Road Safety Enhancement Project

UNINCORPORATED VENTURA COUNTY, CALIFORNIA
DISTRICT 7-VEN-33 (PM 18.88-19.04)
33230/0716000257

INITIAL STUDY WITH MITIGATED NEGATIVE DECLARATION/ENVIRONMENTAL ASSESSMENT WITH FINDING OF NO SIGNIFICANT IMPACT

Prepared by the
State of California, Department of Transportation

The environmental review, consultation, and any other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by Caltrans pursuant to 23 USC 327 and the Memorandum of Understanding dated December 23, 2016 and executed by FHWA and Caltrans.

May 2021

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Reduce collision severity on the State Route 33 by widening roadway, upgrading existing rock barrier, installing concrete drainage, and placing high friction pavement at post-mile 18.88 to 19.04 in unincorporated Ventura County

INITIAL STUDY WITH PROPOSED MITIGATED NEGATIVE DECLARATION/ENVIRONMENTAL ASSESSMENT

Submitted Pursuant to: (State) Division 13, California Public Resources Code
(Federal) 42 USC 4332(2)(C)

THE STATE OF CALIFORNIA
Department of Transportation

Cooperating Agency: U.S. Army Corps of Engineers
Responsible Agency: California Transportation Commission

Oct 12, 2020
Date of Approval

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CALIFORNIA DEPARTMENT OF TRANSPORTATION
FINDING OF NO SIGNIFICANT IMPACT (FONSI)

FOR

Road Safety Enhancement Project

The California Department of Transportation (Caltrans) has determined that Build Alternative 1 will have no significant impact on the human environment. This FONSI is based on the attached Environmental Assessment (EA) and Initial Study with Mitigated Negative Declaration which has been independently evaluated by Caltrans and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. Caltrans takes full responsibility for the accuracy, scope and content of the attached EA and Initial Study with Mitigated Negative Declaration.

The environmental review, consultation, and any other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by Caltrans pursuant to 23 USC 327 and the Memorandum of Understanding dated December 23, 2016 and executed by Federal Highway Administration and Caltrans.

Ronald Kosinski

RONALD KOSINSKI
Deputy District Director
Division of Environmental Planning, District 7
California Department of Transportation

May 12, 2021
Date of Approval

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Mitigated Negative Declaration

Pursuant to: Division 13, Public Resources Code

Project Description

The California Department of Transportation (Caltrans) proposes to enhance the safety on State Route 33 from post-mile (PM) 18.88 to PM 19.04 in Ventura County by widening the roadway, installing a stamped concrete barrier, incorporating a concrete-lined drainage, and applying a high friction surface treatment to reduce accidents and the severity of collisions.

Determination

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

The proposed project would have no effect on agricultural and forest resources, cultural resources, hydrology and water quality, land use and planning, mineral resources, population and housing, recreation, tribal cultural resources, and utilities.

In addition, the proposed project would have less than significant effects to aesthetics, air quality, energy, geology and soils, noise, transportation, public services, and wildfire.

With the following mitigation measure incorporated, the proposed project would have less than significant effects to biological resources:

BIO-2: Caltrans will mitigate the loss of riparian habitat by replanting species on-site on the hillside after construction and in the biological study area outside of the project impact area within Nork Forth Matilija Creek.

Ronald Kosinski

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Deputy District Director
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California Department of Transportation

May 12, 2021

Date

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Table of Contents

List of Tables

List of Figures

Chapter 1 – Proposed Project

1.1 Introduction

NEPA Assignment

California participated in the "Surface Transportation Project Delivery Pilot Program" (Pilot Program) pursuant to 23 United States Code (USC) 327, for more than five years, beginning July 1, 2007, and ending September 30, 2012. MAP-21 (P.L. 112-141), signed by President Obama on July 6, 2012, amended 23 USC 327 to establish a permanent Surface Transportation Project Delivery Program. As a result, the California Department of Transportation (Caltrans) entered into a Memorandum of Understanding pursuant to 23 USC 327 (NEPA Assignment MOU) with Federal Highway Administration (FHWA). The NEPA Assignment MOU became effective October 1, 2012, and was renewed on December 23, 2016, for a term of five years. In summary, Caltrans continues to assume FHWA responsibilities under National Environmental Policy Act (NEPA) and other federal environmental laws in the same manner as was assigned under the Pilot Program, with minor changes. With NEPA Assignment, FHWA assigned and Caltrans assumed all of the United States Department of Transportation (USDOT) Secretary's responsibilities under NEPA. This assignment includes projects on the State Highway System and Local Assistance Projects off of the State Highway System within the State of California, except for certain categorical exclusions that FHWA assigned to Caltrans under the 23 USC 326 CE Assignment MOU, projects excluded by definition, and specific project exclusions.

Caltrans, as assigned by the FHWA, is the lead agency under the NEPA and under the California Environmental Quality Act (CEQA). The USACE is a cooperating agency under NEPA, as they will be the permitting agency for the Waters of the U.S. during final design of the project. USACE is not contributing funds for construction of the project.

Existing Facilities

SR 33 originates at United States (US 101) in the City of San Buenaventura and extends north to the Santa Barbara County line and beyond. The SR 33 corridor is mostly semi-rural with land use varying from open space forest lands, industrial, residential, to agricultural lands. The route serves both recreational and interregional purposes, providing access to the Los Padres National Forest and to the Lake Casitas Recreation Area, by way of SR 150, and linking the City of San Buenaventura (more commonly known as Ventura) with the City of Ojai. The route also passes through the Ventura oil fields and the unincorporated areas of Casitas Springs and Oak View. The portion of the route that extends from the Ojai Valley through Los Padres National Forest and ends in the City of Maricopa in Kern County is called the Maricopa Highway.

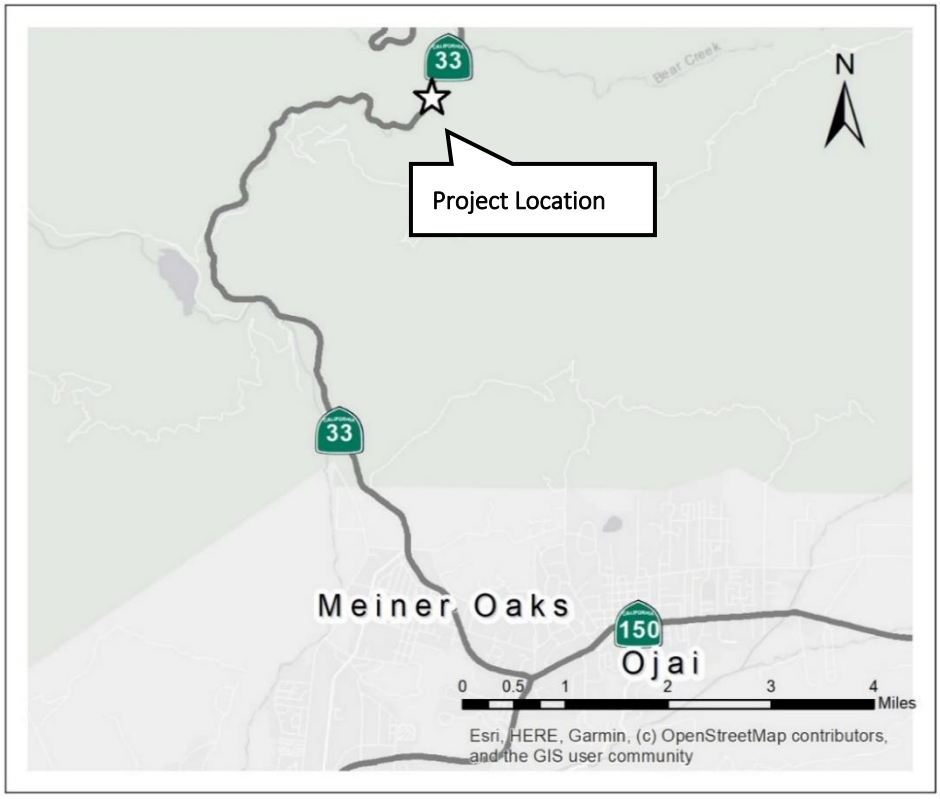
The SR 33 project site is a two-lane highway located within the mountainous terrain of the Los Padres National Forest at an elevation of approximately 1,760 feet above mean sea level, defined by the micaceous clay shale rock as the primary geological formation. At the project site, the roadway is a curved 22-foot wide roadbed with shoulder widths that vary from 0 to 2 feet.

Each lane is approximately 10 feet and six inches in length. The setting of the project is within a gorge and includes a protruding rock surface known as a vertical seep that trickles down natural springwater. The natural springwater splashes onto the roadbed and flows across the road into North Fork Matilija Creek. It also flows down the side of the northbound lane down to the bridge approximately 240 square feet away from the protruding rock. The protruding rock is a local landmark that communities in the area identify closely with. Communities in the immediate south of the vicinity include Ojala, Meiner Oaks, and Ojai, and are located approximately 3.5, 6.5, and 8.5 miles away, respectively.

Caltrans proposes the Road Safety Enhancement Project to enhance roadway safety and reduce collisions to rock barriers on SR 33 in Ventura County from post-mile (PM) 18.88 to PM 19.04 (Figure 1).

The project is included in the 2019 Federal Transportation Improvement Program (FTIP) and is proposed for funding from the SHOPP program (State Highway Operation and Protection Program). The project was approved on December 17, 2018 through Amendment #19-01 in the FTIP and the project Federal ID is VENLS01. The estimated project cost is expected to be approximately $8.5 million.

Figure 1. Project Location



1.2 Purpose and Need

Purpose

The purpose of this project is to:

- enhance roadway safety and
- reduce the severity of collisions and collisions to the rock barrier.

Need

Due to the narrow widths of the roadway, vehicles have hit the rock barrier repeatedly over the last ten years and have hit the rock blocks off the road into the creek while making sharp turns at this site. The current roadway is a curved 22-foot wide roadbed with shoulder widths that vary from 0 to 2 feet (ft.). There is a 4.5 ft. x 1.5 ft. x 1.5 ft. block barrier left on the southbound shoulder to provide the intended protection of a collision barrier.

In addition, natural springwater splashes down the road from the protruding rock surface and has induced wet pavement in the area.

Based on the Traffic Accident Surveillance and Analysis System (TASAS) and Selective Accident Retrieval Report (TSAR) for a 10-year period from January 1, 2010 to December 31, 2019 (Table 1), the accident rate at the project location (PM 18.8/19.20) was 11.58 accidents per million vehicle miles (acc/mvm). The State average rate is 2.22 acc/mvm at similar state facilities. During these 10 years, the actual accident rates in 6 years (2010, 2011, 2012, 2013, 2016, and 2017) were much higher than the State average rates in the same year. There were no recorded accidents in the other 4 years (2014, 2015, 2017, and 2018). It should be noted that the SR 33 was closed in 2017 and 2018 for safety reasons after the Thomas fire.

Table 1. Accident Rates Summary 2019

Route	County	PM	Dates	ADT (*1000)	Accident Rates Per Million Vehicle Miles (acc/mvm)					
					Actual			California State Average		
					Fatal	Fatal+ Injury	Total	Fatal	Fatal+ Injury	Total
33	Ven	18.80-19.20	1/1/2010 to 12/31/2019	0.7	0.000	7.37	11.58	0.058	1.10	2.22
33	Ven	18.80-19.20	1/1/2010 to 12/31/2010	0.8	0.000	8.33	8.33	0.055	1.04	2.10
33	Ven	18.80-19.20	1/1/2011 to 12/31/2011	0.7	0.000	0.00	10.00	0.056	1.08	2.17
33	Ven	18.80-19.20	1/1/2012 to 12/31/2012	0.6	0.000	22.22	22.22	0.059	1.13	2.27
33	Ven	18.80-19.20	1/1/2013 to 12/31/2013	0.6	0.000	22.22	33.33	0.059	1.13	2.27
33	Ven	18.80-19.20	1/1/2014 to 12/31/2014	0.6	0.000	0.00	0.00	0.059	1.08	2.17
33	Ven	18.80-19.20	1/1/2015 to 12/31/2015	0.7	0.000	0.00	0.00	0.059	1.13	2.27
33	Ven	18.80-19.20	1/1/2016 to 12/31/2016	0.7	0.000	10.00	30.00	0.056	1.08	2.17
33	Ven	18.80-19.20	1/1/2017 to 12/31/2017	0.6	0.000	0.00	0.00	0.059	1.13	2.27
33	Ven	18.80-19.20	1/1/2018 to 12/31/2018	0.6	0.000	0.00	0.00	0.059	1.13	2.27
33	Ven	18.80-19.20	1/1/2019 to 12/31/2019	0.6	0.000	11.11	11.11	0.059	1.13	2.27

Note Fatal rates refers to accidents that resulted in a fatality, while fatal+injury includes numbers from accidents that resulted in fatalities and those that resulted in injuries.

Northbound

All accidents within the project area occurred during the day (8AM to 4PM) in northbound direction. Based on the findings in the TSAR, the primary reason for collisions that occurred at this location in the northbound lane were related to speeding (66.7%) and other violations (33.3%). The types of collisions were hitting object (66.7%) and sideswiping (33.3%). All accidents occurred under the clear weather and dry road surface conditions.

Southbound

Seventy-five percent of the accidents occurred during the day (11AM to 6PM), and 25 percent of the accidents occurred during the night (9PM to 1AM) in the southbound direction. Based on the findings in the TSAR, the primary reason for collisions that occurred at this location in the southbound lane were related to improper turning (37.5%), influence of alcohol (25%), speeding

(12.5%), failure to yield (12.5%), and other violations (12.5%). The types of collisions were hitting object (50%), overturning (25%), broadsiding (12.5%), and sideswiping (12.5%). The majority accidents occurred under the clear weather (75%), and dry road surface (87.5%) conditions. Other accidents occurred under cloudy weather (25%) and wet road surface (12.5%) conditions. Table 2 summarizes the existing traffic collision data for the project location.

Table 2. Primary Collision Factors

1/1/2010 TO 12/31/2019 (PM 18.8/19.2)		SOUTHBOUND	NORTHBOUND
TYPE OF COLLISIONS	Head-On (%)		
	Sideswipe (%)	12.5	33.3
	Rear End (%)		
	Broadside (%)	12.5	
	Hit Object (%)	50.0	66.7
	Overturn (%)	25.0	
PRIMARY COLLISION FACTOR	Influence Alcohol (%)	25.0	
	Follow too Close (%)		
	Failure to Yield (%)	12.5	
	Improper Turn (%)	37.5	
	Speeding (%)	12.5	66.7
	Others/Unknown (%)	12.5	33.3
WEATHER	Clear (%)	75.0	100.0
	Cloudy (%)	25.0	
	Raining (%)		
ROAD SURFACE	Dry (%)	87.5	100.0
	Wet (%)	12.5	

1.3 Independent Utility and Logical Termini

Logical termini for project development are defined as (1) rational endpoints for a transportation improvement, and (2) rational end points for a review of environmental impact. The environmental impact end points frequently cover a broader geographic area than the strict limits of a proposed transportation improvement. Independent utility means that the project improvements have independent significance, or that the improvements are usable at a reasonable expenditure even if no additional transportation improvements are made in the area.

The proposed project termini is logical because the project limits (PM 18.88 to PM 19.04) has been identified where most collisions occur due to the narrow curvature on SR 33.
The proposed project has independent utility because it does not rely on other projects to address the identified need. Improvements made on this project is anticipated to reduce the number and severity of the collisions that occur at this specific location.

1.4 Project Description

This section describes the proposed action and the project alternatives that were developed to meet the identified purpose and need of the project, while avoiding or minimizing environmental impacts. Three alternatives were analyzed for the project—the No-Build Alternative, Build Alternative 1, and Build Alternative 2.

The project is located on SR 33 in Ventura County from PM 18.88 to PM 19.04. The total length of the project is less than a quarter of a mile. The project is situated within the mountainous terrain of the Los Padres National Forest and is next to North Fork Matilija Creek and a protruding rock surface known as a vertical seep. The purpose of this project is to enhance road safety and reduce collision severity.

1.5 Project Alternatives

Build Alternative 1 – Build Alternative 1 (Figure 2) proposes to widen the roadway by four feet nine inches on the southbound direction of the SR 33 from PM 18.88 to PM 19.04 in Ventura County through a continuous cantilever slab (approximately 380 feet linear feet in length). On the northern end of the project, the height of the retaining rock block wall will be reduced to build the cantilever slab. The existing metal beam guardrail will also be removed to accommodate an overhang. The overhang is expected to extend less than three feet out of the roadway. This will result in an additional six inches of lane width for each lane (northbound and southbound) as well as a two-foot shoulder to widen the turning radius.

The existing rock block barrier (currently a 4.5 ft. x 1.5 ft. x 1.5 ft. barrier) will be replaced by a new cast-in-place textured stamped concrete barrier that is 36 inches in height and approximately 380 linear feet in length. The concrete barrier will be designed to match the existing landscape as a component of context sensitive solutions (Figure 4). An 18-inch high tubular handrailing will be incorporated on top of the concrete barrier.

The project will also include the construction of a two-foot wide and six-inch deep shallow concrete-lined drainage ditch along the northbound shoulder to funnel springwater runoff into North Fork Matilija Creek. The springwater will be rerouted to flow down the side of the bridge (approximately 240 sq. ft. away) and also through the cross-culvert (Figure 5 and Figure 6) where it will be connected to North Fork Matilija Creek.

A high friction surface treatment (HFST) will be applied to a perennially wet section of the travelled roadway caused by the splashing of natural springwater onto the roadway. All the proposed improvements will be constructed within Caltrans right of way, but in United States Forest Service's jurisdiction.

Advanced curve warning signs will also be updated to warn travelers ahead of the curve as a part of the project.

The proposed project will implement a number of standardized project measures and mitigation measures designed to reduce air quality impacts, noise impacts, and water quality impacts. Measures include but are not limited to: 1) implementation of fugitive dust control measures in accordance with Ventura County Air Pollution Control District, 2) implementation of standard noise control measures in compliance with local and county regulations, and 3) standard best management practices in compliance with water quality permits.

Build Alternative 2 – Build Alternative 2 (Figure 3) is identical to Build Alternative 1, except that the roadway will be widened by two feet nine inches instead of four feet nine inches as proposed by Build Alternative 1. An overhang measuring less than one feet is expected to be extended out of the roadway instead of an overhang measuring less than three feet. No shoulder will be constructed as a result of this alternative.

All project design features and mitigation measures designed to minimize environmental impacts for Build Alternative 1 will also be implemented for Build Alternative 2.

Figure 2 and Figure 3 depicts the preliminary design plans for Build Alternatives 1 and 2 of the project. Figure 4 shows the concept plans for the proposed cast-in-place textured and stamped concrete barrier. Photographs of project location site are depicted in Figure 7 to Figure 11.

Figure 2. Preliminary Design Plans for Build Alternative 1

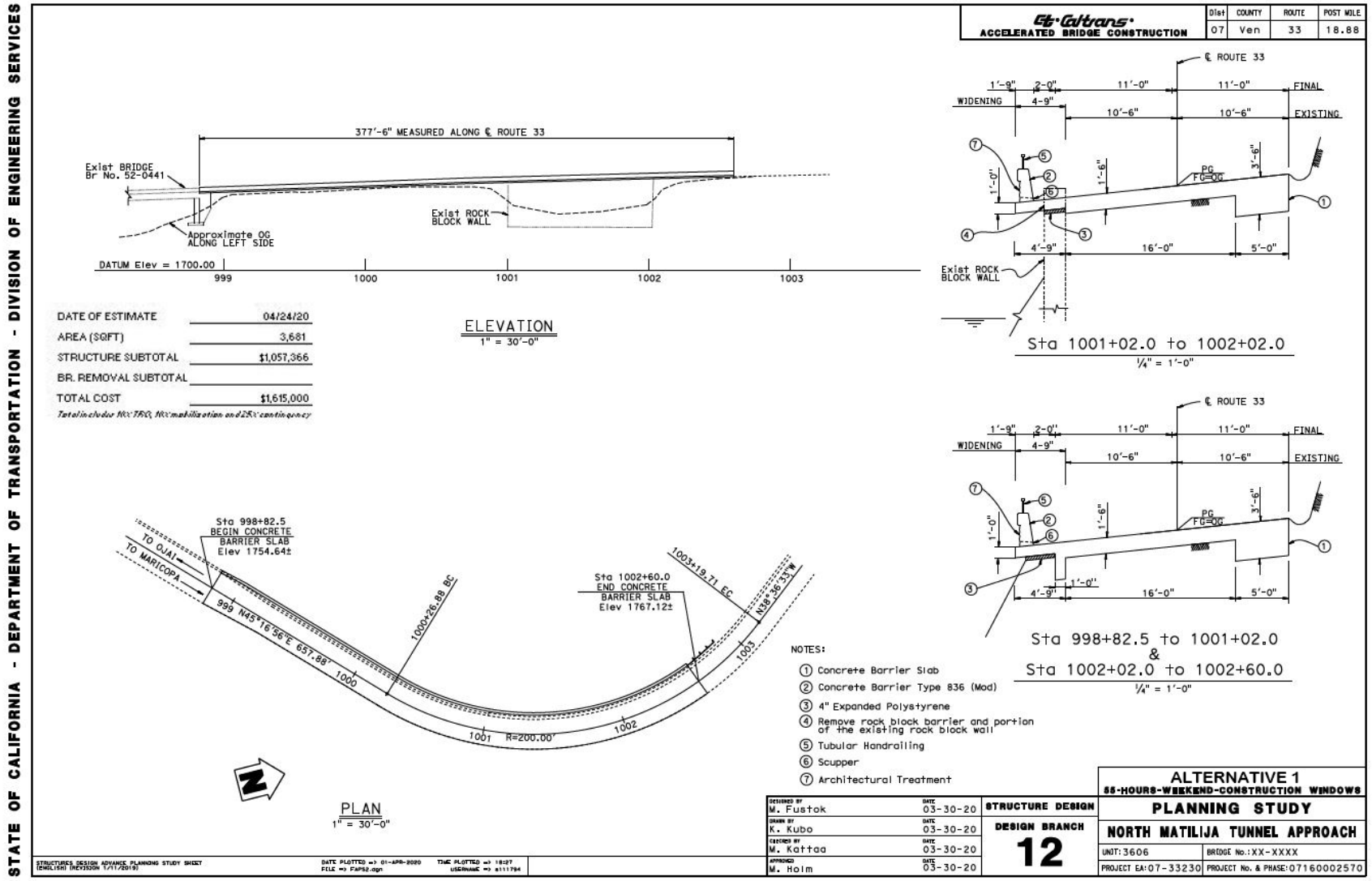


Figure 3. Preliminary Design Plans for Build Alternative 2

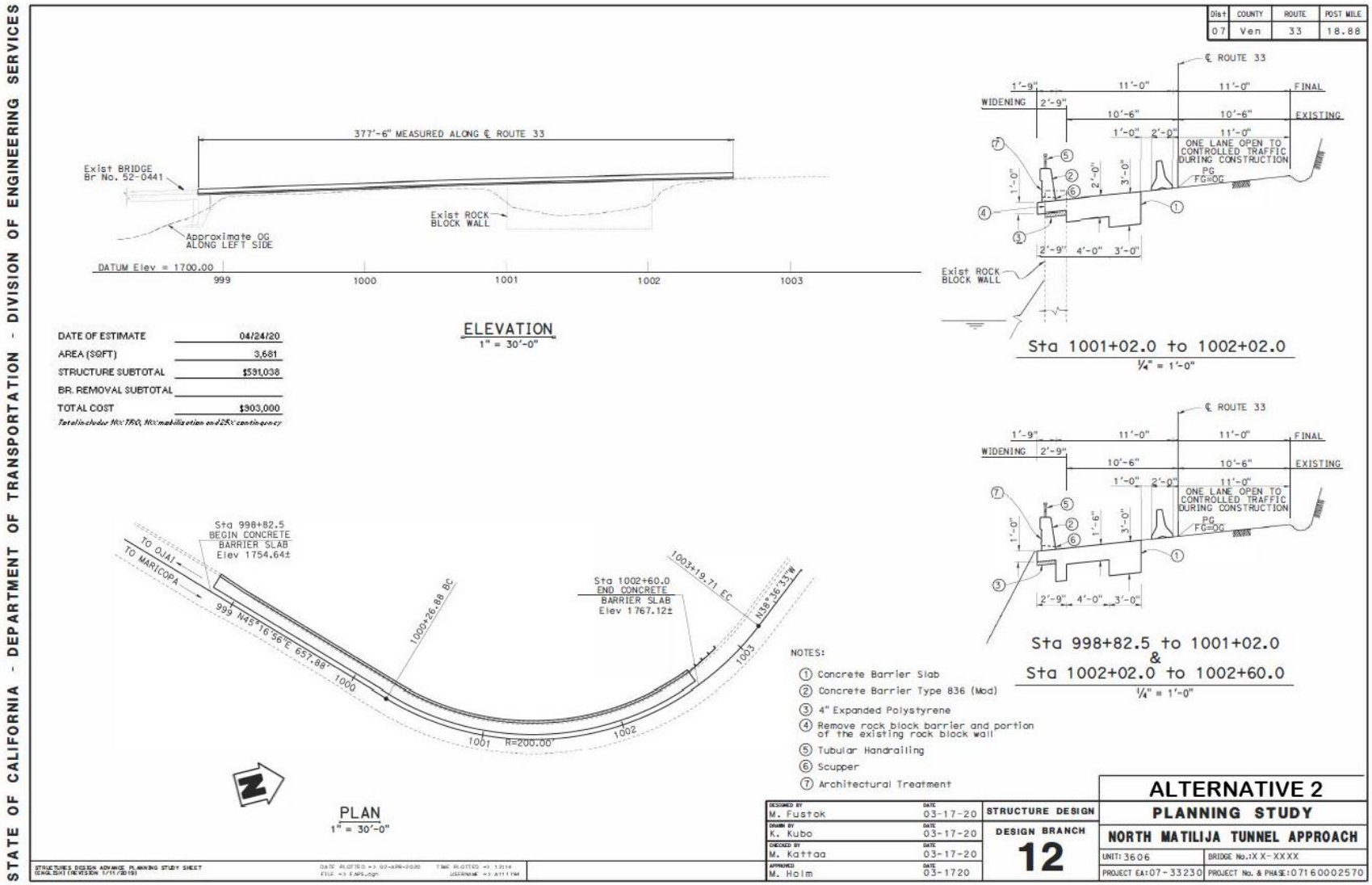


Figure 4. Concrete Barrier Aesthetic Treatment

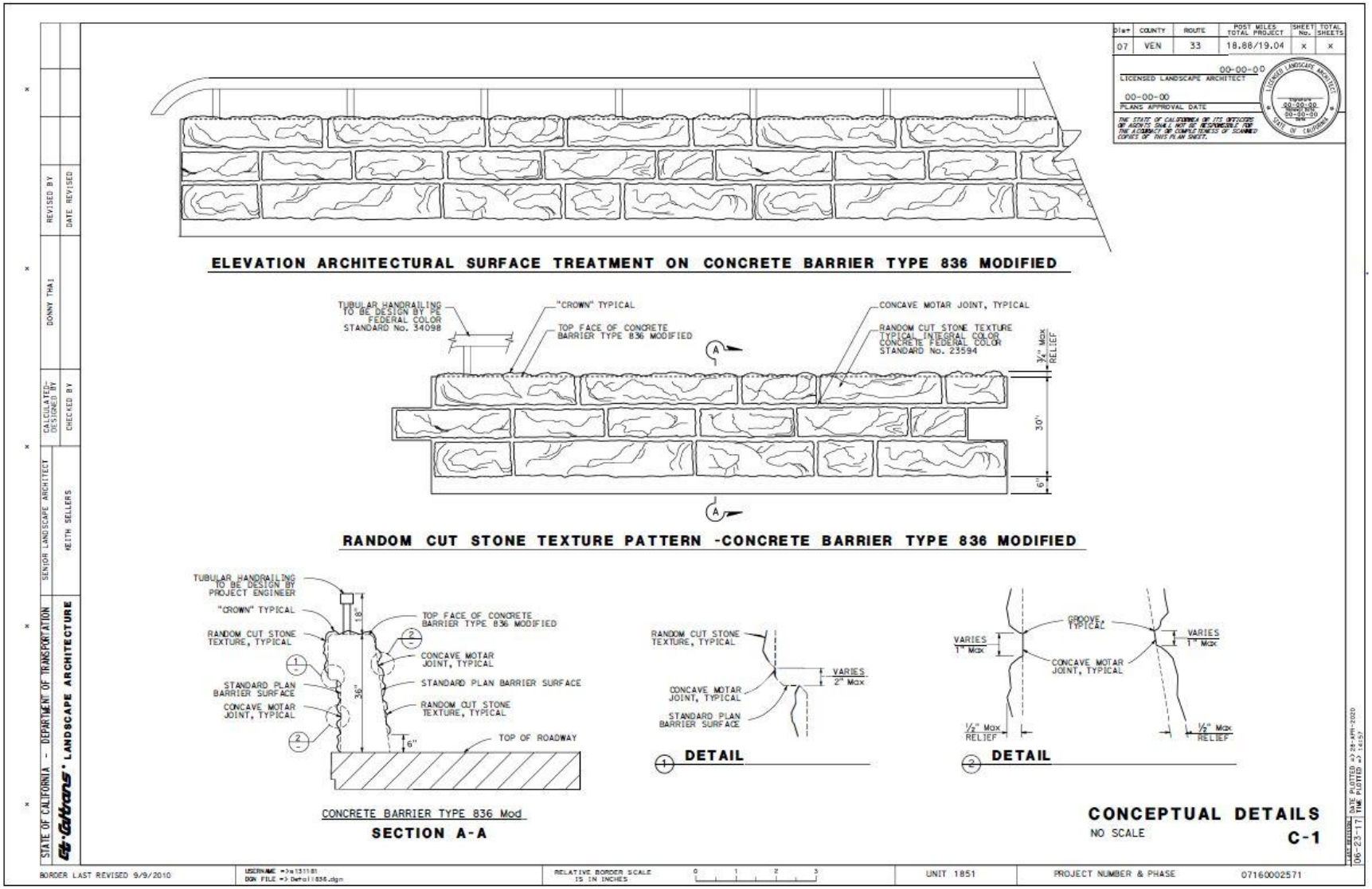


Figure 5. Aerial View of Project Site (Build Alternative 1)

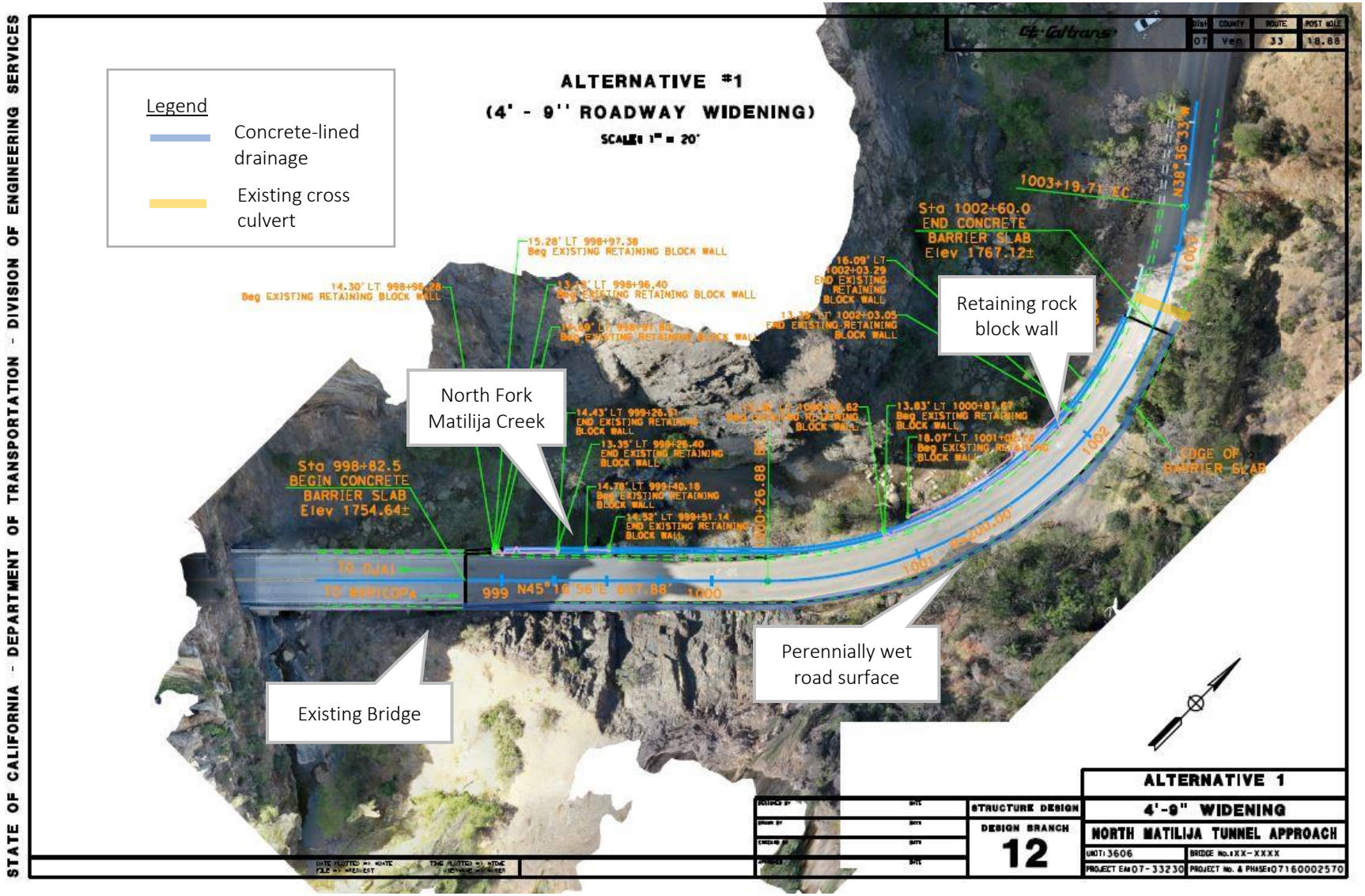


Figure 6. Aerial View of Project Site (Build Alternative 2)

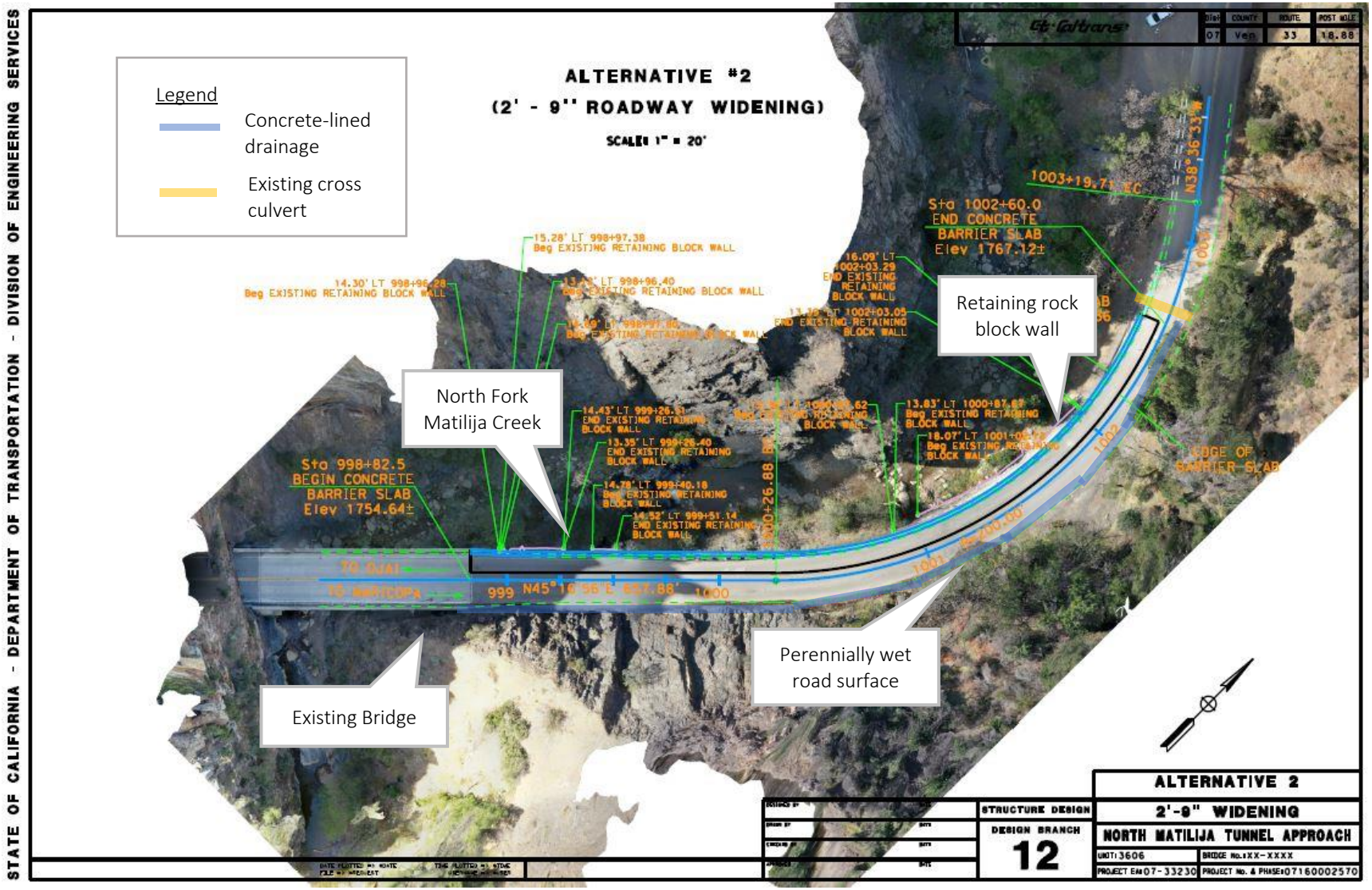


Figure 7. Remaining Rock Block Barrier within Project Limits

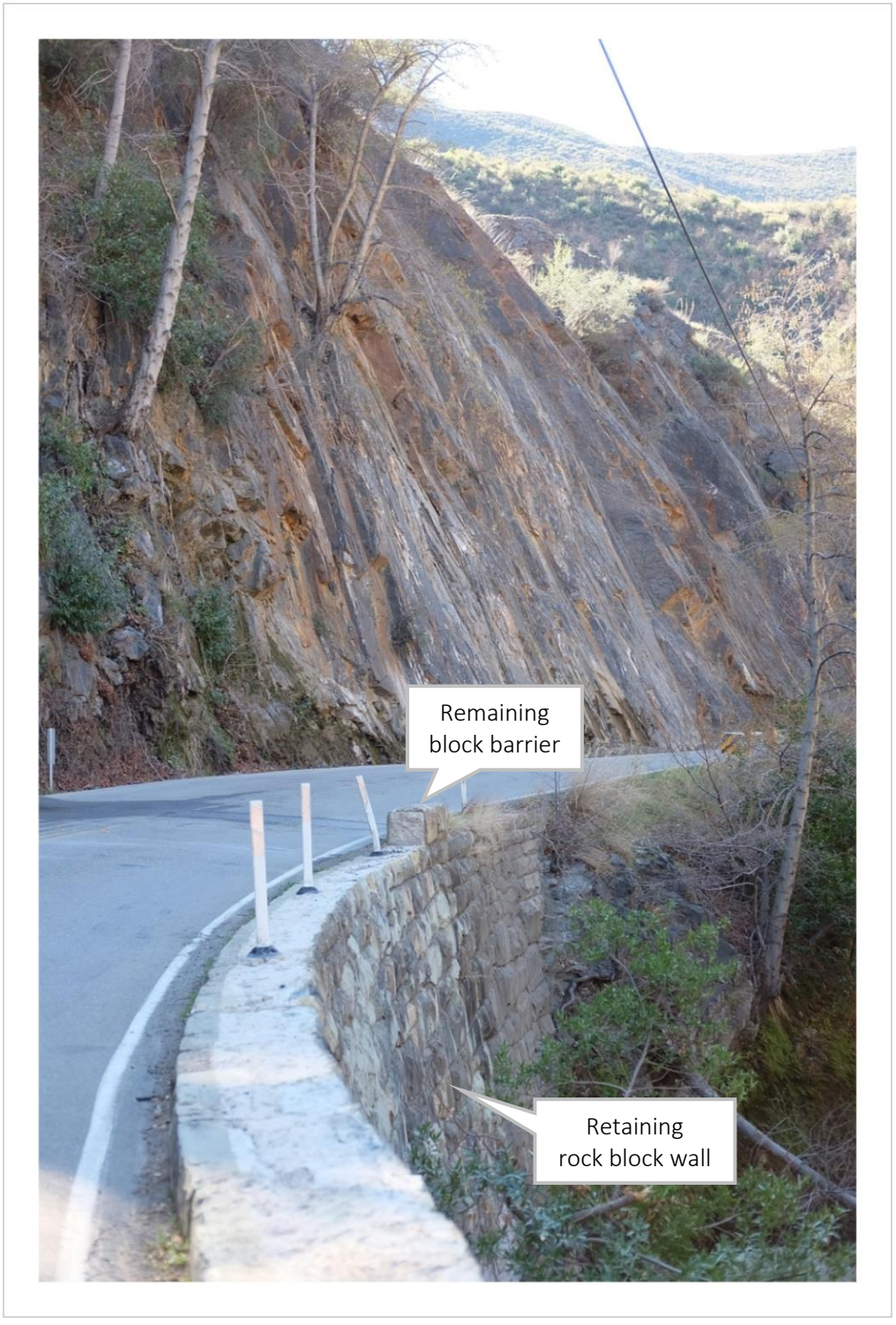


Figure 8. North Fork Matilija Creek adjacent to Roadway

Figure 9. Wet Pavement caused by Springwater and Protruding Rock on Roadway

Figure 10. Protruding Rock and Springwater

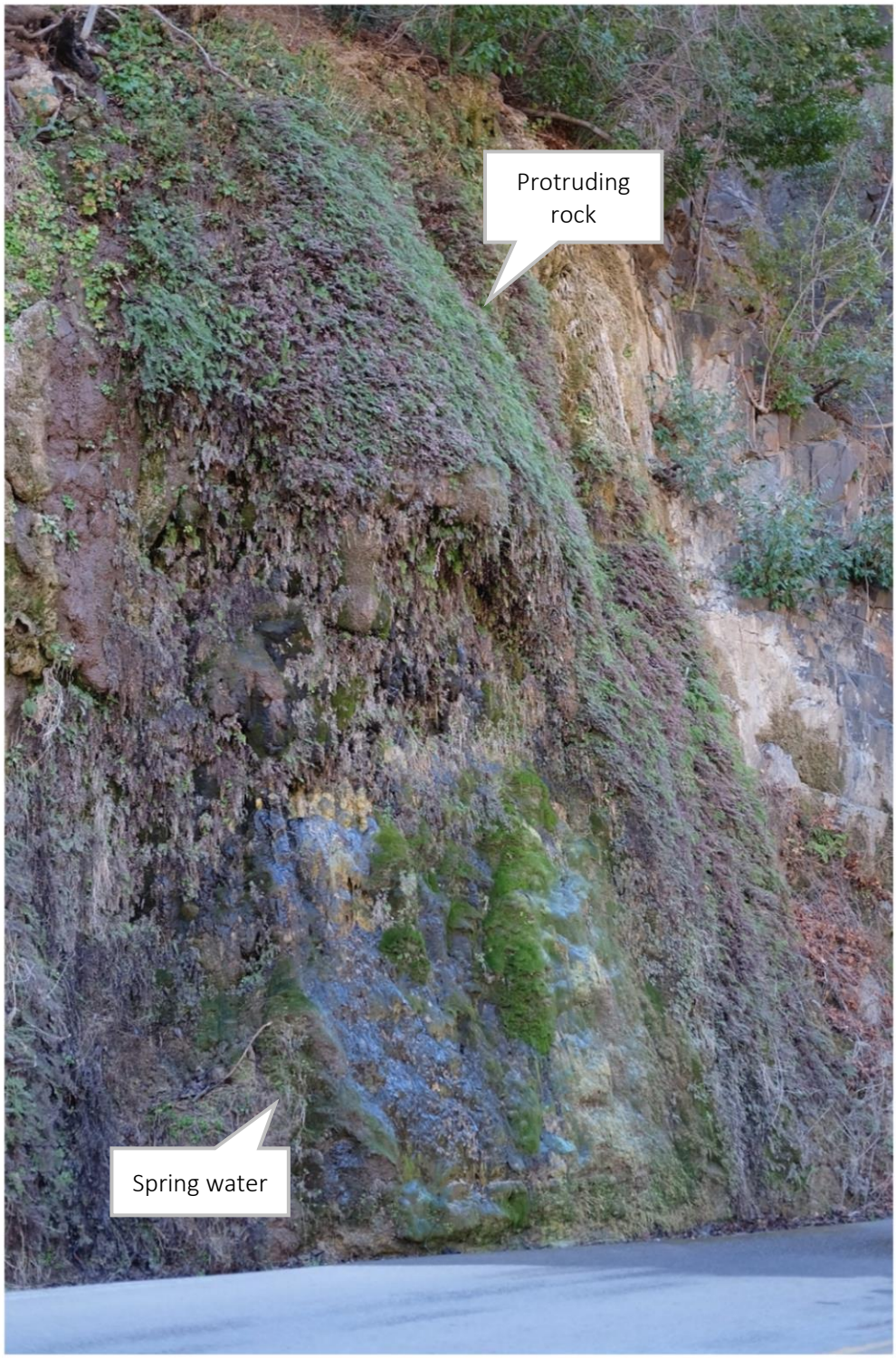


Figure 11. Protruding Rock and Springwater Magnified

1.5.1 Common Design Features of the Build Alternatives

Common design features of both Build Alternative 1 and Build Alternative 2 include:

- Increasing lane width from ten-foot-six-inch lanes to 11-foot lanes
- Replacing remaining rock block with an aesthetically treated concrete barrier
- Incorporating a tubular handrailing on top of concrete barrier
- Constructing a shallow two feet wide and six-inch deep concrete-lined drainage interceptor ditch
- Applying a high friction surface treatment to the perennially wet section of the roadway
- Implementing all standard measures related to air quality, noise, water quality, etc.

1.5.2 Unique Features of Build Alternatives

Build Alternative 1 will include:

- Constructing a two-foot shoulder in addition to increasing lane widths
- Demolishing the full width of the current asphalt concrete roadway (southbound direction)
- Coldplaning and overlaying operations in the entire final constructed roadway to avoid grade breaks

Build Alternative 2 will include:

- Demolishing half of the current asphalt concrete roadway (southbound direction)
- Coldplaning and overlaying operations in half of the roadway (northbound direction) to avoid grade breaks

1.5.3 Transportation System Management (TSM) and Transportation Demand Management (TDM) Alternatives

Transportation System Management (TSM) and Transportation Demand Management (TDM) were not considered and discussed as part of this project because they are irrelevant to the purpose of this project. The project does not increase the number of vehicles on the road for TSM and TDM because it is a safety enhancement project. Therefore, it is not evaluated as a part of the project. TSM strategies increase the efficiency of existing facilities and are actions that increase the number of vehicle trips a facility can carry without increasing the number of through lanes. TDM focuses on regional means of increasing vehicle occupancy and reducing the number of vehicle trips and vehicle miles traveled.

1.6 No-Build Alternative

The No-Build Alternative will maintain the existing configuration of SR 33 and no additional improvements will be made to the existing facility. The roadway will remain at a lane width of ten feet six inches, and aside from the remaining rock block, there will be no barriers left protecting travelers on the road. Furthermore, the spring will continue to flow across the road down to the adjacent creek, which perpetuates a wet section of the roadway. All the deficiencies mentioned above will continue as a result of the No-Build Alternative.

1.7 Identification of a Preferred Alternative

Caltrans has considered all the comments that were received during the public review period, including those received after the public review period. All comments received, along with responses, are included in Appendix J – Response to Comments. The text of this document has been modified to address these comments, where appropriate.

Caltrans, as the lead agency under CEQA and NEPA, has identified Build Alternative 1 as the preferred alternative. The decision was made after comparing and weighing the benefits and impacts of the feasible alternatives. After reviewing the environmental impacts, construction impacts, purpose and need, cost, and comments received, the project development team identified Build Alternative 1 as the preferred alternative because Build Alternative 1 would most adequately address the purpose and need of the project, while minimizing the severity of environmental and traffic impacts. This alternative would increase lane widths by six inches in each direction and provide a southbound shoulder, which would enhance safety and reduce the severity of collisions and collisions to the rock barrier. The increase in lane widths and addition in southbound shoulder would improve maneuvering around the horizontal curve and allow for a safer distance between edge of pavement and the edge of the concrete barrier. In addition, Build Alternative 1 will have an accelerated construction schedule which includes three 55-hour full roadway weekend closures, thereby minimizing environmental impacts and long-term traffic impacts. Construction of Build Alternative 2 would not require full weekend closures, and will take approximately the same amount of time as Build Alternative 1.

The No-Build Alternative would not achieve the purpose and need of the project. Build Alternative 2 would achieve the purpose and need of the project, but the benefits of Build Alternative 1 outweigh the benefits of Build Alternative 2. Build Alternative 1 would provide greater lane widths and a 2 feet shoulder for safer maneuvering. After a thorough review of the alternatives and comments received from the public, the project development team has selected Build Alternative 1 as the preferred alternative.

1.8 Alternatives Considered but Eliminated from Further Discussion Prior to the Draft Initial Study/Environmental Assessment

This section includes all alternatives that were considered during the project development process, but were eliminated from further consideration and gives the reason for rejection.

Six-Foot-Nine-Inch Roadway Widening (Moment Slabs + CIDH Piles in Creek) Alternative. This alternative proposes to widen the roadway by six feet nine inches through a combination of two methods:

1) installation of cantilever slabs (approximately 310 linear feet) supported by 24-inch Cast-In-Drilled Hole (CIDH) piles (spaced at 40 feet intervals) and 30-inch by 30-inch cap beams as well as

2) installation of self-supported continuous cantilever slab (approximately 170 linear feet) all within the project limits.

This alternative was rejected because it would require drilling CIDH piles into the North Fork Matilija Creek and would entail adverse permanent impacts to the steelhead trout and its critical habitat as well as the California red-legged frog.

Eight to Nine-Foot Roadway Widening (New Bridge Structure + CIDH Piles) Alternative. This alternative proposes to widen the roadway by eight to nine feet through a combination of two methods:

1) installation of a new bridge structure (approximately 365 linear feet) using precast concrete slabs supported on precast bent caps and 36-inch CIDH piles (spaced at 45-foot intervals) and concrete barrier cantilever moment slabs as well as

2) installation of self-supported continuous concrete cantilevered slabs (approximately 80 linear feet) all within the project limits.

This alternative was rejected due to the potential for substantial impacts related to the eight 55-hour weekend and the six-month full roadway closure. It would require local residents and drivers to take long detour routes (approximately 120 miles) to reach their intended destination.

There would also be permanent adverse impacts to the riparian habitat and critical habitat of the steelhead trout and California red-legged frog. In addition, the cost of this alternative would exceed the budget due to the substantial costs required for construction, traffic closures and environmental mitigation.

1.8.1 Design Features Considered for Each Build Alternative but Eliminated from Further Discussion

The following design features were considered for each build alternative during the project development process, but were eliminated from further consideration, and gives the reason for rejection.

Rock Cut Design Feature. This design feature would include shaving to even out the protruding rock crop over the northbound lane of the roadway. This would modify the course of the natural spring that splashes into the roadway to run alongside of the road instead.

This design feature was rejected because the rock outcrop is considered a sensitive resource to both the California Department Fish and Wildlife (CDFW) and United States Forest Service (USFS). Representatives from CDFW and USFS expressed the importance to keep the rock intact because it is a natural feature during a field site visit (October 10, 2019). Furthermore, the rock outcrop is a local landmark in a designated scenic highway. Caltrans agreed that this was an important visual feature.

Grated Inlet/Northbound Concrete Barrier Design Feature. This design feature would install a grated inlet drainage system along the northbound direction to divert water from the roadway into the existing creek. This design feature also includes a concrete barrier on the northbound side of the road to prevent large debris from entering the roadway. The grated drainage system would be constructed behind the concrete barrier.

This alternative was rejected because the concrete barrier would prevent rock debris from entering the roadway and cause rocks to clog up the grated inlet behind the concrete barrier. After consulting with Caltrans' Maintenance Supervisor, this design feature was rejected because it would be difficult to remove the rocks and clean the grated inlets.

Slope Net Design Feature. This design feature would include placing a net over the entire slope of the cliff to minimize the amount of debris falling. This permanent feature would keep rocks in place to prevent rockfall and prevent the grated inlet design feature from clogging.

The design feature was rejected because it would permanently impact the habitat of Ojai fritillary, a USFS sensitive species. The Ojai fritillary is known to exist only within this area and impacting the cliff would adversely affect the sensitive species. Furthermore, adding a slope net to the cliff would also impair the visual aesthetics of the local landmark and the designated scenic highway.

1.9 Permits and Approvals Needed

The permits, reviews, and approvals required for project construction is shown in Table 3.

Table 3. Permits/Approvals

Agency	Permit, Licenses, Agreements, and/or Certifications	Status
National Marine Fisheries Services (NMFS)	Section 7 Consultation for Threatened and Endangered Species	Biological Opinion from NMFS received on March 31, 2021.
California Department of Fish and Wildlife (CDFW)	1602 Lake and Streambed Alteration Agreement	Application for 1602 permit expected after Final Environmental Document (FED) approval during the final design phase
California Regional Water Quality Control Board (CRWQCB)	Section 401 Water Quality Certification	Application for Section 401 permit expected after FED approval during the final design phase
United States Army Corps of Engineers (USACE)	Section 404 Nationwide Permit	Application for Section 404 permit expected after FED approval during the final design phase
Ventura County Resource Management Agency	Ministerial Tree Permit	Application for Ministerial Tree permit expected after FED approval during the final design phase
California Transportation Commission (CTC)	CTC vote to approve funds	CTC will vote to approve funding for the project after FED approval

Caltrans has coordinated with the above agencies to determine the approvals/permits needed for project construction.

Chapter 2 – Affected Environment, Environmental Consequences, and Avoidance, Minimization and/or Mitigation Measures

TOPIC CONSIDERED BUT DETERMINED NOT TO BE RELEVANT

As part of the scoping and environmental analysis carried out for the project, the following environmental issues were considered but no adverse impacts were identified. As a result, there is no further discussion about these issues in this document.

Coastal Zone – There will be no impact on coastal resources because the project is not located within the coastal zone.

Wild and Scenic Rivers – There will be no impact on wild and scenic river resources because there are no wild or scenic rivers within the project area.

Farmland/Timberlands – There will be no impact on farmland and timberland resources because the project is not located within or adjacent to farmlands and/or timberlands.

Hydrology and Floodplain – There will be no impacts related to hydrology and floodplain because the project is not located within a 100-year base floodplain.

Community Character and Cohesion – The project will have no impacts to community character and cohesion as the project site is located within rural open space in Los Padres National Forest. No communities are within a mile of the project vicinity.

Environmental Justice – The project will have no effect on minority or low-income populations because minority and/or low-income populations have not been identified. See Section 2.1.3 on Community Impacts. No minority or low-income populations that would be adversely affected by the proposed project have been identified as determined above. Therefore, this project is not subject to the provisions of Executive Order 12898.

Relocations and Real Property Acquisition – There will be no relocation impacts because the project will not involve real property acquisitions.

Air Quality – Pursuant to 40 Code of Federal Regulations (CFR) 93.126, the project is exempt from all emissions analyses and the requirement to determine conformity because the scope of work is listed in Table 2 under the subtitle “Safety” and classification “Widen narrow pavements or reconstructing bridges (no additional travel lanes).” However, all local, state, and regional air quality standard protocols will be implemented throughout construction and air quality impacts

as a result of construction will be minimized, to the extent feasible. Please refer to Appendix C – Avoidance, Minimization and/or Mitigation Summary for further information.

Noise – This project does not qualify as a Type I project as defined in 23 CFR 772. Therefore, a noise study is not required or prepared as part of this project.

Energy – There will be minimal impacts to energy as the project is not a capacity increasing project. Measures to reduce impacts on energy will be included as part of the Climate Change Chapter.

From here on forth, references to the "project" refers to Build Alternatives 1 and 2.

Cumulative Impacts

Regulatory Setting

Cumulative impacts are those that result from past, present, and reasonably foreseeable future actions, combined with the potential impacts of the proposed project. A cumulative effect assessment looks at the collective impacts posed by individual land use plans and projects. Cumulative impacts can result from individually minor but collectively substantial impacts taking place over a period of time.

Cumulative impacts to resources in the project area may result from residential, commercial, industrial, and highway development, as well as from agricultural development and the conversion to more intensive agricultural cultivation. These land use activities can degrade habitat and species diversity through consequences such as displacement and fragmentation of habitats and populations, alteration of hydrology, contamination, erosion, sedimentation, disruption of migration corridors, changes in water quality, and introduction or promotion of predators. They can also contribute to potential community impacts identified for the project, such as changes in community character, traffic patterns, housing availability, and employment.

The CEQA Guidelines Section 15130 describes when a cumulative impact analysis is necessary and what elements are necessary for an adequate discussion of cumulative impacts. The definition of cumulative impacts under CEQA can be found in Section 15355 of the CEQA Guidelines. A definition of cumulative impacts under the NEPA can be found in 40 CFR Section 1508.7.

Because the project is located in the rural area within Los Padres National Forest, typical construction projects include safety enhancement, maintenance, and emergency roadway type projects (Table 4). Other potential future projects within a 5-mile radius of the project vicinity are described in Table 6.

Table 4. Past, Present, and Future Transportation Projects within 5 miles of Project Vicinity

EA/ EFIS	Project Location (SR 33 Post Miles)	Project Description	End of Construction
35520/ 0719000009	5.7-27	Construct stormwater devices and maintenance vehicle pullouts at various locations	7/30/26
29650/ 0713000099	15.8-16.1	Widen bridge deck, construct new abutments, widen embankments, pave shoulders, and upgrade railing to concrete barrier	2/15/24
4W590/ 0719000101	11.2-48.5	Dig out failed concrete and install slurry seal and shoulder backing	6/1/23
34270/ 0717000324	22.0-22.2	Construct a 110' soldier pile retaining wall adjacent to the location of erosion, repair damaged pavement, upgrade existing Metal Beam Guard Rail (MBGR) to Midwest Guardrail System (MGS), and replace drainage pipes	3/30/23
4T850/ 0716000187	20.3	Replace two damaged corrugated metal pipes with an open bottom culvert to facilitate fish passage	12/22/22
1XM40/ 0719000232	22.2	Director's Order: Clear debris, repair pavement cracking, stabilize eroded slope, and reconstruct drainage infrastructure	2/19/20
1XG70/ 0718000211	13.2-30.5	Director's Order: Replace fire damaged MBGR with MGS; Replace fire damaged crash cushions	12/18/19
1XK90/ 0719000167	14.0-19.0	Director's Order: Repair eroded slope, clean drainages, and dispose of debris	2/25/19
1XC90/ 0717000266	15.4-52.0	Director's Order: Remove landslide debris, stabilize slope, clean and repair drainage system, repair MBGR and shoulder backing	9/28/18
1XG80/ 0718000216	13.2-30.5	Director's Order: Repair fire and storm damaged slopes, construct racks, and replace damaged drainage systems	2/17/18
30520/ 0714000092	15.7	Remove rock slope protection and replace it with soil nail wall to prevent future erosion and stabilize the roadway	9/10/14

2.1 Human Environment

2.1.1 Land Use and Planning

Affected Environment

General plan information for unincorporated Ventura County is maintained in the Ventura County General Plan. General plans provide a blueprint for the future development of an area and outlines the permitted uses and development densities for specific parcels. Developers use the general plan as a guidance on how to build on existing neighborhoods and maintain the existing qualities that distinguish an area.[1]

Ventura County General Plan 2016: The proposed project is located in unincorporated Ventura County. The Ventura County General Plan guides the land use for this specific region in unincorporated Ventura County.

The following land use categories are established in the Ventura County General Plan:

- Urban
    - Building intensity exceeds 1 dwelling unit per two acres
- Existing Community
    - Building intensity exceeds 1 dwelling unit per two acres
- Rural
    - Building intensity not to exceed 1 dwelling unit per two acres
- Agricultural
    - Lands suitable for the cultivation of crops and raising livestock
- Open Space
    - Unimproved land devoted to the preservation of natural resources, including, but not limited to, areas required for the preservation of plants, wildlife, and fish species and areas required for ecologic and other scientific study purposes
- State or Federal Facility
    - Federal and state facilities including forest and park lands, etc.
- Urban Reserve Overlay

2.1.1.1 Existing and Future Land Use

Unincorporated Ventura County is characterized by its agricultural and vast open space lands. The open space lands are encumbered by rocky terrain, riparian vegetation, and transverse creeks. The United States Forest Service (USFS) governs a large portion of the open space in the area. The proposed project is within north half of the Ventura Unincorporated Area.

[1] https://docs.vcrma.org/images/pdf/planning/plans/Goals-Policies-and-Programs.pdf

North Half, Ventura County Unincorporated Area. The North Half area in unincorporated Ventura County covers about 573,741 acres of land, which makes up more than half of the total acreage in the whole Ventura County (1,125,999 acres).[2] Over 99 percent of this land is designated as open space, of which 96 percent is within the Los Padres National Forest (550,211 acres), 3 percent is privately owned (16,514 acres), and less than 1 percent is within the Ojai Area Plan (5663 acres). Table 5 summarizes the land use capacities for the North Half area of Ventura County.

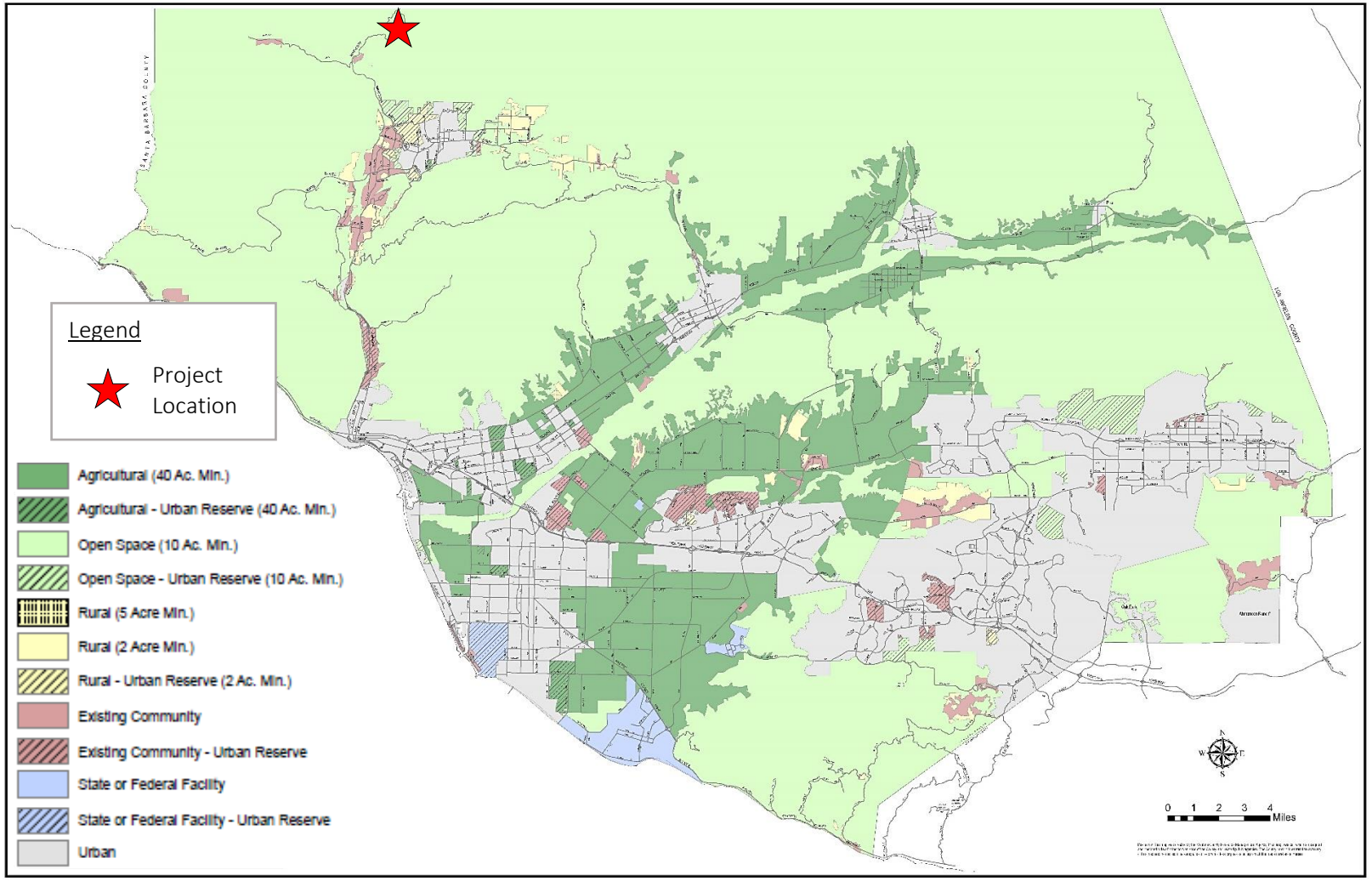
Table 5. Land Use Designations in North Half, Unincorporated Ventura County

Land Use Category	Acres	Percentage
Open Space (Federal Land)	550,211	95.9%
Open Space (Privately Owned)	16,514	2.9%
Ojai Area Plan Open Space	5,663	0.9%
Rural	1,113	0.2%
Agricultural	62	< 0.1%
Matilija Canyon Existing Community	132	< 0.1%
North Fork Springs Existing Community	46	< 0.1%
Total City Acreage	**573,741**	**100%**

Land use patterns within the study area reflect primarily open space under the jurisdiction of USFS. The land use assessment was performed through reviewing an array of aerial photographs, maps, windshield surveys, and literature review. The Ventura County General Plan was used to gather relevant information about zoning and land use designations in the project limits. The existing land uses around the project vicinity are shown in Figure 12.

[2] https://docs.vcrma.org/images/pdf/planning/plans/GENERAL_PLAN_Land_Use_Appendix.pdf

Figure 12. Ventura County General Plan Land Use Map[3]



[3] https://docs.vcrma.org/images/pdf/planning/plans/Goals-Policies-and-Programs.pdf

County of Ventura. Land use patterns within the vicinity of the project is designated as open space. Ventura County is bound by Kern County in the north, Santa Barbara County to the west, and the City of Ojai to the south (Figure 12).

Development Trends Near the Study Area

The North Half area of unincorporated Ventura County is primarily dedicated as open space with small communities spread out far in between. Little growth is expected in this area as most of the space is reserved for the preservation of natural resources.

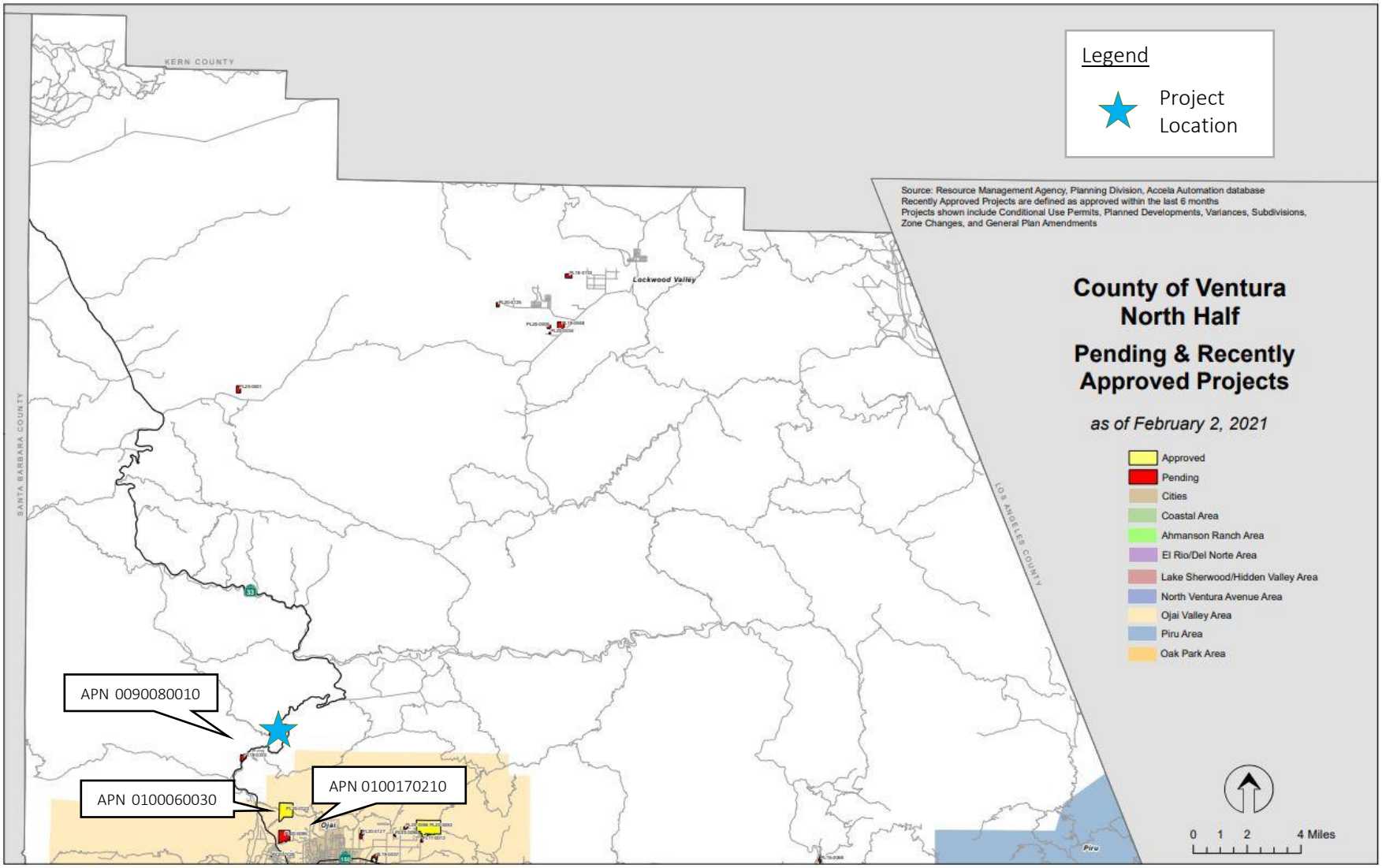
New construction is subject to the plans and policies set out in the regional, state, and local plans addressed in Section 2.1.1.2. Table 6 summarizes the new development projects proposed within 5 miles of the project vicinity as of September 2020. Figure 13 shows all the development projects within relative to the project location as of September 2020. Status of development projects within the vicinity are updated by Ventura County Resource Management Agency (VCRMA) on a monthly basis.

Table 6. Development Trends in the Study Area[4]

Assessor's Parcel Number (APN)	Proposed Uses	Status
0090080010	Adjusting lot lines between two legal lots	Pending— Preparing for Hearing
0100060030	Adding 3 new parcels, a new building, and six 432 sq. ft. cabins to the camping facility	Approved
0100170210	Installing a 40 feet tall Mono-Eucalyptus tree with 5 feet of Branches on top	Pending – Preparing Environmental Document

[4] https://vcrma.org/recently-approved-pending-projects

Figure 13. Pending and Recently Approved Projects within 5 miles of the Project Vicinity[5]



2.1.1.2 Consistency with Relevant State, Regional, and Locals Plans and Programs

The following are relevant state, regional, and local plans and programs:

State Plans

California Transportation Plan 2040 (CTP 2040)[6] – The CTP 2040 outlines goals and policies to achieve a safe, sustainable, universally accessible and globally competitive transportation system that provides reliable and efficient mobility for people, goods, and services. The CTP 2040 ties together several inter-related plans and programs that define and plan transportation in California, including the goals of long-range transportation planning and other relevant state, local, and regional plans and programs that may impact the transportation system. The proposed project is consistent with the following goals and policies:

Goal 4 – Improve Public Safety and Security

Policy 1 – Reduce fatalities, serious injuries, and collisions

Goal 5 – Foster Livable and Healthy Communities and Promote Social Equity

Policy 1 – Expand collaboration and community engagement in multimodal transportation planning and decision-making

Goal 6 – Practice Environmental Stewardship

Policy 1 – Integrate environmental considerations in all stages of planning and implementation

Policy 2 – Minimize environmental impacts during construction of transportation projects where feasible by developing and disseminating a list of construction best practices

Regional Plans

2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016 RTP/SCS)[7]– The 2016 RTP/SCS provides a long-range planning framework for visions, policies, and performance measures to address regional transportation and land use challenges and opportunities. The plan was created through a collaborative effort with internal and external stakeholders within the counties of the region, ensuring that needs are balanced and sustainably achieved. The document is updated every four years. The proposed project is consistent with the following goals and policies of the 2016 RTP/SCS:

Goal 2 – Maximize mobility and accessibility for all people and goods in the region

Goal 3 – Ensure travel safety and reliability for all people and goods in the region

[5] https://docs.vcrma.org/images/pdf/planning/pending/February_2021_Projects-North_Half.pdf

[6] https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/finalctp2040-report-webready.pdf

[7] http://scagrtpscs.net/Documents/2016/final/f2016RTPSCS.pdf

Goal 4 – Preserve and ensure a sustainable regional transportation system
Goal 6 – Protect the environment and health of our residents by improving air quality and encouraging active transportation (e.g., bicycling and walking).

Local Plans

Ventura County General Plan 2016[8] – The Ventura County General Plan sets forth goals, policies, and programs to manage and implement future growth and land uses in unincorporated Ventura County. The Ventura County General Plan consists of countywide goals, policies, and programs containing four chapters (resources, hazards, land use, and public facilities/services), as well as four appendices that contain background information on each respective element. In addition, specific area plans are also included to cover the diverse geographical areas of the County. The following goals, policies, and programs of the proposed project are consistent with the general plan:

Goal 1.1.1.3 – Identify and work with all entities responsible for the protection, management and enhancement of the County's resources.

Goal 1.2.1.2 – Diligently seek and promote a level of air quality that protects public health, safety, and welfare, and seek to attain and maintain the State and Federal Ambient Air Quality standards.

Goal 1.5.2.5 – The California Department of Fish and Game, the U.S. Fish and Wildlife Service, National Audubon Society and the California Native Plant Society shall be consulted when *discretionary development* may affect significant *biological resources*. The National Park Service shall also be consulted regarding *discretionary development* within the Santa Monica Mountains or Oak Park Area.

Goal 1.7.1.1 – Preserve and protect the significant open views and visual resources of the County.

Goal 1.8.1.1 – Identify, inventory, preserve and protect the *paleontological* and *cultural resources* of Ventura County (including *archaeological, historical* and Native American resources) for their scientific, educational and cultural value.

Goal 2.1.1.1 – Identify all major hazards and other physical constraints to development in Ventura County, and convey this information to all appropriate parties.

Goal 2.1.1.2 – Protect public health, safety and general welfare from identified hazards and potential disasters.

[8] https://docs.vcrma.org/images/pdf/planning/plans/Goals-Policies-and-Programs.pdf

Goal 2.2.2.5 – Roads, streets, highways, utility conduits, and oil and gas pipelines, shall be planned to avoid crossing active faults where feasible. When such location is unavoidable, the design shall include measures to reduce the effects of any fault movement as much as possible.

Goal 2.13.1.1 – Minimize the risk of loss of life injury, damage to structures, and economic and social dislocations resulting from fire hazards.

Goal 2.15.1.1 – Minimize the risk of loss of life, injury, serious illness, damage to property, and economic and social dislocations resulting from the use, transport, treatment and disposal of *hazardous materials* and *hazardous wastes*.

Goal 2.15.1.2 – Locate potentially hazardous facilities and operations in areas that would not expose the public to a significant risk of injury, loss of life, or property damage.

Goal 2.16.1.1 – To protect the health, safety and general welfare of County residents by elimination or avoidance of adverse noise impacts on existing and future *noise sensitive uses.*

Goal 4.2.1.1 – Facilitate the safe and efficient movement of persons and goods by encouraging the design, construction, and maintenance of an integrated transportation and circulation system consisting of regional and local roads, bus transit, bike paths, ridesharing, rail transit and freight service, airports and harbors.

Goal 4.2.1.3 – Ensure that the design, sequencing and timing of road widening projects are consistent with the goals, policies and programs of the General Plan, and that County road widening projects have adequate public review.

Goal 4.2.1.9 – Encourage the use of bicycling and ridesharing (e.g., carpooling, vanpooling, and bus pooling) as a percentage of total employee commute trips throughout the County in order to reduce vehicular trips and miles traveled and consequently vehicular emissions, traffic congestion, energy usage, and ambient noise levels.

Los Padres National Forest Land Management Plan 2005[9] – The goals of the Los Padres National Forest Land Management Plan focus on the sustainability of public forest lands through conservative management and proper maintenance of healthy forests. The plan provides tools and strategies in which management staff uses to manifest the objectives laid forth in the plan. Past performance history and anticipated performance in three to five-year increments are also described in the land management plan. The following goals, policies, and programs of the proposed project are consistent with the plan:

Tribal 2 – Government to Government Relations

[9] https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5337817.pdf

Policy 1 – Promote collaborative partnerships for heritage resource management, ecosystem restoration, comprehensive fire planning, and to recognize historic Native American access rights to land areas and resources

IS 1 – Invasive and Nonnative Species Prevention and Control

Policy 2 – Limit ground disturbance to the minimum area necessary during project activities. Promote conditions to enhance the recovery of vegetation in project planning, design, and implementation. Use native plant materials as needed to restore disturbed sites to prevent the introduction or reintroduction of invasive nonnative species. Conduct follow-up inspections of ground disturbing activities to monitor the effectiveness of restoration efforts in reducing or preventing the introduction or re-introduction of invasive non-native plants

WAT 2 – Water Management

Policy 9 – To maintain or improve habitat containing threatened, endangered, proposed, candidate, and sensitive species, coordinate activities with California Department of Fish and Wildlife (CDFW), National Oceanic Atmospheric Administration Fisheries (NMFS), U.S. Fish and Wildlife Service (USFWS), State Water Resource Control Board (SWRCB)and other appropriate agencies involved in recommending instream flow and surface water requirements for waterways

WAT 3 – Threatened, Endangered, Proposed, Candidate, and Sensitive Species Management

Policy 1 – Comply with all federal and state of California hazardous waste materials/waste requirements

Policy 2 – Comply with federal and state of California requirements for emergency spill response on spills that affect National Forest System lands

LM 1 – Landscape Character

Policy 1 – Maintain the integrity of the expansive, unencumbered landscapes and traditional cultural features that provide the distinctive character of the place

Policy 2 – Promote the planning and improvement of infrastructure along scenic travel routes

San Jacinto Reyes Corridor Management Plan 2004—A subset of the forest plan, the San Jacinto Reyes Corridor Management Plan, provides site-specific guidance for the scenic byway corridor in conjunction with the Los Padres National Forest Land Management Plan. The Corridor Management Plans lays out goals and strategies for preserving and enhancing the qualities of the Jacinto Reyes Scenic Byway (also known as SR 33). The following design guidelines would be used to preserve the scenic byway's qualities and would be consistent with the proposed project:

Construction Materials

Guideline 1 — Use stucco, concrete, and rock wherever possible. When rock is used, it should be irregular and rounded, using local materials that mimic local area (e.g. Piedra Blanca). Tints should be used in mortars to match native rock colors

Guideline 5 – Use strongly textured materials to create a pleasing display of light and shadow patterns.

Colors and Styles

Guideline 1 – Use muted earth tones, including brown, tan, gray, gray-green, olive, and sage. Avoid deep, rich greens

Guideline 3 – Structures should blend in with the natural environment in a way that doesn't detract from the natural beauty or scenic vistas

Environmental Consequences

No-Build Alternative

There would be no impacts to land use under the No-Build Alternative. However, the roadway will remain at its current state with no further improvements. Therefore, the No-Build Alternative will be inconsistent with the state, regional, and local mobility objectives for roadway improvements and safety enhancements.

Build Alternatives 1 and 2

Consistency with State Plans – Build Alternatives 1 and 2 proposes to widen the roadway by extending the cantilever slab by four feet nine inches, and two feet nine inches, respectively. The Build Alternatives also propose to replace the rock barrier, install tubular hand railings, apply high friction surface treatment and construct a concrete-lined drainage ditch to divert water away from running on the travel lanes. The Build Alternatives would widen the roadway and enhance public safety for all travelers. As a result, the Build Alternatives would be consistent with the CTP 2040 goals and policies by improving public safety through lowering the number of fatalities, injuries, and collisions.

Consistency with Regional Plans – The purpose of Build Alternatives 1 and 2 is to enhance safety for travelers, pedestrians, and bicyclists on the road. The goal of the 2016 RTP/SCS specifies the need to maximize mobility, accessibility, and enhance safety for all peoples and goods in the region. Construction of the Build Alternatives would enhance safety measures for all travelers on the road. These objectives all align with 2016 RTP/SCS's goals of mobility, safety, and sustainability.

Consistency with Local Plans – The Ventura County General Plan encourages the safe and efficient movement of people and goods through designing and constructing roadways that contribute to a viable transportation system. The goals and policies of the Ventura County General Plan also call for sufficient public review in the process and the adequate protection of resources during development. The Build Alternatives will widen the roadway, replace old rock barrier, promote mobility, and enhance safety for all travelers while gathering community input

and evaluating/minimizing the potential impacts of the proposed project, which aligns with the goals and policies of the local plan. The Los Padres National Forest Land Management Plan emphasizes strategies to promote a healthy sustainable forest for future generations to come. Most of the strategies involve coordinating with the City/County, resource agencies, tribal organizations, etc. to protect and preserve cultural/biological resources in the forest. Caltrans will coordinate with all necessary agencies throughout the planning process to ensure that all resources in the area are documented and protected during the course of project construction. In addition, the proposed project also includes measures for aesthetic treatments on barriers, invasive species prevention, and standard best management practices that will align with the goals of the plan. The concrete barrier will be aesthetically treated (textured, stamped, and colored) to mimic with the natural environment, which is in line with the design guidelines set forth in the San Jacinto Reyes Corridor Management Plan. Therefore, the proposed project is consistent with the goals, policies, and guidelines outlined in the local plans.

Cumulative Impacts

There are no impacts to land use and planning as a result of the proposed project because the proposed project is consistent with the goals and policies set forth in the plans within the project vicinity. Therefore, no cumulative impacts are anticipated as a result of the proposed project.

Avoidance, Minimization, and/or Mitigation Measures

The Build Alternatives are consistent with the regional, county, city, and local plans; therefore, no avoidance, minimization, and/or mitigation measures are necessary for the proposed project.

2.1.1.3 Parks and Recreational Facilities

Regulatory Setting

The Park Preservation Act (California Public Resources Code [PRC] Sections 5400-5409) prohibits local and state agencies from acquiring any property which is in use as a public park at the time of acquisition unless the acquiring agency pays sufficient compensation or land, or both, to enable the operator of the park to replace the park land and any park facilities on that land.

Affected Environment

There are two parks and recreational facilities located within the Section 4(f) Study Area. The Section 4(f) Study Area includes facilities within or immediately adjacent to the project vicinity, and nearby properties. There are no parks and recreational facilities directly in the project area. The names and activities/features of each park and/or facility within the Section 4(f) Study Area are shown in Table 7. These recreational areas are all protected by the Park Preservation Act.

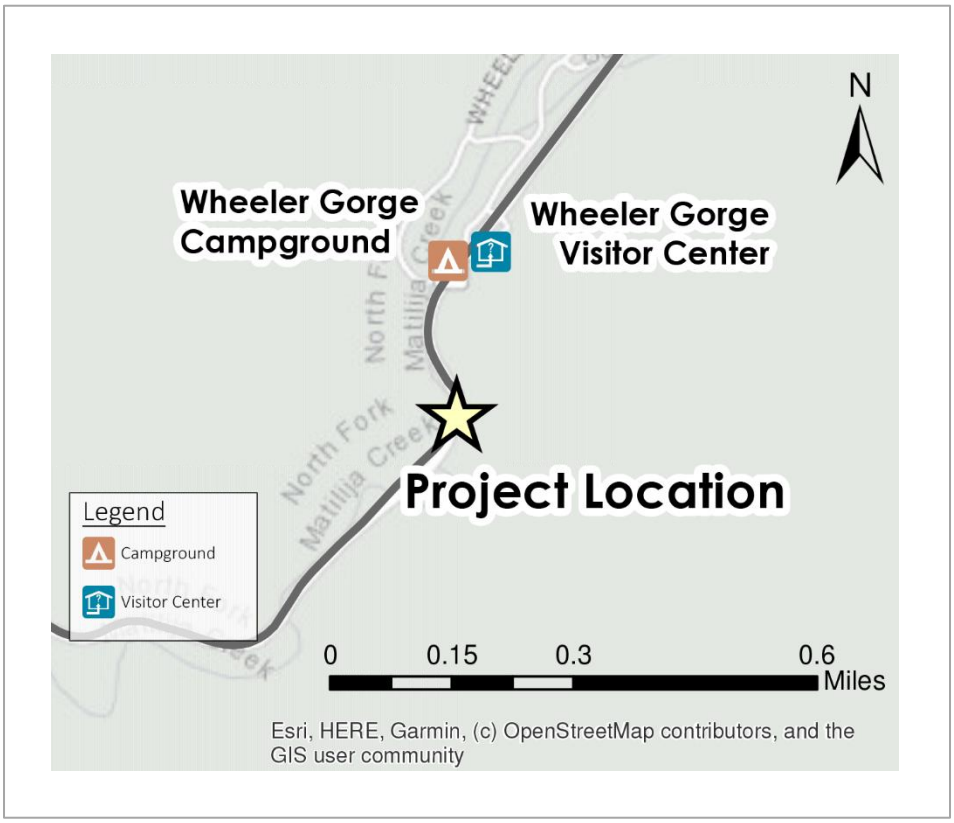
Table 7. Parks and Recreational Facilities

Name	Activities/Features
Wheeler Gorge Campground	Camping, Swimming, Fishing, Hiking, Biking[10]
Wheeler Gorge Visitor Center	Hiking, Picnicking[11]

The locations of the park and recreational facilities within the Section 4(f) Study Area are shown in Figure 14. Both facilities are within 1000 feet of the project limits. Quiet hours for the Wheeler Gorge Campground are from 10:00pm – 6:00am and operation hours for the Wheeler Gorge Visitor Center are from 9:00am – 3:00pm.

[10] https://www.recreation.gov/camping/campgrounds/232138
[11] https://www.fs.usda.gov/recarea/lpnf/recarea/?recid=34149

Figure 14. Parks/Recreational Facilities within the Section 4(f) Study Area



Environmental Consequences

No-Build Alternative

The No-Build Alternative will have no effect on parks and/or other recreational facilities.

Build Alternatives 1

Under Build Alternative 1, there will be three 55-hour full roadway weekend closures, which will temporarily impact travelers visiting the recreational facilities in the Section 4(f) Study Area. Access to the facilities may be limited and visitors may experience 120-mile detours to get to the intended facility. Please see 2.1.4 Traffic and Transportation/Pedestrian and Bicycle Facilities for more information. However, this is temporary and the roads will resume their normal functions once project construction is over. There are no permanent traffic impacts to recreational facilities anticipated. No temporary or permanent construction noise impacts are anticipated for the recreational facilities under Build Alternative 1. The noise generated from construction activities will be far enough from the project vicinity to not be noticeable to users at the recreational facilities

There are parks and recreational facilities within the Section 4(f) Study Area that are protected by Section 4(f) of the Department of Transportation Act of 1966. However, the project will not

"use" those facilities as defined by Section 4(f). Please see Appendix H – Resources Evaluated Relative to the Requirements of Section 4(f) for additional details.

Build Alternative 2

The impacts for Build Alternative 2 will be similar to Build Alternative 1 except that there will be no full roadway weekend closures at any point during project construction. One lane access will be available at all times during project construction. There will be no temporary traffic or noise impacts as a result of Build Alternative 2.

Cumulative Impacts

There are no permanent and temporary cumulative impacts identified for parks and recreational facilities within the vicinity.

Avoidance, Minimization, and/or Mitigation Measures

Temporary traffic impacts to recreational facilities as a result of Build Alternative 1 will be minimized through the implementation of measures mentioned in 2.1.4 Traffic and Transportation/Pedestrian and Bicycle Facilities.

The Build Alternatives will not have a "use" of Section 4(f) facilities as defined by the Section 4(f) of the Department of Transportation Act of 1966. Therefore, no avoidance, minimization and/or mitigation measures are required for the Build Alternatives under Section 4(f).

2.1.2 Growth

Regulatory Setting

The Council on Environmental Quality (CEQ) regulations, which established the steps necessary to comply with the National Environmental Policy Act (NEPA) of 1969, require evaluation of the potential environmental effects of all proposed federal activities and programs. This provision includes a requirement to examine indirect effects, which may occur in areas beyond the immediate influence of a proposed action and at some time in the future. The CEQ regulations (40 Code of Federal Regulations [CFR] 1508.8) refer to these consequences as indirect impacts. Indirect impacts may include changes in land use, economic vitality, and population density, which are all elements of growth.

The California Environmental Quality Act (CEQA) also requires the analysis of a project's potential to induce growth. The CEQA guidelines (Section 15126.2[d]) require that environmental documents " …discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment…"

Caltrans has adopted a process known as "*first-cut-screening*" in order to assess the potential of growth-related impacts relative to the construction of proposed projects. This process eliminates further examination of growth-related impacts through a series of progressive questions. Based on the "*first-cut-screening*" criteria developed, the "*first-cut-screening*" reveals that no further analysis because the project will not change accessibility. Travel times, travel cost, and/or accessibility to employment, shopping, or other destinations will not be changed as a result of the project. In addition, the proposed project will not affect travel behavior, trip patterns, or the attractiveness of some areas to development over others. Therefore, there are no growth-related impacts associated with construction of the Build Alternatives.

2.1.3 Utilities/Emergency Services

Affected Environment

Utilities

Two strands of insulated telecommunication wires are suspended over the project area on the right curb. The project will not require relocation of these wires during construction.

Fire Protection

The Ventura County Fire Department (VCFD) provides fire protection, medical aid, rescue, materials response, etc. to over 480,000 citizens in 848 square miles of its jurisdiction. [12]

The following VCFD locations are closest to the project vicinity (within 10 miles):

Location Name	Address
Ojai Fire Station 21	1201 E. Ojai Ave. Ojai, CA 93023
Ojai Fire Station 22	466 S. La Luna Ave. Ojai, CA 93023

Law Enforcement

The Ventura County Sheriff's Office is responsible for law enforcement that covers several cities including unincorporated areas of Ventura County.

The following law enforcement office is closest to the project vicinity (within 10 miles):

Location Name	Address
Ojai Police Department	402 S. Ventura St. Ojai, CA 93023

Hospitals

The following hospital is closest to the project vicinity (within 10 miles):

Location Name	Address
Ojai Valley Community Hospital	1306 Maricopa Hwy Ojai, CA 93023

Environmental Consequences

No-Build Alternative

There will be no impacts to utilities and emergency services under the No-Build Alternative as the roadway will remain the same.

[12] https://vcfd.org/about-vcfd/overview

Build Alternatives 1 and 2

There are two utilities within the project vicinity. However, the scope of work does not require relocation of the wires. Therefore, no utility relocation impacts are anticipated for Build Alternative 1.

The following standard measure will be incorporated in the project to ensure potential impacts to utilities are minimized:

U-1: Should the scope of work change to require utility relocation, coordination with utility owners will be conducted to reduce impacts to utilities.

The closest emergency services including fire protection, law enforcement, and hospitals are approximately 10 miles away from the project site. During the length of construction, one travel lane will be accessible to emergency responders at all times. Though emergency response ratios may be slightly impacted due to a one-lane closure, this is temporary and will cease once construction ends.

The following project features will be implemented during project construction to minimize potential impacts to utilities and emergency services.

U-2: A Traffic Management Plan (TMP) will be implemented during construction to minimize traffic delays caused by road closures. Coordination with local emergency/protection services will be conducted to avoid and minimize all potential impacts to emergency responders.

U-3: Emergency access will be maintained for emergency personnel even during full roadway closures. California Highway Patrol (CHP) would be on-site during the 55-hr closures and will coordinate with the Resident Engineer for any emergencies.

Cumulative Impacts

There are no impacts anticipated for utilities as there is no utility relocation for the proposed project. Therefore, there will be no cumulative impacts to utility as a result of the proposed project. With the implementation of the standard measures above, there are no adverse cumulative impacts anticipated for the project.

Avoidance, Minimization, and/or Mitigation Measures

Utility relocations are not anticipated for the project. Therefore, there are no avoidance, minimization, and/or mitigation measures required for utilities. With the incorporation of the project measures mentioned above, there will be no long-term adverse impacts to emergency services.

2.1.4 Traffic and Transportation/Pedestrian and Bicycle Facilities

Regulatory Setting

Caltrans, as assigned by the FHWA, directs that full consideration should be given to the safe accommodation of pedestrians and bicyclists during the development of Federal-aid highway projects (see 23 Code of Federal Regulations [CFR] 652). It further directs that the special needs of the elderly and the disabled must be considered in all Federal-aid projects that include pedestrian facilities. When current or anticipated pedestrian and/or bicycle traffic presents a potential conflict with motor vehicle traffic, every effort must be made to minimize the detrimental effects on all highway users who share the facility.

In July 1999, the U.S. Department of Transportation (USDOT) issued an Accessibility Policy Statement pledging a fully accessible multimodal transportation system. Accessibility in federally assisted programs is governed by the USDOT regulations (49 CFR 27) implementing Section 504 of the Rehabilitation Act (29 USC 794). The FHWA has enacted regulations for the implementation of the 1990 Americans with Disabilities Act (ADA), including a commitment to build transportation facilities that provide equal access for all persons. These regulations require application of the ADA requirements to federal-aid projects, including Transportation Enhancement Activities.

Affected Environment

A Traffic and Collision Analysis was completed for this project in June 2020. The study area was in the State Route (SR) 33 two-lane highway between post-mile (PM) 18.88 and PM 19.04 in Ventura County.

<u>Traffic Data</u>

According to Caltrans 2017 Traffic Volumes shown in Table 8, the project site is on a rural highway with low traffic volumes throughout the day. The highest Annual Average Daily Traffic (AADT) near the project location (PM 18.88/19.04) was south of Wheeler Hot Spring (PM 17.63) with AADT of 660 vehicles peak Month Daily Traffic of 840 vehicles per day. The Peak Hourly Volume is 150 vehicles per hour.

Table 8. Traffic Volumes near Project Location

Route	County	Post-mile	Description	Back Peak Hour	Back Peak Month	Back AADT	Ahead Peak Hour	Ahead Peak Month	Ahead AADT
33	VEN	17.361	Wheeler Hot Springs	150	840	660	140	810	640
33	VEN	25.791	Rose Valley Rd	120	680	540	100	540	430

Note: Back AADT, Peak Month, and Peak Hour usually represents traffic South or West of the count location. Ahead AADT, Peak Month, and Peak Hour usually represents traffic North or East of the count location. Listing of routes with their designated direction of travel.[13]

[13] https://dot.ca.gov/programs/traffic-operations/census/traffic-volumes

Bicycle and Pedestrian Facilities

There are no Class I or Class II bikeways within the project area and the project area is not within a County Bicycle Trails Plan. However, bicyclists are still permitted to use the road.[14]

Environmental Consequences

No-Build Alternative

Under the No-Build Alternative, everything will remain the same with the current alignment. Safety enhancements will not be constructed as a part of the No-Build Alternative.

Build Alternative 1

There will be no permanent traffic/transportation impacts as a result of Build Alternative 1. Traffic circulation will not be impacted because the widening would not add additional travel lanes. The proposed project is a safety project that will enhance safety by widening the roadway, adding safety barriers, and incorporating a high friction surface treatment. This is anticipated to reduce the amount of run-off-road collisions in this area due to sight distance and roadway widths. In addition, tubular railing will be added on top of the concrete barriers which will enhance the safety of pedestrians and bicyclists on the road.

Temporary Impacts

There will be three 55-hour extended weekend full roadway closures anticipated as a result of this alternative. It is estimated that the project will result in 120-mile detours during the three 55-hour closures due to the lack of access roads in the area. For remainder of construction, a one-lane reversible travel way will be available for public and emergency access. Full roadway closures will occur only during weekends and advanced notifications will be sent out to local residents as a part of the Transportation Management Plan, which will minimize traffic/circulation impacts in the area, to the extent feasible.

With the following standard measures incorporated in the project, potential impacts to traffic and circulation will be minimized:

T-1: A Traffic Management Plan will be established during the design phase of the project. This will include public information, motorists' information, incident management, construction strategies, etc. The TMP will also maintain travel in both directions and minimize traffic delays and idling that can produce GHGs.

T-2: Caltrans will coordinate with Media Affairs and local agencies at the earliest possible before construction to ensure impacts to travelers using the route will be minimized, as much as feasible.

T-3: Full roadway closures will require portable changeable messaging signs (PCMs) at various locations to alert motorists in advance of construction and during construction. PCMs are required to be installed 14 days in advance of closures.

[14] http://pwaportal.ventura.org/TD/Residents/Streets_and_Transportation/Reports_and_Programs/AP_VenturaCountyBikePlanFinal2008.pdf

T-4: The Public Information Officer will implement an intensive Public Awareness Campaign to minimize impacts to the traveling public.

T-5: Emergency access will be maintained for emergency personnel even during full roadway closures. California Highway Patrol (CHP) would be on-site during the 55-hr closures and will coordinate with the Resident Engineer for any emergencies.

Build Alternative 2

There will be no permanent traffic/transportation impacts as a result of Build Alternative 2. All impacts will be similar to Build Alternative 1, except there will be no full roadway closures during construction as a result of this alternative.

Temporary Impacts

During construction, one reversible lane will be maintained at all times for public and emergency access. There may be minor delays to travel times and emergency response ratios. However, the transportation/circulation impacts are temporary and will cease once construction ends. The standard measures applicable to Build Alternative 1 mentioned above are also applicable to Build Alternative 2.

Cumulative Impacts

The proposed project is expected to enhance the safety of the roadway and will not alter roadway capacity. Therefore, long-term adverse cumulative impacts are not anticipated for the proposed project. Temporary construction traffic impacts combined with projects in the area going into construction around the same time (Table 4) may result in short-term traffic delays. The anticipated traffic impacts from construction are not permanent and will cease once construction ends. In addition, the traffic volumes in the area are low and therefore, the project is not anticipated to result in adverse cumulative traffic impacts. With the implementation of the standard measures and avoidance/minimization measures, there will be no adverse cumulative impacts to traffic during construction.

Avoidance, Minimization, and/or Mitigation Measures

In addition to standard measures T-1 to T-5 mentioned above, the following avoidance and minimization measures will reduce project impacts to traffic and circulation:

T-6: One lane will remain opened at all times to allow for public and emergency access unless a full roadway closure is required. Portable traffic signals will be installed on both approaching ends for reversible traffic control. Pilot cars may be used to guide motorists and bicyclists through construction zone.

2.1.5 Visual/Aesthetics

Regulatory Setting

The NEPA of 1969, as amended, establishes that the federal government use all practicable means to ensure all Americans safe, healthful, productive, and *aesthetically* (emphasis added) and culturally pleasing surroundings (42 USC 4331[b][2]). To further emphasize this point, the FHWA, in its implementation of NEPA (23 USC 109[h]), directs that final decisions on projects are to be made in the best overall public interest taking into account adverse environmental impacts, including among others, the destruction or disruption of aesthetic values.

The CEQA establishes that it is the policy of the state to take all action necessary to provide the people of the state "with…enjoyment of *aesthetic*, natural, scenic and historic environmental qualities" (CA Public Resources Code [PRC] Section 21001[b]).

California Streets and Highways Code Section 92.3 directs Caltrans to use drought resistant landscaping and recycled water when feasible, and incorporate native wildflowers and native and climate-appropriate vegetation into the planting design when appropriate.

Affected Environment

The following information and subsequent conclusions evaluating the visual aesthetics are based on the Visual Impact Assessment (VIA) (Caltrans, 2019). Based on the VIA level assessment completed, the project falls under a score of 14—negligible and very minor visual changes are anticipated for the proposed project.

<u>Visual Setting</u>

SR 33 (Mariposa Highway) is a designated California Scenic Highway (from post-mile (PM) 17.5 near Wheeler Hot Springs to PM 57.5 Santa Barbara County line) and National Forest Scenic Byway (from PM 12 at City of Ojai to PM 49 near Lockwood Valley Road). The visual quality of the of SR 33 ranges from moderate to high value due primarily to the diverse natural vegetation, topographic variations, winding roadway, rock outcroppings, and minimal visibility of man-made developments. This scenic highway encompasses spectacular vista at various pull outs, lush riparian community along the many creeks in the area, and exposed rock cliffs on either side of the road intermittently throughout the route. Travelers in this area generally have high expectations and heightened visual sensitivity regarding the natural scenic quality of this route. The corridor is the subject of two known planning studies: "State Route 33 Transportation Concept Report" 2005 and "San Jacinto Reyes Scenic Byway Corridor Management Plan" 2004. The "San Jacinto Reyes Scenic Byway Corridor Management Plan" notably contains design guidelines that were considered and followed for the proposed project (Section 2.1.1.2 Consistency with Relevant State, Regional, and Locals Plans and Programs).

Environmental Consequences

No-Build Alternative

There will be no modifications to the existing roadway in the No-Build Alternative. Therefore, there will be no impacts to visual aesthetics or visual quality of the scenic route.

Build Alternatives 1 and 2

There is low potential for the proposed project to adversely affect the visual quality of the scenic corridor. The concrete barrier will be aesthetically treated to mimic natural rock and the color will be carefully selected to match the existing environment (Figure 4). The concrete barrier is designed to be consistent with the guidelines in the San Jacinto Reyes Scenic Byway Corridor Management Plan (2.1.1.2). The design of the barrier is consistent with the existing barriers along the scenic route and will appear to flow uniformly and continuously. The proposed project will not diminish the visual experience of the natural scenic beauty of the corridor as a whole.

The following standard measures will be incorporated in the project:

V-1: Erosion control measures are to be applied to all disturbed slopes. If seeds are to be used to revegetate the slope, native plant materials and seed species will be determined by Caltrans Landscape Architects and U.S. Forest Service plant resource specialists.

Cumulative Impacts

The impacts to visual aesthetics, in conjunction with past, present, and future projects, are not considered adverse. Therefore, there are no cumulative impacts anticipated as a result of this project.

Avoidance, Minimization, and/or Mitigation Measures

The following minimization measures will be incorporated to minimize the visual impacts of the project:

V-2: All metal beam guardrail, walls, and barriers, are to be similar to and visually compatible with existing structures along the route.

V-3: The material, color and texture for all concrete works are to match or blend into the surrounding environment, i.e. existing barriers, wall, or rock slope.

V-4: Concrete wall or barrier will be stamped with a pattern to match or complement existing rock shape or form. The concrete will be stained with earth tone colors to complement surrounding rock/soil color.

V-5: Metallic surfaces are to be colored or treated with oxidizing agent to appear aged and non-reflective.

2.1.6 Cultural Resources

Regulatory Setting

The term "cultural resources," as used in this document, refers to the "built environment" (e.g., structures, bridges, railroads, water conveyance systems, etc.), places of traditional or cultural importance, and archaeological sites (both prehistoric and historic), regardless of significance. Under federal and state laws, cultural resources that meet certain criteria of significance are referred to by various terms including "historic properties," "historic sites," "historical resources," and "tribal cultural resources." Laws and regulations dealing with cultural resources include:

The National Historic Preservation Act (NHPA) of 1966, as amended, sets forth national policy and procedures for historic properties, defined as districts, sites, buildings, structures, and objects included in or eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties and to allow the Advisory Council on Historic Preservation (ACHP) the opportunity to comment on those undertakings, following regulations issued by the ACHP (36 Code of Federal Regulations [CFR] 800). On January 1, 2014, the First Amended Section 106 Programmatic Agreement (PA) among the FHWA, the ACHP, the California State Historic Preservation Officer (SHPO), and Caltrans went into effect for Department projects, both state and local, with FHWA involvement. The PA implements the ACHP's regulations, 36 CFR 800, streamlining the Section 106 process and delegating certain responsibilities to Caltrans. The FHWA's responsibilities under the PA have been assigned to Caltrans as part of the Surface Transportation Project Delivery Program (23 USC 327).

The CEQA requires the consideration of cultural resources that are historical resources and tribal cultural resources, as well as "unique" archaeological resources. California Public Resources Code (PRC) Section 5024.1 established the California Register of Historical Resources (CRHR) and outlined the necessary criteria for a cultural resource to be considered eligible for listing in the CRHR and, therefore, a historical resource. Historical resources are defined in PRC Section 5020.1(j). In 2014, Assembly Bill 52 (AB 52) added the term "tribal cultural resources" to CEQA, and AB 52 is commonly referenced instead of CEQA when discussing the process to identify tribal cultural resources (as well as identifying measures to avoid, preserve, or mitigate effects to them). Defined in PRC Section 21074(a), a tribal cultural resource is a CRHR or local register eligible site, feature, place, cultural landscape, or object which has a cultural value to a California Native American tribe. Tribal cultural resources must also meet the definition of a historical resource. Unique archaeological resources are referenced in PRC Section 21083.2.

PRC Section 5024 requires state agencies to identify and protect state-owned historical resources that meet the NRHP listing criteria. It further requires Caltrans to inventory state-owned structures in its rights-of-way. Sections 5024(f) and 5024.5 require state agencies to provide notice to and consult with the State Historic Preservation Officer (SHPO) before altering, transferring, relocating, or demolishing state-owned historical resources that are listed on or are eligible for inclusion in the NRHP or are registered or eligible for registration as California

Historical Landmarks. Procedures for compliance with PRC Section 5024 are outlined in a Memorandum of Understanding (MOU)[15] between Caltrans and SHPO, effective January 1, 2015. For most Federal-aid projects on the State Highway System, compliance with the Section 106 PA will satisfy the requirements of PRC Section 5024.

Affected Environment

A Historic Property Survey Report (HPSR) and a Historic Resources Evaluation Report (HRER) were completed for this project on March 24, 2020. Methods used to complete the technical studies include defining the Area of Potential Effects (APE), conducting record searches on the Caltrans Cultural Resources Database (CCRD) and California Historical Resources Information System (CHRIS), reviewing As-Built plans, topographic maps, photograph archives, etc. and consulting with the County of Ventura, Native American Heritage Commission (NAHC), local historical societies/preservation groups, the U.S. Forest Service (USFS), Los Padres Forest Association (LPFA), and Native American tribes/groups/representatives the NAHC identified. Field review surveys were also performed to assess the archaeological and built environment.

Area of Potential Effects (APE)

The area of direct impact (Direct APE) includes all areas where potential ground disturbance and physical construction would occur, including project staging areas. The area of indirect effect (Indirect APE) includes all areas in which the project may potentially affect (through visual, audible, atmospheric intrusions, and vibrations from construction-related activities, etc.). The boundaries of the Direct APE and Indirect APE were drawn to include all expected horizontal and vertical extents of the proposed project as well as the anticipated permanent and temporary impacts of the proposed projects. Both Build Alternatives 1 and 2 are included in the studied APE.

The horizontal Direct APE is 0.76 acres and includes the limits of physical construction and the staging area. It extends a total of 43.75 feet west from the east edge of paving along a 500-foot linear segment of SR 33 and includes a portion of North Fork Matilija Creek. The vertical Direct APE extends to a maximum 40 feet below existing road grade and a maximum of 40 feet above existing road grade. The Indirect APE is identical to the Direct APE. The proposed project is located in the boundaries of Los Padres National Forest that contains rural land uses, including a campground nearby.

Archaeological Resources

Record search results from the CCRD indicated that no archaeological resources have been recorded within the APE. In addition, consultation with the local government (County of Ventura), NAHC, Native American tribes/groups/individuals, USFS, and LPFA have all indicated that there are no known archaeological resources in the project vicinity. An archaeological field review conducted also indicated potential for buried archaeological deposits was extremely unlikely due to soil age, geomorphology, and past construction activities.

[15] http://www.dot.ca.gov/ser/vol2/5024mou_15.pdf

Built Environment Resources

SR 33, which includes the following features in the APE: a 21-foot wide asphalt roadbed, a rock block masonry wall, metal beam guard rails with wood posts, a lock rock barrier, and a low asphalt berm was evaluated as a built resource for the National Register of Historic Places (NRHP), California Register of Historic Resources (CRHR) and as a California Historical Landmark (CHL). It was determined that the SR 33 is not eligible for listing in the NRHP or CRHR under any criterion due to a lack of historical and architectural significance, as well as a loss of physical integrity. It is also not eligible for designation as a CHL as it does not meet any of the evaluation criteria.

There are no historical properties present within the project APE for the purposes of NEPA, and there are no historical resources within the project APE for the purposes of CEQA.

Environmental Consequences

No-Build Alternative

Under the No-Build Alternative, all existing structures will remain at its current state. Therefore, no impacts to cultural resources are anticipated.

Build Alternatives 1 and 2

Archaeological Resources

No known archaeological resources were identified within the project APE. Based on the records search results, consultation, and field review, there is low potential for encountering archaeological deposits within the project vicinity.

The following standard measures are incorporated in the project to minimize the potential of impacting archaeological resources during construction:

C-1: If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find.

C-2: If human remains are discovered, California Health and Safety Code (H&SC) Section 7050.5 states that further disturbances and activities shall stop in any area or nearby area suspected to overlie remains, and the County Coroner contacted. If the remains are thought by the coroner to be Native American, the coroner will notify the Native American Heritage Commission (NAHC), who, pursuant to PRC Section 5097.98, will then notify the Most Likely Descendent (MLD). At this time, the person who discovered the remains will contact the District Cultural Branch Chief so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable.

Built Environment Resources

Caltrans, pursuant to Section 106 PA Stipulation IX.A, has determined a Finding of No Historic Properties Affected is appropriate for the proposed project because there are no historical resources within the APE.

SR 33 is determined ineligible for listing in the NRHP, CRHR, and CHL due to a lack of historical and architectural significance, as well as a loss of physical integrity.

Coordination with the State Historic Preservation Officer (SHPO) was conducted to obtain concurrence on the historic significance of SR 33. SHPO concurred with Caltrans determination that SR 33 was ineligible for the National Register on April 30, 2020. The concurrence letter can be found in Appendix E – Required Consultation/Concurrence Documentation.

Section 4(f)

Section 4(f) of the Department of Transportation Act of 1966 provides protection for historic properties. There are no historic properties present within the APE; therefore, there are no Section 4(f) historic sites affected by the proposed project.

Cumulative Impacts

There are no impacts to Archaeological or Built Environment resources as a result of this project. Therefore, cumulative impacts to cultural resources are not anticipated for this project.

Avoidance, Minimization, and/or Mitigation Measures

There are no impacts to historical or archaeological resources as a result of the proposed project. Therefore, avoidance, minimization and/or mitigation measures are not necessary for the project.

2.2 Physical Environment

2.2.1 Water Quality and Storm Water Runoff

Regulatory Setting

Federal Requirements: Clean Water Act

In 1972, Congress amended the Federal Water Pollution Control Act, making the addition of pollutants to the waters of the United States (U.S.) from any point source[16] unlawful unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. This act and its amendments are known today as the Clean Water Act (CWA). Congress has amended the act several times. In the 1987 amendments, Congress directed dischargers of storm water from municipal and industrial/construction point sources to comply with the NPDES permit scheme. The following are important CWA sections:

- Sections 303 and 304 require states to issue water quality standards, criteria, and guidelines.

- Section 401 requires an applicant for a federal license or permit to conduct any activity that may result in a discharge to waters of the U.S. to obtain certification from the state that the discharge will comply with other provisions of the act. This is most frequently required in tandem with a Section 404 permit request (see below).

- Section 402 establishes the NPDES, a permitting system for the discharges (except for dredge or fill material) of any pollutant into waters of the U.S. Regional Water Quality Control Boards (RWQCBs) administer this permitting program in California. Section 402(p) requires permits for discharges of storm water from industrial/construction and municipal separate storm sewer systems (MS4s).

- Section 404 establishes a permit program for the discharge of dredge or fill material into waters of the U.S. This permit program is administered by the U.S. Army Corps of Engineers (USACE).

The goal of the CWA is "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters."

The USACE issues two types of 404 permits: General and Individual. There are two types of General permits: Regional and Nationwide. Regional permits are issued for a general category of activities when they are similar in nature and cause minimal environmental effect. Nationwide permits are issued to allow a variety of minor project activities with no more than minimal effects.

[16] A point source is any discrete conveyance such as a pipe or a man-made ditch.

Ordinarily, projects that do not meet the criteria for a Regional or Nationwide Permit may be permitted under one of the USACE's Individual permits. There are two types of Individual permits: Standard permits and Letters of Permission. For Individual permits, the USACE decision to approve is based on compliance with U.S. Environmental Protection Agency's (U.S. EPA) Section 404 (b)(1) Guidelines (40 Code of Federal Regulations [CFR] Part 230), and whether the permit approval is in the public interest. The Section 404(b)(1) Guidelines (Guidelines) were developed by the U.S. EPA in conjunction with the USACE, and allow the discharge of dredged or fill material into the aquatic system (waters of the U.S.) only if there is no practicable alternative which would have less adverse effects. The Guidelines state that the USACE may not issue a permit if there is a least environmentally damaging practicable alternative (LEDPA) to the proposed discharge that would have lesser effects on waters of the U.S. and not have any other significant adverse environmental consequences. According to the Guidelines, documentation is needed that a sequence of avoidance, minimization, and compensation measures has been followed, in that order. The Guidelines also restrict permitting activities that violate water quality or toxic effluent[17] standards, jeopardize the continued existence of listed species, violate marine sanctuary protections, or cause "significant degradation" to waters of the U.S. In addition, every permit from the USACE, even if not subject to the Section 404(b)(1) Guidelines, must meet general requirements. See 33 CFR 320.4. A discussion of the LEDPA determination, if any, for the document is included in the Wetlands and Other Waters section.

State Requirements: Porter-Cologne Water Quality Control Act

California's Porter-Cologne Act, enacted in 1969, provides the legal basis for water quality regulation within California. This act requires a "Report of Waste Discharge" for any discharge of waste (liquid, solid, or gaseous) to land or surface waters that may impair beneficial uses for surface and/or groundwater of the state. It predates the CWA and regulates discharges to waters of the state. Waters of the state include more than just waters of the U.S., like groundwater and surface waters not considered waters of the U.S. Additionally, it prohibits discharges of "waste" as defined, and this definition is broader than the CWA definition of "pollutant." Discharges under the Porter-Cologne Act are permitted by Waste Discharge Requirements (WDRs) and may be required even when the discharge is already permitted or exempt under the CWA.

The State Water Resources Control Board (SWRCB) and RWQCBs are responsible for establishing the water quality standards (objectives and beneficial uses) required by the CWA and regulating discharges to ensure compliance with the water quality standards. Details about water quality standards in a project area are included in the applicable RWQCB Basin Plan. In California, RWQCBs designate beneficial uses for all water body segments in their jurisdictions and then set criteria necessary to protect those uses. As a result, the water quality standards developed for particular water segments are based on the designated use and vary depending on that use. In addition, the SWRCB identifies waters failing to meet standards for specific pollutants. These waters are then state-listed in accordance with CWA Section 303(d). If a state determines that

[17] The U.S. EPA defines "effluent" as "wastewater, treated or untreated, that flows out of a treatment plant, sewer, or industrial outfall."

waters are impaired for one or more constituents and the standards cannot be met through point source or non-point source controls (NPDES permits or WDRs), the CWA requires the establishment of Total Maximum Daily Loads (TMDLs). TMDLs specify allowable pollutant loads from all sources (point, non-point, and natural) for a given watershed.

State Water Resources Control Board and Regional Water Quality Control Boards

The SWRCB administers water rights, sets water pollution control policy, and issues water board orders on matters of statewide application, and oversees water quality functions throughout the state by approving Basin Plans, TMDLs, and NPDES permits. RWCQBs are responsible for protecting beneficial uses of water resources within their regional jurisdiction using planning, permitting, and enforcement authorities to meet this responsibility.

National Pollutant Discharge Elimination System (NPDES) Program

Municipal Separate Storm Sewer Systems (MS4)

Section 402(p) of the CWA requires the issuance of NPDES permits for five categories of storm water discharges, including Municipal Separate Storm Sewer Systems (MS4s). An MS4 is defined as "any conveyance or system of conveyances (roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels, and storm drains) owned or operated by a state, city, town, county, or other public body having jurisdiction over storm water, that is designed or used for collecting or conveying storm water." The SWRCB has identified Caltrans as an owner/operator of an MS4 under federal regulations. Caltrans' MS4 permit covers all Department rights-of-way, properties, facilities, and activities in the state. The SWRCB or the RWQCB issues NPDES permits for five years, and permit requirements remain active until a new permit has been adopted.

The Caltrans' MS4 Permit, Order No. 2012-0011-DWQ (adopted on September 19, 2012 and effective on July 1, 2013), as amended by Order No. 2014-0006-EXEC (effective January 17, 2014), Order No. 2014-0077-DWQ (effective May 20, 2014) and Order No. 2015-0036-EXEC (conformed and effective April 7, 2015) has three basic requirements:

1. Caltrans must comply with the requirements of the Construction General Permit (see below);

2. Caltrans must implement a year-round program in all parts of the State to effectively control storm water and non-storm water discharges; and

3. Caltrans storm water discharges must meet water quality standards through implementation of permanent and temporary (construction) Best Management Practices (BMPs), to the maximum extent practicable, and other measures as the SWRCB determines to be necessary to meet the water quality standards.

To comply with the permit, Caltrans developed the Statewide Storm Water Management Plan (SWMP) to address storm water pollution controls related to highway planning, design, construction, and maintenance activities throughout California. The SWMP assigns

responsibilities within Caltrans for implementing storm water management procedures and practices as well as training, public education and participation, monitoring and research, program evaluation, and reporting activities. The SWMP describes the minimum procedures and practices Caltrans uses to reduce pollutants in storm water and non-storm water discharges. It outlines procedures and responsibilities for protecting water quality, including the selection and implementation of BMPs. The proposed project will be programmed to follow the guidelines and procedures outlined in the latest SWMP to address storm water runoff.

Construction General Permit

Construction General Permit, Order No. 2009-0009-DWQ (adopted on September 2, 2009 and effective on July 1, 2010), as amended by Order No. 2010-0014-DWQ (effective February 14, 2011) and Order No. 2012-0006-DWQ (effective on July 17, 2012). The permit regulates storm water discharges from construction sites that result in a Disturbed Soil Area (DSA) of one acre or greater, and/or are smaller sites that are part of a larger common plan of development. By law, all storm water discharges associated with construction activity where clearing, grading, and excavation result in soil disturbance of at least one acre must comply with the provisions of the General Construction Permit. Construction activity that results in soil disturbances of less than one acre is subject to this Construction General Permit if there is potential for significant water quality impairment resulting from the activity as determined by the RWQCB. Operators of regulated construction sites are required to develop Storm Water Pollution Prevention Plans (SWPPPs); to implement sediment, erosion, and pollution prevention control measures; and to obtain coverage under the Construction General Permit.

The Construction General Permit separates projects into Risk Levels 1, 2, or 3. Risk levels are determined during the planning/design phases and are based on potential erosion and transport to receiving waters. Requirements apply according to the Risk Level determined. For example, a Risk Level 3 (highest risk) project would require compulsory storm water runoff pH and turbidity monitoring, and before construction and after construction aquatic biological assessments during specified seasonal windows. For all projects subject to the permit, applicants are required to develop and implement an effective SWPPP. In accordance with Caltrans' SWMP and Standard Specifications, a Water Pollution Control Program (WPCP) is necessary for projects with DSA less than one acre.

Section 401 Permitting

Under Section 401 of the CWA, any project requiring a federal license or permit that may result in a discharge to a water of the U.S. must obtain a 401 Certification, which certifies that the project will be in compliance with state water quality standards. The most common federal permits triggering 401 Certification are CWA Section 404 permits issued by the USACE. The 401 permit certifications are obtained from the appropriate RWQCB, dependent on the project location, and are required before the USACE issues a 404 permit.

In some cases, the RWQCB may have specific concerns with discharges associated with a project. As a result, the RWQCB may issue a set of requirements known as WDRs under the State Water Code (Porter-Cologne Act) that define activities, such as the inclusion of specific features, effluent limitations, monitoring, and plan submittals that are to be implemented for protecting

or benefiting water quality. WDRs can be issued to address both permanent and temporary discharges of a project.

Affected Environment

The following information in the subsequent sections are derived from the Stormwater Data Reported completed in September 2020 (Caltrans, 2020). Water quality and best management practices are further discussed in Section 2.3.2 and Section 2.3.5.

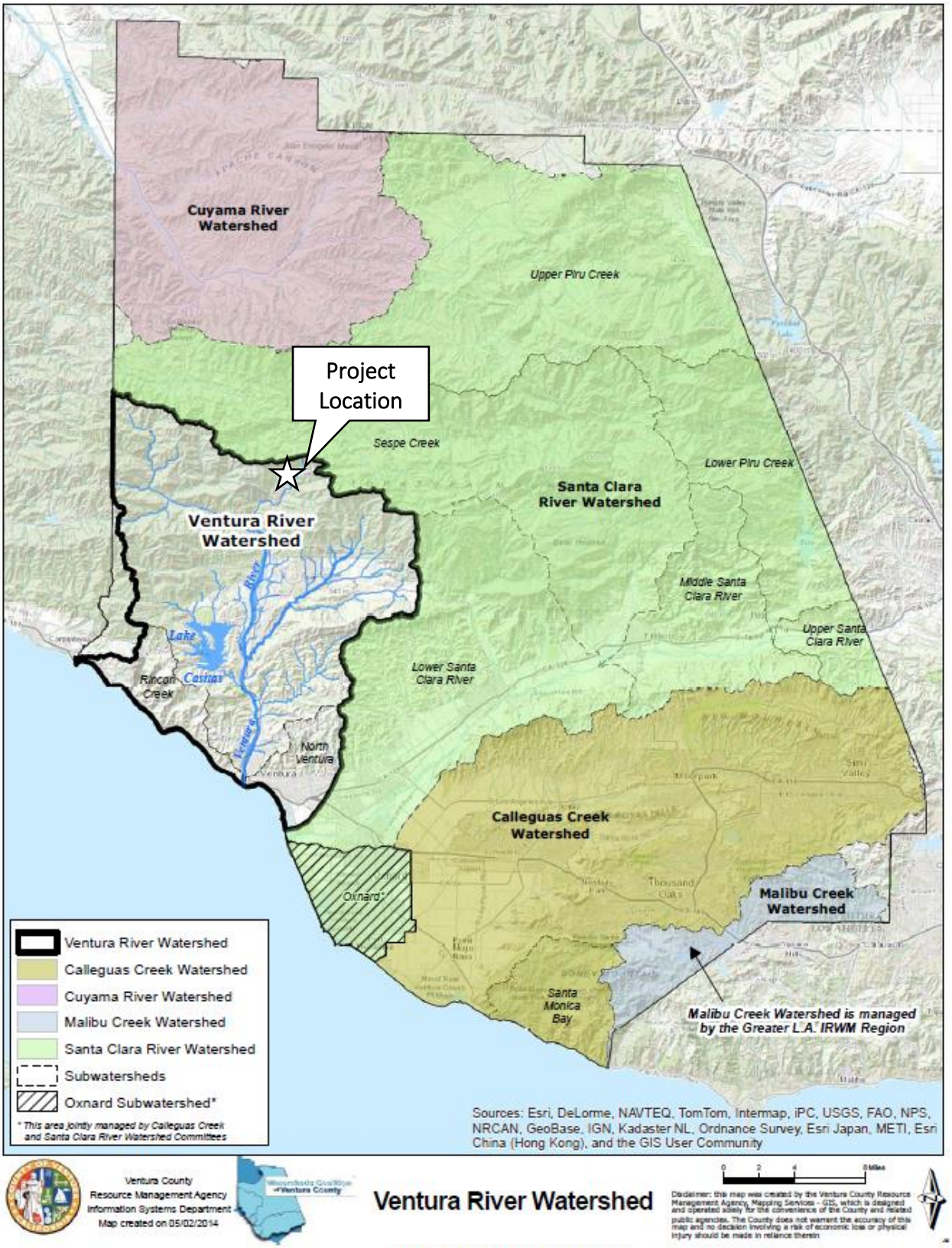
Ventura River Watershed (Figure 15)

The proposed project is located within the jurisdiction of the Los Angeles Regional Water Quality Control Board and within the Ventura River Watershed.[18] The Ventura River Watershed covers approximately 223 square miles of space, with less than half within the Los Padres National Forest.[19] The Ventura River discharges into the Pacific Ocean and serves as a natural western boundary for the City of Ventura.

Major tributaries to the Ventura River include Matilija Creek, North Fork Matilija Creek, Coyote Creek, Senior Canyon, Reeves, Thacher Creeks, Lion Canyon, San Antonio Creek, and Cañada Larga. The overall average measured rainfall for the entire watershed is approximately 20 inches per year. Over 90 percent of the rainfall is measured between the months of November and April for any given year. Constant erosion rates produce a large volume of sediment supplied to the Ventura River from upper-elevation tributary streams. Sediment production in the area is also heavily impacted by the occurrence of increasingly frequent forest fires that burn and clear the dense vegetation on slopes and flatter areas within the watershed. All of that debris increases the erodibility and grinding of the creek bottoms and natural stream channels.[20]

[18] https://www.waterboards.ca.gov/waterboards_map.html
[19] https://www.vcpublicworks.org/wpd/ventura-river/
[20] https://www.vcpublicworks.org/wpd/ventura-river/

Figure 15. Ventura River Watershed [21]



Environmental Consequences

No-Build Alternative

There will be no changes to the existing alignment as a result of the No-Build Alternative. Therefore, no impacts to water quality resources are anticipated as a result of the No-Build Alternative.

Build Alternatives 1 and 2

Construction of Build Alternatives 1 and 2 will result in a replacement of 0.211 acres of impervious surface area and a net increase in approximately 0.0477 acres of impervious surface area as a result of the roadway widening. The total disturbed soil area (DSA) is estimated to be 0.237 acres.

The Build Alternatives would be designed to anticipate runoff levels and would include storm water treatment Best Management Practices (BMPs) to minimize potential impacts, in accordance with Caltrans' Statewide NPDES Storm Water Permit. Since the total DSA of the project is less than one acre, a Water Pollution Control Program (WPCP) will be enforced to control, prevent, remove, or reduce pollution and minimize potential impacts of stormwater discharges during construction. In addition, a temporary timber platform will be placed on top of the creek to prevent construction debris from entering the creek. Further discussion of this platform is described in Section 2.3.5. A temporary scaffold will also be constructed from the roadway to allow work near the retaining wall without entering the creek. No construction equipment will need access to the creek. Therefore, the anticipated water quality impacts during construction will be minimal and cause no adverse short-term or long-term impacts.

Standard project measures will include the following commitments:

WQ-1: A Water Pollution Control Program (WPCP) will be prepared for the project to minimize construction debris and discharge into the waterways.

WQ-2: All permit conditions laid forth in the NPDES General Permit for Discharges and the 401 Permit will be implemented.

Compliance with the NPDES General Permit for Discharges from Construction Activities will minimize impacts to water quality for both Build Alternatives 1 and 2.

Cumulative Impacts

The Build Alternatives will be designed in accordance with Caltrans' Statewide NPDES Storm Water Permit and related stormwater requirements, which would minimize the potential for cumulative water quality impacts. All water quality impacts are construction-related and will cease after project construction. Permanent water quality impacts are not anticipated for the

[21] http://wcvc.ventura.org/maps/maps.htm

project, and therefore, contributions to cumulative impacts are not considerable in the long term.

Avoidance, Minimization, and/or Mitigation Measures

With the standard project measures listed above for the project, there will be no adverse impacts to water quality and stormwater runoff. Therefore, no additional avoidance and minimization measures are required.

2.2.2 Geology/Soils/Seismic/Topography

Regulatory Setting

For geologic and topographic features, the key federal law is the Historic Sites Act of 1935, which establishes a national registry of natural landmarks and protects "outstanding examples of major geological features." Topographic and geologic features are also protected under the California Environmental Quality Act (CEQA).

This section also discusses geology, soils, and seismic concerns as they relate to public safety and project design. Earthquakes are prime considerations in the design and retrofit of structures. Structures are designed using Caltrans's Seismic Design Criteria (SDC). The SDC provides the minimum seismic requirements for highway bridges designed in California. A bridge's category and classification will determine its seismic performance level and which methods are used for estimating the seismic demands and structural capabilities. For more information, please see the Department's Division of Engineering Services, Office of Earthquake Engineering, Seismic Design Criteria.

Affected Environment

The geological and geotechnical conditions and subsequent conclusions presented in this section are based on the Geotechnical Design Report (Caltrans, 2019).

Geologic Setting

This project lies within the Pine and the Topatopa Mountains of the Transverse Range Geomorphic Province. Regionally, this area is characterized by east-west trending mountain ranges and valleys which transect the otherwise north-westerly oriented geologic structure of most of California. Locally, the existing slope is comprised of marine strata from Upper Cretaceous (dark gray, micaceous clay Shale with minor interbeds of tan Arkosic Sandstone). The North Fork Matilija Creek stream channel deposits consist of fluvial sands, gravels, cobbles, and boulders, underlain by moderately hard marine sedimentary bedrock (shale). The bedding in the shale is well defined in outcrops and is inclined at a steep dip (near vertical) to the north to overturned.

Topography

The spring and slope of the project area is located north of the third tunnel on State Route (SR) 33, approximately 9 miles north of Ojai, in Ventura County. The general terrain in the area consists of hills and valleys. The slope of the project dips steeper than 80 degrees towards northeast and the slope facing the roadway dips about 70 degree to northwest between the tunnel and the spring. The slope is mainly unvegetated to about 35 feet above the road level. At the spring location, the upper portion of the slope consists mainly of shrubs and trees. Tree roots observed at the rock joints and bedding planes could cause rockfall and slope instability in the future. Gravel and cobble-sized rock fragments were also observed at the toe of the slope during a site visit.

Subsurface Conditions

Based on the information obtained from three exploratory boreholes drilled at the southbound of SR 33 along the tunnel approach area in 2019, the depth to sedimentary bedrock (Shale) is between 5 to 20 feet. It seems that the road is mainly built on fill around the creek bend and on bedrock farther to the south. The fill is mainly comprised of gravel, silt/clay and sand. The top few feet of the bedrock are moderately to very intensely fractured.

Groundwater

Water was observed in the stream during the visit to the project site. The groundwater level in boring RC-19-001 and RC-19-002 was measured about 15 feet below the ground surface (Table 9).

Table 9. Measured Groundwater Table

Boring Hole Number	Ground Surface Elevation (ft)	Groundwater Table or Piezometric Elevation	
		Depth (ft)	Elevation (ft)
RC-19-001	1766	15	1751
RC-19-002	1763	15	1748

Corrosivity

Four soil samples taken from Boring No. RC-19-001, RC-19-002, and RC-19-003 were tested by Fugro Laboratory for corrosion testing. Based on the results, the site is considered corrosive to foundation elements (Table 10).

Table 10. Corrosion Test Results

Boring Hole Number	Sample Depth (ft)	pH	Minimum Resistivity (Ohm-Cm)	Sulfate Content (PPM)	Chloride Content (PPM)
RC-19-001	1-10	7.72	1523	-	-
RC-19-002	5-10	8.39	512	2452	33
	15-20	8.44	815	1006	44
RC-19-003	1-3	8.27	3122	-	-

Note: The Caltrans Corrosion Guidelines states that if the minimum resistivity is greater than 1100 ohms centimeter (Ohm-Cm) the sample is considered to be non-corrosive and testing to determine sulfate and chloride is not performed. Caltrans currently considers a site to be corrosive to foundation elements if one or more of the following conditions exist: Chloride concentration is greater than or equal to 500 ppm, sulfate concentration is greater than or equal to 1500 parts per million (ppm), or the pH is 5.5 or less.

Ohms-Cm is a measurement of the volume resistivity of a semi-conductive material. Ppm refers to the number of units of mass per million units of total mass. pH is a measure of the acidity or base of an aqueous solution.

Seismicity

The project site is not within an Alquist-Priolo Earthquake Fault Zone as established by the California Geological Survey. It is 0.14 miles away from the closest fault zone, the Santa Ynez zone (Pacific section). The project site may be subject to strong ground motions from nearby earthquake sources during the design life of the proposed retaining wall.

Based on the recent field investigations and the Standard Penetration Test correlations, the average shear wave velocity for the upper 100 feet (VS30) of soil is estimated to be 997 ft/sec (304m/sec).

Liquefaction

The Design Spectrum was determined using the Caltrans ARS Online (v. 2.3.09) web tool. The Design Spectrum is the upper envelope of deterministic and probabilistic response spectrums. For this site, the Design Spectrum is controlled by the probabilistic approach. The probabilistic ARS curve corresponds to a ground motion return period of 975 year (5% probability to be exceeded in 50 years). Using the USGS Interactive Deaggregation Tool, the controlling probabilistic fault scenario for this site was determined. Ground motion parameters are presented in Table 11.

Table 11. Ground Motion Parameters

Magnitude	Site to Fault Distance (miles)	V_{S30} (ft/sec)	Peak Ground Acceleration (PGA)
7.11	3.45	997	0.67g

It was determined that the thin layer (1.5 in. thick) of sandy silt at elevation +1748 feet is liquefiable, and therefore liquefaction potential exists in the project site.

Environmental Consequences

No-Build Alternative

There would be no modifications to the existing highway in the No-Build Alternative. No ground disturbance would occur. Therefore, there would be no impacts related to geology, soils, seismicity, and topography under this alternative.

Build Alternative

The environmental consequences for the Build Alternative are as follows:

Ground shaking – Although the structure may be subject to strong ground motions from nearby earthquake sources, the potential for structural damage would be substantially reduced or avoided through compliance with applicable building and seismic codes to be consistent per Caltrans Standard Specifications and per the recommendations of the geotechnical report to reduce any potential impacts.

Liquefaction – Although there is a potential for the project to be subjected to liquefaction after construction, the widening of the roadway will be designed and constructed to be consistent per Caltrans Standard Specifications and per the recommendations of the geotechnical report to reduce any potential impacts.

Cumulative Impacts

Based on the Build Alternatives, there will be minimal impacts to geological resources. There are no anticipated cumulative impacts from the proposed project in conjunction with past, present, and future projects.

Avoidance, Minimization, and/or Mitigation Measures

GEO-1: A drainage system at the bottom of the slope is recommended to collect water and divert it from the roadway to the existing creek.

2.2.3 Paleontology

Regulatory Setting

Paleontology is a natural science focused on the study of ancient animal and plant life as it is preserved in the geologic record as fossils.

23 United States Code (USC) 1.9(a) requires that the use of Federal-aid funds must be in conformity with all federal and state laws.

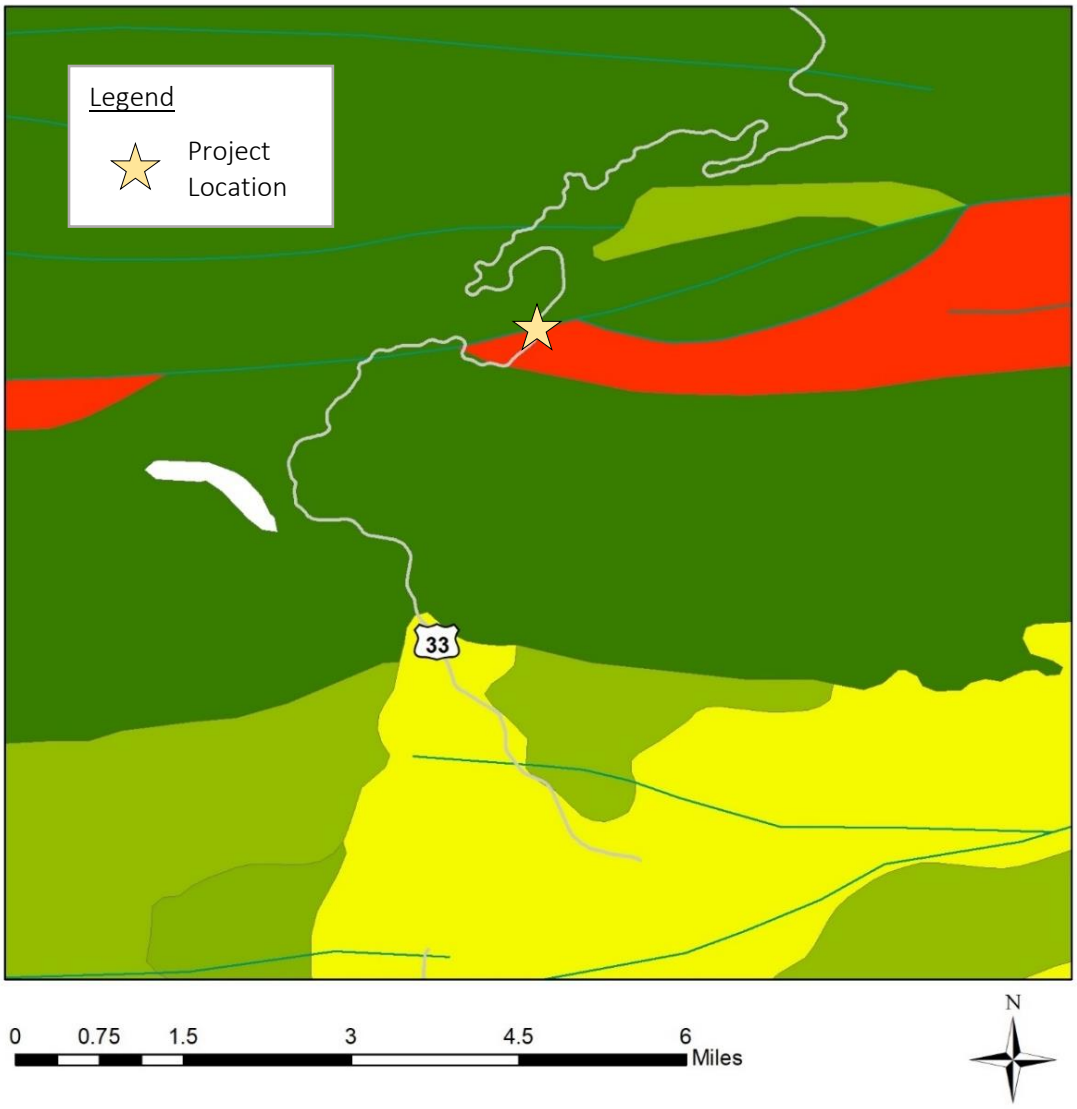
Under California law, paleontological resources are protected by the California Environmental Quality Act (CEQA).

Affected Environment

Geological formations in which the proposed projects are located determine whether paleontological resources are potentially present and their relative importance.[22] Based on the information gathered from United States Geological Surveys (USGS), the geological formations in the project area is primarily composed of upper cretaceous marine rocks (Figure 16). After acquiring the Geographic Information Systems (GIS) shapefile for paleontological resources from Ventura County Resource Management Agency (VCRMA), it was determined that the sensitivity of the resources in the area was undetermined (Figure 17).

[22] https://docs.vcrma.org/images/pdf/planning/ceqa/current_ISAG.pdf

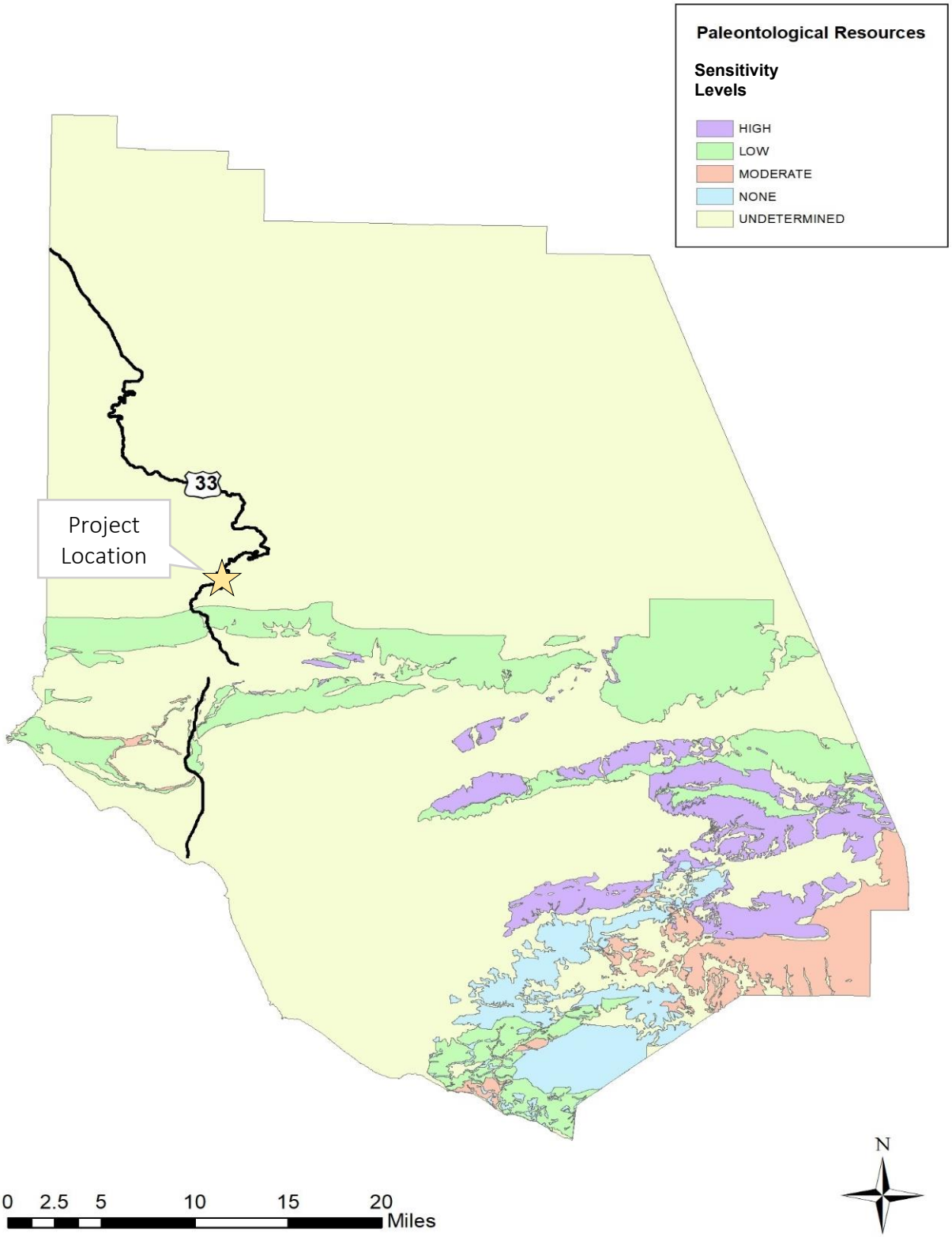
Figure 16. Geological Formations Near Project Location



Geological Rock Formation Types

- Eocene marine rocks
- Older Quaternary alluvium and marine deposits
- Oligocene nonmarine rocks, unit 2 (Central and Southern California)
- Quaternary alluvium and marine deposits
- Upper Cretaceous marine rocks, unit 1 (Upper Great Valley Sequence)

Figure 17. Paleontological Resource Sensitivities of Ventura County



Environmental Consequences

No-Build Alternative

The No-Build Alternative will leave the road in its current existing condition without any modifications. Therefore, no paleontological resources will be impacted by the No-Build Alternative.

Build Alternatives 1 and 2

The proposed project will extend the roadway overhang by approximately 3 feet and 1 foot, respectively. It will be accomplished by demolishing existing asphalt concrete and reconstructing existing pavement to allow for widening. There will be no drilling, excavating, or grading involved that will disturb original ground surfaces. Because construction will be limited to only previously disturbed areas, it is anticipated that there are no impacts to paleontological resources for the both build alternatives.

Cumulative Impacts

There are no impacts to paleontological resources as a result of this project. Therefore, no cumulative impacts are anticipated as a result of this project.

Avoidance, Minimization, and/or Mitigation Measures

There are no anticipated impacts to paleontological resources for the Build Alternatives. Therefore, no avoidance, minimization, and/or mitigations are necessary for the Build Alternatives.

2.2.4 Hazardous Waste/Materials

Regulatory Setting

Hazardous materials, including hazardous substances and wastes, are regulated by many state and federal laws. Statutes govern the generation, treatment, storage and disposal of hazardous materials, substances, and waste, and also the investigation and mitigation of waste releases, air and water quality, human health, and land use.

The primary federal laws regulating hazardous wastes/materials are the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, and the Resource Conservation and Recovery Act (RCRA) of 1976. The purpose of CERCLA, often referred to as "Superfund," is to identify and cleanup abandoned contaminated sites so that public health and welfare are not compromised. The RCRA provides for "cradle to grave" regulation of hazardous waste generated by operating entities. Other federal laws include:

- Community Environmental Response Facilitation Act (CERFA) of 1992
- Clean Water Act
- Clean Air Act
- Safe Drinking Water Act
- Occupational Safety and Health Act (OSHA)
- Atomic Energy Act
- Toxic Substances Control Act (TSCA)
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

In addition to the acts listed above, Executive Order (EO) 12088, *Federal Compliance with Pollution Control Standards*, mandates that necessary actions be taken to prevent and control environmental pollution when federal activities or federal facilities are involved.

California regulates hazardous materials, waste, and substances under the authority of the CA Health and Safety Code and is also authorized by the federal government to implement RCRA in the state. California law also addresses specific handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning of hazardous waste. The Porter-Cologne Water Quality Control Act also restricts disposal of wastes and requires cleanup of wastes that are below hazardous waste concentrations but could impact ground and surface water quality. California regulations that address waste management and prevention and cleanup of contamination include Title 22 Division 4.5 Environmental Health Standards for the Management of Hazardous Waste, Title 23 Waters, and Title 27 Environmental Protection.

Worker and public health and safety are key issues when addressing hazardous materials that may affect human health and the environment. Proper management and disposal of hazardous material is vital if it is found, disturbed, or generated during project construction.

Affected Environment

The Hazardous Waste Assessment (HWA) was completed on June 5, 2020, by the Caltrans Hazardous Waste Branch. The assessment generally consists of a project evaluation, a departmental record review, regulatory agency records review, and a general field visit. The following information mentioned here on forth is derived from the assessment.

Hazardous Waste Record Search

A search for hazardous waste and petroleum product release sites was conducted through the California State Water Resource Control Board, Geotracker database. The database identified one site approximately 500 feet west of the project limits. An inspector reported that an area of approximately 50 square feet was stained and emitted odors of diesel fuel. However, the topography is such that the release would not flow on the project limits.

Aerially Deposited Lead in Soil

The project will excavate approximately one foot of unpaved soil for the concrete-lined drainage interceptor ditch area in the northbound direction on the outside shoulder. There is potential for soil contaminated with aerially deposited lead (ADL) based on results from soil samples collected at post-mile 15.67 by APEX Environmental Recovery Inc. in 1994. The results showed concentrations ranging from 17 particles per million (ppm) to 55 ppm. Historical use of leaded gasoline resulted in exhaust emissions to be deposited in unpaved soil immediately adjacent to roadways typically within the top two to five feet.

Yellow and White Traffic Stripe and Pavement Marking

The existing yellow traffic stripe and pavement marking will be impacted during construction. Yellow thermoplastic stripe and pavement marking contain elevated concentrations of lead and chromium that exceed hazardous waste thresholds established by Title 22 regulations. White traffic stripes will also be removed in conjunction with construction staging. Residue from removal of white traffic stripe is considered non-hazardous waste but typically contains low level of lead.

Treated Wood Waste

Removal of wood posts from the Metal Beam Guard Rail (MBGR) and roadside sign will generate treated wood waste (TWW). Wood posts were treated with chemical preservatives that contain arsenic, chromium, cooper, cresol, and pentachlorophenol to protect it from insect damage and fungal decay.

Asbestos Containing Material

Asbestos containing material (ACM) is a hazardous waste concern for structures that will undergo demolition or renovation as asbestos that may exist in the concrete of the structure and appurtenances may become airborne. Asbestos shims may have been placed between the wood post and the metal rail of the MBGR.

Environmental Consequences

No-Build Alternative

The No-Build Alternative will leave the existing alignment of the roadway as it currently stands. Therefore, no impacts from hazardous wastes are anticipated from the No-Build Alternative.

Build Alternatives 1 and 2

There is potential to encounter hazardous waste/materials during construction.

Hazardous Waste Record Search

Based on the results of the hazardous waste and petroleum product release sites record search, there are no sources of hazardous waste contamination in the nearby area that could impact the project site location.

Aerially Deposited Lead

Aerially deposited lead (ADL) from the historical use of leaded gasoline exists in unpaved soils along roadways through California. There is a likely presence of soils with elevated concentrations of lead because of ADL. Soil determined to contain lead concentrations exceeding stipulated thresholds must be managed under the July 1, 2016, ADL Agreement between Caltrans and the California Department of Toxic Substances Control. This ADL Agreement allows such soils to be safely reused within the project limits as long as all requirements of the ADL Agreement are met. The project will excavate approximately one foot of soil for construction of the concrete-lined interceptor ditch. The soil in the project area will be disturbed during construction, which may cause workers' exposure to the contaminant.

The following standardized measure will be included to reduce potential impacts of ADL:

HAZ-1: ADL contaminated soils must be managed under the ADL Soil Management Agreement between Caltrans and the California Department of Toxic Substances Control that took effect on July 1, 2016. A site investigation of ADL will be conducted during the design phase. Based on the soil test results, the Office of Environmental Engineering (OEE) will provide the soil classifications and engineering special provisions for the management of excavated soil. The contractor will be required to prepare a Lead Compliance Plan and Work Plan for the management, transport, and disposal of ADL soil, and the removal of yellow and white strip and pavement marking.

Yellow and White Traffic Stripe and Pavement Marking

Construction of the project will impact existing yellow and white stripes pavement marking. Residue produced from yellow stripe removal is classified as non-RCRA (California) Hazardous Waste and must be properly collected, stored, tested before being transported and disposed of in accordance to State and Federal regulations. Residue from white traffic stripe removal is considered non-hazardous waste but containing low level of lead, which will not require special management or disposal.

With the standard project measure listed below, potential impacts from yellow and white traffic stripe/pavement marking will be minimized, as much as feasible:

HAZ-2: The OEE will provide engineering special provisions for the removal of yellow and white traffic stripe. The Contractor will be required to prepare a Lead Compliance Plan and a Work Plan for the management of yellow and white traffic stripes removal, which will be removed and approved by the OEE. Residue produced from the removal of the yellow thermoplastic stripe and pavement marking are considered non-RCRA (California) Hazardous Waste and must be properly collected, stored, tested, transported, and disposed of in accordance with State and Federal regulations.

Treated Wood Waste

Treated wood waste is anticipated for the removal of wood posts from the Metal Beam Guard Rail (MBGR) and roadside sign as a part of proposed project. All treated wood waste must be managed as hazardous waste and disposed at a facility permitted in California to accept treated wood waste in compliance with Title 22 California Code of Regulations. With the implementation of the measures mentioned in avoidance, minimization, and mitigation measures below, the potential impacts of treated wood waste will be reduced, as much as feasible.

Asbestos Containing Material

During construction, asbestos containing material may be encountered during demolition of concrete structures. The dust and debris from the demolition may expose the workers and the general public to asbestos, a hazardous material. Asbestos shims may also be present in between the wood post and the metal railing of the MBGR, making the workers in touch of asbestos when performing the MBGR removal. The implementation of the measures mentioned in avoidance, minimization, and mitigation measures below will minimize the potential impacts of ACM, as much as feasible.

Cumulative Impacts

The proposed project would not have permanent impacts to hazardous waste. Hazardous materials encountered during construction will be properly collected, stored, tested, transported, and disposed of in accordance with State and Federal regulations. Temporary construction impacts associated with the excavation and disposal of hazardous waste will cease once construction is complete. All described impacts in the proposed project, as well as the projects in the area, are limited to the project construction site and would be minimized, to the extent feasible, to reduce impacts relating to hazardous waste or materials. Therefore, the proposed project will not have cumulative hazardous waste impacts to humans or the physical environment.

Avoidance, Minimization, and/or Mitigation Measures

In addition to the standard measures mentioned above, the following avoidance/minimization measures will be implemented to reduce impacts relating to hazardous waste, as much as feasible.

HAZ-3: A site investigation of aerially deposited lead (ADL) will be necessary during the design phase to obtain site specific soil data required for disposal of the excavated soil.

HAZ-4: All treated wood waste must be managed as hazardous waste and disposed of at a facility permitted in California to accept treated wood waste in compliance with Title 22 California Code of Regulations.

HAZ-5: An Asbestos Containing Materials (ACM) survey must be implemented prior to the demolition or renovation of the structures to ensure protective measures are taken for human health and the environment. If asbestos is detected, the appropriate non-standard provisions will be provided to require the contractor to prepare an Asbestos Compliance Plan for the protection of workers and a Work Plan for special handling, protection of the creek, and proper disposal of the ACM. Notification to the local Air Pollution Control District is required at least 15 days prior to demolition or renovation of a structure whether it contains asbestos or not.

HAZ-6: An asbestos survey by a Certified Asbestos Consultant is required to determine if asbestos shims were present. Upon the completion of the ACM survey, if asbestos shims detected, OEE will provide the appropriate special provisions for the removal of the asbestos shims concerning special handling, containerization, labeling, transport, and disposal during the removal of MBGR

HAZ-7: Hazardous waste issues will be revisited during design phase as more details of the work will be developed.

2.3 Biological Environment

A Natural Environment Study (NES) for the project was completed on March 5, 2020 (Caltrans, 2020), and a NES Addendum was prepared on June 04, 2020 (Caltrans, 2020), following a change in project scope which reduced the widening from eight-feet to nine-feet to two-feet-nine-inches and four-feet-nine-inches as described in Section 1.8 Alternatives Considered but Eliminated from Further Discussion Prior to the Draft Initial Study/Environmental Assessment. The following information in the subsequent sections are based on information gathered from the NES and NES Addendum. If additional studies were prepared for the project, it will be mentioned in the subsequent sections.

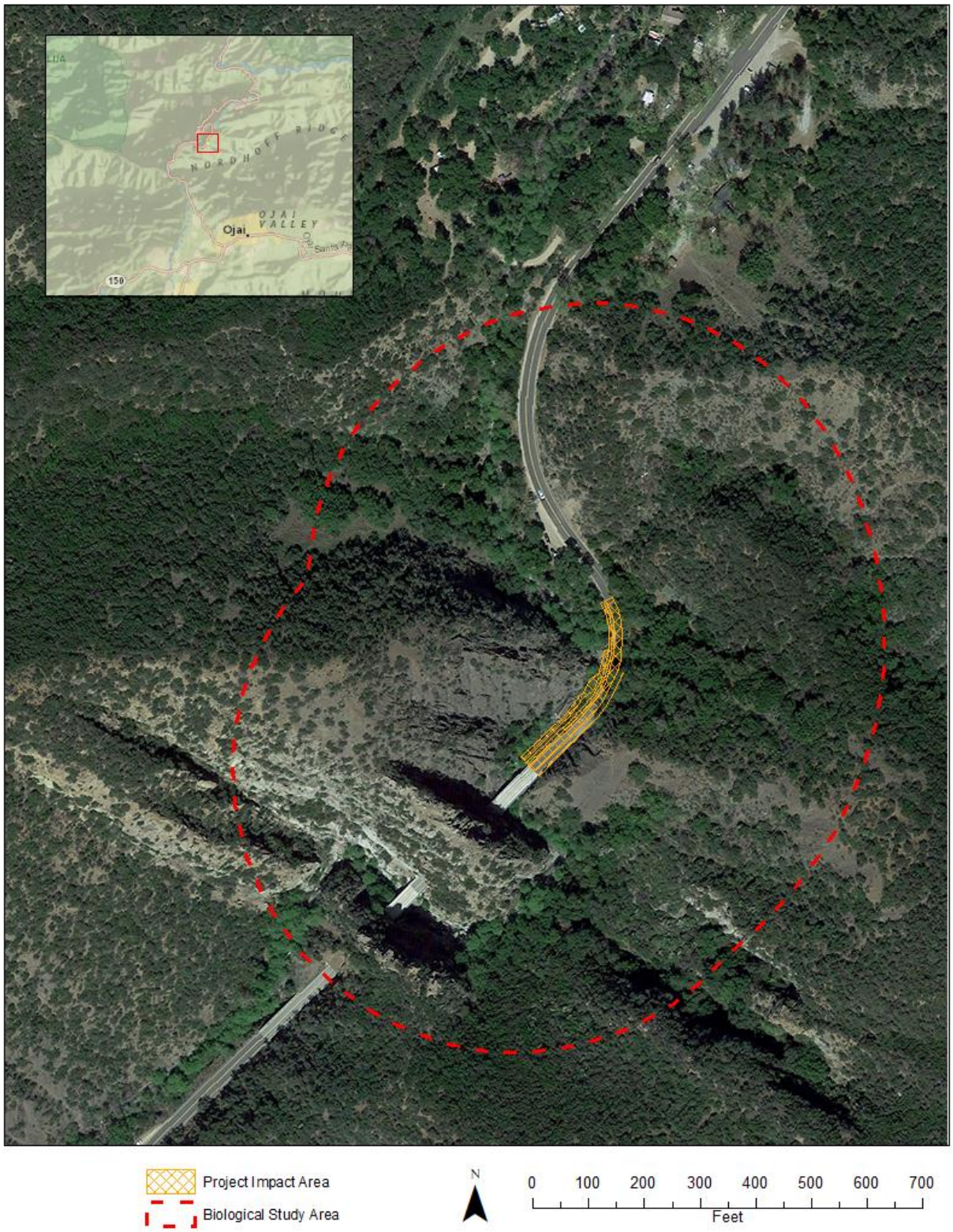
The biological study area (BSA) includes the project impact area and the surrounding landscape within 500 feet of the project impact area (Figure 18). Potential indirect impacts typically occur in the BSA, whereas potential direct impacts occur in the project impact area. A 500 feet buffer was chosen for the BSA because the steep topography and gorge walls in the area limited the potential spread of indirect impacts. Areas adjacent to the North Fork Matilija Creek were also included in the project impact area.

The field survey dates and the types of surveys taken for the respective project are listed in Table 12.

Table 12. Field Survey and Dates

Date	Type of Survey
October 4, 2018	General Field Survey and Habitat Assessment
March 29, 2019	Rare Plant Survey
April 16, 2019	California red-legged frog breeding season (day and night survey)
May 8, 2019	California red-legged frog breeding season (day and night survey)
May 30, 2019	California red-legged frog breeding season (night survey)
June 26, 2019	California red-legged frog breeding season (night survey)
July 18, 2019	California red-legged frog breeding season (night survey)
July 25, 2019	Drone survey
August 7, 2019	Southern steelhead trout snorkel survey
August 7, 2019	Acoustic night emergence and foraging bat survey

Figure 18. Biological Study Area and Project Impact Area



2.3.1 Natural Communities

This section of the document discusses natural communities of concern. The focus of this section is on biological communities, not individual plant or animal species. This section also includes information on wildlife corridors and habitat fragmentation. Wildlife corridors are areas of habitat used by wildlife for seasonal or daily migration. Habitat fragmentation involves the potential for dividing sensitive habitat and thereby lessening its biological value. Protection of the natural communities in the project area are governed by the California Fish and Game Code and the Ventura County Tree Protection Ordinance.

Habitat areas that have been designated as critical habitat under the Federal Endangered Species Act are discussed below in the Threatened and Endangered Species Section 2.3.5. Wetlands and other waters are also discussed below in Section 2.3.2.

Affected Environment

The BSA is predominantly composed of white alder (*Alnus rhombifolia*) riparian woodland. The riparian woodlands are classified as special status natural communities by California Department of Fish and Wildlife (CDFW). Nearby habitat communities include the coastal sage scrub and chaparral natural communities. Plant species such as California buckwheat (*Eriogonum fasciculatum*) and chamise (*Adenostoma fasciculatum*) are observed in these communities. The northern wall of Wheeler Gorge also includes species such as chalk dudleya (*Dudleya pulverulenta*) and chaparral yucca (*Hesperoyucca whipplei*).

A vertical seep is also located within the BSA and is overgrown with maidenhair fern (*Adiantum capillus-veneris*) and moss. Vertical seeps do not have a natural community sensitivity ranking, but based on literature review and Caltrans assessment, they are considered rare biological resources.

North Fork Matilija Creek, located next to the retaining wall of the roadway (Figure 5 and Figure 8), is a freshwater stream with perennial but variable flow throughout the year. It has experienced long periods of drought and periods of abundant water. At its highest observed flows in winter 2018-2019, North Fork Matilija Creek spanned the gap between the vertical south-facing slope of the gorge and the rock block wall, 20 feet across, with a high flow rate. In the summer, the creek typically narrows down to its slower and much shallower low flow channel

The North Fork Matilija Creek is a habitat connectivity corridor as it provides a safe passage for terrestrial wildlife when it is not flowing at its bank-full width. Many drainages and swales are tributaries to North Fork Matilija Creek and it connects to a number of canyons in the area. The nearest existing fish passage barrier is located upstream at the Wheeler Gorge campsite. The second nearest fish passage barrier is downstream adjacent to the Mossler Quarry. At this location there is a large drop/waterfall, which resulted from boulders tumbling down into the stream from the quarry. There is a culvert for the unnamed tributary to North Fork Matilija Creek within the BSA. This culvert enables passage under the highway for small wildlife.

Environmental Consequences

No-Build Alternative

The No-Build Alternative will not change the existing alignment of the current roadway. The roadway will remain in its current state with no additional improvements. Run-off-road collisions will continue to impact the alder riparian woodland habitat as a result of the No-Build Alternative (Table 2).

Build Alternative 1

Permanent Impacts (Table 13 and Table 14)
Build Alternative 1 will have permanent direct impacts to four trees (two (2) white alders and two (2) California bay trees) and 150 square feet (sq. ft). alder riparian woodland to accommodate for the three feet overhang when widening the road. After construction, the overhang will provide an additional 90 sq. ft. of consistent permanent shade over the creek, which is preferable to local trout populations. These trees will be replaced on-site at locations more suitable for nesting using ratios described in Table 15.

Temporary Impacts (Table 13 and Table 14)
There will be temporary direct impacts to seven trees (one (1) white alder, two (2) Big-leaf maple, three (3) arroyo willows) and 1,550 sq. ft. of alder riparian woodland to enable construction access. Tree/vegetation removal and trimming will be required to enable construction access. Trees that are temporarily impacted will be replanted on-site in the existing locations at specified ratios (Table 15).

The following standard measures will reduce impacts to water quality during construction of the project:

BIO-1: Caltrans will implement its standard best management practices for stormwater pollution prevention.

Build Alternative 2

Permanent Impacts (Table 13 and Table 14)
Permanent direct impacts of Build Alternative 2 are similar to Build Alternative 1 except two trees will be permanently removed (one (1) white alder and one (1) California Bay) instead of four trees. These trees will be replanted at the same location or nearby at ratios mentioned in Table 15.

Temporary Impacts (Table 13 and Table 14)
Build Alternative 2 will have temporary direct impacts to six trees (one (1) white alders, two (2) Big-leaf maples, and three (3) arroyo willows) and 900 sq. ft. of alder riparian woodland habitat due to both tree removal and trimming. Trees that are temporarily removed will be replanted with new trees at a specific ratio (Table 15) in the same location or at a location more suitable for nesting after project construction.

Table 13 shows the differences in trees being impacted for Build Alternative 1 and Build Alternative 2. Table 14 compares the square footage of impacts in the natural communities between the two build alternatives and Table 15 specifies the replacement ratios for each type of tree species removed.

Table 13. Permanent/Temporary Impacts to Whole Trees Based on Project Alternative

Project Alternative	White alder		California bay		Big-leaf maple		Arroyo willow	
	Temporary	Permanent	Temporary	Permanent	Temporary	Permanent	Temporary	Permanent
No-Build Alternative	0	0	0	0	0	0	0	0
Build Alternative 1	1	2	0	2	2	0	3	0
Build Alternative 2	1	1	0	1	2	0	3	0

Note: Tree impacts in this table are for whole trees; impacts to trees due to trimming are included accounted for based on square footage.

Table 14. Natural Community Impacts Between Project Alternatives

Project Alternative	White Alder Riparian Woodland			
	Temporary		Permanent	
	Direct	Indirect	Direct	Indirect
No-Build Alternative	0	0	0	0
Build Alternative 1	1550	0	150	0
Build Alternative 2	900	0	0	0

Note: All impacts are in units of square feet.

Table 15. Riparian Tree Replacement Ratio

Tree Species	Proposed Replacement Ratio
White alder	3:1 plants grown from broadcast seed
California bay laurel	5:1 5-gallon plants
Arroyo willow	3:1 cuttings
Big-leaf maple	5:1 5-gallon plants

Standard measures implemented for Build Alternative 1 will also be implemented for Build Alternative 2.

Cumulative Impacts

The project will not contribute to cumulative impacts to the alder riparian habitat because the majority of the trees that are permanently impacted are close to the roadway are regularly maintained by Caltrans. Combined with past, present, and future projects, the proposed project will not result in adverse cumulative impacts to the alder riparian habitat.

Avoidance, Minimization, and/or Mitigation Measures

In addition to the BIO-1 mentioned above, the following avoidance and minimization measures will be implemented to reduce impacts to the riparian community:

BIO-2: Caltrans will mitigate the loss of riparian habitat by replanting species on-site on the hillside after construction and in the biological study area outside of the project impact area within North Fork Matilija Creek.

BIO-3: Caltrans will minimize the removal and trimming of riparian vegetation to the extent feasible. A certified arborist will be present to monitor tree trimming during all project activities. Trees that require catastrophic trimming will have their location, species, and physical conditions recorded, which will inform the restoration effort. Stumps will be left in place in the permanent impact area to maintain the integrity of the soil in which the trees are supporting and will have the opportunity to resprout in place. Cut tree trunks that are within the critical habitat/riparian zone will also be carefully placed in the North Fork Matilija Creek to provide refugia for steelhead trout and replicate natural turnover of riparian vegetation in the creek.

BIO-4 The project biologist will be present full-time during the project activities within or adjacent to the stream. The biologist will monitor the removal of vegetation and quantify impacts to inform the compensatory mitigation for this project. The biologist will monitor the project for the compliance of legal requirements and permit conditions and the implementation of the project's conservation measures.

BIO-5: Caltrans will avoid performing road demolition, ground disturbance, and activities in North Fork Matilija Creek during bank-full flow events.

BIO-6: A qualified biologist will present information to the construction staff, who are on the site for longer than 30 minutes. All construction staff will be required to receive the program. The program will inform the construction staff the species that are likely to occur in the project area, the project's conservation measures, and the procedures for preventing and triaging environmental impacts.

BIO-7: Caltrans will specify that North Fork Matilija Creek and riparian vegetation outside of the proposed project impact area is an environmentally sensitive area. The construction staff will be

made aware of the work boundaries. Fencing or signage will be placed at the edge of the project impact area to remind construction staff of the limits of disturbance.

2.3.2 Wetlands and Other Waters

Regulatory Setting

Wetlands and other waters are protected under a number of laws and regulations. At the federal level, the Federal Water Pollution Control Act, more commonly referred to as the Clean Water Act (CWA) (33 USC 1344), is the primary law regulating wetlands and surface waters. One purpose of the CWA is to regulate the discharge of dredged or fill material into waters of the U.S., including wetlands. Waters of the U.S. include navigable waters, interstate waters, territorial seas, and other waters that may be used in interstate or foreign commerce. The lateral limits of jurisdiction over non-tidal water bodies extend to the ordinary highwater mark (OHWM), in the absence of adjacent wetlands. When adjacent wetlands are present, CWA jurisdiction extends beyond the OHWM to the limits of the adjacent wetlands. To classify wetlands for the purposes of the CWA, a three-parameter approach is used that includes the presence of hydrophytic (water-loving) vegetation, wetland hydrology, and hydric soils (soils formed during saturation/inundation). All three parameters must be present, under normal circumstances, for an area to be designated as a jurisdictional wetland under the CWA.

Section 404 of the CWA establishes a regulatory program that provides that discharge of dredged or fill material cannot be permitted if a practicable alternative exists that is less damaging to the aquatic environment or if the nation's waters would be significantly degraded. The Section 404 permit program is run by the U.S. Army Corps of Engineers (USACE) with oversight by the U.S. Environmental Protection Agency (U.S. EPA).

The USACE issues two types of 404 permits: General and Individual. There are two types of General permits: Regional and Nationwide. Regional permits are issued for a general category of activities when they are similar in nature and cause minimal environmental effect. Nationwide permits are issued to allow a variety of minor project activities with no more than minimal effects.

Ordinarily, projects that do not meet the criteria for a Regional or Nationwide Permit may be permitted under one of USACE's Individual permits. There are two types of Individual permits: Standard permits and Letters of Permission. For Individual permits, the USACE decision to approve is based on compliance with U.S. EPA's Section 404(b)(1) Guidelines (40 Code of Federal Regulations [CFR] 230), and whether permit approval is in the public interest. The Section 404 (b)(1) Guidelines (Guidelines) were developed by the U.S. EPA in conjunction with the USACE, and allow the discharge of dredged or fill material into the aquatic system (waters of the U.S.) only if there is no practicable alternative which would have less adverse effects. The Guidelines state that the USACE may not issue a permit if there is a "least environmentally damaging practicable alternative" (LEDPA) to the proposed discharge that would have lesser effects on waters of the U.S., and not have any other significant adverse environmental consequences. The Executive Order for the Protection of Wetlands (EO 11990) also regulates the activities of federal agencies with regard to wetlands. Essentially, EO 11990 states that a federal agency, such as the Federal Highway Administration (FHWA) and/or Caltrans, as assigned, cannot undertake or provide assistance for new construction located in wetlands unless the head of the

agency finds: (1) that there is no practicable alternative to the construction and (2) the proposed project includes all practicable measures to minimize harm. A Wetlands Only Practicable Alternative Finding must be made.

At the state level, wetlands and waters are regulated primarily by the State Water Resources Control Board (SWRCB), the Regional Water Quality Control Boards (RWQCBs) and the California Department of Fish and Wildlife (CDFW). In certain circumstances, the Coastal Commission (or Bay Conservation and Development Commission or the Tahoe Regional Planning Agency) may also be involved. Sections 1600-1607 of the California Fish and Game Code require any agency that proposes a project that will substantially divert or obstruct the natural flow of or substantially change the bed or bank of a river, stream, or lake to notify CDFW before beginning construction. If CDFW determines that the project may substantially and adversely affect fish or wildlife resources, a Lake or Streambed Alteration Agreement will be required. CDFW jurisdictional limits are usually defined by the tops of the stream or lake banks, or the outer edge of riparian vegetation, whichever is wider. Wetlands under jurisdiction of the USACE may or may not be included in the area covered by a Streambed Alteration Agreement obtained from the CDFW.

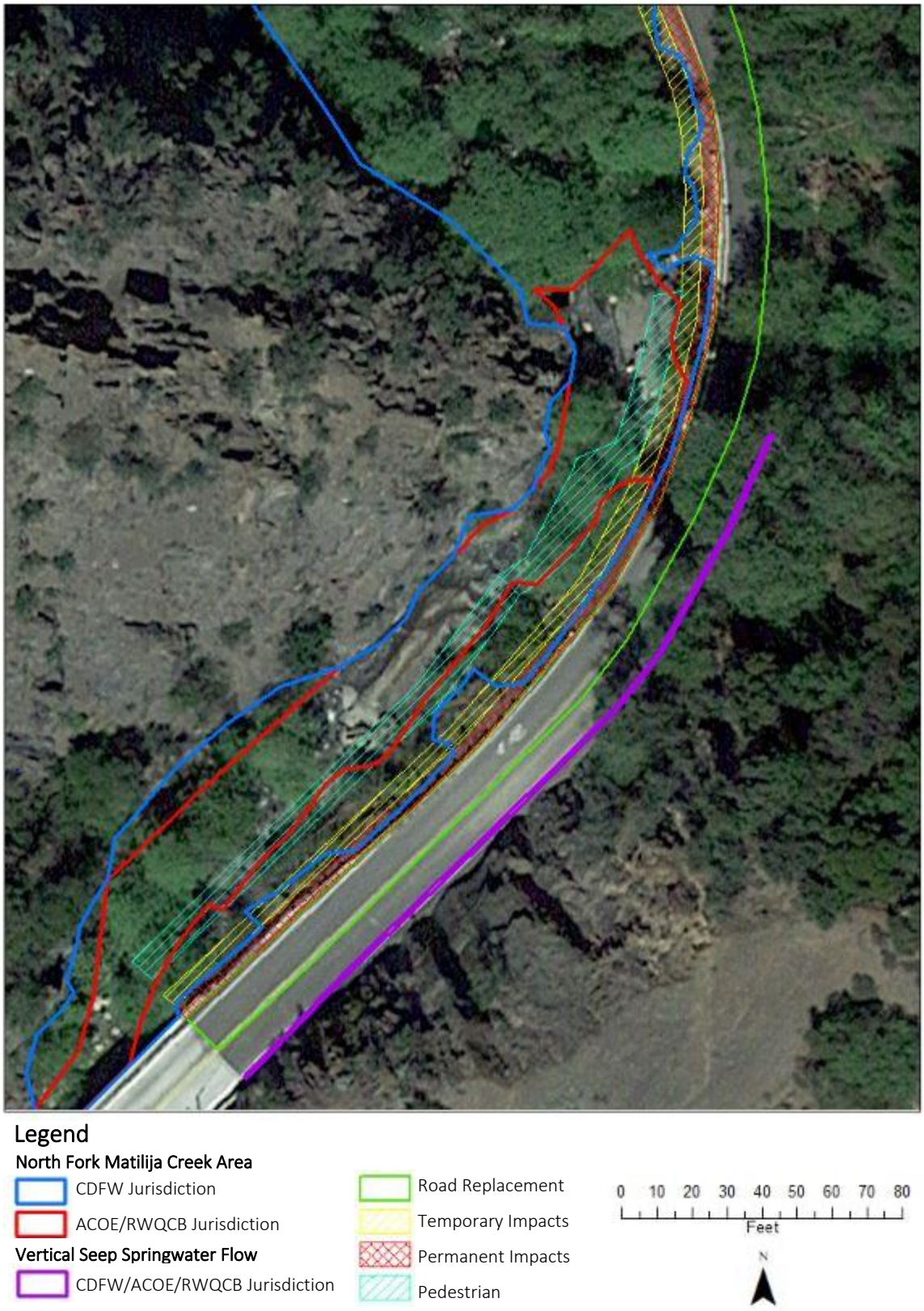
The RWQCBs were established under the Porter-Cologne Water Quality Control Act to oversee water quality. Discharges under the Porter-Cologne Act are permitted by Waste Discharge Requirements (WDRs) and may be required even when the discharge is already permitted or exempt under the CWA. In compliance with Section 401 of the CWA, the RWQCBs also issue water quality certifications for activities which may result in a discharge to waters of the U.S. This is most frequently required in tandem with a Section 404 permit request. Please see the Water Quality section for more details.

Affected Environment

North Fork Matilija Creek, a freshwater stream with perennial and variable flow, is a tributary to the Ventura River and the Pacific Ocean, and thus, is considered a Waters of the U.S. It exists within the same limits as Waters of the State. North Fork Matilija Creek and its adjacent riparian vegetation is also regulated by Sections 1600-1607 of the California Fish and Game Code.

The project impact area consists of North Fork Matilija Creek, which is unvegetated and has a partially sandy bottom. Large rocks and boulders interrupt the flow of water and form small step pools throughout the creek. The project impact area includes the Waters of the U.S./Waters of the State and CDFW jurisdictional lands throughout most of the BSA. Although the project impact area includes jurisdictional waters, there are no jurisdictional wetlands that exhibit the three parameters used to classify wetlands under the CWA. Figure 19 depicts the jurisdictional areas of impact relative to the proposed project.

Figure 19. Jurisdictional Areas of Impact



Environmental Consequences

No-Build Alternative

There would be no improvements made under the No-Build Alternative. Therefore, there will be no impacts to wetlands and other waters under the No-Build Alternative.

Build Alternative 1

Permanent Impacts

The proposed project will have 200 sq. ft. of permanent impacts to Waters of the State (RWQCB's jurisdiction) because surface water from the vertical seep that crosses over the road will be permanently rerouted. Instead of splashing onto the surface of the pavement and flowing across the road before entering the creek, the water will be diverted directly down to the North Fork Matilija Creek through the proposed concrete-lined drainage channel, down the side of the bridge and through the existing cross culvert (Figure 5). This will have beneficial permanent impacts on water quality as contaminants from the road will no longer be carried down to the creek. The proposed work will reduce slipperiness and enhance safety on the roadway.

Temporary Impacts

During construction, there will be approximately 240 sq. ft. of temporary direct impacts to Waters of the U.S. (USACE jurisdiction/RWQCB jurisdiction/CDFW jurisdiction) due to a temporary interruption of water flow from the vertical seep to the North Fork Matilija Creek Bridge to construct the concrete-lined drainage ditch. The water flow from the springwater will need to be temporarily diverted in order to construct the concrete-lined drainage ditch. In addition, it is anticipated that there will be approximately 1,550 sq. ft. of temporary direct impacts to CDFW jurisdiction due to the trimming of riparian vegetation growing over or next to the creek. All these impacts are temporary and will cease after project construction. The temporary direct impacts will be minimized through the replanting of trees in more suitable habitats throughout the biological study area. The tree placement ratio for the project is shown in Table 15.

The following standard project measure is also included as a part of the project scope:

BIO-1: Caltrans will implement its standard best management practices for stormwater pollution prevention.

Build Alternative 2

Permanent Impacts

The permanent impacts of Build Alternative 2 will be the same as Build Alternative 1 for the impacts to Waters of the State (RWQCB's jurisdiction) as both alternatives are rerouting surface water from the vertical seep to the northbound shoulder ditch (Figure 6). See discussion on Build Alternative 1.

Temporary Impacts

Similar to Build Alternative 1, Build Alternative 2 will also have 240 sq. ft. of temporary indirect impacts to Waters of the U.S. (USACE jurisdiction/RWQCB jurisdiction/CDFW jurisdiction) as the

construction work for the drainage ditch is the same. As a result of vegetation trimming and removal, 900 sq. ft. of temporary direct impacts to CDFW's jurisdiction are anticipated for this alternative. The trees will be replanted at ratios specified in Table 15.

The total square footage of temporary/permanent and direct/indirect impacts to each of the jurisdictions are listed in Table 16. Impacts to CDFW's jurisdiction include both streamwater and the adjacent vegetation.

Table 16. Jurisdictional Waters Impacts by Project Alternative

Project Alternative	Waters of the US				Waters of the State (RWQCB only)				CDFW Jurisdiction			
	Temporary		Permanent		Temporary		Permanent		Temporary		Permanent	
	Direct	Indirect	Direct	Indirect	Direct	Indirect	Direct	Indirect	Direct	Indirect	Direct	Indirect
No-Build Alternative	0	0	0	0	0	0	0	0	0	0	0	0
Build Alternative 1	240	0	0	0	240	0	0	200	1140	0	0	0
Build Alternative 2	240	0	0	0	240	0	0	200	1790	0	0	0

Note: All numbers represented denote the area impacted in a measurement of square footage. Impacts to CDFW's jurisdiction include both streamwater and the adjacent riparian vegetation.

Standard measures proposed for Build Alternative 1 will also be implemented for Build Alternative 2.

Cumulative Impacts

There are no jurisdictional wetlands within the vicinity of the proposed project, and the proposed project will not substantially affect jurisdictional waters, or riparian resources. Therefore, combined with past, present, and future projects within the biological study area, there are no cumulative impacts anticipated for wetlands and other waters as a result of the proposed project.

Avoidance, Minimization, and/or Mitigation Measures

In addition to BIO-3, BIO-6, and BIO-7 mentioned in Natural Communities, the following measure is also proposed to minimize impacts from the proposed project:

BIO-8: Caltrans will minimize the direct impacts to jurisdictional waters, riparian resources, and the vertical seep, to the extent feasible.

2.3.3 Plant Species

Regulatory Setting

The U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) have regulatory responsibility for the protection of special-status plant 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 provided 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). Please see the Threatened and Endangered Species Section 2.3.5 in this document for detailed information about these species.

This section of the document discusses all other special-status plant species, including CDFW species of special concern, USFWS candidate species, and California Native Plant Society (CNPS) rare and endangered plants.

The regulatory requirements for FESA can be found at 16 United States Code (USC) Section 1531, et seq. See also 50 Code of Federal Regulations (CFR) Part 402. The regulatory requirements for CESA can be found at California Fish and Game Code, Section 2050, et seq. Department projects are also subject to the Native Plant Protection Act, found at California Fish and Game Code, Section 1900-1913, and the California Environmental Quality Act (CEQA), found at California Public Resources Code, Sections 21000-21177.

Affected Environment

The white alder (*Alnus rhombifolia*) and California Bay (*Umbellularia californica*) are the dominant plant species identified in the project impact area. Most of the species observed were common, such as the California buckwheat (*Eriogonum fasciculatum*) and chamise (*Adenostoma fasciculatum*). The northern wall of Wheeler Gorge inhabits species such as chalk dudleya (*Dudleya pulverulenta*) and chaparral yucca (*Hesperoyucca whipplei*).

Table 17 summarizes the special-status plant species that are identified as potentially occurring in the BSA. All other special-status plant species listed as Threatened or Endangered are in Section 2.3.5.

Table 17. Special-status Plant Species Potentially Occurring in the BSA

Common Name	Scientific Name	Status	General Habitat Description	Habitat Present/Absent, Species Observation	Potential for Occurrence
Late-flowered mariposa-lily	*Calochortus fimbriatus*	FSS, CNPS	Chaparral	Absent	No potential to occur. The chaparral in the BSA is not sufficiently open or exposed enough for this species. The botanical expert did not indicate that this species was present in the BSA.
Ojai fritillary	*Fritillaria ojaiensis*	FSS, CNPS	Mesic chaparral	Present	Potential to occur. This species has been observed above/uphill of the PIA.
Satintail	*Imperata brevifolia*	FSS, CNPS	Streambanks, meadows, seeps, springs	Habitat Present, Not Observed, Absent	No potential to occur. There is a spring within the BSA, outside of the project impact area. However, this species has not been observed during the rare plant survey in suitable habitat during the bloom period and the rare plant expert did not indicate that this species was present in the BSA.

Note: Absent – no habitat present and no further work is needed; Habitat Present – Habitat is, or may be, present; Not Observed – Species was not observed in suitable habitat during appropriately conducted surveys.
Status: Forest Service Sensitive (FSS); California Native Plant Society Ranked (CNPS) – Rankings under consideration in this report include 1 and 2

Based on rare plant surveys conducted for this project, expert knowledge, and consultation with U.S. Forest Service, special-status plant species that have the potential to occur include the Ojai fritillary (*Fritillaria ojaiensis*). Other special-status plant species listed in the California Natural Diversity Database (CNDDB) have no potential to occur and are not expected to be affected by project activities with reasons described in Table 17.

Ojai Fritillary

The Ojai fritillary is a Forest Service sensitive species and a California Native Plant Society-ranked rare species. It prefers rocky slopes within chaparral and other similar habitats. The BSA provides suitable habitat for the species and it has been recorded that the species occur on the slope adjacent to the northbound lane of the project.

Environmental Consequences

No-Build Alternative

Under the No-Build Alternative, there will be no improvements made to the existing facility. Therefore, no impacts to special-status plant species are anticipated for the No-Build Alternative.

Build Alternatives 1 and 2

Ojai Fritillary

There will be no permanent or temporary direct impacts the Ojai fritillary because project construction will not affect the slope where the species is located. Potential indirect impacts will be minimized through the avoidance and minimization measures that will prevent invasive species from entering the biological study area.

Cumulative Impacts

The proposed project will not have cumulative impacts to special-status plant species, and there are currently no planned projects in the present and future that would impact special-status plant species in the area. Therefore, cumulative impacts to plant species are not anticipated.

Avoidance, Minimization, and/or Mitigation Measures

In addition to BIO-6 mentioned previously in above sections, the following avoidance and minimization measures will be conducted during construction to minimize impacts to the special-status plant species:

BIO-9: Caltrans shall clean all project equipment of noxious weed vectors, including soil and plant materials, with a pressure wash and/or hot water spray prior to its entry into the National Forest, daily if need be.

2.3.4 Animal Species

Regulatory Setting

Many state and federal laws regulate impacts to wildlife. The U.S. Fish and Wildlife Service (USFWS), the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries), and the California Department of Fish and Wildlife (CDFW) are responsible for implementing these laws. This section discusses potential impacts and permit requirements associated with animals not listed or proposed for listing under the federal or state Endangered Species Act. Species listed or proposed for listing as threatened or endangered are discussed in the Threatened and Endangered Species Section 2.3.5 below. All other special status animal species are discussed here, including CDFW fully protected species and species of special concern, and USFWS or NOAA Fisheries candidate species.

Federal laws and regulations relevant to wildlife include the following:

- National Environmental Policy Act
- Migratory Bird Treaty Act
- Fish and Wildlife Coordination Act
- State laws and regulations relevant to wildlife include the following:
- California Environmental Quality Act
- Sections 1600 – 1603 of the California Fish and Game Code
- Sections 4150 and 4152 of the California Fish and Game Code

Affected Environment

Several common bird species are known to reside in the Biological Study Area (BSA) including the California scrub-jay (*Aphelocoma californica*) as well as the American dipper (*Cinclus mexicanus*). Other common wildlife known to occur in the area are mule deer (*Odocoileus hemionus*), mountain lion (Puma concolor), coyote (*Canis latrans*), raccoon (*Procyon lotor*) and others.

There are a total nine special-status wildlife species (not including birds protected by the Migratory Bird Treaty Act and threatened/endangered species) potentially present in the BSA based on field surveys and preliminary literature.

Table 18 lists the special-status wildlife species potentially occurring in the BSA. This list only includes special-status wildlife/bird species that are not state or federally listed as "Threatened" or "Endangered". For further discussion on State or Federally-listed Threatened or Endangered Species, please see Section 2.3.5.

Table 18. Special-status Animal Species Potentially Occurring in the BSA

Common Name	Scientific Name	Status	General Habitat Description	Habitat Present/ Absent, Species Observation	Potential to Occur
Bald eagle	*Haliaeetus leucocephalus*	FSS	Various habitats, nests on the shore of lakes	A	No potential to occur. There are no lakes in the project area and no modeled habitat in the BSA.
Arroyo chub	*Gila orcutti*	SSC	Warm, low gradient, freshwater streams with sandy substrates	HP, NO	Potential to occur. North Fork Matilija Creek features suitable habitat for this species.
Foothill yellow-legged frog	*Rana boylii*	SCT, FSS	Rocky streams	HP, NO, A	No potential to occur. Suitable habitat is present for this species in the BSA. No life stages of this species were observed during appropriately conducted amphibian surveys. There are no recent records of this species in the North Fork Matilija Creek watershed.
Southwestern pacific pond turtle	*Actinemys marmorata pallida*	FSS, SSC	Streams with stones or logs	HP, NO	Potential to occur. Suitable habitat is present for this species in the project impact area. No life stages of this species were observed during surveys, but dedicated surveys were not performed for this species.
Two-striped garter snake	*Thamnophis hammondii*	FSS, SSC	Streams, ponds, and riparian areas with cover	HP, NO	Potential to occur. Same as "Southwestern pacific pond turtle."
Pallid bat	*Antrozous pallidus*	FSS, SSC	Abandoned structures and bridges	HP, P	Potential to occur. The bridge in the BSA is suitable habitat for this species. This species was identified during the bat survey.
Western yellow bat	*Lasiurus xanthinus*	SSC	Riparian trees	HP, P	Potential to occur. There are riparian trees in the project impact area and this species was observed during the bat survey.
Long ear myotis	*Myotis evotis*	FSS	Trees, bark strips, cliffs	HP, P	Potential to occur. The riparian vegetation in the BSA is suitable roosting habitat for this species and it was observed during the bat survey.
Townsend's big-eared bat	*Corynorhinus townsendii*	FSS, SSC	Bridges, old trees in woodlands and forests	HP, NO	Potential to occur. The bridge west of the project work area features suitable. This species was not identified in the bat survey.

Note: Absent (A) - no habitat present and no further work needed. Habitat Present (HP) -habitat is, or may be, present. The species may be present. Present (P) – species was observed directly or indirectly in BSA. Assumed Present (P) – Species is assumed to be present. Not Observed (NO) – Species was not observed in suitable habitat during appropriately conducted surveys. Critical Habitat (CH) – Critical habitat has been designated for this species in the BSA.
Status: Federal Endangered (FE); Federal Threatened (FT); Forest Service
Sensitive (FSS); State Endangered (SE); State Threatened (ST); State Candidate Threatened (SCT) State Species of Special Concern (SSC);

Seven special-status animal species that have the potential to occur or could be affected by project activities within the BSA include arroyo chub (*Gila orcutti*), southwestern pacific pond turtle (*Actinemys marmorata pallida*), two-striped gartner snake (*Thamnophis hammondii*), pallid bat (*Antrozous pallidus*), western yellow bat (*Lasiurus xanthinus*), long ear myotis (*Myotis evotis*), and Townsend's big-eared bat (*Corynorhinus townsendii*). Other special-status animal species have no potential to occur in the project impact area and are not expected to be affected by project activities with reasons described in Table 18.

Arroyo chub

The arroyo chub (*Gila orcutti*) is a CDFW state species of concern. It is usually found in warm, low gradient, freshwater streams with sandy substrates. Based on previous literature written prior to the 2017 Thomas Fire, numerous accounts of arroyo chub have been observed in North Fork Matilja Creek. CNDBB records of this species indicate that the closest occurrence of this species is within Sespe Creek and downstream in the Ventura River watershed. It has been determined that the species may have been temporarily extirpated from the BSA due to the Thomas Fire in 2017. Arroyo chub was not observed in the BSA during biological surveys.

Southwestern pond turtle and two-striped garter snake

The southwestern pond turtle (*Actinemys marmorata pallida*) and two-striped garter snake (*Thamnophis hammondii*) are both designated as Forest Service sensitive species and CDFW state species of concern. Suitable habitat is present for this species near the creek within the BSA. The southwestern pond turtle prefers streams with logs and stones, while the two-striped gartner snake prefers streams, ponds, and riparian areas with shade. Despite the ideal conditions presented in the potential habitat, both of these species were not observed during surveys. It has been determined that these species may have been negatively affected by the Thomas Fire and thus, locally extirpated from the BSA. Their presence will not be discounted due to their recent occurrences in Wheeler Gorge according to literary findings.

Bats

There are four special-status bat species that have the potential to occur in the BSA—the pallid bat (*Antrozous pallidus*), western yellow bat (*Lasiurus xanthinus*), long ear myotis (*Myotis evotis*), and the Townsend's big-eared bat (*Corynorhinus townsendii*). The pallid bat and the Townsend's big-eared bat are both Forest Service sensitive species and designated as CDFW special species of concern. The pallid bat prefers roosting in abandoned structures and bridges, while the Townsend's big-eared bat prefers roosting in bridges, mature woodland and forest trees. The western yellow bat is a designated CDFW special species of concern and the long ear myotis is a Forest Service sensitive species. The western yellow bat prefers roosting in riparian trees, while the long ear myotis prefers roosting in trees, barks, strips, and cliffs. There is suitable habitat and potential for maternity colonies in the bridge and riparian trees (both special-status and common species bats). Maternity colonies are sensitive and are critical to the bat life-cycle. Two special-status bat species (the pallid bat and the long eared myotis) were observed in the BSA during the acoustic bat survey.

Birds

The BSA features potentially suitable nesting habitat in the mature riparian trees and chaparral shrubs. The bridge to the west of the project limits also provides suitable nesting habitat for swallows. Bird nesting was not observed in the BSA, but migratory and resident bird species are present. Bird nesting may be limited in the BSA due to regular maintenance of trees and its proximity to the roadway, which makes it undesirable for bird nesting.

Environmental Consequences

No-Build Alternative

There will be no impacts to animal species under the No-Build Alternative as no improvements will be made to the existing alignment.

Build Alternatives 1 and 2

Arroyo Chub

The project may have temporary indirect impacts to the arroyo chub as the BSA features suitable habitat for the species. However, the species was not observed in the BSA during surveys and it is unlikely that the species will be present during construction. Measures to avoid and minimize the impacts to the arroyo chub will be similar to the steelhead trout as they both live in the same aquatic environment. Please see Section 2.3.5 Threatened and Endangered Species for the measures to avoid and minimize impacts to this species.

Southwestern pond turtle and two-striped garter snake

There will be no temporary or permanent direct impacts to either species. Prior to construction, surveys will be conducted to determine presence of these species. Should any individuals be found, they will be relocated outside of the project impact area by a qualified biologist approved by CDFW. There may be permanent impacts to the habitat due to the removal of vegetation. Trees will be replaced based on a ratio described in Table 15 and thus, the anticipated impacts to the southwestern pond turtle and two-striped garter snake will be minimal.

Bats

There will be no temporary direct impacts to the maternity colony under the bridge because no project activities are anticipated on top of, or under the bridge. However, there may be temporary indirect impacts to bat colonies due to construction-related light, noise, and vibration. The project will implement measures to minimize the effects of construct-related lights and vibration. Surveys will also be conducted before tree removal to ensure impacts to tree-roosting colonies are avoided. During construction, a bat biologist will be present to ensure impacts to all bat maternity colonies are minimized, to the extent feasible. There will be no permanent impacts to bats once project construction is completed.

Birds

There will be no temporary direct impacts to migratory bird nesting since suitable nesting habitats are not available in project impact area. Because there are an abundance of other nesting areas for resident chaparral birds in the area, there are minimal impacts anticipated from the removal of vegetation. The trees removed will be replaced at a ratio described in Table 15. The tree replacements are anticipated to provide better nesting habitats than the existing trees next to the roadway that will be removed. However, there may be temporary indirect impacts to migratory breeding birds due to construction-related noise. Bird-nesting surveys will be performed pre-construction to avoid and minimize disturbance to nesting birds in the BSA. There will be no permanent impacts to migratory birds as a result of the build alternatives.

The following standard measure will be implemented to avoid impacts to nesting birds during construction:

BIO-10: A biologist will perform nesting bird surveys no earlier than three days before initiation of vegetation removal, if it is scheduled during the nesting bird season. If nesting birds are observed within vegetation to be removed or habitat to be disturbed, then the project will avoid removing that vegetation until the nestlings have fledged. If there is a pause or lapse in construction for longer than three days, then a biologist will have to perform a repeat nesting bird survey prior to further vegetation removal during the nesting bird season.

Cumulative Impacts

Because of the Thomas Fire in 2017, the project will have minimal impacts to sensitive species such as the southwestern pond turtle and two-striped garter snake as they have not recovered in the region yet. Impacts to bats and birds will be avoided and/or minimized through implementation of the appropriate measures mentioned below. Therefore, the project will not contribute to the cumulative effects of these species.

Avoidance, Minimization, and/or Mitigation Measures

In addition to BIO-2, BIO-6, and the standard measure for nesting birds (BIO-10), the following avoidance and minimization measures will be conducted to minimize impacts to special-status animal species during construction:

BIO-11: A qualified ornithologist will monitor the project during vegetation removal, roadway demolition and other noise generating activities. The monitor will survey nesting birds in the BSA (if any have been identified during surveys or monitoring), and detect whether they are being disturbed by project activities. If the monitor observes nesting disturbance caused by the project then construction will have to be paused within 150 feet of the project activities until the nestlings have fledged.

BIO-12: Caltrans will schedule road demolition within 150 feet of the bridge during the night. A qualified bat project monitor will watch the bats while road demolition occurs. By scheduling this activity during the night, the project will reduce the effects of noise and vibration on the bats,

because any bats that would flee the roost at night would do so at a time when they are less vulnerable to predators, such as hawks. Otherwise, Caltrans will work with CDFW to have a full-time monitor during high-noise events. If bats are disturbed by the noise, Caltrans will stop work and consult with CDFW (BIO-13). Up to nine bat boxes can be installed to support growth in bat colonies in the fall/winter.

BIO-13: A qualified bat biologist will monitor construction activities performed within 150 feet of the bridge and watch to see whether the bats are stressed by project activities. When the bats are observed to be stressed, the monitor will interrupt activities and the project will have to pause work within the area near the bat colony until Caltrans has conducted consultation with CDFW. If the monitor finds a dead bat in the BSA, then the monitor will inform the Caltrans biologist who will inform CDFW and if necessary, consultation will be re-initiated.

BIO-14: Caltrans will use the minimum lighting feasible to perform night work. The bat biologist will monitor the positioning and use of lighting to ensure that light is not unnecessarily shone upon the bridge and the riparian vegetation adjacent to the bat colony.

BIO-15: Caltrans will perform pre-construction surveys for tree roosting bats in riparian trees prior to their removal. If the trees are found to have tree roosting bats, then those trees will be removed during the night when bats are no longer present.

BIO-16: Caltrans will remove and trim riparian trees in a staged fashion during the bat maternity season evidenced by pre-tree-removal surveys. First limbs of the trees will be removed, and the remainder of the tree will be left in place over night. Leaving the tree overnight allows tree roosting bats to leave tree cavities. After the bats have left the trunk of the tree, the trunk will be removed and tree removal will be complete.

BIO-17: Caltrans will implement pre-construction surveys for southwestern pond turtle and two-striped garter snake prior to disturbing land or vegetation within or adjacent to suitable habitat for these species.

BIO-18: A qualified herpetologist will monitor the project for the presence of the southwestern turtle and two-striped garter snake throughout project activities taking place within or above suitable habitat for these species. The biologist will monitor the status of exclusion measures and other conservation measures to prevent the project from affecting individuals directly.

BIO-19: Caltrans will minimize the disturbance of the North Fork Matilija Creek streambanks by removing all temporary fills and recontouring the hillside after construction.

2.3.5 Threatened and Endangered Species

Regulatory Setting

The primary federal law protecting threatened and endangered species is the FESA: 16 United States Code (USC) Section 1531, et seq. See also 50 CFR Part 402. This act and later amendments provide for the conservation of endangered and threatened species and the ecosystems upon which they depend. Under Section 7 of this act, federal agencies, such as the FHWA (and Caltrans, as assigned), are required to consult with the U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries) to ensure that they are not undertaking, funding, permitting, or authorizing actions likely to jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat. Critical habitat is defined as geographic locations critical to the existence of a threatened or endangered species. The outcome of consultation under Section 7 may include a Biological Opinion with an Incidental Take Statement or a Letter of Concurrence. Section 3 of FESA defines take as "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect or any attempt at such conduct."

California has enacted a similar law at the state level, the California Endangered Species Act (CESA), California Fish and Game Code Section 2050, et seq. CESA emphasizes early consultation to avoid potential impacts to rare, endangered, and threatened species and to develop appropriate planning to offset project-caused losses of listed species populations and their essential habitats. The California Department of Fish and Wildlife (CDFW) is the agency responsible for implementing CESA. Section 2080 of the California Fish and Game Code prohibits "take" of any species determined to be an endangered species or a threatened species. Take is defined in Section 86 of the California Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." CESA allows for take incidental to otherwise lawful development projects; for these actions an incidental take permit is issued by CDFW. For species listed under both FESA and CESA requiring a Biological Opinion under Section 7 of FESA, the CDFW may also authorize impacts to CESA species by issuing a Consistency Determination under Section 2080.1 of the California Fish and Game Code.

Another federal law, the Magnuson-Stevens Fishery Conservation and Management Act of 1976, was established to conserve and manage fishery resources found off the coast, as well as anadromous species and Continental Shelf fishery resources of the United States, by exercising (A) sovereign rights for the purposes of exploring, exploiting, conserving, and managing all fish within the exclusive economic zone established by Presidential Proclamation 5030, dated March 10, 1983, and (B) exclusive fishery management authority beyond the exclusive economic zone over such anadromous species, Continental Shelf fishery resources, and fishery resources in special areas.

Affected Environment

A Biological Assessment (BA) for steelhead trout was submitted to National Marine Fisheries Services (NMFS) for Section 7 consultation. A BA Addendum was written after the project scope was updated to a four-foot-nine-inch widening/two-foot-nine-inch widening from an eight-foot

to nine-foot widening (Caltrans, 2020). The consultation process is further summarized in Chapter 4 – Comments and Coordination. An updated species list for both USFWS and NMFS are attached to Appendix F – U.S. Fish and Wildlife Species List and Appendix G – National Marine Fisheries Services Species List, respectively. The biological opinion from NMFS can be found in Appendix K – National Marine Fisheries Services Biological Opinion.

Based on the CNDDB occurrences and Information for Planning and Consultation (IPaC) records, potential exists for 11 state and/or threatened, endangered or candidate species to occur within the BSA (Table 19).

Table 19. Federal and State-listed Threatened and Endangered Species and Critical Habitat

Common Name	Scientific Name	Status	General Habitat Description	Habitat Present/Absent, Species Observation	Critical Habitat Present?	Potential for Occurrence
Spreading navarretia	*Navarretia fossalis*	FT	Vernal pools & ephemerally wetted areas	A	N	No potential to occur. There are no vernal pools or areas where they could occur in the BSA, and the wet areas in the BSA are perennially wet or don't have the topography to enable gradual evaporation.
California Orcutt grass	*Orcuttia californica*	FE, SE, CNPS	Vernal pools	A	N	No potential to occur. There are no vernal pools or areas where vernal pools could occur in the BSA.
Southwestern willow flycatcher	*Empidonax traillii extimus*	FE, SE	Dense & multilayered willow riparian scrub woodland	A	N	No potential to occur. The riparian vegetation is generally single layered and not dense enough for this species.
California condor	*Gymnogyps californianus*	FE	Nesting habitat includes cliffs and caves	HP, NO, A	N	No potential to occur. To the north of the project site there are cliffs 50 horizontal feet away from the project work area. However, this species is under recovery and its current range is outside of the BSA. There is no suitable breeding habitat in the project impact area.
Least Bell's vireo	*Vireo bellii pusillus*	FE, SE	Dense Shrubby willow/mulefat riparian scrub	A	N	No potential to occur. The riparian vegetation is not sufficiently dense for this species.
Southern steelhead trout	*Oncorhynchus mykiss*	FE	Low-gradient Streams	HP, (P), CH	Y	Potential to occur. NFMC is suitable for this species and there are

						recent records of its occurrence in adjacent reaches of NFMC.
Arroyo toad	*Anaxyrus californicus*	FE	Low-gradient streams in riparian woodlands with sandy bottoms & stable terraces	A	N	No potential to occur. NFMC does not have sandy banks in the BSA and the nearest records of arroyo toad are in a separate watershed.
California red-legged frog	*Rana draytonii*	FT, SSC	Streams & ephemerally wetted areas for breeding	HP, NO	N	Potential to occur. NFMC is to the north of the project work area. No life stages of this species were observed during appropriately conducted protocol surveys. There is suitable habitat for most life stages of this species in the PIA.
Riverside fairy shrimp	*Streptocephalus woottoni*	FE	Vernal pools	A	N	No potential to occur. There were no vernal pools or areas where vernal pools could occur in the BSA.
Vernal pool fairy shrimp	*Branchinecta lynchi*	FT	Vernal Pools	A	N	No potential to occur. Same as above.

Note: Absent (A) – No habitat present and no further work needed. Habitat Present (HP) - Habitat is, or may be, present. The species may be present. Present (P) – Species was observed directly or indirectly in BSA. Assumed Present (P) – Species is assumed to be present. Not Observed (NO) – Species was not observed in suitable habitat during appropriately conducted surveys.
Status: Federal Endangered (FE); Federal Threatened (FT); Bald and Golden Eagle Protection Act Protected (BGEPA); Forest Service Sensitive (FSS); State Endangered (SE); State Threatened (ST); State Candidate Threatened (SCT) State Species of Special Concern (SSC); California Native Plant Society Ranked (CNPS) – Rankings under consideration in this report include 1 and 2

Based on preliminary research, survey efforts, agency consultation, and historical documentation based on CNDDB occurrences, it has been determined that one federally-listed threatened/endangered species and one critical habitat have the potential to occur in the project impact area and be impacted by project activities—the southern steelhead trout and its critical habitat. Although the California red-legged frog has the potential to occur in the project impact area, the project is unlikely to encounter the species during project construction as there are no designated critical habitats nor breeding habitats in the project area. In addition, the California red-legged frog has not been found to occur downstream of the site in North Fork Matilija Creek and it would have difficulty reaching the project area from its current known population center upstream of the Matilija Dam. Other federally or state-listed threatened and endangered species from the CNDDB list have no potential to occur within the project impact area and are not expected to be affected by project activities with reasons described in Table 19.

<u>Steelhead trout</u>

Steelhead trout is listed as Endangered within the Southern California Evolutionary Significant Unit from Santa Maria River in San Luis Obispo County south to the southern extent of their

range. Steelhead trout prefers to hatch in gravel-bottomed, fast-flowing, well-oxygenated rivers and streams. The anadromous fish is 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. Steelhead migration season typically occurs from November through March. Spawning takes place December through June, with peak activity occurring in February and March. Caltrans performed a trout snorkel survey during the summer of 2019. No trout was observed in the BSA during the survey.

Environmental Consequences

No-Build Alternative

There will be no impacts to threatened or endangered species and their critical habitat under the No-Build Alternative as existing conditions will remain the same.

Build Alternative 1

Section 7 consultation with NMFS regarding the updated scope was initiated on August 27, 2020 and formal consultation officially started on October 23, 2020. Formal consultation concluded with a Biological Opinion from NMFS on March 31, 2020 concurring with the "May Affect, Likely to Adversely Affect" findings for the southern steelhead trout and "May Affect, Not Likely to Adversely Affect" findings for its critical habitat (Appendix K – National Marine Fisheries Services Biological Opinion). The other species listed in Table 19 have no potential to occur and will not be affected by project activities; therefore, a "No Effect" finding is applicable for all other species in the project impact area (Table 20).

Table 20. Federal and State-listed Species and their Effect Findings

Common Name	Scientific Name	Status	Effect Finding	Effect Finding for Critical Habitat
Plants				
Spreading navarretia	*Navarretia fossalis*	FT	No Effect	N/A
California Orcutt grass	*Orcuttia californica*	FE, SE	No Effect	N/A
Birds				
Southwestern willow flycatcher	*Empidonax traillii extimus*	FE, SE	No Effect	N/A
California condor	*Gymnogyps californianus*	FE	No Effect	N/A
Least Bell's vireo	*Vireo bellii pusillus*	FE, SE	No Effect	N/A
Amphibians and Reptiles				
Arroyo toad	*Anaxyrus californicus*	FE	No Effect	N/A
California red-legged frog	*Rana draytonii*	FT	No Effect	N/A
Invertebrates				
Riverside fairy shrimp	*Streptocephalus woottoni*	FE	No Effect	N/A
Vernal pool fairy shrimp	*Branchinecta lynchi*	FT	No Effect	N/A
Fish				
Steelhead trout	*Oncorhynchus mykiss*	FE	May Affect, Likely to Adversely Affect	May Affect, Not Likely to Adversely Affect

Note: Status: Federal Endangered (FE); Federal Threatened (FT); Bald and Golden Eagle Protection Act Protected (BGEPA); Forest Service Sensitive (FSS); State Endangered (SE); State Threatened (ST); State Candidate Threatened (SCT) State Species of Special Concern (SSC); California Native Plant Society Ranked (CNPS) – Rankings under consideration in this report include 1 and 2; N/A indicates that critical habitat is not present for this species and thus, not applicable.

Steelhead trout

Permanent impacts

The project will have permanent indirect impacts to the steelhead trout due to the alteration of habitat to enable space for the roadway widening. Approximately 150 sq. ft. of the alder riparian woodland will be permanently removed to accommodate for the increase in roadway width. The permanently removed trees will be replanted on-site at a different location nearby. Please see Section Natural Communities for details on the numbers, species, and ratios of trees impacted. The proposed cantilevered road as a part of the road widening will provide an addition of 90 sq. ft. of consistent shade over the creek, which will have beneficial permanent indirect impacts to the species. In addition, there will be a minor permanent indirect benefit to trout habitat quality due to the project increasing safety and reducing the occurrence of run-off-road accidents, which disturb vegetation and introduce pollutants into North Fork Matilija Creek.

Temporary impacts

Temporary indirect impacts to the steelhead trout will include the trimming and removal of approximately 185 linear feet and 1,550 square feet of riparian vegetation to enable construction access. These impacts are temporary because the roadway widening will not preclude the regrowth of riparian vegetation in the project area. There will also be minor temporary indirect impacts to the steelhead trout due to the project's proximity to the creek. Temporary impacts to water quality will be minimized by construction best management practices. This includes a five to ten-feet wide temporary wooden platform (one-foot elevation) that will be placed on top of the bedrock and boulders in the creek to prevent materials and debris from entering the creek. Temporary direct impacts to steelhead trout may occur when placing the platform over the creek. This will be minimized through constructing during summer low-flow period and implementing a fish capture and relocation plan. Other measures that will avoid temporary direct impacts to steelhead trout include building a temporary scaffold along the rock block wall and limiting construction to the roadway. The temporary scaffold will be constructed on the roadway to allow workers to access the barrier without entering the creek. No construction equipment will need to access the creek under this alternative. Biological monitors will be present at all times during construction to ensure the impacts to the steelhead trout are minimized, as much as feasible.

California red-legged frog

Based on the negative biological survey results found for this project and an analysis of the regional population status of the species, there is remote potential for the California red-legged frog (CRLF) to occur in the project area. The project will not affect individual CRLF directly for all life stages, due to their lack of presence throughout the action area. There is no designated critical habitat(s) nor breeding site(s) in the project area and the project will only affect a miniscule portion of the species' dispersal habitat. Therefore, it has been determined that there is no effect to this species. However, implementation measures will still be conducted during construction to ensure there will be no potential for adverse impacts to CRLF.

The following standard measure will be incorporated to minimize water quality impacts during construction:

BIO-1: Caltrans will implement its standard best management practices for stormwater pollution prevention.

Build Alternative 2

The project footprint for Build Alternative 2 is less than Build Alternative 1 due to the smaller amount of widening required for Build Alternative 2 (two-foot-nine-inch widening) in comparison to Build Alternative 1 (four-foot-nine-inch-widening). Therefore, a "May Affect, Likely to Adversely Affect" the southern steelhead trout and "May Affect, Not Likely to Adversely Affect" its critical habitat finding is applicable for Build Alternative 2.

Steelhead trout and Critical Habitat

Permanent impacts

There will be no permanent indirect impacts to the steelhead trout as a result of Build Alternative 2 because the impacts derived from the permanent removal of two trees are minor and negligible compared to the total area of the habitat. These trees will be replanted on-site at a location nearby at varying ratios specified in Table 15. The road widening will provide an addition of 10 sq. ft. of consistent shade over the creek, which will have beneficial permanent indirect impacts to the species. There will also be a minor permanent indirect benefit to trout habitat quality due to the anticipated reduction in vehicle collisions as described in Build Alternative 1.

Temporary impacts

The temporary indirect impacts to the southern steelhead trout for the Build Alternative 2 are the same as Build Alternative 1, except that Build Alternative 2 will require the trimming and removal of 900 sq. ft. of riparian vegetation in the white alder riparian woodland, as opposed to the trimming and removal of the 1,550 sq. ft. of vegetation required for Build Alternative 1. These impacts are temporary and the riparian vegetation is expected to regrow over time, Temporary indirect impacts to water quality and measures used to minimize water quality degradation will be the same as Build Alternative 1. Temporary direct impacts to steelhead trout will also be the same as Build Alternative 1 and will be minimized using the same construction practices and measures mentioned in Build Alternative 1. Please see discussion on impacts for Build Alternative 1 for further information.

Construction of the roadway will be similar to Build Alternative 1. No construction equipment will be required in the creek. All work will be done on the roadway, with the exception of placing temporary platforms over the creek for best management practices. Standard measures proposed for Build Alternative 1 will also be implemented for Build Alternative 2.

California red-legged frog

There will be no impacts to CRLF as a result of this alternative. See Build Alternative 1 for further discussion.

Cumulative Impacts

The proposed project will have minor impacts to the southern steelhead trout and its habitat and thus, will not contribute to cumulative impacts to this species and its critical habitat. With the implementation of avoidance, minimization, and mitigation measures, any impacts would be avoided or substantially minimized.

Avoidance, Minimization, and/or Mitigation Measures

In addition to BIO-2 to BIO-6 mentioned in previous sections, the following measures will also be implemented to avoid, minimize, and mitigate impacts to protected threatened and endangered species:

BIO-20: Caltrans will not perform work in the creek during steelhead migration season, November 1 to May 31.

BIO-21: Caltrans will install a containment system on the temporary scaffold and will have light equipment staged on the roadway, such as vacuums and spill kits, ready to contain and remove spills from the project area.

BIO-22: Prior to the beginning of construction, a qualified ichthyologist will survey the creek next to the project impact area and the reaches of the creek upstream and downstream of the project impact area. The biologist will implement the fish capture and relocation plan, which would exclude fish from the project area temporarily and relocate them to suitable habitat in North Fork Matilija Creek nearby. If more fish are present in the project area than originally anticipated or more fish mortalities occur than have been authorized by NMFS during the implementation of the plan, then Caltrans will pause the fish capture and relocation plan and re-initiate consultation with NMFS. If arroyo chub are found in the creek, then Caltrans will initiate consultation with California Department of Fish and Wildlife.

BIO-23: The qualified ichthyologist will be present during project activities in the creek to observe and record the project's compliance with conservation measures and observe whether southern steelhead or other special-status species have entered the project impact area after exclusion has been performed. The monitor will have the authority to pause construction in the creek if trout is encountered during construction. Caltrans will re-initiate consultation with National Marine Fisheries Service if the monitor observes that the project is trending towards exceeding the authorized take amount.

BIO-24: The project biologist and resident engineer will meet prior to the beginning of construction to review the project's disturbance area and coordinate means to minimize the disturbance of the existing environment and minimize vegetation trimming to the extent feasible.

BIO-25: If any boulders are shifted by the project, they shall be re-oriented to their pre-project position, to keep trout refugia. Disturbance to the creek banks above the water level will be recontoured and stabilized to prevent future erosion. Professional photos of the work area will be taken prior to construction to ensure all objects are re-oriented back to the pre-project positions.

BIO-26: Caltrans will conduct preconstruction surveys for California red-legged frog (CRLF) prior to initiating construction. The survey will use the appropriate protocols for finding CRLF and will be conducted by a qualified herpetologist. No work shall begin until CRLF have left the action area or Caltrans has completed formal consultation.

BIO-27: During construction, Caltrans will monitor the project impact area and perform weekly surveys of suitable habitat for CRLF in the action area. Surveys and monitoring will be performed by a qualified herpetologist who is familiar with CRLF. If CRLF is encountered during construction,

the monitor will inform construction staff to stop work and will then notify USFWS. Work will halt until CRLF have left the action area or formal consultation has been completed. The monitor will also quantify the impacts to potential CRLF habitat throughout the project.

BIO-28*: To avoid predation, the biologist shall have at least two containers and segregate captured young-of-year fish from larger age classes and other potential aquatic predators.

BIO-29*: Caltrans shall contact NMFS (Jess Fischer, 562-533-6813 or Jessica.fischer@noaa.gov) 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. All steelhead mortalities shall be retained, frozen as soon as practical, and placed in an appropriate-sized sealable bag that is labeled with date and location of the collection and fork length and weight of the specimen(s).

BIO-30*: Sixty days prior to implementing the proposed action, Caltrans shall submit the temporary platform plans to NMFS for review and potential comment. Caltrans shall revise the plan in response to NMFS' comments and then implement the plan consistent with the provisions therein. Plans shall be sent to Jess Fischer, Jessica.fischer@noaa.gov, or NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, California 90802.

BIO-31*: Sixty days prior to implementing the proposed action, Caltrans shall submit the revegetation and monitoring plan, which includes provisions to determine the success of the plantings, to NMFS for review and potential comment. Caltrans shall revise the plan in response to NMFS' comments and then implement the plan consistent with the provisions therein.

BIO-32*: Caltrans shall provide a written report to NMFS by January 15 of the year following the construction season.

* indicates that the measure is a result of the Biological Opinion issued by NMFS as a result of Section 7 consultation.

2.3.6 Invasive Species

Regulatory Setting

On February 3, 1999, President William J. Clinton signed Executive Order (EO) 13112 requiring federal agencies to combat the introduction or spread of invasive species in the United States. The order defines invasive species as "any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem whose introduction does or is likely to cause economic or environmental harm or harm to human health." FHWA guidance issued August 10, 1999 directs the use of the State's invasive species list, maintained by the California Invasive Species Council to define the invasive species that must be considered as part of the National Environmental Policy Act (NEPA) analysis for a proposed project.

Affected Environment

During site field visits, an assortment of invasive plant species were observed in the BSA including, but not limited to: Black mustard (*Brassica nigra*), Ripgut brome (*Bromus diandrus*), Cheatgrass (*Bromus tectorum*), Scotchbroom (*Cytisus scoparius*), Sweet fennel (*Foeniculum vulgare*), Invasive plantain (*Plantago major*), and Smilo grass (*Stipa miliacea*).

Environmental Consequences

No-Build Alternative

Under the No-Build Alternative, there will be no introduction of invasive species because no improvements will occur to the existing alignment and the current conditions will remain the same.

Build Alternatives 1 and 2

In compliance with the Executive Order on Invasive Species, EO 13112, and guidance from the FHWA, the proposed project will not contribute to a spread of invasive species through the use of invasive species for landscaping and erosion control. There is no use of invasive species proposed in the revegetation plans and the project will ensure that all equipment will be washed off of invasive vectors before entering the project site to prevent the introduction of invasive plants into the BSA.

Cumulative Impacts

With the implementation of the proposed avoidance and minimization measures, there will be no impacts to the BSA from the spread of invasive species. Therefore, no cumulative impacts from invasive species are anticipated as a result of the proposed project.

Avoidance, Minimization, and/or Mitigation Measures

In addition to BIO-6 and BIO-9 mentioned in the previous sections, BIO-33, BIO-34, and BIO-35 will be implemented to minimize potential impacts from invasive species:

BIO-33: Caltrans shall remove and dispose of invasive plants in the project impact area prior to grubbing and disturbing soil to contain invasive plant materials and prevent the spread of seed in the project vicinity.

BIO-34: Caltrans shall stabilize disturbed soils after construction and restore disturbed areas with native plant species, according to a habitat mitigation and monitoring plan.

BIO-35: Caltrans will monitor the project area post-construction to assess introduction of invasive species and implement management strategies accordingly.

Chapter 3 – California Environmental Quality Act (CEQA) Evaluation

Determining Significance under CEQA

The proposed project is a joint project by the California Department of Transportation (Caltrans) and the Federal Highway Administration (FHWA) and is subject to state and federal environmental review requirements. Project documentation, therefore, has been prepared in compliance with both the CEQA and the National Environmental Policy Act (NEPA). FHWA's responsibility for environmental review, consultation, and any other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by Caltrans pursuant to 23 United States Code Section 327 (23 USC 327) and the Memorandum of Understanding dated December 23, 2016, and executed by FHWA and Caltrans. Caltrans is the lead agency under CEQA and NEPA.

One of the primary differences between NEPA and CEQA is the way significance is determined. Under NEPA, significance is used to determine whether an Environmental Impact Statement (EIS), or a lower level of documentation, will be required. NEPA requires that an EIS be prepared when the proposed federal action (project) *as a whole* has the potential to "significantly affect the quality of the human environment." The determination of significance is based on context and intensity. Some impacts determined to be significant under CEQA may not be of sufficient magnitude to be determined significant under NEPA. Under NEPA, once a decision is made regarding the need for an EIS, it is the magnitude of the impact that is evaluated and no judgment of its individual significance is deemed important for the text. NEPA does not require that a determination of significant impacts be stated in the environmental documents.

CEQA, on the other hand, does require Caltrans to identify each "significant effect on the environment" resulting from the project and ways to mitigate each significant effect. If the project may have a significant effect on any environmental resource, then an EIR must be prepared. Each and every significant effect on the environment must be disclosed in the EIR and mitigated if feasible. In addition, the CEQA Guidelines list a number of "mandatory findings of significance," which also require the preparation of an EIR. There are no types of actions under NEPA that parallel the findings of mandatory significance of CEQA. This chapter discusses the effects of this project and CEQA significance.

3.1 CEQA Environmental Checklist

This checklist identifies physical, biological, social, and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the projects will indicate that there are no impacts to a particular resource. A NO IMPACT answer in the last column reflects this determination. The words "significant" and "significance" used throughout the following checklist are related to CEQA, not NEPA, impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

Project features, which can include both design elements of the project, and standardized measures that are applied to all or most Caltrans projects such as Best Management Practices (BMPs) and measures included in the Standard Plans and Specifications or as Standard Special Provisions, are considered to be an integral part of the project and have been considered prior to any significance determinations documented below; see Chapters 1 and 2 for a detailed discussion of these features. The annotations to this checklist are summaries of information contained in Chapter 2 in order to provide the reader with the rationale for significance determinations; for a more detailed discussion of the nature and extent of impacts, please see Chapter 2. This checklist incorporates by reference the information contained in Chapters 1 and 2.

AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

CEQA Significance Determinations for Aesthetics

No Impact

a, d) Build Alternatives 1 and 2 will not have a substantial adverse effect on a scenic vista or create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. The project scope does not include the addition of light. The project will include temporary construction night lighting.

Less Than Significant Impact

b, c) The Build Alternatives will not substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway, and will not substantially degrade the existing visual character or quality of public views of the site and its surroundings. SR 33 is a designated California Scenic Highway. Caltrans licensed Landscape Architect has determined that the project will have negligible or very minor visual changes to the scenic route based on the results of the Visual Impact Assessment (Caltrans, 2020).

The project consists of constructing a stamped concrete barrier that will mimic the color and texture of natural rock in the existing environment and is consistent the San Jacinto Reyes Corridor Management Plan.

The tubular handrailing will also be installed on top of the concrete barrier to enhance pedestrian and bicyclist safety and will be painted an earth tone color and treated to look aged and non-reflective to match the natural environment.

The proposed project proposes to replace 10 trees (Build Alternative 1) and 8 trees (Build Alternative 2). Four species of trees are being removed as a part of the Build Alternatives: white alder, California bay laurel, big-leaf-maple, and arroyo willow. Please see Table 14 for more information on how many of each tree is being removed. The trees are primarily located next to the roadway and obstruct the view of the road for the driver. Unless off-site mitigation is required by CDFW, these trees will be replanted at a 3:1 seed, 5:1 5-gallon, 3:1 cuttings, and 5:1 5-gallon plants ratio in accordance the CDFW 1602 Lake and Streambed Alteration Agreement Permit on-site. Please refer to Table 15 for further information.

Avoidance, minimization, and mitigation measures for this section include: V-1 to V-5 and BIO-20 which are both found in Appendix C – Avoidance, Minimization and/or Mitigation Summary.

AGRICULTURE AND FOREST 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. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.				
Would the project:	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

CEQA Significance Determinations for Agriculture and Forest Resources

Build Alternatives 1 and 2

No Impact

a, b, c, d, e) There are no farmland and/or agricultural resources within the project area. Therefore, the project will not convert Prime Farmland, Unique Farmland or Farmland of Statewide importance to non-agricultural use and does not conflict with zoning for agricultural use or a Williamson Act contract. The project does not result in the loss of forestland or conversion of forest land to non-forest use and does not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. No new

right-of-way is needed as part of the project; the completed project will be within Caltrans right-of-way.

The project does not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use

AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.				
Would the project:	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) 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?	☐	☐	☐	☒
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

CEQA Significance Determinations for Air Quality

Build Alternatives 1 and 2

No Impact

a, b, c) The Build Alternatives will not conflict with or obstruct implementation of any applicable air quality plan as it is not expected to increase air quality pollutants permanently. The proposed project is a safety enhancement project and does not increase roadway capacity. Therefore, it is not anticipated that the project will cause a considerable net increase in any criteria air pollutants. In addition, the proposed project will not expose sensitive receptors to substantial pollutant concentrations as temporary pollutants will be limited to primarily the project work site.

Less than Significant Impact

d) Construction of the Build Alternatives may result in temporary objectionable odors related to operation of diesel-powered equipment and off-gas emissions during road-building activities. These emissions would generally be limited to the project site and will cease once project construction completes. The Ventura County Air Pollution Control District (VCAPCD) limits the amount of Volatile Organic Compound (VOC) emissions from all construction operations. Caltrans will comply with all VCAPCD and regional air quality guidelines in addition to all standard best management practices for air quality control including, but not limited to: performing work 500 feet away from sensitive receptors, minimizing idling of construction equipment, and implementing dust control measures. With the incorporation of the minimization measures, the project will have a less than significant impact on air quality.

BIOLOGICAL RESOURCES

Would the project:	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 Wildlife, U.S. Fish and Wildlife Service, or NOAA Fisheries?	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
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?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
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?	☐	☐	☐	☒

CEQA Significance Determinations for Biological Resources

Build Alternatives 1 and 2

No Impact

e, f) The proposed project does not conflict with Ventura County Tree Protection Ordinance, which is the local ordinance protecting biological resources in the project area[23]. The proposed project will apply for Ministerial Tree Permit from Ventura County Resource Management Agency and will comply with guidelines set forth in the ordinance. In addition, the project will

[23] https://docs.vcrma.org/images/pdf/code/Tree_Protection_Ordinance.pdf

not conflict with the Oak Woodlands Management Plan, which is an adopted habitat conservation plan for the area. There will be no oak woodland habitats in the project vicinity, and therefore, no impacts are anticipated.

Less than Significant Impact

a, c, d) There will be less than significant direct and indirect impacts to species identified as candidate, sensitive, or special status in local/regional ordinances or as established by CDFW, USFWS, or NMFS. There are no special-status plant species or special-status animal species that will be directly impacted by project activities as they were not observed in the project site. Indirect impacts to special-status plant species will be minimized through measures described in Section 2.3.3 Plant Species. Measures to avoid potential indirect impacts to special-status animal species are described in 2.3.4 Animal Species. Direct and indirect impacts to birds and bats species during construction will be avoided/minimized through measures mentioned in 2.3.4 Animal Species. There is one federally-listed threatened or endangered species that have the potential to occur during construction—the steelhead trout. Potential indirect impacts to the steelhead trout are caused by the alteration of habitat due to the trimming and removal of riparian vegetation and proximity of the creek to project activities. Trees that are removed will be replanted at a ratio described in Table 15 at nearby locations that will provide similar or better habitats. Water quality best management practices will be implemented to avoid water quality degradation. All work will be done on the roadway and no construction equipment will access the creek. Direct impacts to steelhead trout may occur when placing the timber platform over the creek to prevent debris from affecting water quality. This will be minimized through a fish capture and relocation plan. A biologist will also be on site to monitor construction activities. A consultation letter with findings of "May Affect, Likely to Adversely Affect" for the steelhead trout and "May Affect, Not Likely to Adversely Affect" for its critical habitat has been sent to NMFS for review and concurrence. NMFS responded with a biological opinion and concurred with the findings on March 31, 2021. The proposed project will have no substantial adverse effect to the species. Please refer to Section 2.3.5 Threatened and Endangered Species for more information.

There will also be no substantial adverse effect on state or federally protected wetlands as there are no state or federally protected wetlands in the project area.

The project will not interfere 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. The project will have less than significant impacts to migratory fish due to the fish capture and relocation plan implemented to avoid more substantial impacts to the steelhead trout during construction. After project construction, the migratory fish will resume its original course and no permanent impacts are anticipated from the project.

Less than Significant with Mitigation Incorporated

b) The proposed project will have less than significant impacts to riparian communities or other sensitive communities with the incorporation of mitigation measures. Without the mitigation

measures, impacts to the natural community will be significant. Build Alternative 1 will remove a total ten trees, which will be replanted at varying ratios explained Section 2.3.1 Natural Communities. Build Alternative 2 will remove a total of eight trees, which will be replanted at varying ratios also shown in Table 15. Riparian Tree Replacement Ratio. These trees will be replanted in locations more suitable for bird nesting as the current locations are next to the roadway and are regularly trimmed by Caltrans maintenance. Through the replacement of trees, there will be less than significant impacts to the riparian community. On-going consultation with CDFW, NMFS, and USFWS will continue during design to ensure that all avoidance, minimization, and mitigation measures are included to reduce significant impacts to the riparian habitat.

CULTURAL RESOURCES

Would the project:	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☐	☒

CEQA Significance Determinations for Cultural Resources

Build Alternatives 1 and 2

No Impact

a, c, d) There will be no impact to historical resources because there are no historical resources in the project vicinity. The SR 33 was evaluated for the inclusion in the National Register of Historic Places (NRHP) and California Register of Historic Resources (CRHR), however, it was determined negligible for listing due to the lack of architectural/historical significance and loss of physical integrity. The proposed work will be constructed within previously disturbed soil. There will be no excavation or drilling outside of previously disturbed soils. Thus, there is low potential for encountering intact buried deposits.

As with all Caltrans projects, standard measures for discovery of cultural materials will be implemented during construction. Please see Section 2.1.6 Cultural Resources for standard measures proposed for the project.

ENERGY

Would the project:	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

CEQA Significance Determinations for Energy

Build Alternatives 1 and 2

No Impact

b) The proposed project is a safety enhancement project that will not increase capacity of the road and therefore, it does not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Less Than Significant Impact

a) During construction, there will be a less than significant impact to energy consumption due to the operation of large construction vehicles and equipment. This is temporary and will cease once construction ends. Please refer to Climate Change Chapter on the measures proposed to minimize and reduce energy consumption.

GEOLOGY AND SOILS

Would the project:	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
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.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
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 on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒

CEQA Significance Determinations for Geology and Soils

Build Alternatives 1 and 2

No Impacts

b, d, e, f) There are no impacts regarding soil erosion and loss of topsoil. The project is not located on expansive soil and/or soil incapable of supporting the use of septic tanks, and will not destroy a unique paleontological resource/site or unique geologic feature.

Less Than Significant Impact

a-i, a-ii, a-iii, a-iv, c) The project is not located within an Alquist-Priolo Earthquake Fault Zone as established by the California Geological Survey. The project site is 0.14 miles, 4.71 miles, 9.9 miles away from the Santa Ynez (Pacific section), Mission Ridge-Arroyo Parida-Santa Ana, and Red Mountain fault, respectively. The structure may be affected by minor ground motions, liquefaction, and seismically induced settlement, which may occur where liquefaction potential exists. However, the potential impacts to structures would be reduced through current Caltrans design standards and construction best management practices, consistent with the recommendations provided by the geotechnical investigations prepared during the project's final design phase.

GREENHOUSE GAS EMISSIONS

Would the project:	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

CEQA Significance Determinations for Greenhouse Gas Emissions

Build Alternatives 1 and 2

Less Than Significant Impact

a, b) While the proposed project may result in increase in GHG emissions during construction, project will not result in an increase in operational GHG emissions and would not conflict with any applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gases during operation. With implementation of construction GHG-reduction measures, the impact would be less than significant. Please refer to Climate Change Chapter for avoidance and minimization measures proposed to reduce greenhouse gas emissions for the project.

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HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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 which 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 or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

CEQA Significance Determinations for Hazards and Hazardous Materials

Build Alternatives 1 and 2

No Impact

c, d, e, g) The proposed project is not within one-quarter mile of an existing or proposed school. Therefore, there will be no impacts to schools within a quarter-mile of the construction zone. The site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and would not pose a significant hazard to the public and environment. The site is also not within an airport land use plan or within two miles of a public airport. As such, the proposed project will not have any direct safety hazard impacts to nearby schools, the public, or airport facilities. The project will not exacerbate wild land fires that may cause

significant risk of loss and injury to people and/or structures. In contrast, the project may decrease the rapid spread of wildfires. Please see Wildfire Section for more information.

Less Than Significant Impact

a, b, f) The Build Alternatives will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. It will not 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.
The disposal of construction material and waste is subject to the regulations of Comprehensive Environmental Response Compensation and Liability Act (CERCLA) of 1980 and the Resource Conservation and Recovery Act (RCRA) of 1976 and California Health and Safety Code.

The proposed project will not routinely transport wastes and will cease any activities relating to hazardous waste concerns once project construction ends. Therefore, there are no permanent significant impacts relating to the transport, use, or disposal of hazardous waste materials. As a part of construction, there is a potential to encounter hazardous materials such as aerially deposited lead, lead-based paint, treated wood waste, and asbestos-containing materials as further described in Section 2.2.4 Hazardous Waste/Materials. These hazardous materials will be properly disposed of in the correct facilities as required by Caltrans Standard and Non-Standard Specifications and Procedures and avoidance and minimization measures. Possible impacts from hazardous materials of concern will be minimized to the extent feasible. As such, significant hazards to the public and the environment are reduced to minimal exposure. In addition, the proposed project will not interfere with adopted emergency plans within the project area. Coordination with local agencies will occur to reduce emergency response impacts as much as feasible. After construction, no impacts to emergency services will remain. A Transportation Management Plan will be prepared to address emergency services during the design phase. Please see Section 2.1.2 for further information on the measures proposed to reduce impacts to emergency services during construction.

HYDROLOGY AND WATER QUALITY

Would the project:	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☐	☒
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(i) result in substantial erosion or siltation on- or off-site;	☐	☐	☐	☒
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☐	☒
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☐	☒
(iv) impede or redirect flood flows?	☐	☐	☐	☒
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

CEQA Significance Determinations for Hydrology and Water Quality

Build Alternatives 1 and 2

No Impacts

a, b, c) The project will not violate any water quality standards, waste discharge requirements or substantially degrade surface or ground water quality. Construction will occur outside the creek and standard stormwater best management practices will be implemented throughout construction. The project will not decrease groundwater supplies or interfere with groundwater recharge, and the project will not substantially alter the existing drainage pattern of the site or area, or the course of a stream or river. No work will occur within the stream or any nearby

water surfaces. A temporary timber platform will be constructed over the stream to catch construction debris and materials and will minimize impacts to water quality. Please see Section 2.3.5 for more information regarding the application of the timber platform.

c-i, c-ii, c-iii, c-iv) The project will not result in substantial erosion or siltation on or off-site. The standard Water Pollution Control Program (WPCP) will be implemented to avoid substantial discharge into the waterways. The project will not substantially increase the rate of surface runoff or create/contribute runoff water as only 0.0477 acres of new impervious surface area will be added as a result of the project. The project will not impede or redirect flood flows.

d, e) There will be no risk release of pollutants due to project inundation in a flood hazard, tsunami, or seiche zones as the project is not in any of these zones. The project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan and will follow all water quality guidelines set forth in the permit established by the Los Angeles Regional Water Quality Control Board.

LAND USE AND PLANNING

Would the project:	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

CEQA Significance Determinations for Land Use and Planning

Build Alternatives 1 and 2

No Impacts

a, b) The Build Alternatives will not divide an established community or cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation. There are no residences within one mile of the proposed project. The project proposed is within an established roadway in the Los Padres National Forest. Caltrans will continue to coordinate with USFS to minimize the effects of the proposed project on any land use plan, policy, or regulation.

MINERAL RESOURCES

Would the project:	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

CEQA Significance Determinations for Mineral Resources

Build Alternatives 1 and 2

No Impacts

a,b) The proposed project is not in an area that is protected by the Surface Mining Reclamation Act (SMRCA). The area is not subject to urban expansion and land use changes, and therefore, it remains unclassified by the California Geological Survey. The proposed project is a transportation safety project that will not alter land use, and therefore, will not result in the loss of known mineral resources or availability of a locally-important mineral resource. There is minimal excavation anticipated for the project, and therefore, no known mineral resources would be lost. There will be no impacts to mineral resources due to the nature of the proposed work, which is within previously disturbed areas and within the existing roadway.

NOISE

Would the project result in:	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) For a project located within the vicinity of a private airstrip or 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?	☐	☐	☐	☒

CEQA Significance Determinations for Noise

Build Alternatives 1 and 2

No Impact

b, c) The Build Alternatives will not generate excessive groundborne vibration or groundborne noise levels as construction does not include pile driving. The project is not located within 2 miles of a private airstrip or an airport land use plan or, where such a plan has been adopted.

Less Than Significant Impact

a) The Build Alternatives are not capacity increasing projects and thus, will not generate permanent noise impacts. Temporary construction-related noise impacts are regulated by Caltrans standard specifications, Section 14-8.02, Noise Control. These requirements state that noise levels generated during construction shall comply with applicable local, state, and federal regulations. Therefore, construction impacts related to noise will be less than significant.

POPULATION AND HOUSING

Would the project:	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned 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 people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

CEQA Significance Determinations for Population and Housing

Build Alternatives 1 and 2

No Impact

a, b) The project is not a capacity increasing project and therefore, the project would not induce local or regional growth in the area. Population growth will not occur as a result of Build Alternatives 1 and 2. In addition, the project does not require acquisition of right-of-way and therefore, it will not displace existing people or housing.

PUBLIC SERVICES

a) 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:	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Fire protection?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☐	☒

CEQA Significance Determinations for Public Services

Build Alternatives 1 and 2

No Impact

a) The project Build Alternatives would not 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 schools and parks, and/or government facilities.

Less Than Significant Impact

a) There will be less than significant impacts to response times for fire protection and/or police protection services. Coordination with local emergency and safety personnel will be conducted during construction to maintain acceptable response times. At least one lane will remain open for emergency access. A Traffic Management Plan will be implemented during construction to reduce impacts to emergency and safety protection. Please see Appendix C – Avoidance, Minimization and/or Mitigation Summary for further information.

RECREATION

	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 which might have an adverse physical effect on the environment?	☐	☐	☐	☒

CEQA Significance Determinations for Recreation

Build Alternatives

No Impact

a, b) The project is a transportation project that focuses on increasing the traveler's safety on an existing road; therefore, it would not increase the use of existing neighborhood, regional parks, or other facilities such that substantial physical deterioration of the facility would occur or be accelerated. The project does not include recreational facilities or require the construction or expansion of recreational facilities.

TRANSPORTATION

Would the project:	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	☒
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☐	☒
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d) Result in inadequate emergency access?	☐	☐	☒	☐

CEQA Significance Determinations for Transportation

Build Alternatives 1 and 2

No Impact

a, b, c) The proposed project is a road safety enhancement project and will improve traffic safety in the area. The project does not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. The project does not conflict or is not inconsistent with CEQA Guidelines section 15065.3, subdivision (b). The project does not substantially increase hazards due to geometric design features. In fact, it reduces such hazards by widening the existing curve alignment.

Less Than Significant Impact

d) There will be less than significant impacts to emergency access. During construction, a one-lane access road will remain open for emergency responders. Therefore, construction of the project will not significantly impact emergency response times. Coordination with local agencies will occur before construction to minimize any possible impacts to emergency response.

TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	☒
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☒

CEQA Significance Determinations for Tribal Cultural Resources

Build Alternatives 1 and 2

No Impact

a, b, c) Based on a records search from the Sacred Lands File and the Native American Coordination conducted for this project, there are no accounts of historical resources listed or eligible for listing being impacted in the proposed project. The project is not listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources (Caltrans, 2020). Please refer to Chapter 4 – Comments and Coordination for further information on the coordination process.

UTILITIES AND SERVICE SYSTEMS

Would the project:	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒
c) Result in a determination by the wastewater treatment provider which 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?	☐	☐	☐	☒
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	☒
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

CEQA Significance Determinations for Utilities and Service Systems

Build Alternatives 1 and 2

No Impact

a, b, c, d, e) There will be no utilities relocated as a part of the Build Alternatives 1 or 2. The project will not require sufficient water supplies, or wastewater treatment to serve the project as this is a safety enhancement transportation project. The project will not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Solid waste generated from excavation for the concrete lined drainage is minimal and is less than one foot deep. The project will comply with federal, state, and local management and reduction statutes and regulations related to solid waste. All soil excavated as part of the project is considered hazardous waste (Type Z-2 soil) and will require disposal at a Class I landfill facility.

WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

CEQA Significance Determinations for Wildfire

Build Alternatives 1 and 2

No Impact

b, c, d) The project will not change the infrastructure of the roadway. The roadway will remain the same, with a slight modification to widen the southbound lane. The increased width is less than three feet in length; therefore, it has no potential to exacerbate wildfire risks, result in temporary or ongoing impacts to the environment, or expose people or structures to significant risks. The project will not exacerbate wildfire risks and expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. It will not require the installation or maintenance of associated structures that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

Less Than Significant Impact

a) The project will not substantially impair an adopted emergency response plan or emergency evacuation plan. The project may temporarily increase emergency response times during construction. Operational traffic for emergency response will remain the same or even slightly improve after project completion due to the widening of the existing curve. Please refer to the Wildfire Section for further discussion.

MANDATORY FINDINGS OF SIGNIFICANCE

	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially 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, substantially 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?	☐	☒	☐	☐
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)?	☐	☐	☒	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

CEQA Significance Determinations for Mandatory Findings of Significance

Build Alternatives 1 and 2

Less Than Significant Impact

b, c) The project does not have impacts that are considered cumulatively significant. Effects to the environment are less than significant, temporary, and will cease at the end of construction. Therefore, the project also does not have environmental effects which will cause substantial adverse effects on human beings. Caltrans Standard Specifications, Non-Standard Specifications and the Environmental Commitment (Appendix C – Avoidance, Minimization and/or Mitigation Summary) will apply to project construction to minimize, to the extent feasible, any environmental impacts.

Less Than Significant Impact with Mitigation

a) Build Alternatives 1 and 2 will require the removal of the white alder, California bay laurel, arroyo willow, and big-leaf maple, which are trees from a protected special status alder riparian woodland community protected by the California Department Fish and Wildlife (CDFW). Removing these trees will be a significant impact to the alder riparian woodland community. All trees will be replanted at ratios appropriate for the species of trees. Please see Table 15 for

specific information regarding tree replacement ratios. With the incorporation of the mitigation measure, impacts to the riparian community will be less than significant. Close coordination with CDFW throughout the design phase will minimize all potential impacts, to the extent feasible. Tree removal and vegetation trimming will not significantly alter the habitat of the steelhead trout (federally-listed species) and therefore, will not substantially reduce the habitat or restrict the range of the southern steelhead trout. The proposed project will not permanently alter North Fork Matilija Creek and will have a minor effect on the creek's adjacent riparian vegetation. The proposed project will temporarily occupy less than one percent of the portion between North Fork Matilija Creek and Wheeler Gorge Campground and Moser Quarry fish passage barriers, which is a miniscule portion of the entire range of southern steelhead trout. It is not anticipated that the project will substantially degrade or alter the habitat of a fish or wildlife species as most impacts are temporary. The trees will be replanted in nearby locations and trimmed vegetation is anticipated to regrow in place.

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3.2 Wildfire

Regulatory Setting

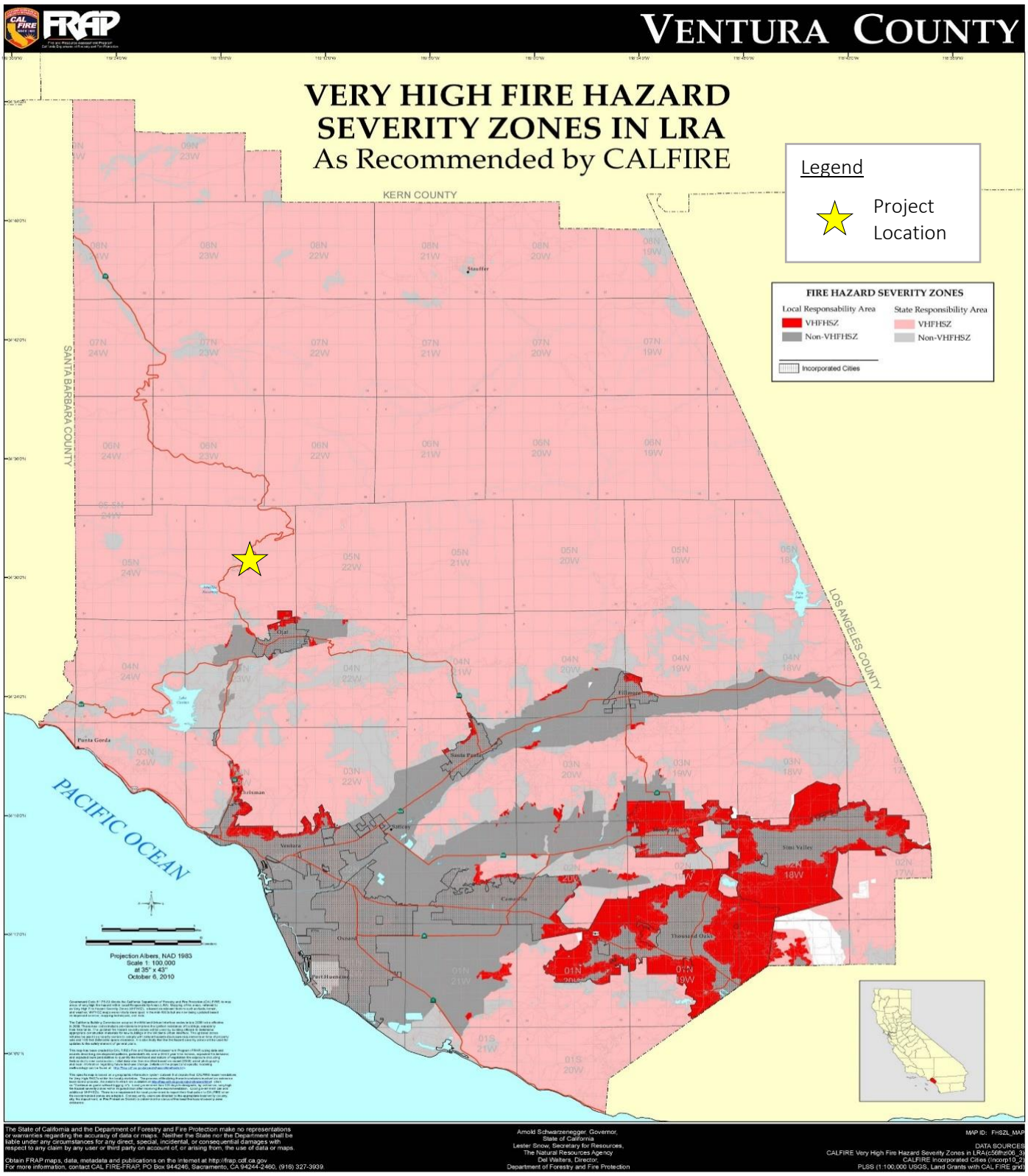
Senate Bill 1241 required the Office of Planning and Research, the Natural Resources Agency, and the California Department of Forestry and Fire Protection to develop amendments to the "CEQA Checklist" for the inclusion of questions related to fire hazard impacts for projects located on lands classified as very high fire hazard severity zones. The 2018 updates to the CEQA Guidelines expanded this to include projects "near" these very high fire hazard severity zones.

Affected Environment

The proposed project is in a federal responsibility area classified as a very high fire hazard severity zone (Figure 20).[24]

[24] https://osfm.fire.ca.gov/media/6846/fhszl_map56.pdf

Figure 20. Very High Fire Hazard Severity Zones in Locally Responsible Area



Environmental Consequences

No-Build Alternative

Wildfires will not be exacerbated as a result of the No-Build Alternative because the current existing alignment will remain as it is.

Build Alternatives 1 and 2

The Build Alternatives will not have long-term impacts to emergency response plans or evaluation plans. Emergency response times are only temporarily impacted during construction. However, one lane will remain opened to emergency personnel through the duration of construction. Therefore, only minimal impacts to emergency response times are anticipated. Coordination with County Emergency and Safety Offices will be conducted throughout project construction to ensure satisfactory response times. In addition, the project is being constructed on existing alignment and previously paved roads, and will not require installation of new infrastructure; therefore, the project will not exacerbate wildfire risks. In contrast, the project may potentially lessen fire risks by increasing roadway width. This will increase firebreaks, reduce flammable vegetation, enhance safety access, and reduce emergency response times.

The following standard measures will also be implemented during project construction to reduce wildfire impacts:

T-1: A Traffic Management Plan (TMP) will be implemented during construction to minimize traffic delays caused by road closures. Coordination with local emergency/protection services will be conducted to avoid and minimize all potential impacts to emergency responders.

T-5: Emergency access will be maintained for emergency personnel even during full roadway closures. California Highway Patrol (CHP) would be on-site during the 55-hr closures and will coordinate with the Resident Engineer for any emergencies.

Avoidance, Minimization, and Mitigation Measures

As the project will not exacerbate wildfire risks, no avoidance, minimization, and/or mitigation measures are required for the build alternatives.

3.3 Climate Change

Climate change refers to long-term changes in temperature, precipitation, wind patterns, and other elements of the earth's climate system. An ever-increasing body of scientific research attributes these climatological changes to greenhouse gas (GHG) emissions, particularly those generated from the production and use of fossil fuels.

While climate change has been a concern for several decades, the establishment of the Intergovernmental Panel on Climate Change (IPCC) by the United Nations and World Meteorological Organization in 1988 led to increased efforts devoted to GHG emissions reduction and climate change research and policy. These efforts are primarily concerned with the emissions of GHGs generated by human activity, including carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), tetrafluoromethane, hexafluoroethane, sulfur hexafluoride (SF_6), and various hydrofluorocarbons (HFCs). CO_2 is the most abundant GHG; while it is a naturally occurring component of Earth's atmosphere, fossil-fuel combustion is the main source of additional, human-generated CO_2.

Two terms are typically used when discussing how we address the impacts of climate change: "greenhouse gas mitigation" and "adaptation." Greenhouse gas mitigation covers the activities and policies aimed at reducing GHG emissions to limit or "mitigate" the impacts of climate change. Adaptation, on the other hand, is concerned with planning for and responding to impacts resulting from climate change (such as adjusting transportation design standards to withstand more intense storms and higher sea levels). This analysis will include a discussion of both.

Regulatory Setting

This section outlines federal and state efforts to comprehensively reduce GHG emissions from transportation sources.

Federal

To date, no national standards have been established for nationwide mobile-source GHG reduction targets, nor have any regulations or legislation been enacted specifically to address climate change and GHG emissions reduction at the project level.

The National Environmental Policy Act (NEPA) (42 USC Part 4332) requires federal agencies to assess the environmental effects of their proposed actions prior to making a decision on the action or project.

The Federal Highway Administration (FHWA) recognizes the threats that extreme weather, sea-level change, and other changes in environmental conditions pose to valuable transportation infrastructure and those who depend on it. FHWA therefore supports a sustainability approach that assesses vulnerability to climate risks and incorporates resilience into planning, asset management, project development and design, and operations and maintenance practices (FHWA 2019). This approach encourages planning for sustainable highways by addressing

climate risks while balancing environmental, economic, and social values—"the triple bottom line of sustainability" (FHWA n.d.). Program and project elements that foster sustainability and resilience also support economic vitality and global efficiency, increase safety and mobility, enhance the environment, promote energy conservation, and improve the quality of life.

Various efforts have been promulgated at the federal level to improve fuel economy and energy efficiency to address climate change and its associated effects. The most important of these was the Energy Policy and Conservation Act of 1975 (42 USC Section 6201) and Corporate Average Fuel Economy (CAFE) Standards. This act establishes fuel economy standards for on-road motor vehicles sold in the United States. Compliance with federal fuel economy standards is determined through the CAFE program based on each manufacturer's average fuel economy for the portion of its vehicles produced for sale in the United States.

Energy Policy Act of 2005, 109th Congress H.R.6 (2005–2006): This act sets forth an energy research and development program covering: (1) energy efficiency; (2) renewable energy; (3) oil and gas; (4) coal; (5) the establishment of the Office of Indian Energy Policy and Programs within the Department of Energy; (6) nuclear matters and security; (7) vehicles and motor fuels, including ethanol; (8) hydrogen; (9) electricity; (10) energy tax incentives; (11) hydropower and geothermal energy; and (12) climate change technology.

The U.S. EPA in conjunction with the National Highway Traffic Safety Administration (NHTSA) is responsible for setting GHG emission standards for new cars and light-duty vehicles to significantly increase the fuel economy of all new passenger cars and light trucks sold in the United States. Fuel efficiency standards directly influence GHG emissions.

State

California has been innovative and proactive in addressing GHG emissions and climate change by passing multiple Senate and Assembly bills and executive orders (EOs) including, but not limited to, the following:

EO S-3-05 (June 1, 2005): The goal of this EO is to reduce California's GHG emissions to: (1) year 2000 levels by 2010, (2) year 1990 levels by 2020, and (3) 80 percent below year 1990 levels by 2050. This goal was further reinforced with the passage of Assembly Bill (AB) 32 in 2006 and Senate Bill (SB) 32 in 2016.

Assembly Bill (AB) 32, Chapter 488, 2006, Núñez and Pavley, The Global Warming Solutions Act of 2006: AB 32 codified the 2020 GHG emissions reduction goals outlined in EO S-3-05, while further mandating that the California Air Resources Board (ARB) create a scoping plan and implement rules to achieve "real, quantifiable, cost-effective reductions of greenhouse gases." The Legislature also intended that the statewide GHG emissions limit continue in existence and be used to maintain and continue reductions in emissions of GHGs beyond 2020 (Health and Safety Code [H&SC] Section 38551(b)). The law requires ARB to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective GHG reductions.

EO S-01-07 (January 18, 2007): This order sets forth the low carbon fuel standard (LCFS) for California. Under this EO, the carbon intensity of California's transportation fuels is to be reduced by at least 10 percent by the year 2020. ARB re-adopted the LCFS regulation in September 2015, and the changes went into effect on January 1, 2016. The program establishes a strong framework to promote the low-carbon fuel adoption necessary to achieve the governor's 2030 and 2050 GHG reduction goals.

Senate Bill (SB) 375, Chapter 728, 2008, Sustainable Communities and Climate Protection: This bill requires ARB to set regional emissions reduction targets for passenger vehicles. The Metropolitan Planning Organization (MPO) for each region must then develop a "Sustainable Communities Strategy" (SCS) that integrates transportation, land-use, and housing policies to plan how it will achieve the emissions target for its region.

SB 391, Chapter 585, 2009, California Transportation Plan: This bill requires the State's long-range transportation plan to identify strategies to address California's climate change goals under AB 32.

EO B-16-12 (March 2012) orders State entities under the direction of the Governor, including ARB, the California Energy Commission, and the Public Utilities Commission, to support the rapid commercialization of zero-emission vehicles. It directs these entities to achieve various benchmarks related to zero-emission vehicles.

EO B-30-15 (April 2015) establishes an interim statewide GHG emission reduction target of 40 percent below 1990 levels by 2030 to ensure California meets its target of reducing GHG emissions to 80 percent below 1990 levels by 2050. It further orders all state agencies with jurisdiction over sources of GHG emissions to implement measures, pursuant to statutory authority, to achieve reductions of GHG emissions to meet the 2030 and 2050 GHG emissions reductions targets. It also directs ARB to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent ($MMTCO_2e$).[25] Finally, it requires the Natural Resources Agency to update the state's climate adaptation strategy, *Safeguarding California*, every 3 years, and to ensure that its provisions are fully implemented.

SB 32, Chapter 249, 2016, codifies the GHG reduction targets established in EO B-30-15 to achieve a mid-range goal of 40 percent below 1990 levels by 2030.

SB 1386, Chapter 545, 2016, declared "it to be the policy of the state that the protection and management of natural and working lands … is an important strategy in meeting the state's greenhouse gas reduction goals, and would require all state agencies, departments, boards, and

[25] GHGs differ in how much heat each trap in the atmosphere (global warming potential, or GWP). CO_2 is the most important GHG, so amounts of other gases are expressed relative to CO_2, using a metric called "carbon dioxide equivalent" (CO_2e). The global warming potential of CO_2 is assigned a value of 1, and the GWP of other gases is assessed as multiples of CO_2.

commissions to consider this policy when revising, adopting, or establishing policies, regulations, expenditures, or grant criteria relating to the protection and management of natural and working lands."

AB 134, Chapter 254, 2017, allocates Greenhouse Gas Reduction Funds and other sources to various clean vehicle programs, demonstration/pilot projects, clean vehicle rebates and projects, and other emissions-reduction programs statewide.

SB 743, Chapter 386 (September 2013): This bill changes the metric of consideration for transportation impacts pursuant to CEQA from a focus on automobile delay to alternative methods focused on vehicle miles travelled, to promote the state's goals of reducing greenhouse gas emissions and traffic related air pollution and promoting multimodal transportation while balancing the needs of congestion management and safety.

SB 150, Chapter 150, 2017, Regional Transportation Plans: This bill requires ARB to prepare a report that assesses progress made by each metropolitan planning organization in meeting their established regional greenhouse gas emission reduction targets.

EO B-55-18 (September 2018) sets a new statewide goal to achieve and maintain carbon neutrality no later than 2045. This goal is in addition to existing statewide targets of reducing GHG emissions.

EO N-19-19 (September 2019) advances California's climate goals in part by directing the California State Transportation Agency to leverage annual transportation spending to reverse the trend of increased fuel consumption and reduce GHG emissions from the transportation sector. It orders a focus on transportation investments near housing, managing congestion, and encouraging alternatives to driving. This EO also directs ARB to encourage automakers to produce more clean vehicles, formulate ways to help Californians purchase them, and propose strategies to increase demand for zero-emission vehicles.

Environmental Setting

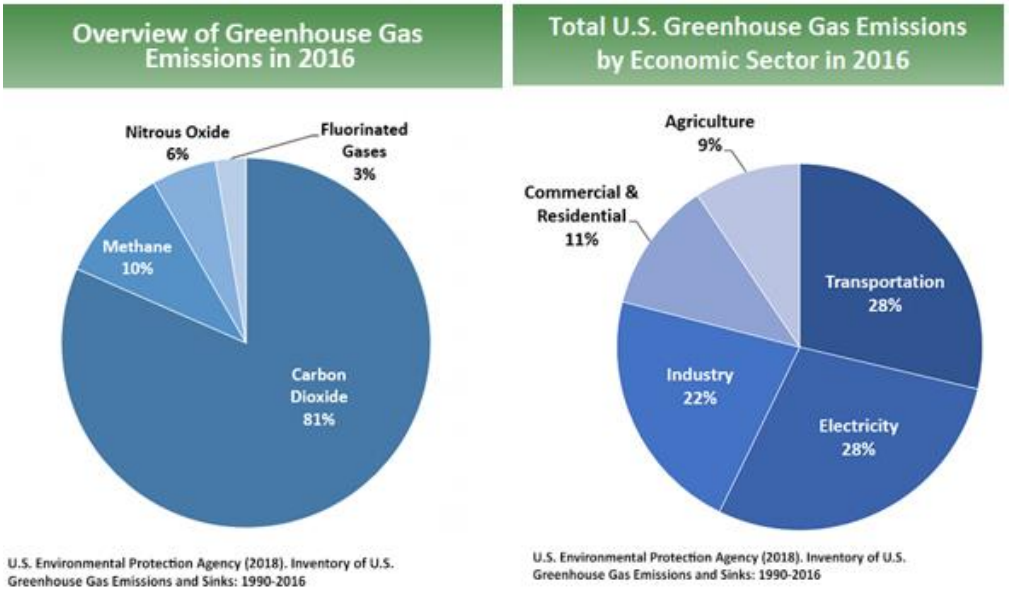
The proposed project is in a rural area, surrounded by forestland and open space owned by the US Forest Service. State Route (SR) 33 is the main transportation route through the area for both passenger and commercial vehicles. Traffic counts are low and SR 33 is rarely congested. The Southern California Association of Governments (SCAG) guides transportation development. The Ventura County General Plan Climate Change element address GHGs in the project area.

A GHG emissions inventory estimates the amount of GHGs discharged into the atmosphere by specific sources over a period, such as a calendar year. Tracking annual GHG emissions allows countries, states, and smaller jurisdictions to understand how emissions are changing and what actions may be needed to attain emission reduction goals. U.S. EPA is responsible for documenting GHG emissions nationwide, and the ARB does so for the state, as required by H&SC Section 39607.4.

National GHG Inventory

The U.S. EPA prepares a national GHG inventory every year and submits it to the United Nations in accordance with the Framework Convention on Climate Change. The inventory provides a comprehensive accounting of all human-produced sources of GHGs in the United States, reporting emissions of CO_2, CH_4, N_2O, HFCs, perfluorocarbons, SF_6, and nitrogen trifluoride. It also accounts for emissions of CO_2 that are removed from the atmosphere by "sinks" such as forests, vegetation, and soils that uptake and store CO_2 (carbon sequestration). The 1990–2016 inventory found that of 6,511 $MMTCO_2e$ GHG emissions in 2016, 81% consist of CO_2, 10% are CH_4, and 6% are N_2O; the balance consists of fluorinated gases (U.S. EPA 2018). In 2016, GHG emissions from the transportation sector accounted for nearly 28.5% of U.S. GHG emissions.

Figure 21. U.S. 2016 - Greenhouse Gas Emissions



State GHG Inventory

ARB collects GHG emissions data for transportation, electricity, commercial/residential, industrial, agricultural, and waste management sectors each year. It then summarizes and highlights major annual changes and trends to demonstrate the state's progress in meeting its GHG reduction goals. The 2019 edition of the GHG emissions inventory found total California emissions of 424.1 $MMTCO_2e$ for 2017, with the transportation sector responsible for 41% of total GHGs. It also found that overall statewide GHG emissions declined from 2000 to 2017 despite growth in population and state economic output (ARB 2019a).

Figure 22. California 2017 Greenhouse Gas Emissions

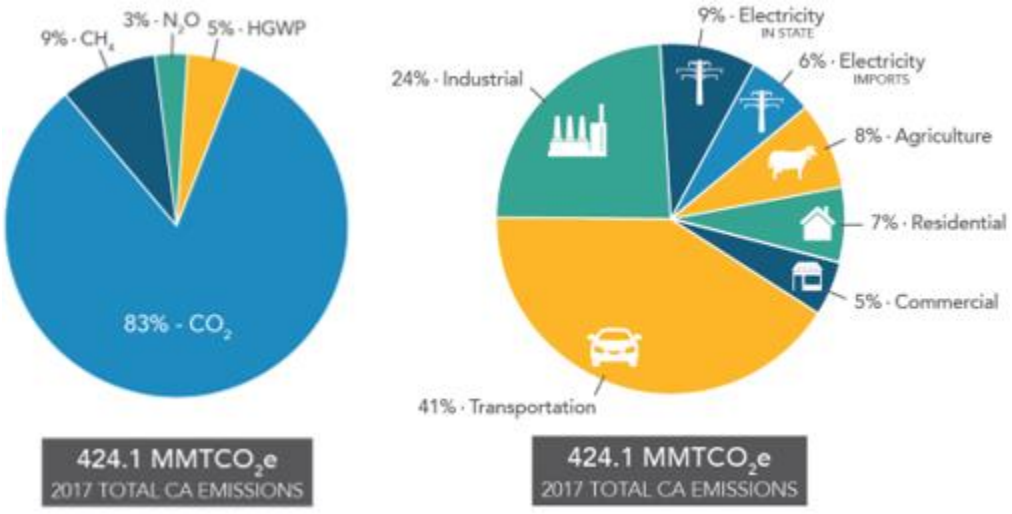
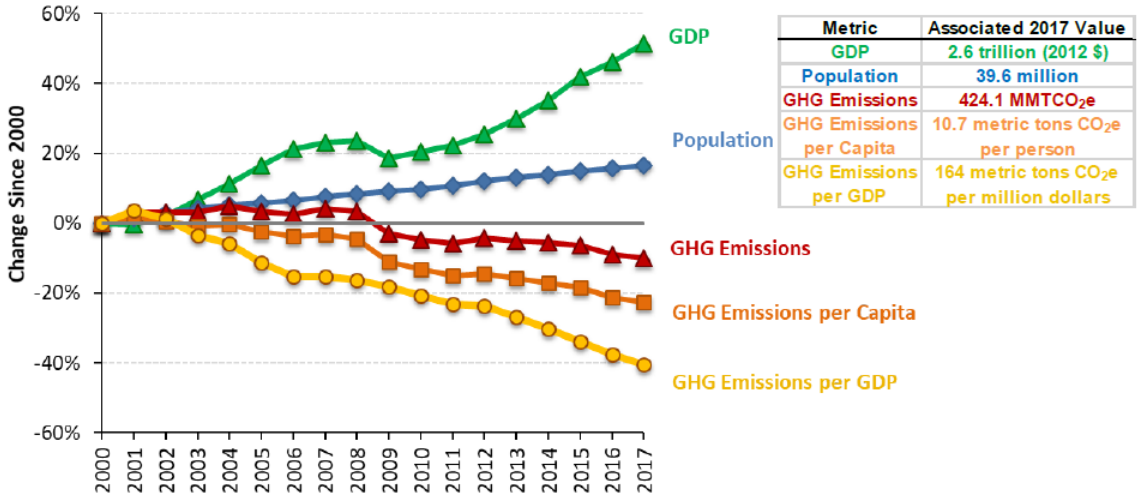


Figure 23. Change in California GDP, Population, and GHG Emissions since 2000 (*Source*: ARB 2019b)



AB 32 required ARB to develop a Scoping Plan that describes the approach California will take to achieve the goal of reducing GHG emissions to 1990 levels by 2020, and to update it every 5 years. ARB adopted the first scoping plan in 2008. The second updated plan, *California's 2017 Climate Change Scoping Plan*, adopted on December 14, 2017, reflects the 2030 target established in EO B-30-15 and SB 32. The AB 32 Scoping Plan and the subsequent updates contain the main strategies California will use to reduce GHG emissions.

Regional Plans

ARB sets regional targets for California's 18 MPOs to use in their Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) to plan future projects that will cumulatively achieve GHG reduction goals. Targets are set at a percent reduction of passenger vehicle GHG emissions per person from 2005 levels. The proposed project is included in the RTP/SCS for SCAG. The regional reduction target for SCAG is -8% percent BY 2020 AND -19% BY 2035 (ARB 2019c).

The proposed project is within the jurisdiction of the SCAG Regional Transportation Planning Agency (RTPA). The SCAG 2016-2040 RTP identifies several measures that address greenhouse gas emissions. They include methods based on design, methods based on planning, and methods based on technology and equipment type. Design methods target emission reduction goals through implementation of project features, project design, or other measures; incorporating design measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse; or incorporating design measures to reduce energy consumption and increase use of renewable energy. Planning methods require the adoption of plans or mitigation programs for the reduction of emissions as required as part of the Lead Agency's decision. Methods based on technology and equipment type include: incorporating Best Available Control Technology (BACT) during design, construction, and operation of projects to minimize GHG emissions; use of energy and fuel-efficient vehicles and equipment; use of the minimum feasible amount of GHG emitting construction materials; and construction of buildings to Leadership in Energy and Environmental Design (LEED) certified standards. Additionally, another suggested method is to plant shade trees in or near construction projects where feasible.

There are other general plans, land use plans, and local climate action plans that also offer strategies that can be incorporated into specific projects. In addition, many cities and counties in District 7 have adopted Climate Action Plans (CAPs) designed to mitigate GHG emissions and reduce the impacts of climate change to their communities.

Project Analysis

GHG emissions from transportation projects can be divided into those produced during operation of the SHS and those produced during construction. The primary GHGs produced by the transportation sector are CO_2, CH_4, N_2O, and HFCs. CO_2 emissions are a product of the combustion of petroleum-based products, like gasoline, in internal combustion engines. Relatively small amounts of CH_4 and N_2O are emitted during fuel combustion. In addition, a small amount of HFC emissions are included in the transportation sector.

The CEQA Guidelines generally address greenhouse gas emissions as a cumulative impact due to the global nature of climate change (Pub. Resources Code, § 21083(b)(2)). As the California Supreme Court explained, "because of the global scale of climate change, any one project's contribution is unlikely to be significant by itself." (Cleveland National Forest Foundation *v.* San Diego Assn. of Governments (2017) 3 Cal.5th 497, 512.) In assessing cumulative impacts, it must

be determined if a project's incremental effect is "cumulatively considerable" (CEQA Guidelines Sections 15064(h)(1) and 15130).

To make this determination, the incremental impacts of the project must be compared with the effects of past, current, and probable future projects. Although climate change is ultimately a cumulative impact, not every individual project that emits greenhouse gases must necessarily be found to contribute to a significant cumulative impact on the environment.

Operational Emissions

The purpose of the proposed project is to enhance roadway safety for travelers and to reduce collisions to the rock barrier, and therefore, it will not increase the vehicle capacity of the roadway. This type of project generally causes minimal or no increase in operational GHG emissions. Because the project would not increase the number of travel lanes on SR 33, no increase in vehicle miles traveled (VMT) would occur as a result of project implementation. While some GHG emissions during the construction period would be unavoidable, no increase in operational GHG emissions is expected.

Construction Emissions

Construction GHG emissions would result from material processing, on-site construction equipment, and traffic delays due to construction. These emissions will be produced at different levels throughout the construction phase; their frequency and occurrence can be reduced through innovations in plans and specifications and by implementing better traffic management during construction phases.

In addition, with innovations such as longer pavement lives, improved traffic management plans, and changes in materials, the GHG emissions produced during construction can be offset to some degree by longer intervals between maintenance and rehabilitation activities.

The emissions from temporary construction activities have been estimated using the Caltrans Emissions Tool 2018 (CAL-CET) v1.2. For the duration of project construction, approximately 125 tons of CO_2 would be generated for Build Alternative 1 and 92 tons of CO_2 would be generated for Build Alternative 2. GHG measures proposed in the consequent sections would also be applied to this project to reduce emissions.

All construction contracts include Caltrans Standard Specifications Section 7-1.02A and 7-1.02C, Emissions Reduction, which require contractors to comply with all laws applicable to the project and to certify they are aware of and will comply with all ARB emission reduction regulations; and Section 14-9.02, Air Pollution Control, which requires contractors to comply with all air pollution control rules, regulations, ordinances, and statutes. Certain common regulations, such as equipment idling restrictions, that reduce construction vehicle emissions also help reduce GHG emissions.

CEQA Conclusion

While the proposed project will result in GHG emissions during construction, it is anticipated that the project will not result in any increase in operational GHG emissions. The proposed project does not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. With implementation of construction GHG-reduction measures, the impact would be less than significant.

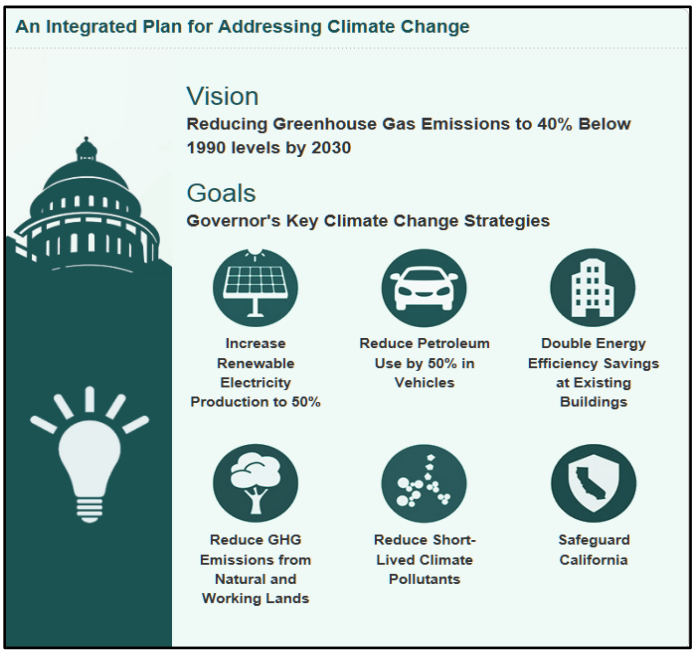
Caltrans is firmly committed to implementing measures to help reduce GHG emissions. These measures are outlined in the following section.

Greenhouse Gas Reduction Strategies

Statewide Efforts

Major sectors of the California economy, including transportation, will need to reduce emissions to meet the 2030 and 2050 GHG emissions targets. Former Governor Edmund G. Brown promoted GHG reduction goals that involved (1) reducing today's petroleum use in cars and trucks by up to 50 percent; (2) increasing from one-third to 50 percent our electricity derived from renewable sources; (3) doubling the energy efficiency savings achieved at existing buildings and making heating fuels cleaner; (4) reducing the release of methane, black carbon, and other short-lived climate pollutants; (5) managing farms and rangelands, forests, and wetlands so they can store carbon; and (6) periodically updating the state's climate adaptation strategy, *Safeguarding California*.

Figure 24. California Climate Strategy



The transportation sector is integral to the people and economy of California. To achieve GHG emission reduction goals, it is vital that the state build on past successes in reducing criteria and toxic air pollutants from transportation and goods movement. GHG emission reductions will

come from cleaner vehicle technologies, lower-carbon fuels, and reduction of vehicle miles traveled (VMT). A key state goal for reducing GHG emissions is to reduce today's petroleum use in cars and trucks by up to 50 percent by 2030 (State of California 2019).

In addition, SB 1386 (Wolk 2016) established as state policy the protection and management of natural and working lands and requires state agencies to consider that policy in their own decision making. Trees and vegetation on forests, rangelands, farms, and wetlands remove carbon dioxide from the atmosphere through biological processes and sequester the carbon in above- and below-ground matter.

Caltrans Activities

Caltrans continues to be involved on the Governor's Climate Action Team as the ARB works to implement EOs S-3-05 and S-01-07 and help achieve the targets set forth in AB 32. EO B-30-15, issued in April 2015, and SB 32 (2016), set an interim target to cut GHG emissions to 40 percent below 1990 levels by 2030. The following major initiatives are underway at Caltrans to help meet these targets.

California Transportation Plan (CTP 2040)

The California Transportation Plan (CTP) is a statewide, long-range transportation plan to meet our future mobility needs and reduce GHG emissions. In 2016, Caltrans completed the *California Transportation Plan 2040*, which establishes a new model for developing ground transportation systems, consistent with CO_2 reduction goals. It serves as an umbrella document for all the other statewide transportation planning documents. Over the next 25 years, California will be working to improve transit and reduce long-run repair and maintenance costs of roadways and developing a comprehensive assessment of climate-related transportation demand management and new technologies rather than continuing to expand capacity on existing roadways.

SB 391 (Liu 2009) requires the CTP to meet California's climate change goals under AB 32. Accordingly, the CTP 2040 identifies the statewide transportation system needed to achieve maximum feasible GHG emission reductions while meeting the state's transportation needs. While MPOs have primary responsibility for identifying land use patterns to help reduce GHG emissions, CTP 2040 identifies additional strategies in Pricing, Transportation Alternatives, Mode Shift, and Operational Efficiency.

Caltrans Strategic Management Plan

The Strategic Management Plan, released in 2015, creates a performance-based framework to preserve the environment and reduce GHG emissions, among other goals. Specific performance targets in the plan that will help to reduce GHG emissions include:

- Increasing percentage of non-auto mode share
- Reducing VMT
- Reducing Caltrans' internal operational (buildings, facilities, and fuel) GHG emissions

Funding and Technical Assistance Programs

In addition to developing plans and performance targets to reduce GHG emissions, Caltrans also administers several sustainable transportation planning grants. These grants encourage local and regional multimodal transportation, housing, and land use planning that furthers the region's RTP/SCS; contribute to the State's GHG reduction targets and advance transportation-related GHG emission reduction project types/strategies; and support other climate adaptation goals (e.g., *Safeguarding California*).

Caltrans Policy Directives and Other Initiatives

Caltrans Director's Policy 30 (DP-30) Climate Change (June 22, 2012) is intended to establish a Department policy that will ensure coordinated efforts to incorporate climate change into Departmental decisions and activities. *Caltrans Activities to Address Climate Change* (April 2013) provides a comprehensive overview of Caltrans' statewide activities to reduce GHG emissions resulting from agency operations.

Project-Level GHG Reduction Strategies

The following measures will also be implemented in the project to reduce GHG emissions and potential climate change impacts from the project.

T-1: A Traffic Management Plan will be established during the design phase of the project. This will include public information, motorist's information, incident management, construction strategies, etc. The TMP will also maintain travel in both directions and minimize traffic delays and idling that can produce GHGs.

GHG-1: Idling is limited to 5 minutes for delivery and dump trucks and other diesel-powered equipment (with some exceptions).

GHG-2: Schedule truck trips outside of peak morning and evening commute hours.

GHG-3: Reduce construction waste by re-using or recycling construction and demolition waste.

GHG-4: Use recycled water for construction to reduce construction water consumption of potable water.

GHG-5: Maintain equipment in proper working condition, using the right size equipment for the job, and use equipment with new technologies to improve fuel efficiency.

GHG-6: Provide construction personnel with the knowledge to identify environmental issues and best practice methods to minimize impacts to the human and natural environment. Supplement existing trainings with information regarding methods to reduce GHG emissions related to construction.

GHG-7: The contractor must balance cut and fill quantities to reduce the need for transport of earthen materials.

Adaptation

Reducing GHG emissions is only one part of an approach to addressing climate change. Caltrans must plan for the effects of climate change on the state's transportation infrastructure and strengthen or protect the facilities from damage. Climate change is expected to produce increased variability in precipitation, rising temperatures, rising sea levels, variability in storm surges and their intensity, and in the frequency and intensity of wildfires. Flooding and erosion can damage or wash out roads; longer periods of intense heat can buckle pavement and railroad tracks; storm surges combined with a rising sea level can inundate highways. Wildfire can directly burn facilities and indirectly cause damage when rain falls on denuded slopes that landslide after a fire. Effects will vary by location and may, in the most extreme cases, require that a facility be relocated or redesigned. Accordingly, Caltrans must consider these types of climate stressors in how highways are planned, designed, built, operated, and maintained.

Federal Efforts

Under NEPA assignment, Caltrans is obligated to comply with all applicable federal environmental laws and FHWA NEPA regulations, policies, and guidance.

The U.S. Global Change Research Program (USGCRP) delivers a report to Congress and the president every 4 years, in accordance with the Global Change Research Act of 1990 (15 U.S.C. CH, 56A § 2921 et seq). The *Fourth National Climate Assessment*, published in 2018, presents the foundational science and the "human welfare, societal, and environmental elements of climate change and variability for 10 regions and 18 national topics, with particular attention paid to observed and projected risks, impacts, consideration of risk reduction, and implications under different mitigation pathways." Chapter 12, "Transportation," presents a key discussion of vulnerability assessments. It notes that "asset owners and operators have increasingly conducted more focused studies of particular assets that consider multiple climate hazards and scenarios in the context of asset-specific information, such as design lifetime" (USGCRP 2018).

The U.S. DOT Policy Statement on Climate Adaptation in June 2011 committed the federal Department of Transportation to "integrate consideration of climate change impacts and adaptation into the planning, operations, policies, and programs of DOT in order to ensure that taxpayer resources are invested wisely, and that transportation infrastructure, services and operations remain effective in current and future climate conditions" (U.S. DOT 2011).

FHWA order 5520 (*Transportation System Preparedness and Resilience to Climate Change and Extreme Weather Events,* December 15, 2014) established FHWA policy to strive to identify the risks of climate change and extreme weather events to current and planned transportation systems. FHWA has developed guidance and tools for transportation planning that foster resilience to climate effects and sustainability at the federal, state, and local levels (FHWA 2019).

State Efforts

Climate change adaptation for transportation infrastructure involves long-term planning and risk management to address vulnerabilities in the transportation system. *California's Fourth Climate Change Assessment* (2018) is the state's effort to "translate the state of climate science into useful information for action" in a variety of sectors at both statewide and local scales. It adopts the following key terms used widely in climate change analysis and policy documents:

- *Adaptation* to climate change refers to adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities.

- *Adaptive capacity* is the "combination of the strengths, attributes, and resources available to an individual, community, society, or organization that can be used to prepare for and undertake actions to reduce adverse impacts, moderate harm, or exploit beneficial opportunities."

- *Exposure* is the presence of people, infrastructure, natural systems, and economic, cultural, and social resources in areas that are subject to harm.

- *Resilience* is the "capacity of any entity – an individual, a community, an organization, or a natural system – to prepare for disruptions, to recover from shocks and stresses, and to adapt and grow from a disruptive experience". Adaptation actions contribute to increasing resilience, which is a desired outcome or state of being.

- *Sensitivity* is the level to which a species, natural system, or community, government, etc., would be affected by changing climate conditions.

- *Vulnerability* is the "susceptibility to harm from exposure to stresses associated with environmental and social change and from the absence of capacity to adapt." Vulnerability can increase because of physical (built and environmental), social, political, and/or economic factor(s). These factors include, but are not limited to: ethnicity, class, sexual orientation and identification, national origin, and income inequality. Vulnerability is often defined as the combination of sensitivity and adaptive capacity as affected by the level of exposure to changing climate.

Several key state policies have guided climate change adaptation efforts to date. Recent state publications produced in response to these policies draw on these definitions.

EO S-13-08, issued by then-governor Arnold Schwarzenegger in November 2008, focused on sea-level rise and resulted in the *California Climate Adaptation Strategy* (2009), updated in 2014 as *Safeguarding California: Reducing Climate Risk* (Safeguarding California Plan). The Safeguarding California Plan offers policy principles and recommendations and continues to be revised and

augmented with sector-specific adaptation strategies, ongoing actions, and next steps for agencies.

EO S-13-08 also led to the publication of a series of sea-level rise assessment reports and associated guidance and policies. These reports formed the foundation of an interim *State of California Sea-Level Rise Interim Guidance Document* (SLR Guidance) in 2010, with instructions for how state agencies could incorporate "sea-level rise (SLR) projections into planning and decision making for projects in California" in a consistent way across agencies. The guidance was revised and augmented in 2013. *Rising Seas in California – An Update on Sea-Level Rise Science* was published in 2017 and its updated projections of sea-level rise and new understanding of processes and potential impacts in California were incorporated into the *State of California Sea-Level Rise Guidance Update* in 2018.

EO B-30-15, signed in April 2015, requires state agencies to factor climate change into all planning and investment decisions. This EO recognizes that effects of climate change other than sea-level rise also threaten California's infrastructure. At the direction of EO B-30-15, the Office of Planning and Research published *Planning and Investing for a Resilient California: A Guidebook for State Agencies* in 2017, to encourage a uniform and systematic approach. Representatives of Caltrans participated in the multi-agency, multidisciplinary technical advisory group that developed this guidance on how to integrate climate change into planning and investment.

AB 2800 (Quirk 2016) created the multidisciplinary Climate-Safe Infrastructure Working Group, which in 2018 released its report, *Paying it Forward: The Path Toward Climate-Safe Infrastructure in California*. The report provides guidance to agencies on how to address the challenges of assessing risk in the face of inherent uncertainties still posed by the best available science on climate change. It also examines how state agencies can use infrastructure planning, design, and implementation processes to address the observed and anticipated climate change impacts.

Caltrans Adaptation Efforts

Caltrans Vulnerability Assessments

Caltrans is conducting climate change vulnerability assessments to identify segments of the State Highway System vulnerable to climate change effects including precipitation, temperature, wildfire, storm surge, and sea-level rise. The approach to the vulnerability assessments was tailored to the practices of a transportation agency, and involves the following concepts and actions:

- *Exposure* – Identify Caltrans assets exposed to damage or reduced service life from expected future conditions.

- *Consequence* – Determine what might occur to system assets in terms of loss of use or costs of repair.

- *Prioritization* – Develop a method for making capital programming decisions to address identified risks, including considerations of system use and/or timing of expected exposure.

The climate change data in the assessments were developed in coordination with climate change scientists and experts at federal, state, and regional organizations at the forefront of climate science. The findings of the vulnerability assessments will guide analysis of at-risk assets and development of adaptation plans to reduce the likelihood of damage to the State Highway System, allowing Caltrans to both reduce the costs of storm damage and to provide and maintain transportation that meets the needs of all Californians.

Project Adaptation Analysis

It is possible that the proposed project will be subject to climate change effects. The proposed project is not located near the seacoast or within a regulatory floodway; however, it may be susceptible to wildfire. Recognizing these concerns, it is important to determine whether the project will exacerbate the effects of climate change relating to these topics, which are elaborated upon in the following sections (Floodplains and Wildfire).

Caltrans District 7 completed a climate change vulnerability assessment in September 2019 for Los Angeles and Ventura Counties. It provides a high-level review of potential climate impacts to the State Highway System in District 7 based on a database containing climate stressor geospatial data that was developed as part of the study.

Climate change risk analysis involves uncertainties as to the timing and intensity of potential risks, but some general climate trends are expected in California and the western U.S. More severe droughts, less snowpack, and changes in water availability are anticipated, and rising sea levels, more severe storm impacts, and coastal erosion can be expected. Increased temperatures and more frequent, longer heat waves, as well as longer and more severe wildfire seasons are predicted.

The Governor's Office of Planning and Research prepared *Planning and Investing for a Resilient California*, a guidebook for state agencies performing climate risk analyses to determine how to integrate climate considerations into planning or investment decisions. The first step is to identify how climate change could affect a project or plan by identifying impacts of concern and assessing the scale, scope, and context of climate disruption. Next, a climate risk analysis can be conducted by selecting climate change scenarios for analysis and selecting an analytical approach. Following that, a climate-informed decision can be made by evaluating the alternatives and design and applying resilient decision principles. Finally, the agency can track and monitor progress by evaluating determined metrics, adjusting as needed. This study will go through the first two steps to inform a decision for the proposed project.

Assessing the scale, scope, and context of climate disruption for this project means considering the timeframe/lifetime, adaptive capacity, and risk tolerance of the project areas. The guidebook states, "If the expected lifetime of a project is less than five years, it may not be necessary to

integrate longer-term climate change into the design and analysis." The completed project is expected to last far longer than five years, so the impacts of extreme events should be considered to ensure that planning and investment decisions reflect the current climate conditions. In the following sections, extreme impacts of climate change-based sea-level rise, flooding, and wildfire will be considered. Other extreme weather impacts, such as drought and extreme heat, are also anticipated as changing climate conditions, but this study will focus on conditions that could potentially affect the project and its proposed structures.

Climate risk is characterized by asking a few key questions, focusing on the scale and scope of the risk, vulnerability and adaptive capacity of the affected area, the nature of the risk, and the economic impacts.

Question 1: How severe are the consequences if your project or plan is disrupted by an extreme event or by changes in average conditions?

If construction of the project is disrupted by an extreme event, schedule delays and increased costs are expected. Economic implications will be addressed in Question 4, and based on the severity, this would be a moderate impact. It is not unacceptable and is not likely to ultimately affect the completion of the project, but it would be an inconvenience and require additional planning and coordination, along with extra work to repair damage done by an extreme condition. In fact, should an extreme event occur in the future, the completion of the project may help to mitigate these effects. Preserving and improving structural integrity will help to increase resilience of the highway to climate change.

The impact of average conditions disrupting the project or plan depends on the severity of these changes. Assuming the average changes are small or even negligible during the timeframe of project construction and completion by 2023, there would be low or no impact for design, planning, and construction.

Question 2: Who or what will be affected by disruption of the project or plan?

Disruption of the project will affect state highway users in the long term by delaying construction, but not the immediate short term. If disruption occurs during construction, construction workers would also be affected. With communication and the emergency planning in place, the impact would be low to moderate; communities, systems, and infrastructure should be readily able to adapt or respond to any changes. Detours or other transportation methods could be arranged.

Question 3: What is the nature of this disruption?

Schedule delay would be the primary concern if the project is disrupted; however, it is expected that any disruption by climate change effects would not be permanent. Use of the highway or construction of the project would be able to continue; therefore, the nature of this disruption is

temporary. Future flexibility would be maintained, and Caltrans and drivers would be readily able to respond or adapt.

Question 4: What are the economic implications of climate disruption?

As stated in the response to Question 1, schedule delays and increased costs would be expected as a result of climate disruption. Both could potentially be large, depending on the extent and type of disruption. It is unlikely that the costs of disruption or response to the disruption would be unacceptably high. It is likely that such costs would be between a low to medium cost.

Figure 25. Mapping Risk Characteristics to Analytical Approaches

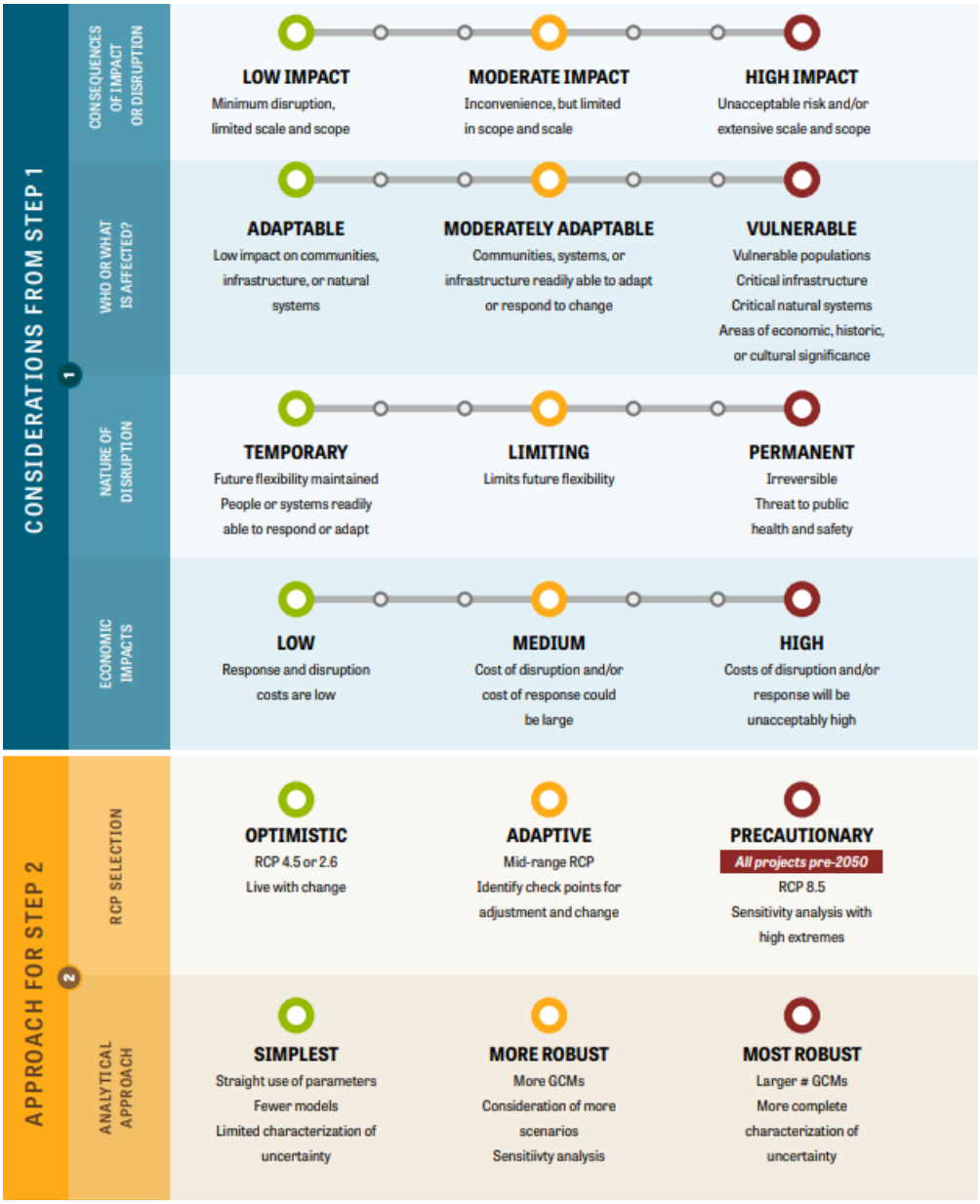


Figure 25 above (from Figure 26 in *Planning and Investing for a Resilient California*) matches the answers from the four questions with characteristics of analytical approaches and climate scenarios. For this analysis, because most answers were low or low-moderate, an optimistic RCP is selected, and a simple approach is used.

The Caltrans District 7 Climate Change Vulnerability Assessment Map provides assessments for both RCP 4.5 and 8.5. Please refer to the following sections for the Climate Change Vulnerability Assessment Maps and further discussion. This is consistent with the conclusion that the proposed project has a low likelihood to be vulnerable to climate change conditions, and it may speak to the fact that the resilience to any disruption would be high for the project and surrounding area.

The proposed project is not expected to exacerbate any of the risks discussed above. Though the risks inherent to climate change already in progress are considered, the project would not contribute to acceleration or increase of any such dangers in any significant way. It would not alter the highway's relation to the surrounding environment significantly, and it would not cause any significant change to the environment that would allow for increased or greater danger in the future.

Sea-Level Rise

The proposed project is outside the coastal zone and not in an area subject to sea-level rise. Accordingly, direct impacts to transportation facilities due to projected sea-level rise are not expected.

Floodplains

The proposed project is outside of the Federal Emergency Management Agency (FEMA) flood zone and is not in an area subject to extreme flooding. Accordingly, the proposed project is not expected to exacerbate flooding to the transportation facility.

Wildfire

As an effect of climate change, it is expected that longer and more severe wildfire seasons will occur across California. The project location on SR 33 is in a Federal Responsibility Area (FRA), within a Very High Fire Hazard Severity Zone according to Fire Hazard Severity Zone mapping tool (Figure 26).

District 7's Climate Change Vulnerability Assessment map indicates a high level of concern for Representative Concentration Pathway (RCP) Scenarios 2025 through 2085, for RCP 4.5 (Figure 27). For RCP 8.5, a moderate level of concern is given for Scenarios 2025 through 2085 (Figure 28). RCP 4.5 is the modeling scenario in which emissions peak around 2040, then decline. RCP 8.5 is the modeling scenario in which emissions continue to rise strongly through 2050 and plateau around 2100. The project purpose is to enhance roadway safety for travelers and to reduce collisions to the rock barrier. The Build Alternatives would not introduce new vulnerable structures or uses and is not expected to increase the potential for wildfire in the area. The project may potentially lessen fire risks by increasing roadway width. This would increase firebreaks, reduce flammable vegetation, enhance safety access, and reduce emergency

response times. During construction, Caltrans 2018 revised Standard Specification 7 1.02M(2) mandates fire prevention procedures, including a fire prevention plan, to minimize the risk of inadvertent fire starts.

Figure 26. Fire Hazard Severity Zone Map

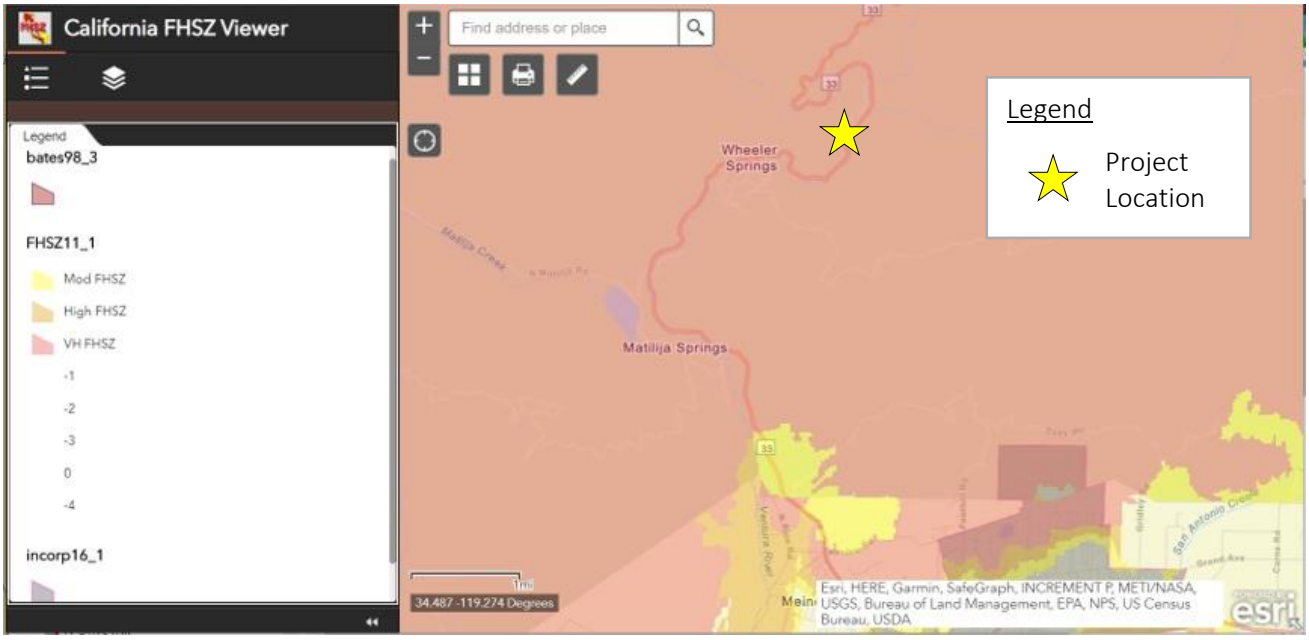


Figure 27. Caltrans District 7 Climate Change Vulnerability: Wildfire Exposure RCP 4.5

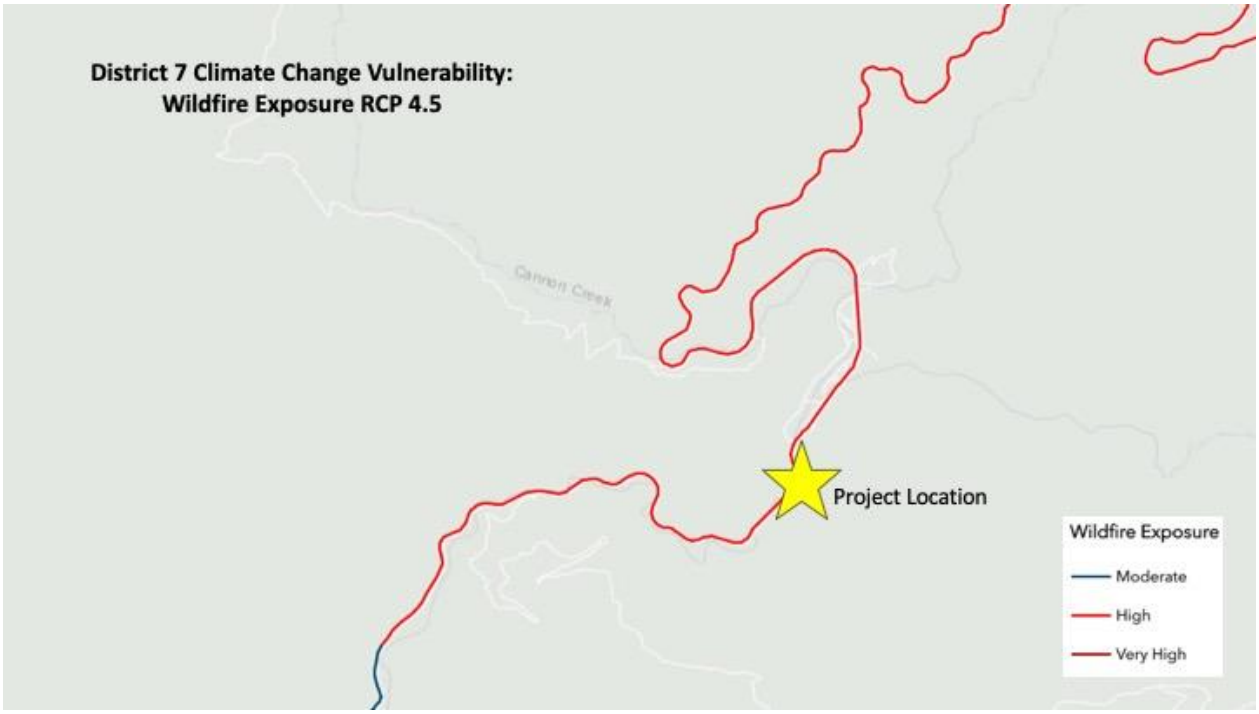
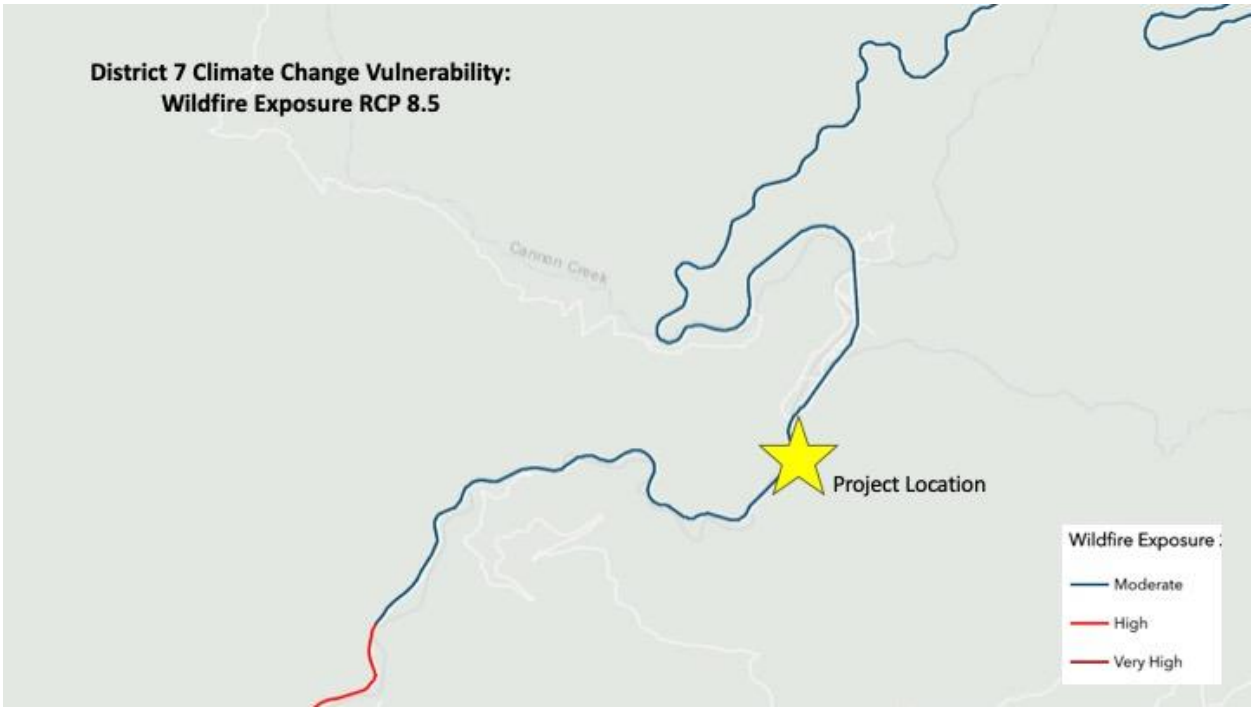


Figure 28. Caltrans District 7 Climate Change Vulnerability: Wildfire Exposure RCP 8.5



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Chapter 4 – Comments and Coordination

Early and continuing coordination with the general public and public agencies is an essential part of the environmental process. It helps planners determine the necessary scope of environmental documentation and the level of analysis required, and to identify potential impacts and avoidance, minimization, and/or mitigation measures and related environmental requirements. Agency, tribal consultation, and public participation for this project have been accomplished through a variety of formal and informal methods, including Project Development Team (PDT) meetings and early coordination with relevant stakeholders. This chapter summarizes the results of Caltrans' efforts to fully identify, address, and resolve project-related issues through early and continuing coordination.

Initial Agency Coordination

On October 10, 2019, a field site meeting was held at the project location with participants from Caltrans, U.S. Forest Service (USFS), and California Department of Fish and Wildlife (CDFW). During the field site visit, representatives from CDFW and USFS expressed the importance to keep the rock intact because it is a natural feature. Furthermore, the rock outcrop is a local landmark in a designated scenic highway. Caltrans agreed that this was an important visual feature.

Notice of Initiation of Studies

On December 14, 2019, a Notice of Initiation of Studies was sent to relevant public agencies, organizations, elected officials, native tribal contacts, and other interested individuals as a part of the early coordination process. Approximately 13 elected officials, 62 agencies/organizations, and 77 residents/property owners within the 2 miles of the project area were notified through mail. The comment period ended on January 30, 2020.

A total of three comments were received during early coordination process. The comments are summarized below:

- On January 14, 2020, CDFW inquired whether streams, adjacent habitats or sensitive species will be incorporated in the biological study and requested a list of the studies that will be performed. Caltrans responded through email and informed CDFW of the types of protocol surveys, studies and coordination that was anticipated for this project.

- On January 10, 2020, the California Transportation Commission (CTC) informed Caltrans that they would like a notified when the environmental process is complete. Caltrans will send the required submittal package to CTC once the project approval and environmental documents are complete.

- On December 30, 2019, Federal Emergency Management Agency (FEMA) provided information on the latest Flood Insurance Rate Maps (FIRMs) for the County of Ventura

and a summary of the floodplain management building requirements in the project area. The project area is not within a flood zone.

Cooperating Agency Invitations

On March 10, 2020, letters were sent to U.S. Army Corps of Engineers (USACE) and the U.S. Forest Service (USFS) inviting them to be a Cooperating Agency on the project. On March 30, 2020, the USACE accepted the invitation to be a Cooperating Agency on the project. Written correspondence can be found on Appendix D – Cooperating Agencies Documentation.

Native American Consultation

Caltrans notified ten tribal representatives identified by the NAHC by mail, email, and telephone on January 17, 2020. A total of four responses were received:

- On January 30, 2020, Patrick Tumamait of Barbareño/Ventureño Band of Mission Indians, informed Caltrans that he was not aware of any archaeological sites within the project's APE, and therefore, he did not have any concerns for the project.

- On January 30, 2020, Eleanor Arrellanes of Barbareño/Ventureño Band of Mission Indians deferred consultation to Julie Tumamait-Stenslie. Caltrans contacted Chairperson Tumamait-Stenslie by mail, email, and telephone, and has not yet received a response.

- On January 30, 2020, Mona Tucker informed Caltrans that the project area is not in their ancestral territory.

- On March 2020, Susan Arakawa responded on behalf of Kenneth Kahn of the Santa Ynez Band of Chumash Indians stating that the Elders Council requests no further consultation at this time.

Local Government/Historic Societies and Groups/Agency Consultation

Caltrans contacted the Ventura County Planning Division and the County of Ventura Cultural Heritage Board (CHB) by letter on February 7, 2020.

- Dillan Murray, Assistant Planner, responded on behalf of the CHB stating that no known paleontological or archaeological resources are located on or near the site. In addition, no listed or known historic resources eligible for listing are located on or near the site. However, he stated that the area could have high sensitivity for tribal cultural resources and recommended outreach with Native American tribes. He also stated that the State Route (SR) 33 is a scenic highway and recommended consulting the Planning Division for guidance on permitting requirements related to protected trees. He also requested a copy of the final technical reports. Caltrans provided a response via U.S. mail to the CHB on March 4, 2020 outlining the Native American outreach to date and the acknowledgement of the information received. Caltrans will forward copies of the final cultural resource technical reports to the CHB when the studies are completed.

In addition, Caltrans have also contacted four local historical society/historic preservation group representatives via letters. Two responses were received:

- The San Buenaventura Conservancy stated that it has no comments on the project.

- The Historic Bridge Foundation requested additional information on the location of the project. Additional information was provided to the Historic Bridge Foundation, and subsequently, they concluded that they do not know enough about the project to comment, because they have not been to the project site.

Caltrans also consulted with the USFS-Los Padres National Forest archaeologist, Steven Galbraith through a call and email on December 19, 2019.

- Galbraith responded to Caltrans' phone call on December 20, 2019, and concurred that based on the location, slope cut, and geology, an Archaeological Survey Report was not necessary, and he did not have concerns for the project area.

The Los Padres Forest Association was also contacted through U.S. mail on February 7, 2020. A follow-up email was sent on February 26, 2020.

- Bryan Conant, Director of the Los Padres Forest Association, responded that they do not have any concerns related to cultural resources but are concerned about the potential closures and delays associated with construction. They recommended that construction be limited to weekdays, if possible.

State Historic Preservation Officer (SHPO) Consultation

A Section 106 consultation letter was sent to SHPO on March 24, 2020, regarding findings for SR 33's ineligibility to be listed in the National Register of Historic Places. SHPO concurred on April 30, 2020 and the correspondence is documented on Appendix E – Required Consultation/Concurrence Documentation.

Federal Endangered Species Act Consultation Summary

On February 26, 2020, Caltrans sent a letter to the U.S. Fish and Wildlife Service (USFWS) on requesting concurrence that the project "May Affect, Not Likely to Adversely Affect" California-red legged frog. Caltrans received a concurrence letter from the USFWS on March 26, 2020. The proposed project was subsequently down-scoped from an eight to ten-foot widening to a four-foot-nine-inch-widening/two-foot-nine-inch-widening as described in Section 1.8 Alternatives Considered but Eliminated from Further Discussion Prior to the Draft Initial Study/Environmental Assessment. The updated scope will have minor or negligible impacts on California red-legged frog and thus, Caltrans has determined that the project will have no effect on California red-legged frog.

On February 14, 2020, Caltrans sent a letter to the National Marine Fisheries Services (NMFS) requesting concurrence that the project "May Affect, Not Likely to Adversely Affect" southern

steelhead trout and its critical habitat. After an update in project scope as described above, Caltrans sent another letter to request concurrence that the project "May Affect, Likely to Adversely Affect" on the southern steelhead trout and "May Affect, Not Likely to Adversely Affect" its critical habitat. NMFS initiated formal consultation with Caltrans on October 23, 2020 and concluded formal consultation on March 31, 2021 with a biological opinion concurring with the effect findings for the southern steelhead trout and its critical habitat. The consultation letter and correspondence is attached to Appendix E – Required Consultation/Concurrence Documentation. The biological opinion is attached to Appendix K – National Marine Fisheries Services Biological Opinion.

Public Review of the Draft Environmental Document

On October 16, 2020, Notices of Availability of Draft Initial Study/Environmental Assessment (IS/EA) and Notices of Intent to Adopt a Mitigated Negative Declaration were sent via U.S. mail to relevant public agencies, organizations, elected officials, native tribal contacts, and other interested individuals as a part of public circulation. Approximately 13 elected officials, 64 agencies/organizations, and 75 residents/property owners within two miles of the project area were notified about the availability of the Draft Environmental Document and the deadline to submit comments. Newspaper ads were published in the Ventura County Star (October 21, 2020) and Ojai Valley News (October 23, 2020). The public comment period started on October 21, 2020 and ended on December 7, 2020. A Caltrans News Release was published on November 5, 2020 and November 20, 2020. Please refer to Appendix I – Public Notifications for the methods of public notification.

The Draft IS/EA was made available on the CEQAnet portal at https://ceqanet.opr.ca.gov/.

A total of seven comments were received from public agencies (one), organizations (one) and individuals (five) through e-mail during the public review period (October 21, 2020 to December 7, 2020). All comments received, along with responses, are included in Appendix J – Response to Comments. The text of this document has been modified to address these comments, where appropriate.

Caltrans submitted a Notice of Completion for the Draft Environmental Document to the California State Clearinghouse on October 14, 2020. Please refer to the email below confirming the date of publication on the CEQAnet portal.

From: Meng Heu <Meng.Heu@OPR.CA.GOV>
Sent: Wednesday, October 21, 2020 8:12 AM
To: Abbassi, Mojgan@DOT <Mojgan.Abbassi@dot.ca.gov>
Subject: SCH Number 2020100364

EXTERNAL EMAIL. Links/attachments may not be safe.

Your project is published and the review period has begun. Please use the "navigation" and select "published document" to view your project with attachments on CEQAnet.

Closing Letters: The State Clearinghouse (SCH) would like to inform you that our office will transition from providing close of review period acknowledgement on your CEQA environmental document, at this time. During the phase of not receiving notice on the close of review period, comments submitted by State Agencies at the close of review period (and after) are available on CEQAnet.
Please visit: https://ceqanet.opr.ca.gov/Search/Advanced

- Filter for the SCH# of your project **OR** your "Lead Agency"
  - If filtering by "Lead Agency"
    - Select the correct project
  - Only State Agency comments will be available in the "attachments" section: **bold and highlighted**

Thank you for using CEQA Submit.

Meng Heu
Office of Planning and Research (OPR)
State Clearing House

To view your submission, use the following link.
https://ceqasubmit.opr.ca.gov/Document/Index/265397/2

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The following Caltrans District 7 staff contributed to the preparation of this environmental document.

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Chapter 6 – Distribution List

Distribution list begins on the next page.

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Ventura, CA 93009

The Honorable Mark A. Lunn
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Chapter 7 – List of Studies and Technical Reports

Geotechnical Design Report, November 2019

Biological Assessment (BA) for southern steelhead trout and critical habitat, February 2020

Natural Environment Study (NES), March 2020

Area of Potential Effects (APE) Map, March 2020

Historic Property Survey Report (HPSR), March 2020

Historic Resources Evaluation Report (HRER), March 2020

Air Quality Memorandum, May 2020

Visual Impact Assessment Memorandum, May 2020

Hazardous Waste Assessment, June 2020

NES Addendum, June 2020

Traffic and Collision Analysis, June 2020

BA Addendum for southern steelhead trout and critical habitat, August 2020

Stormwater Data Report, September 2020

The associated studies and technical reports are available upon request.

Appendix A – Title VI Policy Statement

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY Gavin Newsom, Governor

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Making Conservation a California Way of Life.

November 2019

NON-DISCRIMINATION POLICY STATEMENT

The California Department of Transportation, under Title VI of the Civil Rights Act of 1964, ensures *"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."*

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To obtain this information in an alternate format such as Braille or in a language other than English, please contact the California Department of Transportation, Office of Business and Economic Opportunity, at 1823 14th Street, MS-79, Sacramento, CA 95811; (916) 324-8379 (TTY 711); or at Title.VI@dot.ca.gov.

Toks Omishakin
Director

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Appendix B – List of Acronyms

This list contains the most common acronyms and abbreviations found on the Caltrans Standard Environmental Reference.

AADT: average annual daily traffic ACHP: Advisory Council on Historic Preservation ADA: Americans with Disabilities Act ADL: aerially deposited lead ADT: average daily traffic AE: Adverse Effect AEP: Associate Environmental Planner AEPNS: Associate Environmental Planner, Natural Science AHERA: Asbestos Hazard Emergency Response Act AIRFA: American Indian Religious Freedom Act APCD: Air Pollution Control District APE: Area of Potential Effects AQMD: Air Quality Management District ARB: Air Resources Board ARPA: Archaeological Resources Protection Act of 1979 ASR: Archaeological Survey Report ASTM: American Society for Testing Materials

BA: Biological Assessment BIA: Bureau of Indian Affairs BLM: Bureau of Land Management BMP: Best Management Practice BO: Biological Opinion

CAA: Clean Air Act Cal/EPA: California Environmental Protection Agency Cal/OSHA: California Division of Occupational Safety and Health Administration CalRecycle: California Department of Resources Recycling and Recovery CCAA: California Clean Air Act CCC: California Conservation Corps CCC: California Coastal Commission

CCMP: California Coastal Management Program CCO: Contract Change Order CCR: California Code of Regulations CDC: Centers for Disease Control and Prevention CDFW: California Department of Fish and Wildlife CDP: Coastal Development Permit CE: Categorical Exclusion (NEPA) or Categorical Exemption (CEQA) CEQ: Council on Environmental Quality CEQA: California Environmental Quality Act CERES: California Environmental Resources Evaluation System CERLA: Comprehensive Environmental Response, Compensation, and Liability Act CESA: California Endangered Species Act CFR: Code of Federal Regulations CGS: California Geological Survey CHP: California Highway Patrol CHRIS: California Historical Resources Information System CIA: Community Impact Assessment CIDH: cast-in-drilled-hole CL: center line CNDDB: California Natural Diversity Database CNPS: California Native Plant Society CO: carbon monoxide CO2: carbon dioxide COG: Council of Governments

CPRA: California Public Records Act CRHR: California Register of Historical Resources CRM: Cultural Resources Management CSO: Cultural Studies Office CT: California Department of Transportation CTC: California Transportation Commission CTP: California Transportation Plan CWA: Clean Water Act CZM: Coastal Zone Management CZMA: Coastal Zone Management Act

dBA: A-weighted decibel dBA Leq: A-weighted noise level DBH: Diameter at breast height DEA: Division of Environmental Analysis DED: draft environmental document DEIR: Draft Environmental Impact Report (CEQA) DEIS: Draft Environmental Impact Statement (NEPA) DES-OE: Division of Engineering Services-Office Engineer DLAE: District Local Assistance Engineer

DNAC: District Native American Coordinator DOC: California Department of Conservation DOD: Department of Defense [U.S.] DOI: Department of the Interior [U.S.] DOT: Department of Transportation [general] DPR: Draft Project Report CDPR: California Department of Parks and Recreation DRP: Data Recovery Plan DSA: Disturbed Soil Area DSI: Detailed Site Investigation DTSC: California Department of Toxic Substances Control DWR: California Department of Water Resources

EA: Environmental Assessment [NEPA} EA: Expenditure Authorization EBC: Environmental Branch Chief ECL: Environmental Construction Liaison/Coordinator ECR: Environmental Commitments Record ED: environmental document EFH: Essential Fish Habitat EH: Environmental Handbook EIR: Environmental Impact Report [CEQA] EIS: Environmental Impact Statement [NEPA] EJ: Environmental Justice

ELAP: Environmental Laboratory Accreditation Program EMO: Environmental Management Office EO: Executive Order EOC: Environmental Office Chief EP: Environmental Planner EPNS: Environmental Planner (Natural Science) ESA: Environmentally Sensitive Area ESA: Endangered Species Act ESR: Environmental Study Request ESU: Environmentally Significant Unit (relates to salmonids)

FAE: Finding of Adverse Effect FED: final environmental document FEIR: Final Environmental Impact Report (CEQA) FEIS: Final Environmental Impact Statement (NEPA) FEMA: Federal Emergency Management Agency FESA: Federal Endangered Species Act FHWA: Federal Highway Administration FIFRA: Federal Insecticide, Fungicide, and Rodenticide Act FNAE: Finding of No Adverse Effect FOE: Finding of Effect FOIA: Freedom of Information Act

FONSI: Finding of No Significant Impact [NEPA] FPPA: Farmland Protection Policy Act FR: Federal Register FRA: Federal Railroad Administration FTA: Federal Transit Authority FSTIP: Federal State Transportation Improvement Program FTIP: Federal Transportation Improvement Program FY: Fiscal Year

GHG: greenhouse gas GIS: Geographic Information Systems GPR: Ground Penetrating Radar GPS: Global Positioning System

HA: Highway Agency HABS: Historic American Building Survey HAER: Historic American Engineering Record HASR: Historic Architectural Survey Report HCM: Highway Capacity Manual HCP: Habitat Conservation Plan HDM: Highway Design Manual HGM: Hydrogeomorphic Method HMDD-A: Hazardous Materials Disclosure Document-Acquisition HMDD-D: Hazardous Materials Disclosure Document-Disposal HOT: High-Occupancy Toll HOV: High-Occupancy Vehicle HPSR: Historic Property Survey Report HRC: Heritage Resources Coordinator HRCR: Historical Resources Compliance Report HRER: Historical Resources Evaluation Report HSWA: Hazardous and Solid Waste Amendments

IGR: Intergovernmental Review IIP: Interregional Improvement Program IP: Individual Permit IPCC: Intergovernmental Panel on Climate Change IS: Initial Study [CEQA] ISA: Initial Site

Assessment ISTEA: Intermodal Surface Transportation Efficiency Act of 1991 ITE: Institute of Transportation Engineers ITIP: Interregional Transportation Improvement Program ITP: Incidental Take Permit ITSP: Interregional Transportation Strategic Plan ITTE: Institute of Transportation and Traffic Engineering

JD: Jurisdictional Determination

MBTA: Migratory Bird Treaty Act MLD: Most Likely Descendant MMPA: Marine Mammal Protection Act MMRR: Mitigation Monitoring and Reporting Record MND: Mitigated Negative Declaration [CEQA] MOA: Memorandum of Agreement MOU: Memorandum of Understanding MPO: Metropolitan Planning Organization MPRSA: Marine Protection, Research, and Sanctuaries Act MS4: Municipal Separate Storm Sewer System MSAT: Mobile Source Air Toxics MSFCMA: Magnuson-Stevens Fishery Conservation and Management Act MSL: Mean Sea Level MTBE: methyl tertiary butyl ether MTP: Metropolitan Transportation Plan MTIP: Metropolitan Transportation Improvement Program

NAAQS: National Ambient Air Quality Standards NAC: Noise Abatement Criteria NADR: Noise Abatement Decision Report NAE: No Adverse Effect NAGPRA: Native American Graves Protection and Repatriation Act of 1990 NAHC: Native American Heritage Commission ND: Negative Declaration [CEQA] NEPA: National Environmental Policy Act NES: Natural Environment Study NES-MI: Natural Environmental Study (Minimal Impact) NESHAP: National Emissions Standards for Hazardous Air Pollutants NFIP: National Flood Insurance Program NFSAM: National Flood Security Act Manual NH3: ammonia NHL: National Historic Landmark NHPA: National Historic Preservation Act NHS: National Highway System NNL: National Natural Landmark NOA: naturally occurring asbestos NOA: Notice of Availability NOAA: National Oceanic and Atmospheric Administration NOAA-Fisheries: National Marine Fisheries Service NOC: Notice of Completion NOD: Notice of Determination NOE: Notice of Exemption NOI: Notice of Intent NOP: Notice of Preparation NOx: nitrogen oxide NPDES: National Pollutant Discharge Elimination System NPL: National Priorities List

NPS: National Park Service NR: National Register [of Historic Places] NRCS: National Resources Conservation Service NRHP: National Register of Historic Places NSSP: Nonstandard Special Provision NWP: Nationwide Permit

O.C.: Overcrossing OCRM: National Oceanic and Atmospheric Administration-Office of Ocean and Coastal Resource Management OHP: [California] Office of Historic Preservation OHWM: Ordinary High Water Mark OPR: [California] Office of Planning and Research OSHA: Occupational Safety Hazard Administration

PA: Programmatic Agreement PA&ED: Project Approval and Environmental Document PAM: Permits, Agreements, and Mitigation Pb: lead PDPM: [Caltrans] Project Development Procedures Manual PDT: Project Development Team PE: Project Engineer PEAR: Preliminary Environmental Assessment Report PEER: Permit Engineering Evaluation Report PER: Paleontological Evaluation Report PG: Professional Geologist PID: Project Initiation Document PIR: Paleontological

Identification Report PLAC: Permits, Licenses, Agreements, and Certifications PM: particulate matter PM: post mile PM: Project Manager PM10: particulate matter less than 10 microns in diameter PM2.5: particulate matter less than 2.5 microns in diameter PMP: Paleontological Mitigation Plan PMR: Paleontological Mitigation Report POAQC: Project of Air Quality Concern ppb: parts per billion ppm: parts per million PR: Project Report PRC: [California] Public Resources Code PS&E: Plans, Specifications, and Estimates PSI: Preliminary Site Investigation PSI: pounds per square inch PSR: Project Study Report PSR-PDS: Project Study Report-Project Development Support PSS: Paleontological Stewardship Summary PSSR: Project Scope Summary Report PUC: Public Utilities Commission [California]

RAP: Relocation Assistance Program RAW: Remedial Action Workplan RCR: Route Concept Report RCRA: Resource Conservation and Recovery Act of 1976 RE: Resident Engineer RGL: Regulatory Guidance Letter RIP: Regional Improvement Program ROD: Record of Decision [NEPA] ROW: right-of-way RP: Responsible Party RTIP: Regional Transportation Improvement Program RTP: Regional Transportation Plan RTPA: Regional Transportation Planning Agency RWQCB: Regional Water Quality Control Board

SACOG: Sacramento Area of Council of Governments SAFETEA-LU: Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users SANDAG: San Diego Association of Governments

SARA: Superfund Amendments and Reauthorization Act SB: Senate Bill SCAG: Southern California Association of Governments SCH: [California] State Clearinghouse SDWA: Safe Drinking Water Act SEE: social, economic, and environmental SEP: Senior Environmental Planner SER: Standard Environmental Reference SFHA: Special Flood Hazard Area SHA: State Highway Agency SHBSB: State Historical Building Safety Board SHL: State Historical Landmark SHOPP: State Highway Operation and Protection Program SHPO: State Historic Preservation Officer SHS: State Highway System SI: Safety Index SIP: State Implementation Plan SLC: [California] State Lands Commission SMARA: Surface Mining and Reclamation Act of 1975 SOC: Statement of Overriding Considerations [CEQA] SOL: Statute of Limitations SR: State Route SSP: Standard Special Provision STIP: Statewide Transportation Improvement Program SWMP: Storm Water Management Plan SWPPP: Storm Water Pollution Prevention Plan SWRCB: State Water Resources Control Board

TAC: Technical Advisory Committee TASAS: Traffic Accident Surveillance and Analysis System TCM: Transportation Control Measure TCP: Traditional Cultural Property or Place TCR: Transportation Concept Report TDM: Transportation Demand Management THPO: Tribal Historic Preservation Officer TIP: Transportation Improvement Program TMDL: Total Maximum Daily Load TMP: Traffic Management Plan TP: Transportation Planner TRB: Transportation Research Board TRPA: Tahoe Regional Planning Agency TSM: Transportation Systems Management

U.C.: Undercrossing U.S.: United States U.S. EPA: United States Environmental Protection Agency USACE: United States Army Corps of Engineers USC: United States Code USCG: United States

Coast Guard USDA: United States Department of Agriculture USDOT: United States Department of Transportation USFS: United States Forest Service USFWS: United States Fish and Wildlife Service USGS: United States Geological Survey UST: underground storage tanks

V/C: Volume/Capacity VMT: Vehicle Miles of Travel VOC: volatile organic compounds

Appendix C – Avoidance, Minimization and/or Mitigation Summary

In order to be sure that all of the environmental measures identified in this document are executed at the appropriate times, the following mitigation program (as articulated on the proposed Environmental Commitments Record [ECR] which follows) would be implemented. During project design, avoidance, minimization, and /or mitigation measures will be incorporated into the project's final plans, specifications, and cost estimates, as appropriate. All permits will be obtained prior to implementation of the project. During construction, environmental and construction/engineering staff will ensure that the commitments contained in this ECR are fulfilled. Following construction and appropriate phases of project delivery, long-term mitigation maintenance and monitoring will take place, as applicable. As the following ECR is a draft, some fields have not been completed, and will be filled out as each of the measures is implemented. Note: Some measures may apply to more than one resource area. Duplicative or redundant measures have not been included in this ECR.

Avoidance, Minimization, and Mitigation Measures	Commitment Source	Implementing Phase	Responsible Party	CEQA Mitigation
UTILITIES				
U-1: Should the scope of work change to require utility relocation, coordination with utility owners will be conducted to reduce impacts to utilities.	Environmental Document	PS&E, Before RTL	Project Engineer	
TRANSPORTATION				
T-1: A Traffic Management Plan will be established during the design phase of the project. This will include public information, motorists' information, incident management, construction strategies, etc. The TMP will also maintain travel in both directions and minimize traffic delays and idling that can produce GHGs.	Environmental Document	PS&E, Before RTL	Project Engineer/ Traffic Management	
T-2: Caltrans will coordinate with Media Affairs and local agencies at the earliest possible before construction to ensure impacts to travelers using the route will be minimized, as much as feasible.	Environmental Document	PS&E, Before Construction	Public Information Officer	

T-3: Full roadway closures will require portable changeable messaging signs (PCMs) at various locations to alert motorists in advance of construction and during construction. PCMs are required to be installed 14 days in advance of closures.	Environmental Document	Construction	Resident Engineer	
T-4: The Public Information Officer will implement an intensive Public Awareness Campaign to minimize impacts to the traveling public.	Environmental Document	Before Construction/ Construction	Public Information Officer	
T-5: Emergency access will be maintained for emergency personnel even during full roadway closures. California Highway Patrol (CHP) would be on-site during the 55-hr closures and will coordinate with the Resident Engineer for any emergencies.	Environmental Document	Construction	Resident Engineer	
T-6: One lane will remain opened at all times to allow for public and emergency access unless a full roadway closure is required. Portable traffic signals will be installed on both approaching ends for reversible traffic control. Pilot cars may be used to guide motorists and bicyclists through construction zone.	Environmental Document	Construction	Resident Engineer/Traffic Management	

VISUAL/AESTHETICS				
V-1: Erosion control measures are to be applied to all disturbed slopes. If seeds are to be used to revegetate the slope, native plant materials and seed species will be determined by Caltrans Landscape Architects and U.S. Forest Service plant resource specialists.	Environmental Document	Construction	Resident Engineer	
V-2: All metal beam guardrail, walls, and barriers, are to be similar to and visually compatible with existing structures along the route.	Environmental Document	PA&ED	Project Engineer/ Landscape Architect	
V-3: The material, color and texture for all concrete works are to match or blend into the surrounding environment, i.e. existing barriers, wall, or rock slope.	Environmental Document	PA&ED	Project Engineer	
V-4: Concrete wall or barrier will be stamped with a pattern to match or complement existing rock shape or form. The concrete will be stained with earth tone colors to complement surrounding rock/soil color.	Environmental Document	Construction	Resident Engineer	
V-5: Metallic surfaces are to be colored or treated with oxidizing agent to appear aged and non-reflective.	Environmental Document	Construction	Resident Engineer	

CULTURAL RESOURCES				
C-1: If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find.	Environmental Document	Construction	Resident Engineer/ Cultural Specialist	
C-2: If human remains are discovered, California Health and Safety Code (H&SC) Section 7050.5 states that further disturbances and activities shall stop in any area or nearby area suspected to overlie remains, and the County Coroner contacted. If the remains are thought by the coroner to be Native American, the coroner will notify the Native American Heritage Commission (NAHC), who, pursuant to PRC Section 5097.98, will then notify the Most Likely Descendent (MLD). At this time, the person who discovered the remains will contact the District Cultural Branch Chief so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable.	Environmental Document	Construction	Resident Engineer/ Cultural Specialist	

WATER QUALITY				
WQ-1: A Storm Water Pollution Prevention Plan (SWPPP) or Water Pollution Control Program (WPCP) will be prepared for the project to minimize construction debris and discharge into the waterways.	Environmental Document	PS&E, During Construction	Project Engineer/ Resident Engineer	
WQ-2: All permit conditions laid forth in the NPDES General Permit for Discharges and the 401 Permit will be implemented.	Environmental Document	PS&E, During Construction	Project Engineer/ Resident Engineer	
GEOLOGY				
GEO-1: A drainage system at the bottom of the slope is recommended to collect water and divert it from the roadway to the existing creek.	Environmental Document	PS&E, During Construction	Project Engineer/ Resident Engineer	

HAZARDOUS WASTE				
HAZ-1: ADL contaminated soils must be managed under the ADL Soil Management Agreement between Caltrans and the California Department of Toxic Substances Control that took effect on July 1, 2016. A site investigation of ADL will be conducted during the design phase. Based on the soil test results, the Office of Environmental Engineering (OEE) will provide the soil classifications and engineering special provisions for the management of excavated soil. The contractor will be required to prepare a Lead Compliance Plan and Work Plan for the management, transport, and disposal of ADL soil, and the removal of yellow and white strip and pavement marking.	Environmental Document	PS&E, Before RTL & Construction	Resident Engineer/ Environmental Engineering	
HAZ-2: The OEE will provide engineering special provisions for the removal of yellow and white traffic stripe. The Contractor will be required to prepare a Lead Compliance Plan and a Work Plan for the management of yellow and white traffic stripes removal, which will be removed and approved by the OEE. Residue produced from the removal of the yellow thermoplastic stripe and pavement marking are considered non-RCRA (California) Hazardous Waste and must be properly collected, stored, tested, transported, and disposed of in accordance with State and Federal regulations.	Environmental Document	Construction	Resident Engineer	

HAZ-3: A site investigation of aerially deposited lead (ADL) will be necessary during the design phase to obtain site specific soil data required for disposal of the excavated soil.	Environmental Document	PS&E	Project Engineer/ Environmental Engineering	
HAZ-4: All treated wood waste must be managed as hazardous waste and disposed of at a facility permitted in California to accept treated wood waste in compliance with Title 22 California Code of Regulations.	Environmental Document	Construction	Resident Engineer	
HAZ-5: An Asbestos Containing Materials (ACM) survey must be implemented prior to the demolition or renovation of the structures to ensure protective measures are taken for human health and the environment. If asbestos is detected, the appropriate non-standard provisions will be provided to require the contractor to prepare an Asbestos Compliance Plan for the protection of workers and a Work Plan for special handling, protection of the creek, and proper disposal of the ACM. Notification to the local Air Pollution Control District is required at least 15 days prior to demolition or renovation of a structure whether it contains asbestos or not.	Environmental Document	PS&E, Before RTL	Project Engineer/ Hazardous Waste Specialist	

HAZ-6: An asbestos survey by a Certified Asbestos Consultant is required to determine if asbestos shims were present. Upon the completion of the ACM survey, if asbestos shims detected, OEE will provide the appropriate special provisions for the removal of the asbestos shims concerning special handling, containerization, labeling, transport, and disposal during the removal of MBGR.	Environmental Document	PS&E, Before RTL	Project Engineer/ Environmental Engineering	
HAZ-7: Hazardous waste issues will be revisited during design phase as more details of the work will be developed.	Environmental Document	PS&E	Environmental Engineering	
BIOLOGICAL RESOURCES				
BIO-1: Caltrans will implement its standard best management practices for stormwater pollution prevention.	Environmental Document	Construction	Resident Engineer	
BIO-2: Caltrans will mitigate the loss of riparian habitat by replanting species on-site on the hillside after construction and in the biological study area outside of the project impact area within North Fork Matilija Creek.	Environmental Document	Post-Construction	Biologist/ Resident Engineer	YES

BIO-3: Caltrans will minimize the removal and trimming of riparian vegetation to the extent feasible. A certified arborist will be present to monitor tree trimming during all project activities. Trees that require catastrophic trimming will have their location, species, and physical conditions recorded, which will inform the restoration effort. Stumps will be left in place in the permanent impact area to maintain the integrity of the soil in which the trees are supporting and will have the opportunity to resprout in place. Cut tree trunks that are within the critical habitat/riparian zone will also be carefully placed in the North Fork Matilija Creek to provide refugia for steelhead trout and replicate natural turnover of riparian vegetation in the creek.	Environmental Document	Construction	Biologist/ Resident Engineer	
BIO-4: The project biologist will be present full-time during the project activities within or adjacent to the stream. The biologist will monitor the removal of vegetation and quantify impacts to inform the compensatory mitigation for this project. The biologist will monitor the project for the compliance of legal requirements and permit conditions and the implementation of the project's conservation measures.	Environmental Document	Construction	Biologist/ Resident Engineer	

BIO-5: Caltrans will avoid performing road demolition, ground disturbance, and activities in North Fork Matilija Creek during bank-full flow events.	Environmental Document	Construction	Biologist/ Resident Engineer	
BIO-6: A qualified biologist will present information to the construction staff, who are on the site for longer than 30 minutes. All construction staff will be required to receive the program. The program will inform the construction staff the species that are likely to occur in the project area, the project's conservation measures, and the procedures for preventing and minimizing environmental impacts.	Environmental Document	Construction	Biologist/ Resident Engineer	
BIO-7: Caltrans will specify that North Fork Matilija Creek and riparian vegetation outside of the proposed project impact area is an environmentally sensitive area. The construction staff will be made aware of the work boundaries. Fencing or signage will be placed at the edge of the project impact area to remind construction staff of the limits of disturbance.	Environmental Document	Construction	Biologist/ Resident Engineer	
BIO-8: Caltrans will minimize the direct impacts to jurisdictional waters, riparian resources and the vertical seep, to the extent feasible.	Environmental Document	Construction	Biologist/ Resident Engineer	

BIO-9: Caltrans shall clean all project equipment of noxious weed vectors, including soil and plant materials, with a pressure wash and/or hot water spray prior to its entry into the National Forest, daily if need be.	Environmental Document	Construction	Biologist/ Resident Engineer	
BIO-10: A biologist will perform nesting bird surveys no earlier than three days before initiation of vegetation removal, if it is scheduled during the nesting bird season. If nesting birds are observed within vegetation to be removed or habitat to be disturbed, then the project will avoid removing that vegetation until the nestlings have fledged. If there is a pause or lapse in construction for longer than three days, then a biologist will have to perform a repeat nesting bird survey prior to further vegetation removal during the nesting bird season.	Environmental Document	Pre-construction/ Construction	Biologist/ Resident Engineer	
BIO-11: A qualified ornithologist will monitor the project during vegetation removal, roadway demolition and other noise generating activities. The monitor will survey nesting birds in the BSA (if any have been identified during surveys or monitoring), and detect whether they are being disturbed by project activities. If the monitor observes nesting disturbance caused by the project then construction will have to be paused within 150 feet of the project activities until the nestlings have fledged.	Environmental Document	Construction	Biologist/ Resident Engineer	

BIO-12: Caltrans will schedule road demolition within 150 feet of the bridge during the night. A qualified bat project monitor will watch the bats while road demolition occurs. By scheduling this activity during the night, the project will reduce the effects of noise and vibration on the bats, because any bats that would flee the roost at night would do so at a time when they are less vulnerable to predators, such as hawks. Otherwise, Caltrans will work with CDFW to have a full-time monitor during high-noise events. If bats are disturbed by the noise, Caltrans will stop work and consult with CDFW (BIO-13). Up to nine bat boxes can be installed to support growth in bat colonies in the fall/winter.	Environmental Document	Construction	Biologist/ Resident Engineer	
BIO-13: A qualified bat biologist will monitor construction activities performed within 150 feet of the bridge and watch to see whether the bats are stressed by project activities. When the bats are observed to be stressed, the monitor will interrupt activities and the project will have to pause work within the area near the bat colony until Caltrans has conducted consultation with CDFW. If the monitor finds a dead bat in the BSA, then the monitor will inform the Caltrans biologist who will inform CDFW and if necessary consultation will be re-initiated.	Environmental Document	Construction	Biologist	

BIO-14: Caltrans will use the minimum lighting feasible to perform night work. The bat biologist will monitor the positioning and use of lighting to ensure that light is not unnecessarily shone upon the bridge and the riparian vegetation adjacent to the bat colony.	Environmental Document	Construction	Biologist/ Resident Engineer	
BIO-15: Caltrans will perform pre-construction surveys for tree roosting bats in riparian trees prior to their removal. If the trees are found to have tree roosting bats, then those trees will be removed during the night when bats are no longer present.	Environmental Document	Construction	Biologist	
BIO-16: Caltrans will remove and trim riparian trees in a staged fashion during the bat maternity season evidenced by pre-tree-removal surveys. First limbs of the trees will be removed, and the remainder of the tree will be left in place over night. Leaving the tree overnight allows tree roosting bats to leave tree cavities. After the bats have left the trunk of the tree, the trunk will be removed and tree removal will be complete.	Environmental Document	Construction	Biologist/ Resident Engineer	
BIO-17: Caltrans will implement pre-construction surveys for southwestern pond turtle and two-striped garter snake prior to disturbing land or vegetation within or adjacent to suitable habitat for these species.	Environmental Document	Construction	Biologist/ Resident Engineer	

BIO-18: A qualified herpetologist will monitor the project for the presence of the southwestern turtle and two-striped garter snake throughout project activities taking place within or above suitable habitat for these species. The biologist will monitor the status of exclusion measures and other conservation measures to prevent the project from affecting individuals directly.	Environmental Document	Construction	Biologist/ Resident Engineer	
BIO-19: Caltrans will minimize the disturbance of the North Fork Matilija Creek streambanks by removing all temporary fills and recontouring the hillside after construction.	Environmental Document	Post-Construction	Biologist/ Resident Engineer	
BIO-20: Caltrans will not perform work in the creek during steelhead migration season, November 1 to May 31.	Environmental Document	Construction	Biologist/ Resident Engineer	
BIO-21: Caltrans will install a containment system on the temporary scaffold and will have light equipment staged on the roadway, such as vacuums and spill kits, ready to contain and remove spills from the project area.	Environmental Document	Construction	Biologist/ Resident Engineer	

BIO-22: Prior to the beginning of construction, a qualified ichthyologist will survey the creek next to the project impact area and the reaches of the creek upstream and downstream of the project impact area. The biologist will implement the fish capture and relocation plan, which would exclude fish from the project area temporarily and relocate them to suitable habitat in North Fork Matilija Creek nearby. If more fish are present in the project area than originally anticipated or more fish mortalities occur than have been authorized by NMFS during the implementation of the plan, then Caltrans will pause the fish capture and relocation plan and re- initiate consultation with NMFS. If arroyo chub are found in the creek, then Caltrans will initiate consultation with California Department of Fish and Wildlife.	Environmental Document	Pre-Construction/ Construction	Biologist/ Resident Engineer	
BIO-23: The qualified ichthyologist will be present during project activities in the creek to observe and record the project's compliance with conservation measures and observe whether southern steelhead or other special-status species have entered the project impact area after exclusion has been performed. The monitor will have the authority to pause construction in the creek if trout is encountered during construction. Caltrans will re-initiate consultation with National Marine Fisheries Service if the monitor observes that the project is trending towards exceeding the authorized take amount.	Environmental Document	Construction	Biologist/ Resident Engineer	

BIO-24: The project biologist and resident engineer will meet prior to the beginning of construction to review the project's disturbance area and coordinate means to minimize the disturbance of the existing environment and minimize vegetation trimming to the extent feasible.	Environmental Document	Pre-Construction	Biologist/ Resident Engineer	
BIO-25: If any boulders are shifted by the project, they shall be re-oriented to their pre-project position, to keep trout refugia. Disturbance to the creek banks above the water level will be recontoured and stabilized to prevent future erosion. Professional photos of the work area will be taken prior to construction to ensure all objects are re-oriented back to the pre-project positions.	Environmental Document	Construction/ Post-Construction	Biologist/ Resident Engineer	
BIO-26: Caltrans will conduct preconstruction surveys for California red-legged frog (CRLF) prior to initiating construction. The survey will use the appropriate protocols for finding CRLF and will be conducted by a qualified herpetologist. No work shall begin until CRLF have left the action area or Caltrans has completed formal consultation.	Environmental Document	Pre-Construction	Biologist/ Resident Engineer	

BIO-27: During construction, Caltrans will monitor the project impact area and perform weekly surveys of suitable habitat for CRLF in the action area. Surveys and monitoring will be performed by a qualified herpetologist who is familiar with CRLF. If CRLF is encountered during construction, the monitor will inform construction staff to stop work and will then notify USFWS. Work will halt until CRLF have left the action area or formal consultation has been completed. The monitor will also quantify the impacts to potential CRLF habitat throughout the project.	Environmental Document	Construction	Biologist/ Resident Engineer	
BIO-28*: To avoid predation, the biologist shall have at least two containers and segregate captured young-of-year fish from larger age classes and other potential aquatic predators.	Environmental Document	Pre-Construction/ Construction	Biologist/ Resident Engineer	
BIO-29*: Caltrans shall contact NMFS (Jess Fischer, 562-533-6813 or Jessica.fischer@noaa.gov) 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. All steelhead mortalities shall be retained, frozen as soon as practical, and placed in an appropriate-sized sealable bag that is labeled with date and location of the collection and fork length and weight of the specimen(s).	Environmental Document	Construction	Biologist/ Resident Engineer	

BIO-30*: Sixty days prior to implementing the proposed action, Caltrans shall submit the temporary platform plans to NMFS for review and potential comment. Caltrans shall revise the plan in response to NMFS' comments and then implement the plan consistent with the provisions therein. Plans shall be sent to Jess Fischer, Jessica.fischer@noaa.gov, or NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, California 90802.	Environmental Document	Construction	Biologist/ Project Engineer	
BIO-31*: Sixty days prior to implementing the proposed action, Caltrans shall submit the revegetation and monitoring plan, which includes provisions to determine the success of the plantings, to NMFS for review and potential comment. Caltrans shall revise the plan in response to NMFS' comments and then implement the plan consistent with the provisions therein.	Environmental Document	Construction	Biologist	
BIO-32*: Caltrans shall provide a written report to NMFS by January 15 of the year following the construction season.	Environmental Document	After Construction	Biologist	
BIO-33: Caltrans shall remove and dispose of invasive plants in the project impact area prior to grubbing and disturbing soil to contain invasive plant materials and prevent the spread of seed in the project vicinity.	Environmental Document	Construction	Biologist/ Resident Engineer	

BIO-34: Caltrans shall stabilize disturbed soils after construction and restore disturbed areas with native plant species, according to a habitat mitigation and monitoring plan.	Environmental Document	After Construction	Biologist/ Resident Engineer	
BIO-35: Caltrans will monitor the project area post-construction to assess introduction of invasive species and implement management strategies accordingly.	Environmental Document	After Construction	Biologist	

* indicates measures that are as a result of the Biological Opinion issued by NMFS at the conclusion of Section 7 consultation.

CLIMATE CHANGE				
GHG-1: Idling is limited to 5 minutes for delivery and dump trucks and other diesel-powered equipment (with some exceptions).	Environmental Document	Construction	Resident Engineer	
GHG-2: Schedule truck trips outside of peak morning and evening commute hours.	Environmental Document	Construction	Resident Engineer	
GHG-3: Reduce construction waste by re-using or recycling construction and demolition waste.	Environmental Document	Construction	Resident Engineer	
GHG-4: Use recycled for construction to reduce construction water consumption of potable water.	Environmental Document	Construction	Resident Engineer	

GHG-5: Maintain equipment in proper working condition, using the right size equipment for the job, and use equipment with new technologies to improve fuel efficiency.	Environmental Document	Construction	Resident Engineer	
GHG-6: Provide construction personnel with the knowledge to identify environmental issues and best practice methods to minimize impacts to the human and natural environment. Supplement existing trainings with information regarding methods to reduce GHG emissions related to construction.	Environmental Document	Construction	Resident Engineer	
GHG-7: The contractor must balance cut and fill quantities to reduce the need for transport of earthen materials.	Environmental Document	Construction	Resident Engineer	
AIR QUALITY				
AQ-1: The proposed project must comply with VCAPCD Fugitive Dust Implementation Rule 55 to minimize temporary emissions during construction the project as applicable and appropriate.	Environmental Document	Construction	Resident Engineer	
AQ-2: VCAPCD Rule 74.2 (Architectural Coating) limits the amount of VOC emissions from paving, asphalt, concrete curing, and cement coatings operations. Construction of the proposed project shall comply with all applicable APCD Rules.	Environmental Document	Construction	Resident Engineer	

AQ-3: While construction equipment on site would generate objectionable odors primarily arising from diesel exhaust, these emissions would generally be minimized by conducting certain construction activities in areas at least 500 feet from the sensitive receptors as feasible.	Environmental Document	Construction	Resident Engineer	
NOISE				
N-1: Construction will comply with Section 14-8.02, Noise Control. These requirements state that noise levels generated during construction shall comply with applicable local, state, and federal regulations.	Environmental Document	Construction	Resident Engineer	

Appendix D – Cooperating Agencies Documentation

The following letters were sent out during the scoping process to inviting agencies to be a cooperating agency to the project.

The following letters/concurrence documentations are included as a part of this appendix:

a) U.S. Army Corps of Engineers Invite to be Cooperating Agency Letter and Acceptance

b) U.S. Forest Service Invite to be Cooperating Agency Letter

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 7
100 S. MAIN STREET, SUITE 100
LOS ANGELES, CA 90012
PHONE (213) 897-0362
FAX (213) 897-0360
TTY 711
www.dot.ca.gov

Making Conservation a California Way of Life.

March 10, 2020

U.S. Army Corps of Engineers Los Angeles District
Attn: CESPL-CO-R
915 Wilshire Blvd., Suite 1101
Los Angeles, CA 90017

Subject: Invitation to Become a Cooperating Agency on the State Route 33 (SR-33)

Caltrans has initiated studies to prepare an Environmental Assessment for the proposed Road Safety Enhancement Project on SR-33 in unincorporated Ventura County from post-mile (PM) 18.88 to PM 19.04. The proposed project will construct cantilever slabs four to eight feet on the southbound direction, upgrade the rock block barrier, place a high friction surface treatment on the pavement, and install tubular handrailing and road signs. The purpose of the project is to enhance roadway safety and to reduce collisions to the rock barrier. It is anticipated that the project will provide better sight distance, enhance protection and reduce run-off road collisions for travelers, bicyclists, and pedestrians.

Caltrans distributed a Notice of Initiation of Studies (dated December 11, 2019) to elected officials, agencies, organizations, and interested individuals, which summarized the proposed undertaking, and solicited comments until January 30, 2020. The Notice of Initiation of Studies communicated that a determination was made to prepare an Environmental Assessment (EA) leading to a Finding of No Significant Impact (FONSI) pursuant to the National Environmental Policy Act (NEPA).

During the study, Caltrans will work closely with the public and local agencies to ensure that all pertinent factors and viable alternatives are considered. We welcome any comments or suggestions you may have concerning possible alternatives or potential social, economic, and environmental impacts resulting from the proposed project.

Based on the comments received and the current scope of the project, the alternatives under consideration are as follows:

Alternative 1: No-Build Alternative
The No-Build Alternative would maintain the existing configuration of SR-33 and no additional improvements will be made to the existing facility to reduce barrier collisions.

Alternative 2: Construct Cantilever Slab
Alternative 2 proposes to widen the curvature from PM 18.88 to PM 19.04 on the SR-33 in Ventura County by constructing a four to eight foot cantilever slab on the southbound direction of the roadway. The following peripheral improvements are also proposed with this build alternative:

- Upgrade rock block barrier with textured stamped concrete barrier
- Install tubular handrailing on top of concrete barrier
- Apply high friction surface treatment on the pavement
- Install roadway safety signs

The proposed project has a potential to affect environmental resources in the project study area in terms of cultural resources, hazardous waste/materials, biological resources and traffic.

You have the right to expect that the EA will enable you to discharge your jurisdictional responsibilities. Likewise, you have the obligation to tell us if, at any point in the process, your needs are not being met. We expect that at the end of the process the EA will satisfy your NEPA requirements including those related to project alternatives, environmental consequences, and mitigation. Further, we intend to utilize the EA and our subsequent Finding of No Significant Impact (FONSI) as our decision-making documents and as the basis for the permit application. We expect the permit application to proceed concurrently with the EA approval process.

In accordance with the Efficient Environmental Review Process codified at 23 USC 139, we are requesting your agency to be a cooperating agency because we believe that you agency will have an interest in this transportation project. Cooperating agencies are responsible for identifying, as early as practicable, any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. We suggest your agency's role in the development of the above project should include the following as they relate to your area of expertise:

1. Provide a meaningful and early input on defining the purpose and need, determining the range of alternatives to be considered, and the methodologies and level of detail required in the alternative analysis.

2. Participate in coordination meetings and joint field reviews as appropriate.

3. Provide timely review of early project information to reflect the views and concerns of your agency on the adequacy of the document, alternatives considered, and the anticipated impacts and potential mitigation measures.

Under the Efficient Environmental Review Process, if your agency is a federal agency and declines to be a cooperating agency, your agency must do in writing by stating:

1. Your agency has no jurisdiction or authority;

2. Your agency has no expertise or information relevant to the project; and

3. Your agency does not intend to comment on the project.

We look forward to your response to our request for your agency to be a cooperating agency and to be working with you on this transportation project. The favor of a reply is requested by March 30, 2020. If you have any questions or would like to discuss in more detail about the project or our agencies' respective roles and responsibilities during the preparation of this EA, please contact me at (213) 897-0703.

Sincerely,

RONALD KOSINSKI
Deputy District Director, Environmental Planning, Caltrans District 7

Enclosure: Notice of Initiation of Studies for the Roadway Safety Enhancement Project and Map

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT
60 SOUTH CALIFORNIA STREET, SUITE 201
VENTURA, CA 93001-2598

March 30, 2020

SUBJECT: Invitation to Become Cooperating Agency on the State Route 33 Road Safety Enhancement Project (EA-033230) (Corps File No. SPL-2020-00206-TS)

Lillian Cai, Environmental Planner
California Department of Transportation, District 7
100 South Main St., Suite 100
Los Angeles, CA 90012

Dear Ms. Cai:

This correspondence in response to your letter dated March 10, 2020, requesting U.S. Army Corps of Engineers (the "Corps") participation as a cooperating agency in the development of project-level Environmental Assessment (EA) for the proposed State Route 33 Road Safety Enhancement Project (the "Project"), from Post Mile 18.88 to 19.04 in Ventura County, California.

The Federal Highway Administration delegated its responsibilities under the National Environmental Policy Act ("NEPA") as well as consultation and coordination activities under other federal environmental laws to the California Department of Transportation (Caltrans). The Corps understands that Caltrans will prepare a project-level EA in accordance with NEPA and the Council on Environmental Quality implementing regulations at 40 C.F.R. parts 1500-1508.

By this letter, the Corps hereby agrees to coordinate with Caltrans as a cooperating agency under 40 C.F.R. §§1501.6(b) and 1508.5, 33 C.F.R. part 325, Appendix B, paragraph 8(c), and 33 C.F.R. §230.16 to ensure that Caltrans' resulting EA may be adopted by the Corps for purposes of exercising our regulatory authorities under section 404 of the Clean Water Act (CWA), 33 U.S.C. §1344. Further, because of our section 404 of the CWA administrative responsibilities, we have particular concern in ensuring the project complies with the Section 404(b)(1) guidelines (40 C.F.R. part 230), which are fundamental to supporting our eventual determination of the least environmentally damaging practicable alternative (LEDPA) in any case in which a Corps standard individual permit is required. The Corps agrees to assist Caltrans in preparing the EA due to our jurisdiction by law for areas that could be affected by the Project and our special expertise in the following areas:

a. Identifying and delineating aquatic resources;

b. Corps' Regulatory Program regulations at 33 C.F.R. parts 320-332;

c. Compliance with the U.S. Environmental Protection Agency's CWA § 404(b)(1) Guidelines (40 C.F.R. part 230); and

d. Assessing the functions and services of aquatic resources and identifying appropriate methods to conduct such assessments.

Subject to availability of resources and in accordance with applicable laws and regulations, the Corps agrees to:

a. Assist in identifying interest groups;

b. Attend coordination meetings and joint field reviews;

c. Raise concerns about any relevant technical studies that may be needed;

d. Assist in developing the range of alternatives, including the "practicability" of such alternatives and evaluation criteria;

e. Assist in identifying appropriate and practicable mitigation, including appropriate and practicable steps to first avoid and then minimize adverse impacts to aquatic resources, and then compensate for unavoidable adverse impacts/losses remaining after all appropriate and practicable minimization has been incorporated;

f. Identify issues, concerns, and any technical studies that the EA should address, including risk assessments for completed Corps projects, to support the Corps in fulfilling its NEPA or other responsibilities and any other requirements per CWA § 404;

g. Review administrative draft and administrative final EAs - Caltrans shall allow the Corps at least 30 days to review such documents; and

h. Cooperate in the application of principles for integration of NEPA and the CWA § 404 review processes. Specifically, if the project receives federal aid (funds) and would result in five or more acres of permanent impacts to waters of the U.S., Caltrans would need to ensure the environmental review process follows the procedures for coordination, checkpoint agreement responses, and dispute resolution set forth in the "NEPA and Clean Water Act Section 404 Integration Process for Federal Aid Surface Transportation Projects in California Memorandum of Understanding" (April 2006).

Furthermore, we are required to comply with section 106 of the National Historic Preservation Act of 1966 (NHPA; herein "Section 106") and section 7 of the Endangered Species Act of 1973 (ESA; herein "Section 7") for the federal action under evaluation. It is appropriate for Caltrans as the lead federal agency under NEPA to act as the lead federal agency for section

106 coordination and associated compliance requirements. Similarly, it is appropriate that Caltrans to be the lead federal action agency for purposes of section 7 consultation and associated compliance requirements. Based on this understanding, Caltrans will be responsible for complying with section 106 and section 7. When the CWA § 404 application is submitted, please provide the information in accordance with 33 CFR part 325, Appendix C, Procedures for the Protection of Historic Properties, including the April 25, 2005, Revised Interim Guidance for Implementing Appendix C of 33 CFR Part 325 with the Revised Advisory Council on Historic Preservation Regulations at 36 CFR Part 800, so that we can review if the "Area of Potential Effect" or effects of the activity requiring DA authorization have been fully considered and evaluated for lead Federal agency consultation under section 106 of the NHPA. In accordance with 50 CFR part 402, Interagency Cooperation - Endangered Species Act (ESA) of 1973, as amended, Final Rule (51 FR 19926, June 3, 1986), we request advanced coordination to ensure that the "action area" or effects of the activity requiring Corps' authorization have been fully considered and evaluated when consulting under section 7 of the ESA. At the time of your consultation, a brief statement regarding our designation of Caltrans as the lead federal agency, along with a copy of this letter, must be provided to the agencies to ensure compliance with section 7 of the ESA, and section 106 of the NHPA. These designations are limited to federalized impacts associated with the proposed project.

The Corps looks forward to continued dialogue and coordination with Caltrans on this project. If you have any questions, please contact Theresa Stevens, PhD at (805) 585-2146 or via e-mail at theresa.stevens@usace.army.mil. Please refer to this letter and SPL-2020-00206-TS in your reply. Please help me to evaluate and improve the regulatory experience for others by completing the customer survey form at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey.

Sincerely,

Digitally signed by COHEN.MARK.D.1239558460
Date: 2020.03.31 09:33:11 -07'00'

Mark D. Cohen
Deputy Chief, Regulatory Division

Appendix E – Required Consultation/Concurrence Documentation

The following required consultation/concurrence documentation is discussed in Chapter 4 Comments and Coordination, but the related correspondence documents are included here as an appendix to the document.

The following consultation/concurrence documentations are included as a part of this appendix:

a) State Historic Preservation Officer Concurrence on Eligibility Findings

b) National Marine Fisheries Service Consultation Letter

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, Division of Environmental Planning
100 S. MAIN STREET, SUITE 100, MS 16A
LOS ANGELES, CA 90012
PHONE (213) 897-9016
FAX (213) 897-0685
TTY 711
www.dot.ca.gov

Making Conservation a California Way of Life.

March 24, 2020

Ms. Julianne Polanco
State Historic Preservation Officer
Office of Historic Preservation
Department of Parks and Recreation
P.O. Box 942896
Sacramento, CA 94296-001
Attn: Section 106 Reviewer

RE: Historic Property Survey Report for State Route 33 Collision Severity Reduction Project in Los Padres National Forest, Ventura County
07-VEN-33 PM 18.88/19.04 EFIS 0716000257 EA 33230

Dear Ms. Polanco:

The California Department of Transportation (Caltrans), under the authority of the Federal Highway Administration (FHWA) is initiating consultation with the State Historic Preservation Officer (SHPO) regarding the State Route 33 Collision Severity Reduction Project in Los Padres National Forest (EFIS 0716000257, EA 33230), Ventura County. This consultation is undertaken in accordance with the January 2014 *First Amended Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, As it Pertains to the Administration of the Federal-Aid Highway Program in California* (hereafter, the *Section 106 PA*).

Attached for your concurrent review are the Historic Property Survey Report (HPSR) and Historical Resource Evaluation Report (HRER) for the proposed undertaking. Under the *Section 106 PA*, Caltrans is responsible for ensuring the appropriateness of the APE (Stipulation VIII.A), the adequacy of historic property identification efforts (Stipulation VIII.B) and evaluation of properties for eligibility for listing in the National Register of Historic Places.

The proposed undertaking is located at the curve area of State Route 33 (SR-33) from the north end of N. Fork Matilija Creek Bridge (bridge number 52 0441), north of Post Mile (PM) 18.88 to a point 500 feet north (south of PM 19.04) in Ventura County. The project site is located in the Wheeler Gorge area, in the Los Padres National Forest.

The project proposes to widen the roadway by eight feet by constructing a precast prestressed voided concrete slab supported on precast bent caps and cast-in-drilled-hole (CIDH) piles and concrete barrier cantilever moment slabs. The concrete barrier would be colored and textured to

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match the existing surroundings. A tubular handrailing would be at the top of the concrete barrier. A high friction surface treatment would be placed on the pavement. Construction staging for the project would be located at PM 16.15, 2.73 miles south of the project location on a privately-owned vacant parcel. All physical construction work will be done within state right-of-way. However, the project is still within U.S. Forest Service jurisdiction and thus, a special permit will be required. See Attachment 2, HRER, Section I, for a more detailed project description. The complete project description can be found on page 1 of the project HPSR and HRER.

The proposed undertaking identification efforts resulted in one built environment property that required evaluation. It was determined not eligible for listing in the National Register of Historic Places. Pursuant to Stipulation VIII.C.6 of the *Section 106 PA*, Caltrans requests your concurrence that those properties are determined not eligible for the National Register (6Y) or for designation as a California Historical Landmark:

Address	Community
State Route 33 (Between SRs 150 and 165, PM 11.28-68.49)	Ventura, Santa Barbara and San Luis Obispo Counties

No archeological sites were identified within the project APE.

We look forward to receiving your response within 30 days of your receipt of this submittal, in accordance with Stipulation VIII.C.6.a of the 106 PA. Pending your concurrence regarding Caltrans' eligibility determinations, this letter serves as notification of our finding of "No Historic Properties Affected" (pursuant to Stipulation IX.A.2 of the *Section 106 PA*). If you concur with our eligibility determinations, this satisfies Caltrans' responsibilities under the 106 PA, and no further review will be required. In the event that you do not concur with Caltrans' determinations, further consultation will be carried out in accordance with Stipulation VIII.C.6.b. We are providing a concurrent copy of this documentation to the Caltrans Division of Environmental Analysis Cultural Studies Office.

If you have any questions or need any additional information, please contact Francesca Smith at (213) 897-1947 or francesca.smith@dot.ca.gov. Thank you for your assistance with this undertaking.

Sincerely,

Claudia Harbert

Claudia Harbert
Heritage Resource Coordinator
Caltrans, District 7
Division of Environmental Planning, Cultural Resources Unit

enclosure: HPSR and HRER

cc: David Price, Caltrans HQ CSO

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

State of California • Natural Resources Agency
Gavin Newsom, *Governor*

DEPARTMENT OF PARKS AND RECREATION
OFFICE OF HISTORIC PRESERVATION
Lisa Ann L. Mangat, *Director*

Julianne Polanco, State Historic Preservation Officer
1725 23rd Street, Suite 100, Sacramento, CA 95816-7100
Telephone: (916) 445-7000 FAX: (916) 445-7053
calshpo.ohp@parks.ca.gov www.ohp.parks.ca.gov

April 30, 2020

VIA EMAIL

In reply refer to: FHWA_2020_0402_001

Ms. Claudia Harbert, Heritage Resource Coordinator
Division of Environmental Planning, Cultural Resources Unit
Caltrans District 7
100 S Main Street, Suite 100, MS 16A
Los Angeles, CA 90012

Subject: Determination of Eligibility for the Proposed State Route 33 Collision Severity Reduction Project, Los Padres National Forest, Ventura County, CA

Dear Ms. Harbert:

Caltrans is initiating consultation regarding the above project in accordance with the January 1, 2014 *First Amended Programmatic Agreement Among the Federal Highway Administration (FHWA), the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California* (PA). Caltrans is also consulting in accordance with the Public Resources Code 5024 and pursuant to the Memorandum of Understanding Between the California Department of Transportation and the California State Historic Preservation Officer Regarding Compliance with Public Resources Code 5024 and Governor's Executive Order W-26-92 (5024 MOU). As part of your documentation, Caltrans submitted a Historic Property Survey Report (HPSR), Historical Resources Evaluation Report (HRER), and Archaeological Field Review for the proposed project.

The proposed undertaking is located at the curve area of State Route 33 (SR-33) from the north end of N. Fork Matilija Creek Bridge (52 0441), north of PM 18.88 to a point 500 feet north (south of PM 19.04) in Ventura County. The project site is located in the Wheeler Gorge area, in the Los Padres National Forest. The project proposes to widen the roadway by eight feet by constructing a precast prestressed voided concrete slab supported on precast bent caps and cast-in-drilled-hole piles and concrete barrier cantilever moment slabs. The concrete barrier would be colored and textured to match existing surroundings. A tubular handrailing would be at the top of the concrete barrier. A high friction surface treatment would be placed on the pavement. Construction staging for the project would be located at PM 16.15, 2.73 miles south of the project

location on a privately-owned vacant parcel. All physical construction work will be done within state right-of-way. A complete project description are located on page 1 of the HPSR and HRER.

Pursuant to Stipulation VIII.C.6 of the PA, Caltrans determined that State Route 33 (between SRs 150 and 165, PM 11.28-68.49) is not eligible for the National Register of Historic Places (NRHP).

Based on review of the submitted documentation, I concur.

If you have any questions, please contact Natalie Lindquist at (916) 445-7014 with e-mail at natalie.lindquist@parks.ca.gov.

Sincerely,

Julianne Polanco
State Historic Preservation Officer

STATE OF CALIFORNIA—CALIFORNIA TRANSPORTATION AGENCY Gavin Newsom, Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENVIRONMENTAL PLANNING
100 SOUTH MAIN STREET, MS 16A
LOS ANGELES, CA 90012
DIRECT (213) 326-0378

Help make conservation A California way of life!

August 19, 2020

Anthony Spina
National Marine Fisheries Service
Southern California Branch, California Coastal Office

SUBJECT: State Route 33 Curve Widening and Barrier Replacement Project in Wheeler Gorge, Request for Initiation of Formal Consultation under Section 7(a)(2) of the Endangered Species Act for the Southern Steelhead Trout and its Critical Habitat

Dear Mr. Spina,

California Department of Transportation (Caltrans) requests to initiate formal consultation for effects to southern steelhead trout (*Oncorhynchus mykiss*) ("trout"), pursuant to the delegation of formal consultation responsibilities received from the Federal Highway Administration in accordance with 50 CFR § 402.08 (effective April 24, 2002), for the State Route 33 Curve Widening and Barrier Replacement Project (Project) in Wheeler Gorge, EA 33230. Caltrans had requested consultation initiation for this project before but did not have enough information. National Marine Fisheries Service (NMFS) closed that request on May 11, 2020. Since then, Caltrans has revised the scope for the project.

The revised scope for the project will widen the road for a lesser length of the highway and will widen the highway lanes by a lesser amount and affect the surrounding environment less. The project will no longer dewater/divert water in North Fork Matilija Creek. Instead, construction personnel will install temporary pedestrian platforms in and over the creek. The platforms will serve as surfaces to install water protection best management practices. There will still be no equipment in the creek. A fish biologist approved by NMFS will perform a fish exclusion and fish relocation effort prior to in-creek work to minimize the project's effects on trout.

Caltrans has amended its biological assessment and written a conceptual fish exclusion and relocation plan for your agency's review. Caltrans would like to initiate consultation for the determination that the project is like to adversely affect southern steelhead trout and Caltrans would like concurrence that that project is not likely to adversely affect trout critical habitat. If you have questions regarding this consultation request, please call me at 213-326-0378, or contact Caltrans biologist Mario Mariotta at (213) 269-1656.

Sincerely,

Paul Caron
Paul Caron
Senior Environmental Planner/District Biologist
Caltrans District 7, Biological Capital Outlay Support

"Caltrans improves mobility across California"

From: Jessica Adams - NOAA Federal <jessica.adams@noaa.gov>
Sent: Wednesday, November 4, 2020 2:49 PM
To: Mariotta, Mario@DOT <Mario.Mariotta@dot.ca.gov>
Cc: Caron, Paul D@DOT <paul.d.caron@dot.ca.gov>; anthony.spina@noaa.gov
Subject: Re: SR-33 Curve Widening in Wheeler Gorge (EA 07-33230; WCRO-2020-02379)

EXTERNAL EMAIL. Links/attachments may not be safe.

Mario,

NMFS now has enough information to initiate consultation. I will mark October 23, 2020, as the consultation start date.

Thanks,
Jess

Jess Fischer
Fish Biologist, California Coastal Office
NOAA Fisheries | U.S. Department of Commerce
Work Cell: (562) 533-6813
www.fisheries.noaa.gov

Appendix F – U.S. Fish and Wildlife Species List

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ventura Fish And Wildlife Office
2493 Portola Road, Suite B
Ventura, CA 93003-7726
Phone: (805) 644-1766 Fax: (805) 644-3958

In Reply Refer To: April 07, 2021
Consultation Code: 08EVEN00-2019-SLI-0330
Event Code: 08EVEN00-2021-E-01073
Project Name: 33230-SR-33 Road Widening, Barrier Installation, and High-friction Surface Treatment

Subject: Updated list of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed list identifies species listed as threatened and endangered, species proposed for listing as threatened or endangered, designated and proposed critical habitat, and species that are candidates for listing that may occur within the boundary of the area you have indicated using the U.S. Fish and Wildlife Service's (Service) Information Planning and Conservation System (IPaC). The species list fulfills the requirements under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.). Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the species list should be verified after 90 days. We recommend that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists following the same process you used to receive the enclosed list. Please include the Consultation Tracking Number in the header of this letter with any correspondence about the species list.

Due to staff shortages and excessive workload, we are unable to provide an official list more specific to your area. Numerous other sources of information are available for you to narrow the list to the habitats and conditions of the site in which you are interested. For example, we recommend conducting a biological site assessment or surveys for plants and animals that could help refine the list.

If a Federal agency is involved in the project, that agency has the responsibility to review its proposed activities and determine whether any listed species may be affected. If the project is a major construction project*, the Federal agency has the responsibility to prepare a biological assessment to make a determination of the effects of the action on the listed species or critical habitat. If the Federal agency determines that a listed species or critical habitat is likely to be adversely affected, it should request, in writing through our office, formal consultation pursuant to section 7 of the Act. Informal consultation may be used to exchange information and resolve

conflicts with respect to threatened or endangered species or their critical habitat prior to a written request for formal consultation. During this review process, the Federal agency may engage in planning efforts but may not make any irreversible commitment of resources. Such a commitment could constitute a violation of section 7(d) of the Act.

Federal agencies are required to confer with the Service, pursuant to section 7(a)(4) of the Act, when an agency action is likely to jeopardize the continued existence of any proposed species or result in the destruction or adverse modification of proposed critical habitat (50 CFR 402.10(a)). A request for formal conference must be in writing and should include the same information that would be provided for a request for formal consultation. Conferences can also include discussions between the Service and the Federal agency to identify and resolve potential conflicts between an action and proposed species or proposed critical habitat early in the decision-making process. The Service recommends ways to minimize or avoid adverse effects of the action. These recommendations are advisory because the jeopardy prohibition of section 7(a)(2) of the Act does not apply until the species is listed or the proposed critical habitat is designated. The conference process fulfills the need to inform Federal agencies of possible steps that an agency might take at an early stage to adjust its actions to avoid jeopardizing a proposed species.

When a proposed species or proposed critical habitat may be affected by an action, the lead Federal agency may elect to enter into formal conference with the Service even if the action is not likely to jeopardize or result in the destruction or adverse modification of proposed critical habitat. If the proposed species is listed or the proposed critical habitat is designated after completion of the conference, the Federal agency may ask the Service, in writing, to confirm the conference as a formal consultation. If the Service reviews the proposed action and finds that no significant changes in the action as planned or in the information used during the conference have occurred, the Service will confirm the conference as a formal consultation on the project and no further section 7 consultation will be necessary. Use of the formal conference process in this manner can prevent delays in the event the proposed species is listed or the proposed critical habitat is designated during project development or implementation.

Candidate species are those species presently under review by the Service for consideration for Federal listing. Candidate species should be considered in the planning process because they may become listed or proposed for listing prior to project completion. Preparation of a biological assessment, as described in section 7(c) of the Act, is not required for candidate species. If early evaluation of your project indicates that it is likely to affect a candidate species, you may wish to request technical assistance from this office.

Only listed species receive protection under the Act. However, sensitive species should be considered in the planning process in the event they become listed or proposed for listing prior to project completion. We recommend that you review information in the California Department of Fish and Wildlife's Natural Diversity Data Base. You can contact the California Department of Fish and Wildlife at (916) 324-3812 for information on other sensitive species that may occur in this area.

[*A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.]

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Ventura Fish And Wildlife Office
2493 Portola Road, Suite B
Ventura, CA 93003-7726
(805) 644-1766

Project Summary

Consultation Code: 08EVEN00-2019-SLI-0330
Event Code: 08EVEN00-2021-E-01073
Project Name: 33230-SR-33 Road Widening, Barrier Installation, and High-friction Surface Treatment
Project Type: TRANSPORTATION
Project Description: Caltrans proposes to widen highway SR-33 by constructing a cantilever concrete slab that will extend above the stream along this curve. After the road is widened, a barrier will be constructed along the edge of the lane. The pavement will receive a high friction surface treatment. The project will take place on along 337 feet of the highway. This project is expected to go into construction in late summer 2022 and it would take a year or less.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@34.5088420427204,-119.27464368344175,14z

Counties: Ventura County, California

Endangered Species Act Species

There is a total of 9 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

---

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Birds

NAME	STATUS
California Condor *Gymnogyps californianus* Population: U.S.A. only, except where listed as an experimental population There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/8193	Endangered
Least Bell's Vireo *Vireo bellii pusillus* There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/5945	Endangered
Southwestern Willow Flycatcher *Empidonax traillii extimus* There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/6749	Endangered

Amphibians

NAME	STATUS
Arroyo (=arroyo Southwestern) Toad *Anaxyrus californicus* There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/3762	Endangered
California Red-legged Frog *Rana draytonii* There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/2891	Threatened

Crustaceans

NAME	STATUS
Riverside Fairy Shrimp *Streptocephalus woottoni* There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/8148	Endangered
Vernal Pool Fairy Shrimp *Branchinecta lynchi* There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/498	Threatened

Flowering Plants

NAME	STATUS
California Orcutt Grass *Orcuttia californica* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4923	Endangered
Spreading Navarretia *Navarretia fossalis* There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1334	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

Appendix G – National Marine Fisheries Services Species List

The National Marine Fisheries Species List dated 2016 is attached below. Per the email received from National Marine Fisheries Services (NMFS) below, the attached species list is still valid for the project.

Quad Name **Wheeler Springs**
Quad Number **34119-E3**

ESA Anadromous Fish

SONCC Coho ESU (T) -
CCC Coho ESU (E) -
CC Chinook Salmon ESU (T) -
CVSR Chinook Salmon ESU (T) -
SRWR Chinook Salmon ESU (E) -
NC Steelhead DPS (T) -
CCC Steelhead DPS (T) -
SCCC Steelhead DPS (T) -
SC Steelhead DPS (E) - **X**
CCV Steelhead DPS (T) -
Eulachon (T) -
sDPS Green Sturgeon (T) -

ESA Anadromous Fish Critical Habitat

SONCC Coho Critical Habitat -
CCC Coho Critical Habitat -
CC Chinook Salmon Critical Habitat -
CVSR Chinook Salmon Critical Habitat -
SRWR Chinook Salmon Critical Habitat -
NC Steelhead Critical Habitat -
CCC Steelhead Critical Habitat -
SCCC Steelhead Critical Habitat -
SC Steelhead Critical Habitat - **X**
CCV Steelhead Critical Habitat -
Eulachon Critical Habitat -
sDPS Green Sturgeon Critical Habitat -

ESA Marine Invertebrates

Range Black Abalone (E) -
Range White Abalone (E) -

ESA Marine Invertebrates Critical Habitat

Black Abalone Critical Habitat -

ESA Sea Turtles

East Pacific Green Sea Turtle (T) -
Olive Ridley Sea Turtle (T/E) -
Leatherback Sea Turtle (E) -
North Pacific Loggerhead Sea Turtle (E) -

ESA Whales

Blue Whale (E) -
Fin Whale (E) -
Humpback Whale (E) -
Southern Resident Killer Whale (E) -
North Pacific Right Whale (E) -
Sei Whale (E) -
Sperm Whale (E) -

ESA Pinnipeds

Guadalupe Fur Seal (T) -
Steller Sea Lion Critical Habitat -

Essential Fish Habitat

Coho EFH -
Chinook Salmon EFH -
Groundfish EFH -
Coastal Pelagics EFH -
Highly Migratory Species EFH -

MMPA Species (See list at left)

ESA and MMPA Cetaceans/Pinnipeds
See list at left and consult the NMFS Long Beach office
562-980-4000

MMPA Cetaceans -
MMPA Pinnipeds -

Federal ESA - - NOAA Fisheries Species List Re: Caltrans Department of Transportation, District...

NS

NMFS SpeciesList - NOAA Service Account <nmfs.wcrca.specie

To Mariotta, Mario@DOT

Reply | Reply All | Forward | ...

Wed 4/7/2021 4:34 PM

EXTERNAL EMAIL. Links/attachments may not be safe.

Receipt of this email confirms that NOAA Fisheries has received your email requesting confirmation of an Endangered Species Act SPECIES LIST. If you provided your name, phone number, federal agency name (or delegated state agency such as Caltrans), mailing address, project title, and a brief description of the project, and a copy of a list of threatened or endangered species identified within specified geographic areas generated from NOAA Fisheries, West Coast Region, California Species List Tool, this email, along with the list you generated, serves as your federal Endangered Species Act SPECIES LIST. If you have a question, contact your local NOAA Fisheries liaison.

Appendix H – Resources Evaluated Relative to the Requirements of Section 4(f): No-Use Determinations

Section 4(f) of the Department of Transportation Act of 1966, codified in federal law at 49 United States Code (USC) 303, declares that "it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites."

This section of the document discusses parks, recreational facilities, wildlife refuges, and historic properties found within or next to the project area that do not trigger Section 4(f) protection because: 1) they are not publicly owned, 2) they are not open to the public, 3) they are not eligible historic properties, or 4) the project does not permanently use the property and does not hinder the preservation of the property.

Properties evaluated relative to the requirements of Section 4(f) are provided below. These properties are eligible for protection under Section 4(f). However, per 23 CFR 774, the properties do not meet the requirements found in the regulations. There are no "use" of these properties as defined by 23 CFR 774.17, and therefore, Section 4(f) does not apply.

Properties protected by Section 4(f)

Name	Determination
Wheeler Gorge Campground	The property is a Section 4(f) property, but no "use" will occur. Therefore, the provisions of Section 4(f) does not apply.
Wheeler Gorge Visitor Center	The property is a Section 4(f) property, but no "use" will occur. Therefore, the provisions of Section 4(f) does not apply.

Appendix I – Public Notifications

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 7
100 S. MAIN STREET, SUITE 100
LOS ANGELES, CA 90012
PHONE (213) 897-0362
FAX (213) 897-0360
TTY 711
www.dot.ca.gov

Making Conservation a California Way of Life.

October 19, 2020

Agencies, Organizations, and Individuals
Interested in the SR-33 Road Safety
Enhancement Project

File: EA 07-33230
EFIS: 0716000257
VEN-33, PM 18.9/19.1

Notice of Availability (NOA) of the Initial Study/Environmental Assessment and Notice of Intent to Adopt a Mitigated Negative Declaration for the SR-33 Road Safety Enhancement Project

The California Department of Transportation (Caltrans) is proposing a Roadway Safety Enhancement Project on State Route 33 (SR-33), from post-mile (PM) 18.88 to 19.04 in Ventura County. The proposed project would widen the roadway, install a concrete barrier, install tubular railing, construct a concrete lined drainage, and apply a high friction surface treatment material to reduce collision severity at the curve area. Caltrans is the lead agency for the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA).

Caltrans has studied the environmental and community impacts of the proposed project and has prepared an Initial Study/Environmental Assessment (IS/EA). Our studies show that the Roadway Safety Enhancement Project will not significantly affect the quality of the environment and therefore, propose a Mitigated Negative Declaration (MND).

The purpose of this notice is to inform the public of its completion and availability to any interested individuals, and to provide the public an opportunity to comment. The Draft IS/EA can be accessed online via the CEQAnet web portal at: **https://ceqanet.opr.ca.gov/**

We welcome any comments or suggestions you may have concerning potential social, economic, and environmental impacts resulting from the proposed project.

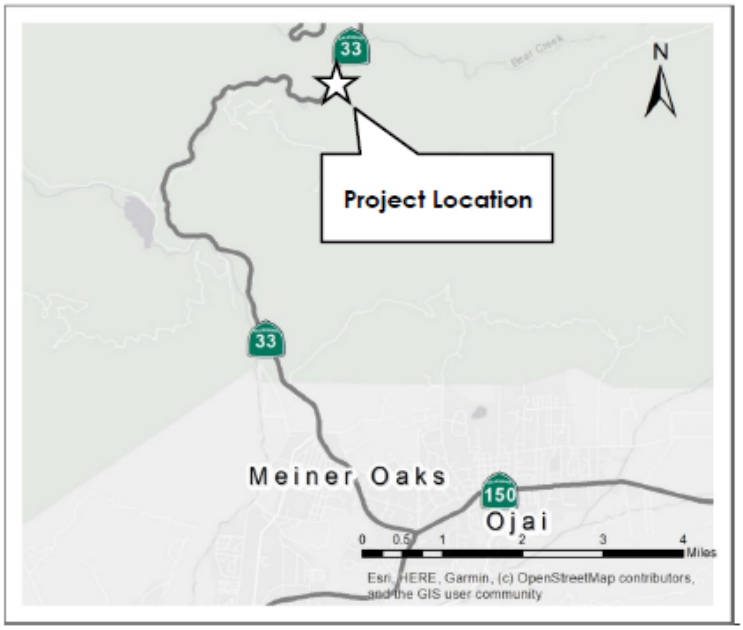
"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Please send your comments no later than **December 7, 2020** to
Susan.Tse@dot.ca.gov or to:
Susan Tse Koo, Senior Environmental Planner
Division of Environmental Planning
Caltrans, District 7
100 South Main Street, MS16A
Los Angeles, CA 90012

All comments received will become part of the project record and will provide valuable guidance to our environmental and design team. If you would like to request further information, contact Susan Tse Koo via email at Susan.Tse@dot.ca.gov. Thank you for your interest in this important transportation study.

Sincerely,

RONALD KOSINSKI
Deputy Director, Division of Environmental Planning
California Department of Transportation District 7



"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 7
100 S. MAIN STREET, SUITE 100
LOS ANGELES, CA 90012
PHONE (213) 897-0362
FAX (213) 897-0360
TTY 711
www.dot.ca.gov

Making Conservation a California Way of Life.

October 19, 2020

The Honorable Steve Bennett
Ventura County Supervisor for District 1
800 S. Victoria Ave.
Ventura, CA 93009

File: EA 07-33230
EFIS: 0716000257
VEN-33, PM 18.9/19.1

Notice of Availability (NOA) of the Initial Study/Environmental Assessment and Notice of Intent to Adopt a Mitigated Negative Declaration for State Route 33 Road Safety Enhancement Project

The California Department of Transportation (Caltrans) is proposing a Roadway Safety Enhancement Project on State Route 33 (SR-33), from post-mile (PM) 18.88 to 19.04 in Ventura County. The proposed project would widen the roadway, install a concrete barrier, install tubular railing, construct a concrete lined drainage, and apply a high friction surface treatment material to reduce collision severity at the curve area. Caltrans is the lead agency for the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA).

Caltrans has studied the environmental and community impacts of the proposed project and has prepared an Initial Study/Environmental Assessment (IS/EA). Our studies show that the Roadway Safety Enhancement Project will not significantly affect the quality of the environment and therefore, propose a Mitigated Negative Declaration (MND).

The purpose of this notice is to inform the public of its completion and availability to any interested individuals, and to provide the public an opportunity to comment. The Draft IS/EA can be accessed online via the CEQAnet web portal at: **https://ceqanet.opr.ca.gov/**.

We welcome any comments or suggestions you may have concerning potential social, economic, and environmental impacts resulting from the proposed project.

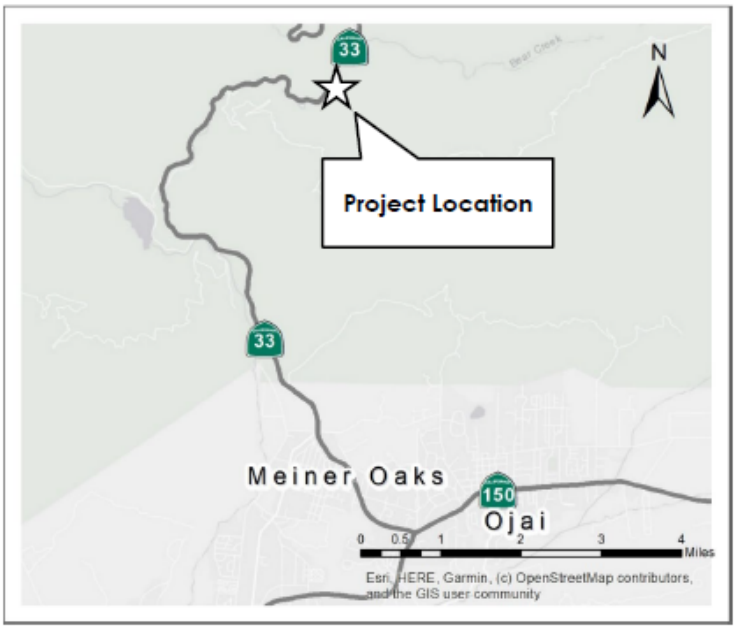
Please send your comments no later than **Monday, December 7, 2020** to Ron.Kosinski@dot.ca.gov or to:

Mr. Ron Kosinski, Deputy District Director
Division of Environmental Planning
Caltrans, District 7
100 South Main Street, MS16A
Los Angeles, CA 90012

All comments received will become part of the project record and will provide valuable guidance to our environmental and design team. Thank you for your interest in this important transportation study. If you would like to request further information, please contact Ronald Kosinski, Deputy District Director, Environmental Planning Division, at (213) 897-0703 or via email at Ron.Kosinski@dot.ca.gov.

Sincerely,

JOHN C. BULINSKI
District Director



"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Ask Dr. Halverson: COVID-19: Time for Halloween resolutions

By Dr. Jim Halverson

I do not like Halloween. Sure, it is fun to see children dressed up and smiling when I give them candy. However, ever since I was 3 years old when I was horribly frightened by a well-meaning youngster with an awful mask on Halloween, I have experienced some anxiety with even the friendliest of masks. Clown masks are especially unnerving to me.

I have decided to be proactive for Halloween this year. I have made a list of Halloween resolutions, for the first time, for all of us to consider.

Why? Many of us are struggling. COVID-19, politics, the upcoming election, racism and hatred between people in our country are all concerns that are showed in our face every day. They are wearing us down.

Here are my resolutions for helping me cope with and enjoy the coming months ahead. I hope you will find these ideas helpful as well.

Resolution 1: Decrease information overload

National news is generally bad. That is why so many of us watch it. Stop! Limit watching or listening to news to short periods daily. I spend 30 minutes at most with the evening news and often skip it altogether.

For updates on COVID-19, only use trusted and reliable sources such as the Ojai Valley News, and Ventura County Public Health website, which has links to the California Department of Public Health and the Centers for Disease Control for state and national information. Do not use social media for your source. There is way too much bias and misinformation placed there.

Resolution 2: Safely stay connected

Find your group of people you feel comfortable with and stick with them. Always have a plan to stay as safe as possible. Plan gatherings for outside only. Wear masks at all times, (except eating), practice social distancing and wash your hands frequently.

Don't let social distancing become social isolation. Harvard's Study of Adult Development discovered that a key to happiness is social connectedness. The study followed hundreds of people over 80 years from the time they were teenagers until well into their 90s.

The massive study revealed that people who ended up the happiest were the ones who really leaned into good relationships with family, friends and community. Close relationships were better predictors of long and pleasant lives than money, IQ or fame.

Psychiatrist George Vaillant, who led the study from 1972 to 2004, summed it up like so: "The key to healthy aging is relationships, relationships, relationships."

Resolution 3: Do acts of kindness for others

There are other ways to make you feel you are connected to others in a wider web. Shift your focus outward from yourself to others. Sonja Lyubomirsky, a psychology professor at the University of California Riverside and author of "The How of Happiness: A Scientific Approach to Getting the Life You Want," states: "Studies show that anything we can do to direct our attention off of ourselves and onto other people or other things is usually productive and makes us happier.

A great option is to perform an act of kindness — like donating to charity, or volunteering to read to a child or an older person online."

Dr. Jim Halverson

Lyubomirsky's research shows that committing any type of kind act can make you happier, though you should choose something that fits your personality. You may also want to vary what you do, because once you get used to doing something, you may start taking it for granted and not get as much of a boost from it.

So, you might call to check up on a lonely friend one day, deliver groceries to an older neighbor the next day, and make a donation the day after that.

Resolution 4: Find daily purpose and meaning

Set daily goals that include activities that provide purpose and meaning and stick with them. Employ regular acts of kindness, daily exercise, reading, meditation, or other activities that provide a sense of well-being for you.

Resolution 5: Practice gratitude daily

Develop an attitude of gratitude. Write a letter of gratitude to someone for what they have done for you. Make a written or mental list of things you are grateful for and add to it regularly. Try "awe walks" by paying attention to what is around us when you are active outdoors.

Our beautiful mountains, the awesome oak trees, birds singing, the pleasant weather during an early-morning or late-afternoon activity are great examples of what nature offers us to be grateful for.

Resolution 6: Celebrate holidays wisely

The CDC website offers a long list of ways to celebrate Halloween and Thanksgiving safely. Thanksgiving will be particularly challenging. The consequences of having COVID-19, particularly for older folks who we really want to gather with, can be dire. It is much wiser this year to stay in small groups.

Consider doing a Zoom Thanksgiving with people you love rather than risk exposing them to a virus that could potentially end their life.

Resolution 7: If you spend time in person with others, do it wisely

Much of COVID-19's spread is driven by informal gatherings of family and friends. If you must travel for the holidays, stop potentially risky behavior for at least two weeks prior to your trip. Including dining indoors at restaurants or being in close contact with people unfamiliar to you.

The consequences of having COVID-19, particularly for older folks who we really want to gather with, can be dire. It is much wiser this year to stay in small groups. Consider doing a Zoom Thanksgiving with people you love rather than risk exposing them to a virus that could potentially end their life.

It is also reasonable to get tested with a molecular test just before you go (rapid antigen tests are less reliable). Do not get a false sense of security just because you have a negative test, however.

Not only can there be falsely negative tests, but you can become infected after the test was taken. In addition, if you are concerned about a potential high-risk exposure in the 14 days prior to leaving for your trip, don't go.

Know the risk of getting infected with the coronavirus where you are going. MyCovidRisk.app lets you find your risk of becoming infected based on your destination, your planned activity, the duration of that activity and what percentage of people will be wearing masks. Remember, wearing your mask properly protects others, but it only partially protects you. Use common sense. This is not the time to be traveling to Texas, Florida or other current hot spots of COVID-19.

Resolution 8: Keep things in perspective

Yes, this fall and winter will be tough. Keep in mind the long-term benefits of making short-term changes. Personal responsibility, self-care and care for others now will pay off later. Next year is going to be much better. Let's get through this pandemic and let's get through this safely.

Stay committed, stay properly informed, stay hopeful, stay safe and stay well.

— Dr. Jim Halverson is a longtime Ojai physician who writes a weekly column on COVID-19 for the Ojai Valley News.

EVENTS

around our valley

see also "UPDATE" @ ojaivalleynews.com

Down The Road

COMMUNITY MEMORIAL HEALTH SYSTEM — is hosting a FREE virtual presentation on Nov. 11 highlighting cancer prevention and screening during the pandemic. Registration is requested at: cmhshealth.org/rsvp. Info: https://www.cmh-fventura.org/.

Ongoing Events

OJAI COVID-19 TESTING — Testing open every Monday through Oct. 26, 12 p.m. – 5 p.m. at Sarratt Park, 510 Park Rd.

VALLEY FOOD ASSISTANCE: **Mondays 10 a.m. -12:30 p.m.:** ***FOOD SHARE*** — Weekly pop-up pantry for those in need at St. Thomas Aquinas Church, 185 St. Thomas Dr., Ojai. Distributions are limited to residents of Ventura County. Info: foodshare.com/covid19. **1st Thursdays 9:30–10:30 a.m.:** ***ST. VINCENT DE PAUL FOOD PANTRY*** — at St. Thomas Aquinas Church, 185 St. Thomas Dr., Ojai. Food while supplies last for those in need. Info: bonnie.patton@cdrc.org. **3rd Saturdays 8:00 a.m.–10:00 a.m.:** ***ST. VINCENT DE PAUL FOOD PANTRY*** — at St. Thomas Aquinas / SVDP, 185 St. Thomas Dr., Ojai Food while supplies last for those in need. **Saturdays 11 a.m.–12:30 p.m.:** ***DAILY BREAD*** — at Calvary Church, 195 Mahoney Ave., Oak View. Call for appt. by Wednesday before the event. 805 649-1515. **Saturdays 9:30–10:30 a.m.:** ***FOOD FOR ALL*** — at Redemption Church, 190 East El Roblar, Ojai.

OJAI CERTIFIED FARMERS' MARKET — Every Sunday 9 a.m.–1 p.m. at 300 E. Matilija St., Ojai.

OJAI VALLEY MUSEUM — FREE Online Art Exhibit – Insight 20/20: Ojai Studio Artists. Info: ojaivalleynewsmuseum.org/insight-2020.html.

OJAI POETRY SERIES — Info: ojaipoetryseries@gmail.com.

October 26, 2020 Newsletter Recipients

Archuleta, Mark A@DOT <mark.archuleta@dot.ca.gov>; Barbara Marquez (barbara.marquez@dot.ca.gov); Bulinski, John C@DOT <john.bulinski@dot.ca.gov>; Kam, Jerrel B@DOT <jerrel.b.kam@dot.ca.gov>; Kosinski, Ron J@DOT <ron.kosinski@dot.ca.gov>; Marquez, Paul Albert@DOT <paul-albert.marquez@dot.ca.gov>; Molina, Rafael A@DOT <rafael.molina@dot.ca.gov>; Nierenberg, Andrew P@DOT <andrew.p.nierenberg@dot.ca.gov>; Prochnow, Deborah L@DOT <deborah.prochnow@dot.ca.gov>; Roberts, Gloria H@DOT <gloria.roberts@dot.ca.gov>; Rodriguez, Blanca A@DOT <blanca.rodriguez@dot.ca.gov>; So, Robert C H@DOT <robert.so@dot.ca.gov>; Vann, Lynette M@DOT <lynette.vann@dot.ca.gov>; Casaleggio, Garin@CalSTA <Garin.Casaleggio@calsta.ca.gov>; Kiana Valentine <Kiana@politicogroup.com>; McGowen, Tamie D@DOT <tamie.mcgowen@dot.ca.gov>; Rocco, Matt V@DOT <matt.rocco@dot.ca.gov>; Almanzan, Alisa M@DOT <alisa.almanzan@dot.ca.gov>; Bischoff, Marc@DOT <Marc.Bischoff@dot.ca.gov>; Content-Watkins, Bryna@DOT <Bryna.Content-Watkins@dot.ca.gov>; Jones, Peter@DOT <peter.jones@dot.ca.gov>; Medina, James@DOT <James.Medina@dot.ca.gov>; Menjivar, Eric@DOT <Eric.Menjivar@dot.ca.gov>; Queen, Allison@DOT <Allison.Queen@dot.ca.gov>; Teves, Jeremiah@DOT <Jeremiah.Teves@dot.ca.gov>; White, Dave P@DOT <dave.white@dot.ca.gov>; Wonder, Lauren E@DOT <lauren.wonder@dot.ca.gov>; Bill Weirick <weirick@ojaicity.org>; Chris Hooke <chris.hooke@ventura.org>; Darren Kettle <dkettle@goventura.org>; David Fleisch <david.fleisch@ventura.org>; Fong, Karen M@DOT <karen.fong@dot.ca.gov>; Manuel Minjares <manuel.minjares@ventura.org>; Nancy Lee Phillips <nancy.phillips@ventura.org>; Paul Blatz <blatz@ojaicity.org>; Roxanna Ibarra <ribarra@goventura.org>; Steve Bennett <steve.bennett@ventura.org>; Steve Offerman <steve.offerman@ventura.org>; Camarillo Acorn <camarillo@theacorn.com>; Fillmore Gazette <info@fillmoregazette.com>; KCLU News <kclunews@aol.com>; KEYT News <assignmentdesk@keyt.com>; KVTA News <kvtanews@yahoo.com>; Kyle Jorrey <kjorrey@theacorn.com>; Mike Harris <mike.harris@vcstar.com>; Moorpark Acorn <moorpark@theacorn.com>; mswallred2004@yahoo.com; Ojai Valley News <editor@ojaivalleynews.com>; Perry Van Houten <pvh@ojaivalleynews.com>; S. Belmond <belmond@theacorn.com>; Santa Paula Times <santapaulatimes@gmail.com>; The Acorn <newstip@theacorn.com>; VC Reporter <editor@vcreporter.com>; Ventura County Star <news@vcstar.com>; Cai, Lillian@DOT <Lillian.Cai@dot.ca.gov>; Tse, Susan@DOT <susan.tse@dot.ca.gov>

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info@LPFW.org

State of California • Department of Transportation

NEWS RELEASE

Date: October 26, 2020
District: 7/Los Angeles and Ventura counties
Contact: Michael.Comeaux@dot.ca.gov
Phone: (213) 897-9372 or (213) 819-1936

FOR IMMEDIATE RELEASE

Caltrans Proposes Project on State Route 33 in Ventura County

Public Comments Invited During Environmental Process

OJAI — The California Department of Transportation (Caltrans) invites the public to offer comments about a proposed safety enhancement project on State Route 33 approximately eight miles north of Ojai in Los Padres National Forest.

The project will widen the two-lane roadway, install a concrete barrier and tubular railing, construct a concrete-lined drainage and apply a high-friction surface treatment material to reduce collision severity at the curve area.

The location is within a gorge where natural springwater flows across the road into North Fork Matilija Creek, from postmiles 18.88 to 19.04.

Caltrans welcomes any comments or suggestions concerning potential social, economic and environmental impacts resulting from the proposed project.

In conformity with the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), Caltrans has studied the environmental impacts of the proposed project and has prepared an Initial Study with a Proposed Mitigated Negative Declaration and Environmental Assessment (IS/EA).

The public and affected public agencies are invited to review the Draft IS/EA and submit written comments. The Initial Study can be accessed online via the CEQAnet web portal at https://ceqanet.opr.ca.gov/. The project title is SR-33 Road Safety Enhancement Project.

Comments are due by December 7, and should be sent by email or mail to Ron.Kosinski@dot.ca.gov or to Mr. Ron Kosinski, Deputy District Director, Division of Environmental Planning, California Department of Transportation, 100 S. Main Street MS-16A, Los Angeles CA 90012. Comments will be part of the public record.

More information is available by email addressed to Susan.Tse@dot.ca.gov

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November 16, 2020 Newsletter Recipients

Archuleta, Mark A@DOT <mark.archuleta@dot.ca.gov>; Barbara Marquez (barbara.marquez@dot.ca.gov); Kam, Jerrel B@DOT <jerrel.b.kam@dot.ca.gov>; Kosinski, Ron J@DOT <ron.kosinski@dot.ca.gov>; Marquez, Paul Albert@DOT <paul-albert.marquez@dot.ca.gov>; Molina, Rafael A@DOT <rafael.molina@dot.ca.gov>; Nierenberg, Andrew P@DOT <andrew.p.nierenberg@dot.ca.gov>; Prochnow, Deborah L@DOT <deborah.prochnow@dot.ca.gov>; Roberts, Gloria H@DOT <gloria.roberts@dot.ca.gov>; Rodriguez, Blanca A@DOT <blanca.rodriguez@dot.ca.gov>; So, Robert C H@DOT <robert.so@dot.ca.gov>; Vann, Lynette M@DOT <lynette.vann@dot.ca.gov>; Almanzan, Alisa M@DOT <alisa.almanzan@dot.ca.gov>; Bischoff, Marc@DOT <Marc.Bischoff@dot.ca.gov>; Content-Watkins, Bryna@DOT <Bryna.Content-Watkins@dot.ca.gov>; Jones, Peter@DOT <peter.jones@dot.ca.gov>; Medina, James@DOT <James.Medina@dot.ca.gov>; Menjivar, Eric@DOT <Eric.Menjivar@dot.ca.gov>; Queen, Allison@DOT <Allison.Queen@dot.ca.gov>; Teves, Jeremiah@DOT <Jeremiah.Teves@dot.ca.gov>; White, Dave P@DOT <dave.white@dot.ca.gov>; Wonder, Lauren E@DOT <lauren.wonder@dot.ca.gov>; Fillmore Gazette <info@fillmoregazette.com>; KCLU News <kclunews@aol.com>; KEYT News <assignmentdesk@keyt.com>; KVTA News <kvtanews@yahoo.com>; Kyle Jorrey <kjorrey@theacorn.com>; Mike Harris <mike.harris@vcstar.com>; Ojai Valley News <editor@ojaivalleynews.com>; Perry Van Houten <pvh@ojaivalleynews.com>; Santa Paula Times <santapaulatimes@gmail.com>; The Acorn <newstip@theacorn.com>; VC Reporter <editor@vcreporter.com>; Ventura County Star <news@vcstar.com>; Bill Weirick <weirick@ojaicity.org>; Chris Hooke <chris.hooke@ventura.org>; City of Santa Paula <'info@ci.santa-paula.ca.us'>; Darren Kettle <dkettle@goventura.org>; David Fleisch <david.fleisch@ventura.org>; Fong, Karen M@DOT <karen.fong@dot.ca.gov>; Paul Blatz <blatz@ojaicity.org>; Roxanna Ibarra <ribarra@goventura.org>; Steve Bennett <steve.bennett@ventura.org>; Steve Offerman <steve.offerman@ventura.org>; Cai, Lillian@DOT <Lillian.Cai@dot.ca.gov>; Tse, Susan@DOT <susan.tse@dot.ca.gov>; Higa, Derek@DOT derek.higa@dot.ca.gov

State of California • Department of Transportation

NEWS RELEASE

Date: November 16, 2020
District: 7/Los Angeles and Ventura counties
Contact: Michael.Comeaux@dot.ca.gov
Phone: (213) 897-9372 or (213) 819-1936

FOR IMMEDIATE RELEASE

December 7 Deadline for Public Comments on Caltrans Safety Project on State Route 33 in Ventura County

Public Comment Period Is Open During Environmental Process

OJAI — The public has until December 7 to comment on a safety enhancement project proposed by the California Department of Transportation (Caltrans) on State Route 33 about eight miles north of Ojai in Los Padres National Forest.

Caltrans plans to widen the two-lane roadway, install a concrete barrier and tubular railing, construct a concrete-lined drainage and apply a high-friction surface treatment material to reduce collision severity at the curve area. The location is within a gorge where natural springwater flows across the road into North Fork Matilija Creek, from postmiles 18.88 to 19.04.

Caltrans welcomes any comments or suggestions concerning potential social, economic and environmental impacts resulting from the proposed project.

Caltrans is the lead agency for the project under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). In conformity with the requirements of CEQA and NEPA, Caltrans has studied the environmental impacts of the proposed project and prepared an Initial Study with a Proposed Mitigated Negative Declaration and Environmental Assessment (IS/EA).

The public and affected agencies are invited to review the Draft IS/EA and submit written comments. The Initial Study can be accessed online via the CEQAnet web portal at https://ceqanet.opr.ca.gov/. The project title is SR-33 Road Safety Enhancement Project.

Comments are due by December 7, and should be sent by email or mail to Ron.Kosinski@dot.ca.gov or to Mr. Ron Kosinski, Deputy District Director, Division of Environmental Planning, California Department of Transportation, 100 S. Main Street MS-16A, Los Angeles CA 90012. Comments will be part of the public record.

More information is available by email addressed to Susan.Tse@dot.ca.gov

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Appendix J – Response to Comments

Table 21. Summary of Comment Letters Received

Comment Code	Agency/Organization (if applicable)	Commenter Name	Date	Page Number
KA-1	N/A	Kathy Angileri	10/24/2020	251
CH-1	Ventura County Public Works	Chris Hooke	10/27/2020	252
JW-1	N/A	Jeffrey Weinstein	11/01/2020	253
JF-1	N/A	Joel Fox	11/06/2020	254
RA-1	N/A	Rebecca Adams	11/28/2020	255
BB-1	Los Padres Forest Watch	Bryant Baker	12/07/2020	256-257
BB-2	Los Padres Forest Watch	Bryant Baker	12/07/2020	258
BB-3	Los Padres Forest Watch	Bryant Baker	12/07/2020	258
BB-4	Los Padres Forest Watch	Bryant Baker	12/07/2020	259
BB-5	Los Padres Forest Watch	Bryant Baker	12/07/2020	259-260
BB-6	Los Padres Forest Watch	Bryant Baker	12/07/2020	260-261
RH-1	N/A	Roger House	12/07/2020	263
RH-2	N/A	Roger House	12/07/2020	264

From: Kathy Angileri <kathyangileri@gmail.com>
Sent: Saturday, October 24, 2020 2:52 PM
To: Tse, Susan@DOT <susan.tse@dot.ca.gov>
Subject: SR-33 Road Safety

EXTERNAL EMAIL. Links/attachments may not be safe.

Susan Tse,

I received the proposal for the project to widen the roadway, install a concrete barrier...on State Route 33.

In my opinion, there is not enough traffic in this area to enhance this part of Route 33. If this was a busy road, I could understand the need to undergo all these changes.

I have seen deer, snakes, skunks, squirrels...in this area. Why disrupt their habitat by undergoing all these changes?

Thank you for listening to my concerns,

Kathy Angileri

Kathy Angileri, M.A., M.S.S.
www.kathyangileri.com
Tantric Institute of Integrated Sexuality
Niches: Achieving Your Mind-Altering First Orgasm and
Oh, Yes! Exquisite Body-Love Coaching

KA-1

KA-1

The proposed project's purpose is to enhance the safety of the roadway features by widening the road, incorporating a drainage ditch, replacing old rock barriers that were knocked off by vehicles, and applying a high friction surface treatment on the wet section of the roadway. As part of our mission, Caltrans must address safety issues within its facilities to ensure safety to all travelers on the road. Biological studies have concluded that there will be no significant impacts to biological resources as a result of the project (Section 2.3). Measures to reduce potential impacts to wildlife species include performing pre-construction surveys, utilizing biological monitors during construction, and re-planting trees on-site. These measures can be found in Appendix C – Avoidance, Minimization and/or Mitigation Summary.

From: Hooke, Chris <Chris.Hooke@ventura.org>
Sent: Tuesday, October 27, 2020 3:32 PM
To: Kosinski, Ron J@DOT <ron.kosinski@dot.ca.gov>
Cc: Tse, Susan@DOT <susan.tse@dot.ca.gov>; Fleisch, David <David.Fleisch@ventura.org>; Derossett, Glenn <Glenn.Derossett@ventura.org>
Subject: HWY 33 Project, MP 18.9 Support

EXTERNAL EMAIL. Links/attachments may not be safe.

I just received an email from Caltrans asking for public comment on your IS-MND for a safety project at MP 18.88 to 19.1 on Hwy 33, just north of the 2 short tunnels. I have reviewed your IS-MND and your proposed actions, and I fully support what you are proposing to do. I have driven past this location many times and I am very familiar with the conditions there, particularly that the road is curved and the pavement is ALWAYS wet there and is very slick, due to a natural seep of water from the hillside. The hillside on the east side of the road continues to weep continuously, and the road was wet even after 6 years of drought, so it is an ongoing source of moisture along the roadside. I agree that the road should be widened at this location, to the degree possible, and a friction wearing course is a great idea. Because the wet pavement is in a curve, it is particularly dangerous for it to be slick. I also agree that an inlet and drainage improvements should be built to convey the water away from the road, before it can cross the road, as it now does. Your proposed actions exactly hit the mark to improve safety!

The stone wall along the southbound side of the road has been hit many times and needs to be upgraded; there is a vertical drop of about 12 feet from the roadside to the creekbed below. I remember about 5 years ago, a truck loaded with potatoes hit that barrier, went over the side, and landed in the creek below. (The rescue crew had fish and chips for dinner –LOL, just joking!) That barrier definitely needs to be extended further around the curve and made taller. That will greatly increase safety for southbound traffic.

Incidently, I am the Deputy Director Roads & Transportation for the County of Ventura, responsible for the design and construction of improvements to the county road system. I implement projects just like this throughout the County road system and am very familiar with roadway hazards and the best remedies for them. I fully support your project and I am glad to see it moving forward.

Chris Hooke, PE
Deputy Director
Roads & Transportation

PUBLIC WORKS VENTURA COUNTY

800 S. Victoria Ave. / #1600
Ventura, CA 93009
P: 805.654. 2048 | C: 805.651.8329
VCPWA Online | Facebook | Twitter

CH-1

CH-1

Thank you for your comment and your support in the project.

From: Jeffrey Weinstein <wenwilpc@aol.com>

To: ronald.kosinski@dot.ca.gov <ronald.kosinski@dot.ca.gov>; susan.tse@dot.ca.gov <susan.tse@dot.ca.gov>

Cc: denniskmccarthy@gmail.com <denniskmccarthy@gmail.com>; hrogove@gmail.com <hrogove@gmail.com>; jeff.palmer@ojaisan.org <jeff.palmer@ojaisan.org>; bob.kilpatrick@dot.ca.gov <bob.kilpatrick@dot.ca.gov>; rainsalan@yahoo.com <rainsalan@yahoo.com>; randy@haneylandscape.com <randy@haneylandscape.com>; wnweirick@wpllp.com <wnweirick@wpllp.com>; suzaojaicitycouncil@gmail.com <suzaojaicitycouncil@gmail.com>; ojaijohnny@gmail.com <ojaijohnny@gmail.com>; ryan@ryanblatzlaw.com <ryan@ryanblatzlaw.com>; grant@ojaicity.org <grant@ojaicity.org>; gomez@ojaicity.org <gomez@ojaicity.org>; vega@ojaicity.org <vega@ojaicity.org>; amaany.samaan@dot.ca.gov <amaany.samaan@dot.ca.gov>; barbara.marquez@dot.ca.gov <barbara.marquez@dot.ca.gov>; gary.kevorkian@dot.ca.gov <gary.kevorkian@dot.ca.gov>; abdi.saghafi@dot.ca.gov <abdi.saghafi@dot.ca.gov>; jkibe@dot.ca.gov <jkibe@dot.ca.gov>; homar.noroozi@dot.ca.gov <homar.noroozi@dot.ca.gov>; godson.okereke@dot.ca.gov <godson.okereke@dot.ca.gov>; jerrel.kam@dot.ca.gov <jerrel.kam@dot.ca.gov>; deborah.wong@dot.ca.gov <deborah.wong@dot.ca.gov>; Steve.Offerman@ventura.org <Steve.Offerman@ventura.org>; Linda.Parks@ventura.org <Linda.Parks@ventura.org>; Kelly.Long@ventura.org <Kelly.Long@ventura.org>; Supervisor.Huber@ventura.org <Supervisor.Huber@ventura.org>; John.Zaragoza@ventura.org <John.Zaragoza@ventura.org>; rpardo@nelsonnygaard.com <rpardo@nelsonnygaard.com>; jmeyer@lgc.org <jmeyer@lgc.org>; steve.bennett@ventura.org <steve.bennett@ventura.org>; publisher@ojaivalleynews.com <publisher@ojaivalleynews.com>; bob.daddi.gxql@statefarm.com <bob.daddi.gxql@statefarm.com>; wendyojaipc@gmail.com <wendyojaipc@gmail.com>; viprgirl@sbcglobal.net <viprgirl@sbcglobal.net>

Sent: Sun, Nov 1, 2020 7:03 pm

Subject: Caltrans "Initial Study" for SR-33 from 18.88 to 19.04 in Ventura County

Ron Kosinski, Deputy District Director

Caltrans

Hello Ron, thank you for the opportunity to respond to Caltran's Public Notice in the Ojai Valley News regarding the "Initial Study" for Hwy 33 north of Ojai. There was also a brief article and nice photo in the 10/30 Ojai Valley News about the Hwy 33 project approximately 8 miles north of Ojai.

Attached above is the professional 229-page well presented report prepared by Caltrans (also found at https://ceqanet.opr.ca.gov/<https://urldefense.com/v3/__https://ceqanet.opr.ca.gov/__;!!LWi6xHDyrA!qZMCTMcE5MGTU205WJMSN for the proposed improvements which include widening the roadway to 11' wide, with "concrete barrier aesthetic treatment", an "elevation architectural surface treatment" and multiple "conceptual details". This complete study provides multiple alternatives for Lane Widening along .16 miles of roadway 8 miles north of Ojai.

Please compare this "Initial Study" by Caltrans versus what we have received to date from the City of Ojai.

Ron, will Caltrans prepare a similar "Initial Study" complete with multiple alternatives based on the City of Ojai's proposal for Lane Reduction on Maricopa Hwy? Why is the City of Ojai allowed to prepare a single biased unworkable plan for Lane Reduction on Hwy 33 in Ojai, when Caltrans is required to present an "Initial Study" complete with multiple alternatives?

Why is there no alternative in the City of Ojai's proposed plan for a single 12' wide lane vehicle on Maricopa Hwy, versus two (2) 11" wide vehicle lanes, similar to what is proposed north of Ojai?

Please explain, I await your reply...thank you, Jeff

Jeffrey Weinstein, AIA

(805) 798-0010

wenwilpc@aol.com

JW-1

JW-1

Thank you for your comment. Your comment was addressed by Environmental Planning Deputy District Director Ron Kosinski via email on November 2, 2021. The City of Ojai is the project lead on the Maricopa Hwy Lane Reduction Project. Please send your comments on the Maricopa Hwy Lane Reduction Project to the City of Ojai.

On Nov 6, 2020, at 9:16 AM, joel <joel@ofwonder.com> wrote:

EXTERNAL EMAIL. Links/attachments may not be safe.

The spot on Hwy 33 where the spring crosses is a bit sketchy, and I imagine it may be a significant hazard for motorcyclists. However, it's a very unique feature and one of the amazing characteristics that make the road such a draw for so many people. I think that drawing more attention to the danger and lowering the speed limit in that section could mitigate the problem and still preserve the charm more than diverting the spring away from the road entirely. It would also be faster to implement and less expensive! I would like to see that funky part of the road preserved.

-Joel Fox
909 N Rice Rd
Ojai CA 93023

JF-1

JF-1

The natural spring water will be preserved and remain visible after completion of the project. The original rock barrier, on the southbound side that was knocked off by vehicles, will be replaced with a concrete barrier, and the roadway will be widened to enhance safety. Please see Section 1.4 Project Description for more information. Signage, speed limits, and other appropriate measures will be further evaluated in the design phase of the project.

From: Rebecca Adams <shiyun57@gmail.com>
Sent: Saturday, November 28, 2020 10:32 AM
To: Kosinski, Ron J@DOT <ron.kosinski@dot.ca.gov>
Subject: Proposed Safety enhancement project, Highway 33 Ojai

EXTERNAL EMAIL. Links/attachments may not be safe.

Mr. Kosinski,

I am against the proposed "safety enhancements."

I feel a concrete barrier and tubular railing and a concrete lined drainage will detract from the beautiful and natural character of the roadway between mile markers 18.88 to 19.04.

The fact is some people drive unsafely on this roadway.

Truckers sometimes use it as an alternate route, and they behave as if it is the 5.

Sports cars gather and race up the road at a high rate of speed. Motorcyclists love the curves and frequently have accidents.

This is not the fault of the roadway, it is the lack of common sense on the part of the drivers.

Should this roadway look like any other LA freeway in order to accommodate those who break the law in their driving habits?

I do not agree.

Please preserve the quality of the road in its current state. It is magical to come around the turn and see the rock and the water. It will be awful to see a concrete barrier.

Rebecca Adams
Ojai, CA.

RA-1

RA-1

The remaining few blocks of the existing barrier no longer serves the purpose of a collision barrier (Figure 6). As part of our mission, Caltrans must address safety issues within its facilities to ensure safety to all travelers on the road. The proposed project would replace the old rock barrier in-kind with a textured concrete barrier with tubular railing to enhance safety on the road. The concrete barrier and tubular railing will be aesthetically treated to match the natural environment. Caltrans Licensed Landscape Architect has determined that the proposed concrete barrier design is consistent with the rest of the scenic corridor. It is also consistent with the San Jacinto Reyes Corridor Management Plan. Please see Section 2.1.5 for further information. The concrete-lined drainage can also be aesthetically treated to match the natural surroundings.

December 7, 2020

Ron Kosinski
Deputy District Director
Division of Environmental Planning
California Department of Transportation
100 S. Main Street MS-16A
Los Angeles, CA 90012

Re: SR-33 Road Safety Enhancement Project

Dear Mr. Kosinski:

Thank you for this opportunity to provide our initial comments on the SR-33 Road Safety Enhancement Project ("Project") in Ventura County. The Project entails widening State Route 33—a state scenic highway known as the Jacinto Reyes National Forest Scenic Byway in the Los Padres National Forest—near the northernmost tunnel along the road and alongside North Fork Matilija Creek.

We appreciate the information contained within the draft Initial Study ("IS") and Environmental Assessment ("EA"). However, the information contained in the IS/EA indicates that the project may warrant further documentation in an Environmental Impact Report ("EIR") and Environmental Impact Statement ("EIS"), particularly if Caltrans selects Build Alternative 1 which has more impacts to endangered steelhead, scenic highway values, and recreational access to the Los Padres National Forest.

Please see our detailed comments regarding the Project below.

1. **The Project requires preparation of an EIR/EIS.**

Because the Project includes potential impacts to Waters of the United States and requires a permit under Section 404 of the Clean Water Act, the proposed actions are required to be analyzed in accordance with the National Environmental Policy Act ("NEPA"). If the proposed action *may* significantly affect the environment—or if the effects are unknown—NEPA requires preparation of an EIS.

The draft IS/EA states regarding potential effects on southern steelhead trout (*Oncorhynchus mykiss*), a species listed as endangered under the federal Endangered Species Act:

> Section 7 consultation with NMFS regarding the updated scope started on August 27, 2020. It is anticipated that the project "May Affect, Likely to

Headquarters: Post Office Box 831 • Santa Barbara, CA 93102 | Post Office Box 98 • Ojai, CA 93024 | Post Office Box 499 • San Luis Obispo, CA 93406
805-617-4610 • WWW.LPFW.ORG

BB-1

BB-1

Per 23 CFR 771.115, the proposed project falls in the Class III category, in which an EA was prepared to determine the appropriate document required. Based on the studies conducted for the project, the EA concluded that no substantial impacts would occur with the incorporation of the 61 avoidance, minimization, and mitigation measures (Appendix C – Avoidance, Minimization and/or Mitigation Summary). In accordance with 40 CFR 1501.6(c), a federal agency can find that a project will have no substantial impact on the environment based on the inclusion of mitigation to reduce the effects. This is also applicable to the southern steelhead trout (*Oncorhynchus mykiss*) in which the effect findings "May Affect, Likely to Adversely Affect" and "May Affect, Not Likely to Adversely Affect" on its critical habitat would not be substantial after incorporating measures to minimize impacts. According to the Natural Environment Study (NES) prepared by our biologist, our findings also conclude that there are no significant impacts after the incorporation of avoidance, minimization, and mitigation measures and the project does not trigger mandatory findings of significance for any of the criteria listed under CEQA Guidelines 15065. Thus, it does not meet the requirements for the preparation of an EIR/EIS.

> Adversely Affect" the steelhead trout and "May Affect, Not Likely to Adversely Affect" its critical habitat.[1]

The draft IS/EA does not contain a concurrence letter or Biological Opinion ("BO") from the National Oceanic and Atmospheric Administration Fisheries ("NOAA Fisheries"), and following phone calls with Caltrans on December 7, 2020, we have been informed that such a letter and BO may not be received until January 2021.

The May Affect, Likely to Adversely Affect determination in the EA indicates the project may have significant effects and is therefore appropriate for an EIS.[2]

In addition, pursuant to CEQA Guidelines 15065, certain kinds of impacts are necessarily significant and thus automatically require preparation of an EIR. The Project satisfies two criteria triggering a mandatory finding of significance because it will "substantially reduce the habitat of a fish or wildlife species" and "substantially reduce the number or restrict the range of an endangered, rare or threatened species."[3]

Additionally, the draft IS/EIR is unclear about potential effects on California red-legged frog (*Rana draytonii*). During consultation with the U.S. Fish and Wildlife Service, concerns were raised about potential effects on the species:

> On February 26, 2020, Caltrans sent a letter to the U.S. Fish and Wildlife Service (USFWS) on requesting concurrence that the project "May Affect, Not Likely to Adversely Affect" California-red legged frog. Caltrans received a concurrence letter from the USFWS on March 26, 2020. The proposed project was subsequently down-scoped from an eight to ten-foot widening to a four-foot-nine-inch-widening/two-foot-nine-inch-widening as described in Section 1.7 Alternatives Considered but Eliminated from Further Discussion. The updated scope will have minor or negligible impacts on California red-legged frog and thus, Caltrans has determined that the project will have no effect on California red-legged frog.[4]

This would indicate that the species may indeed occur or have the potential to occur within the Project area. However, elsewhere in the draft IS/EA it is stated that the species has "no potential to occur" in the Project area.[5] The final environmental document should address this inconsistency and adequately explain why both build alternatives are considered to have no effect on the species.

[1] Project IS/EA, pg. 105
[2] 40 CFR § 1501.3
[3] CEQA Guidelines 15065(a)(1)
[4] Project IS/EA, pg. 169
[5] *Id.*, pg. 104 (Table 19)

BB-1 Cont.

BB-1 cont.
Formal consultation should be initiated prior to or at the time of release of the draft environmental document but Section 7 consultation is concluded at the completion of the final environmental document (https://www.fws.gov/endangered/what-we-do/faq.html#2). Formal consultation with National Marine Fisheries Services was initiated prior to the release of the draft environmental document during the month of February 2020 and the BO was issued on March 31, 2021 and is included in Appendix K – National Marine Fisheries Services Biological Opinion.

Please refer to 1.8 Alternatives Considered but Eliminated from Further Discussion Prior to the Draft Initial Study/Environmental Assessment for the previous scope of work proposed. Based on the current scope of work, there is low potential for the California red-legged frog (CRLF) to occur in the project area. Therefore, no effects are anticipated. The text in Section 2.3.5 has been revised accordingly. Pre-construction surveys for the CRLF will be conducted prior to construction. Please refer to Section 2.3.5 for further information.

2. The draft IS/EIR does not adequately address potential effects on a special status species that occurs within the Project area.

The draft IS/EIR states in regard to the two-striped garter snake (*Thamnophis hammondii*):

> The southwestern pond turtle (*Actinemys marmorata pallida*) and two-striped garter snake (*Thamnophis hammondii*) are both designated as Forest Service sensitive species and CDFW state species of concern. Suitable habitat is present for this species near the creek within the [Biological Study Area ("BSA")]. The southwestern pond turtle prefers streams with logs and stones, while the two-striped gartner [sic] snake prefers streams, ponds, and riparian areas with shade. Despite the ideal conditions presented in the potential habitat, both of these species were not observed during surveys. It has been determined that these species may have been negatively affected by the Thomas Fire and thus, locally extirpated from the BSA. Their presence will not be discounted due to their recent occurrences in Wheeler Gorge according to literary findings.[6]

BB-2

While we recognize that Caltrans is not discounting these species' presence, we would like to provide some additional information about the two-striped garter snake. The species has likely not been locally extirpated from the area as stated above. We observed an adult two-striped garter snake in the stream approximately 350' upstream from the existing retaining rock wall where the overhang will be constructed as part of the Project. This observation was made June 19, 2019 by the signer of this letter at approximately 34.509556°, -119.275242°. Please see Figures 1 and 2 for photos of the individual observed on that day.

The observation was made well within the BSA approximately 2.5 years after the Thomas Fire. It is therefore likely that, given the presence of an adult in this location, that a viable population still occurs in the area. It should be noted that not only is the species a U.S. Forest Service Sensitive Species in the Los Padres National Forest, but it is also a California Department of Fish and Wildlife Species of Special Concern.

The final environmental document should incorporate this information and re-examine potential effects on the species from either build alternatives as part of the Project.

3. An additional comment period should be provided to the public.

BB-3

The draft IS/EA has indicated that the only state- or federally-listed species that may be affected by the Project is the southern steelhead trout. Unfortunately, a concurrence letter and BO have not been submitted to Caltrans by NOAA Fisheries and therefore neither document is included in the draft IS/EA for public review. Caltrans should have postponed releasing the draft

[6] *Id.*, pg. 98

BB-2

Caltrans expert biologist has examined the photographs provided by this letter and has determined that the photographed species is the common San Diego gopher snake (*Pituophis catenifer annectens*), whose range overlaps with the two-striped garter snake and is also capable of swimming. The environmental document includes avoidance and minimization measures for biological monitoring and pre-construction surveys that will minimize adverse impacts to the species should they occur in the project area. Please refer to Appendix C – Avoidance, Minimization and/or Mitigation Summary for the full list of avoidance, minimization, and mitigation measures.

BB-3

Please refer to comment BB-1. Please see https://www.fws.gov/endangered/what-we-do/faq.html#2 for formal consultation process. Consultation is initiated before or during draft environmental document release. The BO is included in Appendix K – National Marine Fisheries Services Biological Opinion and you will receive notification when the final environmental document is circulated.

IS/EA and initiating the subsequent comment period until after the concurrence letter and BO were received. Without seeing any concerns, input, or recommendations by NOAA Fisheries regarding potential effects and mitigation of those effects on southern steelhead trout, the public is not able to provide comprehensive comments.

The simplest solution to this issue is for Caltrans to provide the public with an additional comment period after a BO and concurrence letter have been received from NOAA Fisheries and incorporated into an amended draft IS/EA that is subsequently re-issued to interested organizations and individuals. This will allow the public to better understand short- and long-term effects on southern steelhead trout and how those effects will be addressed by project design or mitigation efforts and therefore will allow the public to submit more meaningful comments on the Project.

4. **Caltrans did not include all interested organizations in its initial scoping efforts.**

The draft IS/EA states that a notice of initiation of studies was submitted to multiple agencies, organizations, and individuals on December 14, 2019. Our organization has previously requested that we be included on the distribution list for all Caltrans projects that take place in and around the Los Padres National Forest. However, we did not receive the notice of initiation of studies for the Project in December 2019. We were not made aware of the Project proposal until we received a news release regarding the draft IS/EA comment period on October 26, 2020. This further warrants an additional comment period as described above.

5. **Build Alternative 2 is preferable to Build Alternative 1.**

While we are requesting that Caltrans develop an EIS for the Project as describe above, we also want to ensure that the agency is aware of our preference for Build Alternative 2 over Build Alternative 1. Build Alternative 2 would include the construction of a narrower overhang and therefore would require modification of less riparian vegetation. Fewer trees would be permanently removed or temporarily impacted.

Additionally, Build Alternative 2 would not require any full weekend closures as would be required under Build Alternative 1. One lane of the road would be accessible throughout implementation of the Project under Build Alternative 2. This would substantially decrease impacts to recreation in the region. Any full weekend closures of State Route 33 through the Los Padres National Forest would be a major impediment to national forest visitors traveling to places such as Wheeler Gorge, Rose Valley, Pine Mountain, and others when approaching from southern Ventura County and Santa Barbara County. State Route 33 is a critical entryway into the southern Los Padres National Forest. Efforts to reduce potential impacts to the ability for national forest users to travel along this road are vital.

BB-3 Cont.

BB-4

BB-5

BB-4

The Notice of Initiation of Studies was sent to:

Jeff Kuyper
Los Padres Forest Watch Executive Director
P.O. Box 831
Santa Barbara, CA 93102

Please refer to the Distribution List on the Draft Environmental Document. The distribution list for the Notice of Initiation of Studies and Notice of Availability of the Draft Environmental Document/Notice of Intent to Adopt a Mitigated Negative Declaration can be found in Chapter 6 of the draft IS/EA. The distribution list for the Notice of Availability of the Final Environmental Document/Notice of Intent to Adopt a Mitigated Negative Declaration can be found in Chapter 6 of the final MND/FONSI. Please note that the distribution list in the final environmental document has been modified and updated.

BB-5

The Project Development Team (PDT) have decided that Build Alternative 1 will be the preferred alternative for the project. Section 1.7 Identification of a Preferred Alternative provides reasoning for why this alternative was selected. Due to the—

6. Visual impacts resulting from the Project may be significant.

We have previously expressed an interest in working with Caltrans and the U.S. Forest Service to cooperatively implement the goals and objectives outlined in the Forest Service's *Jacinto Reyes Corridor Management Plan* ("CMP"). This project—and others like it—would benefit immensely if all stakeholders would commit to working together to fulfill our common interest in protecting and enhancing the scenic qualities of this National Forest Scenic Byway. To that end, we encourage you to collaborate with the U.S. Forest Service on this project to ensure that the work is consistent with the CMP. This includes, but is not limited to, ensuring that any upgrades to rock block barriers are consistent with the standards outlined in the CMP as follows:

> Caltrans currently has an approved guardrail design called the "Stone Masonry Guardwall" that is similar in appearance to the historic CCC guardrails still in place along the byway. With minor modifications to better reflect the local rock, this design would be appropriate for future use along the byway as guardrails are reconstructed or replaced. Although it has a very high installation cost (approximately $830 per meter), it also has a very long life and is extremely durable. It is recommended that this design become the standard for railings along the byway.

We appreciate Caltrans' efforts to propose a textured stone pattern on concrete but note that the CMP recommends Stone Masonry Guardrail as the standard for all railings along the byway. The final environmental document should incorporate this standard or adequately explain why it is not being adopted.

The Project seeks to substantially enlarge the retaining wall in both length (proposed 380', longer than a football field) and height (to a proposed 3' height plus an additional 1.5' tall handrail). While repairs to the existing wall may be justified, such a massive expansion may create significant visual impacts along this segment of a state scenic highway and national forest scenic byway. Likely unnecessary, the installation of a railing atop the proposed retention wall will also exacerbate these visual impacts.

We urge Caltrans to reconsider the design and extent of the retention wall to ensure that it is consistent with the Corridor Management Plan and avoids potentially significant impacts to scenic highway and scenic byway resources.

BB-6

BB-5 cont.

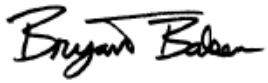
– environmental sensitivity of the project site, construction work will be implemented within restricted time window(s). The proposed project will have an accelerated construction schedule to minimize impacts to the public by utilizing weekend closures for contractors to perform continuous work and complete activities within a timely manner.
A traffic management plan as described in Section 2.1.4 will be implemented to reduce traffic impacts, as much as feasible. For more information on the selection of the preferred alternative, please refer to Section 1.7 Identification of a Preferred Alternative.

BB-6

Caltrans has coordinated with U.S. Forest Service (USFS) since the initiation of the project. The USFS has not provided any comments regarding the proposed concrete barrier at this time. Based on the Visual Impact Assessment Questionnaire conducted by Caltrans Licensed Landscape Architect, the proposed project received a score of 14 which means negligible visual impacts are anticipated. The proposed concrete barrier will only replace the old rock barrier that have been knocked down by vehicles and is compliant with current regulations. It was designed using context-sensitive solutions and other guidelines found in the SJCMP. The stone masonry guardwall mentioned in the SJCMP no longer conforms to Caltrans safety standards and cannot be used as a safety barrier.

Thank you for considering these comments as you continue to develop the Project. Please include us in any future communications regarding the Project.

Sincerely,



Bryant Baker, MS
Conservation Director
Los Padres ForestWatch
PO Box 831
Santa Barbara, CA 93102

BB-6 Cont.

The concrete barrier will be aesthetically treated, colored, and stamped to look like the old rock barrier and will match with the existing environment. The tubular railing is required to enhance safety for pedestrians and bicyclists on the road. It will also be stained to be consistent with the natural environment. Please see Section 2.1.5 Visual/Aesthetics for further information. Caltrans will continue to coordinate with regulatory agencies to address concerns that may arise during the design phase.

Figure 1. Two-striped garter snake observed moving through the stream on June 19, 2019 within the BSA. The adult individual was observed and photographed by Los Padres ForestWatch Conservation Director Bryant Baker.

Figure 2. Two-striped garter snake observed exiting the stream on June 19, 2019 within the BSA. The adult individual was observed and photographed by Los Padres ForestWatch Conservation Director Bryant Baker.

From: Roger House <roger.house@sbcglobal.net>
Sent: Monday, December 7, 2020 10:00 PM
To: Kosinski, Ron J@DOT <ron.kosinski@dot.ca.gov>
Cc: Roger House <roger.house@sbcglobal.net>
Subject: Public Comment RE: Artesian Cold Drip Weeping Wall to be destroyed to widen highway 33

EXTERNAL EMAIL. Links/attachments may not be safe.

Dear Ron, #1 'Hope you and your family and associates are doing ok in our covid-challenged experience.

Ron, I was stunned to see this notice in the Ojai Valley News 10-30-2020 edition.

The notice is for "safety enhancement". Does the depth of water of this seep across the road during a storm look like a big problem? Most of the water is staying in the gutter under the cliff.

It slowly drips for the majority of the year.

I am opposed to "widening" this small stretch of road because I know DOT can't widen the road over the creek ..so they must chop a road-cut into this weeping wall, destroying it

for the public.

If rare storm water flow on the road is a problem, why not put drain in at the base and tunnel the runoff under the road to the creek like they do every day in Oregon and NorCal?

I've lived for 21 years just 3 miles south of the Wheeler Gorge twin tunnels in Meiners Oaks .

As a geologist with ongoing fascination with ground water, I have admired and stood under to cool-off at the "weeping wall" of the year-round water seep pictured above.

Other than "Belly Ache" falls farther north on the 33 and Nojoqui falls outside Solvang in SB County , this travertine-formed , year-round trickle cold spring

has been a unique Ventura County source of JOY , BEAUTY and RELIEF from our intense summer heat and 7+ years of drought inflicted on our region.

RH-1

RH-1

As part of our mission, Caltrans must address safety issues within its facilities to ensure safety to all travelers on the road. The proposed project will enhance safety for all travelers of the roadway by replacing the rock barrier that has been knocked down by vehicles, applying high friction surface treatment to the road surface, and installing a concrete-lined drainage ditch to address wet pavement. The roadway will also be widened by cantilevering slabs on the southbound side of the roadway. Widening the roadway will not require modification of the vertical seep. The vertical seep will remain intact throughout construction. See Section 1.5 Project Alternatives for more information.

This moss-covered terraced travertine wall has defied all odds of survival from the Thomas Fire , again the drought years , and two stupid semi-truck crashes into

the creek (#1 Frozen Curly fries destined for Vta County restaurants ...#2 McCormick boxes of bagged Chili Beans and Chili sauce for food services)

Both crashes were probably due to truck driver miscalculation from someone bypassing the I-5 and unfamiliar with our old mountain road.

They were certainly not washed off the highway by this modest seep.

Every truck tip-over into the creek knocked off more of the big stone blocks serving as a guard rail on the creek side.

Why not just replace those?

Proper signage , speed limits , replaced stone "guard rails" and tunnel size cautions miles to the North should be enough in my opinion.

Otherwise , DOT and Caltrans will destroy what humans cannot re-create ...a beautiful , living artesian cold spring to be enjoyed and savored up-close by travelers like myself.

Best Wishes,

Roger House
305 Encinal Ave
Ojai, CA 93023 (Meiners Oaks)
805-798-5011

RH-1 cont.

RH-2

RH-2

The proposed project will replace the rock block barrier with an aesthetically treated concrete barrier that complies with the current state standards. Please refer to Section 1.5 Project Alternatives for the project descriptions of the build alternatives. Signage, speed limits, and other appropriate measures are part of the project scope and will be further developed in the design phase of the project. See RH-1 regarding the vertical seep.

Appendix K – National Marine Fisheries Services Biological Opinion

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404-4731

March 31, 2021 **Refer to NMFS No:** WCRO-2020-02379

Paul Caron
Senior Environmental Planner
California Department of Transportation, District 7
100 South Main Street, MS 16A
Los Angeles, California 90012

Re: Endangered Species Act Section 7(a)(2) Biological Opinion for the SR-33 Curve Widening and Barrier Replacement Project in Wheeler Gorge, Ventura County (EA: 07-33230)

Dear Mr. Caron:

On August 31, 2020, NOAA's National Marine Fisheries Service (NMFS) received the California Department of Transportation's (Caltrans) request for formal consultation under Section 7 of the U.S. Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531 et seq.). This request concerns the widening of State Route (SR) 33 along North Fork Matilija Creek near Wheeler Gorge. The proposed action is within range of the endangered southern California (SC) Distinct Population Segment (DPS) of steelhead (*Oncorhynchus mykiss*) and designated critical habitat for the species. This consultation was conducted in accordance with the 2019 revised regulations that implement section 7 of the ESA (50 CFR 402, 84 FR 45016).

The biological opinion concludes that the proposed action is not likely to jeopardize the continued existence of the endangered SC DPS of steelhead or destroy or adversely modify its designated critical habitat. NMFS believes the proposed action is likely to result in incidental take of steelhead, therefore, the attached incidental take statement includes the amount and extent of anticipated incidental take with reasonable and prudent measures and non-discretionary terms and conditions to minimize and monitor incidental take of endangered steelhead.

Please contact Jess Fischer at jessica.fischer@noaa.gov or (562) 533-6813 if you have a question concerning this consultation, or if you require additional information.

Sincerely,

Alecia Van Atta
Assistant Regional Administrator
California Coastal Office

Enclosure

cc: Mario Mariotta, Caltrans, D7 (Mario.Mariotta@dot.ca.gov)
Copy to E-File: ARN 151422WCR2020CC00045

Endangered Species Act (ESA) Section 7(a)(2) Biological Opinion

State Route 33 Curve Widening and Barrier Replacement near Wheeler Gorge, Ventura County

NMFS Consultation Number: WCRO-2020-02379
Action Agency: California Department of Transportation

Affected Species and NMFS' Determinations:

ESA-Listed Species	Status	Is Action Likely to Adversely Affect Species?	Is Action Likely to Jeopardize the Species?	Is Action Likely to Adversely Affect Critical Habitat?	Is Action Likely to Destroy or Adversely Modify Critical Habitat?
Southern California steelhead (*Oncorhynchus mykiss*)	Endangered	Yes	No	Yes	No

Consultation Conducted By: National Marine Fisheries Service, West Coast Region

Issued By:
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Date: March 31, 2021

TABLE OF CONTENTS

1 INTRODUCTION

This Introduction section provides information relevant to the other sections of this document and is incorporated by reference into Sections 2 and 3, below.

1.1 Background

NOAA's National Marine Fisheries Service (NMFS) prepared the biological opinion (opinion) and incidental take statement (ITS) portions of this document in accordance with section 7(b) of the Endangered Species Act (ESA) of 1973 (16 USC 1531 et seq.), and implementing regulations at 50 CFR 402, as amended.

We completed pre-dissemination review of this document using standards for utility, integrity, and objectivity in compliance with applicable guidelines issued under the Data Quality Act (DQA) (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001, Public Law 106-554). The document will be available within two weeks at the NOAA Library Institutional Repository [https://repository.library.noaa.gov/welcome]. A complete record of this consultation is on file at NMFS' California Coastal Office, Southern California Branch in Long Beach, California.

1.2 Consultation History

On February 24, 2020, NMFS received from the California Department of Transportation (Caltrans) a written request for formal consultation under section 7 of the ESA for the State Route (SR) 33 Curve Widening and Barrier Replacement Project near Wheeler Gorge. Caltrans is the lead federal agency as assigned by the Federal Highway Administration, effective December 23, 2016, for five years and pursuant to 23 USC 327. Caltrans' written request included a biological assessment (BA) describing the effects of the proposed action on endangered Southern California steelhead (*Oncorhynchus mykiss*) and designated critical habitat for the species in North Fork Matilija Creek.

Following review of the consultation request and BA, NMFS determined the information received was inadequate to initiate formal consultation, and in a letter to Caltrans dated March 17, 2020, requested the specific information that was necessary to initiate formal consultation.

On March 23, 2020, NMFS received Caltrans' letter responding to our letter with only a portion of the requested information that is necessary to initiate formal consultation. After review, NMFS determined the provided information was still insufficient to initiate consultation and sent another letter requesting additional information to Caltrans on March 25, 2020.

On May 1, 2020, Caltrans notified NMFS via email that changes had been made to the project description, though Caltrans did not describe the changes or provide any additional information. After 45 days passed since NMFS' March 25, 2020, letter with no response from Caltrans, NMFS withdrew the consultation request on May 11, 2020.

On August 31, 2020, more than five months after NMFS' letters dated March 17, 2020, and March 23, 2020, NMFS received a letter from Caltrans that responded to NMFS' March 23, 2020, letter and requested consultation be initiated. After reviewing Caltrans' written request,

changes to the proposed action, and supporting documents, NMFS determined that the information was still insufficient to initiate consultation and sent a letter to Caltrans that outlined the information needed on September 10, 2020. Caltrans sent NMFS a response letter 43 days later on October 23, 2020, and because that letter contained the information necessary to begin formal consultation, the consultation was initiated on the same day.

On January 6, 2021, 75 days after consultation was initiated, NMFS sent a letter to Caltrans requesting a timeline extension until May 21, 2021, to fully evaluate and analyze potential effects of the proposed action on endangered steelhead and designated critical habitat for the species and complete internal review of the draft biological opinion. In a letter dated January 28, 2021, Caltrans rejected NMFS' request for a mutually agreed upon timeline extension. After additional correspondence and evaluation of the timeline, NMFS suggested mid-April for an extension. Caltrans did not reject this proposal and April 17, 2021, was recorded as the extension date.

1.3 Proposed Federal Action

Under the ESA, "action" means all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies (50 CFR 402.02).

1.3.1 Overview of Proposed Action

Caltrans proposes to construct a cantilever extension to SR-33 along 377.5 linear feet between post miles (PM) 18.94 and 19.01 in order to widen the curve in the road by 4.75 feet and update the barrier on the edge of the road to increase safety for drivers. To avoid confusion with barriers to steelhead or critical habitat, this roadway barrier is referred to as a "concrete guardrail" in this biological opinion. Construction will be completed in one season with activities adjacent to and in North Fork Matilija being confined to June 1 through October 31. Best management practices (BMP) are incorporated into the proposed action and will be implemented when construction activities are undertaken.

1.3.2 Proposed Activities to Prepare the Work Area for Construction

To prepare for construction, vegetation will be trimmed, the instream area for the work platform will be isolated with block nets, and the platform will be installed. Any steelhead within the affected area will be relocated. The block nets will be monitored for effectiveness throughout the duration of construction. Vegetation will be trimmed and removed to create access to the temporary construction area. Ten riparian trees will be permanently removed with 150 ft^2 of permanent impacts to white alder riparian woodland due to the widened roadway. Caltrans estimates there will be a total of 185 linear feet and 1550 ft^2 of riparian impacts.

Caltrans proposes to select steelhead relocation sites based on a combination of habitat and fish abundance data gathered in the action area. The creek will be surveyed for the following habitat conditions: stream features (run, step pool, riffle/pool), depth, velocity, dissolved oxygen, stream temperature, percent shade cover, and the presence of deep pools, boulders, in-stream exposed roots and/or bubble curtains. Within the isolated area, the locations and orientation of boulders will be recorded and documented to quantify the amount of refugia present in order to inform

creek restoration after project activities in the creek have been completed. Steelhead will be relocated to areas with sufficient shade and depth; overcrowding and mixing of age classes will be avoided. They will be relocated to downstream locations due to limited habitat just upstream, though upstream areas will be used as well if overcrowding seems likely.

Caltrans proposes to capture and relocate steelhead from 275 linear feet, or 3,800 ft^2 of North Fork Matilija Creek to avoid injury or mortalities during installation and use of the temporary work platform. Block nets will be installed to isolate the work area with the first net being installed at the upstream end of the action area and the second net being used as a seine to herd steelhead downstream out of the work area prior to installing the net at the downstream boundary of the instream work area. Fish passage will not be maintained for the duration of the proposed action. The nets will have mesh no larger than 1/8 inch. They will be anchored with bags filled with clean, washed gravel; stream materials will not be used for anchors. Disturbing vegetation and stream habitat features with the net placement will be avoided. Nets will be placed where they will remain the most secure, such as areas with lower flow rate, and uniform depth. Nets will not be installed perpendicular to the flow of the creek to lower the risk of fish becoming entrained. Channel modification will not occur.

Steelhead in the instream work area remaining after the installation of both nets will be captured with dip nets or seines and placed into temporary holding containers; electrofishing will not occur. Captured steelhead will be kept in containers for less than 10 minutes in uncovered containers, or less than 30 minutes in covered containers. Water temperature and aerators will be checked regularly to ensure conditions in the container remain safe for steelhead, and the behavior and condition of individuals will be monitored for signs of stress, injury, or mortality. Overcrowding will be avoided by using five gallon containers or larger and limiting the quantity of steelhead in the containers, though Caltrans does not specify what this threshold is. Steelhead handling duration will be minimized to the maximum extent possible. Steelhead will be released into the pre-determined relocation sites. Transfers will occur water-to-water in gently flowing, shallow water, to minimize stress. The water temperature of the container and relocation site will be measured, and if there is more than a two-degree Celsius difference, the water in the container will be slowly mixed with water from the relocation site to reduce acclimation stress.

Construction activities in the creek below the ordinary high-water mark will not commence until the successful capture of all steelhead in the isolated area has been confirmed and a visual survey in the stream has been conducted. At least three surveys will be conducted to verify that all steelhead have been captured.

Subsequently, temporary pedestrian wooden work platforms will be built over North Fork Matilija Creek at the base of the creek bank to protect critical habitat from potential project materials falling from the roadway during demolition, grading, and concrete guard rail construction. The platform will be 4-8 feet wide and 245-255 feet long, and installed over 1620 ft^2 of creek; of which 620 ft^2 is seasonally dry streambed. The platform will be elevated approximately one foot above the flowing creek. It will be constructed by hand with most of the supports resting in dry areas of the creek, though some will be in flowing water. A second

platform measuring 8-by-30 feet will be mounted onto the rock block wall, 20 feet above the creek and banks, overlapping with a section of the platform at the creek's surface and 8 linear feet of low flow channel. Caltrans proposes to submit the temporary platform plans to NMFS prior to construction for review, though no timeline is specified. No equipment will be present in the creek, though construction personnel will be walking in the creek for installation and removal of the temporary work platforms.

Caltrans proposes to implement the following BMP as part of the proposed action:

- Prior to the beginning of construction, a qualified fish biologist will survey the creek within and upstream and downstream of the action area.
- The biologist and resident engineer will coordinate to minimize disturbance of critical habitat.
- The biologist will monitor construction to verify that materials do not enter the creek. The biologist will be present during vegetation trimming, installation of the temporary platform, roadway demolition, ditch construction, concrete guardrail casting, and removal of the platform. The biologist will quantify and report the amount of disturbance and vegetation trimming that results from the proposed action.
- The biologist will take detailed photographs of the creek at established points before beginning construction to record the location and orientation of boulders and other stream elements. If any boulders are shifted by the proposed action, they will be restored to the original locations. Disturbance to the creek banks above the ordinary high water mark will be recontoured and stabilized after construction to prevent erosion into the creek.
- The biologist will write a detailed, site specific steelhead relocation plan, a detailed pre-construction habitat assessment and fish census report, a post-relocation effort report detailing the number of steelhead relocated, where they were relocated, and a post-construction habitat assessment of the project reach. Pre-assessment and relocation plans will be submitted to NMFS at least 4 weeks prior to construction for approval.
    - For the local fish census, the action area will be surveyed, steelhead observations will be counted, and approximate age or size class will be recorded using via snorkeling or underwater viewing device. No fish will be handled for the census.
    - The relocation report will be written within 1 week of relocation efforts occurring.
- Steelhead relocation will occur at least 3 days prior to the initiation of construction, with weather forecast and time of day being considered in an effort to reduce stress on captured steelhead.

    a.

1.3.3 Proposed Construction Activities

The roadway adjacent to North Fork Matilija Creek will be widened by 4.75 feet with a cantilever overhang. Roadway demolition and excavation will occur on the road and all equipment will be at roadway elevation. The temporary work platform will be utilized by construction personnel during installation of the precast roadway slabs and construction of the new concrete guardrail. The top 1.33 feet of rock-block-wall below the grade of the road will be removed by saw-cutting the top blocks off. This man-made wall also functions as a channel wall for North Fork Matilija Creek and the top portion acted as a guardrail between vehicles and the creek prior to accidents that damaged it. The new cantilever roadway will be constructed of a precast slab anchored into the ground beneath the roadway. The 2.75 by 1 foot roadway overhang will result in 90 ft^2 of creek being permanently shaded along the section with the rock-block-wall. The 377.5 foot concrete guardrail will be cast in place on the southbound side of the road, closest to the creek. The earthen ditch on the northbound side of the road will be lined with concrete to convey spring water from the cliff to the creek faster, and minimizing the amount of water splashed onto the road.

Caltrans proposes to implement the following BMPs during construction:

- Plastic sheeting will be placed on the platform surface to capture fine particles, and sand or gravel bags will be placed at the toe-of-slope and landward edge of the platform.
- Biologists will regularly check nets to ensure they remain anchored, span the width of the stream, do not have holes, and do not have entrained steelhead. Caltrans proposes to detail the duration and frequency of monitoring in the steelhead relocation plan.
- Soil erosion BMPs include straw wattles, silt fences, and post-construction hydro-seeding.
- A containment system will be installed on the temporary scaffold including vacuums and spill kits in the event a spill occurs in the action area.

b.

1.3.4 Proposed Post-Construction Activities

Following construction, all fills associated with the proposed action, including stream protection BMP, platforms, and block nets will be removed from the creek within eight days after construction is complete. Nets will be removed last to prevent steelhead from entering the action area before it is clear of construction personnel and materials. Caltrans proposes to replace seven of the trees removed for construction, but has not provided a revegetation or monitoring plan and therefore the details of the plan, including the planting-success criteria, are unknown to NMFS. Cut tree trunks will be carefully placed in the creek to provide refugia for steelhead and replicate natural turnover of riparian vegetation in the creek. Steelhead mortalities that occur during the proposed action will be documented by the biologist and notification will be sent to NMFS within two business days. Documentation will include pictures, a report of the circumstances of

the occurrence (time, ongoing construction activities in proximity of occurrence, specific location), and the storage of the dead specimen. We considered, under the ESA, whether or not the proposed action would cause any other activities and determined that it would not.

2 ENDANGERED SPECIES ACT: BIOLOGICAL OPINION AND INCIDENTAL TAKE STATEMENT

The ESA establishes a national program for conserving threatened and endangered species of fish, wildlife, plants, and the habitat upon which they depend. As required by section 7(a)(2) of the ESA, each Federal agency must ensure that its actions are not likely to jeopardize the continued existence of endangered or threatened species, or adversely modify or destroy their designated critical habitat. Per the requirements of the ESA, Federal action agencies consult with NMFS and section 7(b)(3) requires that, at the conclusion of consultation, NMFS provide an opinion stating how the agency's actions would affect listed species and their critical habitats. If incidental take is reasonably certain to occur, section 7(b)(4) requires NMFS to provide an ITS that specifies the impact of any incidental taking and includes non-discretionary reasonable and prudent measures (RPMs) and terms and conditions to minimize such impacts.

2.1 Analytical Approach

This biological opinion includes both a jeopardy analysis and an adverse modification analysis. The jeopardy analysis relies upon the regulatory definition of "jeopardize the continued existence of" a listed species, which is "to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species" (50 CFR 402.02). Therefore, the jeopardy analysis considers both survival and recovery of the species.

This biological opinion relies on the definition of "destruction or adverse modification," which "means a direct or indirect alteration that appreciably diminishes the value of critical habitat as a whole for the conservation of a listed species" (50 CFR 402.02).

The designation(s) of critical habitat for (species) use(s) the term primary constituent element (PCE) or essential features. The 2016 critical habitat regulations (50 CFR 424.12) replaced this term with physical or biological features (PBFs). The shift in terminology does not change the approach used in conducting a "destruction or adverse modification" analysis, which is the same regardless of whether the original designation identified PCEs, PBFs, or essential features. In this biological opinion, we use the term PBF to mean PCE or essential feature, as appropriate for the specific critical habitat.

The 2019 regulations define effects of the action using the term "consequences" (50 CFR 402.02). As explained in the preamble to the regulations (84 FR 44977), that definition does not change the scope of our analysis and in this opinion we use the terms "effects" and "consequences" interchangeably.

We use the following approach to determine whether a proposed action is likely to jeopardize listed species or destroy or adversely modify critical habitat:

- Evaluate the rangewide status of the species and critical habitat expected to be adversely affected by the proposed action.
- Evaluate the environmental baseline of the species and critical habitat.
- Evaluate the effects of the proposed action on species and their habitat using an exposure-response approach.
- Evaluate cumulative effects.
- In the integration and synthesis, add the effects of the action and cumulative effects to the environmental baseline, and, in light of the status of the species and critical habitat, analyze whether the proposed action is likely to: (1) directly or indirectly reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species, or (2) directly or indirectly result in an alteration that appreciably diminishes the value of critical habitat as a whole for the conservation of a listed species.
- If necessary, suggest a reasonable and prudent alternative to the proposed action.

2.2 Rangewide Status of the Species and Critical Habitat

This opinion examines the status of each species that would be adversely affected by the proposed action. The status is determined by the level of extinction risk that the listed species face, based on parameters considered in documents such as recovery plans, status reviews, and listing decisions. This informs the description of the species' likelihood of both survival and recovery. The species status section also helps to inform the description of the species' "reproduction, numbers, or distribution" as described in 50 CFR 402.02. The opinion also examines the condition of critical habitat throughout the designated area, evaluates the conservation value of the various watersheds and coastal and marine environments that make up the designated area, and discusses the function of the PBFs that are essential for the conservation of the species.

2.2.1 Status of the Species

The endangered southern California (SC) Distinct Population Segment (DPS) of steelhead extends from the Santa Maria River in Santa Barbara County to the Mexican border (inclusive). NMFS characterized the abundance of steelhead in the DPS when the species was originally listed (August 18, 1997, 62 FR 43937) and cited this information as the basis for the re-listing of the SC DPS of steelhead as endangered (May 3, 2006, 71 FR 834). Estimates of historical (pre-1960s) and more recent (1997) abundance show a precipitous drop in numbers of spawning adults for major rivers in the southern California DPS. An updated status report states that the chief causes for the numerical decline of steelhead in southern California include urbanization, water withdrawals, channelization of creeks, human-made barriers to migration, and the introduction of exotic fishes and riparian plants (Good et al. 2005), and the most recent viability assessments and status reviews indicate these threats are essentially unchanged (NMFS 2011; Williams et al. 2011; NMFS 2016; Williams et al. 2016). Historical data on steelhead numbers for this region are sparse. The historic and recent steelhead abundance estimates, and percent decline are summarized in Table 1. The run-size estimates illustrate the severity of the numerical

decline for the major rivers within range of the SC DPS of steelhead (Good et al. 2005; NMFS 2011; Williams et al. 2011; NMFS 2016; Williams et al. 2016).

Stream surveys to document the species' current pattern of occurrence concluded that of the 46 watersheds in the DPS which steelhead occupied historically, *O. mykiss* currently occupy only about 40% to 50% of these watersheds (Boughton et al. 2005). Fish surveys by NOAA's Southwest Fisheries Science Center (SWFSC), direct observations by NMFS biologists, and anecdotal information from local biologists working on major rivers and creeks throughout the DPS suggest that although steelhead populations continue to persist in some coastal watersheds, the population numbers are exceedingly small (Good et al. 2005; Williams et al. 2011; Williams et al. 2016). On a positive note, there have been observations of steelhead recolonizing vacant watersheds during years with abundant rainfall, notably San Mateo Creek and Topanga Creek (Good et al. 2005; Bell et al. 2011) including a recent observation of *O. mykiss* in San Mateo Creek (NMFS 2017). Also, California Department of Fish and Wildlife discovered an adult female steelhead (TL 57.46 cm) on April 26, 2013, during a flow-rate survey in Conejo Creek (Camarillo, California).

NMFS reviews the status and viability of the SC DPS of steelhead on the basis of available information (including new information) about the species abundance, population growth rate, spatial structure, and diversity (McElhany et al. 2000) every five years as required by the ESA. In the last two status reviews, NMFS concluded that the risk of extinction of the endangered SC DPS of steelhead was unchanged (NMFS 2011, 2016).

Table 1. Historical and recent abundance estimates of adult steelhead in the Southern California DPS. Data are from Good et al. (2005); (NMFS 2011), and NMFS SWR redd surveys 2009-2011 (R. Bush, NMFS, personal communication).

	Pre-1950	Pre-1960	1990s	2000s	Percent Decline
Santa Ynez River	20,000-30,000		< 100		99
Ventura River		4,000-5,000	< 100	< 100	96
Santa Clara River		7,000-9,000	< 100	< 10	99
Malibu Creek		1,000	< 100		90

2.2.1.1 General Life History of Steelhead

O. mykiss possess an exceedingly complex life history (Behnke 1992). Distinctly different than other Pacific salmon, steelhead adults can survive their first spawning and return to the ocean to reside until the next year to reproduce again. For returning adults, the specific timing of spawning can vary by a month or more among rivers or streams within a region, occurring in winter and early spring. The spawning time frames depend on physical factors such as the magnitude and duration of instream flows and sand-bar breaching. Once they reach their spawning grounds, females will use their caudal fin to excavate a nest (redd) in streambed gravels where they deposit their eggs. Males will then fertilize the eggs and, afterwards, the females cover the redd with a layer of gravel, where the embryos (alevins) incubate within the

gravel. Hatching time can vary from approximately three weeks to two months depending on surrounding water temperature. The young fish (fry) emerge from the redd two to six weeks after hatching. As steelhead begin to mature, juveniles or "parr" will rear in freshwater streams anywhere from 1-3 years. Juvenile steelhead can also rear in seasonal coastal lagoons or estuaries of their natal creek, providing over-summering habitat.

Juvenile steelhead emigrate to the ocean (as smolts) usually in late winter and spring and grow to reach maturity at age 2-4, but steelhead can reside in the ocean for an additional 2-3 years before returning to spawn. The timing of emigration is influenced by a variety of parameters such as photoperiod, temperature, breaching of sandbars at the river's mouth and streamflow. Extended droughts can cause juveniles to become landlocked, unable to reach the ocean (Boughton et al. 2006).

Through studying the otolith (ear stone) microchemistry of *O. mykiss*, researchers further understand the complex and intricate life history of steelhead. Specifically, resident rainbow trout can produce steelhead progeny; likewise, steelhead can yield resident rainbow trout progeny (Zimmerman and Reeves 2000). Additionally, evidence indicates that sequestered populations of steelhead (e.g., above introduced migration barriers) can exhibit traits that are the same or similar to anadromous specimens with access to the ocean. Examples include inland resident fish exhibiting smolting characteristics and river systems producing smolts with no regular access for adult steelhead. This evidence suggests the ecological importance of the resident form to the viability of steelhead and the need to reconnect populations upstream and downstream of introduced migration barriers. The loss or reduction in anadromy and migration of juvenile steelhead to the estuary or ocean is expected to reduce gene flow, which strongly influences population diversity (McElhany et al. 2000). Evidence indicates genetic diversity in populations of southern California steelhead is low (Girman and Garza 2006).

2.2.1.2 Steelhead Habitat Requirements

Habitat requirements of steelhead generally depend on the life history stage. Steelhead encounter several distinct habitats during their life cycle. Water discharge, water temperature, and water chemistry must be appropriate for adult and juvenile migration. Suitable water depth and velocity, and substrate composition are the primary requirements for spawning. Furthermore, dissolved oxygen concentration, pH, and water temperature are factors affecting survival of incubating embryos. The presence of interspatial area between large substrate particle types is important for maintaining water-flow through the nest as well as dissolved oxygen levels within the nest. These spaces can become filled with sand and smaller particles. Additionally, juveniles need abundant food sources, including insects, crustaceans, and other small fish. Habitat must also provide places to hide from predators, such as under logs, root wads and boulders in the stream, and beneath overhanging vegetation. Steelhead also need places to seek refuge from periodic high-flow events (side channels and off channel areas), and may occasionally benefit from the availability of cold-water springs or seeps and deep pools during summer. Estuarine habitats can be utilized during the seaward migration of steelhead, as these habitats have been shown to be nurseries for steelhead. Estuarine or lagoon habitats can vary significantly in their physical characteristics from one another, but remain an important habitat requirement as

physiology begins to change while juvenile steelhead become acclimated to a saltwater environment.

2.2.1.3 Influence of a Changing Climate on the Species

One factor affecting the rangewide status of endangered steelhead, and aquatic habitat at large, is climate change. For the Southwest region (southern Rocky Mountains to the Pacific Coast), the average temperature has already increased roughly 1.5°F compared to a 1960-1979 baseline period. High temperatures will become more common, indicating that southern California steelhead may experience increased thermal stress even though this species has shown to endure higher than preferable body temperatures (Spina 2007).

Precipitation trends are also important to consider. The Southwest region, including California, showed a 16 percent increase in the number of days with heavy precipitation from 1958 to 2007. Potential impacts to SC steelhead in freshwater streams include damage to spawning redds and washing away of incubating eggs due to higher winter stream flow (USGCRP 2009), and poor freshwater survival due to longer and warmer periods of drought (Hanak et al. 2001; Mastrandrea and Luers 2012), which may lead to lower host resistance of steelhead to more virulent parasitic and bacterial diseases (McCullough 1999; Marcogliese 2001). Snyder and Sloan (2005) projected mean annual precipitation in southwestern California to decrease by 2.0 cm (four percent) by the end of the 21st century.

Wildfires periodically burn large areas of chaparral and adjacent woodlands in autumn and winter in southern California (Westerling et al. 2004). Increased wildfire activity over recent decades reflects sub-regional responses to changes in climate, specifically observations of warmer and earlier onset of spring along with longer summer-dry seasons (Westerling et al. 2004; Westerling and Bryant 2008).

The Thomas Fire impacted SC steelhead viability through direct and indirect effects to PBF mainly in the Ventura River Watershed relative to the Santa Clara River Watershed. The fire burned nearly 80 miles of designated critical habitat. In general, fire impacts include changes in geomorphology (e.g., sediment filled pools and riffles), decreased pool depth, increased solar radiation owing to losses in riparian cover, changes in water quality, increased dissolved nutrients and pH, and changes in pool:riffle ratios (Dunham et al. 2003; Earl and Blinn 2003; Aha et al. 2014). However, these effects may be pronounced or muted depending on the fire burn severity, timing of subsequent rainfalls (e.g., January 9, 2018, storm event), intensity and duration of ensuing rains, and volume of debris and sediment entering streams.

After a fire disturbance, decreased water quality and loss of SC steelhead habitat can be facilitated by the following physical, chemical and biological changes (USFS 2018):

- Increased surface flows resulting in flooding
- Increased sedimentation leading to changes in food web structure, reducing primary productivity, with effects to grazers and other benthic macroinvertebrates and their predators (e.g., fish)

- Changes to water quality and chemistry due to ash, smoke, nutrients, and hazardous materials
- Increased water temperature due to reduction/elimination of riparian cover and increased fine sediment loads
- Scouring of riparian/aquatic vegetation
- Changes in streambed/pool habitat due to geomorphic movement (debris flows)
- Mass failure of culverts leading to stream habitat degradation
- Flushing and extirpation of aquatic biota with limited ability to recolonize rivers, including fish, downstream during and after flood events, respectively.

Debris flows are among the most hazardous consequences of rainfall on burned hillslopes (WERT 2018). The January 9, 2018, storm event trigged a debris flow when Matilija Canyon received approximately six inches of rain in 24 hours. This storm event initiated several debris flows within the Santa Ynez Mountains, and consequently inundated areas within Montecito and Carpinteria in Santa Barbara County. The overall peak runoff throughout impacted areas will likely increase relative to unburned areas for the 2-year and 10-year recurrence intervals.

The Thomas Fire affected 11% of total designated critical habitat within the range of the SC DPS of steelhead; burned critical habitat was mainly in the Ventura River Watershed (56%) and to a lesser degree in the Santa Clara River Watershed (18%). Indirect effects from the fire (e.g., mudflow, mudslides) likely increase the extent and amount of habitat destruction downstream to the estuary-ocean interface by altering PBF essential to the conservation of a species including a delay in development of such features, which the species relies upon during various life stages.

Estuarine productivity is likely to change based on changes in freshwater flows, nutrient cycling, and sediment amounts (Scavia et al. 2002). Additionally, upper ocean temperature is the primary physical factor influencing the distribution of steelhead in the open ocean, and a warming climate may result in a north-ward shift in steelhead distribution (Myers and Mantua 2013).

In summary, observed and predicted climate-change effects are generally detrimental to the species, given the unprecedented rate of change and uncertainty about the ability to adapt, so unless offset by improvements in other factors, status of the species and critical habitat is likely to decline over time. The climate change projections referenced above cover the time period between the present and approximately 2100. In general, climate change projections cannot be distinguished from annual and decadal climate variability for approximately the first 10 years of the projection period (see Cox and Stephenson 2007). While there is uncertainty associated with projections beyond 10 years, which increases over time, the direction of change is relatively certain (McClure et al. 2003).

2.2.2 Designated Critical Habitat

Critical habitat for the SC DPS of steelhead was designated on September 2, 2005, and consists of the stream channels listed in (70 FR 52488). Critical habitat has a lateral extent defined as the width of the channel delineated by the ordinary high-water line as defined by the Corps in 33 CFR 329.11, or by its bankfull elevation, which is the discharge level on the streambank that has a recurrence interval of approximately 2 years (September 2, 2005, 70 FR 52522). PBF are components of stream habitat that have been determined to be essential for the conservation of the SC DPS of steelhead, and are specific habitat components that support one or more steelhead life stages and in turn contain physical or biological features essential to steelhead survival, growth, and reproduction, and conservation. These include:

a. **Freshwater spawning sites** with sufficient water quantity and quality and adequate substrate (i.e., spawning gravels of appropriate sizes) to support spawning, incubation and larval development.

b. **Freshwater rearing sites** with sufficient water quantity and floodplain connectivity to form and maintain physical habitat conditions and allow salmonid development and mobility; sufficient water quality to support growth and development; food and nutrient resources such as terrestrial and aquatic invertebrates and forage fish; and natural cover such as shade, submerged and overhanging large wood, log jams, beaver dams, aquatic vegetation, large rocks and boulders, side channels, and undercut banks.

c. **Freshwater migration corridors** free of obstruction and excessive predation with adequate water quantity to allow for juvenile and adult mobility; cover, shelter, and holding areas for juveniles and adults; and adequate water quality to allow for survival.

d. **Estuarine areas** that provide uncontaminated water and substrates; food and nutrient sources to support steelhead growth and development; and connected shallow water areas and wetlands to cover and shelter juveniles.

e. **Marine areas** with sufficient water quality to support salmonid growth, development, and mobility; food and nutrient resources such as marine invertebrates and forage fish; and near-shore marine habitats with adequate depth, cover, and marine vegetation to provide cover and shelter.

Streams designated as critical habitat in the SC steelhead DPS contain the above PBF (PBF 1-3) in differing amounts and to varying degrees, depending on the particular stream, the characteristics of the watershed, and the degree that the watersheds are impacted by anthropogenic factors. Perennial streams with PBF and conditions suitable for steelhead are fewer in the southern portion of the DPS compared to the northern portion. Some of this is due to the amount of coastal development and because there is generally less rainfall in the southern region. During the summer many creeks at the southern edge of the range become intermittent in sections or dry completely (in some cases this occurrence is natural and in other cases it is due to

anthropogenic factors), and stream temperatures may become a factor in terms of suitability for rearing steelhead. Overall, steelhead over-summering habitat is thought to have a restricted distribution more so than winter spawning and rearing habitat in the SC steelhead DPS (Boughton et al. 2006).

Streams with high conservation value have most or all of the PBF of critical habitat and extensive areas that are suitable for steelhead spawning, rearing, and migration (NMFS 2012). Streams with medium or low conservation value are less suitable for steelhead in terms of spawning, rearing, and migration, and have less of the PBF necessary for steelhead survival growth and reproduction, generally due to anthropogenic factors. Both the Ventura River and Santa Clara River watersheds have been found to have high conservation value for the survival and recovery of the SC DPS of steelhead. While many streams in the DPS have been found to have high conservation value for survival and recovery of the species, the spawning, rearing, and migratory habitat within the DPS are heavily impacted by dams, diversions, and human development. As a result, much of the available habitat has become severely degraded, and habitat degradation has been a main contributing factor to the current endangered status of the DPS (Good et al. 2005). The most recent status reviews found that these threats have remained essentially unchanged (Williams et al. 2011; National Marine Fisheries Service (NMFS) 2016; Williams et al. 2016).

2.2.2.1 Status of Critical Habitat

Habitat for steelhead has suffered destruction and modification, and anthropogenic activities have reduced the amount of habitat available to steelhead (Nehlsen et al. 1991; NMFS 1997; Boughton et al. 2005; NMFS 2006). In many watersheds throughout the range of the SC DPS, the damming of streams has precluded steelhead from hundreds of miles of historical spawning and rearing habitats (*e.g.*, Twitchell Reservoir within the Santa Maria River watershed, Bradbury Dam within the Santa Ynez River watershed, Matilija Dam within the Ventura River watershed, Rindge Dam within the Malibu Creek watershed, Pyramid Dam and Santa Felicia Dam on Piru Creek). These dams created physical barriers and hydrological impediments for adult and juvenile steelhead migrating to and from spawning and rearing habitats. Likewise, construction and ongoing impassable presence of highway projects have rendered habitats inaccessible to adult steelhead (Boughton et al. 2005).

Within stream reaches that are accessible to this species (but that may currently contain no fish), urbanization (including effects due to water use) have in many watersheds eliminated or dramatically reduced the quality and amount of living space for juvenile steelhead. The number of streams that historically supported steelhead has been dramatically reduced (Good et al. 2005). Groundwater pumping and diversion of surface water contribute to the loss of habitat for steelhead, particularly during the dry season (e.g., NMFS 2005; see also Spina et al. 2005). The extensive loss and degradation of habitat is one of the leading causes for the decline of steelhead abundance in southern California and listing of the species as endangered (NMFS 1997, 2006).

A significant amount of estuarine habitat has been lost across the range of the DPS with an average of only 22-percent of the original estuarine habitat remaining (Williams et al. 2011).

The condition of these remaining wetland habitats is largely degraded, with many wetland areas at continued risk of loss or further degradation. Although many harmful practices have been halted, much of the historical damage remains to be addressed and the necessary restoration activities will likely require decades. Many of these threats are associated with the larger river systems such as the Santa Maria, Santa Ynez, Ventura, Santa Clara, Los Angeles, San Gabriel, Santa Ana, San Luis Rey, Santa Margarita, San Dieguito, and San Diego rivers, but they also apply to smaller coastal systems such as Malibu, San Juan, and San Mateo creeks. Overall, these threats have remained essentially unchanged for the DPS as determined by the last status review (NMFS 2016) though some individual, site specific threats have been reduced or eliminated as a result of conservation actions such as the removal of small fish passage barriers.

Climate-driven changes to stream and estuarine environments have the potential to significantly impact critical habitat for steelhead populations. Coupled with naturally stressful environments at the southern limit of the species distribution, multiple stressors are likely to be amplified by ongoing increases in temperature, changes in precipitation patterns, and decreases in snowpack (Mote et al. 2003; Hayhoe et al. 2004). Research suggests that a change in climate would be expected to shift species distributions as they expand in newly favorable areas and decline in marginal habitats (Kelly and Goulden 2008). When climate interacts with other stressors such as habitat fragmentation, additional threats to natural resources will likely emerge (McCarty 2001), including threats to the viability of steelhead populations. In particular, seasonal access to perennial, cool water habitats, especially smaller streams at higher elevations, will likely become more important to endangered salmonids seeking refuge from unsuitable temperature and streamflow (Crozier et al. 2008).

While continued changes in climate are highly likely, estimating the magnitude of the change is more difficult the further into the future one must go. For example, increases in air temperatures globally are more certain than increases in air temperature in a particular watershed in California. Increases in global air temperatures may shift wind patterns, and these changes, in combination with regional topography, may affect how air temperatures in a particular watershed change in relation to changes in global air temperatures.

Environmental monitoring data in the southwestern United States indicate changes in climatic trends that have the potential to affect steelhead critical habitat. Southern California is also experiencing an increasing trend in droughts, measured by the Palmer Drought Severity Index from 1958 to 2007 (USGCRP 2009). Snyder and Sloan (2005) project mean annual precipitation in central western California will decrease by about 3-percent by the end of the century. Small thermal increases in summer water temperatures have resulted in suboptimal or lethal habitat conditions and consequent reductions in *O. mykiss* distribution and abundance in the northwestern United States (Ebersole et al. 2001). Thus, climate variability is an important factor in evaluating how the status of the species and critical habitat is influenced by changing climate.

2.3 Action Area

"Action area" means all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR 402.02). The proposed action will take place in North Fork Matilija Creek, which is designated critical habitat for SC steelhead. The action area includes the linear extent (upstream and downstream) of the SR-33 curve to be widened above the rock-block wall between PMs 18.94 and 19.01, and encompasses the riparian corridor to the top of the bank. The rock-block wall is 100-feet long, 35 feet of which functions as a channel wall for North Fork Matilija. The majority of the creek bed in the action area is bedrock or boulder and extends approximately 275 feet. This section of creek is expected to have low flow during the time of the proposed action.

2.4 Environmental Baseline

The "environmental baseline" refers to the condition of the listed species or its designated critical habitat in the action area, without the consequences to the listed species or designated critical habitat caused by the proposed action. The environmental baseline includes the past and present impacts of all Federal, State, or private actions and other human activities in the action area, the anticipated impacts of all proposed Federal projects in the action area that have already undergone formal or early section 7 consultations, and the impact of State or private actions which are contemporaneous with the consultation in process. The consequences to listed species or designated critical habitat from ongoing agency activities or existing agency facilities that are not within the agency's discretion to modify are part of the environmental baseline (50 CFR 402.02).

2.4.1 Status of Critical Habitat in the Action Area

Critical habitat within the action area of North Fork Matilija Creek consists of a complex array of pools and pocket water, with short riffles and runs between pools. The active channel of the creek is about 20 to 30-feet wide and is comprised of gravel, cobble, and boulders. North Fork Matilija Creek drains part of the Western Transverse ranges of southern California, a tectonically active area (Florsheim et al. 1991). As a result, debris slides are common, such as those following the Thomas fire in winter 2018, and several large boulders are present through the action area, creating step pools and hydraulic breaks for rearing, migrating, and spawning steelhead. Riparian trees within the action area include white alder and riparian woodland, though a portion of this is maintained by Caltrans, leaving the canopy open relative to adjacent areas of the creek which have a dense canopy cover providing shade over the creek. In the action area, the threat to SC steelhead from climate change is likely to include a continued increase in summer air temperatures, more extreme heat waves, and an increased frequency in drought (McClure et al. 2003). Overall, the habitat in the action area provides most, if not all, of the PBFs necessary for the growth and survival of steelhead (i.e., cover, shelter, pools, riparian, and migratory habitat).

2.4.2 Status of Steelhead in the Action Area

Juvenile steelhead abundance was surveyed near the action area from 2006 to 2012 (Normandeau Associates Inc. 2015). The annual number of juvenile steelhead observed via

snorkeling ranged from 26 to 232 steelhead within two half-mile stream reaches of pool habitat. In April 2008, while Caltrans implemented emergency SR-33 repairs at Wheeler Springs, near the action area, 782 steelhead fry and 32 yearling steelhead were found within a 350-foot section of the creek and relocated (Swift and Mulder 2008). There were 16 mortalities associated with this capture and relocation effort (2% mortality). Redd surveys from 2008 to 2017 declined significantly as well as the drought intensified (Casitas Municipal Water District 2017). During capture-relocation efforts for a recent Caltrans project a few miles downstream, 2 juvenile steelhead were found in 2017, and none in 2018 (GPA Consulting 2018). Based on a known distribution provided by Normandeau Associates Inc. (2015), Swift and Mulder (2008), GPA Consulting (2018), and habitat within the action area (i.e., pools), NMFS estimates that up to 50 juvenile steelhead may be present in the area to be isolated. Since downstream migration through the project area is not possible during construction activities and juvenile steelhead may accumulate above the upstream block net, NMFS estimates that 10 or fewer juveniles will need to be relocated. Thus, NMFS estimates that up to 60 juvenile steelhead will need to be relocated. Adult steelhead are not expected to be present within the action area during the time of construction activities (June 1 to October 31).

2.4.3 Threats to Steelhead and Critical Habitat in the Action Area

2.4.3.1 Migration Impediment

An impediment to steelhead migration exists downstream of the action area within the Ventura River at the Robles Diversion fishway. The fishway was completed in 2004, but the effectiveness of the fishway for passing steelhead without delay has not been reliably assessed. Videotaped sightings of adult steelhead passing upstream through the fishway were recorded during winter 2007 and 2008, so it is believed that the fishway provides some level of passage for steelhead past the diversion. Currently, it is unknown if, and to what extent, steelhead may be delayed at the fish way during their upstream migration. Monitoring and 5-year evaluations continue for the fishway (Casitas Municipal Water District 2017). As a result, overall steelhead productivity and rearing capacity has the potential to be reduced in North Fork Matilija Creek including the action area.

2.4.3.2 Road Encroachment

North Fork Matilija Creek within the action area receives runoff from SR-33; runoff from road surfaces can contain dirt, oils, automotive fluids, and petrochemicals that are harmful to aquatic life, including steelhead (Spence et al. 1996). Additionally, the placement of the road adjacent to the creek required installation of the rock-block-wall along the edge of the creek, which has reduced the ability of the creek to meander and diminished the riparian zone on the eastern bank.

2.5 Effects of the Action

Under the ESA, "effects of the action" are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved

in the action (see 50 CFR 402.17). In our analysis, which describes the effects of the proposed action, we considered 50 CFR 402.17(a) and (b).

2.5.1 Effects of the Action on Critical Habitat

2.5.1.1 Temporarily Altering Aquatic Habitat

Installing the block nets in the work area is expected to temporarily prevent a portion of North Fork Matilija Creek from serving as a freshwater migration corridor and freshwater rearing site for endangered steelhead during one dry season (June 1 through October 31). The temporary loss of habitat is expected to have at least a few consequences, described as follows.

The temporary loss of habitat is expected to translate into temporary loss of aquatic macroinvertebrate forage within the action area. Aquatic insects provide a source of food for instream fish populations and may represent a substantial portion of food items consumed by juvenile steelhead. The effect of macroinvertebrate loss as a food source is expected to be negligible because food from upstream sources would be available upstream and downstream of the isolated area via drift. Consequently, the temporary loss of access to aquatic macroinvertebrates as a result of isolation activities is not expected to adversely affect forage opportunities within the area over the long term.

The temporary loss of habitat due to isolating a portion of the creek represents an adverse effect to habitat for steelhead, for at least a few reasons. First, the loss of habitat translates into a loss of a freshwater rearing area, which is essential for the growth and survival of juvenile steelhead (the life stage expected to be present at the time the proposed action is implemented). Without freshwater rearing areas, the habitat cannot fulfill the intended conservation role for the species. Second, the quality and availability of habitat in the action area has already been diminished and reduced due to anthropogenic factors. Therefore, the loss of habitat due to isolation represents further loss of habitat. However, the area impacted by the nets and platform is relatively small compared to the amount and extent of habitat available elsewhere in North Fork Matilija Creek and, perhaps more importantly, the nets and platform will be removed following completion of the proposed action and the creek bed will be restored to pre-project conditions. Freshwater rearing habitats upstream and downstream of the action area will be unaffected by the proposed action and, therefore, continue providing the intended conservation role for the species. Overall, the loss of aquatic habitat associated with the isolation will be temporary, and no long-term diminishment is anticipated from the proposed action in the physical capacity of the habitat to serve the intended functional role for steelhead.

2.5.1.2 Disturbance to the Creekbed

Although manipulation and disturbance of the creek bed can result in changes to channel morphology and hydraulic conditions that may create impediments to steelhead migration, review of the proposed action indicates the placement of the block nets and work platforms are not expected to result in any change to channel morphology. As a result the habitat characteristics and conditions that are important to sustain steelhead migration through this reach

are expected to remain the same. The proposed action is not anticipated to appreciably reduce the functional value of the action area as a site of freshwater migration or rearing.

2.5.1.3 Alteration of Water Quality

NMFS does not expect acute or chronic effects on aquatic habitat in North Fork Matilija Creek because substantive increases in sedimentation and turbidity levels resulting from construction activities are expected to be minimal and temporary, for a few reasons. First, the proposed action includes a number of sediment and erosion-control measures to reduce the likelihood that sediment would be introduced to the wetted area. Second, the proposed BMP that are intended to preclude equipment leaks from reaching the creek channel are expected to be efficient in this regard. As a result, we don't expect water-quality alterations due to equipment leaks. Although accidental spills of chemical contaminants are speculative, the proposed action incorporates measures to prevent a spill reaching the creek channel.

2.5.1.4 Disturbance to Streamside Vegetation

The proposed action has the potential to temporarily cause a discrete loss of shade and cover along North Fork Matilija Creek. This loss has the potential to translate into increased water temperatures (Mitchell 1999; Opperman and Merenlender 2004) and decreased water quality (Welsch 1991). However, the loss of vegetation as a result of the proposed action is expected to be temporary and confined to a small localized area. In addition, riparian vegetation will be replanted throughout the disturbed areas to minimize impacts from project construction. Based on NMFS' experience observing the response of riparian vegetation to human-made disturbances, the riparian zone is expected to recover from the project one to two years following the completion of construction. Notwithstanding this expectation, the proposed action does not include monitoring the replanted areas within the action area following completion of the project or other provision to notify NMFS of the performance of the proposed plantings over time.

2.5.2 Effects of the Action on Endangered Steelhead

The expected effects of the action on endangered steelhead are related to the proposed isolation of a portion of North Fork Matilija Creek within the action area. What follows is a discussion of these effects, including discussion of the expected effects due to the proposed capture and relocation of steelhead.

2.5.2.1 Habitat Isolation Consequences for Juvenile Steelhead

Habitat isolation is expected to have two principal consequences: (1) a loss of service to juvenile steelhead through the loss of living space, and (2) stresses related to handling and crowding owing to the capture and relocation. Each of these is explained for more fully as follows.

Loss of Living Space.—The temporary loss of habitat owing to isolation could translate into an adverse effect on juvenile steelhead, chiefly through the short-term loss of a freshwater rearing area and displacement of steelhead, presuming presence of this species. This could increase densities of steelhead in neighboring reaches of the creek outside the action area. However, based on our observations of the creek upstream and downstream of the action area, and our general familiarity of steelhead abundance, we anticipate that the number of steelhead

experiencing a loss of service will be small. Although movement between the upstream and downstream portions of the action area will not be possible during instream construction, we anticipate relatively little movement of steelhead owing to the expected low abundance of the species in North Fork Matilija Creek. Overall, we anticipate the presence of the nets and platforms would affect only a small number of steelhead for a relatively short period of time during the dry season.

The effect of macroinvertebrate loss on juvenile steelhead is expected to be negligible because food from upstream sources would be available downstream of the isolated area via drift. The 90 ft^2 increase in shading over North Fork Matilija due to the expanded roadway could translate to a decrease in primary productivity and in turn a decrease to macroinvertebrates. However, any decrease is expected to be negligible owing to macroinvertebrate abundance outside the action area. The presence of the work platform in the creek may translate to a decrease in primary productivity as well, though the effects will be temporary, lasting no more than one dry season (June 1 to October 31). Caltrans will send NMFS plans for the temporary work platforms prior to construction for review, but does not specify a timeline for submittal.

Capture and Relocation.—Although isolating the action area has the potential to harm or kill rearing juvenile steelhead, the proposed action includes precautions to reduce the likelihood of harm and mortality. Prior to installation of the work platform, biologists will capture and relocate steelhead to the nearest suitable habitat downstream of the work space. Caltrans proposes that biologists will be experienced with steelhead handling, and will continuously monitor the placement of the nets and platform to capture and relocate stranded steelhead.

Although Caltrans will document the capture and relocation of juvenile steelhead within the isolated area, the proposed action does not include a timeline for notifying NMFS of the number of steelhead that may be harmed or injured as a result of the proposed action, with the exception of steelhead mortalities of which Caltrans proposes to notify NMFS within 2 days. Caltrans provides general criteria that will be used to select relocation areas, but will submit a more detailed relocation plan at least 4 weeks prior to construction for NMFS review. Based on our experience and familiarity with selection of relocation areas, the sites selected for relocating juvenile steelhead should have ample habitat.

Stress from crowding, including increased competition for food among juvenile steelhead in the relocation areas, is expected to be temporary, if experienced, because when the proposed action is finished steelhead will be able to colonize the area that had been isolated. In addition, the available information indicates abundance of juvenile steelhead in the action area is quite low and not likely to produce crowding effects.

Based on steelhead survey results and anecdotal observations of juvenile steelhead in the vicinity of the action area in North Fork Matilija Creek, NMFS expects no more than 55 juvenile steelhead will need to be relocated. NMFS expects that 5 juvenile steelhead may be injured or killed as a result of the proposed action. This estimated mortality is based on NMFS' experience and knowledge gained on similar projects in Ventura County during the last several years. Based on NMFS' general familiarity of steelhead abundance in southern California in general, and

Ventura County streams in particular, the anticipated number of juvenile steelhead that may be injured or killed as a result of the proposed action is likely to represent a small fraction of the overall watershed-specific populations and the entire SC DPS of endangered steelhead. Therefore, the effects of the relocation on steelhead are not expected to give rise to population-level effects.

2.5.2.2 Consequences of Physical Habitat Alterations

The sources of physical alteration to the habitat for steelhead involve the loss of riparian habitat. The expected consequences of the alterations for steelhead due to this activity is described as follows, and have been informed from the anticipated consequences to designated critical habitat for steelhead that we described earlier.

The loss of shade and cover along North Fork Matilija Creek is expected to have only temporary consequences for steelhead. This is because the loss of vegetation as a result of the proposed action is expected to be short lived and confined to a small localized area. In addition, riparian vegetation will be replanted throughout the disturbed areas to minimize impacts from project construction as well as cut tree trunks placed in the stream to mimic natural turnover. The expected consequences to steelhead involve experiencing a reduction in overhead shade and cover, potentially increasing risk of avian predation to individual fish until the riparian vegetation recovers to pre-project condition, though the in-stream habitat created by the tree trunks would provide refugia. In addition, the widened roadway will overhang the creek by 90 ft^2, providing permanent shading.

2.6 Cumulative Effects

"Cumulative effects" are those effects of future state or private activities, not involving Federal activities, that are reasonably certain to occur within the action area of the Federal action subject to consultation (50 CFR 402.02 and 402.17(a)). Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the ESA.

Some continuing non-Federal activities are reasonably certain to contribute to climate effects within the action area. However, it is difficult if not impossible to distinguish between the action area's future environmental conditions caused by global climate change that are properly part of the environmental baseline *vs.* cumulative effects. Therefore, all relevant future climate-related environmental conditions in the action area are described in the environmental baseline (Section 2.4).

NMFS is generally familiar with the activities in the action area and at this time is unaware of such actions that would be reasonable certain to occur. Consequently, no cumulative effect is likely, beyond the continuing effects of present land use that are reasonably certain to occur into the future.

2.7 Integration and Synthesis

The Integration and Synthesis section is the final step in our assessment of the risk posed to species and critical habitat as a result of implementing the proposed action. In this section, we add the effects of the action (Section 2.5) to the environmental baseline (Section 2.4) and the cumulative effects (Section 2.6), taking into account the status of the species and critical habitat (Section 2.2), to formulate the agency's biological opinion as to whether the proposed action is likely to: (1) Reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing its numbers, reproduction, or distribution; or (2) appreciably diminish the value of designated or proposed critical habitat as a whole for the conservation of the species.

Juvenile steelhead are expected to be present in the action area during the time the proposed action will be implemented and, therefore, subject to effects of the proposed action. The main risk to individual steelhead involves effects due to capture and relocation. The adverse effects include potential injury or mortality during the process of capture and relocation, but precautions are in place to minimize, if not eliminate, the risk of injury and mortality, and upstream and downstream habitats are expected to suitably harbor the relocated steelhead. The expected effects associated with the habitat alteration due to platform installation will be short lived and localized.

Based on steelhead surveys and observations described in the environmental baseline section, NMFS concludes non-lethal take of no more than 55 juvenile steelhead that may be captured and relocated during the construction season as a result of isolating the action area, with a potential lethal take of no more than 5 out of the 55, thus the risk of mortality is low. Any juvenile steelhead present in the action area likely make up a small proportion of the SC DPS of steelhead.

Overall, the impacts to habitat are expected to be temporary and not translate into a reduction in the functional value of the habitat in the long term. The replanted areas are expected to create a functional riparian zone and, along with the installation of the cut tree trunks, cover for rearing steelhead within the action area of North Fork Matilija. The impacts from disturbing the streambed are not expected to adversely affect the quality or quantity of aquatic habitat; rather, the proposed action is expected to at least maintain existing steelhead passage and rearing characteristics and conditions in the localized area. Maintained passage conditions are expected to favor the viability of the endangered SC DPS of steelhead.

The action area could be subject to higher average summer temperatures and lower precipitation levels in the future as a result of climate change, which would lead to higher creek temperatures and longer dry periods. Reductions in the amount of precipitation would reduce the amount and extent of flow. For this project, the above effects of climate change are unlikely to be detected by the time construction is completed. The short-term effects of the proposed action are expected to have completely elapsed prior to these climate-change effects.

2.8 Conclusion

After reviewing and analyzing the current status of the listed species and critical habitat, the environmental baseline within the action area, the effects of the proposed action, the effects of other activities caused by the proposed action, and cumulative effects, it is NMFS' biological opinion that the proposed action is not likely to jeopardize the continued existence of endangered SC DPS of steelhead and or destroy or adversely modify its designated critical habitat.

2.9 Incidental Take Statement

Section 9 of the ESA and Federal regulations pursuant to section 4(d) of the ESA prohibit the take of endangered and threatened species, respectively, without a special exemption. "Take" is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. "Harm" is further defined by regulation to include significant habitat modification or degradation that actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, migrating, feeding, or sheltering (50 CFR 222.102). "Incidental take" is defined by regulation as takings that result from, but are not the purpose of, carrying out an otherwise lawful activity conducted by the Federal agency or applicant (50 CFR 402.02). Section 7(b)(4) and section 7(o)(2) provide that taking that is incidental to an otherwise lawful agency action is not considered to be prohibited taking under the ESA if that action is performed in compliance with the terms and conditions of this ITS.

2.9.1 Amount or Extent of Take

In the biological opinion, NMFS determined that incidental take is reasonably certain to occur as follows: All steelhead within the action area, expected to be no more than 55 juveniles that are captured or harassed during project activities. No more than 5 juvenile steelhead are expected to be injured or killed as a result of relocating the species. No other incidental take is anticipated as a result of the proposed action. The accompanying biological opinion does not anticipate any form of take that is not incidental to the proposed action.

2.9.2 Effect of the Take

In the biological opinion, NMFS determined that the amount or extent of anticipated take, coupled with other effects of the proposed action, is not likely to result in jeopardy to the species or destruction or adverse modification of critical habitat.

2.9.3 Reasonable and Prudent Measures

"Reasonable and prudent measures" are nondiscretionary measures that are necessary or appropriate to minimize the impact of the amount or extent of incidental take (50 CFR 402.02).

1. Avoid and minimize mortality of steelhead during relocation activities.

2. Minimize the amount and extent of temporary and permanent changes in the quality and quantity of riparian and instream habitat for steelhead.

3. Prepare and submit a post-construction report regarding the effects of fish relocation and

construction activities.

2.9.4 Terms and Conditions

The terms and conditions described below are non-discretionary, and Caltrans or any applicant must comply with them in order to implement the RPMs (50 CFR 402.14). Caltrans or any applicant has a continuing duty to monitor the impacts of incidental take and must report the progress of the action and its impact on the species as specified in this ITS (50 CFR 402.14). If the entity to whom a term and condition is directed does not comply with the following terms and conditions, protective coverage for the proposed action would likely lapse.

1. The following terms and conditions implement reasonable and prudent measure 1:

    a. To avoid predation, the biologist shall have at least two containers and segregate captured young-of-year fish from larger age classes and other potential aquatic predators.

    b. Caltrans shall contact NMFS (Jess Fischer, 562-533-6813 or jessica.fischer@noaa.gov) 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. All steelhead mortalities shall be retained, frozen as soon as practical, and placed in an appropriate-sized sealable bag that is labeled with the date and location of the collection and fork length and weight of the specimen(s). Frozen samples shall be retained by the biologist until additional instructions are provided by NMFS. Subsequent notification must also be made in writing to Jess Fischer, NMFS, 501 W. Ocean Blvd., Suite 4200, Long Beach, California 90802 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 of the steelhead; 3) cause of injury or death; and 4) name and affiliation of the person whom found the specimen.

2. The following terms and conditions implement reasonable and prudent measure 2:

    a. Sixty days prior to implementing the proposed action, Caltrans shall submit the temporary platform plans to NMFS for review and potential comment. Caltrans shall revise the plan in response to NMFS' comments and then implement the plan consistent with the provisions therein. Plans shall be sent to Jess Fischer, jessica.fischer@noaa.gov, or NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, California 90802.

    b. Sixty days prior to implementing the proposed action, Caltrans shall submit the revegetation and monitoring plan, which includes provisions to determine the success of the plantings, to NMFS for review and potential comment. Caltrans shall revise the plan in response to NMFS' comments and then implement the plan consistent with the provisions therein. The plan shall be sent to Jess

Fischer, jessica.fischer@noaa.gov, or NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, California 90802.

3. The following terms and conditions implement reasonable and prudent measure 3:

    a. Caltrans shall provide a written report to NMFS by January 15 of the year following the construction season. The report shall be sent to Jess Fischer, jessica.fischer@noaa.gov, or NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, California 90802. The reports shall contain, at a minimum, the following information:

        i. Construction related activities – The report will include the dates construction began and was completed; a discussion of any unanticipated effects or unanticipated levels of effects on steelhead; a description of any and all measures taken to minimize those unanticipated effects and a statement as to whether or not the unanticipated effects had any effect on steelhead; the number of steelhead killed or injured during project construction; and, photographs taken before, during, and after the activity from photo reference points.

        ii. Fish Relocation – The report will include (1) the number and size of all fish relocated during the proposed action; (2) the date and time of the collection and relocation; (3) a description of any problem encountered during the project or when implementing terms and conditions; and, (4) any effect of the proposed action on steelhead that was not previously considered.

        iii. Revegetation – The report will include a description of the locations seeded or planted, the area revegetated, proposed methods to monitor and maintain the revegetated area, criteria used to determine the success of the plantings, and pre-and post-planting color photographs of the revegetated area. Caltrans shall provide the results of the vegetation monitoring by January 15 following completion of each annual site inspection following completion of the project. Each report shall include color photographs taken of the project area during each inspection and before implementation of the proposed action.

2.10 Conservation Recommendations

Section 7(a)(1) of the ESA directs Federal agencies to use their authorities to further the purposes of the ESA by carrying out conservation programs for the benefit of the threatened and endangered species. Specifically, conservation recommendations are suggestions regarding discretionary measures to minimize or avoid adverse effects of a proposed action on listed species or critical habitat or regarding the development of information (50 CFR 402.02).

- Stormwater discharges to streams may carry various pollutants that are toxic to salmonids. To aid in recovery of steelhead, Caltrans should include bioretention areas or

other landscape features adapted to treat stormwater runoff from SR-33 to North Fork Matilija Creek at this construction site.

- In order for NMFS to be kept informed of actions minimizing or avoiding adverse effects or benefitting listed species or their habitats, NMFS requests notification of the implementation of any conservation recommendations. This notification shall be submitted to Jess Fischer, NMFS 501 West Ocean Blvd., Suite 4200, Long Beach, California 90802.

2.11 Reinitiation of Consultation

This concludes formal consultation for the SR-33 Curve Widening Project. As 50 CFR 402.16 states, reinitiation of consultation is required and shall be requested by the Federal agency or by the Service where discretionary Federal agency involvement or control over the action has been retained or is authorized by law and if: (1) The amount or extent of incidental taking specified in the ITS is exceeded, (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion, (3) the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion, or (4) a new species is listed or critical habitat designated that may be affected by the action.

3 Data Quality Act Documentation and Pre-Dissemination Review

The Data Quality Act (DQA) specifies three components contributing to the quality of a document. They are utility, integrity, and objectivity. This section of the opinion addresses these DQA components, documents compliance with the DQA, and certifies that this opinion has undergone pre-dissemination review.

3.1 Utility

Utility principally refers to ensuring that the information contained in this consultation is helpful, serviceable, and beneficial to the intended users. The intended users of this opinion is Caltrans. Other interested users could include California Department of Fish and Wildlife and U.S. Fish and Wildlife Service. Individual copies of this opinion were provided to Caltrans. The document will be available within two weeks at the NOAA Library Institutional Repository [https://repository.library.noaa.gov/welcome]. The format and naming adheres to conventional standards for style.

3.2 Integrity

This consultation was completed on a computer system managed by NMFS in accordance with relevant information technology security policies and standards set out in Appendix III, 'Security of Automated Information Resources,' Office of Management and Budget Circular A-130; the Computer Security Act; and the Government Information Security Reform Act.

3.3 Objectivity

Information Product Category: Natural Resource Plan

Standards: This consultation and supporting documents are clear, concise, complete, and unbiased; and were developed using commonly accepted scientific research methods. They adhere to published standards including the NMFS ESA Consultation Handbook, ESA regulations, 50 CFR 402.01 et seq., and the MSA implementing regulations regarding EFH, 50 CFR 600.

Best Available Information: This consultation and supporting documents use the best available information, as referenced in the References section. The analyses in this opinion contain more background on information sources and quality.

Referencing: All supporting materials, information, data and analyses are properly referenced, consistent with standard scientific referencing style.

Review Process: This consultation was drafted by NMFS staff with training in, and reviewed in accordance with West Coast Region ESA quality control and assurance processes.

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