

FOR CONTRACT NO.: 03-0E9904

INFORMATION HANDOUT

WATER QUALITY

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION.**

BOARD ORDER NO WDID 6A311002001

AGREEMENTS

CALIFORNIA DEPARTMENT OF FISH AND GAME

NOTIFICATION NO. 1600-2010-0012-R2

ROUTE: 03-PLA-267-4.9 / 6.7



03-0E9904

California Regional Water Quality Control Board
Lahontan Region



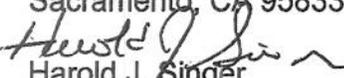
Linda S. Adams
Secretary for
Environmental Protection

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150
(530) 542-5400 • Fax (530) 544-2271
www.waterboards.ca.gov/lahontan

Arnold Schwarzenegger
Governor

MEMORANDUM

TO: Jody Brown, Chief
Caltrans District 3 Office of Program Project Management
2800 Gateway Oaks Drive (MS-19)
Sacramento, CA 95833

FROM: 
Harold J. Singer
Executive Officer
LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD

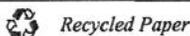
DATE: MAR 16 2010

SUBJECT: ORDER FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND EXEMPTION TO THE 100-YEAR FLOOD PLAIN WASTE DISCHARGE PROHIBITION WITHIN THE TRUCKEE RIVER HYDROLOGIC UNIT, PLACER 267 SLOPE STABILIZATION, PLACER COUNTY, WDID NO. 6A311002001

The California Regional Water Quality Control Board, Lahontan Region (Water Board) received project information and an application filing fee from the California Department of Transportation (Applicant) to complete an application for Clean Water Act (CWA) Section 401 Water Quality Certification (WQC) for the Placer 267 Slope Stabilization Project (Project) near Brockway Summit in Placer County. This Order for WQC is based upon the information provided in the application.

Any person aggrieved by this action of the Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

California Environmental Protection Agency



PROJECT DESCRIPTION**Table of Project Information:**

WDID Number	6A311002001
Applicant	Caltrans District 3 Office of Program Project Management 2800 Gateway Oaks Drive (MS-19) Sacramento, CA 95833
Applicant's Agent	Kelley Nelson
Project Name	Placer 267 Slope Stabilization
Project Purpose and Description	The project includes replacing/repairing four culverts located within federally jurisdictional waters. The culverts are degraded and no longer function properly. The culverts will be replaced or lined in kind and include installation of sand traps to help control the discharge of road abrasives.
Location (closest City & County)	Truckee, Nevada County.
Location Latitude/Longitude	Latitude 39.267361 N, Longitude - 120.077139 W
Hydrologic Unit(s)	Truckee River Hydrologic Unit 635.00, Truckee River Hydrologic Area 635.20
Project Area	27 acres, 1.7 linear miles
Receiving Water(s) Name	Unnamed minor surface waters tributary to Middle Martis Creek
Water Body Type(s)	Unvegetated streambed, ephemeral
Area of Temporary Fill/Excavation of WOUS	0.001 acres
Linear feet of Temporary Fill/Excavation in WOUS	150 feet
Area of Permanent Fill/Excavation of WOUS	0.0008 acres
Linear feet of Permanent Fill/Excavation in WOUS	9.0 (replacement of existing culvert)
Permanent Volume of Excavation from WOUS	0.54 cubic yards (replacement of existing culvert)
Federal Permit(s)	The applicant has applied for U.S. Army Corps of Engineers (USACOE) authorization to proceed under a Nationwide Permit #14, pursuant to Clean Water Act section 404.
Non-Compensatory Mitigation	Construction will be conducted between May 1 and October 15 to avoid wet weather. Site-specific Best Management Practices (BMPs) will be used throughout the construction period and for winterization.
Compensatory Mitigation	None required - in kind replacement of existing culverts.
Applicable Fees	\$640.00 (\$640.00 flat fee for low impact discharges - Less than 0.1 acres, 250 linear feet, and 25 yards of fill).
Fees Received	\$643.00
Fees Due	none

100-YEAR FLOOD PLAIN PROHIBITION

Unless an exemption is granted, the Water Quality Control Plan for the Lahontan Region (Basin Plan) contains certain waste discharge prohibitions that apply to the Truckee River Hydrologic Unit (HU No. 635), including prohibition 4.(c), which states:

The discharge or threatened discharge, attributable to human activities, of solid or liquid waste materials, including soil, silt, clay, sand, and other organic and earthen materials to lands within the 100-year floodplain of the Truckee River or any tributary to the Truckee River is prohibited.

PROHIBITION EXEMPTION

In accordance with provisions in the Basin Plan, the Water Board may grant exemptions to prohibition 4.(c) for the repair or replacement of existing structures, provided that the repair or replacement does not involve the loss of additional floodplain area or volume and best management practices (BMPs) are incorporated to minimize soil erosion and surface runoff problems. The project is intended to repair existing drainage structures and does not involve the loss of additional floodplain area or volume. Pre-and post-erosion controls will include conducting work in dry conditions, installing temporary construction sediment controls, installing permanent sediment traps, and stabilizing all disturbed soil areas.

EXEMPTION AUTHORITY

In accordance with Resolution No. R6T-2008-0031, the Lahontan Water Board has delegated authority to the Executive Officer to grant exemptions to prohibition 4.(c) where the Executive Officer has the authority to authorize the project under an existing general permit and the project is a repair or replacement of existing facilities.

EXEMPTION GRANTED

Lahontan Water Board staff has notified the project proponent and interested parties of its intent to adopt this prohibition exemption through a public notice (newspaper publication) soliciting comments on the proposed project. Water Board staff has determined that the project satisfies the exemption criteria listed above. Therefore, an exemption to Basin Plan prohibition 4(c) is hereby granted.

CEQA COMPLIANCE

The Project is categorically exempt from the California Environmental Quality Act (CEQA), according to the California Code of Regulations (CCR) title 14, section 15302, replacement or reconstruction of existing structures and facilities where the new facility will have substantially the same purpose and capacity. The Water Board has filed a Notice of Exemption with the State Clearinghouse concurrently with this Order.

SECTION 401 WATER QUALITY CERTIFICATION

Authority

Clean Water Act (CWA) section 401 (33 U.S.C., paragraph 1341) requires that any applicant for a CWA section 404 permit, who plans to conduct any activity that may result in discharge of dredged or fill materials to waters of the United States, must provide to the permitting agency a certification that the discharge will be in compliance with applicable water quality standards of the state in which the discharge will originate. No Section 404 permit may be granted (or valid) until such certification is obtained. The Applicant submitted a complete application and appropriate application filing fee required for Water Quality Certification under Section 401 for the Project. The Applicant has applied for ACOE authorization to proceed under Nationwide Permit #14, pursuant to CWA section 404.

California Code of Regulations (CCR) title 23, section 3831(e) grants the Lahontan Water Board Executive Officer the authority to grant or deny water quality certification for projects in accordance with CWA section 401. The Project qualifies for such water quality certification.

Standard Conditions

Pursuant to CCR title 23, section 3860, the following standard conditions are associated with this certification:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to California Water Code section 13330, and CCR title 23, section 3867.
2. This certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license unless the pertinent certification application was filed pursuant to CCR title 23, section 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action must be conditioned upon total payment of the full fee required under CCR title 23, section 3833, unless otherwise stated in writing by the certifying agency.
4. Neither project construction activities nor operation of the project may cause a violation of the Water Quality Control Plan for the Lahontan Region (Basin Plan), may cause a condition or threatened condition of pollution or nuisance, or cause any other violation of the California Water Code.



5. The project must be constructed and operated in accordance with the project described in the application for water quality certification that was submitted to the Water Board. Deviation from the project description constitutes a violation of the conditions upon which the certification was granted.

Additional Conditions

Pursuant to CCR title 23, section 3859(a), the following additional conditions are associated with this certification:

1. The Applicant must maintain a copy of this Order at the Project site so as to be available at all times to site operating personnel and agencies.
2. During construction of the project, the Applicant must follow a project-specific Storm Water Pollution Prevention Plan or Water Pollution Control Plan to prevent impacts to water quality.
3. The Applicant must permit Water Board staff or its authorized representative upon presentation of credentials:
 - a) Entry onto Project premises, including all areas on which fill, excavation or mitigation is located or in which records are kept.
 - b) Access to copy any record required to be kept under the terms and conditions of this Order.
 - c) Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Order.
 - d) Sampling of any discharge or surface water covered by this Order.

Enforcement

1. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of Clean Water Act section 401(d), 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 certification.
2. In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (State Water Board) or the Lahontan Water Board may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring report the State Water Board or Lahontan Water Board deems appropriate, provided that the burden, including costs, of the reports must be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

3. In response to any violation of the conditions of this certification, the Lahontan Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

Section 401 Water Quality Certification Requirements Granted

I hereby issue an order certifying that any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards), and with other applicable requirements of State law. This discharge is also regulated under 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" which requires compliance with all conditions of this WQC.

Except insofar as may be modified by any preceding conditions, all WQC actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description and the terms specified in this WQC order, and (b) compliance with all applicable requirements of the Basin Plan.

We look forward to working with you in your efforts to protect water quality. If you have questions, please contact Bud Amorfini, Engineering Geologist, at (530) 542-5463, or Alan Miller, Chief, North Basin Regulatory Unit, at (530) 542-5430. Please use the WDID in the subject line for future correspondence concerning this project.

cc: Dave Smith / Wetlands Regulatory Office (WTR-8), US EPA, Region 9
(via email at R9-WTR8-Mailbox@epa.gov)
Mathew Kelly / U.S. Army Corps of Engineers, Redding Office
Bill Orme / State Water Resources Control Board, Division of Water Quality
(via email at Stateboard401@waterboards.ca.gov)

BA/clhT: Placer 267 Slope Stabilization 401 Cert
File: WDID 6A311002001, X-file with Caltrans WDID 6A03CT0E990

CALIFORNIA DEPARTMENT OF FISH AND GAME

North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
916-358-2900



Streambed Alteration Agreement
Notification No. 1600-2010-0012 -R2
Tributaries to Middle Martis Creek
California Department of Transportation
Placer 267 Slope Stabilization/Drainage Rehabilitation Project

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified DFG on February 1, 2010 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 Tributaries to Middle Martis Creek, in the County of Placer, State of California; Martis Peak USGS 7.5-minute quadrangles T16N, R17E, Sec 3 and 4.

PROJECT DESCRIPTION

Middle Martis Creek is adjacent to the project area, and it drains into the Truckee River; however, no work will be conducted in the creek. There are 22 culvert systems that will be rehabilitated by this project; however, only four of these systems have jurisdictional features. Impacts to wetlands and Other Waters at one of these four locations (PM 5.83, Station 307+47.72) will be completely avoided by the use of ESA fencing. Two of the others will be lined (PM 5.43, Station 286+54.91, and PM 5.49, Station 289+34.47) and one will be replaced (PM 5.96, Station 312+30.42). There is also an above-ground flume that will be replaced; (PM 6.27, approximate Station 329.50) however, there will

be no impacts to waterways from this construction activity since no excavation will be required.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include various life stages of fish, other forms of vertebrate and invertebrate aquatic life, amphibians, reptiles and nesting birds and riparian plant species.

The adverse effects the project could have on the fish or wildlife resources identified above include: Loss or change of natural bed or bank; change in contour of bed, channel or bank; soil compaction or other disturbance; change in Turbidity; increased sedimentation from adjacent construction; increased sedimentation from project roads; loss or decline of riparian and/or emergent marsh habitat; construction pits and trenches that can capture terrestrial organisms; disruption to nesting birds and other wildlife; and diversion of flow water from stream activity site or around activity site.

STREAM ZONE DEFINED

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

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 to verify compliance with the Agreement. DFG personnel may only enter the project site when it is safe to do so. When appropriate, DFG personnel shall contact the Permittee prior to entering the project site because of safety concerns in the construction area
- 1.5 Authorized Work. The notification, together with all supporting documents submitted with the notification, is hereby incorporated into this agreement to describe the location and features of the proposed project. The Permittee agrees that all work shall be done as described in the notification and supporting documents, incorporating all project modifications, wildlife resource protection features, mitigation measures, and provisions as described in this agreement. Where apparent conflicts exist between the notification and the provisions listed in this agreement, the Permittee shall comply with the provisions listed in this agreement. The Permittee further agrees to notify DFG of any modifications made to the project plans submitted to DFG. At the discretion of DFG, this agreement will be amended to accommodate modifications to the project plans submitted to DFG and/or new project activities.

2. Avoidance and Minimization Measures

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

- 2.1 Work Period. The time period for completing the work within the stream shall be restricted to periods of low or no stream flow and dry weather and shall be confined to the period of May 1 to October 31. Construction activities shall be timed with awareness of precipitation forecasts and likely increases in stream flow. Construction activities within the stream zone shall cease until all reasonable erosion control measures, inside and outside of the stream zone, have been implemented prior to all storm events. Revegetation, restoration and erosion control work is not confined to this time period
- 2.2 Work Period Extensions. At DFG's discretion, the work period may be extended based on the extent of the work remaining, on site conditions and reasonably anticipated future conditions. If the Permittee finds more time is needed to complete the authorized activity, the Permittee shall submit a written request for a work period time extension to DFG. The work period extension request shall provide the following information: 1) Describe the extent of work already completed; 2) Provide specific detail of the activities that remain to be completed within the stream zone; and 3) Detail the actual time required to complete each of the remaining activities within the stream zone. The work period extension request should consider the effects of increased stream conditions, rain delays, increased erosion control measures, limited access due to saturated soil conditions, and limited growth of erosion control grasses due to cool weather. Photographs of the work completed and the proposed work areas are helpful in assisting DFG in its evaluation. Time extensions are issued at the discretion of DFG. DFG will have

ten calendar days to approve the proposed work period extension. DFG reserves the right to require additional measures designed to protect natural resources.

- 2.3 Stream Diversions / Dewatering. If work in the flowing portion of the stream is unavoidable, the entire stream flow shall be diverted around or through the work area during the excavation and/or construction operations. Stream flow shall be diverted using gravity flow through temporary culverts/pipe's or pumped around the work site with the use of hoses. When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code section 5937. Any temporary dam or other artificial obstruction constructed shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation.
- 2.4 Bird Nests. It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird except as otherwise provided by the Fish and Game Code. No trees that contain active nests of birds shall be disturbed until all eggs have hatched and young birds have fledged without prior consultation and approval of a Department representative.
- 2.5 Vegetation Removal. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. Except for the trees specifically identified for removal in the notification, no native trees with a trunk diameter at breast height (DBH) in excess of four (4) inches shall be removed or damaged without prior consultation and approval of a Department representative. Using hand tools (clippers, chain saw, etc.), trees may be trimmed to the extent necessary to gain access to the work sites. All cleared material/vegetation shall be removed out of the riparian/stream zone.
- 2.6 Sediment Control. Precautions to minimize turbidity/siltation shall be taken into account during project planning and implementation. This may require the placement of silt fencing, coir logs, coir rolls, straw bale dikes, or other siltation barriers so that silt and/or other deleterious materials are not allowed to pass to downstream reaches. Passage of sediment beyond the sediment barrier(s) is prohibited. If any sediment barrier fails to retain sediment, corrective measures shall be taken. The sediment barrier(s) shall be maintained in good operating condition throughout the construction period and the following rainy season. Maintenance includes, but is not limited to, removal of accumulated silt and/or replacement of damaged silt fencing, coir logs, coir rolls, and/or straw bale dikes. The Permittee is responsible for the removal of non-biodegradable silt barriers (such as plastic silt fencing) after the disturbed areas have been stabilized with erosion control vegetation (usually after the first growing season). Upon Department determination that turbidity/siltation levels resulting from project related activities constitute a threat to aquatic life, activities associated with the turbidity/siltation shall be halted until effective Department approved control devices are installed or abatement procedures are initiated.

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

3. Compensatory Measures

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

- 3.1 Site Restoration. All exposed/disturbed areas and access points within the stream zone left barren of vegetation as a result of the construction activities shall be restored using locally native grass seeds, locally native grass plugs and/or a mix of quick growing sterile non-native grass with locally native grass seeds. Seeded areas shall be covered with broadcast straw and/or jut netted (monofilament erosion blankets are not authorized).

4. Reporting Measures

Permittee shall meet each reporting requirement described below.

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

CONTACT INFORMATION

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

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).

The Permittee shall notify DFG where conflicts exist between the provisions of this agreement and those imposed by other regulatory agencies. Unless otherwise notified, the Permittee shall comply with the provision that offers the greatest protection to water quality, species of special concern and/or critical habitat.

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, provided the amendment is mutually agreed to in writing by Permittee and DFG.

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 December 31, 2014, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605(a)(2) requires.

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's

behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.

AUTHORIZATION

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

CONCURRENCE

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

FOR CALIFORNIA DEPARTMENT OF TRANSPORTATION



Mike Cook
Project Manager

4/21/10

Date

FOR DEPARTMENT OF FISH AND GAME



Kent Smith
Acting Regional Manager

4/27/10

Date

Prepared by: Gary Hobgood
Staff Environmental Scientist



DEPARTMENT OF FISH AND GAME
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
916-358-2900
<http://www.dfg.ca.gov>

"NOTICE OF EXEMPTION"

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

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

(1/26/10)