



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT CORPS OF ENGINEERS
VENTURA FIELD OFFICE
2151 ALESSANDRO DRIVE, SUITE 110
VENTURA, CALIFORNIA 93001

May 5, 2011

REPLY TO
ATTENTION OF:

Office of the Chief
Regulatory Division

DEPARTMENT OF THE ARMY NATIONWIDE PERMIT AUTHORIZATION

Sarah Baker
California Department of Transportation, District 7
100 South Main Street, MS-16A
Los Angeles, 90012

Dear Ms. Baker:

This is in reply to your application (File No. SPL-2010-00850-TS) dated August 30, 2010, for a Department of the Army Permit to discharge fill in waters of the U.S. in association with the Caltrans U.S. 101 High Occupancy Vehicle Lane and coastal access project. The proposed work would take place between Post Mile 39.8 in near the unincorporated community of La Conchita in Ventura County and Post Mile 2.2 in the City of Carpinteria in Santa Barbara County, California.

Based on the information you provided, the Corps of Engineers has determined that your proposed activity complies with the enclosed terms and conditions of Nationwide Permit No. 14 (*Linear Transportation Projects*) and Nationwide Permit No. 18 (*Minor Discharges*), as described in enclosure 1.

Specifically, you are authorized to:

1. Discharge fill material in waters of the U.S. associated with modification the inlets to existing drainage culverts beneath the highway, construction of a pedestrian undercrossing and replacement culvert in the community of La

Conchita. The culverts would continue to serve as drainages for water and sediment during the rain season, but one culvert (Drainage System 43) would be converted to a pedestrian undercrossing to improve coastal access, and Drainage System 41 will be constructed for water conveyance.

2. Discharge fill material in waters of the U.S. associated with construction of a bike path along the southbound side of the highway, and installation of stairs (constructed with railroad ties or equivalent) or concrete ramps across the existing revetment to improve coastal access opportunities. The proposed stairs/ramps would not extend beyond the footprint of the existing rock revetment.
3. Revegetate all temporarily impacted areas with native coastal sage scrub species.
4. Approximately 0.193 acres of ephemeral waters of the U.S. (drainage tributaries) would be permanently impacted by the project. Approximately 0.2 acres of waters of the U.S. would be temporarily impacted by the proposed project. Permanent impacts would occur as a result of culvert inlet modifications in drainage tributaries. Temporary impacts would occur in drainages and on the beach as a result of construction activities including installation of stairs or coastal access ramps which may involve use of small equipment (e.g., bobcat) on the beach.

Furthermore, you must comply with the following non-discretionary Special Conditions:

Special Conditions:

1. Caltrans must undertake the activities authorized by this permit in conformance with the terms and conditions of this permit. Caltrans is not relieved of this requirement if the existing structure/facility/fill in waters of the U.S. is abandoned. Should Caltrans wish to cease to maintain the existing structure/facility/fill or should Caltrans desire to abandon it, Caltrans must notify this office, which may require restoration of the area.
2. Pursuant to 36 C.F.R. section 800.13, in the event of any discoveries during construction of either human remains, archeological deposits, or any other type of historic property, the Permittee shall notify the Corps' Regulatory Division Staff (Theresa Stevens, Ph.D. at 805- 585-2146) and Corps' Archeology Staff (Steve Dibble at 213-452-3849, or John Killeen at 213-452-3861) within 24 hours. The Permittee shall immediately suspend all work in any area(s) where potential cultural resources are discovered. The Permittee shall not resume work in the area surrounding the potential cultural resources until the Corps re-authorizes project construction, per 36 C.F.R. Section 800.13.

3. Caltrans must allow representatives from this office to inspect the authorized activities at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of this permit.
4. Where states and authorized tribes, or EPA where applicable, have not previously certified compliance with Clean Water Act Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 320.3(a)). The district engineer or state or tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.
5. Caltrans shall provide a copy of this permit to all field staff, contractors, subcontractors, and equipment operators. Copies of this permit shall be readily available at the work site at all times during periods of active work, and shall be presented to any Corps Regulatory Division personnel upon request.
6. Caltrans shall notify the Corps of Engineers Regulatory Division prior to initiation of construction activities. Notification shall be made at least five (5) business days prior to initiation of construction. Notification by telephone, electronic mail, facsimile, letter are acceptable.
7. Construction activities that include only the cutting and removal of vegetation above the ground (e.g., mowing, rotary cutting, chain sawing, etc.), where the activity does not substantially disturb the root system and does not involve mechanized pushing dragging or similar activity that would redeposit soil, are not regulated activities under Section 404 of the Clean Water Act; therefore notification to the Corps Regulatory Division for these activities is not required.
8. A post-construction report shall be prepared and submitted to the Corps Regulatory Division within 30 days of project completion. The report shall summarize all completed maintenance activities in waters of the U.S., or special aquatic sites, the start and end dates of construction, site restoration/revegetation activities and date installed, if required. The report shall include at least one before/after photo of the construction and revegetation area, project coordinates, and a brief discussion of any problems and corrective measures taken.
9. This permit does not authorize you to take any threatened or endangered species or adversely modify designated critical habitat. In order to legally take a listed species, separate authorization under the Endangered Species Act (e.g. Section 10

permit, or a Biological Opinion (BO) under Section 7, with "incidental take" provisions with which you must comply) is required.

10. This permit does not authorize you to take any migratory birds pursuant to the Migratory Bird Treaty Act. Vegetation shall not be removed from 15 February to 31 August to avoid impacts to nesting birds unless the results of a pre-project bird survey by a qualified biologist indicates no nesting birds are present in the project area. Pre-project surveys shall be conducted within two weeks of the proposed vegetation removal. Survey results shall be submitted to the Corps Regulatory Division prior to construction activities in waters of the U.S. (electronic mail, facsimile, standard mail, is acceptable). If nesting birds are present, no work shall occur until the young have fledged and would no longer be impacted by the project. Survey results shall be submitted to the Corps Regulatory Division prior to construction activities in waters of the U.S.
11. Prior to initiating construction in waters of the U.S., the Permittee shall clearly mark the work area limits with flagging or similar measures to ensure mechanized equipment and personnel do not enter preserved waters of the U.S., special aquatic sites and adjacent riparian areas for the duration of activities in or adjacent to waters of the U.S. Such impacts could result in permit suspension and revocation, administrative, civil or criminal penalties, and/or substantial compensatory mitigation requirements.
12. Appropriate measures must be taken to maintain near normal downstream flows and to minimize flooding during project activities in waters of the U.S. Fill materials must be of a type, and be placed in a manner, that will not result in erosion by high flows.
13. No debris, soil, sand, bark, slash, sawdust, rubbish, cement or washings thereof, asphalt, oil or petroleum products, or any other material that may be harmful to fish or wildlife, that results from construction and associated activities shall be allowed to enter or be placed where it may be washed by rainfall or runoff into waters of the U.S. When construction activities are completed, all excess materials, and/or debris shall be removed from the work area to an approved off-site disposal area, outside of waters of the U.S.
14. When work in flowing or standing water is unavoidable, measures to minimize downstream turbidity shall be implemented and maintained for the duration of the work in water. Equipment working in wetlands shall be placed on mats (or equivalent) to minimize soil disturbance and compaction.

15. Exotic and invasive plant species removed during construction activities shall be disposed at an approved off-site location, outside waters of the U.S. Target species include but are not limited to: giant reed (*Arundo donax*), castor bean (*Ricinus communis*), salt cedar (*Tamarisk* sp.), tree tobacco (*Nicotiana glauca*), yellow star thistle (*Centaurea solstitialis*), artichoke thistle (*Cynara cardunculus*), pampas grass (*Cortaderia selloana*), fountain grass (*Pennisetum setaceum*), and cocklebur (*Xanthium strumarium*).
16. Staging and storage areas for equipment and construction materials shall be located in uplands and where possible, a minimum of 100 feet from waters of the U.S. Storage areas located less than 100 feet from waters shall be approved by the Corps Regulatory Division, and these areas shall be shown on construction plans.
17. Following completion of the construction activity, temporary fills must be entirely removed to an upland location, outside waters of the U.S., and the affected area must be restored to the pre-project condition in accordance with the provision of the Corps Mitigation Rule (33 CFR 332).
18. Where temporary water diversion, grading, filling or excavation occurs as part of the repair or replacement, the Permittee shall ensure standard Best Management Practices are in place to minimize turbidity within the affected waterbody. Standard BMPs are provided in the *Construction Site Best Management Practices Manual* (March 2003; http://www.dot.ca.gov/hq/construc/stormwater/CSBMPM_303_Final.pdf) and at [http://onramp.dot.ca.gov/hq/maint/roadside/storm water/WATER.PDF](http://onramp.dot.ca.gov/hq/maint/roadside/storm_water/WATER.PDF).
19. Work in streams or rivers with ephemeral or intermittent flows shall be performed during periods when the channel is dry or flows are absent or minimal. Work within waterways with perennial flow shall be performed during the driest period of the year and during low flow conditions, generally May through October. Standard Best Management Practices shall be implemented to minimize turbidity within the affected waterbody, and appropriate measures must be taken to minimize flooding and erosion on adjacent properties.
20. Any work undertaken by this project shall not cause more than minimal degradation of water quality, more than minimal changes to the flow characteristics of the stream, or increase flooding on adjacent properties or downstream of the proposed maintenance activity.

21. The Corps Regulatory Division project manager shall be notified of any accidental spill of hazardous materials within 12 hours of detection. Notification may be in the form of an electronic mail message, telephone, or facsimile. Notification shall include the reason for the spill, the exact location of the spill, the type and approximate quantity of the materials spilled, and the measures taken to control and clean up the spilled materials.

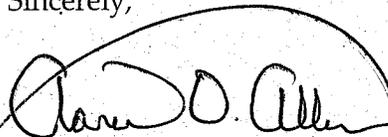
This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2012. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before March 18, 2012, you will have twelve (12) months from March 18, 2012 to complete the activity under the present terms and conditions of this permit.

A nationwide permit does not grant any property rights or exclusive privileges. Also, it does not authorize any injury to the property or rights of others or authorize interference with any existing or proposed Federal project. Furthermore, it does not obviate the need to obtain other Federal, state, or local authorizations required by law.

Thank you for participating in our regulatory program. If you have any questions, please contact Theresa Stevens of my staff at 805-585-2146 or via e-mail at theresa.stevens@usace.army.mil.

Please be advised that you can now comment on your experience with Regulatory Division by accessing the Corps web-based customer survey form at: <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,



Aaron O. Allen, Ph.D.
Chief, North Coast Branch
Regulatory Division

Enclosure Nationwide Permit General Conditions