APPLICATION FOR PERMIT

Interstate 15 Mojave River Interchange Reconstruction Project

Public Notice/Application No.: SPL-2013-00081-VCC
Project: Interstate 15 Mojave River Bridge
Comment Period: January 24, 2014 through February 24, 2014
Project Manager: Veronica Chan; 213-452-3292; Veronica.C.Chan@usace.army.mil

Applicant
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Location
In the Mojave River and unnamed tributaries within the City of Victorville, San Bernardino County, California (at Lat: 34.5492134°N, Long: -117.2948670°W).

Activity
As part of the I-15 Mojave River Interchange Reconstruction Project, Caltrans proposes to discharge permanent fill material into 0.01 acre of wetland and 0.14 acre of non-wetland waters of the U.S. and temporary construction-related impacts to 0.13 acre of wetland and 2.37 acres of non-wetland waters of the U.S., in association with widening the Interstate 15 (I-15) freeway and reconstructing the Stoddard Wells Road, D Street, and E Street Interchanges and constructing a new frontage road west of I-15 connecting E Street to Stoddard Wells Road (see attached drawings). The total length of the proposed project is approximately 2.75 linear miles. A Standard Individual Permit is necessary due to Los Angeles District Regional Condition 2 which states, “Nationwide Permits (NWP) 3, 7, 12-15, 17-19, 21, 23, 25, 29, 35, 36, or 39-46, 48-52 cannot be used to authorize structures, work, and/or the discharge of dredged or fill material that would result in the "loss" of wetlands, mudflats, vegetated shallows or riffle and pool complexes as defined at 40 CFR Part 230.40-45. The definition of "loss" for this regional condition is the same as the definition of "loss of waters of the United States" used for the Nationwide Permit Program. Furthermore, this regional condition applies only within the State of Arizona and within the Mojave and Sonoran (Colorado) desert regions of California. The desert regions in California are limited to four USGS Hydrologic Unit Code (HUC) accounting units (Lower Colorado -150301, Northern Mojave-180902, Southern Mojave-181001, and Salton Sea-181002).”

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
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 waters 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 impacts 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 benefits that 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, erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and
welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 C.F.R. 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- This project is located outside the coastal zone and would not affect coastal zone resources. Therefore, federal consistency certification under section 307 of the Coastal Zone Management Act of 1972 is not required.

Essential Fish Habitat- Essential Fish Habitat (EFH) is not present within the action area, and therefore, the proposed activity would not adversely affect EFH. Consultation under section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) is not required.

Cultural Resources- Caltrans, acting as the lead federal agency for section 106 consultation and associated compliance requirements, prepared a Historic Property Survey Report, dated January 8, 2007. Caltrans requested a search of the Native American Heritage Commission (NAHC) Sacred Lands File and a list of potentially interested tribal contacts on August 24, 2006. Caltrans contacted the four individuals on the NAHC’s list. No known cultural resources were identified in the Sacred Lands File or by tribal contacts. Caltrans Archaeologists also conducted field surveys in 2006 and did not find any archaeological resources. Caltrans District 8 Archeologist, Karen Heidelberg, determined that all resources within the project Area of Potential Effect (APE) are exempt from evaluation because they meet the criteria set forth in the section 106 Programmatic Agreement Attachment 4 (Properties Exempt from Evaluation) http://www.dot.ca.gov/ser/vol2/PA_04-EH.pdf). Bridges within the APE were evaluated and determined to be not eligible for listing in the National Register of Historic Places (NRHP). Caltrans determined the undertaking is exempt from further review or consultation under section 106 of the National Historic Preservation Act. This review constitutes the
extent of cultural resources investigations by the Corps, and we are otherwise unaware of the presence of such resources.

**Endangered Species** - Caltrans completed a Biological Assessment (dated December 2007) for the project. Caltrans conducted protocol surveys between 1997 and 2007 for the Biological Assessment, as well as updated surveys in 2013, as discussed further below. According the Biological Assessment, least Bell’s vireo (LBV) were not observed in the project area during the surveys. Three breeding pairs were observed during 2007 surveys - one pair within 500 feet (157 m) of the existing bridge. A total of four potentially breeding southwestern willow flycatcher (SWWF) pairs (presumed) were observed near the project area during surveys conducted during spring and summer of 2007, with the closest observation within 1,070 feet from the existing I-15 Bridge. Caltrans proposed several measures to avoid potential project impacts to both federally listed bird species, including presence/absence surveys prior to initiating construction between February 15 and September 1, and nest monitoring through fledging should an active nest be located. In addition, noise levels produced during construction would be monitored should breeding LBV or SWWF be observed within 350 feet of project construction. Caltrans conducted updated protocol surveys for LBV and SWWF from April to July 2013. No LBV or SWWF were detected during focused surveys.

Designated critical habitat for SWWF occurs within the project area; however, the San Bernardino Flood Control District previously removed vegetation within the Mojave River adjacent to the I-15 bridge, and most of the primary constituent elements of SWWF critical habitat are absent from this area. Therefore, the area is in a degraded condition and is maintained as such by another entity (i.e., this is the baseline condition); it is not functioning as critical habitat for SWWF.

Habitat conditions for desert tortoise along the I-15 are degraded from human disturbance including vehicular use and trash dumping. Protocol surveys in the area in 2006 did not identify any individuals or sign of desert tortoise. Caltrans has included several avoidance and minimization measures, including but not limited to: exclusionary fencing around all construction areas, pre-construction sweeps for desert tortoises, and desert tortoise awareness training for all construction personnel.

In a letter dated March 6, 2008, USFWS concurred that the proposed project to improve the I-15 interchanges in Victorville is not likely to adversely affect LBV, SWWF, or desert tortoise based on the avoidance and minimization measures that would be implemented for LBV, SWWF, and desert tortoise and the high degree of habitat degradation and negative protocol surveys for desert tortoise. USFWS also concurred that the project would not likely adversely affect designated critical habitat for SWWF because ground-disturbing activities would occur in an area that does not support the primary constituent elements of critical habitat. According to updated 2013 surveys, biological conditions have not changed, therefore, reinitiating consultation is not necessary. Therefore, informal consultation under section 7 of the Endangered Species Act has been completed.

**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**

As part of the I-15 Mojave River Interchange Reconstruction Project, Caltrans proposes (Applicant Preferred Alternative) to discharge permanent fill material into 0.01 acre of wetland and 0.14 acre of non-wetland waters of the U.S. and temporary construction-related impacts to 0.13 acre of wetland and 2.37 acres of non-wetland waters of the U.S., in association with widening the
Interstate 15 (I-15) freeway and reconstructing the Stoddard Wells Road, D Street, and E Street Interchanges and constructing a new frontage road west of I-15 connecting E Street to Stoddard Wells Road. Please refer to the attached, Figures, for locations of permanent impacts to waters of the U.S. Corps-regulated activities include the following:

- Extend the existing I-15 Mojave River Bridge piers and abutments in order to upgrade the I-15 north and southbound lanes, median, and shoulders to Caltrans' current design standards and widen the bridge to accommodate auxiliary lanes and one lane.
- Extend or realign existing culverts and drainages in order to accommodate the I-15 improvements, reconstruct Stoddard Wells Road interchange and D and E Street interchanges, and construct a new frontage road west of I-15 to provide southbound freeway access for E Street via Stoddard Wells Road interchange.
- Construct a new bridge with piers within the Mojave River for the new frontage road that would provide access for E Street via the Stoddard Wells Road interchange.
- Temporary dewatering and construction of trestles within the Mojave River for construction and equipment access of the bridges and piers.
- Temporary equipment and access roads during construction to construct roadway, extend culverts, build bridges, and piers.

**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 water to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). The basic project purpose for the proposed project is vehicular transportation. The project is 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 for the proposed project is to provide safe and reliable access from the Interstate 15 to and from D and E Streets in the City of Victorville, San Bernardino County, California.

**Additional Project Information**

- Baseline information – The project site is located within the City of Victorville on the I-15 freeway between D Street Interchange to the south and Stoddard Wells Road interchange to the north. The area is dominated by industrial, commercial, and residential uses. A cement factory (CEMEX) is a major operation located on the southbound side of the I-15 off of E Street. A mobile home park and Shady Oasis Campground is adjacent to the northbound side of the I-15. The I-15 Mojave River bridge is approximately 0.4 mile east of E Street. The existing I-15 freeway is a six-lane divided freeway with varying lane widths and shoulders. The accident rates at Stoddard Wells Road interchange are higher than the statewide average. There are also operational deficiencies on the I-15 mainline that cause unsafe traffic movements. The separation distance between D Street and E Street interchanges is too close (60 meters) and is causing weaving problems due to slow moving cement trucks from the CEMEX plant accessing the freeway from E Street. Additional merging, diverging problems are also caused by the cement trucks utilizing the freeway to cross the railroad tracks to access D Street from E Street.
The watershed basin for the Mojave River bridge encompasses approximately 513 square miles. The Mojave River is formed by the confluence of Deep Creek and West Fork Mojave River near the base of the San Bernardino Mountains. The Mojave River varies from perennial at the mountains, to intermittent at the foothills where flows become subsurface, to perennial where the flows seep above ground to create wetlands, and then to ephemeral where flows become subsurface again. The Mojave River at the project site is perennial due to the subsurface flows seeping above ground upstream of the site. Discharges are controlled by upstream control and diversions. The Mojave River Dam, located approximately 14 miles upstream of the bridge, is operated by the Corps with a maximum outflow from the reservoir of 23,500 cubic feet per second. The San Bernardino Flood Control District occasionally clears and maintains the sediment and wetlands in the vicinity of the bridge (the Corps prepared an operations and maintenance manual that addresses anticipated maintenance activities in this area). The last occurrence of clearing occurred during the storms of 2009.

Description of Alternatives – Several alternatives, including the Applicant Preferred Alternative (proposed project), are being analyzed by the Corps to determine the least environmentally damaging practicable alternative (LEDPA) to aquatic resources. Table 1 summarizes the alternatives.

<table>
<thead>
<tr>
<th>Alternative*</th>
<th>Permanent Impacts to WOUS (acres/sq ft)</th>
<th>Temporary Impacts to WOUS (acres/sq ft)</th>
<th>Cost (Millions)</th>
<th>Meets Overall Project Purpose</th>
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<td>0.14 / 6,170</td>
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Applicant’s Originally Proposed Alternative - Under the Applicant’s Originally Proposed Alternative, the proposed I-15 Interchange Reconstruction would involve the reconstruction of three interchanges and upgrades to the freeway mainline and frontage roads to meet current Caltrans standards, improve operational efficiency, and enhance traffic safety. This alternative entails the following components:

- Upgrade I-15 northbound and southbound interim 6-lane roadway lane and shoulders to current Caltrans design standards.
- Reconstruct D Street, E Street, and Stoddard Wells Road interchanges with increased deceleration lengths and curve radii.
- Widen Victorville Separation and Overhead Bridge and Mojave River Bridge to accommodate four lanes in the northbound three lanes and an auxiliary lane in southbound direction, with 10-foot wide inside and outside shoulders.
- Construct a new collector/distributor Road and bridge over the BNSF Rail Road in the northbound direction to accommodate northbound D Street entrance ramp and northbound E Street exit ramp.
- Construct new frontage road west of I-15 to provide southbound freeway access for E Street traffic via West Frontage Road and existing Stoddard Wells Road. Realign
southbound freeway entrance ramp of Stoddard Wells Road and construct a southbound auxiliary lane between Stoddard Wells Road entrance ramp and D Street southbound exit ramp, which would provide trucks from the adjacent cement factory entering southbound I-15 via Stoddard Wells Road southbound entrance ramp sufficient distance to merge, accelerate, and ascend an extended 4.5% mainline southbound grade. The frontage road would accommodate a pedestrian walkway.

- Realign existing east frontage road to accommodate proposed upgrades of Stoddard Wells Road Overcrossing northbound exit and entrance ramps.
- Construct retaining walls to support widening of the D Street northbound exit ramp and auxiliary lane. The placement of the wall would provide sufficient stopping and decision sight distance at the exit ramp.
- Upgrade the onsite and offsite drainage facilities.

This alternative would result in permanent impacts to 0.01 acre of wetland and 0.14 acre of non-wetland waters of the U.S. and temporary construction-related impacts to 1.30 acres of wetland and 2.37 acres of non-wetland waters of the U.S. The active flow portion of the creek bed would also be temporarily impacted to accommodate closely-spaced vertical supports of the formwork to build the suspension bridge. The duration of the presence of the formwork underneath the superstructure must be timed to avoid heavier than normal runoffs during the rainy season that could result in serious flooding and/or damage to the supports. The cost of construction would be approximately $66.3 million.

Applicant Preferred Alternative (Reduced Federal Action) - The Applicant Preferred Alternative would have all the components proposed under the Applicant’s Originally Proposed Design except with modifications to minimize impacts to waters of the U.S. Under the Applicant Preferred Alternative, the Mojave River Bridge would be widened and a new bridge for the frontage road would be built as designed, with single pier supports. Temporary impacts to wetlands would be reduced by construction of temporary trestles at both bridge locations to avoid construction activities within the wetlands at the base of the Mojave River channel to the maximum extent possible. Trestle construction would include driving of approximately 150 temporary steel piles into wetland waters of the U.S. and construction of a support structure on top of those steel piles to be used during construction. Cofferdams would be constructed around the footing and pier locations to minimize construction area within the wetlands. Equipment for bridge construction would occur within the temporary trestle and cofferdams from the existing bridge. The impacts to ephemeral unnamed tributaries associated with widening of I-15 and the reconstruction of the interchanges would be the same as the Applicant’s Originally Proposed Alternative. The total roadway and bridge construction cost estimate for this alternative is approximately $74.3 million.

This alternative would result in permanent impacts to 0.01 acre of wetland and 0.14 acre of non-wetland waters of the U.S. and temporary construction-related impacts to 0.13 acre of wetland and 2.37 acres of non-wetland waters of the U.S. This alternative is practicable because it could be built with existing technology and would be logistically practicable and this alternative would also meet the overall project purpose.

Suspension Bridge Alternative (No Federal 404 Action) - The Suspension Bridge Alternative would have all the components proposed under the Applicant’s Originally Proposed Design except with modifications to avoid and minimize impacts to waters of the U.S. Under the Suspension Bridge Alternative, a suspension bridge to the west of the existing I-15 Mojave River Bridge would be constructed for I-15 southbound traffic and West Frontage Road traffic. The suspension bridge would span approximately 1,436 feet across the Mojave River with no piers or supports constructed in the
bed and no impacts to wetlands and other waters of the U.S. within the channel. The widening of I-15 and the reconstruction of the interchanges would occur using pre-cast bottomless culverts to span the dry ephemeral washes adjacent to the existing highway. The roadways would be constructed over the pre-cast culverts, thereby avoiding deposition of fill material within the ephemeral washes. The new bridge would be constructed to the west of the existing bridge, and the current bridge would be used to manage traffic during construction. The total roadway and bridge construction cost estimate for this alternative is approximately $176.3 million.

This alternative would not result in any permanent or temporary impacts to waters of the U.S. The active flow portion of the creek bed would not be impacted to build the suspension bridge because the bridge and other culvert crossings could be built using precast structures that would be suspended or spanned above the river/drainages during construction.

The project would meet the overall project purpose and could be built with existing technology and logistics; however, this alternative is not considered practicable in terms of cost because the cost of construction would be approximately $176.3 million, a 167% increase when compared to the Applicant’s Originally Proposed Alternative.

No Wetland Impact Alternative - The No Wetland Impact Alternative would have all the components proposed under the Applicant’s Originally Proposed Design except with modifications to avoid and minimize impacts to wetland waters of the U.S. Under the Applicant Preferred Alternative (discussed below), the existing Mojave River Bridge would be used for northbound I-15 traffic and two new precast segmental bridges (each bridge having 3 segments) would be constructed to span the approximately 200-foot-wide wetland in the Mojave River channel to provide southbound I-15 and West Frontage Road traffic. The widening of I-15 and the reconstruction of the interchanges would occur using standard culverts and result in impacts to dry ephemeral washes adjacent to the existing highway. The total roadway and bridge construction cost estimate for this alternative is approximately $118.3 million.

This alternative would result in permanent impacts to 0.14 acre of non-wetland waters of the U.S. and temporary construction-related impacts to 2.37 acres of non-wetland waters of the U.S. The project could be built with existing technology and logistics; however, this alternative is not considered practicable to construct in terms of cost because the cost of construction would be approximately $118.3 million, a 79% increase compared to the Applicant’s Originally Proposed Alternative.

Off-Site Alternative - The Off-Site Alternative would have all the components proposed under the Applicant’s Originally Proposed Design except with modifications to minimize impacts to waters of the U.S. except with modifications to avoid/minimize impacts to special aquatic sites (wetlands) through an alternate crossing location at the Mojave River. Under the Off-Site Alternative, the new frontage road connecting E Street to Stoddard Wells Road would be routed toward the CEMEX plant, then turn westward running parallel to the first railway crossing the Mojave river (just North of the current I-15 bridge), connecting to Abbey Lane, then come back down diagonally towards the current I-15 alignment to reconnect. Two new segments (8 lanes plus shoulders) of I-15 and a new bridge would be constructed to accommodate this design. This alternative would also impact multiple acres (over 5) of land and properties. This alternative would have less impact to special aquatic resources but, would likely result in more permanent impacts to non-wetland waters of the U.S. than any of the other build alternatives due to additional ephemeral drainage crossings.

The project could be built with existing technology and logistics. Further analysis is required to determine the approximate impacts and construction costs.
**No-Build Alternative** - The No-Build Alternative would leave the bridge and freeway as they currently exist; although it is expected some maintenance would occur on a periodic basis. The No-Build Alternative would not result in temporary or permanent impacts to waters of the U.S. or special aquatic sites (i.e., equivalent to the No Federal Action Alternative); however, it would not satisfy the overall project purpose.

**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: Of the two practicable alternatives considered, Caltrans has proposed to construct the alternative that would result in fewer impacts on special aquatic site (wetland) resources.

Minimization: Caltrans also considered multiple design alternatives in order to minimize adverse effects to aquatic resources to the maximum extent practicable, in addition to considering other sensitive areas. The trestle and cofferdams proposed during construction in the Applicant’s Preferred Alternative would reduce the project construction footprint.

Compensation: Caltrans is proposing to conduct enhancement as compensatory mitigation at an off-site location near Cronese Lake which is within the Mojave River HUC, but the Mojave River would only connect to Cronese Dry Lake during very extreme storm events. The proposed enhancement location is identified on the attached map (see Figure, attached).

**Proposed Special Conditions**

No special conditions are proposed at this time other than those we typically require for surface transportation projects impacting riverine waters of the U.S.

For additional information please call Veronica Chan of my staff at 213-452-3292 or via e-mail at Veronica.C.Chan@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.

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

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U.S. ARMY CORPS OF ENGINEERS – LOS ANGELES DISTRICT  
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Caltrans Mojave River Bridge: Applicant's Originally Proposed Project

The purple stands for graded areas. Orange is Caltrans Right of Way, and Green is roadway after construction.
Caltrans Mojave River Bridge: Applicant Preferred Alternative

The purple stands for graded areas. Orange is Caltrans Right of Way, and White is roadway after construction.
This alternative would have a Suspension bridge occurring over the river (for the E street frontage road and Interstate 15 southbound). There would also be bottomless culverts (no concrete bottom culverts).
Caltrans Offsite Alternative is proposed to head north, along D street, then east, crossing the river parallel to the railway bridge, adjacent to Abbey Lane. It would diverge slightly from the current alignment. (Single Red line diverging from the current bridge)
Proposed Mitigation Site