

FOR CONTRACT NO. 03-3M8104

INFORMATION HANDOUT

WATER QUALITY

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION
CLEAN WATER ACT 401 PERMIT, PROJECT WDID#5A29CR00074

PERMITS

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME
NOTIFICATION NO. 1600-2011-0186-R2

PHOTOGRAPHS

ROUTE: 03-NEV, PLA-20-PM VAR



California Regional Water Quality Control Board
Central Valley Region
Katherine Hart, Chair



Matthew Rodriguez
Secretary for
Environmental Protection

11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114
(916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>

Edmund G. Brown Jr.
Governor

17 January 2012

Ronald S. Sykes
California Department of Transportation
703 B Street
Marysville, CA 95909

CERTIFIED MAIL
7010 3090 0000 5045 1005

**CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY
CERTIFICATION; CALIFORNIA DEPARTMENT OF TRANSPORTATION, STATE ROUTE 20
CULVERT REPAIR PROJECT, (WDID#5A29CR00074), NEVADA COUNTY**

This Order responds to your 14 October 2011 application submittal for the Water Quality Certification of a culvert repair project permanently impacting less than 0.01 acre/ 50 linear feet of waters of the United States.

This Order serves as certification of the United States Army Corps of Engineers' Nationwide Permit#3 (Non-Reporting) under the Clean Water Act § 401, and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act.

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. This Order serves as a Water Quality Certification (Certification) action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to § 13330 of the California Water Code and §3867 of the California Code of Regulations.
2. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to § 3855(b) of the California Code of Regulations, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial Certification action shall be conditioned upon total payment of the full fee required under § 3833 of the California Code of Regulations, unless otherwise stated in writing by the certifying agency.
4. This 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 § 404 of the Clean Water Act has expired.

California Environmental Protection Agency

5. All reports, notices, or other documents required by this Certification or requested by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) shall be signed by a person described below or by a duly authorized representative of that person.
 - (a) For a corporation: by a responsible corporate officer such as (1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; (2) any other person who performs similar policy or decision-making functions for the corporation; or (3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (b) For a partnership or sole proprietorship: by a general partner or the proprietor.
 - (c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
6. Any person signing a document under Standard Condition number 5 shall make the following certification:

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

ADDITIONAL TECHNICAL CERTIFICATION CONDITIONS:

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

1. The California Department of Transportation shall notify the Central Valley Water Board in writing 7 days in advance of the start of any work within waters of the United States or State. The notification should include the name of the project and the WDID number, and should be sent to the Central Valley Water Board Contact indicated in this Certification.
2. Except for activities permitted by the United States Army Corps of Engineers under § 404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
3. All areas disturbed by project activities shall be protected from washout or erosion.
4. The 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.
5. All temporarily affected areas will be restored to pre-construction contours and conditions upon completion of construction activities.

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

Table 1:

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

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

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

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

A surface water monitoring report shall be submitted to the Central Valley Water Board Contact indicated in this Certification within two weeks of initiation of sampling and every two weeks thereafter. In reporting the monitoring data, the California Department of Transportation shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the project complies with Certification requirements. The report shall include surface water sampling results and visual observations, laboratory reports, chain of custody records, and calculations of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria below.

7. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River*, Fourth Edition, revised October 2011 (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Turbidity and settleable matter limits are based on water quality objectives contained in the Basin Plan and required as part of this Certification.

8. 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 NTUs;
 - (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; and
 - (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 NTUs over background turbidity as measured in surface waters at the downstream sampling location. 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 approval of the Central Valley Water Board staff.

9. Activities shall not cause settleable matter to exceed 0.1 ml/L in surface waters as measured in surface waters within 300 feet downstream of the project.
10. The discharge of petroleum products or other excavated materials to surface water is prohibited. Activities shall not cause visible oil, grease, or foam in the work area or downstream of the work area. The California Department of Transportation shall notify the Central Valley Water Board immediately of any spill of petroleum products or other organic or earthen materials.
11. The California Department of Transportation shall notify the Central Valley Water Board immediately if the above criteria for turbidity and settleable matter are exceeded.
12. Activities shall not cause degradation of waters of the State.
13. The California Department of Transportation shall comply with all California Department of Fish and Game requirements and recommendations, including, but not limited to, those requirements and recommendations described in Streambed Alteration Agreement No. 1600-2011-0186-R2.
14. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the project area, as indicated in the attached map (Figure 1).
15. Hydroseeding shall be performed with California native seed mix.
16. Construction will occur during periods of no flow and no precipitation.
17. Refueling of equipment with the floodplain or within 300 feet of the waterway is prohibited. If some critical equipment must be refueled within 300 feet of the waterway, strict spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement or 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 water body. The 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.

18. Raw cement, concrete, or washing thereof, asphalt, drilling fluids, or lubricants, paint or other coating material, oil, or other petroleum products, or any other substances which could be hazardous to fish and wildlife resulting from or disturbed by project-related activities, shall be prevented from contaminating the soil and/or entering waters of the United States or waters of the State.
19. Concrete must completely be cured before coming into contact with waters of the United States and/or waters of the State. Waters of the United States and/or waters of the State that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility which is authorized to accept concrete wastes.
20. During construction, silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the United States and/or waters of the State.
21. All areas temporarily disturbed during the removal, modification, or installation of a culvert shall be restored to pre-project conditions.
22. All materials resulting from the replacement, extension, modification, removal, repair or installation of a culvert must be removed from the site and disposed of properly.
23. If unanticipated discharges to the waters of the State and/or waters of the United States and/or soil occur, the California Department of Transportation shall notify the Central Valley Water Board Contact indicated in this Certification in writing within 5 calendar days of occurrence. Unanticipated discharges may include, but are not limited to, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete, asphalt, paint or other coating material, or other construction-related potentially hazardous substances.
24. The California Department of Transportation must obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ for discharges to surface waters comprised of storm water associated with construction activity, including demolition, clearing, grading, and excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.
25. The Conditions in this Certification are based on the information in the attached "Project Information." If the information in the attached Project Information Sheet is modified or the project changes, this Certification is no longer valid until amended by the Central Valley Water Board.
26. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. The applicability of any state law

authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with this Certification.

- (a) If the 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 Certification, or falsifies any information provided in the monitoring reports, the applicant is subject to civil liability, for each day of violation, and/or criminal liability.
- (b) In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require the 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) The 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.

27. The 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 amendments approved). 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. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation.

ADDITIONAL STORM WATER QUALITY CONDITIONS:

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

1. During the construction phase, the 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 prior to any land disturbance or construction work;
 - (b) implementing appropriate erosion and sediment control Best Management Practices (BMPs) during all phases of land disturbance and construction work throughout the year; and
 - (c) ensuring that site BMPs are effective and result in the reduction or elimination of pollutants in storm water discharges from construction activity to Best Available Technology Economically Achievable/Best Conventional Pollutant Control Technology standard.

2. The California Department of Transportation must minimize the short and long-term impacts on receiving water quality from the State Route 20 Culvert Repairs Project by implementing the following post-construction storm water management practices and as required by the local agency permitting the project, as appropriate:
- (a) minimize the amount of impervious surface;
 - (b) reduce peak runoff flows;
 - (c) provide treatment BMPs to reduce pollutants in runoff;
 - (d) ensure existing waters of the State (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
 - (e) preserve and, where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
 - (f) limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges); and
 - (g) use existing drainage master plans or studies to estimate increases in pollutant loads and flows resulting from projected future development and require incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff.

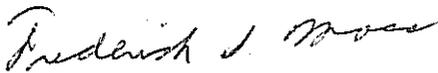
CENTRAL VALLEY WATER BOARD CONTACT:

Genevieve Sparks, Environmental Scientist
11020 Sun Center Drive #200
Rancho Cordova, California 95670-6114
gsparks@waterboards.ca.gov
(916) 464-4745

WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from the California Department of Transportation, State Route 20 Culvert Repairs Project (WDID#5A29CR00074) 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 the California Department of Transportation's project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River*, Fourth Edition, revised October 2011.



Pamela C. Creedon
Executive Officer

Enclosure: Project Information

Attachment: Figure 1 – Project Location Map

cc: See Distribution List, page 12

PROJECT INFORMATION

Application Date: 14 October 2011

Applicant: Ronald S. Sykes
California Department of Transportation
703 B Street
Marysville, CA 95909

Project Name: State Route 20 Culvert Repairs Project

Application Number: WDID#5A29CR00074

Type of Project: Culvert Repair Project

Timeframe of Project Implementation: 15 June 2012 to 15 October 2012

Project Location:

Culvert Repair Location 1: Section 25, Township 17 North, Range 10 East, MDB&M.
Latitude: 39°18'58.1034"N and Longitude: 120°47'59'784"W, Post Mile 32.45

Culvert Repair Location 2: Section 25, Township 17 North, Range 10 East, MDB&M.
Latitude: 39°18'58.896"N and Longitude: 120°47'55.3194"W, Post Mile 32.55

Culvert Repair Location 3: Section 25, Township 17 North, Range 10 East, MDB&M.
Latitude: 39°19'5.016"N and Longitude: 120°47'40.9914"W, Post Mile 32.76

Culvert Repair Location 4: Section 25, Township 17 North, Range 10 East, MDB&M.
Latitude: 39°19'11.136"N and Longitude: 120°47'21.8034"W, Post Mile 33.18

County: Nevada County

Receiving Water(s) (hydrologic unit): Unnamed ephemeral stream, a tributary to Little Deer Creek, Sacramento Hydrologic Basin, Yuba River Hydrologic Unit #517.32, North Bloomfield HSA

Water Body Type: Streambed

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

303(d) List of Water Quality Limited Segments: The unnamed ephemeral stream, a tributary to Little Dear Creek, is the receiving water for this project.

The project does not impact an already impaired water body. The most recent list of approved water quality limited segments can be found at:

http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml

Project Description: The State Route 20 Culvert Repairs Project consists of culvert repair work at four culvert locations on State Route 20 in Nevada County, between Post Miles 32.45 to 33.18.

The four culverts to be repaired are located at Post Mile 32.45, 32.55, 32.76, and 33.18 along State Route 20.

The State Route 20 Culvert Repair Project includes:

- (a) installing liners at each of the four culvert repair locations;
- (b) placing rock slope protection within the streambed at each of the culvert repair locations; and
- (c) replacing portions of existing culverts, including, but not limited to, inverts, replacing flared end sections, and headwalls.

No dry and wet utility work related to the implementation of this project, including, but not limited to, relocating gas line and electric pole lines, water lines and fiber optic lines will be completed as part of this project.

In-stream work will occur during no flows or precipitation. Construction staging areas will be located in upland areas, not in or adjacent to any water body and/or wetland feature. Temporary impacts to waters of the United States will result from in-stream work replacing the culvert, or implementation of other project components as described in this Certification. Permanent impacts to waters of the United States will result from the placement of culvert components and rock slope protection into the waters of the United States.

The State Route 20 Culvert Repairs Project will result in less than 0.01 acre/50 linear feet of permanent impacts to waters of the United States.

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

Proposed Mitigation to Address Concerns: The California Department of Transportation will implement Best Management Practices to control sedimentation and erosion. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities. The California Department of Transportation will conduct turbidity and settleable matter testing during in-water work, stopping work if the Basin Plan criteria are exceeded or are observed.

Excavation/Fill Area: No native soil, rock or sediment will be removed from the waters of the United States.

Approximately 32.5 cubic yards of rock slope protection will be placed into 0.01 acre of waters of the United States.

Dredge Volume: None

United States Army Corps of Engineers File Number: Non-Reporting

United States Army Corps of Engineers Permit Type: Nationwide Permit #3

California Department of Fish and Game Streambed Alteration Agreement:
1600-2011-0186-R2

Possible Listed Species: None

Status of CEQA Compliance: The California Department of Transportation approved the Categorical Exemption on 22 February 2011 and filed a Notice of Exemption with the State Clearinghouse on 9 January 2012 (State Clearinghouse No. 2012018038).

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

Compensatory Mitigation: The Central Valley Water Board is not requesting compensatory mitigation for the State Route 20 Culvert Repairs Project.

Application Fee Provided: Total fees of \$924.00 have been submitted to the Central Valley Water Board as required by § 3833b(3)(A) and § 2200(e) of the California Code of Regulations.

DISTRIBUTION LIST

Nancy Haley, Chief, California North Branch
United States Army Corps of Engineers
Sacramento District Office
Regulatory Division
1325 J Street, Suite 1350
Sacramento, CA 95814-2922

Jeff Drongesen
Department of Fish and Game
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670

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

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

(Electronic copy only) Dave Smith
Wetlands Section Chief (W-3)
United States Environmental Protection Agency

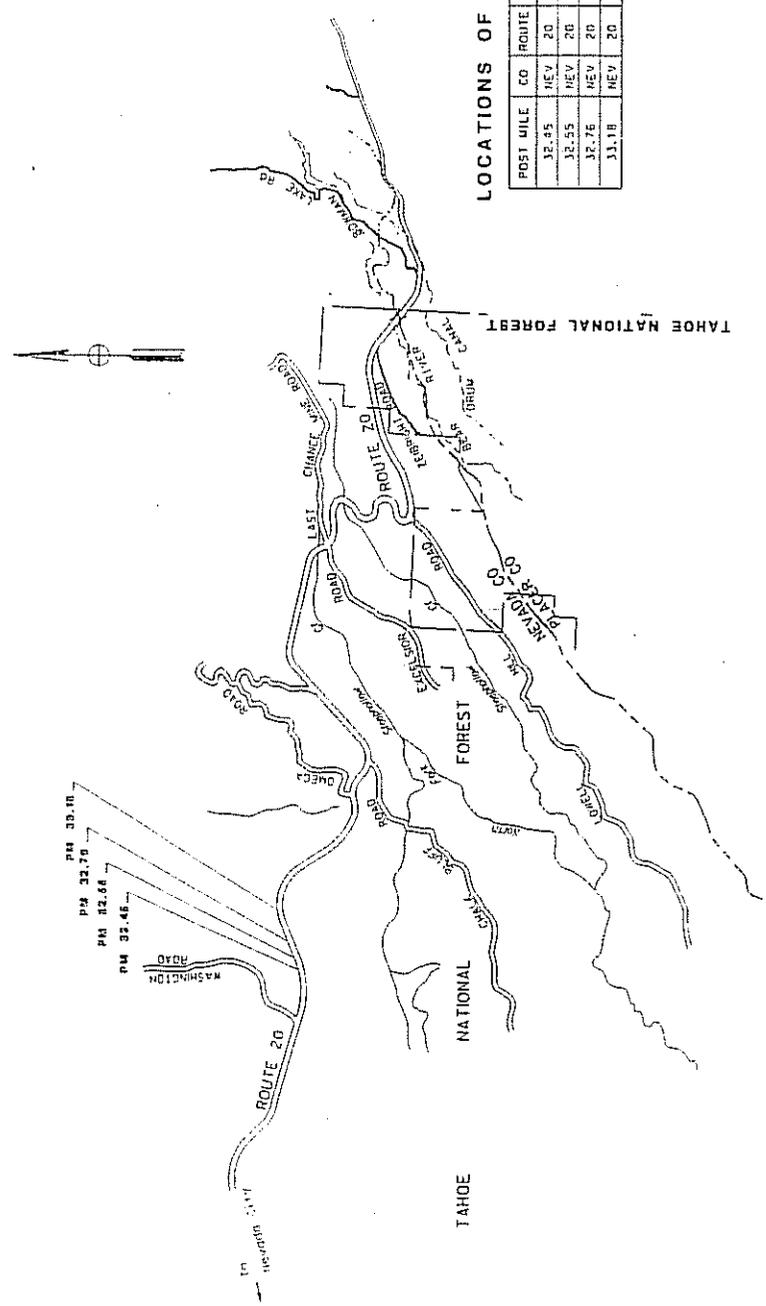
STATE OF CALIFORNIA
 DEPARTMENT OF TRANSPORTATION
 PROJECT PLANS FOR CONSTRUCTION ON
 STATE HIGHWAY

IN NEVADA AND PLACER COUNTIES
 AT VARIOUS LOCATIONS

AS REPLEMENTED BY STANDARD PLANS DATED MAY 2006

DATE	PROJECT	STATE	TOTAL PROJECT	NO.	SHEET
03 NOV 2006	20	20	408		

REGISTERED CIVIL ENGINEER STATE OF CALIFORNIA
 PLANS APPROVAL DATE
 THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
 PLANS DIVISION HAS REVIEWED THESE PLANS AND APPROVES THEM FOR CONSTRUCTION ON THE CONDITION THAT THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND RIGHTS OF WAY FROM THE APPROPRIATE AGENCIES AND INDIVIDUALS.



AS SHOWN ON SCALE

EA 101101

PU 03501

ISSUANCE OF THESE PLANS SHALL BE VOID WITHOUT THE SIGNATURE OF THE ENGINEER

DATE OF PROJECT

Figure 1 – Project Location Map



December 6, 2011

Ronald S. Sykes
California Department of Transportation
703 B Street
Marysville, CA 95909

Subject: Final Lake or Streambed Alteration Agreement
Notification No. 1600-2011-0186-R2
4 ephemeral streams tributary to North Fork Deer Creek

Dear Mr. Sykes:

Enclosed is the final Streambed Alteration Agreement (Agreement) for the SR 20 Culvert Repair Project (Project). Before the Department of Fish and Game (Department) may issue an Agreement, it must comply with the California Environmental Quality Act (CEQA). In this case, the Department, acting as a lead agency, determined your project is exempt from CEQA and filed a notice of exemption (NOE) on the same date it signed the Agreement.

Under CEQA, filing a NOE starts a 35-day period within which a party may challenge the filing agency's approval of the project. You may begin your project before the 35-day period expires if you have obtained all necessary local, state, and federal permits or other authorizations. However, if you elect to do so, it will be at your own risk.

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

Sincerely,

 Kent Smith
Regional Manager

ec: Tim Nosal
tnosal@dfg.ca.gov

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



STREAMBED ALTERATION AGREEMENT
NOTIFICATION No. 1600-2011-0186-R2
4 ephemeral streams tributary to North Fork Deer Creek

California Department of Transportation
SR 20 CULVERT REPAIR

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Game (DFG) and California Department of Transportation (Caltrans) (Permittee) as represented by Ronald S. Sykes.

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified DFG on October 14, 2011 that Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project is located at 4 unnamed ephemeral streams tributary to North Fork Deer Creek in the County of Nevada, State of California; Latitude 39.31806, Longitude - 120.79472 or Section 25, Township 17N, Range 10E, U.S. Geological Survey (USGS) map Washington, Mt. Diablo base and meridian.

Specific location for each culvert site:

Location 1: Post mile 32.45, Lat 39.31614 Long 120.79994

Location 2: Post mile 32.55, Lat 39.31636 Long 120.79870

Location 3: Post mile 32.76, Lat 39.31806 Long 120.79472

Location 4: Post mile 33.18, Lat 39.31976 Long 120.78939

PROJECT DESCRIPTION

This culvert rehabilitation project involves installing liners in 4 culverts located on State Route 20, from PM 32.45 to PM 33.18. Additionally, rockslope protection (RSP) for the purpose of erosion prevention will be placed within the streambed of these ephemeral streams. Other minor items of work involve replacing portions of existing culverts as needed, repairing inverts, replacing flared end sections as needed, replacing headwalls as needed, adding RSP if specified, traffic control and water pollution control BMPs.

A detailed project description is provided in the notification materials submitted to DFG. The notification, together with all supporting documents submitted with the notification; **Categorical Exemption/Categorical Exclusion Determination Form (03-Nev-Pla-20/03-3M810)** dated February 2, 2011, "**Project Plans For Construction On State Highway In Nevada and Placer Counties At Various Locations (EA 3M8101)**" date plotted October 11, 2011, and undated photographs titled "**Location 1 NEV 20 PM32.45**", "**Location 2 NEV 20 PM 32.55**", "**Location 4 (sic) NEV 20 PM 32.76**" and "**Location 4 NEV 20 PM 33.18**" are hereby incorporated into this agreement to describe the location, features, avoidance measures and mitigation measures of the proposed project.

PROJECT IMPACTS

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

The adverse effects the project could have on the fish or wildlife resources identified above include: temporary diversion of flow water from, or around, activity site; short-term increased turbidity and increased sedimentation; loss or decline of riparian and wetland habitat; disturbance from project activity; direct take of terrestrial species and direct take of non-fish aquatic species.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily

available at the project site at all times and shall be presented to DFG personnel, or personnel from another state, federal, or local agency upon request.

- 1.2 Providing Agreement to Persons at Project Site. Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. Permittee shall notify DFG if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, DFG shall contact Permittee to resolve any conflict.
- 1.4 Project Site Entry. Permittee agrees that DFG personnel may enter the project site at any time to verify compliance with the Agreement.
- 1.5 Authorized Work. The notification, together with all supporting documents submitted with the notification, is hereby incorporated into this agreement to describe the location and features of the proposed project. The Permittee 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 Permittee shall comply with the provisions listed in this agreement. The Permittee further agrees to notify DFG of any modifications made to the project plans submitted to DFG. At the discretion of DFG, this agreement will be amended to accommodate modifications to the project plans submitted to DFG and/or new project activities.

2. Avoidance and Minimization Measures

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

- 2.1 Work Period. The time period for completing the work within the stream zone shall be restricted to periods of low stream flow and dry weather and shall be confined to the period of June 15 to October 15. Construction activities shall be timed with awareness of precipitation forecasts and likely increases in stream flow. Construction activities within the 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. Revegetation, restoration and erosion control work is not confined to this time period.

- 2.2 **Work Period Extensions.** At DFG's discretion, the work period may be extended based on the extent of the work remaining, on site conditions and reasonably anticipated future conditions. If the Permittee finds more time is needed to complete the authorized activity, the Permittee shall submit a written request for a work period time extension to DFG. 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 DFG in its evaluation. Time extensions are issued at the discretion of DFG. DFG will have ten calendar days to approve the proposed work period extension. DFG reserves the right to require additional measures designed to protect natural resources.
- 2.3 **Stream Diversions / Dewatering.** If work in the flowing portion of the stream is unavoidable, the entire stream flow shall be diverted around or through the work area during the excavation and/or construction operations. Stream flow shall be diverted using gravity flow through temporary culverts/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.
- 2.4 **Bird Nests.** It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird except as otherwise provided by the Fish and Game Code. No trees that contain active nests of birds shall be disturbed until all eggs have hatched and young birds have fledged without prior consultation and approval of a Department representative.
- 2.5 **Special Status Plants** Should a special status plant species [as per CEQA sections 15380 and 15125 (c)] be discovered before or during the life of the project, a 25-foot no-operations buffer shall be flagged around the area and the CDFG shall be immediately notified. Consultation with the CDFG and/or USFWS shall ensure that potential impacts are avoided or minimized, and that project activities do not inhibit long-term conservation efforts for the survival of special status plant species.
- 2.6 **Vegetation Removal.** Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. Except for the trees specifically identified for removal in the notification, no native trees with a trunk diameter at

breast height (DBH) in excess of four (4) inches shall be removed or damaged without prior consultation and approval of a Department representative. Using hand tools (clippers, chain saw, etc.), trees may be trimmed to the extent necessary to gain access to the work sites. All cleared material/vegetation shall be removed out of the riparian/stream zone.

- 2.7 Sediment Control. Precautions to minimize turbidity/siltation shall be taken into account during project planning and implementation. This may require the placement of silt fencing, coir logs, coir rolls, straw bale dikes, or other siltation barriers so that silt and/or other deleterious materials are not allowed to pass to downstream reaches. 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 Permittee is responsible for the removal of non-biodegradable silt barriers (such as plastic silt fencing) after the disturbed areas have been stabilized with erosion control vegetation (usually after the first growing season). Upon Department determination that turbidity/siltation levels resulting from project related activities constitute a threat to aquatic life, activities associated with the turbidity/siltation shall be halted until effective Department approved control devices are installed or abatement procedures are initiated.
- 2.8 Rock Slope Protection. Un-grouted rock slope protection (RSP) and energy dissipater materials shall consist of clean rock, competent for the application, sized and properly installed to resist washout. RSP slopes shall be supported with competent boulders keyed into a footing trench with a depth sufficient to properly seat the footing course boulders and prevent instability (typically at least 1/3 diameter of footing course boulders). Where appropriate, voids between rocks shall be planted with riparian species native to the area.
- 2.9 Rock Slope Protection. Rock slope protection slopes and footing trenches shall feature an underlayment of appropriate grade geo-textile fabric, on slopes less than 1:1, or gravel blanket, on slopes greater than 1:1.
- 2.10 Pollution Control. Utilize Best Management Practices (BMPs) to prevent spills and leaks into water bodies. If maintenance or refueling of vehicles or equipment must occur on-site, use a designated area and/or a secondary containment, located away from drainage courses to prevent the runoff of storm water and the runoff of spills. Ensure that all vehicles and equipment are in good working order (no leaks). Place drip pans or absorbent materials under vehicles and equipment when not in use. Ensure that all construction areas have proper spill clean up materials (absorbent pads, sealed containers, booms, etc.) to contain the movement of any spilled substances. Any other substances which could be

hazardous to aquatic life, resulting from project related activities, shall be prevented from contaminating the soil and/or entering the waters of the state. Any of these materials, placed within or where they may enter a stream or lake by the Applicant or any party working under contract or with the permission of the Permittee, shall be removed immediately. DFG shall be notified immediately by the Permittee of any spills and shall be consulted regarding clean-up procedures.

3. Compensatory Measures

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

- 3.1 **Site Restoration.** 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 and/or forb seeds, locally native grass and/or forb plugs and/or a mix of quick growing sterile non-native grass with locally native grass and/or forb seeds. Seeded areas shall be covered with broadcast straw and/or a biodegradable erosion control blankets such as jute (non-biodegradable synthetic erosion blankets are not authorized).

4. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 4.1 The Permittee shall notify DFG within two working days of beginning work within the stream zone of any of the four unnamed ephemeral tributaries to the North Fork Deer Creek. Notification shall be submitted as instructed in Contact Information section below. Email notification is preferred.
- 4.2 Upon completion of the project activities described in this agreement, the work area within the stream zone shall be digitally photographed. Photographs shall be submitted to DFG within two days of completion. Photographs and project commencement notification shall be submitted as instructed in Contact Information section below. Email submittal is preferred.

CONTACT INFORMATION

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

To Permittee:

Ronald S. Sykes
California Department of Transportation
703 B Street
Marysville, CA 95909
Ron_sykes@dot.ca.gov
To DFG:

Department of Fish and Game
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670
Attn: Lake and Streambed Alteration Program – Tim Nosal
Notification #1600-2011-0046 R2

Fax: 916-358-2912
Email: tnosal@dfg.ca.gov

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective,

unless the transfer or assignment is requested by Permittee in writing, as specified below, and thereafter DFG approves the transfer or assignment in writing.

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

EXTENSIONS

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

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

EFFECTIVE DATE

The Agreement becomes effective on the date of DFG's signature, which shall be: 1) after Permittee's signature; 2) after DFG complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at http://www.dfg.ca.gov/habcon/ceqa/ceqa_changes.html.

TERM

This Agreement shall expire on November 1, 2016, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605(a)(2) requires.

AUTHORITY

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

AUTHORIZATION

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

CONCURRENCE

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

**FOR CALIFORNIA DEPARTMENT OF
TRANSPORTATION**



Ronald S. Sykes
Branch Chief

12-2-11

Date

FOR DEPARTMENT OF FISH AND GAME


✓ Kent Smith

Regional Manager

12/14/11

Date

Prepared by: Tim Nosal
Environmental Scientist

Location 1 NEV 20 PM 32.35



Inlet



Looking at roadside by inlet



Looking at roadway from hill above inlet



Outlet



Looking from roadway to flow area from outlet



Looking at roadside by outlet

Location 2 NEV 20 PM32.45



Looking at roadside by inlet



Inlet



Inlet



Outlet



Outlet



Looking at outlet from roadway

Location 3 NEV 20 pm 32.55



Roadside by inlet



Inlet



Inlet



Roadside by outlet



Outlet



Trail near outlet

Location 4 NEV 20 pm32.76



Inlet right of roadway/Outlet left of roadway



Inlet



Looking at inlet side of roadside



Outlet



Ditch above inlet



Flow line from outlet

Location 5 NEV 20 PM33.18



Inlet side of roadway



Inlet



Inlet side of road



Outlet



Outlet



Looking at flow line from outlet



Potential staging area

Location 6 NEV 20 PM33.43



Inlet side of roadway



Inlet



Inlet side of roadway



Outlet side of roadway



Outlet



View from outlet

Location 7 NEV 20 PM33.51



Inlet



Outlet

LOCATION 8 NEV 20 PM 33.60



Site overview



Inlet



Inlet



Looking at inlet side of roadway



Outlet



Trail below outlet

Location 9 NEV 20 PM 34.25



Site Overview (Inlet on right side of road)



Looking at inlet side of roadway



Inlet



Outlet



Outlet



Ditch above inlet

Location 10 NEV 20 PM 34.36



Inlet



Inlet



Outlet



Inside culvert

Location 11 NEV 20 PM 34.55



Site Overview (Inlet on right side)



Inlet



Inlet (L shape headwall)



Looking from roadside down at outlet



Outlet



Outlet

Location 12 NEV 20 PM34.60



Inlet



Looking inside culvert



Outlet

Location 13 NEV 20 PM 34.92



Site overview (Inlet on right side)



Outlet



Outlet



Inlet



Looking from road to inlet side of roadside

Location 14 NEV 20 PM36.28



Location 15 NEV 20 PM 36-82



Inlet



Inlet



Inside culvert



Outlet



Outlet

Location 16 NEV 20 PM37.92



Site overview



Site overview



Potential Staging area



Inlet



Outlet



Drainage going towards inlet