

# Memorandum

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: November 3-4, 2010

Reference No. 2.8a.  
Action Item

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Subject: **POST-FACT REQUEST TO EXTEND THE PERIOD OF PROJECT ALLOCATION FOR A STATE-ADMINISTERED ON-SYSTEM STIP PROJECTS, PER STIP GUIDELINES WAIVER-10-48**

## **RECOMMENDATION:**

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) extend the period of project allocation for the Willits Bypass Project (PPNO 0125F) in Mendocino County for 20 months.

## **ISSUE:**

Currently, \$176,939,000 (\$164,201,000 capital and \$12,738,000 support), is programmed on the Willits Bypass project in the 2010 State Transportation Improvement Program in Fiscal Year 2010-11. The Department requested and received a conditional allocation of funds at the June 30-July 1, 2010 Commission meeting. The conditional approval was to ensure that all constraints would be cleared by September 1, 2010.

The project delivery involves securing various environmental permits which were a constraint for allocation. One such permit was from the United States Army Corps of Engineers (USACE), Permit 404. A requirement of the issuance of this permit is the submittal of a Mitigation and Monitoring Proposal (MMP), which includes a mitigation plan for the project. Wetland mitigation has proven to be a challenge since the project impacts 84 acres of wetlands and the amount of mitigation currently determined viable within the project covers only 18.66 acres of establishment.

After extensive research to resolve this issue, the Department submitted a proposal to include the entire project watershed. Initially, the proposed "Watershed Mitigation" approach for mitigation, which included the purchase of 1800 acres within the project watershed, was acceptable to the various parties including the USACE. Later however, it was determined as a condition of the 404 permit, the MMP would need to include additional mitigation within the project. This will require, to the satisfaction of the USACE, a demonstration that there will be no net loss of wetland resulting from the project.

To meet these requirements, the following have been included in the project schedule.

### **Additional Project Baseline Studies**

The additional project baseline studies now include Residual Dry matter for grazing, Wetland studies and hydro modeling and water quality assessments conducted for a complete year as well as Biological assessments for invertebrates. This will take until July/August 2011 to complete requiring an additional 13 months.

### **Complete the MMP**

Incorporating the baseline studies into the MMP and then developing a wildlife grazing plan will take an additional 2 months.

### **Public Notice and Hearing**

The USACE informed the Department that upon completion of the baseline studies and the incorporation into the MMP, there will need to be a public hearing. It has been determined that by including the public notice period, the additional time needed for the Department to provide responses and for the USACE to post the responses, this will ultimately delay receiving the 404 permit until February 2012.

A 20-month post-fact extension is requested and the Mendocino Council of Governments (MCOG) concurs, in order to allow sufficient time to resolve the environmental permit issues.

### **BACKGROUND:**

Current STIP Guidelines stipulate that funds programmed are available for allocation only until the end of the fiscal year identified in the STIP. The Commission may approve a waiver to the timely use of funds deadline for allocation one time only for up to 20 months in accordance with Section 14529.8 of the Government Code.