

INFORMATION HANDOUT

For Contract No. 03-1F9104

At 03-Nev-49-PM 4.3/4.8

Identified by

Project ID 03000204401

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. 1600-2013-0015-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

February 12, 2013

Regulatory Division (SPK-2013-00103)

Mr. Nadarajah Suthahar
California Department of Transportation, District 3
703 B Street
Marysville, California 95901-0911

Dear Mr. Suthahar:

We are responding to your agency's January 30, 2013 request for a preliminary jurisdictional determination, in accordance with our Regulatory Guidance Letter (RGL) 08-02, and a Department of the Army Nationwide Permit verification for the State Route (SR) 49 Traffic Operational Improvement Project (PM 4.3/5.8, EA 03-1F9100). We received your request on February 5, 2013. We reviewed your PCN on February 7, 2013 and determined it was complete.

This approximately 5-acre project involves activities, including the discharge of fill material, in waters of the United States to make operational improvements at three intersections along SR49. The project is located in Section 3, Township 14 North, Range 8 East, Mount Diablo Meridian, Latitude 39.0840255°, Longitude -121.086535°, near Grass Valley, Nevada County, California.

Based on the information you provided in your wetland delineation report, we concur with the amount and location of water bodies within the study area as depicted on the map sheets dated November 9, 2012, entitled *Delineation of Aquatic Resources within ESL, NEV-49 03-00020440 at Carriage Road, Sheets 1 thru 4*, prepared by Caltrans. The approximately 0.08 acre of ephemeral/intermittent streams/drainages and 0.104 acre of wetland present within the survey area are potential waters of the United States regulated under Section 404 of the Clean Water Act. A copy of our RGL 08-02 Preliminary Jurisdictional Determination Form for the study area is enclosed. Prior to commencing construction, please sign and return a copy of the completed form to this office.

Based on the information you provided in your Pre-construction Notification (PCN), the proposed activity, resulting in the permanent loss of approximately 0.064 acre of ephemeral/intermittent streams/drainages and 0.038 acre of wetlands, is authorized by Nationwide Permit (NWP) 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 the certification and Nationwide Permit 14.

Furthermore, we understand the State of California, Department of Transportation (Caltrans) is the National Environmental Policy Act (NEPA) lead Federal agency for this project, and as such, will ensure the authorized work complies with the NEPA, the Endangered Species Act, the National Historical

Preservation Act, and any other applicable federal laws. Your work must comply with the general terms and conditions listed in the enclosed 2012 Nationwide Permit 14 summary sheets, the Final Sacramento District Nationwide Permit Regional Conditions for California, and the following special conditions:

Special Conditions

1. This permit is contingent upon the permittee applying for and being issued a Section 401 Water Quality Certification. Evidence of a water quality certification must be submitted to this office, prior to commencing work in Waters of the U.S. All terms and conditions of the Section 401 Water Quality Certification are expressly incorporated as conditions of this permit.
2. To mitigate for the permanent loss of 0.064 acre of ephemeral/intermittent stream/drainage at a 1.5:1 ratio, you shall submit a check in the amount of \$14,400.00 (\$150,000/acre x 0.096 acres) payable to the National Fish and Wildlife Foundation (NFWF) for the establishment of 0.096 acre of ephemeral/intermittent stream/drainage. Upper Bear California, Hydrologic Unit Code #18020126, must be indicated on the check in order to insure the proper location of future mitigation. Prior to commencing construction, you shall submit a copy of the payment receipt to this office for recordation.
3. To mitigate for the permanent loss of 0.038 acre of wetlands at a 1.5:1 ratio, you shall debit 0.056 seasonal wetland credits from Beach Lake Wetland Mitigation Bank. Evidence of this debit shall be provided to this office prior to commencing construction.
4. The document entitled *Restoration Plan for the Traffic Operations Improvement Project, State Route 49, Nevada County*, dated January 2013, is incorporated by reference as a condition of this authorization. Your responsibility to complete the required restoration will not be considered fulfilled until you have demonstrated mitigation success and have received written verification from this office.
5. The drawings entitled *Project Plans for Construction on State Highway in Nevada County near Grass Valley from 0.2 mile north of Carriage Road to 0.2 mile north of Holcomb/Cherry Creek Road, Layout Sheets (L 1-5) & Drainage Plans (D 1-3)*, plotted July 19, 2012, are incorporated by reference as a condition of this authorization. Any 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.
6. No construction activities shall occur within standing or flowing waters. Dewatering plans must be approved, in writing, by this office prior to commencement of construction activities. Plans, maps and/or drawings may be submitted electronically to regulatory-info@usace.army.mil.
7. Excavated materials from the permit area shall not be stockpiled or disposed of outside the permit area. Disposal and stockpile areas must be reviewed and approved by this office prior to commencement of construction activities. Plans, maps and/or drawings may be submitted electronically to regulatory-info@usace.army.mil.
8. 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 for two years from the date of this letter or until the Nationwide Permit is modified, reissued, or revoked, whichever comes first. 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-2013-00103 in any correspondence concerning this project. If you have any questions, please contact Ms. Leah M. Fisher at our California South Regulatory Branch at 1325 J Street, Room 1350, Sacramento, California 95814-2922, email Leah.M.Fisher@usace.army.mil, or telephone 916-557-6639. 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

Enclosure

Copies Furnished

Kendall Schinke, California Department of Transportation, Environmental Management S-1, 2379 Gateway Oaks Drive, Suite 150, Sacramento, California 95833

Sharon Stacey, California Department of Transportation, District 2, 1031 Butte Street, Suite 205, MS 30, Redding, California 96001

California Regional Water Quality Control Board, Lahontan Region, 2510 Lake Tahoe Boulevard, South Lake Tahoe, California 96150

California Department of Fish and Wildlife, Northern Central Region, 1701 Nimbus Road, Rancho Cordova, California 95670

U.S. Environmental Protection Agency, Wetlands Office, WTR9, 75 Hawthorne Street, San Francisco, California 94105-3920

COMPLIANCE CERTIFICATION

Permit Identification Number: SPK-2013-00103

Permit File Name: State Route (SR) 49 Traffic Operational Improvement Project

Nationwide Permit Number: NWP 14 - Linear Transportation Projects

Permittee: Mr. Nadarajah Suthahar
California Department of Transportation, District 3
703 B Street
Marysville, California 95901-0911

County: Nevada

Date of Verification: February 12, 2013

Within 30 days after completion of the activities authorized by this permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers
Sacramento District
1325 J Street, Room 1350
Sacramento, California 95814-2922
Or-
Email: DLL-CESPK-RD-Compliance@usace.army.mil

Please note that your permitted activities are subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the terms and conditions of the permit, your authorization may be suspended, modified, or revoked. If you have any questions about this certification, please contact the Regulatory Division at 916-557-5250.

* * * * *

I hereby certify that the work authorized by the above-referenced permit, including all the required mitigation, was completed in accordance with the terms and conditions of the permit verification.

Signature of Permittee

Date

EDMUND G. BROWN JR.
GOVERNORMATTHEW RODRIGUEZ
SECRETARY FOR ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

9 May 2013

Erik Schwab
California Department of Transportation
2379 Gateway Oaks Drive
Sacramento, CA 95833

CERTIFIED MAIL
7011 2970 0003 8939 7486

**CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY
CERTIFICATION; CALIFORNIA DEPARTMENT OF TRANSPORTATION, TRAFFIC
OPERATIONAL IMPROVEMENT PROJECT (WDID#5A29CR0077), NEVADA COUNTY**

This Order responds to the 18 January 2013 application submitted by the California Department of Transportation (Applicant) for the Water Quality Certification of a road improvement project permanently impacting 0.102 acre/1,159 linear feet and temporarily impacting 0.003 acre/12.7 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# 2013-00103) under § 401 of the Clean Water Act, and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act.

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.

KARL E. LONGLEY SCD, P.E., CHAIR | PAMELA C. CRESDON P.E., BCEE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

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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.

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4. The Applicant shall perform surface water sampling:
- when performing any in-water work;
 - in the event that project activities result in any materials reaching surface waters; or
 - 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)
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)

⁽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.

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."

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 as measured in surface waters within 300 feet downstream of the project.
 - 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.
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.

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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 the potential of responding to a spill or prevention of spills occurring 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 1,2 and 3).
14. All areas disturbed by project activities shall be protected from washout or 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 or other excavated materials to surface water is prohibited. Activities shall not cause visible oil, grease, or foam in the receiving water. The Applicant shall notify the Central Valley Water Board immediately of any spill of petroleum products or other organic or earthen materials.
19. If unanticipated discharges to the waters of the United States, and/or soil occur, the Applicant shall notify the Central Valley Water Board Contact indicated in this Certification in writing within five (5) calendar days of occurrence. Unanticipated discharges may include, but are not limited to, 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.

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20. 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 2013-0015-R2.
21. The Applicant shall obtain coverage under the National Pollution 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. 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(s) 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.

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24. 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 amendments approved. 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.
25. The Applicant shall provide evidence of all on-site and off-site compensatory mitigation requirements, including, but not limited to, the purchase of mitigation credits and payment of in-lieu fees as required by the United States Army Corps of Engineers prior to commencing construction to the Central Valley Water Board.

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 include providing a letter from the Beach Lake Wetland Mitigation Bank and the National Fish and Wildlife Foundation. The letter must: (a) be on Beach Lake Wetland Mitigation Bank's and the National Fish and Wildlife Foundation's letterhead; (b) be signed by an authorized representative of the Beach Lake Wetland Mitigation Bank and the National Fish and Wildlife Foundation; (c) indicate the United States Army Corps of Engineers' SPK number; (d) describe the project name and location; and (e) detail the type of compensatory mitigation credits purchased and in-lieu fees paid 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
tcleak@waterboards.ca.gov
(916) 464-4684

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The Central Valley Water Board has determined that this project meets the Categorical Exemption, under § 15301 of the California Code of Regulations, which exempts operation, repair, maintenance, permitting, leasing, licensing, or minor alterations of existing public or private structures, facilities, mechanical equipment, or topological features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

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WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from the California Department of Transportation, Traffic Operational Improvements Project (WDID#55A29CR00077) 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.


Pamela C. Creedon
Executive Officer

Enclosure: Project Information Sheet

Attachment: Figure 1 – Project Area #1
Figure 2 – Project Area #2
Figure 3 – Project Area #3
cc: Distribution List, page 12

California Department of Transportation
Traffic Operational Improvements Project

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PROJECT INFORMATION SHEET**Application Date:** 18 January 2013**Applicant:** Erik Schwab
California Department of Transportation
2379 Gateway Oaks Drive
Sacramento, CA 95833**Project Name:** Traffic Operational Improvements Project**Application Number:** WDID#5A29CR00077**Type of Project:** Road improvement project**Timeframe of Project Implementation:** 1 May through 15 August**Project Location:** Section 9, Township 14 North, Range 8 East, MDB&M.
Latitude: 39°4'23.08"N and Longitude: 121°5'13.88" W**County:** Nevada County**Receiving Water(s) (hydrologic unit):** Unnamed tributary of Cherry Creek, Sacramento Hydrologic Basin, Bear River Hydrologic Unit #516.32, Wolf 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 tributaries to Cherry Creek are the receiving waters for the Traffic Operational Improvements Project. The unnamed tributaries are not listed on the 303(d) list. This project does not impact an already 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

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Project Description: The Traffic Operational Improvements Project consists of improving intersection safety on State Route 49 at three intersections: 1) Carriage Road, 2) Ladybird Drive, and 3) Holcomb Drive and Cherry Creek Road. The project includes extending six culverts. The project is located on State Route 49, between Holcomb Drive and Carriage Road in Nevada County.

Project activities which will impact waters of the United States are shown in the table below.

Feature	Project Activity	Impact Area (Acres)
CAROW-08	Extend an existing 90.29-foot long, 24-inch diameter culvert by 2 feet with the same diameter. A rock energy dissipater and a flared end section will be placed at the outlet.	0.002 Permanent
CAROW-06	Extend an existing 68.39-foot long, 24-inch diameter culvert by 10.42 feet with the same diameter. A flared end section will be placed at the outlet.	0.001 Permanent
CAROW-04	Extend an existing 78.52-foot long, 24-inch diameter culvert by 23.06 feet with the same diameter. A flared end section will be placed at the outlet.	0.003 Permanent
SWD-02	Widening the shoulder and relocating the channel to the toe of the new shoulder.	0.012 Permanent
CAROW-02	Widen the shoulder and relocate the channel to the toe of the new shoulder. A rock energy dissipater and a flared end section will be placed at the outlet.	0.009 Permanent
CARWT-02	Widen the shoulder and place fill.	0.021 Permanent
CAROW-01	Widen the shoulder and relocate the channel to the toe of the new shoulder.	0.009 Permanent
CARWT-03	Widen the shoulder and place fill.	0.017 Permanent
CARWT-01	Staging area for culvert inlet work.	0.003 Temporary
SWD-01	Widen the shoulder and relocate the channel to the toe of the new shoulder.	0.028 Permanent

Wet concrete will be placed into waters of the United States. Construction will take place during dry conditions. No dewatering will occur during construction. All other project activities will not impact waters of the United States.

The project will permanently impact 0.102 acre/1,159 linear feet and temporarily impact 0.003 acre/12.7 linear feet of waters of the United States.

California Department of Transportation
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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. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities. The Applicant will conduct turbidity, settleable matter, and pH testing during in-water work, stopping work if Basin Plan criteria are exceeded or are observed.

Excavation/Fill Area: Approximately 20 cubic yards of rock slope protection and 683 cubic yards of clean soil will be placed into 0.102 acre of waters of the United States.

Dredge Volume: None

United States Army Corps of Engineers File Number: SPK# 2013-00103

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

California Department of Fish and Wildlife Lake or Streambed Alteration Agreement:
1600 2013-0015-R2

Possible Listed Species: None

Status of CEQA Compliance: The Central Valley Water Board has determined that this project meets the Categorical Exemption, under § 15301 of the California Code of Regulations, which exempts operation, repair, maintenance, permitting, leasing, licensing, or minor alterations of existing public or private structures, facilities, mechanical equipment, or topological features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

The Central Valley Water Board filed a Notice of Exemption with the State Clearinghouse within five (5) days of the date of this Certification.

Compensatory Mitigation: As required by the United States Army Corps of Engineers, the Applicant will purchase 0.056 acre of mitigation credits from the Beach Lake Wetland Mitigation Bank to mitigate for 0.038 acre of impacts to wetland habitat, and pay \$14,400.00 of in-lieu fees to the National Fish and Wildlife Foundation to mitigate for 0.064 acre of impacts to ephemeral/intermittent stream/drainage habitat.

Evidence of this purchase and payment shall be provided to the Central Valley Water Board prior to proceeding with the activity authorized by this Certification.

Application Fee Provided: Total fees of \$1,370.00 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.

California Department of Transportation
Traffic Operational Improvements Project

- 12 -

9 May 2013

DISTRIBUTION LIST

Leah Fisher
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 95670

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

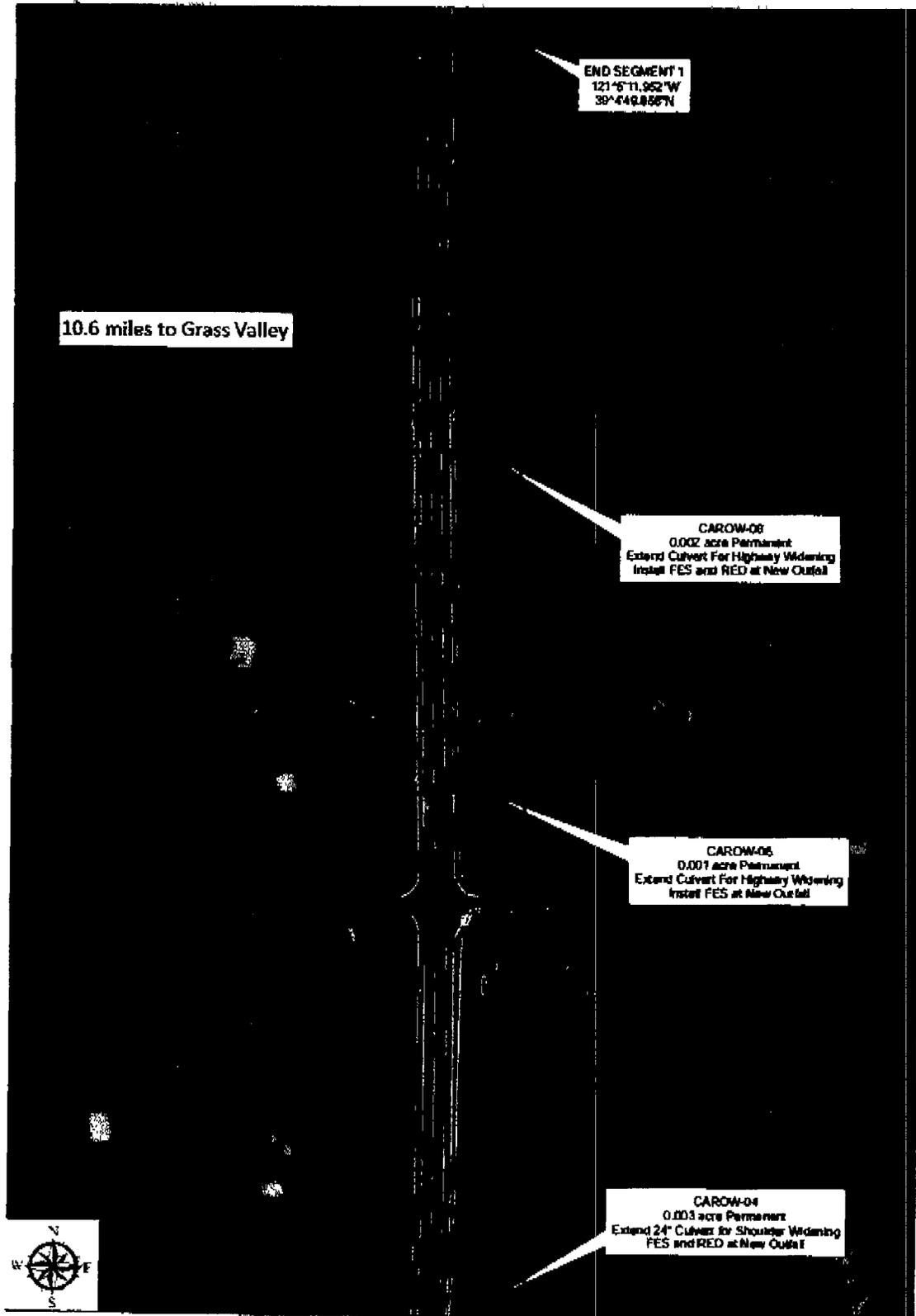


Figure 1 – Project Area #1

California Department of Transportation
Traffic Operational Improvements Project

9 May 2013

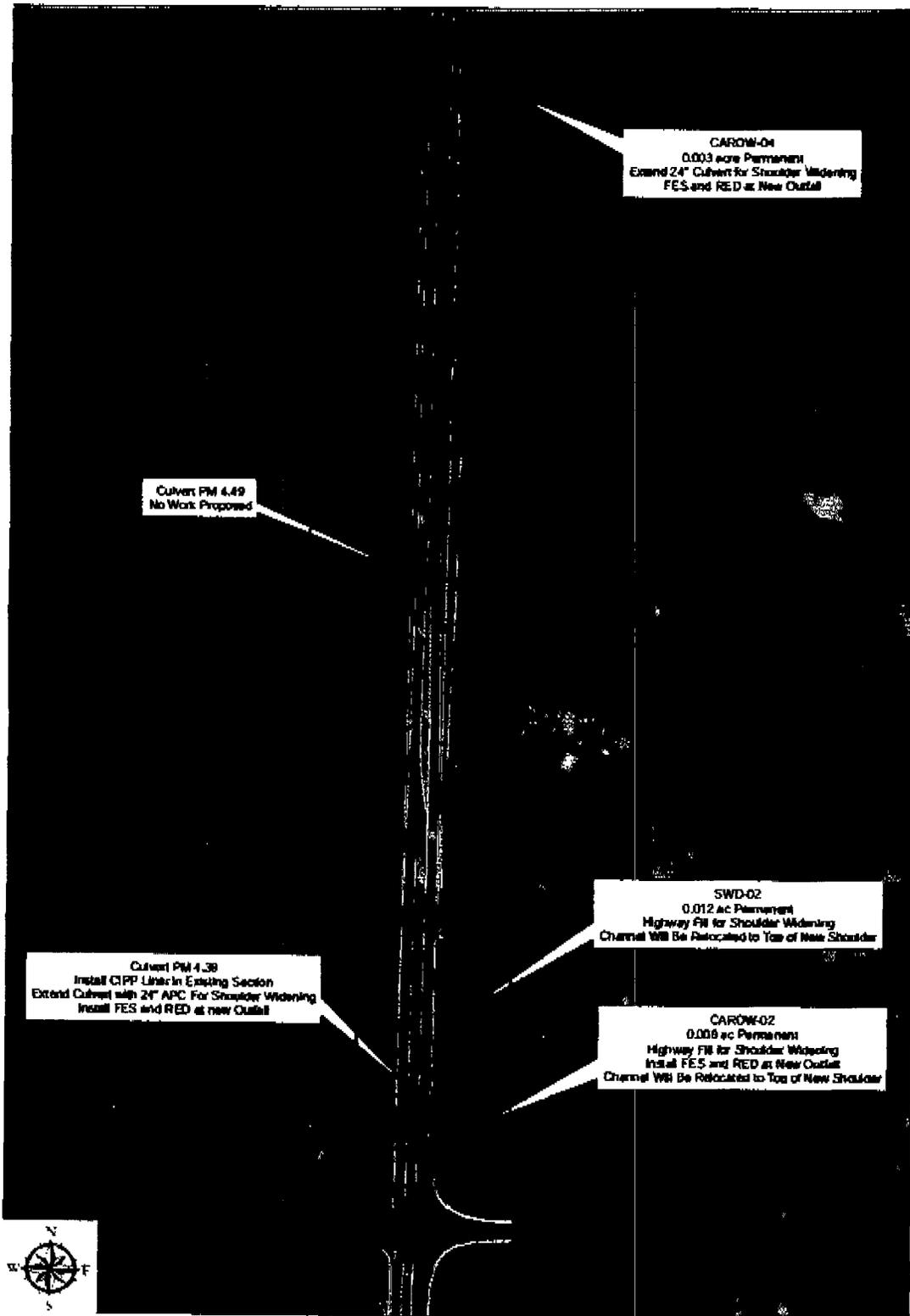


Figure 2 – Project Area #2

California Department of Transportation
Traffic Operational Improvements Project

9 May 2013

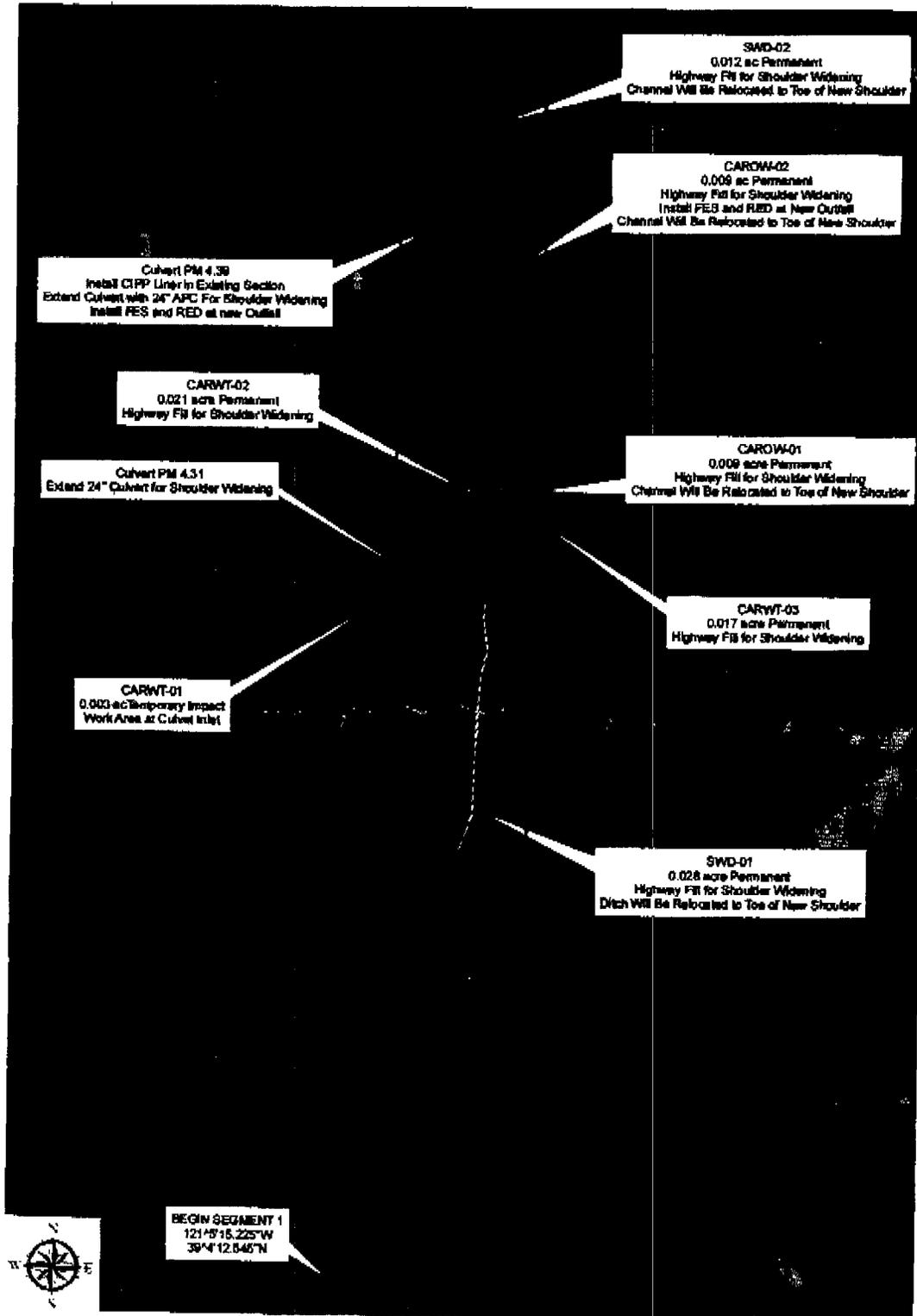


Figure 3 – Project Area #3



State of California – The Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
916-358-2900
www.wildlife.ca.gov

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



MAR 13 2013

Date

Nadarajah Suthahar
California Department of Transportation
703 B Street
Marysville, CA 95901

Subject: Final Streambed Alteration Agreement
Notification No. 1600-2013-0015-R2
SR 49 Traffic Operational Improvement Project

Dear Mr. Suthahar:

Enclosed is the final Streambed Alteration Agreement (Agreement) for the SR 49 Traffic Operational Improvement 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 lead agency, determined your project is exempt from CEQA and filed a notice of exemption (NOE) on the same date it signed the Agreement.

Under CEQA, filing a NOE starts a 35-day period within which a party may challenge the filing agency's approval of the project. You may begin your project before the 35-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 at (916) 358-2853 or Tim.Nosal@wildlife.ca.gov.

Sincerely,

Tina Bartlett
Regional Manager

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

Erik Schwab
Erik.Schwab@dot.ca.gov

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
NORTH CENTRAL REGION
1701 NIMBUS ROAD, SUITE A
RANCHO CORDOVA, CA 95670



STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2013-0015-R2
Unnamed tributary to Cherry Creek

California Department of Transportation
SR 49 TRAFFIC OPERATIONAL IMPROVEMENT PROJECT

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified CDFW on January 22, 2013 that Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, CDFW 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 State Route 49 near Carriage Road, at unnamed tributaries to Cherry Creek in the County of Nevada, State of California; Section 9, Township 14N, Range 8E, U.S. Geological Survey (USGS) map Lake Combie, Mount Diablo base and meridian (Attachment A).

Site #1 State Route 49 PM 4.31 (south of Carriage Road) Lat 39.0733 Long -121.0871
Site #2 State Route 49 PM 4.39 (north of Carriage Road) Lat 39.0791 Long -121.0871
Site #3 State Route 49 PM 4.61 (south of Ladybird Road) Lat 39.0734 Long -121.0870
Site #4 State Route 49 PM 4.71 (north of Ladybird Road) Lat 39.0781 Long -121.0870
Site #5 State Route 49 PM 4.79 (north of Ladybird Road) Lat 39.0792 Long -121.0870

PROJECT DESCRIPTION

The Project proposes to widen the roadway on northbound State Route 49 and add a right-turn lane at Carriage Road. At each of the project sites (1 through 5) the project will involve the removal of vertical riser pipes at and the installation of cast-in-place-pipe (CIPP) culvert liners inside the existing 24" corrugated steel pipe (CSP) culverts. Culverts will be fitted with Type-S pipe extensions of either galvanized corrugated steel pipe (CSP), polymeric sheet coated CSP or high density polyethylene (HDPE) . Addition of turn lanes and widened shoulders will require the relocation of a narrow water trench.

PROJECT IMPACTS

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

The adverse effects the project could have on the fish or wildlife resources identified above include: 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; soil compaction or other disturbance; decline of vegetative diversity; and disruption to nesting birds and other wildlife.

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 CDFW 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 CDFW 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, CDFW shall contact Permittee to resolve any conflict.

- 1.4 Project Site Entry. Permittee agrees that CDFW personnel may enter the project site at any time to verify compliance with the Agreement.
- 1.5 Notification of Project Modification. Permittee agrees to notify CDFW of any modifications made to the project plans submitted to CDFW.

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 Work Period. The time period for completing the work within the project area shall be restricted to periods of low stream flow and dry weather and shall be confined to the period of June 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.
- 2.2 Work Period Modifications. 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 CDFW 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 CDFW. 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 CDFW. The CDFW will review the written request to work outside of the established work period. The CDFW reserves the right to require additional measures to protect fish and wildlife resources as a condition for granting the variance. The CDFW will have ten (10) calendar days to review the proposed work period variance.
- 2.3 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 CDFW representative.

- 2.4 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 CDFW 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.
- 2.5 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. Monofilament mesh, jute netting and non-biodegradable synthetic erosion blankets are not authorized. 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 CDFW 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 CDFW approved control devices are installed or abatement procedures are initiated.
- 2.6 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. CDFW shall be notified immediately by the Permittee of any spills and shall be consulted regarding clean-up procedures.

3. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 3.1 The Permittee shall notify CDFW within two working days of beginning work within the project area. Notification shall be submitted as instructed in Contact Information section below. Email notification is preferred.
- 3.2 Upon completion of the project activities described in this agreement, the project area shall be digitally photographed. Photographs shall be submitted to CDFW 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.

CONTACT INFORMATION

Any communication that Permittee or CDFW 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 CDFW specifies by written notice to the other.

To Permittee:

Nadarajah Suthahar
California Department of Transportation
703 B Street
Marysville, CA 95901
Fax: (530) 741-4390
Email: Nadarajah_Suthahar@dot.ca.gov

To CDFW:

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 #1600-2013-0015-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 CDFW'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

CDFW 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 CDFW 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 CDFW 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 CDFW to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes CDFW 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 CDFW'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

CDFW may amend the Agreement at any time during its term if CDFW 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 CDFW and Permittee. To request an amendment, Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW'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 CDFW 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 CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW'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 CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal.

Code Regs., tit. 14, § 699.5). CDFW 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 CDFW's signature, which shall be: 1) after Permittee's signature; 2) after CDFW 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 CDFW'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.

EXHIBITS

The documents listed below are included as exhibits to the Agreement and incorporated herein by reference.

Attachment A:
Project Map

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 represents 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 CDFW in accordance with FGC section 1602.

CONCURRENCE

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

FOR CALTRANS



Nadarajah Suthahar

Project Manager

03/04/13

Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Tina Bartlett
Regional Manager

3/13/13

Date

Prepared by: Tim Nosal
Environmental Scientist