

**State Route 33 (SR-33)
SLOPE STABILIZATION PROJECT**

07-VEN-33 PM 15.7/15.8

EA 3X000

Mitigated Negative Declaration



Prepared by the
State of California Department of Transportation

May 2013



The State of California Department of Transportation proposes to remove the grouted rock slope protection (RSP) and replace it with a soil nail wall to stabilize the roadway and undermined slope along State Route 33 at post mile (PM) 15.7/15.8, near Matilija Creek north of the City of Ojai.

INITIAL STUDY with Proposed Mitigated Negative Declaration

Submitted Pursuant to: (State) Division 13, California Resources Code

THE STATE OF CALIFORNIA
Department of Transportation

March 19, 2013

Date of Approval

Ronald Kosinski

Ron Kosinski
Deputy District Director
Division of Environmental Planning, District 7
California Department of Transportation

Mitigated Negative Declaration

Pursuant to: Division 13, Public Resources Code

Project Description

The California Department of Transportation will to remove the rock slope protection (RSP) and replace it with a soil nail wall on State Route 33 at postmile 15.7/15.8 in Ventura County. The project site is located approximately 1/3 of a mile upstream from the confluence of North Fork Matilija Creek and the mainline Matilija Creek, where two creeks merge to form the Ventura River.

The purpose of this project is to stabilize the roadway from future erosion which will, in turn protect public safety and prevent future scouring.

Determination

Caltrans has prepared a focused Initial Study for this project and following public review, determined that the proposed project will not have a significant effect on the environment for the following reasons:

- The proposed project would have minimal or no effect on land use, agricultural resources, air quality, hazardous waste, noise, socio-economic features, cultural resources, scenic resources, population and housing, visual/ aesthetics, utilities/ service systems, seismic exposure, open space or parklands and transportation/ traffic.
- The proposed project would have a less than significant effect on topography, hydrology/ water quality, floodplains and wetlands.
- The proposed project would have a less than significant effect on biological resources with the appropriate avoidance, minimization, and mitigation measures incorporated.

May 9, 2013

Date of Approval

Ronald Kosinski

Ron Kosinski
Deputy District Director
Division of Environmental Planning, District 7
California Department of Transportation

California Department of Transportation

Initial Study

Project Title

SR-33 Slope Stabilization Project

Lead Agency Name, Address and Contact Person

California Department of Transportation
100 S. Main St.
Los Angeles, CA 90012

Ron Kosinski, Deputy District Director
Div. of Environmental Planning, District 7
(213) 897-0703

Project Location

The proposed project site is located in Ventura County north of the City of Ojai on State Route 33. The work is located at postmile (PM) 15.7/15.8.

Purpose and Need

The purpose of this project is to alleviate future undermining due to severe erosion and possible failure of the rock slope protection (RSP) and the roadway itself. There has been accelerated structural undermining that has caused large cavities beneath the RSP, some up to a horizontal depth of 22-feet beneath the roadway.

Description of Project

The proposed project is located outside the City of Ojai, along State Route 33 in Ventura County at postmile 15.7/15.8. The proposed project will remove the severely undermined grouted rock slope protection (RSP) and construct a soil nail wall approximately 500 feet in length in its place. It will also include a water diversion of approximately 900 feet. Once all existing RSP has been removed and the soil nail wall has been built, the newly widened creek will be restored to match the natural landscape, with a stream simulation rock weir design implemented within the widened portion of the streambed. The creek floodplain will be widened and no permanent encroachment will occur.

Surrounding Land Uses and Setting

The project site is located on State Route 33, near the City of Ojai, approximately a mile and a half from Wheeler Springs and directly adjacent to Mosler rock quarry. The immediate vicinity of North Fork Matilija creek can be easily accessed from SR-33. The creek has been suspected of being impacted by substantial rock slides from the quarry over the past five to ten years. The rock slide during the winter of 2006 redirected this stretch of the creek towards SR-33 as well as creating a barrier to upstream fish migration. A Cleanup and

Abatement Order was issued in June 2006 by the Los Angeles Regional Water Quality Control Board required the quarry to effectively stabilize the slope and reduce or eliminate erosion from the mining area.

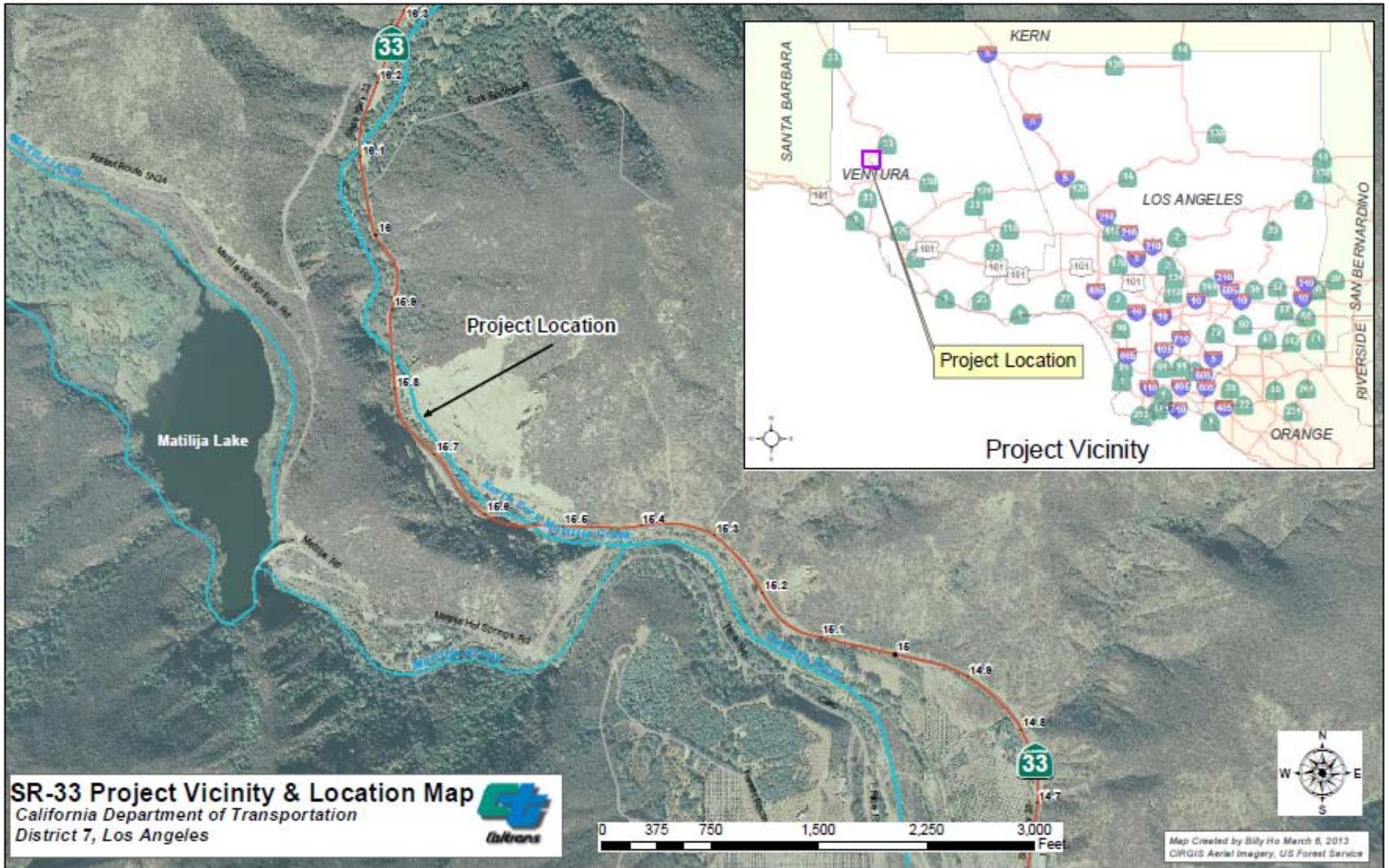
The proposed project site is located about fifteen (15) miles from the ocean and within a mile of Matilija Lake.

Permits and Approvals Needed

- United States Army Corps of Engineers (USACE), Section 404 Permit
- Regional Water Quality Control Board (RWQCB), Section 401 Certification
- California Department of Fish and Wildlife (CDFW), 1602 Streambed Alteration Agreement
- National Marine Fisheries Service (NMFS), Biological Opinion (B.O.)
- U.S Fish and Wildlife Service (USFWS), Biological Opinion (B.O.)

Zoning

The area is a transportation corridor through the County of Ventura, along State Route 33 (SR-33). Open space surrounds SR-33 and Mosler rock quarry is adjacent to the construction site. The proposed project will be constructed within Caltrans' right-of-way and north Fork Matilija Creek. There is no right-of-way acquisition associated with the project.



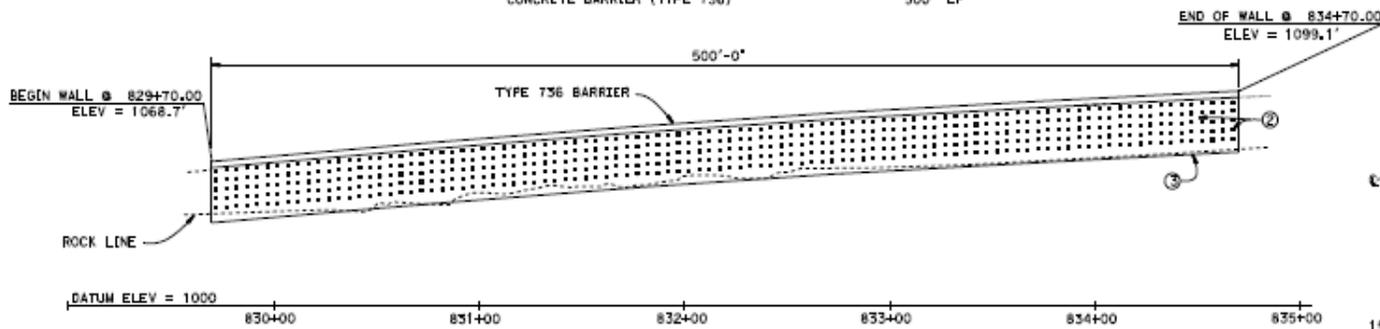
SR-33 Slope Stabilization Project

QUANTITIES

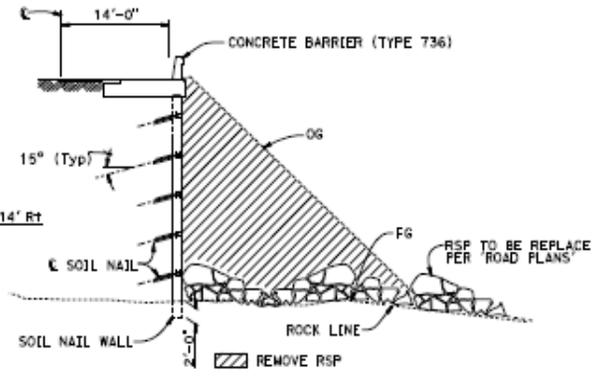
SOIL NAIL	9,625	LF
STRUCTURAL CONCRETE, RETAINING WALL	346	CY
STRUCTURAL CONCRETE, BARRIER SLAB	287	CY
BAR REINFORCING STEEL (RETAINING WALL)	43,380	LB
SHOTCRETE	173	CY
CONCRETE BARRIER (TYPE 736)	500	LF

DIST	COUNTY	ROUTE	TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
07	VEN	33	15.7		

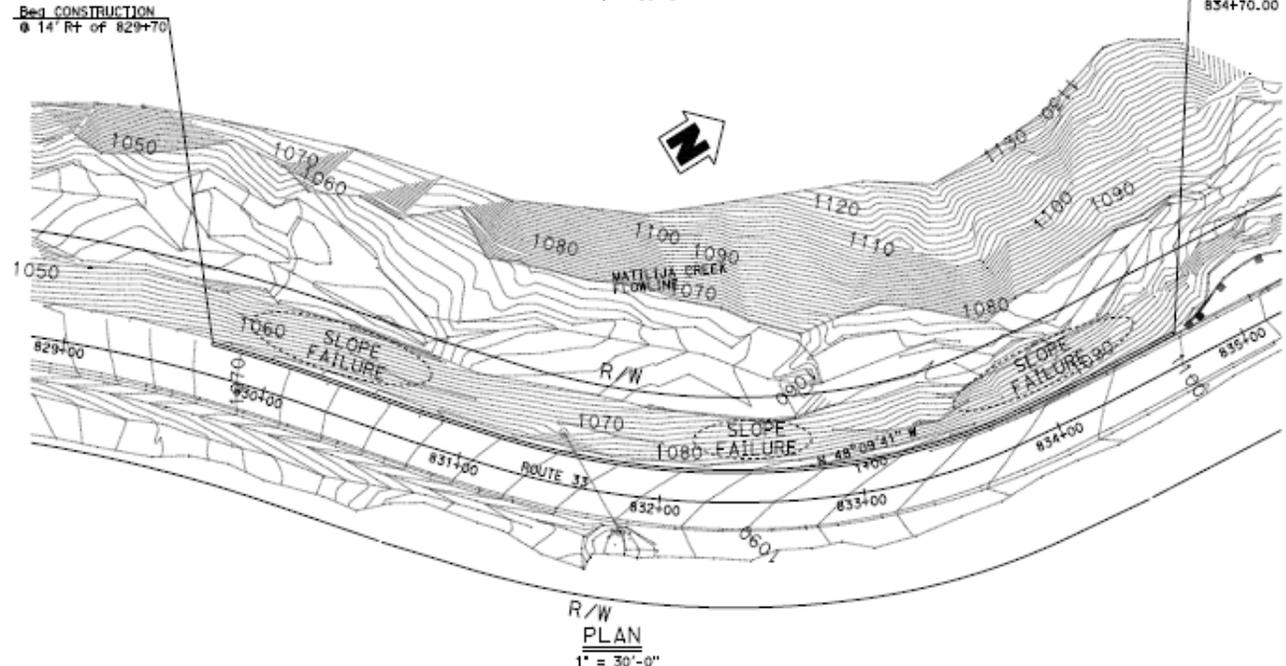
Registered Civil Engineer: *Josh Lane* (07-29-12)
 Date: _____
 Plans Approval Date: _____
 The State of California or its officers or agents shall not be responsible for the accuracy or completeness of electronic copies of this plan sheet.



MIRROR DEVELOPED RETAINING WALL ELEVATION
1" = 30'-0"



TYPICAL SECTION
1/4" = 1'-0"



R/W PLAN
1" = 30'-0"

- NOTES:
- For Roadway Drainage and Earthwork, see "Roadway Plans"
 - Edge distance shall be as follow:
2'-8" from top and sides
3'-8" from bottom
Center to center distance of Nails shall be less than or equal to 5'-0".
 - Wall shall be anchored 2' into bedrock

Josh Lane
DESIGN ENGINEER

DESIGN BY	J. Lane
CHECKED BY	L. Xiong
QUANTITIES BY	J. Lane
DRAWN BY	D. Baroud

TRIPLES BY	D. Baroud
CHECKED BY	J. Lane
DESIGNED BY	D. Baroud

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

DESIGN BRANCH 14

STATE ROUTE 33 SOIL NAIL WALL
GENERAL PLAN

Undermined RSP- North Fork Matilija Creek



Boulders from rockslides obstructing the creek



Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Hazards and Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities/Service Systems
- Mandatory Findings of Significance

Impacts Checklist

The impacts checklist starting on the next page identifies physical, biological, social, and economic factors that might be affected by the proposed project. The California Environmental Quality Act impact levels include “potentially significant impact,” “less than significant impact with mitigation,” “less than significant impact,” and “no impact.”

A brief explanation of each California Environmental Quality Act checklist determination follows each checklist item. Any changes between the draft document and this final document have been notated with a vertical line in the margin.

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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I. AESTHETICS — Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The proposed project will construct a soil nail wall along the slope, replacing the undermined RSP. The location of the soil nail wall will have little to no negative visual impact because the improvement is not clearly visible to travelers on the road. Although route 33 is a designated state scenic highway, the project site will be revegetated which will soften the soil nail wall façade. There is no potential for impact to scenic resources or the visual character of the area. (Visual Impact Assessment May 2012)

II. AGRICULTURE RESOURCES — In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The proposed project will construct a soil nail wall along the slope, replacing the undermined RSP. No agricultural or farmland would be converted with the proposed project, therefore there is no potential for impacts to agricultural resources.

III. AIR QUALITY — Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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a) Conflict with or obstruct implementation of the applicable air quality plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Expose sensitive receptors to substantial pollutant concentrations?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Create objectionable odors affecting a substantial number of people?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project will remove the severely undermined RSP and construct a soil nail wall approximately 500-feet in length. No long-term air quality impacts will result from the project. The project will not increase highway capacity or alter the highway alignment.

IV. BIOLOGICAL RESOURCES — Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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There will be removal of the existing RSP and a soil nail wall built in its place. In addition, the work will require a water diversion (approximately 900 feet). A summary of recommended biological provisions have been attached as Appendix A. In addition, permits from the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Game, and Regional Water Quality Control Board will be obtained for the proposed project.

V. CULTURAL RESOURCES — Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Disturb any human remains, including those interred outside of formal cemeteries?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project will remove the existing RSP and build a soil nail wall in its place. Under CEQA, Caltrans determined a Finding of No Impact; no cultural resources were present within the area of potential effect. Minimization and avoidance measures to avoid impacts to cultural resources:

In the unlikely event that archaeological materials are encountered during project construction, all activities shall cease until a qualified archaeologist can assess the unanticipated discovery.

VI. GEOLOGY AND SOILS — Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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ii) Strong seismic ground shaking?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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iii) Seismic-related ground failure, including liquefaction?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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iv) Landslides?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Result in substantial soil erosion or the loss of topsoil?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project will install a 500-foot long soil nail wall along SR- 33 and remove the existing RSP. The site consists of embankment fill- mixtures of silty and sandy clay with gravel cobblestones, and boulders. Although relatively high intensity of ground shaking is probable at the job site, liquefaction potential is very low due to low groundwater table elevation and subsurface materials.

VII. HAZARDS AND HAZARDOUS MATERIALS —

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

d) Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

The project is located in a rural area; there are no airports or private airstrips or recorded hazardous materials sites in the project area. Based on the most recent Hazardous Waste Assessment, (April 2012), test results from a nearby project showed that the soil can be considered non-hazardous with respect to ADL. Surplus soil resulting from the soil nail wall installation can be considered non-hazardous and released to the contractor without any restrictions. A special provision has been provided for handling and disposal of treated wood waste (TWW) from the metal beam guard rail wood posts. In addition, special provisions have also been provided for yellow and white thermoplastic striping handling and disposal.

VIII. HYDROLOGY AND WATER QUALITY —

Would the project:

a) Violate any water quality standards or waste discharge requirements?

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or offsite?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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e) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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f) Otherwise substantially degrade water quality?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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j) Result in inundation by a seiche, tsunami, or mudflow?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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“No Impact” determinations in this section are based on field reviews with the project development team and discussions with the Project Engineer. There would be a 900-foot water diversion in place that would include the installation of an aqua-dam coffer dam. Two block nets will be installed upstream of the coffer dam to prevent fish from moving into the pumping area. At least two pumps will be used to keep the water surface at levels that will not strand fish by draining the pool, but will prevent higher flows from flooding the project area. Appendix A details these diversion plans.

IX. LAND USE AND PLANNING — Would the project:

a) Physically divide an established community?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Conflict with any applicable land use plan, policy,

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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“No Impact” determinations in this section are based on field visits and conversations with the project development team members.

X. MINERAL RESOURCES — Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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“No Impact” determinations in this section are based on conversations with Project Development Team and project research. The proposed project would build a soil nail wall, approximately 500-feet in length, which would not have any effect on mineral resources.

XI. NOISE — Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

Based on the scope of the project, this project is not considered a Type I project as defined by 23 CFR 772. Therefore, no further study is required and the "No Impact" determinations would apply.

XII. POPULATION AND HOUSING — Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

"No Impact" determinations in this section are based on the scope and location of the project. No relocations or displacements will occur with this project.

XIII. PUBLIC SERVICES —

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

Fire protection?

Police protection?

Schools?

Parks?

Other public facilities?

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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The proposed project is not expected to result in changes to response times on SR-33. There will be a temporary lane closure in the northbound direction within the project limits, with a temporary signal at each end of the highway to control the traffic. However, this is not expected to substantially alter travel times.

XIV. RECREATION —

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

“No Impact” determinations in this section are based on the scope and location of the project. The project area is directly adjacent to SR-33 and Mosler Rock Quarry. There are no adjacent parks or access points from the project site to Matilija Lake, which can be accessed south of the project site, via South Matilija Road.

XV. TRANSPORTATION/TRAFFIC — Would the project:

a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

e) Result in inadequate emergency access?

f) Result in inadequate parking capacity?

g) Conflict with adopted policies, plans, or programs

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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“No Impact” determinations in this section are based on conversations with Project Engineer as well as the scope of the work. There will no additional lanes, and the vertical and horizontal alignments of the road are not being altered. There will be a temporary lane closure during construction in the northbound direction within the project limits with a temporary signal at each end of the highway to control the traffic.

XVI. UTILITY AND SERVICE SYSTEMS — Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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g) Comply with federal, state, and local statutes and regulations related to solid waste?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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“No Impact” determinations in this section are based on conversations with Project Engineer and Project Development Team as well as the scope of the project. The addition of a soil nail wall would not change the current wastewater requirements.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE —

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The potential for biological impacts are discussed below in the “Affected Environment, Environmental Consequences, and Mitigation Measures” section, and Appendix A. With the appropriate Avoidance, Minimization, and Mitigation Measures incorporated, there are no significant impacts expected.

Biological Environment

Regulatory Setting

This section focuses only on the Biological Environment, as that is the only environmental factor potentially affected by the proposed project. All other physical, biological, social, and economic factors have been determined to have no impact or a less than significant impact based on the checklist above and the associated technical studies.

The focus of this section is on biological communities and individual plant and animal species. Potential impacts and permit requirements associated with these species, including the California Department of Fish and Wildlife (CDFW) fully protected species and species of special concern is included. CDFW has regulatory responsibility for the protection of special-status plant and animal species. "Special-status" species are selected for protection because they are rare and/or subject to population and habitat declines. Special status is a general term for species that are afforded varying levels of regulatory protection. The highest level of protection is given to threatened and endangered species; these are species that are formally listed or proposed for listing as endangered or threatened under the Federal Endangered Species Act (FESA) and/or the California Endangered Species Act (CESA).

State and Federal laws and regulations pertaining to wildlife include the following:

- California Environmental Quality Act
- National Environmental Policy Act
- Sections 1600-1603 of the Fish and Wildlife Code
- Section 4150 and 4152 of the Fish and Wildlife Code
- Section 7 of the Federal Endangered Species Act
- Migratory Bird Treaty Act

Affected Environment

A Caltrans biologist prepared the Natural Environment Study for the proposed project in April 2012, and a Natural Environment Study Addendum was prepared in February 2013. The project site is located approximately $\frac{1}{3}$ of a mile upstream from the confluence of North Fork Matilija creek and the mainline Matilija creek, where the two creeks merge to form the Ventura River. This is a mountainous location, near the City of Ojai along State Route 33. It is in a rural setting with a rock quarry operation located directly across from the proposed project site. The proposed project site is located about fifteen (15) miles from the Pacific Ocean and approximately twenty (20) miles north of Ventura.

North Fork Matilija Creek flows through steep sided canyons with a narrow flood plain and riparian zone. The canyon areas consist primarily of scrub and chaparral habitats at the lower elevations with some Jeffery pine woodlands on the upper peaks. The project site is approximately a mile and a half from Wheeler Springs and directly adjacent to the Mosler rock quarry. This immediate vicinity of North Fork Matilija creek receives human use during the dry season and is easily accessible from SR-33. The creek has also been impacted by substantial rock

slides from the quarry over the last five to ten years. A rock slide during the winter of 2006/2007 redirected this stretch of the creek towards State Route-33 as well as creating a complete barrier to upstream fish migration; as of 2011 this rock slide has been partially removed.

Caltrans investigated several alternatives to alleviate the severe undermining of the existing grouted rock slope protection (RSP). These included the current proposed soil-nail wall, other types of similar structures, and breaking up the existing RSP and letting it drop down to the current streambed elevation. The soil nail wall alternative was determined to be the most cost effective long term solution to the scour issues as well as having a net positive impact to the stream system overall.

Caltrans proposes to remove, in stages, existing grouted rock slope protection and build an approximately 500 foot long soil-nail wall in its place. An excavator with a breaker attachment will be used to break up the existing grouted RSP from the roadway, creating a bench that equipment can be lowered into in order to begin construction of the wall.

The wall will be constructed from the top down until reaching bed rock, and will consist of soil nails (steel bars) drilled horizontally into the ground approximately five feet apart and then grouted into place. A wall face will then be constructed with steel mesh and concrete. The wall will be tied into the existing RSP on each end by 1:1 sloped grouted 2-4 ton RSP that will prevent stream flows from flanking the wall. The proposed wall will range in height from 20 to 30 feet tall this is based on the depth of bedrock and height of existing roadway.

The widened streambed will then be restored to a natural condition that blends with the rest of the existing creek bed. This will include placing boulders, cobble, gravel and other fines, as well as in-kind replanting of any native riparian vegetation that is removed.

Regional species and habitats of concern

Regional species and habitats of concern obtained from the California Natural Diversity Database (CNDDDB) and the U.S. Fish and Wildlife Service (USFWS) Species List were used to determine species to study for the project. The California Endangered Species Act requires state lead agencies to consult with CDFW during the CEQA process to avoid jeopardy to Threatened or Endangered species. Caltrans determined that Direct Impacts to state-listed species from proposed project activities are not anticipated. However, coordination is needed for potential impacts to federally- listed Southern Steelhead trout and for California Red-legged frog.

Special Status Species

Special status animal species that were listed in the CNDDDB or U.S. Fish and Wildlife Service species list, southern steelhead (*Oncorhynchus mykiss irideus*), and California red-legged frog (*Rana aurora draytonii*) were further studied to determine the potential impacts that the project may have and are discussed below.

State-Listed or Proposed Species Occurrences

Two state listed species are covered in this document. These are Ojai fritillary (*Fritillaria ojaiensis*) which is identified by the CNPS Inventory of Rare and Endangered Plants (*rare*,

threatened, or endangered in CA and elsewhere.) and California satintail (*Imperata brevifolia*) which is identified by the CNPS Inventory of Rare and Endangered Plants.

California Ojai fritillary (“*Fritillaria ojaiensis*”)

Ojai fritillary is a rare perennial bulbiferous herb that is endemic to four counties in southern California; these are Monterey County, Santa Barbara County, San Luis Obispo County, and Ventura County. It typically blooms between February and May, and is generally associated with shaded and moist (mesic) sites within broad-leaved upland forests, chaparral, and lower-montane coniferous forest habitats. (CNPS, 2012)

California satintail (“*Imperata brevifolia*”)

California satintail is a grass that is found throughout the southwestern United States. It typically blooms between September and May, and is generally associated with shaded and moist (mesic) sites, alkali seeps and riparian scrub habitat. (CNPS, 2012)

Federally-Listed or Proposed Species Occurrences

Four federally listed animal species are covered in this document. They are California red-legged frog (*Rana aurora draytonii*)(T), least Bell’s vireo (*Vireo bellii pusillus*)(E), southwestern willow flycatcher (*Empidonax traillii extimus*)(E), and southern steelhead trout (*Oncorhynchus mykiss*)(E).

California Red-legged frog (“*Rana aurora draytonii*”)

The U.S. Fish and Wildlife Service listed the California red-legged frog as Threatened on May 23, 1996 (61 Federal Register (FR) 25813). The California red-legged frog is one of two subspecies of the red-legged frog (*Rana aurora*) found on the Pacific coast. It has been extirpated from 70 percent of its former range and now is found primarily in coastal drainages of central California, from Marin County, California, south to northern Baja California, Mexico. It is found from sea level to elevations of approximately 5,200 feet. Nearly all sightings have occurred below 3,500 feet elevation (USFWS CRLF Recovery Plan, 2002).

California red-legged frogs have a complex requirement of habitat conditions. They need deep slow moving aquatic breeding sites that typically contain emergent vegetation, within a larger riparian system that is connected to upland dispersal habitat. Breeding sites of the California red-legged frog include pools and backwaters within streams and creeks, ponds, marshes, springs, sag ponds, dune ponds and lagoons. Additionally, California red-legged frogs frequently breed in artificial impoundments such as stock ponds (USFWS CRLF Recovery Plan, 2002).

California red-legged frogs breed from November through April (Storer, 1925). Typically, most adult frogs lay their eggs in March. Eggs require approximately 20-22 days to develop into tadpoles, and tadpoles require 11 to 20 weeks to develop into terrestrial frogs. (Bobzien et. al. 2000, Storer 1925, Wright and Wright 1949). Critical Habitat (CH) is defined as those areas both inside and outside of the geographical area occupied by the species in which are found the physical or biological features that are essential to the conservation of the species and which may require special management considerations or protection.

least Bell's vireo ("Vireo bellii pusillus")

The U.S. Fish and Wildlife Service listed the least Bell's vireo (LBV) as Endangered on May 2nd, 1986. (51 FR 16474) The LBV is a small migratory song bird that winters in Baja California and returns to Southern California during spring and summer to mate. Breeding distribution is currently limited to eight southern California counties as well as northern Baja California. The species prefers structurally complex, early successional, dense willow dominated habitat along drainages.

Breeding habitat for the LBV consists primarily of lowland riparian habitats from near sea level on the coast to 4,000 feet (approximately 1,200 meters) above mean sea level in the interior (CDFG 2005). The most critical structural component of breeding habitat is a dense shrub layer approximately 3.3 to 6.6 feet (approximately 1 to 2 meters) above ground level, where nests are typically built within 3.2 feet (1 meter) of the ground in the fork of willows (*Salix spp.*), roses (*Rosa spp.*), mulefat (*Baccharis salicifolia*), or other low-growing cover (USFWS 1994).

Extensive breeding habitat loss and degradation as well as brood parasitism by non-native brown-headed cow bird (*Molothrus ater*) have resulted in a range-wide decline in the species. (USFWS LBV Draft Recovery Plan, 1998) Suitable riparian breeding habitat was estimated to have declined by 95% at the time of the original ESA listing. (USFWS LBV 5 Year Review, 2006)

In the decade since listing, Least Bell's Vireo numbers have increased 10-fold, and the species is expanding into its historic range. In 2006 there were 2,968 known territories. (USFWS LBV 5 Year Review, 2006) During the breeding season, birds begin returning to their southern California breeding sites in mid- to late-March; and typically leave the breeding sites by September (Kus B, 2002).

southwestern willow flycatcher ("Empidonax traillii extimus")

The southwestern willow flycatcher was federally listed as endangered on February 27, 1995 (60 FR 10694). The breeding range of the southwestern willow flycatcher includes Arizona, New Mexico, the southern portions of California, Nevada, and Utah, western Texas, southwestern Colorado, and extreme northwestern Mexico. Loss and modification of riparian habitats and brood parasitism by brown-headed cowbirds were the primary reasons for listing the southwestern willow flycatcher. This species occurs in riparian habitats along rivers, streams, or other wetlands where dense growths of willows, coyote brush, arrowweed (*Pluchea sp.*), buttonbush (*Cephalanthus sp.*), tamarisk (*Tamarix sp.*), Russian olive (*Eleagnus sp.*) or other plants are present, often with a scattered over story of cottonwoods. In the coastal portions of its range, southwestern willow flycatchers use willow dominated riparian areas intermixed with cottonwoods, coyote brush and mule fat.

Southern Steelhead Trout ("Oncorhynchus mykiss")

Steelhead trout were listed as Endangered within the Southern California Evolutionarily Significant Unit (ESU) on October 17th, 1997. The Southern California ESU extends from the Santa Maria River in San Luis Obispo County south to the southern extent of their range. Fish within the Southern California ESU are considered "winter-run" or ocean-maturing steelhead. These anadromous fish are born in fresh water, where they typically spend one to three years

before migrating to the ocean. After spending one to four years in the ocean, they return to their natal stream to spawn as four or five year-olds. Migration within this ESU generally occurs from November through March (NOAA, 2012). Spawning takes place from December through June, with a peak during the months of February and March.

Critical Habitat (CH) is defined as those areas both inside and outside of the geographical area occupied by the species in which the physical or biological features are found that are essential to the conservation of the species and which may require special management considerations or protection.

The Southern steelhead populations in Ventura and Los Angeles counties have had substantial cumulative impacts throughout the last 50 years. These are primarily related to the discharge of sediment and debris within waterways, artificial migration barriers such as dams and culverts, and inadequate stream flows (McEwan and Jackson, 1996). Of the streams south of the San Francisco bay known to have historic populations of southern steelhead trout, at least 33% are believed to be extirpated with an additional 47% having substantially reduced populations (McEwan and Jackson, 1996).

Project Impacts

The project includes a stream simulation rock-weir design within the widened portion of the creek where the existing grouted RSP slope is located. This is designed to mimic the natural creek bed and maintain the existing fish passage and hydraulic conditions in flows up to the 2 year storm event.

California Ojai fritillary “*Fritillaria ojaiensis*”

The project site was surveyed in April 2010, and while potential habitat does exist within the project footprint, no plants were observed at this time. (Per comm. March, 2012) According to the California Natural Diversity Database BIOS Mapper the nearest know population of Ojai fritillary is within the riparian zone of North Fork Matilija Creek approximately 3 miles upstream of the project site. As this species is not protected under the Federal Endangered Species Act, no Critical Habitat has been designated.

Between the low likelihood that the Ojai fritillary will be present within or adjacent to the construction site and the Avoidance and Minimization Measures being implemented to ensure that none are on-site prior to the initiation of work, there will likely be no effect on this species by Caltrans’ actions.

California satintail (“*Imperata brevifolia*”)

The project site was surveyed in April 2010, and while potential habitat does exist within the project footprint, no plants were observed at this time. (Per comm. March, 2012) According to the California Natural Diversity Database BIOS Mapper the nearest know population of California satintail is within the riparian zone of Matilija Creek approximately 1,000 feet from

the project site. As this species is not protected under the Federal Endangered Species Act, no Critical Habitat has been designated.

Between the low likelihood that the California satintail will be present within or adjacent to the construction site and the Avoidance and Minimization Measures being implemented to ensure that none are on-site prior to the initiation of work. There will likely be no effect on this species by Caltrans' actions.

California Red-legged frog (“*Rana aurora draytonii*”)

Critical Habitat was designated for the California red-legged frog (CRLF) on April 13th, 2006 (71 FR 19244), revised critical habitat was designated on March 17th, 2010. (75 FR 12816). The proposed project is located within designated habitat for CRLF.

The nearest known population of red-legged frogs is on the mainline Matilija Creek upstream of Matilija Dam. Several individuals would found in surveys done by FWS in 2000 as part of the Matilija Dam Removal Project between 0.75 miles and 3.0 miles upstream of the dam.

Four additional surveys were done of the section of North Fork Matilija Creek adjacent to the Mosler Quarry site by Padre Associates, Inc. biologists and FWS biologists in 2010. No red-legged frogs were found during these surveys. (Padre Associates, Inc Survey Report, 2010)

In addition in March 2008, two surveys, night and daytime, were conducted on a 500- foot reach of North Fork Matilija Creek approximately 2 miles upstream of the proposed project site by Entrix and FWS biologists for a Caltrans' emergency repair project (EA: 1X970). No red-legged frogs were found during these surveys (Entrix Survey Report, 2008).

The project involves de-watering of this stretch of creek for a period of time. These activities will adversely impact critical habitat of CRLF as well as any individuals present within the project footprint. Some mortality could occur during removal and relocation activities. These impacts should be minimal due to the fact that previous recent surveys have not found a population of CRLF at this location.

The natural ability of adult CRLF to migrate over upland and dry habitats to reach wet areas of the creek upstream and downstream would lessen the negative impact of the dewatering. Due to their inability to migrate, tadpoles, juveniles, and egg masses present would be more seriously affected by the de-watering activities if they are not removed and relocated prior to construction initiation.

As the project will widen the current riparian zone, the long term impacts of the project should be beneficial to the creek system, adjacent riparian habitat, and associated species. There should be less artificial constriction of the creek system in this location, and alleviation some of the high gradient cascade geomorphology that is present in some locations within this reach.

Least Bell's vireo (“*Vireo bellii pusillus*”)

No protocol surveys have been done at this location because the proposed project occurs in only marginal habitat for least Bell's vireo. Least Bell's vireo are generally found in much greater

numbers at lower elevations in low gradient streams and rivers that have wide floodplains and dense riparian zones. The riparian zone within the project footprint is a steep high gradient creek with very narrow, approximately 50 feet wide, and sparse riparian woodland habitat present. This project is not within Designated Critical Habitat for least Bell's vireo.

There is a low likelihood that least Bell's vireo will be present within or adjacent to the construction site; the pre-construction surveys and weekly surveys during construction will ensure that none are on-site prior to the initiation of work. Effects on this species due to Caltrans' activities will likely be limited to the temporary loss of potential nesting and foraging habitat but no direct disturbance of active nesting or foraging.

Southwestern willow flycatcher (“*Empidonax traillii extimus*”)

No protocol surveys have been done at this location because the proposed project occurs in only marginal habitat for southwestern willow flycatcher. Willow flycatchers are generally found in much greater numbers at lower elevations in low gradient streams and rivers that have wide floodplains and dense riparian zones. The riparian zone within the project footprint is a steep high gradient creek with very narrow, approximately 50 feet wide, and sparse riparian woodland habitat present. This project is not within Designated Critical Habitat for Southwestern willow flycatcher.

Between the low likelihood that Southwestern willow flycatcher will be present within or adjacent to the construction site and the Avoidance and Minimization Measures being implemented to ensure that none are on-site prior to the initiation of work (BRD-01 and BRD-02), effects on this species due to Caltrans activities will likely be limited to the temporary loss of potential nesting and foraging habitat and not direct disturbance of active nesting or foraging.

Southern Steelhead Trout (“*Oncorhynchus mykiss*”)

The Lower North Fork of the Matilija Creek contains some of the best habitat for steelhead spawning and rearing within the Matilija basin. (Per comm. Mary Larson, 2010 CDFG). Spawning gravels are abundant and in good condition, although there is some mineral cementation in areas, this is especially obvious upstream of the project site. Rainbow trout were observed within the project site and have been detected in other surveys done by Caltrans upstream (Swift, 2008) and throughout the Lower North Fork. (Allen, Riley, and Thobaben, 2003) Redds and spawning adults, as well as small swim-up fry have also been found throughout this reach (Allen, Riley, and Thobaben, 2003, Swift 2008).

Critical habitat was designated for the Southern California Evolutionarily Significant Unit (ESU) on Feb. 16th, 2000 (NMFS, 2000), and includes those river reaches and estuarine areas accessible to steelhead in coastal river basins. The proposed project is located within designated habitat for southern steelhead trout.

The proposed project will likely adversely affect southern steelhead trout. As the proposed project occurs in designated critical habitat and includes water diversion activities that will require any individuals present to be captured and removed from the project area, adverse impacts to this species cannot be avoided. Some mortality during removal and relocation may occur. Sediment blooms will be discharged into the downstream waters during the installation

and removal of the water diversion; however they are not anticipated to be severe enough to result in steelhead mortality.

This project will likely have negative effects on steelhead for the short term duration after the project has been constructed due to the removal of the overhanging grouted RSP and the removal of riparian vegetation along this stretch of creek. This would reduce cover and shading of the creek through this area until new vegetation has had a chance to establish and grow.

However, the long-term effects of the proposed project are expected to be beneficial for the southern steelhead trout due to the reduction of the existing artificial constriction of North Fork Matilija Creek through this area, and a widening of the existing flood plain. These beneficial effects outweigh the potential short term construction related impacts to the species.

Cumulative Effects

California Ojai fritillary (“*Fritillaria ojaiensis*”)

The proposed project will reduce the artificial constriction of the creek and flood plain through this reach and have a long term net beneficial effect on the stream. Due to these long term net beneficial effects of the project, and the small amount of take that is currently expected, Caltrans is anticipating no cumulative negative effects to this species.

California satintail (“*Imperata brevifolia*”)

The proposed project will reduce the artificial constriction of the creek and flood plain through this reach and have a long term net beneficial effect on the stream. Due to these long term net beneficial effects of the project, and the small amount of take that is currently expected, Caltrans is anticipating no cumulative negative effects to this species.

California Red-legged frog (“*Rana aurora draytonii*”)

The proposed project will reduce the artificial constriction of the creek and flood plain through this reach and have a long term net beneficial effect on the stream. Due to these long term net beneficial effects of the project, and the small amount of take that is currently expected, Caltrans is anticipating no cumulative negative effects to this species.

least Bell’s vireo (“*Vireo bellii pusillus*”)

This project will likely have no cumulative effects on this species.

Southwestern willow flycatcher (“*Empidonax traillii extimus*”)

This project will likely have no cumulative effects on this species.

Southern Steelhead Trout (“*Oncorhynchus mykiss*”)

The southern steelhead populations in Ventura and Los Angeles counties have had cumulative impacts throughout the last 50 years. These are primarily related to the discharge of sediment and debris within waterways, artificial migration barriers such as dams and culverts, and inadequate

stream flows (McEwan and Jackson, 1996). Of the streams south of the San Francisco bay known to have historic populations of southern steelhead trout, 47% have substantially reduced populations (McEwan and Jackson, 1996).

The permanent long term effects of this project will be a reduction of the existing artificial constriction of North Fork Matilija Creek through this reach, and a widening of the existing flood plain. These beneficial effects outweigh the potential short term construction related impacts to the species. As indicated in Caltrans' consultation with NMFS, the proposed action is not likely to jeopardize the continued existence of the federally endangered Southern California steelhead, or destroy or adversely modify critical habitat for this species. As such no cumulative negative effects are expected as a result of Caltrans actions, but rather, Caltrans anticipates a net beneficial improvement to the steelhead habitat.

Avoidance, Minimization, and Mitigation Measures

An updated planting plan has been developed, this includes the planting of large 24"-48" box trees directly along the edge of the impact footprint near the existing low flow thalweg, this is was developed to provide immediate shade for the creek after the project is completed.

Revegetation will include planting white alders, Western sycamores, and arroyo willows at ratios of 4:1, 5:1, and 14:1, respectively. Rows of mulefat will be planted at the top and toe of the rock-weir structures. Larger trees to be planted include 27 24-inch box Western sycamore and 6 48-inch box Western sycamore trees will also be planted to provide immediate shade and cover.

Habitat Type	Amount of Habitat Present	Proposed Replanting Ratio
White Alder (A. <i>Rhombifolia</i>)	31 Trees	4:1 Cuttings (124 Total)
Western Sycamore (P. <i>Racemosa</i>)	10 Trees	5:1 5-Gallon Plantings (50 Total) Additional larger trees will be planted to provide immediate shade and habitat improvement post construction. This includes 27 24 Inch-box and 6 48 Inch-box western sycamore trees.
Arroyo Willow (S. <i>lasiopepis</i>)	10 Trees	14:1 Cuttings (140 Total)

California Ojai fritillary (“*Fritillaria ojaiensis*”)

BOT-01 Caltrans will conduct pre-construction surveys by a qualified botanist with experience in locating and identifying rare plants prior to the initiation of work. If any rare plants are located within the project footprint, they will be re-located to a safe location as deemed by the botanist and in coordination with CDFG.

California satintail (“*Imperata brevifolia*”)

BOT-01 Caltrans will conduct pre-construction surveys by a qualified botanist with experience in locating and identifying rare plants prior to initiation of work. If any rare plants are located within the project footprint, they will be re-located to a safe location as deemed by the botanist and in coordination with CDFG.

California Red-legged frog (“*Rana aurora draytonii*”)

RLF-01 Caltrans will conduct pre-construction surveys done by a qualified herpetologist with experience in locating and identifying CRLF and approved by USFWS, prior to initiation of work. If any CRLF are located within the project footprint, they will be re-located to a safe location as deemed by the herpetologist in coordination with USFWS.

RLF-02 Caltrans will have a biological monitor with experience in locating and identifying CRLF on-site at all times throughout the duration of construction activities within the riparian zone. If any CRLF are observed during construction work, all work will halt until a permitted herpetologist can be present to help relocate any individuals found to a safe location.

RLF-03 Caltrans will incorporate all applicable Avoidance and Minimization Measures as identified in the Programmatic Biological Opinion issued by U.S. Fish and Wildlife Service to the Federal Highways Administration (1-8-02-F-68).

least Bell’s vireo (“*Vireo bellii pusillus*”)

BRD-01 Caltrans will conduct pre-construction surveys following the appropriate protocols for locating and identifying southwestern willow flycatcher (*Empidonax traillii extimus*) and least Bell’s vireo (*Vireo bellii pusillus*) done by a qualified ornithologist, approved by USFWS prior to initiation of work. If any southwestern willow flycatchers or least Bell’s vireo are found within 500 feet of the construction site, no work shall begin until the nesting has been completed and the birds have left the area or Caltrans has completed formal consultation.

BRD-02 Caltrans will conduct weekly surveys of the adjacent riparian zone surrounding the project site for the duration of construction activities within the creek. These surveys will be done by a qualified ornithologist with experience in locating and identifying least Bell’s vireo and southwestern willow flycatcher. Should either of these species be located, work shall be halted and USFWS will be notified. Work will not resume until such time as it is determined that the birds have left the area or Caltrans has completed formal consultation.

Southwestern willow flycatcher (“*Empidonax traillii extimus*”)

The widened stream channel will blend into the existing channel by placing boulders, cobble, and gravel, as well as planting riparian vegetation. This should offset any temporary loss of habitat in the long term.

BRD-01 Caltrans will conduct pre-construction surveys following the appropriate protocols for locating and identifying southwestern willow flycatcher (*Empidonax traillii extimus*) and least Bell's vireo (*Vireo bellii pusillus*) done by a qualified ornithologist, approved by USFWS prior to initiation of work. If any southwestern willow flycatchers or least Bell's vireo are found within 500 feet of the construction site, no work shall begin until the nesting has been completed and the birds have left the area or Caltrans has completed formal consultation.

BRD-02 Caltrans will conduct weekly surveys of the adjacent riparian zone surrounding the project site for the duration of construction activities within the creek. These surveys will be done by a qualified ornithologist with experience in locating and identifying least Bell's vireo and southwestern willow flycatcher. Should either of these species be located, work shall be halted and USFWS will be notified. Work will not resume until such time as it is determined that the birds have left the area or Caltrans has completed formal consultation

Southern Steelhead Trout (“*Oncorhynchus mykiss*”)

SST-01 Pre-construction surveys done by a NOAA approved, qualified ichthyologist with experience in locating and identifying Southern steelhead trout will be done prior to initiation of work. If any Southern steelhead trout are located, work will not commence until coordination with NOAA has occurred.

EXC-01 Exclusionary nets will be setup to exclude fish from the project site prior to installation of the water diversion. Any fish found within the project site will be moved upstream of the project site and released. All exclusionary and removal activities will be conducted by a NOAA and USFWS approved ichthyologist with experience in identifying and handling tidewater goby and southern steelhead trout.

WDP-01 A Water Diversion Plan shall be developed and implemented in consultation with NOAA, CDFG, USFWS, ACOE, and RWQCB to divert water through the project site to reduce turbidity and prevent sediments from entering the lagoon downstream of the project site.

WTP-01 All work shall be conducted outside of the upstream migration season for winter-run southern steelhead trout. Southern steelhead trout generally begin migrating upstream during November and continue migrating through winter generally until the end of March. Work shall be conducted from June 1st, through November 1st.

GRW-01 Ground water seepage within the project area will be containerized and taken offsite to prevent sediments from entering the lagoon downstream.

GDP-01 A Stream Restoration Plan will be developed by Caltrans in-conjunction with a qualified hydraulics engineer to ensure that the morphology of the stream will not be affected in such a way as to prevent fish migration and passage through the project area.

BMP-01 All applicable construction Best Management Practices (BMPs) for water quality shall be implemented to minimize affects to downstream areas.

FIN-01 A Final Project Report will be submitted to USFWS, NOAA, CDFG, ACOE, and RWQCB once the project and all monitoring has been completed.

SST-01 Pre-construction surveys done by a NOAA approved, qualified ichthyologist with experience in locating and identifying Southern steelhead trout will be done prior to initiation of work. If any Southern steelhead trout are located work will not commence until coordination with NOAA has occurred.

EXC-01 Exclusionary nets will be setup to exclude fish from the project site prior to installation of the water diversion. Any fish found within the project site will be moved upstream of the project site and released. All exclusionary and removal activities will be conducted by a NOAA and USFWS approved ichthyologist with experience in identifying and handling tidewater goby and southern steelhead trout.

STR-01 Caltrans will restore the creek to pre-construction conditions by replacing any boulders moved back to their original locations and blending the widened portion of the creek into the existing creek bed. This includes placing fines, gravel, rock and boulders within the widened portion of the creek to simulate a natural stream environment as well as replanting removed riparian vegetation to provide shade for the creek.

GDP-01 A Stream Restoration Plan will be developed by Caltrans in-conjunction with a qualified hydraulics engineer to ensure that the morphology of the stream will not be affected in such as way as to prevent fish migration and passage through the project area.

Invasive Species

INV-01 Any invasive species present shall be removed and disposed of offsite at an appropriate disposal location.

INV-02 In compliance with the Executive Order on Invasive Species, E.O. 13112, and subsequent guidance from the Federal Highway Administration, the landscaping and erosion control included in the project will not use species listed as noxious weeds. In areas of particular sensitivity, extra precautions will be taken if invasive species are found in or adjacent to the construction areas. These include the inspection and cleaning of construction equipment and eradication strategies to be implemented should an invasion occur.

Agency Consultation

Federal Endangered Species Act Consultation Summary

Summary of Consultation to Date

Caltrans requested an initial species list from U.S Fish and Wildlife Service on November 9th, 2010.

The U.S. Fish and Wildlife Species list was received by Caltrans on December 17th, 2010. Early coordination was initiated with Kristin Mull from NOAA via phone and email on October 18th, 2011 and Caltrans received NOAA's initial concerns on October 28th, 2011.

A field meeting was held with Steve Kirkland from U.S. Fish and Wildlife Service on December 8th, 2011.

Additional consultation was done with Steve Kirkland from USFWS by phone and email December 2011-February 2012, on February 23rd, 2012 Caltrans was informed that an updated species list was not necessary provided that Critical Habitat for California Red-legged frog was addressed.

The Biological Assessment was submitted to U.S. Fish and Wildlife Service and the NOAA Fisheries on Friday March 2nd, 2012. Caltrans conducted technical assistance with NOAA March 2012 through September 2012. Formal Section 7 consultation with NOAA began September 2012. USFWS Formal Section 7 consultation began April 2012, and the Biological Opinion was received October 2012.

Federal Fisheries and Essential Fish Habitat Consultation Summary

The project does not occur within designated Essential Fish Habitat. No effects to any Essential Fish Habitat are expected.

California Endangered Species Act Consultation Summary

The Biological Assessment for this project was submitted to Jamie Jackson-Environmental Scientist of the California Department of Fish and Game. As no species are present that are only listed under the CESA and not the FESA, no consultation was initiated.

Wetlands and Other Waters Coordination Summary

As the project falls within CWA Section 404 and 401 jurisdiction as well as California Department of Fish and Game Code Section 1600 jurisdiction. Further consultation will occur during the acquisition of permits from ACOE, RWQCB, CDFG, and the CCC.

List of Preparers

The following Caltrans District 7 staff contributed to the preparation of this Initial Study:

Ron Kosinski, Deputy District Director, Environmental Planning

Garrett Damrath, Office Chief, Environmental Planning

Eduardo Aguilar, Environmental Branch Chief

Natalie Hill, Associate Environmental Planner

Peter Champion, Associate Biologist

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Appendix A Biological Provisions and Permit Conditions

BMP-01 All applicable construction Best Management Practices (BMPs) for water quality shall be implemented to minimize affects to downstream areas.

BOT-01 Caltrans will conduct pre-construction surveys done by a qualified botanist with experience in locating and identifying rare plants, prior to initiation of work. If any rare plants are located within the project footprint they will be re-located to a safe location as deemed by the botanist and in coordination with the California Department of Fish and Wildlife (CDFW).

BRD-01 Caltrans will conduct pre-construction surveys following the appropriate protocols for locating and identifying southwestern willow flycatcher (*Empidonax traillii extimus*) and least Bell's vireo (*Vireo bellii pusillus*) done by a qualified ornithologist, approved by USFWS prior to initiation of work. If any southwestern willow flycatchers or least Bell's vireo are found within 500 feet of the construction site. No work shall begin until the nesting has been completed and the birds have left the area or Caltrans has completed formal consultation.

BRD-02 Caltrans will conduct weekly surveys of the adjacent riparian zone surrounding the project site for the duration of construction activities within the creek. These surveys will be done by a qualified ornithologist with experience in locating and identifying least Bell's vireo and southwestern willow flycatcher. Should either of these species be located, work shall be halted and USFWS will be notified. Work will not resume until such time as it is determined that the birds have left the area or Caltrans has completed formal consultation.

EXC-01 Exclusionary nets will be setup to exclude fish from the project site prior to installation of the water diversion. Any fish found within the project site will be moved upstream of the project site and released. All exclusionary and removal activities will be conducted by a NOAA and USFWS approved ichthyologist with experience in identifying and handling tidewater goby and southern steelhead trout.

FIN-01 A Final Project Report will be submitted to USFWS, NOAA, CDFW, ACOE, and RWQCB once the project and all monitoring has been completed.

GDP-01 A Stream Restoration Plan will be developed by Caltrans in-conjunction with a qualified hydraulics engineer to ensure that the morphology of the stream will not be affected in such a way as to prevent fish migration and passage through the project area.

GRW-01 Ground water seepage within the project area will be containerized and taken offsite to prevent sediments from entering the lagoon downstream.

RLF-01 Caltrans will conduct pre-construction surveys done by a qualified herpetologist with experience in locating and identifying CRLF and approved by USFWS, prior to initiation of work. If any CRLF are located within the project footprint they will be re-located to a safe location as deemed by the herpetologist in coordination with USFWS.

RLF-02 Caltrans will have a biological monitor with experience in locating and identifying CRLF on-site at all times throughout the duration of construction activities within the riparian zone. If any CRLF are observed during construction work, all work will halt until a permitted herpetologist can be present to help relocate any individuals found to a safe location.

RLF-03 Caltrans will incorporate all applicable Avoidance and Minimization Measures as identified in the Programmatic Biological Opinion issued by U.S. Fish and Wildlife Service to the Federal Highways Administration (1-8-02-F-68).

SST-01 Pre-construction surveys done by a NOAA approved, qualified ichthyologist with experience in locating and identifying Southern steelhead trout will be done prior to initiation of work. If any Southern steelhead trout are located work will not commence until coordination with NOAA has occurred.

STR-01 Caltrans will restore the creek to pre-construction conditions by replacing any boulders moved back to their original locations and blending the widened portion of the creek into the existing creek bed. This includes placing fines, gravel, rock, and boulders within the widened portion of the creek to simulate a natural stream environment as well as replanting removed riparian vegetation to provide shade for the creek.

WDP-01 A Water Diversion Plan shall be developed and implemented in consultation with NOAA, CDFW, USFWS, ACOE, and RWQCB to divert water through the project site to reduce turbidity and prevent sediments from entering the lagoon downstream of the project site.

WTP-01 All work shall be conducted outside of the upstream migration season for winter-run southern steelhead trout. Southern steelhead trout generally begin migrating upstream during November and continue migrating through winter generally till the end of March. Work shall be conducted from June 1st, through November 1st.

Updated Provisions

The following provisions have been specified by NOAA Fisheries and U.S. Fish and Wildlife in their Biological Opinions.

NOAA Fisheries:

- A. Caltrans shall retain a biologist with expertise in the areas of resident or anadromous salmonid biology and ecology; fish/habitat relationships; biological monitoring; and, handling, collecting, and relocating salmonid species.

- B. Caltrans' biological monitor shall oversee implementation of the water diversion, and isolation of the work area upstream and downstream of the diversion with block netting. The biological monitor will also survey the diversion area of the creek for steelhead (including beneath boulders) before diversion takes place, and at least 3 times during the dewatering process and after the diversion is in to make sure to the maximum extent practicable that no steelhead is stranded in the diversion area before any construction work begins. The biologist shall capture steelhead in the isolated wetted work areas or at the upstream block net and then relocate steelhead upstream to multiple locations of

suitable habitat (preferably pool habitat with boulder refuge areas). One or more of the following methods shall be used to capture steelhead: seine, dip net, throw net, minnow trap, or by hand. Electrofishing is prohibited.

- C. Caltrans' biological monitor shall provide a written fish relocation report to NMFS within 30 working days following completion of the proposed action. The report shall include; 1) the number and size of any and all steelhead relocated during the project action or fish relocation; 2) the date and time of the collection and relocation site; 3) a description of any problem encountered during the project or when implementing terms and conditions and; 4) any effect of the project action on steelhead that was not previously considered. The report should be sent to Jay Ogawa, NMFS, 501 W. Ocean Blvd., Suite 4200, Long Beach, California 90802-4213.
- D. Caltrans' biologist shall contact NMFS (Jay Ogawa, 562-980-4061) immediately if one or more steelhead are found dead or injured. The purpose of the contact shall be to review the activities resulting in take and to determine if additional protective measures are required, and to discuss procedures to be used to handle or dispose of any dead steelhead. Subsequent notification must also be made in writing to Jay Ogawa, NMFS, 501 W. Ocean Blvd., Suite 4200, Long Beach, California 90802-4213 within five days of noting dead or injured steelhead. The written notification shall include; 1) the date, time, and location of the carcass or injured specimen; 2) a color photograph; 3) cause of injury or death and; 4) name and affiliation of the person who found the specimen.
- E. Caltrans shall provide the final design plans and notify NMFS when the proposed action will take place 14 days prior to the beginning of construction so NMFS, at its discretion, may periodically observe project construction and other activities. These observations may help in devising ways to reduce adverse impacts to steelhead and their habitat for this project and for future projects of similar nature. Plans shall be sent to Jay Ogawa, NMFS, 501 W. Ocean Blvd., Suite 4200, Long Beach, California 90802-4213.
- F. Caltrans' biological monitor shall continuously monitor all construction activities, instream habitat, and performance of sediment control devices for the purpose of identifying and reconciling any condition that could adversely affect steelhead or their habitat. The biologist shall be empowered to halt work activity and to recommend measures for avoiding adverse effects to steelhead and their habitat. The biological monitor shall contact NMFS (Jay Ogawa, 562-980-4061) immediately for further guidance if any unanticipated problem, which could have an adverse effect on steelhead or critical habitat, occurs. Caltrans' biological monitor shall provide photographs of the soil nail wall, boulder step structures and vicinity within 30 working days following completion of the proposed action, to ensure proposed methods of construction were implemented.
- G. Any heavy equipment used in or near the creek channel shall be removed from the channel at the end of each workday. When feasible work shall be performed from the roadway and no heavy equipment will operate in the stream channel below the level of the 2 year flow event. All heavy equipment shall be checked for leaks of oil, gas,

hydraulic fluid and any other pollutant which could impact water quality and instream habitat each workday prior to being deployed into the creek. Such leaks shall be controlled for the purpose of avoiding water-quality impacts to surface water.

- H. An onsite authorized engineer with geomorphic knowledge shall be provided by Caltrans during construction to ensure the proposed methods of construction are implemented correctly in order to minimize impacts to endangered steelhead and designated critical habitat. The Caltrans engineer should have previous experience constructing fish passage related projects using natural materials to perform the following activities: 1) direct when, and how material will be removed and replaced within the channel to maximize geomorphic stability and fish passage opportunities; 2) to make certain the existing key stones forming the existing step-bands are disturbed as little as possible; and 3) make certain that any stream bed material placed or replaced in the channel along with the boulder step structures are filled and compacted so that the chance of subsurface flows is minimized.
- I. Erosion control or sediment detention devices shall be installed prior to the time of construction activities to isolate the stream and the stream bed from road building material and excavated RSP (i.e., concrete, and aggregates) and to minimize spillage of such materials into North Fork Matilija Creek and general vicinity.
- J. Caltrans shall implement an effectiveness monitoring plan to identify sediment/deposition related effects within instream habitats in the action area and remedy the identified effects on endangered steelhead and designated critical habitat for this species through maintenance. The plan shall include: 1) a description of project objectives, 2) the locations within the action area to monitor for changes in stream-bed morphology, 3) the methods and protocols utilized to quantify sediment-related effects, 4) a schedule that specifies time of implementation and sampling events, 5) the action taken to resolve sediment related effects, 6) the type and magnitude of material requiring removal and the methods of removal, 7) the schedule for addressing the identified effects within 30 days of detection, and 8) schedule for providing reports. The plan shall be prepared by a qualified geomorphologist with prior experience performing similar sediment transport/deposition studies. Caltrans shall submit a summary report describing the results of any maintenance task performed. Reports are to be sent to Jay Ogawa, NMFS, 501 W. Ocean Blvd., Suite 4200, Long Beach, California 90802-4213.
- K. Caltrans shall implement an effectiveness monitoring and maintenance plan within the action area to validate the post-construction performance of the soil nail wall and boulder step structures and remedy project effects on endangered steelhead and designated critical habitat for this species through maintenance. The plan shall ensure long-term maintenance of the project and include a clearly defined schedule that requires timely monitoring and inspection of the soil nail wall, boulder step structures, and steelhead habitat conditions within the action area. The plan shall include: 1) the protocol used to monitor and measure effectiveness of the project, 2) a description of the methodology used to quantify instream habitat characteristics of the stream reach, including channel cross sections within the action area as related to structural

performance of the project, 3) the methodology used to assess the effects of the project on steelhead and designated critical habitat for this species, 4) identification of structural and instream habitat conditions that require maintenance prior to catastrophic failure of the boulder step structures, and 5) the schedule for the field studies and inspection of the installed structures during wet and dry season, with frequency in effort increasing during the rainy season (*e.g.*, adult and juvenile migration periods). The plan shall clearly define the type of maintenance required and methods of repair needed to address preventable issues that may lead to structural catastrophic failure of the project or hinder adult and juvenile steelhead passage. Caltrans shall submit an annual effectiveness monitoring report, as well as, a maintenance report if required. Reports are to be sent to Jay Ogawa, NMFS, 501 W. Ocean Blvd., Suite 4200, Long Beach, California 90802-4213.

- L. Caltrans or their authorized biologist shall provide a revegetation report that is to include a description of the locations seeded or planted, the area revegetated, proposed methods to monitor and maintain the revegetated area, and criteria used to determine the success of the plantings. The revegetation report shall be sent to Jay Ogawa, NMFS, 501 W. Ocean Blvd., Suite 4200, Long Beach, California 90802-4213, within 30 working days following completion of the proposed action.

U.S Fish and Wildlife Service:

- A. Caltrans must request our approval of any biologist they wish to conduct activities pursuant to this biological opinion. Such requests must be in writing and be received by the Ventura Fish and Wildlife Office at least 15 days prior to any activities being conducted.
- B. If one California red-legged frog (adult, sub-adult, juvenile, or egg mass) is found dead or injured, FHWA or Caltrans must contact our office immediately so we can review the project activities to determine if additional protective measures are needed. Project activities may continue during this review period, provided that all protective measures proposed by the FHWA and Caltrans and the terms and conditions of this biological opinion have been and continue to be implemented.
- C. If a California red-legged frog is observed within the designated work area and cannot be avoided, all work must stop until the animal leaves the work area or until it is captured and relocated by a Service approved biologists to outside of the work area to avoid injury or mortality.
- D. To avoid transferring disease or pathogens between aquatic habitats during the course of California red-legged frog surveys, the Service approved biologists must follow the Declining Amphibian Population Task Force's Code of Practice. A copy of this Code of Practice is enclosed. You may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care must be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.

- E. When capturing and removing California red-legged frogs from the work sites, the Service approved biologists must minimize the amount of time that animals are held in captivity. During this time they must be maintained in a manner that does not expose them to temperatures or any other environmental conditions that could cause injury or undue stress. California red-legged frogs must be captured only by hand or dipnet and transported in buckets separate from other species.
- F. Caltrans must only relocated California red-legged frogs to adjacent suitable aquatic habitat within the North Fork Matilija Creek.
- G. Construction activities must be limited to times when no more the 0.5 inch of rain is forecasted within 24 hours.

Appendix B Comments and Coordination

The Draft Environmental Document (DED) was released for review on March 26, 2013 and the comment period extended until April 26, 2013, for a total of 32 days. A 'Public Notice of Opportunity' newspaper ad was placed in the local Ventura County Star newspaper on March 27, 2013 to notify any interested groups or individuals of the DED and provide an opportunity to request a public hearing (seen on the following page). By the close of comments on April 26, 2013, Mr. Larry Mosler of the Ojai Rock Quarry asked to meet with Caltrans staff, but no formal public hearing was requested.

At the request of Bill Pitterle from Santa Barbara Channelkeeper, Caltrans arranged a phone conversation on April 22, 2013 to discuss the project features and design. Caltrans environmental staff discussed details of the environmental document and e-mailed a copy of the Biological Opinion from the National Oceanic and Atmospheric Administration (NOAA) for Bill Pitterle to review. Santa Barbara Channelkeeper was also added to the mailing list for this project.

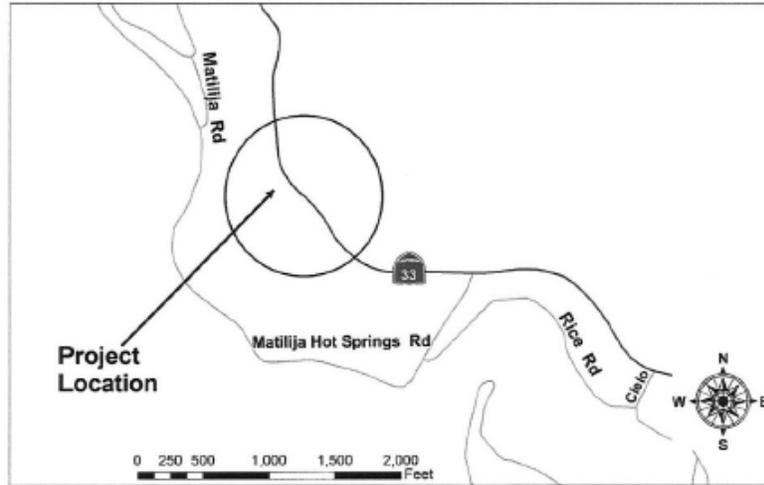
On May 1, 2013 Caltrans engineering, design, and environmental staff met with Mr. Mosler at the Caltrans district office located at 100 S. Main Street, Los Angeles, CA 90012 at 10:00am. Specific project features and design were discussed at the meeting, including the layouts of the rock weirs and anticipated stream velocities. The meeting concluded with Mr. Mosler requesting that Caltrans address the resource agencies about the possibility of placing boulders on his side of Matilija creek to minimize erosion in large storm events. Caltrans agreed to discuss this with the respective agencies.

Eight (8) comment letters were received, which are listed below.

- 1.) Mosler Rock- Ojai Quarry (1)
- 2.) Native American Heritage Commission
- 3.) County of Ventura- Public Works Agency, Integrated Waste Management Division
- 4.) Ventura County Watershed Protection District
- 5.) County of Ventura- Planning Division
- 6.) Ventura County Air Pollution Control District
- 7.) California Department of Fish and Wildlife
- 8.) Mosler Rock- Ojai Quarry (2)



PUBLIC NOTICE
 Notice of Opportunity
State Route 33 Slope Stabilization Project



WHAT'S BEING PLANNED	The California Department of Transportation (Caltrans) is proposing improvements outside the City of Ojai, along State Route 33 in Ventura County at postmile 15.7/15.8. The proposed project will remove the undermined grouted rock slope protection (RSP) and construct a soil nail wall approximately 500 feet in length in its place. It will also include a water diversion of approximately 900 feet. Once all existing RSP has been removed and the soil nail wall has been built, the newly widened creek will be restored to match the natural landscape, with a stream simulation rock weir design implemented within the widened portion of the streambed. The creek floodplain will be widened and no permanent encroachment will occur.
WHY THIS AD?	Caltrans has studied the effects that this project may have on the environment. Our studies show that it will not significantly affect the quality of the environment. The report explains why it is called an Initial Study with proposed Mitigated Negative Declaration. This notice is to tell you of the preparation of the Initial Study with proposed Mitigated Negative Declaration and of its availability and to offer the opportunity for a public hearing.
WHAT'S AVAILABLE	Maps for the Initial Study with proposed Mitigated Negative Declaration and other project information are available for review and copying at: - Caltrans District office at 100 S. Main St, Los Angeles, CA 90012 - City of Ojai, 401 S. Ventura St., Ventura, CA 93024 - Ojai Valley Library, 111 E. Ojai Ave, Ojai, CA 93023
WHERE YOU COME IN	Do you have any comments regarding the Initial Study with proposed Mitigated Negative Declaration? Would you like a public hearing? Please submit your comments or request for a public hearing no later than April 16, 2013 to: Carlos J. Montez, Environmental Planning 100 S. Main St, Los Angeles, CA 90012 Carlos.Montez@dot.ca.gov If there are no major comments or requests for a public hearing, Caltrans will proceed with the project's design.
CONTACT	Individuals who require documents in alternative formats are requested to contact the Caltrans Public Affairs Office at (213) 897-3656. TDD users may contact the California Relay Service TDD line at 1-800-735-2929 or Voice Line at 1-800-735-2922.

Responses to Comments

MOSLER ROCK-OJAI QUARRY
2280 MOONRIDGE AVENUE
NEWBURY PARK, CA 91320
805-498-1093 FAX: 805-499-4350
E-MAIL: ojaiquarry@verizon.net

March 28, 2013

Caltrans Environmental Planning
District 7
100 S. Main Street MS-16A
Los Angeles, CA 90012

Attn: Mr. Ron Kosinski, Deputy District Director

Subject: State Route 33 Slope Stabilization/07-VEN-33-PM 15.7/15.8
EA 3X000

Dear Mr. Kosinski:

I am writing you in response to the letter dated 3/21/13, regarding the above mention subject. In your response, under the paragraph titled, **Surrounding Land Use and Setting**, you made an inaccurate statement regarding my quarry. "The rock slide during the winter of 2006 re-directed this stretch of the creek towards SR-33 as well as creating a barrier to upstream fish migration". My question is, what proof do you have to make such a statement? The rock slide created a barrier for fish migration, but it did not re-direct the creek to under mine the rip-rap on the slope of SR-33. Do you have some evidence that shows it did? If you do, please forward it to me. I am enclosing numerous documents and pictures that dispute your claim.

1-1

A second inaccurate statement you made is, "A court order directed Mosler Quarry to partially remove these boulders from the stream in 2011. Please provide a copy of that court order that you are referring to so I can review it. No court made such an order.

1-2

Again I would like to have you review the documents that I am providing to you, that will show I had nothing to do with the undermining of the slope. When I purchased the quarry in 2005, I made the County & Caltrans aware of the problem with the slope. Caltrans chose not to address the problem at that time. You are addressing it now, and are attempting to place blame for something that has taken 35 years to create. When my Geological Engineer, Dr. Sandy Figuers, did his slope stability report for the quarry in 2011, he stated the slope undermining has taken 35 years or more to get the way it is. There was no way that the small rock fall at the quarry undermined 22' deep caves under your road way in 2 years.

1-1: The rockslide in 2006 was documented in photographs, and in the letter from the National Oceanic and Atmospheric Administration (NOAA) dated July 8, 2010. "A March 2006 landslide occurred at the northernmost boundary of the Mosler Rock-Ojai Quarry active mining area that constricted the North Fork Matilija Creek floodplain by introducing 250- to 400 cubic yards of boulder- size sandstone." Caltrans is not asserting that particular landslide created the 22-foot undermining of State Route-33, but is merely presenting the surrounding land use and setting of the project area. Project features such a rock weirs have been included in this project to enhance steelhead migration patterns, which have been a historical point of concern at this location.

1-2: The "order" described was in fact not a court order but a Cleanup and Abatement Order issued by the Los Angeles Regional Water Quality Control Board on June 28, 2006. The order required the Quarry to effectively stabilize the slope and reduce or eliminate erosion from the mining area. The clarification has been made in the Mitigated Negative Declaration.

Responses to Comments

Mosler Rock-Ojai Quarry
March 28, 2013

Page 2

Please send me documentation you have that shows me to be incorrect in my statements.
Or correct your report and state that I am not at fault for this roadway undermining.
If I can be of any help to you in resolving this issue, don't hesitate to contact me.
I will be waiting for your response to this letter.

} 1-3

Sincerely,
Mosler Rock-Ojai Quarry

BY: 
Larry E. Mosler
Owner

LEM:gvm

Cc: Assemblyman Jeff Gorell, 44th Assembly District

Enclosures:

1-3: A copy of the Mitigated Negative Declaration, which includes the responses to comments, has been sent to Mr. Larry E. Mosler.

Responses to Comments

STATE OF CALIFORNIA Edmund G. Brown, Jr., Governor
NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
(916) 657-5390 - FAX

April 5, 2013

Ms. Natalie Hill, Environmental Planner

California Department of Transportation – District 7

100 South Main Street – MS 16A
Los Angeles, CA 90012

RE: SCH# 2013031076 CEQA Notice of Completion;; proposed Mitigated Negative Declaration for the State Route 33 Soil Nail Wall Slope Stabilization Project; located along S.R. 33 near tributaries of the Ventura River; Ventura County, California

Dear Ms. Hill

The Native American Heritage Commission (NAHC) has reviewed the CEQA Notice regarding the above referenced project. In the 1985 Appellate Court decision (170 Cal App 3rd 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resources, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Contact the appropriate Information Center for a record search to determine :If a part or all of the area of project effect (APE) has been previously surveyed for cultural places(s), The NAHC recommends that known traditional cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report.

If an additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure pursuant to California Government Code Section 6254.10. Contact has been made to the Native American Heritage Commission for :a Sacred Lands File Check. A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine

2-1

2-1: Caltrans completed a Historic Property Survey Report and an Archeological Survey Report for this project in June 2012. In preparation of these reports, a record search was conducted and the South Central Coastal Information Center, a field survey was conducted by a Caltrans Archaeologist, the NAHC was consulted, and letters were sent to individual Native American Tribes, Groups, and Individuals. No archaeological sites were identified in the project area as a result of these identification efforts.

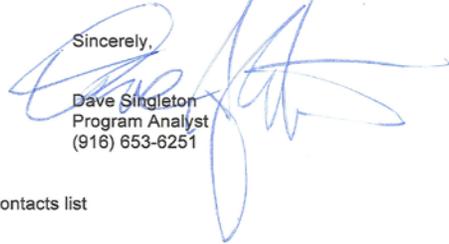
Responses to Comments

if the proposed active might impinge on any cultural resources. Lack of surface evidence of archeological resources does not preclude their subsurface existence.

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans. Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

2-2

Sincerely,



Dave Singleton
Program Analyst
(916) 653-6251

CC: State Clearinghouse

Attachment: Native American Contacts list

2-2: The location of the project (active streambed) makes the presence of an archaeological site unlikely. However, should a previously unknown archaeological site be discovered during construction, Caltrans has specific specifications to stop work until a qualified archaeologist can evaluate the nature of the discovery per federal and state guidelines.

RESOURCE MANAGEMENT AGENCY

county of ventura

Planning Division

Kimberly L. Prillhart
Director

April 16, 2013

Carlos J. Montez, Branch Chief
Division of Environmental Planning
California Dept. of Transportation, District 7
100 S. Main St. MS-16A
Los Angeles, CA 90012

E-mail: carlos.montez@dot.ca.gov

Subject: Comments on the NOA of focused Initial Study for Slope Stabilization Project
along State Route 33 in Ventura County

Dear Mr. Montez:

Thank you for the opportunity to review and comment on the subject document. Attached are the comments that we have received resulting from intra-county review of the subject document. Additional comments may have been sent directly to you by other County agencies.

Your proposed responses to these comments should be sent directly to the commenter, with a copy to Laura Hocking, Ventura County Planning Division, L#1740, 800 S. Victoria Avenue, Ventura, CA 93009.

3-1

If you have any questions regarding any of the comments, please contact the appropriate respondent. Overall questions may be directed to Laura Hocking at (805) 654-2443.

Sincerely,



Tricia Maier, Manager
Planning Programs Section

Attachments

County RMA Reference Number 13-011

800 South Victoria Avenue, L# 1740, Ventura, CA 93009 (805) 654-2481 Fax (805) 654-2509

Printed on Recycled Paper

Responses to Comments

3-1: The Mitigated Negative Declaration (MND) includes responses to all of the comment letters that were received during the circulation period. A copy of the MND has been sent directly to each commenter, as well as Laura Hocking at the Ventura County Planning Division.

Responses to Comments



County of Ventura
Public Works Agency
Integrated Waste Management Division
MEMORANDUM

Date: April 3, 2013
To: Laura Hocking, Planner
Resource Management Agency, Planning Division
From: Derrick Wilson, Staff Services Manager
Integrated Waste Management Division
Subject: Initial Study for the Slope Stabilization Project along State Route 33
RMA Reference No: 13-011
Lead Agcy: California Department of Transportation - CalTrans
Contact: Carlos Montez, 213/897-9116

Summary: The *California Department of Transportation-CalTrans*, has issued a focused Initial Study, pursuant to CEQA, for the *Slope Stabilization Project* along State Route 33 (SR-33) in Ventura County. The location of the project is SR-33 at postmile 15.7 & 15.8 near the City of Ojai but within Ventura County. The purpose of the project is to protect public safety by addressing the severely undermined rock slope protection (RSP) in place at the site. The proposed project will remove the undermined RSP and construct a 500 foot soil-nail wall in its place. The construction includes a water diversion plan.

Comments:

Pursuant to your request, the Integrated Waste Management Division (IWMD) has reviewed the project materials provided with your March 27, 2013, memo and appreciates this opportunity to provide our comments. As required by PRC 41701, Ventura County's Countywide Siting Element (CSE), adopted in June 2001 and updated annually, confirms Ventura County has at least 15 years of disposal capacity available for waste generated by in-County projects. Because the County currently exceeds the minimum disposal capacity required by state PRC, the proposed project will have less than significant project-specific impacts, and will not make a cumulatively considerable contribution to significant cumulative impacts related to Ventura County's solid waste disposal capacity.

4-1

The IWMD requests the Lead Agency to comply, to the extent feasible, with the general requirements of Ventura County Ordinances #4445 (solid waste handling, disposal, waste reduction, and waste diversion) and #4421 (requirements for the

4-2

4-1: Caltrans agrees that the proposed project would have less than significant project impacts and would not contribute to significant cumulative impacts in relation to Ventura County's solid waste disposal capacity.

4-2: To the extent feasible, Caltrans will comply with the solid waste handling, waste reduction, and waste diversion ordinances of Ventura County.

Responses to Comments

diversion of construction and demolition debris from landfills by recycling, reuse, and salvage) to assist the County in its efforts to meet the requirements of Assembly Bill 939 (AB 939). AB 939 mandates all cities and counties in California to divert a minimum of 50% of their jurisdiction's solid waste from landfill disposal. Ordinances 4445 and 4421 may be reviewed in their entirety at www.wasteless.org/ord4445 and www.wasteless.org/ord4421.

4-2
(cont.)

Pursuant to IWMD review and responsibilities, the following contract specifications shall apply to this project:

Recyclable Construction Materials

Contract specifications for this project shall include a requirement that recyclable construction materials (e.g., concrete, asphalt, metal, rebar, wood) generated by the project, but not reused on site, be recycled at a permitted recycling facility. For a comprehensive list of permitted recyclers, haulers, and solid waste & recycling facilities in Ventura County, see: www.wasteless.org/construction&demolitionrecyclingresources.

Soil - Recycling & Reuse

Contract specifications for this project shall include a requirement that soil that is not reused on-site during the construction phase of the project be transported to a permitted facility for recycling or reuse. Illegal disposal and landfilling of soil is prohibited. For a comprehensive list of permitted recyclers, haulers, and solid waste & recycling facilities in Ventura County, see: www.wasteless.org/construction&demolitionrecyclingresources.

4-3

Green Materials - Recycling & Reuse

The Contract Specifications for this project shall include a requirement that wood waste and vegetation removed during the construction phase of this project be diverted from the landfill. This can be accomplished by on-site chipping and land-application at various project sites, or by transporting the materials to a permitted greenwaste facility in Ventura County. A complete list of permitted greenwaste facilities is located at: www.wasteless.org/greenwasterecyclingfacilities.

Report Quantifying Materials Diverted from Landfill Disposal by On-Site Reuse or Off-site Recycling

The contract specifications for this project shall include a requirement that all contractors working on the project submit a *Summary Table* to the IWMD at the conclusion of their work. The *Summary Table* must include the contractor's name, address, and phone number, the project's name, the types of recyclable materials generated during the project (e.g., metal, concrete, asphalt, rebar, wood, soil, greenwaste) and the *approximate* weight of recyclable materials:

- Reused on-site, and/or
- Transported to permitted facilities in for recycling and/or reuse.

4-3: To the extent feasible, Caltrans will comply with the contract specifications for recyclable construction materials, soil recycling and reuse, green materials recycling and reuse.

- Please include the name, address, and phone number of the facilities where recyclable materials were transported for recycling or reuse in the *Summary Table*.

Receipts and/or documentation are required for each entry in the *Summary Table* to verify recycling and/or reuse occurred, and that recyclable greenwaste, wood, soil, and sediment generated by this project was not landfilled.

Should you have any questions regarding this memo, please contact Pandee Leachman at 805/658-4315.

4-3
(Cont.)



VENTURA COUNTY WATERSHED PROTECTION DISTRICT
PLANNING AND REGULATORY DIVISION
800 South Victoria Avenue, Ventura, California 93009
Tom Wolfington, Permit Manager – (805) 654-2061

MEMORANDUM

DATE: April 10, 2013

TO: Laura Hocking, RMA/Planning Technician

FROM: Tom Wolfington, P.E., Permit Manager *TW*

SUBJECT: RMA 13-011, State Route 33 Slope Stabilization Project
State of California Department of Transportation
State Route 33, West of the City of Ojai (Postmile (PM) 15.7/15.8
Unincorporated Ventura County, CA
North Fork Matilija Creek and Matilija Creek, Zone 1
Review of Initial Study with Proposed Mitigated Negative Declaration,
dated March 2013

Pursuant to your request, this office has reviewed the Initial Study with Proposed Mitigated Negative Declaration for the State Route 33 Slope Stabilization Project in the Unincorporated Ventura County.

PROJECT DESCRIPTION

The proposed project is located immediately adjacent and easterly of the North Fork of Matilija Creek, a Ventura County Watershed Protection District (District) jurisdictional red line channel. The site is located approximately one-third of a mile upstream from the confluence of North Fork Matilija Creek and the main stem of Matilija Creek, where the two watercourses merge to form the Ventura River. The purpose of the project is to alleviate future undermining due to severe erosion and possible failure of the existing grouted rock slope protection and the roadway. There are large cavities beneath the rock slope protection, some up to a horizontal depth of 22-feet beneath the roadway. The State of California Department of Transportation (DOT) proposes to construct a soil nail wall approximately 500-feet in length along State Route 33 at postmile 15.7/15.8. Once the wall has been built, the newly widened North Fork Matilija Creek will be restored to match the natural landscape with a stream simulation rock weir design within the widened portion of the streambed.

Responses to Comments

April 10, 2013
RMA 13-011, State Route 33 Slope Stabilization Project
Page 2 of 2

WATERSHED PROTECTION DISTRICT PROJECT COMMENTS:

On Page 2 of the Initial Study, a list of government agency permits and approvals is presented. Missing from the list is a requirement to obtain a Ventura County Watershed Protection District Permit. District staff wishes to advise the DOT that any development activity including a drainage connection and site grading that is proposed in, on, over, under, or across the North Fork Matilija Creek, or any other jurisdictional red line channel requires a written Permit from the District in accordance with Ventura County Watershed Protection District Ordinance WP-1 (see full text at www.vcwatershed.org). The Ordinance provides an exception for "work performed by organizational components of the Federal government, the State of California, the County, the District, or their contractors, or to work performed within a right of way of the State of California or the County pursuant to a permit issued by the State of California or the County". However, Caltrans has secured District permits in the past on certain projects to obtain the benefit of the District's knowledge of local channel characteristics and related processing and inspection expertise.

5-1

5-1: The proposed project falls into the permit exception of "work performed by organizational components of the Federal government, State of California, the County, the District or their contractors, or to work performed within a right of way of the State of California or the County pursuant to a permit issued by the State of California or the County" and therefore no permit is necessary. Caltrans will include the Watershed Protection District on the MND mailing list.

In keeping with the requirements of Ordinance WP-1, the District standard is that the peak flow after development cannot exceed the peak flow under existing conditions for any frequency of event. In addition, a project can not impair, divert, impede or alter the characteristics of the flow of water running in any jurisdictional red line channel.

5-2

5-2: The peak flow post-construction is not expected to exceed the peak flow under existing conditions. Post- construction the streambed will be widened and rock weirs will be installed to aid the passage of Steelhead trout.

END OF TEXT

b. Construction equipment shall not idle for more than five (5) consecutive minutes. The idling limit does not apply to: (1) idling when queuing; (2) idling to verify that the vehicle is in safe operating condition; (3) idling for testing, servicing, repairing or diagnostic purposes; (4) idling necessary to accomplish work for which the vehicle was designed (such as operating a crane); (5) idling required to bring the machine system to operating temperature, and (6) idling necessary to ensure safe operation of the vehicle.

6-1
(cont)

If you have any questions, please call me at (805) 645-1426.



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



April 23, 2013

Mr. Ron Kosinski
Department of Transportation, District 7 (Caltrans)
100 South Main Street, MS-16A
Los Angeles, California 90012
Fax #: (213) 897-0685

**Subject: Initial Study and Mitigated Negative Declaration for State Route 33 (SR-33)
Slope Stabilization Project, SCH# 2013031076, in Ventura County.**

Dear Mr. Kosinski:

The Department of Fish and Wildlife (Department) has reviewed the California Department of Transportation (Caltrans) Initial Study and draft Mitigated Negative Declaration: SCH# 2013031076 (IS/MND) for the State Route 33 (SR-33) Slope Stabilization Project which is proposed adjacent to and within North Fork Matilija Creek. Caltrans proposes to conduct the project to excavate accumulated sediment, remove debris, and stabilize the slope immediately adjacent SR-33 which parallels North Fork Matilija Creek. The project site is located just outside the City of Ojai, along SR-33 at Post Mile Markers (PM) 15.7 and 15.8, adjacent to Mossler Quarry in Ventura County. North Fork Matilija Creek is a tributary to the Ventura River and the Pacific Ocean. The project can be located using the following information: Latitude N 34.4876 - Longitude W - 119.3053.

According to the IS/MND, the project is likely to negatively impact individuals of the federally listed Southern steelhead trout (*Oncorhynchus mykiss irideus*) (steelhead); is located within, and will negatively impact critical habitat, as-well-as individuals of the federally threatened California red-legged frog (*Rana aurora draytonii*); and states no impacts are expected to the federally and state-listed least Bell's vireo (*Vireo bellii pusillus*), and/or Southwestern willow flycatcher (*Empidonax traillii extimus*), as only marginal habitat exist within the project footprint for these avian species. In addition to these wildlife species the IS/MND states that California Ojai fritillary (*Fritillaria ojaiensis*) and California satintail (*Imperata brevifolia*), listed as category 1B.2 by the California Native Plant Society, may also be impacted as appropriate habitat exist within the project footprint.

The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (CEQA Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the CESA, (Fish and Game Code § 2050 *et seq.*) and/or Fish and Game Code section 1600 *et seq.*

Impacts to Biological Resources

1. Species Surveys – The IS/MND describes that a qualified biologist approved by the National Oceanic and Atmospheric Administration (NOAA) would conduct pre-construction surveys and relocation/salvage efforts for steelhead; that a qualified biologist approved by the U.S.

Conserving California's Wildlife Since 1870

Responses to Comments

Mr. Ron Kosinski
Department of Transportation, District 7 (Caltrans)
April 23, 2013
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Fish and Wildlife Service (USFWS) would conduct pre-construction surveys and relocation/salvage efforts for California red-legged frogs (Adults); and that a qualified botanist approved by the Department would conduct pre-construction surveys and relocation/salvage efforts for California Ojai fritillary and California satintail. The IS/MND states pre-construction presence/absence surveys will be conducted for least Bell's vireo and Southwestern willow flycatcher; based on the survey results the biologist would then employ appropriate on-site avoidance measures. In addition to these described actions the Department recommends the following measures be considered to adequately protect on-site biological resources.

- a. Focused Surveys for Sensitive Species. In addition to the species included in the IS/MND, the Department also recommends appropriate surveys be conducted for the following California Species of Special Concern (SSC): western pond turtle (*Emys marmorata*), coast range newt (*Taricha torosa*), and two-striped garter snake (*Thamnophis hammondi*) as these species are often found in habitat occupied by California red-legged frog. The Department recommends Caltrans coordinate species specific survey methodology with the Department prior to finalizing the MND.
- b. Protocol Surveys for Least Bell's Vireo and Southwestern Willow Flycatcher. Both state-listed least Bell's vireo and Southwestern willow flycatcher are known to use marginal habitat throughout Ventura and Los Angeles Counties the Department recommends protocol level surveys be conducted in areas where marginal willow and mulefat scrub habitat is proposed for permanent or temporary impacts.
- c. Botanical Surveys. The Department recommends that any botanical surveys conducted for the project adhere to the Department's Guidelines for Assessing Impacts to Rare Plants and Rare Natural Communities (See Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities at: <http://www.dfg.ca.gov/habcon/plant/>).

7-1(a)

7-1(b)

7-1(c)

2. State and Federally Listed Species Impacts – The IS/MND describes several Best Management Practices (BMPs) to minimize adverse affects to federally listed species as described in the biological opinions (BOs) issued from NOAA and the USFWS during formal Section 7 consultation with those agencies. In addition to the BMPs included in the BOs for the project the Department recommends the following also be addressed:

- a. California Endangered Species Act (CESA). An incidental take permit (ITP) from the Department may be necessary if the project, project construction, or any project-related activity during the life of the project will result in take as defined by Fish and Game Code of any species protected by CESA (Fish & G. Code, §§ 86, 2080, 2081, subds. (b) & (c)). Early consultation with the Department regarding potential permitting obligations under CESA with respect to the project is encouraged (see Cal. Code Regs., tit. 14, § 783.2, subd. (b)). It is imperative with the potential permitting obligations that the draft environmental document prepared by the lead agency includes a thorough and robust analysis of the potentially significant impacts to endangered, rare, and threatened species, and their habitat, that may occur as a result of the proposed project. For any such potentially significant impacts, the lead agency should also analyze and describe specific, potentially feasible mitigation measures to avoid or substantially lessen any such impacts as required by CEQA and, if an ITP is necessary, as required by the relevant permitting criteria prescribed by Fish and Game Code section 2081, subdivisions (b) and (c). The failure to include this analysis in an environmental

7-2

7-1(a): A qualified herpetologist will conduct pre-construction surveys and be on-site at the start of construction to relocate any Special Status species that are found within the project footprint. This includes, but is not limited to, California Red-legged frog, western pond turtle, coast range newt, or two-striped garter snake. Additionally, a full-time construction monitor with herpetological experience will be on-site throughout the duration of construction activities.

7-1(b): The proposed project site is primarily made up of Alder/Sycamore Riparian woodland with occasional willow and mule fat scattered throughout the riparian corridor. It is not appropriate nesting habitat for LBV or SWF, nor is the project likely to adversely affect these species, as per the Biological Opinion issued by U.S. Fish and Wildlife Service. But in the interest of expediency and due diligence Caltrans shall conduct protocol level surveys for least Bell's vireo and Southwestern willow flycatcher prior to construction and weekly surveys for the duration of construction activities. Should any LBV or SWF be found, work will not be initiated until such time as the individuals have left the area or authorization has been obtained from U.S. Fish and Wildlife Service.

7-1(c): Any botanical surveys conducted will adhere to CDFW's Guidelines for Assessing Impacts to Rare Plants and Rare Natural Communities.

7-2: No take of species listed under the California Endangered Species Act (CESA) is expected. As such, an ITP under Fish and G. Code, §§ 86, 2080, 2081, subds. (b) & (c) is needed. A thorough analysis of the potential impacts to endangered, rare and threatened species and their associated habitats has been conducted by Caltrans. All potential impacts and appropriate mitigation, avoidance and minimization measures are included in the environmental document. Appropriate and feasible mitigation, minimization and avoidance measures for this project have been developed over the last year through technical assistance and consultation between Caltrans, and their consultant California Watershed Engineering, NOAA Fisheries Service, and U.S. Fish and Wildlife Service for impacts to Southern Steelhead Trout, California red-legged frog, least Bell's vireo, and southwestern willow flycatcher. Of these species only least Bell's vireo is listed under CESA, and with appropriate avoidance measures this project was determined to not likely to adversely affect least Bell's vireo as per the Biological Opinion and an ITP is not required for this project.

document could preclude the Department from relying on the lead agency's analysis to issue an ITP without the Department first conducting its own, separate lead agency subsequent or supplemental analysis for the project (see Cal. Code Regs., tit. 14, § 15096, subd. (f)). For these reasons, the Department requests the following information be included in the document.

7-2
(cont)

I. Steelhead - BMPs included in the BO for the project stated in the IS/MND include: 1) relocating any steelhead out of the project area into plunge pool habitat within the same stream prior to construction; 2) installation of exclusionary nets prior to water diversion; 3) a Department approved diversion plan controlling turbidity and sediment entering downstream pool and riffle habitat; 4) work shall be conducted from June 15th through November 1st to avoid impacts to steelhead; 5) implement an approved groundwater containment plan; and 6) a stream restoration plan will be developed in collaboration with NOAA and/or Department hydraulics engineers.

7-3

II. Steelhead Migratory Corridors. The IS/MND should include measures to avoid impacts to the migratory corridor within critical habitat for the federally listed steelhead as a result of dewatering, road improvements and any other ground disturbance activities. Fish and G. Code § 5901 prohibits the construction or maintenance of any device that prevents, impedes, or tends to prevent or impede the passing of fish up and downstream. The Department recommends Caltrans further evaluate steelhead passage through the project site.

7-4

III. Diversion/Dewatering. To insure long-term wildlife use, adequate flow through the temporary construction diversion should be maintained to ensure minimal impacts to aquatic species and habitat downstream. The dewatering plan should be designed to insure the dewatering activities maintain adequate surface water/flow downstream of the project during construction. The Department is concerned that the project's dewatering process may indirectly impact occupied habitat for state and federally listed species during the life of the project. Caltrans' evaluation should consider how to maintain flows downstream of the project to avoid take if dewatering of the stream or lack of seasonal flows occurs, resulting in loss of aquatic habitat within downstream reaches.

7-5

The Department recommends that water velocities, turbidity, and temperatures during the dewatering process be maintained at levels to avoid adverse impacts to important life stages and habitat for sensitive aquatic species within any occupied downstream receiving reaches of North Fork Matilija Creek. It is recommended Caltrans coordinate with the Department regarding specifics of the project's dewatering plans prior to the issuance of the permit.

7-6

IV. Water Velocities, Turbidity, and Temperature. The Department recommends water monitoring for turbidity, temperature, and flow velocity parameters during and after the completion of construction to ensure protection of aquatic resources including riparian habitats. The Department recommends monitoring during 2-, 5-, and 10-year rainfall events to ensure the project design/construction maintains the natural flow regime of the stream.

7-7

Responses to Comments

7-3: Best Management Practices (BMPs) as well as avoidance, mitigation and minimization methods identified in the Biological Opinions or during technical assistance and consultation with NOAA Fisheries have been designed into the project and included in the environmental document. Caltrans has developed a water diversion and steelhead relocation plan in conjunction with NOAA Fisheries to prevent impacts to steelhead trout and the immediate stream reach, as well as downstream habitat and water quality during construction. This includes methods to prevent turbidity and regulate temperature changes, outlet water velocity, and scour downstream of the project. Caltrans shall implement a CDFW Groundwater Containment Plan as specified in the 1602 Streambed Alteration Agreement. The rock weir stream simulation design and replanting plan was developed in conjunction with NOAA Fisheries biologists and engineers to address concerns related to impacts to the creek bed and fish passage. The proposed project should have no negative effects on fish passage or migration.

7-4: Caltrans has developed a stream simulation design in conjunction with NOAA Fisheries to ensure that steelhead migration through the project reach is not negatively affected by the project. A NOAA Fisheries approved Fish Passage Analysis was completed by California Watershed Engineering for Caltrans. This studied existing and proposed fish passage conditions throughout this reach of North Fork Matilija Creek and the effects the proposed project would have on the passage of trout. No device that prevents, impedes, or tends to prevent or impede the passing of fish up and downstream will be constructed by this project.

7-5: The dewatering and diversion plan developed by Caltrans in consultation with NOAA Fisheries will require only temporary disruption of downstream flows while being installed. As with previous projects, the installation of the aqua-dam will occur once the rest of the diversion is in place and ready to be connected, requiring flow to be halted for a very small amount of time. Once the diversion is in place, flows will be maintained downstream to match the amount of water coming in from upstream.

7-6: Caltrans submitted the proposed Dewatering and Fish Relocation plan to the California Department of Fish and Wildlife on February 19th, 2013. The proposed diversion plan is expected to maintain adequate water velocities and temperatures as well as prevent substantial turbidity throughout the project.

7-7: Comment noted. Caltrans has developed a Maintenance and Monitoring Plan for this project during consultation with NOAA Fisheries. This will be amended to specifically identify the following: water quality monitoring for turbidity, temperature and flow velocity parameters both on a weekly basis during construction and monthly for the first year following construction. Monitoring of the creek during or immediately after large storm events will be conducted for the first three years after construction to monitor how the project affects the flow regime of the creek.

Responses to Comments

Mr. Ron Kosinski
 Department of Transportation, District 7 (Caltrans)
 April 23, 2013
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V. Water Quality Contingency Plan. The Department recommends a contingency plan to rectify poor water quality in a timely manner to avoid adverse impacts to aquatic biological resource from project-related activities.

7-8

3. California Red-legged Frog. The IS/MND includes measures for moving adult California red-legged frog out of harm's way should they be encountered during construction.

- a. Non-adult California Red-legged Frog life forms. The IS/MND should also include measures that address how California red-legged frog (juveniles, tadpoles and egg masses) will be avoided should they be encountered during construction. The Department recommends presence/absence surveys for all life stages of the California red-legged frog within and immediately downstream of the project footprint.
- b. California Red-legged Frog Focused Surveys. The IS/MND states the most recent surveys occurred in 2010. The Department recommends focused surveys for California red-legged frog prior to construction to determine the presence/absence of this species in the project footprint. If California red-legged frog is detected, the Department recommends Caltrans further coordinate with USFWS and the Department regarding necessary measures, including any required permits, to minimize and mitigate impacts to the species.
- c. Salvage of Native Aquatic Vertebrates. The Department recommends Caltrans include measures in the final IS/MND that all native aquatic vertebrates be moved out of harm's way. Salvaged species should be relocated to appropriate habitat within the same watershed as determined by a qualified aquatic biologist.
- d. Other Downstream Sensitive Species. The final IS/MND should include avoidance and minimization measures for other sensitive SSC, such as western pond turtle, two-striped garter snake, coast range newt, or their habitats, know to occur downstream of the project.

7-9

4. Fish Barriers – The IS/MND states a Stream Restoration Plan will be developed by Caltrans to ensure that the morphology of the stream is maintained in such a way as to allow fish migration and passage through the project footprint. The Department is concerned the project, as currently designed, could create fish passage issues for all life stages of steelhead. The Department recommends, as mandated by SB 857 that Caltrans conduct a passage assessment of the project footprint in accordance with Department passage guidelines as a means to identify potential fish passage barriers. The Department recommends Caltrans coordinate with the Department to develop a plan to remediate any identified passage barriers within the project footprint.

7-10

5. Breeding and/or Nesting Birds - If breeding activities and/or birds are observed bringing nesting material to habitat within the project footprint, and or nest are located during surveys, and concurrence has been received from the Department in writing, the breeding habitat/nest site shall be fenced and/or flagged a minimum of 150 feet for passerines (300 feet for raptors) in all directions, and this area shall not be disturbed until the nest becomes inactive, the young have fledged, the young are no longer being fed by the parents, the

7-11

7-8: Since the creek flows will be diverted around the work site throughout the duration of construction, no material from the work site should be entering the flow downstream of the project site. A biological monitor shall be on site at all times during construction to ensure permit compliance.

7-9: Pre-construction surveys done by a qualified herpetologist approved by U.S. Fish and Wildlife Service shall be conducted within the impact area and adjacent habitat. While both Caltrans and USFWS do not expect any CRLFs of any life stage be present, should any be located they will be avoided or moved in accordance with the conditions outlined in the Biological Opinion issued by USFWS and both USFWS and CDFW will be notified. Focused pre-construction surveys for CRLF will be done prior to construction to determine the presence/absence of this species within the project footprint and adjacent habitat areas. If CRLF are detected coordination will occur with USFWS and CDFW and the individuals will be avoided or moved as per the conditions outlined in the Biological Opinion issued by USFWS. A qualified herpetologist will conduct pre-construction surveys and be on site at the start of construction to relocate any Special Status species that are found within the project footprint. This includes but is not limited to California Red-legged frog, western pond turtle, coast range newt, or two-striped garter snake. Additionally a full time construction monitor with herpetological experience will be on-site throughout the duration of construction activities.

7-10: A Fish Passage Analysis of the stream reach was conducted for Caltrans by California Watershed Engineering as part of this project. Based on that survey data and analysis and in coordination with NOAA Fisheries a stream simulation design was developed to ensure that the project would not have any adverse impacts to existing fish passage. The stream simulation design includes rock weirs which will be keyed into the natural stabilization structures formed by large boulders and bedrock outcrops. Widening of the stream and providing an overbank area to create a riparian habitat zone and improve fish habitat, preserve fish passage, and reduces flow velocities and depths for all storm events greater than the 2-yr event. The stream has been protected to prevent any changes in conditions for all flows less than the 2-yr event. The project will improve the hydraulic conditions within the project reach. The design of the system provides energy dissipation through bioengineering and rip-rap energy dissipation, which will prevent flow concentrations along the soil nail wall or higher velocities where flows transition back into the existing channel downstream of the project.

7-11: Noted. These recommendations will be adhered to during construction to avoid and minimize impacts to any nesting birds that are located within or immediately adjacent to the project footprint.

Responses to Comments

Mr. Ron Kosinski
Department of Transportation, District 7 (Caltrans)
April 23, 2013
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young have left the area, and the young will no longer be impacted by the project.¹ If active nests are observed and the recommended nest avoidance zones are not feasible, non-disturbance buffer zones shall be established by the qualified biologist based on, but not limited to site lines from the nest to the work site and observations of the nesting bird's reaction to project activities. Continuous monitoring of the nest site by a qualified biologist shall occur during disturbance activities, and a nest observation log shall be updated once per hour during construction activities. If the monitoring biologist determines nesting activities may fail as a result of work activities, all work shall cease within the recommended avoidance area until the biologist determines the adults and young are no longer reliant on the nest site.

7-11
(cont)

Thank you for this opportunity to provide comments. Please contact Ms. Jamie Jackson, Staff Environmental Scientist at (805) 382-6906 if you should have any questions and for further coordination on the proposed project.

Sincerely,



Betty J. Courtney
Environmental Program Manager
South Coast Region

cc: Ms. Mary Larson, CDFW, Los Alamitos
Mr. John O'Brien, CDFW, Los Alamitos
Mr. Tim Hovey, CDFW, Los Alamitos
Ms. Mary Meyer, CDFW, Ojai
Mr. Steve Kirkland, USFWS, Ventura

¹ NOTE: Buffer area shall increase to 300 feet for passerines and 500 feet for raptors if any endangered, threatened, or CDFW species of special concern are identified during protocol or pre-construction presence/absence surveys.

Responses to Comments

**MOSLER ROCK-OJAI QUARRY
2280 MOONRIDGE AVENUE
NEWBURY PARK, CA 91320
805-498-1093 FAX: 805-499-4350
E-MAIL: ojaiquarry@verizon.net**

April 25, 2013

State of California
Department of Transportation/District 7
Division of Environmental Planning
100 S. Main Street MS-16A
Los Angeles, CA 90012

Attn: Mr. Carlos J. Montez, Branch Chief

Subject: Route 33 Slope Stabilization Project

Dear Mr. Montez:

Per our phone conversation this morning I would like to request a meeting with the design engineers who are working on the above mentioned proposed slope repair next to my property. The reason that I am voicing my concern is I am of the opinion that if a smooth face wall is built along 500 Ln. Ft. of the channel, that will increase the velocity of the water going down the channel and divert more water to my side of the channel. When the water gets pushed to my side it will erode my slope, causing the slope to fail and I will lose my road going up to the quarry. If this were to happen, then Cal-Trans and I would begin to have a serious problem.

8-1

Some brief history about the section of road in question. I have documents that state my quarry was started in 1939. I purchased the quarry in February of 2005. The old Hwy. 33 use to run through the quarry and crossed the creek at a point between the two existing bridges that are there now. During the winter of 1969 the area sustained a major flood that washed out the bridge for the road. The state came in and abandoned the washed out bridge and built the new lower bridge. At that time the state cut the hill above the road that exists today and built the new road where it is today.

8-1: Caltrans design engineers met with Mr. Mosler on May 1, 2013 in the Caltrans District office. The velocity and hydraulics of the stream were discussed and the soil nail wall design was explained, as well as the other alternatives that were studied as a part of the design process.

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At some point in time rip-rap was placed on the slope in question to protect the slope from erosion. Concrete was added to the rip-rap to help stabilize it. Since that was done the flow line of the channel has eroded down approximately 8' to its present elevation. When the channel eroded down, it undermined your slope. Ventura County has known about this problem for years. Six months after I purchased the quarry, I had a site visit with all of the people who have jurisdiction over the channel. Cal-Trans, Army Corps., Fish & Game, NOAA, Ventura County Public Works, and State Water Quality Board. At that meeting I made a point to point out the erosion problem to every one in attendance so something could be done about it. Since then, I have brought up to the same people, the problem is not getting any better. Finally some one in your office has started to address the problem.

The quarry's Geological Engineer, Dr. Sands Figuers, tells me that I did not cause the undermining of your slope. He also agrees that if a smooth face wall is built on your side of the creek, that will eventually cause more erosion on my side, and my slope will fail causing me to lose my access road to my production site at the quarry. I can not have that happen.

8-2

I would like to propose an alternative to the wall. Put in a "box". If a box is installed, the top of the box can be covered with fill. The fill will eliminate the slopes on both sides of the creek. That will make the complete problem go away. The fish will still be able to go up the box.

8-3

It is my hope that I can meet with some one in your design office to reach a good design solution that makes sense to both of us.

Sincerely,
Mosler Rock-Ojai Quarry

BY: 
Larry E. Mosler
Owner

LEM:gvm

Cc: Assemblyman Jeff Gorell, 44th Assembly District
Derek Cole, Atty. at Law

8-2: Caltrans is not asserting that the quarry caused the 22-foot undermining of the slope. As discussed in the meeting with Mr. Mosler, the project design will incorporate rock weirs to slow the velocity of the stream and aid in fish passage. Widening of the stream and providing an overbank area creates a riparian habitat zone, improves fish habitat, preserves fish passage, and reduces flow velocities and depths for all storm events greater than the 2-yr event. Although no work will be done on the quarry side of the channel in order to limit impacts to the natural system, reducing the depth and velocity of flow will reduce the scour potential along the toe of the slope adjacent to the quarry. Hydraulic modeling shows reduced flow depths and velocities through the project area and matching water surface elevations and velocities downstream of the transition.

8-3: The "box" alternative that is proposed would constrict the flow and thereby increase stream velocity, and the slope undermining would most likely continue.

