FOR CONTRACT NO.: 08-435414

INFORMATION HANDOUT

PERMITS

CALIFORNIA DEPARTMENT OF FISH AND GAME
NOTIFICATION NO. 1600-2013-0026-R6

WATER QUALITY

LAHONTHAN REGIONAL WATER QUALITY CONTROL BOARD
Order No. R6V-2013-0046 for Clean Water Act Section 401 Water Quality Certification, Crest Wash Project, San Bernardino County, WDID No. 6B361303001

MATERIALS INFORMATION

DESERT TORTOISE
(Gopherus agassizii)

The Federal Endangered Species Act of 1973
(16 U.S.C. 1531-15430

And

The California Endangered Species Act)

Channel stream section dated 5/4/2011
Bridge scour report dated 2/16/2011
Hydraulic report dated 3/24/2010

ROUTE: 08-SBd-40 PM R18.0

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
407 West Line Street
Bishop, CA 93514
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

June 25, 2013

Scott Quinnell
California Department of Transportation
464 W. 4th Street, 6th Floor, MS 822
San Bernardino, CA 92401-1400

Subject: Final Streambed Alteration Agreement
Notification No. 1600-2013-0026-R6
Crest Wash Improvements

Dear Mr. Quinnell:

Enclosed is the final Streambed Alteration Agreement (Agreement) for the Crest Wash Improvement Project (Project). Before the California Department of Fish and Wildlife (Department) may issue an Agreement, it must comply with the California Environmental Quality Act (CEQA). In this case, the Department, acting as a responsible agency, filed a notice of exemption (NOE) on the same date it signed the Agreement. The NOE was based on information contained in the Categorical Exemption the lead agency prepared for the Project.

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

If you have any questions regarding this letter, please contact Heather Weiche at (909) 980-8607 or Heather.Weiche@wildlife.ca.gov.

Sincerely,

Leslie MacNair

Leslie MacNair
Environmental Program Manager

cc: chron

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
INLAND DESERTS REGION
INLAND EMPIRE BLVD, SUITE C-220
ONTARIO, CA 91764

STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2013-0026-R6

CALIFORNIA DEPARTMENT OF TRANSPORTATION
CREST WASH IMPROVEMENTS

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and California Department of Transportation (Permittee).

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified CDFW on 02/25/2013 that Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The Crest Wash Improvement Project (Project) is located on Interstate 40 at post mile 18.03. The bridges are located one mile west of the community of Newberry Springs, San Bernardino County.

PROJECT DESCRIPTION

The Project consists of rock slope protection for channel stability along 358.5 linear feet of Crest Wash. Existing rip rap will be replaced with dynamic bio-engineered (DBE) rip rap and approximately 1250 cubic yards of graded rock and boulders will be used to refill excavated wash bed depressions (vaults). 42 cubic yards of soil will top the vault areas. The Project also includes an approximately 27,000 square foot staging area located north of the Project (on the north side of Hwy 40). The excavated materials will be stockpiled and reused onsite to fill the two vaults after the DBE is in place.

PROJECT IMPACTS

Existing fish or wildlife resources the Project could substantially adversely affect include: the federal and state-threatened desert tortoise (*Gopherus agassizii.*).

Impacts the Project could have on desert tortoise include permanent impacts as a result channel clearing in Crest Wash and temporary impacts as a result of staging area grading. The staging area will be restored. Temporary impacts total 0.119 acres and permanent impacts total 0.567 acres.

cover 100 percent of the Project Area with a 50-foot buffer zone. The qualified biologist shall follow the survey methodology in the most recent United States Fish and Wildlife Service (USFWS) Desert Tortoise Field Manual. The qualified biologist shall flag all potential burrows within this area. If desert tortoise are observed, CDFW shall be immediately notified by phone, and in writing no later than the following business day (refer to 'Contact Information' below). No tortoises shall be handled without obtaining a 2081 permit from CDFW.

2.3 Temporary Fencing. With the qualified biologist present and prior to ground-disturbing activities, Permittee shall install temporary desert tortoise exclusionary fencing around any active construction area, lay down area, and storage area (whether on-site or off-site), prior to the onset of vegetation removal, or any other project construction activities that require overnight work or disturbance of desert tortoise habitat.

2.4 Vegetation Removal. The Permittee shall not remove vegetation from the project site from March 15 to September 15 to avoid impacts to nesting birds. If the Permittee intends to commence Project construction between March 15 and September 15, the Permittee shall have a qualified biologist survey all potential nesting vegetation for nesting birds within the Project area, prior to Project activities (including construction and/or site preparation). Surveys shall be conducted at the appropriate time of day during the breeding season, and surveys shall end no more than three days prior to clearing. If no nesting birds were observed in pre-construction surveys, then project activities may begin immediately after conclusion of the surveys. If an active nest is observed within the project area, the onsite biological monitor will establish an appropriate buffer around the active nests. The buffer will be determined by the onsite biological monitor, in coordination with CDFW. If threatened or endangered avian species are observed in the area, no work shall occur during the avian breeding season (March 15 through September 15) without authorization from CDFW.

2.5 Permitte shall comply with the Sections 3503, 3503.5, and 3513 of the California Fish and Game Code which prohibits take of all birds and their active nests, including raptors and other migratory nongame birds (as listed under the Migratory Bird Treaty Act).

2.6 The Permitte shall not allow water containing mud, silt or other pollutants from grading, aggregate washing, or other activities to enter a lake or flowing stream or be placed in locations that may be subjected to high storm flows.

2.7 The Permitte shall comply with all litter and pollution laws. All contractors, subcontractors and employees shall also obey these laws and it shall be the responsibility of the Permittee to ensure compliance.

2.8 Spoil sites shall not be located within a stream/lake or locations that may be subjected to high storm flows, where spoil shall be washed back into a stream, or where it will impact streambed habitat, aquatic or riparian vegetation.

2.9 Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to fish and wildlife resources, resulting from Project related activities shall be prevented from contaminating the soil and/or entering the waters of the state. These materials, placed within or where they may enter a stream/lake, by Permittee or any party working under contract or with the permission of the Permittee shall be removed immediately.

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LIABILITY

Permittee shall be solely liable for any violations of this 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 this Agreement authorizes.

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

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety this 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 this Agreement.

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

ENFORCEMENT

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

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

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TERM

This Agreement shall expire on January 1, 2015 unless it is terminated or extended before then. All provisions in this 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 this Agreement expires or is terminated, as required by FGC section 1605(a)(2).

AUTHORITY

If the person signing this 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 this Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with FGC section 1602.

CONCURRENCE

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

FOR DEPARTMENT OF TRANSPROTATION

Scott Quinnell — 6-13-13

Mr. Scott Quinnell — Date

FOR DEPARTMENT OF FISH AND WILDLIFE

Leslie MacNair — 6/25/13

Ms. Leslie MacNair — Date

Environmental Program Manager

Prepared by: Heather Weiche
Environmental Scientist

11-7

MEMORANDUM

TO: Scott Quinell
California Department of Transportation, District 8
464 W. 4th Street, 6th Floor, MS 822
San Bernardino, CA 92401-1400
Email: scott_quinell@dot.ca.gov

Lauri Kenyon

FROM: Patty Z. Kouyoumdjian, Executive Officer
for LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD

DATE: June 13, 2013

SUBJECT: **ORDER NO. R6V-2013-0046 FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION, CREST WASH PROJECT, SAN BERNARDINO COUNTY, WDID NO. 6B361303001**

The California Regional Water Quality Control Board, Lahontan Region (Water Board) has received project information from the California Department of Transportation (Applicant) and an application filing fee to complete an application for Clean Water Act (CWA) Section 401 Water Quality Certification (WQC) for the Crest Wash Project (Project). This Order for WQC is based upon the information provided in the application and subsequent correspondence received in support of 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 California Water Code (CWC), section 13320, and California Code of Regulations (CCR), 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.

PROJECT DESCRIPTION

Project details, as presented in the application and subsequent correspondence, are summarized in the following table.

Table of Project Information:

WDID Number	6B361303001
Applicant	Scott Quinell California Department of Transportation, District 8 464 W. 4th Street, 6th Floor, MS 822 San Bernardino, CA 92401-1400 Email: scott_quinell@dot.ca.gov
Agent	Alan Manee, California Department of Transportation, District 8 email: alan.c.manee@dot.ca.gov
Project Name	Crest Wash Project
Project Purpose and Description	The purpose of the Project is to improve storm flows beneath the north and south bound lanes of Interstate 40. The Project is to regrade the channel bottom and side slopes and to place rock slope protection to mitigate against scour and erosion.
Project Type	Transportation, Bridges
Project Address or other Locating Information	At post-mile 18.03 on Interstate 40 at the Newberry Springs off-ramp, east of Barstow, San Bernardino County
Latitude/Longitude	Latitude: 34.8306 Longitude: -116.7017 (center)
Hydrologic Unit(s)	Mojave Hydrologic Unit 628.00; Newberry Springs Hydrologic Area 628.60
Project Area	0.85 acres
Receiving Water(s) Name	Crest Wash, tributary to Mojave River
Water Body Type(s)	Minor surface waters
Designated Beneficial Uses	MUN, AGR, GWR, REC-1, REC-2, WARM, COLD, WILD
Potential Water Quality Impacts to Waters of the United States (WOUS)	Short term changes in flow regime on the Project site may result in downstream sedimentation, siltation, and/or erosion.
Project Impacts (Fill) to WOUS	

Waterbody Type	Permanent			Temporary		
	Acres	Linear Feet	Cubic Yards	Acres	Linear Feet	Cubic Yards
Stream	0.087	196	1,213	0	0	0

Federal Permit(s)	The Applicant has applied for coverage under a U.S. Army Corps of Engineers (USACOE) Nationwide Permit 14 (Linear Transportation Projects) pursuant to section 404 of the CWA.
Non-Compensatory Mitigation	During construction, the Applicant will follow Best Management Practices (BMPs) including construction stormwater controls designed to minimize the short-term degradation of water quality. All temporary impacts areas will be restored (re-graded and re-vegetated) to pre-Project conditions.

Table of Project Information:

Compensatory Mitigation	None
Applicable Fees	$2,794 ($944 base fee + [$9.44 per linear foot x 196 linear feet of permanent and temporary impact]); fees calculated based on channel discharges
Fees Received	$ 2,794

CEQA COMPLIANCE

The Water Board finds that the Project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CCR, title 14, section 15301, Existing Facilities, for the maintenance of and minor alteration of an existing highway with negligible to no expansion of use. The Water Board will file a Notice of Exemption with the State Clearinghouse concurrently with this Order.

SECTION 401 WATER QUALITY CERTIFICATION

Authority

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 WOUS, shall 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 the fees required for WQC under section 401 of the CWA for the Project. The USACOE will regulate the Project under Nationwide Permit 14 (Linear Transportation Projects) pursuant to section 404 of the CWA.

CCR, title 23, section 3831(e) grants the Water Board Executive Officer the authority to grant or deny WQC for projects in accordance with CWA section 401. The proposed Project qualifies for such WQC.

Standard Conditions

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

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to CWC, 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 CWC.

5. The Project must be constructed and operated in accordance with the Project described in the application for WQC that was submitted to the Water Board. Deviation from the Project description constitutes a violation of the conditions upon which the certification was granted. Any significant changes to this Project that would have a significant or material effect on the findings, conclusions, or conditions of this certification, including Project operation, must be submitted to the Executive Officer for prior review and written approval.

6. This WQC is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this WQC and civil or criminal liability.

7. The Water Board may add to or modify the conditions of this certification, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the CWC or section 303 of the CWA, or as appropriate to coordinate the operations of this Project with other projects where coordination of operations is reasonably necessary to achieve water quality standards or to protect the beneficial uses of water. Notwithstanding any more specific conditions in this certification, the Project must be constructed and operated in a manner consistent with all water quality standards and implementation plans adopted or approved pursuant to the CWC or section 303 of the CWA.

8. This certification does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under the California Endangered Species Act (Fish and Game Code, section 2050 et seq.) or the federal Endangered Species Act (16 USC, section 1531 et seq.). If a "take" will result from any act authorized under this certification, the applicant must obtain authorization for the take prior to construction or operation of the Project. The Applicant is responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this certification.

Additional Conditions

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

1. To document the completion of the Project, the Applicant must submit a **Project Completion Report** to the Water Board by **October 30, 2013**. The Project Completion Report should include the following, at minimum: a summary of the Project activities, including the date(s) those activities were performed, the total volume of material excavated and replaced, and the total area of permanent and temporary disturbance; a summary of the activities related to water diversion, including dates, methods used, and BMPs used; photo documentation of the completed Project; and a summary of any activities that deviated from those described in the original application and supporting documents.

2. All temporary impact areas will be re-graded and re-vegetated to pre-Project conditions. The upper 6-inches of topsoil will be recovered prior to grading and used as a final cover for restoring the temporary impact areas.

3. Work within the channel is authorized only during dry weather conditions. Should inclement weather occur, all work within the stream channel must stop and all equipment and materials must be removed from the channel.

4. No debris, cement, concrete (or wash water there from), oil, or petroleum products must be allowed to enter into or be placed where it may be washed from the Project site by rainfall or runoff into surface waters. When operations are completed, any excess material and/or soil must be removed from the Project work area and any areas adjacent to the work area where such material may be transported into surface waters.

5. An emergency spill kit must be at the Project site at all times during Project construction.

6. Construction vehicles and equipment must be monitored for leaks and proper BMPs must be implemented should leaks be detected or the vehicles/equipment must be removed from service, if necessary, to protect water quality.

7. The Applicant must permit Water Board staff or their authorized representative(s) 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 WQC;
    c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this WQC; and
    d. Sampling of any discharge or surface water covered by this WQC.

8. The Applicant must maintain at the Project site a copy of this Order and a copy of the complete WQC application provided to the Water Board so as to be available at all times to site operating personnel and agencies.

9. The Applicant is responsible for informing any contractors of the specific conditions contained in this WQC Order.

Enforcement

1. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation will be subject to any remedies, penalties, processes or sanctions, as provided for under state law. For purposes of CWA, section 401(d), the applicability of any state law authorizing remedies, penalties, processes 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 WQC.

2. In response to a suspected violation of any condition of this certification, the State Water Board or the Water Board may require the holder of any permit or license subject to this WQC to furnish, under penalty of perjury, any technical or monitoring report that the State Water Board or Water Board deems appropriate, provided that the burden, including costs, of the reports must be in 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 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 CWA, 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 Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State WQC," which requires compliance with all conditions of this WQC. A copy of State Water Board Order No. 2003-0017-DWQ is enclosed for your reference.

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 Jan Zimmerman, Engineering Geologist, at (760) 241-7376 (jzimmerman@waterboards.ca.gov), or Patrice Copeland, Senior Engineering Geologist, at (760) 241-7404 (pcopeland@waterboards.ca.gov). Please use the WDID referenced in the subject line of this WQC for future correspondence regarding this Project.

Enclosure: SWRCB Order No. 2003-0017-DWQ

cc: Veronica Chan, U.S. Army Corps of Engineers
(via email, Veronica.C.Chan@usace.army.mil)
Alan Manee, California Department of Transportation
(via email, alan.c.manee@dot.ca.gov)
Heather Weiche, California Department of Fish & Wildlife
(via email, heather.weiche@wildlife.ca.gov)
Paul Amato, Wetlands Regulatory Office (WTR-8), USEPA, Region 9
(via email, Amato.Paul@epamail.epa.gov)
Bill Orme, SWRCB, Division of Water Quality
(via email, stateboard401@waterboards.ca.gov)

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STATE WATER RESOURCES CONTROL BOARD

WATER QUALITY ORDER NO. 2003 - 0017 - DWQ

STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR DREDGED OR FILL DISCHARGES THAT HAVE RECEIVED STATE WATER QUALITY CERTIFICATION (GENERAL WDRs)

The State Water Resources Control Board (SWRCB) finds that:

1. Discharges eligible for coverage under these General WDRs are discharges of dredged or fill material that have received State Water Quality Certification (Certification) pursuant to federal Clean Water Act (CWA) section 401.

2. Discharges of dredged or fill material are commonly associated with port development, stream channelization, utility crossing land development, transportation water resource, and flood control projects. Other activities, such as land clearing, may also involve discharges of dredged or fill materials (e.g., soil) into waters of the United States.

3. CWA section 404 establishes a permit program under which the U.S. Army Corps of Engineers (ACOE) regulates the discharge of dredged or fill material into waters of the United States.

4. CWA section 401 requires every applicant for a federal permit or license for an activity that may result in a discharge of pollutants to a water of the United States (including permits under section 404) to obtain Certification that the proposed activity will comply with State water quality standards. In California, Certifications are issued by the Regional Water Quality Control Boards (RWQCB) or for multi-Region discharges, the SWRCB, in accordance with the requirements of California Code of Regulations (CCR) section 3830 et seq. The SWRCB's water quality regulations do not authorize the SWRCB or RWQCBs to waive certification, and therefore, these General WDRs do not apply to any discharge authorized by federal license or permit that was issued based on a determination by the issuing agency that certification has been waived. Certifications are issued by the RWQCB or SWRCB before the ACOE may issue CWA section 404 permits. Any conditions set forth in a Certification become conditions of the federal permit or license if and when it is ultimately issued.

5. Article 4, of Chapter 4 of Division 7 of the California Water Code (CWC), commencing with section 13260(a), requires that any person discharging or proposing to discharge waste, other than to a community sewer system, that could affect the quality of the waters of the State,[1] file a report of waste discharge (ROWD). Pursuant to Article 4, the RWQCBs are required to prescribe waste discharge requirements (WDRs) for any proposed or existing discharge unless WDRs are waived pursuant to CWC section 13269. These General WDRs fulfill the requirements of Article 4 for proposed dredge or fill discharges to waters of the United States that are regulated under the State's CWA section 401 authority.

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[1] "Waters of the State" as defined in CWC Section 13050(e)

6. These General WDRs require compliance with all conditions of Certification orders to ensure that water quality standards are met.

7. The U.S. Supreme Court decision of *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, 531 U.S. 159 (2001) (the *SWANCC* decision) called into question the extent to which certain "isolated" waters are subject to federal jurisdiction. The SWRCB believes that a Certification is a valid and enforceable order of the SWRCB or RWQCBs irrespective of whether the water body in question is subsequently determined not to be federally jurisdictional. Nonetheless, it is the intent of the SWRCB that all Certification conditions be incorporated into these General WDRs and enforceable hereunder even if the federal permit is subsequently deemed invalid because the water is not deemed subject to federal jurisdiction.

8. The beneficial uses for the waters of the State include, but are not limited to, domestic and municipal supply, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation, and preservation and enhancement of fish, wildlife, and other aquatic resources.

9. Projects covered by these General WDRs shall be assessed a fee pursuant to Title 23, CCR section 3833.

10. These General WDRs are exempt from the California Environmental Quality Act (CEQA) because (a) they are not a "project" within the meaning of CEQA, since a "project" results in a direct or indirect physical change in the environment (Title 14, CCR section 15378); and (b) the term "project" does not mean each separate governmental approval (Title 14, CCR section 15378(c)). These WDRs do not authorize any specific project. They recognize that dredge and fill discharges that need a federal license or permit must be regulated under CWA section 401 Certification, pursuant to CWA section 401 and Title 23, CCR section 3855, et seq. Certification and issuance of waste discharge requirements are overlapping regulatory processes, which are both administered by the SWRCB and RWQCBs. Each project subject to Certification requires independent compliance with CEQA and is regulated through the Certification process in the context of its specific characteristics. Any effects on the environment will therefore be as a result of the certification process, not from these General WDRs. (Title 14, CCR section 15061(b)(3)).

11. Potential dischargers and other known interested parties have been notified of the intent to adopt these General WDRs by public hearing notice.

12. All comments pertaining to the proposed discharges have been heard and considered at the November 4, 2003 SWRCB Workshop Session.

13. The RWQCBs retain discretion to impose individual or General WDRs or waivers of WDRs in lieu of these General WDRs whenever they deem it appropriate. Furthermore, these General WDRs are not intended to supersede any existing WDRs or waivers of WDRs issued by a RWQCB.

IT IS HEREBY ORDERED that WDRs are issued to all persons proposing to discharge dredged or fill material to waters of the United States where such discharge is also subject to the water quality certification requirements of CWA section 401 of the federal Clean Water Act (Title 33 United States Code section 1341), and such certification has been issued by the applicable RWQCB or the SWRCB, unless the applicable RWQCB notifies the applicant that its discharge will be regulated through WDRs or waivers of WDRs issued by the RWQCB. In order to meet the provisions contained in Division 7 of CWC and regulations adopted thereunder, dischargers shall comply with the following:

1. Dischargers shall implement all the terms and conditions of the applicable CWA section 401 Certification issued for the discharge. This provision shall apply irrespective of whether the federal license or permit for which the Certification was obtained is subsequently deemed invalid because the water body subject to the discharge has been deemed outside of federal jurisdiction.

2. Dischargers are prohibited from discharging dredged of fill material to waters of the United States without first obtaining Certification from the applicable RWQCB or SWRCB.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on November 19, 2003.

AYE: Arthur G. Baggett, Jr.
Peter S. Silva
Richard Katz
Gary M. Carlton
Nancy H. Sutley

NO: None.

ABSENT: None.

ABSTAIN: None.

Debbie Irvin
Clerk to the Board

Caltrans

Information Brochure

Protection

Of the

DESERT TORTOISE

(Gopherus agassizii)

During

LIMITED SCOPE PROJECTS

WEG/TortoiseBrochure (Limited Scope Projects)

THE

DESERT TORTOISE

(A THREATENED SPECIES)

<u>"IS PROTECTED BY LAW"</u>

ANY UNAUTHORIZED PERSON
WHO COLLECTS, HANDLES
OR DELIBERATELY MOLESTS A
TORTOISE
CAN
BE
PROSECUTED

VIOLATIONS CAN RESULT IN

1) FINES UP TO $50,000

AND/OR

2) IMPRISONMENT UP TO 1 YEAR

APPLICABLE LAWS INCLUDE:

The Federal Endangered Species Act of 1973
(16 U.S.C. 1531-1543)

and

The California Endangered Species Act

THIS BROCHURE IS INTENDED TO PROVIDE YOU WITH INFORMATION AND GUIDANCE
TO AVOID VIOLATION OF THE ENDANGERED SPECIES ACTS

RESOURCE AGENCY FORMAL CONSULTATION

Limited scope projects normally have a low risk of encountering or harming a tortoise and no "TAKE" is anticipated. Therefore, Formal Consultation between Caltrans and the U.S. Fish and Wildlife Service under Section 7 of the federal Endangered Species Act has not been undertaken for this project to authorize "TAKE" during the conduct of this project.

"TAKE" is defined as:

Harassing, Harming, Pursuing, Hunting, Shooting, Wounding, Killing, Capturing, Collecting, or attempting to engage in any such conduct. Engaging in any of these activities can place you in violation of the law.

Tortoises found within Caltrans Right of Way are not exempt from this protection.

WHAT TO DO AND NOT DO.

CHECK UNDER MOTORIZED EQUIPMENT & VEHICLES – that have been parked over night or stationary for some length of time before moving the vehicle.

CHECK AROUND MATERIAL STACKS & UNITS - that have been stored in the open before moving them.

VISUALLY CHECK AROUND THE WORK AREA – for the presence of live tortoise that may have wandered into the disturbance zone. It is not intended to divert your attention from your work tasks and create a hazard for your or others on the job, but it is good practice to utilize a few seconds and visually scan the area around you when it is safe to do so.

IF A TORTOISE IS PRESENT – stop all work activities that could harm the tortoise and contact the Resident Engineer or designated contact person, or on-site biologist to have the tortoise removed to safety. Contact your supervisor (contractor's) for direction on proceeding with work activities.

DO NOT HANDLE OR MOVE A TORTOISE – yourself. Only a qualified biologist is authorized to do so.

DO NOT RETURN A TORTOISE – to the wild that has been held in captivity. They may have been infected with a pneumonia type virus that is the cause of pneumonia infections in humans. The tortoise is highly susceptible to this virus which attacks the lungs and the tortoise has no means to cure itself. More tortoises die from pneumonia than any other cause. Symptoms of infection include runny or bubbly nose, loss of appetite and gasping for breath. Returning them to the wild increases the potential for exposure of the virus into an otherwise healthy tortoise population.

HELP MAKE THE LITTER CONTROL REQUIREMENTS ON THIS PROJECT – work by using the closeable trash containers to dispose of left over food scraps, wrappers, cans bottles, etc., or secure and remove them from the project with you when you leave the job site. The purpose of litter control is to avoid attracting Ravens which are highly efficient hunters and killers of baby tortoises.

DO NOT NEEDLESSLY VENTURE OUT OF THE DESIGNATED WORK AREA – into adjoining habitat areas unless directed to do so after the area has been approved for such activity. Doing so, disturbs habitat which is also protected under the Endangered Species Acts.

ASK YOUR SUPERVISOR - if any other environmentally related special provisions have been placed in the contract exist that you should know about. We do recommend that environmental protection measures be reiterated and discussed at on-site "tail gate" meetings with safety and other project related issues brought up by your supervisor(s).

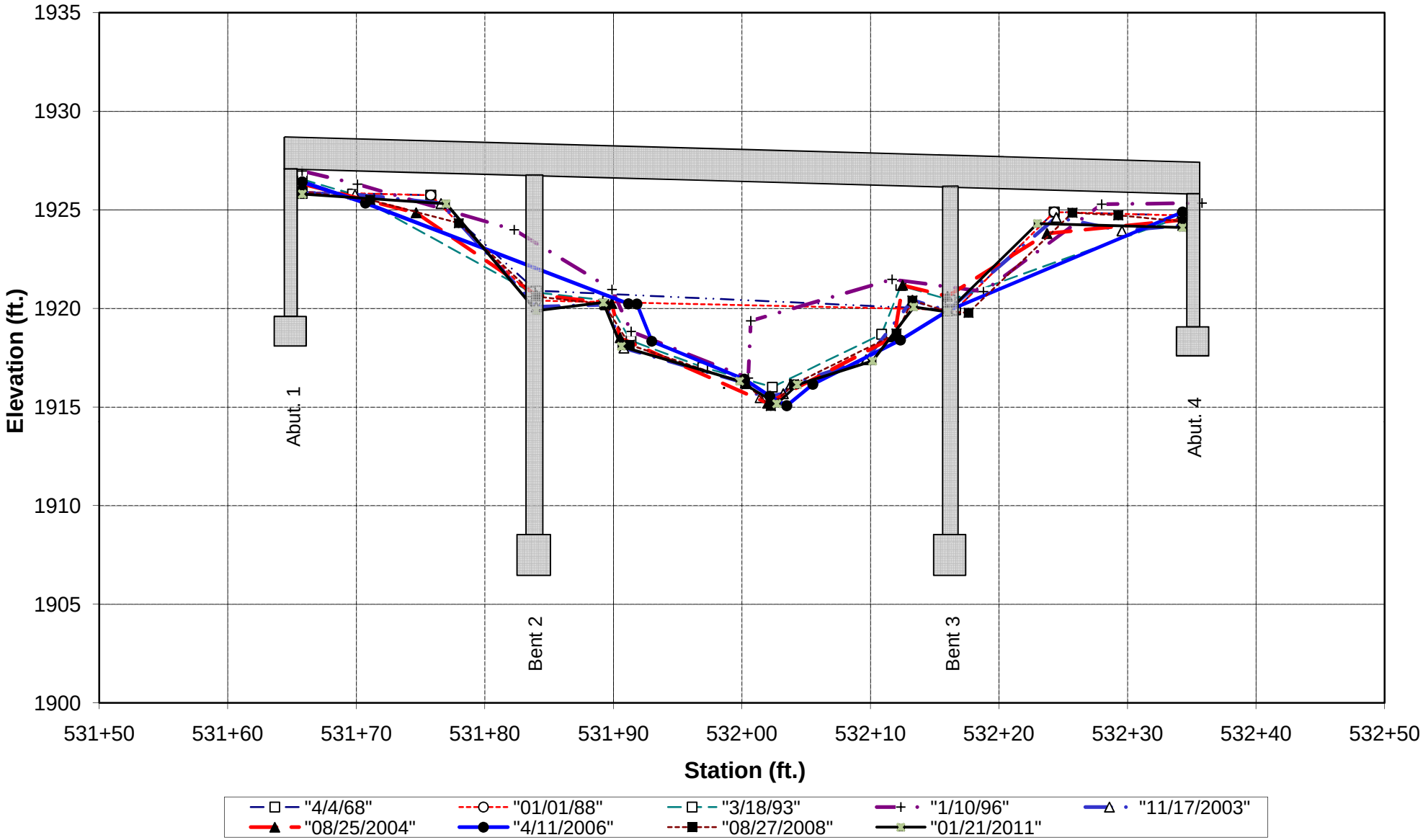
WE THANK YOU FOR YOUR COOPERATION
AND CARE

IN KEEPING WITH AMERICA'S DESIRE TO PROTECT THE ENVIRONMENT

Bridge ID: 54-0717L

08-SBD-40-18.03

Crest Wash - Upstream



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Printed by D Stoughton on 5/4/2011

BRIDGE SCOUR EVALUATION - PLAN OF ACTION				
Br. No.	**Owner**	**Location**	**Facility Carried**	**Name**
54 0717L	**Caltrans**	**08-SBD-40-18.03**	**INTERSTATE 40**	**CREST WASH**

Plan of Action **Completed By: David Stoughton (SM&I Hydraulic)**	**Date** **Revised: 02/16/2011**

1. SCOUR VULNERABILITY RATING

Scour Evaluation Summary: After a field summary and re-evaluation was completed in 2008 by SM&I Hydraulics, the bridge was still found to be scour critical due to high velocities from the culvert upstream of the bridge. The scour countermeasure mitigation strategy was modified.

Scour History: Historically, the channel has suffered from 2 meters of incision. Previously, it was believed that the constructed earth berms upstream of the bridge were creating a contracted flow condition leading to the incision. Due to potential undermining of the spreadfootings from scour, the Item 113 code was changed from 6 to 3 in 1995. A work recommendation to place RSP throughout the bridge openings was initiated in 2003. In July 2008, the mitigation strategy was re-evaluated. SM&I Hydraulics made a field investigation and collected survey data to model the hydraulics and sediment transport as part of this evaluation.

a. **Foundation Type** ☒ Spread footing ☐ Pile Extension ☐ Footing on Piles ☐ Unknown

b. **Foundation Material** ☒ Known silt, sand, dense gravel and cobbles per LOTB. ☐ Unknown

Scour Review: Done By: S Vigneswaran Date: 08/27/2008

Structural Assessment: Done By: None Date:
Critical Elevation: _____

Geotechnical Assessment: Done By: None Date:
Critical Elevation: _____

2. NBIS CODING INFORMATION

		Most Recent
Inspection date		01/20/2011
Item 113	Scour	3
Item 60	Substructure	5
Item 61	Channel & Channel Protection	3
Item 71	Waterway Adequacy	8

3. COUNTERMEASURE RECOMMENDATION

A. Completed Countermeasures: None

B. **Proposed Countermeasures:** 1. Place heavy rock riprap (2-Ton) over filter fabric in channel bottom and extend existing RSP lining 5 meters upstream and downstream. 2. For long-term stability, construct a concrete stilling basin to dissipate turbulence.

☐ **Countermeasures Not Required. (Please explain)**

☒ **Install Scour Countermeasures** (See 4 and 5)

	Estimated Cost
_X_Riprap with monitoring program	$ 140,000
___Guide bank	$
___Spurs / Bendway weirs / Barbs	$
___Relief bridge / Culvert	$
___Channel improvements	$
___Monitoring	$
___Monitoring device	$
___Check Dam	$
___Substructure Modification	$
___Bridge replacement	$
___Other	$

☐ **Close Bridge** (See 6)

4. COUNTERMEASURE IMPLEMENTATION SCHEDULE

Countermeasure Implementation Project Type:

☒ Proposed Construction Project:

Lead Agency: CalTrans.

☐ Maintenance Project

Advertised Date: The project of rock riprap and stilling basin has been initiated, but not programmed.

Other scheduling information: EA 43540

5. MONITORING PLAN

ABME

During **Biennial Routine Inspections**, monitor the following:

1) Potential exposure/undermining of any spreadfootings; increase in incised channel.
2) Migration of the incised channel toward one of the piers.
3) Deck settlement induced by scouring of spreadfooting foundation material
4) Report findings to the **SM&I Hydraulics Branch**

SM&I HYDRAULICS

1) Items 1 – 3 as outlined in the ABME Section above.
2) Channel stability (by measuring channel cross-sections) will be monitored when SM&I Hydraulics is notified of a flash flood or significant event.

DISTRICT MAINTENANCE

Until appropriate scour mitigation countermeasures have been installed, monitor the bridge site during and after flash floods or highflow storm events. If the bridge shows any signs of settlement during this period, take appropriate actions to ensure lateral stability of the bridge (including closure of the bridge site if necessary) or contact someone from the contact list in Section 6.

6. BRIDGE CLOSURE PLAN

Bridge ADT: 19500	Built: 1968	% Trucks: 40	Bridge Length (ft): 69.9

Closure Plan Summary:

- Close bridge at first signs of settlement, lateral movement or structural distress; settlement/displacement may be possible to detect by sighting down the bridge alignment (along rail) for discontinuity
- During closure, maintain constant watch until a thorough inspection & structural assessment can be made
- Confer with ABME to determine advisability of reopening the bridge after inspection

Scour Monitoring Criteria for Consideration of Bridge Closure:

☐ Water surface elevation reaches _____ ☐ Overtopping road or structure
☐ Scour Measurement Results / Monitoring Device ☐ Loss of Riprap
☐ Observed amount of Settlement ☐ Loss of Road Embankment
☐ Debris Accumulation
☐ Other: Contraction scour.

Person / Area Responsible for Closure:
Steve Pusey, Deputy District Director, D08 Maintenance (ofc 909-383-6320)

Contact People (Name & Phone No.):

Gedion Werrede, Senior Bridge Engineer, Structure Maintenance & Investigations
Ofc (213) 897-2018, Cell 213-440-4687

Greg Haylock, Area Bridge Maintenance Engineer, Structure Maintenance & Investigations
Ofc 213-897-0927, Cell 213-598-0421

Kevin Flora, Senior Bridge Engineer, Structure Maintenance & Investigations – Hydraulics Branch
Ofc 916-227-8036, cell 916-799-1423

David Stoughton, Transportation Engineer, Struc. Maintenance & Investigations–Hydraulics Branch
Ofc 916-227-8015

Ken Matsuoka, D08 Maintenance, Maintenance Regional Manager
Ofc 909-383-4427 Cell 909-214-6608

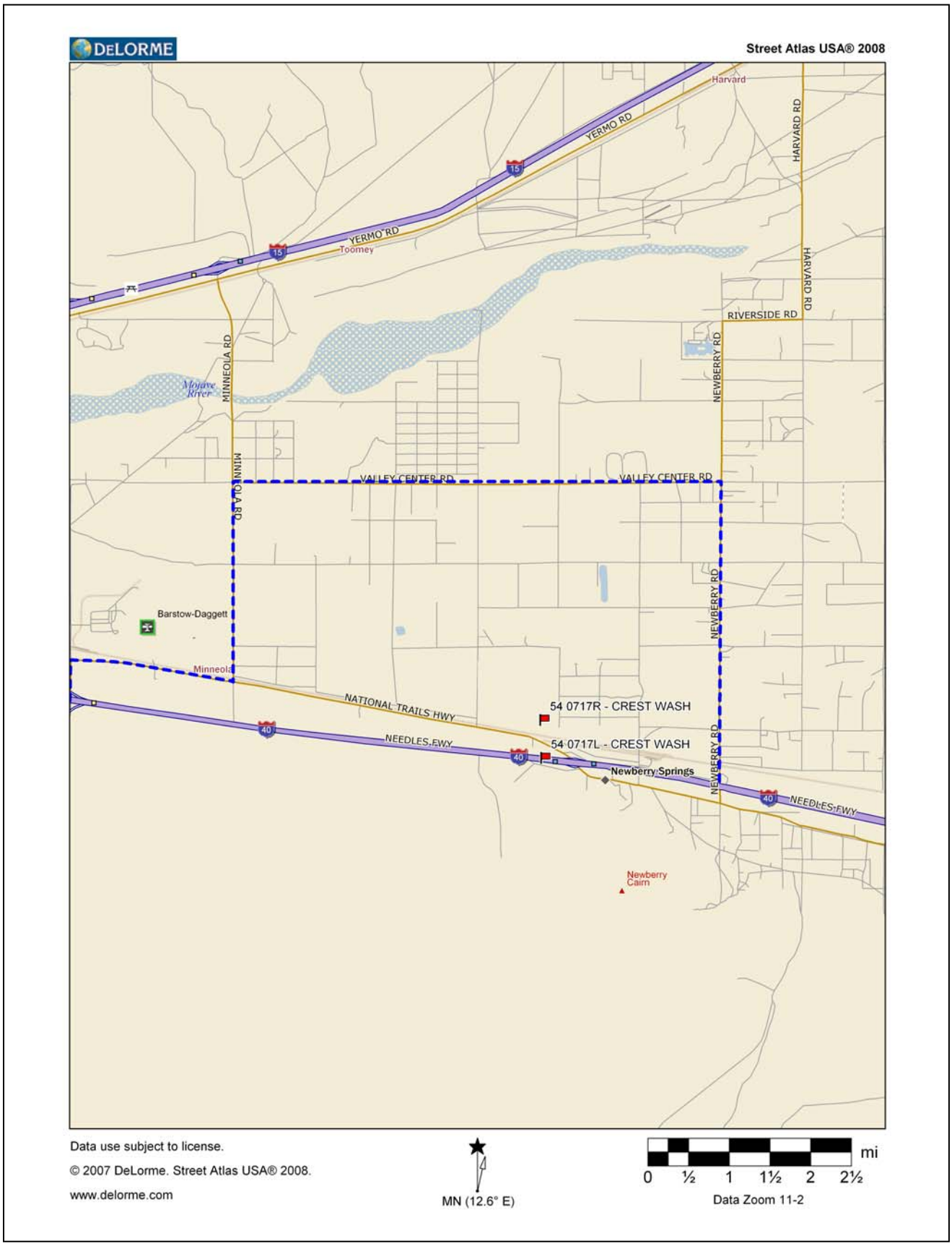
Tim Hatfield, D08 Maintenance, Barstow Area Supervisor
Ofc 760-252-2314 Cell 760-954-4101

Responsible for re-opening after inspection:

Gedion Werrede, Senior Bridge Engineer, Structure Maintenance & Investigations
Ofc 213-897-2018, Cell 213-440-4687

Kevin Flora, Senior Bridge Engineer, Structure Maintenance & Investigations – Hydraulics Branch
Ofc 916-227-8036, cell 916-799-1423

7. DETOUR ROUTE			
Detour route description (route number, from - to, etc.) – Exit north on Hidden Springs Road. Turn east onto National Trails Highway. Turn north onto Minneola Road. Head east on Valley Center Road. Turn south onto Newberry Road. Stay on Newberry Road until it intersects State Route 40, and merge onto State Route 40 again.			
Average ADT:	**Year:**	**% Trucks:**	**Length:**
Bridges on Detour Route:			
Bridge Number	Waterway	Sufficiency Rating/ Load limitations	Scour 113 code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California Department of Transportation
Division of Maintenance

Structure Maintenance and Investigations

BRIDGE

INSPECTION

RECORDS

INFORMATION

SYSTEM

The requested documents have been generated by BIRIS.

These documents are the property of the California Department of Transportation and should be handled in accordance with Deputy Directive 55 and the State Administrative Manual.

Records for “Confidential” bridges may only be released outside the Department of Transportation upon execution of a confidentiality agreement.

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Plan of Action **Completed By: David Stoughton (SM&I Hydraulic)**	**Date** **Revised: 03/24/2010**

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Contact People (Name & Phone No.):
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Ofc 213-897-0869, Cell 213-479-8161
Tim Bakken, Area Bridge Maintenance Engineer, Structure Maintenance & Investigations
Ofc 213-897-0972, Cell 213-435-9598
Kevin Flora, Senior Bridge Engineer, Structure Maintenance & Investigations – Hydraulics Branch
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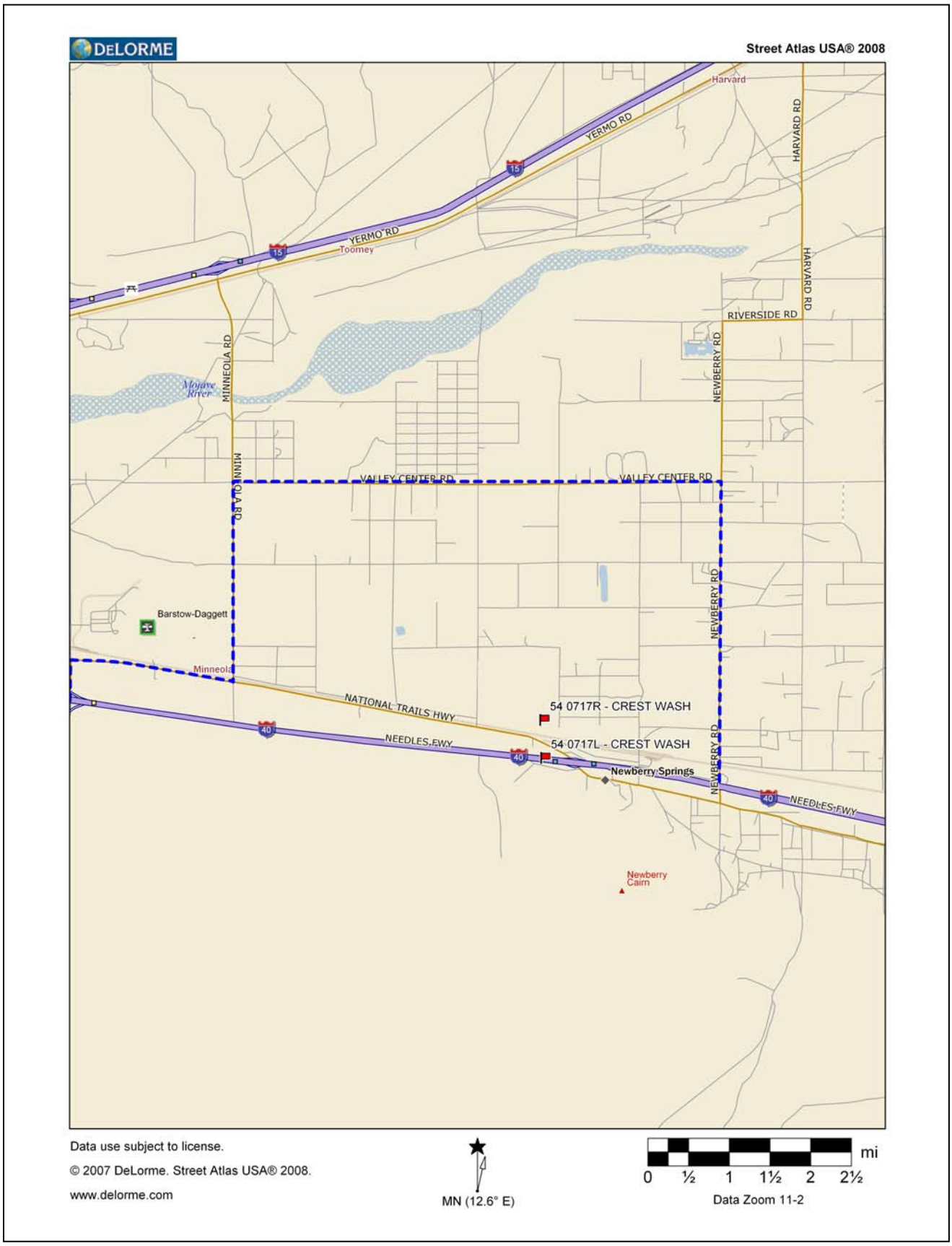
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NEWBERRY RD
VALLEY CENTER RD
Barstow-Daggett
Minneola
NATIONAL TRAILS HWY
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