



# PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS  
LOS ANGELES DISTRICT

BUILDING STRONG®

## APPLICATION FOR PERMIT State Route 1 Realignment, in San Luis Obispo County, California

**Public Notice/Application No.:** SPL-2013-00512-TS

**Project:** State Route 1 Realignment from Post Mile 64.0 to 67.2

**Comment Period:** August 26, 2013 through September 25, 2013

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

### Applicant

California Department of Transportation  
District 5  
50 Higuera Street  
San Luis Obispo, California 93401-5415

### Contact

Jennifer Moonjian  
805-542-4763

### Location

The project is located north of the unincorporated community of San Simeon in the County of San Luis Obispo, California. The project is bordered by public land or the Pacific Ocean to the west and private land to the east. (35.673458 °N, -121.286409° W).

### Activity

Caltrans proposes to realign State Route 1 (SR 1) inland from its current location near Piedras Blancas north of San Simeon. This would involve constructing a new two-lane roadway with standard travel lanes and shoulders, and three new pile-supported bridges across Arroyo de los Playanos, Arroyo del Corral, and Arroyo del Oso, resulting in approximately 3.51 acres of permanent impacts and approximately 5.9 acres of temporary impacts to waters of the U.S. Caltrans also proposes to remove the existing asphalt and road base in the abandoned segment of SR 1 and revegetate the abandoned road alignment with native herbaceous and shrub species. Mitigation for permanent and temporary construction impacts along the proposed alignment and the abandoned road alignment would take place on-site and in-kind. Permanent impacts to waters of the United States, including wetlands, would also be mitigated off-site, at Arroyo de la Cruz, north of the project terminus. For more information see page 3 of this notice and see attached drawings.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that support the Corps' decision-making process. All comments received during the comment period

become part of the record and will be considered in the decision. The proposed project is being evaluated under section 404 of the Clean Water Act (33 U.S.C. 1344, 33 CFR parts 320-332, and 40 CFR part 230).

Written comments to the Corps will be received until **September 25, 2013**, and should be mailed to the addresses below:

U.S. Army Corps of Engineers  
Los Angeles District, Regulatory Division  
Ventura Field Office  
Attn: SPL-2013-00512-TS  
2151 Alessandro Drive, Suite 110  
Ventura, CA 93001

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

Parties interested in being added to the Corps' electronic mail notification list can register at: [www.spl.usace.army.mil/regulatory/register.html](http://www.spl.usace.army.mil/regulatory/register.html) . This list will be used in the future to notify the public about availability of future public notices for this action.

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

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

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

### **Evaluation Factors**

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably

foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the USEPA Guidelines (40 CFR part 230) as required by section 404 (b)(1) of the Clean Water Act.

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

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

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

**Water Quality**- The applicant is required to obtain water quality certification, under section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

**Coastal Zone Management**- The applicant has certified that the proposed activity would comply with and would be conducted in a manner that is consistent with the approved State Coastal Zone Management Program. For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission that the project is consistent with the State's Coastal Zone Management Plan. The District Engineer hereby requests the California Coastal Commission's concurrence or non-concurrence.

**Essential Fish Habitat**- Preliminary determinations indicate the proposed activity would not adversely affect essential Fish Habitat. Therefore, formal consultation under section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) is not required at this time.

**Cultural Resources**- Pursuant to the January 2004 *Programmatic Agreement Among the Federal Highways Administration, the Advisory Council on Historic Preservation, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California* (Programmatic Agreement), Caltrans completed consultation with the State Historic Preservation Officer (SHPO) in accordance with stipulation X.B.2.b of the Programmatic Agreement and made a

finding for the whole of the project, including the Corps' permit area as defined at 33 CFR part 325, Appendix C, of "No Adverse Effect with Standard Conditions" for the undertaking. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

**Endangered Species**- There are several federally listed species known to occur in the project area: California red-legged frog (*Rana draytonii*), a federally listed threatened species, tidewater goby (*Eucyclogobius newberryi*), western snowy plover (*Charadrius alexandrinus nivosus*), and south-central coast steelhead (*Oncorhynchus mykiss*). Caltrans completed formal consultations<sup>1</sup> pursuant to the requirements of 50 CFR section 402.14 with the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS). The *Memorandum of Understanding (MOU) between the Federal Highways Administration and California Department of Transportation concerning the State of California's Participation in the Surface Transportation Project Delivery Pilot Program* allows Caltrans to assume federal lead agency authority for consultations with the aforementioned agencies (DOT 2007). The FWS and NMFS determined the proposed project would not jeopardize the continued existence of any federally listed species, nor would the proposed project adversely modify or destroy designated critical habitat of any federally listed species.

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

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

**Basic Project Purpose**- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). The basic project purpose of the proposed action is transportation and public safety, which are not water dependent.

**Overall Project Purpose**- The overall project purpose serves as the basis for the Corps' section 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose of the proposed action is to provide a two-lane road which is safe for the traveling public for approximately the next 100 years, minimizes impacts on existing sensitive habitats to the maximum extent practicable, and meets current Caltrans safety and design standards.

### **Additional Project Information**

**Baseline information**- SR 1 is a designated scenic highway in the project area. The existing road is a substandard design and lacks adequate travel lane and shoulder widths as determined by Caltrans safety and design standards. The road is also adversely affected by coastal bluff erosion and storm surge with waves overtopping the coastal bluff and/or existing shoreline revetment (the "rocks" project), which creates a public safety hazard, damages the road and results in periodic road closures. The existing road also includes culvert crossings on each of the three arroyos, which restrict water flow from the upper watersheds of these arroyos to the Pacific Ocean.

---

<sup>1</sup> FWS Biological Opinion 8-8-09-F-67 (February 26, 2010); NMFS Biological Opinion 2009/06598:MRM (April 19, 2010).

Lands west of the existing road are under ownership and management by the California State Parks Department, and lands to the east of the existing road are privately owned. In response to the current road realignment proposal, Caltrans, the Hearst Corporation, and the California State Parks Department have entered into agreements to dedicate additional land that would be located west of the proposed alignment, including the mitigation site at Arroyo de la Cruz, to the State which would then be subject to management and ownership by the California State Parks Department.

Project description- The proposed project includes discharges of fill material in jurisdictional waters of the United States as defined at 33 CFR parts 323 and 328. Caltrans proposes to discharge approximately 15,252 cubic yards (cy) of fill material into jurisdictional waters of the United States, including wetlands, to realign approximately 2.8 miles of SR 1 inland from its current location. The proposed new roadway would be located from 80 to 475 feet east of its current location. This would involve constructing a new two-lane roadway with standard 12-foot-wide travel lanes and 8-foot-wide shoulders, and three new pile-supported bridges across Arroyo de los Playanos, Arroyo del Corral, and Arroyo del Oso. In addition, creek banks and bridge piers located in the creek beds would be stabilized with approximately 6,018 cy of rock slope protection (RSP). Caltrans also proposes to remove the existing asphalt and road base in the abandoned segment of SR 1 and revegetate the abandoned road alignment with native herbaceous and shrub species. The proposed project would result in a permanent loss of approximately 3.51 acres of jurisdictional waters of the United States characterized as emergent wetland and arroyo willow riparian waters. In addition, the proposed Project would temporarily impact approximately 5.9 acres of jurisdictional waters of the United States characterized as emergent wetland, arroyo willow riparian, and non-wetland waters. Mitigation for permanent and temporary construction impacts along the proposed alignment and the abandoned road alignment would take place on-site and in-kind, and off-site at Arroyo de la Cruz, located north of the project terminus.

Proposed Mitigation- The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the Section 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

**Avoidance:** Caltrans has proposed a road alignment that reduces impacts to coastal plain wetlands and is proposing to construct bridges (rather than culverts) across three arroyos to avoid substantial discharges of fill material into these jurisdictional waters.

**Minimization:** The proposed alignment would be constructed within an approximately 150 and 375 foot wide wide corridor. Construction equipment and personnel operating outside this construction corridor would be prohibited, and construction best management practices (BMPs) would be installed and maintained for the duration of construction activities to minimize off-site impacts.

**Compensation:** Caltrans proposes to compensate for 5.9 acres of temporary impacts to jurisdictional waters of the United States, including wetlands, located in the new and abandoned road alignments and construction impact areas. Temporary construction impacts in the new alignment would be compensated by rehabilitating 5.9 acres of aquatic resources functions onsite. Aquatic resource functions and area in the abandoned road alignment would be re-habilitated. Caltrans proposes to compensate for 3.51 acres of permanent impacts to waters of the United States by rehabilitating or re-establishing approximately 4.76 acres of wetlands as follows. Aquatic resource functions in an approximately 2.92 acre area would be rehabilitated on site. Caltrans also proposes to re-establish

aquatic resource functions in a 1.84 acre area in a fallow agricultural field at Arroyo de la Cruz. Re-establishing or rehabilitating<sup>2</sup> waters of the United States, including wetlands, in the existing and proposed road alignments and at Arroyo de la Cruz would be done with native plant species, and five (5) years of maintenance, monitoring and weed control, in accordance with a Corps-approved habitat mitigation and monitoring plan. During the Corps permit evaluation process, the Corps will evaluate the adequacy of Caltrans' compensatory mitigation proposal using SPD's Mitigation Ratio Checklist.

### **Proposed Special Conditions**

The Corps will require standard special conditions related to impacts on federally listed species, construction BMPs, and habitat mitigation monitoring and reporting. Additional permit conditions and mitigation requirements may be developed in response to this public notice, the Corps' section 404(b)(1) analysis, the Corps' public interest review findings, or as required by resource agency coordination.

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



#### *Regulatory Program Goals:*

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

---

**U.S. ARMY CORPS OF ENGINEERS – LOS ANGELES DISTRICT**  
**VENTURA FIELD OFFICE, REGULATORY DIVISION**  
2151 ALESSANDRO DRIVE, SUITE 110  
VENTURA, CA 93001  
[WWW.SPL.USACE.ARMY.MIL](http://WWW.SPL.USACE.ARMY.MIL)

---

<sup>2</sup> Re-establishment means the manipulation of the physical, chemical or biological characteristics of a site with the goal of returning natural/historic functions to a degraded aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions. Rehabilitation means the manipulation of the physical, chemical or biological characteristics of a site with the goal of returning natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function but does not result in a gain in aquatic resource area (33 CFR section 332.2).

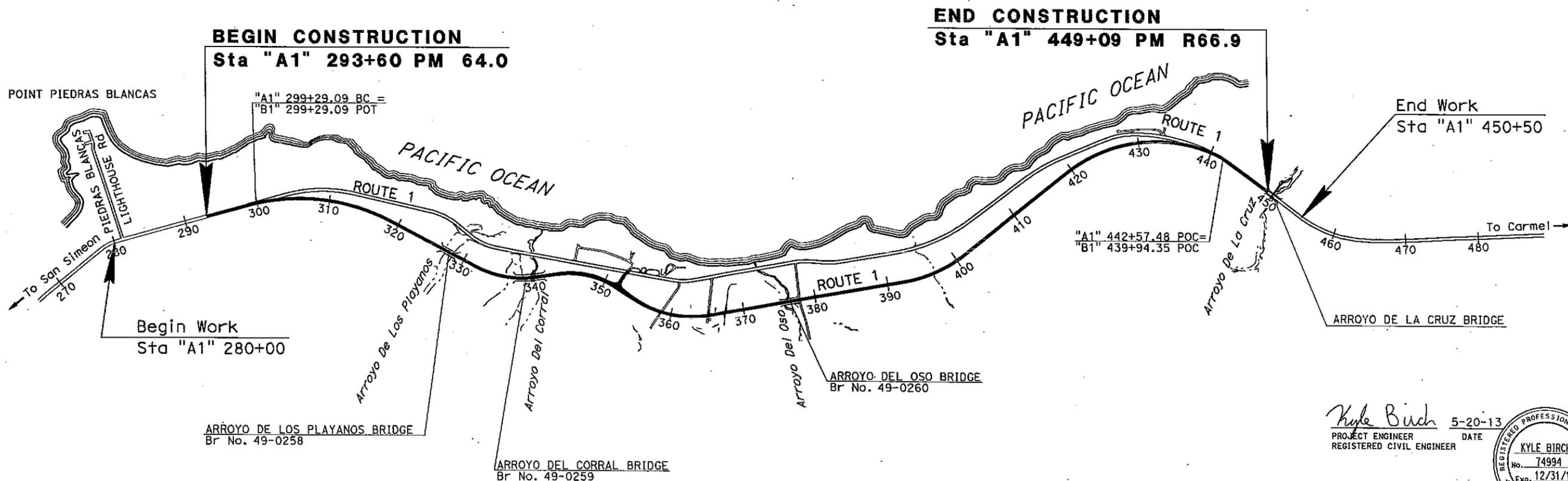
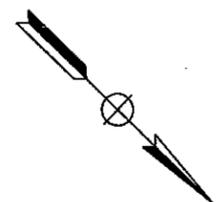
STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION

PROJECT PLANS FOR CONSTRUCTION ON  
STATE HIGHWAY

IN SAN LUIS OBISPO COUNTY  
ABOUT 9 MILES NORTH OF SAN SIMEON  
FROM PIEDRAS BLANCAS LIGHTHOUSE ROAD  
TO ARROYO DE LA CRUZ BRIDGE

TO BE SUPPLEMENTED BY STANDARD PLANS DATED 2010

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
05	SLO	1	64.0/R66.9		



PROJECT MANAGER  
PAUL MARTINEZ

DESIGN ENGINEER  
JOHN FOUCHÉ

*Kyle Birch* 5-20-13  
PROJECT ENGINEER DATE  
REGISTERED CIVIL ENGINEER

REGISTERED PROFESSIONAL ENGINEER  
KYLE BIRCH  
No. 74994  
Exp. 12/31/15  
CIVIL  
STATE OF CALIFORNIA

PLANS APPROVAL DATE  
THE STATE OF CALIFORNIA OR ITS  
OFFICERS OR AGENTS SHALL NOT BE  
RESPONSIBLE FOR THE ACCURACY OR  
COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.

THE CONTRACTOR SHALL POSSESS THE CLASS (OR CLASSES)  
OF LICENSE AS SPECIFIED IN THE "NOTICE TO BIDDERS."

NO SCALE

DATE PLOTTED => 20-MAY-2013  
TIME PLOTTED => 07:28  
LAST REVISION 05-20-13