

## **APPENDIX C**

### **Agency Coordination**





**METROPOLITAN  
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COMMISSION**

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***Memorandum***

TO: Robert Reber, City of Hercules

DATE: June 21, 2011

FR: Ashley Nguyen, MTC

W. I.

RE: PM2.5 Project Level Conformity Consultation Re: Hercules Intercity Rail Station

On May 26, 2011, the Air Quality Conformity Task Force determined that the above project was a Project of Air Quality Concern as defined by 40 CFR 93.126(b)(1). The Task Force also reviewed and approved the PM<sub>2.5</sub> Hot-Spot Analysis completed for the project.

All the interagency consultation requirements of PM<sub>2.5</sub> project level conformity are now complete. As the project sponsor, you are receiving this memo notifying you may proceed forward with obtaining federal approvals for the PM<sub>2.5</sub> Hot-Spot Analysis. Please save this memo as documentation of completing the consultation process for PM<sub>2.5</sub> project level conformity.

If there are any questions regarding the status of the above project, please direct them to me at (510) 817-5809.



**HERCULES INTERMODAL TRANSIT CENTER PROJECT**  
**HERCULES, CALIFORNIA**  
**USACE INTERAGENCY MEETING**  
**NOVEMBER 18, 2009**  
**1:00 – 2:00 PM**

**AGENDA**

1. Introductions
2. Project Description
  - a. History
  - b. Stakeholders
    - i. City of Hercules – Lead Agency CEQA
    - ii. Federal Transit Administration (FTA) – Lead Agency NEPA
    - iii. San Francisco Water Emergency Transportation Authority (WETA)
    - iv. Anderson Pacific LLC
  - c. Key Elements
    - i. Intermodal Transit Center Station
      1. Bus and train
      2. Ferry service is future project
      3. LEED certification
    - ii. John Muir Parkway extension and Transit Loop Drive/Bridge
    - iii. Bayfront Drive extension and bridge
    - iv. UP rail safety improvements
      1. Grade separation
      2. Improved rail speeds
      3. Refugio Creek bridge
      4. Retaining walls
    - v. Refugio Creek improvements
      1. Existing channel with steep eroding banks
      2. Bank widening and construction of meanders
      3. Removal of historic earthen crossing
      4. Straightening of channel at mouth to remove two 90-degree bends
      5. Restoration of channel and corridor through construction of meanders into stream, removal of exotics, removal of culvert crossing, and planting of natives.
    - vi. Continuation of Bay Trail

3. NEPA/CEQA
  - a. EIR/EIS
  - b. Scoping Meeting on December 8, 2009 – City of Hercules Public Library
  - c. Close of comment period December 23, 2009
  - d. Document will focus on Intermodal Transit Center
  - e. Ferry terminal and Bayfront Development will be considered under cumulative impacts.
  - f. EIR for Hercules Bayfront Project
    - i. Scoping meeting on December 15, 2009
    - ii. Close of comment period on December 21, 2009
4. Environmentally Sensitive Issues for Regulatory Agencies
  - a. Refugio Creek
  - b. Waters of the US and the State, including wetlands
  - c. Threatened and Endangered Species

**HERCULES INTERMODAL TRANSIT CENTER PROJECT**  
**HERCULES, CALIFORNIA**  
**USACE INTERAGENCY MEETING**  
**NOVEMBER 18, 2009**  
**1:00 – 2:00 PM**  
**USACE Regulatory No. 2008-00382S**  
**MEETING SUMMARY**

**PARTICIPANTS**

- Jesse Harder – City of Hercules
- David McCrossan – HDR
- Serge Stanich – HDR
- William Silva – d’Oro Construction Management
- Ian Liffman – USACE
- Katarina Galacatos – USACE
- Jason Brush – USEPA
- Katie Hart – SFRWQCB
- Sandi Potter – SFRWQCB
- Paul Page – FTA (via telephone)
- Ben Solveski – USFWS (via telephone)

**SUMMARY**

The meeting began late due to technical difficulties with conference telephone. Serge Stanich started the meeting with a PowerPoint presentation of the proposed project (see agenda).

Following the presentation, Katarina Galacatos and Jason Brush initiated the conversation by inquiring if the FTA would be the lead federal agency for the purposes of compliance with National Environmental Policy Act (NEPA). HDR confirmed that FTA would be the lead with respect to federal compliance for NEPA, as well as coordination with the US Fish and Wildlife Service (USFWS), for Section 7 of the Endangered Species Act (ESA) and with State Historic Preservation Office (SHPO) for compliance with Section 106 of the National Historic Preservation Act (NHPA).

Ms. Galacatos further expressed concerns that by separating the development and environmental review of the Hercules Intermodal Transit Center (HITC) from the future ferry terminal proposed by the San Francisco Bay Area Water Emergency Transportation Authority (WETA) results in

piecemealing the project. Mr. Brush acknowledged that the two projects may have separate utility which would allow for the separate documents. However, he also noted that as the transit center would provide bus and rail service, it is not a water dependent project. Consequently, Mr. Brush inquired what alternative locations have been investigated that would provide for lesser environmentally damaging effects. Mr. Brush and Ms. Galacatos further added that their concerns regarding the perceived segmenting of the projects is that locating the transit center before the ferry service is analyzed dictates the ultimate location of the ferry and would limit the potential for alternatives. The project team discussed work that had been completed to date and the environmental analysis that included the point and locations closer to Rodeo. However, the team also identified the limitations to safety and track geometry and that the proposed center platform must be located on a portion of track that is straight. No other locations provide for sufficient track length without also being situated on a curve of the track. Mr. Brush clarified that his inquiries were a matter of procedural documentation required both for satisfying NEPA as well as the CWA Section 404 (b)(1) Guidelines for the disposal of fill. Mr. Brush noted that the location of the facility may be appropriate; however, the document should address and include adequate analysis of alternative locations.

While discussing the effects of the project on aquatic resources, the USACE and EPA also discussed the realignment and restoration of Refugio Creek. Using recent photographs of the site, Serge Stanich explained the proposed restoration of Refugio Creek to include realignment to straighten two 90-degree turns of the creek prior to its crossing under the rail road tracks through three 72-inch culverts. Additionally, an historic culvert and fill crossing, sandbags along the banks, and concrete fill would be removed. The channel would be realigned to include greater diversity with meanders and adjacent wetlands. Under existing conditions, localized flooding occurs during peak events at the current UP crossing. Mr. Brush inquired as to the restoration work that had been completed upstream and what permits had been secured to complete the work. The San Francisco Regional Water Quality Control Board (SFRWQCB) commented that the work had been completed as mitigation for development work in the area. Mr. Brush clarified his concerns stating that including the restoration work for Refugio Creek with the project development may restrict the alternatives for restoring the creek and the available permitting options. Mr. Brush indicated that EPA's preference would be to separate the restoration of the creek from the development of the project so that that the "needs of the creek" could be explored and addressed without influence of the "needs of the development." Jesse Harder explained that the extension of John Muir Parkway will require a crossing of the Northern Channel and the installation of an outfall at Refugio Creek. With the civil improvements that would affect Refugio Creek, restoration and realignment activities of Refugio Creek seemed most prudent to be included under one comprehensive plan.

Conversation at the meeting returned regularly to how the different projects related to each other. Agencies requested additional clarification regarding the development of the HITC and the

future ferry terminal, particularly with respect to the construction of the third platform that will cross over the tracks and may result in fill to the bay and to wetland features. The HDR design team explained that ferry service has been identified as a reasonably foreseeable future project and that the location had been set by WETA. Additionally, to satisfy safety code restriction established by Union Pacific, the California Public Utilities Commission (CPUC), as well as local fire safety code a third access and egress was required. Additionally, the design team is currently evaluating specific location and design alternatives that would further avoid and minimize placement of fill into the bay.

Serge Stanich discussed the potential for the project to affect species listed as threatened or endangered under the state and federal ESA, particularly the salt marsh harvest mouse, clapper rail and black rail. Ben Solveski of the USFWS commented that he did not believe these species were likely present due to the lack of viable habitat but commented that he was most concerned about California red-legged frog (CRLF). Serge Stanich then explained that CLRF was known to exist approximately 1 mile upstream in Refugio Creek on the other side of Interstate 80. However site conditions at the HITC were likely too saline due to the proximity to the bay. Mr. Stanich also noted that while the FTA would be the lead in initiating consultation with the USFWS, the FTA has also indicated that it would allow either the City of Hercules or HDR to act as the official designee in coordinating with the USFWS. Paul Page of the FTA confirmed this statement.

Staff at the SFRWQCB commented that as a responsible agency, the SFRWQCB would make every effort to comment on the EIR/EIS during the public comment period; however, agency staff is overextended and may not be able to do so. SFRWQCB also commented that they would have permitting authority over the project on the disposal of fill as well as stormwater compliance. Serge Stanich responded that the City of Hercules has a municipal stormwater permit and that new municipal stormwater facilities would be consistent with current permitting requirements. Additionally, the project would also require compliance with the State of California's Construction Stormwater Permit and a Storm Water Pollution Prevention Plan would be prepared for the project.

Serge Stanich closed the presentation with a discussion of affected resources of concern to regulatory agencies present, particularly USACE. Wetland delineation and special status species surveys have been completed by a number of consulting firms including Vollmar Consulting, Wetlands and Water Resources, Inc. and WRA. Currently, HDR is compiling all existing environmental documentation and identifying data gaps. Ian Liffman identified himself as the individual at the USACE who verified the Vollmar delineation and he would also be the primary contact for the permitting of the project. Ben Solveski of the USFWS also identified himself as the primary contact for the USFWS.

## **ACTION ITEMS FROM MEETING**

- Expand discussion of alternatives for the proposed project and identify previous environmental documentation completed for tiering.
- Review project description to ensure clear distinction between HITC, Bayfront Development, and Ferry Terminal.
- Coordinate with the USACE to obtain wetland delineation data and/or finalize jurisdictional determination. Develop impact analysis with quantities.
- Confirm needs of bayside platform (ferry, fire code, and public access) and analyze alternatives.
- Coordinate with the USFWS to incorporate technical assistance on development of biological assessment.

