

ATTACHMENT J-7

NEPA/404 MOU CHECKPOINT 3 CORRESPONDENCE

This attachment contains the following:

- December 19, 2013 letter from FHWA to the USFWS titled “Request for Agreement on the Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) for Mid County Parkway” (2 pages)
- December 19, 2013 letter from FHWA to the USACE titled “Request for Agreement on the Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) for Mid County Parkway” (2 pages)
- December 19, 2013 letter from FHWA to the USEPA titled “Request for Agreement on the Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) for Mid County Parkway” (2 pages)
- February 6, 2014 letter from the USACE to FHWA responding to FHWA’s request for agreement on the LEDPA the MCP project (3 pages)
- February 10, 2014 letter from the EPA to FHWA titled “Agreement on the Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) for Mid County Parkway Project” (2 pages)
- February 18, 2014 letter from the USFWS to FHWA titled “Request for Agreement on the Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) for Mid County Parkway, Riverside County, California” (2 pages)
- April 16, 2014 letter from Caltrans to the USFWS titled “Notification of the Transportation Agencies’ Final Decision on the Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) for Mid County Parkway” (2 pages)
- April 16, 2014 letter from Caltrans to the USACE titled “Notification of the Transportation Agencies’ Final Decision on the Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) for Mid County Parkway” (2 pages)
- April 16, 2014 letter from Caltrans to the EPA titled “Notification of the Transportation Agencies’ Final Decision on the Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) for Mid County Parkway” (2 pages)

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DEPARTMENT OF TRANSPORTATION

464 WEST FOURTH STREET
SAN BERNARDINO, CA 92401-1400
PHONE (909) 654-5266
FAX (909) 654-6608
TTY 711
www.dot.ca.gov



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December 19, 2013

Mr. Jim Bartel, Field Supervisor
U.S. Department of the Interior
Fish and Wildlife Service
Carlsbad Fish & Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008

Subject: Request for Agreement on the Preliminary Least Environmentally Damaging
Practicable (LEDPA) for Mid County Parkway

Dear Mr. Bartel:

The Federal Highway Administration (FHWA), the California Department of Transportation (Caltrans), the Riverside County Transportation Commission (RCTC), and the other Mid County Parkway (MCP) partner agencies that constitute the Resource Agency Coordination (RAC) group have discussed a Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) for the MCP project (please refer to the attached Preferred Alternative/Preliminary LEDPA Identification). Pursuant to the 2006 National Environmental Policy Act (NEPA)/CWA Section 404 Memorandum of Understanding (MOU), and on behalf of the transportation agencies, FHWA is requesting a formal "Agreement/Disagreement" response from your agency for the Preliminary LEDPA that constitutes one of two items at Checkpoint 3 in the MOU. The other item addresses the Conceptual Mitigation Plan which is included as an attachment within the Preferred Alternative/Preliminary LEDPA Identification document.

Pursuant to the MOU Section III.11, following the NEPA/404 Formal Checkpoint 3 Coordination Meeting of December 18, 2013, FHWA is requesting your agency's written response within 30 calendar days.

If you have any questions, please contact Shawn Oliver of FHWA at (916) 498-5048 or e-mail at Shawn.Oliver@dot.gov, or Larry Vinzant of FHWA at (916) 498-5040 or email at Larry.Vinzant@dot.gov.

Sincerely,

Handwritten signature of Marie J. Petry in cursive script.

MARIE J. PETRY
Office Chief
Special Project "B"

Mr. Jim Bartel
December 19, 2013
Page 2

cc: Tay Dam/FHWA
Shawn Oliver/ FHWA
Larry Vinzant/ FHWA
Susan Meyer/USACE
Karin Cleary-Rose/USFWS
Alex Menor/RCTC
David Bricker/Caltrans District 8
Nassim Elias/Caltrans District 8
Marie Petry/Caltrans District 8
Merideth Cann/Jacobs Engineering
Rob McCann/LSA Associates, Inc.

Attachment: Preferred Alternative/Preliminary Least Environmentally Damaging Practicable
Alternative [LEDPA] Identification [NEPA/404 Checkpoint 3] package (December
2013)

DEPARTMENT OF TRANSPORTATION

464 WEST FOURTH STREET
SAN BERNARDINO, CA 92401-1400
PHONE (909) 654-5266
FAX (909) 654-6608
TTY 711
www.dot.ca.gov



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December 19, 2013

Mr. David J. Castanon
Chief, Regulatory Division
United State Army Corps of Engineers, Los Angeles District
911 Wilshire Boulevard
Los Angeles, CA 90017

Subject: Request for Concurrence on the Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) for Mid County Parkway

Dear Mr. Castanon:

The Federal Highway Administration (FHWA), the California Department of Transportation (Caltrans), the Riverside County Transportation Commission (RCTC), and the other Mid County Parkway (MCP) partner agencies that constitute the Resource Agency Coordination (RAC) group have discussed a Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) for the MCP project (please refer to the attached Preferred Alternative/Preliminary LEDPA Identification). Pursuant to the 2006 National Environmental Policy Act (NEPA)/Clean Water Act Section 404 Memorandum of Understanding (MOU), and on behalf of the transportation agencies, FHWA is requesting a formal "Concurrence/Nonconcurrence" response from your agency for the Preliminary LEDPA that constitutes one of two items at Checkpoint 3 in the MOU. The other item addresses the Conceptual Mitigation Plan which is included as an attachment within the Preferred Alternative/Preliminary LEDPA Identification document.

Pursuant to the MOU Section III.11, following the NEPA/404 Formal Checkpoint 3 Coordination Meeting of December 18, 2013, FHWA is requesting your agency's written response within 30 calendar days.

If you have any questions, please contact Shawn Oliver of FHWA at (916) 498-5048 or e-mail at Shawn.Oliver@dot.gov, or Larry Vinzant of FHWA at (916) 498-5040 or email at Larry.Vinzant@dot.gov.

Sincerely,

A handwritten signature in cursive script that reads "Marie J. Petry".

MARIE J. PETRY
Office Chief
Special Project "B"

Mr. David Castanon
December 19, 2013
Page 2

cc: Tay Dam/FHWA
Shawn Oliver/ FHWA
Larry Vinzant/ FHWA
Susan Meyer/USACE
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Attachment: Preferred Alternative/Preliminary Least Environmentally Damaging Practicable
Alternative [LEDPA] Identification [NEPA/404 Checkpoint 3] package (December
2013)

DEPARTMENT OF TRANSPORTATION

464 WEST FOURTH STREET
SAN BERNARDINO, CA 92401-1400
PHONE (909) 654-5266
FAX (909) 654-6608
TTY 711
www.dot.ca.gov



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December 19, 2013

Ms. Connell Dunning
U.S. Environmental Protection Agency Region 9
Environmental Review Office
75 Hawthorne Street (CED-2)
San Francisco, CA 94105

Subject: Request for Agreement on the Preliminary Least Environmentally Damaging Practicable (LEDPA) for Mid County Parkway

Dear Ms. Dunning:

The Federal Highway Administration (FHWA), the California Department of Transportation (Caltrans), the Riverside County Transportation Commission (RCTC), and the other Mid County Parkway (MCP) partner agencies that constitute the Resource Agency Coordination (RAC) group have discussed a Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) for the MCP project (please refer to the attached Preferred Alternative/Preliminary LEDPA Identification). Pursuant to the 2006 National Environmental Policy Act (NEPA)/CWA Section 404 Memorandum of Understanding (MOU), and on behalf of the transportation agencies, FHWA is requesting a formal "Agreement/Disagreement" response from your agency for the Preliminary LEDPA that constitutes one of two items at Checkpoint 3 in the MOU. The other item addresses the Conceptual Mitigation Plan which is included as an attachment within the Preferred Alternative/Preliminary LEDPA Identification document.

Pursuant to the MOU Section III.11, following the NEPA/404 Formal Checkpoint 3 Coordination Meeting of December 18, 2013, FHWA is requesting your agency's written response within 30 calendar days.

If you have any questions, please contact Shawn Oliver of FHWA at (916) 498-5048 or e-mail at Shawn.Oliver@dot.gov, or Larry Vinzant of FHWA at (916) 498-5040 or email at Larry.Vinzant@dot.gov.

Sincerely,

A handwritten signature in cursive script that reads "Marie J. Petry".

MARIE J. PETRY
Office Chief
Special Project "B"

Ms. Connell Dunning
December 19, 2013
Page 2

cc: Tay Dam/FHWA
Shawn Oliver/ FHWA
Larry Vinzant/ FHWA
Susan Meyer/USACE
Clifton Meek/USEPA
Alex Menor/RCTC
David Bricker/Caltrans District 8
Nassim Elias/Caltrans District 8
Marie Petry/Caltrans District 8
Merideth Cann/Jacobs Engineering
Rob McCann/LSA Associates, Inc.

Attachment: Preferred Alternative/Preliminary Least Environmentally Damaging Practicable
Alternative [LEDPA] Identification [NEPA/404 Checkpoint 3] package (December
2013)



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
915 WILSHIRE BOULEVARD, SUITE 930
LOS ANGELES, CALIFORNIA 90017

February 6, 2014

Mr. Shawn Oliver
Team Leader, Environmental and Right-of-Way
Federal Highway Administration
California Division
650 Capitol Mall, Suite 4-100
Sacramento, California 95814

Dear Mr. Oliver:

I am responding to your December 19, 2013 request made on behalf of the Federal Highway Administration (FHWA) and the California Department of Transportation (Caltrans) pursuant to our 2006 *NEPA/Section 404 Integration Process Memorandum of Understanding for Federal Aid Surface Transportation Projects in California* (herein referred to as the "NEPA/404 integration process") that seeks the U.S. Army Corps of Engineers' (Corps) concurrence on the alternative believed to be the "preliminary" least environmentally damaging practicable alternative (LEDPA) for the proposed Mid-County Parkway (MCP) project located in western Riverside County, California (refer to Corps file number SPL-2013-00225-SAM).

As a matter of context, the Riverside County Transportation Commission (RCTC; applicant) proposed three build alternatives, two design variations, and two No Action alternatives for evaluation in the January 2013 joint Re-circulated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) prepared by RCTC and FHWA pursuant to the California Environmental Quality Act and the National Environmental Policy Act, respectively. The three build alternatives are referred to as Alternative 4 Modified, Alternative 5 Modified, and Alternative 9 Modified, while the two design variations are known as the San Jacinto River Bridge Design Variation (SJRBDV) and San Jacinto North Design Variation (SJNDV). As a cooperating agency on FHWA's SDEIS, my staff reviewed and provided comments on those portions of the draft NEPA document related to our special expertise and statutory authority under section 404 of the Clean Water Act (33 USC 1344). All three build alternatives, including both design variations, evaluated in the RDEIR/SDEIS were determined to fulfill the overall project purpose. Furthermore, all three build alternatives, including both design variations, were found to be available and capable of being done and practicable when considering costs, existing technology, and logistics.

In addition, a suite of environmental evaluation criteria were developed and agreed upon by the FHWA, Caltrans, Corps, U.S. Environmental Protection Agency (EPA), and the U.S. Fish and Wildlife Service as part of the NEPA/404 integration process to help select and evaluate reasonable and practicable alternatives. These evaluation criteria were applied to each of the proposed build alternatives, including the design variations, to help identify the alternative that would be the "preliminary" LEDPA. Foremost, the evaluation criteria considered the estimated permanent loss of waters of the United States (U.S.) and the results of the *Riparian Ecosystem Integrity Assessment*, which was an effort conducted by the Corps' Engineer Research and

Development Center (ERDC) to provide an approximation of the overall integrity (or quality) of the aquatic environment by examining specific field variables/indicators and utilizing remote sensing data to estimate the existing and future habitat, water quality, and hydrologic integrity of the aquatic resources occurring within the MCP study area (ERDC, 2011). Other environmental evaluation criteria that were considered relevant to our decision-making in identifying the LEDPA (preliminarily) included: floodplain impacts, impacts to federally listed threatened and endangered species, impacts to sensitive plant communities, consistency with the Western Riverside County Multi-Species Habitat Conservation Plan, impacts to cultural resources, land use changes and impacts, and socioeconomic/community impacts. Through this process and in light of public comments received on the RDEIR/SDEIS, FHWA identified Alternative 9 Modified with the SJRB DV as its federally preferred alternative.

In comparing FHWA/Caltrans/RCTC's preferred alternative with the other build alternatives—either with or without the design variations—we found there to be no significant or easily identifiable differences in unavoidable permanent impacts to waters of the U.S. Therefore, in an effort to understand which alternative might result in the least overall environmental harm (after mitigation), we considered other ecosystems and environmental resources that would be affected. In doing so, we concluded that with the incorporation of certain compensatory mitigation activities proposed by RCTC and FHWA, Alternative 9 Modified with the SJRB DV would not result in “other significant adverse environmental consequences”¹. That said, we continue to recommend the amount and areal extent of fill material that would be discharged in the upper terraces of the San Jacinto River floodplain (i.e., areas outside the Corps' geographic jurisdiction) as part of the SJRB DV be minimized to the extent practicable to reduce adverse impacts to the sensitive alkali plant community and the associated unique soils that exist in the immediate area.

Based on the aforementioned and in consideration of all relevant information presented in the 2013 RDEIR/SDEIS; the MCP *Preferred Alternative/Preliminary LEDPA Identification Checkpoint #3* document (dated December 18, 2013); the MCP Draft Conceptual Mitigation Plan (dated October 9, 2013); public comments received by FHWA on the RDEIR/SDEIS and FHWA's draft responses to those comments; and clarifying information furnished by FHWA in January and February 2014, I concur with the determination that Alternative 9 Modified with the San Jacinto River Bridge Design Variation is the “preliminary” LEDPA.

It is appropriate to note that the other critical step in the NEPA/404 integration process will be RCTC's completion of the compensatory mitigation plan for unavoidable impacts to waters of the U.S. Towards this end, should permittee-responsible mitigation be the ecologically preferred approach, or the only practicable option, I re-emphasize the need for RCTC to provide

¹ U.S. EPA's Section 404(b)(1) Guidelines (“Guidelines”) state that no discharge shall be permitted if there is a practicable alternative to the proposed discharge that would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences. The preamble to the Guidelines further explains that this provision allows for the consideration of “...evidence of damage to other ecosystems in deciding whether there is a ‘better’ alternative.” (45 FR 85340). Note the term “significant” is defined by the Council on Environmental Quality's NEPA implementing regulations at 40 CFR §1508.27.

the draft compensatory mitigation plan that addresses each of the 12 required elements outlined in the 2008 Compensatory Mitigation Rule (33 CFR § 332). As you are already aware, the Corps must approve the compensatory mitigation plan prior to making a permit decision. In addition, we will require evidence that FHWA has complied with section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act for all activities within the action area/area of potential effect (including the Corps' scope of analysis), and that RCTC has obtained a section 401 of the CWA water quality certification or waiver thereof from the Regional Water Quality Control Board.

I appreciate the opportunity for my staff to review the subject materials and the efforts of FHWA to engage the Corps in the MCP NEPA/404 integration process. Should you have any questions or concerns, please contact Susan A. Meyer at (808) 835-4599 or at susan.a.meyer@usace.army.mil. I would appreciate it if you would complete the customer survey form at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey, which would help me to evaluate and improve the regulatory experience for others.

Sincerely,



Mark D. Cohen
Deputy Chief, Regulatory Division

Copies Furnished:
Paul Amato, U.S. EPA, Region IX
Clifton Meek, U.S. EPA, Region IX
Karin Cleary-Rose, USFWS
Marie Petry, Caltrans
Alex Menor, RCTC
Rob McCann, LSA Associates, Inc.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

February 10, 2014

Shawn Oliver
Team Leader, Environmental and Right-of-Way
Federal Highway Administration
California Division
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814

Subject: Agreement on Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) for the Mid County Parkway Project

Dear Mr. Oliver:

The U.S. Environmental Protection Agency, Region 9 (EPA) has reviewed the December 19, 2013 letter requesting agreement on the preliminary least environmentally damaging practicable alternative (LEDPA) developed for the Mid County Parkway Project in Riverside County, California. The EPA provides our early input for this transportation project pursuant to the National Environmental Policy Act/Clean Water Act Section 404 Integration Process Memorandum of Understanding (NEPA/404 MOU).

EPA agrees that the Alternative 9 Modified Base Case design, with the Base Case southerly alignment (Base Case) and the San Jacinto River Bridge Design Variation (SJRBDV), is the preliminary LEDPA based on our review of information provided in your December 4, 2013 submittal. While permanent impacts to waters of the U.S. (WOUS) are similar for all three of the MCP Build Alternatives, Alternative 9 Modified would result in fewer impacts than Alternatives 4 and 5 Modified. The Base Case southerly alignment would result in 0.65 acre more impacts to WOUS than the San Jacinto North Design Variation (SJNDV), but impacts would be to fairly degraded wetlands in agricultural fields while the aquatic resources avoided to the north would be higher quality wetlands and waters adjacent to the San Jacinto River. Permanent impacts to WOUS from the SJRBDV (clear span) and the SJRBDV Base Case (longer clear span) crossings are the same and have equal bearing on EPA's LEDPA consideration; however, as the SJRBDV will result in additional impacts to sensitive alkali plant communities within the San Jacinto River floodplain, we continue to recommend that fill within this area be minimized to the maximum extent practicable. Additionally, we support FHWA's proposal of additional mitigation in the form of excavation and stockpiling of the upper layer of soil within the affected habitat area for re-use in on-site or off-site restoration

activities. We encourage FHWA to work closely with the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife in implementing these and any additional impact minimization measures that are found to be feasible.

EPA is available through the remaining steps in the NEPA and Clean Water Act Section 404 processes to provide feedback on any potential project refinements, as well as the conceptual mitigation plan and any additional practicable impact avoidance measures the applicant may propose. EPA will also provide comments on the Final Environmental Impact Statement when it is circulated for public review.

Thank you for requesting our agreement on the preliminary LEDPA. If you have any questions or comments, please contact Clifton Meek, the lead reviewer for this project, at 415-947-3370 or Meek.Clifton@epa.gov, or contact Paul Amato of the EPA Region 9 Wetlands Office at 415-972-3847 or Amato.Paul@epa.gov.

Sincerely,



Connell Dunning, Transportation Team Supervisor
Environmental Review Office

CC via email: Marie Petry, Caltrans
John Chisholm, Caltrans
Alex Menor, Riverside County Transportation Commission
Tay Dam, Federal Highway Administration
Larry Vinzant, Federal Highway Administration
Susan Meyer, U.S. Army Corps of Engineers
Karin Cleary-Rose, U.S. Fish and Wildlife Service
Heather Pert, California Department of Fish and Wildlife
Rob McCann, LSA Associates
Merideth Cann, Jacobs Engineering



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Palm Springs Fish and Wildlife Office
777 East Tahquitz Canyon Way, Suite 208
Palm Springs, California 92262



In Reply Refer To:
FWS-WRIV-08B0080-14TA0152

Mr. Shawn Oliver
Team Leader, Environmental Right-of-Way
Federal Highway Administration
California Division
650 Capitol Mall, Suite 4-100
Sacramento, California 95814

FEB 18 2014

Subject: Request for Agreement on the Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) for Mid County Parkway, Riverside County, California

Dear Mr. Oliver:

We are responding to the request made on behalf of the Federal Highway Administration (FHWA) and the California Department of Transportation (Caltrans) in a letter dated December 19, 2013, for our agreement on the preferred alternative and preliminary least environmentally damaging practicable alternative (LEDPA) for the Mid County Parkway Project (MCP), pursuant to the 2006 National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Federal Aid Surface Transportation Projects in California (here after referred to as the NEPA/404 MOU).

The January 2013 Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) prepared by FHWA and the Riverside County Transportation Commission (RCTC) pursuant to the National Environmental Policy Act (NEPA) and the California Environmental Quality Act, respectively, included three alternatives: Alternative 4 Modified, Alternative 5 Modified and Alternative 9 Modified; two design variations: San Jacinto River Bridge Design Variation (bridge design variation) and San Jacinto North Design Variation (SJNDV); and two No Action alternatives. All three alternatives, including both design variations were determined to meet the project's purpose and need and be available, feasible (capable of being done) and practicable when considering costs, existing technology and logistics. We reviewed and provided comments on the RDEIR/SDEIS as a coordination agency.

As part of the NEPA/404 MOU process, a suite of environmental evaluation criteria were developed and agreed upon by FHWA, Caltrans, the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, and ourselves, the U.S. Fish and Wildlife Service (Service), in order to evaluate and select reasonable and practicable alternatives. The evaluation criteria were applied to the alternatives and design variations to assist in the identification of the preliminary LEDPA.

FHWA/Caltrans/RCTC identified Alternative 9 Modified with the bridge design variation as the respective Federal and locally preferred alternative as well as the preliminary LEDPA. The inclusion of the bridge design variation does not result in an increase in impacts to waters of the United States. It does result in an increase in impacts to the sensitive alkali plant community (from 20.9 acres to 26.6 acres) within the San Jacinto River floodplain. The inclusion of the bridge design variation in the preferred

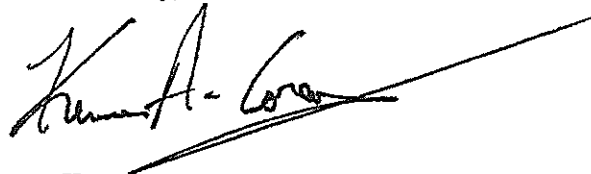
alternative and the preliminary LEDPA was based on an expected cost savings of more than 30 million dollars after mitigation.

We appreciate the substantial and timely effort made by the project team to address our concerns regarding the direct and indirect effects to sensitive plant communities, project costs, and practicability, but remain concerned about the loss of endemic alkali resources. During our discussions and coordination, FHWA, Caltrans and RCTC have consistently expressed a commitment to minimizing and mitigating project related impacts to the sensitive alkali plant community in the San Jacinto River floodplain, including salvage of alkali soils in the project footprint for reuse in restoration or enhancement efforts.

RCTC is a Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) permittee and the MCP is an MSHCP covered activity. Compliance with the MSHCP is one of the environmental criteria that was used to evaluate the project alternatives. As an MSHCP covered activity, MCP impacts to the sensitive alkali plant community are subject to the Protection of Species Associated with the Riparian/Riverine Areas and Vernal Pools Policy (Riparian/Riverine Policy, MSHCP Section 6.1.2). The Riparian Riverine Policy requires that when avoidance of riparian/riverine resources is determined to be infeasible, that mitigation for impacts result in preservation that is biologically equal or superior to an avoidance alternative. RCTC has been coordinating with the Service, the California Department of Fish and Wildlife and the Western Riverside County Regional Conservation Authority to ensure MSHCP compliance. We agree with the selection of Alternative 9 Modified with the bridge design variation as the preliminary LEDPA subject to the inclusion of mitigation that provides biologically equivalent or superior preservation of sensitive alkali plant resources.

We look forward to working with you through the remaining NEPA/404 MOU process and with RCTC on completion of the MSHCP compliance. We appreciate the opportunity to participate in the transportation planning process. If you have any questions regarding this letter, please contact John M. Taylor of this office at 760-322-2070, extension 218.

Sincerely,



Kennon A. Corey
Assistant Field Supervisor

cc:

Marie Petry, Caltrans
Alex Menor, RCTC
Susan Meyer, US ACOE
Paul Amato, US EPA
Clifton Meek, US EPA
Heather Pert, CDFW
Rob McCann, LSA

DEPARTMENT OF TRANSPORTATION

DISTRICT 8

DIVISION OF ENVIRONMENTAL PLANNING (MS 821)

464 WEST FOURTH STREET, 6th Floor

SAN BERNARDINO, CA 92401-1400

PHONE (909) 388-1387

FAX (909) 383-6494

TTY 711

www.dot.ca.gov/dist8

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April 16, 2014

Mr. Jim Bartel, Field Supervisor
U.S. Department of the Interior
Fish and Wildlife Service
Carlsbad Fish & Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008

Subject: Notification of the Transportation Agencies' Final Decision on the Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) for Mid County Parkway

Dear Mr. Bartel:

Pursuant to Checkpoint 3 of the Coordination and Checkpoint Process stipulated in the 2006 National Environmental Policy Act (NEPA)/Clean Water Act Section 404 Integration Process Memorandum of Understanding (MOU) and on behalf of the transportation agencies, the Federal Highway Administration (FHWA) is advising the U.S. Fish and Wildlife Service (USFWS) of the transportation agencies' decision to identify Alternative 9 Modified with the San Jacinto River Bridge Design Variation as the Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) for the Mid County Parkway project. FHWA, the California Department of Transportation (Caltrans), and the Riverside County Transportation Commission (RCTC) are in receipt of USFWS's letter dated February 18, 2014 which provided agreement on Alternative 9 Modified with the San Jacinto River Bridge Design Variation as the Preliminary LEDPA. A letter of concurrence on the Preliminary LEDPA was received from the United States Army Corps of Engineers on February 6, 2014 and a letter of agreement was received from the United States Environmental Protection Agency (USEPA) on February 10, 2014. Alternative 9 Modified with the San Jacinto River Bridge Design Variation will be identified as the Preferred Alternative and the Preliminary LEDPA in the Final Environmental Impact Statement (EIS) which is scheduled for completion later this year.

As requested in USFWS's letter of February 18, 2014, FHWA, Caltrans and RCTC will continue to refine the project design to minimize to the extent practicable the volume and areal extent of fill material that would be discharged in the upper terraces of the San Jacinto River floodplain to

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minimize adverse effects to the sensitive alkali plant community and the associated unique soils that exist in the immediate area. As a permittee under the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), RCTC will continue to work closely with both the USFWS and California Department of Fish and Wildlife to include mitigation for the project that will provide biologically equivalent or superior preservation of sensitive alkali plant resources.

Thank you for participating in the NEPA/Section 404 Integration Process for the MCP project. If you have any questions, please contact Shawn Oliver of FHWA at (916) 498-5048 or e-mail at Shawn.Oliver@dot.gov, or Larry Vinzant of FHWA at (916) 498-5040 or email at Larry.Vinzant@dot.gov, or Tay Dam of FHWA at 213-894-6718 or e-mail at Tay.Dam@dot.gov.

Sincerely,



MARIE J. PETRY
Office Chief
Special Projects "B"

cc: Tay Dam/FHWA
Shawn Oliver/ FHWA
Larry Vinzant/FHWA
Karin Cleary-Rose/USFWS
John Taylor/USFWS
Alex Menor/RCTC
David Bricker/Caltrans District 08
Nassim Elias/Caltrans District 08
Marie Petry/Caltrans District 08
Merideth Cann/Jacobs Engineering
Rob McCann/LSA Associates, Inc.

DEPARTMENT OF TRANSPORTATION

DISTRICT 8

DIVISION OF ENVIRONMENTAL PLANNING (MS 821)

464 WEST FOURTH STREET, 6th Floor

SAN BERNARDINO, CA 92401-1400

PHONE (909) 388-1387

FAX (909) 383-6494

TTY 711

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April 16, 2014

Mr. David J. Castanon
Chief, Regulatory Division
United States Army Corps of Engineers, Los Angeles District
915 Wilshire Boulevard, Suite 930
Los Angeles, CA 90017

Subject: Notification of the Transportation Agencies' Final Decision on the Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) for Mid County Parkway (Corps file number SPL-2013-00225-SAM)

Dear Mr. Castanon:

Pursuant to Checkpoint 3 of the Coordination and Checkpoint Process stipulated in the 2006 National Environmental Policy Act (NEPA)/Clean Water Act Section 404 Integration Process Memorandum of Understanding (MOU) and on behalf of the transportation agencies, the Federal Highway Administration (FHWA) is advising the U.S. Army Corps of Engineers (Corps) of the transportation agencies' decision to identify Alternative 9 Modified with the San Jacinto River Bridge Design Variation as the Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) for the Mid County Parkway project. FHWA, the California Department of Transportation (Caltrans), and the Riverside County Transportation Commission (RCTC) are in receipt of the Corps' letter dated February 6, 2014 which provided concurrence on Alternative 9 Modified with the San Jacinto River Bridge Design Variation as the Preliminary LEDPA. Letters of agreement on the Preliminary LEDPA were received from the United States Environmental Protection Agency on February 10, 2014 and the United States Fish and Wildlife Service on February 18, 2014. Alternative 9 Modified with the San Jacinto River Bridge Design Variation will be identified as the Preferred Alternative and the Preliminary LEDPA in the Final Environmental Impact Statement (EIS) which is scheduled for completion later this year. As a Cooperating Agency under NEPA, FHWA will submit an Administrative Draft of the Final EIS to the Corps for review and comment prior to approving the Final EIS.

As requested in the Corps' letter of February 6, 2014, FHWA, Caltrans and RCTC will continue to refine the project design to minimize to the extent practicable the volume and areal extent of fill material that would be discharged in the upper terraces of the San Jacinto River floodplain

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Mr. David Castanon

April 16, 2014

Page 2

(i.e., areas outside of the Corps' geographic jurisdiction) to minimize adverse effects to the sensitive alkali plant community and the associated unique soils that exist in the immediate area. In addition, RCTC is completing the compensatory mitigation plan for unavoidable impacts to waters of the U.S., and the draft plan will be included in the Section 404 permit application that will be submitted to the Corps for review and approval. Finally, evidence documenting FHWA's compliance with Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, and other federal requirements will be included in the Administrative Draft of the Final EIS.

Thank you for participating in the NEPA/Section 404 Integration Process for the MCP project. If you have any questions, please contact Shawn Oliver of FHWA at (916) 498-5048 or e-mail at Shawn.Oliver@dot.gov, or Larry Vinzant of FHWA at (916) 498-5040 or e-mail at Larry.Vinzant@dot.gov, or Tay Dam of FHWA at 213-894-6718 or e-mail at Tay.Dam@dot.gov.

Sincerely,



MARIE J. PETRY
Office Chief
Special Projects "B"

cc: Tay Dam/FHWA
Shawn Oliver/FHWA
Larry Vinzant/FHWA
Susan Meyer/USACE
Alex Menor/RCTC
David Bricker/Caltrans District 08
Nassim Elias/Caltrans District 08
Marie Petry/Caltrans District 08
Merideth Cann/Jacobs Engineering
Rob McCann/LSA Associates, Inc.

DEPARTMENT OF TRANSPORTATION

DISTRICT 8

DIVISION OF ENVIRONMENTAL PLANNING (MS 821)

464 WEST FOURTH STREET, 6th Floor

SAN BERNARDINO, CA 92401-1400

PHONE (909) 388-1387

FAX (909) 383-6494

TTY 711

www.dot.ca.gov/dist8

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April 16, 2014

Ms. Connell Dunning
Transportation Team Supervisor
Environmental Review Office
U.S. Environmental Protection Agency Region 9
75 Hawthorne Street (CED-2)
San Francisco, CA 94105

Subject: Notification of the Transportation Agencies' Final Decision on the Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) for Mid County Parkway

Dear Ms. Dunning:

Pursuant to Checkpoint 3 of the Coordination and Checkpoint Process stipulated in the 2006 National Environmental Policy Act (NEPA)/Clean Water Act Section 404 Integration Process Memorandum of Understanding (MOU) and on behalf of the transportation agencies, the Federal Highway Administration (FHWA) is advising the U.S. Environmental Protection Agency (USEPA) of the transportation agencies' decision to identify Alternative 9 Modified with the San Jacinto River Bridge Design Variation as the Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) for the Mid County Parkway project. FHWA, the California Department of Transportation (Caltrans), and the Riverside County Transportation Commission (RCTC) are in receipt of USEPA's letter dated February 10, 2014 which provided agreement on Alternative 9 Modified with the San Jacinto River Bridge Design Variation as the Preliminary LEDPA. A letter of concurrence on the Preliminary LEDPA was received from the United States Army Corps of Engineers on February 6, 2014 and a letter of agreement was received from the United States Fish and Wildlife Service (USFWS) on February 18, 2014. Alternative 9 Modified with the San Jacinto River Bridge Design Variation will be identified as the Preferred Alternative and the Preliminary LEDPA in the Final Environmental Impact Statement (EIS) which is scheduled for completion later this year.

As requested in USEPA's letter of February 10, 2014, FHWA, Caltrans and RCTC will continue to refine the project design to minimize to the extent practicable the volume and areal extent of fill material that would be discharged in the upper terraces of the San Jacinto River floodplain to minimize adverse effects to the sensitive alkali plant community and the associated unique soils

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that exist in the immediate area. The transportation agencies will continue to work closely with both the USFWS and California Department of Fish and Wildlife in developing additional measures to minimize impacts to these resources.

Thank you for participating in the NEPA/Section 404 Integration Process for the MCP project. If you have any questions, please contact Shawn Oliver of FHWA at (916) 498-5048 or e-mail at Shawn.Oliver@dot.gov, or Larry Vinzant of FHWA at (916) 498-5040 or email at Larry.Vinzant@dot.gov, or Tay Dam of FHWA at 213-894-6718 or e-mail at Tay.Dam@dot.gov.

Sincerely,



MARIE J. PETRY
Office Chief
Special Projects "B"

cc: Tay Dam/FHWA
Shawn Oliver/FHWA
Larry Vinzant/FHWA
Clifton Meek/USEPA
Paul Amato/USEPA
Alex Menor/RCTC
David Bricker/Caltrans District 08
Nassim Elias/Caltrans District 08
Marie Petry/Caltrans District 08
Merideth Cann/Jacobs Engineering
Rob McCann/LSA Associates, Inc.