Appendix A Section 4(f) *Analysis*

Introduction

This section of the document discusses *de minimis* impact determinations under Section 4(f). Section 6009(a) of SAFETEA-LU amended Section 4(f) legislation at 23 United States Code (USC) 138 and 49 USC 303 to simplify the processing and approval of projects that have only *de minimis* impacts on lands protected by Section 4(f). This amendment provides that once the U.S. Department of Transportation (USDOT) determines that a transportation use of Section 4(f) property, after consideration of any impact avoidance, minimization, and mitigation or enhancement measures, results in a *de minimis* impact on that property, an analysis of avoidance alternatives is not required and the Section 4(f) evaluation process is complete. FHWA's final rule on Section 4(f) *de minimis* findings is codified in 23 Code of Federal Regulations (CFR) 774.3 and CFR 774.17.

Responsibility for compliance with Section 4(f) has been assigned to the California Department of Transportation (Caltrans) pursuant to 23 USC 326 and 327, including *de minimis* impact determinations, as well as coordination with those agencies that have jurisdiction over a Section 4(f) resource that may be affected by a project action.

Project Alternatives

Two project alternatives are being analyzed under this technical study, including the No Build Alternative and one Build Alternative (Roundabout Alternative).

No Build Alternative

Under the No Build Alternative, roadway improvements associated with the proposed project would not be constructed. There would be no change in existing traffic facilities at the I-80/Gilman Street interchange. Over time, traffic volumes would continue to increase, resulting in more traffic congestion and delay. There would be no cost associated with this alternative.

Build Alternative

The Build Alternative proposes to reconfigure the I-80 ramps and intersections at Gilman Street. The I-80 ramps and frontage road intersections at each ramp intersection would be combined to form a single roundabout intersection on each side of I-80. Gilman Street would be reconstructed on the west from the parking lots at Tom Bates Regional Sports Complex along Gilman Street to the eastern side of the 4th Street

intersection. Work would also include reconstruction of West Frontage Road and Eastshore Highway within the project limits. Improvements associated with installation of the roundabouts would extend approximately 280 feet south on West Frontage Road from the Gilman Street interchange and approximately 250 feet north and 1,010 feet south on Eastshore Highway from the Gilman Street interchange. Work associated with reconfiguration of the eastbound I-80 off-ramp and on-ramp would extend approximately 820 feet south and 280 feet north of the interchange. Work associated with reconfiguration of the westbound I-80 off-ramp and on-ramp would extend approximately 370 feet north and 230 feet south of the interchange. There are no proposed improvements to the freeway mainline.

The project would also include a new bicycle and pedestrian overcrossing. The pedestrian overcrossing structure would be located south of Gilman Street with two staircases incorporated into the overcrossing, one on each side of I-80. There would also be retaining walls on the east and west side of the overcrossing; they would be approximately 6 feet tall at the highest point and taper down to zero. The Build Alternative includes a two-way cycle track on the south side of Gilman Street between the eastern I-80/Gilman Street ramps and 4th Street. The addition of the two-way cycle track would require installation of a traffic signal at the intersection of 4th Street and Gilman Street. Improvements would be made along 4th Street to Harrison Street to 5th Street to provide bicycle connectivity between the Codornices Creek Path and the two-way cycle track on Gilman Street. Additional pedestrian and bicycle improvements include upgrading the 3rd Street/UPRR crossing at Gilman Street to accommodate the cycle track.

West of the I-80/Gilman Street interchange, the existing San Francisco Bay Trail (Bay Trail) would be extended approximately 600 feet west along the south side on the west end of Gilman Street from its current terminus at the intersection of West Frontage Road and Gilman Street to just beyond Berkeley's city limits. Existing Pacific Gas & Electric (PG&E) overhead electric lines along Gilman Street, West Frontage Road, and Eastshore Highway would be relocated as part of the Build Alternative. A separation device would be installed underground along Gilman Street to separate trash, mercury, and polychlorinated biphenyls (PCBs). An existing East Bay Municipal Utility District (EBMUD) recycled water transmission line would be relocated and extended as part of the Project. Approximately 1,100 feet of a new 12-inch recycled water transmission pipeline within Eastshore Highway from Page Street to Gilman Street and approximately 1,050 feet of pipeline within Gilman Street from 2nd Street to the Buchanan Street extension, are part of the Build Alternative. Approximately 1,100 feet of an existing 10-inch EBMUD recycled water pipeline located within Caltrans right-

of-way along the eastbound Gilman Street off-ramp shoulder, would be abandoned in place or removed. A new City of Berkeley sewer line would be installed underneath Gilman Street, beginning at a point east of the interchange and ending on the west side of I-80 at the approximate entrance to the Tom Bates Regional Sports Complex parking lots. Existing PG&E overhead electric lines along Gilman Street, West Frontage Road, and Eastshore Highway would be relocated as part of the Build Alternative. Some of these overhead lines may be placed underground. Minor drainage modifications would also be required to conform to the new roundabout alignment and drainage improvements associated with the two-way cycle track along Gilman Street would also be required. The project would also include installation of new light poles and ramp metering poles.

Construction of the roundabout would expand the ramp intersection to the north and would require relocation of the Golden Gate Fields entrance and exit gate to their stables. The Build Alternative would relocate the Golden Gate Fields entrance and exit gate to the Gilman Street Extension. The intersection of Gilman Street Extension with Golden Gate Fields Access Road would be improved and Gilman Street would be widened to the south to provide space for two – two lane roads separated by a median. Two Golden Gate Fields parking lots would be improved. Partial acquisitions will be required for right-of-way from Golden Gate Fields and EBRPD.

The Build Alternative is shown in Figure 1 below and discussed in detail in Section 1.4.1, Build Alternative of the IS/EA.

Determining Section 4(f) Resources

There are two steps in determining whether Section 4(f) applies to a project:

1. The project must involve a resource that is protected by the provisions of Section 4(f).
2. There must be a “use” of that resource.

Protected resources include:

- Public parks
- Recreational areas of national, state, or local significance
- Wildlife or waterfowl refuges
- Historic sites of national, state, or local significance[1]

[1] Section 4(f) applies to archaeological sites only if preservation in place is warranted and sites are eligible for the National Register of Historic Places (NRHP) for reasons other than their potential to yield information (eligible for Criteria A, B, or C).

Section 4(f) Use

As defined in 23 *Code of Federal Regulations* (CFR) 774.17, a "use" of a protected resource occurs when any of the following conditions are met:

- **Direct Use:** Land is permanently incorporated into a transportation facility.
- **Temporary Use:** There is a temporary occupancy of land that is adverse in terms of the statute's preservation purpose as determined by the criteria in 23 CFR 774.13(d).
- **Constructive Use:** There is a constructive use of a Section 4(f) property as determined by the criteria in 23 CFR 774.15.

De Minimis Impacts

Determining *De Minimis* Impacts to Section 4(f) Resources

A *de minimis* impact to a Section 4(f) resource is a nominal project impact that would not be adverse to the activities, features, or attributes that qualify the property for protection under Section 4(f). A *de minimis* impact finding can be made for some direct uses and temporary uses; however, a *de minimis* impact finding cannot be made for constructive uses.

Under FHWA regulations (23 CFR Section 774.13(d)), temporary occupancy, including temporary construction easements, and other temporary project activities are typically considered *de minimis* impacts if they satisfy specific criteria.

In the case of historic properties, a *de minimis* determination can only be made when there are "no historic properties affected" or the project would have a "no adverse effect" under Section 106 of the National Historic Preservation Act (NHPA). For other Section 4(f) protected resources, including publicly owned parks, recreational areas, and wildlife and waterfowl refuges, *de minimis* impacts are defined as those impacts that do not adversely affect the activities, features, or attributes of the Section 4(f) resource.

The *de minimis* impact finding is based on the level of impact, including any avoidance, minimization, and mitigation or enhancement measures that are included in the project to address the Section 4(f) use. A *de minimis* impact finding is expressly conditioned upon the implementation of measures that are relied on to reduce the impact to a *de minimis* level.

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Ala	80	6.38/6.95		--

REGISTERED CIVIL ENGINEER DATE

PLANS APPROVAL DATE

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REGISTERED PROFESSIONAL ENGINEER — R. S. PIMENTEL — No. C46102 — Exp. 12-31-20 — CIVIL — STATE OF CALIFORNIA

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STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

Caltrans

LAYOUT
SCALE: 1" = 150'

LAST REVISION: 00-00-00 | DATE PLOTTED => 3/12/2019 | TIME PLOTTED => 2115121 PM

BORDER LAST REVISED 7/2/2010 | USERNAME => P001571D | DGN FILE => Layout 100 scale - Gilman Project Overview.dgn | RELATIVE BORDER SCALE IS IN INCHES 0 1 2 3 | UNIT 0000 | PROJECT NUMBER & PHASE 04000201551

Figure 1: Build Alternative

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To reach a *de minimis* impact finding for properties where a use would occur, following an opportunity for public review and comment, the official(s) with jurisdiction over the Section 4(f) resource must provide written concurrence to Caltrans that the project would not adversely affect the activities, features, or attributes that qualify the property for protection under Section 4(f).

Coordination and Concurrence on *De Minimis* Findings

Coordination with officials who have jurisdiction over park and historic resources is required prior to approval of the Section 4(f) impact findings. For parks, recreational areas, and wildlife and waterfowl refuges, the officials with jurisdiction over the property must be informed of the intent to make a *de minimis* impact determination, after which an opportunity for public review and comment must be provided. Written concurrence from these officials is required in the following situations:

- Making *de minimis* impact findings
- Applying an exception for temporary occupancies
- Applying an exception for transportation enhancement and mitigation activities

Public Meeting to Disclose Section 4(f) *De Minimis* Finding

After initial formal consultation is conducted with the official representing each potentially impacted resource, a meeting must be held to provide the public with an opportunity to review and comment on the draft environmental document. To facilitate public disclosure, notice of the public meeting must be circulated informing agencies and the general public of the time and place of the meeting, project description, and proposed *de minimis* findings. During the public meeting and circulation of the draft environmental document, the public must be afforded the opportunity to review the environmental document, as well as comment on the effects of the project on Section 4(f) resources.

After considering any comments received from the public during circulation, and whether the official concurs in writing that the project will not adversely affect the Section 4(f) activities, features, or attributes, then Caltrans finalizes the *de minimis* impact determination.

Section 6(f) Resources

In addition to identifying resources protected under Section 4(f), this project is also required to analyze potential impacts to properties protected or enhanced with Land and Water Conservation Fund (LWCF) grants. Section 6(f)(3) of the LWCF Act (16

U.S.C. Section 4601-4) contains provisions to protect federal investments in park and recreational resources and the quality of those resources. State and local governments often obtain grants through the LWCF Act to acquire or make improvements to parks and recreational areas. Section 6(f) of the LWCF Act prohibits the conversion of property acquired or developed with LWCF grants to a nonrecreational purpose without approval of the DOI's National Park Service. Section 6(f) further directs DOI to assure that replacement lands of equal value, location, and usefulness are provided as conditions to such conversions. Consequently, where conversion of Section 6(f) lands are proposed for roadway and highway projects, replacements will be necessary.

To determine whether LWCF funds were involved in the acquisition or improvement of Section 4(f) resources, database records of all LWCF-funded parks within Alameda County were consulted in April 2017 to determine properties pursuant to Section 6(f). This research revealed that no LWCF funds were utilized for improvements at any sites within 0.5 mile of the proposed project; therefore, there would be no effect on LWCF-funded parks or recreational resources.

Identification of Section 4(f) Properties

Research was conducted to identify publicly owned parks, recreational areas, wildlife and waterfowl refuges, and historic sites within 0.5 mile of the project study area.

Within the project study area, Tom Bates Regional Sports Complex is located at 400 Gilman Street, Harrison Park is located at 1100 4th Street, and Fieldling Field is located near 5th and Harrison streets, north of Codornices Creek, west of University Village. There are no schools with publicly accessible facilities within the study area. The Bay Trail runs through the study area and currently terminates at the I-80/Gilman Street interchange.

Two archaeological deposits, a prehistoric site and a historic deposit, and 12 built environment resources were identified within the project's area of potential effects (APE). The prehistoric archaeological site is assumed eligible for the NRHP for the purposes of the project for its potential to provide information important in prehistory (data recovery) and is therefore not considered a Section 4(f) resource. The historic deposit was determined to be exempt from further evaluation under the Programmatic Agreement (PA) and is not considered a Section 4(f) resource. Only one of the built environment properties evaluated appears eligible for the NRHP and qualifies as a Section 4(f) resource.

A summary of the number of identified resources is provided in Table 1. A map of public parks and recreational facilities is provided as Figure 2.

Table 1. Summary of Properties Subject to Section 4(f) Consideration

Type of Property	Number of Properties Identified
Public Parks/Recreational Facilities	3
Public Schools with Recreational Areas	0
Trails	1
Wildlife and Waterfowl Refuges	0
NRHP-Eligible Historic Sites	1
NRHP-Eligible Archaeological Sites	0

Source: Parsons, 2018.

Public Parks and Recreational Facilities and Trails

Three publicly owned parks and/or recreational facilities and one trail are located within the project study area, as shown in Figure 2. Tom Bates Regional Sports Complex is owned by EBRPD and the facilities are operated by the City of Berkeley. Harrison Park is owned and operated by the City of Berkeley. Fielding Field is located within University Village and owned by University of California, Berkeley. The portion of the Bay Trail within the project limits is owned by Caltrans and is maintained by the City of Berkeley. Table 2 provides a summary of all such properties by type, including information on location, agency of jurisdiction, and facilities available at each property.

Table 2. Parks and Recreational Facilities within the Study Area

Property Name	Location	Agency of Jurisdiction	Facilities
Tom Bates Regional Sports Complex	400 Gilman Street	City of Berkeley	16-acre site with grass and artificial turf fields
San Francisco Bay Trail	Parallel to West Frontage Road	City of Berkeley	10-foot-wide, unstriped trail
Harrison Park	1100 4th Street	City of Berkeley	5.6-acre site with sports fields, skate park, and field house with a public meeting room
Fielding Field	Near 5th and Harrison Streets, north of Codornices Creek, west of University Village	University Village, UC Berkeley	4.2-acre site with baseball and soccer fields

Source: Parsons, 2018.

Figure 2: Section 4(f) Resources

Impacts on Section 4(f) Properties

This section describes which Section 4(f) resources may be affected if the proposed project is implemented.

Section 4(f) resources within the study area were analyzed for potential direct and indirect impacts under the Build Alternative. Of the Section 4(f) properties identified previously, one recreational facility would experience direct impacts under the Build Alternative and is discussed in the Section 4(f) *De Minimis* Determination below. Two parks, a trail, and a NRHP-eligible built environment resource are discussed below in the section entitled, "Resources Evaluated Relative to the Requirements of Section 4(f): No-Use Determination."

Section 4(f) *De Minimis* Determination

A summary of potential effects to Section 4(f) properties is provided in Table 3. Additional analysis follows for the resources with a potential to be impacted by the Build Alternative. An assessment has been made as to whether any permanent or temporary occupation of the property would occur, and whether the proximity of the project would cause any access, visual, air quality, noise, vibration, biological, or water quality effects that would substantially impair the features or attributes that qualify the resource for protection under Section 4(f).

Table 3. Section 4(f) *de Minimis* Impact Summary for Build Alternative

Property	Section 4(f) Use?	Constructive Use?	*De Minimis* Impact?	Comments
Tom Bates Regional Sports Complex	Yes	No	Yes	0.50 acre new right-of-way; 1.29 acres for temporary construction easements
Total Temporary Impact Area		1.29 acres		
Total Permanent Impact Area		0.50 acre		

Source: Parsons, 2018.

The analysis of potential effects on Section 4(f) resources that follows includes discussion of how the proposed project would affect each Section 4(f) resource and whether the effects would result in a use of the resources.

Potential Section 4(f) Uses by the No Build Alternative

There would be no uses of park, recreational, or historic resources subject to Section 4(f) provisions with the No Build Alternative. No direct use, temporary use, or constructive use of Section 4(f) resources would be required for the No Build Alternative.

Potential Section 4(f) Uses by the Build Alternative

The Build Alternative would require direct use of Section 4(f) resources and temporary use of a Section 4(f) resource. The Build Alternative would not require constructive use of any Section 4(f) resource.

Project Effects

Build Alternative

Tom Bates Regional Sports Complex

The Build Alternative would require acquisition of 0.50 acre of Tom Bates Regional Sports Complex for the project (see Figure 3). The Build Alternative includes construction of a pedestrian overcrossing along the south side of the Gilman Street interchange. Currently, the area where the western approach would be located is owned by EBRPD. Approximately 0.50 acre of additional public right-of-way would be required from EBRPD. This constitutes a very small portion of the facility, 3.13 percent of the total acreage, and the existing use of and access to the facility would not be affected. Neither the physical facilities, nor the functions, or activities conducted at the recreational facility are adversely affected. Access to the facility is anticipated to be maintained at all times during project construction and operation. Figure 4 depicts visual simulations of the pre- and post-construction views from the Bay Trail, with Tom Bates Regional Sports Complex located to the right. Thus, the characteristics and features that make the property eligible for Section 4(f) protection will remain.

The Build Alternative would require temporary acquisition of 1.29 acres of land from Tom Bates Regional Sports Complex for temporary construction easements, as shown in Figure 3. Two of these temporary construction easements are located within two parking lots and could be used as potential staging areas. These potential additional staging areas would be subject to additional permits and owner permissions to be secured by the contractor. Approximately half of the Tom Bates Regional Sports Complex parking spaces would remain open for users. A signed detour within the project footprint would be constructed to maintain public access and allow full ingress/egress to Tom Bates Regional Sports Complex. The work is minor in scope and there are no anticipated permanent adverse physical effects or other interference with the activities or functions of the resource. Temporarily disturbed areas would be fully restored to pre-project conditions once temporary impacts are complete. In addition, public access to the park would not be reduced as a result of operation of the project, and any minor effects on the resource would be minimized, mitigated, and avoided.

Figure 3: Property Acquisitions and Temporary Construction Easements

Figure 4: View from the San Francisco Bay Trail

Looking south to the proposed overcrossing with Tom Bates Regional Sports Complex to the right.

Note the location and types of plantings depicted are subject to change and may not represent the final conditions.

Applicability of Section 4(f)

The Build Alternative would result in direct and temporary use of Tom Bates Regional Sports Complex. The improvements provided by the proposed project would include permanent acquisition of 0.50 acre of Tom Bates Regional Sports Complex and temporary use of 1.29 acres of Tom Bates Regional Sports Complex. No constructive use of this resource is anticipated under the Build Alternative.

According to FHWA guidance provided in the *Environmental Review Toolkit for Section 4(f) Evaluations*, to be considered a *de minimis* impact, the amount of land to be acquired from any Section 4(f) site must not exceed 10 percent of the site. Given that the Build Alternative's direct use is below the threshold set forth in the statute, the proposed 0.45-acre acquisition at Tom Bates Regional Sports Complex satisfies the criteria to be considered a *de minimis* impact. This acquisition would not adversely affect or interfere with the activities, features, or attributes of Tom Bates Regional Sports Complex.

In addition, the Build Alternative would result in a temporary use of 1.29 acres of Tom Bates Regional Sports Complex. The work is minor in scope, and there are no anticipated permanent adverse physical effects or other interference with the activities or functions of the resource. Temporarily disturbed areas would be fully restored to pre-project conditions once temporary impacts are complete. In addition, public access to the park would not be reduced as a result of operation of the project, and any minor effects on the resource would be minimized, mitigated, and avoided. However, because the temporary construction easements would be used as construction staging areas, the temporary construction easements might be used longer than the duration of construction and are considered a temporary use; therefore, the temporary use of Tom Bates Regional Sports Complex does not meet the five conditions set forth in 23 CFR Section 774.13(d) for exemption of temporary construction easements.

In summary, the Build Alternative would affect one Section 4(f) resource; however, the impact is considered *de minimis* for Tom Bates Regional Sports Complex. Therefore, no avoidance alternatives are required.

Documentation of Consultation and Coordination

The Project Development Team discussed the need to use a small portion of Tom Bates Regional Sports Complex to accommodate the proposed improvements with EBRPD and the City of Berkeley on February 18, April 27, and May 12, 2016; December 15, and December 20, 2017; January 11 and January 24, 2018, and March 18, 2019. The

Project Development Team described the proposed designs and the proposed project impacts, and prepared project details for construction work that would occur near Tom Bates Regional Sports Complex. Staff members from Caltrans and Alameda CTC have coordinated with EBRPD and City of Berkeley Parks Recreation and Waterfront Department regarding potential project impacts, project features, and potential avoidance and minimization measures to be implemented during construction at Tom Bates Regional Sports Complex. Caltrans has notified City of Berkeley Parks Recreation and Waterfront Department (agency of jurisdiction) of Caltrans' intent to issue a *de minimis* finding. The City of Berkeley Parks Recreation and Waterfront Department (agency of jurisdiction) and East Bay Regional Park District concurred with this determination on May 28, 2019.

Specific Measures to Minimize Harm by Specific Section 4(f) Property

During project design and engineering, consideration was given to avoiding and minimizing impacts to Section 4(f) properties, and how to incorporate mitigation and enhancement measures into the proposed project plans. Along with incorporating standard measures, impacts would be reduced to *de minimis* levels through implementation of specific measures at potentially impacted Section 4(f) resources, as discussed below.

Tom Bates Regional Sports Complex

Caltrans and Alameda CTC will appropriate the project improvement funds to pay sufficient (just) compensation (*Code of Civil Procedure* [CCP] 1263.320), or land, or both to enable the purchase of real property. Initial discussions with Caltrans, EBRPD, and the City of Berkeley have resulted in preliminary plans for real property to be exchanged by each agency for the benefit of the project to serve as replacement lands. To fulfill all requirements of Section 4(f), the City of Berkeley Parks Recreation and Waterfronts Department as the agency of jurisdiction will provide written concurrence with the *de minimis* finding following the environmental document's public comment period.

Resources Evaluated Relative to the Requirements of Section 4(f): No-Use Determination

Section 4(f) of the Department of Transportation Act of 1966, codified in federal law at 49 United States Code (USC) 303, declares that "it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the

countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites."

This section of the document discusses parks, recreational facilities, wildlife refuges, and historic properties found within or next to the project area that do not trigger Section 4(f) protection because: 1) they are not publicly owned, 2) they are not open to the public, 3) they are not eligible historic properties, or 4) the project does not permanently use the property and does not hinder the preservation of the property.

Historic and Archaeological Sites

Efforts to identify historic properties included preparation of a Historical Resources Evaluation Report (HRER), an Archaeological Survey Report (ASR), an Extended Phase 1 Archaeological Study Report, to support the findings in the project's Historic Property Survey Report (HPSR). These studies included a cultural resource records and literature search; Native American consultation; a reconnaissance survey and intensive pedestrian (Phase I) survey of the project's APE; archaeological subsurface testing (Extended Phase 1); archival research; and outreach to local historical societies and local government agencies. A Finding of Effect was prepared and approved by the State Historic Preservation Officer (SHPO) on May 30, 2019, to document how the project will result in no adverse effects to a prehistoric archaeological site in the APE. A Post-Review Discovery Plan, Environmentally Sensitive Area Action Plan, and Monitoring Plan was prepared and approved by the SHPO on May 30, 2019. This plan describes how impacts to the prehistoric archaeological site will be avoided and describes measures that will be taken to document additional discoveries that may occur during construction

The APE contains 12 historic-age built environment cultural resources that were evaluated or previously evaluated for eligibility for listing on the NRHP. Ten resources were found not eligible for the NRHP (eight resources were evaluated as part of this project and three resources were previously determined to be ineligible for the NRHP); therefore, they are not considered Historic Properties under Section 106 of the NHPA. One resource, the Manasse-Block Tannery, was found eligible for listing in the NRHP but would not be affected by the project (no adverse effect). One built environment resource is considered exempt under Attachment 4 of the Caltrans Section 106 PA.

Two archaeological resources, a prehistoric site and a historic deposit, are identified within the project's APE. The prehistoric archaeological site is assumed eligible for the NRHP for the purposes of the project however it is not considered a Section 4(f)

resource because it was assumed eligible solely under the NRHP Criterion D – potential to yield information important in history or prehistory. Resources eligible solely under this criterion are not considered Section 4(f) resources because the information yielded from these types of resources are chiefly important for what can be learned from data recovery and has very little value for preservation in place. Caltrans determined that the historic period archaeological deposit did not warrant evaluation as it met the criteria for property types exempted from further evaluation (Stipulation VIII.C.1) under the January 2014 PA and is not considered a Section 4(f) resource.

The SHPO concurred with Caltrans' determinations of ineligibility for seven newly evaluated built-environment resources and eligibility for one built environment property on November 6, 2018. SHPO's concurrence on the project's No Adverse Effect without Standard Conditions finding was approved on May 30, 2019. SHPO consultation and concurrence are detailed in Section 2.1.6, Cultural Resources and Section 4.2.5, State Historic Preservation Officer. Caltrans Cultural Studies Office concurred on the assumption of eligibility for CA-ALA-690 per Stipulation VIII.C.4 of the Caltrans PA on November 26, 2018, and approved the Post-Review Discovery Plan, Environmentally Sensitive Area Action Plan, and Monitoring Plan on May 17, 2019.

Eleven built environment cultural resources are not considered Section 4(f) properties; therefore, the provisions of Section 4(f) do not apply.

One built environment cultural resource is a Section 4(f) property, but no "use" will occur; therefore, the provisions of Section 4(f) do not apply.

The prehistoric archaeological site and historic deposit are not considered Section 4(f) properties; therefore, the provisions of Section 4(f) do not apply.

Public Parks and Recreational Facilities and Trails

San Francisco Bay Trail

The Build Alternative would extend the Bay Trail approximately 660 feet to the west along the south side of Gilman Street from its current terminus at the intersection of West Frontage Road and Gilman Street to just beyond the Berkeley city limits. Construction of the Bay Trail does not constitute a use of a Section 4(f) property.

Construction of the pedestrian overcrossing would require a temporary construction easement that would result in closures of approximately 800 feet of the Bay Trail for limited periods of time. Public access along the Bay Trail would be maintained at all

times. Sporadic closures would be required during construction and could occur day or night depending on construction activities. The duration of closures would be limited, the work is minor in scope, and there are no anticipated permanent adverse physical effects or other interference with the activities or functions of the resource. Temporarily disturbed areas would be fully restored to pre-project conditions once temporary impacts are complete. In addition, public access to the trail would not be reduced as a result of operation of the project, and any minor effects on the resource would be minimized, mitigated, and avoided.

Given that the five conditions set forth in 23 CFR Section 774.13(d) are satisfied, and the proposed temporary occupancy of the Bay Trail would not adversely affect the activities, features, or attributes of the Bay Trail, Section 4(f) does not apply for the temporary construction easement. Caltrans has notified City of Berkeley Parks Recreation and Waterfront Department (agency of jurisdiction) of Caltrans' intent to issue a temporary occupancy determination for the Bay Trail. The City of Berkeley Parks Recreation and Waterfront Department (agency of jurisdiction) and the East Bay Regional Parks District concurred with this determination on May 28, 2019.

Harrison Park

Harrison Park, located at 1100 4th Street, is a 5.6-acre park owned by the City of Berkeley. The Build Alternative would not impact the park.

The property is a Section 4(f) property, but no "use" will occur. Therefore, the provisions of Section 4(f) do not apply.

Fielding Field

Fielding Field is located near 5th and Harrison streets, north of Codornices Creek, west of University Village. The 4.2-acre park is owned and operated by University of California, Berkeley as part of the University Village development. The Build Alternative would not impact the park.

The property is a Section 4(f) property, but no "use" will occur. Therefore, the provisions of Section 4(f) do not apply.

Conclusion

In summary, the impacts associated with the proposed project would not adversely affect any of the activities, features, or attributes that qualify any of the Section 4(f) properties for protection, and it is therefore determined to be *de minimis*.

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Appendix B Title VI Policy Statement

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LAURIE BERMAN
Director

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LAURIE BERMAN
Director

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Appendix C Glossary of Technical Terms

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This appendix briefly explains the technical terms and names used in this Initial Study/ Environmental Assessment (IS/EA).

Best Management Practice	Any program, technology, process, operating method, measure, or device that controls, prevents, removes, or reduces pollution.
Basin Plan	A specific plan for control of water quality within one of the nine hydrologic basins of the State under the regulation of a Regional Water Quality Control Board.
Beneficial Uses	Use of a natural water resource that enhances the social, economic, and environmental well-being of the user. Twenty-one (21) beneficial uses are defined for the waters of California and are protected against degradation. Beneficial uses range from municipal and domestic supply to fisheries and wildlife habitat.
Cumulative Effects	Project effects that are related to other actions with individually insignificant but cumulatively significant impacts.
Decibel	A numerical expression of the relative loudness of a sound.
Design Exceptions	The method required by Caltrans to approve all nonstandard conditions.
Encroachment (floodplain)	An action within the limits of the 100-year floodplain.
Endangered	Plant or animal species that are in danger of extinction throughout all or a significant portion of its range.
Erosion	The wearing away of the land surface by running water, wind, ice, or other geological agents.
Federal Register	Federal publication that provides official notice of Federal administrative hearings and issuance of proposed and final Federal administrative rules and regulations.

Floodplain (100-year)	The area subject to flooding by a flood or tide that has a 1 percent chance of being exceeded in any given year.
Habitat	The place or type of site where a plant or animal naturally or normally lives and grows.
Initial Study (IS)	Environmental review document prepared to comply with the California Environmental Quality Act (CEQA). Its purpose it to determine whether the project may have a significant effect on the environment and to identify measures that mitigate project impacts to a less than significant level.
Initial Site Assessment	A California Department of Transportation (Caltrans) term for an initial study to determine hazardous waste issues on a project.
Independent Utility	A requirement that highway projects be a reasonable expenditure even if no additional transportation improvements in the area are made. The Federal Highway Administration (FHWA) states that "as long as a project will serve a significant function by itself (i.e., it has independent utility), there is no requirement to include separate but related projects in the same analysis."
L_{eq}	A unit used for evaluation of sound impacts, L_{eq} is the measurement of the fluctuating sound level received by a receptor averaged over a time interval (usually 1 hour).
Lead Agency	Public agency that has primary responsibility for carrying out or approving a project subject to environmental review and for preparing the environmental document.
Level of Service (LOS)	A measurement of capacity of a roadway. It is a rating of traffic congestion and varies on a scale from LOS A to LOS F, where LOS A represents uncongested, free-flow conditions and LOS E represents very congested conditions. At LOS F, a roadway segment is considered over capacity and operates at stop-and-go conditions.

Liquefaction	The process by which water-saturated, unconsolidated sediments are transformed into a substance that acts like a liquid, often in an earthquake. By undermining the foundations and base courses of infrastructure, liquefaction can cause serious damage.
Logical Termini	A requirement that highway projects have rational end points for a transportation improvement and rational end points for a review of environmental impacts.
Mitigation	Compensation for an impact by replacement or provision of substitute resources or environments. Mitigation can include avoiding an impact by not taking a certain action, minimizing impacts by limiting the degree of an action, or rectifying an impact by repairing or restoring the affected environment.
Negative Declaration	Issued upon approval of the environmental review process under CEQA. It states that upon completion of an initial study, there is no substantial evidence that the project may have a significant effect on the environment.
Nonattainment Area	Any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant.
Nonstandard Conditions	Any roadway condition that deviates from the accepted standard condition needs special approval from Caltrans.
National Pollutant Discharge Elimination System	A national program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements under various sections of the Clean Water Act. The statewide Construction General Permit is a National Pollutant Discharge Elimination System general permit issued by the State Water Resources Control Board that applies to projects that disturb 1 acre or more of land. One condition of this permit is that the contractor must develop and implement a Stormwater Pollution Prevention Plan,

	which is similar to the Water Pollution Control Plan required by Caltrans' Standard Specification 7-1.01G.
Project Development Team	A multidisciplinary technical advisory group assembled to review and provide direction on project development.
Peak Hour	The period during which traffic volume is at its highest.
Project Study Report	A Caltrans document establishing consensus among state and local decision makers in the viability and appropriateness of a project. The Project Study Report initiates the preliminary engineering and environmental review phase of project development.
Receptors	Term used in air quality and noise studies that refers to houses or businesses that could be affected by a project.
Regulatory Agency	An agency that has jurisdiction by law.
Responsible Agency	A public agency other than the Lead Agency that has responsibility for carrying out or approving a project under CEQA.
Right-of-way	A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes.
Regional Transportation Plan	A plan prepared by the Metropolitan Transportation Commission, the regional agency responsible for transportation planning and funding.

Significance	CEQA defines a "significant effect on the environment" as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant" (CEQA Guidelines Section 15382). CEQA requires that the lead agency identify each "significant effect on the environment" resulting from the project and avoid or mitigate it.
Special-Status Species	Plant or animal species that are either (1) federally listed, proposed for, or a candidate for listing as threatened or endangered; (2) bird species protected under the federal Migratory Bird Treaty Act; (3) protected under State endangered species laws and regulations, plant protection laws and regulations, Fish and Game codes, or species of special concern listings and policies; or (4) recognized by national, State, or local environmental organizations (e.g., California Native Plant Society).
State Transportation Improvement Program	The State Transportation Improvement Program, updated every 2 years, is the California Transportation Commission's priorities for improvements on and off the State highway system.
Stormwater Pollution Prevention Plan	A Stormwater Pollution Prevention Plan is prepared to evaluate sources of discharges and activities that may affect stormwater runoff and implement measures or practices to reduce or prevent such discharges.
Threatened	A species that is likely to become endangered in the foreseeable future in the absence of special protection.

Vehicle Miles Traveled	A measure of the extent of motor vehicle operation; the total number of vehicle miles traveling within a specific geographic area over a given period of time.
Waters of the United States	As defined by the U.S. Army Corps of Engineers in 33 *Code of Federal Regulations* (CFR) 328.3(a): 1. All waters that are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide; 2. All interstate waters including interstate wetlands; 3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which could affect interstate or foreign commerce, including any such waters: (i) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or (ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or (iii) Which are used or could be used for industrial purposes by industries in interstate commerce; 4. All impoundment of waters otherwise defined as waters of the United States under this definition; 5. Tributaries of waters identified in paragraphs 1-4; 6. The territorial seas; 7. Wetlands adjacent to waters (waters that are not wetlands themselves) identified in paragraphs 1-6.

Appendix D Environmental Commitments Record (ECR)

To be sure that all of the environmental measures identified in this document are executed at the appropriate times, the following mitigation program (as articulated in the proposed Environmental Commitments Record [ECR] which follows) would be implemented. During project design, avoidance, minimization, and/or mitigation measures will be incorporated into the project's final plans, specifications, and cost estimates, as appropriate. All permits will be obtained prior to implementation of the project. During construction, environmental and construction/engineering staff will ensure that the commitments contained in this ECR are fulfilled. Following construction and appropriate phases of project delivery, long-term mitigation maintenance and monitoring will take place, as applicable. As the following ECR is a draft, some fields have not been completed and will be filled out as each of the measures is implemented. Note: Some measures may apply to more than one resource area. Duplicative or redundant measures have not been included in this ECR. Between the draft and final environmental document, measures were added per National Marine Fisheries Service coordination.

The following matrix lists each of the environmental topics evaluated in the environmental document and the avoidance, minimization, and mitigation measures required to reduce or eliminate project impacts related to those topics. The columns in the following matrix provide the following information (described by column heading, from left to right):

- **ID No.:** This column provides the number of each commitment, as defined in detail in Chapter 2.
- **Task and Brief Description**: This column provides the complete language of each environmental commitment, from Chapter 2.
- **Source**: Describes the specific section in the Draft Environmental Document from where the commitment was derived.
- **Responsible Staff:** This column lists the party or parties and personnel responsible for ensuring that each commitment is properly implemented.

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ID No.	Task and Brief Description	Source	Project Timing	Responsible Staff
PF COM-1	Access to all properties for property owners and users will be maintained by the contractor during construction.	Draft IS/EA, Section 2.1.2.1	Construction	Contractor
PF COM-2	The California Department of Transportation (Caltrans) will coordinate relocation work with the affected utility companies to minimize disruption of services to customers in the area during construction. If previously unknown underground utilities are encountered, Caltrans will coordinate with the utility provider to develop plans to address the utility conflict, protect the utility if needed, and limit service interruptions. Any short-term, limited service interruptions of known utilities will be scheduled well in advance, and appropriate notification will be provided to users.	Draft IS/EA, Section 2.1.3	Construction	Caltrans, Alameda CTC
PF COM-3	Caltrans will coordinate with emergency service providers and through the public information program to avoid emergency service delays by ensuring that all providers are aware well in advance of lane closures. Proactive public information systems, such as changeable message signs, would notify travelers of pending construction activities. A Transportation Management Plan (TMP) will also be developed as part of the project to address traffic impacts from staged construction, lane closures, and specific traffic handling concerns such as emergency access during project construction.	Draft IS/EA, Section 2.1.3	Construction	Caltrans, Alameda CTC
PF COM-4	During the design phase of the project, prepare a TMP that includes plans for traffic rerouting, a detour plan (if required), and public information procedures with participation from local agencies, transit services, local communities, business associations, and affected drivers. Early and well-publicized announcements and other public information measures will be implemented prior to and during construction to minimize confusion, inconvenience, and traffic congestion. If detours are required, detour routes will be planned in coordination with Caltrans and the cities of Berkeley and Albany traffic departments and will be noticed to emergency service providers, transit operators, and Interstate 80 (I-80) users in advance.	Draft IS/EA, Section 2.1.4	Final design, construction	Caltrans, Alameda CTC

ID No.	Task and Brief Description	Source	Project Timing	Responsible Staff
PF COM-5	During construction of the project, some on-street parking restrictions may be required on a temporary basis, especially along Gilman Street. A public outreach program will be implemented throughout the construction period to keep the public informed of the construction schedule and scheduled parking and roadway closures, including detour routes and, if available, alternative parking.	Draft IS/EA, Section 2.1.4	Construction	Caltrans, Alameda CTC
AMM COM-1	Caltrans and Alameda CTC will coordinate as needed with the City of Berkeley Office of Parks, Recreation, and Waterfront (510-981-6700) as the operators of Tom Bates Regional Sports Complex to minimize event scheduling impacts due to the reduction of parking from potential staging areas during construction.	Draft IS/EA, Section 2.1.1.4	Construction	Caltrans, Alameda CTC
AMM COM-2	A Public Outreach Plan for environmental justice populations will be developed to identify specific methods of communication. Effective communication methods include distributing flyers within the study area, at The Hub (1901 Fairview Street, Berkeley), and at community centers, houses of worship, and grocery stores, and posting information on vehicles, bus stops, and other locations frequented by low-income and minority populations. Per the request of the City of Berkeley, flyers will also be distributed to homeless shelters.	Draft IS/EA, Section 2.1.2.2	Pre-construction	Caltrans, Alameda CTC
AMM COM-3	If the Build Alternative is selected as the preferred alternative, a public education campaign will be developed by Alameda CTC in coordination with Caltrans, and implemented to inform area drivers and residents about the new roundabout to minimize potential accidents and disruptions to emergency service providers, and it will include information on how drivers should respond when emergency vehicles are approaching the roundabout. Proactive public information systems, such as changeable message signs, will notify travelers of pending construction activities. The campaign will include measures such as: • Holding public meetings prior to opening the roundabout to traffic and/or giving presentations at local organization meetings; • Preparing news releases detailing what motorists and pedestrians can expect during and after construction; and • Distributing an informational brochure to residents explaining how to navigate roundabouts (both in a vehicle and as a pedestrian or bicyclist).	Draft IS/EA, Section 2.1.4	Final design	Caltrans, Alameda CTC

ID No.	Task and Brief Description	Source	Project Timing	Responsible Staff
AMM COM-4	Signs would be placed on the trail in advance of construction activities to notify users of temporary closures. The Alameda CTC project website and Bay Trail Project website will be updated with temporary trail closures and traffic detours.	Draft IS/EA, Section 2.1.4	Construction	Contractor
PF VA-1	**Preserve Existing Vegetation.** Beginning with preliminary design and continuing through final design and construction, save and protect as many existing trees in the project area as feasible.	Draft IS/EA, Section 2.1.5	Preliminary design through construction	Caltrans, Alameda CTC, Contractor
PF VA-2	**Preserve Existing Vegetation**. Survey exact locations for trees and include in plan set.	Draft IS/EA, Section 2.1.5	Design	Caltrans, Alameda CTC
PF VA-3	**Landscape Plantings.** Use drought-tolerant plants, including California native species, as part of the planting palette where regionally appropriate. Planting must be maintainable, low maintenance, durable, and site appropriate.	Draft IS/EA, Section 2.1.5	Design	Caltrans, Alameda CTC
PF VA-4	**Landscape Plantings.** Plantings within the State right-of-way will follow the 1997 Caltrans Plant Setback and Spacing Guide. Use of turf is prohibited within the State right-of-way.	Draft IS/EA, Section 2.1.5	Design, Construction	Caltrans, Alameda CTC
AMM VA-1	**Fencing and Barriers.** Fence areas under the ramps to limit access along the adjacent roadways. At a minimum, make the fencing vinyl-clad chain link.	Draft IS/EA, Section 2.1.5	Design, Construction	Caltrans, Alameda CTC
AMM VA-2	**Light and Glare**. For areas associated with an open sky (i.e., in places where the darkness of the night sky is relatively free of interference from artificial light), the design lighting should be dark sky friendly. Lighting along the San Francisco Bay waterfront shall be designed so that it does not shine light onto the water.	Draft IS/EA, Section 2.1.5	Design, Construction	Caltrans, Alameda CTC
AMM VA-3	**Wall Aesthetics**. Include texture on walls and slope paving with a texture range between 0.75 inch and 1.5 inches deep. All walls shall be colored to potentially reduce glare.	Draft IS/EA, Section 2.1.5	Design, Construction	Caltrans, Alameda CTC
AMM VA-4	**Decorative Paving**. Provide decorative paving in all medians and parkway strips too narrow to plant. Decorative paving shall consist of a texture and color that contrasts with adjacent sidewalk or roadway paving.	Draft IS/EA, Section 2.1.5	Design, Construction	Caltrans, Alameda CTC

ID No.	Task and Brief Description	Source	Project Timing	Responsible Staff
AMM VA-5	**Landscape Plantings.** To the extent feasible, plant the surrounding available areas outside of the roundabouts to soften the hard surfaces of the intersections.	Draft IS/EA, Section 2.1.5	Design, Construction	Caltrans, Alameda CTC
AMM VA-6	**Landscape Plantings.** To the extent feasible, include low plantings along the sides of the Bay Trail to provide a visual break between the hard elements associated with the ramp or the adjacent frontage road.	Draft IS/EA, Section 2.1.5	Design, Construction	Caltrans, Alameda CTC
AMM VA-7	**Landscape Plantings.** Add plantings between the new retaining walls along the eastbound on- and off-ramps to soften the freeway elements.	Draft IS/EA, Section 2.1.5	Design, Construction	Caltrans, Alameda CTC
AMM VA-8	**Landscape Plantings.** To the extent feasible, include street tree plantings, and associated tree grates if necessary, within the project footprint to replace those removed by the project. Minimum spacing of trees within the City right-of-way shall be no greater than 35 feet on-center. Low-maintenance and drought-tolerant plantings will be provided within Caltrans right-of-way.	Draft IS/EA, Section 2.1.5	Design, Construction	Caltrans, Alameda CTC
AMM VA-9	**Landscape Plantings.** Provide a permanent irrigation system to all plantings. Make separate systems for Caltrans versus City of Berkeley-owned areas.	Draft IS/EA, Section 2.1.5	Design, Construction	Caltrans, Alameda CTC
AMM VA-10	**Stormwater Treatment Facilities**. Beginning with preliminary design and continuing through final design and construction, use drainage and water quality elements, where required, that maximize the allowable landscape and work within the landscape aesthetic framework.	Draft IS/EA, Section 2.1.5	Design, Construction	Caltrans, Alameda CTC
AMM VA-11	For areas of the project that fall within the San Francisco Bay Area Conservation and Development Commission (BCDC) jurisdictional area, develop any plantings or revegetation in compliance with BCDC's Landscape Guidelines and permit approvals.	Draft IS/EA, Section 2.1.5	Design, Construction	Caltrans, Alameda CTC
AMM VA-12	Lighting for the project, including lighting under the existing structure, should be thematically approached to work with the overall design approach to the project aesthetic design.	Draft IS/EA, Section 2.1.5	Design	Caltrans, Alameda CTC
PF CUL-1	If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a Caltrans qualified archaeologist is contacted to assess the nature and significance of the find.	Draft IS/EA, Section 2.1.6	Construction	Caltrans, Alameda CTC, Contractor

ID No.	Task and Brief Description	Source	Project Timing	Responsible Staff
PF CUL-2	If Caltrans Professionally Qualified Staff determines that cultural materials contain human remains, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall stop in any area or nearby area suspected to overlie remains. Caltrans' Cultural Resources Studies Office will contact the Alameda County Coroner. Pursuant to California Public Resources Code (PRC) Section 5097.98, if the remains are thought by the coroner to be Native American, the coroner will notify the Native American Heritage Commission, which will then notify the Most Likely Descendent. Caltrans, District 4, Cultural Resources Studies Office will work with the Most Likely Descendent on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable.	Draft IS/EA, Section 2.1.6	Construction	Contractor
AMM CUL-1	One archaeological resource (CA-ALA-690) is considered eligible for the National Register of Historic Places (NRHP) and California Register of Historical Resources (CRHR) for purposes of this undertaking and shall be protected by a vertical environmentally sensitive area (ESA). No project-related activities (e.g. excavation, trenching, staging, equipment parking) shall take place below the vertical ESA limit. The ESA will be physically delineated on the pavement with bright orange paint to demarcate a 10-foot-wide ESA buffer around CA-ALA-690. The vertical ESA will also be physically delineated with marked paddles or laminated signs on wooden stakes. No construction impacts will be allowed beyond 3 feet below the pavement surface (ground surface) within the marked area. A Caltrans-approved, professionally qualified archaeologist will be onsite to delineate the vertical ESA and to periodically monitor the protective measures.	Draft IS/EA, Section 2.1.6	Pre-construction, construction	Caltrans, Alameda CTC
AMM CUL-2	A Post-Review Discovery Plan, Environmentally Sensitive Area Action Plan, and Monitoring Plan for CA-ALA-690 will be prepared and implemented prior to construction. It describes the actions to be taken to protect archaeological site CA-ALA 690, and other unidentified resources during project construction.	Draft IS/EA, Section 2.1.6	Pre-construction, construction	Caltrans, Alameda CTC

ID No.	Task and Brief Description	Source	Project Timing	Responsible Staff
AMM CUL-**3**	A Caltrans qualified archaeological monitor will monitor all construction activities occurring near the ESA and within an established Archaeological Monitoring Area identified in the Post-Review Discovery Plan, Environmentally Sensitive Area Action Plan, and Monitoring Plan.	Draft IS/EA, Section 2.1.6	Construction	Caltrans, Alameda CTC
PF WQ-1	Temporary construction site Best Management Practices (BMPs) will be implemented during construction to prevent any construction materials or debris from entering storm drains or drainage ditches within the project vicinity. Permanent erosion control BMPs will be implemented prior to, during, and after construction to prevent silt and sediment from entering drainage facilities and discharging to the bay.	Draft IS/EA, Section 2.2.2	Construction	Contractor
PF WQ-2	The design features to address water quality impacts are a condition of the Caltrans Municipal Separate Storm Sewer System (MS4) Permit, Municipal Regional Permit (MRP), Construction General Permit (CGP), and other regulatory agency requirements. Details for these design features or BMPs will be developed and incorporated into the project design and operations prior to project startup. With proper implementation of these design features or BMPs, short-term construction-related water quality impacts and permanent water quality impacts will be avoided or minimized.	Draft IS/EA, Section 2.2.2	Design	Caltrans, Alameda CTC
PF WQ-3	The CGP, Caltrans, and local standards require the project's contractor to implement a Storm Water Pollution Prevention Plan (SWPPP) to comply with the conditions of the CGP. The SWPPP will be submitted by the contractor and approved by Caltrans prior to the start of construction. The SWPPP will detail the measures needed to prevent temporary water quality impacts resulting from construction activities. The SWPPP will also include development of a Construction Site Monitoring Program that details procedures and methods related to the visual monitoring, sampling, and analysis plans.	Draft IS/EA, Section 2.2.2	Construction	Contractor

<table>
<tr><th>ID No.</th><th>Task and Brief Description</th><th>Source</th><th>Project Timing</th><th>Responsible Staff</th></tr>
<tr><td>PF WQ-4</td><td>Prior to any soil disturbance, a Notice of Intent will be filed with the State Water Resources Control Board's (SWRCB) Storm Water Multiple Application and Report Tracking System. In addition to filing a Notice of Intent, all dischargers must electronically file Permit Registration Documents, Notice of Termination, changes of information, sampling and monitoring information, annual reporting, and other required compliance documents through the SWRCB's Storm Water Multiple Application and Report Tracking System.</td><td>Draft IS/EA, Section 2.2.2</td><td>Construction</td><td>Contractor</td></tr>
<tr><td>PF WQ-5</td><td>Temporary impacts to water quality during construction will be avoided or minimized by implementing temporary construction site BMPs. Typical construction site BMPs that shall be considered for this project are listed in Table 2.2.2-2. The selected BMPs are consistent with the practices required under the CGP. The actual minimum temporary construction site BMPs necessary for the project to comply with the CGP, Caltrans, and local standards will be determined during the design phase.
Table 2.2.2-2. Temporary BMPs
<table>
<tr><th>Temporary BMP</th><th>Purpose</th></tr>
<tr><td colspan="2">Soil Stabilization</td></tr>
<tr><td>Move-In/Move-Out</td><td>Mobilization locations where permanent erosion control or revegetation to sustain slopes is required within the project</td></tr>
<tr><td>Temporary Cover</td><td>Plastic covers for stockpiles</td></tr>
<tr><td colspan="2">Sediment Control</td></tr>
<tr><td>Temporary Fiber Rolls</td><td>Degradable fibers rolled tightly and placed on the toe and face of slopes to intercept runoff</td></tr>
<tr><td>Temporary Silt Fence</td><td>Linear, permeable fabric barriers to intercept sediment-laden sheet flow that are placed downslope of exposed soil areas, along channels, and the project's perimeter</td></tr>
<tr><td>Temporary</td><td>Runoff detainment devices used at storm drain</td></tr>
</table></td><td>Draft IS/EA, Section 2.2.2</td><td>Construction</td><td>Contractor</td></tr>
</table>

ID No.	Task and Brief Description	Source	Project Timing	Responsible Staff
	Drainage Inlet Protection: inlets that are subject to runoff from construction activities **Tracking Control** Temporary Construction Entrances/Exits: Points of entrance/exit to a construction site that are stabilized to reduce the tracking of mud and dirt onto public roads Street Sweeping: Removal of tracked sediment to prevent them entering a storm drain or water body **Non-Storm Water Management** Dewatering Operations: Dewatering activities associated with stormwater and non-stormwater to prevent the discharge of pollutants from construction site Clear Water Diversion: System designed to intercept and divert surface water upstream around a construction area and discharge downstream with minimal water quality impacts All other anticipated non-stormwater management measures are covered under Job Site Management. **Waste Management and Materials Pollution Control** Temporary Concrete Washout Facilities: Specified vehicle washing areas to contain concrete waste materials All other anticipated waste management and materials pollution control measures are covered under Job Site Management. **Job Site Management** General measures covered under job site management include: • Spill prevention and control • Materials management Non-stormwater management consists of: • Water control and conservation • Illegal connection and			

ID No.	Task and Brief Description	Source	Project Timing	Responsible Staff
	• Stockpile management • Waste management • Hazardous waste management • Contaminated soil • Concrete waste • Sanitary and septic waste and liquid waste • discharge detection and reporting • Vehicle and equipment cleaning • Vehicle and equipment fueling and maintenance • Paving, sealing, saw cutting, and grinding operations • Thermoplastic striping and pavement markers • Concrete curing and concrete finishing Miscellaneous job site management includes: • Training of employees and subcontractors on site BMPs Dewatering activities will be necessary for installation of the tidal flap gate. Dewatering may also be necessary due to the shallow groundwater.			
PF WQ-6	Dewatering activities and the clean water diversion will comply with the Caltrans Standard Specifications and Field Guide to Construction Site Dewatering, and, if required, a separate dewatering permit will be obtained prior to the start of construction.	Draft IS/EA, Section 2.2.2	Construction	Contractor
PF WQ-7	A spill on the roadway will trigger immediate response actions to report, contain, and mitigate the incident. The California Office of Emergency Services has developed a Hazardous Materials Incident Contingency Plan, which provides a program for response to spills involving hazardous materials. The plan designates a chain of command for notification, evacuation, response, and cleanup of spills.	Draft IS/EA, Section 2.2.2	Construction	Contractor
PF WQ-8	Drainage features, such as energy dissipation devices (e.g., flared end sections and tee dissipaters), will be considered at drainage outfalls to reduce the velocity and dissipate flows as they discharge from the culvert.	Draft IS/EA, Section 2.2.2	Design	Caltrans, Alameda CTC

ID No.	Task and Brief Description	Source	Project Timing	Responsible Staff
PF WQ-9	Rock slope protection will also be placed at culvert outfalls and within drainage ditches and swales where velocities may result in rilling or scouring.	Draft IS/EA, Section 2.2.2	Construction	Contractor
PF WQ-10	Permanent erosion control measures will be applied to all exposed areas once grading or soil disturbance work is completed as a permanent measure to achieve final slope stabilization. These measures may include hydraulically applying a combination of hydroseed, hydromulch, straw, tackifier, and compost to promote vegetation establishment, and installing fiber rolls to prevent sheet flow from concentrating and causing gullies. For steeper slopes or areas that may be difficult for vegetation to establish, measures such as netting, blankets, or slope paving can be considered to provide permanent stabilization.	Draft IS/EA, Section 2.2.2	Construction	Contractor
PF WQ-11	This project is also required to implement post-construction stormwater controls within the City of Berkeley's right-of-way and City of Albany's right-of-way because the proposed improvements are a road project that creates 10,000 square feet (0.23 acre) or more of newly constructed contiguous impervious surface.	Draft IS/EA, Section 2.2.2	Post-construction	Contractor
PF WQ-12	The proposed added impervious area is minimal; therefore, the potential increase in sediment-laden flows is expected to be minimal. Existing drainage facilities are expected to be modified or removed and new drainage features installed to convey runoff. The MRP prioritizes the use of low-impact development measures for stormwater treatment controls. These measures are harvesting and use, infiltration, evapotranspiration, and biotreatment. Other conventional treatment measures (e.g., basins and vaults) are allowable under special conditions outlined in the permit.	Draft IS/EA, Section 2.2.2	Construction	Contractor

ID No.	Task and Brief Description	Source	Project Timing	Responsible Staff
PF WQ-13	Given the site and design limitations, other conventional-type treatment measures that capture and treat stormwater runoff may need to be considered for this project; these devices can include basins, media filters, or tree well filters. In coordination with Caltrans, the City of Berkeley, and the City of Albany, nonstandard treatment measures will also be considered, such as the use of low-flow pumps to convey runoff to a treatment facility. The final drainage design, selection of treatment BMP types and locations, and determination of impervious area treated will be refined during the design phase when detailed design information is developed.	Draft IS/EA, Section 2.2.2	Final design	Caltrans, Alameda CTC
PF WQ-14	The potential for adverse effects to water quality will be avoided by implementing temporary and permanent BMPs outlined in the Caltrans *Construction Site Best Management Practices Manual* (Caltrans, 2017). Caltrans erosion-control BMPs will be used to minimize any wind- or water-related erosion. This manual is comprehensive and includes many other protective measures and guidance to prevent and minimize pollutant discharges. Protective measures will be included in the contract documents, including, at a minimum: • No discharge of pollutants from vehicles and equipment cleaning will be allowed into the storm drain or water courses. • Vehicle and equipment fueling and maintenance operations must be at least 50 feet away from water courses and storm drain inlets. • Dust control will be implemented, including the use of water trucks and tackifiers to control dust in excavation and fill areas, applying drain rock to temporary access road entrances and exits, and covering temporary stockpiles when weather conditions require. • Work areas where temporary disturbance has removed pre-existing vegetation will be restored and reseeded with a native seed mix. • Graded areas will be protected from erosion using a combination of silt fences, biodegradable fiber rolls along the toe of slopes or along edges of designated staging areas, and erosion-control biodegradable netting such as jute or coir, as appropriate. Biodegradable fiber rolls will be installed along or at the base of slopes during construction to capture sediment, and temporary organic hydromulching will be applied to all unfinished disturbed and	Draft IS/EA, Section 2.2.2	Construction	Contractor

ID No.	Task and Brief Description	Source	Project Timing	Responsible Staff
	graded areas. Installation of BMPs with monofilament netting is strictly prohibited. • A water quality inspector will inspect the site before and after a qualifying rain event to ensure that stormwater BMPs are adequate. A rain event is defined to be any storm that produces or is forecasted to produce at least 0.50 inch of precipitation at the time of discharge, with a 72-hour dry period between events. • A cofferdam and dewatering will be used to minimize increases in sediment transport and turbidity during work performed within San Francisco Bay. Cofferdams will conform to Caltrans 2018 Standard Specifications Section 19-3.01, and dewatering will be in accordance with "Caltrans Storm Water Quality Handbooks, March 1, 2003" Section 7: Construction Site Best Management Practices Manual - Clear Water Diversion NS-5. If surface water or groundwater inflows are present, a dewatering system will be installed in order to perform work within the cofferdam.			
AMM WQ-1	Disturbed areas will be restored with the following methods: • All slopes or unpaved areas temporarily affected by the proposed project outside of the sediment grading area will be restored to original topography and stabilized with effective erosion control materials. The permanent postconstruction topography of the sediment grading area will be at a lower elevation due to excavation of sediment; this area will be stabilized following construction. • Slopes and bare ground will be reseeded with native plant seed mix to stabilize and prevent erosion, where appropriate.	Draft IS/EA Section 2.2.2	Design through Construction	Caltrans, Alameda CTC

ID No.	Task and Brief Description	Source	Project Timing	Responsible Staff
AMM WQ-2	Turbidity monitoring will be performed during all in-water work, which includes grading the shoreline, removal and replacement of the rock slope protection, during and after installation and removal of the cofferdam, as well as during dewatering activities according to Standard Specification 13-1.01D(5)(b) Water Quality Sampling and Analysis. Daily turbidity monitoring will occur only during outfall construction activities (including cofferdam installation/demolition, flap gate, and grading within the bay). Water quality monitoring will be performed to document changes in turbidity in compliance with water quality standards, permits, and approvals from the National Oceanic and Atmospheric Administration (NOAA) Fisheries and/or the California Department of Fish and Wildlife (CDFW). If the water quality monitor observes excursions of turbidity beyond 50 nephelometric turbidity units or 10% above measured background turbidity levels, the water quality monitor will notify the Resident Engineer. The Resident Engineer has the authority to stop all construction work in the area until the appropriate corrective measures have been conducted. Work will resume once it is determined that water quality standards will not be violated.	Draft IS/EA Section 2.2.2	Construction	Contractor
PF HW-1	Caltrans specification SSP 14-11.12 (2015B) will be included in the contract specifications and implemented during construction to contain any debris produced during removal of yellow thermoplastic and yellow paint.	Draft IS/EA, Section 2.2.5	Design through Construction	Caltrans, Alameda CTC
AMM HW-1	The soil sampling plan for the preliminary site investigation, to be conducted during the design phase, shall include a strategy for assessing the concentrations of metals associated with historical industrial releases in the project area. Due to the multiple potential sources and potential transport mechanisms (i.e., air emissions and stormwater flows), the sampling plan shall develop a statistical approach to characterizing the project site where surface and subsurface soils will be disturbed during construction.	Draft IS/EA, Section 2.2.5	Final design	Caltrans, Alameda CTC

ID No.	Task and Brief Description	Source	Project Timing	Responsible Staff
AMM HW-2	The preliminary site investigation shall collect and analyze soil samples for lead in areas near roadways or painted structures where surface soil will be disturbed. Areas of focus shall also include swales, ditches, and other low areas where runoff may have carried lead-contaminated particles from either aerially deposited vehicle emissions or the weathering of painted structures.	Draft IS/EA, Section 2.2.5	Final design	Caltrans, Alameda CTC
AMM HW-3	If the Gilman Street undercrossing of I-80 will be modified by the project or any portion of the concrete structure demolished, a survey of the bridge for asbestos-containing material shall be conducted prior to any repair or maintenance to protect worker safety and to meet requirements of the Bay Area Air Quality Management District (BAAQMD) and United States Environmental Protection Agency (EPA).	Draft IS/EA, Section 2.2.5	Pre-construction	Caltrans, Alameda CTC
AMM HW-4	Because hydrocarbon and chlorinated solvent contamination in groundwater is widespread in the study area, soil samples and groundwater samples, if appropriate, shall be collected and analyzed for petroleum hydrocarbons and chlorinated solvents as part of the preliminary site investigation conducted during the design phase of the project for any location where project activities include subsurface work that will make contact with soils in the capillary fringe or encounter groundwater.	Draft IS/EA, Section 2.2.5	Final design	Caltrans, Alameda CTC
AMM HW-5	If subsurface activities will disturb only soil above the capillary fringe in an area adjacent to a property with a historical leaking underground storage tank (UST) (i.e., not encounter groundwater), soil and groundwater data for the property shall be reviewed during the design phase of the project. This information shall be considered to determine whether an intrusive investigation, such as collecting and analyzing soil samples, is warranted as part of a preliminary site investigation.	Draft IS/EA, Section 2.2.5	Final design	Caltrans, Alameda CTC
AMM HW-6	The City of Berkeley has indicated that the Pacific Steel Casting Company is slated for closure/decommissioning in mid-2018. Prior to subsurface or intrusive activities adjacent to this company, it is recommended that the City of Berkeley Toxics Management Division (TMD) and the lead environmental agency be consulted regarding up-to-date soil and remediation efforts specifically related to the plant closure activities.	Draft IS/EA, Section 2.2.5	Pre-Construction	Caltrans, Alameda CTC

ID No.	Task and Brief Description	Source	Project Timing	Responsible Staff
AMM HW-7	The lead agency for the WRE/ColorTech site, currently the Regional Water Quality Control Board (RWQCB), shall be contacted as part of the preliminary site investigation to determine the extent of hexavalent chromium contamination in the project vicinity, the site's status, and whether intrusive investigation, such as the collection of groundwater or soil samples, is warranted.	Draft IS/EA, Section 2.2.5	Final design	Caltrans, Alameda CTC
AMM HW-8	The lead agency for the Terminal Manufacturing Company site, currently the RWQCB, shall be contacted as part of the preliminary site investigation to determine the extent of tetrachlorethylene (PCE) contamination in the project vicinity, the site's status, and whether intrusive investigation, such as the collection of groundwater or soil samples, is warranted.	Draft IS/EA, Section 2.2.5	Final design	Caltrans, Alameda CTC
AMM HW-9	If soil will be disturbed in near the Union Pacific Railroad (UPRR) right-of-way or the abandoned railroad spur located along the centerline of 2nd Street, the sampling plan for the preliminary site investigation shall consider the collection and analysis of soil samples for chemicals that may have been used or spilled, including metals, petroleum hydrocarbons, volatile organic compounds (VOCs), polycyclic aromatic hydrocarbons, pesticides, and herbicides.	Draft IS/EA, Section 2.2.5	Final design	Caltrans, Alameda CTC
AMM HW-10	***Golden Gate Fields Easement (Assessor's Parcel Number [APN]: 60-2535-1)***. The project site within the Golden Gate Fields property consists of fill that was placed in the early 20th century, and the property is in proximity to I-80. Soil shall be sampled within the approximately 0.1-acre easement area and analyzed for petroleum hydrocarbons, polycyclic aromatic hydrocarbons, and metals. Attention shall be paid to landscaped areas that have not historically been covered by pavement and any low-lying areas, such as ditches or swales.	Draft IS/EA, Section 2.2.5	Final design	Caltrans, Alameda CTC
AMM HW-11	***Tom Bates Regional Sports Complex Acquisition (APN: 60-2529-1-3).*** The project site within the sports complex property consists of fill that was placed in the early 20th century, and the property is in proximity to I-80. Soil shall be sampled within the approximately 0.45-acre acquisition area and analyzed for petroleum hydrocarbons, polycyclic aromatic hydrocarbons, and metals (particularly lead). Attention shall be paid to nonpaved, low-lying areas, such as ditches or swales.	Draft IS/EA, Section 2.2.5	Final design	Caltrans, Alameda CTC

ID No.	Task and Brief Description	Source	Project Timing	Responsible Staff
AMM HW-12	If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any USTs, abandoned drums, or other hazardous materials or wastes are encountered), work shall cease in the vicinity of the suspect material, the area shall be secured as necessary, and all appropriate measures shall be taken to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies), such as the RWQCB, Department of Toxic Substances Control (DTSC), City of Berkeley TMD, and Alameda County Department of Environmental Health, and compliance with the various regulatory agencies' laws, regulations, and policies.	Draft IS/EA, Section 2.2.5	Construction	Contractor
AMM HW-13	Soil generated by construction activities shall be stockpiled onsite in a secure and safe manner. All contaminated soils determined hazardous or nonhazardous waste shall be adequately profiled (i.e., sampled and analyzed) prior to acceptable reuse or disposal at an appropriate offsite facility. Specific sampling, handling, and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal agencies laws, in particular the RWQCB, DTSC, City of Berkeley TMD, and Alameda County Department of Environmental Health. Additionally, waste characterization soil samples shall be analyzed as required by the accepting landfill.	Draft IS/EA, Section 2.2.5	Construction	Contractor
AMM HW-14	Groundwater pumped from the subsurface shall be contained onsite in a secure and safe manner, sampled and analyzed as needed prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable local, state, and federal laws, regulations, and policies.	Draft IS/EA, Section 2.2.5	Construction	Contractor
AMM HW-15	Material from structures that is removed or modified by the project will be handled and disposed of in accordance with all local, state, and federal requirements.	Draft IS/EA, Section 2.2.5	Construction	Contractor
PF AQ-1	Water or dust palliative shall be applied to the site and equipment as often as necessary to control fugitive dust emissions. Fugitive emissions generally shall meet a "no visible dust" criterion either at the point of emissions or at the right-of-way line depending on local regulations.	Draft IS/EA, Section 2.2.6	Construction	Contractor

ID No.	Task and Brief Description	Source	Project Timing	Responsible Staff
AMM AQ-1	Measures to reduce particulate matter of 10 micrometers or smaller (PM_{10}), particulate matter of 2.5 micrometers or smaller ($PM_{2.5}$), and diesel particulate matter from construction shall be incorporated to the extent feasible to ensure that short-term health impacts to nearby sensitive receptors are avoided. Such measures may include: • The contractor will provide a dust control plan that includes provisions for any necessary watering to suppress dust. • All haul trucks transporting soil, sand, or other loose material offsite shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph). • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. At a minimum, all equipment should meet the current California Air Resources Board (ARB) fleet standards. • A publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints shall be posted. This person shall respond and take corrective action within 48 hours. The BAAQMD phone number shall also be visible to ensure compliance with applicable regulations.	Draft IS/EA, Section 2.2.6	Construction	Contractor

ID No.	Task and Brief Description	Source	Project Timing	Responsible Staff
PF NOI-1	Construction activities shall be minimized in the study area during evening, nighttime, weekend, and holiday periods. Noise impacts are typically minimized when construction activities are performed during daytime hours; however, nighttime construction may be desirable (e.g., in commercial areas where businesses may be disrupted during daytime hours) or necessary to avoid major traffic disruption.	Draft IS/EA, Section 2.2.7	Construction	Contractor
PF NOI-2	Restrict the hours of vibration-intensive equipment or activities such as vibratory rollers so that impacts to study area users are minimal (e.g., restrict the hours to weekdays during daytime hours).	Draft IS/EA, Section 2.2.7	Construction	Contractor
PF NOI-3	The Resident Engineer will be responsible to collect and respond to any complaints related to construction noise.	Draft IS/EA, Section 2.2.7	Construction	Caltrans
AMM NOI-1	Inspection of equipment by the contractor will ensure that all equipment onsite is working properly, in good condition, and effectively muffled. All equipment will have sound-control devices no less effective than those provided on the original equipment. Each internal combustion engine used for any purpose on the job or related to the job shall be equipped with a muffler of a type recommended by the manufacturer. No internal combustion engine should be operated on the jobsite without an appropriate muffler. Idling equipment will be turned off.	Draft IS/EA, Section 2.2.7	Construction	Contractor
AMM NOI-2	Truck loading, unloading, and hauling operations will be minimized so that noise and vibration are kept to a minimum through the study area to the greatest possible extent.	Draft IS/EA, Section 2.2.7	Construction	Contractor
AMM NOI-3	Work hours along the internal access road within Golden Gate Fields property would only occur from 10:00 a.m. to 5:00 p.m., and night work would be prohibited from occurring within or adjacent to Golden Gate Fields property.	Draft IS/EA, Section 2.2.7	Construction	Contractor
PF NC-1	Adjacent to the riparian area along Codornices Creek and San Francisco Bay, project limits will be delineated with high-visibility fencing to avoid ground disturbance adjacent to work and access areas.	Draft IS/EA, Section 2.3.1	Construction	Contractor

ID No.	Task and Brief Description	Source	Project Timing	Responsible Staff
PF NC-2	Implement project site BMPs as follows: • Access routes and the number and size of staging, access, and work areas will be limited to existing paved, graveled, or other previously compacted surfaces as identified in the project plans. • Routes and boundaries will be clearly marked prior to initiating ground disturbance. • Temporary impacts to water quality during construction will be avoided or minimized by implementing temporary construction site BMPs. These will be implemented during construction to prevent any off-site movement of construction materials, sediment, or debris. Permanent erosion control BMPs will be implemented prior to, during, and after construction to prevent silt and sediment from entering drainage facilities and discharging to the bay.	Draft IS/EA, Section 2.3.1	Construction	Contractor
PF NC-3	A copy of all relevant permits will be included within the construction bid package of the proposed project. The Resident Engineer or designee and contractor will be responsible for implementing the conditions of all biological resources permits.	Draft IS/EA, Section 2.3.1	Design through Construction	Caltrans, Alameda CTC
PF WL-1	The potential for adverse effects to water quality will be avoided by implementing temporary and permanent BMPs outlined in the Caltrans' Stormwater Guide. An SWPPP will be developed for the project and will comply with the Caltrans Stormwater Management Plan (SWMP). The SWPPP will reference the Caltrans Construction Site BMP Manual, which includes protection measures that are regularly incorporated into projects to prevent and minimize pollutant discharges.	Draft IS/EA, Section 2.3.2	Construction	Contractor
PF WL-2	A water quality inspector will inspect the site after a rain event to ensure that the stormwater BMPs are adequate. Corrective action will be taken per Caltrans Standard Specifications for any identified deficiencies.	Draft IS/EA, Section 2.3.2	Construction	Caltrans, Alameda CTC

ID No.	Task and Brief Description	Source	Project Timing	Responsible Staff
PF AS-1	Before commencing construction, a qualified Caltrans-approved biologist will conduct an education program for all project personnel. Species to be covered will include but not be limited to green sturgeon, special-status salmonids, steelhead, brant, western snowy plover, California least tern, bats, and nesting birds. The program will also include information on the protected species and the habitats likely to be found within or adjacent to the Biological Study Area (BSA), requirements of federal and state laws pertaining to these species, identification of measures implemented to conserve the species and habitats within the study area, and distribution of a fact sheet conveying this information to the personnel who may enter the BSA.	Draft IS/EA, Section 2.3.3	Pre-Construction	Biologist
PF AS-2	Trees, shrubs, and native vegetation will be preserved in place to the extent practicable.	Draft IS/EA, Section 2.3.3	Design through Construction	Contractor
AMM AS-1	The work in the San Francisco Bay will be limited to the smallest area possible to complete the proposed construction activities.	Draft IS/EA, Section 2.3.3	Design through Construction	Contractor
AMM AS-2	Conduct preconstruction surveys and biological monitoring: a) Preconstruction surveys for nesting birds will be conducted by a qualified Caltrans-approved biologist no more than 72 hours prior to commencing construction activities during the nesting season (February 1 to September 30). Surveys will cover any potential nesting substrates within 300 feet of construction activity. If an active nest is found during surveys, the qualified Caltrans-approved biologist (who shall be knowledgeable about the behavior of nesting birds) shall consult with CDFW and the United States Fish and Wildlife Service (USFWS) regarding appropriate action to comply with State and federal laws. Active nest sites shall be designated as ESAs and protected (while occupied) during project construction with the installation of a high-visibility fence barrier surrounding each nest site or other appropriate markers. A qualified Caltrans-approved biologist shall develop buffer recommendations that are site specific and at an appropriate distance, that protects normal bird behavior to prevent nesting failure or abandonment. The buffer distance recommendation shall be developed after field investigations that evaluate the bird(s) apparent distress in the presence of people or equipment at various distances and shall be approved by CDFW	Draft IS/EA, Section 2.3.3	Pre-Construction through Construction	Qualified Caltrans - approved Biologist

ID No.	Task and Brief Description	Source	Project Timing	Responsible Staff
	and/or USFWS. The qualified Caltrans-approved biologist shall monitor the behavior of the birds (adults and young, when present) at the nest site to ensure that they are not disturbed by project construction work. Nest monitoring shall continue during construction until the young have fully fledged (have completely left the nest site and are no longer being fed by the parents) as determined by the qualified Caltrans-approved biologist in consultation with CDFW and/or USFWS. b) If it is necessary to prevent birds from nesting at a specific location within the construction area, a nesting bird exclusion plan will be prepared by the contractor. It will specify what Caltrans-approved exclusion measures can be used under what conditions. The exclusion plan will be approved by Caltrans and/or CDFW and/or USFWS prior to implementation. c) No more than 48 hours prior to tree removal, a qualified Caltrans-approved biologist will conduct a preconstruction survey of trees slated for removal for crevices and cavities that can provide bat roosting habitat or support active bat roosts. If active roosts are identified, the project will implement exclusion devices determined in consultation with CDFW. d) Within 48 hours prior to any work around the 60-inch culvert outfall into San Francisco Bay, including the installation of the cofferdam, removal of rock slope protection, and sediment excavation, a qualified Caltrans-approved biologist will conduct preconstruction surveys for special-status species and marine mammals that may occur in the area and marine mammals. e) A qualified Caltrans-approved and agency-approved biological monitor will be present during all work within San Francisco Bay associated with modifying the outfall of the 60-inch culvert. The biological monitor will be present for installation, operation, and removal of the cofferdam, as well as for installation of the flap gate after cofferdam removal and sediment excavation. f) If a protected species is discovered during preconstruction surveys or during construction within the BSA, the qualified Caltrans-approved biologist will notify the Resident Engineer, who has the authority to stop all construction work on the site until the appropriate			

ID No.	Task and Brief Description	Source	Project Timing	Responsible Staff
	corrective measures have been conducted, and it is determined that the animal will not be harmed. Caltrans will notify USFWS, NOAA Fisheries, and/or CDFW as required in resource agency permits and approvals.			
AMM AS-3	Protect Fish, Aquatic Species, and Birds: a. Installation of the sheet pile cofferdam will use methods that result in minimal hydroacoustic impacts, such as vibratory or push methods. Impact methods, such as pile driving, will not be used. b. Installation and removal of the cofferdam will only occur during low tides to minimize potential impacts on aquatic species. Removal of the cofferdam will likely occur during a single low tide. However, installation of the cofferdam is anticipated to take several days, creating the potential for fish to become stranded within the partially installed cofferdam during normal tidal cycles, which can attract birds. The qualified Caltrans-approved biologist will work with the contractor to install the cofferdam while minimizing the potential for fish stranding. Immediately upon completing the installation of the cofferdam, the qualified Caltrans-approved biologist will translocate any stranded fish outside of the dewatered area. Translocation methods and areas suitable for the translocation of fish will be determined in coordination with the NOAA Fisheries and/or CDFW, as appropriate.	Draft IS/EA, Section 2.3.3	Construction	Qualified Caltrans - approved Biologist
AMM AS-4	Evaluate and Replace Trees: • Tree removal or alterations will be avoided wherever possible. • Prior to any tree removals or alterations, a survey will be conducted to identify potential structural issues that could result in safety hazards and ensure remaining trees can withstand strong winds. • To minimize impacts to nesting bird habitat, all native trees removed within the project footprint will be replaced by native trees at a 1:1 ratio. All other trees removed will be replaced in-kind or with trees of other native species to the extent possible. Trees will be planted close to the original removal location if possible, or at a minimum, within the same city/right-of-way.	Draft IS/EA, Section 2.3.3	Design through Construction	Qualified Caltrans - approved Biologist

ID No.	Task and Brief Description	Source	Project Timing	Responsible Staff
PF TE-1	The names and qualifications of biological monitors will be submitted for agency approval prior to initiating construction activities. Caltrans- and agency-approved biologists will be onsite during work within San Francisco Bay, including installation and removal of the cofferdam, as well as installation of the flap gate on the 60-inch culvert, or as otherwise required by regulatory agency permits and approvals.	Draft IS/EA, Section 2.3.4	Pre-construction	Caltrans, Alameda CTC
PF TE-2	Implement project site BMPs as identified in PF NC-2 and as follows: • All food and food-related trash items such as wrappers, cans, bottles, and food scraps must be disposed of in securely closed containers and removed once a week from a construction or project site. • No pets, such as dogs or cats, owned by project personnel will be allowed anywhere in the BSA during work to prevent harassment, mortality of special-status species, or destruction of habitat. • All equipment will be maintained such that there will be no leaks of automotive fluids such as gasoline, oils, or solvents, and a Spill Response Plan will be prepared. • Hazardous materials such as fuels, oils, and solvents will be stored in sealable containers in a designated location that is at least 100 feet from aquatic habitats and storm drain inlets. • No firearms will be allowed except for those carried by authorized security personnel, or local, state, or federal law enforcement officials.	Draft IS/EA, Section 2.3.4	Construction	Contractor
AMM TE-1	All work within the San Francisco Bay will be conducted between June 1 and October 30.	NOAA Letter of Concurrence	Construction	Contractor

ID No.	Task and Brief Description	Source	Project Timing	Responsible Staff
PF IS-1	If species ranked by the California Invasive Plant Council as moderate- or high-priority invasive weeds are disturbed or removed during construction-related activities, the contractor will contain the plant material and dispose of it in a manner that will not promote the spread of the species. The contractor will be responsible for obtaining all permits, licenses, and environmental clearances for properly disposing of materials. Areas subject to noxious weed removal or disturbance will be replanted with a local native seed mix. If seeding is not possible, the area will be covered to the extent practicable with heavy, black plastic solarization material until the end of the project. The project will be managed to reduce and minimize the propagation of invasive weeds.	Draft IS/EA, Section 2.3.5	Construction	Contractor
PF IS-2	Fugitive dust emissions will be controlled to prevent wind from transporting invasive species seed outside of the study area.	Draft IS/EA, Section 2.3.5	Construction	Contractor
PF IS-3	The landscaping included in the project will not use species listed on the California list of invasive species.	Draft IS/EA, Section 2.3.5	Design through Construction	Caltrans, Alameda CTC, Contractor
PF CON-1	Adhere to Caltrans' standard specifications for noise control and dust abatement and construction BMPs for noise and fugitive dust control.	Draft IS/EA, Section 2.4	Construction	Contractor
PF CON-2	The contractor will be responsible for securing all work zones in and around the construction sites, including staging areas within Caltrans and City of Berkeley right-of-way. Security of the project work zones will be the responsibility of the contractor until completion of construction.	Draft IS/EA, Section 2.4	Construction	Contractor
PF GHG-1	A TMP will be developed to minimize disruptions to motor vehicle, transit, bicycle, and pedestrian delays during construction, to minimize detour length and emissions from idling vehicles.	Draft IS/EA, Section 3.3.4	Design through Construction	Caltrans, Alameda CTC
AMM GHG-1	Low plantings will be included along the sides of the Bay Trail and between the new retaining walls as identified in AMM VA-6 and AMM VA-7.	Draft IS/EA, Section 3.3.4	Design	Caltrans, Alameda CTC
AMM GHG-2	The project will incorporate the use of energy-efficient lighting, such as light-emitting diode (LED) traffic signals.	Draft IS/EA, Section 3.3.4	Construction	Contractor
AMM GHG-3	The dust control plan developed as part of AMM AQ-1 will include measures to efficiently use water.	Draft IS/EA, Section 3.3.4	Construction	Contractor

ID No.	Task and Brief Description	Source	Project Timing	Responsible Staff
AMM GHG-4	The project design includes improvements to bicycle and pedestrian infrastructure and system connectivity, to support and encourage these non-motorized modes of travel	Draft IS/EA, Section 3.3.4	Design	Caltrans, Alameda CTC
AMM SLR-1	The placement, relocation, and/or protection of equipment that may be vulnerable to inundation from sea-level rise such as communications and power equipment will be considered during project design.	Draft IS/EA, Section 3.3.4	Design	Caltrans, Alameda CTC
AMM SLR-2	Corrosion-resistant construction materials will be employed for utilities, power-service connections, foundations, and drainage facilities.	Draft IS/EA, Section 3.3.4	Construction	Contractor
AMM SLR-3	The effects of sea-level rise on emergency event response will be considered during project design. Emergency response procedures, alternative transportation communication protocols, response and enforcement procedures, and recovery procedures will be evaluated.	Draft IS/EA, Section 3.3.4	Design	Caltrans, Alameda CTC

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Appendix E List of Acronyms and Abbreviations

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µg/m^3	micrograms per cubic meter
AADT	average annual daily traffic
AB	Assembly Bill
ABAG	Association of Bay Area Governments
AC Transit	Alameda-Contra Costa Transit District
ACHP	Advisory Council on Historic Preservation
ACS	American Community Survey
ADA	Americans with Disabilities Act
ADL	aerially deposited lead
Alameda CTC	Alameda County Transportation Commission
AMM	Avoidance and Minimization Measures
APE	Area of Potential Effect
APN	Assessor's Parcel Number
ARB	California Air Resources Board
ASR	Archaeological Survey Report
AST	aboveground storage tank
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
Basin	San Francisco Bay Area Air Bain
BAU	business-as-usual
Bay Trail	San Francisco Bay Trail
BCDC	Bay Conservation and Development Commission

BMPs	Best Management Practices
BNSF	Burlington Northern and Santa Fe Railway
BSA	Biological Study Area
CAAQS	California Ambient Air Quality Standards
Caltrans	California Department of Transportation
CDFW	California Department of Fish and Wildlife
CE	Categorical Exclusion
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
CESA	California Endangered Species Act
CFR	*Code of Federal Regulations*
CGP	Construction General Permit
CH_4	methane
CIDH	cast-in-drilled-hole
CNDDB	California Natural Diversity Database
CO	carbon monoxide
CO_2	carbon dioxide
CRHR	California Register of Historical Resources
CTP	California Transportation Plan
CWA	Clean Water Act
CY	cubic yards
dBA	A-weighted decibel

DDT	Dichlorodiphenyltrichloroethane
DPS	distinct population segment
DSA	disturbed soil area
DTSC	Department of Toxic Substances Control
EA	Environmental Assessment
EBMUD	East Bay Municipal Utility District
EBRPD	East Bay Regional Park District
EO	Executive Order
EPA	United States Environmental Protection Agency
EPACT92	Energy Policy Act of 1992
ESA	Environmentally Sensitive Area
ESU	evolutionarily significant unit
FCAA	Federal Clean Air Act
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FHWA	Federal Highway Administration
FMP	Fishery Management Plan
FONSI	Finding of No Significant Impact
FTIP	Federal Transportation Improvement Program
GHG	greenhouse gas
H_2S	hydrogen sulfide
HPSR	Historic Property Survey Report

HRER	Historic Resources Evaluation Report
I-80	Interstate 80
IS/EA	Initial Study/Environmental Assessment
JD	Jurisdictional Determination
LED	light-emitting diode
LOS	Level of Service
MAP-21	Moving Ahead for Progress in the 21st Century
$MMTCO_2e$	million metric tons of carbon dioxide equivalent
MOU	Memorandum of Understanding
mph	miles per hour
MRP	Municipal Regional Permit
MS4	municipal separate storm sewer systems
MSAT	mobile source air toxics
MTC	Metropolitan Transportation Commission
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAC	Noise Abatement Criteria
NAHC	Native American Heritage Commission
NAVD 88	North American Vertical Datum of 1988
NEPA	National Environmental Policy Act
NES	Natural Environment Study
NHTSA	National Highway Traffic Safety Administration

NO_2	nitrogen dioxide
NOAA	National Oceanic and Atmospheric Administration
NOAA Fisheries Service	National Oceanic and Atmospheric Administration's National Marine Fisheries Service
NO_X	nitrogen oxide
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
O_3	ozone
PA	Programmatic Agreement
PCBs	polychlorinated biphenyls
PCE	tetrachlorethylene
PDT	Project Development Team
PG&E	Pacific Gas & Electric
P.L.	Public Law
PM	Post Mile
$PM_{2.5}$	particulate matter less than 2.5 micrometers in diameter
PM_{10}	particulate matter less than 10 micrometers in diameter
POAQC	Projects of Air Quality Concern
ppb	parts per billion
ppm	parts per million
PRC	Public Resources Code
PS&E	Plans, Specifications, and Estimate

RCRA	Resource Conservation and Recovery Act of 1976
RHA	Rivers and Harbors Act
RHA	Rivers and Harbors Act
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SF_6	sulfur hexafluoride
SHPO	State Historic Preservation Officer
SIP	State Implementation Plan
SO_2	sulfur dioxide
SO_X	sulfur oxide
SWMP	Storm Water Management Plan
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TDM	Transportation Demand Management
TMD	Toxics Management Division
TMP	Transportation Management Plan
TSM	Transportation System Management
UCB	University of California, Berkeley
UPRR	Union Pacific Railroad
U.S.	United States
USACE	United States Army Corps of Engineers

U.S.C.	United States Code
USDOT	United States Department of Transportation
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	underground storage tank
VOCs	volatile organic compounds
WDR	waste discharge requirements
WSE	water surface elevation

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Appendix F Species Lists

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Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad IS (Richmond (3712283) OR San Quentin (3712284) OR Oakland East (3712272) OR Oakland West (3712273) OR San Francisco North (3712274) OR Briones Valley (3712282))
 AND Taxonomic Group IS (Ferns OR Gymnosperms OR Monocots OR Dicots OR Lichens OR Bryophytes)

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Amorpha californica var. napensis Napa false indigo	PDFAB08012	None	None	G4T2	S2	1B.2
Amsinckia lunaris bent-flowered fiddleneck	PDBOR01070	None	None	G3	S3	1B.2
Arctostaphylos franciscana Franciscan manzanita	PDERI040J3	Endangered	None	G1	S1	1B.1
Arctostaphylos montana ssp. ravenii Presidio manzanita	PDERI040J2	Endangered	Endangered	G3T1	S1	1B.1
Arctostaphylos pallida pallid manzanita	PDERI04110	Threatened	Endangered	G1	S1	1B.1
Arenaria paludicola marsh sandwort	PDCAR040L0	Endangered	Endangered	G1	S1	1B.1
Astragalus tener var. tener alkali milk-vetch	PDFAB0F8R1	None	None	G2T1	S1	1B.2
Calochortus pulchellus Mt. Diablo fairy-lantern	PMLIL0D160	None	None	G2	S2	1B.2
Calochortus tiburonensis Tiburon mariposa-lily	PMLIL0D1C0	Threatened	Threatened	G1	S1	1B.1
Calystegia purpurata ssp. saxicola coastal bluff morning-glory	PDCON040D2	None	None	G4T2T3	S2S3	1B.2
Carex comosa bristly sedge	PMCYP032Y0	None	None	G5	S2	2B.1
Carex praticola northern meadow sedge	PMCYP03B20	None	None	G5	S2	2B.2
Castilleja affinis var. neglecta Tiburon paintbrush	PDSCR0D013	Endangered	Threatened	G4G5T1T2	S1S2	1B.2
Chloropyron maritimum ssp. palustre Point Reyes salty bird's-beak	PDSCR0J0C3	None	None	G4?T2	S2	1B.2
Chorizanthe cuspidata var. cuspidata San Francisco Bay spineflower	PDPGN04081	None	None	G2T1	S1	1B.2
Chorizanthe robusta var. robusta robust spineflower	PDPGN040Q2	Endangered	None	G2T1	S1	1B.1
Cicuta maculata var. bolanderi Bolander's water-hemlock	PDAPI0M051	None	None	G5T4T5	S2?	2B.1
Cirsium andrewsii Franciscan thistle	PDAST2E050	None	None	G3	S3	1B.2

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Cirsium hydrophilum var. vaseyi Mt. Tamalpais thistle	PDAST2E1G2	None	None	G2T1	S1	1B.2
Clarkia concinna ssp. automixa Santa Clara red ribbons	PDONA050A1	None	None	G5?T3	S3	4.3
Clarkia franciscana Presidio clarkia	PDONA050H0	Endangered	Endangered	G1	S1	1B.1
Collinsia corymbosa round-headed Chinese-houses	PDSCR0H060	None	None	G1	S1	1B.2
Collinsia multicolor San Francisco collinsia	PDSCR0H0B0	None	None	G2	S2	1B.2
Dirca occidentalis western leatherwood	PDTHY03010	None	None	G2	S2	1B.2
Eriogonum luteolum var. caninum Tiburon buckwheat	PDPGN083S1	None	None	G5T2	S2	1B.2
Eryngium jepsonii Jepson's coyote-thistle	PDAPI0Z130	None	None	G2	S2	1B.2
Extriplex joaquinana San Joaquin spearscale	PDCHE041F3	None	None	G2	S2	1B.2
Fissidens pauperculus minute pocket moss	NBMUS2W0U0	None	None	G3?	S2	1B.2
Fritillaria liliacea fragrant fritillary	PMLIL0V0C0	None	None	G2	S2	1B.2
Gilia capitata ssp. chamissonis blue coast gilia	PDPLM040B3	None	None	G5T2	S2	1B.1
Gilia millefoliata dark-eyed gilia	PDPLM04130	None	None	G2	S2	1B.2
Grindelia hirsutula var. maritima San Francisco gumplant	PDAST470D3	None	None	G5T1Q	S1	3.2
Helianthella castanea Diablo helianthella	PDAST4M020	None	None	G2	S2	1B.2
Hemizonia congesta ssp. congesta congested-headed hayfield tarplant	PDAST4R065	None	None	G5T2	S2	1B.2
Hesperolinon congestum Marin western flax	PDLIN01060	Threatened	Threatened	G1	S1	1B.1
Heteranthera dubia water star-grass	PMPON03010	None	None	G5	S2	2B.2
Hoita strobilina Loma Prieta hoita	PDFAB5Z030	None	None	G2?	S2?	1B.1
Holocarpha macradenia Santa Cruz tarplant	PDAST4X020	Threatened	Endangered	G1	S1	1B.1
Horkelia cuneata var. sericea Kellogg's horkelia	PDROS0W043	None	None	G4T1?	S1?	1B.1

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Hypogymnia schizidiata island tube lichen	NLT0032640	None	None	G2	S1	1B.3
Isocoma arguta Carquinez goldenbush	PDAST57050	None	None	G1	S1	1B.1
Layia carnosa beach layia	PDAST5N010	Endangered	Endangered	G2	S2	1B.1
Leptosiphon rosaceus rose leptosiphon	PDPLM09180	None	None	G1	S1	1B.1
Lessingia germanorum San Francisco lessingia	PDAST5S010	Endangered	Endangered	G1	S1	1B.1
Meconella oregana Oregon meconella	PDPAP0G030	None	None	G2G3	S2	1B.1
Microseris paludosa marsh microseris	PDAST6E0D0	None	None	G2	S2	1B.2
Monolopia gracilens woodland woollythreads	PDAST6G010	None	None	G3	S3	1B.2
Pentachaeta bellidiflora white-rayed pentachaeta	PDAST6X030	Endangered	Endangered	G1	S1	1B.1
Plagiobothrys chorisianus var. chorisianus Choris' popcornflower	PDBOR0V061	None	None	G3T1Q	S1	1B.2
Plagiobothrys diffusus San Francisco popcornflower	PDBOR0V080	None	Endangered	G1Q	S1	1B.1
Plagiobothrys glaber hairless popcornflower	PDBOR0V0B0	None	None	GH	SH	1A
Polemonium carneum Oregon polemonium	PDPLM0E050	None	None	G3G4	S2	2B.2
Polygonum marinense Marin knotweed	PDPGN0L1C0	None	None	G2Q	S2	3.1
Sanicula maritima adobe sanicle	PDAPI1Z0D0	None	Rare	G2	S2	1B.1
Silene verecunda ssp. verecunda San Francisco campion	PDCAR0U213	None	None	G5T1	S1	1B.2
Spergularia macrotheca var. longistyla long-styled sand-spurrey	PDCAR0W062	None	None	G5T2	S2	1B.2
Stebbinsoseris decipiens Santa Cruz microseris	PDAST6E050	None	None	G2	S2	1B.2
Streptanthus albidus ssp. peramoenus most beautiful jewelflower	PDBRA2G012	None	None	G2T2	S2	1B.2
Streptanthus glandulosus ssp. niger Tiburon jewelflower	PDBRA2G0T0	Endangered	Endangered	G4T1	S1	1B.1
Stuckenia filiformis ssp. alpina slender-leaved pondweed	PMPOT03091	None	None	G5T5	S2S3	2B.2

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Information Expires 11/3/2019

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Suaeda californica California seablite	PDCHE0P020	Endangered	None	G1	S1	1B.1
Symphyotrichum lentum Suisun Marsh aster	PDASTE8470	None	None	G2	S2	1B.2
Trifolium amoenum two-fork clover	PDFAB40040	Endangered	None	G1	S1	1B.1
Trifolium hydrophilum saline clover	PDFAB400R5	None	None	G2	S2	1B.2
Triphysaria floribunda San Francisco owl's-clover	PDSCR2T010	None	None	G2?	S2?	1B.2
Triquetrella californica coastal triquetrella	NBMUS7S010	None	None	G2	S2	1B.2
Viburnum ellipticum oval-leaved viburnum	PDCPR07080	None	None	G4G5	S3?	2B.3

Record Count: 67

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad IS (Richmond (3712283) OR San Quentin (3712284) OR Oakland East (3712272) OR Oakland West (3712273) OR San Francisco North (3712274) OR Briones Valley (3712282))
 AND Taxonomic Group IS (Fish OR Amphibians OR Reptiles OR Birds OR Mammals OR Mollusks OR Arachnids OR Crustaceans OR Insects)

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Accipiter cooperii Cooper's hawk	ABNKC12040	None	None	G5	S4	WL
Adela oplerella Opler's longhorn moth	IILEE0G040	None	None	G2	S2	
Ambystoma californiense California tiger salamander	AAAAA01180	Threatened	Threatened	G2G3	S2S3	WL
Antrozous pallidus pallid bat	AMACC10010	None	None	G5	S3	SSC
Aquila chrysaetos golden eagle	ABNKC22010	None	None	G5	S3	FP
Archoplites interruptus Sacramento perch	AFCQB07010	None	None	G2G3	S1	SSC
Ardea alba great egret	ABNGA04040	None	None	G5	S4	
Ardea herodias great blue heron	ABNGA04010	None	None	G5	S4	
Asio flammeus short-eared owl	ABNSB13040	None	None	G5	S3	SSC
Athene cunicularia burrowing owl	ABNSB10010	None	None	G4	S3	SSC
Bombus caliginosus obscure bumble bee	IIHYM24380	None	None	G4?	S1S2	
Bombus occidentalis western bumble bee	IIHYM24250	None	None	G2G3	S1	
Branta hutchinsii leucopareia cackling (=Aleutian Canada) goose	ABNJB05035	Delisted	None	G5T3	S3	WL
Cicindela hirticollis gravida sandy beach tiger beetle	IICOL02101	None	None	G5T2	S2	
Circus hudsonius northern harrier	ABNKC11011	None	None	G5	S3	SSC
Corynorhinus townsendii Townsend's big-eared bat	AMACC08010	None	None	G3G4	S2	SSC
Coturnicops noveboracensis yellow rail	ABNME01010	None	None	G4	S1S2	SSC
Danaus plexippus pop. 1 monarch - California overwintering population	IILEPP2012	None	None	G4T2T3	S2S3	

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Dicamptodon ensatus California giant salamander	AAAAH01020	None	None	G3	S2S3	SSC
Dipodomys heermanni berkeleyensis Berkeley kangaroo rat	AMAFD03061	None	None	G3G4T1	S1	
Egretta thula snowy egret	ABNGA06030	None	None	G5	S4	
Elanus leucurus white-tailed kite	ABNKC06010	None	None	G5	S3S4	FP
Emys marmorata western pond turtle	ARAAD02030	None	None	G3G4	S3	SSC
Enhydra lutris nereis southern sea otter	AMAJF09012	Threatened	None	G4T2	S2	FP
Erethizon dorsatum North American porcupine	AMAFJ01010	None	None	G5	S3	
Eucyclogobius newberryi tidewater goby	AFCQN04010	Endangered	None	G3	S3	SSC
Euphydryas editha bayensis Bay checkerspot butterfly	IILEPK4055	Threatened	None	G5T1	S1	
Falco peregrinus anatum American peregrine falcon	ABNKD06071	Delisted	Delisted	G4T4	S3S4	FP
Geothlypis trichas sinuosa saltmarsh common yellowthroat	ABPBX1201A	None	None	G5T3	S3	SSC
Haliaeetus leucocephalus bald eagle	ABNKC10010	Delisted	Endangered	G5	S3	FP
Helminthoglypta nickliniana bridgesi Bridges' coast range shoulderband	IMGASC2362	None	None	G3T1	S1S2	
Hydroprogne caspia Caspian tern	ABNNM08020	None	None	G5	S4	
Lasionycteris noctivagans silver-haired bat	AMACC02010	None	None	G5	S3S4	
Lasiurus blossevillii western red bat	AMACC05060	None	None	G5	S3	SSC
Lasiurus cinereus hoary bat	AMACC05030	None	None	G5	S4	
Laterallus jamaicensis coturniculus California black rail	ABNME03041	None	Threatened	G3G4T1	S1	FP
Lichnanthe ursina bumblebee scarab beetle	IICOL67020	None	None	G2	S2	
Masticophis lateralis euryxanthus Alameda whipsnake	ARADB21031	Threatened	Threatened	G4T2	S2	
Melospiza melodia maxillaris Suisun song sparrow	ABPBXA301K	None	None	G5T3	S3	SSC

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Melospiza melodia pusillula Alameda song sparrow	ABPBXA301S	None	None	G5T2?	S2S3	SSC
Melospiza melodia samuelis San Pablo song sparrow	ABPBXA301W	None	None	G5T2	S2	SSC
Microcina leei Lee's micro-blind harvestman	ILARA47040	None	None	G1	S1	
Microcina tiburona Tiburon micro-blind harvestman	ILARA47060	None	None	G1	S1	
Microtus californicus sanpabloensis San Pablo vole	AMAFF11034	None	None	G5T1T2	S1S2	SSC
Neotoma fuscipes annectens San Francisco dusky-footed woodrat	AMAFF08082	None	None	G5T2T3	S2S3	SSC
Nycticorax nycticorax black-crowned night heron	ABNGA11010	None	None	G5	S4	
Nyctinomops macrotis big free-tailed bat	AMACD04020	None	None	G5	S3	SSC
Phalacrocorax auritus double-crested cormorant	ABNFD01020	None	None	G5	S4	WL
Plebejus icarioides missionensis Mission blue butterfly	IILEPG801A	Endangered	None	G5T1	S1	
Rallus obsoletus obsoletus California Ridgway's rail	ABNME05011	Endangered	Endangered	G5T1	S1	FP
Rana boylii foothill yellow-legged frog	AAABH01050	None	Candidate Threatened	G3	S3	SSC
Rana draytonii California red-legged frog	AAABH01022	Threatened	None	G2G3	S2S3	SSC
Reithrodontomys raviventris salt-marsh harvest mouse	AMAFF02040	Endangered	Endangered	G1G2	S1S2	FP
Riparia riparia bank swallow	ABPAU08010	None	Threatened	G5	S2	
Scapanus latimanus insularis Angel Island mole	AMABB02032	None	None	G5THQ	SH	
Scapanus latimanus parvus Alameda Island mole	AMABB02031	None	None	G5THQ	SH	SSC
Sorex vagrans halicoetes salt-marsh wandering shrew	AMABA01071	None	None	G5T1	S1	SSC
Speyeria callippe callippe callippe silverspot butterfly	IILEPJ6091	Endangered	None	G5T1	S1	
Spirinchus thaleichthys longfin smelt	AFCHB03010	Candidate	Threatened	G5	S1	
Sternula antillarum browni California least tern	ABNNM08103	Endangered	Endangered	G4T2T3Q	S2	FP

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Taxidea taxus American badger	AMAJF04010	None	None	G5	S3	SSC
Thaleichthys pacificus eulachon	AFCHB04010	Threatened	None	G5	S3	
Trachusa gummifera San Francisco Bay Area leaf-cutter bee	IIHYM80010	None	None	G1	S1	
Tryonia imitator mimic tryonia (=California brackishwater snail)	IMGASJ7040	None	None	G2	S2	
Vespericola marinensis Marin hesperian	IMGASA4140	None	None	G2	S2	
Xanthocephalus xanthocephalus yellow-headed blackbird	ABPBXB3010	None	None	G5	S3	SSC
Zapus trinotatus orarius Point Reyes jumping mouse	AMAFH01031	None	None	G5T1T3Q	S1S3	SSC

Record Count: 67

CNPS California Native Plant Society

Plant List

81 matches found. *Click on scientific name for details*

Search Criteria

Found in Quads 3712283, 3712284, 3712274, 3712282 3712272 and 3712273;

Modify Search Criteria | Export to Excel | Modify Columns | Modify Sort | Display Photos

Scientific Name	Common Name	Family	Lifeform	Blooming Period	CA Rare Plant Rank	State Rank	Global Rank
Amsinckia lunaris	bent-flowered fiddleneck	Boraginaceae	annual herb	Mar-Jun	1B.2	S3	G3
Androsace elongata ssp. acuta	California androsace	Primulaceae	annual herb	Mar-Jun	4.2	S3S4	G5T3T4
Arabis blepharophylla	coast rockcress	Brassicaceae	perennial herb	Feb-May	4.3	S4	G4
Arctostaphylos franciscana	Franciscan manzanita	Ericaceae	perennial evergreen shrub	Feb-Apr	1B.1	S1	G1
Arctostaphylos montana ssp. ravenii	Presidio manzanita	Ericaceae	perennial evergreen shrub	Feb-Mar	1B.1	S1	G3T1
Arctostaphylos pallida	pallid manzanita	Ericaceae	perennial evergreen shrub	Dec-Mar	1B.1	S1	G1
Arenaria paludicola	marsh sandwort	Caryophyllaceae	perennial stoloniferous herb	May-Aug	1B.1	S1	G1
Aspidotis carlotta-halliae	Carlotta Hall's lace fern	Pteridaceae	perennial rhizomatous herb	Jan-Dec	4.2	S3	G3
Astragalus nuttallii var. nuttallii	ocean bluff milk-vetch	Fabaceae	perennial herb	Jan-Nov	4.2	S4	G4T4
Astragalus tener var. tener	alkali milk-vetch	Fabaceae	annual herb	Mar-Jun	1B.2	S1	G2T1
Balsamorhiza macrolepis	big-scale balsamroot	Asteraceae	perennial herb	Mar-Jun	1B.2	S2	G2
Calamagrostis ophitidis	serpentine reed grass	Poaceae	perennial herb	Apr-Jul	4.3	S3	G3
Calochortus pulchellus	Mt. Diablo fairy-lantern	Liliaceae	perennial bulbiferous herb	Apr-Jun	1B.2	S2	G2
Calochortus tiburonensis	Tiburon mariposa lily	Liliaceae	perennial bulbiferous herb	Mar-Jun	1B.1	S1	G1
Calochortus umbellatus	Oakland star-tulip	Liliaceae	perennial bulbiferous herb	Mar-May	4.2	S3?	G3?
Calystegia purpurata ssp. saxicola	coastal bluff morning-glory	Convolvulaceae	perennial herb	(Mar)Apr-Sep	1B.2	S2S3	G4T2T3
Carex comosa	bristly sedge	Cyperaceae	perennial rhizomatous herb	May-Sep	2B.1	S2	G5
Carex praticola	northern meadow sedge	Cyperaceae	perennial herb	May-Jul	2B.2	S2	G5

Castilleja affinis var. neglecta	Tiburon paintbrush	Orobanchaceae	perennial herb (hemiparasitic)	Apr-Jun	1B.2	S1S2	G4G5T1T2
Castilleja ambigua var. ambigua	johnny-nip	Orobanchaceae	annual herb (hemiparasitic)	Mar-Aug	4.2	S3S4	G4T4
Chloropyron maritimum ssp. palustre	Point Reyes bird's-beak	Orobanchaceae	annual herb (hemiparasitic)	Jun-Oct	1B.2	S2	G4?T2
Chorizanthe cuspidata var. cuspidata	San Francisco Bay spineflower	Polygonaceae	annual herb	Apr-Jul(Aug)	1B.2	S1	G2T1
Chorizanthe robusta var. robusta	robust spineflower	Polygonaceae	annual herb	Apr-Sep	1B.1	S1	G2T1
Cirsium andrewsii	Franciscan thistle	Asteraceae	perennial herb	Mar-Jul	1B.2	S3	G3
Cirsium hydrophilum var. vaseyi	Mt. Tamalpais thistle	Asteraceae	perennial herb	May-Aug	1B.2	S1	G2T1
Clarkia concinna ssp. automixa	Santa Clara red ribbons	Onagraceae	annual herb	(Apr)May-Jun(Jul)	4.3	S3	G5?T3
Clarkia franciscana	Presidio clarkia	Onagraceae	annual herb	May-Jul	1B.1	S1	G1
Collinsia corymbosa	round-headed Chinese-houses	Plantaginaceae	annual herb	Apr-Jun	1B.2	S1	G1
Collinsia multicolor	San Francisco collinsia	Plantaginaceae	annual herb	(Feb)Mar-May	1B.2	S2	G2
Dirca occidentalis	western leatherwood	Thymelaeaceae	perennial deciduous shrub	Jan-Mar(Apr)	1B.2	S2	G2
Eriogonum luteolum var. caninum	Tiburon buckwheat	Polygonaceae	annual herb	May-Sep	1B.2	S2	G5T2
Eriophorum gracile	slender cottongrass	Cyperaceae	perennial rhizomatous herb (emergent)	May-Sep	4.3	S4	G5
Eryngium jepsonii	Jepson's coyote thistle	Apiaceae	perennial herb	Apr-Aug	1B.2	S2?	G2?
Erysimum franciscanum	San Francisco wallflower	Brassicaceae	perennial herb	Mar-Jun	4.2	S3	G3
Extriplex joaquinana	San Joaquin spearscale	Chenopodiaceae	annual herb	Apr-Oct	1B.2	S2	G2
Fissidens pauperculus	minute pocket moss	Fissidentaceae	moss		1B.2	S2	G3?
Fritillaria liliacea	fragrant fritillary	Liliaceae	perennial bulbiferous herb	Feb-Apr	1B.2	S2	G2
Gilia capitata ssp. chamissonis	blue coast gilia	Polemoniaceae	annual herb	Apr-Jul	1B.1	S2	G5T2
Gilia millefoliata	dark-eyed gilia	Polemoniaceae	annual herb	Apr-Jul	1B.2	S2	G2
Grindelia hirsutula var. maritima	San Francisco gumplant	Asteraceae	perennial herb	Jun-Sep	3.2	S1	G5T1Q
Helianthella castanea	Diablo helianthella	Asteraceae	perennial herb	Mar-Jun	1B.2	S2	G2
Hemizonia congesta ssp. congesta	congested-headed hayfield tarplant	Asteraceae	annual herb	Apr-Nov	1B.2	S2	G5T2
Hesperolinon congestum	Marin western flax	Linaceae	annual herb	Apr-Jul	1B.1	S1	G1
Heteranthera dubia	water star-grass	Pontederiaceae	perennial herb (aquatic)	Jul-Oct	2B.2	S2	G5
Hoita strobilina	Loma Prieta hoita	Fabaceae	perennial herb	May-Jul(Aug-	1B.1	S2?	G2?

				Oct)			
Holocarpha macradenia	Santa Cruz tarplant	Asteraceae	annual herb	Jun-Oct	1B.1	S1	G1
Horkelia cuneata var. sericea	Kellogg's horkelia	Rosaceae	perennial herb	Apr-Sep	1B.1	S1?	G4T1?
Hypogymnia schizidiata	island rock lichen	Parmeliaceae	foliose lichen (null)		1B.3	S1	G2
Iris longipetala	coast iris	Iridaceae	perennial rhizomatous herb	Mar-May	4.2	S3	G3
Lathyrus jepsonii var. jepsonii	Delta tule pea	Fabaceae	perennial herb	May-Jul(Aug-Sep)	1B.2	S2	G5T2
Layia carnosa	beach layia	Asteraceae	annual herb	Mar-Jul	1B.1	S2	G2
Leptosiphon acicularis	bristly leptosiphon	Polemoniaceae	annual herb	Apr-Jul	4.2	S4?	G4?
Leptosiphon rosaceus	rose leptosiphon	Polemoniaceae	annual herb	Apr-Jul	1B.1	S1	G1
Lessingia germanorum	San Francisco lessingia	Asteraceae	annual herb	(Jun)Jul-Nov	1B.1	S1	G1
Lessingia hololeuca	woolly-headed lessingia	Asteraceae	annual herb	Jun-Oct	3	S3?	G3?
Meconella oregana	Oregon meconella	Papaveraceae	annual herb	Mar-Apr	1B.1	S2	G2G3
Micropus amphibolus	Mt. Diablo cottonweed	Asteraceae	annual herb	Mar-May	3.2	S3S4	G3G4
Microseris paludosa	marsh microseris	Asteraceae	perennial herb	Apr-Jun(Jul)	1B.2	S2	G2
Monardella antonina ssp. antonina	San Antonio Hills monardella	Lamiaceae	perennial rhizomatous herb	Jun-Aug	3	S1S3	G4T1T3Q
Monolopia gracilens	woodland woolythreads	Asteraceae	annual herb	(Feb)Mar-Jul	1B.2	S3	G3
Pentachaeta bellidiflora	white-rayed pentachaeta	Asteraceae	annual herb	Mar-May	1B.1	S1	G1
Piperia michaelii	Michael's rein orchid	Orchidaceae	perennial herb	Apr-Aug	4.2	S3	G3
Plagiobothrys chorisianus var. chorisianus	Choris' popcornflower	Boraginaceae	annual herb	Mar-Jun	1B.2	S1	G3T1Q
Plagiobothrys diffusus	San Francisco popcornflower	Boraginaceae	annual herb	Mar-Jun	1B.1	S1	G1Q
Polemonium carneum	Oregon polemonium	Polemoniaceae	perennial herb	Apr-Sep	2B.2	S2	G3G4
Polygonum marinense	Marin knotweed	Polygonaceae	annual herb	(Apr)May-Aug(Oct)	3.1	S2	G2Q
Ranunculus lobbii	Lobb's aquatic buttercup	Ranunculaceae	annual herb (aquatic)	Feb-May	4.2	S3	G4
Sanicula maritima	adobe sanicle	Apiaceae	perennial herb	Feb-May	1B.1	S2	G2
Silene verecunda ssp. verecunda	San Francisco campion	Caryophyllaceae	perennial herb	(Feb)Mar-Jun(Aug)	1B.2	S1	G5T1
Spergularia macrotheca var. longistyla	long-styled sand-spurrey	Caryophyllaceae	perennial herb	Feb-May	1B.2	S2	G5T2
Stebbinsoseris decipiens	Santa Cruz microseris	Asteraceae	annual herb	Apr-May	1B.2	S2	G2
Streptanthus albidus ssp. peramoenus	most beautiful jewelflower	Brassicaceae	annual herb	(Mar)Apr-Sep(Oct)	1B.2	S2	G2T2
Streptanthus glandulosus ssp. niger	Tiburon jewelflower	Brassicaceae	annual herb	May-Jun	1B.1	S1	G4T1

Stuckenia filiformis ssp. alpina	slender-leaved pondweed	Potamogetonaceae	perennial rhizomatous herb (aquatic)	May-Jul	2B.2	S2S3	G5T5
Suaeda californica	California seablite	Chenopodiaceae	perennial evergreen shrub	Jul-Oct	1B.1	S1	G1
Symphyotrichum lentum	Suisun Marsh aster	Asteraceae	perennial rhizomatous herb	(Apr)May-Nov	1B.2	S2	G2
Trifolium amoenum	two-fork clover	Fabaceae	annual herb	Apr-Jun	1B.1	S1	G1
Trifolium hydrophilum	saline clover	Fabaceae	annual herb	Apr-Jun	1B.2	S2	G2
Triphysaria floribunda	San Francisco owl's-clover	Orobanchaceae	annual herb	Apr-Jun	1B.2	S2?	G2?
Triquetrella californica	coastal triquetrella	Pottiaceae	moss		1B.2	S2	G2
Viburnum ellipticum	oval-leaved viburnum	Adoxaceae	perennial deciduous shrub	May-Jun	2B.3	S3?	G4G5

Suggested Citation

California Native Plant Society, Rare Plant Program. 2019. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website http://www.rareplants.cnps.org [accessed 28 May 2019].

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Contributors
The Calflora Database
The California Lichen Society
California Natural Diversity Database
The Jepson Flora Project
The Consortium of California Herbaria
CalPhotos

Questions and Comments
rareplants@cnps.org

List Date **May 28, 2019**
Source **Nmfs_wcr_ca_species_list_december_2016.kmz**

Quad Names	**San Quentin, Richmond, Briones Valley, San Francisco North, Oakland West, Oakland East**
Quad Numbers	**37122-H4, 37122-H3, 37122-H2, 37122-G4, 37122-G3, 37122-G2**

ESA Anadromous Fish

SONCC Coho ESU (T)	-
CCC Coho ESU (E)	X
CC Chinook Salmon ESU (T)	-
CVSR Chinook Salmon ESU (T)	X
SRWR Chinook Salmon ESU (E)	X
NC Steelhead DPS (T)	-
CCC Steelhead DPS (T)	X
SCCC Steelhead DPS (T)	-
SC Steelhead DPS (E)	-
CCV Steelhead DPS (T)	X
Eulachon (T)	-
sDPS Green Sturgeon (T)	X

ESA Anadromous Fish Critical Habitat

SONCC Coho Critical Habitat	-
CCC Coho Critical Habitat	X
CC Chinook Salmon Critical Habitat	-
CVSR Chinook Salmon Critical Habitat	-
SRWR Chinook Salmon Critical Habitat	X
NC Steelhead Critical Habitat	-
CCC Steelhead Critical Habitat	X
SCCC Steelhead Critical Habitat	-
SC Steelhead Critical Habitat	-
CCV Steelhead Critical Habitat	-
Eulachon Critical Habitat	-
sDPS Green Sturgeon Critical Habitat	X

ESA Marine Invertebrates

Range Black Abalone (E)	X
Range White Abalone (E)	-

ESA Marine Invertebrates Critical Habitat

Black Abalone Critical Habitat -

ESA Sea Turtles

East Pacific Green Sea Turtle (T) - X
Olive Ridley Sea Turtle (T/E) - X
Leatherback Sea Turtle (E) - X
North Pacific Loggerhead Sea Turtle (E) - X

ESA Whales

Blue Whale (E) - X
Fin Whale (E) - X
Humpback Whale (E) - X
Southern Resident Killer Whale (E) - X
North Pacific Right Whale (E) - X
Sei Whale (E) - X
Sperm Whale (E) - X

ESA Pinnipeds

Guadalupe Fur Seal (T) - X
Steller Sea Lion Critical Habitat -

Essential Fish Habitat

Coho EFH - X
Chinook Salmon EFH - X
Groundfish EFH - X
Coastal Pelagics EFH - X
Highly Migratory Species EFH -

MMPA Species (See list at left)

ESA and MMPA Cetaceans/Pinnipeds
See list at left and consult the NMFS Long Beach office
562-980-4000

MMPA Cetaceans - X
MMPA Pinnipeds - X

United States Department of the Interior

FISH AND WILDLIFE SERVICE
San Francisco Bay-Delta Fish And Wildlife
650 Capitol Mall
Suite 8-300
Sacramento, CA 95814
Phone: (916) 930-5603 Fax: (916) 930-5654
http://kim_squires@fws.gov

In Reply Refer To:
Consultation Code: 08FBDT00-2018-SLI-0187
Event Code: 08FBDT00-2019-E-00475
Project Name: Interstate 80/Gilman Street Interchange

May 28, 2019

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

San Francisco Bay-Delta Fish And Wildlife
650 Capitol Mall
Suite 8-300
Sacramento, CA 95814
(916) 930-5603

This project's location is within the jurisdiction of multiple offices. Expect additional species list documents from the following office, and expect that the species and critical habitats in each document reflect only those that fall in the office's jurisdiction:

Sacramento Fish And Wildlife Office
Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846
(916) 414-6600

Project Summary

Consultation Code: 08FBDT00-2018-SLI-0187

Event Code: 08FBDT00-2019-E-00475

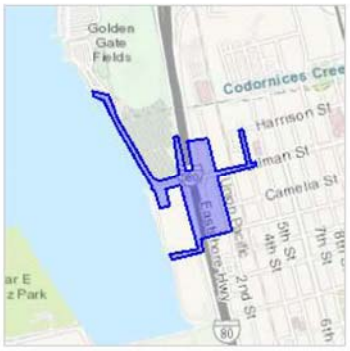
Project Name: Interstate 80/Gilman Street Interchange

Project Type: TRANSPORTATION

Project Description: Interchange improvements

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/37.87836351948595N122.30695679437571W



Counties: Alameda, CA

Endangered Species Act Species

There is a total of 12 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Salt Marsh Harvest Mouse *Reithrodontomys raviventris* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/613	Endangered

Birds

NAME	STATUS
California Clapper Rail *Rallus longirostris obsoletus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4240	Endangered
California Least Tern *Sterna antillarum browni* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8104	Endangered
Western Snowy Plover *Charadrius nivosus nivosus* Population: Pacific Coast population DPS-U.S.A. (CA, OR, WA), Mexico (within 50 miles of Pacific coast) There is **final** critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8035	Threatened
Yellow-billed Cuckoo *Coccyzus americanus* Population: Western U.S. DPS There is **proposed** critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3911	Threatened

Reptiles

NAME	STATUS
Alameda Whipsnake (=striped Racer) *Masticophis lateralis euryxanthus* There is **final** critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5524	Threatened

Amphibians

NAME	STATUS
California Red-legged Frog *Rana draytonii* There is **final** critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2891	Threatened

Fishes

NAME	STATUS
Delta Smelt *Hypomesus transpacificus* There is **final** critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/321	Threatened

Insects

NAME	STATUS
Callippe Silverspot Butterfly *Speyeria callippe callippe* There is **proposed** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/3779	Endangered
San Bruno Elfin Butterfly *Callophrys mossii bayensis* There is **proposed** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/3394	Endangered

Flowering Plants

NAME	STATUS
California Seablite *Suaeda californica* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6310	Endangered
Pallid Manzanita *Arctostaphylos pallida* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8292	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish And Wildlife Office
Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846
Phone: (916) 414-6600 Fax: (916) 414-6713

In Reply Refer To:
Consultation Code: 08ESMF00-2018-SLI-1814
Event Code: 08ESMF00-2019-E-06480
Project Name: Interstate 80/Gilman Street Interchange

May 28, 2019

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, under the jurisdiction of the U.S. Fish and Wildlife Service (Service) that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Please follow the link below to see if your proposed project has the potential to affect other species or their habitats under the jurisdiction of the National Marine Fisheries Service:

http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

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Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

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Sacramento, CA 95825-1846
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San Francisco Bay-Delta Fish And Wildlife
650 Capitol Mall
Suite 8-300
Sacramento, CA 95814
(916) 930-5603

Project Summary

Consultation Code: 08ESMF00-2018-SLI-1814

Event Code: 08ESMF00-2019-E-06480

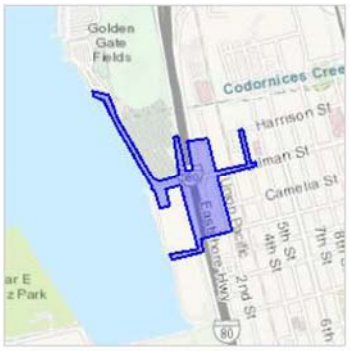
Project Name: Interstate 80/Gilman Street Interchange

Project Type: TRANSPORTATION

Project Description: Interchange improvements

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/37.87836351948595N122.30695679437571W



Counties: Alameda, CA

Endangered Species Act Species

There is a total of 15 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
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Birds

NAME	STATUS
California Clapper Rail *Rallus longirostris obsoletus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4240	Endangered
California Least Tern *Sterna antillarum browni* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8104	Endangered
Western Snowy Plover *Charadrius nivosus nivosus* Population: Pacific Coast population DPS-U.S.A. (CA, OR, WA), Mexico (within 50 miles of Pacific coast) There is **final** critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8035	Threatened
Yellow-billed Cuckoo *Coccyzus americanus* Population: Western U.S. DPS There is **proposed** critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3911	Threatened

Reptiles

NAME	STATUS
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Green Sea Turtle *Chelonia mydas* Population: East Pacific DPS No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6199	Threatened

Amphibians

NAME	STATUS
California Red-legged Frog *Rana draytonii* There is **final** critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2891	Threatened

Fishes

NAME	STATUS
Delta Smelt *Hypomesus transpacificus* There is **final** critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/321	Threatened
Tidewater Goby *Eucyclogobius newberryi* There is **final** critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/57	Endangered

Insects

NAME	STATUS
Callippe Silverspot Butterfly *Speyeria callippe callippe* There is **proposed** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/3779	Endangered
San Bruno Elfin Butterfly *Callophrys mossii bayensis* There is **proposed** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/3394	Endangered

Flowering Plants

NAME	STATUS
California Seablite *Suaeda californica* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6310	Endangered
Pallid Manzanita *Arctostaphylos pallida* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8292	Threatened
Santa Cruz Tarplant *Holocarpha macradenia* There is **final** critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6832	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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Appendix G Agency Correspondence

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DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET, 16TH FLOOR
SAN FRANCISCO, CALIFORNIA 94103-1398

MAR 16 2018

Regulatory Division

Subject: File Number 2017-00207S

Ms. Jo Ann Cullom
California Department of Transportation, District 4
PO Box 236600
Oakland, California 94623

Dear Ms. Cullom:

This correspondence is in reference to your submittal of September 1, 2017, requesting an approved jurisdictional determination of the extent of navigable waters of the United States and waters of the United States occurring on a 59.5 acre site at the I-80 / Gillman Street Interchange in the City of Berkeley, Alameda County, California.

All proposed discharges of dredged or fill material occurring below the plane of ordinary high water in non-tidal waters of the United States; or below the high tide line in tidal waters of the United States; or within the lateral extent of wetlands adjacent to these waters, typically require Department of the Army authorization and the issuance of a permit under Section 404 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1344 et seq.). Waters of the United States generally include the territorial seas; all traditional navigable waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters subject to the ebb and flow of the tide; wetlands adjacent to traditional navigable waters; non-navigable tributaries of traditional navigable waters that are relatively permanent, where the tributaries typically flow year-round or have continuous flow at least seasonally; and wetlands directly abutting such tributaries. Where a case-specific analysis determines the existence of a "significant nexus" effect with a traditional navigable water, waters of the United States may also include non-navigable tributaries that are not relatively permanent; wetlands adjacent to non-navigable tributaries that are not relatively permanent; wetlands adjacent to but not directly abutting a relatively permanent non-navigable tributary; and certain ephemeral streams in the arid West.

All proposed structures and work, including excavation, dredging, and discharges of dredged or fill material, occurring below the plane of mean high water in tidal waters of the United States, in former diked baylands currently below mean high water, outside the limits of mean high water but affecting the navigable capacity of tidal waters or below the plane of ordinary high water in non-tidal waters designated as navigable waters of the United States, typically require Department of the Army authorization and the issuance of a permit under section 10 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. § 403 et seq.). Navigable waters of the United States generally include all waters subject to the ebb and flow of the tide, and/or all

waters presently used, or have been used in the past, or may be susceptible for future use to transport interstate or foreign commerce.

The enclosed delineation map titled "I-80 / Gillman Street Interchange, City of Berkeley, California," in two sheets, date certified February 6, 2018, reflects the absence of jurisdictional waters of the United States and navigable waters of the United States within the boundary area of the site, as defined by Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. This approved jurisdictional determination is based on the current upland conditions of the site, as verified during a field investigation of July 18, 2017, a review of available digital photographic imagery, and a review of other data included in your submittal. This approved jurisdictional determination will expire in five years from the date of this letter unless new information or a change in field conditions warrants a revision to the delineation map prior to the expiration date. The basis for this approved jurisdictional determination is explained in the enclosed *Approved Jurisdictional Determination Form.*

The current absence of jurisdictional navigable waters of the United States and waters of the United States within the boundary area of the site does not obviate any requirement to obtain other Federal, State, or local approvals necessitated by law. Any impacts to federally-listed threatened or endangered species and/or designated critical habitat may be subject to regulation by the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service under Section 10 of the Endangered Species Act of 1973, as amended (16 U.S.C. § 1531 *et seq.*). Sites located along the margins of San Francisco Bay may be subject to regulation by the San Francisco Bay Conservation and Development Commission under the McAteer-Petris Act of 1965, as amended (Public Resources Code § 66600 *et seq.*), or the Suisun Marsh Preservation Act of 1977, as amended (Public Resources Code §§ 29000-29612 *et seq.*). Therefore, you are urged to contact this agency directly to determine the need for other authorizations or permits.

You are advised that the approved jurisdictional determination may be appealed through the U.S. Army Corps of Engineers' Administrative Appeal Process, as described in 33 C.F.R. § 331 (65 Fed. Reg. 16,486; Mar. 28, 2000) and outlined in the enclosed flowchart and Notification of Administrative Appeal Options, Process, and Request for Appeal (NAO-RFA) Form. If you do not intend to accept the approved jurisdictional determination, you may elect to provide new information to this office for reconsideration of this decision. If you do not provide new information to this office, you may elect to submit a completed NAO-RFA Form to the Division Engineer to initiate the appeal process; the completed NAO-RFA Form must be submitted directly to the Appeal Review Officer at the address specified on the NAO-RFA Form. You will relinquish all rights to a review or an appeal unless this office or the Division Engineer receives new information or a completed NAO-RFA Form within 60 days of the date on the NAO-RFA Form. If you intend to accept the approved jurisdictional determination, you do not need to take any further action associated with the Administrative Appeal Process.

You may refer any questions on this matter to Janelle Leeson of my Regulatory staff by telephone at (415) 503-6773 or by e-mail at Janelle.D.Leeson@usace.army.mil. All correspondence should be addressed to the Regulatory Division, South Branch, referencing the file number at the head of this letter.

The San Francisco District is committed to improving service to our customers. My Regulatory staff seeks to achieve the goals of the Regulatory Program in an efficient and cooperative manner while preserving and protecting our nation's aquatic resources. If you would like to provide comments on our Regulatory Program, please complete the Customer Service Survey Form available on our website: http://www.spn.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,

Rick M. Bottoms, Ph.D.
Chief, Regulatory Division

Enclosures

Copy Furnished (w/ encls):

✓Caltrans, District 4, Oakland, CA (Attn.: Mr. Matthew Rechs)

Copy Furnished (w/ encl 1 only):

CA RWQCB, Oakland, CA

Copy Furnished (w/o encls):

CA SWRCB, Sacramento, CA

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM[1]
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): February 6, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: San Francisco District, Interstate Route 80 / Gillman Street Interchange, 2017-00207S

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: CA County/parish/borough: Alameda City: Berkeley
Center coordinates of site (lat/long in degree decimal format): Lat. 37.878080 °, Long. -122.307242 °
Universal Transverse Mercator:
Name of nearest waterbody: SF Bay
Name of watershed or Hydrologic Unit Code (HUC): 18050002

- [x] Check if map/diagram of review area is available upon request.
- [ ] Check if other sites (e.g., offsite mitigation sites, disposal sites, etc…) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- [ ] Office (Desk) Determination. Date:
- [x] Field Determination. Date(s): July 18, 2017

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **are no** "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **are no** "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- [x] Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- [x] Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - [ ] Office concurs with data sheets/delineation report.
  - [x] Office does not concur with data sheets/delineation report: Data sheets contain incorrect vegetation indicator status and therefore do not represent the correct determination for the presence of hydrophytic vegetation.
- [ ] Data sheets prepared by the Corps:
- [ ] U.S. Geological Survey Hydrologic Atlas:
  - [ ] USGS NHD data.
  - [ ] USGS 8 and 12 digit HUC maps.
- [ ] U.S. Geological Survey map(s). Cite scale & quad name:
- [ ] USDA Natural Resources Conservation Service Soil Survey. Citation:
- [ ] National wetlands inventory map(s). Cite name:
- [ ] State/Local wetland inventory map(s):
- [ ] FEMA/FIRM maps:
- [ ] 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- [x] Photographs: [x] Aerial (Name & Date):
  - [ ] or [x] Other (Name & Date):
- [x] Previous determination(s). File no. and date of response letter: SPN-2007-400314
- [ ] Applicable/supporting case law:
- [ ] Applicable/supporting scientific literature:
- [x] Other information (please specify): As-build designs

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: Swale 1:

Swale 1: Swale 1 is an approximate 300-foot long depression receiving runoff from a drainage outlet. Per design plans provided by the applicant, swale one is a constructed bio-swale for the purpose of stormwater treatment. Per the definition of Waters of the U.S. (40 CFR 230.3(s)), waste

[1] This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA are not waters of the United States. Furthermore, a preliminary jurisdictional determination (PJD) was completed for this portion of the project area, found in file SPN-2007-400314. The PJD verifies that the bio-swale was constructed in uplands.

Swale 2: Swale 2 is an approximate 560-foot long depression receiving runoff from the Bay Trail. The swale drains into two different drainage inlets, located near both ends of the swale. The inlets connect to the City storm drain system. A PJD was completed for this portion of the project area, found in file SPN-2007-400314. This PJD and design plans provided by the applicant depict that swale 2 is a ditch constructed entirely within uplands.

Delineation of Waters of the U.S.
I-80/Gilman Street Interchange Improvement Project
City of Berkeley, Alameda County, California

04-ALA-80-PM 6.4/6.82
EA 04-0A7700 / Project ID 0400020155

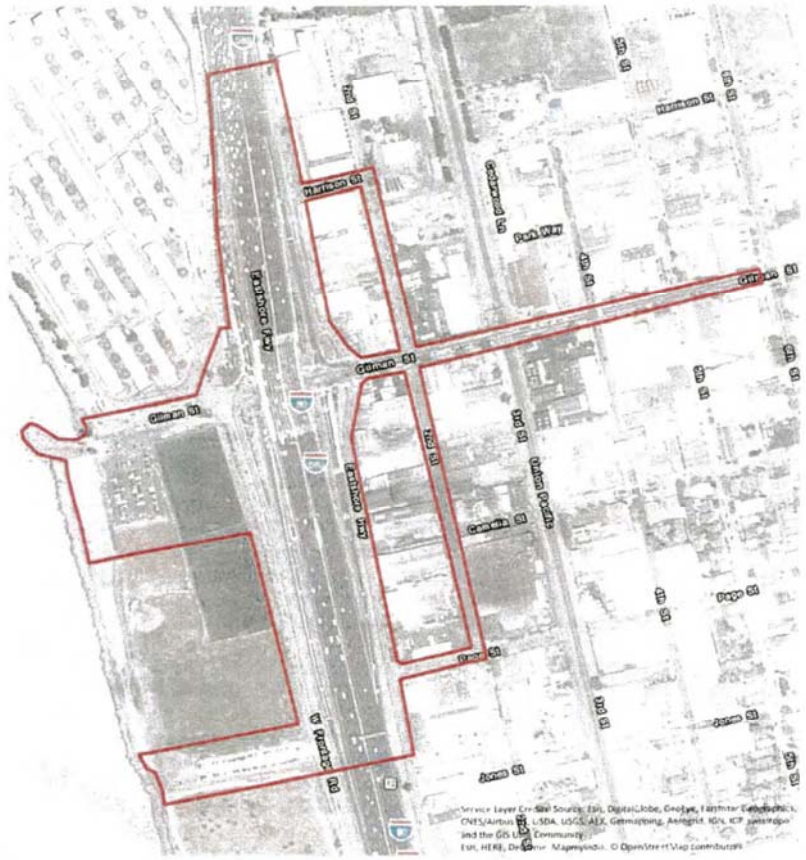


Figure 4. Study Area Map

No Waters of the U.S. or Wetlands subject to Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act

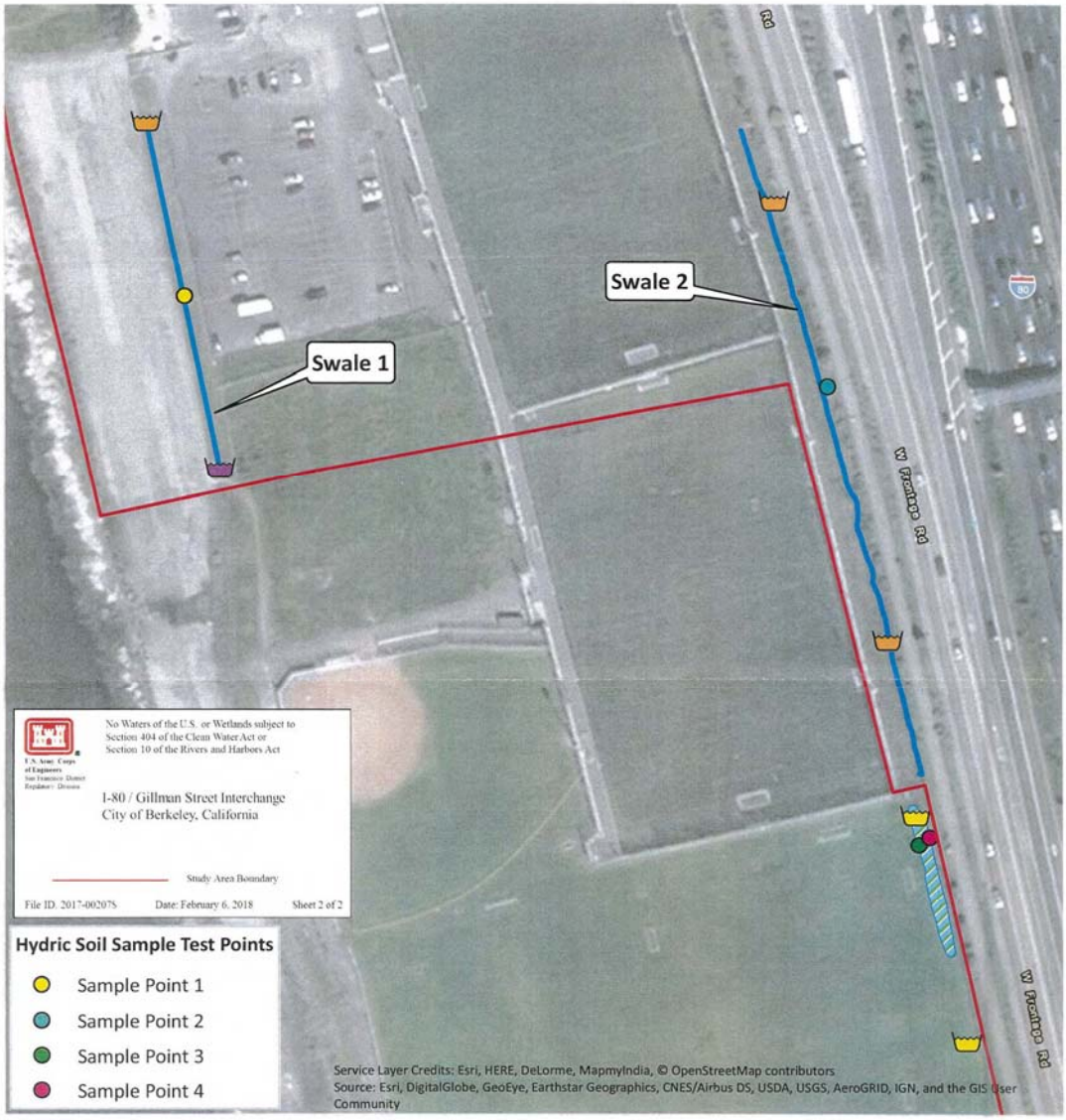
U.S. Army Corps of Engineers San Francisco District Regulatory Division

I-80 / Gillman Street Interchange
City of Berkeley, California

Study Area Boundary

File ID: 2017-002075 Date: February 6, 2018 Sheet 1 of 2

August 2017


Swale 1
Swale 2
W Frontage Rd
W Frontage Rd
No Waters of the U.S. or Wetlands subject to Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act
U.S. Army Corps of Engineers
I-80 / Gillman Street Interchange
City of Berkeley, California
Study Area Boundary
File ID. 2017-002075
Date: February 6, 2018
Sheet 2 of 2
Hydric Soil Sample Test Points
Sample Point 1
Sample Point 2
Sample Point 3
Sample Point 4
Service Layer Credits: Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community


Surveyed Features
Interstate 80/Gilman Street Interchange Improvement Project
City of Berkeley, Alameda County, California
BSA
Depression 1
Swale
Drainage Grate
Drainage inlet
Drainage outlet
N
0
50
100
200
Feet

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: California Department of Transportation		File Number: 2017-00207S	Date: 6 Feb 2018
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
X	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/cecw/pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

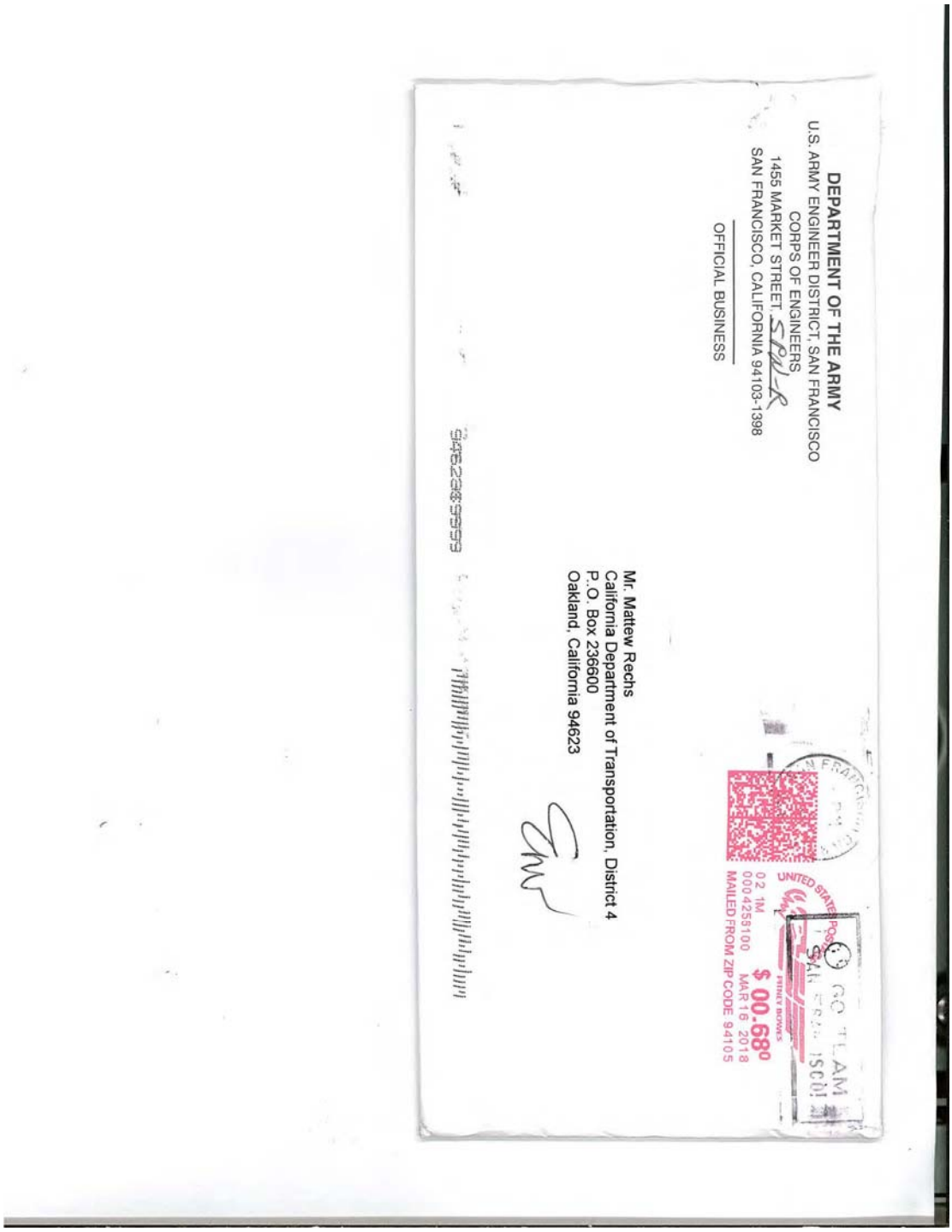
If you have questions regarding this decision and/or the appeal process you may contact:
Katerina Galacatos
South Branch Chief, Regulatory Division
San Francisco District, U.S. Army Corps of Engineers
1455 Market Street, 16th floor
San Francisco, CA 94103-1398
Phone: (415) 503-6778 Email: Katerina.galacatos@usace.army.mil

If you only have questions regarding the appeal process you may also contact: Thomas J. Cavanaugh
Administrative Appeal Review Officer,
U.S. Army Corps of Engineers
South Pacific Division
1455 Market Street, 2052B
San Francisco, California 94103-1399
Phone: (415) 503-6574 Fax: (415) 503-6646
Email: thomas.j.cavanaugh@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:

SPD version revised December17, 2010


DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SAN FRANCISCO
CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398
OFFICIAL BUSINESS
Mr. Mattew Rechs
California Department of Transportation, District 4
P.O. Box 236600
Oakland, California 94623
UNITED STATES POSTAL SERVICE
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02 1M
000425100
MAR 16 2018
MAILED FROM ZIP CODE 94105

DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET, 16TH FLOOR
SAN FRANCISCO, CALIFORNIA 94103-1398

NOV 19 2018

Regulatory Division

Subject: File Number SPN-2017-00207S

Ms. Jo Ann Cullom
California Department of Transportation, District 4
P.O. Box 236600, MS-8E
Oakland, California 94623

Dear Ms. Cullom:

This correspondence is in reference to your submittal of July 19, 2018, requesting an addendum to an approved jurisdictional determination of the extent of navigable waters of the United States and waters of the United States occurring within the project area of the proposed Interstate 80 (I-80)/Gilman Street Interchange Improvement Project. The U.S. Army Corps of Engineers (Corps) previously issued an approved jurisdictional determination on March 16, 2018, for an approximately 59-acre survey area for this proposed project that consisted entirely of uplands, but the survey area boundary has since been expanded to encompass jurisdictional waters. The project area for this addendum comprises approximately 10.25 acres and is adjacent to the San Francisco Bay, located at the western terminus of Gilman Street in the City of Berkeley, Alameda County, California (37.9776°N, 122.3098°W).

All proposed discharges of dredged or fill material occurring below the plane of ordinary high water in non-tidal waters of the United States; or below the high tide line in tidal waters of the United States; or within the lateral extent of wetlands adjacent to these waters, typically require Department of the Army authorization and the issuance of a permit under Section 404 of the Clean Water Act of 1972, as amended, 33 U.S.C. § 1344 *et seq*.

All proposed structures and work, including excavation, dredging, and discharges of dredged or fill material, occurring below the plane of mean high water in tidal waters of the United States; in former diked baylands currently below mean high water; outside the limits of mean high water but affecting the navigable capacity of tidal waters; or below the plane of ordinary high water in non-tidal waters designated as navigable waters of the United States, typically require Department of the Army authorization and the issuance of a permit under Section 10 of the Rivers and Harbors Act of 1899, as amended, 33 U.S.C. § 403 *et seq*.

The enclosed delineation map titled "Approved Jurisdictional Determination for I-80/Gilman Street Interchange Improvement Project," in one sheet date certified November 15, 2018, accurately depicts the extent and location of navigable waters of the United States within the boundary area of the site that are subject to U.S. Army Corps of Engineers' regulatory authority under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. This approved jurisdictional determination is based on the current conditions of the site, as

verified during a field investigation on October 11, 2018, a review of available digital photographic imagery, and a review of other data included in your submittal. This approved jurisdictional determination will expire in five years from the date of this letter unless new information or a change in field conditions warrants a revision to the delineation map prior to the expiration date. The basis for this approved jurisdictional determination is further explained in the enclosed *Approved Jurisdictional Determination Form*.

You are advised that the approved jurisdictional determination may be appealed through the U.S. Army Corps of Engineers' *Administrative Appeal Process*, as described in 33 C.F.R. pt. 331 (65 Fed. Reg. 16,486; Mar. 28, 2000) and outlined in the enclosed flowchart and *Notification of Administrative Appeal Options, Process, and Request for Appeal* (NAO-RFA) Form. If you do not intend to accept the approved jurisdictional determination, you may elect to provide new information to this office for reconsideration of this decision. If you do not provide new information to this office, you may elect to submit a completed NAO-RFA Form to the Division Engineer to initiate the appeal process; the completed NAO-RFA Form must be submitted directly to the Appeal Review Officer at the address specified on the NAO-RFA Form. You will relinquish all rights to a review or an appeal unless this office or the Division Engineer receives new information or a completed NAO-RFA Form within 60 days of the date on the NAO-RFA Form. If you intend to accept the approved jurisdictional determination, you do not need to take any further action associated with the Administrative Appeal Process.

You may refer any questions on this matter to Daniel Breen of my Regulatory staff by telephone at (415) 503-6803 or by e-mail at Daniel.B.Breen@usace.army.mil. All correspondence should be addressed to the Regulatory Division, South Branch, referencing the file number at the head of this letter.

The San Francisco District is committed to improving service to our customers. My Regulatory staff seeks to achieve the goals of the Regulatory Program in an efficient and cooperative manner while preserving and protecting our nation's aquatic resources. If you would like to provide comments on our Regulatory Program, please complete the Customer Service Survey Form available on our website:
http://www.spn.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,

Richard M. Bottoms, Ph.D.
Chief, Regulatory Division

Enclosures

Copy Furnished (w/ encl 1 only):

CA RWQCB, Oakland, CA


Figure 4. Unverified Delineation Map of Waters of the U.S.
San Francisco Bay
San Francisco Bay
Approved Jurisdictional Determination for
for I-80/Gilman Street Interchange
Improvement Project,
California Department of Transportation,
City of Berkeley, Alameda County, California
U.S. Army Corps
of Engineers
San Francisco District
Regulatory Division
Corps File Number SPN-2017-00207S
Date: November 15, 2018
Study Area Boundary
Waters subject to Section 404 of
Clean Water Act: 1.79 acres
Waters subject to Section 10 of
Rivers and Harbors Act: 1.64 acres

Regulatory Program

INTERIM APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers
This form should be completed by following the instructions provided in the Interim Approved Jurisdictional Determination Form User Manual.

SECTION I: BACKGROUND INFORMATION

A. COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (AJD): November 15, 2018

B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ): SPN-2017-00207S

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: California County/parish/borough: Alameda City: Berkeley and Albany
Center coordinates of site (lat/long in degree decimal format): Lat. 37.877632, Long. -122.309809.
Map(s)/diagram(s) of review area (including map identifying single point of entry (SPOE) watershed and/or potential jurisdictional areas where applicable) is/are: ☒attached ☒ in report/map titled I-80/GILMAN STREET INTERCHANGE IMPROVEMENT PROJECT DELINEATION OF WATERS OF THE UNITED STATES - ADDENDUM.
☒ Other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different jurisdictional determination (JD) form. List JD form ID numbers (e.g., HQ-2015-00001-SMJ-1): same file number.

D. REVIEW PERFORMED FOR SITE EVALUATION:
☐ Office (Desk) Determination Only. Date: .
☒ Office (Desk) and Field Determination. Office/Desk Dates: November 15, 2018 Field Date(s): October 11, 2018.

SECTION II: DATA SOURCES

Check all that were used to aid in the determination and attach data/maps to this AJD form and/or references/citations in the administrative record, as appropriate.
☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant. Title/Date: study area map, study area components map, delineation map.
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☒ Data sheets/delineation report are sufficient for purposes of AJD form. Title/Date: Arid West Delineation Sheets #1-4 (5/9/2018).
☐ Data sheets/delineation report are not sufficient for purposes of AJD form. Summarize rationale and include information on revised data sheets/delineation report that this AJD form has relied upon: .
Revised Title/Date: .
☒ Data sheets prepared by the Corps. Title/Date: October 11, 2018.
☐ Corps navigable waters study. Title/Date: .
☒ CorpsMap ORM map layers. Title/Date: ESRI World Imagery, ESRI World Topo.
☐ USGS Hydrologic Atlas. Title/Date: .
☐ USGS, NHD, or WBD data/maps. Title/Date: .
☒ USGS 8, 10 and/or 12 digit HUC maps. HUC number: 180500021001.
☒ USGS maps. Scale & quad name and date: 1:24K Richmond.
☐ USDA NRCS Soil Survey. Citation: .
☒ USFWS National Wetlands Inventory maps. Citation: .
☐ State/Local wetland inventory maps. Citation: .
☐ FEMA/FIRM maps. Citation: .
☒ Photographs: ☒ Aerial. Citation: Google Earth Pro aerial imagery (1993-2018). or ☒ Other. Citation: site photographs submitted by consultant (4/11/2018) and taken by Corps (10/11/2018).

☐ LiDAR data/maps. Citation:
☒ Previous JDs. File no. and date of JD letter: same file number (March 16, 2018).
☐ Applicable/supporting case law:
☐ Applicable/supporting scientific literature:
☐ Other information (please specify):

SECTION III: SUMMARY OF FINDINGS

Complete ORM "Aquatic Resource Upload Sheet" or Export and Print the Aquatic Resource Water Droplet Screen from ORM for All Waters and Features, Regardless of Jurisdictional Status – Required

A. RIVERS AND HARBORS ACT (RHA) SECTION 10 DETERMINATION OF JURISDICTION:
☒ "*navigable waters of the U.S.*" within RHA jurisdiction (as defined by 33 CFR part 329) in the review area.
- **Complete Table 1 - Required**

NOTE: If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Section 10 navigable waters list, DO NOT USE THIS FORM TO MAKE THE DETERMINATION. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Section 10 RHA navigability determination.

B. CLEAN WATER ACT (CWA) SECTION 404 DETERMINATION OF JURISDICTION: "*waters of the U.S.*" within CWA jurisdiction (as defined by 33 CFR part 328.3) in the review area. **Check all that apply.**
☒ (a)(1): All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (Traditional Navigable Waters (TNWs))
- **Complete Table 1 - Required**

☐ This AJD includes a case-specific (a)(1) TNW (Section 404 navigable-in-fact) determination on a water that has not previously been designated as such. Documentation required for this case-specific (a)(1) TNW determination is attached.

☐ (a)(2): All interstate waters, including interstate wetlands.
- **Complete Table 2 - Required**

☐ (a)(3): The territorial seas.
- **Complete Table 3 - Required**

☐ (a)(4): All impoundments of waters otherwise identified as waters of the U.S. under 33 CFR part 328.3.
- **Complete Table 4 - Required**

☐ (a)(5): All tributaries, as defined in 33 CFR part 328.3, of waters identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Table 5 - Required**

☐ (a)(6): All waters adjacent to a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters.
- **Complete Table 6 - Required**

☐ Bordering/Contiguous.
Neighboring:
☐ (c)(2)(i): All waters located within 100 feet of the ordinary high water mark (OHWM) of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3.
☐ (c)(2)(ii): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 and not more than 1,500 feet of the OHWM of such water.
☐ (c)(2)(iii): All waters located within 1,500 feet of the high tide line of a water identified in paragraphs (a)(1) or (a)(3) of 33 CFR part 328.3, and all waters within 1,500 feet of the OHWM of the Great Lakes.

☐ (a)(7): All waters identified in 33 CFR 328.3(a)(7)(i)-(v) where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Table 7 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(7) waters identified in the similarly situated analysis. - Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

☐ (a)(8): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3 not covered by (c)(2)(ii) above and all waters located within 4,000 feet of the high tide line or OHWM of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 where they are determined on a case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Table 8 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(8) waters identified in the similarly situated analysis. - Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

C. NON-WATERS OF THE U.S. FINDINGS:

Check all that apply.

☐ The review area is comprised entirely of dry land.

☐ Potential-(a)(7) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(7) waters identified in the similarly situated analysis. - Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

☐ Potential-(a)(8) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(8) waters identified in the similarly situated analysis. - Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

☐ Excluded Waters (Non-Waters of U.S.), even where they otherwise meet the terms of paragraphs (a)(4)-(a)(8):

- **Complete Table 10 - Required**

☐ (b)(1): Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA.
☐ (b)(2): Prior converted cropland.
☐ (b)(3)(i): Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.
☐ (b)(3)(ii): Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.
☐ (b)(3)(iii): Ditches that do not flow, either directly or through another water, into a water identified in paragraphs (a)(1)-(a)(3).
☐ (b)(4)(i): Artificially irrigated areas that would revert to dry land should application of water to that area cease.
☐ (b)(4)(ii): Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds.
☐ (b)(4)(iii): Artificial reflecting pools or swimming pools created in dry land.[1]
☐ (b)(4)(iv): Small ornamental waters created in dry land.[1]
☐ (b)(4)(v): Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water.
☐ (b)(4)(vi): Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, non-wetland swales, and lawfully constructed grassed waterways.[1]
☐ (b)(4)(vii): Puddles.[1]
☐ (b)(5): Groundwater, including groundwater drained through subsurface drainage systems.[1]
☐ (b)(6): Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.[1]
☐ (b)(7): Wastewater recycling structures created in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.

☐ Other non-jurisdictional waters/features within review area that do not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).

- **Complete Table 11 - Required.**

D. ADDITIONAL COMMENTS TO SUPPORT AJD:

[1] In many cases these excluded features will not be specifically identified on the AJD form, unless specifically requested. Corps Districts may, in case-by-case instances, choose to identify some or all of these features within the review area.

Non-Jurisdictional Waters

Table 9. Non-Waters/No Significant Nexus

SPOE Name	Non-(a)(7)/(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water DOES NOT have a Significant Nexus	Basis for Determination that the Functions DO NOT Contribute Significantly to the Chemical, Physical, or Biological Integrity of the (a)(1)-(a)(3) Water. Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to the subject water; discuss data, provide analysis, and summarize how the waters did not have more than a speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Table 10. Non-Waters/Excluded Waters and Features

Paragraph (b) Excluded Feature/Water Name	Rationale for Paragraph (b) Excluded Feature/Water and Additional Discussion.
N/A	N/A
N/A	N/A

Table 11. Non-Waters/Other

Other Non-Waters of U.S. Feature/Water Name	Rationale for Non-Waters of U.S. Feature/Water and Additional Discussion.
N/A	N/A

Table 7. (a)(7) Waters

SPOE Name	(a)(7) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination Identify SPOE watershed; discuss whether any similarly situated waters were present and aggregated for SND; discuss data, provide analysis, and summarize how the waters have more than speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Table 8. (a)(8) Waters

SPOE Name	(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to subject water and aggregated for SND; discuss data, provide analysis, and then summarize how the waters have more than speculative or insubstantial effect the on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

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Table 5. (a)(5)Tributaries

(a)(5) Waters Name	Flow Regime	(a)(1)-(a)(3) Water Name to which this (a)(5) Tributary Flows	Tributary Breaks	Rationale for (a)(5) Designation and Additional Discussion. Identify flowpath to (a)(1)-(a)(3) water or attach map identifying the flowpath; explain any breaks or flow through excluded/non-jurisdictional features, etc.
N/A	Choose an item.	N/A	Choose an item.	N/A
N/A	Choose an item.	N/A	Choose an item.	N/A
N/A	Choose an item.	N/A	Choose an item.	N/A
N/A	Choose an item.	N/A	Choose an item.	N/A

Table 6. (a)(6) Adjacent Waters

(a)(6) Waters Name	(a)(1)-(a)(5) Water Name to which this Water is Adjacent	Rationale for (a)(6) Designation and Additional Discussion. Identify the type of water and how the limits of jurisdiction were established (e.g., wetland, 87 Manual/Regional Supplement); explain how the 100-year floodplain and/or the distance threshold was determined; whether this water extends beyond a threshold; explain if the water is part of a mosaic, etc.
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A

Jurisdictional Waters of the U.S.

Table 1. (a)(1) Traditional Navigable Waters

(a)(1) Waters Name	(a)(1) Criteria	Rationale to Support (a)(1) Designation Include High Tide Line or Ordinary High Water Mark indicators, when applicable.
San Francisco Bay	The waterbody is subject to Section 9 or 10 of the Rivers and Harbors Act	San Francisco Bay is a TNW. The High Tide Line is visible on rock slope protection, and a wrack line is also present at the High Tide Line.

Table 2. (a)(2) Interstate Waters

(a)(2) Waters Name	Rationale to Support (a)(2) Designation
N/A	N/A

Table 3. (a)(3) Territorial Seas

(a)(3) Waters Name	Rationale to Support (a)(3) Designation
N/A	N/A

Table 4. (a)(4) Impoundments

(a)(4) Waters Name	Rationale to Support (a)(4) Designation
N/A	N/A
N/A	N/A

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: California Department of Transportation	File Number: SPN-2017-00207S	Date: 11/15/2018
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/cecw/pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

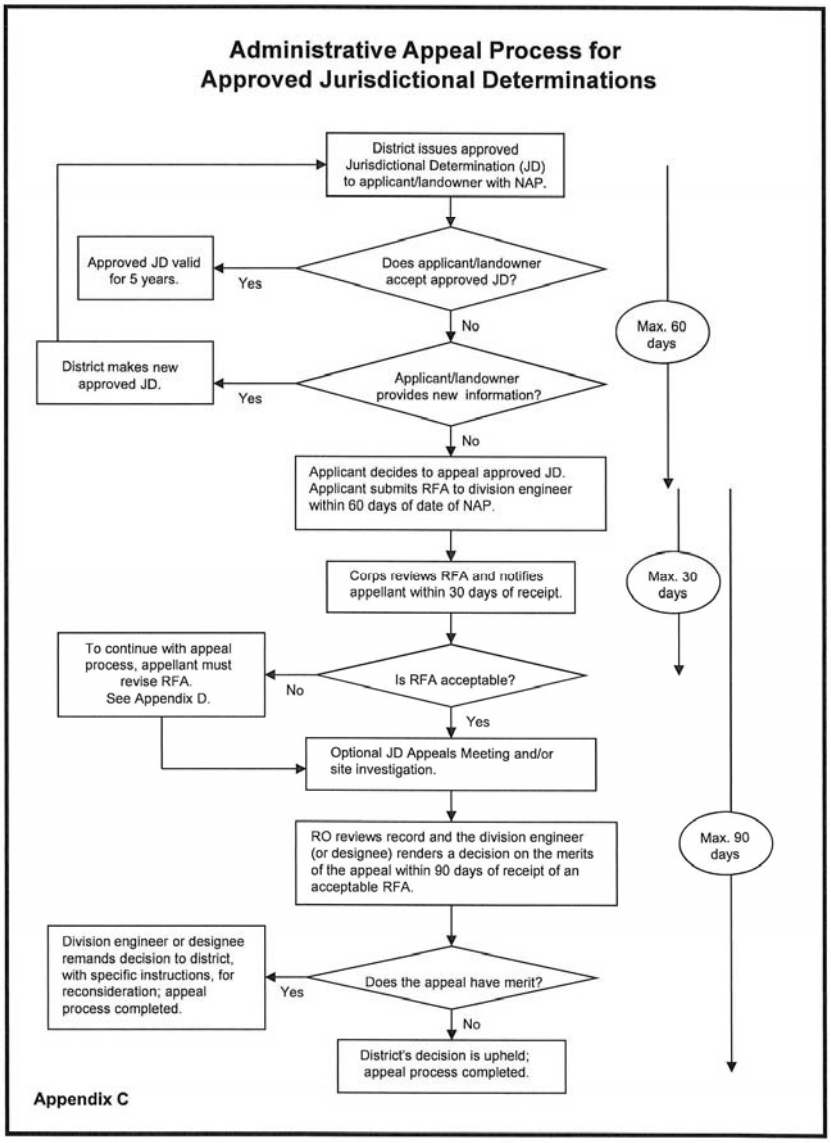
If you have questions regarding this decision and/or the appeal process you may contact:
Katerina Galacatos
South Branch Chief, Regulatory Division
San Francisco District, U.S. Army Corps of Engineers
1455 Market Street, 16th floor
San Francisco, CA 94103-1398
Phone: (415) 503-6778 Email: Katerina.galacatos@usace.army.mil

If you only have questions regarding the appeal process you may also contact: Thomas J. Cavanaugh
Administrative Appeal Review Officer,
U.S. Army Corps of Engineers
South Pacific Division
1455 Market Street, 2052B
San Francisco, California 94103-1399
Phone: (415) 503-6574 Fax: (415) 503-6646
Email: thomas.j.cavanaugh@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:

SPD version revised December17, 2010


Administrative Appeal Process for
Approved Jurisdictional Determinations
District issues approved Jurisdictional Determination (JD) to applicant/landowner with NAP.
Does applicant/landowner accept approved JD?
Yes
Approved JD valid for 5 years.
No
Applicant/landowner provides new information?
Yes
District makes new approved JD.
No
Max. 60 days
Applicant decides to appeal approved JD. Applicant submits RFA to division engineer within 60 days of date of NAP.
Corps reviews RFA and notifies appellant within 30 days of receipt.
Max. 30 days
Is RFA acceptable?
No
To continue with appeal process, appellant must revise RFA. See Appendix D.
Yes
Optional JD Appeals Meeting and/or site investigation.
RO reviews record and the division engineer (or designee) renders a decision on the merits of the appeal within 90 days of receipt of an acceptable RFA.
Max. 90 days
Does the appeal have merit?
Yes
Division engineer or designee remands decision to district, with specific instructions, for reconsideration; appeal process completed.
No
District's decision is upheld; appeal process completed.
Appendix C

Reeves, Andrea

From: Fund Management System <fms@bayareametro.gov>
Sent: Wednesday, October 11, 2017 5:11 PM
To: mnichols@cityofberkeley.info; vbhat@alamedactc.org
Cc: Fund Management System; Harold Brazil
Subject: FMS POAQC Project TIP ID ALA050079 (I-80 Gilman Interchange Reconfiguration) update: Project is a not a POAQC

Dear Project Sponsor

Based on the recent interagency consultation with the Air Quality Conformity Task force, Project TIP ID ALA050079 (FMS ID:163.00) does not fit the definition of a project of air quality concern as defined by 40 CFR 93.123(b)(1) or 40 CFR 93.128 and therefore is not subject to PM2.5 project level conformity requirement. Please save this email as documentation confirming the project has undergone and completed the interagency consultation requirement for PM2.5 project level conformity. Note project sponsors are required to undergo a proactive public involvement process which provides opportunity for public review as outlined by 40 CFR 93.105(e). For projects that are not of air quality concern, a comment period is only required for project level conformity determinations if such a comment period would have been required under NEPA. For more information, please see FHWA PM2.5 Project Level Conformity Frequently Asked Questions (FAQ): https://urldefense.proofpoint.com/v2/url?u=http-3A__www.fhwa.dot.gov_environment_air-5Fquality_conformity_reference_faqs_pm25faqs.cfm&d=DwIFAg&c=Nwf-pp4xtYRe0sCRVM8_LWH54joYF7EKmrYldfxIq10&r=g0TkhUTl6c-JNwDUCYswO4wFsbfLEGCoKSSXZRbnSSQ&m=92VgCJPdbgJgsN4V1mQtI-XBxVHAvhjtUzrXL1LiEqQ&s=BzX6hhwVqaZ8Z4mcSdYhQtS34pgswlHhi0-H5MskDmM&e=

If you have any questions, please direct them to Harold Brazil at hbrazil@bayareametro.gov or by phone at 415-778-6747

1

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY Gavin Newsom, Governor

DEPARTMENT OF TRANSPORTATION
111 GRAND AVENUE
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 622-5409
FAX (510) 286-5903
TTY 711

Making Conservation a California Way of Life.

February 19, 2019

Ms. Tashia J. Clemons
Director of Planning and Environment
U.S Department of Transportation
Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814

Attention: Joseph Vaughn

RE: Interstate 80/ Gilman Street Interchange Improvement Project

Dear Ms. Tashia J. Clemons:

The California Department of Transportation (the Department) requests that the Federal Highway Administration issue a project-level conformity determination for the Interstate 80/Gilman Street Interchange Improvement Project (CTIPS ID# 2060000366), EA 0A770. The project proposes to reconfigure the Interstate 80 (I-80)/Gilman Street interchange. The Project is located in Alameda County at the Interstate 80 (I-80)/Gilman Street interchange in the cities of Berkeley and Albany (Post Miles [PM] 6.38 to 6.95). The purpose of the project is to simplify and improve navigation, mobility, and traffic operations; reduce congestion, vehicle queues, and conflicts; improve local and regional bicycle connections and pedestrian facilities; and improve safety at the I-80/Gilman Street interchange.

The project is in an area that is designated Nonattainment or Maintenance for Ozone, CO, and PM2.5. Details of the analysis are contained in the enclosed Air Quality Report and related materials.

The project area is subject to project-level hot-spot analysis requirements for CO, and PM2.5. The attached conformity analysis shows that hot-spot analysis requirements listed in 40 CFR 93.116 and 123 are met. The NEPA document for this project does not identify specific mitigation, minimization, or avoidance measures. Therefore, no written commitment to implement such measures is required.

Interagency Consultation and public involvement requirements related to PM2.5 have been completed in accordance with the *Transportation Conformity Guidance for Quantitative Hot-spot Analyses in PM2.5 and PM10 Nonattainment and Maintenance Areas* (U.S. EPA, 2015). Interagency Consultation concluded on October 11, 2017. The Interagency Consultation partners concurred, as shown in the attached materials, that the project is not exempt from conformity analysis requirements, but that it is not a Project of Concern for PM2.5 as defined at 40 CFR 93.123(b)(1). As such, an explicit, detailed PM2.5 hot-spot analysis is not required.

Public involvement included advertising the availability of the conformity analysis for 15 days beginning on December 28, 2018. No public comments were received.

This project has been assigned to the Department under 23 USC 327 (NEPA Assignment) and the proposed approval date of the final NEPA document is expected on or about July 1, 2019. We would appreciate your assistance with providing a conformity determination prior to that date.

If you have any questions regarding this conformity analysis, please contact Kevin Krewson at 510-622-5409 or (kevin. krewson@dot.ca.gov).

Sincerely,

K Krewson

Kevin Krewson, PE
District Branch Chief
Office of Environmental Engineering
Division of Environmental Planning and Engineering
California Department of Transportation - District 4

c: Melanie Brent

Enclosure
Air Quality Report, AQCTF Meeting and email, TIP Listing, RTP Information and Advertisements.

U.S. Department of Transportation
Federal Highway Administration

Federal Highway Administration
California Division

650 Capitol Mall, Suite 4-100
Sacramento, CA 95814
(916) 498-5001
(916) 498-5008 (fax)

March 15, 2019

In Reply Refer To:
HDA-CA

Mr. Tony Tavares, District Director
California Department of Transportation,
District 4
P.O. Box 23660
Oakland, CA 94623-0660

Attention: Kevin Krewson

Dear Mr. Tavares:

SUBJECT: Project Level Conformity Determination for the Interstate 80/Gilman Street Interchange Improvement Project (MPO ID # ALA050079)

On February 19, 2019, the California Department of Transportation (Caltrans) submitted to the Federal Highway Administration (FHWA) a complete request for a project level conformity determination for the Interstate 80/Gilman Street Interchange Improvement Project. The project is in an area that is designated Non-Attainment or Maintenance for Ozone and Particulate Matter (PM 2.5).

The project level conformity analysis submitted by Caltrans indicates that the project-level transportation conformity requirements of 40 CFR Part 93 have been met. The project is included in the Metropolitan Transportation Commission's (MTC) current Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP), as amended. The design concept and scope of the preferred alternative have not changed significantly from those assumed in the regional emissions analysis.

As required by 40 CFR 93.116 and 93.123, the localized PM analyses are included in the documentation. The analyses demonstrate that the project will not create any new violations of the standards or increase the severity or number of existing violations.

Based on the information provided, FHWA finds that the Interstate 80/Gilman Street Interchange Improvement Project conforms with the State Implementation Plan (SIP) in accordance with 40 CFR Part 93.

If you have any questions pertaining to this conformity finding, please contact Joseph Vaughn at (916) 498-5346 or by email at Joseph.Vaughn@dot.gov.

Sincerely,

Tashia J. Clemons
Director, Planning & Environment

Rev. June 2016

Transportation Air Quality Conformity Findings Checklist

Project Name:	Interstate 80/Gilman Street Interchange Improvement Project
Dist-Co-Rte-PM:	04 -ALA – 80 – 6.38 / 6.95 **EA:** 0A770
Federal-Aid No.:	N/A
Document Type:	☐ 23 USC 326 CE ☐ 23 USC 327 CE ☒ EA ☐ EIS

Step 1. Is the project located in a nonattainment or maintenance area for ozone, nitrogen dioxide, carbon monoxide (CO), PM2.5, or PM10 per EPA's Green Book listing of non-attainment areas?

☐ If no, go to Step 17. **Transportation conformity does not apply to the project.**

☒ If yes, go to Step 2.

Step 2. Is the project exempt from conformity per 40 CFR 93.126 or 40 CFR 93.128

☐ If yes, go to Step 17. **The project is exempt from all project-level conformity requirements (40 CFR 93.126 or 128)** (check one box below and identify the project type, if applicable).

- ☐ 40 CFR 93.126 Project type: ____
- ☐ 40 CFR 93.128

☒ If no, **go** to Step 3.

Step 3. Is the project exempt from regional conformity per 40 CFR 93.127

☒ If yes, go to Step 8. **The project is exempt from regional conformity requirements (40 CFR 93.127)** (identify the project type). Project type: Interchange reconfiguration

☐ If no, go to Step 4.

Step 4. Is the project located in a region with a currently conforming RTP and TIP?

☐ If yes, **the project is included in a currently conforming RTP and TIP per 40 CFR 93.115. The project's design and scope have not changed significantly from what was assumed in RTP conformity analysis (40 CFR 93.115[b])** Go to Step 8.

☐ If no and the project is located in an isolated rural area, go to Step 5.

☐ If no and the project is not located in an isolated rural area, STOP and do not proceed until a conforming RTP and TIP are adopted.

Step 5. For isolated rural areas, is the project regionally significant per 40 CFR 93.101, based on review by Interagency Consultation?

☐ If yes, go to Step 6.

☐ If no, go to Step 8. **The project, located in an isolated rural area, is not regionally significant and does not require a regional emissions analysis (40 CFR 93.101 and 93.109[l]).**

Step 6. Is the project included in another regional conformity analysis that meets the isolated rural area analysis requirements per 40 CFR 93.109, including Interagency Consultation and public involvement?

☐ If yes, go to Step 8. **The project, located in an isolated rural area, has met its regional analysis requirements through inclusion in a previously-approved regional conformity analysis that meets current requirements (40 CFR 93.109[l]).**

☐ If no, go to Step 7.

Step 7. The project, located in an isolated rural area, requires a separate regional emissions analysis.

☐ **Regional emissions analysis for regionally significant project, located in an isolated rural area, is complete. Regional conformity analysis was conducted that includes the project and reasonably foreseeable regionally significant projects for at least 20 years. Interagency Consultation and public participation were conducted. Based on the analysis, the interim or emission budget conformity tests applicable to the area are met (40 CFR 93.109[l] and 95.105).**[1] Go to Step 8.

Step 8. Is the project located in a CO nonattainment or maintenance area?

☐ If no, go to Step 9. **CO conformity analysis is not required.**

☒ If yes, **hot-spot analysis requirements for CO per the** CO Protocol (or per EPA's modeling guidance, CAL3QHCR can be used with EMFAC emission factors[2]) **have been met. Project will not cause or contribute to a new localized CO violation (40 CFR 93.116 and 93.123)**[3]. Go to Step 9.

Step 9. Is the project located in a PM10 and/or a PM2.5 nonattainment or maintenance area?

☐ If no, go to Step 13. **PM2.5/PM10 conformity analysis is not required.**

☒ If yes, go to Step 10.

---

[1] The analysis must support this conclusion before going to the next step.

[2] Use of the CO Protocol is strongly recommended due to its use of screening methods to minimize the need for modeling. When modeling is needed, the Protocol simplifies the modeling approach. Use of CAL3QHCR must follow U.S. EPA's latest CO hot spot guidance, using EMFAC instead of MOVES; see: http://www.epa.gov/otaq/stateresources/transconf/projectlevel-hotspot.htm#co-hotspot.

[3] As of October 1, 2007, there are no CO nonattainment areas in California. Therefore, the requirements to not worsen existing violations and to reduce/eliminate existing violations do not apply.

1

Rev. June 2016

Step 10. Is the project considered to be a Project of Air Quality Concern (POAQC), as described in EPA's Transportation Conformity Guidance for PM 10 and PM 2.5?

☒ If no, **the project is not a project of concern for PM10 and/or PM2.5 hot-spot analysis based on 40 CFR 93.116 and 93.123 and EPA's Hot-Spot Analysis Guidance. Interagency Consultation concurred with this determination on September 28, 2017**. Go to Step 12.

☐ If yes, go to Step 11.

Step 11. The project is a POAQC.

☐ **The project is a project of concern for PM10 and/or PM2.5 hot-spot analysis based on 40 CFR 93.116 and 93.123, and EPA's Hot-Spot Guidance. Interagency Consultation concurred with this determination on _____. Detailed PM hot-spot analysis, consistent with 40 CFR 93.116 and 93.123 and EPA's Hot-Spot Guidance, shows that the project would not cause or contribute to, or worsen, any new localized violation of PM10 and/or PM2.5 standards.** Go to Step 12.

Step 12. Does the approved PM SIP include any PM10 and/or PM2.5 control measures that apply to the project, and has a written commitment been made as part of the air quality analysis to implement the identified SIP control measures? [Control measures can be found in the applicable Federal Register notice at: https://www.epa.gov/state-and-local-transportation/conformity-adequacy-review-region-9#ca]

☐ If yes, **a written commitment is made to implement the identified SIP control measures for PM10 and/or PM2.5 through construction or operation of this project (40 CFR 93.117).** Go to Step 14.

☒ If no, go to Step 13.

Step 13a. Have project-level mitigation or control measures for CO, PM10, and/or PM2.5, included as part of the project's design concept and scope, been identified as a condition of the RTP or TIP conformity determination? AND/OR

Step 13b. Are project-level mitigation or control measures for CO, PM10, and/or PM2.5 included in the project's NEPA document?

AND

Step 13c (applies only if Step 13a and/or 13b are answered "yes"). Has a written commitment been made as part of the air quality analysis to implement the identified measures?

☐ If yes to 13a and/or 13b and 13c, **a written commitment is made to implement the identified mitigation or control measures for CO, PM10, and/or PM2.5 through construction or operation of this project. These mitigation or control measures are identified in the project's NEPA document and/or as conditions of the RTP or TIP conformity determination[1] (40 CFR 93.125(a)).** Go to Step 14.

☒ If no, go to Step 14

Step 14. Does the project qualify for a 771.117(c)(22), (c)(23), (c)(26), (c)(27), or (c)(28)[4] Categorical Exclusion pursuant to 23 USC 326 and is an Air Quality Conformity Analysis required to document any analysis required by Steps 1 through 13 of this form?[5]

☐ If yes, then Caltrans prepares the Air Quality Conformity Analysis and makes the conformity determination. No FHWA involvement is required. See the AQCA Annotated Outline. Go to Step 17.

☒ If no, go to Step 15.

Step 15. Does the project qualify for any Categorical Exclusion pursuant to 23 USC 326 (including 771.117(c)(22), (c)(23), (c)(26), (c)(27), or (c)(28) when NO Air Quality Conformity Analysis is required)?

☐ If yes, then no FHWA involvement is required and Caltrans makes the conformity determination through its signature on the CE form. **An Air Quality Conformity Analysis (AQCA) is not needed.** Go to Step 17.

☒ If no, go to Step 16.

Step 16. Does the project require preparation of a Categorical Exclusion, EA, or EIS pursuant to 23 USC 327?

☒ If yes, then Caltrans submits a conformity determination to FHWA for FHWA's conformity determination. **An AQCA is needed.** See the AQCA Annotated Outline.

Date of FHWA air quality conformity determination: 03-15-2019

Go to Step 17.

Step 17. STOP as all air quality conformity requirements have been met.

Signature: Cristin Hallissy

Printed Name: Cristin Hallissy **Date:** 03-20-2019

Title: Senior Environmental Planner

[4] Please note that certain activities covered by these categorical exclusions may require that Caltrans prepare an Air Quality Conformity Analysis rather than documenting the conformity determination with the Senior Environmental Planner's signature on the Categorical Exclusion form.

[5] Please note that for ALL projects the project file must include evidence that one of the three following situation applies: 1) Conformity does not apply to the project area; or 2) The project is exempt from all conformity analysis requirements; or 3) The project is subject to project-level conformity analysis (and possibly regional conformity analysis) and meets the criteria for a conformity determination. The project file must include all supporting documentation and this checklist.

2

State of California • Natural Resources Agency
Edmund G. Brown Jr., *Governor*

DEPARTMENT OF PARKS AND RECREATION
OFFICE OF HISTORIC PRESERVATION
Lisa Ann L. Mangat, *Director*

Julianne Polanco, State Historic Preservation Officer
1725 23rd Street, Suite 100, Sacramento, CA 95816-7100
Telephone: (916) 445-7000 FAX: (916) 445-7053
calshpo.ohp@parks.ca.gov www.ohp.parks.ca.gov

October 23, 2018

VIA EMAIL

In reply refer to: FHWA_2018_0914_001

Mr. Christopher Caputo, Chief
Office of Cultural Resource Studies
Caltrans District 4
PO Box 23660
Oakland, CA 94623-0660

Subject: Determinations of Eligibility for the Proposed Gilman Avenue/I-80 Roundabouts Project, Berkeley, Alameda County, CA

Dear Mr. Caputo:

Caltrans is initiating consultation for the above project in accordance with the January 1, 2014 *First Amended Programmatic Agreement Among the Federal Highway Administration (FHWA), the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California* (PA). As part of your documentation, Caltrans submitted a Historic Property Survey Report (HPSR), Historical Resources Evaluation Report, an Archaeological Survey Report, and an Extended Phase I Report for the proposed project.

Caltrans proposes to construct two roundabouts, one roundabout on the west side of the interstate and another on the east side. A pedestrian overcrossing is planned south of the Gilman Avenue/I-80 intersection at PM 6.38. Additionally a Class IV separated bikeway is proposed on Gilman Avenue, both the east and west sides of I-80, where the roadway will be restriped and painted. A full project description is on Page 1 of the HPSR.

In accordance with Stipulation VIII.C.6 of the PA, Caltrans is requesting concurrence that the Manasse-Block Tannery, located at 1300 Fourth Street in Berkeley, is eligible for the National Register of Historic Places (NRHP). The Tannery is eligible for the NRHP under Criterion C as an important local example of multi-story, wood-framed industrial loft architecture constructed between 1898 and 1941, the period of significance for the property.

Caltrans has also determined that the following properties are not eligible for the NRHP:

- PT&T Vehicle Maintenance Facility, 1206 Fifth Street, Berkeley, CA
- Tuttle Manufacturing Company, 725 Gilman Street, Berkeley, CA
- Merit Tank and Body Company, 707 Gilman Street, Berkeley, CA
- Berkeley Steel Construction Company Complex, 1330 Second Street; 1331 and 1401 Eastshore Highway
- Pacific Steel Casting Company Complex, 1314 and 1320 Second Street, Berkeley, CA
- Red D'arc Welders Complex, 635 Gilman Street, Berkeley, CA
- Hawkins and Hawkins Company Complex, 1255 Eastshore Highway, Berkeley, CA

Based on my review of the submitted documentation, I concur with the foregoing determinations.

If you have any questions, please contact Natalie Lindquist at (916) 445-7014 with e-mail at natalie.lindquist@parks.ca.gov or Alicia Perez at (916) 445-7020 with e-mail at alicia.perez@parks.ca.gov .

Sincerely,

Julianne Polanco
State Historic Preservation Officer

From: Rose, Kathryn@DOT
To: Hartman, Lindsay@DOT
Cc: Montero, Carie
Subject: FW: Request for assumption of eligibility for CA-ALA-690 for the Gilman project
Date: Monday, November 26, 2018 4:36:26 PM

FYI

Kathryn Rose
Senior Environmental Planner, Archaeology Branch
Caltrans Office of Cultural Resource Studies
District 04, Oakland
(510) 286-5630

From: Price, David@DOT
Sent: Monday, November 26, 2018 3:07 PM
To: Rose, Kathryn@DOT <kathryn.rose@dot.ca.gov>
Subject: RE: Request for assumption of eligibility for CA-ALA-690 for the Gilman project

Hi Kathryn,

Thank you for the information. **CSO approves the assumption of eligibility** for CA-ALA-690 for purposes of the project due to restricted access and limited potential for effects, pursuant to Stipulation VIII.C.4 of the 2014 PA. Please retain this email as confirmation for your files.

David Price
Acting Section 106 Coordinator
Cultural Studies Office
Caltrans Division of Environmental Analysis
1120 N Street, MS 27, Sacramento, CA 95814
(916) 653-0516

From: Rose, Kathryn@DOT
Sent: Tuesday, November 20, 2018 1:01 PM
To: Price, David@DOT <David.Price@dot.ca.gov>
Cc: Hartman, Lindsay@DOT <lindsay.hartman@dot.ca.gov>; Neeb, Alexandra@DOT <Alexandra.Neeb@dot.ca.gov>
Subject: Request for assumption of eligibility for CA-ALA-690 for the Gilman project

Hello David,

I am writing to request approval to consider CA-ALA-690 eligible for the purposes of the I-80/Gilman Street Interchange Improvement Project (EA 0A7700; EFIS 0400020155) per Stipulation VIII.C.4 of the PA. Caltrans and the Alameda County Transportation Commission proposes to reconfigure the interchange, install roundabouts, and reconstruct the existing roadways near the interface of Gilman Street and I-80 in Alameda County.

Extended phase I testing conducted in November of 2016 and again in March of 2017 identified intact archaeological deposits (designated as ALA-690), in two geoprobes (11 and 31) within the Area of Potential Effects. Access issues and the limited potential to effect to site preclude a full evaluation. We would like to assume ALA-690 eligible under Criterion D for its potential to yield information important to the prehistory of the Bay Area.

Proposed work in proximity to ALA-690 include the installation of a recycled water line to the west of the site and restriping and curb work on the roadway above the site. In order to avoid an adverse effect to the site, non-standard conditions in the form of archaeological monitoring will be imposed. A Post-Review Discovery and Monitoring/ESA action plan will be prepared outlining how the site will be avoided and impacts minimized should they occur.

Pending approval of the assumption of eligibility for CA-ALA-690, we will be proposing a finding of No Adverse Effect without Standard Conditions for the Undertaking. The FOE and Post-Review Discovery and Monitoring Plan will be submitted for your review once complete.

Please let me know if you require any additional information or if you have any questions.

Kathryn Rose
Senior Environmental Planner, Archaeology Branch
Caltrans Office of Cultural Resource Studies
District 04, Oakland
(510) 286-5630

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, Governor

DEPARTMENT OF TRANSPORTATION
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Making Conservation a California Way of Life.

May 17, 2019

Ms. Julianne Polanco
State Historic Preservation Officer
1725 23rd Street, Suite 100
Sacramento, CA 95816

Attention: Natalie Lindquist & Alicia Perez

Re: Finding of No Adverse Effect for the Interstate 80/Gilman Street Interchange Improvement Project in Alameda County (FHWA_2018_0914_001)

Dear Ms. Polanco:

The California Department of Transportation (Caltrans), in conjunction with Alameda County Transportation Commission (Alameda CTC), is continuing consultation with the State Historic Preservation Officer (SHPO) regarding the proposed Interstate 80/Gilman Street Interchange Improvement Project in Alameda County. This consultation is undertaken in accordance with the January 1, 2014 *First Amended Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation* (Section 106 PA).

Caltrans is proposing a construction project at Gilman Avenue at its intersection with Interstate 80 in Berkeley, Alameda County, California. The project proposes to construct two roundabouts – one roundabout on the west side of the interstate and another on the east side. The project also proposes to construct a pedestrian overcrossing south of the intersection on I-80. In addition to those construction components, the project involves the reconfiguration of Gilman Avenue on both the east and west sides of I-80 to accommodate a Class IV separated bikeway, which involves restriping and painting Gilman Avenue. The proposed project would lead to utility relocation, traffic signal installation, drainage system installation, and lighting installation.

We are consulting at the present time under Stipulation X.C.1 of the PA, which requires that we seek your concurrence on Caltrans' finding of effects for historic properties. Enclosed please find a Historic Property Survey Report (HPSR) packet which includes a Finding of No Adverse Effect (FNAE) and a Post-Review Discovery Plan, Environmentally Sensitive Area Action Plan, and Monitoring Plan (PRDP-ESA-AMA).

The Area of Potential Effect (APE) contains one archaeological property (P-01-011809) and one built resource, the Manasse-Block Tannery (P-01-011814). The Manasse-Block Tannery buildings

A-G were determined eligible for listing in the National Register of Historic Places (NRHP) under Criterion C, and received concurrence from SHPO on November 6, 2018. XPI testing identified buried archaeological site P-01-011809, a prehistoric stratigraphically intact lens of shell midden buried beneath 4.6 feet of soil and fill. P-01-011809 has been assumed eligible for the purposes of this project only pursuant to Stipulation VIII.C.4 of the Section 106 PA.

Caltrans has applied the Criteria of Adverse Effect, pursuant to 36 CFR 800.5(a)(1) and Stipulation X.A. of the Section 106 PA, and determined that the proposed undertaking will not have an adverse effect on either historic property. P-01-011809 can be protected from the undertaking's effects by ESA and monitoring. The Manasse-Block Tannery is not within the project footprint nor will there be any indirect impacts.

Therefore, Caltrans has determined that a finding of **No Adverse Effect** is appropriate for the undertaking and is seeking SHPO concurrence. We look forward to receiving your written response within 30 days of your receipt of this transmittal in accordance with Stipulation X.B.2.b of the Section 106 PA. If no response is received at the end of that time, Caltrans will move forward with the Undertaking upon notification of its intentions to do so via email or other written communication. District 4 has an environmental **deadline for this project of July 1, 2019**.

If you have any questions or comments regarding the proposed project, please contact me, District 4 Archaeologist Lindsay Hartman at 510-286-5416 or Lindsay.hartman@dot.ca.gov, or District 4 Architectural Historian Michael Meloy at 510-286-5433 or Michael.Meloy@dot.ca.gov. Thank you for your assistance with this undertaking.

Sincerely,

ALEXANDRA BEVK NEEB
Section 106 Coordinator
Cultural Studies Office
Division of Environmental Analysis

Enclosures:
Historic Property Survey Report for the Interstate 80/Gilman Avenue Interchange Improvement Project, Alameda County, California with FNAE and PRDP-ESA-AMA

cc: Kathryn Rose, D4 Senior Environmental Planner
Lindsay Hartman, D4 Archaeologist
Michael Meloy, D4 Architectural Historian

State of California • Natural Resources Agency
Gavin Newsom, *Governor*

DEPARTMENT OF PARKS AND RECREATION
OFFICE OF HISTORIC PRESERVATION
Lisa Ann L. Mangat, *Director*

Julianne Polanco, State Historic Preservation Officer
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calshpo.ohp@parks.ca.gov www.ohp.parks.ca.gov

May 30, 2019

VIA EMAIL

In reply refer to: FHWA_2018_0914_001

Ms. Alex Bevk Neeb
Section 106 Coordinator
Cultural Studies Office
Caltrans Division of Environmental Analysis
1120 N Street, MS-27
Sacramento, CA 95814

Subject: Finding of No Adverse Effect for the Interstate 80/Gilman Street Interchange Improvement Project, Alameda County, California

Dear Ms. Bevk Neeb:

On May 17, 2019, the Office of Historic Preservation (OHP) received a letter from the California Department of Transportation (Caltrans) for the above referenced undertaking. Caltrans is continuing consultation with the State Historic Preservation Officer (SHPO) in accordance with the January 1, 2014 *First Amended Programmatic Agreement Among the Federal Highway Administration (FHWA), the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California* (Section 106 PA). Pursuant to Stipulation X.B.2.b of the Section 106 PA, Caltrans is seeking SHPO comment on a finding of no adverse effect without standard conditions. Enclosed with Caltrans' letter is a Historic Property Survey Report (HPSR) with an attached Finding of Effect (FOE), and a Post-Review Discovery Plan that includes an Environmentally Sensitive Area Action Plan and Monitoring Plan (PRDP-ESA-AMA).

Caltrans is currently proposing a construction project at Gilman Avenue at its intersection with Interstate 80 in Berkley, Alameda County, California. The undertaking proposes to construct two roundabouts, a pedestrian overcrossing, and the reconfiguration of Gilman Avenue to accommodate a Class IV separated bikeway. The undertaking also involves utility relocation, traffic signal installation, drainage system installation, and lighting installation. A more detailed description of the undertaking and area of potential effects (APE) is on page one of the HPSR.

In earlier consultation with the SHPO, Caltrans' efforts identified two historic properties within the APE, P-01-011809/CA-ALA-690 and the Manasse-Block Tannery buildings A-G. Caltrans determined that the Manasse-Block Tannery buildings A-G are eligible for listing on the National Register of Historic Places (NRHP) under Criterion C with SHPO consensus. Pursuant to Stipulation VIII.C.4 of the Section 106 PA, Caltrans will consider CA-ALA-690 as eligible for the NRHP under Criterion D for the purposes of this undertaking only because of limited potential for effects.

In applying the criteria of adverse effect pursuant to Stipulation X.A of the Section 106 PA, Caltrans finds that as a whole the undertaking will result in a finding of no adverse effect with non-standard conditions. Results of subsurface archaeological testing of CA-ALA-690 indicate that as designed, the undertaking will not result in an adverse effect to the property because it is extremely unlikely that intact or even substantial secondary cultural deposits are located outside of the site boundary and within the area of direct impact of the APE. To further avoid adverse effects to CA-ALA-690, a PRDP-ESA-AMA has been developed and will be implemented to protect the portions of the property within the project footprint from inadvertent effects.

In applying the criteria of adverse effect, Caltrans also concludes that the undertaking will not result in adverse effects to the Mannasse-Block Tannery because the undertaking will not cause direct or indirect effects to the property that would diminish its integrity or character-defining features.

Pursuant to Stipulation X.B.2 of the Section 106 PA, Caltrans has found that the proposed undertaking will have no adverse effect on historic properties. Based on review of the submitted documentation, **I do not object**. If you have any questions, please contact State Historian Natalie Lindquist at (916) 445-7014 or at natalie.lindquist@parks.ca.gov or Associate State Archaeologist Alicia Perez at (916) 445-7020 or at alicia.perez@parks.ca.gov .

Sincerely,

Julianne Polanco
State Historic Preservation Officer

STATE OF CALIFORNIA—CALIFORNIA TRANSPORTATION AGENCY GAVIN NEWSOM, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 4
OFFICE OF ENVIRONMENTAL ANALYSIS
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Making Conservation a California Way of Life.

May 28, 2019

Mr. Scott Ferris, Director
City of Berkeley Parks, Recreation and Waterfront Department
2180 Milvia Street
Berkeley, CA 94704

Mr. Sean Dougan
Trails Development Program Manager, East Bay Regional Parks District
2950 Peralta Oaks Court
Oakland, CA 94605

Dear Mr. Ferris and Mr. Dougan,

The California Department of Transportation (Caltrans) District 4, in cooperation with the Alameda County Transportation Commission and the cities of Berkeley and Albany, is finalizing a joint California Environmental Quality Act (CEQA)/National Environmental Policy Act (NEPA) Initial Study with Negative Declaration/Environmental Assessment with a Finding of No Significant Impact (IS/EA) for the Interstate-80 (I-80)/Gilman Street Interchange Improvement Project (see Figure 1). The project proposes to reconfigure the I-80 ramps and intersections at Gilman Street to form a single roundabout intersection on each side of I-80. Gilman Street would be reconstructed on the west from the parking lots at Tom Bates Regional Sports Complex along Gilman Street to the intersection at Fourth Street, east of the I-80 intersection. The project would also include a new bicycle and pedestrian overcrossing. West of the I-80/Gilman Street interchange, the existing San Francisco Bay Trail (Bay Trail) would be extended approximately 660 feet to the west along the south side of Gilman Street from its current terminus at the intersection of West Frontage Road and Gilman Street to just beyond the Berkeley city limits.

Caltrans is the lead agency under both CEQA and NEPA. Caltrans is the NEPA lead agency under the provisions of the Memorandum of Understanding (MOU) between the Federal Highway Administration and the California Department of Transportation Concerning the State of California's Participation in the Surface Transportation Project Delivery Program 23 USC 327 NEPA Assignment, which became effective on October 1, 2012. The MOU was signed pursuant to Title 23 USC 327, as amended on December 23, 2016, which allows the Secretary of Transportation to assign, and the State of California to assume, FHWA's responsibilities under NEPA and other Federal environmental laws.

The purpose of this letter is to inform you that Caltrans intends to issue a *de minimis* impact finding for the Tom Bates Regional Sports Complex and a temporary occupancy determination

for the Bay Trail under Section 4(f) of the U.S. Department of Transportation Act of 1966. As a public park and trail owned by East Bay Regional Park District (EBRPD) and facilities managed by the City of Berkeley (agency of jurisdiction), Tom Bates Regional Sports Complex and the section of the Bay Trail in the project area are afforded special protections under Section 4(f).

A *de minimis* impact to a Section 4(f) resource is a nominal impact that would not be adverse to the activities, features, or attributes of the resource that qualify Tom Bates Regional Sports Complex for protection under Section 4(f). A *de minimis* finding is conditioned upon:

- The official(s) with jurisdiction over the resource indicating, in writing, that the proposed action, including consideration of any mitigation, will not adversely affect the activities, features, and attributes that are important to the resource; and
- The public has been afforded an opportunity (by public notice) to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resources.

Members of the public had the opportunity to comment on the project and the proposed de minimus determination during public circulation of the IS/EA between December 26, 2018, and February 5, 2019. Public notices of the opportunity to comment on the proposed de minimus determination were published in the *East Bay Times, Berkeley Voice,* and *El Cerrito Journal* newspapers on December 28, 2018, and *El Mundo* newspaper on January 3, 2018. A digital version of the notice was available on the Berkeleyside.com website from January 2 to January 9, 2019. No comments were received regarding the de minimus determination.

Tom Bates Regional Sports Complex is located at 400 Gilman Street. The total acreage of the park is approximately 16 acres. The Build Alternative includes construction of a pedestrian overcrossing along the south side of the Gilman Street interchange. Currently, the area where the western approach would be located is owned by EBRPD. Approximately 0.50 acre of additional public right-of-way would be required from EBRPD (see Figure 2). In addition, construction of the Build Alternative would require the temporary acquisition of 1.29 acres of land from Tom Bates Regional Sports Complex for four temporary construction easements. Two of these temporary construction easements are located within two parking lots and could be used as potential staging areas. These potential staging areas would be subject to additional permits and owner permissions to be secured by the contractor.

The permanent and temporary acquisition required from Tom Bates Regional Sports Complex for the proposed project constitute a very small portion of the park and the existing use and access of the park would not be materially affected. No activities, features, and attributes of the park that qualify it for protection under Section 4(f) would be adversely affected.

The Bay Trail in the project area is located along West Frontage Road, south of Gilman Street. Construction of the pedestrian and bicycle overcrossing would require a temporary construction easement that would result in closures of approximately 800 feet of the Bay Trail for limited periods of time. Sporadic closures would be required during construction and could occur day or night depending on construction activities.

It is Caltrans' conclusion that the temporary construction easement would be a "temporary occupancy" as set forth in 23 CFR Section 774.13(d). Temporary occupancy is an exception to the requirements of Section 4(f). As detailed in the regulation, five conditions need to be satisfied to meet the temporary occupancy exception.

1. The duration of the occupancy must be temporary (i.e., shorter than the period of construction) and does not involve a change in ownership of the property.
2. The scope of the work must be minor, with only minimal changes to the protected resource.
3. There are no anticipated permanent adverse physical impacts on the protected resource and no temporary or permanent interference with the activities or purpose of the resource.
4. The land being used must be fully restored to a condition that at least equals the condition that existed prior to the proposed project.
5. There must be documented agreement by the appropriate officials having jurisdiction over the Section 4(f) resource regarding the above conditions.

The duration of closures for the I-80/Gilman Street Interchange Improvement Project will be limited and will be shorter than the duration of the project's construction. The work is minor in scope, and there are no anticipated permanent adverse physical effects or other interference with the activities or functions of the resource. Temporarily disturbed areas will be fully restored to pre-project conditions once temporary impacts are complete. In addition, public access to the trail would not be reduced as a result of operation of the project.

With this letter Caltrans is respectfully requesting your agreement with our determination, as assigned by FHWA, that the regarding the a de minimis impact finding for the Tom Bates Regional Sports Complex and the temporary occupancy determination for the Bay Trail under Section 4(f) of the U.S. Department of Transportation Act of 1966. A signature block is provided at the end of this letter for your convenience to provide your agreement with the de minimis and temporary occupancy determinations.

If you have any questions, please contact me at (510) 867-6785 or Cristin Hallissy, Branch Chief, at (510) 622-8717 or by e-mail at Cristin.Hallissy@dot.ca.gov.

Sincerely,

STEFAN GALVEZ-ABADIA
Chief, Office of Environmental Analysis
California Department of Transportation

Concurred by:

SCOTT FERRIS
Director
City of Berkeley Parks, Recreation
And Waterfront Department
4(f) Agency of Jurisdiction

Date: 5/29/2019

SEAN DOUGAN
Trails Development Program Manager
East Bay Regional Parks District
Property Owner

Date: 5/29/19

Enclosure: Project Figures

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Figure 1: Project Location

Figure 2: Section 4(f) Resources and Use Determinations

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404-4731

May 23, 2019 **Refer to NMFS No:** WCR-2019-11535

Christopher Caputo
Acting Chief, Office of Biological Sciences and Permits
California Department of Transportation, District 4
P.O. Box 23660, MS 8E
Oakland, California 94623-0660

Re: Endangered Species Act Section 7(a)(2) Concurrence Letter and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the I-80/Gilman Street Interchange Improvement Project

Dear Mr. Caputo:

On February 25, 2019, NOAA's National Marine Fisheries Service (NMFS) received California Department of Transportation's (Caltrans)[1] request for concurrence with Caltrans' determination that the proposed I-80/Gilman Street Interchange Improvement Project (Project) is not likely to adversely affect (NLAA) species listed as threatened or endangered or critical habitats designated under the Endangered Species Act (ESA). Caltrans is proposing to provide funding assistance to the Alameda County Transportation Commission (ACTC) for implementation of the Project. This response to your request was prepared by NMFS pursuant to section 7(a)(2) of the ESA, implementing regulations at 50 CFR 402, and agency guidance for preparation of letters of concurrence.

NMFS also reviewed the proposed action for potential effects on essential fish habitat (EFH) designated under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), including conservation measures and any determination made regarding the potential effects of the action. This review was pursuant to section 305(b) of the MSA, implementing regulations at 50 CFR 600.920, and agency guidance for use of the ESA consultation process to complete EFH consultation.

This letter underwent pre-dissemination review using standards for utility, integrity, and objectivity in compliance with applicable guidelines issued under the Data Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001, Public Law 106-554).

[1] Effective October 1, 2012, Caltrans will be acting as the lead agency as per the Memorandum of Understanding (MOU) between the Federal Highway Administration (FHWA) and Caltrans pursuant to the Moving Ahead for Progress in the 21st Century Act (MAP-21). This law allows the Secretary of Transportation to assign, and Caltrans to assume, responsibility for the environmental review, consultation, or other actions required under any environmental law with respect to one or more highway projects within the state of California. The MOU is an extension of previous agreements between FHWA and Caltrans in 2007 and 2010, under a similar law. Therefore, Caltrans is considered the federal action agency for ESA consultations with NMFS for federally funded projects involving FHWA.

A complete record of this consultation is on file at NMFS North-Central Coast Office in Santa Rosa, California.

Proposed Action and Action Area

Caltrans proposes to provide funding to the ACTC for the Project. ACTC proposes to install a tidal flap gate on an existing 60-inch-in-diameter reinforced concrete storm drain outfall pipe structure. The tidal flap gate is located at the western end of Gilman Street in the City of Berkeley in Alameda County, California and drains directly into San Francisco Bay.

The purpose of the tidal flap gate is to prevent tidal backflow from entering the outfall pipe. The water surface elevation in San Francisco Bay has the potential to increase in elevation as a result of sea level rise. High-tide stages and storm surges in conjunction with sea level rise could cause backflow into the Gilman Street outfall pipe and into the storm drain system that could cause drainage challenges to the surrounding area. Thus, construction of a tidal flap gate on the Gilman Street outfall pipe would reduce backflow from future high-tidal events and prevent future drainage challenges.

For this project, the action area consists of 2.04 acres of San Francisco Bay estuarine habitat. Construction of the tidal flap gate will require in-water work in the waters of San Francisco Bay. The in-water work construction for this project will take approximately 30 days and start no earlier than June 1, 2019. ACTC will install a temporary cofferdam and a temporary water diversion system to minimize impacts to water quality. Prior to installation of the new tidal flap gate and associated components, a sheet pile cofferdam will be installed to temporarily dewater the shoreline area where construction of the outfall structure will occur. Cofferdam installation will occur during low tide conditions, and take approximately three days. This temporary cofferdam will be put around the construction area to enable placement of shoreline slope stabilization measures and to allow the new headwall/wingwalls to dry. A water diversion system will be available onsite if groundwater intrusion occurs inside the cofferdam. Once the cofferdam is installed, soil and existing rockslope protection (RSP) will be excavated from behind the existing headwall and the headwall will be demolished with a jackhammer. Once the existing headwall is removed, a form for the new headwall and wingwalls will be constructed and concrete will be poured into the form. After the new headwall and wingwalls have cured (7 days), approximately 100 to 200 cubic yards of RSP will be placed back in the upland areas of the bay and the cofferdam will be removed. The tidal flap gate will be installed on the new headwall after the concrete has cured. The tidal flap gate will be hoisted by a land based crane, mounted, and secured with hex lug nuts to the headwall. ACTC proposes to use a combination of silt fences, biodegradable fiber rolls, and erosion-control biodegradable netting such as jute to prevent sediment from entering live waters. The biodegradable fiber rolls will be installed along or at the base of slopes during construction to capture sediments, and temporary organic hydromulching will be applied to all unfinished disturbed and graded areas.

Following cofferdam removal and installation of the tidal flap gate, approximately 200 cubic yards (0.21 acres) of estuarine sediment that lies 200 feet west of the outfall structure will be recountoured to a lower elevation. Grading and excavation along the bay floor will only occur during low tides within cofferdams that will block sediments from reaching the active waterway. Earth Mechanics, Inc. (EMI) evaluated the project site for potential sediment toxicity. EMI collected 3 separate soil samples located near the outfall at depths ranging from 2 to 4 feet. One water sample was also collected from the water coming out of the outfall. The test results showed that all sediment contaminants detected were below the hazardous waste criteria of the San Francisco Bay Regional

Water Quality Control Board's 2019 Environmental Screening Level (ESL) Workbook, and there were no detections of polychlorinated biphenyls (PCB) in the water sample. In addition, all sediment contaminants were below the Effects Range Median (ERM) and the Probable Effects Level (PEL) for sensitive species in the action area (Buchman 2008). Caltrans used the 2010 "San Francisco Bay Subtidal Habitat Goals Report" to identify several potential sediment reuse opportunities. Additionally, Caltrans coordinated internally with their Maintenance and Environmental Project and Program Management Offices to research potential reuse sites. However, no sites for sediment reuse were found. Thus, ACTC proposes to properly transport and dispose of sediments off-site during the construction phase per Caltrans Standard Specifications.

There are no interrelated or independent activities associated with this project.

Action Agency's Effects Determination

Caltrans has determined that the proposed project may affect, but is not likely to adversely affect listed species and their designated critical habitat. Caltrans determined this because: 1) the presence of listed species at the work site is unlikely during the proposed construction window; and 2) Caltrans will implement construction methods and best management practices (BMPs) to avoid or minimize disturbance to aquatic habitat.

Available information indicates that the following listed species (Evolutionarily Significant Units [ESU]) or (Distinct Population Segments [DPS]) under the jurisdiction of NMFS may be affected by the proposed project:

Sacramento River winter-run Chinook salmon ESU *(Oncorhynchus tshawytscha)*
Endangered (70 FR 37160; June 28, 2005);
Critical habitat (58 FR 33212; June 16, 1993);
California Central Valley steelhead DPS (*O. mykiss)*
Threatened (71 FR 834; January 5, 2006);
Central California Coast steelhead DPS (*O. mykiss)*
Threatened (71 FR 834; January 5, 2006);
Critical habitat (70 FR 52488; September 2, 2005);
North American green sturgeon southern DPS (*Acipenser medirostris)*
Threatened (71 FR 17757, April 7, 2006);
Critical habitat (74 FR 52300; October 9, 2009).

The life history of steelhead is summarized in Busby et al. (1996) and Chinook salmon life history is summarized in Myers et al. (1998). Central California Coast (CCC) steelhead, California Central Valley steelhead, and Sacramento River winter-run Chinook salmon use San Francisco Bay primarily as a migration corridor while in route to the Pacific Ocean to rear as juveniles or to upstream areas to spawn as adults. Adult migration generally takes place in the winter months. Juvenile steelhead and Chinook salmon migrate through San Francisco Bay during the late winter and spring months.

The southern DPS (sDPS) of North American green sturgeon are anadromous, making migrations to the Sacramento River and its tributaries in the spring, with peaks in April through June (Moyle et al. 1995; Webb and Erickson 2007). Adults spawn deep in turbulent sections of the mainstem of the Sacramento River during the spring (peak May-June) every 2 to 4 years (Webb and Erickson 2007). After eggs hatch, larvae and juvenile green sturgeon rear in freshwater or the estuary of their natal

river for 1 to 4 years, and then pre-sexually mature adults, or sub-adults, move into coastal waters. Adult and sub-adult sDPS sturgeon are known to utilize coastal bays and estuaries along the U.S. West Coast, primarily, between San Francisco Bay, California and Grays Harbor, Washington (Lindley et al. 2008; Lindley et al. 2011). Green sturgeon likely optimize their growth opportunities in summer by foraging in the relatively warm waters of estuaries (Moser and Lindley 2007). Green Sturgeon forage on benthic prey items, notably shallow tidal flats dominated by burrowing shrimp and other benthic prey items (Dumbauld et al. 2008). Coastal bays and estuaries south of San Francisco Bay may contain suitable foraging habitats for green sturgeon (Lindley et al. 2008). Green sturgeon may be present in San Francisco Bay and estuarine reaches of tributaries to the bay year-round.

The action area is located within designated critical habitat for Sacramento River winter-run Chinook salmon, CCC steelhead, and southern DPS green sturgeon. The designations of critical habitat for these species use the term primary constituent element (PCE) or essential features. The new critical habitat regulations (81 FR 7414) replace this term with physical or biological features (PBSs). This shift in terminology does not change the approach used in conducting our analysis, whether the original designation identified primary constituent elements, physical or biological features, or essential features. In this letter of concurrence, we use the term PBF to mean PCE or essential feature, as appropriate for the specific critical habitat.

Estuarine PBF essential for the conservation of Sacramento River winter-run Chinook salmon includes access from the Pacific Ocean to appropriate areas in the upper Sacramento River. The PBFs of CCC steelhead critical habitat include estuarine areas free of obstruction with water quality, water quantity, and salinity conditions supporting juvenile and adult physiological transitions between fresh-and saltwater; natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, and side channels; and juvenile and adult forage, including aquatic invertebrates and fishes, supporting growth and maturation. For the southern DPS of green sturgeon, the PBFs of designated critical habitat in estuarine areas include food resources, water flow, water quality, migratory corridor, water depth, and sediment quality.

Regarding EFH, Caltrans has determined that the project would have an adverse effect on EFH; however with the implementation of the project's BMPs and based on the size of the project, Caltrans has concluded that adverse effects to EFH would be temporary and minor. The project area is located within an area identified as EFH for various life stages of fish species managed with the following Fishery Management Plans (FMPs) under the MSA:

Pacific Coast Groundfish FMP (various sole, leopard shark, etc.);
Pacific Coast Salmon FMP (Chinook salmon, coho salmon, etc.);
Coastal Pelagic Species FMP (northern anchovy, Pacific sardine, jack mackerel, etc.).

The project area is also located within an area designated as a Habitat Area of Particular Concern (HAPC) for various federally-managed fish species within the Groundfish FMP. HAPCs are described in the regulations as subsets of EFH that are rare, particularly susceptible to human-induced degradation, especially ecologically important, or located in an environmentally stressed area. Designated HAPC are not afforded any additional regulatory protection under MSA; however, federal projects with potential adverse impacts to HAPC are most carefully scrutinized during the consultation process. As defined in the Pacific Coast Groundfish and the Pacific Coast Salmon FMPs, San Francisco Bay including the project area, is identified as estuary HAPC.

Consultation History

By letter dated February 25, 2019, Caltrans transmitted the biological assessment for the Project and requested initiation of informal consultation with NMFS. NMFS completed a review of the application package, and by letter dated March 8, 2019, NMFS informed Caltrans that we did not have sufficient information (i.e., insufficient information on the project site, construction methods, and minimization and avoidance measures) to determine whether we concur with Caltrans' ESA determination or to conduct and informed EFH analysis. On May 3, 2019 NMFS informed Caltrans by phone that we needed sediment toxicity test results to complete consultation. On May 17, 2019, NMFS requested information regarding the project NPDES permit, potential sediment reuse sites, and stormwater discharge BMPs. Caltrans provided the requested information so that NMFS had sufficient information to initiate consultation on May 22, 2019.

ENDANGERED SPECIES ACT

Effects of the Action

Under the ESA, "effects of the action" means the direct and indirect effects of an action on the listed species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action (50 CFR 402.02). The applicable standard to find that a proposed action is not likely to adversely affect listed species or critical habitat is that all of the effects of the action are expected to be discountable, insignificant, or completely beneficial. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or critical habitat. Insignificant effects relate to the size of the impact and should never reach the scale where take occurs. Discountable effects are those extremely unlikely to occur.

NMFS has evaluated the proposed project for potential adverse effects to ESA-listed salmonids, southern DPS green sturgeon, and their designated critical habitat. Aquatic habitat upstream of the flap gate is not suitable habitat for salmonids or sturgeon and listed fish are not expected to occur in this watershed (OMCA 2018). The effects of the proposed action are reasonably likely to include degraded water quality, elevated underwater noise, benthic disturbance, and potential entrapment within the cofferdam. Threatened southern DPS green sturgeon are known to occur within the San Francisco Bay year-round and ESA-listed salmonids may be present in the project area during construction activities. However, the in-water work window (June 1 to October 30) for the project avoids the primary migration periods of ESA-listed salmonids in San Francisco Bay. Thus, NMFS anticipates the presence of ESA-listed salmonids in the action area during construction activities to be unlikely.

ACTC proposes to implement BMPs to minimize and avoid effects to ESA-listed species and their designated critical habitat. We did not list all of the proposed BMPs in this letter, yet we reference the BMPs most relevant to ESA-listed species impacts when discussing the potential effects of the project below.

During installation and removal of the cofferdam, there may be potential for fish to become stranded and entrapped. This potential may occur during normal tidal cycles when the partially installed cofferdam is being constructed over the three day period. If fish are stranded, it could attract predatory birds to the action area. However, ACTC has proposed to install and remove the

cofferdam during low tide when there is little to no water within the project area. Because water depths will be very shallow (less than six inches), listed fish are not expected to be present during the installation of the cofferdam which would effectively preclude fish from becoming entrapped within the cofferdam. Therefore, any potential effects related to fish entrapment is anticipated to be discountable.

Sheet pile installation has the potential to generate elevated levels of underwater noise. Fish may be injured or killed when exposed to high levels of underwater sound, especially those generated by impulsive sound sources such as pile driving with impact hammers. Pathologies of fish associated with very high sound level exposure are collectively known as *barotraumas*. These include hemorrhage and rupture of blood vessels and internal organs, including the swim bladder and kidneys. Deaths can be instantaneous, occur within minutes after exposure, or occur several days later (Popper and Hastings 2009). However, ACTC proposes to use a vibratory hammer or press-in sheet pile system to install the cofferdam sheet piles. Vibratory hammers generate lower sound levels and different sound wave forms that do not cause physical injury or mortality to fish (Illingworth and Rodkins, Inc. 2012). The use of a vibratory hammer is expected to avoid generation of underwater sound levels that are harmful to fish. However, during the use of a vibratory hammer elevated underwater sound levels may startle listed fish and result in temporary dispersion from the action area. If southern DPS green sturgeon or ESA-listed salmonids react behaviorally to the sound produced by these construction activities and vacate the action area, adequate water depths and habitat area within the adjacent waters of the San Francisco Bay are expected to provide fish sufficient area to disperse and forage. Based on the above, NMFS anticipates the effects of elevated underwater noise during the installation of cofferdams by this project to be temporary, localized, and insignificant to green sturgeon and ESA-listed salmonids.

Installation and removal of the cofferdam also has the potential to disturb substrate and result in temporary increases in turbidity in the adjacent water column. If sediment loads remain high for an extended period of time, the primary productivity of an aquatic area may be reduced (Cloern 1987) and fish may suffer reduced feeding ability and be prone to fish gill injury (Benfield and Minello 1996; Nightingale and Simenstad 2001). Based on observations of similar construction activities along the shoreline of San Francisco Bay, increased levels of turbidity associated with the installation of this project's sheet pile cofferdam are expected to be minor, temporary, and localized. As benthic dwelling species green sturgeon are adapted to living in estuaries with fine sediment bottoms and are tolerant of high levels of turbidity; specifically, they are tolerant of levels of turbidity that exceed levels expected to result from this project. ACTC proposes to implement turbidity monitoring, erosion control measures, and pollution prevention measures to protect water quality. This includes monitoring turbidity daily during all construction activities according to the Caltrans 2018 Standard Specifications manual. If water turbidity is observed beyond the threshold of 50 nephelometric units, the onsite water quality monitor will notify the project engineer and all construction work will stop until the corrective measures are conducted. Work will resume once the engineer has determined that water quality standards are below the above threshold. Considering the information above, NMFS anticipates effects of degraded water quality in the form of localized and minor areas of elevated turbidity to be insignificant to green sturgeon and ESA-listed salmonids, and their critical habitat.

Construction actions performed over and near water have the potential to introduce contaminants and construction debris into the water. Contaminants that may be introduced to surface waters during construction of the proposed project include concrete, and similar substances that could be

inadvertently released. Similarly, spills from construction equipment can contaminate receiving waters and result in aquatic life/fish kills. The proposed project incorporates BMPs to address spills, and construction debris that are expected to effectively prevent the introduction of oils and similar substances into the waters of San Francisco Bay. This includes that all hazardous materials such as fuels, oils, and solvents, will be stored in sealable containers in a designated location that is at least 100 feet from aquatic habitats and storm drains. Thus, potential for the project to introduce contaminants and/or construction debris into the action area is expected to be discountable to green sturgeon, salmonids, and their critical habitat.

Construction activities will temporarily disturb 0.51 acres of benthic habitat[2], and permanently fill 0.1 acres of benthic habitat. The temporary disturbance and fill of benthic habitat may change prey species composition and reduce the amount of preferred forage available for green sturgeon and salmonids. However, the forage area that will be altered by the project comprises a small proportion of the total forage available to listed salmonids and green sturgeon in San Francisco Bay. The replacement of rock slope protection as well as the new outfall release structure will create similar habitat conditions for benthic invertebrates. Such that, after completion of the project the area will continue to function as tidal aquatic habitat. The intertidal benthic community disturbed by this project is expected to fully recover to pre-project conditions. Furthermore, during the use of the cofferdam and grading activities, fish will have adequate water depths and habitat area within the adjacent waters of the San Francisco Bay to disperse and forage. Given the current location of the project site, the relatively small area, and the limited presence of species in the action area, the impacts to benthic habitat that will result from the project are expected to have insignificant effects on green sturgeon, salmonids, and their critical habitat.

Upon completion of the project, discharge of stormwater runoff will occur at the new outfall structure. Stormwater discharge is regulated by the State Water Resources Control Board (SWRCB) through a National Pollutant Discharge Elimination System (NPDES Permit Order No. 2012-0011-DWQ). Pursuant to the NPDES permit, the outfall operates under an approved Construction General Permit (CGP Order No. 2009-0009-DWQ) that regulates the Caltrans Stormwater Pollution Prevention Plan (SWPPP) which must sufficiently control, treat, or dilute runoff to meet the standards of the San Francisco Bay Basin Water Quality Control Plan (California Regional Water Quality Control Board 2015). Compliance with the NPDES permit conditions are expected to contain and limit the discharge of contaminants to levels which are protective of all beneficial uses in San Francisco Bay, including estuarine and anadromous fish. For these reasons, with regard to the operation of the outfall, the effects to green sturgeon, salmonids, and their critical habitat are anticipated to be insignificant.

Conclusion

Based on this analysis, NMFS concurs with Caltrans that the proposed action is not likely to adversely affect the subject listed species and designated critical habitats.

Reinitiation of Consultation

Reinitiation of consultation is required and shall be requested by Caltrans or by NMFS, where discretionary Federal involvement or control over the action has been retained or is authorized by law and (1) new information reveals effects of the action that may affect listed species or critical

[2] Approximately 0.3 acres will be disturbed by the installation of a cofferdam surrounding the tide gate, and 0.21 acres will be temporarily disturbed from excavation and grading.

habitat in a manner or to an extent not previously considered; (2) the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this concurrence letter; or if (3) a new species is listed or critical habitat designated that may be affected by the identified action (50 CFR 402.16). This concludes the ESA portion of this consultation.

MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

Under the MSA, this consultation is intended to promote the protection, conservation and enhancement of EFH as necessary to support sustainable fisheries and the managed species' contribution to a healthy ecosystem. For the purposes of the MSA, EFH means "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity", and includes the associated physical, chemical, and biological properties that are used by fish (50 CFR 600.10), and "adverse effect" means any impact which reduces either the quality or quantity of EFH (50 CFR 600.910(a)). Adverse effects may include direct, indirect, site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions.

NMFS determined the proposed action would adversely affect EFH for various life stages of fish species managed under the Pacific Groundfish, Coastal Pelagic, and Pacific Coast Salmon FMPs due to degraded water quality, elevated underwater noise, temporary loss of benthic habitat, and potential of entrapment within the construction of the cofferdam. These effects are analyzed in the ESA section of this letter, and are applicable for this EFH effects analysis. The anticipated effects to EFH are expected to be localized, and minimal in nature. Therefore, NMFS has no EFH Conservation Recommendations to offer at this time.

Caltrans must reinitiate EFH consultation with NMFS if the proposed action is substantially revised in a way that may adversely affect EFH, or if new information becomes available that affects the basis for NMFS' EFH conservation recommendations (50 CFR 600. 920(l)). This concludes the MSA portion of this consultation.

Please direct questions regarding this letter to Ryan Bernstein, North-Central Coast Office in Santa Rosa, California at 707-575-1251, or via email at ryan.bernstein@noaa.gov.

Sincerely,

A. Ingham

Amanda Ingham
Central Coast Branch Chief
North-Central Coast Office

cc: Matthew Rechs, Caltrans District 4 Associate Environmental Planner
Copy to ARN File #151422WCR2019SR00040

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404-4731

June 7, 2019 **Refer to NMFS No:** WCR-2019-11535

Christopher Caputo
Acting Chief, Office of Biological Sciences and Permits
California Department of Transportation, District 4
P.O. Box 23660, M/S 8E
Oakland, California 94623-0660

Re: Erratum- Endangered Species Act Section 7(a)(2) Concurrence Letter and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the I-80/Gilman Street Interchange Improvement Project

Dear Mr. Caputo:

On June 3, 2019, NOAA's National Marine Fisheries Service (NMFS) received comments via electronic mail (email) from the California Department of Transportation (Caltrans) on NMFS' Endangered Species Act Section 7(a)(2) letter of concurrence and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat (EFH) response for the I-80/Gilman Street Interchange Improvement Project issued to Caltrans on May 23, 2019.

In the 2019 letter, NMFS concluded that the Project is not likely to adversely affect Central California Coast (CCC) Distinct Population Segment (DPS) steelhead (*Oncorhynchus mykiss*), California Central Valley DPS steelhead (*O. mykiss),* Sacramento River winter-run Chinook salmon Evolutionarily Significant Unit (ESU) (*O. tshawytscha)*, and North American green sturgeon southern DPS (*Acipenser medirostris*), nor result in the destruction or adverse modification of their critical habitat, and adverse effects to EFH resulting from the Project would be adequately minimized or compensated for by measures included in the Project.

In the email, Caltrans identified text in the letter of concurrence that was unclear and they proposed modifications for the purpose of clarifying project details. On June 4, 2019, NMFS contacted Caltrans to discuss Caltrans' comments. On June 6, 2019, Caltrans provided suggested edits to NMFS in writing.

NMFS procedures allow for the correction in a consultation document that are clearly non-substantive, such that they do not warrant a reinitiation evaluation, nevertheless should be corrected to avoid confusion. Per these procedure, NMFS is transmitting, via this letter, an Erratum (Enclosure 1). Corrections identified in the Erratum replace associated text in the May 23, 2019 letter of concurrence. This letter and Erratum are to be enclosed to the May 23, 2019 letter.

Reinitiation of consultation is required where discretionary Federal agency involvement or control over the action has been retained or is authorized by law and if: (1) the amount or extent of incidental taking specified in the incidental take statement is exceeded, (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion, (3) the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion, or (4) a new species is listed or critical habitat designated that may be affected by the identified action. (50 CFR 402.16). NMFS has evaluated the information provided by Caltrans, and agrees only clarifying edits are necessary. The proposed changes will not cause new effects or change the manner or extent of effects that were already considered in the 2019 letter. Also, because no new species have been listed in the action area, the proposed changes to the Project are not expected to result in effects to listed species or critical habitat not considered in the 2019 letter.

The 2019 letter also identifies that Caltrans must reinitiate EFH consultation with NMFS if the proposed action is substantially revised in a way that may adversely affect EFH, or if new information becomes available that affects the basis for NMFS' EFH Conservation Recommendations (50 CFR 600.920(1)). As described above, NMFS has determined the edits proposed are for clarity only and will not result in modification to the project construction, scope, or effects to species or designated critical habitats not previously considered. There is also now new information that alters the basis for NMFS' determination that there are no practical conservation recommendations to provide. Therefore, NMFS' determination that EFH Conservation Recommendations are not needed remains unaltered.

Based on the above, NMFS concludes reinitiation of consultation is not warranted.

Thank you for coordinating with NMFS regarding these clarifications. Should you have any questions regarding the contents of this letter or the associated enclosure, please contact Ryan Bernstein at 707-575-1251, or via email at ryan.bernstein@noaa.gov.

Sincerely,

A. Ingham

Amanda Ingham
Central Coast Branch Chief
North-Central Coast Office

Enclosure

cc: Matthew Rechs, Caltrans District 4 Associate Environmental Planner
Copy to ARN File #151422WCR2019SR00040

Enclosure

Erratum with corrections to the May 23, 2019, Endangered Species Act Section 7(a)(2) Concurrence Letter and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the I-80/Gilman Street Interchange Improvement Project. Text modifications are highlighted as bold, italicized, and underlined font (new) and bold strikethrough (replaced, or deleted).

Erratum 1.

Under the Proposed Action and Action Area, the sentence currently states (Page 2):
Following cofferdam removal and installation of the tidal flap gate, approximately 200 cubic yards (0.21 acres) of estuarine sediment that lies 200 feet west of the outfall structure will be recountoured to a lower elevation. Grading and excavation along the bay floor will only occur during low tides within cofferdams that will block sediments from reaching the active waterway.

The sentence will be revised as follows:
~~"Following cofferdam removal and installation of the tidal flap gate,~~ "Approximately 200 cubic yards (0.21 acres) of estuarine sediment that lies ~~200~~ ***75*** feet west of the outfall structure will be recountoured to a lower elevation ***prior to, or following, construction activities at the outfall (cofferdam installation, work associated with installation of the tidal flap gate, and cofferdam removal).*** Grading and excavation along the bay floor will only occur during low tides ***to prevent sediment from entering*** ~~within cofferdams that will block sediments from reaching~~ the active waterway."

Erratum 2.

Under the Endangered Species Act consultation Effects of the Action section, the sentence currently states (Page 6):
This includes monitoring turbidity daily during all construction activities according to the Caltrans 2018 Standard Specifications manual.

This sentence will be revised as follows:
"This includes monitoring turbidity daily ~~all~~ ***only*** during ***outfall*** construction activities ~~according to the Caltrans 2018 Standard Specification manual~~ ***(including cofferdam installation/demolition, flap gate work, and grading within the bay)***."

1

Erratum 3.

Under the Endangered Species Act, Effects of the Action, the sentence currently states (Page 7):
Construction activities will temporarily disturb 0.51 acres of benthic habitat[2], and permanently fill 0.1 acres of benthic habitat.

This sentence will be revised as follows:
"Construction activities will temporarily disturb ~~0.51~~ ***0.24*** acres of benthic habitat[2], and permanently fill 0.1 acres of benthic habitat.

Erratum 4.

Under the Consultation History section, the paragraph currently states (Page 5):
By letter dated February 25, 2019, Caltrans transmitted the biological assessment for the Project and requested initiation of informal consultation with NMFS. NMFS completed a review of the application package, and by letter dated March 8, 2019, NMFS informed Caltrans that we did not have sufficient information (i.e., insufficient information on the project site, construction methods, and minimization and avoidance measures) to determine whether we concur with Caltrans' ESA determination or to conduct and informed EFH analysis. On May 3, 2019 NMFS informed Caltrans by phone that we needed sediment toxicity test results to complete consultation. On May 17, 2019, NMFS requested information regarding the project NPDES permit, potential sediment reuse sites, and stormwater discharge BMPs. Caltrans provided the requested information so that NMFS had sufficient information to initiate consultation on May 22, 2019.

This paragraph will be revised to state:
By letter dated February 25, 2019, Caltrans transmitted the biological assessment for the Project and requested initiation of informal consultation with NMFS. ***NMFS notified Caltrans by email dated May 3, 2019, that NMFS could not accurately determine potential project impacts to biological resources without reviewing the level of pollutants contained in sediment at the outfall. Caltrans provided results of a sediment test performed at the outfall on April 11, 2019, by Earth Mechanics, Inc by email dated May 6, 2019.*** NMFS completed a review of the application package, and by letter dated March 8, 2019, NMFS informed Caltrans that we did not have sufficient information (i.e., insufficient information on the project site, construction methods, and minimization and avoidance measures) to determine whether we concur with Caltrans' ESA determination or to conduct and informed EFH analysis. ~~On May 3, 2019 NMFS informed Caltrans by phone that we needed sediment toxicity test results to complete consultation~~. On May 17, 2019, NMFS requested information regarding the project NPDES permit, potential sediment reuse sites, and stormwater discharge BMPs. Caltrans provided the requested information so that NMFS had sufficient information to initiate consultation on May 22, 2019.

2 Approximately ~~0.3~~ **0.03** acres will be disturbed by the installation of a cofferdam surrounding the tide gate, and 0.21 acres will be temporarily disturbed from excavation and grading.

Erratum 5.

Throughout the ESA letter of concurrence and EFH response NMFS incorrectly referred to ACTC as the project proponent. The letter should be revised to refer to Caltrans as the project proponent in all occurrences (Pages 2, 3, 5, and 6):

~~ACTC~~ ***Caltrans*** proposes to install a tidal flap gate on an existing 60-inch-in-diameter reinforced concrete storm drain outfall pipe structure.

~~ACTC~~ ***Caltrans*** will install a temporary cofferdam and a temporary water diversion system to minimize impacts to water quality.

~~ACTC~~ ***Caltrans*** proposes to use a combination of silt fences, biodegradable fiber rolls, and erosion-control biodegradable netting such as jute to prevent sediment from entering live waters.

Thus, ~~ACTC~~ ***Caltrans*** proposes to properly transport and dispose of sediments off-site during the construction phase per Caltrans Standard Specifications.

~~ACTC~~ ***Caltrans*** proposes to implement BMPs to minimize and avoid effects to ESA-listed species and their designated critical habitat.

However, ~~ACTC~~ ***Caltrans*** has proposed to install and remove the cofferdam during low tide when there is little to no water within the project area.

However, ~~ACTC~~ ***Caltrans*** proposes to use a vibratory hammer or press-in sheet pile system to install the cofferdam sheet piles.

~~ACTC~~ ***Caltrans*** proposes to implement turbidity monitoring, erosion control measures, and pollution prevention measures to protect water quality.

3

From: Ryan Bernstein - NOAA Affiliate <ryan.bernstein@noaa.gov>
Sent: Monday, June 10, 2019 7:34 AM
To: Rechs, Matthew@DOT <Matthew.Rechs@dot.ca.gov>
Cc: Mandy Ingham - NOAA Federal <mandy.ingham@noaa.gov>
Subject: Re: Signed NMFS Erratum Gilman Street

Hi Matt,

NMFS confirms that the word "now" is suppose to read "no".

The corrected sentence should state: "There is also no new information that alters the basis for NMFS' determination that there are no practical conservation recommendations to provide."

Thanks,

Ryan

On Fri, Jun 7, 2019 at 3:54 PM Rechs, Matthew@DOT <Matthew.Rechs@dot.ca.gov> wrote:

Hello Ryan,

Thank you for sending the Erratum for the Gilman LOC (NMFS Reference No: WCR-2019-11535), dated June 7, 2019. I read through the letter and want to confirm with you if there is a typo on paragraph 5, 3rd sentence, 4th word. The sentence reads;

"There is also now new information that alters the basis for NMFS' determination that there are no practical conservation recommendations to provide."

I would like to confirm if the word 'now' is supposed to read 'no', which would change the sentence to;

"There is also no new information that alters the basis for NMFS' determination that there are no practical conservation recommendations to provide."

If you agree that the original sentence does contain a typo as described above, please send me a reply to this email confirming such. When I receive your reply email I will save it as a PDF and enclose it with the Erratum, and original LOC. Caltrans will perceive the email as a correction of the typo in the Erratum, and NMFS will not have to go through the arduous task of re-issuing the Erratum.

Thank you again for all of your time and hard work, and have a great weekend.

Regards,

Matthew A. Rechs
Associate Environmental Planner (NS)
Office of Biological Science and Permits
Caltrans District 4
111 Grand Ave, MS-8E

Oakland, CA 94612
Office (510) 286-5231

From: Ryan Bernstein - NOAA Affiliate <ryan.bernstein@noaa.gov>
Sent: Friday, June 07, 2019 2:30 PM
To: Rechs, Matthew@DOT <Matthew.Rechs@dot.ca.gov>
Subject: Signed NMFS Erratum Gilman Street

Hi Matt,

Attached is a signed erratum for the Gilman Street project. Have a great weekend!

Thanks,

Ryan
Ryan Bernstein, Fisheries Scientist
Contractor with Ocean Associates, Inc.
NOAA Fisheries, West Coast Region
San Francisco Bay Branch
777 Sonoma Ave., Room 212 [westcoast.fisheries.noaa.gov]
Santa Rosa, CA 95404 [westcoast.fisheries.noaa.gov]
Direct: (707) 575-1251
Ryan.Bernstein@noaa.gov

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Appendix H Comment Letters and Responses

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Appendix H addresses comments received on the Draft Initial Study/Environmental Assessment (IS/EA) during the public review period. A public open house meeting for the Draft IS/EA was held on January 15, 2019.

All issues raised by the public were addressed through clarification of text in the Final IS/EA or are responded to here in Appendix H.

The public had multiple methods to provide comments: letter, a comment card at the public meeting, court reporter at the public meeting, or e-mail. Comment types are defined below.

Comment Code	Comment Type
L	Letter
CC	Comment Card
CR	Court Reporter Transcript
E	E-mail

Comment L-01

San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

February 5, 2019

Zachary Gifford
California Department of Transportation, District 4
111 Grand Avenue
Oakland, CA 94612

SUBJECT: Interstate 80/Gilman Street Interchange Improvement Project, Initial Study with Proposed Negative Declaration/Environmental Assessment (SCH No. 2018122057)

Dear Mr. Gifford:

We have received a copy of the above-referenced document, distributed on December 27, 2018, and the modification memorandum from January 7, 2019, which was received in our office on January 8, 2019, prepared pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), regarding the reconfiguration of Interstate-80 (I-80) ramps and intersections to improve operations for vehicles, bicycles, and pedestrians at Gilman Street, in the City of Berkeley, Alameda County. Thank you for the opportunity to comment on the Initial Study/Environmental Assessment for this project.

The San Francisco Bay Conservation and Development Commission ("Commission" or "BCDC") staff reviews such documents on behalf of its Commission to assess, among other things, the project's consistency with the McAteer-Petris Act, the Commission's San Francisco Bay Plan ("Bay Plan"), the Commission's federally-approved management plan for the San Francisco Bay, and the federal Coastal Zone Management Act (CZMA), and the project's relationship to the Commission's jurisdiction. When evaluating projects, BCDC considers all applicable policies. The goal of this letter is to highlight some of the Commission's laws and policies that are relevant to the Project. Upon review of your permit application once submitted, our staff may raise additional relevant policies. L-01-01

The Commission's permit jurisdiction includes all tidal areas of the Bay up to the mean high tide line or to the inland edge of wetland vegetation in marshlands up to five feet above Mean Sea Level; all areas formerly subject to tidal action that have been filled since September 17, 1965; and the shoreline band that extends 100 feet inland from and parallel to the Bay jurisdiction. The Commission also has jurisdiction over managed wetlands adjacent to the Bay, salt ponds, and certain waterways. L-01-02

Commission permits are required for construction, dredging, dredged material disposal, fill placement, and substantial changes in use within its jurisdiction. Permits are issued when the Commission finds proposed activities to be consistent with its laws and policies. In addition to any needed permits under its state authority, federal actions, permits, and grants affecting the coastal zone are subject to review by the Commission, pursuant to the federal CZMA, for their consistency with the Commission's federally-approved management program for the Bay. L-01-03

The California Department of Transportation has begun preliminary discussions with the Commission's staff regarding the type of approval necessary for the proposed project, the process for obtaining Commission authorization, and whether, as proposed, the project would be consistent with the Commission's laws and policies. From reviewing the subject document, it appears that the proposed project would be partially located within the Commission's jurisdiction and would require authorization via a Commission permit or a federal consistency action. Portions of the proposed project are also located within a Waterfront Park, Beach priority use area as designated in the Bay Plan, and where Recreation policies specific to that designation apply. L-01-04

Commission Bay Plan Policies Relevant to the Project

Physical and Visual Access. The Initial Study /Environmental Assessment document references certain individual policies from sections of the Bay Plan regarding Transportation, Public Access, Recreation, and Appearance Design and Scenic Views. All of Commission's Bay Plan policies relevant to physical and visual access, including policies not specifically mentioned, from those sections, should be considered for the proposed project.

Bay Resources. The Commission's policies regarding Bay resources, including policies related to water quality, habitat, and wildlife, should be considered for the proposed project, especially for portions located within the Commission's Bay jurisdiction, including impacts to eelgrass as provided in Bay Plan Subtidal Habitat Policy 2.

Existing Public Access Requirements. BCDC Permit No. 1992.008, issued to the California Department of Transportation, includes public access requirements within the proposed project area. In addition to mitigating adverse impacts to existing public access areas and use at the site, maximum feasible public access consistent with the project must be provided in order for the project to be consistent with the Commission's laws and policies. L-01-05

Sea Level Rise. The Ocean Protection Council and California Natural Resources Agency released a State of California Sea Level Rise Guidance document in 2018, which provides guidance on sea level rise risk analysis and planning based on probabilistic projections. Please note that BCDC will evaluate any portion of the project that requires action from BCDC for consistency with our laws and policies through the permitting process, including as they pertain to sea level rise. The San Francisco Bay Plan Climate Change policies state, in part, that "when planning shoreline areas or designing larger shoreline projects, a risk assessment should be prepared..." and that "...within areas that a risk assessment determines are vulnerable to future shoreline flooding that threatens public safety, all projects...should be designed to be resilient to a mid-century sea level rise projection. If it is likely the project will remain in place longer than mid-century, an adaptive management plan should be developed to address the long-term impacts that will arise based on a risk assessment using the best available science-based projection for sea level rise at the end of the century." The Bay Plan Public Access policies also state, in part, "[p]ublic access should be sited, designed, managed and maintained to avoid

significant adverse impacts from sea level rise and shoreline flooding" and that "[a]ny public access provided as a condition of development should either be required to remain viable in the event of future sea level rise or flooding, or equivalent access consistent with the project should be provided nearby."

Please visit our website at www.bcdc.ca.gov for the relevant laws, policies and Commission issues that should be considered when evaluating your project under CEQA and NEPA. If you have any questions, please do not hesitate to contact me at 415-352-3622 or walt.deppe@bcdc.ca.gov.

L-01-05 (cont.)

Sincerely,

WALT DEPPE
Coastal Analyst

WD/ra

cc: State Clearinghouse

Response to Comment L-01

Comment Code	Response
L-01-1	The California Department of Transportation (Caltrans) anticipates submitting a Bay Area Conservation and Development Commission (BCDC) permit application during the project's design phase.
L-01-2	Thank you for this information. The Gilman Street outfall and work along the Gilman Street Extension will fall under BCDC jurisdiction. A permit application will be submitted during the project's design phase detailing improvements within these areas.
L-01-3	Please see response to Comment L-01-1.
L-01-4	Please see response to Comment L-01-1.
L-01-5	Thank you for this information. This document was updated to include consideration of all Bay Plan Policies relevant to physical and visual access. Bay resources and the Commission policies related to those resource were considered as part of the environmental analysis and are noted in Section 2.1.1.2, Consistency with State, Regional, and Local Plans and Programs. There are no known eelgrass beds within the project's biological study area (BSA), and the project is not expected to impact eelgrass beds outside of the BSA. Eelgrass beds are discussed in Section 2.3.1, Natural Communities. The project proposes to build a new segment of the San Francisco Bay Trail (Bay Trail) and a new pedestrian overcrossing beginning on the east side of Gilman Street and touching down along the west side of Interstate 80 (I-80) near the existing Bay Trail, thus providing maximum feasible public access consistent with the Commission's laws and policies. Sea-level rise at the project site was estimated using projections from the 2018 State of California Sea-Level Rise Guidance document (California Ocean Protection Council). Within the project footprint, sea-level rise is projected to rise approximately 1 foot by the year 2040, which is the end of the 20-year pavement design life of the project. Most of the project footprint within BCDC jurisdiction will not be inundated during a 100-year flood event based on projected sea-level rise. One local low point along the Gilman Street extension will be susceptible to flooding due to backflow through the drainage system. Sea-level rise is further discussed in Section 2.1.1.3, Coastal Zone Management Act. A tidal flap gate will be installed at the Gilman Street outfall to help reduce backwater caused by high tides by preventing backflow from the Bay from entering the storm drain system. An adaptive management plan will not be required because the project design life does not extend longer than mid-century. The Bay Trail extension was designed to match up with the new Albany Beach trail segment, an East Bay Regional Park District (EBRPD) project that was permitted by BCDC and is currently under construction.

Comment L-2

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February 5, 2019

Zachary Gifford, Associate Environmental Planner
California Department of Transportation
Office of Environmental Analysis, MS 8B
111 Grand Avenue
Oakland, CA 95612

RE: Interstate 80/Gilman Street Interchange Improvement Project Negative Declaration/EA

Dear Mr. Gifford:

Thank you for the opportunity to comment on the Interstate 80 (I-80)/Gilman Street Interchange Improvement Project Initial Study (IS) with proposed Negative Declaration/Environmental Assessment. The East Bay Regional Park District (Park District) owns and manages 55 miles of shoreline and active transportation trails in both Alameda and Contra Costa Counties, including McLaughlin Eastshore State Park and the San Francisco Bay Trail. L-2-1

The Park District is excited about this much-needed improvement to the interchange and increasing pedestrian and bicyclist safety and connectivity to the Tom Bates Regional Sports Complex and Bay Trail. McLaughlin Eastshore State Park is a busy, urban park providing a natural respite and access to San Francisco Bay. The Park District jointly owns the McLaughlin Eastshore State Park with the California Department of Parks and Recreation.

The Park District purchased 16 acres at Gilman Street and the I-80 Frontage Road in 2002. Since then, the Park District extensively worked with Albany, Richmond, El Cerrito, Berkeley, and Emeryville, as the Gilman Sports Field Joint Powers Authority (JPA), to help develop the Tom Bates Regional Sports Complex project – including securing over $17.8 million dollars in grants and bond monies. The Park District and the City of Berkeley entered into a 25-year ground lease agreement for this property in 2007.

The sports complex is one of the most highly used in Northern California, with approximately 20,000 users per year. During the busiest seasons, 2,000 youth will use the sports complex all day on the weekends and another 100 adults will use it during the evenings, with more users on Sundays. This extensive activity fills the parking lots to capacity. L-2-2

The Park District looks forward to working with Berkeley to ensure the lease agreement adequately supports the proposed project in terms of the pedestrian overcrossing landing, closing the Bay Trail gap along Gilman Street, as well as temporary construction easements for staging. The Park District will need to coordinate construction activities, potential trail closures, and construction staging.

Parks and Recreational Facilities

The Park District supports Berkeley's development of the fieldhouse at the Tom Bates Regional Sports Complex. The City of Berkeley and the Park District, however, have not been contacted by the California Department of Transportation's (Caltrans') Division of Right-of-Way and Land Surveys regarding compensation for elimination of recreational facilities for the pedestrian overcrossing landing on West Frontage Road. This potential impact should be analyzed and mitigated. L-2-3

Construction activities should not unnecessarily interrupt and impact the public's use of this popular facility. Temporary reduction of 125 parking spaces and limited equipment access during construction are potential impacts, and the Park District has safety concerns about recreational facilities users during construction. Both Berkeley and Park District will not allow Alameda CTC to concurrently stage construction at the existing north and south parking lots, which would cause a loss in visitor access to the sports complex. The Avoidance and Mitigation Measure COM-1 should be revised to consider that Alameda County Transportation Commission's (Alameda CTC's) construction staging area be placed in the undeveloped field south of the northern parking lot, and sports complex user access should be through the shoreline strip owned by the Park District. Alameda CTC should also study this construction staging configuration in its environmental review, which further should include the City of Berkeley and Park District as Responsible Agencies. L-2-4

Four of the 18 informal parking spaces that would be reduced are, in fact, formal parking in the Park District staging area. The reduction of four spaces would be a permanent impact to recreational facilities users. This impact should be analyzed, and mitigation measures should be included.

The Park District appreciates the opportunity to provide comments and applaud this effort at increasing pedestrian and bicyclist safety and connection to the Tom Bates Regional Sports Complex and Bay Trail. The proposed project, however, should not severely impact park users during construction. Please feel free to contact staff if you have any questions or would like additional information. L-2-5

Sincerely,

Sandra Hamlat

Sandra Hamlat
Senior Planner

Response to Comment L-2

Comment Code	Response
L-2-1	The California Department of Transportation (Caltrans) recognizes your support for the project.
L-2-2	Coordination with East Bay Regional Park District (EBRPD) is ongoing and will continue through the project development process.
L-2-3	The City of Berkeley's development of a field house at the Tom Bates Regional Sports Complex is not part of the project. Stakeholder meetings with EBRPD and City of Berkeley occurred between 2016 and 2018 and continue into 2019. Discussion topics included the pedestrian/bicycle overcrossing and right-of-way acquisition in the Tom Bates Regional Sports Complex. Coordination with EBRPD will continue through the project development process. Caltrans Division of Right-of-Way and Land Survey cannot initiate coordination with EBRPD regarding compensation until the environmental document and Project Report have been approved.
L-2-4	The contractor will be required to coordinate with the City of Berkeley regarding staging opportunities. Sections 2.1.1.3 and 2.1.1.4 were updated to clarify the additional permission the contractor will need from the City of Berkeley and EBRPD to use the environmentally cleared staging areas. The Project Development Team (PDT) identified and environmentally considered, in coordination with EBRPD, several potential staging areas. Any other potential staging areas beyond what is considered in this document will need to be environmentally cleared under the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) by the contractor with approval and review by the lead NEPA and CEQA lead agency, which is Caltrans. AMM COM-1 will require Caltrans and Alameda County Transportation Commission (CTC) to coordinate with the City of Berkeley and the operators of Tom Bates Regional Sports Complex to minimize event scheduling impacts due to the reduction of parking from potential staging areas during construction. This measure is not specific with regards to the location of the potential staging area(s).
L-2-5	The PDT confirmed with EBRPD and the City of Berkeley in a meeting on March 19, 2019, that the 18 parking spaces that will be removed are informal. The application of PF COM-1, PF COM-5, and AMM COM-1 will help minimize impacts to recreation facility users. Coordination with EBRPD will continue through the project development process.

Comment L-03

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit

Gavin Newsom
Governor

Kate Gordon
Director

February 6, 2019

Zachary Gifford
California Department of Transportation, District 4
111 Grand Avenue
Oakland, CA 94623-0060

Subject: Interstate 80/Gilman Street Interchange Improvement Project
SCH#: 2018122057

Dear Zachary Gifford:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on February 5, 2019, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL 1-916-445-0613 state.clearinghouse@opr.ca.gov www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2018122057
Project Title Interstate 80/Gilman Street Interchange Improvement Project
Lead Agency Caltrans #4

Type Neg Negative Declaration
Description Note: Review Per Lead

Caltrans and Alameda County Transportation Commission propose to improve operations for vehicles, bicycles, and pedestrians where I-80 and Gilman St intersect. The purpose of the project is to simplify and improve navigation, mobility and traffic operations, reduce congestion, vehicle queues and traffic, bicycle, and pedestrian conflicts, improve local and regional bicycle connections and pedestrian facilities, and improve safety at the I-80/Gilman St interchange.

Lead Agency Contact

Name Zachary Gifford
Agency California Department of Transportation, District 4
Phone (510) 286-5610 **Fax**
email
Address 111 Grand Avenue
City Oakland **State** CA **Zip** 94623-0060

Project Location

County Alameda
City Berkeley
Region
Lat / Long
Cross Streets I-80/Gilman St
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways I-80, 580, SR 123
Airports
Railways UPRR
Waterways SF Bay, Codornices Creek
Schools
Land Use transportation, commercial, park and rec, industrial

Project Issues Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Coastal Zone; Flood Plain/Flooding; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Toxic/Hazardous; Traffic/Circulation; Water Quality; Wetland/Riparian; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 3; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Water Resources; California Highway Patrol; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 2; State Water Resources Control Board, Division of Drinking Water; Air Resources Board, Transportation Projects; Air Resources Board; Native American Heritage Commission; Public Utilities Commission

Date Received 12/27/2018 **Start of Review** 12/27/2018 **End of Review** 02/05/2019

Note: Blanks in data fields result from insufficient information provided by lead agency.

Response to Comment L-03

Comment Code	Response
L-03	Thank you for this information.

Comment CC-1

I-80 GILMAN
INTERCHANGE IMPROVEMENT PROJECT

Caltrans

Comment Card

We welcome your comments on the findings of the Proposed Negative Declaration or the Project as a whole.

Your comments: FANTASTIC PROJECT
Been Gilman designed !!
Let's Go !

CC-1-1

Feel free to submit comments and questions via email to:
Zachary.Gifford@dot.ca.gov

Or mail comments and questions to:
Department of Transportation, District 4, Attention: Zachary Gifford
111 Grand Avenue, Office of Environmental Analysis, MS-8B, Oakland, CA 94612

Your Information (Optional)

Name: Todd Jensen
Address: 1324 8th ST Suite 2 Berkeley 94710
Email: todd@toddjensenarchitecture.com

ALAMEDA County Transportation Commission

CITY OF BERKELEY

CITY OF ALBANY URBAN VILLAGE BY THE BAY CALIFORNIA

Response to Comment CC-1

Comment Code	Response
CC-1-1	The California Department of Transportation (Caltrans) recognizes your support for the project.

Comment CC-2

I-80 GILMAN
INTERCHANGE IMPROVEMENT PROJECT

Caltrans

Comment Card

We welcome your comments on the findings of the Proposed Negative Declaration or the Project as a whole.

Your comments:

Awesome. A great pedestrian development
Anyway to support let us know. Carl's

CC-2-1

Feel free to submit comments and questions via email to:
Zachary.Gifford@dot.ca.gov

Or mail comments and questions to:
Department of Transportation, District 4, Attention: Zachary Gifford
111 Grand Avenue, Office of Environmental Analysis, MS-8B, Oakland, CA 94612

Your Information (Optional)

Name: CARLES Hsia & family
Address: 725 VIRGINIA ST
Email: CARLES_HSIA@YAHOO.COM

ALAMEDA County Transportation Commission

CITY OF BERKELEY

CITY OF ALBANY URBAN VILLAGE BY THE BAY CALIFORNIA

Response to Comment CC-2

Comment Code	Response
CC-2-1	The California Department of Transportation (Caltrans) recognizes your support for the project.

Comment CC-3

I-80 GILMAN
INTERCHANGE IMPROVEMENT PROJECT

Caltrans

Comment Card

We welcome your comments on the findings of the Proposed Negative Declaration or the Project as a whole.

Your comments:

- really excited. only took 16 years. Just don't put stop signs, because you destroy the circle. CC-3-1
- Vail Colorado I-70 Roundabout did great things & this should do CC-3-2
- Thanks to city of Berkeley for ~~do~~ not putting stop lights ev CC-3-3
- Repave designated bike routes CC-3-4

Feel free to submit comments and questions via email to:
Zachary.Gifford@dot.ca.gov

Or mail comments and questions to:
Department of Transportation, District 4, Attention: Zachary Gifford
111 Grand Avenue, Office of Environmental Analysis, MS-8B, Oakland, CA 94612

Your Information (Optional)

Name: Tom Buoye
Address: 2611 GRANT ST
Email: tomBuoye @ GMAIL

ALAMEDA County Transportation Commission

CITY OF BERKELEY

CITY OF ALBANY URBAN VILLAGE BY THE BAY CALIFORNIA

Response to Comment CC-3

Comment Code	Response
CC-3-1	No stop signs will be installed at either roundabout. Yield signs will be used at both intersections.
CC-3-2	The California Department of Transportation (Caltrans) recognizes your support for the project.
CC-3-3	Stop lights will not be constructed at either of the roundabouts within the I-80/Gilman Street interchange.
CC-3-4	Newly paved bicycle infrastructure includes the cycle track along Gilman Street, the San Francisco Bay Trail segment along Gilman Street, the bicycle/pedestrian overcrossing, and the bicycle/pedestrian undercrossing. Additional bicycle infrastructure improvements include the installation of sharrows to provide connectivity from 4th Street to Harrison Street to 5th Street, which will connect Codornices Creek Path to the Gilman Street cycle track.

Comment CC-4

I-80 GILMAN
INTERCHANGE IMPROVEMENT PROJECT

Caltrans

Comment Card

We welcome your comments on the findings of the Proposed Negative Declaration or the Project as a whole.

Your comments:

This project is great + much needed!
Please build as fast as possible

CC-4-1

Feel free to submit comments and questions via email to:
Zachary.Gifford@dot.ca.gov

Or mail comments and questions to:
Department of Transportation, District 4, Attention: Zachary Gifford
111 Grand Avenue, Office of Environmental Analysis, MS-8B, Oakland, CA 94612

Your Information (Optional)

Name:
Address:
Email:

ALAMEDA County Transportation Commission

CITY OF BERKELEY

CITY OF ALBANY
URBAN VILLAGE BY THE BAY
CALIFORNIA

Response to Comment CC-4

Comment Code	Response
CC-4-1	The California Department of Transportation (Caltrans) recognizes your support for the project.

Comment CC-5

I-80 GILMAN
INTERCHANGE IMPROVEMENT PROJECT

Caltrans

Comment Card

We welcome your comments on the findings of the Proposed Negative Declaration or the Project as a whole.

Your comments:

Very much looking forward to this fabulous improvement! CC-5-1

I would also love to see synchronizing of the lights on Gilman and better street lighting. CC-5-2 CC-5-3

Feel free to submit comments and questions via email to:
Zachary.Gifford@dot.ca.gov

Or mail comments and questions to:
Department of Transportation, District 4, Attention: Zachary Gifford
111 Grand Avenue, Office of Environmental Analysis, MS-8B, Oakland, CA 94612

Your Information (Optional)

Name: Julie McCray
Address:
Email: juliemichellem@live.com

ALAMEDA County Transportation Commission

CITY OF BERKELEY

CITY OF ALBANY URBAN VILLAGE BY THE BAY CALIFORNIA

Response to Comment CC-5

Comment Code	Response
CC-5-1	The California Department of Transportation (Caltrans) recognizes your support for the project.
CC-5-2	The signals at 4th Street will be interconnected with the existing signals on Gilman Street, which are already synchronized.
CC-5-3	Lighting improvements and new lighting will be provided on the pedestrian and bicycle overcrossing. Avoidance and Minimization Measure VA-12 states: Lighting for the project, including lighting under the existing structure, should be thematically approached to work with the overall design approach to the project aesthetic design. AMM VA-2 states that for areas associated with an open sky (i.e., in places where the darkness of the night sky is relatively free of interference from artificial light), the design lighting shall be dark sky friendly.

Comment CC-6

I-80 GILMAN
INTERCHANGE IMPROVEMENT PROJECT

Caltrans

Comment Card

We welcome your comments on the findings of the Proposed Negative Declaration or the Project as a whole.

Your comments:

~~Please make sure~~ So What about the noise impacts from construction CC-6-1
and the disruption to traffic flow during construction? Can this
project also include a no horn zone for Amtrak? CC-6-2

Feel free to submit comments and questions via email to:
Zachary.Gifford@dot.ca.gov

Or mail comments and questions to:
Department of Transportation, District 4, Attention: Zachary Gifford
111 Grand Avenue, Office of Environmental Analysis, MS-8B, Oakland, CA 94612

Your Information (Optional)

Name:
Address:
Email:

ALAMEDA County Transportation Commission

CITY OF BERKELEY

CITY OF ALBANY URBAN VILLAGE BY THE BAY CALIFORNIA

Response to Comment CC-6

Comment Code	Response
CC-6-1	Noise associated with construction is controlled by California Department of Transportation (Caltrans) Standard Specifications (Section 14-8.02). Several project features, PF NOI-1 and PF NOI-2, will further limit construction noise (see Section 2.27, Noise). AMM NOI-1 and AMM NOI-2 address proper equipment muffling and minimization of truck loading/unloading/hauling operations. Regarding traffic flow, temporary lane/ramp closures and detours will occur. A Transportation Management Plan (TMP) will be developed and implemented as part of the project construction planning phase as described in PF COM-4. The TMP will address potential impacts to all modes of transportation (i.e., transit, bicycles, pedestrians, and private vehicles). Roadway access to all occupied businesses and respective parking lots will be maintained throughout construction. The TMP will include an evaluation of potential impacts caused by diverting traffic to alternate routes.
CC-6-2	The Gilman Street railroad crossing will be upgraded to conform with Union Pacific Railroad (UPRR) and Federal Railroad Administration (FRA) standards. Establishing an FRA "quiet zone" will be the responsibility of the City of Berkeley and is not part of the project.

Comment CC-7

I-80 GILMAN
INTERCHANGE IMPROVEMENT PROJECT

Caltrans

Comment Card

We welcome your comments on the findings of the Proposed Negative Declaration or the Project as a whole.

Your comments:

Who will own + manage the communications conduit under this project?

Will future com companies be able to string cables?

CC-7-1

Feel free to submit comments and questions via email to:
Zachary.Gifford@dot.ca.gov

Or mail comments and questions to:
Department of Transportation, District 4, Attention: Zachary Gifford
111 Grand Avenue, Office of Environmental Analysis, MS-8B, Oakland, CA 94612

Your Information (Optional)

Name: Bryce Nesbitt
Address:
Email: bryce2@obviously.com

ALAMEDA County Transportation Commission

CITY OF BERKELEY

CITY OF ALBANY URBAN VILLAGE BY THE BAY CALIFORNIA

Response to Comment CC-7

Comment Code	Response
CC-7-1	The Pacific Gas and Electric Company (PG&E) will own the duct bank. The bank will include spare conduits for future communication companies. Any joint use of the spare conduits will need to be leased and permitted by PG&E.

Comment CR-01

REPORTER'S TRANSCRIPT OF PUBLIC COMMENTS 01-15-2019

Tuesday, January 15, 2019, 6:00 p.m.

Berkeley, California

---o0o---

(A presentation was held but not reported by the Certified Shorthand Reporter.)

---o0o---

MS. DROSTEN: My name is Fritzi Drosten.

THE REPORTER: Could you spell your name for the record, please.

MS. DROSTEN: F-R-I-T-Z-I, D-R-O-S-T-E-N. And I live in North Berkeley.

I -- the simulations don't seem to show the truck traffic that we have and the level of traffic that we have at that intersection, and I'm concerned about whether that's going to work. CR-01-01

And the -- the other thing is the -- whether -- the pedestrian safety, I know that it -- the pedestrian -- I know that you have to have ADA, the grades, and you have to have a longer overpass, but wouldn't it be nice to have an alternative walking overpass, rather than underpass. CR-01-02

But I would like to see something in the meantime, some sort of slower speed of cars in that area, in the years before it's going to take effect. CR-01-03

650.952.0774 Uccelli & Associates, Inc. 650.952.8688 4

Otherwise, I think the -- I think it's a great -- I think we should have a roundabout there, the roundabouts.

CR-01-04

Response to Comment CR-01

Comment Code	Response
CR-01-1	The purpose of the simulations presented at the public hearing was to illustrate how motorists, pedestrians, and bicyclists will navigate through the interchange and overcrossing. The traffic volumes depicted in these simulations were not intended to represent existing or forecasted traffic volumes. The Project Development Team (PDT) prepared a Traffic Operations Analysis Report (TOAR) for the Build Alternative. The results of this analysis were incorporated into both the draft and final environmental documents and indicated that roundabouts were needed to improve traffic operations for the traffic volume anticipated by 2040. This analysis incorporated freeway truck volumes and percentages from the California Department of Transportation (Caltrans) 2014 report on truck traffic volumes. Within the project area, the average truck percentage on Interstate 80 (I-80) is 4.8 percent, and the average truck percentage on Gilman Street is 6.2 percent.
CR-01-2	The project includes an overcrossing that can be used by both pedestrians and bicyclists. This overcrossing will be American with Disabilities Act (ADA) compliant. The PDT evaluated several options for this overcrossing. The southern location was the most environmentally preferred location that still met the project purpose and need. A crossing under the freeway will also be available for pedestrian and bicyclist use, and it will also be designed to be ADA compliant.
CR-01-3	The City of Berkeley was consulted regarding this matter and confirmed that no interim improvements or measures (including reduction of the speeds) are being considered at this time.
CR-01-4	Caltrans recognizes your support for the project.

Comment CR-02

REPORTER'S TRANSCRIPT OF PUBLIC COMMENTS 01-15-2019

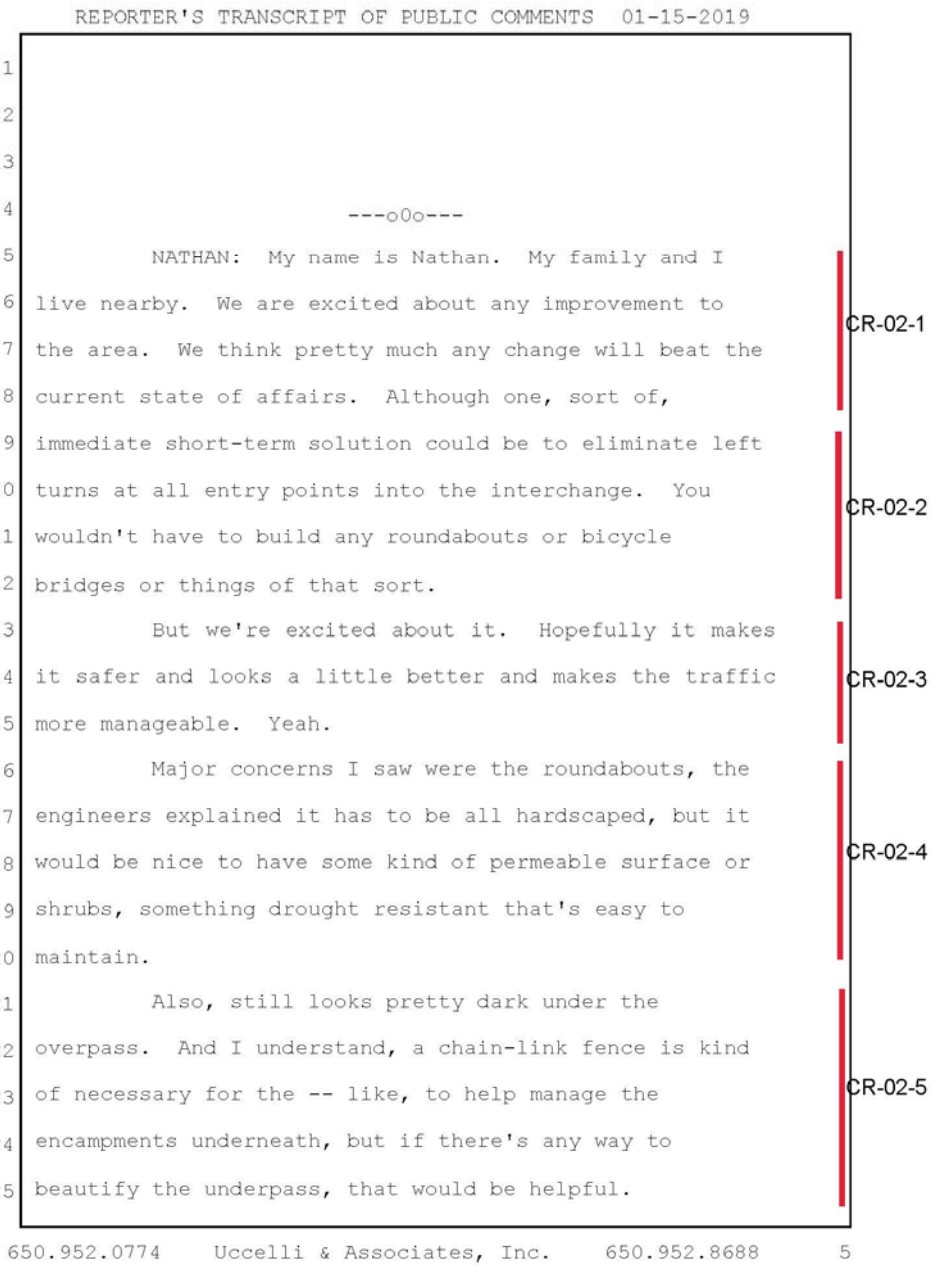
Tuesday, January 15, 2019, 6:00 p.m.

Berkeley, California

---o0o---

(A presentation was held but not reported by the Certified Shorthand Reporter.)

---o0o---



REPORTER'S TRANSCRIPT OF PUBLIC COMMENTS 01-15-2019

---o0o---

NATHAN: My name is Nathan. My family and I live nearby. We are excited about any improvement to the area. We think pretty much any change will beat the current state of affairs. Although one, sort of, immediate short-term solution could be to eliminate left turns at all entry points into the interchange. You wouldn't have to build any roundabouts or bicycle bridges or things of that sort.

But we're excited about it. Hopefully it makes it safer and looks a little better and makes the traffic more manageable. Yeah.

Major concerns I saw were the roundabouts, the engineers explained it has to be all hardscaped, but it would be nice to have some kind of permeable surface or shrubs, something drought resistant that's easy to maintain.

Also, still looks pretty dark under the overpass. And I understand, a chain-link fence is kind of necessary for the -- like, to help manage the encampments underneath, but if there's any way to beautify the underpass, that would be helpful.

650.952.0774 Uccelli & Associates, Inc. 650.952.8688 5

CR-02-1

CR-02-2

CR-02-3

CR-02-4

CR-02-5

Response to Comment CR-02

Comment Code	Response
CR-02-1	The California Department of Transportation (Caltrans) recognizes your support for the project.
CR-02-2	The design suggestion prevents left turns onto Interstate 80 (I-80). This forces motorists to make u-turns and divert traffic onto side streets, likely resulting in increased traffic congestion within the project footprint. Emergency services could also potentially be affected. Therefore, this design suggestion does not meet the purpose and need of the project. Several alternatives were evaluated by the project design team. The roundabout alternative was the only one that met the anticipated 2040 traffic volumes. The Project Development Team (PDT) prepared a Traffic Operations Analysis Report (TOAR) for the Build Alternative. The results of this analysis were incorporated into the draft and final environmental documents and indicate that roundabouts will improve traffic operations based on traffic volumes anticipated by 2040. The project will eliminate the Eastshore Highway entry points at the eastern Gilman Street roundabout.
CR-02-3	Caltrans recognizes your support for the project.
CR-02-4	Caltrans and the City of Berkeley are currently in discussions to evaluate options for the roundabout islands. This evaluation includes maintenance considerations and the costs associated with each option. The islands may be hardscaped (see Section 2.1.5, Visual/Aesthetics). The added impervious area caused by this has been evaluated, and postconstruction best management practices (BMPs) will be implemented to address water quality concerns associated with increased impervious cover, as discussed in Section 2.2.2, Water Quality and Stormwater Runoff.
CR-02-5	Caltrans and the City of Berkeley are currently reviewing design options under the existing overpass to address the homeless issue. Minimization measures for visual impacts are included in this document (see Section 2.1.5, Visual/Aesthetics). This includes AMM VA-1, which will require any fencing to be vinyl-clad chain link. Lighting under the existing overpass and within the project features will be evaluated as the project development process continues as described in AMM VA-12. Specific lighting, fencing design, and aesthetic treatment options for the project and underpass will be determined in the design phase.

Comment CR-03

REPORTER'S TRANSCRIPT OF PUBLIC COMMENTS 01-15-2019

Tuesday, January 15, 2019, 6:00 p.m.

Berkeley, California

---o0o---

(A presentation was held but not reported by the Certified Shorthand Reporter.)

---o0o---

REPORTER'S TRANSCRIPT OF PUBLIC COMMENTS 01-15-2019

---o0o---

MS. WILSON: My name is Torinn Wilson. And I use the Gilman intersection to get to work every day. I live in Marin County, but I work in Berkeley.

I think this is a really good project, and I'm really excited about it. I think it will make that intersection a lot safer and make me more comfortable since I commute in that area. CR-03-1

I'm interested to see how the project would discourage homelessness or homeless encampments in that area. I know that some of the people who sleep next to the intersection currently, in the mornings, they like to stand in the -- the intersections. They will stand in the crosswalks. And that stops traffic a lot of the time, and then people get nervous and then it backs up extra. CR-03-2

And then I am also interested in understanding how maintenance will be done or who is going to be doing the maintenance or how to ensure that maintenance happens, like painting, striping, maintaining the signs, graffiti. How that's going to be kept up? Because I know, in roundabouts, when people are confused, having very bright and good signage is what keeps them in the right place. And that's all. CR-03-3

(Time noted: 9:00 p.m.)

650.952.0774 Uccelli & Associates, Inc. 650.952.8688 6

Response to Comment CR-03

Comment Code	Response
CR-03-1	The California Department of Transportation (Caltrans) recognizes your support for the project.
CR-03-2	Caltrans and the City of Berkeley will continue to evaluate project features so that the project area is less accessible and attractive for homeless encampments throughout the project development process.
CR-03-3	Maintenance requirements will be shared by Caltrans and the City of Berkeley. Each will maintain the project features within their associated right-of-way.

Comment E-1

From: Martin Bourque <martin@ecologycenter.org>
Sent: Thursday, January 03, 2019 11:51 AM
To: Gifford, Zachary@DOT <zachary.gifford@dot.ca.gov>
Cc: inquiry@i80Gilman.com
Subject: Gilman Interchange

Hi Mr. Gifford,
Is it possible to get a copy of the current full project description and plan or presentation?
The newly released EIR does not seem to have the detail of the current plans for the project since the last options were discussed in public fora. E-1-1

We are particularly concerned about traffic backups on 2nd street north of Gilman impeding our operations and creating additional safety hazards; impacts to the sidewalk and street access on the northern side of Gilman between 2nd and the train tracks; And access for our vehicles and other particular users of the recycling and transfer station facilites including pedestrians with shopping carts, bikes, residential vehicles, and small commercial vehicles. E-1-2

Of course we are concerned about impacts to our operations during construction and would like to become more involved in planning as the project nears the implementation phase.

It seems as though the option to have the bike lanes on the south side of Gilman has been selected which is good from our standpoint, however it is unclear to us if the Full Roundabout Access Northbound option as presented on p 46 of the 2/18 presentation has been updated with our recommended modifications and included. E-1-3 E-1-4

Thanks in advance,
—
Martin Bourque, MA
Executive Director, Ecology Center
(510) 548-2220x234 | ecologycenter.org[na01.safelinks.protection.outlook.com]
2530 San Pablo Ave., Suite H | Berkeley, CA 94702

Response to Comment E-1

Comment Code	Response
E-1-1	The California Department of Transportation (Caltrans) sent an e-mail with the requested information to the commenter on January 4, 2019. The full project description is available in this document, as well as on the Alameda County Transportation Commission's (CTC) website (https://www.alamedactc.org/programs-projects/highway-improvement/i80gilman/). An Initial Study/Environmental Assessment (IS/EA), not an Environmental Impact Report (EIR), was prepared for the project. This document has figures showing the project footprint. Project plans are under development and will be finalized during the Plans, Specifications, and Estimate (PS&E) phase of the project development process.
E-1-2	A Traffic Operations Analysis Report (TOAR) was prepared for the project. The expected level of service (LOS) was compared between the No Build Alternative and Build Alternative. Both alternatives have the same LOS projections. This indicates the project will not create increased traffic congestion at the Gilman Street/2nd Street intersection. The Project Development Team (PDT) has held several stakeholder meetings with the business owners east of the I-80/Gilman Street interchange and along 2nd Street (see Chapter 4, Comments and Coordination, and specifically Section 4.4.3). The purpose of these meetings was to explain the project and discuss potential impacts to businesses. Vehicle access will be maintained at all times. The sidewalk along the north side of Gilman Street will be replaced, and a new cycle track will be constructed along the south side of Gilman Street.
E-1-3	Caltrans recognizes your support for the bike facility upgrades.
E-1-4	To improve the LOS in the eastern roundabout, northbound access onto Eastshore Highway will be eliminated. The PDT appreciates your feedback, but your suggested modification of the eastern roundabout could not be accommodated without affecting its LOS. The City of Berkeley and Alameda CTC, met with you on April 24, 2019 and the City of Berkeley committed to identifying and implementing operational improvements at the Recycling Center to address your concerns

Comment E-2

From: Martin Bourque <martin@ecologycenter.org>
Sent: Friday, January 4, 2019 4:01 PM
To: Hallissy, Cristin@DOT
Subject: Re: Gilman Interchange

Dear Ms Hallissy,
I looked through the doc but did not see any detail on the full west bound Gilman access to north bound east shore.
Is this option being included in the current plan?

We see it as pretty critical as without it northbound traffic on 2nd street will surely back up onto Gilman and obstruct access to our operations. This comment comes from decades of observation at the site. Field analyses did not fully contemplate the self haul que at the transfer station and unloading of trucks in front of the Air Gas facility which are both regular occurances.

If environmental review is not the correct place to raise this, when is?
We did present this issue during the public session at the Berkeley Transportation Commission in 2018.

E-2-1

Thanks,

Martin Bourque, MA
Executive Director, Ecology Center
(510) 548-2220x234 | ecologycenter.org[na01.safelinks.protection.outlook.com]
2530 San Pablo Ave., Suite H | Berkeley, CA 94702

Response to Comment E-2

Comment Code	Response
E-2-1	A Traffic Operations Analysis Report (TOAR) was prepared for this project. This report concluded that current congestion at the I-80/Gilman Street interchange diverts a substantial number of vehicles onto local arterial streets, resulting in congestion of the local street system and compromising local access and circulation (see Section 2.1.4, Traffic and Transportation/Pedestrian and Bicycle Facilities). Traffic congestion is expected to worsen as travel demand increases. Under the Build Alternative, northbound access to Eastshore Highway will be eliminated from the eastern roundabout to improve its level of service (LOS) and the LOS within the overall project corridor. To access northbound Eastshore Highway, traffic will proceed east along Gilman Street for approximately 180 feet and turn left onto 2nd Street. After proceeding north along 2nd Street for approximately 630 feet, traffic will turn left (west) onto Harrison Street. After approximately 250 feet, traffic could turn right onto northbound Eastshore Highway or turn left onto southbound Eastshore Highway (which returns traffic to the eastern roundabout). LOS is rated from A (free flow) to F (forced or breakdown flow), with an LOS rating of "C" allowing the posted speed limit to be maintained. The project's TOAR assessed vehicle counts for both weekdays and weekends. Because traffic counts were highest on weekdays, those counts were used in the TOAR. Analysis of traffic counts revealed existing LOS am/pm ratings as follows: Gilman Street/2nd Street (D/E), 2nd Street/Harrison Street (A/A), and Harrison Street/Eastshore Highway (B/A). LOS projections were prepared for the design year (2040). Under the No Build Alternative, LOS am/pm ratings in 2040 were as follows: Gilman Street/2nd Street (E/F), 2nd Street/Harrison Street (A/A), and Harrison Street/Eastshore Highway (B/A). Under the Build Alternative, LOS am/pm ratings in 2040 were as follows: Gilman Street/2nd Street (E/F), 2nd Street/Harrison Street (A/B), and Harrison Street/Eastshore Highway (B/B). Projections show equivalent LOS ratings for the Gilman Street/ 2nd Street intersection between the Build Alternative and No Build Alternative. Lower LOS ratings for the other two intersections were noted; however, they were still above LOS C. This projected negligible change in LOS ratings will be accomplished while upgrading the LOS at the Gilman Street eastern roundabout from 2040 no-build am/pm projections of F/F to A/B under the Build Alternative. Based on the TOAR, traffic will not back up along 2nd Street to Gilman Street. The project will maintain two through traffic lanes on 2nd Street. If the right lane is blocked by self-haul users, through traffic detouring to Eastshore Highway can bypass this area using the left lane. The City of Berkeley and Alameda CTC, met with you on April 24, 2019 and the City of Berkeley committed to identifying and implementing operational improvements at the Recycling Center to address your concerns. This is the correct stage to raise your concerns, and your feedback is appreciated.

Comment E-3

-----Original Message-----
From: Doug Lindsey <doug421@hotmail.com>
Sent: Saturday, January 05, 2019 7:49 PM
To: Gifford, Zachary@DOT <zachary.gifford@dot.ca.gov>
Cc: ICE Castleberry <castle683@sbcglobal.net>
Subject: I80/Gilman Interchange; Comments

Mr. Gifford:

Thank you for the great I80/Gilman Interchange improvement recommendations. I support the design as both a car driver and bike rider. E-3-1

I suggest that you include several signs that read "Bikes/Cars in Roundabout have Right of Way." E-3-2

My contact info is: 2016 Vine Street Berkeley, CA 94709 and 510-759-8308.

Sincerely,

Douglas Lindsey

Sent from my iPhone

Response to Comment E-3

Comment Code	Response
E-3-1	The California Department of Transportation (Caltrans) recognizes your support for the project.
E-3-2	Signage will be determined in a later stage of design. All project signage will comply with Federal Highway Administration (FHWA) requirements.

Comment E-4

From: Emma Fujii <efujii3@gmail.com>
Sent: Sunday, January 06, 2019 11:11 AM
To: Gifford, Zachary@DOT <zachary.gifford@dot.ca.gov>
Subject: Comment on I-80/Gilman plans

Hello,

I'm glad to hear of the planned project for the I-80/Gilman interchange. As a cyclist, I'm sometimes attempting to bike from Emeryville toward Richmond along the Bay Trail and it seems to come to a hard stop at a most dangerous intersection - it would be great to have better signage for how to pick up the trail on the other side of Gilman. Sometimes I'm using the Bay Trail to get from Emeryville to shops on San Pablo near Gilman, and each time as I attempt to get from the water to San Pablo, I see my life flash before my eyes. E-4-1 E-4-2

I hope this project will continue to prioritize vulnerable road users (cyclists, pedestrians) while designing vehicular interchange.

Emma
Oakland homeowner

Response to Comment E-4

Comment Code	Response
E-4-1	The California Department of Transportation (Caltrans) recognizes your support for the project.
E-4-2	The project will complete a missing link in the San Francisco Bay Trail (Bay Trail). In addition, the pedestrian and bicycle overcrossing will connect the Bay Trail to the west side of the I-80/Gilman Street interchange. A cycle track will be installed along Gilman Street, further improving bicycle infrastructure within the project corridor.

Comment E-5

From: tom buoye <tombuoye@gmail.com>
Sent: Monday, January 14, 2019 1:04 PM
To: Gifford, Zachary@DOT <zachary.gifford@dot.ca.gov>
Subject: I-80Gilman

Dear Mr Gifford,

I totally support this project. Roundabouts work. As long as Berkeley doesn't insist that the existing Stop signs are left in place Please tell me the proposal is going to install Yield signs? E-5-1 E-5-2

Of course you know of the success of the I-70 and Vail Road Roundabout project. I've included a link to a video of the positive changes that resulted from it's installation.
https://www.youtube.com/watch?v=TiUW8OIx4N4[na01.safelinks.protection.outlook.com] E-5-3

Not to mention the huge economic savings.

Perhaps you could play it at the meeting on Tuesday?

Thanks again
tom
PS And i'm assuming the roads shown in the rendering of the project will be repaved. That alone is worth it E-5-4

Response to Comment E-5

Comment Code	Response
E-5-1	The California Department of Transportation (Caltrans) recognizes your support for the project.
E-5-2	The project will remove stop signs, and yield signs will be installed.
E-5-3	Caltrans appreciates you highlighting this example project for our review and consideration.
E-5-4	Pavement resurfacing and hardscaping will occur within most of the project footprint, including the Interstate 80 (I-80) ramps and Gilman Street roundabouts. Approximately 1,750 feet of the Gilman Street Extension will be resurfaced. West Frontage Road will be resurfaced for approximately 80 feet south of Gilman Street and for approximately 200 feet north of Gilman Street. Eastshore Highway will be resurfaced for approximately 1,125 feet south of Gilman Street and for approximately 660 feet north of Gilman Street. Resurfacing on 2nd Street will occur for approximately 1,125 feet south of Gilman Street and for approximately 675 feet north of Gilman Street.

Comment E-6

From: Mark Specht <markspecht@gmail.com>
Sent: Saturday, January 12, 2019 8:48 PM
To: Gifford, Zachary@DOT <zachary.gifford@dot.ca.gov>
Subject: Support for I-80/Gilman Interchange Project

Hi Zachary,

I just wanted to send a brief message expressing my whole-hearted support for the I-80/Gilman Interchange Project. As someone who bikes through this intersection on a daily basis on my way to/from work, I think this project would be a huge improvement.

I'm not planning to come to the public meeting on Jan 15. However, I'm not sure how much public opposition there is to this project - I would consider attending to voice my support if there has been significant pushback. Please let me know if you think it will be contentious.

E-6-1

Thanks for all your work on this!!

Cheers,
Mark Specht
Albany Resident

Response to Comment E-6

Comment Code	Response
E-6-1	The California Department of Transportation (Caltrans) recognizes your support for the project.

Comment E-7

From: Sander Caldwell <sandercaldwell@gmail.com>
Sent: Friday, January 11, 2019 8:25 AM
To: Gifford, Zachary@DOT <zachary.gifford@dot.ca.gov>
Subject: I support the I-80/Gilman Interchange Project

Hello Mr. Gifford,

I'm writing to express my support for the proposed I-80/Gilman Interchange Project.
I live nearby in Berkeley and very much look forward to safer bicycling access to the Bay Trail and Tom Bates soccer fields.
Llkewise the motorized vehicle access is long overdue for safety improvements, which I believe this project addresses as best as possible. E-7-1

Finally, I'd like to make sure the project planners have some plan for helping to prevent this project from becoming over-run with homeless campers, to the extent possible by tweaking the design. E-7-2

Sincerely,

Sander Caldwell
1571 Eighth Street, Berkeley, CA 94710

Response to Comment E-7

Comment Code	Response
E-7-1	The California Department of Transportation (Caltrans) recognizes your support for the project.
E-7-2	Several options to limit access under the Interstate 80 (I-80) bridge are under consideration. Fencing will be installed under the pedestrian/bicycle overcrossing ramps to limit access to these areas. Caltrans and the City of Berkeley will continue to evaluate project features to address the potential for homeless encampments within the project area throughout the project development process.

Comment E-8

From: Devin Kinney <devin@arkintilt.com>
Date: January 4, 2019 at 2:20:11 PM PST
To: <inquiry@I80Gilman.com>
Subject: Historical Accident Data at Gilman

Hello DOT / CalTrans -

I currently work in Berkeley off the Gilman St. exit and have been following the Gilman exit round about project with interest this past decade. I have a general comment as well as a question.

Comment: I would like to see a comparison of the cost to simply install a concrete barrier down the center of Gilman with right-turn-only signs at each entrance to the intersection. This accomplishes the exact same increase in exit speed, decrease in auto conflicts and utilizes traffic calming measures US & Berkeley citizens are actually familiar with (as opposed to round abouts). E-8-1

Question: Is there data available for the number / severity of accidents at this 8-way intersection? [I was told very early in the process that this intersection is so convoluted that it actually sees LESS accidents that a typical city intersection due to everyone driving extremely cautiously. If this is indeed the case, it would seem the millions allocated for this project could be better spent elsewhere.] E-8-2

Thanks for any response you can provide. Have a great weekend and Happy New Year.
Devin Kinney

Response to Comment E-8

Comment Code	Response
E-8-1	A concrete barrier along the center of Gilman Street prohibits left turns onto Interstate 80 (I-80) and is infeasible. This forces motorists to make u-turns, diverts traffic onto side streets, and could substantially increase traffic congestion within the project footprint. Emergency services could also potentially be affected. Therefore, this design suggestion does not meet the purpose and need of the project.
E-8-2	The westbound off-ramp to Gilman Street within the I-80/Gilman Street interchange has experienced higher accident rates than the statewide ramp accident average (see Section 1.2.2.1, Capacity, Transportation Demand, and Safety). A total of 2.09 accidents per million vehicles was recorded at this location. This is double the statewide average of 1.01 accidents per million vehicles. In addition, the accident rate between 2011 and 2013 increased 27 percent over the previous 3-year period.

Comment E-9

From: Bryce Nesbitt <bryce2@obviously.com>
Date: January 14, 2019 at 1:44:23 PM PST
To: inquiry@i80gilman.com
Subject: I80 Gilman : Public Art or Encampment

Dear I80 Gilman;

I encourage the project team to engage with the issue of how the area under the Gilman overcrossing will look, long term. The present fences and debris are a disgrace.

There seem two broad classes of options:

- Public art, like that under Powell Street overcrossing. Fill the space with something.
- A sanctioned tent city, that switches sides perhaps every 2 months.

Basically unless the space is "filled with something" it's going to attract tents.

E-9-1

E-9-2

Response to Comment E-9

Comment Code	Response
E-9-1	The Project Development Team (PDT) will evaluate this area as design progresses. Several options, including the use of a curtain wall, are being considered to fill the space under the undercrossing. Pedestrian-scale lighting is also being evaluated to illuminate this area.
E-9-2	The California Department of Transportation (Caltrans) and the City of Berkeley will continue to evaluate project features to address the potential for homeless encampments throughout the project development process.

Comment E-10

From: M Roberts <wongroberts@gmail.com>
Date: January 4, 2019 at 10:54:55 AM PST
To: inquiry@i80gilman.com
Subject: Gilman/I-80 EIR

We have the following questions/comments related to the Gilman/I-8 EIR document. Your response is greatly appreciated.

Why are there considerable improvements to private property being proposed, namely the "Gilman Extension"? While it is understandable to relocate access and parking facilities, it appears to be a gift of public funds to perform deferred maintenance work on GGF's driveway and greatly improve it with medians. Was this a negotiated settlement? If medians must be constructed please consider building bio-treatment areas within them. If a private entity must gain from this project it may as well be done in an earth friendly manner. E-10-1 E-10-2

M Roberts

Response to Comment E-10

Comment Code	Response
E-10-1	The project will close the current access for Golden Gate Fields at the westbound I-80 off-ramp. This change will impact their operations. Collaborative efforts between the Project Development Team (PDT) and Golden Gate Fields identified improvements along the Gilman Street Extension that offset these impacts. Eleven meetings were held with Golden Gate Fields to address redesign of the entrance access to their stables (see Section 4.4.3, Stakeholder Coordination).
E-10-2	No bioretention areas are planned along the Gilman Street Extension.

Comment E-11

From: Bryce Nesbitt <bryce2@obviously.com>
Date: January 17, 2019 at 12:57:12 PM PST
To: inquiry@i80gilman.com
Subject: I80 Gilman :

If I walk under the I80 Gilman interchange now, I feel quite uncomfortable. It's the fencing to keep out the tent campers that's the problem, it makes for a visually constrained uncomfortable space.

What's the solution int he new project to make this a comfortable place to walk, and at the same time regulate or discourage tents?

E-11-1

Response to Comment E-11

Comment Code	Response
E-11-1	The California Department of Transportation (Caltrans) and the City of Berkeley are currently reviewing design options under the existing overpass to address the homeless issue. Minimization measures for visual impacts are included in this document (see Section 2.1.5, Visual/Aesthetics). This includes AMM VA-1, which will require any fencing to be vinyl-clad chain link. Lighting under the existing overpass and within the project features will be evaluated as the project development process continues as described in AMM VA-12. Specific lighting, fencing design, and aesthetic treatments options for the project and underpass will be determined in the design phase.

List of Technical Studies

Many technical studies were used to analyze the impacts of the proposed Build Alternative and the No Build Alternative and they are summarized in the Initial Study/Environmental Assessment (IS/EA). These studies include:

Air Quality Report, June 2018
Archaeological Survey Report, July 2018
Biological Assessment, February 2019
Community Impact Assessment, August 2018
Delineation of Waters of the United States (Revised), August 2017
Delineation of Waters of the United States – Addendum, November 2018
Extended Phase 1 Archaeological Testing Report, February 2019
Finding of No Adverse Effect, April 2019
Historic Property Survey Report August 2018
Historic Resource Evaluation Report, July 2018
Initial Site Assessment, May 2018
Location Hydraulic Study Report, May 2018
Location Hydraulic Study Report – Addendum, November 2018
Natural Environment Study, December 2018
Natural Environment Study – Addendum, June 2019
Noise Abatement Decision Report, August 2018
Noise Study Report, July 2018
Paleontological Identification/Evaluation Report, June 2018
Post-Review Discovery Plan, ESA Action Plan, and Monitoring Plan, April 2019
Public Meeting Summary Report, February 2019
Stormwater Data Report, August 2018
Stormwater Data Report – Addendum, November 2018
Stormwater Data Report – Addendum, June 2019
Supplemental Historic Property Survey Report, April 2019
Traffic Operations Analysis Report, June 2017
Visual Impact Assessment, August 2018
Visual Impact Assessment – Addendum, December 2018
Visual Impact Assessment – Addendum, May 2019
Water Quality Assessment Report, August 2018
Water Quality Assessment Report – Addendum, November 2018
Water Quality Assessment Report – Addendum, May 2019

Technical studies are available for viewing, along with copies of the Final IS/EA at:

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