

**FOR CONTRACT NO.: 03-3C7604**

# **INFORMATION HANDOUT**

## **WATER QUALITY**

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
(CENTRAL VALLEY REGION)**

WDID#5A09CR00103

## **PERMITS**

**UNITED STATES ARMY CORPS OF ENGINEERS  
NON-REPORTING NATIONWIDE 404 PERMIT**

## **AGREEMENTS**

**CALIFORNIA DEPARTMENT OF FISH AND GAME  
NOTIFICATION NO. 1600-2009-0226-R2**

**UNITED STATES DEPARTMENT OF AGRICULTURE  
Piney Point Stockpile Site - Special Use Authorization**

## **MATERIALS INFORMATION**

**GEOTECHNICAL DESIGN REPORT  
Dated April 10, 2009**

**GEOTECHNICAL DESIGN REPORT ADDENDUM  
Dated April 26, 2010**

**ROUTE: 03-ED-50-32.3/39.3**



# California Regional Water Quality Control Board Central Valley Region

Katherine Hart, Chair



Linda S. Adams  
Secretary for  
Environmental  
Protection

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Arnold  
Schwarzenegger  
Governor

6 May 2010

Clark Peri, Project Manager  
California Department of Transportation  
2800 Gateway Oaks  
Sacramento, CA 95833

**CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY  
CERTIFICATION AND WASTE DISCHARGE REQUIREMENTS FOR DISCHARGE OF  
DREDGED AND/OR FILL MATERIALS FOR THE EL DORADO HIGHWAY 50 –  
CULVERT/DRAINAGE REHABILITATION PROJECT (WDID#5A09CR00103),  
EL DORADO COUNTY**

This Order responds to your 3 December 2009 application submittal, and revised 12 April 2010 application submittal, for Water Quality Certification of a Highway 50 culvert and drainage rehabilitation project taking place in El Dorado County.

The project impacts 0.080 acre and 589 linear feet of waters of the United States. Approximately 89.3 cubic yards of fill will be placed into 0.080 acre of waters of the United States.

**WATER QUALITY CERTIFICATION STANDARD CONDITIONS:**

1. This certification action 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 Title 23 of the California Code of Regulations (23 CCR).
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 23 CCR subsection 3855(b) 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 23 CCR §3833, unless otherwise stated in writing by the certifying agency.
4. Certification is valid for the duration of the described project. This certification is no longer valid if the project (as currently described) is modified, or coverage under Section 404 of the Clean Water Act has expired.

**California Environmental Protection Agency**

## **ADDITIONAL TECHNICALLY CONDITIONED CERTIFICATION CONDITIONS:**

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In addition to the four standard conditions, California Department of Transportation shall satisfy the following:

1. This project includes conveyances, drainages, wetlands, and tributaries that drain into the South Fork of the American River. California Department of Transportation shall notify the Central Valley Water Board in writing 7 days in advance of the start of any in-water activities.
2. Except for activities permitted by the U.S. Army Corps 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 discharge of petroleum products, construction-related substances, hazardous materials, cement/cement slurry, sand, or other excavated materials to surface waters is prohibited.
4. Refueling of equipment within the floodplain or within 300-feet of a waterway is prohibited. 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 waterbody. California Department of Transportation 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.
5. California Department of Transportation will schedule in-water work only during the no to low-flow period and will monitor weather events to ensure construction is not taking place during storm events.
6. California Department of Transportation will ensure construction-related debris does not enter waterways and is immediately removed from any surface waters throughout the life of the project.
7. This project will include temporary dewatering and/or diversion for the purposes of construction. California Department of Transportation will dewater primarily through a temporary diversion. In-water diversion will ensure any diverted water is returned to a waterway in pre-project conditions (filtered and free of sediment). California Department of Transportation may temporarily disperse water at an upland location from a waterway. If water quality cannot be ensured, water will be taken to a sanitary treatment facility for proper disposal. If dewatering by the California Department of Transportation involves removal and disposal at a wastewater facility, California Department of Transportation will notify the Central Water Board immediately.

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8. All areas disturbed by project activities shall be protected from washout or erosion.

9. An effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working during all phases of construction.
10. All temporarily affected areas will be restored to pre-construction contours and conditions upon completion of construction activities. California Department of Transportation shall use native plant species appropriate for the bioregion for all site stabilization.
11. California Department of Transportation 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.
12. California Department of Transportation shall perform surface water sampling: 1) When performing any in-water work; 2) In the event that project activities result in any materials reaching surface waters or; 3) When any activities result in the creation of a visible plume in surface waters. The following monitoring shall be conducted immediately upstream out of the influence of the project and 300 feet downstream of the active work area. Sampling results shall be submitted to this office within two weeks of initiation of sampling and every two weeks thereafter. The sampling frequency may be modified for certain projects with written permission from the Central Valley Water Board.

Parameter	Unit	Type of Sample	Frequency of Sample
Turbidity	NTU	Grab	Every 4 hours during in water work
Settleable Material	ml/l	Grab	Same as above.
Visible construction related pollutants	Observations	Visible Inspections	Continuous throughout the construction period

13. Activities shall not cause turbidity increases in surface water to exceed:
  - (a) where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
  - (b) where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
  - (c) where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
  - (d) where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
  - (e) 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 NTU over background turbidity as measured in surface waters 300 feet downstream from the working area. 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 assessed by prior permission of the Central Valley Water Board.

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14. Activities shall not cause settleable matter to exceed 0.1 ml/l in surface waters as measured in surface waters 300 feet downstream from the project.
15. Activities shall not cause visible oil, grease, or foam in the work area or downstream. California Department of Transportation shall notify the Central Valley Water Board immediately of any spill of petroleum products, construction-related, or other organic or earthen materials (such as sand) into surface waters.
16. California Department of Transportation shall notify the Central Valley Water Board immediately if the above criteria for turbidity, settleable matter, oil/grease, or foam are exceeded. California Department of Transportation will conduct turbidity and settleable matter testing during in-water work, stopping work if Basin Plan criteria are exceeded or observed.
17. California Department of Transportation shall comply with all Department of Fish and Game 1600 requirements for the project.
18. California Department of Transportation shall comply with all Army Corps of Engineers and U.S. Fish and Wildlife Service permit requirements for this project.
19. California Department of Transportation must obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the State Water Resources Control Board for any project disturbing an area of 1 acre or greater.
20. The Conditions in this water quality certification are based on the information in the attached "Project Information." If the information in the attached Project Information is modified or the project changes, this water quality certification is no longer valid until amended by the Central Valley Water Board.
21. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under State law and section 401 (d) of the federal Clean Water Act. 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 into this Order.
  - a. If California Department of Transportation or a duly authorized representative of the project fails or refuses to furnish technical or monitoring reports, as required under this Order, or falsifies any information provided in the monitoring reports, the applicant is subject to civil, for each day of violation, or criminal liability.
  - b. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require California Department of Transportation 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. California Department of Transportation 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.
22. California Department of Transportation 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's description (and any approved amendments). The NOC shall include a map of the project location(s), including final boundaries of any *in situ* restoration area(s), if appropriate, and representative pre-and post construction photographs.

#### **ADDITIONAL STORM WATER QUALITY CONDITIONS:**

California Department of Transportation shall also satisfy the following additional storm water quality conditions:

1. During the construction phase, California Department of Transportation must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
  - (a) the Storm Water Pollution Prevention Plan (SWPPP) must be prepared during the project planning and design phases and before construction;
  - (b) an effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.
2. California Department of Transportation must minimize the short and long-term impacts on receiving water quality from the El Dorado Highway 50 - Culvert/Drainage Rehabilitation Project by implementing the following post-construction storm water management practices, as appropriate:
  - (a) reduce peak runoff flows;
  - (b) provide treatment BMPs to reduce pollutants in runoff;
  - (c) ensure existing waters of the State (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
  - (d) preserve and, where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
  - (e) limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
  - (f) use existing drainage master plans or studies to estimate increases in pollutant loads and flows resulting from projected future development and require

- (g) incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;
- (h) identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss;
- (i) control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.

**REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:**

Virginia Moran, Environmental Scientist  
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(916) 464-4814

**WATER QUALITY CERTIFICATION:**

I hereby issue an order certifying that any discharge from the California Department of Transportation, El Dorado Highway 50 - Culvert/Drainage Rehabilitation Project (WDID#5A09CR00103) 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 strict compliance with California Department of Transportation's project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).

*Federick S. Morse*

*for* Pamela C. Creedon  
Executive Officer

Enclosure: Project Information

cc: See enclosure, page 11

## PROJECT INFORMATION

**Application Date:** 3 December 2009

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**Applicant:** Clark Peri  
California Department of Transportation  
2800 Gateway Oaks  
Sacramento, CA 95833

**Applicant Representatives:** Kelley Nelson  
California Department of Transportation  
703 B Street  
Marysville, CA 95901

**Project Name:** El Dorado Highway 50 - Culvert/Drainage Rehabilitation Project

**Application Number:** WDID#5A09CR00103

**U.S. Army Corps File Number:** Non-reporting

**Type of Project:** Culvert Rehabilitation/Replacement Project

**Project Location:** Section 32, 33, 34, and 35, Township 11 North, Range 13 East, MDB&M.  
Section 25, 26, and 30, Township 11 North, Range 14 East, MDB&M.  
Latitude: 38°45'36" and Longitude: -120°30'37"

State Route 50 in El Dorado County between Post Miles (PM) 32.28 and 39.25. Project begins near Pollock Pines from 1.0 mile east of Sly Park Road to 0.5 mile west of Ice House Road in Riverton. The project is approximately 56 miles from Sacramento.

**County:** El Dorado County

**Receiving Water(s) (hydrologic unit):** Unnamed tributary of South Fork American River, Sacramento Hydrologic Basin, American River Hydrologic Unit #514.35, Kyburz HSA

**Water Body Type:** Riparian, Streambed

**Designated Beneficial Uses:** The Basin Plan for the Sacramento and San Joaquin River Basin has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND), Hydropower Generation (POW); Groundwater Recharge, Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); and Wildlife Habitat (WILD).

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**Project Description (purpose/goal):** The purpose of the project is to preserve the existing roadway drainage system by preventing further deterioration, maintain roadbed structural integrity, and extend the life of the existing culverts. The project will rehabilitate or replace 39 failing culverts and storm drains at 38 locations. Culverts and storm drains will either be replaced in kind or abandoned with the new culvert being installed next to the abandoned culvert. The project will take place between 15 April through 15 October 2010. Total project size is 2.45 acres including ground-disturbance and staging areas.

The project includes the installation of culvert liners, repair/replacement of headwalls, rock energy dissipators, flare end sections, drainage inlets, and other repairs. Activities included in this project include trenching, worker activity at the inlet and outlet of the culverts, off-highway work and staging, hand excavation, minor contour grading, metal guardrail reconstruction, and similar construction-related activities.

Lining methods will utilize cured in place pipe (CIPP) and plastic pipe liners (PPL). Culvert replacement methods include the use of reinforced concrete pipe (RCP), or corrugated metal pipe (CMP).

Project equipment required for this project includes: hand digging tools, cranes, backhoe, and additional equipment as determined necessary by the contractor.

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

**Project Impacts and Mitigation:** The project includes conveyances, drainages, wetlands, and tributaries that drain into the South Fork of the American River.

California Department of Transportation filed a Categorical Exemption for this project that includes "Environmental Commitments" to protect resources present within the project area. California Department of Transportation will comply with the "Environmental Commitments" attached to the Categorical Exemption (14 March 2008).

California Department of Transportation responded to a request from the Central Valley Water Board to mitigate an on-going tracking sand problem on Highway 50. Tracking sand placed on Highway 50 for snowstorms is depositing into tributaries and drainages that drain into the South Fork of the American River. In response, California Department of Transportation integrated the installation of sand filter traps into the design of culverts at two locations: #39 (PM 38.90) and #40 (PM 39.25). This measure is expected to mitigate part of the sand tracking issue by capturing it before it enters surface waters. California Department of Transportation committed to maintain the sand filter traps to ensure sand and debris captured by them is removed on a regular basis and the traps are properly maintained.

California Department of Transportation will utilize sand in the removal of abandoned culverts. Sand will not be discharged into surface waters.

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California Department of Transportation will be installing temporary water diversions such as coffer dams with berm installation and using flexible plastic pipe. Water may be dispersed temporarily upland or diverted back into the waterway *in pre-construction condition* meaning filtered and free of all sediment.

California Department of Transportation is proposing to perform construction during the dry or low flow time of the year.

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There are two small wetland areas at inlets of culvert systems Number 1 and Number 21. California Department of Transportation proposes to avoid impacts to these wetlands but the project may temporarily affect these wetlands during construction. California Department of Transportation is proposing mitigation in the form of fencing and approved wetland mats in the event equipment must be used in these areas. California Department of Transportation will notify the Central Valley Water Board if impacts to these wetlands occur.

California Department of Transportation will limit removal of native vegetation.

California Department of Transportation will avoid removal of vegetation and woody debris during the bird nesting season.

California Department of Transportation will maintain construction equipment such that it does not transport nonnative, weedy, and/or noxious plants into Environmentally Sensitive Areas (water conveyances, riparian, and wetland areas).

A pre-construction pond turtle and amphibian survey will be conducted where suitable habitat is present.

Any habitat disturbed by construction will be restored to pre-project conditions.

Staging areas will be located next to or on existing pavement.

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California Department of Transportation will clearly mark Environmentally Sensitive Areas (ESA's).

California Department of Transportation will use appropriate California native plants for erosion control and restoration. Temporarily disturbed areas will be re-vegetated with permanent erosion control and site specific native grasses and forbs. Riparian areas will be replanted with native trees from the site or bioregion and representative of the bioregion. California Department of Transportation may remove up to nine upland trees. California Department of Transportation has prepared a Revegetation Plan for this project (November 2009).

**Fill/Excavation Area:** Approximately 89.3 cubic yards of clean soil will be placed into 0.017 acre and 74 linear feet of riparian and 0.063 acre and 515 linear feet of un-vegetated streambed (for a total of 0.080 and 589 linear feet of fill).

**Dredge Volume:** None

**U.S. Army Corps of Engineers Permit Number:** Nationwide Permit #14

**Department of Fish and Game Streambed Alteration Agreement:** California Department of Transportation applied for a Streambed Alteration Agreement on 29 October 2009.

**Possible Listed Species:** Foothill yellow-legged frog (*Rana boylei*), South Fork ground beetle (*Nebria darlingtoni*), gold rush hanging scorpion fly (*Orobittacus obscurus*), Pleasant Valley mariposa lily (*Calochortus clavatus avius*), felt-leaved violet (*Viola tomentosa*), Delta smelt (*Hypomesus transpacificus*), California red-legged frog (*Rana draytonii*), and Central Valley steelhead (*Oncorhynchus mykiss* (esu)).

**Status of CEQA Compliance:** California Department of Transportation approved the Categorical Exemption and submitted a Notice of Exemption for this project on 14 March 2008.

**Compensatory Mitigation:** California Department of Transportation will restore a minimum of 0.005 acre (75 linear feet) of riparian habitat as described in the Revegetation Plan included with the project application.

**Application Fee Provided:** Total fees of \$750.00 have been submitted to the Central Valley Water Board as required by 23 CCR §3833b(3)(A) and by 23 CCR §2200(e).

## DISTRIBUTION LIST

U.S. Army Corp of Engineers  
Sacramento District Office  
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U S Army Corps of  
Engineers  
Sacramento District

# Nationwide Permit Summary

33 CFR Part 330; Issuance of Nationwide Permits - March 19, 2007 includes corrections of May 8, 2007 and addition of regional conditions December 2007

**14. Linear Transportation Projects.** Activities required for the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

**Notification:** The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) the loss of waters of the United States exceeds 1/10 acre; or (2) there is a discharge in a special aquatic site, including wetlands. (See general condition 27.) (Sections 10 and 404)

**Note:** Some discharges for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4)

## A. Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as appropriate, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact

the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP.

### 1. Navigation.

- (a) No activity may cause more than a minimal adverse effect on navigation.
- (b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.
- (c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

**2. Aquatic Life Movements.** No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.

**3 Spawning Areas.** Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

**4. Migratory Bird Breeding Areas.** Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

**5. Shellfish Beds.** No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48.

**6. Suitable Material.** No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

**7. Water Supply Intakes.** No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

**8. Adverse Effects From Impoundments.** If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or

restricting its flow must be minimized to the maximum extent practicable.

**9. Management of Water Flows.** To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

**10. Fills Within 100-Year Floodplains.** The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

**11. Equipment.** Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

**12. Soil Erosion and Sediment Controls.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

**13. Removal of Temporary Fills.** Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

**14. Proper Maintenance.** Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety.

**15. Wild and Scenic Rivers.** No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

**16. Tribal Rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

**17. Endangered Species.**

(a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. No

activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

(c) Non-federal permittees shall notify the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have “no effect” on listed species or critical habitat, or until Section 7 consultation has been completed.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWPs.

(e) Authorization of an activity by a NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the U.S. FWS or the NMFS, both lethal and non-lethal “takes” of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide Web pages at <http://www.fws.gov/> and <http://www.noaa.gov/fisheries.html> respectively.

**18. Historic Properties.**

(a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to

notify the ACHP and provide documentation specifying the circumstances, explaining the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

**19. Designated Critical Resource Waters.** Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the district engineer after notice and opportunity for public comment. The district engineer may also designate additional critical resource waters after notice and opportunity for comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, and 50 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWP 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 27, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

**20 Mitigation.** The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10 acre and require pre-construction notification, unless the district engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project-specific waiver of this requirement. For wetland losses of 1/10 acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the

aquatic environment. Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream restoration, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWP. For example, if an NWP has an acreage limit of 1/2 acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2 acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

**21. Water Quality.** Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR

330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

**22. Coastal Zone Management.** In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

**23. Regional and Case-By-Case Conditions.** The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

**24. Use of Multiple Nationwide Permits.** The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

**25. Transfer of Nationwide Permit Verifications.** If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

-----  
(Transferee)

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(Date)

**26. Compliance Certification.** Each permittee who received an NWP verification from the Corps must submit a signed certification regarding the completed work and any required mitigation. The certification form must be forwarded by the Corps with the NWP verification letter and will include:

(a) A statement that the authorized work was done in accordance with the NWP authorization, including any general or specific conditions;

(b) A statement that any required mitigation was completed in accordance with the permit conditions; and

(c) The signature of the permittee certifying the completion of the work and mitigation.

**27. Pre-Construction Notification.**

(a) **Timing.** Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, as a general rule, will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) Forty-five calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 17 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 18 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) is completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee cannot begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) **Contents of Pre-Construction Notification:** The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided result in a quicker decision.);

(4) The PCN must include a delineation of special aquatic sites and other waters of the United States on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters of the United States, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, where appropriate;

(5) If the proposed activity will result in the loss of greater than 1/10 acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic

property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) Agency Coordination:

(1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWP and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP 48 activities requiring pre-construction notification and for other NWP activities requiring pre-construction notification to the district engineer that result in the loss of greater than 1/2-acre of waters of the United States, the district engineer will immediately provide (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy of the PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(4) Applicants are encouraged to provide the Corps multiple copies of pre-construction notifications to expedite agency coordination.

(5) For NWP 48 activities that require reporting, the district engineer will provide a copy of each report within 10 calendar days of receipt to the appropriate regional office of the NMFS.

(e) In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If the proposed activity requires a PCN and will result in a loss of greater than 1/10 acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for projects with smaller impacts. The district engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the district engineer will notify the permittee and include any conditions the district engineer deems necessary. The district engineer must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the district engineer to be minimal, the district engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

If the district engineer determines that the adverse effects of the proposed work are more than minimal, then the district engineer will notify the applicant either: (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant

submit a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level. When mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan.

(a) **28. Single and Complete Project.** The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

## **B. Regional Conditions:**

### **I. Sacramento District (All States, except Colorado)**

1. When pre-construction notification (PCN) is required, the prospective permittee shall notify the Sacramento District in accordance with General Condition 27 using either the South Pacific Division Preconstruction Notification (PCN) Checklist or a completed application form (ENG Form 4345). In addition, the PCN shall include:

a. A written statement explaining how the activity has been designed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States;

b. Drawings, including plan and cross-section views, clearly depicting the location, size and dimensions of the proposed activity. The drawings shall contain a title block, legend and scale, amount (in cubic yards) and size (in acreage) of fill in Corps jurisdiction, including both permanent and temporary fills/structures. The ordinary high water mark or, if tidal waters, the high tide line should be shown (in feet), based on National Geodetic Vertical Datum (NGVD) or other appropriate referenced elevation; and

c. Pre-project color photographs of the project site taken from designated locations documented on the plan drawing.

2. The permittee shall complete compensatory mitigation required by special conditions of the NWP verification before or concurrent with construction of the authorized activity, except when specifically determined to be impracticable by the Sacramento District. When project mitigation involves use of a mitigation bank or in-lieu fee program, payment shall be made before commencing construction.

3. The permittee shall record the NWP verification with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to or interest in real property against areas (1) designated to be preserved as part of mitigation for authorized impacts, including any associated covenants or restrictions, or (2) where structures such as boat ramps or docks, marinas, piers, and permanently moored vessels will be constructed in or adjacent to navigable waters (Section 10 and Section 404). The recordation shall also include a map showing the surveyed location of the authorized structure and any associated areas preserved to minimize or compensate for project impacts.

4. The permittee shall place wetlands, other aquatic areas, and any vegetative buffers preserved as part of mitigation for impacts into a separate "preserve" parcel prior to discharging

dredged or fill material into waters of the United States, except where specifically determined to be impracticable by the Sacramento District. Permanent legal protection shall be established for all preserve parcels, following Sacramento District approval of the legal instrument.

5. The permittee shall allow Corps representatives to inspect the authorized activity and any mitigation areas at any time deemed necessary to determine compliance with the terms and conditions of the NWP verification. The permittee will be notified in advance of an inspection.

6. For NWPs 29, 39, 40, 42, 43, 44, and 46, requests to waive the 300 linear foot limitation for intermittent or ephemeral waters of the U.S. shall include an evaluation of functions and services provided by the waterbody taking into account the watershed, measures to be implemented to avoid and minimize impacts, other measures to avoid and minimize that were found to be impracticable, and a mitigation plan for offsetting impacts.

7. Road crossings shall be designed to ensure fish passage, especially for anadromous fisheries. Permittees shall employ bridge designs that span the stream or river, utilize pier or pile supported structures, or involve large bottomless culverts with a natural streambed, where the substrate and streamflow conditions approximate existing channel conditions. Approach fills in waters of the United States below the ordinary high water mark are not authorized under the NWPs, except where avoidance has specifically been determined to be impracticable by the Sacramento District.

8. For NWP 12, clay blocks, bentonite, or other suitable material shall be used to seal the trench to prevent the utility line from draining waters of the United States, including wetlands.

9. For NWP 13, bank stabilization shall include the use of vegetation or other biotechnical design to the maximum extent practicable. Activities involving hard-armoring of the bank toe or slope requires submission of a PCN per General Condition 27.

10. For NWP 23, the PCN shall include a copy of the signed Categorical Exclusion document and final agency determinations regarding compliance with Section 7 of the Endangered Species Act, Essential Fish Habitat under the Magnussen-Stevens Act, and Section 106 of the National Historic Preservation Act.

11. For NWP 44, the discharge shall not cause the loss of more than 300 linear feet of streambed. For intermittent and ephemeral streams, the 300 linear foot limit may be waived in writing by the Sacramento District. This NWP does not authorize discharges in waters of the United States supporting anadromous fisheries.

12. For NWPs 29 and 39, channelization or relocation of intermittent or perennial drainage, is not authorized, except when, as determined by the Sacramento District, the relocation would result in a net increase in functions of the aquatic ecosystem within the watershed.

13. For NWP 33, temporary fills for construction access in waters of the United States supporting fisheries shall be accomplished with clean, washed spawning quality gravels where practicable as determined by the Sacramento District, in consultation with appropriate federal and state wildlife agencies.

14. For NWP 46, the discharge shall not cause the loss of greater than 0.5 acres of waters of the United States or the loss of more than 300 linear feet of ditch, unless this 300 foot linear foot limit is waived in writing by the Sacramento District.

15. For NWPs 29, 39, 40, 42, and 43, upland vegetated buffers shall be established and maintained in perpetuity, to the maximum extent practicable, next to all preserved open waters, streams and wetlands including created, restored, enhanced or preserved waters of the U.S., consistent with General Condition 20. Except in unusual circumstances, vegetated buffers shall be at least 50 feet in width.

16. All NWPs except 3, 6, 20, 27, 32, 38, and 47, are revoked for activities in histosols and fens and in wetlands contiguous with fens. Fens are defined as slope wetlands with a histic epipedon that are hydrologically supported by groundwater. Fens are normally saturated throughout the growing season, although they may not be during drought conditions. For NWPs 3, 6, 20, 27, 32, and 38, prospective permittees shall submit a PCN to the Sacramento District in accordance with General Condition 27.

17. For all NWPs, when activities are proposed within 100 feet of the point of groundwater discharge of a natural spring, prospective permittees shall submit a PCN to the Sacramento District in accordance with General Condition 27. A spring source is defined as any location where ground water emanates from a point in the ground. For purposes of this condition, springs do not include seeps or other discharges which lack a defined channel.

## II. California Only

1. In the Lake Tahoe Basin, all NWPs are revoked. Activities in this area shall be authorized under Regional General Permit 16 or through an individual permit.

2. In the Primary and Secondary Zones of the Legal Delta, NWPs 29 and 39 are revoked. New development activities in the Legal Delta will be reviewed through the Corps' standard permit process.

## III. Nevada Only

1. In the Lake Tahoe Basin, all NWPs are revoked. Activities in this area shall be authorized under Regional General Permit 16 or through an individual permit.

## IV. Utah Only

1. For all NWPs, except NWP 47, prospective permittees shall submit a PCN in accordance with General Condition 27 for any activity, in waters of the United States, below 4217 feet mean sea level (msl) adjacent to the Great Salt Lake and below 4500 feet msl adjacent to Utah Lake.

2. A PCN is required for all bank stabilization activities in a perennial stream that would affect more than 100 linear feet of stream

3. For NWP 27, facilities for controlling stormwater runoff, construction of water parks such as kayak courses, and use of grout or concrete to construct in-stream structures are not authorized. A PCN is required for all projects exceeding 1500 linear feet as measured on the stream thalweg, using in stream structures exceeding 50 cubic yards per structure and/or incorporating grade control structures exceeding 1 foot vertical

drop. For any stream restoration project, the post project stream sinuosity shall be appropriate to the geomorphology of the surrounding area and shall be equal to, or greater than, pre project sinuosity. Sinuosity is defined as the ratio of stream length to project reach length. Structures shall allow the passage of aquatic organisms, recreational water craft or other navigational activities unless specifically waived in writing by the District Engineer.

## V. Colorado Only

1. Final Regional Conditions Applicable to Specific Nationwide Permits within Colorado.

a. Nationwide Permit Nos. 12 and 14, Utility Line Activities and Linear Transportation Projects. In the Colorado River Basin, utility line and road activities crossing perennial water or special aquatic sites require notification to the District Engineer in accordance with General Condition 27 (Pre-Construction Notification).

b. Nationwide Permit No. 13 Bank Stabilization. In Colorado, bank stabilization activities necessary for erosion prevention in streams that average less than 20 feet in width (measured between the ordinary high water marks) are limited to the placement of no more than 1/4 cubic yard of suitable fill\* material per running foot below the plane of the ordinary high water mark. Activities greater than 1/4 cubic yard may be authorized if the permittee notifies the District Engineer in accordance with General Condition 27 (Pre-Construction Notification) and the Corps determines the adverse environmental effects are minimal. [\* See (g) for definition of Suitable Fill]

c. Nationwide Permit No. 27 Aquatic Habitat Restoration, Establishment, and Enhancement Activities.

(1) For activities that include a fishery enhancement component, the Corps will send the Pre-Construction Notification to the Colorado Division of Wildlife (CDOW) for review. In accordance with General Condition 27 (Pre-Construction Notification), CDOW will have 10 days from the receipt of Corps notification to indicate that they will be commenting on the proposed project. CDOW will then have an additional 15 days after the initial 10-day period to provide those comments. If CDOW raises concerns, the applicant may either modify their plan, in coordination with CDOW, or apply for a standard individual permit.

(2) For activities involving the length of a stream, the post-project stream sinuosity will not be significantly reduced, unless it is demonstrated that the reduction in sinuosity is consistent with the natural morphological evolution of the stream (sinuosity is the ratio of stream length to project reach length).

(3) Structures will allow the upstream and downstream passage of aquatic organisms, including fish native to the reach, as well as recreational water craft or other navigational activities, unless specifically waived in writing by the District Engineer. The use of grout and/or concrete in

building structures is not authorized by this nationwide permit.

(4) The construction of water parks (i.e., kayak courses) and flood control projects are not authorized by this nationwide permit.

d. Nationwide Permits Nos. 29 and 39; Residential Developments and Commercial and Institutional Developments. A copy of the existing FEMA/locally-approved floodplain map must be submitted with the Pre-Construction Notification. When reviewing proposed developments, the Corps will utilize the most accurate and reliable FEMA/locally-approved pre-project floodplain mapping, not post-project floodplain mapping based on a CLOMR or LOMR. However, the Corps will accept revisions to existing floodplain mapping if the revisions resolve inaccuracies in the original floodplain mapping and if the revisions accurately reflect pre-project conditions.

## 2. Final Regional Conditions Applicable to All Nationwide Permits within Colorado

e. Removal of Temporary Fills. General Condition 13 (Removal of Temporary Fills) is amended by adding the following: When temporary fills are placed in wetlands in Colorado, a horizontal marker (i.e. fabric, certified weed-free straw, etc.) must be used to delineate the existing ground elevation of wetlands that will be temporarily filled during construction.

f. Spawning Areas. General Condition 3 (Spawning Areas) is amended by adding the following: In Colorado, all Designated Critical Resource Waters (see enclosure 1) are considered important spawning areas. Therefore, In accordance with General Condition 19 (Designated Critical Resource Waters), the discharge of dredged or fill material is not authorized by the following nationwide permits in these waters: NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, and 50. In addition, in accordance with General Condition 27 (Pre-Construction Notification), notification to the District Engineer is required for use of the following nationwide permits in these waters: NWP 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37 and 38".

g. Suitable Fill. In Colorado, use of broken concrete as fill material requires notification to the District Engineer in accordance with General Condition 27 (Pre-Construction Notification). Permittees must demonstrate that soft engineering methods utilizing native or non-manmade materials are not practicable (with respect to cost, existing technology, and logistics), before broken concrete is allowed as suitable fill. Use of broken concrete with exposed rebar is prohibited in perennial waters and special aquatic sites.

h. Invasive Aquatic Species. General Condition 11 is amended by adding the following condition for work in perennial or intermittent waters of the United States: If heavy equipment is used for the subject project that was previously working in another stream, river, lake, pond, or wetland within 10 days of initiating work, one the

following procedures is necessary to prevent the spread of New Zealand Mud Snails and other aquatic hitchhikers:

(1) Remove all mud and debris from equipment (tracks, turrets, buckets, drags, teeth, etc.) and keep the equipment dry for 10 days. OR

(2) Remove all mud and debris from Equipment (tracks, turrets, buckets, drags, teeth, etc.) and spray/soak equipment with either a 1:1 solution of Formula 409 Household Cleaner and water, or a solution of Sparquat 256 (5 ounces Sparquat per gallon of water). Treated equipment must be kept moist for at least 10 minutes. OR

(3) Remove all mud and debris from equipment (tracks, turrets, buckets, drags, teeth, etc.) and spray/soak equipment with water greater than 120 degrees F for at least 10 minutes.

## 3. Final Regional Conditions for Revocation/Special Notification Specific to Certain Geographic Areas

i. Fens: All Nationwide permits, except permit Nos. 3, 6, 20, 27, 32, 38 and 47, are revoked in fens and wetlands adjacent to fens. Use of nationwide permit Nos. 3, 20, 27 and 38, requires notification to the District Engineer, in accordance with General Condition 27 (Pre-Construction Notification), and the permittee may not begin the activity until the Corps determines the adverse environmental effects are minimal. The following defines a fen:

Fen soils (histosols) are normally saturated throughout the growing season, although they may not be during drought conditions. The primary source of hydrology for fens is groundwater. Histosols are defined in accordance with the U.S. Department of Agriculture, Natural Resources Conservation Service publications on Keys to Soil Taxonomy and Field Indicators of Hydric Soils in the United States (<http://soils.usda.gov/technical/classification/taxonomy>).

j. Springs: Within the state of Colorado, all NWP, except permit 47 (original 'C'), require preconstruction notification pursuant to General Condition 27 for discharges of dredged or fill material within 100 feet of the point of groundwater discharge of natural springs. A spring source is defined as any location where groundwater emanates from a point in the ground. For purposes of this regional condition, springs do not include seeps or other discharges which do not have a defined channel.

## 4. Additional Information

The following provides additional information regarding minimization of impacts and compliance with existing general Conditions:

a. Permittees are reminded of the existing General Condition No. 6 which prohibits the use of unsuitable material. Organic debris, building waste, asphalt, car bodies, and trash are not suitable material. Also, General Condition 12 requires appropriate erosion and sediment controls (i.e. all fills must be permanently stabilized to

prevent erosion and siltation into waters and wetlands at the earliest practicable date). Streambed material or other small aggregate material placed along a bank as stabilization will not meet General Condition 12. Also, use of erosion control mats that contain plastic netting may not meet General Condition 12 if deemed harmful to wildlife.

b. Designated Critical Resource Waters in Colorado. In Colorado, a list of designated Critical Resource Waters has been published in accordance with General Condition 19 (Designated Critical Resource Waters). This list will be published on the Albuquerque District Regulatory home page (<http://www.spa.usace.army.mil/reg/>)

c. Federally-Listed Threatened and Endangered Species. General condition 17 requires that non-federal permittees notify the District Engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project. Information on such species, to include occurrence by county in Colorado, may be found at the following U.S. Fish and Wildlife Service website: [http://www.fws.gov/mountain%2Dprairie/endspp/name\\_county\\_search.htm](http://www.fws.gov/mountain%2Dprairie/endspp/name_county_search.htm)

### C. Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project.

### D. Definitions

**Best management practices (BMPs):** Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

**Compensatory mitigation:** The restoration, establishment (creation), enhancement, or preservation of aquatic resources for the purpose of compensating for unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

**Currently serviceable:** Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

**Discharge:** The term "discharge" means any discharge of dredged or fill material.

**Enhancement:** The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic

resource function(s). Enhancement does not result in a gain in aquatic resource area.

**Ephemeral stream:** An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

**Establishment (creation):** The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

**Historic Property:** Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

**Independent utility:** A test to determine what constitutes a single and complete project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

**Intermittent stream:** An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

**Loss of waters of the United States:** Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities eligible for exemptions under Section 404(f) of the Clean Water Act are not considered when calculating the loss of waters of the United States.

**Non-tidal wetland:** A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. The definition of a wetland can be found at 33 CFR 328.3(b). Non-tidal wetlands

contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

**Open water:** For purposes of the NWP, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of standing or flowing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of “open waters” include rivers, streams, lakes, and ponds.

**Ordinary High Water Mark:** An ordinary high water mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas (see 33 CFR 328.3(e)).

**Perennial stream:** A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

**Practicable:** Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

**Pre-construction notification:** A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

**Preservation:** The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

**Re-establishment:** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area.

**Rehabilitation:** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

**Restoration:** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

**Riffle and pool complex:** Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

**Riparian areas:** Riparian areas are lands adjacent to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects waterbodies with their adjacent uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 20.)

**Shellfish seeding:** The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

**Single and complete project:** The term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete project must have independent utility (see definition). For linear projects, a “single and complete project” is all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single waterbody several times at separate and distant locations, each crossing is considered a single and complete project. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

**Stormwater management:** Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

**Stormwater management facilities:** Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

**Stream bed:** The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

**Stream channelization:** The manipulation of a stream’s course, condition, capacity, or location that causes more than minimal

interruption of normal stream processes. A channelized stream remains a water of the United States.

**Structure:** An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

**Tidal wetland:** A tidal wetland is a wetland (i.e., water of the United States) that is inundated by tidal waters. The definitions of a wetland and tidal waters can be found at 33 CFR 328.3(b) and 33 CFR 328.3(f), respectively. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line, which is defined at 33 CFR 328.3(d).

**Vegetated shallows:** Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

**Waterbody:** For purposes of the NWPs, a waterbody is a jurisdictional water of the United States that, during a year with normal patterns of precipitation, has water flowing or standing above ground to the extent that an ordinary high water mark (OHWM) or other indicators of jurisdiction can be determined, as well as any wetland area (see 33 CFR 328.3(b)). If a jurisdictional wetland is adjacent--meaning bordering, contiguous, or neighboring--to a jurisdictional waterbody displaying an OHWM or other indicators of jurisdiction, that waterbody and its adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of "waterbodies" include streams, rivers, lakes, ponds, and wetlands.



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JOHN McCAMMON, Director



## “NOTICE OF EXEMPTION”

The Department has determined that your project as described in the subject Lake or Streambed Alteration Agreement is exempt from the California Environmental Quality Act (CEQA), and will file a notice of Exemption for your project. The Notice will be filed with the Office of Planning and Research, as required by CEQA. The Department's compliance with CEQA may be legally challenged for 35 days following the filing of the Notice of Exemption.

This completes the Department's agreement process. You may proceed with your project according to the terms and provisions of your Streambed Alteration Agreement if you have obtained all other permits required from local, other State, and Federal agencies.

(1/26/10)

## AGREEMENT REGARDING PROPOSED STREAM ALTERATION

THIS AGREEMENT, entered into between the State of California, Department of Fish and Game, hereinafter called the Department, and California Department of Transportation of Sacramento, State of California, hereafter called the Caltrans, is as follows:

WHEREAS, pursuant to California Fish and Game Code, Section 1602, the Caltrans, on December 3, 2009, notified the Department that it intends to substantially divert or obstruct the natural flow of, or substantially change the bed, channel, or bank of, or use material from the streambed of, the following water: tributaries to the South Fork American River, in the County of El Dorado, State of California. The project begins near Pollock Pines from 1.0 mile east of Sly Park Road to 0.5 mile west of Ice House Road in Riverton.

WHEREAS, the Department, represented by Gary Hobgood, has determined that such operations may substantially adversely affect existing fish and wildlife resources including: western pond turtle, Pacific treefrog, pallid bat, foothill yellow-legged frog, California spotted owl, warm water fish species, amphibians, and other aquatic and terrestrial plant and wildlife species.

THEREFORE, the Department hereby proposes measures to protect fish and wildlife during the Caltrans' work. The Caltrans hereby agrees to accept the following recommendations as part of his work:

**Project Description:** Caltrans is proposing to rehabilitate 39 failing culverts and storm drains at 38 locations along State Route (SR) 50 in El Dorado County. The project begins near Pollock Pines from 1.0 mile east of Sly Park Road to 0.5 mile west of Ice House Road in Riverton. Impacts will be limited to the culvert inlet and outlet areas, and gaining access to them. Each culvert will have different construction scenarios for how the construction will occur. Culverts will either be lined, replaced in kind, or abandoned with a new culvert installed adjacent to the abandoned culvert.

Seven culvert projects are streams under the jurisdiction of the Lake and Streambed Alteration Agreement Program. Those projects are identified as follows:

Location 1 (PM 32.28) - Work will consist of lining the existing 66' CMP culvert with a 66' CIPP liner. The existing round drainage inlet (DI) will remain in place. Staging will occur on existing paved surfaces. This culvert runs parallel and adjacent to SR 50 and will be accessed from the shoulder of the highway. The culvert liner will be installed from the inlet or outlet. No additional inlet or outlet work will be required.

Location 9 (PM 33.27) - Work will consist of lining the existing two CMP culverts (195' and 102') with CIPP liners (195' and 102'). The new pipe liners will be installed from the existing culvert inlets or outlets. No additional inlet or outlet work will be required and the existing headwall will remain in place. A temporary construction easement will be required in this location and a 20' wide area for a work and access zone will be required. Staging will occur on existing paved surfaces.

Location 10 (PM 33.41) - Work will consist of lining the existing 284' CMP with a 284' CIPP liner. The existing headwall will remain in place. A rock energy dissipators RED will be placed at the outlet in an area approximately 14' x 6' with an excavation depth of 1.8'. The new pipe liner will be installed from the existing culvert inlet or outlet. A temporary construction easement will be required in this location and 20' wide area for a work and access zone will be required. The culvert will be

accessed from the SR 50 shoulder area. Staging will occur on existing paved surfaces.

Location 17 (PM 34.54) - Work will consist of lining the existing 146.5' cross culvert by CIPP method or plastic pipe liner. The existing Portland concrete cement gutter (PCCG) at the outlet will remain in place. A temporary construction easement will be required in this location and a 20' wide area for a work and access zone will be required. Staging will occur on existing paved surfaces.

Location 18 (PM 34.76) - Work will consist of lining the existing 163' culvert by CIPP method or plastic pipe liner. A RED will be placed at the outlet in an area approximately 14' x 6' with an excavation depth of 1.8'. A temporary construction easement will be required in this location and a 20' wide area for a work and access zone will be required. Staging will occur on existing paved surfaces.

Location 35 (PM 38.23) - Work will consist of lining the existing 211' CMP that runs under the existing SR 50 alignment as well as the existing 91' CMP that runs under the old highway alignment. The CIPP method or plastic pipe liner will be used for lining. Pipe liners will be installed from the existing inlets or outlets. A RED will be placed at the outlet of the existing SR 50 alignment culvert in an area approximately 14' x 6' with an excavation depth of 1.8'. The outlet of the culvert that runs under the old highway alignment has an existing RED, which will remain in place. A 20' width for a work and access zone will be required. Staging will occur on existing paved surfaces.

Location 38 (PM 38.82) - Work will consist of lining the existing 109' CMP by CIPP method or plastic pipe liner and repairing a crushed section of pipe at the outlet. The liner will be installed from the existing culvert inlet. A 20' width for a work and access zone will be required. Staging will occur on existing paved surfaces. The culvert will be accessed from the SR 50 shoulder area. Water diversion methods, if necessary, will include a temporary coffer dam across the existing channel upstream, a berm downstream from the proposed work, and flexible plastic pipe.

Caltrans has included the following measures as part of the project description and will be implemented in the course of the proposed project in order to avoid or minimize adverse effects to biological resources:

- 01 – Limit Vegetation Removal
- 02 – Restrict Timing of Woody Vegetation Removal
- 03 – Nesting Bird Survey
- 04 – Preconstruction Pond Turtle Survey
- 05 – Establish Environmentally Sensitive Areas with Fencing
- 06 – Containment Measures/Construction Site Best Management Practices
- 07 – Restore Riparian and Stream Habitat Disturbed by Construction
- 08 – Minimize Disturbance to Creek Channel and Adjacent Areas
- 09 – Dewatering Activities
- 10 – Bat Roost Survey
- 11 – Preconstruction Amphibian Surveys
- 12 – Observe Limited Operating Period
- 13 – Weed Free Construction Equipment
- 14 – Equipment Staging in Weed Free Areas
- 15 – Weed Free Erosion Control Treatments

**Stream Zone Defined:** All components of a stream, including the channel, bed, banks, and floodplains. The Stream Zone is the land, including vegetation, that bounds a lake or the channel of a stream and that defines the lateral extent of their waters.

1. The notification, together with all supporting documents submitted with the notification, including the El Dorado 50 Drainage Rehabilitation Project NES - Natural Environment Study Culvert/Drainage System Rehabilitation Project - State Route 50 in El Dorado County, California, dated, November 2009, the Caltrans Revegetation Plan - For Rehabilitation of Highway 50, from 1.0 Mile East of Sly Park Road (near Pollock Pines) to 0.5 Mile West of Ice House Road in Riverton dated, November 2009, and the construction plan sets for the El Dorado 50 Drainage Rehabilitation Project, are hereby incorporated into this agreement to describe the location and features of the proposed project. The Caltrans agrees that all work shall be done as described in the notification and supporting documents, incorporating all project modifications, wildlife resource protection features, mitigation measures, and provisions as described in this agreement. Where apparent conflicts exist between the notification and the provisions listed in this agreement, the Caltrans shall comply with the provisions listed in this agreement. The Caltrans further agrees to notify the Department of any modifications made to the project plans submitted to the Department. At the discretion of the Department, this agreement will be amended to accommodate modifications to the project plans submitted to the Department and/or new project activities. Please see the current fee schedule to determine the appropriate amendment fee.
2. Documents, plans, surveys, notifications, and requests pertaining to this project or required by this agreement may be sent via email to Gary Hobgood at [ghobgood@dfg.ca.gov](mailto:ghobgood@dfg.ca.gov) or delivered to the Department of Fish and Game at 1701 Nimbus Road, Suite A, Rancho Cordova, CA 95670. Refer to Notification Number 1600-2009-0226-R2 when submitting documents to the Department.
3. The time period for completing the work within the stream zone of the tributaries to the South Fork American River shall be restricted to periods of low or no stream flow and dry weather and shall be confined to the period of April 15 to October 31. Construction activities shall be timed with awareness of precipitation forecasts and likely increases in stream flow. Construction activities within the stream zone shall cease until all reasonable erosion control measures, inside and outside of the stream zone, have been implemented prior to all storm events. No work will occur during wet weather. Wet Weather is defined as when there has been ¼ inch of rain in a 24-hour period. Revegetation, restoration and erosion control work is not confined to this time period.
4. If the Caltrans finds more time is needed to complete the authorized activity, the Caltrans shall submit a written request for a work period time extension to the Department. The work period extension request shall provide the following information: 1) Describe the extent of work already completed; 2) Provide specific detail of the activities that remain to be completed within the stream zone; and 3) Detail the actual time required to complete each of the remaining activities within the stream zone. The work period extension request should consider the effects of increased stream conditions, rain delays, increased erosion control measures, limited access due to saturated soil conditions, and limited growth of erosion

control grasses due to cool weather. Photographs of the work completed and the proposed work areas are helpful in assisting the Department in its evaluation. Time extensions are issued at the discretion of the Department. The Department will review the written request to work beyond the established work period. The Department will have ten calendar days to approve the proposed work period extension. The Department reserves the right to require additional measures designed to protect natural resources.

5. This Agreement does not relieve the Caltrans or any person acting on behalf of the Caltrans, including its officers, employees, representatives, agents or contractors and subcontractors, from complying with other applicable statutes in the Fish and Game Code, including, but not limited to, sections 2050 et seq. (California Endangered Species Act), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5931 (fish passage over/around dam), 5937 (sufficient water for fish), and 5948 (obstruction of stream). The Caltrans is responsible for obtaining all required permits and authorizations from local, state and federal agencies. The Caltrans shall notify the Department where conflicts exist between the provisions of this agreement and those imposed by other regulatory agencies. Unless otherwise notified, the Caltrans shall comply with the provision that offers the greatest protection to water quality, species of special concern and/or critical habitat.
6. The Caltrans shall notify the Department within two working days of beginning work within the stream zone of the unnamed tributaries to the South Fork American. Upon completion of the project activities described in this agreement, the work area within the stream zone shall be digitally photographed. Photographs shall be submitted to the Department within two days of completion. Photographs and project commencement notification shall be submitted as instructed in item number 2 above.
7. When work in a flowing 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/pipe's 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. No other diversion method shall be used without prior authorization by the Department. If another diversion method is preferred, the Caltrans must submit a plan detailing the desired diversion method. Authorization of any other diversion method shall be at the discretion of the Department.
8. 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.
9. 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.

10. 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. 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 silt fencing, coir logs, coir rolls, and/or straw bale dikes. The Caltrans 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.
11. 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 Caltrans or any party working under contract or with the permission of the Caltrans, shall be removed immediately. The Department shall be notified immediately by the Caltrans of any spills and shall be consulted regarding clean-up procedures.
12. During construction, the contractor shall not dump any litter or construction debris within the stream zone. All construction debris and associated materials shall be removed from the work site upon completion of this project.
13. All exposed/disturbed areas and access points within the stream zone left barren of vegetation as a result of the construction activities shall be restored using locally native grass seeds, locally native grass plugs and/or a mix of quick growing sterile non-native grass with locally native grass seeds. Seeded areas shall be covered with broadcast straw and/or jut netted (monofilament erosion blankets are not authorized).
14. This agreement is not valid and work may not begin until the agreement is signed by a representative of the Department of Fish & Game. Stream alteration work authorized by this agreement expires on December 31, 2014. This agreement shall remain in effect for that time

necessary to satisfy all required mitigation and monitoring measures.

15. Requests for Extensions (agreement renewal), Minor Amendments, and Major Amendments must be submitted in writing prior to expiration of the agreement or commencement of work on modified project plans. Extensions and Amendments are issued at the discretion of the Department. Please see the current fee schedule to determine the appropriate fee.
16. The Department may take enforcement action and reserves the right to suspend and/or revoke this agreement if the Department determines that the circumstances warrant. The circumstances that could require these Department actions include, but are not limited to, the following: A) Failure to comply with the terms/conditions of this agreement. B) The information provided by the Caltrans in support of the agreement/notification is determined by the Department to be incomplete, or inaccurate. C) When new information becomes available to the Department representative(s) that was not known when preparing the original terms/conditions of this agreement. D) The project as described in the notification, agreement, or amendment has changed, or conditions affecting fish and wildlife resources change.
17. If, in the opinion of the Department, conditions arise or change in such a manner as to be considered deleterious to aquatic life, operations shall cease until corrective measures are taken.
18. It is understood that the Department enters into this agreement for purposes of establishing protective features for fish and wildlife, in the event that a project is implemented. The decision to proceed with the project is the sole responsibility of the Caltrans, and is not required by this agreement. It is agreed that all liability and/or incurred costs related to or arising out of the Caltrans' project and the fish and wildlife protective conditions of this agreement, remain the sole responsibility of the Caltrans. The Caltrans agrees to hold harmless and defend the State of California and the Department of Fish and Game against any related claim made by any party or parties for personal injury or other damage.



2D-50



United States  
Department of  
Agriculture

Forest  
Service

Eldorado National Forest

Placerville Ranger District  
4260 8 Mile Road  
Camino, CA 95709  
(530) 644-2324  
(530) 647-5314 (TTY)

**File Code:** 2720  
PVL217  
**Date:** June 2, 2006

California Department of Transportation  
Attn: Kathie Kent  
P.O. Box 911  
Marysville, CA 95901

Re: Piney Point Stockpile Site – Special Use Authorization

Dear Ms. Kent:

Enclosed is an executed special use permit that authorizes CalTrans' occupancy and use of National Forest System (NFS) lands for this stockpile site for a ten-year term.

Please have Dan Walker contact us regarding the current season's operating plan, installation of erosion control measures and gate, and noxious weed prevention measures to be instituted.

If you or CalTrans staff have questions regarding this special use authorization, please contact Cindy Oswald at (530) 647-5320.

Sincerely,

*Cindy Oswald*

*jak* KATHRYN D. HARDY  
District Ranger

Enclosures – PVL217

Cc: Cheri Jagers, EID Project 184 Coordinator



Authorization ID: PVL217  
Contact ID: CALTRANS  
Expiration Date: 12/31/2015  
Use Code: 522

FS-2700-4 (05/03)  
OMB 0596-0082

**U.S. DEPARTMENT OF AGRICULTURE**  
**Forest Service**  
**SPECIAL USE PERMIT**  
**AUTHORITY:**  
**ORGANIC ADMINISTRATION ACT June 4, 1897**

California Department of Transportation of Attn: Kathie Kent, P.O. Box 911, MARYSVILLE, CA 95901 (hereinafter called the Holder) is hereby authorized to use or occupy National Forest System lands, to use subject to the conditions set out below, on Eldorado National Forest of the National Forest System.

This permit covers .4 acres and is described as: Piney Point Stockpile Site, located at PM 38.3 on the north side of Highway 50, SE ¼ NW ¼ Sec. 25, T.11N., R.13E., MDB&M, as shown on the location map attached to and made a part of this permit, and is issued for the purpose of:

Maintaining Piney Point as a stockpile site for material from highway maintenance and borrow site for fill material, with a gate that controls access.

The above described or defined area shall be referred to herein as the "permit area".

**TERMS AND CONDITIONS**

**I. AUTHORITY AND GENERAL TERMS OF THE PERMIT**

A. Authority. This permit is issued pursuant to the authorities enumerated at Title 36, Code of Federal Regulations, Section 251 Subpart B, as amended. This permit, and the activities or use authorized, shall be subject to the terms and conditions of the Secretary's regulations and any subsequent amendment to them.

B. Authorized Officer. The authorized officer is the Forest Supervisor or a delegated subordinate officer.

C. License. This permit is a license for the use of federally owned land and does not grant any permanent, possessory interest in real property, nor shall this permit constitute a contract for purposes of the Contract Disputes Act of 1978 (41 U.S.C. 611). Loss of the privileges granted by this permit by revocation, termination, or suspension is not compensable to the holder.

D. Amendment. This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms, conditions, and stipulations as may be required by law, regulation, land management plans, or other management decisions.

E. Existing Rights. This permit is subject to all valid rights and claims of third parties. The United States is not liable to the holder for the exercise of any such right or claim.

F. Nonexclusive Use and Public Access. Unless expressly provided for in additional terms, use of the permit area is not exclusive. The Forest Service reserves the right to use or allow others to use any part of the permit area, including roads, for any purpose, provided, such use does not materially interfere with the holder's authorized use. A final determination of conflicting uses is reserved to the Forest Service.

G. Forest Service Right of Entry and Inspection. The Forest Service has the right of unrestricted access of the permitted area or facility to ensure compliance with laws, regulations, and ordinances and the terms and conditions of this permit.

H. Assignability. This permit is not assignable or transferable. If the holder through death, voluntary sale or transfer, enforcement of contract, foreclosure, or other valid legal proceeding ceases to be the owner of the improvements, this permit shall terminate.

I. Permit Limitations. Nothing in this permit allows or implies permission to build or maintain any structure or facility, or to conduct any activity unless specifically provided for in this permit. Any use not specifically identified in this permit must be approved by the authorized officer in the form of a new permit or permit amendment.

## II. TENURE AND ISSUANCE OF A NEW PERMIT

A. Expiration at the End of the Authorized Period. This permit will expire at midnight on 12/31/2015. Expiration shall occur by operation of law and shall not require notice, any decision document, or any environmental analysis or other documentation.

B. Minimum Use or Occupancy of the Permit Area. Use or occupancy of the permit area shall be exercised at least 365 days each year, unless otherwise authorized in writing under additional terms of this permit.

C. Notification to Authorized Officer. If the holder desires issuance of a new permit after expiration, the holder shall notify the authorized officer in writing not less than six (6) months prior to the expiration date of this permit.

D. Conditions for Issuance of a New Permit. At the expiration or termination of an existing permit, a new permit may be issued to the holder of the previous permit or to a new holder subject to the following conditions:

1. The authorized use is compatible with the land use allocation in the Forest Land and Resource Management Plan.
2. The permit area is being used for the purposes previously authorized.
3. The permit area is being operated and maintained in accordance with the provisions of the permit.
4. The holder has shown previous good faith compliance with the terms and conditions of all prior or other existing permits, and has not engaged in any activity or transaction contrary to Federal contracts, permits laws, or regulations.

E. Discretion of Forest Service. Notwithstanding any provisions of any prior or other permit, the authorized officer may prescribe new terms, conditions, and stipulations when a new permit is issued. The decision whether to issue a new permit to a holder or successor in interest is at the absolute discretion of the Forest Service.

F. Construction. Any construction authorized by this permit may commence April 15 and shall be completed annually by October 15. If construction is not completed within the prescribed time, this permit may be revoked or suspended.

## III. RESPONSIBILITIES OF THE HOLDER

A. Compliance with Laws, Regulations, and other Legal Requirements. The holder shall comply with all applicable Federal, State, and local laws, regulations, and standards, including but not limited to, the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq., the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 et seq., and other relevant environmental laws, as well as public health and safety laws and other laws relating to the siting, construction, operation, and maintenance of any facility, improvement, or equipment on the property.

B. Plans. Plans for development, layout, construction, reconstruction, or alteration of improvements on the permit area, as well as revisions of such plans, must be prepared by a qualified individual acceptable to the authorized officer and shall be approved in writing prior to commencement of work. The holder may be required to furnish as-built plans, maps, or surveys, or other similar information, upon completion of construction.

C. Maintenance. The holder shall maintain the improvements and permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other provisions of this authorization. If requested, the holder shall comply with inspection requirements deemed appropriate by the authorized officer.

D. Hazard Analysis. The holder has a continuing responsibility to identify all hazardous conditions on the permit area which would affect the improvements, resources, or pose a risk of injury to individuals. Any non-emergency actions to abate such hazards shall be performed after consultation with the authorized officer. In emergency situations, the holder shall notify the authorized officer of its actions as soon as possible, but not more than 48 hours, after such actions have been taken.

E. Change of Address. The holder shall immediately notify the authorized officer of a change in address.

F. Change in Ownership. This permit is not assignable and terminates upon change of ownership of the improvements or control of the business entity. The holder shall immediately notify the authorized officer when a change in ownership or control of business entity is pending. Notification by the present holder and potential owner shall be executed using Form SF-299 Application for Transportation and Utility Systems and Facilities of Federal Lands, or Form FS-2700-3a, Holder Initiated Revocation of Existing Authorization, Request for a Special Use Permit. Upon receipt of the proper documentation, the authorized officer may issue a permit to the party who acquires ownership of, or a controlling interest in, the improvements or business entity.

#### IV. LIABILITY

For purposes of this section, "holder" includes the holder's heirs, assigns, agents, employees, and contractors.

A. The holder assumes all risk of loss to the authorized improvements.

B. The holder shall indemnify, defend, and hold the United States harmless for any violations incurred under any such laws and regulations or for judgments, claims, or demands assessed against the United States in connection with the holder's use or occupancy of the property. The holder's indemnification of the United States shall include any loss by personal injury, loss of life or damage to property in connection with the occupancy or use of the property during the term of this permit. Indemnification shall include, but is not limited to, the value of resources damaged or destroyed; the costs of restoration, cleanup, or other mitigation; fire suppression or other types of abatement costs; third party claims and judgments; and all administrative, interest, and other legal costs. This paragraph shall survive the termination or revocation of this authorization, regardless of cause.

C. The holder has an affirmative duty to protect from damage the land, property, and interests of the United States.

D. In the event of any breach of the conditions of this authorization by the holder, the authorized officer may, on reasonable notice, cure the breach for the account at the expense of the holder. If the Forest Service at any time pays any sum of money or does any act which will require payment of money, or incurs any expense, including reasonable attorney's fees, in instituting, prosecuting, and/or defending any action or proceeding to enforce the United States rights hereunder, the sum or sums so paid by the United States, with all interests, costs and damages shall, at the election of the Forest Service, be deemed to be additional fees hereunder and shall be due from the holder to the Forest Service on the first day of the month following such election.

E. With respect to roads, the holder shall be proportionally liable for damages to all roads and trails of the United States open to public use caused by the holder's use to the same extent as provided above, except that liability shall not include reasonable and ordinary wear and tear.

F. The Forest Service has no duty to inspect the permit area or to warn of hazards and, if the Forest Service does inspect the permit area, it shall incur no additional duty nor liability for identified or non-identified hazards. This covenant may be enforced by the United States in a court of competent jurisdiction.

#### V. TERMINATION, REVOCATION, AND SUSPENSION

A. General. For purposes of this permit, "termination", "revocation", and "suspension" refer to the cessation of uses and privileges under the permit.

"Termination" refers to the cessation of the permit under its own terms without the necessity for any decision or action by the authorized officer. Termination occurs automatically when, by the terms of the permit, a fixed or agreed upon condition, event, or time occurs. For example, the permit terminates at expiration. Terminations are not appealable.

"Revocation" refers to an action by the authorized officer to end the permit because of noncompliance with any of the prescribed terms, or for reasons in the public interest. Revocations are appealable.

"Suspension" refers to a revocation which is temporary and the privileges may be restored upon the occurrence of prescribed actions or conditions. Suspensions are appealable.

B. Revocation or Suspension. The Forest Service may suspend or revoke this permit in whole or part for:

1. Noncompliance with Federal, State, or local laws and regulations.
2. Noncompliance with the terms and conditions of this permit.
3. Reasons in the public interest.
4. Abandonment or other failure of the holder to otherwise exercise the privileges granted.

C. Opportunity to Take Corrective Action. Prior to revocation or suspension for cause pursuant to Section V (B), the authorized officer shall give the holder written notice of the grounds for each action and a reasonable time, not to exceed 90 days, to complete the corrective action prescribed by the authorized officer.

D. Removal of Improvements. Prior to abandonment of the improvements or within a reasonable time following revocation or termination of this authorization, the holder shall prepare, for approval by the authorized officer, an abandonment plan for the permit area. The abandonment plan shall address removal of improvements and restoration of the permit area and prescribed time frames for these actions. If the holder fails to remove the improvements or restore the site within the prescribed time period, they become the property of the United States and may be sold, destroyed or otherwise disposed of without any liability to the United States. However, the holder shall remain liable for all cost associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the site.

## VI. FEES

A. Termination for Nonpayment. This permit shall automatically terminate without the necessity of prior notice when land use rental fees are 90 calendar days from the due date in arrears.

B. Fees for this use have been exempted or waived in full pursuant to 36 CFR 251.57, or revisions thereto, and direction in FSH 2709.11, chapter 30.

C. Payment Due Date. The payment due date shall be the close of business on January 1 of each calendar year payment is due. Payments in the form of a check, draft, or money order are payable to USDA, Forest Service. Payments shall be credited on the date received by the designated Forest Service collection officer or deposit location. If the due date for the fee or fee calculation statement falls on a non-workday, the charges shall not apply until the close of business on the next workday.

D. Late Payment Interest, Administrative Costs and Penalties Pursuant to 31 U.S.C. 3717, et seq., interest shall be charged on any fee amount not paid within 30 days from the date the fee or fee calculation financial statement specified in this authorization becomes due. The rate of interest assessed shall be the higher of the rate of the current value of funds to the U.S. Treasury (i.e., Treasury tax and loan account rate), as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins annually or quarterly or at the Prompt Payment Act rate. Interest on the principal shall accrue from the date the fee or fee calculation financial statement is due.

In the event the account becomes delinquent, administrative costs to cover processing and handling of the delinquency will be assessed.

A penalty of 6 percent per annum shall be assessed on the total amount delinquent in excess of 90 days and shall accrue from the same date on which interest charges begin to accrue.

Payments will be credited on the date received by the designated collection officer or deposit location. If the due date for the fee or fee calculation statement falls on a non-workday, the charges shall not apply until the close of business on the next workday.

Disputed fees are due and payable by the due date. No appeal of fees will be considered by the Forest Service without full payment of the disputed amount. Adjustments, if necessary, will be made in accordance with settlement terms or the appeal decision.

If the fees become delinquent, the Forest Service will:

Liquidate any security or collateral provided by the authorization.

If no security or collateral is provided, the authorization will terminate and the holder will be responsible for delinquent fees as well as any other costs of restoring the site to its original condition including hazardous waste cleanup.

Upon termination or revocation of the authorization, delinquent fees and other charges associated with the authorization will be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 *et seq.* Delinquencies may be subject to any or all of the following conditions:

Administrative offset of payments due the holder from the Forest Service.

Delinquencies in excess of 60 days shall be referred to United States Department of Treasury for appropriate collection action as provided by 31 U.S.C. 3711 (g), (1).

The Secretary of the Treasury may offset an amount due the debtor for any delinquency as provided by 31 U.S.C. 3720, *et seq.*)

## VII. OTHER PROVISIONS

A. Members of Congress. No Member of or Delegate to Congress or Resident Commissioner shall benefit from this permit either directly or indirectly, except when the authorized use provides a general benefit to a corporation.

B. Appeals and Remedies. Any discretionary decisions or determinations by the authorized officer are subject to the appeal regulations at 36 CFR 251, Subpart C, or revisions thereto.

C. Superior Clauses. In the event of any conflict between any of the preceding printed clauses or any provision thereof and any of the following clauses or any provision thereof, the preceding printed clauses shall control.

D. Archaeological-Paleontological Discoveries (X17). The holder shall immediately notify the authorized officer of any and all antiquities or other objects of historic or scientific interest. These include, but are not limited to, historic or prehistoric ruins, fossils, or artifacts discovered as the result of operations under this authorization, and shall leave such discoveries intact until authorized to proceed by the authorized officer. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the holder.

E. Protection of Habitat of Endangered, Threatened, and Sensitive Species (X8). Location of areas needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act of 1973, as amended, or as sensitive by the Regional Forester under authority of FSM 2670, derived from ESA Section 7 consultation, may be shown on a separate map, hereby made a part of this authorization, or identified on the ground. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the authorization holder.

If protection measures prove inadequate, if other such areas are discovered, or if new species are listed as Federally threatened or endangered or as sensitive by the Regional Forester, the authorized officer may specify additional protection regardless of when such facts become known. Discovery of such areas by either party shall be promptly reported to the other party.

F. Pesticide Use (D23). Pesticides may not be used to control undesirable woody and herbaceous vegetation, aquatic plants, insects, rodents, trash fish, etc., without the prior written approval of the Forest Service. A request for approval of planned uses of pesticides will be submitted annually by the holder on the due date established by the authorized officer. The report will cover a 12-month period of planned use beginning 3 months after the reporting date. Information essential for review will be provided in the form specified. Exceptions to this schedule may be allowed, subject to emergency request and approval, only when unexpected outbreaks of pests require control measures which were not anticipated at the time an annual report was submitted.

Only those materials registered by the U.S. Environmental Protection Agency for the specific purpose planned will be considered for use on National Forest System lands. Label instructions will be strictly followed in the application of pesticides and disposal of excess materials and containers.

G. Timber Payment (D17). All National Forest timber cut or destroyed in the construction of the permitted improvements shall be paid for at current stumpage rates for similar timber in the National Forest. Young-growth timber below merchantable size will be paid for at current damage-appraisal value; and all slash and debris resulting from the cutting or destruction of such timber shall be disposed of as necessary or as the Forest Service may direct.

H. Revegetation of Ground Cover and Surface Restoration (D9). The holder shall be responsible for prevention and control of soil erosion and gulying on lands covered by this authorization and adjacent thereto, resulting from construction, operation, maintenance, and termination of the authorized use. The holder shall so construct permitted improvements to avoid the accumulation of excessive heads of water and to avoid encroachment on streams. The holder shall revegetate or otherwise stabilize all ground where the soil has been exposed as a result of the holder's construction, maintenance, operation, or termination of the authorized use and shall construct and maintain necessary preventive measures to supplement the vegetation.

I. Removal and Planting of Vegetation and Other Resources (D5). The holder shall obtain prior written approval from the authorized officer before removing or altering vegetation or other resources. The holder shall obtain prior written approval from the authorized officer before planting trees, shrubs, or other vegetation within the authorized area.

J. Surveys, Land Corners (D4). The holder shall protect, in place, all public land survey monuments, private property corners, and Forest boundary markers. In the event that any such land markers or monuments are destroyed in the exercise of the privileges permitted by this authorization, depending on the type of monument destroyed, the holder shall see that they are reestablished or referenced in accordance with (1) the procedures outlined in the "Manual of Instructions for the Survey of the Public Land of the United States," (2) the specifications of the county surveyor, or (3) the specifications of the Forest Service.

Further, the holder shall cause such official survey records as are affected to be amended as provided by law. Nothing in this clause shall relieve the holder's liability for the willful destruction or modification of any Government survey marker as provided at 18 U.S.C. 1858.

K. Operating Plan (C8). The holder shall provide an Operating Plan and revise the plan as needed. The plan shall be prepared in consultation with the authorized officer or designated representative and cover operation and maintenance of facilities, dates or season of operations, and other information required by the authorized officer to manage and evaluate the occupation and/or use of National Forest System lands. The provisions of the Operating Plan and the annual revisions shall become a part of this authorization and shall be submitted by the holder and approved by the authorized officer or their designated representative(s). This Operating Plan is hereby made a part of the authorization.

L. Site Plan (C2). The holder shall prepare a site plan to show the location of all features, service areas, roads, and gate. Such plans shall be on a scale of 1 cm = 10 feet with 1/2 foot contour intervals. The holder is encouraged to consult with the authorized officer during the preparation of the site plan to ensure that it is adequate. No construction shall be undertaken by the holder prior to site plan approval.

M. Noxious Weeds. The permittee shall prepare, in cooperation with the Forest Service, a noxious weed plan which shall set forth in detail the plan for surveying, preventing, reporting, controlling and monitoring noxious weed populations on the authorized areas and within the permittee's area of responsibility. The weed plan will set forth in detail the measures that will be taken by the permittee, its employees, contractors, and subcontractors, and their employees. These measures may include, where appropriate, equipment inspection for soil, seeds, and vegetative matter, equipment cleaning, and use of weed-free materials (soil, gravel, straw, mulch) and seed mixes. The weed plan shall be made available to all bidders prior to letting contracts and the permittee shall cause its contractors to comply with all provisions of the weed plan. Such plans shall be reviewed periodically by the Forest Service for adherence to standards. A current list of noxious weeds of concern is available at the Forest Supervisor's Office.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082.

This information is needed by the Forest Service to evaluate requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the Secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archaeological Resources Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations for the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service Public reporting burden for collection of information, if requested, is estimated to average 1 hour per response for annual financial information; average 1 hour per response to prepare or update operation and/or maintenance plan; average 1 hour per response for inspection reports; and an average of 1 hour for each request that may include such things as reports, logs, facility and user information, sublease information, and other similar miscellaneous information requests. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

This permit is accepted subject to the conditions set out above.

HOLDER NAME: California Department of Transportation

U.S. DEPARTMENT OF AGRICULTURE  
Forest Service

By: Kathie Kent  
(Holder Signature)

By: Thomas C. Eby  
(Authorized Officer Signature)

By: Federal land transfer  
Coordinator Right of Way  
(Holder Signature)

Title: Acting Forest Supervisor  
(Name and Title)

Date: 5/11/06

Date: 5/31/06

# Memorandum

*Flex your power!  
Be energy efficient!*

**To:** MR. GILBERT OGAZ  
OFFICE OF BRIDGE DESIGN NORTH  
STRUCTURE DESIGN  
DIVISION OF ENGINEERING SERVICES

**Date:** April 10, 2009

**File:** 03-ED-50-PM 32.3-39.3  
03-3C7601  
El Dorado Culverts

**Attn:** MR. JERRY CAGLE

**From:** DEPARTMENT OF TRANSPORTATION  
DIVISION OF ENGINEERING SERVICES  
GEOTECHNICAL SERVICES – MS 5

**Subject:** Geotechnical Design Report

## Introduction

Per your request dated March 11, 2009, the Office of Geotechnical Design-North (OGD-N), Branch C has prepared the Geotechnical Design Report (GDR) for the proposed rehabilitation or replacement of culverts at 14 locations on El Dorado County, Route 50, PM 32.3/39.3 between Pollock Pines and Riverton (Plate No. 1).

The following Department of Transportation, Caltrans records and resources were used for the Geotechnical Design Report:

- United States Department of Agriculture (USDA) soil survey, available online at <http://websoilsurvey.Nrcs.usda.gov>
- Geologic Map of the Sacramento Quadrangle, Scale 1:250,000, CDMG (1987)
- Geologic Map of the El Dorado County, 7.5-minute quadrangles (2001)
- Jennings, C.W., 1977, Geologic Map of California, California Department of Conservation, Division of Mines and Geology, Geologic Data Map No. 2, scale 1:750,000.

- Philpotts, A.R., 1990, Principles of igneous and metamorphic petrology, Figure 6-3, IUGS (International Union of Geological Sciences) classification of ultramafic rocks: Prentice Hall, Englewood Cliffs, New Jersey, page 96.

### **Existing Facilities and Proposed Improvements**

This project will rehabilitate or replace culverts at 38 locations on ED 50, PM 32.3/39.3, between Pollock Pines and Riverton. Excavation for culvert replacement and new drainage inlets ranges from 5-7 feet in depth. Culvert replacement and liners will be done under temporary lane closure. With regard to the email from Jerry Cagle (Project Engineer) on March 23, 2009, this GDR addresses geotechnical conditions related to the construction of culverts at only 14 specified locations.

The scope of our work included the review of published geological mapping, followed by field review of the sites performed on March 19, 2009, and April 1, 2009. The field review was limited to visual inspection of the site and an attempt to identify the near surface materials immediately adjacent to the existing culvert. No subsurface exploration or testing was conducted for this report; therefore, actual conditions may vary from those presented herein.

### **Physical Setting**

The physical setting of the project site and the surrounding area was reviewed to provide climate, topography, geology, and seismicity characteristics to aid in the project design and construction. The following is a discussion of our review:

#### Climate

According to the Western U.S. Climate Historical Summaries (Reference No. 1) for 1948-2005, the average annual air temperature is approximately 59 °F with average monthly extremes of 38 °F in January and 91 °F in July. Average yearly rainfall is 39 in. Heavy rain occurs in the area typically between the months of November to March. Highest average rainfall is in January (7.5 in). Highest average snowfall is in January (2.2 in).

#### Topography and Drainage

According to the topographic map of the project region at <http://www.topozone.com/>, the site elevation is varies between approximately 3000 to 3500 ft above mean sea level, with the higher elevation associated with the southern end of the site. Within the project

boundaries, most of the localized drainage is generally trending to the north. The topography can be found on Plate No. 2.

### Man-Made and Natural Features of Engineering and Construction Significance

All of the proposed culverts would be located within the highway right-of-way, and founded on fills. Overhead electric lines were noted relatively close to the culvert number 2 (PM 32.57).

### Summary of Site Geology and Subsurface Conditions

- Regional Setting and Area Geology

Based upon review of the California Geologic Survey published map (Reference No. 2), "Geologic Map of the El Dorado County 7.5 Minute-Quadrangle, California" (Plate No. 3), culvert numbers 2, 5, 6, 14, 16 and 29 are underlain by the Shoo Fly Complex. Shoo Fly Complex is highly deformed miogeosynclinal deposits composed predominantly of quartz-mica schist, and phyllite. Culvert number 4 is underlain by the Mehrten Formation (alluvial and mudflow deposits derived mainly from andesitic volcanic rocks). Culvert numbers 20 and 21 are underlain by the Valley Springs Formation (Stream channel and alluvial deposits derived mainly from rhyolitic volcanics. It also includes white welded tuff and ash flows). Culvert numbers 7, 11, 12 and 13 are underlain by granitic intrusive rock (predominately granite to granodiorite).

**Table 1 Geologic units**

Culvert Number	Post Mile	Geologic Unit	Culvert Number	Post Mile	Geologic Unit
2	32.57	Shoo Fly Complex	13	33.70	granite intrusive rock
4	32.93	Mehrten Formation	14	33.81	Shoo Fly Complex
5	33.00	Shoo Fly Complex	16	34.38	Shoo Fly Complex
6	33.01	Shoo Fly Complex	20	34.87	Valley Spring formation
7	33.08	granite intrusive rock	21	34.90	Valley Spring formation
11	33.51	granite intrusive rock	29	37.13	Shoo Fly Complex
12	33.65	granite intrusive rock			

- Naturally Occurring Asbestos

A review of the map provided in "Areas More Likely to Contain Natural Occurrences of Asbestos in Western El Dorado County, California", published in 2000 by the California Geological Survey, indicates deposits of naturally occurring asbestos have not been identified within the project area.

**Seismic Study**

Based on the Caltrans California Seismic Hazard Map 1996, the controlling fault is the Forest Hill-Melones (FHM) Fault Zone with a maximum credible earthquake moment magnitude of  $M_w=6.5$ . The FHM is a normal fault type and located approximately 12 miles west of the site. The Peak Horizontal Bedrock Acceleration, based on an attenuation equation by Geomatrix' 97, is about 0.2g.

**Site Investigation, Observation and Recommendations**

A field reconnaissance of culvert numbers 2,4,5,6,7,11,12,13,14,16,20,21,22, and 29 was conducted during our site visit.

Culvert Numbers-PM	Site Description
2 - PM 32.57	Based on a visual site inspection and shallow excavation of materials adjacent to the culvert, the presence of boulder-sized rocks was not apparent in the site embankment materials. No apparent movement of the pavement was noted at the site and the pavement was in reasonably good condition. The embankment on the outlet side of the culvert at this location supports a dense coverage of grass and brush. Several roughly 3-ft diameter trees were noted growing on the embankment side hill within roughly 10-ft distance of the culvert inlet. Additionally, a group of mature trees was noted relatively close to the culvert outlet at this location.
3 & 4 PM 32.74 & 32.93	On the outlet side of the culvert, some hard rock boulders and cobbles were noted on the embankment slope. No apparent movement of the pavement was noted at the site, and the pavement was in reasonably good condition. Groups of mature trees were noted relatively close to the culverts outlet at this location.
5 & 6 PM 33.00 & 33.01	Based on a visual site inspection and shallow excavation of materials adjacent to the culvert, the presence of cobble and boulder sized rocks was not apparent in the site embankment materials. No apparent movement of the pavement was noted at the site.
7 - PM 33.08	Based on a visual site inspection and shallow excavation of materials adjacent to the culvert, the presence of boulder-sized rocks was not apparent in the site embankment materials. A clump of mature trees was noted relatively close to the culvert outlet. Eroded areas were noted on the embankment at the outlet side of the culvert.

<b>Culvert Numbers-PM</b>	<b>Site Description</b>
8-PM 33.20	Partially buried boulders were noted scattered throughout the embankment on the inlet side of the culvert. No apparent movement of the pavement was noted at the site and the pavement was in reasonably good condition. A roughly 2-ft diameter tree was noted within approximately 6-ft of the culvert inlet. Additionally, many mature trees were noted relatively close to the outlet side of the culvert.
11 - PM 33.51	The embankment on the outlet side of the culvert appeared to contain a significant numbers of cobble to boulder-size rocks. No apparent movement of the pavement was noted at the site and the pavement was in reasonably good condition. A roughly 4-ft diameter tree was noted within approximately 10-ft of the culvert inlet.
12 - PM 33.65	Inspection of the culvert inlet revealed many cobbles and boulders in the relatively steep embankment materials adjacent to and above the existing culvert. Several roughly 2-ft diameter trees were noted growing on the embankment side hill approximately 5-ft from the culvert inlet.
13 - PM 33.70	On the culvert inlet side, the embankment appeared to contain a significant numbers of cobble to boulder-size rocks. No apparent movement of the pavement was noted at the site and the pavement was in reasonably good condition. A group of mature trees was noted on the embankment at the outlet side of the culvert.
16 - PM 34.38	On the culvert inlet side, the embankment appeared to contain a significant numbers of cobble to boulder size rocks. A group of mature trees was noted approximately 4-ft from the culvert inlet.
17 - PM 34.54	Numerous boulders were observed in the fill around the outlet of the culvert. No apparent movement of the pavement was noted at the site and the pavement was in reasonably good condition.
20 - PM 34.87	The embankment appeared to contain a significant numbers of cobble to boulder size rocks. No apparent movement of the pavement was noted at the site, and the pavement was in reasonably good condition. A group of mature trees was noted relatively close to the culvert inlet.

Culvert Numbers-PM	Site Description
21 - PM 34.90	The embankment appeared to contain a significant numbers of cobble to boulder-size rocks. No apparent movement of the pavement was noted at the site, and the pavement was in reasonably good condition. A group of mature trees was noted relatively close to the culvert outlet.
22 & 24 PM 35.07 & 35.15	Based on a visual site inspection and shallow mining of materials adjacent to the culvert, the presence of boulder-sized rocks was not apparent in the site embankment materials. No apparent movement of the pavement was noted at the site and the pavement was in reasonably good condition. A group of mature trees were noted relatively close to the culvert outlet.
28 & 29 PM 36.93 & 37.13	The embankment appeared to contain a significant numbers of cobble to boulder-size rocks. Many mature trees were noted relatively close to the outlet side of the culvert. Younger trees were noted on the inlet side of the culvert.

**Construction Consideration**

*Culvert Numbers 2 (PM 32.57), 5 (PM 33.00), 6 (PM 33.01), and 7 (PM 33.08)*

We do not anticipate that hard rock drilling or blasting will be necessary to excavate to a proposed depth at these locations.

*Culvert Numbers 11 (PM 33.51), 12 (PM 33.65), 13 (PM 33.70), 14 (PM 33.81), 16 (PM 34.38), 20 (PM 34.87), 21 (PM 34.90), and 29 (PM 37.13)*

The presence of near surface rocky materials at these sites indicates that some hard rock materials will likely to be encountered during the excavation. For culvert number 16 (PM 34.38) tree roots of significant size could be encountered during excavation.

*Culvert Numbers 3 (PM 32.74), 4 (PM 32.93), 8 (PM 33.20), 17 (PM 34.54), 24 (PM 35.15), and 28 (PM 36.93)*

Cured in Place Liners (CIPP) will be used for culverts renewal at these locations therefore we do not anticipate any geotechnical concerns.

## Project Information

Standard Special Provision S5-280, "Project information" discloses to bidders contractors a list of pertinent information available for their inspection prior to bid opening. The following is an excerpt from SSP S5-280 disclosing information originating from Geotechnical Services. Items listed to be included in the information handout will be provided in Acrobat (.pdf) format to the addresses(s) of this report via electronic mail.

*Data and information attached with the project plans are:*

A. None

*Data and information included in the Information Handout provided to the bidders and Contractors are:*

A. "Geotechnical Design Report for El Dorado Culverts", 03-ED-50-PM 32.3/39.3, dated April 10, 2009.

*Data and information available for inspection at the District office:*

A. None

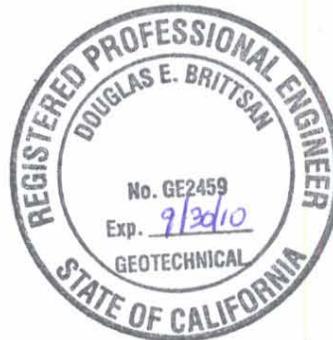
*Data and information available for inspection at the transportation Laboratory:*

A. None

If you have any questions or comments, please call Hamid Akbarzadegan at (916) 227-1091 or Douglas Brittsan at (916) 227-1079.



HAMID AKBARZADEGAN, M.S.  
Transportation Engineer - Civil  
Geotechnical Design – North



DOUGLAS E. BRITTSAN, G.E.  
Senior Transportation Engineer  
Geotechnical Design – North

Attachments:

c: GDN File  
Joe Peterson (E-copy)

**References:**

1. *Western U.S. Climate Historical Summaries* [www.wrcc.dri.edu/climsum.html](http://www.wrcc.dri.edu/climsum.html)
2. *Sacramento Regional Geologic Map (maps are located on USGS's National Geologic Map Database web site).*

STATE OF CALIFORNIA  
**DEPARTMENT OF TRANSPORTATION**  
**PROJECT PLANS FOR CONSTRUCTION ON**  
**STATE HIGHWAY**  
**IN EL DORADO COUNTY AT VARIOUS LOCATIONS**  
**FROM 1.0 MILES EAST OF SLY PARK**  
**ROAD UNDERCROSSING TO 0.4 MILES WEST OF**  
**SOUTH FORK AMERICAN RIVER BRIDGE**

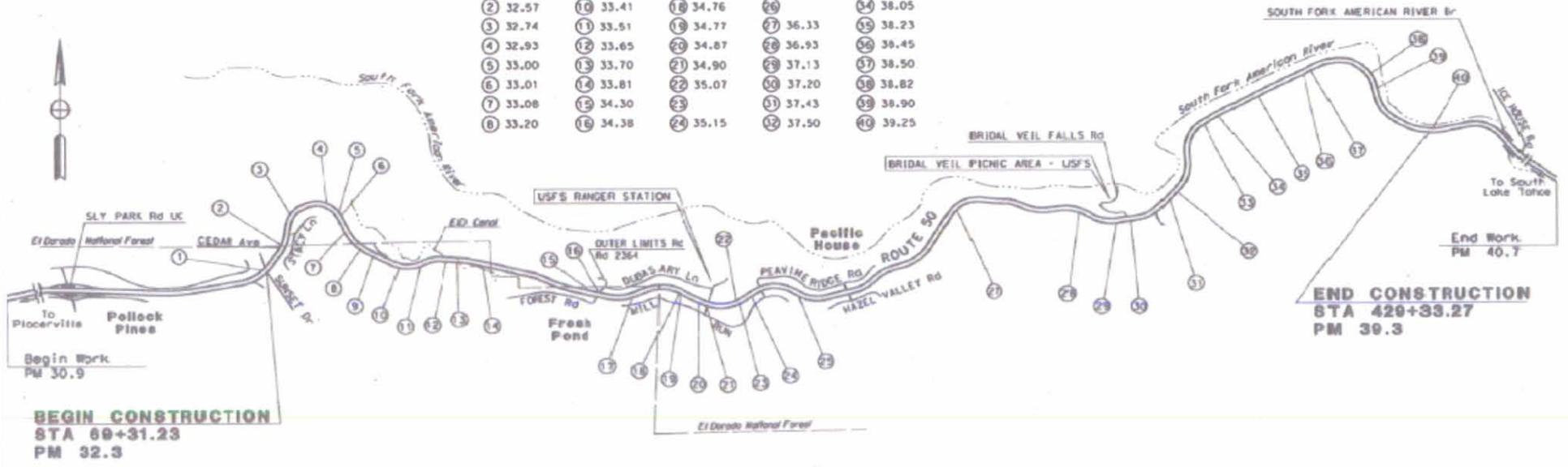
TO BE SUPPLEMENTED BY STANDARD PLANS DATED MAY 2006



**CULVERT LOCATIONS**

LISTED BY PM

① 32.28	⑨ 33.27	⑰ 34.54	⑳ 35.39	㉓ 37.90
② 32.57	⑩ 33.41	⑱ 34.76	㉑ 36.05	㉔ 38.05
③ 32.74	⑪ 33.51	⑲ 34.77	㉒ 36.33	㉕ 38.23
④ 32.93	⑫ 33.65	⑳ 34.87	㉓ 36.93	㉖ 38.45
⑤ 33.00	⑬ 33.70	㉑ 34.90	㉔ 37.13	㉗ 38.50
⑥ 33.01	⑭ 33.81	㉒ 35.07	㉕ 37.20	㉘ 38.82
⑦ 33.08	⑮ 34.30	㉓ 35.15	㉖ 37.43	㉙ 38.90
⑧ 33.20	⑯ 34.38	㉔ 35.15	㉗ 37.50	㉚ 39.25



**BEGIN CONSTRUCTION**  
**STA 60+31.23**  
**PM 32.3**

**END CONSTRUCTION**  
**STA 420+33.27**  
**PM 39.3**



California Department of Transportation  
 Division of Engineering Services  
 Geotechnical Services  
 Office of Geotechnical Design-North

EA: 03-3C7601

Date: April, 2009

**Project Location**

**Geotechnical Design Report**

Plate  
 No. 1



EA: 03-3C7601

Date: April, 2009

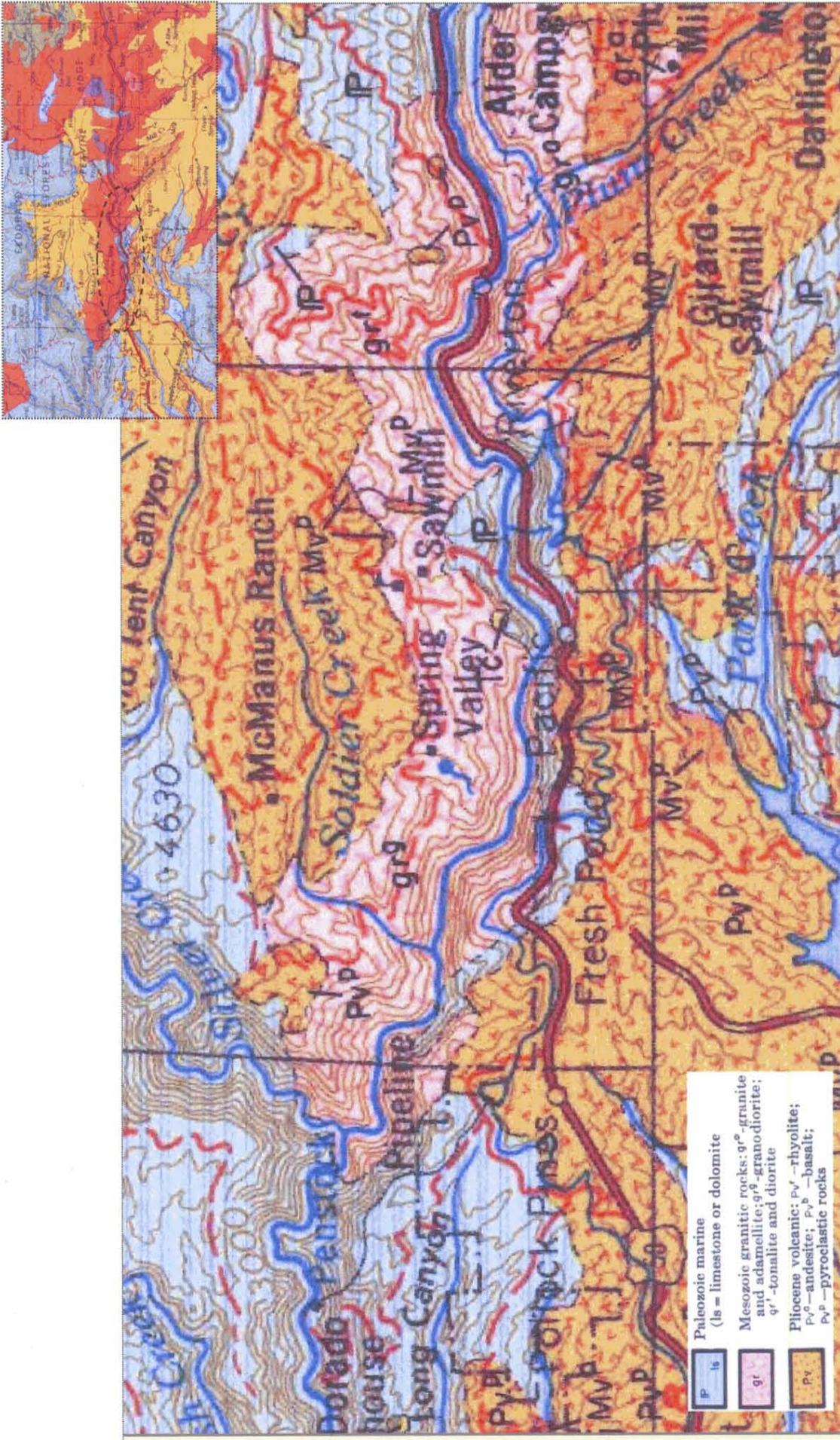
**Topographic Map**

**Geotechnical Design Report**

Plate  
No. 2

California Department of Transportation  
 Division of Engineering Services  
 Geotechnical Services  
 Office of Geotechnical Design-North





EA: 03-3C7601

Date: April, 2009

**Geologic Map**

Plate No. 3

**Geotechnical Design Report**

California Department of Transportation  
 Division of Engineering Services  
 Geotechnical Services  
 Office of Geotechnical Design-North



# Memorandum

*Flex your power!  
Be energy efficient!*

**To:** MR. GILBERT OGAZ  
Branch Chief – Design South S2  
D03 Office of Design - South

**Date:** April 26, 2010

**File:** 03-ED-50-PM 32.3/39.5  
03-3C7601  
El Dorado Culverts

**Attn:** MR. JERRY CAGLE

**From:** DEPARTMENT OF TRANSPORTATION  
DIVISION OF ENGINEERING SERVICES  
GEOTECHNICAL SERVICES – MS 5

**Subject:** Geotechnical Design Report Addendum

## Introduction

Per your request dated March 23, 2010, we have prepared the following Geotechnical Design Report (GDR) Addendum for the newly proposed sand trap locations at ED-50-PM 38.9 and PM 39.5. The scope of work for the GDR consisted of site reconnaissance and a review of the existing report. The proposed sand traps are at the locations of existing culvert inlets.

For more detail information regarding the project sites i.e. geology, and seismicity, etcetera please refer to the GDR dated April 10, 2009.

## Site Investigation, Observation and Recommendations

A field reconnaissance of the proposed sand trap locations at PM 38.9 and PM 39.5 was conducted during our site visits on April 8 and 15, 2010.

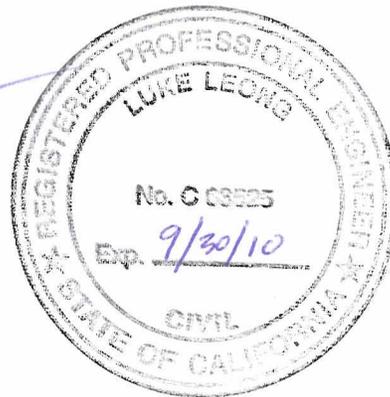
Sand Trap Location	Site Description
PM 38.9	Depth to hard rock ranges from 6 inches to 24 inches in front of the culvert inlet. The presence of boulder-size, hard, igneous rocks and outcrops is visible on the adjacent slope. It is likely this hard, igneous rock will be encountered beneath the top 6 to 24 inches of soil at this

	proposed sand trap location. At the depth of proposed excavation groundwater is not likely to be encountered. It is likely that blasting or similar method of rock removal will be needed for the proposed excavation. The blasting specifications are now a Caltrans SSP.
PM 39.5	Depth to hard rock ranges from 6 inches to 18 inches in front of the culvert inlet. The presence of boulder-size, hard, igneous rocks and outcrops is visible on the adjacent slope. It is likely this hard igneous rock will be encountered beneath the top 6 to 18 inches of soil at this proposed sand trap location. At the depth of proposed excavation groundwater is not likely to be encountered. It is likely that blasting or similar method of rock removal will be needed for the proposed excavation. The adjacent slope may need to be supported by RSP or additional anchor netting to control surface erosion.

If you have any questions regarding this report, please contact Luke Leong at (916) 227-1081, or Douglas Brittsan at (916) 227-1079.



Luke Leong, P. E  
Transportation Engineer (Civil)  
Geotechnical Design – North



Mr. Gilbert Ogaz  
April 26, 2010  
Page 3

03-ED-50-PM-32.3/39.5  
03-3C7601  
El Dorado Culverts

c: DougBrittsan  
GS File Room – gs\_file\_room@dot.ca.gov  
Clark Peri – D03 Project Manager  
Mark Willian - GS Corporate  
D3 Construction R. E. Pending File  
JoePeterson – D03 Materials Engineer