

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S 3

01/26/12
PRC 744.9
R. Boggiano

TERMINATION OF A RIGHT-OF-WAY EASEMENT AND APPROVAL OF A PUBLIC AGENCY PERMIT AND RIGHT-OF-WAY MAPS PURSUANT TO SECTION 101.5 OF THE STREETS AND HIGHWAYS CODE AND OF THE CALIFORNIA PUBLIC RESOURCES CODE SECTION 6210.3

APPLICANT/PERMITTEE:

California Department of Transportation

AREA, LAND TYPE, AND LOCATION:

Sovereign land along State Highway 101, adjacent to Assessor's Parcel Numbers 136-010-027, 019-210-039, and 019-220-025, located near the city of Petaluma, Sonoma County.

AUTHORIZED USE:

Removal of an existing bridge and the construction, use, and maintenance of a new bridge crossing the Petaluma River on State Highway 101.

PERMIT TERM:

Continuous use plus one year, beginning January 26, 2012.

OTHER PERTINENT INFORMATION:

1. The California Department of Transportation (Caltrans) owns or has the right to use the upland adjoining the bridge crossing.
2. On August 25, 1952, the Commission authorized a continuous Right-of-Way Easement to Caltrans, formerly known as the Division of Highways, for the construction, use, and maintenance of a new bridge crossing the Petaluma River along the realigned Highway 101. The existing bridge was constructed in 1955 and seismically retrofitted in 1996.
3. Caltrans is now applying for termination of the Right-of-Way Easement and issuance of a Public Agency Permit and a Right-of-Way map pursuant to Section 101.5 of the Streets and Highways Code for the proposed replacement of the existing Petaluma River Bridge. Construction is expected to begin in August 2012 and end in August 2015. All nine piers

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of the two existing spans, existing bridge decks, and girders will be removed. The new Petaluma Bridge replacement will carry three lanes of southbound traffic and three lanes of northbound traffic. The new bridge will be supported on four piers along the spans and two abutments on either end. The total width of the new bridge will be 117 feet and the length will be 907 feet.

4. The construction of the Petaluma River Bridge will require cofferdams for footing construction. All cofferdams required for pile driving will be installed from June 15 through October 31. Once cofferdams are installed, pile driving activities are proposed year-round within the cofferdams. When pile driving activities are completed, cofferdams will be removed between June 15 and October 31.
5. A 1,000-foot long by 36-foot wide trestle bridge will be constructed in the river to provide a platform for working on the new piers. A 60-foot wide channel will be maintained for navigation past the Petaluma River Bridge throughout the construction seasons. During construction activities, Caltrans is required to install warning signs and buoys, upstream and downstream of the construction site, in order to provide public notice that construction activities are taking place in the River and to exercise caution.
6. Caltrans has filed maps showing the right-of-way area with the Commission.
7. Section 101.5 of the Streets and Highway Code requires Caltrans to determine the reasonable value of the proposed right-of-way that is the subject of this permit and to deposit such amount into the State Parks and Recreation Fund. In addition, Section 84.5 of the Streets and Highway Code requires Caltrans, when constructing a new bridge across a navigable river, to include full consideration, and report on, the feasibility of providing a means of public access to the river for public recreational purposes. Staff has received correspondence from Caltrans that they have determined after analysis of the bridge site and adjacent properties that providing public access to the Petaluma River is not feasible at this location.
8. **Termination of Right-of-Way Easement:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Cal. Code Regs., tit 14, § 15060 subd. (c)(3)], the staff has determined that this activity is not subject to the provisions of CEQA because it is not a "project" as defined by CEQA and the State CEQA Guidelines.

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Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060 subdivision (c)(3) and 15378.

9. **Permit:** A Joint Document (JD) Environmental Impact Report/Environmental Impact Statement (EIS/EIR), State Clearinghouse No. 2001042115, was prepared for this project by Caltrans and the Federal Highway Administration and certified on October 29, 2009. The California State Lands Commission staff has reviewed such document and Mitigation Monitoring Reporting Program prepared in conformance with the provisions of CEQA (Pub. Resources Code § 21081.6) and adopted by the lead agency. The final EIR/EIS is posted on the Caltrans District 4 website at www.dot.ca.gov/dist4/msn/msn-feis_s/msnfeis.htm (accessed January 10, 2012).

Findings made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15091, 15096) are contained in Exhibit D, attached hereto.

10. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

NOAA Fisheries
U.S. Fish and Wildlife Service

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers
California Department of Fish and Game
California Regional Water Quality Control Board

EXHIBITS:

- A. Site and Location Map
- B. Section 101.5 Right-of-Way Maps
- C. Mitigation Monitoring Reporting Program
- D. CEQA Findings – CSLC's findings being prepared.

PERMIT STREAMLINE ACT DEADLINE:

April 15, 2012

CALENDAR ITEM NO. **C07** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Termination of Right-of-Way Easement: Find that the activity is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060(c)(3) because the activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Permit: Find that an EIR/EIS, State Clearinghouse No. 2001042115, was prepared for this Project by Caltrans and the Federal Highway Administration and certified on October 29, 2009, and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Reporting Program, as contained in Exhibit C, attached hereto.

Adopt the Findings, made in conformance with California Code of Regulations, Title 14, sections 15091 and 15096, subdivision (h), as contained in Exhibit D, attached hereto.

SIGNIFICANT LANDS INVENTORY FINDING:

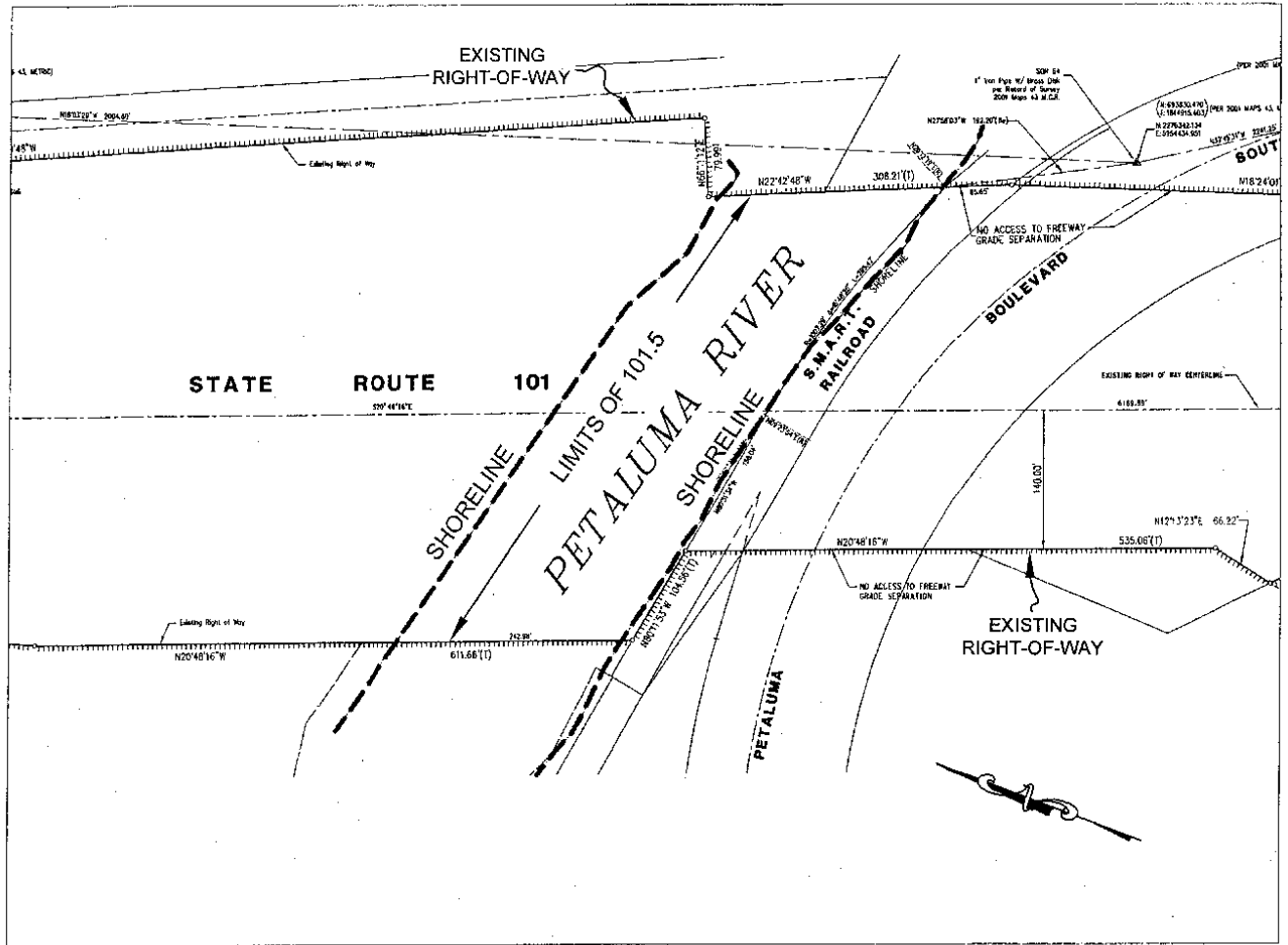
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize termination of Right-of-Way Easement PRC No. 744.9, effective January 25, 2012.
2. Authorize a Public Agency Permit and approve a Right-of-Way Map as submitted by the California Department of Transportation pursuant to section 101.5 of the Streets and Highways Code and as authorized by Section 6210.3 of the Public Resource Code, for continuous use plus one year, for the removal of the existing bridge crossing the Petaluma River along State Highway 101, and construction, use, and maintenance of a new bridge crossing the Petaluma River along State Highway 101 as shown on Exhibit A attached and by this reference made a part hereof.

NO SCALE

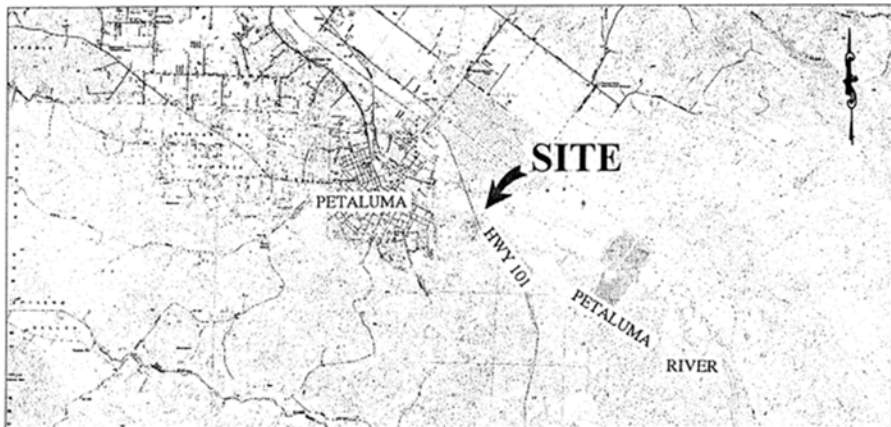
SITE



HWY 101, PETALUMA RIVER, NEAR PETALUMA

NO SCALE

LOCATION



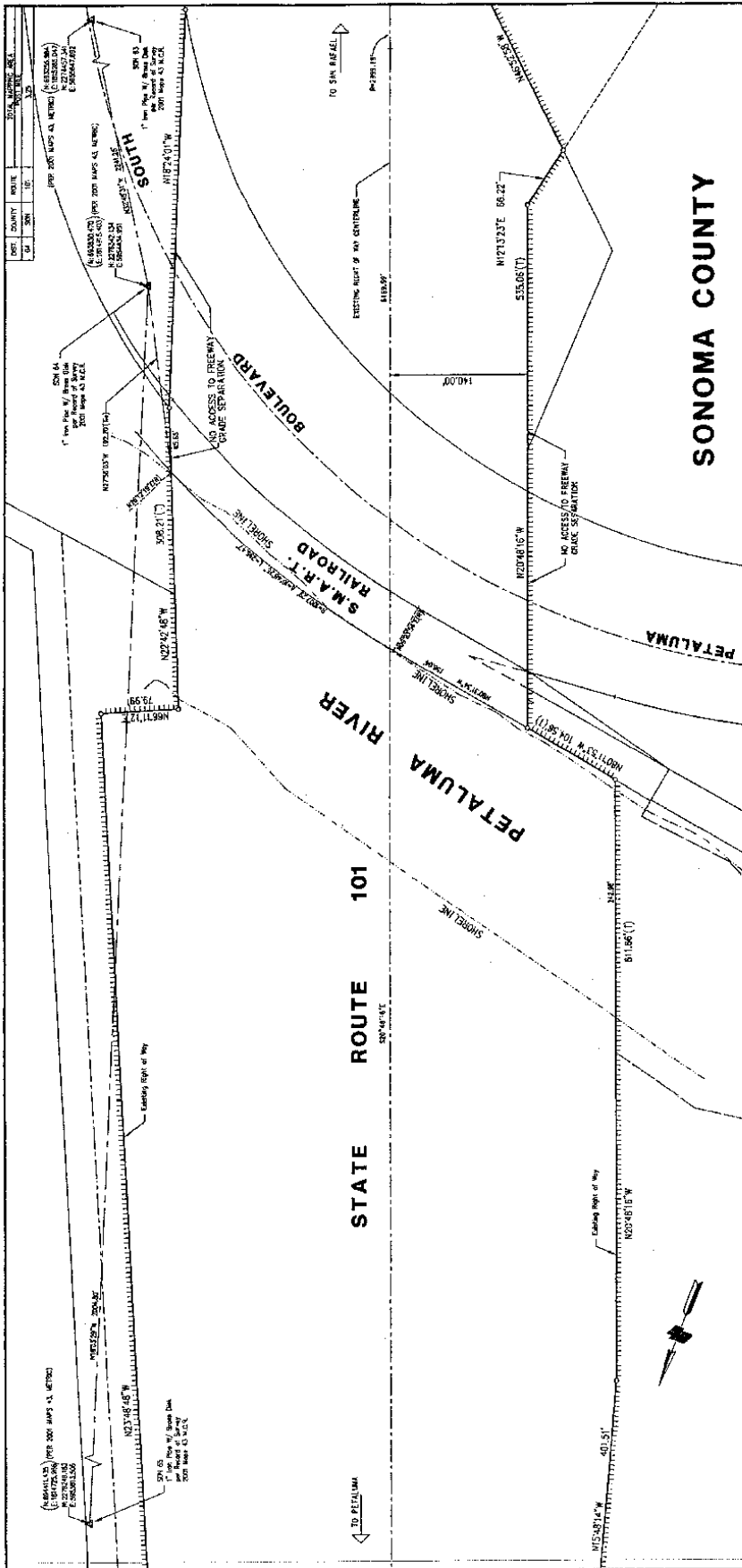
MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit A

PRC 744.9
 CALTRANS
 STREETS AND HIGHWAYS
 CODE SECTION 101.5
 PETALUMA RIVER
 SONOMA COUNTY





STATE OF CALIFORNIA
 BUSINESS, TRANSPORTATION, AND HOUSING AGENCY
 DEPARTMENT OF TRANSPORTATION
MAP No. 58180
 SCALE 1"=50'

LEGEND

- O IMBUSH POINT
- L LITTLE ACCESS RIGHTS
- DA OFFICIAL RECORD
- APN ASSESSOR'S PARCEL NUMBER
- (T) TOTAL
- (R) ROAD BOUNDARY
- DOE DRAINAGE
- SHALLET SPRAWL-LAND USE PLAN TRANSITION
- RS RECORD OF SURVEY
- MS MARK COUNTY RECORDS

NOTE:
 Record of Survey filed in Book 2001 of Maps of
 Page 43 in the office of the Recorder of Merit
 County, California, was also filed in Book 651 of
 the Record of Surveys of the Recorder
 of Sonoma County, California.

STATE OF CALIFORNIA
STATE LANDS COMMISSION

This map is hereby approved and filed for record with the State
 Lands Commission pursuant to the provisions of Section 101.15 of
 the Streets and Highways Code. The survey was made under the
 authority of the State Lands Commission. The right of way lines shown upon this map are hereby reserved for
 highway purposes.

SURVEYOR'S STATEMENT
 This map was prepared by me or under my direction
 pursuant to Section 101.15 of the Streets and Highways Code.

Jerry Wong
 JERRY WONG LS 7184

Approved Mapping _____ 20____
 STATE LANDS COMMISSION

By _____
 Chief, Division of Land Management

SONOMA COUNTY

STATE ROUTE 101

PETALUMA RIVER

S.M.R.T. RAILROAD

BOULEVARD

EXHIBIT B

EXHIBIT C

Appendix J Mitigation Monitoring Report Program

**Marin Sonoma Narrows HOV Widening Project
Mitigation and Monitoring and Reporting Program**

ENVIRONMENTAL IMPACT	MITIGATION MEASURES	MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
Land Use			
<i>Farmland</i>			
Conversion of approximately 65.67 ha (162.27 ac) of farmland to transportation uses; including 9.08 ha (22.43 ac) of land under Williamson Act contracts	During project development, reduced project footprint to minimize additional farmland.	Caltrans Design Office	During PS&E
Community Character, Cohesion and Socioeconomics			
<i>Acquisitions and Relocations</i>			
Relocation of one residential unit.	Compliance with state and federal laws regarding relocation assistance.	Caltrans Division of Right of Way	During PS&E
Acquisition of Williamson Act Lands	Compliance with state and federal laws regarding acquisition of Williamson Act lands; notice to Department of Conservation 10 days prior to acquisition of Williamson Act lands	Caltrans Division of Right of Way	During PS&E
<i>Utilities</i>			
Relocation of lines in Caltrans right-of-way	Development of utility relocation plans during the design phase to ensure no interruption of local services	Caltrans Design Office	During PS&E

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Mitigation and Monitoring and Reporting Program

ENVIRONMENTAL IMPACT	MITIGATION MEASURES	MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
<i>Parks and Recreational Facilities</i>			
Temporary impact to Olompali State Historic Park entrance while new access via Redwood Boulevard is constructed.	Development and implementation of temporary signage and routing to assist motorists.	Caltrans Division of Construction	During construction
Beneficial effect from Caltrans' deeding right-of-way to Olompali, a portion of which would be used for a bicycle/pedestrian path.	Temporary access to Olompali SHP. Caltrans shall plan construction activities and staging with state park officials to ensure public access and park operations are not disrupted.		
<i>Emergency Services</i>			
No negative impact in the Southern and Northern Segments and improved access to areas in the Central Segment in the long run.	Coordination with emergency service providers to prepare and implement a transportation management plan to ensure that emergency services would not be disrupted during construction.	Caltrans Division of Construction	During construction
Temporary impact due to delays and restricted mobility during construction.	Provision of advanced notice of road closures and detour routes to emergency service providers.	Caltrans Division of Construction	During construction
<i>Visual and Aesthetics</i>			
<i>Segment A</i>			
Adverse effect from new soundwalls and accompanying tree and vegetation removal.	Minimization of vegetation removal; replacement planting in combination with standard project landscaping; vine planting to cover walls on highway and community sides.	Caltrans Office of Landscape Architecture	After construction of Segment A.

Marin Sonoma Narrows HOV Widening Project
Mitigation and Monitoring and Reporting Program

ENVIRONMENTAL IMPACT	MITIGATION MEASURES	MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
<p>Potential impairment of community use of pedestrian undercrossings at Olive Avenue and Franklin Overhead Bridge due to center bridge widening and accompanying loss of light.</p>	<p>Installation of lights underneath; architectural and landscape design determined with Policy Advisory Group.</p>	<p>Caltrans Office of Landscape Architecture</p>	<p>After construction of Segment A</p>
<p><i>Segment B</i></p>			
<p>Adverse impact from increased roadway visual dominance due to center widening, center median barriers, and access roads. Adverse impact from new interchanges, major grading, tree removal, and overcrossings.</p>	<p>Minimization of vegetation removal; replacement planting in combination with standard project landscaping; center median design treatments. All disturbed areas shall be provided with permanent erosion control shrub and tree species. Areas of disturbed native vegetation shall be replaced at a 5 to 1 ratio wherever feasible. Where in-place planting is not practical, planting will be replaced, where feasible, off site in the visual foreground of the corridor.</p>	<p>Caltrans Office of Landscape Architecture</p>	<p>After construction of Segment B</p>
<p>Adverse impact from major landform alteration due to mainline realignment.</p>	<p>Contour grading and contour rounding shall be employed at slope transitions in all major grading activities, to minimize the artificial, engineered appearance of resulting slopes and to blend with the natural topography to the greatest extent feasible. Where the alignment of the freeway or ramps are to be superseded, existing pavement and roadbed shall be removed and contour graded to provide a natural appearance and blend with the adjacent landform, and graded areas re-vegetated. Trees and shrubs shall be planted at cut/fill</p>	<p>Caltrans Office of Landscape Architecture</p>	<p>After construction of Segment B</p>

Marin Sonoma Narrows HOV Widening Project
Mitigation and Monitoring and Reporting Program

ENVIRONMENTAL IMPACT	MITIGATION MEASURES	MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
<p>Minor effect from replacement of Petaluma River Bridge.</p> <p>Minor effect from exposure of new bike path users to traffic and views of mainline.</p>	<p>transition areas to help screen or soften prominent grade transitions.</p> <p>Grading shall utilize techniques such as slope rounding, slope sculpting, and variable gradients to approximate the appearance of natural topography.</p> <p>None required, but consider landscaping bridge embankments, aesthetic treatment of retaining walls, and pattern texture railings.</p>	<p>Caltrans Office of Landscape Architecture</p>	<p>After construction of Segment B</p>
<p>Segment C</p>			
<p>Adverse impact from new soundwalls, interchange ramp improvements, and auxiliary lane due to substantial decline in motorists' views and community character and to loss of tree hedgerows.</p>	<p>Plant clinging vines to soften appearance of soundwalls; apply architectural design measures determined with Policy Advisory Group; if possible, locate soundwalls at project right-of-way, retain trees, and replace landscaping on the highway side of soundwalls.</p>	<p>Caltrans Office of Landscape Architecture</p>	<p>After construction of Segment C</p>
<p>Potential impairment of community use of pedestrian/bicycle undercrossings at Lynch Creek Bridge due to center bridge widening and accompanying loss of light.</p>	<p>Installation of lights underneath, architectural and landscape design determined with Policy Advisory Group.</p>	<p>Caltrans Office of Landscape Architecture</p>	<p>After construction of Segment C</p>
<p>Adverse impact from tree removal and introduction of soundwall at Lynch Creek Bridge.</p>	<p>Plant clinging vines to soften appearance of soundwalls; apply architectural design measures determined with Policy Advisory Group.</p>	<p>Caltrans Office of Landscape Architecture</p>	<p>After construction of Segment C</p>

Marin Sonoma Narrows HOV Widening Project
Mitigation and Monitoring and Reporting Program

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Cultural Resources			
<i>Archaeology</i>			
Loss of five archaeological sites considered eligible for inclusion in the National Register of Historic Places; loss of two additional sites that might be eligible pending further investigation. Adverse effect on Olompali and San Antonio complexes.	Enter into Memorandum of Agreement to provide mechanisms to recover significant data that will be destroyed; archaeological monitoring during construction. If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find. If human remains are discovered, State Health and Safety Code Section 7050.5 and Public Resource Code Section 5097.98 will be followed.	Caltrans Office of Cultural Resource Studies	During PS&E and Construction
Physical Environment			
<i>Hydrology and Floodplains</i>			
Increased runoff from improvements that contribute additional storm waters to areas historically affected by flooding in Segments B and C.	Resizing and upgrading of culverts; consideration of ditches above significant cut faces, perforated underdrains, horizontal pipe drains, and detention ditches. Design and implementation of detention facilities. Consideration of underground storage.	Caltrans Engineering Services	During PS&E

Marin Sonoma Narrows HOV Widening Project
Mitigation and Monitoring and Reporting Program

ENVIRONMENTAL IMPACT	MITIGATION MEASURES	MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
<i>Water Quality</i>			
Increased pollutant loading due to an additional 83 ha (205 ac) of impervious surface areas.	Implementation of Permanent Design Pollution Prevention Best Management Practices that employ landscaping and drainage elements to reduce runoff and erosion; Permanent Treatment Best Management Practices such as biofiltration strips and swales and detention devices. The 401 permit application requires these devices. ESAs within or adjacent to project boundaries will be delineated, field verified, and included on all project contract plans.	Caltrans Water Quality Program	During PS&E
Potential water quality impact due to approximately 216.44 ha (534.83 ac) of soil disturbance during construction.	Comply with NPDES permit that requires implementation of a Stormwater Pollution Prevention Plan that identifies an applicable list of Construction Site Best Management Practices.	Caltrans Water Quality Program	During construction
<i>Groundwater</i>			
Potential exposure to contaminated groundwater in saturated areas and where bridge work is proposed during construction.	Testing of ground water for potential contamination; proper handling and disposal of contaminated ground water. Dewatering procedures will be used.	Caltrans Water Quality Program	During construction
<i>Geology</i>			
Some hazard due to ground shaking and lateral spreading during an earthquake.	Design of structures to withstand the largest expected magnitude earthquake on Rodgers Creek Fault.	Caltrans Geotechnical Design	During PS&E
Risk of potential slope instability in Segment B.	Application of standard specifications for embankments and foundations.	Caltrans Geotechnical Design	During PS&E

Marin Sonoma Narrows HOV Widening Project
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ENVIRONMENTAL IMPACT	MITIGATION MEASURES	MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
Risk from potential liquefaction.	Risk can be reduced by use of vibro or dynamic compaction methods on less cohesive soil. Use of specifically designed foundations for structures and the removing of liquefiable materials are among the possible mitigation measures.	Caltrans Geotechnical Design	During construction
Erosion of 216.36 ha (534.64 ac) of erodible soils.	Application of erosion controls, as specified in Caltrans NPDES permit.	Caltrans Geotechnical Design	During construction
Risk of potential slope instability in Segment B.	Application of standard specifications for embankments and foundations.	Caltrans Geotechnical Design	During construction
Potential settlement of structures overlying soft clay layer of Bay mud.	Application of standard practices to address soil settlement problems, such as removal of soft soils, soil mixing, wick drains, lightweight fill, grouting, or stone columns.	Caltrans Geotechnical Design	During construction
Risk from potential expansive soils.	Expansive soil control measures include removing the soils or mixing with other materials such as lime.	Caltrans Geotechnical Design	During construction
Construction activities may impact paleontologically sensitive geologic units in the Wilson Grove Formation	Periodic monitoring of project-related, ground-disturbing activities within the Wilson Grove Formation. Periodic sampling of excavated material within the Wilson Grove Formation. Monitoring, sampling, data recovery, reporting, and curation activities will take place in accordance with the professional standards as determined by the Society of Vertebrate Paleontology. In the event fossils are discovered, construction work shall stop within a 50 ft radius of the find until a qualified	Caltrans Geotechnical Design	During construction

**Marin Sonoma Narrows HOV Widening Project
Mitigation and Monitoring and Reporting Program**

ENVIRONMENTAL IMPACT	MITIGATION MEASURES	MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
<p>Biological Communities</p> <p><i>Natural Communities</i></p>			
<p>Potentially result in the removal of approximately 1,706 native and non-native trees, including approximately 1,164 native trees, of which 569 would be native oaks, for Access Option 12b.</p>	<p>paleontologist can assess the significance of the find. Mitigation of a find could include: data recovery and analysis, preparation of a data recovery report, and accessioning recovered fossil material to an accredited paleontological repository.</p>		
<p>During project development, project footprint was reduced to avoid large areas of oak woodland and oak savanna; for native and non-native trees that cannot be avoided, replacement oaks will be planted at an appropriate site(s), at a ratio of 3:1 for every acre of oak woodland habitat impacted. An approved management plan will be conducted for a minimum of 10 years to ensure compliance and the sites will be maintained in perpetuity. Individual oak trees with at least one trunk of 6 inches or more DBH or multi-trunked native oaks with aggregate diameter of 10 inches or more will be replaced in kind in a suitable location.</p>	<p>Caltrans Construction and Biology Offices</p>	<p>After construction</p>	
<p><i>Wetlands and Other Waters of the US</i></p>			
<p>Permanent wetland impact of 0.037 ha (0.092 ac) in Segment A, 2.75-2.94 ha (6.8-7.32 ac) in Segment B depending on the Access Option, and 0.08 ha (0.19 ac) in Segment C.</p>	<p>During project development, project footprint was reduced to avoid large areas of wetlands; obtain Individual Permit from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act and a 1602 Lake</p>	<p>Caltrans Office of Biological Sciences and Permits</p>	<p>During PS&E</p>

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ENVIRONMENTAL IMPACT	MITIGATION MEASURES	MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
<p>Permanent impact to other waters of the U.S. of 0.04 ha (0.1 ac) in Segment A, 1.07-1.20 ha (2.66- 2.96 ac) in Segment B depending on the Access Option, and 0.03 ha (0.07 ac) in Segment C.</p> <p>Temporary wetland impact of 0.07 ha (0.17 ac) in Segment A, 0.78-0.89 (1.92- 2.19 ac) ha in the Segment B depending on the Access Option, and 0.014 ha (0.035 ac) in Segment C.</p> <p>Temporary impact to other waters of the U.S. of 0.003 ha (0.007 ac) in the Segment A, 0.23-0.27 ha (0.56-0.66 ac) in the Segment B depending on the Access Option, and 0.003 ha (0.007 ac) in Segment C.</p>	<p>and Streambed Alteration Agreement from the California Department of Fish and Game; during final design/mitigation phase, determine replacement ratios in consultation with permitting agencies. Potential off-site mitigation through private conservation covenants, and at Skaggs Island and along Petahuma River.</p> <p>Avoidance and minimization measures, including best management practices (BMPs), will be implemented to protect jurisdictional waters during construction; Materials and fluids generated by construction activities will be placed no closer than specified distances from wetland areas or drainages until they can be disposed of at a permitted site; All natural communities and wetland areas located adjacent to the construction zone that could be affected by construction activities will be temporarily fenced off and designated as environmentally sensitive areas to prevent accidental intrusion by workers and equipment.</p>	<p>Caltrans Office of Biological Sciences and Permits</p> <p>Caltrans Office of Biological Sciences and Permits</p>	<p>During PS&E</p> <p>During construction</p>
<p>Animal Species</p> <p>Disturbance to Sacramento splittail habitat in Novato Creek, Lynch Creek, and Petahuma River, totaling 0.257 ha (0.63 ac).</p>	<p>Avoidance measures listed below for threatened and endangered fish species would help mitigate impacts to the Sacramento splittail.</p>	<p>Caltrans Office of Biological Sciences and Permits</p>	<p>During construction</p>

Marin Sonoma Narrows HOV Widening Project
Mitigation and Monitoring and Reporting Program

ENVIRONMENTAL IMPACT	MITIGATION MEASURES	MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
Disturbance to fall-run Central Valley Chinook salmon in Novato Creek, Lynch Creek, San Antonio Creek, Washington Creek and Petaluma River, totaling 0.47 ha (1.16 ac)	Avoidance measures listed below for threatened and endangered fish species would help mitigate impacts to the fall-run Central Valley Chinook salmon.	Caltrans Office of Biological Sciences and Permits	During construction
To avoid effects to bats, the following protective measures will be incorporated into the construction contract documents for Novato Creek, Lynch Creek, and Petaluma River.	Demolition of bridge when bats are not present, if not possible, exclusionary netting to prevent bat roosting; installation of bat structure in new bridge.	Caltrans Office of Biological Sciences and Permits	During construction
To avoid effects to nesting raptors and other migratory birds, the following protective measures will be incorporated into the construction contract documents	Nesting surveys and establishment of appropriate buffers zones; use of exclusionary netting for other migratory birds; replacement of removed habitat.	Caltrans Office of Biological Sciences and Permits	During construction
<i>Threatened and Endangered Species</i>			
May affect and is likely to adversely affect the Central California Coast steelhead, due to improvements around Novato Creek, Lynch Creek, San Antonio Creek and the Petaluma River. Potential to disturb 0.46 ha (1.14 ac) of salmonid habitat	Restriction of work during migrating season; installation of silt fences to reduce erosion; proper maintenance of construction site. Monitoring of underwater sound during pile driving. Only pile driving during daylight hours. Use of sound attenuation devices for all pile driving activities.	Caltrans Office of Biological Sciences and Permits	During construction
May affect, but not likely to adversely affect the southern distinct population segment North American green sturgeon, due to improvements around the Petaluma River. Potential to disturb 0.20 ha (0.49 ac) of habitat	Restriction of work during migrating season; installation of silt fences to reduce erosion; proper maintenance of construction site.	Caltrans Office of Biological Sciences and Permits	During construction
May affect and is likely to adversely affect, salt marsh harvest mouse habitat. Loss of	The Novato Creek Bridge will be widened under the Preferred Alternative. Caltrans will	Caltrans Office of Biological Sciences and Permits	After construction of Segment

Marin Sonoma Narrows HOV Widening Project
Mitigation and Monitoring and Reporting Program

ENVIRONMENTAL IMPACT	MITIGATION MEASURES	MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
<p>0.02 ha (0.05 ac) of potential salt marsh harvest mouse habitat near Petaluma River.</p>	<p>avoid impacts to the SMHM habitat at this location by restricting construction close to the toe of the embankment and positioning fencing to protect environmentally sensitive areas (ESA); Since the closest potential habitat for SMHM has been found to be approximately 45.5 m (150 ft) from the existing Caltrans right-of-way, Caltrans will minimize effects on potential habitat at Location 4 by restricting construction to within 30.5 m (100 ft) of the existing right-of-way (per direction from CDFG and USFWS); Avoidance measures at the Petaluma River Bridge would be implemented to avoid take of SMHM. Caltrans will realign the channel closer to the Petaluma River to maintain connectivity between the two sides of the bridge structures as mitigation. In addition, Caltrans will construct an additional channel between the Petaluma River and the western side of the bridge structures, allowing greater tidal influence to the area and improving the quality of the pickleweed habitat on the western side of the bridge. Caltrans will also expand and improve the pickleweed along the northern bank beneath the Petaluma River Bridge. To minimize or avoid the loss of individual SMHM from construction activities in the Petaluma River area, pickleweed vegetation will be hand-removed. A high visibility fence consisting of plastic sheeting will be placed 6.0 m (20 ft) from the boundaries of construction areas</p>	<p>Sciences and Permits</p>	<p>B</p>

Marin Sonoma Narrows HOV Widening Project
 Mitigation and Monitoring and Reporting Program

ENVIRONMENTAL IMPACT	MITIGATION MEASURES	MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
<p>May affect, and is likely to adversely affect, California red-legged frog habitat. Loss of 82.47 ha (203.78 ac) of potential California red-legged frog upland habitat.</p> <p>Construction within the project area would temporarily impact approximately 1.34 ha (3.16 ac) of upland habitat for California red-legged frog (CRLF).</p> <p>May affect, but not likely to adversely affect rare plants including: Baker's Larkspur, Sonoma Alopecurus, Contra Costa Goldfields, and Burke's Goldfields</p>	<p>in and adjacent to the pickleweed areas after the vegetation is removed to prevent mice from pushing under the fence.</p> <p>Avoidance of salt marsh harvest mouse habitat during construction by restricting construction zones, using exclusionary fencing, properly maintaining the construction site, and applying erosion control measures.</p> <p>Off-site mitigation through private conservation covenants.</p> <p>Restriction of work to avoid critical time periods; use of exclusionary fencing; application of erosion control measures; reconstruction surveys; and monitoring by U.S. Fish and Wildlife Service approved biologists during construction</p> <p>Surveys within potentially suitable habitat by botanists familiar with local flora. Surveys will be conducted during appropriate blooming season. Designating ESAs and showing ESA locations on project construction drawings and monitoring them during construction. Avoidance whenever possible.</p>	<p>Caltrans Office of Biological Sciences and Permits</p> <p>Caltrans Office of Biological Sciences and Permits</p>	<p>During PS&E and during construction</p> <p>During PS&E and during construction</p>

Marin Sonoma Narrows HOV Widening Project
Mitigation and Monitoring and Reporting Program

ENVIRONMENTAL IMPACT	MITIGATION MEASURES	MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
Access and Circulation			
<i>Transit</i>			
Beneficial effect from reduced travel times and improved transit schedule reliability in the long run.	Coordination with transit providers to determine detour routes, post flyers and signs, and inform media to notify commuters.	Caltrans Division of Construction	During construction
<i>Parking and Park and Ride Facilities</i>			
Temporary closure of some facilities during construction.	Reconfigure parking at Plaza North Shopping Center for no net loss of parking. Notification to users and the public about temporary closures.	Caltrans Division of Construction	During construction
Traffic and Transportation			
<i>Traffic on US 101</i>			
Temporary traffic delays and disruptions during construction	Complete Traffic Management Plan to plan detours and utilize ITS, and public advisory tools to inform motorists for trip planning purposes.	Office of Traffic Management	During construction
<i>Bicycle and Pedestrian Facilities</i>			
Temporary lack of access due to street closures and detours during construction.	Construction of temporary access roads prior to mainline in Segment B. Coordination with local jurisdictions and the Bicycle Pedestrian Advisory Group to ensure conformity with existing and proposed facilities.	Caltrans Division of Construction	During construction

Marin Sonoma Narrows HOV Widening Project
Mitigation and Monitoring and Reporting Program

ENVIRONMENTAL IMPACT	MITIGATION MEASURES	MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
<p><i>Navigation</i></p> <p>Construction of the new Petaluma Bridge.</p>	<p>Proposed plans will be submitted to the Coast Guard at least 30 days prior to the start of construction. Coordination with the Coast Guard to ensure navigation is not impeded. Possibly install a fender system around any temporary structure erected in the waterway to protect falsework and/or erection towers from being hit by a vessel.</p>	<p>Caltrans Division of Structures Design and Caltrans Division of Construction</p>	<p>During PS&E and construction</p>
<p><i>Hazardous Materials and Waste</i></p> <p>Potential to encounter contaminated soil and/or groundwater during construction.</p>	<p>Avoid acquisition of contaminated soils; if not possible, then prepare Phase II Environmental Site Assessments, to determine extent of contamination and clean-up recommendations.</p> <p>Inclusion in construction contracts provisions to comply with regulations governing the transport and disposal of hazardous wastes, including a Waste Management and Disposal Plan, a Health and Safety Plan, and a Stormwater Pollution Prevention Plan.</p>	<p>Caltrans Office of Environmental Engineering</p>	<p>During construction</p>
<p>Potential to encounter naturally occurring asbestos that may have migrated into streams and other waterways during construction for the bridge replacement/widenings and other waterway crossings.</p>	<p>Sampling and testing for naturally occurring asbestos; if detected, compliance with Asbestos Airborne Toxic Control Measures for Construction, Grading, Quarrying, and Surface Mining Operations.</p>	<p>Caltrans Office of Environmental Engineering</p>	<p>During construction</p>

Marin Sonoma Narrows HOV Widening Project
Mitigation and Monitoring and Reporting Program

ENVIRONMENTAL IMPACT	MITIGATION MEASURES	MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
Potential to encounter asbestos-containing materials during demolition or modification of structures, such as bridges and overcrossings.	Sampling and testing for asbestos; if detected, compliance with the Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining and the California Air Resources Board's (CARB) regulations for removal and disposal of materials with asbestos.	Caltrans Office of Environmental Engineering	During construction.
Potential for exposure to mercury in mine tailings that may be encountered.	Testing and sampling; if detected, compliance with state special handling and disposal requirements.	Caltrans Office of Environmental Engineering	During construction
Potential release of lead-contaminated material during the transport and disposal of yellow traffic striping and soils with aerially deposited lead.	Testing and sampling; if detected, compliance with state special handling and disposal requirements.	Caltrans Office of Environmental Engineering	During construction
Utilities may be installed at or near the groundwater table at petroleum impacted sites.	Use of watertight pipe connections and impermeable material for backfill around drainage pipes.	Caltrans Office of Construction	During construction
Yellow traffic striping removal has contamination potential.	Standard provisions will be in place, including the use of a high efficiency particulate air (HEPA) filter equipment vacuum device concurrently with material removal. Sampling, testing, and disposal.	Caltrans Office of Construction	During construction

Marin Sonoma Narrows HOV Widening Project
Mitigation and Monitoring and Reporting Program

ENVIRONMENTAL IMPACT	MITIGATION MEASURES	MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
<p>Air Quality</p> <p>Temporary impact during construction due to dust emissions, construction vehicle exhaust, and possible release of asbestos that occurs both naturally and in structures with ultramafic and serpentine rock.</p>	<p>Application of standard measures recommended by the Bay Area Air Quality Management District (BAAQMD); compliance with BAAQMD and state asbestos regulations, including preparation of an Asbestos Dust Mitigation Plan and minimizing dust through use of water or dust palliatives.</p>	<p>Caltrans Office of Environmental Engineering</p>	<p>During construction</p>
<p>Potential sediment impact within Novato Creek or San Antonio Creek</p>	<p>Sediments will be sampled and tested. If asbestos is detected, nonstandard special provisions will be prepared to direct the safe removal and disposal of waste sediments. An asbestos survey will be completed for all structures that will be demolished and if detected, standard special provisions will be prepared for the safe removal and disposal. Nonstandard and standard provisions will be developed in compliance with the California Air Resources Control Board (CARB), the California Department of Toxic Substance Control (DTSC), and the District's requirements to ensure compliance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) under Title 40 of the Code of Federal Regulations Part61.</p>	<p>Caltrans Office of Environmental Engineering</p>	<p>During construction</p>

Marin Sonoma Narrows HOV Widening Project
Mitigation and Monitoring and Reporting Program

ENVIRONMENTAL IMPACT	MITIGATION MEASURES	MONITORING RESPONSIBILITY	MONITORING TIMEFRAME
<p><i>Invasive Species</i></p> <p>Potential to introduce invasive, noxious weeds.</p>	<p>Worker training; avoidance of sensitive communities; cleaning of construction machinery; restoration/revegetation of disturbed areas.</p> <p>In compliance with EO 13112 and subsequent guidance from FHWA, landscaping and erosion control will not use species listed as noxious weeds.</p>	<p>Caltrans Office of Biological Sciences and Permits</p>	<p>During construction</p>

EXHIBIT D – MARIN-SONOMA NARROWS HOV WIDENING PROJECT

STATEMENT OF FINDINGS

INTRODUCTION

The California State Lands Commission (CSLC), acting as a responsible agency under the California Environmental Quality Act (CEQA), makes these findings to comply with CEQA as part of its discretionary approval to authorize issuance of a Public Agency Permit to the California Department of Transportation (Caltrans or Applicant) for use of sovereign land associated with the proposed Marin-Sonoma Narrows HOV [High Occupancy Vehicle] Widening Project (Project). (See generally Pub. Resources Code, § 21069; State CEQA Guidelines, § 15381.)¹ The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

The CSLC is a responsible agency under CEQA for the Project because Caltrans, as CEQA lead agency, has the principal responsibility for approving the Project and has completed its environmental review under CEQA. Caltrans analyzed the environmental impacts associated with implementation of the Project in an Environmental Impact Report/Statement (EIR/S) (State Clearinghouse [SCH] No. 2001042115) and, on July 23, 2009, certified the EIR/S, adopted a Mitigation Monitoring Reporting Program (MMRP), Findings, and a Statement of Overriding Considerations (SOC), and approved the Project. As approved by Caltrans, the Project includes State sovereign land over the Petaluma River near the city of Petaluma, Sonoma County, as a component of various improvements to Highway 101 in Marin and Sonoma Counties:

- Adding northbound and southbound HOV lanes the entire Project length of 26.0 kilometers (16.1 miles) that would be restricted to vehicles carrying two or more people per vehicle (also referred to as carpool lanes). These HOV lanes would be installed in the median of US 101 and directly connect to proposed HOV lanes south of the Project limits near the SR 37 Interchange and to proposed HOV lanes to the north beginning at Old Redwood Highway in the city of Petaluma;
- Widening and realigning US 101 in the Project's Central Segment along the Novato Narrows, which comprises 13.1 kilometers (8.1 miles) of the full Project boundaries. This would result in converting the existing expressway to an access-controlled freeway. Access would be available through new interchanges and existing local roads, which would be reconfigured to connect to new interchanges in this segment;

¹ CEQA is codified in Public Resources Code section 21000 et seq. The State CEQA Guidelines are found in Title 14 of the California Code of Regulations section 15000 et seq.

- Replacing bridges and constructing new bridges across San Antonio Creek and replacing the Petaluma River Bridge;
- Constructing soundwalls along the Project's Southern and Northern Segments;
- Constructing bicycle and pedestrian paths within the Central Segment to replace bicycle access that currently exists along the expressway shoulder; and
- Upgrading drainage facilities.

Caltrans determined that the Project could have significant environmental effects on the following environmental resources.

- | | |
|---|------------------------------|
| • Visual/Aesthetics | • Air Quality |
| • Agricultural Resources | • Noise |
| • Hydrology and Water Quality | • Recreation |
| • Biological Resources | • Traffic and Transportation |
| • Wetlands and Other Waters of the U.S. | • Geology and Soils |
| • Cultural Resources | • Hazardous Materials |

In certifying the EIR/S and approving the Project, Caltrans imposed various mitigation measures for Project-related significant effects on the environment as conditions of Project approval and concluded that Project-related impacts would be substantially lessened with implementation of mitigation measures such that the impacts would be less than significant. Impacts to one resource area, Visual/Aesthetics, were considered significant and unavoidable and, as a result, required Caltrans to adopt a SOC (see Attachment A). These impacts involve the removal of several hundred mature redwood and eucalyptus trees due to highway widening and soundwall construction in the Northern Segment of the Project north of the Petaluma River Bridge and construction of interchanges and access roads. This area is outside the CSLC's jurisdiction.

As a responsible agency, the CSLC complies with CEQA by considering the lead agency's EIR/S and reaching its own conclusions on whether and how to approve a project. In so doing, the CSLC may require changes in a project to lessen or avoid the effects, either direct or indirect, of that part of the project which the CSLC will be called on to carry out or approve. In order to ensure the identified mitigation measures and/or project revisions are implemented, the CSLC adopts the MMRP as set forth in Exhibit C as part of its Project approval.

FINDINGS

The CSLC's role as a responsible agency affects the scope of, but not the obligation to adopt, findings required by CEQA. Findings are required under CEQA by each public agency that approves a project for which an EIR has been certified that identifies one or more significant impacts on the environment (Pub. Resources Code, § 21081, subd. (a); State CEQA Guidelines, § 15091, subd. (a)). Because the EIR/S certified by Caltrans for the Project identifies potentially significant impacts that fall within the scope of the CSLC's approval, CSLC adopts the Findings set forth below as a responsible agency

under CEQA. (CEQA Guidelines, § 15096, subd. (h); *Resource Defense Fund. v. Local Agency Formation Comm. of Santa Cruz County* (1987) 191 Cal.App.3d 886, 896-898). While the CSLC must consider the environmental impacts of the Project as set forth in Caltrans' EIR/S, the CSLC's obligation to mitigate or avoid the direct or indirect environmental impacts of the Project is limited to those parts which it decides to carry out, finance, or approve (Pub. Resources Code, § 21002.1, subd. (d); CEQA Guidelines, §§ 15041, subd. (b), and 15096, subds. (f)-(g)). Accordingly, because the CSLC's exercise of discretion involves only the issuance of a permit for use of sovereign land associated with the Project, the CSLC is responsible for considering only the environmental impacts related to lands or resources subject to the CSLC's jurisdiction. With respect to all other impacts associated with implementation of the Project, the CSLC is bound by the legal presumption that the EIR/S fully complies with CEQA (Pub. Resources Code, § 21167.2).

The CSLC has reviewed and considered the information contained in the Caltrans' EIR/S, and the Findings made by Caltrans. All significant adverse impacts of the Project identified in the EIR/S relating to the CSLC's present approval as a responsible agency are included herein and organized according to the resource affected. These Findings, which reflect the independent judgment of the CSLC, are intended to comply with CEQA's mandate that no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects unless the agency makes written findings for each of those significant effects. The possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment;
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency;
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.²

Whenever Finding (3) is made, it has been determined that sufficient mitigation is not practicable to reduce the impact to a less than significant level, and even after implementation of all feasible mitigation measures, there will be or could be an unavoidable significant adverse impact due to the Project. Significant impacts requiring Finding (3) were identified in the Final EIR/S for Visual/Aesthetics. These unavoidable impacts are within the responsibility and jurisdiction of Caltrans and a SOC was adopted by Caltrans (see Attachment A).

These Findings are based on the information contained in the EIR/S, as well as information provided by the Applicant, all of which is contained in the administrative

² See Public Resources Code section 21081, subdivision (a) and State CEQA Guidelines sections 15091, subdivision(a).

record. The mitigation measures are briefly described in these Findings; more detail on the mitigation measures is included in Caltrans' EIR/S.

The CSLC is the custodian of the record of proceedings upon which its decision is based. The location of the CSLC's record of proceedings is in the Sacramento office of the CSLC, 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825.

I. IMPACTS REDUCED TO LESS THAN SIGNIFICANT LEVELS WITH MITIGATION

The impacts listed in Table 1 were determined in the EIR/S to be potentially significant without mitigation. However, the mitigation measures described in Table 1 will mitigate to below a level of significance all Project-related impacts to State-owned lands and associated resources; therefore, the CSLC finds that:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

With respect to the agricultural resources, visual/aesthetics, and recreation impacts found by Caltrans to be significant, the CSLC determined that those changes or alterations required to reduce the impacts to below a level of significance are within the responsibility and jurisdiction of Caltrans and have been adopted by the lead agency.

II. SIGNIFICANT AND UNAVOIDABLE IMPACTS

Both the lead agency, and the CSLC acting as a responsible agency, have determined that all potentially significant impacts will be reduced to a less than significant level after the implementation of the mitigation measures described in the MMRP except for Visual/Aesthetics impacts. The removal of several hundred mature redwood and eucalyptus trees due to highway widening and soundwall construction in the Northern Segment of the Project north of the Petaluma River Bridge will substantially degrade the visual landscape. Additionally, various project features including new interchanges and access roads will result in degradation of the visual character and quality of the highway corridor. There will also be significant temporary visual quality impacts in the Central Segment of the Project until vegetation and tree replantings reach maturity (10-20 years). These Visual/Aesthetic impacts will remain significant after implementation of all feasible mitigation measures; these impacts are within the responsibility and jurisdiction of Caltrans and required Caltrans to adopt a SOC (see Attachment A).

Table 1

Impact	Mitigation Measures (MMs) to Reduce Impacts to Less than Significant
A. HYDROLOGY AND WATER QUALITY	
Potential water quality impact due soil disturbance during construction.	Comply with a National Pollutant Discharge Elimination System (NPDES) permit that requires implementation of a Stormwater Pollution Prevention Plan that identifies an applicable list of

Table 1

Impact	Mitigation Measures (MMs) to Reduce Impacts to Less than Significant
Construction Site Best Management Practices.	
B. BIOLOGICAL RESOURCES	
Disturbance to Sacramento splittail habitat in Novato and Lynch Creeks and Petaluma River totaling 0.257 hectare (ha) (0.63 acre [ac]).	Restriction of work during migrating season; installation of silt fences to reduce erosion; proper maintenance of construction site. Monitoring of underwater sound during pile driving. Only pile driving during daylight hours. Use of sound attenuation devices for all pile driving activities.
Disturbance to fall-run Central Valley Chinook salmon in Novato, Lynch, San Antonio, and Washington Creeks and Petaluma River, totaling 0.47 ha (1.16 ac).	Restriction of work during migrating season; installation of silt fences to reduce erosion; proper maintenance of construction site. Monitoring of underwater sound during pile driving. Only pile driving during daylight hours. Use of sound attenuation devices for all pile driving activities.
Potential impacts to bats for Novato and Lynch Creeks and Petaluma River.	Demolition of bridge when bats are not present; if not possible, exclusionary netting to prevent bat roosting; installation of bat structure in new bridge.
Potential impacts to nesting raptors and other migratory birds from construction.	Nesting surveys and establishment of appropriate buffers zones, use of exclusionary netting for other migratory birds, and replacement of removed habitat.
May affect and is likely to adversely affect, the California Central Coast steelhead due to improvements around Novato, Lynch, and San Antonio Creeks and the Petaluma River. Potential to disturb 0.46 ha (1.14 ac) of salmonid habitat.	Restriction of work during migrating season; installation of silt fences to reduce erosion; proper maintenance of construction site. Monitoring of underwater sound during pile driving. Only pile driving during daylight hours. Use of sound attenuation devices for all pile driving activities.
May affect, but not likely to adversely affect the southern district population segment North American green sturgeon, due to improvements around the Petaluma River. Potential to disturb 0.20 ha (0.49 ac) of habitat.	Restriction of work during migrating season; installation of silt fences to reduce erosion; and proper maintenance of construction site.
May affect and is likely to adversely affect, salt marsh harvest mouse (SMHM) habitat. Loss of 0.02 ha (0.05 ac) of potential SMHM habitat near Petaluma River.	Avoidance measures at the Petaluma River Bridge would be implemented to avoid take of SMHM. Caltrans will realign the channel closer to the Petaluma River to maintain connectivity between the two sides of the bridge structures as mitigation. In addition, Caltrans will construct an additional channel between the Petaluma River

Table 1

Impact	Mitigation Measures (MMs) to Reduce Impacts to Less than Significant
	and the western side of the bridge structures, allowing greater tidal influence to the area and improving the quality of the pickleweed habitat on the western side of the bridge. Caltrans will also expand and improve the pickleweed along the northern bank beneath the Petaluma River Bridge. To minimize or avoid the loss of individual SMHM from construction activities in the Petaluma River area, pickleweed vegetation will be hand-removed. A high visibility fence consisting in and adjacent to the pickleweed areas after the vegetation is removed to prevent mice from pushing under the fence. Avoidance of SMHM habitat during construction by restricting construction zones, using exclusionary fencing, properly maintaining the construction site, and applying erosion control measures.
Potential to introduce invasive, noxious weeds.	Worker training; avoidance of sensitive communities and cleaning of construction machinery restoration/revegetation of disturbed areas. Landscaping and erosion control will not use species listed as noxious weeds.
C. WETLANDS AND OTHER WATERS OF THE U.S.	
Permanent wetland impact of 2.75-2.94 ha (6.87-7.32 ac), depending on the Access Option, in the Central Segment, which includes Petaluma River.	During Project development, the Project footprint was reduced to avoid large areas of wetlands; obtain individual Permit from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act and Streambed Alteration Agreement from the California Department of Fish and Game. During final design/mitigation phase, determine replacement ratios in consultation with permitting agencies. Potential off-site mitigation through private conservation covenants at Skaggs Island and along Petaluma River.
Temporary wetland impact of 0.78-0.89 ha (1.92-2.19 ac) and other waters of the U.S. impact of 0.23-0.27 ha (0.56-0.66 ac), depending on the Access Option, in the Central Segment, which includes Petaluma River.	Avoidance and minimization measures, including best management practices (BMPs), will be implemented to protect jurisdictional waters during construction. Materials and fluids generated by construction activities will be placed no closer than specified distances from wetland areas or drainages until they can be disposed of at a permitted site. All natural communities and wetland areas located

Table 1

Impact	Mitigation Measures (MMs) to Reduce Impacts to Less than Significant
	adjacent to the construction zone that could be affected by construction activities will be temporarily fenced off and designated as environmentally sensitive areas to prevent accidental intrusion by workers and equipment.
D. TRAFFIC AND TRANSPORTATION	
Temporary traffic delays and disruptions during construction.	Complete Traffic Management Plan to plan detours and utilize Intelligent Transportation Systems (ITS) and public advisory tools to inform motorists for trip planning purposes.
Construction of the new Petaluma River Bridge.	Proposed plans will be submitted to the U.S. Coast Guard at least 30 days prior to the start of construction. Coordination with the USCG to ensure navigation is not impeded. Possibly install a fender system around any temporary structure erected in the waterway to protect falsework and/or erection towers from being hit by a vessel.
E. NOISE	
Demolition and construction equipment will result in temporary noise impacts.	<p>Standard measures include:</p> <ul style="list-style-type: none"> • Locating equipment as far as practical from noise-sensitive uses; • Using sound-control devices, such as mufflers, on equipment; • Turning off idling equipment; • Using equipment that is quieter than standard equipment; • Selecting construction-access routes that affect the fewest number of people; • Using noise-reducing enclosures around noise-generating equipment; • Constructing barriers between noise sources and noise-sensitive land uses or taking advantage of existing barrier features (terrain, structures) to block sound transmission; • Temporarily relocating residents during periods of high construction noise that cannot be reduced effectively by other means; • Prepare a detailed noise control plan based on the construction methods -proposed; • Notify residences within 152.4 m (500 ft) in writing of the construction areas of the

Table 1

Impact	Mitigation Measures (MMs) to Reduce Impacts to Less than Significant
	construction schedule; and <ul style="list-style-type: none"> • Designate a noise disturbance coordinator who will be responsible for responding to complaints regarding construction noise.
F. CULTURAL RESOURCES	
Impact to cultural resources during construction.	If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find. If human remains are discovered, State Health and Safety Code section 7050.5 and Public Resources Code section 5097.98 will be followed.
G. AIR QUALITY	
Temporary impact during construction due to dust emissions, construction vehicle exhaust, and possible release of asbestos that occurs both naturally and in structures with ultramafic and serpentine rock.	Application of standard measures recommended by the Bay Area Air Quality Management District (BAAQMD), compliance with BAAQMD and state asbestos regulations, including preparation of an Asbestos Dust Mitigation Plan and minimizing dust through use of water or dust palliatives. <p>Standard measures include:</p> <ul style="list-style-type: none"> • Water exposed surfaces twice daily • Cover all trucks hauling soil, sand, and other loose materials or maintain at least 2 ft of freeboard; • Pave, apply water three times daily, or apply nontoxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites; • Sweep daily with water sweepers all paved access roads, parking areas, and staging areas at construction sites; • Sweep streets daily with water sweepers if visible soil material is carried onto adjacent public streets; • Hydroseed or apply nontoxic soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more); • Enclose, cover, water twice daily, or apply nontoxic soil binders to exposed stockpiles (dirt, sand, etc.);

Table 1

Impact	Mitigation Measures (MMs) to Reduce Impacts to Less than Significant
	<ul style="list-style-type: none"> • Limit traffic speeds on unpaved roads to 15 mph; • Install sandbags or other erosion control measures to prevent silt runoff to public roadways; and • Replant vegetation in disturbed areas as quickly as possible.
H. GEOLOGY AND SOILS	
Some hazard due to ground shaking and lateral spreading during an earthquake.	Design structures to withstand the largest expected magnitude earthquake on Rodgers Creek Fault.
I. HAZARDOUS MATERIALS	
Potential to encounter naturally occurring asbestos that may have migrated into streams and other waterways during construction for the bridge replacement/widenings and other waterway crossings.	Sampling and testing for naturally occurring asbestos; if detected, compliance with Asbestos Airborne Toxic Control Measures for Construction, Grading, Quarrying, and Surface Mining Operations.

STATEMENT OF OVERRIDING CONSIDERATIONS**CALIFORNIA DEPARTMENT OF TRANSPORTATION STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE MARIN-SONOMA NARROWS HOV WIDENING PROJECT THAT BEGINS SOUTH OF THE STATE ROUTE 37 INTERCHANGE IN THE CITY OF NOVATO (MARIN COUNTY) AND ENDS NORTH OF THE CORONA ROAD OVERCROSSING IN THE CITY OF PETALUMA (SONOMA COUNTY).**

The following information is presented to comply with State CEQA Guidelines (Title 14 California Code of Regulations, Chapter 3, Section 15903), 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 impacts have been identified as significant and not fully mitigable:

- The construction of roadway improvements and soundwalls within the Northern Segment will result in the removal of several hundred mature Redwood and Eucalyptus trees, which will substantially degrade the visual quality within the Northern Segment Landscape Unit.
- Various project features, including the construction of interchanges, access roads, and soundwalls, will result in degradation of the visual character and quality of the highway corridor. Tree removal in the highway foreground, major landform alterations due to grading and roadway re-alignments, increase roadway visual dominance, and other effects will result in a decline in the overall visual quality.
- Significant temporary visual quality impacts will exist in the Central Segment until vegetation and tree replantings reach maturity (10-20 years).

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

The need to make improvements to US 101 has been documented in many transportation plans and studies by Marin and Sonoma counties individually, and by regional and state agencies such as the Metropolitan Transportation Commission (MTC) and Caltrans. In establishing the project boundaries, Caltrans defined rational, logical starting and ending points and ensured that the improvements will stand on their own and provide benefits to the public.

US 101 is a crucial link for commuters and commerce, connecting the vital business centers of San Francisco and the East Bay with Marin, Sonoma, and the North Coast. As the only continuous north/south roadway serving Marin and Sonoma Counties and their main cities and towns, US 101 serves long-distance

interregional travelers, as well as shorter, inter- and intra-city travelers. Recent monitoring by Caltrans reveals travel delays experienced by daily commuters along the MSN stretch of the US 101. Over the last 15 years, significant commercial and residential growth, along with expansion of the tourism industry, has led to a dramatic increase in travel demand along the corridor. According to MTC's *Transportation 2030 Plan for the San Francisco Bay Area* (2005), the narrow segment between Marin and Sonoma Counties is one of the longest, continuously congested bottlenecks for truck traffic in the entire Bay Area. In contrast to the Bay Area experience, both Marin and Sonoma Counties experienced substantial increases in hours of delay on the freeways in the counties. For Marin County, over the past five years, hours of delay increased by about 25 percent; for Sonoma County, the increase was over 60 percent. Examining the most recent year of data, the largest percentage increases in freeway congestion between 2004 and 2005 for the entire Bay Area occurred in Sonoma and Marin Counties. Vehicle hours of delay jumped by more than a third in Sonoma County, from 5,300 in 2004 to 7,100 in 2005. Marin County showed a 32 percent surge in congestion, from 7,400 in 2004 to 9,800 in 2005 (Metropolitan Transportation Commission and Caltrans District 4, December 2005).

With congestion and hours of vehicle delay already substantial, future conditions are projected to become worse. According to Caltrans, vehicle delays on US 101 in the southbound direction during the A.M. peak period are projected to increase about 50 percent between 2010 and 2030. In the northbound direction during the P.M. peak period, vehicle delays are projected to increase similarly over the same period (Caltrans, 2005).

Similar to the Southern and Northern Segments, the Central Segment is also congested during peak travel demand periods. However, existing operational deficiencies along this expressway facility worsen congested conditions. Examples include:

- Local traffic movements compete with mainline commuter traffic to cross US 101 along Segment B to access residential postal boxes or other low-density land uses. Existing at-grade intersections and driveways with direct access on either side of US 101 result in merging and exiting local traffic during peak demand periods. The current expressway makes it difficult to serve both mainline and local circulation needs;
- Shoulder widths do not meet current design standards and thus do not provide adequate pull-out areas for disabled vehicles;
- Upgrading roadway features, such as horizontal curves (turning radii) and vertical curves (rate of incline and decline) would increase distant visibility of upcoming hazards or changing traffic conditions; and
- Portions of US 101 historically flood, because existing culverts are undersized to handle current and predicted runoff during large storms.

A number of actions by public agencies have signaled support for the MSN Project. Sonoma County elected to direct local funds, including portions of its local sales tax measure (Measure M) passed in 2004, to support the project. A chief directive by the local voters in the passage of these tax initiatives was to improve mobility and reduce local congestion for everyone who lives or works in the counties by providing a variety of high quality transportation options designed to meet local needs. The support shown by each of these counties, in part, resulted in the recommendation by the MTC to include this project as one of the improvements that would enhance connectivity and safety. As a result, the MSN Project was awarded funding through the Corridor Mobility Improvement Account (CMIA) of the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Proposition 1B) that was passed by the California voters in the November 2006 election.