

FOR CONTRACT NO.: 01-378154

INFORMATION HANDOUT

WATER QUALITY

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION
WATER QUALITY CERTIFICATION Dated April 12, 2010
WDID NO. 1B09135WNME

BOARD ORDER NO. 2003-0017-DWQ

PERMITS

UNITED STATES ARMY CORPS OF ENGINEERS
AUTHORIZATION File number 2009-00447N
NON-REPORTING NATIONWIDE PERMITS

AGREEMENTS

CALIFORNIA DEPARTMENT OF FISH AND GAME
NOTIFICATION NO. 1600-2009-0404-R1

MATERIALS INFORMATION

UNDERGROUND CLASSIFICATION
C212-045-08T
C053-045-10T

GEOTECHNICAL DESIGN REPORT
Dated March 24, 2010

GEOTECHNICAL DESIGN REPORT
Dated April 20, 2010

ROUTE: 01-Men 128, 253, PM Var.

CALIFORNIA DEPARTMENT OF FISH AND GAME
NORTHERN REGION
601 LOCUST STREET
REDDING, CALIFORNIA 96001



LAKE or STREAMBED ALTERATION AGREEMENT

NOTIFICATION No. 1600-2009-0404-R1

Unnamed Tributaries to Dry, Garrison, McDonald, Edwards, Anderson, Soda, and Robinson Creeks

Ms. Grace Kim Tell, representing Caltrans
CULVERT REHABILITATION PROJECT ON STATE ROUTES 128 AND 253
MENDOCINO COUNTY

This Lake or Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Game (DFG) and Caltrans (Permittee) as represented by Ms. Grace Kim Tell.

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified DFG on December 2, 2009, 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 unnamed tributaries to Dry, Garrison, McDonald, Edwards, Anderson, Soda, and Robinson Creeks, in the County of Mendocino, along portions of State Routes 128 and 253. A list of affected project locations and streams is presented in Tables 3 and 4 in Exhibit A. Additional project locations are include in the site-specific conditions on Page 8 of this document.

PROJECT DESCRIPTION

The work under this Agreement is limited to the repair, rehabilitation or replacement of existing culverts, including the installation of concrete headwalls, flared end sections, down drains and rock slope protection for energy dissipation at culvert outlets per the designs and specifications described in the notification.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: steelhead (*O. mykiss*), amphibians, reptiles, aquatic macroinvertebrates, mammals, birds, and other aquatic and riparian species.

The potential adverse effects the project could have on the fish or wildlife resources identified above include but are not limited to:

- a. Permanent or temporary loss of natural bed or bank
- b. Channel degradation or aggradation
- c. Accelerated channel scour
- d. Temporary loss of bank stability during construction
- e. Increase of bank erosion during construction
- f. Loss or decline of riparian and/or emergent marsh habitat
- g. Decline of vegetative diversity
- h. Colonization by exotic plant or animal 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.

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 All work within the bed, bank and channel shall be confined to the period June 15 through October 15 of each year. Work may be conducted in or near the stream during the late season work period October 15 through November 1, provided adherence to all conditions in this Agreement and a) – e) below.
- a) The affected channel reach is void of surface water.
 - b) The Permittee shall complete any unfinished encroachment work, including erosion control measures, within 24 hours of DFG directing the Responsible Party to do so.
 - c) Prior to any work at a site, the Permittee shall stock-pile erosion control materials at the site. All bare mineral soil exposed in conjunction with crossing construction, deconstruction, maintenance or repair or removal shall be treated for erosion immediately upon completion of work on the crossing, and prior to the onset of precipitation capable of generating runoff.
 - d) Road construction leading directly into or out of a proposed stream crossing shall only be performed when soils are sufficiently dry so that sediment is not discharged into streams.
 - e) When a 7-day National Weather Service forecast of rain includes a minimum of 5 consecutive days with any chance of precipitation, 3 consecutive days with a 30% or greater chance of precipitation, or 2 consecutive days of 50% or greater chance of precipitation, the Permittee shall finish work underway at encroachment and refrain from starting any new work at encroachment prior to the rain event.
- 2.2 No fill material shall be placed within a stream except as specified in this Agreement.
- 2.3 All heavy equipment (including parts i.e.; buckets) that will be entering the flow of a watercourse shall be free of materials deleterious to aquatic life including oil, grease, hydraulic fluid, soil and other debris. Cleaning of equipment shall take place outside of the channel and prior to entering the water.
- 2.4 Any equipment or vehicles driven and/or operated within or adjacent to the stream channel shall be checked and maintained in a manner which prevents

materials that, if introduced to water, could be deleterious to aquatic life, wildlife, or riparian habitat.

- 2.5 Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. The disturbed portions of any stream channel or lake margin within the high water mark of the stream or lake shall be restored to as near their original condition as possible. Restoration shall include re-vegetation of areas stripped or exposed by project activities. Slash pack, rock, or other erosion protection suitable to DFG shall be placed in areas where vegetation cannot reasonably be expected to become reestablished.
- 2.6 Adequate and effective erosion and siltation control measures shall be used to prevent sediment or turbid or silt-laden water from entering streams. Where needed, the Permittee shall use native vegetation or other treatments including native slash, jute netting, straw wattles, and geotextiles to protect and stabilize soils.
- 2.7 All bare mineral soil exposed in conjunction with crossing construction, deconstruction, maintenance or repair, shall be treated for erosion prior to the onset of precipitation capable of generating run-off or the end of the yearly work period, whichever comes first. Restoration shall include using native slash or seeding and mulching of all bare mineral soil exposed in conjunction with encroachment work. Erosion control shall consist of at least 2 to 4 inches of certified weed-free straw mulch and 100 lbs/acre equivalent barley seed. No annual (Italian) ryegrass (*Lolium multiflorum*) shall be used.
- 2.8 Encroachments and associated structures, fills, and other exposed soils shall be armored as needed to protect fill, abutments, and the stream channel and banks from erosion.
- 2.9 All large woody debris (LWD) excavated during crossing construction or deconstruction shall be used on site or at other project locations for streambed and bank stabilization or erosion control. LWD shall be sufficiently anchored or keyed-in to resist movement during high flows and placed in a manner that prevents undercutting of streambanks.
- 2.10 The Permittee shall provide site maintenance including, but not limited to, re-applying erosion control to minimize surface erosion and ensuring drainage structures, streambeds and banks remain sufficiently armored and/or stable.
- 2.11 Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the ordinary high water mark before such flows occur or the end of the yearly work period, whichever comes first.

- 2.12 Refueling of equipment and vehicles and storing, adding or draining lubricants, coolants or hydraulic fluids shall not take place within or adjacent to any stream. All such fluids and containers shall be disposed of properly. Heavy equipment parked within or adjacent to the stream shall use drip pans or other devices (i.e., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.13 All activities performed in the field which involve the use of petroleum or oil based substances shall employ absorbent material designated for spill containment and clean up activity on site for use in case of accidental spill. Clean-up of all spills shall begin immediately. The Permittee shall immediately notify the State Office of Emergency Services at 1-800-852-7550. DFG shall be notified by the Permittee and consulted regarding clean-up procedures.
- 2.14 No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from construction work, or associated activity of whatever nature shall be allowed to enter into, or be placed where it may be washed by rainfall or runoff into Waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area. (Not applicable to material installed permanently or temporarily as part of the project activities).
- 2.15 Upon DFG 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.
- 2.16 The disturbed portions of any stream channel and adjacent areas shall be restored to as near their original condition as possible. Crossings shall emulate the natural streambed elevation, substrate and flow velocity to the extent feasible.
- 2.17 Encroachments shall be constructed, deconstructed, repaired and maintained in a manner that minimizes to the extent feasible headcutting or downcutting of the stream channel by installing grade control such as rock slope protection (RSP)(also known as riprap), woody debris, or through other effective measures.
- 2.18 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). Excavation spoils shall not be side-cast into the channel nor is any manipulation of the substrate of the channel authorized except as herein expressly provided. Energy dissipation devices within the stream banks shall be replanted or seeded to encourage regrowth of riparian vegetation.

- 2.19 Stream banks shall be stabilized as needed to prevent erosion and protect Waters of the State.
- 2.20 Bank stabilization structures shall be constructed to remain in place during periods of high flow including 100-year flood flows.
- 2.21 Material used for bank stabilization shall be clean, competent material that will not discharge sediment or other forms of pollution to Waters of the State.
- 2.22 Repairs and maintenance of bank stabilization sites shall employ the same type of materials used in the original construction unless contraindicated.
- 2.23 Streambank modifications shall be conducted with consideration of upstream and downstream conditions, and performed in a manner that will not cause negative impacts upstream or downstream in the stream channel, including accelerated bank erosion or loss of vegetation.
- 2.24 Culverts and their outfall structures shall be aligned with the stream channel and as wide as or wider than the channel width to the maximum extent feasible.
- 2.25 Culverts shall be placed with the bottom set at or slightly below the natural streambed elevation to the maximum extent feasible.
- 2.26 If culverts cannot or will not be set to grade, they shall have downdrains and/or energy dissipators below the outfall as needed to effectively control erosion. Downdrains shall be securely attached to the culvert and staked or otherwise anchored to the fill slope.
- 2.27 Culverts at stream crossings shall be sized to pass the estimated 100-year flood flow, including debris and sediment loads, without overtopping or diverting. Culvert sizing factors shall include transportation of bedload, and the abundance and size of woody debris likely to be introduced to the stream upstream of the culvert crossing.
- 2.28 Where flowing water is present during operations and prior to any work including concrete pouring:
- a. Cofferdams shall be installed to divert stream flow and isolate and dewater the work site, and to catch any sediment-laden water and minimize sediment transport downstream. Cofferdams shall be constructed of non-polluting materials including sand bags, rock, and/or plastic tarps. Mineral soil shall not be used in the construction of cofferdams.
 - b. Flowing water shall be cleanly bypassed and/or prevented from entering

the work area through pumping or gravity flow, and cleanly returned to the stream below the work area. Flow diversions shall be done in a manner that shall prevent pollution and/or siltation and provides flows to downstream reaches.

- c. The Permittee shall remove any turbid water and sediment present in the work area prior to restoring water flow through the project site, and place them in a location where they cannot enter the Waters of the State.

2.29 For installing concrete surrounding pipe casings, the following conditions shall apply:

- a. The pipe casing shall be properly prepared for the application of quick-curing cement-based mortar or concrete. Surfaces to be in contact with concrete shall be clean (free of rust, scale, dirt and debris) and dry prior to application of materials. The lowest practicable water/cement ratios and hardest available aggregates shall be used to maximize abrasion resistance.
- b. To prevent the release of materials that may be toxic to fish and other aquatic species, poured concrete shall be isolated from stream flow and allowed to dry/cure for a minimum of 30 days. As an alternative, the Permittee shall allow the concrete to dry/cure for 72 hours, continually pumping out any water that may come into contact with the poured concrete during this 72 hour period, and then monitor the pH of water that has come into contact with the poured concrete. If this water has a pH of 9.0 or greater, the water shall be pumped to a lined off-channel basin and allowed to evaporate or be transported to an appropriate facility for disposal. All water that has come in contact with poured concrete shall be removed and not allowed to flow downstream or otherwise come in contact with fish and other aquatic resources until the pH values are below 9.0. The water shall be retested until pH values become less than 9.0. Once this has been determined, the area no longer needs to be isolated and water may be allowed to flow downstream. Results of pH monitoring shall be made available to DFG upon request.

2.30 Where feasible and site-appropriate, geotextile fabric made of natural plant materials (such as jute, hemp, or coconut fiber) shall be installed in streambeds where the use of geotextile fabric is necessary.

2.31 This Agreement does not cover water diversions for construction purposes such as mixing concrete or cleaning equipment.

SITE-SPECIFIC CONDITIONS

Route 253, PM 8.09 This road crossing has an 18-inch culvert that outlets near steep slopes to the east-southeast of the road. Concentrated flow from this culvert is creating a large ravine approximately 15 feet deep by 12 feet wide on the adjacent property off the Permittee's right of way. By April 6, 2011, the Permittee must contact in writing the property owner where this ravine occurs to evaluate if the Permittee can work with the property owner to install erosion control structures at this site or if the water at this site can be redirected to a location less likely to cause erosion. All correspondence with the property owner shall be submitted to DFG by April 6, 2011.

- 2.32 Route 253, PM 8.05 Water is bypassing a 18-inch metal culvert with plastic insert and creating a cavity near the culvert inlet. The Permittee shall replace this culvert.
- 2.33 Route 253, PM 4.97 The Permittee shall rock line for at least 100 feet the northwest-trending inboard ditch, which enters the stream at the culvert inlet.
- 2.34 Route 253, PM 4.25
- a) No RSP shall be placed on the streambed at the culvert inlet or outlet.
 - b) The Permittee shall remove the gunnite from the streambanks at the culvert inlet.
 - c) RSP shall only be placed on the streambanks at the culvert inlet where the gunnite is removed if it is necessary to stabilize the banks and prevent erosion.
 - d) The Permittee shall remove a mound of fill placed near and just to the west of the culvert inlet.
- 2.35 Route 253, PM 4.18 The culvert outlet shall have a concrete headwall installed and the stream banks down stream of the outlet shall have banks pulled back to a stable slope of 2:1 or less.
- 2.36 Route 253, PM 3.13 The Permittee shall remove the wrecked automobile adjacent to the streambed less than 20 feet from the proposed culvert outlet. The pile of asphalt roof shingles approximately 20 feet west of the culvert crossing shall be removed.
- 2.37 Route 253, PM 3.06 RSP shall extend from the downdrain outlet to the bank of the receiving stream.
- 2.38 Route 253, PM 2.81 Two culverts are proposed at this site—an upstream culvert connecting to a downstream culvert. The upstream culvert shall have a diameter of 36 inches or greater in order to pass bedload and LWD.

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 Compensatory mitigation measures for impacts to vegetation in riparian, wetland, and upland habitats shall be implemented through this project's Proposed Re-vegetation Plan dated November 2009, which was submitted to DFG with the Agreement notification.
- 3.2 Compensatory mitigation measures for impacts to wetland habitats and other non-wetland waters of the State and U.S. shall be implemented through this project's "Mitigation and Monitoring Plan for Phase I, II, III 251 Culvert Replacement Locations" dated October 2009, which was submitted to DFG with the Agreement notification.

4. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 4.1 Prior to beginning any ground disturbance activities, Permittee shall submit to DFG for review and concurrence the results of sensitive plant surveys and mitigations plans, if proposed. The plant surveys and survey reporting shall be done in accordance with DFG's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*. These protocols can be found on DFG's webpage: <http://www.dfg.ca.gov/habcon/plant/>.
- 4.2 The Permittee shall meet the reporting requirements in the "Proposed Re-vegetation Plan," dated November 2009, which was submitted to DFG with the agreement notification.
- 4.3 The Permittee shall meet the reporting requirements in the "Mitigation and Monitoring Plan for Phase I, II, III 251 Culvert Replacement Locations" dated October 2009, which was submitted to DFG with the agreement notification.

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:

Ms. Grace Kim Tell
Caltrans
2800 Gateway Oaks Drive, Ste 200
Sacramento, California 95833
Fax: 916-274-0684
gracekintell@dot.ca.gov

To DFG:

Department of Fish and Game
Region 1
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program – Laurie Harnsberger
Notification #1600-2009-0404-R1
Fax: 707-441-2021
Email: lharnsberger@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 April 6, 2015, 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.

EXHIBIT A

B. River, Stream, or Lake Affected by the Project

Table 3 provides a summary of the streams that may be affected by the Mendocino County SR 128 and 253 Culvert Rehabilitation Project Phase I.

C. What Water Body Is the River, Stream, or Lake Tributary To?

Of the 52 culverts draining to the Geyserville, Warm Springs, Navarro River and Ukiah watersheds in the project area (Appendix B, Figure 3), 46 culverts (12 culverts on SR 128, 34 culverts on SR 253) fall under the jurisdiction of California Department of Fish and Game (CDFG) and require a streambed alteration agreement. This permit application describes the 46 culverts that fall under the standard agreement conditions. The post mile (PM), tributary, and receiving water body of potentially affected waters are listed in Table 3.

Table 3. List of Drainage Features and Tributaries under CDFG Jurisdiction

Culvert No.	State Route	Post Mile	B. Stream/Feature Name	C. Tributary to...
1	128	40.85	Unnamed Ephemeral Tributary	Interm. Trib. to Dry Creek
2	128	41.46	Unnamed Ephemeral Tributary	Dry Creek
4	128	42.97	Unnamed Ephemeral Tributary	Dry Creek
6	128	44.75	Morrow Creek	Dry Creek
8	128	44.90	Unnamed Ephemeral Tributary	Dry Creek
13	128	46.58	Unnamed Ephemeral Tributary	Garrison creek
15	128	47.03	Unnamed Ephemeral Tributary	Garrison creek
16	128	48.21	Unnamed Intermittent Tributary	McDonald Creek
18	128	48.50	Unnamed Ephemeral Tributary	McDonald Creek
19	128	48.92	Unnamed Ephemeral Tributary	McDonald Creek
21	128	49.66	Edwards Creek	Russian River
22	128	50.00	Unnamed Ephem./Edwards Creek & Floodplain	Edwards Creek
23	253	0.99	Unnamed Ephemeral Tributary	Anderson Creek
24	253	1.06	Unnamed Ephemeral Tributary	Anderson Creek
25	253	1.38	Unnamed Ephemeral Tributary	Anderson Creek
26	253	2.81	Unnamed Ephemeral Tributary	Soda Creek
27	253	2.85	Unnamed Intermittent Tributary	Soda Creek
28	253	2.98	Soda Creek Floodplain	Soda Creek
29	253	3.06	Soda Creek Floodplain	Soda Creek
30	253	3.13	Soda Creek Floodplain	Soda Creek
31	253	3.34	Soda Creek Floodplain	Soda Creek
32	253	3.86	Unnamed Intermittent Tributary	Soda Creek
33	253	4.18	Unnamed Intermittent Tributary	Soda Creek
34	253	4.25	Unnamed Perennial Tributary	Soda Creek
35	253	4.78	Unnamed Interm. Trib./Wetland Seep	Soda Creek
36	253	4.97	Unnamed Intermittent Tributary	Soda Creek
37	253	5.15	Unnamed Ephemeral Tributary	Soda Creek
38	253	5.90	Soda Creek Floodplain	Soda Creek
39	253	6.01	Unnamed Intermittent Tributary	Soda Creek
40	253	6.17	Soda Creek	Anderson Creek
41	253	6.34	Unnamed Ephemeral Tributary	Soda Creek

Culvert No.	State Route	Post Mile	B. Stream/Feature Name	C. Tributary to...
42	253	6.63	Unnamed Ephemeral Tributary	Soda Creek
43	253	8.11	Unnamed Ephemeral Tributary	Soda Creek
44	253	8.42	Unnamed Ephemeral Tributary/Seeps	N. Fork Feliz Creek
45	253	10.62	Unnamed Ephemeral Tributary	Interm. Trib. to Robinson Cr.
46	253	10.68	Unnamed Ephemeral Tributary	Interm. Trib. to Robinson Cr.
47	253	11.37	Unnamed Ephemeral Tributary	Interm. Trib. to Robinson Cr.
48	253	11.53	Unnamed Ephemeral Tributary	Interm. Trib. to Robinson Cr.
49	253	11.62	Unnamed Ephemeral Tributary	Interm. Trib. to Robinson Cr.
50	253	11.74	Unnamed Intermittent Tributary	Interm. Trib. to Robinson Cr.
51	253	12.61	Unnamed Ephemeral Tributary	Interm. Trib. to Robinson Cr.
52	253	12.80	Unnamed Ephemeral Tributary	Interm. Trib. to Robinson Cr.
53	253	13.73	Unnamed Ephemeral Tributary	Peren. Trib. to Robinson Cr.
54	253	13.96	Unnamed Ephemeral Tributary	Peren. Trib. to Robinson Cr.
55	253	14.31	Unnamed Ephem./Interm. Tributary	Peren. Trib. to Robinson Cr.
56	253	14.62	Unnamed Ephemeral Tributary	Peren. Trib. to Robinson Cr.

Box 8. F, G, H, I, J

Table 4. U.S. Geological Survey Quad Map, Section, Township, and Range

Culvert No.	State Route	Post Mile	F. USGS Quad Map Name	G. Township	H. Range	I. Section	J. ¼ Section
1	128	40.85	Yorkville	12N	12W	8	SW
2	128	41.46	Yorkville	12N	12W	17	NE
4	128	42.97	Yorkville	12N	12W	15	NW
6	128	44.75	Yorkville	12N	12W	14	SE
8	128	44.9	Yorkville	12N	12W	14	SE
13	128	46.58	Yorkville	12N	11W	18	SW
15	128	47.03	Yorkville	12N	11W	18	SW
16	128	48.21	Hopland	12N	11W	20	NE
18	128	48.5	Hopland	12N	11W	20	NW
19	128	48.92	Cloverdale	12N	11W	21	SW
21	128	49.66	Cloverdale	12N	11W	28	NE
22	128	50	Cloverdale	12N	11W	28	NE
23	253	0.99	Boonville	13N	13W	7	NW
24	253	1.06	Boonville	13N	13W	7	NW
25	253	1.38	Ornbaun Valley	13N	13W	7	SE
26	253	2.81	Boonville	13N	13W	5	SW
27	253	2.85	Boonville	13N	13W	5	SW
28	253	2.98	Boonville	13N	13W	5	SW
29	253	3.06	Boonville	13N	13W	5	SW
30	253	3.13	Boonville	13N	13W	5	NW
31	253	3.34	Boonville	13N	13W	5	NW
32	253	3.86	Boonville	14N	13W	32	SW
33	253	4.18	Boonville	14N	13W	32	SE
34	253	4.25	Boonville	14N	13W	32	SE

Culvert No.	State Route	Post Mile	F. USGS Quad Map Name	G. Township	H. Range	I. Section	J. ¼ Section
35	253	4.78	Boonville	14N	13W	33	SW
36	253	4.97	Boonville	14N	13W	33	SW
37	253	5.15	Boonville	14N	13W	33	SE
38	253	5.9	Boonville	14N	13W	34	SW
39	253	6.01	Boonville	14N	13W	34	SW
40	253	6.17	Boonville	14N	13W	34	NE
41	253	6.34	Boonville	14N	13W	34	NE
42	253	6.63	Boonville	14N	13W	34	NE
43	253	8.11	Boonville	14N	13W	26	NW
44	253	8.42	Boonville	14N	13W	26	NW
45	253	10.62	Elledge Peak	14N	13W	24	SW
46	253	10.68	Elledge Peak	14N	13W	24	NW
47	253	11.37	Elledge Peak	14N	13W	24	NE
48	253	11.53	Elledge Peak	14N	13W	13	SE
49	253	11.62	Elledge Peak	14N	13W	13	SE
50	253	11.74	Elledge Peak	14N	13W	13	SE
51	253	12.61	Elledge Peak	14N	12W	18	SE
52	253	12.8	Elledge Peak	14N	12W	18	SE
53	253	13.73	Elledge Peak	14N	12W	17	NW
54	253	13.96	Elledge Peak	14N	12W	18	NE
55	253	14.31	Elledge Peak	14N	12W	7	SE
56	253	14.62	Elledge Peak	14N	12W	7	SE



Linda S. Adams
Secretary for
Environmental Protection

**California Regional Water Quality Control Board
North Coast Region
Geoffrey M. Hales, Acting Chairman**

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



Arnold
Schwarzenegger
Governor

April 12, 2010

In the Matter of
Water Quality Certification

for the

**California Department of Transportation
Highway 128 and 253 – Culvert Rehabilitation Project Phase 1:
WDID No. 1B09135WNME**

APPLICANT: California Department of Transportation
RECEIVING WATER: Tributaries the Russian River and Navarro River
HYDROLOGIC AREA: Russian River Hydrologic Unit (HU) No.114.00
Mendocino Coast HU No. 113.00
COUNTY: Mendocino
FILE NAME: CDOT - Hwy 128/253, Culvert Rehabilitation Project Phase 1

BY THE EXECUTIVE OFFICER:

1. On November 16, 2009, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from the California Department of Transportation (Caltrans), requesting Federal Clean Water Act (CWA), section 401, Water Quality Certification for activities related to the proposed Highway 128/Highway 253 Culvert Rehabilitation Project – Phase One (project). Additional project information was received on February 8, 2010, March 1, 2010, and April 8, 2010. The proposed project will cause disturbances to waters of the United States (U.S.) and waters of the State associated with intermittent, ephemeral and perennial streams located within the Russian River Hydrologic Unit No.114.00 (Ukiah Hydrologic Sub-Area 114.31) and Mendocino Coast Hydrologic Unit No. 113.00 (Navarro River Hydrologic Area 113.50). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on March 10, 2010, and posted information describing the project on the Regional Water Board's website. No comments were received. Regional Water Board staff are proposing to regulate this project pursuant to Section 401 of the CWA (33 USC 1341) and/or Porter-Cologne Water Quality Control Act authority.

California Environmental Protection Agency

2. The project is Phase One of a three-phase culvert rehabilitation project within Mendocino County. A total of 274 culverts will be repaired or replaced as part of the entire rehabilitation project. The purpose of Phase One is to upgrade or repair 52 culverts. A 401 Certification is required for 14 of the culverts located along Highway 128, and 34 of the culverts located along Highway 253. The proposed project will be conducted at various locations along Highway 128 from post mile (PM) 40.85 to PM 50.00 and from PM 0.99 to PM 14.62 along Highway 253. Activities proposed by Caltrans include: abandoning culverts, installing new culverts, rock slope protection, headwalls, and downdrains; excavating areas adjacent to and beneath the roadway; and paving the roadway.
3. The project will result in temporary and permanent impacts to waters of the U.S and waters of the State. Caltrans has determined the temporary impacts to streams identified as waters of the U.S. and State will total approximately 0.41 acres (7,094 linear feet). In addition, the temporary impacts to wetlands identified as waters of the U.S. and State will total approximately 0.23 acres. The proposed project will result in 0.141 acres (980 linear feet) of permanent impacts to streams identified as waters of the U.S and State. Additionally, the permanent impacts to wetlands identified as waters of the U.S. and State will total approximately 0.019 acres. Phase One construction activities will cumulatively result in approximately 1.5 acres of disturbed soil area (DSA).
4. Caltrans proposes to mitigate the impacts to streams identified as waters of the U.S and State by funding a Mendocino County Resource Conservation District (MCRCD) Riparian Restoration Project along Robinson Creek (tributary to Anderson Creek, tributary to the Navarro River). The MCRCD restoration project includes planting native riparian vegetation and trees, removing invasive species, and monitoring and maintenance activities for approximately 2.33 acres of degraded riparian habitat. Caltrans proposes utilizing the restoration project as mitigation credit for the impacts associated with the entire culvert rehabilitation project: Phases One, Two and Three. Caltrans will provide additional mitigation in the Russian River watershed during the implementation of Phase One by upgrading the culvert along Edwards Creek at PM 49.66 on Highway 128 for fish passage. Additionally, Caltrans proposes to create and enhance approximately 0.05 acres of wetlands to mitigate for the permanent impacts of 0.019 acres.
5. Caltrans will utilize Best Management Practices (BMPs) to provide erosion control and pollution prevention throughout the project area during construction. All DSA within the project affected by the construction activities will be appropriately stabilized and/or replanted with appropriate native vegetation. Caltrans has evaluated implementing post-construction storm water treatment at the site and determined that implementing them within the project area was not feasible.
6. The project will be conducted in summer months during low flow conditions; however, temporary water diversions may be required. The proposed project activity

is scheduled to be conducted between September 1, 2010 and October 1, 2011. Phase One of the project is expected to take 120 days to complete and all project activities will be conducted between May 15th and October 15th. The proposed in-channel work within fish bearing streams will only be conducted between June 15th and October 15th.

7. Caltrans has applied for authorization from the United States Army Corps of Engineers to perform the project under their Nationwide Permits No. 3 (maintenance projects) pursuant to Clean Water Act, section 404. In addition, Caltrans has applied to the California Department of Fish and Game (CDFG) for a 1602 Lake and Streambed Alteration Agreement. On June 14, 2005, Caltrans certified a Negative Declaration (State Clearing House No. 2005042089) for the project in order to comply with the California Environmental Quality Act. The Regional Water Board has considered the environmental document.

Receiving Water: Intermittent, ephemeral and perennial streams located within the Russian River Hydrologic Unit No.114.00 (Ukiah Hydrologic Sub-Area 114.31) and Mendocino Coast Hydrologic Unit No. 113.00 (Navarro River Hydrologic Area 113.50).

Filled or Excavated Area: Permanent stream impacts: 0.141 acres new permanent impacts to waters of U.S.
Permanent wetland impacts: 0.019 acres new permanent impacts to waters of U.S.
Temporary stream impacts: 0.41 acres of temporary construction impacts
Temporary wetland impacts: 0.23 acres of temporary construction impacts

Total Linear Impact: Permanent stream impacts: 980 linear feet of new permanent impacts to water of U.S.
Temporary stream impacts: 7,094 linear feet of temporary construction impacts to waters of U.S.

Dredge Volume : None

Fill Volume : 642 cubic yards

Latitude/Longitude: 38.8623 N / 123.0857 W to 38.9033 N / 123.2247

Expiration: April 12, 2015

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE CALTRANS – HIGHWAY 128/253 – CULVERT REHABILITATION PROJECT PHASE 1, WDID NO. 1B09135WNME, AS

DESCRIBED IN THE APPLICATION WILL COMPLY WITH SECTIONS 301, 302, 303, 306 AND 307 OF THE CLEAN WATER ACT, AND WITH APPLICABLE PROVISIONS OF STATE LAW, PROVIDED THAT CALTRANS COMPLIES WITH THE FOLLOWING TERMS AND CONDITIONS:

1. This certification action is subject to modification or revocation upon administrative or judicial review; including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
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 title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any nondenial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee required under title 23, California Code of Regulations, section 3833, unless otherwise stated in writing by the certifying agency.
4. The Regional Water Board shall be notified in writing each year at least five working days (working days are Monday – Friday) prior to the commencement of ground disturbing activities, water diversions, and significant concrete pours, with details regarding the construction schedule, in order to allow staff to be present onsite during installation and removal activities, and to answer any public inquiries that may arise regarding the project.
5. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed revegetation being completed in strict compliance with the Applicant's project description, and b) compliance with all applicable requirements of the Basin Plan.
6. Caltrans shall construct the project in accordance with the project described in the application and the findings above, and shall comply with all applicable water quality standards.
7. Any change in the implementation of the project that would have a significant or material effect on the findings, conclusions, or conditions of this Order must be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.
8. Caltrans shall provide Regional Water Board staff access to the project site to document compliance with this order.

9. Caltrans shall provide a copy of this order and State Water Resources Control Board (SWRCB) Order No. 2003-0017-DWQ (web link referenced below) to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. Caltrans shall be responsible for work conducted by its contractor or subcontractors.
10. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
11. All conditions required by this Order shall be included in the Plans and Specifications prepared by Caltrans for the Contractor. In addition, Caltrans shall require compliance with all conditions included in this Order in the bid contract for this project.
12. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities, construction activities, or any other project activities that could result in erosion or sediment discharges to surface water. The BMPs shall be implemented in accordance with the Caltrans Construction Site Best Manage Practices Manual (CCSBMPM) and all contractors and subcontractors shall comply with the CCSBMPM.
13. Caltrans shall submit, subject to approval by the Regional Water Board staff, a dewatering and/or diversion plan that appropriately describe the dewatered or diverted areas and how those areas will be handled during construction. The diversion/dewatering plans shall be submitted no later than 30 days prior to conducting the proposed activity. Information submitted shall include the area or work to be diverted or dewatered and method of the proposed activity. All diversion or dewatering activities shall be designed as to minimize the impact to waters of the State and maintain natural flows upstream and downstream. All dewatering or diversion structures shall be installed in a manner that does not cause sedimentation, siltation or erosion upstream or downstream. All dewatering or diversion structures shall be removed immediately upon completion of project activities. The in-channel work within fish bearing streams will only be conducted between June 15th and October 15th.
14. Caltrans shall take photos of all areas disturbed by project activities, including all excess materials disposal areas, after rainfall events that generate visible runoff from these areas in order to demonstrate that erosion control and revegetation measures are present and have been installed appropriately and successfully in accordance with the CCSBMPM. A brief report containing these photos shall be submitted within 60 days of the rainfall event that generated runoff from the disturbed areas. In addition, Caltrans shall provide photos of the completed work to the appropriate Regional Water Board staff person, in order to document compliance.

15. Caltrans shall utilize wildlife-friendly 100% biodegradable erosion control products. Photodegradable synthetic products are not considered biodegradable. Caltrans shall not use or allow the use of permanent erosion control products that contain synthetic (e.g., plastic or nylon) netting or materials. Permanent erosion control products are considered to be products left in place for two years or more or after the project is completed. If Caltrans finds that erosion control netting or products have entrapped or harmed wildlife at the site, the product shall be removed and replaced with wildlife-friendly biodegradable products. Caltrans shall not use or allow the use of soil stabilization products that contain synthetic materials within waters of the United States or waters of the State at any time unless otherwise authorized by Regional Water Board staff.
16. The Resident Engineer shall hold on-site water quality permit compliance meetings (similar to tailgate safety meetings) to discuss permit compliance, including instructions on how to avoid violations and procedures for reporting violations. The meetings shall be held at least every other week, and particularly before forecasted storm events and when a new contractor or subcontractor arrives to begin work at the site. The contractors, subcontractors and their employees, as well as any inspectors or biological monitors assigned to the project, shall be present at the meetings. Caltrans shall maintain dated sign-in sheets for attendees at these meetings, and shall make them available to the Regional Water Board on request.
17. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
18. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or concrete washings, welding slag, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State.
19. Water which has come into contact with wet concrete during construction shall be captured and disposed of in appropriate locations at least 100 linear feet beyond waters of the State. No excess concrete or concrete washings shall be allowed to contact waters of the State. In addition, all concrete contact water disposal locations as well as concrete washout basins shall have adequate BMPs in accordance with the CCSBMPM.
20. All materials used for cleaning concrete from tools and equipment, and any wastes generated by this activity, shall be adequately contained to prevent contact with soil and surface water and shall be disposed of properly within a clearly designated area at least 100 linear feet beyond waters of the State

21. When operations are complete, any excess material or debris shall be removed from the work area and disposed of properly and in accordance with the Special Provisions for the project and/or Standard Specification 7-1.13, Disposal of Material Outside the Highway Right of Way. Caltrans shall submit to the Regional Water Board the satisfactory evidence provided to the Caltrans engineer by the Contractor referenced in Standard Specification 7-1.13.
22. Work in flowing or standing surface waters, unless otherwise proposed in the project description and approved by the Regional Water Board, is prohibited. If construction dewatering of groundwater is found to be necessary, Caltrans shall use a method of water disposal other than disposal to surface waters (such as land disposal) or the Caltrans shall apply for coverage under the Low Threat Discharge Permit or an individual National Pollutant Discharge Elimination System (NPDES) Permit and receive notification of coverage to discharge to surface waters, prior to the discharge.
23. Surface water monitoring shall be conducted whenever a project activity is conducted within waters of the State. Surface water monitoring shall be conducted when any project activity has the potential to or has mobilized sediment and/or alter background conditions within waters of the State. In order to demonstrate compliance with receiving water limitations, field measurements shall be collected whenever a project activity may alter background conditions.
24. All in stream activities during construction shall conduct the following water quality monitoring as follows. Caltrans shall establish effluent, upstream (background) and downstream monitoring locations to demonstrate compliance with all applicable water quality objectives. The downstream location shall be no more than 50 feet from the effluent location. Field measurements shall be taken from each location four times daily for flow, pH, temperature, dissolved oxygen, total dissolved solids, turbidity and specific conductance. In addition, visual observations shall be made four times daily and include the appearance of the discharge including color, turbidity, floating or suspended matter or debris, appearance of the receiving water at the point of discharge (occurrence of erosion and scouring, turbidity, solids deposition, unusual aquatic growth, etc), and observations about the receiving water, such as the presence of aquatic life. Measurements shall be collected from each sampling location four times daily while the diversion is being utilized.
25. Whenever, as a result of project activities, downstream measurements exceed the following water quality objectives:

pH	<6.5 or >8.5 (any changes >0.5 units)
temperature	1°F above natural background
dissolved oxygen	<7 milligrams per liter (mg/L)
total dissolved solids	>150 mg/L
turbidity	20% above natural background
specific conductance	>250 micromhos @ 77°F

Appropriate measurements shall be collected from all monitoring locations every hour during the period of increase, and shall continue until measurements demonstrate compliance with receiving water limitations and the water quality parameters are no longer increasing as a result of project activities. If any measurements are beyond the water quality objectives 50 feet downstream of the source(s), all necessary steps shall be taken to install, repair, and/or modify BMPs to control the source(s). In addition, the overall distance from the source(s) to the downstream extent of the exceedance shall be measured.

26. Monitoring results shall be reported to appropriate Regional Water Board staff person by telephone within one hour of taking any measurements that exceed the limits in condition 23 (turbidity only if it is higher than 20 NTU as well). Pictures of the tributary upstream, downstream and within the working and/or disturbed area shall be taken and submitted to the appropriate Regional Water Board staff via e-mail or fax within 24 hours of the incident. All other monitoring data shall be reported on a monthly basis and is due to the Regional Water Board by the 15th of the following month.
27. Calibration logs for all field monitoring equipment shall be maintained and be available to the Regional Water Board on request.
28. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States and the State. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State or the United States. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality.
29. On-site mitigation/revegetation shall be conducted in accordance with the Caltrans-prepared *Proposed Re-Vegetation Plan*, dated November 2009. Off-site mitigation activities for stream and riparian impacts shall result in the restoration and enhancement of 2.33 acres of riparian areas along Robinson Creek (tributary to Anderson Creek). The riparian restoration activities shall be conducted in accordance with the Caltrans prepared *Mitigation and Monitoring Plan for Phase I, II, III*, dated October 2009, and the supplemental restoration maps dated March 10, 2010. Off-site mitigation for wetland impacts shall be conducted in accordance with the Caltrans-prepared *Proposed Mitigation Alternatives for Permanent Impacts to Wetlands*, dated November 2009, and the additional design information submitted on April 8, 2010.
30. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened

violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order. In response to a suspected violation of any condition of this certification, the State Water Board may require the holder of any federal permit or license subject to this Order to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.

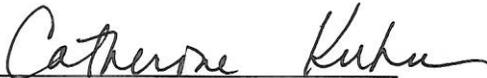
31. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
32. The Russian River watershed is listed on the State of California Clean Water Act Section 303(d) list as impaired for sediment and temperature. Given that roads are a responsible source of sediment in the watershed (directly, from surface erosion, and, indirectly, by triggering landslides) a good first step can be made by focusing on reducing sediment from roads in the watershed. Reducing road-related sediment should be made a high priority. In addition, activities that impact the riparian zone and riparian vegetation are identified as sources contributing to increased stream temperatures. At present, there are no watershed-specific Total Daily Maximum Load (TMDL) implementation plans for this watershed. If a TMDL implementation plan is adopted prior to the expiration date of this Order, the Regional Water Board may revise the provisions of this Order to address actions identified in such action plan.
33. The Navarro River watershed is listed on the State of California Clean Water Act Section 303(d) list as impaired for sediment and temperature. Given that roads are a responsible source of sediment in the watershed (directly, from surface erosion, and, indirectly, by triggering landslides) a good first step can be made by focusing on reducing sediment from roads in the watershed. Reducing road-related sediment should be made a high priority. In addition, activities that impact the riparian zone and riparian vegetation are identified as sources contributing to increased stream temperatures. The Navarro River Sediment TMDL was included in Resolution R1-2004-0087, *Total Maximum Daily Load Implementation Policy for Sediment Impaired Receiving Waters in the North Coast Region*, adopted by the North Coast Regional Water Quality Control Board in November 2004.
34. This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board. The successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of this

Order to discharge dredged or fill material under this Order. The request must contain the following:

- a. requesting entity's full legal name
- b. the state of incorporation, if a corporation
- c. address and phone number of contact person
- d. description of any changes to the project or confirmation that the successor-in-interest intends to implement the project as described in this Order.

35. The authorization of this certification for any dredge and fill activities expires on April 12, 2015. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

36. Please contact Jeremiah Puget of our staff at (707) 576-2835 or jpuget@waterboards.ca.gov if you have any questions.



Catherine Kuhlman
Executive Officer

100412_JJP_CDOT_Hwy128_253_CulvertsPhase1_401cert

Web link: State Water Resources Control Board Order No. 2003-0017 -DWQ, General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification can be found at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Original sent to: Mr. Dana York, Caltrans, P.O. Box 3700, Eureka, CA 95501-3700

Copies sent to: Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 1455 Market Street, San Francisco, CA 94103-1398

U.S. Army Corps of Engineers, District Engineer, 601 Startare Dive, Box 14, Eureka, CA 95501

Mr. Jim McIntosh, Caltrans, P.O. Box 3700, Eureka, CA 95501-3700

California Environmental Protection Agency



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398

FEB 8 - 2010

Regulatory Division

SUBJECT: File Number 2009-00447N

Mr. Dana York
North Region Environmental, Unit E2
California Department of Transportation
1656 Union Street
Eureka CA 95501

Dear Mr. York:

This letter is written in response to your submittal of November 17, 2009 concerning Department of the Army authorization to repair and/or replacement 52 culverts along State Route 128 between Post Mile 40.85 and 50.00 and along State Route 253 between Post Mile 0.99 and 14.62, in Mendocino County, California near the towns of Cloverdale, Yorkville, Boonville and Ukiah. This permit authorizes culvert removal, replacement, repair, lengthening and enlarging where needed to bring the drainage system up to current standards; adding or repairing headwalls; adding or repairing faired inlet and outlet structures such as aprons; adding or improving downdrains; adding RSP (rock slope protection) where needed; adding imported rocky material to stabilize channel bottoms and banks where RSP is not necessary; add liners to culvert where warranted instead of replacement; and the addition of temporary structures, fills, and work necessary to conduct maintenance activities and to dewater the sites where and if necessary.

Based on a review of the information you submitted, your projects qualify for authorization under Department of the Army Nationwide Permit No. 3 – Maintenance (72 Fed. Reg. 11092, March 12, 2007), pursuant to Section 404 of the Clean Water Act (33 U.S.C. Section 1344) (See Enclosure 1). Each culvert site of this linear transportation maintenance project has independent utility and constitutes a single and complete project, each being implemented on its own Nationwide Permit No. 3. A list of the projects authorized by this letter are attached to the back of this letter. All work shall be completed in accordance with the plans and drawings titled “*State of California Department of Transportation, Project Plans for Construction on State Highway in Mendocino County at Various Locations*” pages LC-1, ECQ-1, D1 through D52, and DD1 through DD5, plotted Sept. 15, 2009.

The project must be in compliance with the General Conditions cited in Enclosure 2 for this Nationwide Permit authorization to remain valid. Non-compliance with any condition could result in the suspension, modification or revocation of the authorization for your project, thereby

requiring you to obtain an Individual Permit from the Corps. This Nationwide Permit authorization does not obviate the need to obtain other State or local approvals required by law.

This authorization will remain valid for two years from the date of this letter unless the Nationwide Permit is modified, suspended or revoked. If you have commenced work or are under contract to commence work prior to the suspension, or revocation of the Nationwide Permit and the project would not comply with the resulting Nationwide Permit authorization, you have 12 months from that date to complete the project under the present terms and conditions of the Nationwide Permit. Upon completion of the project and all associated mitigation requirements, you shall sign and return the Certification of Compliance, Enclosure 3, verifying that you have complied with the terms and conditions of the permit.

This authorization will not be effective until you have obtained a Section 401 water quality certification from the North Coast Regional Water Quality Control Board (RWQCB). If the RWQCB fails to act on a valid request for certification within two months after receipt of a complete application, the Corps will presume a waiver of water quality certification has been obtained. You shall submit a copy of the certification to the Corps prior to the commencement of work.

To ensure compliance with this Nationwide Permit authorization, the following special conditions shall be implemented:

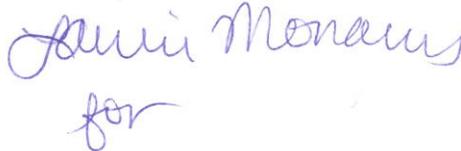
1. This Corps permit does not authorize you to take an endangered species. In order to legally take a listed species, you must have a separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit or a Biological Opinion (BO) under ESA Section 7 with "incidental take" provisions with which you must comply). The enclosed U.S. Fish and Wildlife Service (USFWS) BO dated April 15, 2005, USFWS Informal Consultation letter dated October 6, 2004, National Marine Fisheries Service (NMFS) BOs dated January 4, 2005 and NMFS reinitiating of consultation letter dated January 10, 2007 contain mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the BOs. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take authorized by the attached BOs, whose terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BOs, where a take of the listed species occurs, would constitute an unauthorized take and it would also constitute non-compliance with this Corps permit. The FWS and NMFS are the appropriate authorities to determine compliance with the terms and conditions of their BOs and with the ESA.
2. The project will replace the existing two side-by-side corrugated steel pipe culverts at culvert number 21 on Route 128 at PM 49.66 with an approximately 14'x 7'x 63.9' concrete box culvert designed as a fish passage culvert. The concrete bottom will be below

the creek grade so the bottom of the culvert can be filled with cobblestones to bring the bottom up to the grade of the creek at both ends of the culvert to create a natural bottom in the culvert making the culvert fish friendly (as described starting on page 18 of Caltrans' Preconstruction Notification entitled "*Mendocino County Highways 128 and 253 Culvert Rehabilitation Project – Phase I Preconstruction Notification, Mendocino County, California, Continued from Engineering Form 4345*").

3. Caltrans shall implement its revegetation plan as described on pages 18 – 20 of Caltrans' Preconstruction Notification entitled "*Mendocino County Highways 128 and 253 Culvert Rehabilitation Project – Phase I Preconstruction Notification, Mendocino County, California, Continued from Engineering Form 4345*".
4. Caltrans shall implement its proposed Minimum Erosion Control Measures as described on pages 20 – 22 of Caltrans' Preconstruction Notification entitled "*Mendocino County Highways 128 and 253 Culvert Rehabilitation Project – Phase I Preconstruction Notification, Mendocino County, California, Continued from Engineering Form 4345*".

Should you have any questions regarding this matter, please call Hal Durio of our Regulatory Division at (415) 503 6785. Please address all correspondence to the Regulatory Division and refer to the File Number at the head of this letter. If you would like to provide comments on our permit review process, please complete the Customer Survey Form available online at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,



Jane M. Hicks
Chief, Regulatory Division

Enclosures

Copy furnished:

Copy furnished (w/o enclosures):

US FWS, Arcata, CA
US NMFS, Arcata), CA
CA RWQCB, Santa Rosa, CA

List of Projects Authorized by Nationwide Permit letter dated February 2, 2010, under file number 2009-00447N. Each of these projects have independent utility and each is being permitted under NWP # 3, Maintenance as a single and complete project.

(Key to Column Headings) Culvert# is the number assigned to the culvert by Caltrans. They are listed in order but some numbers are missing because some of the culverts were withdrawn from the project by Caltrans before submitting application to the Corps; **Site #**, is the highway number and Post Mile of the site; **Lat and Long**, use the decimal system called NAD83 which will look like: Lat +36.45695687 Long -122.58135478; **Waterbody Type**, type of wetland or waterbody at the culvert crossing project location; **Jurisdiction**: type of jurisdictional authority Corps has at particular site; **Total acres and Permanent Impact**: The last four columns show acres of total wetland, total waters, permanent wetland impacts, and permanent waters of the U.S. impacts.

Culvert #	Site # (name)	NWP(s) used	Latitude North	Longitude West	Waterbody Type	Jurisdiction	total wetland (acres)	total waters (acre)	permanent impacts wetlands (acre)	permanent impacts waters (acre)
1	H128 PM 40.85	3	+38.90332	-123.22473	intermittent channel	Sec. 404 waters	zero	0.010	zero	0.002
2	H128 PM 41.46	3	+38.89810	-123.21494	ephemeral channel	Sec. 404 waters	zero	0.007	zero	0.002
4	H128 PM 42.97	3	+38.89395	-123.19108	ephemeral channel	Sec. 404 waters	zero	0.004	zero	0.001
7	H128 PM 44.75	3	+38.8859	-123.161539	perennial creek	Sec. 404 wetlands/waters	0.001	0.009	zero	0.001
8	H128 PM 44.90	3	+38.88512	-123.15770	ephemeral channel	Sec. 404 waters	zero	0.002	zero	0.001
13	H128 PM 46.58	3	+38.88460	-123.13368	ephemeral channel	Sec. 404 waters	zero	0.011	zero	0.002
15	H128 PM 47.03	3	+38.8857	-123.12753	ephemeral channel	Sec. 404 waters	zero	0.009	zero	0.002
16	H128 PM 48.21	3	+38.87802	-123.11165	intermittent creek	Sec. 404 wetlands/waters	0.004	0.010	zero	0.001
17	H128 PM 48.46	3	+38.87562	-123.10520	ephemeral runoff	Sec. 404 wetlands/waters	0.006	0.001	0.001	zero
18	H128 PM 48.50	3	+38.87536	-123.10423	ephemeral creek	Sec. 404 waters	zero	0.006	zero	0.001
19	H128 PM48.92	3	+38.87260	-123.09755	ephemeral channel	Sec. 404 waters	zero	0.004	zero	0.002
21	H128 PM 49.66	3	+38.86557	-123.08976	perennial creek	Sec. 404 waters	zero	0.30	zero	0.020
22	H128 PM50.00	3	+38.86234	-128.08574	ephemeral creek	Sec. 404 waters	zero	0.017	zero	0.001
23	H253 PM 0.99	3	+39.00021	-123.34108	ephemeral creek	Sec. 404 waters	zero	0.009	zero	0.001

Mendocino County Highway 128 and 253 Culvert Rehabilitation Project

File Number 2009-00447N

Culvert #	Site # (name)	NWP(s) used	Latitude North	Longitude West	Waterbody Type	Jurisdiction	total wetland (acres)	total waters (acre)	permanent impacts wetlands (acre)	permanent impacts waters (acre)
24	H253 PM 1.06	3	+39.00026	-123.33977	ephemeral runoff	Sec. 404 wetlands/waters	0.003	0.009	0.001	0.002
25	H253 PM 1.38	3	+38.99988	-123.33425	ephemeral creek	Sec. 404 waters	zero	0.005	zero	0.002
26	H253 PM 2.81	3	39.00965	-123.32188	ephemeral creek	Sec. 404 waters	zero	0.012	zero	0.003
27	H253 PM 2.85	3	+39.01205	-123.32130	Intermittent runoff	Sec. 404 wetlands/waters	0.087	0.019	0.004	zero
28	H253 PM 2.98	3	+39.01292	-123.32340	ephemeral runoff	Sec. 404 waters	zero	0.062	zero	0.005
29	H253 PM3.06	3	+39.01414	-123.32400	intermittent sheetflow	Sec. 404 waters	zero	0.039	zero	zero
30	H253 PM 3.13	3	+39.01519	-123.32433	local runoff	Sec. 404 waters	zero	0.008	zero	0.001
31	H253 PM 3.34	3	+39.01776	-123.32250	local runoff	Sec. 404 waters	zero	0.002	zero	0.001
32	H253 PM 3.86	3	+39.02204	-123.31821	intermittent creek	Sec. 404 wetlands/waters	0.007	0.035	0.002	0.002
33	H253 PM 4.18	3	+39.02489	-123.31351	intermittent creek	Sec. 404 wetlands/waters	0.005	0.019	0.001	0.001
34	H253 PM 4.25	3	+39.02478	-123.31241	perennial creek	Sec. 404 wetlands/waters	0.015	0.043	0.001	0.030
35	H253 PM 4.78	3	+39.02690	-123.30339	intermittent channel	Sec. 404 wetlands/waters	0.004	0.002	zero	0.001
36	H253 PM 4.97	3	+39.02592	-123.29998	ephemeral creek	Sec. 404 waters	zero	0.049	zero	zero
37	H253 PM 5.15	3	+39.02527	-123.29633	intermittent channel	Sec. 404 wetlands/waters	0.009	0.007	0.001	0.005
38	H253 PM 5.90	3	+39.02752	-123.28344	ephemeral creek	Sec. 404 waters	zero	0.031	zero	0.001
39	H253 PM 6.01	3	+39.02856	-123.28168	intermittent creek	Sec. 404 wetlands/waters	0.003	0.004	zero	zero
40	H253 PM 6.17	3	+39.02960	-123.27889	intermittent creek	Sec. 404 wetlands/waters	0.015	.0037	0.001	0.006
41	H253 PM 6.34	3	+39.03088	-123.27745	ephemeral creek	Sec. 404 wetlands/waters	0.032	0.030	zero	zero
42	H253 PM 6.63	3	+39.03263	-123.27853	ephemeral creek	Sec. 404 wetlands/waters	0.001	0.011	zero	zero
43	H253 PM 8.11	3	+39.04357	-123.26480	ephemeral creek	Sec. 404 waters	zero	0.003	zero	0.001
44	H253 PM 8.42	3	+39.04766	-123.26602	ephemeral runoff	Sec. 404 wetlands/waters	0.007	0.010	zero	0.002
45	H253 PM 10.62	3	+39.05748	-123.24445	ephemeral creek	Sec. 404 waters	zero	0.006	zero	0.003

Mendocino County Highway 128 and 253 Culvert Rehabilitation Project

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Culvert #	Site # (name)	NWP(s) used	Latitude North	Longitude West	Waterbody Type	Jurisdiction	total wetland (acres)	total waters (acre)	permanent impacts wetlands (acre)	permanent impacts waters (acre)
46	H253 PM 10.68	3	+39.05794	-123.24337	ephemeral runoff	Sec. 404 waters	zero	0.005	zero	0.002
47	H253 PM 11.37	3	+39.06329	-123.23710	ephemeral runoff	Sec. 404 wetlands/waters	0.013	0.016	0.001	0.002
48	H253 PM 11.53	3	+39.06590	-123.23689	ephemeral runoff	Sec. 404 waters	zero	0.002	zero	0.001
49	H253 PM 11.62	3	+39.06663	-123.23654	ephemeral runoff	Sec. 404 waters	zero	0.004	zero	zero
50	H253 PM 11.74	3	+39.06604	-123.23449	intermittent channel	Sec. 404 wetlands/waters	0.007	0.005	0.002	0.001
51	H253 PM 12.61	3	+39.06625	-123.22226	ephemeral creek	Sec. 404 waters	zero	0.003	zero	0.001
52	H253 PM 12.80	3	+39.06790	-123.21994	ephemeral channel	Sec. 404 waters	zero	0.004	zero	0.001
53	H253 PM 13.73	3	+39.07417	-123.21326	ephemeral runoff	Sec. 404 waters	zero	0.010	zero	0.002
54	H253 PM 13.96	3	+39.07655	-123.21471	ephemeral runoff	Sec. 404 waters	zero	0.003	zero	0.001
55	H253 PM 14.31	3	+39.08095	-123.21698	ephem to intermittent channel	Sec. 404 waters	zero	0.004	zero	0.001
56	H253 PM 14.62	3	+39.08482	-123.21981	ephemeral creek	Sec. 404 waters	zero	0.003	zero	0.001
					PICK	PICK				
					PICK	PICK				
						Totals	0.219	0.868	0.015	0.116

Enclosure 1 2007 Nationwide Permits (effective 19 March 2007)

3. *Maintenance.*

(a) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable, structure, or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. This NWP authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the district engineer, provided the permittee can demonstrate funding, contract, or other similar delays.

(b) This NWP also authorizes the removal of accumulated sediments and debris in the vicinity of and within existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.) and the placement of new or additional riprap to protect the structure. The removal of sediment is limited to the minimum necessary to restore the waterway in the immediate vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend further than 200 feet in any direction from the structure. This 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures. All dredged or excavated materials must be deposited and retained in an upland area unless otherwise specifically approved by the district engineer under separate authorization. The placement of riprap must be the minimum necessary to protect the structure or to ensure the safety of the structure. Any bank stabilization measures not directly associated with the structure will require a separate authorization from the district engineer.

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

(d) This NWP does not authorize maintenance dredging for the primary purpose of navigation or beach restoration. This NWP does not authorize new stream channelization or stream relocation projects.

Notification: For activities authorized by paragraph (b) of this NWP, the permittee must submit a preconstruction notification to the district engineer prior to commencing the activity (see general condition 27). Where maintenance dredging is proposed, the pre-construction notification must

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include information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals. (Sections 10 and 404)

Note: This NWP authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Clean Water Act Section 404(f) exemption for maintenance.

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as appropriate, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP.

1. *Navigation.* (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

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

3. *Spawning Areas.* Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or

downstream smothering by substantial turbidity) of an important spawning area are not authorized.

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

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

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

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

8. *Adverse Effects From Impoundments.* If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

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

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

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

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

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

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

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

16. *Tribal Rights.* No activity or its operation may impair reserved tribal

rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

17. *Endangered Species.* (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

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

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

until Section 7 consultation has been completed.

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

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

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

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

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or

potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

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

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

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

19. Designated Critical Resource

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

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

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

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

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and

permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

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

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed $\frac{1}{10}$ acre and require preconstruction notification, unless the district engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides a projectspecific waiver of this requirement. For wetland losses of $\frac{1}{10}$ acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

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

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

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., conservation easements) of riparian

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

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

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

21. **Water Quality.** Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

22. **Coastal Zone Management.** In coastal states where an NWP has not previously received a state coastal zone

management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

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

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

25. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature: "When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and

conditions, have the transferee sign and date below."

(Transferee) _____
(Date) _____

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

- (a) A statement that the authorized work was done in accordance with the NWP authorization, including any general or specific conditions;
- (b) A statement that any required mitigation was completed in accordance with the permit conditions; and
- (c) The signature of the permittee certifying the completion of the work and mitigation.

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

- (1) Until notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or
- (2) If 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 17 that listed species or critical habitat might be affected or in

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

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

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed project;
- (3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided result in a quicker decision.);
- (4) The PCN must include a delineation of special aquatic sites and other waters of the United States on the

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

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

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

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

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

(d) *Agency Coordination:* (1) The

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

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

(3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat

conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

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

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

(e) *District Engineer's Decision:* In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If the proposed activity requires a PCN and will result in a loss of greater than $\frac{1}{10}$ acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN.

Applicants may also propose compensatory mitigation for projects with smaller impacts. The district engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the district engineer will notify the permittee and include any conditions the district engineer deems necessary. The district engineer must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after

consideration of the compensatory mitigation proposal) are determined by the district engineer to be minimal, the district engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

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

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

Enclosure 3

Permittee: California Department of Transportation

File Number: 2009-00447N

**Certification of Compliance
for
Nationwide Permit**

"I hereby certify that the work authorized by the above referenced File Number and all required mitigation have been completed in accordance with the terms and conditions of this Nationwide Permit authorization."

(Permittee)

(Date)

Return to:

Hal Durio
U.S. Army, Corps of Engineers
San Francisco District
Regulatory Division, CESP-OR-R
1455 Market Street
San Francisco, CA 94103-1398



State of California

Department of Industrial Relations

DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
MINING AND TUNNELING UNIT

Underground Classification

C053-045-10T

DEPARTMENT OF TRANSPORTATION

(NAME OF TUNNEL OR MINE AND COMPANY NAME)

of 703 B Street, Marysville, California 95901

(MAILING ADDRESS)

at ROUTE 253 IMPROVEMENTS – MENDOCINO COUNTY

(LOCATION)

has been classified as *** POTENTIALLY GASSY with Special Conditions***

(CLASSIFICATION)

as required by the California Labor Code Section 7955.

The Division shall be notified if sufficient quantities of flammable gas or vapors have been encountered underground. Classifications are based on the California Labor Code Part 9, Tunnel Safety Orders and Mine Safety Orders.

SPECIAL CONDITIONS

1. A Certified Gas Tester shall perform pre-entry and continuous monitoring of the underground environment to measure Oxygen and detect explosive, flammable, and toxic gasses whenever an employee is working in the underground environment.
2. Mechanical ventilation shall provide for continuous exhaust of fumes and air at any time an employee is working in the underground environment. The primary ventilation fans must be located outside of the underground environment and shall be reversible by a single switch near the fan location.
3. The Division shall be notified immediately if any **Flammable Gas** or **Petroleum Vapor** exceeds 5% of the Lower Explosive Limit.
4. All utilities that may be in conflict with the project shall be identified and physically located (potholed) prior to the start of project operations.

The 30-inch diameter by 143 feet long tunnel project located under Route 253 approximately 6.2 miles northeast of the intersection of Route 253 and Route 128, Boonville, Mendocino County.

This classification shall be conspicuously posted at the place of employment.

November 4, 2009

Date _____

(SENIOR ENGINEER)

John R. Leahy





State of California

Department of Industrial Relations

DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
MINING AND TUNNELING UNIT

Underground Classification

C212-045-08T

DEPARTMENT OF TRANSPORTATION

(NAME OF TUNNEL OR MINE AND COMPANY NAME)

of 2800 Gateway Oaks Drive, Suite 200, Sacramento, California 95833
(MAILING ADDRESS)

at ROUTE 253 DRAINAGE IMPROVEMENTS PROJECT - DS 239
(LOCATION)

has been classified as *** POTENTIALLY GASSY with Special Conditions***
(CLASSIFICATION)

as required by the California Labor Code Section 7955.

The Division shall be notified if sufficient quantities of flammable gas or vapors have been encountered underground. Classifications are based on the California Labor Code Part 9, Tunnel Safety Orders and Mine Safety Orders.

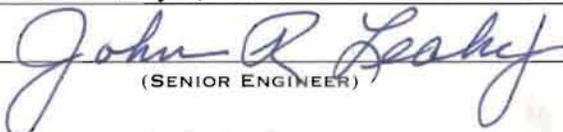
SPECIAL CONDITIONS

1. A Certified Gas Tester shall perform pre-entry and continuous monitoring of the underground environment to measure Oxygen and detect explosive, flammable, and toxic gasses whenever an employee is working in the underground environment.
2. Mechanical ventilation shall provide for continuous exhaust of fumes and air at any time an employee is working in the underground environment. The primary ventilation fans must be located outside of the underground environment and shall be reversible by a single switch near the fan location.
3. The Division shall be notified immediately if any **Flammable Gas** or **Petroleum Vapor** exceeds 5% of the Lower Explosive Limit.
4. All utilities that may be in conflict with the project shall be identified and physically located (potholed) prior to the start of project operations.

The 30-inch diameter by 138 feet long tunnel bore project located beneath State Route 253 approximately 6.5 miles east of the intersection of State Route 253 and State Route 128, Boonville, Mendocino County.

This classification shall be conspicuously posted at the place of employment.

Date May 1, 2008


(SENIOR ENGINEER)

John R. Leahy

Memorandum

*Flex your power!
Be energy efficient!*

To: W. Keith Mack
Transportation Engineer
Marysville Design, M1

Date: March 24, 2010

File: 01-MEN-128-PM 40.9-50.0
EA: 01-378151
Culvert Rehabilitation

From: **DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
GEOTECHNICAL SERVICES
OFFICE OF GEOTECHNICAL DESIGN NORTH-BRANCH B**

Subject: Geotechnical Recommendations

INTRODUCTION

The Office of Geotechnical Design North-Branch B reviewed the location of the proposed culvert rehabilitation in February 2010. We were requested to supply geotechnical recommendations regarding the use of pipe-jacking construction techniques in order to jack a 30 inch pipe approximately 10 feet from the existing 30 inch culvert at Post Mile 6.17. Information and recommendations contained within this report are based on a field reconnaissance of the terrain within the project limits. No subsurface investigation was performed in preparation of this report.

DISSCUSSION

It appears that the existing CMP is founded on native ground and is situated at the base of the overlying embankment. The cut slopes located adjacent to the roadway embankment consists of weathered sandstone bedrock and soils that were likely utilized in the construction of the local fill slopes. It is possible that some sandstone boulders were incorporated within the fill prism. Sandstone and mudstone boulders were also observed scattered around the site.

Cobbles and boulders were observed along the base of the fill slope where the outlet of the existing CMP is located. Starting approximately 10 feet above the outlet of the existing CMP and extending down stream, these cobbles and boulders

are rock slope protection (RSP) placed along the base of the fill slope. The RSP is designed to protect the lower portion of the fill slope from scour during high flow conditions from the outfall of the existing culvert.

Conifer trees are located approximately 40 feet west of the existing CMP inlet on the surface of the fill slope.

RECOMMENDATIONS

Based on our field observations, it appears that jacking a 30 inch pipe 10 feet from the existing CMP is feasible. However, cobble to boulder size rocks may exist within the embankment. Any pipe jacking, located near or down stream of the existing CMP, and exiting the fill slope within the bottom 10 feet of the fill prism, will encounter the RSP. This RSP will have to be removed before jacking a pipe through this zone. After the pipe jacking is completed, it is recommended to replace the RSP.

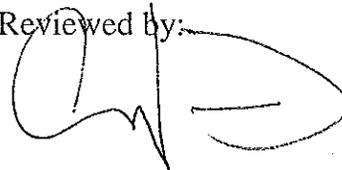
If you have any questions or comments, please contact Daniel Vann at 707 445-7884 or Charlie Narwold at 707 445-6036.

Report by:



DANIEL VANN
Engineering Geologist
Office of Geotechnical Design - North
Branch B
Attachments

Reviewed by:



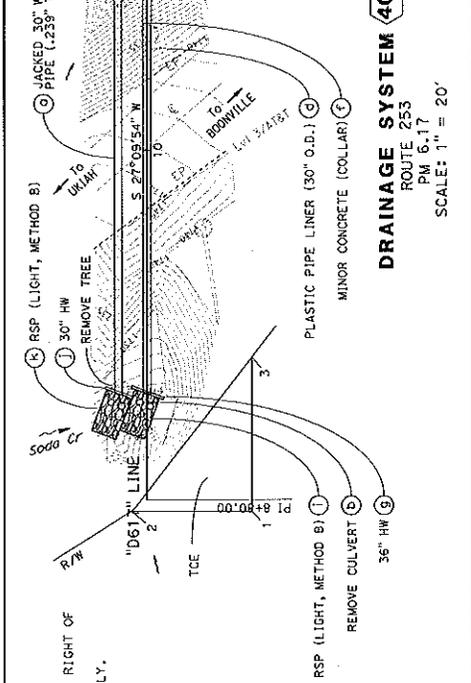
CHARLIE NARWOLD, C.E.G. #2335
Senior Engineering Geologist
Office of Geotechnical Design - North
Branch B

c: OGDN Project File



DIST	COUNTY	ROUTE	POST MILES TO PROJECT	SHEET NO.	TOTAL SHEETS
01	Men	126,253	0+0	1	1

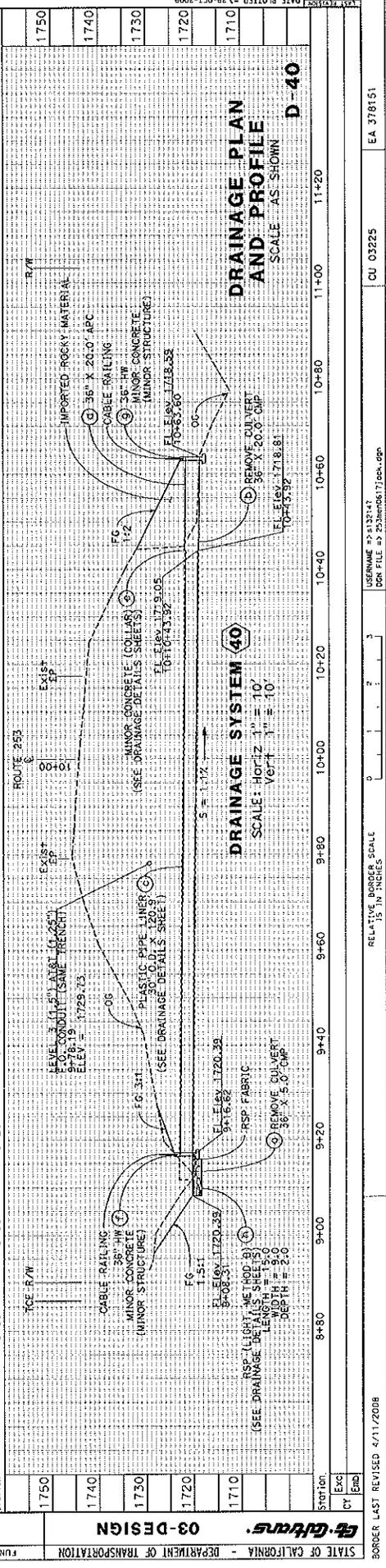
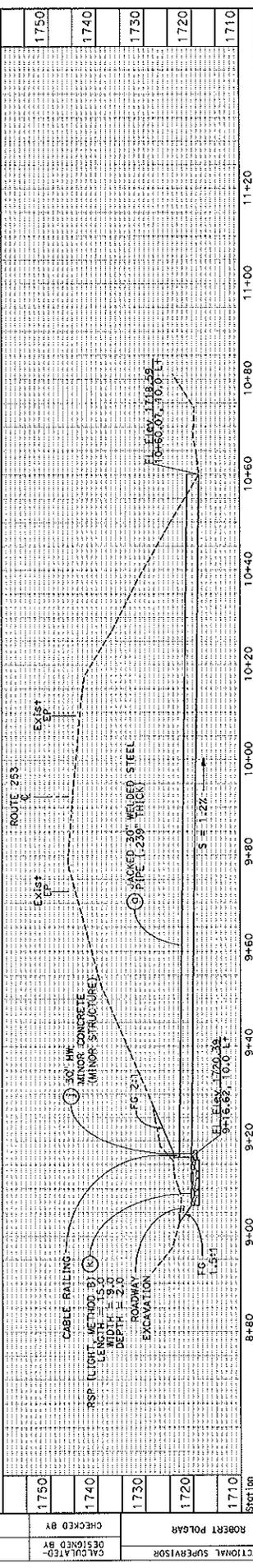
REGISTERED CIVIL ENGINEER
 DATE: 11/11/08
 PROJECT: 114N R13W M9B&M SECTION 34
 REGISTERED PROFESSIONAL ENGINEER
 M. KEITH MCKEY
 No. C. 73864
 Exp. 8-31-11
 CIVIL
 STATE OF CALIFORNIA
 THE SEAL OF THE REGISTERED PROFESSIONAL ENGINEER
 THE SEAL OF THE REGISTERED CIVIL ENGINEER



NOTES:
 1. FOR ACCURATE RIGHT OF WAY DATA, CONTACT RIGHT OF WAY ENGINEERING AT DISTRICT OFFICE.
 2. THIS PLAN ACCURATE FOR DRAINAGE WORK ONLY.

POINT	STATION	OFFSET
1	8+76.09	36.19 RT
2	8+76.09	5.58 LT
3	9+25.10	36.19 RT

DRAINAGE SYSTEM 40
 ROUTE 253
 PM 6.17
 SCALE: 1" = 20'



STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	03-DESIGN	ROBERT POLGAR	FUNCTIONAL SUPERVISOR
DESIGNED BY	SAJAY PATEL	CHECKED BY	SAJAY PATEL
DATE REVISION			

Memorandum

*Flex your power!
Be energy efficient!*

To: SARJU PATEL
Project Engineer
District 3 North Region, Design Branch M1

Date: April 20, 2010
File: 01-MEN-253
PM 6.63
01-378151
Culvert Rehabilitation

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

Subject: Geotechnical Recommendations

INTRODUCTION

General

As requested, the Office of Geotechnical Design – North (GDN) is providing geotechnical recommendations for culvert rehabilitation on Route 253 in Mendocino County at PM 6.63. The North Region Design East, Branch M1 has indicated that “bore and jacking” techniques will be utilized to rehabilitate the existing culvert at this location.

Purpose and Scope

The purpose of this memo is to address the presence of hard rock boulders that can potentially increase pipe bore and jack costs. The scope of our work included the review of published geological mapping, followed by field review of the site performed on August 20, 2004. The field review was limited to visual inspection of the site, and an attempt to identify near surface materials overlying and around the existing culvert. Identification of near surface materials was limited to shallow surface mining (≤ 1 foot depth) utilizing a geologist pick. Subsurface exploration utilizing drilling equipment was not included in our scope of work.

FINDINGS

The culvert at this location is overlain by embankment materials extending over roughly 50 feet in height on the outflow side. A standpipe grate exists on the inlet side of the culvert, suggesting that the culvert may be founded in native materials. Geologic mapping indicates the native formation to consist of Franciscan volcanic and meta-volcanic rock. Large boulders of greater than 3 feet in diameter were noted around the inlet stand pipe. The boulders appear to consist of hard chert and basaltic rock.

CONCLUSIONS & RECOMMENDATIONS

The presence of near surface rocky a material at these sites indicates that significant quantities of boulder-sized, hard rock materials will likely be encountered when bore and jacking is performed for the proposed culvert improvements.

Naturally Occurring Asbestos

Published geologic mapping indicates the intermittent presence of ultramafic rock formations in the region. Serpentinized ultramafic rocks are known to contain naturally occurring asbestos. The reference geologic mapping indicated that there is a significant distance between the subject PM 6.63 site and the closest locations where mapped ultramafic rock formations intersect Caltrans facilities. These locations are on Route 128 in Mendocino County. Hence, it is unlikely that serpentinized rock materials from roadway cuts at these locations where utilized for embankment materials at the subject site. Serpentinized rocks were not noted at the subject site in our field review.

If you have any questions or comments, please call Mark Hagy at (916) 227-1077.

MARK C. HAGY, PE, GE
Transportation Engineer – Civil
Geotechnical Design – North

Attachments: References



Hard & e-copy:

DBrittsan (GDN Branch C), GTell (DPM), ETaddese (PCE),
MWilliam (GS Corporate), KFlannery (DEP), NR Construction, MStapleton (DME)
SCohen (D1 Hydraulics), GS File

1. Bortugno, E.J. & Wagner, D.L. (1980) "Reconnaissance mapping of parts of the Point Arena and Ormbaun Valley Quadrangles, Mendocino County, California: unpublished field study for the State Map Project, scale 1:62,500.
2. Bortugno, E.J. (1980) "Reconnaissance Mapping of part of the Hopland Quadrangle, Mendocino County, California": Unpublished field study for the State Map Project, scale 1:62,500, provided by California Department of Conservation - Division of Mines and Geology.
3. Chapman, R. H., Bishop, C. C., Chase, G. W. & Gasch, J. W. (1975) "Bouger Gravity Map of California" – Ukiah Sheet, Scale 1:250,000, California Division of Mines and Geology.
4. Davenport, C. W. (1983) "Geology and Geomorphic Features Related to Landsliding, Leggett 7.5-Minute Quadrangle, Mendocino County, California," Scale 1:24,000, California Department of Conservation, Division of Mines and Geology. Open File Report 83-40.
5. Manson, M. W. (1984) "Geology and Geomorphic Features Related to Landsliding, Booneville SW (Philo) 7.5-Minute Quadrangle, Mendocino County, California," Scale 1:24,000, California Department of Conservation, Division of Mines and Geology. Open File Report 84-43.
6. Manson, M. W. (1984) "Geology and Geomorphic Features Related to Landsliding, Navarro NE (Navarro) 7.5-Minute Quadrangle, Mendocino County, California," Scale 1:24,000, California Department of Conservation, Division of Mines and Geology. Open File Report 84-44.
7. Manson, M. W. (1984) "Geology and Geomorphic Features Related to Landsliding, Elk 7.5-Minute Quadrangle, Mendocino County, California," Scale 1:24,000, California Department of Conservation, Division of Mines and Geology. Open File Report 84-12.
8. Wagner, D.L. & Bortugno, E.J. (1982) "Geologic Map of the Santa Rosa Quadrangle", scale 1:250,000, California Department of Conservation - Division of Mines and Geology, RGM 2A.