



# PUBLIC NOTICE

**U.S. ARMY CORPS OF ENGINEERS  
LOS ANGELES DISTRICT**

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**APPLICATION FOR PERMIT  
Linden Avenue and Casitas Pass  
Road Interchanges Project**

**Public Notice/Application No.:** SPL-2008-00838-TS

**Project:** U.S. 101: Linden Avenue and Casitas Pass Road Interchanges Project (Post Miles 2.2-3.3)

**Comment Period:** August 4, through September 2, 2015 (30 calendar days)

**Project Manager:** Theresa Stevens, Ph.D.; 805-585-2146; [theresa.stevens@usace.army.mil](mailto:theresa.stevens@usace.army.mil)

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## **Applicant**

Larry Bonner  
California Department of Transportation  
District 5  
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San Luis Obispo, California 93401  
805-549-3337

## **Contact**

Geoff Hoetker  
California Department of Transportation  
District 5  
50 Higuera Street  
San Luis Obispo, California 93401  
805-542-4670

## **Location**

The project is located along U.S. Interstate 101 (U.S. 101) and would begin at the Linden Avenue interchange and extend approximately 1,600 feet east of the Casitas Pass Road interchange, in the City of Carpinteria, Santa Barbara County, California (34.394516° N, -119.509679° W).

## **Activity**

The proposed project would widen Carpinteria Creek below the bridges, reconstruct the U.S. 101 freeway bridges across Carpinteria Creek, reconstruct two existing freeway interchanges on U.S. 101 (Linden Avenue and Casitas Pass Road), in the northbound and southbound directions, and would include various other safety and circulation improvements. The proposed project result in temporary impacts to wetlands and permanent and temporary impacts to other waters as a result of the proposed widening and bank stabilization of Carpinteria Creek, construction of new northbound and southbound full-span bridges over Carpinteria Creek on the U.S. 101, and removal of an existing concrete and steel low water bikepath crossing at the north end of the project area on Carpinteria Creek. The proposed project would construct a new full-span bridge across Carpinteria Creek in association with the proposed extension of the Via Real frontage road from its eastern terminus at the San Roque Mobile Home Park cul-de-sac to Linden Avenue. The proposed project would also permanently impact the upstream end of an existing drainage ditch along the U.S. 101 near the southbound Linden Avenue off-ramp; this drainage ditch flows into the concrete-lined section of Franklin Creek. With the proposed project, the three proposed bridges and the widened Carpinteria Creek channel would pass a 100-year flow event. In total, the proposed project would permanently impact approximately 0.023 acre of other waters of the United States, and would temporarily impact

approximately 0.059 acre of wetlands and approximately 0.203 acre of other waters of the United States. With the project, jurisdictional waters of the United States in the project area would increase from approximately 0.195 acre to approximately 0.650 acre due to widening of Carpinteria Creek. For more information see page 3 of this notice and attached drawings.

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Interested parties are hereby notified an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 404 of the Clean Water Act. Comments should be mailed to:

Department of the Army  
U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Division  
ATTN: Theresa Stevens, Ph.D.  
2151 Alessandro Drive, Suite 110  
Ventura, CA 93001

Alternatively, comments can be sent electronically to: [theresa.stevens@usace.army.mil](mailto:theresa.stevens@usace.army.mil)

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

## **Evaluation Factors**

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

### **Preliminary Review of Selected Factors**

**EIS Determination**- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

**Water Quality**- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

**Coastal Zone Management**- The applicant must certify the proposed activity would comply with and would be conducted in a manner consistent with the approved State Coastal Zone Management Program. For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act (CZMA) requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission Office of Federal Consistency the project is consistent with the State's Coastal Zone Management Plan. Because Caltrans has been delegated federal lead agency authority, Caltrans is responsible for CZMA compliance and coordination with the Office of Federal Consistency.

**Essential Fish Habitat**- No Essential Fish Habitat (EFH), as defined by the Magnuson-Stevens Fishery Conservation and Management Act, occurs within the project area and no EFH is affected by the proposed project.

**Cultural Resources**- The Corps federal action (i.e., the undertaking) is the potential issuance of a Department of the Army (DA) permit to discharge fill material into waters of the United States

associated with the proposed project. The Corps has determined the “permit area” (defined at 33 CFR 325 Appendix C) includes waters of the United States and uplands within 50 feet of the top of the Carpinteria Creek bank that may be disturbed during construction of the new Carpinteria Creek bridges on U.S. 101 and Via Real in waters of the United States; the permit area also includes the U.S. 101 roadside ditch along the southbound off-ramp to Linden Avenue, and unpaved areas within 20 feet of the ditch. The Corps has determined the Area of Potential Effect (APE) (defined at 36 CFR 800.16(d)) for the undertaking is the same as the permit area (defined at 33 CFR 325 Appendix C) and includes waters of the United States and uplands within 50 feet of the top of the Carpinteria Creek bank and the U.S. 101 roadside ditch along the southbound off-ramp to Linden Avenue, including unpaved areas within 20 feet of the ditch. The Federal Highway Administration’s (FHWA) responsibility for environmental review, consultation, and any other action required by federal law, including compliance with section 106 of the National Historic Preservation Act (NHPA), is being carried out by Caltrans under its assumption of federal lead agency authority (23 U.S.C. 327). Caltrans prepared an Environmental Impact Report/Environmental Assessment Finding of No Significant Impact (EIR/EA-FONSI, SCH No. 2008041158, July 2010) which included an extensive Historic Property Survey Report (HSPR, July 2000), and two supplemental reports (June 2008 and August 2008), documenting prehistoric cultural resources and historic structures in the project area or in the project vicinity. These studies found no National Register of Historic Places (NRHP) listed sites in the project area or vicinity. However, Caltrans evaluated historic properties and previously identified prehistoric sites for NRHP eligibility and completed section 106 consultation with the State Historic Preservation Officer (SHPO). Specifically, and pursuant to Caltrans federal lead agency authority as delegated by FHWA, Caltrans determined “no historic properties affected” (Caltrans letter to SHPO dated June 5, 2008). In response, the SHPO concurred with Caltrans that five historic structures were not eligible for listing on the NRHP, and found that one of the historic structures is eligible for listing; however, the SHPO concurred with Caltrans determination of “no historic properties affected” (SHPO letter to Caltrans dated July 9, 2008). Because Caltrans consultation with the SHPO was completed in accordance with the *Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California* (PA, 2004), Caltrans is the lead federal agency responsible for compliance with section 106 of the NHPA and impacts within Corps jurisdiction are within the APE as defined and evaluated by Caltrans. Because Caltrans consultation with the SHPO evaluated prehistoric and historic sites throughout the project area and vicinity, including waters of the United States and uplands deemed to be within the Corps permit area (defined at 33 CFR 325 Appendix C), and because the PA was amended in 2014 to include the U.S. Army Corps of Engineers, the Corps has determined the Caltrans/SHPO section 106 consultation satisfies the Corps section 106 consultation requirements and the Corps requirements under 33 CFR 325 Appendix C. Further, Caltrans is the party responsible for compliance with the provisions of section 106 and will be the lead federal agency in the event previously undiscovered cultural resources are detected during construction. This review constitutes the extent of cultural resources investigations by the District Engineer, and he/she is otherwise unaware of the presence of any previously unconsidered resources.

**Endangered Species**- Preliminary determinations indicate the proposed project, specifically construction in waters of the United States, including the proposed Carpinteria Sanitary District sewer line relocation, may affect federally-listed endangered or threatened species, or designated critical habitat. The federal action area includes waters of the United States and uplands within 50 feet of the top of the Carpinteria Creek bank that may be disturbed during construction of the new Carpinteria Creek and Via Real bridges across waters of the United States; the action area also includes the U.S.

101 roadside ditch along the southbound off-ramp to Linden Avenue, and unpaved areas within 20 feet of the ditch. Pursuant to Caltrans federal lead agency authority as delegated by FHWA, Caltrans completed formal consultation under section 7 of the Endangered Species Act (ESA) with the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS). The FWS and NMFS issued Biological Opinion(s) (BO) to Caltrans for tidewater goby (*Eucyclogobius newberryi*) (FWS BO No. 8-8-09-F-57, dated January 8, 2010) and southern steelhead (*Oncorhynchus mykiss*) (NMFS BO No. 2009-04754:MRM, dated April 20, 2010). Because Caltrans consultation with the FWS and NMFS evaluated impacts to federally listed endangered and threatened species and designated critical habitat(s) throughout the project area and vicinity, including waters of the United States and adjacent uplands deemed to be within the Corps action area (defined above), the Corps has determined the FWS and NMFS consultations satisfy the Corps section 7 consultation requirements. Further, because Caltrans is the federal lead agency for section 7, Caltrans is the party responsible for compliance with the provisions of the ESA. This review constitutes the extent of federally listed species and critical habitat investigations by the District Engineer, and he/she is otherwise unaware of the presence of any previously unconsidered resources.

**Public Hearing**- Any person may request, in writing, within the comment period specified in this notice, that a public hearing held be to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

### **Proposed Activity for Which a Permit is Required**

**Basic Project Purpose**- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). The basic project purpose for the Corps federal action is flood hazard reduction. The Corps federal action is water dependent.

**Overall Project Purpose**- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose is to improve public safety on U.S. 101 and improve traffic circulation in the project area and vicinity by reconstructing existing northbound and southbound highway bridges, road interchanges, and extending the Via Real frontage road which includes a new full-span bridge over Carpinteria Creek and Class A bike path.

**Baseline information**- The U.S. 101 freeway currently spans Carpinteria Creek in the northbound and southbound direction. The Via Real frontage road currently terminates approximately 450 feet east of Carpinteria Creek, at the San Roque mobile home park cul-de-sac. The U.S. 101 bridges are supported by concrete piles (near the abutments rather than in the middle of the creek) and the banks below the bridge spans are protected by rock slope protection (RSP) or concrete. A paved Class A bike path which connects the northern and southern neighborhoods in the City of Carpinteria occurs beneath the U.S. 101 highway bridges and is built into the west bank of Carpinteria Creek; this bike path crosses the creek on a concrete and steel low water crossing at the north end of the project area and connects to the eastern terminus of Via Real at the San Roque mobile home park. Carpinteria Creek is an intermittent stream and supports a sycamore-willow riparian canopy; emergent wetland vegetation occurs in the creek but is subject to scour and removal during high flows.

Project description-Caltrans, the Santa Barbara County Association of Governments (SBCAG) and the City of Carpinteria have agreed to make operational improvements to U.S. 101 and the Via Real frontage road (immediately north of U.S. 101) between Post Miles (PM) 2.2 and 3.3. Caltrans is the applicant for the actions described below. The purpose of the project is to reduce traffic congestion, improve circulation, and address operational safety along U.S. Interstate 101 and adjacent local roads. Several project elements require DA authorization. Specifically, Caltrans requires a DA permit to:

- Replace, widen, lengthen and raise the northbound and southbound U.S. 101 bridges over Carpinteria Creek to pass the 100-year flow and improve transportation safety.
- Construct a full-span bridge across Carpinteria Creek associated with the proposed extension of the Via Real frontage road from its eastern terminus at the San Roque mobile home park cul-de-sac to Linden Avenue. This bridge and the Via Real extension would be constructed immediately north of U.S. 101; the Via Real bridge would also have the capacity to pass a 100-year flow.
- Re-grade and widen an approximately 535-foot-long section of Carpinteria Creek. Caltrans proposes to widen the creek bed from approximately 35 feet to approximately 65 feet. Due to the proposed trapezoidal channel configuration, the top of the creek banks would be widened from approximately 110 feet to approximately 140 feet; cut slopes along the new creek banks would be 1.5:1; the low flow trapezoidal channel would be approximately 1 foot deep, 5 feet wide at the bottom, and 9 feet wide at the top, with side slopes of 2:1. Approximately 5,021 cubic yards (cy) of earthen material would be excavated from the Carpinteria Creek channel, of which approximately 638 cy would be removed from below the “ordinary high water mark” (OHWM, defined at 33 CFR 328.3(e)). Approximately 385 linear feet of the newly graded creek banks would be armored above and below OHWM with approximately 4,848 cy of ungrouted rock slope protection (RSP), of which approximately 393 cy would be installed below the OHWM of Carpinteria Creek. The west bank would have the bike path reconstructed in the slope, above OHWM. The proposed RSP on the west bank of the creek would be installed above and below the bike path. RSP would only be installed below OHWM on the east bank of Carpinteria Creek at the downstream end of the project (see attached exhibits).
- Impact an existing roadside drainage ditch to accommodate an approximately 250-foot-long drainage culvert, consisting of concrete or HDPE pipe. Approximately 160 linear feet of the existing drainage ditch along U.S. 101 near the southbound Linden Avenue off-ramp would be permanently filled with earthen fill and RSP. A small portion of the filled area would be paved and become part of the southern shoulder of the new southbound Linden Avenue off-ramp. The middle section of the existing ditch (approximately 260 linear feet) would be realigned slightly to the south during construction. The west end of the ditch (approximately 360 linear feet) would be temporarily filled with earthen fill to accommodate construction of a sound wall just south of the ditch. The middle and western sections of the ditch would be re-contoured, revegetated with a standard native seed mix, and remain a vegetated open ditch following construction.

Under a separate Corps permit (Corps File No. SPL-2015-00459-CH) the Carpinteria Sanitary District would replace approximately 620 linear feet of an existing sanitary sewer line via horizontal directional drilling (HDD) under Carpinteria Creek and parallel to the proposed Via Real road extension. The HDD process would include staging of construction equipment in the cul-de-sac at the existing eastern terminus of Via Real and the line would be approximately 20 feet below the creek. Entry and exit pits would be excavated on either side of Carpinteria Creek, outside the riparian corridor. The District would work during the dry period of the year, but would dewater or divert water to ensure a dry creek bed and thereby minimize impacts to aquatic species during the HDD process.

Caltrans has indicated that sewer line replacement was considered during their section 7 ESA consultations with the NMFS and FWS; as such, Caltrans has confirmed that this activity would also be covered under the terms and conditions of the aforementioned BOs (letter from Caltrans District 5 dated July 27, 2015).

Other project elements that do not require a DA permit include: reconstruction of the Casitas Pass Road southbound on- and off-ramps; removal the existing Casitas Pass northbound on- and off-ramps and build new on- and off-ramps to be accessed from the proposed Via Real extension; replacement of the Casitas Pass overcrossing; removal and replacement of the southbound off-ramp to Linden Avenue; removal of the northbound on-ramp at Linden Avenue and construction of a spur to the proposed roundabout for access to U.S. 101; replacement of the Linden Avenue overcrossing; reconfiguration of Ogan Road access via a spur to the proposed roundabout; and construction of various sound attenuation walls along U.S. 101.

Proposed Mitigation– In total, the proposed project would permanently impact approximately 0.023 acre of other waters of the United States (see descriptions of rock slope protection below), and would temporarily impact approximately 0.059 acre of wetlands and approximately 0.203 acre of other waters of the United States. Jurisdictional waters of the United States would be approximately 0.650 acres following creek widening. Caltrans has proposed to re-establish and restore functions and services of wetlands and other waters of the United States impacted by the proposed project, in Carpinteria Creek. Specifically, Caltrans proposes to excavate a sinuous 5-foot-wide (bed width) by 1-foot-deep by 535-foot-long low-flow channel in the bed of Carpinteria Creek prior to planting approximately 0.370 acre of native wetland herbaceous, shrub and tree species in the bed of Carpinteria Creek. Brush layering at the upstream and downstream ends of the proposed RSP, and installation of willow stakes (*Salix* sp.) along the toe of or within the proposed RSP, would reduce scour and flanking of high flows and re-establish riparian canopy, respectively. Caltrans would also remove invasive exotic species throughout the project area (including riparian areas and uplands outside waters of the United States) during the 5-year mitigation monitoring period. Due to the hydrology of Carpinteria Creek, Caltrans anticipates successful plant establishment during the 5-year mitigation monitoring period. The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance: Caltrans avoided impacts to waters of the United States by reducing the scope of the project to include a 65-foot creek bed width, which can be spanned by the proposed bridge design without the need for pile supports in Carpinteria Creek. The original project description would have resulted in a creek bed width of 80-feet and pile supported bridges.

Minimization: Caltrans has proposed to minimize impacts to waters of the United States by requiring construction site Best Management Practices (BMPs) for control of stormwater, turbidity, seasonal flows, and hazardous materials spills; limiting equipment access to the proposed work area in Carpinteria Creek; and revegetating areas disturbed by excavation and construction activities except for the proposed low flow channel.

Compensation: Caltrans proposes to permanently impact a total of 0.023 acre of other waters, and temporarily impact 0.059 acre of wetlands and 0.203 acre of other waters to complete the project. With the project, jurisdictional waters of the United States in the project area would increase from approximately 0.195 acre to approximately 0.650 acre due to widening of Carpinteria Creek. To

compensate for the impacts due to the proposed discharges of fill material, Caltrans proposes to re-establish/restore approximately 0.134 acre of riparian wetlands and 0.38 acre of emergent wetlands (total = 0.511 acre) in Carpinteria Creek below the OHWM. Revegetation would also include willow stakes in the RSP and brush layering at the upstream and downstream ends of the project to prevent high flows from flanking and/or undermining the RSP. Outside Corps jurisdictional areas, Caltrans proposes to plant over two acres of native riparian species in the floodplain.

### **Proposed Special Conditions**

The Corps anticipates including standard special conditions on the DA permit which would address threatened and endangered species protections, previously undiscovered cultural resources, BMPs, hazardous materials spills, and mitigation requirements. Additional special conditions may be included on the DA permit as a result of public input.

For additional information please call Theresa Stevens, Ph.D. of my staff at 805-585-2146 or via e-mail at [theresa.stevens@usace.army.mil](mailto:theresa.stevens@usace.army.mil). This public notice is issued by the Chief, Regulatory Division.



#### *Regulatory Program Goals:*

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

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**DEPARTMENT OF THE ARMY  
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