

INFORMATION HANDOUT

For Contract No. 03-1F8904

At 03-Nev-49-17.1/17.4

Identified by

Project ID 0300020146

PERMITS

United States Army Corps of Engineers

Non-Reporting Nationwide 404

WATER QUALITY

California Regional Water Quality Control Board

Central Valley Region

AGREEMENTS

California Department of Fish and Wildlife

Notification No. 1600-2013-0229-R2



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

REPLY TO
ATTENTION OF

December 19, 2013

Regulatory Division (SPK-2013-00905)

Mr. Nanjed A Dakak
California Department of Transportation District 3
703 B Street
Marysville, California 95901-0911

Dear Mr. Dakak:

We are responding to your October 21, 2013, request for a Department of the Army Nationwide permit (NWP) verification for the State Route (SR) 49 Shoulder Widening (EA:031F890, EFIS 0300020146) project. This approximately 6.47-acre project involves activities, including discharges of dredged or fill material, in waters of the United States to widen a road shoulder including excavation, dewatering and culverts extension. The project is located along SR 49 from Post Mile 17.09 to 17.42, in Section 11, Township 16 North, Range 8 East, Mount Diablo Meridian, Latitude 39.26666°, Longitude -121.05398°, Grass Valley, Nevada County, California.

Based on the information you provided, the proposed activity, resulting in the permanent loss of approximately 0.0057 acre of wetlands and 0.0089 acre of drainages and temporary impacts to approximately 0.0012 acre of wetland and 0.0096 acre of drainages is authorized by Nationwide Permit (NWP) Number 14 – Linear Transportation Projects. However, until Section 401 Water Quality Certification for the activity has been issued or waived, our authorization is denied without prejudice. Once you have provided us evidence of water quality certification, the activity is authorized and the work may proceed subject to the conditions of certification and the NWP. Your work must comply with the general terms and conditions listed on the enclosed 2012 NWP 14 information sheets (enclosure 1), the Final Sacramento District NWP Regional Conditions for California (enclosure 2), and the following Special Conditions:

Special Conditions:

1. The plan drawing entitled *Shoulder Widening Project (EA: 03-1F890), Nevada County, California State Route 49, Post Miles 17.09-17.42*, dated October 4, 2013, created by Caltrans, is incorporated as a condition of this authorization (enclosure 3). All deviations from the work as authorized, which result in additional impacts to waters of the U.S., including wetlands, must be coordinated with this office prior to impacts.

2. You shall restore all temporary impacts to waters of the U.S. and adjacent upland areas within 8 feet of waters of the U.S. to their original contour and condition within 30 days following completion of construction activities. In order to ensure compliance with this condition, you shall:

a. Prior to initiation of any construction activities within waters of the U.S., submit to this office, for review and approval, a plan for the restoration of temporary impact areas prior to initiation of any construction activities. You shall include the following information within this plan:

(1) A description of and drawings showing the existing contours (elevation) and existing vegetation of the temporary impact areas. This information shall include site photographs taken of the temporary impact area. For linear projects, these photographs shall be taken from the alignment, in both directions and taken every 10-feet for the length of the temporary impact area;

(2) The methods used to restore the site to the original contour and conditions, as well as a plan for the revegetation of the site following construction activities;

(3) The proposed schedule for the restoration activities, and;

(4) A mitigation and monitoring plan, to be approved by this office, for the temporary impact area to ensure success of the restoration. Monitoring shall be conducted for a minimum of three growing seasons after completion of restoration activities. The plan shall be presented in the format of the Sacramento District Habitat Mitigation and Monitoring Proposal Guidelines, dated December 30, 2004.

b. Within 30 days following completion of restoration activities, submit to this office a report describing the restoration activities including color photographs of the restored area. The compass angle and position of all photographs shall be similar to pre-construction photographs.

c. Submit to this office a Mitigation Monitoring Report by December 1 of each year of required monitoring period. This report shall be submitted in the format shown on the enclosed Regulatory Guidance Letter 08-03, dated 10 October 2008, or subsequent guidance as appropriate. Reports may be submitted in hard copy or electronically.

3. To mitigate for the loss of approximately 0.0146 acre of waters of the United States, you shall create approximately 0.0438 acre (3:1 ratio) of seasonal wetlands within the off-site preserve as shown and described in the October 14, 2013, "Subject: Section 404 Nationwide Permit 14 Application for Caltrans' State Route 49 Widening Project" covered letter, and the enclosed *Madrone Meadows Mitigation Site Driving Directions (Nevada 49 Highway Project/EA-03-01F890)* (enclosure 4) drawing document.

4. You shall develop a final comprehensive mitigation and monitoring plan for the created mitigation required by special condition 3 above, which must be approved by this office prior to initiation of construction activities within waters of the U.S. The plan shall include mitigation location and design drawings, vegetation plans, including target species to be planted, and final success criteria, and shall be presented in the format of the Sacramento District's Habitat Mitigation and Monitoring Proposal Guidelines, dated December 30, 2004. The purpose of this requirement is to ensure replacement of functions of the aquatic environment that would be lost through project implementation.

5. If any of the above conditions are violated or unauthorized activities occur, you shall stop work immediately and notify this office. You shall provide us with a detailed description of the unauthorized activity(s), photo documentation, and any measures taken to remedy the violation.

You must sign the enclosed Compliance Certification and return it to this office within 30 days after completion of the authorized work.

This verification is valid until March 18, 2017, when the existing Nationwide Permits are scheduled to be modified, reissued, or revoked. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified, reissued or revoked, you will have twelve (12) months from the date of the modification, reissuance or revocation of the NWP to complete the activity under the present terms and conditions. Failure to comply with the General and Regional Conditions of this Nationwide Permit, or the project-specific Special Conditions of this authorization, may result in the suspension or revocation of your authorization.

We would appreciate your feedback. At your earliest convenience, please tell us how we are doing by completing the customer survey on our website under *Customer Service Survey*.

Please refer to identification number SPK-2013-00905 in any correspondence concerning this project. If you have any questions, please contact Mr. Peck Ha at our California North Branch Office, Regulatory Division, Sacramento District, United States Army Corps of Engineers, 1325 J Street, Room 1350, Sacramento, California 95814-2922, by email at *Peck.Ha@usace.army.mil*, or telephone at 916-557-6617. For more information regarding our program, please visit our website at *www.spk.usace.army.mil/Missions/Regulatory.aspx*.

Sincerely,



Nancy Arcady Haley
Chief, California North Branch

Enclosures

cc: (w/o encls)

Mr. Elizabeth Lee, California Regional Water Quality Control Board, Central Valley Region, 11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114

Mr. Tina Bartlett, California Department of Fish and Game, Region 2, 1701 Nimbus Drive, Rancho Cordova, California 95670-4599

Mr. Jason Brush, Environmental Protection Agency, WRT-8, 75 Hawthorne Street, San Francisco, California 94105-3922

Central Valley Regional Water Quality Control Board

31 January 2014

Najed A. Dakak
California Department of Transportation
703 B Street
Marysville, CA 95901

CERTIFIED MAIL
7012 1710 0002 3544 2483

***CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY
CERTIFICATION; CALIFORNIA DEPARTMENT OF TRANSPORTATION, STATE ROUTE
49 SHOULDER WIDENING, NEVADA COUNTY PROJECT (WDID#5A29CR00082),
NEVADA COUNTY***

This Order responds to the 18 October 2013 application submitted by California Department of Transportation (Applicant) for the Water Quality Certification of a road widening project permanently impacting 0.0146 acre/89.5 linear feet and temporarily impacting 0.0108 acre/24 linear feet of waters of the United States.

This Order serves as certification of the United States Army Corps of Engineers' Nationwide Permit# 14 (SPK# 2013-00905) under § 401 of the Clean Water Act, and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act and State Water Board Order 2003-0017-DWQ.

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. This Order serves as a Water Quality Certification (Certification) action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to § 13330 of the California Water Code and § 3867 of the California Code of Regulations.
2. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to § 3855(b) of the California Code of Regulations, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. The validity of any non-denial Certification action shall be conditioned upon total payment of the full fee required under § 3860(c) of the California Code of Regulations.
4. This Certification is no longer valid if the project (as described) is modified, or coverage under § 404 of the Clean Water Act has expired.
5. All reports, notices, or other documents required by this Certification or requested by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) shall be signed by a person described below or by a duly authorized representative of that person.
 - (a) For a corporation: by a responsible corporate officer such as (1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; (2) any other person who performs similar policy or decision-making functions for the corporation; or (3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (b) For a partnership or sole proprietorship: by a general partner or the proprietor.
 - (c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

6. Any person signing a document under Standard Condition number 5 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

TECHNICAL CERTIFICATION CONDITIONS:

In addition to the above standard conditions, the Applicant shall satisfy the following:

1. The Applicant shall notify the Central Valley Water Board in writing seven (7) days in advance of the start of any work within waters of the United States. The notification shall include the name of the project and the WDID number, and shall be sent to the Central Valley Water Board Contact indicated in this Certification.
2. Except for activities permitted by the United States Army Corps of Engineers under § 404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.

3. The Applicant shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed project shall be adequately informed and trained regarding the conditions of this Certification.
4. The Applicant shall perform surface water sampling:
 - a) when performing any in-water work;
 - b) in the event that project activities result in any materials reaching surface waters; or
 - c) when any activities result in the creation of a visible plume in surface waters.

The monitoring requirements in Table 1 shall be conducted upstream out of the influence of the project, and 300 feet downstream of the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

Table 1:

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab ⁽¹⁾	Every 4 hours during in-water work	(2, 4)
Settleable Material	mL/L	Grab ⁽¹⁾	Every 4 hours during in-water work	(2)
Visible construction related pollutants ⁽³⁾	Observations	Visual Inspections	Continuous throughout the construction period	—
pH	Standard Units	Grab ⁽¹⁾	Every 4 hours during in-water work	(2, 4)

⁽¹⁾ Grab samples shall not be collected at the same time each day to get a complete representation of variations in the receiving water.

⁽²⁾ Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff.

⁽³⁾ Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

⁽⁴⁾ A hand-held field meter may be used, provided the meter utilizes a USEPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

Surface water monitoring shall occur at mid-depth. A surface water monitoring report shall be submitted to the Central Valley Water Board Contact indicated in this Certification within two weeks of initiation of sampling and every two weeks thereafter. In reporting the monitoring data, the Applicant shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the project complies with Certification requirements. The report shall include surface water sampling results, visual

observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria below.

If no monitoring is conducted, the Applicant shall submit a written statement to the Central Valley Water Board Contact indicated in the Certification stating, "No monitoring was required." with the Notice of Completion.

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011 (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Turbidity, settleable matter, and pH limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:
 - a) Activities shall not cause turbidity increases in surface water to exceed:
 - i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTUs;
 - ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
 - iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
 - iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs; and
 - v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

Except that these limits will be eased during in-water working periods to allow a turbidity increase of 15 NTUs over background turbidity. In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior approval of the Central Valley Water Board staff.
 - b) Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters.
 - c) Activities shall not cause pH to be depressed below 6.5 nor raised above 8.5 in surface water.
6. The Applicant shall notify the Central Valley Water Board immediately if the above criteria for turbidity, settleable matter, pH or other water quality objectives are exceeded.
7. In-water work shall occur during periods of no flow and no precipitation. The Applicant shall perform surface water sampling in accordance with Technical Certification Condition No. 4, if any of the following conditions occur: unanticipated flow is present and in-water work is conducted; project activities result in any materials reaching surface waters; or project activities result in the creation of a visible plume in surface waters.

8. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Applicant must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.
9. The Applicant shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the project. The Plan must detail the project elements, construction equipment types and location, access and staging and construction sequence. The Plan must also address spill response and prevention measures for potential spills that may occur within the project site.
10. Raw cement, concrete (or washing thereof), asphalt, drilling fluids, lubricants, paints, coating material, oil, petroleum products, or any other substances which could be hazardous to fish and wildlife resulting from or disturbed by project-related activities, shall be prevented from contaminating the soil and/or entering waters of the United States.
11. Concrete must completely be cured before coming into contact with waters of the United States. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility, which is authorized to accept concrete wastes.
12. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the United States through the entire duration of the project.
13. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the project area, as indicated in the attached maps (Figures 1 - 3).
14. All areas disturbed by project activities shall be protected from washout and erosion.
15. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.
16. All materials resulting from the project shall be removed from the site and disposed of properly.
17. This Certification does not allow permanent water diversion of flow from the receiving water. This Certification is invalid if any water is permanently diverted as a part of the project.

18. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete, asphalt, paint, coating material, drilling fluids, or other construction-related potentially hazardous substances to surface water and/or soil is prohibited. In the event of a prohibited discharge, the Applicant shall notify the Central Valley Water Board Contact within 24-hours of the discharge. Activities shall not cause visible oil, grease, or foam in the receiving water.
19. The Applicant shall comply with all California Department of Fish and Wildlife requirements, including but not limited to those requirements described in Lake or Streambed Alteration Agreement No. 1600-2013-0229-R2.
20. The Applicant shall submit a copy of the final, signed and dated Lake or Streambed Alteration Agreement issued by the California Department of Fish and Wildlife within 14 days of issuance to the Central Valley Water Board Contact indicated in this Certification.
21. The Applicant shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.
22. The Conditions in this Certification are based on the information in the attached "Project Information Sheet." If the actual project, as described in the attached Project Information Sheet, is modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.
23. The Applicant shall implement each of the mitigation measures specified in the approved Mitigated Negative Declaration for the project, as they pertain to biology, hydrology and water quality impacts as required by § 21081.6 of the Public Resource Code and § 15097 of the California Code of Regulations.
24. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. The applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with this Certification.
 - (a) If the Applicant or a duly authorized representative of the project fails or refuses to furnish technical or monitoring reports, as required under this Certification, or falsifies any information provided in the monitoring reports, the applicant is subject to civil liability, for each day of violation, and/or criminal liability.

- (b) In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require the Applicant to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) The Applicant shall allow the staff of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the project premises for inspection, including taking photographs and securing copies of project-related records, for the purpose of assuring compliance with this Certification and determining the ecological success of the project.
25. The Applicant shall provide a Notice of Completion (NOC) no later than 30 days after the project completion. The NOC shall demonstrate that the project has been carried out in accordance with the project description in the Certification and in any approved amendments. The NOC shall include a map of the project location(s), including final boundaries of any on-site restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation.
26. Prior to commencing construction, the Applicant shall provide evidence of all on-site and off-site compensatory mitigation to the Central Valley Water Board. Evidence of mitigation includes, but is not limited to, the creation of 0.0438 acre of seasonal wetlands on an off-site preserve as required by the United States Army Corps of Engineers.

Compensatory mitigation must comply with the effective policy at the time of Certification, which ensures no overall net loss of wetlands for impacts to waters of the State.

Evidence of compliance with compensatory mitigation requirements includes providing a letter from the approved off site preserve manager. The letter must: (a) be on the preserve manager letterhead; (b) be signed by an authorized representative of the preserve; (c) indicate the United States Army Corps of Engineers' SPK number; (d) describe the project name and location; and (e) detail the type of habitat created for the project's impacts.

CENTRAL VALLEY WATER BOARD CONTACT:

Trevor Cleak, Environmental Scientist
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-8114
trevor.cleak@waterboards.ca.gov
(916) 464-4684

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The California Department of Transportation is the Lead Agency responsible for compliance with the California Environmental Quality Act for the State Route 49 Shoulder Widening, Nevada County Project pursuant to § 21000 et seq. of the Public Resources Code. The California Department of Transportation certified the Mitigated Negative Declaration on 26 July 2013. The California Department of Transportation filed a Notice of Determination with the State Clearinghouse on 31 July 2013 (State Clearinghouse Number 2013052033).

The Central Valley Water Board is a responsible agency for the project. The Central Valley Water Board has determined that the Mitigated Negative Declaration is in accordance with the requirements of the California Environmental Quality Act.

The Central Valley Water Board has reviewed and evaluated the impacts to water quality identified in the Mitigated Negative Declaration. The mitigation measures discussed in the Mitigated Negative Declaration to minimize project impacts to State waters are required by this Certification.

With regard to the remaining impacts identified in the Mitigated Negative Declaration the corresponding mitigation measures proposed are within the responsibility and jurisdiction of other public agencies.

WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from the California Department of Transportation, State Route 49 Shoulder Widening, Nevada County Project (WDID#5A29CR00082) will comply with the applicable provisions of § 301 ("Effluent Limitations"), § 302 ("Water Quality Related Effluent Limitations"), § 303 ("Water Quality Standards and Implementation Plans"), § 306 ("National Standards of Performance"), and § 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)".

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in compliance with the conditions of this Certification, the California Department of Transportation's application package, and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011.


for Pamela C. Creedon
Executive Officer

Enclosure: Project Information Sheet

Attachments: Figures 1 - 3 – Project Area Map

cc: Distribution List, page 14

PROJECT INFORMATION SHEET

Application Date: 18 October 2013

Applicant: Najed A. Dakak
California Department of Transportation
703 B Street
Marysville, CA 95901

Applicant Representative: Kenneth Russo
California Department of Transportation
703 B Street
Marysville, CA 95901

Project Name: State Route 49 Shoulder Widening, Nevada County Project

Application Number: WDID#5A29CR00082

Date Application Deemed Complete: 31 January 2014

Type of Project: Road widening project

Timeframe of Project Implementation: 1 August through 1 October

Project Location: Section 11, Township 16 North, Range 8 East, MDB&M.
Latitude: 39°9'33.3714"N and Longitude: 121°18'42.3714" W

County: Nevada County

Receiving Water(s) (hydrologic unit): Unnamed drainages and wetlands, Sacramento Hydrologic Basin, Yuba River Hydrologic Unit #517.31, Shady Creek HSA

Water Body Type: Wetland, Streambed

Designated Beneficial Uses: The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011 (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include, but are not limited to: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND); Hydropower Generation (POW); Groundwater Recharge (GWR); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Preservation of Biological Habitats of Special Significance (BIOL); Rare, Threatened, or Endangered Species (RARE); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and/or Early Development (SPWN); and Wildlife Habitat (WILD). A

comprehensive and specific list of the beneficial uses applicable for the project area can be found at http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml.

303(d) List of Water Quality Limited Segments: Unnamed drainages and wetlands are the receiving water for the State Route 49 Shoulder Widening, Nevada County Project. The unnamed drainages and wetlands are not listed on the 303(d) list; therefore, this project will not impact an impaired water body. The most recent list of approved water quality limited segments is found at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml.

Project Description: The State Route 49 Shoulder Widening, Nevada County Project (Project) consists of widening the existing State Route 49 and modifying the existing culverts. The Project is located between the intersections of State Route 49 and Newton Road, and State Route 49 and Old Downieville Highway.

The Project will widen approximately 0.4 miles of State Route 49 in both directions. Widening the road will require approximately 7.77 cubic yards of native soil to be placed into 0.0057 acre of waters of the United States. The Project also requires extending four culverts, abandoning two culverts and placing two new culverts. Work conducted on five of the culverts will impact waters of the United States. The culvert work is summarized below:

Culvert ID	Existing Length (Feet)	Existing Diameter (Inches)	Permanent Impact to Waters of the United States (Acres)	Temporary Impacts to Waters of the United States	Description of Work
1	51	18	0.0019	0.0024	The existing culvert will be extended by 14 feet.
2	45	18	0.0016	0.0024	The existing culvert will be extended by 20 feet.
3	34	18	0.0029	0.0024	The existing culvert will be extended by 23 feet.
4	-	-	0.0010	0.0012	A new 66-foot long by 18-inch diameter culvert will be installed adjacent to the abandoned Culvert 5.
5	44	18	-	-	The existing culvert will be shortened by 4 feet, filled with sand, sealed off with cast-in-place concrete, and abandoned in place.

Culvert ID	Existing Length (Feet)	Existing Diameter (Inches)	Permanent Impact to Waters of the United States (Acres)	Temporary Impacts to Waters of the United States	Description of Work
6	63	24	0.0015	0.0024	The existing culvert will be extended by 4.5 feet
7	49	18	-	-	The existing culvert will be removed.
8	-	-	-	-	A new 48-foot long by 18-inch diameter culvert will be placed adjacent to Culvert 7.
Total			0.0089	0.0108	

The removal of Culvert 7 and installation of Culvert 8 will not impact waters of the United States. No dewatering will occur within the project area. Cast-place concrete will be used within the project area.

The project will permanently impact 0.0146 acre/89.5 linear feet and temporarily impact 0.0108 acre/24 linear feet of waters of the United States.

Preliminary Water Quality Concerns: Construction activities may impact surface waters with increased turbidity, settleable matter, and pH.

Proposed Mitigation to Address Concerns: The Applicant will implement Best Management Practices to control sedimentation and erosion. This Certification requires all work to be conducted during periods of no flow. In the event that project activities result in any materials reaching surface waters or unanticipated in-water work is conducted, the Applicant will conduct turbidity, settleable matter, and pH testing. During this testing, the Applicant will stop work if Basin Plan criteria are exceeded or observations indicate an exceedance of a water quality objective. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities to provide 1:1 mitigation for temporary impacts.

Excavation/Fill Area: Approximately 7.77 cubic yards of native soil and 2.4 cubic yards of precast concrete and steel culverts will be placed into 0.0146 acre of waters of the United States.

Dredge Volume: None

California Integrated Water Quality System Impact Data: The Project will permanently impact 0.0146 acre/89.5 linear feet of wetland and streambed from fill activities.

Table 2: Impacts from Fill Activities

Water Feature Type	Permanent			Temporary		
	Acre(s)	Linear Feet	Cubic Yards	Acre(s)	Linear Feet	Cubic Yards
Wetlands						
Unnamed Wetlands	0.0057	-	7.77	0.0012	-	-
Stream Channel						
Unnamed Drainages	0.0089	89.5	2.4	0.0096	24	-
Total Impacts	0.0146	89.5	10.17	0.0108	24	-

United States Army Corps of Engineers File Number: SPK #2013-00905

United States Army Corps of Engineers Permit Type: Nationwide Permit #14

California Department of Fish and Wildlife Lake or Streambed Alteration Agreement:
 1600-2013-0229-R2

Possible Listed Species: None

Status of CEQA Compliance: The California Department of Transportation certified the Mitigated Negative Declaration on 26 July 2013. The California Department of Transportation filed a Notice of Determination with the State Clearinghouse on 31 July 2013 (State Clearinghouse Number 2013052033).

The Central Valley Water Board will file a Notice of Determination with the State Clearinghouse as a responsible agency within five (5) days of the date of this Certification.

Compensatory Mitigation: Prior to commencing construction, the Applicant shall provide evidence of all on-site and off-site compensatory mitigation to the Central Valley Water Board. Evidence of mitigation includes, but is not limited to, the creation of 0.0438 acre of seasonal wetlands on an off-site preserve as required by the United States Army Corps of Engineers.

Application Fee Provided: Total fees of \$3,351.00 have been submitted to the Central Valley Water Board as required by § 3833(b)(3)(A) and § 2200(a)(3) of the California Code of Regulations.

DISTRIBUTION LIST

Peck Ha
United States Army Corps of Engineers
Sacramento District Office
Regulatory Division
1325 J Street, Suite 1350
Sacramento, CA 95814-2922

Tim Nosal
Department of Fish and Wildlife
1701 Nimbus Road
Rancho Cordova, CA 94670

Bill Jennings
CA Sportfishing Protection Alliance
3536 Rainier Avenue
Stockton, CA 95204

Bill Orme (Electronic copy only)
401 Certification and Wetlands Unit Chief
State Water Resources Control Board

Jason A. Brush (Electronic copy only)
Wetlands Office Supervisor (WTR-8)
United States Environmental Protection Agency

Kenneth Russo
California Department of Transportation
703 B Street
Marysville, CA 95901

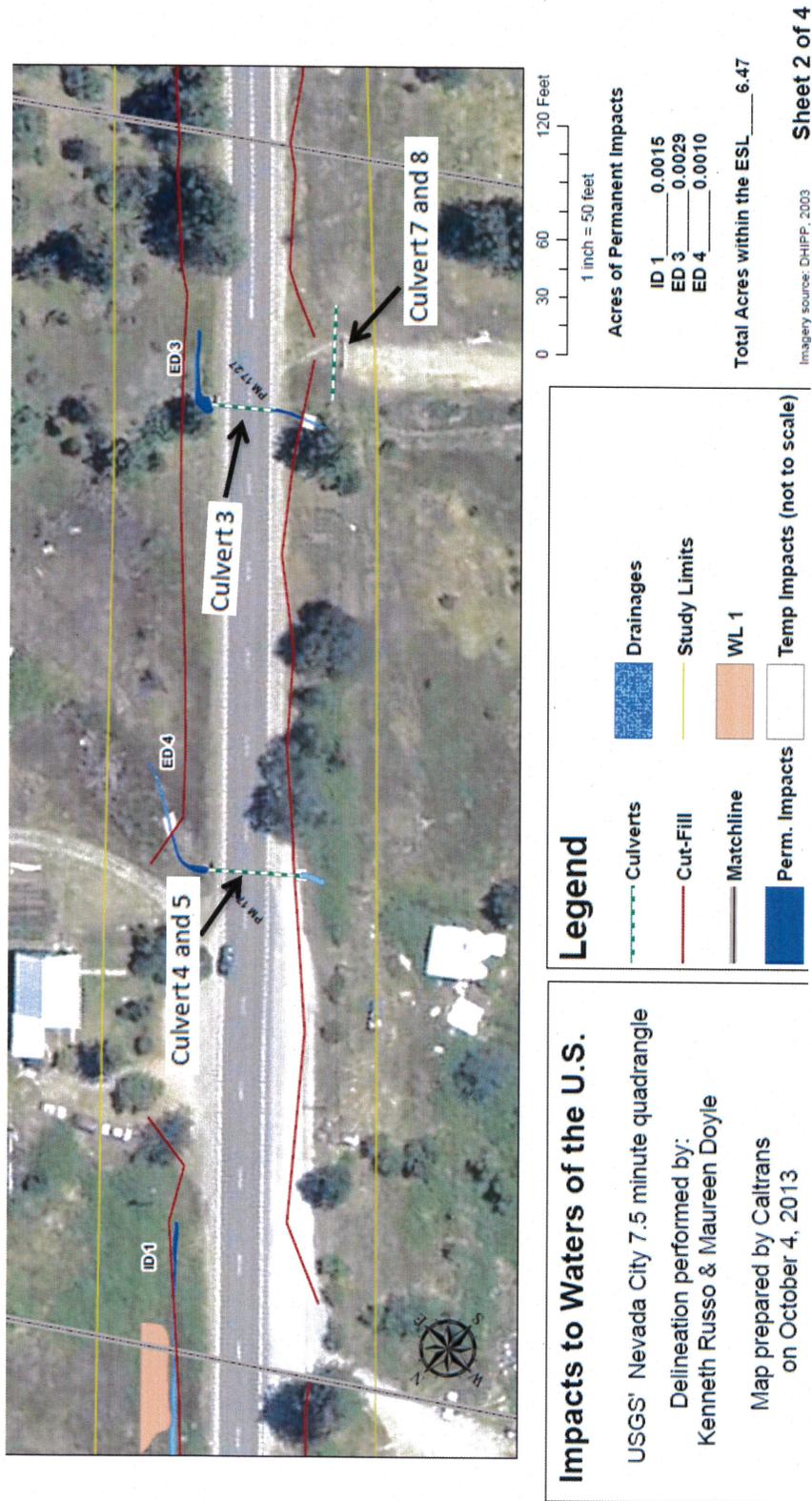


Figure 2 – Project Area Map

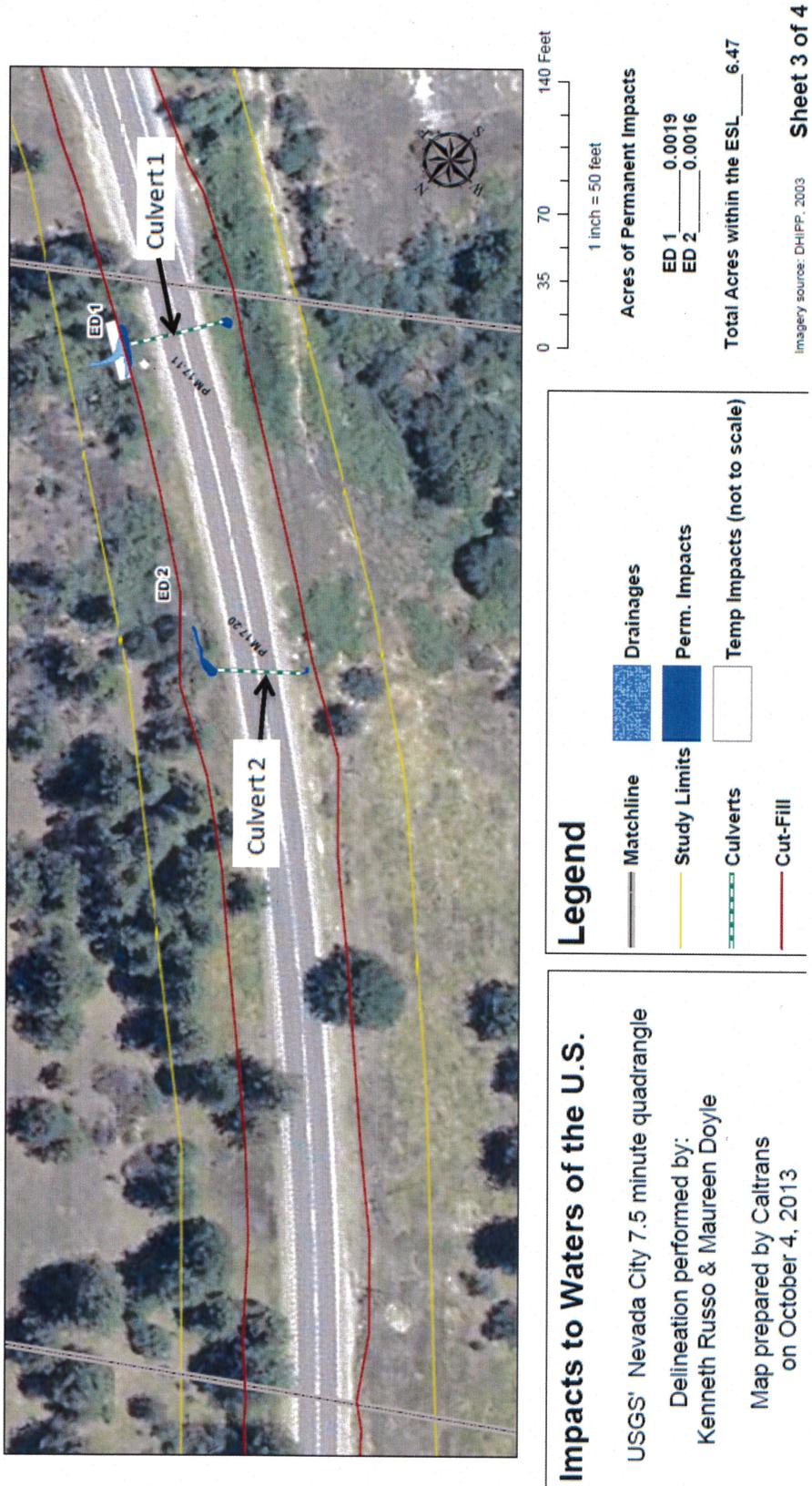


Figure 3 – Project Area Map



DEC 24 2013

Date

Najed Dakak
California Department of Transportation
703 B Street
Marysville, CA 95901
Najed_dakak@dot.ca.gov

Subject: Final Streambed Alteration Agreement
Notification No. 1600-2013-0229 -R2
Unnamed tributaries to Rush Creek

Dear Mr. Dakak:

Enclosed is the final Streambed Alteration Agreement (Agreement) for the SR49 Widen and Pave Project (Project). Before the Department of Fish and Wildlife (Department) may issue an Agreement, it must comply with the California Environmental Quality Act (CEQA). In this case, the Department, acting as a responsible agency, filed a notice of determination (NOD) on the same date it signed the Agreement. The NOD was based on information contained in the Mitigated Negative Declaration the lead agency prepared for the Project.

Under CEQA, filing a NOD starts a 30-day period within which a party may challenge the filing agency's approval of the project. You may begin your project before the 30-day period expires if you have obtained all necessary local, state, and federal permits or other authorizations. However, if you elect to do so, it will be at your own risk.

If you have any questions regarding this matter, please contact Tim Nosal, Environmental Scientist at (916) 358-2853 or tim.nosal@wildlife.ca.gov.

Sincerely,

for 

Tina Bartlett
Regional Manager

cc: Tim Nosal
Tim.Nosal@wildlife.ca.gov

Kenneth Russo
Kenneth_russo@dot.ca.gov



STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2013-0229-R2
Unnamed tributaries to Rush Creek

CALIFORNIA DEPARTMENT OF TRANSPORTATION
SR 49 WIDEN AND PAVE PROJECT

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (Department) and California Department of Transportation (Caltrans) (Permittee) as represented by Najed Dakak.

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified the Department on October 3, 2013 that Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, the Department has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, Permittee agrees to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project is located along SR 49, between Old Downieville Highway and Newtown Road, at 5 unnamed tributaries to Rush Creek (Table 1), In the County of Nevada, State of California, U.S. Geological Survey (USGS) map Nevada City (Attachment A: Project Maps).

Table 1: CDFW 1602 jurisdictional project locations for the Y-Cascade Roadway Rehabilitation and Water Quality Project.

Project #	Post Mile	Lat	Long	Activity
ED 1	17.11	39.2654	-121.0519	Extend 18" culvert by 3' at the inlet and by 11' at the outlet,

				removal and replacement of headwall at inlet.
ED 2	17.20	39.2656	-121.0524	Extend 18" culvert by 11' at the inlet and by 6' at the outlet, removal and replacement of headwall at inlet.
ED 3	17.27	39.2666	-121.0539	Extend 18" culvert by 11' at the inlet and by 9' at the outlet, removal and replacement of headwall at inlet.
ED 4	17.32	39.2670	-121.0545	Replace existing 18" culvert with a new 18" x 66' alternative pipe culvert, removal headwall at outlet, installation of alternative flared end sections (AFES) at inlet and outlet.
ID 1	17.36	39.2677	-121.0552	Extend 24" culvert by 1.5' at the inlet and by 3' at the outlet, removal of existing AFES and installation of headwalls at inlet and outlet.

PROJECT DESCRIPTION

The purpose of this project is to widen the shoulders to enhance the safety of motorists and bicyclists. Bicyclists use this portion of SR 49 as a link between two popular bike routes. One of the bike routes ends near Old Downieville Rd. and the other starts at Newtown Rd. By widening the shoulders of this portion of SR 49, a safer means of travel for both cyclists and motorists will be created.

The following actions are proposed in this project:

- Widening the shoulders on State Route 49 (SR 49) in Nevada County from Old Downieville Road at post mile 17.09 (PM 17.09) to Newton Road at PM 17.42. The existing shoulder width within the project limits varies from no shoulder to seven feet in width. The shoulders built within the project limits will be eight feet in width.
- The shoulder widening will require some excavation and fill sections of the roadway (see enclosed plan sheets). In the sections that will require fill, several culverts will need to be extended, with a total fill volume equaling 1.9095 cubic yards of 18" and 24" steel pipe.
- Existing headwalls at four locations will be removed and will be replaced with new headwalls or 18" alternative flared end sections (AFES).

- Shoulders will be constructed of standard base materials with Hot-Mixed Asphalt (HMA) overlay.

All figures and minimization measures included in the Notification of Streambed Alteration No. 1600-2013-0229-R2 shall be implemented.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: riparian vegetation, nesting raptors and migratory birds, amphibians, reptiles, and other aquatic and terrestrial plant and wildlife species.

The adverse effects the project could have on the fish or wildlife resources identified above include: temporary diversion of flow water from, or around, activity site; short-term increased turbidity; increased sedimentation from adjacent construction; short-term release of sediment (e.g. incidental from construction); loss or decline of riparian and wetland habitat; disturbance from project activity; direct take of terrestrial species and of non-fish aquatic species; decline of vegetative diversity; disruption to nesting birds and other wildlife; dewatering; and direct (seasonal) loss of resources for aquatic organisms.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to the Department personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. Permittee shall notify the Department if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, the Department shall contact Permittee to resolve any conflict.
- 1.4 Project Site Entry. Permittee agrees that Department personnel may enter the project site at any time to verify compliance with the Agreement.

- 1.5 Does Not Authorize "Take." This Agreement does not authorize "take" of any listed species. Take is defined as hunt, pursue, catch, capture or kill or attempt to hunt, pursue, catch, capture, or kill. If there is potential for take of any listed species to occur, the Permittee shall consult with the Department as outlined in FGC Section 2081 and shall obtain the required state and federal threatened and endangered species permits.
- 1.6 Notification of Project Modification. Permittee agrees to notify the Department of any modifications made to the project plans submitted to the Department.

2. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, Permittee shall implement each measure listed below.

- 2.1 CEQA Compliance. Permittee shall implement and adhere to the mitigation measures in the Biological Resources section of the Mitigated Negative Declaration (SCH Number: 2013052033) adopted by the lead agency, Caltrans, for the Project pursuant to the California Environmental Quality Act (CEQA) on April 30, 2013 unless those mitigation measures are less protective of fish and wildlife or conflict with the conditions of this Agreement.
- 2.2 Work Period. The time period for completing the work within the active channel shall be restricted to periods of low stream flow and dry weather and shall be confined to the period of July 15 to October 15. Construction activities shall be timed with awareness of precipitation forecasts and likely increases in stream flow. Construction activities within the project area shall cease until all reasonable erosion control measures, inside and outside of the project area, have been implemented prior to all storm events. Revegetation, restoration and erosion control work is not confined to this time period.
- 2.3 Work Period Modification. If Permittee needs more time to complete the project activity, the work may be permitted outside of the work period and extended on a day-to-day basis (or for some other set period of time) by the Department representative who reviewed the project, or if unavailable, through contact with the Regional office. Permittee shall submit a written request for a work period variance to the Department. The work period variance request shall: 1) describe the extent of work already completed; 2) detail the activities that remain to be completed; 3) detail the time required to complete each of the remaining activities; and 4) provide photographs of both the current work completed and the proposed site for continued work. The work period variance request should consider the effects of increased stream flows and rain delays. Work period variances are issued at the discretion of the Department. The Department will review the written request to work outside of the established work period. The Department reserves the right to

require additional measures to protect fish and wildlife resources as a condition for granting the variance. The Department will have ten (10) calendar days to review the proposed work period variance.

- 2.4 Work Period in Dry Weather Only. Work within the unnamed season tributaries to Rush Creek shall be restricted to periods of no stream flow and dry weather. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation. Construction activities halted due to precipitation may resume when precipitation ceases and the National Weather Service 72 hour weather forecast indicates a 20% or less chance of precipitation, provided no work occurs in the stream bed if water is flowing. If a construction phase may cause the introduction of sediments into the stream: 1) no phase of the project shall be started in May or November of any year, unless all work for that phase and all associated erosion control measures are completed prior to the onset of precipitation; and 2) no phase of the project shall commence unless all equipment and materials are removed from the channel at least 12 hours prior to the onset of precipitation and all associated erosion control measures are in place prior to the onset of precipitation. No work shall occur during a dry-out period of 24 hours after the above referenced wet weather. Weather forecasts shall be documented upon request by the Department.
- 2.5 Stream Diversions / Dewatering. If work in the flowing portion of the stream is unavoidable, the entire stream flow shall be diverted around or through the work area during the excavation and/or construction operations. Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses. When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code section 5937. Any temporary dam or other artificial obstruction constructed shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. The Department will review the proposed water diversion method, to approve the plan or provide the requirements for that approval. The Permittee may not commence the diversion of water without the explicit approval from the Department.
- 2.6 Bird Nests. It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird except as otherwise provided by the Fish and Game Code. No trees that contain active nests of birds shall be disturbed until all eggs have hatched and young birds have fledged without prior consultation and approval of a Department representative.

- 2.7 Removal of Trees/Shrubs During Fall/Winter Months. To avoid potential impact to tree nesting birds, trees and shrubs designated for removal may be cut down during the time period of November 1 to February 15. Tree and shrub removal may commence provided that that no birds are nesting, or using the site as a rookery at the time of removal.
- 2.8 Vegetation Removal. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. Except for the trees specifically identified for removal in the notification, no native trees with a trunk diameter at breast height (DBH) in excess of four (4) inches shall be removed or damaged without prior consultation and approval of a Department representative. Using hand tools (clippers, chain saw, etc.), trees may be trimmed to the extent necessary to gain access to the work sites. All cleared material/vegetation shall be removed out of the riparian/stream zone. Impacted willows and riparian vegetation shall be restored on-site according to the Habitat Restoration Plan (Item 3.1 below).
- 2.9 Sediment Control. Precautions to minimize turbidity/siltation shall be taken into account during project planning and implementation. This may require the placement of silt fencing, coir logs, coir rolls, straw bale dikes, or other siltation barriers so that silt and/or other deleterious materials are not allowed to pass to downstream reaches. Materials composing the silt barrier shall not pose an entanglement risk to fish or wildlife such as monofilament mesh and non-biodegradable synthetic erosion blankets. Passage of sediment beyond the sediment barrier(s) is prohibited. If any sediment barrier fails to retain sediment, corrective measures shall be taken. The sediment barrier(s) shall be maintained in good operating condition throughout the construction period and the following rainy season. Maintenance includes, but is not limited to, removal of accumulated silt and/or replacement of damaged siltation barriers. The Permittee is responsible for the removal of non-biodegradable silt barriers (such as plastic silt fencing) after the disturbed areas have been stabilized with erosion control vegetation (usually after the first growing season). Upon Department determination that turbidity/siltation levels resulting from project related activities constitute a threat to aquatic life, activities associated with the turbidity/siltation shall be halted until effective Department approved control devices are installed or abatement procedures are initiated.
- 2.10 Rock Slope Protection. Un-grouted rock slope protection (RSP) and energy dissipater materials shall consist of clean rock, competent for the application, sized and properly installed to resist washout. RSP slopes shall be supported with competent boulders keyed into a footing trench with a depth sufficient to properly seat the footing course boulders and prevent instability (typically at least 1/3 diameter of footing course boulders). Voids between rocks shall be planted with riparian species native to the area.

2.11 Pollution Control. Utilize Best Management Practices (BMPs) to prevent spills and leaks into water bodies. If maintenance or refueling of vehicles or equipment must occur on-site, use a designated area and/or a secondary containment, located away from drainage courses to prevent the runoff of storm water and the runoff of spills. Ensure that all vehicles and equipment are in good working order (no leaks). Place drip pans or absorbent materials under vehicles and equipment when not in use. Ensure that all construction areas have proper spill clean up materials (absorbent pads, sealed containers, booms, etc.) to contain the movement of any spilled substances. Any other substances which could be hazardous to aquatic life, resulting from project related activities, shall be prevented from contaminating the soil and/or entering the waters of the state. Any of these materials, placed within or where they may enter a stream or lake by the Applicant or any party working under contract or with the permission of the Permittee, shall be removed immediately. The Department shall be notified immediately by the Permittee of any spills and shall be consulted regarding clean-up procedures.

3. Compensatory Measures

To compensate for adverse impacts to fish and wildlife resources identified above that cannot be avoided or minimized, Permittee shall implement each measure listed below.

3.1 Habitat Restoration Plan. Riparian areas and upland habitats temporarily disturbed by construction shall be replanted with native species typically found in the area. A restoration/revegetation plan (including a mitigation monitoring plan) shall be prepared by a qualified revegetation ecologist. The Habitat Restoration Plan shall include performance standards, monitoring and reporting programs, and corrective actions to be taken when mitigation measures do not meet the proposed targets. The revegetation plan shall be submitted to the Department for approval prior to the start of construction.

4. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 4.1** The Permittee shall notify the Department within two working days of beginning work within the stream zone. Notification shall be submitted as instructed in Contact Information section below. Email notification is preferred.
- 4.2** Upon completion of the project activities described in this agreement, the project area shall be digitally photographed. Photographs shall be submitted to the Department within fifteen (15) days of project completion. Photographs and notification of project completion shall be submitted as instructed in Contact Information section below. Email submittal is preferred.

- 4.3 As part of the Habitat Restoration Plan (Item 3.1 above), an annual mitigation monitoring report shall be submitted to the Department no later than December 31 of each year for five (5) years after project completion.

CONTACT INFORMATION

Any communication that Permittee or the Department submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or the Department specifies by written notice to the other.

To Permittee:

Najed Dakak
California Department of Transportation
703 B Street
Marysville, CA 95901
Email – najed_dakek@dot.ca.gov

To The Department:

Department of Fish and Wildlife
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670
Attn: Lake and Streambed Alteration Program – Tim Nosal
Notification #1600-2013-0229 R2

Fax: 916-358-2912
Email: r2lsa@wildlife.ca.gov

LIABILITY

Permittee shall be solely liable for any violations of the Agreement, whether committed by Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute the Department's endorsement of, or require Permittee to proceed with the project. The decision to proceed with the project is Permittee's alone.

SUSPENSION AND REVOCATION

The Department may suspend or revoke in its entirety the Agreement if it determines that Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before the Department suspends or revokes the Agreement, it shall provide Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide Permittee an opportunity to correct any deficiency before the Department suspends or revokes the Agreement, and include instructions to Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused the Department to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes the Department from pursuing an enforcement action against Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects the Department's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from obtaining any other permits or authorizations that might be required under other federal, state, or local laws or regulations before beginning the project or an activity related to it.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 5948 (obstruction of stream).

Nothing in the Agreement authorizes Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

The Department may amend the Agreement at any time during its term if the Department determines the amendment is necessary to protect an existing fish or wildlife resource.

Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by the Department and Permittee. To request an amendment, Permittee shall submit to the Department a completed Department "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in the Department's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by Permittee in writing, as specified below, and thereafter the Department approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, Permittee shall submit to the Department a completed Department "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in the Department's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

In accordance with FGC section 1605(b), Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, Permittee shall submit to the Department a completed Department "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in the Department's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). the Department shall process the extension request in accordance with FGC 1605(b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code, § 1605, subd. (f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of the Department's signature, which shall be: 1) after Permittee's signature; 2) after the Department complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3)

after payment of the applicable FGC section 711.4 filing fee listed at http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html.

TERM

This Agreement shall expire within five (5) years of the Department's signature, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605(a)(2) requires.

EXHIBIT

The document listed below is included as an exhibit to the Agreement.

Attachment A: Project Maps

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's behalf and warrants that he or she has the authority to legally bind Permittee to the provisions herein.

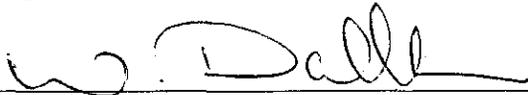
AUTHORIZATION

This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project the Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify the Department in accordance with FGC section 1602.

CONCURRENCE

The undersigned accepts and agrees to comply with all provisions contained herein.

FOR CALTRANS



Najed Dakek

Project Manager

12/18/2013

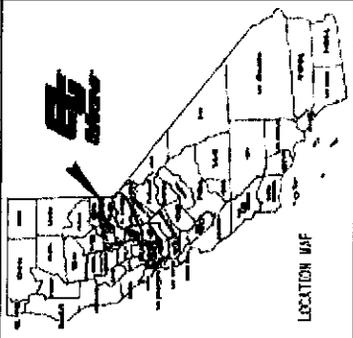
Date

FOR DEPARTMENT OF FISH AND WILDLIFE

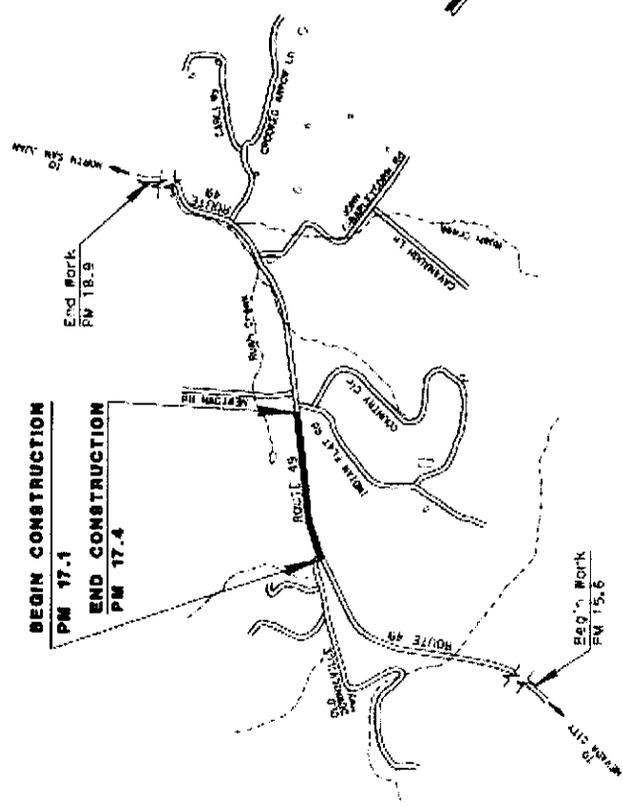
Attachment A:
Project Maps

Caltrans: SR 49 Widen and Pave Project
Nevada County

STATE	COUNTY	ROUTE	PROJECT NUMBER	DATE
03	NEV	49	17-177.4	1



STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
PROJECT PLANS FOR CONSTRUCTION ON
STATE HIGHWAY
 IN NEVADA COUNTY
 FROM OLD DOWNIEVILLE HWY
 TO 0.1 MILE SOUTH OF NEWTON ROAD
 TO BE SUPPLEMENTED BY STANDARD PLANS DATED 2010



CONTRACT No. 03-1F8304
 PROJECT ID: 0300020146
 PROJECT NUMBER & PHASE: 0300020146

INDEX OF PLANS

THE CONTRACTOR SHALL VERIFY THE PLANS AND STATIONS AS SHOWN IN THE FIELD TO BE CORRECT.

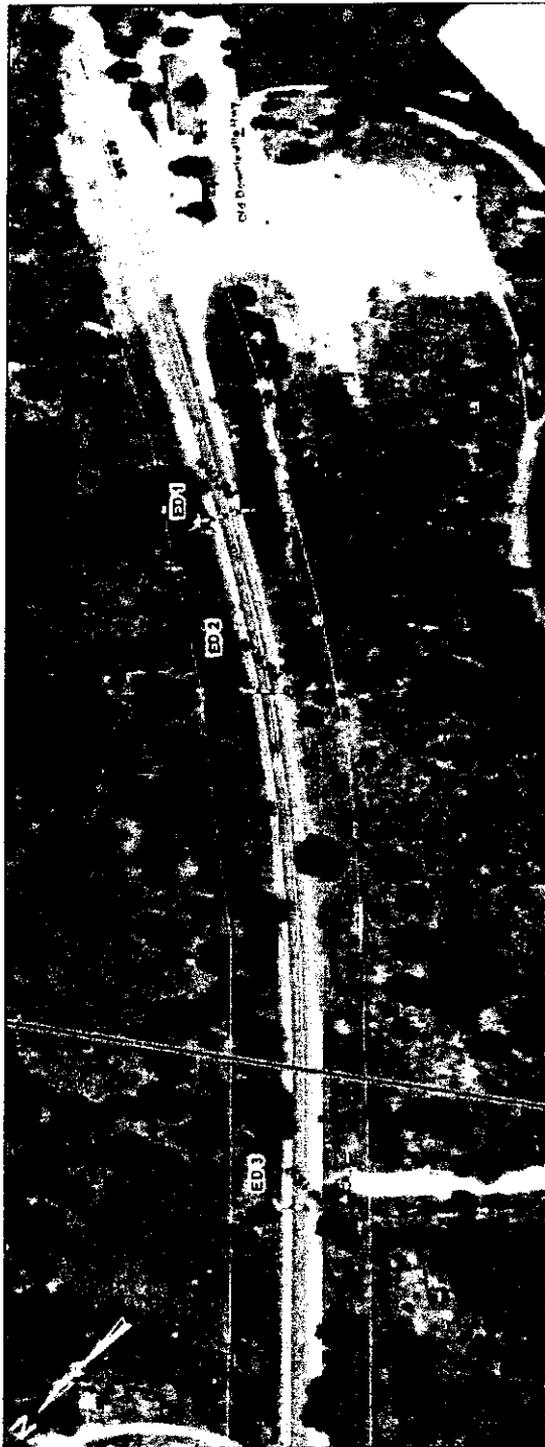
FOR MORE INFORMATION CONTACT THE DISTRICT ENGINEER AT THE ADDRESS LISTED BELOW.

DATE	BY
11/17/14	[Signature]

NO SCALE

UNIT: FEET
 1" = 100'

Shoulder Widening Project (EA: 03-1F890) Nevada County, California State Route 49, Post Miles 17.09-17.42



Legend

- Matchline
- Drainages
- Study Limits
- Culverts

03-1F890 Culverts and Drainages

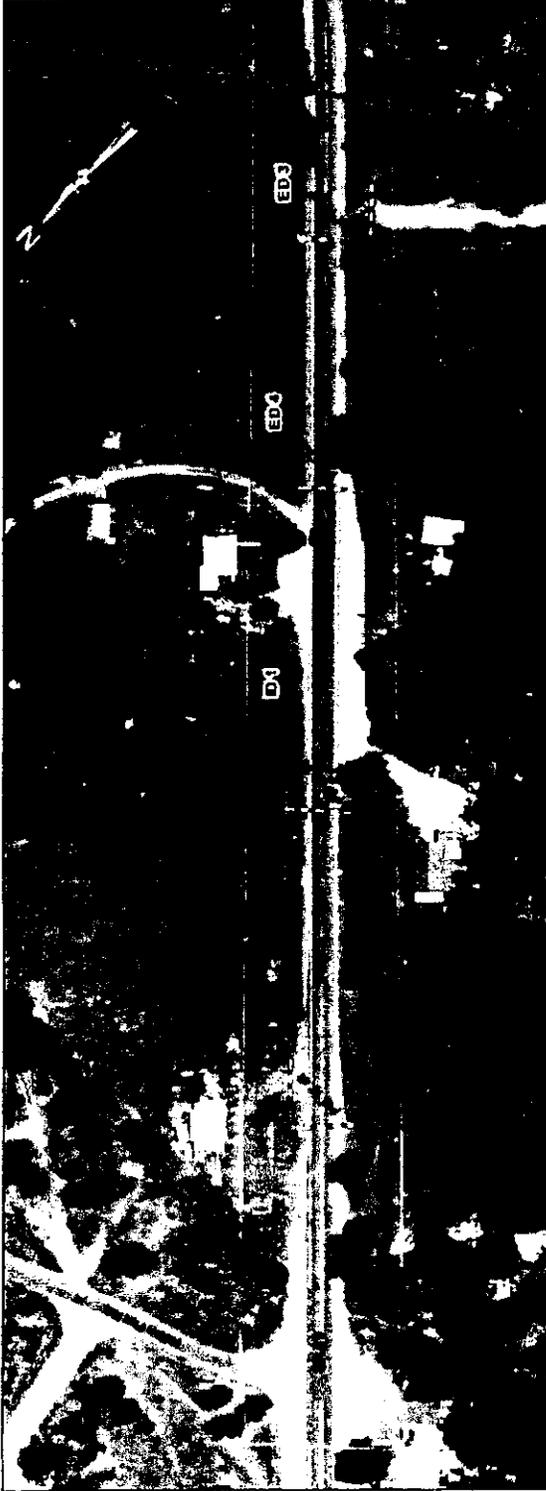
USGS' Nevada City 7.5 minute quadrangle
 Delineation performed by
 Kenneth Russo & Maureen Doyle

Map prepared by Caltrans
 on October 4, 2013

ED 1 = Ephemeral Drainage #1
 ED 2 = Ephemeral Drainage #2
 ED 3 = Ephemeral Drainage #3

Total Acres within the ESL _____ 6.47

Shoulder Widening Project (EA: 03-1F890) Nevada County, California State Route 49, Post Miles 17.09-17.42



03-1F890 Culverts and Drainages
USGS: Nevada City 7.5 minute quadrangle
Delineation performed by
Kenneth Russo & Maureen Doyle
Map prepared by Caltrans
on October 4, 2013

Legend

- Matchline
- Drainages
- Study Limits
- Culverts

ED 3 = Ephemeral Drainage #3
ED 4 = Ephemeral Drainage #4
ID 1 = Intermittent Drainage #1
Total Acres within ESL 6.47

Imagery source: INRAP 2009