

INFORMATION HANDOUT

**For Contract No. 09-351204
At 09-Iny-395-R20.3/R22.3**

**Identified by
Project ID 0900020058**

PERMITS

California Department of Fish and Wildlife

Incidental Take Permit No. 2081-2014-055-06

United States Fish and Wildlife Service

08EVEN00-2013-I-0037

WATER QUALITY

California Regional Water Quality Control Board

Lahontan Region
WDID No. 6B141407003

AGREEMENTS

California Department of Fish and Wildlife

Notification No. 1600-2014-0125-R6

MATERIALS INFORMATION

Midwest Guardrail Terminal System Details

Water Source Information

Asbestos and Lead-Containing Paint Survey Report

PERMITS

California Department of Fish and Wildlife
Incidental Take Permit No. 2081-2014-055-06



California Department of Fish and Wildlife
Inland Deserts Region
3602 INLAND EMPIRE BOULEVARD, SUITE C-220
ONTARIO, CA 91764

California Endangered Species Act
Incidental Take Permit No. 2081-2014-055-06

HAIWEE CLEAR RECOVERY ZONE

Authority: This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the take¹ of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.² CDFW may authorize the take of any such species by permit if the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c) are met. (See Cal. Code Regs., tit. 14, § 783.4).

Permittee:	California Department of Transportation
Principal Officer:	Dena Gonzalez, Biology Branch Chief, North
Contact Person:	Dena Gonzalez, (559) 445-6406
Mailing Address:	855 M Street, Suite 200 Fresno, CA 97321

Effective Date and Expiration Date of this ITP:

This ITP shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of this ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on **October 31, 2019**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 6.7 of this ITP.

¹Pursuant to Fish and Game Code section 86, "'Take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), "'take' ... means to catch, capture or kill").

²The definition of an endangered, threatened, and candidate species for purposes of CESA are found in Fish and Game Code sections 2062, 2067, and 2068, respectively.

Project Location:

The Haiwee Clear Recovery Zone Project (Project) is located along State Route (SR) 395 from Caltrans post mile (PM) 20.3 to PM 22.3 in southern Inyo County, about 13.5 miles south of the town of Olancho and about 2.5 miles north of Coso Junction.(See Figure 1). The Project is located in the Coso Junction United States Geological Survey (USGS) 7.5-minute quadrangle in Township 21S, Range 37E, Sections 15, 22, 23, and 26, at Latitude 36 06'26.19" N, Longitude 117 58' 13.858" W.

Project Description:

The Project will improve the safety of the southbound lanes on SR 395 from PM 20.3 to PM 22.3 by widening the southbound outside shoulders from five to ten feet wide, installing ground-in shoulder rumble strips, improving the Clear Recovery Zone (CRZ) by flattening the cut and fill of the slope on both sides of the southbound lanes, extending the southbound culverts, and removing the large boulders within the southbound CRZ. The Project will also involve widening the Los Angeles Aqueduct (conduit) Bridge #48-15L where it crosses State Route 39. As part of this work, the existing bridge will be extended by two feet to allow for a ten foot shoulder on the bridge. Existing culverts would be extended to match the new shoulder width and one new culvert would be added.

Temporary access roads and removal of vegetation within the Project Impact Area (PIA) are anticipated. The Project activities include the removal of vegetation, grubbing and grading of the southbound shoulder, equipment storage staging and laydown, cut and fill of the embankment slopes to change ground elevation in areas for shoulder widening, ground compaction, placing and compacting sub grade base layer, culvert removal, culvert installation, road paving, installation of rumble strips, stripping and other activities.

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

Name	CESA Status
1. Mohave ground squirrel (<i>Spermophilus mohavensis</i>)	Threatened ³

This species and only this species is the "Covered Species" for the purposes of this ITP.

Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include removal of vegetation, grubbing

³See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(6)(A).

and grading of the southbound shoulder, equipment storage staging and laydown, cut and fill of the embankment slopes to change ground elevation in areas for shoulder widening, ground compaction, placing and compacting sub grade base layer, culvert removal, culvert installation, road paving, installation of rumble strips, stripping and other activities described in the Project Description section of this ITP (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities such as collapsing burrows by hand prior to mechanical vegetation removal or “clearing and grubbing”; vehicle strikes and crushing of burrows during vegetation removal by construction equipment; construction equipment and vehicles driving within the Project limits; walking through the Project area and unintentionally collapsing burrows, resulting in crushing or suffocation; and accidental crushing by construction equipment. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species from capture or entrapment in holes or trenches, uncovering Covered Species through the excavation of burrows, by corralling the Covered Species into a confined area when barrier fencing is constructed, and relocation of Covered Species when required by this ITP. The areas where authorized take of the Covered Species is expected to occur include: within the Caltrans right-of-way along State Route (SR) 395 from Caltrans post mile (PM) 20.3 to PM 22.3 in southern Inyo County, about 13.5 miles south of the town of Olancho and about 2.5 miles north of Coso Junction (collectively, the Project Area). The Project Area is shown in Figure 1.

The Project is expected to cause the permanent loss of 6.85 acres of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, increased predator presence in the construction vicinity, and the Project’s incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations, capture and relocation, and long-term effects due to increased pollution, displacement from preferred habitat, increased competition for food and space, disturbance to burrows, removal and/or damage of vegetation, and increased vulnerability to predation.

Incidental Take Authorization of Covered Species:

This ITP authorizes incidental take of the Covered Species and only the Covered Species. With respect to incidental take of the Covered Species, CDFW authorizes the Permittee, its employees, contractors, and agents to take Covered Species incidentally in carrying out the Covered Activities, subject to the limitations described in this section and the Conditions of Approval identified below. This ITP does not authorize take of Covered Species from activities outside the scope of the Covered Activities, take of Covered Species outside of the

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CALIFORNIA DEPARTMENT OF TRANSPORTATION
HAIWEE CLEAR RECOVERY ZONE

Project Area, take of Covered Species resulting from violation of this ITP, or intentional take of Covered Species except for capture and relocation of Covered Species as authorized by this ITP.

Conditions of Approval:

Unless specified otherwise, the following measures apply to all Covered Activities within the Project Area, including areas used for vehicular ingress and egress, staging and parking, vegetation removal and grading activities, and noise and vibration generating activities that may/will cause take. CDFW's issuance of this ITP and Permittee's authorization to take the Covered Species are subject to Permittee's compliance with and implementation of the following Conditions of Approval:

1. **Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **California Environmental Quality Act (CEQA) Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Initial Study/Mitigated Negative Declaration (SCH No.: 2013021034) adopted by the California Department of Transportation (Caltrans) on April 11, 2013 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
3. **LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) (Notification No. 1600-2014-0125-R6) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
4. **ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.
5. **General Provisions:**
 - 5.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify

CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.

- 5.2. Designated Biologist. Permittee shall submit to CDFW in writing the name(s), qualifications, business address, and contact information of a biological monitor(s) (Designated Biologist) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist(s) is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species, and who possesses a valid Memorandum of Understanding (MOU) with CDFW for handling the Covered Species. The Designated Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist(s) must be changed.
- 5.3. Designated Biologist Authority. Only the Designated Biologist(s) with an MOU with CDFW is authorized to excavate burrows, handle, and relocate Covered Species. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s) shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.
- 5.4. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist(s) that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations, and Project-specific protective measures described in this ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.

- 5.5. Construction Monitoring Notebook. The Designated Biologist(s) shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.
- 5.6. Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 5.7. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist(s). Permittee shall keep the amount of water used to the minimum amount needed, and shall not allow water to form puddles.
- 5.8. Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.
- 5.9. Delineation of Property Boundaries. Before starting Covered Activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities.
- 5.10. Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.
- 5.11. Project Access. Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of

routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.

- 5.12. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 5.11 of this ITP.
- 5.13. Hazardous Waste. Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 5.14. Firearms and Dogs. Permittee shall prohibit firearms and domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or federal law enforcement officials.
- 5.15. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 5.16. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

6. Monitoring, Notification and Reporting Provisions:

- 6.1. Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.

- 6.2. Notification of Non-compliance. The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.
- 6.3. Compliance Monitoring. The Designated Biologist(s) shall be on-site daily when Covered Activities occur. The Designated Biologist(s) shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist(s) shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP. The Designated Biologist(s) shall conduct compliance inspections a minimum of twice a day (once during the onset of the day's work and once at the conclusion of that day's work) during periods of inactivity and after clearing, grubbing, and grading are completed.
- 6.4. Monthly Compliance Report. The Designated Representative or Designated Biologist(s) shall compile the observation and inspection records identified in Condition of Approval 6.3 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to CDFW's Regional Office at the office listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative. At the time of this ITP's approval, the CDFW Regional Representative is Rose Banks (Rose.Banks@wildlife.ca.gov). CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.
- 6.5. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 6.4; (2) a general description of the status of

the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.

- 6.6. CNDDDB Observations. The Designated Biologist(s) shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist(s) shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 6.7. Final Mitigation Report. No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist(s) shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.
- 6.8. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist(s) if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist(s) or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (909) 484-0167. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and

any other pertinent information.

7. Take Minimization Measures:

The following requirements are intended to ensure the minimization of incidental take of Covered Species in the Project Area during Covered Activities. Permittee shall implement and adhere to the following conditions to minimize take of Covered Species:

- 7.1. Burrow Excavation. The Designated Biologist(s) shall fully excavate by hand all burrows OR scope each burrow within the Project Area that are suspected or known to be occupied by the Covered Species. The Designated Biologist(s) shall allow Covered Species encountered in the excavated burrows during their *active period* to escape out of harm's way. During the Covered Species' *dormant period*, the Designated Biologist(s) shall collect and immediately relocate them to an artificial burrow at a protected off-site location approved in advance by CDFW's Regional Representative. The Covered Species may only be relocated by the Designated Biologist(s). The Designated Biologist(s) shall prepare relocation burrows in the following manner: (1) dig a hole of at least two feet deep; (2) install a nine-inch diameter non-collapsible plastic container, which shall be connected to a three-inch diameter non-collapsible pipe that runs to the ground surface at a 45-degree angle; (3) the Designated Biologist(s) shall place the Covered Species in the artificial burrow and lightly plug the burrow mouth with soil in a manner that is similar to a natural Covered Species burrow.

- 7.2. Trench Inspection. The Designated Biologist(s) shall inspect all open hole and trenches within the Project Area at the beginning, middle, and end of each day for trapped animals. To prevent inadvertent entrapment of Covered Species or any other animals, the Designated Biologist(s) shall oversee the covering of all excavated, steep-walled holes or trenches more than two feet deep, or of any depth if they contain water or other material, at the close of each working day by plywood or other barrier materials such that animals are unable to enter and become entrapped. Permittee shall provide escape ramps in holes greater than two feet deep that do not hold water or other material, to allow animals to escape. Before holes or trenches are filled, the Designated Biologist(s) shall thoroughly inspect them for trapped animals. If any worker discovers that Covered Species have become trapped, they shall halt Project-related activities and notify the Designated Biologist(s) immediately. Project workers and the Designated Biologist(s) shall allow the Covered Species to escape out of harm's way before allowing work to continue. The use of temporary fencing, around the perimeter of trenches or holes is an acceptable minimization measure.

7.3. Covered Species Injury. If a Covered Species is injured as a result of Project-related activities, the Designated Biologist(s) shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition 6.8. Notification shall include the name of the facility where the animal was taken.

7.4. Vehicular Traffic Restrictions. Permittee shall restrict Project-related vehicle traffic to established roads and the delineated Project Area; cross-country (off-road) vehicle travel is prohibited and signs shall be posted to this effect during covered activities. If a Covered Species is encountered, drivers shall stop, wait for the Covered Species to move off the road, and immediately notify the Designated Biologist(s) of the Covered Species location.

8. Habitat Management Land Acquisition:

CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result with implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation.

To meet this requirement, the Permittee shall provide for both the permanent protection and management of 20.55 acres of Habitat Management (HM) lands (pursuant to Condition of Approval 8.2 below) and the calculation and deposit of the management funds (pursuant to Condition of Approval 8.3 below). Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations.

8.1. Cost Estimates. CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands as follows:

8.1.1. Land acquisition costs for HM lands identified in Condition of Approval 8.2 below, estimated at \$1,000.00/acre for 20.55 acres: **\$20,550.00**. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements;

- 8.1.2. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 8.2.5 below, estimated at \$6,000.
- 8.1.3. Interim management period funding as described in Condition of Approval 8.2.6 below, estimated at \$15,000.
- 8.1.4. Long-term management funding as described in Condition of Approval 8.3 below, estimated at \$1,450.00/acre for 20.55 acres: **\$29,797.50** plus the ten percent contingency fee as described in Condition 8.4.2.2.1 (**\$2,979.75**) for a total of **\$32,777.25**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.
- 8.1.5. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 8.4, estimated at **\$3,000.00**.

8.2. Habitat Acquisition and Protection. To provide for the acquisition and perpetual protection and management of the HM lands, the Permittee shall:

- 8.2.1. Fee Title/Conservation Easement. Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e);

- 8.2.2. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 2B) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;
- 8.2.3. HM Lands Documentation. Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 2A). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;
- 8.2.4. Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.
- 8.2.5. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see <http://www.dfg.ca.gov/habcon/conplan/mitbank/>); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;
- 8.2.6. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes

expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.

8.3. Endowment Fund. If the Permittee will permanently protect and perpetually manage compensatory habitat as described in Condition of Approval 8.2, The Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 8.2.5. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with this ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.

8.3.1. Identify an Endowment Manager. The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community

foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4).;

8.3.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR") to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.

8.3.2.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.

8.3.2.2. Endowment Buffers/Assumptions. Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:

8.3.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.

8.3.2.2.2. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.

8.3.2.2.3. Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well

replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.

8.3.3. Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

8.4. Reimburse CDFW. Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.

9. Performance Security

The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 8 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

9.1. Security Amount. The Security shall be in the amount of **\$77,327.25**. This amount is based on the cost estimates identified in Condition of Approval 8.1 above.

9.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.

9.3. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.

9.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.

9.5. Security Transmittal. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 4) or by way

of an approved instrument such as escrow, irrevocable letter of credit, or other.

9.6. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.

9.7. Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:

- Written documentation of the acquisition of the HM lands;
- Copies of all executed and recorded conservation easements;
- Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and
- Timely submission of all required reports.

Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

Amendment:

This ITP may be amended as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c), and other applicable law. This ITP may be amended without the concurrence of the Permittee as required by law, including if CDFW determines that continued implementation of the Project as authorized under this ITP would jeopardize the continued existence of the Covered Species or where Project changes or changed biological conditions necessitate an ITP amendment to ensure that all Project-related impacts of the taking to the Covered Species are minimized and fully mitigated.

Stop-Work Order:

CDFW may issue Permittee a written stop-work order requiring Permittee to suspend any Covered Activity for an initial period of up to 25 days to prevent or remedy a violation of this ITP, including but not limited to the failure to comply with reporting or monitoring obligations, or to prevent the unauthorized take of any CESA endangered, threatened, or candidate species. Permittee shall stop work immediately as directed by CDFW upon receipt of any such stop-work order. Upon written notice to Permittee, CDFW may extend any stop-work order issued to Permittee for a period not to exceed 25 additional days. Suspension and

revocation of this ITP shall be governed by California Code of Regulations, Title 14, section 783.7, and any other applicable law. Neither the Designated Biologist(s) nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

Compliance with Other Laws:

This ITP sets forth CDFW's requirements for the Permittee to implement the Project pursuant to CESA. This ITP does not necessarily create an entitlement to proceed with the Project. Permittee is responsible for complying with all other applicable federal, state, and local law.

Notices:

The Permittee shall deliver a fully executed duplicate original ITP by registered first class mail or overnight delivery to the following address:

Habitat Conservation Planning Branch
California Department of Fish and Wildlife
Attention: CESA Permitting Program
1416 Ninth Street, Suite 1260
Sacramento, CA 95814

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2014-055-06) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Kimberly Nicol, Regional Manager
California Department of Fish and Wildlife
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
(909) 484-0167
Fax (909) 481-2945

Unless Permittee is notified otherwise, CDFW's Regional Representative for purposes of addressing issues that arise during implementation of this ITP is:

Rose Banks
407 West Line Street
Bishop, CA 93514
Telephone (760) 873-4412
Fax (760) 872-1284

Incidental Take Permit
No. 2081-2014-055-06
CALIFORNIA DEPARTMENT OF TRANSPORTATION
HAIWEE CLEAR RECOVERY ZONE

Compliance with CEQA:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, Caltrans. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Initial Study with Proposed Mitigated Negative Declaration, (State Clearinghouse No. 2013021034) dated April 2013 that Caltrans adopted for the Haiwee Clear Recovery Zone Project on April 19, 2013. At the time the lead agency adopted the Mitigated Negative Declaration and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

This ITP, along with CDFW's related CEQA findings, which are available as a separate document, provide evidence of CDFW's consideration of the lead agency's Mitigated Negative Declaration for the Project and the environmental effects related to issuance of this ITP (CEQA Guidelines, § 15096, subd. (f)). CDFW finds that issuance of this ITP will not result in any previously undisclosed potentially significant effects on the environment or a substantial increase in the severity of any potentially significant environmental effects previously disclosed by the lead agency. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to and implementation of the Conditions of Project Approval adopted by the lead agency, and that adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

Findings Pursuant to CESA:

These findings are intended to document CDFW's compliance with the specific findings requirements set forth in CESA and related regulations. (Fish & G. Code § 2081, subs. (b)-(c); Cal. Code Regs., tit. 14, §§ 783.4, subds, (a)-(b), 783.5, subd. (c)(2).)

CDFW finds based on substantial evidence in the ITP application, Haiwee Clear Recovery Zone Mitigated Negative Declaration, the results of site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP.

Incidental Take Permit
No. 2081-2014-055-06
CALIFORNIA DEPARTMENT OF TRANSPORTATION
HAIWEE CLEAR RECOVERY ZONE

Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 20.55 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;

- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

Attachments:

FIGURE 1	Map of Project
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2A, 2B	Habitat Management Lands Checklist; Proposed Lands for Acquisition Form
ATTACHMENT 3	Letter of Credit Form
ATTACHMENT 4	Mitigation Payment Transmittal Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 10/29/14



Kimberly Nicol, Regional Manager
INLAND DESERTS REGION

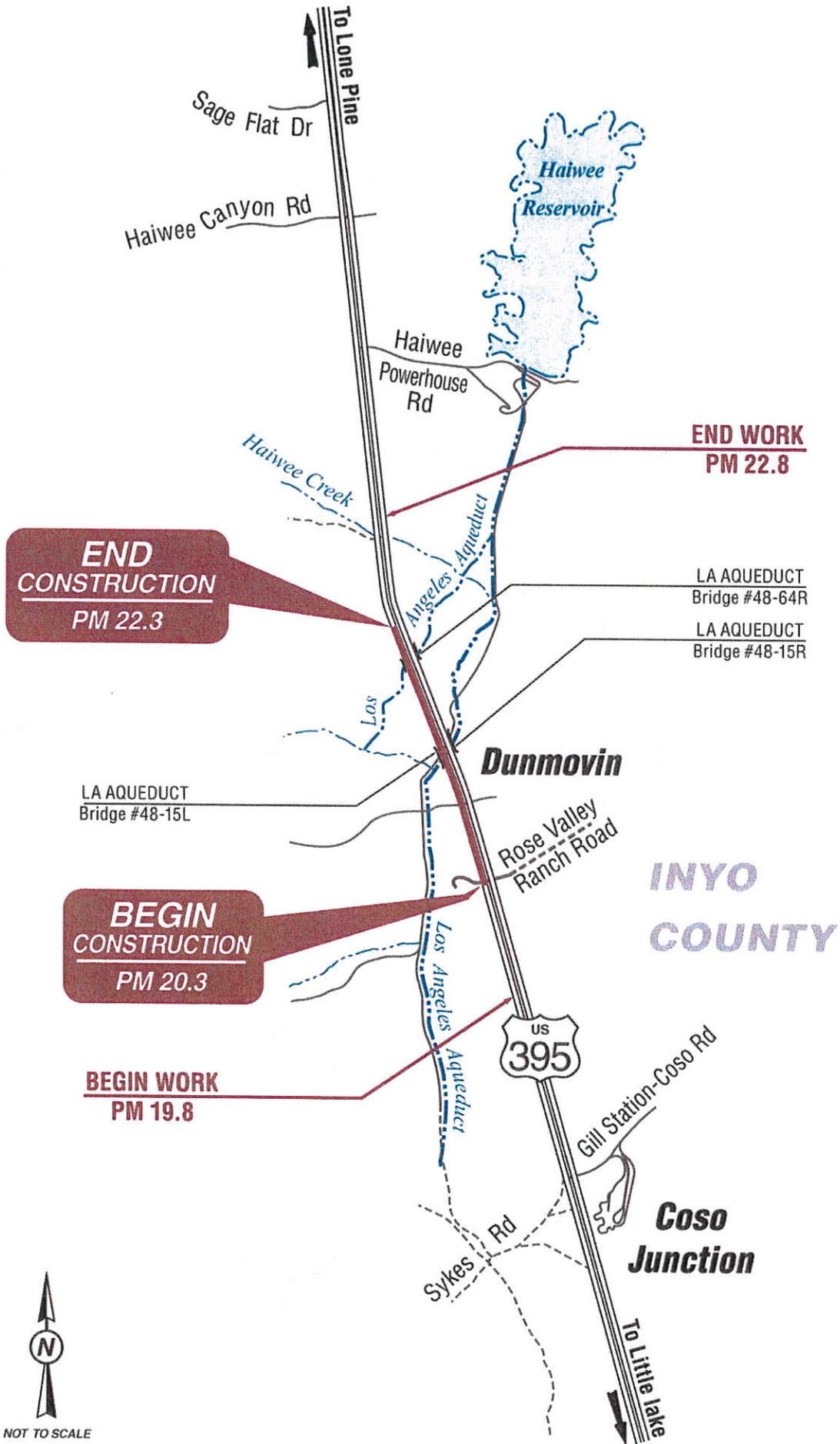
ACKNOWLEDGMENT

The undersigned: (1) warrants that he or she is acting as a duly authorized representative of the Permittee, (2) acknowledges receipt of this ITP, and (3) agrees on behalf of the Permittee to comply with all terms and conditions

By: Dena S. Gonzalez Date: 11-24-2014

Printed Name: Dena S. Gonzalez Title: Biology Branch Chief

Incidental Take Permit
No. 2081-2014-055-06
CALIFORNIA DEPARTMENT OF TRANSPORTATION
HAIWEE CLEAR RECOVERY ZONE



United States Fish and Wildlife Service

08EVEN00-2013-I-0037

From: [Gonzalez, Dena@DOT](mailto:Gonzalez.Dena@DOT)
To: [Cornwell, Jaimee@DOT](mailto:Cornwell.Jaimee@DOT)
Subject: FW: Haiwee Clear Recovery Zone (08EVEN00-2013-I-0037)
Date: Monday, November 24, 2014 12:05:24 PM

FYI

From: Ray Bransfield [mailto:ray_bransfield@fws.gov]
Sent: Monday, November 24, 2014 11:53 AM
To: Gonzalez, Dena@DOT
Subject: RE: Haiwee Clear Recovery Zone (08EVEN00-2013-I-0037)

Dena,

Caltrans does not need to re-initiate formal consultation because of the reduction in the amount of disturbance from 14.78 to 6.85 acres.

I am sorry for the delay.

Ray

From: Gonzalez, Dena@DOT [mailto:dena.gonzalez@dot.ca.gov]
Sent: Monday, November 24, 2014 11:41 AM
To: Ray Bransfield
Subject: FW: Haiwee Clear Recovery Zone (08EVEN00-2013-I-0037)
Importance: High

Hi Ray,

Have you had a chance to look at the impacts for Haiwee. We need to get this finalized soon the project is going out to bid at the end of December.

Thanks for your help!

Dena Suzanne Gonzalez
Central Region Environmental Division
Biology Branch Chief
855 M. Street, Suite 200
Fresno, CA 93721
(559) 445-6406 - Office
(559) 978-6265 - Cell



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
08EVEN00-2013-I-0037

November 20, 2012

Frank Meraz
Office Chief, Central Region Biology Branch
District 06, California Department of Transportation
2015 East Shields Avenue, Suite A-100
Fresno, California 93726-5428

Subject: Haiwee Clear Recovery Zone Project (SR-395-PM 20.3/22.3), Inyo County, California

Dear Mr. Meraz:

This letter is in response to your inquiry, dated October 25, 2012, and received by our office on October 29, 2012, requesting our concurrence that the proposed Haiwee Clear Recovery Zone project is not likely to adversely affect the federally threatened Mojave desert tortoise (*Gopherus agassizii*). The Federal Highway Administration has delegated responsibility for consultation to the California Department of Transportation (Caltrans) for federally funded actions. Consequently, your request and our response are made pursuant to Section 7 (a)(2) of the Endangered Species Act of 1973, as amended.

Caltrans proposes the Haiwee Clear Recovery Zone Project located 2.5 miles north of Coso Junction, south of the Haiwee Reservoir along U.S. Route 395, postmile R20.3-R22.3, in southwest Inyo County. The project includes: widening the existing southbound outside shoulders from 5 feet to 10 feet (expressway standard); constructing rumble strips; flattening cut and fill slopes; extending culverts; and removing large obstructions within the clear recovery zone (30 feet from edge of travelled way). The Los Angeles Aqueduct (conduit) Bridge Number 48-15L would be widened by 2 feet to provide a 10-foot outside shoulder. The project would permanently impact approximately ~~14.78~~ acres, of which 2.16 would be paved. No desert tortoise critical habitat is located within or adjacent to project activities.

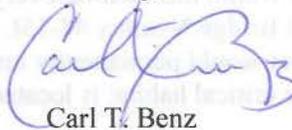
U.S. Fish and Wildlife Service protocol level desert tortoise surveys were conducted on May 8 and 9, 2012 within the biological study area (the project area directly impacted plus adjacent areas that may be indirectly affected by the proposed project), and within the 200-meter, 400-meter, and 600-meter belt transects around the project impact area. A class 2 desert tortoise carcass was located within the southwestern portion of the biological study area. Surveyors found the less than 1-year-old carcass 262 feet west of the U.S. Route 395 southbound lane. The 200-meter belt transect contained one piece of class 4 scat located in the southwestern portion of the survey area. The scat appeared to be up to 2 years old. The 400-meter belt transect had no desert tortoises or sign. The 600-meter belt transect contained one class 2 burrow, and two class 3 burrows. All of the desert tortoise sign was located on the west side of U.S. Route 395 where there are fewer signs of disturbance and higher quality habitat for the desert tortoise. However, project activities would occur entirely within Caltrans' right-of-way where the quality of habitat is extremely marginal from the regular clearing of vegetation along highway shoulders, and from general traffic noise.

Desert tortoises entering the project site could be injured or killed by project equipment and activities, and the presence of burrows, carcasses, and scat indicates that desert tortoises may reside in the area. Therefore, Caltrans has proposed the following measures to ensure desert tortoises are not adversely affected by project activities. Prior to any activity, a biologist with experience in surveying for desert tortoise and their burrows would survey the entire biological study area and mark the location of all desert tortoises and burrows. Temporary desert tortoise exclusion fencing would be installed around project activities in habitat where desert tortoises may be present. If a desert tortoise is found within the fenced area during preconstruction surveys or at any other time, project work would stop, the fence opened, and the desert tortoise would be allowed to leave the area on its own accord. The fence would be removed after project activities are complete. Worker education programs would be presented to ensure no take to the desert tortoise occurs. Vehicles parked outside areas already cleared and fenced for desert tortoises would not be moved until checked underneath for desert tortoises. If a desert tortoise is found under a vehicle, the vehicle would not be moved until the desert tortoise has left on its own accord. No dogs would be allowed in construction areas. Caltrans would implement a trash-and-litter management program to reduce the appeal of the project area to common ravens (*Corvus corax*) and other potential desert tortoise predators. (Please see Caltrans' Haiwee Clear Recovery Zone, Biological Assessment, 9-INY-395-PM (20.3-22.3), EA 09-35120, November 2012 for a complete list of minimization measures.)

We concur with your decision that the proposed action is not likely to adversely affect the desert tortoise. We have reached this conclusion because no live desert tortoises were found in the biological study area and the proposed project area is located entirely within Caltrans' right-of-way where the quality of habitat is extremely marginal. Desert tortoises are unlikely to be present; however, in the event one does enter the project site, no desert tortoise will be moved or handled under any circumstances. Caltrans will implement measures to ensure that any desert tortoises found in the project area are avoided. Consequently, further consultation, pursuant to section 7 (a)(2) of the Endangered Species Act of 1973, as amended, is not required. If the propose action changes in any manner that may affect the desert tortoise, please contact us immediately to determine whether additional consultation is required.

If you have any questions regarding this matter, please contact Amy Torres of my staff at (909) 382-2654.

Sincerely,



Carl T. Benz
Assistant Field Supervisor



WATER QUALITY

California Regional Water Quality Control Board

WDID No. 6B141407003

Lahontan Regional Water Quality Control Board

March 23, 2015

WDID No. 6B141407003
Dredge and Fill

Jaimee Cornwell
Central Region Biology Branch, North Branch
California Department of Transportation
855 M Street, Suite 200
Fresno, CA 93721
Email: jaimée.cornwell@dot.ca.gov

NOTICE OF APPLICABILITY FOR GENERAL WASTE DISCHARGE REQUIREMENTS FOR SMALL CONSTRUCTION, INCLUDING UTILITY, PUBLIC WORKS, AND MINOR STREAMBED/LAKEBED ALTERATION PROJECTS, BOARD ORDER NO. R6T-2003-0004, HAIWEE CLEAR RECOVERY ZONE PROJECT, INYO COUNTY

California Regional Water Quality Control Board, Lahontan Region (Water Board) staff received an application for Waste Discharge Requirements (WDRs) for dredge and fill in waters of the State (WOS) for the Haiwee Clear Recovery Zone Project (Project) on July 8, 2014. Supplemental information in support of the application was last received by Water Board staff on March 5, 2015. The U.S. Army Corps of Engineers has determined that the Project is not subject to Clean Water Act (CWA) section 404 requirements. While the proposed Project is not subject to CWA section 401 water quality certification, it does require coverage under the General Waste Discharge Requirements for Small Construction, Including Utility, Public Works, and Minor Streambed/Lakebed Alteration Projects, Board Order (General Board Order) No. R6T-2003-0004.

The California Department of Transportation (Applicant) is hereby assigned General Board Order No. R6T-2003-0004-220 and Waste Discharge Identification (WDID) No. 6B141407003 for this Project. By this Notice of Applicability (NOA), the fill- and excavation-related discharges to WOS associated with the Project are authorized and subject to compliance with the General Board Order. A copy of the General Board Order is enclosed. Please use the above-referenced WDID number in future correspondence regarding this Project.

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 (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

This NOA is based upon the information provided by the Applicant. Project details are summarized in the following table.

Table of Project Information:

WDID Number	6B141407003						
Applicant	California Department of Transportation 855 M Street, Suite 200 Fresno, CA 93721						
Agent	Jaimee Cornwell						
Project Name	Haiwee Clear Recovery Zone Project						
Project Purpose and Description	The Project is to widen the existing southbound shoulders of State Route 395 between Post Miles 20.3 and 22.3. The Project includes the construction of rumble strips, flattening cut and fill slopes, extending culverts, and removing large obstructions from the clear zone.						
Project Type	Transportation, Roads and Highways						
Project Address or other Locating Information	Along Highway 395 between post miles 20.3 and 22.3, approximately 2.5 miles north of Coso Junction, Inyo County (Enclosure 1).						
Latitude/Longitude	Latitude: 36.1073 Longitude:-117.9705 (center)						
Hydrologic Unit(s)	Indian Wells Hydrologic Unit 624.00, Rose Hydrologic Area 624.10;						
Project Area	6.85 acres						
Receiving Water(s) Name	Unnamed ephemeral washes						
Water Body Type(s)	Minor surface waters						
Designated Beneficial Uses	MUN, AGR, GWR, REC-1, REC-2, COMM, WARM, COLD, WILD, WQE						
Potential Water Quality Impacts to WOS	Hydrogeomorphic changes in the flow regime on the Project site may result in downstream erosion, sedimentation, and/or siltation.						
Project Impacts (Fill) to WOS	Waterbody Type	Permanent			Temporary		
		Acres	Linear Feet	Cubic Yards	Acres	Linear Feet	Cubic Yards
	<i>Streambed</i>	0.61	675	80	0	0	0
Federal Permit(s)	None required						
Non-Compensatory Mitigation	During construction, the Applicant will follow Best Management Practices (BMPs) including construction storm water controls designed to minimize the short-term degradation of water quality.						
Compensatory Mitigation	On-site mitigation and restoration of a drainage channel to match the post-project hydrology to pre-project conditions.						
Application Fees ¹	\$9,113 (675 linear feet of discharge x \$13.50 per linear foot)						
Fees Received	\$9,113						
Estimated Annual Active Discharge Fee ²	\$600 (an annual active discharge fee will be assessed each fiscal year or portion of a fiscal year during which discharges occur until the Water Board issues a Notice of Completion of Discharges Letter to the Applicant)						

¹ Dredge and fill application fees shall not exceed \$90,000 for Fill and Excavation operations.

² The actual Annual Active Discharge Fee will be calculated using the fee schedule in effect at the time the annual fee is assessed per California Code of Regulations, Title 23, section 2200(a)(3).

CEQA COMPLIANCE

The California Department of Transportation prepared an Initial Study and Mitigated Negative Declaration (IS/MND) for the Project. The IS/MND was prepared pursuant to the California Environmental Quality Act (CEQA Public Resources Code 21000, et seq.) and circulated under State Clearinghouse No. **2013021034**. The IS/MND was certified on April 19, 2013, following public review.

The Water Board, acting as a CEQA Responsible Agency in compliance with CCR, title 14, section 15096, has considered the IS/MND for the Project and the potential water quality impacts. As a result of the analysis, the Water Board finds potential water quality impacts are less than significant.

GENERAL INFORMATION

1. The Project must be constructed and operated in accordance with the Project description in the information provided to the Water Board. Deviation from the Project's description constitutes a violation of the conditions upon which this NOA was granted.
2. 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 Water Code.
3. Any discharge to surface waters within the Project area must be in accordance with the requirements contained in the General Board Order. Failure to abide by the conditions of the General Board Order and this NOA may result in enforcement action as authorized by the provisions of the Water Code.

AMENDMENT TO MONITORING AND REPORTING PROGRAM R6T-2003-0004

By this NOA, I am amending Monitoring and Reporting Program R6T-2003-0004 of the General Board Order to include additional monitoring and reporting requirements pursuant to California Water Code, section 13267. This revised order for technical report submittal is necessary to verify compliance with the requirements of the General Board Order. The additional requirements are as follows.

1. To ensure that mitigation is conducted to offset impacts to water quality, the Applicant will execute a Habitat Mitigation and Monitoring Plan. The Habitat Mitigation and Monitoring Plan must describe the areas to be restored or reclaimed and the manner in which the Applicant is proposing to accomplish the restoration or reclamation, to be submitted by **September 1, 2015**. The Applicant must obtain Water Board acceptance of the Habitat Mitigation and Monitoring Plan prior to implementation.
2. By June 15 of each year, beginning **June 15, 2017**, the Applicant must submit to the Water Board an annual report describing and documenting the success of implementing the Habitat Mitigation and Monitoring Plan for a minimum of three years. The report must compare the mitigation measures to the success criteria specified in the plan.

REVOCAION PROCEDURES

As stated in the General Board Order, coverage shall continue until revoked in writing by the Water Board. The Applicant is responsible for notifying the Water Board in writing that the Project is complete, certifying that the required conditions are met, and requesting revocation of coverage. Coverage for the specific Project will be revoked provided the following conditions are met.

1. The Project is complete, soil stabilization measures and permanent BMPs are in place and functioning, and onsite mitigation and monitoring requirements are completed.
2. Information required in section B of the Monitoring and Reporting Program for the General Board Order has been submitted.
3. Water Board staff have verified that the conditions of the General Board Order have been met, which may also include a field inspection by Water Board staff.

If you have any questions regarding this letter, please contact Brianna Bergen, Engineering Geologist, at (760) 241-7305 bbergen@waterboards.ca.gov, or Patrice Copeland, Senior Engineering Geologist, at (760) 241-7404 patrice.copeland@waterboards.ca.gov.



PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

Enclosure: (1) General Board Order and Monitoring and Reporting Program No. R6T-2003-0004

cc: Dena Gonzalez, CalTrans (Dena.Gonzalez@dot.ca.gov)
Nick Buckmaster, DFW (nick.buckmaster@wildlife.ca.gov)
SWRCB, DWQ (stateboard401@waterboards.ca.gov)

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

BOARD ORDER NO. R6T-2003-0004

GENERAL WASTE DISCHARGE REQUIREMENTS
FOR

**SMALL CONSTRUCTION PROJECTS, INCLUDING UTILITY, PUBLIC WORKS, AND
MINOR STREAMBED/LAKEBED ALTERATION PROJECTS
IN THE LAHONTAN REGION
EXCLUDING THE LAKE TAHOE HYDROLOGIC UNIT**

The California Regional Water Quality Control Board, Lahontan Region (Regional Board) finds:

1. In accordance with Section 13260 of the California Water Code, the discharge of storm water runoff and products of erosion from small construction projects, including utility, public works, within certain sensitive watersheds in the Lahontan Region, and discharges associated with minor streambed/lakebed alteration projects in the Lahontan Region is considered to be a discharge of waste that could affect the quality of waters of the State.
2. The Regional Board may prescribe requirements for any proposed discharge, in accordance with Section 13263 of the California Water Code.
3. Implementation of temporary best management practices (BMPs) is an effective and economical means of preventing or minimizing the discharge of the products of erosion, sediment-laden storm water, and minor waste material spills from small construction projects.
4. Implementation of permanent best management practices (BMPs) after construction is an effective means of treating storm water runoff from impervious surfaces and of preventing erosion following construction of small sites.
5. This General Permit regulates: 1) discharges associated with minor streambed/lakebed alteration projects in the Lahontan Region; and 2) storm water discharges from small construction activity that enter surface waters either directly or indirectly through drainage conveyances or municipal separate storm sewer facilities within the following Hydrologic Units/Areas in the Lahontan Region (see Attachments "A", "B", and "C"):
 - a. Little Truckee River Hydrologic Unit (HU No. 636.00)
 - b. Truckee River Hydrologic Area (HU No. 635.20)
 - c. West Fork Carson River Hydrologic Unit (HU No. 633.00)
 - d. East Fork Carson River Hydrologic Unit (HU No. 632.00)
 - e. Mono Hydrologic Unit (HU No. 601.00)
 - f. Long Hydrologic Area (HU No. 603.10)

6. Small construction projects located within the jurisdiction of local agencies that have entered into a Memorandum of Understanding (MOU) with the Regional Board to implement a storm water construction pollution control program in accordance with the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) are not subject to this General Permit. The Town of Mammoth Lakes has entered into such an MOU with the Regional Board and upon adoption of this Permit the Regional Board waives requirements for submitting Reports of Waste Discharge for small construction activity, as defined in Finding 9, within the Mammoth Lakes jurisdiction. Subsequent to the adoption of this Order, other jurisdictions may enter into MOUs with the Regional Board and qualify for a similar waiver.
7. Discharges of storm water runoff and products of erosion from certain construction projects in the Lake Tahoe Hydrologic Unit are regulated under separate General Waste Discharge Requirements and are not covered under this permit.
8. This General Permit does not preempt or supersede the authority of local storm water management agencies to prohibit, restrict, or control storm water discharges to separate storm sewer systems or other watercourses within their jurisdiction, as allowed by State and Federal law.
9. For purposes of this Order, a "small construction project" includes construction activity that results in land disturbance of 10,000 square feet or more and is not covered under the State Water Resources Control Board (SWRCB) Water Quality Order 99-08-DWQ (Statewide Construction General Permit). Land disturbance is clearing, grading, or disturbances to the ground, including excavation and stockpiling, within the footprint of the structure to be constructed, and any staging and access areas that disturb native soil conditions. Only the actual area of land disturbance is considered when determining whether a project must be covered under this Permit. For example, if a 1-acre parcel (43,560 square feet) is to be developed, but only 9,000 square feet of soil will be disturbed within the project site, coverage under this Permit is not required. Small construction projects also include utility projects proposed by a public or private utility and public works projects proposed by a public entity that involve 10,000 square feet or more of land disturbance.

The Statewide Construction General Permit currently covers projects involving one acre or more of land disturbance. Small construction activity that results in land disturbances of less than 10,000 square feet is subject to this General Permit if the construction activity is part of a larger common plan of development that, as a whole, encompasses 10,000 square feet, but less than 1 acre of soil disturbance. For example, a single development that is completed in two separate phases, with each phase disturbing 8,000 square feet, would require coverage under this Permit because the total land disturbance associated with the project as a whole is 16,000 square feet. For purposes of this Order, Construction activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility, nor does it include emergency construction activities required to protect public health and safety.

10. For purposes of this order, a "minor streambed/lakebed alteration project" is one that includes soil disturbing work, including maintenance dredging, within the high water mark of any water body in the Lahontan Region or the 100-year floodplain in the Truckee and Little Truckee River Hydrologic Units, and is not regulated by the Army Corps of Engineers under Clean Water Act (CWA) Section 404.
11. This General Permit does not authorize discharges of fill or dredged material regulated by the U.S. Army Corps of Engineers under CWA Section 404 and does not constitute a state water quality certification under CWA Section 401.

12. To obtain authorization for proposed storm water discharges associated with land disturbing activities to ground and/or surface waters pursuant to this General Permit, the Discharger must submit a Notice of Intent (NOI – Attachment “D”) to comply with the General Permit and a filing fee to the Regional Board prior to commencement of construction activities. The NOI must include a description of specific temporary and permanent Best Management Practices (BMPs) to be implemented to prevent or minimize the discharge of waste from the project site during and after construction (see Attachment “E”). For proposed construction activity on easements or on nearby property by agreement or permission, the entity responsible for the construction activity must submit the NOI and filing fee and shall be responsible for development and implementation of the BMPs. Coverage under the General Permit shall begin upon written notification from the Regional Board or 30 days following Regional Board receipt of an NOI if the applicant receives no response from the Regional Board.
13. If an individual National Pollutant Discharge Elimination System (NPDES) Permit is issued to a discharger for activities otherwise subject to this General Permit, or if an alternative general or individual permit is subsequently adopted which covers storm water discharges regulated by this General Permit, the applicability of this General Permit to such discharges is automatically terminated on the effective date of the individual permit or the date of approval for coverage under the subsequent General Permit.
14. Potential pollutant discharges from projects covered under this General Permit consist of products of erosion, construction waste materials, dewatering waste, turbid water and waste earthen materials from work within surface waters, and small amounts of petroleum products from construction equipment.
15. The Regional Board adopted and the State Water Resources Control Board (SWRCB) approved the *Water Quality Control Plan for the Lahontan Region* (Basin Plan). This General Permit implements the Basin Plan. Dischargers regulated by this General Permit must comply with the water quality standards, guidelines, and prohibitions in the Basin Plan, and subsequent amendments thereto.
16. Runoff from the project sites will potentially enter either ground or surface waters of the Hydrologic Units/Areas listed in Finding 5.
17. The beneficial uses of ground and surface waters within the Hydrologic Units/Areas listed in Finding 5 are provided in Chapter 2 of the Basin Plan. There are a variety of designated beneficial uses for individual water bodies that are too numerous to list in this General Permit. The pertinent information is available from the Basin Plan at the Regional Board offices and may be found at the following website - <http://www.swrcb.ca.gov/rwqcb6/files.htm>
18. A Negative Declaration for the adoption of this General Permit was certified by the Regional Board on January 8, 2003 (Resolution No. R6T-2003-0004) in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).
19. The projects regulated by this General Permit are typically nonrecurring and short-term construction projects that will normally be completed within two construction seasons. The applicability of these requirements to the specific project may be revoked pursuant to Administrative Provisions – Section IV.D.
20. The Regional Board has notified the interested agencies and persons of its intent to adopt general waste discharge requirements for small construction projects and has provided them with an opportunity to submit their written views and recommendations.

21. The Regional Board in a public meeting heard and considered all comments pertaining to the requirements.

IT IS HEREBY ORDERED that all dischargers submitting an NOI, applicable fee, and BMP plan in accordance with this permit shall comply with the following:

I. DISCHARGE PROHIBITIONS

- A. The discharge of waste¹, including but not limited to, waste earthen materials (such as soil, silt, sand, clay, rock, or other organic or mineral material) that causes violation of any narrative water quality objective contained in the Basin Plan, including the Nondegradation Objective, is prohibited.
- B. The discharge of waste that causes violation of any numeric water quality objective contained in the Basin Plan is prohibited.
- C. Where any numeric or narrative water quality objective contained in the Basin Plan is already being violated, the discharge of waste that causes further degradation or pollution is prohibited.
- D. The discharge, attributable to human activities, of solid or liquid waste materials, including but not limited to soil, silt, clay, sand, or other organic or earthen material, to surface waters of the Truckee River and Little Truckee River Hydrologic Units, is prohibited.
- E. The discharge or threatened discharge, attributable to human activities, of solid or liquid waste materials, including but not limited to soil, silt, clay, sand, or other organic or earthen material, to lands within the 100-year floodplain of the Little Truckee River and Truckee River, or any tributary to the Little Truckee and Truckee Rivers, is prohibited. A summary of the waste discharge prohibitions and exception criteria is presented in Attachment "F."
- F. Unless specifically granted, authorization pursuant to this General Permit does not constitute an exemption to applicable discharge prohibitions prescribed in the Basin Plan.
- G. Unless otherwise authorized by a separate waste discharge permit, discharges of material other than storm water, including dewatering waste, to a separate storm sewer system or waters of the state are prohibited. Discharge of dewatering waste to land is covered under this General Permit providing that there are no pollutants present that could degrade groundwater quality. If no land disposal alternatives exist for dewatering waste, the Discharger may seek coverage to discharge dewatering waste to surface waters under a separate NPDES permit by submitting a separate Report of Waste Discharge.
- H. Discharges of non-storm water are allowed only when necessary for performance and completion of construction projects and where they do not cause or contribute to a violation of any water quality standard. Such discharges must be described in the BMP plan (see Provision III – Best Management Practices). Wherever feasible, alternatives that do not result in the discharge of non-storm water, or that discharge any non-storm water to land, shall be implemented.

¹ CWC Section 13050(d): "Waste" includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.

- I. Storm water discharges regulated by this General Permit shall not contain a hazardous substance equal to or in excess of a reportable quantity listed in 40 CFR Part 117 and/or 40 CFR Part 302.
- J. Except under emergency conditions, land disturbance between October 15 of any year and May 1 of the following year is prohibited in the Little Truckee River and Truckee River Hydrologic Units. Where it can be shown that granting a variance would not cause or contribute to the degradation of water quality, an exception to the dates stated above may be granted in writing by the Executive Officer.
- K. The discharge of fresh concrete or grout to surface waters is prohibited, unless the discharge is confined to the work area and isolated from flowing streams or water bodies.
- L. The discharge of oil, gasoline, diesel fuel, any petroleum derivative, any toxic chemical, or hazardous waste is prohibited.
- M. The discharge of waste, including wastes contained in storm water, shall not cause a pollution, threatened pollution, or nuisance as defined in Section 13050 of the California Water Code.

II. RECEIVING WATER LIMITATIONS

- A. Storm water discharges and authorized nonstorm water discharges to any ground water or surface water shall not adversely impact human health or the environment.
- B. The discharge of storm water from the project area to surface waters shall not cause or contribute to a violation of any narrative or numeric water quality objective contained in the Basin Plan. Where any numeric or narrative water quality objective contained in the Basin Plan is already being violated, the discharge of waste that causes further degradation or pollution is prohibited. A complete listing of water quality objectives is presented in the Basin Plan, Chapter 3 and can be found at the following website - <http://www.swrcb.ca.gov/rwqcb6/files.htm>

Water quality objectives that apply to all surface waters within the Lahontan Region include, but are not limited to, the following construction-related pollutants.

Oil and Grease

Waters shall not contain oils, greases, waxes or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect the water for beneficial uses.

For natural high quality waters, the concentration of oils, greases, or other film or coat generating substances shall not be altered.

pH

In fresh waters with designated beneficial uses of COLD or WARM, changes in normal ambient pH levels shall not exceed 0.5 pH units. For all other waters of the Region, the pH shall not be depressed below 6.5 nor raised above 8.5.

The Regional Board recognizes that some waters of the Region may have natural pH levels outside of the 6.5 to 8.5 range. Compliance with the pH objective for these waters will be determined on a case-by-case basis.

Sediment

The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect the water for beneficial uses.

Settleable Materials

Waters shall not contain substances in concentrations that result in deposition of material that causes nuisance or that adversely affects the water for beneficial uses. For natural high quality waters, the concentration of settleable materials shall not be raised by more than 0.1 milliliter per liter.

Turbidity

Waters shall be free of changes in turbidity that cause nuisance or adversely affect the water for beneficial uses. For all waters, increases in turbidity shall not exceed natural levels by more than 10 percent. Additionally for the Little Truckee Hydrologic Unit and Truckee River Hydrologic Area, turbidity shall not be raised above 3 Nephelometric Turbidity Units (NTU) mean of monthly means. Additionally for the West Fork Carson River Hydrologic Unit, the turbidity shall not be raised above a mean of monthly means value of 2 NTU.

Toxicity

All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life.

- C. Should it be determined by the Discharger or Regional Board staff that storm water discharges and/or authorized nonstorm water discharges are causing or contributing to a violation of an applicable water quality standard, the Discharger shall:
1. Implement corrective measures immediately following discovery that water quality standards were violated, followed by notification to the Regional Board by telephone as soon as possible but no later than 48 hours after the discharge has been discovered. This notification shall be followed by a report within 14 calendar days to the Regional Board, unless otherwise directed by the Regional Board, describing (1) the nature and cause of the water quality standard violation; (2) the BMPs currently being implemented; (3) any additional BMPs which will be implemented to prevent or reduce pollutants that are causing or contributing to the violation of water quality standards; and (4) any maintenance or repair of BMPs. This report shall include an implementation schedule for corrective actions and shall describe the actions taken to reduce the pollutants causing or contributing to the violation.
 2. The Discharger shall revise storm water pollution control measures and monitoring procedures to incorporate: 1) the additional BMPs that have been, and will be implemented; 2) the implementation schedule; and 3) any additional monitoring needed.
 3. Nothing in this section shall prevent the Regional Board from enforcing any provisions of this General Permit while the Discharger prepares and implements the above report.

III. BEST MANAGEMENT PRACTICES (BMPs)

- A. Prior to the initiation of any construction related activities, the Discharger shall develop a BMP implementation plan and install temporary erosion control facilities to prevent transport of earthen materials and other wastes off the property. Guidance for developing the BMP plan is provided in Attachment "E."
- B. All land disturbing activities shall be conducted in accordance with the Lahontan Region Project Guidelines for Erosion Control (Attachment "G").
- C. If the Regional Board determines that the proposed BMPs will not achieve the applicable standards and receiving water objectives, the Discharger may be required to implement additional or alternative BMPs.

IV. ADMINISTRATIVE PROVISIONS

A. Applicability and Timing

1. Upon receipt of the applicable filing fee, an NOI to comply with the provisions of this General Permit, and an adequate BMP plan, the Discharger will be issued a written Notice of Applicability (NOA). The Regional Board reserves the right to request additional information if the NOI and/or BMP plan is deemed inadequate.
2. The Discharger shall submit a NOI, a BMP plan, and the appropriate fee at least 30 days prior to the proposed date of construction. Additional time (up to 120 days) will be required for projects that propose disturbance to flood plains or waters of the state. Construction may not begin until a written NOA is received from the Regional Board or 30 days have elapsed from the date the NOI was received by the Regional Board. If the Discharger is notified in writing that the NOI and/or BMP plan is incomplete, the Discharger must provide the additional information requested in the notice and the Regional Board may take up to 30 days to respond with an NOA or request for additional information.
3. All Dischargers must implement the BMP plan and the Monitoring and Reporting Program upon commencement of construction.
4. Projects may be brought to the Regional Board for consideration of adoption of an individual WDR when the Executive Officer deems it necessary to achieve water quality protection.
5. The conditions of this General Permit do not exempt the Discharger from compliance with any other laws, regulations, or ordinances which may be applicable, do not legalize land treatment and disposal facilities, and leave unaffected any further restraints on those facilities which may be contained in other statutes or required by other regulatory agencies.

B. Provisions

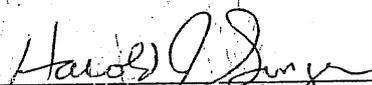
1. All Dischargers must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to drainage systems or other water courses under their jurisdiction.

2. The Discharger shall at all times fully comply with the engineering plans, specifications, and technical reports developed for the project and/or submitted with the NOI. The Discharger shall at all times fully comply with the BMP Plan.
3. The Discharger must comply with the Standard Provisions for Waste Discharge Requirements contained in Attachment "H", which is made part of this General Permit.
4. Pursuant to California Water Code Section 13267, the Discharger shall comply with Monitoring and Reporting Program No. **R6T-2003-0004** hereby made a part of this General Permit.
5. The owners of property subject to this General Permit shall have a continuing responsibility for ensuring compliance with the General Permit. The Discharger identified in the NOA shall remain liable for General Permit violations until an NOI is received from the new owner/operator. Notification of applicable General Permit requirements shall be furnished to the new owners and/or operators and a copy of such notification shall be sent to the Regional Board. This General Permit is transferable to the new owner. Any change in the ownership and/or operation of property subject to this General Permit shall be reported to the Regional Board. The new owner must comply with the General Permit, including the Monitoring and Reporting Program.

C. Revocation Procedures

Coverage under the General Permit shall continue until revoked in writing by the Regional Board staff. The Discharger is responsible for notifying the Regional Board in writing that the project is complete, certifying that the required conditions are met, and requesting revocation of coverage under the General Permit. The General Permit for the specific project will be revoked provided the following conditions are met: 1) the construction project is complete and soil stabilization measures are in place and functioning; 2) permanent BMPs have been installed and are functional; 3) information required by the attached Monitoring and Reporting Program has been submitted; and 4) Regional Board staff have inspected the site, if deemed necessary.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on January 8, 2003.



HAROLD J. SINGER
EXECUTIVE OFFICER

Attachment A: Map of Little Truckee River Hydrologic Unit and Truckee River Hydrologic Area

Attachment B: Map of West and East Forks Carson River Hydrologic Units

Attachment C: Map of Mono Hydrologic Unit and Long Hydrologic Area

Attachment D: Notice of Intent Form

Attachment E: Best Management Practices Plan

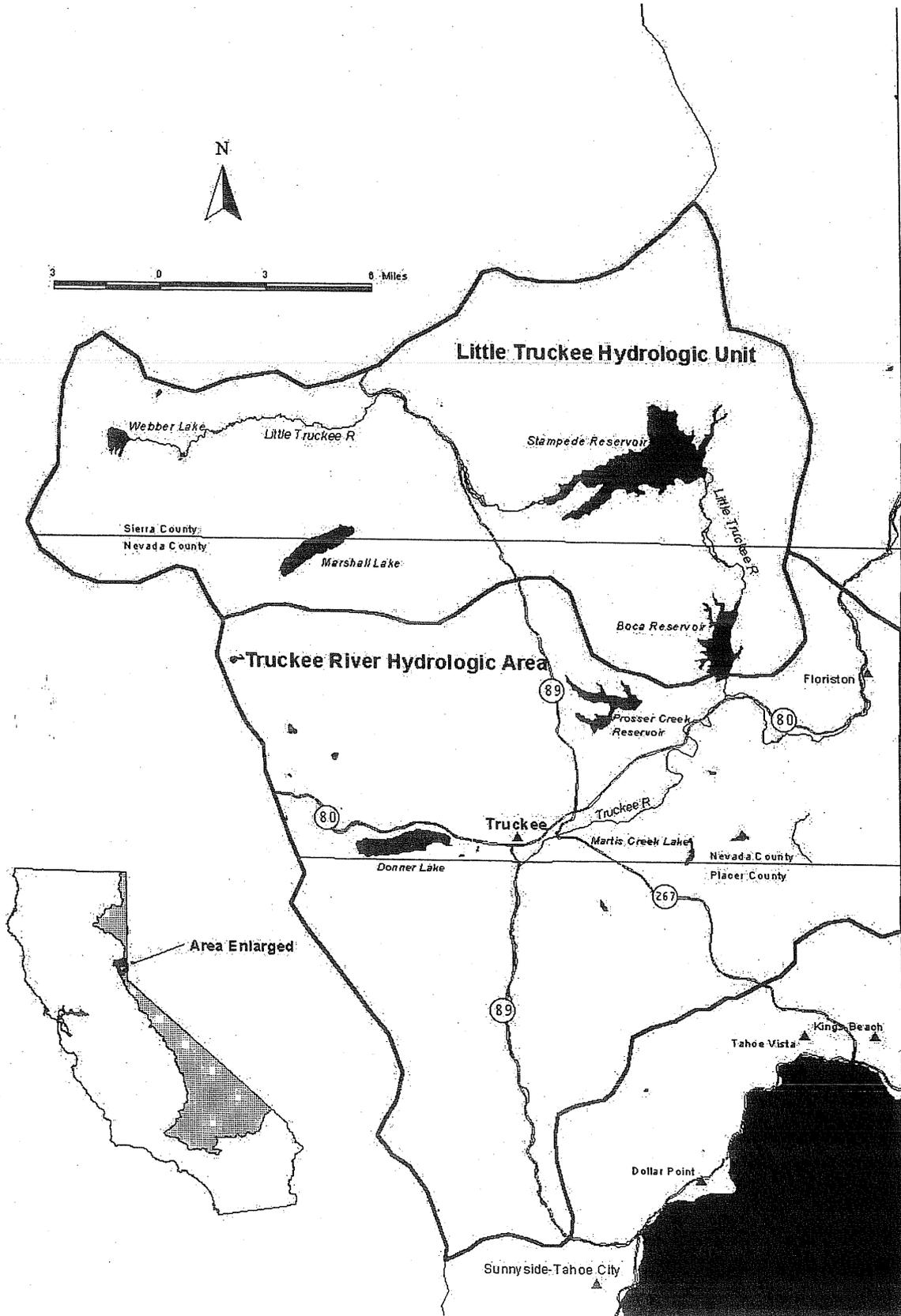
Attachment F: Waste Discharge Prohibitions and Exception Criteria for Projects within the Truckee River Hydrologic Unit

Attachment G: Lahontan Region Project Guidelines for Erosion Control

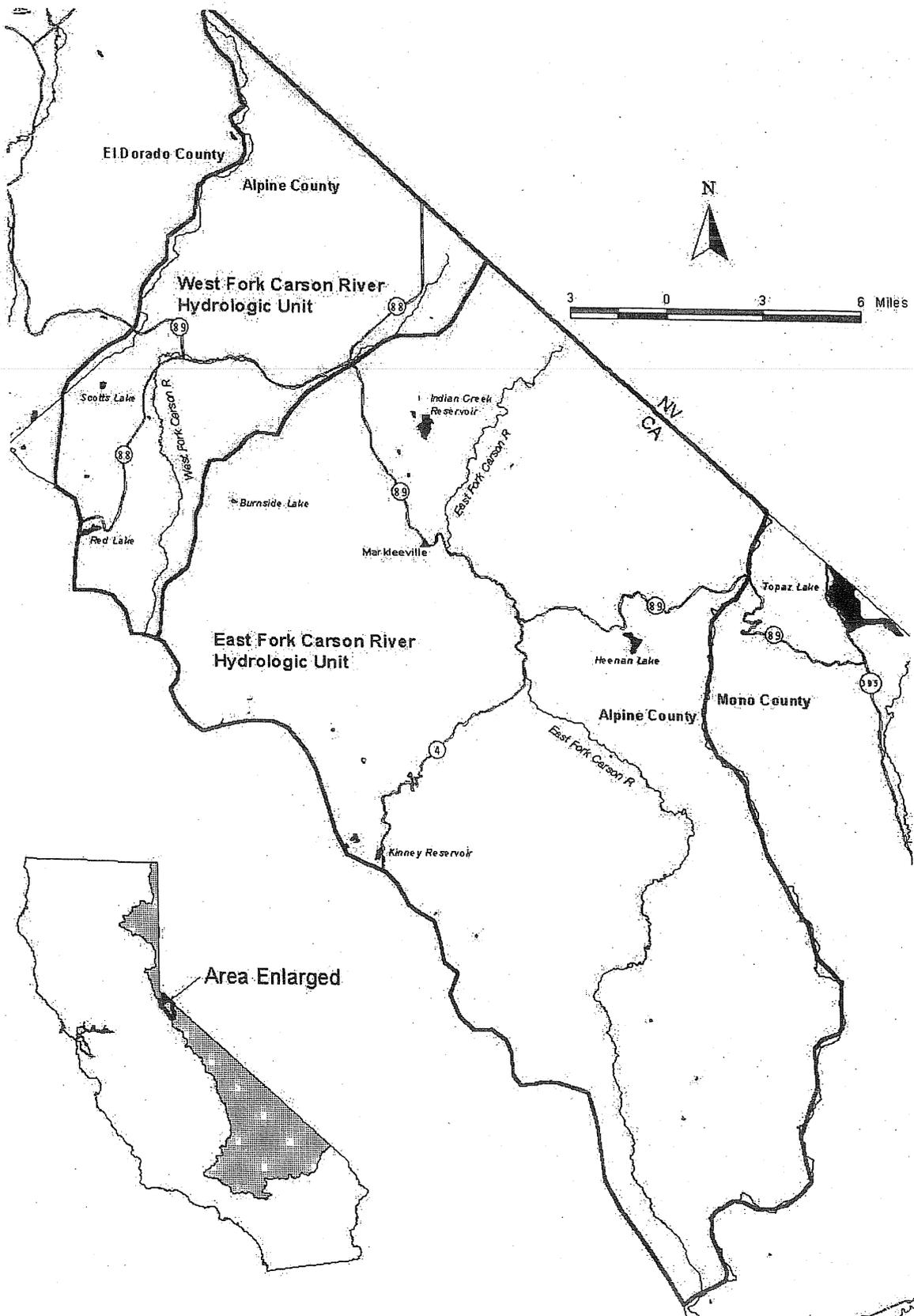
Attachment H: Standard Provision for Waste Discharge Requirements

BA/cgT: Small Construction General Permit WDR

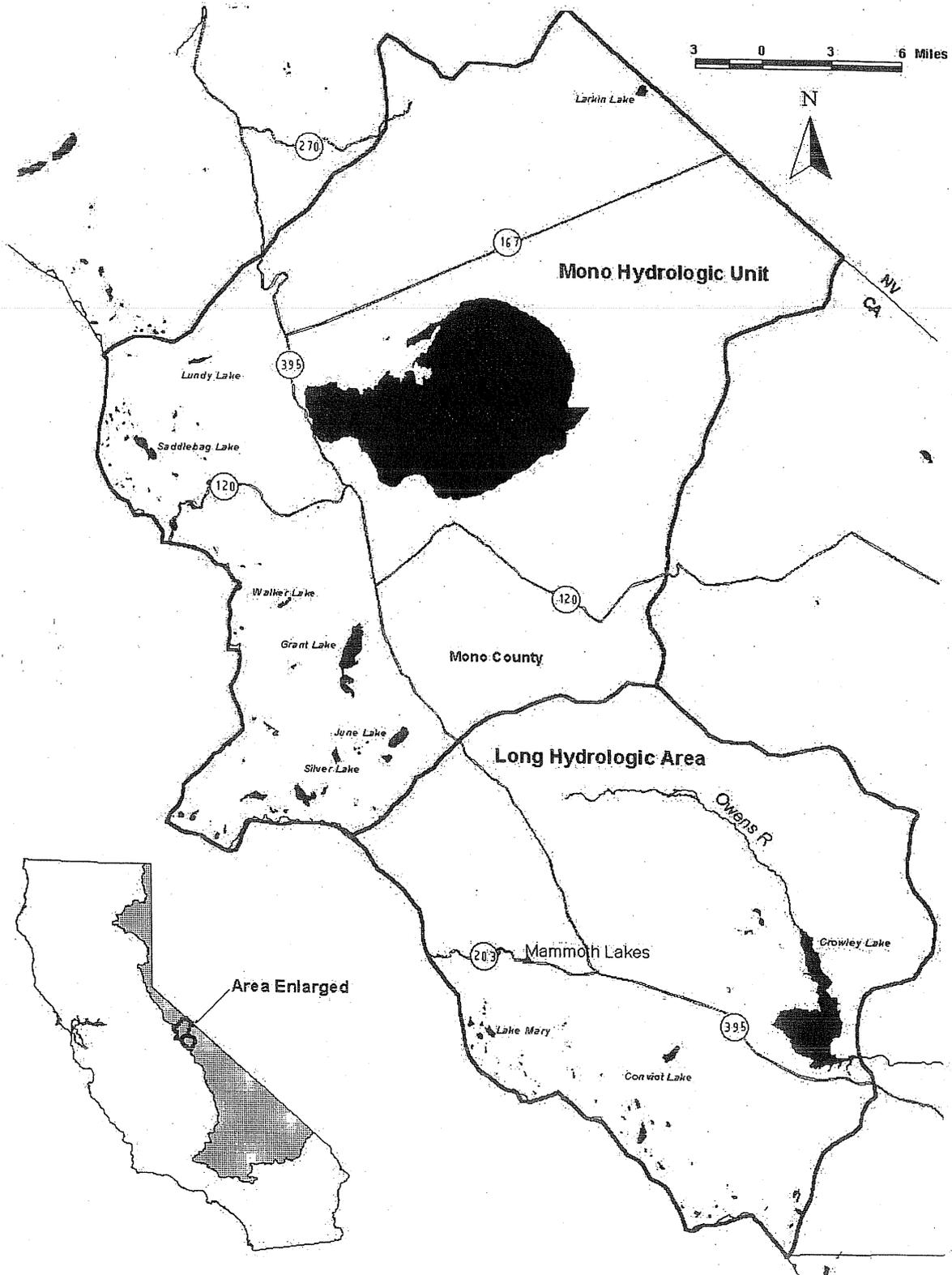
Attachment "A"
Little Truckee River Hydrologic Unit
And
Truckee River Hydrologic Area



Attachment "B"
West and East Fork Carson River
Hydrologic Units



Attachment "C"
Mono Hydrologic Unit
And
Long Hydrologic Area



ATTACHMENT "D"
California Regional Water Quality Control Board – Lahontan Region
NOTICE OF INTENT
TO COMPLY WITH THE TERMS OF THE
GENERAL WASTE DISCHARGE REQUIREMENTS
FOR
SMALL CONSTRUCTION PROJECTS, INCLUDING UTILITY, PUBLIC WORKS, AND MINOR STREAMBED/LAKEBED
ALTERATION PROJECTS
IN THE LAHONTAN REGION
EXCLUDING THE LAKE TAHOE HYDROLOGIC UNIT
(WQ ORDER No. R6T-2003-0004)

I. NOI STATUS (SEE INSTRUCTIONS)

MARK ONLY ONE ITEM	1. <input type="checkbox"/> New Construction	2. <input type="checkbox"/> Change of Information for WDID#	
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II. PROPERTY OWNER

Name	Contact Person		
Mailing Address	Title		
City	State	Zip	Phone () -

III. DEVELOPER/CONTRACTOR INFORMATION

Developer/Contractor	Contact Person		
Mailing Address	Title		
City	State	Zip	Phone () -

IV. CONSTRUCTION PROJECT INFORMATION

Site/Project Name	Site Contact Person		
Physical Address/Location	Latitude	Longitude	County
City (or nearest City)	Zip	Site Phone Number () -	Emergency Phone Number () -
A. Total size of construction site area: _____ Acres	C. Percent of site imperviousness (including rooftops): Before Construction: _____ % After Construction: _____ %		D. Tract Number(s): _____
B. Total area to be disturbed: _____ Acres (% of total _____)			E. Mile Post Marker: _____
F. Is the construction site part of a larger common plan of development or sale? <input type="checkbox"/> YES <input type="checkbox"/> NO	G. Name of plan or development:		
H. Construction commencement date: ____/____/____	J. Projected construction dates: Complete grading: ____/____/____ Complete project: ____/____/____		
I. % of site to be mass graded: _____			
K. Type of Construction (Check all that apply):			
1. <input type="checkbox"/> Residential 2. <input type="checkbox"/> Commercial 3. <input type="checkbox"/> Industrial 4. <input type="checkbox"/> Reconstruction 5. <input type="checkbox"/> Transportation			
6. <input type="checkbox"/> Utility Description: _____ 7. <input type="checkbox"/> Other (Please List): _____			

V. BILLING INFORMATION

SEND BILL TO: <input type="checkbox"/> OWNER (as in II. above)	Name	Contact Person	
<input type="checkbox"/> DEVELOPER (as in III. above)	Mailing Address	Phone/Fax	
<input type="checkbox"/> OTHER (enter information at right)	City	State	Zip

VI. REGULATORY STATUS

A. Has a local agency approved a required erosion/sediment control plan?..... YES NO
 Does the erosion/sediment control plan address construction activities such as infrastructure and structures?..... YES NO
 Name of local agency: _____ Phone: () - _____

B. Is this project or any part thereof, subject to conditions imposed under a CWA Section 404 permit or 401 Water Quality Certification?..... YES NO
 If yes, provide details: _____

VII. RECEIVING WATER INFORMATION

A. Does the storm water runoff from the construction site discharge to (Check all that apply):

1. Indirectly to waters of the State

2. Storm drain system - Enter owner's name: _____

3. Directly to waters of State (e.g. , river, lake, creek, stream, wetlands)

B. Name of receiving water: (river, lake, creek, stream, wetlands): _____

VIII. BEST MANAGEMENT PRACTICES (BMP) PLAN AND FEE

Have you included a BMP Plan with this submittal? .. YES NO
 Have you included payment of the annual fee with this submittal?..... YES NO

X. CERTIFICATIONS

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment. In addition, I certify that the provisions of the permit, including the development and implementation of a Storm Water Pollution Prevention Plan and a Monitoring Program Plan will be complied with."

Printed Name: _____

Signature: _____ Date: _____

Title: _____

ATTACHMENT "E"

BEST MANAGEMENT PRACTICES PLAN

The purpose of the Best Management Practices (BMP) plan is to evaluate potential sources of sediment and other pollutants at the construction site and put controls in place that will effectively prevent pollutant discharges to surface and ground waters. The following general pollution control elements should be addressed in the BMP Plan:

1. retain soil and sediment on the construction site;
2. prevent non-storm water discharges that would discharge pollutants off site;
3. prevent the discharge of other pollutants associated with construction activities to land or surface waters;
4. permanently stabilize disturbed soils; and
5. minimize the effects of increased storm water runoff from impervious surfaces.

For detailed information on construction related BMPs, the EPA document Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices may be found at the following website:

http://cfpub.epa.gov/npdes/pkeyword.cfm?keywords=BMPs&program_id=0

Additional information may be also be obtained by contacting the Lahontan Regional Water Quality Control Board.

Specific guidance for completing the Best Management Practices (BMP) Plan is provided below. The BMP Plan must be submitted with the Notice of Intent (NOI) to obtain coverage under the General Permit. Use the attached form for preparing the BMP plan.

Temporary Erosion Control

This element of the BMP Plan addresses temporary erosion control or soil stabilization measures to be implemented during the time while active construction and land disturbing work is active. The most efficient way to address erosion control is to preserve existing vegetation where feasible, limit disturbance, and stabilize and revegetate disturbed areas as soon as possible after grading or construction. Use of temporary erosion control measures is especially important on large graded sites where soil exposure to rainfall and wind can cause significant soil loss if left unprotected during the time active construction activities are conducted. Some of these measures may overlap with the permanent soil stabilization measures discussed later in the section. Until permanent vegetation is established, temporarily covering the soil is the most cost-effective and expeditious method to prevent and minimize erosion.

Indicate on the BMP Plan what methods will be used to prevent erosion from cut and fill slopes and other disturbed areas after grading activities are completed, but before permanent soil stabilization measures can be implemented. Options may include, but are not limited to:

- Covering with mulch
- Temporary seeding or planting
- Applying soil stabilizers or binders (tackifier)

- **Placing fiber rolls/logs on bare slopes**
- **Covering surfaces with erosion control blankets**
- **Diverting run off around disturbed areas using stabilized conveyances**

Sediment Control

Sediment control BMPs are required at appropriate locations along the site perimeter and at all internal inlets to the storm drain system. Sediment controls used in combination with the erosion controls described above can effectively prevent the discharge of pollutants off site. Effective filtration devices, barriers, and settling devices shall be selected; installed and maintained properly. The sediment control plan must also include provisions to temporarily stabilize construction access points such that soil, sediment, and other construction related materials are not tracked out beyond the site perimeter.

Indicate on the BMP Plan what sediment controls will be used at the site. Options may include, but are not limited to:

Filter barriers -

- **fiber rolls/logs**
- **silt fence**
- **straw bale barriers**
- **gravel inlet filters**

Retention structures -

- **sediment traps**
- **settling basins**

Stabilized access points/good housekeeping –

- **crushed rock**
- **mulch**
- **landing mats**
- **frequent sweeping**

Stabilization

All disturbed areas of the construction site must be stabilized once construction is complete. Disturbed areas include drainage ditches or channels. Stabilization means implementing permanent rather than temporary erosion controls. It is recommended to stabilize disturbed areas in inactive (no further land disturbance planned) portions of the site as soon as feasible. Final stabilization for the purposes of submitting a Notice of Termination (NOT) is satisfied when all soil disturbing activities are completed AND EITHER OF THE TWO FOLLOWING CRITERIA ARE MET:

1. A uniform vegetative cover with 70 percent coverage has been established OR:
2. equivalent stabilization measures have been employed. These measures include the use of such BMPs as mulch, erosion blankets, rip rap, fiber treatments, or other erosion resistant soil coverings or treatments.

Where background native vegetation covers less than 100 percent of the surface, such as in arid areas, the 70 percent coverage criteria is adjusted as follows: if the native vegetation on adjacent undisturbed areas covers 50 percent of the ground surface, 70 percent of 50 percent (.70 X .50=.35) would require 35 percent total uniform surface coverage.

Indicate on the BMP Plan what stabilization measures will be used at the site. Options may include, but are not limited to:

- **Seeding and/or planting (including hydro mulching/seeding)**
- **Mulching (wood chips, gravel, other) in combination with seeding/planting**
- **Installing erosion blankets (typically used on steeper disturbed slopes or unlined drainage ditches in combination with permanent seeding/planting)**
- **Placing rip rap**

Non-Storm Water Management

Non-storm water discharges should be eliminated or reduced to the extent feasible. Certain non-storm water discharges (e.g. irrigation of vegetative erosion control measures, pipe flushing and testing) may be necessary for the completion of some construction projects and are authorized by this General Permit. Other non-storm water discharges such as concrete washout, and driveway and street washing that would flush sediment or other pollutants to storm drains or surface waters are not allowed and would be a violation of this General Permit. De-watering waste should be discharged to land and infiltrated. A separate permit may be necessary if de-watering waste must be discharged to surface waters due to site constraints.

Indicate on the BMP Plan how unauthorized non-storm water discharges will be controlled. Options include, but are not limited to:

- **Approved off-site wash-out and wash-down areas**
- **Lined wash-out containment basins/traps**
- **De-watering waste infiltration or containment**

Spill Prevention and Control

The BMP Plan must describe measures to prevent and control potential leaks/spills of petroleum products such as fuels and lubricating materials, and other potentially hazardous materials. Secured storage areas for fuels and chemicals should be established and sufficient spill cleanup materials should be at the site to respond to accidental spills.

Indicate on the BMP Plan what spill prevention and control measures will be used. Options include, but are not limited to:

- **Covered material storage**
- **Material storage containment (berms, lined surfaces, secondary containment devices etc.)**
- **Regular equipment leak inspections**
- **Drip pans**
- **Absorbents**

Post-Construction Storm Water Management

Post-construction storm water controls are needed to reduce the impacts of adding impervious surfaces to the landscape and adding potential pollutant sources within storm water drainage areas. Additional impervious surfaces reduce storm water infiltration and storage and increase the volume and velocity of run off down stream from developed sites. Whenever possible, use of infiltration and treatment devices is encouraged. Specific requirements for infiltration or treatment of storm water runoff volume from a 20-year, 1-hour storm from all impervious surfaces in the Truckee River, Little Truckee River, and Mammoth Lakes watersheds must be met (see Attachment "G") Design approaches that limit overall land disturbance and reduce the amount of impervious surfaces are encouraged. Additional post-construction BMPs should also be incorporated into projects as appropriate and be properly maintained.

Indicate on the BMP Plan what post-construction BMPs will be implemented. Options include, but are not limited to:

- **Infiltration structures**
- **Detention/retention basins**
- **Storm water treatment vaults**
- **Biofilter BMPs (typically vegetated swales, strips, and buffers)**
- **Energy dissipation devices (structures designed to prevent erosion and slow water velocity associated with conveyance systems)**
- **Efficient irrigation systems**
- **Proper drain plumbing (e.g. ensuring that interior drains are not connected to a storm sewer system)**

Maintenance, Inspection, and Repair

BMPs implemented at the site must be properly maintained to be effective. The BMP plan shall include provisions to inspect and maintain all BMPs identified in the plan throughout the duration of the project. Sites that are inactive and winterized through the wet season should be checked periodically to ensure the site remains stable. For sites where construction activity is conducted through the wet season, the Discharger must ensure that BMPs remain effective.

Indicate on the BMP Plan how BMPs will be inspected and repaired in accordance with the following minimum program:

For inactive construction sites during wet season -

- **Cease construction through wet season and winterize (see Attachment "G")**

For active construction sites during wet season -

- **Inspect BMPs before and after storm events**
- **Inspect BMPs once each 24-hour period during extended storm events**
- **Implement repairs or design changes as soon as feasible depending upon worker safety and field conditions**
- **Have provisions to respond to failures and emergencies**

BEST MANAGEMENT PRACTICES PLAN

Discharger Name: _____

Site Name: _____

Street Address: _____

City: _____

County: _____

Use the template provided below to identify BMPs to be implemented at the construction site. Check the boxes next to the BMPs that will be used. If other BMPs will be used, describe them in the space provided for "Other BMP." Attach additional sheets if needed.

TEMPORARY EROSION CONTROL

Erosion from graded or disturbed areas, including cut and fill slopes, will be temporarily protected once soil disturbing activities are completed by the following method(s):

- Covering with mulch
- Temporary seeding or planting
- Applying soil stabilizers or binders (tackifier)
- Placing fiber rolls/logs on bare slopes
- Covering surfaces with erosion control blankets
- Diverting run off around disturbed areas using stabilized conveyances
- Other (describe below)

BEST MANAGEMENT PRACTICES PLAN

SEDIMENT CONTROL

Excess sediment will be prevented from running off the site or to storm drain inlets by the following method(s):

Filter barriers -

- fiber rolls
- silt fence
- straw bale barriers
- gravel inlet filters

Retention structures -

- sediment traps
- settling basins

Stabilized access points/good housekeeping –

- crushed rock
 - mulch
 - landing mats
 - frequent sweeping
- Other (describe below)

BEST MANAGEMENT PRACTICES PLAN

STABILIZATION

Disturbed soil areas not covered with impervious surfaces will be permanently stabilized by the following method(s):

- Seeding and/or planting (including hydro mulching/seeding)
- Mulching (wood chips, gravel, other) in combination with seeding/planting
- Installing erosion blankets (typically used on steeper disturbed slopes or unlined drainage ditches in combination with permanent seeding/planting)
- Placing rip rap (describe location)
- Other (describe below)

NON-STORM WATER MANAGEMENT

Unauthorized non-storm water discharges will be controlled using the following method(s):

- Approved off-site wash-out and wash-down areas (describe location)
- Lined wash-out containment basins/traps (describe location)
- De-watering waste infiltration or containment (describe location)
- Other (describe below)

BEST MANAGEMENT PRACTICES PLAN

POST-CONSTRUCTION STORM WATER MANAGEMENT

The following post-construction BMPs will be implemented to reduce impacts from additional impervious surfaces and pollutant sources (include design calculations used to size BMPs):

- Infiltration structures
- Detention/retention basins
- Storm water treatment vaults
- Biofilter BMPs (typically vegetated swales, strips, and buffers)
- Energy dissipation devices (structures designed to prevent erosion and slow water velocity associated with conveyance systems)
- Efficient irrigation systems
- Proper plumbing design (e.g. ensuring that interior drains are not connected to a storm sewer system)
- Other (describe below)

BEST MANAGEMENT PRACTICES PLAN

MAINTENANCE, INSPECTION, AND REPAIR

BMPs will be inspected and repaired in accordance with the following minimum program:

For inactive construction sites during wet season (October 15 – May 1) –

- Cease construction through wet season and winterize (see Attachment “G”)**

For active construction sites during wet season (October 15 – May 1) –

- Inspect BMPs, and repair if needed, before and after storm events**
- Inspect BMPs once each 24-hour period during extended storm events**
- Implement repairs or design changes as soon as feasible depending upon worker safety and field conditions**
- Have provisions to respond to failures and emergencies**
- Other (describe below)**

ATTACHMENT "F"

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

WASTE DISCHARGE PROHIBITIONS
AND
EXCEPTION CRITERIA
FOR PROJECTS WITHIN THE TRUCKEE RIVER HYDROLOGIC UNIT

The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) prohibits the discharge or threatened discharge, attributable to human activities, of solid or liquid waste¹ materials (including, but not limited to, soil, silt, clay, sand and other organic and earthen materials) to lands within the 100-year floodplain of the Truckee River or within the 100-year floodplain of any tributary² to the Truckee River. The Regional Board may grant exceptions to the prohibition for repair or replacement of existing structures provided that a loss of additional floodplain area or volume does not occur, and Best Management Practices and mitigation measures are used to minimize any potential soil erosion and/or surface runoff problems.

The Regional Board may also grant exceptions to the prohibition for the following types of new projects:

- (1) Projects solely intended to reduce or mitigate existing sources of erosion or water pollution, or to restore the functional value to previously disturbed floodplain areas.
- (2) Bridge abutments, approaches, or other essential transportation facilities identified in an approved county general plan.
- (3) Projects necessary to protect public health or safety, or to provide essential public services.
- (4) Projects necessary for public recreation.
- (5) Projects that will provide outdoor public recreation within portions of the 100-year flood plain that have been substantially altered by grading and/or filling activities which occurred prior to June 26, 1975.

¹ Waste includes earthen material placed in a water body or carried to waters by erosive forces. Construction activity involving ground disturbance within 100-year floodplain areas is generally considered to constitute a threat of discharge.

² Tributaries include: perennial surface waters (rivers, streams, lakes, wetlands) and ephemeral (seasonal) watercourses exhibiting evidence of the occurrence of flowing water, and having the potential to transport water and/or sediment to another water body, including, but not limited to, named and unnamed streams, wetlands, and lakes.

The Basin Plan allows an exception to the prohibitions for new projects only when the Regional Board makes all of the following findings:

- The project is included in one or more of the five categories listed above.
- There is no reasonable alternative to locating the project or portions of the project within the 100-year flood plain.
- The project, by its very nature, must be located within the 100-year flood plain. (The determination of whether a project, by its very nature, must be located in a 100-year flood plain shall not apply to projects in category (5), above, and shall be based on the type of project proposed, not the particular site proposed.)
- The project incorporates measures which will ensure that any erosion and surface runoff problems caused by the project are mitigated to levels of insignificance.
- The project will not individually or cumulatively with other projects, directly or indirectly, degrade water quality or impair beneficial uses of water.
- The project will not reduce the flood flow attenuation capacity, the surface flow treatment capacity, or the ground water flow treatment capacity from existing conditions. All 100-year flood plain areas and volumes lost as a result of the project must be completely mitigated by restoration of previously-disturbed floodplain within or as close as practical to the project site.³ The restored, new, or enlarged floodplain shall be of sufficient area and volume to more than compensate for the flood flow attenuation capacity, surface flow treatment capacity and ground water flow treatment capacity which are lost as a result of the project.

³ This finding will not be required for new projects necessary to protect public health and safety. For new projects necessary to provide essential public services, this finding will not be required when the Regional Board finds mitigation measures to be infeasible because the financial resources of the project proponent are severely limited.

ATTACHMENT "G"

LAHONTAN REGION PROJECT GUIDELINES FOR EROSION CONTROL

In the interest of protecting surface water quality from unnatural or accelerated erosion caused by land development, the following guidelines shall be followed:

Guidelines Applicable To: Little Truckee River Hydrologic Unit (HU No. 636.00)
Truckee River Hydrologic Area (HU No. 635.20)
West Fork Carson River Hydrologic Unit (HU No. 633.00)
East Fork Carson River Hydrologic Unit (HU No. 632.00)
Mono Hydrologic Unit (HU No. 601.00)
Long Hydrologic Area (HU No. 603.10)

Temporary Construction BMPs

1. Surplus or waste materials shall not be placed in drainage ways or within the 100-year flood plain of surface waters.
2. All loose piles of soil, silt, clay, sand, debris, or earthen materials shall be protected in a reasonable manner to prevent discharge of pollutants to waters of the State. Material stockpiles should be placed on the upgradient side of excavation whenever possible. Stockpiles may also be protected by covering to prevent contact with precipitation and by placing sediment barriers around the stockpiles.
3. Dewatering shall be done in a manner so as to prevent the discharge of pollutants, including earthen materials, from the site. The first option is to discharge dewatering waste to land. A separate permit may be required if, due to site constraints, dewatering waste must be discharged to surface waters. Contact the Regional Board for information on discharging to surface waters.
4. All disturbed areas shall be stabilized by appropriate erosion and/or sediment control measures by October 15 of each year.
5. All work performed between October 15th and May 1st of each year shall be conducted in such a manner that the project can be winterized within 48 hours. Winterized means implementing erosion and/or sediment controls that will prevent the discharge of earthen materials from the site and the controls will remain effective throughout the rainy/snow season without requiring maintenance. In general, this requires stabilizing bare disturbed soils with mulch, erosion protection blankets, or other suitable materials, and installing perimeter sediment controls such as fiber logs or other similar materials that will remain effective during significant rain and snow events.
6. After completion of a construction project, all surplus or waste earthen material shall be removed from the site and deposited at a legal point of disposal.
7. All non-construction areas (areas outside of the construction zone that will remain undisturbed) shall be protected by fencing or other means to prevent unnecessary encroachment outside the active construction zone.
8. During construction, temporary erosion control facilities (e.g., impermeable dikes, filter fences, weed-free straw bales, etc.) shall be used as necessary to prevent discharge of earthen materials from the site during periods of precipitation or runoff.

9. Control of run-on water from offsite areas shall be managed (protected, diverted, treated, etc.) to prevent such water from degrading before it discharges from the site.

10. Where construction activities involve the crossing and/or alteration of a stream channel, such activities require a prior written agreement with the California Department of Fish and Game and shall be timed whenever possible to occur during the period in which streamflow is expected to be lowest for the year. Other control measures may be used as necessary to prevent adverse effects from work in surface waters.

Permanent Construction BMPs

1. Impervious surfaces should be constructed with infiltration trenches or comparable infiltration structures along downgradient sides to infiltrate the increase in runoff resulting from the new impervious surfaces. Infiltration structures should also be constructed to accept runoff from structural (roof top) drip lines. Other control measures may be considered if design and/or site constraints are such that construction of infiltration devices is infeasible. Additional specific design specifications are required for the Truckee, Little Truckee and Long Hydrologic Units/Areas (see specific requirements below).

2. Where possible, existing drainage patterns shall not be significantly modified.

3. Drainage swales disturbed by construction activities shall be stabilized by the addition of crushed rock or riprap, as necessary, or other appropriate stabilization methods.

4. Revegetated areas shall be regularly and continually maintained in order to assure adequate growth and root development. Physical erosion control measures (controls other than live vegetation) shall be placed on a routine maintenance and inspection program to provide continued erosion control integrity.

Additional Requirements for Specific Watersheds

Truckee River Hydrologic Area and Little Truckee Hydrologic Unit

1. Runoff from impervious surfaces shall be treated or contained onsite. For purposes of this requirement, the volume of water to be contained or treated is the 20-year, one-hour storm, which is equal to 0.7 inches of rain.

2. Except in the event of emergencies, land disturbance associated with project construction is prohibited between October 15th and May 1st of the following year. Exemptions may be granted by the Executive Officer on a case by case basis.

Long Hydrologic Area

Policy: (Contact the Regional Water Quality Control Board for information on permitting requirements delegated to the Town of Mammoth Lakes under a Memorandum of Understanding)

1. For Mammoth Lakes watershed at an elevation above 7,000 feet, drainage collection, retention, and infiltration facilities shall be constructed and maintained to prevent transport of the runoff from a 20-year, 1-hour design storm from the project site. A 20-year, 1-hour design storm for the Mammoth Lakes area is equal to 1.0 inch of rainfall.

ATTACHMENT "H"

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

STANDARD PROVISIONS
FOR WASTE DISCHARGE REQUIREMENTS

1. Inspection and Entry

The discharger shall permit Regional Board staff:

- a. to enter upon premises in which an effluent source is located or in which any required records are kept;
- b. to copy any records relating to the discharge or relating to compliance with the waste discharge requirements;
- c. to inspect monitoring equipment or records; and
- d. to sample any discharge.

2. Reporting Requirements

- a. Pursuant to California Water Code 13267(b), the discharger shall immediately notify the Regional Board by telephone whenever an adverse condition occurred as a result of this discharge; written confirmation shall follow within two weeks. An adverse condition includes, but is not limited to, spills of petroleum products or toxic chemicals, or damage to control facilities that could affect compliance.
- b. Pursuant to California Water Code Section 13260 (c), any proposed material change in the character of the waste, manner or method of treatment or disposal, increase of discharge, or location of discharge, shall be reported to the Regional Board at least 120 days in advance of implementation of any such proposal. This shall include, but not be limited to, all significant soil disturbances.
- c. The owner(s) of, and discharger upon, property subject to waste discharge requirements shall be considered to have a continuing responsibility for ensuring compliance with applicable waste discharge requirements in the operations or use of the owned property. Pursuant to California Water Code Section 13260(c), any change in the ownership and/or operation of property subject to the waste discharge requirements shall be reported to the Regional Board. Notification of applicable waste discharge requirements shall be furnished in writing to the new owners and/or operators and a copy of such notification shall be sent to the Regional Board.
- d. If a discharger becomes aware that any information submitted to the Regional Board is incorrect, the discharger shall immediately notify the Regional Board, in writing, and correct that information.

- e. Reports required by the waste discharge requirements, and other information requested by the Regional Board, must be signed by a duly authorized representative of the discharger. Under Section 13268 of the California Water Code, any person failing or refusing to furnish technical or monitoring reports, or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in an amount of up to one thousand dollars (\$1000) for each day of violation.
- f. If the discharger becomes aware that their waste discharge requirements are no longer needed (because the project will not be built or the discharge will cease) the discharger shall notify the Regional Board in writing and request that their waste discharge requirements be rescinded.

3. Right to Revise Waste Discharge Requirements

The Board reserves the privilege of changing all or any portion of the waste discharge requirements upon legal notice to and after opportunity to be heard is given to all concerned parties.

4. Duty to Comply

Failure to comply with the waste discharge requirements may constitute a violation of the California Water Code and is grounds for enforcement action or for permit termination, revocation and reissuance, or modification.

5. Duty to Mitigate

The discharger shall take all reasonable steps to minimize or prevent any discharge in violation of the waste discharge requirements which has a reasonable likelihood of adversely affecting human health or the environment.

6. Proper Operation and Maintenance

The discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the discharger to achieve compliance with the waste discharge requirements. Proper operation and maintenance includes adequate laboratory control, where appropriate, and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by the discharger, when necessary to achieve compliance with the conditions of the waste discharge requirements.

7. Waste Discharge Requirement Actions

The waste discharge requirements may be modified, revoked and reissued, or terminated for cause. The filing of a request by the discharger for waste discharge requirement

modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any of the waste discharge requirements conditions.

8. Property Rights

The waste discharge requirements do not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

9. Enforcement

The California Water Code provides for civil liability and criminal penalties for violations or threatened violations of the waste discharge requirements including imposition of civil liability or referral to the Attorney General.

10. Availability

A copy of the waste discharge requirements shall be kept and maintained by the discharger and be available at all times to operating personnel.

11. Severability

Provisions of the waste discharge requirements are severable. If any provision of the requirements is found invalid, the remainder of the requirements shall not be affected.

12. Public Access

General public access shall be effectively excluded from treatment and disposal facilities.

13. Transfers

Providing there is no material change in the operation of the facility, this Order may be transferred to a new owner or operation. The owner/operator must request the transfer in writing and receive written approval from the Regional Board Executive Officer.

14. Definitions

- a. "Surface waters" as used in this Order, include, but are not limited to, live streams, either perennial or ephemeral, which flow in natural or artificial water courses and natural lakes and artificial impoundments of waters. "Surface waters" does not include artificial water courses or impoundments used exclusively for wastewater disposal.
- b. "Ground waters" as used in this Order, include, but are not limited to, all subsurface waters being above atmospheric pressure and the capillary fringe of these waters.

15. Storm Protection

All facilities used for collection, transport, treatment, storage, or disposal of waste shall be adequately protected against overflow, washout, inundation, structural damage or a significant reduction in efficiency resulting from a storm or flood having a recurrence interval of once in 100 years.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

MONITORING AND REPORTING PROGRAM NO. R6T-2003-0004
GENERAL WASTE DISCHARGE REQUIREMENTS

FOR

SMALL CONSTRUCTION PROJECTS, INCLUDING UTILITY, PUBLIC WORKS,
AND MINOR STREAMBED/LAKEBED ALTERATION PROJECTS
LAHONTAN REGION
EXCLUDING THE LAKE TAHOE HYDROLOGIC UNIT

- A. An inspection of the construction site shall be made daily during active construction and monthly during long periods of inactivity (e.g. winter), by the Discharger, resident engineer, superintendent, general contractor, or equivalent. The purpose of the inspection is to discover potential water quality problems at the construction site so that the Discharger can implement corrective measures. The following items should be inspected at the site, as applicable:
1. Damaged containment dikes or erosion fencing
 2. Unauthorized access by vehicles and/or sediment tracking off the site
 3. Boundary fence damage or removal
 4. Disturbed areas with no erosion control protection
 5. Evidence of any sediment leakage through erosion control fencing or containment dikes
 6. Soil piles unprotected or located in drainage ways
 7. Spilled chemicals, paints, fuels, oils, sealants, etc.
 8. Upstream runoff diversion structures in place and operational
 9. Any signs of downstream erosion from runoff discharges
 10. Sediment accumulation within onsite storm water drainage facilities

B. Following completion of project construction, the Discharger shall submit a notice of completion and request for revocation of coverage under the permit. The notice of completion should include the following information:

1. Details on any modification from the construction plans to the proposed stormwater collection, treatment, or disposal facilities.
2. Details on any changes to the amount of impervious coverage for this project.
3. Any significant problems which occurred during project construction and remedial measures taken.
4. Statement that onsite stabilization/revegetation measures have been completed.
5. Certification that project is in compliance with the requirements of the General Permit.

The final report shall contain the name of the project and shall be signed and dated by the property owner or his legal representative. The report shall be submitted to the Regional Board office in South Lake Tahoe.

Ordered by  Date: Jan 8, 2003
HAROLD J. SINGER
EXECUTIVE OFFICER

AGREEMENTS

California Department of Fish and Wildlife
Notification No. 1600-2014-0125-R6

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
INLAND DESERTS REGION
3602 INLAND EMPIRE BOULEVARD, SUITE C-220
ONTARIO, CA 91764
(909) 484-0167



STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2014-0125-R6
UNNAMED TRIBUTARIES TO ROSE VALLEY PLAYA

CALIFORNIA DEPARTMENT OF TRANSPORTATION
HAIWEE CLEAR RECOVERY ZONE PROJECT

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified CDFW on July 8, 2014 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 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 wildlife resources.

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

PROJECT LOCATION

The Project is located on eight unnamed tributary channels to Rose Valley Playa, along 2.0 miles of U.S. Highway 395, in the unincorporated community of Dunmavin, in Inyo County, State of California. Latitude 36° 06' 26.19" N, Longitude 117° 58' 13.85" W; in Sections 15,22,23, and 26, Township 21 South, Range 37 East, U.S. Geological Survey (USGS) Coso Junction 7.5-minute quadrangle map.

PROJECT DESCRIPTION

The proposed Project (Project) is limited to the excavation and replacement of seven (7) existing culverts, the installation of one (1) culvert under-passing U.S. Highway 395, and the emplacement of desert tortoise exclusion fencing within CDFW-jurisdictional unvegetated streambed. The Project is part of the Haiwee Clear Zone Recovery, which

includes expansion of the Los Angeles Aqueduct (conduit) Bridge (#48-15L) where it crosses U.S. Highway 395 by four feet, the expansion of existing shoulders from five feet to ten feet, and the installation of rumble strips and roadside paddles along two miles of U.S. Highway 395. The specific location of effected culverts, the size of the existing and replacement culverts, and the construction impacts are described in the table below. Access to work areas will occur along existing roadways, and no equipment shall operate outside of Permittee's right-of-way. Maintenance and staging areas will be located in unvegetated, disturbed areas, at least 100-ft from CDFW jurisdiction. Water is not expected to be encountered during Project activates, and no Project activities shall occur during times of stream flow

Drainage	Location		Existing Pipe	Replacement pipe	Impacts (ft ²)	Rock-Slope Protection	Trench stabilization	Excavated Material
	Latitude	Longitude						
1	36°4'55.54"N	117°57'34.95"W	24-inch diameter, 60-foot long corrugated steel pipe (CSP)	28-inch high, 20-inch wide, 60-foot long CSP with alternative flared ends sections (AFES)	365	20 cubic yards of Light Rock Slope Protection (RSP) placed on the outlet (Method B); 80 square yards of Class B RSP Fabric will be placed along the outlet	3 cubic yards of concrete will be used to stabilize the pipe trench	0
2	36°5'23.02"N	117°57'43.78"W	None	35-inch-wide, 24-inch-high, 95-foot-long CSP arch with AFES	20,812	12 cubic yards of Light RSP placed on both ends (Method B); 280 square yards of Class B RSP Fabric will be placed along the outlet	27 cubic yards of concrete will be backfill on the pipe trench	650 cubic yards of alluvium will be excavated from the inlet and 500 cubic yards of alluvium will be excavated from the outlet
3	36° 5' 35.31" N	117° 57' 49.10" W	24-inch diameter, 135-foot-long CSP	36-inch diameter, 140-foot-long CSP with AFES	671	8 cubic yards of Light RSP will be placed at the outlet (Method B); 80 square yards of RSP Fabric (Class B) will be placed along the outlet	None	6 cubic yards of alluvium will be excavated from inlet.
4	36° 5' 52.52" N	117° 57' 55.71" W	18-inch diameter, 60 foot long CSP	18-inch diameter, 86-foot long CSP with AFES	706	2.0 cubic yards Light RSP will be placed at the outlet (Method B); 80 square yards of RSP Fabric (Class B).	None	0
5	36° 6'2.44"N	117°58'0.53"W	18-inch diameter, 60 foot long CSP	18-inch diameter, 76-foot long CSP with AFES	1,861	2.0 cubic yards Light RSP will be placed at the outlet (Method B); 80 square yards of RSP Fabric (Class B).	None	0
6	36° 6'3.67"N	117°58'1.65"W	18-inch diameter, 60 foot long CSP	18-inch diameter, 76-foot long CSP with AFES	574	2.0 cubic yards Light RSP will be placed at the outlet (Method B); 80 square yards of RSP Fabric (Class B).	None	0
7	36° 6'4.83"N	117° 58'2.08"W	18-inch diameter, 60 foot long CSP	18-inch diameter, 70-foot long CSP with AFES	277	2.0 cubic yards Light RSP will be placed at the outlet (Method B); 80 square yards of RSP Fabric (Class B).	None	0
8	36° 6'12.95"N	117°58'5.65"W	12-inch diameter, 60 foot long CSP	24-inch diameter CSP with AFES	1,421	2.0 cubic yards Light RSP will be placed at the outlet (Method B); 80 square yards of RSP Fabric (Class B).	None	0
Total	-	-	-	-	26,687	-	-	1156

The Project will result in permanent impacts to 26,688 square feet (0.61 acres) of un-vegetated CDFW jurisdictional streambed.

PROJECT IMPACTS

Existing plant or wildlife resources the Project could substantially adversely affect include:

BIRDS – Le Conte’s thrasher (*Toxostoma lecontei*), red-tailed hawk (*Buteo jamaicensis*), American kestrel (*Falco sparverius*), California quail (*Callipepla californica*), Anna’s hummingbird (*Calypte anna*), common raven (*Corvus corax*), loggerhead shrike (*Lanius ludovicianus*), black-throated sparrow (*Amphispiza bilineata*), house finch (*Carpodacus mexicanus*), lesser goldfinch (*Spinus psaltria*), burrowing owl (*Athene cunicularia*), and other bird species.

MAMMALS– Mohave ground squirrel (*Xerospermophilus mohavensis*), white-tailed antelope squirrel (*Ammospermophilus leucurus*), black-tailed jackrabbit (*Lepus californicus*), cottontail (*Sylvilagus* sp.), bobcat (*Lynx rufus*), coyote (*Canis latrans*), Sciuridae, *Dipodomys* spp., *Tamias* spp., *Thyomomys* spp., and other mammal species.

REPTILES – Desert tortoise (*Gopherus agassizii*), western whiptail (*Aspidoscelis tigris*), great basin collared lizard (*Crotaphytus bicinctores*), long-nosed leopard lizard (*Gambelia wislizenii*), western banded gecko (*Coleonyx variegatus variegatus*), desert iguana (*Dipsosaurus dorsalis dorsalis*), western zebra-tailed lizard (*Callisaurus draconoides rhodostrictus*), desert horned lizard (*Phrynosoma platyrhinos calidiarum*), yellow-backed spiny lizard (*Sceloporus uniformis*), common side-blotched lizard (*Uta stansburiana elegans*), western fence lizard (*Sceloporus occidentalis*), Great Basin whiptail (*Aspidoscelis tigris tigris*), shovel-nosed snake (*Chionactis occipitalis*), glossy snake (*Arizona elegans*), red racer (*Coluber flagellum piceus*), desert striped whipsnake (*Coluber taeniatus taeniatus*), nightsnake (*Hypsiglena torquata nuchalata*), California kingsnake (*Lampropeltis californiae*), Great Basin gopher snake (*Pituophis catenifer deserticola*), long-nosed snake (*Rheinocheilus lecontei*), leaf-nosed snake (*Phyllorhynchus decurtatus*), Mohave patch-nosed snake (*Salvadora hexalepis*), Variable groundsnake (*Sonora semiannulata semiannulata*), California lyresnake (*Trimorphodon lyrophanes*), Mohave Desert sidewinder (*Crotalus cerastes cerastes*), Mojave green rattlesnake (*Crotalus scutulatus*), and Panamint rattlesnake (*Crotalus stephensi*).

PLANTS– creosote bush (*Larrea tridentata*), white bursage (*Ambrosia dumosa*), and allscale (*Atriplex polycarpa*)

The adverse effects the Project could have on the wildlife resources identified above include the disturbance to, alteration of, and/or loss of nesting or foraging habitat. The Agreement authorizes impacts to 0.61 acres of CDFW jurisdictional streambed. If any additional unanticipated impacts occur to CDFW jurisdiction, Permittee shall submit an application for an amendment to this Agreement to assess and quantify the impacts.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the Project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the Project at the Project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. Permittee shall notify CDFW if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the Project by another local, state, or federal agency. In that event, CDFW shall contact Permittee to resolve any conflict.
- 1.4 Compliance with other Agencies. This Agreement does not relieve the Permittee of responsibility for compliance with applicable federal, state, or local laws, ordinances or grant conditions.
- 1.5 Project Site Entry. Permittee agrees that CDFW personnel may enter the Project site at any time to verify compliance with the Agreement.
- 1.6 Nesting Birds. This Agreement does not authorize take of Nesting Birds. Sections 3503, 3503.5 and 3513 pursuant to FGC prohibits the take of all birds and their active nests, including raptors and other migratory non-game birds (as listed under the United States Migratory Bird Treaty Act).
- 1.7 Take of Listed Species. The issuance of this Agreement does not authorize the take of any state and/or federally listed threatened, endangered, or fully protected species.

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 **Designated Biologist(s)**. Permittee shall have a CDFW approved Designated Biologist(s) (DB) at each Project site while Project activities are occurring to ensure Agreement conditions are being met and impacts to wildlife habitat are minimized. To protect wildlife resources, the DB (s) shall conduct preconstruction surveys for sensitive species or species of special concern prior to the initiation of Project activities. The DB shall have the authority to immediately stop any Project activity. Permittee shall ensure that the DB (s) is knowledgeable and experienced in the identification, natural history, collecting, and handling of appropriate species. The DB (s) shall be responsible for monitoring activities addressed by the Agreement, including, but not limited to all activities that result in the clearing or grading of sensitive habitats, as well as grading, excavation, and/or other ground-disturbing activities in CDFW jurisdictional areas. The DB (s) shall flag the limits of grading and the jurisdictional areas, perform necessary surveys, and take photographs during the construction process. If a State listed Species of Special Concern, or threatened, or endangered species are found within the Project work area, the DB(s) shall immediately stop work within the Project work area and notify CDFW, via email (Nick.Buckmaster@wildlife.ca.gov), and by calling Nick Buckmaster, Environmental Scientist at (760) 872-1110. Consultation with CDFW is required prior to cancellation of a stop work order. Permittee shall submit to CDFW in writing the name, qualifications, resume or curriculum vitae, and contact information of DB(s) responsible for monitoring of Project activities. This information shall be submitted to CDFW via email to: Nick.Buckmaster@wildlife.ca.gov. Permittee shall obtain CDFW approval of DB (s) in writing 14 days before the commencement of Project activities (including site preparation), and shall also obtain approval in writing five days in advance if the DB (s) must be changed.
- 2.2 **Sensitive Species Surveys**. Permittee shall conduct preconstruction surveys for sensitive species, including species of special concern, prior to the initiation of Project activities. Surveys shall include focused surveys for desert tortoise, Mohave ground squirrel, burrowing owl, and Le Conte's thrasher. The results of surveys shall be included in the report described in Condition 4.3 of this Agreement. If a sensitive species or species of special concern is found during preconstruction surveys, notification shall be submitted to CDFW via email to: Nick.Buckmaster@wildlife.ca.gov.
- 2.3 **Nesting Bird Plan**. If Project activities will occur between March 1 and September 30, the Permittee shall submit to CDFW for review and approval a Nesting Bird (NBP) no later than 30 days prior to construction. The NBP shall include Project-specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur and that the Project complies with all applicable laws related to nesting birds and birds of prey. The NBP shall include at a minimum: monitoring protocols; survey timing and duration; the creation, maintenance, and submittal to CDFW of a bird-nesting log; and Project-specific avoidance and minimization measures. Avoidance and minimization measures shall include, at a minimum: Project phasing and timing, monitoring of Project-related noise, sound walls, and

buffers. The NBP shall be submitted to CDFW via email to:
Nick.Buckmaster@wildlife.ca.gov.

- 2.4 Work Period and Time Limits - Bird Nesting Surveys. Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 et seq.). In addition, Sections 3503, 3503.5, and 3513 of the FGC prohibit the take of all birds and their nests. Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by FGC or any regulation made pursuant thereto; Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by FGC or any regulation adopted pursuant thereto; and Section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Treaty Act. CDFW recommends that Permittee avoid Project activities from March 1 to September 30 to avoid impacts to nesting birds. If Project activities cannot be avoided during the period of March 1 through September 30, the DB (s) shall survey the entirety of the Project site, and within a recommended 300-foot buffer surrounding the Project site for both diurnal and nocturnal nesting birds, prior to commencing Project activities (including construction and/or site preparation). Surveys shall be conducted by the DB (s) at the appropriate time(s) of day, no more than three days prior to commencement of Project activities. Documentation of surveys and findings shall be consistent with the CDFW-approved NBP and shall be submitted to CDFW for review prior to conducting Project activities. If an active bird nest is located, the DB (s) shall implement and monitor specific avoidance and minimization measures as specified in the CDFW-approved NBP (refer to Measure 2.3) designed to ensure that impacts to nesting birds do not occur and that the Project complies with all applicable laws related to nesting birds and birds of prey. Copies of the nesting log shall be submitted to CDFW for review according to the timeframe specified in the NBP.
- 2.5 Worker Environmental Awareness. Prior to any construction activities on the Project site, the Permittee will implement a Worker Environmental Awareness Program (WEAP) to educate on-site workers about sensitive environmental issues associated with the Project. The program will be administered to all on-site personnel, including the Permittee's personnel, contractors, and all subcontractors, prior to the employee's commencing work on the site. The WEAP will include but not be limited to protected species and species of special concern that have potential to occur within the Project footprint (desert tortoise, Mohave ground squirrel, burrowing owl, and Le Conte's thrasher).

- 2.6 **Best Management Practices.** Permittee shall actively implement Best Management Practices (BMPs), defined in the “State of California Department of Transportation Construction Site Best Management Practice Field Manual and Trouble Shooting Guide,” to prevent erosion and the discharge of sediment and pollutants into streams during Project activities. BMPs shall be monitored and repaired if necessary to ensure maximum control of erosion, sediment, and pollution. Permittee shall prohibit the use of erosion control materials potentially harmful to wildlife species, such as monofilament netting (erosion control matting) or similar material within and adjacent to CDFW jurisdictional areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the Project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.
- 2.7 **Culvert-dwelling Wildlife Protection.** Permittee shall comply with the following culvert-dwelling wildlife protection measures. All contractors, subcontractors, and employees shall also comply with these measures and it shall be the responsibility of Permittee to ensure compliance.
- 2.7.1 If possible, the DB (s) shall survey all culverts for the presence of nesting birds or roosting bats prior to the initiation of Project activities.
- 2.7.2 All night work (dusk until dawn) in the vicinity of the structure (i.e., roadway widening, resurfacing, lighting, land-closure setup, etc.) shall have concurrence from CDFW prior to any work or scheduling of any work between March 1 and September 1.
- 2.7.3 If any roosting bats are discovered during Project activities all work shall stop on, under, around, or within 500-feet of the structure, and the Permittee shall notify Nick Buckmaster, Environmental Scientist, via email: Nick.Buckmaster@wildlife.ca.gov.
- 2.8 **Burrowing Owl Surveys.** Surveys, impact assessments, and all associated reports shall be completed following the recommendations and guidelines provided within the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012). The burrowing owl is protected under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13) and Sections 3503, 3503.5 and 3513 of the FGC, which prohibit take of all birds and their nests. Therefore, it is the responsibility of the Project proponent to ensure compliance with these laws for the entire Project site.

Prior to the initiation of any Project activities, burrowing owl surveys shall be conducted by a qualified biologist during the breeding season of February 1 through August 31 in accordance with the attached Staff Report on Burrowing Owl

Mitigation (Department of Fish and Game, March 2012). Survey results shall be submitted to CDFW within 30 days of completion of surveys following the guidelines provided in Appendix D of the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012). If surveys confirm occupied Burrowing Owl habitat in or adjoining the Project area, the Permittee shall contact CDFW and conduct an impact assessment, in accordance with Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012), to assist in the development of avoidance, minimization, and mitigation measures, prior to commencing Project activities. Reports shall be mailed to CDFW at 407 W. Line Street, Bishop CA 93514, Attn: Lake and Streambed Alteration Program-Nick Buckmaster. Please reference SAA # 1600-2014-0125-R6.

- 2.9 Surface flow avoidance. No work shall occur in wet weather conditions (e.g. rain), or during periods when stream flow is occurring without CDFW consultation.
- 2.10 Escape Trench. At the end of each workday, the Permittee shall place an escape ramp at each end of any open trenches or pits to allow any animals that may have become entrapped in the trench to climb out overnight. The ramp may be constructed of either dirt fill or wood planking or other suitable material that is placed at an angle no greater than 30 degrees. Open trenches and pits shall be checked each morning for wildlife sheltering within them.
- 2.11 With the DB present and prior to ground-disturbing activities, Permittee shall install temporary 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.
- 2.12 Pollution and Litter. Permittee 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 Permittee to ensure compliance.
- 2.12.1 Permittee shall not allow water containing mud, silt, or other pollutants from grading, aggregate washing, or other activities to enter a streambed, or be placed in locations that may be subjected to high storm flows.
- 2.12.1 Spoil sites shall not be located within a streambed, or locations that may be subjected to high storm flows, where spoil shall be washed back into a streambed, or where it will impact streambed habitat.
- 2.12.2 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 wildlife resources resulting from Project related activities shall be prevented from contaminating the soil and/or entering a streambed. These materials, placed within or where they may enter a

streambed by Permittee or any party working under contract or with the permission of Permittee, shall be removed immediately.

2.12.3 No broken concrete, cement, debris, soil, silt, sand, bark, slash, sawdust, rubbish, or washings thereof, oil or petroleum products, or other organic or earthen material from any construction 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 a streambed. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any streambed.

2.12.4 All equipment or vehicles driven and/or operated within or adjacent to a streambed shall be checked daily and maintained as need to prevent deleterious material leaks.

2.12.5 No equipment maintenance shall be done within or near any streambed where petroleum products or other pollutants from the equipment may enter these areas under any flow.

3. Compensatory Measures

3.1 **Offsite- Land Acquisition and Preservation.** The Permittee shall purchase mitigation land at a CDFW-approved location in the Mojave Desert region of Inyo County, California, or use Permittee-owned land (which will be restored as needed and preserved). In total, permanent impacts to 0.61 acres of CDFW Jurisdiction will be mitigated by the purchase and preservation of 1.22 acres of CDFW-jurisdictional desert wash habitat. This land will be maintained in perpetuity by a CDFW-approved entity to mitigate for Project impacts to desert wash habitat. **Proof of purchase shall be provided to CDFW within 12 months of the commencement of Project activities.**

4. Reporting Measures

4.1 **Habitat Monitoring and Mitigation Plan (HMMP).** **No later than 3 months following the acquisition of the mitigation site,** the Permittee shall submit to CDFW for review and approval a Final HMMP designed to meet the mitigation requirements identified in Conditions 3.1 of this Agreement. At a minimum, the HMMP shall include the following information: (a) a description of the existing physical conditions of the restoration site, including any water resources onsite, the habitat types onsite, and a map that identifies the location of the site; (b) a plan for the preparation of the restoration site, if necessary, including the removal of litter and nonnative plant species, and recontouring of the streambed, if appropriate; and (c) procedures to ensure that nonnative plants are not introduced or allowed to sustain within the restoration site. Monitoring and maintenance of the restoration

site shall be conducted for a minimum of two years, or until CDFW determines the restoration site to be successful.

- 4.2 Reports to CNDDDB. If any sensitive species are observed on or in proximity to the Project site, or during Project surveys, Permittee shall submit California Natural Diversity Data Base (CNDDDB) forms and maps to the CNDDDB within five working days of the sightings, and provide the regional CDFW office with copies of the CNDDDB forms and survey maps. The CNDDDB form is available online at: www.dfg.ca.gov/whdab/pdfs/natspec.pdf. **This information shall be mailed within five days to:** California Natural Diversity Data Base, 1807 13th Street, Suite 202, Sacramento, CA 95814, Phone (916) 324-3812. A copy of this information shall also be mailed within five days to CDFW Inland Deserts Region at the address below under Contact Information. **Please reference SAA # 1600-2014-0125-R6.**
- 4.3 On-site monitoring activities. No more than 45 days following the completion of construction activities, the Permittee shall submit a report to CDFW summarizing the results from the DB's monitoring activities. This report shall include a summary of Project impacts to CDFW jurisdiction, photos taken by the DB, a list of plant and wildlife species that were observed during monitoring, and any oil spill that occurred.
- 4.4 Notification of the Construction. The Permittee shall notify CDFW, in writing, at least five (5) days prior to the initiation and five (5) days prior to the completion of Project activities in jurisdictional areas. Notification shall be sent via email to Nick.Buckmaster@wildlife.ca.gov.

CONTACT INFORMATION

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

To Permittee:

Dena Gonzalez
California Department of Transportation
855 M Street, Suite 200
Fresno, CA 93721
(559) 445-6406
Dena.Gonzalez@dot.ca.gov

To CDFW:

Department of Fish and Wildlife
Inland Deserts Region
407 West Line Street
Bishop, CA 93514
Attn: Lake and Streambed Alteration Program – Nick Buckmaster
Notification #1600-2014-0125-R6
(760) 872- 1110
Nick.Buckmaster@wildlife.ca.gov

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

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

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the Project the Agreement covers (FGC section 1605(f)).

EFFECTIVE DATE

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

TERM

This Agreement shall expire on **December 1, 2019**, 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 CDFW in accordance with FGC section 1602.

CONCURRENCE

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

FOR CALIFORNIA DEPARTMENT OF TRANSPORTATION



Dena Gonzalez
Senior Environmental Planner

11-24-2014

Date

FOR DEPARTMENT OF FISH AND WILDLIFE

for 
Leslie MacNair

Environmental Program Manager

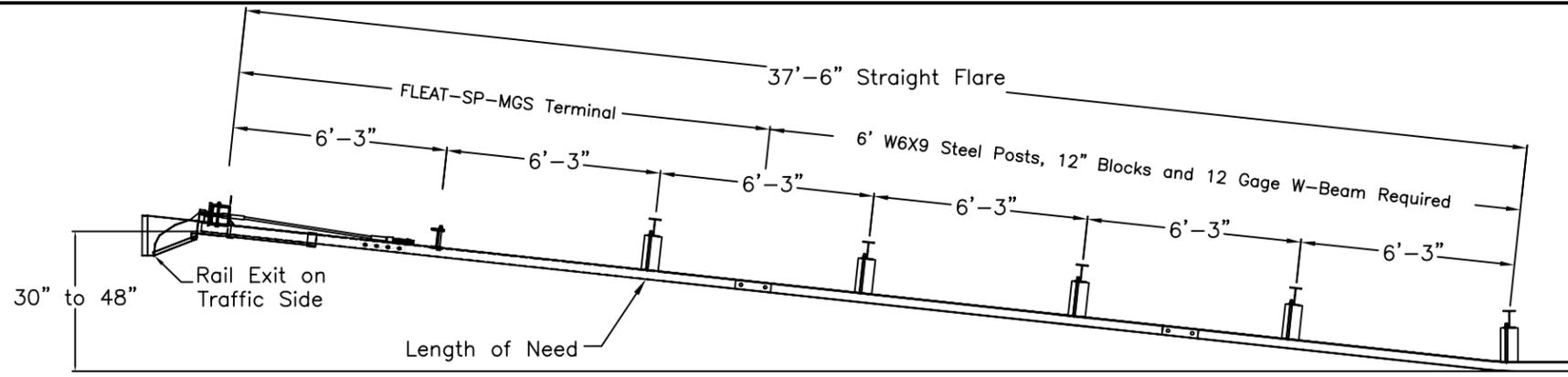
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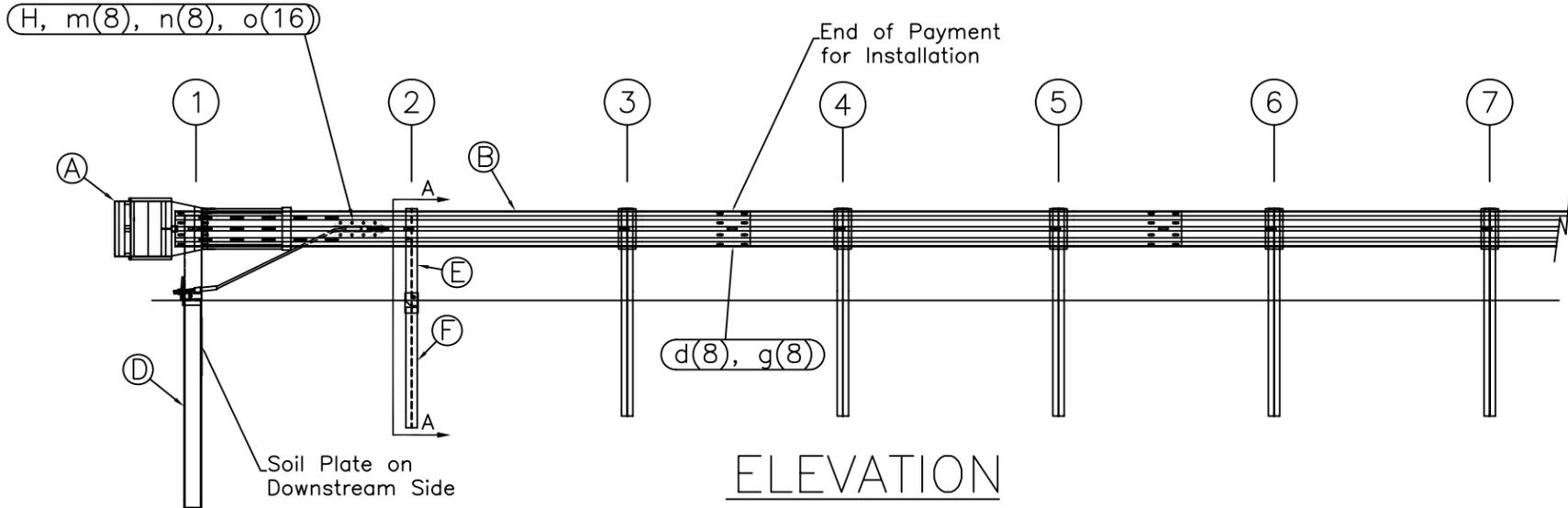
Prepared by: Nick Buckmaster
Environmental Scientist

MATERIALS INFORMATION

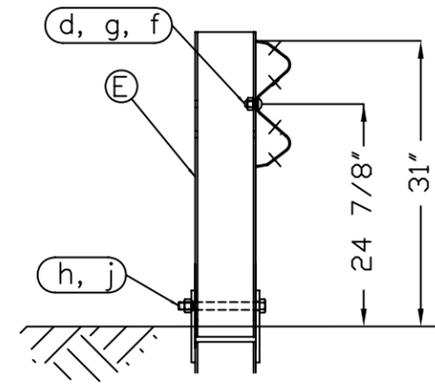
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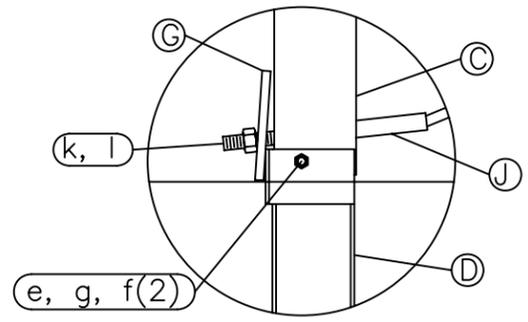
PLAN



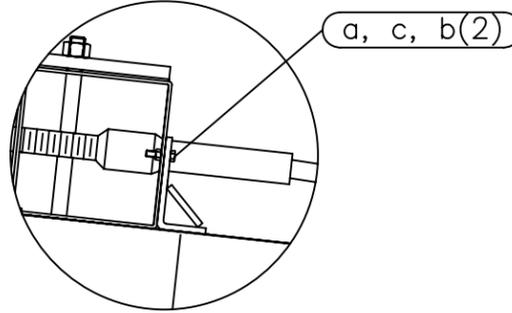
ELEVATION



SECTION A-A
Post #2



Post #1 Connection Detail



Impact Head Connection Detail

ITEM	QTY	BILL OF MATERIALS	ITEM NO.
A	1	IMPACT HEAD	F3000
B	1	W-BEAM GUARDRAIL END SECTION, 12 Ga.	MGS-SF1303
C	1	FIRST POST TOP (6X6X $\frac{1}{8}$ " Tube)	TPHP1A
D	1	FIRST POST BOTTOM (6' W6X15)	TPHP1B
E	1	SECOND POST ASSEMBLY TOP	UHP2A
F	1	SECOND POST ASSEMBLY BOTTOM	HP3B
G	1	BEARING PLATE	E750
H	1	CABLE ANCHOR BOX	S760
J	1	BCT CABLE ANCHOR ASSEMBLY	E770

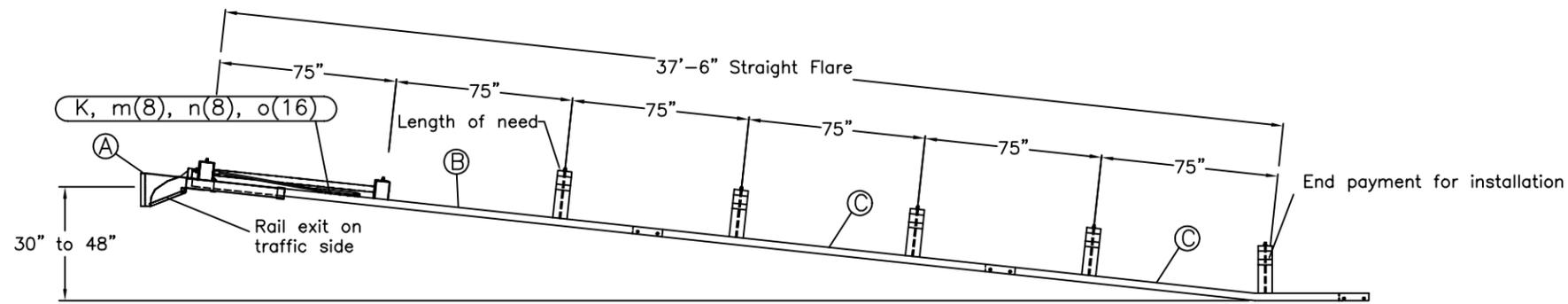
HARDWARE (ALL DIMENSIONS IN INCHES)			
a	2	5/16 x 1 HEX BOLT GRD 5	B5160104A
b	4	5/16 WASHER	W0516
c	2	5/16 HEX NUT	N0516
d	9	5/8 Dia. x 1 1/4 SPLICE BOLT (POST #2)	B580122
e	1	5/8 Dia. x 9 HEX BOLT GRD 5	B580904A
f	3	5/8 WASHER	W050
g	10	5/8 Dia. H.G.R NUT	N050
h	1	3/4 Dia. x 8 1/2 HEX BOLT GRD A449	B340854A
j	1	3/4 Dia. HEX NUT	N030
k	2	1 ANCHOR CABLE HEX NUT	N100
l	2	1 ANCHOR CABLE WASHER	W100
m	8	CABLE ANCHOR BOX SHOULDER BOLT	SB58A
n	8	1/2 A325 STRUCTURAL NUT	N055A
o	16	1 1/16 OD x 9/16 ID A325 STR. WASHER	W050A

GENERAL NOTES:

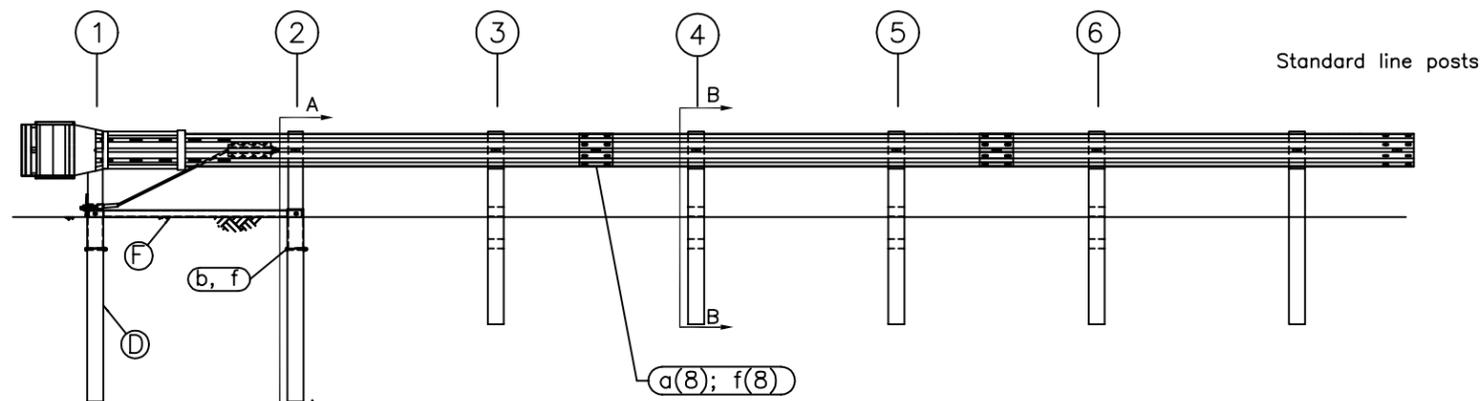
- All bolts, nuts, cable assemblies, cable anchors and bearing plates shall be galvanized.
- The lower sections of the Posts 1&2 shall not protrude more than 4 in above the ground (measured along a 5' cord). Site grading may be necessary to meet this requirement.
- The lower sections of the hinged posts should not be driven with the upper post attached. If the post is placed in a drilled hole, the backfill material must be satisfactorily compacted to prevent settlement.
- When competent rock is encountered, a 12" Ø post hole, 20 in. deep cored into the rock surface may be used if approved by the engineer for post 1. Granular material will be placed in the bottom of the hole, approximately 2.5" deep to provide drainage. The first post can be field cut to length, placed in the hole and backfilled with suitable backfill. The soil plate may be trimmed if required.
- The breakaway cable assembly must be taut. A locking device (vice grips or channel lock pliers) should be used to prevent the cable from twisting when tightening nuts.

Big Spring, TX
Phone: 432-263-2435
or Phone: 330-346-0721

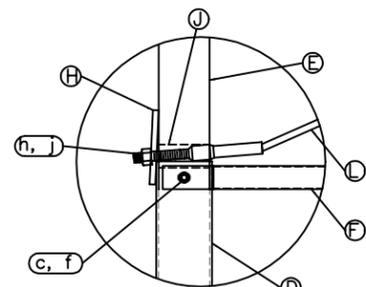
FLEAT-SP-MGS Terminal Midwest Guardrail System 31" Top of Rail		Sheet:	1
		Date:	02/24/10
Drawing Name: FLT-SP-S-MGS		By:	JRR
		Scale:	None
		Rev:	0



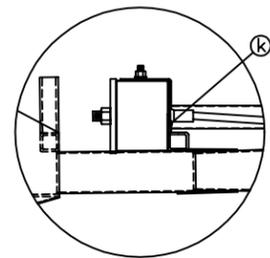
TRAFFIC → PLAN



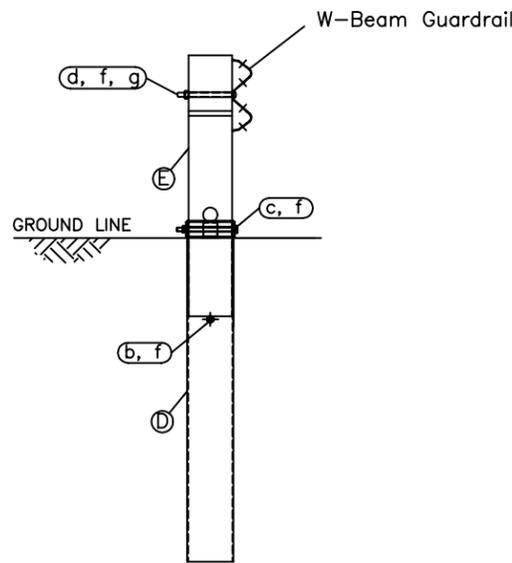
ELEVATION



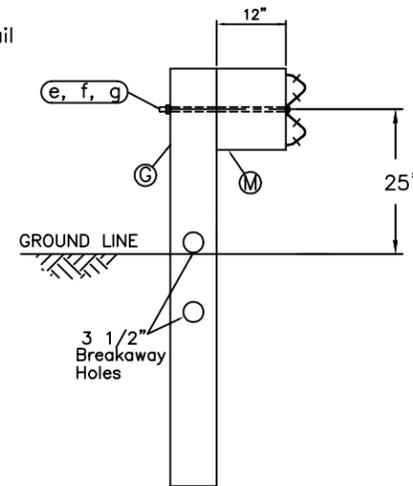
POST #1 CONNECTION DETAILS



IMPACT HEAD CONNECTION DETAIL



SECTION A-A Post #2



SECTION B-B Posts 3 thru 6

ITEM	QTY	BILL OF MATERIALS	ITEM NO.
A	1	IMPACT HEAD	F3000
B	1	W-BEAM GUARDRAIL END SECTION, 12 Ga.	F1303 MGS
C	2	W-BEAM GUARDRAIL, 12 Ga.	G1203 MGS
D	2	FOUNDATION TUBE	E731
E	2	BCT WOOD POST	P650 MGS
F	1	GROUND STRUT	E780
G	4	CRT WOOD POST	P671 MGS
H	1	BEARING PLATE	E750
J	1	PIPE SLEEVE	E740
K	1	CABLE ANCHOR BOX	S760
L	1	BCT CABLE ANCHOR ASSEMBLY	E770
M	4	MGS TIMBER BLOCKOUT OR RECYC. EQUIV.	P618
HARDWARE (ALL DIMENSIONS IN INCHES)			
a	16	5/8 ϕ x 1 1/4 SPLICE BOLT	B580122
b	2	5/8 ϕ x 7 1/2 HEX BOLT	B580754
c	2	5/8 ϕ x 10 HEX BOLT	B581004
d	1	5/8 ϕ x 10 H.G.R. BOLT	B581002
e	4	5/8 ϕ x 22 H.G.R. BOLT	B582202
f	25	5/8 ϕ H.G.R. NUT	N050
g	5	H.G.R. WASHER	W050
h	1	ANCHOR CABLE HEX NUT	N100
j	2	ANCHOR CABLE WASHER	W100
k	2	3/8 x 3 LAG SCREW	E350
m	8	CABLE ANCHOR BOX SHOULDER BOLT	SB58A
n	8	1/2 A325 STRUCTURAL NUT	N055A
o	16	1 1/16 OD x 9/16 ID A325 STR. WASHER	W050A

GENERAL NOTES:

- Breakaway posts are required with the FLEAT.
- All bolts, nuts, cable assemblies, cable anchors and bearing plates shall be galvanized.
- The foundation tubes shall not protrude more than 4 in above the ground (measured along a 5' cord). Site grading may be necessary to meet this requirement.
- When rock is encountered, a 12" ϕ post hole, 20 in into the rock surface may be used if approved by the engineer. Granular material will be placed in the bottom of the hole, approximately 2.5" deep to provide drainage. The first two posts can be field cut to length, placed in the hole and backfilled with adequately compacted material excavated from the hole.
- The breakaway cable assembly must be taut. A locking device (vice grips or channel lock pliers) should be used to prevent the cable from twisting when tightening nuts.
- The soil tubes may be driven with an approved driving head. They shall not be driven with the post in the tube.
- The wood blockouts should be "toe-nailed" to the rectangular wood posts to prevent them from turning when the wood shrinks.



Road Systems, Inc.

Big Spring, TX
Phone: 432-263-2435
or Phone: 330-346-0721

Flared Energy Absorbing Terminal - FLEAT Assembly
Midwest Guardrail System

Wood Post System

Drawing Name:
FLT-MGS-W-US

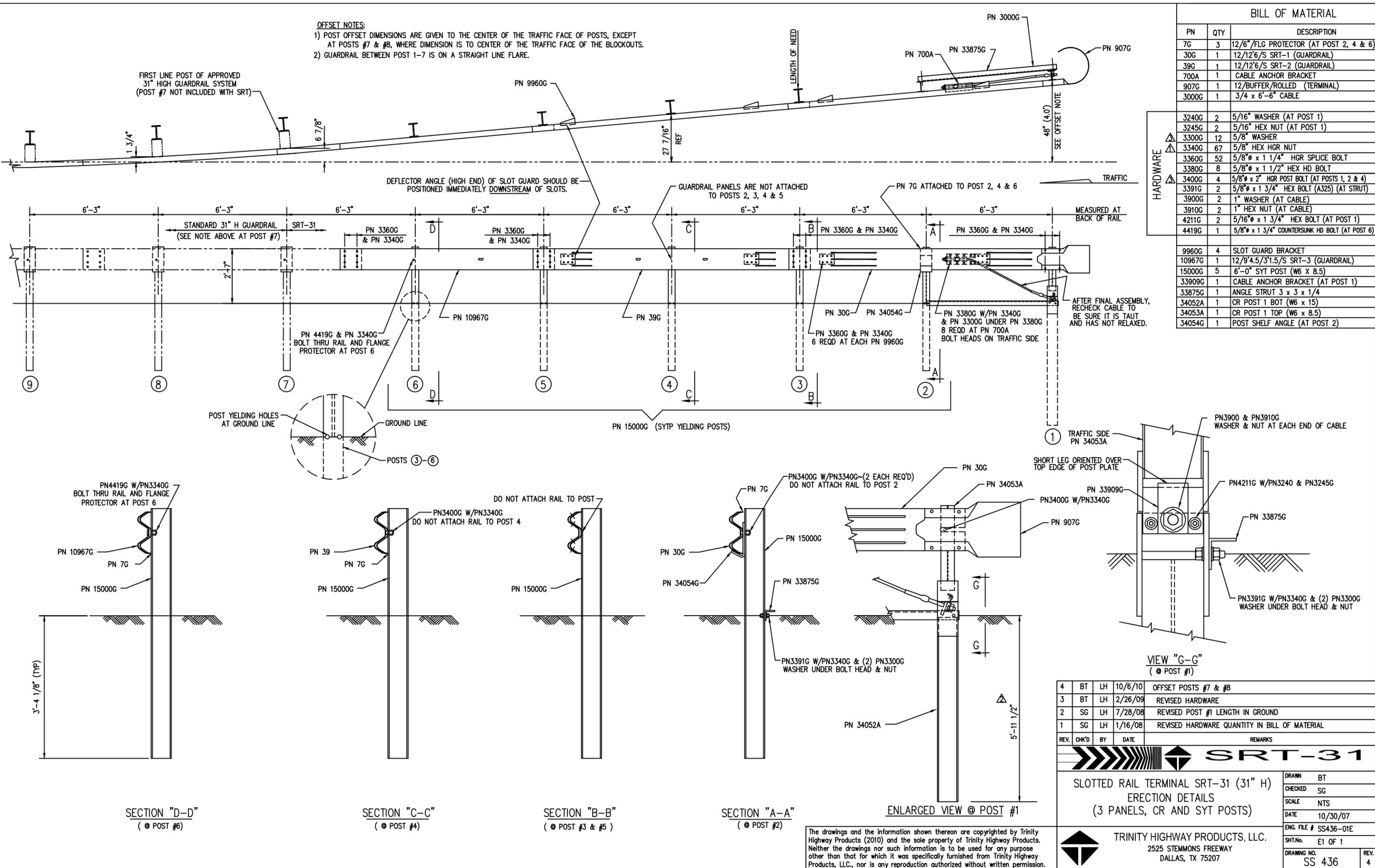
Scale:
None

Sheet:
A1
Date:
12/01/2004
By:
JRR
Rev:
0

OFFSET NOTES:

- 1) POST OFFSET DIMENSIONS ARE GIVEN TO THE CENTER OF THE TRAFFIC FACE OF POSTS, EXCEPT AT POSTS #7 & #8, WHERE DIMENSION IS TO CENTER OF THE TRAFFIC FACE OF THE BLOCKOUTS.
- 2) GUARDRAIL BETWEEN POST 1-7 IS ON A STRAIGHT LINE FLARE.

FIRST LINE POST OF APPROVED 31" HIGH GUARDRAIL SYSTEM (POST #7 NOT INCLUDED WITH SRT)



BILL OF MATERIAL

PN	QTY	DESCRIPTION
7G	3	12/6"/FLG PROTECTOR (AT POST 2, 4 & 6)
30G	1	12/12/6"/S SRT-1 (GUARDRAIL)
39G	1	12/12/6"/S SRT-2 (GUARDRAIL)
700A	1	CABLE ANCHOR BRACKET
907G	1	12/BUFFER/ROLLED (TERMINAL)
3000G	1	3/4 x 6'-6" CABLE
HARDWARE		
3240G	2	5/16" WASHER (AT POST 1)
3245G	2	5/16" HEX NUT (AT POST 1)
3300G	12	5/8" WASHER
3340G	67	5/8" HEX HGR NUT
3360G	52	5/8" x 1 1/4" HGR SPLICE BOLT
3380G	8	5/8" x 1 1/2" HEX HD BOLT
3400G	4	5/8" x 2" HGR POST BOLT (AT POSTS 1, 2 & 4)
3391G	2	5/8" x 1 3/4" HEX BOLT (A325) (AT STRUT)
3900G	2	1" WASHER (AT CABLE)
3910G	2	1" HEX NUT (AT CABLE)
4211G	2	5/16" x 1 3/4" HEX BOLT (AT POST 1)
4419G	1	5/8" x 1 3/4" COUNTERSUNK HD BOLT (AT POST 6)
9960G	4	SLOT GUARD BRACKET
10967G	1	12/9/4.5/31.5/S SRT-3 (GUARDRAIL)
15000G	5	6'-0" SYT POST (W6 X 8.5)
33909G	1	CABLE ANCHOR BRACKET (AT POST 1)
33875G	1	ANGLE STRUT 3 x 3 x 1/4
34052A	1	CR POST 1 BOT (W6 X 15)
34053A	1	CR POST 1 TOP (W6 X 8.5)
34054G	1	POST SHELF ANGLE (AT POST 2)

REV.	CHK'D	BY	DATE	REMARKS
4	BT	LH	10/6/10	OFFSET POSTS #7 & #8
3	BT	LH	2/26/09	REVISED HARDWARE
2	SG	LH	7/28/08	REVISED POST #1 LENGTH IN GROUND
1	SG	LH	1/16/08	REVISED HARDWARE QUANTITY IN BILL OF MATERIAL

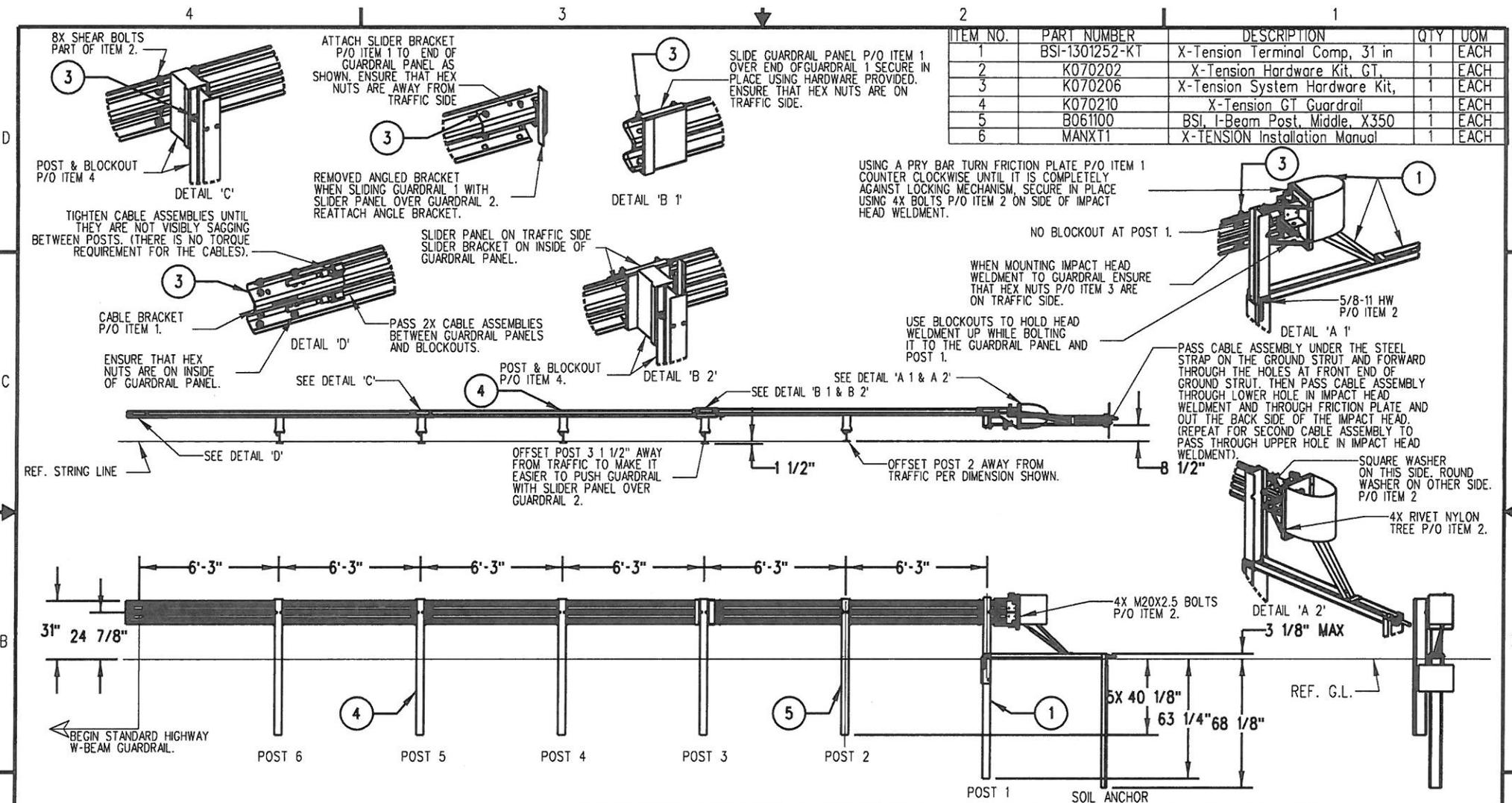
SRT-31

SLOTTED RAIL TERMINAL SRT-31 (31" H)
ERECTION DETAILS
(3 PANELS, CR AND SYT POSTS)

DRAWN	BT
CHECKED	SG
SCALE	NTS
DATE	10/30/07
ENG. FILE #	SS436-01E
SHT.No.	E1 OF 1
DRAWING NO.	SS 436
REV.	4

TRINITY HIGHWAY PRODUCTS, LLC.
2525 STEMMONS FREEWAY
DALLAS, TX 75207

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ITEM NO.	PART NUMBER	DESCRIPTION	QTY	UOM
1	BSI-1301252-KT	X-Tension Terminal Comp, 31 in	1	EACH
2	K070202	X-Tension Hardware Kit, GT.	1	EACH
3	K070206	X-Tension System Hardware Kit,	1	EACH
4	K070210	X-Tension GT Guardrail	1	EACH
5	B061100	BSL I-Beam Post, Middle, X350	1	EACH
6	MANXT1	X-TENSION Installation Manual	1	EACH

- NOTES: UNLESS OTHERWISE SPECIFIED.
- SYSTEM TO BE INSTALLED PER MANUFACTURER SPECIFICATIONS.
 - ONLY TIGHTEN THE CABLE ASSEMBLIES USING THE NUTS AT THE CABLE BRACKET (SEE DETAIL 'D'). DO NOT TIGHTEN THE CABLES AT THE FRONT OF THE GROUND ANCHOR.
 - WHEN DRIVING STEEL POST, ENSURE THAT A DRIVING CAP WITH TIMBER OR PLASTIC INSERT IS USED TO PREVENT DAMAGE TO THE GALVANIZING TO THE TOP OF THE POST.

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APPROVALS				TITLE			
DRAWN BY: NMV		THRD ANGLE PROJECTION		2067 03/02/13		SIZE DWG NO.	
DRAWN DATE: 2/08/13				2022 2/08/13		B X-TENSION GUARDRAIL TERMINAL SYSTEM STEEL POST WITH COMPOSITE BLOCKOUT 31" RAIL HEIGHT	
APPR'D BY: JMT		DO NOT SCALE DRAWING		REV ECN* DATE		SCALE 1:50	
APPR'D DATE: 2/08/13		REV ECN* DATE		DATE		SHEET 1 OF 1	

Water Source Information

Asbestos and Lead-Containing Paint Survey Report

ASBESTOS AND LEAD-CONTAINING PAINT SURVEY REPORT



Haiwee Clear Zone Project Inyo County, California

PREPARED FOR:

**CALIFORNIA DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL PLANNING 06/1410
855 M STREET, SUITE 200
FRESNO, CALIFORNIA 93721**



PREPARED BY:

**GEOCON CONSULTANTS, INC.
3160 GOLD VALLEY DRIVE, SUITE 800
RANCHO CORDOVA, CALIFORNIA 95742**



**GEOCON PROJECT NO. S9800-01-41
TASK ORDER NO. 41
E-FIS 09-0002-0058 (EA 09-351201)
CONTRACT NO. 06A1895**

DECEMBER 2014



Project No. S9800-01-41
December 30, 2014

Clemens Goewert, Task Order Manager
California Department of Transportation
Environmental Planning 06/1410
855 M Street., Suite 200
Fresno, California 93721

Subject: ASBESTOS AND LEAD-CONTAINING PAINT SURVEY REPORT
HAIWEE CLEAR ZONE PROJECT (BRIDGES 48-0015L AND 48-0064L/R)
INYO COUNTY, CALIFORNIA
CONTRACT NO. 06A1895, E-FIS 09-0002-0058 (EA 09-351201)
TASK ORDER NO. 41

Dear Mr. Goewert:

In accordance with California Department of Transportation Contract No. 06A1895 and Task Order No. 41, we have performed an asbestos and lead-containing paint (LCP) survey of the Haiwee Clear Zone Project (Bridges 48-0015L and 0064L/R) over the Los Angeles Aqueduct on Highway 395 in Inyo County, California. Our scope of services included surveying the bridges for suspect asbestos-containing materials and LCP, collecting bulk samples, and submitting the samples to a laboratory for analysis.

The accompanying report summarizes the services performed and laboratory analysis.

The contents of this report reflect the views of Geocon Consultants, Inc., who are responsible for the facts and accuracy of the data presented herein. The contents do not necessarily reflect the official views or policies of the State of California or the Federal Highway Administration. This report does not constitute a standard, specification, or regulation.

Please contact us if you have questions concerning the contents of this report or if we may be of further service.

Sincerely,

GEOCON CONSULTANTS, INC.


David A. Watts, CAC No. 98-2404
Senior Project Scientist


John E. Juhrend, PE, CEG
Principal/Senior Engineer

(2 + 2 CD) Addressee

TABLE OF CONTENTS

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FIGURES

1. Vicinity Map
- 2A/B. Site Plans

PHOTOGRAPHS (1 through 6)

TABLE

1. Summary of Analytical Laboratory Test Results – Asbestos

APPENDIX

- A. Analytical Laboratory Report and Chain-of-custody Documentation

ASBESTOS AND LEAD-CONTAINING PAINT SURVEY REPORT

1.0 INTRODUCTION

This asbestos and lead-containing paint (LCP) survey report was prepared by Geocon Consultants, Inc. under Caltrans Contract No. 06A1895, Task Order No. 41 (TO-41).

1.1 Project Description

The project consists of the Haiwee Clear Zone Project (Bridges 48-0015L and 48-0064L/R) at Post Miles (PM) 21.31 and 22.08, respectively, over the Los Angeles Aqueduct on Highway 395 in Inyo County, California. We performed asbestos and LCP survey activities at the project location. The project location is depicted on the Vicinity Map, Figure 1, and Site Plans, Figures 2A and B.

1.2 General Objectives

The purpose of the scope of services outlined in TO-41 was to determine the potential presence and quantity of asbestos-containing building materials and LCP at the project location prior to various improvements. The information obtained from this investigation will be used by Caltrans for waste profiling, determining California Occupational Safety and Health Administration (Cal/OSHA) applicability, and coordinating asbestos disturbance activities.

It was not Geocon's intent during this inspection to conduct an evaluation of lead-based paint hazards in accordance with HUD guidelines.

2.0 BACKGROUND

2.1 Asbestos

The Code of Federal Regulations (CFR), 40 CFR 61, Subpart M, National Emissions Standards for Hazardous Air Pollutants (NESHAP) and Federal Occupational Safety and Health Administration (FED OSHA) classify asbestos-containing material (ACM) as any material or product that contains *greater than* 1% asbestos. Nonfriable ACM is classified by NESHAP as either Category I or Category II material defined as follows:

- **Category I** – asbestos-containing packings, gaskets, resilient floor coverings, and asphalt roofing products.
- **Category II** – all remaining types of nonfriable asbestos-containing material not included in Category I that when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

Regulated asbestos-containing material (RACM), a hazardous waste when friable, is classified as any manufactured material that contains *greater than* 1% asbestos by dry weight *and* is:

- Friable (can be crumbled, pulverized, or reduced to powder by hand pressure); or
- Category I material that has become friable; or
- Category I material that has been subjected to sanding, grinding, cutting, or abrading; or
- Category II nonfriable material that has a high probability of becoming crumbled, pulverized, or reduced to a powder during demolition or renovation activities.

Activities that disturb materials containing *any* amount of asbestos are subject to certain requirements of the Cal/OSHA asbestos standard contained in Title 8 of the California Code of Regulations (CCR) §1529. Typically, removal or disturbance of more than 100 square feet of material containing more than 0.1% asbestos must be performed by a registered asbestos abatement contractor, but associated waste labeling is not required if the material contains 1% or less asbestos. When the asbestos content of a material exceeds 1%, virtually all requirements of the standard become effective.

Materials containing more than 1% asbestos are also subject to NESHAP regulations (40 CFR Part 61, Subpart M). RACM (friable ACM and nonfriable ACM that will become friable during demolition operations) must be removed from structures prior to demolition. Certain nonfriable ACM and materials containing 1% or less asbestos may remain in structures during demolition; however, there are waste handling/disposal issues and Cal/OSHA work requirements that must be addressed. Contractors are responsible for segregating and characterizing waste streams prior to disposal.

With respect to potential worker exposure, notification, and registration requirements, Cal/OSHA defines asbestos-containing construction material (ACCM) as construction material that contains greater than 0.1% asbestos (Title 8, CCR 341.6).

2.2 Lead Paint

Construction activities (including demolition) that disturb materials or paints containing *any* amount of lead are subject to certain requirements of the Cal/OSHA lead standard contained in Title 8, CCR, §1532.1. Deteriorated paint is defined by Title 17, CCR, Division 1, Chapter 8, §35022 as a surface coating that is cracking, chalking, flaking, chipping, peeling, non-intact, failed, or otherwise separated from a component. Demolition of a deteriorated LCP component would require waste characterization and appropriate disposal. Intact LCP on a component is currently accepted by most landfills and recycling facilities; however, contractors are responsible for segregating and characterizing waste streams prior to disposal.

For a solid waste containing lead, the waste is classified as California hazardous when: 1) the representative total lead content equals or exceeds the respective Total Threshold Limit Concentration (TTLC) of 1,000 milligrams per kilogram (mg/kg); or 2) the representative soluble lead content equals or exceeds the respective Soluble Threshold Limit Concentration (STLC) of 5 milligrams per liter (mg/l) based on the standard Waste Extraction Test (WET). A waste has the potential for exceeding the lead STLC when the waste's total lead content is greater than or equal to ten times the respective STLC value since the WET uses a 1:10 dilution ratio. Hence, when total lead is detected at a concentration greater than or equal to 50 mg/kg, and assuming that 100 percent of the total lead is soluble, soluble lead analysis is required. Lead-containing waste is classified as "Resource, Conservation, and Recovery Act" (RCRA) hazardous, or Federal hazardous, when the representative soluble lead content equals or exceeds the Federal regulatory level of 5 mg/l based on the Toxicity Characteristic Leaching Procedure (TCLP).

The above regulatory criteria are based on chemical concentrations. Wastes may also be classified as hazardous based on other criteria such as ignitability; however, for the purposes of this investigation, toxicity (i.e., lead concentrations) is the primary factor considered for waste classification since waste generated during the construction activities would not likely warrant testing for ignitability or other criteria. Waste that is classified as either California hazardous or RCRA hazardous requires management as a hazardous waste.

Potential hazards exist to workers who remove or cut through LCP coatings during demolition. Dust containing hazardous concentrations of lead may be generated during scraping or cutting materials coated with lead-containing paint. Torching of these materials may produce lead oxide fumes. Therefore, air monitoring and/or respiratory protection may be required during the demolition of materials coated with LCP. Guidelines regarding regulatory provisions for construction work where workers may be exposed to lead are presented in the Title 8, CCR, §1532.1.

2.3 Architectural Drawings and Previous Survey Activities

Architectural plans and previous asbestos survey reports were not available for our review.

3.0 SCOPE OF SERVICES

Mr. David Watts, a California-Certified Asbestos Consultant (CAC), certification No. 98-2404 (expiration September 16, 2015), and Certified Lead Paint Inspector/Assessor and Project Monitor with the California Department of Public Health (DPH), certification numbers I-1734 and M-1734 (expiration December 4, 2015), performed the asbestos and LCP survey at the project location on November 14, 2014. We observed no suspect LCP on structural members of the bridges. Consequently, we collected no paint samples.

Suspect ACM were grouped into homogeneous areas with representative samples randomly collected from each. In addition, each potential ACM was evaluated for friability. A total of eight bulk asbestos samples representing four suspect components were collected.

Our procedures for inspection and sampling in accordance with TO-41 are discussed below:

- Collected bulk asbestos samples after first wetting friable materials with a light mist of water. The samples were then cut from the substrate and transferred to labeled containers. Note that when multiple samples were collected, the sampling locations were distributed throughout the homogeneous area (spaces where the material was observed).
- Relinquished bulk asbestos samples under standard chain-of-custody protocol to EMSL Analytical, Inc., a California-licensed and Caltrans-approved subcontractor, for asbestos analysis in accordance with United States Environmental Protection Agency (EPA) Test Method 600/R-93/116 using polarized light microscopy (PLM). EMSL Analytical, Inc. is a laboratory accredited by the National Institute of Standards and Technology National Voluntary Laboratory Accreditation Program (NIST-NVLAP) for bulk asbestos fiber analysis. The laboratory analyses were requested on a turnaround period of ten days.

Bridge and sample group identification numbers, material descriptions, approximate quantities, friability assessments, and photo references are summarized on Table 1. Approximate sample locations are presented on Figure 2. Materials represented by the samples collected are shown in the attached photographs.

4.0 INVESTIGATIVE RESULTS

Asbestos was not detected in samples of suspect materials collected during our survey. A summary of the analytical laboratory test results for asbestos is presented on Table 1. Reproductions of the laboratory report and chain-of-custody documentation are in Appendix A.

5.0 RECOMMENDATIONS

Based on our findings, we recommend the following:

5.1 Asbestos

Since no asbestos was detected in the samples collected during our survey, the Cal/OSHA asbestos standard does not apply for planned activities. In addition, demolition debris would not be considered a California hazardous waste based on asbestos content.

Written notification to the Great Basin Unified Air Pollution Control District is required ten working days prior to commencement of *any* demolition activity (whether asbestos is present or not).

5.2 Lead Paint

We recommend that all paints at the project location (graffiti, graffiti abatement, traffic striping, signage, etc.) be treated as lead-containing for purposes of determining the applicability of the Cal/OSHA lead standard during maintenance, renovation, and demolition activities. This recommendation is based on the fact that lead was a common ingredient of paints manufactured before 1978 and is still an ingredient of some paints. In accordance with Title 8, CCR, §1532.1(p), written notification to the nearest Cal/OSHA district office is required at least 24 hours prior to certain lead-related work. Compliance and training requirements regarding construction activities where workers may be exposed to lead are presented in Title 8, CCR, §1532.1, subsections (e) and (l), respectively. Contractors are responsible for segregating and characterizing waste streams prior to disposal.

6.0 REPORT LIMITATIONS

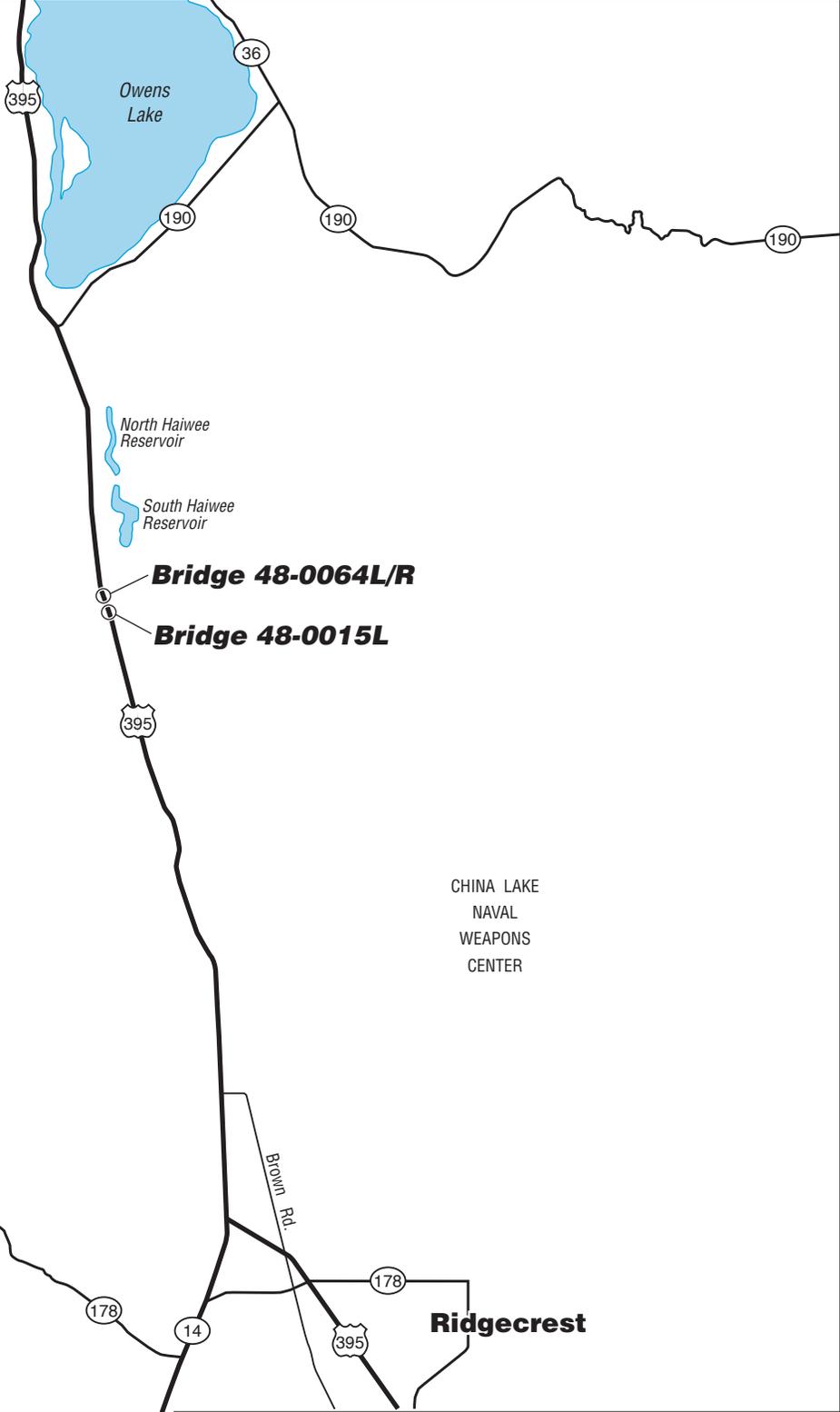
This asbestos and LCP survey was conducted in conformance with generally accepted standards of practice for identifying and evaluating asbestos-containing building materials and LCP in structures. The survey addressed only the structure identified in Section 1.1. Due to the nature of structure surveys, some asbestos-containing building materials or LCP at the project location may not have been identified. Spaces, such as cavities, crawlspaces, voids, and pipe chases, may have been concealed to our investigator. Previous building renovation work may have concealed or covered spaces or materials, or may have partially demolished materials and left debris in inaccessible areas. Additionally, renovation activities may have partially replaced asbestos with indistinguishable non-asbestos. Asbestos and LCP may exist in areas not accessible or sampled in conjunction with this TO.

During renovation or demolition operations, suspect materials may be uncovered which are different from those accessible for sampling during this assessment. Personnel in charge of renovation/demolition should be alerted to note materials uncovered during such activities that differ substantially from those included in this or previous assessment reports. If additional suspect materials are found, they should be treated as hazardous until/unless sampling and analysis indicate otherwise.

This report has been prepared exclusively for Caltrans. The information contained herein is only valid as of the date of the report and will require an update to reflect additional information obtained.

This report is not a comprehensive site characterization and should not be construed as such. The findings as presented in this report are predicated on the results of the limited sampling and laboratory testing performed. In addition, the information obtained is not intended to address potential impacts related to sources other than those specified herein. Therefore, the report should be deemed conclusive with respect to only the information obtained. We make no warranty, express or implied, with respect to the content of this report or any subsequent reports, correspondence or consultation. Geocon strived to perform the services summarized herein in accordance with the local standard of care in the geographic region at the time the services were rendered.

The contents of this report reflect the views of the author who is responsible for the facts and accuracy of the data presented herein. The contents do not necessarily reflect the official views or policies of the State of California or the Federal Highway Administration. This report does not constitute a standard, specification, or regulation.



INYO
NATIONAL
FOREST

Bridge 48-0064L/R

Bridge 48-0015L

CHINA LAKE
NAVAL
WEAPONS
CENTER

Lake
Isabella

SEQUOIA
NATIONAL
FOREST

Ridgecrest



GEOCON
CONSULTANTS, INC.

3160 GOLD VALLEY DR - SUITE 800 - RANCHO CORDOVA, CA 95742
PHONE 916.852.9118 - FAX 916.852.9132

Haiwee Clear Zone Project

GEOCON Proj. No. S9800-01-41
Task Order No. 41
E-FIS 09-0002-0058
EA 09-351201
Caltrans Contract 06A1895

VICINITY MAP

December 2014

Figure 1





LEGEND:

- Approximate Asbestos Sample Location



GEOCON
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Haiwee Clear Zone Project

GEOCON Proj. No. S9800-01-41
Task Order No. 41
E-FIS 09-0002-0058
EA 09-351201
Caltrans Contract 06A1895

SITE PLAN
Bridge 48-0015L

December 2014

Figure 2A



LEGEND:

- Approximate Asbestos Sample Location



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Haiwee Clear Zone Project

GEOCON Proj. No. S9800-01-41
Task Order No. 41
E-FIS 09-0002-0058
EA 09-351201
Caltrans Contract 06A1895

SITE PLAN
Bridge 48-0064L/R

December 2014

Figure 2B



Photo 1 – Los Angeles Aqueduct at Bridge 48-0015L (PM 21.31) on Highway 395 in Inyo County, California



Photo 2 – Bridge 48-0015L deck and barriers



Photo 3 – Bridge 48-0015L soffit



GEOCON
CONSULTANTS, INC.

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PHONE 916.852.9118 - FAX 916.852.9132

PHOTOGRAPHS 1, 2, & 3

Haiwee Clear Zone Project
Inyo County, California

S9800-01-41

December 2014



Photo 4 – Los Angeles Aqueduct at Bridge 48-0064L/R (PM 22.08) on Highway 395 in Inyo County, California



Photo 5 – Bridge 48-0064R soffit



Photo 6 – Bridge 48-0064L culvert drain inlet (non-suspect)



GEOCON
CONSULTANTS, INC.

3160 GOLD VALLEY DR – SUITE 800 – RANCHO CORDOVA, CA 95742
PHONE 916.852.9118 – FAX 916.852.9132

PHOTOGRAPHS 4, 5, & 6

Haiwee Clear Zone Project
Inyo County, California

S9800-01-41

December 2014

TABLE 1
SUMMARY OF ANALYTICAL LABORATORY TEST RESULTS - ASBESTOS
HAIWEE CLEAR ZONE PROJECT
CALTRANS CONTRACT 06A1895, TASK ORDER NO. 41, E-FIS 09-0002-0058 (EA 09-351201)
INYO COUNTY, CALIFORNIA

Polarized Light Microscopy (PLM) - EPA Test Method 600/R-93/116

Bridge No.	Sample Group No.	Material Description	Approximate Quantity	Friable	Site Photos	Asbestos Content
48-0015L	1	Concrete	NA	NA	1 through 3	ND
	2	Asphalt	NA	NA		ND
48-0064L/R	1	Concrete	NA	NA	4 through 6	ND
	2	Asphalt	NA	NA		ND

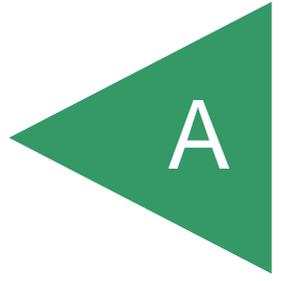
Notes:

NA = Not applicable (no asbestos detected)

ND = Not detected

APPENDIX

A





EMSL Analytical, Inc

2235 Polvorosa Ave , Suite 230, San Leandro, CA 94577

Phone/Fax: (510) 895-3675 / (510) 895-3680

<http://www.EMSL.com>

sanleandrolab@emsl.com

EMSL Order:	091417110
CustomerID:	GECN21
CustomerPO:	06A1895
ProjectID:	06A1895

Attn: **Dave Watts**
Geocon Consultants, Inc.
6671 Brisa Street
Livermore, CA 94550

Phone: (925) 371-5900
Fax: (925) 371-5915
Received: 11/18/14 9:15 AM
Analysis Date: 12/2/2014
Collected: 11/14/2014

Project: **S9800-01-41 HWY 395 06A1895**

Test Report: Asbestos Analysis of Bulk Materials via EPA 600/R-93/116 Method using Polarized Light Microscopy

Sample	Description	Appearance	Non-Asbestos		Asbestos
			% Fibrous	% Non-Fibrous	% Type
0015L-1A Concrete <i>091417110-0001</i>		Gray Non-Fibrous Homogeneous		20% Quartz 80% Non-fibrous (other)	None Detected
0015L-1B Concrete <i>091417110-0002</i>		Gray Non-Fibrous Homogeneous		20% Quartz 80% Non-fibrous (other)	None Detected
0015L-2A <i>091417110-0003</i>		Black Non-Fibrous Homogeneous		20% Quartz 80% Non-fibrous (other)	None Detected
0015L-2B Asphalt <i>091417110-0004</i>		Black Non-Fibrous Homogeneous		20% Quartz 80% Non-fibrous (other)	None Detected
0064L/R-1A Concrete <i>091417110-0005</i>		Gray Non-Fibrous Homogeneous		10% Quartz 90% Non-fibrous (other)	None Detected
0064L/R-1B Concrete <i>091417110-0006</i>		Gray Non-Fibrous Homogeneous		15% Quartz 85% Non-fibrous (other)	None Detected
0064L/R-2A Asphalt <i>091417110-0007</i>		Black Non-Fibrous Homogeneous		5% Quartz 95% Non-fibrous (other)	None Detected
0064L/R-2B Asphalt <i>091417110-0008</i>		Black Non-Fibrous Homogeneous		5% Quartz 95% Non-fibrous (other)	None Detected

Analyst(s)

Chris Dojlidko (8)

Chris Dojlidko, Laboratory Manager
or other approved signatory

EMSL maintains liability limited to cost of analysis. This report relates only to the samples reported and may not be reproduced, except in full, without written approval by EMSL. EMSL bears no responsibility for sample collection activities or analytical method limitations. Interpretation and use of test results are the responsibility of the client. This report must not be used by the client to claim product certification, approval, or endorsement by NVLAP, NIST or any agency of the federal government. Non-friable organically bound materials present a problem matrix and therefore EMSL recommends gravimetric reduction prior to analysis. Samples received in good condition unless otherwise noted. Estimated accuracy, precision and uncertainty data available upon request. Unless requested by the client, building materials manufactured with multiple layers (i.e. linoleum, wallboard, etc.) are reported as a single sample. Reporting limit is 1%
Samples analyzed by EMSL Analytical, Inc San Leandro, CA NVLAP Lab Code 101048-3, WA C884

Initial report from 12/02/2014 12:00:58



EMSL ANALYTICAL, INC.
LABORATORY PRODUCTS TRAINING

Asbestos Chain of Custody

EMSL Order Number (Lab Use Only)

#091417110

CT # 06A1895

EMSL ANALYTICAL, INC.
2235 POLVOROSA DR., STE 230
SAN LEANDRO, CA 94577
PHONE: (510) 895-3675
FAX: (510) 895-3680

Company: GEOCON		EMSL-Bill to: <input checked="" type="checkbox"/> Same <input type="checkbox"/> Different If Bill to is Different note instructions in Comments**	
Street: 6671 BRISA ST		Third Party Billing requires written authorization from third party	
City: LIVERMORE	State/Province: CA	Zip/Postal Code: 94550	Country: USA
Report To (Name): D. WATT		Fax #: 925-371-5915	
Telephone #: 925-371-5900		Email Address: WATT@GEOCONINC.COM	
Project Name/Number: 39800-01-41 Hwy 395			
Please Provide Results: <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Email		Purchase Order:	U.S. State Samples Taken: CA

Turnaround Time (TAT) Options* - Please Check

3 Hour
 6 Hour
 24 Hour
 48 Hour
 72 Hour
 96 Hour
 1 Week
 2 Week

*For TEM Air 3 hours/6 hours, please call ahead to schedule. *There is a premium charge for 3 Hour TEM AHERA or EPA Level II TAT. You will be asked to sign an authorization form for this service. Analysis completed in accordance with EMSL's Terms and Conditions located in the Analytical Price Guide.

PCM - Air <input type="checkbox"/> NIOSH 7400 <input type="checkbox"/> w/ OSHA 8hr. TWA	TEM - Air <input type="checkbox"/> 4-4.5hr TAT (AHERA only) <input type="checkbox"/> AHERA 40 CFR, Part 763 <input type="checkbox"/> NIOSH 7402 <input type="checkbox"/> EPA Level II <input type="checkbox"/> ISO 10312	TEM - Dust <input type="checkbox"/> Microvac - ASTM D 5755 <input type="checkbox"/> Wipe - ASTM D6480 <input type="checkbox"/> Carpet Sonication (EPA 600/J-93/167)
PLM - Bulk (reporting limit) <input checked="" type="checkbox"/> PLM EPA 600/R-93/116 (<1%) <input type="checkbox"/> PLM EPA NOB (<1%) Point Count <input type="checkbox"/> 400 (<0.25%) <input type="checkbox"/> 1000 (<0.1%) Point Count w/Gravimetric <input type="checkbox"/> 400 (<0.25%) <input type="checkbox"/> 1000 (<0.1%) <input type="checkbox"/> NYS 198.1 (friable in NY) <input type="checkbox"/> NYS 198.6 NOB (non-friable-NY) <input type="checkbox"/> NIOSH 9002 (<1%)	TEM - Bulk <input type="checkbox"/> TEM EPA NOB <input type="checkbox"/> NYS NOB 198.4 (non-friable-NY) <input type="checkbox"/> Chatfield SOP <input type="checkbox"/> TEM Mass Analysis-EPA 600 sec. 2.5	Soil/Rock/Vermiculite <input type="checkbox"/> PLM CARB 435 - A (0.25% sensitivity) <input type="checkbox"/> PLM CARB 435 - B (0.1% sensitivity) <input type="checkbox"/> TEM CARB 435 - B (0.1% sensitivity) <input type="checkbox"/> TEM CARB 435 - C (0.01% sensitivity) <input type="checkbox"/> EPA Protocol (Semi-Quantitative) <input type="checkbox"/> EPA Protocol (Quantitative)
<input type="checkbox"/> Check For Positive Stop - Clearly Identify Homogenous Group		Other: <input type="checkbox"/>
TEM - Water: EPA 100.2 Fibers >10µm <input type="checkbox"/> Waste <input type="checkbox"/> Drinking All Fiber Sizes <input type="checkbox"/> Waste <input type="checkbox"/> Drinking		

Samplers Name: **D. WATT** Samplers Signature: *[Signature]*

Sample #	Sample Description	Volume/Area (Air) HA # (Bulk)	Date/Time Sampled
0015L-1A/B	CONCRETE	NA	11/14/14
↓ -2 ↓	ASPHALT	↓	↓
0064L/R-1A/B	CONCRETE	↓	↓
↓ -2 ↓	ASPHALT	↓	↓

Client Sample # (s): **8** Total # of Samples: **8**

Relinquished (Client): *[Signature]* Date: **11/14/14** Time: **1:00**

Received (Lab): **Fed Ex** Date: **11.18.14** Time: **9:15 am**

Comments/Special Instructions: