

INFORMATION HANDOUT

For Contract No. 03-4E5404

At 03-Sie-49-48.3/49.2

Identified by

Project ID 0300000709

PERMITS

United States Army Corps of Engineers

Non-Reporting Nationwide 404

WATER QUALITY

California Regional Water Quality Control Board

Central Valley Regional Board Order No. R5-2013-0145

California State Water Resources Control Board

NPDES Permit No. CAS No. 000003, Order No. 2012-0011-DWQ

AGREEMENTS

California Department of Fish and Wildlife

Notification No. 1600-2013-0007-R2

MATERIALS INFORMATION

Geotechnical Design Report



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

REPLY TO
ATTENTION OF

December 15, 2014

Regulatory Division (SPK-2011-01179)

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

Dear Najed Dakak:

We are responding to your agent's November 20, 2014, request for a Department of the Army Nationwide Permit (NWP) re-verification for the SIE049 Lemon Canyon Road Culvert Upgrade Project (EA 03-4E540). This approximately 0.50-acre project involves activities, including discharges of dredged or fill material, in waters of the United States to remove and replace twelve degraded metal pipe culverts along State Route (SR) 49 from Post Mile 48.3/49.2. The project is located in Section 7, Township 20 North, Range 15 East, Mount Diablo Meridian, Latitude 39.59862°, Longitude -120.34730°, Sierraville, Sierra County, California.

The State of California, Department of Transportation (Caltrans) is the National Environmental Policy Act (NEPA) lead Federal agency for this project, and as such, will ensure compliance with NEPA and all other applicable Federal Laws. You shall include this office in all future consultation and coordination activities involving compliance with the Endangered Species Act, the Magnuson-Stevens Act, and the National Historic Preservation Act, as they pertain to the activities authorized herein, so that we may consult as appropriate or designate you to consult on our behalf.

Based on the information your agent provided, the proposed activity, resulting in the permanent loss of approximately 0.065 acre of wetland and 0.011 acre of perennial stream/drainage and temporary impacts to approximately 0.449 acre of wetland and 0.053 acre perennial stream/drainage, is authorized by NWP 3. Your work must comply with the general terms and conditions listed on the NWP information sheet, applicable regional conditions, and the following special conditions. The NWP information sheet and regional general conditions can be found on our website at <http://www.spk.usace.army.mil/Missions/Regulatory/Permitting/NationwidePermits.aspx>. If you do not have access to the internet, a hard copy of the NWP information sheet and regional general conditions will be provided upon request.

Special Conditions

1. You shall comply with all terms and conditions of the enclosed May 6, 2013 Section 401 Water Quality Certification (enclosure 1).

2. To mitigate for the permanent loss of 0.065 acre of wetland and 0.011 acre of perennial stream/drainage, as well as temporary impacts to approximately 0.449 acre of wetland and 0.053 acre of perennial stream/drainage, you shall submit a check in the amount of \$17,100 (\$150,000/acre x 0.114 acres [1:5:1 ratio]) payable to the National Fish and Wildlife Foundation (NFWF). Middle Fork Feather, Hydrologic Unit Code #18020123, must be indicated on the check in order to insure the proper location of future mitigation. **This condition has been satisfied. Payment receipt was received on May 24, 2013.**

3. The document entitled *Restoration Plan for the Lemon Canyon Road Culvert Upgrade Project, State Route 49, Sierra County*, dated January 2013, is incorporated by reference as a condition of this authorization. Your responsibility to complete the required restoration will not be considered fulfilled until you have demonstrated mitigation success and have received written verification from this office.

4. The enclosed drawings entitled *Attachment F: Impacts to Wetlands and Other Waters of the U.S. Caltrans Lemon Canyon Road Culvert Upgrade Project, Page 1-5*, dated January 29, 2013, are incorporated by reference as a condition of this authorization (enclosure 2). Any deviations from the work as authorized, which result in additional impacts to waters of the U.S., including wetlands, must be coordinated with this office prior to impacts.

5. No work shall occur within standing or flowing waters. Temporary dewatering structures (e.g. coffer dams) shall be deployed when the channel is naturally dry. Dewatering plans must be approved, in writing, by this office prior to commencement of construction activities. Plans, maps and/or drawings may be submitted electronically to regulatory-info@usace.army.mil.

6. No construction activities shall occur within avoided waters of the U.S. Environmentally Sensitive Areas (ESA) areas must be reviewed and approved by this office prior to commencement of construction activities. Plans, maps and/or drawings may be submitted electronically to regulatory-info@usace.army.mil.

7. Excavated materials from the permit area shall not be stockpiled or disposed of outside the permit area. Disposal and stockpile areas must be reviewed and approved by this office prior to commencement of construction activities. Plans, maps and/or drawings may be submitted electronically to regulatory-info@usace.army.mil.

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

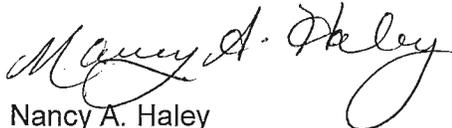
You must sign the enclosed Compliance Certification and return it to this office within 30 days after completion of the authorized work.

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

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

Please refer to identification number SPK-2011-01179 in any correspondence concerning this project. If you have any questions, please contact Mr. Peck Ha at California North Branch Office, Regulatory Division, Sacramento District, U.S. Army Corps of Engineers, 1325 J Street, Room 1350, Sacramento, California 95814-2922, by email at Peck.Ha@usace.army.mil, or telephone at 916-557-6617. For more information regarding our program, please visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,



Nancy A. Haley
Chief, California North Branch
Regulatory Division

Enclosures

cc: (w/o encls)

Ms. Jennifer Osmondson, Caltrans, Jennifer.Osmondson@dot.ca.gov
Ms. Suzanne Melim, Caltrans, Suzanne.melim@dot.ca.gov



REPLY TO
ATTENTION OF

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

February 7, 2013

Regulatory Division (SPK-2011-01179)

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

Dear Mr. Suthahar:

We are responding to your January 11, 2012 request for a Department of the Army Nationwide Permit (NWP) verification for the State Route (SR) 49 Lemon Canyon Road Culvert Upgrade Project (EA 03-4E540; EFIS 0300000709). This approximately 0.50-acre project involves activities, including discharges of dredged or fill material, in waters of the United States to remove and replace twelve degraded metal pipe culverts. The project is located along SR49 from Post Mile 48.3/49.2, in Section 7, Township 20 North, Range 15 East, Mount Diablo Meridian, Latitude 39.5986286°, Longitude -120.347306°, Sierra County, California.

Based on the information you provided, the proposed activity, resulting in the permanent loss of approximately 0.065 acre of wetland and 0.011 acre of perennial stream/drainage, as well as temporary impacts to approximately 0.449 acre of wetland and 0.053 acre of perennial stream/drainage, is authorized by Nationwide Permit Number 3 (Maintenance). However, until Section 401 Water Quality Certification for the activity has been issued or waived, our authorization is denied without prejudice. Once you have provided us evidence of water quality certification, the activity is authorized and the work may proceed subject to the conditions of certification and the Nationwide Permit.

Furthermore, we understand the State of California, Department of Transportation (Caltrans) is the National Environmental Policy Act (NEPA) lead Federal agency for this project, and as such, will ensure the authorized work complies with the NEPA, the Endangered Species Act, the National Historical Preservation Act, and any other applicable federal laws. Your work must comply with the general terms and conditions listed on the enclosed Nationwide Permit 3 information sheets and the Final Sacramento District Nationwide Permit Regional Conditions for California, and the following special conditions:

Special Conditions

1. This permit is contingent upon the permittee applying for and being issued a Section 401 Water Quality Certification. Evidence of a water quality certification must be submitted to this office, prior to commencing work in Waters of the U.S. All terms and conditions of the Section 401 Water Quality Certification are expressly incorporated as conditions of this permit.

2. To mitigate for the permanent loss of 0.065 acre of wetland and 0.011 acre of perennial stream/drainage, as well as temporary impacts to approximately 0.449 acre of wetland and 0.053 acre of perennial stream/drainage, you shall submit a check in the amount of \$17,100 (\$150,000/acre x 0.114 acres [1:5:1 ratio]) payable to the National Fish and Wildlife Foundation (NFWF). Middle Fork Feather, Hydrologic Unit Code #18020123, must be indicated on the check in order to insure the proper location of future mitigation. Prior to commencing construction, you shall submit a copy of the payment receipt to this office for recordation.

3. The document entitled *Restoration Plan for the Lemon Canyon Road Culvert Upgrade Project, State Route 49, Sierra County*, dated January 2013, is incorporated by reference as a condition of this authorization. Your responsibility to complete the required restoration will not be considered fulfilled until you have demonstrated mitigation success and have received written verification from this office.

4. The drawings entitled *Attachment C: Project Plans, Caltrans Lemon Canyon Road Culvert Upgrade Project, Layout L 1-4*, dated October 24, 2012, are incorporated by reference as a condition of this authorization. Any deviations from the work as authorized, which result in additional impacts to waters of the U.S., including wetlands, must be coordinated with this office prior to impacts.

5. No construction activities shall occur within standing or flowing waters. Dewatering plans must be approved, in writing, by this office prior to commencement of construction activities. Plans, maps and/or drawings may be submitted electronically to regulatory-info@usace.army.mil.

6. No construction activities shall occur within avoided waters of the U.S. Environmentally Sensitive Areas (ESA) areas must be reviewed and approved by this office prior to commencement of construction activities. Plans, maps and/or drawings may be submitted electronically to regulatory-info@usace.army.mil.

7. Excavated materials from the permit area shall not be stockpiled or disposed of outside the permit area. Disposal and stockpile areas must be reviewed and approved by this office prior to commencement of construction activities. Plans, maps and/or drawings may be submitted electronically to regulatory-info@usace.army.mil.

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

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

This verification is valid for two years from the date of this letter or until the Nationwide Permit is modified, reissued, or revoked, whichever comes first. Failure to comply with the General and Regional Conditions of this Nationwide Permit, or the project-specific Special Conditions of this authorization, may result in the suspension or revocation of your authorization.

and Regional Conditions of this Nationwide Permit, or the project-specific Special Conditions of this authorization, may result in the suspension or revocation of your authorization.

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

Please refer to identification number SPK-2011-01179 in any correspondence concerning this project. If you have any questions, please contact Ms. Leah M. Fisher at our California South Regulatory Branch at 1325 J Street, Room 1350, Sacramento, California 95814-2922, email Leah.M.Fisher@usace.army.mil, or telephone 916-557-6639. For more information regarding our program, please visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,

A handwritten signature in dark ink that reads "Paul W. Manning". The signature is written in a cursive style. Below the name, the word "for" is written in a smaller, simpler font.

Nancy Arcady Haley
Chief, California North Branch

Enclosures

Copies Furnished without enclosures

Jennifer Olah, California Department of Transportation, District 3, 703 B Street, Marysville,
California 95901-0911

Adele Pommerenck, California Department of Transportation, District 3, 703 B Street,
Marysville, California 95901-0911

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

COMPLIANCE CERTIFICATION

Permit File Number/Name: SPK-2011-01179, State Route (SR) 49 Lemon Canyon Road Culvert Upgrade Project

Nationwide Permit Number: NWP 3, Maintenance

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

County: Sierra

Date of Verification: February 5, 2013

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

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

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

* * * * *

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

Signature of Permittee

Date

Central Valley Regional Water Quality Control Board

6 May 2013

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

CERTIFIED MAIL
7012 0470 0000 9904 4885

***CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY
CERTIFICATION; CALIFORNIA DEPARTMENT OF TRANSPORTATION, LEMON CANYON
ROAD CULVERT UPGRADE PROJECT (WDID#5A46CR00020), SIERRA COUNTY***

This Order responds to the 9 January 2013 application submitted by California Department of Transportation (Applicant) for the Water Quality Certification of a culvert replacement project project permanently impacting 0.076 acre and temporarily impacting 0.502 acre of waters of the United States.

This Order serves as certification of the United States Army Corps of Engineers' Nationwide Permit# 3 (SPK# 2011-01179) under § 401 of the Clean Water Act, and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act.

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. This Order serves as a Water Quality Certification (Certification) action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to § 13330 of the California Water Code and § 3867 of the California Code of Regulations.
2. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to § 3855(b) of the California Code of Regulations, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial Certification action shall be conditioned upon total payment of the full fee required under § 3860(c) of the California Code of Regulations.

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

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

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

TECHNICAL CERTIFICATION CONDITIONS:

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

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

3. The Applicant shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed project shall be adequately informed and trained regarding the conditions of this Certification.
4. The Applicant shall perform surface water sampling:
 - a) when performing any in-water work;
 - b) in the event that project activities result in any materials reaching surface waters; or
 - c) when any activities result in the creation of a visible plume in surface waters. The monitoring requirements in Table 1 shall be conducted upstream out of the influence of the project, and 300 feet downstream of the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

Table 1:

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

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

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

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

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

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

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

- a) Activities shall not cause turbidity increases in surface water to exceed:
 - i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTUs;
 - ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
 - iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
 - iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs; and
 - v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

Except that these limits will be eased during in-water working periods to allow a turbidity increase of 15 NTUs over background turbidity. In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior approval of the Central Valley Water Board staff.

- b) Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters within 300 feet downstream of the project.
 - c) Activities shall not cause pH to be depressed below 6.5 nor raised above 8.5 in surface water.
6. The Applicant shall notify the Central Valley Water Board immediately if the above criteria for turbidity, settleable matter, and pH or other water quality objectives are exceeded.
7. In-water work shall occur during periods of low flow and no precipitation.

8. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Applicant must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.
9. The Applicant shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the project. The Plan must detail the project elements, construction equipment types and location, access and staging and construction sequence. The Plan must also address the potential of responding to a spill or prevention of spills occurring within the project site.
10. Raw cement, concrete (or washing thereof), asphalt, drilling fluids, lubricants, paints, coating material, oil, petroleum products, or any other substances which could be hazardous to fish and wildlife resulting from or disturbed by project-related activities, shall be prevented from contaminating the soil and/or entering waters of the United States.
11. Concrete must completely be cured before coming into contact with waters of the United States. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility, which is authorized to accept concrete wastes.
12. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the United States through the entire duration of the project.
13. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the project area, as indicated in the attached maps (Figures 2 through 6).
14. All areas disturbed by project activities shall be protected from washout or erosion.
15. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.
16. All materials resulting from the project shall be removed from the site and disposed of properly.
17. This Certification does not allow permanent water diversion of flow from the receiving water. This Certification is invalid if any water is permanently diverted as a part of the project.

18. If temporary surface water diversions and/or dewatering are anticipated, the Applicant shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) shall include the proposed method and duration of diversion activities. The Surface Water Diversion and/or Dewatering Plan(s) must be consistent with this Certification.
19. When work in a flowing stream is unavoidable and 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 beneficial uses of waters of the State below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate Technical Certification Condition 5 of this Certification.
20. 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. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
21. The discharge of petroleum products or other excavated materials to surface water is prohibited. Activities shall not cause visible oil, grease, or foam in the receiving water. The Applicant shall notify the Central Valley Water Board immediately of any spill of petroleum products or other organic or earthen materials.
22. If unanticipated discharges to the waters of the United States, and/or soil occur, the Applicant shall notify the Central Valley Water Board Contact indicated in this Certification in writing within five (5) calendar days of occurrence. Unanticipated discharges may include, but are not limited to, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete, asphalt, paint, coating material, drilling fluids, or other construction-related potentially hazardous substances.
23. The Applicant shall comply with all California Department of Fish and Wildlife requirements, including but not limited to those requirements described in Lake or Streambed Alteration Agreement No. 1600-2013-0007-R2.
24. The Applicant shall obtain coverage under the National Pollution Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.
25. The Conditions in this Certification are based on the information in the attached "Project Information Sheet." If the actual project, as described in the attached Project Information Sheet, is modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.

26. The Applicant shall implement each of the mitigation measures specified in the approved Mitigated Negative Declaration for the project, as they pertain to biology, hydrology and water quality impacts as required by § 21081.6 of the Public Resource Code and § 15097 of the California Code of Regulations.

27. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. The applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with this Certification.
 - (a) If the Applicant or a duly authorized representative of the project fails or refuses to furnish technical or monitoring reports, as required under this Certification, or falsifies any information provided in the monitoring reports, the applicant is subject to civil liability, for each day of violation, and/or criminal liability.

 - (b) In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require the Applicant to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

 - (c) The Applicant shall allow the staff(s) of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the project premises for inspection, including taking photographs and securing copies of project-related records, for the purpose of assuring compliance with this Certification and determining the ecological success of the project.

28. The Applicant shall provide a Notice of Completion (NOC) no later than 30 days after the project completion. The NOC shall demonstrate that the project has been carried out in accordance with the project description in the Certification and in any amendments approved. The NOC shall include a map of the project location(s), including final boundaries of any on-site restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation.

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

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

Evidence of compliance with compensatory mitigation requirements include providing a letter from the National Fish and Wildlife Foundation. The letter must: (a) be on the National Fish and Wildlife Foundation's letterhead; (b) be signed by an authorized representative of the National Fish and Wildlife Foundation; (c) indicate the United States Army Corps of Engineers' SPK number; (d) describe the project name and location; and (e) detail the type of in-lieu fees paid for the project's impacts.

CENTRAL VALLEY WATER BOARD CONTACT:

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The California Department of Transportation is the Lead Agency responsible for compliance with the California Environmental Quality Act for the Lemon Canyon Road Culvert Upgrade Project pursuant to § 21000 et seq. of the Public Resources Code. The California Department of Transportation approved the Mitigated Negative Declaration on 31 May 2012. The CEQA Lead Agency filed a Notice of Determination with the State Clearinghouse on 4 June 2012 (State Clearinghouse Number 2011112029).

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

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

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

WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from the California Department of Transportation, Lemon Canyon Road Culvert Upgrade Project (WDID#5A46CR00020) will comply with the applicable provisions of § 301 ("Effluent Limitations"), § 302 ("Water Quality Related Effluent Limitations"), § 303 ("Water Quality Standards and Implementation Plans"), § 306 ("National Standards of Performance"), and § 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)".

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


for Pamela C. Creedon
Executive Officer

Enclosure: Project Information Sheet

Attachment: Figure 1 – Project Location Map
Figure 2 – Project Area Map 1
Figure 3 – Project Area Map 2
Figure 4 – Project Area Map 3
Figure 5 – Project Area Map 4
Figure 6 – Project Area Map 5

cc: Distribution List, page 13

PROJECT INFORMATION SHEET

Application Date: 9 January 2013

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

Applicant Representative: Jennifer Olah
California Department of Transportation
703 B Street
Marysville, CA 95901

Project Name: Lemon Canyon Road Culvert Upgrade Project

Application Number: WDID#5A46CR00020

Type of Project: Culvert replacement project

Timeframe of Project Implementation: 1 April through 31 October

Project Location: Section 7, Township 20 North, Range 15 East, MDB&M.
Latitude: 39°36'7.959"N and Longitude: 120°20'54.175" W

County: Sierra County

Receiving Water(s) (hydrologic unit): Unnamed tributary of Lemon Creek, Sacramento Hydrologic Basin, Feather River Hydrologic Unit #518.35, Sierra Valley HSA

Water Body Type: Wetland, Streambed

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

303(d) List of Water Quality Limited Segments: An unnamed tributary of Lemon Creek is the receiving water for the Lemon Canyon Road Culvert Upgrade Project. The unnamed tributary of Lemon Creek is not listed on the 303(d) list. This project does not impact an already impaired water body. The most recent list of approved water quality limited segments is found at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml

Project Description: The Lemon Canyon Road Culvert Upgrade Project consists of replacing twelve culverts and installing three new culverts along State Route 49. The project is located along a 0.7 mile segment of State Route 49, 0.5 miles from the intersection of Lemon Canyon Road and State Route 49 in Sierra County.

The new culverts and the culverts being replaced is summarized in the table below and corresponds to Figures 2 through 6:

Culvert Location	New/ Replacement Culvert	Existing Length (feet)	Existing Diameter (inches)	New Length (feet)	New Diameter (inches)
1	Replacement	50.83	36	36.8	48
2	Replacement	42.26	24	37.8	48
3	Replacement	47.10	36	41.2	48
4	New	-	-	37.0	48
4	Replacement	45.45	36	38.4	48
5	Replacement	46.36	36	44.2	48
6	Replacement	52.33	24	48.2	48
7	Replacement	47.15	36	38.4	48
7	Replacement	47.10	36	44.5	48
8	Replacement	48.82	42	49.7	48
8	New	-	-	50.2	48
9	Replacement	48.70	36	40.8	48
9	New	-	-	40.4	48
10	Replacement	47.21	36	40.3	48
10	Replacement	48.5	42	41.2	48

A water diversion system will be constructed to dewater the area for construction. Rock energy dissipaters will be placed at some of the culvert outlets. Drainage ditches will be realigned to meet the new culverts. Construction equipment will enter the streambed. Wet concrete will be back filled into the trenches dug for the new and replacement culverts. The concrete will be placed near waters of the United States.

The project will permanently impact 0.076 acre and temporarily impact 0.502 acre of waters of the United States.

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

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

Excavation/Fill Area: Approximately 11.84 cubic yards of rocks will be placed into 0.076 acre of waters of the United States.

Dredge Volume: None

United States Army Corps of Engineers File Number: SPK# 2011-01179

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

California Department of Fish and Wildlife Lake or Streambed Alteration Agreement:
1600-2013-0007-R2

Possible Listed Species: Sierra Nevada Yellow-legged frog, Golden eagle, Short-eared owl, Burrowing owl, Swainson's hawk, Northern harrier, Greater sandhill crane, and Loggerhead shrike.

Status of CEQA Compliance: The California Department of Transportation approved the Mitigated Negative Declaration on 31 May 2012. The CEQA Lead Agency filed a Notice of Determination with the State Clearinghouse on 4 June 2012 (State Clearinghouse Number 2011112029).

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

Compensatory Mitigation: As required by the United States Army Corps of Engineers, the Applicant will pay \$17,100.00 of in-lieu fees to the National Fish and Wildlife Foundation to mitigate for 0.065 acre of permanent impacts to wetlands and 0.011 acre of perennial stream, and 0.449 acre of temporary impacts to wetlands and 0.053 acre of perennial stream. Evidence of this payment shall be provided to the Central Valley Water Board prior to proceeding with the activity authorized by this Certification.

Application Fee Provided: Total fees of \$1,312.00 have been submitted to the Central Valley Water Board as required by § 3833(b)(3)(A) and § 2200(a)(3) of the California Code of Regulations.

DISTRIBUTION LIST

Leah M. Fisher
United States Army Corps of Engineers
Sacramento District Office
Regulatory Division
1325 J Street, Suite 1350
Sacramento, CA 95814-2922

Tim Nosal
Department of Fish and Wildlife
1701 Nimbus Road
Rancho Cordova, CA 95670

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

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

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

Jennifer Olah
California Department of Transportation
703 B Street
Marysville, CA 95901

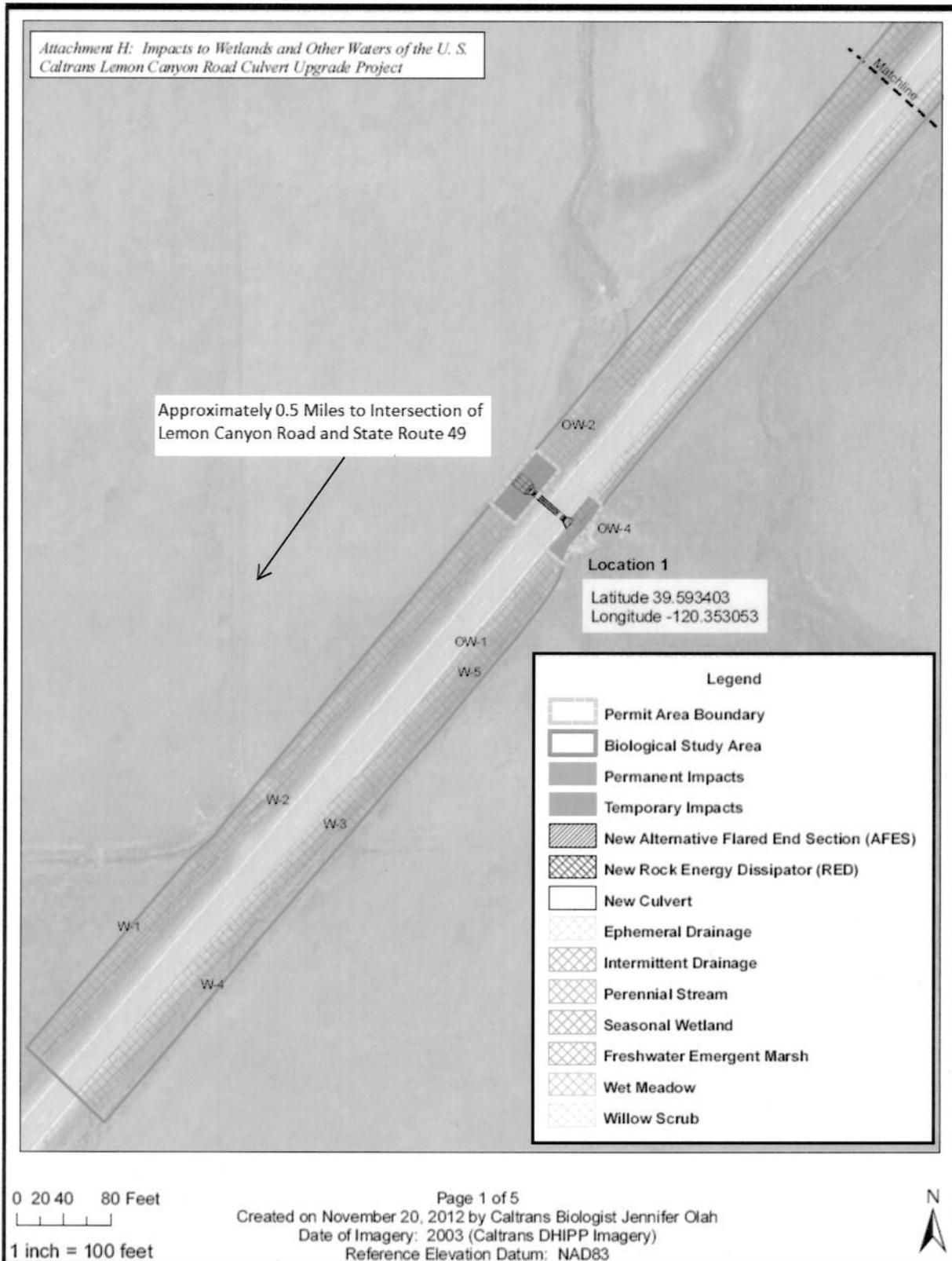


Figure 2 – Project Area Map 1

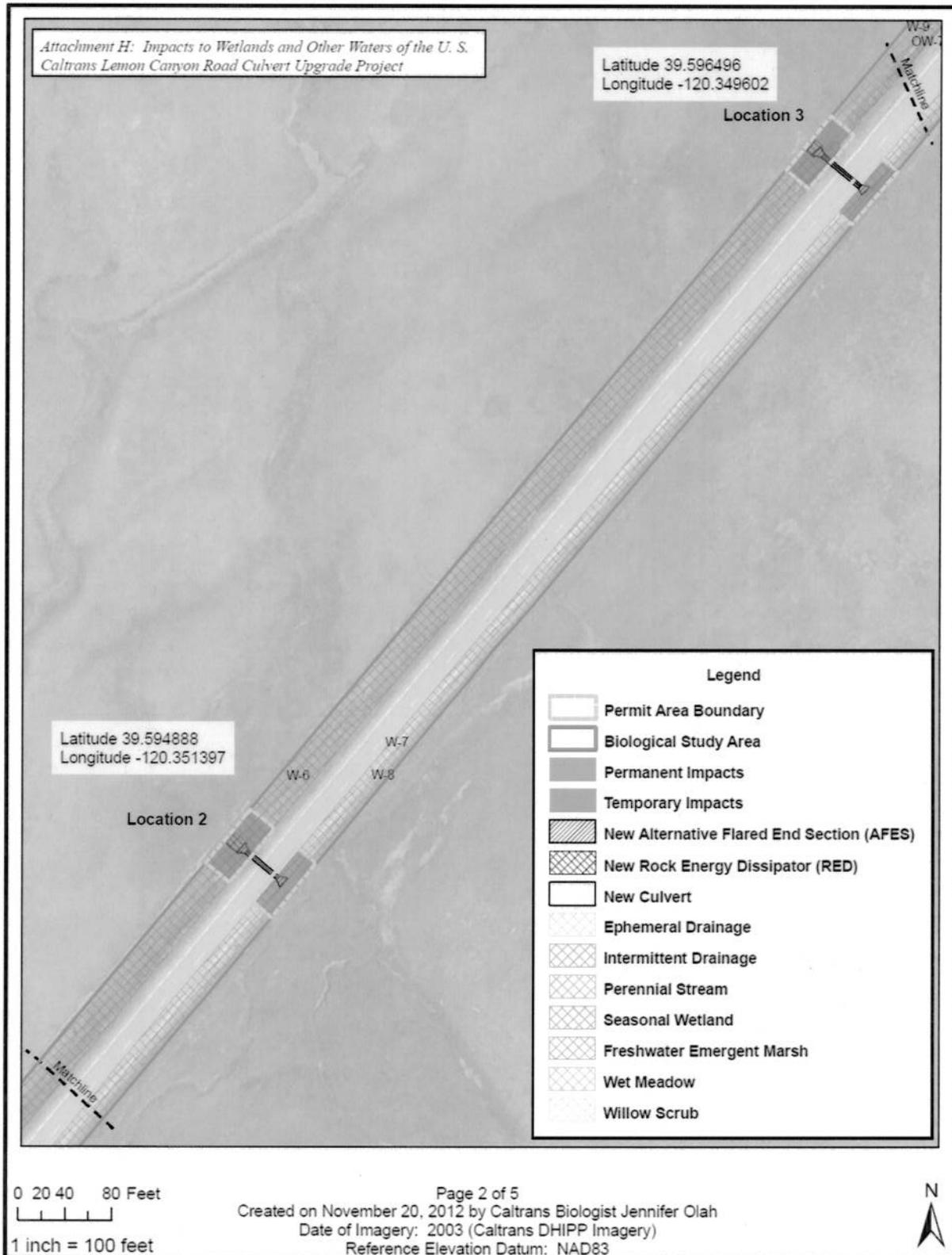


Figure 3 – Project Area Map 2

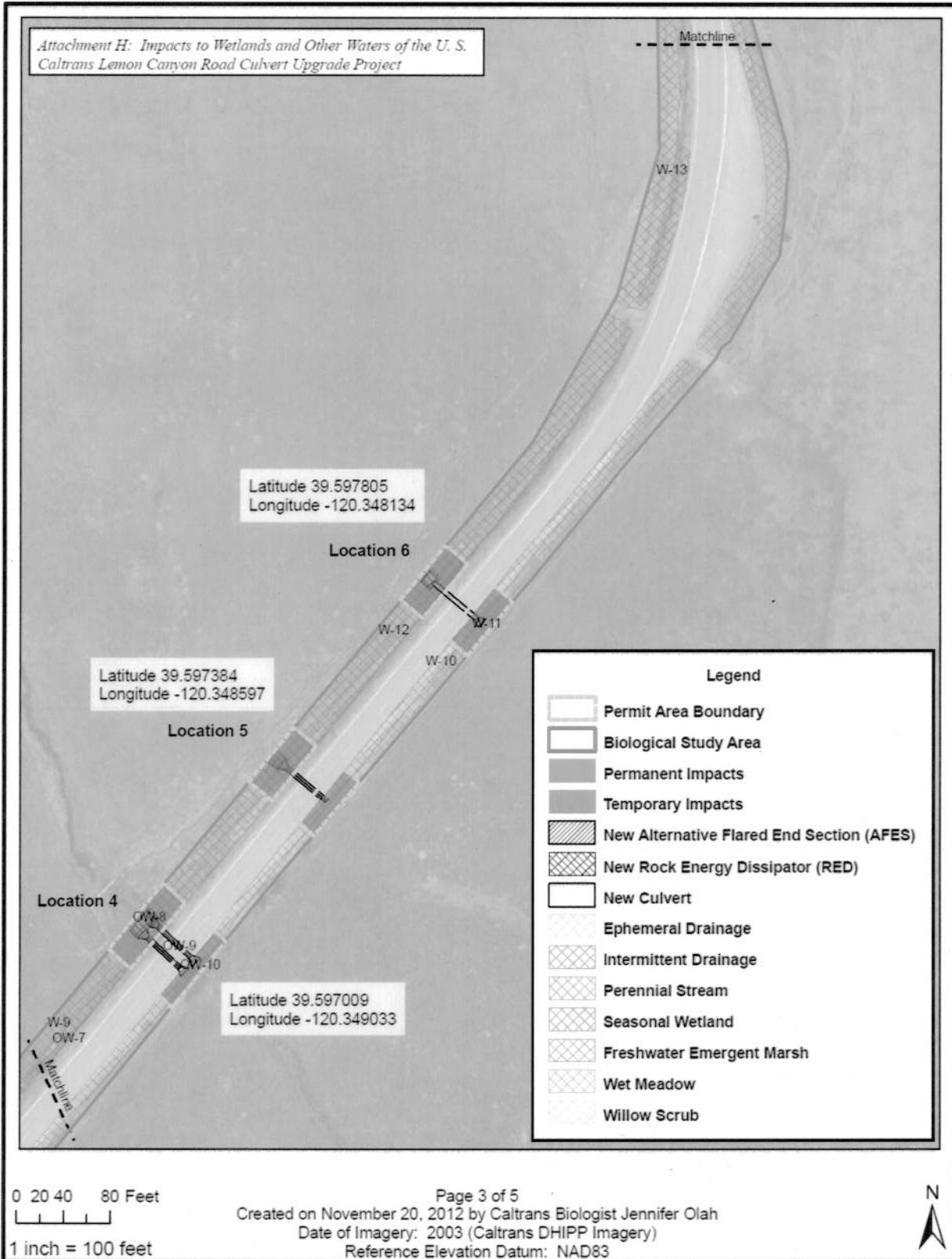


Figure 4 – Project Area Map 3

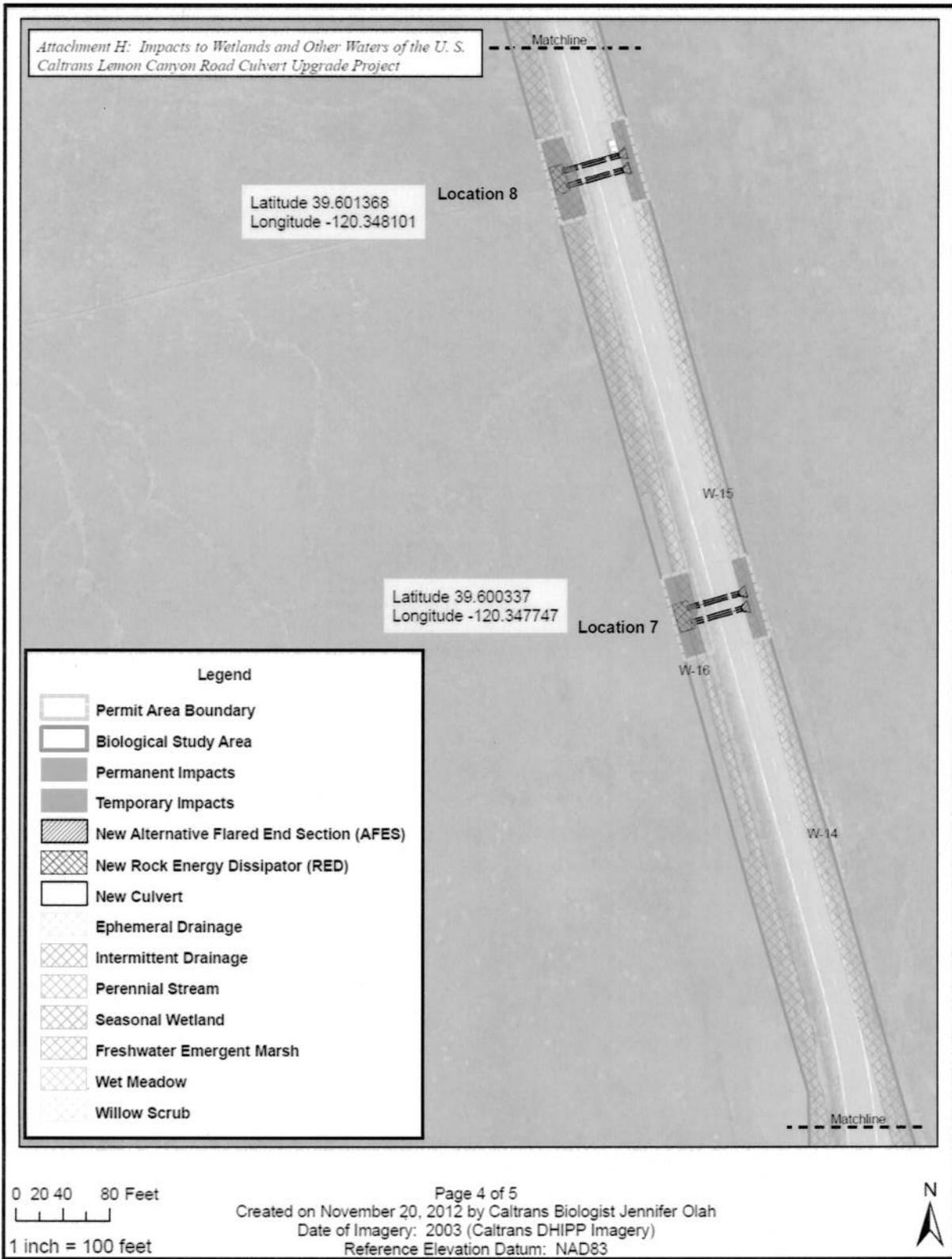


Figure 5 – Project Area Map 4

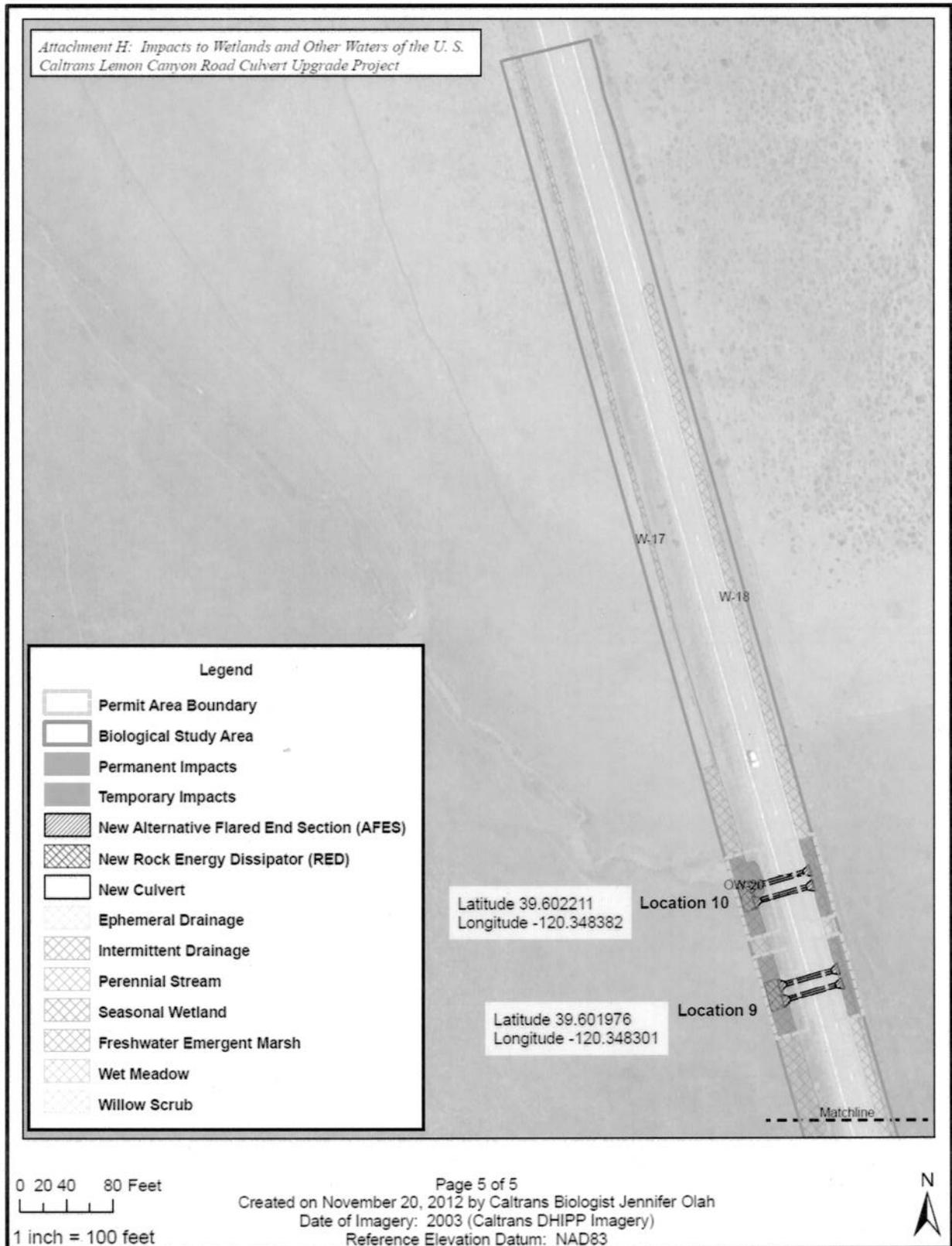


Figure 6 – Project Area Map 5



FEB 20 2013

Date

Nadarajah Suthahar
California Department of Transportation
703 B Street
Marysville, CA 95901
Nadarajah_Suthahar@dot.ca.gov

Subject: Final Streambed Alteration Agreement
Notification No. 1600-2013-0007 -R2
Lemon Canyon Road Culvert Upgrade

Dear Mr. Suthahar:

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

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

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

Sincerely,

Tina Bartlett
Regional Manager

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

Jennifer Olah
Jennifer_Olah@dot.ca.gov

2008 05 04

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



STREAMBED ALTERATION AGREEMENT
NOTIFICATION No. 1600-2013-0007-R2
Unnamed tributaries to Middle Fork of the Feather River

California Department of Transportation
LEMON CANYON ROAD CULVERT UPGRADE PROJECT

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified CDFW on January 9, 2013 that Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project is located along State Route (SR) 49 about 1 mile NE of Sierraville at an unnamed tributary to the Middle Fork of the Feather River, in the County of Sierra, State of California; Latitude 39.5934, Longitude -120.3530 or Section 7, Township 20N, Range 15 E, U.S. Geological Survey (USGS) map Sierraville, Mount Diablo base and meridian (Attachment A *maps*).

The project consists of 10 culverts being replaced along SR 49 at the following locations:

- 1) Lat 39.5934 Long -120.3530 Post Mile (PM) 48.36
 - *Replace culvert, add 6.84 cubic yards of rock slope protection (RSP)*

- 2) Lat 39.5949 Long -120.3513 (PM) 48.50
 - *Replace culvert, remove headwall, add 6.18 cubic yards of RSP*
- 3) Lat 39.5965 Long -120.3596 (PM) 48.64
 - *Replace culvert, add 3.73 cubic yards of RSP*
- 4) Lat 39.5970 Long -120.3490 (PM) 48.70
 - *Replace culvert, add 11.22 cubic yards of RSP*
- 5) Lat 39.5973 Long -120.3486 (PM) 48.72
 - *Replace culvert, remove headwall, add 5.02 cubic yards of RSP*
- 6) Lat 39.5978 Long -120.3481 (PM) 48.77
 - *Replace culvert, remove headwall, add 7.07 cubic yards of RSP*
- 7) Lat 39.6003 Long -120.3477 (PM) 48.95
 - *Replace 2 culverts, add 19.02 cubic yards of RSP*
- 8) Lat 39.6013 Long -120.3481 (PM) 49.03
 - *Replace culvert with 2 culverts, add 17.29 cubic yards of RSP*
- 9) Lat 39.6020 Long -120.3483 (PM) 49.07
 - *Replace 2 culverts, add 18.94 cubic yards of RSP*
- 10) Lat 39.6022 Long -120.3484 (PM) 49.09
 - *Replace 2 culverts, add 16.59 cubic yards of RSP*

PROJECT DESCRIPTION

The project is limited to the removal and replacement of 13 culverts along SR 49 near Sierraville. The scope of the work involves removing the existing corrugated metal pipe systems, placing new plastic culvert drainage systems with or without flared end sections, overlaying the highway with new asphalt concrete (AC), placing shoulder backing (out to 3-feet over the existing shoulder backing), grinding AC pavement at the south and north conforms, and installing permanent signing and striping.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: seasonal wetlands, riparian vegetation, nesting migratory birds, Plumas ivesia (*Ivesia sericoleuca*), Sierra Valley evening primrose (*Camissonia tanacetifolia* ssp. *quadriperforata*), Sierra Nevada yellow-legged frog (*Rana sierra*), burrowing owl (*Athene cunicularia*), Swainson's hawk (*Buteo swainsoni*), greater sandhill crane (*Grus canadensis tabida*), amphibians, other aquatic and terrestrial plant and wildlife species.

The adverse effects the project could have on the fish or wildlife resources identified

above include: temporary diversion of flow water from, or around, activity site; short-term increased turbidity; increased sedimentation from adjacent construction; short-term release of sediment (e.g. incidental from construction); loss or decline of riparian and wetland habitat; disturbance from project activity; direct take of terrestrial species and of non-fish aquatic species; change in contour of bed, channel or bank; soil compaction or other disturbance; decline of vegetative diversity; disruption to nesting birds and other wildlife; dewatering; flow deflection; change in fluvial geomorphology; and direct (seasonal) loss of resources for aquatic organisms.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

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

2. Avoidance and Minimization Measures

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

- 2.1 **CEQA Compliance.** Permittee shall implement and adhere to the mitigation measures in the Biological Resources section of the Mitigated Negative Declaration (SCH Number: 2011112029) adopted by the lead agency, Caltrans, for the Project pursuant to the California Environmental Quality Act (CEQA) on November 4, 2011 unless those mitigation measures are less protective of fish and wildlife or conflict with the conditions of this Agreement.
- 2.2 **Work Period.** The time period for completing the work within the project area shall be restricted to periods of low stream flow and dry weather and shall be confined to the period of June 15 to October 15. Construction activities shall be timed with awareness of precipitation forecasts and likely increases in stream flow. Construction activities within the project area shall cease until all reasonable erosion control measures, inside and outside of the project area, have been implemented prior to all storm events. Revegetation, restoration and erosion control work is not confined to this time period.
- 2.3 **Work Period Modifications.** If Permittee needs more time to complete the project activity, the work may be permitted outside of the work period and extended on a day-to-day basis (or for some other set period of time) by the CDFW representative who reviewed the project, or if unavailable, through contact with the Regional office. Permittee shall submit a written request for a work period variance to the CDFW. The work period variance request shall: 1) describe the extent of work already completed; 2) detail the activities that remain to be completed; 3) detail the time required to complete each of the remaining activities; and 4) provide photographs of both the current work completed and the proposed site for continued work. The work period variance request should consider the effects of increased stream flows and rain delays. Work period variances are issued at the discretion of the CDFW. The CDFW will review the written request to work outside of the established work period. The CDFW reserves the right to require additional measures to protect fish and wildlife resources as a condition for granting the variance. The CDFW will have ten (10) calendar days to review the proposed work period variance.
- 2.4 **Stream 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 as described in the Draft Dewatering Plan included with the project application. 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.

- 2.5 **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.
- 2.6 **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 CCDFW shall be immediately notified. Consultation with the CCDFW 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.
- 2.7 **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 area.
- 2.8 **Sediment Control**. Precautions to minimize turbidity/siltation shall be taken into account during project planning and implementation. This may require the placement of silt fencing, coir logs, coir rolls, straw bale dikes, or other siltation barriers so that silt and/or other deleterious materials are not allowed to pass to downstream reaches. Monofilament mesh, jute netting and non-biodegradable synthetic erosion blankets are not authorized. Passage of sediment beyond the sediment barrier(s) is prohibited. If any sediment barrier fails to retain sediment, corrective measures shall be taken. The sediment barrier(s) shall be maintained in good operating condition throughout the construction period and the following rainy season. Maintenance includes, but is not limited to, removal of accumulated silt and/or replacement of damaged siltation barriers. The Permittee is responsible for the removal of non-biodegradable silt barriers (such as plastic silt fencing) after the disturbed areas have been stabilized with erosion control vegetation (usually after the first growing season). Upon 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.

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

3. Compensatory Measures

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

- 3.1 **Habitat Restoration Plan.** Upland, riparian areas and wetland habitats temporarily disturbed by construction shall be replanted with native species typically found in the area. Habitat restoration shall follow the Caltrans document titled "*Restoration Plan: Lemon Canyon Road Culvert Upgrade Project, State Route 49, Sierra County*" dated January 2013.
- 3.2 **Soil Restoration.** Soils impacted by project activity, within areas identified for vegetation re-establishment, shall be restored to suitable planting conditions under the direction of a qualified revegetation specialist. This condition applies where restoration efforts will not impact essential structural attributes of the soil (e.g. road prism, road shoulder, etc).

4. Reporting Measures

Permittee shall meet each reporting requirement described below.

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

within 15 days of project completion. Photographs and notification of project completion shall be submitted as instructed in Contact Information section below. Email submittal is preferred.

- 4.3 Monitoring Reporting – Revegetation. Permittee shall submit an annual status report on the habitat restoration to the Department by December 31 of each year. This report shall include an overview of the re-vegetation effort, as described in the “Monitoring Methods and Schedule” section of the project Restoration Plan. Photos from designated photo stations shall be included.
- 4.4 Revegetation Remediation. If revegetation survival and/or cover requirements do not meet established goals, Permittee is responsible for replacement planting, additional watering, weeding, invasive exotic eradication, or any other practice, to achieve these requirements. Replacement plants shall be monitored with the same survival and growth requirements for three years after planting.

CONTACT INFORMATION

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

To Permittee:

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

To CDFW:

Department of Fish and Wildlife
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670
Attn: Lake and Streambed Alteration Program – Tim Nosal
Notification #1600-2013-0007 R2

Fax: 916-358-2912

Email: r2lsa@wildlife.ca.gov

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

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

Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with FGC 1605(b) through (e).

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

EFFECTIVE DATE

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

TERM

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

EXHIBITS

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

Attachment A: Project Maps

AUTHORITY

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

AUTHORIZATION

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

CONCURRENCE

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

FOR CALTRANS

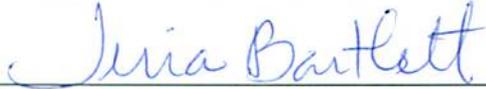


Nadarajah Suthahar
Project Manager

02/12/2013

Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Tina Bartlett
Regional Manager

2/20/13

Date

Prepared by: Tim Nosal
Environmental Scientist

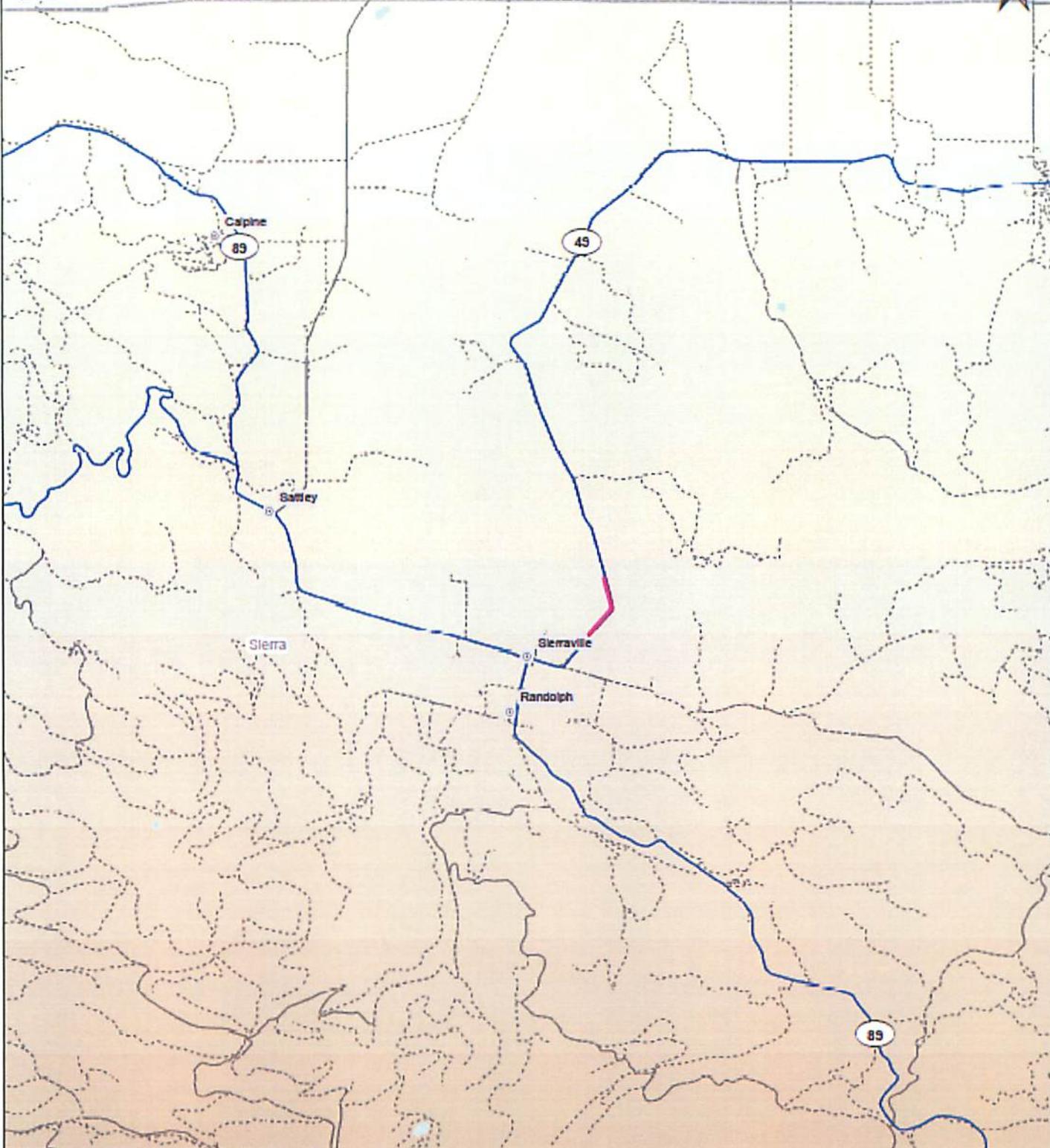
**Attachment A:
Project Maps**

**Caltrans: Lemon Canyon Road Culvert Upgrade Project
Sierra County**

LSA#1600-2013-0007-R2

Attachment D: Vicinity Map
Caltrans Lemon Canyon Road Culvert Upgrade Project

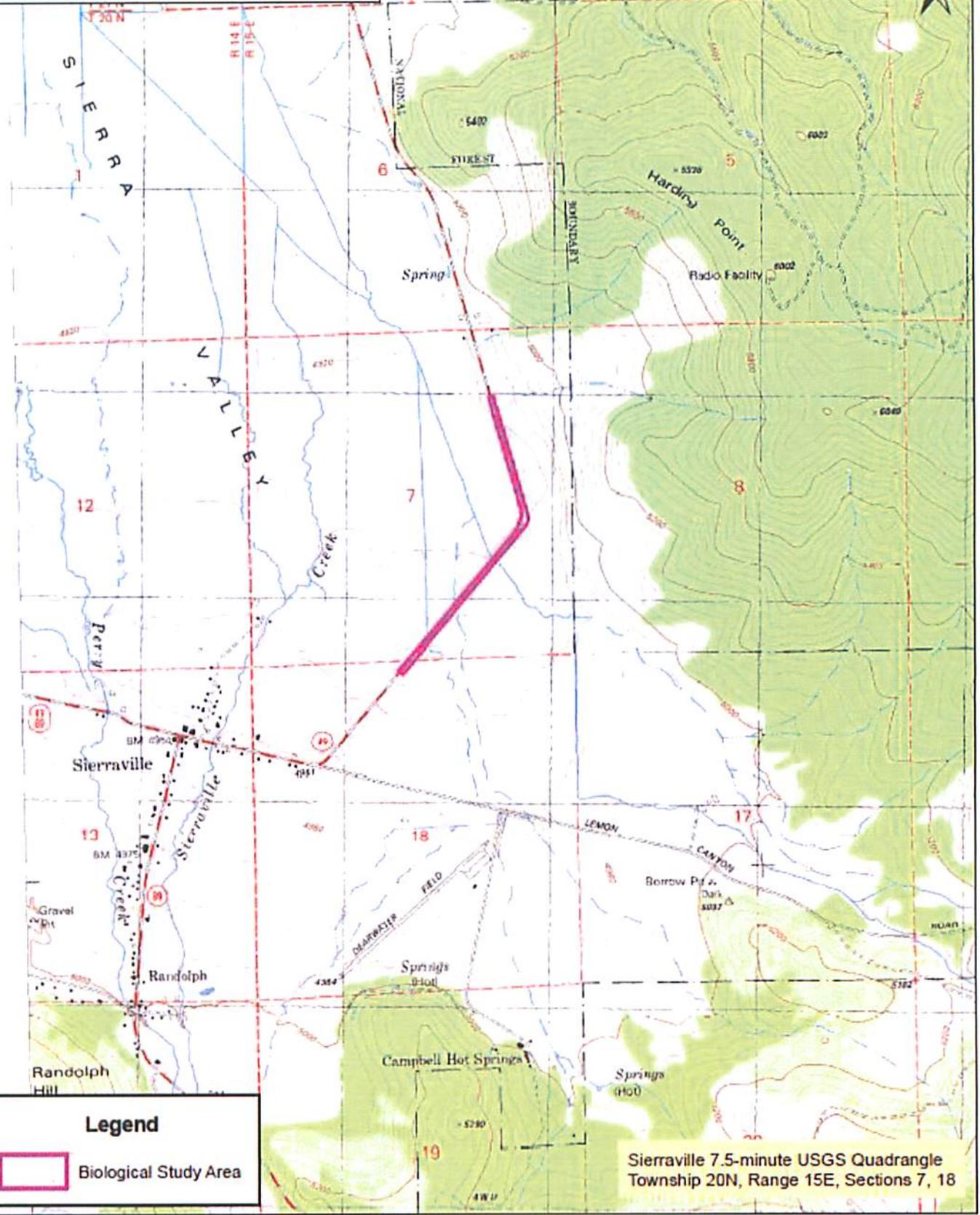
Plumas



Legend

 Biological Study Area

Attachment D: Quadrangle Map
Caltrans Lemon Canyon Road Culvert Upgrade Project



Legend

 Biological Study Area

Sierraville 7.5-minute USGS Quadrangle
Township 20N, Range 15E, Sections 7, 18

Memorandum

*Flex your power!
Be energy efficient!*

To: MR. MICHAEL A. PANCHESSON
PROJECT ENGINEER
DISTRICT 3 DESIGN – M6

Date: February 11, 2011

File: 03-SIE-49-PM48.3/49.2
0300000214
03-4E540
Lemon Canyon Road Culvert
Upgrades

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

Subject: Geotechnical Design Report for Culvert Replacement

Per your request dated August 6, 2010, the office of Geotechnical Design – North (OGDN) is providing a Geotechnical Design Report (GDR) to provide subsurface recommendations for replacing culverts at ten locations along Route 49 from PM 48.3 to 49.2. Additionally, you requested us to classify the soils per the Cal/OSHA Trenching and Shoring Manual.

Existing Facilities and Proposed Improvements

State Route 49 is two-lane conventional rural highway. Highway 49 has been experiencing reoccurring flooding and overtopping. The purpose of the project is to reduce flood frequency and flood water depth over the highway. The project is needed to reduce the potential for temporary highway closure time periods during overtopping events and maintenance due to the any resulting embankment side-slope erosion.

Existing facilities are Corrugated Metal Pipes (CMP's) at ten locations. The proposed work will replace the CMP's with 48" diameter High Density Polyethylene pipe culverts at all locations.

Site investigation, Observations, and Recommendations

On September 30, 2010 Ms. Karen Doll and I attended a field PDT meeting where we previewed the culvert locations. We used a four feet long hand soil probe to test the depth of material that would be unsuitable as support for the proposed culverts. No subsurface borings, soil samples or lab work was performed as part of this report. The following table contains the results of the field investigation:

Culvert Location	Depth of Unsuitable Material	
	Inlet	Outlet
#1 PM 48.36	1.0' ±	2.0' ±
#2 PM 48.50	4.0' ±	4.0' ±
#3 PM 48.65	4.0' ±	0.5' ±
#4 PM 48.70	4.0' ±	4.0' ±
#5 PM 48.73	4.0' ±	4.0' ±
#6 PM 48.77	4.0' ±	4.0' ±
#7 PM 48.96	0.1' ±	1.0' ±
#8 PM 49.04	2.0' ±	2.5' ±
#9 PM 49.08	4.0' ±	0.0' ±
#10 PM 49.10	1.0' ±	0.5' ±

At each location where a plastic pipe is to be used, we recommend excavating one foot below the proposed invert elevation. Type A Rock slope protection fabric as specified in Section 88 of the Standard Specifications should be placed covering the limits of the over excavation bottom and sidewalls prior to backfilling with Class I permeable rock to proposed invert elevation. Our Office recommends that the Class I permeable rock conform to the gradation for Type B as shown in Section 68 of the Standard Specifications. The rock should be compacted with three to five passes of a vibratory plate compactor. All other excavation and backfill details shall be per standard plan A62F, Excavation and Backfill Metal and Plastic Culverts (attached) or as specified by the Engineer.

We classify this soil as Type C per the Cal/OSHA Trenching and Shoring Manual. The contractor is responsible for the design and plans of any temporary shoring systems used. Volcanic cobbles and boulders were observed at the ground surface at the inlet at PM 49.1 and outlets at PM 49.08 and 49.1 of the existing culverts. It is anticipated that boulders will exist at variable depths within the native site soils and may exist within the existing roadway fill. Based on the presence of volcanic boulders at the site it is our opinion that a contractor may encountered difficulty in driving sheet piles if utilized for temporary shoring.

Department of Water Resources well records indicate that the depth of groundwater in the area varies from approximately two feet in the spring and four feet in the fall (DWR Well no. 20N14E13Q002M)

Physical Setting

Climate

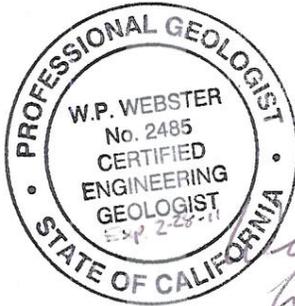
According to the Western U.S. Climate Historical Summaries for 1909 to 2010, the average annual precipitation in the Sierraville area is 24.46 inches. The average annual air temperature is

45.8°F with average monthly extremes of 27.6°F in January and 63.7°F in July. Heavy rain and snowfall occurs typically between the months of November to April. Highest average snowfall occurs is 18.4 inches and occurs in January.

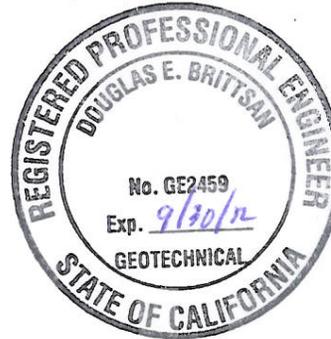
Geology

According to the "Geologic Map of the Chico Quadrangle" published by the California Division of Mines and Geology (Saucedo and Wagner, 1992) the project site is underlain by Quaternary Lake Deposits.

If you have any questions, please call William Webster (916) 227-1041 or Douglas Brittsan at (916) 227-1079.



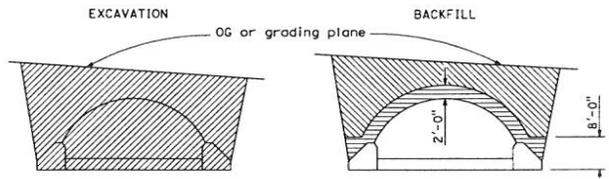
William Webster, C.E.G.
Engineering Geologist
Geotechnical Design – North



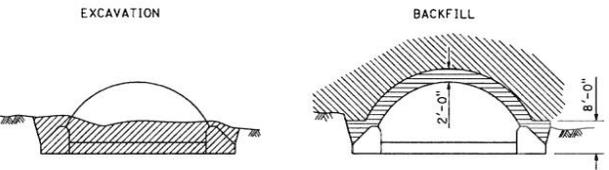
Douglas E. Brittsan, G.E.
Senior Transportation Engineer
Geotechnical Design – North

Attachment:

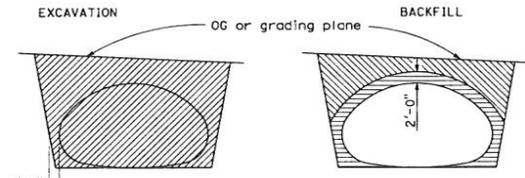
Excavation and Backfill Metal and Plastic Culverts, Standard Plan A62F



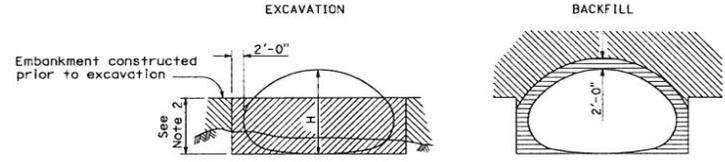
IN TRENCH



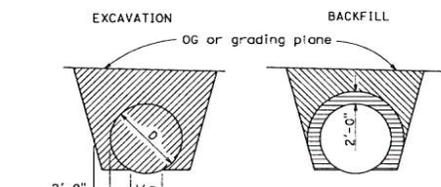
IN EMBANKMENT
STRUCTURAL STEEL PLATE ARCHES



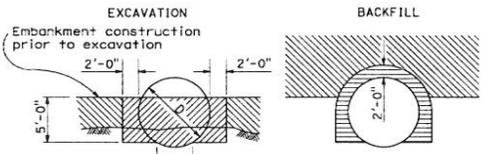
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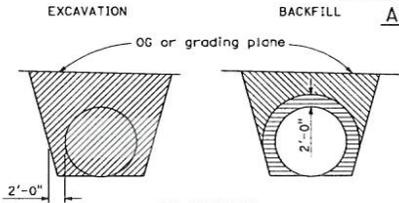
IN EMBANKMENT
STRUCTURAL STEEL PLATE PIPE ARCHES
AND VEHICULAR UNDERCROSSING



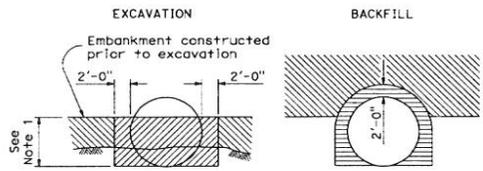
IN TRENCH



IN EMBANKMENT
PIPES
Larger than 84"



IN TRENCH



IN EMBANKMENT
METAL AND PLASTIC PIPES AND
CORRUGATED METAL PIPE ARCHES
84" or Smaller

DIST.	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS

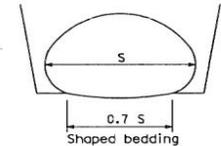
Dean Foster
REGISTERED CIVIL ENGINEER

May 1, 2006
PLANS APPROVAL DATE

Doan Foraster
No. C37165
Exp. 12-31-06
STATE OF CALIFORNIA

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To get to the Caltrans web site, go to <http://www.dot.ca.gov>



SHAPED BEDDING
S = Larger than 84"

NOTES:

1. PIPES: 30" minimum for diameters up to and including 42" then 2/3 diameter but no more than 60" required. CORRUGATED METAL PIPE ARCHES: 30" maximum.
2. 2/3 H up to 60" maximum.
3. Slope or shore excavation sides as necessary.
4. Backfill shall be placed full width of excavation except as noted.
5. Diagrams do not apply to overside drains.
6. Dimensions shown are minimum.
7. For strutting requirement of structural steel plate pipe, arches and vehicular undercrossing during construction, see Standard Plan D88A.

LEGEND

- Structure Excavation (Culvert)
- Structure Backfill (Culvert) 95% Relative Compaction
- Roadway Embankment
- Original ground

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

EXCAVATION AND BACKFILL
METAL AND PLASTIC CULVERTS

NO SCALE

A62F

2006 STANDARD PLAN A62F