

ST42 Caltrans

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February 1, 2012

Terry Macaulay
Deputy Executive Officer
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814

Dear Ms. Macaulay:

Thank you for the opportunity to review and provide comments on the November 2011 Delta Plan Draft Program Environmental Impact Report (DEIR) SCH# 2010122028. The Fifth Staff Draft of the Delta Plan (Delta Plan) is a set of proposed policies and recommendations that will make up a legally enforceable, comprehensive, long-term management plan for the Sacramento-San Joaquin Delta and the Suisun Marsh (Delta) to help achieve "coequal goals" established by the Delta Reform Act in 2009. The California Department of Transportation (Caltrans) supports and agrees that the Delta is a vital component of our State. As owners and operators of the State Highway System (SHS) we understand the importance of the Delta's transportation infrastructure that allows for the movement of people and goods through this region, and because of this, the Delta Plan and the impacts and mitigation in the program DEIR present some concerns to Caltrans.

ST42-1

As referenced in the DEIR (see attached Table 19-1) there are ten State and federal highways and two ports in the Delta project area, which covers portions of three Caltrans districts: 3, 4, and 10. State Route 160 is likely to be the most heavily impacted of the State highways that cross the Delta, because it is situated in large part on a levee in the floodplain. Our comments are as follows:

Delta Plan Policies

Our concern with the Delta Plan Policies (Policies) is the possible limitations and added demands on Caltrans to successfully operate and maintain the SHS. For example, the policies listed under "Reducing Risk of Floods in the Delta" may heavily impact Caltrans' ability to simply maintain the SHS. New requirements for levee improvements are economically infeasible for Caltrans to implement.

ST42-2

Caltrans has no existing funding source to pay additional costs to support the Delta levee infrastructure. In fact, annual State expenditures for SHS maintenance are below levels needed

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Response to comment ST42-1

Comment noted.

Response to comment ST42-2

As described in Section 2B of the Draft Program EIR, the Delta Stewardship Council does not propose or contemplate directly authorizing or mandating construction or operation of any physical activities. Rather, through the Delta Plan, the Delta Stewardship Council seeks to influence the actions, activities, and/or projects of other agencies, the details of which are under the jurisdiction and authority of the individual agencies that will propose them in the future. Thus, the Policies set forth in the Delta Plan will not, themselves, impact Caltrans' maintenance of the State Highway System.

Ms. Terry Macaulay
February 1, 2012
Page 2

to maintain the existing SHS. In addition, it may not be legally permissible to use Caltrans' maintenance funding sources for levee improvements.

Delta Plan Recommendations

The DEIR does not adequately evaluate the depth of effects Delta Plan Recommendations and Finance Plan Framework Policy Recommendations will have on federal, State, regional, and local agencies. Caltrans' concerns stem from the incorporation of information and plans, such as the Delta Risk Management Strategy and the Economic Sustainability Plan (ESP), into the Delta Plan without further analysis. Caltrans' concerns on the ESP were incorporated under Business, Transportation and Housing (BTH) into a December 14, 2011, tri-agency letter from BTH, California Natural Resources Agency, and California Department of Food and Agriculture. The recommendations from these plans, such as the construction of new roadways and bridges, are economically and environmentally unrealistic alternatives. Furthermore, page 96 of the ESP calls for the establishment of funding mechanisms, such as an assessment district to pay for maintenance of levees caused by "stressors" on the Delta ecosystem. We understand that these recommendations are meant to generate ongoing revenue and capital construction funds, but they should clarify and expand on the legal basis for charging fees to State Agencies for infrastructure improvements.

Other recommendations in the Delta Plan include items related to ecosystem preservation, flood protection, agriculture sustainability, recreation, and tourism. All of these depend extensively on the SHS for access and success. Therefore, it seems contradictory to request payment from Caltrans. Any required contributions or elevated repair costs may detract from existing SHS maintenance funding and decrease the quality of services provided by the facilities and required to fulfill other Delta Plan recommendations.

Prior reports we have received from your predecessor lead agency, such as the 2002 (December) CALFED Bay-Delta Ecosystem Restoration Program "Draft Delta Regional Area Land Use Designations and Ownership" (a subsection of the Delta Regional Ecosystem Restoration Implementation Plan, and the 2004 (January) California Bay-Delta Authority "Draft Executive Summary" and "Summary Report" In-Delta Storage Program State Feasibility Study did not bring this alternate highway and levee funding possibility to our attention.

Section 19, Transportation Traffic, and Circulation states that "... given the uncertainty of timing and location of future activities/actions that could be encouraged by the Delta Plan, it is not feasible to determine roadway levels of service in the vicinity of the actions/activities could be affected." As the Delta Stewardship Council moves forward with the implementation of Delta Plan, Policies and Recommendations, Caltrans will require detailed plans for any activities that could potentially impact the SHS. Details of work associated with Caltrans' facilities will need to be discussed including terms and conditions, timeframes, costs, and any required mitigation.

Response to comment ST42-3

Please refer to Master Response 2.

Response to comment ST42-4

Comment noted. See the response to comment ST42-8 for specific mitigation that addresses coordination with Caltrans and/or other local agencies with jurisdiction over transportation systems.

Mitigation Measure 19-1 is not adequate because it only recommends 'avoid modifications' to the SHS. Any reconstruction of mainline or bridges however would require a great deal of lead time and coordination as well as a financial plan for funding of the improvement. ST42-5

An omission was noted on Page 19-11 of the DEIR. In the discussion of transit service to the Delta region, no mention is made of the South County Transit's Delta Route serving the community of Isleton. A discussion on this transit service should be included. ST42-6

As all recommendations will require authorization and/or approvals by other agencies and some will require legislative action we request that Caltrans be kept informed and included as an active partner in the implementation of Delta Plan Policies and Recommendations. ST42-7

Bridges, Trestles, Culverts and Other Structures in Riparian Environments
Some project level activities may affect riparian flow patterns upstream of bridges, trestles, culverts or other structures for which Caltrans holds responsibility. The project level environmental documents must include hydrological studies to determine whether such impacts will occur, and to identify appropriate mitigation measures such as resizing culverts. ST42-8

Throughout the Delta region, significant constraints upon traffic circulation could occur to many State highway bridges and drawbridges. These are not detailed, and there may be significant impacts to these features of the SHS during project implementation outlined in the program. For this reason, we request early coordination with all project level DEIRs from this program.

Dike and Levee Maintenance, Repair and Upgrade

Activities involving demolition, reinforcement or rehabilitation of dikes or levees on which transportation facilities are built may potentially affect state transportation facilities. Also, built features on top of dikes and levees may contribute additional engineering considerations related to weight loading or compaction. These factors must be addressed through geotechnical and hydrological studies conducted in coordination with Caltrans at the project level. ST42-9

Habitat Restoration and Management

Project level activities related to habitat restoration and management should be done in coordination with local and regional Habitat Conservation Plans, and with Caltrans, where our programs share stewardship responsibilities for certain habitats, species and/or migration routes, especially those within Caltrans' Beach Lake Mitigation Bank.

Consistent with Caltrans' comments on the 2001 Delta Wetlands Project, we recognize the need to have adequate buffer zones between State Delta Highways and any adjacent wetland areas. Because most of the Delta is peat-type highly absorptive soil, we are concerned about the subsidence problems for highway maintenance and construction. Some of these areas require ST42-10

Response to comment ST42-5

In response to this comment, please see text change(s) in Section 5 of the FEIR.

Response to comment ST42-6

Comment noted; the requested change would not affect the evaluation of impacts and determination of significance.

Response to comment ST42-7

Comment noted. See also the response to Comment ST42-5.

Response to comment ST42-8

See the response to Comment ST42-5.

Response to comment ST42-9

In response to this comment, please see text change(s) in Section 5 of the FEIR.

Response to comment ST42-10

As described in Section 2B of the Draft Program EIR, the Delta Stewardship Council does not propose or contemplate directly authorizing any physical activities, including but not limited to construction or operation of infrastructure. Rather, through the Delta Plan, the Delta Stewardship Council seeks to influence the actions, activities, and/or projects of other agencies, the details of which would be under the jurisdiction and authority of the agencies that will propose them in the future and conduct future environmental review. Accordingly, this EIR makes a good faith effort to disclose the potentially significant environmental effects of the types of projects that may be encouraged by the Delta Plan. See also the responses to Comments ST42-5 and ST42-9.

Ms. Terry Macaulay
February 1, 2012
Page 4

continuous or frequent pumping of water away from our facilities, even without the effects of sea level rise.

Sea Level Rise

The Delta Plan DEIR also acknowledges the need to coordinate with Caltrans to address sea level rise. The effects of sea level rise will have impacts on all modes of transportation located in the Delta Plan area. Executive Order S-13-08 directs State Agencies planning construction projects in areas vulnerable to sea level rise to begin planning for potential impacts by considering a range of sea level rise scenarios for the years 2050 and 2100. Higher water levels may increase erosion rates, change environmental characteristics that affect material durability, lead to increased groundwater levels and change sediment movement along shores and at estuaries and river mouths, as well as affect soil pore pressure at dikes and levees on which transportation facilities are constructed. All these factors must be addressed through geotechnical and hydrological studies conducted in coordination with Caltrans.

For guidance pertaining to the development of Project Initiation Documents and how to incorporate sea level rise concerns, please refer to Caltrans Guidance of Incorporating Sea Level Rise at the following Web site:

http://www.dot.ca.gov/hq/tpp/offices/orip/Updated_Climate_Change/Documents/Sea_Level_Guidance_May2011.pdf

Encroachment Permit

Potential construction-related activities discussed in the DEIR may result in work that would encroach into the State right of way (ROW). This would require issuance of an Encroachment Permit by Caltrans prior to any commencement of work within the ROW and upon an access (driveway) point onto the SHS. An application for an Encroachment Permit must include appropriate environmental studies and a copy of the environmental document adopted by the lead agency. These documents should include an analysis of potential impacts resulting from work performed under the permit, including impacts to the SHS. Potential impacts to any cultural, biological or other resources within the ROW at the locations of the encroachments, or potential impacts resulting from hazardous waste locations, must be identified, including measures to avoid, minimize, or mitigate those impacts. All work performed within/adjacent to the ROW will be subject to Caltrans Highway Design Manual and Standards and Specifications. Further information regarding Encroachment Permits is available on the following Web site:

[http://www.dot.ca.gov/hq/traffops/developserv/permits/.](http://www.dot.ca.gov/hq/traffops/developserv/permits/)

Response to comment ST42-11

In response to this comment, this reference has been added to Appendix D, page D-206, Line 7219.

Response to comment ST42-12

In response to this comment, please see text change(s) in Section 5 of the FEIR.

Ms. Terry Macaulay
February 1, 2012
Page 5

To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating ROW must be submitted to the Encroachment Permits office in the appropriate Caltrans district to ascertain whether such a permit will be required. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process.

Enclosed for your reference is a map of the Caltrans districts and counties within California, providing contact information for each district's Encroachment Permits Office.

Caltrans has been engaged over the past 18 months attending California Strategic Growth Council and the Climate Action Team's Climate Change, Land Use and Infrastructure Group interagency coordination meetings. We request closer coordination between these teams and with the Delta Stewardship Council to more adequately address issues for the SHS raised by the Delta Plan and DEIR.

Sincerely,



For MALCOLM DOUGHERTY
Acting Director

Attachments:

- (1) Table 19-1 State-maintained Highways in the Delta and Suisun Marsh
- (2) Map of the Caltrans Districts and Counties within California

c: State Clearinghouse, Governor's Office of Planning and Research

Response to comment ST42-13

Comment noted.

ST42-12

ST42-13

No comments

- n/a -

Table 19-1
State-maintained Highways in the Delta and Suisun Marsh

Route	County	Width	Lowest Average Annual Daily Traffic (2009)	Highest Average Annual Daily Traffic (2009)
I-5	Sacramento, San Joaquin	Two to five lanes in each direction	50,000 at various locations near the Sacramento County and San Joaquin County lines	152,000 near the SR-120 junction in Stockton
I-80	Yolo	Three to five lanes in each direction	11,600 at the U.S. 50 junction in West Sacramento	11,900 at the Yolo Causeway and West Capitol Avenue in West Sacramento
I-205	San Joaquin	Three lanes in each direction	93,000 at McArthur Road	114,000 at the I-580 junction
I-680	Solano	Two to four lanes in each direction	34,500 at the I-780 junction near Benicia	120,800 along the Benicia Bridge at the Contra Costa / Solano County line
U.S. 50	Yolo	Four lanes in each direction	86,000 at Harbor Boulevard in West Sacramento	174,000 at South River Road in West Sacramento
SR-4	Contra Costa, San Joaquin	One to two lanes in each direction	7,000 near Inland Drive in unincorporated San Joaquin County	131,000 near Bailey Road in Bay Point
SR-12	Sacramento, San Joaquin, Solano	One to two lanes in each direction	15,000 at various locations near the Sacramento / San Joaquin County line	36,500 at Grizzly Island Road / Sunset Avenue in the Fairfield and Suisun City area
SR-84	Solano, Yolo	One lane in each direction	180 at the SR-220 junction on Ryer Island	2,650 at Airport Road in Rio Vista
SR-113	Solano	One lane in each direction	3,500 at Elmira Road / Fry Road in unincorporated Solano County	7,600 at Cherry Street in Dixon (outside of the Delta)
SR-160	Contra Costa, Sacramento	One lane in each direction	1,500 at Leary Road on Grand Island	13,600 at various locations near the Contra Costa / Sacramento County line in Antioch and Sherman Island
SR-220	Solano	Two lanes in each direction	100 at the SR-84 junction on Ryer Island	900 at Grand Island Road on Grand Island

Source: Caltrans 2009b

I: Interstate
SR: State Route
U.S.: federal highway

1 **19.3.2.1.3 County Highways**

2 A number of county-maintained highways are located in the Delta and Suisun Marsh. These roadways
3 range from two-lane rural arterials, such as River Road along the Sacramento River, to four-lane arterials
4 in suburban areas, such as Tracy Boulevard in Tracy. No county-maintained highways are located in the
5 Delta in Alameda and Contra Costa counties. Figure 19-1 shows where these county highways are located
6 in the Delta and Suisun Marsh, and Table 19-2 identifies their characteristics.

